CHRISTIAN HUMAN RIGHTS:
THE SECRET HISTORY OF A POPULAR IDEA

Review By Daniel Strand

CHRISTIAN HUMAN RIGHTS

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Human rights have triumphed. That seems to be an indisputable fact. When "human rights" are invoked in an argument is it possible to dispute the point? Yes, but only by invoking other human rights. Debaters from a variety of positions—conservative, liberal, religious, secular—all claim human rights for their cause. The Obergefell ruling, for example, invoked the right to marriage as flowing from the concept of human dignity. At the same time, the conservative religious movement opposed to abortion frames its moral position in terms of the child's "right to life". Human rights-talk has become the lingua franca of our day. Never mind that when pressed to clarify what we mean by human rights the differences in our definitions are fundamental.

It was not always this way. Whatever our Declaration of Independence says about natural rights, much of our publicly accepted political vocabulary was for most of U.S. history rooted in the language of duty and obligation. Liberty is a quintessential American value—but our defense of liberty was a duty, not a human right. If we harken back to Lincoln's Second Inaugural, we will not find "rights" anywhere. Neither will we find the word "dignity". When Lincoln reflects on the most horrific war in American history and the great injustice of slavery, he describes the sin of slavery as an "offense" against "the right"—the Right, that is, in the singular—and "the Lord". After the barbarity and devastation of the Second World War, these patterns of thought and language changed, though not as fast as one might imagine and not for the reasons we often tell ourselves.

The narrative starts with the Enlightenment and the manifestation of its political ideals in American and French democracies. The heroes of this story are Locke, for the Americans; and Rousseau, for the French. Whether we speak of natural rights or of the rights of man, it was the positing of the subjective rights of the individual and the building of a political order upon the conviction that they exist and are the final word in political debate that defines modern liberal politics.

Though we see these rights invoked in the Declaration of Independence and in the Declaration of the Rights of Man and the Citizen, the actual codifying of these rights in international and domestic law, in Europe in particular, does not come into full bloom until the post-war period. But as these rights are codified, the state thereby becomes more properly established; the good is advanced, and justice triumphs. So goes the narrative.

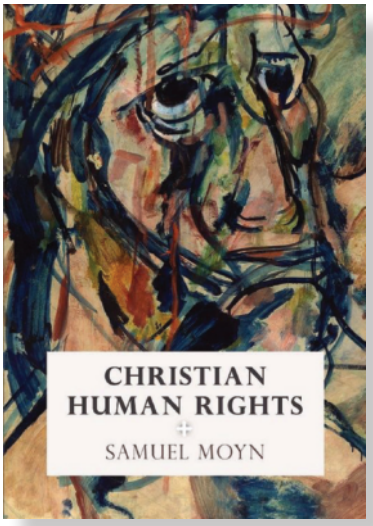
And it is this narrative that Samuel Moyn, in his recently published *Christian Human Rights*, wants to challenge. Moyn writes, "Almost unfailingly, the annunciation of human rights in the 1940s is now viewed by the general public and professional scholars as the uncomplicated triumph of liberal democracy." This triumph is associated with the secular liberal left, a triumph of liberal politics.

But, argues Moyn, this is simply not so. "[T]he general thesis of *Christian Human Rights* is that through this lost and misremembered transwar era, it is equally if not more viable to regard human rights as a project of the Christian right, not the secular left. Their creation brought about a break with the revolutionary tradition and its *droits de l'homme*, or—better put—successful capture of that language by forces reformulating their conservatism" (p. 8). And so begins a very interesting revisionist history.

What is the story that Moyn wants to tell? First, the liberal concept of human rights—the notorious *droits de l'homme* of revolutionary France—were done away with in the 1940's post-war era through their marriage to a conservative Christian conception of the human person and human dignity. Today we easily conflate dignity and rights as entailing each other. Not so in the years prior to World War II when European Christians of all stripes were deeply skeptical of, and openly antagonistic towards, liberal conceptions of the autonomous individual. Why? Because, warned the French Catholic philosopher Jacques Maritain, the rights of Rousseau and the French Revolution were a "perilous temptation to 'claim human rights and dignity—without God" (123). Maritain and the German historian Gerhard Ritter, another major figure in Moyn's account, had seen what happened when any ideology was grounded in "a godlike, infinite autonomy of the human will" shorn of its relationship to God or the community. And what they had seen were the mass atrocities and destruction of Europe committed in the name of National Socialism and its conception of the "ubermensch".

The Christian idea of human rights represented not a capitulation to a liberal understanding of the autonomy of the human person, but a total reformulation of liberal rights along conservative Christian lines. It was Christian substance in liberal form, or so its advocates imagined. "Christian human rights," writes Moyn,

> "were part and parcel of a reformulation of conservatism in the name of a vision of moral constraint, not human emancipation or individual liberation. Jesus' truth had been intended to set men free, but not for the sake of their creative autonomy or the satisfaction of their preferences. This liberation was for the sake of subjugation: so that men and (perhaps especially) women could conform to God's will and moral order." (10)



The utter destruction of Europe by totalitarian forces sobered conservative Christians, Protestant and Catholic alike, and brought about a change of mind regarding the need to protect individuals as well as collectives. Christian conservatives had been wary of the radical revolutionary element in European politics, but with the rise of the totalitarian state and its depredations, they saw the wisdom of bringing greater precision to teachings that would protect the human person as well as the community.

Human rights and human dignity became the vehicles that the ascendant Christian Democratic parties on the Continent would use to build the Christian view of the human person into their constitutions and legal codes. Their intention was to build a legal and philosophical bulwark against the state authoritarianism of totalitarianism and the secular relativism of revolutionary liberalism. Under the influence of Catholic personalist philosophy and communitarianism, Germany and Ireland invoked the acknowledgement of the authority of God, the defense of human dignity, and the upholding of Christian morality as necessary features of their respective political communities. The preamble to the Irish constitution is particularly striking: the Constitution's writers open with an invocation:

> In the Name of the Most Holy Trinity, from Whom all authority and to Whom, as our final end, all actions both of men and States must be referred…And seeking to promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of our country restored, and concord established with other nations.

The third focal figure in Moyn's account is Pope Pius XII. Pius' Christmas talk of 1942 laid forth the Catholic personalist vision affirming the supreme ethical worth of the human person, bringing together language about the dignity of the human person and the rights of that person. Maritain, deeply influenced by personalism as well, provided the key conceptual move by elaborating a "Christian vision" that placed "personal entitlements in the framework of the common good." Rather than seeing natural law—or "right"—and subjective natural rights as at odds with each other, he argued for their continuity.

Ritter, a respected German historian whom Moyn claims as the first historian of human rights, took a different tack. Much more of a realist in terms of human nature and world politics, Ritter nonetheless saw the practical importance of human rights as a necessary compromise with modernity in order to defend Europe against the real threats of secularism and totalitarianism. Against Maritain, Ritter did not think that human rights ineluctably flowed from the old natural law metaphysics. Rather, "human rights were at best a proxy for the primacy of that person that Christianity had once protected without modern compromises" (122). These three influential figures played integral roles in the cultural and political acceptance of human rights as a Christian idea.

If Moyn's narrative is on point, how can such a glaring fact, such a key part of history, be hidden in plain sight? I am of the belief that our own age and our near history is actually harder to understand. Why? Because we are in it. Historical experiences pass over us unreflected-upon, both in our individual and in our collective consciousness. We are too close to those experiences to make complete sense of them, and so we leave it to a later age to figure out what was really going on. With the great weight of issues pressing down on the West after the Second World War, it's not completely surprising that this history has passed us by. Immediately after the herculean task of beating Hitler and Japan was accomplished, we were pressed into the central role of rebuilding the world order. Action was the order of the day.

Moreover, the way we look at our history has been thoroughly revised along partisan lines, so as to screen out or obfuscate the sources. Academia tells itself a story about the past and the future that is deeply invested in making the academy and the liberal culture that it cherishes the hero of Western history. The received narrative of the triumph of secular rights over the domination of the church and the oppressive forces of tradition and culture is a fairy-tale, but it is a potent and enduring one. To give up this narrative would be to surrender one of the greatest weapons in the liberal arsenal. That religious conservatives are found to have been the primary agents for establishing the post-War order in Europe and the United Nations is the liberal nightmare, as they are so wedded to the notion of a secular Europe with its commitment to secular rights as the model for backwards Americans to emulate.

In the event any conservative and religious readers are now tempted toward triumphalism, let me offer a closing note of caution. While the post-war European era is inspiring on many fronts, it is also an object lesson of the precariousness of ideas when they enter the public square. Maritain noted there were two forms of human rights: the "good, communal, and religious form that centered on the person and their evil, soul-destroying, and Jacobin perversion that unleashed both the individual and the totalitarian state that claimed to meet the individual's hedonistic preference" (122). Based on this description it's hard not to see current human rights-talk in the West as tilting heavily toward the latter. What appears to be a triumph in one age can fade to a failure in the next. P

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