



The Presbyterian Church in Canada

Liberty of Conscience and Action

Clerks of Assembly, July 2019

Conscience is sometimes defined as a personal awareness of right and wrong that you use to guide your actions to do right.

Remember Jiminy Cricket's song to Pinocchio when he was learning how to be a real boy: 'And always let your conscience be your guide'. Pinocchio was learning to become human. To take responsibility for himself and his actions.

When the General Assembly uses the language of granting 'liberty of conscience and action' the church seeks to create space for respecting differences in theological views and how they are lived out.

Liberty of Conscience in the Westminster Confession of Faith

The Westminster Confession of Faith, in chapter 20, provides what can be said to be the classic Reformed delineation of liberty of conscience:

God alone is the Lord of the conscience (XX.II).

Influenced by Puritan and covenant theology of the day, the Westminster Confession of Faith was drawn up over five years preceding 1646 to be a confession of the Church of England. It later became a subordinate standard of the Church of Scotland. The Presbyterian Church in Canada adopted it in 1875 as part of our Basis of Union and as our principal subordinate standard.

Much of the reason for including liberty of conscience in the Westminster Confession of Faith had to do with the relationship between church and state. There was a 'state' church and a 'free' church and both needed to determine how much influence church and state could rightly have on each other.

In our Basis of Union of 1875 (Book of Forms 442.2) , liberty of conscience was granted with respect to the authority of the state over the church. This was reflected in our ordination vows as late as 1954, which state that:

... nothing in the ... Confession or Catechisms regarding the power and duty of the civil magistrate shall be held to sanction any principles or views inconsistent with full liberty of conscience on matters of religion. (Book of forms 1954 section 406.2)

A few years later, The Presbyterian Church in Canada granted liberty of opinion on section XXIV.4 of the Westminster Confession of Faith that states a person may not marry any of their spouse's family members nearer in blood than they may marry of their own. (See Book of Forms 445.1) Here, the Westminster Confession of Faith is saying, for example, that if a spouse dies, the

survivor may not marry that person's brother or sister. Our church grants liberty of opinion on that point.

Today ministers and elders are expected to uphold the doctrine found in our subordinate standards 'under the continual illumination and correction of the Holy Spirit speaking in the Scriptures' (Book of Forms section 447.2, 449.2). Cases of liberty of conscience (or opinion) have, in our church, been used very rarely to accommodate differences.

While chapter 20 states that God alone is Lord of the conscience, it recognizes that people, being human after all, sometimes adopt doctrines and commandments that might be contrary to God's word. It's possible for us, and others, to misunderstand or misinterpret God's word and will. Because of that possibility, nothing should interfere with an individual's liberty to align their conscience with God's word and will.

This does not mean we can believe whatever we want. It is quite the opposite. We are expected to believe and act according to God's word and God's will. Our conscience should help us to do that. Liberty of conscience is the term used to describe the importance of not interfering with that expectation.

Paragraph three of the same chapter (XX.III) drives this home (and wades into the realm of liberty of action) by stating that if anyone, claiming liberty of conscience, 'practices any sin, or cherishes any lust', liberty of conscience is destroyed. There is a limit to our liberty of conscience especially when it leads to what is damaging or contrary to God's will.

This raises the question about what is the correct interpretation of God's will and God's word. How can we be certain to know what is correct? While this is an individual task, it is also the task of the church. Together we meet and pray and discern in churches week by week, and in colleges, councils and courts to have conversations with and about God's word and God's will. Living Faith 5.4^a provides guidance in how we are to understand and interpret the Bible. The role of the church in interpreting God's word and will is also central to this section of the Westminster Confession of Faith. The next paragraph (XX.IV) says that in addition to our liberty of conscience being subordinate to God, God's will and God's word, it should also be subordinate to 'lawfully appointed powers, either ecclesiastical or civil'. We understand that the church has a role in dictating, or at least guiding, our liberty of conscience.

How can this be if only God is the Lord of conscience?

The Westminster Confession of Faith says it is because this liberty is intended by God as a means for us to uphold and preserve one another in the faith, not to destroy one another. This section (XX.IV) places upon the church the obligation to put limits on practices or even opinions that might be destructive to the peace and order that Christ intends for the church.

Take the example of the doctrine of the Trinity. If a minister were to say that they no longer believed in this doctrine, the church would be quite justified in declaring that is outside of permissible belief for a minister of our church. As ministers and elders, we cannot believe whatever we want and not expect to be held accountable for it.

Liberty of conscience in the Westminster Confession of Faith presents the important Reformed principle that our conscience is something that is a gift from God, who is Lord of our whole being, including our minds. It is also a means of grace that should always be for the upbuilding of the church.

Living Faith

While, *Living Faith*, does not expressly use the language of “liberty of conscience,” in various sections this subordinate standard of our church acknowledges that there will be and can be a variety of opinions among those within the church. For example, section 9.1.2 describes mission as evangelism and 9.1.3 describes it as service. While evangelism and service are often complementary ways of approaching mission, it is also true that we have the freedom to place more emphasis on one approach or the other.

If the current legislation is adopted with respect to marriage, liberty of conscience would be granted on one line of *Living Faith* section 8.2.3: “Christian marriage is a union in Christ whereby a man and a woman become one in the sight of God.” This section could still remain in our subordinate standard, but, as with the sections noted above on the Westminster Confession of Faith, liberty of conscience and action would be granted.

Liberty of conscience and the proposed legislation

The proposed legislation about marriage and ordination, as remitted to presbyteries under the Barrier Act, provides for specific and limited aspects of liberty of conscience that our church would allow on these subjects. This takes effect if the remits are approved through the Barrier Act process.

With respect to marriage, this means it is acceptable for our conscience to dictate that our understanding, or belief, of marriage is that it can be faithful as either (a) only between a man and a woman, or (b) between two adult persons.

With respect to the ordination of LGBTQI persons to the office of teaching or ruling elder, the liberty of conscience (and action) is limited to one’s *participation* in ordinations, inductions and installations. This means a minister would not be free to believe that the ordination of an LGBTQI colleague is invalid based on orientation, identity or relationship status. If one’s conscience did not permit them to accept the understanding that faithful marriage can be between two adults of the same sex, that person is permitted to not participate in the ordination, installation or induction.

Liberty of Action

The remits that our church is now considering include both liberty of conscience and action. While the Westminster Confession of Faith focusses on conscience, it does not ignore action. The guidance it gives with respect to action is that no action should lead to division in the church, or to the destruction of peace within the church.

Liberty of Action – Marriage

Regarding marriage, liberty of action means that no minister would be required to conduct a same-sex marriage. This is something that is also enshrined in Section 3.1 of the Civil Marriage Act, which states:

For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the *Canadian Charter of Rights and Freedoms* [Section 2 (a) or the expression of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.

Similarly, granting liberty of conscience and action to a session means that, while no congregation would be required to host a same-sex marriage, any congregation would be free to do so. This freedom still comes with pastoral responsibility. If a same-sex couple comes to a church to request a wedding, the minister who is in a church that chooses not to host such weddings, may exercise pastoral concern by, for example, helping the couple find a nearby church that will offer the wedding.

Liberty of action – ordination, induction or installation

As described above, liberty of action is restricted to the participation in these events. It might be that the minister or elder whose conscience dictates disagreement would attend, but not participate in the laying on of hands. That person might still wish to extend the right hand of fellowship as a sign that it is just the ordination (or induction) they are absenting themselves from, but they are nonetheless wanting to express, by extending the right hand of fellowship, their support for the gospel ministry that has been affirmed in this act and they will support their colleague in this ministry.

Another minister or elder may feel that it is best to send regrets to such a meeting as a quiet way of privately expressing the freedom of action. That same minister or elder might want to make the point that they will be a supportive colleague by having lunch with the inductee, or by extending a welcoming phone call or encouraging email.

These gestures of kindness will be important in the context of liberty of conscience and action in order that the peace of the church be maintained, and support for one another as colleagues in ministry be respected. An important principle of the polity of The Presbyterian Church in Canada is that all are equal in ministry. (Book of Forms section 4)

Liberty of Conscience and Action regarding the Ordination of Women (1966 – 1989)

When the ordination of women was approved in 1966, no provision for liberty of conscience or action was put in place. In the years that followed, the church lived into what it meant to be a denomination that holds as equal the role of women and men within the church.

In 1981 and 1982 the General Assembly considered reports (e.g. A&P 1982 p. 506-7) that wrestled with the apparent conflict between the authority of God over the conscience and the authority of the church. A Declaratory Act was added to the ordination vows that provided for

‘freedom of belief but not freedom of action’. Active participation at the ordination of women was made a requirement. At the same time, presbyteries were called upon to deal with cases of conscience with pastoral care and concern for the unity of the whole church.

Then in 1989 another Declaratory Act was adopted and resulted in what is currently section 11.2 in the Book of Forms. This replaced the 1982 Declaratory Act that was applied to the ordination vows.

11.2 The following Declaratory Act was adopted by the 1989 General Assembly and ordered inserted in the Book of Forms (A&P 1981, p. 90; A&P 1989, p. 271, 65): By virtue of their ordination vows, all ministers and elders are obliged to exercise full ministry including, among other things, active participation in the ordination of candidates to the eldership and to the ministry of Word and Sacraments. Though presbyteries have no authority to grant permission to disobey church law and doctrine, yet they are enjoined to deal with cases of conscience on any question with pastoral care and understanding for the parties involved, with concern and sensitivity for the peace and unity of the whole church. (bold added)

The intent of this section is that all ministers and elders are expected to participate in all ordinations, including those of women.

Section 11.2 means that freedom of action regarding ordinations was removed, and freedom of conscience, while still acknowledged, is conditioned by the obligation of presbyteries to obey church law and doctrine (including the ordination of women). Pastoral care, understanding, and the peace and unity of the whole church are to be the guiding principles in dealing with cases of conscience.

If the current remits before the church are approved, a note could be added to the Book of Forms referencing liberty of conscience and action related to marriage and the ordination of LGBTQI persons.

Principal Clerk, Stephen Kendall and Deputy Clerk, Don Muir

^a Living Faith 5.4

The Bible is to be understood in the light of the revelation of God's work in Christ. The writing of the Bible was conditioned by the language, thought, and setting of its time. The Bible must be read in its historical context. We interpret Scripture as we compare passages, seeing the two Testaments in light of each other, and listening to commentators past and present. Relying on the Holy Spirit, we seek the application of God's word for our time.