

The Assembly of Confessing Congregations
within the Uniting Church in Australia

A summary of the presentation to the 2009 ACC Conference

HUMAN RIGHTS AND WRONGS

The Church's Dilemma

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In recent times the concept of human rights has become very important. It is now very common for people to seek to resolve everything from the most serious to the most trivial issues via the concept of human rights. The central point of human rights – and the reason people are keen to define concepts as ‘rights’ - is that they are attributed a status as high priority convictions which trump other laws.

The issues seen as rights are as diverse as religious liberty; torture; the use of landmines; the right to self-determination; corporal punishment; dowries; the Northern Territory intervention; gay marriage; vilification laws; single sex private clubs; construction industry unionists; bikie gangs; access to justice; children and young people's rights; disability discrimination; economic, social and cultural rights; asylum rights; the rights of family, friends and congregations of alleged terrorists. Consequently, the first problem is deciding exactly what is meant by ‘human rights’!

The concept of universal human rights is not static. ‘Human rights’ as they are generally understood and discussed today are the rights of lawyers and lawmakers and not so much the rights of theologians and philosophers. The concept has shifted from the 18th century biblically grounded and philosophically expressed rights expressed in general principles (as found in the US and French Declarations of Rights) towards ever more detailed and legislated rights. This process has run via the Universal Declaration of Human Rights (1948), subsequent covenants such as The International Covenant on Civil and Political Rights and The International Covenant on Economic, Social and Cultural Rights (1966) through to the detailed and specifically legislated rights of today.

Historically speaking, Christian theology has contributed hugely to the notion of human rights, and still has more to offer. I suggest that the church should be involved in the following six activities concerning human rights.

1. Preserving the foundation of human rights: Human rights need to have a theological (philosophical) foundation. It is doubtful that any purely secular theory of rights can satisfactorily demonstrate why particular human rights ought to exist. This is not to say that there cannot be a purely *pragmatic* reason given or that a set of rights cannot be developed simply by *consensus*. Indeed that is the primary way it has been operating for some time. But the loss of a substantial foundation exposes human rights to a process of deterioration. Trinitarian theology is intimately connected with social human rights. God is the source of all good and the concept of rights arises from the reality of the creation of humanity in the divine image.

2. *Developing the theology of human rights:* although we can say that rights derive from Trinitarian theology the Christian focus is really upon human *responsibilities* directed towards God. But in modern statements these states of responsibility are expressed as basic rights of individuals. To say that a person has certain rights is only possible because we understand that God holds others responsible for them. This, in turn, emerges out of a covenant *relationship*. Talk of *rights* apart from both *responsibilities* and *relationships* is not really adequate. We need to consider the possibility of Christians and the gospel helping society go beyond the concept of human rights into a new way of thinking.

3. *Strengthening the practice of supporting human rights:* It is precisely because of this strong theological foundation that Christians work for human rights. These fundamental gospel rights work their way out into other rights. This extended liberty is such that not only do Christians have freedom of conscience but so do Muslims, bikies, trade unionists and even terrorists. Human rights from a Christian perspective is not just about ourselves, or defending the church. It is about defending freedom of conscience for all people – and this is a gospel issue because God is not a God of compulsion. Liberty derives from gospel of grace. Christians have a responsibility to be engaged in care for people right around the world. One dilemma here is helping people understand that defending freedom of conscience/religion is not mere self-interest but something which is at the heart of human rights for everyone.

4. *Defining fundamental concepts:* the issue of human rights actually raises important issues relating to the way that we understand what it means to be a ‘secular’ society. There are some ‘strong secularists’ who want to enforce *secularism* - as distinct from maintaining the appropriate neutrality of a genuinely secular society. This secularism means trying to define exactly how every community group will operate. For example, it is argued that every group will have an essential core and a non-essential periphery so that a school, say, has no right to define the spiritual characteristics or the communal role of a gardener or receptionist and there will no places – even private clubs or associations - where men and women can meet exclusively. This is social engineering and not the protection of human rights.

5. *Extending the moral language:* just as Christian theology has provided a foundation for rights so too it can provide a basis for other approaches. The reality is that our public moral language is very limited. Rights is the language of law and just as to a man with a hammer everything is a nail, so to a person with a law degree or a political position everything seems to be in need of a law. But an emphasis on a rights-based morality to the exclusion of other vocabularies will undermine understanding of public good, partly because of the perception of individual self-determination as *the* universal good. The language of rights is unsuited to express the goods of many parts of community life (including marriage, sexual fidelity, the bonds and duties of family life and parental care). The dilemma here relates to the way we can help society develop a larger repertoire of moral social vocabulary including, virtue, responsibility, love, altruism and duty. The problem here is that some of these don’t sound very good to those who have adopted the underlying Enlightenment view of the person as an autonomous independent being.

6. *Testing and protecting rights*: there is a dilemma in helping society identify genuine specific rights for all people (including, at times the ‘right’ to be wrong and rebellious (even, at times, sinful!) while seeking the good of society with behavior which is God-directed.

In seeking this end Christians can be seen as taking one of two approaches. One approach is to argue for *specific rights* (eg concerning human dignity, freedom, gender equality, family, association, welfare etc) on the basis that they are specifically Christian. The second approach focuses on defending the *foundation of rights* – including the freedom to be wrong – which may mean defending rights that are not ‘Christian’ (the right to be Muslim, atheist, sexually immoral from a Christian point of view) but the principles which allow for this foundation *are* Christian (involving grace and non-compulsion).

These two approaches are *not* fundamentally contradictory although, at times, they create conflicts on particular issues and, consequently, people often opt to work on one basis or the other and can even see the other as an opponent. The dilemma is working out ways to do justice to both. The problems of particular conflict are simply inevitable expressions of the fundamental difficulty of determining how to live in a world where the kingdom of God is both ‘present’ and ‘not-yet’ and the view one takes on this depends on one’s view of the best overall relationship of church/kingdom and society.

When one argues for specific Christian values it strengthens the moral state of society, but there is a danger of over-identifying church and state and trying to implement too much Christian legislation to ‘make’ people good, and also a danger in not offering to others the liberty which we expect for ourselves.

Those who argue, from a Christian perspective, for the libertarian foundation of society are defending the genuinely secular (*not* irreligious) nature of society and the grace of the gospel. The danger here is of allowing a re-definition of justice to mean ‘letting people do whatever they want’ and a danger of supporting the same moral vacuum which underlies *secularism*.

Christians are called by Christ to protect human rights as an expression of our responsibility to God, which arises from our covenant relationship with Jesus Christ.

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