

Principles of Session-led Presbyterianism

The title given me to speak about today is 'Principles of Session-led Presbyterianism'. I have interpreted this to mean the principles underlying Reformed Presbyterian church polity 'according to the Word of GOD, and the example of the best Reformed Churches', as the *Solemn League and Covenant* (1643) expressed it.

We need to address several questions: 'What are the characteristics of Reformed Presbyterian church polity?'; 'Is such a polity compatible with the Westminster Confession of Faith and Catechisms?' (since it is to these that our officers subscribe); and 'Are the Articles of Association of the Trinity Presbytery consistent with such a polity?', or to put this another way, 'Do our Articles of Association set the direction of travel towards Reformed Presbyterian church polity?'

Our Articles of Association declare that we 'establish a Presbyterian Church with the following order and characteristics' and then proceed to four broad subject areas from which we can recognize their underlying principles, all of which are consistent with Reformed Presbyterian Church polity:

1. Government by a plurality of elders acting jointly and with parity;
2. The first subject, the *primum subjectum*, of ecclesiastical power being the particular church;
3. A confessional church, following the Westminster standards; and
4. A wider expression of the unity of the church in assemblies representing a plurality of particular churches covenanted together.

I will be touching on all these issues, but focusing primarily on the aspects of power, authority and jurisdiction in the session and wider church assemblies.

Contrary to what was taught by William Cunningham in his *Historical Theology*, Presbyterian church polity is not a *via media* between Episcopacy and Independency. Rather, it is a form of government rooted in the Scriptures in a way that neither of those polities are. Its genius, when properly implemented, is in the elimination of clericalism and hierarchy, and a return to biblical roots, much of which can be traced to the principles set out by John Calvin.

Firstly, the eradication of the superintendent, the man who acting alone has authority over churches, whether over a single congregation (as in some forms of Independency), or over many congregations (as bishops in Episcopacy), or over all persons and congregations everywhere (as in Papalism with its Bishop of Rome).

Secondly, the restoration of the ruling elder as a presbyter. For a thousand years the church operated without ruling elders. The end result was clericalism, where a caste of priests had all church power, authority and jurisdiction, headed up by its *pontifex maximus*.¹

Thirdly, government by presbyters (with parity between ministers and ruling elders) in all the assemblies of the church, first of all in the local session.

There are differences between ministers and ruling elders, though not in relation to church government: ministers and ruling elders perform the same *ruling* functions, but ministers additionally devote their lives to the ministry of the word and sacraments.

A helpful distinction in this regard is to note that in the exercise of authority, certain functions must be exercised jointly and others may be exercised severally.

Government is one province of authority that is *always* to be exercised jointly, whereas the authority in the word and sacraments is exercised severally. A minister can without other officers officiate at the sacraments and call on his hearers to turn from sin; but he cannot other than jointly suspend from the Lord's Table or excommunicate in relation to those same sins.

As our subject today relates exclusively to church government, we need not concern ourselves with the distinctions between ministers and ruling elders, but will focus solely on their common function in government in which they have complete parity. For the purposes of this paper I will refer to them collectively as 'elders', and only distinguish them as the need arises.

As elders act jointly in all acts of church government, it follows that they must hold assemblies to deliberate and make decisions,² in the first place in the sessions of particular churches. Accordingly, we need to address what authority wider assemblies may have in which a plurality of particular churches are represented, and whether it is greater or less than, or of a different nature from, that of the session of the particular church.

¹ The church of Rome before the Reformation even put their priests beyond the jurisdiction of the civil magistrate. Clericalism is an ever-present danger, and persists and flourishes whenever a difference is made between ministers and ruling elders *in respect of government*.

² Strictly speaking, all meetings of elders, whether in the local, particular church or in wider bodies can properly be called a presbytery, and such government presbyterial, or presbyterian. These days the churches that have Scottish antecedents, including many in the USA, who use the title 'Presbyterian' in their name usually call the meeting of elders from a plurality of particular churches the 'presbytery' and the meeting of elders exclusively from a particular church the 'session'. In continental Reformed churches, and indeed in England before the Westminster Assembly, these assemblies are called the 'classis' and the 'consistory' respectively. The Westminster Assembly called the classis a 'classical assembly' but it also called it a presbytery. When we speak of 'classical Presbyterianism' we do not imply a form of Presbyterianism that is of venerable age (though it is) but a form of presbyterial church government that has an assembly broader than an assembly of elders in the particular church, i.e. the classis or Presbytery. That is what 'classical' means in the context of church polity. In this respect it is proper to describe the Trinity Presbytery as upholding classical Presbyterianism.

It is worth setting out where, according to the various doctrines of ecclesiology, *governing* power comes from and resides.

Papalism – to Peter by Christ and to his successors as Popes.

Episcopacy – to all the apostles and their successors by apostolic succession.

Hierarchical Presbyterianism (e.g. Church of Scotland, PCUSA) – to the Supreme Court of the denomination and from there granted by reduced powers to the ‘lower’ courts.³

Clerical Presbyterianism (e.g. Charles Hodge) – to all the courts of the church powers immediately from Christ, with ‘higher’ courts being granted ‘higher’ powers.

Moderate Presbyterianism (e.g. Prof. John Murray) – essentially the same powers to all the courts of the church immediately from Christ, but by convention and agreement differently exercised in the various courts.

Congregational Presbyterianism (=Reformed Church polity) – power immediately from Christ to the elders of the particular church, acting jointly in government and severally in the Word and sacraments. To broader assemblies by delegation and by agreement on a covenantal, federal basis.

Independency – power immediately from Christ to the church members collectively, and to any officers only by delegation and by agreement. Power flows from the people to the officers. No broader assemblies, or at the most merely advisory ones with no authority.

In Reformed polity, all church officers have their membership in the particular church. However, in Presbyterian churches with Scottish antecedents (even if remotely, back centuries) all the ministers have their membership in the Presbytery but not in the local church. The court of original jurisdiction for those ministers is the Presbytery where they automatically have voting rights. If they have a seat on any session then it is *ex officio*. On the other hand, ruling elders are members of the local congregations; their court of original jurisdiction is the session; and they have a seat in the Presbytery only *ex officio*, and voting rights only if commissioned by their session.⁴

Something appears incongruous here with vestiges of clericalism and hierarchy because this arrangement affords the minister, who has not a whit more authority in respect of *government* than a ruling elder, a different position *in government*: whether

³ The PCUSA literally describes itself in modified episcopal terms, with the Presbytery performing the function of a bishop.

⁴ By contrast, the Evangelical Presbyterian Church in England and Wales adopted from its inception something of the ‘wider’ continental Reformed system of church polity rather than the more hierarchical Scottish system, for example in making ministers to be members of sessions rather than members of Presbytery, so that there are no members of Presbytery other than *ex officio*.

or not he has any pastoral responsibility or experience in a local church, and though he has no membership in any local church, he is assured of a place and a vote in what he calls 'the higher court'.⁵

Since in the Scottish-derived model all the ministers hold their church membership in the Presbytery rather than in the local congregations, it follows that the presbytery *must* have a continuous existence, not merely a continual existence at stated meetings, else their church membership would lapse as soon as a presbytery meeting had concluded. This means that the Presbytery is not only permanent in respect of its being a permanent feature of the church polity, it is necessarily permanent in respect of its existence. In such Presbyterian systems the supreme court is usually the General Assembly. No one holds their church membership in that court, whose members are all commissioned for a particular general assembly from the presbyteries, and whose commissions expire at its close. The General Assembly is 'permanent' only in the sense that it is a permanent feature and must be convened regularly, but it is also discrete in that it has no membership between meetings. So they have the 76th General Assembly, and the following year the 77th General Assembly, and so on. It does not really have an existence between assemblies.

The same is true in Reformed church polity for *all* assemblies other than the session of the particular church. The broader assemblies go out of existence once the business of on the agenda is complete, and all the commissions of the delegates at that point expire. Of all the assemblies that there could be, only one, the session, is indispensable. In the session alone inheres the power and authority to govern a congregation. There is no higher ruling office in the church than that of elder, and this office is to be found in the particular church by Christ's appointment, apostolic practice, and indubitable Scriptural witness.

That is not to say that a congregation should be alone: it is an irregular situation and may even displease the Lord if it positively chooses or aspires to remain so. But because it *ought* to seek out like-minded churches and form associations with them (the proof of this proposition is beyond the scope of this paper) does not imply that it does so because it lacks something *essential* that only a higher or wider court can supply. A particular church cannot exist without a session, but it can exist without a presbytery.

Prof. John Murray, whose heritage was in Scottish Presbyterianism, recognized as much. In *The Presbyterian Form of Church Government*, an address delivered in England in the 1950s,⁶ Murray shows that a presbytery can lay claim to no powers that are not already *inherent* in the local session, to which, he says, 'belongs all the

⁵ See the Appendix for how this model came from Scotland and (as William Cunningham admits) was not the Presbyterianism of the Reformers of the sixteenth century.

⁶ Referenced in the section 'Basic Principles of Presbyterianism' in the EPCEW church order.

functions that Christ has accorded to presbytery.’ Murray makes clear that if ‘for reasons of loyalty to the whole counsel of God’ a Presbyterian congregation finds itself separate—and in 1950s England, Murray was speaking in a Presbyterian desert—‘that congregation must not consider itself pre-empted from discharging all the rights and prerogatives, as well as duties, of presbytery.’ It logically follows that the particular church must have all those powers and the authority to use them inherent in itself *and* bestowed immediately by Christ.

Presbyterianism on the Scottish model speaks of ‘higher’ and ‘lower’ courts, implying higher and lower powers, whereas Reformed polity speaks of wider or broader assemblies, or of ‘major’ and ‘minor’ assemblies. The major assemblies are greater in extent, but not greater in power.

The key difference is that whereas in the Scottish model the higher courts are of *the same* nature as all the lower courts, but with higher authority vested immediately by Christ, in the Reformed churches the session is of a *different* nature from the wider assemblies and alone has jurisdiction immediately from Christ. In the Scottish model the ‘lower’ courts are *subordinate* to the ‘higher’ courts and must submit to them *because* they have higher authority vested in them by Christ. In the Reformed churches, assemblies submit to wider assemblies not because those assemblies have higher authority given them by Christ but because they have voluntarily covenanted to do so by undertaking to honour and uphold the Church Order adopted by common consent. There is submission in both cases, but on different bases, and according to different natures.

It is the different nature of being of the assemblies that gives rise to their different nature of authority in the Reformed churches. We need to bear this in mind when we study the Church Order of the Reformed churches, the most influential one being that produced by the Synod of Dort in 1619. For example consider **Articles 29** and **36** of the Church Order of Dort. **Article 29** states

Four kinds of ecclesiastical assemblies shall be maintained: the Consistory, the Classical Meetings, the Particular Synod, and the General or National Synod.

These correspond in our ‘Presbyterian’ parlance to the Session, the Presbytery, the Synod and the General Assembly.⁷

⁷ In Reformed polity a congregational meeting does not have a separate status: it is not a separate assembly where the elders take their place as members and vote democratically to govern the church, as in Independency. But Reformed churches must have congregational meetings to transact certain business. What then is their nature? They are session meetings with the congregation present. The session introduces matters to inform and to seek ratification or advice. They are advisory in respect of the power of the congregation: but all legislative, executive and judicial power, *potestas*, rests with the Consistory/Session.

But then **Article 36** states

The Classis has the same authority over the Consistory as the Particular Synod has over the Classis and the General Synod over the Particular [Synod].

Superficially this appears to contradict what we have just said, until we understand what it is *not* saying. It is NOT saying that the authority of the wider courts is of the same nature or extent as the authority of the session *over the congregation*. This is an extremely important point.

Moreover, the word ‘authority’ here is a translation of the original Latin *auctoritas*, which has no direct English (or Dutch) equivalent. It certainly does not mean *official* power, jurisdiction and authority, which in Latin would be *potestas*, the word, for example, used in Jerome’s Vulgate of Christ’s power in Matthew 28:18 and of the power of the civil magistrate, God’s minister, in Romans 13:1. Rather, *auctoritas* is the power to persuade and influence through wisdom, knowledge and experience, giving advice and direction and approval or sanction. The Synod of Dort in its famous canons and in its proscription of the Remonstrants did not claim *potestas* but *auctoritas*, even when applying the Word of God. The Dutch translation of *auctoritas* in Article 36 of the Church Order has the word *zeggen*,⁸ which is the ordinary verb ‘to say’, meaning that all the major assemblies have the same say over their next related minor assemblies. This in itself indicates that a sense of *potestas*, the power emanating from office, was never envisaged at Dort in relation to major assemblies.

So, whereas a session of elders has real *potestas* (official legislative, executive and judicial power), and that from Christ, wider assemblies exercise *auctoritas*. They both have authority, but the natures of their authority are entirely different.

Greijdanus,⁹ Professor of New Testament at Kampen a century ago, explains:

The authority of the consistory over its members is of a completely different nature than that of a classical assembly over a consistory. A consistory has power over a congregation received directly from God [...A] broader assembly...lacks any inherent authority, directly ordained by God, over the consistories and congregations, and exercises power over them only insofar as those churches or consistories have delegated authority to the broader assemblies by mutual (or ‘common’) consent’

In respect of power and authority there are ontological differences as to **origin** and **essence**. Major assemblies have no *potestas* other than that which they have derived from the Sessions. But Sessions exercise a *potestas* given them directly by Christ. The

⁸ *Hetzelfde zeggen heeft de Classis over den Kerkeraad, hetwelk de particuliere Synode heeft over de Classis, en de generale Synode over de particuliere.*

⁹ Seakle Greijdanus (d.1948), Professor of New Testament at the Theological College at Kampen. *Schriftbeginselen van Kerkrecht Inzake Meerdere Vergaderingen* (1946). Translation by J. Plug entitled *Scriptural Principles of Church Polity concerning Broader Assemblies*.

authority of major assemblies is accidental. The particular church possesses original authority.

There are differences as to **necessity** and **purpose**. Major assemblies are necessary for the *well-being* of churches. Sessions are necessary for the very *being* of churches. Sessions do not exist for the sake of the major assemblies. But the major assemblies exist for the sake of the particular churches, to minister to their welfare with good advice and wise guidance.

There is a difference as to **duration**. The authority of major assemblies would cease if the particular churches constituting the denomination ceased. But should the major assemblies cease to function, the churches would continue to exist.

The greatest Dutch scholastic theologian, Gijsbert Voet (1589-1676), perhaps better known by us under his Latin name Voetius, was a delegate at the Synod of Dort.¹⁰ By the time of the Westminster Assembly, Voetius was a towering theologian at the University of Utrecht, and its Rector Magnificus from 1641-45. He had, if you like, a lot of *auctoritas* and some *potestas*. Voetius produced a massive 4-volume work on church polity, *Politicae Ecclesiasticae* from which Powell outlines some salient points:¹¹

Voetius denied that the particular church was a derivative of the universal church. He attacked the hierarchic principle by which authority descended from the Catholic Church to the particular. He saw a covenant of visible saints as the essential characteristic of the visible church, and that the first subject of church power was the whole particular church comprising the people and its elders.

Voetius taught that synods...could never assume the power that belonged to the particular church.

Voetius held that the particular church was the *ecclesia prima* of all church power, and the classis or synod could not be subjects of the power of the keys; neither could the power of the particular church be derived from the universal church.

Ecclesiastical power was primarily and originally in the particular churches. Synods 'arose from the desire of churches to strengthen their own power in cases where each church did not have sufficient power.' Only particular churches could excommunicate or depose, but in the case of officers they should consult other churches in the federation. No synod could excommunicate. Any synod could only act insofar as the particular church was willing to allow a synod to advise.

So this brings us to consideration of Chapter 31 of the *Westminster Confession*. Subsection III reads

It belongeth to synods and councils, ministerially to determine controversies of faith and cases of conscience, to set down rules and directions for the better ordering of the public worship of God and government of His Church; to receive complaints in cases of maladministration, and authoritatively to determine the same: which decrees

¹⁰ The youngest, in fact, aged 30.

¹¹ Hunter Powell, *The Crisis of British Protestantism* (Manchester, 2015), p.167.

and determinations, if consonant to the Word of God, are to be received with reverence and submission; not only for their agreement with the Word, but also for the power whereby they are made, as being an ordinance of God appointed thereunto in His Word.

When we read literature by the proponents of Continental Reformed polity we find some are uncomfortable with the expression ‘not only for their agreement with the Word, but also for *the power* whereby they are made.’ Indeed, in the 1656 Latin translation of the *Confession* this power was translated as *potestas*,¹² interpreting that synods exercise official power rather than the *auctoritas* claimed by the Reformed churches. However, as the original and official English text imposes no such interpretation, it is not necessary to understand this as *potestas* or hierarchical power or even as a power immediately from Christ.

The issue therefore resolves on whether the wider courts have power. As we have seen, they do have an authority (*auctoritas*), but of a different nature from the authority (*potestas*) of elders in a particular church. If reverence and submission is ‘for the power whereby they are made’, and this is understood to be the *auctoritas* of the synod, then this aspect is hardly objectionable, other than to those holding to Independency.

Reformed writers, though they may differ somewhat in their understanding of the nature and extent of the authority of major assemblies, are clear that the authority of a broader assembly, its *auctoritas*, cannot without consent reach into the government of the local church itself over the heads of its elders and meddle with their *potestas*.

Greijdanus again:

Broader ecclesiastical assemblies have no competence or authority and power to regulate, intervene, censure, suspend, depose in or over any church belonging to it, except insofar as that church has previously granted such authority to the broader assembly.

And Van Dalen:¹³

Major assemblies lack any authority to enforce the implementation of their decisions among the churches. This authority rests solely with those who have received ruling authority from Christ himself, namely the consistories.

¹² The unofficial Latin translation of the *Confession* used the word *potestas* here, but unlike the *Canons* and *Church Order of Dort* which were originally drafted in Latin, the *Confession* was produced in English. The Latin translation reflects the interpretation of the (unknown) translator.

¹³ J Van Dalen (d.1983), member and sometime ruling elder of the Reformed church at Apeldoorn. Translation by J. Plug entitled *The Scriptural Principles of Church Polity*.

It is with this understanding that we find use of terms such as ‘autonomous’ and ‘independent’ in relation to local government. For example Veenhof:¹⁴

This truth, that each local church is a complete, independent church, and that the consistory is the only ecclesiastical administration in Christ’s church is a Reformed doctrine of Reformed Church polity, a first principle of Reformed Church government’.

We from a Westminster background will instinctively baulk at this. Does this ‘first principle of Reformed Church government’ not savour of rank Independency? Rightly used and rightly understood, however, these terms in no way connote the ecclesiastical polity of Independency. In Reformed polity, the particular churches are autonomous inasmuch as they are competent to rule their own affairs without external interference, and they are independent in the sense that they *do not depend* on any other church or church body to exist or function. As Van Oene says,¹⁵ they are ‘autonomous, not depending on each other to be a complete church of Christ.’ The notion that a local congregation can only function by permission of a major assembly, or can be dissolved by a major assembly, or be prohibited from leaving a denomination is preposterous.

And yet we find that, according to the Church Order of Dort, the particular churches are bound into an ecclesiastical structure with a gradation of assemblies, and are bound by the decisions of these wider assemblies. How is this possible? How can the particular church be free yet bound? How can it be autonomous, yet required to implement the decisions of wider courts?

The solution to this is that the churches covenant together to operate in a certain way, according to a church order, and maintaining agreed confessional standards. No particular church is forced to enter into such a covenant, and no congregation can be prevented from leaving such a covenanted body. But if it has undertaken to abide by the terms of the covenant, yet fails to honour what it has promised, then it is a covenant breaker and, if this breach cannot be remedied, it must separate from the denomination, or must be separated from it. This is not a matter of blind obedience to the authority of a higher court, it is a matter of keeping one’s promises with all the particular churches.

This principle is repeated everywhere in descriptions of Reformed Church government. For example Van Oene:

There is no higher power, no authority, that can either compel a church to become or prevent it from ceasing to be a partner in the covenant of churches. Joining the church federation is a voluntary act. No church can or may be compelled to take this

¹⁴ Cornelis Veenhof (d. 1983), Professor of Homiletics at the Theological College in Kampen. Translation by J. Plug entitled *Concerning the Government of Christ’s Church*.

¹⁵ Willem Van Oene (d.2013), Lecturer in Church History and Church Polity at the Theological Seminary of the Canadian Reformed Churches from 1979. *With Common Consent* (Winnipeg, 1990).

step. On the other hand, if a church decides to break with the federation, it is perfectly free to do so and no ecclesiastical assembly can prevent it.

When two or more parties enter upon a covenant, each of the participants must know precisely what it may expect from the other parties and what its obligations are towards the other parties. The conditions of this covenant have been laid down in...[the] Church Order.

When...churches seek each other...they accept the decisions of these broader or major assemblies, in accordance with the obligations they took upon themselves when entering into a covenant...

Keeping the provisions of the Church Order is not a question of submission but of faithfully keeping the promises given and agreed upon. Since all churches have agreed to the 'lawful order', they are all bound by it, not by constraint or any alleged higher authority but by their own voluntary decision. They are also obligated to be faithful to these their obligations.

In the remaining time I will take us through some of the articles of the Church Order of Dort (1619) and quote from Reformed writers so that you can hear the voice of those who operate these articles in their own churches.

Article 84

No church shall in any way lord it over other Churches, no Minister over other Ministers, no Elder or Deacon over other Elders or Deacons.

This article was once at the very head of the Church Order, as Monsma explains,¹⁶

The maintenance of the jurisdiction and the individuality of each Church was seemingly so much the concern of these early Reformed Churches that they sought to safeguard these rights in the very first article of the Church Order adopted by the first regular Synod (Emden, 1571)...

Article 1 of the Church Order of Emden...gave the Churches the assurance that denominational affiliation and co-operation did not at all aim at domination, and that all domination, the lording of one Church over the other, or of one office-bearer over another, stood condemned in the very opening article of the Church Order.

They desired that every Church should retain its individuality and that no Church should be elevated as to authority above the other Churches. And so also the Reformed Churches in Holland insisted that no office-bearer should rule over another office-bearer. Biblical equality was to be maintained. Every tendency to hierarchism was to be avoided.

¹⁶ Martin Monsma, Professor of Practical Theology at Calvin Theological Seminary from 1954. His associate Idzerd Van Dellen was a minister and trustee of that Seminary. *The Church Order Commentary* (Grand Rapids, 1941).

Article 30

In these assemblies ecclesiastical matters only shall be transacted and that in an ecclesiastical manner.

The Westminster Confession also states that 'Synods and councils are to handle or conclude nothing but that which is ecclesiastical', but Dort goes further and states that all such business shall be transacted 'in an ecclesiastical manner'. Monsma notes that in civil affairs

Often the majority is fully satisfied when a bill is passed, though large numbers are bitterly opposed and disappointed. But in our ecclesiastical assemblies we should by all means seek to convince and persuade each other from the Word of God. We should not seek to force our opinions and convictions onto others. Our assemblies should far rather guide and direct. By mutual consultation and consideration of God's Word we should endeavor to come to a mutual conclusion.

Nevertheless, if all has been done in an ecclesiastical manner and a decision must finally be made then a majority vote 'shall be considered settled and binding', as Article 31 states, which we shall come to.

Article 30 continues,

In major assemblies only such matters shall be dealt with as could not be finished in minor assemblies, or such as pertain to the churches of the major assembly in common.

This is a very important principle, and prohibits a major assembly from reaching into the minor assembly to take over its business, whether by its own initiative or via petition or overture. Van Oene again:

What can be finished in the minor assemblies should not be brought to the major assembly. In answer to the question who determines whether a matter can be finished in the minor assembly we have to state that this is the minor assembly. No major assembly ever has the right to decide that it has to discuss a certain matter since in their opinion there are difficulties in the minor assembly of such a nature that apparently they cannot be solved. It is the minor assembly that decides whether it can or cannot finish a matter. And a matter is finished when a conclusion has been reached or a decision has been taken. The federation is only there to help, not to take matters out of the hands of the minor assemblies. If a consistory does not bring a matter to classis, no classis has the right to initiate action.

Monsma adds

No Classis or Synod may therefore assume to do that which rightfully belongs to the domain of the local Church, and which can be acted upon by its Consistory. No major assembly may therefore needlessly interfere with the management of congregational affairs.

The authority of major assemblies is very clearly limited in this article, thus maintaining the integrity and autonomy of each Church. At the same time the article wards off the danger of an oligarchical rule by a few men, vested with superior authority.

Article 31

If anyone complain that he has been wronged by the decision of a minor assembly, he shall have the right to appeal to a major ecclesiastical assembly, and whatever may be agreed upon by a majority vote shall be considered settled and binding, unless it be proved to conflict with the Word of God or with the Articles formulated in this General Synod, as long as they are not changed by another General Synod.

To the question whether a major assembly can invalidate or reverse a decision of a lower assembly, Monsma answers in the negative:

Major assemblies most certainly can deliberate and decide. But if their decisions are contrary to decisions taken by minor assemblies, these minor assemblies must conform themselves to the conclusions of the major assemblies...The minor assembly as a rule follows the advice of the major assembly. And it must do so, inasmuch as all the Churches have agreed to submit themselves to the opinion of the majority and to abide by decisions mutually taken. Only when the Word of God forbids may any Church or group of Churches refrain from abiding by the decision of major assemblies. But for all this, major assemblies do not dictate, and they do not have the inherent right to invalidate decisions of minor assemblies. The local Church or groups of Churches do not receive superior orders which they must obey without further question, but they receive conclusions reached by common consent and as such they will respect these conclusions. And as such they will accept them as their own, either formally, or by silent acquiescence.

Van Dalen explains further

When a major assembly gives its judgment...the churches are bound to submit to this judgment. They have agreed to this by coming to the communal accord...By doing so they do not hand over the ruling authority which they have received from Christ, rather they carry it out more effectively by mutual counsel.

The churches consider the institution of major assemblies an instrument which Christ uses to work the perfection of his congregations. For this reason they submit to their judgments and decisions for Christ's sake. This is a voluntary submission, in which the inherent authority which the consistories have received from Christ is fully maintained. If ever the churches consider that the decision conflicts with Christ's commands, they will not submit and may not submit, since they are to obey God rather than men.

The final Article covers the possibility of changing the Articles, but the duty to uphold them until changed.

Article 86

These Articles, relating to the lawful Order of the Churches, have been so drafted and adopted by common consent, that they, if the profit of the Churches demand otherwise, may and ought to be altered, augmented, or diminished. However, no particular Congregation, Classis, or Synod shall be at liberty to do so, but they shall show all diligence in observing them, until it be otherwise ordained by the General, or National Synod.

No church has the right to deviate from the provisions of the Church Order. All are permitted to suggest and propose changes in the approved manner, but no one is permitted to act in a manner as if these changes were already in effect.¹⁷

¹⁷ Van Oene, *op. cit.*

APPENDIX

Historical Observations

If we ask ourselves why, historically, the churches that have antecedents from Scotland (which includes many of the Presbyterian denominations in the USA) differ in their polity from Presbyterian church polity from the Reformation, the answer is manifold and complex. The answer is partly in the way in which the organized church was established in Scotland, and also because of concessions made to clerical, hierarchical and Erastian Presbyterians in the Westminster Assembly. This paper addresses some of those issues.

Calvin, who would like to have introduced a non-hierarchical classical Presbyterian system in Geneva, was prevented from doing so by the civil authorities. However, his pattern of Church Order was adopted by the first national synod of the French Reformed Churches in 1559, many of whose ministers were trained in Geneva. Ministers were elected by the local consistory, and ministers and ruling elders in equal proportions represented their congregations at synods.

The Reformed Churches in the Netherlands at their synods in the sixteenth century largely adopted the Church Order of the French churches. Their first official synod held at Emden in Germany in 1571 adopted the Reformed church polity, which was adjusted and refined at subsequent synods. The world's most important post-Reformation synod was of course the Synod of Dort.¹⁸ The canons of this Synod are well known, but the Synod also produced a Church Order, adopted in May 1619 which is still in use as the basis of the Church Order of the Reformed Churches all over the world that trace their heritage to the Reformed Churches in the Netherlands.

In England, Presbyterianism was planted in the late 1550s with the return of Marian exiles who had experienced Reformed church government on the continent. In 1573 Edwin Sandys, Bishop of London, complained that

New orators are rising up from among us...seeking the complete overthrow and uprooting of the whole of our ecclesiastical polity; and striving to shape out for us I know not what new platform of a church.¹⁹

Among the pernicious doctrines that these Presbyterians taught were that 'the church should be regulated by the law of God contained in the canonical Scriptures', that 'the Church of Christ admits of no other government than that by presbyteries', that 'each parish should have its own presbytery', and that 'the choice of ministers of necessity belongs to the people'. These 'dangerous positions', as Archbishop

¹⁸ Unlike the Westminster Assembly, which met behind closed doors and was hardly ecumenical, Synod of Dort invited representatives of all the Reformed churches of Europe, and there was a delegation from England.

¹⁹ Sandys to Bullinger.

Bancroft later described them, were a direct threat to episcopacy, but they are of course fundamental positions of a Reformed church polity.

The (English) First Book of Discipline (1571) compiled by the leading light of English Presbyterianism, Walter Travers, is a fascinating read, and was printed for the members of the Westminster Assembly.²⁰ The parallels with Reformed church government on the Continent are evident. The local consistory is composed of ministers and (ruling) elders, and 'by the common counsel of the eldership all things are directed that belong to the state of their church', including the ordination and deposition of ministers, and the lesser and greater excommunication, with the caveat that 'in all the greater affairs of the church, as in excommunicating of any, and in choosing and deposing of church ministers, nothing may be concluded without the knowledge and consent of the church.' Churches ought to consociate with others, and at their assemblies the things that belong to them

are determined by the common opinion of those who meet so to communicate together, ...Wherein, albeit no particular church hath power over another, yet every particular church of the same resort, meeting and counsel, ought to obey the opinion of more churches with whom they communicate.

Presbyterianism was eventually vehemently suppressed by Queen Elizabeth I, after which it went underground or moved abroad and continued in English congregations on the continent.²¹ Polly Ha has shown that the form of Presbyterianism advocated and argued for in England up to around 1640 was largely the same as had developed on the continent,²² and that by 'placing ecclesiastical authority in each congregation before the synod or assembly, Presbyterians called for a 'bottom up' style of church government.'

A natural, organic formation of a Presbyterian denomination is for particular churches to seek out others and come together by forming a federation of churches, and then federations can associate together to create a wider assembly. In this way the particular churches determine the basis of their federation, and those federations determine the basis of their wider association. This is the 'bottom up' approach that Ha mentions. But there never was such a 'bottom up' formation of a presbyterian

²⁰ *A directory of church-government. Anciently contended for, and as farre as the times would suffer, practised by the first non-conformists in the daies of Queen Elizabeth.* (London, 1644).

²¹ It is notable that all the 'Dissenting Brethren' in the Westminster Assembly had spent time there.

²² Polly Ha, *English Presbyterianism 1590-1640* (Stanford, 2011), p.58. "By placing ecclesiastical authority in each congregation before the synod or assembly, Presbyterians called for a 'bottom up' style of church government which countered conformist ecclesiological formulations that began with the bishop and descended to local jurisdiction. Yet Presbyterians also used this order of church government to claim that the liberty of the congregation was compatible with other levels of ecclesiastical jurisdiction, since it was only when government on the local level failed to provide a satisfactory solution that other ecclesiastical bodies were needed. This order of authority implied that even if synods ultimately exercised greater ecclesiastical authority than the individual congregation, church government within a congregation was neither derived from nor necessarily dependent on a higher ecclesiastical body."

church in Scotland. After repudiating the authority of the Pope in 1560, the Church of Scotland was founded four days later with a General Assembly but no presbyteries. The priests were re-named ministers and the bishops were re-named superintendents (just a translation of *episkopos* actually, rather than a transliteration as 'bishop' had been). There were some further changes from 1572,²³ and from then the superintendents were successively replaced by presbyteries.

What is seldom mentioned, though Iain Murray confirms it,²⁴ is that under the Scots' *Second Book of Discipline* 1578, these new presbyteries were designed to obviate kirk sessions, leaving particular churches without congregational elders.²⁵ The *Discipline* was explicit: 'we mean not that every particular parish...have their own particular elderships... but we think three or four, more or fewer, particular kirks may have one eldership common to them all'...'not an assembly of elders in every particular kirk'. This matter would come up at the Westminster Assembly against the insistence by the Dissenting Brethren of the biblical requirement for congregational elders in particular churches.

Charles Hodge remarks on the 'top down' approach that continually beset Scottish Presbyterianism:

the General Assembly in Scotland had from the beginning acted as the governing body of the whole Church, exercising, whenever it saw fit, original jurisdiction; acting directly on the presbyteries, and individual ministers, citing, trying, condemning or acquitting them, as it deemed right; transferring pastors from one parish to another without the intervention of any of the lower courts; and, in short, exercising a general and immediate jurisdiction over the whole church.²⁶

One of the members of the Westminster Assembly, Philip Nye, had been sent by Parliament to Scotland as a commissioner to persuade the Scots to sign the *Solemn League and Covenant*, which he drew up. The Westminster Assembly itself adopted and swore to it on September 25, 1643, ten days after the Scottish commissioners had arrived in London.²⁷

²³ James Stuart acceded to the throne of Scotland in 1567, aged 13 months. In 1584 king James brought the Kirk under the control of the monarch. James threw off his Presbyterian upbringing on assuming the English throne in 1603, and prevented the General Assembly from meeting. He declared at the Hampton Court Conference of 1604 that "If I mean to live under a presbytery, I will go into Scotland again. I will tell you what would become of it: No Bishop, No King" and he added that "If you aim at a Scots Presbytery, it agreeth as well with monarchy as God and the devil!". By the time James died in 1625 he had re-established episcopacy in Scotland with bishops and archbishops.

²⁴ Iain H. Murray, *The Scots at the Westminster Assembly: With Special Reference to the Dispute on Church Government and its Aftermath* (1994).

²⁵ *The Second Book of Discipline, With Introduction and Commentary* (Edinburgh, 1980), p. 104.

²⁶ C. Hodge, *The Church and its Polity* (London, 1879), pp.408-9.

²⁷ The Scottish commissioners were never members of the Assembly: they were commissioned to deal with Parliament and sat on a Grand Committee that oversaw the work of the Assembly. In the Assembly itself they were willing only as private individuals to sit and contribute by invitation of Parliament.

In respect of 'doctrine, worship, discipline, and government' the Covenant bound the parties merely to 'the *preservation* of the reformed religion in the Church of Scotland' but to 'the *reformation* of religion in the kingdoms of England and Ireland'. This reformation of religion in England and Ireland was covenanted to be 'according to the Word of GOD, and the example of the best Reformed Churches'. Nye was well acquainted with the polity of 'the best Reformed churches' on the continent, having taken refuge in the Low Countries under the persecutions of Archbishop Laud. Yet Nye, an indefatigable promoter of the Covenant and its aims, would soon find himself in the invidious position in the Westminster Assembly of having to dissent from some of its propositions on church government.

Truly, the Westminster Assembly produced outstanding standards on Reformed doctrine, but it cannot be said to have delivered to Parliament a satisfactory blueprint for church discipline and government 'according to...the example of the best Reformed churches.' To have done so would have required the Church Orders of the Reformed churches at least to be consulted and examined. Yet to the continual dismay of the Scottish commissioners and some of the members of the Assembly, the majority refused to consider any platform of church government as a starting point for debate, or even properly to consider where the power for the church to govern lay.²⁸

There had been opportunity for a fresh start in England more in accordance with the Reformed churches. Alexander Henderson saw this and wrote on April 20, 1642 that nothing should be done on revising the polity of church government in Scotland

till we see what the Lord will do in England and Ireland, where I still wait for a reformation and unity with us; but this must be brought to pass by common consent, and we are not to conceive that they will embrace our Form; but a new Form must be set down for us all, and in my opinion some men set apart sometime for that work.²⁹

The Scottish commissioners started well, and submitted two papers of their own on church government to the Grand Committee that oversaw the work of the Assembly, the first on November 10, 1643 which 'Concerneth the severall sorts of Church-officers and Assemblies', and the second on January 24, 1644 which 'Concerneth Congregationall Elderships, and Classicall Presbyteries'.³⁰ These papers characterized the particular church as the *ecclesia prima*, an 'integral church with intrinsical government' having the power of excommunication *jure divino*, by divine

²⁸ The debates took place in the midst of civil war, into which the Scots had become involved, and the political situation in the country and between England and Scotland significantly affected the outcome. It was not a period conducive to considering matters of power, authority and jurisdiction in the Church when those matters were the very things being fought over in the State. In 1648 Oliver Cromwell would pull off a military *coup d'état*, and with it hamstringing any aspirations for Presbyterian church government in England, and go on to deliver a crushing blow to the Scots at Dunbar.

²⁹ Henderson to Robert Baillie.

³⁰ See *The Letter from the Synode of Divines in England, to the Generall Assembly*, January 6, 1644/5.

right.³¹ They considered that any deliberation on church government in the Assembly ought to begin with defining the powers of the particular church, the *ecclesia prima*, and move outwards from there. This was also the continual urging of Nye and the other so-called Dissenting Brethren with whom the Scottish commissioners made common cause,³² but this approach was repeatedly rebuffed by the Assembly.³³

On the whole, the Scottish commissioners were closest in their desired polity to the Congregational Presbyterians, and the two papers on church polity that they submitted to the Grand Committee are proof of that. Gillespie in his private correspondence makes it clear that the position of the Dissenting Brethren was closest of all the factions in the Assembly to their own and to the Reformed churches on the continent. As we will see, they later resiled from this position under pressure from Scotland, ecclesiastical and political.

Invitations to sit in the Assembly had been sent to three ministers in the English colonies in America, one of whom was John Cotton, a highly respected and learned puritan who had fled to America rather than be imprisoned for his refusal to conform to the prescriptions of Archbishop Laud. Cotton reluctantly declined the invitation as he could not justify being 3000 miles away from his flock for a protracted period. Nevertheless, he did pen a very important work on church polity called *The Keyes of the Kingdom of Heaven, and Power thereof, according to the Word of God*. This was published in 1644 by two of the 'Dissenting Brethren', Philip Nye and

³¹ See also Gillespie's notes of February 20, 1644: 'Mr. Ney said, The divines of Scotland and in the Netherlands acknowledge that a single congregation is a true integral church with intrinsical government'.

³² See Gillespie's notes of February 2, 1644: 'Mr. Ney said, That the Scots commissioners had given in to the grand committee a system of the whole church government, which, being transmitted from that committee to the Assembly, he desired that the Assembly might go on in that method, beginning at the government of particular congregations'.

³³ We should be clear that there were no real Independents in the Assembly, by which we mean those who maintained that church government extended no farther than the local church and that jurisdiction within the church was exercised democratically. There certainly were Independents in England, and increasingly so, and especially encouraged by Oliver Cromwell, but their polity was universally abhorred in the Assembly. No one was ever branded an Independent in the debates on the floor as that would have been pejorative and untrue. However, there was mischief made behind the scenes, especially by one of the Scottish commissioners, Robert Baillie, in attempting to associate some of the positions advanced on the floor to those of the Independents. He falsely and openly branded them 'Independents' in private correspondence continually.

The majority of the members were Presbyterian of one form or another. But there were Erastian Presbyterians who believed that no power of excommunication belonged to the church, there were clerical Presbyterians who believed that there was little or no power in the sessions of particular churches, and that such sessions were merely departments of the Presbytery, and there were Congregational Presbyterians (as Chad van Dixhoorn terms them) who became known as 'the dissenting brethren', who did not deny that there was a place for wider assemblies (which they called synods), and even wrote that they were 'ordinances of God', but who held that the particular church had all the authority to function immediately from Christ and not mediated through the Presbytery.

Thomas Goodwin. This treatise considered where church power lay in relation to the Keys given by Christ.³⁴

Cotton's view was that there were certain functions of the eldership that required the convening of a church meeting, though this did not transfer *jurisdiction* to the members. Such was excommunication, another was the election of office bearers, which had to be done in the face of the people. The members thus had a share in church power (which he termed 'the power of liberty') although all authority or jurisdiction remained with the session.

The greatest Dutch scholastic theologian, Gijsbert Voet, perhaps better known by us under his Latin name Voetius, had been a delegate at the Synod of Dort and at the time of the Westminster Assembly was a theologian at the University of Utrecht. Voetius agreed with practically everything that John Cotton had set out in his *Keyes* as consistent with Reformed Church polity practised by the continental Reformed churches. Voetius' *magnum opus*, his massive 4-volume work on church polity, *Politicae Ecclesiasticae*, covers far more ground than Cotton's *Keyes* and thoroughly covers the topic of church power. In it we see the close alignment between the position advanced by Cotton and the Dissenting brethren and the presbyterial model of Reformed church government according to the Church Order of Dort, defended by Voetius.

Not a few members of the Westminster Assembly believed that their favoured type of Presbyterian government, whether Erastian, hierarchical, clerical or whatever, was *jure divino*, by divine right. But since these types were mutually incompatible, logic demanded that not more than one of them, and maybe none of them, could be *jure divino* in their specific details. Accordingly, the Westminster Assembly did not indicate any specific form of Presbyterianism as being of divine right, only that, for example, "It is lawful, and agreeable to the word of God, that the church be governed by several sorts of assemblies, which are congregational, classical and

³⁴ A vast number of opinions have been held concerning who is the recipient of the Keys. The papal one, of course, is that Christ gave the Keys to St Peter, who passed them on to all the popes since. But discounting that self-serving interpretation, the positions have varied from the power and authority of the keys being given to Peter on behalf of the church; to the apostles as a group, transmitted by apostolic succession (episcopacy); to the visible church; to the civil magistrate (the Erastians); to the Presbytery (the clerical Presbyterians); to the elders of the particular church (some moderate Presbyterians); to the elders and members in different senses (congregational Presbyterians); or to the church members collectively (Independency). The practical implication of this is easiest to see by asking who may excommunicate. The Erastian says the civil magistrate, the clerical Presbyterian says the Presbytery, the moderate Presbyterian will say the session, the congregational Presbyterian will say the session in the presence of the congregation, and the Independent will say only the voting membership in a church members meeting.

synodical.”³⁵ The problem here is that congregation elderships, while lawful and agreeable to Scripture, were not necessary.

The ‘Dissenting Brethren’ also had serious issues with the proposition that ‘The Scripture doth hold forth, that many particular congregations may be under one presbyterian government’. This formulation goes beyond saying that such a polity is ‘agreeable to the word of God’ to saying that the Word positively teaches it. To prove this proposition as the teaching of Scripture, the ‘evidence’ adduced by the Assembly was that the church in Jerusalem and the church in Ephesus were presbyteries, each with a plurality of congregations under them. However, the Dissenting Brethren doubted whether, in the absence of direct Scriptural testimony, the existence of presbyteries in Jerusalem and Ephesus could be proved by good and necessary consequence from Scripture alone, and therefore must be believed. The dissent of the Dissenting Brethren was not to the lawful use of synods but to the proposition that the churches of Jerusalem and Ephesus were Scriptural evidence of the same.

But there was a lot more riding on this: the Dissenting Brethren held out for a session of elders in every congregation *jure divino*. It was the position of Thomas Cartwright and Walter Travers in Elizabethan times, as we noted. However, the Scottish Commissioners were under pressure from Scotland not to concede this because it was not the polity of the Church of Scotland, such that the subtext of the proposition that ‘The Scripture doth hold forth, that many particular congregations may be under one presbyterian government’ was that though it would be *lawful* to have a congregational eldership, there was no biblical requirement, whereas there *was* a biblical mandate for a presbytery to govern multiple congregations, none of whom need have congregational sessions. That indeed was the prevailing situation in the Church of Scotland, and there were not a few members of the Assembly who were comfortable with that. The proposition was thus a Trojan horse. Jerusalem and Ephesus were then claimed as biblical examples of several congregations under one presbytery, no congregation necessarily having a congregational eldership. The veteran Scot David Calderwood wrote to the commissioners that ‘our Books of Discipline admit of no Presbytery or Eldership but one’, by which he meant the classical Presbytery, deprecating any accommodation with the principle of

³⁵ Article 29 of the Church Order from the Synod of Dort stated that “Four kinds of ecclesiastical assemblies shall be maintained: the Consistory, the Classical Meetings, the Particular Synod, and the General or National Synod.” The Reformed version omitted the notion that it was these assemblies that governed the church. While the Westminster Assembly’s formulation on the existence of church assemblies was fairly innocuous, an additional formulation on subordination, that “It is lawful, and agreeable to the word of God, that there be a subordination of congregational, classical, provincial, and national assemblies”, was undoubtedly going further than was conformable to ‘the example of the best reformed churches’.

congregational elderships as a *sine qua non* of biblical Presbyterian government.³⁶ To that extent, Scottish ecclesiastical polity was ultimately averse at Westminster to one of the fundamental principles of Reformed ecclesiology.³⁷

Under pressure from Scotland, the Scottish Commissioners resiled from their position papers that they had submitted shortly after their arrival, when they were hoping to be of influence for a more Reformed polity for England than prevailed in Scotland. Iain Murray makes a telling observation about the later arguments advanced by the Scottish commissioners in the Assembly:

The Scots at Westminster were, at this point, scarcely consistent with their own history. They spoke of government by presbytery as though their polity had emerged simply and directly from the New Testament at the time of the Reformation, and as though it was a monolith that had equal authority for its every part. But this was not the case. The subordination of church courts — presbytery to synod, and synod to a general assembly — was something which had not emerged in Scotland until the late 1570s and the 1580s. No one had claimed a *jus divinum* for such a synodical structure at the time of the Reformation itself... The Scots commissioners repeatedly appeared to claim more for their position than the scriptural evidence would bear³⁸

The Commissioners found their positions getting serious pushback on Scriptural grounds from the Dissenting Brethren, but politics and pragmatism eventually supervened. While the Scots army was holding the field in England, the commissioners were in a position of influence, but as Cromwell made gains, militarily and politically,³⁹ and Parliament's need for the involvement of the Scottish army diminished, the Scottish commissioners saw the tide going out and cut a deal with the majority with whom they had even less in common ecclesiologically. One of the Commissioners, Robert Baillie, spoke about the need to start treating their erstwhile closest and beloved brethren as their 'open enemies'. Thus they torpedoed the ship sailing under the flag of government 'according to the Word of GOD, and

³⁶ Robert Baillie to William Spang, May 1644: "We gave in, long ago, a paper to the great committee, wherein we asserted a congregational eldership, for governing the private affairs of the congregation, from the 18th of Matthew. Mr David Calderwood, in his letter to us, has censured us grievously for so doing; shewing us, that our books of discipline admit of no presbytery or eldership but one; that we put ourselves in hazard to be forced to give excommunication, and so entire government, to congregations, which is a great step to Independency. Mr Henderson acknowledges this: and we are in a peck of troubles with it."

³⁷ William Cunningham (*Historical Theology*) very euphemistically puts it that 'about the time of the Westminster Assembly' Scottish Presbyterianism had 'higher and more aristocratic ideas of the power and authority of ecclesiastical office-bearers and church courts than had been generally entertained by the Reformers'.

³⁸ Iain H. Murray, *op. cit.* Presbyterian Prof. David McKay makes a similar point in his work *An Ecclesiastical Republic: Church Government in the Writings of George Gillespie* (Edinburgh, 1997): 'The details of seventeenth century Scottish Presbyterianism cannot be found in the New Testament. The New Testament picture, insofar as it is clear to us, is much simpler.'

³⁹ They noted that the number of sectaries and Independents were alarmingly on the rise, and Cromwell was packing his New Model Army with them.

the example of the best Reformed Churches', along with it sinking the aspirations for England to have such a polity, which had proved to be unattainable in the ferment of a civil war. Instead, before the wind changed and opportunity was lost altogether,⁴⁰ they fitted out a vessel under a flag of convenience in order to get a Presbyterian polity through the Assembly of a sort that would not rock any boats when it reached Scotland.

A full analysis of this would need to be the subject of other papers, but suffice for now to observe that the Assembly's deliverable, *The Form of Presbyterian Church-Government and of Ordination of Ministers*, was some way removed from the example of the best Reformed churches, especially that of the church order settled at the great Synod of Dort in 1619.

Neither the English nor Scottish Parliament ratified *The Form*. The General Assembly in Scotland approved it with the proviso that it not prejudice further consideration of 'the distinct rights and interests of presbyteries and people in the calling of ministers'. This matter of the right to call ministers, never properly resolved in favour of the rights of the congregations, would lead to grievous divisions in the Church of Scotland, notably in 1733 with its first secession, and then in 1843 with the Disruption.

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⁴⁰ The upshot of this was that as the purpose was to align the church polities of England and Scotland, the Scots would end up with a polity that pushed them even further away from Reformed church polity. It all ended very badly: in England Presbyterianism was to be smothered almost as soon as it was born. In 1648 Cromwell pulled off a military coup, expelled all the Presbyterians from Parliament, executed the king (who was also the king of Scotland) without the consent of the Scots thereby provoking a rebellion, and he marched to Scotland and inflicted a crushing defeat on the Scots at Dunbar.

Presbyterianism was strongest in London and Lancashire, but never recovered after the blow from Cromwell in 1648, though he tolerated it. It revived somewhat after Cromwell's death, but from 1660 at the Restoration it was pushed out by the re-introduction of episcopacy, and the national church was purged of Presbyterian ministers who would not conform in 1662.