

SERMON CLXXXI.

WE have considered something in general concerning the Civil Relation which God hath placed between Magistrates and their Subjects; and are now to proceed to take an Account of the Relative Duties which God hath required of each of these.

First, THE general Comprehensive Duty of Magistrates, is to exercise the Authority which God hath bestowed upon them, for the good of the Subject. As to that Question which hath with

much vehemency been disputed *Pro & Con, viz. Whether Magistrates were made for their People, or the People for their Magistrates?* It is enough to say, that God constituted this Order of Men for the common Good of Mankind; and if it had not been for the need of the People He had never appointed Civil Rulers over them; and He hath accordingly accommodated their Duties for the best advancing of this End: And in this regard, they were equally made one for another; nor can they obtain a Civil Happiness, unless they mutually conform to the Will of God in this regard. It is an honour which God puts upon Men, when He calls them to Publick Service, and they can then only honour Him in it, when they use it to the Ends of the Precept: And he hath assured us, that this was for the Good of the People over whom they are set: Hence that, Rom. 13. 4. *For he is the minister of God to thee for good.* And this Care of theirs, every the meanest Subject hath a title to; and that is the reason given why we ought to Pray for them, 1 Tim. 2. 2. And in this is David commended for his Exemplariness in his management of his Royal Authority, Psal. 78. 72.

[1.] NOW that they may apply their Authority, there are Two general Duties peculiarly incumbent on them:

1. TO get and maintain Cordial and entire Love for their Subjects. Love is the bond of every Relation which God hath ordained among Men; and if that fail, the Duties depending on it will be neglected: And it is a tender and compassionate Love that is here required, as will appear by the *Metaphorical Titles*, which are in the Word of God, put upon Civil Rulers: They are called *Heads*, and their Subjects are the *Members* of the Body Politick, Judg. 11. 9. Numb. 25. 13. Mic. 3. 1, 11. and elsewhere. And this not only in respect of Dignity; but also of influence. And we are told in Eph. 5. 29. *For no man ever yet hated his own flesh; but nourishes and cherishes it, even as the Lord the church.* They are called *Fathers*, and their Subjects their *Children*: Hence that of Naaman's Servants, 2 Kings 5. 13. 1 Sam. 24. 11. Noting that they ought to be tender to them as their Children; hence that Compellation, *My Son*, Gen. 43. 29. Josh. 7. 19. They are called *Shepherds*, Isa. 44. 25. Eccl. 11. to denote with what gentleness, they ought to look after their People.

2. TO apply this Love, in laying out their Study and Endeavour for their Good. Civil Magistracy is a Business which God calls Men to employ themselves in. The Charge of a People is a great Charge, and there are a great many things that go in to procure their Tranquillity and outward Felicity, which require much Study to Contrive, and a great deal of Industry in the Prosecution; and if they do indeed suitably effect them, it will put them upon anxious Sollicitude in the pursuit of their Design. Love is an active Affection, and it cannot ly still; but lay it self out, and think it can never do enough for it's Object: And such a Love as this did Solomon express in that Choice which he made upon God's Offer, 1 Kings 3. 9. *Give therefore thy servant an understanding heart, to judge thy people, that I may discern between good and bad: for who is able to judge this thy so great a people?*

[2.] MORE particularly, the things wherein they are to apply themselves to provide for the Good of their Subjects are such as these,

(I.) THEY ought to provide a Body of wholesome and good Laws, to be the fixed Rule of Government. We before observed, that no People ought to be Governed Arbitrarily, or according to the Wills or Passions of Men, which must unavoidably be Tyrannical. All Men ought to know, or at least have sufficient Means to inform themselves, on what Terms they stand, and wherein they may preserve themselves safe from the danger of Civil Censures. There is therefore a Legislative, as well as an Executive Power belonging to Government, which is to be applied to the Enacting & Ratifying of such Civil Ordinances as are for the Publick Benefit. And these Laws are not to be made meerly for Men's Pleasure, but according to right Reason, which is to take it's measures from the Publick Benefit, and the Rules of Righteousness, which the Light of Nature gives evidence to: Hence Wise Lawgivers do not only Ratify their Edicts with the Seal of their Authority, but Preface them with the Reason on which they are grounded.

AND here that CASE may be briefly considered, viz.

Quest. WHETHER the Law given by Moses to Israel, from the Mouth of GOD, be the Square according to which all Humane Laws are to be measured?

BY way of reply, I shall only offer these Considerations,

1. THE Laws given by Moses were of three sorts, *Moral, Ceremonial* and *judicial*; which are therefore called *Commands, Statutes* and *Judgments*. These, tho' they made but One Body, yet came under a different consideration both as to the Rise and Reason of them; and although they proceeded from the same Author, yet were given upon discrepant Accounts.

2. HENCE to the right Resolution of this Inquiry, these must be considered severally; for it is certain, that the whole Law, considered as one entire System, was given to that People, as peculiarly accommodated to them, under

their Circumstances, and so was appropriated to them, being given to distinguish them from all other People in the World.

HERE then,

1. THE *Moral Law* summ'd up in the Ten Commands, and dilated upon in several particular branches, was no other than the Law given to Man in his Creation, and was the Rule of Righteousness, and true Holiness, and the Rule of God's special Government of Men, according to which he was to be happy or miserable. And this was the same for substance with the Law of Nature, and is therefore of Personal force, having Mankind for the subject of it. This set the whole bounds between right & wrong, and the Rationality of it was subscribed to by Man's Conscience; all these three Titles belong to the Encomium of it, Rom. 7. 12. *Holy, Just, Good.* Every Transgression of this Law is a Sin, and that in the Gentiles, as well as the Jews, (hence that, Lev. 18. 27, 28.) Hence, all Humane Laws are to be directed by this Law, so far, as to make nothing a Transgression, but what is Condemned by this, require nothing of the Subjects, but what is approved by this. For doubtless, God is the One Supreme Law-giver, and all others derive from Him, (*James 4. 12.*) All the Heathen Law-givers pretended that they received their Instructions from some Deity; and the End of all Laws ought to be ultimately the Glory of God, which cannot be paid Him, but by the Conformity of them, to his fixed Law.

2. TOUCHING the *Ceremonial Law*, it sufficeth to say, that it was purely Positive, and mainly accommodated to the First Table, or the Worship of God, and had a respect to Christ who was to come: He therefore being shadowed by it, & it being given to them to help their Faith in waiting for Him who was the Substance; they are now Antiquated and Abolished, (as is fully proved, *Heb. 9. 10.*) And a subordinate End of them being to make a separation between Israel, and all other People, it must needs be appropriate to them; and this wall being pulled down, it is no more of any use to them, (*Eph. 2. 14.*) Nor hath God given to any Authority in this World a Liberty to substitute any other significant Ceremonies of Worship in their room.

3. WITH respect to the *Judicial Laws*, we must observe, that these were *Appendices*, partly of the Moral, partly of the Ceremonial Law: Now such as, or so far as they are related to the *Ceremonial*, they are doubtless Abolished with it. As, and as far as they bear respect to the *Moral Law*, they do, *eo Nomine*, require Obedience perpetual, and are therefore reducible to Moral Precepts, only it is observable that some were only Indulgences; such was that our Saviour saith about Divorces for any slight Cause; and so it did not evacuate the Moral Precept about it, *Matth. 19. 8, 9.* And give me leave with respect to these Laws, to digress so far as to offer two Cautions,

1. THAT tho' frequently the Seal of Sovereignty, *I am the Lord*, be a note of a *Positive Law*; and when there is a Reason given of a Law, it is for the most part *Moral*, yet this will not hold *always*. God gives a Reason why Blood should not be eaten, *Lev. 17. 14.* And yet it is certain, that this was never a *Moral Precept*, but *Positive*; and there are other parts in the Creature, in which the Life is as nearly, and in some regards more nearly concerned than the *Blood*, which are not forbidden.

2. THAT there are some *Judicial Laws*, in which the thing commanded or forbidden, is *Moral*, and yet the Penalty annexed to it is *Positive*. All Penalties prescribed in any of the *Mosaical Laws*, if Mule, Corporal Punishment or Death, were Judicial, and belonged to the Civil Government, *Sacrifices* only excepted, which were Ceremonial, and belong'd to the Ecclesiastical: Now many of these were Arbitrary, and accommodated to the State of the Israelitish Church in their State of Bondage. Now, tho' the open Transgressions of the Moral Law came under the Cognizance of the Civil Magistrate, yet all the same Penalties that were then appointed, are not now binding: Some indeed were Moral, as the Death of a Murderer, and without any Ransom; and some also suppose that the making Adultery a Capital Crime belongs hither: But others were proper only to the Time and State of that People, as the Law about Profaning the Sabbath, *Numb. 15. 32. &c.*

NOW the *Legislative Power* of Rulers, in their making of Laws is to be regulated by these Two general Directions, which they ought ever to lay before them in their Debates and Conclusions, *viz.* That they be *Righteous*, and *Good*: These two might be comprehended in one, for that which is Righteous is Good, and nothing can be truly Good, but that which is Righteous. Nevertheless, there may be some diversity in these considerations, which may therefore be look'd upon distinctly.

(1.) THEY ought to be very careful to make *Righteous Laws*, and no other. This is intimated in that, *Prov. 8. 15. Princes decree Justice.* Hence a Wo is denounced by God against such as make *Unrighteous ones*, *Isa. 10. 1. Wo unto them that decree unrighteous decrees, and that write grievousness which they have prescribed.* God will reject Fellowship with them, *Psal. 94. 20. Shall the throne of iniquity have fellowship with thee, which frameth mischief by a law?* Now there is a double respect in which a consideration is to be had of Righteousness in the making Laws, *viz.* The Matter about which it is made, and the Sanctions affixed to it: And in both of these, there may be a Transgression, if due Care be not used.

IT is here to be observed, that for the making of a Law to be an Instrument of Government, it is not enough that there be a Precept given by Authority directing and commanding this to be done, that to be avoided; but there must also be a Penalty annexed, else it will hazard

hazard being despised. Now in both of these regards, Righteousness is carefully to be consulted.

1. IN respect of the Matter about which it is made; and that is, when the Thing decreed is agreeable to the Rule of Righteousness. Nothing ought to be required of the Subject in Obedience to Civil Authority, in the doing of which the Law of God will be violated, and he disobeyed. All Men are Firstly Subjects to God, and therefore they are to have regard to Him, in all the Subjection required of Men to them. As they Rule from Him, so they are to Rule for Him. It is true, there are many things which occur in Providence, and are made necessary by it, for which there is no particular express Command in the Scriptures, but the Rule of Providence requires that it be put into a Law; and the general Rules given will sufficiently warrant it; and there are such things as these which do frequently even: But to Enact any thing which is Repugnant to the revealed Will of God, and directly opposeth a Negative Precept of the Moral Law, which is given without Limitation or Exception, is utterly unlawful; and for the same Reason, the Light of Nature is to be consulted and followed; and that general Rule is well to be regarded in making Laws, as in any other thing, Matth. 7. 12. *All things whatsoever ye would that men do to you, do ye even so to them: for this is the law and the prophets.* Nor ought any Law to be made to tolerate any real Wickedness, under any pretence whatsoever; for the Command of God forbids us to do Evil, that Good may come of it.

2. IN respect of the Sanctions annexed to the Laws made. As there ought to be Sanctions, else the Law will not advance the End of it; (wheras we are told, 1 Pet. 2. 13. *Submit your selves to every ordinance of man for the Lord's sake.*) and tho' there may be a Latitude left in some things, to be dispensed according to the Prudence of the Judges, (though that ought not to be unlimited, but within due Bounds) so there is a regard to be had to the Merit of the Crime, in the proportioning of the Penalty. It was a mistake in Draco the Lawgiver, that he reckoned all Sin equal, and therefore made every Crime Capital, whence he was said to write all his Laws in Blood; and tho' it be a Truth that the least Sin deserves Death from the hand of God, yet it doth not so from Men. The end of Civil Laws is to preserve Mankind in Order, and in that regard, *Salus Populi est Suprema Lex.* And God himself appointed in the Law given to Israel, different degrees of Penalty, according to the Nature and aggravation of the Crimes. Severity therefore is to be duly tempered with Lenity in Laws, lest otherwise they should have a tincture of Cruelty. To this Righteousness also belongs the providing for Commutative Justice between Men, by Laws which may defend Men from Wrong and Injury by their Neighbours, in their Life, Chastity, Estate or Reputation.

(2.) THEY ought to take heed to make Good Laws and only such. And tho' unless they

be Righteous, they cannot be Good; yet there is something more that comes under this consideration; And we do not here consider Goodness under a Metaphysical Notion, but that which is Moral and Political. It is not their Goodness in themselves, but as they are a Medium to promote the proper End of Government; and that is, the well-being of the whole, and every part of it: And it is in this respect that the Law which God gave to His ancient People, is so often said to be Good. Neh. 9. 13. Psal. 119. 39. Mic. 6. 8. Care ought therefore to be used, that the Welfare of the Body be designed, and that the Law be a suitable Medium, (having a Rational tendency in it, to the advancement of it.)

AS to that controverted Question, *Whether Civil Rulers have a power to make Laws about Things Indifferent?* I shall only say thus in general, *vis.* That we must distinguish between Power as it respecteth the Submission due from the Subject, and as it is under the Divine Ordinance and Regulation: We must also distinguish between a thing Indifferent in it self, and in it's Circumstances: And then it may easily be resolved, that God hath given Civil Rulers Authority to make no other Laws, than are for the Good of the Government; so that if they Enact any other, they Transgress their Commission from God, and are accountable to Him for it; and do not carry it as Fathers to their People. And though in a Moral sense, there are things which themselves are of a middle Nature, and Man is at liberty either to do them, or avoid them; and in that sense they are neither Good nor Evil, and so they cannot be the proper Matter of a Law, it being essential to a good Law, that it be for the Good of those for whom it is made; and to limit the Subject in things lawful in themselves, merely *pro Arbitrio*, is Oppression. But these things may be clothed with such Circumstances, as may render them either hurtful or beneficial to Men, and so they will become either a Duty or a Sin; and it will be very proper to make Laws about them accordingly, which may be for the Publick Good. And doubtless, there are no Laws more necessary for the *benefit* of a People, than such as put a Restraint upon the sinful abuse of Lawful Liberties.

NOW that is the best Body of Laws, which most amply provides for the advancing the Happiness of all that are under them; and that is summarily recommended to us in that, 1 Tim. 2. 2. *That we may lead a quiet and peaceable life in all godliness and honesty.* When they lay in to secure both Godliness and Honesty among a People, they are Happy under such a Government, if by their own folly, they do not make themselves miserable. When they provide that the true Religion may be established, the true Worship of God may be upheld, and all that withstands be suppressed, and no Unscriptural Rites be imposed on Men; when they take Care, that all Orders of Men have their due Honour and Respect paid to them; due Distances be maintained between Superiours and Inferiours; that Men may enjoy their Rights, and be saved

from violence and wrong; That the liberal Education of Children be encouraged; That those who deserve well be Rewarded, and Wickedness be punished: When by such Laws as these, they do as far as can be provide for a People's Felicity, they are very Good.

A S to the Question, *Whether Civil Rulers have Power to make Laws about the Religious Worship of God, and Heretical Doctrines?* I shall only Answer, Whatsoever may truly serve to the Peace and Tranquillity of the People comes within their reach, agreeable to the Rule of Reason, and the Word of God. Now, no People can do well without Religion, nor can they do well without the True Religion. Publick Judgments are often bro't for Irreligion, and false-Worship, when tolerated; and who should-restrain it but such as have the Civil Sword put into their hands by God: Those therefore were the Leaders in the Reformation, recorded in Scripture, and punished Offenders in this kind. Civil Rulers do receive their Authority from God, and are to use it for Him; which how shall they do, if they suffer His Attributes to be Blasphemed, His Name to be taken in vain, His Worship to be defiled, His Sabbaths to be profaned, His Truths to be perverted. Tho' therefore they have no Warrant from God, to Coin any New Articles in the Religion which He Himself hath revealed; nor to appoint any New Institutions in His Worship, which alone belongs to the Kingly Office of Christ; (and if they should do so, His holy Jealousy would be incensed against them,) yet their Power is *Circa Sacra*; and they ought to provide that the House of God be built His Worship upheld; the Ministers of His Sanctuary be supported; all Affronts against His Sacred Majesty be duly born witness against; and all Heretical Doctrines which are at any time broached, be suppressed. And how can this be done, unless there be Laws adapted to these Ends? Without this, they cannot provide that their Subjects may lead quiet and peaceable Lives, in all Godliness; but there must be endless Schisms and Distractions in the Church of God.

U S E. **W H A T** need have we then, to *Pray to God for our Rulers, in this Regard*; That He will put His Spirit upon them; and afford them the direction of His holy Spirit; That they may have a right discerning of these Things, and an Heart strenuously engaged, thus to promote the true Welfare of the People under their Charge.

[N O V E M B E R 16. 1703.]

SERMON CLXXXII.

(II.) **T H E Y** ought to take care for the Execution of Good Laws, according to *Equity*. This also is incumbent on the Civil Magistracy, although the Duty doth