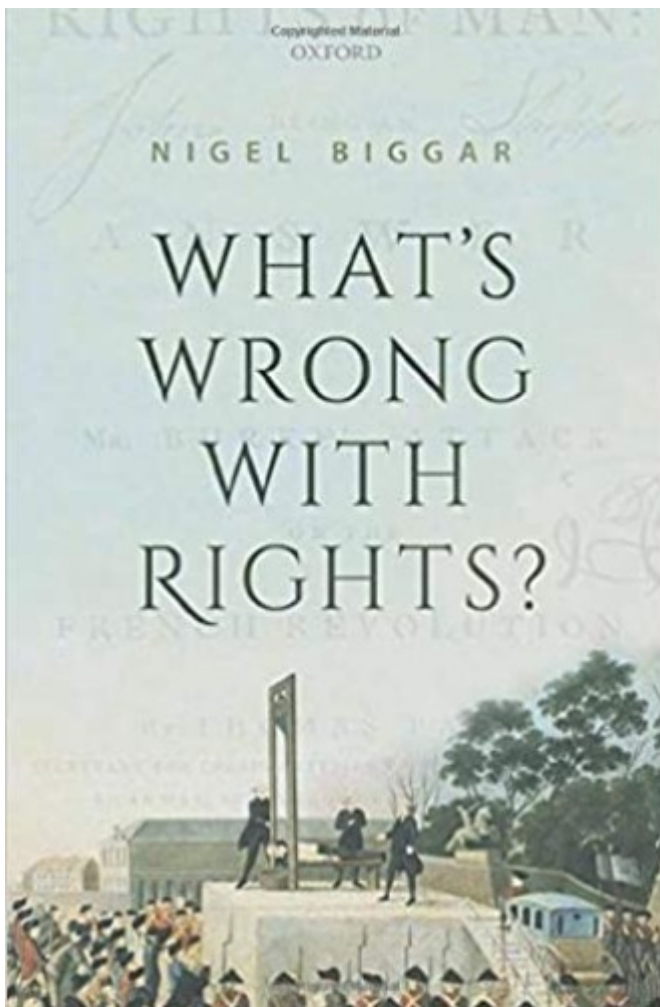


How fighting for human rights can lead to idolatry

## **Rights are good, argues theological ethicist Nigel Biggar, but they are not the only good things.**

by [Paul Marshall](#) in the [April 7, 2021](#) issue

### **In Review**



### **What's Wrong with Rights?**

By Nigel Biggar

Oxford University Press

[Buy from Bookshop.org >](#)

Nigel Biggar is one of the English-speaking world's most accomplished theological ethicists. In recent years the Oxford University professor has begun addressing political issues, many of them especially contentious. His book on war, for instance, bears the revealing title *In Defence of War*. He heads a project called Ethics and Empire, and his writings on this topic—including the suggestion that the British Empire was “morally mixed”—have led to demonstrations against him and an open letter denouncing the project.

Lest it be thought that Biggar is merely an academic polemicist striving for relevance and access to the op-ed pages, it should be added that he is the author of many acclaimed works on Christian ethics, covering natural law, public theology, euthanasia, reconciliation, and Karl Barth. His writing is always scholarly, comprehensive, and nuanced. *What's Wrong with Rights?* is no exception. Anybody wanting to address the meaning and nature of human rights will need to address this book's salient arguments.

The book is wide ranging, engaging historical and current political theology and philosophy, contemporary constitutional law, and controversial political issues. It discusses early medieval Christian debates in which the notion of human rights arose, Confucian questioning of rights, assisted dying in Canada, the military occupation of Iraq, and genocide in Rwanda.

For many Christians and others, rights—whether described as human rights, natural rights, civil rights, moral rights, subjective rights, or legal rights—are considered the bedrock of legal, political, and even ethical order. Nicholas Wolterstorff has held this type of position, and Biggar devotes two chapters to analyzing and criticizing this viewpoint.

Despite very stiff competition, rights are now perhaps the most contested concept in our moral and political vocabulary. This was revealed in the varied responses to the State Department's 2020 report on “unalienable rights,” wherein few people clarified what they thought rights actually are. Accordingly, in recent years the very notion has been criticized from a range of viewpoints.

Aaron Rhodes, who for many years directed the International Helsinki Federation for Human Rights, laments in *The Debasement of Human Rights* that rapidly expanding rights claims necessarily dilute the meaning and salience of rights. In the United States, an emphasis on individual rights has resulted in what Mary Ann Glendon

describes as an “excessive homage to individual independence” and a focus on the “individual and the state at the expense of the intermediate groups of civil society.”

John Milbank has also questioned the concept on grounds similar to Biggar’s, and recent arguments about race stimulated by the Black Lives Matter movement often emphasize larger communal identity over equal individual rights. Similar criticisms come from outside the West. Some of these are simply reactions by authoritarian governments wanting to justify their social control, but others reflect real concerns about what some see as the export of Western, especially American, individualism under the rubric of universal rights.

This pushback has led to a recent focus on dignity as something that underlies rights and perhaps has more affinity in a range of cultures. Biggar does not refer to the widely noted 2018 Punta del Este Declaration on Human Dignity, which coincided with the 70th anniversary of the Universal Declaration of Human Rights. But its emphasis on “focusing concretely and in actual situations” and its belief that “rights are characterized by reciprocity and involve corresponding duties” mirror many of Biggar’s concerns.

Biggar maintains that there “is much that is right with rights” and does not attempt to develop any “systematic theory of rights.” But he argues that “rights-talk is not enough” and that, while rights may be good, they are not the only good things and so need to be weighed along with other good things. What he objects to primarily is what he calls “rights fundamentalism,” whether moral or political. He insists that there can and must be strongly established legal and constitutional rights. But he contends that we can well defend these rights without any appeal to a spurious notion of natural or moral rights.

In fact, he believes that “it is misleading to talk of natural, moral rights” at all and holds that it is a “basic mistake” to “conceive of rights as fundamental to ethical deliberation.” Rather than being the beginning point of such deliberation, rights (including legal rights) should be derived from wider ethical deliberation.

In short, Biggar wants robust legal rights protections that are arrived at through ethical reflection on justice, right, duty, and prudence. If, instead, we try to shoehorn rights into a foundational ethical role, this will give our ethics a legalistic, individualist, and absolutist cast. This can result in what Michael Ignatieff calls “rights as idolatry” and threatens what Glendon calls “the fine texture of civil society—a fragile ecology for which we have no name.”