



Human Rights

Thoughts and reflections for Churches

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Human rights legislation over the past seventy years has arguably resulted in some of the greatest advances for human society. People are able to seek protection against torture and discrimination, and are recognised to have rights to life, family relationships, freedom of religion and privacy.

Yet at the same time there are clearly many people in the world who have these rights violated on a daily basis. Others feel that their rights are disregarded, whilst others' rights are privileged. And in some arenas the language of rights is seen as representing a failure in common sense or a triumph of the individual over the needs of a community.



The Government is now looking at introducing a British Bill of Rights. In this context, this resource is offered to help churches to reflect on what human rights meant to Christians and to the society we live in. It is in five sections:

1. Background – what is the current state of human rights law and what is the government planning to do?
2. An introduction to thinking on human rights – looking at issues of dignity, the autonomous self, relationships and responsibilities, and human needs
3. The greatest commandment – a reflection on human rights and Matthew 22:34-40
4. Questions for reflection and discussion
5. Further resources

How to use this resource

This resource can be used for individual or group study as the question of the future British approach to human rights grows in importance. The questions (or a selection of them) can be used to structure a group discussion, with members of a group choosing to read the introduction to thinking on human rights, the background paper, or the “greatest commandment” paper in advance.

If you or your group has thoughts, comments or reflections after using this resource, please send them to enquiries@jointpublicissues.org.uk Thank you.

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1. Scrapping the Human Rights Act?

A background to the European Convention on Human Rights, the Human Rights Act and the proposed British Bill of Rights

What is the controversy about the Human Rights Act?

The UK Government has committed to repeal the Human Rights Act 1998 (HRA) and replace it with a British Bill of Rights. It has also announced that a public consultation on the Bill of Rights is imminent. This short background paper explains the controversy about the HRA, why the debate about human rights matters and what the Government has said it intends to do.



What did the Human Rights Act change in UK law?

The UK has been a signatory of the European Convention on Human Rights (ECHR, or Convention) since 1951 and British citizens have been able to take cases to the European Court of Human Rights (ECtHR) in Strasbourg since 1959. But the HRA means that they can now defend their rights in UK courts without having to go to Strasbourg, and UK judges are obliged to read and give effect to legislation in a way that is compatible with the Convention. It also requires public authorities including the Government and the police to comply with the Convention.

Why does the Government want to repeal the Human Rights Act?

The most heated debates have involved criticisms that making it easier to appeal to the ECtHR has encouraged abuse by criminals. The UK Government's attempts to deport the extremist preachers Abu Hamza and Abu Qatada were appealed under the right to family life and the prohibition on torture. Both men were eventually deported but these cases led to allegations that judgments of the ECtHR should not take precedence in matters of national security, which should be decided by Parliament. Prisoner voting has been another controversial area. David Cameron has said that prisoners "damn well shouldn't" be given the right to vote. However since 2005 there have been a number of judgments which have found in favour of prisoners' voting rights.

Other criticisms connected with the framework established by the HRA include the charges that it leads to politicised courts and judges and that it has created a risk averse culture among public authorities.¹ However the Government's dissatisfaction around deporting foreign criminals and prisoner voting potentially go beyond the HRA and raise the deeper question of what influence the

¹ <http://www.parliament.uk/business/publications/research/key-issues-for-the-new-parliament/security-and-liberty/from-the-human-rights-act-to-a-bill-of-rights/>

Convention and judgments made by the ECtHR should have over UK law. The UK courts are required to “take into account” any judgment, decision, declaration or advisory opinion from the ECtHR but the HRA does not state the courts are obliged to follow them. Several legal experts have suggested that UK judges may have inclined to treat ECtHR judgments as binding and that this is an error², but the tension between the Government's views and the ECtHR continues.

What is the Government intending to do?

David Cameron has previously stated his intention to repeal the HRA and to break links with ECtHR. In 2014 both the Home Secretary Theresa May and the then Justice Secretary Chris Grayling suggested that Britain might leave the Convention. But the 2015 Conservative election manifesto did not go that far, stating that a British Bill of Rights “will break the formal link between British courts and the European court of human rights, and make our own supreme court the ultimate arbiter of human rights matters in the UK.”

Not much definite information about the proposed Bill has been released, but first reports include these details:

- British judges will be instructed to give more weight to public safety than giving criminals the right to remain with their families³
- British soldiers will not be subject to human rights claims from war zones abroad, though they will still remain under international human rights laws
- But the UK will remain within the Convention and “maintain all its key provisions” - in particular the right not to be tortured or treated inhumanely will be protected
- The Government expects the Bill to become law during the second half of 2016.⁴

Consequences for the devolved administrations

The Scottish Government is opposed to any attempt to undo the HRA or to withdraw from the Convention. The Northern Irish Assembly has not expressed a definite view on this issue, though the Northern Ireland Human Rights Commission has expressed concern at the lack of formal consideration at the effect of the proposed Bill on the Good Friday Agreement, which many have said could threaten the peace process in Northern Ireland⁵. Wales' First Minister has stated that the Welsh Government would do all it can to block any repeal of the HRA⁶. Any repeal of the HRA or withdrawal from the Convention could provoke major disagreement between Westminster and the devolved administrations.

² <http://www.lawandreligionuk.com/2015/10/22/the-human-rights-act-1998-and-bringing-rights-home/>

³ <http://www.thetimes.co.uk/tto/law/article4629762.ece>

⁴ <http://www.independent.co.uk/news/uk/politics/british-bill-of-rights-to-be-fast-tracked-into-law-by-next-summer-a6698261.html> and <http://www.independent.co.uk/news/uk/politics/british-bill-of-rights-to-be-fast-tracked-into-law-by-next-summer-a6698261.html>

⁵ <http://www.nihrc.org/news/detail/ni-human-rights-commission-expresses-concern-over-the>

⁶ <http://www.walesonline.co.uk/news/wales-news/welsh-government-everything-can-block-9279496>

Human rights and Christian faith

Jesus lived and died in the context of the Jewish people's struggle for freedom under the imperial power of Rome, and in its beginning the Christian Church was a dissident, oppressed sect. In the aftermath of World War II, awareness of the inhumane way in which States and authorities sometimes treat individuals led to calls for the definition of a fundamental set of human rights. The key document that underpinned this process was the Universal Declaration of Human Rights in 1948.

Human rights represent the way in which individuals' dignity, freedom and safety are protected from oppression by powerful states or institutions. A key feature of the definition of human rights is that they are an inseparable part of what it is to be a human being and all equally important: this is often explained by saying that human rights are universal, inalienable and indivisible. Although framed in a secular and legal terms, this resonates deeply with the Christian view that human beings are made in the image of God, all equally valuable and equally deserving of love and respect.

Yet it must be remembered that although many Christians are passionate about human rights, human rights are not synonymous with Christianity. Critics have argued that current human rights laws do not represent a global consensus but are a Western and modernist concept, and one which has often been imposed on non-Western societies. Also, numerous Christian societies of the past had laws and practices that would now be regarded as serious infringements of people's human rights. Nonetheless, Christian thought has had an important influence on secular law and ethics. As human rights law continues to develop, it will help clarify the legal interpretation of the balance between rights, responsibilities and social relationships. The issue of the balance between rights and responsibilities is of deep concern to Christian ethics, which are rooted in God's will for humanity and human beings' relationships with God and with each other.

2. An introduction to thinking about Human Rights

The problem to which 'human rights theory' seeks to be a solution is how we can live peaceably together. In other words, unless the law recognises that we each have fundamental rights which need protecting, and unless governments recognise that we each have rights that they cannot contravene, we might more often resort to bloodshed to settle disputes and be subject to the tyranny of which governments are capable.

Human rights theory is also an attempt to help us identify common or shared values. In earlier centuries such values would have been grounded in Christian thinking, premised on an understanding that God had given each person rights which ought to be respected even where others disagreed fundamentally with their religious beliefs. Since the French revolution we have been inclined to find shared values without reference to God.

It is important not to 'over-claim' what the human rights vision is: it never aspires to realise the perfect society, heaven on earth. Nevertheless, a valid question to consider in respect of the current debate is *whether promoting and defining human rights is the best way to resolve the questions of how we might live together in a peaceable and just way and how we might find a set of values to share.*

Human rights and human dignity

The eminent legal philosopher H L A Hart defines rights as follows:

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.

Such an individualistic conception of human rights is open to criticism, not least from a Christian perspective, but the role that rights play in protecting people from abuse by systems and structures, particularly people who are marginalised or oppressed, should not be underestimated. As they have developed post-war, human rights provide us with a universal, minimum standard for the 'right' way to treat any human being: they spell out what we should not do to each other, what actions are not *right* – one example, perhaps, being torture.

Fundamentally, human rights theory is an attempt to codify human dignity, what it means to treat *all* human beings as fully human – as people created in the image of God, as Christians might put it.



As one Quaker document puts it, 'human rights are about people being treated and feeling like people who matter.' Human rights can be a bulwark against human beings becoming expendable in the service of the state or the market.

The question of the autonomous self

One critic of the position articulated by Hart is Joan Lockwood O'Donovan, who dismisses such a conception of rights on the grounds of its 'possessive individualism'. O'Donovan argues that, if we conceive of our rights in this way, we end up imagining ourselves as autonomous, unencumbered individuals, whose primary self-expression is through the exertion of power over things which belong to us. This can result in a litigious and conflict-riven society.

An individualistic understanding of human rights, we might say, encourages us to see ourselves as self-sufficient individuals, with the right to be free from pressure from other people, from externally imposed obligations, and from natural limitations. Instead of defining ourselves in terms of our relationships with others, we are encouraged to validate ourselves by asserting our independence *from* others. We use our rights to force others to make room for our will, which can lead to rights being asserted to the detriment of wider society. The 'individualism' and 'possessiveness' in our conception of rights may encourage us to view other people as our rivals, and social institutions as existing to fulfil our needs and ambitions, rather than as vehicles to help us to find our place in society. And when our expectations are disappointed, we may need to sue! Human rights theory may offer us a common language with which to argue our corner, but not a set of common values.

State power, not the common good

Thus it could be argued that, far from providing an agreed moral framework for the resolution of claims, attempting to construct a legal system on the basis of subjective individual rights only increases conflict and undermines the ability of government to render just judgment or promote the common good. Rather than helping governments to discern a set of common values, human rights theory presents them with an overwhelming set of mutually inconsistent demands without any criteria for adjudicating between them. In any case, invoking 'rights' may not always be the 'best' way to solve dilemmas: an example offered by John Milbank is abortion, where what is at stake is not just the 'rights of the mother' versus 'the rights of the unborn foetus' but issues such as the mother's state of health and the wishes of the father.

A further, and perhaps unintended consequence of a concentration on rights talk is its potential to increase state power, since rights are not absolute and need to be negotiated and interpreted. As Milbank argues, we can become so obsessed with worrying that one person's liberty is encroaching on another's that we generate a mass of legislation, thus increasing the power of the executive. Then the problem begins to look a bit like that of foxes guarding henhouses: if one reason we have rights is to protect us from state intrusion into our lives, how far ought the state to be involved in policing or enforcing them?

Subjectivity versus objective *ius*

A concern for Milbank is the *subjectivity* of rights as currently conceived, the absence of any external reference point for justice – or what he terms ‘objective *ius*’. For Milbank, justice must take primacy over rights and, by ignoring objective *ius*, rights inevitably become very subjective and ultimately about *power*. As rights have evolved, Milbank maintains, moral and ethical considerations have been left out of the equation, such that what count as rights can now be ‘decided between us’. Without the ‘divine guarantee’, Milbank asserts, rights are just ‘acts of power’. Further, there is no boundary to what we can claim as our ‘right’: if law is cut off from ethics, then power cannot be limited. Milbank cites the example of the recent economic crisis: ‘once you do away with God, the fear of God, as the City has, it just becomes what you can get away with, no absolutes.’

Starting with *relationships*...

This is not to say that rights are without a social dimension: as Christian philosopher Nicholas Wolterstorff has argued, ‘sociality is built into the essence of rights’. Rights are not ‘things’ but a form of ‘normative social relationships’. In other words, a right is always a right *with regard to someone else*: it describes a particular aspect of the relationship between people. Thus A has a duty to B (for example, a parent has a duty to feed his or her child) and B has a right against A (the child has a right against her parents to be fed). For Wolterstorff, possessive individualism is a distortion of a true understanding of rights, since they are more about *how I should be treated* rather than *what I ought to get*. The emphasis should be on our relationships with each other, which carry a set of rights and obligations which we owe to one another.

So from a Christian perspective which embraces a commitment to pursuing the common good, a more fruitful starting point for a discussion of rights will be *the nature and quality of relationships that exist within a given community*. As the Church of Scotland report *Human rights: what does God require of us? Justice informed by Love* (2013) puts it,

At the heart of a Christian understanding of human rights is the Gospel call to love God who loved us first and to love each other, unconditionally. In the framework of human rights, relationship is key to any claims. Our duty to one another must always sit alongside our personal responsibilities, desires and needs.

**Rights are
“manifestations of just
human relationships
with God and with
each other”**

... and therefore *responsibilities*

Rights, in other words, should be seen within the wider context of our relations with each other in community. They do not exist ‘in the abstract or as commodities to be possessed by individuals unconnected to those around them’; rather they are ‘manifestations of just human relationships with God and with each other.’ Indeed, for the Church of Scotland it is only as rights are set within the context of human relationships that they become ‘real’. We cannot ask what our rights are as individuals unless we first examine our nature as ‘relational beings’ with God and with each other. And that leads us to ask, in the first place, not ‘what are my rights?’ but ‘what are my obligations to

others?’ in the light of the divine injunction to ‘to do justice, and to love kindness, and to walk humbly with your God’ (Micah 6:8).

In this respect it is noteworthy that the provisions contained in the Universal Declaration of Human Rights, adopted in 1948, are part of a broader and deeper vision of a ‘better world’. For the post-War world leaders who framed that document, rights were not to be defined simply in order to defend liberty in some ‘neutral’, abstract or disconnected sense, but were linked to a broad and inclusive social and economic good, specifically a world free from ‘fear and want’.

The Judaeo-Christian tradition certainly puts more emphasis on responsibilities than rights: responsibilities come first and these entail rights. As barrister and theologian David McLroy writes, God gave Moses at Mount Sinai ten commandments not a ‘Declaration of the Rights of the Israelites’. And the Golden Rule as articulated by Jesus – as a summary of ‘the law and the prophets’ – is not calling us to do unto others as they have done unto us, but to do to others as we would have them do to us (Matthew 7.12). Our responsibilities are placed before our ‘rights’ – something which, until the Enlightenment, would have been taken as axiomatic. As Milbank says, it is odd in a way to talk of ‘the right not to be tortured’: previously people would have said they had a duty not to torture another person. A weakness of human rights discourse, as Onora O’Neill has said, is that it doesn’t answer the fundamental question of who ought to do what for whom.

Loving our neighbour

So we should see rights in terms of relationships, and, from a Judaeo-Christian perspective, relationships informed by an understanding of the cardinal injunction to ‘love one’s neighbour’. Seeing ‘the other’ as the ‘neighbour’ whom I am to ‘love’ introduces immediately into our relationship a duty to ‘care’ for the other. And as the Church of Scotland report suggests, this duty or responsibility rests neither on reciprocity nor contract, nor is limited by nation. *It inheres in our common humanity*, and thus my neighbour is ‘every person, everywhere, in every time’, including generations yet unborn. It is rooted in my understanding of every individual’s inherent ‘worth’ as created in the image of God, a person greater than the sum of the rights which that status might afford them. If I love my neighbour – who will be not just someone of whom I approve but (as the story of the Good Samaritan makes clear) perhaps someone hated, scorned, despised or little valued by society – then my primary concern will be, what are my duties towards him or her, not what are my rights against that person. Michael Bartlett emphasises the point that the understanding of ‘neighbour’ contained in the narrative of the Good Samaritan ‘subverts a contractual conception of rights, for it is from the stranger, from whom he has no expectations, that the man who falls among thieves receives neighbourliness. This is close to a sense of right simply on the basis of our humanity.’

There is an assumption here that, because ‘relationships’ are accorded significance in the Judaeo-Christian tradition, they should inform our thinking about human rights today; and this could be challenged on the grounds that the relationships affirmed in Scripture are between *people* whereas human rights claims today are generally made against *institutions* (which are not created in the image of God!). It is noteworthy, however, that Lord Justice Sumption argued in a lecture in 2011

that ‘...very many human rights issues are in reality not issues between the state and its citizens... [but] issues between different groups of citizens...’.

A duty of care and the question of ‘needs’

Focusing on relationships, and on their *quality*, might help to give us a moral framework for a fruitful conversation about ‘rights’ (reference the concern raised earlier by John Milbank). In this light, rights are no longer seen as subjective and divisive but as springing from relationships built on the primacy of a ‘duty of care’, which all hold with respect to all. As the Church of Scotland report argues, what should characterise a Christian contribution to debates about human rights is a ‘witnessing to God’s worth in our neighbour and enemy... living the ideal that rights are made real in our relationships with our neighbour, not as buffers between us and our neighbour.’ There is here, at root, a conception of the social order in which what is primary is the ability of each person to participate fully in the community, not the ‘right’ of each person to express themselves individually regardless of the cost to the community.

The notion that our relationships with each other involve a ‘duty of care’ raises the issue of human *needs*, something discussed in this context by Nick Sagovsky in his 2008 book, *Christian Tradition and the Practice of Justice*. ‘Behind the imperative to observe human rights lies the imperative to meet human needs’, Sagovsky writes, adding that ‘[t]he value of human rights language is that this is a way of making the meeting of human needs... subject to enforcement by law.’ Sagovsky suggests it is a ‘moot point’ whether, when speaking of human rights, we want to emphasise civil and political rights, or economic and social rights, because there is no other term to use than ‘rights’ and ‘the very use of “human rights” language pitches the question of human need into the middle of the public arena.’

There is here, at root, a conception of the social order in which what is primary is the ability of each person to participate fully in the community, not the ‘right’ of each person to express themselves individually regardless of the cost to the community.

So to what extent will churches wish to inject into the conversation about rights the *prior* question of ‘need’, specifically how the basic human needs of my neighbour can be met? The Church of Scotland report highlights one of these ‘needs’, access to drinkable water, noting that ‘the human right to water’ is acknowledged by the United Nations which, in July 2010, affirmed ‘that clean drinking water and sanitation are essential to the realisation of all human rights.’ That this ‘right’ has yet to be realized in every country underlines the obvious point that rights are of no value if obligations and responsibilities are not met – but also the question of how far a responsibility rests on all who – as the Church of Scotland report puts it – as

consumers of products provided by multi-national corporations, as citizens of the world and of the Kingdom of God... have an opportunity to add our voice to the call for tax justice

which would ensure the \$160 billion deprived from developing countries in tax revenue [which] could be contributed to provide essential services such as clean water and sanitation.

‘Is the issue of someone about to be made homeless of more importance than whether or not we can wear a cross around our necks to work?’

For Michael Bartlet a Christian approach to human rights will be characterised by a commitment to those in poverty: where human rights are contested, Bartlet writes, ‘there should be a clear direction in favour of the poor, the vulnerable, and excluded minorities.’ The former President of the Law Society, Andrew Caplen, is also clear that Christians should be concerned less with defending their own rights as Christians but, in the spirit of Proverbs 31, speaking up for the rights of others. ‘Is the issue of someone about to be made homeless of more importance than whether or not we can wear a cross around our necks to work?’, Caplen asks. ‘Does it help the cause of the Christian gospel when, in effect, we concentrate upon ourselves and not others?’

Business and human rights

The role of business with relation to human rights has been raised by Esther Reed – particularly with respect to transnational corporations which, in some countries, do more to provide essential services than governments. What legislation governs them in recognising people’s rights?, Reed asks. What moral framework do they operate within? Reed wonders whether ‘the adoption of human rights principles by transnational corporations [is] evidence of sinful powers being expedient, pragmatic and deceitful as regards the achievements of their real aims’ or whether contemporary human rights constructs can be a way to

bind evil effectively by creating new frameworks and understandings of corporate behaviour that recognise the obligation upon fellow humans to respect the life of each, help those in poverty, and voice the common outcry when the bodily integrity of another is compromised.

A complex issue

In the conclusion to a paper written in July 2013 the academic Adrian Pabst writes:

Whether by themselves or in conjunction with liberal democracy, individual, subjective rights cannot guarantee freedom or prosperity. On the contrary, they risk subordinating citizens to the combined power of the global ‘market-state’ and become instruments of both oppression and exploitation. Instead of appealing to abstract formal standards that can be instrumentalised or manipulated by will, the alternative is to build institutions and foster practices that can uphold the dignity of the person and promote the flourishing of individuals, communities and society at large – both nationally and globally.

While this cogently sums up the arguments advanced in this paper, we might also want to argue that for some people in society, particularly those at the lower end, ‘rights’ are all that they have: to

allow them to be dispossessed of their rights is effectively to disempower them. While we might contend that a concentration on rights to the exclusion of efforts to build a more just society is not in the best interests of poorer people, to allow our present human rights framework to disappear will also worsen their situation. In that scenario what will certainly go will be civil rights, the ones most important to the poor and marginalised (and the rights most ardently defended by the 'left'), while the right to own property, which particularly favours the better-off and is viewed by the political right as 'fundamental', will remain.

The issue is certainly complex: for example, while some who are otherwise passionately committed to defending civil liberties might make an exception in the case of a potential terrorist or paedophile who is brought to justice following surveillance of websites they have been accessing, some Christians might want to say that no exceptions to respecting a person's basic right to privacy can be allowed – indeed, that is where a Christian approach to rights is distinctive. Perhaps on account of its complexity churches might prefer, rather than to take a defined political position, to seek to resource conversations among their membership and in the public square intelligently.

Andrew Bradstock

The greatest commandment

Matthew 22:34-40

Hearing that Jesus had silenced the Sadducees, the Pharisees got together. One of them, an expert in the law, tested him with this question: 'Teacher, which is the greatest commandment in the Law?' Jesus replied: "'Love the Lord your God with all your heart and with all your soul and with all your mind. This is the first and greatest commandment. And the second is like it: "Love your neighbour as yourself. All the Law and the Prophets hang on these two commandments.



The words of Jesus, quoted here in Matthew's Gospel are very familiar ones. They appear in the book of Deuteronomy as the foundation of all the laws and statutes that follow; they are also quoted by Jesus in the discussion that prefaces what we often call the parable of the Good Samaritan.

"Love the Lord your God with all your heart, your soul and your mind . . . and love your neighbour as yourself."

One of the key foundations of our own nation's laws and systems of justice is that of Human Rights, a matter that has become one of increasing tension in recent days. It might be easy for Christians to assume that this is not a primary concern for us, but Jesus' words in the Gospels suggest otherwise. Just like the original books of the law, Jesus roots our life as public citizens in our relationship with God and with one another. Our identity as his followers informs and affects our role and place in civic society.

In many ways, the political situation that Jesus faced was not unlike our own. He too lived in a society that was governed and regulated by many statutes and laws, some of which could from time to time conflict with each other. Just as we might ask questions of identity in relation to our independent nationhood as opposed to being part of the European Union, so the society in which Jesus lived existed in a tension between their national statutes and those of the Roman Empire. We catch a glimpse of this when Jesus is asked in Luke 20:22 whether or not it is right to pay taxes to Caesar – for many of a nationalist persuasion the levies imposed by an empire and administration that extended across Europe and beyond were a matter of outrage. And of course it is not lost on us that it was because of this multi-national system of taxation, that we read in the Bible how Mary and Joseph found themselves in an animal shelter in Bethlehem when Jesus was born.

We might not be surprised therefore that those who sought to catch Jesus out might seize on these legislative dilemmas – phrased another way their question could be put "When all of these legal tensions come into conflict – which should take precedence?" As we consider the place that human

rights have in our society, we might similarly ask when one set of rights come into conflict with another – which come first? We may not do this to catch anyone out, but it is matters to us as Christian citizens.

Perhaps we have become so familiar with the term “heart, soul and mind”, or “heart, soul and strength” as it appears elsewhere, that it has become a cliché for us, just as the powerful implications of a phrase like “Love your neighbour” might be equally overlooked and taken for granted.

Some argue that the idea of “human rights” presents an unworkable, individualistic view of society that simply places our different interests into conflict with one another. Some argue that it elevates the idea of our “common humanity” to a place that rightly belongs to God; others are concerned that without it, God’s principles of dignity and justice risk being undermined and lost. As we weigh these complexities, we might helpfully recognise that “heart, soul and mind” is not just a cliché, but presents three distinct elements that have to be held together if we are to build a society that reflects God’s ideal.

With all your heart:

We are first reminded that our rights and responsibilities cannot be defined by logic and statute alone but must be an expression of the heart. We are called to *love* God, and *love* our neighbour, not simply offer passing acceptance to God and put up with what our neighbour wants. Love is not something that can be legislated, and sadly too often in today’s world our default position is to see statutes as something to be “got around” – the minimum standard to which we pay grudging assent. God makes a far deeper appeal, just as the prophet Micah called for God’s people to love mercy, not simply be merciful, we are called to celebrate our common humanity and be those who genuinely long and desire for the needs of our neighbour to be fulfilled. Whether we define them as rights or responsibilities, God seeks to mould us into a people for whom the needs of others are naturally and instinctively, as important to us as our own.

With all your soul:

We often speak of the soul as that which defines our humanity and existence even beyond the realms of this world. Speaking of the soul connects our relationship with God and our lives as citizens with the eternal realities of God’s Kingdom. It is an invitation to live lives that are not simply centred on the here and now; to make judgements that are concerned not only with the immediate, but to live on earth as citizens of Heaven. Society is called to look beyond itself, to walk with humility, recognising that the judgements we make and the actions we take are undertaken in the presence of God. It reminds us too that any nation cannot simply consider human rights for its own citizens, without placing them in the broader context of being part of a worldwide humanity.

With all your mind:

And yes, our laws and statutes need to make sense; they need to be rational, just and fair and expressed in language that everyone can understand. We cannot live in relationship with other people, unless we are able to communicate and engage with each other at a rational level. Laws and

legislation are part and parcel of God's ideal for society but they can never exist or be drafted in isolation from those matters of the heart and soul with which they intrinsically connect.

God does not disconnect our identity as citizens from our entire personhood or invite us to live within a legal structure that is separate from our spiritual and emotional self.

**God of the nations,
Who gives life and breath to every being;
Whose image we are called to reflect
In the person we are,
And the way we see others,
Grant us the wisdom we need
To understand more of what it means to be human.**

**Teach us the difference
Between that which truly protects our humanity
And that which simply serves self-interest
Help us to love each other
And not merely legislate for each other's needs.
And in seeking to respect the rights of each member
Of this human race,
Never forget that we are your creation
Called to walk humbly in your ways
AMEN**

Revd Phil Jump

Questions for reflection and discussion

These questions can be used for personal reflection or group discussion. Your group may benefit from reading the “Introduction to thinking about Human Rights”.



1. The Bible and human dignity

The Bible is clear that, because humankind is created in the image of God, we all have an inherent dignity – and some would argue that human rights theory is an attempt to ‘codify’ this dignity.

- *Do you agree that this is this what human rights theory is about, and does it succeed in this aim?*
- *Are there other ways in which our dignity as people created in the image of God can be protected?*
- *Would you agree that, in some cases – for example, a potential terrorist or paedophile, it is justifiable for a person’s right to privacy to be removed, or should there be no exceptions to this right? Do you think there is a ‘Christian’ position on this?*

2. The purpose of human rights theory

The introduction paper asks whether promoting human rights is the best way to resolve the question of how we might live together in a peaceable and just way.

- *What would be your response to this question?*

The paper also asks whether promoting human rights is the best way to resolve the question of how we might find a set of values to share.

- *Do you think the pursuit of human rights can help us find shared, common values, or is it likely to make us more concerned to defend our own individual interests rather than those of ‘society’?*
- *Does viewing rights as things ‘owned’ by individuals encourage us to define ourselves as ‘autonomous’, independent from rather than in relationship with others?*

3. Rights, relationships and power

The Church of Scotland report on human rights argues that it is only as rights are set within the context of human relationships that they become real – and that that leads us to ask, as a prior question, not ‘what are my rights’ but ‘what are my obligations to others?’

- *Do you agree that our obligations to others should take priority over a concern to uphold our individual rights? Is the argument that God gave the Israelites ‘ten commandments’ and not a ‘bill of rights’ relevant here?*

- *Do you find it odd to talk about ‘the right not to be tortured’ rather than ‘the duty not to torture another person’?*
- *Should a ‘Christian perspective’ stress our rights as people who have inherent dignity as children of God, or our relationships with and responsibilities for those around us? Are the two positions mutually exclusive?*
- *While it may be possible to argue, from a Christian perspective, that ‘relationships’ should come before ‘rights’, critics may say that this will appeal more to the person who is in a position of power. For example, suppose a woman is unfairly dismissed by her employer while she is on maternity leave, and she is aware that the employer’s business, which is quite small, is struggling financially. An emphasis on relationships in this situation might risk persuading the woman that her duty is to her colleagues, because if she claimed her ‘right’ against her employer for unfair dismissal, she might put the firm out of business and her colleagues out of a job. The woman could, of course, choose to weigh up the issues herself. But is saying that ‘relationships trumps rights’ in a situation like this the dangerous equivalent of saying that an abused woman must forgive her abuser if he says sorry?*
- *Do you agree with the statement that ‘for some people in society, particularly those at the lower end, “rights” are all that they have: to allow them to be dispossessed of their rights is effectively to disempower them.’? What reasons would you give for your response?*

4. The sufficiency of an appeal to ‘rights’

Some would argue that invoking ‘rights’ may not always be the best way to solve dilemmas: in the case of abortion, for example, the question is not just ‘the rights of the mother’ over against ‘the rights of the unborn child’, but issues such as the mother’s state of health and the wishes of the father.

- *Is an appeal to rights the best way? What reasons would you give for your response?*
- *Can you think of other examples where an appeal to ‘rights’ might not do justice to the complexity of the issues involved?*

5. Rights and the state

Rights exist partly to protect us from state intrusion into our lives, yet we need the state to adjudicate between, and prioritise, a set of mutually inconsistent demands for rights to be protected.

- *How far do you think the state ought to be involved in policing or enforcing rights?*
- *What should the state do when sets of rights are seen as being mutually inconsistent or in competition with each other?*

6. What basis for ‘rights’?

Some commentators worry that, having lost an ethical reference point for justice – that is, God – we now decide ‘between ourselves’ what count as ‘human rights’.

- *Do you agree that this is a concern?*
- *If this has happened, what have been some of the consequences?*

- *How can we encourage a re-commitment within our society to 'ethical considerations' with respect to human rights?*

7. A New Testament perspective on rights

Re-read the parable of the 'good' Samaritan as told by Jesus in Luke 10 verses 25-37.

- *Do you think this story helps us think about human rights and, if so, in what ways?*
- *Can you think of any other of Jesus' teachings which bear on the issue of human rights?*
- *Are human rights compatible with a Biblical understanding of human beings and the presence of both sin and grace in the world?*

8. Human rights and human needs

'Behind the imperative to observe human rights lies the imperative to meet human needs', particularly the needs of those without access to the basics of life such as drinkable water.

- *Do you agree with this statement and what reasons would you give for your response?*
- *Is access to water and other 'essentials' for survival a 'right'? What implications does this have for the current refugee crisis?*

9. Christian priorities in the area of 'rights'

'Is the issue of someone about to be made homeless of more importance than whether or not we can wear a cross around our necks to work?' 'Does it help the cause of the Christian gospel when, in effect, we concentrate upon ourselves and not others?'

- *What is your response to these two rhetorical questions?*
- *How should Christians respond to the challenges in these two statements?*

10. Responding to the current debate in the UK

The introduction paper makes the controversial assertion that, were we to allow our present human rights framework to disappear, 'what will certainly go will be civil rights, the ones most important to the poor and marginalised (and the rights most ardently defended by the "left"), while the right to own property, which particularly favours the better-off and is viewed by the political right as "fundamental", will remain.

- *How do you respond to this claim?*
- *What line do you think that the Churches should take with respect to the current debate about the future of human rights?*

If you have any comments or suggestions after considering these questions, please send them to enquiries@jointpublicissues.org.uk

Further Resources

David McIlroy, 'The Problem of Human Rights', The Kirby Laing Institute for Christian Ethics 'Ethics in Brief' series, Spring 2014 (Vol. 19 No.3) – available to download at: www.klice.co.uk/uploads/Ethics%20in%20Brief/EIB_McIlroy_19-3.pdf

An immensely useful and concise overview of the issues from an informed Christian perspective.

The Church of Scotland Church and Society Council, *Human rights: what does God require of us? Justice informed by Love* (May 2013) – available to download at: www.churchofscotland.org.uk/__data/assets/pdf_file/0018/14049/human_rights.pdf

A thoughtful and informed 19-page consideration of human rights from a Biblical perspective.

Andrew Caplen, 'Magna Carta, the Rule of Law and Access to Justice in the Age of Austerity: a concern for the Church?', the 2015 Beckly Lecture – available to download at: www.jointpublicissues.org.uk/wp-content/uploads/Beckly-lecture-2015-FINAL-website.pdf
A wide-ranging, lively and challenging presentation from one of the UK's leading lawyers.

Steve Chalke, 'How the Church could be reconciled to Gove's British Bill of Rights', Conservative Home, 6 July 2015 – available to download at: www.conservativehome.com/platform/2015/07/steve-chalke-how-the-church-could-be-reconciled-to-goves-british-bill-of-rights.html
A characteristically thought-provoking and challenging short piece from a leading Christian activist.

Michael Bartlet, 'What can Quakers say about human rights?' in Nigel Dower, ed, *Nonsense on Stilts? A Quaker view of Human Rights*, York: William Sessions, 2008, pp. 17-31.
A thoughtful but in places forthright analysis of the human rights issue from a Quaker viewpoint.

Nicholas Sagovsky, *Christian Tradition and the Practice of Justice*, London: SPCK, 2008, especially chapter 9, 'Justice and the Meeting of Need', pp. 182-94.
A scholarly, theological consideration of the issue from one of our leading thinkers on human rights.





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