introduction

Does God Believe in Human Rights?
A reflection

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The purpose of this edited collection is to reflect on the question ‘Does God believe in human rights?’ It is, of course, a rather presumptuous question to ask, and one which I am not particularly well placed to answer. Indeed, the most sensible response might be to decline to enter into a debate on this topic at all. However, with a subtle reformulation it is possible to devise a question that can be reflected upon, and that might also cast some light on whatever answer to the larger question might some day be vouchsafed to us. The problems posed by that larger question are manifest, the most obvious being ‘what do we mean by God?’ and ‘what do we mean by human rights?’ I am not a theologian, and I have nothing to say on the first of these questions. My experience as an international lawyer working in the area of human-rights protection does, however, permit me to observe that any answer that is given to that question – what do we mean by God? – is unlikely to remain unchallenged by those who seek to answer the second question – what do we mean by human rights? – which is almost as problematic. The reason for this is that many human-rights lawyers have developed what can best be described as a quasi-transcendental approach to their own calling, and have little difficulty in failing to discern the divine in that which does not accord with their own revelation. And herein lies the crux of the difficulty we have to face up to: we are seeking to probe the inter-relationship between two of the most controversial ideas with which humankind wrestles.

The tense is deliberate. I am not about to embark on a history of religious consciousness, since it is hardly necessary to do so in order to make a case in support of the proposition that the search for God, or the search for an absence of God, has been, and remains, a force in human affairs. Like gravity, it must be acknowledged as a force to be engaged with, irrespective of whether we choose to bow to it, or seek to harness it, or, indeed, overcome it. The case is perhaps less clear as regards
‘human rights’, since this expression has only entered our collective consciousness as a distinct concept in relatively recent times.\(^1\) Nevertheless, humankind has always been interested in the subject matter of human rights (or the lack of human rights), albeit that the concern has not been couched in these terms. For we are, in essence, considering the manner in which individuals and groups of individuals may be treated, or their needs and treatment by others be responded to, by those who are in a position of authority over them.

Both religion and law seek to influence and direct the conduct of individuals, communities and societies, and so it is not surprising that the treatment of others is a central concern of both. It is, then, hardly surprising that there has always been a very close relationship between law and religion: our idea of law is, arguably, religious in origins if not in nature, and it has also been argued that human rights are themselves ‘ineliminably religious’ in nature.\(^2\) The difference lies in the manner in which the concern for the treatment of others is understood and articulated by believers.\(^3\)

If the focus of one’s religious understanding is on humankind’s individual or collective relationship with a / the deity(ies), the manner in which individuals are treated by each other is, to be blunt, little more than a by-product of that primary relationship. The influence of religious belief upon relations between individuals can be at any point on the spectrum from the wholly benign (e.g. sacrificial self-giving and service to others) to the utterly malign (e.g. ritual human sacrifice), depending on what (one thinks) the tastes of one’s god actually are. Approached in this fashion, one cannot really speak of ‘good’ or ‘bad’ religion, just different religions. The role of the individual is fixed – a static actor whose role is

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\(^2\) See M. Perry, *The Idea of Human Rights* (Oxford: OUP, 1998), Chapter 1, arguing that this flows from the inescapable reality that the idea of the human person as ‘sacred’ – foundational to human rights thinking – is itself inescapably religious.

\(^3\) The manner in which ideas are presented matters. It has, for example, always struck me that the much vaunted ‘Golden Rule’ is little different in substance from the much derided *lex talionis*. The difference lies in the manner in which the idea is presented, the former in the language of responsibility and restraint, the latter in the language of revenge. The practical implications of adopting one approach rather than the other are, of course, enormous.