

THE BOOKS INTERVIEW

Rebecca Goldstein

served to educate the judiciary and give them the principles (if not the power) to stand up to the secret state – for example, by prohibiting the use of evidence obtained by torture and rejecting the government’s attempts to detain suspects indefinitely without trial.

Ewing’s problem is that he measures court decisions on human rights against an unrealistic template: he is most outraged, for instance, by a decision that resulted in a vicious serial rapist of old women being brought to justice by use of a DNA sample the police should have destroyed after an earlier acquittal. But potential rape victims have human rights, too. “Here, under the supervision of the Home Office,” he rages, “we have a surveillance regime that would cause Erich Honecker to glow with pride.” Similarly, Stephen Sedley, one of our more liberty-minded judges, is excoriated for proposing that everyone should be entered on the DNA database, a proposal which shows no more than that the question of privacy is rather more complicated than Ewing thinks.

His solution is to sideline the courts and rely on what he describes as “the enduring strength of parliamentary sovereignty”. Coming at the end of a book that details how our sovereign parliament and its members have thrown liberty to the wind in anti-terrorism legislation, his argument utterly fails to convince. Too often have we seen these MPs, soundly whipped and thinking of partisan advancement, troop into the anti-liberty lobby.

Ewing lavishly over-praises the work of the Joint Committee on Human Rights, the deliberations of which are often too little and too late, although it would be sensible to have its reports formally considered by both the Lords and the Commons at some stage in the legislative process. He is right to caution that we should look at what judges do rather than what they say (the Human Rights Act has improved their rhetoric, though often to little effect), but to describe them as a “juristocracy” is jejeune.

Ewing wants a more “radical” (his favourite word) approach. He urges “radical parliamentary reform” and “radical parliamentary scrutiny of legislation”. But these days “radical MP” is almost as much of an oxymoron as “radical barrister”. Those who want a truly radical, and indeed workable, solution to the crisis of our liberties should look to a British Bill of Rights, embedded in a written constitution and applied by judges who – as in the United States – have the power to ensure that the liberties won by Milton and Cromwell, Wilkes and Paine, are not abandoned by MPs more interested in flipping their second homes. ●

Geoffrey Robertson, QC is the author of *“The Justice Game”* and *“The Tyrannicide Brief”* (both published by Vintage)

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Do you ever worry whether writing novels is what you ought to be doing?

Oh, yes, always. I think that this anxiety is finally quieted, but it does compel me to write a certain kind of novel.

I always have to justify it to myself when I write a novel, and answer Plato. I’m trying to write novels that he might possibly approve of. Plato was my first love, and his judgements matter to me tremendously.

Cass Seltzer, the protagonist in your new novel, *36 Arguments for the Existence of God*, sounds like a character you conjured into existence because we need him.

Yes. We need an “atheist with a soul”. Spinoza was an atheist with a soul. He had this thoroughgoing, secular point of view, a rejection of a transcendent God and yet the capacity for great ontological wonder, revelling in existence itself. Existence is all we have, but who needs anything else? That kind of expansive, almost transcendent being carried out of oneself – I just think it’s one of life’s most worthwhile experiences. All sorts of things can do it – art, music, but science and mathematics as well. And trying to show that it’s compatible with the rejection of a transcendent God seemed very important to me.

As a non-believer, what’s the reason for not being an atheist that gives you most pause for thought?

Spinoza’s argument for God’s existence, number 35 in the appendix to my book. That one I’m very susceptible to, but it’s for a non-transcendent God. If Spinoza’s God is possible, then that pulls the rug from under a transcendent God, and all of those arguments don’t work.

Am I such a committed atheist that nothing would convince me? There could be empirical evidence, of course. If something dreadful was about to happen, and for no obvious reason it ceased to be and something seemed to have interceded, that would really convince me.

I suppose the way you judge somebody’s metaphysics is: “How surprised would they be to discover the world is other than the way they think?” I would be so very surprised to discover there was an omniscient, beneficent God running things.

The only thing that would convince me would be something empirical. That makes me sound awfully dogmatic. I think I’m as dogmatic an atheist as any of these new atheists, which makes my sympathy for religion all the odder.

You put 36 logical arguments for the existence of God in the appendix of the book. Why do you put them there and not in the main body of the novel?

I try to make them very good arguments, and I try to come up with arguments that have never been formalised before, make them formal, and then knock them down. I hope the body of the book says, “That’s not enough.” There’s just much more to this debate between faith and reason than you can get at through simply showing what’s wrong with the arguments.

Do you think that by portraying religion sympathetically, you might be making it easier for some people not to believe it?

I hadn’t thought about it that way. I’m not interested in converting people in the least. The one thing I’ve always been interested in is getting people to entertain different points of view, so that whatever views they hold, they hold them with a certain degree of doubt. But I myself don’t seem to have any doubt about my own atheist position, so I haven’t really followed my own lesson here!

Cass Seltzer enjoys a success that makes him feel as though he is walking around in someone else’s clothes. Do you ever have that feeling?

Yes. I was born into this Orthodox Jewish family where girls were not supposed to be heard, so the fact I am such a noisy person who gets heard so much is surprising. I had this set of questions that mattered to me, and all I was doing was trying to find ways of thinking them out and doing justice to them. And then people read it and take it seriously. There’s a way in which I often don’t believe I’m living this life.

What’s the question you get asked the most and wish you weren’t?

Is Steven Pinker [Goldstein’s partner] Cass Seltzer? ●

Interview by Julian Baggini
“36 Arguments for the Existence of God: a Work of Fiction” by Rebecca Goldstein is published by Atlantic Books (£12.99)