



## THE MALCOLM GOLDSMITH LECTURE 2021

### **The fullness of humanity: human rights and spirituality** **Dr Donald Macaskill – Chief Executive of Scottish Care**

#### **Introduction**

##### ***Brief statement re Malcolm Goldsmith***

Unlike many of those who might be watching I never had the pleasure of meeting Malcolm Goldsmith though I did read many of his articles and writings. I am therefore very honoured to have been invited to deliver this Lecture established by Faith in Older People an organisation he was instrumental in creating.

In this lecture I want to explore the relationship between human rights as a moral and legal framework and the world of spirituality. In so doing I want to argue that rather than the oppositional stances which are often taken and suggested by some commentators, that there is much more that unites than divides the worlds of human rights and spiritual belief, indeed that the divergence of the two is unhelpful. I want to argue for a positive ***potential*** relationship between human rights and traditional spiritual belief and religious traditions both in practice and in thought. In doing so I will approach the subject with reference to social care and in particular the care and support of older persons. Inevitably as this lecture comes after the hardness of the last year, I want to make specific reference to the pandemic. The talk – and I will keep the talking to no more than 30-35 minutes,

leaving space for questions and comments at the end - will have the following sections:

- ▶ The human rights and spirituality 'clash'
- ▶ The religious roots of human rights
- ▶ The modern human rights movement
- ▶ The individual and the communitarian
- ▶ Human rights in social care practice
- ▶ Towards a spirituality of human rights

**A: The human rights and spirituality 'clash'**

There has been over the last few decades, and probably more pronounced since the developments of moral conservatism and the religious right, an argument which suggests the incompatibility between religion and /or spirituality and modern human rights frameworks. For many activists working on women's rights, LGBT concerns, and lots more, organised faith communities and their leaders are invariably seen as being part of the problem and not the solution. This is a stance which is gaining popularity and is I believe often erroneous.

But before I continue, I want to describe the definition and understanding of spirituality which I will use during this talk. My starting point is a very helpful Care Cameo on Spiritual Care<sup>1</sup> - published by Scottish Care in 2018 - in which Maureen O'Neill shared the following definition from Froggett and Moffett:

*"We mean the search for that which gives zest, energy, meaning and identity to the person's life, in relation to other people and the wider world."*<sup>2</sup>

This definition embodies the need to understand what has built a person's identity and sense of belonging and how this can be nurtured in a changed environment. It emphasises the importance of relationship; having a sense of purpose and meaning, in order to make each day worthwhile.

It suggests that spirituality involves the recognition of a feeling or sense or belief that there is something greater than oneself, something more to being human than sensory experience alone, and that the greater whole of which we are part is cosmic or divine in nature.

This is distinct from though related to the faith and religious traditions with which we are familiar. It is this wider sense of spirituality where I will contend there is a potential relationship with human rights frameworks and which for social care underpins the importance of *spiritual care* which recognises in the words of the World Health Organisation:

‘that health is not just the absence of disease but is a state of physical, psychological, social and *spiritual* well-being.”<sup>3</sup>

So, returning to the issue of the incompatibility of human rights and religious faith and spirituality.

Prof Mona Siddiqui of Edinburgh University gets to the heart of the discomfort, I would suggest, in a thought piece from 2013 when she states:

“In most Western societies the political language is that of liberalism, and the individual is at the centre of the liberal worldview. Liberalism acknowledges and celebrates individual choice because it recognizes the individual over the collective. This has given a new model of freedom to society, along with a new social order where religion no longer holds such an elevated role.”<sup>4</sup>

The liberal emphasis upon the autonomy of the individual it is argued sits uncomfortably with faith traditions and spirituality which emphasise the communal and the inter-relational. The language of human rights it is stated sits ill at ease with religious traditions pointing to a world beyond the earthly struggle for rights.

Siddiqui recognises that there is no one-size-fits-all view of the relationship between human rights and religion and spirituality. For many the modern emphasis on justice and equality are already there in the scriptures of their faith; for others the primary duty of the person is to the eternal laws of God, whereas modern human rights are culturally relative ideas that only pretend to be universally valid.

What is often ignored in the take it or leave it- either/or polarity between spirituality/religion and human rights is the presumption that human rights do not have an inherent moral and ethical compass and paradigm. They do. The question for those of faith is whether that morality is different from or divergent to the tenets of religious faith. Is it a clash or a conversation? I believe it to be the latter. But more than that I believe the key moral principles and ethical framework of the modern human rights movement is rooted in a shared heritage with religious and spiritual belief systems. One of the problems for western human rights, and therefore societal and political use of human rights, has been the elevation of the individual often at the cost of the communitarian, and paradoxically at the same time the diminution of the individual to the needs of the community. As Siddiqui challenges:

‘Religious ethics must complement, not clash, with the rights-based discourse using a language that is meaningful, not just authoritative. Only

then will religion surface forcefully and justly as a public good rather than simply a private passion.’<sup>5</sup>

## **B: The religious roots of human rights understanding**

Exploring what may be the religious roots of modern human rights is a whole lecture series in its own and time does not permit other than to make some general comments. The first is that there **is** a relationship of real depth. Indeed, I find it hard to conceive of modern secular human rights without the underpinning of religious and faith traditions, which in turn have influenced the political theories of the 18<sup>th</sup> and 19<sup>th</sup> centuries when modern human rights might with some justification be argued to originate.

Human rights as we understand them in international law are relatively recent on the world stage but the shared emphasis on what it means to be human, what is meant by concepts such as dignity, worth, equality and fairness, are as ancient as time. As one commentator, *Dr Suheil Bushrui* has stated:

‘In such texts as the Babylonian code of Hammurabi, the rulings of the ancient Israeli Sanhedrin banning torture and limiting the use of capital punishment, the Islamic legislation on rights of women, the English Magna Carta, the US Declaration of Independence, the nineteenth century conventions outlawing the slave trade... the shape and form of a global moral order has been created.’

‘This underlying unity is eloquently articulated in the ethical systems of different faiths, as in the teaching that we should treat others as we ourselves wish to be treated, otherwise known as "The Golden Rule" and found, in different formulations, in the Hindu Mahábhárata, the Jewish

Talmud, the Buddhist Udana-Varqa, the Christian Gospel of Saint Matthew, [and] the Islamic Hadíth.’<sup>6</sup>

However even if we grant that there is a shared earth and ground from which modern human rights’ ethical and moral standpoints originate, what is equally uncontested is the troubled relationship between formal religion and the developing (largely secular) approaches to human rights as both universal and inherent within humanity.

An astonishingly thorough and robust piece of work exploring these issues has been published by the French academic, Valentine Zuber, called ‘*Are Human Rights of Religious Origin*’<sup>7</sup>? She concludes her extensive study by saying:

‘During the elaboration of the Universal Declaration of Human Rights (UDHR) by an international committee in which all continents, all opinions and all religious traditions were represented, the question of the foundation of human rights was inevitably raised. A broad consultation was carried out with the different countries involved. In view of the extreme diversity of the responses received, it was soon realized that finding a response that would please everyone was an impossible task. This is why it was deliberately decided that the Universal Declaration **would not be placed under any supernatural authority** in order to ensure that it would be popularized and adopted around the world as quickly as possible. Representing the peoples of the United Nations who reaffirmed their faith in fundamental human rights, the Assembly merely proclaimed an “ideal” common to all people and founded on the basic principle of equal human worth and dignity. As secular as the text is, it is broad enough to accommodate all proposals, provided

that they respect its profoundly humanist terms. Its silence is where its greatness lies.'

Of course, this is a key statement because in recent times the very **universality** of the application of human rights has come under sharp criticism from an essentially non-western audience who see human rights as developed in the west as lacking cultural appreciation and sensitivity in its presumption that it speaks for all.

Paradoxically it might be in its very silence on the subject of its cultural, religious and theological roots that there is scope to develop a spirituality of modern human rights which is sensitive to diversity, both cultural and religious.

### **C: The modern human rights movement**

The story of modern human rights is a tale of aspiration arising from a crisis, it is a flower of hope growing in the cracks of desolation.

As the leaders of the world gathered in New York in December 1948 to agree to and sign off what would become known as the United Nations Declaration on Human Rights - they were still living in the shadow of the unutterable cruelties of the Second World War where human barbarity and evil had plumbed new depths of misery and hate. They wanted to make a statement and to create a movement which would bind themselves one to the other in a way which would mean that the world would never again have to endure the horror which it had come through and in 1948 with millions still homeless and desolate were still enduring. So human rights in the framework we know best were all about speaking to a catastrophe and crisis. They were never meant for just the easy times, to become the stuff of legalistic debate, dusted down in dispute and contention. They were

never ever meant to become the preserve of the chattering classes – they were always meant to be practical in application and relevant for day to day living and decision-making – as a result they are robustly ethical and moral in their character. They have as a set of principles, legal instruments and aspirations been honed in hardship to make sure that our behaviours when we faced crisis once again would be more human, upholding of individual dignity and infused with justice.

I think we too often forget that the formation of the United Nations Declaration was wrought from pain, and in that echoing silence which can only come from knowing and witnessing horror first hand. Whilst they may not have managed to agree religious or spiritual origin, the signatories were in agreement both about focus, content and aspiration, including applicability and universality. Human rights are both a system of laws and a body of ethics.

#### **D: The individual and the communitarian**

The emphasis in the 20<sup>th</sup> century Western reception and adoption of human rights frameworks was undoubtedly upon the individual – perhaps not surprisingly after the deadly diminution of the individual dignity of so many millions – but in the East behind the darkening curtain which fell across Europe the emphasis was from the inception much more collective, communitarian and national.

It is a tragedy of history and political defensiveness that we saw such a divergence occurring. The realisation of the human rights of the individual in the West has undoubtedly led many in traditional faith communities to see a document like the



Universal Declaration to be insensitive to and unappreciative of the communal and civic priorities of many religious traditions.

At risk of some sweeping generality, it is also true to recognise that since the fall of the Berlin Wall we have witnessed a greater coalescing of both an individualist approach and a communitarian one in many of the developing cases before the European Court of Human Rights. That said most of those judgements are still somewhat emphatic around the individual appreciation and realisation of human rights. So the emphasis upon the individual receipt of human rights and what this means for the collective remains a topic of interest and ongoing debate.

A related discussion which has real relevance to those of us in social care is that of human dignity and its sense of universality. Richard Amesbury and George Newlands explore this at depth in their work 'Faith and Human Rights'. They say:

'One of the principal ways in which the idea of human rights can be distinguished from other conceptions of human dignity is by its insistence that one's dignity does not depend (entirely) on one's membership of a particular community. The possession of rights... is a function of one's status as a human being... the idea of human rights is thus universal in that it entails the dignity of all human beings.'<sup>8</sup>(page 70)

So regardless of race and ethnicity, sexuality or gender, age, or any other characteristic of personal identity, they argue that there is an inherent concept of 'dignity' and worth, both in many religious traditions, spiritualities of humanity, and in the framing of modern human rights morality and ethics.

## **E: Human rights in social care practice**

I want to now turn to contemporary social care practice because it is there where I believe that we can witness the need for human rights and spirituality to better address one another rather than be seen in conflictual terms.

I'm going to reflect briefly on two issues which have some current relevance.

The first is the importance of the centrality of choice and voice, control and agency in the delivery of social care. The idea of having control over what happens to you and how you live your life, the concept of individual autonomy and as a consequence responsibility, is central to Judaeo-Christian belief and much spirituality. Life put simply is not just numbered in the days of time but in the actions of how you spend those days.

In the last year we have to ask ourselves the degree to which we have embedded as a whole society, the human rights of choice and voice in our health and social care response to the pandemic. Now I grant you that most human rights are deemed to be qualified or limited. That there are times when the State can act to restrict my human rights when it has a legitimate aim to achieve but must always do so in a manner and to an extent which is proportionate. Granting all this – have we got that balance right in our pandemic response?

Take for instance the issue of lockdowns and the exclusion of family from our care homes. This has been a traumatic issue for so many in the last year. At the start of the pandemic the closure of our care homes, the restriction of access, given what we knew (or perhaps did not know) about the virus, was argued to be proportionate and reasonable. So, the temporary loss of family life (Article 8) in order to protect and maintain life (Article 2) could be argued to be reasonable and proportionate. But at what time did that balance change and swing the other

way? By the summer when we still had restrictions in care homes but less so in community? By the time most residents were vaccinated but still the community pace of opening up was faster than our care homes.

There is a profound issue of spirituality in enabling individuals to exercise their autonomy and choice, their rights as human individuals around decisions which prolong life. This is where legality and spirituality need to converse. Did we fully appreciate the autonomy and rights of individuals to exercise their own choice and decision about what was more important - the number of days of life, the volume of breath, or the quality of the life that one lived, the ability in the last weeks and months to be with family and loved ones, regardless of risk or inevitability of loss?

And throughout this – where was individual voice, control, and agency? Did we carry out human rights impact assessments? Or did acting in best interests supersede the individual, their beliefs and wishes?

The **second area** where I think it is important to bring a spiritual perspective to human rights is in terms of equal treatment. We accept that equality is not treating everyone the same but recognising that some people because of individual characteristics or circumstances may require greater support than others. We do so, affirming that we shall not discriminate – i.e. treat someone less favourably than any other person, on the basis of any characteristic. That is except it would appear to many – age.

I have long argued that there is a crippling age discrimination which pervades much of our social, cultural, and economic exchange. During a pandemic which has disproportionately harmed and killed those who are older, there has been a whole host of highly questionable approaches and behaviours which seem

ostensibly ageist in nature. The indiscriminate use of *Do Not Resuscitate Forms* in the early stages of the pandemic especially targeting individuals over certain ages; the lack of moral and ethical robustness evident in earlier pandemic guidance which led some to believe that age had become a proxy for clinical decision making and prioritisation; the failure to appreciate the mental health challenges of those who are old; the disproportionate withdrawal of packages of support from older people in their own home...

All of these speak loudly to a systemic lack of valuing of those who are old in chronological years.

There has never been more need for a robust ***spirituality of ageing*** which values life and contribution, capacity and giftedness regardless of age; which sees community as the knitting together of diverse lives and which asserts that excluding some - limits and devalues the whole. This is a human rights task - This is as urgent a human rights issue as any other but is receiving so little focus and attention.

#### **F: Towards a spirituality of human rights**

So, in my concluding remarks I want to turn to the phrase in the title of this talk.

The Scottish Church leader and founder of the Iona Community, George MacLeod, used to describe the island of Iona as a "thin place" – where barely a sheet of tissue paper “as thin as gossamer” separated the material from the spiritual. It was an image borrowed from the broader Celtic idea that there are places where the spiritual and the divine is experienced more nearly than others.

Elsewhere George MacLeod describes these locations as “the eternal seeping through the physical.”

As someone with roots in another island – Skye – his words resonate with meaning and truthfulness. There are spaces and places which are almost sacramental – a breath away from beneficence, where you feel able to touch the intangible, where you hear the depths of silence. Many of you might know of such spaces and places.

So, it is too, I believe with human community. I often describe human rights as about relationship – as summaries of what it means to be human even in hard times and maybe especially with those who are different from us. They are indeed frameworks of law, ethical principles and foundations, but their gift to us is that they proffer us a new way of being in relationship one with another. They picture a humanity which is shrouded in the nakedness of dignity. They depict a biological and environmental wholeness and holism at their heart.

We need to stop running away from a dialogue between human rights and spirituality. We need to stop creating false dualisms between individual and collective rights. We need to stop dancing on the pins of nicety and collaborate around what is held in common.

In an essay in the *Journal of Human Rights* this year, Dustin N. Sharp, makes the plea that:

“It follows that individual rights and group rights, and the inner peace of the individual and the outer peace of the world around us, cannot be separated or liberated in a piecemeal fashion.

Ultimately, such a spiritual perspective lays the predicate for a more intimate, relational view of human rights as an ongoing dialogue between self and other, and between the individual and the community, in which the key props and protagonists of the mainstream human rights story— the machinery of the state,

the United Nations, the lawyers, the experts, the treaties, the INGOs— **become less central**. At the same time, such a perspective lends support to those who would look to the machinery of international human rights in an effort to foster a better balance between the individual and communitarian dimensions of rights in theory, policy, and practice.’<sup>941</sup>

Eleanor Roosevelt’s made a famous speech in 1958 about where human rights begin: “in small places, close to home—so close that they cannot be seen on any maps of the world,” including neighborhoods and schools. Without attentiveness to these small places, Roosevelt warned, “we shall look in vain for progress in the larger world.

It is in the relational fractures of living, perhaps especially in the light of the pain of a pandemic, that we find the critical need of human rights as a moral and ethical framework and where there is the urgent need for a spirituality which balances the needs of the individual with those of the community, and which holds in fragile tension the requirements of the collective with the faith of the person. It is in **this coming together space that communion happens**, and it is in such a human rights space that we recognise the thinness of the worlds we create to divide our living and our imagining.

This is expressed well in some words from the NHS Education Scotland report, ‘Spiritual Care Matters’:

*“A person’s spirituality is not separate from the body, the mind or material reality, for it is their inner life. It is the practice of loving kindness, empathy and tolerance in daily life. It is a feeling of solidarity with our fellow humans while helping to alleviate their suffering. It brings a sense of peace, harmony and conviviality with all. It is the essence and significance behind all moral*

*values and virtues such as benevolence, compassion, honesty, sympathy, respect, forgiveness, integrity, loving kindness towards strangers and respect for nature.”*

My late grandmother was a storyteller – and she never wrote a word down – for her truth was always told, insight was always heard, mystery was always seen, love was always felt. We never really talked about human rights but when I asked her why she never wrote things down, she said she had never **discovered paper which didn't trap the words.**

Human rights and the world of spirituality are not strangers detached from embrace, they are rather partners in human loving, and I have no doubt my grandmother would have seen a veil as thin as gossamer between the two.

I have equally no doubt that she would have loved the poetry of the human rights activist Joseph Coelho, whose spiritual insights I leave you with tonight:

## If all the world were paper

If all the world were paper  
I would fold up my gran and take her  
everywhere I go.  
I would laminate my baby sister in  
bubble wrap  
and lay her to sleep in unbound fairy-  
tale book pages  
and should she get scared: Rip every  
fear,  
Shred every scream,  
Tear every tear.

If all the world were paper  
I would re-bind my grandfather,  
smooth out the dog-ears to all his  
stories, place his younger days in a  
zoetrope  
and flush the harrowing chapters  
down an ink-gurgling well.

If all the world were paper,  
kind deeds would be post-it notes  
that stuck to the doer in ever growing  
trails,  
so we would always remember,  
friends would come with perforated  
lines  
so you could keep their best bits with  
you at all times.  
If all the world were paper,

Christmas wrapping foil and birthday  
cards  
would follow you to school.

If all the world were paper  
dreams would be Braille  
so we could read them whilst we slept,  
nightmares would be shopping lists  
because shopping lists are so easy to  
forget.

If all the world were paper  
arguments would rustle before they  
started and could be put right with a  
little tape.

If all the world were paper  
we could paperclip families together,  
draw smiles on all the sad faces,  
rub out the tears,  
cover our homes in Tipex and start all  
over again.

All the world is not paper  
but whilst we can imagine it were we  
can recycle the rough times knowing  
we will never – ever fold.

© Joseph Coelho (from the anthology  
*Werewolf Club Rules*, Frances Lincoln  
Children's Books, 2014)



The Declaration of Human Rights, The European Convention, the Human rights Act, even a potential new Human rights Act in Scotland – are all bits of paper – they come alive in the struggles and dreams, the efforts and energy, the crying and laughing of flesh and blood... they are in essence spiritual documents, a scripture writ large from the pages of human suffering which do not replace but support so many of faith and those of none; those of humanist and secular cause, of spiritual and environmental passion- they are a paper that will never ever fold.

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<sup>1</sup> Maureen O'Neill, Simon Jacquet and Lesley Greenaway (2018), 'Spiritual Care is Everyone's Business', Care Cameo, Scottish Care, <https://scottishcare.org/wp-content/uploads/2019/11/Care-Cameo-Spirituality-is-Everyones-Business.pdf>

<sup>2</sup> Froggatt K and Moffitt L (1997), 'Spiritual needs and religious practice in dementia care. State of the Art in Dementia Care', London: Centre for Policy on Ageing (Ed. M. Marshall).

<sup>3</sup> World Health Organisation, (1948), Geneva.

<sup>4</sup> Mona Siddiqui, 'Are Human Rights and Religion compatible?' <https://www.weforum.org/agenda/2013/12/are-human-rights-and-religion-compatible/>

<sup>5</sup> Ibid.

<sup>6</sup> Suheil Badi Bushrui, The Spiritual Foundation of Human Rights: A Bahá'í Perspective (1997), [https://bahai-library.com/bushrui\\_foundation\\_human\\_rights](https://bahai-library.com/bushrui_foundation_human_rights)

<sup>7</sup> Valentine Zuber, (2019) 'Are Human Rights of Religious Origin?', International Journal of Human Rights, <https://sur.conectas.org/en/are-human-rights-of-religious-origin/>

<sup>8</sup> Richard Amesbury and George M Newlands, (2008), 'Faith and Human Rights', Fortress Press.

<sup>9</sup> Dustin N. Sharp (2021) Prickles and goo: Human rights and spirituality, Journal of Human Rights, 20:1, 36-51, <https://doi.org/10.1080/14754835.2020.1856647>