

#### IV. THE POWER OF THE PEOPLE IN THE GOVERNMENT OF THE CHURCH.

IN a recent number<sup>1</sup> of this Review there is an article from the pen of the Rev. C. K. Vaughan, D. D., on “ Representative Government in the Church.” Whilst Dr. Vaughan is one of our ablest writers, there are some views advocated in this article that ought not to go unchallenged, lest general silence should be construed into an acquiescence in these as the positions taken by our church.

The paper, previous to its publication, was read before the Synod of Virginia in defence of an action of Lexington Presbytery on an overture. That action was as follows:

“ 1. Is the authority of the session exclusive of all other authority, in the matter of calling a congregational meeting to consider its temporal affairs ? *Answer* : It is.

“ 2. Has the Board of Deacons a right to call, or to have called, such a meeting, when, in its judgment, it is expedient to consult the body of the people about their temporal affairs ? *Answer* : No; the answer to the first question settles this.

“ 3. Has the session authority to decide where and what, if any, change shall be made in the house of worship, or the method of seating the congregation? *Answer* : The session has the abstract authority; but it would not be expedient to use this power without consulting the congregation, except in extraordinary cases.

“ 4. *Resolved*, That in returning the answers above given, the Presbytery expresses, as the ground of its decisions, that the session is the only governing body in the church, except in those cases where the constitution expressly authorizes the congregation to exercise that authority.”

The first and second answers I accept as in accordance with

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<sup>1</sup> October, 1890. This article was written shortly after the publication of that to which it is a reply.

our constitutional law, with the qualification, that whilst the session alone may call a meeting of the congregation, it must do so when requested by a majority of the church members, in the case here referred to, as well as for the election of officers. The calling of a congregational meeting is not one of the powers given the deacons, and they can act only as members of the church, along with others. And, further, I entirely agree with Dr. Vaughan in repudiating a congregational body, including others than communicants, having control of the temporal affairs of the church, as unknown to our Presbyterian system.

The question at issue is as to *the power of the people in governing the church* : Have they surrendered all governing power to the elders as their representatives, “except in those cases where the constitution expressly authorizes the congregation to exercise that authority”? The Lexington Presbytery and Dr. Vaughan affirm; I deny. Dr. Vaughan’s language is very strong : “The government of the church is exclusively in the hands of the ruling elders, chosen by the body of the people to exercise the ordinary functions of government.” The power of the people he regards as “ expressly limited to two purposes—the election of their representatives, and the dissolution of their relation to one class of these, the pastors of the church.” Through inadvertance, I suppose, a third case is omitted—the right of the people to consider the dissolution of their relation to elders and deacons, as well as pastors.—*Book of Church Order*, Paragraphs [113](#) and [205](#).

It is admitted in the paper we are considering, that the power of government, under Christ the Head, originally vests in the people; but it is claimed that they have reserved none of this power to themselves, but have, by the constitution they have adopted, turned all over to their representatives, with the exceptions already specified. On the other hand, I maintain that it is in accordance with our views of popular government, and the principles of our church government, that the officers have only the powers specifically given them by constitutional enactment; and that if there be any powers to be exercised in the proper administration of the church not specified in the constitution, they still vest in the body of the church members, not having been

turned over to the officers; that in the particular church, reserved powers, if there be any, belong to the people, and not to the session.

In this category is the power to erect a church building, to remodel it, to sell it, to pull it down, to buy or build another. The constitution nowhere mentions church buildings at all. Although essential to the prosecution of the church's work, they are not within the pervue of the form of government. If the head of the church has authorized the people to build churches, they still retain the power, not having given the exercise of it to any body of church officers. If, however, it be claimed that the building of churches is included under the head "temporal affairs," it must be borne in mind that the "management" of these is not committed to the session, but "may be properly committed to the *deacons*." Of this, more anon.

There are many good reasons why the control of building churches and **remodelling** them should be retained by the people. If it is proposed to alter the seating arrangements of their building, involving the personal comfort, and not the spiritual interests, of the congregation, the people are better judges of what *they themselves desire* than their representatives can be. If a church building is to be removed, the body of the people can better judge where *they wish* it located than can their officers. If a church building is to be enlarged or a new one erected, the people, rather than the session, can reach a conclusion as to their ability and willingness to incur the expense. It is maintained, however, by the advocates of the session's control, that when the session orders the changing or building of a house of worship, and in the exercise of its admitted power also "orders a collection" to defray the cost, the people may then exercise their rights and thwart the purpose of the session by withholding the money, if they do not approve of the proposal. Dr. Vaughan says:

"When this is done (directing that a chapel be built, and ordering a collection) their full part is done. The part of the people then comes to the front. The law has been set forth, and each one must determine for himself, and under his own responsibility to his own master, how and to what extent he shall obey it."

This seems strange Presbyterian doctrine. Are not the people bound to obey their rulers in the proper exercise of their authority? If the session has the legal authority to order the building of a chapel, or a new church, and is the only body that has any right to order it, as is claimed, then surely the people are bound to obey, and carry out the order. The session is the body of their representatives, and the act if a constitutional one is their own act. They are in duty and in honor bound to execute it. True, they may petition the session to reconsider its action, or they may complain to a higher court; and further, if the session has ordered what they are unable to execute, the action necessarily falls to the ground. Technically the order was legal, but the exercise of power was injudicious and unreasonable. But suppose there be no such difficulty; that the people are fully able to raise the money required to execute the order, and willing to do it if they believed the order judicious. Have they a right to sit in judgment upon the order already given by the session? If so, the people are in this matter the governing body. But if, as our opponents claim, the session only has control in these matters, then the people are bound in good faith to carry out the orders of their representatives; just as faithfully as if they had met in formal assembly and themselves ordered the work.

It should be borne in mind, too, that in some cases, if the session takes control of this part of the temporal affairs of the church, the people would have no redress by withholding their money to **nulify** the action of the session, and no other veto power. If the session has sole control of the property, it may sell the church the people worship in and buy another. They may have supposed that they were acting wisely, and so far as they knew in accordance with the wishes of the people; but it turns out after the bargain is closed that a large majority of the people disapprove of the change, but the matter is closed and the people have no redress. The authorities of one of our cities, desiring the lot upon which stood a Presbyterian church, proposed to reproduce the building, without cost to the church, on any lot they might select. Did the congregation transcend its constitutional powers when it ordered the removal? Was the session derelict in duty in not

saying to the congregation: " This is our business; we will consider your advice in the matter; but it is ours, not yours, to take action" ? If the position of the Lexington Presbytery and of its defender be right then the action of the congregation was unconstitutional null, and void; the session should have made the contract. And in this case, had the session acted, the people could not have nullified their action by withholding money; for money was not required.

The answer of the Lexington Presbytery to the first question of the overture seems to admit that the congregation has some control over its " temporal affairs," as it claims for the session authority " to call a congregational meeting to consider its temporal affairs." By a " congregational meeting" must be meant an assembly of the church-members, called as is provided for the election of church officers. So called, it may " consider its temporal affairs," yet it may not order anything with regard to them, for the explanatory resolution (No. 4) debars it from all constitutional control over these matters. True the people may *advise* the session, but there, according to this theory, their power ends. If this be so, what matters it whether the deacons, or the session, or members of the church call them together? For, however called, they have no power. And if the session simply wish to know the opinions of the people as one factor in reaching their conclusions, they may assemble the people in any manner they please; the provisions of the constitution for a meeting for a different purpose need not be regarded any further than may be necessary to accomplish their purpose. And, indeed, in some cases they may be able to get the opinions of a majority of the people about the matter in hand without calling them together at all. All this talk about who has authority to call a congregational meeting is idle; for there can be no congregational meeting that has any legal status. If the power of a congregational meeting is limited to the election of officers, and action on the dissolution of their official relations, as is claimed, then the session has no authority to constitute a congregational meeting for any other purpose; and no assembly of the people that they may call is a constitutional assembly. The session (and why not the deacons ?)

may call the people informally to get their advice; but the action is extra, constitutional; and the people should be so informed when they come together. The first answer to the overture, to be consistent with the closing resolution, ought to read somewhat after this manner: “ These is no constitutional authority for calling a congregational meeting in such a case, since the people have no control over the temporal affairs of the church.”

The third answer is peculiar, self-contradictory, virtually an abandoning of the Presbytery’s own position, and by implication, an admission of what I claim, the right of the body of the people to control the temporal affairs of the church. It reads: “ The session has abstract authority; but it would not be expedient to use this power without consulting the congregation, except in extraordinary cases.” That authority must indeed be very abstract that can become concrete only in extraordinary cases. Is our constitution chargeable with the absurdity of taking authority from the people and bestowing it upon the session, when it would ordinarily be inexpedient for the session to use it without conferring with the people ? Indeed, in spite of their effort to maintain their theory of the session’s power, the framers of this answer had the *feeling* (if I may use the word in this connection), that after all, the people were the proper body to control in the matter of church buildings. And here the Presbytery’s able defender fails them; his logic breaks down. Indeed, it would be utterly impossible to frame an argument to bolster up an action which, but for the very great reverence I have for the court from which it proceeds, I would call—so absurd. The writer argues (page 588): “ This answer is in accord with the necessary effects of a representative government. Under such an institution the people limit themselves; they refuse to make themselves a coordinate element of current government, except in the two instances expressly reserved. They put all the power of ordinary administration into the hands of their representatives. Those representatives, then, hold the abstract and practical legal power to order all the incidents of legal government. But it does not follow that they are never to consult the views of their constituents. In extraordinary cases they must act often under peril of the public interests, without con-

suiting them. In all ordinary cases which really require it, the very law of their representative character requires them to confer with the people."

Is it a "necessary effect of a representative government" that the rulers should ordinarily consult the people, it being inexpedient to act without their advice? Do our legislators in their ordinary legislation consult the people? True, as the writer says, "it does not follow that they are never to consult the views of their constituents." But the cases calling for consultation should be the extraordinary cases, whilst the answer of the presbytery allows the exercise of the power claimed only in extraordinary cases, and consultation with the people is required in all ordinary cases. In the passage above quoted there is a limitation, not in the presbytery's action, "in all ordinary cases *which really require it.*" Why not say in *all* cases which really require it? This limitation is an entire departure from the position of the presbytery. If the people are ordinarily to be consulted, it is because they, and not the session, have the right to control. But enough of this *ad hominem* argument.

A much stronger reason for holding that the constitution leaves with the people the control of this department of the church's temporal affairs is, that it is sustained by the general, if not the universal, usage of the church. Ordinarily when a church is to be built or remodelled, or removed, or sold, the people in regular assembly act upon the matter. They do not advise the session what to do, but they themselves decide. Previous to the revision of our *Book of Church Order*, during the years it was undergoing revision, and since its adoption, it has been the almost invariable usage for the people, assembled in a constitutional manner, to take in hand, consider, and conclude all important matters pertaining to their church property. Had it been the design of the church to interfere with or change this usage, surely the matter would have been made so explicit in the revised book as to leave no question as to the intent of the law. It is clear that in adopting the revised rules the church meant to leave this congregational control undisturbed.

Again, whilst the powers of the church session are stated fully

and specifically in the law, the power of controlling the temporal affairs of the church is not mentioned. In the revision, too, the statement of the session's powers was made much more explicit on many points than in the old form; not that the powers of the session were greatly enlarged, but duties and powers that might have been doubtful were now clearly and unmistakably set forth. And yet "the management of the temporal affairs of the church" is not found among the powers enumerated. The session has, indeed, the power of revision in one particular in temporal affairs—the power "to examine the records of the proceedings of the deacons." This cannot be stretched to take the control of all temporal matters. They have power "to order collections for pious uses"; but, as giving is one of the ordinances of worship, it will hardly be questioned that this is a spiritual, not a temporal, function. It is, however, maintained that the clause, "to concert the best measures for promoting the spiritual interests of the church and congregation," does embrace the control of the church's temporal affairs. It must be admitted that such temporal affairs as we have been considering, do, more or less, affect the spiritual interests of the church; but so does the exercise of every power given to the people, the deacons, the pastor, and the presbytery. Often the session might exercise some of these powers more discreetly than those who hold them. Is the session, therefore, to take in hand the choice of church officers, because it could make a wiser choice than the people, and thereby "promote the spiritual interests of the church and congregation"? Clearly, the "measures" which the session is authorized "to concert" for the spiritual good of the church must lie within the sphere of their defined powers without intrenching upon the powers of other bodies. The not placing the authority to "manage the temporal affairs of the church" among the powers of the session could not have been through inadvertence. In the old book that general clause is found in connection with the deacon's office, and is so continued in the new. It is a broad and convenient phrase, if not very well defined, and, if it had been put among the specified powers of the session, it would have given it the authority claimed. But it is not there. The church, in revising its law,

took this clause in hand (for a modification of it had been proposed in the first reported revision), and yet put it back just as in the old book, a conditional power of the deacons. It saw proper not to put it among the powers of the session. Indeed, *spiritual* is emphasized in the powers of the session, in manifest contrast with *temporal* in the section pertaining to deacons.

It has already been stated, incidentally, that in the section pertaining to the deacons is this provision: "To the deacons, also, may be properly committed the management of the temporal affairs of the church." This power is not theirs by right, but it may be given them. By whom? Not by the session; for, as we have seen, the session has no power over them. It may be done by the people, the constitutional body that elected them. In practice, by tacit consent, the people allow them the management of various departments of the temporal affairs. They might, constitutionally, commit to them all matters pertaining to church-buildings which have come under our consideration; but this is, perhaps, never done. The people prefer retaining this part of church administration in their own hands, and properly so.

In opposition to the views here set forth as to the right of the people to control such temporal affairs as erecting a house of worship, directly by their own vote, it is maintained in the article we are reviewing, that they have excluded themselves from the exercise of this power by the limitations of that constitution which they have adopted. The following paragraphs are relied on as establishing this limitation:

"The officers of the church, by whom all its powers are administered, are, according to the Scriptures, ministers of the word, ruling elders, and deacons." (Par. 4.)

"The whole polity of the church consists in doctrine, government, and distribution." (Par. 33.)

"The power which Christ has committed to his church vests in the whole body, the rulers and the ruled, constituting it a spiritual commonwealth. This power, as exercised by the people, extends to the choice of those officers whom he has appointed in his church." (Par. 15.)

That we may estimate correctly the degree of limitation which these paragraphs put upon the power of the people in the government of the church, our attention should be directed to a fact in the history of the revision of our *Book of Church Order*. The first revision committee did not, as we might have supposed they would, take up the rules of the old book, make such amendments and additions as were needed, and then arrange and adjust the the whole in a more systematic form. But they laid down a number of general propositions, setting forth, as they supposed, the underlying principles of our system of government. These general statements they attempted to work out by proper divisions and sub-divisions so as to make a complete, philosophical, and systematic elaboration of all the particulars of church government, having an eye to our existing rules, which in the main were to remain unchanged, except in the form of stating them. There are a number of these general propositions in our present book unknown to the old; but not so many as were in the first revision sent up by the compilers to the Assembly. Some were dropped in the revisions which followed, some were modified, others led to the modification of the particular rules under their class, so that they might be made to fit into the general statements, whilst others still await readjustment either of the general or the particular propositions. Our ecclesiastical courts have always been timid about making deliverances *in thesi*, because of the great difficulty of foreseeing all the possible applications of a general proposition. But our revisers were as bold with their *theses* as was Luther when he nailed his ninety-five propositions to the door of the Castle Church in Wittenberg. A glance at a few of these will not only help us in the matter in hand, but also aid in the interpretation of some other of our rules of government.

In the first form of the revision (Chap. I., Par. 4), the officers being declared to be of only two kinds, presbyters and deacons, it was said of the first (embracing both teaching and ruling elders), “ As ecclesiastical rulers, these presbyters, or elders, are of the some rank, dignity, and authority.” This was their abstract theory, but the proposition could not be made to fit the manifest

distinction in the rank of ministers and ruling elders running through the whole system, and it was dropped entirely from this chapter. It was, however, continued in a much modified form in another place (Par. 43): "These ruling elders do not labor in the word and doctrine, but *possess the same authority in the courts of the church* as the ministers of the word." And yet even this lowered form of the claim did not fit the system; and after much contention the specific provisions were modified by the introduction of a rule authorizing an elder-moderator to have the preaching of an opening sermon, or the performance of other ministerial acts, done for him by a minister. There are other rules, as, for instance, those prescribing quorums, that must be altered if the *thesis* stands and the system is made harmonious.

Chapter IV. Sec. 1, Par. 2 reads: "As the whole polity of the church consisteth in doctrine, discipline, and distribution, so the ordinary and perpetual officers of the church are teaching elders, who labor in the word and doctrine; ruling elders, who wait on government; and deacons, whose chief function is the distribution of the oblations of the faithful. He that is called to teach is called also to rule, and he that is called to rule is called also to distribute."

This threefold division of the church's polity may do as a general classification in studying the principles of church government, but it was found that it would not do as a ground for the three divisions of church officers; and therefore "as" and "so" were omitted in the later revisions, thus severing the two propositions. Had they not been thus severed there would have been no place left for the people to take part in the government, not even so much as to elect their officers. The last sentence was entirely omitted, as a generalization incongruous to our system and without a scriptural basis.

Others might be cited; but let us now look at the two general propositions above quoted (Par. 4 and 15), which are said to exclude the people from control of the temporal affairs of the church. The former of them says that all the church's powers are administered by the three classes of officers named. This thesis, therefore, debars the people from all part in the govern-

ment, even the election of their officers. But the constitution expressly provides for this; therefore this thesis must be rejected till so modified as to suit the system. If not rejected, then the officers and not the people must elect all officers in the church. This is not claimed, and therefore all claim of any limitation of the people's power by it must be abandoned. The framers of this sweeping thesis did not have the people in view; they did not see the application of their own proposition.

In Par. 15 it is asserted that the power of the church vests in the whole body, the rulers and the ruled. This thesis is useless in the system of rules, and, as might be expected, faulty. The children of the church are a part of "the body" of "the ruled," yet they have no part in its government. The next sentence of this paragraph is chiefly relied on to support the position here contested: "This power as exercised by the people extends to the choice of those officers whom he has appointed in his church." It is maintained that this excludes the people from all part in the government except the election of officers. But "extends to" does not mean *is limited to*. The clause gives the people the right of choosing their officers; it does no more. But even this feature of it cannot be pressed; for a presbytery may elect and ordain evangelists without the voice of the people. This thesis has no force in the system. It gives the people a certain power, which is given them more explicitly in the body of the rules; but it does not give them all that the constitution gives, the right to be heard touching the dissolution of the church's relations to pastor, elders, and deacons. It is, therefore, but one of those theses that do not fit into the system, but remain as excrescences upon its body, excrescences that were originally evolved in the effort at philosophical generalization, and some of which were not rubbed off in the numerous revisions. This one, however, is comparatively harmless, as it gives little, and takes away nothing. It in no way affects the people's rights in the remodelling or erection of their church edifices.

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