

THEOLOGICAL QUARTERLY.

VOL. III.

OCTOBER 1899.

No. 4.

Doctrinal Theology.

ANTHROPOLOGY.

ETHICS.

III. THE MORAL SPHERES.

All the various states, relations, and acts of men determined by the moral law may be variously referred to various spheres. They are the spheres of moral *rights* and moral *duties*, and these rights and duties are either *religious*, or *domestic*, or *civic*.

The Spheres of Rights and Duties in General.

The moral law imposes duties and establishes and secures rights. God created man and gave him existence and human endowments; he has established various relations between man and man; he has ordained that man as a moral being should in all his ways and days live in conformity with the divine will. By the law, the utterance of his will, God would determine man's relations, disposition and conduct toward God and toward his fellow-men, and inasmuch as the divine law is authoritative in all its demands, it is man's *duty* in all these respects to fulfill the requirements of the moral law. And in still another aspect the moral obligations are duties. By the divine law men

are also bound to each other. God would have us serve him by serving our neighbor. St. Paul says, *Owe no man any thing, but to love one another; for he that loveth another hath fulfilled the law.*¹⁾ Here the fulfillment of the law is conceived as a debt which one man owes to another and which it is his duty to pay. Thus, according to the law, children *owe* reverence and obedience to their parents, husbands owe love and fidelity to their wives. The neglect of these duties is sufficient cause not only for divine punishment, but also for rightful complaint on the part of those from whom that is withheld which they may rightfully claim at the hands of the delinquent.

This consideration leads us to the notion of moral *rights*. A right is that which one may justly claim. In our relation to God we have no rights to claim at his hands,²⁾ except as, in his grace and mercy, he has bound himself by his promises and we may rely on his paternal justice.³⁾ God owes us nothing according to law. He is above the law.⁴⁾ But when God made us what we are, and gave us what we have, and determined by law what the conduct of others toward us should be, he established our moral rights among men, the right of being what God would have us be, of holding and enjoying what by the will of God we have, hold and enjoy, of doing what God would have us do, and of being done by according to God's will, without let or hindrance or curtailment by any man. Thus God made us intelligent beings with powers of understanding and reasoning, and since God has given no man authority to prohibit our use of these faculties, the right of private judgment is a moral right within the limits which God himself has fixed when he demands that in spiritual things we should *bring into captivity every thought to the*

1) Rom. 13, 8; cf. v. 9.

2) Rom. 9, 20. 21; 11, 35. Job 35, 7; 41, 11. 1 Cor. 4, 7.

3) Micah 7, 20. 2 Chron. 6, 15. 1 John 1, 9. 2 Tim. 4, 8.

4) Matt. 12, 8. Mark 2, 28. Luke 6, 2.

*obedience of Christ.*¹⁾ When God has given a man children and made him a father, the rights of educating his children according to the dictates of his conscience, and of enjoying their society and service, are among his moral rights, which must be respected by his children and others, unless he forfeit these rights by moral, mental, or physical incapacity. To secure these parental rights God has commanded all children to conduct themselves toward their parents with filial love, reverence, and obedience. It is a moral right of civil governments to inflict capital punishment, since God has made them his ministers for this purpose and entrusted the sword to them,²⁾ at the same time denying this right to all others and declaring that *All that take the sword shall perish with the sword.*³⁾ The right of sexual intercourse with his wife is a moral right peculiar to the state of a husband and secured by the moral law which enjoins upon the wife the duty of yielding her body to her husband.⁴⁾

This distinction between moral rights and duties is not only theoretically correct, but practically important. It is by no means immaterial whether the same thing be looked upon as a right or as a duty. A right may be waived, a duty must not be shirked or shifted. Carnal commerce is a duty to the wife only when the husband, and to the husband only when the wife, demands it. Otherwise it is a right, and with the consent of both parties, the exercise of this right may be suspended.⁵⁾ Again, to enforce a duty may be very proper, while to interfere with a right is arrogance; and it may be of considerable consequence whether the education of children be considered a parental right or a parental duty. Prof. Tiedeman, speaking of compulsory education, says: "When, however, the state is not satisfied with simply providing schools, the attendance to which is free to all; but desires to force every child to partake of the State bounty, against its will and the wishes of its parents, perhaps against

1) 2 Cor. 10, 5.

3) Matt. 26, 52.

2) Gen. 9, 6. Rom. 13, 4.

4) 1 Cor. 7, 3—5.

5) 1 Cor. 7, 5.

the honest convictions of the parent that attendance upon the public schools will be injurious to the child: when this exercise of police power is attempted, it will meet with a determined opposition from a large part of the population. . . . If the children do not go to any school, it does not appear so hard to compel the children to attend the State schools; but it is an apparent wrong for the State to deny to the parent his right to determine which school the child shall attend. And yet the constitutionality of the law, in its application to the two cases, must be governed by the same law. If the control of children is a parental right, instead of a privilege or duty, then in neither case is the State authorized to interfere with the parental authority, unless the parent is morally depraved or insane; while the interference in both cases would be constitutional, if the parental control is held to be a privilege or duty, according to the point of view."¹⁾ If the infliction of capital punishment for murder were merely a right, civil governments might, without culpable neglect, waive their right and substitute other penalties. But being a duty enjoined by divine commandment,²⁾ capital punishment should not be abolished, and should be reinstated where it has been expunged from the penal code. Thus, also, since the calling of ministers is not only a right, but a duty of the Christian congregation, it should not be shifted to those, to whom it does not properly belong, the organs of the State, but exercised by the church as constituted in the local congregation. On the other hand, if the dissolution of the marriage bond were a duty incumbent on the innocent party when the other party has committed adultery, condonation would be inadmissible. But since divorcement in such cases is only a right of the innocent party, it rests with the latter either to waive this right by condonation, or to claim it and sue for divorce.

1) *Limitations of Police Power*, pp. 562 f.

2) Gen. 9, 6.

It should be remembered, however, that the rights as well as the duties here considered are strictly and primarily moral, determined by divine ordinance and law. No human will can by its own authority impose a moral duty or establish a moral right. Nor can human authority absolve any man from a moral duty or annul a moral right as such. When the secular law makes cruelty a cause of divorce, it does not create a moral right, and he who claims such right and acts in pursuance thereof, commits an immoral, sinful act. When civil government imposes a tax, the payment of such tax is not primarily and by human authority a moral duty, but only secondarily and inasmuch as the powers that be are the *ministers of God*, to whom we must be subject *for conscience sake* and *for this cause pay tribute also*.¹⁾ On the contrary, where human authority enjoins what God has forbidden, it is a moral duty to disobey such human law and, if necessary, suffer the consequences.²⁾ And as to the church, it has no legislative authority at all and can create no duties whatever. It is a monarchy, in which the will and word of the King, and that only, is the law of the realm.³⁾

Being moral in their nature, the moral rights and duties must be general, designated for all times and all men. So they are, but in their proper order, according to the various spheres of the second classification given above. Thus the rights and duties of the domestic sphere pertain to all men who actually live within that sphere and according to the position they actually hold therein, the rights and duties of husbands, to all who are actually husbands, the rights and duties of fathers, to all who are actually fathers, the rights and duties of wives and mothers, to all who are actually wives and mothers. And not only that, but these duties and rights pertained to all the husbands and wives, fathers

1) Rom. 13, 4—6.

2) Acts 5, 29. 40.

3) Eph. 1, 22. 23; 5, 23. 24. John 16, 36. 37; 8, 31. 32; 10, 27. Luke 10, 16. Rom. 16, 17.

and mothers, that ever were, and shall pertain to all husbands and wives and fathers and mothers that ever will be. What these rights and duties, and those of other men and women in their various ways and conditions of life, really are and have been and shall be, will appear as we consider them under the following heads, the *Religious Sphere*, the *Domestic Sphere*, and the *Civic Sphere*.

A. The Religious Sphere.

Man is, also in his fallen state, not only an intelligent, but a moral being, endowed with a knowledge of the law, the unalterable will of God, and with a moral sense whereby he is made cognizant of the ethical character of his acts and his responsibility for his acts before a supreme tribunal which will mete out just retribution here or hereafter, or both here and hereafter. And thus man, as a moral being, is also a religious being, not only by education or acquisition, but by nature. There is no morality without religion, the living relation between man and his god, wherein and whereby man is or endeavors to be at peace with his god. The brute, being void and incapable of religion, is also void and incapable of morality, and *vice versa*. In fact, the very law which is inscribed in the human heart and upheld by man's conscience demands that man should be religious, should maintain the proper relation to God and conform his acts to such relation. *The fool hath said in his heart, There is no God.*¹⁾ The denial of God is unworthy of a rational being and is proscribed and condemned by the moral law, which, being the will of God, is in itself an assertion of the existence and sovereign majesty of God. When the psalmist says, *Let all the earth fear the Lord: let all the inhabitants of the world stand in awe of him,*²⁾ this is only a reassertion of what is inscribed in the human heart, and man's conscience bears witness to the truth and

1) Ps. 14, 1.

2) Ps. 33, 8; cf. Ps. 67, 7.

stringency of such words as, *Thou shalt fear the Lord thy God,*¹⁾ and, *Fear God and keep his commandments,*²⁾ because they square and tally with the moral norm recorded in the heart of man. Thus, also, the written as well as the natural law condemns all who do not love God or trust in him above all things. The law says, *Thou shalt LOVE the Lord thy God with all thine heart, and with all thy soul, and with all thy might.*³⁾ *TRUST in the Lord with all thine heart; and lean not unto thine own understanding.*⁴⁾ *Trust ye in the Lord for ever.*⁵⁾ Every prayer uttered by heathen lips and every sacrifice offered by heathen hands is a token of trust in a superior power and of the fear of a sovereign majesty. That such prayer is addressed to an "unknown god" and such sacrifice is offered at the shrine of an idol is owing to the ignorance which darkens the heathen heart; and hence it became necessary that God should reveal himself and his holy will in such written statutes as those quoted above, and in the words of the Decalogue, *I am the Lord thy God. . . . Thou shalt have no other gods before me.*⁶⁾

But when men *changed the glory of the incorruptible God into an image made like to corruptible man, and to birds, and fourfooted beasts, and creeping things,*⁷⁾ they also *worshiped and served the creatures*⁸⁾ to whom they transferred the glory of God, because the law, also the natural law, demands that God should be worshiped and served, and there is such a thing as conscientious worship of idols, though such worship is damnable sin. This sin is all the more damnable since the ignorance of the true God was brought on by man's own fault, who, when he *knew God, glorified him not as God,*⁹⁾ and is, therefore, *without excuse.*¹⁰⁾ And even while God *suffered all nations*

1) Deut. 10, 20.

3) Deut. 6, 5. Cf. Matt. 22, 37.

5) Is. 26, 4.

7) Rom. 1, 23.

9) Rom. 1, 21.

2) Eccl. 12, 13.

4) Prov. 3, 5.

6) Exod. 20, 2. Deut. 5, 7.

8) Rom. 1, 25.

10) Rom. 1, 20.

to walk in their own ways he nevertheless left not himself without witness,¹⁾ that they should seek the Lord, if haply they might feel after him, and find him.²⁾ Where? With those who had the knowledge of the true God, Noah; and Abraham, and the people of Israel, the keepers of the oracles of God,³⁾ of which we know that verily their sound went into all the earth, and their words unto the ends of the world.⁴⁾ Again, when God had in these last days spoken unto us by his Son, and the Apostles had been charged to go into all the world and preach the gospel to every creature,⁵⁾ this gospel was preached to every creature which is under heaven.⁶⁾ And wherever the apostles and other preachers of the word were heard, they, by manifestation of the truth, commended themselves to every man's conscience.⁷⁾ There was, then, at no time, nor is there in our time, any excuse for idolatrous worship or the neglect of true worship. The religious rites of heathen tribes and their priests, of masonic and similar lodges and their chaplains, of modern Jews and their rabbis, who, denying the Son, also deny the Father,⁸⁾ in short, all worships of any but the true, triune God, are immoral, violations of the law of God. *Thou shalt worship the Lord thy God, and him only shalt thou serve.*⁹⁾

He who spoke these words in the wilderness was the Son of God. He says, *All men should honor the Son, even as they honor the Father. He that honoreth not the Son, honoreth not the Father which hath sent him.*¹⁰⁾ And *who-soever denieth the Son, the same hath not the Father.*¹¹⁾ But the sending of the Son was by the incarnation of the λόγος.¹²⁾ For when the fulness of the time was come, God SENT FORTH his Son, MADE OF A WOMAN.¹³⁾ *At the name of Jesus every knee should bow.*¹⁴⁾ It is in Christ that God would be wor-

1) Acts 14, 16. 17.

4) Rom. 10, 18.

7) 2 Cor. 4, 2.

9) Matt. 4, 10.

12) John 1, 1—14.

2) Acts 17, 27.

5) Mark 16, 15.

8) John 2, 23; 3, 19. 20.

10) John 5, 23.

13) Gal. 4, 4.

3) Rom. 3, 2.

6) Col. 1, 23.

11) John 2, 23.

14) Phil. 2, 10.

shipped. It is every man's duty to be a Christian in the scriptural sense of the term. No man is ethically free to be a Unitarian, or a Mohammedan, or a modern Jew, or a worshiper of "the great Architect of the Universe" according to Masonic rites. All worships not truly Christian are idolatrous; and no man is morally free to be an idolater.

Religion, however, is not an act or a series or system of acts, but a personal relation in which God is to the individual human person what he would be in such relation, and man is to God what he should be in such relation. To establish this relation and work what is requisite for its maintenance, God has revealed himself by word and deed, and when God makes himself known by the word of divine revelation, he would have all men know him according to such word. To conceive God or to represent him otherwise than he has revealed himself in his word, is to misconceive or misrepresent him, to substitute a false god for the God of revelation, and to worship God according to such misconception or misrepresentation is a species of idolatry. False doctrine concerning God and divine things is sin. The relation of true and false doctrine is not that of more truth and less truth, but of truth and error, of right and wrong. Every contamination with false doctrine is not only an intellectual shortcoming, but a moral enormity.¹⁾

Again, when God reveals himself as what he is and would be to us, when he declares his name, he would not only be known but also called by his name.²⁾ And he would be called upon religiously and reverently,³⁾ with holy lips⁴⁾ and the lifting up of holy hands.⁵⁾ *Thou shalt not*

1) Jer. 23, 31. 32. Matt. 5, 19; 15, 8. Ps. 50, 16. 17.

2) Is. 42, 8. *I am the Lord, that is my NAME: and my glory will I not give to another, neither my praise to graven images.*

Ps. 48, 10. *According to Thy NAME, O God, so is Thy PRAISE unto the ends of the earth.*

3) Ps. 111, 9. Holy and reverend is his name. Cf. 1 Chron. 17, 10; 30, 12. Ps. 105, 3; 145, 21.

4) Exod. 6, 12. Ps. 141, 2. 3. Is. 6, 5.

5) 1 Thess. 5, 17.

take the name of the Lord thy God in vain; for the Lord will not hold him guiltless that taketh his name in vain.¹⁾ Neither shalt thou profane the name of thy God: I am the Lord.²⁾ Be not deceived, God is not mocked.³⁾ While it is proper to call upon God as the witness of truth or the avenger of falsehood, wherever the glory of God or the welfare of our neighbor demands it,⁴⁾ to use the name of God in false⁵⁾ or frivolous and irreverent swearing,⁶⁾ is taking the name of God in vain. Neither are we to use God's name or word without his command and promise for performing supernatural things as by sorcery, conjuring, or similar satanic arts.⁷⁾

The use of God's name for which we have both God's command and promise is by prayer, praise, and thanksgiving.

Prayer is a religious duty enjoined upon all men. *Pray without ceasing*, says St. Paul,⁸⁾ and by the Psalmist God says, *Call upon me in the day of trouble: I will deliver thee, and thou shalt glorify me.⁹⁾* It is not man's business to philosophize on the relation of prayer to divine providence and government. His will that we should pray and his promise that he will hear our prayer should be sufficient to us, and he who worships God in praying according to His will and in reliance on His promise will find sufficient cause to confess, *I love the Lord, because he hath heard my voice and my supplications. Because he hath inclined his ear unto me, therefore will I call upon him as long as I live.¹⁰⁾ O thou that hearest prayer, unto thee shall all flesh come.¹¹⁾*

1) Exod. 20, 7. Cf. Deut. 5, 11.

2) Lev. 19, 12.

3) Gal. 6, 7.

4) Deut. 6, 13. Hebr. 6, 16. 2 Cor. 1, 23. Jer. 4, 2. Gen. 14, 22. 23. Josh. 14, 9. John 16, 20. 2 Cor. 11, 31. Rom. 9, 1. Matt. 26, 63. 64.

5) Lev. 19, 12. Zech. 8, 17. Ps. 23, 3. 4.

6) Matt. 5, 33—37.

7) Deut. 18, 10—12. Lev. 19, 31. Rev. 21, 8; 22, 15. Is. 8, 19. 20. Acts 19, 19.

8) 1 Thess. 5, 17.

9) Ps. 50, 15.

10) Ps. 116, 1. 2.

11) Ps. 65, 2.

On the other hand, prayer being a religious duty, it cannot be exercised but by those between whom and God the proper relation exists, who can worship in spirit and in truth,¹⁾ and can in truth, as children of God, and appearing before Him in Jesus' name, say, OUR FATHER *who art in heaven*. For this reason communion of prayer, as communion of worship generally, demands communion and unity of faith. Thus we read of the believers at Jerusalem that *they continued steadfastly in the apostles' doctrine and fellowship, and in breaking of bread, and in prayers.*²⁾

And again, fellowship of faith demands communion of worship. God's children are not only related to God, but also to each other. Being of *the household of faith*,³⁾ they are of *the household of God*,⁴⁾ members of the spiritual body of Christ,⁵⁾ and in all of them *worketh that one self-same Spirit*,⁶⁾ the Spirit of prayer, by whom they cry, Abba, Father.⁷⁾ Every congregation of Christians is a religious community; and while to every member individually *is given grace according to the gift of Christ*,⁸⁾ the various gifts are at the same time gifts bestowed upon the community, and intended for *the work of the ministry, the edifying of the body of Christ*.⁹⁾ Public worship is a manifestation of the life and vigor of the church, the body of Christ, and, by divine ordinance, an institution intended for and conducive to the perpetuation and increase of the church and its members. The full assurance of faith, the sanctifying of our bodies and souls,¹⁰⁾ must be wrought by the means of grace, the word and the sacraments. *Faith cometh by hearing*.¹¹⁾ The profession of faith, the praise of God, and the works of brotherly love to which Christians provoke

1) John 4, 24.

2) Acts 2, 42.

3) Gal. 6, 10. οἰκεῖοι τῆς πίστεως.

4) Eph. 2, 19. οἰκεῖοι τοῦ θεοῦ.

5) Eph. 4, 16. Rom. 12, 4. 8. 1 Cor. 12, 12—31.

6) 1 Cor. 12, 11.

7) Rom. 8, 15.

8) Eph. 4, 7.

9) Eph. 4, 12—16. 1 Cor. 12, 4—7. 25.

10) Hebr. 10, 22.

11) Rom. 10, 17.

one another, are acceptable sacrifices of the children of God. *By him, therefore, let us offer the sacrifice of praise to God continually, that is, the fruit of our lips, giving thanks to his name. But to do good and to communicate forget not; for with such sacrifices God is well pleased.*¹⁾ And St. Peter writes, *Ye also, as lively stones, are built up a spiritual house, an holy priesthood, to offer up spiritual sacrifices, acceptable to God by Jesus Christ.*²⁾ Here all Christians are exhorted as a community, a spiritual house, to worship God in holiness. Our religious intercourse with God, the use of the means of grace and the sacrifices of our hearts, and lips, and hands, should be carried on, not only privately, but *not forsaking, by non-attendance, the assembling of ourselves together.*³⁾ Ἐκκλησιαστικὴ is the assembling together in religious meetings for Christian worship, for common and mutual edification, from which even in those early days some members of Christian congregations stood aloof. But it is the will of God that Christians should thus assemble, though he has not prescribed times and places when and where such meetings must be held;⁴⁾ and he who refuses to attend public worship when his brethren have appointed Sunday and other days as days of common edification should know that he sins against the will of God and neglects a solemn duty, not because it is Sunday, but because it is public worship, which he sets aside.

The various acts of public worship, the reading, preaching, and hearing of the word of God,⁵⁾ the use of the sacra-

1) Hebr. 13, 15. 16.

2) 1 Pet. 2, 5.

3) Hebr. 10, 25.

4) Col. 2, 16. 17.

5) John 5, 39. *Search the Scriptures; for in them ye think ye have eternal life; and they are they which testify of me.*

Rev. 1, 3. *Blessed is he that readeth, and they that hear the words of this prophecy.*

Mark 16, 15. *Go ye into all the world, and PREACH the Gospel to every creature.*

John 8, 47. *He that is of God heareth God's words.*

Col. 3, 16. *Let the word of God dwell in you richly.*

Luke 16, 29. *They have Moses and the prophets; let them hear them.*

ments,¹⁾ and the sacrifices of our lips, prayer,²⁾ praise and thanksgiving,³⁾ and the confession of faith,⁴⁾ as well as the sacrifices of our hands,⁵⁾ are, all of them, Christian duties expressly enjoined in the Scriptures, and should be religiously performed. That the acts of benevolence performed in public worship are not improperly classed with the duties of the religious sphere, appears, not only from the example, set by the apostolic church,⁶⁾ but from the words of our Savior, saying, *I was an hungered, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in: naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me. . . . Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.*⁷⁾

More particularly, however, do the sacrifices of our hands pertain to the religious sphere when they are not properly acts of benevolence, but devoted to the purposes peculiar to the church, the maintenance of the ministerial office, and the propagation of the gospel. Christ has instituted the ministry and charged his church to preach the Gospel throughout all the world,⁸⁾ and to make disciples of all nations by the means of grace.⁹⁾ Even so *hath the Lord ordained that they which preach the gospel should live of*

1) Matt. 28, 19. *Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost.*

1 Cor. 11, 24. 25. *Take, eat: this is my body, which is broken for you: THIS DO in remembrance of me. . . . This cup is the new testament in my blood: THIS DO YE, as oft as ye drink it, in remembrance of me.*

2) Ps. 50, 15. 1 Thess. 5, 17. 1 Tim. 2, 1—3. Eph. 6, 18. Phil. 4, 6.

3) Ps. 50, 14; 106, 1; 117, 1; 147, 12. Hebr. 13, 15.

4) Rom. 10, 10. 1 Pet. 3, 15. Matt. 10, 32.

5) Hebr. 13, 16. Gal. 6, 6.

6) Acts 2, 42; 4, 34; 5, 11. 1 Cor. 16, 2.

7) Matt. 25, 35. 36. 40; cf. vv. 41—45.

8) Mark 16, 15.

9) Matt. 28, 19. *Μαθητεύσατε πάντα τὰ ἔθνη, βαπτίζαντες αὐτοὺς . . . διδάσκοντες αὐτοὺς.*

*the gospel.*¹⁾ Missionary endeavors and the establishment and maintenance of the ministry and of Christian churches and schools are properly the performance of religious duties incumbent upon Christians and Christian congregations as such.²⁾ Under the Old Covenant, the maintenance of the priesthood and the Levites was regulated by laws prescribing tithes and various offerings from the increase of land and labor. These laws have been abrogated; the mode and amount of their offerings are left to the individual members of the church, to be determined by themselves in accordance with their means and circumstances, not by ecclesiastical ordinance or civil legislation.³⁾ But the duty itself of Christian benevolence and the maintenance and support of the various enterprises of the church in the performance of its allotted tasks was never abrogated and cannot be neglected without offense against the will and word of God.

That the duty of calling ministers and thereby conferring upon them the ministerial office is incumbent on, and a right vested in, the local congregations is evident from the charge laid down in the words of Christ, *Go ye and teach all nations, baptizing them*, etc.,⁴⁾ which was primarily given to a congregation of believers gathered in a certain place. And that this commission was not to be restricted to that congregation only, but was intended for all similar congregations of all times and places, is likewise evident from the promise added to the charge, *And, lo, I am with you alway, even unto the end of the world*. While all are here commissioned to teach, to preach the gospel, St. Paul says, *Are all teachers?*⁵⁾ and again, *How shall they preach except they be sent?*⁶⁾ Hence, when Paul and Barnabas were

1) 1 Cor. 9, 14; cf. vv. 7—13. Matt. 10, 10. Luke 10, 7. 1 Tim. 5, 18. Gal. 6, 6.

2) Matt. 28, 18—20. 1 Pet. 2, 9. Acts 13, 1—5. 2 Cor. 11, 8. 1 Thess. 1, 8; 5, 27. Col. 4, 16.

3) 1 Cor. 16, 1. 2. 2 Cor. 8, 7—15; 8, 1—11. Acts 2, 44; 5, 1. 2. 4.

4) Matt. 28, 19. 20.

5) 1 Cor. 12, 29.

6) Rom. 10, 15.

to issue forth as messengers of the gospel, they were separated for the work and sent away by the church of Antioch;¹⁾ and when, by their missionary labors congregations had been gathered, *they ordained them elders in every church.*²⁾ *Χειροτονεῖν* is the term for *voting*, the voters raising their hands to signify assent. This term is employed in the same sense 2 Cor. 8, 19.³⁾ Here the voters are the churches, as also in the *Teaching of the Twelve Apostles*, where the churches are called upon to *choose unto themselves bishops and deacons.*⁴⁾ And as the pastoral office is to be committed to such men only as are duly qualified, *able to teach others,*⁵⁾ and *by sound doctrine both to exhort and to convince the gainsayers,*⁶⁾ it is, furthermore, the duty of Christian congregations to provide for the proper training of candidates for the ministry. When single congregations find that their means are inadequate to the performance of this and other duties, it is proper that they unite with other congregations for the purpose of more efficiently doing by joint endeavors what is incumbent upon each congregation severally. (Synods etc.)

What has been said concerning provision for and the establishment and maintenance of the ministry is in a measure applicable to the establishment and maintenance of Christian schools for the children of the church and the training and employment of competent teachers, in order that *the word of Christ may dwell in the congregation richly in all wisdom.*⁷⁾

For the same reason it is the duty of Christian congregations to choose or provide pure books, uncontaminated

1) Acts 13, 2. 3.

2) Acts 14, 23. *Χειροτονήσαντες αὐτοῖς κατ' ἐκκλησίαν πρεσβυτέρους*, properly, *Having conducted the election of elders for them throughout the churches.*

3) *Χειροτονηθεὶς ὑπὸ τῶν ἐκκλησιῶν.*

4) *Χειροτονήσατε οὖν ἑαυτοῖς ἐπισκόπους καὶ διακόνους.*

5) 2 Tim. 2, 2. Cf. 1 Tim. 3, 2.

6) Tit. 1, 9.

7) Col. 3, 16. Cf. Matt. 18, 10. Eph. 6, 4. 2 Tim. 3, 15. Rom. 2, 20. 1 John 2, 13. Hebr. 13, 17. Acts 20, 28.

with false doctrine, for use in churches and schools,¹⁾ such as sound books of liturgical forms, hymnals, catechisms and other text-books for the instruction of the young.

All this presupposes and implies that a Christian congregation should be soundly and thoroughly orthodox. Christ never intended or sanctioned a diversity of doctrine in his church. He says, *If ye continue in my word, then are ye my disciples indeed,*²⁾ and when he charges his church, *Teach all nations to observe ALL things WHATSOEVER I have commanded you,*³⁾ he would have his church be and remain an orthodox church in all lands and to the end of time. It is, therefore, the duty of Christian congregations and their several members to maintain the purity of doctrine in churches and schools and households. Christians and Christian congregations should watchfully guard against the dissemination of false doctrine in the pulpit, in the school-room, in the books and periodicals for which they are responsible.⁴⁾ It is the duty of Christian congregations to admit to membership such only as are by profession of faith in full accord with the word of God and the doctrine of the church as exhibited in the standards of the church, and whose conduct is in agreement with such profession,⁵⁾ and to remove from membership or from the office of a pastor or teacher such as, after due admonition, adhere to false doctrine.⁶⁾ And while it is the duty of every Christian to keep aloof from and avoid all ecclesiastical fellowship and cooperation with heterodox churches,⁷⁾ it is no less every Christian's duty to seek and to hold communion with and

1) 2 Tim. 1, 13. 1 Thess. 5, 21. Gal. 1, 8. 9.

2) John 8, 31.

3) Matt. 28, 20.

4) Acts 15. Matt. 7, 15. 16. John 10, 5. Acts 17, 11. 1 Cor. 10, 15. 16. 1 John 4, 1. 2 John 10. 11.

5) Eph. 4, 3—6. Acts 2, 42. 2 Cor. 6, 14—18. 1 Cor. 5, 9—13.

6) 2 Cor. 6, 14—18. 2 John 10. 11. John 10, 5. 1 Tim. 3, 7. Matt. 7, 15. Hos. 4, 6.

7) 2 Cor. 6, 14—18. Gal. 5, 9. 1 Cor. 11, 19. Rom. 16, 17. 18. Acts 20, 30. 31. Rev. 18, 4. Tit. 3, 10. 11.

openly by word and deed to adhere to the true visible church and its faithful ministers wherever he may find them.¹⁾ Christian congregations should earnestly endeavor to keep the unity of the Spirit in the bond of peace with other orthodox congregations,²⁾ doing what can be done to preserve and promote, and avoiding what would endanger or disturb, such unity.³⁾

While purity of doctrine is of first importance in the church, holiness of life is not to be neglected,⁴⁾ and it is the duty of Christian congregations to exercise within and among themselves fraternal care and watchfulness lest the world and the flesh defile the church with gross and scandalous offenses to the dishonor of God and his holy name.⁵⁾ Congregations should see that fraternal admonition be practiced by their members,⁶⁾ and the duty of exercising church discipline upon manifest and impenitent sinners is a religious duty, the performance of which is simply the proper application of the word of God as enjoined by the Head of the church.⁷⁾ No congregation is, therefore, exempt from this duty, and every member of the congregation should strive toward its faithful performance.

With a view to all these various duties the ministers of the church are the overseers over all the flock,⁸⁾ not only to feed the church of God,⁹⁾ teaching *publicly and from house to house*,¹⁰⁾ but also to *watch for the souls*¹¹⁾ of Christ's sheep and lambs, and to *be ensamples to the flock*.¹²⁾ All

1) Mark 8, 38. Matt. 10, 32. 33. Rom. 10, 9. 10. 2 Tim. 1, 8. Acts 2, 42—47.

2) Eph. 4, 3.

3) 1 Cor. 1, 10. 1 Thess. 1, 6—9. Rom. 16, 5 ff. Acts 15, 1—33.

4) Gal. 5, 6. 2 Cor. 7, 1. Eph. 4, 22—24. 1 Cor. 1, 30.

5) 1 Cor. 5, 1—5. Rom. 2, 17—24.

6) Gal. 6, 1. Matt. 18, 15.

7) Matt. 18, 15—18. 1 Cor. 5, 3—5. 11—13.

8) Acts 20, 28.

9) Ibid.

10) Acts 20, 20. 21; 6, 2—4. 1 Pet. 5, 2. 1 Tim. 4, 16; 5, 17.

11) Hebr. 13, 17. Acts 20, 29—31. 1 Pet. 5, 1 f.

12) 1 Pet. 5, 3. Phil. 3, 17. 2 Thess. 3, 9. 1 Tim. 4, 12. Tit. 2, 7.

these duties of public and private ministration are eminently religious in their nature. They pertain to the worship of the true God, the hallowing of his name, the furtherance of his kingdom, and are performed by the use of the word and the sacraments according to God's will and ordinance. In all these functions of their office, the incumbents of the pastoral office are the ministers of the church,¹⁾ doing that which Christ has charged his church to do in obedience to his will. At the same time, however, they are also the ministers of Christ,²⁾ of God, who has set them in the church,³⁾ of the Holy Ghost, who made them overseers to feed the church of God.⁴⁾ And while as ministers of the church they are responsible to the church for their official acts and conduct, they are chiefly responsible to the chief Shepherd,⁵⁾ who is also the Shepherd and Bishop of the entire flock,⁶⁾ the Head of the church,⁷⁾ whose will is supreme and must ever prevail. They may and must demand obedience when and as far as they utter the Master's will,⁸⁾ though man's inferior will may set itself against it. As servants of God they should be esteemed and revered.⁹⁾

These, then, are the duties of the religious sphere. They are enjoined by the commandments of the First Table of the Decalogue. They are of general application within their sphere, and their violation is sin at all times and everywhere. Their fulfillment is beyond the power of fallen man.

But divine worship, prayer, the use of the means of grace, church-membership, the exercise of church power, etc., may and should also be looked upon as religious *rights*. The right of prayer is a birthright of every Christian, who,

1) 2 Cor. 4, 5. 1 Cor. 3, 21—23.

2) 1 Cor. 4, 1. Rom. 1, 1. Gal. 1, 1.

3) 1 Cor. 12, 28.

4) Acts 20, 17. 28.

5) 1 Pet. 5, 4.

6) 1 Pet. 2, 25. Hebr. 13, 20. Is. 40, 11.

7) Eph. 4, 15.

8) Luke 10, 16. Hebr. 13, 17.

9) 1 Thess. 5, 12. 13. 1 Tim. 5, 17—19.

being a child of God, is in his right when he cries, Abba, Father.¹⁾ It is the right of every member of a Christian congregation to be heard in matters of church discipline and the calling and deposition of a minister of the church.²⁾ It is the right of lay communicants to receive, not only the bread, but also the cup, in the sacrament.³⁾ It is the right, not only of the ministry, but also of the laity, in the church to judge teachers and doctrines according to the word of God,⁴⁾ and in the exercise of this right they are not subject to the decrees of councils or synods, the rulings or decisions of majorities, or the authority of princes, but to God alone. But being moral rights, all these rights are also determined by divine ordinance and law. When the eunuch sought baptism he claimed a right, and he had good and sufficient cause to say, *What doth hinder me to be baptized?*⁵⁾ But Philip would first assure himself, and said, *If thou believest with all thine heart, thou mayest,*⁶⁾ and only when he had made his confession of faith was the eunuch baptized.⁷⁾ The right of communion at the Lord's table is a sacred religious right; but such only are to be admitted as are able to examine themselves and to discern the Lord's body,⁸⁾ and will not give offense by appearing among the communicants.⁹⁾ To feed the flock of Christ is a minister's right; but in its exercise he must be heedful of the maxim, *Sic utere tuo ut non laedas alienum*, and his right ceases where that of his brother in the ministry begins.¹⁰⁾ The exercise of the right of public preaching is denied to the women in the church,¹¹⁾ though the rights of the priesthood of all believers are theirs,¹²⁾ and when, like Mary of Bethany, they have chosen that good part, it shall not be taken away from them.¹³⁾

1) Rom. 8, 14 f.

2) Matt. 18, 17; 28, 19.

3) Matt. 26, 27.

4) Matt. 7, 15. Acts 17, 11. 1 John 4, 1.

5) Acts 8, 36.

6) Ibid. v. 37.

7) Ibid. vv. 37 ff.

8) 1 Cor. 11, 28 f.

9) 1 Cor. 10, 23. 2 Cor. 6, 3. Matt. 18, 7. Rom. 14, 21. Matt. 5, 23 f.

10) Acts 20, 28. 1 Pet. 4, 15.

11) 1 Cor. 14, 34. 1 Tim. 2, 12.

12) 1 Pet. 2, 9.

13) Luke 10, 42.

B. The Domestic Sphere.

Man was created for domestic life. *The Lord God said, It is not good that the man should be alone: I will make him an help meet for him.*¹⁾ Thus it was that when God created man, he created them male and female.²⁾ And when God had made the woman, *he brought her unto the man,*³⁾ and Adam received her, consenting to cleave to her and be one flesh with her.⁴⁾ And God blessed them and said unto them, *Be fruitful and multiply.*⁵⁾ Thus was the domestic state established and sanctified in Paradise. One man and one woman were, with their mutual consent, united in wedlock, to cleave to each other in perpetual union, to be one flesh, and thus to become father and mother,⁶⁾ to be fruitful and multiply, bringing forth children, who should be members of the common household, until they too, leaving father and mother, should establish households of their own, the man cleaving unto his wife and being one flesh with her.⁷⁾ And thus should the earth be replenished.⁸⁾ Thus were the family relations determined, the relations of husband and wife, parents and children, brothers and sisters, and all this according to the plan of creation⁹⁾ and under the blessing of God,¹⁰⁾ for the welfare of mankind.¹¹⁾

Nor was this order of things abrogated and disestablished after the fall. In the inspired narrative, the woman is said to have given of the forbidden fruit, of which she had eaten, *also unto her husband with her.*¹²⁾ The fallen couple are described as *Adam and his wife.*¹³⁾ Adam is still the head of the prospective family, who is to provide for the support of the household by tilling the soil in the sweat of his brow.¹⁴⁾ The woman is still destined to bring forth children, her desire being to her husband, who is to

1) Gen. 2, 18.

2) Gen. 1, 27; 2, 7. 21. 22; 5, 1. 2. Matt. 19, 4.

3) Gen. 2, 22.

4) Gen. 2, 23. 24.

5) Gen. 1, 28.

6) Gen. 2, 24.

7) Gen. 2, 24.

8) Gen. 1, 28.

9) Gen. 1, 28.

10) Gen. 1, 28.

11) Gen. 1, 31; 2, 18.

12) Gen. 3, 6.

13) Gen. 3, 8; cf. v. 17.

14) Gen. 3, 17—19. 23.

rule over her,¹⁾ and he *calls her name Eve, because she was the mother of all living.*²⁾ And on the accursed earth Adam knew Eve HIS WIFE, and she conceived, and bare Cain, and again bare HIS BROTHER Abel.³⁾ Again, Cain, leaving father and mother, went and dwelt in the land of Nod, and knew his wife, and she conceived, and bare Enoch.⁴⁾ And unto Enoch was born Irad, and Irad begat Mehujael, and Mehujael begat Methusael, and Methusael begat Lamech.⁵⁾ Thus Adam and his children begat sons and daughters.⁶⁾ There were families and heads of families, husbands and wives, brothers and sisters. In the ark there were four married couples,⁷⁾ and when they issued forth, *Noah and his sons, and his wife, and his sons' wives with him,*⁸⁾ God again blessed them *and said unto them, Be fruitful and multiply, and replenish the earth.*⁹⁾ When the fulness of time was come and God sent his Son made of a woman, made under the law,¹⁰⁾ that law was also the law of domestic relations. For though the Son of God was born of a virgin, that virgin mother was the *espoused wife*¹¹⁾ of a man of the house and lineage of David, to whom the angel of the Lord had said, *Fear not to take unto thee Mary thy wife.*¹²⁾ The two are called the child's *parents*,¹³⁾ and he recognized them as such according to the law and *was subject unto them.*¹⁴⁾ When he had entered upon his public career, he performed his first miracle at a marriage feast,¹⁵⁾ and in the agonies of death he made provision for his mother.¹⁶⁾ Christ and his apostles in many ways inculcate the sanctity of the domestic relations,¹⁷⁾ and the kingdom

1) Gen. 3, 16.

2) Gen. 3, 20.

3) Gen. 4, 1. 2.

4) Gen. 4, 16. 17.

5) Gen. 4, 18.

6) Gen. 5, 4. 7. 10. 13. 16. 19. 22. 26. 30.

7) Gen. 7, 13.

8) Gen. 8, 18.

9) Gen. 9, 1; cf. v. 7.

10) Gal. 4, 4.

11) Luke 2, 5.

12) Matt. 1, 20.

13) Luke 2, 41.

14) Luke 2, 51.

15) John 2, 1—11.

16) John 19, 26. 27.

17) Matt. 5, 27 ff; 19, 3 ff. 1 Cor. 7, 1 ff. Eph. 5, 22 ff; 6, 1 ff. Hebr. 13, 4. al.

of grace as well as the kingdom of glory is likened to a marriage feast.¹⁾

That the institution of marriage and the domestic relations are covered by the moral law admits of no reasonable doubt. The sanctity of marriage is recognized by all nations. No people or tribe has ever been found which did not consider marriage the basis and sphere for the legitimate intercourse of the sexes. Even under the deteriorating influence of polygamy, to touch another man's wife is looked upon and punished as a grievous offense against morality. Loose and demoralized domestic relations and the spread of "free love" and its concomitants have always been recognized as symptoms of social decadence. "The source of marriage," says an eminent jurist, "is the law of nature, whence it has flowed into the municipal laws of every civilized country, and into the general laws of nations."²⁾

Marriage as a civil status is determined by the civil laws whereby the civil status is created. Thus what is marriage in one state may be a criminal relation, incestuous and void, in another. But the nature of marriage as a divine institution and regulated by the moral law, must be learned from the authentic record of its institution and from the sources of our knowledge of the divine law by which this status is determined. Marriage thus considered and determined is the joint status of one marriageable man and one marriageable woman,³⁾ superinduced and sustained by their mutual consent⁴⁾ to be and remain to each other husband and wife in a lifelong union⁵⁾ for legitimate sexual intercourse,⁶⁾ the procreation of children,⁷⁾ and cohabita-

1) Matt. 22, 2. Rev. 21, 2. 9; 22, 17.

2) Bishop, Marriage and Divorce, I, § 3.

3) Gen. 1, 27; 2, 22. 24. Matt. 19, 4—6. Rom. 7, 2. 1 Cor. 7, 39.

4) Gen. 2, 22—24; 24, 58. 1 Cor. 7, 12. 13. Gen. 29, 21. Matt. 1, 18—20.

5) Gen. 2, 24. Rom. 7, 2. 1 Cor. 7, 39. Matt. 19, 3—6.

6) Gen. 2, 24. Matt. 19, 5. 6. Eph. 5, 31. Hebr. 13, 4. 1 Cor. 7, 2—5.

7) Gen. 1, 28; 2, 24; 9, 1. 7.

tion for mutual care and assistance.¹⁾ Between those united in wedlock the mutual gratification of sexual desire is a right and a duty,²⁾ while without and beyond the marriage bond every indulgence in sexual lust, by deed, word, or desire, is a moral offense. Thus the moral law condemns every one who carnally knows himself,³⁾ or a brute,⁴⁾ or another person of the same sex,⁵⁾ or a person of the other sex with whom he or she is not joined in wedlock,⁶⁾ or who by any manner of lewdness or indecency in deed, word, or desire, defiles his body or soul.⁷⁾ Hence, all so-called amusements, dances, theatrical performances, songs, paintings, statues, works of fiction and poetical composition, when they serve as means or measures for gratifying lust, are abominations which must be shunned by all who would strive after purity and chastity of body and soul. On the other hand, marriage should be sought with a view of the ordinate exercise of the generative functions, whereby the desires may be legitimately subdued.⁸⁾ Prohibition of marriage is not only against public policy, but also against the moral law. Paternal authority may prohibit a certain marriage, but may not absolutely prevent a son or daughter from married life. Again, as the willingness of both parties to yield their bodies to each other for lawful commerce is of the very essence of marriage, the persistent refusal of the *debitum conjugale* is not only the denial of a duty, but is tantamount to desertion from the bond of matrimony and, like persistent refusal of cohabitation or sharing the matrimonial home, terminates the status which the consent to be and live as husband and wife has superinduced.⁹⁾ And

1) Gen. 2, 18. 20. Eph. 5, 28. 29. 31. 33. 1 Cor. 7, 12. 13. 1 Pet. 3, 7. Col. 3, 19.

2) 1 Cor. 7, 2—5.

3) Rom. 1, 26. 27.

4) Lev. 18, 23.

5) 1 Cor. 6, 9. 10. Lev. 18, 22. Rom. 1, 27.

6) 1 Cor. 6, 15. 18. Gen. 39, 9. Matt. 19, 9. Ezek. 18, 6. 9. Hebr. 13, 4. Gal. 5, 19.

7) Rom. 13, 13. 14. Eph. 5, 3. 4. 12. Matt. 5, 28; 15, 19. Col. 3, 5. 6.

8) 1 Cor. 7, 2. 9.

9) 1 Cor. 7, 3—5. 10. 15.

as marriage is the joint status of husband and wife, there being no husband without a wife, and no wife without a husband, the deserted party, having, against his or her will, suffered the dissolution of the *vinculum conjugale*, is no longer husband or wife when the desertion has been made and declared complete, and is, therefore, again free to marry.¹⁾

That the very essence of marriage lies in the mutual consent of the parties to be and remain to each other husband and wife is of paramount importance in the ethical adjudication of matrimonial questions. *Consensus, non concubitus facit matrimonium*. Sexual intercourse is not marriage itself, but a matrimonial right and duty and presupposes the existence of the married state. Where the consent is wanting because of the mental or moral incapacity of either party, or where the purported consent has been secured by duress or fraud, or by *error personae*, and has not been subsequently given *de facto*, marriage does not exist, even where carnal intercourse has ensued without the consent to be husband and wife. On the other hand, when competent parties have once, by contemporaneous *consensus de praesenti* agreed to be husband and wife, marriage exists, though it may not have been consummated by carnal knowledge,²⁾ and the rescission of lawful espousals or valid betrothal is unlawful desertion from the marriage bond as truly as after the consummation of marriage. Thus, also, incontinence in betrothed couples after their engagement and before the public celebration of their wedding must not be dealt with as extra-connubial intercourse, or fornication, but as an offense against veracity and common decency.

Among the moral restrictions on the capacity for lawful marriage consent we find existing marriage of either party, and the prohibited degrees of consanguinity or affinity.

1) 1 Cor. 7, 15.

2) Matt. 1, 18—20. 24. 25.

That a person who is already married cannot consistently consent to contract a second marriage while the existing marriage endures is plain from the nature of marriage, which is the union of one man and one woman, not of one man and two women, or of one woman and two men, for the purposes of marriage. It must not be objected that since *volenti non fit injuria*, a husband might take a second wife with the consent and approval of the first. This is a fallacy *a non causa*. The maxim is true and has its bearing on a matter which we shall touch later on. But marriage is not a contract the terms of which might be determined by the contracting parties, but a status determined by law. It is, considered as a civil status, what the laws of the state have made it, and, ethically considered, what its divine institution and the moral law have made it, and in no case what the parties to the compact would make it. It is, by divine institution and the moral law, monogamous, just as it is indissoluble, and the parties can not make it bigamous or polygamous any more than they can dissolve it at will without violating not only the norm by which marriage is ethically determined, but the very nature of the matrimonial state.

The prohibited degrees are defined by the general rule, Lev. 18, 6: *None of you shall approach to any that is near of kin to him, to uncover their nakedness: I am the Lord.* In the same chapter and in chapter 20 the rule is exemplified by special prohibitions covering a great number of particular degrees of consanguinity and affinity. That these statutes are not intended for the theocracy of Israel only, but a codification of the moral law and binding upon all men, appears from the preamble and the corresponding epilogue, Lev. 18, 2 ff. and 24 ff. Having referred to "the doings of the land of Egypt and the land of Canaan,"¹⁾ the Lord says, *Defile not ye yourselves in any of these things: for IN ALL THESE*

1) Lev. 18, 3.

*the nations are defiled which I cast out before you; and the land is defiled; therefore do I visit the iniquity thereof upon it. . . . For all these abominations have the men of the land done, which were before you, and the land is defiled.*¹⁾ This shows that the prohibitions here referred to were law before these statutes were enacted, and law binding not only upon the people of Israel, but also upon the gentile nations round about, who could not have defiled themselves with iniquity by disregarding a law which did not concern them.

The general rule determining the prohibited degrees both of consanguinity and of affinity is, more literally and exactly translated, *Let no man approach the flesh of his flesh*, etc.²⁾ This rule is admirable for clearness, simplicity and applicability. Two degrees are prohibited, the first degree, a man's flesh, and the second degree, the flesh of his flesh. The third degree, the flesh of the flesh of his flesh, is free. Thus a man may not marry his sister or his natural mother or daughter; for they are his flesh. He may not marry his brother's or sister's daughter, or his father's or son's wife, or his deceased wife's sister; for they are the flesh of his flesh. But he may marry the daughter of his father's brother, his cousin; for she is the flesh of the flesh of his flesh.

The wording of the rule, Lev. 18, 6, further indicates that the affinity which operates as an impediment to the assumption of the married state is not based upon the essence of marriage, the marital consent, but is the relation established by carnal knowledge, whereby two persons of opposite sexes become one flesh. Hence betrothal, though it is essentially marriage, does not create a prohibited degree, and a man is not barred from marrying the sister of his deceased bride with whom he has not had

1) Lev. 18, 24. 25. 27.

2) אִישׁ אִישׁ אֵל-כָּל-שָׂאֵר בָּשָׂרוֹ לֹא תִקְרָבוּ.

sexual intercourse; for since he has not been one flesh with his bride, her sister is not the flesh of his flesh. Again, a man may not marry his father's concubine; for she is the flesh of his flesh, his father, who is his flesh, having become one flesh with her.¹⁾ Degrees of affinity or consanguinity are the same degrees, whether they have risen in or without wedlock, by whole or half blood.²⁾

On the same consideration, that affinity is not based on the *vinculum matrimoniale*, but on carnal knowledge, the impediment by affinity remains, though the *vinculum* have been dissolved by death or otherwise. The prohibition of adultery with another man's wife³⁾ shortly after the prohibition of intercourse with the brother's wife⁴⁾ clearly indicates that the latter refers to the deceased brother's wife,⁵⁾ and when, immediately after the words, *The man that committeth adultery with another man's wife*, etc., we read, *And the man that lieth with his father's wife*, etc.,⁶⁾ the penalty imposed being the same in both cases, the latter case is evidently that of incest with the father's widow, not of adultery with the living father's wife.

In this connection it should be noted that in cases of incest proper and of adultery no real and valid marriage can exist or ensue, and the Mosaic law imposed the death penalty on both offending parties,⁷⁾ while marriage within such degrees as nephew and aunt, brother-in-law and sister-in-law, was not to be dealt with as incestuous and void, but permitted to continue, though under pain of barrenness by special divine dispensation.⁸⁾

1) 1 Cor. 6, 16. *Know ye not that he which is joined to an harlot is one body? For two, saith he, shall be one flesh.*

2) Lev. 18, 9. *Whether she be born at home or born abroad.*

3) Lev. 18, 20.

4) Lev. 18, 16.

5) Cf. Gen. 38, 8. 9, where *Thy brother's wife* and *his brother's wife*, as appears from v. 7, stands for the deceased brother's wife.

6) Lev. 20, 10. 11.

7) Lev. 18, 10. 11. 12. 13. 17.

8) Lev. 20, 20. 21.

The dissolution of the marriage bond during the lifetime of both parties is permissible under one condition and for one cause only, when one party has, against the will of the other party, committed the sin of adultery.¹⁾ In this case, the innocent *may* repudiate the offending party and discontinue the married state and relation. But this right lies only with the innocent party against the guilty party. Here the maxim holds good, *Volenti non fit injuria*. The husband who has connived at or procured his wife's adultery cannot claim a divorce; he is not an innocent party and has suffered no injury. For the same reason a husband who is himself an adulterer cannot seek and rightfully obtain a divorce from an adulterous wife. Neither can a husband proceed against his wife when she has become the victim of ravishment or deceit; for in such case she is not a guilty party, having suffered, not committed, offense. It should, furthermore, be remembered that divorcement in case of adultery is not a duty but a right of the innocent party, and the latter may waive his or her right and condone the offense and continue the married state and relation. And as an offense once condoned and not revived by the offender can no longer be charged as an offense, condonation of adultery acts as a bar to divorcement on account of the offense condoned.

One of the chief purposes of marriage is the procreation of children.²⁾ According to the plan of creation and the order established by the moral law, it is in wedlock that children should be conceived. Extraconnubial maternity is a perversion of nature and a moral enormity. And, likewise, the prevention of offspring in wedlock is a wilful frustration of a divinely ordained purpose of marriage and an offense against the moral law.³⁾ *Children are an heritage of the Lord, and the fruit of the womb is his reward.*⁴⁾ When Rachel said unto Jacob, *Give me children*, Jacob

1) Matt. 5, 32; 19, 9.

2) Gen. 1, 28. Ps. 128, 3; 127, 4. 5.

3) Gen. 38, 8—10.

4) Ps. 127, 3.

answered, *Am I in God's stead?*¹⁾ God can give and withhold children,²⁾ and he has reserved to himself the execution and fulfillment of his blessing, *Be fruitful and multiply*. It is, therefore, meet and right that parents should pray to God for the fruit of the womb,³⁾ and it is supreme arrogance to interfere with God's dispensation of his blessing.

The care of their offspring naturally and as a matter of moral duty devolves upon the parents. God has in his wisdom and goodness engrafted into the paternal and maternal heart a tender solicitude for the being and well-being of their children. He compares his own loving kindness toward his children with a father's love⁴⁾ and a mother's concern⁵⁾ for their child, and it is of peculiar significance that in both cases paternal and maternal goodness is conceived as *mercy*, or *pity*. Children are eminently in need of parental care. No animal is so long and so largely and in such utter helplessness dependent on the protecting, nurturing, fostering care of others as the human being during the early period of its existence. But while *a hen gathereth her chickens under her wings*⁶⁾ prompted by an animal instinct not under her control, fathers and mothers have, beside and above the kindred impulse of nature a consciousness of moral responsibility for the temporal and eternal welfare of their children. Even the infidel knows that it is his duty to *provide for those of his own house*,⁷⁾ and Christian fathers are admonished to *bring up their children in the nurture and admonition of the Lord*.⁸⁾

The father is here named as being the head of the family, to whom also the wife is to submit herself.⁹⁾ But

1) Gen. 30, 1. 2.

2) Ps. 90, 3. Gen. 29, 31; 16, 2; 20, 18. Job 3, 10. Lev. 20, 20. 21.

3) 1 Sam. 1, 11 ff. Gen. 30, 22.

4) Ps. 103, 13. Mal. 3, 17. Matt. 7, 11.

5) Is. 49, 15; 66, 13.

6) Matt. 23, 37.

7) 1 Tim. 5, 8.

8) Eph. 6, 4.

9) Eph. 5, 22—24. Gen. 3, 16. 1 Cor. 14, 34. Col. 3, 18. Tit. 2, 5. 1 Pet. 3, 1 ff.

the wife is not her husband's slave. She was not taken from his head, to rule over him, nor from his feet, to be trampled upon, but from his side, to be a helpmeet to him,¹⁾ and from near his heart, to be loved and cherished, honored and esteemed.²⁾ The father's duty is to rule his house,³⁾ to *provide for his own*,⁴⁾ to *labor for the olive branches round about his table*,⁵⁾ that he may be able to *give good gifts unto his children*⁶⁾ and to *lay up for them*.⁷⁾ He should, likewise, have the spiritual welfare of his children at heart.⁸⁾ He should administer correction and chastisement in due time and measure,⁹⁾ but as a father, not as a tyrant, lest he provoke his children to wrath, where he should enjoy their reverence.¹⁰⁾ Finally, when his children have come to be of marriageable age, it is the parent's duty to guide them in the choice of a husband or wife.¹¹⁾

In all this, the wife and mother should be a helpmeet to her husband.¹²⁾ She, too, should labor for her household,¹³⁾ instruct her children,¹⁴⁾ exercise maternal authority, and demand obedience to her will.¹⁵⁾

Such being the duties of parents, the duties of children are, correspondingly, those of filial reverence toward their parents,¹⁶⁾ submissive obedience to their will,¹⁷⁾ and cheerful readiness to serve them and thus, in a measure, to repay

1) Gen. 2, 18.

2) 1 Pet. 3, 7 Eph. 5, 25. 28. 33. Col. 3, 19.

3) 1 Tim. 3, 4. 5.

4) 1 Tim. 5, 8.

5) Ps. 128, 2. 3.

6) Eph. 4, 28. coll. Matt. 7, 11.

7) 2 Cor. 12, 14.

8) Eph. 6, 4. Deut. 6, 6—9. Gen. 18, 19.

9) Prov. 19, 18; 22, 15; 23, 13. 14. Hebr. 12, 7—10.

10) Eph. 6, 4. coll. Hebr. 12, 9.

11) Gen. 24, 3; 21, 21; 29, 19; 38, 7. 2 Sam. 13, 13. Exod. 34, 16. Deut. 7, 3. Jer. 29, 6. 1 Cor. 7, 28—30.

12) Prov. 31, 10 ff. Luke 2, 41 ff.

13) Prov. 31, 13 ff. 27.

14) Prov. 31, 26. 2 Tim. 1, 5. coll. 3, 15.

15) Prov. 30, 17. Col. 3, 20. Eph. 6, 1.

16) Exod. 20, 12. Deut. 5, 16. Mal. 1, 6. Eph. 6, 2. 3. Prov. 23, 22.

17) Eph. 6, 1. Col. 3, 20. Prov. 23, 22; 30, 17.

the benefits they have received and still receive at the hands of their greatest benefactors on earth.¹⁾

Of the domestic relations that of brothers and sisters is likewise ethically determined. Among the representatives of far-gone moral depravity enumerated by St. Paul we find not only the *disobedient to parents*,²⁾ but also those *without natural affection*.³⁾ Behold, says the psalmist, *how good and how pleasant it is for brethren to dwell together in unity*.⁴⁾ Lot was Abram's brother's son; yet *Abram said unto Lot, Let there be no strife, I pray thee, between me and thee, . . . for we be brethren*.⁵⁾ Throughout the Scriptures the word, *brother*, employed in a tropical sense, stands for a most intimate relation between man and man, and *brotherly love* is love intensified. To leave brothers and sisters is a sacrifice of a kind with that of leaving father and mother, or wife and children.⁶⁾

The relation of child and parent also obtains between a person and his or her father-in-law and mother-in-law; it is placed in a line with that of son and father, daughter and mother,⁷⁾ and Naomi calls Orpah and Ruth her daughters.⁸⁾ Here, also, the relation continues after the death of the link.⁹⁾ For remarriage the consent of parents-in-law should be sought and given like that of parents,¹⁰⁾ and a widowed daughter-in-law is morally entitled to the consideration of a member of the household of her father-in-law.¹¹⁾

Foster-parents are truly, though not by nature, parents of their foster-children or adopted children. As in our relation to God, the spirit of *adoption*, *υιοθεσία*, makes us *sons of God*, who cry *Abba, Father*,¹²⁾ so also a human foster-

1) 1 Tim. 5, 4.

2) Rom. 1, 30. γονεῦσιν ἀπειθεῖς.

3) Rom. 1, 31. ἀσπρόγυος.

4) Ps. 133, 1.

5) Gen. 13, 8.

6) Matt. 19, 29. Mark 10, 29. Luke 14, 26.

7) Micah 7, 6. Matt. 10, 35. Luke 12, 53.

8) Ruth 1, 12. 13; 2, 2. 22; 3, 1. 16. Cf. 1 Sam. 24, 12.

9) Ruth 1, 5 ff.

10) Ruth 1, 9 ff.

11) 1 Tim. 5, 8. Ruth 2, 23; 3, 1 ff.

12) Rom. 8, 14. 15. 16. 19.

father and foster-mother are parents of their foster-children,¹⁾ entitled to their filial reverence and obedience,²⁾ and owing them parental care and protection.³⁾

Of the remaining domestic relations, that of guardian and ward is nearest akin to that of parent and child. "The guardian is a person intrusted by law with the interests of another, whose youth, inexperience, mental weakness, and feebleness of will disqualifies him from acting for himself in the ordinary affairs of life, and who is hence known as the *ward*. . . . Guardianship of the person is a relation essentially the same as that of parent and child, though not without some important differences."⁴⁾ This being the nature of the relation, though created by secular law, the mutual obligations of the persons thus related must be, though with restrictions, those of parents and children, and, hence, moral obligations of the domestic sphere. The guardian is the superior, to whom the ward, as the inferior, owes love, honor and obedience, and the ward is entitled to the guardian's loving care and protection. The guardian being *in loco parentis* under limitations, the duties of both guardian and ward as such are also limited as the relation to which they are incidental.

The relation of master and servant is in our day and country largely determined by contract. But when by the terms of such contract the servant becomes a temporary member of the master's household, or when the contract is between the master and the servant's parent and the latter delegates to the master certain parental rights and the master assumes certain parental duties, the relation so determined is a domestic relation. "A moral obligation resting upon every master whose connection with his servant is a very close one, the latter being manifestly on an inferior

1) Luke 2, 48. John 19, 26. 27. Esth. 2, 7. 20.

2) Luke 2, 51. Esth. 2, 10. 20; 8, 1. 2. John 19, 26. 27.

3) Luke 2, 42. 45. 48.

4) Schouler, Law of domestic relations, pp. 389 f.

footing, is to exert a good influence, to regard the servant's mental and spiritual well-being.'')¹⁾ The servant, being a member of a domestic circle, of which the master is by divine ordinance the head, is by moral obligation bound to respect the master's will in all things pertaining to the proper management of the household. Says the psalmist, *Mine eyes shall be upon the faithful of the land, that they may dwell with me: he that walketh uprightly in a perfect way, he shall serve me. He that worketh deceit shall not dwell within my house.*²⁾ It is the housefather's duty to maintain good order and discipline, peace and godliness, in his house, and the servant who is persistently unruly must be led to understand that his services are no longer wanted and that the relation by which he was a domestic must terminate.³⁾

Paternal authority is also delegated by the parent who places his child as a pupil in a school or as an apprentice under a master, and as far as such authority is conferred and assumed, a domestic relation with its duties obtains. Pupils must know that it is their duty to reverence and obey their teachers, and it is a grievous inconsistency in a parent to commit a child to the care of a teacher and then to interfere with the discipline of the school and to disparage the teacher's authority. Again, the teachers also must be alive to their responsibility for the welfare of their pupils and should take a personal paternal interest in every one of them, knowing that, being *in loco parentis*, they are responsible not only to the parent whose authority they exercise to the extent to which it has been delegated, but also to God who has established the sphere within which they labor and enjoined the duties peculiar thereto.

Such are the duties of the domestic sphere. Being imposed by the same supreme will by whom the religious

1) Schouler, *ibid.* p. 616.

2) Ps. 101, 6. 7.

3) Matt. 24, 45—51.

duties are enjoined, they can never conflict with the latter. Where the will of a domestic superior, a husband, a father, a master or teacher, runs counter to the will of God, the superior will of God must prevail. Wives are to submit themselves unto their husbands *as unto the Lord*,¹⁾ and children are to obey their parents *in the Lord*,²⁾ not denying the Lord. A wife must not embrace a false religion, or join in idolatrous worship, in obedience to the will of her husband. A child must refuse to obey a parent who would abuse his parental authority to prevail upon a son or daughter to abandon the true faith or to neglect the proper use of the means of grace. A domestic servant must not join in the devotions of a heterodox family. Thus it is that Christ is *come to set a man at variance with his father, and the daughter against her mother, and the daughter-in-law against her mother-in-law*.³⁾ When his parents would reprimand him for being in the temple, he rebuked them, saying, *How is it that ye sought me? Wist ye not that I must be about my Father's business?*⁴⁾ He who would be excused from attending the great supper because he *has married a wife* must expect to hear the fearful doom, *None of those men which were bidden shall taste of my supper*,⁵⁾ and of such as would purchase domestic peace at the price of denying Him, the Savior has said, *If any man come to me, and hate not his father, and mother, and wife, and children, and brethren, and sisters, yea, and his own life also, he cannot be my disciple*.⁶⁾

The domestic sphere, too, has its peculiar *rights*, some of which have already been touched upon. The domestic relations are moral relations determined by divine ordinance and law. The husband is the head of the wife and of the

1) Eph. 5, 22. Cf. Col. 3, 18. 1 Cor. 7, 16.

2) Eph. 6, 1.

3) Matt. 10, 35.

4) Luke 2, 49.

5) Luke 14, 20. 24.

6) Luke 14, 26.

entire family, and it is his right to rule his house. His is the right of determining the domicile of the family. Throughout the series of domestic relations, what one party owes as a duty to the other, the latter may claim as his or her right. To be loved, honored and obeyed by his wife and children are rights of the husband and father; to be loved, honored, supported and protected by her husband, loved, honored and obeyed by her children, are rights of the wife and mother; to be loved and cherished, supported, protected and educated by their parents are rights of children. To be considerately and decently treated according to their station by all the members of the household is a right of domestic servants. Besides, it is a right of every man to perform his duty without interference or hindrance by others. State interference in the education of the children of parents who are able and willing to perform their parental duties is an infringement of parental rights. While such interference is merely a curtailment of rights, a parent may comply even with a tyrannical law. But when it becomes a constraint to do evil, as when the state would compel parents to expose their young children to false doctrine, a Christian parent will disregard such abuse of police power and, if called to account, either make successful contest in the courts, or suffer the penalty.

Finally, as for all our acts, we are accountable to God for the use we make of our domestic rights. They should be used, not abused. A father may and should rule his house, but as a father, not as a tyrant. A husband may enjoy the company and commerce of his wife, but as a man, not as a brute. A wife may claim the support and comforts her husband can reasonably afford, but not luxuries and extravagance beyond his means or station in life. In short, the domestic rights are moral rights and must not be made to serve immoral ends. They must not be abused to make ourselves and others unhappy; for they were established to promote our happiness.

C. The Civic Sphere.

When God blessed the first human couple and said, *Be fruitful, and multiply*,¹⁾ he contemplated more than the domestic sphere; for he continued, *And replenish the earth, and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.*²⁾ If man, then, was to replenish the earth, multitudes innumerable springing from the first ancestors of a race, and if these multitudes were to subdue the earth and have dominion over the multitudes of created things in the air and in the sea and on the earth, all this, unless a *bellum omnium contra omnes* should ensue, implied an established order of things beyond the family circle. And as the words quoted were the terms of a blessing, the order of things and its various provisions must be such as to conduce to the well-being of the beings who should be called into existence according to such blessing, that they *might lead a quiet and peaceable life in all godliness and honesty.*³⁾ Thus, also, St. Paul indicates a distribution of rights and possessions as contemplated and ordained from the beginning, when, in his sermon to the Athenians, he says that God *hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation.*⁴⁾ The unity of the race and the multitude of its individual members with their manifold common and individual interests were only conceivable under the supposition of certain fixed principles and firmly established rules which, though variously applied under various circumstances and complications of circumstances, would secure the continuance of the race and the peace and quietude and prosperity of its members.

This order of things was, in the wisdom of God, so conceived and pre-established that the fall of man did not ne-

1) Gen. 1, 2.

2) Ibid.

3) 1 Tim. 2, 2.

4) Acts 17, 26.

cessitate its abrogation, but permitted its confirmation after the introduction of sin into the world. Adam, who had been *put into the garden of Eden to dress it and to keep it,*¹⁾ was *sent forth from the garden of Eden to till the ground from which he was taken.*²⁾ The original blessing of the ancestors of the race is referred to in the "*book of the generations of Adam,*"³⁾ now the father of a fallen race. And when, after the destruction of the greater part of his progeny by the waters of the deluge the few remaining children of Adam issued from the ark and God knew that they, too, were shapen in iniquity,⁴⁾ and that *the imagination of man's heart is evil from his youth,*⁵⁾ he nevertheless repeated the blessing first pronounced in Paradise. *God blessed Noah and his sons and said unto them, Be fruitful, and multiply, and replenish the earth. And the fear of you and the dread of you shall be upon every beast of the earth, and upon every fowl of the air, upon all that moveth upon the earth, and upon all the fishes of the sea; into your hand are they delivered. Every moving thing that liveth shall be meat for you; even as the green herb have I given you all things. But flesh with the life thereof, which is the blood thereof, shall ye not eat. And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man. And you, be ye fruitful and multiply; bring forth abundantly in the earth and multiply therein.*⁶⁾

Here we have the great divine Bill of Rights for all mankind. According to this Charter, the rights of man are *rights of persons and rights of things*. The rights of per-

1) Gen. 2, 15.

2) Gen. 3, 23. Coll. vv. 17. 18. 19.

3) Gen 5, 1.

4) Ps. 51, 5.

5) Gen. 8, 21. Coll. Gen. 6, 5.

6) Gen. 9, 1—7.

sons consist or are implied in *the right of being what God made us*. The rights of things consist or are implied in *the right of owning what God gave us*.

God made man, a personal being, consisting of a material body and a rational soul, a material body requiring material sustenance, and a soul endowed with intelligence, will, affections, a knowledge of the moral law, and a moral conscience. Such was the being to whom God said, *Be fruitful and multiply and replenish the earth*. For all times man is to be man and live a human life in a human body actuated by a human soul. *Thou shalt not kill* is a divine law not only written in man's heart, but expressly stated in the divine Bill of Rights. When God declares that he will require the blood of man's life not only at the hand of every man's brother, but even at the hand of every beast,¹⁾ He most emphatically exhibits and announces Himself as the Supreme Custodian and Protector of human life. It is God who gives life and who takes it away.²⁾ No man may, unless when empowered by God, destroy any man's life, his own not excepted. The nefarious destruction of human life is the most atrocious of all violations of human rights, since upon life the enjoyment of all other rights depends. *All that a man hath will he give for his life.*³⁾ And since upon life the fulfillment of all human duties also depends, murder, of which suicide is but a species, is in every way a heinous subversion of the divinely established order of things. This applies also to infanticide and feticide. When God says, *Be fruitful and multiply and replenish the earth*, he prohibits the destruction of the fruit of the womb as earnestly as the destruction of life in the full vigor of manhood and womanhood. He is the Creator and Preserver of human life and will not suffer the creature to frustrate his designs unpunished.

1) Gen. 9, 5.

2) Ps. 90, 3; 66, 9. Dan. 2, 4; 3, 9. Luke 2, 26. Numb. 20, 25. 26.

3) Job 2, 4.

But is not God the Creator of animal life in brutes as well? Certainly; and hence the wanton and cruel destruction of the lives of brutes is certainly not in accordance with the Creator's will. But here we have the divine Bill of Rights on our side when we exercise our dominion over brute creation even to the destruction of life. For God says, *Into your hands are they delivered. Every moving thing that liveth shall be meat for you.*¹⁾ This is not a license to wanton cruelty. *Flesh with the life thereof we shall not eat.*²⁾ But to kill the fowl of the air and the fishes of the sea and the beasts of the earth, that they may be meat for us, is not immoral practice. These creatures as well as the green herb and other produce of the soil are to serve as means of sustenance for human life,³⁾ and to provide food and raiment from the resources of nature for himself and others is a duty of man. He who wills a thing also wills its conditions *sine quibus non*, and who wills the end also wills the necessary means. Thus when God ordained that our race should replenish the earth, he also pointed out the means of sustenance which he had provided. And as after the flood man was sent forth to till the ground and to eat bread in the sweat of his face,⁴⁾ so after the flood God announced that *while the earth remaineth, seedtime and harvest . . . shall not cease.*⁵⁾ This does not imply that all men must be for all times occupied with sowing and reaping. A beginning of the division of labor according to inclinations or circumstances appears in the earliest age of society. *Abel was a keeper of sheep, but Cain was a tiller of the ground.* In the course of time, as men multiplied and replenished the parts of the earth they occupied, division of labor became more and more advantageous or necessary and gave rise to various crafts and trades and to commerce for the distribution of the products of labor. All

1) Gen. 9, 2, 3.

2) Gen. 9, 4.

3) Gen. 9, 3.

4) Gen. 3, 23, 19.

5) Gen. 8, 22.

these occupations are morally proper and under divine sanction inasmuch as they minister to the being and well-being of men by providing the necessities of life when and where they are needed. In this all who are thus employed are ministers of God, *who crowneth the year with his goodness.*¹⁾ The psalmist says, *The eyes of all wait upon thee; and thou givest them their meat in due season. Thou openest thine hand and satisfiest the desire of every living thing.*²⁾ It is God who gives prosperous times and fruitful seasons, *filling our hearts with food and gladness.*³⁾

With food and gladness! Man has not only a material body, but also a human soul with its affections and various desires, and to satisfy these desires is not in itself immoral, but in full keeping with the divinely established order of things. The senses of taste and smell, of sight and hearing, are so designed and constituted that they may not only be helpful in the preservation of life and health, but also serve as sources of enjoyment. When God gave to man every herb and the fruit of every tree that it should be for meat to him,⁴⁾ it was the Creator's will not only that bread should strengthen man's heart, but also that *wine should make glad the heart of man.*⁵⁾ When Jesus manifested forth his glory at Cana, he furnished a supply of wine both plentiful and good.⁶⁾ He who gave man an ear for melodies and harmonies would not proscribe music and song, and even gave the timbrel and harp, psaltery and cymbals, a place in the sanctuary.⁷⁾ God has endowed the human mind with the faculties of association and imagination, whereby all our notions of beauty and the beautiful are determined. Of these faculties, too, there is a moral use, and the enjoyment of beauty is not unworthy of a being made for such

1) Ps. 65, 11.

2) Ps. 145, 15 f. Cf. Matt. 6, 11. Luke 11, 3. Ps. 104, 27. Deut. 16, 15.

3) Acts 14, 17.

4) Gen. 1, 29; 9, 3.

5) Ps. 104, 15.

6) John 2, 10.

7) Ps. 149. 150. Cf. Col. 3, 16. Eph. 5, 19.

enjoyment. The moderate use of such productions of nature or art as minister to comfort or pleasure, though not necessary to life or health, is not objectionable, and to deny ourselves or others such enjoyments is not stern morality, but cheap fanaticism.¹⁾ And what the one is free to use, the other is free to furnish. The painter and the sculptor, the musician and the poet, the milliner and the florist may under divine approbation enrich with pleasure and deck with beauty what the farmer and the miller, the baker and the cook, the weaver and the tailor, the carpenter and the mason, nourish, preserve and protect.

Among the human pursuits which were occasioned by sin particular mention must be made of one besides those already named. It is that of the physician and the cognate profession of the apothecary. Disease is incipient death, and as it is thus a penalty and consequence of sin imposed upon mankind with all its concomitants of pain and anguish, the moral propriety of combating disease and death might be called into question. But the necessity of clothing is also a consequence of sin.²⁾ And yet God himself, when he expelled our first ancestors from Paradise, *made them coats of skins, and clothed them*,³⁾ to protect them from the inclemencies of the elements which would have hastened their physical decay. More than that; God even to this day, according to his promise, clothes not only the lilies of the field, but also his children, knowing that they have need, not only of food, but also of raiment.⁴⁾ And he bids us follow his example when he says by the prophet, *When thou seest the naked, that thou cover him*.⁵⁾ Thus also God promised to be the physician of his people in physical disease;⁶⁾ the use of the curative virtues which the Creator distributed throughout the natural kingdoms is nowhere prohibited; and the Son of God sanctions medical prac-

1) 1 Tim. 4, 3. 4. Col. 2, 16.

3) Gen. 3, 21.

5) Is. 58, 7. Cf. James 2, 15.

2) Gen. 2, 25; 3, 7.

4) Matt. 6, 28 ff.

6) Exod. 15, 26.

tice when he says, *They that are whole have no need of the physician, but they that are sick.*¹⁾ When Paul sends greetings of *Luke the beloved physician*²⁾ and prescribes for Timothy the use of *a little wine for his stomach's sake and his often infirmities*,³⁾ there is no reason why some other Christian should not be a physician and prescribe or dispense some other remedy for the often infirmities of his fellow-men. On the contrary, since it is our duty to foster the life which God has given, and since God has provided means of combating disease, the refusal to use such means and the services of those skilled in their application is not heroic faith, but a culpable neglect of duty.

But while man has a moral right of being what God made him and to live a human life as long as God permits him to live, man has no moral right to be what Satan and sin made him and to live according to his sinful desires contrary to the will of God. Nor is any man morally free to minister to the evil desires of his fellow-man, or to be an accomplice in his evil deeds.⁴⁾ When eating becomes gluttony, and drinking, inebriety, the glutton and the drunkard may not make their defense with such words as, *Let no man judge you in meat or in drink*,⁵⁾ but they are already judged and condemned when God says, *Be not drunk with wine.*⁶⁾ *Now the works of the flesh are manifest, . . . drunkenness and reveling. . . . They which do such things shall not inherit the kingdom of God.*⁷⁾ And who makes a trade of promoting drunkenness has his sentence in the words of the prophet, *Woe unto him that giveth his neighbor drink, that putteth the bottle to him and maketh him drunken also.*⁸⁾ When merriment exceeds the bounds of moral propriety and runs into frivolity and lasciviousness, when the modern stage and the dance of to-day pander to the carnal desires of their

1) Mark 2, 17.

2) Col. 4, 14.

3) 1 Tim. 5, 23.

4) Eph. 5, 7. 11. Rev. 18, 4. 1 Tim. 5, 22.

Prov. 29, 24.

5) Col. 2, 16.

6) Eph. 5, 18.

7) Gal. 5, 19. 21. Cf. 1 Cor. 6, 10; 5, 11.

8) Habak. 2, 15.

votaries, it is no longer morally admissible either to join in or to furnish such amusements; for *neither filthiness, nor foolishness, nor jesting, which are not convenient,*¹⁾ will stand the test of true morality, and these things cannot meet divine approbation, but because of them *the wrath of God cometh upon the children of disobedience,*²⁾ and therefore we should *not be partakers with them.*³⁾ When music and song, painting and sculpture, poetry and fiction, kindle and fan the fire of carnal lust, they are abominations which defile the soul. Every amusement whereby man endangers his life or health, injures his body or soul, indulges his sinful desires, or gives offense to his fellow-man, is sinful; and every occupation or pursuit which in its nature or because of supervening circumstances unavoidably leads to violations of the love of God or the love of our neighbor is proscribed by the moral law.⁴⁾ And this is not a curtailment or denial of any personal right. For no moral right can justify a moral wrong. The divine Bill of Rights is laid down as a blessing; and when God blesses, he will not curse, but bless.

The right of being, under this blessing, what God made us, also includes the right of religious liberty and freedom of conscience. God made man a religious being, endowed with a knowledge of right and wrong, and conscious of his responsibility to God and of his duty to love and fear God and to trust in him and worship him. Religion is a relation between God and man. In matters of conscience man is to acknowledge but one norm, the will of God. Hence, in matters of religion and conscience no man is free to dictate to his fellow-man. Viewed in this light, religious oppression and persecution and constraint in matters of conscience are infringements of the personal rights vouchsafed to every man by his Creator. Even the exercise of false religion and the vagaries of a misguided conscience are not subject to

1) Eph. 5, 4.

3) Eph. 5, 7.

2) Eph. 5, 6.

4) Matt. 22, 37—39.

correction by human authority, and no man is morally free to force his own religious convictions or moral norms on any other man. State interference in matters of religion against the will of the subjects is tyranny, an infringement of moral rights, which, though it may be suffered to a certain extent, can never be morally justified. The decree of Darius under which Daniel was prohibited from praying to his God¹⁾ was tyrannical in principle, not only in its execution.

Among the blessings granted to man by the Creator and protected by the moral law one of the most precious is *honor*. Man is a superior being, made to have dominion over inferior creatures,²⁾ and the fear and dread of him shall be upon every beast of the earth.³⁾ Man is a personal being with a personal physical and moral life and personal relations to God and to his fellow-men, with personal duties and responsibilities. For all this he should be held in due esteem according to his station in life. *Honor all men*,⁴⁾ says St. Peter, and St. Paul, *Render to all their dues; . . . honor to whom honor is due*.⁵⁾ To blast the good name and fame of a fellow-man by speaking evil against him is an injury for which God will draw the slanderer and defamer to account,⁶⁾ and even to imagine evil against a neighbor,⁷⁾ or to divulge his hidden sin to his discredit,⁸⁾ where charity should cover the multitude of sins,⁹⁾ is immoral conduct. And while pride and self-aggrandizement must be proscribed everywhere, it is not only proper but may become a solemn duty that we maintain, vindicate and defend our honor and good name against slanderous tongues and libelous pens or against any manner of calumny or abuse.¹⁰⁾

Finally, the rights of persons under the divine charter include, also, the right of individuals to unite or associate.

1) Dan. 6, 7 ff. 2) Gen. 1, 28. 3) Gen. 9, 2.

4) 1 Pet. 2, 17. 5) Rom. 13, 7. 6) James 4, 11. Ps. 50, 19—22.

7) Zech. 8, 17. 8) Prov. 11, 13. 9) 1 Pet. 4, 8. Prov. 11, 13.

10) Luke 18, 23. 1 Cor. 9, 1. 15. Gal. 1, 1 ff. 1 Tim. 3, 7.

for common purposes and mutual assistance. A bond of union expressly sanctioned by the Creator is that of matrimony.¹⁾ To prohibit marriage and enjoin celibacy is not only against public policy, but also against the will of God,²⁾ and numbered among the doctrines of devils,³⁾ whose purpose is to pervert and put down the ordinances of God. Another society of men existing under the expressed sanction of God is the church.⁴⁾ Christian congregations are entitled to existence not only under the considerations of the religious sphere, but also in the civic sphere, as societies of men for good and lawful purposes. But the personal right of association extends beyond these institutions of matrimonial and ecclesiastical union. Man was by the Creator commissioned to subdue the earth and have dominion over multitudes of created things;⁵⁾ and where the exercise of this power exceeds the strength of one man, or may be more successfully accomplished by united efforts, it is in full accordance with the divine Charter that they unite and do conjointly what each is free to do individually. Thus, when Peter launched into the deep at Christ's bidding, he did not set out alone; there were fellow fishermen with him. And when they inclosed a great multitude of fishes, and the task of securing the draught exceeded the strength of one company, *they beckoned to their partners, which were in the other ship, that they should come and help them. And they came, and filled both the ships.*⁶⁾

But while the right of uniting for legitimate purposes, for the exercise of common right, for fellowship in labor or enjoyment, must not be impugned, banding together for illicit purposes, complicity in wrong-doing, or for infringing upon the rights of others, cannot be morally sanctioned. Laborers' unions are proper when by lawful means they assert their common rights; they are evil when by illicit

1) Gen. 2, 18. 24; 1, 27 f.; 9, 1. 7.

3) 1 Tim. 4, 1. 3.

5) Gen. 1, 28; 9, 2.

2) 1 Cor. 7, 2. 9.

4) Matt. 16, 18; 18, 17.

6) Luke 5, 2—7.

means they assert their own rights, or when by any means they encroach upon the rights of others. And especially when they exercise coercion by means of force, they usurp rights which are not theirs, rights which are also of the civic sphere, the rights of civil governments.

The assertion and protection of the civic rights of its members is the chief purpose of that form of human co-sociation which we call the *State*. A State is a community of persons jointly occupying a definite territory¹⁾ and permanently organized under acknowledged laws²⁾ administered by an established government³⁾ endowed with or supported by sovereign authority and power to protect the rights of such community and of all its members.⁴⁾ The notions of state and civil government are not identical. Governments are the organs of states for the authoritative performance of the various functions of a state. These functions are legislative, judicial, and executive, all of which have in common the great cardinal purpose of statehood and civil government, the protection of the civic rights of the members of the state, or the subjects of the government, *that they may lead a quiet and peaceable life in all godliness and honesty*,⁵⁾ or, that they may securely be what God made them and own what God gave them. The proper province of civil government is not the religious sphere, nor the domestic sphere, but the civic sphere. Its purpose is not the salvation of souls and the control and supervision of religious affairs as such. Nor is it the internal government of the family and the performance of parental duties proper. It is the protection of civic rights as such. The divine Charter of civic rights mentions one of these as being under divine protection, when it says, *And surely your blood of*

1) Exod. 23, 31. Numb. 34, 2 ff. Deut. 30, 16. 18. Lev. 24, 22; 25, 23.

2) Numb. 15, 15. 16.

3) 1 Pet. 2, 13. 14. Tit. 3, 1. Rom. 13, 1.

4) Rom. 13, 1—4. 6. 7. 1 Tim. 2, 2. John 19, 11.

5) 1 Tim. 2, 2; cf. Rom. 13, 3 f. 1 Pet. 2, 13 f.

*your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man.*¹⁾ But when God continues, *Whoso sheddeth man's blood, by man shall his blood be shed,*²⁾ he thereby indicates that he would not, as a rule, carry out the vindication of this fundamental right of man by immediate action of his retributive justice, but by human ministers. Of such ministry we hear St. Paul say, *He beareth not the sword in vain; for he is the minister of God, a revenger to execute wrath upon him that doeth evil.*³⁾ It is God, by whom *kings reign, and princes decree justice;*⁴⁾ *he removeth kings and setteth up kings.*⁵⁾ *There is no power but of God: the powers that be are ordained of God.*⁶⁾ Civil governments, though organs of the state and established by men, are of divine institution, and their authority is of God, just as in the religious sphere the ministers of the gospel, though organs of the church and called by the congregation, are ministers of Christ. But while the power of the latter is that of the word, civil rulers are entrusted with the sword. Their proper task is to mete out vindictive justice, as *revengers to execute wrath upon him that doeth evil.*⁷⁾ The purpose of the punitive power of government is not properly and primarily or ultimately the reformation of the criminal, but primarily the vindication of the law by the *revenger* of the crime committed, and ultimately the protection of the community and its members, as by executing *wrath* magistrates and rulers are *a terror to the evil*, so that, being *afraid of the power*, they may abstain from evil-doing and *do that which is good.*⁸⁾

The apostle describes governments as ἐξουσίαι and ἐξουσίαι υπερέχουσαι, *powers* and *superior powers*. It is essential for a government to be a power, and a superior power, in order to be able to fulfill its purpose. For only a superior

1) Gen. 9, 5.

2) Gen. 9, 6.

3) Rom. 13, 4.

4) Prov. 8, 15.

5) Dan. 2, 21.

6) Rom. 13, 1.

7) Rom. 13, 4.

8) Rom. 13, 3—5. 7.

power can assert itself as a terror to all evil-doers and afford protection all its subjects and defend their rights, not only in its own territory, but also against foreign powers and their subjects.¹⁾ In the performance of these duties, states and their governments must employ all lawful means necessary for the achievement of their purpose. The extreme measure to which they are bound to resort when other means have failed to secure the effective protection of the rights of subjects is war.²⁾ War is the state or relation of armed hostility which, interrupting or replacing a state or relation of peace, prevails when and while contending parties possessing or claiming political sovereignty are deciding or endeavoring to decide, securing or endeavoring to secure, by regulated violence what they could not or would not decide or secure by peaceable measures and means.³⁾ A sovereign political power has just cause of war when its rights or the rights of its members have been or are being violated by another power, and that other power is unwilling or unable to abate or redress such injuries.⁴⁾ But as war itself entails loss and insecurity of life and limb to many members of the body politic, the restoration of peace must be one of the aims of war. Peace should be considered the normal state of the community,⁵⁾ and the preservation of peace should be the honest endeavor of the government until its cardinal purpose, the protection of the subjects in the quiet enjoyment of their rights, makes the temporary interruption of the state of peace, war, a necessity. And though, or because, war as such is an affair of the entire body politic,⁶⁾ it is not the business of an individual member or a party in the state, but of the organs of the entire body, the supreme

1) Rom. 13, 3. 4. 6. 1 Tim. 2, 2. 1 Pet. 2, 13. 14.

2) Deut. 20, 10—12. Numb. 21, 21 ff. 1 Tim. 2, 2. Rom. 13, 3. 4.

3) Gen. 8, 22. Numb. 21, 21—25. Deut. 20, 5—8. 10 ff. 19. Rom. 13, 4.

4) Numb. 10, 19. John 18, 36. Rom. 13, 3. 4. 6. 1 Tim. 2, 2. 1 Pet. 2, 13 f.

5) Gen. 8, 22; 9, 1 ff.

6) Exod. 17, 8. Numb. 21, 23; 20, 7. Deut. 20, 5. 8. 9.

government, to determine when war has become a necessity, to decide upon and declare a state of war, and to determine, supervise and control the measures of warfare.¹⁾ When the disturbance of the peace is created by members of the body politic itself, it is the duty of the government to put down such riot, rebellion, or armed insurrection.²⁾ And when, in the exercise of police power, the government calls upon the members of the body politic to render legitimate service, such service should be willingly rendered by those who are by such authoritative requisition constituted part and parcel of the government, organs of the municipality or state, and ministers of God.³⁾ For the performance of his duties in this double capacity, the citizen is civilly responsible to his government, and morally responsible to God.⁴⁾

As the purposes of states and civil governments cannot be carried on without material means, the right of taxation is also a right of the civic sphere; the payment of taxes and revenues is a duty, and smuggling and other methods of cheating the government out of its lawful revenues are sins. *For this cause pay ye tribute also*, says St. Paul; *Render therefore to all their dues: tribute to whom tribute is due, custom to whom custom.*⁵⁾ Taxes and revenues are not free and voluntary contributions, but *duties* in the true sense of the term, though the right of taxation may be vested in a monarch, or in a collegiate government, or in the people at large. The forms of government and their institutions, senates, parliaments, plebiscites, cabinets, superior courts, and inferior courts, are, like the kings and governors so described by St. Peter, *ordinances of man*;⁶⁾ yet the apostle says, ὑποτάγητε πάσῃ ἀνθρωπίνῃ κτίσει, *submit yourselves to EVERY ordinance of man*, διὰ τὸν κύριον, *for the Lord's*

1) 1 Pet. 2, 13 f. Prov. 8, 15. Rom. 13, 3 f.

2) Rom. 13, 1—3. 1 Tim. 2, 2.

3) Matt. 22, 21. 1 Pet. 2, 13 f. Tit. 3, 1. Rom. 13, 1—7.

4) 1 Pet. 2, 13 f. Rom. 13, 5. Acts 5, 29. Matt. 22, 21.

5) Rom. 13, 6. 7. Cf. Matt. 22, 17—21. 6) 1 Pet. 2, 13.

sake.¹⁾ And St. Paul, ὑποτάσσεσθε . . . διὰ τὴν συνείδησιν, be subject . . . for *conscience sake*,²⁾ and he who resists the ἀνθρωπίνῃ κτίσει, human ordinance, *resists the ordinance of God*, τῇ τοῦ θεοῦ διαταγῇ ἀνθέστηκεν,³⁾ the genitive, τοῦ θεοῦ, being in emphasis. The civic sphere is, also in this respect, a moral sphere, determined by the sovereign will of God.

In considering these ordinances of man, we have, hitherto been chiefly occupied with the executive functions of civil governments. They have also legislative and judicial functions. The enactments of civil law-givers or legislative bodies are also ἀνθρώπων κτίσεις. The norm according to which civil courts should judge is not the moral law as such. If it were, the laws of all nations would have been and would be to-day inadequate to their purpose, the law of Israel not excepted. For the Mosaic political law was not the moral law. The law of divorce which permitted a man to send his wife out of the house with a bill of divorcement, because she found no favor in his eyes,⁴⁾ was certainly not in accordance with the moral law,⁵⁾ but came short of it, while numerous statutes of the Mosaic code went beyond the precepts of the moral law, which does not prohibit pork as an article of food,⁶⁾ or military service during the first year of married life,⁷⁾ or plowing with an ox and an ass together,⁸⁾ or fabrics made of wool and linen mixed.⁹⁾ Thus, also, the census law of Augustus was not a precept of the moral law; yet Joseph and Mary complied therewith,¹⁰⁾ as Jesus with the tax law under Tiberius.¹¹⁾ Paul claimed his rights under the Roman law as a Roman citizen,¹²⁾ not according to the moral law, which says nothing of the impropriety of beating a Roman,¹³⁾ or of the right of appeal to Caesar.¹⁴⁾ There

1) Ibid.

2) Rom. 13, 5.

3) Rom. 13, 2.

4) Deut. 24, 1. 2.

5) Matt. 19, 7—9.

6) Deut. 14, 8.

7) Deut. 20, 7.

8) Deut. 22, 10.

9) Deut. 22, 11.

10) Luke 2, 1 ff.

11) Matt. 18, 24 ff.

12) Acts 16, 37 ff.; 25, 8; 22, 25.

13) Acts 16, 37; 22, 25 ff.

14) Acts 25, 11. 21.

never was nor can be a civil court capable of judging according to the moral law, which requires an omniscient judge, before whom every evil thought and desire is manifest. Nor can the penalty imposed by the moral law be inflicted by a human executioner, but only by Him *who is able to destroy both soul and body in hell.*¹⁾ The good and the evil, ἀγαθόν and κακόν,²⁾ wherewith civil government has to deal, is the good and evil of the ἀνθρωπίνη κρίσις, according to the human laws enacted by human legislators for the achievement of the great purpose of civil government, the protection of life and limb, health and quiet of all persons, and the security of all the property, within the State. Every law, Constitution, Statute, Ordinance, which answers this purpose, is in the same measure good, and when the State or its organs enact such laws, it is the will of God that we should submit ourselves to these ordinances of men.

While, however, the norm of secular tribunals is not and cannot be the moral law as to its *formale*, the *materiale* of the precepts of the natural law, as far as it pertains to the civic sphere, are, and have ever been, and must be, the groundwork of all civil legislation, for the simple reason that the rights which civil governments are to protect as civil rights are materially the same as those which God has established and secured by the moral law as far as it regulates the social life of man and is designated to promote the welfare of men and the security of life and limb, health and comfort, property and honor as precious gifts of God. Hence it is that the principles of right have been materially the same in the codes or the unwritten law of all nations in all ages, and are materially the same to-day the world over, though they are secular laws, the ordinances of man.

Such, then, are the norms of the *justitia civilis*. It is the will of God, that we should *obey present laws, whether*

1) Matt. 10, 28.

2) Rom. 13, 3. 4..

*they have been framed by heathen or by others.*¹⁾ When Christians bear civil office and sit in judgment, they are to *determine matters by the imperial laws, and other laws in present force.*²⁾ It is the majesty of these civil laws which must be vindicated by the punishment of the transgressor, and it is the duty of rulers and magistrates, of the judicial and executive organs of the State, to enforce these laws. It is the duty of jurors and attorneys and judges to do what is in their power that every one who has, and no one who has not, offended against these laws may be promptly convicted and duly sentenced according to law and the nature and circumstances of the case, and it is the duty of the executive to let the law take its course in the execution of the sentence. Executive clemency, the pardoning of criminals, is not a matter of justice, but of policy. It is not the government's business to exercise mercy on criminals, but to protect society and its members against criminals, and only when this purpose is not thereby endangered may executive clemency have its way, and pardon may be granted where punishment was decreed. On the other hand, the defiance of the letter and spirit of the law by mercenary lawyers, the corruption of juries and judges and other judicial abuses, are moral offenses of extreme gravity which work the ruin of a people with fearful certainty.

But what if the government in its various functions fail to perform its duties and insecurity of life and property increase? Then let the government be reprovved and corrected, not by scurrilous abuse, but by respectful criticism and censure in public speech and the public press, by investigation and impeachment, or whatever ways and means the law provides or permits. Finally, when the organs of the State refuse to conform to the laws, Charters, Constitutions, treaties, or other legal stipulations, under which they hold office, as in republics or constitutional monarchies,

1) Apol. A. C., Art. XV, Müller, p. 215.

2) Ibid.

it is proper to uphold the law also against a violator of the law in high places, provided that there be a law-abiding power able to assert the majesty of the law. This is not rebellion. For where the form of government is such as to constitute the people a superior power, that power, too, is ordained of God, and to the magistrates and rulers also the word of the apostle applies, *Wilt thou then not be afraid of the power, do that which is good.*¹⁾ In no instance, however, is it legitimate for the private citizen to take the law into his own hand, while a lawful government may be called upon to afford protection and administer justice. Lynching a criminal is itself a crime and a sin, a medicine more dangerous than the disease. The duel, also, is an atrocious usurpation of power and eventually a morally illicit violation of body and life, murder on one side and suicide on the other. And even when the officers of the law transgress their proper bounds or even commit injustice, it is not lawful for the private citizen to offer violent resistance. When Peter had taken the sword in resentment of an injury committed against his Master by the officials of those in power, Jesus rebuked him, saying, *All they that take the sword shall perish with the sword.*²⁾

This, however, does not preclude the right of self-defense against private violence when protection by state officials is not at hand. In such cases the individual represents the community and its law and order, which are being assailed in him as an exponent of the body politic, and which it is every one's duty to defend in the absence of those who are *attending continually upon this very thing.*³⁾ For this reason the burglar who was killed while breaking into a house at night was not to be looked upon as unlawfully murdered, while he who killed a thief by day, when legal help for his arrest might be obtained, was liable, under the Mosaic law.⁴⁾ It should be remembered,

1) Rom. 13, 3.

2) Matt. 26, 52.

3) Rom. 13, 6.

4) Exod. 22, 2. 3.

however, that self-defense must cease with the assault; to shoot a fleeing assailant is not self-defense; the crime being no longer attempted, it may no longer be opposed. Neither should more violence be employed than is necessary for frustrating the criminal design. Within these limits, self-defense is not only right, but also a duty which the individual upon whom it devolves owes to the community which he represents.

Such are the rights and duties of persons in the civic sphere, private persons and public persons, as members of human society, in their various relations to each other and to society at large.

We now turn our attention to the second great category of rights and duties of the civic sphere, the rights of things and the corresponding duties.

In the great Charter of Rights recorded in the book of Genesis and corroborated by the moral law the possession of the earth and the things that are on the face of the earth is assigned to mankind, not only as represented by its early ancestors in the beginning of time and after the Deluge, but for all times and generations of men. Replenishing the earth, man is to subdue it, and to have dominion over the multitude of created things within his reach.¹⁾ The products of the soil, and the animal world, are to minister to the wants of the children of men.²⁾ All this implies a division and distribution of these gifts of the Creator. For as all men cannot occupy the same dwelling place and cannot take nourishment from the same cow, or eat the fruit of the same tree, there must be either a continued contest for every square foot of land and every chicken and egg, or there must be some basis of peaceable division and distribution, some criterion whereby a man may demonstrate his right to be in a certain place and to enjoy the undisputed possession and use of certain things. This is the right of owning what God gave us, or, the right of private property.

1) Gen. 1, 28.

2) Gen. 1, 28 f.; 9, 2 f.

This right existed and was recognized among men from the beginning of human society. Abel was a *keeper of sheep*,¹⁾ and when he *brought of the firstlings of HIS flock, and of the fat thereof*, it was *HIS offering*.²⁾ Cain was a *tiller of the ground*,³⁾ and when he *brought of the fruit of the ground an offering unto the Lord*,⁴⁾ it was *HIS offering*,⁵⁾ and not Abel's. And from the days of Cain and Abel to the present day the right of private property was recognized in all nations and through all ages, even among robbers and thieves as they divide the plunder among the members of the band.

Property is either real or personal. Real property is property in land and its appurtenances. Property in land is not immoral; on the contrary, it is a moral duty to respect the right of real property. God gave the land of Canaan to Abraham and his posterity,⁶⁾ "to have and to hold forever," as our deeds give it, or, *for an everlasting possession*, as the inspired record has it.⁷⁾ Nor should the country be theirs by joint possession, but the land was to be parceled out and divided among the various families,⁸⁾ to whom their landed estates should revert even when they had been conveyed to other holders between the years of redemption.⁹⁾ To keep this right inviolate, the law protected the landmarks, as we read, *Cursed be he that removeth his neighbor's landmark. And all the people shall say, Amen.*¹⁰⁾ Even crowned heads were not permitted to infringe upon this right unpunished, as Ahab and Jezebel were made to learn when they had taken unlawful possession of Naboth's vineyard.¹¹⁾

The objection that Israel was a peculiar people, and the tenure of land in Canaan was one of the peculiar institutions of the theocracy, does not hold. For we read of

1) Gen. 4, 2.

2) Gen. 4, 4.

3) Gen. 4, 2.

4) Gen. 4, 3.

5) Gen. 4, 5.

6) Gen. 15, 7.

7) Gen. 17, 8. Cf. Gen. 26, 3.

8) Numb. 4, 33. 53 f.

9) Lev. 25.

10) Deut. 27, 17; cf. 19, 14. Job 24, 2. Prov. 22, 28.

11) 1 Kings 21, 1 ff.; 22, 38.

lands in possession of others who were not of that nation, *Ye are to pass through the coast of your brethren the children of Esau, which dwell in Seir. . . . Meddle not with them; for I will not give you of their land, no, not so much as a foot breadth.*¹⁾ And again, *When thou comest nigh over against the children of Ammon, distress them not, nor meddle with them: for I will not give thee of the land of the children of Ammon any possession, because I have given it to the children of Ammon for a possession.*²⁾ Of certain members of the church at Jerusalem we are told that they were possessors of lands and houses and, having sold them, brought the proceeds and laid them down at the apostles' feet.³⁾ And the apostles, who were not socialists, did not object that these people could not rightfully sell what had not been rightfully their own, but, on the contrary, when Ananias had sold his landed possession, Peter said, *Whiles it remained, was it not thine own?*⁴⁾

When Ananias sold his land and obtained his price in money, he converted his real estate into personal property. Hereof the apostle said, *After it was sold, was it not in thine own power?*⁵⁾ Ownership of property implies the right of free disposal by gift or sale or any manner of contract. The householder in the parable says, *Is it not lawful for me to do what I will with mine own?*⁶⁾ Property voluntarily conveyed by the owner becomes the rightful property of him to whom it was conveyed, as the field of Ephron became the property of Abraham by conveyance to him by the sons of Heth.⁷⁾ In this case the transfer of property was by sale and purchase,⁸⁾ the consideration or price being agreed upon by the vendor and the purchaser,⁹⁾ an offer and an acceptance constituting the contract here as elsewhere. Thus in the parable the householder *agreed*

1) Deut. 2, 4. 5.

2) Ibid. v. 19.

3) Acts 4, 34 f.

4) Acts 5, 4.

5) Ibid.

6) Matt. 20, 15.

7) Gen. 23, 3—20.

8) Gen. 25, 10; 33, 19.

9) Gen. 23, 16—18.

*with the laborers for a penny a day,*¹⁾ and the offer having been made and accepted, the terms of the contract are binding upon both parties. As, when the contract is *do ut des*, the purchaser becomes a rightful possessor on the payment of the price, so when it is *facio ut des*, as in the parable, the laborer becomes entitled to the stipulated wages by the performance of the stipulated service. To the laborer who has done his day's work, the householder says, *Take that is THINE,*²⁾ and the employer who refuses to pay the laborer the wages he has earned withholds from him his rightful property and violates, not only a human contract, but a moral duty. *Woe unto him, says the prophet, that buildeth his house by unrighteousness, and his chambers by wrong: that useth his neighbor's service without wages, and giveth him not for his work.*³⁾ And St. James, *Behold, the hire of the laborers who have reaped down your fields, which is of you kept back by fraud, crieth: and the cries of them which have reaped are entered into the ears of the Lord of Sabaoth.*⁴⁾ *The laborer is worthy of his hire,*⁵⁾ and God groups *those that oppress the hireling in his wages with the sorcerers and adulterers and false swearers.*⁶⁾

In all these cases the contract is made for the acquisition of property or the engagement of service. There are other contracts, which are made for the purpose of securing the continued possession of property or its equivalent in value. This is not in itself immoral. It is one of the duties of civil government to protect the property of the subjects against the evil designs of thieves and incendiaries. This does not preclude protective measures by the owners of property themselves.⁷⁾ And as the joint acquisition of property is legitimate if legitimately performed, so is the joint protection of property or the mutual indemnification

1) Matt. 20, 2.

2) Matt. 20, 14; cf. v. 13.

3) Jer. 22, 13.

4) James 5, 4. Cf. Lev. 19, 13. Deut. 24, 14.

5) Luke 10, 7. Cf. Matt. 10, 10. 1 Tim. 5, 18.

6) Mal. 3, 5.

7) Luke 12, 39.

for losses sustained by theft or fire or water or destructive winds. Property insurance by contract must, however, be restricted to indemnity for material losses actually sustained. This is not charity, but simply a contract of *facio ut facias*, "I will contribute toward covering your loss, if you will contribute toward covering mine." Neither is it an aleatory contract holding forth chances of gain, but on the contrary, the terms of the contract are set against every design of gaining by the transaction as fraudulent and against public policy.

In this property insurance differs essentially from life insurance, which is an aleatory device, a series of wagers between the insurer and the insured, with chances of gain amounting to the difference between the premium and the insurance benefit or sum insured. The benefit is not an indemnity equivalent to a loss sustained; for aside from the enormity of actually taxing a human life by dollars and cents, the benefit is the same, though the policy holder may have been for years a hopeless invalid, unable to earn a penny at the time of his death, or, what would in property insurance be termed a worthless and, therefore, uninsurable risk. The life insured simply takes the place of the dice in a game of chance or the wheel in a lottery, and the beneficiary may, by the timely death of her husband, find herself advanced from a penniless wife, who borrowed the money wherewith to pay the last premium on a life policy, to a wealthy widow with \$10,000 at her disposal. But hers is ill-gotten wealth. *Woe unto him that increaseth that which is not his!* says the prophet.¹⁾ All money obtained by wager contracts, games of chance, lottery investments, and schemes of like nature, is other people's money for which they have received no lawful equivalent.

Usury is of the same category. The increase of the usurer, also, is not his own. For when the usurer exacts

1) Habak. 2, 6.

interest on loans regardless of profit or loss accruing from the use of the loan, demanding or taking profit where no profit has been made, or even where loss has been sustained by the debtor in the use of the loan, he takes that which is not rightfully his own.

That the aleatory or usurious transaction is covered by the terms of a contract is no defense; the contract is no better than the transaction based thereon; for a compact to perform an illegal act is itself illegal. It is fair that the owner should share the profit resulting from the use of his money while in the hands of the borrower; when he takes his share of such profit, he increases that which is his own, and a contract to this effect is not usurious. But to plead that interest exacted on a loan which brought no profit was stipulated by contract only says that the contract itself was usurious and immoral. Even though such usurious contracts may be sanctioned by human laws, as by a legal rate of interest, the usurer is not justified. *Take thou no usury of him, or increase; but fear thy God*, says the Lord,¹⁾ and when he continues, *that thy brother may live with thee*,²⁾ he would indicate that usury is an evil which is apt to crush the very life out of its victims. In our day the troubles which confront us in commercial and industrial life are, as similar troubles were in earlier times, largely due to the sin and evil of usury and other practices whereby wealth is obtained or increased at other people's cost without an equivalent.

The sin most frequently committed in the acquisition or disposal of property is that of *fraud*. Contracts are fraudulent when either of the parties deceitfully endeavors to secure his own profit at the other's loss either in fixing or in performing the terms of the contract. It is the will of God *that no man go beyond and defraud his brother in any matter: because the Lord is the revenger of all such*.³⁾ *The getting of treasure by a lying tongue is a vanity tossed*

1) Lev. 25, 36.

2) Ibid.

3) 1 Thess. 4, 6.

*to and fro of them that seek death.*¹⁾ *Divers weights and divers measures, both of them are alike abominations to the Lord.*²⁾ In all these texts the divine custodianship of contracts is pointed out as a special warning against fraud, inasmuch as, though man may be deceived, God is not. It is immaterial, whether the fraudulent contract be one of *do ut des*, as in selling and buying, or of *do ut facias*, *facio ut des*, or *facio ut facias*. Passing counterfeit money, selling adulterated for genuine goods, paying a week's wages for a month's service, sleeping when one is paid for watching, refusing a stipulated return service for a service rendered, are frauds in various forms, and *the Lord is the avenger of all such*,³⁾ even though secular justice take no cognizance. And it should be known that an error committed to the disadvantage of another assumes the nature of a fraud when it is discovered by the erring party and left uncorrected.

As in case of fraud, so in case of theft or stealing, which, in its various forms, is also a mode of wrongful acquisition,⁴⁾ the correction of the immoral act must include restitution of the ill-gotten acquisition or its equivalent to the person or persons, to whom it properly belongs. Thus also he who has been maliciously or by culpable negligence deprived of his property may rightfully claim restitution or indemnity. But it is not morally proper that more should be claimed than has been actually lost, as is frequently done in legal procedure for damages. *Woe to him that increaseth that which is not his!*⁵⁾

The right of private property furthermore involves the right of using and enjoying what God has given us. As it is not immoral to be wealthy, so it is by no means against the will of God that the rich should fare more sumptuously than the poor, that they should enjoy comforts and luxuries while others are restricted to necessities. But enjoyment

1) Prov. 21, 6. 2) Prov. 20, 10. Cf. Lev. 19, 35 f. 3) 1 Thess. 4, 6.

4) Exod. 20, 15. Lev. 19, 11. 1 Cor. 6, 10. Eph. 4, 28. Prov. 29, 24.

5) Habak. 2, 6. Prov. 19, 1; 16, 8.

is not profligacy. What is ownership in our relation to our fellow-men, is only stewardship in our relation to God as holders of a trust. Though God *has given the earth to the children of men,*¹⁾ yet *the earth is the Lord's, and the fulness thereof, the world and they that dwell therein;*²⁾ and we are but stewards of that part of created things which he has entrusted to our keeping during his good pleasure. The wanton or careless destruction or waste of property over which God has placed us is an offense against the Master, to whom we must render account of our stewardship.³⁾ Due care for the preservation of our property is not necessarily owing to a lack of faith and confidence in the protecting providence of God, but may and should be simply the performance of a duty incumbent upon us as God's stewards, the duty of carefully administering what God has entrusted to us. While *the love of money is the root of all evil,*⁴⁾ the accumulation of wealth by continued acquisition and careful provision against loss is not itself immoral. Covetousness and the craving for riches is a species of idolatry. But when God gives, we should not refuse to accept.⁵⁾ When God takes away, we should not refuse to yield what his wisdom would withdraw from our keeping.⁶⁾ But what he permits us to have and to hold, we should not abandon to waste.⁷⁾ Neither is it sinful to seek relief in the civil courts and to recover damages to the amount of the losses inflicted upon us by others whom we can in no other lawful way induce to respect our right of private property and to make amends for their infringement of our right and their curtailment of our property. For the protection of such rights civil courts of justice are instituted, and re-

1) Ps. 115, 16.

2) Ps. 24, 1. Exod. 9, 29; 19, 5. Job 41, 11. Ps. 50, 12. 1 Cor. 10, 26. 27.

3) Luke 16, 2. Matt. 25, 14—30.

4) 1 Tim. 6, 10.

5) Matt. 25, 14 ff.

6) Job 1, 21.

7) John 6, 12. Mark 8, 8.

course to law to secure such protection is not precluded by Christ's injunction of that spirit of meekness and forbearance which, instead of demanding *an eye for an eye and a tooth for a tooth*,¹⁾ is ready and willing to suffer rather than to inflict vindictive treatment and malicious and angry retaliation.²⁾ Seeking justice where it is to be sought by divine ordinance is not *rendering evil for evil*.³⁾ Even Christ himself, while, *when he was reviled, he reviled not again, and when he suffered, threatened not*,⁴⁾ yet, when struck in the face by an officer, did not offer the other cheek, but rebuked the offender, saying, *If I have spoken evil, bear witness of the evil: but if well, why smitest thou me?*⁵⁾ And thus, likewise, with regard to the rights of things, while we should be willing to exercise forbearance and beware of returning injury for injury, it is our right to maintain our rights and defend our possessions by lawful means, and it may become our duty toward our fellow-men and to society at large to oppose robbery and theft and fraud also when perpetrated or attempted against us. And if they whose task it had been to distribute Christ's increase of the loaves and fishes were also told to *gather the fragments that remained, that nothing be lost*, it is likewise the duty of those who are enjoined to *labor, working with their hands the thing which is good, that they may give to him that needeth*,⁶⁾ to lay by what is not requisite for present use. Gambling and aleatory speculations are not only illicit means of gaining wealth by increasing that which is not our own, but are also incompatible with faithful stewardship when they lead to the loss of that which was not committed to us that we should risk it at the gaming table or in betting on futures, but that we should administer it for the glory of God and the benefit of our fellow-men.

1) Matt. 5, 38. Coll. Exod. 21, 24. Dent. 19, 21. Lev. 24, 20.

2) Matt. 5, 39—41.

3) 1 Pet. 3, 9.

4) 1 Pet. 2, 23.

5) John 18, 22 f.

6) Eph. 4, 28.

Such are, briefly stated, the rights and duties of the civic sphere. They, too, are moral rights and duties, established by divine ordinance, and determined by the moral law as truly as those of the religious and the domestic spheres, rights for the proper use of which, and duties for the conscientious performance of which, we are responsible to God. Being moral in their nature, the principles pertaining to this sphere, too, are of universal application within their order, being the same in all lands and ages, though the modes of administration may differ under various circumstances. Every violation of any of these principles is sin at all times and everywhere, by whomsoever committed, though it may not be recognized as such or even extolled as a virtue, and because of these things, also, *cometh the wrath of God upon the children of disobedience.*¹⁾

IV. THE MORAL VIRTUES.

Within the moral spheres above delineated, the moral virtues thrive and bear their fruits. Virtue, ethically conceived, is the practical habitude of conforming to the moral law, as vice is a habitude at variance with the moral law. And inasmuch as *love is the fulfilling of the law,*²⁾ the habitude of exercising *love* is the cardinal virtue, in conformity with the summary of the moral law, *Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind,* and, *Thou shalt love thy neighbor as thyself.*³⁾ The *fear* of God is a virtue, not as a dread of impending evil, of which St. John says, *There is no fear in love, but perfect love casteth out fear: because fear hath torment; he that feareth is not perfect in love;*⁴⁾ but as a filial and loving regard of the holiness of God, whereby we shun whatever may offend our Father who is in heaven.⁵⁾ *Trust*

1) Eph. 5, 6. 2) Rom. 13, 10; cf. v. 8. 3) Matt. 22, 37. 39.

4) 1 John 4, 18; cf. Gen. 3, 10. Rom. 8, 15.

5) Lev. 19, 14. 32; 25, 17. Deut. 6, 2. 13; 8, 6; 10, 2; 13, 4. Josh. 24, 14. 1 Sam. 12, 24. Ps. 22, 24; 31, 20; 103, 11. 13; 119, 74; 128, 4. Gen. 17, 1. Ps. 33, 8. Gen. 39, 9.

in God, or *faith*, is that confidence whereby we rely on God as *our* God, confiding in his goodness, wisdom and power, and saying with the psalmist, *Why art thou cast down, O my soul? and why art thou disquieted within me? Hope thou in God: for I shall yet praise him, who is the health of my countenance, and my God.*¹⁾ *Humility* and *obedience*, as religious virtues, are not the cringing self-abasement of a miscreant slave and the dumb submission of impotence to an overwhelming power and will, but active dispositions of a god-loving heart, humbly contenting itself with what God disposes and willingly complying with what he enjoins, because he is our God.²⁾ *Gratitude* is not the mere acknowledgment of gifts received, but a cordial appreciation of the gift or blessing as a favor, and good-will toward the giver as a benefactor.³⁾ *Joy* in God is itself an aspect of love, which includes delight in union and communion with its object.⁴⁾ *Hope*, the expectation of things desired, is a moral virtue only when it is bound up with the love of God and confidence in him, as the psalmist says, *Delight thyself in the Lord, and he shall give thee the desires of thine heart. Commit thy way unto the Lord; trust also in him; and he shall bring it to pass. . . . Rest in the Lord, and wait patiently for him.*⁵⁾ Thus *patience*, too, is not an ethical virtue when it is merely the passive endurance of evil, but only when, like *the patience of Job*,⁶⁾ it is actuated and sustained by loving and trusting adherence to God.⁷⁾ In short, of all the virtues touching upon our relation to God, the love of God is the very heart and soul.

In like manner, love is the cardinal virtue also in the domestic and civic spheres. Conjugal love, paternal and

1) Ps. 42, 11. 2) Micah 6, 8. 3) Ps. 103, 1—5; 50, 23.

4) Jer. 31, 3. Hos. 2, 19. 20. Ps. 73, 25 f.

5) Ps. 37, 4. 5. 7; cf. Lament. 3, 22—26. Ps. 130, 5—7.

6) James 5, 1. Cf. Job 1, 21. 22; 2, 10.

7) Ps. 62, 2. 5. 6; 63, 7. 8; 23, 4; 25, 5. Rom. 12, 12; 15, 4. 2 Cor. 6, 4. Gal. 5, 22.

maternal love, filial love, fraternal love, are but so many forms of domestic love, a sisterhood of virtues with a prolific progeny of secondary domestic virtues, such as conjugal fidelity, filial reverence and obedience, paternal and maternal mercy and forbearance, chastity, gratitude, sobriety, modesty, hospitality, and other virtues which adorn the domestic circle. The virtues of justice and equity, honesty, veracity, industry, economy, liberality, generosity, benevolence, courage, patriotism, and other virtues bearing on social life and intercourse, are virtues, not inasmuch as "honesty is the best policy" and "virtue is its own reward;" not for any consideration of utility or of profit to the subject exercising such virtues. Nor is every disposition or habitude partaking of the *materiale* of a certain virtue necessarily *formaliter* a virtue, and it may even be quite the contrary. Economy, or frugality, the disposition to save, *may* be a virtue, but it *may* also be an evil fruit of an evil tree, the frugality of a miser. The habit of speaking the truth is not *per se* the virtue of veracity. For while lying is never justifiable, a true statement may be unjustifiable, even malicious slander or foul betrayal all the more damaging to its victim because it is true. The vice of backbiting does not necessarily deal in falsehoods, and the virtue of faithfulness may, and must sometimes, be exercised by concealing the truth.¹⁾ The fulfillment of promises made is not an absolute requirement of moral rectitude; it is a duty not to perform, but to break a promise or vow to commit an unlawful act;²⁾ and again, the breaking of that sinful promise may be a piece of rogue's work, and not the performance of a duty. All virtues, also of the domestic and civic spheres, are virtues inasmuch as they are forms or phases of, or animated and actuated by, love which is the fulfilling of the law summed up in the commandment, *Thou shalt love thy neighbor as thyself.*

1) Prov. 11, 13.

2) Matt. 14, 3—11.

And since this law is divine law and this commandment a divine commandment, and as God is of all moral love the fountain-head, and as the glory of God is the ultimate end of all existence,¹⁾ the love of God must enter into all other virtues of whatever sphere, hallowing and elevating them to the dignity of truly moral virtues. Rightly does Luther, in the Small Catechism, begin the exposition of each subsequent commandment with the words of the first, "We should fear and love God." Without the love of God, the love of a creature is not a virtue, but a sin, the sin of idolatry.

And now, since *the carnal mind is not love of God, but enmity against God*,²⁾ natural man, flesh born of the flesh, is incapable of true moral virtue. Regeneration plants the tree which can and will bear the fruit of virtue. And regeneration is essentially the bestowal of faith,³⁾ not only as justifying faith, but also as *faith which worketh by love*.⁴⁾ Hence it is that all virtues may also be said to proceed from faith, without which man is void of spiritual life and, consequently, without any manifestations of the new life, of the spirit which is received *by the hearing of faith*.⁵⁾ In this sense St. Peter exhorts us to *add to our faith virtue*, or, *to furnish forth in or with our faith the virtue*,⁶⁾ which is its natural concomitant or product, as the fruit on the tree.⁷⁾ Love and the whole sisterhood of virtues enumerated are described as *THE fruit of the spirit*,⁸⁾ that which the spirit will naturally bring forth, or, the due product of the spirit. By faith we are in Christ. And Christ says, *As the branch cannot bear fruit of itself, except it abide in the*

1) Rom. 11, 36. 1 Cor. 8, 6. Col. 1, 16.

2) Rom. 8, 7.

3) John 1, 12. 13. Gal. 3, 26. 1 John 5, 1.

4) Gal. 5, 6.

5) Gal. 3, 2. ἀκοὴ πίστεως, *the preaching which deals with faith*.

6) 2 Pet. 1, 5: Ἐπιχορηγήσατε ἐν τῇ πίστει ὑμῶν τὴν ἀρετὴν.

7) Matt. 7, 17 ff.

8) Gal. 5, 22. ὁ καρπὸς τοῦ πνεύματος.

*vine, no more can ye, except ye abide in me. I am the vine, ye are the branches. He that abideth in me, and I in him, the same bringeth forth much fruit: for without me ye can do nothing.*¹⁾

Yet, while in the regenerate, and in them only, true virtue must be sought, perfection of virtue is not of this life.²⁾ We are not spirit only; the flesh, also, is in us,³⁾ and while we walk in the spirit, *the flesh lusteth against the spirit*, so that we *cannot do that we would.*⁴⁾ Hence, virtue, being imperfect, cannot merit that which is perfect, life everlasting and its perfect and endless bliss. And even if virtue could be perfect in any mortal man, it could never be meritorious, creating an indebtedness towards us on the part of God. For if and since virtue is the habitude of conformity with the moral law, the fulfillment whereof is every man's duty, even the perfection of every virtue and of all virtues taken together could not produce a balance to our credit and a debit on God's side in our account with the Lord, to whom we owe everything and without whom we can do nothing.⁵⁾ And hence, in the world to come, when we shall be like Christ,⁶⁾ glorious in the perfection of every virtue,⁷⁾ with crowns of spotless righteousness upon our brows,⁸⁾ we shall cast our crowns before the throne of God, saying, *Thou art worthy, O Lord, to receive glory and honor and power: for thou hast created all things, and for thy pleasure they are and were created.*⁹⁾

1) John 15, 4. 5.

2) Phil. 3, 12. Eph. 4, 13.

3) Rom. 7, 18. 21. 23—25. 1 John 1, 8.

4) Gal. 5, 17. Rom. 7, 18.

5) Luke 17, 9. 10.

6) 1 John 3, 2.

7) Hebr. 12, 23. 1 Cor. 13, 10.

8) 2 Tim. 4, 7. 8.

9) Rev. 4, 10. 11.