Christianity and Public Life: Does God believe in Human Rights?

Transcript

Date: Thursday, 14 January 2010 - 12:00AM

Location: Museum of London
Does God believe in human rights?

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14/01/2010

The drive to get human rights acknowledged in theory and observed in practice is one of the great movements of our time. When future historians look back they will single out the 1948 United Nations declaration on human rights and what has followed from it, as one of the outstanding achievements of our age. Alas, there are still terrible violations of human rights in many countries and too often only lip service is paid to the idea. Nevertheless, there is now an internationally agreed benchmark for how individuals should be treated that had never been there before.

Although the movement to get internationally agreed statements about human rights was very much a product of World War II, the theoretical discussion about the nature of rights and their basis is usually thought of as going back to the 17th century. What about before that time? Was the idea of rights invented then, or did it have roots going back into classical times?

It is true that the language of rights was not so much in evidence before the 17th century, nevertheless what rights are trying to safeguard was expressed in other ways, most obviously in the concepts of law and of justice. The law that forbids stealing carries with it the idea that people have a right to their own property. Similarly, the law that forbids us to harm other people carries with it the idea that people have a right not to be gratuitously hurt. Or to put it in the language of morality rather than law, if I have a duty to respect the person and property of someone else, they have a right to live their life without attacks on them. In personal terms, I have a responsibility to respect them and they have a right to be so respected. So the idea of rights is built in to the very notion of law. However, in the modern world we are talking not just about legal rights but about human rights. These are about what is due to us by virtue of our very humanity. These human rights will usually be expressed in law and they need to be so expressed in order to be fully effective. But the point about human rights language is that it implies a moral basis for those laws, and it acts as a catalyst both to have such human rights enshrined in law and to go on working for the extension or improvement of such laws in order to conform more nearly to the moral imperative. [1]

This moral imperative also has its roots in our classical and Christian past in the notion of natural law. This is the idea that our moral awareness, our capacity for making morally based decisions, belongs to our very nature as human beings, whatever our religious beliefs. Philosophically this has been a much disputed notion in the modern world; and in its Roman Catholic form, where it seems to be suggested that you can almost read off the content of natural law by looking at the course of nature, as in ordinary sexual intercourse, it seems to be untenable. But I would still maintain that there is a moral law and that all human beings by virtue of being human have some capacity for distinguishing right from wrong and acting morally. It used to be argued that this cannot be the case because there are such different understandings of what is right and wrong between different cultures. But although there are some differences, recent studies show there is much more in common.[2]

From a Christian point of view the concept of a natural law has been rejected by some protestant thinkers as failing to take seriously the fact of the fall and its consequence that we are born in original sin. However, St Paul is quite clear that all people do have some capacity for moral insight and moral behaviour. As he put it:

When gentiles who do not possess the law carry out its precept by the light of nature, then, although they have no law, they are their own law; they show that what the law requires is inscribed on their hearts, and to this their conscience gives supporting witness, since their own thoughts argue the case, sometimes against them and sometimes even for them. (Romans 2, 14, 15)

This means that if morality is natural to humanity, there is that in us which is capable of making laws that reflect that morality, and which continues to seek ways of improving those laws in order to try to ensure that they do so more adequately. That natural law, to retain the old phrase for a moment, will help shape our ideas as to how we should behave in relation to our fellow human beings and has taken effect in international human rights legislation.

So, crucial as it is to obtain legal recognition of rights, their basis is not in law itself but in prior ethical considerations. This fact is important in several ways. The Universal Declaration of Human Rights adopted by the UN in 1948 does not have the status of a legal treaty but it is nevertheless regarded as an authoritative articulation of universal human rights which has had significant
effect in bringing about such laws and covenants. The fact that human rights are rooted in ethics means that there have been and continue to be protests when they are violated, even when a country has no specific law in relation to rights. It leads to agitation to change unjust laws. It leads to movements to challenge old assumptions, as with the beginning of the women’s rights movement in the work of Mary Wolstonecraft in the 18th century. In short the ethical recognition of universal human rights is a continuing dynamic for change to a more just world.

So, the concept of human rights grows out of a long tradition of classical Christian thinking about morally based law which relates to all human beings by virtue of their humanity. In the pre-modern period it took effect in such declarations as that of the Magna Carta in 1215, which guaranteed barons, and by extension, all freemen, certain legal rights, notably the right to appeal against unjust imprisonment. Nevertheless, the language of rights and its modern emphasis only really came to the fore in the 17th century and took decisive political form in the 18th. The American Declaration of Independence of 1776 stated:

All men are created equal and are endowed by their Creator with certain inalienable rights.

It is important to note that they believed that these rights had been endowed by their creator. This reflected the fact that most of the founding fathers were people of religious faith, and their understanding of what we owe to one another as human beings was seen and stated in that perspective. Some of them, like Thomas Jefferson, the main architect of the declaration were Deists, rather than Christians, and most of those behind the 1789 declaration in France were indeed Deists. But still it is important to note this religious reference, and the face that even the French declaration was made “in the presence and under the auspices of the Supreme Being.”

Roger Rushton, after an examination of the thought of Aquinas, the 16th century Spanish theologians and John Locke, rightly concludes:

So the apparently secular discourse of human rights, far from being something alien imposed on religious life from outside, has grown from within a religious tradition in response to its deepest insights into God’s creative presence in the World.[3]

Despite these very clear affirmations of religious motivation and justification, there is a widespread suspicion or even assumption that the modern human rights movement is really a secular one and human rights have secular rather than a religious foundation. Let us look at some of these suspicions. It is said for example that Christianity is primarily concerned with responsibilities and duties rather than rights. Now it is true that responsibilities and rights do not always go neatly together. I have a responsibility not to be cruel to animals, whether or not animals have rights, which is a disputed concept. And no one should underestimate the importance of the concepts of responsibility. However, as mentioned above, in law responsibilities also imply rights, as rights imply responsibilities. They are held together in law, which is there to ensure both that we act responsibly towards our neighbour and our neighbour is left free to act within his rights. Some argue that duties precede rights and the latter flow from the former, others argue that rights come first, and duties arise out of a recognition of these rights.[4]

Closely linked to this suspicion of rights by some Christians is the feeling that it is somehow selfish to talk about rights. People criticize what they call an increasing sense of entitlement, for this seems contrary to the Christian faith which discourages claiming things for oneself. However, rights are more often than not trying to ensure that other people are properly respected. It is not selfish to try to ensure that the most marginalized or oppressed are able to lead a properly human life. It is not selfish to try to obtain the release of people who have been imprisoned by an oppressive regime for expressing their views or who are in danger of being tortured. At the time of the peasants revolt Martin Luther said to them ‘suffering, suffering, cross, cross. This and nothing else is the Christian law.’ But whilst that might have been an understanding of how he himself should respond to injustice, it was not his place to tell others who were suffering that they should put up with it rather than fight to oppose it. There are indeed texts in the New Testament that tell us that Christian discipleship involves accepting unjust suffering rather resisting it. But that is a matter of personal discipleship. It cannot be used as the basis for opposing the establishment of a just society in which everyone’s rights are properly recognized and observed.

Furthermore, it can be questioned whether it is indeed right, even as a matter of personal discipleship, for people always simply to put up with injustice. One of the reasons that women have been so badly treated down the ages is that they have been encouraged to be submissive rather than stand up for themselves. This has been very damaging for the sense of their own worth and dignity. It may be that we owe it to ourselves before God to stand up for ourselves, and to assert ourselves against all that would subjugate and humiliate us.

D H Lawrence once wrote a poem parodying a famous hymn.
Stand up, but not for Jesus!

It's a little late for that.

Stand up for justice and a jolly life.

I'll hold your hat.

Stand up, stand up for justice,

ye swindled little blokes!

Stand up and do some punching,

give 'em a few hard pokes.

Stand up for jolly justice

you haven't got much to lose:

a job you don't like and a scanty chance

for a dreary little booze.

Stand up for something different,

and have a little fun

fighting for something worth fighting for

before you've done.

Stand up for a new arrangement

for a chance of life all round

for freedom, and the fun of living

bust in, and hold the ground!

In that poem, he brings out well, in popular form, the political, moral and psychological liberation that is necessary from certain forms of Christianity. But it was of course written before the advent of the feminist movement and the emphasis is upon 'swindled little blokes' rather than women. But its spirit applies even more to those countless women who have been and still are the subject of violence, both physical and psychological.

Various philosophical arguments have been put forward as the basis for a belief in human rights. My own view is closely related to what Ronald Dworkin when he writes:

Anyone who professes to take rights seriously must accept, at the minimum, the vague but powerful idea of human dignity.

Similarly Amartya Sen finds the basis of human rights "in the ethical principle that every individual has claims to the attention and regard of others."

Philosophical arguments seek to provide a firm rational basis for a belief in human rights. One of them, rule utilitarianism is discussed briefly below. But if we accept that the basis of human rights is the recognition of human dignity and the claim to regard as do Dworkin and Sen, then there is a rather different relationship between human rights and the reasons that might be given for believing in them. For there are some judgements we make where the reasons we put forward are not proofs leading inescapably to a particular conclusion but reasons to indicate why there has been a particular act of recognition and response. The situation is closely parallel to the kind of discussion we might have about a relationship. For example, if someone asks us what we see in a particular friend, we will outline qualities or characteristics which we recognise in them. What we say will be
indicative reasons; reasons which indicate why the friend is a friend with the assumption that the person to whom they are told, will as a result of what is said, see similar qualities in the person, and come to appreciate them. There is no guarantee that this will happen. It is possible to go on giving reason after reason, with the other person still unconvinced. But the reasons have done their work when they do indeed see what you see. There is an act of recognition with an appropriate response.

There are parallels to this when we are asked to say why we judge a piece of literature or work of art highly. It is good to be able to give convincing reasons if we are asked to do so, but those reasons will never amount to a proof with inescapable logic.

We could even go beyond this and say that in relationships the best reason is that there is no reason. When I first knew my wife her father had given her a brand new beautiful light blue MGA, one of the nicest sports cars ever made. She would not have liked it if she thought the reason I had married her was for the car. She might have been more pleased if I said that it was because of her beauty, but even then, she might have come back to me in the words of the Beatle song and said, well what about when I am wrinkled and grey. In the end people want to be loved for themselves, because they are themselves, and reasons given can detract from that. C.S. Lewis, writing about the pleasures of appreciation has written:

> Something has not merely gratified our sense in fact but claimed our appreciation by right.

If that is true of aesthetic appreciation it is even more true in the act of appreciation the worth of a human being. This is not just a matter of feeling, of the sense but something has "claimed our appreciation by right."

This is well brought out in play by the Irish writer, Frank McGuinness in *There came a gypsy riding by*. In this play a family meets together on the anniversary of their son Gene's suicide. They are given a note he wrote indicating no reason at all as to why he had taken his own life. They are doubly distressed: for his death, and the fact that he gave no reason for it. Then the father says to his wife:

> I looked into his coffin the morning of his funeral. I said something to him that nobody heard. I've not told you nor Simon nor Louise ...I told him if I were given one wish, I would go back in time to before he was born and I would not change him, Gene, I would still choose him. I would not change my child, no matter what.[7]

That is a fundamental act of appreciation, of someone being loved, of worth and of value, simply as they are for themselves. Reasons might elucidate that, but they cannot guarantee to bring it about.

We should therefore expect what is in fact the case, that people who have little capacity for formal reasoning can and do make heroic decisions. Perhaps they have been nurtured in a family imbued with a deep respect for all other human beings. This becomes part of their very being. They instinctively behave in this way to others. That they do this seems to us admirable. It is more important than being able to give reasons for such behaviour. Some of the most moving stories to come out of World War II are those where simple, unlettered people, perhaps farm lads or labourers, simply refused to go along with the Nazi's or sheltered Jews, usually at the cost of their own lives, and this they did not with any over philosophical or religious justification in mind but for its own sake.

A similar point was made by Montaigne in his essay on friendship:

> If a man urge me to tell him wherefore I love him, I feel it cannot be expressed but by answering, because it was he, because it was myself... it is not one especial consideration, nor two, nor three, nor four, nor a thousand. It is I wot not what kind of quintessence of all this commixture which seized my will.

Commenting on this Margaret Macdonald has written:

> Yet it is also correct to say that our decisions about worth are not merely arbitrary, and intelligent choices are not random. They cannot be proved correct by evidence. Nor, I suggest, do we try to prove them. What we do is to support and defend our decisions. The relation of the record of a decision to the considerations which support it is not that of proof to conclusion. It is much more like the defence of his client by a good counsel.[8]

All this has a very direct bearing on the issue of human rights and their foundation. For as suggested above, they are rooted in a recognition of the dignity and worth of every single human being, and the consequent response to that recognition. We may be able to give reasons for this recognition and we might use them to help other people see what we do, but the act of recognition is prior. Sometimes, as mentioned in a previous lecture, this comes with the force of a conversion experience, as when
Bartolmeo de las Casas in the 16th century realized that the Indians who were being pressed into forced labour or even slavery, were human beings like himself, and as such were entitled to be treated as human. A similar conviction gripped the opponents of the slave trade and drove the American Civil Rights Movement.

Dworkin in the quotation above goes on to associate the idea of human dignity with Kant. One wonders why Kant is singled out rather than the framework of the Old Testament's legal codes, or Jesus, or Aquinas to suggest just a few examples of pre-Kantian alternatives. The worth and dignity of the individual person is basic to Jewish, Christian and Muslim traditions. For according to these perspectives we are made in the divine image, endowed with rationality and choice, able to think and choose and love and pray.

This said, there is still a further suspicion about human rights; perhaps an even more fundamental one. Does God himself believe in human rights? There are some terrible stories in the Bible in which God is depicted as behaving in ways worse than the worst human tyrants, destroying whole peoples without a care for the innocent. Even if we reject these stories as giving us a true picture of God and say that they reflect an early stage of human thinking about the Divine, we have St Paul's analogy in which he compares human beings to clay in the hands of a potter:

You will say, "Then why does God find fault, if no one can resist his will?" Who do you think you are to answer God back? Can the pot say to the potter, "Why did you make me like this?" Surely the potter can do what he likes with the clay. Is he not free to make two vessels out of the same lump, one to be treasured, the other for common use? (Romans 9, 19-21)

The fact is however, we are not lumps of clay. We are clay that has been breathed into to give us minds and spirits. We can answer back. It is only tyrants who kill people for so doing. The God and Father of our Lord Jesus Christ is not like that.

God has indeed made us. But that does not that mean, as Paul suggested, that he can do what he likes with us.

It is well known that when Winston Churchill had his portrait painted by Graham Sutherland he so disliked the result that he destroyed it. No doubt he took the view that as he had been given it, he owned it, and he could do what he liked with it. But suppose it was not a new portrait but one of his ancestors, say painted by Titian, for which he had always had an obsessive hatred, and which he destroyed? Was he really right to think that just because he owned it he could do what he liked with it? Many would say that the painting was of great value, not just monetary value, and he had no right to destroy it. Ownership did not give him that right. So today, we tend to have strict planning laws about what people may or may not do with what they own, particularly if heritage is involved. We put preservation orders on trees and so on. Ownership does not confer an absolute right.

In his first treatise on government Locke criticizes arguments in favour of absolute government. One of Locke's points is that parents do not have absolute rights over their children. There are various reasons for this, but one of them is that fathers do not actually create their children, only God does. As Locke says:

To give life to that which has yet no being, is to frame and make a living creature, fashion the parts, and mould and suit them to their uses; and having proportioned and fitted them together, to put into them a living soul. He that could do this, might indeed have some pretence to destroy his own workmanship. But is there any one so bold that dares thus far arrogate to himself the incomprehensible works of the Almighty? [9]

What interests me in this sentence is the hesitant, qualified way he which Locke talks about what God might be entitled to do "He that could do this, might indeed have some pretence to destroy his own workmanship." It is a might-it is not argued through that he does have such a right.

In fact I would suggest that the language of rights is totally out of place in such a consideration. God creates us and we are of such value to him that he comes amongst us in his own Son to seek us out and save us from ourselves, that we might live with him for ever. We are of unique worth in the eyes of God, and this is not because God just happens to regard us as of worth, the fact is that he has created us in his image, has bestowed on us that worth, which he then recognises. We are of worth in ourselves for ourselves, and God affirms this. The question of a right to destroy what he has made simply does not arise, whatever impression the Bible might sometimes give. Contra St Paul, we are not pots with which the potter may do what he wants. We are human beings whose value God rejoices in.

At the heart of Locke's religious view is that we are God's workmanship. Perhaps he particularly had in mind Ephesians 2, 10, which says we are Gods poiema or workmanship. But I particularly like the modern translation of this that we are God's work of art.
The implications of this for the issue of human rights is that their basis is the inherent worth and dignity of each human being. From a Christian point of view this is rooted and grounded in our being of worth to God. But that worth can of course be seen and affirmed whether or not people share that belief. It is this belief in the dignity and worth of every human being in the body politic that is the basis of human rights. From a Christian perspective this is rooted in God's creation of us as free, and his total respect for that freedom, and his equal valuing of each of us. There is a Christian foundation if we will see it. But we can and do recognise those values even without the foundation.

The basis of human rights is the dignity and value of every human being. But not this alone. In a family that is working normally there is no talk of rights. The members of the family naturally and instinctively take the others into account. Of course there are quarrels and disagreements. But these are not usually settled by appeal to "my rights". They are settled by argument and compromise. The language of rights enters in when the dignity of human beings is likely to be violated and they need to be protected in some way. It is because the world is full of injustice and cruelty, violence and discrimination, that such steps need to be taken. In short the basis of rights is not just the dignity and worth of human beings but the fact that we live in a world where this is daily denied and violated and therefore the worth of human beings has to be enshrined and protected in law.

In fact this has always been the basis of law. If human beings were perfect there would be no need for law, at least in its coercive aspects. What is different about human rights law, however, is that it seeks to protect individuals, or promote their interests against the state. For although the state is the great upholder of laws which stop its citizens tearing one another apart, and which enable them to live with a degree of order and justice, the state itself is not neutral. It reflects the interests of its ruler, ruling class or interest groups. So, as mentioned above, the history of human rights is often seen as closely linked to the struggle for democracy and begins with Magna Carta in 1215 when the barons secured certain rights both for themselves and citizens more generally, against the king, at that time the embodiment of the state. The history continues with the charter of 1354 when Edward III introduced the important principle of due process of law. After the civil war in the 17th century there was a gradual extension of the idea of the right to religious freedom and in the 19th and 20th centuries, the right of everyone to participate fully in the political process. This is a struggle to secure fundamental rights and freedoms for everyone, whatever the government in power.

It might be thought that with the advent of liberal democracy the need to safeguard such rights would no longer be an issue. On the contrary, as Alexis de Toqueville pointed out there is always the possibility of the despotism or tyranny of the majority. Democratic government is in practise rule by the majority as measured by some particular system. But that rule needs safeguards in the same way as any other rule.

The majority have interests that will in some respects be different from the minorities which form the rest of the population. That is inevitable in a democracy. But it does mean that fundamental rights and freedoms of those minorities must be protected. Beyond this however, a government may have policies which do indeed seek to protect the vast majority of citizens and which have their support, but which in some way are seriously harmful to a few individuals. It is here that human rights really begin to bite. It is this which makes Ronald Dworkin's description of human rights as "political trumps" so apt. As he has written,

Individual rights are political trumps held by individuals. Individuals have rights when for some reason a collective good is not sufficient justification for denying them what they wish as individuals to have or do, or not a sufficient justification for imposing some loss or injury upon them. If someone has a right to something, then it is wrong for the government to deny it to him, even though it would be in the general interest to do so.

This is a crucially important point. We see its relevance most clearly in the example of torture. A country in a state of emergency, or engaged in what President Bush called "a war on terror", decides that the most effective way of gaining valuable information from suspected terrorists is by torturing them, let us say, using the notorious "water boarding" techniques practiced under the Bush administration in America. There may be a very plausible reason for this in terms of national security. It is certainly in the interests of all its citizens that they should be saved from attacks. But if there are human rights in place, all these reasons are to no avail in justifying torture. Human rights by their very nature override all such utilitarian reasons.

A good example of what is at issue occurred when Tony Blair seemed to suggest that he wanted to rebalance the relationship between the rights of suspected terrorists and the right of the community for security. As he said "the demands of the majority of the law abiding community have to take precedence". But this idea that it is a cost benefit matter is a deeply misleading metaphor. Cost benefit analysis is an important form or reasoning for most public policy issues, but not in the case of human rights. As Ronald Dworkin wrote about that view of Tony Blair,
This example returns us again, in a very sharp way, to the question about the underlying philosophical justification of human rights. For if we take a straightforward utilitarian position, that we should act in such a way as to promote the greatest good of the greatest number, then it could be argued that torture can be justified. The safety and security of the population as a whole would seem to be a greater good than the pain of a few individuals. It was no doubt for such reasons that the early utilitarians regarded human rights as nonsense on stilts. There are other more sophisticated forms of utilitarian reasoning. One is to justify the very moral principles on which a society is based on utilitarian grounds. This does not consider the effect of an individual acting or not acting in a particular way. It considers the effects of having or not having certain rules. For example we might argue that a society that has certain morally based laws, like a prohibition of torture, will in the long run be a greater good than ones that do not. There is much to be said for this argument. For the fact is that in history the most terrible things have been justified by rulers on the basis of the first kind of utilitarian reasoning. No doubt Hitler justified trying to exterminate the Jews on the grounds that this would be beneficial to society. Stalin justified the state farms and gulags again on the grounds that these were in the interests of the society. So once we allow that kind of reasoning there is the possibility of slippage into the justification of the most terrible policies. But the second kind of utilitarian thinking, a rule based utilitarianism, aware of this, argues that it is in the interests of the greatest number that we have rules that never allow torture, even if a government at a particular time tries to make out an argument for it on utilitarian grounds.

Even a rule-based utilitarianism however, does not seem to get at the heart of the matter. This is that our society is based on certain values. Because of the unique dignity and worth of every individual, we might say that my moral vision of society is one in which people should not be tortured whatever the circumstances. So we say, I want my society to be like that, whatever the consequences. That is what we stand for. That is what I stand for. This is what makes our society different from one which advocates terrorism, and I am not going to let them win a victory by making me act in a similar way.

Paradoxically, one of the contexts in which this kind of thinking is still very strong is in the services. I remember when I was in the Army a friend might say "Grenadiers don't behave like that." Obviously this kind of thinking is closely linked to codes of honour. They depend not so much on any philosophical idea but upon creating a community with a particular kind of ethos. It can have powerful effects in the most difficult situations, as when a soldier refuses to gratuitously hurt a prisoner he has captured simply on the grounds that his regiment "does not do that kind of thing". This approach to the issue is very close to "virtue ethics" which has been to the fore in thinking about these issues in recent years. Virtue ethics does not answer all the questions we have in these difficult areas, in particular it does not offer any help on how we resolve a difficult ethical dilemma. But in its emphasis on creating communities whose ethos is such as to encourage and build up certain virtues, it is clearly of great practical importance. For if people have been nurtured in communities which shape them into people of honesty, courage and selflessness, then in facing moral dilemmas, they are less likely to be swayed by what might otherwise seem the easy option.

The great human rights movement began after World War II when in the light of the terrible history of the previous two decades there was an international mood to take steps to try to stop what happened in Nazi Germany or the Russia happening again. Even more than before it was obvious that individuals needed to be protected not just from other dangerous individuals but from the state itself. This movement, especially all the negotiation that was necessary to bring about the UN declaration in 1948 was significantly the work of Christians. Not only were some of the main architects in Europe Christians themselves, leading figures in the World Council of Churches were a major influence.

The original emphasis, for the reasons suggested above, was on securing civil and political rights. So the 1948 Declaration on Human Rights was spelled out in further detail on this in the International Covenant on Civil and Political Rights, adopted in 1966. In the same year however The International Covenant on Economic, Social and Cultural Rights was adopted. These two areas of human rights are rather different. For a society can and ought to sign up to the first, whatever its state of economic development. The second, however, clearly depends for its proper implementation on what is possible and that depends on its stage of economic development. However, it is important to have the Covenant on Economic, Social and Cultural Rights as a benchmark which gives a moral imperative to move in the direction of its full implementation. It is tempting to say that the Covenant on Civil and Political Rights is the more fundamental of the two, for this can and ought to be observed now, whereas the other inevitably has an aspirational element in it. However, this would be a mistake. Indeed there are societies which have and do regard the second as more fundamental than the first. In particular the old Soviet Union was very critical of the Western emphasis on political rights, regarding it as an expression of bourgeois individualism. They argued that people's right to have food, housing and work was even more fundamental and it was the state's prime obligation to ensure these, even if it meant sitting light to political rights. China today has a similar approach.
As was mentioned in a previous lecture, there is an excessive individualism in much Western political philosophy. From a Christian point of view we are always persons in community, and the community cannot just be seen in terms of every individual doing his or her own thing. But the old Communist emphasis had a major distortion in it, for it failed to take into account the human will to power, and the need for this to be checked and balanced by countervailing powers. In particular the power of government needs these checks and balances, with the ultimate sanction of allowing the population a free vote to choose a different government, as was discussed in the chapter on democracy. Here the point is that safeguarding individual rights against a misuse of state power is crucial. But because we are social beings the state does also have a proper responsibility to ensure to the best of its ability that the basic requirements set out in the International Covenant on Economic, Social and Cultural Rights are met.

This has been a particular emphasis of liberation theologians. José Bonino for example has written:

For the vast majority of the population of the world today, the basic human right is the right to human life, to a human life. The deeper meaning of the violation of formal human rights is the struggle to vindicate these larger masses who claim their right to the means of life. The drive towards universality and the quest of the American and French Revolutions; the aspirations in the UN Declaration finds its historical focus today for us in the struggle of the poor, the economically and socially oppressed for their liberation.

This means that human rights are not just negative, protecting individuals from harm, crucial though this is, but positive. The positive impulse is a continuing historical drive to ensure a reasonable standard of living, education and health care, all of which are today denied to so many millions in the world.

It has rightly been said that:

The modern human rights movement has been and continues to be, an astonishing moral phenomenon.[12]

This is to be celebrated. But there is still a huge way to go both to protect human beings from violations of their political rights in so many countries in the world and to ensure that their economic, social and cultural rights are guaranteed.

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[1] A point strongly and rightly emphasized by Amartya Sen

[2] This is discussed in The Re-enchantment of Morality


[7] Frank McGuiness, There cam a gypsy riding, Faber, 2000, p.75


[9] P.36


[12] J. Mahoney, p.64