

From Moses Stuart's *Conscience and the Constitution* (1850):

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Only one passage more from the New Testament do I design to recite, in respect to the matter before us. But this will come in better under our next category. The results of our New Testament investigation are few and simple. One spirit reigns throughout, viz., the spirit of peace, of good order, of ready obedience where obedience is due, and of obligation to contentment with our lot, unless some peaceful way of changing it can be devised. Not one word has Christ said, to annul the Aiosaic law while it lasted. Neither Paul nor Peter have uttered one. Neither of these have said to Christian masters: "Instantly free your slaves." Yet they lived under Roman laws concerning slavery, which were rigid to the last degree. How is it explicable on any ground, when we view them as humane and benevolent teachers, and especially as having a divine commission - how is it possible that they should not have declared openly and explicitly against *a malum in se*? This problem the Abolitionists are bound to solve. It will do no good to dodge the question. It will come back again; it will press itself upon them; and they must give up the New Testament authority, or abandon the fiery course which they are pursuing. Common honesty and frankness demand this.

But we must not proceed to the next stage of our journey, before we have looked a moment at the civil condition and rights of the primitive Christians.

How entirely different were those from our own! A representative—a republican government? Who of all the ancients ever heard or dreamed of this? Despotism, stern unrelenting despotism, under emperors, kings, viceroys, or their deputies, was in all countries the order of the day. That could a freeman in Palestine do, in our Saviour's time, toward altering or amending the- government? Nothing at all. A mere calling in question its measures was treasonable Any intermeddling with civil relations or rights, would have been deemed sedition. Slavery was one of these relations. The supreme power of the land allowed and regulated. this; and only such a power had or claimed the right. Hence, if Christ, or Paul, or Peter, had said to masters: 'I Set your slaves immediately free,' the answer would have been: 'Who made thee a ruler or a judge over us? Cease to preach this sedition, or we will immediately bring you before the magistrate.' There were always masters enough ready to say and do this: and then, what was to become of the infant cause of Christianity? The whole power of the Roman government would have been brought down upon it, to crush it in the bud, and never to suffer it again to rise up. Paul, Peter, and other disciples, thought it best to wait with patience for the greater prevalence of

Christianity, and its more matured state, before they urged obligations on masters to free their servants. "The acceptable year of the Lord" had not yet fully arrived.

It is on this ground that I explain the silence of the New Testament, in respect to breaking the bonds of servants. I shall, however, endeavor hereafter to show, in due time, that there is enough in the New Testament forever to burst these bonds asunder. But it lies in a kind of occult state. I mean that it is so expressed, as not to excite the jealousies of heathen masters. It comes to us in simple moral costume, like the ordinary precepts of morality and piety. In this shape it excited no alarm. It roused up no jealousies. But- simple and seemingly enveloped as it is, it amply covers, after all, the whole ground in question. This was regarded by Christ and his apostles, as the safer and better way of leading men successfully to understand and to do their ultimate duty. But I shall leave the consideration of this most important part of the subject before us, to another and subsequent part of these Remarks.

4. The influence which Christian Principles should have on our minds, in relation to Conscience, and to the agitated questions of the day.

There is yet one more passage to be quoted from Paul, which has a direct bearing on the most fiercely agitated question of the day. That question may therefore be put first in order, that we may complete, in a continuous course, our examination of those parts of the New Testament, which have a direct and explicit bearing upon the matter of slavery.

There is a clause in the Constitution of the United States, which has given occasion, perhaps more than anything else, to the excitement which now exists. Art. IV.3 says: "No person held to service or labor in one State, under the laws thereof escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

My first question is: Had the compacting States a right to make such an agreement?

Why not? Observe that the word slave or slavery is not once named. The Declaration of Independence had, eleven years before, published to the world the following noble sentiments, worthy of Christians, of patriots, and of advocates for the rights of man, viz., "We hold these truths to be SELF-EVIDENT; that ALL MEN were created EQUAL; that they are endowed by their Creator with certain UNALIENABLE rights; and that among these are life, LIBERTY, and the pursuit of happiness." There these words stand, emblazoned in light which even the blind can see, and never - never to be erased or obscured. After such a declaration before heaven and earth, without one dissenting voice, how could the immortal men, whose names are appended to that Declaration, publish to the world in their Constitution of government, that they fully admitted in practice what they had solemnly denied in principle? How could they: say: We authorize the practical denial

of equality and liberty, and hold, that the right to them of a part of the community is not inalienable? How would the despotisms of the old world have pointed the finger of scorn, at the palpable disagreement between the Declaration of Independence, and the Constitution of the United States!

It will be seen, by a moment's reflection, that the appearance of such a contradiction is in some measure saved, by the softened language employed, viz., held to service or labor. Nor is this all. As the matter now is, the article in question does not apply to slaves only, but equally to all other persons lawfully bound to service or labor, to apprentices, to men under special contract, to all in such a predicament, whether free men or slaves. All this shows the dominant feeling, at the South as well as the North, on the subject of slavery at that time, viz., the feeling of repugnance. Moreover, it is a correct index of the then dominant state of feeling, as we shall see further on.

But allowing all that has now been said, still could not the States mutually bind themselves to the compact before us? Surely they could. We must begin the examination of this subject by calling to mind, that each State was, and still is, a sovereignty within itself. Then, it was absolutely and entirely so; but now, in a more modified and limited manner, since it has assigned over a part of its sovereignty-rights to the General Government. Each State, then, could, and can now, form laws for itself regulating all rights of property or of citizenship. It could admit any particular class of men to the privileges of citizenship, or it could exclude them. It could decide what rights one man had, or could have, over another, as to demanding service or labor. The compact in the Constitution merely declares, that the decisions of each State, shall be respected and admitted as valid by all the others.

This being all plain and certain, it follows, that when men held to service or labor by the laws of one State fly to another, the property or service can be reclaimed and enforced, as by law belonging to the citizens of that State from which the fugitives came. The words of the compact are: "Shall be delivered up, on claim of the party to whom such labor or service is due." Now what does or can this mean? First, it certainly does not mean, that obstacles can lawfully be thrown in the way of such claimants. Secondly, it implies of course, that the claim to the fugitive should both be valid and be duly established. Thirdly, the article has, very unfortunately, omitted all special direction or provision, as to the manner of establishing said claim and all definition of delivering up. This language of itself would seem to imply, that the State to which the fugitive comes, has him, some how or other, in its custody; if not, how can he be delivered up? It cannot well mean, that the State to which the fugitive has come, is bound at once to take active measures for the purpose of accomplishing a restoration; for how can this be done, except the right of the claim be first established by the owner? But where and how is this to be done? The question of property, or right of ownership, in the case before us, is one which can

be lawfully decided nowhere but in the State to which the fugitive belongs. The ownership is wholly dependent on the laws of the State where the owner lives, not on the laws of another State. And in accordance with this view of the matter, has the decision of the Supreme Court of the United States been made. All that is to be done by another State, to which the fugitive comes, is, not to throw any obstacle in the way of reclamation. To Congress, and to that body alone, it belongs to legislate, as to the mode of carrying into execution the compact which has been made. They have thus far failed to do it effectually; and now the evil resulting from this failure has become very great, and the difficulty of legislation at present is immensely augmented.

'It is plainly beyond the power of any one State to say to another: 'You shall not claim this or that as property.' It may feel that other States have wrongly and injuriously decided this question. It may have a moral or admonitory Christian duty to perform toward her; but on the ground of national law, how can one sovereignty usurp authority to decide for another, in regard to their internal relations and concerns?

What now has the constitutional compact actually done? It has simply bound all States to acknowledge as property, that which any particular State, acting within its own jurisdiction has decided to be property, and of course it forbids all detaining of it, and commands deliverance of it, wherever the claim is properly made out.

What participation then have we of the North, in any injustice that may be done to the slave, in making him property? Not the least in the world. We have simply agreed, to deliver up to the inhabitant of another State, that to which he has a claim sanctioned by the law of that State. We have merely renounced, in an express manner, a jurisdiction which in fact we never had, and cannot have. The renunciation removes all ground of doubt or dispute. What is the harm or sin of this? And what is the use of assuming a jurisdiction, which never did, and never can, belong to us?

'But the States have no right to make men property,' it is said. That may be so, I reply; and considered merely in a Christian light, I believe it to be true. But what right now has Massachusetts to decide for Virginia, on such a question? Virginia may do wrong, (I fear she is so doing), but Virginia is not under our supervision or jurisdiction; nor are we, in any degree, accountable or responsible for her errors or sins! The simple question before us is: "Whether full faith and credit shall be given in each State, to the acts of another?" The Constitution declares, that this shall be done, Art. IV.1. Shall we now obey it? Every magistrate in the land takes an oath to obey it. How can he do this, if he does not mean to keep his oath?

But we are told, that there is a higher law than the Constitution, the law of heaven written on our hearts and consciences; and that we are to follow that law. Nay, it is not only proclaimed in some of our journals, that there is a

higher law than the Constitution, but men are called upon, both in those journals and in the pulpit, to disobey the Constitution. Conscience, it is said, has decided, and rightly decided that the Constitution should be disobeyed. But how? Why? Can my private conscience prescribe to Virginia how she shall regulate her laws of property? - Can my conscience decide, that sovereignties are not to be left to their own sense of duty? I do not see how. I may think that Virginia, for example, does a moral wrong by her slavery laws; but it is clearly no political wrong done to others. The matter belongs to her alone; not to her neighbors.

But let us here look into this matter a little farther about conscience, and its alleged rights. Is the conscience in question a Christian conscience? There are, as we well know, all sorts of consciences, very diverse and even opposite; but I am asking now for a Christian conscience. To every such conscience I would say: Come along with me now to another conference with Paul. I insist upon it that you shall not decline.

What did Paul do at Rome? A slave of Philemon, at Colosse, ran away and came to Rome. There he was converted to Christianity under Paul's preaching. The apostle was so pleased with him, that he was desirous to retain him as a friend and a helper. Did he tell the slave that he had a right, nay that it was his duty, to keep away from his master, and stay with him? Not at all. He sent back Onesimus, the slave, to his master (Phil. v. 12), and he tells the master, that he could not venture to retain Onesimus without knowing whether he would consent, v. 14. "Perhaps," says the apostle, "he departed for a season, that thou shouldst receive him forever."- He then expresses his ardent desire, that Onesimus may be treated with great kindness, and as a Christian ought to be treated.

What now have we here? Paul, sending back a Christian servant, who had run- away, to his Christian master; and this even when Paul had such an estimation of the servant, that he much desired to keep him as a helper, while he himself was in bonds for the gospel's sake. Yet he would not continue to do this; although it was so desirable to him. He enjoins it upon Onesimus to return to his master forever. This last phrase has reference to the fact, that Paul supposed that the sense of Christian obligation, which was now entertained by Onesimus, would prevent him from ever repeating his offence. And all this too, when Philemon, being an active and zealous Christian, would in a moment have submitted to any command of Paul respecting Onesimus. Why then did Paul send him back? There is only one answer to be given, viz. that Paul's Christian conscience would not permit him to injure the vested rights of Philemon. He could not think of keeping the servant, even to minister as a friend to his own necessities while in prison. Paul's conscience, then, like his doctrines, was very different from that of the Abolitionists. Paul's conscience sent back the fugitive slave; theirs encourages him to run away, and then protects him in the misdeed, yea justifies, applauds, glorifies him, as a noble, independent fellow. The

conscience of Paul sends back the fugitive, without any obligation at all on the ground of compact; theirs encourages and protects his escape in the face of the most solemn national compact. And all this for conscience' sake!