

WOLTERSTORFF, RIGHTS, WRONGS, AND THE BIBLE

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ABSTRACT

According to Wolterstorff, an accurate genealogy of rights begins, not with the late Middle Ages and the Enlightenment, but with the Hebrew and Christian Scriptures. The Gospel of Luke, Wolterstorff says, provides especially important witness, and he gives it considerable attention. Wolterstorff's careful analysis of Luke is both lexical and narratological. This paper argues that the lexical data of the Gospel of Luke does indeed lend some support to Wolterstorff's case. But the support is qualified since, in Luke, a critical word group—the *dikaio*-family—is used in a way that emphasizes relationship to God rather than obligations to neighbor. The most important narratives and teachings of the Gospel lend similarly qualified support to Wolterstorff's genealogy. The paper concludes that while nothing in the Gospel of Luke is incompatible with the observation and defense of human rights, the program Luke sketches has another focus that a comprehensive reading of that Gospel must keep in view.

KEY WORDS: *justice, righteousness, Gospel of Luke*

NICHOLAS WOLTERSTORFF'S SPLENDID BOOK, *Justice: Rights and Wrongs*, makes a strong argument for inherent human rights. A large part of that argument treats the issue systematically and seeks to ground human rights in a consideration of the structure of the moral order. Another part of his argument recounts the ways in which moralists in the Western tradition came to think about human rights. This portion of his case contests other narratives about the genealogy of human rights that trace its lineage to the Enlightenment or to the nominalism of the late Middle Ages. No, argues Wolterstorff, the narrative begins with the biblical witness, both the Scriptures of ancient Israel and the writings of the early followers of Jesus, particularly the Gospel of Luke. Wolterstorff does not claim that there is any explicit theory of human or natural rights in the Hebrew Bible or in the New Testament. Rather, he claims there is an ethical framework that assumes that something like such rights are in effect. After critical consideration of other possible ways of grounding human rights, Wolterstorff finally argues that the only solid foundation is a vision of human beings, who as creatures in the

imago dei, possess inherent worth and therefore have claims on one another to be treated in certain ways.

I find myself in sympathy with the larger project, and impressed by the critique of other ways of thinking about human rights (particularly the contemporary versions of the ancient traditions of eudaimonism). Wolterstorff's account of Augustine and his reaction to Stoicism are especially illuminating. There is much that merits discussion in this work, but my own assignment is more limited. My task is to react to Wolterstorff's claims about the witness of Scripture. His suggestions about the Hebrew Bible strike me, a New Testament specialist, as convincing. The prophetic proclamation does assume that the nations will be held responsible for their actions, even though they have no way of knowing the decrees of Torah. The prophets remain vague about the grounds on which the nations will be held accountable, but their proclamation is certainly compatible with the notion that there are recognizable claims that human beings have *qua* human against other human beings. Their proclamation may, of course, be compatible with other claims to ground rights in a responsible society.

The New Testament is, without a doubt, concerned about justice, but how is justice understood and grounded? Wolterstorff's attractive reading of the evidence of the New Testament, and most specifically, the Gospel of Luke, falls into two major categories—lexical and nar-ratological. We should spend some energy on both.

Wolterstorff begins by making a lexical point. While the Greek terms most relevant to the topic, the noun *dikaiosyne* and the adjective *dikaioi*, are often translated "righteousness" and "righteous," someone who comes to the New Testament fresh from a reading of Plato or Aristotle would be tempted to translate them as "justice" and "just." Fair enough, though we need to test the semantic range of these terms in various contexts. We might also need to worry about the related verb, *dikaioō*, which would loom large were we to deal with Paul's letters.

Following Wolterstorff, we might retranslate passages such as Matt 5:6. Instead of "Blessed are they who hunger and thirst for righteousness, for they shall have their fill," we would hear, "Blessed are they who hunger and thirst for justice, for they shall have their fill."¹ The former beatitude promises a surfeit of personal virtue, the latter an objective situation in which people receive their due.² Similarly, Paul's famous thesis statement in Romans 1:17 would sound very different if

¹ All passages and translations are from the New Revised Standard Version of the Bible.

² For discussion of the translation and the background to the term in Matthew, see Betz 1995, 129–32. See especially his comment that blurs the dichotomy suggested above: "Social conditions produced by injustice can be turned around only through

rendered “the justice of God is revealed” rather than “the righteousness of God is revealed” in the Good News that he proclaims.³

Wolterstorff’s concern with translation may seem like a curious point with which to begin the discussion. Apart from its intrinsic interest, at least to biblical scholars,⁴ I think his observation pushes the analysis of the Gospel materials away from a consideration of “virtue” toward a concern for objective “rights and wrongs” (as suggested by his subtitle). If so, I think he may be ignoring an important dimension of the Gospel witness.

What specific connotations are to be found in particular appearances of the *dikai-* words? Space does not permit consideration of the whole New Testament. Following Wolterstorff’s example, I focus on the Gospel of Luke, worrying first about Luke’s language and then his narrative structures and assumptions in matters relating to justice. I assume that, on the lexical level at least, context is crucial to analyzing the connotations of any word. However, lexicology is not destiny, and we will need to attend to the ways in which Luke structures key narratives about matters of justice.

Beginning with words, we first encounter language in the *dikai-* family in Luke 1:6, where Zachariah and Elizabeth are introduced as “both *dikaioi* (translated “righteous”) before the Lord.”⁵ What that means is immediately clarified: they “walk blameless in all the commandments and just requirements (*dikaiomasin* or “regulations”⁶) of the Lord.” They are *dikaioi*, that is, because they abide by the Torah. The same sense would appear to be involved in the introduction to the parable of the Pharisee and the Publican (Luke 18:9), where the Torah observant think themselves to be *dikaioi*. The story challenges that perception and effectively grounds one’s status as *dikaioi* in the act of repentance. Similarly, those sent to test Jesus with the question about Caesar’s coin (Luke 20:20) pretend to be *dikaioi*. The New Revised

personal hunger and thirst for justice on the part of individuals. The SM does not seem to distinguish between the goal of personal righteousness and that of social justice. Both together are envisioned, and indeed one cannot be had without the other” (1995, 129–30). He translates *dikaioisynē* in Matthew 5:6 as “righteousness.”

³ For a review of the discussion of Romans 1:17, see Jewett 2007, 141–47.

⁴ Wolterstorff may well put his finger on a larger issue of translation. There is a tendency in many translations of the New Testament from the Reformation onward to favor renderings of Greek that highlight the interior and affective dimensions of the possible semantic range of a word while ignoring the objective, behavioral dimensions. A case in point is the noun *parrhesia*, often translated “confidence,” though it never loses its classical connotations of “boldness” or “frankness of speech.” On this, see Attridge 1989, 111–2, 287, 300.

⁵ Brown 1977, 256 prefers the translation “upright.”

⁶ The word appears only here in Luke, but is used frequently by Paul in his Epistle to the Romans. See Romans 1:32; 2:26; 5:16, 18; 8:4. See also Hebrews 9:1, 10.

Standard Version (NRSV) translates *dikaioi* as “honest,” one might also contemplate “observant.”

Back in the opening chapters, like Zachariah, Simeon in 2:25 is a man who is *dikaios* and *eulabēs*. Characteristics again specify the meaning: he awaits the consolation of Israel and has the Holy Spirit upon him. These characteristics and the second descriptor, *eulabēs*, “reverent,”⁷ point in the direction of reverent piety as the sense of *dikaios*.⁸ What warrants his designation as *dikaios* is not his activity regarding others but his trust in God’s redeeming mercy and his relationship to God’s spirit. “Righteous” might capture the sense better than “just.”

On the other hand, at the end of the Gospel (Luke 23:50) the figure of Joseph of Arimathea comes on stage—a man “good and *dikaios*” (righteous). His claim to that epithet seems based on the fact that he did not collaborate with the council that tried Jesus and that, like Simeon, he hoped for the Kingdom of God (Luke 23:51). Actions can count.

The juxtaposition of *dikaious* to *hamartōlous* in Jesus’s saying about the objects of his call (Luke 5:32) suggests that the adjective *dikaios* has a rather broad range, encompassing not simply those who do the just thing, but also those who do the right thing, in whatever sphere of activity. The same polarity appears in the interpretation of the parable of the lost sheep (Luke 15:7), where a single sinner’s repentance causes more joy than the actions of ninety-nine *dikaioi*. The contrast parallels the implicit redefinition of what it is to be *dikaios* in the parable of the Pharisee and the Publican.

The angelic proclamation of the mission of John in Luke 1:17 predicts that he will “turn the hearts of the disobedient to [or perhaps ‘by’] the wisdom of the *dikaioi*” (*en phronēsei dikaiōn*; translated “wisdom of the righteous”). John’s preaching will later clarify what “wisdom” is.

The noun appears only in Luke 1:75, as part of Zachariah’s prayer, the Benedictus, which recalls God’s promise that his people would live in safety from their enemies and would “serve him in holiness (*hosiotēti*) and *dikaiosyne*.” The parallel with “holiness” suggests that the noun *diakaiosyne* here refers to a quality of those who are serving God, hence their righteousness. On the other hand, the temptation to translate thus may ignore the fact that a pairing of holiness (*vel sim*)

⁷ For the sense of this word group elsewhere in the Jewish literature of the time, see Attridge 1979, 90–93.

⁸ Brown 1977, 438 notes, “The characters of the infancy narrative who do not otherwise feature in the Gospel story are portrayed as possessing the piety of Israel.” Bovon 2002, 100 notes the parallels to Zehcariah and Elizabeth as examples of faithfulness to the divine law and to Ananias in Acts 22:12.

and justice commonly refers in the first century to the fundamental qualities of the proper moral life.⁹ The first term encapsulates the relationship to God, the second, the relationship to human beings and the obligations that one has to them.¹⁰ This reading does not solve the issue of how justice is grounded or understood. Given the other uses of the adjective, particularly in the opening chapters, the term probably refers to obedience to the Law.

The realm of distributive justice is clearly presupposed in the saying of Jesus in Luke 12:57–59, but is he worried about “justice”? Calling upon his listeners to judge for themselves *to dikaion* (“what is right”), he tells a tale about settling out of court to cut potential losses. Jesus does not seem to be asking about the “just” solution to the situation, but the “right” and “prudent” one—in short, the one that secures the best deal for the subject. Some passages are not especially helpful in discerning the meaning of our word. The “resurrection of the *dikaiōn*” (Luke 14:14) is the point at which proper recompense is promised. Whether they are “righteous” or “just,” they will get their reward.¹¹

The most intriguing case of the adjective’s use is no doubt the remark of the centurion at the cross, who judges that Jesus was truly *dikaios* (“innocent,”¹² alternatively “righteous”). This version of this most dramatic scene is peculiar to Luke. The Roman officers in Mark 15:39 and Matt 27:54, on different grounds to be sure, confess Jesus to be the “son of God.” Luke’s change is clearly an editorial decision on his part, since he probably bases his account on Mark.¹³ The occasion of the centurion’s remark in Luke suggests what the evangelist takes to be the epithet’s grounds. The Roman officer has just seen Jesus piously commending his spirit into the Father’s hands (Luke 23:46). He may have heard Jesus’s compassionate promise to the good thief (Luke 23:43), and, perhaps, if the reading is genuine,¹⁴ Jesus’s remark,

⁹ Bovon 2002, 75 n. 75 indicates the parallel phrases in Wisdom 9:3, Ephesians 4:24, and in the first-century Jewish philosophical exegete, Philo. See Philo, *De Abrahamo* 208 (Philo 1935, 102–3).

¹⁰ Bovon 2002, 75 suggests that Luke “perhaps even conceives of holiness and righteousness as a summary of the two greatest commandments (see 10:26–28).” Brown 1977, 385 suggests that the whole phrase refers “to the virtues of the people as a covenant partner, i.e., the holiness and justice that should mark their lives.”

¹¹ However, the passage should not be cited as an example of the “eschatological eudaimonism” that Wolterstorff 2008, 212 rightly rejects.

¹² The translation lacks convincing parallels in ancient literature. It seems plausible to some because it fits the scene, but it ignores the overall Lukan development of who is *dikaios*.

¹³ Some scholars believe that Luke used not Mark, but Matthew as his major source. The point would be the same since Mark and Matthew agree on what the centurion said.

¹⁴ The verse is lacking in some ancient witnesses. The text-critical debate is reflected in the decision of the NRSV to print the verse in the text, but with brackets.

“Father forgive them . . .” (Luke 23:33). The grounds for a judgment of innocence or even justness are hard to find. That a Roman might recognize magnanimity and generosity of spirit in a man who met death like a philosopher, might lead to a judgment that he was righteous, a man in conformity with the will of God.¹⁵

Narrative plausibility and verisimilitude are not the only criteria for assessing meaning. Whatever a real or fictive centurion might have said, the story invites Luke’s audience to make the judgment that Jesus is *dikaios* and to do so on the grounds of what they have read or heard. What they have encountered is not a man who responds to human claims, but one who accepts God’s will and acts with love toward his fellow men. He is, in other words, formally like the *dikaioi* who appear in the opening chapters of the Gospel, although the basis for his obedience is not Torah, but his intimate relationship with the Father. That relationship comes to expression not in observances of the Law’s just requirements, but in compassionate forgiveness toward sinners.

A brief review of the verb *dikaioō* will conclude our lexical scan. Baptized tax collectors *edikaiōsan* God (Luke 7:29), which the NRSV renders “acknowledged the justice of God” (or in a note, “praised God”). Whatever they did to God is apparently done to Lady Wisdom a few verses later (Luke 7:35). In both cases, God and Wisdom apparently “get their due,” whether it be praise or acknowledgement. The logic of the verb may be compatible with a theory of inherent rights, but they are not human rights.

The Gospel twice uses the language of “justify oneself,” first in the case of the rich young man, who poses a follow-up question (Luke 10:29), and then in a challenge by Jesus to the Pharisees, who are said to justify themselves before men (Luke 16:15). Neither reference to self-righteousness helps with our quest.

Finally, the penitent Publican goes home *dedikaioumenos* (Luke 18:14), which the NRSV translates “justified.” This translation evokes Paul’s treatment of justification, although within a different framework. The man has been put in a right relationship with God, unlike the self-righteous Pharisee (contrast Luke 18:9). He is there, as Luke would insist, because of his repentant acknowledgement of his own sinfulness.¹⁶ A forensic element may lurk in the verb here, as in many

¹⁵ For a detailed discussion of Luke’s version of the centurion’s confession, see Brown 1994, 2:1160–67. Brown is particularly useful on the possible background in Messianic expectation and in the narratological function of the gentile’s confession of Jesus as Messiah. See also Neyrey, S.J. 1985, 129–55.

¹⁶ For a treatment of the topic of repentance in the Lukan corpus, see Nave Jr. 2002.

of Paul's usages.¹⁷ A favorable judgment has been rendered on him, presumably by God, but unlike Paul, the judgment responds to repentance and does not ground it.

The lexical data of the Gospel of Luke on the *dikaio*-family therefore point in a direction that is only partially helpful to Wolterstorff's case. Whatever the presuppositions might be of one who reads the third Gospel with classical sources ringing in her head, the text itself uses this word group in a way that emphasizes not obligations to neighbors but relationship to God. One is *dikaios* or is judged to be so, not in general because she recognizes and responds to others' legitimate claims, but because she responds to what God requires. God requires certain things regarding the neighbor, to be sure, but is it a matter of right? Perhaps, but the case of the ultimate *dikaios* goes beyond what people are due. Jesus exemplifies the relationship and the compassionate action that flows from it, action the like of which is found in several of the major characters of the Gospel, the Good Samaritan (Luke 10:25–37), and the Forgiving Father (Luke 15:11–32). His form of being just, which is at least in part an example to be followed, puts the emphasis in a place other than rights.

Lexical considerations only go so far in exploring the message of Luke. Wolterstorff bases his case for an implicit understanding of human rights in the Gospel not so much on terminology, but on the structure of Luke's narrative and characterization. Part of the case has to do with the Gospel's explicit ethical teaching. The teaching begins with John the Baptist's proclamation to those called to repentance (Luke 4:12–14), to tax collectors to take only what was designated for them, and to soldiers not to use threats or extortion and be content with their pay. All of this makes clear the nature of the wisdom to which John calls the disobedient (Luke 1:17), a wisdom that respects people and treats them fairly.

The concern for what might loosely be called "social justice" in John's preaching extends through the Gospel.¹⁸ A few key passages carry the load. Mary's Magnificat envisions an eschatological reversal in which the mighty are deposed and the lowly raised up, the hungry filled and rich sent begging (Luke 1:52–53). Jesus's inaugural sermon in Nazareth, unique to Luke, proclaims the fulfillment of the prophecy of Isaiah 61:1–2. That claim, which elicits a negative congregational response, promises release to prisoners, sight to the blind, and a

¹⁷ The literature on the Pauline treatment of the theme is vast. For a useful overview with extensive bibliography, see Dunn 1998, 334–89.

¹⁸ For a critical perspective see Johnson 1977 and 1991. For Johnson, the Lukan concern for wealth and poverty forms not so much an ethical injunction as a form of community identity.

proclamation of “the year of the Lord’s favor.” The last phrase, probably alluding to the year of Jubilee, promises, in effect, forgiveness of debt, release from servitude, and other benefits.¹⁹ On the basis of this maiden homily, Jesus could well be understood as a radical social activist concerned with the rights of the oppressed.²⁰ But on what are these radical reforms based if not the divine command to provide a sabbatical of sabbaticals. Torah and eschatological prophecy (the revelation of God’s will for Israel) form the background of Luke’s presentation.

The Great Sermon, in Luke the Sermon on the Plain, begins, as does the more familiar Matthean version, with beatitudes (Luke 6:20–26). Matthew frames these congratulatory declarations didactically, hearing Jesus encouraging certain kinds of virtues. Luke is more judgmental, more prophetic. His Jesus congratulates not those who perform in certain ways, but those who suffer in the present, because their situation in God’s future will be different. The presence of negative judgments (Luke 6:24–25) marks the stark difference between the Lukan and Matthean beatitudes. As in the declaration of the Magnificat, those who are now comfortable need to worry about the long haul. Insofar as the beatitudes of the Lukan Jesus echo the prophets, with their sense that all people are owed certain things and that all people should be able to recognize what those things are, these verses support Wolterstorff’s notion that inherent human rights are at least implied by the Gospel.

Responses to Jesus within the Gospel’s narrative are diverse. Some reject what he has to say; some hear him, repent, and enter a new relationship with the Divine. Two passages, a parable and an anecdote, illustrate what Luke suggests is at stake. The more transparent is the episode of Jesus and the tax-collector Zacchaeus (Luke 19:1–10). After going out on a limb to encounter Jesus, this archetypical “sinner” repents of the defects of his professional career and promises almsgiving, restitution of fraudulent profits, and payment of compensatory damages (Luke 19:8). Coming at the end of Jesus’s public ministry, the episode stands as a bookend with the Baptist’s proclamation at the Gospel’s beginning, as well as a vivid illustration of the Magnificat’s hope that the mighty will be humbled and the lowly exalted. What Luke suggests is that eschatological promises of a just social order have been, at least by anticipation, realized in the ministry of Jesus and his followers. That narrative theme will

¹⁹ On the Jubilee year, see Leviticus 25:8–55.

²⁰ For an overview of that strand of late twentieth-century theology that has focused on this dimension of the New Testament, see Rowland 1999.

continue in the account in Acts of the egalitarian community of the Jerusalem disciples.²¹

Another passage that deals, however obliquely, with issues of economic justice is the so-called parable of the Dishonest Steward (Luke 16:1–8a). This story of a manager who cooks his employer's books to secure his own future evokes a series of moralizing comments on the dangers of wealth and its proper uses (Luke 16:8b–13). The strangest of these is no doubt verse nine: "Make friends for yourselves with unjust (or unrighteous) mammon, so that when it gives out, you may be received into eternal dwellings." The admonition, dripping with irony, directly models the steward's action. He used discounts on his exorbitant fees (or legally problematic interest charges) to curry favor with his master's clients.²² In any case, he seems to have had scant regard for anyone's rights, but his is somehow an example to be followed!

The story of Zacchaeus, an apparently avaricious tax collector, and the parable of the shrewd steward point in slightly different directions. The former, like John's admonitions to the soldiers, recognizes that there are acknowledged norms of just behavior, claims that people have against one another, infringement of which is a subject for repentance. The latter hints that there is something that takes precedence over whatever claims anyone may have. What that is may have something to do with the principle of "justice" exemplified in the story of the "just one" on the cross.

In conclusion, the Gospel of Luke, like all the New Testament, is filled with tensive elements when we contemplate human rights. The tensions reflect the sources on which the Gospel ultimately depends, Israel's Torah and the teaching of Jesus. Like the famous call to be holy in Leviticus 19, the Gospel of Luke presents a vision of justice rooted first and foremost in a relationship to God. To be *dikaïos*, formally defined, is to respond to the divine will. That response has implications for how one relates to one's fellow human beings and it is the divine will for humankind that the blind should see, the lame walk, that prisoners go free, and the poor be raised up. Luke also has a sense of how one becomes *dikaïos*, a way that supplements and refocuses the Torah. To be *dikaïos* is to follow the way of the One who taught

²¹ On the possible Jewish sectarian background to the early Christian "communism" of Acts, see Murphy 2002.

²² One of the mysteries of the parable is the fact that the master praises the steward for his prudence, for acting "shrewdly" or "prudently" (*phronimōs*, Luke 16:8). The fact that he takes no action against the steward suggests that either his own profits are not affected by the steward's action, or the steward has "worked to rule," discounting interest which could not be rightfully charged in the first place. See Derrett 1970, 48–77. For further discussion and other interpretive options, see Scott 1989, 255–66.

compassion in word and deed, who preached repentance and the forgiveness of sin, and whose very manner of death exemplified what it meant to be *dikaios*. To observe and defend human rights is certainly compatible with the program that Luke sketches, but that program has a decidedly different focus and way of organizing the moral universe.

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