

## Too Many Rights Make Wrong

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*"If I am sick unto death, and the only thing that will save my life is the touch of Henry Fonda's cool hand on my fevered brow, then all the same, I have no right to be given the touch of Henry Fonda's cool hand on my fevered brow. It would be frightfully nice of him to fly in from the West Coast to provide it. It would be less nice, though no doubt well meant, if my friends flew out to the West Coast and carried Henry Fonda back with them. But I have no right at all against anybody that he should do this for me."<sup>1</sup>*

Recent communications have begun to notice the ubiquity of rights-claims. Rights are claimed for privacy, even if another life must be expended. The rights mantra is changed whenever one demands that the state provide everything, from disaster relief to health-care to the right to 12 weeks of family leave. While some of these problems may deserve attention, it is highly debatable that one agency or another owes solutions to every citizen in all areas. At present we hear rights claimants whining that they have rights to live and die, rights to privacy and the right to invade one of the most private of sectors via condom distribution, the right to conceive and the right to abort, the right to a job for college graduates, the right to have the government subsidize one's art, the "right to be born physically and mentally sound."<sup>2</sup>, and the "right of personal dignity and autonomy" (in *Roe v. Wade*). Could it be that we have too many rights? Could it be that the present rights-omania is harmful to individuals and society?

Recently, a Wall Street Journal (5/20/93) editorial featured an expose of the claims by poorer nations to have a phantom "right to development." This editorial spoke to the pervasive claim for rights in general, and in particular how infested various U.N. bills and charters had become with "rights." It seems that everyone and

every nation is claiming a right to this and a right to that. One group claims a right to work, while another claims a right to leisure. One lobby pleads for the right to day care, while the rival pleads for the right to have tax shelters. And, in the past decade, the United Nations has been saturated with third-world countries claiming a "right to development." This clamor led the editorialist to ask, "Do all nations have a real right to material prosperity through development?"

And, if they do, who's stopping them from developing?" What these people are really claiming with the right to development" is for someone else to pay billions of dollars for their development. Sure, they may have a right to develop, but that hardly transfers responsibility to fund their development. Most asserted rights today nearly always involve someone else's payment or loss.

For example, one person wants his right to full and unhindered access to all public sectors, but - due to his own choices - he has a fatal and possibly contagious disease. Do we grant him "rights" at the possible expense of others' lives? Or, does he have some responsibility as well? Do we all have some imagined universal "right" to health care, or does the responsibility to care for the health of our families reside with ourselves? Many of the most hotly debated subjects in modern society involve the tension between rights and responsibilities.

As an experiment in personal sinfulness a few years back, I monitored my vocabulary and raised a mental flag every time I said I had a right. Do we really have rights to so much? And, says who? A funny thing to claims to rights: These seem to quickly turn into demands. Especially where God is concerned, we don't have rights to demand anything from Him. What can you demand from God? What do you have a right to

receive from Him - long life? health? ... great kids? ... good job? Even eternal life is not something we can demand, or have a right to. I wish to propose that the Christian ethic disavow any basis or claim to rights, except insofar as explicitly revealed and limited by God's revelation. Those which are legitimately derived from Scripture may become known as "derived," "acquired," or "negative" rights. However, the ever-multiplying specie of affirmative rights being claimed in our day are not rooted in the Scripture.

Isn't it really the case that we all receive only what God mercifully chooses to grant? I am finding that it is better to lay aside "rights" vocabulary altogether, and instead use the vocabulary that is used throughout Scripture. Instead of rights/responsibilities, a return to talking about "obligation/privilege" might assist us in ethical formulation. Terminology of obligation or privilege us places at the outset more in harmony with God's ways than as rights-squawkers, who nag, "But, God, it's my right..." A more humble and thankful posture is to see God's gifts as privileges.

In the ongoing welfare reform debate, for example, the policy is frequently based on a rights claim, which fantasizes that there is some universal obligation on the part of the state to care for each of its citizens, even to the provision of economic subsistence. If asked why so many citizens should receive cash payments, the bottom-line answer in many cases is an appeal to "rights." Do we really have a right to "welfare?" Based upon what?

One of the causes which stultifies welfare reform according to William Willimon is a rights-centered approach to life. Says Willimon, "One of the greatest detriments to the Christian view of charity is the notion of human rights. The notion of "rights" is not a biblical idea. It is a legacy of the European Enlightenment. The notion of rights has been helpful in forming liberal societies, that is, societies formed without reference to God. No one need feel grateful or say "thank you" in a society of rights."<sup>3</sup>

Several recent books have documented this trend. One such interesting book is Charles J. Sykes' *A Nation of Victims* (St. Martin's, 1992) which chronicles how our

nation in its aversion to responsibility has turned to the doctrines of fulfillment and the "triumph of the therapeutic." Sykes criticizes the "happiness-as-entitlement" ethic which is pervasive in our culture of victimization.

Another book, *Rights Talk: The Impoverishment of Political Discourse* by Mary Ann Glendon, is a superb treatment of the growth of "rights dialects" in political discourse. Glendon, formerly a Law Professor at Harvard University, supposes that while many other countries are just beginning their steps of democracy, the United States seems to be at the crossroads in which the uncompromising language insisting on rights impedes discourse and throws up numerous shibboleths. She claims that as the catalog of rights grows at an accelerating rate, we risk collision over and the trivialization of essential democratic values. When all rights are valued to the level of absoluteness, then each right inherently counteracts any common good.

Commenting on "dialect of rights as being uniquely American," Glendon decries the fact that we are so consistently silent about our duties and obligations, while always shrill about our rights. She says, "The American rights dialect is distinguished not only by what we say and how we say it, but also by what we leave unsaid. Each day's newspapers, radio broadcast and television programs attest to our tendency to speak of whatever is most important to us in terms of rights, and to our predilection for overstating the absoluteness of the rights we claim. Habitual silences concerning responsibilities are more apt to remain unnoticed. People for the American Way expressed surprise when research revealed that our nation's young people are aware of their rights, but "fail to grasp the other half of the democratic equation" which the researchers defined as meeting personal responsibilities, serving the community, and participating in the nation's political life. Yet, it is hardly astonishing that the survey reflects the relative proportions of attention accorded in public discourse to rights and general responsibilities."<sup>4</sup> Later, in "Refining the Rhetoric of Rights" Glendon says, "The strident rights rhetoric that currently dominates American political discourse poorly serves the strong tradition of protection for individual freedom for which

the United States is justly renowned. Our stark simple rights dialect puts a damper on the processes of public justification, communication, and deliberation upon which the continuing vitality of the democratic regime depends. It contributes to the erosion of the habits, practices, and attitudes of respect for others that

are the ultimate and surest guarantors of human rights. It impedes long-range thinking about our most pressing social problems. Our rights-laden public discourse easily accommodates the economic, the immediate, and the personal dimensions of a problem while it regularly neglects the moral, the long-term, and the social implications.<sup>5</sup>

In the 1948 UN Universal Declaration of Human Rights, one may be amazed to be informed of rights never before imagined. Article 22 postulates that "everyone, as a member of society, has the right to social security." Even more utopian in scope, Article 25 of the same charter alleges that everyone has a right "to a standard of living adequate for health and well-being of himself and his family, including food, clothing, and housing."<sup>6</sup> Another encyclopedia lists the following supposed "rights": right to confidentiality, right to die, right to fertility control, right to food, right to health, right to health care, right to information, right to life, right to privacy<sup>7</sup>, and others.

The same refrain is now being heard in one of the latest variations on this central theme, health-care reform. Our population is repeatedly informed that over 35 million Americans do not have health care insurance (not health care, mind you), and that moreover, they have a right to health care, despite the fact that millions of these who have been deprived of the right to health care spend their income on TVs, food, cigarettes, cars, entertainment, and other products. In short, they have purchasing power, and willfully choose to purchase certain products, leaving the government to provide health care, and then plead that their rights have been impaired, in that they have not received health care.

Interestingly, if the above number were true, that would mean that only about 85% of Americans have health care, while 98% have TV sets! Is there a right to have a TV set?

Rights claims are proliferating with the effectiveness of breeder-reactor technology. Such a mindset has also caught the evangelical church unaware, and even evangelical groups are adopting this rights-vocabulary. (Liberal groups did this over a generation ago, and helped themselves into decline.) To the student of Scripture who is also a critic of humanistic society, the claims to rights are beginning to sound like shibboleths, which clue us to an underlying poverty in theology.

Not too long ago, the Youth Director in our church came into my office wearing thick chagrin. He had been trying to work with an ecumenical youth organization, and had been almost stretched to the breaking. The doctrinal anything goesism, the pursuit of diversity (albeit evangelical), and the toleration of therapeutic-oriented evangelical-ese had come too close to the pursuit of multiculturalism and political correctness he'd seen on campus. He was dismayed (and rightfully .. er, understandably so) when he saw this part of the organization's credo stated in terms of the idolatry of rights. In one of its publications, the organization stated that it was a sin to bore teenagers with the gospel. Instead, kids had the following rights:

- They have a right to know who He is (Cf. Mt. 16:16; Rom. 11:33)
- They have a right to know what He has done for them. (Cf. Eph. 2:1,8)
- They have a right to know how they relate to that. (Cf. Rom. 6:23, Eph. 2:12)
- They have a right to know Him personally. (Cf. Jn. 6:44)
- They have a right to make their own choice about Him. (Cf. Rom. 9:11,16,18)

If the source were to remain unknown, most evangelicals would see little underlying difference between this and the 1948 UN Charter above. Has the church capitulated to this latest version of humanism? This budding theologian did not have to be told that these rights were incompatible with Scripture. Unfortunately, however, thousands of others associated with this organization did not comprehend how damning such a theology was to true conversion and ministry. In an earlier age, such heterodoxy would have been ruled a heresy. Imagine, influencing our youth with this. We

should inquire about the origin of this modern rights-ism, and consider it in light of Scripture.

Ask of the Scripture: Do we really have a right to know who God is, and what He has done for us? (Mt. 13:10-17; Mk. 4:10-12; Lk. 8:9-10; Rom. 9:6-22; 11:7-10) Do we really have a right to hear the gospel, or know Christ personally? Or, isn't it scriptural that all we have a right to is condemnation apart from Jesus Christ? Do we really have a right not to be offended by the gospel presentation, especially in light of I Cor. 1? Do we have a right to make our own choice about Him (Rom. 9:11)?

It might be advisable not to translate these as "right."

The second word which is occasionally (ca. 5%) translated "right" is the strong Hebrew word *mish pat*, predominantly translated elsewhere as justice. The first (of 15) instances of this word is in Gen. 18:25, where Abraham pleads, "Shall not the Judge of the earth do what is right?" This word really means to do justice. Psalm 9:4, Prov. 12:5, Prov. 16:8, Is. 10:2, and Dan. 3:35 are examples of how "right" in this sense is founded squarely on justice. It is not too much to claim that the underlying notion behind *mishpat* is equitable justice; hence "right" when translated from this cannot refer to a redistributive seizure of one's property to be given to another. Such "right" would contravene Old Testament *mish pat* and must be seen as a contradiction in terms. It is highly questionable if these should even be rendered "right." Justice, if not so politically incorrect a notion as at present, would be a better translation in most of these cases.

Also sometimes translated "right" is the term which is derived from the custom of the firstborn son inheriting the father's estate. In Dt. 21:17 the legislation is clear that, by law, not by arrogation, the firstborn is the heir of the estate. Jeremiah 32:7-8 also refers to this custom of inheritance "rights," which clearly are derived or acquired from God's unfolded will. The solitary reference in Ruth 4:6 to the practice of kinsman redeemers claiming first right to care for a relative, is not the same as a positive right, either. These cases may be understood as rights only as derived from divine revelation, a source that the modern rights-mania seems

uneager to acknowledge.

Hence, out of some 300 instances, very few if any of the phrases translated "right" are even vaguely equivalent to our modern notion of rights. About the only possible Old Testament references to the modern concept of rights are II Sam. 19:28 and Ps. 140:12. Psalm 140:12 speaks of the "rights of the poor" (KJV), while the New International Version (N IV) translates with the more consistent "I know the Lord secures justice for the poor," and this certainly means justice, not inequity. In II Sam. 19, Mephibosheth rhetorically asks, "So what right do I have to make any more appeals to the king?" In this verse he disavows that such a right to continue to exercise appeals is warranted.

The development of human thought shows that the vocabulary of rights did not even begin to develop until post-Old Testament times, under the influence of Greco-Roman law. Even then, the concepts are severely limited (when compared with today's rights-explosion), and circumspectly defined. It is questionable whether the Latin language even has a word which is truly synonymous with the modern notion of rights. For example, sometimes *rectus* (rectitude), *aequus* (equal), *aptus* (apt), or normally *ius* (justice, law) will be translated "right." Or, on another occasion, *vindicare* (to vindicate) or *restituere* (to effect restitution) may be translated into English as "right." In all these cases, such linguistic concepts are parallel to the Old Testament notion of rights only as prescribed by law and justice, or as negative rights. Some historians even contend that "rights" (as we know them) were not developed until the second millennium A.D., which issue we'll leave for below. One is tempted to wonder, if "rights" have always been so inherent in nature, why parents closer to nature in antiquity did not leave linguistic relics to a greater degree than their vocabulary allows.

Nonetheless, it is important to note that when a character in the Old Testament felt wronged, he did not instinctively appeal to his "rights." One searches the Scripture in vain to see Noah assert his rights, or Joseph plead for a right to sexual expression when approached by Mrs. Potiphar. Nor does Moses exercise his rights, nor David (except, insofar as his

monarchy allowed). Old Testament characters rarely, if ever, resorted to a rights-claim, if canonical Scripture is our infallible source. One begins to sense that rights-ism indeed has its origin in sources other than Scripture.

It is not too much to say that Old Testament characters did not even think in such modern categories as positive rights. Perhaps they were wiser than we. What "rights" these did have were primarily of two sorts:

(1) as divinely revealed and legislated by God, e.g., inheritance customs for the first-born, or the kinsman-redeemer, etc., or (2) property rights codified by the eighth and tenth commandments, and the subsequent clarifications. The first of these is derived, while the second is acquired or negative, i.e., protection from confiscation.

One might even review the Ten Commandments to see if these guaranteed rights. Strictly speaking, even the pinnacle of revealed ethics, the Decalogue, did not serve as such. The first three commandments, far from giving rights, revealed restrictions. The fourth commandment is a restriction (from work), as well as a mandate (to rest and worship). While God grants the Sabbath as a gracious gift for His people, it is hardly a right, nor even a proper possession apart from God's gracious provision.

The second table of the law hardly enshrines rights either. While it does prescribe duties, it is difficult (if not impossible) to stretch these duties into reciprocal rights. For example, while one had a duty to honor one's parents and superiors, it is not biblically asserted that they have a right to such honor. Only God does. It is futile to seek a "right to honor" in the Scripture, although the "duty to honor" is manifest. This may be one area of biblical ethics which is not symmetrical.

Similarly, we have duty to refrain from killing innocent life, adultery, stealing, and false speech. However, it is questionable whether one has a right to truth, or a right to sexual purity. It may be debatable that we have a "right" to life (although even ardent pro-lifers have recently sensed this and begun to speak more in terms of "sanctity of human life"), or a right to property. Even at the height of law, God's law is not so much employed

to support individual rights, as to regulate society and prevent abuses.

It may even be that the Old Testament doctrine of rights is best translated as the New Testament Golden Rule: "Do unto others as you would have others do unto you. Beyond this, we may not have any rights, and even the ones afforded by the Golden Rule can be classified as acquired or negative rights. E. Calvin Beisner, in a book review of Peter Berger's 1990 *The Capitalist Spirit*, cites the work of Walter Block, who suggests the superiority of negative rights. They are superior in that they are: (1) timeless, i.e., not as fluid as affirmative rights; (2) realistic and realizable, while all positive-rights obligations could never be met; (3) better capable of allowing for a natural disaster, without implying that those affected by natural disaster have a claim on forced restitution; (4) acknowledge that changing socio-economic conditions are legitimate, without implying that some increase in estate assumes the diminution of another's; (5) more adroit at permitting true charity, thus avoiding a positive-rights view which deems that "the recipient may legitimately claim that any excess in the giver's wealth over his own violates his positive right"; and (6) Negative rights can be equal, while "positive rights cannot, since there are differences of condition not susceptible of equalization."<sup>9</sup> Indeed, more emphasis on negative rights, while not as expansive and glamorous as the modernistic positive rights view, would place us in firmer biblical territory.

In sum, from our Old Testament foray, it becomes clear that:

- (1) "Right" in its modern connotation is seldom used, if at all.
- (2) Even in these exceptional instances, "right" is based exclusively on divine legislation, and not open to unlimited expansion.
- (3) The basic meaning is tied into notions of morality and justice, not so much personal provision, gratification, nor positive blessing.
- (4) Right is subservient to divine law.

Rights are never autonomous in the Old Testament, never rooted in humanity; always in God's plans. The

Old Testament view of things acknowledged very few rights, and those were negative or acquired. In contrast with our modern age, rights were derived, and at that, few in number, usually tied to physical property, or divinely legislated family/inheritance provisions. In sum, the modern connotation of "rights" could be totally eliminated from the Old Testament, and the root words (except as spatial locators) adequately translated by other terms. Indeed, none of the positive rights enunciated at the head of this article were evident in the Old Testament, which got along fine without them.

## II. New Testament

In light of the previous Old Testament findings, a lack of plentiful examples of "rights" in the New Testament indicates that the modern Christian who appeals often to these is admittedly depending on a non-biblical construct, or perhaps an unbiblical one. Some versions do at least use the word, although it may be questioned whether those are possibly by-products of 20th century rights-ism reflected in more recent translations, particularly if the older versions (e.g., KJV) did not employ rights vocabulary.

One may legitimately query, "Should the word 'right' even occur in the New Testament?" On one occasion the NIV presents us with 'right' in Scripture, and the translation may be misleading. Consider John 1:12, which speaks of those who believe as having "the right to become the children of God." The word used here (exousia) is normally translated "authority," and in the context would be better understood as believers having been authorized by a sovereign act of God to be adopted as His children. The very next verse proceeds to deny that any of us have any right to do that autonomously; in fact, such adoption is "not by natural descent, nor of human decision, or of a husband's will, but born of God" (John 1:13). So it is doubtful that this verse supports rights-ism. Authority is different from right, and perhaps this word should be consistently rendered "authority." One wonders why "right" would even be used in John 1:12 apart from certain theological intrusions.

The major New Testament term which is sometimes rendered "right" is exousia. This word has the primary

meaning of "power to effect, or liberty to choose," and is commonly used with wills, contracts, and legal documents to denote a claim. It is associated with the right given by law for a superior to use all the influence of his position, and can also refer to persons of high office, authority, or the power of rule. It is a governmental term, which connotes the power of a greater over a lesser, as in Rom. 9:12 (the Potter over the clay). This word may also mean to have power over someone or something, and can at times be translated as absolute power for the monarch, or derivatively as "warrant" if under a constitution. Exousia, in its New Testament instances, is not the same as, nor does it lend support to, a modern notion of rights. Again, Hastings is clear in his summation: "In early Roman law itself, which did so much to develop the idea of personality, the idea of duty ... is far more prominent than rights ... these seeds of the idea of the rights of man had to await a soil congenial to them..."<sup>10</sup>

Another instance is Rom. 9:2 1. While at first it is undeniable that God does, if anyone, possess rights to do as He wishes with His creation, even in this case a better translation may be found than "right." As Paul argues that God the Creator, based on the analogy of Potter to clay, has the right (exousia) to do as He wishes with His creations, even in this case the sense is a reference to the sovereignty or power of God to do so. It is not based so much on a rights-system outside of Himself (ab extra), as on His own (ad intra) sovereignty or power. Even in this case, "right" may be misleading, albeit totally correct in application to God alone.

Hebrews 13:10 and I Cor. 9:4 also are translated with this concept of right (Today's English Version uses "right" no less than six times in I Cor. 9). The former verse speaks of the unlawfulness of defiling God's altar (a definite prohibition, even if in rights vocabulary!), while I Cor. 9 represents Paul claiming a right to food, drink, and marriage. Yet, twice the apostle avers, "But we did not use this right" (12,15), and the real issue is over who is or is not authorized by God to make a living from the Gospel ministry, not an intrinsic claim to the Office itself. Again, an attempt to support any aggressive rights claims from the New Testament is not

sustainable.

The rest of the usages of "right" in the New Testament are equivalent to either "correct" (Rom. 3:4; Rom. 12:17; II Cor. 8:21; Eph. 6:1; Phil. 4:8; II Thess. 3:13; Jas. 2:8; I Pet. 3:14, I Jn. 2:29), or the directional locator "right" as in right hand (Matt. 6:3, 22:44 and 25:33; Acts 2:35, etc.) or right side. More graphically, according to Strong's Exhaustive Concordance (p. 846), of the 33 translations of "right" in the KJV Gospels, 27 refer to direction, with six referring to correctness (Matt. 20:4,7; Mk. 5:15; Lk. 8:35, 10:28, and 12:57), and none to the modern notion of rights. If one performs a red-letter search, or restricts their study to the Gospels, in vain can one find Jesus' support or endorsement for rights proliferation. So the rights-crusade develops after, or contrary to, Jesus' own words.

Thus, of the 24 references in the NIV to "right," only a few bear any semblance to the modern notion of "rights." As mentioned, of those, one is mistranslated (Jn. 1:12), another refers not to human rights, but actually to the subservience of human rights to God's prerogatives (Rom. 9:2 1), one to an apostolic mocking of first century right-ists (I Cor. 9:4), and two final instances in Revelation. Out of a total KJV New Testament corpus of 66 instances, 53 are to direction, with 11 to correctness, and only two (Heb. 13:10 and Rev. 22:14) to rights as we know them. If terminology tells us anything, "right" is translated as a claim less than 4% of the time it is used in the New Testament. The NIV (a modern version) increases "rights" instances over the KJV in the following verses: Jn. 1:12; Rom. 9:21; I Cor. 9:4; Rev. 2:27 and 3:21.

In actuality, it may be that if the rights-infection is subtracted from this otherwise excellent modern translation, the case may be made that there are only two genuine occurrences of "right" as we know it (as with the KJV), and both of those are either a denial of rights (Heb. 13:10) or a granting of privilege only by God (Rev. 22:14). In fact, there are more denials of "rights" in the New Testament than affirmations of enumerated rights.

In the apocalyptic epistles to the seven churches the

apostle John records "right" in perhaps the only cases which are truly compatible with modern claimants, however with the understanding that such rights are bestowed by God. Revelation 2:7 speaks of believers having a right to eat from the tree of life in paradise, but this is surely a derived right, and likely better translated as "authority." The same is true for Rev. 3:21 which mentions a right to sit with God on the throne. These are assuredly gifts by the grace of God, and not claims which can be demanded, based on anything outside of God.

What about Paul's appeals in the latter part of Acts? It is certainly the case that the apostle lodged legal appeals, and did not forfeit his civic rights. In response to this, it must be noted that this was an aspect of law, not a claim to provision. In addition, it can be noted that such appeals were in reference to certain judicial processes or to secure non-property loss. Again, these were more negative than positive, i.e., to prevent loss or to enforce justice and preservation of equity.

Classical literature does not support a modern notion of rights, rarely even employing terminology close to the contemporary meaning. As earlier argued, the Hebrew Testament does not even have an exact word for "right" in the sense of a proper claim apart from God and His revealed will. Earlier commentators even remarked at how elementary it was for "student[s] of Greek ethics ... Ito] know that in its classical exponents there is as yet no word corresponding to either 'rights' or 'duties' in the modern sense. We have to wait another generation .."<sup>11</sup> The earliest Greek literature uses the term *diakaios* (normally translated "righteousness") as early as in Homer, but even there in its most original locus it carries the sense of adhering to rule or custom as sign of civility, in contrast to the absence of manners. It has been noted that while classical cultures recognized doing right, there was a vast difference between doing and having rights. In early Greek, the only existing notion was one of the following acceptable rules, and the good of the whole, was elevated over the good of the few - a conceptual stumblingblock which for centuries held the right-ists at bay. The eradication of the subservience of the individual to the greater community was an essential shift for the modern world.

Later, the Stoic philosophers would rally around the term *katheko*, the verb meaning "belonging to, or is fit for" an individual. But here again rights as a concept is circumscribed by law, custom, or property. This word is best translated for many of the Hebrew words which are sometimes translated 'rights.' It occurs in Rom. 1:28 of those who "do what ought not to be done," and is in this sense clearly an ethical concept, bounded by ethical norms, not by the subject's own claim or whims. Elsewhere in I Clement 3:4 this phrase is even used - so far from demanding autonomous rights - for the admonition to conduct oneself in accord with one's duty toward Christ. So even the Greek term *katheko* is not the same as our modern rights claims.

### III. Progression throughout History

In history, a definite trend line of rights frequency is observable. In the Old Testament the widespread admission of rights were few and far between, and those were strictly tied to material concepts and protection from interference. In essence both the Old and New Testaments were pre-rights. Despite the fact that the English word "right" is given for a few Old and New Testament phrases, nevertheless, it is questionable that the Bible in any occasion recognizes the legitimacy of "rights" in the modern sense. Going behind the superficial appearance of the term alone, one sees that the concept of rights as we know it is foreign to the canonical Scriptures.

One might naturally inquire, therefore, as to the origin of the modern idea of rights. If this notion did not arise during the two millennia of scriptural history, if rights is a post-scriptural phenomena, then where and when did it originate? A quick scan of the first thousand years of theology after Christ does not evidence any significant frequency of rights claims. While it is true that Greek philosophy and Roman law introduced modern precursors to concepts of autonomy still, in the main, these earlier humanisms did not seem to spawn a proliferation of rights.

Not until the obliteration of feudal economies and the rise of early market economics did rights begin to grow. James Hastings summarizes that, "while ancient theories

of the nature of justice ... are susceptible of translation into terms of rights, the problem of the ground of rights in explicit form is essentially a modern one. It was not till the question of the rights of the subject was definitely raised in 16th century England"<sup>12</sup> that the modern notion of rights began to reproduce.

Even up to the time of the Reformation, there is not a great amount of rights dialect, the phenomenon beginning to show its first real surge in the 17th century. It is the age of "social contract" in which we begin to notice growth in rights. Hastings alleges that Grotius was "the first clearly to assign them [rights] a ground in man's social nature," if not the actual "discoverer of natural rights."<sup>13</sup> Hastings locates the paradigm shift as first evident "when English tradition and temperament led to a revolt against social and political despotism in the time of Wyclif. By the middle of the 17th century, and still more by the 18th, the claims of rights in both Old and New England were already deeply tinged with individualistic theory..."<sup>14</sup>

John Locke was one of the apostles of modern rights. In dealing with the question of the foundation of social thought and public polity, Robert N. Bellah has noted: "If there is one philosopher behind the American experiment it is Locke. Locke, as we know, begins with a state of nature in which individuals who have worked and gained a little property by the sweat of their brow, decide voluntarily to enter a social contract through which they will set up a limited government..."<sup>15</sup>

Locke's teaching is "one of the most powerful, if not the most powerful ideology ever invented. Indeed, it is proving to be more enduring and influential, which is not to say truer, than Marxism."<sup>16</sup> As Bellah correctly surmises government is created for the protection of property. Then individuals "freely consent" by social contract with their sole basis lying in voluntary agreement. One natural consequence is rights apriorism. Bellah says, "In many respects this vision has turned out to be as utopian as Marx's realm of freedom. The Lockean myth conflicts with biblical religion in essential ways. It conflicts fundamentally with the Hebrew notion of covenant ... And, the covenant is not a limited relation based on self interest, but an unlimited



commitment based on loyalty and trust.<sup>17</sup>

Further, Bellah notes, "The Lockean myth conflicts profoundly with the Pauline understanding of the church as the body of Christ."<sup>18</sup> In addition he says, "The problem is that the Lockean notion of contract does not exist only in the economic and political spheres; it influences our understanding of all human relations, including both family and church."<sup>19</sup> Locke added fuel to the rights flame, and with his social contract theory aided and abetted in the imperialism of rights, even though under his constructions one of the factors which delimited this first rights expansionism was that this usage of rights was normally tied to physical property or business regulation.

Others have recognized a post-17th century fault-point, as rights have more and more consumed the attention of guild philosophers.<sup>20</sup> Medieval philosophers concerned themselves more with duties which men owed their lord, church, or God, while during the 17th and 18th centuries such legitimate questions gave way to a more person-centered preoccupation with natural rights and liberties. The shift was too significant to miss, especially as its fruit seems to have ripened in our own time. What was at first a freedom from interference has now been transubstantiated into an open list of positive benefits which are claimed. Such transubstantiation is deadening.

Cresting at the time of the French Revolution, the dawn of modern rights infatuation was codified in the motto of the revolutionaries' rally cry: Liberty, Equality, and Fraternity. The newest member of that triumvirate was equality, a definite rights-claim.

More than one critic has identified the French Revolution as a paradigm shift in viewing rights. Guillaume Groen Van Prinsterer, for example, analyzed culture in terms of being either Reformation-oriented or Revolution-oriented. A tell-tale sign of Revolution-orientation is its location of rights within the nature of man.

One of the most dangerous expressions of revolutionary ideas is the preferred status awarded to individual rights. As we view our society looking for a rights-

centered ethic to guarantee homosexual service in the military, health-insurance as a right, and the explosion of rights claims for nearly everything, we can marvel at the foresight of Van Prinsterer (1801-1876), who predicted the errors of this approach a century and a half ago.<sup>21</sup> Van Prinsterer was most perceptive to isolate the totalitarian expansionism of Rights-ism. If the rights premise is allowed to flourish in a body politic, it will further the unraveling of societal fabric. The claimants to rights-for-everything are the genetic offspring of revolutionary ideas, not biblical ethos. A first step to recovering a Christian polity is the critique and expose of Rights-ism. In our own time, when justice has become hostage to individual rights, the Christian may often return to this theme.

Reminding that one of the associated causes was that "rights" became more important than justice,<sup>22</sup> Groen says, "Justice, in a philosophical sense essential and historical par excellence, was placed above History. It was this dominion of Right over fact that gave rise to a whole series of acquired rights."<sup>23</sup> Thus, Van Prinsterer notes that formerly respect, "for acquired rights meant ... respect for the highest principles of justice,"<sup>24</sup> but not so after the French Revolution. Subsequent to the French Revolution a dangerous dogma was created in which men used rights "to demand passivity for subordination, to mistake autonomy for independence, to regard free activity as rebellion, in every respect to subject everything found within the state's territory to the arbitrary will of the state, to oppose on principle any self-government of private persons or corporations."<sup>25</sup>

In sum, Van Prinsterer, who sounds hauntingly familiar, alleges that in the revolutionary reconstruction, "Too much attention was paid to questionable historic rights, to the detriment of general principles of justice."<sup>26</sup> At the heart of Van Prinsterer's criticism is the extension of rights and privileges into nearly every domain. Van Prinsterer decried that "Rights have been represented as limitless when in fact they did have limits."<sup>27</sup>

Others also saw this error as well. Early on, Jeremy Bentham was astute enough to diagnose the social compact view of rights as nothing more than the

"anarchical fallacy," applying a tough-minded critique of this "metaphysic on stilts." Bentham analyzed: "Rights are the fruits of the law, and of the law alone. There are no rights without law - no rights contrary to the law - no rights anterior to the law."<sup>28</sup>

A little over a century ago, Robert L. Dabney made some salient observations in his 1888 "Anti-Biblical Theories of Rights."<sup>29</sup> Although his essay spends about half its space defending slavery, he was prescient at the time to identify "Another hostile banner"<sup>30</sup> which was already unfurled and ready to attack millions. This assault, which proceeded from "professed social science" was derived from the "atheistic French radicals,"<sup>31</sup> and was in process of being unwittingly adopted by thousands of American Protestants. At its heart, this new anti-biblical theory of rights posited an absolute mechanical equality,<sup>32</sup> in contrast to the earlier-held and historically orthodox moral equality.

This new radical theory asserted that "all men are born free and equal" in the beginning and logically led to the following:

"Consequently the theory teaches that exactly the same surrender must be enacted of each one under this social contract, whence each individual is inalienably entitled to all the same franchises and functions in society as well as to his moral equality; so it is a natural iniquity to withhold from any adult person by law any prerogative which is legally conferred on any other member in society. The equality must be mechanical as well as moral or else the society is charged with natural injustice."<sup>33</sup>

That is to aver that, if we do not treat people absolutely the same (mechanical equality), then we have somehow violated their rights. Indeed, the mechanical has now superseded the moral, with the spectacle of homosexuals demanding state-sanctioned "marriages" and medical care without regard to the substantial contributions to illness achieved by sodomy. Dabney lamented that this new nomenclature had so confused the issues, as well as the lack of discernment by Christians.

"So widespread and profound is this confusion of thought, that the majority of the American people and of their teachers practically know and hold no other theory than the Jacobin one ... history and science show that it is a fatal heresy of thought, which uproots every possible foundation of just freedom, and grounds only the most ruthless of despotism. But none the less is this the passionate belief of millions, for the sake of which they are willing to assail the Bible itself."<sup>34</sup>

Sadly, many Christians did not heed these early words of warning, which so clearly foresaw the inherent contradictions between the social compact view of rights and the biblical view. As Dabney stated his goal, his sole object was "to examine the scriptural question, whether or not the integrity of the Bible can be made to consist with the Jacobin theory and its necessary corollaries."<sup>35</sup> Thus Dabney's warning of the "coming contest"<sup>36</sup> went largely unheeded, as few entertained the question as raised by Dabney, "Will you surrender the inspiration of scriptures to these assaults of a social science - so-called?"<sup>37</sup> Indeed, that is what is at stake.

To Dabney, this view of rights was one reason for the decline of erstwhile stalwart evangelical bodies,<sup>38</sup> as they "piously borrowed even from French atheism."<sup>39</sup> To him, it was clear that a student of Scripture should detect that "this radical theory of human rights and equality, born of atheism, but masquerading in the garb of true Biblical republicanism"<sup>40</sup> had numerous and definite corollaries. Despite being "passionately held by millions of nominal Christians,"<sup>41</sup> Dabney dared to warn of the "collision between the popular political theory, so flattering to the self-will and pride of the human heart, and so clad in the raiment of pretended philanthropy,"<sup>42</sup> and asserted that this anti-biblical theory of rights had "become the occasion of tens of thousands making themselves blatant infidels, and of millions becoming virtual unbelievers."<sup>43</sup> The rights-ists, said Dabney, "Those who wish to hold both the contradictories have indeed been busy for two generations weaving veils of special pleadings and deceitful expositions of Scripture wherewith to conceal the inevitable contradiction. But these veils are continually wearing too thin to hide it, and the bolder minds rend them one after another and cast them away."<sup>44</sup>

Predicting that "the struggle cannot but be long and arduous,"<sup>45</sup> Dabney gave some beginning advice for those who contend against rightsism. His caveat was:

"Since the opinions and practices hostile to the Scriptures are so protean, so subtle, and so widely diffused, there is no chance for a successful defense of the truth except in uncompromising resistance to the beginnings of error; to parley is to be defeated. The steps in the 'down-grade' progress are gentle, and slide easily one into the other, but the sure end of the descent is none the less fatal. He who yields the first step so complicates his subsequent resistance as to insure his defeat. There is but one safe position for the sacramental host: to stand on the whole Scripture, and refuse to concede a single point."<sup>46</sup>

Dabney is wise to title this essay "Anti-Biblical theories, for these are truly at odds with biblical teaching. A more modern writer might call these "alternative" biblical theories. However, as Dabney put it: "Every fair mind sees that this is not only a different but an opposite social theory."<sup>47</sup>

What if we were to totally purge "right" from our vocabulary? Could the Christian do that? Might we not be better off to radically excise this phrase from our discourse? The Old and New Testaments and the first 1500 years A.D. managed to get along without these notions. We might do better as well. It may even be time to revive the old notion of duty.

#### IV. Application to Medical Care

Although I am particularly concerned that medical personnel make these needed distinctions, all Christians need to be informed by biblical studies such as the above. That is the first step - to realize and to resist initiatives, be they governmental, psychological, or ecclesiastical, which are based on a view of rights that is contrary to Scripture's own. Christians must heed the earlier warnings, and be better students of Scripture to contend in the arena of health care, but in many others such as education, welfare reform, economics, and foreign aid.

We have grossly misunderstood our country's constitutional documents and principles of freedom if we think that all people are absolutely equal in all areas, and deserve identical, mechanical treatment. That version of equal rights myth is based on one of our century's grandest errors, that people are entitled to certain things. When you come down to it, as far as absolutes are concerned, in reality the Christian physician needs to know and apply the fact that actually each of us is entitled to ... 000. We are not owed a thing, not favorable treatment, not societal care, nor office, nor place in life, not even welfare or health care. God not only doesn't promise a rose garden, He doesn't guarantee a garden at all ... except Eden. Since the fall, we have no legs to stand on if we hope to press our claim that the state or the church or the hospital is obligated, or owes us something. That is a legend in our times, an idea although in our minds but not in Scripture nor reality.

We need to teach men and women that, according to the Bible, all are not equal. To be sure, in Christ, there is neither Jew nor Greek, slave nor free, male nor female. But, that applies to our standing before God, our salvation, not our callings in life. A slave might remain a slave, or a Jew would remain a Jew after salvation. Similarly, after coming to Christ, a woman or a man does not cease to be the gender each was created. We are a saved person of gender, but we are not somehow neutered in the process. Salvation does not cancel creation; it only saves it. We are not all equal in all areas. We are not equal in physical health, in mental abilities, in geographic opportunity, or in parental legacy.

Christians are all equal in terms of our standing before God, as sinners saved by grace, but we are not all equal in terms of our subsequent callings or duties. Those are assigned by God. So we must remove from our heads the notion that we are all to do the same thing, or that we are all entitled to receive the same thing. That is a legend to dismiss. Most other centuries dismissed it with more ease than we seem to possess. We must learn that even if our society religiously chants this over and over, even if every media outlet evangelizes this dogma, and even if the majority believe that each person has rights in all areas, that neither makes it right, nor does it

overturn what the Bible says on the subject. And, without this central footing of egalitarianism, rights-ism tumbles.

Let me conclude by urging action by three parties: physicians, pastors, and parishioners.

First, I would urge every Christian doctor to have as many conversations with patients about rights and health as possible. Just 30 seconds to raise the question might not only help them to be better off, but could also lead to sharing the gospel. For example, have a biblical article on rights, or the role of the state, or personal responsibility available to give to every patient. The physician should seek to raise this question with as many patients as possible, as part of his world-and-life view witness: "According to God's revelation, is health care a God-ordained duty of the state, and on what (if any) basis should the state be involved in your health?" While you're providing health care for your patients, seek to educate them as well.

In addition, each physician could take one issue or area where rightsism is rampant in their own specialty, and develop some expertise. Most communities have plenty of forums for physicians to be guest speakers.

Hundreds can be reached in these not only about your primary topic, but also about the secondary matter of "Who has the responsibility for health care?" Work it into your presentation, and take these opportunities; those of the other faith will. In addition, nearly every evangelical church has a faulty view of responsibility in this area, so use some of your resources (or some back issues of this Journal) to teach a 3-4 week Sunday School class. Attendance will be large (as will resistance), because people are most interested in their bodies and health: "After all, no one ever hated his own body, but feeds and cares for it." (Eph. 5:29)

Christian doctors could also be leaders in local (county) medical associations to disseminate more responsible approaches to health reform. And, if you want to catch the eyes of even your critics, find a way (while there may be time) to provide genuinely charitable indigent care. If not a tithe, what about 5%? Perhaps some real Christian charity will go a long way, and while you're at

it, you'll also have to surrender your right to comfort. On the supposition that there are, e.g., 36 million citizens without care, if one-fourth of the country is evangelical, and one-fourth of the physicians also, then in theory one-fourth of the problem could be dismissed by voluntarily taking on the poor for medical charity. Surely, another one-fourth is statistical hyperbole; thus, one-half of the problem could be cured without draconian socialist measures. Evangelical doctors can take the lead in this. They once did.

Pastors must increase their vigilance as well. They must address these subjects from the pulpit and classroom as part of the Lordship of Christ. We have been too reticent to stress personal responsibility, and our churches and culture are suffering for that. Pastors should lead in recommending classes, articles, and other resources to help the average church member. They need to teach preventatively on these subjects, and by their counsel support personal responsibility and financial sanity in medical decisions, seeking the "whole counsel of God." (Acts 20:28)

Parishioners must lend a hand as well. The average Christian must be ready to assume a non-delegated responsibility for the health care of himself and his family. This responsibility cannot be sinfully foisted off on some other agency. Christians (especially aging baby-boomers) also need to do a better job at accepting the realities of illness, pain, suffering, death, and physical imperfection. The medical industry is not a *deus ex machina* that can produce perfection. We must not displace our faith and look for medicine to provide protection. And, Christians, especially heads of households, must familiarize themselves with the true costs of medical care, as well as the amount of employer payments. If those costs are carefully investigated and seen as God's possessions, many of us may seek change. As a rule of thumb, anytime an expense exceeds the tithe (with present average spending on health care at around 13%) stewards must seek their Lord's wisdom and honor.

Christian doctors seem, at present, to be on the front lines in these battles. They need to learn to be leaders in these areas, especially in situations where the clergy and others who should know better, do not take the lead.

At a minimum, every Christian doctor should have access to biblical studies on this subject, and be able to rebut the underlying philosophical error contained in most health-care proposals. Maybe it's time to resurrect the "Just Say No" slogan, with physicians being unalterably opposed to right-ist approaches to medicine. We might do well to remember: If its right-ist, it's probably wrong.

### Endnotes

1. Taken from Judith Jarvis Thomson's *Rights, Restitution, and Risk*, Cambridge, Massachusetts: Harvard University Press, 1986, p. 8. This quote is amidst an article and a set of essays which is frequently contrary to the thrust of this essay.
2. As reported in *Exploding the Gene Myth* by Ruth Hubbard and Elijah Wald, Boston: Beacon Press, 1993, p. 26.
3. Willimon, William H., "The Effusiveness of Christian Charity," *Theology Today*, April, 1992, pp. 79-80.
4. Glendon, Mary Ann, *Rights Talk: The Impoverishment of Political*, New York: The Free Press, 1991, p.76.
5. *Ibid.*, p. 171.
6. *The Encyclopedia of Philosophy*, New York: MacMillan, 1967, p. 195.
7. *The Encyclopedia of Bioethics*, Vol. 4, New York: MacMillan, 1976, p. 1498.
8. *Young Life Relationships*, Spring 1993, p. 4.
9. Cf. *Contra Mundum*, No.4, Summer, 1992, p. 68. While I am indebted to Prof. Beisner for this helpful information, we do have a slight disagreement over my contention that even the Decalogue does not provide rights. Beisner argues that, e.g., I have a duty not to murder you; therefore you have a right not to be murdered. While in essence we agree (and Beisner is clear that he only intends to assert that the commandments provide negative rights, not positive provision), I'm still unsure that all duties translate into reciprocal rights. I hope he is correct, and perhaps my hesitancy is merely a reaction to the abuse of rights-claims. In any event, his work and comments on Block are most insightful.
10. Hastings, James, *Encyclopedia of Religion and Ethics*, Vol. X, New York: Scribners, 1928, p. 771.
11. *Ibid.*, p. 771.
12. *Ibid.*, p. 772.
13. *Ibid.*, p. 774.
14. *Ibid.*, p. 771.
15. For example, in "Cultural Barriers to the Understanding of the Church and its Public Role" in *Missiology*, October 1991, Vol. XIX, No. 4, p. 461.
16. *Ibid.*, p. 462.
17. *Ibid.*, p. 462.
18. *Ibid.*, p. 463.
19. *Ibid.*, p. 463.
20. Cf. *The Encyclopedia of Philosophy*, op. cit., p. 195.
21. Cf. the recent new translations of *Lectures on Unbelief and Revolution* by Harry van Dyke, Ontario: Wedge, 1989.
22. *Ibid.*, p. 45.
23. *Ibid.*, p. 46.
24. *Ibid.*, p. 47.
25. *Ibid.*, p. 47.
26. *Ibid.*, p. 44.
27. *Ibid.*, p. 98.
28. *Encyclopedia of Religion and Ethics*, Vol. X, op. cit., p. 773.
29. *Discussions of Robert Lewis Dabney*, Vol. III, Edinburgh: Banner of Truth, 1982, pp. 2 1-46.
30. *Ibid.*, p. 21.
31. *Ibid.*, p. 22.
32. *Ibid.*, p. 23.
33. *Ibid.*, p. 24.
34. *Ibid.*, p. 24.
35. *Ibid.*, p. 26.

36. Ibid., p. 27.

37. Ibid., p. 27.

38. Ibid., p. 39.

39. Ibid., p. 39.

40. Ibid., p. 38.

41. Ibid., p. 38.

42. Ibid., p. 38.

43. Ibid., p. 38.

44. Ibid., p. 38.

45. Ibid., p. 43.

46. Ibid., p. 44.

47. Ibid., p. 47.