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ORIGINAL ARTICLE

Human rights and divine holiness

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Abstract

Theists commonly hold that God endows humans with rights. Standard explanations draw on natural law theory or divine command theory. However, the natural law account does not give God a central role in explaining our rights, and the divine command account does not assign human nature a significant explanatory role. A successful theistic explanation of human rights must meet three conditions: (1) God must directly explain human rights; (2) human nature must also directly explain human rights; (3) this dual contribution must explain why morality forbids rights violations by grounding the deontic reasons associated with rights. I propose a *holiness* account of rights. On this view, God endows human nature with rights by making human nature holy, and God does so by fashioning humans with one of God's essential properties: the capacity to love. This theory satisfies all three conditions and explains the deontological character of rights.

Keywords: rights; holiness; theism; divine command theory; natural law theory

Since at least the seventeenth century, many Christian theists have claimed that God explains human rights.[1] But how does this occur? One standard answer: God gives people rights by making them rational and free. Rights inhabit human nature. Call this the *natural law* account of rights. Another common response: God confers rights by forbidding us from mistreating others. God endows rights through divine commands. Call this the *divine command* account of rights.

Neither account succeeds. I argue that a successful theistic explanation of human rights must meet three conditions:

1. God must directly explain our human rights.
2. Human nature must also directly explain our human rights.
3. This dual contribution must explain why morality forbids rights violations by grounding the deontic reasons associated with rights.

The natural law account violates condition (1). God only explains our rights by instantiating human nature, and this contribution is too indirect. The divine command account violates condition (2). God will craft divine commands by considering facts about human nature, but the contribution of human nature is too indirect. Versions of both accounts violate condition (3).

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I develop a theory of rights that meets all three conditions. In the Christian picture I assume, God endows human nature with rights by fashioning beings whose central essential property is the capacity to love others. Since, for Christians, God *is* love, God makes human beings like God's self. We inherit God's *holiness* when we resemble God by sharing God's essential qualities.

I follow Mark Murphy's (2021) new theory of divine holiness. Holiness *simpliciter* makes two responses apt: we desire a relationship with the holy being (the *fascinans* response) and we recognize that we do not deserve the relationship (the *tremendum* response). God is the only primarily holy being: every other holy thing derives its holiness from God. I distinguish, as Murphy does, between primary and secondary or derivative holiness (Murphy 2021, ch. 4).

We should respond differently to secondary holiness than primary holiness because only a primarily holy being merits *worship*. Sensing this, monotheistic religions prohibit worshipping anything other than God. Instead, secondarily holy beings deserve *reverence* (Warmke and Warmke forthcoming). God grounds our reasons to revere human beings by making human nature secondarily holy. Persons have rights in virtue of their reverence-worthiness.

This holiness account of rights is a dual contribution theory. Humans contribute their natures, whereas God contributes holiness as the paradigmatic loving being. The holiness theory also explains the deontological character of rights because, as I shall argue, holiness grounds deontic reasons.

Atheists will find much of interest in this article. First, most humans are theists. Atheists want theists to have good theistic grounds to respect human rights. Second, my theory challenges atheism indirectly. Atheists often struggle to ground human rights where theists do not. Both sides affirm human rights, though. So, if rights make more sense on theism, atheists have a reason to accept theism.

Some will object to my view immediately. Any theistic theory of rights implies that people lack rights on atheism. That seems false. Torture and abuse are wrong, whether God exists or not. Here I will bite the bullet. If God does not exist, neither would morality (or anything else). But my theory will still explain why people seem to have rights even on atheism. We learn that others have rights by grasping their made-holy natures. But atheists can have this perception much as they accurately perceive God's physical creation.

Further, atheists understand reverence. Many atheists revere the majesty of nature and the power of science without knowing why. Along related lines, they grasp that other humans deserve respect. They have accurate aesthetic and moral perceptions.

In the next section, I will defend conditions (1)–(3). I then critique both Jeremy Waldron and Nick Wolterstorff's theistic rights theories. After that, I examine the ideas of God's holiness and holiness-based reasons and clarify how God can confer holiness on other things or persons. I next describe human nature as a capacity to love, and that thereby humans necessarily share one of God's central essential properties. The final three sections distinguish between our duties to worship God and revere human persons, outline the idea of rights as expressions of apt reverence for persons, and conclude.

God, humans, and deontic reasons

Theistic theories of rights map onto natural law and divine command theories of ethics. Moral rights consist of ethical norms. Reba has a claim-right to ϕ if she may ethically pursue ϕ, and others have a correlative duty not to stop her (Hohfeld 1919). Since rights consist of moral standards, ethical theories can produce rights theories. Natural law and divine command theories can build rights theories upon their parallel ethical theories.

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Murphy and I agree on the weaknesses in natural law and divine command theories (Murphy 2011). Natural law theorists ground right action in human nature and the human good: God makes right acts right by creating humans, determining morally right action at a remove. A merit of natural law theory is that rightness doesn't vary based on divine whim. But it has a serious demerit. Morality doesn't change based on facts about the divine. Yet if God is sovereign over creation, God should directly explain everything (Murphy 2011). That includes morality.

Divine command theory, in contrast, recognizes God's sovereignty because it explains moral facts through divine commands or the divine will. Yet divine command theorists make facts about human nature explanatorily inert. Current divine command theories say a loving God's commands determine the morally right action. A loving God cares about humans, so God will never issue an order that threatens our good (Adams 1999; Hare 2015). But, human nature determines the content of moral requirements only indirectly. Our nature is only a factor God considers. Divine command theorists allow rightness to float free from facts about the kind of thing we are, but human nature must directly contribute to right and wrong.

We can illustrate the dilemma in philosophical history. Thomas Aquinas (ST IaIIae, 91) represents the natural law account, and John Locke represents the divine command account (Layman 2014, 102).[2]

Some say that Aquinas has no theory of rights. Rights are modern fabrications and imply a degree of individualism that Aquinas rejects.[3] Yet Aquinas affirms duties that constitute rights. We must aid others, and others may insist on our aid (ST II-II 32, a. 1). In this way, Aquinas adopts a claim-right to assistance whether he uses the term 'rights' or not.

Aquinas grounds rights in what persons need to flourish and the intrinsic goods which reason inclines them to pursue. John Finnis (2011) advances the most prominent contemporary Thomistic foundation for natural rights.[4] He formulates an account of basic goods that, together, make for an excellent human life. Finnis then postulates that persons have rights to basic goods.[5]

To give more detail, note that Finnis's defence of rights draws on a notion of the common good. He defines it as 'a set of conditions which enables the members of a community to attain for themselves reasonable objectives' (Finnis 2011, 155).[6] Natural rights express practically reasonable ways to realize the common good, and only a rights-protected environment allows humans to find the basic goods and flourish by way of them.

Locke arguably grounds rights in divine commands because he adopted divine command theory about moral obligations (Layman 2014). Yes, natural laws exist, and we should follow them because doing so contributes to our good, but we have no *natural* obligation to do as the natural law directs.[7] We don't owe anyone following the natural law until God commands us to obey it.[8] Locke's divine command theory of obligation grounds a rights theory because God confers rights by creating the duties that comprise claim-rights. In this way, God figures directly into the explanation of our rights.

Theists should want to draw on Aquinas and Locke, hoping that each theory can patch up holes in the other. With Aquinas, aspects of human nature help ground our rights. With Locke, aspects of God help ground our rights. Moral obligations would have a *concurrentist* explanation. On such a view, both divine and human truths explain morality, but neither derive their explanatory power from the other.

My concurrentist theory of rights draws on Murphy's concurrentist explanation of morality (Murphy 2011, 148). For Murphy, concurrentism synthesizes Platonic and Aristotelian moral metaphysics (Murphy 2011, 160). With Aristotelian accounts of goodness, our natures determine what is good for us, and so, what is right for persons to

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do. But with Platonic theories of goodness, we should fulfil our nature to resemble God. Moral law requires 'being like God in ways that belong to the kind to be like God' (Murphy 2011, 160). Put another way, God explains why fulfilling our nature is good, since God is the Good, the standard of goodness. Platonic divine facts and Aristotelian human facts concurrently determine the moral law.[9]

Theists must also explain the deontic force of rights, why persons merit respect and must follow certain lines of conduct when they interact with others (Benn 1988). The relevant deontic reasons must have great weight too. Theorists must explain the immorality of violating rights to produce greater goods. Theists usually ground deontic reasons in the *imago Dei*, but we are seldom told *how* the *imago Dei* grounds deontic reasons, only that it does.[10]

We become inviolate if we resemble God enough to share in God's holiness. Holiness will ground deontic reasons. These reasons do not depend on desires or beliefs (Joyce 2015). Or any human responses. Our rights are robustly real. If divine holiness explains rights, they will depend in no way on human attitudes, as required. Holiness-based rights are also robustly real.

The holiness foundation for rights explains how deontic reasons motivate us. I argue that holiness-based reasons provide intrinsic motivation. When I learn Reba is holy, I am motivated not to violate Reba. If so, deontic reasons combine metaphysical externalism and motivational internalism (Rosati 2016). Our rights are both real and motivating.

We need a theistic rights theory that satisfies a dual contribution condition and that generates deontic reasons of the sort described.

Jeremy Waldron and Nicholas Wolterstorff's theistic rights theories

Natural law and divine command theories fail to explain our rights. Natural law theory cannot explain how God contributes to our rights, whereas divine command theory cannot explain how human nature contributes to our rights. Two recent theistic accounts of rights face related challenges, and reviewing them helps illustrate the weaknesses in the two main approaches. The problems with natural law and divine command accounts of rights reproduce themselves in their work.

Waldron's Locke believes that rights come from our capacity to know God (Waldron 2002, ch. 2).[11] Waldron thinks Locke cannot ground rights in human nature. For Locke, natures do not exist (Locke 1975, III.iii.15). Nominalism is true. So, persons have worth as bare individuals, owing to their capacity to know God. Waldron's Locke thereby grounds rights in a feature of human persons and not a quality of God. He does not adopt a divine command rights theory.

The question for Waldron's Locke is how to make sense of the intellectual power to process specific ideas. Our intellectual capacity does not seem contingent, but necessary. If humans have this feature necessarily, it is arguably part of our nature. But Waldron wanted to avoid appealing to human nature. If he appeals to it, his theory falters as the natural law account of rights faltered. But suppose the intellectual power is contingently ours. Then Waldron's Locke faces the same problem as the divine command Locke, which is that human rights should not rest on a contingent foundation.[12]

Wolterstorff argues that our rights rest on our worth. God confers worth on each of us by loving us: God's love is not a response to our pre-existing value (Wolterstorff 2010, 342–361). Since God loves everyone, everyone has worth, and since worth grounds rights, everyone has rights. Here divine facts explain our rights, but via God's loving attitudes. Notice that God does not love creatures by way of human nature but attunes love to each of us as individuals. And God's love is not determined by our natures. Both factors imply that our shared necessary features do not contribute to our having rights.[13]

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Wolterstorff's view thereby shares the weakness of divine command approaches.[14] God's love floats free from human nature. Love cannot therefore explain the invariant, universal character of rights.[15]

Divine holiness and holiness-based reasons

I will now develop the holiness-based theory of human rights. Holiness is essential to my story because it grounds objective, motivating deontic reasons, and so helps meet condition (3). We can summarize these reasons as the claim that persons have rights. God confers holiness on human nature through resemblance, which explains our rights directly, and by receiving holiness, human nature explains our rights directly. The article will unearth a dual contribution theory of rights that meets conditions (1)–(3).

Holiness figures into human moral psychology.[16] All major religions teach that some things are holy and to avoid sacrilege. Its adherents also experience certain foods, days, people, rituals, and objects as holy. We can thus ask whether our experience of the holy involves the perception of reasons.[17]

As noted, I draw on Murphy's account of holiness (Murphy 2021). Murphy follows Rudolf Otto's claim that the holy is a normative category that grounds two fundamental attitudes: *fascinans* and *tremendum* (Otto 1923, 58–59). The *fascinans* response is that all holy things are attractive or fascinating; they capture our attention and draw us towards it. For Otto, a holy thing is an 'object of search and desire and yearning . . . for its own sake' (Otto 1923, 32). One cannot regard it with indifference – a holy thing gives us reasons to act.

The other part of holiness is the *tremendum* response: the holy repels us. A holy being may scare us. Or induce shame because we are unworthy to stand in its presence (Otto 1923, 15). The fitting response is to feel 'out of place' around holy persons and things and not approach them unbidden (Murphy 2021, ch. 2).

Let's replace the Latin terms *fascinans* and *tremendum* with *desirability* and *unfittingness* respectively. Call an entity *holy* when its features render desirability and unfittingness responses apt. I only explore unfittingness in this article. I want to explain why persons are inviolate, and not why we should want relationships with them.

We are unfit to approach the holy because we have character flaws.[18] A good person may approach the holy; a bad person may not. Those who commit unatoned, evil acts must not approach the holy. They are defiled. If they approach a holy object while defiled, shame becomes apt.

Yet even a good person can feel out of place among the holy because she is inferior in some other respect. Consider one famous holy object: the Ark of the Covenant in the Hebrew Bible. Built by Moses, the Ark is the home of Yahweh.[19] The Ark also contains the tablets of God's moral law, as well as Aaron's rod and a pot of manna (Hebrews 9:4). The Israelites believed that the Ark had immense power, so they covered it. Touching the Ark could cause illness and death. When the Philistines captured the Ark, God cursed them, and they gave it back.[20] We are unfit to approach the Ark under most circumstances.

Murphy (2021, ch. 4) argues that God is absolutely, foundationally holy because God is perfect in every respect. We, by contrast, are imperfect. God's perfection makes it appropriate to want a relationship with God and explains why we do not deserve that relationship. God's absolute perfection, then, explains His absolute holiness, which in turn makes the unfittingness attitude apt.

Holiness renders other attitudes and activities apt as well, such as reasons to worship or revere a holy being. Let's examine worship first.

To worship is to act on 'attitudes and beliefs regarding the superiority of some other being . . . over oneself'. The act of worship expresses the 'massive gulf' between the

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worshipper and worshipped. Murphy argues that our desire for a relationship with a holy being is equivalent to 'finding the holy one worthy of worship' (Murphy 2021, 85). Worship allows 'simply keeping one's distance from the being [that is] worshipped' (Murphy 2021, 84). Unfittingness explains why worship is apt.

In my view, worship is a species of reverence. Everything due worship merits reverence, but not everything due reverence deserves worship. We should worship a superior holy being, but we should revere all holy beings, and indeed holy objects.[21] Reverence is honour and respect that respond to excellence in the revered (Woodruff 2014). We can revere a scholar, an artist, or an athlete based on their respective excellences. We can revere superiors or equals. Yet we should never worship an equal. For the major monotheisms, worshipping anything besides God is a paradigmatically sinful act.

Imperfectly holy beings can merit desirability and unfittingness responses. We desire relationships with holy persons, and we sometimes feel unworthy of them. We may want to touch a holy object, but we can feel defiled, such that touching the thing would profane it. Many religious traditions adopt practices that express this complex attitude. Consider the veneration of icons.

Now let's explore how the psychology and phenomenology of holiness impact moral justification. Why should we revere others because they hold secondary holiness? We may feel *motivated* to revere others without having good reason to do so. So, we must try to grasp objective reasons through moral experience. How might moral experience illuminate moral reality?

In my view, the psychology and phenomenology of holiness provide *evidence* of normative facts. Draw an analogy with intuitionism in moral epistemology.[22] We begin with an intuition about proper conduct and then treat this intuition as evidence of moral truth. We do likewise for perceiving the physical world.

Holiness judgements may work similarly. Our intuition of holiness suggests that we've perceived the holy. Can we be mistaken in our perceptions? Of course we can. Fallible moral seemings can still justify our beliefs, much as fallible physical seemings can.

From my theistic perspective, accurate moral perception and perception of the holy are not that mysterious. Here's why. God can order humans so that their perceptions tend to be accurate. God synchronizes our senses with the world. We can then use our senses to grasp physical, mathematical, and moral facts. I recommend adding one more perception to this list: the perception of secondary holiness in others. Thus, our psychological response to holiness can indicate our perception of it. And so, holiness itself justifies our psychological responses.

Conferring secondary holiness

If God can make human nature holy, then perhaps God can transmit the ground for these attitudes to all human beings. God can then make human beings worthy of reverence.[23] If God makes human nature holy, every human merits reverence, but not worship. God makes humans what Murphy would call *secondarily* holy.

Murphy (2021, ch. 4) argues that a person or thing can be secondarily or derivatively holy. God confers secondary holiness on φ by bearing a relationship with φ that allows φ to draw on God's primary holiness. I contend that God can also confer secondary holiness on a kind, which I call *kind-holiness*. Here the holiness-conferring property is not attached to a particular thing. Instead, holiness attaches to a *kind* of thing: a type becomes holy, and every token by extension. One kind that God can make holy is human nature. All instantiations of human nature become holy by extension: if God makes human nature holy, then in doing so, God makes all humans holy necessarily. Holiness becomes an ineliminable feature of every human person. If so, perhaps some of the reasons grounded by

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holiness attach to every human being as well. Our kind-holiness makes relationships with others attractive or more attractive than otherwise. Kind-holiness implies that we should revere other human beings.

Can God make human nature holy? Murphy does not delineate the class of holiness-conferring relationships. Let's review a few. The obvious case is the Eucharist, which many Christians believe is the body and blood of Jesus. Here we have an identity: the Eucharist is holy because it *is* God. But the identity relation won't confer holiness on human nature.

God could also *become* human. God elevates human nature by taking human form, making humans much more like God (Athanasius 2011). Incarnation makes human nature share in the divine nature.[24] Yet, the incarnation cannot bestow holiness on human nature appropriately. God might not have incarnated, and human rights do not depend on a contingent event.

A person or thing can enjoy secondary holiness by being God's *home*. The Ark of the Covenant enjoys its holiness because God is present within it, and the ancient Israelite Temple is holy because God is present within the holy of holies. God's presence in a secondarily holy thing explains its holiness. And so, we have strong duties not to destroy the Ark or the Temple. God lives within them, so we must revere them. Christians believe in a similar phenomenon called the indwelling of the Holy Spirit. In John 14:23, Jesus claims that 'If anyone loves me, . . . my father will love him, and we will come to him and make our home with him.'

Christians believe that God wants to indwell in everyone. However, some reject God's offer, such that God indwells within us conditionally. If rights rest on the indwelling, those who reject God lack rights, which seems wrong.[25]

Holiness might come through being God's *creation*. After all, we are 'fearfully and wonderfully made' (Psalm 139:14) and God's workmanship (Ephesians 2:10). But God made everything, and that alone does not make anything holy. What matters is *how* God made us.

I argue that God bestows holiness on human nature through *resemblance*. If we resemble God, we can be secondarily holy in virtue of that fact. But everything resembles God in some way, at least by existing, since theologians often equate God with being. So, we must appeal to a special kind of resemblance.

God confers holiness on human nature by equipping us with a central divine quality: the capacity to love.[26] Since God is paradigmatic love, everything with the capacity to love resembles God richly. I must now show that our ability to love lies at the heart of our nature. The argument is that the capacity to love unifies three candidates for the divine image: rationality, free will, and interiority/self-consciousness. Together they constitute a capacity to love, and they thereby convey secondary holiness by causing us to resemble a God that is love.

Human nature as the capacity to love

Let F be the feature of persons that confers God's holiness upon us. I contend that F is our capacity to love. Consider some constraints on F.

First, F cannot be an extrinsic property, such as being perceived by others. It must be intrinsic. We can describe F apart from our contingent relationship with aspects of the world. Otherwise, we lose holiness when we change our time or location. F is a necessary property of persons. Merely contingent resemblance allows our rights to come and go. Finally, F must be an essential property because it must explain what we are. We have necessary properties that do not explain what we are, such as not being identical to a number. F cannot be a necessary, non-essential property of this kind.

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Theists argue that F is an essential property for humans and God, such as rationality, free will, or consciousness. Divine properties are tricky. As theists often maintain, God has no real distinctions. God is simple. Yet theorists can still argue that some of God's properties best explain who God is. John learns more about God when he learns that God is love than, say, when John learns that God is omnipresent.

Humans, of course, have distinctions. And some of our essential properties better explain who we are than others. Having a liver and having a soul are essential properties, but having a soul is more central to our identity.

F should thus be both one of our main essential properties and a property central to God's identity.

I propose that F is the human person's capacity to love others. How do I define love? My account draws on Eleonore Stump's interpretation of Thomas Aquinas on love (Stump 2012, 91; Aquinas ST I-II, 26, a.4). *Aquinas-Stump* love consists of a desire for the beloved's good and a desire to unite with her.[27] As Aquinas says, love has two tendencies: 'towards the good which a man wishes to someone . . . and towards that to which he wishes some good'.[28] Love also involves a compelling drive to satisfy these *goodness* and *unity* desires. Our capacity to love is to form the unity and goodness desires and act on them.[29]

Can humans love by nature? Here I assume a non-physicalist metaphysics: our core identity is immaterial.[30] I will assume that the immaterial soul possesses powers that the body may not express. Humans, then, share certain powers because they have souls. The disabled have those powers because their disabilities are physical, not spiritual. Even neurological damage cannot compromise our capacity to love.

The soul has the capacity for reason, free choice, and consciousness. The soul reasons because it perceives empirical and normative features of the world and can then make inferences about what is true and what has value. The soul has free will (libertarian or not) because we can act for reasons. And the human soul can have conscious states without the body.

God shares our capacity to reason, choose, and experience, and might imprint the divine image through any of these capacities. Theorists offer different candidates, but I think the best candidates can work together. Our powers for reason, freedom, and conscious experience make up our capacity to love others. Rationality can form the goodness desire, we have a free choice to act on the desire, and we can experience the goodness desire through reflection. Much the same for the unity desire: reason can form it, the will can act on it, and we can experience it.

Why does F conjoin these features? Because each property seems too explanatorily anaemic on its own. The capacity to reason seems too cold, and the power for freedom seems too a-rational. The faculty for consciousness extends to a vast array of animals that seem less inviolate than human beings. Further, none of these capacities suffice for the ability to love, and only love enables us to resemble God richly.

So, God and humans share a central essential property: the capacity to love. For humans, this capacity synthesizes the soul's elemental powers. And God is identical with love:

> [7] Beloved, let us love one another, for love is from God, and whoever loves has been born of God and knows God. [8] Anyone who does not love does not know God because God is love. [9] In this the love of God was made manifest among us, that God sent his only Son into the world, so that we might live through him. [10] In this is love, not that we have loved God but that he loved us and sent his Son to be the propitiation for our sins. [11] Beloved, if God so loved us, we also ought to love one another. [12] No one has ever seen God; if we love one another, God abides in us and his love is perfected in us. (1 John 4: 7–12)

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Here the Scripture means *agape*-love, which I have defined in Aquinas-Stump terms. We *agape*-love others when we have the goodness and unity desires and act on them. God also has these desires, though since God is goodness, God loves us simply by desiring to unite with us (Stump 2012).

Scripture ties God to many dimensions of love. Those who love are God's children and know God. God abides in us when we love each other, and God perfects his love within us. God loves humans and wants us to love others. Jesus commands us to love God completely and love our neighbours as ourselves (Mark 12:28–34, Luke 10:25–27, John 13:34–35, John 15:12).

Since God is absolutely holy and God's being loving is central to God's identity, then God can confer holiness on human nature by resemblance. God need only fashion us with the capacity to love.[31]

Critically, if we refuse to love others, we do not lose our kind-holiness. We can become holier by acquiring the divine *likeness*, which Christian theologians usually distinguish from the divine image (Russell 2004). The divine likeness covers our contingent properties, such as our degree of moral perfection. God has moral perfection necessarily, but we do not. The Fall deprived us of it, so the likeness is contingent. Further, while the Fall may have damaged human nature, it leaves our capacity to love intact. We can love, but sin has diminished our ability to exercise it.[32]

If God makes human nature holy, we now have objective and motivating reasons to revere others. We detect these reasons of reverence through moral perception and experience. When we see the divine image, we experience or grasp our reasons to respect others. We perceive a reason to treat everyone with reverence or respect because we respond to human nature much as we respond to God.[33] And so, we now have excellent moral reasons to revere others. Consider a new humanity formula (Kant 2009), or rather, a *divinity* formula: always treat humans as holy and never as mere human animals.

Worshipping God, revering persons

The holiness of human nature might make human nature worthy of worship, but monotheists agree that we should worship God alone. Fortunately, we can distinguish between apt attitudes towards primarily and secondarily holy beings.

In Christianity, icons are images of Jesus and other holy persons. They have created great controversy. Iconoclasts say that, if one uses images in worship, she becomes an idolator. Idolatry is a grave sin. This belief has led to iconoclasms – the large-scale destruction of icons.[34] Iconodules respond by distinguishing between worship and veneration (Warmke and Warmke forthcoming). When we venerate someone, we do not elevate her above ourselves. Worship, by contrast, necessarily elevates the worshipped. Worship is apt only for the primarily holy being, of course, but reverence is appropriate for secondarily holy beings and objects. One should not worship the Ark of the Covenant, only venerate it; one should not worship the Temple, only venerate it; one should not worship holy persons, only venerate them. If human nature has secondary holiness, veneration is apt, but worship is not.[35]

Reasons grounded by secondary holiness have great weight. Theists regard not profaning a holy object as a decisive reason to act. Indeed, we should not defile a holy thing in some cases, even if profanation would save lives. Catholics and Orthodox teach that we profane the Eucharist if we receive it in a dismissive manner or in a state of grave, unrepentant sin.

If God makes us holy through our capacity to love, we become inviolate. All humans acquire decisive reason not to violate others.

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Rights as reverence for persons

I base rights on duties of reverence. My theory does not presuppose respect for persons, but explains it as the reverence we owe human nature. Human nature merits reverence because it is secondarily holy, and human nature is secondarily holy because God fashioned us with God's capacity to love. One can summarize duties of reverence as the claim that persons have rights.

Our reasons to respect rights are *metaphysically external*: they depend in no way on human responses. God bestows rights on all of us through transferred holiness. We cannot do anything about that.[36] Yet, our holiness-based reasons are also *motivationally internal* insofar as recognizing holiness is intrinsically motivating. It is phenomenologically plausible that holiness is intrinsically motivating, given the strong emotions and drives that perceptions of the holy seem to generate. If one learns that something is holy, her motivations will usually change. If I am right, the holiness theory of rights both explains the objectivity of rights and why humans have reason to respect them.

The holiness theory of rights does not fill out the content of our rights, though it can explain some fundamental rights, such as rights against being killed or harmed. But rights include permissions. If A has a right to φ, A has no obligation not to pursue φ. What grounds these moral liberties? Holiness theorists can take different approaches.[37] Perhaps the rights-holder may seek φ because φ advances her interests, or maybe because permission to pursue φ expresses her autonomy. Holiness explains why we have rights at all, but not which rights we have. So, in principle, the holiness foundation for rights can combine with different theories of the content of rights, say through an interest theory or a will theory (Wenar 2015).

The holiness theory of rights

We need a theistic theory of rights that meets three conditions. Divine and human facts both directly explain our rights and those facts generate deontic reasons. A holiness theory satisfies these conditions: rights originate in our made-holy natures, which grounds deontic reasons because we should revere secondarily holy beings. Human rights summarize our decisive reasons of reverence.

I will develop an account of the content of rights in future work, but I end by sketching a contractarian approach that I prefer. The sketch should depict how a holiness theorist can fix the content of rights.

Our reasons to revere others explain our natural freedom and equality.[38] Given that we all bear the divine image, none of us is born in servitude to others, which provides us with both natural freedom and natural equality. Holiness also arises from our capacity to love, which includes the capacity to reason. Holiness theorists, therefore, can ground the claim that we should treat others as free and rational wills. The justification for our rights claims, then, should fit the rational will of each person.

If so, the best theory of rights may be contractarian. Rights rest upon what we can rationally agree to as free and equal persons. Rights-violating terms of social life allow us to demand that others abide by rules that their reasoning cannot justify. Such demands fail to treat others as free and equal because they bypass our reasoning.

Thus, the content of our rights forms from agreements that honour our reason, and our capacity to love in general. From here, we can settle on a contractarian formula by sorting candidate formulae according to certain methodological constraints.[39] I cannot do that here. My goal, instead, is to outline how the holiness theory might combine with a theory of the content of our rights.

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My view might falter here. A holiness theory can ground negative rights, but what about positive ones? We know that harming a holy thing is wrong, but we can usually ignore or avoid the holy because we lack positive duties towards holy things. And yet, we have positive obligations to other humans.

As noted above, I elsewhere develop a contractarian theory of the content of our rights. These will include positive rights. Made-holy creatures have fundamental negative rights, but their positive rights will flow from what free, made-holy creatures can jointly will.

Or at least, most of their positive rights. A holiness theory can probably ground at least one positive right – a right of easy rescue. Imagine David finds the Ark of the Covenant in an unstable cavern, which will collapse and destroy the Ark within several days. David can also alert competent local authorities to save the Ark.

To honour the Ark's holiness, David should take minimal steps to preserve it, much as he should engage in easy rescue. Everyone should protect the integrity of the holy. Hence, a holiness-based theory of rights should justify some weaker positive rights apart from the contractarian story I have told elsewhere.

Notes

1. In this article, I will attach no special importance to the distinction between 'human' and 'natural' rights. I take human rights to be those humans hold by nature.

2. On Layman's interpretation, Locke sees natural laws as originating in the divine will. In *The Essays on the Law of Nature*, Locke writes that 'The basis of obligation . . . is the will of a supreme Godhead'" See Locke (1954), p. 187. And in the *Essay Concerning Human Understanding*, Locke claims that '[The] true grounding of Morality . . . can only be the Will and Law of a God.' See Locke (1975, 1.3.6).

3. To explore the relationship between Thomism and human rights, see Brett (2015).

4. Some think that Finnis's view is not Thomistic. Finnis's rights arguments do not appeal to the common good in the first instance. I cannot hope to settle how Aquinas understands the common good.

5. There are other ways the derivation of natural rights from natural law might go, such as Brett (2015). But as far as I know, natural law defences of natural rights assign God no direct explanatory role. All derivations are, in an important sense, secular.

6. On natural rights, see Finnis (2011, 210–225) for discussion.

7. Layman (2014), 102.

8. Unless we form a social contract. See Locke (1988).

9. Murphy relies on an analogy between the laws of nature and moral law. The analogy is a useful expository device. But I explain rights without taking a stand on how moral law works. We can separate moral concurrentism from analogies with the law of nature. See Murphy (2021), ch. 1.

10. For a review of how Christians have used the *imago dei* to justify rights, see Witte and Alexander (2011).

11. This fits well with Waldron's interest theory of rights. See Waldron (1993).

12. And for Waldron's Locke, God is an object of cognition, so it does not cause our having rights in this way either.

13. One also wants to know how God's loving Reba gives others a reason to respect Reba. The account cannot be epistemic, in that God's loving Reba shows we have some other reason to love Reba. God's love must explain our reasons to value Reba. I can see one way that might go. The fact that your beloved values art may be itself a reason to value art. If your beloved is God, then the fact that God loves everyone is a reason to love everyone.

14. For another critique of Wolterstorff's case for human rights, see Weithman (2009).

15. I thank Mark Murphy for this way of putting the point.

16. Jonathan Haidt argues that most moral psychologies respond to sacredness and purity. Though different people to different degrees. See Haidt (2013).

17. Holiness-based reasons aren't moral reasons, one might complain. But consider those who believe in holiness. They think it is wrong to defile holy things. For anyone who affirms holiness, holiness-based reasons look moral. It is inappropriate to violate object X if it is holy.

18. As Otto claims, our *mere creatureliness* may suffice to make the holy unapproachable. I will take no stand on that question here, as it is not essential to my thesis.

19. In Exodus 31, Moses directed Bezalel and Oholiab to build the Ark, though Deuteronomy 10 indicates that Moses made it.

20. 1 Samuel 4.

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21. Or at least holy objects that taken to represent or exhibit the divine. Consider icons and the Eucharist. We should also revere holy water. We may not use it for as many purposes as ordinary water.
22. Stratton-Lake (2020) explains moral intuitionism in this sense. See in particular sections 1.1 and 1.5.
23. In one sense, God does not transfer the unfittingness response to fallen peoples owing to their moral flaws. An immoral person should feel unfit to befriend a moral exemplar. Similar reflections are offered in Murphy (2021, ch. 4).
24. Murphy argues that God's absolute perfection explains God's absolute primary holiness. So one might worry that God's incarnating makes human nature perfect by transference. But holiness transferal does not seem to transfer the ground for holiness. So I assume that God can confer holiness without conferring perfection.
25. For attractive accounts of the divine indwelling, see Alston (1988) and Stump (2018, 118–167).
26. One could object here that my view resembles natural law approaches. Our rights arise from our made-holy *natures*. But in my view, our rights spring from our *made-holy* natures. Our natures do not inherently possess holiness. The foundation for holiness-based reasons is the *relation* between human nature and God. Human nature alone does not ground rights. Natural law theories ground rights in non-relational facts about our natures. They ignore relational facts, but I do not.
27. I will sometimes speak of desiring unity with the beloved or union with the beloved. Understand this as a unity of will since that is the essence of union between persons.
28. For a development and defence of Aquinas's account of love, see Stump (2012, 91). I will also take the Aquinas-Stump account of love as a specification of agape love. Agape love occurs when Jesus and the Apostles speak about loving other human persons. They are not describing romantic love (*eros*), friendship love (*philia*), or affection (*storge*). For the famed discussion of these kinds of love, see Lewis (1960).
29. One might object that God has no capacities since God is *purus actus* or pure act. Nothing in God is in potential. But the idea of capacity I have in mind need not be a dispositional property. One can realize a disposition through permanent activity. A person who breathes continuously can breathe. That's the sense in which God can love.
30. Here I am neutral between non-physicalist theories. The soul may be as a separate substance, as Descartes thought. Or it might be a substantial form, as Aristotle and Aquinas thought.
31. 1 John also establishes other modes of conferring secondary holiness. When we exercise our capacity to love, we enter into a relationship with God, and God is present within us. We acquire God's holiness chiefly by way of resemblance. But we also receive God's holiness through relationship and divine presence. These additional factors depend on choosing to realize our natures. They do not depend on our natures alone.
32. I assume that the fall deprives us of the divine likeness, but not the divine image.
33. Suppose we learn that we share essential properties with God. That experience will make the desirability and unfittingness attitudes experientially salient. It also makes having relationships with other humans more desirable. And if we have poor character, shame is apt around those who merit reverence, namely everyone.
34. Especially a few decades prior to the seventh ecumenical council and during the radical reformation.
35. Angels often discourage human beings from worshipping them. Consider Revelation 22:8–9 and Paul condemning the worship of angels in Colossians 2:18.
36. For similar reasons, rights are inalienable.
37. In other work, I argue that a social contract scenario reveals the content of our rights. Holiness makes humans rights-holders, but the social contract determines their form. I ground the contact in the divine nature, specifically God's Trinitarian aspect. Holiness implies that everyone takes part in the contracting process. Every single human being is a contractor.
38. And the other way around. Our natural freedom and equality will ground further reverence and more rights. These may include positive rights, as I note in the conclusion.
39. Here I follow Nicholas Southwood's methodological criteria for settling on a contractualist formula. See Southwood (2010, ch. 1).

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