

Natural and Inalienable Rights

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1 Endangering Our Heritage

Does natural law truly support the idea that human beings have inalienable rights? Neither human history nor the facts of human natural life support such a claim. Human history tells us that certain legal rights of a high moral standard were granted to the citizens of the Christian West and only to elite populations in other civilization, such as ancient Greece. Even then, it took historical accidents to establish these so-called rights, such as the accidental expansion of the rights in the *Magna Carta*. Those rights were not intended for the ordinary citizens of England but for the aristocrats who were sick of being abused by the kings.

John Locke was already on shaky ground with the claim that we have inalienable rights to “life, liberty, and property”. In the *Declaration of Independence*, Thomas Jefferson made the claim still stranger by changing the trio of rights to “life, liberty, and the pursuit of happiness”, a very weird claim in the context of both our biological situation and human history.

Why did we accept such silliness, even honoring it, instead of seeing it for the dangerous clap-trap which it has proven to be?

We modern people, especially Americans, have done our best to show the truth in Psalm 39 (as translated in the Revised Standard Version – I used the Catholic Edition printed by Ignatius Press):

In his riches, man lacks wisdom:
he is like the beasts that are destroyed.

More specifically, we – even many devout Christians – have been seduced into accepting a man-centered view of humanity and human political institutions. In all likelihood, even many conservative Catholics or Evangelical Protestants will read the previous sentence and think, “Yeah, what’s wrong with that?” In the remainder of this article, I’ll take on the burden of explaining what’s wrong with that, though my arguments will be fully meaningful only to Christian believers.

2 What is Natural Law?

And why should Christians care?

First, I'll give the definition of 'Natural Law' according to Merriam-Webster's *Webster's Seventh New Collegiate Dictionary*:

Natural Law A body of law or a specific principle held to be derived from nature and binding upon human society in the absence of or in addition to positive law.

I'm not sure that efforts to reason towards such laws or principles are really appropriate behavior for responsible adults, but everybody needs some sort of hobby and there most certainly were times when such efforts were appropriate behavior even for the likes of Aristotle or Cicero or St. Thomas Aquinas. Notice that this definition from the 1950s states natural law in purely secular terms, where 'secular' means without a God active in His own Creation (if He exists at all) or a Church which is more than a purely human institution. In the underlying mindset, there are only two types of laws:

- The laws which are built into the functioning of nature; and
- The positive laws, that is, laws enacted by human governments.

Unfortunately, it would seem this viewpoint is common amongst even Catholic theologians and certainly common amongst Protestant theologians and would-be Aristotelians. Those theologians or philosophers who claim that revelation has added to human knowledge of morality are typically treated as anti-rationalists to the point of being obscurant (using the Merriam-Webster *Webster's Seventh New Collegiate Dictionary*):

obscurant adj: tending to make things obscure.

There is a still better definition in the 1913 Webster' dictionary where obscurant can still be a person:

obscurant One who obscures; one who prevents enlightenment or hinders the progress of knowledge and wisdom. -Coleridge. [1913 Webster]

In the post-Enlightenment era, the entire content of Christian morality is to be founded upon laws directly accessible to human reasoning or laws enacted by human governments – which have increasingly reflected nothing more substantial than the modern desire for comfort and safety of the voters. In fact, this illusion of natural and inalienable rights has been present, and gradually used to destroy the Christian foundations of Western morality and politics. The acts of vandalism

which destroyed so much took place over the past 3 or 4 centuries as men redefined law to be man-centered. And even the most devout of Christian natural-law theorists was moving in this direction with the pretence that laws derived from God's revelations could be found in nature or in man's natural reasoning powers. Of greatest importance is the Christian claim that human life is sacred because God had adopted us in a special way. Our lives are not inherently worth more than chimpanzees or cows; our lives are worth more because the Son of God became our brother in the flesh and His Father adopted each and every one of us in a special way. It is the purposes of God in creating this world and nothing found in natural man that gives us very strong duties to each other which might be labeled as 'rights'. Enlightenment thinkers took God's special claim upon human life and eliminated God, essentially eliminating the substance of the claim, alienating that which they called inalienable.

It's hard for me to imagine in what sense modern sorts of natural-law reasoning can be regarded as a Christian activity. After all, moral behavior is directed to purposes and we know God's purposes in creating this World only by way of His revelations. Still, at least in theory, there is much about us and our moral natures which can be read out of nature. After all, we are contingent creatures subject to empirical investigation. Those empirical investigations have to be organized and made coherent by speculative forms of reasoning – though the forms of reasoning appropriate to us are also drawn from our empirical experience and the empirical experience of our ancestors over the past 3 billion years or so. This was a major line of argument in *To See the World in a Grain of Sand*, my recently published book (Wipf & Stock, 2006).

I tend to think that the enterprise of metaphysical reasoning has been pushed in idealistic directions partly as a result of Newton's forced decision to ground his physics upon the assumption of absolute time and space and also by a misappropriation of the rigoristic methods used, quite appropriately, by mathematicians to ground the calculus in the past few centuries. Those mathematicians were – initially – working towards of the goal of providing an absolute foundation for Newtonian mechanics and its absolute time and space. By the time the Enlightenment was reaching its peak of optimism in human reason – and probably beginning to decay – this rigorous grounding of the calculus, and the misunderstanding of Newtonian mechanics, were advocated by many as being the true and only form of human reason. The world, including even the work of God Himself, was on its way to being a mere location of rationally controlled efforts. But any natural law theories that do not include explicit recognition of revelation already distort matters by seeing the rational aspects of Creation as the totality.

The World is a story, a story which God is telling. It reflects God's

dicta, the free-will decisions of the Almighty, and those are not to be squeezed into a line of rigoristic reasoning. Those dicta are a basic part of our world – as I discussed in *To See a World in a Grain of Sand* and they are not necessary in a way that makes them directly accessible to human reason unaided by revelation or unschooled by empirical observation.

The Almighty is also participating in the story Himself. Stories have purposes but we cannot see the purposes of the Lord God from our position and are thus dependent upon the revelations of God to tell us His purposes and He did so, very emphatically, by sending His Son to die on the Cross. I am certainly not denying the value of metaphysical reasoning and empirical knowledge in understanding Christian morality but it is necessary for us to have at least some small knowledge of God's purposes in creating this World before we can understand what is truly expected of us.

Take baseball. That famous anthropologist from Mars could come down around June or so and start observing games. He could watch the players and use good reasoning techniques to understand the point of a game is to move runners around the bases and across home-plate while preventing the other team from doing so as often as you do. With the proper attitude, he could even set about understanding the physics of pitching and hitting. However, he would miss the point of it all if he refused to accept revealed knowledge that would tell him the point of it all is to win four games out of seven in October. This is not knowledge that can be derived by mere observation of the players on the field or by general reasoning about the nature of games. True, he could learn about the point of it all by listening to the players, assuming he spoke the proper languages, but that's revealed knowledge from a second-hand source.

How can we understand the point of it all if we don't accept the only information we have about the point of it all? In fact, the information we have is the point of it all, that is, the Cross is the point of it all. We can hope for a bit of bliss on the other side of the grave but we, so to speak, will climb the Cross of our Lord to get out of the grave on the other side.

Let me put it another way. With divine allowance for human weakness and human cowardice, the way to become a companion of God on the other side of death is to recognize that carrying our crosses, living for God and being willing to suffer and die for Him, is the way God has chosen for us to accept His love. We cannot really carry our crosses, Christ must come to us to do most of the heavy lifting, but we do what we can.

The point is that the demands which God placed upon His own Son culminated in the Cross and those demands reflect the main purpose of God in telling this story we call a World. The sufferings of the Son of God as He was humiliated, whipped, and then crucified, tell us some-

thing about the nature of a God-centered creature. I'll not discuss that nature here but it's important to note that the submission of Jesus Christ to His brutal fate tells us something that we could not figure out by metaphysical reasoning nor by extrapolating from what we know of human nature. It's something that does make sense in the light of metaphysical reasoning and extrapolations from human nature but only because the answer was given to us.

How did it happen that so many of us Christians came under the delusion that our moral duties could be derived fully from metaphysical reasoning and – to make it still worse – reasoning which is built upon ancient and defective scientific knowledge? How is it that we put pagan forms of natural-law reasoning ahead of our Lord's own teachings, displayed so wondrously and frighteningly in His submission to a death seemingly so humble? Yet, it was by way of that seemingly humble death that He asserted Himself as the Creator of all.

3 A More Christian Natural Law

We need a way of doing moral analysis which is proper to a clever ape raised to the status of a son of God, but raised only by a promise of God that He will complete and perfect our human natures after He raises us from the dead, a promise fully revealed in the Crucifixion of our Lord Jesus Christ. Yes, grace completes nature but we needed a revelation from God to even tell us we can be recipients of His grace. And some of us believe that revelation to be still more important than our knowledge of nature.

Moral analysis from a Christian perspective should be done from two different directions, one which analyses this physical universe created by God and one which tries to understand how that universe becomes a true world when we see God's purposes which He revealed and which we could never have discovered on our own. Some thinkers might be able to move along with one foot on each path, as clumsy as that would seem to most of us.

For one Christian thinker to produce a more coherent and complete moral system, he would have to be an expert in several fields of biology, the history of moral thought, the Bible, and Christian theology. This would require years of study, perhaps decades, and would require a great deal of perseverance and dedication. It would be more reasonable to foresee the formation of a new order of laymen or religious men dedicated to the proper understanding of empirical knowledge in light of Christian revelation. This is merely to anticipate that Christian history tells us something about any possible Christian future.

3.1 Morality in a Natural Universe

What could be the general shape of a truer Christian morality? We need to think in terms that respect the nature of man in this Universe and also the revelations of God found in the Bible. For now, I'll be content to pop some balloons which float about the modern skies:

1. Biologists have discovered that primitive mammals, such as voles (similar to prairie dogs), have altruistic behavior which is more self-sacrificing when genetic relationship is closer. This does not tell us that morality is only a matter of the so-called 'selfish gene'. It tells us that moral natures have evolved as much as the brain has evolved. Selfish genes are also embedded in God's story and are not supernatural masters of the organisms in which they are found.
2. There are some animals which have stronger moral natures than human beings in some aspects. For example, wolves are said to have a much stronger instinct against killing members of their own species than human beings do. We should not assume that human beings have a moral nature missing from all other species.
3. Human beings are not unique in our altruism – very imperfect as it is, but we are unique in being able to conceptualize moral rules in such a way that we can, in principle, develop specific moral systems proper to new conditions. As a consequence, an apish creature which has the evolved characteristics suited for small-group living has been able to adjust somewhat to life in cities but very imperfectly. We fight huge wars and occasionally commit mass murder upon populations which we don't approve of. We steal entire nations at one swoop. We persecute people who never invited us into their country. We enslave by various means even after issuing our emancipation proclamations and enacting various constitutional amendments. But from a purely natural standpoint, it's actually quite remarkable that we're able to adjust in our moral behavior so well as we have.
4. Our ability to think abstractly about our own moral place in the world has opened up the possibility that we can absorb and make our own the teachings of Jesus Christ, teachings which reflect God's purposes in making this World, purposes we could never see on our own. Knowledge about Creation is ultimately one and the purpose of God in making this World and the World of the Resurrected could be seen only by beings able to rise above Creation to see it in its entirety. We can never rise above Creation in that way and, consequently, we are dependent upon God's revelations to learn His purposes, which purposes give us a fuller and more perfect morality than any true natural law reasoning could do.

The fourth item tells us we have some inherent flexibility in forming our moral natures. There are many examples in history that tell us how dangerous this flexibility can be. Adolf Hitler was not just a socially mal-adjusted man; he was a man who willfully tried to shape his own moral nature, and the moral natures of others, so that they would be able to commit evils acts beyond what a normal human being can do.

3.2 The Wrong Way to Reason About Natural Law

Any natural law reasoning which claims we have inalienable and natural rights is nothing but bad science, bad philosophy, bad history, and bad theology of a Deistic and anti-Christian sort. We should be honest and return to rational analyses of nature in light of God's revelation. Just as important is the need to pray upon those analyses and to contemplate them as we worship the God who has adopted us as His special children.