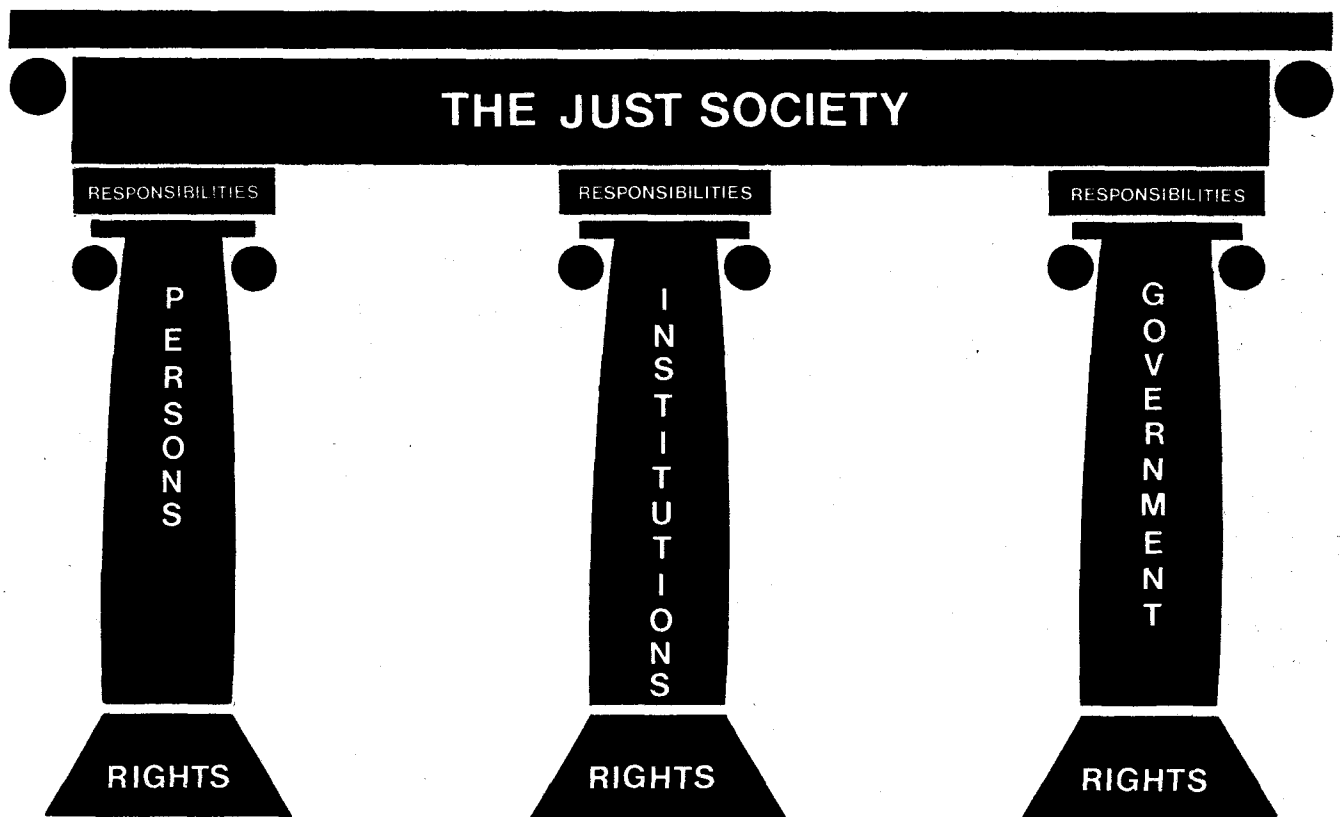


# Three Kinds of Rights

*The precepts of right are these: to live honourably, not to harm another, to render each his due.*

*Justinian Code, A.D. 533.*

*by Bernard Zylstra*



There it is — the Roman law definition of right: to render each his due. What is one's due? What does one have a right to? The question is asked a million times each day, by politicians and parliamentarians, by theorists and theologians, but

especially by the poor, the prisoners and the persecuted. Answers to the question are not as numerous. Nonetheless, answers have been given. Aristotle: you have a right to an equal share of society's wealth. John Locke: you have a right to what you have worked for. Marx: you have a right to what you need. And the materialist who lives in each of us says: you have a right to what you want and can get.

Does the Bible help us answer this question? I think so. I believe the Bible says this: you have a right to fulfill the calling God gives you. A biblical conception of rights starts at

the beginning, with the doctrine of creation. All creatures are God's servants (Ps. 119:91); every creature has a right to be a servant of God, to fulfill its particular office for his glory. Creatures differ because God made them "after their kind"; hence, their callings differ, and their rights. For example, God set the sun and the moon in the firmament of the heavens, the greater light to rule the day and the lesser light to rule the night. He created plants to yield seed and fruit trees to bear fruit upon the earth in order to feed mankind. And he created mankind, male and female, to till and keep the garden of Eden, to fill the earth and subdue it, to love God above all and to love our neighbors as we love ourselves. The entire creation story is filled with divine assignments. Creatures are commanded to carry them out. They have a right both to fulfill these assignments and to the resources and institutions needed to carry them out.

What then of sin? Sin does not eliminate the divine assignments, the callings to creatures. But sin does affect mankind's willingness to listen to the calling; in sin mankind forfeits its rights. But God's grace restores God's entire creation. In Christ's redemption, human rights are rehabilitated for the whole of mankind.

In a society like ours we can speak basically of three types of rights — the rights of persons, of institutions, and of the state. Only a few comments about each can be made here.

The most fundamental right of persons is the right to love God and their fellows. It is an inalienable right which we cannot sell or surrender because it defines our very existence, our human creatureliness. The gods men love are many, and for centuries the lovers of one god denied the right of others to love theirs. But in a just society we are not to harm, or discriminate against, one another as a result of the fact that we serve different gods. Religions are the prime forces in the lives of persons, cultures and civilizations. The society of the future will increasingly be global and thus multireligious, multicultural, even multicivilizational. If that society will be one of peace and justice, it must be one where the right to freedom of religion is accorded preeminence, where there

are no laws "respecting an establishment of religion, or prohibiting the free exercise thereof." (Cf. First Amendment, US Constitution.)

The rights of persons to fulfill their callings implies the *right to be*, the right to life itself, the right to be unharmed. Every individual human life has this right, from the beginning of its existence at conception to its end at death. Human life on earth always exists in concrete, individual bodies of flesh and blood and bones. These individual bodies have a right to remain whole. The basic needs of the body to nurture, food, shelter and care belong to the right to life itself. The body has the right not to be harmed, aborted, maimed, tortured, placed in hostage, molested or terrorized.

The second category consists of institutional or associational rights. Institutions such as marriage, the family and the church, or voluntary associations such as the school, industry, labor unions, and the media, have the right to fulfill their respective callings in society. This category of rights has not been given adequate protection in the constitutions of the western democracies because of the dominance of liberalism which focuses mainly on the rights of individuals to "pursue life, liberty, and property." The First Amendment of the US Constitution only speaks of "the freedom of speech, or of the press," and of "the right of the people peacefully to assemble."

The Charter of Rights and Freedoms, which the Trudeau government wants to include in the new Canadian Constitution, deals with this phenomenally important matter in the section entitled "Fundamental Freedoms." This is all it says:

2. Everyone has the following fundamental freedoms:
  - (a) freedom of conscience and religion;
  - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of information; and
  - (c) freedom of peaceful assembly and of association.

The least change necessary is the addition of the clause: "No one may be compelled to belong to an

association." (Cf. Article 20 of the Universal Declaration of Human Rights, adopted by the United Nations in 1948.) But much more is required. Permit me one illustration. May the Roman Catholic Children's Aid Society in Toronto fire an employee whose morals are detrimental to the aims of the Society? The right of the Society to do this, and thus protect its right to fulfill its calling, is basic to its very existence. It is in this realm of the so-called mediating structures that our system of rights needs fundamental revision.

What, in these few columns, can be said meaningfully about the third kind of right — that of the state and its citizens? Much, of course, needs to be said, because in our levelled and collectivistic societies the above-mentioned rights of persons and institutions increasingly become footnotes to the welfare state — that mismarriage of the body politic and the system of technological production. Much needs to be said, but this must suffice for now.

The state has its own right to exist because it has its own calling. That calling, too, is of divine origin. The state is God's servant for our good (cf. Romans 13:4). It must establish a public realm where the above-mentioned rights of persons and institutions are acknowledged, protected, and guaranteed. The state does not create rights; it must bow before divinely given rights and establish spheres of freedom for persons and institutions where the latter can exercise their own responsibilities and callings.

The matter can be summed up in terms of the precepts of the Justinian Code. The state must see to it that each person and institution within its domain is given its due so that it can fulfill its calling. The state must see to it that persons do not harm one another, that institutions do not repress one another. The state must see to it that we live honorably with one another. Persons and institutions owe honor and respect to each other in society. If we can no longer embody these simple precepts in our complex society, justice will escape us.

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