

Individual Liberty and Church Authority.

A SERMON

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BY

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INDIVIDUAL LIBERTY AND CHURCH AUTHORITY



Rom. xiv. 12: “*So then every one of us shall give account of himself to God.*”

RECENT occurrences have prominently brought before the mind of our Church the relation of individual liberty to ecclesiastical authority; and to the consideration of that subject the remarks which follow will be addressed.

I. What is the liberty possessed by the individual? It is necessary to settle, if possible, the meaning of the terms most frequently employed in the discussion of this question—namely, *liberty of conscience*, and *the right of private judgment*. Liberty, in the general, may be said to be freedom from constraint or restraint in the employment of our powers, and in the performance of our actions. In this particular relation, it is freedom in the formation of our conscientious judgments, and in practically obeying them. It is usually described as freedom to worship God according to the dictates of one’s conscience. But although this be true, it is obviously too narrow. Not only does this liberty imply freedom to worship God, but to form our judgments in regard to all matters of religious faith, and also to conform our practice to these convictions in all matters of religious duty.

With this conception of liberty of conscience that of the right of private judgment almost entirely coincides. The terms express very nearly the same thing, except that the technical construction of the language employed would give the wider extension to liberty of conscience, inasmuch as it implies, not only the right of judgment, but also the right of action. The right, however, to judge in accordance with conscience being conceded, the right, also, to act in conformity with that judgment is virtually admitted. The merely mental judgment could not be an object upon which ecclesiastical, or indeed any human, authority could terminate, unless it were expressed by some outward act, either of speech or of deed. Let it be observed, that the judgments now treated of are not those which occur in the purely intellectual sphere. At the root of the intelligence there are fundamental laws of thought and belief, in conformity with which, as standards, the understanding perceives the distinction between truth and error, intellectually considered, and reaches its judgments that truth ought to be entertained and error rejected. The judgments now spoken of are those which are formed in the moral and religious sphere. The question, then, is, What liberty of conscience, or right of private judgment, has the individual in respect to matters of moral or religious faith and duty?

1. The proposition will hardly be disputed, that the individual has no liberty whatever to violate the law of God, or to gainsay the truth of God. The question of liberty of conscience is, at bottom, the question of liberty to obey God’s law, and that of the right of private judgment is that of the right to comply with God’s judgment. At the root of

conscience there exist fundamental laws of rectitude or morality. These sustain to it the same relation which the fundamental laws of thought and belief, or compendiously the fundamental laws of intellectual truth, sustain to the understanding. They constitute the standards, by comparison with which the moral qualities of acts are determined. They ground the distinctions between right and wrong, betwixt duty and crime. Now, in connection with these radical laws or principles, the conscience exercises the intelligent function of perceiving the moral character of acts, of perceiving the distinctions of right and wrong. And then—I speak not now of a development in time, but of logical order—the conscience discharges its legal function, and utters what has been called its categorical imperative—Thou shalt, or, Thou shalt not. That is, perceiving a state or act to be in accord with the fundamental law of morality to which it is related, it commands it; perceiving the inconsistency of the state or act with its appropriate standard, it forbids it. If the contemplated state which is commanded is indulged, or the prospective act which is enjoined is performed, the conscience then discharges its judicial function, by pronouncing its sentence of approval—Well done, good and faithful servant! If the forbidden state or act is indulged or performed, it utters its penal imperative; it issues its sentence of condemnation—Thou wicked servant, I adjudge thee to punishment. And, finally, it performs its executive office, and enforces its sentences by the sanctions of the moral emotions:

bestowing upon the obedient satisfaction, peace and joy, and inflicting upon the disobedient disquietude and apprehension, shame, remorse and despair.

It deserves to be remarked, that in all these aspects of it, conscience, as an original element of man's constitution was, by the Supreme Moral Governor, designed to express his authority in the human soul. Its fundamental principles of morality were intended to reflect his infinite moral perfections, his justice, benevolence, truth and purity; its perceptions of moral qualities were witnesses for him; its legal commands and prohibitions were echoes of his moral law; and its judicial sentences were shadows and anticipations of his irrevocable judgment. This was the high office to which conscience was originally destined, this the sovereign prerogative which was conferred upon it by the Creator. And had not man sinned, it would have been his Bible—at least one section of it—his infallible directory of duty. Obedience to it would have been obedience to God, disobedience to it, disobedience to God. In the spontaneous compliance with its dictates, as conveying to him the will of God, to which man would have been impelled by the very instincts of his holy nature, he would have enjoyed his highest and truest liberty. There never could have been the question of liberty of conscience in relation to human authority, for, according to the supposition, the race, as unfallen, would, as a whole, have been characterized by equal obedience to conscience, and therefore by absolute uniformity of moral judgment. It would have constituted an unfallen Church, exactly conformed, in every individual member, to the law of God as written on the heart.

This, however, is certainly not the attitude of conscience now. It has been affected, with every other faculty, by the revolutionary force of the fall into sin. It was not totally destroyed by that dread catastrophe, which wrecked the spiritual qualities of man, which blotted the principle of holiness from his soul. The law in accordance with which his moral

nature gravitates to the throne of God could no more be conceived to be annihilated, than the law of gravitation which binds the parts of the solar system to the sun. The grasp of God's government upon its subject can never be relaxed. The Devil is still, and will ever be, bound to obey it. But although not destroyed, the conscience is damaged. Its fundamental laws abide permanently the same, the unvanishing transcripts of the divine perfections, God's imperishable law in the soul. But it fails in the application of those laws. Its moral perceptions are confused, its moral judgments jangled. Not that it ever disapproves right, appearing to be right, as wrong, or approves wrong, appearing to be wrong, as right. Imposed upon by the glozing representations, the false special pleadings, of the understanding under the fatal imposture of sin, and warped by the feelings under the same disastrous influence, it takes right for wrong and wrong for right.

This being its condition, it cannot possibly be an infallible standard of duty, and, therefore, cannot be of co-ordinate authority with the Scriptures, the latest and perfect, the external, infallible, authoritative revelation of God's will. The question, consequently, of liberty of conscience, to those who are in possession of the Bible, is the question of liberty to obey the dictates of conscience, as enlightened, corrected and controlled by the ultimate authority of God's written Word. It is out of the question for those who know the Scriptures to separate the authority of conscience from theirs. The conscience of a sinner must be subjected to the supernatural revelation of God's will. The supreme standard is not now the conscience; it is the Bible. It is, no doubt, true that the fundamental laws of morality imbedded in the moral nature are re-stated and confirmed in the Scriptures, for God the Author of both is one; but it is also true that they are more plainly delivered in the Word of God, and applied with a certainty, definiteness and truth to which conscience can make no pretension. It is sheer infidelity, therefore, to take the ground that the intuitive principles—as they are called—contained in the moral nature of man are a higher law, by which the Scriptures are to be judged: to say, that if the Bible cannot stand the test, so much the worse for the Bible.

Here, then, the first stage of this inquiry terminates. We have reached the conclusion, that the written Word of God is the supreme standard in conformity with which all our conscientious judgments are to be formed. The great, the imperishable principle of direct accountability to God is, to those who have the Bible, precisely the principle of accountability for our obedience or disobedience to the Scriptures. Their injunctions and prohibitions are our law, which no liberty of conscience entitles us to violate; their revelations of truth are ultimate, which no right of private judgment authorizes us to dispute. Simple and obvious as this conclusion may be deemed, it is fundamental to the discussion, and must be carried along with us as a controlling element in all that may yet be said.

2. We must also disembarass the question before us of what is irrelevant, by noticing that very much of the deliverances of Scripture concerning Christian liberty has reference to freedom from other obligations, than that accruing from our relation to the authority of the Church exercised by her courts. Upon this point I cannot do better, than to cite the admirable enumeration of these kinds of liberty furnished by our Confession of Faith. "The liberty," says that venerable formulary, "which Christ hath purchased for believers under the gospel consists in their free-

dom from the guilt of sin, the condemning wrath of God, the curse of the moral law; and in their being delivered from this present evil world, bondage to Satan, and dominion of sin, from the evil of afflictions, the sting of death, the victory of the grave, and everlasting damnation; as also in their free access to God, and their yielding obedience unto him, not out of slavish fear, but a child-like love, and a willing mind. All which were common also to believers under the law; but under the New Testament, the liberty of Christians is further enlarged in their freedom from the yoke of the ceremonial law, to which the Jewish church was subjected; and in greater boldness of access to the throne of grace, and in fuller communications of the Spirit of God, than believers under the law did ordinarily partake of.”

This recital of the features of Christian liberty makes it evident, that by far the greatest part of what the Scriptures teach upon the subject has no reference to the relation of individual liberty to the authority of church courts, and must therefore be thought away from the question now under discussion. One would imagine, from the tone of remark employed by some, that if not the only, at least the principal, liberty guaranteed in the Scriptures is freedom from the tyrannical authority of men sometimes expressed through the judicatories of the Church. This is a great mistake. This kind of freedom is insisted upon in the Scriptures, but Christian liberty means vastly more than exemption from the despotism of ecclesiastics. The human mind tends to dwell too exclusively upon that particular feature of a great subject which happens to be the immediate matter of a contention, as one who stands beneath a mountain sees not the immense range of which it is but a single peak.

3. The question must be further disentangled of connection with what the Bible delivers touching liberty of conscience and the right of private judgment in regard to things indifferent—usually denominated the *Adiaphora*, that is, things not commanded either expressly or implicitly. In regard to them liberty of conscience is unrestrained, so far as the individual himself is concerned; restrained when its exercise is occasion of scandal to a Christian brother. In that case, the law of liberty .gives way to the higher law of charity, and the conscience is bound. As William Perkins strikingly remarks, “A thing indifferent—in the case of scandal ceaseth to be indifferent, and is a thing commanded.” It is not that the individual’s liberty of conscience is bound by the conscientious scruples of another, for no man’s conscience can be a law to the conscience of another. But the law of love forbids our doing that in the presence of another which, although tolerated by our own conscience, is not tolerated by his weaker conscience. Imitating our example, he sins against his conscience, and his peace of mind and usefulness in the Church are in danger of perishing. To sin so against the brethren, and wound their weak conscience, is, according to the apostle, to sin against Christ. The individual, therefore, has liberty in things indifferent, so far as his own conscience and his duty to God are concerned. But when his doing a thing indifferent would wound the conscience of weaker brethren, liberty is limited by the law of love. To violate that law is to sin against Christ, and we have no liberty to sin.

Here then we have another instance which must be taken into consideration in a broad view of individual liberty, hut which must be thrown out of account in the discussion of the question before us.

4. There is still another element which must enter into a comprehensive treatment of liberty of conscience and the right of private judgment, but which does not properly come within the scope of the present inquiry. I allude to the relation of the individual conscience to the authority of the civil magistrate. A few words will be sufficient upon this point. The question is not, whether the individual, as a citizen of the State, is bound in conscience to obey the civil power. Ordinarily he is, since “the powers that be are ordained of God;” ordinarily, I say, for the extraordinary right of revolution is primordial and inalienable. The question is, whether, in religious matters, the individual conscience is so bound. We unhesitatingly answer, No. The distinction, with us, is not, as with those conditioned by a union of Church and State, between the power of the civil magistrate “*about* sacred things” and “*in* sacred things.” We hold that his power is neither concerned about nor in sacred things. Our distinction is between the civil and the spiritual sphere. In the latter, the civil magistrate has no authority at all. According to our settled doctrine, therefore, the individual’s liberty of conscience and right of private judgment, as to religion, is, in relation to civil authority, absolutely unfettered.

5. Having cleared the way by a consideration of liberty of conscience and the right of private judgment in the other relations in which they may be contemplated, we come now to the question of their special relation to the authority of the courts of the Church. It is not necessary to discuss the question whether, as a subject of ecclesiastical government, man is amenable to physical pains and penalties. From the nature of the case, the convictions of the human soul cannot be coerced. There is no proportion between the kind of influence employed, and the subject to which it is sought to be applied. It is not merely that force ought not to be used; it cannot. The body may be imprisoned, tortured, burnt; it is material, and may be reached by material instruments. But what prison can confine the soul? What engine of torture can touch it? What fire is fierce enough to reduce it to ashes? Its subtle and deathless essence spurns the restraints of physical force. There is, moreover, no need to dwell upon the question, for the reason that our Standards deny to the Church the right to employ coercion, in defining the very nature of her power to be declarative and spiritual.

It being then an unchallenged principle among us, that no other sort of ecclesiastical power can terminate on the human soul but that which is suited to an intelligent, moral and religious being, I begin with the affirmation that, in relation to the authority of men, liberty of conscience, the right of private judgment, and freedom of discussion are inseparable and indestructible prerogatives of the individual.

(1.) This results from the fact, stated in the Westminster Confession, that “God alone is Lord of the conscience.” The statement is elliptical. As conscience is the law of God inscribed upon the nature of man, it would seem to be a truism that he is Lord of his own law. The meaning evidently is that God is the only Sovereign to whom man is responsible for his conscientious convictions. This must be true, for God created him, and challenges in him the rights of a Proprietary Lord; God alone gave the moral law to man, and has the right to apply that law to him; he alone knows perfectly the law to which man is subject, and the precise nature of his relation to it; he alone is acquainted with the influences and motives which have operated upon the soul; he alone knows the amount

of light it enjoyed or may have enjoyed; he alone knows its secret history—its temptations, struggles, victories, defeats; God alone has the power to administer moral rewards and punishments, in accordance with man's moral nature; and it was God who impressed upon his very structure the sense of responsibility to Him as his supreme Ruler and Judge, and has in his Word expressly taught the doctrine of man's direct accountability to himself as his God.

(2.) From the great principle that God alone is Lord of the conscience, it follows that he "hath left it free from the doctrines and commandments of men which are in anything contrary to his Word, or beside it in matters of faith and worship." In other words, *mere* human authority cannot legitimately terminate upon the conscience. From such authority the individual has perfect freedom. His conscience cannot be bound by it. Let us look at the passages of Scripture which affirm this liberty of conscience, and right of private judgment, in relation to mere human authority.

In Matthew xv. our Saviour condemns the Scribes and Pharisees, the official instructors of the people, in consequence of their "teaching for doctrines the commandments of men;" and in the twenty-third chapter of the same gospel he gives to his disciples the following injunctions: "Be not ye called Rabbi: for one is your Master, even Christ; and all ye are brethren. And call no man your father, upon the earth: for one is your Father, which is in heaven. Neither be ye called masters: for one is your Master, even Christ." Our Lord evidently taught the doctrine that the conscience is not bound by the mere authority of men when ecclesiastically exercised.

In Acts we have the statement that on two occasions the apostles asserted their liberty of conscience and right of private judgment in relation to the authority of the ecclesiastical rulers. On one of these occasions they said, whether it be right in the sight of God to hearken unto you more than unto God, judge ye;" and on another they uttered these sublime words in which the exemption of the conscience from mere human authority is decisively claimed: "We ought to obey God rather than men." One is reminded of a similar declaration which fell from the lips even of a heathen philosopher. When Socrates made his noble defence before the court that tried him, he said: "You, O Athenians, I embrace and love, but I will obey God rather than you; and if you would dismiss me, and spare my life, on condition that I should cease to teach my fellow-citizens, I would rather die a thousand times than accept the proposal."

A special encomium is passed upon the Bereans, who, not then knowing the inspired character of Paul, upon hearing him preach exercised their right of private judgment, and "searched the Scriptures daily, whether those things were so." Paul enounces the principle of direct responsibility to God for our religious judgments, even in regard to things indifferent, in the words: "So then every one of us shall give account of himself to God;" and John enjoins those to whom he wrote to try the spirits, whether they are of God: because many false prophets had gone out into the world.

These, passages of Scripture establish the right of the individual to maintain his conscientious convictions in relation to mere human authority. He is emancipated by God himself, as his freeman, from subjection to the commandments of men.

(3.) The same principle of individual liberty is deducible from the fact, acknowledged by all orthodox Protestants, and by them defended against Rationalists and Romanists, that the Scriptures are the only and sufficient rule of faith and duty; and that “the Supreme Judge, by which all controversies of religion are to be determined, and all decrees of councils, opinions of ancient writers, doctrines of men, and private spirits, are to be examined, and in whose sentence we are to rest, can be no other but the Holy Spirit speaking in the Scriptures.” The supreme standard of truth is the Bible alone. The duty of every individual is to conform himself to that standard; and from this duty springs necessarily the right to determine for himself, under the guidance of the Holy Spirit, the interpretation of the standard. It is, therefore, the duty and consequently the right of an individual to maintain his conscientious conviction that the Word of God is on his side against the opposing judgment of a church court, and even of a whole Church.

It was right for Caleb and Joshua to assert the truth of God’s promise against the majority of the spies and against the congregation of Israel breaking out into mutiny, and threatening them with a volley of stones. It was right for Elijah, when he thought himself alone and unsupported, to stand up single-handed against an apostate Church and an idolatrous world. It was right for Stephen to bear testimony to the simplicity of gospel worship in the face of a council, who gnashed upon him with their teeth, and hurried him to a bloody death. It was right for the apostles to declare to their ecclesiastical judges that they would obey God rather than men. It was right for Paul to deliver his witness for the Christian faith, when in his defence no man stood with him. It is, it must ever be, right for one man, conscientiously convinced that the Word of God is on his side, to resist the whole Church and the whole world. No vehemence of argument, no fervor of eloquence, no foaming passion of declamation can exaggerate the value and the glory of the imperishable franchises of liberty of conscience, right of private judgment and freedom of discussion, with which God has endowed the individual who reverences his Word, believes on his Son, and relies upon his Spirit. He upon whom God has conferred’ the rights, the privileges, the immunities of adoption into his family cannot be, in the sphere of religion, the bondsman of men. Deny these rights? one may as well deny the right of the apostolic propagation of Christianity, condemn its glorious reformation from the corruptions of the Middle Ages, and dishonor the ashes of the martyred dead.

(4.) But individual liberty, precious and indispensable as it is, is apt, if unlimited, to degenerate into license. It behooves us, then, to inquire, What are the just limitations of individual liberty in relation to the courts of the Church.

In the first place, it is limited by the principle to the establishment of which the first part of these remarks, was devoted—namely, that we are bound to obey God; that ‘liberty of conscience, the right of private judgment and freedom of discussion cannot be exercised in opposition to the divine authority. Now, that authority may be either immediately or mediately expressed. The mode of its revelation, however, can make no difference in regard to the obligation it imposes, provided, it is God’s authority which is enounced. Glass is intended to protect a house from wind and rain, and also to transmit light. The light is the same whether it is, or is not, thus transmitted. A church court is designed to guard the

interests of the Church, and also to communicate the truth of God's Word. Indeed, in its case, the care of the interests committed to it is mainly exercised by the declaration of that truth. It cannot affect the obligation imposed by the truth of the Word, that it is mediately dispensed through a church court. The truth is the same, its authority undiminished. Whenever, therefore, the court declares the law of the Lord contained in the Scriptures, the individual conscience is bound. It has no more liberty to resist, than it would were Christ to speak to it from heaven. It is God's law which is authoritative when uttered by men, not the men who utter the law. But if the men declare the law, resistance to that human declaration of it is resistance to the law. This is not only true of a church court, but true universally. When a preacher of the gospel says, Believe on the Lord Jesus Christ and thou shalt be saved; refuse to believe and thou shalt be damned, the conscience of the hearer is bound—bound not by the authority of the preacher, but by the Word of the Lord which he proclaims. Should a child say to a drunken father, No drunkard shall enter into the kingdom of heaven, the conscience of the father would be bound, not because his child had admonished him, but because God had perfected the praise of his awful law through the lips of childhood. The assertion of individual liberty against a court when emitting the revealed will of God, either deliberately or judicially, is the assertion of liberty against the authority of God.

In the second place, individual liberty is limited by the divine law, which forbids insubordination and lawlessness. It has been said that resistance to tyranny is obedience to God. It is also true, that resistance to lawful government lawfully administered is disobedience to him. Milton has been lauded as the magnificent apologist of individual liberty. He is justly crowned with praise. But the same noble vindicator of liberty also said with reference to certain boasters of unshackled freedom, "When they talk of liberty, they mean license."

In the third place, the liberty of the individual is limited by the respect due to the power of church courts, as being an ordinance of God. This is plainly set forth by the Westminster Confession of Faith. After specifying the functions belonging to synods and councils it says that their "decrees and determinations, if consonant to the Word of God, are to be received with reverence and submission, not only for their agreement with the Word, but also for the power whereby they are made, as being an ordinance of God, appointed thereunto in his Word." He, therefore, who treats a court of the Church with disrespect, even when he conscientiously differs with it, contemns an ordinance of Christ the King of Zion.

In the fourth place, the liberty of the individual is limited by his fallibility. He is liable to err in his interpretation of the Scriptures, and his conscientious convictions based upon that interpretation may be correspondingly erroneous. This is so clear, that it need not be insisted upon.

II. Having considered the rights and liberties of the individual in relation to the court, I proceed to remark upon the rights and liberties of the court in relation to the individual. It would be superfluous to discuss the question, whether ecclesiastical courts, possessed of the joint power of administering rule, are authorized by the Scriptures. Against the Inde-

pendent on the one hand, and the advocate of personal Infallibility on the other, we agree in holding to the Scriptural authority of courts composed of representative rulers.

That being assumed as a position about which there is among us, as Presbyterians, no dispute, the proposition may be fairly and justly laid down, that whatever has been proved in regard to the liberty of the individual is also true as to the liberty of every member of a court. This cannot be denied, unless it is denied that the members of a court are individuals. If each is an individual—and that admits of no debate—he must, from the necessity of the case, possess the liberty of conscience, the right of private judgment and the freedom of discussion which, as we have seen, are inalienable and indestructible prerogatives of the individual. To say that he cannot exercise these rights except in association with a body which only acts jointly, is nothing to the purpose. For how, in the name of reason, could a joint result be reached unless in consequence of the separate act of every individual in the body? What is a joint judgment but the aggregate of individual judgments? What a joint vote, but the collective votes of the components of the court? The question will not bear discussion. The simple fact that a majority of one vote may, and sometimes does, decide a case, or that the casting vote of a presiding officer may determine the result, is sufficient to show that each individual of the court is entitled to exercise liberty of conscience, the right of private judgment and freedom of discussion. Let us suppose that a point of doctrine has been settled by a court. An individual opposes. He is entitled, so far as human authority goes, to oppose the decision, if he is conscientiously convinced that it is unscriptural. Now, will he take the preposterous ground that he alone possesses the rights and liberties of the individual, and deny their possession by the individuals who compose the majority of the court? Were that so, the individual would rule the court, not the court the individual. He alone is the freeman, they the tyrants. The wheels of justice would be locked by the rights and liberties of every recusant at the bar of a court. Of course, there could be no such thing as the infliction of discipline if the views of every dissentient from the judgment of a court are entitled to arrest its sentences. If the individual has the right to resist, the individuals who compose the court have the right to form the decision resisted. No other view is possible, unless some individuals possess rights and liberties of which other individuals are devoid. That would be a monopoly with a witness; and how it could be claimed consistently with the principle that *every* individual possesses those rights and liberties, it would take a peculiar logician to see. What is here contended for is that every individual, whether a member of a majority of a court, or of a minority, or standing alone, has, under the necessary limitations which have been already pointed out, liberty of conscience, the right of private judgment and freedom of discussion. The conclusion is irresistible that a court has as much right to condemn the views or the conduct of an individual, as he has to maintain them. If he has conscientious convictions, so have the members of the court; and if he objects to their expression of their convictions, he can only do it by repudiating his own favorite principle of the inalienable liberty of each individual—by sacrificing his logic on the altar of his interests.

In addition to these rights and liberties inherent in every individual component of the courts of the Church, those courts, in their corporate

capacity, as organized governments for the joint administration of the laws of Christ's kingdom on earth, are clothed with divinely ordained powers. Among them—I use the language of our Standards, and specify some which are common to all the courts and some which are peculiar to particular courts—are the following powers: “By virtue of the keys of the kingdom of heaven, committed to them, to retain or remit sins;” “to determine controversies of faith and cases of conscience;” “to receive complaints in cases of mal-administration, and authoritatively to determine the same;” “to see that the lawful injunctions of the higher courts are obeyed; to condemn erroneous opinions which injure the purity or peace of the Church;” “to bear testimony against error in doctrine and immorality in practice, injuriously affecting the Church;” “to suppress schismatic contentions and disputations according to the rules provided therefore;” “to proclaim, to administer, and to enforce the law of Christ revealed in the Scriptures;” and “in general, to order whatever pertains to the spiritual welfare of the churches.”

Let it be noticed, that all these powers, conferred by Christ upon the courts of the Church, are to be exercised under the limitations: that they are not undervived, autocratic and temporal, but ministerial, declarative and spiritual: that physical force, involving corporeal pains and penalties, is excluded; that the principles of accountability to God, and of truth, justice and love towards men are to be complied with; that the edification and not the destruction of offenders is to be sought; that the courts, as composed of fallible individuals, are themselves fallible; and above all, that, in accordance with the fundamental principle of the sole infallibility and supremacy of the Scriptures, those decisions of church courts, alike dogmatic and judicial, which are consonant with them are invested with divine authority, those which are not are null and void.

Let us now consider the relation of the rights and liberties of the members of a court, and the powers of a court as a whole, to the individual's right and liberty of free discussion: that is, his right and liberty to maintain and disseminate his views whether by speech or by writing. This particular phase of the subject is adverted to, because it not only possesses an abstract value, but a present interest.

1. In application of the principle that no one is at liberty to oppose the authority of God, it may be remarked that no one is at liberty to maintain and disseminate a view which is contrary to the Scriptures as expressing that authority. This will be admitted to lie beyond debate.

2. In application of the principle that the rights and liberties which belong to any one individual belong also to every other, it may be observed, that if an individual is entitled to his conscientious convictions that he ought to maintain and disseminate a certain view, every individual member of a court is entitled to his conscientious convictions that he ought not. The right which he claims to interpret Scripture in favor of his view, and of his liberty to advocate it, belongs also to them to interpret Scripture in opposition to the same. Each one of them has the right and liberty to express by speech and by his vote his conscientious convictions, as appearing to him to be founded upon Scripture, in opposition to the maintenance and dissemination of the view in question. I have that right, exclaims the individual who favors it. You have not that right, replies the individual who opposes it. But I am conscientiously convinced, says the advocate. So am I, retorts the opponent. I have Scripture on my

side, affirms one. You have not Scripture on 'your side, affirms the other. But you deprive me of my rights and liberties, cries the former. The same which you would do to me, rejoins the latter: I also have rights and liberties. You are entitled to exercise yours; I am likewise to exercise mine. Is this a fair statement? who could deny, without upsetting the inalienable rights and liberties of the individual? When, then, an individual claims the right and the liberty to contend publicly for a certain view, and the majority of individuals in a court, conscientiously convinced that the view is unscriptural and injurious to the Church, formally express a judgment opposed to its public advocacy, are they not acting legitimately? To answer in the negative is to cut up by the roots the doctrine of liberty of conscience, the right of private judgment and freedom of discussion. Both the members of a majority and a dissentient are, as individuals, responsible to God for the exercise of prerogatives common to them all.

In answer to this it may be said, that the question is not whether a collection of individuals, as such, may legitimately oppose the maintenance and dissemination of a view, but whether they may legitimately do it as a court. This is granted to be true. But it constitutes no reply to what has now been urged. For what has been said referred explicitly to the rights and liberties of individuals, precisely as members of a court. And, further, while it is obvious that every collection of individuals is not a court, it is equally certain that every court is a collection of individuals. And how the judgment of a court could be reached without the collective judgment of the majority of the individuals who compose it, it passes one's ability to see.

3. This leads us to the question, whether a court, as such, possesses the right to forbid the public advocacy of what it conscientiously believes to be error; that is, briefly, whether it has the right ever to arrest free discussion. I take the ground that it has; with this limitation, however, so far as those who are under its jurisdiction are concerned.

(1.) Is it the duty of a church court to prevent, as far as it can, the circulation among the churches under its care of what it conscientiously judges to be error? What Presbyterian would deny? But as duties involve correlative rights, this duty implies its corresponding right. Deny the right, you deny the duty. Deny the duty, you subvert the Presbyterian system.

(2.) The higher right to condemn an error, involves the lower right to prohibit its advocacy. Has a church court the right to condemn error? Let the express statements of our Standards, a group of which has already been presented, furnish the answer. Let the whole history of our own Church, let the whole history of the Church Universal, swell the answer into thunder. To say that to prohibit its advocacy is one thing, and quite another to prohibit liberty to advocate it, would be quibbling unworthy the gravity of the theme. If it be urged, that it is simply the free discussion of a view which is demanded, it is answered, that the terms *free discussion* used in the present connection, mean at least the possibility of the maintenance of both sides of a question, and that necessarily implies the advocacy on one side of what is pronounced error by a court. Admit its free discussion, and you admit the liberty to maintain it, and that is exactly what the court, acting under conscientious conviction has the right to forbid.

Further, to condemn an error is to prohibit its maintenance and dissemination, or, if one pleases, the liberty to maintain and disseminate it. What else can the condemnation of an error practically mean? Can you, except logically, distinguish between its doctrinal condemnation and its practical prohibition? Can a court be construed to say: We condemn this error, but we do not prohibit, we allow, its inculcation, or the liberty to inculcate it? To ask the question is to answer it. And it is not only clear that actual condemnation is prohibition, but also that if a view, in the judgment of a court, is condemnable it is liable to be prohibited.

(3.) The right to discipline for the maintenance and ventilation of error carries with it the right to prohibit its maintenance and ventilation. The right to discipline for those reasons will not be denied. But again the higher right includes the lower—the right to discipline, the right to prohibit.

(4.) The right of courts to stop the mouths of gainsayers is conveyed in the Scriptures. We hold that Timothy and Titus were, as Evangelists, each possessed of the power of a Presbytery. Writing to Timothy, Paul tells him that “as Jannes and Jambres withstood Moses,” so there would be men who would resist the truth spoken by him, and adds, “But they shall proceed no further.” Addressing Titus, the same apostle says of “unruly and vain talkers:” “whose mouths must be stopped.” Granted, it will be urged, but stopped by argument. True, but, if their mouths should not be stopped by argument, if they would proceed further, as in the case of Elymas, who withstood Paul to his face, what then? Must Timothy and Titus let them proceed as far as their right of free speech might carry them? And if, in the exercise of Presbyterial authority, they should have attempted to stop their mouths, would they have unjustly suppressed free discussion? Hear the apostle: “Wherefore rebuke them sharply, that they may be sound in the faith.” When all argument is unavailing, stop their mouths by authoritative rebuke. Would such a rebuke, intended to stop their mouths, so that they should proceed no further, have been a “horrible decree,” which could not have been “tolerated for a moment” in the free apostolic Church? But if it were then tolerated, and even enjoined by apostolic authority, does it follow that it could be tolerated for a moment now? May it be so, that the free Presbyterian Church of the present is freer than the free Presbyterian Church of apostolic times?

The difficulty is not in the doctrine of the right of a court, following its conscientious convictions, to rebuke the liberty to propagate error. The difficulty is in the application of the doctrine to some particular view. But were one conscientiously convinced that such application is monstrously wrong, where would be his justness of thinking in contending against and denouncing the doctrine itself—a doctrine enounced in the Scriptures and formulated in the Standards of his Church?

Let us conclude this special line of argument by a few plain illustrations which will shed convincing light upon it. No one, among us deny the right of a church court to forbid liberty to maintain and disseminate among its people Anti-Trinitarianism, Conditional Election, Universal Atonement, Justification by Works, Perfectionism, the Defectibility of the Saints, the Annihilation of the Wicked, Future Probationism, Universalism, and other doctrines, which the court is conscientiously convinced are opposed to the Scriptures as interpreted in

our Standards. Is this conceded? You concede the right of the court to pursue the same course in regard to *any* view which it conscientiously believes to be a serious and dangerous error. If you limit the right, where will you put the limit? If in the conscientious judgment of the court, and it can be placed nowhere else, the question is given up. Is this not conceded? The constitutional law and the historical precedents of the Presbyterian Church are blown to the winds, Presbyterianism sinks into Congregationalism, and licensed error, in its Protean shapes, has free course and is glorified. The dykes of truth are broken through, and false doctrine swamps the Church like a stormy and irruptive sea.

III. Let us consider the reciprocal influence of the liberties and rights of the individual and the liberties and rights of a church court, and the conclusion which it legitimates. The question, just here, is, When a conflict takes place between a court and an individual—and the term individual is used to designate either a single person or a minority—and each of the parties professes to stand upon conscientious conviction, what view should be taken, what course of action adopted?

It might seem, from what has been said, that the rights conceded to the contesting parties, to the court on the one hand and to the individual on the other, are, in their exercise, utterly irreconcilable. But both classes of rights belong to a divinely ordained scheme which is characterized by self-consistency as to its parts, and reducible to unity as to its essential principles. There must, therefore, be some *way* in which each kind of rights may be exercised without involving the destruction of another, to which it is antagonistic. It must be confessed that we are exposed to the danger of destroying, or at least of overlooking, the equilibrium between them, to exaggerate the importance of one class of rights at the expense of the other—to run into extremes in one direction or another: a danger resulting not only from the fallibility of our intellectual faculties, but also from the force of partisan feelings incident to our nature in its present imperfect condition. Difficult as it is, and as any one who makes the effort will find it, to effect a speculative adjustment of the balance between these classes of conflicting rights, the peril is that our practical action will reflect the confusion of our intellectual judgments. The difficulty arises from the fact that each party is fallible. Hence there is possibility of mistake on each side. An uninspired individual could not, without sin, be in conflict with an inspired court, nor could an uninspired court be in conflict with an inspired individual. Inspiration would convey the power to declare infallibly the will of God, and its enunciation would, of course, prevent the possibility of controversy.

But neither of the parties is inspired; each is fallible. When, therefore, a conflict ensues between them, each professing to adhere to conscientious convictions, it is idle to declaim, on the one hand, in favor of the authority of the court and the duty of the individual to submit, or, on the other, in favor of the individual's liberty of conscience and right of private judgment—to contend that one party must yield to the other. It is of great consequence to ascertain, if possible, whether there be not some generic principle, which would cover the case in all its bearings, without overslaughing the admitted rights of either of the contesting parties—a principle, which would satisfactorily determine the attitude the litigants ought to occupy, without the sacrifice either of the divinely-given rights of

the individual; or of the divinely-given rights of the court. Such a principle, as it appears to my mind, is: *That, under the limitations which have been specified, each of the parties to the issue, the individual and the court, possesses, and is entitled to exercise, liberty of conscience, the right of private judgment, and freedom of speech.*

Elaborate argument in support of this principle is now ruled out by the want of time. Suffice it to say, that it is sustained alike by the requirements of reason, the declarations of Scripture, and the lessons impressively enforced by the whole history of the Church; and that a virtual establishment of it has already, in these remarks, been furnished in the separate analyses of the respective rights of individuals and of courts. A few words only will be spoken in exposition of its operation.

When an issue is joined between a court and an individual protester, in cases in which the authority of God is not indisputably apparent—and such is the case we are now considering—there are two courses before the recusant, between which he may make his election: he may choose either to withdraw from the jurisdiction of the court, or to remain under it.

He has the right of secession from the particular denomination to which he belongs. No Protestant Church can consistently deny that right. Even when he is under process he is at liberty—whether in a moral sense properly, or not, is not the question—he is at liberty to renounce the jurisdiction of the court, to treat its proceedings with contempt, and to retire from all connection with it. If he adopt that alternative, he places himself beyond its control. He is absolutely free from its interdicts, its processes, its censures. To talk, in view of this fact, of the tyranny of our courts is not to reason but to rave. Did a man on trial for his life before a criminal court possess the liberty to renounce its jurisdiction, and place himself beyond its reach, and were that liberty guaranteed him by the law itself, and he should cry out against the unprecedented tyranny of the court, although the sheriff could not keep him in jail, his friends might consult his interests by placing him in another retreat, provided for those who have been so unfortunate as to have lost the balance of their faculties. Were a man to blow up the Czar of Russia, or attempt to do it, with a bomb, and when arrested possessed the liberty to retire to Switzerland, and were he there to denounce the despotism of the Russian empire, his declamation might be as explosive, but would scarcely be as effective, as the dynamite he had employed. The protester against the proceedings of one of our courts is entitled to his conscientious convictions—what court can rob him of them?—and they are inexpressibly dear to him. He has the perfect right and liberty to put himself in a position in which he may maintain, defend and urge them to his heart's content without the slightest interference from its dogmatic prohibitions or its judicial processes. This ineradicable right, this inestimable liberty, every individual possesses, and no court of the Presbyterian Church would assume to wrest them from him. The constitutional law vests him with them.

If he adopt the other alternative, and elect to remain within the jurisdiction of the court, he is still entitled to his conscientious convictions; he is still in possession of liberty of conscience, the right of private judgment and freedom of speech. His right to the exercise of these prerogatives is expressly acknowledged and guaranteed in the Constitution. It provides for dissent, protest, appeal and complaint. on the part of the

individual. He has a full hearing in his own defence in case of trial. He can go from court to court in pursuit of his rights, until he reaches the court of last resort; and if its decision is against him, he is still entitled, he must be entitled, to hold and to express and to vindicate his conscientious convictions; for, they are the adornments of the inner sanctuary of his soul into which no merely human and fallible authority can intrude, and for them, for their existence and their exercise, he is, in the last analysis, accountable to God alone. But, let it never be forgotten, that as he is under government he does all this at his own risk. Freedom of conscience, the freedom of private judgment, the freedom of speech, the freedom of the press,—these are the priceless privileges of every free people. Who does not kindle into enthusiasm as he listens to the words bursting from Milton, in his great Speech for the Liberty of Unlicensed Printing, “Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties?” Who does not respond to the noble sentiment of Robert Hall: “The most capital advantage an enlightened people can enjoy, is the liberty of discussing every subject which can fall within the compass of the human mind?” It is the prerogative of a freeman to hold even revolutionary doctrines, to discuss them by speech, to publish them through the press. But he must take the risk, and he is free to take it. In resistance to the arbitrary encroachments of political power it may become, as a great South Carolinian once said in the Senate of the United States, “the last duty of a patriot— to die nobly.” Everything turns on the justice of the cause which is maintained. The revolutionist may be arraigned, tried and executed. If he dies in a good cause he falls a martyr to truth and liberty, and posterity may encircle his name with a crown of amaranth. If he dies in a bad cause, he meets the doom of a fanatic, and sinks into a dishonored grave. A man, who, on what he conceives to be constitutional grounds; asserts his right to resist an existing government, cannot deny the right of the government to resist him. He must strike the equation between the value of his principles and the value of his life.

So is it in the event of a contest between the individual and the government of the Church; with this important difference, however: that, in the civil and political sphere, the individual may deny the divine authority of a particular form of government, as was legitimately done by British freemen who denied the divine right of kings; but, in the ecclesiastical sphere, it is our accepted doctrine that the individual is under a form of church government ordained by divine authority, and subject to courts divinely appointed to express it. But even with this difference, the general analogy which has been indicated holds good. In the Church, the contest can only occur, and sometimes rightly occurs, in consequence of the human fallibility of the administrators of a divinely originated government. The question is always a possible one, whether, or not, a court makes a lawful, because Scriptural, application of the divinely enacted laws of a government divinely ordained. Let us suppose a case, the principles underlying which have already been considered. An individual, on conscientious grounds, affirms his right and liberty to maintain and propagate some view, or, what is the same thing, the right and liberty of others to maintain and propagate that view. The court, on the same grounds of conscience, both as a body of individuals, and as an organism invested with certain powers, as such, affirms its right and

liberty to resist the maintenance and propagation of the view in question. The issue is joined. The court cannot constrain the conscientious convictions of the individual protester; no court, either civil or ecclesiastical, has the competency or the power to do that. Nor can the court by force suppress the utterance of those convictions, however it may declare what it conscientiously believes to be the law of God against it. But the recusant is under government, and is voluntarily under government. He must, therefore, calculate upon taking the consequences of his course. He may even attempt to revolutionize the Church. If he succeed, and his convictions were right, he is entitled to the glory of an ecclesiastical hero and reformer; if he fail, he falls a martyr to truth and righteousness. If his convictions were wrong, and he succeed, he wins the bad eminence of a triumphant leader of apostasy; if he fail, he justly suffers the penalty of an heretical enthusiast. The individual who claims the liberty to uphold views opposed to those of the courts must do so at his risk. The reason is plain. He was not appointed to rule them; they were appointed to rule him.

But while the court cannot constrain the conscientious convictions of the individual, neither can he constrain the conscientious convictions of the individuals who compose the court, nor can he restrain the acts of the court, as such. The courts of the Church have the right and liberty to condemn any view, which they conscientiously believe to be contrary to the Scriptures as interpreted in our Standards, to prohibit its dissemination among the churches under their care, and if necessary to discipline the individual who asserts his liberty to contend for it. No rights of the individual can suppress these rights of the courts. They govern, not he. When, then, an individual elects to continue under the jurisdiction of the courts, he must accept these possible consequences. As to the rights of conscience, the appeal is taken by both parties to God. Under the sense of accountability to him, both must refer the contested case to the arbitrament of the Final Bar.