

What's Wrong With Human Rights

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I. Because of Unbelief

Since President Carter has injected something called “human rights” into diplomacy, it might be in order to take a close look at what he is talking about.

“Human rights” has been around for a long time as a doctrine. It was accepted apparently without much question in America in 1776, in France in 1791, and probably a long time before that in the general atmosphere of the Enlightenment.

Men seem to have known what they meant by it because it inspired prolonged outbursts of revolutionary energy time and again in many parts of Christendom.

A Declaration on Human Rights was even adopted by the United Nations organization in 1948, although that declaration has faded into relative oblivion.

Undoubtedly President Carter knows what he means by human rights and, since even his strongest critics have not bothered to ask what he means, we may suppose the rest of us think we know too.

But if the foreign policy of the United States is to be hitched to it, shouldn't we *know* we know what it is?

Anyone who takes the trouble to look into the matter will find some difficulty. I have not been able to find in usually

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available big city library resources even a record of the famed "Rights of Man" declared by the French revolutionists. It gets short shrift in the *Encyclopedia Britannica* and others.

Determined pursuit reveals a vague and confused history.

It is easy, of course, to get a copy of the first ten amendments to the Constitution of the United States, which are linked to the Rights of Men by the popular title, Bill of Rights. But this is small help in ferreting out universal principles of human rights, simply because it is patently a statement of sovereign powers of states withheld from the federal authority of the Union. It should be called the Bill of States' Rights since it most certainly is not a declaration of human rights.

It is far more instructive to go back to the Virginia Declaration of Rights, drawn originally by George Mason and then adopted unanimously by the Convention of Delegates at the Capitol in Williamsburg on June 12, 1776. Since this concerns a sovereign government and its subjects, not a federation and its federating sovereignties, it may be expected to deal with really properly-called rights.

Moreover, this Virginia declaration seems to tower above all other attempts at specific statement of universal principles, since it was the first such statement with official sovereign endorsement and admittedly served as both a model and an inspiration for all later proclamations.

There are two characteristics that stand out in the Virginia declaration: first, there is the underlying metaphysic which is clearly set forth; and secondly, there are the particular applications of the metaphysic to those partisan, local and class interests of the time and place.

It quickly appears that the second characteristic is a blind alley in the search for principles. The particulars are often inconsistent, seldom thorough-going, and always reflect the

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superficial political controversies of the time. Typical is the case of universal suffrage which is offered in Virginia only to “men, having sufficient evidence of permanent common interest with, and attachment to, the community;” i.e. those whom the representative assembly shall deem qualified. While stated as principle, it is not extended in fact — not even in modern times with universal female suffrage. Children are still excluded.

It may be possible to trace through the history of practical applications and find universal principles, or at least a consistent drive along certain lines, that are commonly called progress.

But it is probably far more revealing simply to accept the statement of metaphysic as it appears in the Virginia Declaration of Rights and then see how this is historically used to fit the various exigencies of times and occasions as an axe or a hammer to break down the walls of whatever particular society is being attacked.

Using the Virginia declaration as the standard expression of the human rights idea does not automatically impugn either the Christianity of colonial Virginians generally or of those political leaders who were directly responsible. It is well known that the whole of colonial America was overwhelmingly oriented toward vigorous Christianity, and most historians recognize that this prevalence of religion was the dominant force in society both before and after the War for Independence. James Madison, for example, who worked long and hard for disestablishment of the Church, argued his case on religious grounds.

If Christian sentiment was as strong as is generally admitted and as such contemporaneous writers as France's Alexis de Tocqueville and the Presbyterian divine Ashbel Green said

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it was, it may well be asked why the upholding of the Christian faith was not made a part of the American Constitution. The answer must in part be that the Christians themselves were averse to anything which made religion a state establishment. John Witherspoon and all the Presbyterian leaders, far from wanting a connection established between their church and temporal government, considered such a connection a "calamity and a curse." But at the same time, the knowledge of God revealed in Scripture was so commonly diffused, and Washington's dictum that religion is a pillar of society was so commonly believed, that it was probably not anticipated by Christians of the Revolutionary era that the Constitution might be made to operate on the human rights principle without any recognition of God.

Yet again it is notoriously the case that few who take a wrong turn in the path of life anticipate the misery that they will come to further along. The direction taken by the Virginia declaration has no other way to go but toward, at the very least, holding God to have no place in temporal government. The analysis agrees in toto with that of Groen van Prinsterer, nineteenth century Dutch thinker now being republished. He finds the cause of revolution to be unbelief: "I should therefore like to let you see that as a matter of simple logic atheism in religion and radicalism in politics are not only the exaggeration, misuse or distortion, but that they are in fact the consistent and faithful application of a principle which sets aside the God of Revelation in favour of the supremacy of reason. I should like you to see, in addition, that because this principle contradicts the very essence and immutable order of things, it is possible to predict, even without the light of history, the drift of events and the metamorphosis of the principle as it has continued to reassert itself." I would amend this so as to

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say simply, “the principle which sets aside the God of Revelation” for any vain notion or imagined substitute.

The Virginians need not have anticipated this logical development and probably never thought of themselves as leaving the “Rock” of belief.

In fact, it will be shown later on that insofar as human rights as set forth in the Virginia declaration are made specific, they are in fact a kind of back-handed statement of benefits of the common law which Christians enjoy. It was easy to confuse logical origins. The common law punishes any dishonest violation of each man’s person or his goods and so it is easy to understand a condition in which each may be said to enjoy the “right to life, liberty and property.”

Nevertheless, colonial Virginians did know they were doing something different. They were introducing a change, and a radical one. The whole Christian world understood the boldness and daring of setting up any kind of temporal government which not only had no direct connection with the Church but also made no recognition of the role of God in government. The Westminster Confession of Faith on this point had to undergo a revision in the Presbyterian Church in America. Attribution of “inalienable rights” to the endowment of the Creator is not an idea that can be drawn from Scripture or from Christian doctrine, but is a pietism tacked on to the root idea of a state of nature which is postulated as being without law or dependence on God.

The purpose of the argument here is to show what the human rights mystique is in the plain sense of the words in which it is set forth in their context. Modern man can go astray too, and for the same reasons. The thesis here is not an attempt to trace the origins of modern nonsense and revolutionism through some imagined historical evolutionary

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process, but rather to put the finger on the root idea which makes the mischief in every age. There undoubtedly can be shown a process of dissolution and decay of public Christian values, but this is relatively unimportant to the argument. The progress of a deadly disease does not reveal its cause or even whether the cause can be remedied. But in this case at least, the exposure of the deadliness of the notion that there exists any area at all in life which operates on a natural law accessible to the mind of man without reference to a personal God has a bearing on immediate concerns.

The Christian metaphysic of society should be stated succinctly and clearly first, because the human rights metaphysic arises *in* Christendom and is understandable only as a repudiation *of* Christendom.

Christianity begins with the firm conviction that all things in heaven and earth, visible and invisible, were created out of nothing. This means there is a Creator who is Uncreated Being and is that than which nothing higher can be imagined, namely God.

Therefore, all power and all authority is of God.

Further, the doctrine of Creation implies God's providence or personal government and rule over all that he has made, since its very existence is derived from him and all would fall back into the nothing from which it came without his everlasting providential power.

All the rest of the Christian doctrine of law and government and of human order is derived from and must be consistent with this one fundamental truth of Creation. It presupposes harmony and not "nature red in tooth and claw;" the nature of man as a dependent being; the familial structure of all that can be called order; and the very concept of law and justice.

It is in light of the doctrine of Creation that the "human

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rights” metaphysic is made clear as a subtle repudiation of it, at least of its implications.

It is stated simply and clearly in the first paragraph of the Virginia declaration:

“That all Men are by Nature equally free and independent, and have certain inherent Rights, of which, when they enter into a State of Society, they cannot, by any Compact, deprive or divest their posterity; namely, the Enjoyment of Life and Liberty, with the Means of acquiring and possessing Property, and pursuing and obtaining Happiness and Safety.”

The definitive proposition is that all men are what they are said to be as regards their rights “by Nature.” Granting that it is possible to read into the statement that this nature is created, the silence about God the Creator adds great weight to the importance of what that nature is rather than where it came from. But actually what it is in terms of the present consideration is determined by its origin. To be created means to be dependent. That man is a dependent being is axiomatic among Pagan as well as Christian thinkers of old. His dependence is seen not only because of the Christian belief about origins but simply as an observation of fact. It is also commonly stated as axiomatic that man is a “social being” — that is, he can exist only in community with other human beings.

Granting further that the statement “equally free and independent” can bear the added interpretation that men are so only to the same degree and the words do not necessarily mean “absolutely free and independent,” if they do not mean absolutely, then they are false because the proposition becomes self-contradicting and equal limitations are placed on all. The true sense of the words is undoubtedly meant and understood to be that it is the nature of human beings to exist

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without law or society so that each individual may be said to have no restraints and be in a state of absolute independence. This natural state is held to be understandable without any reference to a personal Creator God. The very omission of any mention of him is the error of unbelief which falsifies all the rest that is said about human life.

The true force of this proposition was widely and clearly understood. It was simply that law and government are not natural to man; that man wittingly at some point entered into a state of society of his own making; that human law and government are contrary to nature; and that, finally and most importantly, law and government are human inventions. What man gave, man can alter or take away. Many Christian people found this notion acceptable if they explained law and government as having been made necessary by Adam's fall. That Scripture will not support such a notion did not deter those who wanted to believe it. That such is the correct understanding of what the Virginians and others of their day had in mind is seen in succeeding paragraphs of the declaration.

The second paragraph says, "That all power is vested in, and consequently derived from the People; that Magistrates are their Trustees and Servants, and at all Times amenable to them." The meaning could not be more clear, nor more opposite Biblical thought. The ruling proposition of Scripture and Christian doctrine is that "power belongeth unto God." (Psalm 62:11); or "There is no power but of God: the powers that be are of God." (Romans 13:1). Magistrates are not trustees and servants of the people, but ministers of God for wrath. (Romans 13:4).

The conclusion that mankind having given government may also take it away is made explicit in the third paragraph: "Whenever any government that be found inadequate or con-

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trary to these Purposes, a Majority of the Community hath an indubitable, unalienable, and indefeasible Right, to reform, alter, or abolish it...”

This is the heart of the matter. It is the explosive ground of revolution in all its forms. The attribution of power to “reform, alter or abolish” any government to a “Majority of the Community” only gives assent to Rousseau’s lame attempt to shore up his social contract theory by postulating such a thing as the “general will,” which in turn could be determinable only by majority vote. However, this simply means law and government are no more than what the strongest force in the community can make it at any given time. That this is almost word for word the analysis of law given by Chief Justice Oliver Wendell Holmes of the United States Supreme Court is not unrelated. However stated, it makes some men the manipulators of other men, and that validated by no more than who can get away with the most. It is the imaginary law of the jungle, giving rise to the abominable dogma of “survival of the fittest” and the warrant for every political upheaval that may be engineered. Law and government are play-things for man, and what “human rights” always boils down to in practical analysis is the defense of any and all political upheavals simply because they are political.

Freedom of speech and freedom of press are, in fact, applied seriously only to giving government protection to instigators of riot and rebellion, as well as those who would undermine human order by more subtle attacks on morals and customs. When Mr. Carter advises the Kremlin he wants them to respect human rights, he cannot possibly mean the right to own property, since this is expressly repudiated by the very doctrine that makes Communism what it is. Since no one has yet been able to explain what “liberty” is without

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reference to the Creator God, it follows that Mr. Carter has no concrete notions about that either. But what he means is clear as a bell: he means he wants Russians to be allowed to criticize their government to any degree without going to jail for what they say or do. Further, he wants those who are in jail for subversion or political offenses to be set loose. How far he wants to go with this right to revolution no one can tell, but this is without doubt what he is advocating.

II. Lawful and Right

The dream that mankind might become its own lawmaker, of course, is not new. Adam's sin was precisely that he undertook to live by such a system (the fruit of the tree of the knowledge of good and evil, "knowledge" meaning also control or determination). We can only dimly imagine the extent of the catastrophe that followed immediately upon the whole earth; but we do know that the end of Adam's scheme was death. And we also know that God overrode Adam, instituted restrictive decrees to curb his drive back toward the nothing from which he came, and held out the promise of redemption through the "seed of the woman." In short, God, through law and justice, prevailed and God was not thwarted in his purpose for human destiny.

It is the fantasy suggested to Adam by the spirit of rebellion that man, by acting as his own prime lawgiver without reference to a personal God, could thereby "be as gods, determining good and evil," it is this fantasy, I say, that fires the ambitions of those who are caught up in "human rights" and focuses their energies on revolution.

At this point it may be well to recapitulate the argument by which I have sought to explain the metaphysic of the "human

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rights” doctrine. First, there can be no such thing as law without a lawgiver. Secondly, by renouncing God the Creator of heaven and earth as lawgiver, there remains only man himself. The source of law, then, must be found in man.

So far, so good. But mankind is complete in each individual, male or female. The only true sense in which there can be any such thing as an “equality of man” is in that all are equally human. I would suppose this axiom would extend even to an idiot or a mongoloid: despite the manifest imperfections in nature, still such individuals are human. But this is no more than a typical “classification” of living creatures such as was made by Adam when he named them all. All sheep are equally sheep, too.

This brings us to the heart of the matter. When God is disregarded as universal lawgiver, man must take God’s place. Human society must have a law. That means each individual is entitled to legislate without restraint. This is the “freedom” attributed to man and to every man in the imagined “state of nature.”

It is a curious thing that many 19th century writers, who remained generally Christian in their thinking and who denied that there ever was or could have been such a “state of Nature,” still seem to accept the notion and refer to it as a true expression of the root principle of lawmaking for nations.

The notion was given a popular name by Rousseau’s famed Social Contract theory, but no Rousseau was needed to fabricate it: it is inescapable from the first denial of God as lawgiver and judge of all that he has made; then each individual must at least by right of nature be “free” to do as he pleases since there was no law until man made it. It should be remarked here that it is only God who is free to do whatever he wills to do, having authority, wisdom and power to do all but

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still unable to deny himself or contradict himself or hate himself. With God out of consideration, then this original freedom must be assigned to man, and to each man.

Society, then, is falsely seen as a human construct, formed by several men for the benefits of concerted action and protection. Law is agreed to as a limitation of the “natural” freedom of each by a contractual arrangement to achieve certain benefits. Men are said to give up certain of their freedoms or rights voluntarily in order to accommodate to the group. There are no absolutes, since each man is a law unto himself, and all that remains is manipulation of each other to the temporary advantage of the best manipulator.

The “common good,” meaning the good of the social order as a whole, no longer means a condition of peace upheld by law and justice which can be enjoyed by all without denying its benefits to any, but means the greatest happiness and well-being for the greatest number. This, together with an imaginary notion of power as increasing by the numbers, has to result in accommodation to majority rule. The majority not only has the greatest power but also the highest “right” to have its way.

“Human rights” now have been modified by practical necessity so that it is not each individual who is by nature free to do as he is able, but rather the greatest number of individuals who agree on a single purpose. The late greatly admired Chief Justice of the United States Supreme Court and author of the only modern text on the common law in any appreciable use in our law schools, Oliver Wendell Holmes, declared this idea in such a way as to leave no room for doubt as to what was meant. He said in many ways and at many different times that law is whatever the greatest force in the community can make it at any given time. There are no abso-

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lutes, he opined. Although he squirmed at calling “fire!” in a crowded theater as an absolute wrong, he held his miry ground majestically about the relativity of law.

This explains, I think, why it is impossible to locate any acceptable codification of “human rights.” There are none. If *everything* is lawful, then *nothing* is lawful, and there is no law. And rights by definition are conferred by law. A true “right” in the present context may be said to be a legal claim to own or to do something; but in original purity and an imagined godless “state of nature,” man has a claim to do anything and he gives up this absolute freedom and divine power in exchange for corporate identity with other individuals.

All this is spelled out in the Virginia Declaration. Its propositions are as follows: Men are by nature equally free and independent; they have certain inherent rights (still unnamed); they enter into a State of Society and are not, contrary to what we all know, born into one; and they cannot bind even their own posterity to whatever social contract they themselves enter into. Finally, there is an unsuccessful attempt to be specific about these “rights.” They are, “namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.”

Although named, these vanish like the Cheshire cat on close examination, leaving only the grin.

It may be said without contradiction that all men seek happiness; but no sane person has ever claimed there is an inherent claim to happiness in each one of us. Happiness is the reward of right living (or good luck to those for whom Fortune is supreme), but it is always counterpoised by misery. A reward is a “right” only for those who have earned it or who have a lawful claim by gift of Fortune or inheritance

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over which they exert no control. It is absurd to imagine for a moment that any one has a “right” to enjoyment of anything, or to happiness, or to safety, whatever may be meant by this last.

It is tempting to say all men want safety, too; but I am not so sure. There is a certain zest in meeting danger to which most men must be responsive. Besides, there is an inherent contradiction in the idea of having a “right” to pursue and obtain safety while at the same time having the “right” to acquire and possess property. For ownership implies risk; he who risks nothing owns nothing. There is a risk in being alive, and there is a risk in marrying and “entering into a state of society.” Augustine observes that wicked men may be described as those who seek to remove all obstacles to their enjoyment of things they may lose against their will, and thereby live lives of wickedness and crime. The power of ownership is a duty, not a privilege, and is inescapable. It is indeed inherent in human nature, but put there by the express will of God, who said, “Let us make man in our image, and let them have dominion.” Having dominion means owning. We are commanded to possess and take care of worldly things entrusted to each one but forbidden to fix our desires on them. We are to control things; things are not to control us.

All that remains of the “named” rights is the grin.

Yet stay a moment.

There is one discoverable “right” implied and expressed in all human rights codes, one that is common to all and identifies each as belonging to the collection of human rights, one I have noted above. This is the right to rebel.

The Virginia Declaration marks a decisive departure from such often proposed evolutionary ancestors as the Mayflower Compact or documents of the Massachusetts and Connecticut

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colonies in that it assumes the root premise that man naturally is without society and government, and that government itself is humanly devised. It is surprising how universally this concept infected the writings even of such stalwart Eighteenth Century Christian thinkers as William Paley.

It may be that the Mayflower Compact itself gave great impetus to the social contract notion, for certainly it was an instance in which a body of men consciously entered into contract for a body politic which was previously not explicit. Yet this must be radically modified by the fact that the Mayflower Company already existed as an ecclesiastical body, which by its own doctrine held Divine authority to do whatever was necessary to promote tranquility for God's people on earth, as well as for the salvation of souls. Moreover, these same men had never existed apart from society and were giving up no "rights" appertaining to individual sovereignty or liberty whatsoever. The Fundamental Orders of Connecticut of 1638/39 represent a parallel case. The statement of Liberties of the Massachusetts Colony is merely a forthright statement of common law rights presented in terms of common law thinking dear to all Christians and bears no hint of rights inherent in a supposed lawless state of nature.

In truth, right to dissent is not a lawful claim to own or to do something, which is the true right; it is a turning upside down of right and wrong, calling good evil and evil good. It says men have the right in the true sense of duty to overthrow their rulers whenever it pleases them; or, in other words, it is a negation of right. It is a claim to the worst of all moral evils, the right to be wrong.

There are many popular slogans which state the case as well as it can be stated. One is well known: "I disagree wholly with what you say, but I will defend with my life your right to say it."

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This is utter nonsense. But it adequately defines the sense of “human rights.”

Scripture says it is wrong to resist authority. “Human right” says it is right to resist.

Anyone who wishes may proceed from this point to trace out particular applications of the “human rights” metaphysic to the exigencies of times and occasions. In every case, there is claimed a specific “right” to resist a particular institution or custom or law of a given social order.

The Virginia Declaration specified the “right” to dismantle the order of the nobility, the officer caste of Christian peoples, who were — by virtue of their responsibility — the ruling class. This was stated in the negation of the true lawful right of inheritance which is inseparable from the right to property or dominion. The declaration said no emoluments or privileges from the community could be awarded except in consideration of services rendered and are not “descendable.” Unless the “community” be equated with the government, the declaration would outlaw all inheritance (a popular cause among human rightists even today). It also, more to the point, anticipated independence from Britain.

The French revolutionaries, of course, made no bones about their desire to dismantle the whole social order, not only the nobility and the clergy but all other structures, and this by virtue of “the rights of man.”

Yankee radicals inflamed the Northern peoples to mount the Civil War in the name of a “human right” to be free and, if they did not destroy the whole Southern order, they did at least dismantle its vast and efficient plantation economy.

Tradition, law and custom, which preserved public peace and order in the bi-racial state of the union, both North and South, were the target of the right to resist in the 60’s, the supposed human rights justifying the violent means.

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The list could be extended considerably, but enough has been said to make the point. There is, however, one present application of the “human rights” metaphysic making it lawful to revolt: that is the insistence upon the legalization everywhere of revolutionary parties, especially Communist parties.

As against the Soviets, no doubt, it makes sense for us to try to force the government to permit and even protect dissent without regard to how it may affect the stability of the regime. It would be to our advantage. But those who cheer for the application of “human rights” to Soviet and Cuban internees and dissidents are glum about doing the same, let us say, in Spain or Chile. Yet those who are cheering for “human rights” in Chile are silent about them in Russia and other Communist dominated lands.

It's all well and good to cheer rebellion and resistance in and of itself as long as the resistance is against true power and authority — that is, power that is of God. But what happens when the resistance is directed against the resisters? Surely, if those who revolt against the principle of revolting are right, then that which they revolt against is wrong, and revolution itself is wrong, and it is wrong to resist.

It looks more and more as if Mr. Carter's high sounding policy is stalled at an impasse. If what is good for the goose is not good for the gander, we have only a sometime right and we must look elsewhere for a standard of goodness.

We may get somewhere if, on the other hand, we recover our sense and accept the nature of man as a dependent being, dependent on both his maker and his fellows into whose society every man ever born has been born (neither Adam nor Eve was born), and respect the universal moral law of our Maker, which Scripture says is written on the hearts of all

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men, and uphold the law because it is just and in accord with the eternal law of God, and meets the Divine requirements of truth in such changes in the laws of nations as may be made necessary by the exigencies of time and occasions.

This would mean a return to what is called “absolutes.”

I think it is Solzhenitsyn who has said if we give up the absolutes of right and wrong (given universal law of God), there is nothing left but to manipulate one another. “Human rights” would seem to be the lever by which to dislodge lawful maintenance of peace and law and justice in order that the majority of noses can be counted on to manipulate the minority. Since each is a minority of one, being under God unique and individual, none can be a majority and we all are the losers.

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III. God is Our Lawmaker

Common law rights on the surface coincide with those declared to be inherent in human nature and so are called human rights. The difference is subtle. One is real, explicit and inherent in a universally known complex of law and justice. The other is an imaginary idea of origins which implies self-sufficiency as over and against creatureliness, and in application leads only to confusion.

“Human rights” postulates conflict between individuals. Common law rights are blessings of public peace in which wrongs are punished. Wrongs are not seen as infringements of individual rights, but violations of God’s commands. It is wrong to murder, not because each has a right to live but because God said it is wrong for any person to kill a man except as a public official acting in the administration of justice or the conduct of war.

The distortion in human rights comes from assigning law-making power to men as men, rather than seeing it as that by which God rules all things consummately. The difference is total. Every truly lawful right becomes twisted and evil when its authority is said to be human and its source a mysterious, unknown and impossible “state of nature” in which there was

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no law, and were no laws. The former implies stability, righteousness and an unchanging nature; the latter speaks of nothing but change, indetermination and fickleness. It brings about a state of being described by some wag as a time no one is safe because the legislature is in session.

Granting that finite minds cannot grasp the fullness of the eternal law, nevertheless there is not all that much difficulty in discovering the reasonableness of divine law as it governs in human affairs. The steps to reasonable understanding, however, are as fixed and unalterable as the eternal law itself.

The first step is not only to admit the truth of special creation but to go on to what historical truth implies. There are in fact only two reasonable possibilities: either all things were made, or all things were not made. The first proposition is either true or false. If it is false, then there is only one reasonable explanation for existence and that is some idea of evolution. There is no need here to pursue the extended implications of evolution; rather the object is to work out the implications of the alternative proposition that all things were made.

If this is so, then there must be a Maker: and that is God, for the very notion of "god" whether capitalized or lower case means "that than which nothing higher can be imagined." This has to be He who Created all things for it must be agreed that the Maker is greater or higher than what he makes; and since there is One who gave being to everything that has being, nothing can be imagined which is not lower and subordinate to him.

But not only is this Maker higher and greater, he must be able to control and rule what he has made. This point, too, is unarguable. Not only is he able to rule, but this necessary shape of order teaches that it is "right" for God to rule every-

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thing and to dispose of all things as he will. "Hath not the potter power over the clay?" And so we stand on the rock of authority, the power over all power which springs from the fact of "authorship." Because it is real, it is right and is the measure of all else that may be called right. There can be no lesser authority at all that does not derive from this great authority or is not subordinate to it.

Once this truth is clearly seen, then the alternative under the notion of pantheism or evolution which denies the existence of a Maker in the first place must also be a denial of authority itself. This accords perfectly with the notion of human rights. This notion does not speak of that which is authoritative, but rather begins with something "given up" — something held in the first place by mere existence, something inherent in that existence and thus called "natural." What is given up is never specified, but rather what is of concern is what restrictions and limitations are held to be acceptable in order to attain a certain social end.

Authority, however, is essential to right and justice. In the case of the Author of all things, it is unbounded: like God himself, it is infinite. At this point reason might grope uncertainly for an understanding of how the highest authority operates. There seems always to be a temptation to imagine a materialistic view that authority, or power, is supremely exerted by direct application of physical force, or its equivalent. This produces the false idea that God governs in the way a puppeteer manages his dolls, that is, by direct manipulation. This is fatalism. It would be absurd to attempt to oversimplify the difficulties in understanding the operation of the Providence of God, that is, how he rules in each case and how his determination is revealed. On the other hand, it does not take a great leap of the mind to understand that it is a far greater

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thing to rule by law than by any direct manipulation. Only sticks and stones can be really manipulated. Living creatures require a higher order of government; and living and reasonable creatures, we humans, who also are made with a will, require the highest order of power. And that is law.

God rules all things consummately by law.

Not every creature does exactly as he should; but every creature will be rewarded exactly as his conduct in terms of the Creator's will is either obedient or disobedient. No creature or combination of creatures will get beyond the reach of this eternal justice, which is a facet of the rule by law.

Even if it is possible to go this far by reason alone (and who can say?), beyond this point all reasonable inquiry and study into "rights" based on the proposition of law and the Creator must be guided by Scripture. This God-who-made-all-that-is is the God of the Bible, and what we learn of right and law and authority rests on what is revealed there. St. Paul would agree that all men are held accountable for knowing that the Creator exists, and therefore for worshipping him as God, and giving him thanks. But deeper understanding must presuppose a knowledge of what is revealed about him in Scripture: to repudiate this is to acknowledge utter defeat, for there is no other source of knowledge.

Scripture reveals the key points of further understanding. Given the historical fact of Creation, it is next revealed in the record of Eden that Adam was made in the image of God and that "image" is intimately connected to the mystery of authority and the power to govern. God said, "Let us make man in our image, after our likeness; and let them have dominion." Adam's dominion, delegated authority, is under God but over the earth and all its creatures. This is emphasized by Adam's naming of every creature. "Whatsoever Adam

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called every living creature, that was the name thereof.” This seems to be the first instance of human speech and language. More importantly here, however, is the exercise of authority by naming and by giving names that hold. His naming was official.

Adam’s authority did not lie in the power to manipulate the others, nor did it reach so far as to put himself outside the scope of his creator’s authority. Each creature was made with his own manner of receiving food. Adam had to work to eat; he was commanded to “dress the garden.” This was a “natural law” in the right use of the term since it is a self-policing command. He who won’t work won’t eat. Necessity may be said to enforce it.

Adam was also under explicit statute law. He was given permission (an act of authority) to eat of all the trees of the garden but one. If he ate of that one, the penalty was death. Having received this law, Adam had to understand the difference between right and wrong. It was right to obey, wrong to eat of the fruit of the tree of the knowledge of good and evil. This is best understood to mean the fruit of the tree by which man sought to “know” or to determine for himself good and evil, or to be his own lawgiver. Having a will, it had to be that he could do either of two things — keep God’s law or try to be his own lawgiver. In the one contained all righteousness, in the other all evil.

The fall neither obliterated the image and likeness of God in man nor deposed Adam from his dominion over the earth. Man still was charged to possess the good things of this world for a time, to govern them under God, and to give account of his stewardship when he suffered that death which was the penalty for his original disobedience. If there were any doubt on this, it must be resolved by God’s covenant with Noah

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after the flood: “The fear of you and the dread of you shall be upon every beast of the earth, and upon every fowl of the air, upon all that moveth upon the earth, and upon all the fishes of the sea; into your hand are they delivered.”

Here the operations of dominion are enlarged upon. The first brief statement contained it all but merely extended to man what we know better as the mysterious power of ownership or property. For that is what dominion is. The power to own anything is peculiar to man; to own anything is to have absolute control over it without being accountable to any other living human being. There is no such thing as a distinction between “private” and “public” property since no one but an individual or a corporate body of individuals can own anything. It is a human power; it is the crown of man’s created glory; it is the image of God who is Christ under whose feet are all things in heaven and on earth. The Noachic covenant made provision for presumably weakened conditions so that man’s dominion had to be supported by a spirit of fear and dread intuitive on the part of all other creatures.

But then there follows a most interesting codicil. This fear and dread is to be supported by human action and maintained by man himself: “Surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man’s brother will I require the life of man. Whoso sheddeth man’s blood, by man shall his blood be shed: *for in the image of God made he man.*” For man has authority over the earth. Man now not only has dominion, he is instructed to maintain it by slaying every man-slayer (except of course him who lawfully punishes the man-slayer).

As the original creation of man in the image and likeness of God contained within itself all that is involved in dominion, so

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the expanded covenant instituting the death penalty contains within itself all human law and government.

This holds before us in full view the whole scope of law in the government of human affairs and, more to the point, the root purpose of law, which is the preservation of man's powers of ownership and dominion. The rationale behind every law is to punish every infringement of human dominion. Murder is the worst infringement, and all others may be understood as being subsumed under it. The fault in murder, however, lies in the fact that it attacks human authority. If murder is not punished by the hand of man, then the fear and dread of man which supports his rule over the earth is weakened to a point of ineffectiveness. The point is made by modern experience with attempts to do away with the death penalty. It has been found necessary at the very least to execute anyone who kills his jailer, otherwise no one could be so much as imprisoned. Evidence for the application of this principle even before the flood is found in Cain's lament over his ostracism: he complains, "Everyone that findeth me shall slay me." Justice did not require that God slay Cain for his murder; it did make it incumbent on other men to do so, saving God's special mark of protection granted him. The actual pain of ostracism was probably more grievous to Cain than execution would have been. Thus human government has been defined as the power to punish with death, upon which power all lesser punishments are based. This power is not one that men have arrogated to themselves but is put upon us by Divine decree for the purpose of upholding man's dominion. It is not the death of a man that is abhorrent but the outrage to human ruling dignity which is unlawful killing, or murder.

Thus it may be said that man, under God, has a "right to life." That is, a man has a lawful claim to the life of his own

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body as against any assault upon it by another earthly creature as long as he himself commits no violence against the like "right" of any other human being. But the interesting thing about this "right" is that no one has been able to find any rationale or justification for it in terms of the penalty for murder except the resort to the explicit command of God to Noah. Man cannot rule the earth unless human hands slay every manslayer, and this can be justified only by virtue of the fact that God created man in his own image and gave him dominion derived from his own total authority as Creator. God's rightful authority makes it right. When God's authority is not appealed to, no justification can be found for man's dominion, much less for the power of human government. The evolutionists cannot justify man's supremacy, although they must recognize it. For them it is simply a consequence of chance resulting in superior might, and might makes right.

Before going on to examine the rest of the structure of what is rightly called law under the headings of the Ten Commandments, it is necessary to consider how dominion itself is actually carried out among men. There seem to be two general lines of dominion, family headship and property. Until the last two or three hundred years, property laws in England were known as dominion laws. It is therefore significant that revolutionism wherever it raises its head is centered on the twin slogans of abolition of both marriage and property: commonality of goods and commonality of wives is the universal identification of rebellion against God and human order. These twin slogans are embraced by every variety of socialism, including the Mohammedan uprising of the seventh century. Man's dominion, it appears, is not simply the sway over the earth exercised by corporate human society in the form of world government: it is a property of created human

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nature within the divine order and so is enjoyed by every human being individually. Probably this fact gives rise to what is known as a “state of nature,” in which it belongs to human nature to enjoy a kind of freedom that goes along with authority. But this freedom or authority vanishes if it is not recognized as being ordained of God and sustained by his providence. Man’s dominion is right because God, who has (by right) authority over all he has made, has put it upon man and made man so as to be able to bear it.

Perhaps ownership of property has first place in the matter of dominion; at least it will be considered first. It may be said without contradiction that the mysterious power to own appertains only to individual human beings. This has been a reality blurred over by the prevalence of corporations and socialistic arrangements for ownership by the “state.” Even so, it is clear that in corporations individuals share in ownership, pooling their holdings under contract. Any liability in the end must fall on the stockholders. Seizures of property by the “state” are less clear, yet even here the powers of ownership must be exercised by the particular individuals in office at any given time, though the distribution of powers may be so diffuse as to defy attempts to attribute responsibility. State ownership is exercised by individuals.

The remark of William Blackstone, famed common law commentator, is worth repeating here. He says God’s giving dominion to man in the beginning of the world is “the only true and solid foundation of man’s dominion over external things, whatever airy metaphysical notions may have been started by fanciful writers upon the subject.” It may well be that this holy writing is the original title deed given to Adam for the whole earth and that every other such title since may be traced back ultimately to it. At least I have never heard of

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any person engaged in examining land titles who claims ever to have got to the bottom. However title may be acquired, even if by conquest, it had to be conquered from somebody else. Even if there is somewhere an actual claim based on the right of discovery, where no other human has laid claim, still it must be asked, by what right does discovery give title? And that can only be the Divine decree at the beginning, for the only ground upon which right by discovery can rest is that the only reason it is not already owned is that no human knew it was there. Whoever finds it may rightfully claim it, according to this. The whole earth is given into the hands of men.

Thus dominion is an attribute of man as man. Each individual has it. It may then be called a "human right." But while human nature is so created that each man has the capacity for ownership, at least the latent capacity, it is not in virtue of this nature that man has the right but as a bestowal of a lawful decree of God. The "right" is given and upheld by law and justice. This can be clearly seen by the fact that even though dominion belongs to all human beings, it is not automatic and in all cases must be restricted to what may be called mature persons. It is not simply that the laws of nations universally do this so that parents or guardians exercise ownership powers in behalf of minor children or incompetents; it is that, like other distinctive human attributes, this one requires learning and skill. For example, it is a mark of human nature to be able to speak and to walk upright. Yet every human being has to learn both to talk and to walk: each has to be taught. In the same way each child is born with the capacity to learn to exercise dominion, but he must learn before he actually is given ownership. He must come of age. Being *able* to learn is not the same thing as *having* learned and doing. Therefore the "right" is not inherent in nature, but a consequence of law.

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Still it is understandably miscalled the “right to property.”

Since liberty is a facet of sovereignty, it follows that under the law all men are free to the extent of man's worldly rule. To rule is to be free. Yet this liberty is by no means unlimited nor an inalienable “right” of a state of nature. The sense of “liberty” is not to have a master and not to be imprisoned or forcibly detained. Thus liberty may be lost without any alteration of the nature of man. A man may lawfully contract himself into slavery; he may be lawfully enslaved as a prisoner of war; he may lawfully be sold into slavery by a parent or guardian; he may be lawfully imprisoned for the commission of a crime or for treason or *lèse majesté*; and he may even suffer unlawful captivity. Under the law he is protected in the sense above, that he is to be released or avenged after unlawful restraint and so may be said to have a “right” to liberty. But it too derives from divinely enjoined dominion.

The true import of the “rights” set forth in the Virginia Declaration is much better and more convincingly expressed in Article V of the so-called Bill of Rights amending the United States Constitution. It says, “no person... (shall) be deprived of life, liberty, or property, without due process of law.” The meaning hangs on the word “law,” which in both Christian and pagan thinking describes a fixed, universal decree of right and wrong. The sense, then, is essentially that no man may be deprived of life, liberty or property except as a just penalty for crime.

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IV. Their Goal is Destruction

While the notion of “human rights” is without substance, it is not to be misunderstood as meaning there is no explosive force set loose in the name of “human rights,” or that there is no flood of activity among men flowing in its channels. The fact is that under its banner the most frothy movement of public affairs for the last two and a half centuries has marched. The passage of this length of time, however, has made possible the proof of the pudding. It has always been possible to analyze the meaning and direction of “human rights” and to utter warnings. Now it is possible to demonstrate that the warnings were based on truth, that the predicted results of increasing disintegration of the human race has indeed been brought about by pursuit of this fantasy. Mankind is near enough the edge of the precipice to peer over.

The concentration of power on such emptiness should cause no surprise. In the material realm, we know what immense suction power seems to be generated by a vacuum, the physical approach to nothing. It doesn't matter that the true explanation of this suction is the weight of the atmosphere pressing down upon it; the concentration of energy is the same. Now a political drive headed toward nothing and containing only the

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negation of truth and reality also becomes a concentration point for energy. I would say the energy itself comes from the immense power of truth and justice which “human rights” denies — it is the power of authority upon which all rebellion feeds.

Since the notion of “human rights” has been seen to be essentially rebellion against God, where it exists it manifests the operation of nothing less than Divine power directed to fill the hollowness and emptiness toward which it is headed and by which it is driven. While “human rights” appears as a mighty stream carrying its devotees along in a great rush toward somewhere, in fact it is the judgment of God by which men are given over to their sins and are dashed along pell mell toward total destruction or chaos and anarchy. The frenzy has powered every revolution from that in France in 1789 to those in Russia and the rest of the Communist empire today. As is to be expected, however, the nearer it brings us to chaos, the less mighty is its flood power. The stream seems to lose its force and direction as it empties into the sea (the traditional material figure of disorder and lawlessness). The more human order is torn apart, the less there remains to tear apart, the less excitement is involved in the wrecking operation, and the less startling are the effects of unbelievable pride. Mr. Carter’s trumpet call tuned to “human rights” gives an uncertain sound and is even lost in the noise of general disorder and uncertainty on all sides.

One should go very slow in such matters in interpreting this course of events as being Divinely ordered and therefore following a path that Marx has seen as “historical necessity.” Yet it is a turn of things that seems to have been fully expected by the Apostolic writers. St. Paul is explicit: “In the last days perilous times shall come,” he warns Timothy, “for men shall

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be lovers of their own selves, covetous, boasters, proud, blasphemers, disobedient to parents, unthankful, unholy, without natural affection, truce-breakers, false accusers, incontinent, fierce, despisers of those that are good, traitors, heady, high-minded, lovers of pleasures more than lovers of God; having a form of godliness, but denying the power thereof." And again, "The time will come when they will not endure sound doctrine; but after their own lusts shall they heap to themselves teachers, having itching ears: and they shall turn away their ears from the truth, and shall be turned unto fables." But, I say, one must go slow here. In the first place, the Apostle seems to expect such things to come in the life of Timothy and does not attempt to forecast an inevitable course of history. But then there is the letter to the Thessalonians where he cautions them not to be overanxious about the Last Judgment. "For that day shall not come, except there come a falling away first, and the man of lawlessness be revealed, the son of perdition, who opposeth and exalteth himself above all that is called God, or that is worshipped; so that he as God sitteth in the temple of God, shewing himself that he is God."

There has been an almost universal tendency to interpret this passage as the prediction of the coming of an individual man answering this hideous description. But there are many reasons for rejecting such an interpretation, since St. Paul himself makes it perfectly clear that he believes no power or authority can exist apart from God: that is to say, no one can rule except he follow the rules for government. Insofar as a tyrant actually governs, he must do more lawfully than he does unlawfully. Bully boys may terrorize but it is not from them that such dictators as Hitler derive their actual governing power: it is from their right use of the customs and traditions of the people and the support of the stable elements of society. If, however, we

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read the Apostle's little word "man" to mean not an individual incarnate anti-Christ but "mankind" (a legitimate use in Scripture), then the passage predicts a state of affairs startlingly, almost frighteningly, close to a description of modern man. He has no god at all, nothing that is called god: only "human rights" considered as attributes of human nature, which is by nature divinely free and unaccountable to any power but each individual. Total rebellion against God is not reorganization of our race under imagined Satanic forces of evil but the disintegration into anarchy and chaos, alarmingly close to nothing.

The "human rights" metaphysic had this principle of total rebellion in it from the start. Nevertheless, in affirming the dignity of the human person and the value of individual initiative in the Virginia Declaration and the French counterpart of 1791, both also show the imprint of Christianity as it expressed its principles in European thought. They even in France appealed to the protection of a Supreme Being (admittedly not to be identified with the Blessed Trinity) and most of the drafters believed in revealed religion or were followers of spiritualistic metaphysics. They regarded liberty as the result and guarantee of the soul's free will; but the historic observation of many has been that underlying all these surface characteristics was the individualism that symbolizes European man's impulse to surmount all obstacles to the enjoyment of this world's goods, to conquer the world in a metaphysical sense, to master nature through magic or science, ultimately to control his conduct, government and society. In this sense, the new principles defined an ideal: the earthly well-being of man, himself his own God, a condition seen as slowly drawing near as a reward for centuries of striving. Is not this St. Paul's mankind, "that takes his seat in the temple of God, proclaiming himself to be God"?

By such bold shameless revolutionaries as Karl Marx, both

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the claim of man to be God is advanced and recognition is made of the direction in which this unbelief must lead — total destruction of everything. Many a more timid soul has responded to the brash titillation of this headlong rush into “ashes” as an end in itself. But generally, as with Marx, there is a silly and vain, absolutely unsupportable faith in a rebirth out of the ashes. No revolutionary has produced a satisfactory description of what this new world is to be like, or even how he would order it. Most, again like Marx, have not even tried, but they firmly believe the brave new world must spring up again somehow after all of God’s world has been destroyed. This naive delusion has been rightly called “the religion of chaos.”

However, not John Locke, nor the Virginians, nor the French revolutionaries ever came up with much of a blueprint for a new order of things. All they really were interested in was in getting rid of the old. That the old order was God’s order and therefore the only order that could be, that this is, in spite of Voltaire’s shocking lampooning, “the best of all possible worlds” in the Augustinian meaning, was a thought not entertained.

About all the comfort a Christian can get out of the expectation of a time to come when mankind, seeing man as god, will really be devoted to “human rights” principles is to realize that such a state of affairs will be no surprise to God. To read into it the “historical necessity” seen by Marx would be deadly. It can be necessary only as a damnation of sinners, a damnation in terms of time which can only be a dim preview of the horrors of eternal death, St. John’s lake of fire. God gives sinners up to their own lusts in final judgment; thus he will allow those who insist upon lusting to be their own gods, to have their way in the resulting horrors of anarchy and chaos.

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V. Right in Their Own Eyes

We have seen that the human rights mystique in fact draws heavily on Christian experience and principles as they relate to morals and politics but is proposed as being inherent *in nature without dependence upon a personal Creator God*. The particular “rights” usually vaunted by the humanists are inversions of common law rights of Christian order. They identify certain benefits which derive from a state of peace (i.e., the worse is subordinate to the better and Godly order prevails).

The existence of these lawful rights depends on the one hand on the reality of God and his unchanging and immutable law; and on the other hand on the keeping of this law by mankind through the operation of justice. They do in fact exist, but they may be claimed only by those who do not break the law.

At this point it is necessary to touch on the varieties of lawful human order. That there are varieties and no fixed single order is manifest. Someone may prefer one general order of things to another, say a monarchical structure to a democratic one, or vice versa, but he would be hard put to defend his preference by examples. He would probably have

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to agree with Augustine that circumstances alter the preferability, and that a people who become irresponsible and negligent of public duties ought to be governed by a few or by one who acts in the place they have abdicated. But it seems that Divinely delegated earthly authority — that is, authority vested in public institutions — lies in the people as a whole.

Two assumptions must be emphasized. One, again, is that the authority of the people as a whole is delegated by God and may not conflict with or go beyond his eternal law. This will be dealt with more fully later on. The other assumption is that by “the people” is meant, not a mob or a mass of faceless humans whose influence and weight is counted by the noses, but an organized, well ordered body of men in the Pauline sense of members, each serving a particular function as part of the whole, as arm and leg and eye and ear of a human body. In the English language, “people” is most properly used to mean an army. It is still so used and it is hard to imagine an army that is not ranked and ordered in a high degree.

Individuals function as members of the whole, each serving all other members in general and each member in particular by performing his own particular function. St. Augustine in his profoundly influential work, *The City of God*, says the people is not just a crowd but an association for the common good united in consent to law. For him, law has no meaning except what is in accord with the Divine will, as is the case with many pagan thinkers as well. For the Virginians who adopted the Declaration of Rights, it may be assumed that for them as well “the people” was commonly understood to mean the whole state of the realm and never implied a faceless mass of heads. Yet their Section III, dealing with the right of the people to correct an improper government, allows

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us at least to question this and consider the possibility that here too they were consistent humanists and were simply claiming the benefits of Godly order without the conditions set by God. For the right to reform the government is vested in a mere majority. "A Majority of the Community hath an indubitable, unalienable, and indefeasible Right, to reform, alter, or abolish it (the government), in such Manner as shall be judged most conducive to the public weal."

This is a radical departure from the common law principle as set forth, for example, in the Magna Carta. Here Section 61, having to do with enforcement of the character, spells out the line of authority that is to take action. It is a committee of twenty-five barons who as a last resort may raise the country and make war against the king, sparing only his person and the persons of his family, to require redress of their grievances.

The people is to act in an orderly way in accordance with the existing lines of authority, and by no means is the notion ever entertained that they may act by majority head count. It is interesting in this connection to observe, as did some thoughtful statesmen of the day in other lands, that the American colonies did in fact retain and function within the structures of existing colonial governments. The colonial structures were not disturbed by the war or by the Declaration of Independence, but it was those very structures that raised the armies and put General Washington in the field, who then united under the Articles of Confederation, and later the Constitution, as sovereign powers which had changed in status only in that they each were no longer tied to the British crown. It has been shown beyond contradiction that the phrase, "We, the People of the United States," in the preamble to the Constitution must be understood as the

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“people of the states now united” for common defense and the welfare of the federated sovereignties. American independence was thus achieved by action long hallowed as lawful enforcement of the right conduct of rulers, not by a revolutionary majority, but by a common law expression of the people acting as an organized and existent body. The American colonies did not follow through along the human rights principles put forth in the Virginia Declaration; yet the duty of the people in the true sense to police their rulers is a true common law right.

The American Revolution thus is no example of extreme action ratified by “human rights,” but must give place in this regard to the real revolutions of France and Russia, both of which issued in terror and chaos until what the revolutionaries called a counter-revolutionary in the form of a dictator took charge and reestablished a semblance of order. But the old institutions were swept away for all time. It would be hard to show that any satisfactory reconstruction has taken place in either land. There is no foundation of law on which to build, only the vanishing dream of human rights.

The right to take up arms in resistance to unlawful acts of the ruler is related to the principle that there is no lawful government without the consent of the governed. This is undoubtedly one of the most ancient and most dear of all expressions of Christian liberty. It was a cardinal rule in certain aspects of government of the Church, especially in the expression of dogma. Full agreement through channels of authority in the Church was absolutely required for such expressions, but this also was restrained by the necessity to be in accord with Scripture. Even common consent, “consensus fidelis,” could not override clear directives and teaching of the Bible. However, it had to be recognized that interpretation is necessary

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even in reading Scripture, and here common consent as to interpretation provided a sturdy wall of assurance.

This concept of “consent” may be understood in one of two ways, depending on whether common law rights are assumed or human rights. That the common law way prevailed throughout Christendom from the earliest times cannot be doubted, and therefore would have been familiar in its terminology and benefits in the Eighteenth Century. It was understood that consent was both explicit and tacit, and more often the latter. That is, it was evidenced by the living customs and traditions of the people, which included their accepted political order. The government which acted in accordance with these customs and traditions clearly had “the consent” of the people, and it was recognized their actions spoke louder than words. It would have been impossible to codify the infinite threads and lines of connection that functioned to keep together, alive and healthy, a body politic; but it was easy to tell when these had been crossed up. A minor infraction might be as publicly painful as a boil on the human body. It is also clear that the “people” whose consent was necessary to lawful government did not mean merely the working masses, or the middle class, or any such thing: it meant the whole state of the realm with each having expression proper to his own station and rank expressed through lawful channels.

So important were customs and traditions in determining consent that legalists and thinkers of Christendom devoted much of their efforts to considering them. As early as Augustine, the principle was expressed. He wrote, “The usages of God’s people and the institutes of our forefathers are to be held for law. Those who slight Church customs are to be kept within bounds like those who gainsay Divine laws.” In the

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Decretum it is said, "It is silly and really rather uncivilized and a shame that we should suffer the old traditions received from our forefathers to be broken." And while Thomas Aquinas states flatly that "No custom can acquire the force of law against divine or natural law," and quotes an older authority, "Let usage bow to authority," still it is recognized that "To set aside the customs of a whole people is impracticable," even if attempted in accordance with law.

Consent of the governed within the "human rights" mystique on the other hand means a determination of what Rousseau said was the sovereign general will. The only determination that can be made of this imaginary general will is by popular vote. Customs and traditions to play no more role than the revealed will of God. Theoretically, every act of government is subject to ratification or rejection by plebiscite. It follows that the majority will may rightfully be backed by arms and further that it is right for the majority to do whatever it pleases, including a dismantling of the entire public order expressed in laws, customs and traditions.

Presumably no act of government is on the one hand valid without popular vote, and on the other hand any action that is approved by majority vote is just.

In practice it is well seen that the majority is effectively manipulated by an irresponsible few. It is notorious that the ruling communists anywhere make up about two per cent of the population; and he is indeed a dreamy-eyed American who imagines that there is any respect for public opinion or majority of numbers among us. Both are as manipulable as clay in the hands of the potter. The public media are commonly castigated, not because they are necessarily so wicked, but because they are in fact the voices of power and influence and by no means reflect the common view.

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Another facet of this deep and unfathomable doctrine of consent is that popularized in the American War of Independence by the slogan, "No taxation without representation." Here again we are confronted with a well understood and long cherished custom of Christendom which functioned lawfully and under God. The idea of representation in politics was almost exclusively a matter of taxation, having little or nothing to do with legislating, administering or making judgments.

Representation involves a corporate entity, such as a family, with one head who speaks for the rest and whose voice is authoritative because he can command obedience. Wifely obedience is necessary to marriage, and the obedience of children to parents is universally required. The father thus is a true representative of his family and no vote is needed other than his own.

The principle of representation runs to the whole of our race. Adam, the first man, is the representative head of mankind; thus his sin involved all of us. It is in his role as representative head that he is what St. Paul calls a figure of Christ. It is because Jesus Christ supersedes Adam in his headship by virtue of having paid the penalty assigned in Adam's condemnation that he is head of the new race of the redeemed. "Therefore as by the offense of one judgment came upon all men to condemnation; even so by the righteousness of one the free gift came upon all men unto justification of life." (Romans 5:18) On lower levels, the king is the representative head of his nation, the prince of his principality, the baron of his baronage, the chief of his clan. He stands in the relationship of the ruler to his subjects.

In the American colonial slogan, the principle is applied to a long-established machinery of selecting representatives for local governmental divisions in matters of taxation. These

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representatives were empowered to speak on behalf of their localities and to commit the same to what was finally determined by the collective body of representatives. The intricacies of the system and its manner of being meshed into the whole representative set up for taxation need not detain us here.

Where government is seen, however, as a humanly devised and authorized construct entered into by convention which presupposes natural human rights, the representative is not the head of his subjects but the agent of the citizens who delegate authority to him. He then is presumably but a voice of the general will to which he himself is subject. Moreover, in this capacity as agent or minister of the populace, he acts in a far broader capacity than merely taxation. He, in behalf of his constituency, can do anything as long as it can be said he follows the general will.

The woes brought on the modern world by majority rule through agents or ministers of autonomous human beings were long foreseen and notoriously disastrous. The whole community is at the mercy of the greatest number, who in turn are encouraged to be indigent and irresponsible in order to sway the majority. "Tax and tax, spend and spend, elect and elect" is wicked and disastrous; but there is no choice for those who are foolish enough to think there is any such thing as human rights. Those who can best manipulate the greatest number at the polls to get in line for government handouts are the rulers of the world.

The end has to be nothing; only the grin is left of the Cheshire cat.

Another familiar slogan is "right to work." Of all so-called rights, this is the most peculiar. It is not a right in any sense; it is a necessity. It is true enough a facet of human nature.

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Man is so created that he works to eat. The psalmist meditates on this (Psalm 104), noting that lions eat by preying, birds are fed according to their nature, and man goeth forth to his work. Even in Paradise man worked; Adam had to dress the garden of Eden. That the ground was cursed for Adam's sake after the fall did not mean work was then instituted, merely that it became more burdensome. "In the sweat of thy face shalt thou eat bread." Nineteenth century dreams of idyllic life on a South Sea island often went so far as to imagine lying on one's back while bananas fell into man's mouth. But this is silly. Even under imaginary conditions man is going to have to exert intelligent and conscious effort to get his food.

In any realistic understanding of life, man's work for food not only is incumbent on each one but it must include work by a body of men making a division of labor. It is axiomatic that no single person can raise, harvest and prepare wheat for food; it takes a community. The imaginary hunter functioning as a beast of prey like a lion is an equally silly idea. North American plains Indians probably came as close as is possible to such a way of life. Besides being near starvation most of the time, they hunted in groups and also planted and harvested some crops. Man has no "right to work;" he has to.

The common law permits each one to follow his own choice as to the line of available work he will follow. Not that his choice is not largely determined by circumstances of birth, but within the tasks open he is free to decide what specialty he will follow. The community undoubtedly is obliged to see to it that there is work to be done, but that again is a matter of necessity, not of right or freedom. The vast number of ways by which work can be made available in any well ordered community is probably inexhaustible.

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In the end, however, as the psalmist well understands, lions, birds and men all are utterly dependent on God for their food. God has given each his nature by which he obtains food; he also makes the food available. Man works, yes, but it is God who gave man the ability to work and that which he must work on. Paul planted, Apollos watered, but God gave the increase. The whole community of men is dependent on God for the fruit of combined labors. Like it or not, man has no option but to work; yet he must never lose sight of the fact that it is God who feeds him.

VI. Liberty as a Cloak of Malice

It is easy to understand why the human rights idea came into popularity in Christendom. It is simply that men living in Christendom enjoyed that “blessed liberty wherewith Christ hath made us free” to such an extent and over so many centuries that they found it easy to take for granted. Liberty, instead of being recognized as the gift of Christ and the reward of Christian justice, was something that could easily be seen as an end in itself. The speeches of Patrick Henry and the widespread response they drew is typical of the day and illustrate how readily it was taken for granted that everybody knew what was meant by liberty and where it came from and how to defend it. It was a small step along the general lines of the Enlightenment, which assumed there was a natural law accessible to the mind of man without reference to a personal God, to suppose there is such a thing as liberty without reference to the Redeemer who purchased that liberty and made it available to his people.

Unfortunately Christianity has been so over-spiritualized that today there are few who would not relegate Christian liberty to the realm of private and personal inner peace without further thought. St. Paul realized, however, that the Chris-

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tian's liberty was manifest to all men so that there were many who "came in privily to spy out our liberty." Moreover, it is hard to see how liberty in any sense can be divorced from freedom of outward and visible action.

There is certainly that true Christian liberty enjoyed by the best of Christians simply because they have so mortified the lusts of the flesh that they are "free" of any overruling passions or desires for this world's goods. They have turned their desires away from all those good things they can lose against their will — goods, friends, family, the body itself — so that they long only for those goods that are eternal and cannot be taken away from them against their will. Such saints are far above any restraint of the law simply because they are unwilling even to harm their neighbor, much less commit crime, and also are not afraid to die even if unjustly put to death. In the famous saying of Augustine, they have learned to "love God, and do what you please;" for love means not affection but obedience and loyalty. Anyone whose whole desire is fixed on God is free to follow what he desires.

Nevertheless, however true it may be that such a gracious soul is "dead to the world," it has never been understood so as to mean he is *out* of this world or has no longer any responsibility as a man to exercise the command over this world under God, which power is the image of God in which he was made.

Equally with the saint's fixation of his desires on things eternal is his passion for justice. As long as he is in this world, the Christian is responsible not only for his own thoughts and conduct but also for upholding and maintaining justice, or righteousness. For all of St. Paul's often misapplied teachings about Christians being no longer under the law, he still reminds Timothy that the law is good "as long as

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it is used as law.” His and St. Peter’s clear command to honor the king and obey governmental authority presupposes that men are to rule and be ruled by law, and that the law is derived from God’s eternal law and in accord with it. The law is operative “for the lawless and disobedient, for the ungodly and for sinners, for unholy and profane, for murderers of fathers and murderers of mothers, for manslayers, for whoremongers, for them that defile themselves with mankind, for menstealers, for liars, for perjured persons, and if there be any other thing that is contrary to sound doctrine.”

For the Christian the world is not by nature evil, but part of God’s creation, ruled by God and therefore subject to his justice. God’s peace and order is maintained in the world by the punishment of wickedness and vice and the rewarding of virtue. Punishment of vice and rewarding of virtue is the whole work of temporal rulers. When the law is thus used to serve the common good, it is rightly used. It is wicked and wrong to try to use the law to effect perfect justice: that must remain in the hands of God and must be completed in eternity. In the temporal order all that can be done is to maintain law and order: that is, the common good. A state of peace, or law and order, is a condition that is enjoyed in common. It can be enjoyed by all without in any way denying any part of it to another. All benefit equally by a state of peace; but any law that seeks a private or individual good — say to sanctify a person — is the essence of unlaw.

Now Christian men have always known that what we might call political liberty as part of all Christian liberty is a consequence of upholding the common law. The particular laws of the common law are codified in the Ten Commandments. When this is the law of the land, the force of arms which is the government never touches anyone who is not a law

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breaker. The machinery of the law has nothing to do to coerce law-abiding persons. All non-criminals are thus “free” from any touch of government, free from any restraining hand.

Scholars have often noted that medieval men seldom talked about liberty: they were too busy preserving it by keeping the common law. The common law is famed as the bulwark of liberty. Those living under the common law are used to speaking then of certain “common law rights” — rights that are conferred by this law. Rights are defined as “lawful claims to own or to do something” — lawful.

Now we have another picture. Rights are not derived from an imaginary state of nature in which each is a law unto himself and every one is free to do as he pleases; rights are benefits or lawful claims granted by the law itself. Thus he who breaks no law has a right to live, meaning society has no right to put him to death. He has a right to property, meaning society has no right to seize his goods. He has a right to move about freely, to work at what he chooses, live where he can, eat what he can provide, and in a very great measure do as he pleases — within the limits of the law. In a certain manner of speaking, these rights may even be “natural” in the sense of being part of the nature of man: for to be a man one must be alive, he as man has the unique capacity to possess property, and being self-motivated he can speak, write and act freely. So he by nature has “life, liberty and property.” But he has a “right” to these only because the law restrains any other human being from taking them from him unlawfully.

This is reflected in the famous “due process” clause of the United States Constitution where it says no one is to be deprived of life, liberty or property without due process of law. Modern tomfoolery has interpreted “due process” to mean

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going through the prescribed mechanics of legislating or conducting a trial. Not at all. Due process of the law means a proper and just conviction of a crime. No one may be executed, imprisoned or fined unless he is a convicted criminal. At the time of the adoption of this Constitution there was none of the present day confusion about crime which sees any infraction of statute regulations somehow as criminal. But the real criminal law, which is summed up, I say, in the Ten Commandments, is such that, together with universal principles of justice, many if not all these regulations are unlawful; they are themselves enforced only by criminal acts.

The Prohibition Amendment and the Volstead Act which made it operative furnish a clear illustration. The common law rights are guaranteed by laws that would punish anyone who takes unlawfully what belongs to another. Thus it is unlawful even for police authorities to put a man under arrest without either a warrant or personal immediate knowledge of a criminal act. It is therefore unlawful to search his person or his property apart from lawful arrest. Now there was no way to enforce the Volstead Act, which outlawed the possession of alcoholic beverages and also their manufacture, except by unlawful search and seizure.

If the Volstead Act was to be enforced, the authorities then had to break the law and violate the common law rights of every one. The result was an intuitive recognition by the general public of the fact that they no longer enjoyed the protection of the law (which is also known as the protection of God since it is God's law): therefore they turned almost overnight to the protection racket — to gangsterism. The notorious lawlessness of the Prohibition era is quite wrongly explained as the consequence of men becoming accustomed to breaking the law by buying bootleg whiskey; it was simply the collapse

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of the common law caused when the power of government was used unlawfully.

Attempts to outlaw the possession and sale of narcotics today present the same problem. This is no argument for permitting unlimited use of narcotics; it simply is a recognition of the very precise and serious limitations facing rightful control. Perhaps all that can be done is to follow the ancient precedent used to deal with prostitution — outlaw solicitation. Fornication itself is unlawful under the common law (based on the commandment forbidding idolatry), but raiding a house of prostitution is highly questionable. On the other hand, solicitation, or making the offer to fornicate for a price, is necessarily an open and observable act and is unlawful. So narcotics might be controlled unlawfully [sic] by outlawing offering them for sale. No one would expect by these measures to “eliminate” either prostitution or traffic in and use of narcotics; but they probably would serve the common good by keeping these things within tolerable bounds.

The operative principle is to be noticed carefully. The usual common law rights are simply the reverse side of common law prohibitions. It is unlawful to take any of this world's goods from a man — his person, his liberty, his family, or his goods. It is unlawful for the sheriff or the king to do so. Under the law, then, a man has a “right” to his life, his limbs, his liberty and his property simply because it is wrong to take them from him except in just punishment for breaking that same law. The law is a closed circle, a complete fence. Within it men are free and have innumerable “rights” if one wants to think of them that way. But these rights appear from the wrongs specified by the common law.

To permit a suspension of the common law in the slightest degree to serve any private or individual benefit is one of the

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worst of crimes. Acts of mercy cannot therefore be compelled by law, although every one has a bounden duty under the eternal law to do them as he can. Neither can the law strive to make any one "perfect" in the sense that he might be punished for wicked desires or evil fantasies. Nor, in the brilliant example offered by Augustine, do the laws of nations punish any man for killing in self defense, yet such an act can be shown to be contrary to the perfection of Divine justice which says, "Turn the other cheek." Personal revenge is outlawed and no one can justly serve as judge in his own trial or suit. When the government becomes party to a civil suit in trying to enforce regulations that serve particular interests, it cannot lawfully adjudicate the matter.

It doesn't take much thought to realize that the whole vast system of government control and regulation, whether from Washington, the state capital or the county seat, is unlawful. It is in reality the protection racket. It is no accident that government sees itself today in the role of being the "protector" of its citizens instead of enjoying along with its subjects the protection of law and order.

Another feature of the common law is that not only does it serve the common good, not only is it over all men including the king, but also its enforcement demands the active participation of the entire community. Every individual becomes a law enforcement officer the moment he has personal knowledge of a crime. He is then a witness, and by virtue of that fact is a leading officer of the community. Prosecution of the crime cannot go on except the witness function. Arrests, therefore, may be lawfully made by anyone who is a witness, and at the same time may not unlawfully be made by any policeman.

In specifying some of the cherished common law rights, it

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might be well to notice the particular things called a “right” in the so-called Bill of Rights of the United States Constitution. The word “right” or “rights” appears one time in each of six of the ten amendments. The first is the right of the people “peaceably to assemble.” Chiefly this points toward the toleration of the Church, which is the principal place of such assemblage. The federal government extends its protection to the Church by making it unlawful for its officers to molest public worship.

The Eighteenth Century could appreciate very well from its own history those attempts of the Tudors in England to compel attendance at the government church while breaking up services of the Roman Catholics or dissenters. The Ulster Scots who populated the southern states had fresh and vivid recollections of being hounded by soldiers when they gathered in the glens and secret places of their homeland to worship. Strangely enough to our thinking, many of these men believed they could enjoy greater freedom under the Republic of Spain, as that nation called itself, than under British dominion or even the Constitution. Whatever the case, this peaceable assembly for Christian worship was certainly a right guaranteed by government which made it a wrong to molest or interfere with it. That the protection was extended to other assemblages is patent: but what others are there? It only takes three to make a riot under the law and three or more gathered together can readily get out of hand. Also, if peace and order is the sole purpose of lawful law, then an assembly which incites to disorder and rebellion can hardly be classified as “peaceable.” Concerts, public addresses, schoolhouses, taverns, places of business, markets and such places of assembly are guaranteed: but hardly the bomb throwing frenzy of revolutionaries. Treason or treachery is a

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breach of the peace and may be of the most serious kind. That government is derelict that allows rebellion to get out of hand. Civil war is one of the worst kinds of collapse of the public order.

The second appearance of the word “right” is in the second amendment, which declares the right of the people to bear arms. Now this is clearly a corollary or secondary right which derives from the lawful right of any people to use the force of arms to promote the common good. “A well regulated Militia, being necessary to the security of a free state,” reads the amendment. The bearing of arms is guaranteed in order to have a well regulated militia. A people must have the force of arms to enforce the law, and also to make war.

The third use of the word “right” is in the fourth amendment, which simply states that the common law is to govern the federal authorities so that they may not make “unreasonable searches or seizures.” Reasonable is assumed to be as well understood as in the famous lawful requirement for conviction that a man be found guilty “beyond a reasonable doubt.” The reams and volumes written to explain this are not necessary; we all know what is reasonable here.

Right appears the fourth time in the sixth amendment as “the right to a speedy and public trial” for the accused — an obvious aspect of simple justice, again under the common law. Article seven guarantees “the right of trial by jury” in suits at common law where the value in controversy shall exceed twenty dollars. There is no mention of the jury in criminal trials, simply because this is the obvious substitute for trial by the entire citizenry which lies at the root of the matter: the twelve are an agreed representative body of the community as a whole.

The last appearance of the word “right” is designed to put

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down any future interpretation of this enumeration of rights as meaning these are the only ones guaranteed — a very real danger. “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” Common law rights are too many to be enumerated; they are merely particular freedoms which the whole law preserves.

There is no hint in this Bill of Rights of any notion of rights inherent in every individual as from an imagined “state of nature.” What we have here is simply an enumeration of those wrongs which seemed most likely under the new federal machinery in violation of the common law, which was still as in all Christendom the prevailing law of the realm. The liberty they cherished was Christian political liberty enjoyed by all who not only obeyed but enforced the common law. To “keep” the law means not only to obey it but also to enforce it. This is a common obligation and, although it is to be executed in an orderly manner through existing public authorities, it may fall on any witness at any time. All men are to serve as a militia or enforcement officers when rallied in the face of crime or war.

VII. The Law of Liberty

Rights belong to the province of law and justice. That which is right is just. Justice is eternal and unchanging. Justice demands the law, to be enforceable, must be promulgated by authority. Since we are considering rights and justice and law in a universal sense as somehow pertaining to humanity, we are forced to acknowledge a universal law. The pagan philosopher Cicero declared, first, that there is a universality in laws and nations, and secondly, that the lawgiver is therefore God. Isaiah cried, "The Lord is our lawgiver, the Lord is our judge, the Lord is our king." We have seen that this universal lawgiver has decreed laws for the purpose of effecting and sustaining the authority or dominion of man. It follows that the authority which decreed man's dominion and promulgated specific laws to preserve it would be jealous of his own authority. Man's dominion vanishes without God's dominion from which it proceeds. It is therefore necessary and reasonable that the universal law include laws which punish any offense against God, the giver of all law and the sovereign who ordains all power.

The Ten Commandments thus have two branches: one setting forth our duty towards God, the other our duty towards

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our neighbor (the only fellow-man we have to do with). In the New Testament this is subsumed under the commandments to love God and to love neighbor. Love includes obedience. "If you love me, keep my commandments," said Jesus. So likewise the laws of nations not only set forth in statute form the second table of the Ten Commandments having to do with our duty towards our fellow-man, they also declare to be crimes those acts by which men may try to violate the sovereignty of God. To Americans brought up on the false political dictum of "separation of church and state," it usually comes as a surprise to discover that all the commandments having to do with our duty towards God are included in statutes of the states of the union and that these particular statutes have no other ground but the Divine law.

God, the giver of life and dominion to man, the authority over all things, must be acknowledged as sole sovereign and as such, among other things, the only lawgiver. Therefore, "Thou shalt have none other gods but me."

"Other gods" refers to angels, or principalities or powers, or to those mysterious superhuman authorities which rule over the nations under God. That these angelic powers may be symbolized in the person of a king or monarch, to whom in turn may be ascribed tyrannical power, is too well known to need comment. There are Pharaoh, Alexander the Great, Caesar, Stalin and Hitler, to name only a few. To allow any ruler absolute power, so that the king's will is law, is to worship another god, which is unlawful. Tyranny may not be a specific crime but there are plenty of legal and procedural safeguards in any governmental system designed to keep the ruler within the bounds of right and justice so that tyranny is unlawful.

Additionally there are universally, including the United

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States, laws against blasphemy and sacrilege designed to uphold the Divine honor and authority.

Idolatry is a different crime. It is best known to us and understood as pornography and vice. Other gods are angelic beings, or national powers; idols are the work of men's hands. Idolatry is unclean, meaning dirty. Despite the pompous mumblings of the United States Supreme Court, everybody, even a child, knows what is a dirty picture, a dirty story, or a dirty action. How idolatry issues in pornography and vice is a matter for others to busy themselves with. It is enough to observe that St. Paul makes the connection in the first chapter of Romans, leading directly from the worship of the creature instead of the Creator to homosexuality and lechery generally. Idolatrous worship is expressed in temple prostitution and other forms of vice which most scholars are reluctant to cite. The Canaanites and the Sodomites and others have debauched themselves shamelessly in idolatrous filth. It was for this very filth, for example, that Israel was sent by God to wipe out the Canaanites and occupy their lands, and Sodom and Gomorrah were overthrown by an act of God. Even total permissiveness of vice does not legitimize it, and there are laws against pornography and its issue of vice, as far as I know, among all peoples. Even if vice is "legalized," it is simply made subject to regulation of a sort, unlawful in regard to truly legitimate professions.

The Supreme Court has not said pornography may not be outlawed; it only ruled that nobody is competent to say what is pornographic. As in the case of property laws, there is no other ground to be discovered for vice laws except the Second Commandment forbidding idolatry.

The Third Commandment forbids taking an oath in the name of God falsely. It identifies the crimes of perjury and

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heresy, both of which are false swearing. God himself is said to take vengeance on false swearing, but so does man. All authority would collapse if God's authority were not upheld in this way; there could be no court procedure, no hold on officials who violated their offices, no punishment of crime.

The Fourth Commandment declares a legal holiday (holy day) one day in seven as a commemoration of God's work of Creation, God's giving a beginning to time, to the world and to man. This too is a legal holiday universally, despite lapses. Since the redemption of the world by Jesus Christ, the holiday has been moved to the day of Resurrection, the first day of the week. In commemorating redemption, Creation is included. The week is retained and, interestingly, is the only division of time given by law. All others are governed by the movement of the heavens.

The Fifth Commandment declares, "Honor thy father and thy mother." This is generally, though not always, included in the first table of the law showing our duty towards God. This would be on the ground that it expresses the channel of Divine authority or the chain of command by which parents are declared to be heaven's lieutenants, "The voice of parents is as the voice of God." Since all power belongeth to God, the power or authority of parents is owed to God. Parental authority is universally recognized and upheld by many varied statutes.

Thus the laws of nations uphold the sovereignty of God and the dominion of man who is made in the image of God. Laws upholding human life, liberty and property have already been discussed. It remains to mention (1) the laws against adultery which uphold a man's dominion over his wife, and consequently his family; (2) the laws against bearing false witness, which is the dishonesty at law by which a man may be

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deprived of life, liberty or property; and (3) the laws against “covetousness,” which is spoken of by our Lord in the Gospel of Mark as the crime of fraud, meaning depriving another of what is his by deceit or treachery.

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VIII. Consent of the Faithful

Of all the human rights usually asserted, that of the “right to vote” is one of the most illusory. If human rights are inherent in mankind in a supposed state of nature, a state of existence which precedes law, society and government, where and for what would natural man vote?

Of course, the supposed right derives logically from the notion of government as a social contract into which all parties have entered by conscious and deliberate articles of association. Although everyone is born into a pre-existent social contract, presumably each one retains a “right” to contract out. Since men as individuals are said to have entered into the society, it seems to follow that as individuals they retain the power to leave, which is nonsense.

Marriage provides the one valid instance of a body politic into which each of the parties willingly contracts. Contracting out of a marriage is something else. Despite the modern laxity toward marriage, it remains a fact of life that when it is entered into conditions are set up from which there is no real release. Legal complications are only surface signs. If there are children, the tie may be said to be unbreakable in each child. And while we hear from time to time of some who have

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acted “like adults” about a divorce and split apart amicably, I have never met anyone who did not readily agree that efforts to dissolve a marriage were the most harrowing experience the parties had ever gone through no matter what the occasion.

Moreover, it is a well established fact that whatever imaginings one may entertain about a state of nature that predated human government, there is no remote possibility that any individual today can remain alive entirely on his own. During the 1920's there were a number of highly publicized attempts to prove this one or that one could survive all alone. I doubt if any of these stunts required a person to be naked, and I think the least equipment ever attempted was a knife (which had to be obtained from society). The stunts dissolved in ludicrous admissions of failure or fraud. Certainly no infant could survive more than a few days all alone.

All the same, the logic of the social contract may seem to extend to the notion that if every member cannot opt out, at least he retains a say about conditions of the contract to which he will adhere, what he will help enforce, and so on. This idea led Rousseau, the great publicist, to invent what he called “the general will.” Assuming the existence of this mysterious general will of society was one thing; determining what that will might be in any given instance turned out by necessity to mean a majority vote. Popular vote on every decision to be made by a governing body is manifestly impossible, even in a small town. Framers of the United States Constitution were articulate about its impossibility for a large body politic. Various schemes for plebiscite, referendum, legislating or constitutionalizing at the polls, or letters to Congress have shown how ridiculous it is to determine the drift of the general will at any time, or even if one exists.

We are confronted now with a combination of ideas that

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end up with a contradictory state of things. On the one hand, however it came into being, the corporate society called the "state" is here, all men are part of some state, and none can live without it. Therefore, there is no choice about subordination and obedience to the will of the state (or the majority). On the other hand, this general or majority will can be determined only by the universal exercise of suffrage. The state was created by individual adherence; therefore its ultimate sovereign authority is the collective weight of individual opinion. Modern man seems to have adjusted agreeably to this self-contradiction. He is not at all worried about the remark of an American colonial leader, "If the people are the governors, who then are the governed?" The answer is, the people. The people rule themselves.

The one thing that stands sure in this contradiction is that there is no choice about obedience. Having granted the sovereignty of the people, the sovereign can brook no defection. Whatever the people decree, that all the people must go along with. Rousseau says, "The clauses of the Social Contract, when rightly understood, can be reduced to one: namely, each associate's absolute assignment to the community of himself and all his rights." What part of his rights has the citizen retained by the social contract? Not any. What is the relationship between the citizen and the state? Utter subordination and passivity.

In exchange for his whole bundle of "human rights" the individual has become "a citizen," that is, a participating member of government and this by his participation in the formation of the general will, which in turn is determined by majority vote. In practice this of necessity delegates to officials of "the state" tyrannical and absolute authority. It is in the nature of democracy in this modern sense to be despotic,

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intolerant and arbitrary and for popular sovereignty to be made effective in those officials who, in the name of the state and as servants of the state, merely carry out its mandate. Thus the logic of the case. Once embarked on the metaphysic of a state of nature predating human government and consequently government as a human construct humanly devised and humanly operated, the course must lead straight to the familiar expressions of dictatorship of our time. Fortunately for many of us, the logic is restrained by unwillingness of most to go all the way. Resistance is massive in the nature of things and by sheer human loyalty to what is right. Yet that resistance has no firm ground on which to stand or from which to reverse the trend as long as it accepts the fundamental condition for human rights, namely that man by nature is meant to live without government, but established it himself.

Here again the notion of the right to vote, an expression of participation in government, is easily confused with realities of Christian government under which men are truly free. Those who have become accustomed to the benefits of Christian order can easily mistake the visions of popular sovereignty with what they already enjoy in the operation of what is rightly called "consent of the people." The correct meaning of this phrase is unmistakable. Yet it is so distorted by the metaphysic of human rights that scholars who ought to know better today confuse it with the right to vote. One writer has gone on at length about the tyranny of the popular will as it expresses itself in "consent" by public ballot. This is right enough and accords with what is said above. The trouble is that the doctrine of "No lawful government without consent of the governed" doesn't mean that at all. Consent is not discovered by balloting. It is given by general agreeableness and accord with established customs and traditions being actively upheld by the governed.

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There is extensive Christian literature available on the matter. The real, deep popular will is given expression by what customs and traditions the people maintain in their homes, their neighborhoods, their churches, their larger communities, yes, and in their relationship to their rulers. Laws and decrees which violate or drastically change these customs and traditions are thereby unlawful.

Much rests here on this very traditional understanding of the relation of the rulers to the governed. This in turn is determined by the understanding of the source of the authority, which is the seat of sovereignty. For Christians sovereignty resides, not in the people, but in God. The ruler is therefore not the agent of the sovereign people but a minister of the Sovereign Lord Jesus Christ. While he rules by Divine authority, his rule is also accountable to God and he governs according to the rules of right government. By no means is he seen as having total power over the whole state: he partakes of his particular division of labor given by the Holy Spirit. His function is to maintain justice by the punishment of wickedness and vice and the rewarding of virtue. In other words, he is primarily a judge and his judgment must be guided by the principles of law and justice which are universally known and made specific in Scripture. The prince has no cognizance whatsoever over the Church's work of teaching truth and justice and proclaiming the Gospel of God; neither does he have cognizance over the day-to-day affairs of his subjects (not citizens). He touches their lives only when they have a dispute to be adjudged, when they commit a crime, or when they are asked for financial support for his personal household and wars. The subject is not morally bound to be passive and obedient to every whim of the ruler, and custom and tradition protect him admirably. The judge, however, like the umpire in a game of sport, has the final say on earth and

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this is agreed to by disputants in the interests of playing the game at all.

If he has a war to wage, no one is automatically bound to be subject to conscription. Rather the prince must persuade his barons and representatives of the towns or communes to support him financially and with men, and they must be consulted in each case. Morally they may refuse their support, although obviously this may entail considerable danger and probably would necessitate some kind of civil war or rebellion to replace the sovereign thus unable to win support. He may be thwarted, however, before things get to such a desperate case and none be the worse.

Undoubtedly many will cry, where is this God who will uphold such a glorious human order? For such as will not believe, there is no persuasive answer. For those who have experienced something of this Christian freedom in the public order, however, or who can read history with some measure of empathy, there is no doubt either of the strength of Divine will or the effectiveness of such Divinely ordered government. Subjects of such a prince are indeed "free." They are free to do anything that is not dishonest or criminal, recognizing of course that, like the prince, they also are bound by the immutable justice of God. The division of labor by which each has his own niche is given and promotion comes from above. There is no human sovereign, not even the collective mass of noses of all "citizens."

IX. Christ Hath Made Us Free

There is one overspreading aspect of Christianity which can readily be seen as the pattern for the counterfeit that issues in the human rights notion. The very idea of human rights springs from the prior assumption that man in an imagined state of nature — that is, in harmony with his very being — is without law or government and that therefore government itself, and consequently all human order, is a human construct brought into being by a social contract. In order to achieve the benefits of numbers and order, it is said, men have given up their natural powers and freedoms to be modified by “the state.” These natural powers and freedoms however, called human rights, somehow command a certain amount of lenience from the state in redistributing them. Now this whole idea presupposes that men have in fact consciously at some time entered into a social contract or have contracted into a body politic.

The only universal human society into which individuals have in fact contracted is the Christian Church. If we but recall that the Church is the whole of Christian order in the traditional sense inherited by Western political thought, it is easy to understand how Western Man could become accus-

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tomed to the idea that all human order is somehow brought into being by each member contracting in. That Christian society is in this respect (as in others) unique can be seen on a moment's reflection.

That there are other societal associations into which each member is initiated is certain. Admittedly there are various so-called religious associations and cults into which each devotee must be received. However these may be much fewer and far more restricted than the Nineteenth Century imagined as it read its own Christian assumptions and presuppositions into what could be learned about customs and worship of others. For example, there is a radical difference between cult practices of initiating a youth into manhood on the one hand and baptism on the other. Recognition of this distinction wipes out the comparison of nearly all the cult practices of which we can have any real knowledge with what we may call initiation into Christian society.

There does seem to be a comparable practice of initiation into such cults as the ancient rites of Mithra, and we may suppose there are others, but Mithra made no claim to universality and never presented itself as the whole of human order. In this regard we may rule out the cult of Freemasonry as being comparable to Christianity since again there is no claim to universality. Like the devotees of Mithra, Freemasons are set up as the elite. The same is true of countless lesser associations among men which are formed by contractual agreements. In Christendom alone is the universal human order determined by a structure into which every individual must enter by a conscious act of agreement.

Men in the Christian world, who have learned to think of Christ's Church Militant Here on Earth as embracing the whole social order, can easily imagine out of sheer ignorance

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of any other society that all society is formed in the same manner. This would apply with particular force to the passion of the Enlightenment Age to demonstrate that there is a natural law accessible to the mind of man whether or not there is a personal God. Since all they really knew of human order was the Christian order in which they lived, and since they were assuming that all societies are formed by the same natural law which applies whether or not Jesus is Lord, it was inevitable that they should attribute to this natural order what they knew and understood of Christianity: all they had to do was to get Christ out of the picture.

It could even be allowed that it was Jesus Christ who inspired the existing order, but that would be on the assumption that he simply was ahead of his time and discerned this natural law more sharply than others and so accomplished the marvelous feat of originating civilization. Yet His Divinity would have nothing essential to do with it. One could believe in it or not; the natural law prevailed in any case, they would say. What mattered was the idea that other men could do, perhaps had done, the same thing insofar as organizing society. In fact, acceptance of this natural law idea without regard to a personal God actually demanded a view of original order as some kind of comparable social contract. If there is such a natural law, then it governed the establishment of the society they knew as well as all others. It was beyond contradiction that every Christian was individually baptized, was responsible for his own faith, and became a member of Christendom by individual contractual initiation. This had to accord with the imaginary natural law and therefore the law could be discerned which said this was the manner of formation of all human order.

This is a construct of unbelief. But, given the sovereignty

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of Christ, there is no other shape that construct could take.

One might object that Ancient Israel also had its rite of individual initiation in circumcision. But this is no more than a shadow of baptism, and a faint one at that. In the first place, it was only for males. Equal righters might find this outmoded; nevertheless it is only in Christendom that initiation is the same for all, males and females, which is the point. Moreover, circumcision was required of all born of the blood and involved no individual oath of belief or allegiance: while imposed by human hands, it was more a fact of birth, like red hair, than a social contract. True, strangers could be initiated into Israel but the process was difficult and usually obtained among those who were members of the household by enslavement and became freedmen. The tribes existed by circumstances of birth before circumcision was reinstated by Moses and their structure was not altered by the rite. As with all other nations, membership was normally by birth: the structure was given in the created order of the family, and that in turn was the pattern for the structure of the nation.

The human rights notion of the human race as essentially formed by the will of man entering into social contract is notoriously scandalized by the existence of races, peoples, nations, tribes and languages. Even to insist that these groups do exist is to risk the derisive epithet of "racist." But to deny that they not only exist but that they are unalterable and determinative of human order is to deserve to be called a fool and a liar. National and language groupings have prevailed in the United States over as many as seven or eight generations of the imaginary "melting pot," and show no signs of dissolving even though, for most, English has become the mother tongue. Even the major church divisions retain the national divisions brought over from Europe and Britain: the various

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Lutheran bodies, Dutch and German Reformed, Presbyterian (Scottish), Anglican or English, as well as Irish Catholic as distinct from Italian, Polish or Spanish. Jews, to be sure, are fiercely Jewish, despite the abrasions between the Ashkenazies, the Sephardim and those from Central Europe and Russia. Nobody has yet integrated the Negro race, changed their color or destroyed their elusive community structure.

If there is a natural law governing the formation and structure of human society, it is the will of God and it is seen in the divisions of the earth along lines of generation and blood descent with the inescapable familial pattern for all. Men are born into it without any act of consent of the individual and are cast into a given state by virtue of that birth, which can be altered only within the limits of the circumstances which are also given.

None of this is amended or altered or done away in Christ. Christ's sovereignty in no way denies or negates Christ's own operations in the creation of the world and its government. God cannot deny himself nor improve upon his work: else He is not eternal. The advent of Christ as Sovereign did not somehow allow God to enter into the government of the world; rather it opened the way for man to participate in God's own authority and power which he exercises without ceasing and has from the beginning. By taking his own human nature into heaven, Jesus Christ brought humankind into heaven, there to participate in God's rule: Christians, as members of Christ, share in some measure in this rule and so are kings and priests. There is more to the Gospel than this but the point here is to discover how the very idea of the social contract can be imagined only by those who know nothing but Christian civilization. These can in turn attempt to

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seize upon the glories of the Kingdom of God as being rightfully the property of man. Since none enters into the kingdom of God except by an individual confession of faith and oath of allegiance, those who lust for the blessings of that kingdom but despise the God by whom it is given are readily led to adopt the idea that all human order is patterned after Christendom.

It remains to give at least an outline of the Christian doctrine of public order. First of all, it is seen as embracing the whole world, even though not all the world is Christian. Effective rule and authority is not dependent upon unanimous consent. Christ is ruler, says the psalmist, “even in the midst among his enemies.” The world dominance of Christendom has certainly been contested and is being grievously assaulted from within today, but even the shape of revolution is determined by that which the revolutionists are striving to overturn. If one agrees that what is called Western civilization is in fact, like it or not, Christian civilization, it is hardly worth arguing as to whether it dominates the world today.

Next it is to be noted that the very word “state,” whatever connotations it may have had in pagan times, is familiar to us in the phrase, “The whole state of Christ’s Church Militant Here on Earth;” or simply, the whole state of the realm. The realm is chiefly governed by two powers — always two, never one except in Christ himself. Those two are kings and priests — the lords temporal and the lords spiritual. The third estate is made up of the rest of the folk. Warriors and churchmen are the ruling powers among men.

These powers are superimposed upon but never in conflict with or destructive of the existing structure, except as it contains devotion to evil or wickedness in any form. The Apostles at Jerusalem met in council to decide unanimously, with

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the announced endorsement of the Holy Spirit, that it was a denial of the sufficiency of the grace of Christ to require Gentile converts to be integrated into Jewish society. They ruled that Gentile Christians were to stay in their own national groupings, as were the Jewish converts. Any other requirement would be added to the grace of Christ and that would deny its sufficiency. St. Paul was designated Apostle to the Uncircumcision, St. Peter to the Circumcision. They had no disagreement on this fundamental division but worked in perfect harmony with it.

The principle is evident throughout Europe. Greeks, Italians, Germans, Scots, Englishmen, Frenchmen, Spaniards, Scandinavians, Poles, Russians and many more cherish their national, language and racial heritage, but all are one in Christ. Their nations are federated into Christendom. The place of the Pope of Rome in this scheme is not at issue. The point is that it is only Christians who can be thought of as being part of a body politic into which they have individually contracted. It was therefore to be expected that Rousseau should be able to pass off among Christians his social contract theory as the ground of all human order. As we have seen before, even unbelief can go only in the direction set by the sovereignty of Christ.