# REVIEWS

## A Foundation for Rights

*By* RENE DE VISME WILLIAMSON

*Imputed Rights: An Essay in Christian Social Theory.* By Robert V. Andelson. With a foreword by Russell Kirk. Athens, Ga.: Univ. of Georgia Press, 1971, 153 pp., index, $6.

I

ANDELSON'S BOOK is a challenging and courageous attempt to lay an adequate foundation for rights. Except for a short Prolegomena, the book is divided into two distinct parts of approximately equal length: Part I which undertakes to give rights their foundation in Christian theology, and Part II which undertakes to apply the criteria developed in Part I to specific problems in economics, politics, and sociology.

The Prolegomena begins by stressing the need for a theoretical framework for rights, a need which concerns—or should concern—activists on both the Right and the Left.

He examines briefly and rejects as erroneous two points of view: the radical humanist because it makes freedom the end of human life, and the utilitarian because it excludes the qualitative from life and results in "sheer majoritarianism."

Having thus cleared the deck, so to speak, he makes his own position very clear at the outset: "My approach assumes quite frankly a theological frame of reference. It will not convince, nor was it intended to convince, positivists or humanists; it was undertaken to provide serious Christians with a doctrine of rights rigorously in keeping with the theocentric basis of their piety" (p. 3). The theology which guides him is that of the Reformation, with emphasis on Calvin.

Andelson asserts that all rights presuppose a value and are therefore functional. Any value, however, will not do. To be adequate, it has to be ultimate and absolute. The fashionable belief that self-realization is the end to be sought is a false one and therefore unacceptable as a foundation for rights. "For self-realization theories are inherently idolatrous and self-defeating" (p. 12). Freedom is another value which is false and unacceptable: "Freedom, however precious, cannot be itself the end of human life. It remains empty and ultimately meaningless unless harnessed to the service of some further purpose" (p. 5).

For Andelson, God is the source of all value, and human rights are rooted in divine grace, a free gift arising from God's love for the undeserving. Not self-realization or freedom, but, in the words of the Westminster Shorter Catechism which Andelson endorses, "The chief end of man is to glorify God and to enjoy him forever." The redemptive power of divine grace is mediated through the Atonement. It follows, therefore, that the Atonement is the heart and core of Andelson's doctrine of rights. The effect of divine grace thus mediated is to supply *the* adequate foundation for rights and, also, to assign freedom to its proper place as a right which is valuable but neither ultimate nor absolute. Freedom is a necessary right if man is to pursue his chief end of glorifying God and enjoying Him forever. Robots and computers can neither glorify God nor enjoy Him. Only human beings can do so, provided they are free. Freedom is thus not an end but only one of the means to its end, and it is the duty of government to protect and promote freedom in order that the end be fulfilled.

Andelson's doctrinal position rules out natural law as a source of human rights: "Rights are not the simple patrimony of the human race but are instead concomitants to duties owed to God. They cannot be derived directly from natural law, for natural law was broken with the Fall of Man. Their title must be sought rather in the order of grace, wherein the law of nature is regenerated and restored" (p. 8). Andelson quite logically rejects the Jeffersonian idea that all men are endowed with certain unalienable rights and, in doing so, would appear to part company with the liberal tradition. It is the Reformation, not the French Revolution, which is Andelson's spiritual and ideological home.

II

DERIVING HUMAN RIGHTS from the Atonement, as Andelson does, necessarily raises the question as to whether non-believers have rights too. Do the Shintoists of Japan, the Buddhists of Burma, and the Moslems of Egypt have any rights? Do atheists and agnostics have rights? It is to the credit of the author that he faces this problem. Here is his answer in his own words: "My answer is that whereas, strictly speaking, only the elect may be said to possess rights 'de jure' (because only they have been rendered potentially capable of realizing the end for which they were created), rights accrue 'de facto' also to the non-elect. This is because there is no absolute, objective human means of determining who are elect and who are not" (p. 64).

Although Andelson's answer is clear, the reason he gives for it is weak. He might have made his case stronger by pointing out that Christ's sacrifice on the Cross was not accomplished for his disciples alone but for all mankind. Even so, it is hard to see how this sacrifice could be *effectual* for those who have never heard of Christ or who have heard but nevertheless reject him. Andelson's imputed rights whereby the undeserving are imputed with the righteousness of Christ are not made to depend on merit since all men do not possess it but on belief which only some men possess.

It is surprising that Andelson does not make use of Calvin's concept of common grace whereby, though men cannot be saved by it in the theological sense, they can be assured of a reasonably civilized existence. To use this concept, however, would have destroyed Andelson's thesis which centers on the Atonement as the only source of human rights. It may well be that this reticence is actually an unconscious realization that the Atonement is not the best concept on which to anchor human rights. After all, the Atonement is concerned primarily with the salvation of souls and the inheritance of eternal life. It does affect the civil order, but only indirectly. Calvin's doctrine of the sovereignty of God would have better served the author's purpose of finding a Christian foundation for human rights.

III

BEING A CALVINIST myself, I am of course deeply sympathetic with Part I of Andelson's book. One can only admire his profound understanding of Scripture and be impressed with his obvious mastery of the works of past and contemporary Christian theologians. Also admirable is his literary style which is clear, luminous, elegant, colorful, and forceful. Literary excellence is a rare virtue among scholars who write on subjects of this kind.

Part II of Andelson's book is entitled "The Community of Covenant" and deals with a multitude of specific problems. To the reader whose theological views are close to the author's and who is under the spell of Part I, Part II comes as a surprise, not to say as a distinct shock. Does the Christian faith really require that the Christian endorse such things as the market economy, the labor theory of value, the yellow dog contract, absolute laissez-faire in foreign commerce except on grounds of national defense, right to work laws, an army of volunteers instead of draftees, and the abandonment of public education? Andelson says it does, but many are those who will vehemently disagree with him.

The trouble has to do with the inadequacy of Andelson's handling of the question as to whether non-Christians have rights. In Part II it reappears under the concept of Covenant, a word not used in Part I. The

concept of Covenant is, of course, a scriptural one. The people of Israel made a Covenant with God: "All that the Lord hath spoken we will do. And Moses returned the words of the people unto the Lord." There was no universalism here. Only those who recognized the sovereignty of God and promised to obey His commandments were parties to the Covenant. The Gentiles were not a party to it, and only those Gentiles were later included who accepted Jesus Christ as Lord.

Andelson's idea of the Covenant is quite different. He defines it thus: "The bond of the covenant community is reciprocal freedom, the primal right of which all others are particularizations. The covenant embraces all who claim this right and accept its concomitant responsibilities, regardless of whether their motives be humanistic, utilitarian, or theocentric" (p. 123). The central and key idea in this "covenant" is that of reciprocal freedom, not the sovereignty of God or an understaking to obey God's law.

IV

THE PROPER CONCEPT to characterize Andelson's community is not the Covenant but the Social Contract. As was the case with Locke and Rousseau, freedom is the central idea which is not less central because it is reciprocal: "The only legitimate goal of any nation as a political unit is that of insuring the reciprocal freedom of its citizens to pursue goals of their own choosing" (p. 82). Having rejected freedom as the ultimate end of life in Part I, he re-introduces it in practice in Part II. I say "in practice" because, in evaluating all concrete problems, reciprocal freedom is the sole criterion.

It is curious, considering that the author detests Rousseau, how Rousseauistic his thinking is at many points. The idea of freedom is acceptable as a criterion so long as it is reciprocal, and Rousseau says that what makes obligations acceptable is that they are mutual. Rousseau says that citizens may have to be forced to be free, and Andelson echoes this thought (after specifically rejecting it in Part II by saying that "the one rule which admits of no exception, regardless of the suffering its application may create in any given case: *the framework must be fostered at all costs*" (p. 72; italics are the author's). Rousseau has a horror of personal dependence. So does Andelson: "Nothing is more depersonalizing than to be subject to persons rather than to laws" (p. 73).

The parallels drawn here are not intended to suggest that Andelson is a disciple of Rousseau, for there are some fundamental differences between them. The parallels are drawn to highlight one of the major problems—if not *the* major problem—confronting conservative thought today. For

there is no doubt that most readers would classify Andelson as a conservative even without the endorsement by Russell Kirk in the foreword. Conservatives in earlier times, such as Metternich and Bismarck, assigned a low priority to freedom because the French Revolution was strongly individualistic and treated freedom as an ultimate. Correspondingly, they assigned a high priority to community, order, and governmental power. In recent times, however, conservatives have been troubled by the evils of big government bureaucracies with all the routinization of life, the smothering of individuality, the diminution of the private sector of life, and the oppressive domination associated with such bureaucracies. Conservatives have seen how dreadfully far these evils can go in the fascist and communist regimes. The result has been a re-discovery of freedom as an important value in life. Can conservatives upgrade freedom without returning to the false individualism and excessive libertarianism of Locke, Rousseau, John Stuart Mill, and Herbert Spencer? Can conservatives retain their respect for community and order, and their belief in government as a positive force for attaining the good life without becoming the victims of collectivism? These are the problems with which Andelson wrestles.

All in all, his book is a great one. Part I alone would justify its publication and is an outstanding service to the reading public. Part II, while not beyond much criticism, is a significant contribution to one of the greatest problems of our generation. To have written and published this book is an act of indisputable courage. Andelson has gone where some of the ablest Christian scholars, like the theologian Reinhold Niebuhr, and the political scientist John Hallowell, feared to tread. While others explained why the Christian religion is and should be relevant to political life and demolished much thinking that is incompatible with Christianity, Andelson has undertaken the much more difficult task of grappling with *specifics* and offering *positive* solutions.

Andelson is courageous in another respect. His book will not please the American academic establishment which is dominated by positivists, relativists, behaviorists, and secular humanists. It will win him few friends and many enemies. Many doors will be closed to him. Let us hope that it will have the impact in the future that it deserves in the present.

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