

UNDERSTANDING HUMAN RIGHTS “ILLATIVELY”, FROM THE PERSPECTIVE OF THE KNOWLEDGE OF GOD

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Abstract:

When the illative sense is affected, judgement is defective. This leads to a corrupt logic, which is suitable to the unregenerated person, reflecting a wrong worldview. The key for understanding correctly the human rights depends on an illative sense that is not twisted by wrong morals. In this paper I relied on Cardinal Newman's understanding of the illative sense, and I showed that there is a strong link between this sense and the knowledge of God, from which we can infer the alleged human rights. Human rights depend on knowing the origin of our nature and on realizing that as believers we are both dependent on God, and sinners going through a process of mortification and sanctification.

Keywords: *illative sense, knowledge of God, knowledge, sin.*

Introduction

Human rights are guaranteed theoretically by the laws of the republic, the “*res publica*”, meaning the public good (public or common, because they live in a community), a worthwhile human existence. The public good, under a good government, should achieve its highest form, the “*summum bonum*”, which has been defined in various ways during the centuries, but always with a special emphasis on its spiritual side, which gives both a sense of worth and a sense of destiny. Cahill, for example, defines the “meaningful life” when “the person engages his or her human faculties in a quest for knowledge of the truth and love of the good in relation with other persons and, optimally, in recognition of the welfare of the community as a whole”¹.

1 Cahill, Lisa Sowle, “Toward a Christian Theory of Human Rights”, *The Journal of Religious Ethics*, Vol. 8, No. 2/1980, p. 286.

The life here is *in via*, on a pathway, but our true life will be *in patria*, in our true home, in heaven, and the two are, obviously interconnected. With other words, the republic is there to keep firmly the common good, issued from the respect of the human rights of the people united under her wings. This is, at least, how ordinary citizens understand it in the beginning of the 21st century. But a discussion about the republic has to be much more nuanced, because of the great variety of people gathering under her coat of arms: there are virtuous and wicked, educated and rascals, religious and atheists, and so on. And more importantly, the human nature is degenerated, but very few people admit it. Moreover, what these citizens of the 21st century should realize is the very limited understanding we have about anthropology, as a result of the rejection of the wealth of knowledge accumulated since the beginning of history. Consequently, we, all, do not fully understand what we mean by the laws of our republic, and what are their source and aim. By the disrespect or rejection of secular and religious authorities humankind seems to fall back in a sort of childish disposition, with no preoccupation whatsoever with any sort of genuine discipline. Real progress can be reached by acknowledging “the importance of trust, of tradition and of authority for the transmission of personal knowledge”². There is, on a large scale, an indulgence towards gluttony, gullibility, luxury³, constant entertainment, but also a negligence towards the basic practices of faith, such as reading and pondering the Word, prayer or fasting. This situation was foreseen by Jesus, as a logical progression of a sinful life and reasoning: “[...] when the Son of man cometh, shall he find faith on the earth? (Luke 18:8)”.

A similar situation has been noticed by Augustin, the Bishop of Hippo. He argued that the disappearance of the great men from the public stage resulted in the weakening of the moral values⁴, and the Roman republic, *res publica*, was only a beautifully painted shell, caused by the nation’s bad manners and great errors. The way of becoming a great republic,

2 Moleski, Martin X., *Personal Catholicism: The Theological Epistemologies of John Henry Newman and Michael Polanyi*, Washington, D.C., Catholic University of America Press, 2000, p. XI.

3 “Among the old Romans luxury was the gravest charge which one could ever level against another”, *Quintilian, Institutio Oratoria* 3.7.24-25.

4 Augustin, Aureliu, *Despre Cetatea lui Dumnezeu*, translated by Gheorghe Vlăduțescu, and Paul Găleşanu. București, Editura Științifică, 1998, p. 158.

inhabited by great persons, is industriousness, justice in the administration of the country, freedom of thinking and speech, fleeing from vices or instinctual pleasures⁵. Consequently, only recovering the voices of the great men on the public arena was regarded by Augustine.

My aim, in this paper, is to see if there are any criteria for who can qualify as being a voice for the "res publica" and who should be silent? And being silent, would that still be a "res publica", respecting the dignity and worth of the human person, or could we better call it a sort of tyranny, of God, of the people, or of a person? What laws should, after all, people obey to? According to Chroust, "it is always just to obey seriously minded people, and to disobey light minded people"⁶. These formulations seem naïve, but they mirror in an appropriate way the current situation.

The traditional perspective of the foundations of the contemporary philosophy of law

I will build, in the following pages, on this dichotomy between the "seriously minded" and the "light minded" people. The first category comprises those whose philosophy, including that of the law, are built on a long tradition, handed over and approved continually, by every generation. This attitude confirms the fact that we are a link in a wide network of invaluable people, and we acknowledge it with reverence. Learning, in this context, becomes a transmission of an inheritance from a generation to the other. According to Polanyi, "a society which wants to preserve a fund of personal knowledge must submit to tradition"⁷. This is true also concerning the laws and human rights.

I mentioned above the poor anthropology, which results in an unbalanced appreciation of knowledge (manifested in science and wisdom) at the expense of ethics – a topic as old as the world is⁸. This poor anthropology comes with a defective perspective regarding the infallibility of science

⁵ *Ibidem*, p. 337.

⁶ Chroust, A., "The Philosophy of Law of St. Augustine", *The Philosophical Review*, 53/1944, p. 200.

⁷ Polanyi, Michael, *Personal Knowledge: Towards a Post-Critical Philosophy*, Chicago, University of Chicago Press, 1992, p. 55.

⁸ Dudley, John, "Newman's Criticism of Aristotle's Thesis that Science is Superior to Ethics", *Angelicum*, vol. 88, no. 2/2011, p. 466.

and its scientists. The “light minded” people trust the scientists with almost a religious servility, without questioning their views, as they are, after all, humans as well, and prone to errors. It is a common perspective that pervaded all the layers of the society, which empower scientists and science with a stronger voice than the voice of the Holy Scriptures, which are seen as obsolete. Wordly wisdom, shared in the recent past by world-renowned philosophers and writers, and nowadays by self-made influencers on social media, has also a very special place in the heart of the people. Their claims for rights should be balanced by their knowledge of the responsibilities they have⁹. But nobody can sense the vast amount of damage produced by their opinions over the years, in both their own, personal life, and in the lives of the others. If they would not treat things lightly, they could consider the Latin perspective, that “there are those who can see the faults of others, but who cannot discern their own; such men are wise for others, but fools to themselves”¹⁰. This so-called wisdom determines them to take wrong, unethical decisions, which will have, eventually, negative repercussions on their wellbeing.

According to the tradition of the Church, the law of the republic should coincide as much as possible with the theistic “lex aeterna”¹¹, which is the same with the immutable Divine will, that is a law in itself. Being eternal means that they will be identical in the future as well, despite the technological progress of mankind. The contemporary rejection of a theistic worldview, which includes the rejection of the eternal order of things, results in the appearance of increase of the role of humans in the leadership of the planet, forgetting that it is God who is in control, and whose plans and designs we follow. By being in control, God is also a punisher of any injustice, the transgression of His laws, and oftentimes He it seems just for Him to retaliate: “and even as they did not like to retain God in their knowledge, God gave them over to a reprobate mind, to do those things which are not convenient” (Romans 1:28).

9 Cahill, Lisa Sowle, “Toward a Christian Theory of Human Rights”, *The Journal of Religious Ethics*, Vol. 8, No. 2/1980, p. 284.

10 *Crimina qui cernunt aliorum, non sua cernunt, Hi sapiunt aliis, desipiuntque sibi.* Lat. Lipincott J.B., *A New Dictionary of Quotations from the Greek, Latin, and Modern Languages: Translated Into English, and Occasionally Accompanied with Illustrations, Historical Poetical, and Anecdotal, with an Extensive Index, Referring to Every Important Word*, 1869.

11 Chroust, A., “The Philosophy of Law of St. Augustine”, *The Philosophical Review*, 53/1944, p. 196.

It is a common knowledge that this *lex aeterna* was respected even before the Christian times. For example, laws such as against adultery were implemented in the Roman Empire centuries before the Church established its influence. This is the reason why it is not the Christians who are to be blamed for these moral regulations, but an objective moral authority¹², the impersonal law which coincides with the will of the personal divinity, a will that was active from times immemorial, and whose benefits have been understood by a certain category of humans. These laws have been misinterpreted by some people as being "religious intolerance", and the fight for keeping these laws was called "violations of rights", "persecution" against "freedom"¹³. James Woods, cited by Villa-Vicencio, argues that "religion and freedom have not been natural allies"¹⁴, because of a poor understanding of freedom and God. The humans right project is, obviously, a secularistic and atheistic scheme¹⁵, belonging to the left wing of nowadays political orientations, which embraces all sorts of ideologies just to reject the Christian tradition and roots. There is, therefore, a split between the two parties, one advocating genuine human rights, while the other advocating conflicting rights, although the fallen nature of man should humble us, and our duty should be that of understanding the way God wants us to live: acknowledging His grace that is infused in everything we earn and in every project we endeavor. This approach fits, in fact, the deontological model of the theological ethics, and, as Cahill expressed it, this model "affirms gratitude and obedience to God in Christian agency, and envisions the moral life as one of continual responsiveness to grace."¹⁶

The reason for "light mindedness": the weakening of the illative sense

According to Newman, there is a sense that we, humans, have, which he called "the illative sense"¹⁷: "the power of judging and concluding, when in

12 Villa-Vicencio, Charles, "Christianity and Human Rights", *Journal of Law and Religion*, vol. 14, no. 2/1999, p. 587.

13 *Ibidem*, p. 585.

14 *Ibidem*, p. 579.

15 Guroian, Vigen, "Human Rights and Christian Ethics: An Orthodox Critique", *The Annual of the Society of Christian Ethics*, vol. 17/1997, p. 305.

16 Cahill, Lisa Sowle, "Toward a Christian Theory of Human Rights", *The Journal of Religious Ethics*, Vol. 8, No. 2/1980, p. 281.

17 Nichols, Aidan, "John Henry Newman and the Illative Sense: A Re-consideration", *Scottish Journal of Theology*, 38/1985, p. 361.

its perfection”¹⁸. This is pointing us to the right direction, it carries us to the right conclusion, despite the fact that we do not have all the evidence, or all the reasons why we would discover it. Or, in the words of Aidan Nichols, with its help “we can in fact quite properly give our assent in cases where formal inference will never find reason enough to bring us to a conclusion”¹⁹. Moleski describes it as being “that which enables the mind to gain, enrich, correct, and deploy tacit knowledge”²⁰, “that which determines when and how to assent”, or “the power by which the mind generates and evaluates inferences”²¹. Illative means taking us somewhere, so according to Cardinal Newman, using it we are taken to the right conclusions, be it in theology, philosophy, or business.

The illative sense Nichols believes to be fed only by moral experience in matters of natural religion²², so it has been strongly affected and obscured by the human depravation, which has now reached a peak in the past two thousand years of history. This is the reason why Aidan Nichols recommends: “where persons of outstanding moral and intellectual integrity are involved, we should be willing to let their judgment be indicators in our exercise of illation. [...] We can find our own existence and experience illuminated through their intersection with the texts which represent the illative judgment²³ of others in their own particular approaches to God”²⁴. A criticism to this sense is that although Newman presents it as infallible, we do not possess any such faculty²⁵. In my understanding Newman did

18 Newman, John Henry, *An Essay in Aid of a Grammar of Assent*, London, Burns and Oates, 1874, p. 274.

19 Nichols, Aidan, “John Henry Newman and the Illative Sense: A Re-consideration”, *Scottish Journal of Theology*, 38/1985, p. 363.

20 Moleski, Martin X., *Personal Catholicism: The Theological Epistemologies of John Henry Newman and Michael Polanyi*, Washington, D.C., Catholic University of America Press, 2000, p. XX.

21 *Ibidem*, p. 1.

22 Nichols, Aidan, “John Henry Newman and the Illative Sense: A Re-consideration”, *Scottish Journal of Theology*, 38/1985, p. 368.

23 Newman, Jay, “Epistemic Inference and Illative Judgment”, *Dialectica*, 35 (3), 327-339/1981, p. 337.

24 Nichols, Aidan, “John Henry Newman and the Illative Sense: A Re-consideration”, *Scottish Journal of Theology*, 38/1985, pp. 366-367.

25 Hughes, Gerard, “Conscience”, in I. Ker & T. Merrigan (Eds.), *The Cambridge Companion to John Henry Newman (Cambridge Companions to Religion)*, pp. 189-220, Cambridge, Cambridge University Press, 2009, p. 197.

not considered it an actual sense, in addition to the five ones that every human have: but "a use of the word "sense" parallel to our use of it in "good sense", "common sense", a "sense of beauty" etc."²⁶.

The Cardinal has compared it to the practical wisdom called by the Greeks *phronesis*, which is not a sense, but a virtue, a capacity developed in time, after acquiring a lifelong experience, to take the right decisions in a particular set of circumstances. On the contrary, the illative sense helps us "apprehending through the particularities of experience a transcendent ground of hope and fidelity"²⁷. Newman contends that the illative sense should be discovered and cultivated, and not let it die because of the lack of virtue: as "our duty in each of these is to strengthen and perfect the special faculty which is its living rule, and in every case as it comes to do our best. And such also is our duty and our necessity, as regards the illative sense"²⁸. The illative sense will work and develop in the background, even if there is no interaction with it – as long as it fed with quality thoughts. This development will suddenly erupt and come to the surface in a surprising manner. New ideas, new directions, new understandings, new interpretations will appear like out of the blue sky.

In virtue of what these different authors have expressed, there seems clear that the illative sense is seen by Newman more as a tact, a capacity to draw correct conclusions as a result of a constant and long term cultivation of it. Similarly to the artistic sense, it has to be refined by interaction with those people who handed down the truth to the new generations. It is not under our control, because it is not us that are carrying it into a certain direction, but the other way around, by helping us discover things that we did not think about. The illative sense will become sophisticated enough to discern the right from the "partly right", and the authors that are in the quest to discover the truth, from those whose agenda is different. The illative sense ennobles people in the sense that makes them quite different than the others, because the former develop ways of pondering things graciously, which the latter are not capable of.

26 Newman, John Henry, *An Essay in Aid of a Grammar of Assent*. London, Burns and Oates, 1874, p. 267.

27 Nichols, Aidan, "John Henry Newman and the Illative Sense: A Re-consideration", *Scottish Journal of Theology*, 38/1985, pp. 289–300.

28 Newman, John Henry, *An Essay in Aid of a Grammar of Assent*, London, Burns and Oates, 1874, p. 279.

It is also clear that it is not a virtue, as practical wisdom would be, because that could coincide with somebody else's: on the contrary, it is very personal, "characteristically his own"²⁹. It is a way of attaining the truth in a personalized fashion, being that art, business or theology. The allegiance to truth is of decisive importance, because it will produce decisions which are universally – and not only sectary - valid. Embracing ideologies will affect the development of the illative sense in the theological and ethical field. Ways that seemed straight for millennia will become crooked and unclear. The "heart", presumably the Hebrew image for the illative sense, will be divided, and therefore, weakened: "Teach me thy way, O LORD; I will walk in thy truth: *unite my heart* to fear thy name. Psalms 86:11 (KJV)³⁰". In other words, the dia-bolos will be faithful to his name, and will separate the many threads that compose the strong iron rod of the illative sense³¹, or mis-guide the illative sense, who will act "on mistaken elements of thought."³² This will result in an incapacity to discern between legitimate and spurious rights, or in the identification of genuine and conflicting rights.³³

"Light mindedness" becomes thereby a result of the increasing pressure of sin on the moral construction of a person. An honest debate, a manly discussion cannot take place between the two sides, because there are no common values and no common ground. Newman would suggest in a situation like this a meeting from heart to heart, allowing the two hearts to communicate: "cor ad cor loquitur". There is no room for logical constructs, syllogisms, and so on. All the communication is taking place in the "background", almost unnoticeably.

The failure of presenting logically the human rights from a Christian perspective and the message of the gospel should not surprise in today's world. The communication has to touch the "heart", or the illative sense, and allow it to work "illatively", leading the other hearts to understand them

29 Newman, John Henry, *An Essay in Aid of a Grammar of Assent*, London, Burns and Oates, 1874, p. 290.

30 In Hebrew: "יְהִי לִי יְיָ אֱלֹהֵי יִשְׂרָאֵל וְיִשְׂרָאֵל יִתְּנֵה לִי חַיִּים וְיִשְׂרָאֵל יִתְּנֵה לִי חַיִּים"; Psalms 86:11 (Hebrew Bible WLC)"

31 Newman, John Henry, *An Essay in Aid of a Grammar of Assent*, London, Burns and Oates, 1874, p. 367.

32 *Ibidem*, p. 296.

33 Cahill, Lisa Sowle, "Toward a Christian Theory of Human Rights", *The Journal of Religious Ethics*, Vol. 8, No. 2/1980, p. 278.

at the right time, when God will allow vexations in the other people's lives. It is an obviously collaborative effort of the Spirit of God and the wisdom of man as corroboratively trying to persuade about the truth, as presented by the "Way, Truth and Life" (John 14:6). Because of the massive information of all kinds existing everywhere, logical explanations will not work anymore, as they used to, during the Acts of the Apostles and even afterwards. Humans are attracted by different elements of this world, leaning towards biased conclusions. It is only when they face difficulties, as the Latins discovered earlier – *vexatio dat intellectum* (difficulties give wisdom, Lat.), that their mindset changes and improves. It was always a common knowledge that an easy life breeds sinful habits, and adversity was the key getting out of them: "adversity has the effect of eliciting talents which, in prosperous circumstances, would have laid dormant"³⁴ (Horace). These talents are brought into the light by the illative sense, when waking up in the dormant person. It is again conspicuous that God's methods are shaping the heart more than the reason.

The key of the illative sense: the knowledge of God

According to Cahill, God is the *telos* of the moral life, but at the same time, to emphasize by choice of language that the orientation of persons to the summum bonum is a responsive and obligatory seeking of the One who claims, rather than a project of primarily human initiative and accomplishment."³⁵ The knowledge of God and setting our aims in life according to Him is viewed by Cahill as a duty, an absolute obligation³⁶, and not as a hobby or a choice that could always be reoriented. Today's trends of thought, totally in opposition with this view, represent a concerted effort towards the destruction of the faith in God. All the so called rights are opposing God's *lex aeterna*: for the modern person God either doesn't exist, or He is a good and understanding divinity, a tool for getting heaps of blessings despite the ever growing sinful attitudes towards life on Earth . Nothing is said about His holiness, His justice, His eternal truths.

34 Edwards, Tryon, *A Dictionary of Thoughts*, Detroit, F.B. Dickerson, 1905, p. 6

35 Cahill, Lisa Sowle, "Toward a Christian Theory of Human Rights", *The Journal of Religious Ethics*, Vol. 8, No. 2/1980, p. 283.

36 Cahill, Lisa Sowle, "Toward a Christian Theory of Human Rights", *The Journal of Religious Ethics*, Vol. 8, No. 2/1980, p. 283.

It is only by a corroborative attitude of Christians that people will learn about these issues, as stated above. But it is first the Christians that should enrich their knowledge about God. They should understand the active role of difficulties. They should also learn that humility is the right attitude in their every project, because it is God who is active in their lives, and gives success and blessings. Until Christians will view successes as the normal results of their own efforts and struggles, they will not be able to understand God's mind. This is why the Apostle Paul is encouraging the Philippians that they should have the mind of Christ³⁷. Due to the complexity of human life, there is a lack of wisdom in taking hasty decisions about what rights are. The claimants should understand first what are the moral and premoral goods and evils³⁸, and act accordingly.

There should be a clear understanding of the sanctification process, supported by the continuous mortification of the wishes of the body. And, as death is a painful to think about it, in the same way the mortification is painful as well. But there seems no other way to learn about God, and no better example to show to those who claim human rights, without having a genuine understanding of life, and the duties involved with it.

Conclusions

Human rights is not an easy topic, because it has many elements that are conflicting. A debate between atheist and theist persons on this topic is rarely productive, because the former will always reject the idea of an existing divinity, which is the key stone of the foundation of the human rights. The reasons for this rejection can be the outcome of the wrong understanding of God, harmful ideologies perpetrated over the centuries, or even because of the wrong way believers understand and represent Him. Either way, a possible way to conversion would be the continuous improvement (cultivation) of the illative sense of both the theists and the atheists, so that this sense will "carry" them in the right direction. In other words,

37 "Let this mind be in you, which was also in Christ Jesus, who being in the form of God, thought it robbery to be equal with God: but made himself of no reputation, and took upon him the form of a servant [...] and being found in fashion as a man, he humbled himself, and became obedient unto death, even the death of the cross." (Philippians 2:5-8, KJV).

38 Cahill, Lisa Sowle, "Toward a Christian Theory of Human Rights", *The Journal of Religious Ethics*, Vol. 8, No. 2/1980, p. 288.

if equating the illative sense with the Biblical concept of heart, the key for the transmission of the truth relies in the conveying from heart to heart, or, from one's illative sense to the other's. Probably the current moral disaster could be decreased only if the Christians will burn for an authentic knowledge of God as He is, and a change from the logical reasoning to a more illative imparting of this knowledge.

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