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Kwan, Kai Man

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## Reformed Traditions and Human Rights: Friends or Foes?

KWAN KAI-MAN

### *Abstract*

This paper reviews the influence of Reformed traditions on the doctrine of human rights. By surveying the historical work done by quite a few able and respectable scholars (religious and non-religious), a serious case for this claim can be made. If religious sources of human rights cannot be discounted completely, then the dialogue between religious thought and human rights should not be unidirectional. In the final sections of this paper, reflections will be made on how the dialogue between Christian thought and human rights may be conducted.

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KWAN Kai-man (GUAN Qiwen 關啟文) is professor in the Department of Religion and Philosophy, Hong Kong Baptist University.

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THE TENSION AMONG BUT CONVERGENCE OF  
HUMAN RIGHTS AND CHRISTIAN THOUGHT

From the very beginning, the relationship between human rights and the Christian faith has been complicated. In this paper, I argue that the secular idea of human rights is compatible or even strongly consonant with the Christian worldview, and both secular and religious people should work together to promote core human rights. However, *some* interpretations of human rights are not only secular but also secularist. Religious people have the right to voice their different viewpoints and join the debate about the proper interpretations of human rights.

People provide various justifications of human rights, some religious, some secular, and still others anti-religious. As the human rights discourse becomes increasingly secularist, it is not surprising that some theologians perceive human rights as constructs of liberal humanism that have pagan origins and motives. Others even see human rights as expressions of human rebellion and an attempt to secure human autonomy. For example, Christopher Wright, a prominent evangelical, says in 1979,

Some fear that the assertion of human rights is derogatory to the sovereignty of God. To them, the whole debate smacks of human arrogance and rebellion. Sinners don't have rights. Others contend that the Bible has little to say about rights but a lot about responsibilities.<sup>1</sup>

Other theologians claim human rights as the rightful inheritance of the Christian tradition, a genuine expression of the Christian faith.

There is now also a wide consensus among mainline Protestants in favor of human rights. For example, the World Alliance of Reformed Churches sponsored a consultation in London in 1976 and then issued a report entitled *The Theological Basis of Human Rights*. This was substantially based on the paper presented by Jürgen Moltmann.<sup>2</sup> People

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<sup>1</sup> Christopher J. H. Wright, *Human Rights: A Study in Biblical Themes* (Bramcote, Nottinghamshire: Grove Books, 1979). 3.

<sup>2</sup> See Jürgen Moltmann, "A Christian Declaration on Human Rights," *Reformed World* 34 (1976): 58–72. See also "The United Church Pronouncement on Human Rights," in Max L. Stackhouse, *Creeds, Society, and Human Rights: A Study in*

tend to have the impression that the Reformed or Calvinist positions that emphasize total depravity are hostile to human rights. However, according to Van Egmond,

[the] so-called Calvinistic rejection of “human rights” ... is due to their origin within a humanist frame of thought in which humankind itself sovereignly allocates these rights to itself. As far as the rights themselves are concerned ... Calvinists have no objection.... The Calvinist tradition itself even provides quite strong arguments in favor of human rights.<sup>3</sup>

This may sound hard to believe but John Witte’s *Reformation of Rights* has presented impressive evidence for this claim, which we will survey below.

It is important to look behind the use of the language of human rights on the surface to ascertain the underlying understanding of human rights. For the Catholics and Protestants who now embrace this language, the essence of human rights is mainly the inalienable dignity of human beings and some core human rights like the freedom of speech and the liberty of conscience and religion. Many Christian denominations do try to distinguish the essence of human rights as they understand it from the secularist and individualist interpretations of human rights. They want to support the former but adopt a critical attitude towards the latter. However, as the secularist and individualist interpretations of human rights have almost achieved an unquestionable status of orthodoxy, the above reservations have also led to some conflicts between human rights and traditional Christian faith.

As human rights proliferate and become more and more entrenched in the public realm, there are new signs of tension between human rights claims and traditional Christian faith, such as gay rights, abortion rights, and the marginalization of religious freedom. Especially in Europe, the European Parliament (EU) is very keen to enforce gay rights, and this clashes with the policy of some states with strong religious heritage. For example, the EU’s recommendation to

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*Three Cultures* (Grand Rapids, MI: Eerdmans, 1984), 295–300, and similar declarations in Allen O. Miller, ed., *A Christian Declaration on Human Rights* (Grand Rapids, MI: Eerdmans, 1977).

<sup>3</sup> Aad van Egmond, “Calvinist Thought and Human Rights,” in *Human Rights and Religious Values: An Uneasy Relationship?* ed. Abdullahi Ahmed An-Na’im, Jerald D. Gort, Henry Jansen, and Hendrik M. Vroom (Amsterdam: Editions Rodopi, 1995), 197.

criminalize homophobia in 2006 was a direct reaction to perceived bigotry against homosexual people in Poland and Lithuania.<sup>4</sup> It was seen as an attack on religious values by some. Aldo Giordano, the secretary-general of the Council of European Bishops' Conferences, told Vatican Radio,

The declaration shows an aversion for certain values of our tradition, notably religious values.... It should be clear that certain subjects, especially those relating to the family, are not within the direct competence of the European Union but are the recognized competence of nations.

Giordano also observed:

Sometimes it seems there is the domination (within the European Parliament) of a certain ideology of pluralism.... There really is lacking a reflection on what is truly human, what is human richness, what is good and evil, what is truth.

So, *some* human rights claims do seem to clash with *some* religious values. Some human rights advocates still regard the church as the enemy of human rights, and they will not hesitate to force the church to change by law. Robertson said,

In the twenty-first century the human rights movement will struggle on, against its traditional enemies—armies, *churches*, and states—looking increasingly towards international law to provide a lever against these institutional powers.<sup>5</sup>

The reasons for this tension are several. First, while Christianity offers robust ethics, and defends the importance (but not necessarily priority)

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<sup>4</sup> The European Parliament has voted to “strongly condemn” homophobia as “an irrational fear and aversion of homosexuality and of Lesbian, Gay, Bisexual and Transgender (LGBT) people based on prejudice, similar to racism, xenophobia, anti-Semitism, sexism.” The resolution passed 469–129 (with 41 abstentions) on January 18, 2006. The resolution called on member states of the European Union to implement—through laws and directives—a ban on discrimination in employment, housing, and a wide variety of sectors, and to implement education against homophobia in “schools and universities, and to consider the use of criminal penalties in cases of violation.”

<sup>5</sup> Geoffrey Robertson, *Crimes against Humanity* (Harmondsworth: Allen Lane, 1999), 383; italics mine.

of the good, human rights advocates talk about the priority of the right over the good. Second, the number of the items of human rights has been continuously increasing, and the new items are often expressions of apparently anti-Christian values, for example, the “right” to decide and declare one’s gender, which requires neither sex reassignment surgery nor even any medical diagnosis of gender dysphoria.<sup>6</sup> Moreover, human rights are not only used to guard against the abuse of the government’s power but also to limit the freedom of citizens. In the name of anti-discrimination or equality, politically incorrect views, which are often religious or Christian, have been censored. The contents of education, the practice of counselors, or the culture promoted by the mainstream media are all regulated by what are regarded as human rights. In this way, human rights are used to promote a particular kind of all-pervading culture or lifestyle, and the society is reshaped comprehensively. This kind of human rights is another kind of comprehensive doctrine (John Rawls’ sense) and is often antithetical to the traditional Christian system of morality. How can they avoid conflicts then? The differences can become so great that culture wars inevitably erupt in the same society, with both sides claiming that they are fighting for “true” human rights.

There are also deeper issues. For example, while Maritain’s justification of human rights appeals to a teleological framework about human destiny, most secularist advocates for human rights would certainly reject a teleological account of human nature. For Maritain, the first absolute principle is the principle of finality, on the basis of which everybody acts toward an end, and the end coincides with the good; the good is what everything tends towards, and evil is what deviates from the end. First of all, a language that renders “good” or “evil” in their singular will make the secularists uncomfortable. They will find the idea of “the ends of nature” unintelligible; they would rather talk about various “conceptions of the good,” and prefer to let people have (almost) complete freedom to choose their *conceptions* of the good, and then live accordingly. The emphasis on conformity to the objective ends of nature, in their view, will only stifle this kind of freedom and be detrimental to human rights *from their perspective*.

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<sup>6</sup> See the recent debate between Stephen Whittle and John Milbank in Britain. Stephen Whittle and John Milbank, “The Duel: Can a Person Choose Their Gender?” *Prospect Magazine*, August 11, 2017. The UK is moving towards a “self-declaration model” concerning gender recognition.

Moreover, there are numerous items on the human rights agenda, and how to systematize them and assign priorities to some rights instead of others is a very difficult question. This can be done in radically different ways in various cultural contexts or different social groups in the same cultural context. This is a crucial issue because human rights can come into conflict among themselves. A consensus on how to handle these conflicts simply does not exist in our contemporary pluralistic society. Several issues can serve as an illustration. For many Christians, we have a right to marriage regarded as a complementary heterosexual union, lasting in time and open to procreation. However, for others, this is a kind of heterosexism that is contrary to the rights to marriage possessed by all (people having diverse sexual orientations), which is now called “marriage equality.” For Catholics, human rights belong to human life from the moment of “conception.” In contrast, most secularist advocates regard the attempt to ban or limit abortion in the name of the “unborn child” as a violation of the woman’s right to reproductive freedom. Finally, the opposition to euthanasia is regarded as the violation of the right to die (or the right to die with dignity). The above disputes over human rights are now common in both Western and Asian societies.

It thus seems to me that once we go beyond some degree of practical consensus, we find a serious conflict between the secularist and the religious visions of human rights, especially over issues concerning marriage, and life and death issues. In Western societies, the secularist vision seems to have gained the upper hand, and consequently, the religious vision of human rights is widely regarded with suspicion. For the secular elites, a religious perspective would lead to a corruption of human rights. They also tend to think that the secularist side has already won the argument once and for all. I think the healthy skepticism of Malcolm Evans, professor of public international law at the University of Bristol, United Kingdom, is worth pondering:

human rights and religion do not mix very easily and attempts to make them do so are fraught with difficulties and dangers. It may well be possible for them to be brought together in a glorious symbi-

osis, but the experience to date has not been encouraging and one ought not to be deceived by the superficial resonance between them.<sup>7</sup>

I think Evans is right about the major trends of the human rights movement in Europe, but we do not need to regard that as the only genuine interpretation of human rights, especially in Asian societies. We still hope that the core ideas of human rights (stripped of its more extreme interpretations) and faith can “be brought together in a glorious symbiosis,” and believe that there is indeed a deep resonance between them. This can be supported by two lines of argument: historical and philosophical. First, while acknowledging that the reasons for the emergence of human rights are diverse and many, we believe that the Christian worldview is at least one of the more important factors. Even Habermas admits,

Christianity not only fulfilled the initial cognitive conditions for modern structures of consciousness; it also fostered a range of motivations ... more than a mere precursor or a catalyst. *Egalitarian universalism, from which sprang the ideas of freedom and social solidarity, of an autonomous conduct of life and emancipation, of the individual morality of conscience, human rights, and democracy is the direct heir to the Judaic ethic of justice and the Christian ethic of love.* This legacy, substantially unchanged, has been the object of continual critical appropriation and reinterpretation. *To this day, there is no alternative to it.... Everything else is just idle postmodern talk.*<sup>8</sup>

Another intellectual historian, Larry Siedentop, in his work *Inventing the Individual: The Origins of Western Liberalism*, also agrees with Habermas: “Christian moral intuitions played a pivotal role in shaping the discourse that gave rise to modern liberalism and secularism.”<sup>9</sup> His work provides a wealth of details that we cannot go into here.

Second, philosophically speaking, the Christian worldview is coherent with human rights. While the task to synthesize the Christian

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<sup>7</sup> Malcolm D. Evans, “Religion, Law and Human Rights: Locating the Debate,” in *Law and Religion in Contemporary Society: Communities, Individualism and the State*, ed. Peter W. Edge and Graham Harvey (Aldershot: Ashgate, 2000), 177.

<sup>8</sup> Jürgen Habermas, *Time of Transitions* (first published in Germany in 2001; Cambridge: Polity, 2006), 150–51; italics mine.

<sup>9</sup> Larry Siedentop, *Inventing the Individual: The Origins of Western Liberalism* (London: Penguin, 2014), 59.



faith and human rights is by no means a straightforward one, it is something that can be done and something worthy of our best efforts. We will see that a lot has already been done in the Reformed traditions. In contrast, it is more difficult than many people think to provide an *ontological* foundation for human rights in an explicitly *naturalistic* worldview.<sup>10</sup> Given the comparative merits of the Christian worldview in this aspect, we believe that the Christian perspective on human rights at least deserves hearing. Of course, nothing in this essay is meant to exclude the participation of non-religious people from the advocacy of human rights. My main contention is only that the religious perspective on human rights should not be prematurely dismissed. People with different convictions, religious or secular, can still work together to promote human rights toward a kind of overlapping consensus.

#### REFORMED TRADITION AND THE RISE OF THE HUMAN RIGHTS REGIME

We believe that there is considerable evidence for the historical connection between human rights and Christianity.<sup>11</sup> (Of course, no one is claiming that the Christian faith is the *only* cause.) It is interesting to observe that quite a few non-Christian thinkers seem to accept this historical thesis. For example, Habermas, in his dialogue with Joseph Ratzinger (later Pope Benedict XVI), comments: “the history of Christian theology in the Middle Ages, and especially of late Spanish Scholasticism, forms a part of the genealogy of human rights.”<sup>12</sup> Moreover,

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<sup>10</sup> See Kwan Kai-man, “Human Rights without God: Can Naturalism Provide the Foundation for Human Rights?” *CGST Journal* 47 (July 2009): 157–80.

<sup>11</sup> Max L. Stackhouse, *Creeeds, Society, and Human Rights: A Study in Three Cultures* (Grand Rapids, MI: Eerdmans, 1984); John Witte, Jr., *The Reformation of Rights: Law, Religion and Human Rights in Early Modern Calvinism* (Cambridge: Cambridge University Press, 2007).

<sup>12</sup> Jürgen Habermas, “Pre-political Foundations of the Democratic Constitutional State?” in Jürgen Habermas and Joseph Cardinal Ratzinger (Pope Benedict XVI), *Dialectics of Secularization: On Reason and Religion* (San Francisco, CA: Ignatius Press, 2006), 24. “Brian Tierney ... has shown ... that all manner of subjective rights and liberties were created already by medieval Catholic canonists and theologians ... these rights were further expanded and refined by early modern Spanish and Portuguese Catholic philosophers and moralists ... only in the Second Vatican Council’s great Declaration of Religious Freedom (*Dignitatis Humanae*) of 1965 ...

he also talks about the “translation of the concept of ‘man in the image of God’ into that of the identical dignity of all men that deserves unconditional respect.”<sup>13</sup>

*John Witte: Development of Human Rights in Reformation*

Griffin does not discuss the specific role of the Reformed tradition in the development of the idea of human rights. Witte’s important work *The Reformation of Rights* (2007) admirably fills this gap. In this paper, we heavily rely on his treatment, which is both detailed and convincing. Before surveying his work, we need to forestall some misunderstandings. Witte readily acknowledges the dark side of the Calvinist traditions:

Calvin’s original political ideas were also sufficiently “protean” and “provocative” to inspire a wide range of both totalitarian and democratic tendencies ... [There were] victims who were reviled, censored, imprisoned, tortured, banished, and even executed by Calvinists for their religious beliefs.... Any honest appraisal of the Calvinist tradition of law, religion, and human rights must acknowledge these brute and brutal facts.<sup>14</sup>

So, the following survey is admittedly only one side of the story. However, it is still significant especially given the inadequacy of popular accounts of the rise of human rights.

As Witte points out,

Our schoolboy texts have long taught us that the history of human rights began in the later seventeenth and eighteenth centuries. Human rights, we often hear, were products of the Western Enlightenment.... Human rights were the mighty new weapons forged by American and French revolutionaries who fought in the name of political democracy, personal autonomy, and religious freedom against outmoded Christian conceptions of absolute monarchy, aristocratic privilege, and religious establishment. Human rights were the keys that West-

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that the Catholic Church came to embrace fully the doctrine of religious rights for individuals and groups.” Witte, *The Reformation of Rights*, 330.

<sup>13</sup> Habermas, “Pre-political Foundations of the Democratic Constitutional State?” 45.

<sup>14</sup> Witte, *The Reformation of Rights*, 1.

ern liberals finally forged to unlock themselves from the shackles of a millennium of Christian oppression and Constantinian hegemony.<sup>15</sup>

Witte contends that the above historical picture is no longer tenable because

[a] whole cottage industry of important new scholarship has now emerged to demonstrate that ... there were many human rights in place before there were modern democratic revolutions ... the Enlightenment was not so much a wellspring of Western rights as a watershed in a long stream of rights thinking that began more than a millennium before ... what Protestant theologians and Enlightenment philosophers contributed more than anything were new theoretical frameworks that eventually widened these traditional rights formulations into a set of universal claims that were universally applicable to all.<sup>16</sup>

One purpose of Witte's *The Reformation of Rights* is to correct the distorted picture about the historical development of human rights. The book contains such a wealth of materials that the following is nothing more than a very sketchy summary of Witte's main points. I make no claims that Witte's interpretations of all the theologians or his interpretation of the Reformed tradition as a whole are entirely correct, but I think for those who have read his work, it is hard to deny that at least a plausible prima facie case has been made (especially with his admission of the dark side of Reformed traditions). This can provide a starting point for discussions while we keep an open mind for further research or revision. This point is strengthened by the evidence I provide on convergent interpretations by other respectable historians, theologians, and non-religious philosophers.

### *John Calvin: Tyrants as Criminals*

Building in part on classical and Christian prototypes, Calvin developed arresting new teachings on authority and liberty, duties and

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<sup>15</sup> Ibid., 20.

<sup>16</sup> Ibid., 23.

rights, and church and state.... This rendered early modern Calvinism one of the driving engines of Western constitutionalism.<sup>17</sup>

Calvin and his followers developed a distinct theology and jurisprudence of human rights and gradually cast these rights teachings into enduring institutional and constitutional forms in early modern Europe and America.... For early modern Calvinists, religious rights thus became ... the “mother” of many other human rights ... over time, early modern Calvinists worked with others slowly to develop a human rights culture and a set of constitutional structures dedicated to the rule of law and to the protection of the essential rights and liberties of all peaceable believers.<sup>18</sup>

Calvin’s major contributions included his restructuring of the liberty and order of the church, urging respect for liberty and the democratic process within the church (such as church officers to be elected by the congregation, believers free to enter and leave the church), and setting limits to the state by defending corporate religious liberty. In his early writings, Calvin focused on the spiritual liberty of the individual believer vis-à-vis God’s spiritual law and his political liberty vis-à-vis the magistrate’s civil law. He thinks that the church has no authority to impose laws “upon consciences in those matters in which they have been freed by Christ”—the matters not essential for salvation. The church must also respect the liberty of conscience of Jews, Turks, Muslims, heretics, and others.

Calvin wrote a letter to King Francis of France to express his concern for the persecution of fellow Protestants in France, declaring that “[j]ustice, the most invincible Sovereign, entitles me to demand that you will undertake a thorough investigation of this cause.”<sup>19</sup> He reminded King Francis that

[the] characteristic of a true sovereign is, to acknowledge that, in the administration of his kingdom, he is a minister of God. He who does not make his reign subservient to the divine glory, acts the part not of a king, but a robber.<sup>20</sup>

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<sup>17</sup> Ibid., xi.

<sup>18</sup> Ibid., 2.

<sup>19</sup> John Calvin, *Institutes of the Christian Religion*, vol. 1, trans. Henry Beveridge (Edinburgh: T & T Clark, 1895), 4.

<sup>20</sup> Ibid., 5.

Therefore, although God has appointed political rulers to be his “vice-regents,” we do have the duty to disobey when the authorities violate God’s law and authority. In such a situation, these authorities are reduced to private persons. They are mere “robbers.” Especially concerning the magistrates, Calvin said,

So far am I from forbidding these officially to check the undue license of kings, that, if they connive at kings when they tyrannize and insult over the humbler of the people, I affirm that their dissimulation is not free from nefarious perfidy, because they fraudulently betray the liberty of the people, while knowing that, by the ordinance of God, they are its appointed guardians.<sup>21</sup>

Calvin wrote in his 1540 *Commentary* on Romans 13: “tyrannies and unjust exercise of power, as they are full of disorder, are not an ordained government.”<sup>22</sup> In fact, the authorities who abused their power would thereby be deprived of their legitimacy to exercise power, just like King Darius in Daniel 6, who “had exceeded his limits, and not only been injurious to men, but, by raising his horns against God, had virtually abrogated his own power.”<sup>23</sup> In his *Commentary* on the Book of Daniel, Calvin’s aversion to monarchy was demonstrated by his numerous critical comments on King Darius. For example, “kings are pleased with their greatness and wish their own pleasure to be treated as an oracle.”<sup>24</sup>

Calvin also used another example: “the Israelites are condemned for having too readily obeyed the impious edict of the king. For, when Jeroboam made the golden calf, they forsook the temple of God.” The principle is that we are only subject to:

[the rulers] in the Lord. If they command anything against Him, let us not pay the least regard to it... We ought to obey God rather than men ... we are redeemed by Christ at the great price ... in order that

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<sup>21</sup> John Calvin, *Institutes of the Christian Religion*, vol. 3, trans. Henry Beveridge (Edinburgh: T & T Clark, 1895), 553; *Institutes* 4.20.31.

<sup>22</sup> John Calvin, *On God and Political Duty*, ed. John T. McNeil (New York: Macmillan, 1950), 84.

<sup>23</sup> Calvin, *Institutes of the Christian Religion*, 3:553; *Institutes* 4.20.32.

<sup>24</sup> Calvin, *On God and Political Duty*, 93.

we might not yield a slavish obedience to the depraved wishes of men.<sup>25</sup>

In his *Commentary* on the Book of Daniel, Calvin reaffirmed that

[the] fear of God ought to precede, that kings may obtain their authority.... For earthly princes lay aside all their power when they rise up against God.... We ought rather utterly to defy than to obey them whenever they are so restive and wish to spoil God of his rights.<sup>26</sup>

So it is legitimate “to resist tyrannical edicts, which forbid giving due honor to Christ, and due worship to God.”<sup>27</sup> “Against ‘overbearing tyranny,’ Calvin later put it, a Christian must ‘venture boldly to groan for freedom.’”<sup>28</sup> Calvin peppered his later sermons and commentaries with general endorsements of political liberty for believers and non-believers alike. This was grounded in his understanding that the king’s power should be limited “under the law” and “under the covenant.”<sup>29</sup> He mentioned tyrants who “consider themselves bound by no laws,” and bluntly pointed out that “they are terribly mistaken ... they must realize that they are ministers and servants of God and the people.”<sup>30</sup> He even said that “liberty ... [is] a blessing as much as any that can be desired in this world ... this is a special gift of God.”<sup>31</sup> God’s purpose is that “men will not be able to oppress us.”<sup>32</sup> In particular, he put a great emphasis on religious liberty: “among all the blessings of God ... this ought to be preferred above all the rest: namely, to have freedom to serve our God.”<sup>33</sup> But the “right to vote is the best way to preserve liberty.”<sup>34</sup> This is consistent with his statement that

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<sup>25</sup> Calvin, *Institutes of the Christian Religion*, 3:553–54; *Institutes* 4.20.32.

<sup>26</sup> Calvin, *On God and Political Duty*, 102.

<sup>27</sup> Witte, *The Reformation of Rights*, 51.

<sup>28</sup> *Ibid.*, 53.

<sup>29</sup> J. H. Leith and C. Raynal, eds., *Calvin Studies Colloquium* (North Carolina: Davidson College, 1982), 66.

<sup>30</sup> *Ibid.*, 67, 69.

<sup>31</sup> John Calvin, *The Covenant Enforced: Sermons on Deuteronomy 27 and 28* (Tyler, TX: Institute for Christian Economics, 1990), 127.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*, 187.

<sup>34</sup> Witte, *The Reformation of Rights*, 56.

there is no kind of government happier than where liberty is framed with becoming moderation, and duly constituted so as to be durable ... magistrates ought to do their utmost to prevent the liberty ... from being impaired, far less violated.<sup>35</sup>

Moreover, “Calvin, in his later years ... began to speak at times about the subjective ‘rights’ of individuals ... he used such general phrases as ‘the common rights of mankind’ ... ‘natural rights’... of persons, ... the right to land, and other property ... the ‘right to compensation’ for work; the right ‘to sell’ ... the ‘right of asylum’ ... ‘just rights’ of the poor, the needy, the orphans, and the widows” and so on.<sup>36</sup> For example, in his sermon on Deuteronomy, Calvin said that “to the utmost we must maintain every man’s right.”<sup>37</sup>

Calvin commented on various political systems, and came out in favor of “aristocracy, pure or modified by popular government.”<sup>38</sup> His reasons are: “Monarchy is prone to tyranny ... it very rarely happens that kings so rule themselves as never to dissent from what is just and right, or are possessed of so much acuteness and prudence as always to see correctly.”<sup>39</sup> Calvin supported some form of checks and balances by appealing to the doctrine of sin:

Owing ... to the vices or defects of men, it is safer and more tolerable when several bear rule, that they may thus mutually assist, instruct, and admonish each other, and should anyone to be disposed to go too far, the others are censors and masters to curb his excess.<sup>40</sup>

Although Calvin did not give unambiguous support to democracy over aristocracy, it can be seen that his aversion to monarchy and his ration-

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<sup>35</sup> Calvin, *Institutes of the Christian Religion*, 3:528; *Institutes* 4.20.8.

<sup>36</sup> Witte, *The Reformation of Rights*, 58.

<sup>37</sup> Calvin, *The Covenant Enforced*, 48.

<sup>38</sup> Calvin, *Institutes of the Christian Religion*, 3:527; *Institutes* 4.20.8.

<sup>39</sup> Calvin, *Institutes of the Christian Religion*, 3:527–28; *Institutes* 4.20.8.

<sup>40</sup> Calvin, *Institutes of the Christian Religion*, 3:528; *Institutes* 4.20.8. Calvin did try to put it into practice: “in 1557, Calvin induced the Little Council, the chief organ of civil government, to adopt the practice of a quarterly meeting for mutual criticism.” John T. McNeil, “Editor’s Introduction,” in John Calvin, *On God and Political Duty* (New York: Macmillan, 1950), xxii.

ales for the mixed system were congenial to modern democracy.<sup>41</sup> Elsewhere, Calvin even said that

the conditions of the people most to be desired is that in which they create their shepherds be general vote ... the Lord will not only give the Church freedom to breathe, but also institute a definite and well-ordered government, and establish this upon the common suffrages of all.<sup>42</sup>

We can thus see that Calvin anticipated some modern liberal concepts like church-state separation, limited government, and people's sovereignty. Calvin's thought, as developed by his many followers, was eventually developed and spread by "Enlightenment libertarian philosophers and social theorists. This was to be one of his most powerful legacies to the history of liberty in the modern Western world." In fact, "it would prevail across half of the world for nearly half a millennium."<sup>43</sup>

*Theodore Beza: Rulers Created for the Sake of the People*

Theodore Beza (1519–1605) was Calvin's hand-picked successor in Geneva. One of the crucial events was the St. Bartholomew's Day Massacre of 1572, in which some 10,000 to 100,000 French Calvinists were slaughtered. Beza responded decisively to this crisis by using his theology of moral law as a foundation for a whole edifice of civil rights and political liberties. Kelly points out that their teachings "on the derived sovereignty of the people, and their inherent right to resistance, would pass ... into late seventeenth-century English political theories of human rights."<sup>44</sup>

In many senses, the Protestant Reformation was a struggle for freedom, and at that time many Protestants living in a Catholic country were brutally suppressed, as happened in the St. Bartholomew's Day

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<sup>41</sup> McNeil argues that by aristocracy, Calvin is not referring to hereditary nobility, but persons recognized by others due to their good qualities. *Ibid.*, xxiii.

<sup>42</sup> Quoted by McNeil. *Ibid.*, xxii–xxiii.

<sup>43</sup> Douglas F. Kelly, *The Emergence of Liberty in the Modern World: The Influence of Calvin on Five Governments from the 16th through 18th Century* (Phillipsburg, NJ: Presbyterian and Reformed Publishing House, 1992), 31–32.

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



Massacre. In a way, the French Calvinists were forced to formulate a resistance theory, and in fact

the rise of French Calvinist resistance theory was a critical step in the development of the Western theory of democratic revolutions and constitutional government. Revolutionary movements in Scotland, the Netherlands, England, America, and even Jacobin France would take inspiration and instruction from some of these early French Calvinist political tracts.<sup>45</sup>

It had also influenced Beza.

Later sixteenth-century Calvinists saw the right to resist tyrants first and foremost as a religious right—the right of the individual to obey the duties of conscience and to enjoy the free exercise of religion.... Resistance theory, in this sense, was an expression of the fundamental rights of the individual and community to discharge the fundamental religious duties imposed on them by God.... Once cast in these terms, it became possible to extend the logic of resistance theory [to a whole range] of fundamental rights and liberties that citizens and subjects could claim as God’s representatives and image-bearers on earth.<sup>46</sup>

The other major influences on Beza include the Marian exiles like John Knox and Christopher Goodman.<sup>47</sup> They fled from Britain due to the persecution of Queen Mary. For example, Goodman argues that “God will ‘not suffer’ that ‘rights and liberties that he has given to all his people ... be taken from them.’ ... They are the ‘inalienable’ rights set out in the Bible, particularly in the Ten Commandments.”<sup>48</sup> These

<sup>45</sup> Witte, *The Reformation of Rights*, 85–86.

<sup>46</sup> *Ibid.*, 86.

<sup>47</sup> John Knox was the great Scots Reformer who was greatly influenced by Calvin and the Reformed tradition, but he went beyond Calvin in a more radical direction. “It would ... take nearly a century and a half from the peak of Knox’s influence on Scotland in the 1560s until these principles were worked out and established in British parliamentary function in various actions from 1690 to 1707.” Kelly, *The Emergence of Liberty in the Modern World*, 52. This story is told in chapter 3 of Kelly’s work. Kelly concludes, “the Reformed Church of Scotland made a deep and wide impact on concepts and practices of religious liberty and church-state relations far beyond Scotland. In the words of Harold Laski ... ‘the attempt thus to define the limits of authorities basically conceived as distinct is the special contribution of Presbyterianism to the theory of political freedom.’” *Ibid.*, 73.

<sup>48</sup> Witte, *The Reformation of Rights*, 121.

rights include the right “to labor six days and to rest on the Sabbath” (a precursor to the Universal Declaration of Human Rights [UDHR]’s right to work and rest), inalienable right to life (freedom from killing), to property (freedom from stealing), and to reputation and fair process (freedom from false testimony). The parallel to many items in the Universal Declaration of Human Rights (UDHR) is too obvious to belabor.

Beza argued that each commonwealth is formed by a “covenant,” “contract,” “compact,” or “constitution” ... involving God, the rulers, and the people.... While the powers that be are ordained by God, they are elected by the people, who act on God’s behalf in choosing or consenting to their rulers ... the people’s right to vote for or consent to their rulers was essential to the legitimacy of the political regime.<sup>49</sup>

Beza wrote,

There was first an oath by which king and people obligated themselves to God in that they promised to observe His Law both ecclesiastical and political, and then a mutual oath between the king and the people. Then do the people ... have the right to correct the person they have elevated to dominion, if he does not do his duty? I say they have.<sup>50</sup>

He “called for a ‘mixed constitution’ that balanced monarchical power with the aristocratic and democratic power of the lower magistrates.”<sup>51</sup> Moreover, “the political covenant required political rulers to protect and promote the ‘rights and liberties’ and ‘privileges and freedoms’ of their subjects.”<sup>52</sup> In his treatise on *Right of Magistrate* (1574), Beza argued that instead of “the people being created by the magistrates,” the magistrates are “created by the people.”<sup>53</sup>

Although Beza’s proposal is still not yet a modern democracy, it can readily be seen that his understanding of the state and society already contains a number of modern elements, for example, Lincoln’s gov-

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<sup>49</sup> Ibid., 124.

<sup>50</sup> Julian H. Franklin, ed., *Constitutionalism and Resistance in the Sixteenth Century: Three Treatises by Hotman, Beza, and Mornay* (New York: Pegasus, 1969), 118.

<sup>51</sup> Witte, *The Reformation of Rights*, 125.

<sup>52</sup> Ibid., 128.

<sup>53</sup> Franklin, *Constitutionalism and Resistance in the Sixteenth Century*, 104.

ernment *for* the people. Moreover, like Goodman, Beza looked to the Decalogue as a source of the most basic rights of persons—their rights to religion, life, property, marriage, and reputation. But he also appealed to natural law to justify the liberty of conscience, freedom to educate, and right of parents and guardians to bring up their children in their chosen faith (again a parallel to an item in the UDHR and the later covenants). Another major innovation was Beza’s reformulation of Calvin’s theories of political authority and political liberty into a theory of subjective rights. According to Beza, the rights of political subjects were not a *consequence* but a *condition* of good government.

We can see that in the Reformed tradition, human rights are not just abstract concepts. Instead, their formulations are guided by a thick theory of human nature and morality.

### *Johannes Althusius: Defender of Dutch Constitutionalism*

The Netherlands was ruled by a foreign monarch, the Spanish emperor, Philip II, who became abusive. Philip set up the terrifying Spanish Inquisition in the Netherlands, slaughtering Calvinists and others by the thousands. In the later 1560s and 1570s, under the inspired leadership of William of Orange and others, the Dutch put into action the early Calvinist principles of resistance and revolution. Calvinists and other Dutchmen eventually threw off their Spanish oppressors.

The German-born Calvinist jurist, Johannes Althusius (1557–1638), first published his main work, *Politics Methodically Set Forth, and Illustrated with Sacred and Profane Examples*, in 1614.<sup>54</sup> According to Daniel Elazar,

[the] road to democracy began with the Protestant Reformation in the sixteenth century, particularly among those exponents of Reformed Protestantism who developed a theology and politics that set the Western world back on the road to popular self-government, emphasizing liberty and equality.

However, the early Reformers’ political writings were not very systematic. “Only at the end of the first century of the Reformation did a

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<sup>54</sup> Johannes Althusius, *Politica: An Abridged Translation of Politics Methodically Set Forth, and Illustrated with Sacred and Profane Examples*, ed. and trans. Frederick S. Carney (Indianapolis: Liberty Fund, 1995).

political philosopher emerge out of the Reformed tradition to build a systematic political philosophy”—Althusius. Moreover, “Althusius’ *Politica* was the first book to present a comprehensive theory of federal republicanism rooted in a covenantal view of human society derived from ... a theological system.”<sup>55</sup>

He “not only helped to integrate the Dutch legal, political, and social teachings of his day; it also served to elaborate an emerging Calvinist theory of natural law, popular sovereignty, and the rights and liberties of individuals and associations.”<sup>56</sup> In his view,

the republic is formed by a covenant between the rulers and the people before God.... He developed a natural law theory ... [and] a theory of positive law.... He called for a detailed written constitution as the fundamental law of the community and called for perennial protection of “the rule of law” and “rule of rights.” ... [He also] call[s] for religious toleration and absolute liberty of conscience for all as a natural corollary and consequence of the Calvinist teaching of the absolute sovereignty of God whose relationship with his creatures could not be trespassed.<sup>57</sup>

He is thus “described as a major scholar of modern federalism,”<sup>58</sup> and a precursor of modern democratic thought.

However, he tends to be ignored, and Witte is one of the scholars who has rediscovered his significance:

Althusius’ theory of natural law and natural rights was Calvinist in inspiration but universal in aspiration, and it anticipated the political formulations of some later Western writers, including Locke, Rousseau and Madison.<sup>59</sup>

In particular, the rediscovery, discussion, and entrenchment of federalism and subsidiarity as organizational principles in the

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<sup>55</sup> Daniel J. Elazar and John Kincaid, eds., *The Covenant Connection: From Federal Theology to Modern Federalism* (Lanham, MD: Lexington Books, 1995), xxxv.

<sup>56</sup> Witte, *The Reformation of Rights*, 150.

<sup>57</sup> *Ibid.*, 9–10.

<sup>58</sup> Matthew McCulloch, “Polyvalent Federalism: Johannes Althusius to Edvard Kardelj and Titoism,” in *The Ashgate Research Companion to Federalism*, ed. Ann Ward and Lee Ward (Burlington, VT: Ashgate, 2009), 331.

<sup>59</sup> John Witte, Jr., “A Demonstrative Theory of Natural Law: Johannes Althusius and the Rise of Calvinist Jurisprudence,” *Ecclesiastical Law Journal* 11 (2009): 248.

post-Maastricht European Union may have finally propelled Althusius from obscurity to the forefront of ... academic curiosity.<sup>60</sup>

Moreover, Althusius is sometimes acknowledged solely for his contributions as a secular political theorist, but Heinrich Janssen's work (as well as Witte's work) shows that his thought is built on a religious foundation, the Reformed tradition in particular.<sup>61</sup> As a commentator, Ralph Keen, points out: "Janssen helps to restore Althusius to the tradition of Reformed political theory."<sup>62</sup>

Althusius regarded "persons as creatures and image-bearers of God ... God created persons as rights holders, vested with natural sovereignty rooted in the supernatural sovereignty of God, whose image each person bears upon birth."<sup>63</sup> He emphasized the freedom of the body—free and immune from murder, assault, beating, whipping, wounds, punishment, mutilation, attack, and any other sort of abuse, punishment, imprisonment, or detainment. He defended the liberty of conscience and stood against the traditional practice of inflicting persecutions, pogroms, and inquisitions upon the religiously wayward. Such invasions of the soul and body were an offense against God. He also talked about the right to a family, the right to vote, the right to have his or her interests represented in and by the government, and a general right to fair treatment. Moreover, he stressed the importance of interpersonal obligations, including natural obligations such as those between parent and child, as well as contractual obligations. He believed that humans are social creatures, but structures of authority and obedience are "unnatural."

For Althusius, consent is the foundation of the community on various levels. For example, the "common right of the collegium or the colleagues ... is ... received and maintained by the common consent of the colleagues."<sup>64</sup> For the city, the "superior is either one or more per-

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<sup>60</sup> Thomas O. Hueglin, *Early Modern Concepts for a Late Modern World: Althusius on Community and Federalism* (Waterloo, Canada: Wilfrid Laurier University Press, 1999), vii.

<sup>61</sup> Heinrich Janssen, *Die Bibel als Grundlage der Politischen Theorie des Johannes Althusius* [The Bible as the Basis of the Political Theory of Johannes Althusius] (New York: Peter Lang, 1992).

<sup>62</sup> Ralph Keen, "Review of Heinrich Janssen's *Die Bibel als Grundlage der Politischen Theorie des Johannes Althusius*," *The Sixteenth Century Journal: The Journal of Early Modern Studies* 25, no. 2 (1994): 466.

<sup>63</sup> Witte, *The Reformation of Rights*, 182.

<sup>64</sup> Althusius, *Politica*, 36–37.

sons who have received the prescribed power of governing by the consent of the community.”<sup>65</sup> We can go higher up to the level of province, which contains many villages and towns. The same principle applies here:

The power of deciding things that have been proposed by the head of the province is not in the control of any particular order ... but of all orders together ... one order without another cannot decide upon those things that pertain to all as a whole.<sup>66</sup>

If the head “treating his provincial subjects tyrannically or cruelly,” he should be “judged and punished.”<sup>67</sup> Even when we go to the highest level, the polity in the fullest sense, the “bond of this body and association is consensus, together with trust extended and accepted among the members of the commonwealth.”<sup>68</sup>

The people ... have the power of establishing this right of the realm and of binding themselves to it ... if this right is taken away, the entire symbiotic life perishes, or becomes a band of robbers and a gang of evil men, or disintegrates into many different realms or provinces.

So, the “right of sovereignty, does not belong to individual members, but all members joined together” through “common consent.”<sup>69</sup>

Daniel Lee also emphasizes the importance of this aspect of Althusius’ thought:

Althusius denies in the strongest terms possible that the discrete rights of sovereignty can be held by a prince or an aristocratic council ... sovereignty, by its very nature, can only and exclusively be held with a full right by the whole body of people who constitute to and form a state.<sup>70</sup>

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<sup>65</sup> Ibid., 41.

<sup>66</sup> Ibid., 64.

<sup>67</sup> Ibid., 65.

<sup>68</sup> Ibid., 67.

<sup>69</sup> Ibid., 70.

<sup>70</sup> Daniel Lee, *Popular Sovereignty in Early Modern Constitutional Thought* (Oxford: Oxford University Press, 2016), 233.

This view of sovereignty, of course, has significant implications for the “rights” of the ruler, and the way to deal with tyrants. For Althusius, “[t]yranny is the contrary of just and upright administration. By it the foundations and bonds of universal association are obstinately, persistently, and insanelly destroyed.”<sup>71</sup> In such a situation, the remedy is “resistance to and deposition of the tyrant ... when he is incurable,” people can “depose him and cast him out of their midst.”<sup>72</sup> In fact, when “his tyranny has been publicly acknowledged and is incurable: when he madly scorns all laws ... rages violently: and when there are no other remedies available,” the tyrant can “justly be killed.”<sup>73</sup>

“By the natural law all men are equal and subject to the jurisdiction of no one, unless they subject themselves to another’s authority by their own consent and voluntary act.”<sup>74</sup> “Every authority must rule ‘for the sake’ of his or her subjects—for the purpose of allowing them to seek their ultimate end of attaining a ‘holy, just, comfortable, and happy’ life.”<sup>75</sup> All these are pretty close to modern egalitarianism. Althusius talks about the “right to vote.”<sup>76</sup> For him, the “nature of democracy requires that there be liberty and equality of honors, which consists in these things: that the citizens alternately rule and obey, that there be equal rights for all.”<sup>77</sup>

Althusius’s insistence on preserving local political sovereignty, even while defending the rights and powers of a sovereign nation-state, was a critical argument in the defense of the Dutch constitutionalism of his day, and eventually in the development of the modern theory of political federalism.<sup>78</sup>

This point can be illustrated by two chapters on Althusius in *The Ashgate Research Companion to Federalism*.<sup>79</sup> Matthew McCulloch shows that, even in the contemporary world, Althusius still has some

<sup>71</sup> Althusius, *Politica*, 191.

<sup>72</sup> *Ibid.*, 193.

<sup>73</sup> *Ibid.*, 199.

<sup>74</sup> Witte, *The Reformation of Rights*, 183.

<sup>75</sup> *Ibid.*, 184.

<sup>76</sup> Althusius, *Politica*, 203.

<sup>77</sup> *Ibid.*, 206.

<sup>78</sup> Witte, *The Reformation of Rights*, 194.

<sup>79</sup> Bettina Koch, “Johannes Althusius: Between Secular Federalism and the Religious State,” in Ward and Ward, *The Ashgate Research Companion to Federalism*, 75–88; McCulloch, “Polyvalent Federalism.”

influence: in Yugoslavia, “Titoist federalism ... was influenced by the work of Johannes Althusius.”<sup>80</sup> Moreover, Thomas Hueglin points out that contemporary political problems are very complex, and some form of federalism may be needed as a solution. He believes that the model of American federalism may not be adequate, and harbors the hope that Althusius’ “political theory, based as it is on coordination rather than confrontation, might provide us with at least some elements for a truly federal theory of politics. In this sense, we may call him a modern federalist.”<sup>81</sup> Interestingly, Althusius’ consocial federalism in fact “outlines quite a number of principles and characteristics reflected nowadays in the political system of the European Union.”<sup>82</sup>

Althusius emphasized that God created all human beings as moral, loving, communicative, and social beings, whose lives are most completely fulfilled through rich symbiotic relationships. That is why they are inclined to form associations. Each of these associations, from the tiniest household to the vastest empire, is formed by a mutually consensual covenant sworn by all members of that association before each other and God. As shown above, free will and mutual consent are crucial for Althusius in the multi-levels of association in the society: the “consocial life of the members is established through a pact ... based on the consent of all.”<sup>83</sup> This vision established the importance of the right to free association and a structurally pluralistic civil society. Ralph Keen agrees that Althusius “put biblical material to use in support of the rights of the people.”<sup>84</sup> It is also arguable that Althusius has influenced “seventeenth-century defenders of the Reformed faith as ... John Milton, in his defense of religious toleration, freedom of expression, and popular sovereignty.”<sup>85</sup>

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<sup>80</sup> McCulloch, “Polyvalent Federalism,” 331.

<sup>81</sup> Thomas O. Hueglin, “Johannes Althusius: Medieval Constitutionalist or Modern Federalist?” *Publius* 9, no. 4 (1979): 41.

<sup>82</sup> Koch, “Johannes Althusius,” 75.

<sup>83</sup> *Ibid.*, 76.

<sup>84</sup> Keen, “Review of Heinrich Janssen’s *Die Bibel als Grundlage der Politischen Theorie des Johannes Althusius*,” 465.

<sup>85</sup> Hueglin, *Early Modern Concepts for a Late Modern World*, 16.



*John Milton and Calvinism's Influence on New England and America*

Douglas Kelly has told the story of how the Puritan struggle for religious toleration led to the significant expansion of political and religious liberty first in postrevolutionary England, and then in prerevolutionary America.<sup>86</sup> He points out that

the conviction of an enduring and divinely authored right of the people to resistance of civil or religious tyranny ... was crystallized for Americans in the previous two centuries of Puritan, Calvinist struggles. From this perspective, Calvinism bore some of its richest fruit in Scotland and later in the American republic, nurtured with a vital sap from Geneva, Huguenot France, and Puritan England.<sup>87</sup>

Among various Puritan thinkers, John Milton was one of the most notable ones.<sup>88</sup>

Milton developed the traditional Calvinist ideas on religious freedom at a new level. According to Witte, Milton defended religious liberties such as “liberty of conscience, freedom of religious exercise, worship, association, and publication, equality of multiple biblical faiths before the law, separation of church and state, and disestablishment of a national religion.”<sup>89</sup> Milton also defended civil liberties such as freedom of speech and the press, and rights to democratic elections. In his *Areopagitica*, Milton defends the liberty of uncensored printing. To censor is to “kill a good Book,” which is also to “kills reason it selfe, kills the image of God.”<sup>90</sup> Besides bringing no good, censorship also causes “manifest hurt” such as “the greatest discouragement and affront” to “learning and to learned men.” It also brings “the greatest

<sup>86</sup> Kelly, *The Emergence of Liberty in the Modern World*, chapters 4–5.

<sup>87</sup> *Ibid.*, 135.

<sup>88</sup> The political scientist, Robert Dahl, also recognizes the significance of the antimonarchical thought of the English Puritans and Levellers. Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989), 32.

<sup>89</sup> John Witte, Jr., “Rights and Liberties in Early Modern Protestantism: The Examples of Calvinism,” in *Christianity and Human Rights: An Introduction*, ed. John Witte, Jr. and Frank S. Alexander (Cambridge: Cambridge University Press, 2011), 151.

<sup>90</sup> John Milton, *Areopagitica and Other Political Writings of John Milton* (Indianapolis: Liberty Fund, 1999), 7.

displeasure and indignity to a free and knowing spirit.”<sup>91</sup> Censorship is also “an undervaluing and vilifying of the whole Nation.”<sup>92</sup> It is because for Milton, England should be a nation of a temperament that is “not slow and dull, but of a quick, ingenious, and piercing spirit.”<sup>93</sup> Moreover, it should also be a nation of “refuge ... liberty ... defence of beleaguer’d Truth ... assenting to the force of reason ... prone to seek after knowledge.”<sup>94</sup> But this process of seeking knowledge requires the tolerance of different opinions: “Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinions in good men is but knowledge in the making.”<sup>95</sup>

“Truth and understanding are not such wares to be monopoliz’d.”<sup>96</sup> Milton emphasizes the importance of independent thinking:

[O]ur faith and knowledge [thrive] by exercise.... Truth is compar’d in Scripture to a streaming fountain; if the waters flow not in a perpetual progression, they sick’n into a muddy pool of conformity and tradition. A man may be a heretick in the truth; and if he believes things only because his pastor says so, or the Assembly so determines, without knowing other reason, though his belief be true, yet the very truth he holds, becomes his heresie.<sup>97</sup>

He warned about disasters happening in other countries which show that “this kind of inquisition tyrannizes,” such as Galileo, who became a “prisner to the Inquisition, for thinking in Astronomy otherwise than the Franciscan and Dominican licencers thought.”<sup>98</sup>

Milton’s Christian Republicanism was also influential. In 1648, he wrote “The Tenure of Kings and Magistrates” to defend the justice of opposing or even killing King Charles. This is regarded as the “most authoritative and powerful version of the parliamentary argument of the Civil War era.”<sup>99</sup> For him, “the Sword of Justice is above” the

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<sup>91</sup> Ibid., 26–27.

<sup>92</sup> Ibid., 29.

<sup>93</sup> Ibid., 39.

<sup>94</sup> Ibid., 40–41.

<sup>95</sup> Ibid., 41.

<sup>96</sup> Ibid., 30.

<sup>97</sup> Ibid., 34.

<sup>98</sup> Ibid., 31–32.

<sup>99</sup> Michael P. Zuckert, *Natural Rights and the New Republicanism* (Princeton, NJ: Princeton University Press, 1994), 78.

King or Tyrant” because “turning to Tyranny they may be as lawfully depos’d and punish’d, as they were at first elected.”<sup>100</sup> The foundation of this is Milton’s theological anthropology: “all men naturally were borne free, being the image and resemblance of God himself, and were by privilege above all the creatures, born to command and not to obey.”<sup>101</sup> However, due to the Fall, human beings need rulers, who may “for a while govern’d well: till the temptation of such a power left absolute in thir hands, perverted them at length to injustice.”<sup>102</sup> This sounds very similar to the famous aphorism: “Power corrupts. Absolute power corrupts absolutely.” But the rulers are only people’s “Deputies” who rule in virtue of people’s “intrusted power.”<sup>103</sup>

[The] power of Kings and Magistrates is nothing else, but what is only derivative, transferr’d and committed to them in trust from the People. To the Common good of them all, in whom the power yet remains fundamentally, and cannot be tak’n from them, without a violation of thir natural birthright.<sup>104</sup>

Based on this conception of popular sovereignty, Milton fought for a Free Commonwealth all his life. For him, the “whole freedom of man consists either in spiritual or civil libertie.... This liberty of conscience which above all other things ought to be to all men dearest.”<sup>105</sup> “The other part of our freedom consists in the civil rights and advancements of every person according to his merit.”<sup>106</sup> These are by now familiar ideas of human rights and equality of opportunity.

Witte argues that Milton’s thoughts had influences on Calvinists on both sides of the Atlantic.<sup>107</sup> His thoughts came into Puritan Massachusetts and other New England colonies after their first settlement in 1620 and later. For example, Witte writes:

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<sup>100</sup> Milton, *Areopagitica and Other Political Writings of John Milton*, 58.

<sup>101</sup> *Ibid.*, 58.

<sup>102</sup> *Ibid.*, 59.

<sup>103</sup> *Ibid.*, 59.

<sup>104</sup> *Ibid.*, 60.

<sup>105</sup> *Ibid.*, 439.

<sup>106</sup> *Ibid.*, 441.

<sup>107</sup> Witte, “Rights and Liberties in Early Modern Protestantism,” 151–52; Witte, *The Reformation of Rights*, 277–320.

In his famous *Body of Liberties* (1641), Calvinist jurist and theologian Nathaniel Ward set forth a twenty-five-page bill of rights for the colony of Massachusetts Bay, which captured every one of the rights and liberties proposed by Calvin, Beza, Althusius, Milton, and the Puritan pamphleteers, and added many more rights and liberties besides, particularly in protection of women, children, and animals. The *Body of Liberties* was an anchor text for New England colonial constitutionalism and anticipated many of the rights provisions of the later American state constitutions. While these legal instruments were often breached and ignored by autocratic and theocratic colonial leaders, they provided an essential legal substratum of rights that has proved enduring. Many of these early rights provisions found their way into the laws of other American colonies and figure prominently in the new American state constitutions forged after 1776, alongside more overtly Enlightenment views.<sup>108</sup>

Besides, Witte also argues that the *Virginal Declaration of Rights*, which was written in 1776, is influenced by the ideas of Milton and Calvinists, especially Articles 1, 15, and 16 on freedom of religion, freedom of speech, and democratic rights.<sup>109</sup> Witte also discusses how John Adams wrote the traditional morality of the social covenant into the Massachusetts Constitution, which was written in 1780.<sup>110</sup> All of these show how ideas from Calvinists affected Puritans and Americans in the development of the United States. As Witte writes, “[t]hey translated the Puritans’ insistence on spiritual rebirth and reformation into a general call for ‘moral reformation’ and ‘republican regeneration.’”<sup>111</sup>

### *Summary of the Contributions of the Reformed Tradition*

One of the most important Protestant contributions is the effort to “re-define the nature and authority of the family, the church, and the state vis-à-vis each other and their constituents ... as fundamental orders of creation, equal before God and each other, and vested with certain nat-

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<sup>108</sup> Witte, “Rights and Liberties in Early Modern Protestantism,” 152.

<sup>109</sup> *Ibid.*, 152–53.

<sup>110</sup> Witte, *The Reformation of Rights*, 301–18; Witte, “Rights and Liberties in Early Modern Protestantism,” 153.

<sup>111</sup> Witte, *The Reformation of Rights*, 318.

ural duties and qualities that the other authorities could not trespass.”<sup>112</sup> This paves the way for the basic structure of modern society.

[By] grounding rights in the duties of the Decalogue and other biblical moral teachings ... the Reformers cast the person’s duties toward God as a set of rights that others could not obstruct.... On this common Protestant foundation, Calvinist developed a whole series of distinctive rights contributions that featured their doctrinal accents on the covenant, the three uses of the law, total depravity, the priesthood, prophethood, and kingship of all believers.<sup>113</sup>

These explain why modern consciousness regards human rights as universal and inalienable, and these concepts are largely absent in other civilizations.

In terms of actual contributions to the historical rise of countries that treat human rights as a foundation, there is also much to be said for the Reformed tradition. First,

every one of the guarantees in the 1791 Bill of Rights had already been formulated in the prior two centuries—by Calvinist theologians and jurists.... Some of these rights were already formulated by Theodore Beza ... Johannes Althusius ... John Milton and the English Puritans ... a number of the core ideas of American constitutionalism—popular sovereignty, federalism, separation of powers, checks and balances, church and state, and more—were also quite fully formulated by Calvinists in the prior two centuries.<sup>114</sup>

Daniel Elazar also argues that there is a “connection between that tradition [American tradition of federalism] and the Jewish tradition through the Reformation Puritans and other Reformed Protestants who pioneered the colonies in the New World that became the United States of America in due course.”<sup>115</sup> The key thread in all of these is the federal theology of the Reformed tradition, first formulated by Heinrich Bullinger.

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<sup>112</sup> Witte, *The Reformation of Rights*, 28.

<sup>113</sup> *Ibid.*, 29.

<sup>114</sup> *Ibid.*, 31.

<sup>115</sup> Daniel J. Elazar and John Kincaid, eds., *The Covenant Connection: From Federal Theology to Modern Federalism* (Lanham, MD: Lexington Books, 2000), x.

The thrust of that thought was to advance the cause of republicanism in opposition to absolutism. While the republicanism involved was more oligarchical than democratic, it still laid down an anti-absolutist doctrine based on principles that ultimately led to federal democracy.<sup>116</sup>

Elazar and Kincaid's edited volume, *The Covenant Connection*, contains many articles that substantiate the above story.

Moreover, early modern Calvinists had engaged in the struggle against tyrants in a quest for rights of life, liberty, property, rights of a democratic election, rights to political dissent and civil resistance, freedoms of religion, speech, the press, and so on. It is quite astounding to observe that the sphere of such Calvinist influences includes Geneva, Scotland, Holland, England, and America. As Kelly sums up, "By the late eighteenth century, Calvinism had exercised pervasive influence on civil polities throughout much of the Western world."<sup>117</sup> This conclusion comes at the end of a book-length survey of Calvinist influences on Geneva, Huguenot France, Knox's Scotland, Puritan England, and Colonial America.<sup>118</sup> In many ways, Witte's account and Kelly's account mutually corroborate and are supplementary to one another. Moreover, on many points, their accounts are also corroborated by Quentin Skinner's *The Foundations of Modern Political Thought* (1978).

#### REFLECTION ON REFORMED TRADITION AND THE DEVELOPMENT OF HUMAN RIGHTS

We have argued that the Christian tradition in general, and the Reformed tradition in particular, are coherent with the doctrine of human rights. We do not argue in this paper that other interpretations of human rights are unjustified but only that a Christian interpretation is at least as justified as, if not superior to, secularist accounts of human

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<sup>116</sup> Ibid., xiii.

<sup>117</sup> Kelly, *The Emergence of Liberty in the Modern World*, 142.

<sup>118</sup> For the influence of the Reformed tradition on Canada, see Elazar and Kincaid, *The Covenant Connection*, chapter 13.

rights. We now explore the implications of this view for the development of human rights.

First, we should guard against the absolutization of the human rights discourse. Michael Ignatieff, the Director of the Carr Center for Human Rights Policy at Harvard University, agrees,

Human rights is misunderstood ... if it is seen as a “secular religion.” It is not a creed; it is not a metaphysics. To make it so is to turn it into a species of idolatry: humanism worshiping itself. Elevating the moral and metaphysical claims made on behalf of human rights may be intended to increase its universal appeal. In fact, it has the opposite effect, raising doubts among religious and non-Western groups who do not happen to be in need of Western secular creeds.<sup>119</sup>

Since even a secular advocate of human rights like Ignatieff warns us of the danger of human rights as idolatry, how much more should Christian theologians seek to elucidate human rights truly from their faith perspective and to provide a critique of the one-sidedness of some formulations of human rights?

However, we need to clarify that although we eschew the search for a common philosophical justification of human rights, we do want to emphasize that some degree of practical consensus on some items of human rights is possible and desirable. If we remain on a minimal list of practical principles such as the prohibition of torture or the protection of the freedom of speech, both secular and religious people may achieve a practical consensus to some extent.

I think the major differences between a typical secularist account of human rights and a Christian account are threefold:

1. The scope of application of human rights: Of course, human rights should apply to all humans but the boundary between humans and non-humans is not entirely clear. Some secularist accounts have a more restrictive application—they think a fetus is not fully human, and hence does not strictly speaking possess human rights, while most Christian views believe just the opposite. In other cases, a secularist view may want to extend the scope of application of human rights to some higher animals like the chimpanzee, while Christian views mostly resist this move.

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<sup>119</sup> Michael Ignatieff, *Human Rights as Politics and Idolatry* (New Jersey: Princeton University Press, 2001), 53.

2. The range of human rights: in the past decades, we have seen the proliferation of human rights, and secularists usually regard abortion, gay marriage, or the choice of gender as human rights, but traditional Christian views typically reject these claims. While Christians incline to the direction of minimalism, many liberals want to extend the range of human rights to areas of sexuality and lifestyles (for example, consumption of drugs).
3. The strength of human rights relative to the common good: the tension between human rights and the common good is readily seen in many social debates. How should this tension be resolved? Secularists tend to elevate human rights to the status of “trump cards” (Dworkin) which can easily override the concern for the common good. Christians in general are more supportive of the communitarian idea of seeking a balance between human rights and the common good.

Of course, the above picture is a simplification of the complex reality, but space does not permit detailed discussions of every position on the spectrum.

## CONCLUSION

Let us return to the original question: “Reformation and Human Rights: Friends or Foes?” Our answer is “Both friends and foes.” In so far as we are talking about the core idea of human rights, Reformation and Human Rights can be friends. In so far as we are talking about the extremely individualistic, unsanctifying, or thoroughly naturalistic interpretations of human rights, they may become enemies (unless full-scale revisionism of the traditional faith is adopted).

Although theologians like to talk about a dialogue between human rights and the Christian faith, in many cases, the current understanding of human rights sets the agenda for the theologians rather than the other way round. As Edward Norman points out, the “adoption by the Church leadership, in each successive generation, of the moral and political idealism of the surrounding secular culture” is not uncommon, and there is the danger of adjusting “traditional understandings of religious doctrine to represent the canons of contemporary moral seriousness as exactly embodying the spirit of the Gospels.” By embracing the human rights movement, many people have identified the aims of the



Church with the goals of western liberalism—“whose transient moral enthusiasms are, in characteristic bourgeois manner, represented as eternal verities. The aims of Human Rights campaigns are being given the authority of laws of God.”<sup>120</sup> The point here is that we should not idolize human rights. Even if some progressivist views are correct and some conservative Christian ideas have to be abandoned, we still need to adopt a critical attitude here by carefully considering all the arguments pro and con before making this judgment.

Therefore, we need to be cautious about an uncritical and blanket taking on board the *prevailing ideology* of human rights. First, there are different and often contradictory formulations of human rights, and proponents of human rights do not speak in one voice. There are also different philosophies of human rights. Some formulations or philosophies of human rights may be more consonant with the Christian faith than others. For example, the current formulations are heavily influenced by liberal humanism, which may lead to an undue emphasis on individual rights. Second, some rights considered on their own may be legitimate, but their absolutization may lead to abuses and false representations of reality.

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<sup>120</sup> Edward R. Norman, *Christianity and the World Order* (Oxford: Oxford University Press, 1979), 33.

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