

A Theological Critique of Rights-Based Theories of Justice

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Introduction

In this paper I critically examine some of the central tenets of rights-based theories of justice. According to rights-based theories, every individual person has an intrinsic value, by virtue of which they have a right or entitlement to certain goods. I argue that a rights-based theory of justice is incompatible with a robust Christian understanding of justice. This is because rights-based theories conceive of persons primarily as individuals and minimize the social dimension of human flourishing. As a consequence of prioritizing the individual over the social, rights-based theories (a) view competition and conflict as normative to interpersonal relations, (b) relegate reciprocity and friendship as instrumental means to individual ends, (c) reduce society and nature to a conglomeration of distinct entities with no common purpose, (d) tend to polarize societies into rival interest groups because of the alleged absoluteness of rights, and (e) offer a predominantly judicial view of justice and personhood.

I am not arguing that individuality and sociality are mutually exclusive, nor am I arguing that we should avoid all rights language altogether. Rather, my contention is that what we conceive persons to

be in their most basic respects impacts both how we do justice and how we discern its proper starting point. The central question is: are persons fundamentally individuals with entitlements or fundamentally beings in relationship? A Christian notion of justice and personhood must begin with the inherent sociality of persons which subsequently requires the primary emphasis of justice to be on mutuality, hospitality, and care for the other rather than individuality, entitlement, and the allocation of individual goods. Individuality and entitlement only find their proper meaning within a fundamental context of sociality and shared goods.

Rights-Based Theories of Justice

The extensive incorporation of human rights language in contemporary political and social discourse is beyond dispute. One is bombarded with the language of individual rights in almost every issue from economics and politics to environmentalism and medical ethics. Indeed, since the unthinkable atrocities of World War II and the Universal Declaration of Human Rights that followed, the language and conception of justice as subjective rights appears to be so deeply embedded into both popular and scholarly parlance that a dispute against its validity or efficacy is perceived as a challenge to the very fabric that underlies a free society. If one is to “work for justice,” the assumption goes, one must work for and defend the rights of individuals. The language of individual human rights has, in an important sense, become axiomatic.

The contemporary understanding of subjective rights – or entitlements that are ascribable to individuals or groups – is a unique combination of the liberal contractarianism of Thomas Hobbes and John Locke (among others) and the utilitarianism of Jeremy Bentham and John Stuart Mill.¹ Although rights theories have been utilized by a variety of traditions in the last century, their contemporary forms have strong connections to these philosophical roots. Therefore, in order to grasp the contemporary meaning or effect of “human rights” theories, it is important to understand the suppositions of rights theories regarding the human person, one’s ultimate purpose or end, and one’s relation to God, others, and the rest of creation. Without proper consideration of its intellectual moorings, rights language can quickly become a manipulative force that upholds and entrenches injustices due to its unforeseen anthropological commitments.²

The genesis of the notion that justice should be founded on individual rights can only be fully appreciated when it is set against the medieval notion of justice out of which it arose. The medieval vision,

as articulated by Aristotle and Aquinas, conceived of justice as a virtue that was concerned with directing society toward a common good. As theologian Daniel Bell describes it, “justice was about the pursuit of unity in the shared love that is the common good. Justice was a matter of coordinating the variegated tasks of the community in the pursuit of a common good.”³ The common good, however, was not seen as something alien to or in tension with the good of the individual citizen.⁴ Rather, the good of the society, when oriented toward its proper end, was at the same time the good of its individual members. The focus of justice, therefore, was on the common good of the community from within a network of necessary, inter-subjective relationships that were oriented toward a proper end.⁵

In the seventeenth century, there was a radical shift away from this social and teleological notion of justice as theorists like Hobbes attempted to shed medieval categories of thought in order to construct a comprehensive philosophy of reality based on the burgeoning mechanistic science of the day. Hobbes charged that past accounts of justice and personhood had made the fundamental mistake of assuming that persons are naturally social beings.⁷ Over against this view, he posited that human persons are fundamentally asocial, non-teleological individuals, concerned primarily with their own pleasure and preservation. Hobbes insisted that without a powerful government to protect individuals from each other, life would be “solitary, nasty, brutish, and short” as individuals would perpetually seek to gain an advantage over their peers.⁸ From Hobbes’s perspective, this description of the fundamental characteristics of human beings was not negative. In the absence of a telos or common good, these were merely the most basic, empirically (i.e., scientifically) verifiable human drives. Hobbes subsequently based individual rights on these fundamental egoistic drives: the right to life on the desire to preserve one’s own life; the right to liberty on the desire to be free from interference.⁹

The modern notion of human rights has also been heavily influenced by the later utilitarianism of John Stuart Mill. Mill agreed with Hobbes that human beings are fundamentally non-teleological individuals that seek pleasure over pain. Mill, however, used an appeal to utility – the maximization of pleasure over pain – as the basis for his argument. Harvard ethicist Arthur Dyck asserts that for Mill, “pleasure was good and pain was evil: maximizing utility meant achieving, as the result of one’s actions or policies, the best balance of pleasure over pain. The only justification for utility, the pleasure/pain calculus for determining rights..., was that human beings naturally seek pleasure and avoid pain for themselves.”¹⁰ In his landmark work, *On Liberty*, Mill described the escalation of individualism as a sign of progress.¹¹ Mature human persons ought to become progressively sovereign, autonomous indi-

viduals if they want to maximize pleasure. Justice and personhood is conceived primarily as the loosing of the person from society, custom, town, church, and family and the separation of one individual from another so that each autonomous individual can seek his or her own pleasure. Hence, one of Mill's central commitments regarding justice is the indispensable need for individuals to be completely free to act as they please provided they do not harm others. Mill's most important addition to the Hobbesian notion of human rights is the absolute right to be left alone.

The story of the widespread adoption of human rights language and frameworks in the last century is the story of the adoption of the account of personhood in this contractarian/utilitarian framework. To quote Bell, "it is the story of the gradual and subtle move away from justice as the principle of a community's solidarity in a robust sense of the common good, to justice as a fundamentally distributive force that secures rights in societies distinguished by the absence of anything but the thinnest of conceptions of the common good."¹² Put another way, justice as rights proposes a radical shift toward the ontological primacy of the individual as rights bearer and thereby instills an atomistic view of society. While justice as rights has been embraced by many diverse religious, social, and political traditions in the last century and has therefore taken on multiple forms, there is an implicit concept of justice and personhood operative in rights-based theories of justice. I will argue that this concept of justice is based on an unbalanced and impoverished view of personhood because it focuses too exclusively on the ontological primacy of the individual and therefore neglects the communal, it assumes conflict and competition are fundamental to human relationships, it sustains an atomistic view of society and its resources, it engenders polarization through its alleged absolute nature, and it relies on a fundamentally judicial view of justice. Rights theories provide an improper starting point for justice from a Christian perspective because they are committed to the ontological individuality of the human person.

Problems with Rights Theories

The first, and perhaps most fundamental, aspect of rights theory is the turn toward the individual as the basic building block of a just society.¹³ In the rights perspective, the individual and her entitlements are the ultimate irreducible reality. The individual is ontologically prior to any form of sociality. Society consequently exists for the sake of providing individuals with rights so that each individual will have the freedom to pursue their own version of the good life. The human

person, in this view, is understood fundamentally through the lens of individuality or particularity and difference. So the primary difference between the medieval notion of justice and the rights-based notion of justice is the place of the individual subject.¹⁴ In the ancient conception of justice and personhood, an individual was under a social order or law. A person may be accorded certain benefits or immunities under that order (which could be defined as “rights”) but he or she was fundamentally a part of and under some kind of teleological social order that subsequently defined that individual’s purpose or end.¹⁵ In contrast, in the rights-based view, the individual, as autonomous rights-bearer, is the center of the moral universe. The individual (a) is the basic unit of a society, (b) is ontologically prior to any form of sociality, and (c) has an active and necessary role as claimer of goods. In short, the human person is now seen fundamentally as an individual with certain rights or entitlements (rather than an inherently social being) that are necessary to perpetuate life (Hobbes) or to maximize pleasure (Mill) or that simply demand respect on account of individual worth.

Feminist theorist Carol Gilligan rightly asserts that the shift toward individual rights is essentially a shift toward defining the human person as a self that is fundamentally an individual rather than a self that is intrinsically and necessarily in relationship to others.¹⁶ So there is not only a lack of a robust sense of a common good in rights, but a lack of a necessary or inherent unifying connection between persons. This becomes evident in the litigious and individualistic terms through which inter-subjective relationships are portrayed. For example, in rights theories relationships like marriage are viewed through the lens of each particular individual’s entitlements to goods (rights) rather than mutual love and care for one another. Put another way, the primary concern of rights is to protect the entitlements of the individual in and from social groups (since individual rights are fundamental and sociality is not) rather than fostering healthy forms of sociality. To be clear, the issue at stake is not a dichotomy between the protection of individuals and the fostering of sociality. These are not mutually exclusive categories. The issue, rather, is that human rights theory begins with ontological individualism and then looks for parameters of connection. Inter-subjective relationships are an artificial, secondary, and nonessential reality as a result. In an important sense, rights theories’ commitment to the individual sustains a tacit fragmentary vision of justice because connection and attachment are not intrinsic aspects of personhood.

Rights theory’s commitment to the essential individuality of persons also leads to an intrinsic form of antagonism. Woven into individual rights theories, in other words, is a basic form of conflict. If the rights of the free individual are the fundamental, irreducible reality (and start-

ing point for justice), then individuals will inevitably come into conflict with one another over society's resources as predicted by Hobbes and Mill. Since there is no unifying sociality or sense of reciprocity that is intrinsic to personhood, a sense of competition and conflict will be basic to human relationships as autonomous, entitled individuals exercise their separate, conflicting claims to society's resources. Inter-subjective relationships are secondary or derivative to individual rights and therefore take on a combative nature. Rather than beginning with a unitive image of persons, centered around a common good or common purpose – or at the very least a bond of friendship, trust, and care for one another – persons are first and foremost individuals bearing rights against one another. Theologian William Cavanaugh asserts that in a rights-based conception of justice, “the recognition of our [relational] participation in one another through our creation in the image of God is replaced by the recognition of the other as the bearer of individual rights, which may or may not be given by God, but which only serve to separate what is mine from what is thine.”¹⁷ Accordingly, the primary role of the state is to minimize the conflict over claims to goods.

The inherent antagonism of a rights-based view is revealed by the way rights are usually described as persons bearing rights against one another. This way of framing justice and personhood begins with the premise that competition and conflict are normative rather than exceptional. Rather than beginning from a place of basic cooperation, rights-based theories begin with a basic combative demand for entitlements. As Harvard law professor Mary Ann Glendon has pointed out in her seminal work, *Rights-Talk: The Impoverishment of Political Discourse*, it is no coincidence that the litigious obsession with and demand for individual rights has coincided so closely with an increasingly fragmented form of individualism in our culture.¹⁸ When justice is reduced to individual rights, persons are essentially individual competitors and demanders of goods. Justice takes on a truncated and negative form as it is essentially constricted to the resolution of conflict and the allocation of atomistic private goods.

Since individuals and their entitlements to goods are fundamental and inter-subjective relations are derivative and usually antagonistic, relationships of reciprocity and community are relegated to a nonessential status.¹⁹ Indeed, as Glendon asserts, as a result of the overemphasis on individual rights, “a kind of blind spot seems to float across our political vision where the communal and social, as distinct from individual or strictly economic, dimensions of a problem are concerned.”²⁰ Furthermore, when justice is founded on the rights of the individual, inter-subjective relationships inevitably become instrumental means to an individualistic end. Sociality, in other words, is only beneficial insofar as it increases individual rights. Although individuals may be

bound to one another in friendship, the mechanism of the relationship is purely “formal” in the sense that it has no intrinsic relationship to ends but is definable only as a means to individual fulfillment.²¹ Social bonds are not an inherent good but are secondary, voluntary entities that promote individual well-being at best. Social groups are nothing more than aggregations of similar-minded individuals coming together to pursue individual interests.²² In a nutshell, if the individual and her entitlements are fundamental, as rights theories claim, then inter-subjective relationships must be derivative or secondary to the individual. As a result, there is no way to account for the fundamental role of formative communities that are united around a common good that is resistant to the injustices of our world.

Furthermore, there is a notable absence of a robust sense of a common good in rights-based views. As a consequence of the latent atomistic individualism in rights-based views, justice is conceived primarily as a formal, instrumental force that is necessary to allocate goods and hold individuals together in a society where social relations are primarily antagonistic and competitive. Indeed, early rights theorists, such as Hobbes and Mill, attempted to discard all notions of the good in order to conceive of persons in strictly individualistic and non-teleological terms. When a perspective of justice and personhood begins with the essential separateness of individuals, it must also be committed to the basic contention that justice is based on individual goods rather than a robust sense of a common good.

This does not mean, however, that rights-based theories have no conception of a common good whatsoever. But it is a thin conception at best. Shared goods do not play a vital role in rights because the individual’s entitlements are fundamental. For this reason, the rights-based account of society as an amalgamation of atomistic, individual rights-bearers and of justice as the guarantor of rights offers nothing more than a distributive framework.²³ Justice is first of all the division and allocation of private goods to individuals. In this view, demands for rights often perpetuate the systematic injustices they are meant to decry because they exacerbate an atomistic, individualistic vision of what is just.

Theologian and geographer Janel Curry points out that the individualism of rights discourse inevitably leads to the fragmentation of our natural world as well. In order to provide a fair distribution of goods in an individual rights perspective, nature must be divided and then allocated to the plurality of separate and conflicting individuals.²⁴ For example, because there is no substantive common good and the individual is the basic unit of reality, forests, lakes, oceans, land, etc., are split into separate, fragmented pieces in order to be distributed to different individuals and/or groups. Justice essentially becomes

about dividing and allocating goods to individuals and then protecting those individuals and goods. In an important sense, justice is based on building atomistic hedges of protection around individuals and their rights because rights cannot move beyond the allocation of goods to individuals. Rights discourse cannot justify or create the bonds of friendship that are necessary to cultivate formative communities that are unified around a common good that is resistant to the atomizing and acquisitive fragmentation of our culture.²⁵ In other words, a rights-based theory of justice cannot generate and sustain the solidarity that is necessary to resist injustice and solve conflicting rights claims because such solidarity requires a more robust sense of the common good.²⁶ An adequate account of justice must include an essential place for formative, unified communities that are oriented toward a proper end.²⁷

To be clear, the issue at stake is not whether individual persons should be protected. The question, rather, is whether a vision of justice and personhood in which the individual is the main form of reality can foster just, sustainable communities.²⁸ As Bell cogently argues,

Insofar as justice as the guarantor of rights entails a shift from functioning primarily as a unitive force that coordinates the pursuit of a common love to a distributive force overseeing the pursuit of private goods and ends, it relinquishes its connection with a genuine peace that comes from the harmonious interaction of persons who share a common good. Justice that is primarily distributive rather than unitive is reduced essentially to a manager of conflict, a regulator of the constant competition for society's scarce resources. Any peace achieved by this justice is at best a facsimile of genuine concord, a mere cease-fire, a tenuous balance of power that at any moment may issue in renewed conflict and violence.²⁹

The problem with rights-based theories is not that they protect individuals but that they base justice on the integral individuality of the person and thereby focus too exclusively on the distinction between individuals rather than the relationships or common goods that bind them together. Rights-based theories cannot transcend the fundamental separateness of persons in order to provide the categories necessary to adequately address those aspects of justice that require a unifying common good. Both society and nature are fragmented as a result.

The fragmentation of justice is further entrenched by the allegedly absolute character of rights.³⁰ The simplistic language of rights is the language of no compromise; it is an all-or-nothing ordeal. When justice is conceived in the combative, judicial, absoluteness of rights, however, issues become increasingly difficult to resolve. There is no consider-

ation of the greater consequences of granting specific rights, leaving little room for compromise, mutual edification, or rallying around a common good. For example, once you see the abortion debate as a conflict between individual rights – the right of the fetus versus the right of the mother – there are few stopping points between the unlimited immunity of the one or the untrammelled freedom of the other.³¹ The alleged absoluteness of rights naturally fosters the penchant to regard complex social issues such as these in glib, absolute terms; issues are reduced to two diametrically opposed positions. Charles Taylor argues that, “[a]n unbalanced system such as this both reflects and entrenches fragmentation. Its spirit is an adversarial one in which citizen efficacy consists in being able to get your rights, whatever the consequences for the whole.”³² When justice is framed in terms of absolute individual entitlements, it usually ends up polarizing rival interest groups and entrenching individuals into unbalanced, partisan social views.³³

Finally, in a rights-based view, justice is seen as a predominantly judicial (i.e., state-based) endeavor. This is because the establishment of the individual with rights as the ultimate irreducible reality is closely correlated to the loosing of the individual from the claims of society, custom, town, church, and family. An individual must be freed from intermediary social groups in order to be free to pursue the good life on his or her own terms. In a rights-based society, therefore, the primary social relationship is between each separate individual, as rights bearer, and the powerful state, as rights guarantor.³⁴ Justice is conceived almost exclusively as a judicial and litigious process. Rights-based theories of justice are forced to rely on a large bureaucratic state to police the many ways that individuals interact with one another in order to ensure the protection of each individual’s rights.³⁵ As a consequence, inter-subjective relations are not only predominantly conflictual and competitive, as mentioned earlier, but they are also chiefly judicial – mediated by the state. Ironically, while individual rights seem to be the antithesis of the powerful state, in truth, individual rights are only possible when an all-powerful state is there to police them as Hobbes envisaged.³⁶

As Taylor notes, this judicial emphasis tends toward an unhealthy litigiousness as the law school and the courtroom become the center of debate about justice issues.³⁷ When justice is viewed primarily as a judicial battle of rights, people find it increasingly difficult to identify with the broader community and begin to view politics and justice only as a conflict between rival partisan interest groups. Taylor says that, “[t]his lack of identification [with the broader community] may reflect an atomistic outlook, in which people come to see society purely instrumentally. But it also helps to entrench atomism, because the absence of effective common action throws people back on themselves.”³⁸

Additionally, in a judicial rights-based system, the state has to overcome the power of other social groups in order to protect individual sovereignty.³⁹ The individual, as fundamental reality, needs the protection of the state against other individuals and social groups. To cite but one contemporary example of this type of reasoning in the United States: “pro-choice” proponents argue that an underage girl’s right to an abortion without notifying her parents is a matter of individual rights. The girl has a right to make her own choices – which usually means complete self-determination – and needs to be protected from her family. The family not only lacks any inherent value, in this view, but it is seen as an obstacle to the primary inter-subjective relationship between individual and state. In cases like this (as well as countless others), it is evident that the conception of justice rests on the supposition that the individual is entitled to be absolutely free to do as she pleases as long as it does not “directly” harm others. And an individual needs to be protected from intermediary social groups in order to exercise that full autonomy. Consequently, the many diverse, formative local communities to which individuals belong are not only relegated to instrumental means to individual fulfillment, but they are also made private and voluntary so as not to threaten the power of the state and the freedom of the individual. Intermediary local communities must remain private (where different undebatable personal goods can be pursued) while the state defines the whole public sphere (where no common good exists but only rules for fair distribution).⁴⁰ Rather than viewing justice as a unifying or caring act, it is primarily a state-run distribution of goods and protection of individual spheres of autonomy.

When justice is based on the rights of the individual, the ordered life of a society rests on the antagonistic, judiciary process of the courtroom or the state. Success on any given justice issue is defined only in individualistic terms (did the individuals involved get their rights?). To repeat, the problem with rights-based theories of justice is not that they protect individuals but that they claim to be the fundamental reality. When relying on rights-based views, there is no way to define the value of a rich neighborhood life, shared goods, roots, a common good, or virtuous citizenship.⁴¹ Individual rights, while important, need to be put into their proper place as secondary, unfortunate tools that sometimes need to be used in legal discourse when primary relations have been broken down.⁴² For, as Cavanaugh asserts, while the state’s careful adjudication of individual’s rights may serve to mitigate the conflicting effects of individualism, it cannot hope to enact a truly social process.⁴³

Conclusion

While it would certainly be unwise to downplay the positive effects of human rights theories in many different contexts, it is important that we recognize the implicit notion of justice and personhood that it creates and sustains. For although the use of individual rights views has at different times helped to ease the pain and oppression of peoples around the world, a view of justice that is based on the fundamental individuality of persons will not, and indeed cannot, create just communities united around a common good because the individual and her entitlements will always trump the good of the whole. And if rights-based theories of justice fail to provide an account of justice and personhood that can resist the fragmenting individualism of our politics, then we must take a different path. This is not to harken back to some utopian vision of justice from the past or to completely eschew all rights language, however. Rather, it is a radically different starting point than rights theories provide.

Speaking from a Christian perspective, our account of justice must begin from a more holistic and Biblical perspective of justice, a vision of justice that is based on mutuality, radical dependency, ceaseless generosity, inordinate hospitality, and sacrifice and suffering rooted in the life of Christ. In the words of philosopher Scott Moore, we need an “extraordinary politics,”⁴⁴ demonstrable through a set of practices that are born out of the Christian community and that subsequently enable that community to escape the thrall of the state.⁴⁵ Put more contentiously, we need to see that the vocation of the church is political, not as merely another form of statecraft, but as a community that practices the extraordinarily gracious politics that we have received through God’s justice, the incarnate Son of God. Through Jesus Christ we have received a summons both to receive and also to extend the redemptive and loving justice of God to his creation. The justice of God must begin from a place of mutuality, friendship, and generosity rather than individual entitlements.

Here Scott Moore can be particularly helpful. He cogently argues that the practice of hospitality is one example of a Christian practice that can bring about such an extraordinary politics. The practice of hospitality takes a radically different approach to persons than rights. Hospitality begins with the recognition that life is fundamentally a gift to be shared rather than an entitlement to be protected. It is a virtue that is firmly rooted in what Alasdair MacIntyre calls the “virtues of acknowledged dependence.”⁴⁶ As such, it is a practice opposed to the rights emphasis on individual autonomy because it recognizes and responds to the dependency and vulnerability that we all share. Although hospitality begins by meeting the most dire human needs,

it also extends itself in friendship and welcome of the “other.”⁴⁷ Through friendship with the other, the practice of hospitality has a transformative effect on both host and guest as doors of welcome are opened, the table of one’s labor is generously shared, and stories are exchanged.⁴⁸ Hospitality values persons and bonds of friendship between persons over individual claims to goods. The focus, in other words, is on generosity of shared goods rather than the atomism of strictly distributive frameworks.

Needless to say, there is always the potential for the generous and the vulnerable to be exploited. Although seeking personal security and protection may certainly be necessary at times, to simply shift the primary focus of justice back onto individual preservation and rights out of fear of vulnerability is to engender the impoverished and agonistic relationships that rights theories envision as normative. Christians should not rely principally on rights language, not because it has never done anyone any good, but because it cultivates the impoverished notion that individuality, autonomy, and entitlement are the true source of human flourishing. An extraordinary politics opposes the rights emphasis on individual autonomy by embodying practices that mirror the radical dependency and vulnerability that we share with all of creation.⁴⁹

Notes

- ¹ Joan Lockwood O’Donovan, “Historical Prolegomena to a Theological Review of ‘Human Rights,’” *Studies in Christian Ethics* 9, no. 2 (1996): 52-53; Arthur Dyck, *Rethinking Rights and Responsibilities* (Cleveland, OH: The Pilgrim Press, 1994), chs. 1-4.
- ² For a cogent perspective on the unintended negative effect of human rights theory on liberation theology see Daniel M. Bell Jr., *Liberation Theology After the End of History* (London: Routledge, 2001); Daniel M. Bell Jr., “Sacrifice and Suffering: Beyond Justice, Human Rights, and Capitalism,” *Modern Theology* 18, no. 3 (July 2002): 333-359.
- ³ Bell, “Sacrifice and Suffering,” 335.
- ⁴ C. C. W. Taylor, “Politics,” in *The Cambridge Companion to Aristotle*, ed. Jonathan Barnes (Cambridge: Cambridge University Press, 1995), 233-235.
- ⁵ Thomas Aquinas describes this intimate relationship between the common good and the good of the particular person when he says that “whoever promotes the common good of the community, by that very fact promotes his own good as well..., for the proper good simply cannot exist outside of the family, or of the city or Kingdom.” Quoted in Normand J. Paulhus, “Uses and Misuses of the Term ‘Social Justice’ in the Roman Catholic Tradition,” *Journal of Religious Ethics* 15 (1987): 265.
- ⁶ To be clear, I am not arguing that rights-based conceptions of justice originated with Hobbes or Mill. Rather, my contention is that Hobbes and Mill were two of the paramount figures in the move toward individual rights and the contemporary understanding of rights.

- ⁷ Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 169.
- ⁸ Thomas Hobbes, *Leviathan*, ed. Michael Oakeshott (New York: Macmillan Company, 1962), 100.
- ⁹ Arthur Dyck, "Rethinking Rights, Preserving Community: How My Mind Has Changed," *Journal of Religious Ethics* 25, no. 1 (Spring 1997): 4.
- ¹⁰ Ibid.
- ¹¹ John Stuart Mill, *On Liberty*, ed. Elizabeth Rapaport (Indianapolis: Hackett Publishing Company, 1978).
- ¹² Bell, "Sacrifice and Suffering," 335.
- ¹³ Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989), 11.
- ¹⁴ Ibid.
- ¹⁵ Ibid.
- ¹⁶ Carol Gilligan, *In a Different Voice* (Cambridge, MA: Harvard University Press, 1993), 35.
- ¹⁷ William T. Cavanaugh, "The City: Beyond Secular Parodies," in *Radical Orthodoxy*, eds. John Milbank, Catherine Pickstock, and Graham Ward (London: Routledge, 1999), 192-193.
- ¹⁸ Mary Ann Glendon, *Rights-Talk: The Impoverishment of Political Discourse* (New York: Maxwell Macmillan, 1991).
- ¹⁹ Vigen Guroian, *Ethics After Christendom: Toward an Ecclesial Christian Ethic* (Grand Rapids: W.B. Eerdmans, 1994), 19.
- ²⁰ Glendon, *Rights-Talk*, 112.
- ²¹ Cavanaugh, "The City," 193.
- ²² Jack Crittenden, *Beyond Individualism: Reconstituting the Liberal Self* (Oxford: Oxford University Press, 1992), 19.
- ²³ Bell, *Liberation*, 105, 125-127.
- ²⁴ Janel Curry, "Globalization and the Problem of the Nature/Culture Boundary," in *After Modernity*, ed. James K. A. Smith (Waco, TX: Baylor University Press, 2008), 183-200.
- ²⁵ See Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 1981).
- ²⁶ Bell, *Liberation*, 126.
- ²⁷ Ibid.; Glendon, *Rights-Talk*, ch. 5; Arne Rasmussen, *The Church as Polis: From Political Theology to Theological Politics as Exemplified by Jurgen Moltmann and Stanley Hauerwas* (Notre Dame: University of Notre Dame Press, 1995), 250-265.
- ²⁸ Robert N. Bellah, Richard Madsen, William M. Sullivan, Ann Swidler, and Steven M. Tipton, *Habits of the Heart: Individualism and Commitment in American Life* (Berkeley, CA: University of California Press, 1985), 143.
- ²⁹ Bell, "Sacrifice and Suffering," 341.
- ³⁰ See Nicholas Wolterstorff's defense of the absoluteness of rights in *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2008), 291.
- ³¹ Guroian, *Ethics After Christendom*, 18-20; Stanley Hauerwas, *A Community of Character* (Notre Dame: University of Notre Dame Press, 1981), 219-220; Charles Taylor, *The Ethics of Authenticity* (Cambridge, MA: Harvard University Press, 1991), 116.
- ³² Taylor, *Ethics of Authenticity*, 117.
- ³³ Bell, "Sacrifice and Suffering," 343.
- ³⁴ Bell, *Liberation*, 64.
- ³⁵ William T. Cavanaugh, *Torture and Eucharist: Theology, Politics, and the Body of Christ* (Oxford: Blackwell Publishers, 1998), 192.
- ³⁶ William T. Cavanaugh, "The Body of Christ: The Eucharist and Politics," *Word and World* 22, no. 2 (Spring 2002): 173. See also John Milbank, "Against Human

Rights: Liberty in the Western Tradition,” *Oxford Journal of Law and Religion* 1, no. 1 (January 2012): 1-32.

³⁷ Taylor, *Ethics of Authenticity*, 114-116. See also Glendon, *Rights-Talk*.

³⁸ Taylor, *Ethics of Authenticity*, 117.

³⁹ Cavanaugh, “The Body of Christ,” 173.

⁴⁰ Rasmusson, *Church as Polis*, 251.

⁴¹ Glendon, *Rights-Talk*, 111-112.

⁴² Scott H. Moore, *The Limits of Liberal Democracy: Politics and Religion at the End of Modernity* (Downer’s Grove: InterVarsity Press, 2009), 115.

⁴³ Cavanaugh, “The City,” 193.

⁴⁴ Moore, *Limits of Liberal Democracy*, chs. 7-8.

⁴⁵ *Ibid.*, 141.

⁴⁶ Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court, 1999), 119-125.

⁴⁷ Matthew 25:31-46; 2 Corinthians 5:16-21.

⁴⁸ Moore, *Limits of Liberal Democracy*, 148-149.

⁴⁹ *Ibid.*, 139.