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OBEDIENCE TO HUMAN LAW.

A

DISCOURSE

DELIVERED IN THE BRAINERD PRESBYTERIAN CHURCH,
NEW-YORK, DECEMBER 12, 1850.

BY REV. ASA D. SMITH, D. D.

O B E D I E N C E T O H U M A N L A W .

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"OF Law there can be no less acknowledged, than that HER SEAT IS THE BOSOM OF GOD."—HOOKER.

"The public power of all societies is above every soul contained in the same societies. And the principal use of that power is to give laws unto all that are under it; which laws in such case we must obey, unless there be reason showed which may necessarily enforce, *that the law of Reason or of God doth enjoin the contrary.*"—IBID.

" And I will place within them as a guide,
My umpire CONSCIENCE, whom if they will hear,
Light after light well used they shall attain."
PARADISE LOST.

EDWARD O. JENKINS, PRINTER,
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THE following Discourse—it is proper to say to those who listened to it—in the delivery unusually long, is here, while the substance of every train of thought is retained, somewhat abridged. That which it was well to expand in the rapid and impermanent utterance, lest on important points there should be misapprehension, needs not such enlargement as held fast on the printed page. What earnest minds chiefly care for, besides, in this eventful and busy age, especially on a topic like that here presented, is a clearly indicated line of argument, not rhetorical amplification.

NEW-YORK, *Jan. 7th*, 1851.

DISCOURSE.

TITUS iii. 1. "Put them in mind to be subject to principalities and powers, to obey magistrates."

ROM. xiii. 4. "For he is the minister of God to thee for good."

ACTS v. 29. "Then Peter and the other apostles answered and said, We ought to obey God rather than men."

To the subject suggested by these passages, peculiar circumstances have recently turned the thoughts not of this city merely, but of the whole American community. Nor has attention alone been awakened; there has been deep and all-pervading excitement. During the progress of this excitement, and of the discussions to which it has given rise, the topic referred to has not, you will bear witness, been introduced into this pulpit. Not that I have judged it an improper theme, a scriptural topic as it is, even for the holy hours of the Sabbath. But I have desired to fix your thoughts mainly on the spiritualities of Christianity;—its drapery, its outward form, its temporal bearings, I have ever deemed of minor consequence. Besides, I have at former times repeatedly uttered my views on this subject. I have judged it fitting, however, to present it again to-day. It has a certain obvious appro-

priateness to the present occasion; and my attention, moreover, has lately been called to certain extreme views and reasonings—extreme on both sides, and of most pernicious bearing—against which I esteem it as well my duty as my privilege to enter a solemn protest.

Your attention will be called, then, to the subject of **OBEDIENCE TO HUMAN LAW**. I propose to present it fully, evading, so far as the theory is concerned, not a single point of difficulty. Yet, in so broad a field, and in the limited period allotted to the present service, we must be content with, comparatively speaking, a mere outline. Our discussion will be pursued under three heads: *the ground of obedience—its limitations—and the mode of ascertaining those limitations.*

I. *The ground of obedience.* This, obviously, is identical with the ground or foundation of human government. What is that?

The doctrine once much in vogue was, that the state is based on what is called “the social compact.” Let me briefly explain this theory. It represents the original or natural condition of man as that of individual isolation and independency. Each human being lives alone, virtually if not actually—“monarch,” so far as his own might can make him, “of all he surveys”—acting, at least, just as he pleases, conceding in this respect nothing to others, and, of course, expecting nothing in return. It is found, however, at length, that society is a convenience and even a necessity. To society some sort of government is

essential, and so the scattered and isolated individuals of the race enter into a voluntary alliance or compact, each one agreeing to give up or abridge certain rights and privileges he had before possessed—to confer on the community, as represented in the government, a certain power of direction and restraint—and, in return for this concession, to receive from the community, or what is the same thing, from the government, a certain form and amount of protection. According to this view, you perceive, the whole fabric of the state rests on a mere bargain, made on prudential grounds. The moral element is mainly abstracted. The lofty science of government is degraded to a level with the logic of the ledger and the counting-room, with the art and mystery of “the cotton trade and sugar line.” The formation of the civil compact was, of course, left entirely to man’s option. He might have declined it; and when made, it stands on much the same footing as the articles of any business co-partnership.

To this theory we object, in the *first* place, that in all history there is no trace of any such transaction as is supposed. When did it take place? Where did men gather together for that purpose—on what plain of Shinar or of Dura? The fact is, wherever human beings have been discovered, in however degraded a plight, they have been found not in the imaginary natural or isolated state, but under some sort of government.—But we have a *second* objection. Not only is there no trace of the fact alleged, there is no possibility of such a fact. I remember to have met, in a

certain writer on language, with a discussion of the question, whether it came directly from God, or was of conventional origin. As to the latter opinion, the author declared himself in difficulty, as well he might be. For how, he asked, could men be called together to settle this matter, and especially how could they discuss it, without language? And if they had language already, what need of the convention? To a like dilemma are we reduced in respect to any convocation for the original establishment of government. How, without some sort of authority, could we conceive it possible? But that attained, the object is anticipated.

It may be said here, though we reject this theory in the form just stated, may it not hold good in another way? May not individual after individual have entered into the social compact, each by himself and for himself? To this we reply, first, as before, there is no trace of any such transaction. Whether it be so or not, is matter surely of personal recollection. Each one of us can speak for himself. I am free to declare to you that I have no remembrance of ever voluntarily taking upon myself any such compact. Nay, I am quite sure there has been no such fact in my history. When I go back to the earliest period I can recall, I distinctly remember I was under government—both of the family and the commonwealth. It was not a state which at my option I assumed; I found myself in that state. I clearly recollect, indeed, that authority was sometimes unpleasant to me; but I can

recall no time when I was not subject to it, by a force apart from and above my own will.—We may add here, as in relation to the other form of the doctrine, not only does it fail in point of fact, it fails in point of possibility. The child can make no contract—not even where a few shillings are concerned. He can sign no note, execute no bond or deed. Much less would he be capable of taking part in so grave a compact as that on which a commonwealth is founded. We may plead, in bar to all notions of this sort, the statute of limitation—the common law of infancy.

As we examine this theory, from whatever point of view, it vanishes into thin air. It is the merest phantasm of metaphysic speculation. It has been often exploded, and by the best thinkers and writers is now utterly discarded. I would not have thus referred to it, but for the consideration that by certain superficial reasoners it is still adopted. It would be no strange thing if it should be boldly advanced in the next Fourth-of-July oration it may be your fortune to hear, or in the next argument you may read either for or against the Fugitive Slave Law.

Rejecting this view, the question recurs, what is the foundation of civil government? I rejoice, as a man, and a Christian, no less than as a minister of the Gospel, to answer, it is *the will of God*. The will of God in this regard, as in others, is manifest in two ways:—

1. *In the law of nature.* By this we mean that sense of fitness and rectitude, implanted in men by God; or, in other words, the universal law of reason. “The

general and perpetual voice of men," says the judicious Hooker, "is as the sentence of God himself: for that which all men have at all times learned, Nature herself must needs have taught; and God being the author of nature, her voice is but his instrument." We admit indeed that if sin had never entered our world, there might have been no occasion for civil government. Loving God supremely, and having ever an eye single to his glory—loving all his fellow-creatures with a pure and impartial love—man would probably have needed neither the direction nor restraint of human law. He would have been a law unto himself. A direct, ever manifest, and glorious Theocracy would have obtained and sufficed. But we live in a sin-ruined world. Of our fallen estate, civil authority is obviously a propriety and a necessity. The reason of man everywhere teaches that, as we now are, there ought to be government of some kind. Fitness, order, justice, benevolence, demand it. So it comes to pass, that, as we have said, government of some sort is everywhere to be found. Even in the region of instinct there is a sort of shadow or echo of this law of reason. By what obvious and well-enforced rules, in their respective commonwealths, work the ant and the beaver? The bees rise still higher, albeit they submit themselves to what John Knox called a "monstrous regimen."

2. Still more clearly is the will of God manifest in *Revelation*. The law thereof is but a carrying out of the law of nature, or its consubstantial supplement. The first clause of our text is here in point. "Put them in

mind to be subject to principalities and powers, to obey magistrates." So the passage in the Epistle to the Romans from which the second clause of the text is taken : "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." That is, condemnation, not by the magistrate alone, but by God. "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. For for this cause pay ye tribute also : for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues : tribute to whom tribute is due, custom to whom custom, fear to whom fear, honor to whom honor." So, in the first Epistle of Peter. "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." How full and explicit these injunctions ! And they are at once illustrated and enforced in the conduct of Him, who, though Lord of all, yet as an example to us, refused not to pay the tribute-money.

Observe, now, two things embraced in these precepts : *First*, it is God's will that there should be government. That is, government of some description—the *fact* of government. The *kind* is not prescribed. True, the principles of the Bible, as well as of reason, could be shown, we think, to favor republican institutions. To this, we doubt not, over the whole world, they will sooner or later lead. Yet there is no specific scriptural rule on the subject. Various expressions are employed in the texts quoted—"the king," "governors," "magistrates," "higher powers," "powers that be," "principalities and powers," "every ordinance of man." "The powers that be," whatever they are, are "ordained of God ;" so was it, in a sense, even with the power of the cruel and bloodthirsty Nero. The language of the Bible is, substantially, Choose your own form, but it is God's will that you have some form.—We have, *secondly*, in these passages, the injunction to obey the government. In disobeying, we are assured, we disobey God. In resisting the authority of the magistrate, we resist God's authority. On that authority all government rests.

II. Pass we now to the second point proposed, *the limitations of obedience*. Few, if any, deny that there

are such limitations, however erroneously they reason in regard to them. The precepts we have quoted, like those which require filial subjection, are, of necessity, general in their character. But in both cases we must understand, and be careful that in our reasonings we do not overlook, certain important qualifications. The duty of obedience to the magistrate, we judge, has two limitations.

1. Of these we specify, first, *the right of revolution*, or of overthrowing by violence, if need be, a bad government. The general question of non-resistance we propose not to argue—our limits forbid it. We take it for granted that there are cases in which violence may be rightfully resorted to, and we judge this one of them. The right of revolution was once not, indeed, generally admitted. Of the extremes to which the opposite opinion went, we have a curious illustration in Macaulay's history of the reign of James II. "The greatest Anglican doctors of that age," he says, "had maintained that no breach of law or contract, no excess of cruelty, rapacity, or licentiousness, on the part of a rightful king, could justify his people in withstanding him by force. Some of them had delighted to exhibit the doctrine of non-resistance in a form so exaggerated as to shock common sense and humanity. They frequently and emphatically remarked that Nero was at the head of the Roman government when Saint Paul inculcated the duty of obeying magistrates. The inference which they drew was that, if an English

king should, without any law but his own pleasure, persecute his subjects for not worshipping idols, should fling them to the lions in the Tower, should wrap them up in pitched cloth and set them on fire to light up Saint James Park, and should go on with these massacres till whole towns and shires were left without one inhabitant, the survivors would still be bound meekly to submit, and to be torn in pieces or roasted alive without a struggle." Such was the doctrine once held. But the day had dawned, and the dawn grew brighter. Tyranny opened men's eyes. Macaulay well says, "The system of Filmer might have survived the attacks of Locke, but it never recovered from the death-blow given by James." A portion even of the tories began to believe in the right of revolution; and the most infatuated of the Stuarts was driven from his throne. The truth on this subject is now with us clearly understood, and is more and more permeating the mind of the world.—The question may however be asked—and it is important that it be answered as definitely as possible—when does this right inure to the people? In what circumstances does it supersede the duty of obedience? This question, if we mistake not, is answered substantially in the second clause of our text. "*For he,*" that is, the magistrate, of whatever description, "*is the minister of God to thee FOR GOOD.*" The good of the people is the great end of government. When it ceases to answer that end—when it becomes a curse rather than a blessing—then have the people a right to change it, even by force if

necessary. The very law that enjoins obedience contains thus its own limitation.

We admit, however, that this right should be exercised with great caution. Never, it may be conceded, but under these four conditions. (1.) The evils complained of must be not imaginary but real—not light and easy to be borne, but weighty and grievous. (2.) There must be no prospect of a peaceful and gradual removal of them. (3.) The good to be secured must be manifestly greater than the certain evil involved in revolution. (4.) There must be a reasonable prospect of success.—To some of the modern revolutions, or attempts at revolution, these conditions, it must be confessed, have not all pertained. They did, I think, pertain to the American Revolution. Yet is there a possible and lawful exercise of charity in regard even to that much censured class, the American tories. It is not difficult to believe that among those who doubted whether the utmost limit of loyalty had been reached, there were not a few conscientious, God-fearing men.

2. We have now specified the only case in which we would justify forcible resistance. There is, however, one other limitation of obedience, *the express authority of God*. When human law conflicts directly with that, when it enjoins what God has clearly and positively forbidden, it is then both the privilege and the duty of the subject to refuse compliance. True, human law has the general sanction of God's authority. But his government is not divided against itself. We cannot suppose that he gives the magistrate the

right to nullify his own express commands. He says, rather, "Be wise now, therefore, O kings: be instructed, ye judges of the earth. *Serve the Lord with fear.*" As in the precepts relative to filial subjection, so here, we must understand that obedience is required in those cases only in which there is no conflict with God's commands. When either a father or a magistrate enjoins what the divine Word has clearly forbidden, then *God must rule.* This view is at once suggested and sustained by the last clause of our text. The apostles had been "straitly commanded" by the Jewish rulers not to teach in the name of Jesus. But their reply was, "We ought to obey God, rather than men." So when Shadrach, Meshach and Abednego were required to worship the golden image on the plain of Dura, they promptly responded, "O Nebuchadnezzar, we are not careful to answer thee in this matter. If it be so, our God whom we serve is able to deliver us from the burning fiery furnace, and he will deliver us out of thine own hand, O king. But if not, be it known unto thee, O king, that we will not serve thy gods, nor worship the golden image which thou hast set up." So when Daniel was by a royal edict forbidden to offer prayer to Jehovah. "Now when Daniel knew that the writing was signed, he went into his house; and his windows being open in his chamber toward Jerusalem, he kneeled upon his knees three times a day, and prayed, and gave thanks before his God, as he did aforetime." He offered no violent resistance, but simply refused to obey.

With the view we take, ethical writers, commentators

and divines generally agree. Indeed, I know not a single respectable authority to the contrary. Says Professor Stuart, in his Commentary on Romans, "The extension of the principles enjoined by chapter 13th, so as to make them imply implicit subjection to the magistrate in cases of a *moral* nature, where he enjoins what God has plainly forbidden, would be a gross violation of the true principles of Christianity, which demands of us, in all cases, 'to obey God rather than man.'" Says Dr. Hodge, of Princeton, "'We ought to obey God rather than men,' was the principle which the early Christians avowed and on which they acted. They disobeyed the Jewish and heathen authorities whenever they required them to do anything contrary to the will of God. There are cases, therefore, in which *disobedience is a duty*." Says Dr. Dwight, "Subjects are bound to obey magistrates, when acting agreeably to the laws, in all cases not contrary to the will of God as unfolded in the Scriptures. This I take to be the true import of the directions given by St. Peter and St. Paul." Says President Wayland, "Passive obedience, in many cases, would be manifestly wrong. We have no right to obey an unrighteous law, since we must obey God at all hazards." Says Calvin, in a most eloquent passage, "In the obedience which we have shown to be due to the authority of Governors, it is always necessary to make one exception, and that is entitled to our first attention, that it do not seduce us from our obedience to Him, to whose will the desires of all kings ought to be subject, to whose decrees all their com-

mands ought to yield, to whose majesty all their sceptres ought to submit." Nobly spoken by one of the noblest of divines ! Nor have we the testimony of divines alone. Says Blackstone, " This law of nature, being coeval with mankind, and dictated by God himself, is, of course, superior in obligation to any other. It is binding over all the globe, in all countries, and at all times : *no human laws are of any validity if contrary to this* ; and such of them as are valid, derive all their force, and all their authority, mediately or immediately, *from this original*." Again, he says, " Upon these two foundations, the law of nature and the law of revelation"—which he makes substantially identical—" depend all human laws ; that is to say, no human law should be suffered to contradict these." And specifying a particular act forbidden by God, he says, " If any human law should allow or enjoin us to commit it, we are bound to transgress that human law." And Lord Chief Justice Hobart, another high English authority, takes the position, that " even an act of parliament made against natural justice is void in itself, for *jura naturæ sunt immutabilia*,"—that is, the laws of nature, the same as God's laws, are immutable,— " and they are *leges legum*," that is, the *laws of laws*. A fine description this brief phrase, of God's laws—the **LAWS OF LAWS** ! As a human constitution is superior to all particular statutes, and may modify or even nullify them, so are God's commands paramount to all other laws in the universe.

Though the view thus expressed is, as has been said,

generally received, I have lately met with a different one. From the respectability of the quarters in which it has appeared, I am induced to give it a brief notice. In few words it may be thus stated. Human duties are of two classes, those we owe to God, and those we owe to man. As to those of the first class, the Bible enters into particulars, while those of the second are only stated in a general way, and left mainly to the decision of the magistrate. As to the first class, we are to obey God rather than man; but as to the second, there is no limit to obedience, save only, in extreme cases, the right of revolution! But for the memory of a by-gone age, this theory would seem to us quite a *discovery*—as if a new planet, or comet rather, had on one of these clear winter evenings rewarded the vigils of some patient star-gazer! We observe, in relation to it,

(1.) Our duties are, undoubtedly, in a certain point of view, resolvable into two classes. Yet, be it remembered, they all rest upon *God's authority*. They are all ultimately and chiefly duties *to God*.

(2.) As to *particulars*, there are more in the Bible relating to the second class than to the first. This for obvious reasons. The worship of God is a peculiarly spiritual and simple affair—a few precepts adequately set it forth. But our relations and duties to our fellow-men are various and complicated. So, in the decalogue, we have six precepts of the second table, and but four of the first. And, if you look through the Bible, especially the New Testament, you will find, I think, between the two classes of injunctions much

the same relative proportion. It is not true that the particulars of social obligation have been left almost entirely to human authority.

(3.) The notion of a difference between the two tables as to paramount authority, is wholly *unscriptural*. It is *without* scripture. There is no intimation in the various commands to obey the magistracy, that they refer only to the second table, and in that relation are unqualified. They are *general* commands, and obviously subject to general limitations. This theory is, besides, *against* scripture. Take the case of the Hebrew midwives, a plain case of the second table. "But the midwives feared God, and did not as the king of Egypt commanded them, but saved the men-children alive. . . . *Therefore God dealt well with the midwives.*" Take also the case of Jonathan, as rescued by the people from the death to which Saul had condemned him for unwittingly tasting, contrary to the king's commands, a little honey. There can be no doubt, from the tenor of the inspired narrative, that God approved of the conduct of the people. We may advert also to the case of Obadiah. "For it was so, when Jezebel cut off the prophets of the Lord, that Obadiah took a hundred prophets, and hid them by fifty in a cave, and fed them with bread and water." In connection with this statement, it is said, "Obadiah feared the Lord greatly." This case may, indeed, as the priests were connected with God's worship, be considered as coming in part under the first table, but it has an obvious relation, also, to the second.

(4.) This view conflicts, moreover, with *common sense and conscience*. Suppose a law should be passed, not only allowing but requiring polygamy. Who of us would feel, that because it related to the second table he was bound to obedience? Suppose—a very conceivable thing—that under the influence of certain socialist views, the legislature of this State should enact a law giving every husband the right to divorce his wife at pleasure, on six days notice, and at his option to marry again. Suppose, also—what would require but a slight change—that the ministers of the gospel, instead of being merely *allowed* to perform the nuptial service, as they now are, should be *required* to do it whenever called on? What clergyman, think you, applied to by one who would avail himself of the privileges conferred by this new law, could be induced to become a partaker in such sin? I could go to the dungeon, my hearers, and listen to the clanking of my own chains, but for such a purpose I could not go to the altar!—To make the absurdity of the doctrine in hand still more apparent, recur again to the case of the child bound to obedience by laws of just such sort as bind the citizen. A father says to a son, “Go tell my neighbor this lie, which I repeat to you.” The son replies, “Father, I will obey you whenever your commands do not conflict with God’s. But has not He forbidden lying?” “Ah,” says the father, “I have received new light on this subject. God’s commands are indeed paramount as to the duties of the first table. But as to all matters of the second, his

express precepts have made *me* supreme. Here, there are no higher laws. What I require is a second table affair, and you must do as I bid you."

Over the great and wide sea, in the city of the seven hills, there sits a man arrayed in purple and scarlet, with a triple crown upon his head. As to everything pertaining to the first table, especially, he claims to be God's vicerent. The settling of all matters of religious opinion and worship is committed to him. He takes, in this regard, the consciences of all men into his keeping. He may be called the Pope of the first table. But does not the doctrine to which we have now been objecting, in that it commits to the magistrate unqualified supremacy as to all social duty—requiring all, without questioning, in all things to obey him, allowing no room, save in the extreme case of revolution, for the scruples or the decisions of conscience—does it not, I say, make the magistrate the *Pope of the second table*?

Let not our position be misunderstood. We are not pleading for violent resistance, even to the most iniquitous statute. The right we advocate is simply that of declining obedience, and taking the consequences—submitting quietly to the penalty of the law. There is a broad line of demarkation between such a course and sedition, rebellion, or revolution. It is matter of surprise that this distinction has been so often overlooked, nay, denied. Some who have taught us to expect from them a better logic, have reasoned as if all failure to obey law were necessarily sedition—as if non-com-

pliance must be in all cases rebellion—as if there were no middle ground between passive obedience and high treason. For this confounding of things, there is no authority either in law or reason. True, under God's government, to “offend in one point” is to be “guilty of all”—to be guilty of rebellion. It is, if deliberate, to undeify God. For if he be wrong in one point, he is wrong, or at least wanting, in all. Every act of willful disobedience strikes at the very foundation of his authority. Not so with human law. That has not, like God's, its ultimate basis in the will that framed it. It rests, we have seen, on a deeper foundation. A citizen may feel bound to refuse compliance with a particular statute—he may judge that in this one instance a mistake has been made, God's law has been contravened; when he would on no account see the government overthrown—when he would even toil, and suffer, and peril life to defend it. Is such a man to be called a traitor? Was Daniel a rebel? Were the three confessors on the plain of Dura guilty of high treason? Were Peter and the martyrs of the primitive church—were our Puritan ancestors, the non-conformists of England—seditious persons? Are the Quakers of the present day men of disorganizing or revolutionary spirit?

It may be objected here—I have met with such an objection—that if we do not in all points obey the powers that be, we are bound at least to relinquish all claim for protection—even to separate ourselves from the commonwealth. But this, in many cases, would

be absolutely impossible. Besides, this objection is but a reviving of the old social compact doctrine—so many rights relinquished for so much protection. The truth is, it is the duty of the citizen to obey all righteous laws, and such alone; it is the duty of the government to pass only such laws, and to give protection to the whole community. These duties rest not on any human compact, but on the will of God. Suppose Daniel, instead of taking the course he did, had judged that, declining obedience, he must dissolve all connection with the state, and between two days, on a swift dromedary, had taken flight, would his name have come down to us with the halo of moral glory that now surrounds it?

From the position we take we are not to be driven by any discourse, however eloquent, about the importance of human law. We admit its importance; it is, in a sense, the ligament which binds the body politic together; it is, under God, the ægis of our dearest rights and privileges. But is not God's law infinitely more important? Who could hesitate if he must choose between the two? If it be a wicked and fearful thing to be a disorganizer in relation to human government, how much worse to be a disorganizer in relation to the government of the universe! Blot out of being, if you must, this little globe, but sweep not all the stars from the bright firmament! We are not, however, compelled to any such option. The conscientious believer in the supremacy of God's law is, in regard to any government that deserves to be maintain-

ed, the best of subjects. He honors that which is the only true basis of all government. I have been pained, I confess to you, at the taunts which have been so freely uttered in regard to the "higher law." Such taunts have a sad savor of atheism. Especially are they painful when I remember to whom, as the Gospel teaches, the government of the universe is committed. It is the Crucified One who is made "Head over all things." The "higher law" is his law! He it is who "hath on his vesture and on his thigh a name written, KING OF KINGS AND LORD OF LORDS."

III. We come, in the last place, to *the mode of ascertaining the limitations of obedience*. How shall we apply our theory? How, especially, shall we determine, in particular cases, whether human law conflicts with the Divine? Such questions must be settled, as they arise, we reply, by the *individual conscience*. On this point let me quote again from Professor Hodge. "The right of deciding on all these points," he says, "and determining where the obligation to obedience ceases, and the duty of resistance begins, must, from the nature of the case, rest with the subject and not with the ruler. The Apostles and early Christians decided this point for themselves, and did not leave the decision with the Jewish or Roman authorities. Like all other questions of duty, it is to be decided on our responsibility to God and our fellow-men." How else can it be decided? If left to the magistrate, he of course will settle it in his own favor; there will not only be no right of

conscience, there will be no limitation of obedience. Do you say, it may answer for the individual to decide in some cases, but not in all? Who, then, shall determine the exceptions? How manifest, that if he has a conscience for one case, he must have a conscience for all cases.

But this, it is objected, will not be safe. It will put everything dear to society in peril. Many are ignorant—more are vicious—some are fanatical. Conscience is liable to be warped and misguided. A thing so intangible and unreliable will hardly suffice as the sheet-anchor of social order. But let us ask, on the other hand, would it be safe to dispense with conscience? The Roman Pontiff thinks it would, and so anathematizes all private judgment. But what if all had concurred with him? There would have been no place in history for the noble army of martyrs; a perpetual midnight of despotism, both spiritual and civil, would have enshrouded the nations. True, there is peril in the exercise of the rights of conscience. But there is peril everywhere, in connection with all our blessings and privileges. It is one of the most perilous things in the universe to be a free agent! As is said in the drama, “’Tis dangerous to take a cold, to sleep, to drink! But out of this nettle, danger, we pluck the flower, safety.” There is safety only in allowing men to have consciences. And practically it has been found to be attended with little or no inconvenience. Though the Quakers, for example, are scrupulous on a few points, yet where in our land are

better citizens to be found? A corrupt conscience is apt to be time-serving rather than to covet martyrdom. A true conscience, depend upon it—one that will “obey God rather than men”—is the only sure safeguard of the State.

It is important, however, that conscience be enlightened; and much might be said to that end. Hints in that direction have already been given, as to the right of revolution. We add now several suggestions of a general character, in relation to the right of refusing obedience to an unjust law. 1. Be sure that it is a case of conscience—that what is required is forbidden by God. Act not from mere fancy, or prejudice, or excitement. Let the case be a clear one. 2. Remember that a law's having a hard bearing in particular instances, is not of itself a sufficient ground for disobedience. So may it be with the best of statutes. The law of jury-trial, for example, may, in some instances, send an innocent man to the scaffold. The question is, what is the principle, and the general operation of the law? 3. In case of doubt—as God has given such sanction to human government, as it is so important, and as, with us especially, so many well-informed minds must concur in every act of legislation—the law should have the benefit of that doubt.

There is room for but few remarks in application of our subject. We observe—

1. *Be law-abiding citizens.* This the text bids me say: “Put them in mind to be subject to principali-

ties and powers, to obey magistrates." Be conscientiously regardful of law, at the Post-office, at the Custom-house, and in all your relations to government. It were well if even some professors of religion had, in this respect, a quicker sense of duty.

2. You will expect me to say something on *the Fugitive Slave Law*. I promised at the outset to exhibit, at least in the outline, the whole theory of the subject before us; but I did not promise, nor shall I undertake, to apply that theory to particular cases. It is not my province to make consciences—that belongs to God; nor is it mine to keep them. In the light of the principles set forth, you must decide for yourselves the questions of duty which may occur. A few remarks, however, it may not be amiss to offer. (1.) As citizens, it is your privilege to consider the matter of the law's constitutionality. Let neither frowns nor sneers dissuade you from this. It is *your* birthright—it is *mine*. Opinions on this point I have, though I do not propose on this occasion to present them. Nor is it impossible for plain men to form in this regard a correct judgment. In a recent publication from a very respectable quarter, in which ministerial opinions on this subject are referred to somewhat sarcastically, the constitution is yet spoken of as "plainly written out in language that everybody can understand." So it is. Ponder it, and hesitate not to compare the doings of the national authorities with it, your servants and representatives as they are. (2.) The law referred to,

be it remembered, is of the nature of a *positive* statute. You have only to do the particular things it specifies—just these, and no more. A careful consideration of it, in this point of view, will show, I apprehend, that even the most scrupulous will find it less difficult than many suppose, to keep a conscience void of offence. (3.) Do not resist the law. Forcible opposition to the legal functionaries would be of no avail—it has no warrant in the Scripture cases we have adduced—all things considered, it seems to me immoral. (4.) Do not counsel resistance. There may arise, it is true, cases of a trying nature. Such was that submitted, it is said, to a clergyman lately, by an intelligent elder of a Presbyterian church in a neighboring city. His wife was a fugitive slave—was it the duty of himself and his children to help bind her and deliver her to her master? Should a case like this occur in my own congregation—should a husband and father say to me, “Here are my babes, and here is the wife of my bosom; the slave-catcher is at hand—the warrant is issued—what shall I do?” I might first, like Joseph, “seek where to weep, and enter into my chamber and weep there;” but I must come back at last and say, “My brother, raise not the hand of violence—commit your cause rather to Him that judgeth righteously.”

3. Finally, my hearers, amid all the excitements of the day, keep near to God, to the Bible, to your Saviour. Thus shall you have light from on high.

God shall keep you “secretly in a pavilion from the strife of tongues.” You shall be good citizens here, and be making preparation for a better citizenship in the heavenly Jerusalem.

NOTES.

PAGE 15. "*There is, however, one other limitation of obedience,*" &c.—To overlook this, or not clearly to distinguish it from that first named, is to open the door for endless confusion of thought. So, *expediency*, it is said, or a reference to consequences, is to settle, in some cases, the question of obedience. True, as we have shown, if the matter of *revolution* be in debate. Not so, however, if you inquire simply respecting the right of the individual to refuse compliance with a particular statute. The question is no longer one of expediency, but of the highest morality. If God has not expressly, or by obvious implication, forbidden what the human law enjoins, then that law must be obeyed. If it clearly conflicts with his requirements, then, think what we may of loss or gain, it must be disobeyed. To balance consequences, in such a case, is to trifle with God's authority.

PAGE 25. "*We come, in the last place, to the mode of ascertaining the limitations of obedience.*"—It is a remarkable fact, one of the most remarkable of the present day, that there should be either controversy or perplexity on this point—pertaining as it does to the very alphabet of ethics, clear and unanimous as are all the standard writers in regard to it, palpable as it is to common sense. A strange sight it is to see descendants of the Puritans seriously questioning whether in such relations it be safe to trust conscience! On a matter so plain, what need of anything beyond simple and brief statements? There is really danger that much argument will "darken counsel;"—as possibly by multiplying proofs of an axiom, you may bring some to doubt it.

PAGE 25. "*Such questions must be settled as they arise, we reply, by the individual conscience.*"—It is not claimed, as some seem to suppose, that the individual conscience is *itself* the rule of life. Very easy would it be, in view of human infirmity and sinfulness, to declaim against a "higher law" of that sort. Conscience is rather *the organ that apprehends law*. It is the eye, so to speak, that reads the eternal statutes of righteousness.

PAGE 26. "*Conscience is liable to be warped and misguided.*"—True, all must admit. But what then? Why, obviously, we must take all possible care that it be not warped and misguided. To this point discourse about its fallibility is quite relevant—not to the question of following, after all, its decisions. My friend, the other day, from a careless use of his eyes, made a misstep. What then? Why, he has a very good reason for greater carefulness—none at all for repudiating the visual apparatus.