

TRUST, MORAL COMMUNITY AND THE JURIDICAL CULTURE OF RIGHTS

JOAN LOCKWOOD O'DONOVAN



Joan Lockwood O'Donovan is an Oxford theologian and academic who has written extensively in political theology and philosophy.

RECENT YEARS HAVE WITNESSED A FAIR AMOUNT OF JOURNALISTIC BREAST-BEATING AND, ON OCCASION, MORE SOBER ACADEMIC REFLECTION ON THE SUBJECT OF "THE BREAKDOWN OF TRUST", AND PARTICULARLY "PUBLIC TRUST" IN OUR LATE LIBERAL-DEMOCRATIC SOCIETY. There is even emerging an awareness that the contemporary culture of human rights may be somewhat implicated in this breakdown. What is not, I think, sufficiently understood in much current analysis is the deeply endemic relationship between social and political suspicion, that is, the breakdown of trust and the public ethic of rights. My own view is that this relationship can be *fully* understood only within a biblically formed, theological conception of "trust" and its dependence on moral community.

"Trust" is one of those multivalent words like "faith" and "love" with a spectrum of theological and philosophical meanings; but there are, however, invariable aspects to its meanings. "Trust" is always a relational term, describing the orientation of one being to another; and that orientation is one of openness and dependence – openness to and dependence on the being and the action of another. Such openness and dependence is not purely spontaneous or uncaused, but is elicited by the known disposition and past actions of the other. It presumes the continuing consistency and reliability of the other's disposition and action, and so is a stance of expectation. In trusting another, one gives oneself over to the other in some way, respect or degree.

TRUST AND THE SOCIAL COMMUNICATION OF GOODS AND BENEFITS

On this basis, "trust" is an essential and universal aspect of human relationships and of the totality of relationships that constitutes human society. In every relationship, human beings communicate goods and benefits to one another, giving and receiving within a structure of knowledge and expectations. For each individual, these communications are almost infinitely numerous and varied, ranging from the most consequential and permanent to the most inconsequential and passing – from the deep attachments and ingrained domestic routines of marital and family life to the most fleeting commercial transactions in the market place. For the most part, we are not conscious of the extent to which, in the daily round of encounters, we entrust ourselves to others, giving of ourselves in receptive expectation of their responses. It is in situations of great consequence for us and of our heightened vulnerability, or where our expectations have been betrayed, that trust becomes a conscious issue and a matter for moral reflection.

Trust is a human moral virtue as well as a psychological orientation.

Despite the pervasiveness of trust in human society, we can still distinguish between more and less trustful relationships and communities. The more trustful are those in which the communication of goods and benefits, spiritual and material, most accords with the educated expectation of its members. It is necessary to stress “educated”, as only properly educated expectation distinguishes the true goods and benefits of human communication from the false and pretended ones: only properly educated expectation distinguishes sound advice from hollow flattery, real affection from emotional exploitation, disciplined knowledge from casual opinion, moral principle from mere prudential stratagem, healthy and life-enhancing pleasures from unhealthy and destructive ones. Thus, trust is a human moral virtue as well as a psychological orientation and, as such, is inseparable from the moral quality – the truth, goodness and rightness – of what is given and received in human relationships.

Trustful communities, then, are collective embodiments of moral integrity, in which members display the common virtues as well as the special virtues attached to diverse social vocations, professions and undertakings. A key test of communal moral soundness is whether those in positions of authority, leadership, power and judgment are generally trusted and generally show themselves to be trustworthy. The more morally corrupt a community is, the more will the relationships of its members be dominated by fear and mistrust.

TRUST AND TRINITARIAN MORAL COMMUNITY

For Christians the fullest revelation of human moral community, and so of the possibility and the nature of trustful relationships, is given by the triune God through the witness of Holy Scripture. The scriptural witness unfolds to us the universal order of moral community in a threefold dynamic way: as the original, unified and harmonious order of God’s good creation; as the fragmentary and disrupted order resulting from human sin; and as the original order restored and perfected by the Spirit of the resurrected Christ. To each of these dynamic moments of human moral community belongs the communication of specific goods and benefits which are the objects of trust among persons.

To the moment of created order belongs the natural goods of human life, such as sexual love and procreation, material prosperity, knowledge, wonder and thought, aesthetic pleasure and artistic creativity, common work and action. To the moment of disrupted order belongs the goods of preservation, external

healing and rectification, especially those of communal government, law and justice. To the moment of restored and perfected order belongs the goods of spiritual, moral and intellectual healing and fulfilment. In all of these moments, however, the communication of goods is chiefly a divine-human one, from the ever-loving and merciful God to his creatures. All of our human sharing originates in and reflects God’s sharing of himself and his work with us. For God is the creator of all that is, the provider for every creaturely need, the empowering power of every creaturely action, the light of all creaturely knowledge and the wellspring of all creaturely love. His judgment is the source of human justice, his protection our sure defence against evil. He is our deliverer from the body of sin and death, the perfecter of our common life and the author of our eternal happiness.

In its revelation of human moral community, the biblical witness never focuses on the human communication of goods and benefits as the chief object of trust, but on their divine communication. Indeed, both the Old and New Testament writings dwell on the futility, self-deception, and sinfulness of human beings placing their trust in human intentions, powers and possessions, whether their own or those of their fellows. In the legal, prophetic, and wisdom traditions of the Old Testament, God’s elect people (corporately and individually) are commanded, exhorted and counselled not to deflect their trust from Yahweh’s sovereign and unfailing promises to human pretensions, be they of military might and political domination, accumulated wealth, cultural and intellectual superiority, and even their own divinely bestowed inheritance of worship and morality coveted as a reservoir of collective and individual righteousness. Any such deflection of trust from God’s gifts onto humanly possessed goods, from divine to human action, is the very form of idolatry, which finds symbolic completion in the erection and worship of (natural or fabricated) cult-idols. For when the divine-human communication of goods is reduced to mere human communication, then society inevitably seeks a false transcendence by reifying the goods themselves or their social communication.

According to the biblical witness, we participate fully in the goods of our original creation and our historical preservation only as we lay hold of them in their relation to God’s sovereign and steadfast purposes and actions in and for his world, which constitute their transcendent ground, meaning and unity. And the *telos* and centre of God’s purposes and actions toward his

Oblivion to God's claim has been endemic to the Western liberal tradition of universal rights.

► creatures is his redemption of the world from its bondage to the powers of sin and death through the incarnation, suffering, death and resurrection of Jesus Christ, the only begotten Son of the Father, by whom the Spirit of the fullness of life is given. The New Testament writings proclaim God's salvation of all creation through Christ's work of self-giving love as the pivotal object of human trust that encompasses and undergirds all other trustful relationships. They reveal the trusting obedience of Jesus to his Heavenly Father's will to be the pattern of human moral community, the very conformity of human communication to God's own self-communication.

In the Gospels, Jesus offers himself, his words and his acts as the fulfilment of God's purposes for his human creatures as they are revealed in the natural structures of society and in the law of Moses. The epistles show us how Christ's obedience has opened the way for human action acceptable to God and in conformity with his law of love. The New Testament ethic is from beginning to end an ethic of relationship and obedience: of our relationship to Christ's obedient action and our conformity with his example and commands. Most profoundly, our relationship to Christ is one of possession, his possession of us and our possession of him: we are possessed by Christ and receive all the good that we are, have and do from him, as a trust. "We are not our own," says Paul, but Christ's (1 Cor 6.19). In every moment of our moral being, we are called to a self-forgetful surrendering of our wills to his, a going out of ourselves to meet him.

In meeting Christ, we not only encounter the Supreme Good as absolute claim on us, but we encounter lesser created goods as existing in and through Christ, the creative Word of the Father, prior to and independently of our willing. In encountering created goods we first "possess" them spiritually, through knowledge illumined by the love of Christ, before answering *the demand or claim that they present*. Of all creatures, but especially of human individuals, the New Testament ethic affirms that they *are claims* on us: as objects of God's self-communication in Christ, persons are claims upon the wills of one another. Each, in conforming his or her will to Christ's, recognises and responds to the claim that the other is a person. Each, in obedience to Christ's law of love, fulfils the demands of justice.

TRUST AND THE JURIDICAL CULTURE OF RIGHTS

To affirm that individuals are claims on the wills of one another is not to affirm that they make claims on one

another. Similarly, to affirm that obedience to Christ's law of love fulfils the demands of justice is not to affirm that obedience fulfils the demands of *individuals*. For human action to be loving, just, right and lawful, it has to conform chiefly to divine commandment, to divine right, to God's claim, and only secondarily to human right (singular) and law in conformity with God's. It is God's right – his law, revealed in nature and Scripture – that alone *defines* the pattern of loving, just, and right relationships among his creatures. The measure of human obedience always resides in God's will and not in the human will, individual or collective.

Lamentably, our contemporary public ethic of human rights places the seat of right in the human rather than in the divine will, identifying just and right actions with the fulfilment of purely human demands. It construes moral community as the interaction of rights-bearing subjects, each of whom comprises a bundle of claims or entitlements. For "rights" attributable to individual subjects (or collective subjects) are nothing other than socially and legally defensible entitlements to have (i.e. to receive, hold, occupy, enjoy, use) something or to do something: for example, individuals are said to have rights to food, housing, education and medical care, as well as rights to move around, to speak and to assemble freely. A defensible entitlement to have or to do something makes of that thing or action a kind of property owned by the subject. Only as proprietor can the subject defend his or her right against every challenge to or violation of it. *Thus, property right is the paradigm of subjective right as such; and subjective right is an essentially juridical concept, for all human rights are potentially justifiable in court.*

There is, then, a symbiotic relationship between the political ethic of universal human rights – of rights possessed equally by all human beings – and the legal establishment of these rights within particular political societies in governmental or constitutional bills or charters. The political ethic drives toward legal establishment and legal establishment intensifies the political ethic, with the result that citizens are perpetually engaged in claiming and defending their rights, either against governmental and other public agencies or against each other, often by means of litigation. Their moral posture is not fundamentally relational and self-transcending, open to God and neighbour, but self-referential and self-enclosing, cut off from God and neighbour. The disposition of individuals who are preoccupied with vindicating their rights and always poised on the edge of litigation is not that of

surrendering their wills to Christ's law and their neighbour's need, but one of imposing their wills on their neighbours, oblivious to the divine claim.

Indeed, oblivion to God's claim has been endemic to the Western liberal tradition of universal rights which has elevated human freedom, understood as the individual's ownership of his or her acts, into the original human right and the fountainhead of all others. In modern times, the course of the liberal rights tradition has been to recognise ever fewer constraints, whether physical or moral, on the individual's proprietary power of self-disposal. The modern development of scientific technologies has increasingly enabled human beings to make their own bodies and minds (as well as the non-human world) the object of manipulation and control, and has thereby abetted their substituting the inventions and contrivances of their "unfettered" imaginations for the divinely bestowed human goods of created, redeemed and sanctified human community. Today, as we confront the numerous destructive effects on our physical and moral well-being of scientific technologies driven by a public culture of human rights, popular mistrust has, not before time, alighted on these causes themselves. As the idols totter on their pedestals, Christians should seize the opportunity to share with all and sundry the Church's obedient trust in God's works, his law and his promises in Jesus Christ. ■