

# The linguistic characteristics of the language of human rights and its use in reality as the kingdom of God in the light of Speech Act Theory

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Human rights, a language that keeps public order, is realised in ordinary life by language characteristics according to social rules. Despite this fact, research that considers the linguistic features of human rights relating to its use and effects in terms of the kingdom of God in the present world seems to have not been attempted or seldom attempted. Thus, this article proposes to examine the language of human rights by means of Speech Act Theory. The approach is predicated upon the language use as performative acts. The approach shows the language of human rights with performative language by seeking to uncover the operation and effects of language of rights in real-life situations. The thrust of this article implies how we can explain the semantics of human rights and execute them in ordinary life in terms of God's kingdom.

**Keywords:** Human rights; Kingdom of God; Speech Act Theory; Social reality; Language of human rights.

## Introduction

In a general sense, theology (Bible) is about God or God's self and the phrase the 'kingdom of God' implies God's reign, as it points essentially and directly to God's self (France 2007:271). How, then, does God's reign (God's kingdom) appear in human life? How can we recognise the sovereignty of God? God reveals God's self through the Word, and when believers respond appropriately to the Word, the reign of God appears in their lives. Namely, the kingdom of God is manifested and realised in God's speech act when the believers trust and follow the Word of God in the present. As Wright (2007:25) points out, the kingdom of God is not the place to go after death, but in the real world where the reign of God is realised. If it is true that the kingdom of God is realised in our present life in God's speech act, the kingdom of God will be very closely related to human life, even human rights.<sup>1</sup> This is because human rights are the most fundamental and essential elements in maintaining human life. The common point between human rights and the kingdom of God is realised through 'language', which is reflection on certain 'rules'. The Speech Act Theory (SAT) is a study of the use and the effect of ordinary language that we use in society and the function of language according to social rules. This relationship can be addressed based on the assumption that the language of human rights in SAT could be used to reinterpret the idea in terms of its meaning and linguistic characteristics in the kingdom of God (public life). The scope of this project does not allow to fully situate the evolution of human rights within the broader developments, history and contours of the discourse. This is not a study seeking to solve or fully deal with the complexity of human rights or human dignity in Christian ethics. However, this article's aim is to show how human rights, or the language of human rights, are linked to the kingdom of God in terms of God's total speech act in the Christian's public life from the perspective of SAT and its ethical implications. Before we look at the way in which SAT could help us to demonstrate the language of human rights and its use, it is advisable to give a brief explanation of some of the main features of SAT. Below, we shall see SAT for connecting the explanation that is mentioned above in relation to the language of human rights and its effect in the present.

## Speech Act Theory

SAT<sup>2</sup> is a method of analysing human language use in terms of actions and their effect in a speech performance. It can be explained by certain 'rules', which govern human behaviour (Searle 1971:40). Searle (1969:22) suggests that 'speaking a language is engaging in a rule governed form of behaviour'. To state it differently, to talk is to perform a series of language acts in accordance with certain rules in

1. In this article, the kingdom of God is our life now, and it refers to God's speech act.

2. For more information about SAT, see Cho (2019:73–134); Cho and Forster (2017:1–12).

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society. 'Using language to communicate involves following certain socially agreed-upon rules. Accordingly, a theory of language must be part of a theory of action' (Vanhoozer 1988:209).

Austin (1975:4–5), an initiator of SAT, points out that not all utterances in language can be considered in terms of only true and false as mere constatives rather than the 'constative' in language use perform a particular action just as the performative utterance does. This occurs in utterances such as 'I do' (in a marriage ceremony). For example, when one says, 'I do' in the marriage ceremony, one is not reporting on the ceremony itself (constative), but participating in it (performative) (Austin 1975:6). This indicates that both performative and constative utterances are similar in that they are both actions in speech. This performative aspect of language use in the SAT distinguishes three acts as follows (Austin 1975:94–109):

1. *The locutionary act* is the performance of the act of saying something that presents itself at the level of utterance, such as vocabulary and grammar, which demonstrates what has been said or written.
2. *The illocutionary act* is the performance of an act in saying something. It indicates the force of what we do in saying something within a conventional rule or set of rules, such as communicating within a given community (e.g. warning, promise, command and so on).
3. *The perlocutionary act* is 'what we bring about or achieve by saying something' (Austin 1975:109). This refers to the speaker's utterance in accordance with the illocutionary act, that is, the intended effect of what has been said to the hearer (e.g. persuading, convincing, surprising, and so on).

The locutionary act only indicates to propositional elements with propositional meaning in a grammar or sentence, while the illocutionary act is the force of the speaker's utterance to do something to the hearer or cause a particular effect. That is to say, the illocutionary force creates the perlocutionary act through the hearer's response to the speaker's utterance. The issue is about what one is doing when saying something and what effect the act of saying something has on the hearer.

## Human rights in terms of Speech Act Theory

### Human rights

There is some consensus among ethicists that the concept of human rights<sup>3</sup> has to do with what makes humans human (Van der Vyver & Witte 1996:55). The idea is that 'a human right is a right that we have simply by virtue of being human' (Griffin 2008:16, [author's own italics]). There is no doubt that human rights cannot be established without a human society which serves as the setting for social development and ethical decisions that accommodate the interest and well-being of all people.

MacIntyre (1984) points out that:

The existence of particular types of social institution or practice is a necessary condition for ... a claim to a possession of a right ... [to be] an intelligible type of human performance. (p. 67)

3. For more information on human rights, see Griffin 2008.

It means that effective human rights consist of patterns of behaviour that are articulated within a particular social reality of institutional facts and constitutive rules as the *virtue of being a human being*. In other words:

Each formulation of human rights presupposes that the legal position of the human person with respect to society and the state is determined by something ... that they can simply recognize as given and respect as inalienable. (Van der Vyver & Witte 1996:56–57)

This point implies that each person who does something for society has responsibilities and status functions with authority, which have deontic powers deriving from an assigned status in public virtue. Searle argues that, 'The existence of such rights is intentionality-relative because they are human creations' and 'because rights are status functions, it follows immediately that they are intentionality-relative' (Searle 2010:176). For example, if someone is alone on a deserted island (no one else knows this fact), he or she has no status function or human rights on the island because there is no society there. The deserted island is not a society and it does not have any responsibility or obligation to safeguard or enact the rights of the person. Thus, human rights are realised for all people in a society according to social rules and constructions with accompanying duties towards other members of the society. Society also has the obligation to uphold human rights, which means that the state will not interfere in the social reality of rules following communal virtue by denying a person his or her rights as a human being.<sup>4</sup> Simply put, 'A has a right to do or have something with respect to a society which also implies that the society (state) has the obligation to keep A's rights under the auspices of social constitutional rules.'<sup>5</sup>

Human rights are founded on institutional facts and constitutive rules that govern human behaviour; the social rules (virtue) are the collective intent of a particular society (cf. Searle 1969:35).<sup>6</sup> The relationship often has the form of 'X counts as Y in context C' (Searle 1969:33–35) and it relates

4. Martin and Nickel (1980:166–167) reason that every duty entails a right, and every right a duty. Feinberg (1980:143, 148–149) notes in 'The Nature and Value of Rights' that the so-called 'doctrine of the logical correlativity of rights and duties' claims 'that (i) all rights entail other people's rights and (ii) all rights entail other people's duties ... When a person has a legal claim-right to X, it must be the case (i) that he is at liberty in respect to X, i.e. that he has no duty to refrain from or relinquish X, and also (ii) that his liberty is the ground of other people's duties to grant him X or not to interfere with him in respect to X. Thus, in the sense of claim-rights, it is true by definition that rights logically entail other people's duties. The paradigmatic examples of such rights are the creditor's right to be paid a debt by his debtor, and the landowner's right not to be interfered with by anyone in the exclusive occupancy of his land. The creditor's right against his debtor, for example, and the debtor's duty to his creditor, are precisely the same relation seen from two different vantage points, as inextricably linked as the two sides of the same coin'.

5. When human rights are not equally shared (by virtue of society's institutional facts and constitutive rules) by all people, we call this phenomenon discrimination, which violates human rights. Rights must bring proper obligations and responsibilities to social rules; society also has obligations to keep the rights of the people.

6. According to Brandt (1959:433–436), rights and duties are opposite sides of the same coin, that is, A's right against B and B's duty to A. Searle (2010:177–178) also maintains that 'rights are always rights against somebody': 'If X has a right against Y, Y has an obligation to X. And what we think of in the United States as basic rights, such as the right of free speech, are usually rights against the government ... 1. For all x, x has a right R (x does A) implies 2. There is some y such that x has R against y. And that implies 3. Y has an obligation to x to allow [not to interfere with, etc.] (x does A)'. However, I do not agree with his definition of rights, but follow McCloskey's (1965:118) explanation that the distinct features of rights are always rights to something, not rights against something: 'My right to life is not a right against anyone. It is my right and by virtue of it, it is normally permissible for me to sustain my life in the face of obstacles. It does give rise to rights against others in the sense that others have or may come to have duties to refrain from killing me, but it is essentially a right of mine, not an infinite list of claims, hypothetical and actual, against an infinite number of actual, potential, and as yet non-existent human beings ... Similarly, the right of the tennis club member to play on the club courts is a right to play, not a right against some vague group of potential or possible obstructors'.

to how we understand human rights and execute them in ordinary life. For example, human rights can be defined, in line with Searle's formulation, 'X counts as Y in context C', as 'social responsibility or obligation in the context of a certain society's rules' (cf. Searle 2010:181).<sup>7</sup> Speaking about human rights (the language of human rights),<sup>8</sup> which mirrors social virtue in everyday life, can be counted as a series of constitutive rules in terms of meaning and illocutionary acts that are performed in a certain situation according to these sets of constitutive rules (cf. Searle 1971:42). In this regard, the language of human rights performs a speech act of implied behaviour or commitment that is determined by either non-verbal conduct or verbal conduct. It refers to who I am, or what I ought to do, in the society according to public rules. The language of human rights defines the pattern of behaviour of rights based on the constitutive rules as the illocutionary force. The illocutionary act in the language of human rights<sup>9</sup> as  $F(p)$  in a particular society and its power<sup>10</sup> are executed in a real-life situation, which bridges the gap between the notion of human rights and its praxis through illocutionary force. Therefore, human rights are part of speech acts, and their meaning and application in ordinary life can be analysed using linguistic tools.

## Human rights as claims

Notably, 'It is quite common in moral and legal philosophy to associate rights with claims' (Cronin 1992:27), for 'human rights<sup>11</sup> are a bundle of claims each person has simply because of his or her humanness' (Bucar & Barnett 2005:3). These rights often appear in the form of a language of claims or demands to be exercised in ordinary life according to the virtue of moral sensibility to social rules. The language of human rights has something to do with the language of the activity of claiming. As Austin shows, language can be identified based on a given social construction including culture in terms of performative utterances, that is, speech acts (cf. Austin 1975). All human words take place in a certain context (society) within which certain conditions and conventional expectations operate to understand what an utterance is doing with what it is saying, and *not simply as a propositional meaning but as a meaningful action*. It means that

7.Searle's understanding (2010:181) of the relationship between human being and human right is that 'in the formula X counts as Y in context C, the Y term is "human being"; so if you qualify as human being, you are automatically guaranteed human rights'.

8.For Searle, 'Language is the basic form of public deontology, and I am claiming that in the full sense that involves the public assumption of irreversible obligations, there is no such deontology without language. I am now arguing that once you have language, it is inevitable that you will have deontology because there is no way you can make explicit speech act performed according to the conventions of a language without creating commitments' (Searle 2010:82).

9.Human rights  $F(p)$  can be seen as claims  $C(p)$  or promises  $Pr(p)$  in a certain society from the perspective of SAT.

10.Searle (2010:148) points out that, 'Power is an ability or capacity, but the exercise of power, as power, is always an intentional act'.

11.According to Newlands (2004:129), 'One of the earliest theological discussions of human rights is to be found in Alan Falconer's collection *Understanding Human Rights*. In an essay on 'Christian Faith and Human Rights', Jürgen Moltmann sees the Reformed emphasis as being on human dignity through man's creation in the image of God, the Lutheran emphasis on a correspondence between Christian life in the sphere of faith and human rights in the sphere of the world, and the Roman Catholic emphasis on the analogy between nature and grace, in which grace illuminates the dignity of man in nature. Moltmann identifies another starting point in the experience of humanity, in a liberation theology context. The discussion has been taken forward by Max Stackhouse and others'.

having human rights is to do something as a human being in the society. It has to do with performing an action as language itself. The language of human rights, with performative language, seeks to uncover the operation and effects of a language of rights in real-life situations. It implies *how to do things with the language of human rights in everyday life which clearly refers to human rights is a kind of claim*.<sup>12</sup>

Feinberg (1980:149) explains that 'a right is a kind of claim, and a claim is "an assertion of right"'. In his article, 'The Nature and Value of Rights', he identifies different forms of claiming based on the use of linguistic features as (1) making claim to, (2) claiming that ... and (3) having a claim. Feinberg's classification, using linguistic features, is especially significant here for probing human rights and its execution in ordinary life and it is worth examining in detail.<sup>13</sup>

The first usage is 'making a claim to'. According to SAT, speaking a language is also a kind of doing; many utterances are performative acts, for instance, 'I claim to ...' This language is always linked to the question, 'who argues?' as the legal position of the speaker. Making a claim to something indicates doing something with words in a certain society (circumstances), which is always about conventional relationships in a society of speakers and it is *saying x (with doing) and bring about y* according to a particular purpose. It can be coded as: *saying x is counted as y under the factual circumstance z* (see Brümmer 2006:113). Feinberg's (1980) illustration of this usage says:

Generally speaking, only the person who has a title or who has qualified for it, or someone speaking in his name, can make claim to something as a matter of right. It is an important fact about rights (or claims), then, that they can be claimed only by those who have them ... If Smith owes Jones five dollars, only Jones can claim the five dollars as his own ... that is ... a legal performance with direct legal consequences. Legally speaking, *making claim to* can itself make things happen. This sense of 'claiming', then, might well be called 'the performative sense'. The legal power to claim (performatively) one's right or the things to which one has a right seems to be essential to the very notion of a right. A right to which one could not make claim (i.e. not even for recognition) would be a very imperfect right indeed! (p. 150)

Feinberg's illustration can be seen as *saying a claim x (making a claim to) is counted as legal performance under social rules*. It means that 'making a claim to' is *the performative act of a speaker's legal position which brings some legal demands to a certain person with the illocutionary action (force) under a particular convention*. This performative language of claim has exercitives that relate to the exercise of powers, rights and influence according to contemporary social rules (Austin 1975:150–151). In other words, 'making a claim to' as the performative dimension of language entails passable acts that relate to the question, 'how

12.Here, human rights and the language of human rights (or rights) can be regarded as the same.

13.Feinberg is not alone in arguing that human rights are claims, but he is probably one of the well-known scholars on the study of rights from a linguistic viewpoint. He employs the terms *performative claiming* and *propositional claiming*. These are very similar to Austin's illocutionary concept of SAT and its character actually lies in the illocutionary force and action. However, he does not talk about SAT, and I cannot find any comment on or reference to any of the mainline SAT theorists when I read this article. Thus, I will consider Feinberg's main idea from the perspective of SAT, and revise and supplement it in order to support my argument.

can claiming rights be performed in everyday life?' The language of rights as claims therefore bridges the gap between performative language and real-life situations in terms of human action. The illocutionary act of the performative language of claiming rights entails the performance of an act in saying something according to constitutive rules from the speaker's legal position. It is the performative act of producing an utterance with a particular (conventional) illocutionary force (Austin 1975:100). This only takes place within a conventional rule because the illocutionary act serves as institutional force (procedure) influencing what we do in saying something. Therefore, the intent of the speaker who is making a claim to something in the language act is communicated in the form of an intentional act in accordance with the speaker's specific rights to claim from the hearer to act in a certain way through language.

In fact, the speaker's intention (claim) creates illocutionary force, which aims to get the hearer to do something in a certain conventional way. The claim of the speaker produces an illocutionary point, which indicates that some illocutions have certain intentions and that the illocutionary act has a clearly associated perlocutionary intent (cf. Searle 1979:3). The illocutionary act is the force of the speaker's claims to do something to the hearer or cause a particular effect. The illocutionary force creates the perlocutionary act through the hearer's response to the speaker's claims. To put it differently, the speaker's claim intends ' $F(p)$ ' to be both a content of claims ' $(p)$ ' and the illocutionary force ' $F$ ' to the hearer in the relationship between the word and the world (cf. Searle 1969:47). For example, the statement, 'I claim to do something'  $F(p)$ , is made under certain social rules to create a social reality inappropriate circumstances. The speaker's claims pertain to the illocutionary point of the communicative action, which creates a new reality in the world by urging the hearer to perform a certain action in a real-life situation.

The second usage is 'claiming that ...', which Feinberg (1980:150) calls 'propositional claiming' as opposed to 'performative claiming', that is, 'making claim to'. 'Claiming that one has a right is another sort of thing one can do with language, but it is not the sort of doing that characteristically has legal consequences' (Feinberg 1980:150). In short, 'claiming that' simply refers to the content of a claim or an assertion of propositional meaning, which presents some state of affairs or informative fact as true or false. Feinberg (1980) explains that:

I can claim, for example, that you, he, or she has certain rights, or that Julius Caesar once had certain rights; or I can claim that certain statements are true, or that I have certain skills, or accomplishments, or virtually anything at all. I can claim that the earth is flat. What is essential to *claiming that* is the manner of assertion. (p. 150)

According to Feinberg, 'claiming that' is a propositional claiming; therefore, no legal force can be exercised and it has no legal consequences. We can recall the example by Feinberg (1980:150) mentioned above that says, 'If Smith owes Jones five dollars, only Jones can claim the five dollars as his own ...'.

Similarly, Feinberg adds that, 'Anyone can claim, of course, that this umbrella is yours, but only you can actually claim the umbrella' (Feinberg 1980:150). For Feinberg, 'making a claim' to something has legal force in relation to legal rights, while 'claiming that' is a certain content of a claim as a simple informative fact that has no power in everyday life.

Feinberg's view is similar to Austin's locutionary concept in SAT. The locutionary act is the performance of the act of saying something that presents itself as a proposition containing an informative fact that is true or false. This is closely linked to the surface of the utterance in terms of the propositional element or meaning such as vocabulary and grammar, which demonstrates what has been said or written. At the locution level, the content of the claim no longer has any influence on the hearer because the locutionary act merely refers to propositional meanings, but it has no power to do something to or have a particular effect on the hearer (cf. Searle 1969:31). Thus, as Feinberg has argued, 'claiming that' as propositional claiming has no force that can be exercised.<sup>14</sup>

However, when we consider the word of claim used in everyday life from a language perspective, it is hard to imagine a claim that cannot exercise any power.<sup>15</sup> This implies that the word assertion itself has the power to do something. According to Searle (1968:148), the locutionary and the illocutionary acts cannot be separated from each other because no utterance and its meaning are completely 'force-neutral'. It means that a propositional act cannot take place alone, as it is always performed together with an illocutionary act, which means every locutionary act has an illocutionary act because of its inherent linguistic nature. Based on the linguistic characteristics, 'the illocutionary force indicator shows how the proposition is to be taken' (Searle 1969:30). Therefore, 'claiming that' is not only a propositional claiming, but it is also a performative claiming that has the power to be exercised because language itself is a performative act.

The third usage is 'having a claim'. Feinberg (1980:151) considers the idea of 'having a claim' not in the verb 'to claim' but in the substantive 'a claim'. It is closely linked to the sense of possessions within a society such as a form of *moral conduct* or *entitlement*.<sup>16</sup> Even though Feinberg (1980) does not

14. If language has any effect on the hearer, the hearer should respond not only on the locutionary level, but also on the illocutionary level.

15. Feinberg (1980:150) insists that, 'One can assert without even caring very much whether anyone is listening, but part of the point of propositional claiming is to make sure people listen'. For him, the aim of propositional claiming is to pay attention to the people who make the claim. However, attention (listen) is not simply about hearing; the hearer needs to do something such as a specific attitude or action as a proper response to the speaker's saying because of the linguistic features of the word, claim. Thus, Feinberg's argument that the purpose of the assertion is to make sure people listen is obviously contradictory. A better way to say this would be, 'the point of performative claiming is to make sure people listen'.

16. McCloskey rejects Feinberg's argument that rights are claims. He insists that rights are entitlements because a right is not a claim in itself. He illustrates his view thus: 'My legal right to marry consists primarily in the recognition of my entitlement to marry and to have my act recognised. It indirectly gives rise to claims on others not to prevent me so acting, but it does not primarily consist in these claims' (McCloskey 1965:116). However, Wasserstrom (1979:10) regards rights and claims as practically synonymous in the following statement: 'Perhaps the most obvious thing to be said about rights is that they are constitutive of the domain of entitlements. They help to define and serve to protect those things concerning which one can make a very special kind of claim - a claim of right'. In fact, McCloskey's view closely follows Feinberg's notion of having a claim.

mention these terms directly, for him, the thought of 'having a claim' can be regarded as 'having a right', as a practical synonym which reflects humanism (human dignity):

Even if there are conceivable circumstances in which one would admit rights diffidently, there is no doubt that their characteristic use and that for which they are distinctively well suited, it to be claimed, demanded, affirmed, insisted upon. They are especially sturdy objects to 'stand upon', a most useful sort of moral furniture. Having rights, of course, makes claiming possible; but it is claiming that gives rights their special moral significance. This feature of rights is connected in a way with the customary rhetoric about what it is to be a human being. Having rights enables us to 'stand up like men', to look others in the eye, and to feel in some fundamental way the equal of anyone. (p. 151)

Feinberg's (1980:151) argument is that 'having a claim consists in being in a position to claim, that is, to make claim or claim that'.<sup>17</sup> This implies that anyone can make or have a claim, a valid claim as a human being in a society where they belong and have a moral (legal) status. What then makes it possible for one to move from 'having a right' to 'exercising a right' in our daily lives? Every person has a right to make claims as a human being, but not every person exercises that right. One person may have the power to claim his or her rights, while another lacks the power to claim his or her own rights. Where does this distinction come from, that is, one's *moral power* and moral status according to social rules in a certain society, which is able to protect one's rights or the recognition to claim the rights? For example, by law, most adults *have a right* to vote in a general democratic society and can *exercise that right* as real power or moral force to claim the given right and to express their opinions. Even if they are physically disabled, they have the right to vote and to exercise that right if they can go to the polls and cast the ballot by themselves. However, people who have been convicted legally cannot vote or exercise their right in this manner in certain societies.

Even though they have the physical power to go to the polls and cast their vote, they are deprived of their rights to vote in prison through moral (legal) power. Crowe (1978) explains the importance of moral power as follows:

A man's right to life can be described as his moral power to claim or demand that no one takes his life away. Normally, of course, a man is able to support this claim by physical force; he may repel an attack, using physical force to fight off his attacker. But we would easily recognize that the ability to fight off an attack is not the basis for his right to life. A champion boxer or a trained commando may be well able to use physical means to defend his life. But a handicapped or otherwise defenceless person, an infant, an old person, one who is paralysed for example, although unable physically to defend himself, has every bit as much a right to life as the strong man. What both the weak and the strong have in common is the moral power (that is the right). And this moral power is far more important than the difference in their physical strength. (pp. 4–5)

17. Therefore, 'If this suggestion is correct it shows the primacy of the verbal over the nominative forms. It links claims to a kind of activity and obviates the temptation to think of claims as things, on the model of coins, pencils, and other material possessions which we can carry in our hip pockets' (Feinberg 1980:151).

Such moral power can be regarded as illocutionary acts  $F(p)$  because it comes from the institutional facts and constitutive rules of society and places one in a position to claim, that is, to engage in a performative act. In other words, moral acts have moral power  $F(p)$  where the variable ' $F$ ' stands for the illocutionary force and shows devices as values and ' $p$ ' expresses the content of moral rules in certain social conventions (cf. Searle 1969:31). Moral power implies both the pattern of behaviour and the illocutionary acts such as 'a claim'  $C(p)$ , which produces meaning or meaningful action of rights in accordance with social rules through illocutionary acts and according to the intended perlocutionary acts. For instance, we can apply moral power (moral illocutionary acts) ' $F(p)$ ' to the case of voting, that is, 'We make ( $F$ ) a claim, that is, *having a claim* to a right to vote ( $p$ )'. This can be represented as 'We have moral power  $F(p)$ ', which from the perspective of secure political voting system is neither simply ' $p$ ' nor simply ' $F$ ' but ' $F(p)$ '. It demonstrates that the expression of a proposition of ethical or political norm becomes a certain action through illocutionary force and that moral power anticipates exercising voting rights as having a claim.

To sum up, although Feinberg recognises different forms of claiming in everyday life, his view of rights as claims actually refers to a kind of 'performative claiming' through illocutionary acts. It means that the language of rights as claims is the performance of an action, which shows that speaking a claim ('make a claim to something' or 'claim that' or 'have a claim') implies a performative action that is taken to claim rather than a specific state of affairs or set of facts. This linguistic feature of rights as claims in its actual usage in appropriate circumstances reflects non-verbal behaviours behind the use of language in social constructions – how to do things with words when we utter a claim. Thus, a claim as a performative act attains a certain intended effect by the speaker (perlocutionary act) who makes a claim to something through the illocutionary force in the hearer or society. Accordingly, the language of rights as claims shows how rights are ultimately produced in a society, how rights are exercised by one who makes a claim and what effect it is expected to have beyond simply stating the meaning of rights in real-life situations.

## Human rights and the kingdom of God

Human rights are realised only in the context of social reality because social reality operates on rules, norms and customs that bestow duties and responsibilities as well as certain kinds of rights on people to enable them to live a good life. This consideration relates to the question, 'What makes a truly good human being in a society?' What then is the correlation between human rights and the kingdom of God? Are rights limited to human societies alone? As we have noted earlier, the kingdom of God refers to God's reign, as it points directly to God's self (France 2007:271), the Word of God. The Word of God continually works in the believers through the Holy Spirit, which is closely linked to the presence of the kingdom of God as a reality in the world. God's kingdom takes place in the context of human response

to life in the present so that human action is connected to the kingdom of God. It does not operate in some removed location, rather it is where we live right now – the present (Wright 1996:202, 2007:25). In other words, *the presence of the kingdom of God can be seen as a social reality in the present life*, which implies that it relates to human rights according to the Word of God. It connects with a particular Christian pattern of behaviour that seeks the good and the purpose of being human (humanity or humanness).

According to Guroian (2005:43), 'good and the telos of the human being, who is created in the image and likeness of God', may be considered to participate in and be in communion with the Divine Life, which implies human rights. Similarly, Wolterstorff (2008:317, 350) argues that as the image of God, human nature resembles God's nature, but it also has inherent rights. However, human rights do not arise from human beings as creatures, but from God's nature as the likeness of God, which is found in human nature.<sup>18</sup>

The issue of what virtue (value, good and purpose) means to human beings or in human behaviour has to do with the search for the origin of human rights in the image of God as the ethical identity of the moral agent. Stated differently, it means that aspects of virtue ethics can be considered to cohere in terms of the ethical identity of the moral agent through God (to be precise, God's locutionary action). Virtue ethics focuses on the person or community performing the action as the moral agent because human character is reflected in human actions through God at the locutionary level. God's locutionary act is the performance of an act of saying something that presents itself at the level of saying something as a propositional element and that describes a state of affairs, facts or informative facts as God's nature (identity), namely, 'God is love'. It indicates the content of what God has said in relation to the people in the believing community as God's speech act. This consideration naturally addresses the questions: 'What am I?' 'What kind of person am I going to be?' 'What kinds of qualities make me become a good person?'. Hence, it is crucial to see human rights as God's locutionary action in relation to aspects of Christian virtue because human rights are reflected in human actions in a society and according to the Word of God at the locutionary level, which shows God's nature of love. God's locutionary action as God's nature of love (the image of God) represents the content of what God said to the people of God in relation to the basic moral identity with human rights (human being) as God's speech act. It means that the love of God is the foundation of human rights through which we can live to realise human virtue with others in the present life.

In this regard, God's locutionary action leads us to know 'who we are' and 'how to live', but, at the same time, it shows that God is love. As children of God, therefore, Christians should resemble the God of love who is central to the formation of human rights as a certain moral identity and

18. Many scholars link human rights with the image of God. See Blank (1979:27), Aubert (1986:139–144), Carroll (1987:148), Kasper (1990:148–166) and Ruston (2004:40–61).

specific conduct in the present for people and the kingdom of God through God's locutionary action. Christians should imitate the image of God at the locutionary level having an obligation and a responsibility to God (God's kingdom) and others (society), and enjoying the freedom given in God as human beings, that is, human rights. One commits himself or herself to moral conduct to exercise human rights with a particular attitude and purpose towards God's kingdom and human beings in the world by expressing love to God and people through God's locutionary action. That is to say, those who have human rights should always enjoy the freedom<sup>19</sup> of God as the people of God and fulfil their responsibilities and duties in their daily lives for the sake of the kingdom.

Specifically, the above point represents a type of promissory covenant in which God has obligations to perform through the illocutionary force and according to its intended perlocutionary effect. However, human beings also have corresponding rights or claims to that covenant. God's locutionary act towards believers through the illocutionary force entails God's self-devotion and responsibility under an obligation to do something to fulfil the Word of God, but it also requires an appropriate response from believers. The illocutionary force in what God said to the people of God can be seen as God's self-involving activity because it already contains the commitment to do something between God and the people of God in the biblical promise. It naturally produces a particular intended effect on the people of God in accordance with the Word of God and in the context of the kingdom as a certain ethical pattern of behaviour. This demonstrates that the promissory language in God's illocutionary force is closely linked to human rights, which do something as ethical responses to God's locutionary action in believers' lives. In responding to God's promise, human rights show us what is essential to true humanity as God bestowed upon us in creation, reflecting, from a Christian perspective, on the kingdom of God (Allen 1974:131–132). Allen (1974) notes that:

To speak of rights in these relationships, though, is not at all to compromise God's sovereignty, but to express it, because the rights that reflect what it is truly to be a person and therein a child of God are the expression of how God in his sovereign will has bound himself in steadfast love toward his creatures. The Christian understanding of God and man, far from being contradictory to the concept of moral rights belonging to persons, is inseparably connected with it. (p. 132)

The following statement in 2 Peter 1:4–7 is a good example of a biblical text that alludes to what contemporary social ethics may term as human rights in terms of Christian virtue. Like Wolterstorff (2008:317, 350), as we have seen before, human rights, human nature projects the image of God as inherent rights. It means that human rights do not arise from human beings, but from God's nature in the relationship between God and people. Thus, it shows that the image of God relates

19. From the perspective of SAT, we can see the presence of the kingdom as a social reality (rules, norms and custom) which often has the form of 'X counts Y in context C' as constitutive rules, and not 'Do X' or 'If Y does X' as regulative rules. In this sense, social rules seem to have autonomy, but both constraints and freedom always go with autonomy.

God's promise to the people of God in the present world as moral conduct:

Thus, he has given us, through these things, his precious and very *great promises*, so that through them you may escape from the corruption that is in the world because of lust, and may become *participants of the divine nature*. For this very reason, you must make every effort to support your faith with *goodness*, and goodness with *knowledge*, and knowledge with *self-control*, and self-control with *endurance*, and endurance with *godliness*, and godliness with *mutual affection*, and mutual affection with *love*. (2 Pet 1:4–7, [author's own italics])

Accordingly, in the context of a promise between God and the people of God, God's promise is to perform a speech act of certain implied behaviour or commitment that would be determined as a reality in the believers through the illocutionary act to fulfil the image of God in them. This performance of the action in the force of what God said and did for the people of God brings about some response in accordance with God's intention that believers are to be partakers of God's nature with rights in terms of virtue. Consequently, through the illocutionary force, the action can have the intended perlocutionary effect on the people of God and produce virtues such as *goodness*, *knowledge*, *self-control*, *endurance*, *godliness*, *mutual affection* and *love*, as forms of human rights through God's self-involving activity.

## Conclusion

This article examined the characteristics of the language of human rights and its use in public life from the perspective of SAT. It suggested that by means of a SAT approach, the presence of the kingdom of God reflects human rights. The kingdom of God refers to God's reign, as it points directly to God's self, the Word of God. The Word of God continually works in the believers through the Holy Spirit, which is closely linked to the presence of the kingdom of God as a reality in the world.

Human rights are realised only in social reality; this is because social reality contains rules, norms and customs. More precisely, human rights rely upon the institutional facts and the constitutive rules, which govern human behaviour because it applies to social rules (virtue), meaning the collective intent within a society.

Speaking about human rights (the language of human rights) mirrors social virtue (for Christian, the Word of God) in everyday life; it can be counted as a series of constitutive rules in terms of meaning and illocutionary acts which are performed following these sets of constitutive rules in a certain circumstance. In this sense, the language of human rights performs a speech act of implied behaviour or commitment that is determined by non-verbal or verbal conduct. It refers to who I am or what I ought to do in a society according to public rules. It defines the patterns of behaviour based on the constitutive rules as the illocutionary force.

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The author declares that no competing interest exists.

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I declare that I am the sole author of this research article.

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### Ethical consideration

This article followed all ethical standards for carrying out research without direct contact with human or animal subjects.

## References

- Allen, J.L., 1974, 'A Theological approach to moral rights', *Journal of Religious Ethics* 2(1), 119–141.
- Aubert, J.-M., 1986, 'Human rights: Challenge to the churches', *Theology Digest* 33/1139–144.
- Austin, J.L., 1975, *How to do things with words*, Harvard University Press, Cambridge.
- Blank, J., 'The Justice of God as the humanisation of man – The problem of human rights in the New Testament', in A. Muller & N. Greinacher (eds.), *The Church and the rights of man*, p. 27, Seabury Press, New York.
- Brandt, R., 1959, *Ethical theory: The problems of normative and critical ethics*, Prentice-Hall, Englewood Cliffs, NJ.
- Bromiley, G.W., 1979, *The international standard Bible encyclopedia*, Eerdmans, Grand Rapids, MI.
- Brümmer, V., 2006, *Brümmer on meaning and the Christian faith: Collected writings of Vincent Brümmer*, Ashgate Publishing, Aldershot, England.
- Bucar, E.M. & Barnett, B., 2005, *Does Human Rights need God?*, Eerdmans, Grand Rapids, MI.
- Carroll, D., *Towards a story of the Earth: Essays in the Theology of creation*, Dominican Publications, Dublin, p. 148.
- Cho, A., 2019, *Christian ethical implications of the presence of the Kingdom as God's performative action in the Light of Speech Act Theory*, LitVerlag, Zürich.
- Cho, A. & Forster, D., 2017, 'The religious linguistic characteristics of the Presence of the Kingdom in the Light of Speech Act Theory: Christian Ethical Implications', *Scriptura* 116(1), 1–12. <https://doi.org/10.7833/116-1-1223>
- Cronin, K., 1992, *Rights and Christian Ethics: New studies in Christian Ethics*, Cambridge University Press, Cambridge, UK.
- Crowe, M.B., 1978, *Human rights*, Veritas Publications, Dublin.
- Feinberg, J., 1980, *Rights, justice, and the bounds of liberty: Essays in Social Philosophy*, Princeton University Press, Princeton, NJ.
- France, R.T., 2007, *The Gospel of Matthew*, Eerdmans, Grand Rapids, MI.
- Griffin, J., 2008, *On human rights*, Oxford University Press, Oxford.
- Guroian, V., 2005, 'Human rights and modern western faith: An orthodox Christian Assessment', in E. Bucar & B. Barnett (eds.), *Does human rights need God?*, pp. 4–57, Eerdmans, Grand Rapids, MI.
- Kasper, W., 2004, 'The Theological foundations of human rights', *The Jurist* 50, 148–166.
- MacIntyre, A., 1984, *After virtue*, University of Notre Dame Press, Notre Dame.

- Martin, R. & Nickel, W., 1980, 'Recent work on the concept of rights', *American Philosophical Quarterly* 17, 165–180.
- McCloskey, H.J., 1965, 'Rights', *Philosophical Quarterly* 15, 115–127. <https://doi.org/10.2307/2218211>
- Newlands, G., 2004, 'Human rights, divine transcendence', in D. Forrester, W. Storrar & A. Morton (eds.), *Public theology for the 21st century: Essays in honour of Duncan B. Forrester*, pp. 123–142, T & T Clark, London.
- Searle, J.R., 1968, 'Austin on Locutionary and Illocutionary Acts', *The Philosophical Review* 77, 141–159. <https://doi.org/10.2307/2183008>
- Searle, J.R., 1969, *Speech Acts: An essay in the Philosophy of language*, Cambridge University Press, Cambridge.
- Searle, J.R., 1971, *The Philosophy of language*, Oxford University Press, London.
- Searle, J.R., 1976, 'A classification of Illocutionary Acts', *The Language in Society* 5(1), 1–23. <https://doi.org/10.1017/S0047404500006837>
- Searle, J.R., 1979, *Expression and meaning: Studies in the Theory of Speech Acts*, Cambridge University Press, Cambridge.
- Searle, J.R., 2010, *Making the social world: The structure of human civilization*, Oxford University Press, Oxford.
- Van der Vyver, J. & Witte, J., 1997, *Religious human rights in global perspective*, Nijhoff, The Hague.
- Vanhoozer, K.J., 1998, *Is there a meaning in this text?*, Zondervan, Grand Rapids, MI.
- Wasserstrom, R., 1979, 'Rights, human rights, and racial discrimination', in J. Rachels (ed.), *Moral problems: A collection of philosophical essays*, pp. 7–24, Harper & Row, New York.
- Wolterstorff, N., 2008, *Justice: Rights and wrongs*, Princeton University Press, Princeton, NJ.
- Wright, N.T., 1996, *Jesus and the victory of God: Christian origins and the question of God*, SPCK, London.
- Wright, N.T., 2007, *Surprised by hope: Rethinking Heaven, the resurrection and the mission of the church*, SPCK, London.