THE SEVERN FORUM

'Human Rights Today:
800 years after Magna Carta'

by

Roger Ruston
Fellow, The Centre of Law and Religion, Cardiff

Thursday 18th June 2015

University of Gloucestershire, Park campus, Cheltenham

IN A YEAR WHEN THE GOVERNMENT of the nation that is the home of Magna Carta has declared its intention of abolishing the Human Rights Act, replacing it with a British bill of rights for British people, and withdrawing from the European Convention of Human Rights, we need to understand what role has been played in the modern world by the concept of *universal* rights and why it is at present under attack. What is the *use* of human rights?

I'll divide my talk into three sections: 1. Why Christians have often been in two minds about the concept; 2. The hidden theology that lies within it; and 3. Why it is necessary but now in decline.

1. A Contested Idea

In the perspective of the two thousand years of Christianity, universal human rights has sometimes appeared to be a novel teaching originating in movements often hostile to the church. It is a characteristically modern idea, born in revolution (the Rights of Man), nurtured by increasing focus on the individual and his/her needs, and often at odds with the traditional moral assumptions - think only of the upheavals going on now in the area of sex and marriage. It appears to have had no place in pre-modern Europe - the so called ages of faith - when all the major institutions of the Church, including hierarchy, canon law, sacraments and moral theology were already fully developed. Centuries old teachings of justice and charity, founded on the Scriptures and the fathers of the Church said a great deal about what is right and wrong, but did not give us a teaching on human rights. Christianity and other biblical religions have traditionally expressed morality in terms of doing the will of a just God - of submission, to invoke the Muslim word - a concept that is not easily translated into a language of individual rights claims.

We must remind ourselves too that the idea of human rights is not universally looked upon with favour even now. Many non-Western civil and religious leaders, irritated by the West's propaganda for its supposed individual freedoms, while happy enough to adopt its media, weapons and its banking system, view human rights as a threat to orderly development and the security of the state (e.g. China). For the more religious states, liberal democracy passing its own laws appears to elevate human will above that of God. It promotes anarchy and subversion, undermines traditions in which *duty* (i.e. right in the objective sense) is the cement of social order, especially in regard to the control of women. Even where theocracies are not in charge, the savage repression of popular claims for a part in government and for greater individual freedoms that is occurring in some countries (e.g. Egypt) signifies deep anxiety about loss of control over people's lives when they start marching for their human rights. State-sponsored assassination of individuals who change their religion, or openly promote homosexuality or publically criticise leaders makes us wonder what

they are afraid of and why they can't act 'normally', i.e. more like us. But a little bit of historical perspective should make us aware just how unusual such 'normality' has been, in the long view. Looking back only two or three hundred years in Europe, we find that democracy, gender equality, freedom of speech and freedom of religion were as fiercely opposed by Christian leaders as they now are elsewhere in the world. In the nineteenth century the churches usually preached against them.

Even the abolition of slavery was viewed with suspicion in the Catholic Church as a threat to the natural order - it wasn't until the mid-twentieth century that the moral argument in defence of slavery was finally dropped from the textbooks used in the training of priests. When, for example, some Catholic bishops opposed the emancipation of slaves in America, they did so because it appeared to them to come from a Protestant, individualist view of the world. Protestant slave-owners meanwhile, did not like the idea of their slaves reading the Bible because they feared the social and economic consequences. As for the human rights of homosexuals, the churches are still fighting. It seems that for a long time they have been engaged in rearguard actions against the encroachments of individual rights, losing positions one by one. This opposition surely derives from the fear that a culture of rights threatens to replace a traditional moral order with an extreme individualism in which people claim things simply because they want them and in which there is no mention of duties. If human rights are conceived as what Rowan William calls a 'list of entitlements', then they seem to symbolize a world of self-regarding claimants rather then one of respect for the common good.

But this history of resistance does not sum up the relationship between religion and human rights. Jewish lawyers and Christian moralists played vital roles in the formulation and the adoption of the United Nations Declaration of the various charters after World War 2, for historical reasons that are obvious. And in its social teaching, the Papacy has been very positive towards human rights conceived as justice for the poor. They give - in principle - a voice to the oppressed, the poor of the world for whom the Church has expressed care and responsibility by command of its founder (Matt. 25). This is not only embodied in the list of social and economic rights, which in recent times the Church has favoured, but is also implied in civil and political rights, since it is well-recognized that the poor are disproportionately subjected to such things as torture, imprisonment without trial, lack of privacy and secure family life. There are many places on the globe where churchmen and women have led the struggle for the recognition of such rights, often paying with their blood (Oscar Romero). Many Christian now understand human rights as a defence of the person, made in God's image, against powers, which overstep their limits in treating individuals as nothing more than disposable units in pursuit of some supposed greater good which is, more often than not, the

financial benefit of a small class of people. When we realize just how some people in other parts of the world have their lives ruined by their own governments in league with multinational companies in producing stuff to sustain our way of life - oil, coffee, precious metals, cheap clothes - we begin to understand how their rights to life may be our concern. Even freedom of religion, bitterly opposed by church authorities for centuries, has become a valuable part of the churches' moral armory since they found themselves on the receiving end of persecution under Communism, and in states ruled by Islamists or bigoted secularists.

Universal human rights is an idea that began with the modern world. Beginning with humanitarian resistance to the Spanish conquest in the Americas, ideas of natural rights inherited from medieval canon law were put to greater use by missionaries such as Bartholomé de Las Casas in order to protect communities from destruction by colonial adventurers only interested in quick profit. When we recognize that universal human rights is a historical arrival that belongs to the modern world, we are saying that it belongs to a world in which commerce, law and religion have been globalized. A world in which, over and over again, beginning in the Atlantic slave trade and European conquests, traditional communities, their laws, their religions, their structures of authority, have been shattered by colonial and capitalist intrusion. Beginning in 1492, large numbers of people, previously unknown to Christendom, have been forcefully cast adrift over and over again, making them instruments in creating wealth for others. In this way those structures are destroyed which, in traditional societies, ensures what we now refer to as the 'human dignity' of individuals. In this historical perspective, individual human rights is a life-jacket for a shipwrecked humanity. The African refugee who risks everything to cross the Mediterranean in a leaky boat; the indigenous South American who is violently forced off his land to make way for a banana plantation to supply your supermarket. The Filipina mother leaving her children with their grandparents and travelling 10,000 miles in order to work in semi-slavery in a care home near you. Struggling for personal survival in a strange and hostile society, in which anti-migrant rhetoric is building up a head of steam in many countries, these are the people most in need of a functioning legal framework for the protection of their humanity. They still want what everybody has always wanted - not an abstract equality - but bread, a roof over their heads and a place in life.

A parallel process of displacement happened in Europe during the Industrial Revolution as people left their villages for the cities and the factories, often leaving their religion behind, or adopting a different, more individualized version of it. It is a universal process that is the result of capitalist methods of production and demand for the cheapest possible labour. In this perspective, human rights are way of reclaiming the dignity of persons that has been lost in the disappearance of their way of life. This is as true of the South American peasant kicked off the land to make way for

cattle which end up as burgers in MacDonalds as for the British miner stuck in the jobless village in South Wales once used to be a community. Individual solutions and an individualist political rhetoric are sometimes all that is left. I call this historical process 'individualisation'. Individuals are at the mercy of governments bought by multinationals who can't allow traditional ways of life to stand in their way. Individuals are easily eliminated one by one. Broadly speaking, the concept of universal human rights is a response to this situation. The claim promises a dignity and a place in humanity, if not in the lost community.

We all have a good idea what human dignity means, when it is lost through degrading behaviour, when it is violated by others. But the role it has played in earlier times throws light on the development of human rights. The concept of dignity originally applied, in pre-modern Europe, not to everyone, but to certain individuals with rank and power - 'dignitaries'. According to Aquinas, these were called 'persons', by extension from the famous men who were portrayed in classical drama by means of masks, *personae*, the actors spoke through. Dignity in those days was an attribute of those who played an important role in the state, like mayors, or in the Church, like bishops. To such a *person* is due a special kind of honour, or worship, which has survived in the word 'worshipful'. At any rate, it was not an attribute belonging to everyone, but only to 'persons'. 'It belongs to persons in positions of dignity to govern others', says St Thomas.

Theologians influenced by the Renaissance expanded this idea to embrace human beings as such, in their capacity as masters over the rest of creation, emphasising a very sharp metaphysical division between human beings and other earthly creatures. The cause of this elevated status was the Image of God, giving a commanding role to all human beings over the rest of creation - a 'natural dominion'. Unfortunately this image of human dignity never lost its roots in the male governing class. Mastery over the animals was easily converted into mastery over other men and over all women. Some men, by their education and liberty 'have more dignity than others'. And the humanist philosophy co-existed easily with globalised slavery. By our standards it had severe limits, excluding not only slaves but also wage labourers. The necessity to earn one's living by work took away any claim to dignity. Because dignity was connected with *dominium* (ownership, command), it could not be attributed to those who own nothing, or whose lives are wholly in the command of others - which included virtually all women. This attitude persisted well into modern times in European society. In early modern England, a gentleman who did not need to work for a living, had a dignity attached to his status which was lacking in his servants. He was a member of 'society' in a way that a farm labourer was not. (Has much changed?) Yet, at least in the pages of novels, it was observed that on occasion a labourer could act with dignity and a rich man could lose it through his actions. It was not always the case that an individual's behaviour would coincide with his or her

station in life. As the ancient Greek philosophers had observed in their own time, nobility always retained an ambiguity, referring to either birth or to virtuous action, a life well lived.

Yet ultimately and as a reaction to the degradation of life in factories, the idea grew that labour in itself conferred dignity. This is not entirely a modern invention, but a revival of something much more ancient. It was rediscovered as a significant element of the gospel narratives surrounding Jesus' birth and early life as the son of a carpenter. As WH Auden pointed out, the Christian gospels may have been the first in world literature to portray ordinary working men - men entirely without social dignity in the ancient world - as the main actors in a sacred drama. If Joseph and Jesus are portrayed as jobbing builders, Peter and Andrew, James and John are fishermen, never in any society a life of social importance or dignity (as I have found while researching my own family history). In 1850 the Pre-Raphaelite painter Millais was fiercely attacked for his painting 'Christ in House of His Parents', showing the Jesus as a boy in Joseph's workshop: the British public was not ready for the sight of Jesus and Mary as poor working people. This aspect of the gospels has always been counter-cultural. But the seeds were sown for a new social teaching of the churches from the mid-nineteenth century onwards: Leo XIII in *Rerum Novarum* brought forward the idea of workers' rights - originally rights to a proper Christian life for factory hands, while in England FD Maurice, Christian socialists, and the Oxford Movement attempted to reconnect Christianity with the working man and his family.

The dignity of the dispossessed is always under attack. The function of international conventions, beginning with the United Nations Declaration and the European Convention, was to *set standards* for the treatment of individuals caught up in war and mass migration of refugees. After the Second World War, states were put on notice that they do not have the final word in the matter of the worth of any individual human beings. Yet states continually want to override these rights in particular cases, offering various reasons which they suppose will receive popular support: national security, economic development, over-population . . . A great deal of what is happening in the world right now, especially the reduction of unprecedented numbers of men, women and children to the condition of stateless refugees is sufficient in the eyes of many to deprive them of dignity. They are likened by some to invading insects - the kind of language that has always signalled immanent loss of humanity and rights.

States have been both guarantee and threat to the observance of rights. On the one hand, no declaration of rights can be effective unless it is encoded in the laws of the state and the possibility maintained that cases of violation can be brought to court. (Bartholomé de Las Casas was the first to realise this in his life-long campaign for a fundamental law of the Spanish state to protect the victims of the Conquest.) On the other hand, a law that appears to originate from elsewhere can be

attacked when it is expedient to do so as something alien, contrary to sovereignty. Is the individual born with these rights, or can rights only be conferred by the state? Philosophers who have taken the latter view (e.g. Hobbes, Spinoza, even Locke) have a point: a stateless person can have no *enforceable* rights, which is to say in practice, no rights at all. As isolated individuals - in what the philosophers called the state of nature (to which people tend to be reduced in the modern world) - we can only have what rights our power conveys: i.e. the right to get what we want to stay alive, even kill others to get it, which must be identical with our power, which is very little.

In the present world as it is organized in a system of sovereign authorities, it is very clear that statelessness is a terrible fate and puts in danger a person's life and every other human need. So, while effective rights depend on recognition by the state, there is something in the very nature of the state which only makes sense if we recognise that it is transcended by a moral right to life and liberty. It is a human right *not* to be reduced to a stateless person, an isolated individual with no community, stuck in an airport lounge or a refugee camp for the rest of your life. Or sent on a plane back to your torturers by officials who think they owe you nothing. Only last week, the British human rights lawyer Sadakat Kadri wrote in the *London Review of Books* about the British Government's practice of depriving certain people of citizenship. This right was recognized in law after World War 2 when 'it reflected a belated concern about the removal of citizenship from Germany's Jews in 1935. . . The UK helped draft two treaties aimed at limiting the freedom countries had to abandon their residents. He thinks that the recent efforts of the UK government to deprive certain troublesome people of citizenship - which often puts them at the mercy of the CIA - is 'wrong in principle' and he reminds us of the words of Hannah Arendt: 'Citizenship is the right to have rights.' 'It isn't a transient privelege, but an ancient status on which legal order is built. Wrongdoers should be brought to trial, not cast adrift`. If all rights and obligations are conferred by a greater social entity then membership *as such* is a need (like preservation of life, liberty) which transcends the particular community and the rights and obligations it bestows on the individual. It is as near a natural right as you can get, in a sence the basis of all the others. And it is codified in the UN Declaration, Art. 15.

2. A hidden theology

Human rights has been called a morality for a secular society. Its transcendent claim (i.e. transcending national borders) indicates an affinity with religious belief. It's worth asking whether there is a hidden theology implicit in this apparent secular idea. It wouldn't be the only refuge for God in a world that thinks it has no need of him, which is the world of advanced capitalism. Modern thought is riddled with hidden theologies. It is difficult to see, as Rowan Williams says,

how 'a transcendent idea such as human rights can be justified by anything short of a religious given', such as the image of God, which envisages a single community, capable of sharing other such transcendent ideas - truth, right - across international boundaries. The philosopher of natural rights, John Locke, called it 'This great and natural community', which exists prior to sovereign states, which are nevertheless essential for its realization in the life of the individual. The universalism of human rights, writes Rowan, is rooted in the nature of law (just as the idea of truth - another kind of universal - is rooted in the nature of conversation). A law defines a community; it implies mutual recognition and a means of defence against arbitrary authority which is shared by all members. Is there a universal human community? Is there a law that transcends borders? 'Law-governed society is one in which anyone belonging to the community has certain guaranteed liberties of access to protection against assault or to redress after injury.' 'While law is made and enforced by local juridical authorities, it is always bound up with some sort of universalist claim.' Arbitrary exercise of power reduces individuals to the level of property of others, i.e. objects or instruments over which they have unlimited rights of disposal. This is literally true of slaves, but virtually true wherever law becomes 'thin' and weaker individuals become instrumental to others' economic (or sexual) projects: refugees, boat people, trafficked women and children, teenage girls in some British cities. Although, in the eighteenth century, law was largely understood as existing for the protection of property (hence the tolerance of slavery) and a defence against anarchy, in the last two centuries it has come to be understood equally as the protection of the common good, including all the inhabitants of the state.

There is a venerable Judeo-Christian theology in this, already developed to a high degree by the fathers of the church: that the earth as a whole, its food plants and animals, have been created by God for the sustenance and well-being of every human person - that everyone is entitled to their just portion of God's gift. Another way of putting it is to say that everyone has an *inclusive property* (I'll explain the meaning of that phrase in a moment) in what the earth produces. And if we accurately understand property as a system of rights rather than an assembly of possessions, then we can say that every person born into the world has inclusive rights - basically rights to life and sustenance from what the earth produces. These are important concepts, and at the heart of what I have to say to you.

The biblical text that most clearly supports this belief is the creation account in Genesis 1.27-29:

> So God created humankind (*adam*) in his image,
> in the image of God he created them;
> male and female he created them.

God blessed them, and God said to them: 'Be fruitful and multiply, and fill the earth and subdue it; and have *dominion* over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth.' God said, 'See, I have given you every plant yielding seed that is upon the face of all the earth, and every tree with seed in its fruit; you shall have them for food.' From the church fathers to the philosopher with greatest influence on the doctrine of civil rights, John Locke, this has been the main text of reference. Early church theologians drew the conclusion that, since the earth belongs to all, charity towards the poor is a duty, not an option. A short quotation from St Ambrose of Milan will convey the gist:

> Not from what you own do you bestow upon the poor, but you make return from what is theirs. For what has been given as common for the use of all, you appropriate to yourself alone. The earth belongs to all, not to the rich ... Therefore you are paying a debt, you are not bestowing what is not due.

This patristic teaching was communicated to medieval Christian thought in the pages of the Gratian's *Decretum.* This was an immensely influential twelfth-century compendium of moral theology, natural law precepts and enactments of popes and general councils. It included a collection of patristic sayings relating to the duties of charity:

> Feed the poor. If you do not feed them you kill them.

> The use of all things that are in the world ought to be common to all.

> No one may call his own what is common, of which if he takes more than he needs, is obtained by violence ... the bread that you hold back belongs to the needy, the clothes that you store away belong to the naked.

The texts clearly indicate that charity was considered not as an option, but as a strict obligation, when it comes to saving lives, indistinguishable from justice. The rich were considered to have duties toward the poor in a way that is almost entirely lost in our society, which does not share a sense of common destiny, and in which property is identified with material possessions rather than - as it originally was - with multiple and shared rights over the use of the land and its produce.

The general principle was summed up in the thirteenth century by Thomas Aquinas in answer to the question, 'Whether almsgiving is an obligation'. In response to the reasonable point that it must be optional in view of the fact that it is perfectly lawful for anyone to keep what belongs to them along, Thomas replies:

> The temporal goods which God grants us, are ours as to the ownership, but as to the use of them, they belong not to us alone but also to such others to whom we are able to bring relief out of the things we have over and above our needs.

One of the most striking results of the medieval debate about the individual person's rightful share

in the world and its produce was the doctrine that in case of extreme need, the poor man has a right to take what belongs to another in order to feed, clothe or house himself and his dependants. The right to a share in the goods for the world, after all, implied a right of self-preservation and self-defence. This presented a problem for medieval theologians, who were collectively obsessed with justice in a way we can scarcely conceive. The basic theological problem was how to reconcile the existence of private property, and laws protecting it, which can be found in the Bible ('thou shalt not steal' etc.) with the fact that, according to Genesis, the earth was given to mankind in common, without any mention of private distribution. How could a person have a right to things that do not belong to him or - to use their terminology - over which he has no *dominion*? The natural dominion that is an attribute of human beings created in God's image is a concept of extreme importance in the development of the notion of rights out of the biblical teaching on the creation.

Aquinas's answer to the dilemma of the poor man faced with the need to steal was that, in a situation of dire need, the food actually *belongs* to the poor person and the right of the rich is annulled. In time of famine, for example, the world reverts to a state of nature prior to its being divided up into parcels of private property and becomes the common possession of all. Dealing with the question 'Whether it is natural for man to possess external things', he confronts the question about common ownership and private property by recalling the Genesis text:

> [The] natural dominion of man over other creatures, which belongs to human beings in respect of their reason, wherein God's image resides, is shown forth in their creation (Gen. 1.26) by the words: 'Let us make man in our image and likeness: and let him have dominion over the fishes of the sea', etc. ... God has sovereign dominion over all things: and he, according to his providence, directed certain things to the sustenance of man's body. For his reason *man has natural dominion over things, as regards the power to make use of them.*

Dominion is a very important term in Roman law and medieval theology meaning government, ownership and right. Natural dominion then, places all human beings over the rest of creation. According to this theology, all human beings exercise a dominion over 'inferior' creatures analogous to that which is enjoyed by God over his creation (though not identical with it). Theologians located this dominion in the freedom that a person has over his or her own acts, which is the source of any freedom they may have over what is external to them. In this they are *mutatis mutandis*, like God. Natural dominion then does not refer to private property, but to that universal right which every person has to use the goods of the earth for his or her own survival and sustenance. The development of the idea parallels that of human dignity that I spoke of earlier. To use the terminology of recent political philosophy, it denotes 'inclusive' rather than 'exclusive' (i.e. private) property. That is, if I enjoy an inclusive property over something, I cannot justly be excluded from

it, whereas if I enjoy an exclusive property in something, I can justly exclude others. But people only possess things in order to share them, or at least in order that others may also benefit from their use. Thus Ambrose wrote: 'The bread that you keep for yourself belongs to the hungry, the cloak that you store away belongs to the naked, the money that you salt away is the price of the poor person's freedom.' Aquinas adds:

> Since, however, there are many who are in need, while is is impossible for all to be assisted by means of the same things, each one is entrusted with the stewardship of his own things, so that out of them he may come to the aid of those who are in need ... [But] when a person is in some imminent danger, and there is no other possible remedy, then it is lawful for a man to satisfy his own need by taking another's property, by taking it either openly or secretly: nor is this, properly speaking, theft.

Thus, as an answer to the dilemma of the starving poor man, Aquinas has put forward a radical doctrine of *ownership* and the proper use of material goods, ultimately derived from the teaching of Genesis and the fathers, which he, like everyone else at the time, believed to be an expression of natural law. It puts private property in a purely functional role with regard to the access of *all* human beings to the goods of creation. Owing to his natural dominion, bestowed by God on all human beings at creation, the starving person actually *owns* what is needed for survival. Individual title to things is subordinate and secondary to the common good. Things held by individuals are always held on trust. A radical view of the duties of care and conservation is implied in this doctrine. Private property is radically interpreted as exclusive rights to be exercised for the common good (i.e. which do not annihilate the basic inclusive right that everyone possesses). It is not communism, at any rate not as understood in recent history. It belongs rather to an early biblical outlook shared by Jews and Christians.

[The modern philosopher who has had most influence on the development of the modern doctrine of natural rights - the precursor of our human rights - is John Locke, who wrote this in his First Treatise of Government:

> We know that God hath not left one man so to the mercy of another, that he may starve him if he please. God the Lord and Father of all, has given no one of his children such a property [i.e. right] in his peculiar portion of the things of this world, but that he had given his needy brother a right to the surplusage of his goods; so that it cannot justly be denied him, when his pressing wants call for it. And therefore no man could ever have a just power over the life another, by right of property in land or possessions, since 'twould always be a sin in any man of estate, to let his brother perish for want of affording him relief out of his plenty. As justice gives every man a title to the product of his honest industry ... so charity gives every man a title [i.e. right] to so much out of another's plenty, as will keep him from extreme want

If private property is necessary (for both Aquinas and Locke) in order to preserve and cultivate the

common property of the earth which we have in virtue of being made in God's image, it is also necessary to ensure its distribution. It is not rightly withheld from those in need. It is the foundation of all those other human rights. I have emphasised this aspect of the image rather than, for example that of freedom because I think it is rights of access to the goods of the earth that is most under threat and the main reason why people risk, and lose their freedom. Freedom without bread means very little. As I said at the beginning, it is the poor who are disproportionately deprived of their civil rights, experiencing loss of human dignity, imprisonment without trial, sexual exploitation and torture.]

3. The decline of human rights

The present hardening of attitudes against universal rights, I believe is a manifestation of increased nationalism, which is a response to the whirlwind of globalised capitalism, severely weakening the powers of communities to govern themselves effectively. My point is the people who want to raise the drawbridge and shut the gates are responding to the same forces that produce the refugees. Vast movements of capital and people are damaging to all communities. In Britain the ownership of many of our own assets and services has been handed to foreign companies, or sovereign wealth funds. Who owns Britain? is a good question on several levels.

Elected governments are increasingly impotent to manage national economies in the face of these movements. There is panic (or at least desperation) at the realization that there is very little we can do, individually or acting together to determine the course of our national common life. The result is, I think, a contraction of mental boundaries and a weakening of international aspirations and moral commitments to individuals across national boundaries. The breakup of the UK and the stalling of the post-war European project are examples of this. Immediately after the Second World War, when the UN Declaration of Universal Human Rights was established by international delegates (many of them British lawyers), belonging to a greater union of nations was seen to be beneficial and to lead to greater life chances for communities, as well as peace. After the horrors of the 1930s, it was understood that the individual should not be entirely at the mercy of national governments, that where people are grossly mistreated, the world community might make interventions, or at least legal judgements which would make oppression and atrocities less easy to get away with. There was a globalization of responsibility. Now these greater unions are seen as threats rather than promises and their oversight of universal rights an infringment of sovereignty. The only union that is wanted now by those that have the power is that which guarantees free movement of capital.

Human rights are now more weakly defended for two reasons. Firstly they have ceased to be a weapon in the Cold War to be used against the Soviet Bloc and so have lost their ideological function. Secondly the Cold War's replacement, The War on Terror, has led to shameful violations, most notably the acceptance of routine torture. Extraordinary rendition, Guantanamo Bay and imprisonment without due process, the military destruction of Iraq, grossly ignoring the laws of war, systematic invasion of lives by security services - hitherto only experienced under Communist regimes. These things all make human rights more difficult to speak up for.

But human rights should be thought of, not as a catalogue of entitlements, but as a life raft in a catastrophe. The catastrophe is happening all around us as communities are shattered and men, women and children make desperate decisions to try to find a life elsewhere, handing over their life-savings and getting into vessels they would never go near in normal times. An earlier catastrophe was going on when in Europe when I was a child and Jewish parents were putting their children on trains with no guarantee of safe arrival, with labels round their necks, while they themselves waited for the doors to be kicked in. Aged about five, when I was singing 'All things bright and beautiful, the Lord God made them all', in my infant-school on the south coast, I had absolutely no idea of what was going on at that very moment, just across the Channel, any more than did the adults around me. When we began to understand what had taken place, the international response included the UN Declaration on Human Rights and the European Convention of Human Rights. The ability to call governments to account against standards of behaviour adopted by an international - that is, a human - moral authority was then thought to be crucial. Turning that moral authority into legal codes of nations has been an essential step. It's no use if it's not in the law of the land. And the law, in a sense that cannot be avoided, always comes from 'outside'. Repudiating this and imagining that we can devise a code just for 'us' is a small-minded parody of democratic responsibility, unworthy of a country that owns a Christian past. The question is, Who counts as belonging to 'us'? Those who share our religion? Those who are the same colour? Those who paid taxes? Or those who bear the image of God? The present demonisation of economic migrants and the benefit-dependent - sometimes in the same breath - comes from the same small-mindedness. The catastrophe is happening in one way or another to all of us, brought about by the same forces. We may think that human rights is only for those people in the leaky boats. Well, metaphorically speaking we too are in a leaky boat and soon we too may need to invoke not merely the priveleges of British citizens, but human rights.

The former director of public prosecutions, Kier Starmer, recently defended Human Right Act with these words:

These rights were written down because we, the British, thought they were the values we had just fought the war on. It is that profound. And here we are having a thin, uninformed debate on whether we even want the Human Rights Act. We've got to keep an eye on what these values are and where they come from. (*Guardian*, 20 Dec. 2014)

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For a fuller account and many more sources for these ideas, try reading Roger Ruston, *Human Rights and the Image of God*, SCM Press, 2004

Part 1 A contested idea

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Part 2 A hidden theology

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Part 3 The decline of human rights

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