Published by Request.

ACTION OF THE ASSEMBLY.
An Open Letter from Dr. Girardeau.

A criticism upon the action of the late Assembly touching Deliverances of the Assembly was published three weeks ago. Through the kindness of Rev. Mr. Shanks, of Virginia, and of Dr. Girardeau, the following defence of the Assembly's action is placed at our disposal. We know that its appearance will be hailed with pleasure by all the office bearers and by many of the members of our churches. The Observer was the only paper that gave a full report of these speeches.—[Eds.

The Rev. D. W. Shanks:

Dear Brother—Your letter post-marked June 22d, has been received, and I take an early opportunity to reply.

You express a desire to see the speeches I delivered before the Assembly more fully and correctly presented than was done by the papers which reported them. I would say that full abstracts of them have, at the request of one of the editors of the Southern Presbyterian Review, been furnished him for publication, in connection with abstracts of Dr. Woodrow's speeches to be submitted by him. Both sides will, therefore, be fairly represented.

You express the apprehension that too much was conceded by the side which I represented, in agreeing to the paper which was adopted by the Assembly, and request me to give you my construction of the deliverance made by that body. I proceed to do so, taking up the points in the order in which they actually occur.

First—The introductory statement is: "The Assembly met in Charleston in virtue of its power to give authoritative interpretations of the Word, declares."

This language must include *in thesi* interpretations as well as those involved in judicial decisions, for this very decision is in that category, and the paper afterwards places the two classes of interpretation together, not only as deserving high consideration but requiring submission to them, unless contrary to the constitution and the Word.

Now of both classes of interpretation it is affirmed that they may be authoritative, and it is implied that they are authoritative when consonant to the Word as interpreted in our standards. There can be no dispute, therefore, as to the fact that the Assembly in this deliverance pronounced *in thesi* decisions to be authoritative, when not contrary to the Word as interpreted in our standards. Now the very question before the Assembly was: Are any *in thesi* deliverances of our church courts authoritative? Or, are they all unauthoritative? And the Assembly declares that it has the power to give authoritative *in thesi* interpretations, etc. What is that but to assert that some *in thesi* deliverances are authoritative. That is precisely the point for which I contended.

The Assembly affirmed it.

The only difficulty in this interpretation of the Assembly's language lies in the supposition, that it may be maintained that the word *authoritative* may qualify advice. The meaning of the paper then may be that the Assembly has power to give authoritative advice in interpreting the Word, etc.

The Christian Observer, 59.30 (28 July 1880), page 2, columns 4-6.

Against this supposition two fatal objections may be urged:

1. Advice, however solemn, cannot without a solecism be said to be authoritative — authoritative advice is a contradiction in terms. Authority and law are correlatives, not authority and advice. The latter terms are antithetical—what is authoritative is not advisory—what is advisory is not authoritative. The language of the Assembly's deliverance can only be interpreted to mean that as some *in thesi* deliverances are authoritative, all are not merely advisory.

2. The express terms of the Assembly's deliverance forbid the supposition mentioned. After the statement that both *in thesi* and judicial decisions are alike interpretations of the Word by our church court, it is affirmed that both must be submitted to, if not contrary to the constitution and the Word. Of course, then, *in thesi* deliverances, if interpretations of the Word, which are consonant to the constitution and the Word, "must be submitted to." Now it cannot be properly predicated of advice that it must be submitted to. There is no must about it. He who receives advice is not bound by it, as such. Submission implies legal authority. *In thesi* deliverances, therefore, are declared by the Assembly to be more than advisory, when consonant with the Word as interpreted in our standards.

Whatever, therefore, may have been the intention of the author of the paper, the Assembly, in the language employed, affirmed the principle for which I was contending, viz., that all *in thesi* deliverances are not merely advisory, but some are possessed of legal authority. The deliverance of the Assembly of 1879 was modified. To this it may be replied that a church court may utter *testimony* which is neither merely authoritative nor merely advisory. This supposition is untenable. The testimony of a church court must derive its nature and force from the matter testified to. If the testimony be to the law contained in the Word as interpreted in our Standards, and be true testimony, it must have the force attached to the law itself. It is then authoritative testimony. If the testimony be to a matter of expediency, the same principle of construction holds—it is then advisory testimony. There is no middle ground. A church court may testify to the doctrines and precepts of the Word, and then the testimony, if true, is authoritative; or the court may testify as to what is simply expedient, and then the testimony is unauthoritative and advisory. It cannot help the matter to say that the term authoritative, as used by the Assembly, may qualify testimony.

Second—The first item in the Assembly's decision is: "Nothing is law to be enforced by judicial prosecution, but that which is contained in the Word as interpreted in our standards." You suggest that this statement may have been intended to exclude the supposition, that necessary inferences from the law have the same authority as the law itself, and so no deliverance of a church court, although consisting of necessary inferences from the law, can have the force of law.

(*a*) I accepted this statement of the Assembly's paper as conveying a doctrine which I had in the debate again and again admitted, namely, that only that which is contained in the Word as interpreted in our standards is possessed of legal authority, and that those deliverances of the courts which affirm other matter than this, put forth the doctrines and commandments of men, and therefore have no legal authority.

(*b*) I cannot speak for the intentions of the framer of the deliverance, but it is certain that no dictum of a church court, and consequently none of this Assembly, can set aside or nullify the logical maxim universally admitted, and asserted by our Confession of Faith, that necessary inferences are part and parcel of the enunciation from which they are deduced. The Confession

ranks good and necessary consequences from the Word with the Word itself. The mere absence of the words *explicitly* or *implicitly* as qualifying the word "*contained*" cannot affect the sense of the Assembly's statement. They are understood, and the statement must be accepted as conforming to the logical law which has been mentioned. The Assembly could not have excluded the operation of that law by the absence of any words affirming it. It never entered into my mind that the statement could have any other meaning than this: Nothing is law to be enforced by judicial prosecution, but that which is expressly contained in the Word as interpreted in our standards, or may be deduced from it by good and necessary consequences. Any other construction would be in the teeth of logic and our constitution alike. With private construction we have nothing to do. There is the construction which the Church must logically put upon the Assembly's language, and it must stand until corrected by another Assembly.

Third—The first part of the second item is: "The judicial decisions of our courts differ from the *in thesi* deliverances, in that the former determine, and, when proceeding from our highest court, conclude a particular case" [particular cases]. I saw nothing to object to in this statement. It appeared to give, with sufficient clearness, the differentiating property which contradistinguishes the judicial from the *in thesi* decision. I had in my speeches admitted the distinction. You intimate that this implies that judicial decisions are binding only in the particular cases which evoked them.

Well, no other cases are actually determined by them: but I judge it would be conceded by all, that any precisely similar cases which may occur, may be adjudicated in conformity with the principles enounced in the previous decisions. They would have the value of precedents. That, as I understand it, is a principle acted on by all courts.

The second part of the second item is: "But both these kinds of decisions [namely, the *in thesi* decision and the judicial decision] are alike interpretations of the Word by a church court, and both not only deserve high consideration, but both must be submitted to, unless contrary to the constitution and the Word." Upon this I remark:

(*a*) The very point insisted on by the protestants against the deliverance of the Assembly of 1879 was, that it represented judicial decisions as authoritative and necessitating submission to them, and *in thesi* deliverances as discriminated from judicial, by the fact that they are "only didactic, advisory and monitory," and therefore unauthoritative and not necessitating submission to them. Now, if language mean anything, it is plain that the late Assembly in Charleston affirms the very opposite of this position, and supports the objection which was urged to it. After correctly indicating the specific difference between the *in thesi* and judicial decision, it goes on to declare their generic unity. They are unlike, because one determines, and, in the case of action by the Supreme Court, concludes, a particular case, and the other does not. They are alike because both are interpretations of the Word as embodied in our Standards. That is to say, they both possess the same essence, in that they both profess to teach the will of Christ the Head of the Church, as that will is expressed in the constitution and the Word. The Assembly then proceeds very properly to say that both these classes of decision, so far as they are consonant to the Word as interpreted in our standards, are authoritative—they "must be submitted to." The true teaching of Christ's will upon an abstract question of doctrine or duty is to be submitted to, as well as the true teaching of his will In regard to a particular case involving personal rights and relations. They are alike invested with the authority of Christ. For, as no other authority is one to which the Church must submit in ecclesiastical and spiritual matters, the Assembly must be understood as referring to Christ's authority. It therefore declares the *in thesi* deliverance when

not merely advisory, but mandatory, to be, so far as it is consonant with his revealed will, invested with the authority of the King of the Church. That was the great point pressed by the objectors to the deliverance of 1879. The Assembly yielded to their request, in modifying that deliverance as it did.

(*b*) You say that the purport of the late Assembly's paper may be to strip both the *in thesi* and the judicial decision of legal authority, and to attribute to both only a moral influence; and if so, that this deliverance "goes a bow shot beyond even that of 1879." To this I answer: First, such could not have been the intention of the able and honored brother who drafted the paper; otherwise I seriously misunderstood him. It is not his wont to use language for the purpose of concealing ideas. Secondly, the distinction between legal authority and moral influence has no significance when the divine law is concerned. God's law, in the aspect of it here considered, is moral, its authority moral. Its influence, though mandatory, is moral. If, therefore, interpretations of that law, when consonant with it, must be submitted to, it must be because they exert an authoritative influence which, like the law and the nature upon which it operates, is moral. There is here then no room for the distinction between a legal and a moral influence. If your meaning be that the Assembly only meant to assign an advisory influence in contradistinction from a legal, to both sorts of ecclesiastical decisions, the answer is that already given which is derived from the face of the paper, viz., that decisions which "must be submitted to" cannot be regarded as simply advisory.

And it may be urged that the Assembly could not have meant "to ascribe a merely advisory influence to a judicial decision which, in its own words, determines and concludes a particular case. Surely that implies legal authority, if anything can. But both kinds of decision are affirmed to be alike as to authority. What, as to the authority in which they are grounded and which they represent, is predicable of the one is predicable likewise of the other. Their effects are different; their authoritativeness the same. I do not see, therefore, how such a construction as that you mention, can legitimately be placed upon the late Assembly's deliverance.

The third part of the second item of the paper is: "Of which [of the question whether a decision of a church court be consonant to the Word as interpreted in our Standards] there is a right of private judgment belonging to every church court, and also every individual church member." You observe that the Assembly affirms that those who are called upon to submit have the right to say whether they ought or ought not to, will or will not, submit; and of course if they have this right their decision is not an offence and a matter of discipline, and they are in effect the supreme court of the church. You fear evil consequences from this utterance.

(*a*) The Assembly but affirms the great Protestant canon of the right of private judgment, a right which belongs inalienably to every, the humblest, member of the Church. We must stand by that principle.

(*b*) Those who opposed the deliverance of 1879, themselves proceeded in accordance with the principle enounced by the late Assembly. They exercised the right of judging whether that deliverance was or was not consonant to the Word of God as interpreted in our Standards. Our Church has ever recognized and acted upon this principle.

(*c*) This principle of the right of private judgment has, like all others, its limitations; and I conceive that the late Assembly, by implication at least, indicates one of those to which it is subject. Its language implies the limitation upon the right and duty of private judgment, imposed by the corresponding right and duty on the part of church courts. Every member of a court exercises his right of private judgment and discharges his individual duty to God in

contributing his share to the formation of a decision. In making and executing a decision, a court cannot be governed by the right of others to judge of its consonance to the Word as interpreted in the constitution. They must be controlled by their own convictions, and in pursuance of them are bound to frame and execute decisions irrespectively of, and in opposition to, the contrary judgment which inferior courts or individuals may assert. The individual has the right of private judgment and the liberty of conscience which attends it, but they do not rid him of accountability to the courts which are over him in the Lord. The Assembly says that he is bound to submit to decisions which are consonant to the Word of God. If he refuse to submit to a decision because he judges it to be contrary to the Word, and has exhausted the constitutional means of redress for his alleged grievance, he is at liberty to withdraw from a church whose authority he disputes. If he remain, and the matter does not involve judicial process, he must preserve the attitude of respectful dissent. But if judicial process be involved, he cannot plead exemption from it by reason of his right of private judgment. The rights of individuals and the rights of courts thus check each other. I understand the Assembly to affirm both under this reciprocal limitation.

It is implied also that when an individual, in the exercise of his right of private judgment, is convinced, as must often happen, of the consonance of a court's decision to the Word of God, as interpreted in the constitution, he is bound to submit to it, for then his own conscience comes in as relating him immediately to God, whose authority the decision confessedly expresses.

There are other considerations in connection with this point which ought to be taken into view, but I must refer for a treatment of them to the July number of the *Southern Presbyterian Review*. The Assembly's utterance is not express enough fully to satisfy my own mind, but I do not think that it is liable to the charge of making every individual, or every lower court, the supreme court, nor of entitling every church member to walk irresponsibly in the light of his own eyes. Each individual, though possessed of the right of private judgment, is regarded as subject to the authority of Christ, which is represented in the courts of his Church.

The exposition which I have given of the deliverance of the Charleston Assembly I believe to be fair and just, and, on the whole, although the deliverance was not in all respects such as I would prefer to see adopted, I was content with it as essentially modifying the deliverance of 1879, and so granting the request of the Synod of South Carolina, whose overture I endeavored to represent. I am sustained in this opinion by the fact that the only opposition which the paper encountered was expressed by those who were opposed to the views I had maintained. Dr. H. M. Smith, of New Orleans, declared his dissatisfaction with it, and the Rev. R. C. Reid, of Roanoke Presbytery, objected to it expressly on the ground that it conceded the principle for which I had contended.

I add a few words concerning the origin of the paper in order to correct a misapprehension. It was not prepared by Dr. Woodrow, my able opponent, but by Dr. Adger, who was present, though not a member of the Assembly. He first submitted it separately to Dr. Woodrow and myself, and then to us both in each other's presence. We expressed our assent to it. Its adoption was then moved by Dr. Woodrow and seconded by me.

JOHN L. GIRARDEAU.

The Christian Observer, 59.30 (28 July 1880), page 2, columns 4-6.