

122

A

J. W. Lewis
April
1827

DISSERTATION

ON THE

Nature, Obligations, and Form

OF A

CIVIL OATH:

IN WHICH

A careful inquiry is made into the proper manner of taking a judicial oath; whether by lifting up the right hand, or by touching and kissing the holy evangels.

BY WILLIAM CRAIG BROWNLEE, D. D.

Minister of the gospel at Basking Ridge, and author of the Inquiry into the Religious Tenets of the Society of Friends, &c.

NEW-YORK:

PUBLISHED BY WILDER AND CAMPBELL.

D. FANSHAW, PRINTER.

1825.

Southern District of New-York, ss.

L. S. **Be it Remembered**, that on the twenty-second day of April, A. D. 1825, in

Campbell, of the said district, have deposited in this office the title of a book, the
right whereof they claim as proprietors, in the words following, to wit:

“ A Dissertation on the nature, obligations, and form of a Civil Oath, in which a careful inquiry is made into the proper manner of taking a judicial oath; whether by lifting up the right hand, or by touching and kissing the holy evangels. By William Craig Brownlee, D. D. Minister of the gospel at Basking Ridge, and author of the Inquiry into the Religious Tenets of the Society of Friends, &c.”

In conformity to the Act of Congress of the United States, entitled “ An Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the time therein mentioned.” And also to an Act, entitled “ an Act, supplementary to an Act entitled an Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.”

JAMES DILL,
Clerk of the Southern District of New-York.

To the very Reverend

The Clergy

Of the different Christian Denominations ;

and to

The Hon. the Judges and the Justices ;

and to the

Learned Members of the Bar,

of the

UNITED STATES ;

*This Dissertation is dedicated with the most profound
respect and veneration, by their most obedient and
most humble servant,*

THE AUTHOR.

REV. W. C. BROWNLEE.

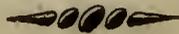
Dear Sir—The Trustees of the Congregation respectfully request to be favoured with a copy of your Dissertation on a Civil Oath, for publication,

In behalf of the Board,

Your very obedient Servant,

W. M. LINDSLEY.

Basking Ridge, February 18, 1825.



Basking Ridge, Feb. 19, 1825.

MY DEAR SIR,

I received your card, conveying the request of the Board of Trustees to have a copy of the Dissertation on a Civil Oath, for publication.

I shall comply with the request as soon as I shall have finished the revision of the piece; and the more cheerfully I will yield to this, as I am anxious to place the discussion of this important subject in the hands of the Ministry and Magistracy.

Be pleased to make agreeable to the members of your Board the assurance of my cordial esteem and affection.

WILLIAM CRAIG BROWNLEE.

To MR. W. M. LINDSLEY,

President of the Board of Trustees.

A

DISSERTATION
ON THE NATURE, OBLIGATIONS, AND FORM OF
An Oath.

’ “Take heed to thyself—that thou inquire not after their gods, saying, how did these nations serve their gods? Even so will I do likewise. Thou shalt not do so unto the LORD thy God.”—*Deut.* xii. 30, 31.

"Thou shalt fear the LORD, and serve him; and shalt swear by his name."

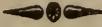
DEUT. vi. 13.

**"Men verily swear by the greater, and an oath for confirmation is to them
an end of all strife."**

HEB. vi. 16.

A

DISSERTATION, &c.



I. THE Deity is the Supreme Ruler of the world. Our species are the subjects of his moral government. They live and they act under his immediate inspection.

Civil rulers, lawfully appointed to office, are "*the powers ordained of God.*" They hold their office under a solemn responsibility to God as their head, and the source of their power. They are his officers: and they are invested with powers amply sufficient. But from the very nature of the trust committed to them, they are placed under certain restrictions. Their office is to be uniformly exercised entirely for the benefit of their fellow-citizens: and it is limited exclusively to *political matters*.

The same general principles we lay down in relation to ecclesiastical officers. They are invested with ample powers, but they are placed under limitations. Their powers extend to the supervision of spiritual officers only, and their jurisdiction lies wholly within the church of Christ.

It is unquestionably the duty of these officers, acting under the eye of the Almighty Ruler, to use all the weight and influence of their office to preserve peace and order; to promote religion and virtue in their respective societies, and consequently to put down disorder and crime.

This end cannot be attained unless all good men shall combine on the side of the officers of the government, and shall lend them all their assistance, and give them every facility in the discharge of their official duties; and particularly, unless they shall lend them effectual aid in the discovery of the truth, in declaring it themselves, in supporting it in such a

manner that the combinations of the wicked may be broken down, and their evil deeds exposed and punished. All this, it will be readily admitted, is essential to the well-being, and even to the very existence of society.

But, in the first place, this cannot be effected unless witnesses, when called to the aid of the rulers, shall “utter the whole truth, and nothing but the truth”—and such is the force of combinations against the exhibition of the truth, and such the power of the motives arising out of interest, or fear, or favour, that this cannot be effected in any other way than by the superinducing of a higher motive, of a greater fear, of a deeper solemnity over his mind, than what any worldly consideration can create.

In the second place, this important object cannot be accomplished without some effectual means placed within the power of the witness, by which he can give to the court a pledge that will create a confidence and assurance that what he utters is “*the truth, the whole truth, and nothing but the truth.*”

And can we conceive any thing more effectual towards this main object than an immediate appeal to Almighty God, by the witness, in the presence of the court, and at its revered command?

The word or affirmation of an honourable man I dare not question. I accept it as sufficient in all ordinary cases. But in matters of the utmost importance, and such as involve the destiny of individuals and families, when the mind is in deep suspense, and under great agitation; when motives of fear, and favour, and interest, all combine to shake the purpose of the most honourable mind—I pause at his word—I accept it, it is true, but it does not go the necessary length—I look for something more. Acting under the authority of the court, while all is stillness and devout solemnity, he lifts his hand, and he swears by the name of Almighty God, the searcher of all hearts, and before whom he must soon appear, that he

will speak "the whole truth and nothing but the truth." I feel a burden taken off my heart: he has given me the surest and the holiest, and the highest pledge, which man can give to man, that he does utter the truth. Every doubt is banished from my mind; I have a most perfect confidence in what he says; I feel the entire force of the words of inspiration: "*Men verily swear by the Greater, and an oath for confirmation is to them an end of all strife.*"

We arrive at these conclusions respecting the nature of an oath:—

1st. It is an impressive act of religious worship rendered to Almighty God by his rational beings, the subjects of his government.* It is most truly an act of religious homage to his divine supremacy over all creatures: to his omniscience: to his most holy supervision of all things as the God of Providence: to his majesty and his justice: who is, at once, the avenger of the innocent, and the destroyer of the guilty. Hence the devout mind does not shrink from an oath—and he never will shrink from it. He counts it his privilege; and he applies himself to it, as he would, with deep and pious sensibility, to any other act of divine worship.

2d. This act of divine homage—an oath, is to be regarded as a powerful means in the hands of good rulers in the church and in state, of discovering and establishing the truth; and thence of promoting the great end of all rule and government.

3d. It is, therefore, an effectual means of defending the innocent; of breaking down and annihilating the combinations of the wicked; and of bringing to condign punishment the enemies of God and of men!

On the whole, an oath considered as an appeal to the Supreme Being, occupies a high rank in the class of duties which man owes to his Creator: and considered as an appeal by man, on behalf of truth, it is absolutely essential to the well-

* "*Juramentum est invocatio Dei, quâ petitur;*" &c. *Palat. Catech. &c. &c.* B. D. Moore, vol. ii. 770.

being, and even the existence, of every well ordered society.

II. These observations will receive additional strength from our second position. An oath is not a human device. The Almighty has laid his injunction on us to give our solemn oath when summoned to do so by the proper authorities.

The law enjoining it has been written by the hand of the Deity on the heart of every man. Human depravity has, indeed, often misinterpreted this law, and often added corrupt modes to it. But all the influence of human depravity has not been able to obliterate this sacred law from the heart. Hence, all nations, Christian and Pagan, have been found to make a solemn appeal to the Deity by an oath.

But the language of inspiration exhibits a living transcript of this law. Each of the following extracts will exhibit a *moral* precept:

“Thou shalt fear the Lord thy God, and shalt serve him, and swear by his name.” “The king shall rejoice in God: every one that sweareth by him shall glory.” “He that sweareth in the earth, shall swear by the God of truth.” “And thou shalt swear the Lord liveth, in truth, in judgment, and in righteousness.” Again: “And it shall come to pass, that if they will diligently learn the ways of my people, to swear by my name, the Lord liveth, as they taught my people to swear by Baal; then shall they be built in the midst of my people.” And again, it is distinctly asserted by the prophet of God, that this form of rendering homage to the Deity shall never cease while there is a church, and a civil tribunal in the earth. Here is the prediction: “I am God, and besides me there is none else; I have sworn by myself; the word is gone out of my mouth in righteousness, and shall not return; that unto me every knee shall bow and *every tongue shall swear.*” And in perfect accordance with this prediction, we find a New Testament writer laying down a position which assuredly makes an oath to last as long as the unchangeable system of Christianity: “*men verily swear*

by the greater ; and an oath for confirmation is to them an end of all strife.”*

To these divine precepts we may add the illustration of the purest examples on record. The most pious of men did swear in truth, in righteousness, and in judgment. “*Abraham lifted up his hand to the most high God.*” David made it an essential feature in the character of the truly pious man, that he swears, and adheres to his oath at all perils.† And Paul, under the guidance of an infallible inspiration, used solemn oaths to confirm the truth. “*I take God to record on my soul.*”‡ And again : “*I speak the truth BY Christ, I lie not, my conscience also bearing me witness BY the Holy Ghost.*”||

We can advance still higher. We can copy down the example of the purest of all created intelligences. The angel mentioned by Daniel did give an oath ; and the angel mentioned by John, (it will add unspeakably to my argument if we recognise in this angel the Lord Jesus Christ,) he also gave his solemn oath. Nay, to give the utmost weight to example—that to which nothing higher ever can be added—the Most High God has himself given his oath. This most interesting fact

* See Deut. vi. 13. and x. 20.—Psalm lxiii. 11.—Isa. lxxv. 16.—Jerem. iv. 2.—Jer. xii. 16.—Heb. vi. 16.—It cannot be supposed that these precepts, enjoining an oath, ever constituted a part of the Ceremonial law, which has been abrogated. An oath could not be supposed to be a *type*. If so, where is the *antitype* of it in the N. T. ? The precept, enjoining an oath, is moral, and a moral precept is of perpetual obligation. Nothing can remove its obligation but a fresh precept from the throne of God, and no such decree exists.

† See Psalm xv.

‡ See the sentiments of St. Augustine, &c. in Bern. De Moore, vol. ii. p. 780, on this kind of oaths.

|| See 2 Cor. i. 23. Rom. ix. 2. ἐν χριστῷ—ἐν Πνεύματι “by Christ,” “by the Holy Ghost ;” so the preposition ἐν is rendered in that species of oaths condemned by our Lord, in Matt. v. 34., swear not ἐν τῇ γῆ, ἐν τῷ οὐρανῷ “by the earth,” “by heaven,” &c.

is on record: "*When God promised to Abraham, because he could swear by no higher, he did swear by himself.*"*

By these divine precepts, and these perfect examples, the following points are fully established. 1. To make an oath with solemnity before a court, is a religious duty, as clearly enjoined on man as any duty enjoined in the ten commandments. 2. To swear by the *name of God*, and by *that alone*, is the only way of rendering an oath according to the Holy Scriptures. 3. To swear by any other being or thing is positively prohibited by the law of God. 4. An appeal to God is essential to an oath. 5. That is really not an oath in which there is no appeal to God.

And hence, the sentiment of the Platonick philosophers, and of modern sectaries, that *there is a life beyond an oath*, or that a man may arrive at such a height of purity as to be placed above the necessity of an oath, involves the purest absurdity, and is most disgusting cant! To arrive at a height of purity so as to be beyond an oath! To arrive beyond Abraham, and beyond David, and beyond Paul! To arrive beyond what angels actually did! Nay: and we ought to be grieved at the length to which human assurance can push itself—they pretend to rise above the very example of the Most High and Holy One. *He did swear*. These sectaries are so *pure* that they are beyond an oath! They are so *pure* that they are degraded by doing what the Most Holy God set us an example to do!

There are some christians who also oppose an oath. They do indeed admit that an oath may have been enjoined in the ages of the Old Testament Church. But they insist that all oaths have been abolished. The portions of the holy Scriptures on which they build their theory, are these: "*As is the good, so is the sinner: and he that sweareth as he that feareth an oath.*"† In this passage of Holy Writ, they suppose Solo-

* See Heb. vi. 13. Gen. xxii. 16. and also Psalm cx. and Psalm xciv.

† Eccles. ix. 2.

mon to have placed the “*man who swears*” in the same kind of contrast with him that “*sweareth not*,” as he placeth the “*sinner*” with the “*good man*,” in the preceding clause.

But the chief weight of their argument is laid on the words of our Lord, and of the apostle James: “*Swear not at all; neither by the earth nor by heaven*,” “*nor by any other oath: let your communication be yea, yea, and nay, nay; for whatever is more than these cometh of evil.*” And they strengthen their argument by appealing to the primitive christians, and early Fathers, who refused, they say, to render oaths before any court.

To these we reply, in this manner; that the special precepts which enjoined an oath, are, as we have seen, moral precepts. Oaths could not be typical; they could not be portions of the ceremonial law, so as to fall into oblivion with that expiring law. If oaths have been abrogated, it must have been done by a special law of heaven to that purpose. But that law does not exist, which repeals a *judicial oath*.

In reference to the expression of Solomon, “*he that sweareth is as he that feareth an oath*,” the whole weight of the objection resteth on the meaning given to the phrase “*he that sweareth*.” The objection is removed by determining the true meaning of this. We are not to explain it by our own system, or by conjecture. Every law is to be explained by some clause or portion more fully expressed on some other of its pages. Now, in the prophet Zechariah, chap. v. 3. the very expression before us is used to signify the act of “*swearing falsely*.” For in the same paragraph the two phrases “*one that sweareth*” and “*one that sweareth falsely*,” are used as synonymous, and are exactly of the same import, as any one can perceive by inspecting the place.* And

* “This is the curse which goeth forth over the face of the whole earth, and every one that sweareth shall be cut off; and it shall enter into the house of the thief, and into the house of him that *sweareth falsely*,” &c. Zech. v. 3, 4.

hence the pious and learned, in all ages, have thus rendered the words of Solomon. And hence the Vulgate, which can boast the antiquity of 1400 years, at least, thus renders the passage "*he who perjures himself.*" And in the Chaldee it is thus rendered, "*he who swears falsely.*" And it is also certain from the book of 1 Samuel, chap. xiv. 26. that the last clause of the above sentence from Solomon, "*he that feareth an oath,*" is used to describe one who reverently regards an oath. Here then is a double reason which goes to establish this point, that Solomon contrasts the perjured knave who swears falsely, with him who devoutly keeps his oath unbroken and holy. Hence he does not condemn an oath.

Nor can they derive any support from the supposed abolishing decree of our Lord and James "*swear not at all.*"

Here we beg leave to state distinctly, that we advocate no oath besides that which is sanctioned by a regular court, and the oath of appeal made in vows to God. These we call judicial oaths.

Now, unless it can be made to appear that our Lord, and his servant James, do, in these passages, prohibit *judicial* oaths, all the declamation against oaths, from the passages referred to, is to no purpose.

But it is very plain that our Lord and his servant James are not speaking at all of judicial oaths. The simple reciting of the whole sentence will demonstrate this "*swear not at all,*" or as the judicious Paley renders it literally; *on any account*"—by the earth, by heaven, by thy head—neither by any other oath." Now what oaths does our Lord condemn? It is very evident. Oaths by the heavens; by the earth. Now the Jews never made *judicial* oaths, or oaths before courts, by any of these forms. But *by all these* did men swear in common conversation in society. Every classic page exhibits the fact that the pagans mingled these oaths in their common discourses, and in their most finished productions. And the Jews had copied into their conversations this profligate

gate habit. Now add to this, that the judicial oath was made *only by the name of God*. No other oath was enjoined: and no other could be lawful. But our Lord does not touch that point. He does not prohibit swearing by God's name. "*Swear not at all,*" take in the whole clause as our Lord uttered it, "*swear not at all by the heavens, by the earth,*" He condemns profane swearing, and that alone! He does not even advert to judicial oaths! much less does he condemn them.

The clause which follows will confirm this position: Let your "yea be yea—for *whatever is more than this cometh of evil.*" No person can refer this last clause to the *judicial* oath without an outrage on all propriety. God had commanded his people to swear. They had done it. Angels had done it. God himself had done it. Can we presume to say that this is the form of oath which Christ says, *cometh of evil*? Could the compliance with an existing divine law—could the following of the holiest examples really be said to *come of evil*? He can be supposed to speak only of oaths in conversation, which always "*come of evil.*"

To the appeal made to primitive Christians and fathers, we have a brief reply. These interesting persons to whom we look back with veneration and affection, were placed in an afflicting dilemma. Those of them who lived before the first Christian Emperor, surely could not, in conscience, take an oath judicial. For if they were in the tented field and were called to take the military oath, they behoved to swear by the genius of the emperor, or his fortune;* or if in a civil court—it was a pagan court, and it must have been taken by some idol—and in an idolatrous form, revolting to a Christian's feelings.†

* "*Ομοσιον*"—"Swear by the fortune of Cæsar"—said the proconsul to the martyr the holy Polycarp. But he resisted it always. From the Epist. Smyrn. extr. by B. D. Moore, vol. II. p. 773.

† See Albert. Fabricii Bibliograph. Antiq. p. 429—431 cap. "*De juramentis variarum nationum,*" for a detailed account of these.

But in the following times, when Christianity was on the throne of the Cæsars; when Christian magistrates were appointed, and when the form of the oath was such that a Christian could approve of it, and sanction it by his presence, it is a fact on historical record, that Christians did then swear the judicial oath. It is true, we must except some of the private Christians, and even some of the Fathers; who, like other moderns (who have not their excuse of want of better information to plead) did mistake entirely the import of our Lord's prohibition of oaths in common discourse, and converted the prohibition of *profane* oaths into an abrogating decree against *judicial* oaths.

But with the exception of a very few names of any influence, the great body of the Fathers and private Christians were strictly correct in their views and practice in this matter.*

And it may be of consequence to notice here the sentiments of the Waldenses, a people of distinguished purity, who caught, and retained the holy doctrine and practice of the primitive Christian church; and who braved the enemies of God and of man, while putting forth their malignant powers during the dark ages; and who had sustained the holy banner of the cross for ages before Huss, and Jerome, and Luther, and Calvin, and Knox, had begun their work of reformation.

These Christians have been too long claimed by those who oppose judicial oaths, as giving countenance to the corrupt exposition of our Lord's precepts against oaths in common discourse. It is true their enemies, the inquisitors, who erred as egregiously in their historical accounts of them, as they

* Bern. De Moore Perpet. Comp. vol. ii. p. 780—and, also, Fabricii ut supra. The Fathers, who seemed to oppose oaths, were Basil, Chrysostom. (But late authors have accused him of leaning to Pelagianism, and this opposition to oaths was a trait in the character of Pelagians. See Le Clerc's Lives of some of the Fathers, p. 346, who quotes for proof, Bp. Bull.) also Theophylact. Eusebius (Evang. Prep.) &c.

sinned against all law in persecuting them, do represent them as condemning oaths. “Whoever will not curse, and will not swear, and will not kill, they call him a Waldensian, and put him to death.” This was written of them in the A. D. 1100.* But the following extract from their famous apology, drawn up in A. D. 1508, will clearly exhibit their belief on this point. “We have been accused of maintaining that it was, in no instance, lawful to swear. To this we reply, that some oaths are certainly lawful, tending both to the honour of God and the edification of our neighbour.”† This they confirm by extracts from the Holy Scriptures.

Hence (to give a summary of our argument) we arrive at the following conclusions.

1. Oaths were instituted by Almighty God, and by a *moral precept of perpetual obligation*. The precept is written in the Old Testament, and repeated and enforced in the New Testament. It is, therefore, a moral duty which we ought not to decline, when duly called to it. On the contrary, we ought to be as ready and as willing to engage in this solemnity as in that of prayer. And I may be allowed to quote a German author who has expressed himself strongly, but, in our view, correctly, on this point. “Those heretics who will not swear, do imitate Satan.” “He is not known to have ever used an oath, and he never will. Swearing to the truth is a solemn public act of worship and homage rendered to Almighty God.” And that is what Satan will never countenance.‡

2. No person can, with any justice, maintain that *profane*

* This is taken from the Italian poet.

“Que non vogli maudir, ne jura, ne mentir,

* * * * *

“Loz dison qu’es Vaudes, et los feson morir.”—Voltaire’s Gen. Hist. chap. 69., and Jones’ Hist. of the Christian Church, vol. ii. p. 25. N. York Edition.

† Perrin’s Hist. Des Vaudes, Liv. i. c. 4., and Jones’ ut supra. p. 61.

‡ See my Volume on Quakerism, p. 101—104.

oaths in conversation are to be placed by the side of *judicial* oaths before a court, and insist that the precept prohibiting oaths in conversation does also prohibit judicial oaths!

3. Those who oppose judicial oaths, and declaim against those who, from the obligations of duty freely use them, are certainly not aware of the crime which they do commit. They oppose the prejudices of private opinion to a divine precept. They plant themselves down against the purest examples recorded in Holy Writ. They oppose the example of Abraham and of David,* of Paul, and of angels—nay, of the Most High and Holy One himself! Hence it may be fairly inferred that the person who refuses a judicial oath is guilty of impiety toward God, and of a flagrant breach of duty which he oweth to the magistracy, and to his country.

III. The form and rites attending the administration of an oath next claim our attention.

An oath considered as an appeal to the Deity, and as an act of divine homage to him, is certainly not to be considered as belonging purely to revealed religion. It is a part of natural religion. Hence—and it deserves to be repeated—it is engraven on the minds of all men. No length of time, no distance of removal from the holy light of divine revelation; no degree of pagan darkness have succeeded in effacing the deep impression. Hence all nations, Christians and pagan, have been found to practice this sacred appeal to their Deity.

But the form and rites of an oath conveyed to us through the pure channel of revelation, are to be as carefully separated from the superstitions attached to it, by those who have corrupted the holiest things, as the rites of the true religion ought to be separated from those of a false religion.

Hence our subject is naturally divided into two sections. We shall, *first*, trace the history of the form, or rites attending the administering and taking of an oath among the He-

* Psalm 15, &c.

brews and Christians, and which existed by the authority of God in his church. And *second*, we shall trace the different forms and ceremonies of an oath, which spring up, and were perpetuated in the lands of darkness and superstition.

I. *Of the forms of the oath instituted by Heaven—or the Hebrew and Christian oath.*

First: It may be observed, in general, that there was a common and uniform characteristic in the Hebrew and Christian oath. It contained, as we have seen, in all cases, an appeal to God, and by Him alone the oath was made. And this appeal was distinctly recognised both by the person who tendered the oath, and by him who took it. Thus, “*Abraham said to his servant, I will make thee swear,*” or still more literally, “*I adjure thee, by Jehovah, the God of the heavens, and the God of the earth.*”^{*} And again; “*Thou shalt fear Jehovah thy God, thou shalt serve him, and swear by his name*†.” And the prophet Jeremiah makes it a distinctive mark of a worshipper of the true God, that he swears “*only by God—and a distinctive mark of the idolater, that he swears by another object.*”[‡]

And even in the less formal oaths on record, we can trace this appeal.§ But particularly in the recorded examples: the Hebrew and Christian worshipper; and the angels lifted up their hands and swore by the Most High: and when Jehovah did himself set the highest and holiest example, “*because he could swear by no greater, he did swear by himself.*”

This point, then, we deem strongly established by the *manner of the Hebrew and Christian oath*, that an appeal to the Supreme Being—even the only true God, was essential to the true oath: and no oath of the Hebrew, or Christian, was without this appeal to God.

* Gen. xxiv. 9. † Deut. vi. 13. ‡ Jer. xji. 16.

§ Rom. ix. i. 2 Cor. i. 23. Gal. i. 20.

Hence, to swear by any other object, is to sin against precept and example. To swear by any other object, is to set aside the glory and honour of the Most High, and to elevate another object into his throne. Hence, to swear by another object, and not by God, is idolatry of an aggravated nature.

And finally, if these principles which have been laid down are correct; and if such be the nature of an oath; and if an appeal directly made to the Supreme Being be essential to it—then I am constrained to say, Christian brethren, and honoured magistrates! that the *book oath*, in common use among us, cannot be justified on any principles sustained by sound reason, or laid down in the Holy Bible. I am grieved to say that it is altogether wrong as to the *matter* of it.* It does really contain no direct nor positive appeal to the Supreme Being. The person who administers this oath, states to the witness, or reminds him, that he swears “*in the presence of Almighty God*. And the oath is closed with the words, “*so help you God*.” But neither of these solemn expressions contains an appeal. The first reminds the witness that he is in the presence of God: the second contains a devout wish, or a prayer for help to the witness that he may tell the truth. No man can pretend to say that either the judge or witness does here make the proper appeal. The “*book oath*,” I assert, is entirely different from the oath prescribed by God in the Bible. It is not a *legitimate oath as to its matter*. Very different is the oath with the up-lifted arm. “I swear by Almighty God, the searcher of all hearts, that in this case, I will tell the truth, the whole truth, and nothing but the truth, as I shall answer to God at the great day.” The *matter* of it is a direct appeal to the Deity. This is the Hebrew and Christian oath.

Second: Connected with this *appeal* is the rite, or ceremo-

* Paley, in his *Moral Philosophy*, justly reprehends its deficiency. See book iii. part i. ch. 16.

ny of the oath; by some called also the *action* of the oath.

Sometimes we find no formal action recorded. This is the case in the oaths of St. Paul. But then, these were not *judicial* oaths, strictly speaking.

With one single exception, if I may call even that an exception, the uniform ceremony recorded in holy scriptures, was that of lifting up the right hand towards heaven.

That exception, to which I allude, was singular, and it merits our attention. It is recorded in sacred history only in two places; and in only two instances, so far as I can discover, was it practised: I allude to the patriarchal rite of the inferior putting the right hand under the thigh of the superior, while the appeal was made to God in an oath.*

A detail of the different opinions of Theologians on this singular custom, would serve no useful purpose. The learned know where to find them.† And they will neither enlighten, nor, perhaps, edify a plain Christian.

One criticism, by a learned German, merits our notice. For if the majority of the critics pronounce that he has failed, he must, surely, receive credit for his learning, ingenuity, and for a plausible scheme to remove a serious difficulty. The learned Vander Hardt has laboured diligently to show that the sacred passages alluded to should be rendered "*Put thy hand under the wrist of my right hand,*" instead of "*Put thy hand under my thigh.*"‡ But a judicious critic has shown, triumphantly, that the Hebrew term cannot authorize this translation; that it does signify the "*thigh.*" And our translation, it must be admitted, is the most correct.||

* See Genes. xxiv. ver. 2. and xlvii. 29.

† In Poli Synops. in Genes. 24. 2. Fabricii Bibliogr. Antiq. p. 427—Bern De Moore, vol. ii., p. 486, 487.

‡ See his Diatriba in Gen. 24. 2.—and Fabricii ut supra, p. 427, who applauds this discovery.

|| See Vriemont Dicta classic. Vet. Test. tom. ii., p. 295, &c. Bern. De Moore, vol. ii., p. 787.

The following observations may aid us in forming our opinion on this subject.

Only two instances of this ceremony are recorded in the Bible. "Put thy hand under my thigh, and I will make thee swear by God," said Abraham to the steward of his house. And Jacob said to his son Joseph, "Put thy hand under my thigh—and he said, swear unto me. And he sware unto him." And these two patriarchs were of the grand line of the fathers whence our Lord came according to the flesh.

We think that we may safely say that, in this ceremony, there was a mysterious, yet distinct allusion to the Messiah who was to proceed from these Patriarchs. There seems to have been a recognition of the Son of God who was to be incarnate. Of this we are certain, that no other patriarch, and no other person who belonged not to the line of our Lord's progenitors according to the flesh, ever performed this ceremony in an oath.

This idea is in accordance with the views of very ancient, and the most correct divines. And it is certainly expressed in the Jewish Targum,* in a comment by learned Jews on these passages, in the following words: "Abraham says to his steward, I will make thee swear *by the word of Jehovah.*" And this was, with the ancient and orthodox Jews, a recognised title of their Messiah; "*The word of God.*"

Josephus and Vatabulus tell us that this ceremony of *putting "the hand under the thigh"* has been, and still is, a custom in the East, of rendering homage to a superior. That may very readily be. It will be found, I doubt not, among the descendants of Ishmael, the son of Abraham, if it is to be found at all; and, also, as utterly without meaning as is the ceremony of circumcision among them.

To this I shall add, that the ceremony may be also considered as an act of homage to Abraham and to Jacob from

* Targum Jonathan, and in Poli. Synop. in loc.

their dutiful inferiors. A learned writer has shown out of the Hebrew commentaries of Aben Ezra, that it was in the days of remote antiquity among the Hebrews, "a sign of homage, to place the right hand under a superior when sitting." And something like this can be traced down through the Romans; and even to the peculiar manner in which, in modern times, lieges take the oath of fealty to the sovereign at his coronation.*

Harmer, who was so intimately acquainted with Eastern manners and customs, is of opinion that Abraham's servant might swear with one hand under Abraham's thigh, and with the other raised up towards the heavens.

Upon the whole, this ceremony was practised in only two cases; and these were never made a precedent. Hence, whatever be our view of this singular rite, it can scarcely be called even an exception from the general—nay, the universal practice among Hebrews and Christians, of *lifting up the right hand toward heaven* when they made their solemn appeal to God.

Now, in speaking of this universal practice in the true oath, let us notice; first, the action of the person who tendered the oath, and *then* that of the witness.

With respect to the *first*, we have it fairly exhibited in the trial of our Lord before the Jewish supreme council. The high priest said unto Jesus, "I adjure thee by the living God, that thou tell us whether thou be Christ the Son of God." The terms used are these: "Εξορκίζω σε κατά του Θεου, του ζαντος." "I put thee on thy oath by the living God." This is finely

* See Cocceius' notes on August. and Bernard De Moore, vol. ii. p. 786. The Romans derived *possessio* from *sedendo*; Cocceius ut supra. When the crown is set on the sovereign's head, the lieges come, one by one, and kneeling, put their hands between his thighs, or between his hands laid on his thighs, and take the oath. See Paley's Phil. book iii. part i., chap 16. And Crookshank's Hist. of the Church of Scotl. Introduction in his account of the coronation of Charles II. at Scone.

explained in the septuagint translation of the passage in Genesis, detailing the oath of Abraham's steward. In our translation that passage stands thus: "*I will make thee swear by the Lord the God of the heavens.*" The Septuagint gives it in the terms of the high priest to our Lord." "Ἐξορκῶ σε Κυριον τῶν Θεῶν, τοῦ Ὀυρανοῦ." "*I will put thee on thine oath,*" or "*I will make thee swear by the Lord God of the heavens.*"*

This appears to have been the ancient Jewish form of tendering an oath to the witness.

But, *second*, what is chiefly of importance to us, the rite or action of the witness is to be considered. *As he swore by the Almighty, he raised up his right hand towards heaven.*

This action was natural and appropriate. The person who swears by Him who dwelleth in heaven and ruleth below, will naturally look up and point up with his raised hand. It is no wonder, then, that reason should dictate this simple and original form of action in an oath, even to the mind which has never been visited by the holy light of Revelation. Hence, the Roman heroes lifted up their hands in their appeal to heaven: † hence it is that the sheik who roves over the deserts of Mount Sinai, with his Arabian banditti, lifts up his right hand and swears by Allah!

And how clearly was this the form of action in the oath instituted by God, the following selections from the scriptures will show. "*Abraham said unto the king of Sodom, I have lifted up my hand to the Lord, the most high God.*" The angel who appeared to Daniel, "*lifted up his right hand, and his left hand, unto heaven, and swore by him that liveth for ever!*"

* See Campbell's New Translation of the Gospels, in locum: and Schleusneri Lexicon in voce Ἐξορκίζω; who by quotations out of Demosthenes, and other classic writers, shows that this was the meaning of the word in Greece.

† "Suspiciens cælum tenditque ad sidera dextram,
"Hæc eadem, Ænea! terram, mare, sidera juro."

VIRG. ÆN. xii. 196.

The angel who appeared to John, (and by his words, and by his actions, it would appear that it was no less than the Lord Jesus Christ,) "*lifted up his right hand and swore by him who liveth for ever and ever.*"

And that this is the *only* action of an oath which God has sanctioned, must be evident, further, from his own most holy and spotless example. This sets the seal of divine authority on this simple and expressive form of action in an oath. "I, even I, am he, and there is no God beside me. "*I lift up my hand to heaven and say I live for ever!*" Thus saith the Lord, "*I have lifted up my hand,*" &c.*

In fine, the Most High gave his oath to Abraham. The apostle Paul thus recites it: † "*because he could swear by no greater, he swore by himself.*" Now the inspired writers, acting immediately under the holy spirit, in speaking of this oath of God, usually describe it by the phrase, "*he lifted up his hand.*" And, thus, the phrase "*to lift up the hand,*" has become a Hebrew phrase for an oath. Yes! so constantly, so invariably was an oath taken by lifting up the hand, among God's ancient people, that the Hebrew phrase for an oath is, "*he lifted up his hand.*"

The following is a specimen and further illustration of this truth: "*I did lift up my hand unto Abraham. †*" Again, "*they should go in to possess the land which thou hadst sworn to give them.*" In the Hebrew, the phrase is this: "*which thou hadst lifted up thy hand to give them.* || And by Ezekiel, this oath of the Most High is expressed *four* different times in one paragraph, by this phrase, "*God lifted up his hand.*" Again: in Numb., (xiv. 28.) The Most High recorded his tremendous oath against rebels—"As truly as I live, saith the Lord, your carcasses shall fall in the wilderness." In quoting this pas-

* Gen. xiv. 22. Dan. xii. 7. Revel. x. 9, 10. Deut. xxxii. 40. Ezek. xxxvi. 7.

† Heb. vi. 13.

‡ Exod. vi. 8.

|| Neh. ix. 15.

sage, Ezekiel uses the common Hebrew phrase, "*I lifted up my hand to them in the wilderness.*"*

In short, so common and so universally known was the practice of lifting up the hand in an oath, that it passed into a kind of idiomatic phrase of the Hebrew tongue. Hence the beautiful allusions to it on the sacred pages. I shall select only one. Psalm cxliv. 8. "*Their mouth speaketh vanity; and their right hand is a right hand of falsehood.*" Here is a striking description of the perjured knave who "*speaks vanity with his mouth, and falsehood by his right hand*" raised up in the oath. In no other sense, I conceive, could his "*right hand* be a "*right hand of falsehood.*"

The primitive Christians, we have every reason to believe, observed religiously this form of action in oaths. Athanasius† refused to observe any other ceremony than that of raising up the right hand; and he had a faithful succession of followers in this Christian practice.

There may have been some slight variations; some innocent, and perhaps useful additions in those days. For instance—and it may be worth reciting—about the middle of the fifth century, (A. D. 448,) a heresy raged over the fair face of the church, which, "*by some strange frenzy driven,*" taught that our Lord's two distinct natures were mixed and blended into one:—when the orthodox Christians lifted up a testimony against the dangerous innovation: and when they resorted to some kind of watch-word and signs to recognise and to cheer each other, many of them as often as they were called to take an oath, besides raising up the right hand, held up the two fore fingers erect, to indicate their dissent from the heretics, and their belief in the two distinct natures in the one divine person of their Lord!

And something of a similar practice, we find, prevailed in Germany, shortly after the Reformation of Luther. In taking

* Ezek. xx. 15. † As quoted by Mather in his *Hist. of N. England.*

an oath some kept erect three of the fingers of the raised-up hand. And the very learned Pareus thus explains it: "We swear by erecting three fingers on our raised-up hand, solemnly invoking as our Judge and our witness the most Holy Trinity.*"

Now, whatever may be said of these additions, whether they were useful or not, whether innocent or not, it is enough for my purpose, that we have in these historical documents satisfactory proofs that they lifted up the right hand in an oath. The ancient Jews and primitive Christians had never conceived the extraordinary idea of kissing the book, so far as I can discover.†

Moreover, in the reformed churches of Holland and of Scotland, the witness swears with uplifted hand: particularly in the latter kingdom, by an ancient law of the land, no other form of an oath was permitted than that form so distinctly marked out on the pages of the Holy Bible. And the oath by kissing the book is looked upon, in that enlightened land, with the utmost abhorrence, as superstitious and even idolatrous!

The form of administering the oath in Scotland—(and it used to be the same in the reformed countries; such as Holland, and the Protestant districts of France)—the form was

* See Lydius, Dissert. De Juramentis—and Pareus in Comment. in Genes. 24—and Bern. De Moore, vol. ii. p. 785.

† It is certain, however, that the touching the book and kissing it, is as old as "*the early workings of Antichrist.*" Dr. Cave (Christ. Prim. lib. iii. cap. i.) states that in very early times, some stood by the altar in the church, or held the evangels in their hand. But we find more clear statements respecting this in the beginning of the sixth century. In the collection of laws by Justinian, called his *Novellæ*, we find this formula of the oath used then. "Ὁμνυμι ἔγω τον θεον κ. τ. λ. I swear by God Almighty, by his Son Jesus Christ, by the Holy Ghost, by the blessed mother of God, the perpetual Virgin Mary, and *by the four evangels which I hold in my hands*; and by the blessed archangels, Michael and Gabriel, &c. &c. Emp. Just. *Novellæ* viii. Tit 3. See also B. D. Moore, vol. ii., p. 773. And Lydii Dissert. De Juram. cap. iv. sect. 6.

this: the judge rises up from the bench, and uncovers his head: (for the judges usually sit covered :) the witness, also uncovered, raises his right hand; the judge then repeats to him these words, which he is supposed to repeat to himself after the judge: "you solemnly swear by Almighty God, the searcher of all hearts, that in this case, you will speak the truth, the whole truth, and nothing but the truth, as you shall answer to God, the judge of the quick and the dead, at the great day." The parties make a solemn bow; the judge covers his head, and sits down, and the testimony is given in. There is no *touching* of the book. There is no *kissing* of the book. Both judge and witness believe that the holy bible was given by God for a very different use, than that of having its boards kissed in the transaction of any civil business. It was given for spiritual uses. This is the belief and practice of that nation of Presbyterians!

In the pure times of Germany, her great divines and civilians advocated this form of oath which we are advocating; and they denounced the kissing of the book. In Holland, where once flourished the brightest and purest church on the continent of Europe, a Voetius, and a Rivet, and a Pareus, and multitudes of the most eminent writers, advocated the scripture oath, and condemned the kissing of the book. In the once pure reformed church of France, the oath, by kissing the book, was strongly condemned. Here are the words of the national synod of France at its session at Gap, A. D. 1613. "When it was moved whether an oath might be lawfully taken before a magistrate, by laying the hand on a bible, and afterwards kissing it. The assembly judging that ceremony to be of dangerous consequence, declared that it might not be used; but that whoso are called out to swear, shall content themselves with the bare lifting up of their hands.*

* See Quick's Synodicon. The late political convulsions and theological innovations on the European continent, have, it is feared, produced great changes on this as well as in other important points.

In England, Dr. Owen, and Nye, and Goodwin, and many more of the best men of that nation, made several efforts to reform the abuse by the book oath, and to remove it with the other idolatries and superstitions of the Catholics; but in their unhappy times corruptions prevailed. They failed totally. One of England's learned divines pronounced "*the kissing of the book to be one of the worst of English ceremonies.*" Another of them,* one of England's holy martyrs, testified his abhorrence of it before he was led out to suffer.

Those primitive and truly pious men, the fathers of New England, made an effort to put down the custom of kissing the book. But English influence was too much for all their efforts. These pious men failed in the holy attempt—but not until they were overwhelmed by ruinous fines, and the most rigorous imprisonment by the advocates of the book-oath.

And, finally, the book-oath has been excluded from all ecclesiastical courts. And by the constitution of the Presbyterian church, the oath by the uplifted hand only, is made the legitimate form in all our ecclesiastical trials.

It seems to me rather a singular circumstance, connected with the oath, by kissing the book, that few writers have said much about it. It appears that the custom has gradually found its way into our courts without examination. Men seem just to have submitted to it from long habit. Ask the most of men: For what reason do you kiss the book? They can give no satisfactory reason—no sound argument. The general answer is: "*Really I have never examined the point. I found the custom in existence, and I took it as I found it, without investigation.*"

The only objection of any consequence which I have met with, and which is made rather against us, by the advocates of the book-oath, is thus expressed in the words of Archbishop

* William Thorp.

Tillotson.* “There is not the least intimation in scripture, that the form of swearing by lifting up the hand was prescribed and appointed by God—but voluntarily instituted and taken up by man.”

To this we reply: 1st. That admitting the assertion to be correct, I would demand of those Christians who take the oath by kissing the book, whether we make the nearest approach to what is correct, who follow the example of Abraham, and the prophets, and Paul—nay, of angels—or they who practise a custom evidently borrowed from pagans, and transferred to them from the Catholic priesthood? Which of these examples will the devout and high-minded Christian follow, admitting that we really have nothing more than the force of human example to determine us?

2d. The good Archbishop seems to have been altogether in error, when he asserted that our form of swearing, with the raised up hand, was instituted by man. The following maxim is admitted, I believe, by every theologian, practical, and polemic, that an approved example of any usage in the worship of God, is to be considered as an intimation of God’s appointment of it. Take, for example, Abel’s offering of a sacrifice to the Lord. It is nowhere recorded in the Bible that God instituted that sacrifice. But, then, he set the clear impress of the seal of his approbation on it, by condescending to accept it. And this divine approbation set it up in bold relief, as an example to others. Hence God’s approbation of any particular usage, is tantamount to the instituting of it by an express precept.

But the lifting up of the hand in swearing was practised by the best of men, in their solemn appeals to God. And the inspired writer, acting under an impulse of the Holy Spirit, uses on his sacred pages, the phrase “*lift up the hand,*” to describe an oath. This clearly puts the seal of divine approbation on the action of lifting up the hand in an oath.

* In his sermon on Heb. vi. 16.

3d. To set the matter perfectly at rest with respect to the divine approbation and institution of this rite, the Supreme Being himself, by his pure example, and most holy words on record, has sanctioned it, and so has set it apart as the *only legitimate form of action* in an oath; “*I lifted up my hand to them.*” “*I lift up my hand to heaven, and say I live for ever.*”*

The following points, it is presumed, are now fully established.

1st. In rendering testimony, the devout worshipper of God, whether Hebrew or Christian, did not stop short merely with affirming. The act of affirming includes in it no appeal to God. And an appeal to God is of the essence of an oath. To suppose, therefore, that an *affirmation* is an *oath*, or can be equivalent to an oath, is really an abuse of language; and does seem to be nothing less than an absurdity. And hence, he who speaks not the truth on his affirmation, may be convicted of falsehood: but he never can be convicted of perjury. He has *taken no oath*. How can he be charged with perjury, when perjury is the breach of the holy solemnity of an oath? Hence,

2d. The true oath enjoined by the Bible is made *to God*, and *by Him alone!*

3d. The approved oath of the Holy Bible is given before **God**, and by **God**, and *invariably with the hand raised up towards the heavens.*

II. We shall now trace briefly the different forms and ceremonies of an oath, which sprung up amidst the corruptions of a false religion, and were perpetuated in the lands of darkness and superstition.

* See Dr. John Anderson’s judicious remarks on an oath, in his *Dialogues on Church Communion*, p. 241. And a small and sensible tract, entitled “*A Treatise upon lawful Swearing.*” It is believed to be from the pen of the late Rev. Dr. Clark, well known in the U. S., whose severe sufferings in Ireland had impaired his mind, and caused certain eccentricities in a character which originally had few equals in the north of Ireland.

Among the pagans of antiquity, including the Greeks and Romans, an oath was made by different gods; but chiefly, perhaps, by Jupiter at Rome; by Zeus at Athens; by Osiris in Egypt; and by Bel in Babylon.

The action or ceremony attending their oath, varied in different places. But the following forms seemed to have prevailed more than any other. The person laid his hand on the altar, or on the sacred things on the altar, as he took the oath.* Sometimes he uttered the oath as he laid his hand on the laurel†—for that was consecrated to one of their deities, and was, therefore, held sacred.

In ancient Rome the person who was put on his oath, held a flint stone in his hands, as he uttered these words, “If I do knowingly falsify, then may Jupiter (Diespiter) so cast me out of all good things, as I cast away this stone.”‡

Now it is no difficult task to find a medium by which these customs have been handed down to our days. An ingenious and able writer|| has fully demonstrated this fact, that the Roman Catholics have derived their leading customs and superstitions from those of the ancient Greeks; and especially the Romans. It is a striking fact, that they have copied into their system the pagan rites of their oath. The pagans laid their hand on the laurel which was sacred to their Apollo; or on their altar and sacred things. In ancient times (and perhaps the custom still exists among them) the Roman Catholics took an oath while they laid their hand on the *corporale*; that is, the cloth which covered the consecrated wafers, used by the priests in their sacrament of the holy supper.∫

* Thus in Demosthenes, (Edit. Reisk, p. 1265,) “καθ’ ἕνα ἕκαστον πρὸς τὸν βωμὸν ἀγοντες, καὶ ἐξορκίζοντες” “Leading them one by one to the altar, and putting them on their oath.” Schleusner in voce.

† See Selden ad Marmor. Oxon.—and Fabricii Bibliogr. Antiq. p. 428:

‡ Adam’s Rom. Antiq. p. 264.

|| See Dr. Middleton’s “Letter from Rome.”

∫ See Paley’s Mor. Phil., p. 129.

These wafers, according to the belief of that communion, are substantially the very flesh of Jesus Christ, being converted into it, they say, at the moment of the consecration by the priest. Hence the "*corporale*," which covered the "*body of Christ*," was deemed to possess extraordinary sanctity: and hence the witness laid his hand on it as he gave his oath.

I find, in an old writer,* that in very ancient times the Roman Catholics sometimes took a solemn oath thus: they carried the images of the saints in procession out of the city, and there, with bare foot and bending knee, they held burning wax in their hands, and thus took the oath in the presence of the images of their saints.

It was also commonly done among them by touching and kissing a figure of a cross; but most frequently by laying their hand on a book containing the *four evangelists*—I say the *four evangelists*, and no other part of the Bible. Hence the origin of the common phrase in law books, "*to swear on the holy evangelists*."

It is also to be observed by us, that the act of kissing the idol was a special and very solemn act of pagan worship. The devotee came up near the idol, bowed toward the earth before it, and then kissed the idol. And Pliny informs us that when the image was elevated beyond his reach, he kissed his hand toward it, and bowed.† This custom we can trace to a very remote antiquity. We discover a distinct allusion to it in the very ancient book of Job, (chap. xxxi. 26.) "If I beheld the sun when it shined; or the moon walking in brightness; and my heart hath been secretly enticed; or *my mouth hath kissed my hand*." And Cicero, in his oration against Verres, has stated a fact which throws some light on this heathen ceremony. He describes a brazen statue of Hercules, by whom the pagans were much in the habit of swearing,)

* Sebast. Mulleri *Annal. Domus Saxonicae*, quoted by Fabricius in his *Bibl. Antiq.* p. 431.

† Plin. 20. 2.

“The chin and the mouth of the idol were worn smooth,” says Cicero,” by the frequent kissing of it, by the adoring votaries.”*

This custom prevailed also among the pagans of the East, who were the contemporaries of the prophet Elijah, and of the prophet Hosea. Hence the allusions to it in the holy scriptures. Thus Jehovah said to Elijah, “I have left to me seven thousand in Israel; all the knees which have not bowed unto Baal; and every mouth which hath *not kissed him*.”† And the prophet Hosea thus describes the unhallowed actions of the worshippers of the golden calves set up in Dan and at Bethel: “They have made them molten images and idols; they say of them, let the men that sacrifice, *kiss the calves*.”

Now, it is easy to trace the introduction of this idolatry into the ceremonies of the Roman church. It is a well known fact that, at Rome and in Catholic countries, the images of the saints receive divine honour, as really as the idols among the heathen. And travellers actually tell us, in almost the very language of Cicero, formerly recited, that in Italy and in Rome the images of the saints are worn smooth by the frequent kisses of their worshippers.‡ And in their assemblies for worship, it is a common practice enjoined on the priest, to kiss the “*evangels*,” as he commences the reading of them. Nor are these the actions of some unlettered Roman Catholics only. No: they are enjoined in all of that communion by their highest authority. Thus, it is decreed by the council of Trent, (session 25,) “We ordain images to be had and retained in temples; and that due honour and veneration be imparted to them. This honour is to be referred to the God

* See Rivet, in Hos. xiii. 2; and Pol. Synops. in locum; and also Alb. Fabricii ut supra, p. 431.

† 1 Kings, xix. 18.

‡ Moore, in his “View of Society and Manners in Italy, &c.” somewhere tells us that one of the fine statues of St. Peter has, by the rough beards of his votaries, lost nearly the whole of the toes of one foot.

whom they represent—that by these images which we kiss, we may adore Christ.” And in their “orders” to regulate their worship, it is further written, “He who says mass, after he has read the evangels, must kiss at the place where he began to read : unless he says mass for the dead, or be in the presence of the Pope, or a Cardinal, to whom the book and the text of the holy evangel must be brought to be kissed.”

Hence it appears to be a fact, established by historical evidence, that the ceremony of laying the hand on any sacred object, or the book, and of kissing it, originated in the idolatry of paganism. And it further appears that this ceremony has been transferred from the pagans into the system of the Roman Catholic superstitions.

Such is its origin. And it exists in a few countries where the happy reformation from popery has not yet had its perfect work. For instance, in old England and Ireland. And from England it was imported into this country.

These historical facts being detailed, we are now able to draw the following conclusions :

1st. The form or action of laying the hand on the altar, or the laurel, or the *corporale*, or the book, has no authority from the Holy Bible : and hence an important inference may be deduced. It has been formerly proved—and no pious man can justly deny it—that an oath is an act of divine homage, rendered therein to the Deity. Hence, those who kiss the book, worship God in a manner not only not authorized by the Bible, but in a manner positively contrary to its injunctions and its approved examples. They who kiss the book, really introduce a heathen ceremony into the worship of their Maker. Hence, I am constrained to say, that to my mind, it is clearly proved that every act of kissing the book is an act of *gross superstition*, which the Holy Bible not only disapproves, but condemns in the strongest terms.

2d. God has given us the true formula and rite of an oath, and two distinct precepts ; and to the purest examples he has

superadded his own divine example. Hence we infer, that those who kiss the book, reject that form laid down so plainly and so fully by Almighty God, and prefer an idolatrous custom, invented by pagans, and transferred from the pagans to them by the Romish church.

3d. The swearing on the holy evangel (for originally the oath was made on the four gospels only) is actually founded on the supposition of the Romish church, that the four gospels are *more divine*, and *possess more authority* than the other portions of the Bible. This has actually been, and still is, the belief of the Catholics. Hence the priest kisses them, and no other portion of the Bible: and hence the people, in their chapels, are enjoined to stand up when the gospels are read; but may sit during the reading of any other portion of the sacred volume.

But "*all scripture is given by inspiration of God.*" Every portion of it, the epistles as well as the gospel, is of *equal* authority. The denial of this involves a principle of deism. But the book oath, or swearing on the *evangels*, is actually bottomed on this very foundation. Those, therefore, who advocate the book oath, or swearing on the *holy evangels*, advocate a principle involving deism.

4th. As the ceremony of laying the hand on the book and kissing it, was transferred from ancient paganism into the Catholic church, I humbly conceive that no member of the Reformed churches—that no man who discountenances paganism and popery, can conscientiously, or honourably practise it. Can we who profess to renounce paganism, can we who profess to cast off superstition and popery, be justified in retaining "*one of its worst ceremonies?*"

And further: the Christian who takes the book oath, is by that act placing himself back into that darkness and superstition which he professed to have renounced, when he joined the communion of the Reformed churches.

And that magistrate,—that officer of government, who en-

forces this book oath on a Christian of the Reformed churches, is doing that which is precisely similar in guilt to what Paul condemned in some of the Jews, who strove, unrighteously, to bring Christians back under a yoke of bondage, which none could bear. As members of the Reformed churches, we have been freed from the bondage of the idolatry of the book oath, together with the other idolatries of the Romish church. Those who enforce upon us that idolatrous oath, do, in my view of it, strive to bring us back to Rome and to paganism!

5th. The act of kissing the gospels is an act of great idolatry and false worship. When I take the Bible in my hand and kiss it, what do I intend, or what am I really doing by that action? I humbly conceive that it must either be a *sign* that I am the person who swears, or, that holy book *contains* that by which I swear; or, by the action I am *appealing to God*, the searcher of all hearts. It must, I conceive, mean one or other of these three things; or else it has no meaning.

First. It cannot be taken, I presume, in the first sense, merely as a *sign* to indicate that I am the person swearing. For the action of touching the table, or the act of standing up, or a hundred other actions, would be equally expressive as *signs*. And why, in the name of common sense, and of all propriety—why take a *bible* to give a mere *sign* that I am the person swearing! Besides, I beg you particularly to consider that the using the bible simply to give a *sign*, is actually profane! You take God's holy book, which was given you for *spiritual uses only*—and you appropriate it to a *civil use in a civil court*. This I assert to be as profane, to a certain degree, as the impious custom of the English government, in causing every civil, military, and naval officer to be inducted into office by taking the sacrament of the Lord's supper upon their knees! It is revolting profaneness!

Or—*Secondly*, Do you mean to say, that in kissing the gospels, you swear by that book, or by the contents of that book? If you do so, you do not swear by God, but by

something which he has made. You, then, swear not by God, but by a creature. Then you are as really an *idolater* as the Jew was, who kissed and worshipped the golden calf! It is no matter how good the book may be—or how holy; it is still a creature;—you kiss and worship a creature. You set aside the only object of worship; the only one by whom we ought to swear. The Jew did the same. There is only this difference; he kissed the golden calf—you kiss the outside of a bible! Every argument which goes to prove the idolatrous Jew guilty, will equally go to prove you guilty.

Or—*Thirdly*. Do you assert that in the act of kissing the book, you thereby render divine homage to God? Then you place yourself by the side of the idolatrous pagan, and by the side of the Roman Catholic; and you adopt their argument, and their defence of their superstitions. In bowing to their Jupiter's statue, or to their statue of the Virgin Mary, they did not pretend to give divine honour to these idols, or to the image of a saint. They have taken pains to assert, and they have repeated it in their decrees, that *through these images, and through these acts of kissing their idols*, they rendered homage to their Deity. Nay, the Jews who refused to go up to Jerusalem and unite in the pure worship of Jehovah, but went to Dan and to Bethel, and prostrated themselves before the golden calves, and kissed them in religious devotion, actually professed to worship God through these idols, and by these acts of homage. But with all these professions, and all these explanations, they were placed by the side of pagans, and condemned by heaven as abominable idolaters!

Or—*Fourthly*. Do you profess to make an appeal to God by the action of touching and kissing the book? I profess that I cannot discover, in the book oath, any thing like an appeal to God. Yes! honoured magistrates and fellow-citizens! I have searched, but I cannot find any thing even approaching to an appeal to God in this oath. There is no appeal to God in the act of touching the book. There can be no

ground to suppose that the act of kissing *the boards of the book* is any appeal to God. And there is no appeal in the body of the formula of the oath, "You do solemnly swear in the presence of Almighty God"*—here is no appeal; the magistrate simply states the fact that he does swear in the presence of God. We are always in the presence of God. And when I say that in every circumstance I am in the presence of God, I am not making an appeal to him; I simply recognise and express a well-known fact. Neither is there an appeal to God in the close of the oath, "*So help you God.*" This is only a benevolent wish expressed on the part of the judge to the witness, that God may aid him to speak the truth. It is not an immediate appeal to the Deity. Yes! honoured magistrates, and fellow-citizens, I deny it before you all—I deny that there is even an approximation to an appeal to God in the book-oath in common use.

Hence, then, this form of swearing is a swearing by the Bible, and the contents of the Bible; or assuredly it is no oath at all. Let the advocates of the book-oath take their choice in this dilemma. It is either *no oath at all*, or it is *an oath made by the Bible!* In other words, it is either *no oath at all*, or it is an oath *made not by God, but by a creature*—being something which he has made. And to swear by a creature—be it the Bible—or contents of the Bible, is rebellion against the precept which enjoins us "*to swear only by God.*" It is swearing by a creature, and so is condemned by our Saviour—"swear not, by any means, either by heaven or by earth, or by any similar oath." It is swearing by a creature, or giving homage to a creature; it is false worship. It is deliberate idolatry!

It cannot surely be objected to us, on behalf of the book-oath, that there is any compulsion to use it by any existing

* In many courts, and by many magistrates, I am told, this phrase, "*in the presence of Almighty God,*" is entirely left out in their formula. This removes it still further from even the *appearance* of an appeal.

law of our happy republic; or, that if we should refuse to kiss the book, we might impede the course of justice.

This objection can have no force in our happy land, and under the protection of our glorious constitution and laws. Under the bigotry of English laws, wielded by a tyranny over the minds of the English and Irish, this objection might be of great force: for cruel is the exaction by the English government, of the ceremony of kissing the book. And they fine, and imprison, and confiscate the goods of the conscientious Christian who refuses it. But our enlightened legislators have left us free to use our sweet liberty, and to swear by God, and with the raised-up hand, if we choose.

It may be objected, that one may just as well comply with a long-established custom, and kiss the book, and create no difficulty. Yes! if the established customs of a place be innocent—disturb them not—if they be indifferent, disturb them not;—but if they are impious and idolatrous, let no age, let no respectability, let no firmness in the establishment of them, deter us from accomplishing a reformation. How would this argument have sounded in Luther's ears? Popery is long established, and it is firmly established. Make no difficulties. Create no troubles! Apply this to the error and impiety of the book-oath.

It may be objected, by some, that whatever may have been the origin of this oath, it is certain that neither judges, nor courts, nor witnesses, have any idolatrous purpose, or motive in it. They use it simply to give solemnity to an oath.

We do most readily admit that our honoured magistracy and courts and Christian witnesses, do not intend to be idolatrous in this thing. We cheerfully acquit them of the deliberate intention. But, then, I do assert, that it is owing to their not having searched the Holy Bible with close attention. It is most obvious, that the Bible never countenanced this oath—far less has it enjoined it. On the contrary, it condemns

it as gross idolatry. Let no man say "I do not mean any thing idolatrous or superstitious ; it never once occurred to my mind. Ah ! my honoured fellow-citizens ! this was the very idea expressed by those who kissed the golden calves at Dan. "*We do not mean to be idolatrous, we intend honour to God through the kissing of the idol.*" This is the precise language of papists—" *We do not intend any thing idolatrous—we study to worship God by kissing the images of his saints.*"

Whatever the man may say as to the motives in this thing ; whatever he may say as to his intentions, in the view of God's word, and in the eye of the Most High, he is an *idolator* who *kisses the images* of the saints ; and *he is an idolator that kisses the book !* And this will be seen and made clear at the judgment of the great day. Ah ! fellow-citizens, had the Bible been silent on this matter, you might all plead excuses—all might wash their hands of this sin. But with the Bible open in our hands—and that too so clear, and so plain, and so full in its prescriptions of an oath—I do say before God, and before angels, and before men, this day, that he who has the open Bible before him, and who knows better, and sees the true Bible oath, and does still go on in this idolatrous practice—he—he has more to answer for than I can possibly express, or his own soul can conceive, at the bar of the Eternal Judge !

But I must have done. I put the whole of this argument into your hands, honoured magistrates, fellow-citizens, and Christians !—reason, and determine for yourselves. I fondly hope that I shall not have laboured in vain. I do venture to indulge a hope that you will weigh deeply and prayerfully this whole argument. I rejoice that many of you, magistrates ! have already expressed a wish that this offensive book-oath were put down.* I have been delighted to hear

* It gives me real pleasure in being able to state, on the authority of the Hon. Henry Southard, that in Congress the book-oath is gradually losing ground ; that when he was in that distinguished body, about half the members rejected it.

you say so. And my hands I have felt strengthened by your words. Believe me, honoured magistrates! you will find little difficulty in introducing the right form of oath. Only make the experiment—and make it with gentleness and firmness. You have only to say to the witness, “Come, we are Christians! let us act as Christians. I propose that we lay aside this idolatry of kissing a book; I propose that we swear only by Almighty God, and with the up-lifted hand.” Only make the trial, and you will succeed. And God Almighty will bless that magistrate—He will bless that magistrate who will first set about the reformation. And he will bless those faithful men who will unite with the magistrates to put it down. Yes, brethren, the holy God will bless them!

And, fellow-citizens! I beseech you, by your country’s weal, the rather to unite your efforts against this evil.

You must have seen that, if my argument has been sustained, the book-oath is a *national sin*. I have with anxiety ever viewed it as such. Now it belongs to you, magistrates! and all good citizens and Christians, to use every lawful means to take away this national sin from the midst of us. “Thus saith the Lord, put away the strange gods, and go and worship and serve the only true God.” Stand up for your country’s honour and defence. In the Roman Republic, when any danger threatened the nation, the decree was promptly passed, “*that the consuls should see that the Republic should not sustain any damage.*” You, magistrates, who govern in the fear of God, you I beg to be entreated to use all your influence, and the weight of your lofty offices, that our republic receive no detriment from this national sin. Put it down! *Be assured that there is more danger arising from one national sin allowed by you—from one national sin not removed by repentance and reformation, than from all the army and navy of Europe combined against us! For terrible is the anger of the offended Deity!*

And if nothing else will move you, I carry my appeal to

your hearts as republicans and the sons of republicans! Of the reformed nations—none but England and Ireland—(But Ireland is not her own mistress—I ought, in justice, to except Ireland.) None but England, and English laws; and you—you republicans! support this idolatrous ceremony in an oath. Why is it—I call on you as republicans and sons of those noble republicans who hurled from them the bondage of England, and reformed carefully her different abuses—why, ah! why is it that you have retained this English fragment of idolatry? Why is it that you copy England so slavishly, as to retain this English abuse of an oath?

Go, you republicans! who have carried yourselves with so much glory in your political counsels, and in your deeds on the field:—go—yet—and learn a lesson on this point from Scotland—that nation of Presbyterians. England had forged an iron yoke for her neck also. She too had been thrown in the dust, and was struggling under that political and ecclesiastical giant, who aimed at nothing less than the destruction of her religion and her liberty. Yes, and to impose on her in the stead of these, her own superstitious forms; and among a multitude of others, this of the “*book-oath.*” But Scotland rose in her might—you suffered eight years—for twenty-eight years SHE sustained the horrid shock of persecution and civil wars! But her agonies were not in vain. By the kind interposition of heaven, she threw her ungodly oppressors in the dust. The throne of the Stuarts was overturned, and their sceptre shivered to pieces! She regained her religion! She never allowed England, in peace or in war, to prescribe to her conscience. Ah! ye republicans! who have attained to such a height of political and religious liberty—who have been so jealous in reforming English abuses, and removing English influence—why hast his her idolatrous oath been left unreformed in the bright days of a general emancipation.

It is not too late—It cannot be too late. Let us disdain

any longer to copy into our courts any of her corrupt ways. Copy we what is noble, praise-worthy, and pure in that great nation ; but let us withdraw from her in this, and in every other corruption, to an immeasurable distance. Let us swear only by Almighty God, and with our hand lifted up !

I anticipate many a blessing from this reformation. Were the oath which is prescribed by the holy scriptures in common use among us, we should soon see a deeper solemnity pervading our courts of justice, under the influence of a steady and holy appeal to Almighty God. We should soon see fewer of our fellow-citizens trifling with the solemnity of an oath. For there is a force and an efficacy sent forth from God's institutions, over the most hardened mind, which it is not in any human invention to put forth. Then, too, (when this idolatrous oath shall be banished,) men of Christian name and of Christian habits shall no longer be charged with the oppressive guilt of looking abroad over the heathen world, or to modern Rome, *and of "inquiring after their Gods, saying, how did these nations serve their gods—even so will I do likewise.** But, on the contrary, shall they take their holy and lofty stand with "*the seven thousand devout worshippers, who in the general apostasy had not bowed their knees to Baal, nor kissed him with their lips !*" and on whom the Most High God had pronounced his approbation and holy benediction !

* Deut. xii. 30.