

Human Rights and the Christian

– A Historical Perspective –

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Introduction

'Human Rights,' 'the rights of man' – for some these phrases conjure up images of revolution and resistance to the oppression of man by his fellow man, of flags flying on the barricades; for others a court room in which the wicked are held to account and the oppressed set free from slavery. The language of human rights represents for its supporters the highest aspirations of humanity, the ideal of the brotherhood of man. 'Human rights,' wrote one former Secretary General of the United Nations, 'are the foundation of human existence and coexistence.'¹ For the supporters of the idea of human rights, these rights express the striving of human beings to transcend the barriers of race, nationality and class, to forge a world in which right, rather than might, rules. To their detractors, human rights are, at best 'nonsense upon stilts,'² and at worst 'pernicious nonsense,'³ promising what they cannot deliver, and endangering those customs and

¹ Kofi Annan, in Barend Van Der Heijden & Bahia Tahzib-Lie (eds.) *Reflections on the Universal Declaration of Human Rights: A Fiftieth Anniversary Anthology* (The Hague, Boston, London, 1998), p.18.

² Jeremy Bentham, 'Anarchical Fallacies' (1797), reproduced at: https://h2o.law.harvard.edu/text_blocks/28863 [viewed 24 November 2017].

³ Enoch Powell, 'Human Rights,' first published in 1977, reproduced in Rex Collings (ed.), *Reflections of a Statesman* (London, 1991), p.570.

institutions which are actually able to protect the weak.

Depending on the writer or speaker, human rights are either the expression of a civilised society, or an effort by one culture (the West) to force its moral norms on other cultures. They may be seen as a means of protecting the marginalised and vulnerable, or as a means whereby lawyers can enrich themselves through helping the enemies of society, even of our country. Human rights may also be viewed as a means of protecting the marginalised against the encroachments of a dominant culture, or the means of marginalising Christianity by enshrining godless norms as the 'values' of society.

Although the idea of human beings possessing rights by simple virtue of their humanity is one with a long pedigree, it only assumed significance in the latter half of the twentieth century; the end of the Second World War gave impetus to the drawing up of a number of international declarations, conventions and covenants which sought to commit governments to uphold what were supposedly universal human rights. It was not until the 1970s, however, that the concept of human rights moved out of legal circles and became common currency, aided by a number of influential charitable organisations, so that today the language of human rights is found employed by all manner of campaigning groups.

The concrete expression of these rights, the crucial question as to what rights are human rights, has been far more widely debated. In the United Kingdom, following the passage of the 1998 Human Rights Act, one end of the political spectrum has eagerly embraced the idea of universal human rights in a manner which has prompted suspicion of their aims by those on the other end of the spectrum.⁴ This suspicion, which manifested itself most recently in talk of repealing the Human Rights Act of 1998 and replacing it with a new British Bill of Rights, is neither new nor necessarily sinister, although it may be portrayed as such without much difficulty on the part of the one making the accusation.

To raise the question of human rights in some circles is to be reminded of human responsibilities, the duty people owe to one another; easily lost sight of when the question of 'my rights' is brought to the fore. People are generally more eager to obtain their supposed rights than to exercise their responsibilities, and society is more likely to be invoked as something which owes a person a living than something of which they are part, and in which they must play their

⁴ An equal and opposite effect may be observed in relation to the language of patriotism. Where internationalism and human rights language are employed freely on the left, prompting suspicion on the right, the left tends to view the use of patriotic language (at least at the British level) with equal suspicion.

part. There is no denying that the concept of human rights may be so abused, but this may tell us more about the tendency of fallen man to abuse a good thing than the nature of human rights itself. There is also the proliferation of supposed human rights, with international human rights law now recognising, at one count, over three hundred; seemingly, all rights may now be described as human rights, and there is no end to what may be claimed as 'rights'. This has led even some supporters of human rights to warn that 'human rights are becoming hollow rhetoric that is fast losing its evocative power,' and to lament the tendency to 'frame all grievances in terms of human rights.'⁵

The Christian faces not only the questions concerning human rights which vex society at large, but the more fundamental question of whether human rights are compatible with Biblical Christianity. For society at large, there is little doubt that they are, and that Christians ought to favour the idea of human rights. The ringing words of the American Declaration of Independence, issued in 1776, perhaps represent the most obvious version of this belief:

⁵ Dominic Clément, quoted in: 'The Dark Side of Rights Inflation', *National Post* (Canada), 1 June 2015:

<http://nationalpost.com/news/canada/why-human-rights-inflation-could-spell-the-beginning-of-the-end-of-social-change> [viewed 11 January 2016].

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are life, liberty, and the pursuit of happiness.

According to this view, human rights emanate from God, and thus all the Lord's people ought to support them as a secular manifestation of the timeless virtues of Christianity. Indeed, it may be urged that the concept of human rights recognises the unique nature of mankind, as opposed to the evolutionary world-view in which man is no more than an advanced animal, and life consists of a struggle for survival. At the very least, human rights may, like the Athenian altar 'to an unknown god', be a means of bringing the question of the Creator to the table.

The role played by the churches in movements which have exalted human dignity against the claims of a ruling class or caste seems to support this idea. In the southern states of the United States, and in South Africa, professing Christians stood up for the essential humanity of blacks against a ruling ideology which, in practice, and sometimes in theory, doomed them to the status of second-class citizens. In Nazi Germany, the 'Confessing Church' opposed Nazism's racist and pagan ideology, some ministers dying as martyrs for their stand. In the light of this, it might be argued, how can anything which emphasises the dignity of humanity be other than agreeable to Christians?

Jefferson's words, however, invoke not the triune God of Holy Scripture, but an undefined 'Creator', warning that the idea of human rights does not necessarily imply a belief in Scripture. In the modern world, one might add, how could it? For the language of human rights is today supposed to be a universal language, which may be spoken by (and to) Muslims, Buddhists, and atheists. One of the promoters of the 1998 Human Rights Act spoke of it as providing 'values for a godless age.' Thomas Paine, whose book *The Rights of Man*, popularised the idea of universal rights, was a notorious enemy of Christianity, which he saw as favourable to despotism, if only by encouraging people to accept the status quo rather than sweeping it away in order to create a perfectly just state.⁶ The same may be said of Voltaire, and many of the philosophers who laid the intellectual foundations of the French Revolution.

In the modern world there are further practical reasons for Christians to be suspicious of human rights. Social and moral decay has led to the acceptance of social mores antagonistic to Biblical morality, with growing acceptance of unmarried motherhood as a 'lifestyle choice', loose morality and homosexuality, each of which has been facilitated by

⁶ It must be stressed that Paine was not an atheist, rather, like Robespierre, the tyrant of the French reign of terror, he taught belief in a 'supreme being' who was essentially unknowable.

the use of the language of rights. In the case of the 'gay rights' movement, this has of late culminated in an assertion that the supposed rights of homosexuals to have their lifestyles promoted override the rights of those who hold to the Biblical position that such lifestyles are sinful. Thus we have seen the proprietors of a bed and breakfast establishment fined for refusing to allow a homosexual couple a double room, and Christian bakers prosecuted for refusing to decorate a cake with a slogan promoting so-called 'gay marriage', in both cases on the grounds that this violated the rights of the customers to indulge and celebrate their sin. In the light of such decisions, it seems that the concept of human rights, wedded to the idea that the supreme right of man is self-determination, may be opposed to Christianity.

Against this suspicion of the concept of human rights may be urged the need of the churches for legal protection against the hostility of modern Western culture to Christianity. Human rights legislation, both at the national and supra-national level, has been used at times to prevent governments from forcing Christian employers and employees to violate their consciences. The Christian Institute, a campaigning organisation supported by many churches, played a major part in getting the Council of Europe to commission a report into discrimination against Christians in Europe. Without the ability to employ

the language of human rights, it may be argued, Christians may find themselves unable to preach against sin, and shut out from public debate altogether – for governments eager to purchase goodwill from increasingly powerful ungodly movements would be free to pass anti-Christian laws with impunity. As we shall see, this is far from being a groundless concern. Although human rights legislation may be used against Christianity, it may also be used to ensure that governments cannot, for example, police the content of sermons.

Alongside the current political debate over human rights, the history of human rights must be considered; where the concepts most commonly associated with human rights came from, and where current debates about human rights may be headed in the future. Recent years have seen the appearance of several books arguing that the concepts underpinning human rights owe their existence not to the agnosticism of Thomas Paine, or the nebulous deism of Thomas Jefferson, but to Christianity.⁷ Does the teaching of Christ that the weak are to be

⁷ Nick Spencer, *The Evolution of the West: How Christianity has Shaped our Values* (London, 2016), and Theo Hobson, *God Created Humanism: The Christian Basis of Secular Values* (London, 2017) are probably the prime examples of this genre, although Samuel Moyn's *Christian Human Rights* (Philadelphia, 2015), which deals with the formulation of the post-War human rights documents, may be considered a more scholarly example.

protected, that it is better to suffer harm than to do harm, and concerning the fundamental value of all human life, lie behind the often complicated language of human rights? If so, does the decline of Christianity in the West portend the transformation of freedom in the name of the rights of man into oppression under the same banner?

To pretend that human rights language and concerns do not exist is impossible. The creation of a number of declarations, conventions and charters in the aftermath of the Second World War, and the increasing employment of those documents in the last forty years, has meant that human rights concerns are frequently before the people. More importantly, this language is familiar to people, especially legislators and those seeking to influence them, serving as 'a recognised standard of accountability for [the] actions of governments and states.'⁸ Human rights legislation affects how, and with whom, a business proprietor, large or small, may do business, who they may hire, and even for churches, which currently possess a number of exemptions from the relevant laws, these questions cannot be avoided (e.g. when employing a chapel caretaker). More importantly, the ideas which lie

⁸ Christopher D. Marshall, *Crowned with Glory & Honour: Human Rights in the Biblical Tradition* (Telford, Penn., 2001), p.25.

behind the concept of human rights have had a profound effect on the shaping of our present world, for good or ill.

It is the intention of this little book to examine something of the history of human rights, to set forth why this idea matters in our present age, and to suggest some pointers regarding the interaction of Christianity and human rights at present and in the future, and lastly, the possible future of human rights. In the light of this, we shall consider some of the issues which Christians must consider when dealing with this daunting subject.

Whatever opinion we may entertain regarding human rights, whether they are God-given freedoms, or rights claimed by a creature in rebellion against his Creator, or a mixture of both, the view which society holds of God, and thus of man, is fundamental regarding the future of human rights, and of society at large.

What are Human Rights?

The question of what is meant by human rights must first be addressed; a failure to define terms must cripple any exploration of a subject. When we talk about rights in this context, what is meant is a set of legally enforceable claims to goods or treatment. This may be a general claim for equal or fair treatment, or it may be a very specific claim, a person asserting, for example, their rights under a will to a certain object or portion of an inheritance, or a right of access across another's land. When he signed Magna Carta in 1215, King John promised not to sell or deny anyone 'right or justice.'⁹ By this he meant that he would not treat those things which were due to a person as though their enjoyment was at the king's pleasure. Thus, human rights are not given by a government or state as though they were a bounteous gift; they already belong to the person who is claiming them. They are a moral concept, and in their earliest state worked to preserve individual liberty from the power of the state – in essence, a

⁹ Magna Carta, 1215, text reproduced by Salisbury Cathedral:
<https://www.salisburycathedral.org.uk/magna-carta-what-magna-carta/key-clauses-magna-carta> [viewed 10 December 2018].

limit to what the state may do, '... the means of subordinating society to moral law.'¹⁰

Although the concept of rights may exist in the mind of a lone individual, they may only be exercised in community. The castaway on a desert island will experience, as Solomon observed, 'time and chance'; he cannot have rights, because there is no one from whom he can claim his rights, unless he believes somehow that he possesses rights against God, a foolish and blasphemous delusion.

Rights which are enshrined in law are, typically, those which would otherwise be denied or abridged, since to protect what is not endangered rarely seems worth the time required to pass a law. One of the reasons why courts exist is to enforce rights, and to arbitrate between competing rights claims. Some conflicts over rights are inevitable; when one person claims a right, they require someone else to either perform an action, or desist from performing an action. The open-air preacher, in asserting his right to free speech, is asserting his claim to tell the passers-by what they do not want to hear, for example. When the right claimed involves the spending of money, this is clearer and more open to challenge: the student asserting his or her right to free education,

¹⁰ Ayn Rand, 'Man's Rights', *Capitalism: The Unknown Ideal* (New York, 1967), p.367.

for example, is demanding that other people must pay for something which he or she wants.

It must be added that just as the exercise of rights is possible only when man is found in society, so the existence of society has led to the existence of rights and responsibilities. The castaway on his desert island requires no rights, but if a second castaway appears the two have to allocate resources, and work out whether, if one is ill, they should be fed by the other. As societies grew, questions such as the treatment of the poor and needy, and disputes concerning inheritance inevitably appeared. In modern industrialised societies, these rights are extensive; citizens of the United Kingdom possess the right to hospital treatment free at the point of delivery, in addition to the right to clean drinking water and the right to vote for Members of Parliament. Not all of the rights we possess are human rights: people who are not British subjects cannot vote in Parliamentary elections, and those under the age of eighteen cannot vote at all, but few would consider this to be a violation of their rights, and the government would be confident of winning any legal challenge to these restrictions.

Then there are rights which are strictly contingent: for example, the rights of a consumer concerning a product depends on their buying it. Contractual rights only exist where a contract has been entered

into – breach of contract by either of the contracting parties may result in the loss of those rights. The right of a tenant to live in a house, for example, depends on that tenant paying their rent and otherwise observing the terms of their tenancy agreement. If the tenant wilfully refuses to pay their rent, or otherwise violates the terms of their lease, they lose their right to live in the house.

The language of rights may also be employed concerning a claim which, in the view of the one asserting the right, ought to, but does not yet, exist – some of these fall under the rubric of human rights. Examples would include the claim by suffragettes of the right to vote in the early years of the twentieth century, the call by colonised peoples for the right to self-determination which led to the breakup of the European colonial empires, or the modern development charity's declaration that 'everyone has the right to clean water'. The key point when the term 'right' is used in this connection is that it refers to a claim which *ought* to be recognised, or state of things which *ought* to exist. It is not a request for a privilege to be granted, but a call that justice should be done.

Human rights are a subset of rights: they are supposed to belong to all mankind, regardless of race, class or nationality, and may be claimed in every country (or at least the home country, if one includes

among them the right to choose their governors). Human rights do not differ according to geography, nor religion. They may be enshrined in the treaties or international conventions which comprise what is called international law, or be set forth in a Bill or Declaration of Rights forming part of a country's founding or basic law, often called a constitution.¹¹ It is the supposed general applicability of these rights that makes them human rights.

Human rights are also supposed to be intrinsic, so that the person coming into another's presence for the first time possesses those rights even though the other has not met them before, and thus requires to be treated in a certain way, so that these rights are, in the words of one scholar, 'actions and restraints from

¹¹ Historically a constitution meant the legal make-up of a state, just as a person's constitution means their make-up, especially how that person functions. Today the term is usually used to refer to a document describing how the government is to be set up and prescribing the relations between the various parts of that government, such as the Constitution of the United States. The United Kingdom is rare among democratic countries in possessing no single document of this type, and thus is often spoken of as possessing no written constitution. Properly speaking, the constitution of the United Kingdom is written down, being contained in the law of the land, but, unlike the US Constitution, it is not written down in a single place. One of the key reasons for this is that the United Kingdom has not known a major revolution resulting in a drastic and permanent change of its form of government, nor catastrophic defeat in wartime, resulting in military occupation and the subsequent need to create a new government following the attainment of independence.

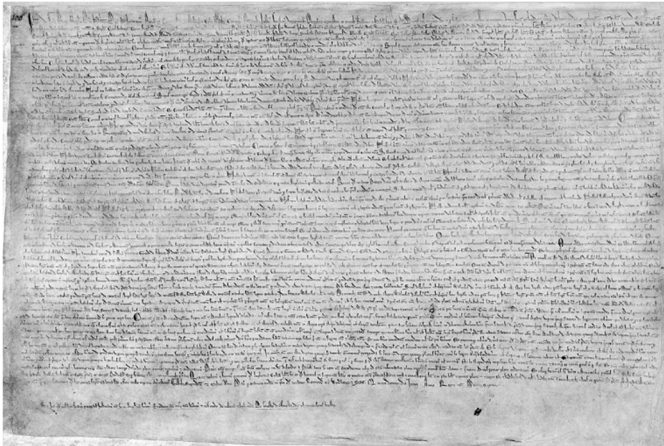
action.¹² This is based on their worth as a human being, rather than their possible value to the one being asked to respect those rights. There is a further difference between human rights and other rights: laying claim to universal applicability, these rights occasionally come into collision with the laws of individual states, and so lay claim to being a sort of higher law over that of the nations. Human rights are claims made by individuals which, being based on the assertion of a common humanity, should be legally enforceable against other people, regardless of any other consideration. It may be the claim is not legally enforceable, but, the argument goes, ought to be, for what is claimed is due to every human being.

Furthermore, these claims are not only universal, but they are generally considered inalienable; that is, they cannot be sold or given away, neither can they be taken away except in very specific circumstances, being rights possessed by a person solely on the basis of their humanity. In some cases it has been argued that particularly heinous criminals may be deprived of their human rights, at least up to a point, although there is debate concerning the most solemn manifestation of this deprivation, the death penalty. Most states in the Western World have abolished the

¹² Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton & Oxford, 2008), p.5.

death penalty, and Pope Francis has altered the catechism of the Roman Catholic Church to reflect this modern view.

HUMAN RIGHTS AND THE CHRISTIAN



Magna Carta, the copy owned by The British Library
(Cotton MS Augustus II.106.)

The Creator of Man and the Rights of Man

The Scriptures begin, not with man, but with God, not with the one created, but with the Creator and his act of creation. Thus any consideration of human rights must begin by meditation upon the character and person of God, the creation of the world, especially the creation of man, and the fall of man. Without a Scriptural view of God, we should otherwise be in danger of falling into the delusion to which the hypothetical lone castaway might fall: the belief that we possess rights against God.

In order to attain a right estimate of man, it is necessary to consider the perfections of God. John Calvin, at the start of his *Institutes of the Christian Religion*, reminded his readers:

[I]t is certain that man never achieves a clear knowledge of himself unless he has first looked upon God's face, and then descend from contemplating him to scrutinise himself. For we always seem to ourselves righteous and upright and wise and holy – this pride is innate in all of us – unless by clear proofs we stand convinced of our own unrighteousness, foulness, folly, and impurity.¹³

¹³ John Calvin (trans. Ford Lewis Battles), *Institutes of the Christian Religion* (Philadelphia, 1960), vol. 1, p.37.

Isaiah thought himself a relatively upright man until he saw the Lord 'high and lifted up,' His train filling the temple. Then he had to cry out as a man undone on account of his sin (Isaiah 6). Daniel, perceiving the pre-incarnate Christ, found his comeliness changed to corruption (Daniel 10:8). Sinful man believes himself to possess power, even a claim on God by virtue of good behaviour at times, until he sees the power and holiness of God.

The first and most crucial matter as we consider the relationship between man and God is that this is the relationship of the creature to the Creator; God is not obliged to give an account of himself to man (Isaiah 45:9-10; Romans 9:20-1). The Scriptures tell us that God created the world from nothing by the word of His power, and brought into being all things which now are; that by His will all things now subsist. He is not subject to any outside force, neither can He be, and His dominion is an everlasting dominion. The universe was called into being through His will and action – we are not, as modern science (falsely so-called) argues, the chance product of impersonal cosmic forces, the latest link in a purposeless chain of chance events, but the special creation of Almighty God: 'it is he that hath made us, and not we

ourselves; we are his people, and the sheep of his pasture' (Psalm 100:3).¹⁴

From the account given in Genesis, we learn that the world as first formed was perfect and pleasant. Having formed man and breathed life into him, God provided him with woman to be a suitable companion for him, and placed our first parents in a well-watered garden, providing them with all things richly to enjoy. Not that they possessed a right to any of these things – they were given to them as privileges. The same was true of the wonderful companionship which they knew with their Creator. Adam was given the job of tending the garden. Death and decay were unknown in this world, which must have been magnificent when we consider the beauty which it possesses even in its ruined state.

The perfect will of God was that humanity might know fellowship with Him as their Creator, love Him and serve Him in holiness and righteousness. Accordingly, God provided everything which our first parents might need: trees and plants for food, which were also pleasant to the eyes. We read also in Genesis of two remarkable trees: the tree of life, and

¹⁴ Although this verse refers especially to the Lord's people by redemption (see also 1 Corinthians 4:7), it is true also of all mankind by creation. How many reject the existence of God because they see that, if they were to acknowledge Him, they would also have to obey Him!

the tree of the knowledge of good and evil. This second tree man was not to eat of, being warned that if he did so he would surely die. (Genesis 2:16-17.) As long as our first parents obeyed the law of God, they would enjoy the blessings.

Rather than obey their wise and loving Creator, our first parents preferred to listen to the temptation of Satan and to eat the forbidden fruit. Because of their disobedience they forfeited the blessings of the garden, and brought the curse of God upon themselves and upon the earth, which was cursed for their sake. Their guilt was manifested almost at once when they realised that they were naked, and fashioned for themselves aprons of fig-leaves in an attempt to hide their shame. The temporary gratification of their unlawful desires had led not to happiness, but to fear and disgrace. After God brought our first parents forth, He passed sentence upon them, telling them that they would one day die, and that now they would find that their formerly pleasant lives would be marred by sorrow and conflict.

In consequence of Adam's disobedience the order of the world had been changed; although man remained the crown of God's creation, as a sinner he lost all the rights which God had graciously given him in Eden. Formerly he had possessed the right of access to the tree of life; that way was blocked by a

flaming sword. In place of the right to close fellowship with God he found a slavish fear, which in his descendants became a hatred of the Creator. Joseph Hart expresses the change well:

When Adam by transgression fell,
And conscious, fled his Maker's face,
Linked in clandestine league with hell,
He ruined all his future race:
The seeds of evil once brought in,
Increased and filled the world with sin.¹⁵

If fallen man had a right to anything from his creator, it was to God's judgement and endless torment in hell, earned by his rebellion. And God possessed the right to dispose of the rebel.

Yet God exercised His mercy, and graciously promised a saviour for fallen man, in the form of the seed of the woman, a promise fulfilled, after many years, in the coming of the Lord Jesus Christ to be the Saviour of His people. As a pledge of this and a symbol, God slew an animal, shedding its blood, and made coats of skins to hide the nakedness of our first parents. This first death in the history of the world prefigured the death of the Lord Jesus Christ, God incarnate, in the room, place and stead of His people, that their sin might be covered by His spotless righteousness.

¹⁵ Hymn 89 in *Gadsby's Selection*.

This gracious act, as much as His judgement, shows forth the character of God as the supreme legislator. As creator, He possesses an absolute right to do as He will with His creation. This is displayed both in His judgement, such as when He destroyed the world in the Flood, and when He rained fire and brimstone down upon the cities of the plain, but also in His mercy, when He saved Noah and his family in the ark, and when He brought Lot and his daughters out of Sodom. These actions also show the right of God as Creator to judge His creation. God's rule is based on right; a fact which is most clearly displayed in His giving of the Old Testament Law at Sinai. The voice from heaven, the cloud and the fire, all spoke of the almighty power of the Lawgiver; that this law came from God and not from man.

God's rights as ruler did not only extend to Israel. When Elijah, cast down by the apostasy of Israel, was led to Horeb, the Lord there commanded him to anoint three men: Elisha as his successor, Jehu to be king over Israel, but also Hazael to be king over Syria. God's sovereignty over the affairs of men was thus shown to extend even to the heathen. This truth was further revealed to the prophet Daniel, and even to Nebuchadnezzar, who learned, after the Lord temporarily deprived him of his reason, that God's 'dominion is an everlasting dominion, and his kingdom is from generation to generation: and all the

inhabitants of the earth are reputed as nothing: and he doeth according to his will in the army of heaven, and among the inhabitants of the earth: and none can stay his hand, or say unto him, What doest thou?' (Daniel 4:34-5). When Pontius Pilate attempted to impress the Lord Jesus Christ with his power as Procurator, the Lord replied: 'Thou couldest have no power at all against me, except it were given thee from above' (John 19:11).

The supreme right of God is displayed most plainly in His appointing some sinners to salvation and passing by others. To Moses, the Lord declared: 'I will be gracious to whom I will be gracious, and I will shew mercy on whom I will shew mercy' (Exodus 33:19). Whilst on earth, the Lord Jesus Christ enraged the people of Nazareth by speaking to them of God's right to show mercy to some outside the nation of Israel, whilst passing over others (Luke 4:23-30). These words are no more pleasant to modern man than they were to those in the synagogue at Nazareth, yet a fact is no less true because it is found disagreeable.¹⁶ At the end, every knee shall bow before the Lord Jesus Christ as God, to the glory of God the Father (Philippians 2:10), recognising His

¹⁶ For example, Tigranes the Great (140-55BC), whose dislike of bad news caused his generals to suppress news of an advancing Roman army. Unable to organise his troops, when the Romans finally arrived on the battlefield the King was defeated.

right to judge them. In the last day, therefore, the only rights which will be supreme are the rights of God as Creator, Judge, and as the Redeemer of His people. No voice of opposition will be raised to the verdict He will give on the great Day of Judgement.

According to the Scriptures, therefore, if man possesses rights, they cannot be against his Creator, for man forfeited any such rights when our first parents chose rebellion on that fateful day in Eden, sinning against far more light than any of their fallen posterity could ever possess. If mankind does possess rights, they are rights in respect to their fellows, not claims upon God.

The Basis of Human Rights?

The basis of modern human rights law and scholarship, whether assumed or directly stated, is the existence of a single human race. Article One of the 1948 Universal Declaration of Human Rights incorporates the injunction that human beings 'should act towards one another in a spirit of brotherhood.' The basis of these words, according to some of the most prominent members of the Declaration's drafting committee, were inserted in a conscious echo of God's command '... thou shalt love thy neighbour as thyself' (Leviticus 19:18; Matthew 19:19 etc.). French philosopher René Cassin, one of these members, claimed 'the concept of human rights comes from the Bible, from the Old Testament, from the Ten Commandments', whilst his colleague, Lebanese Christian Charles Malik, saw the Declaration as the triumph of Christianity over the pagan exaltation of the will to power.¹⁷

According to the conception of these men, and many others during the immediate post-war period, the root of human rights lay in the Scriptures, rather than in treatises and declarations written in France, North

¹⁷ Micheline R. Ishay, *The History of Human Rights: From Ancient Times to the Globalisation Era* (Berkeley, 2004), p.19; Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass. & London, 2010), pp.65-7.

America or Great Britain, some over the course of the seventeenth, eighteenth and nineteenth centuries. More recently, Tony Benn, one of the most prominent Socialist politicians in post-war Britain, claimed to draw his view of the rights of man from the Scriptures, an echo of the old adage that the Labour Party owes more to Methodism than to Marx.¹⁸ Against this, it may be urged that the concept of human rights is not explicitly set forth in the Scriptures,¹⁹ and many of the injustices which marked Roman rule, such as slavery, were not directly addressed by the Lord Jesus Christ or his disciples.

Given that the primary focus of the Scriptures is the relationship between God and man, and especially God's work in redemption, the relation of man to man, to which sphere the question of human rights belongs, takes a distant second place. Yet the Scriptures are not silent on this great question of the relationship between men and women in society; the Bible contains a great deal on the ways in which people are to behave one toward another, as well as the great question of man's duty to God. The prophet Micah, speaking of how the Israelites were to come before the Lord, reminded them: 'He hath shewed

¹⁸ Tony Benn, *Arguments for Socialism* (London, 1979), pp.24-5.

¹⁹ The Authorised Version of the Bible contains no mention of 'rights', although it does refer to 'right' (that is, what is good and correct, or what properly belongs to a person).

thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?' (Micah 6:8). In other places deeds displeasing to God, including not only idolatry, but using false balances (Proverbs 11:1; Micah 6:11), artificial inflation of prices (Amos 8:5), and denying justice to the poor and needy (Isaiah 10:2), were among God's complaints against His people. This selling of justice, rather than fair dealing, seems to have been a common failing among the eastern nations, and the principle that one law should apply to all, rich or poor, is still a concern among human rights campaigners.

The language of Scripture is more expressive of the duties than the rights of man, a fact which ought to come as no surprise; fallen man has always been more ready to speak of his rights than of his duties, about what he is entitled to, rather than what he is expected to contribute. Where some modern theories of rights fall into the trap of considering man in isolation, as though the castaway on his desert island possessed rights although unable to exercise them, the Scriptures speak of man in society.²⁰ Just as rights imply duties, so duties imply rights: for example, the condemnation of the merchant who used false scales

²⁰ The fact that our first parents only began to reproduce after the fall means, significantly, that all society above the most basic level, that of husband and wife, has never existed in a perfect world.

(Proverbs 11:1; Micah 6:11) implies that his customers possessed the right to be dealt with fairly.

God's command that the Israelites were not to harvest the edges of the field or to pluck all the fruit from their trees and vines, in order to allow the poor and needy to glean (Leviticus 19:9-10; Deuteronomy 24:19-22), gave to the poor a right to take enough to allow them to live. Indeed, this basic form of what we would today call welfare sets forth the responsibility of society to care for its most vulnerable. The employer of labour has the duty to pay his workmen on time (Leviticus 19:13; Deuteronomy 24:14-15). This latter point is reiterated in the New Testament, where the duty of workers to perform their labour 'heartily, as unto the Lord, and not unto men' (Colossians 3:22), is also stressed. Contrary to those who would abuse the duty of society to care for the indigent in order to live without working, the Bible is very clear: a man found choosing not to work when there is work available is not entitled to support (1 Thessalonians 3:10).

The basis of these laws which seek to ensure that people are able to provide for their basic needs is the value placed on human life in Scripture. After the Flood, which was brought upon the earth in part because of the violence which filled the earth (Genesis 6:11-13), God commanded 'Whoso sheddeth man's blood, by man shall his blood be shed; for in

the image of God made he man' (Genesis 9:5). Given in the course of God's commands to Noah and his family on their leaving the Ark, statutes which may be described as the foundation charter of the post-deluge world, these words establish a Biblical foundation for the death penalty, based on the unique character of humanity. This law of God was restated at Sinai in the Ten Commandments as 'Thou shalt not kill' (Exodus 20:13). The value of human life is further reinforced by the requirement to place a parapet or guard rail on the flat roofs of houses (Deuteronomy 22:8), and to control dangerous livestock (Exodus 21:29). When a loan was given, the lender could not ask the borrower to give one of their millstones as security, an act which would have condemned that debtor to destitution, if not starvation (Deuteronomy 24:6).

In the duty of slave-holders to treat their slaves humanely, we see that people were not to be treated as no better than animals or machinery. Slaves were to share in the Sabbath rest, as were foreigners, the Sabbath being typical of the rest of God, and a reminder to Israel of their liberation from slavery in Egypt (Exodus 20:8-11; Deuteronomy 5:12-15). Slaves were to receive the same treatment as hired servants, for both were human beings, made in the image of God (Leviticus 25:53). Whether bond or free, all were to be considered human; where many ancient

societies, such as Rome, treated slaves as little more than beasts, subject to the whims of their masters or mistresses, a Hebrew master who slew their slave was to receive the same punishment as if they had killed one of their hired servants (Exodus 21:20).

Implied by 'Thou shalt not steal' (Exodus 20:15) is the right to private property, for only what belongs to another can be stolen. Although God is the ultimate possessor of all things, men and women are entitled to hold property, whether in the form of land, livestock or personal possessions. In the commonwealth of Israel, the land held by the various tribes and families was protected from the encroachments of the wealthy, even of the rulers of the land, so that Naboth had the right to refuse to sell his vineyard to King Ahab (1 Kings 21). This land passed down the generations through inheritance, rather than belonging either to the state, in the person of the King, or the nation. In the New Testament, after the end of the commonwealth of Israel, which was in many ways unique, setting forth, at least in ideal, the kingdom of God, Peter, speaking by inspiration of the Holy Spirit, declared that Ananias and Sapphira possessed the right to dispose of their land and the proceeds of its sale as they pleased, before condemning their deception in pretending to have given all the proceeds of the sale to the Church (Acts 5:3-4).

Here we find one of the earliest rights to be given expression: the right to own private property. This may be traced from Magna Carta and other documents designed to restrict the power of kings, through the Bill of Rights of the United States Constitution, to the Universal Declaration of Human Rights, in which Article 17 stresses the right to own property and to be protected from being arbitrarily deprived of the same. Yet in the Scriptures this is balanced by a greater stress on the duty to respect the property of others; covetousness (inordinately desiring that which belongs to someone else) is condemned (Exodus 20:17), where in modern society it is often excused, if not celebrated.

The Ten Commandments further set out the responsibility of children to respect their father and mother, and the responsibility to respect the marriage bond (Exodus 20:12 &14). These, and other Biblical injunctions covering family life, point to the special status of the family as God's appointed unit for the raising of children and the mutual nurture of husband and wife. It is a view which found support in the 1948 Universal Declaration of Human Rights, which recognised in the family 'the natural and fundamental unit of society' (Article 16). However, as modern man seeks to redefine the family, this recognition is in danger of being rendered meaningless. In part, it must be noted, this is because

the supposed right to family life ignores the sober truth that anyone who views family life as a right to be grasped will soon find that they have no family life to speak of, since family life requires a measure of compromise and recognition of one's responsibilities.

It would be easy to multiply instances in which the Scriptures speak of the responsibility to respect others. The ninth Commandment, 'Thou shalt not bear false witness against thy neighbour' (Exodus 20:16), sets forth the value of a person's good name, which is often of greater value than riches. Further on, the Law condemns raising a false report and spreading a false report which another has raised (Exodus 23:1). We have here a reminder that supposed freedom of speech does not extend to spreading malicious gossip, or worse. Similar laws may be found on the statute books of every country; in the Universal Declaration of Human Rights, Article 12 includes a prohibition against attacks on the honour and reputation of others.

The Law given at Sinai possessed a unique character: it was to apply to everyone equally, Israelites and foreigners, rich and poor. The creation of multiple laws applying to different groups, especially different laws for Israelites and for foreigners living in the land, was expressly forbidden (Leviticus 24:22; Numbers 15:29). Judges were commanded to judge righteously, and without respecting the persons of

the parties before them (Deuteronomy 1:16-17). Whilst this is unexceptional in our day and age, the contrast between God's law and the practices of the ancient world is stark. The law of Hammurabi (d.1750BC), sometimes cited as an equivalent law to that of Israel, whilst containing similar language to the Law of God, required judges to respect the persons of those before them. If a nobleman attacked and wounded a commoner, then the nobleman was required to pay a fine to the victim. However, if a commoner attacked a nobleman, he was to suffer physical punishment equivalent to the injury caused.²¹ If a similar offence occurred within the commonwealth of Israel, the attacker would suffer the same punishment, regardless of his wealth or social status (Leviticus 24:20).

This principle of equality before the law – indeed, the idea of a single law applicable to all, regardless of class or nationality – is key to modern human rights thinking, the seventh article of the Universal Declaration of Human Rights stating: 'All are equal before the law and are entitled without any discrimination to equal protection under the law.'²²

²¹ Ishay, *History of Human Rights*, p.28.

²² The witness of the Law of God in this matter is all the more remarkable when one considers that in much of the Middle East the concept of different laws for different peoples has historically been the norm, rather than the exception. The empires which governed the

Sadly, this principle has, in recent years, come under attack from those who, in the name of 'multiculturalism' or 'redress,' would privilege certain classes of defendant or accuser.

When considering the Old Testament Law, it must be borne in mind that ancient Israel stood in a unique relation to God, being his covenant people. In the New Testament age no nation stands in the same relation, so that making the Old Testament Law, with all its provisions (including those which expressed the special relationship which Israel stood in with respect to God) the law of the land cannot make any country a 'Christian country'. The Lord Jesus Christ told Pilate, 'My kingdom is not of this world' (John 18:36). The New Testament further makes it plain that the people of God are to be subject to the government of the land in which they live in respect of civil matters, even if the powers that be are not themselves Christian (Romans 13:1-7). Only when the Jewish Council sought to prevent the disciples from preaching Jesus Christ did they disobey the command of the state, for they had been commanded by the Lord Himself to

region from the days of the Assyrians until the middle part of the twentieth century usually allowed their subject peoples to govern themselves and, finding religious differences among them, permitted religious bodies (like the Jewish Council) to act as legal tribunals in civil cases, and in cases where a breach of religious laws was held to have taken place. The Ottoman Empire also allowed minority communities to police themselves in respect of civil laws.

preach Him (Mark 16:15; Acts 4:17-20; Acts 5:17-32). This witness of the early church, followed down the centuries (although lost sight of from time to time), played, as we shall see, a vital part in establishing the right to freedom of conscience.

Whilst the Scriptures teach that rulers are to be obeyed, they also teach that rulers are not to behave as tyrants. Despite the slanders of some and the boasting of others, when the Scriptures speak of rulers, it is to show their weighty responsibilities. The Jewish King was to be the vassal of God, as were his subjects (Deuteronomy 17:14-20). The leader of the people was to follow the example of the meek and lowly Moses, typical of Christ, ruling in righteousness, judging between the people, and upholding the rights of the oppressed (Deuteronomy 17:14-20). Kings, princes and governors are to rule wisely and modestly, and for all, rather than just for a privileged few, and least of all for their own pleasure and glorification. Even beyond the boundaries of Israel, the Scriptures contain reminders to monarchs that they are, in the end, men, whatever their pretensions to the contrary (Psalm 82:6-7).

When the Lord Jesus Christ spoke of the responsibility of men to one another His command was: 'And as ye would that men should do unto you, do ye also to them likewise' (Luke 6:32). Thus men's natural self-regard was to be used as the measure of

their duty to others, underlining the dignity of all men, rather than being an excuse for selfish behaviour. It is for this reason that the Word of God lays greater emphasis on man's responsibilities to his fellow men than on abstract rights. We come back to the summary of the Second Table of the Law '... thou shalt love thy neighbour as thyself,' pointing us towards others, rather than to ourselves. In any consideration of the question of the rights of man, this, the responsibilities of men, must be borne in mind; here the wisdom of God is seen, against the tendency of fallen mankind to look on their own things, and not on the things of others (Philippians 2:21).

Do the Scriptures teach 'human rights'? The answer to this question, as we have seen, is complicated. In terms of direct teaching, the answer depends upon what the one making the query means; one would search the Scriptures in vain for the sort of declaration of rights found in the 1948 Universal Declaration of Human Rights, or even the United States Bill of Rights of 1789 (of which more below). However, if by 'human rights' is meant the broader idea that people possess an inherent dignity based upon their humanity alone, then it is clear the Scriptures assert this, and, on the grounds of this, people have a responsibility to treat all human beings fairly, regardless of race, rank or wealth. Whilst this

doctrine, at least formally, undergirds legal practice in the West, as we shall see it was far from common in the ancient world.