

## CHRISTIANITY AND HUMAN RIGHTS

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### ABSTRACT

*Modern day international relations are dominated by human rights talk and many political causes around the world today have been framed in terms of human rights. But how are human rights defined and where do they come from? Existing human rights instruments are merely declarative and offer no ontology or justification for their declarations. This paper demonstrates that one's conception of human rights will always be derived from their ontological notions about humans in general, whether they have rights, the nature of those rights, why they exist, how we can identify them, and how all this knowledge may be justified. Moreover, only Christianity offers the required 'high anthropology' and the moral and ethical framework to substantiate and enforce the kinds of rights specified in Articles 1-21 of the Universal Declaration on Human Rights.*

### I INTRODUCTION

Modern day international relations are dominated by human rights talk and many political causes around the world today have been framed in terms of human rights. Almost all governments and world leaders accept the notion of human rights, even if they only pay lip service to upholding and enforcing them.

But what are these human rights and where do they come from? Are they universal or cultural? Can each culture invent their own? Is there a religious aspect to them?

This paper examines all these questions and then focuses on the relationship between human rights and Christianity, and how human rights may be viewed from the perspective of Biblical Christianity.

### II WHAT ARE HUMAN RIGHTS?

The common understanding of human rights is captured in the United Nations' ('UN') Universal Declaration on Human Rights ('UDHR'). This UN resolution, passed in 1948 at the end of the Second World War in response to the horrific abuses of prisoners, civilians, and minority groups—especially by the Axis powers—lays out a set of rights that all human

beings may claim, including against their own government. It was intended to usher in a new era of international peace and harmony.

The declaration was followed by a group of international covenants: the *Convention on the Elimination of all forms of Racial Discrimination* (1969), the *International Covenant on Civil and Political Rights* (1976), the *International Covenant on Economic, Social and Cultural Rights* (1976), the *Convention on the Elimination of all forms of Discrimination Against Women* (1981), and the *Convention on Rights of the Child* (1990).

But the UDHR and the other covenants are simply declarative statements—sets of assertions about what the UN functionaries and delegates believed were human rights at the given times. These declarations are not human rights as such, but simply declare what the UN believe them to be.

Many values and behaviours have been asserted to be universal human rights—or at least worthy of being protected by universal human rights law. These include women's rights, abortion, contraception, workers' rights, children's rights, indigenous peoples' rights, rights for homosexual people, and rights pertaining to religious freedom. The problem is that all these issues are highly controversial in all cultural traditions.

How, then, can we be sure of what human rights actually exist? On first reading, the UDHR articles seem fair and uncontroversial, but on closer inspection many of the asserted rights involve deeply moral and political issues on which many human beings disagree. Most traditional Hindus would not accept that all humans have equal rights (Articles 1-2). The right to life (Article 3) is deeply political with respect to abortion, euthanasia and capital punishment, and western national security authorities have emphasised the necessity of using torture to extract critical information from captured terrorist operatives (Article 5). Most practising Muslims would not accept the notion of equality of all before the law (Article 7). In times of war, arbitrary detention of residents (Article 9) from the opposing country may be necessary to prevent intelligence gathering and the possibility of sabotage. Communist and many socialist nations routinely deprive people of their property (Article 17(2)). Such nations also limit their citizens' rights to freedom of thought, freedom of religion and freedom of expression (Articles 18-19).

From Article 22 onwards, consensus becomes virtually impossible. Almost no countries accept that every person has a right to social security and the free development of his

personality (Article 22). No state could possibly ensure that a person has a right to work and protection from unemployment. And to guarantee citizens a free choice of employment is simply absurd (Article 23), as is any right to ‘rest and leisure’ or paid holidays (Article 24). And guaranteeing a particular standard of living with respect to food, clothing, housing, medical care, social services and education (Articles 25-26) is plain wishful thinking. This is why Stoljar argues that so many of the human rights that have been asserted do not actually exist:

You cannot have a right unless it can be claimed or insisted upon, indeed claimed effectively or enforceably ... Rights are thus performance-dependent, their operative reality being their claimability; a right one could not claim, demand, ask to enjoy or exercise would not merely be imperfect – it would be a vacuous attribute.<sup>1</sup>

Given the normal historical usage of the term, a ‘right’ is something that all people may claim simultaneously. Claiming a right places no obligation on any other person. As Pogge argues, ‘human rights require that we not harm others in certain ways—not that we protect, rescue, feed, clothe, and house them ... [C]ivil and political human rights require only restraint, while social and economic rights also demand positive efforts and costs.’<sup>2</sup> We all have (to some extent) a right to free speech but this right should impose no obligations on anyone else. A free speech right contains no additional right to force others to facilitate the propagation of your speech through television, radio, printing or internet publication. Similarly, a right to travel freely does not mean that others must pay the costs of that travel. Thus, the author contends that the exercise of a real human right cannot result in a breach of another person’s human right. Any supposed human right that does so is not a true human right but a politically imposed one.

In any case, even seemingly uncontroversial human rights are not easy to define or describe. The right to life apparently does not include the right to be born in the first place. And on what basis can we even claim that the right to life is a basic human right?

Those who ran the recent ‘Marriage Equality’ campaign to legalise same-sex marriage in Australia framed the issue in terms of human rights ie homosexual couples are being denied a basic human right. Justice Michael Kirby had also argued some years ago that religious

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<sup>1</sup> Samuel Stoljar, *An Analysis of Rights* (St Martin’s Press, 1984) 3-4.

<sup>2</sup> Thomas Pogge, *World Poverty and Human Rights* (Oxford University Press, 2002) 66, 70.

condemnation of homosexuals was a denial of their human rights, stating that ‘[f]or the sake of the planet and survival of the species we must embrace the universal principles of human rights.’<sup>3</sup> But what is the justification for these so-called rights that are supposedly being denied? Neither the UDHR nor any other UN covenant confers any inherent rights to homosexuals. On the contrary, both Article 16 of the UDHR and Article 23 of the ICCPR affirm the traditional family as ‘the natural and fundamental group unit of society.’ In addition, the UN Human Rights Committee considered the issue of same-sex marriage in the case of *Joslin v New Zealand*, finding that a State party has not violated the rights of homosexual couples by refusing to allow them to marry.<sup>4</sup> In *Hämäläinen v Finland*, the European Court of Human Rights concluded that comparable provisions in the European Convention on Human Rights do not require parties to provide access to same-sex marriage.<sup>5</sup>

Those who assert that certain human rights exist do so by supposing that their moral and legal claims are legitimate because of the existence of particular legal, moral, and social conventions. Therefore, their conception of human rights is directly dependant on how they believe they know about the existence of human rights, and how they would validate this knowledge. In other words, it is not possible to isolate our conception of human rights from ontological notions about humans in general, whether they have rights, the nature of those rights, why they exist, how they may be identified, and how all this knowledge may be justified.<sup>6</sup>

### III THE ONTOLOGICAL BASIS FOR HUMAN RIGHTS

Human rights law, despite claims to the contrary, is not universally accepted. The positive nature of current human rights law means that the subject matter has become intensely political, because different groups of people are operating with different and opposing moral and cultural understandings of human beings and human nature.

Again, it is important to understand that the UDHR and other UN Covenants are mere declarations. They offer no justification for the rights they proclaim, nor any detailed exposition of their definition and limits. Moreover, these instruments implicitly claim to have

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<sup>3</sup> Michael Kirby, ‘Religious Condemnation of Homosexuals Denies Human Rights’, *The Age* (Melbourne), 30 June 2008, 13.

<sup>4</sup> Human Rights Committee, *Communication No. 902/1999*, UN Doc CCPR/C/75/D/902/1999 (2002) [8.2]-[8.3] (*Joslin v New Zealand*).

<sup>5</sup> *Hämäläinen v Finland* (37359/09) [2014] ECHR 787.

<sup>6</sup> Anthony J Langlois, ‘Conceiving Human Rights without Ontology’ (2005) 6 *Human Rights Review* 5, 7.

a higher authority to stand above all other traditions, religions, cultures, and political ideologies in the world, but this higher authority is never identified. So who or what is this higher authority and what justification is there for this higher authority? Many have asserted that humans have human rights simply because they are human beings. But what makes human beings so special? Anthony Langlois has pointed out that '[t]he promotion of human rights depends upon belief in a high anthropology.'<sup>7</sup> So what is the basis for this 'high anthropology'?

### A *Islam*

Like all followers of a particular religion, Muslims are not a monolithic group. They come from many different ethnic and cultural backgrounds, and some are more devout than others. Nevertheless, the teachings and practices of Islam in relation to the status of human beings shows a fairly consistent pattern of violation and abuse. From indiscriminate terrorism, ethnic cleansing, slavery, and the violation and subjugation of women, including genital mutilation and the taking of child brides, it should be clear that any notion of human rights as framed by the UDHR is apparently absent from Islam.

In spite of this terrible record—and perhaps to deflect criticisms away from it—the Nineteenth Islamic Conference of Foreign Ministers (Session of Peace, Interdependence and Development) adopted the *Cairo Declaration on Human Rights in Islam* ('CDHRI') in Cairo in 1990. In many ways, it mirrors the UDHR but ends with Article 24 stating that "All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah" and Article 25 stating that 'The Islamic Shari'ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.' These two final Articles effectively nullify the previous twenty-three.

Once again, the CDHRI is a mere declarative statement that gains its claimed authority from the teachings of Islam and must be interpreted with respect to those teachings despite the fact that those teachings violate most of the common notions of what human rights entail.

### B *Marxism*

In Marxism, human rights are mere by-products of social relations rather than universal, moral and ethical standards. In other words, talk about human rights is simply an expression

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<sup>7</sup> Anthony J Langlois, 'The Elusive Ontology of Human Rights' (2004) 18 *Global Society* 243, 244.

for a set of conventions associated with a particular period of human history. For Marxists, individual rights are simply part of the moral, legal, and political framework that underpins the capitalist system:

None of the supposed rights of man, therefore, go beyond the egoistic man ... that is, an individual separated from the community, withdrawn into himself, wholly preoccupied with his private interest and acting in accordance with his private caprice ... The only bond between men is natural necessity, need and private interest, the preservation of their private property and their egoistic persons.<sup>8</sup>

Therefore, as Steven Lukes concluded, ‘the Marxist canon provides no reasons for protecting human rights.’<sup>9</sup> Although Marx may have advocated for certain specific rights for mankind during his life, and although many Marxists claim to believe in human rights, Lukes points out that human rights cannot be coherently justified or ‘taken seriously’ within the Marxist framework.<sup>10</sup> This is largely because Marxism is a de-humanising ideology. Social progress and the good of the community always trumps individual rights, resulting in the quashing of individual freedom and choice.

In addition, because the Marxist program denies freedom and choice, it must be implemented by force:

The denial of human rights in socialist states can be seen as the natural outcome of Marxist *praxis*: Marxist teaching about the nature of the class struggle and the conditions necessary for the emancipation of the proletariat from bourgeois values is not only theoretically alien to the concept of universal human rights, but its implementation by Marxist revolutionaries in the circumstances expected to prevail is likely to require the denial of such rights to ever-widening sections of the society if political power is to be secured and retained.<sup>11</sup>

Indeed, as R J Rummel has demonstrated, history is full of examples of Marxist states murdering their own citizens. Soviet Russia, Communist Eastern Europe, China, North Korea, Vietnam and Cambodia have together slaughtered over 100 million people during the 20<sup>th</sup> century.<sup>12</sup>

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<sup>8</sup> T B Bottomore (ed), *Karl Marx: Early Writings* (McGraw-Hill, 1964) 26.

<sup>9</sup> Steven Lukes, ‘Can a Marxist believe in human rights?’ (1982) 1 *Praxis International* 334, 344.

<sup>10</sup> Steven Lukes, *Marxism and Morality* (Clarendon Press, 1985) 70.

<sup>11</sup> L J Macfarlane, ‘Marxist Theory and Human Rights’ (1982) 17 *Government and Opposition* 414, 414.

<sup>12</sup> R J Rummel, *Death By Government* (Transaction Publishers, 1994) 2-11.

### C Christianity

A high view of human beings is central to the Christian worldview, and the Western intellectual tradition owes much to the historical influence of Christianity, including the development of rights theories. These initial rights theories were based in ‘natural law’—that is, the prescriptive law of God which is written in our hearts and minds (our conscience), so that we may follow God’s commands (Romans 2:14-15).

Christianity teaches that man is a special creation of God and has been blessed with certain natural (or human) rights. Human beings have a certain dignity and were given dominion over the rest of creation (Genesis 1:26), because we are created in the image of God (Genesis 1:27). God made human beings in His own image, and as God’s image-bearers, human beings are personal, moral, and spiritual beings. We have volition, freedom of choice, self-consciousness, self-transcendence, self-determination, and rationality.<sup>13</sup> Moreover, we have an innate capacity for relationships that characterise the image of the triune God. Thus, the image of God includes all facets of the human being; spiritual, psychological, moral, emotional, physical and relational. As the United States founding fathers expressed in their *Declaration of Independence* (1776): ‘We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.’

The Bible teaches that all human beings, because of their conscience, are capable of doing the right thing even though they are not practising Christians and despite having little or no knowledge of Christian morality and ethics (Romans 2:14-15).<sup>14</sup> Similarly, the Bible also teaches that all human beings have an inherent sense of what is morally wrong, but we often suppress this knowledge despite divine general revelation and natural law (Romans 1:18-23).<sup>15</sup> Thus, according to the Christian point of view, natural law imposes behaviour and

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<sup>13</sup> Charles Lee Feinberg, ‘The Image of God’ (1972) 129 *Bibliotheca Sacra* 235, 246.

<sup>14</sup> ‘Indeed, when Gentiles, who do not have the law, do by nature things required by the law, they are a law for themselves, even though they do not have the law, since they show that the requirements of the law are written on their hearts, their consciences also bearing witness, and their thoughts now accusing, now even defending them.’ (Romans 2:14-15, New International Version 1984).

<sup>15</sup> ‘The wrath of God is being revealed from heaven against all the godlessness and wickedness of men who suppress the truth by their wickedness, since what may be known about God is plain to them, because God has made it plain to them. For since the creation of the world God’s invisible qualities – his eternal power and divine nature – have been clearly seen, being understood from what has been made, so that men are without excuse. For although they knew God, they neither glorified him as God nor gave thanks to him, but their thinking became futile and their foolish hearts were darkened. Although they claimed to be wise, they became fools and exchanged the glory of the immortal God for images made to look like mortal man and birds and animals and reptiles.’ (Romans 1:18-23, New International Version 1984).

character standards on all human beings in accordance with God's will as revealed in the teachings of the Bible. Indeed, John Locke recognised the priority of natural law in his *Second Treatise of Government*.<sup>16</sup>

Of course, few human rights theorists would accept the truth claims of Christianity, so they are obliged to find an alternative.

#### D *Secular Humanism and Liberalism*

Over a period of 400 years, the European intellectual and political elite slowly moved away from their roots in Christendom, through the Enlightenment or 'Age of Reason' and into secularism, existentialism and positivism.<sup>17</sup> The influence of Christianity and the Church was gradually replaced by a Hobbesian state of nature, and the elite moved from theism to deism and agnosticism, secularism and in many cases, atheism. The scientific revolution unlocked a new view of nature that questioned the special position and standing of human beings as well as God's role as Creator. Indeed, scepticism about the possibility of God's existence tended to undermine the very idea of natural law, since law requires a legislator and if the claimed legislator was non-existent then so were all his laws.<sup>18</sup>

Some humanists such as Jeremy Bentham (1748–1832) denied the existence of human rights altogether. In his book *Anarchical Fallacies*, he argued that rights were 'nonsense upon stilts' – unless they were the citizens' rights found in positive law, and as a utilitarian, he asserted that such rights must deliver the greatest good for the greatest number of people.<sup>19</sup>

French anthropologist and sociologist Georges Vacher de Lapouge asserted that each

individual is dominated by his race and is nothing. The race, the nation is everything. Every man is related to all other men and all living beings. There is no such thing as human rights, no more than there are rights of the armadillo or the Gibbons syndactylus, of the horse which is harnessed or the ox which one eats. As soon as man loses the privilege of being a special being created in God's image, he possesses no more rights than any other mammal. The idea

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<sup>16</sup> John Locke, *Second Treatise of Government* (Digreads.com Publishing, 2017) 7.

<sup>17</sup> Langlois, 'The Elusive Ontology of Human Rights' 249-250.

<sup>18</sup> Ibid 251-252.

<sup>19</sup> Ibid 253.



of justice is an illusion. There exists nothing but force. Rights are only agreements—contracts between equal or unequal powers.<sup>20</sup>

Thomas Hobbes and Hugo Grotius advanced the view, which became known as ‘subjective right theory’, that human beings have human rights simply because we are human. According to Langlois, they did so in order to escape the Christian foundations of natural law:<sup>21</sup>

Subjective right theory in principle bypasses God, the church, theology, tradition and the natural law to which these have given rise in its search for content. It goes straight to the idea of our being human, our ‘common humanity’. This is the deontic reflex which gives rise to the deontic dogma of human rights (‘we have human rights simply because we are human’).<sup>22</sup>

Indeed, the principal claim of the Enlightenment was that because humanity was the highest tribunal, it is up to us to set the rules.<sup>23</sup>

But the basic problem with any subjective right approach is that simply being human does not give us the ability to automatically derive or identify our basic human rights. Indeed, what does it mean to be a human being and how does one discover these inherent human rights? We cannot just read off the UDHR by examining human nature. ‘There is no direct and unmediated link between “we have human rights because we are human” and the content of those rights.’<sup>24</sup> Thus, we end up with the mere assertion that human beings have certain human rights.

Other secular humanists argue that rights language points to a common and universal moral knowledge that underlies all cultures, religions and philosophies. Those in the western tradition gain this common moral knowledge through liberalism; non-westerners can access it through Hinduism or Confucianism etc. The central claim is that there is a consensus about notions of human rights. The problem is that this claimed consensus simply does not exist. There is no agreement about a common and universal morality. Thus, Langlois concludes: ‘[T]he common moral knowledge argument is seen as an attempt to live with all the benefits

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<sup>20</sup> As cited by Karlheinz Weissmann, ‘The Epoch of National Socialism’ (1996) 12 *Journal of Libertarian Studies* 257, 260.

<sup>21</sup> Langlois, ‘The Elusive Ontology of Human Rights’ 251-253.

<sup>22</sup> Anthony J Langlois, ‘Human Rights and Modern Liberalism: A Critique’ (2003) 51 *Political Studies* 509, 511.

<sup>23</sup> Peter Gray, *The Enlightenment: An Interpretation: The Science of Freedom* (Oxford University Press, 1989) 21-24.

<sup>24</sup> Langlois, ‘Human Rights and Modern Liberalism’ 511-512.

of God without actually having God, and runs into the same trouble as the attempt to have a moral or natural (prescriptive) law without a moral law giver.<sup>25</sup>

The UDHR and other human rights instruments claim to present a timeless standard for human morality and ethics. These principles are intended to apply to all people, at all times, in all societies, but in the real world this is simply not the case. Human rights law is a manifestation of positive law and of relatively recent origin. Principles of human rights are not consistently applied to all people in the present, and they have clearly not been applied to all people in the past, as the history of the 20<sup>th</sup> century demonstrates.

It should be noted that many ‘progressive’ enlightenment ideas directly inspired the events that resulted in the carnage of the first half of the 20<sup>th</sup> century – events that ultimately led to establishment of the UN and the UDHR. One of those ideas was Darwinism. Philosopher James Rachels argues in his book, *Created from Animals: The Moral Implications of Darwinism*, that Darwinism undermines the Judeo-Christian belief in the sanctity of human life. He points to an observation made by Darwin in his 1838 notebooks: ‘Man in his arrogance thinks himself a great work, worthy of the interposition of a deity. More humble and, I believe, true to consider him created from animals.’<sup>26</sup> Instead of being created in the image of God, human beings were just highly evolved animals. If human beings are merely highly evolved animals, then they are not a unique class of creature and thus there is no basis to assign them a unique set of rights. Since Darwinism provided a naturalistic explanation for the origin of ethics, Darwinists generally dismissed the notion of human rights as a chimera.<sup>27</sup>

Assuming the truth of Darwinism, Rachels uses it as a basis to justify euthanasia, infanticide (for disabled babies), abortion, and animal rights. Indeed, many scientists, social thinkers, and physicians in late 19<sup>th</sup> and early 20<sup>th</sup> century Germany used Darwinian arguments to undermine the value of human life. According to Weikart, in the second edition of *The Natural History of Creation*, Ernst Haeckel became the first German scholar to seriously suggest the euthanising of disabled infants. Eugenicists August Forel and Fritz Lenz taught that disabled people and non-Europeans were inferior to healthy Europeans. Darwinism implied human inequality because biological variation was required to drive evolution.<sup>28</sup>

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<sup>25</sup> See Langlois, ‘The Elusive Ontology of Human Rights’ 256-257.

<sup>26</sup> Richard Weikart, ‘Does Darwinism Devalue Human Life?’ (2004) 30 *Human Life Review* 29, 29.

<sup>27</sup> Ibid 30.

<sup>28</sup> Ibid 29-30.

Ethnologist Friedrich Hellwald advocated a Darwinian view of social evolution in *The History of Culture*: ‘The right of the stronger, is a natural law.’<sup>29</sup> He added:

In nature only One Right rules, which is no right, the right of the stronger, or violence. But violence is also in fact the highest source of right, in that without it no legislation is thinkable. I will in the course of my portrayal easily prove that even in human history the right of the stronger has fundamentally retained its validity at all times.<sup>30</sup>

Darwinism’s stress on the struggle for existence also contributed to the devaluing of human life. Darwin himself explained that mass human death was actually beneficial: ‘Thus, from the war of nature, from famine and death, the most exalted object which we are capable of conceiving, namely, the production of the higher animals, directly follows.’<sup>31</sup> For Darwin, mass death was inevitable and necessary. Indeed, Adolf Hitler was greatly influenced by Darwin’s ideas and the eugenics movement, and his writings and speeches clearly reflect it.<sup>32</sup>

It is interesting to note that James Rachels’ views on issues of life and death are very similar to those of Australian bioethicist, Peter Singer, who has advocated for the legitimacy of infanticide for handicapped babies and voluntary euthanasia. Darwinism, too, plays a key role in Singer’s philosophy with respect to life and death. Singer claims that Darwin ‘undermined the foundations of the entire Western way of thinking on the place of our species in the universe’ because it denied that humanity had any special status.<sup>33</sup>

In reality, for secular humanists, human rights are nothing more than social constructs. The international human rights instruments and institutions (treaties, conventions, courts etc) are mere creations of select groups of human beings. As a manifestation of positive law, human rights are merely the product of decisions made by states to co-operate in enforcing that law, therefore they lose the capacity to act as the basis for moral criticism against government power because they no longer stand above the asserted authority of governments.<sup>34</sup> Because human rights law comes into existence through human action, they can also go out of existence through human action (or inaction in relation to enforcement). In other words,

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<sup>29</sup> Friedrich Hellwald, *Culturgeschichte in ihrer natürlichen Entwicklung bis zur Gegenwart* (Augsburg Press, 1875) 27.

<sup>30</sup> Ibid 44-55.

<sup>31</sup> Charles Darwin, *On the Origin of Species* (Penguin, 1968) 459.

<sup>32</sup> See Richard Weikart, *From Darwin to Hitler: Evolutionary Ethics, Eugenics, and Racism in Germany* (Palgrave Macmillan, 2004); and Jerry Bergman, ‘Darwinism and the Nazi Race Holocaust’ (1999) 13(2) *Journal of Creation* 101, 101-111.

<sup>33</sup> Peter Singer, *Writings on an Ethical Life* (Harper Perennial, 2001) 77-78, 220-221.

<sup>34</sup> See Langlois, ‘The Elusive Ontology of Human Rights’ 256-257.

human rights instruments are often ignored, manipulated, and reinterpreted in accordance with what is politically expedient for governments and international agencies. This point has been brilliantly (if somewhat irreverently) made by Mark Steyn regarding the humanitarian crisis in Darfur (Sudan) in 2002-2004:

If you think the case for intervention in Darfur depends on whether or not the Chinese guy raises his hand, sorry, you're not being serious. The good people of Darfur have been entrusted to the legitimacy of the UN for more than two years and it's killing them. In 2004, after months of expressing deep concern, grave concern, deep concern over the graves and deep grave concern over whether the graves were deep enough, Kofi Annan took decisive action and appointed a UN committee to look into what's going on. Eventually, they reported back that it's not genocide. Thank goodness for that. Because, as yet another Kofi-appointed UN committee boldly declared, "genocide anywhere is a threat to the security of all and should never be tolerated." So fortunately what's going on in the Sudan isn't genocide. Instead, it's just hundreds of thousands of corpses who happen to be from the same ethnic group, which means the UN can go on tolerating it until everyone's dead, at which point the so-called "decent left" can support a "multinational" force under the auspices of the Arab League going in to ensure the corpses don't pollute the water supply.<sup>35</sup>

It should be clear from the above that secular humanism cannot provide any ontological or epistemological basis from which one may logically derive any notions of human rights universally applicable to all human beings. In fact, its adoption of Darwinism means secular humanism cannot provide the high anthropology required. If there is nothing particularly unique or special about humanity, then why should we possess any special rights simply for being human?

#### IV CHRISTIANITY AND HUMAN RIGHTS

As noted above, the very notion of human rights depends on a high anthropology that establishes human beings as something special, worthy of special protections in the form of rights. Neither Islam nor any of the manifestations of secular humanism can provide such a high anthropology—only Christianity can.

So what does Christianity actually teach with respect to human rights? Following is a comparison between the UDHR and the teaching of Biblical Christianity:

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<sup>35</sup> Mark Steyn, 'New Coalition of Willing Needed in Darfur', *The Australian* (Sydney), 8 May 2006, 14.

*A Article 1: Freedom, Equality, Dignity and Endowed with Reason and Conscience*

According to the Bible and Biblical Christian theology, unlike animals, all human beings—past, present and future—are special creations of God, made in His image (Genesis 1:26-27). Therefore, all human beings have innate worth and dignity, and are equally precious and valuable. It is on this basis that human beings are deserving of special protections in the form of human rights.

Christian ethics also brings freedom. The Ten Commandments (Exodus 20:1-17) capture the very essence of the Christian ethic. These commands are either prohibitions (e.g. “You shall not murder”) or very specific commands (e.g. “Honour your father and mother”). The same can be said for all the other ethical and ceremonial laws in the Torah. Apart from these constraining laws, we are free to do as we please through the exercise of our reason and conscience.

*B Article 2: Non-discrimination*

The word ‘discrimination’ carries many negative connotations. However, according to the *Concise Oxford English Dictionary*, its primary meaning is “to recognise a distinction.” In all areas of life, human beings discriminate on a daily basis. The issue with respect to human rights is whether the subject of discrimination is justified.

The Apostle Paul taught that there is “neither Jew nor Greek, slave nor free, male nor female, for you are all one in Christ Jesus” (Galatians 3:28). Elsewhere he stated: “Here there is no Greek or Jew, circumcised or uncircumcised, barbarian, Scythian, slave or free, but Christ is all, and is in all” (Colossians 3:11). In Christianity, when it comes to our human dignity and innate worth, there is no racial or ethnic discrimination, no social discrimination, and no sexual discrimination.

Genesis 1:27 indicates that the true expression of God’s image is reflected in both the male and the female, together. Although Christian churches have not always upheld this Biblical teaching, the Church has always welcomed female converts and Christianity has recognised the contribution of women since the time of the early Church. In Romans 16, the Apostle Paul singled out a number of women including Phoebe, a deacon, his fellow worker Priscilla, the hard-working Mary, Tryphena, Tryphosa, and Persis, Junia, who was noted among the Apostles, the mother of Rufus who had acted as a mother to Paul, and Julia.

In addition, Christianity has provided the moral and ethical basis for the advancement of women's rights around the world. The Roman empire was no friend to women and routinely left infant daughters to die from exposure. Many women died or were maimed from forced surgical abortions. Surviving girls were often forced to marry at an age as young as twelve, and were then pressured into remarriage when widowed. But Christians opposed these practices and rescued abandoned infants. Moreover, the Christian view of women's value and dignity led to the ceasing in India of the Hindu practice of suttee (the burning alive of widows on the funeral pyre of their dead husbands). In China, Chinese Christian women, such as medical doctor Shi Meiyu, began agitating against the abusive practice of foot binding of girls and women and eventually had the practice banned. Christianity was also instrumental in providing educational opportunities for girls and women in countries such as India and Japan, that had traditionally denied such opportunities.<sup>36</sup> Christians were also instrumental in winning voting rights for women in England, Ireland, Australia and the United States of America.<sup>37</sup>

Biblical Christianity teaches that all humanity came from Adam and Eve, the first man and the first woman. Thus, racism should be seen as truly scandalous. All human beings are related to one another and all are image bearers of God regardless of their skin colour or physical characteristics.<sup>38</sup> In fact, the Bible never talks about 'races.' It refers to 'families,' 'clans,' 'tribes,' and 'nations' (cf. Genesis 12:2; Joshua 7:14). The variation in human characteristics and skin colour presently observed is merely a result of 'genetic drift' and/or loss of genetic information brought about by environmental pressure and/or genetic concentration as a result of population isolation.<sup>39</sup>

In addition, the Bible teaches that God does not show favouritism (Acts 10:34) and neither should we (James 2:1-4).

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<sup>36</sup> Jeff Myers, *Understanding the Culture: A Survey of Social Engagement* (Summit, 2017) 81-85.

<sup>37</sup> Carolyn C Nelson, 'The Uses of Religion in the Women's Militant Suffrage Campaign in England (2010) 51 *The Midwest Quarterly* 227, 227-242; Cliona Murphy, 'The Religious Context of the Women's Suffrage Campaign in Ireland' (1997) 6 *Women's History Review* 549, 549-565; The Women's Christian Temperance Union was instrumental in winning support for women's voting rights in both South Australia and the United States.

<sup>38</sup> Note that there is very little difference at all between the various people groups living on Earth. The colour of a person's skin is dependent on the amount of melanin produced by the body, which is a function of that person's genetics.

<sup>39</sup> Genetic drift is the concentration of a particular gene or set of genes in a particular population. Loss of genetic information involves the degeneration of a particular gene or set of genes resulting in functional information being lost from the entire population.

*C Article 3: Right to Life, Liberty and Security*

Christian teaching is emphatic: ‘You shall not murder’ (Exodus 20:13).<sup>40</sup> Murder is a most heinous crime because it violates the image of God in man: ‘Whoever sheds the blood of man, by man shall his blood be shed; for in the image of God has God made man’ (Genesis 9:6). The severity of the punishment indicates the severity of the offense. The molestation of even one individual human life is a direct affront to the glory of God.<sup>41</sup>

One human right that is curiously missing from the UDHR is the ‘right to be born’. This is arguably the most fundamental of all human rights since one cannot claim any other human right without being born in the first place. Unfortunately, humanists and feminists have acted as if the legal right to kill the unborn is an equally fundamental human right.

It should be noted that the Bible contains no prohibition against capital punishment. As noted above, Genesis 9:6 endorses it for the offence of murder.

The Bible also condemns rape and the seriousness of the crime is indicated by the mandated punishments: a man who rapes a betrothed woman faces capital punishment, and a man who rapes a woman who is not betrothed must marry her and never divorce her (Deuteronomy 22:25-29).

In addition, kidnapping and enslavement are also prohibited, with violators, again, facing capital punishment (Exodus 21:16).

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<sup>40</sup> Some Bible translations (e.g. King James Version, American Standard Version) translate this verse as ‘Do not kill’ but ‘kill’ is an inaccurate rendering of the Hebrew Qal verb *רָצַח* (*rāṣēḥ*).

<sup>41</sup> One may be inclined to ask about instances of genocide of innocent people in the Bible (e.g. Deuteronomy 7:1-2). According to orthodox Christian theology, no one is innocent: ‘there is none righteous, not even one’ (Romans 3:10). Further, God announces that He was removing the Canaanites because of their wickedness (Deuteronomy 9:4-5), and it is worth noting that God granted them an additional 400 years of grace before doing so (Genesis 13:14). Justice demands that the punishment should fit the crime, but if the crime is misunderstood, the punishment will seem unjust. The Creator is not subject to His creation, and creation is His to do with as He wills and for His own purposes (Psalm 24:1, Romans 9:20-21). In any case, Israel was to drive out the inhabitants of Canaan (Exodus 23:28-33) as judgment for their wickedness (Deuteronomy 9:4-5). Only those who were unwilling to leave were to be killed (Deuteronomy 7:1-2). The inhabitants of the land knew what was coming and had fair warning (Joshua 2:9-11) before Israel began their campaign of conquest. Thus, none of the Canaanites had to die.

#### D *Article 4: Prohibition of Slavery*

Throughout history, every society has practiced or endorsed slavery. Whites enslaved blacks; blacks enslaved whites; blacks enslaved other blacks; and whites enslaved other whites.<sup>42</sup> The abolition of slavery is a relatively recent phenomenon.

But is slavery not ordained in the Old Testament? Yes, but not in the way slavery is often understood. It would be more accurately described as ‘indentured servitude’. A person may voluntarily entered into servitude to repay debt (Deuteronomy 25:39-42), but that person may be freed at any time if he or she (or a relative) makes an appropriate payment to the owner (Leviticus 25:47-53).

The Israelites were not to treat captured women as slaves (Deuteronomy 21:14), and they were also commanded to offer refuge to slaves and treat them well (Deuteronomy 23:15). In addition, all indentured servants were to be released every fifty years (Leviticus 25:39-41).

In any case, Christians were chiefly responsible for abolishing slavery and the slave trade in Europe and the Americas.<sup>43</sup>

#### E *Article 5: Prohibition of Cruelty and Torture*

Although there is no explicit prohibition in the Bible against torture and cruel, dehumanising punishment, such prohibitions may be inferred from the high anthropology that Christianity advocates. Because all human beings are inherently sinful, yet still bearers of God’s image, there is no basis for inflicting any kind of sadistic cruelty on our fellow human beings—for punishment or otherwise.

#### F *Articles 6-11: Law and Justice*

One of the key characteristics of the God of the Bible is that He is just (Isaiah 30:18; 2 Thessalonians 1:6; Revelation 16:7). Justice matters to God – with respect to both civil and criminal offences and to procedural fairness.

Again, Christianity’s high anthropology means that all human beings have a right to recognition as a person before the law. It is important to note that this right is not consistently

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<sup>42</sup> See Rodney Stark, *For the Glory of God: How Monotheism Led to Reformations, Science, Witch-Hunts, and the End of Slavery* (Princeton University Press, 2003) 291-327.

<sup>43</sup> *Ibid* 327-360.



granted in a secular humanist worldview, where unborn babies have no legal status as persons, and have no protection against being terminated in their mother's womb.

The Bible also contains many stipulations regarding procedural fairness. For the Israelites, disputes were to be settled by independent judges with varying responsibility appointed by Moses: 'He chose capable men from all Israel and made them leaders of the people, officials over thousands, hundreds, fifties and tens. They served as judges for the people at all times. The difficult cases they brought to Moses, but the simple ones they decided themselves' (Exodus 18:24-26).

Strict procedural rules were in place for making accusations of wrong-doing. There was no room for any arbitrary arrest, detention or exile, or the presumption of guilt, and the divine law only applicable from the time it was given by God. It was not retrospective.

The people were explicitly forbidden from giving false testimony against their fellow citizens (Exodus 20:16). Moreover, multiple witnesses were necessary and false and malicious witnesses were to be appropriately punished:

[o]ne witness is not enough to convict a man accused of any crime or offense he may have committed. A matter must be established by the testimony of two or three witnesses. If a malicious witness takes the stand to accuse a man of a crime, the two men involved in the dispute must stand in the presence of the LORD before the priests and the judges who are in office at the time. The judges must make a thorough investigation, and if the witness proves to be a liar, giving false testimony against his brother, then do to him as he intended to do to his brother. You must purge the evil from among you (Deuteronomy 19:15-19).

The Bible also stipulates effective and proportionate remedies for various offences (Exodus 21-22; Leviticus 20).

#### *G Article 12: Privacy, Non-interference and Reputational Damage*

The Bible teaches that everything is laid bare before God and He sees everything. There is no hiding anything from God (Hebrews 4:13). However, the Bible does endorse privacy in our interpersonal relationships.

The Apostle Paul entreats the Thessalonians to make it their ambition to lead a quiet life, to mind their own business and to work with their hands so that they will not be dependent on anybody (1 Thessalonians 4:11). Gossipers and busybodies are roundly condemned (2

Thessalonians 3:11; 1 Timothy 5:13). Jesus stipulated that when giving alms, the people were not to announce it or do it in public but to give in secret (Matthew 6:2–4).

The Bible also condemns unjustified attacks on a person's honour and reputation by forbidding false testimony or slander (Exodus 20:16).

#### H *Articles 13-15: Freedom of Movement and National Identity*

There is inherent freedom in Christianity. There are some specific restrictions—commands to do something specific, or not to engage in certain behaviours – but they are relatively few in number. Apart from this, Christians are free – including to live and move where they choose in accordance with the laws of the land. The Bible is full of examples of God's people, His prophets, and His Apostles moving between states.

In addition, the Apostle Paul asserted his Roman citizenship in order to avoid being flogged (Acts 22:25-29).

God's people were commanded to treat immigrants well (Exodus 22:21; Leviticus 19:33-34), and to grant asylum and protection to escaped slaves (Deuteronomy 23:15-16).

#### I *Article 16: Marriage and Family*

The Bible is emphatic that the family is the basic unit of society and was instituted by God for the purposes of pro-creation and the raising and training of children:

The LORD God said, "It is not good for the man to be alone. I will make a helper suitable for him" ... So the LORD God caused the man to fall into a deep sleep; and while he was sleeping, he took one of the man's ribs and closed up the place with flesh. Then the LORD God made a woman from the rib he had taken out of the man, and he brought her to the man. The man said, "This is now bone of my bones and flesh of my flesh; she shall be called 'woman,' for she was taken out of man." For this reason, a man will leave his father and mother and be united to his wife, and they will become one flesh. The man and his wife were both naked, and they felt no shame (Genesis 1:18, 21-25).

A husband is to love their wife (Ephesians 5:25-28), and the wife is to respect her husband (Ephesians 5:33). Adultery is forbidden (Exodus 20:14).

A father is to teach and train their children, not exasperate them (Ephesians 6:4). Children are to obey their parents (Ephesians 6:1) and honour them (Exodus 20:12).

The Bible also indicates that the decision to marry is a free choice and an agreement between both parties. (Genesis 24; 1 Corinthians 7:8-9, 36-38).

It should be noted that neither the Bible nor the UDHR endorses homosexual marriage. Indeed, given that both emphasise the purpose of marriage as being to “found a family,” which is the “natural and fundamental group unit of society,” homosexual marriage would violate these principles.

#### *J Article 17: Property Rights*

The Bible is clear that individual property rights exist. This most plainly set out by the eighth commandment: ‘You shall not steal’ (Exodus 20:15).

Specific remedies for theft and other property offences were also instituted (Exodus 22:1-15).

#### *K Article 18-20: Freedom of Thought, Opinion and Association*

As noted above, freedom is a core Christian principle. Becoming a disciple of Christ – or rejecting Christianity – is a free and individual choice. Unlike many other world religions, Christianity has no ‘convert or die’ methodology.

Every person in a Christian society has the freedom to choose a different religion and practise it (within the confines of the law of the land), to associate with whomever they wish, and to have and express whatever opinions they wish. However, Biblical Christianity teaches that each person must ultimately give an account for their actions (or lack thereof).

#### *L Article 21: Participation in Government*

The Bible teaches that governing authorities are ordained by God and are a practical necessity for the maintenance of justice and social order (Romans 13:1-4; 1 Peter 2:13-14), and the Apostle Paul commanded the Church to submit to these governing authorities. But note that the indefinite plural ‘governing authorities’ indicates this is a general principle, not a *carte blanche* endorsement of all governments and rulers.

However, the Bible offers no prescription for the actual form of government. Israel and Judah were Kingdoms and both had good kings as well as evil kings. This is because, according to Christian doctrine, human beings are not only God's image bearers but also fallen and sinful. All human beings are inclined to do wrong if left unrestrained by the powers of government, and this includes those in government. History and present-day experience repeatedly bear this out.

In Christianity human fallibility is readily acknowledged, as is the need to impose sophisticated checks and balances on human government since no individual or group with vested interests should ever be completely trusted with unchallenged power over others. As Lord Acton famously put it: 'Power corrupts. Absolute power corrupts absolutely.' Indeed, given their Christian beliefs and worldview, the authors of the Federalist Papers also recognised this truth: 'It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature?'<sup>44</sup> In other words, the tendency to do evil is inherent to human nature, and government with distributed powers is a means of trying to cope with this fact: 'Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice without constraint.'<sup>45</sup>

Although the Bible is silent on the form of government, the Christian doctrine of human fallibility strongly indicates the need for distributed, representative and limited government. The selection of representatives was practised by the early Church (Acts 6:2-3) so there is no reason to think that Christianity stands against participatory government. Moreover, governing officials were to dedicate themselves to their task in a full-time capacity and be supported by taxes (Romans 13:6).

#### M Articles 22-30

However, Christianity departs from the UDHR at Articles 22-30. This is not to say that Christianity is necessarily against these Articles. Rather, Biblical Christianity does not view them as fundamental human rights. The 'rights' asserted in these articles all place onerous

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<sup>44</sup> Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers* (New York: New American Library, 1961) 322.

<sup>45</sup> *Ibid* 110.

obligations on others in order for the claimed ‘right’ to be fulfilled. The result is that the rights of some people are violated in order to fulfil the ‘rights’ of others.<sup>46</sup>

For example, the ‘right to social security’ (Article 22) implies that it be funded by higher taxation, but this would begin to infringe the property rights of other citizens. The ‘right to work’ (and other associated rights) means that someone is obligated to employ the person claiming that right. While people should be free to pursue any career they wish, they do not have a right to force others to employ them or dictate the conditions of their employment, or unilaterally prescribe the level of their remuneration (Article 23).

Likewise, rights to leisure and holidays (Article 24), a certain ‘standard of living’ (Article 25), free education (Article 26) and cultural participation (Article 27) place onerous and unrealistic burdens on other citizens. These so-called rights are not protections against violations of human life and dignity but amount to mere demands for certain things—chiefly goods and services belonging to, or provided by, other people.

Again, this is not to say that Christianity is opposed to the provision of such benefits, or that a good, just, free and flourishing society should not provide them. But rather than being a human ‘right’, the basis for providing such things is Christian ethics: the exercise of Christian love, compassion, grace, mercy, generosity, and good will toward our fellow human beings who are all made in God’s image.

Christianity teaches its followers to care for the less fortunate (Proverbs 14:31; Galatians 2:10, James 1:27, 2:5–6, 16), to help those in need (Proverbs 14:21; Matthew 5:42; Luke 10:30-37), to provide for the poor (Leviticus 19:10; Deuteronomy 15:7-8), to properly educate children (Ephesians 6:4; Proverbs), to be peacemakers (Romans 12:18-20; Matthew 5:9), to honour all people and do good to all mankind (1 Peter 2:17; Galatians 6:10), to give generously (Romans 12:8, 2 Corinthians 9:6–9), to look out for the wellbeing of others (Philippians 2:3–4), and to love all people (Galatians 5:14, James 2:8). Indeed, throughout history, Christians have routinely practised love and charity toward their fellow human beings. The majority of hospitals, hospices, orphanages and charities in the world today were founded by dedicated Christians. Christians also founded the world’s great universities

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<sup>46</sup> The so-called rights espoused in Article 22-30 were primarily pushed by the Marxist/Communist members of the United Nations.

including the first at Bologna, as well as Paris, Oxford, Cambridge, Uppsala, Lund, Heidelberg, Princeton, Harvard and dozens of others.<sup>47</sup>

## V CONCLUSION

Langlois's detailed analysis has shown that one cannot make sense of human rights – with respect to their content, meaning or validity—apart from human intellectual traditions. He concludes:

[T]he existence and universality of human rights do not derive from the capacity of human rights theorists to transcend their human particularity and comment on the nature of the human condition from some place external to that condition – be it a view from nowhere, an archimedean point or a god's eye point of view. Rather, human rights are established and regarded from within our philosophical, political and religious traditions.<sup>48</sup>

In other words, human rights 'are the outcome of a specific political and social theory, not its foundation.'<sup>49</sup> Moreover,

human rights are not a given, because what it means to be human is not a given. Rather, our understanding of both of these is entirely dependent on the human traditions, the metaphysical narratives about the nature of humanity, out of which we do our political and philosophical theorising ... [T]he concept of human rights implies a whole understanding of human beings which is historical and particular in origin and content, and is far from universally ascribed to by all humans – either in historical terms, or in the present day, empirically or normatively.<sup>50</sup>

Despite the lack of universal agreement – and thus universal acceptance – regarding the content and meaning of human rights, the UDHR still has broad support among many of the United Nations' member states, particularly western nations and many of their former colonies.

It should be clear from the above analysis that only Christianity provides a coherent basis for the fundamental human rights specified in the UDHR. Only Christianity can provide the high

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<sup>47</sup> For a good and detailed summary of the positive influence of Christianity throughout history, see Alvin J. Schmidt, *How Christianity Changed the World* (Zondervan, 2004).

<sup>48</sup> Anthony J Langlois, 'The Narrative Meta-Physics of Human Rights' 9 *The International Journal of Human Rights* 369, 387.

<sup>49</sup> Anthony J Langlois, 'Human Rights: The Globalisation and Fragmentation of Moral Discourse' (2002) 28 *Review of International Studies* 479, 490.

<sup>50</sup> Langlois, 'The Narrative Metaphysics of Human Rights' 380.

anthropology and the moral and ethical framework to substantiate and enforce these rights. And although Christian disciples have a far from perfect record in upholding human rights, history demonstrates that when Christian people act in accordance with what their Bible teaches and what their mentor Christ demonstrated, they have been an extraordinarily great force for good and for justice.