VII.
REPORT

OF THE

COMMITTEE ON PUBLIC QUESTIONS, RELIGION & MORALS

Introduction

Last year's report dealt with the de-Christianisation of the United Kingdom. Having considered three significant ideologies which pose a threat to the Christian character of our country we sought briefly to provide the answer to them all, concluding with the need for the church to return to her belief in *the establishment of religion*, a matter which receives little attention today. In this year's report we wish to consider this important subject in greater detail.

The question of religious establishment, both in its theory and in its practice, has been a battlefield for the reformed church in Scotland – and sometimes a minefield. It has featured prominently in the history of our own Church. Many years of dissatisfaction with unscriptural aspects of the establishment as it then was culminated in 1843 with the Disruption when a third of the ministers and elders of the Church of Scotland severed their connection with the state and the Free Church began its separate existence. Later in the same century lengthy argument over the significance of the establishment principle itself led to the division of 1900 when a small minority continued the Free Church's historic testimony after the majority joined with the United Presbyterians to form the United Free Church.

Some remarks on the establishment principle by G.N.M. Collins, a former Professor of Church History & Church Principles at the Free Church College, are worth repeating. Writing in 1978 he stated: "This Principle continues to be a vital part of our Free Church testimony. It was not in disagreement with it that the Evangelical Party who formed the Free Church in 1843 left the Establishment, but, ironically enough, in defence of it. For they held that the body retaining the name of the Church of Scotland had departed from the historic position of that Church by conceding to the civil power, in the Patronage controversy which precipitated the Disruption, a jurisdiction which belongs alone to the spiritual power, and that was guaranteed to the Church by the Revolution Settlement in 1690." The Claim, Declaration, and Protest of 1842 expounds this matter at length.

Often treatments of the establishment principle concentrate on the state's duty to the church. We intend to focus also on the church's duty to the state and especially on the witness she is called to bear to government. This is a topical matter given our nation's rapid slide into immorality, a movement which at times seems almost to be led by government.

1. The Institutions

Neither church nor state has its origin with man. According to Scripture both are divine institutions, although in different ways, as indicated by George Gillespie: "The most high God, possessor of heaven and earth, who exerciseth sovereignty over the workmanship of his own hands, and so over all mankind, hath instituted magistrates to be in his stead, as gods upon earth; but *Jesus Christ*, as Mediator and King of the Church...hath instituted an ecclesiastical power and government in the hands of Church officers, whom, in his name, he sendeth forth."

The Church

The church was planned by God in eternity to display the riches of His grace in the salvation of sinners. While God has made all things for Himself the church belongs to Him in a special manner through His Son Jesus Christ, being redeemed by His precious blood (1Pet 1:18-19). The church is Christ's mystical body (Eph. 1:23) and spiritual bride (Rev. 21:2,9). It is at the very heart of God's purposes in the world.

The church as just described is sometimes referred to as the 'invisible' church, consisting as it does of the elect who are known only to God. However the invisible church becomes visible in the world through the preaching of the gospel as the elect are regenerated, effectually called, united to Christ by faith and sanctified by the Holy Spirit. The visible church has special officers and ordinances given to her by Christ her Head as detailed in the Scriptures.

The State

The state was appointed by God and it is this fact which ultimately provides it with its authority (Rom. 13:1). It was instituted for the temporal good of mankind after the fall. The entrance of sin meant that there was a need for a civil power and by the state is meant the supreme civil power in any country. In general terms the state consists of the legislature (the body empowered to make and repeal a nation's laws and out of which the executive or government is formed to put them into effect) and the judiciary (the body empowered to administer those laws through a system of courts). In some countries the set up is such that these two branches of state are joined together and the government effectively runs the courts.

The type of legislature and the type of judiciary may vary widely from country to country. The legislature may be a single individual as seen historically in absolute monarchy. At the other extreme there may be no effective legislature resulting in anarchy where every man is subject only to his own conscience. In between there is a variety of forms, including oligarchy, where power rests with a few, and democracy, where power rests with the many.

In the United Kingdom we have a form of democracy which has evolved over centuries. It consists of a hereditary monarch whose powers are theoretically very great but in practice are ceded to a parliament partly elected by the people (the House of Commons) and partly non-elected (the House of Lords). In addition there are devolved administrations in Scotland, Wales and Northern Ireland which are wholly elected. There are distinct judicial systems in England & Wales, Scotland and Northern Ireland but in each case their proceedings are separate from political control.

It comes as a surprise to many to learn that the Bible does not prescribe a particular form of government. The form most commonly found in Scripture is monarchy but this is not set down as a necessity. What is required is *theocracy*, using the term in its strict sense to mean *the rule of God*. This is not the same as government by clergy, or *ecclesiocracy*, as in the Vatican. Rather whatever form of government a nation may have God requires that nation to be obedient to Him.

2. The Relationship

There are four possible ways in which the church and the state in any country may be related to each other. All have been seen through history and remain in evidence today.

Ultramontanism

Firstly *the church may dominate the state*. This position is identified historically with the Church of Rome and is known as Ultramontanism. Its distinguishing feature is that the church has superiority over the state in civil matters as well as spiritual. The papacy claims temporal power as well as spiritual and assumes it wherever it can. In the Vatican City with its clericalism we see in compact form the sort of control Rome desires to have in every nation. Only the Reformation in Europe and the spread of democracy since then has restrained Rome's ambitions; even so she continues to meddle in political affairs, both national and international.

Erastianism

Secondly *the state may dominate the church*. This position is known as Erastianism. It is characterised by the state having superiority over the church in spiritual matters as well as civil and is associated particularly with those European countries where the national churches are Lutheran. It exists to some degree in England also

where the Sovereign as Supreme Governor of the Church of England formally appoints bishops and archbishops, who are chosen by the Prime Minister, who is in turn advised by a committee of church leaders called the Crown Nominations Commission. Historically parliament had the rôle of approving the Church of England's worship and practice but this responsibility has now been largely laid aside. While we may be thankful for this we should emphasise the need for the church in general to be wary of attempts by government to exercise power over the different churches in our land by the use of *indirect* methods, such as by making them subject to so-called 'equality' legislation or by challenging their charitable status.

Voluntaryism

Thirdly *the church and the state may be entirely separate from each other*. This position is known as Voluntaryism and is a feature of some modern democracies. It holds that churches should be supported entirely by voluntary contributions and that no particular church should receive any special support from the state. In the USA it has been applied to such an extent that no particular *religion* receives any special support from the state. Voluntaryism is favoured by sections of the church in our own country, particularly by independency, and was a distinctive feature of the United Presbyterian Church, being perpetuated in the United Free Church of today. It would seem to be a reaction to the abuses which are inherent in the first two positions but we submit that it is a wrong reaction nonetheless.

Establishment

Fourthly *the church and the state, though separate from each other, may yet co-operate*. This position is known as Establishment and it is the position of the Reformed confessions, particularly the Westminster Confession of Faith. According to this viewpoint church and state are twin departments under the crown of Jesus Christ. While they have separate governments, officers and spheres of activity they owe allegiance to the same Lord and each is under obligation to help the other without usurping any of the other's prerogatives. This relationship has been neatly summarised as "co-ordinate jurisdiction with mutual subordination" and we believe it to be the biblical model for the link between church and state. We do not think it is going too far to say that nowhere has it been found in a more perfect form than in Scotland.

The precise distinction between church and state was expressed in a document addressed to King James VI by the leaders of the Church of Scotland in 1590: "There are two jurisdictions exercised in this realm: the one spiritual, the other civil; the one respects the conscience, the other external things; the one directly procuring the obedience of God's word and commandments, the other obedience unto civil laws; the one persuading by the spiritual sword, the other compelling by the temporal sword; the one spiritually procuring the edification of the Kirk, which is the body of Jesus Christ; the other, by entertaining justice, procuring the commoditie, peace, and quietness of the Commonweal, the which, having ground in the light of nature, proceeds from God, as He is Creator."

Although there is bound to be a separation between church and state nevertheless there is to be a co-operation between them in the interests of God's kingdom as we shall now see in considering their mutual duties.

3. The Duties

The mutual duties of church and state are set out in the Reformed confessions in their treatment of the civil magistrate. We shall firstly look at the state's duty to the church and then the church's duty to the state, referring to the Scots Confession, the Westminster Confession of Faith and the Belgic Confession of Faith, the chief doctrinal standard of the Dutch Reformed churches.

The State's Duty to the Church

The state's chief calling is *to restrain sin in society*, as we learn particularly from Chapter 13 of the Epistle to the Romans. There we are told that God has placed the sword of justice in the hand of the magistrate, that he should punish sin: "For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he

beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil." (Rom. 13:4) Yet the magistrate also has a particular duty towards the church as indicated by the Reformed confessions:

The Scots Confession declares: "Moreover, to kings, princes, rulers, and magistrates, we affirm that chiefly and most principally the conservation and purgation of the religion appertains; so that not only they are appointed for civil policy, but also for maintenance of the true religion, and for suppressing of idolatry and superstition whatsoever: as in David, Jehoshaphat, Hezekiah, Josiah, and others, highly commended for their zeal in that case, may be espied." (SC Chapter 24)

The Westminster Confession declares: "The civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven: yet he hath authority, and it is his duty, to take order, that unity and peace be preserved in the church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed." (WCF Chapter 23:3)

The Belgic Confession declares: "And their office is, not only to have regard unto, and watch for the welfare of the civil state; but also that they protect the sacred ministry; and thus may remove and prevent all idolatry and false worship; that the kingdom of anti-christ may be thus destroyed and the kingdom of Christ promoted. They must therefore countenance the preaching of the Word of the gospel everywhere, that God may be honoured and worshipped by every one, as he commands in his Word." (BCF Article 36)

It is obvious that the church is to advance the cause of Christ in the world. The confessions are saying that the state has a rôle here too. William Cunningham wrote: "though the promotion of religion is not an end of civil government [i.e. a direct end in the sense in which it pertains to the church], it is yet an end which civil governors, in the execution of their official functions, may be called to aim at." Plainly only magistrates who are true Christians, or who at least profess adherence to the Christian religion, are able to carry out such a duty. How is it to be done? We may summarise the teaching of the confessions and Scripture in four points.

1. The magistrate is to *recognise* the church. Central to the establishment principle is a national recognition of religion. Only when the magistrate, having acknowledged Christianity to be the true religion, discerns the true church, distinguishing it from the false, can he do anything in her favour. In this the magistrate must be guided by the Word of God for it is there that we learn the marks of the church.

2. The magistrate is to *endorse* the church. He is to give it his positive approval. Nations, unlike individuals, are judged only in time and the welfare of any nation depends upon the place it gives to the living and true God: "Righteousness exalteth a nation: but sin is a reproach to any people." (Prov. 14:34) So we find in Scripture that blessings and curses are promised alternately depending upon whether a nation is God-honouring or God-dishonouring (Psa. 33:12; Isa. 60:12). This refers to the nation's corporate life, not merely to what a proportion of its citizens may individually believe and do. Thus in his last words King David declared to Israel, as he had been told by the Lord, "He that ruleth over men must be just, ruling in the fear of God." (2 Sam. 23:3)

God cannot be honoured properly unless His Son is honoured too (John 5:23). It is the duty of every person in gospel realms to trust in and to honour Jesus Christ and civil rulers are not exempt from this for His name is "KING OF KINGS, AND LORD OF LORDS" (Rev. 19:16). No-one who takes the Bible seriously can agree with the notion commonly held that religion is a private matter with no place in the public arena. It being our duty to confess Christ and to uphold His cause in *all* our relationships – whether with superiors, inferiors or equals – those who are privileged to hold public office are bound to honour Jesus Christ in their office and to have respect to His church.

3. The magistrate is to *patronise* the church. This is a quite different thing from the *Patronage* which was mentioned in our introduction, by which is meant the power to control appointments to office. Without interfering in those affairs which belong properly to the church alone the magistrate is to use his office appropriately in her interests, even as one day he shall be answerable to Christ. Samuel Rutherford wrote: "God is the author of civil laws and government, and his intention is therein the external peace, and quiet life, and godliness of his church and people, and that all judges, according to their places, be nurse-fathers to the church." In his comment on judges Rutherford had in mind Isaiah 49:23: "And kings shall be thy nursing fathers, and their queens thy nursing mothers: they shall bow down to thee with their face toward the earth, and lick up the dust of thy feet; and thou shalt know that I am the Lord: for they shall not be ashamed that wait for me."

The idea behind 'nursing' here is 'nourishing'. Commenting on this text in Isaiah Albert Barnes explains it thus: "that kings and princes would evince the same tender care for the interests of the people of God which a parent or a nurse does for a child." He says that the sort of patronage which these 'nurses' are required to give to the church is that they would "protect it by their laws, and foster it by their influence, and become the personal advocates of the cause of Zion." This support *may* include endowment or other financial advantage. The favour to be shown by kings and princes is also required of lesser rulers. Thomas Chalmers said at the time of the Disruption: "We hold that every part and function of a commonwealth should be leavened with Christianity, and that every functionary, from the highest to the lowest, should in their respective spheres, do all that in them lies to countenance and uphold it."

4. The magistrate is to *reform* the church. This is perhaps the most controversial aspect of the magistrate's duty to the church and it requires careful explanation and qualification, as we believe it receives in the Reformed confessions. It is helpful for us to remember at the outset that one of the sins forbidden in the second commandment is "tolerating a false religion" (Larger Catechism Q. 109).

When we speak of the magistrate reforming the church we do not mean to imply that he has any right to go about this in a dictatorial manner. In his exposition of the Westminster Confession Robert Shaw identifies the following limits on the magistrate's authority in religion: "the civil magistrate must not assume a lordly supremacy over the Church...must not interfere with her internal government...must not, as a magistrate, sustain himself a public judge of true or false religion, so as to dictate to his subjects in matters purely religious...may not take upon himself the administration of her ordinances of worship...neither...the government and discipline of the Church."

Yet while the civil magistrate does not have power *in* sacred things he does have a certain power *concerning* sacred things. Our Confession asserts that in order to carry out his duty to reform the church the magistrate "has power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God" (WCF 23:3). It is a fact that both the Synod of Dort and the Westminster Assembly were called by the civil power. However the Confession certainly does *not* teach that ecclesiastical assemblies may meet *only* by permission of the magistrate for elsewhere it states: "if magistrates be open enemies to the Church, the ministers of Christ of themselves, by virtue of their office, or they, with other fit persons upon delegation from their Churches, may meet together in such assemblies." (WCF 31:2) Neither does the Confession teach that the magistrate may control the deliberations of ecclesiastical assemblies, whether national or international, or prescribe what their decisions should be.

What the Confession means in Chapter 23:3 is made clear by Thomas M'Crie: "Must not Christian rulers, judges, and magistrates, provide that 'whatsoever is transacted' by themselves 'be according to the mind of God?' Is it not highly fit that they should be satisfied, and that they should, by every proper means, provide, that the determinations of synods be according to the mind of God, if they are afterwards to legalize them, or if they are to use their authority for removing all external obstructions out of the way of their being carried into effect; both of which they may do, without imposing them on the consciences of their subjects?" We may add that by

"the mind of God" in this section of the Confession we are to understand the revealed will of God contained in the Word of God. A Christian ruler is bound to satisfy himself that whatever he may be responsible for enforcing upon others is scriptural and he is as capable of doing that as any other Christian.

The difference between Presbyterians and Independents in this area is evident from the Savoy Declaration of Faith and Order, the doctrinal standard of the Congregational Independents which was formulated in England in 1658 and generally follows the Westminster Confession. It rewrites the section we have been considering so that the magistrate is obliged to be more tolerant of differences in doctrine and worship among Christians: "Although the magistrate is bound to encourage, promote, and protect the professors and profession of the gospel, and to manage and order civil administrations in a due subserviency to the interest of Christ in the world, and to that end to take care that men of corrupt minds and conversations do not licentiously publish and divulge blasphemy and errors, in their own nature subverting the faith and inevitably destroying the souls of them that receive them: yet in such differences about the doctrines of the gospel, or ways of the worship of God, as may befall men exercising a good conscience, manifesting it in their conversation, and holding the foundation, not disturbing others in their ways or worship that differ from them; there is no warrant for the magistrate under the gospel to abridge them of their liberty." This represents a departure not only from the Westminster Confession but also from the terms of the Solemn League and Covenant which was agreed between the Scottish Presbyterians and the English Parliamentarians in 1643.

It is regrettable (though perhaps unsurprising) that in the USA most if not all of the major Presbyterian denominations subscribe to a modified form of the Westminster Confession dating back to 1788 which appears to go even further than the Savoy Declaration in restricting the power of the civil magistrate to reform the church. In the American revision Chapter 23:3 is completely rewritten as follows: "Civil magistrates may not assume to themselves the administration of the Word and sacraments; or the power of the keys of the kingdom of heaven; or, in the least, interfere in matters of faith. Yet, as nursing fathers, it is the duty of civil magistrates to protect the church of our common Lord, without giving the preference to any denomination of Christians above the rest, in such a manner that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger. And, as Jesus Christ hath appointed a regular government and discipline in his church, no law of any commonwealth should interfere with, let, or hinder, the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief. It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretense of religion or of infidelity, to offer any indignity, violence, abuse, or injury to any other person whatsoever: and to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance." Chapter 31:2 is omitted entirely in this revision.

Likewise since 1910 some of the Dutch Reformed denominations in the USA, following questions which were first raised in the Netherlands and notably by Abraham Kupyer have, either by footnotes or actual revision of the text, indicated their disagreement with what they regard as the "Constantinian language" of the Belgic Confession in its statement in Article 36 on the rôle of the civil magistrate regarding the purity of the church.

In clarification of her own position on the matter the Free Church passed an Act Anent Questions and Formula in 1846 which concluded with the following statement: "And the General Assembly, in passing this act, think it right to declare, that, while the Church firmly maintains the same scriptural principles as to the duties of nations and their rulers in reference to true religion and the Church of Christ, for which she has hitherto contended, she disclaims intolerant or persecuting principles, and does not regard her Confession of Faith, or any portion thereof, when fairly interpreted, as favouring intolerance or persecution, or consider that her office-bearers, by subscribing it, profess any principles inconsistent with liberty of conscience and the right of private judgment."

The Church's Duty to the State

The great calling of the church is *to advance the rule of God in the world.* She does this supremely by preaching the gospel of Jesus Christ. The Lord has given to her a mighty weapon, "the sword of the Spirit, which is the word of God" (Eph. 6:17); through the ministry of the Word the Holy Spirit graciously changes sinful men's hearts, unites them to Christ, brings them into the fellowship of His church on earth and prepares them for glory. But the church also has a particular duty towards the state as indicated by the Reformed confessions:

"We further confess and acknowledge, that such persons as are placed in authority are to be loved, honoured, feared, and held in most reverent estimation because they are the lieutenants of God, in whose sessions God himself does sit and judge (yea even the judges and princes themselves), to whom by God is given the sword, to the praise and defence of good men, and to revenge and punish all open malefactors." (SC Chapter 24)

"It is the duty of people to pray for magistrates, to honour their persons, to pay them tribute and other dues, to obey their lawful commands, and to be subject to their authority for conscience' sake." (WCF Chapter 23:4)

"Moreover, it is the bounden duty of every one, of what state, quality, or condition soever he may be, to subject himself to the magistrates; to pay tribute, to show due honour and respect to them, and to obey them in all things which are not repugnant to the Word of God; to supplicate for them in their prayers, that God may rule and guide them in all their ways, and that we may lead a quiet and peaceable life in all godliness and honesty." (BCF Article 36)

We may summarise the teaching of the confessions and Scripture on this branch of our subject in three points.

1. The church is to *honour* the magistrate. The Bible commands us to "Honour the king" (1 Pet. 2:17) and warns us not to "despise dominion" or to "speak evil of dignities" (Jude 8). The honour we are to give to magistrates is one which belongs to them on account of the office they hold. It is not based on our judgment as to the worthiness of their persons or the worthiness of their actions for whatever our estimation of these things it does not alter the fact that they are "God's ministers" (Rom. 13:4). The worst of magistrates are that, even though they may have no regard to Christ and His church. For this reason Paul, when accused by the high priest and the chief of the Jews to the Roman governor Festus, was willing to appear before the governor and defend himself; indeed he appealed unto Caesar (Acts 25:8,11).

2. The church is to *obey* the magistrate. It is the duty of the church through her officers to ensure obedience from her own members in those things which pertain to them as church members, but she is also to support the state in its God-appointed duties and must not oppose its lawful authority. "Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; Or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well." (1 Pet. 2:13,14) This includes the paying of taxes, however burdensome or unjust they may appear to us to be (Rom. 13:7).

Even though the state be ungodly and its rulers open enemies of the church believers are not released from their obligation to be subject to the magistrate. The Confession states: "Infidelity, or difference in religion, doth not make void the magistrate's just and legal authority, nor free the people from their due obedience to him: from which ecclesiastical persons are not exempted" (WCF 23:4). Our obedience to the magistrate is not to be merely out of a fear of the punishment we are likely to receive at his hand if we disobey him; rather it is to be "for conscience sake" (Rom. 13:5). *God* commands our obedience to the magistrate; therefore to disobey the magistrate is to disobey the Lord and to be guilty of sin with its solemn consequences. "Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation [judgment]." (Rom. 13:2)

There is a limit to our obedience to the magistrate however. His authority extends no further than what is permitted to him by the Word of God and our obedience may go no further than that. This too is a matter of

conscience. In Scripture we have the example of the apostles when they were before the Sanhedrin, the ruling council of the Jews. Being reminded in the presence of priests, elders, scribes and judges of how they had been commanded not to teach in the name of Jesus they replied: "We ought to obey God rather than men" (Acts 5:29). Yet in their response the apostles were far from being rebels; they still had respect for the magistrate's office.

3. The church is to *pray* for the magistrate. The apostle Paul wrote to Timothy: "I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men; For kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty." (1 Tim. 2:1,2) In their prayers the Lord's people must not neglect their chief rulers and those who serve under them.

The reason why the church is to pray for magistrates is instructive: "that we may lead a quiet and peaceable life in all godliness and honesty." Peace and order in the nation – and indeed between the nations – is desirable but *why* do we want it? It ought to be for the reason that true godliness may flourish among us. Otherwise we have no real warrant to pray for peace and any peace which we do enjoy will be of no real or lasting benefit to us.

What believers are exhorted to pray for on behalf of magistrates those magistrates are bound to promote, according to the station God has given them. "By me kings reign, and princes decree justice." (Prov. 8:15) The 'justice' the Lord requires in the state is not the 'social justice' beloved of our present politicians but the righteousness of His moral law, according to both tables. Who better to advance this than Christian magistrates?

As we may be aware at the time of the Reformation the Anabaptists taught otherwise, insisting that upon conversion to Christ magistrates must leave office as the state is worldly, secular, antichrist and of no use to the church. This line of thinking is firmly rejected by the Reformed confessions. The Westminster Confession declares: "It is lawful for Christians to accept and execute the office of a magistrate, when called thereunto: in the managing whereof, as they ought especially to maintain piety, justice, and peace, according to the wholesome laws of each commonwealth; so, for that end, they may lawfully, now under the New Testament, wage war upon just and necessary occasions." (WCF 23:2)

That Christians may perform the duties of a magistrate is borne out by the second Psalm which teaches that rulers who are guilty of withstanding Christ in their private and public lives (vv.1-3) are to submit to Him and serve Him in both (vv.10-12). It is interesting to reflect that when Paul wrote to Timothy urging prayer for kings and others in authority the men who ruled were almost universally heathen and hostile to the church. Perhaps the believers were tempted to despise their rulers. Paul tells them that God will save some from among them (vv.3,4) and therefore they are to pray for their conversion. Then instead of opposing the cause of Christ they will actively promote true godliness throughout their realms.

4. The Relevance

What we have stated in the preceding sections can sometimes appear rather abstract and rather remote – more of a theory than a reality. However despite its imperfections and despite the threats being made to it we enjoy the privilege of a Christian establishment in our country. While we have it we must make use of it. But how?

Issues frequently arise in which the importance of the connection between church and state is made clear. A topical one is 'same sex marriage', something which is being pursued by government both at a UK and a Scottish level. How is the establishment principle, in its biblical form, relevant to this matter? There are five ways at least.

The Establishment Principle Rejects Religious Neutrality in the Nation

The establishment principle dismisses the concept of voluntaryism. It insists that the state does not have the option of being neutral in relation to Christ and His cause for no-one has that option. The Roman governor Pontius Pilate may have washed his hands of the blood of Christ before the multitude but it was to no avail; in God's sight the stain remained (Matt. 27:24). Jesus said, "He that is not with me is against me" (Luke 11:23). Government, like every good work, has been affected by divine redemption and should reflect the truth that Jesus Christ is "Lord of all" (Acts 10:36).

Especially in our own country the state does not enjoy the luxury of being indifferent to Christ and His cause. Our country is Christian, in the sense that it has a Christian constitution. Dr King Hewison listed the principles on which the Reformed Church in Scotland was founded as: "the absolute authority of the Word of God over all men; the exclusive jurisdiction of the Church in spiritual concerns; the exclusive power of the ruler in civil affairs only, according to the Word, and in Scotland, according to its ancient Constitution." The National Covenant of 1638, signed by nobles as well as churchmen, exemplifies this outlook. Subscribers engaged by oath to maintain the true reformed religion, as well as professing loyalty to the king. In 1640 the Scottish Parliament adopted the Covenant and subscription to it was made a requirement for the people. In the kindness of God the Protestant reformed religion is established by law in the United Kingdom with Presbyterianism safeguarded in Scotland in the Treaty of Union which came into effect in 1707.

The separation between church and state was never intended to mean the separation of Christianity and the state, as is increasingly the practice in our land. King Jehoshaphat said to the judges of his day: "Take heed what ye do: for ye judge not for man, but for the Lord, who is with you in the judgment." (2 Chron. 19:6) It is for this reason that the Psalmist refers to magistrates as "gods" (Psa. 82:1). The Almighty has given them the authority to rule in His place and therefore they are accountable to Him for how they use their office. That is the solemnity of the position our rulers occupy and we should not be slow to remind them of it. It is surely incumbent then upon our government, whether in Westminster or at Holyrood, that in regard to marriage they follow the teachings of the Word of God and the Christian faith, which declare it to be a divine ordinance and not something to be revised by man to suit himself.

The Establishment Principle Opposes Moral Relativism in Society

One of the curses of our age is relativism – the idea that truth and morality are not absolutes but exist in relation to society and its culture and so may change over time. For centuries homosexual behaviour was an offence punishable in law throughout the United Kingdom. Campaigns demanding 'freedom' and 'equality' for homosexuals led to legislation in their favour beginning in 1967: first homosexual activity in general was decriminalised, then a law preventing local authorities from promoting homosexuality was repealed, next civil partnerships were introduced for same sex couples and now there are moves towards allowing same sex 'marriages'. If certain politicians get their way then a relationship that was a crime a few decades ago will soon be elevated to the same status as holy matrimony and enjoy all the privileges which belong to that blessed state!
This calamity has only come about because the idea has grown up that in making law on moral matters there is no higher authority than the will of the people, whether expressed directly as it may be in referenda or through their elected representatives. This cannot be satisfactory. For one thing the will of the people fluctuates. This is evident even when it comes to moral issues – a fact which campaigners for social change are aware of and which gives them encouragement: they know that over time they may be able to shift public opinion on something like same sex marriage and eventually persuade a majority in the country and in parliament to support a change in the law. By the same token of course it is not impossible for the mood to change back again so that the legislation may one day be reversed.

The church must challenge this moral relativism, a symptom of a rotten, decadent and godless society, employing her spiritual weapons and "Casting down imaginations, and every high thing that exalteth itself against the knowledge of God, and bringing into captivity every thought to the obedience of Christ" (2 Cor. 10:5). The establishment principle is of help in this. It asserts that there is a fixed standard which ought to

direct the civil power. It is the same standard as that which governs mankind in general: the moral law of God. Magistrates should be men who are familiar with the law of God and prepared to put it into effect. "And thou, Ezra, after the wisdom of thy God, that is in thine hand, set magistrates and judges, which may judge all the people that are beyond the river, all such as know the laws of thy God; and teach ye them that know them not." (Ezra 7:25) The way they are handling marriage shows that the governments of our land have cast aside the seventh commandment of the moral law, "Thou shalt not commit adultery" (Exod. 20:14). They need to relearn that the will of God is superior to the will of man.

The Establishment Principle Defines the Proper Boundary between Church and State

It is instructive to note the way in which the Scottish Government is trying to 'manage' the issue of same sex marriage when dealing with objections from the church. The First Minister Alex Salmond has said that he personally supports same sex marriage and the government have expressed an initial view in favour but Nicola Sturgeon, the minister responsible for the issue, has been keen to stress in her correspondence the government's belief that "no religious body or its celebrants should be required to carry out same sex marriages or civil partnership ceremonies."

It seems quite a generous statement. And that is the problem. Viewed in the light of the establishment principle the statement is in fact quite worrying. It contains the hint that if the Government proceeds with legislation to allow same sex marriages then it *could* force churches to perform such marriages – although it will not actually do so. The statement comes across as a concession but it is *not* an act of generosity for government to grant to the church what already belongs to her as her duty from her Lord: it is an Erastian usurpation of Christ's kingship. This statement is a cause for concern as the minister and the Government ought to know that the church can never be required by the state to carry out anything that is contrary to the Word of God.

As the church is not to involve herself in those affairs that are strictly civil so the state is not to interfere in matters which are strictly spiritual. Andrew Melville, the architect of Presbyterianism in Scotland, stated this truth forcefully to King James in 1596 after the King had charged the church with sedition because it had met in General Assembly without his permission: "There are two kings and two kingdoms in Scotland. There is King James, the head of this commonwealth, and there is King Jesus, the King of this Church, Whose subject James the Sixth is, and of Whose Kingdom he is not a king, nor a head, but a member. We will yield to you your place, and give you all due obedience, but again, I say, you are not the head of the Church." This is where we must stand today.

The Establishment Principle Provides a Rationale for our Witness to Government

Many churches, congregations and individual Christians have responded to the Scottish Government's consultation on the registration of civil partnerships and same sex marriage, just as they have expressed their views on matters of moral concern in the past and will do so again in the future. But what has been their reason for stating their views to government? How do they view the state? The establishment principle provides us with a logic for bearing witness to government.

It is a biblical principle that those who are in positions of authority are to use their power to bring about an external obedience to God's law. In Exodus 20:10 the Lord commands the head of the house to secure obedience in Sabbath-observance from all "within thy gates." The 'gate' was the place where elders, judges or kings sat officially, the civic centre of the community. Therefore the commandment refers not simply to "all who are within your territory" but to "all who are under your civil jurisdiction." The private individual with responsibility for others must ensure that they keep the Sabbath and those in public office are also to take all proper measures to ensure that the Sabbath is kept within the sphere of their authority. The Larger Catechism extends this principle to cover all the commandments (LC Q.99). When government fails to use its authority in this lawful way the church is bound to remind the magistrate of his obligation.

The Bible teaches that civil magistrates exist "for the punishment of evildoers, and for the praise of them that do well" (1 Pet. 2:14). Magistrates obviously need to know what constitutes 'evildoing' on the one hand and 'welldoing' on the other; only then can they punish the former and praise the latter. To some extent a moral consciousness reflecting the values of the divine law is present in all men, due to "the work of the law written in their hearts" (Rom. 2:15); however the Scriptures are necessary to give that knowledge of God's law which is essential for the work of the magistrate. So the church must guide the state in its understanding of the truth. We see this in the Old Testament. Israel fared best when there were strong partnerships between church and state. The civil and religious leaders in Israel had distinct but complementary rôles, as is evident with Moses and Aaron, Joshua and Eleazar, David and Abiathar, Solomon and Zadok, Hezekiah and Azariah, Zerubbabel and Joshua. There is an instructive warning in the case of King Joash who "did that which was right in the sight of the Lord all the days of Jehoiada the priest" (2 Chron. 24:2), but after the godly priest died sadly forsook the Lord.

Our Confession teaches that "magistrates may lawfully call a synod of ministers. and other fit persons, to consult and advise with about matters of religion" (WCF 31:2). King Herod did this with regard to the birth of Christ (Matt. 2:1-6). Although he was a wicked man the principle holds good. We would surely be delighted if our Prime Minister or First Minister wished to consult with men of God to receive guidance on the subject of marriage! It would certainly benefit them both to also learn what the Scriptures have to say about homosexuality.

The Establishment Principle Shows us how to Raise our Voice

If there is a danger of the state invading the province of the church in an Erastian manner then equally we should be wary of the church encroaching upon the state's territory in a Popish way. The Confession declares: "Synods and councils are to handle or conclude nothing but that which is ecclesiastical: and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition in cases extraordinary; or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate." (WCF 31:5) When the church is requested by government to give advice on any matter to which the Scriptures speak she may readily do so and will be thankful for the opportunity: however she is not to agitate on purely political matters, something liberal denominations are always doing. That is not her place for Christ's kingdom is "not of this world" (John 18:36).

There is an exception to this rule, which is when there are "extraordinary" cases. Then the church may "petition" government in a "humble" way. Exactly what constitutes an extraordinary case is left open but we might with some justification argue that we have such a case before us now in the form of proposals to legalise same sex marriage. Marriage is a "civil affair" which by any reckoning is of great concern to the "commonwealth", being integral to a stable, orderly and happy society. It is also of great concern to the church for marriage prevents uncleanness and provides her with a holy seed, enabling the kingdom of God to flourish. It is the duty of the state to uphold marriage as it is given to us by God yet our state is moving towards a redefinition of marriage that utterly perverts the institution. How is the church to 'petition' government on this?

We note that it is "synods and councils" which are to petition government. (By extension this includes the lower church courts as appropriate and standing committees appointed by the Assembly to deal with such matters.) This does not mean that individual Christians are prevented or discouraged from speaking out on issues of moral and spiritual concern. What it does mean is that there is a particular obligation resting upon the courts of the church to raise their voice. These courts are instituted by Christ and when constituted they act in His Name and speak with His authority – provided of course that what they say is in agreement with Scripture. They represent Christ's church in a way that individual Christians cannot and their statements have a force which no amount of individual voices can match. So they should speak up on marriage.

May the church ally herself with other bodies which, while not sharing her beliefs, for their own reasons also do

not want marriage to be redefined? In a day when the church is in decline and her voice is often ignored by government it may be tempting to take such a course. It will increase our numbers! It will make a bigger impression! Yet the temptation must be resisted. The church is speaking *for Christ*. That is her privilege. No other body in the world can do what she does in the way that she does. Having spoken she prayerfully leaves the matter with the Lord.

It is interesting that when two members of the Committee met with a representative of the Scottish Government to discuss our concerns regarding same sex marriage it was clear that the government official *expected and wanted* scriptural warrant to be given for our position. That is what he received. Why is same sex marriage wrong? Because a majority of the people are against it? No! *Because the Word of God says so*. That is our message to the powers that be.

We were very pleased that in her 'Christmas' day broadcast the Queen highlighted the importance of the Christian faith in her life and experience. It was good also to hear the Prime Minister declare in a speech in December to mark the 400th anniversary of the Authorised Version of the Bible that "we are a Christian country and we should not be afraid to say so" and "the Bible has helped to give Britain a set of values and morals which make Britain what it is today." Sadly however Mr Cameron described himself as only a "vaguely practising" Christian and admitted to being "full of doubts" about big theological issues.

With the marked decline in the influence of the gospel in Britain in recent decades we are thankful that there are still those in high places who, even though they may not possess saving faith in Jesus Christ are nevertheless willing to acknowledge the benefits which Christianity has brought to our country. However government in general in our land seems to be no friend of Christ and His church. Unless the Lord intervenes the decay is likely to progress to the point where the civil power calls "evil good, and good evil" (Isa. 5:20). Indeed in relation to homosexuality and the church's opposition to it perhaps it has gone that far already. The result then is that the magistrate becomes a terror to *good* works and Christians suffer. May God in His mercy grant us truly Christian magistrates once again!

Our precious Christian heritage did not come to us without great struggles or without great cost and it is not to be given up lightly. In our day the church must continually remind the magistrate that there is a higher law and a greater authority than that of man. Samuel Rutherford argued that the King's will is not the law. Rather *Lex is Rex*; the Law (of God) is King. In opposition to the Stewarts' slogan 'The Divine Right of Kings' the Covenanters bravely proclaimed their own: 'For Christ's Crown and Covenant'. In a day when we face magistrates who seem to believe in the unlimited power of government that must be our motto too.

5. Matters Addressed

Over the past year the Committee have addressed various matters as they have been made aware of them and as they deemed appropriate.

Relevant parts of the Assembly's Finding on last year's report were sent by the Principal Clerk to the Prime Minister and the First Minister, including the part which urged government in Westminster and Holyrood to resist any further demands for the introduction of sharia law. A copy of the actual report was later sent to the Prime Minister. The letter to the First Minister was passed on to Roseanna Cunningham, Minister for Community Safety and Legal Affairs, who replied that the Scottish Government had no plans to adopt sharia law into Scots Law but that nothing in Scots Law prevented people abiding by sharia principles if that was their wish, provided their actions did not conflict with Scots Law or other UK law. The Committee then sent a copy of the actual report to the First Minister and to Roseanna Cunningham, drawing her attention to the section on Islamism in general and especially the section on Sharia Law.

The Committee wrote to Rev. James Maciver, Principal Clerk of the Free Church of Scotland, communicating to him that part of the Assembly's Finding on last year's report in which the Assembly noted with sorrow the

decision of the Plenary Assembly of the Residual Body of the Free Church of Scotland to permit the use of hymns and musical instruments in public worship. No reply was received.

The Committee wrote to Rev. John P. Chalmers, Principal Clerk of the Church of Scotland, expressing their disappointment at the recent decision of their Assembly regarding the ordination of persons in same sex relationships. A reply was received indicating that our concerns had been noted and that they would be conveyed to the Theological Commission set up to consider the matter.

The Committee completed a questionnaire sent by Rev. Lorna Murray, Church and Faith Groups Representative on the Remote and Rural Working Group of 'Choose Life', described as "Scotland's national suicide prevention strategy." Mrs Murray expressed thanks for the completed questionnaire.

The Committee responded to the Consultation issued by the Scottish Government on The Registration of Civil Partnerships and Same Sex Marriage. The Committee also issued a public statement on Same Sex Marriage which was sent to the First Minister and to Nicola Sturgeon, Cabinet Secretary for Health, Wellbeing and Cities Strategy. A reply was received from Nicola Sturgeon indicating that her officials would be happy to meet with us to discuss our concerns. Subsequently a meeting took place between two members of the Committee and a representative of the Scottish Government, Mr Simon Stockwell, Head of the Family & Property Law Team. A detailed report of the meeting was circulated to Presbytery Clerks to be used at their discretion. The Committee later sent Mr Stockwell a note of the ordination vows required by the Church. The consultation period closed on 9th December and we await the publication of the Government's analysis of the responses.

In connection with this subject the Committee issued a public statement on 'Scotland for Marriage', making some critical comments on the organisation and its strategy and giving guidance to our people. The Committee also wrote to Mr Colin Hart, Director of the Christian Institute, expressing their unhappiness at the Institute's involvement in the Scotland for Marriage campaign. Sadly there has been no response to this letter, even though it has been followed up by several e-mails. Finally the Committee issued a public statement in support of United Christian Witness following the protest that organisation held outside the Scottish Parliament against the proposed legislation in favour of same sex marriage.

The Committee have written to the Prime Minister in the light of the Commonwealth Summit held in October 2011, indicating that while we are thankful that no change is planned to the provision in the Act of Settlement whereby the monarch must be a Protestant we are concerned at the proposal that a monarch or heir to the throne who marries a Roman Catholic will no longer forfeit his or her right to the throne and also at the proposal that the law on male primogeniture be abandoned.

Last year we reported that although her End of Life (Scotland) Assistance Bill was heavily defeated in a free vote in the Scottish Parliament in December 2010 Margo MacDonald had indicated that she would try again if re-elected in May 2011. Margo MacDonald was indeed re-elected and she has now proposed an Assisted Suicide (Scotland) Bill – "a Bill to enable a competent adult with a terminal illness or condition to request assistance to end their own life, and to decriminalise certain actions taken by others to provide such assistance." There is a consultation on the Bill to which the Committee have contributed.

The Committee look to the Lord for His most-necessary help as they bear witness to government in the Name which is above every name, the Name of Jesus Christ. In upholding truth and righteousness they prayerfully seek His glory and the Christian good of our land. "With my lips have I declared all the judgments of thy mouth." (Psa. 119:13)

DAVID BLUNT, *Convener*
WILLIAM B. SCOTT, *Vice-convener*

PROPOSED DELIVERANCE

1. The General Assembly receive and adopt the Report of the Public Questions, Religion & Morals Committee and thank the Committee, especially the Convener, Vice-convener and Clerk;

2. The General Assembly commend the work of the Committee to our people. They encourage Congregations and individuals to inform the Committee of local matters of particular spiritual and moral concern that might be helped by being more widely known and by being addressed by the Committee;

3. The General Assembly reaffirm their belief in the establishment principle, namely that church and state are both divine institutions which though separate from each other are nevertheless required by God to work together in the interests of His kingdom;

4. The General Assembly reaffirm their belief that while the chief rôle of the state is to restrain sin in society civil governors, in carrying out their functions, should aim at the promotion of religion, specifically the Christian religion revealed in the Bible and in our land established by law;

5. The General Assembly reaffirm their belief that the church is to honour the persons of civil governors, to obey their lawful commands according to the Word of God and to pray for them, that they may submit themselves to Jesus Christ and be nursing-fathers to His church;

6. The General Assembly urge the courts of our Church, our ministers and our people to persevere in their witness against same sex marriage and to continue in prayer that proposals by government at Holyrood and Westminster to legalise such an abomination will not succeed;

7. The General Assembly commend to the prayers of the Church our nation's present religious and moral state. In particular they call upon the congregations of our Church to observe a day of humiliation and prayer on Saturday 1st December or the closest convenient date and encourage other Christians throughout our country to do likewise.