

Professor Conor Gearty: 'Human Rights: Faith for a Secular Age?'

Your Eminence, Archbishop Martin, Bishops, representatives of the other faiths and colleagues:

I am really pleased and touched to be invited to speak to you and I want to particularly thank Bishop Field, but also Bishop Reilly whom I knew in Granard in the 1960s where the then Fr. Reilly was our curate. And the reason I'm particularly delighted to speak here is because of the topic for discussion today. The subject is the Encyclical *Deus Caritas Est*. This document is in my opinion extraordinarily powerfully written. Reading it, I have been very impressed by the strength, breadth, power and humility of the language; so the opportunity to be able to speak about human rights and also by reference to a document which has reminded me of the pride I take from being a member of the Roman Catholic Church, is an opportunity that is too good to miss. The main message that I am going to give is a message about how these two great ideas of our time, Christian faith and human rights, can work together.

Let me start with the notion of a secular age. There's just been a terrific book published by a very famous Canadian, who happens also to be a Roman Catholic, Charles Taylor, which is called *A Secular Age*. And he – and I'd recommend it to any of you, it's a very long read but a very rich read – he addresses the question, 'What is a secular age?' and I'm going to start with that. And I want to say with Taylor but in the form of an anecdote, a secular age is one in which your child is the only child that goes to any kind of Church service on a Sunday in his lovely, progressive state school in North London. That is my experience as a parent. A secular age is an age where it is not only unusual not to be engaged in any kind of religious conduct, but where it is unusual to be engaged in some kind of religious conduct. Now I don't know how much of that is the case in Ireland today, I know that things are changing, I don't know about Ireland. I do know that where I live – which is a community of tremendous richness, community support, collegiality, friendship and openness, with a mixture of classes and a mixture of ethnic groups and a warm out-going commitment to the other – it is nevertheless almost bizarre to go to Church, any church. In fact it is actually thought to be slightly odd – that to me is a secular society.

A secular society is one in which I do not say in my lectures that I am a Catholic. I delivered a series of lectures in London and Durham and, as it happens, Belfast, which were published and they are called the Hamlyn lectures and their title was, *Can Human Rights Survive?* And my lecture at LSE was on the limits of human rights, the crisis of what I call foundationalism, which I will talk about a bit more shortly. And two learned professors – very able people, very bright people, distinguished emeritus professors, warm-hearted, well-read intellectuals – said you cannot have human rights without religion. In fact one of them stopped Diane, my wife, and said, 'You know, Conor doesn't get it, you know, that you can't have this without religion.' Diane said, 'He's a

Catholic'. I hadn't revealed it. And the person involved, Professor William Twining from UCL, who is a tremendous man said, 'Oh I assumed he was kind of lapsed.' He then put it in proofs in an article which was published in a review, a symposium on the lectures. And I had this challenge to myself whether I'd take it out. And I didn't take it out, but there is a point here which is that your credibility in the secular world might be damaged if you come across as a *committed* Catholic, because then there is a sort of assumption that you are dominated by a certain approach and as a result your authority is diminished. The human rights idea has a crisis of foundationalism, because it cannot work out where it comes from if it doesn't come from religion. That was the point being made by my two colleagues. And yet its proponents, the human rights believers, know that the idea of human rights should be there. This is because it delivers an apparent set of pragmatic and important answers to what we heard earlier in this conference described by His Eminence as a 'thirsting world'. Or you could change the metaphor but keep the idea of nutrition, a world hungry ... a world hungry for a sense of right and wrong. It is not only committed Christians who know this to be the case.

What I see every year are hundreds of people who apply to do my course who are indistinguishable from the kind of activists who gave us that brilliant Trócaire piece just before my talk, but who would regard themselves as insulted if they were described as religious. So this is the kind of mystery I want to reflect on here. The human rights people, we human rights people, have had quite a lot of the same kind of challenges as the Church. I'm going to talk a little bit now about commonalities. The human rights idea has long had this ambiguous relationship with freedom because it is very close to the idea of individual freedom. And indeed a lot of its intellectual origins lie in the development of the idea that we have freedom and rights beyond the state, outside the state, in nature. But it is uneasy about the consequences of that kind of natural rights thinking, because the consequences of that are often thought by people to be kind of untrammelled capitalism, are thought to be 'the individual is all', are thought to be the anarchy of individualist greed. The fear is that there is this thread in human rights which is always at risk of morphing into a kind of libertarianism. Now human rights people are aware of the origins of their subject in this kind of pre-state naturalism and are uncertain about it. For the vast majority of human rights people, libertarianism is not what they mean by human rights. The vast majority of human rights people are uneasy about the kind of individual freedom that just becomes 'the market is all'. In fact, human rights people are distinguished for their criticism of capitalism, for their criticism of the untrammelled effects of the market. But similarly, at the same time human rights people have an uneasy relationship with socialism and with Communism. It is perfectly true that they see in Marx a brilliant diagnostic power, and they appreciate the depth of moral indignation that he shows, which allows him to write with such anger about the effects of capitalism on individuals and families. But the human rights person then draws back because they see that ideologies of a better world destroy the world (to quote what we heard earlier this morning). The human rights people have seen that earlier than a lot of people – earlier than me. Human rights people have been consistent in their awareness of the importance of the goals of socialism and indeed Communism, but have always had great anxiety about the blank cheques that are given to the powerful, in the name of the people, to achieve dignity at some moment in history.

Advocates of human rights have been on the right side of history in not backing that horse, just as they've not backed the capitalist horse. Now the one for a long time that they backed, and they have to a large extent pinned their colours to it even though it causes real problems of fit, is democracy. Democracy and human rights began life very close together, because they are each rooted in equality of esteem. What more effective way to show that you esteem a person than to give them the vote, than to give them the power to participate in society whatever their colour, whatever their race, whatever their money, whatever their literacy? It is an extraordinary insight – incomprehensible to generations past – its success has been what has made it seem normal. However brilliant it is, what democracy delivers is a kind of empty society where truth is the consequence of votes. So democracy fits post-modernism – the notion that there is no right and wrong, there is no truth; there is only whatever you agree is true (for now). Then some democrats with a fundamentalist bent who don't like how uncertain all this is argue for something more. They say, 'Well it's not all just majority rule – there have to be some basic rules'. And what would those basic rules be? They turn out to be tolerance, pluralism, in other words basic rules to allow people to have points of view, but not to have the definitive point of view. So the only point of view becomes the point of view that people should be able to have any point of view. And so democracy in its attempt to try and meet the problems of post-modernism, without being so bad-mannered as to produce some kind of substance, ends up at risk of being completely empty.

Human rights people say there is more to democracy than this: there is foundational content – it is fundamental human rights. So they are very close - much closer than you might have imagined – to faith-based approaches to contemporary society. They are eschewing capitalism; they are eschewing communism; they are uncertain of democracy; and they are pushing for fundamentals. Now, moving into the precise field of *Deus Caritas Est*, there is this big question of the neighbour, which has been mentioned already at this conference. Now, the law answers 'Who is my Neighbour?' in a famous case in 1932, *Donoghue v Stevenson* with, 'the person who is so reasonably foreseeable by my actions that I ought to have them in mind when I act.' It is a very, very important statement because it defines the tort of negligence. If I am driving, somebody is on the pavement, I ought reasonably to have foreseen that if I drive badly I will injure them. But it is a very narrow definition. It is about people within your ambit. Now the power of the language of human rights is identical to the power that is sought to be harnessed in *Deus Caritas Est*, because it tries to get us to see the neighbour as beyond, not only our immediate family – the law does that – not only beyond those reasonably foreseeably affected by my actions, the law also does that, but out and into the world.

In doing this, human rights also raises the question which is raised directly in *Deus Caritas Est*, about how you translate notions of neighbour into notions of justice. Justice engages the political. The critical question becomes how can we do more? Are we only being asked to engage in occasional acts of compassion, to help the occasional individual now and again? Human rights people are faced with this problem time after time: is what they believe in an individual's ethical commitment, which is manifest in

conduct which is separate from the community, and which is just reflective of their ethical goodness, or is it a political program? Now it seems to me that human rights has to be worked into a theory of justice or it won't have the substance or the capacity to have the permanent effect that we would desire for it. In other words, our belief in compassion, our belief in the other, our belief in doing good by the other, wherever it stems from - which I'll speak about in a moment - needs to be more than individual acts. And so human rights, just like the Church, has to relate to politics. What Pope Benedict says on this is of great interest: "The Church cannot and must not take upon itself the political battle to bring about the most just society possible. She cannot and must not replace the state. A just society must be the achievement of politics, not of the Church." Now I say that the human rights movement is a vital part of the translation of the instinct for the other, which reflects the widest possible answer to the question, 'Who is my Neighbour? And it is vital that that this answer be translated into a political program, into a just society, and be composed therefore of more than a series of just acts.

Look at the commonalities between human rights and the Church. There is obviously a shared history. The international human rights movement has been a creature of law since the Second World War, but its intellectual origins are in the Christian culture and the Christian tradition. The best early writer who sought to see that the other had rights, despite his or her vulnerability, despite his or her helplessness, was the Dominican Bartholomew De las Casas. He was writing about the plight of what we would now call the Native Americans, whose humanity had been rendered null by the marauding Catholic settlers, representatives of the Spanish crown. In his *In Defence of the Indians*, as it is called in English, De las Casas tries to get his readers to see that the Native Americans are human. Now this to me is a classic human rights intervention and you can find lots of other examples. I just choose that one because it is pre- what we call the Enlightenment. The human rights movement is about getting us to see people as our neighbour, with all that follows from that. But as I've indicated already, the human rights movement is about fundamentals. In this important way it stands outside post-modernism. It attempts to answer the question 'Who is my Neighbour?' with what it calls truth. Now, the Pope has a tremendous answer to this: anyone who needs me and whom I can help is my neighbour. The concept of neighbour is universalised, yet it remains concrete. Jesus is seen as someone who identifies himself with those in need: with the hungry, the thirsty, the stranger, the naked, the sick and those in prison. His Holiness is able confidently to develop this theme on account of his belief in the Christian God. The human rights movement - and this is back to the point about the anxieties my colleagues had - seeks to get there without Jesus. It seeks to achieve the same outcomes without Jesus. The consequent concern about foundations (or the lack of evidence for them or at best their tenuousness) is a great anxiety in the human rights movement.

The human rights movement needs to confront why it believes in the other. I argue in a recent short book *Can Human Rights Survive?* that Darwin did quite a lot for us: about cooperation; about the importance of the instinct to help; about how important this instinct is to the development of the species. I think the human rights movement is far too defensive on Darwin, as is religion for that matter. It is worth reminding

ourselves that the famous American William Jennings Bryan, lampooned for his criticism of Darwin at the Scopes trial, was in fact attacking what was called Social Darwinism, a mutation of Darwin that emphasised the survival of the fittest in society, in other words to the already rich and powerful the further bounties of society. A belief in the dignity of the other whether rooted in Jesus or rooted in wonder at evolution or rooted in whatever, is in practice a fight for the underdog. It is this in practice because the rich and powerful do not need us to protect their dignity; their dignity is already well-protected by the police, by gates, by law, by the power of money. It is the poor that need protection, the vulnerable, the marginalised, the oppressed. That is exactly the area within which the human rights movement and the Church work together.

There are also extraordinary sociological similarities between the two. We had before this talk a presentation around a candle. Now you'll know that the Amnesty International symbol is the candle. And there is a very interesting sociological book written on Amnesty International and it is called *Keepers of the Flame*. And the man that wrote it says that basically his way of understanding Amnesty is to see it is a religious organisation. It has a mission. It has texts. It has a hierarchy. And there are other people who look at the human rights movement and say it is constructed like a religious movement and that in exactly this way it sends its missionaries abroad. Many of the people I receive into my human rights classes at LSE are people who have worked in Africa, worked in South America ... We get so many applications we can look for not only academic excellence but also evidence of commitment to the other. And each tries to influence politics, interestingly. The Church occasionally tries to inform debate, but so do the human rights group with their human rights reports, with their interventions, and so on. And the human rights activists get half-cross when members of one of their organisations do not take the human rights line on something, which reminds us exactly of the Church. You have people who say, "I'm a card carrying member of Amnesty, but I've decided to go to China." It is the same sort of thing that Catholic MPs say in the United Kingdom when voting in a particular direction.

Now, against that background of common ground let us turn to the tensions between the two. These are in my opinion regrettable: there is not enough space on the progressive and ethical side of our culture these days to have squabbles between people who share so much in common. The Cold War is over. Socialism seems to have gone away, perhaps even for a long time. Capitalism is arrogantly rampant. There are differences of application but not of fundamental principle between the human rights movement and the Catholic Church (among other Churches). An obvious one is life: the start and end of life. There are major differences of application. There is no argument about dignity and respect for dignity; rather there is discussion about when life starts and when it comes to an end. Extremely thoughtful, warm-hearted, intelligent people say different things at both ends of the spectrum. A second difference of application is also evident. Reading *Deus Caritas Est* on the point, and hearing Archbishop Martin in his marvellous address talk about their being no discrimination in love, and his call to address the person in his or her completeness, these are enriching things for me as a Catholic to hear. But I have to report to you the views of my colleagues in the world of human rights, those who have been drawn into this subject often by their commitment to

gay rights, their commitment to transsexuals – without necessarily being gay, without necessarily being transsexual themselves. They would simply not recognise that completeness in *Deus Caritas Est*. They do not see a reason why the love that is so beautifully elaborated there should be so (to them arbitrarily) restricted. That is what they would say. And that is a large problem for a great number of human rights advocates. A third area of tension, and one that dramatically affects a lot of my students because they are drawn into it from their own life experiences, is the issue of gender. And gender to them is linked to power, and they would say that the Catholic Church's structures are not respectful of what they would think of as the human rights of women.

I report these differences not in order to raise tensions but to suggest how to address them. For I do not think that these gaps between the two movements cannot ever be bridged. I conclude this talk with a suggested initiative. According to a recent survey, reported in *The Tablet*, trust in the Church has gone up in Ireland from 29 to 37% - that is extraordinarily significant and is a tribute to the leadership in this church as well as to its members if I may say so. In the same survey it was also estimated that trust in NGOs is at 59%. Clearly there is a major trust opportunity here. And what is the opportunity? We all listened to His Eminence this morning and I recall here in particular two points he made: that we should be generous in every way to people we don't agree with and that we can learn from each other. It strikes me that these apply to the human rights people as much as to the Church, that the interaction here is not one-way. We can begin the process of dialogue by creating a forum for discussion. That forum could perhaps be modelled on the kind of process that has proved to have been very successful in the North of Ireland as a way of managing difference. I am thinking of a forum that does not aim to deliver agreement on everything. Such a forum need be committed only to two things: one is achievement of common ground - which will be quite straightforward in my opinion – and empowering to each community present; and secondly a dialogue on difference, with this discussion not being intended to produce agreement. This last point is the important one I think. The development of common ground should not be obscured by too much noise around the issues of difference, but nevertheless those issues of difference should be ventilated. Following that, a way should be made of then accommodating these differences in a way which preserves the energy and respect of both sides.

What this would lead to in my opinion, or what it could lead to, what the goal could be –the working goal – would be a kind of new concordat. What I have in mind is a new statement of joint aims, and a fresh way of integrating civil society and religion in a secular age, a secular age which as I stressed earlier is looking for something, a secular age which, to paraphrase Bob Geldof's book, is looking around and saying 'Is that it?' And the answer is that it's not it. This agreement between the international human rights community and the Church could be an agreement that respects difference, but moves ahead on commonalities. Each side would be enriched by listening to the other as well as by articulating their own position. Now the Pope, the author of this marvellous Encyclical which is the subject of this conference, has focused a great deal on Europe and on the need to reintegrate a kind of faith perspective into European culture and society. I don't read *Deus Caritas est* as his saying, 'back to pre-modernism'. And I don't read it

as saying, 'the optimum is Church rule.' If this is right then something like this must be the kind of thing that His Holiness has in mind. My very last observation relates to a dialogue that the then Cardinal Ratzinger had with the great German thinker Jürgen Habermas. This was an interaction in which two men, committed to the goal of dignity albeit from widely different perspectives, addressed together how to achieve their goal. I think that is the kind of model for the kind of Europe for which we should all work.

Thank you very much.

ENDS