

St. Paul's Behaviour towards the  
Civil Magistrate.

A

S E R M O N,

PREACHED AT THE  
ASSIZES AT HERTFORD.

By the Right Reverend  
BENJAMIN HOADLEY, D. D.  
Late Bishop of Winchester.

And published at the request of the High-Sheriff  
and Grand-Jury.

As all Government is built upon Law, and all Law is supported by the due execution and regular administration of Justice, which is the grand end and design of both: So there is nothing that does more effectually overturn its foundation, countermine and defeat its good intention, and utterly disappoint and evacuate its force and power, than a personal prejudice, or a blind, mercenary, and base Partiality. *Sac.*

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TO

Richard Houblon, Esquire,  
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Gentlemen of the Grand-Jury,

This Sermon, published at their request,  
is most humbly dedicated.

July 26th 1708.

*Paul's Behaviour towards the Civil Magistrate.*

Acts xxii. 25. *And as they bound him with thongs, Paul said unto the centurion that stood by, Is it lawful for you to scourge a man that is a Roman, and uncondemned?*

**I**T being my design to speak something at this time concerning the nature of laws, and the great advantage of them to the well being of human society, I think it not improper to found what I have to say upon the behaviour of St. Paul, as it is recorded in the Acts of the Apostles, with respect to his civil privileges, and to his civil superiors and judges. And I chuse to do so, because this will at once give us some light into the true interpretation of the doctrine, delivered by himself and others in the New Testament, concerning Government; and lead us into some useful observations relating to the happiness of human society.

I. I propose to give you a brief view of the behaviour of St. Paul, as it is recorded in the Acts of the Apostles, with respect to those civil rights and privileges, to which the laws of the Roman or Jewish state entitled him; and to those civil ma-

gistrates, and judges, before whom he had occasion to appear. And,

1. In the chapter now before us, the chief captain, who appears to have acted the part of a civil magistrate as well as of a commanding officer in Jerusalem, resolving to find out what it was that had so much incensed the whole multitude against St. Paul, commanded him to be scourged, in order to his own confession of his crime. St. Paul could have borne this usage with as great Christian patience, and Roman fortitude, as any man living: and no man knew the true glory of suffering wrongfully better than he. But instead of this, he seems to think it a much more becoming part to insist upon those civil privileges which the laws of the state entitled him to, as he was free of the city of Rome. *Is it lawful for you to scourge a man that is a Roman, and uncondemned?* was the question which he thought fit at this time to ask. If a certain set of notions had been embraced in those days, some of his fellow-christians might perhaps have informed him that the laws *were but a dead letter*; that what the executive power ordained was law, though contrary to all the laws then in force; that he who was but a subject was no proper judge of his own rights, and ought not to give so ill a precedent to other subjects as might encourage them to

dare to judge when their privileges were invaded; and much more, that he being a Christian, and an apostle, a follower of a crucified Master, and a preacher of the doctrine of the cross, ought not to shew any concern about worldly rights and privileges; but think it a glory rather to give them up to the invasion of his superiors. Thus, I say, might some Christians have taught St. Paul to have behaved himself. But he, we find, was of another opinion; and had very differing sentiments concerning these matters. He thought it no argument of a christian spirit to suffer any thing which he could honourably avoid; and he thought it honourable to plead the privileges of a subject against the encroachments of the higher powers: and so he appeals to the laws, and claims the right of being used by the executive power no otherwise than as they direct.

2. If we follow him a little farther, we shall find him in the next chapter brought, by order of the same chief captain, before the chief priests and council of the Jews, to see how he could acquit himself to them. Upon his declaring his sincerity, and uprightness, the high-priest, *Ananias*, commanded them that stood by to smite him on the mouth. St. Paul's reply was very severe, *God shall smite thee thou whited wall: For sittest thou there to judge me after the*

*law, and commandest me to be smitten contrary to the law?* v. 3. And though he afterwards repeated him of the reproachful word he gave the high priest in his anger, yet he repented not of the just sense he had of the illegal indignity offered him; or of his zeal against all such magistrates as acted against the end of their office, and against those laws by which they ought to be governed in the execution of it. Here again it is evident that this great apostle had the spirit of liberty in him; and thought that those laws which were made for the security and guard of it, were not to be dispensed with at the pleasure of those whose business it was to execute them. Here again we find him pretending to know and judge of, his own civil privileges; and not tamely submitting to the violation of them. If some christians of later age had lived in his time, and been witnesses of this, they would not only have said, *vilest thou God's high priest?* but would have asked him how he, being a subject and a christian, could answer to his own conscience his thinking any subjects judges of the invasion of their own privileges; they would have reprehended him severely for placing himself above his judge and turning the world upside down; making subjects rulers, and rulers subjects as they love to speak, by this preposterous

way of pleading his privileges even whilst he stood before a court of judicature. But it is very plain, that as no man was more zealous for the honour and veneration of such magistrates as answer the ends of their office, which is the support of human society; so no man could express a more hearty dislike of those who acted a contrary part; or a greater concern for the temporal good estate of subjects, even amidst his continual labours and cares for the eternal happiness of all men. Once more,

3 If we look back as far as the xvith chapter, we shall find a yet greater proof of this. The magistrates of Philippi commanded Paul and Silas to be beaten *with many stripes, and cast into prison, v. 23.* but the next morning, sent to the keeper of the prison to let them go, v. 35. St. Paul's answer is very observable. *They have beaten us openly uncondemned, being Romans, and have cast us into prison: and now do they thrust us out privily? Nay, verily, but let them come themselves and fetch us out.* He was just now delivered out of prison by a wonderful shock of the earth about it; and so might have escaped before this release was brought from the magistrates: but after such a good natured message from them, one would think, he might have quietly departed. It would have been but the compliance of a subject with a lawful

request of his superiors. Yet this great apostle did not think it honourable to go away without expressing some resentment against the invasion of the privileges of the subject which the magistrates had been guilty of; and without pleading the cause of injured inferiors. He continues resolute till these magistrates themselves had waited upon him, and *desired him to depart out of the city*, v. 39. And here again, how would some, who pretend to found their notions of these matters upon this very apostle, have reprehended any other man in the same circumstances? Answerest thou the vicegerents of God so? Where is the profound respect due to that order instituted by God himself? Where is the sense of the duty of subjects? Nay, where is government itself, if subjects may be allowed to judge of the invasion of their own privileges, and if laws must be placed above the determinations of the executive power? But above all, where can there be a stop, when obedience is refused to a lawful injunction of the magistrate, and to what might without sin be complied with? Whom therefore shall we follow? those who speak after this manner? or St. Paul, who knew as well as they the duty owing to magistrates, and yet gave not up his own judgement to them? but, though a subject, and acting the part of a subject, took upon him (by what these



persons might perhaps call a stubborn behaviour) to bring the magistrates themselves to a sense of that invasion they had made upon the rights and privileges of Roman subjects; and this, though the invasion appears to have been made merely through an hasty mistake. Of so great consequence did he think it to oppose one single instance of illegal oppression!

Thus have I given you a true account of the most remarkable passages recorded concerning St. Paul's behaviour with respect to his civil privileges, and to those magistrates before whom he had occasion to appear. If any one say, all this relates only to deputed or inferior magistrates, not to the supreme; I answer, that it cannot relate to one without relating to the other, because government cannot be managed in the world but by deputed and inferior officers; because if every one of them may be thus used by subjects in any case, it is to little purpose to exempt the supreme from the like usages, since the same sort of disturbances, and evil consequences, will follow, as if the supreme might be treated after the same manner; because the christian religion (as St. Peter testifieth) commands the obedience required in it, with respect to both; because otherwise the argument urged by some for the magistrate's uncontrollable authority, drawn from our Lord's

acknowledging the power of Pilate to be from above, who was but a deputed governor must fall to the ground; because both supreme and inferior are said to act as one authority, by the same divine commission and so are equally borne out by it against all opposition, or at least equally elevated above all pretences of subjects to judge concerning their conduct: and because the subject's duty is equally to both submission, and non-resistance; the authority of both being ultimately resolved into the divine commission and it being as impossible to oppose, in any instance, the lowest officer in authority without opposing the supreme, as it is said to be, to oppose the supreme, without opposing God himself, whose vicegerent he is. I proceed, in the second place,

II. To consider if this account of St Paul's behaviour will not give us light into the true interpretation of the doctrine delivered by himself, and others, in the New Testament, concerning government; and lead us to some observations of importance to governed societies, and to that in particular to which we belong. For can any one think that these passages were recorded for nothing, but to serve for an embellishment of St. Paul's story? or can any one think that St Paul had a regard to his own particular worldly interest in the parts of his conduct? He that suffered, and

ew he was to suffer much greater hard-  
 ps? He that was ready to give up his  
 e for the sake of christianity, and to  
 low his Master through all indignities,  
 d all persecutions, when the glory of  
 od should call him to it? No, it was some-  
 ng more than his own part in this world  
 hich engaged him to shew himself after  
 s manner; for this he could with the  
 atest ease have neglected. But the  
 opiness of human society, and the good  
 ute of the inferior part of mankind, moved  
 soul to a generous indignation against  
 ry thing in government which favoured  
 yranney; and kindled in his breast a  
 for every thing which it was fit for  
 eds to enjoy. Let us therefore see if  
 behaviour will not lead us to some useful  
 important thoughts relating to Chris-  
 s incorporated in civil societies.

I need not take particular notice that  
 Paul thought it not beneath a christian,  
 an apostle, to concern himself with his  
 ts and privileges, as he was a subject of  
 Roman state. He knew, as well as any  
 his time, that he belonged to a city above  
 se builder is God; he knew that his  
 concern was eternity and heaven; he  
 w that no tyrannical magistrate could  
 him of his innocence, or of his salvation,  
 yet he considered himself likewise as a  
 ber of human society, and acted the

part of one who had a just sense of the privileges of his citizenship here on earth, as well as of that citizenship in Heaven, which he speaks of to the Philippians and Ephesians. And why should it be thought unworthy of any other Preachers of the Gospel, to imitate so great an example, in the same great concern for the good of human society? To proceed,

2. Let St. Paul himself answer all those who have, on his authority, pretended to exalt the executive powers above all laws and above the very ends of that office for which they were instituted. He, it is plain, knew nothing of this; nor did he carry the obligation of a quiet submission to any such instances as were contrary to the design of that office. Let them learn from himself that when he speaks highly of magistrates it is of such who are gods indeed in human society; such as maintain the character and dignity of their station by answering the ends of it; and that when they descend to invade the privileges they were ordained to guard, he knew no such profound respect to be due to them. Let them learn from him that the laws of the Roman state were above the executive power; and that the authority of the magistrate could not oblige him to that law, which was against the written law, or oblige him to comply with what was injurious to his civil privileges. Let

learn from him that he understood not his Master's doctrine concerning the governors of this world, to extend beyond the privileges and happiness of the governed society; and that he himself, in his own doctrine, delivered in other places, meant nothing contrary to these. Let them learn from this practice, which is certainly the best interpreter of his own doctrine, and that of his Master and fellow-apostles, that when he saith, *there is no power but of God, the powers that be are ordained of God*; and that when his great Master acknowledges the power of Pilate to be from above, no more could be meant, than that it was agreeable to God's will that some persons should be invested with power for the good of human society; not that God had made them uncontroulable in acting against his commission, and to the ruin of their fellow-creatures. Let them learn that when St. Paul commanded respect, and forbid opposition to the higher powers; and that when St. Peter commanded the same subjection both to the supreme and deputed magistrates, they were considered as acting the best part in the world: and nothing intended by this to oblige subjects to a quiet submission to such illegal, and unjust conduct, as affects and shakes the universal happiness. And,

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3. If they still repeat the old question, Who shall judge of the invasion of privileges? Let the same St. Paul answer them, who in the capacity of a subject, more than once, is recorded (in the short history we have of his actions) to have presumed to judge concerning his own privileges against the invasion of the magistrate; and to have done this as by a right belonging to every member of the same society. His Christianity did not make him forget that he was a Roman: and as a Roman he judged that he had the privileges of a Roman: and therefore his christianity did not oblige him to give up to any mortal, as long as he could with honour keep them. The possibility of his mistaking in this, in which he acted not as an apostle, was no argument to him against this right: nor did the weakness of other men's judgements prevail with him not to set them an example of judging in the like circumstances. What confusion, what disorder, say some, must ensue, if subjects be allowed to judge concerning the invasion of their own rights and privileges. But let them believe St. Paul for once, that much more misery must ensue upon human society, if it be a settled point that the executive powers may absolutely, and without controul, determine what they please concerning the inferior part of the world. If any one ask where he saw this, I answer

his behaviour speaks it aloud; for he never would have acted the part which he did, could he have thought it more for public good that subjects should give up all their judgements to the determination of their magistrates, than that they should judge concerning the violation of their common rights after the best manner they could. Let not men therefore forget modestly so much as to laugh out of countenance this right of judging in subjects, which St. Paul himself claimed merely as he was a subject.

4. Let those learn it from St. Paul who will not bear it from others, that rights and privileges, liberty and property, and the like, are not words fitted only to raise the spirits of the people, and to foment disturbances in society; but that they are things worth contending for. Some may divert them from it) what great matter if St. Paul had borne a little scourging? or why could not he pass over the injuries offered him by his governors? To which I know no better answer than this, that his behaviour was what it was, merely because they were magistrates; that is, because it was a case not of concern to himself only, but to human society. For he could bear, and pass by injuries as well as any man could had they been private persons who had

offered him the same indignities, I doubt not, he had borne them without any return but that of forgiveness. But when the civil privileges of that society to which he belonged were invaded by those whose duty and profession it was to maintain them, he thought it a just occasion to shew his sense of so great an evil; though it immediately touched only himself. The consideration of the character and office of those who offered the injuries, was so far from determining him to pass them over with silence, (according to some men's way of arguing) that it was this very thing that made him look upon them not as private injuries, but with a resentment due to injuries of a public and universal concern. And however some may ridicule the liberties of subjects, St. Paul, it is plain, was for standing fast, not only in *the liberty with which Christ Gal. v. 1. had made him free* from the Jewish law of ceremonies; but also in that liberty with which the laws of nature, and of the Roman state, had made him free from oppression and tyranny. For,

5. It is another observation which we may make from his example, that he thought the end of written laws to be the security of the subject against any arbitrary proceedings of the executive power; and that this could not be, unless the executive were



governed by these laws, as well as the subject. If this had not been his opinion, it had been frivolous for him to have urged his privileges founded upon the laws; by urging of which he plainly implies that they were the measure of the magistrate's behaviour towards the subject. And I hope it is the same in all the like establishments. But how contrary is this to the maxims of some who make the laws insignificant trifles, and place the will of the executive power above them; declaring that otherwise there can be no such thing as government? By which word they generally seem to understand something beyond such a government as is for the good of the governed society. How contrary is this to such as make written laws only an encroachment upon the absolute power instituted by God; and study to make their power as contemptible as they can, that the necessity of absolute monarchy may the better appear; and boast of their services this way as if they were of the greatest importance? If these notions be embraced, what must be thought of St. Paul, under the Roman state, who thought it his happiness to have rights and privileges settled by written laws? What must we think of the wisest nations in former times, who could devise no greater security against oppression and unhappiness in societies than laws? And if

we come home to ourselves, what must we think of the envied constitution under which we live, and, by the virtue and power of laws all enjoy the chief happinesses that human life can wish for? What must we think of that revolution, in which high and low so unanimously joined, chiefly to rescue our laws from a dispensing power, and to divest the executive from all pretences to a superiority over the legislative? And what must we think of those magistrates, whom the present age beholds with veneration, and ages to come will remember with eternal honour; who, though commissioned by the supreme executive power, yet acknowledge no rule of their conduct but what is prescribed to them by the legislative; and account it their chiefest glory to be the guardians of the laws, as they are of the liberties of the people?

**The judicious Mr Hooker** thinks that human societies first made a trial of government by the will of one man, (as their first essay might well be the worst and most imperfect) and that they were constrained to come to laws as a remedy against the evils of that kind of regimen, after they had found (as his expression is) "that to live by one man's will was the cause of all men's misery."

**This agrees with St. Paul,** who plainly

thought that laws were a sufficient curb to the arbitrary will of the executive power: but in vain did he contend in his days; in vain have the wisest of men discoursed in all ages; and in vain is absolute power controuled by success of arms in our own times, if we can live to be persuaded, either that there is no difference in governments; or that there is no guard in laws against arbitrary power; nor any force in them but what must bend to the will of those whose office it is to execute and defend them. A lasting liberty is founded upon laws; and is the result of a good constitution of government, as health is of a right constitution of body. In this also, like health, that it is valued most by those who know the taste of it, under the first apprehension, or sense of the want of it, but little prized by thoughtless men under a secure and unshaken enjoyment; whilst slavery, like sickness, to those who never tasted it, seems nothing; and to those who have been oppressed long enough to forget what liberty is, becomes the more tolerable; as a bodily indisposition doth to such as know not, or despair of, a better state. But is it not very unaccountable, that blessings should be undervalued by weak men for that security which should recommend them; nay, that curses should be invited down from Heaven in the room of them?

That when the inconveniences of absolute monarchy made men first fly to laws for refuge, they should ever fly back again from what they must acknowledge their happiness, and call for that absolute power to dispense with these laws, which these laws were purposely designed and instituted to controul and confine? But thus it is even at this day, after the experience of so many ages; even amongst ourselves, after so grateful and pleasing a taste of the blessings of a legal constitution; even under the most uncorrupt, unblameable administration of justice and equity that ever any nation was blessed with. But, to return,

6. St. Paul's behaviour should, methinks, upon second consideration, make some persons a little more cautious of affirming absolute monarchy; invested with a power above all the encroachments of written laws, to be the only form agreeable to the will of God: nay if you can hear it without smiling, the most beneficial to the subject. For let any one tell me, whether, upon this principle, it had not been the duty of St. Paul to have taken the opportunity offered him of owning the superior power of the magistrate; of acknowledging the little use of laws to human society; and of shewing the Christian religion to be a great friend, though not to the lawless confusion of the multitude, yet to the lawless power of the

magistrate. This had been a noble piece of service, not only to truth, but to human society, according to some: and I presume St. Paul knew the will, and the plain revelation, of God as well at least as any modern Christian; and would gladly have suffered a few stripes, in order to bear testimony to so important a part of God's law. Nor need he have doubted this way to have turned the anger of the magistrates into favour, and a kind regard both to himself and his profession. But he appears to have been a stranger to all this: and his zeal for the laws shews that he thought both the will of God, and the good of society, to require another scheme than that of an unlimited executive power.

Thus have I laid before you a true account of the behaviour and notions of that apostle, in favour of the rights of subjects, who hath been long, and often, represented by many as the greatest asserter of an unlimited authority in the executive power: and though I have been treating of civil and secular concerns, yet I hope I may be safe under the patronage of St. Paul's example, and of those scriptures which give us this account of his conduct and behaviour, as of something not unuseful to men and christians. Nor is it a small satisfaction to speak upon this subject before those who understand the value and import-

ance of wholesome laws; and know how to scorn all the homage or respect of men but what results from an unbiased and uninterrupted administration of justice.

And now, if St Paul shewed so great a respect to the written laws of that state under which he lived; if he thought it worth his while (whose grand affair was to propagate a new religion, and the belief of a future state) to concern himself so much with this world as to insist upon his rights and privileges, as he was a subject, and to shew no ordinary regard to them; if he thought it the happiness of a kingdom to have such privileges as are fit for subjects settled by law, and a happiness not to be shaken at the will of the executive power; if he thought that subjects might judge concerning the invasion of these privileges, and were not brought into being to submit to every thing imposed upon them; let us learn from so great an example to value our own happiness in that legal establishment under which we live, and live so as to enjoy life. His example bids us plainly stand fast in our liberty supported by laws. Let this move us more than the fallacious disputations of those who are continually declaiming against this happiness, and endeavouring to persuade us to change it for another sort of government; arguing the benefit of this to ourselves, and the right

to it in others. And, lest we should not be moved to a change, the argument is sometimes turned, and we are to be informed, that our whole notion of liberty is a mistaken chimeræ and nonsense; that whereas we think we have laws to govern us, it is only the will of the executive which rules; that whereas we think these laws are made by the consent and authority of the representatives of the people, it is no such thing; that it is the prince only who enacts that no other have any share in the legislature; that it hath all the treason possible in it, to say that the parliament hath a co-ordinate power in legislation; that our constitution abhors co-ordinate legislative powers; that our constitution is one sovereign whose supremacy is indivisible, and both the legislative and executive are in it, notwithstanding that all our laws are said to be enacted not only by the prince, but by the authority of the lords and commons, in the same sentence; and consequently that the executive power, being the only legislative, can dispense, annul, destroy laws as it pleaseth; that the people without distinction are the sons of Belial, a company of vassals, that live and subsist by the concession of their master only, and the like: positions which I would not mention, but that they are exposed to light and propagated with heat, every day: though I hope

not with such force as to disengage our affections from a happiness, without which, I know not whether it had not been as well for us to have been born to a wilderness and a den.

As laws therefore have turned the desert of this world into a paradise, and the wilderness of mankind into human society; so let us of this kingdom acknowledge our part in this happiness to be much above that of others; and let our zeal for it rise in proportion to the value of the thing itself. Let our government by laws be the chief object of our worldly concern: and as we value that, let our value and estimation rise for the supreme head, and every branch of the executive power, under which we live so happy and easy at home, whilst they all join in making the laws the measure of their whole administration. But above all, let our thankfulness at this time rise to the great Disposer of all events, who hath given us a farther prospect of the continuance of the same happiness to future generations, by a great and important victory abroad, in which Justice, Laws, and Liberty, have triumphed over Injustice and Arbitrary Power; and which we may reasonably look upon as a growing security of our good estate against the designs and attempts of all who fight against it both at home and abroad: which God grant it may be, for the sake of Jesus Christ, &c.

F I N I S.

J. Neilson, printer.