Protestantism and the Emergence of Human Rights*

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Аннотация: Идея прав человека широко принята в качестве основания законодательства и политической деятельности. Это краеугольный камень либеральных демократий, идеал, противопоставляемый угнетению и несправедливости во всем мире. В то же самое время, она вызывает споры и критику с разных сторон. Различные группы борются за разные ценности, апеллируя к принципу прав человека. Несмотря на несогласие, они, вероятно, могли бы согласиться в одном: истоке прав человека. Но даже в этом случае несогласие остается. Широко распространенная точка зрения, что права человека это плод европейского и американского Просвещения в 18-м столетии сейчас подвергается сомнению. В этой статье мы увидим, что протестантизм, особенно одна из ветвей протестантизма в англоязычном мире – баптистское движение начала 17-го

Abstract: The idea of human rights is widely accepted as a foundation of legislation and political action. It is the cornerstone of liberal democracies, the ideal held out against oppression and injustice all over the world. At the same time, it arouses debate, and criticism from all parts. Different groups fight for different causes appealing to the same principle of human rights. For all their disagreement, they could perhaps agree on one thing, that is the origin of human rights. But even then, there is disagreement. The commonly held view that human rights are the fruit of the European and American Enlightenment in the 18th century, is now being questioned. In this article, we shall see that Protestantism has played a crucial role, especially one branch of Protestantism in the English-speaking world, the Baptist movement in the early 17th century. Our interest

* Протестантизм и зарождение прав человека

века – сыграл в этом видную роль. Наш интерес состоит не только в том, чтобы ясно установить историю, но также увидеть, как определенные истоки прав человека соотносятся с развитием этого принципа в современных обществах.

Ключевые слова: Протестантизм, Просвещение, права человека, религиозная толерантность, плюралистическое общество.

is not only to set the historical record straight, but also to see how the particular origins of human rights are relevant for the development of this principle in today's societies.

Key words: Protestantism, Enlightenment, human rights, religious tolerance, plural society.

Definition

To begin with, what do we mean by human rights? According to one formal definition,

> Human rights are rights belonging to every human being, which every (appropriately situated) human being is obligated to respect[1]

These rights are held by all persons equally, irrespective of their citizenship, ethnicity, religion, gender, or other specific attributes. They are inalienable: you cannot lose these rights any more than you can cease being a human being. To advocate human rights is to demand that the human dignity of all people be respected.[2]

In claiming these human rights, everyone also accepts the responsibility not to infringe on the rights of others and to support those whose rights are abused or denied.

The most important text is the *Universal Declaration of Human Rights* (UDHR), adopted by the United Nations in 1948. It consists of 30 articles that define the basic civil rights that be respected by every member state of the UN, the so-called international community. Article 1 and 3 affirm:

> All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood....

Everyone has the right to life, liberty and security of person.

In Europe and in the Western world at large, human rights are the ultimate frame of reference for the struggle against injustice, poverty and discrimination. They are even the foundational principles of the Council of Europe and the European Union.

Debate

Since the UDHR of 1948, there has been an ongoing discussion about the interpretation of certain human rights, while new 'generations' of human rights have been added which again are much debated. In many parts of the world, human rights are criticised as being biased by 'Western thinking'.

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[1] Michael J. Perry, *The Idea of Human Rights: Four Inquiries*. New York, Oxford University Press, 2001, 47.

[2] Pam Costain, 'Moving the Agenda Forward.' *Connection to the Americas* 14/8 (October 1997), 4.

Even within the European realm, there are quite different reactions. An increasing number of Europeans are concerned about the way in which it human rights are defined and worked out in the liberal democracies today. While some advocate freedom of abortion, euthanasia and same-sex marriages in the name human rights, others see this as an undermining of key moral values of society, but they also appeal to human rights when they defend prolife and family issues. Many other similar examples could be given. We must leave these discussions aside.

In this paper, we shall concentrate on three Protestant leaders who have played a pioneering role in the emergence of human rights. All three were Baptists in the English-speaking world: Thomas Helwys, Richard Overton and Roger Williams.

Before we turn to these precursors, we must make some general remarks about the history of human rights.

1. The history of human rights – getting the record straight

How and where did the idea of universal human rights emerge? As Richard Amesbury has formulated succinctly,

> Human rights are said to be universal, but *thinking* about human rights, and the *language* in which this thought is expressed, is neither universal nor ahistorical. Like all moral discourse, it developed in a particular time and place, in response to various historical forces.'[3]

What were the historical precedents of human rights? Currently, quite some scholarship being is devoted to this question. Different views are being put forward.

The Enlightenment

According to the conventional and still popular view, human rights are a fruit of the Enlightenment.[4] From the late 17th century onwards, at the time in which Europe was in the aftermath of devastating religious wars and still wrestling with the principle of religious tolerance, Enlightenment philosophers such as John Locke and Thomas Hobbes, Baron Montesquieu and Adam Smith, Thomas Jefferson and James Madison, and many others attempts to provide a secular, rationalist basis for the governance of society. They developed the idea that every person, by virtue of the fact that he is a human being, is entitled to certain civil rights and should be granted certain individual freedoms – in particular the freedom of opinion and of religious practice.

The first documents to enshrine this view were the American *Declaration of Independence* (1776), and the *Declaration of the Rights of Man and Citizen* of the French Revolution (1789). These two declarations were ground-breaking in the political history of Europe and the whole Western world. They marked the beginning of a development in which basic human rights were guaranteed in national constitutions and international

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[3] Richard Amesbury and George Newlands, *Faith and Human Rights: Christianity and the Global Struggle for Human Dignity*. Minneapolis, Fortress Press, 2008, 41.

[4] E.g. Richard Amesbury, *Faith and Human Rights*; Danièle Lochak, *Les droits de l'homme*. Paris, La Décourverte, 2002.

agreements such as the Geneva conventions, and the *Universal Declaration of Human Rights* (the UDHR, adopted by the United Nations in 1948).

Earlier origins

This view is inadequate, because it ignores the preceding historical context. In fact, Enlightenment philosophers took up ideas that had developed previously in the context of European Christianity. Historians who take a critical look at the origin of universal human rights point out that these are not different from 'natural' and 'constitutional' rights that had been defined at an earlier stage. One of them is John White. He summarises the growing consensus as follows:

> It is now clear that the Enlightenment was not so much a wellspring of Western rights as a watershed in a long stream of human rights theory and law that had already drawn in classical and biblical sources, Roman and civil law, medieval philosophy and canon law, early modern Catholic and Protestant law and theology, and more. It is a telling anecdote that, by 1650, every right that would appear in the United States Bill of Rights had already been defined, defended, and died for by various Protestants and Catholics of their day.[5]

Human rights are embedded in a long history of rights discourse in the Christian Western tradition. Its roots go even further back to Roman understandings of rights, and to theories of liberty developed in the city republics of ancient Greece.

Heritage of Christianity

The emergence of universal human rights has a general background and a specific context. The general background is European Christianity. According to the Judeo-Christian worldview, there is only one God who has created all things including mankind, so there is only one humanity. Moreover, God has created man in his image, which implies that every human being has an individual moral status. This ground-breaking notion became foundational for the Christian world and later for Western liberalism. Larry Siedentop calls it 'the invention of the individual'. Enlightenment philosophers liked to trace their ideas further back to the writings of Greek and Roman philosophers, but as Siedentop points out, their emphasis on individual freedom stands in sharp contrast with the inequality of the Roman and Greek societies and the inegalitarian views of their philosophers. They owe it to Christian thinking.[6]

Christianity also gave birth to the notion of universal equality. A major inspirational text has been the Pauline passage, 'in Christ there is neither Jew nor Greek, neither male nor female, neither slave nor free man, neither Barbarian nor Scythe' (Gal. 3:27).

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[5] John Witte, 'Roots and routes of rights.' Article posted on http://blogs.ssrc.org/tif/2015/07/01/roots-and-routes-of-rights/ In this article, he reacts to the thesis recently put forward by Samuel Moyn in his book *The Last Utopia: Human Rights in History* (2010), saying that human rights as they are now understood, i.e. as an international standard of morality or justice, began to emerge only during the 1970s.

[6] Larry Siedentop, *Inventing the Individual. The Origins of Western Liberalism*. London, Allen Lane, 2014, Penguin Books, 2015.

The cultures and the societies of Europe are profoundly marked by the legacy of 'Athens, Rome and Jerusalem'. French political scientist Jean-Claude Guillebaud summarises them as follows:

> Jewish prophetism has given us a view of time that underlies the idea of *progress*
>
> To Christianity we over both the concept of the *individual* and the desire for *equality*.
>
> Greece has invented reason. Hellenism of the first centuries, and notably Paul of Tarsus, have fixed a certain image of the *universal*.
>
> The Judeo-Christian message has produced a concept of *justice* that was received and secularized by the Enlightenment.[7]

Clearly, all these basic notions have a bearing on what we now understand by universal human rights.

Enlightenment philosophers couched such ideas in a secular language and gave them a rational foundation to make them universal, although virtually all Enlightenment authors believed in God as the Creator of the Universe and the Originator of natural law.

Crucial role of Protestantism

This brings us to the specific context in which human rights emerged, i.e. Protestantism and the time of religious conflicts in Europe.

Protestantism played a crucial in two respects. First, it brought a heightened awareness of the moral status of the individual. Although there were several Reformation movements, they all agreed on one point: a person does not depend on the institutional Church and the sacraments for his or her salvation. By emphasising the personal responsibility of each person before God, the Protestant faith marked a new phase in the development of the moral status of the individual, which we have noted above.

Secondly, Protestantism led *de facto* to a plurality of expressions of the Christian faith in European societies.

Besides the Roman Church in the West and the Orthodox Church in the East there was now a variety of Protestant Churches, come out of several Reformation movements. Not only Lutherans, Calvinists and Zwinglians but also a variety of groups that are collectively called the Radical Reformation. They had dissenting or 'non-conformists' views on Church order and the Christian life. A number of them practised believers' baptism (for which they were labelled Anabaptists, 'rebaptisers').

The question was, can all these Churches co-exist? Should this be allowed? And if so, to what extent and under which conditions? It should be noted that at that time, religion was not only a matter of personal conviction but also of public order.

Catholics by and large held on the model of one Church closely cooperating with the political powers. In this model, the unity of religion was considered necessary for the cohesion of society, so there was no room for alternative forms of Christianity, while Jews were only tolerated within the confines of their marginalised existence. How did Protestants respond to religious plurality? There were three approaches.

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[7] Jean-Claude Guillebaud, *La refondation du monde*. Paris, Seuil, 1999, 89.

(1) Established Church on a regional basis

It seems a logical implication of the Protestant faith that people should be allowed the freedom to follow their conscience as far as their religious conviction was concerned. Over and against Catholic princes and prelates, Protestants appealed to their conscience in confessing their 'reformed' views of Church and Christian faith — like Luther at the Diet of Worms. However, many theologians, city magistrates and princes belonging to the so-called mainline Protestant Churches found it difficult to grant the same freedom of conscience to adherents of other Protestant confessions. Many Protestant leaders held on to the idea of one society, one Church, with the only difference that the established Church was now of a Protestant kind. This model left only limited space for a plurality of confessions. As a result, there was strife and conflict, not only between Protestants and Catholic minorities but also between Protestants of different persuasions. A most tragic example of this was the expulsion of Anabaptists from Bern and Zürich, cities that had opted for the reforms of Zwingli.

The peace treaty of Westphalia in 1648 that put an end to the Thirty Years' War in 1648 in the Holy Empire, adopted the same approach: in each of its states the Church of the prince should be the established one (*cuius regio, eius religio*).

(2) Religious tolerance

Others took the consequences of the insistence on personal responsibility before God by saying that people who disagreed with the established (Catholic or Protestant) Church should not be forced to adopt its doctrine and practice, but that their Churches should be tolerated — provided they did not disrupt the public order or put the country in danger. These Protestants accepted a certain degree of plurality within the Christian world.

It should be added that this approach was defended more by magistrates and princes, then by theologians and Church leaders.

A classic example is the Sébastien Castellion, pastor and Bible translator in Geneva. In 1553, a certain Michel Servet was arrested and brought before the city magistrates because of his views on the Trinity. He was quickly condemned and burned at the stake. During the process, Calvin had served as prosecutor and theological expert. In Februari 1554 Calvin publishes his 'Declaration to maintain the true faith',[8] in which he argues that it is the duty of the political and judiciary authorities to condemn heretics and have them executed when their heresy is serious and a real danger for the public order.

Castellion publicly takes issue and pleads for tolerance. He publishes a text in which he criticizes the Protestant governors: 'Before they have come to power, they detested the persecutors, but now they have become strong, they follow the example of persecutors.'[9] Then he writes a pamphlet 'against the seditious writing of Calvin'. It is not authorized by the censors but handwritten copies are spread secretly.[10] Calvin had stated that the right

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[8] Jean Calvin, *Déclaration pour maintenir la vraie foi.* Genève, 1554.

[9] *Traité des Hérétiques,* published under the pseudonyme Basile Montfort, Geneva, 1554, par. 8.

[10] Sébastien Castellion, *Contre le libelle de Calvin après la mort de Michel Servet.* Written in 1554. First published in 1612 in the Netherlands. Current edition: Geneva, Éditions Zoé, 1998,

doctrine needs to be defended. Castellion's response has become famous: 'To kill a man is not defending a doctrine, it is killing a man...'.[11] He argues that no magistrate has the right to condemn someone to death only for his doctrines. A crime should be punished, but a false doctrine is not a crime. It calls for a refutation, 'with arguments and writings', not for a punishment.

The Servet case was extreme and remains singular. Intolerant Protestant magistrates often had dissidents imprisoned, sometimes expelled, but hardly ever executed. But it brought to light the divergence between two approaches in the Protestant world, one repressive, the other tolerant.

The tolerant approach of which Castellion was an early example, did not mean a total liberty of opinion. Castellion himself was against condemning Jews and Muslims but the authorities should sanction 'blasphemous' and 'atheist' persons, although they should not go as far as to let them die. By 'atheists' he means people who refuse the elementary rules of moral conduct. They should be punished for their actions and their behaviour.

Castellions position is typical of the tolerant approach that was adopted by other scholars and governors.

One thinks of the Dutch Catholic writer Coornhert, who quotes Castellion in his manifest against the execution of heretics (1566). Prince William of Orange defended the cause of Protestantism and led the revolt of the Dutch provinces against the Spanish rulers. In the provinces where Calvinism became the privileged religion, other Protestant groups, mostly refugees from other countries, were tolerated in some cities. Catholics could only meet in hidden places. Amsterdam became a haven of refuge for persecuted Protestants, Catholics and Jews alike.

Another example is the Hungarian Reformed pastor Ferencz Davidis who influenced king John Sigismund of Transylvania to issue the first Edict of tolerance in history, granting freedom of worship to all the different Christian confessions in his territory (1568).

In 1596, king Henry IV of France issued the famous Edict of Nantes giving French Protestants freedom of worship and education in a limited number of cities.

(3) The Radical Reformation and the call for religious liberty

Tolerance meant freedom in a limited way. It was usually not granted to all, and it did not imply that the tolerated groups were now on equal footing with the dominant group.

It is here that the Radical Reformation comes in. These Protestants payed a heavy price for their convictions. Their leaders, John Bunyan for example, were imprisoned and many of them died as martyrs for their faith. Others fled or were forced into exile. They fled to the Netherlands, Amsterdam in particularly, and other safe havens in Europe, or they crossed the Atlantic to seek refuge in the Americas.

The Radical Reform movements went further than tolerance. They called in question the authority of civil authorities and of the established state Church in matters of religious opinion and religious practice. It is in these circles that we hear, for the first time in European history, a plea for religious liberty as a universal human right, not only for Christians of different confessions but for all men, whatever their religious or non-religious persuasion.

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[11] *Idem,* par. 14/2, 419.

Let us turn to the three pioneers of the recognition of this right. All three of them Baptist pastors!

2. Thomas Helwys

Thomas Helwys (c. 1550-1616) belonged to the Baptist movement in England, which was one of several dissenting or non-conformist Protestant movements of that time, that disagreed with the official Anglican Church in matters of theology, church order, and Christian discipline.

Helwys fled from persecution to Amsterdam, where he joined the assembly of English refugees. Started in 1604 and led by pastor John Smyth, this was the first Baptist Church in history. In 1611, Helwys wrote the earliest Baptist confession of faith, called *A Declaration of Faith of English people remaining at Amsterdam in Holland*.

The same year, he returned to England where he founded the first Baptist Church in that country, in Spitafields.

He was arrested because of his public advocacy for religious liberty for all people regardless of creed, and he died in prison in 1616.

In 1612, he published *The Mystery of Iniquity* which has become a classic of Baptist writing.[12] In this pamphlet, Helwys deals with several themes: believer's baptism, a congregational form of Church polity, the right of the individual to read and interpret scripture for him/herself, the separation of Church and state, the need for the Church to live from voluntary support of its members, the absurdity of coerced uniformity in worship practices, the legitimacy of the state and the role of the magistrates, and Jesus Christ as the sole 'King' of the Church.

The title is taken from 2 Thessalonians 2:7 where Paul speaks of 'the mystery of lawlessness (iniquity)'. For Helwys, this was 'a working power of Satan,' and he saw this evil especially in the policy of the Roman Catholic and Anglican Churches who conspire with governments to deny freedom of conscience to those who disagreed with their theology and practices. More generally, the 'mystery of iniquity' was 'the spirit of domination and oppression'.[13]

Not tolerance but freedom for all

One of the most important themes in *The Mystery* is religious liberty. In fact, this pamphlet is the first English document in recorded history calling for complete freedom of conscience in matters of religion. While John Smyth, often considered to be the founder of the Baptist movement, wanted freedom of conscience for all Christians, Helwys claimed it for every human being, including those with whom he found himself in fundamental disagreement, and also Jews, Muslims ('Turks') and all others.

> For men's religion to God is between God and themselves. The king shall not answer for it. Neither may the king be judge between God and man. Let them

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[12] Thomas Helwys, *A Short Declaration of the Mystery of Iniquity* (1611/ 1612), edited by Richard Groves, Macon, GA, Mercer University Press, 1998.

[13] *Idem*, 26.

be heretics, Turks, Jews, or whatsoever, it appertains not to the earthly power to punish them in the least measure. This is made evident to our lord the king by scriptures.[14]

Thomas Helwys had the audacity to send a personal, autographed copy to James I, king of England and Scotland from 1603 to 1625. On a handwritten page, he reminded the monarch that he too was a mortal being, 'dust and ashes', with no power over the immortal souls of his subjects.

> I ask whether there be so unjust a thing and of so great cruel tyranny under the sun as to force men's consciences in their religion to God, seeing that if they err, they must pay the price of their transgressions with the loss of their souls. Oh, let the king judge, is it not most equal (fair) that men should choose their religion themselves, seeing they only must stand themselves before the judgement seat of God to answer for themselves, when it shall be no excuse for them to say we were commanded or compelled to be of this religion by the king or by them that had authority from him?[15]

King James reacted by having him put in prison, as soon as he set his feet on English soil again. He remained imprisoned until his death.

For Thomas Helwys, religious liberty was a right for everyone and no parliament had the right to legislate against it. No monarch could overrule it. His ideas predated the thinking of John Locke and other Enlightenment philosophers by almost a century!

Argumentation

Helwys and other early Baptists framed their arguments in the familiar language of two swords: the sword wielded by the civil authorities and the sword of the ecclesial authorities. They insisted that the king's authority and power are limited to civil affairs, and that any attempt to legislate beyond those bounds, particularly to matters pertaining to the soul, impinge upon what belongs solely to God. That is, for the king to attempt to compel religious belief is to usurp not just the rights of the autonomous human individual, but finally also the sovereignty of God.

Jason Whitt has well summarised the arguments of English Baptists for religious liberty. The key point at issue for them was salvation. They advanced two arguments. First, the hope that all persons who might be saved would be saved.

> Baptist leaders sought to convince the English authorities, both civil and ecclesial, that the proper concern for Christians is the salvation of all those who would come to Christ. To punish non-believers by exclusion from the public life of the nation, or to inflict on them torture or death because they would not believe (or believed wrongly), is counter to the very purpose of Christ who is willing to hold off judgment to the end.[16]

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[14] *Idem, 57.*

[15] *Idem,* 37.

[16] Jason D. Whitt, 'The Baptist Contribution to Liberty'. *Freedom,* journal of the Center for Christian Ethics, Baylor University, 2011, 38.

Second, enforced conformity to a certain Church actually works contrary to the purposes of God, because it leads people to outwardly adopt the practices and the rites, without inner faith conviction. Overton argues that conformance without real conversion 'fails to bring salvation', that it leads to superficial faith, and that it fosters hypocrisy.

Thirdly, Overton expresses the concern is that in any country where faith is enforced under the threat of persecution, people who are not of the faith will avoid that realm. As a result, in such a land there will be no opportunities for true evangelistic witness.[17]

3. Richard Overton

The second precursor we want to bring to light is Richard Overton (c. 1597-1663). In his study of the heritage of early Baptists movements, Glenn Stassen observes that 'the story of Richard Overton's development of the concept of human rights is surprisingly unknown'.[18]

His place and date of birth are uncertain. He may have become an Anglican priest (of the Puritan party). In 1615, he left for Amsterdam where he joined the Baptist congregation led by John Smyth, just after it had merged with the Waterland Mennonites, at Smyth's death in 1612.

He also spent some time in Germany during the outbreak of the Thirty Years' War (1618-1648). This experience left Overton with a profound and passionate hatred for religiously-inspired violence.

Despite some claims that Overton had dubious theological views,[19] he remained a faithful member of the General Baptist Congregation in London for the rest of his life.

During the English Civil War (1625-1649), Overton became one of the best-known representatives of the Levellers, a movement to press for radical reform, laying out a vision of radical democracy, social equality, and religious freedom. In his pamphlets, he pleaded for universal (male) suffrage, for the government to be responsive to the people and the common good, and the right of every citizen to petition Parliament and to participate in government regardless of his religion.

Overton was arrested for his views, but thanks to a sustained campaign of petitioning he was released. He then became involved in conspiracies against the government and had to flee to Amsterdam in 1655. The plots came to nothing, and Overton returned to England. Details of his later life are uncertain.

'Father of human rights'

Just like Helwys before him, Overton pleaded not just for tolerance but for complete religious liberty, not only the non-conformist and Anabaptist groups to which he belonged, but also to Catholics, Protestants, Jews and 'Turks' (Muslims).

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[17] *Idem*. 38.

18 Glenn Harold Stassen, *Just Peacemaking: Transforming Initiatives for Justice and Peace*. Westminster John Knox Press, 1992, 141.

[19] In *Man's Mortalitie* (1644), Overton argued that the human soul as well as the body are subject to death, but that both will be resurrected at the Last Judgement. This belief was widespread among General Baptists, but denounced as heretical by Presbyterians.

Overton is sometimes called 'the father of human rights', because he was the first person in history to explicitly use this term and develop the concept.[20] He speaks of 'the rights of men' in *The Arraignment of Mr. Persecution* (1642), an allegory in which the personification of 'persecution for the cause of conscience' is tried and convicted of thousands of deaths, wars, and other evils.

His most important book is *An Arrow Against All Tyrants and Tyranny* (1646),[21] which contains the following famous quote:

> No man has power my right and liberties, and I over no man's. I may be but an individual, enjoy myself and my self-property, and may right myself no more than myself, or presume any further; if I do, I am an encroacher and an invader upon another man's right — to which I have no right. For by natural birth all men are equally and alike born to like property, liberty, and freedom.[22]

In *An Appeal to the Free People* (1647) he set out a doctrine of what he called 'our natural human rights and freedoms'. He broadened this concept to include

(1)   Religious liberty — freedom from coercion in religion, from governmental establishment of religion, and from taxation for religion; the right to participate in a Church of one's free choice.

(2)   Civil liberty — freedom of the press; the right of prisoners not to be tortured, starved or extorted; the right not to be arbitrarily arrested nor forced to incriminate oneself; the right to a speedy trial; the right to understand the law in one's own language; and equality before the law.

(3)   The right to life and the basic needs of life — free education for everyone; housing and care for poor orphans, the widowed, the aged and the handicapped; the right of the poor to maintain their portion of land and not be imprisoned for debt; the right to trade internationally without restrictions by monopolies.[23]

Historian David Stamos recognises the importance of Overton, saying that he has written 'is arguably the first clear expression of human rights as universal, plural, equal, innate, and inalienable'.[24] Baptist theologian Glenn Stassen concludes that what Overton wrote, 'still fits what most Church denominations have said when they have affirmed human rights'.[25]

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[20] See Glenn Harold Stassen, *Just Peacemaking*, p. 148 and 153; David N. Stamos, *Myth of Universal Human Rights: Its Origin, History, and Explanation, Along with a More Humane Way*. Paradigm Publishers, 2013, 155.

[21] *An Arrow Against All Tyrants and Tyranny, Shot from the Prison at Newgate into the Prerogative Bowels of the Arbitrary House of Lords and All Other Usurpers and Tyrants Whatsoever...* this is just the first quarter of the complete title!

[22] *Idem,* par. 55.

[23] Summary quoted from Glen Harold Stassen, 'What Baptists Need to Know about Their Human-Rights Heritage'. Presentation at the annual gathering of the Baptist World Alliance in Santiago, Chile, 2012.

[24] David N. Stamos, *Myth of Universal Rights: Its Origin, History and Explanation, Along with A More Humane Way.* New York, Routledge, 2015, 156.

[25] Glen Harold Stassen, 'What Baptists Need to Know...'.

Overton's defence of universal human rights was articulated more than 50 years before John Locke and the English Enlightenment proposed more narrow versions of this idea.

Argumentation

According to Overton, human rights are part of human nature and therefore inalienable.

> No one can deprive someone from his human rights. For as by nature no man may abuse, beat, torment, or afflict himself, so by nature no man may give that power to another, seeing he may not do it to himself.[26]

His doctrine of human rights was based on the Biblical doctrine of creation: all humankind is created in the image of God (Genesis 1.26ff.). These rights 'do not proceed immediately from God but mediately by the hand of nature, as from the represented to the representers'.[27] This is another way of saying that man is created in the image of God.

Part of the doctrine of creation is the concept of natural *law*, meaning that as a creature of God man is endowed with a conscience, i.e. an awareness of fundamental notions of good and evil. What the Creator requires of man is to a certain extent written in his heart. In Protestantism, especially in Calvinism, this has served as a basis for legislation and civil order: all citizens can and should be held accountable when they infringe the moral law. The Leveller movement and other Protestants went a step further and linked the doctrine of creation to natural *rights*. In the words of Overton:

> For by natural birth all men are equally and alike born to like propriety, liberty and freedom; and as we are delivered of God by the hand of nature into his world, everyone with a natural innate freedom and propriety — as it were writ in the table of every man's heart, never to be obliterated — even so are we to live, everyone equally and alike to enjoy his birth right and privilege; even all whereof God by nature has made him free.[28]

In the words of William Haller, the well-known historian of Puritanism, and one of the few scholars to pay attention to Overton and his contemporaries: 'The task of turning the statement of the law of nature into a ringing declaration of the rights of man fell to Richard Overton.'[29]

Secondly, Overton bases his idea of human rights on the doctrine of salvation: since Jesus Christ died for all humankind, no one should be prevented or discouraged from responding to the offer of salvation. Here we meet the same arguments as those put forward by Thomas Helwys and other early Baptists, mentioned above.

Thirdly, Overton appeals to the example of Jesus and the moral teaching of the New Testament. 'Jesus made disciples by teaching, not by coercion', so Christian magistrates should refrain from using force in matters of religious persuasion. To make this point, Overton also refers to Jesus' parable of the wheat and the weeds that grow up side by side (Mt 13,24-30). Those who are considered as 'weeds' should not be uprooted by force and violence.

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[26] *An Appeal to the Free People*. Quoted by David N. Stamos, *Myth of Universal Rights*, 156.

[27] *Idem*.

[28] *Idem*.

[29] Quoted by Glen Harold Stassen, *Just Peacemaking,* 141.

4. Roger Williams

The third precursor of human rights, Roger Williams (1603-1683). While Helwys and Overton belonged to the General Baptists who had an Arminian theological outlook, Williams belonged to the Particular Baptists whose theological framework was Calvinistic.

In 1630, he sailed to the colony of the Massachusetts Bay, where he hoped to find the religious freedom that was so much lacking in the old world of Europe. He seems to have been influenced by Richard Overton, since the two corresponded for many years.

The Puritans who had founded Massachusetts aspired to fuse political and religious authority. Roger Williams was different. He disliked specific beliefs and practices — for example, taking land from Native Americans, or refusing to separate from the Church of England, or holding on to rituals inherited from the Church of England.

He also disliked the way in which these beliefs were enforced by a government that combined religious and political authority into one.

He held meetings in his home and spread his opinions. For this he was forced to leave Massachusetts. In 1636. Roger Williams and his companions bought land from the indigenous Indian population, and founded the city of Providence which became the centre of the colony of Rhode Island.

In 1638, he and others founded the first Baptist Church in what would become the United States.

Roger Williams took care to build a stronger architecture of free thinking in the colony of Rhode Island. Thanks to his influential friends in London, Williams obtained a royal charter for the colony. The two basic principles inscribed in the charter that distinguished Rhode Island from the other colonies, and from any other country at that time, were the freedom of conscience and the separation between Church and State.

In adopting these principles, Williams accepted religious plurality as a given reality.

Rhode Island became a haven of refuge for groups that were persecuted elsewhere, including Quakers, Jews. The fact that non-Christian Indians were welcome in this colony proved that it was an exceptional case in New England. In one of his letters (1670), to a governor of Connecticut, he wrote that 'there is no prudent Christian way of preserving peace in the world but by permission of differing consciences'.

Williams was a prolific writer. His most important work is *The Bloody Tenent of Persecution* (1644), in which he affirms:

> Enforced uniformity confounds civic and religious liberty and the principles of Christianity and civility. No man shall be required to worship or to maintain a worship against his will...

Men's conscience ought in no sort to be violated, urged, or constrained. And whenever men have attempted anything by this violent course, whether openly or by secret means, the issue has been pernicious and ridiculous.[30]

To make the point even stronger, he added that 'forced worship stinks in God's nostrils'.

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[30] Roger Williams, *The Bloody Tenent of Persecution*.

Argumentation

Roger Williams's case for religious liberty and for other universal civil rights, is based on pragmatic and theological considerations.

First, he observes that most wars were caused by religious oppression — this was certainly the case in his time when Europe was ravaged by religious wars. If nations would establish the right of everyone to religious liberty, this would take away one of the major reasons to wage wars.

Secondly, he points out, like Overton, that religious pressure is counterproductive. While its objective is to promote the 'true religion', it incites people to hypocrisy. They pretend to embrace a certain religion to prevent persecution, while they are not convinced by their conscience.

Thirdly, there is the example of Jesus Christ who commanded his disciples by teaching and persuasion, not coercion.

All these arguments were widely used by Baptists and dissenters of his time. [31] His main theological argument was the idea of natural law. Here he distinguishes himself from his contemporaries by opening a new perspective.[32]

Like Calvin, the Puritans of Massachusetts Bay and other Calvinists, Williams argued that all human beings might justly be held to account for transgressing the 'natural' law of 'humanity' and 'civility', whether they had heard of and accepted Christianity or not, for this law is written in their conscience. The same principles are revealed more fully in the Bible. People have a natural right to follow these principles also when this goes against the grind of certain rulers ('tyrants') who force people to act contrary to this natural law. For Williams, 'the idea of natural rights was not derived specifically from Christian revelation, but from an understanding of human nature itself as rational, self-aware and morally responsible'.[33]

Natural law is the basis of natural rights and freedoms, and therefore also the basis of civil government. The latter should guarantee 'the free exercise and enjoyment of all their civil rights and religious rights'.

The problem for Williams was that Calvinists often went well beyond this standard. They claimed that their version of 'orthodox' Christianity was indispensable to the security and prosperity of the state and that, therefore, citizens could be punished not just for violating a moral code commonly accessible to human beings as such but also for transgressing what they thought were the clear teachings of the Lord Jesus.[34]

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[31] See Glen Harold Stassen, *A Thicker Jesus: Incarnational Discipleship in a Secular Age*. Westminster John Knox Press, 2012, 199.

[32] Our summary is largely based on the description of William's argumentation by David Little, *Essays on Religion and Human Rights*, Cambridge University Press, 2015, p. 267ff. See also the excellent study of Summer Twiss, 'Roger Williams and Freedom of Conscience and Religion as a Natural Right.' In Summer Twiss, Marian Simion, Rodney Petersen (ed), *Religion and Public Policy: Human Rights, Conflict, and Ethics*. Cambridge University Press, 2015, 21-44.

[33] Brian Tierney, *The Idea of Natural Rights, Studies on Natural Rights, Natural Law and Church Law, 1150-1625*. Michigan/Cambridge UK, Eerdmans, 1997, p. 76, quoted by David Little, *Essays on Religion and Human Rights*, 279.

[34] David Little, *Essays on Religion and Human Rights*, Cambridge University Press, 2015, 269.

Williams found that this approach caused a catastrophe for both religious and civil communities. He affirmed that 'political power, might or authority is not religious, Christian, etc. but natural, human and civil.[35] And he added:

> There is a moral virtue, a moral fidelity, ability and honesty, which other men (beside Church members) are, by good nature and education, by good laws and good examples nourished and trained up in, that civil places of trust and credit need not be monopolised into the hands of Church members (who sometimes are not fitted for them) and all others deprived and despoiled of their natural and civil rights and liberties.[36]

Basic to Williams's approach is the protection 'the natural and civil rights and liberties of all citizens'.[37] They include property, political participation, legal protection, and especially the protection of the right of religious freedom or freedom of conscience.

'A wall of separation'

Williams was the first to draw the conclusion that religious liberty implies the non-interference of the state in religious matters.

> The state has no authority to govern the spiritual and Christian commonweal, the flock and Church of Christ, to pull down or set up religion, to judge, determine, or punish in spiritual controversies.[38]

He argues that religious and the political institutions should respect the 'wall of separation' between them.

> When they [the Church] have opened a gap in the hedge or wall of separation between the garden of the Church and the wilderness of the world, God hath ever broke down the wall itself, removed the Candlestick... and made His Garden a wilderness as it is this day. And that therefore, if He will please to restore His garden and Paradise again, it must of necessity be walled in peculiarity unto Himself from the world...[39]

This idea and this expression have found acceptance much later, under the name 'separation of Church and state'.

At the same time, Christians should submit to civil governors who are responsible for civil peace and order.

> In all cases wherein civility is wronged in regard to the bodies and goods of any, cases of public safety, peace, and common rights, as well as religiously sanctioned human sacrifices. In all such cases the civil sword is God's sword for suppressing such practices and appearances, including the very principles on which they rest.[40]

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[35] Roger Williams, *Bloody Tenent, Complete Writings,* III, 398.

[36] Roger Williams, *Bloody Tenent Yet More Bloody, Complete Writings,* IV, 365.

[37] *Idem*, 414.

[38] *Idem*, 366.

[39] Roger Williams, 'Mr. Cotton's Letter Lately Printed, Examined and Answered', *The Complete Writings of Roger Williams*. New York: Russell & Russell Inc. 1963, Vol. 1, 243.

[40] Roger Williams, *The Examiner Defended, Complete Writings*. Eugene, Wipf & Stock, Vol. VII, 243.

In defining the relation between religious freedom and civil power, Roger Williams was far ahead of his time.

5. Influence – three historical lines

From the Baptist precursors onwards, we can trace three historical lines of influence.

The first in England. Helwys and Overton died before they could witness the realisation of their ideas. Some four decades later, William of Orange, the Protestant Prince of the Netherlands, became king. His crowning in 1688 is known as the Glorious Revolution, because it led to religious tolerance between Catholics and Protestants. The following year, the king William issued the Bill of Rights guaranteeing a number of civil rights to all citizens of the kingdom. The following year, John Locke published his famous *Two Treatises of Government,* in which he argues that 'all government is limited in its powers and exists only by the consent of the governed.' His basic argument is that 'all men are born free'.[41] Clearly, what Locke could now write under peaceful circumstances, had already been put forward by others before him in the turmoil of persecution, imprisonment and expulsion.

The second line leads to the American revolution. Roger William's plea for religious liberty and civil rights influenced not only John Locke, but was also taken over by other Baptist leaders and Enlightenment philosophers in America during the 18th century. Although we cannot say with certainty that the founding fathers of the United States directly quoted the Rhode Island Charter when they were discussing the text of the American Declaration of Independence (1776) and the Constitution, this Charter did furnish an example of a colony that could function well and even prosper without an established religion.

The third line can be drawn on the European continent, particularly in France where Enlightenment philosophers spoke out against the oppression of Protestants and advocated a new political that would guarantee fundamental civil rights. They were certainly familiar with the call for religious liberty in the English-speaking world, and with the initiative of Williams. Although they inspired the political changes of the French Revolution in 1789, it was a Reformed pastor, Paul Rabaut Saint-Etienne, who played the key role, first in drafting the Edict of Tolerance issued by king Louis XVI in 1786, and then in drafting the famous Declaration of the Rights of Man and Citizen, adopted by the National Assembly just months after the French Revolution.

6. Conclusions and a question for today

What can we conclude from the history of early Baptists and their three main representatives, as far as the plea for religious freedom is concerned?

Religious liberty, the 'mother of human rights'

Freedom of conscience has been called the 'mother of human rights', and rightly so, because historically speaking this was the first civil right to be put forward as a universal right for all men, as being created in the image of the one Creator.

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[41] Michal Shortall, *Human rights and Moral Reasoning: A comparative Investigation by Way of Three Theorists and Their Respective Traditions of Enquiry: John Finnis, Ronald Dworkin and Jürgen Habermas.* Rome, Gregorian Biblical Book Shop, 2009, 88.

Idea of legally guaranteed human civil rights is of religious origin

The idea that legally enforceable individual rights are essential to modern constitutions is of religious origin, of Protestant origin to be precise. One can even go as far as saying, of Baptist origin. It was the religious conviction of the early Baptists that all men are equal in the sight of God and endowed with equal human rights, but they made it into a secular principle for the whole of society. As Scottish philosopher Alisdair MacIntyre puts it, Richard Overton, the Levellers and non-conformist Protestants 'have expressed for the first time in history, secular concepts of freedom and equality which break with all traditional forms of social hierarchy... This is Christianity's chief seventeenth-century achievement.'[42]

A principle for a plural society

Helwys, Overton, Williams and their fellow advocates of religious liberty were the first to fully accept the fact of a plural society. That is to say, they accepted it as a matter of fact. This is not the same as pluralism. Differences in the area of theology and Church practice really did matter to them. They did not accept other religions as viable options to obtain salvation. They believed in proclaiming the Word and calling people to conversion. But they were persuaded that ecclesiastical and political rulers should refrain from enforcing uniformity. People of other religious persuasions have the same right as we have. This is the principle that allows for a plural society to live in peace.

Final question: what will happen when the religious foundations are lost?

The foregoing conclusion leads me to a final remark. What will happen with human rights when the religious foundations are lost out of sight, or denied? Can there be another foundation for human dignity without taking the religious origin into account? What will happen in the long run when a secularist worldview takes over? Can such a worldview safeguard respect for the sacred, respect for human life in all its stages? We already see the tendency in a secularist worldview to make human rights a slogan for the individual freedom to do what you want, without being bothered by others. Is such an individualist ethic sustainable?

Perhaps we need to recall the historical roots of human rights and listen to the precursors, in order to remain connected with the Biblical values and the Biblical view of man that were the original foundations for human rights and dignity. We would suggest that they remain the safest foundations for the future.

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[42] Alisdair MacIntyre, *A Short History of Ethics: A History of Moral Philosophy from the Homeric Age to the Twentieth Century*, Notre Dame, Indiana, University of Notre Dame Press, 1966, edition 1998, 144.

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