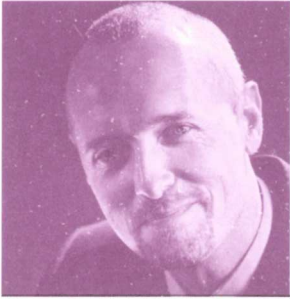


THE SECULAR MIND AND HUMAN RIGHTS DISCOURSE

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RIGHTS HAVE BECOME THE *LINGUA FRANCA* OF MORAL DISCOURSE IN MODERN POLITICS. Much of the human rights discourse that developed through inter-governmental agreement in the post-war era and mediated internationally through the newly formed UN was strongly influenced by a Judeo-Christian biblical worldview. Whether in conditions of war or peace, human rights encompassed various issues of concern for Christians: for example, lack of freedom of religion, speech, movement and association; general repression of dissent; genocide and oppression of whole people groups; detention, interrogation, torture and execution; asylum abuse and exile; forced abortions and infanticide. Today, with global visions of injustice and suffering pouring daily through our TV screens into our comfort zones, shouldn't we all be prayerfully supporting the agenda for human rights? Ordinarily, given conditions in countries like Burma or North Korea, this question is a 'no-brainer', but in the liberal West, our rights-language now expresses forms of secularist 'rights-thinking' that is deeply problematic.

Though Christian perspectives of human rights are often subject to debate, human interpretation and misapplication, they are distinctive because they draw legitimacy for any claims that we may have against each other from the framework or context provided by the Bible. Despite the fact that there are no words in Scripture that correspond directly to the concept of rights as legal entitlements, John Stott identified three components of the divine purpose expressed in Genesis 1 that affirm Christian support of basic human rights. We are entitled to mutually expect dignity, equality and responsibility, because 'we are created in [God's] own image'.¹ Our commonality forms the incentive for these words in Proverbs (31.8–9): 'Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy.' In the New Testament rights are described in terms of *exhousia* (power, the command of authority), with accountability to God moving Christians beyond the idea of claiming rights to consider how they are exercised or even relinquished. In this mindset, as Julian Rivers has observed, 'True moral authority comes not from having no rights, but from having them and not using them.'² This means that, while Christians may accept injustices against themselves for the sake of the gospel, the Church will protest against injustice against others and will actively pursue justice in society.

'True moral authority comes not from having no rights, but from having them and not using them'

NOTES

1. J Stott, *New Issues Facing Christians Today* (London: Harper Collins, 1999), p. 173.

2. J Rivers, 'Beyond Rights: The Morality of Rights Language', *Cambridge Papers* 6.3 (September 1997), p. 3.

3. The Centre for Contemporary Christianity in Ireland, *A Shared Vision? Human Rights and the Church*: <http://www.econic.org>

4. See J Jones and A Goddard, *The Moral Leader* (Leicester, Inter-Varsity Press, 2002).

5. See J Chaplin, 'A little bit confused about discrimination' (discussion paper for Kirby Laing Institute for Christian Ethics, 25 June 2007).

6. E.g. those who drafted the European Charter of Fundamental Freedoms in the rejected EU Constitution. See R Abbot, 'Human rights and the draft EU constitution' (Cambridge, Jubilee Centre, June 2007).

7. M Phillips, *Londonistan: How Britain is Creating a Terror State Within* (London: Gibson Square, 2006), p. 67.

8. F Klug, *Values for a Godless Age* (London: Penguin, 2000). Re-quoted in Phillips, p. 71.

9. Evangelical Alliance, *Faith & Nation: Report of the Commission of Inquiry to the UK Evangelical Alliance* (EAUK 2006), p. 38.

10. Department for Communities and Local Government. Equality Act (Sexual Orientation) Regulations 2007: a quick guide: <http://www.info4local.gov.uk/documents/related-links/160024>

11. http://www.christian.org.uk/soregs/briefing_april07.htm

12. See: http://www.christian.org.uk/rel_libraries/cases/index.htm

13. See the critique of this policy by Archbishop Rowan Williams, 'It is not a crime to hold traditional values', *Times Higher Educational Supplement*, 10 December 2006.

14. J Chaplin, 'Ethics Understanding Liberal regimes of Tolerance', Kirby Laing Institute for Christian Ethics. (25 June 2007, p. 4). A revised and abridged version of 'Living with liberalism: understanding regimes of tolerance', first published in Comment, the online journal of the Work Research Foundation, Hamilton, Ontario (December 2006) (www.wrf.ca/Comment).

► Critically, with ultimate authority deriving from divine revelation, without the eternal, it is impossible to argue for the inalienable. Without any reference to a non-human locale for objective truth in rights discourse, God-given rights are superseded by human-given rights and subjectivity reigns. Instead of the moral informing the legal, secular humanism makes the legal inform the moral. In this sense, human rights ideology has no meaningful concept of a common good or a shared moral vision and therefore cannot articulate either.³ Yet, from Rousseau to Rawls, our political culture, our ideas about the role of the state and our social relations have become increasingly conditioned by such thinking.

In the context of the globalisation of politics and media, states (and transnational entities) are increasingly judged according to human rights criteria. The trend to incorporate international human rights law into national law reflects a propensity for secularism to totalise and universalise. This approach has developed through philosophical phases that have been strongly shaped by progressive conceptions of human nature. As such, it is not difficult to see how this new rights discourse is in the vanguard for sustaining the story (or myth) of progress. Two important effects of this authoritarian impulse have been (a) to elevate individualism to the status of a moral principle,⁴ and (b) to distort ideas about tolerance to the degree that a truly plural public square is implausible.⁵ With people seen as inherently good and even perfectible, the secular mind reasons that modern human rights should elevate freedom over virtue. Postmodernity is all about keeping your options open, so why bother pursuing the burdensome truth? Rather than promoting an ideal of a 'good life', the focus of secular thinking is now very much upon liberty, or, to be more specific, personal liberation from *all* oppression and constraints to lifestyle choices.

Christians, however, tend to view this shift as a combination of either a corruption of natural law, rebellion against the authority of God, or a misapplication of biblical wisdom. Drawing much from an interpretation of John Locke's view that the 'state of nature' for humanity involves freedom as a primordial human condition, secularist rights discourse has evolved to the point where it now disregards the original religious foundations.

Importantly, the biblical understanding of privileges and obligations is stated in negative terms (e.g. 'you shall not steal'). This guarantees liberty because

everything not expressly forbidden is allowed. This use of the law to simply restrict those things that are injurious to society heavily influenced the development of English law, causing its use of 'freedom from' language. By contrast, secularists deploy a 'freedom to' language in which people tacitly accept that they are only entitled to such freedoms as the state chooses to give them.⁶ As state power extends further into hitherto autonomous institutions such as education, community and family, such equality soon becomes enforced uniformity. As Melanie Phillips observes: 'These developments are based on the elevation of law to a doctrine of legal infallibility. The law itself has become a kind of secular religion, with lawyers acting as the new priesthood.'⁷

Although the Christian moral impetus for liberalism as part of a broader ethical framework can be clearly identified, the steady translation of public ethics into the secularised language of human rights has made the moral influence of biblical Christianity less and less discernable. In politics, secularist ideas of moral equivalence and 'dutiless rights' are now endemic, to the degree that human rights activist Francesca Klug can assert that 'human rights are now probably as significant as the Bible has been in shaping modern western values'.⁸ The recent proposal by Amnesty International to make support for abortion one of their worldwide objectives provides a classic example of the shift from biblical to secularist human rights discourses. An international human rights campaign organisation with Christian origins, established to work for freedom of prisoners of conscience, to end torture, to oppose the death penalty and to work for fair trials for all, Amnesty now wants to focus upon an individuals freedom to choose to take the life of another human being. The Bible may form the foundations of human rights discourse, but a house is being built to an entirely different blueprint, and some recent legislative developments in the UK suggest that this house may not stand against the complex pressures and demands of mass society.

Although the Bible contains many injunctions to show mercy to the poor, there is no promise of material equality. By contrast, secularist human rights discourse compels the state to insist on equality, and by confusing categories such as race, gender, ethnicity, class, etc., differences that arise naturally in society are undermined. Soon a new Commission for Equality and Human Rights will have responsibility to advise for regulation across employment, disability, race, sexual orientation, age and

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religion (including belief). It is anticipated that the imposition of secularistic human rights discourse will render aspects of orthodox Christian belief unlawful mostly in the areas of employment legislation, freedom of self-regulations, proselytism, freedom of speech, and freedom to gather and protest.⁹

An example of what can be expected can be seen with the Equality Act otherwise known as the Sexual Orientation Regulations (SOR's). Outlawing discrimination in the provision of goods, facilities and services on the basis of sexual orientation – applying to almost any activity that public and private providers are engaged. In essence, the SOR's purport to seek to reduce discriminatory practices against gay and lesbian people in the workplace, and, on the surface, there is a strong case to be made for public funding to incorporate safeguards against inequalities that offend human dignity. Indeed, it could be argued that the state has a civil responsibility to protect all of its citizens from such offences. However, many faith-based groups said that the laws threatened their religious liberty because of their beliefs on sexual ethics. During the introduction of the SOR's, Christian charities, businesses and welfare agencies raised concerns about issues such as the provision of accommodation in old people's homes, guest houses, hotels, services for weddings, adoption, fertility treatments and printing/media services. As a trigger mechanism for litigation, there are also thought to be wide-ranging implications for schools with explicitly religious ethos.

The decision by the government in the UK to force the Roman Catholic Church to place children with same sex partnerships has profound implications for how Christians and other faith groups retain and represent distinctive identities in public life. It delineates what is socially conscionable and institutes the statutory imposition of one worldview over another in the name of equality. Representing an historic departure from classical plural ideals, it exposes a wider debate about the moral limitations of atheistic liberalism. It also provides an insight into the effect of the secularizing mind upon human rights discourse, and the concomitant effect that this is having on political culture.

In the Western democratic tradition (with necessary caveats to protect physical threats to person and property) it is clearly not within the province of the state to dictate which activities are 'intrinsic' to the beliefs of its citizens. This is the sphere of conscience. So, what is the secularist logic that is driving the state to act

in this way? Government guidelines for the Regulations state that they are: 'compatible with the European Convention on Human Rights, balancing an individual's Article 9 rights to freedom of thought, conscience and belief with another individual's Article 14 rights to live free from discrimination, and Article 8 rights to respect for private and family life. This balance was endorsed by the Joint Committee on Human Rights, which stated that "Nobody is required by the Regulations not to have beliefs about the morality of different sexual orientations or its compatibility with the tenets of one's religion ... limitation (on the manifestation of those beliefs) is justifiable in a democratic society for the protection of the rights of gay people not to be discriminated against in the provision of goods, facilities and services."' ¹⁰

The unjustified idea of 'justifiable limitation' exposes secularist thinking about the role of human rights discourse as a new radical motif for the liberal progressive mission to transform society, culture and human nature. The original tenets of the Human Rights Convention have now been superseded by a radical egalitarian view in which a new culture of entitlement imposes an obligation on the state to deliver individual demands that are presented as rights. The SOR's illustrate the fundamental shift of thinking about human rights as a basic legal framework that incorporates reciprocal duties and identified basic human needs, to a philosophical creed that requires the systematic, universal application of an individualised perspective to every area of life. In this all-enveloping context in which all lifestyles are considered to be of equal value, the very notion of normative behaviour becomes suspect as oppressive, and moral judgments are simply prejudices. As such, the values of any dominant culture are replaced by self-designated victim groups, and anti-discrimination becomes a crusade. In the context of the pathological fear of prejudice created by this victim culture, it is not difficult to see how it was possible for the SOR's to institute a hierarchy of human rights that confers privilege subjectively regardless of group size, history or social value. As the Bishop of Winchester remarked: 'the Government seem to have fallen away from the necessity to work with the tension between competing rights ... [they] ... chose to legislate to coerce the churches and others to accept as the norm for this society ... alternative patterns of living and of family life that many people conscientiously believe are less than the best, less than the most healthy, and less than God's will for humankind.'¹¹

'When the good of each trumps the good of all, it seems that the only aspect of social relations that can be relied upon in the future will be perpetual conflict'

► Put simply, the sterile appeal to equality masks an agenda to elevate one minority over another. Though the Equality Act was supposed to prevent religious discrimination, the SOR's effectively enshrine it within a new secularism into which all distinctive identities must be either eviscerated or assimilated. With human rights discourse progressively skewed away from prioritising the recognition of distinctive group identities, it could also be argued that associational liberty is being eclipsed by individual liberty. If that is the case, then we must ask where individual rights end and associational rights begin. Without a clearly argued consensus on this question, the decision of the government to impose a secularist worldview on all others can only be seen as representing a further undermining of a vigorous associational diversity – a diversity that is as equally important as individual autonomy to the sustenance of a free society. For such a society requires not only free and equal rights-bearing individuals but free and equal rights-bearing associations able to contribute to the common good according to their own visions of the good life, and at times, to witness to distinctive minority insights which might challenge and inform the dominant directions of public policy. That's what secularist lobby groups do. They are all too ready to invoke jurisdictional autonomy when it generates the substantive outcomes they favour but all too willing to sideline it when it does not – and it is here that we see more limits and contradictions in secularist human rights discourse.

Instances of selective application of rights discourse against religion now abound,¹² and when 'power-grabs' are the logical outcome of the dominant human rights paradigm, many new tensions and dilemmas will arise. Why should a Christian guest-house owner be able to refuse a double room to an unmarried heterosexual couple but be obliged to let one to a homosexual couple? Or a Muslim printer be forced to print a leaflet promoting a gay pride rally when he can refuse just about any other leaflet to which he takes exception? Why, if the orthodox readings of the Bible hold that homosexual acts are wrong, must a church be forced to hire out its hall for the celebration of a civil partnership? What would happen if an Islamic society on a university campus were to adhere to the creed of Islam and not allow homosexual men to take up an official position? It (like some Christian Unions in the UK) would be threatened with loss of institutional recognition, funding and privileges. And what about feminist, socialist, conservative groups, etc.? What is the scope

for enforced inclusion? How do we distinguish between 'human rights' categories such as gender, and the ideological convictions of political activism? When the good of each trumps the good of all, it seems that the only aspect of social relations that can be relied upon in the future will be perpetual conflict. As Jonathan Chaplin has observed, such illiberal legality 'amounts to the monopolistic enforcement of an individualistic regime of tolerance, one which prioritizes imposed uniformity over self-governing plurality.'¹³ Let's call it by its name: it's a coercive act of exclusion.'¹⁴

Originally constructed to prevent abuse of power by human fiat, legislation or convention, human rights discourse is now dominated by secularist thinking that proposes a form of liberal authoritarianism that effectively extends such abuses. As these ideas continue to assail hitherto legitimate expressions of freedom of religious belief and conscience, Christians who take the Bible seriously will feel increasingly excluded, marginalised and criminalised. Yet, the Church cannot succumb to victimhood status. Christians need to challenge possessive individualism and get rights discourse back to basics. Indeed, all those who have a genuine need for human rights, have a right to expect us to do so. ■

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