

Human Rights and Responsibilities: A Christian Perspective

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Introduction

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world...Now, therefore, the General Assembly proclaims this universal declaration of human rights.¹

With these introductory words, on the evening of 10 December 1948, the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations. There were no dissenting votes.² The Assembly, in a rare gesture of appreciation, gave a standing ovation to Eleanor Roosevelt, the chair of the Human Rights Commission which had drafted the Universal Declaration.

The Universal Declaration was stated to be a 'common standard of achievement for all peoples and all nations,'³ setting out a range of civil, political, economic, social and cultural rights for all humans. These are high ideals which were designed to change the whole focus of governments and humans. As the then President of the General Assembly, Dr H.V. Evatt of Australia, stated:

the adoption of the Declaration is a step forward in a great evolutionary process ... the first occasion on which the organised community of nations has made a

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declaration of human rights and fundamental freedoms. That document is backed by the authority of the body of opinion of the United Nations as a whole and millions of people, men, women and children all over the world who would turn to it for help, guidance and inspiration.⁴

It is now 50 years since that Declaration was adopted, yet, appallingly, human rights violations continue. Many people remain oppressed by others who have more political, economic or social power. Too many people live in fear, not only in those conflicts seen in the international media, but also in conflicts hidden in the shadows of family life. There is a constant loss of life, liberty and security and many millions do not have an adequate standard of living. Often there is no access to a protective legal mechanism when their rights are violated.

At the same time, in those 50 years there has been amazing progress in making human rights more than vague moral inspiration. Prompted by the Universal Declaration,⁵ there are now hundreds of international treaties, agreements, documents and other material protecting human rights.⁶ These agreements place obligations, usually legal, upon governments and many of these agreements set up some form of supervisory mechanism to ensure compliance. While most countries do not always fulfil all those obligations, no government today states that it can legally abuse human rights.⁷ Walls of oppression and authoritarian rule have been torn down from Eastern Europe to Africa and Asia. Indeed, an extraordinary fact is that every single country in the world has accepted that it has international legal obligations to protect human rights.⁸ Thus international legal protection of human rights offers both obligations on governments to which individuals or groups can appeal, and international standards by which governments can be judged.

One consequence of these developments has been that the language of human rights is now used in many contexts: from national and international conflicts to personal relationships. I want to explore the extent to which this use of human rights is consistent with Christian understandings. What I aim to demonstrate is that much of the legal and social discourse of human rights has foundations in Biblical material and that the language of human rights is a contemporary discourse which is absolutely consistent with the discourse and practice of Christ. I will focus on two aspects: the concept of human rights and the way human rights are protected. These show that there are clear obligations on Christians to uphold human rights arising from their responsibility, owed to God, to love their neighbours without discrimination.

There are three matters which must be dealt with initially. First, there are far too many instances when actions or inaction by the institutions of the Christian Churches and by those professing a Christian faith have violated human rights. Many would also claim that some of the current practices of some parts of the Christian Churches, particularly in regard to ordination, continue to violate human rights.⁹ I do not aim here to examine those actions and inactions but to seek to offer a way forward. The Christian Churches may seem immovable but it is hoped that they are able to change their practices and seek new ways forward. The second introductory matter is that I am not going to deal directly with the issue of the right to freedom of religion – which is protected in Article 18 of the Universal Declaration and elsewhere.¹⁰ Third, I do not pretend to be able to offer *the* Christian perspective on human rights. There are many Christian perspectives and mine is influenced by the reformed/protestant Christian theology and by my legal training.

Concepts of Human Rights

There are many ways to describe human rights. One writer has offered four characteristics of a human right:

First, it must be possessed by all human beings, as well as only by human beings. Second, because it is the same right that all human beings possess, it must be possessed equally by all human beings. Third, because human rights are possessed by all human beings, we can rule out as possible candidates any of those rights which one might have in virtue of occupying any particular status or relationship, such as that of parent, president or promisee. And fourth, if they are human rights, they have the additional characteristic of being assertable, in a manner of speaking, “against the whole world”.¹¹

These characteristics are essentially the primary elements of a human right, though the fourth characteristic suggested is too broadly stated because a right does not always mean a legally enforceable claim against another who has a duty to uphold that entitlement.¹² The international community has confirmed the essence of these characteristics in the Universal Declaration when it proclaimed the ‘*inherent* dignity and ... the *equal* and *inalienable* rights of *all members* of the human family’.¹³

The use of the term “human rights” is relatively new, at least in the context of enabling an individual to bring a claim against a government

about its oppressive activities. However, the notion of the liberty of humans from oppression can be found in Greek philosophy and ancient Chinese and Indian practice.¹⁴ Later philosophers associated rights with the law of nature because they considered that autonomy and independence of individuals were natural to humans and that governments were under a duty to protect them.¹⁵ The Christian theologian Thomas Aquinas proposed that nature and government were ordained by, and subject to, divine law, being the higher law.¹⁶ The influence of his philosophy can be seen in the American Declaration of Independence of 1776 which proclaims: 'we hold these truths to be self-evident: that all men are *created* equal, that they are endowed by their *Creator* with certain inalienable rights, that among these are life, liberty and the pursuit of happiness'.¹⁷

Most contemporary philosophy about human rights has tended to reject natural rights, on the basis, as Bentham put it, that 'natural rights is simple nonsense; natural and imprescriptible rights, rhetorical nonsense - nonsense upon stilts'.¹⁸ Indeed, during the drafting of the Universal Declaration it was proposed that Article 1 should provide that 'human beings are created in the image of God ... [and] are endowed by nature with reason and conscience' but this was rejected as incompatible with the views of many in the world.¹⁹ Instead, contemporary human rights philosophy is primarily based on reasoned notions of inherent human dignity without reference to any spiritual element.²⁰ Nevertheless, there is general consensus that a key aspect of the nature of human rights remains the natural law concept that human rights are inalienable and so unable to be surrendered.²¹

One immediate difficulty for Christian scholars is that the Bible does not use the term "human rights" in the sense of a legal entitlement of an individual to bring a claim against another, who has a duty to uphold the entitlement. However, the Bible is replete with references to justice and to righteousness, in which notions of human rights can be seen.²² For example, Zechariah proclaims: 'This is what the Lord Almighty says: "Administer true justice; show mercy and compassion to one another. Do not oppress the widow or the fatherless, the alien or the poor."'"²³ This injunction is particularly directed at the need to protect widows, orphans, the poor and foreigners. This is because these groups were the powerless in that society, who were often the subject of oppression, and so needed to be helped by God's people.²⁴

As well as the concept of justice requiring the protection of human rights, the concept of loving one's neighbours is a key element of Chris-

tian teaching. In one of the first actions of Christ's ministry, he read from the book of Isaiah:

The Spirit of the Lord is on me, because he has anointed me to preach good news to the poor. He has sent me to proclaim freedom for the prisoners and recovery of sight for the blind, to release the oppressed and to proclaim the year of the Lord's favour.²⁵

He then rolled up the scroll and said "Today this scripture is fulfilled in your hearing".²⁶ Here he is declaring that his mission, his good news, is about helping the poor and needy, the sick and helpless, the disenfranchised, and the outcast. It is about setting free the oppressed.

This statement of mission by Christ is consistent with his teaching about the greatest commandments. When he was asked which is the greatest commandment he 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.²⁷

When Christ was asked (by an expert in the law) "who is my neighbour?", he responded by telling the parable of the Good Samaritan.²⁸ In this parable, a man walking from Jerusalem to Jericho was attacked by a group of robbers who beat him, stripped him and left him to die. A priest, who was walking the same road, saw the man and passed to the other side of the road. A Levite (a religious scholar) did the same. Then a foreigner, a man from Samaria, came along and took pity on the man. He poured oil on his wounds, bandaged them and put the man on his donkey. He then took the wounded man to an inn and paid the innkeeper to look after the man until the Samaritan returned. In recounting this event, Luke does not end his passage after the end of the parable. Instead, he writes that Christ then asked which of the people in the parable was the neighbour. The questioner answered that it was the one who had mercy on the man. At which answer Christ said: "Go and do likewise".²⁹ Do the same as the Samaritan had done: go and help those in need.

As the Christian theologian Wolterstorff has noted:

The commandment to love one another is grounded on this common sharing in the image of God - on the fact that my fellow human being is, in Isaiah's words, of my "own flesh and blood" ... Every human being is, in this deep sense, my neighbour. Indeed, says Calvin, Jesus' purpose in the parable of the Good Samaritan was to teach "that the word *neighbour* extends indiscriminately to every man, because the whole human race is united by a sacred bond of fellowship".³⁰

So a consistency can be seen between Christian concepts of loving one's neighbour, that being all of humanity created in the image of God, and the international legal concept that human rights are universal and inalienable. In fact, national courts have used Christian ideas in reaching conclusions on law. For example, the determination of the extent of liability of manufacturers to consumers was based on the question "who in law is my neighbour?"³¹

There are deep questions about the universalism of human rights and the close connection between Judeo-Christian ideas and the ideals and systems of law in the developed countries. There are also real concerns about some of the developments in international human rights law as being 'partial and androcentric, privileging a male world view'.³² I do not intend to deal with those issues here other than to note that while there are serious divisions as to how human rights are to be *applied* in practical ways in a society, there are few divisions as to whether the *concept* of human rights exists at all in a society.³³ In fact, international human rights law does recognise explicitly the need for differing applications of human rights worldwide,³⁴ with the African Charter of Human and Peoples' Rights expressly taking into account the 'values of African civilization'³⁵ and protecting both individual and group rights. In a similar way the Christian Churches should be aware of differences, with the liberation theologian Gutierrez pointing out that:

a true and full encounter with our neighbour requires that we first experience the gratuitousness of God's love. Once we have experienced it, our approach to others is purified of any tendency to impose an alien will on them: it is disinterested and respectful of their personalities, their needs and aspirations.³⁶

Thus there can be discerned within the Bible and theological writings a strong conceptual basis for human rights. While the discourse is not exactly in human rights terms as we understand it today, the concepts dealt with could be said to create, as the Latin American bishops have affirmed, a 'gospel of human rights'.³⁷

Protection of Human Rights

While there may be many strong arguments that a particular need, moral entitlement or aspect of life is a human right, only certain needs, entitlements or aspects have been internationally recognised as human rights and protected by international law.³⁸ When comparing the rights which are protected in international law with the commands of Christ there are powerful resonances, particularly in the area of social rights. For example, Article 25 of the Universal Declaration states that 'everyone has a right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services'. In Matthew's gospel it is clear that the people who God will consider at final judgment to be the righteous are those who fed the hungry, gave drink to the thirsty, received strangers, clothed the naked, cared for the sick and visited the prisoners.³⁹ There is a clear connection here. Christian responsibilities to protect human rights are not limited to just a few political or civil rights because 'biblical righteousness is more than a private and personal affair; it includes social righteousness as well.'⁴⁰

Further, the Christian Churches, as institutions, have a responsibility to take action against violations of human rights whenever they occur. This is a responsibility to resist oppression, whether it is political, economic, social or religious. The action taken might include making public statements, using their moral authority in societies and motivating their members where human rights are at issue. While the issue of conflict between God and earthly authority is a broader one than can be discussed here,⁴¹ there could be said to be a harmony in the rejection of the absolute power and sovereignty of the state found in both international human rights law and in Christianity.⁴²

Yet there are three primary areas where Christ's commandments do not seem to be appropriate to the international legal system for the protection of human rights. First, the Bible deals with concern for the oppressed in terms of responsibilities rather than rights. Second, the broader focus of the Bible on communities seems inconsistent with the protection

of individual rights. Third, the international human rights system places responsibilities on governments, rather than on individuals, to protect human rights.

In relation to the first issue, the Old Testament prophets do not address the oppressed, encouraging them to claim their rights, but rather address the powerful. Isaiah warns: 'Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and to withhold justice from the oppressed of my people.'⁴³ In the New Testament these responsibilities to others are not only owed by those with power, they are owed by all Christians, with James asking:

What good is it, my brothers, if a man claims to have faith but has no deeds? Can such faith save him? Suppose a brother or sister is without clothes and daily food. If one of you says to him, "Go, I wish you well: keep warm and well fed," but does nothing about his physical needs, what good is it? In the same way, faith by itself, if it is not accompanied by action, is dead.⁴⁴

It is in the light of such passages as these that the Kairos Document from South Africa recommended the development of a 'prophetic ministry' of resistance to oppression and towards democratic transition.⁴⁵

But rights and responsibilities are linked. Contrary to the perceptions of many, rights are not absolute. That rights can imply responsibilities (or duties) is acknowledged in international human rights law. For example, Article 29 of the Universal Declaration provides:

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.⁴⁶

As this Article makes clear, each person's human rights are limited both by the rights of others and by the general interests of society. This is because rights are not exercised in a vacuum but are exercised within the context of communities. The promotion and protection of human rights should not be any less strongly affirmed by Christians because of the focus on responsibilities in the Bible. After all, as Cronin has noted: 'the quality of human freedom [is] based on God's gift of creation and re-

demption' respect is due to each person, a respect which involves justified claims and correlative obligations.⁴⁷ Rather, while recognising their own responsibilities, the presumption must be in favour of human rights being protected as the oppressed are generally the powerless in society. They are not in a position to determine if responsibilities are carried out or to decide the legitimacy of any attempts by society to limit their rights.

Despite the social context within which it is recognised that rights are exercised, there remains the concern that the broader focus of the Bible on communities seems inconsistent with the protection of individual rights. This concern was expressed by a former Archbishop of York when he said that 'there are good reasons to fear that the emphasis on rights, so far from strengthening social cohesion, has in fact reduced it by seeking to justify an individualistic kind of acquisitiveness.'⁴⁸ I share that concern, but I see it as based on a misunderstanding of the concept of human rights. Human rights, as I have shown, is a concept which includes responsibilities to others and to the community. Indeed protection of human rights is not limited to individual rights but includes the protection of group rights, such as those of indigenous peoples. Thus, while the building of a sense of community is a vital part of the Christian Churches' role, human rights should not be cast aside, as the discourse of human rights can be empowering and can give a voice to those without power.⁴⁹

The third concern is that the international human rights system places responsibilities on governments to protect human rights and does not generally place responsibilities on individuals.⁵⁰ There are responsibilities towards others placed on all peoples in international human rights law, as seen in Article 29 of the Universal Declaration. But these responsibilities are premised on the notion that all people have a horizontal responsibility to protect the human rights of others. Christians have an additional responsibility: a vertical responsibility to God. Christians have an obligation to God to uphold the rights of others and God demands that these rights be upheld.⁵¹ The parable of the Good Samaritan makes clear that the responsibility to uphold the rights of others is not dependent on causation or any direct relationship between people. It is irrelevant as to whether the person in need has in some way been responsible for the position in which she/he now finds her/himself. No human being is a stranger and all Christians are responsible for them all.⁵² To take action to assist those who are oppressed is not only a matter of charity or selfless giving; rather it is a responsibility of all Christians to all people and that responsibility is owed to God.

The protection of human rights by the international legal system is therefore consistent with Christianity, although the emphases are often different. Rights and responsibilities are not distinct but are linked. Indeed, it may be possible that the engagement of Christians in the process of protecting human rights could be to broaden the notion of responsibilities found in international human rights law.⁵³ After all, 'what unites us as bearers of the image of God is more important than what divides us as members of nations.'⁵⁴

Conclusion

The development of an international system for the protection of human rights has been a major achievement of the latter half of the twentieth century, although its concepts had a considerably longer history. There is a coherence in the conceptual bases of both human rights and Biblical commandments. There are clear Biblical instructions that Christians must take action to help the oppressed and the powerless. This is due to the Christians' responsibility, owed to God, to love their neighbours as themselves. This responsibility extends to upholding the rights of others and taking practical action to assist the oppressed and disadvantaged. This responsibility is, sadly, not widely understood either by Christians or by the Christian Churches. It is vital that Christians understand this responsibility if they are to play a positive role in the education and clarification of human rights because, as the South African theologian Morphew has stated:

human rights have become possibly *the* pressing global issue of our time. This alone makes it imperative for thinking Christians to grapple with it. More profoundly, the struggle for human rights has to do with what it means to be fully human, with how and to what extent the human race can reach its potential and destiny. Any area of thought or endeavour that deals with man in his essence must be the concern of those who are committed to the gospel of Jesus Christ, for he came to seek and to save the same humanity.⁵⁵

Finally, while the general discourse of human rights as expressed in the Universal Declaration of Human Rights does not resolve all social and moral issues, it does offer a basis for an inter-faith discourse and practice. Human rights discourse acknowledges that there are greater interests to serve than our own self-interests, including our own religion's self-inter-

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ests.⁵⁶ It can be a means of building hope and restoring a sense of community.⁵⁷ It offers parameters for making judgments about human relationships and about the nature of being human because it 'is saying that at the deepest level all [humans] have equal worth, a worth which demands action to bring the less fortunate ... up to a satisfactory level of participation in the goods which make human worth obvious to the naked eye.'⁵⁸ This, after all, is one area where the major faiths can be united: a shared belief in seeking true justice and in upholding the dignity and worth of the human person.

Notes

- 1 Preamble to the Universal Declaration of Human Rights (Universal Declaration), General Assembly Resolution, UN Doc A/811.
- 2 The vote was 48 states in favour, none against and eight abstentions (Byelorussia, Czechoslovakia, Poland, Saudi Arabia, Ukraine, USSR, South Africa and Yugoslavia).
- 3 Preamble to the Universal Declaration, *supra* note 1.
- 4 Cited in Australian Department of Foreign Affairs and Trade, *Human Rights Manual*, 1993, p. 1.
- 5 Many of the principles set out in the Universal Declaration are now generally considered to be binding on all countries as a matter of customary international law: *Advisory Opinion on Namibia*, International Court of Justice Reports, 1971, pp. 16, 57.
- 6 See Steiner, H. and Alston, P., *International Human Rights in Context*, 1996; and Robertson, A. and Merrills, J., *Human Rights in the World*, 3rd ed., 1992.
- 7 When a government is confronted with allegations that it is abusing human rights it either denies the facts upon which the allegations are based or seeks to rely on limitations on the right. Whichever tactic is adopted, as a matter of international law, the actions of governments in seeking to rely on exceptions to their obligations confirm that a legal obligation does exist. See *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States)* International Court of Justice Reports, 1986, p. 14 at para 186.
- 8 There are nearly 190 countries in the world and every one has ratified at least one treaty protecting human rights. The Vienna Declaration and Programme of Action 1993, International Legal Materials, no. 32, 1993, p. 1661 states in paragraph 4: "the promotion and protection of all human rights is a legitimate concern of the international community".
- 9 Charlesworth, H., "The Challenge of Human Rights for Religious Traditions", *Eureka Street*, no. 7, November 1997; and Padilla, A. and Winrich, J., "Christianity, Feminism and The Law", *Columbia Journal of Gender and Law*, no. 1, 1991, p. 67. Gourevitch, P., *We wish to inform you that tomorrow we will be killed with our Families: Stories from Rwanda*, 1998, shows how Churches were involved in the genocides and other actions in Rwanda in 1994.
- 10 See *Human Rights and Equal Opportunity, Free to Believe? The Right to Freedom of Religion and Belief in Australia*, Discussion Paper No. 1, 1997.

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- 11 Wasserstrom, R., "Rights, Human Rights and Racial Discrimination" in Rachels, J., (ed), *Moral Problems*, 1979, p. 12.
- 12 See Hohfeld, W., "Fundamental Legal Conceptions as applied to Judicial Reasoning", *Yale Law Journal*, no. 23, 1913, p. 16.
- 13 Preamble to the Universal Declaration, *supra* note 1, (emphasis added). See also the Preamble to the Vienna Declaration and Programme of Action 1993, *International Legal Materials*, no. 32, 1993, p. 1661: "all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms".
- 14 Aristotle relied on the law of nature to show that there were elementary principles of justice which were unalterable and eternal. Weinreb, L., "Natural Law and Rights" in George, R., (ed), *Natural Law Theory: Contemporary Essays*, 1992, p. 278. This philosophy was not originally concerned with rights as "an individual could be harmed without warning if that was the natural order of things". The Chin dynasty, founded 2200 years ago, operated with a belief in the fair treatment of all irrespective of caste: Charlesworth, H., "The Challenge of Human Rights for Religious Traditions", *Eureka Street*, no. 7, November 1997.
- 15 See Finnis, J., *Natural Law and Natural Rights*, 1980.
- 16 St Thomas Aquinas, *Summa Theologiae*, quoted in Haldane, J., "Medieval and Renaissance Ethics" in Singer, P., (ed), *A Companion to Ethics*, 1993, p. 133.
- 17 Emphasis added. Another example is the French Declaration of the Rights and Duties of Man and the Citizen, 1789, which notes that "men are born and remain free and equal in rights ... the purpose of all political association is the conservation of the natural and inalienable rights of man". Both Declarations protect a limited range of rights.
- 18 Bentham, J., *Anarchical Fallacies*, reprinted in Waldron, J., (ed), *Nonsense Upon Stilts*, 1987.
- 19 Humphrey, J., *Human Rights and the United Nations: A Great Adventure*, 1984, p. 67.
- 20 "Many educated citizens in the West, however, have abandoned the traditional view of man and replaced it with a more contemporary scientific view ... In purely material, scientific terms, human beings are insignificant oddities cast up by chance in an immense and impersonal universe.": Thaxton, C. and Meyer, S., "Human Rights: Blessed by God or Begrudged by Government", *Los Angeles Times*, 27 December 1987, part V.
- 21 Almond, B., "Rights" in Singer, P. (ed), *A Companion to Ethics*, 1993, pp. 259, 265-6.
- 22 The Hebrew word "mispat", which means justice or justice and righteousness, is often used to refer to rights: J. Douglas, *The New Bible Dictionary*, 1962, p. 680. References to "The Bible" are to the Christian Bible using the New International Version, 1973.
- 23 Zech 7:9-10. See also Deut 10:18, 16:19, 24:17 and 27:19. Also see Ps 9:4, Ps 140:12 and Jer 5:28, as well as 1 Sam 8:3 (right to a fair trial) and Lam 3:35 (prisoner's rights). Martin Luther King has noted that an unjust law is "a human law that is not rooted in eternal and natural law ... [and] any law that uplifts human personality is just. Any law that degrades human personality is unjust". Quoted in Washington, J. (ed), *A Testament of Hope: The Essential Writings of Martin Luther King*, 1986.
- 24 This idea of distributive justice is also found in the New Testament where the Greek words "dikaios" and "dikaiosyne" are used: Kittel, G. and Friedrich, G., *Theological Dictionary of the New Testament*, 1985, vol. II pp. 174-225. See 1 Jn 2:29: "If you know

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that he is righteous, you know that everyone who does what is right has been born of him”.

- 25 Luke 4:18-19. The words are from Is 61:1-2.
- 26 Luke 4:21.
- 27 Matt 22:39 and Mk 12:31.
- 28 Luke 10:25-37.
- 29 Luke 10:37.
- 30 Wolterstorff, N., *Until Justice and Peace Embrace*, 1983, p. 78 (emphasis in original).
- 31 Lord Denning, *The Influence of Religion on Law*, 1989, pp.18-19, referring to Lord Atkin’s decision in *Donaghue v. Stevenson* [1932] Appeal Cases, pp. 562, 580.
- 32 Charlesworth, H., “What are Women’s International Human Rights?” in Cook, R., (ed), *Human Rights of Women: National and International Perspectives*, 1994, p. 60. She also criticises the public/private distinction created as to when law will and will not be concerned with an issue.
- 33 See Teson, F., “International Human Rights and Cultural Relativism”, *Virginia Journal of International Law*, vol. 25, no. 869, 1985, p. 891. Paragraph 1 of the Vienna Declaration and Programme of Action 1993, *International Legal Materials*, no. 32, 1993, p. 1661, states: “the universal nature of [human rights] is beyond question”. See also Sinaceur, M., “Islamic Tradition and Human Rights” in UNESCO, *Philosophical Foundations of Human Rights*, 1986, p. 205; Haile, M., “Human Rights, Stability, and Development in Africa: Some Observations on Concept and Reality”, *Virginia Journal of International Law*, no. 24, 1984, p. 575; and Rouner, L. (ed), *Human Rights and the World’s Religions*, 1988. The contrary argument, that human rights are relative to each society or culture (known as “cultural relativism”), is set out in Pollis, A. and Schwab, P., (eds), *Towards a Human Rights Framework*, 1982.
- 34 See the “margin of appreciation” doctrine used by the European Court of Human Rights, where there is a degree of flexibility given to governments to determine the particular pressing needs of their State. This is based on the notion that there ‘cannot [be a] disregard [for] those legal and factual features which characterise the life of the society in the State’: *Belgian Linguistics Case* ECHR Series A, vol. 6, 1968, para 34-35. See further van Dijk, P. and van Hoof, G., *Theory and Practice of the European Convention on Human Rights*, 1990, pp. 585-606.
- 35 Preamble.
- 36 Gutierrez, G., *We Drink from our own Wells*, 1983, p. 112.
- 37 Final Document of the Fourth General Conference of Latin American Bishops 1992 in Santo Domingo, published in *Santo Domingo Conclusions*, 1993.
- 38 Debates about which human rights should be protected by law continue and at times further rights are protected, such as the rights of the child.
- 39 Matt 25:31-46. The righteous are, therefore, not necessarily those who have won great theological debates.
- 40 Stott, J., *Christian Counter Culture*, p. 45. He goes on to note that “righteousness is concerned with seeking man’s liberation from oppression, together with promotion of civil rights, justice in the law courts, integrity in business dealings and honour in home and family affairs. Thus Christians are committed to hunger for righteousness in the whole human community as something pleasing to a righteous God”.

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- 41 For a discussion on civil disobedience and pacifism see Wolterstorff, N., *Until Justice and Peace Embrace*, 1983, pp. 143-5.
- 42 Christian philosophy upholds the sovereignty of God so that there are times when “we must obey God rather than men”: Acts 5:29 and Acts 4:19.
- 43 Is 10:2. See also Psalm 72.
- 44 James 2:14-17. In a passage reminiscent of the Old Testament, James wrote: “Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress” (1:27).
- 45 The Kairos Document, 1986. This document arose from discussions between a wide range of church leaders in South Africa during the apartheid era.
- 46 Article 29 (2).
- 47 Cronin, K., *Rights and Christian Ethics*, 1992, p. 176.
- 48 Habgood, J., *Church and Nation in a Secular Age*, 1983, p. 42.
- 49 “For the historically disempowered, the conferring of rights is symbolic of all the denied aspects of their humanity: rights imply a respect that places one in the referential range of self and others, that elevates one’s status from human body to social being”: Williams, P., *The Alchemy of Race and Rights*, 1991, pp. 153, 164.
- 50 Individuals are directly liable for crimes against humanity and genocide, for example: consider the Convention on the Prevention and Punishment of the Crime of Genocide, 1948, article IV and the jurisdiction of the International Criminal Court.
- 51 This obligation can be illustrated by the story of Cain and Abel: Gen 4. See C. Wright, *Human Rights: A Study in Biblical Themes*, 1979.
- 52 Murray, D., “The Theological Basis for Human Rights”, *Irish Theological Quarterly*, vol. 56/2, 1990, p. 92 states: “Jesus Christ, the Son of God, has united himself to that person to set him or her free (Gal 5:1); the Spirit, whose presence gives freedom (2 Cor 3:17) is within them; the Father, the source and goal of freedom, has loved them first.”
- 53 Charlesworth, M., *Religious Inventions*, 1997, p. 152, notes that human creativity and imagination have played an indispensable role in the development of religion and this should continue.
- 54 Wolterstorff, N., *Until Justice and Peace Embrace*, 1983, p. 119.
- 55 Morphew, D., *Christians for Human Rights*, 1991, p. 1 (emphasis in original).
- 56 A threat to human rights can come from fundamentalist streams of all religions. See the analysis in Marty, M. and Appleby, R., *Accounting for Fundamentalisms: The Dynamic Character of Movements*, 1994; Spong, J. S., *Rescuing the Bible from Fundamentalism*, 1991; and *The Uniting Church in Australia, Interim Report on Sexuality*, 1996.
- 57 On the need to restore communities, see Costello, T., *Streets of Hope*, 1998.
- 58 Cronin, K., *Rights and Christian Ethics*, 1992, p. 74.