

The American Citizen.

A DISCOURSE

ON THE

NATURE AND EXTENT OF OUR RELIGIOUS SUBJECTION TO
THE GOVERNMENT UNDER WHICH WE LIVE:

INCLUDING AN

INQUIRY INTO THE SCRIPTURAL AUTHORITY OF THAT PROVISION
OF THE CONSTITUTION OF THE UNITED STATES, WHICH
REQUIRES THE SURRENDER OF FUGITIVE SLAVES.

DELIVERED IN THE

RUTGERS STREET PRESBYTERIAN CHURCH,

IN THE CITY OF NEW YORK, ON THANKSGIVING DAY, DECEMBER 12, 1850.

AND AFTERWARDS AT THEIR REQUEST, AS A LECTURE BEFORE

THE YOUNG MEN'S ASSOCIATIONS OF ALBANY AND WATERFORD, N. Y.,

ON JANUARY 14TH AND 15TH, 1851.

BY JOHN M. KREBS, D.D.

NEW YORK:

CHARLES SCRIBNER,

145 NASSAU STREET AND 36 PARK ROW.

1851.



"He that goeth about to persuade a multitude that they are not so well governed as they ought to be, shall never want attentive and favorable hearers; because they know the manifold defects whereunto every kind of regiment is subject, but the secret lets and difficulties, which in public proceedings are innumerable and inevitable, they have not ordinarily the judgment to consider. And because such as openly reprove supposed disorders of state are taken for principal friends to the common benefit of all, and for men that carry singular freedom of mind; under this fair and plausible colour, whatsoever they utter passeth for good and current. That which wanteth in the weight of their speech, is supplied by the aptness of men's minds to accept and believe it. Whereas if we maintain things that are established, we have not only to strive with a number of heavy prejudices deeply rooted in the hearts of men, who think that herein we serve the time, and speak in favour of the present state because thereby we either hold or seek preferment; but also to bear such exceptions as minds so averted beforehand usually take against that which they are loth should be poured into them."

"When they who withdraw their obedience, pretend that the laws which they should obey are corrupt and vicious; for better examination of their quality, it behooveth the very foundation and root, the highest well-spring and fountain of them to be discovered."

"The wisest are always touching this point the readiest to acknowledge, that soundly to judge of a law is the weightiest thing which any man can take upon him. But if we will give judgment of the laws under which we live, first let that law eternal be always before our eyes as being of principal force and moment to breed in religious minds a dutiful estimation of all laws, the use and benefit whereof we see; because there can be no doubt but that laws apparently good are (as it were) things copied out of the very tables of that high everlasting law; even as the book of that law hath said concerning itself: 'By me kings reign, and' by me 'princes decree justice.' * * * * Further-
more, although we perceive not the goodness of laws made, nevertheless sith (since) things in themselves may have that which we peradventure discern not, should not this breed a fear in our hearts, how we speak or judge in the worse part concerning that, the unadvised disgrace whereof may be no mean dishonour towards Him, towards whom we profess all submission and awe? Surely there must be very manifest iniquity in laws, against which we shall be able to justify our contumelious invectives. The chiefest root whereof, when we use them without cause, is ignorance how laws inferior are derived from that supreme or highest law."—Hooker (*Ecl. Pol., Book I.*) on *Laws in general.*

NEW YORK, *December 18th*, 1850.

REVEREND AND DEAR SIR :

We have the honour herewith to transmit to you a copy of a resolution passed by the Union Safety Committee appointed at the Great Meeting of Citizens in Castle Garden, on the 30th day of October last. The resolution was passed unanimously at a meeting of the Committee held last evening, and is as follows :

“Whereas, having read with great satisfaction a sketch of the Sermon delivered on Thanksgiving Day by the Reverend JOHN M. KREBS, D.D., Pastor of the Rutgers Street Presbyterian Church in the city of New York, and believing that its dissemination would be of great public benefit at this crisis in our affairs, —therefore Resolved, That the Reverend Doctor be respectfully requested to furnish a copy thereof for publication.”

We execute with the greatest pleasure the duty devolving upon us as a Corresponding Committee a copy of the resolution above referred to, and have the honour to subscribe ourselves,

With great respect,

Your fellow citizens and

Obedient servants,

GEORGE WOOD,
HIRAM KETCHUM,
GEO. B. BUTLER,
GEO. DOUGLASS,
L. B. CHASE,
J. T. BRADY,
A G. BENSON.

To Rev. JOHN M. KREBS, D.D.

NEW YORK, *January 19th*, 1851.

GENTLEMEN :

My earlier attention to the request you have transmitted to me, from the Union Safety Committee of this city, for a copy of my Sermon on the recent Thanksgiving Day, was prevented by my absence at the date of your letter; and my earlier compliance with it, by the use to which the discourse was put, on the subsequent occasions specified in the title-page of the manuscript herewith presented to the Committee.

In publishing this discourse, I am aware that I am not adding much, if anything, to the amount of sound instruction already conveyed to the public by other discourses that have preceded it from the press. I am willing, nevertheless, to add my testimony to that of my brethren; especially since these sentiments have been impugned, and, I may say, misrepresented by a portion of the newspaper press. And I do so the more cheerfully, under the approbation of such a body of my fellow citizens as yourselves and the committee you represent.

These sentiments, however, must speak for themselves. They have been formed under the light of the sacred oracles, by an honest desire to be guided only by the Divine Teaching. The sole question for us all is, what does God enjoin? And if the answer be found in specific precepts of His Word, they are to be followed as surer guides in the interpretation of those which are more general, than is the mere unrestrained inference drawn by men's own minds, however benevolent they claim to be. God is wiser than men. He is better than men. His ways are not as men's ways. I have more confidence in them than in the plausible doctrines which appeal to prejudice or feeling; and more hope from them in rendering my fellow men, whether they be masters or servants, good and happy even in this life, than from the sophistries and devices of human passion.

I have not seen one candid attempt to state and meet the scriptural arguments lately published in support of the Constitution and the Laws: but I have seen, instead, some characteristic specimens of sneering, vituperation, and calumny against the "clergy," as being hard and unsympathising, and even as being

“suborned” to the cause of oppression. This is a small matter, to be judged by man’s judgment. But it is a serious indication of the disloyal spirit that is abroad, when the object of their assault who resort to these tactics, is not our arguments, but the integrity and majesty of the Supreme Law of the land, which we have desired to vindicate. Thus believing, I am glad that the pulpit has spoken so clearly, and as with one consent. And in this view, I readily submit my own remarks on this great question to be disposed of by your Committee in the manner expressed by their resolution. I have the honour to be,

Very respectfully,

Your fellow citizen and

Obedient servant,

JOHN M. KREBS.

To Messrs. GEORGE WOOD, HIRAM KETCHUM, &c., &c, Com-
mittee.

PROCLAMATION,

By HAMILTON FISH, *Governor of the State of New York.*

THE mercies of an all-kind Providence call for an acknowledgment of gratitude and dependence from the creatures of his bounties.

The year which is about to close has been marked by innumerable blessings to us as a nation. An abundant harvest and profitable labour have brought rich rewards to honest industry. Peace and tranquillity are established at home, and no discord disturbs our relations abroad. Health, prosperity, and abundance have been freely vouchsafed to us. Civil and religious liberty prevail throughout the length and breadth of the land. And to all is secured the free exercise of the worship of their Creator according to their own faith. And on this occasion we should not forget that, while an inscrutable Providence has seen fit to remove during the past year, the Chief Magistrate of our Union, that same Providence has preserved us under the trial a free and united people, has saved us from anarchy and civil commotion, and has continued to us the mild operation of a government of our own adoption, and rulers of our own choice.

I do therefore designate and recommend *Thursday, the twelfth day of December next*, to be observed by the good people of this State as a day of public thanksgiving to Almighty God.

In witness whereof I have hereunto subscribed my name, and
and affixed the Privy Seal of the State, at the City of
[L. S.] Albany, this 31st day of October, one thousand eight
hundred and fifty.

HAMILTON FISH.

By the Governor:—

ROBT. H. MORRIS, *Private Secretary.*

DISCOURSE.

For what nation is there so great, who hath God so nigh unto them, as the Lord our God is, in all things that we call upon him for? And what nation is there so great that hath statutes and judgments so righteous, as all this law, which I set before you this day?

DEUTERONOMY iv. 7, 8.

WITH what propriety are we summoned this day to the contemplation of the blessings of our lot, and to give thanks to God our benefactor. These blessings have often been reviewed, and are well summed up in the proclamation of the Governor of this State, appointing the observance of this day.

The year which has elapsed since we were last convened for a similar purpose, has been distinguished not only by the continuance to us of our ordinary mercies, and by an increase of our public prosperity, but by peculiar tokens of the favour of Heaven. It was at an anxious juncture in the affairs of the nation, that its chief magistrate was removed by death. And for months preceding and following that startling event, there was a

season of remarkable excitement on political questions of the greatest magnitude, which having its stormiest manifestation in the national legislature, sent its agitating influences throughout the republic, and awakened the fears of many a patriot heart, lest we might soon be torn by disunion and ravaged by civil war. But "the foundations" were not "destroyed." Our public institutions, under which we and our fathers have lived in peace, survived the shock; and counsels of wisdom and amity have prevailed, so that, we meet this day, with stronger affection than ever toward the union of these States, and with firmer hopes of the permanency and salutary operation of those great provisions of the Constitution which, under God, has made this nation so great.

To what are we indebted for the concord, which, (notwithstanding some appearances to the contrary, where the ripples upon the surface of the waters of strife—comparatively few and far between—have not yet had time to be smoothed down,) to *what* are we indebted for the concord, which has been developed so enthusiastically throughout our land? What is it that has secured that loyalty and affection displayed by our people, and led them, if not to approve, at least, to acquiesce in the measures of government and yield their support to those fundamental principles which are at the basis of the union, and to cherish that union more fondly? We are one people,—one family,—in mutual kinsmanship,—bound together by many ties of blood and affection,—and reserved for one destiny.

But, superior even to this strong bond, we are united by the controlling power of a national conscience that acknowledges the divine authority of the public law, and a conviction of the substantial equity and beneficence of the government to which we owe allegiance. And this feeling may well appropriate for its own expression the language which so well befitted Israel of old:—“What nation is there so great that hath statutes and judgments so righteous, as all this law, which I set before you this day?” Of the justness of this eulogium, as it was pronounced by the Jewish lawgiver, there can be no question. Nor less applicable is the sentiment to us, since our laws and institutions appeal for their authority to the precepts of revelation, and have sought for their form and force in those great principles which have been divinely disclosed to man for his guidance in the practice of that righteousness which exalteth a nation.

I have referred to the fact that amid our harmony and prosperity there is nevertheless some appearance of discord and agitation. But even this fact is not inconsistent with the truth that our people desire to conform their laws to the law of God. There is a difference of opinion—honest and conscientious I will not doubt—held by a portion of our people, in regard to some of the recent measures of government, and especially in regard to one of those measures, which they deem to be in conflict with the will of God. Nay, in some quarters this apprehension has taken the form of

vituperation and resistance to the law, in advising and conspiring to throw vexatious obstacles in the way of its execution, and in counselling to perjury in the jury-box,* and to rebellion even with force and arms!—to resistance with assassination and blood!! †

In this state of the public mind, I have thought it to be my duty to consider on this day of public thanksgiving, our religious obligations as American citizens.

I have not selected this theme, because I have any, the least, suspicion that there is attached to this congregation, a single person, who is in need of rebuke for disloyalty to his country, or in any particular danger of being led away from his duty as a citizen, into violent opposition to its laws. You have not been under the instructions of this pulpit so long, that at this late day, you are to learn for the first time your obligations, or to be called as from an opposite course of thought and action to the practice of law-abiding citizens.

But is it not fit that we should be put in remembrance even of what we knew before, confirmed in sound doctrine, and encouraged in duty? And is it not meet also to consider such truths as may serve to set at rest the minds which are possibly perplexed and doubtful in view of the alleged conflict between the duty we owe to God and the laws that are framed by human legislation?

* Theodore Parker, in a sermon at Boston.

† New York Independent.

The Word of God has laid down certain injunctions on this point, which at once indicate our duty as men and the duty of ministers of the gospel in reference to the instruction of their hearers and the subject-matter of their instruction. For example :—addressing Titus, a young minister, the Apostle Paul charges him, to “*put his hearers in mind to be subject to principalities and powers, to obey magistrates, to be ready to every good work, to speak evil of no man, to be no brawlers, but gentle, shewing all meekness unto all men.*” (Titus, iii. 1.) Is it necessary here, in view of such a charge, to enter into nice distinctions between some narrow definition of the appropriate sphere of ministerial duty, and the wide field occupied by the multiform relations of social and civil life ;—as some men have drawn the distinction, and would forbid us to overstep the line within which *they* would restrain us from intermeddling with the great public questions to which the moral principles of the gospel are applicable ? It is true indeed, that the influence of the pulpit is sometimes invoked and welcomed, when its teachings happen to fall in with the views of those, who, upon other occasions, are ready to rebuke its interference, because then, its teachings happen to be adverse to some other views of the same men. And it is true too, that the pulpit may be perverted, to themes which have no relation to its grand design, to partisan and factious purposes, to the support of wicked rebellion on the one hand, and on the other, to sycophantic and slavish subserviency of wealth and

power. But this *is* a *perversion*, and is widely different from its just and commanded instructions on those questions which comprehend the application of the great truths of the gospel to the moralities of life and the relations of mankind to each other as neighbours and friends, as parents and children, as masters and servants, and not less, as citizens, subjects and rulers. The Word of God has laid down the great principles of duty pertaining to these several relations, and has specifically enjoined us to “teach and exhort these things.” And this is to be done, with due reference to the occasions and circumstances in which we are placed, whether men will hear, or whether they will forbear,—whether the scriptural views we are bound to inculcate fall in with the current of public opinion and favour, or run counter to it. And, in regard to those who “teach otherwise,” fomenting disobedience and rebellion, in these very relations, we are told that they are “proud, knowing nothing, but doting about questions and strifes of words, whereof cometh envy, strife, railings, evil surmisings, perverse disputings of men of corrupt minds, and destitute of the truth, supposing that gain is godliness.” Could any description be more characteristic of some of the teachings of our own times, on this very point? And we are explicitly commanded to have no fellowship with such, and to give them no countenance: for *this* is the injunction which binds us farther,—“**FROM SUCH WITHDRAW THYSELF.**” (1 Timothy, vi. 1—5.)

It is but fulfilling a specific duty then, incumbent on the ministry as such, if, as best I may be able, I put you in mind to be subject to principalities and powers, and to obey magistrates.

But this precept of the Word of God is not the only one bearing upon this point. I have quoted it rather as a sufficient vindication of the ministry for teaching the obligations under which we are, even in the highest relations of civil life. And as to those obligations themselves, which we are to inculcate, we have even fuller expositions than the brief, but comprehensive injunction on which I have just been dwelling. We are not left, either as hearers or as teachers, to the abstract notions, selfish reasonings and fanciful theories of men,—ourselves or others,—as to what the will of God is in this matter. How largely does the Apostle Paul set forth this duty of obedience in his own instructions to the Romans. *“ Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God, and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou, then, not be afraid of the power? do that which is good and thou shalt have praise of the same. For he is the minister of God to thee for good. But if thou do that which is evil be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject not only for wrath, but also for conscience’*

sake." (Rom. xiii. 1—5.) It may not be unsuitable to adduce alongside of this injunction of Paul the Apostle to the Gentiles, the corresponding injunction of Peter, the Apostle to the circumcision: "*Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme, or unto governors, as unto them that are sent by him for the punishment of evil-doers, and for the praise of them that do well. For so is the will of God, that with well-doing ye may put to silence the ignorance of foolish men: As free, and not using your liberty for a cloak of maliciousness, but as the servants of God.*" (1 Peter ii. 13—16.)

Here, then, we have the will of God—the highest authority in the universe. He *commands* obedience to civil government; because it is his ordinance; because its purpose and operation are beneficent to the law-abiding. Resistance to government is rebellion against God. The freedom of the Christian is not to be perverted into a cover and false pretense of conscience for wicked deeds in the factious resistance of lawful authority. The honour of the gospel is promoted by that submission to government which silences the slander that Christians are turbulent. Obedience is to be rendered not merely from temporal considerations of hope or fear of the human authorities, but from conscience acknowledging the authority of God, and out of the regard which His servants owe to Him.

There was sufficient reason in the circumstances of the times when these precepts were uttered, for

their enactment. The Christians of that day were liable, both for religious and political reasons, and especially because of their exposure to persecution, to the mistake of supposing that they owed no subjection to the heathen government under which they lived; and they might therefore be tempted to offer resistance to the laws, or to deny allegiance to the public authorities. They were often accused of turbulence and sedition; and under this accusation they endured much suffering. It appears to have been the design of the Apostles to remove this mistake, while they enjoined such submission as would both wipe away this reproach and tend to their own safety. And in this view, they are reminded of the divine appointment of civil government, and its beneficent design. The truth of this doctrine has not diminished by the lapse of time since it was uttered; but is as applicable to us as it was to the primitive church. It belongs to the dispensation of grace under which we live, and obliges us to yield a religious homage to the laws of the land.

I prefer then before all things to hold up the simple testimony of the Word of God, in the breadth of its authority and power over our consciences, as that which obliges us to allegiance.

But, while this is the case, the obligation becomes even stronger, when we consider the beneficent design of civil government. It is expressed by the declaration that the constituted authorities are appointed for the good of those who are subject to them. And although the history of the world

presents not a few instances of misgovernment and oppression, through the ignorance, the selfishness and the caprice of rulers, it is nevertheless a fact that a stable government, even with all these drawbacks, is better than anarchy ; and as such it is the will of God that it should exist. And it is farther true that the true interest and the policy of rulers require of them to pay regard to the promotion of the peace and safety of their citizens, and that the authority and administration of the laws does in the main promote this end. There never was a worse government than that of the Roman empire at the very moment when these injunctions before us were written. And yet under it, we find the Christians under their persecutions appealing for protection to the laws, and actually obtaining that protection. Paul asserted his rights as a citizen before the tribunals, and more than once had them acknowledged. And when he was pressed hard by the persecutions stirred up against him by the Jews, he plead his cause before the heathen magistrates, and at length appealed unto Cæsar, and vindicated himself before the bloody Nero himself, and for at least two years, was protected from molestation, with liberty to exercise his ministry under the very shadow of the imperial throne. And, if such was the characteristic of government even under the ancient despotisms, how much more is this the fact under the conditions to which government has been brought, in the progress of society, through the meliorating influence of the gospel.

The dreadful evils which would result from the absence or imbecility of all law and government, may be readily imagined. The wicked would desolate society. The good and the peaceful would have no security against violence, rapine, and fraud. There was once a period in Israel when "there was no king, and every man did what was right in his own eyes." And this is the significant record which explains the state of things—a series of the most atrocious and horrible events—abuse, and lawless revenge, civil war and extermination—flowing out of the absence of law and government. Who could live in such a state of anarchy? To what but the presence and influence of the law, do we owe the security of our personal rights? That which was said by Tertullus to conciliate the Roman governor is unquestionably true concerning the law: "By it we enjoy great quietness, and very worthy deeds are done unto this nation by its providence." It is the sword that the magistrate bears, which represses the out-breaking of evil-doers, whom "conscience" cannot restrain, but whom wrath and terror wielded by public authority make afraid, and thus afford us a quiet and peaceable life.

It matters not for the form under which government exists, or even how it came into power, God has willed that there shall be government, and man must have it. It presides, of indispensable necessity, in the family, and over every gradation of tribes and states. In the state, it has its birth out of the fact that men live together, under cer-

tain instincts and wants which prompt them to express in laws, those rules of social life which their conscious necessities suggest and demand. These laws are the expression of their sense of what is right and needful for their living together in harmony and safety. And this fact is so indestructible that if *our* governments were all overthrown to-day, their constitutions, statutes, and functionaries exterminated, and not a vestige of their existence left, the people would be impelled to come together to-morrow, to construct other governments. Three years ago, France drove away her king of the barricades, as eighteen years before she drove out his predecessor; in each case destroying the very fundamental constitutions of her government; and then, under the impulse of her necessities, as much as of her taste, set herself to construct another, because she could not live without it. Constitutions do not create states, but states make constitutions, and exist before them. The pilgrim fathers were a state before they were landed on Plymouth Rock, and even before they framed their constitution in the cabin of the *Mayflower*. Their need of law gave birth to the forms of law. And it was the need of the constitution under which these states are united as one nation, which prompted them to adopt it sixty years ago; and under its provisions we enjoy the blessings it was designed to secure. As soon as communities exist, they are under law, written or unwritten, despotic or free, of force or of consent. And they must have it, or fall apart to ruin.

There may be, and there are, greater or less degrees of approximation to perfection,*—for the best is but an approximation to perfection, in human governments,—whether we regard the laws themselves, or their administration.

But there is always this advantage in being under law, that it is the only security for liberty. It defines its conditions, and is ever present, applicable and authoritative. By its *impartiality*, it has no respect of persons; and by its *permanency* it is as vigorous to-day as it was yesterday, and at the end of a thousand years its unrepealed authority is still fresh and unexhausted. It is the guardian of right and the tribunal of universal appeal.† Well pronounced was that immortal eulogium of Hooker, in which he sums up his elaborate exposition of law

* See Note, page 20.

† “They who make and those who administer law, should of course be bound by it indiscriminately with the rest of the people. It is the law, and not men, who ought to rule. ‘Law,’ says Plutarch, ‘is queen over mortals and immortals.’ The edict of 1499, of Louis XII. is a rare instance of magnanimity in a prince possessing the absolute disposal of the laws. ‘The law only,’ says he, ‘is to be obeyed, notwithstanding any orders to the contrary which importunity may elicit from the monarch.’” —*Ed. Encycl. (Law.)*

most “The prince ought to submit to the laws. We find this truth established in a piece published by order of Louis XIV. one of the ~~worst~~ absolute princes that ever reigned in Europe. ‘Let it not be said that the sovereign is not subject to the laws of his state, since the contrary proposition is one of the truths of the laws of nations, which flattery has sometimes attacked, and which good princes have always defended as a tutelar divinity of their states.’” —*Vattel*, chapter iv.

in general: "Wherefore that here we may briefly end: of law there can be no less acknowledged, than that her seat is the bosom of God, her voice the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempted from her power; both angels and men and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent, admiring her as the mother of their peace and joy." (Eccl. Pol., Bk. I.)

And well has the Apostle said in view of all this beneficence which is ever intended by all the ordinances of God, "Let every soul be subject unto the higher powers, * * for the powers that be are ordained of God." For it "is of Him that kings reign and princes decree justice." This is the will of God.

And with what strength does this truth enforce upon *us* the obligation of law. The Constitution, or Supreme Law of the land is just what the people have made it.* And the laws enacted under it are enacted by the popular will expressed through their representatives. They have therefore the highest inducement and advantage for

* "The perfection of a state, and its aptitude to attain the ends of society, must then depend on its constitution; consequently the most important concern of a nation that forms a political society, and its first and most essential duty towards itself, is to choose the best constitution possible and that most suitable to its circumstances. When it makes this choice, it lays the foundation of its own preservation, safety, perfection and happiness. It cannot take too much care in placing these on a solid basis."—*Vattel*, chap. iv.

making such laws as promote true liberty and the public good. While, if a law is found by its operation to be adverse to these ends, it is sure, sooner or later, to be repealed. Speaking of the American government, an able foreign writer* has well said, "It is founded neither on force nor fraud, and seeks not therefore to ally itself with ignorance. Based upon the principles of right and justice, it seeks to league itself with intelligence and virtue. Its roots lie deep in the popular will, and in the popular sympathies is the chief source of its strength." A government on such foundations has a double claim on the respect and loyalty of the citizen. On the one hand, because its laws are virtually made by the people; and on the other hand because its strength and beneficence rest on the support which the people themselves give to the law. And it is precisely here, that conscience is called upon not to resist, but to *enforce* the subjection of every soul, and to strengthen the authority of the laws. The man that refuses submission and resists the power, in one case, is doing that which tends to weaken the authority of government, in all other cases, and thus to bring it into contempt and to prostrate its conservative power as an agency for the public good. And he that resists the law, is resisting the guardian of his own rights, and aiming a blow against the commonwealth;† and is it not a just conclusion that he is resisting God?

* Alexander Mackay.

† "To attack the constitution of the state, and to violate its laws, is a capital crime against society."—*Vattel*, chap. iv.

But, here it may be asked, are we absolutely bound to implicit approval and unquestioning obedience? Are governments infallible? And is there no limit to their authority? If their enactments are in conflict with the higher law of God, is that law abrogated and are we discharged from obedience to it by the injunction to obey magistrates?

The answer to these inquires is simple and brief. We answer, No! About this, there can be no doubt, with the Bible in our hands; and scripture is to be compared with scripture, for the true understanding of its instructions.

We hear much of late about a "higher law." And this phrase, which is by no means a new one, has, I think, been abused, on the one hand, to cover resistance to the due authority of law, and on the other hand, where it has been contemptuously and sneeringly disparaged, as if there *were* no higher law than the law of the land.

When the majesty of the constitution, (for example,) has been impugned, it has been defended by a reference to its obligation as a *compact*, and again by a reference to the divine injunction which requires *subjection to government*. And yet, while these arguments are of great force, beyond them both, the conscience yields a stronger support to law, on the ground of its equity; and if that equity is clearly demonstrated, then we have a three-fold cord which is not easily broken, to oblige us to obey it. But if on the other hand, an enlightened conscience discerns that human law is in flagrant

opposition to the divine law, there is surely no obligation to approve it or even to obey it. I am not stating a case,—but a principle. The principle is one thing, and it may be very clear. The point of its application is another thing, and it is sometimes obscure. It is one thing to assert the eternal supremacy of the higher law of God, and quite another thing to prove that a law of the civil government is in conflict with it. But the principle is impregnable which asserts that if the law framed by man conflicts with the law ordained by God, there is no power on earth, that can oblige a man to approve it, or obey it. The divine right of kings to govern wrong has long since been exploded. The day has gone by, when the obligation of subjects to yield implicit faith and obedience to dogmas and rites imposed by crowns and parliaments was upheld even by the altar. That day has gone by. When the three Hebrew youths were enjoined to worship a golden idol; when Daniel was forbidden to pray to his God; when the apostles were ordered to desist from preaching the gospel, they disobeyed the injunctions, and justified themselves by pleading that they ought to obey God rather than man. And even where oaths and compacts have been improperly made, they are not binding. A man may swear to his own hurt,—to his pecuniary loss,—and he is bound by the compact.* But if he has unadvisedly bound himself to do an immoral thing, he is not obliged. The law of God had a provision, (Lev. v. 4,) for his expiation as a sinner in such a

* Ps. xv. 4. and xxiv. 4.

case, because he ought not to have sworn to do a wrong thing; but it did not hold him to the commission of a crime for his oath's sake, but rather absolved him with solemn rites. And here was the fault of Herod, that when he had rashly sworn to grant anything that the daughter of Herodias chose to ask, he violated a higher known obligation, and put John the Baptist to death "for his oath's sake."

But while this principle is clear, that God is always to be obeyed rather than men,—it is also to be observed that the will of God in the particular case, must be clearly expressed. It is not competent for men to assume that their own notions of right and wrong, or their own interpretation of a divine precept, irrespective of all other considerations, are to be plead as the form in which the will of God has been expressed, and to claim supremacy for these over the law. Men have sometimes obstinately done things for what they fanatically called "conscience' sake," but for which they deserved to be soundly whipped. When conscience demands its franchisements it must be enlightened by the word of God, to justify its own decisions even at His bar. It is true that there are dictates of conscience which no human law has a right to oppress. In the concerns of the soul, in its profession of faith, in its worship, and in its relation to the moral law of God, the conscience has its own sphere, and ought to be left free from the commandments of men; so that while we render unto Cæsar the things that be Cæsar's, we may render unto God the things which are God's. And it

is in these very points that the instances of the three Hebrews, of Daniel, and of the Apostles, shed light as to the limits of the obligation to obey human law. And herein the law of this land has fully exonerated all men, of whatever creed, from all oppression of the emphatic "rights of conscience."

But in regard to the obligations of the citizen as they are specified by the law, it may be freely admitted that in some cases, the law requires him to do or to refrain from a certain thing, which to him, with the best light he can obtain, appears to be in conflict with the law of God. What is his duty in such a case? It becomes him to reflect that the law of the land is enacted by the proper authority; that it is approved by the people; that there is a fair presumption in favour of its equity, for those of the opposite view have as great an interest in doing right, and as great ability to understand the right, as himself; and farther, that all human laws are liable to imperfection, even when they are fairly and honestly enacted for the public good;—and farther still, that in view of the benignant design of the laws as a whole, and the importance of preserving them in full authority, if after all, he is not fully prepared to adopt and approve it, he is at all events obliged to submit to it, by bearing its penalties for simple disobedience; as do the members of the Society of Friends, who being conscientiously opposed to bearing arms, are subjected to fines for their refusal to do so, and peaceably and unresistingly submit to imprisonment or to distraint of goods. Convictions cannot

be forced ; neither on the other hand can they be allowed to set at naught the authority of the law. A man's private judgment may disapprove a public law, but he cannot expect that the law should yield up its own existence, or permit itself to be set at naught, or resisted, in deference to his private opinion.

And if, unhappily, the law require or forbid him to act contrary to his conscience, how is he to treat it. He cannot obey it ; has he a right therefore to resist it with force and arms ? Let us see how the Apostles acted in such a case. Did they ever openly resist the law ? They appealed at times to the law against the injustice of their persecutors and against the oppression of magistrates. And it ought never to be forgotten in this argument, that they as often suffered contrary to law, as under it. Even then, as now,—even now as then—it was not an unusual thing for the law itself to be better and wiser than its officers. But, when all the force of human power invaded their rights, and contemned their conscientious scruples,—even when they were beaten and imprisoned, did they offer violent resistance, or conspire against the authorities ? did they attempt their rescue with force, or counsel others to offer such resistance either for their own defence or that of anybody else ? They did none of these things. They looked to the law for redress ; and when it gave them no redress, they bore what the law inflicted. And in this thing they are an example to us ; and their own course sheds light upon the meaning of

the precepts they have laid down for the regulation of our conduct in similar circumstances. But how different is all this from the course which has been pursued, and the counsels which have been given, in our own day, by men professing godliness!

Much has been said, and well said, of late, respecting the right of the people, under certain circumstances, to revolutionize or overthrow a government, when it becomes destructive of the ends for which it was established, and of the conditions under which revolution may be undertaken. The very government and nation to which we owe allegiance, exists under that right successfully vindicated against the usurpations of the power which was once supreme over this people. But need I say that here was a clear case for revolution.

After ten years of urgent, but respectful and even affectionate and loyal remonstrance, against acts of tyranny that oppressed the rights and happiness of the whole country, when, at length, it became evident that these outrages were to be persisted in without hope of relief or relaxation, then it was that the colonies united in the formal declaration of the wrongs by which their liberties were invaded, and as formally and with solemn appeal to Heaven, declared their entire and perpetual independence of the British crown, and took up arms to vindicate it. The American revolution was justified by the true plea that the parent government had usurped the rights secured to the colonies, and by the fact that the whole people

were united for the abolition of the usurping government, and successfully accomplished it. These two facts operating together present a state of case entirely different from any now existing among us, to which it might be attempted to apply the principles of the American revolution. That is no precedent for the *factions* and *violent resistance* of a *portion** of the people to a *particular law*, while professing to obey all other laws of the same government, and claiming their protection. This is rebellion, without any justification; and is a violation of the ordinance of God, in the form which I believe the Apostle had in his mind. Neither is it any precedent even for organizing a revolution on the broader ground and higher scale of overthrowing the government, if such were the form of the attempt to resist injustice and wrong attempted by our rulers. For in considering the question of our subordination to government, we must revert again in this connection to the kind of government we are actually under. It is a government that cannot secure us the blessings of liberty except by the loyalty of the governed. If then its laws be unjust or unconstitutional,—if the courts (whose business it is, by the way, and not yours or mine to decide that point) afford no redress,—if peti-

* “If any nation is dissatisfied with the public administration it may apply the necessary remedies and reform the government. But observe, I say, the nation; for I am very far from meaning to authorise a few malcontents, or incendiaries, to give disturbance to their governors, by exciting murmurs and seditious.”—*Vattel*, chap. iv.

tion and remonstrance procure no repeal—there is still in the hands of the *people* a remedy in the last resort, very unlike stirring up insurrection and levying war. Full as effective, and far more to be chosen, while it has all the advantage of being lawful before both God and man, is the simple resort to the ballot-box. That is the only arena on which the generous contention for supremacy is to be waged by us; that is the only field where the Christian American Citizen should ever strive to revolutionize his government. This is the right and the privilege of all, and we need no other resource. It is the safe-guard against unfaithful rulers, and it is the easy and peaceful expedient of accomplishing every year those revolutions, which in other lands, are attempted by insurrection and bloodshed. Long may it be ere any other resort shall be needed by our people. And never will it lose its potency while our people themselves jealously guard and loyally uphold the majesty of the law.

But, after the statement of these principles, there rises up still the question, Is the particular law which has occasioned all this excitement a just law?

This question is one on which I should not deem it necessary to enter, at all, were it not for the atrocious counsels which have openly inculcated resistance with violence and bloodshed; and because farther, the opposition to this law goes beyond it, to assail the provision in the constitution which it was enacted to carry into effect, as a provision in conflict with the higher law of God.

In considering this question, I propose to offer the mere outline of an argument.

The question has two aspects: First, is the fugitive slave law *constitutional*? That is an inquiry with which I have nothing to do, in this place: although it would seem as if it required no great logical or legal acumen to settle it. But neither your opinion nor mine can settle it. It can be determined properly, effectively and finally, by the judiciary alone. I have no occasion to invade their high prerogative. The appeal to the tribunal is open to us all, on every point at which any citizen deems his constitutional rights invaded, or his conscience oppressed.*

But the real, moral question for us is that which relates to the equity of the constitution itself. Is it asked then, secondly, whether the constitutional provision respecting the delivery of fugitive slaves, which is the real point of attack, is or is not in conflict with the scriptures? The prominent argument against this provision, and against the law enforcing it, is derived from the well-known passage in Deuteronomy, xxiii. 15, 16: "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee: He shall dwell with thee, even among you, in that place which he shall choose, in one of thy gates, where it liketh him best: thou shalt not oppress him."

Now, on this passage, I observe,

1. Is this precept binding on us at all? It was

* "See Acts xix. 38—40, for an example of most sensible advice.

a part of the municipal law of the Jews, which was confessedly temporary. Yet, as it is alleged that it involves a great moral principle for all time, let us consider it as such ; and then,

2. It is manifest, from its very terms, that it does not refer to the escape of a slave from one tribe of Israel to another,—as from Reuben to Naphtali, or from Zebulon to Judah,—but to the slave who had escaped from the neighbouring heathen nations to the sanctuary of the land of Israel, where he might be instructed in the true religion, and come to a participation of the privileges of the chosen people. This is no interpretation newly invented to meet a particular emergency ; but it is borne to us on the whole current of calm, abstract exposition and commentary that has flowed down to us from other days.* But

* The following are but specimens taken from such authors as are most accessible while I am writing.

“ That is, a servant who left an idolatrous master that he might join himself to God and to his people. In any other case, it would have been injustice to have harboured the run-a-way.”—*Adam Clarke*.

“ A slave who had fled from another nation and sought a refuge among the Hebrews, was to be received and treated with kindness, and not to be forcibly returned back again.”—*Jahn's Archaeol.* § 171.

“ If a slave of another nation fled to the Hebrews, he was to be received hospitably, and on no account to be given up to his master.”—*Horne, Introd.*

“ We cannot suppose, that this law required the Israelites to entertain slaves, who had robbed their masters, or left their service without cause ; but such only as were cruelly treated and fled to them for protection, especially from the neighbouring na-

whatever may have been the intent of the precept, the interpretation which restricts it to cases of escape from the oppressive and idolatrous heathen, is justified by the unquestionable fact, that the Divine Lawgiver, while He forbade the "bondage" of an Israelite, (Leviticus xxv. 39—43,) did, in specific contrast with the limited servitude of an

tions. To such they were commanded to afford shelter, and show great kindness; both in order to recommend their religion, and to give them an opportunity of learning it."—*Scott*.

"The land of Israel is here made a sanctuary or city of refuge, for servants that were wronged and abused by their masters, and fled thither for shelter from the neighbouring countries. We cannot suppose that they were hereby obliged to give entertainment to all the unprincipled men that ran from service; Israel needed not, (as Rome at first did) to be thus peopled."—*Henry*.

"The Hebrew doctors understand this of a servant of another nation who was become a Jew. Whom his master, if he went to dwell out of Judea, might not carry along with him against his will; and if he fled from him, when he had carried him, he might not be delivered to him, but suffered to dwell in the land of Israel. Which they understand also of a servant that fled from his master out of any of the countries of the gentiles into the land of Israel; which was to be a safe refuge to him, (see Selden, lib. vi. De Jure Nat. et Gent. juxta Discipl. Hebr. cap. 8, p. 711.) (a.)—*Patrick*.

(a) Selden observes:—"Neque licuit domino servum invitum in *alienas terras* comitem sibi adhibere, nec fugitivum *inde, e terra sancta*, si Judaismum susceperat, reducere. Sic intelligunt illud legis, *Non trades servum domino suo qui apud te eripi capit a domino suo*, etc. (Deut. xxiii. 15.) Qui locus etiam de servo qui a *domino gentili* in *terram Israeliticam*, fugerat, capitur. Tutum nempe erat servo ejusmodi terra illa perfugium. Unde Onkelos ibi, *Non trades servum gentium* in manum domini ejus. Ex hisce pendere videtur quod apud Josephum notatur, (lib. xvi. cap. i.)

Israelite, expressly permit the Israelites to hold in perpetual bondage slaves who were not of the children of Israel. "Both thy bondmen and thy bondmaids, which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy bondmen and bondmaids. Moreover, of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land, and they shall be your possession. And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen forever:* but over your brethren the children of Israel, ye shall not rule one over another with rigour." (Leviticus, xxv. 44—46.) Now, if God allowed this relation to exist in Israel, by express law,—and I may add, if He regulated it,—if He recognized it in the fourth commandment, and especially, in the tenth commandment

The whole policy of the law seems to have been to invite foreigners to become Israelites, while the extradition of the fugitive was forbidden because it sent him back to idolatry. And in this partly, if not entirely, consisted the heinousness of the offense of man-stealing, i. e. the abduction of a free-born Israelite, (see Note to page 39,) who could not easily have been made, or sold as a slave, in Israel, but for the purpose of sending him out of the land, and of course to servitude among the heathen. Hence the prohibition, alledged by Selden, restraining the master of a slave from removing him out of the land. The whole chapter from which I have quoted is very instructive. See *Selden de jure*. lib. vi. cap. 8. p. 645. (Opera omnia; vol. i. Londini, 1726.)

* "Ye shall serve yourselves with them."—*Margin*.

recognized the servant as the *property* of his master,—can it be presumed for a moment that the Divine Lawgiver did, in the very same breath, intend to sanction *the escape of the same bond-slave* by forbidding the fugitive to be delivered up? It is not my business here, either to approve or condemn slavery as it exists in America. That is not the question under discussion. But, I am meeting the argument, fetched from the law of Israel, for the emancipation of fugitives, by confronting with it the plain and unquestionable fact, which nullifies that argument, viz., that slavery was a “domestic institution” of the Israelites, actually recognized and allowed by the God of Israel. Did He, by the same law, both permit slavery, and enjoin the emancipation of the fugitive? The idea is absurd, and the assertion makes Jehovah contradict himself.

And, even in regard to fugitives from the heathen, it has been well observed, that the precept forbidding their extradition, could not have been designed to make the land of Israel a refuge for all the vicious and “unprincipled who might run from service.”* There was this stinging point of insult in the churlishness of Nabal toward David, that when he reproached him, saying, “There be many servants now-a-days that break away every one from his master,” he charged him with being a mere worthless runaway slave, whom he ought not to harbour.

3. But there is some light reflected upon this

* Matthew Henry.

question from the actual cases that are on record in the sacred scriptures. These, so far as I can discover, are only three. The *first* is that of Hagar, the Egyptian, the bond-woman of Abraham, whom, when for her insolent contempt of her mistress, Sarah dealt hardly with her, and she fled from her face into the wilderness, the angel of the Lord that found her there, commanded, "Return to thy mistress, and submit thyself under her hands. (Genesis, xvi.)

The *second* is the case of the Egyptian, the Amalekite's servant, who having fallen sick had been abandoned by his master to perish, during the retreat of the Amalekites after invading and burning Ziklag. Being found by David in his search of the enemy, and relieved, he was desired to point out the way taken by the marauders; he promised so to do, taking an oath from David that he would neither kill him, nor deliver him to his master. In this case the refusal to deliver him to his master was eminently proper. His master was not only of the heathen, to whom the law we are examining forbade his extradition, but a public enemy in actual war, a marauder and an outlaw; and moreover, by his brutal abandonment of his sick servant he had forfeited all claim upon him. Every circumstance combined to give the poor wretch a claim to refuge and life at the hands of his preserver. (1 Samuel, xxx.)

The *third* is the striking and instructive case of Onesimus, the runaway slave of Philemon the friend of the Apostle Paul. Finding out the

Apostle at Rome, Onesimus was brought to repentance of his evil ways, and was sent back by Paul to his master, with a letter, (*Epistle to Philemon*), in which Philemon is entreated to overlook his fault, and to receive him now as a brother beloved. Now here, we see at least one instance to prove that a slaveholder may be a good man, and that a slave may run away without just cause from a good master. But we see farther the more instructive fact, that the Apostle fully acknowledges all the rights of the master and returns to him his servant, even when he was inclined to retain him near himself (vs. 12—14.) Did Paul send him back only because Philemon was a good master, and there was hope that the restored fugitive would be well treated? Such good hope he indeed had. But the very letter which the servant bore contained the proof that Paul was prompted by regard for the acknowledged rights of his master; and the civil rights of men are not abrogated by Christianity, neither do they depend upon their private characters. We have every reason to believe that the Apostle would have acted in the same manner,—not so hopefully indeed,—if Philemon had been of another character, because he has been so full and express, in others of his epistles, in enjoining upon servants contentment with their lot and faithful service of their masters. (1 Corinthians vii. 21; Ephesians vi. 5—8; Colossians iii. 2; 1 Timothy vi. 1, 2; comp. 1 Peter ii. 18, 19.) We conclude then that Onesimus was sent back, not because his master was a good man, but be-

cause he was his master. Even as we would find ourselves obliged to return the fugitive apprentice, the runaway child, or the deserter from the army, trusting to the *law* in each case to give them such protection from maltreatment as it could. And Onesimus had far less provision for his protection under the *system* of slavery as it existed in his day, than any slave under the worst form of the system as it exists in this land.

But, it is contended that Onesimus was not a slave at all; and that the word which is translated "servant," in the New Testament, does not mean a slave. On this objection, I can only say that if this be so, then language has no definite meaning. The word and its cognate has hardly any other meaning than "bondman" and "bondage," and is frequently translated by these very terms. But can anything be plainer than the passage I have quoted from the Old Testament, permitting slavery to the Jews? Or did any man ever give such directions to hired servants who were free to come and go as they pleased, or so describe their condition, as the inspired Apostle has done in respect to the servants of his day? And must we shut up all history, and now, for the first time ignore the fullness of its testimony to the fact that at the very time when the Apostles wrote and acted on this subject, as they did, the system of slavery under the Roman empire was the most cruel and irresponsible that ever existed! You might as well tell us, (as perhaps, in some coming century, it may be argued,) that there never was such a thing as a slave in the

northern States of this Union, or that there is not now one in the United States !

4. But, finally ; in regard to the provision of our own law, these two things ought not to be forgotten : *first*, that this is a measure of self-protection. Can we afford to be overrun with the refuse paupers and criminals that might be cast upon our shores from the work-houses and prisons of Europe ? Have not measures again and again been taken to guard us against this threatening irruption ? And could we, any better, afford to have the refugee slave population of the South poured in upon us ? Would they make any better citizens ? are they more moral, more religious, more happy here, than they are alleged to be where they now are ? And is the North prepared to welcome them *en masse* ? In the single aspect of the measure, as a *sanitary cordon*, as a measure of police, the law and the compact of the constitution may find its justification.

But, *secondly*, the compact of the constitution is the more obligatory upon us, because of the stimulus to running away which is worked from the North upon the slaves of the South. It is not merely of their own accord, that the bulk of these refugees have fled from their masters. The most of them have not been spontaneous. For years, the incitement to discontent has gone forth in public manifestos from societies in the North to the slaves in the South ; and by these the slaves have been counselled and urged to flee, and if need were, not to hesitate at robbery and murder to

facilitate their escape, or to prevent recapture! And organized arrangements are made from the same quarter, to afford aid and comfort to the fugitive in his flight and to hide him from his master. Was there ever such a system as this, in operation in Israel? Did the Apostles of Christ ever encourage it by their counsels to the slaves of their day? How do these things look when they are laid alongside of the actual advice and injunctions which they gave? And yet, with the Bible in our hands, with its express, specific legislation upon this subject before our eyes, we are told that there is a higher law that is to enforce upon our consciences the virtues of truce-breaking, men-stealing,* and perjury, and assassination and disobedience to God, in violating the law of the land? And we are charged with inhumanity, and irreligion, and base servility, because we will not believe it, nor teach men so;—because we will not give our consent to doctrines that God has not taught,—whose tendency is to tear this fair land

* There has been a very liberal application of this term, by those whom it more befits, to *slave-owners*, to whom, I think, it never refers, either in classical writers or in the sacred scriptures. The man-stealing, which by the Jewish law was punished by death, (Exodus xxi. 16; comp. Deut. xxiv. 7,) was the kidnapping or stealing of a free-born *Israelite*, with intent to make a slave of him, most probably to sell him out of the land, and was therefore a most heinous crime. The term occurs but once in the New Testament, (1 Timothy i. 10; *αρδραποδιστης*.) It refers not only to those who steal men to make them slaves, but also to those *who seduce slaves from their masters*. (See *Scapula, Hedericus, Little & Scott, Scheleusner, Parkhurst*.)

in sunder and to drench its smiling valleys with the blood of servile, internecine war! O, MY SOUL, COME NOT THOU INTO THEIR SECRET; UNTO THEIR ASSEMBLY, MINE HONOUR, BE NOT THOU UNITED!

A word of advice and I am done.

Be thankful, my brethren, that you have so little to complain of.

Instead of vituperating your rulers, pray for them.

Remember your subjection to Christ. Seek the grace and protection of the King of Zion. He will guide you with his counsel, and give liberally to those who ask Him, that celestial Wisdom which is pure and peaceable, gentle, and easy to be entreated, full of mercy and of good fruits, without partiality and without hypocrisy. You may safely trust in Him and in the word of His grace, to break every galling yoke, to undo the sorest burden that oppresses the heavy laden, and to give them the liberty wherewith Christ makes free, and to the weary that true rest which remaineth for the people of God.