

The Philosophy and Theology of Human Rights

European Leadership Forum

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An intellectual history of human rights

- The Reformation – freedom of religion
- John Locke – natural rights
- Hugo Grotius “*etiam si*”
- Thomas Paine and The French Revolution – “Ni Dieu ni maître”
- The reaction to Nazism and Stalinism – international standards by which governments would be held to account
- The rise of choice as the supreme value

John Locke

- Natural rights arise out of human nature
- Human equality (specifically equality between men and women) is found in Genesis 1-2
- Natural rights are grounded in our duties to God
- Natural rights limit the power of rulers
- **But *individuals* decide for themselves what good to pursue**
- Locke's ideas were a major influence on the American Revolution

Thomas Paine and the French Revolution

“society grants [the citizen] nothing. Every man is a proprietor in society, and draws on the capital as a matter of right.”

(Paine, *The Rights of Man*)

Rights before responsibilities

Individuals *before* society

Human Rights and the Second World War



What does rights language mean?

Moral guilt is not the same as harm caused

- **Agents** are guilty
 - **Victims/Patients** are wronged
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- Rights enable us to give voice to **wrongs**, not just to **guilt**
 - Human rights have to be based on ***something*** in human nature
 - Are rights **possessions** or are rights **relational**?

Two conceptions of human rights

Freedom for:

- The sincere worship of God
- Living in peace and security
- Involvement and service in the common life
- Raising a family
- Enjoying rewarding and productive work

Freedom to choose meaning

Freedom from:

- The claims of God
- The duties to our country and to one another
- The obligations of family life
- Biology

A Capabilities Approach to Human Rights: rights depend on our abilities



The foundations for the two conceptions of human rights

Capabilities approach → human rights only for human “persons”.
Rights only for the choosers.

Dignity approach → human rights for all human beings. Rights for all of the species God has chosen.

Rights as **Possessions** belonging to **Individuals**

'*Rights* are typically conceived of as *possessed* or owned *by* or belonging to *individuals* and these expressions reflect the conception of moral rules as not only prescribing conduct but as forming a kind of moral property of individuals to which they are as individuals entitled; only when rules are conceived in this way can we speak of rights and wrongs as well as right and wrong actions.'

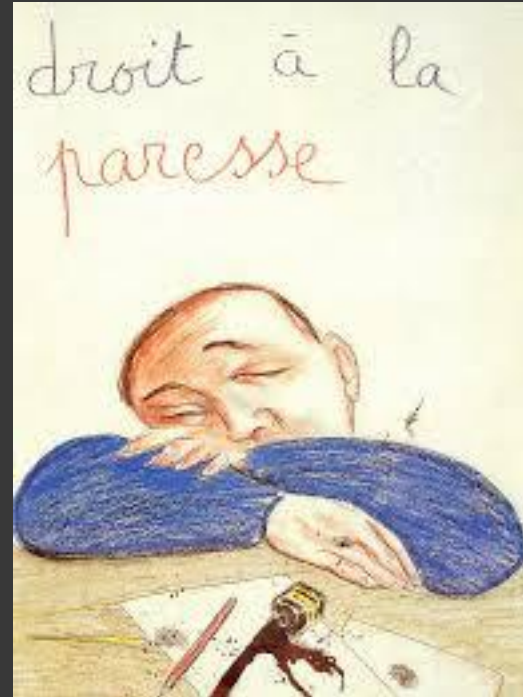
(HLA Hart)

Rights are seen as **things which belong to me.**

Thinking about rights as things which belong to individuals leads to an escalation of competing claims

- “Me First”, never mind my obligations to others
- “Me First”, never mind the cost to the community

I respond to your rights' claim by making my own, leading to a clash of rights



A Dignity Approach to Human Rights: **rights depend on human worth**

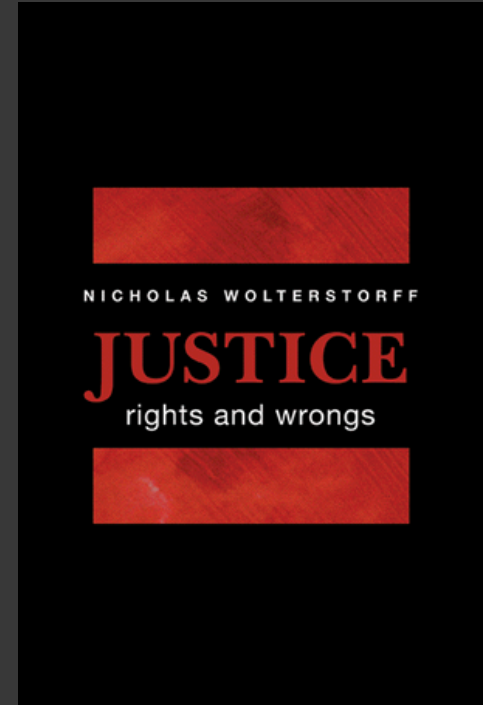
- Human beings have worth, therefore human beings have rights
- Our worth comes from the fact that we are created by God and loved by God
- Although our worth may be diminished by our evil acts, it is never wholly forfeited
- Our worth is to be found in Jesus Christ, who became a human being, who identified with the poor, the marginalized, and the despised and who offers God's salvation to every human being

Rights as an aspect of our relationships

Rights are a form of normative social relationship: a right is always a right with regard to someone.

(Wolterstorff, *Justice: Rights and Wrongs*)

Because A stands in a certain relationship to B (e.g. parent to child or doctor to patient or judge to litigant), A owes a duty to B and B has a right against A



Responsibilities as the foundation for Rights

“My fellow Americans, ask not what your country can do for you, ask what you can do for your country.” (J.F. Kennedy)



“The defence of individual rights has reached such extremes as to make society as a whole defenceless. It is time to defend, not so much human rights, as human obligations.”

(Aleksandr Solzhenitsyn, 1978)



Human Rights depend on faith

Francesca Klug called human rights “Values for a Godless Age.”

“The fact remains that human rights originated in monotheism – the belief that there’s only one God, who creates a single moral law for all human beings. And there’s a sense in which human rights still depend on some sort of religious commitment. For unless these rights are grounded in something beyond the human world, they can only be a human invention.”

(John Gray)

Human Rights as religion

“We kill in ourselves both piety and gratitude, believing that we owe the world nothing, and that the world owes everything to us. That is the real meaning of the new secular religion of human rights. I call it a religion because it seems to occupy the place vacated by faith.”

(Roger Scruton)

Human rights are a religion without God.

(Jean-Marc Berthoud)

Human rights and religious commitment

- If human rights are to have universal force, they must be objective
- The best explanation for objectivity is the existence, and nature, of God (*Ritchie, From Goodness to God*)
- Without God, human rights end up depending on the State

Human rights as a second language

Human rights as a second language, to be used to argue for justice and to negotiate compromises which enable people to live with dignity and to worship God freely

Conclusions: What can we do about human rights?

- Human rights language is a way of talking about wrongs
- Human rights language carries with it the dangers of possessivism and individualism
- Human rights theory needs to be reformed so that:
 - Human rights are understood in terms of relationships
 - Priority is given to responsibilities, not rights
 - We discuss what is good for human beings



Further resources:

- H. Taylor, *Human Rights: Its Culture and Moral Confusions* (Edinburgh: Rutherford House, 2004)
- D'Souza and Rogers, *On the Side of Angels: Justice, Human Rights and Kingdom Mission* (Milton Keynes: Authentic, 2007)
- N.P. Wolterstoff, *Journey Toward Justice* (Grand Rapids: Baker, 2013)
- D.H. McIlroy 'Human Rights Theory: Fit for Purpose, Fundamentally Flawed or Reformable?' (2014) 173 *Law & Justice* 21-36
- N. Biggar, *What's Wrong with Rights?* (Oxford: OUP, 2020)

