I’m going to set aside this morning’s readings and talk to you about human rights instead. I do this partly because I’ve spent most of the last five years thinking about rights, so the topic is very much on my mind. More importantly, however, rights-talk has come to dominate public discussion of ethical issues in ways that are quite problematic. So, it’s important for us as citizens to think about the problems. And indeed, it’s the public duty of Christian citizens to think about them, because a Christian perspective has some important light to shed.

According to the creed that we have just recited, we Christians “believe in one God … maker of heaven and earth”. Part of what this means is that what God has created shares in his oneness, his unity, his coherence. The oneness of God is reflected in the order of the world he has made. And that order is moral as well as physical. As the opening chapter of the very first book of the Bible repeats like a mantra, seven times over, “And God saw what he had made and it was good” (Gen. 1.4, 10, 12, 18, 21, 25, 31). Given in and with the created nature of things are moral principles—goods or values that we should defend and promote, virtues we should display, rules of conduct we should follow, duties we should discharge. Of course, we have room for discretion. Of course, we have to make up our own minds about what’s right in the circumstances. Of course, we have to exercise our consciences. But we don’t get to make it all up from scratch. Unlike God, we don’t conjure up what’s good and right ex nihilo. We are creatures, not gods. We exercise our moral freedom within a God-given, created framework.

So, when we Christians come to think about rights, we do so in terms of a larger moral order. A right is basically a legal instrument for making more secure our access to certain goods or values—say, freedom from arbitrary arrest, freedom to assemble, healthcare benefits, etc. Access to these goods is made more secure by giving them the backing of the law and the courts, threatening arrest and punishment if they’re violated.
Often the granting of a legal right will be morally justified, but sometimes it isn’t. For example, in the aftermath of the 1994 genocide, Rwanda suffered a dearth of lawyers. In those circumstances, it was not possible to provide legal counsel to every defendant accused of genocidal crimes—because there simply weren’t enough lawyers to go ‘round. In those circumstances, therefore, there could not be a right to legal counsel—because one can’t have a right to what’s not possible. To affirm such a right would be to raise impossible expectations on the part of citizens, and to impose impossible burdens on public servants. To foster unrealistic expectations is unkind; to make unrealistic demands is unfair. Unkindness and unfairness are vices; they are morally wrong. So, it would not have been morally justified to grant a right to legal counsel in post-genocide Rwanda. My main point here is this: rights are not morally basic; whether or not their legal granting is justified depends on other, moral considerations.

As the legal granting of a right is subject to moral conditions, so is the exercise of a right that is granted. This is a point made by St Paul in his First Epistle to the Christian community in Corinth. Paul had come to the view that faith in Christ permits the Christian to dispense with Jewish law prohibiting the eating of ‘impure’ food. This is the negative dimension of Christian liberty or freedom—freedom from Jewish law. There is, however, also a much more important positive dimension—freedom for love. When considering the treatment of unnecessarily scrupulous Christians (those with a ‘weak conscience’), who do not feel free to dispense with Jewish law, Paul counsels their more enlightened and liberated brethren (those with ‘knowledge’) to restrain their own exercise of negative freedom for the sake of exercising the positive freedom of love. Thus he writes:

So then, about eating food sacrificed to idols: We know that “An idol is nothing at all in the world” and that “There is no God but one”…

But not everyone possesses this knowledge. Some people are still so accustomed to idols that when they eat sacrificial food they think of it as having been sacrificed to a god, and since their conscience is weak, it is defiled. But food does not bring us near to God; we are no worse if we do not eat, and no better if we do.

Be careful, however, that the exercise of your rights does not become a stumbling block to the weak. For if someone with a weak conscience sees you, with all your knowledge, eating in an idol’s temple, won’t that person be emboldened to eat what is sacrificed to idols? So this weak brother or sister, for whom Christ died, is destroyed by your
knowledge. When you sin against them in this way and wound their weak conscience, you sin against Christ. Therefore, if what I eat causes my brother or sister to fall into sin, I will never eat meat again, so that I will not cause them to fall. (I Corinthians 8.1-13)

Even if we have a certain right or freedom, whether or not we should exercise it, and how, depends on a wider set of moral factors, including duties. One of these, implied by Paul, is the duty not to tempt someone to do what he (mistakenly) thinks is wrong, and so to violate his own conscience.

Another duty is not to alienate other people by slaughtering their sacred cows for trivial or unnecessary reasons. This takes us back to the Charlie Hebdo murders just under five years ago. In January 2015, on a perfectly innocent mid-week morning, two armed men burst into the Paris headquarters of the French satirical weekly, Charlie Hebdo. They called for the editor-in-chief, Stéphane Charbonnier, to identify himself. When he did so, they shot him. Then they proceeded to spend a leisurely ten minutes emptying their guns into other members of staff. By the time they’d finished, eleven were dead and eleven others wounded. The mass murderers were French citizens of Algerian parentage. They claimed to be members of the Yemeni branch of Al-Qaeda.

Why did they do it? Charlie Hebdo is militantly anti-religious journal in the French tradition of secularism. In 2006 it republished the inflammatory Jyllands-Posten cartoons of Muhammad, one of which inserted a bomb under his turban. Six years later it published more cartoons of the prophet, some depicting him nude. While the Quran itself doesn’t prohibit images of Muhammad, certain prominent and historic strands of Islam do regard all human images as idolatrous. So some contemporary Muslims, especially members of alienated militant groups, view any depiction of the prophet as blasphemous and deserving the death penalty. Two days after the mass-shooting, Al-Qaeda in the Arabian Peninsula claimed responsibility, justifying it as “revenge for the honour” of Muhammad.

In the face of such an outrageous atrocity, millions of people in Paris, in France, and around the world poured onto the streets to demonstrate their support for Charlie. And rightly so. No one deserves to be slaughtered merely for offending someone else, not even when the offence is intended as an insult.

Besides, and more deeply, the right to freedom of speech is precious. It allows us to testify in public to the truth of things as we see it. It lets us to criticise what’s customary and conventional and established, be they beliefs or practices or institutions. It makes
possible the seeds of revision, reform, and progress. It enables individuals and societies and polities to learn, perhaps to change for the better. And insofar as this right is a legal right, conferred by a legal system, it supports and defends the individual’s freedom against powerful enemies, whether personal or corporate, by means of the authority of the law and ultimately the coercive sanctions of the state.

However, affirming freedom of speech by means of a legal right is not the end of our responsibility. There remains the moral task of exercising that freedom well or badly. The space that lies within the walls of the legal right is not a morality-free zone. What law permits, moral obligation might yet forbid. Charlie’s journalists had the legal right to say things that other people, including Muslims, might happen to find offensive. And that is as it should be. We shouldn’t grant ourselves the right not to be offended, since sometimes what offends is nothing less than the truth. And in that case the problem lies with us, not with the offensive speech.

On the other hand, no one should exercise their legal freedom of speech with the intention to cause offence. Why would anyone want to do that, except out of hatred or contempt or glee at irritation or reckless lust for a scrap? No, the only morally responsible reason for saying things that might offend is the duty to voice valuable truths that need to be heard. Even if we have a legal right to spit on other people’s sacred cows for the sheer, malicious fun of it, we have no moral permission.

When I first made that point in an article in the *Times* newspaper on the first anniversary of the *Charlie Hebdo* murders in January 2016, I was aware of no one else who had made it. All the talk was about the importance of the right to freedom of speech; none of it was about its moral abuse.

One of the problems with the contemporary dominance of rights-talk is that it implies that rights are more fundamental, unconditional, and absolute than they really are. Rights-talk tends to eclipse all other moral considerations and qualifications, and so to sanction the immoral abuse of the legal use of rights. Christians, believing as we do in one God, maker of heaven and earth, believe also in a given moral framework of goods, virtues, rules, and duties. Our moral vision is larger and more complex, and our moral vocabulary richer, than simple rights-talk. For that reason, we are better placed than most to identify what’s wrong with rights, and to offer a solution to the problem.