

A Response to the Decisions of the Plenary Assembly

(Rev Kenneth Stewart, Downvale Free Church)

At its recent Plenary Assembly, held in November 2010, the Free Church of Scotland authorised the use of uninspired hymns and musical instruments in the worship of the church.

Normally, a decision of this kind, reversing important church legislation, would be sent down to the Presbyteries of the church for their full consideration and approval. Such a procedure is required by the terms of an Act called the Barrier Act. As its name suggests, this Act, dating from the 17th century, is designed to function as a ‘barrier’ by stopping an Assembly introducing an innovation into the church which would be inconsistent with the church’s constitution or out of step with the prevailing view of the church.

If this Barrier Act had been applied in this case, the new legislation on worship would have had to go down to Presbyteries for a year of reflection and debate. Then, even in the event of a majority of Presbyteries approving the legislation on worship, it would still require to be approved by a second Assembly. This procedure is designed to secure time for mature deliberation and consensus.

However, it was the mind of the Plenary Assembly not to pass the new Act on worship down to Presbyteries under the Barrier Act. The reasons for this were, first, that the issue was deemed to have been debated long enough and, second, that the Assembly was ‘plenary’: it already consisted of all the Ministers of the church, each with a corresponding Ruling Elder and was, therefore, considered to be as representative as could be.

I, along with others, dissented both from the new legislation authorising change and the decision not to pass the legislation down to Presbyteries. Further, I made clear to my own congregation that to authorise the new legislation was a breach of ordination vows on the part of those who voted for it and that it was also, effectively, to force a new vow on all existing office-bearers, irrespective of whether they had voted for it or not.

As a result, because I was persuaded that our original position on worship was biblical and that it was the position I had vowed to preserve, I considered that it was impossible to continue in office in the Free Church under the new legislation. However, because I consider the findings of the Assembly unconstitutional, I feel bound to seek the reversal of these decisions first.

Undoubtedly, more people are beginning to realise the gravity of the situation created in the church by the new legislation and an increasing number of office-bearers are becoming vexed as the implications for themselves and others become clearer. However, some think that these office-bearers, and myself in particular, are overreacting and that, in reality, the situation is fine in that it gives liberty all round: those who want hymns and musical instruments in the worship can have them while those who don’t can do without.

For example, David Robertson, the editor of the Free Church Monthly Record, has responded publically to this effect on his blog at <http://www.stpeters-dundee.org.uk/davidblog>. Although I will deal with the issues he raises there, my purpose in writing this is to elaborate further on what I believe are the serious flaws in the decisions of the Assembly which make these decisions *ultra vires* (unconstitutional).

Vows

Introduction

It is best to begin with the most pressing issue, that of the vows which bind all Ministers and Elders of the Free Church. The new legislation has clearly affected these vows. I will demonstrate how this is the case later, but let me say at the outset that I am surprised that this difficulty was not foreseen by those involved in drawing up the new proposals. This fact alone clearly indicates that the implications of this new legislation have never been thought through and that it should have been sent down to Presbyteries under the Barrier Act.

Although Mr Robertson openly wonders why I did not raise the issue of vows myself prior to the Assembly, the fact is that I *did* raise the issue and he knows that I did. Others may have too but I certainly raised the issue and not just at meetings of the Board of Trustees: I drew special attention to this issue in a fairly lengthy paper on the subject of vows which I distributed to the Board and which went on to be circulated more widely still. I made plain there that a vote to change the form of worship was a breach of ordination vows. I also drew attention to matter at the plenary conference in Dingwall.

Vows: What are they?

A vow is a particular kind of promise: it is a promise made *to God*. As such, it is an *act of worship* (Westminster Confession of Faith: Chapter 22). In the vow, as an act of worship, God's special presence is invoked '*to witness what (is) asserted or promised*' and to '*judge*' (the person) accordingly. The Confession reminds us that, before taking an oath, we should consider the '*weightiness of so solemn an act (and)...to avouch nothing but what (we are) fully persuaded is the truth (and)...what (we are) able and resolved to perform*' (WCF 22). When God's holy presence as Judge is called upon to witness this act of worship, it becomes apparent that the disregarding of vows is one of the most serious religious sins imaginable: it doesn't merely bring the character of the Christian into question, but brings Christianity itself into disrepute and amounts to a presumptuous defiance of God.

Vows: Why do Church Office-bearers take them?

These vows have the function of binding the office-bearers into a certain relationship with the congregation on the one hand and with God on the other in a *covenantal relationship* with mutual responsibilities.

a. God's Oath

This idea of a covenant reminds us that the vows are not all one side: God also makes an oath to his office-bearers, through his promises, which become binding *at the point of ordination into office*. From this point of ordination, then, God is under oath to office-bearers, on clearly defined terms.

b. The Office-bearer's Vow

On their part, the office-bearers make covenantal promises to God, and a series of solemn declarations to the church, through vows which are often referred to as the 'Formula'. This Formula, then, becomes the oath binding the office-bearer to his church office and its duties in the presence of God and man.

It is on the basis of signing the formula, or taking the vows, that a person receives office and that the church admits him into it. In this covenantal role, this Formula is the church's assurance of the orthodoxy of the office-bearer as well as the office-bearer's pledge to be faithful to that orthodoxy. That is why these vows are taken *publicly* in the presence of the congregation and not privately before the Presbytery - and rightly so, for the congregation has a deep interest in them. The public *avowal* in the Formula is a reminder to the congregation, and to the Minister, *of the terms on which office is given, received and discharged*.

c. The Church's Vow

The church, on her part, makes promises to her office-bearers as well: these promises are clearly expressed in the 'Form of Call' addressed to a Minister which *promises* 'all dutiful respect, encouragement and obedience in the Lord'. (I have sometimes wondered if our practice could be improved by requiring an *explicit vow* on the part of congregations to newly inducted Elders as well).

This vow is, of course, conditional in that an office-bearer's entitlement to all these things from the congregation is dependent upon their continuing adherence to their covenantal vows. To come short in fulfilling them, as is the case in marriage, for example, is a thing always to be borne with and in such cases forgiveness needs to be freely sought and freely given. It can happen too that vows are broken unthinkingly (as, I hope, was the case with some over this issue of worship) but there is no place for a persistent, wilful neglect or breach of vow. In such a case, the covenant is broken and church discipline needs to be exercised.

Vows: The Vows of Free Church Office-bearers

The vows taken by all Free Church Ministers and Elders have to do with the *doctrine, worship, government* and *discipline* of the church. I will say something regarding the content of these vows as I proceed, but I wish to do so in the context of Mr Robertson's claim that my understanding of the vows is too rigid in that it allows us to change nothing at all in any of these four areas. He says that this challenges the Headship of Christ and Presbyterianism itself.

While this may sound persuasive, it is simply wrong. The vows are carefully drawn up and are deliberately cautious and reserved in what they bind us to. But they do in fact bind and are intended to do so. That is the point in having them in the first place. They may allow us to change many things but they forbid us to change other things - *and it so happens that our form of worship is one of the latter.*

a. Government

For example, the vow regarding the government of the church commits us to Presbyterianism - but that's about it! Clearly, this allows for considerable flexibility and change within such a 'Presbyterian' government but it absolutely forbids change in others. Furthermore, the things forbidden in being Presbyterian are *deliberately* and *perpetually* forbidden by the taking of the vows. Put bluntly, the vows drawn up by our forefathers and incorporated into the constitution of the church *deliberately* and *perpetually* bind us to Presbyterianism in our church government.

This means that we have no freedom to dispense with the eldership, abolish presbyteries or create bishops. So, while in office in this church, Mr Robertson is perpetually bound, as I am, to Presbyterianism. *And a simple majority vote at a Plenary Assembly could never change that.* If he came to be persuaded of the validity of independency or episcopacy as a system of church government, he would have to find another church to practice it in.

Now, the interesting and pertinent question is this: if Mr Robertson considers a lack of freedom to change our form of worship to be an intolerable breach of the Headship of Christ, why does he not consider this lack of freedom in church government, imposed on him by his vow (which he voluntarily took), to be an intolerable breach of the headship of Christ as well? *After all, with his view of the vows, it is hard to see on what basis it is acceptable for the church to outlaw the existence of bishops in the church for all time but not uninspired hymns.* If we are meant to stay open to 'new light' on worship, why should we not stay open to 'new light' on government? I'll say more on this in a moment.

b. Discipline

With respect to discipline, our vow is one of obedience to the church courts. Of course, this vow is not unconditional: these courts could act against the word of God or against the constitution of the church. That is why, when attending the General Assembly, Mr Robertson's commission and mine (as 'commissioners' to the General Assembly) is to vote

in accordance with the Word of God, the Westminster Confession of Faith, and the constitution of the church.

When commissioners return to Presbytery after an Assembly, they are required to ‘report diligence’. Presbyteries have allowed this to degenerate into a report of diligent attendance instead of a report of true diligence. True diligence requires the commissioners giving Presbytery the assurance that they voted in accordance with the Word of God, the Confession of Faith *and the constitution of the church – a constitution which includes the vow on worship*. Every commissioner at the Plenary Assembly on Friday 19th November, 2010, including myself, needs to ask himself whether he did indeed vote like that. But, again, Mr Robertson needs to explain whether vowing this obedience to church courts is another intolerable violation of the headship of Christ?

c. Doctrine

In doctrine, we vow to (uphold) ‘the *whole doctrine* of the Confession of Faith’. Again, all office-bearers have liberty in areas outside of the Confession (unless their belief can be shown to be against the word of God), but our church requires of its office-bearers an *unqualified subscription* to the Confession of Faith. That means that our subscription to it is unreserved. We are not allowed, as the Church of Scotland allows, liberty of opinion in areas of the Confession which are ‘not of the substance of the faith’. Our liberty, as Free Church office-bearers, is on matters *outside of the confession*.

But, again, the interesting and pertinent question for Mr Robertson is this: would he say that such an unqualified commitment to the doctrinal statements of the Confession is another intolerable violation of the headship of Christ?

Despite the lip-service paid to Confessionalism - the belief that churches should be governed by Confessions - I wonder whether there is some doubt amongst our office-bearers about its validity, especially a Confessionalism rooted in the Westminster Confession of Faith.

The fact is that we do, however, believe that a church is entitled, through her creeds and confessions, to define and articulate Christian doctrine for the church and to bind her office-bearers to them by oath.

The Westminster Confession of Faith to which we subscribe - including its assertion of the *regulative principle of worship* (chapter 21:1) and that the ‘*singing of psalms*’ is a constituent part of that worship (chapter 21:5) - is not a mere mission statement to be modified at will but a catholic Reformed Confession which has functioned as the major constitutional document of all Presbyterian Churches throughout the world for nearly 400 years.

Admittedly, none of the Creeds or Confessions of the church are beyond alteration, but they are, intentionally, very difficult to alter: Because of the primacy of scripture, it is not just the Westminster Confession which remains subordinate but even the venerable Creeds of Nicea and Chalcedon. However, altering any of these historic Creeds and Confessions is rightly seen to be difficult simply because they are held to be articulating clear scripture teaching, clarified through *thought, experience, controversy and demonstrable spiritual guidance*.

It is precisely because the Westminster Confession articulates the church's fixed understanding of scripture that it is incorporated into the solemn vows which bind church office-bearers to their congregations. It is these vows which define the relationship in which these office-bearers stand, as office-bearers, with the church and with God.

Our constitutional documents, including our vows and Confession, exist to safeguard what is held to be scriptural and foundational. It stands to reason, then, that once a doctrine is 'confessed' by the church and enshrined in her vows, it is no small matter to contemplate a change to that doctrine: Dr McCrie stated that 'an article of doctrine once confessed on the authority of scripture can never be laid aside by a church without a *thorough refutation of the article from the Divine Word and a general conviction that it is erroneous and indefensible.*' Similarly, George Smeaton wrote that 'any doctrine taken into the standards cannot be abandoned until its contrariety to the word of God has been *established to the conviction of all.*'

The Confession, and our vow on worship, includes the 'singing of psalms' as a part of the worship which we offer to God. Since this position is 'confessed' in our confession and vowed to in our ordination vows, a '*thorough refutation from the Divine Word...established to the conviction of all*' should have been secured before any change could be contemplated. Was it secured at the Plenary Assembly? Far from it: it is significant that more than one person remarked at the Assembly that while the case for change had not at all been proven, it was probably better, *for the sake of unity*, to adopt the amendment. In other words, for the first time this century, as far as I'm aware, the church to which we belong dealt with a biblical, confessional, constitutional matter (i.e. a matter touching our Vows and Formula) on the basis of pragmatism, peace and a decidedly Roman Catholic rather than Protestant conception of unity- an approach which has really worried many external observers as well and hardly augurs well for the future.

However, all office-bearers have liberty in areas outside of the Confession unless their belief can be shown to be against the word of God. I have been a witness to, and participated in, countless debates on many points of theology and doctrine left open or not touched on, at least explicitly, by the Confession.

d. Worship

When it comes to our vow on worship, there is no vagueness or ambiguity: It is *plain, specific and deliberately restrictive*. Mr Robertson's claim that the vow hasn't been broken by those who agitated and voted for change boggles the mind. In fact, I would have thought that the only (poor) justification anyone could really offer in voting for change is that the vow just somehow had to be broken. For the sake of clarity, consider:

Every office-bearer at the Assembly had affirmed in the presence of the church that they 'owned' our form of worship, as being *founded on the word of God and in agreement with it*. They vowed that, *to the utmost of their power*, they would *assert, maintain and defend the worship as presently practiced in the Church* – which was stipulated as consisting of inspired materials of praise without the accompaniment of musical instruments. They further vowed to

conform to this worship and that they wouldn't try *directly or indirectly* to *prejudice* or *subvert* it and that they would follow *no divisive course from it*. To every unprejudiced mind, such a vow is plain, specific and deliberately restrictive.

Now, after all that, to say that to campaign for a change and vote for it is not a breach of the vow is to empty words of all meaning. There was a more honourable course of action for Mr Robertson, and others who thought as he did, to have taken and could have taken a long time ago.

So it is simply not true to say that we can change 'nothing' in government, discipline, doctrine or worship. To suggest that we can't is either ignorance or mischief-making on Mr Robertson's part.

In fact, the logic of his position is that we should *take no vows at all* (except perhaps a vow on the Bible as our ultimate authority) in case we get 'new light' on doctrine, government, discipline and worship.

Fears have been expressed that the church is being taken over by lawyers interpreting a constitution rather than by Elders. With claims like this, it is hard to escape the sense that some of our office-bearers are rather annoyed by the whole concept of a constitutional church. However, if we are to have a constitution, and so be a truly confessional, Presbyterian Church, then we cannot avoid the need to interpret that constitution. Normally, that is not difficult. Almost all the difficulties arise when people begin to empty words of meaning or impose new meanings upon words which they were never meant to bear.

The Constitution

On the theme of the Constitution of the Free Church, Mr Robertson claims that my position reflects badly on the stance taken by our forefathers in the 19th century. Again, there is some confusion here.

When the legislation approving hymns and instruments passed through the Free Church in the 1870's and 1880's, office-bearers who were opposed to this change protested but did not leave. That is true. The reason for this course of action is that they considered the Acts 'authorising' hymns and musical instruments to be not only wrong but *irregular* in that they did not pass through the Barrier Act and were, effectively, Class 2 Acts or mere 'Assembly resolutions'. This being so, they did not seem to consider these Acts to be properly 'authorising' a new form of worship at all. In other words, with respect to their vows, they felt that they could continue vowing to what was '*presently authorised*' because, in their minds, uninspired hymns and instrumental accompaniment *had not been properly authorised in the church through the Barrier Act*. So, they all continued because their vows, as they saw them, were unaffected.

If this was their thinking, and I think I'm right in saying that it was, I can understand it but I confess that I am not at all convinced it is right. It seems to me to be setting out on a path

which is not straightforward enough when it comes to the issue of vows. To my mind, there should be absolute simplicity and transparency on all issues where vows are concerned and I confess to being alarmed when the arguments become too subtle or complex. In this kind of situation, church discipline slowly collapses as, in fact, it did in the 1880's and 1890's.

However, the recent decision of the Assembly is held to be different in kind from the decisions of the 1870's and 1880's. According to Mr Robertson, this new Act on worship *has the status of an Act which has passed through the Barrier Act although it has not in fact passed the Barrier Act*. It is on this very basis, he claims, that it would not be right for another Assembly to overthrow it.

Indeed, the Act certainly claims this status for itself as can be demonstrated by its proposal to abolish the 1910 Act on Worship (which was a Class 1 Act: no ordinary Assembly Act can propose the abolition of a Class 1 Act without recourse to the Barrier Act).

This means that the Plenary Assembly was viewed as an Assembly that was passing Class 1 legislation: in other words, it was passing an Act which has become a '*binding rule and constitution in the church*' - and this makes the new legislation to be 'presently authorised' in a way in which, arguably, the 19th century legislation was not.

This is why today's situation is different from that which existed in the 19th century and it explains why the issue of worship *has become a constitutional question in a way in which it was not in the 19th century*. Our forefathers would not have accepted the situation created by the Plenary Assembly as it would have been a breach of ordination vows for them to have done so.

I understand, however, that some are now arguing that this new legislation is simply ordinary 'Class 2' legislation and, therefore, not binding or constitutional. If so, perhaps they can explain by what authority an ordinary Class 2 Act can repeal a Class 1 Act (1910) as this new Act has done? And why, as a piece of Class 2 legislation, is it 'defiance' to speak against it or to seek to overthrow it? And why have a Plenary Assembly to formulate Class 2 legislation in the first place?

This is clearly an attempt to have one's cake and eat it: by saying it is Class 2, those of us who are opposed to it are supposed to consider it relatively unimportant and continue on in spite of it. Well, if it is that unimportant, it is surely a small matter to overturn it? However, when such an overturning is spoken of, the new Act takes on all the appearance of Class 1 legislation and it is disruptive and a defiance to speak against it!

In some respects, this idea that it is 'defiance' to speak against this decision is the most sinister of all. On the contrary, addressing an errant decision of Assembly and seeking to put it right *on the basis of the church's constitution* is part of the duty of every office-bearer! Such claims usually reveal a control tendency on the part of those who make them and indicate the huge danger which occurs when a constitution is slowly replaced by majority votes, prevailing parties and powerful personalities. Constitutions bind, yes, but they guarantee real liberty in a way majority votes don't.

The situation now created is a mess. I will say something on its practical implications below, but it should give pause for thought that our vow on worship (which is part of our constitution) is now *officially committing us to uphold two mutually exclusive views on worship as both being biblical*. We now solemnly vow to uphold uninspired hymns as being both commanded and forbidden! The fact that we could enshrine such a legislative position in our constitution is worthy of several adjectives but ‘remarkable’ will have to do for now.

Two further points could be made regarding the men of 1900. First, I think they were ill-advised to wait until judicial matters were over before repealing the legislation regarding worship and the Declaratory Act. Apparently, they were advised to make no changes to anything in case it would affect the case going through the courts which, of course, went all the way to the House of Lords. The Free Presbyterian church was always (rightly to my mind) critical of this because it is never right to subject matters requiring urgent ecclesiastical treatment to this kind of expedience in thinking. These pieces of legislation should have been repealed right away

Second, it is being alleged today that our church, declared by the House of Lords in 1905 to be the legal Free Church, was still, officially, a hymn singing church which also allowed instrumental accompaniment and so, it is argued, the form of worship was not considered to be a part of the constitution.

Certainly, the church still had these resolutions on its statute book until they were repealed that year but it is worth pointing out that worship practice was not a matter of consideration in the legal case of 1900-1905. However, worship practice *could* have become a legal battleground if the laws permitting the new worship practices in the 19th century had come in under the Barrier Act and become ‘*binding rules and constitutions*’.

(That, by the way, is another reason why the church should have thought long and hard before taking this step: a warning was given by someone from the floor of Assembly that this change in form of worship could leave the church open to legal challenge. This was interpreted by some as a threat from within. It was meant, however, with reference to the Free Church (Continuing) who could clearly argue that the church has now departed from her constitution by altering her vows (see below). It needs to be remembered here that while the Church has sovereignty under God over her doctrine, worship and discipline, her property is held in trust and can be reallocated by the civil authority if it deems that trust to be violated. That is precisely why our forefathers won their legal case in 1905 and became legal heirs of all the Free Church property: although they were in a tiny minority, the House of Lords ruled them to be faithful to the constitution of their church in a way which the majority were not.

It is all very well to claim ‘spiritual independence’ in such cases and to insist on the church’s right to manage her own affairs and I would be the first to assert that. But, the Board of Trustees are property ‘trustees’ and Deacons Courts are also property ‘trustees’ and it is naïve and negligent to blunder forward without considering fully our obligations to God and man in these roles in which we have been placed. If it is wrong to weigh these matters, it is wrong to be trustees.)

However, it is just a simple fact of history that the legal fight to establish the identity of the 1900 Free Church with the Disruption church of 1843 was fought on the chosen battleground of the establishment principle, not on that of worship, and it is misleading to give the impression that the House of Lords in 1905 somehow ratified hymn-singing in the Free Church. The issue was never raised.

The Constitution and the Vow on Worship

a. Is the Vow itself changed?

Remarkably, the claim is made by those who have fought for change that the constitution hasn't been affected in the slightest by the new legislation because the *wording* of the vow on worship hasn't been altered. In what seems to me an exercise in playing with words, it is claimed that changing what is 'presently authorised and practiced' doesn't alter the vow requiring us to uphold, in worship, what is 'presently authorised and practiced'.

It's not too difficult to show the futility of this kind of argument: Suppose the Plenary Assembly, instead of authorising hymns and instruments, had instead authorised the use of incense and candles to accompany prayer, the ringing of bells to accompany the consecration of communion bread, kneeling in reception of communion, and facing east in prayer (all of which accompaniments can be found in Episcopalian worship).

Are we seriously to think that in such a case our vow had not materially changed just because its wording hadn't formally been changed? Indeed, we would still be vowing to uphold 'purity of worship *as presently authorised and practiced in this church*' but the thing being upheld would now be radically different. Surely, in such a case, to believe that the vow had remained unchanged would be unworthy of an intelligent person? Since Friday 19th November 2010, the wording of the vow remains unchanged - but that is all. The meaning of the vow has changed completely. I remarked at the Dingwall conference that to maintain otherwise was no less ridiculous than swapping your wife for another one and insisting that there was no need to take a new set of vows: the ones you took before could remain unchanged.

b. Was the Vow Designed to Permit Change to the Form of Worship?

This brings us rather neatly to the novel and convenient idea that by binding us to 'purity of worship *as presently authorised and practised in this church*' our forefathers meant to leave the form of worship an open question, something to be decided at any given time by the church. In other words, anyone taking the vow would be required to commit themselves to what was, effectively, an unknown. Surely, a little serious reflection should expose the absurdity of requiring a solemn vow to an unknown practice! After all, how could the person taking the vow know what would be '*presently authorised and practiced*' in, two, five or ten years' time and how then could he pretend to swear to it?

On the contrary, as in the areas of doctrine and government, the church *meant to bind itself for all time in its worship practice*. Some people profess to find this horrifying. I fail to see why. If the church can bind its government to perpetual Presbyterianism (because that's what it finds in the Bible) and bind its doctrine to perpetual infant baptism (because that's what it finds in the Bible), I fail to see why it cannot bind its worship to perpetual Psalm singing (because that's what it finds in the Bible as well). As in the areas of doctrine and government, the church *meant to bind itself in public worship, for all time, to what could be proved expressly from scripture with no addition whatsoever*.

In fact, in 1711, the Formula (vow) went so far as to make an explicit connection between what was 'authorised and practiced' and the famous Act of 1707, only four years earlier, which *repudiated all Episcopalian addition to the Confession's definition of worship*. The Act of 1707 doesn't give a list of what these Episcopalian additions are because it didn't need to. This reason for this is not just that these Episcopalian additions were well known but that worship is a *positive thing, described positively and exhaustively in the Westminster Confession of Faith*. It is abundantly plain, then, that the church, by adding '*as presently authorised and practiced*', was further closing the door on innovation in worship and not deliberately leaving it open.

Furthermore, leaving the form of worship open to change would leave the church exposed, in its worship, to the wishes of a prevailing party in any given Assembly, in much the same way as the doctrine of the church was exposed to the same danger by the Declaratory Act of 1892.

c. How is the Vow Affected by Existing Variety in Worship Practices?

Again, the argument is made that we live with variety in worship practices already so why not put up with this additional variation? It is indeed the case that there is some variation and if that variety is *biblical, confessional and constitutional*, that is fine: our vows never required us not to live with that. (That is not to say that every variation in the Free Church is biblical, confessional and constitutional).

For example, I have heard it said that, according to the position I advocate here, the church could not even change its version of scripture. That is not the case. The Confession of Faith, our doctrinal standard, makes plain that the version of scripture should be in the common language of the people. It follows from this that the church *can* and, sometimes, *must* change its version. The same is true regarding the version of psalms. The church has changed that and may change it again. Again, our standards have never stipulated the precise form of communion either, and so I could go on. However, again, the point being missed should be obvious: the church *has* defined 'purity of worship' down through the years and nailed it down, in its confession and ordination vows, to *what is expressly commanded without addition*.

The church to which we belong, in continuity with its Reformed heritage and practice, could only find express authority *for singing psalms*. These psalms could arguably include the 'scripture songs' of the Bible which are, of course, psalms themselves. (These are the 'scripture songs' which the 1707 Assembly gave consideration to singing, not 'paraphrases')

or ‘hymns’). This is why the Westminster Confession, in its chapter on worship, specifies the ‘*singing of psalms*’ as an element of worship.

As was pointed out on the floor of the Assembly, the list of worship elements offered by the Confession is not a *suggestive* list but an *exhaustive* one. In other words, it does not say ‘*worship consists of things like this of which there may be many others besides*’, but, ‘*all this and nothing else is worship*’. That is why the Assembly produced a psalm book, rather than a psalm/hymn book for singing. This Confessional position of psalm singing was what was ‘authorised and practiced’ when I took my vow and, indeed, when Mr Robertson took his. I promised, as he did, to assert, maintain and defend this, and not allow anything that is subversive of it. He now believes that I should have no difficulty in switching the subject of my allegiance to the permission of *accompanied uninspired songs*.

It seems to be the case that Mr Robertson is completely ignoring what my vow requires me to do: it now requires me to believe that our new position (psalms and hymns permissible) is ‘founded on the Word of God and agreeable to it.’ I am now supposed to follow no ‘divisive course’ from this position.

To their credit, some of Mr Robertson’s colleagues in this controversy have acknowledged that the decision of Assembly has created serious problems which they admitted were, by them, unforeseen. The fact that Mr Robertson sees no problem is astounding. Is he happy that he will always be keeping his vow irrespective of what comes to be ‘*presently authorised and practiced*’? If so, his vow regarding worship merely collapses into a promise to obey the church courts. We already have such a promise and it is to do with the discipline of the church, not with its form of worship – and, by the way, it does not extend to requiring obedience to a court which is flying in the face of its own confession, constitution or the Word of God.

Put simply, a vow to uphold purity of worship as presently authorised and practised is not the same as a vow to uphold whatever practice the church authorises. Can Mr Robertson not see the difference?

All this doesn’t even consider the practical difficulties involved in trying to live with the new situation. Of course, those who approved the new legislation think it is workable and can accommodate those who believe as I do. It is on this basis that we are being urged just to accept the decision and get on with it as though we had just lost a vote on the colour of the church carpet or the selling of a manse. However, those of us who believe that it falls down in the key areas of Confession and Constitution cannot be expected to work with it: it is impossible and the church cannot function in that way without losing its integrity.

For example, when an election of Elders is held in my congregation, do I record my dissent when someone is elected who holds the new position? What kind of beginning would that be for the new office-bearer? Do I proceed to put the vows to him and ordain him when he is vowing a position different to my own? Do I welcome him into the Session when I have had to dissent from his election and ordination? Do I join in laying hands on a Minister being ordained under the new legislation into this church or stand by at the side? Do I take a Call to

another congregation and re-sign the Formula myself? That is only a few of the difficulties. I could go on. So, how, precisely, do we just get on with it?

Some apparently propose to go on with the one vow meaning two things. That reduces the taking of a vow to a mockery. Some propose a two-vow solution: a narrower vow for some office-bearers and a broader vow for others. So there would be two separate vows being taken on worship in the one church, even in the one Presbytery and in the one Kirk Session and congregation? In this case, an Elder who swore to the narrow vow could be disciplined for breaking his vow by his fellow Elders who had sworn the broad vow. What would the congregation think of that? In short, would the public taking of these vows be a solemn event, a farce or worse? All that is needed to show the absurdity of this is to thoroughly think it through.

d. Can the Church Change the existing Vow on Worship?

After the Assembly arrived at its decision, I wrote that '*the church has no right to alter the meaning of my vow without my consent*'. Mr Robertson takes issue with this because, according to him, I am asserting my rights over and against those of the church.

Now, I would be the first to grant that no individual is greater than the church but, again, he misses the point: I don't say that the church doesn't have a right to *state the meaning* of my vow: In fact, it has a *duty to do so* before I take it. Neither do I say that the church doesn't have the right to *interpret its vow*: it must do that before it can state the meaning of it. I only say that the church, once it requires a vow to God from its office-bearers, *cannot alter it or go back on it*. It is simply not in the church's power. Why? Because covenants are unalterable and even the church is not allowed to change the terms of its own solemn covenant with its office-bearers.

Several have tried to argue that the church, as an employer, has the right to alter the terms under which office-bearers work. Of course, that is true - but, crucially, *not in the area of vows!* Vows are made to God (not to the church: chapter 22 of the Confession on 'oaths and vows' seems as necessary in this discussion as chapter 21) and these vows form the bond which binds God, office-bearers and congregation together. They constitute a covenant which cannot be broken as long as the relationship exists: this is put starkly by Alexander Henderson when he says that 'no covenant...can be altered or rescinded *without consent of the parties with whom it is made*'. It is put more starkly still by Paul: 'though it is only a man's covenant, if it is confirmed, no one annuls or adds to it' (Gal 3:15). The church, by its action on Friday, 19th November, has broken its covenant with its own office-bearers and, I say again, it had no right to do so. It is *ultra vires*.

The Constitution and the Barrier Act

Although the legislation ought never to have been passed, there is no doubt that the Barrier Act ought to have been applied to it.

On the Board of Trustees, the Principal Clerk and myself, and probably others too, constantly asserted the necessity of putting any proposed change down under the Barrier Act and constantly flagged up that the plenary nature of the Assembly only secured more representation and, possibly, more debate but *did not amount to a substitute for the Barrier Act*.

As for the need to apply the Act in this case, consider the following facts:

The following directive was sent down by the General Assembly to the Presbyteries: “The General Assembly ordain that this matter be decided at a plenary meeting of the General Assembly in 2010 comprising all ministers with a seat on presbytery and an equal amount of elders, *subject to the approval of Presbyteries in accordance with Barrier Act procedure.*”

I was always under the impression that what was ‘*subject to the approval of the Presbyteries*’ was the decision of the Plenary Assembly itself. I would humbly submit that this is the most natural reading of the sentence. However, I have been surprised to discover that, apparently, what was in fact ‘subject to the approval of the Presbyteries’ was just the *decision to decide* at a plenary Assembly.

If Presbyteries understood it like this and realised from the outset that they were giving the Plenary Assembly *full powers without recourse to the Barrier Act*, then that would be one thing (although it is still worth bearing in mind that Presbyteries are not, in fact, free to dispense with the Barrier Act as long as that Act remains in existence). *However, did Presbyteries know that the action of this Plenary Assembly was to be final?* They did not!

At the time the matter was before Presbyteries, they were acting on the basis of a letter sent to them by the Chairman of the Board of Trustees. Dated 30th November, 2009, our Chairman wrote the following:

‘...If the Plenary Assembly resolve to change the Church’s practice on worship *then the matter would have to go to Presbyteries under the Barrier Act and come back to another Plenary Assembly for final resolution.* The Board will recommend to the May Assembly that it empowers the Plenary Assembly to call another Plenary Assembly to receive the results of the Barrier Act round of Presbyteries and finally give its ruling on the matter. If the initial Plenary affirms the status quo it will of course be unnecessary to call another.’ It was on this clear understanding that the Presbyteries acted.

The significance of this is seen by considering one Presbytery in particular: The Inverness, Lochaber and Ross Presbytery *agreed to postpone all discussion of this issue until the Plenary Assembly was over!* Their finding, dated 8th February 2010, was as follows:

‘(the Presbytery) agree to postpone discussion of the matter until *after the Plenary Assembly, recognising that a fuller debate on the issue is both necessary and helpful and that this fuller discussion will enable the church to examine what the scripture says on this matter*’.

Obviously, this full discussion was to take place after the Plenary Assembly had sent the matter down to Presbyteries under the Barrier Act!

It is remarkable that this motion was moved by the one who was to be Moderator of the Plenary Assembly! Clearly, then, even the Moderator expected the decision of the General Assembly to come back to Presbyteries for debate. The knowledge of what he had moved in his own Presbytery ought to have guided the Moderator to agree with the Clerks of Assembly that this matter should be remitted back down to Presbyteries.

Apparently, the issue has not been discussed in other Presbyteries either, and in some cases anyway, for the same reason. The point was made in the Presbytery of Glasgow and Argyll (where the matter wasn’t debated either!) that if the Plenary Assembly endorsed the status quo, *there would be no need for debate* but if it voted for change, *it would have to be discussed over the period of a year under the Barrier Act at Presbytery level anyway*. So, the Glasgow and Argyll Presbytery never debated the issue.

The situation, then, is this: a new position on worship, discussed at Session level (where it is decisively rejected) and not discussed at all at many Presbyteries, becomes the finding of the church without recourse to the Barrier Act. And that is Presbyterianism?

The critical factor here is that some, like Mr Robertson, claim that all Presbyteries were present at the Plenary Assembly and that meant that the issue has been effectively decided. However, he ignores the critical time factor in all that he says. After all, the Presbyteries gathered together for what amounts to one full day’s discussion to alter the worship of the church. Is that consistent with the Barrier Act? In fact, the situation is worse than that. The Barrier Act, as I indicated, is intended to secure *time for deliberation* as well as *greater universality in representation*. Here, there are two things of importance to note:

First, the ‘consultation’ carried out at Kirk Session level indicated that somewhere between two-thirds to three-quarters of Kirk Sessions were opposed to change. This consultation, based on the reading of the papers prepared, gave a fairly clear indication of where the majority thinking lay on the part of office bearers – particularly so when most of the Sessions in favour of the status quo were, numerically, considerably larger than those opposed. The plenary Assembly, with a different composition (all Ministers with an equal number of Elders) turned out differently.

Now, crucially, this would suggest to any impartial observer, that here was a clear indication that the plenary assembly was probably, or at least possibly, *not reflecting the mind of the office-bearers of the church as a whole*. It is precisely on such an occasion, with an issue of such importance, that the Barrier Act is required! The mandate for it was crystal clear. Think about it again: as a consultation exercise, a new position on worship is presented (not as a concrete Act but as a bare theory) to all office-bearers in the church; it is comprehensively rejected; with little or no thought (as its drafters would probably admit) of its implications for

vows and the church's constitution, it is put into the form of an Act, drafted into an amendment to be presented to Plenary Assembly commissioners *two or three days before assembling*; it proposes to alter the 'purity of worship as presently authorised and practiced', gives new powers to Sessions in the conduct of worship, and proposes the abolition of Class 1 legislation, and it passes the Assembly by a slim majority – and, *despite having been rejected at Session level, we are told that it doesn't need to go down to Presbyteries for further deliberation!*

Furthermore, even if the matter had been discussed in Presbyteries prior to the Assembly, the discussion would only have been around the bare theory, not the practice as proposed in the new Act. The new Act on worship, in all its details and with its possible consequences, was never before Presbyteries or Sessions and the Barrier Act is quite clear that it is *the Act itself* that requires time for deliberation.

Sadly, I think it is all too obvious why the Barrier Act was sidestepped, against the advice of both Clerks: it was put rather eloquently by one of the speakers, proposing change, who asked 'What is the point of putting this back down to Presbyteries *when we know what the result will be?*' I think that question reveals it all. It indicates very plainly that the main motive for sidestepping the Barrier Act was to rush through what was felt to be possibly out of step with the views of a majority of office bearers. This is clearly contempt of established church procedure as well as contempt of office-bearers.

(All this raises the question as to why the Plenary Assembly could not have been truly 'plenary' in the sense that *all* Ministers and Elders would be present at it. This is what I thought, initially, that a Plenary Assembly would be. After all, the church arranged, at very short notice, a *Plenary Conference* in Dingwall which consisted of *all* Ministers and Elders, where people could sit in small groups with little voice and no vote. Why could the church not have gathered them in Edinburgh where they could vote on an issue affecting their vows and the worship of the church? For whatever reason, many office-bearers were effectively given a (muted) voice where it didn't matter but denied a vote where it did.)

It is perhaps worth pointing out, in closing this matter, that there is no such thing as a plenary assembly spoken of in all our rules, guidelines and procedures. There is nothing to stop us having one but having one should never subvert our normal procedures. An astonishing claim has been made that they are really part of the Free Church way of doing things because there were two held in 1843.

Now, the fact there that there were only two and that they were both held in 1843 should immediately alert us as to why they were held. The Free Church was new, had just disrupted from the state and had no Presbyteries! Of course, in such a case, it is impossible to function normally. How these emergency situations should constitute a precedent here is mindboggling. As I said above, it was constantly asserted to the Board of Trustees that whatever advantage was secured by having more people present at a 'plenary' Assembly, it simply could not do away with the need for the requirements both of time and full deliberation at Presbytery level secured by the Barrier Act.

Concluding Remarks

The church is clearly, and with astonishing accuracy, repeating all the mistakes of the 19th century. And it should be a source of wonder to all that the Free Church is looking for her examples in public worship to the era of the Moderates (which introduced the paraphrases, only officially authorised for one year, in the 1780's) and the era of Rainy (which introduced hymns and musical accompaniment in the 1870' and 1880's respectively). It shouldn't be forgotten that the church which chose to do this was a church which fragmented shortly afterwards.

In this connection, the bizarre claim has been made that the Plenary Assembly was a united Assembly and demonstrates a united church. Nothing could be further from the truth. Certainly, no one spoke in a bad spirit but that is not the same as saying that the Assembly was united. Despite being sold from the platform as the 'unity option' (which, supposedly, allowed freedom to all) the new legislation was voted against by 84 office-bearers. In other words, while some of the 98 who voted for it did so for the sake of unity and with a very heavy heart, these 84 felt that there *should be no lawful place for this new worship practice in the Free Church of Scotland at all!* Again, dissents from Assembly decisions are unusual and, apart from the events of 2000, I can't recall any. There were over 30 formal dissents from this legislation and this number doesn't include a considerable group who wish, on reflection, that they had done so too. There is undeniable and widespread unhappiness in pulpits and pews over this legislation and to claim that it was a united Assembly representing a united church is simply false. The reality is that our worship practice was an important factor in helping to bind a church with a unity already under strain. This particular bond has been ruptured and one fears that the unity in the Free Church is fast becoming merely organisational.

Mr Robertson is critical of my decision to take leave of absence after the decision. However, the fact is that because I was acutely aware of the implications regarding the vows, it was immediately plain to me that I could not continue in office. As it happened, I was only off duty for a fortnight – I concluded that the same vows which may require me to leave also require of me to try to protect the church from those pursuing divisive courses from its worship and government. It is possible, and I hope it may be the case, that some people feel they have erred and wish to put the situation right. No one is beyond making a mistake and that is especially so in the heat of a debate and under the pressure of circumstances and time.

Clearly, Mr Robertson may have felt a sense of euphoria that the new church he has campaigned for has now finally appeared and he evidently has little sympathy for others who feel quite the opposite. The church I was born, raised and served in has legislated, for the second time in its history, to allow the transformation of its liturgy into a form that could soon become unrecognisable.

I confess that in the wake of that, and the alteration made to my relationship with the church, I was certainly not really up to anything, not even up to preaching and certainly not for 'campaigning' as he puts it. If putting out a circular to a few likeminded brethren to see

whether they viewed events in the same way as me constituted 'campaigning against my church', well, so be it. In any case, some seem to have forged a career out of it.

For myself, I have always been a deeply committed Free Churchman. I have never campaigned against her in my life. However, it is principles that matter and not the names of denominations: I, for one, will stay with scripture and with a confessional constitution which I value and will not be blindly led by labels, movements and parties. The Church of Christ is bigger than the Free Church of Scotland, and if she insists on abandoning her confessional and constitutional heritage, she cannot expect to retain the loyalty of those people for whom that heritage is more important than her name. However, perhaps it is the Lord's will that the church returns to her heritage and, having flirted with disaster, recognises where her true strength lies.

The Free Church needs less sniping at its constitution, more confidence in her heritage, history and message, and an aggressive reaching out with it to a needy country. The country isn't fed up of psalms: it needs to hear and understand them. It is astonishingly typical of the so-called 'progressives' in the Free Church to reject what is in fact just coming back into vogue: all over the world, there is a resurgence of psalm singing and when that world most needs our witness to the exclusive use of the Songs of the Covenant King, we downgrade and compromise them.

The Lord is sovereign, and who can doubt that he is shaking the Scottish churches? This shaking will be done in God's way and in God's time, and who amongst us knows how the ecclesiastical landscape may look when he is done with it?

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