

Can Christian Theology Provide a Foundation for Human Rights?

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I. Introduction: The Dialectical Relationship between Human Rights and the Christian Faith

From the very beginning, the relationship between human rights and the Christian faith is complicated. Let us look at the two foundational documents of modern human rights: the American Declaration of the Rights of Virginia (1776) and the French Declaration of the Rights of Man (1789), and compare their ideological justifications. The American one affirms that all men are created equal. It appeals to the *imago Dei* as a ground of the "inalienable" dignity and the rights of man. On the other hand, the French document is based more on the rationalism of the Encyclopedists, which can be traced back to the classical humanism of Greece. The human rights are a revelation of Reason (which seems to be the secularized God of the Enlightenment) which the human nature shares and recognizes in himself. This makes human beings transcendent. Since freedom is the expression of the transcendent Spirit, this is also the basic right of the human being.

These two traditions, the idealistic humanism of a Greek origin and the Christian tradition of a Hebraic origin, in fact speak in diverse terms, one of creation and the other of

nature, one of human brotherhood on the basis of a common Father and the other on a common reason, one of human beings as the beloved of God in creation and redemption, and the other of the dignity of a rational autonomous self. However, these two systems interpenetrate each other and form the basis of a new understanding of human being. As the idealistic tradition of humanism becomes unpopular in the increasingly secular context of this talk on rights, many philosophers have attempted to provide different secular justifications of human rights. These diverse theories of human rights account for the confusion among theologians in their evaluation of human rights. Some perceive human rights as constructs of liberal humanism with pagan origins and motives. At this end human rights may be seen even as expressions of human rebellion and attempts to secure human autonomy. On the other hand, some consider human rights rightful heirs of the Christian tradition, and a genuine expression of the Christian faith. In their belief, Christians should passionately commit to the struggle for human rights.

In the 1970's, there were clear signs that Christian churches began to move towards embracing human rights. After centuries of resisting the language of rights, the Catholic Church came around to adopt it. For example, in 1979, John Paul II, in an address to the United Nations, said, "The Universal Declaration of Human Rights — with its train of many declarations and conventions on highly important aspects of human rights, in favor of children, of women, of equality between races, and especially the two international covenants on economic, social and cultural rights and on civil and political rights — must remain the basic value in the United Nations organization with which the consciences of its members must be confronted and from which they must draw continual inspiration" (Bakalar and Balkin 2001, 14). There is also a wide consensus among the Protestants

in favour of human rights. In Europe, mainstream denominations drafted declarations in support of human rights, and among those who helped were theologians such as Jürgen Moltmann (see Miller 1977). The enthusiasm of the World Council of Churches for human rights was also unmistakable: "The struggle of Christians for human rights is a fundamental response to Jesus Christ. That Gospel leads us to become ever more active in identifying and rectifying violations of human rights in our societies" (Norman 1979, 32). Prominent evangelicals like John Stott, Ronald Sider, and John Warwick Montgomery also tried to reconcile the biblical faith with human rights.

On the whole I agree with the above development, and regard the defense of core human rights as a Christian imperative. To quote John Paul II again, "Every human person — no matter how vulnerable or helpless, no matter how young or how old, no matter how healthy, handicapped or sick, no matter how useful or productive for society — is a being of inestimable worth created in the image and likeness of God . . . respect every human person, especially the weakest and most defenseless ones, those as yet unborn" (Bakalar and Balkin 2001, 13). Nevertheless, I caution against an uncritical and blanket taking on board of the prevailing ideology of human rights. First, there are different and often contradictory formulations of human rights, and proponents of human rights do not speak in one voice. There are also different philosophies of human rights. Some formulation or philosophy of human rights may be more consonant with the Christian faith than others. We must take note that current formulations are heavily influenced by liberal humanism which may lead to an undue emphasis on individual rights. Second, while rights on their own may be perfectly legitimate, their absolutization may lead to abuses and to distortion of reality. Third, although theologians talk

about a dialogue between human rights and the Christian faith, more often than not the agenda is set for the theologians rather than the other way round. As Edward Norman (1979) points out, the “adoption by the Church leadership, in each successive generation, of the moral and political idealism of the surrounding secular culture” is not uncommon, and there is the danger of adjusting “traditional understandings of religious doctrine in order to represent the canons of contemporary moral seriousness as exactly embodying the spirit of the Gospels.” By embracing the human rights movement, many people have identified the aims of the Church with the goals of western liberalism—“whose transient moral enthusiasms are, in characteristic bourgeois manner, represented as eternal verities. The aims of Human Rights campaigns are being given the authority of laws of God” (Norman 1979, 33).¹

Michael Ignatieff, the Director of the Carr Center for Human Rights Policy at Harvard University, also says, “Human rights is misunderstood . . . if it is seen as a ‘secular religion.’ It is not a creed; it is not a metaphysics. To make it so is to turn it into a species of idolatry: humanism worshipping itself. Elevating the moral and metaphysical claims made on behalf of human rights may be intended to increase its universal appeal. In fact, it has the opposite effect, raising doubts among religious and non-Western groups who do not happen to be in need of Western secular creeds” (Ignatieff 2001, 53). Since even a secular advocate

1 It has to be pointed out that Norman does not reject the core ideas of human rights. He has a more positive account of human rights in his later writing. See E. R. Norman, “Human Rights,” in *Essays in Evangelical Social Ethics*, ed. D. Wright (Exeter: Paternoster, 1980), chap. 7.

of human rights like Ignatieff warns us of the danger of human rights as idolatry, how much more should Christian theologians seek to elucidate human rights rightfully from his faith perspective and to provide a critique of the one-sidedness of some formulations of human rights? In fact, as human rights proliferate and become more and more entrenched in the public realm, there are new signs of tension between human rights claims and faith, e.g. gay rights, abortions rights, and the marginalization of religious liberty.

Especially in Europe, the European Parliament is very keen in enforcing gay rights, and this comes into conflict with the policy of some states with strong religious heritage. For example, European Union's recent recommendation to criminalize homophobia is a direct reaction to perceived bigotry against homosexual people in Poland and Lithuania.² While this resolution was hailed by gay and human rights advocates as a major victory, it was seen as an attack on religious values by others. Aldo Giordano, the secretary-general of the Council of European Bishops' Conferences, told Vatican Radio, "The declaration shows an aversion for certain values of our tradition, notably religious values. Such resolutions risk delegitimizing the European Parliament. It

2 The European Parliament has voted to "strongly condemn" homophobia as "an irrational fear and aversion of homosexuality and of Lesbian, Gay, Bisexual and Transgender (LGBT) people based on prejudice, similar to racism, xenophobia, anti-Semitism, sexism." The resolution passed 469-129 (with 41 abstentions) on January 18, 2006. The resolution called on member states of the European Union to implement — through laws and directives — a ban on discrimination in employment, housing, and a wide variety of sectors, and to implement education against homophobia in schools and universities, and to consider the use of criminal penalties in cases of violation.

should be clear that certain subjects, especially those relating to the family, are not within the direct competence of the European Union but are the recognized competence of nations." Giordano also observed: "Sometimes it seems there is the domination (within the European Parliament) of a certain ideology of pluralism which sees everything that exists as something good. There really is lacking a reflection on what is truly human, what is human richness, what is good and evil, what is truth."

So some claims do seem to clash with religious values. In fact some human rights advocates still regard the church as the enemy of human rights, and they don't hesitate to force the church to change by law. Geoffrey Robertson (1999, 383) said, "In the twenty-first century the human rights movement will struggle on, against its traditional enemies — armies, churches and states — looking increasingly towards international law to provide a lever against these institutional powers." So I think the healthy skepticism of Malcolm Evans, the Professor of Public International Law at the University of Bristol, UK, is well worth pondering: "human rights and religion do not mix very easily and attempts to make them do so are fraught with difficulties and dangers. It may well be possible for them to be brought together in a glorious symbiosis but the experience to date has not been encouraging and one ought not to be deceived by the superficial resonance between them" (Evans 2000, 177). I think Evans is right about the major trends of the human rights movement in Europe but we do not need to regard that as the only genuine interpretation of human rights. I still believe that the core ideas of human rights (stripped of the more extreme interpretations) and faith can "be brought together in a glorious symbiosis" and there is indeed a deep resonance between them. This can be brought out by discussing the intriguing question about the

foundation of human rights.

II. The Foundation of Human Rights

1. Are Human Rights Self-Evident?

The citizens of a modern society are so accustomed to the rights talk that they usually take the existence of human rights for granted. However, when we seriously contemplate questions like “what is the foundation of human rights? Why do human beings have rights? How do we know what rights are in fact possessed by us?”, we find that the answers are by no means easy to come by. Some philosophers try to bypass these questions by asserting that human rights are self-evident. For example, Bernard Williams (1999, 57) believes in “a universal paradigm of injustice” and says, “The most basic violations of human rights are indeed self-evident: they are abuses of power that almost everyone everywhere has been in a position to recognize as such.” However, it is clear from history that human rights are indeed a late “invention,” and even the secular humanist Paul Kurtz (1988, 181) admits that “not all races or nations have found these propositions self-evident. They were extracted from rulers only after protracted conflict, and they were not extended to slaves in the United States until after a bloody civil war.” Human rights are also unheard of in the several thousands of years of Chinese history.

2. Human Rights in a Naturalistic World

Moreover, human rights, self-evident or not, can hardly be some freestanding “truths” independent of our worldviews because the acceptance of human rights seems to have some metaphysical presupposition. For example, as the *Amnesty International Handbook* explains, “the movement’s demands are governed, ultimately, in the conviction that *every human being has an intrinsic value*. . . . it is affirming a universal

value, now inscribed in international law, that every person is entitled to security and dignity — to human rights — simply because he or she is a human being” (p. 10). Only such a conviction explains why human rights claims are valid regardless of the laws and actual practices of the governments, and hence can be invoked to judge the latter. But then the question arises: why does every human being possess this kind of intrinsic dignity?

This question is particularly urgent for those who accept the scientific, naturalistic worldview (and this is the major secular alternative to a religious worldview). For the naturalistic worldview, human beings are only chance products evolved from the inanimate world in accordance with natural laws. They are destined to perish with the collapse of the solar system. It is hard to find any *telos* or ultimate meaning for human life in this worldview. Basically, human beings are creatures struggling for survival just as other animals do. Why think that they have a kind of mysterious intrinsic dignity which is not possessed by other animals or the inanimate world?

3. Transcendent Moral Laws Provide Solid Foundation for Human Rights

Political philosophers and ethicists have wrestled with the justification of human rights and lots of books have been produced in this respect. I cannot do justice to all the detailed arguments proffered here. I just assume in general that secular justifications face various kinds of difficulties (this will be argued in another paper). This dilemma is recognized by some philosophers. Hugo Adam Bedau (1984, 56–72) concludes his essay on “Why Do We Have the Rights We Do?” in this way, “When I began these remark, I thought I would be able to say why we have the rights we do. I have not done so, and I see that I cannot. . . . I appear to be in

good . . . company.”³ Alan Gewirth’s essay “An Epistemology of Human Rights” tries to show that human rights have a firm foundation, which no agent can disavow, in the necessary conditions of human action. This paper invokes A. C. Danto’s criticism: “Jefferson said we hold this (there were human rights) self-evident . . . because he was more certain we have them than he was of any argument alleged to entail them . . . This is the way it is with rights. We declare we have them, and see if they are recognized” (Paul et al. 1984, 30).

We see an interesting phenomena. Bedau holds that we have rights but can’t say why we have them. Louis Henkin, in his reply to Stackhouse, can only say this near the end, “For our time, one can — one has to — justify human rights by some contemporary universal version of natural law, *whether religious or secular*, by appeal to a common moral intuition of *human dignity*. If that is not good enough, it will have to do. May it last!” (Henkin 1999, 35) This is, I suggest, highly characteristic of the secular humanist traditions. They are somehow convinced that man do have human rights but find it difficult to provide an ontological basis for it.

This is not at all surprising to a Christian. That God is dead is a proclamation of Nietzsche and some theologians. They have not noticed, however, that with the “death” of God, Man dies too. Nietzsche hoped that death of God would liberate man to be a superman. However the only essence he can find for such a man is the will to power. Anyway it’s

3 See also Louis Pojman, “A Critique of Contemporary Egalitarianism: A Christian Perspective,” *Faith and Philosophy* 8 (1991): 481–504; “Are Human Rights Based on Equal Worth?” *Philosophy and Phenomenological Research* 52 (1992): 605–22.

difficult to justify human dignity objectively in an atheistic world. It's hard to see how the value of human nature can be derived from the value-free facts of physical nature. If the human person lacks genuine value, it's open for the powerful to exploit them and violate their "rights." So we may conclude that the secular humanist traditions fail to provide true justification for human rights because they are limited by their naturalistic worldview: they have no transcendent frame of reference, and no ground for the truly human essence. This inadequate theory has caused some one-sided formulations of human rights, and provides no sufficient resources to ground the universality of human rights.

With all these points in mind, we have some reason to explore whether theology can have some contributions to this problem, and against this background, Stackhouse's claims gain plausibility:

... given the evidence of the twentieth century, that domination and ideology are the natural tendency of human experience, unless they are constrained by decisive insights about transcendent moral laws that demand regard for the rights of all. Such moral laws inform us that we are less autonomous beings than creatures under universal principles, not of our own making, and that the arrogant notion that these are nothing more than human products of will and wisdom leads to the worst forms of tyranny and exploitation by those who have the will and think themselves wise, not subject to any pre-given law. Some traditions honor moral principles beyond human artifice, and they offer a stronger account of why human rights, in every context, should be advocated, sustained, and encouraged even where they are not present in the social history of this or that group. (Stackhouse 1999, 13)

He further argues:

. . . certain theological principles are indispensable to the sustaining of the idea of human rights . . . although the idea of human rights involves quite a profound and potentially universal set of implications about human nature, it is not ultimately a fully comprehending idea. It lacks the rationally defensible understanding that we all stand under a universal moral law, and that each person is constituted by a divinely endowed core that is the ultimate basis for the "right to have rights" before this law . . . But the "logos" of "theos" may well be the most rational ground for holding to human rights in the first place. Indeed, theological ideas are often the unacknowledged and indispensable root of those non-religious universalist philosophies that also support human rights . . . each person by virtue of being human must be accorded a dignity and a respect that precludes violation of his or her person, relationships, and convictions. Still further, because all peoples and cultures stand under a universal "higher authority" that humans did not construct and cannot deconstruct, people may seek to change the unjust laws of various nations, the unjust conventions of any cultures, or the unjust practices of any religion that permits or advocates violation of that core . . . the powers of government should be limited because some things are so sacred that no regime is competent to control their existence . . . This regulative authority within respectful limits applies, above all, to those institutions where the "metaphysical-moral" presumptions by which people wrestle with ultimate issues, those which no regime can generate or control, are cultivated, celebrated, and propagated. (Stackhouse 1999, 15–16)

Thus, not only a universal moral law, and not only a sense of a metaphysically and morally grounded understanding of personhood, but also a structural pluralism in society, all theologically grounded, are required for an enduring theory of human rights. (Stackhouse 1999, 17)

Even if Stackhouse's claim about the "indispensability" of a theological framework can be questioned (he sometimes uses weaker formulations), I think at least the claim that theism does a better job in providing the foundations for human rights is defensible. (I would also argue that a theological perspective on human rights can provide correctives to the imbalance in some formulations of human rights, but this is the subject for another paper.)

Having outlined a preliminary case for the theistic ground of human rights, I now proceed to look at eight common objections, to see whether this thesis can really withstand critical scrutiny.

III. Objections to the Theistic Grounding of Human Rights

1. Human Rights Grounded in a Moral Intuition of Human Dignity?

We have mentioned Henkin's appeal to natural law and his intuition about human dignity in response to Stackhouse. Let us leave aside the problems with claims to self-evidence which have been touched above. First, this is in fact compatible with the divine ground theory of human rights. For example, Jacques Maritain (1944, 35) proposes a kind of Natural Law Theory which asserts, "there is an order or a disposition which human reason can discover and according to which the human will must act in order to attend itself to the necessary ends of the human being." Although this does not mean ontological autonomy of the human nature, it does imply a certain degree of epistemological "autonomy." However, this law is written in the hidden depths of the human being. This means that human beings have varying degree of this knowledge. Maritain also believes that man's knowledge of natural law has developed through the centuries. But only when the Gospel has penetrated to the

very depth of human substance will natural law appear in its perfection.

Natural law then recognizes that rights are linked to the very nature of man because he's a person, a whole, a matter of himself and hence not merely a means to an end. Right and obligation are correlative concepts. Both are founded on man's spiritual freedom. Man is bound to use this freedom to fulfil this destiny and hence he has the right to things necessary for this purpose. However, every human right is possessed only by virtue of the right possessed by God to see the order of His wisdom in being respected, obeyed and loved by every intelligent creature. As God by His wisdom made man in a universal order of creatures, man's rights have to be related with these creatures (other people and the world). The first of these rights is to make its way toward his eternal destiny along the path which its conscience has recognized as the path indicated by God. Others rights are similarly derived from human nature and his obligation to fulfil his destiny.

Although natural law can be discovered by reason in principle, Maritain allows for degrees for knowledge of natural law. When we also bear in mind the noetic effects of the Fall, this version of natural law can accommodate the fact that many people don't seem to know or acknowledge the alleged natural law, e.g., the Nazis who seem to know only their rights but not any of the Jews. Christians will say that they are blinded by their sin. Secular philosophers are also forced to suggest something like the corruption of conscience to point out the problem. The only difference is that in a secularist worldview, there is no clear indication why those who do not recognize human rights have to be in the wrong rather than in the right. Perhaps the true believers in human rights are only projecting their wishes (Freud) or embracing human rights out of resentment

(Nietzsche)?

Christians believe that although non-Christians find it hard to justify human rights by reasoning, they can still know it intuitively. (If we deny any natural knowledge of human rights to human beings, can we blame them for their violation of human rights?) By common grace, people do have a basic awareness that other people have human rights. They have a vague power to discern especially when gross inhumanities arises, though the power may be handicapped in fully appreciating a human life. All these, however, are liable to be corrupted by false ideologies, self-interest, passion, and culture. But at times these insights can break loose to declare the intrinsic worth of a human person. For example, the Chinese sage Mencius can assert the goodness and value of a human person by contemplating on the sympathy shown by mankind in face of tragedies. Today, people in general are still enraged at the atrocities of Hitler. These emotions reflect this basic awareness of the worth of humanity. This, however, does not entail a full comprehension of the true end of humanity. What I am trying to say is that the image of God to some degree remains with man after the Fall, though severely distorted. (A complete loss of *imago Dei* amounts to a complete detachment from God, in which case we can hardly still be called human!) This accounts for man's conviction about human rights, though it does not guarantee that his formulations are entirely correct. Likewise, our fellow human beings' struggle for human rights need not be rooted in the assertion of autonomy but may, by the grace of God, result from the common image of God (though distorted).

It is not only that the appeal to intuition will not match the theological account of human rights, it does not really solve the problem about the justification of human rights in a naturalistic worldview. Intuition just means a direct, non-

inferential grasp of some truths. It does not explain why that truth is better than other truths. In the case of the intuition of a necessary truth like a logical principle, there is nothing further to explain because a true logical principle has to be true. However, that human beings possess natural dignity is not a necessary truth. It is natural to ask, why do human beings possess natural dignity? By what virtue does a human being lay claim to universal respect? The naturalists should find it difficult to provide cogent answers within their worldview. In other words, this is an ontological question, and the appeal to intuition only answers the epistemological question about human rights. The latter answer is not sufficient for the former question.

2. No Doctrine of Human Rights in the Bible?

Kurtz (1988, 181) objects that we cannot find the doctrine of human rights in the Bible: "If rights are God-given, . . . why did it take so long for the religious consciousness to recognize them, and why did it fail to find these rights in biblical sources?"

Even if this claim is true, I cannot see why it would affect the case for the theistic grounding of human rights. Surely we should look at the Christian narrative as a whole rather than as proof-texts. Nonetheless, theologians have in fact uncovered many biblical texts and themes which lend support to the idea of human dignity, which serves as the foundation of human rights, and also to some specific rights (e.g., emphasis on legal justice, socio-economic justice, etc. in the prophets). I would not belabor the point here, as Paul Marshall and Ronald Sider have already provided a rich reference to relevant texts of the Bible.

3. Why So Late the "Discovery" of Human Rights?

This question is also contained in Kurtz's quote above. The

answer is that it is sometimes very difficult to recognize the full implications of what you believe. The Pythagoras' theorem follows deductively from the axioms most of us know but it is by no means easy to recognize that on our own. Proving some such theorem may earn you a Nobel Prize. The implications of the Christian faith has also taken a long period to unfold, to become recognized. We can also argue that the basic ingredients for the idea of human rights are there for a long time, but the ingredients had awaited a proper occasion to be consumed to turn into proper expression. In any case, the same question can be raised for any secular justification of human rights, if late invention can legitimately object a theory.

4. Belief in God Threatens Human Rights?

Kurtz (1988, 181) argues that there can be no correlative claims that people have against God: human rights "surely did not exist in the Garden of Eden, where Adam and Eve had no rights against an all-powerful God who expelled them without a hearing because they ate of the forbidden fruit." Human rights are claims we rightfully make to other human beings or the government. As Paul Marshall (2005, 311) said, for the Christian, "rights need not be tied to an assertion of autonomy or self-will; they can be seen as a gift of God, as one expression of God's abundant grace." It is exactly because no human individual or institution can disregard the divine gift and the divine claim that the universality of human rights claims may be grounded on the belief in God.

5. Religions Do Not Necessarily Respect Human Rights?

Henkin (1999, 32) in reply to Stackhouse says, "religions have not been prominent in promoting human rights as a moral idea, as a political ideology. Some religions have had difficulty rooting human rights in their 'theology' or in

finding support for it in their hagiography . . . virtually every religion has, at some time, included some dogma that the human rights idea and its devotees decry." Similarly, Ignatieff (2001, 88) also expresses the worry that the belief in the Sacred would do more harm than good: "Believing that humans are sacred does not necessarily strengthen these injunctions [of human rights]. The reverse is often true: acts of torture or persecution are frequently justified in terms of some Sacred purpose. Indeed, the strength of a purely secular ethics is its insistence that there are no 'sacred' purpose that can ever justify the inhuman use of human being."

However, if there is nothing sacred, even if we can no longer justify the inhuman use of human being in the name of the Sacred, neither can we condemn or prohibit "the inhuman use of human being" in the name of the Sacred. Moreover, belief in the Sacred is by no means a necessary condition of "the inhuman use of human being"; emotions like anger, jealousy or desire for money are sufficient. In fact, after contemplating the criticisms, Ignatieff (2001, 164) said, "I now see the force of . . . [the] belief that you cannot do without some notion of intrinsic dignity to sustain belief in human rights . . . I still have a difficulty about dignity. There are many forms and expressions of human dignity, and some of them strike me as profoundly inhumane . . . There is no easy way round the culturally specific and relative character of the idea of dignity." So the important question is whether we have the appropriate conception of the Sacred. It is also the case with religion.

Stackhouse (1999, 15) explicitly said, "I do not claim that all religions necessarily support human rights, for many do so only irregularly and indirectly." He is not arguing for religion as such but only for religion as informed by his public theology. His primary contention is that this will provide solid intellectual foundation for human rights.

Whether in practice this kind of religion will exert a great influence on the human rights movement is another question. So Henkin's observations about the possible abuses of religion are correct, but they are not strictly relevant to Stackhouse's primary contention. As for the question about the human rights practice, the overall assessment is necessarily complicated but I tend to think Henkin has underestimated the positive effects of the Christian tradition and the work of some Christian churches on the emergence, sustenance and spreading of the human rights movement.

6. Theological Grounding of Human Rights an Exclusive Claim?

Henkin (1999, 34) also argues, "As a philosophical, ideological, political idea, . . . the human rights idea aspires to universalism. Therefore, it needs a base that has universal appeal, or at least general acceptance. Surely, that is not supplied by a theology, 'public' or otherwise, that has religion as its basis . . . for some — the references to God and divinity are unnecessary, exclusionary, and divisive . . . one might hope that those who fly the banners of religion would not exclude or discourage the large world of non-religious, or differently religious, from working to realize human rights for all, everywhere."

As I explain above, those who claim that human rights are best grounded ontologically in a theistic framework need not claim that those who do not believe in God cannot know about human rights. If people can provide good ontological justification for human rights within their non-religious frameworks, then they would not be discouraged by Stackhouse's argument. If people cannot provide good ontological justification for human rights within their non-religious frameworks, they can still accept human rights by faith or on the basis of an intuition. If some cannot find a

good justification for human rights and at the same time feel unsatisfied with mere faith, then they can switch to a framework which can provide such a basis. It is rather misleading to suggest that Stackhouse's argument is meant to "exclude or discourage the large world of non-religious, or differently religious, from working to realize human rights for all." Moreover, the primary question is about what is the best way to support the universality of human rights, and not about how to think of a reason for human rights which will be universally accepted. As a matter of fact, in a pluralistic world like ours, no framework, theistic or secular, is likely to fulfil the latter goal.

7. Human Rights Grounded in Our Wants?

Anthony Appiah (2001, 106) says, "We do not need to agree that we are all created in the image of God, or that we have natural rights that flow from our human essence, to agree that we do not want to be tortured by government officials, that we do not want our lives, families, and property forfeited. And ordinary people almost everywhere . . . desire something like respect from their fellows and believe that they merit it unless they do evil." He also claims that "we can understand much of the success of human rights talk as a reflection of the fact that it speaks to people in a wide diversity of positions and traditions, and that, because of that chord of resonating agreement . . . human rights can be sustained in these ways without metaphysical debate" (Appiah 2001, 109).

No doubt, people choose the human rights they want. It is also true that in this respect the human rights talk has met with much success. The problem is this very fact does not provide answers to the primary question here. It is a fact that most people crave for certain consumer goods, wealth and entertainment (e.g., sex), and undeniably the

consumer culture has met with global success. But this does not prove that the insatiable quest for consumer goods, wealth and entertainment is a basic right.

8. The Return to First Principles Cannot Resolve the Controversy?

Appiah (2001, 108) also says, "the return to first principles will simply take us from one terrain of disagreement to another where there seems no reason to expect greater hope of resolution." Kai Nielsen (1990) also argues that to ground human rights in God has no particular advantage since the existence of God is itself an unprovable presupposition. So why not treat the existence of human rights and the intrinsic dignity of all human beings which deserve our respect as a fundamental presupposition instead?

I think Maurice Friedman (1983, 326–27) has provided a powerful critique of Nielsen's position. He points out that:

If A respects B because he believes that by so doing he will contribute to the realization of the things that he wants for himself then A cannot be said really to respect B. . . . Respect involves the contention that the object of respect is respected because it is worthy of respect . . . Respect is fundamental and irreducible: it can allow of no further justification. This conclusion is the only explanation which does not undermine respect . . . There might be very good prudential reasons for adopting the principle of respect for persons. However, an individual who adopts this principle for these reasons cannot be said genuinely to have accepted it.

If the universality of human rights is just an arbitrary choice of us, then we can also choose to deny that principle at any time. But then this would not provide for the unconditional character of the human rights. The conclusion

is that:

Without a religious framework the ethic of compassion ends in contradiction . . . the principle of compassion must be understood to be universally applicable, unconditionally binding, and rooted in the intrinsic worthiness of man. Adherence to this principle requires self-sacrifice with no reference to short- or long-term self-interest. Furthermore, this principle is not adhered to simply on the basis of choice . . . Rather it is to be found in the "very nature of things". These characteristics cannot be understood to be operative in the natural framework which is the foundation for Nielsen's secular ethic of compassion. (Friedman 1983, 330)

IV. Conclusion

I have argued in this paper that the foundation of human rights is a problematical question, especially for the naturalist. In contrast, transcendent moral laws grounded in God can provide solid foundation for human rights. While this thesis has been criticized in many ways by the secularists, it seems to be able to withstand critical scrutiny. The case for the theistic grounding of human rights is not without merits but deserves a hearing.

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神學能為人權提供基礎嗎？

（中文撮要）

關啓文

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本文首先探討人權與基督教信仰的辯證關係，指出兩者（特別在當代的發展）不無張力，但兩者亦關係密切。事實上，神學能為人權提供最堅實的基礎，因為人權並非自明的真理，它的存在（特別在自然主義的世界觀裏）是一個難題，而且它需要超越的道德律的支持——這正是基督教世界觀可提供的。

然而這種看法亦遇到不少反對的理由：1. 人權的基礎建於道德直覺即可；2. 聖經裏並沒有人權的教義；3. 若基督教是有人權的思想，為何它的發現來得這麼遲？4. 事實上，相信上帝會破壞人權；5. 宗教事實上並不一定尊重人權；6. 用宗教為人權提供基礎是有排它性的；7. 把人權的基礎建於我們的需要即可；8. 為人權尋找基礎並不能解決問題。本文一一回應這些批評，指出人權的神學基礎還是能站得住腳的。