

# The Christian claim for universal human rights in relation to natural law

## Two perspectives

Pavel Hošek<sup>1</sup>

### Abstract

In this article the author analyzes and compares two contrary perspectives on the role of natural moral law in Christian ethics, especially in Christian public claims for universally valid moral principles and values such as those underlying the concept of universal human rights and the corresponding notion of religious freedom. The first perspective under consideration is presented in the published works of the Czech Christian human rights activist and defender of religious freedom Božena Komárková, the second perspective is presented in the writings of the American Reformed theologian Thomas K. Johnson.

**Keywords** Human rights, natural law, Christian ethics.

Freedom of religion is generally considered to be one of the basic “universal human rights.” Since the human rights discourse has become widely accepted and influential in the contemporary world, Christians engaged in defending their own or other peoples’ freedom of religion have to think through the relation between Christianity and universal human rights, and in particular, they have to decide whether they should use the world-wide consensus concerning human rights and support their claim for religious freedom in public debates by referring to a generally acknowledged and accepted set of universal human rights, including the right of freedom of religion. In this article I want to present and compare two alternative ways of substantiating the Christian claim for universal human rights and freedom of religion in relation to the notion of natural moral law.

## 1. Christianity and human rights

The relation between Christian theology and the idea of universal human rights is very complex, both historically and conceptually.<sup>2</sup> In the contemporary world, many

<sup>1</sup> Doc. Pavel Hošek Th.D. (\*1973) teaches religious studies and ethics at the Evangelical Theological Seminary in Prague and at the Protestant Theological Faculty of Charles University, Prague, Czech Republic. He specializes on interfaith relations and the relation between Christian theology and religious studies. Contact: hosek@etf.cuni.cz.

<sup>2</sup> For a general summary of issues involved see William Brackney 2005. *Human rights and the world’s major religions. The Christian tradition*. London: Praeger Perspectives.

Christian organizations support and defend the rights of people who suffer from human rights violations, such as denying or limiting freedom of religion, whether it concerns fellow Christians or adherents to other faiths. On the other hand, many Christian churches and individual theologians have opposed the concept of universal human rights, including freedom of religion, as theologically wrong and unacceptable. Moreover, in countries with a strong coalition between the majority church and the political establishment, the rights of some groups and individuals (especially freedom of religion) have been denied, and in some countries this is still happening. Some human rights activists actually see religion (Christian or any other) primarily as a problem – as a source of justification for those who legitimize their abuse of power and their violations of human rights. Some of these activists also suggest that the greatest enemy of religious freedom is in fact religion. Yet, at the same time, many other human rights activists suggest, on the other hand, that if we give up on a religious, theological foundation and justification of human rights, including freedom of religion, we are weakening our claim for their universal validity and applicability.<sup>3</sup>

This is why many Christian theologians emphasize theological and spiritual values that have played an essential role in identifying, defining and shaping human rights in European and American history. But there is one very important disagreement among Christian thinkers, who emphasize the specifically Judeo-Christian origin of the concept of universal human rights, including freedom of religion. Some of them refer only to the Bible (and its understanding of God and humanity) to substantiate their claim for universal validity of human rights and refuse to support their argument by any reference to a universally recognizable natural law of morality. Others believe that to make a Christian claim for universal human rights (and the corresponding claim for religious freedom) plausible, even for those who do not share the Christian faith, a reference to some kind of universally human basis of morality such as the Stoic notion of “natural law” is legitimate and in fact necessary. In this article I am going to present and compare these two conflicting views, the first represented by the Czech Christian human rights activist and defender of religious freedom Božena Komárková (1903-1997), the second represented by the American Reformed theologian Thomas K. Johnson.

## 2. Božena Komárková and the Christian origin of human rights

In many of her writings Božena Komárková emphasized what she considers as unquestionable evidence for the biblical and theological roots of human rights and

<sup>3</sup> See for example Max Stackhouse 1999. Human rights and public theology, in Carrie Gustafson and Peter Juviler (eds.), *Religion and human rights. Competing claims?* New York: M. E. Sharpe: 4ff, and also Max Stackhouse 2003. Sources and prospects for human rights ideas. A Christian perspective, in *The idea of human rights: Traditions and presence*, Jindřich Halama (ed.). Praha: ETF UK: 194 and 199.

the notion of religious freedom.<sup>4</sup> She always claimed that the whole concept of human rights and religious freedom was inspired by Judeo-Christian biblical and theological values and teachings, and, in particular, by the Calvinist stream of the Reformation in its Anglo-Saxon form.<sup>5</sup> She also claimed that this was not a matter of historical coincidence, in other words, that this theological origin of human rights and the concept of religious freedom has to be acknowledged and emphasized, because if it is forgotten, denied or viewed as coincidental and unnecessary, the whole concept of universal human rights with its unconditional validity will lose its essential foundation and may not survive.<sup>6</sup> Human rights without substantiation in theology, that is, without reference to the transcendent guarantee of human dignity, are an extremely vulnerable concept.<sup>7</sup> Human rights and religious freedom must be viewed in the context of God's covenantal relationship with humanity. They must be understood in relation to God's call to freedom, responsibility and obedience.<sup>8</sup> Only if we anchor human rights in God's will for humankind can we insist on their universal and unconditional validity.<sup>9</sup> Human rights are not created or issued by the state. They only make sense with reference to God who revealed Himself to humanity in Christ.<sup>10</sup>

Even though the logic of Komárková's argument seems sound and convincing, she and those Christians who make this claim have to face a serious difficulty. In the contemporary context of cultural and religious pluralism, insisting on a very close tie between human rights and a particular type of Christian theology may make it quite difficult to convince others about their universal applicability – especially those outside the Christian community.<sup>11</sup> In many of her articles, Komárková argues again and again that there is sufficient historical evidence that human rights as they appeared in Europe and America have been derived from particular spiritual values of the Judeo-Christian tradition, more precisely, from its Anglo-Saxon Calvinist Protestant form. She claims again and again that without these religious values, human rights cannot stand in the longterm perspective. She insists that if human rights and the corresponding notion of religious freedom are viewed simply as a

<sup>4</sup> See especially her book *Lidská práva* 1997. Heršpice: Eman and also *Puvod a význam lidských práv* 1990. SPN Praha, and an English translation of her papers related to human rights Komárková, *Human rights and the rise of the secular age* 1991. Heršpice: Eman (to be referred to below as HRRSA).

<sup>5</sup> Cf. Pavel Keřkovský, Introduction, *Human rights and the rise of the Secular Age*, 15, see also Komárková, Human Rights and Christianity, in HRRSA, 69, 72, 82.

<sup>6</sup> Komárková, Are Christian institutions possible?, in HRRSA, 42, and also Three observations, in HRRSA, 180.

<sup>7</sup> Komárková, The reformation and the modern state, in HRRSA, 129.

<sup>8</sup> Komárková, Human rights and Christianity, in HRRSA, 70.

<sup>9</sup> *Ibid.*, 99.

<sup>10</sup> *Ibid.*, 42.

<sup>11</sup> Cf. Stackhouse, *Sources and prospects for human rights ideas. A Christian perspective*, 183ff.

legal matter, as a consensus of a particular society, without reference to any guarantee transcending all human institutions and societies, they can be changed and abolished by political authorities just as they were accepted. But how does such an understanding of human rights relate to Hindus, Buddhists or Muslims? And can one say something significant about human rights in societies without these historical roots?

There is no question that Komárková's argument has actually been quite effective and fully intelligible in her central European context, because of its strong Judeo-Christian cultural heritage. In fact she was a courageous human rights activist and defender of religious freedom in Communist Czechoslovakia, challenging the totalitarian government of this country for human rights violations and severe limitations of religious freedom, and she was persecuted by the Communist government on that account.<sup>12</sup> Her arguments were meaningful for her central European listeners and readers, both Christian and secular. After all, she was speaking to an audience that shared the history she was referring to; the history leading up to formulating the human rights declarations and charters defending religious freedom was in a significant sense their history, which was true even of those who did not share her Christian faith. All her readers knew what she means by the word "human" in the phrase "human rights," and all her readers basically agreed with that concept of humanity. But what if she spoke to Buddhists or Hindus? What if she spoke to Muslims? How would her insistence on the Christian theological origin of human rights affect her claim for their universal validity in a religiously plural context, that is, in today's social and political reality in both Europe and America, not to mention other parts of the world?

Komárková is obviously right in claiming that the universal validity and unconditional applicability of human rights is better substantiated if it is anchored in theology, that is, in God's universal will for humankind, than if it should just be based on human governments and their unpredictable decisions.<sup>13</sup> Yet, at the same time, the way Komárková links human rights and their origin with a specific theological tradition (Anglo-Saxon Calvinist Protestantism) makes it very difficult to persuade non-Europeans and non-Christians of their universal applicability. The fact that human rights are derived from one particular tradition might seemingly limit their relevance for those who do not share the accepted religious values of that tradition or who were not raised in a cultural environment shaped by these values. Religious pluralism in the contemporary world is a serious challenge for any universalist

<sup>12</sup> See Keřkovský, Introduction. *Human rights and the rise of the secular age*, 7ff.

<sup>13</sup> Cf. also Thomas Johnson, Human rights and Christian ethics 2005, in *Communio Viatorum*, III, 329, see also his *Human rights. A Christian primer* 2008. Bonn: VKW, 61f.

claim, especially if that universalist claim is derived from such particularist theological presuppositions.

Historically speaking, there is no question that many important Judeo-Christian values have played a very significant role in the discussions leading to the formulation of the most important human rights declarations, such as the US Declaration of Independence in 1776, the French Declaration of the Rights of Man and of the Citizen in 1789 (very much influenced, in fact, by the American Declaration of Independence) and also the United Nations' Universal Declaration of Human Rights in 1948.<sup>14</sup>

But the more evidence we bring for the decisive Jewish-Christian influence on the rise and development of human rights discourse in Western culture, the more we are faced with the problem of their universal validity and applicability. If human rights are intrinsically tied with a "Western," "Euro-American" or "Judeo-Christian" history and particularity, why should we expect them to be viewed as valid and binding for Buddhists or Hindus or Muslims? Why should Japanese or Chinese or Pakistani people feel obliged by a document based on Euro-American Christian theology?

### **3. Religious pluralism and different understandings of humanity**

In trying to answer this question, we have to acknowledge the fact that speaking about "human" rights as a universal concept, we are actually using the adjective "human" in a normative sense, which implies a particular sort of anthropology (i.e. a particular view of what the word "human" means). And here we face a problem, which does not seem to be sufficiently addressed in Komárková's proposal. The problem is that each cultural and religious tradition has its own particular view of humanity, that is, its own normative anthropology, based in its sacred texts. Let us look briefly at the Muslim, Hindu and Buddhist understandings of humanity, to see some of the most obvious similarities and differences in comparison with the Judeo-Christian anthropology which has had, as we have seen, a strong impact on the rise and development of universal human rights discourse in Western culture.

In the Islamic tradition, the general understanding of human nature is similar to Jewish and Christian anthropology. In spite of that similarity, the Islamic view of humanity is unique. In Islamic sacred texts and their later normative interpretations, we find a very specific understanding of human beings: every man and woman is born as a "Muslim," that is, with an innate inclination to be submitted and obedient to the Creator. Each and every human being should therefore live in accordance

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<sup>14</sup> Cf. Stackhouse, *Sources and prospects for human rights ideas. A Christian perspective*, 186f, see also Johnson, *Human rights and Christian ethics*, 326.

with the revealed law of human behavior (*shari'ah*). Human dignity, sanctity of human life and equality of all human beings, gender roles, family structures, etcetera are all based on these theological presuppositions.<sup>15</sup> In Islamic sacred texts (Qu'ran and *sunna*) we find many principles and ideas similar to those underlying the 1948 UN Declaration of Human Rights.<sup>16</sup> At the same time, Islamic interpretations of Qu'ran and *sunna* are in certain areas in quite obvious tension with how human rights are understood in Western countries,<sup>17</sup> especially in areas such as the social role of women,<sup>18</sup> status and treatment of non-Muslims, religious freedom, etcetera. The fact that Muslims have serious objections to the UN Declaration of Human Rights has actually led some of their leaders to formulate and publish specifically Islamic declarations of human rights in accordance with Muslim faith and tradition.<sup>19</sup>

The Islamic view of humanity, as we have seen, is therefore not exactly the same as the implicit anthropology of the 1948 UN Declaration.<sup>20</sup> Now, whereas Judaism, Christianity and Islam have (in spite of significant differences) many things in common, since all three are monotheistic religions, and all three refer to Abraham and the ancient Israelite patriarchs as their forefathers, in the case of the two most well known religious traditions which have their roots in India, Hinduism and Buddhism, we encounter a completely different framework.

In Hindu tradition, which is in itself very diverse and multifarious, man is a (potentially) divine being, temporarily imprisoned in this material world, a being whose individual destiny is determined by *karma*. The quality of one's *karma* depends on how that person lived in previous lives. The goal of human existence is to

<sup>15</sup> Cf. Roger Garaudy 1990. Human rights in Islam: Foundation, tradition, violation, in *The ethics of world religions and human rights*, Hans Küng and Jürgen Moltmann (eds.) London: SCM Press, 46ff. Cf. also T. Johnson 2008. The twofold work of God in the world. *MBS Texte* 102, 5.

<sup>16</sup> Cf. Riffat Hassan 1982. On human rights and the Quranic perspective, in *Human rights in religious traditions*. Arlene Swidler (ed.). New York: The Pilgrim Press, 51ff. Cf. also RA Jullundhri 1980. Human rights and Islam, in *Understanding human rights. An interdisciplinary and interfaith study*, Alan Falconer (ed.) Dublin: Irish School of Ecumenics, 34ff.

<sup>17</sup> Cf. Abdullah Ahmed An-Naim, Quran, Sharia and human rights: Foundations, deficiencies and prospects, in *The ethics of world religions and human rights*, 61ff. For a recent analysis of this problem see Christine Schirrmacher, Islamic human rights declarations and their critics, in *International Journal for Religious Freedom*, 4/2011, 37ff.

<sup>18</sup> Cf. Nikki Keddie, The rights of women in contemporary Islam 1988, in *Human rights and the world's religions*, Leroy Rouser (ed.), Notre Dame: University of Notre Dame Press, 76ff. Cf. also Miriam Cooke, Bruce Lawrence 1996. Muslim women between human rights and Islamic norms, in *Religious diversity and human rights*, Irene Bloom, J. Paul Martin, Wayne Proudfoot (eds.). New York: Columbia UP, 313ff.

<sup>19</sup> Cf. especially *The universal Islamic Declaration of Human Rights* (1981 Paris), and *The Declaration on Human Rights in Islam* (1990 Cairo).

<sup>20</sup> For a general summary of issues involved see Muddathir Abd Al-Rahim 2005. *Human rights and the world's major religions. The Islamic tradition*. London: Praeger Perspectives.

achieve ultimate liberation from these conditions, that is, to achieve ultimate union with the divine Ground of all reality, the union of individual *atman* with divine *Brahma*, which is often illustrated as the waters of a river reaching its mouth and dissolving themselves in the waters of the ocean. The human individual, that is, the “subject” of human rights, is viewed as a temporary entity determined by the current state of his or her *karma*, and understood as an intermediate stage in spiritual development, a stage to be overcome and left behind. Now, the divine ground of human being can be viewed as a foundation of a specifically Hindu understanding of human dignity, sanctity of human life and value of each individual.<sup>21</sup> The Hindu tradition therefore contains elements supporting what in the West is called human rights.<sup>22</sup> On the other hand, the sacred texts of Hinduism contain views that are in obvious tension with human rights as they are generally understood (the caste system, the social status of women, of untouchables etc.).<sup>23</sup> This is naturally caused by the fact that Hindu tradition has a very specific understanding of humanity (of what it means to be human), only partially compatible with the anthropology of the 1948 UN Declaration.<sup>24</sup>

The same is true about Buddhism. Its basic teaching about the human condition, its main problem and the proposed solution of this problem have very practical consequences. The individual self – as the “subject” of human rights – actually “does not exist.” The empirical self is an illusion, it is a self-deception. And this self-deception, moreover, is one of the major obstacles and barriers on the way to spiritual liberation (reaching Nirvana). At the same time, all human beings (actually all sentient creatures) are, according to Buddhist ontology, mutually dependent and interconnected, and all of them are on their way to ultimate liberation from omnipresent suffering. The most important Buddhist virtue is compassion (*karuna*) – compassion with all sentient and therefore suffering beings. This compassion is a powerful motivation for sacrificial care for others. Moreover, Buddha rejected the unjust Hindu stratification of society (caste system). It should not be surprising therefore that in Buddhist history we find many admirable examples of defending what we call today human rights: emancipation of women, care for the poor and ill

<sup>21</sup> Cf. Kana Mitra, Human rights in Hinduism, in *Human rights in religious traditions*, 77ff. Cf. also Carrie Gustafson, Gandhi’s philosophy of *Satyagraha*: Cautionary notes for the international penal lobby, in *Religion and human rights: Competing claims*, 88ff.

<sup>22</sup> Cf. John Carman, Duties and rights in Hindu society, in *Human rights and the world’s religions*, L. Rouner (ed.), 113 ff. Cf. also Joseph Elder, Hindu perspectives on the individual and the collectivity, in *Religious diversity and human rights*, 54ff.

<sup>23</sup> See especially the monograph Arvind Sharma 2003. *Hinduism and human rights*. Oxford: OUP.

<sup>24</sup> For a general summary of issues involved see Harold Coward 2005. *Human rights and the world’s major religions. The Hindu tradition*. London: Praeger Perspectives.

people, etcetera.<sup>25</sup> On the other hand, Buddhist teaching has sometimes been interpreted to imply that outward conditions of human life actually do not matter. It is therefore not necessary to reform unjust social structures and fight against abuses of power and human rights violations, because what is really important (spiritual liberation of human beings) is actually independent of the outward circumstances of human existence.<sup>26</sup> In Buddhist history, this indifference towards social conditions has led to much passivity and a lack of engagement in facing the structural evils in society.

Again, as was the case with Islam and Hinduism, we see in Buddhism a very specific anthropology, which has a very significant yet not quite complete overlap with the implicit understanding of humanity to be found in the 1948 UN Declaration and subsequent documents.<sup>27</sup> As we have seen, religious and cultural plurality is a serious challenge for the universal validity and applicability of human rights, especially if they are presented as anchored in a specifically Judeo-Christian understanding of humanity. Many critics coming from non-European cultural and religious backgrounds naturally see human rights as formulated in the UN documents as culturally particularist (Western, Euro-American, and Judeo-Christian) and they often criticize their implicit “Western individualism” as a cultural value that cannot be translated and applied in non-European contexts shaped by different religious and cultural values.<sup>28</sup>

It seems obvious that if we as Christians want to make an effective public case for universal human rights, and if we want to join forces with all people of goodwill, be they Hindu, Buddhist, Muslim or secular, we have to look for a common language with those who do not share our Christian presuppositions. We have to search for a generally acceptable normative view of humanity, as a shared platform for communication and cooperation with people of other faiths or of no faith. And here I see a major problem in Komárková’s proposal.

The key question in relation to her approach to human rights and their universal validity is the following: Should we as Christians, as we try to make a public claim for human rights and religious freedom, just witness, proclaim and “preach” our understanding of humanity, based on biblical texts, without any attempt to make it

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<sup>25</sup> Robert Thurman, Human rights and human responsibilities: Buddhist views on individualism and altruism, in *Religious Diversity and Human Rights*, 87ff. See also Taitetsu Unno, Personal rights and contemporary Buddhism, in *Human rights and the world’s religions*, 129ff.

<sup>26</sup> See K. Inada, The Buddhist perspective on human rights, in *Human rights in religious traditions*, 66ff, and also Sulak Sivaraksa, Human rights in the context of global problem-solving: A Buddhist perspective, in *The ethics of world religions and human rights*, 79ff.

<sup>27</sup> For a general summary of issues involved see Robert E. Florida 2005. *Human rights and the world’s major religions. The Buddhist tradition*. London: Praeger Perspectives.

<sup>28</sup> Cf. Stackhouse, *Sources and prospects for human rights ideas. A Christian perspective*, 183ff.

intelligible and plausible for those who do not share our faith? Or should we, in light of cultural and religious pluralism, try to identify and formulate trans-cultural, trans-contextual universally acceptable norms of human behavior and criteria of humanity?

There is a danger, I think, that if we only insist on the essential tie between Christianity and human rights (which I think we should), without ever trying to show that they make good sense even without explicit reference to the Bible, the claim for their universal validity will be seriously weakened, and we may actually end up leaving the victims of human rights violations in non-Christian societies in the hands of their oppressors. These oppressors will naturally insist that if human rights and the corresponding notion of religious freedom are Christian, they only apply to Christians. Those who are in a position of power can always refer to all sorts of cultural and religious particularities of their society and thereby avoid any accountability for their exercise of injustice or for denying the religious freedom of their subjects. It seems obvious that the contemporary world needs trans-cultural publicly debatable universally binding normative principles of human behavior and criteria of humanity, which would make sense for Hindus, Buddhists, Christians, and even Atheists – in order to protect potential victims of injustice.<sup>29</sup> And in this particular respect, Komárková's view of human rights and their universal validity is deficient, I think, especially in comparison with an alternative view of a Christian approach to human rights as proposed by Thomas K. Johnson, to whose analysis I now turn.

#### **4. Thomas K. Johnson and the relation between human rights and natural moral law**

Thomas Johnson is an Anglo-Saxon Calvinist Protestant theologian, that is, he belongs exactly to the tradition to which Komárková refers in her analysis of the origin and essence of human rights. Yet his perspective is different. He agrees with Komárková in emphasizing the Christian origin of universal human rights discourse and a decisive influence of Christianity in its development. He also agrees with her that for Christians, human rights need to be anchored theologically, namely, with reference to God as their transcendent guarantee.<sup>30</sup> Yet Johnson disagrees with Komárková on one very important point, related to the basis on which we (as Christians) make public claim for the universal validity and applicability of human rights. For Johnson it is very important for Christians to make an understandable public case for human rights without only referring to the Bible to substantiate their argument.<sup>31</sup> He is convinced that Christians have to formulate their view of human

<sup>29</sup> *ibid.*, 192ff.

<sup>30</sup> Johnson, *Human rights and Christian ethics*, 326.

<sup>31</sup> Johnson, *Natural law ethics*, ch. 1 and 5, see also *Human rights and Christian ethics*, 334 and Biblical

rights in a way that makes sense for the believers of other faiths as well as for non-believers. There is one tradition of Christian ethical discourse, as Johnson points out, which offers suitable conceptual tools for demonstrating universal relevance and applicability of Christian moral values outside of the Christian church, namely, natural law ethics.<sup>32</sup>

There has been much debate and misunderstanding concerning the question whether and in what sense Christian ethics should use the notion of universal God-given natural moral law.<sup>33</sup> Whereas Roman Catholic theologians seem by and large quite comfortable with the notion of a God-given natural moral law, based on the doctrine of creation, many Protestant thinkers, including Božena Komárková, have argued strongly against basing Christian ethical claims on natural law, a concept they viewed as theologically questionable and actually alien to a “biblical way of thinking.”<sup>34</sup> Komárková also claims that natural law is an “illusion” because each society has defined what is “natural” very differently.<sup>35</sup> Moreover, Komárková views the notion of natural law as typical of “Roman Catholic scholasticism,”<sup>36</sup> as anchored in a questionable static metaphysical and cosmological framework,<sup>37</sup> and as basically incompatible with a biblical worldview and Protestant Christianity.<sup>38</sup>

For these theological reasons, Komárková is convinced that it is a serious mistake if Christians try to base their claim for universal human rights on natural law<sup>39</sup>. I think it can be demonstrated that Komárková’s judgments concerning natural law are not quite justified. Or in other words, that these judgments are only justified in relation to certain types of natural law reasoning, which is exactly what Johnson is demonstrating in his analysis of the relation of natural law and Christian ethics. He shows quite convincingly that the sort of arguments Komárková and some other Protestant thinkers present against natural law only apply to a particular kind of

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principles in the public square 2008. *MBS Texte* 108, 4, 17ff.

<sup>32</sup> See Johnson’s monograph 2005. *Natural law ethics. An evangelical proposal*. Bonn: VKW. Cf. also his *The twofold work of God*, 4.

<sup>33</sup> Cf. the following recent literature on theological legitimacy of the concept of natural moral law: Stephen J. Grabill 2006. *Rediscovering the natural law in reformed theological ethics*. Grand Rapids: Eerdmans; J. Daryl Charles 2008. *Retrieving the natural law: A return to moral first things*. Grand Rapids: Eerdmans; David VanDrunen 2010. *Natural law and the two kingdoms: A study in the development of reformed social thought* Grand Rapids: Eerdmans; Robert C. Baker and Roland Cap Ehlke (eds.) 2011. *Natural law: A Lutheran reappraisal*. Saint Louis: Concordia; and Jesse Covington, Bryan McGraw, and Micah Watson 2012 (eds.), *Natural law and evangelical political theory*. Lanham, MD: Lexington.

<sup>34</sup> Komárková, Natural law and Christianity, in *HRRSA*, 48.

<sup>35</sup> *ibid.*, 43, 45.

<sup>36</sup> *ibid.*, 41, see also her Human rights and Christianity, in *HRRSA*, 70.

<sup>37</sup> *ibid.*, 44.

<sup>38</sup> *ibid.*, 46.

<sup>39</sup> *ibid.*, 50.

natural law concept.<sup>40</sup> If natural law is not viewed as an abstract principle unrelated to God's activity or as an immanent law independent of God, but if it is instead anchored theologically in the framework of the dynamic relation between God and humanity, in the doctrine of creation and the unity of humankind under God's sovereign rule, and especially in relation to the classical theological notion of general revelation, there seems to be no reason to reject this concept and to weaken thereby the public claim of universal applicability and validity of Christian moral values, especially those that underlie universal human rights and the corresponding notion of religious freedom.<sup>41</sup>

Now somebody might object that this theological understanding of natural moral law anchored in the Christian doctrine of creation and general revelation is open to the same sort of criticism as Komárková's position: namely, that it is offering a particularist (i.e. biblical) foundation for a universalist claim, unintelligible for those outside the community of Christian faith. But we have to distinguish two different discourses with two different audiences (and two different sets of criteria): one is the internal debate among Christian theologians about legitimate biblical and theological foundations of a particular notion (natural moral law in this case), the other is the public debate about human rights and religious freedom in which Christians participate together with people of other faiths and of no faith. In the first debate, reference to creation and general revelation makes sense and is in fact necessary. In the second debate, criteria of intelligibility and validity are different. Instead of referring to the particular doctrines of Christian revelation, reference to empirical evidence, common sense, generally accessible knowledge, universally accepted values such as human dignity, etcetera are to be used to support one's arguments.

In other words: if Christians want to make a convincing public claim for universal human rights and the corresponding notion of religious freedom, it does not seem to be enough to just refer to the Bible, especially if we want to invite all people of goodwill (Hindus, Buddhists, Jews, Muslims, Atheists), not just fellow Christians, to join hands in fighting against human rights violations and to support religious freedom in the contemporary world. I am convinced that the notion of natural law provides a meaningful conceptual framework for making an effective, understandable and plausible public claim for universal human rights, a claim that, unlike some other Christian public claims in this area, cannot be dismissed by pointing to the fact that historically, it is derived from one particular sacred text of one particular faith and therefore does not seem to apply to people who base their

<sup>40</sup> Cf. Johnson, *Natural law ethics*, ch. 1 and 2.

<sup>41</sup> Cf. Johnson, *Natural law ethics*, ch. 5, see also Human rights and Christian ethics, 334 and also his Christ and culture 2011. *Evangelical Review of Theology* 35/1, 14f.

lives on different sacred texts or on no sacred text at all.<sup>42</sup> This claim is not weakened by the fact that in the internal Christian debate, Christian theologians have to base the notion of natural moral law on biblical doctrines of creation and general revelation. Why? Because the notion of natural moral law can be easily adapted by people of different cultural and religious backgrounds and can serve as a shared platform for communication, peaceful coexistence and cooperation. And we need such a platform. And the fact that each religious and cultural tradition will have a different and tradition-specific substantiation of that platform does not make its functioning impossible.

## 5. Natural moral law and Christian public defense of human rights

The strength of natural law ethics is its reference to common sense, to generally accessible knowledge, to trans-cultural criteria of value and meaning, to observable general principles, as they can be supported by empirical research<sup>43</sup> and also as they can be found in all cultural and religious traditions,<sup>44</sup> in other words, its reference to what Christian theology calls general revelation. There are certain kinds of behavior that are obviously incompatible with humanity. Always and everywhere. And this fact should not be dismissed by referring to cultural differences. Christian natural law ethics has the immense advantage that it can be argued for publicly, it can be supported by research and empirical evidence and defended in the public square, it can be formulated in universally understandable language, and therefore it cannot be silenced by referring to its Christian origin or bias.<sup>45</sup>

This is the reason why I find Božena Komarková's appeal to universal human rights vulnerable and Thomas Johnson's argumentation more convincing. As Johnson points out, the Bible and the Reformers do in fact teach the doctrine of general revelation, that is, an awareness of God and his will and his moral law, available at least to some degree to all people and at all times and places<sup>46</sup>. As Johnson reminds his readers to make this point clear, the prophets in ancient Israel do not teach the non-Israelite nations what is right and what is wrong (as if these nations did not know), they in fact presuppose that these nations know the difference, but do

<sup>42</sup> Cf. Johnson, *Natural law ethics*, 88ff.

<sup>43</sup> *ibid.*, 75ff.

<sup>44</sup> *ibid.*, 85ff.

<sup>45</sup> Johnson, *Human rights and Christian ethics*, 334.

<sup>46</sup> Cf. Johnson, *Natural law ethics*, 131ff, cf. also *Human rights. A Christian primer*, 47ff and *The spirit of the Protestant work ethic and the world economic crisis 2009*, *MBS Texte* 137, 8f, and *The twofold work of God in the world*, 3ff, and *The protester, the dissident and the Christian 2012*, *MBS Texte* 168, 3f. Cf. also his *Law and Gospel: The hermeneutical/homiletical key to reformation theology and ethics 2012*, *Evangelical Review of Theology*, 36/2, 153f.

not act accordingly.<sup>47</sup> Moreover, drawing on Max Weber's sociological and cultural analyses, Johnson points out that religion can in fact provide or inspire values that gain general acceptance and have far reaching influence outside the religious community, and biblical religion can provide such influential values to public cultures precisely when the biblical values correspond closely with God's general revelation of the moral law. Christians should consciously use this sociological/theological observation in their active involvement in public debates on human rights and religious freedom.

I think it is obvious that in the context of contemporary cultural and religious pluralism, Johnson's proposal to base the Christian public claim for biblical moral values and for universal validity of human rights on the God-given natural moral law (anchored – for Christians – in the doctrine of creation and general revelation), offers a more promising platform for public debate and intercultural dialogue and cooperation than Komárková's appeal to the Christian roots of human rights accompanied with a strict rejection of the notion of natural law. I think it is vitally important for contemporary Christians to be able to present their ethical convictions in ways that are intelligible and hopefully acceptable for non-Christians, in other words, in ways that make it clear that their plausibility does not stand and fall with accepting the Christian faith and our sacred book. I think it is necessary for contemporary Christians, as they strive to fight for human rights and religious freedom, to join hands with all people of goodwill, not just with fellow Christians. And I think that the sort of ethical theory proposed by Johnson can serve as a suitable and theologically sound platform for such an alliance, based on shared values and concerns. I don't think Komárková's view of human rights and natural law offers such a platform.

Moreover, if we look carefully into the sacred books and traditions of non-Christian religions, we find much evidence supporting Johnson's perspective. In spite of many abovementioned differences in the area of metaphysics and religiously defined anthropology, ethical guidelines and moral values tend to be quite similar across all religious traditions.<sup>48</sup> There is actually much more commonality among world religions in the area of ethical values and ideals than in the area of theological doctrines and metaphysical concepts, which substantiate those ideals and values.

<sup>47</sup> Johnson, *Natural law ethics*, 141ff, see also his *The protester, the dissident and the Christian*, 5 and *Biblical principles in the public square*, 5ff. See also his *Christ and culture*, 14ff and *Law and Gospel: The hermeneutical/homiletical key to reformation theology and ethics*, 159.

<sup>48</sup> See on this point a classical presentation of those similarities in Clive S. Lewis 1978. *The abolition of man*. Glasgow: Collins, 49ff, and also the very influential statement of the same claim in Hans Küng 1991. *Global responsibility*. New York: Crossroad Publishers. Komárková tends to neglect or underestimate this trans-cultural consensus in the area of moral values by claiming as she does that each society defines what is morally "natural" very differently. It is not quite true I think.

In all existing world religions we find some version of the so-called Golden Rule. Moreover, the rules of interpersonal relationships as they are defined in all existing world religions agree generally with the principles of the second half of the biblical Decalogue. This relatively far-reaching consensus among world religions in the area of ethical values and ideals has been acknowledged and officially confirmed in documents such as the Declaration toward a Global Ethic approved by the Parliament of World Religions in Chicago in 1993.<sup>49</sup> I think that the most plausible explanation for this universal consensus from a Christian perspective is the theological understanding of God-given natural moral law, anchored in the doctrine of creation and general revelation.

To summarize and conclude, in a contemporary situation of cultural and religious pluralism, I find Thomas Johnson's proposal to develop a publicly understandable Christian natural law ethics more convincing than the alternative proposal of Božena Komárková. Johnson's proposal, based on the doctrine of creation and general revelation, supported by empirical evidence, generally accessible knowledge and appeal to common sense is providing a suitable platform for cooperation with all people of goodwill and a theologically sound, yet, at the same time publicly intelligible basis for claiming the universal validity of human rights, including the right for religious freedom. The alternative proposal by Božena Komárková is less convincing, precisely because she refuses to relate her Christian claim for human rights to a universally human normative basis of morality such as the natural moral law, which could serve as a plausible and acceptable platform of dialogue and cooperation, not just for Christians but also for people who do not share the Christian faith.

<sup>49</sup> *Declaration toward a global ethic*. Parliament of the World's Religions. Chicago, 1993, [www.parliamentofreligions.org](http://www.parliamentofreligions.org).



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