

ADVISORY OPINION:
FREEDOM OF CONSCIENCE, DISSENT, PROTEST AND DEFIANCE

WHAT IS FREEDOM OF CONSCIENCE?¹

In F-3.0101, the Presbyterian Church (U.S.A) acknowledges:

God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men² which are in anything contrary to his Word, or beside it, in matters of faith or worship.³ Therefore we consider the rights of private judgment, in all matters that respect religion, as universal and unalienable.⁴

Freedom of conscience, as we use it in the life of the church, is the right to disagree with a position of a council or councils of the church. It is derived directly from this principle that ‘God alone is Lord of the conscience’ and that our consciences are thus bound to nothing other than Scripture. Freedom of conscience is extended only to individuals and not to councils of the church and G-2.0105 of the *Book of Order* delineates specific limits on the freedom of conscience for those who serve in ordered ministries:

It is necessary to the integrity and health of the church that the persons who serve it in ordered ministries shall adhere to the essentials of the Reformed faith and polity as expressed in this Constitution. So far as may be possible without serious departure from these standards, without infringing on the rights and views of others, and without obstructing the constitutional governance of the church, freedom of conscience with respect to the interpretation of Scripture is to be maintained. It is to be recognized, however, that in entering the ordered ministries of the Presbyterian Church (U.S.A.), one chooses to exercise freedom of conscience within certain bounds. His or her conscience is captive to the Word of God as interpreted in the standards of the church so long as he or she continues to seek, or serve in, ordered ministry. The decision as to whether a person has departed from essentials of Reformed faith and polity is made initially by the individual concerned but ultimately becomes the responsibility of the council in which he or she is a member.⁵

Accordingly, freedom of conscience for those who serve in ordered ministries is permitted only to the extent that it: (1) is not a serious departure from the essential standards of Reformed faith and polity; (2) does not infringe on the rights and views of others; and (3) does not obstruct the constitutional governance of the church.

Freedom of conscience may lead individuals to arrive at differing views, beliefs, principles, and interpretations. Relating to this, F-3.0105 reminds the church of the exercise of mutual forbearance:

That, while under the conviction of the above principle we think it necessary to make effectual provision that all who are admitted as teachers be sound in the faith, we also believe that there are truths and forms with respect to which men of good characters and principles may differ. And in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other.⁶

The Constitution of the Presbyterian Church (U.S.A.) promotes freedom of conscience and protects and guarantees the right to protest and dissent. However, it never provides the right for defiance.

WHAT IS DISSENT?

One has the right to dissent or protest the decision of a council. A dissent is a “declaration expressing disagreement with a decision of a council.”⁷ A dissent shall be made at the particular session during which the decision is made. The names of members dissenting shall be recorded.⁸

WHAT IS PROTEST?

A protest is a “written declaration, supported by reasons, alleging that decision of a council is or contains an irregularity or delinquency.”⁹ An irregularity is defined as “an erroneous decision or action.”¹⁰ A delinquency is defined as “an omission or failure to act.”¹¹ Written notice of the protest shall be given at the particular session of the council during which it arose and shall be filed with the clerk before adjournment. If the protest is expressed in decorous and respectful language, it shall be entered in the minutes of the meeting, and may be accompanied by an answer prepared by the council. No further action is required.¹²

However, since neither dissent nor protest initiate judicial process, the council’s decision is binding and remains in effect. Once a council has decided upon an issue, members of that council have a responsibility to support that decision, or at least to not actively undermine it. This principle has been part of our polity for many years, and is succinctly stated in a footnote to G-2.0105:

That when any matter is determined by a majority vote, every member shall either actively concur with or passively submit to such determination; or if his conscience permit him to do neither, he shall, after sufficient liberty modestly to reason and remonstrate, peaceably withdraw from our communion without attempting to make any schism. Provided always that this shall be understood to extend only to such determination as the body shall judge indispensable in doctrine or Presbyterian government.¹³

WHAT ARE SOME HISTORICAL AND CONSTITUTIONAL EXAMPLES ACKNOWLEDGING THE RIGHT TO DISAGREE?

The Adopting Acts of 1729 provided an avenue for expressing “scruples for non-essential tenets.”

And in case any minister of this Synod, or any candidate for the ministry, shall have any scruple with respect to any article or articles of said Confession or Catechisms, he shall at the time of his making said declaration declare his sentiments to the Presbytery or Synod, who shall, notwithstanding, admit him to the exercise of the ministry within our bounds, and to ministerial communion, if the Synod or Presbytery shall judge his scruple or mistake to be only about articles not essential and necessary in doctrine, worship or government.

The Swearingen Commission of the PC(USA) in 1926 provided much the same option when it wrote:

One is, that the Presbyterian system admits of diversity of view where the core of truth is identical. Another is, that the Church has flourished best and showed most clearly the good hand of God upon it, when it laid aside its tendencies to stress these differences, and put the emphasis on its unity of spirit (p. 78)

The adoption of a *Book of Confessions* by the UPC(USA) in 1967 and by the PC(USA) at reunion in 1983 accomplished this same function when the special committee proposed the addition of language to ordination vows.

Do you sincerely receive and adopt the essential tenets of the Reformed faith as expressed in the confessions of our church as authentic and reliable expositions of what Scripture leads us to believe and do, and will you be instructed and led by those confessions as you lead the people of God?¹⁴

In 1993, the GAPJC found “expression of an opinion by a synod or other governing body, without action, does not constitute the adoption of a policy contrary to an established and controlling constitutional policy of the denomination.”¹⁵ However, a synod or any other committee may not take action against a decision of a higher council: “a lower governing body, such as the synod here, may not, under the guise of "opinion," adopt a course of action in defiance of an established position of this church on a matter that has properly been submitted to”¹⁶

WHAT IS DEFIANCE? WHAT ARE SOME HISTORICAL EXAMPLES OF DEFIANCE?¹⁷

Defiance involves moving beyond passive submission regarding a decision of a council and involves action that specifically contravenes either PC(USA)'s Constitution or properly adopted authoritative interpretations thereof.¹⁸ For example, Charles A. Briggs, a Professor of Bible at Union Seminary (NY), adhered to “Higher Criticism.” Briggs was a pastor and a faculty member at Union Seminary in New York City and in 1890 Briggs was elevated to a newly created chair of biblical theology at the Seminary.¹⁹ In his inaugural address, Briggs vigorously championed biblical criticism, attacked the notion of biblical inerrancy and by doing so unleashed a major controversy within the denomination. In the face of this challenge to the Bible, the faculty at Princeton Theological Seminary “defined and defended the truth, inspiration and authority of Scripture as inerrant” and Briggs accused those who held the Princeton position of a kind of “bibliolatry.”²⁰ Interestingly, at that time the General Assembly had to approve of faculty appointments to Presbyterian seminaries. The General Assembly vetoed Brigg's election to the chair. In order to keep Briggs on the faculty, Union Seminary severed its ties with the Denomination.²¹ Briggs continued promoting higher criticism and the General Assembly viewed these actions as more than dissent, but defiance against what the church believed to be its core theological value--the inerrancy of Scripture. While Briggs was not the only one to hold these views of Scripture, his open defiance was viewed as a direct challenge to the Denomination's theological core values. Accordingly, Briggs was tried for heresy, found guilty and suspended from the Presbyterian ministry in 1895.²² It is important to note that Brigg's active and continued promotion of views that

were considered heretical, not his belief, is what ultimately led to his suspension. Briggs later became Episcopalian.

In the early 1930s, John Gresham Machen, a Professor of New Testament at Princeton Theological Seminary, and others established an Independent Board of Presbyterian Foreign Missions (IBPFM) out of a suspicion of modernist influences and the belief that the Presbyterian Church was not properly training its missionaries.²³ The General Assembly ruled that the IBPFM was unconstitutional and told Machen to desist. Machen and others refused to obey a General Assembly's injunction to sever connections with the rival mission board.²⁴ As a result of his refusal, Machen and others were tried by their presbyteries and Machen was defrocked in 1936. Accordingly, it is important to note that both Briggs and Machen moved beyond expressions of dissent and took actions in defiance and in violation of their ordination vows. While Briggs and Machen were afforded the right to protest and express dissent based on their beliefs, they could not take continued actions in furtherance of those beliefs, thus defying of a council's decision.

WHAT PROCESSES FROM THE *BOOK OF ORDER* MAY HELP COUNCILS ADDRESS DEFIANCE?

- G-3.0108 Administrative Review
- G-3.0109(b) Administrative Commission
- D-6.0000 A Remedial Case against a Council
- D-10.000 A Disciplinary Case against an Individual

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¹For more information on Freedom of Conscience *see*:

[PJC \(2006, 217-7, 475, Williamson v. Pby of W. North Carolina\)](#): "recognizes the right of the corporate community to place limits upon the exercise of freedom of conscience by its officers." [PJC \(2001, 577, 12.1028, Londonderry v. Pby of N.N.E.\)](#): Case is an example of the tension between conscience and the covenant requirements of mutual accountability. [PJC \(1986, 158, 11.047, Buonaiuto v. First Presbyterian Church, Greenlawn, NY\)](#): Freedom of conscience and the right of protest do not give an individual church member the right to prevent a governing body from carrying out its responsibilities to another governing body.

² The historical usage of the words "men" and "man's" throughout this quotation as well as further such usages that occur in other quotations in this document should be understood as applying to all persons.

³ This section, with the exception of the first paragraph, was first drawn up by the Synod of New York and Philadelphia, and prefixed to the Form of Government as published by that body in 1788. In that year, the synod was divided into four synods and gave place to the General Assembly of the Presbyterian Church in the United States of America, which held its first meeting the following year. The four synods formed were the Synod of New York and New Jersey, the Synod of Philadelphia, the Synod of Virginia, and the Synod of the Carolinas. The presbyteries of these four synods were represented in the first General Assembly, which met in Philadelphia on May 21, 1789. The general plan drawn up in 1788 became that by which the Presbyterian Church in the United States and The United Presbyterian Church in the United States of America were subsequently governed.

⁴ F-3.0101(a)+(b)

⁵ G-2.0105; *See also* [Randall Bush et al. v. Presbytery of Pittsburgh, Remedial Case 218-10](#) "While the Book of Order permits broad freedom of conscience for members of the church,⁵ "in becoming a candidate or officer of the Presbyterian Church (U.S.A.) one chooses to exercise freedom of conscience within certain bounds."⁵ G-2.0105 defines the limits of this freedom of conscience for ordained church officers. It first states the requirement that all church officers adhere to the essentials of Reformed faith and polity as

expressed in the *Book of Confessions* and the Form of Government. It next assures freedom of conscience, but only with respect to the interpretation of Scripture. Even then, freedom of conscience is permitted only to the extent that it: (1) is not a serious departure from the essential standards of Reformed faith and polity, (2) does not infringe on the rights and views of others, and (3) does not obstruct the constitutional governance of the church.

⁶ F-3.0105

⁷ G-3.0105(a)

⁸ *Id.*

⁹ G-3.0105(b)

¹⁰ D-2.0202(a)

¹¹ D-2.0202(b)

¹² G-3.0105(b)

¹³ Hist. Dig. P p. 1310. (Plan of Union of 1758, par. II.); *see also* F-3.0205.

¹⁴ W-4.4003(c)

¹⁵ [**Pby of West Jersey v. Synod of the Northeast, Remedial Case 205-15, 11.057**](#)

¹⁶ *Id.*; *see also* [PJC \(2001, 577, 12.1028, Londonderry v. Pby of N.N.E.\)](#)

¹⁷ Additional resources for Presbyterians in Times of Controversy as well as in-depth historical analysis of this and other related subjects may be found at:

http://history.pcusa.org/news/releases/2011/times_of_controversy.cfm

¹⁸ For more information regarding authoritative interpretations *see* G-6.02.

¹⁹ Donald K. McKim (ed.), *Encyclopedia of the Reformed Faith*, (Louisville, Westminster John Knox Press, 1992) 40; *See also* Randall Balmer and John Fitzmier, *The Presbyterians* (Westport, Connecticut: Praeger, 1994); M.S. Massa, *Charles Briggs and the Crisis of Historical Criticism*, (Minneapolis: Fortress Press, 1990).

²⁰ James H. Smylie, *A Brief History of the Presbyterians*, (Louisville, Geneva Press, 1996), 101.

²¹ *Id.*

²² *Id.*

²³ Donald K. McKim (ed.), *Encyclopedia of the Reformed Faith*, (Louisville, Westminster John Knox Press, 1992), 231. *See* Bradley Longfield, *The Presbyterian Controversy: Fundamentalists, Modernists and Moderates*, (New York: Oxford University Press, 1991); *see also* D.G. Hart, *Defending the Faith: J. Gresham Machen and the Crisis of Conservative Protestantism in Modern America*, (Baltimore: Johns Hopkins University Press, 1994).

²⁴ Donald K. McKim (ed.), *Encyclopedia of the Reformed Faith*, (Louisville, Westminster John Knox Press, 1992), 231.