

COMMITTEE ON OVERTURES AND CASES
REPORT ON RETURNS TO OVERTURE MAY 2024

Proposed Deliverance

The General Assembly:

1. Receive the Report.
2. (i) Note that the requisite proportion (two thirds) of the Presbyteries of the Church have approved the text of the proposed amendments to Articles II and V of the Articles Declaratory in Matters Spiritual (1921) enacted by the General Assembly of 1926 and to the Preamble, Questions and Formula authorised by the General Assembly of 1929, all of which are contained in the Confessions of Faith Overture sent down for the consideration of Presbyteries by the General Assembly of 2023; and
- (ii) Resolve in this immediately successive year to adopt the Overture a second time, but as amended, as set out in Appendix B; and
- (iii) Transmit again the Overture, as amended, to the Presbyteries for their consideration under the provisions of Article VIII of the Articles Declaratory in Matters Spiritual (1921), directing that returns be sent to the Principal Clerk not later than 31 December 2024, and noting for the avoidance of doubt that the Book of Confessions referred to in the Overture will contain the Apostles' Creed, the Nicene Creed, The Scots Confession, The Westminster Confession of Faith and the 1992 Statement of Faith.

Report

1. INTRODUCTION

1.1 As will be seen from the Returns detailed in Appendix A, the Confessions of Faith Overture has received sufficient support from Presbyteries (19 out of 22 Presbyteries - more than two thirds - approving with or without suggested amendment) to be again presented to this General Assembly.

1.2 The Committee has sought advice from the Theological Forum, which has carefully considered all proposed amendments, questions and comments received from Presbyteries. The Forum recommends that the Overture be sent in a slightly amended form to Presbyteries for their consideration again, with returns to the Principal Clerk by 31 December 2024. Their reasons for this recommendation are set out below.

2. PROPOSED AMENDMENTS TO THE TEXT OF THE OVERTURE AS SENT DOWN TO PRESBYTERIES BY THE GENERAL ASSEMBLY OF 2023 OVERTURE – COMMENTS FROM THE THEOLOGICAL FORUM

2.1 Two Presbyteries proposed amendments to the Overture.

2.2 One Presbytery, voting 117 For and 5 Against, proposed that the Overture be amended, so that the Book of Confessions should contain the following additional wording: after 'Westminster Confession of Faith,' add the words: 'with the Shorter Catechism added as an Appendix.'

2.3 The Forum does not recommend acceptance of this proposed amendment. The Forum members observed that there was no concept of an 'appendix' in the original plan for a Book of Confessions, and it was unclear what status it was envisaged this would hold, or how it would be amended in terms of its contents. The Convener noted that a catechism is, in any case, a different kind of document from a Confession. All this said, the Forum acknowledged the important part the Westminster Shorter Catechism has played in the historical life of the Church, and recognises that it remains a resource of value in certain contexts. The Forum intends to mention the Catechism in the introduction to the Westminster Confession, and remains open in the longer term to looking at the place that catechetical and other ancillary resources (such as the Articles Declaratory and Vows themselves) can be given in the Church. The Forum sends its thanks to the Presbytery for this suggested amendment.

2.4 Another Presbytery suggested that the proposed alteration to the last paragraph of the Preamble (section 4 of the Overture) did not read well; this was because in the amendment 'the Church of Scotland' was no longer the subject of the first clause of the paragraph, meaning that to what the participles 'recognising' and 'claiming' relate was not properly expressed. This Presbytery suggested the simplest way to rectify this would be to begin, "**The Church of Scotland holds as its subordinate standards those contained in its Book of Confessions**, recognising etc.....". The Forum agrees that the change proposed is a matter of good grammar and, with insertion of the word "documents" in the phrase "those contained", wishes to adopt it. The Overture as printed in Appendix B incorporates this amendment.

2.5 In response to a comment from a Presbytery, the Forum wishes to clarify the wording of the proposed amendments to Article V. Section 1.2 of the Overture in Appendix B now sets out the proposed amended text of Article V in full.

2.6 In Appendix B these amendments made this year are shown not only in **bold** but also in ***italics and underlined***.

3. QUESTIONS AND COMMENTS RECEIVED FROM PRESBYTERIES ON THE OVERTURE – COMMENTS FROM THE THEOLOGICAL FORUM

3.1 Questions and comments were received from seven Presbyteries, and responses from the Theological Forum are set out in the following paragraphs.

3.2 Comment: *In publishing the Book of Confessions, the Westminster Confession should be printed without those statements which the General Assembly decided some half a century ago that the Church of Scotland no longer held to. This will be in line with the St. Margaret declaration.*

Response: The Theological Forum is inclined to include the original historic text of the Westminster Confession, but with clear information in the introduction or in a footnote at the appropriate place, regarding the status of these words in the Church of Scotland since the passage of the 1986 Act.

3.3 Comment: *In publishing the Book of Confessions, it would be advantageous to print each of the Nicene Creed and the Apostles' Creed in its original language, along with a recognised translation in English and in Gaelic. This would allow the translated versions to appear without either language being subordinated to the other. It would also allow the translations to be adjusted as these living languages change, but without there being any suggestion that the Church of Scotland has altered its adherence to these Creeds which are now gaining so much more prominence.*

Response: The Theological Forum did not agree that printing original Greek or Latin texts of the ancient creeds in the Book of Confessions would be a good use of resources.

The Theological Forum is sympathetic to the proposal that the Book of Confessions should be available in Gaelic, as this will be a clear and public statement that Gaelic is a living language in parts of the Church to the present day. The documents in Gaelic could also have practical use in Gaelic-language services and teaching contexts. It was noted that historic confessions such as the Scots and Westminster were published in Gaelic, but in high-register early-modern classical Gaelic that may not be readily comprehensible to some modern speakers of the language. Consequently, preparation of a Gaelic version of the Book could take longer than the autumn timescale proposed for the English text. It was also noted that including an interleaved Gaelic text in a printed version of the Book of Confessions would increase the size and cost of the volume to no benefit to the great majority of the Church's office-holders.

Consequently, the Forum agreed to ask the Gaelic Committee, via Rev. Hector Morrison who is a member of both the Forum and the Committee, whether the Committee would be interested in taking on the production of a separate Gaelic edition of the Book of Confessions. This need not be subject to so strict a timetable as being finalised by the autumn.

The Forum will still need to decide whether to include the original Scots text of the Scots Confession, and in any case will need to ensure that the standard English translation by James Bulloch is available for use in the Church's Book, either through permission of the estate or through assurance that copyright is not asserted on the text. It was noted that the PCUSA use the Bulloch text in their Book of Confessions, suggesting that copyright on this translation will not be a problem.

3.4 Comment: *Consideration should be given to indicating that the Nicene Creed can be read with or without the Filioque (and from the Son). This would indicate that the Church of Scotland wishes good relations with the Eastern as well as the Western churches, and that no one would be excommunicated for preferring one version or the other.*

Response: The Theological Forum is minded to include the filioque clause without brackets, as it has been included in the text of the Creed used in the Western Church since the sixth century, but will be happy to add an explanatory note, either in the introduction or in the footnote, explaining that this clause was a later addition and is not subscribed to by the Eastern Church.

3.5 Question: *Will sitting ministers, elders and deacons be required to take the new vows?*

Response: No. Office-bearers only take vows again if they move to a new congregation to hold office there, or take on a new office. However, support for the new vows in the courts of the Church clearly implies a willingness on the part of the individual office-bearer to subscribe the new vows, and decisions on whether to vote in favour of the Overture should be made in that light. Once the new vow is adopted by the Church (on the current timetable, at the General Assembly of 2025), continuation in office will indicate the individual office-holder's willingness to subscribe the new vows, and to be held accountable to them.

3.6 Questions: *How will the Book of Confessions be controlled against temporal/issue- based amendments? Also: What will the process be for amending the [Book of Confessions]? And:*

Comment: *Concern was expressed as to how the contents of the proposed Book of Confessions would be altered in the future. It was hoped that this would be clarified to confirm that any addition of or removal of Confession would also require to be dealt with under the Double Barrier Act provisions.*

Response: The Forum has obtained advice from the Assembly Clerks that any change to the content of the Book of Confessions would require approval under the 'Double Barrier Act' process. Thus, the Book of Confessions will be guarded by the double Barrier Act procedure required for amendment of the Articles Declaratory, meaning that any amendment to the content of the Book must pass three consecutive General Assemblies, and obtain the support of the majority of Presbyteries in the two intervening years.

3.7 Question/comment: *Why are both Reformed and Catholic capitalised in this instance - the person asking the question thought that meant something else entirely? Also: Another Presbytery questioned the use of a capital 'C' in the word 'Catholic' in the new Vow in the Ordination and Induction Vow and would appreciate an explanation for this.*

Response: 'Catholic' is capitalised because that is how it appears in the Articles Declaratory; 'Reformed' is capitalised for the same reason. Both terms express aspects of the Church of Scotland's historic identity: a part of the worldwide and historic Christian Church, holding to the ancient ecumenical creeds of the Church; and a national Church descending from the Protestant Reformation, and influenced by it in doctrine, worship and practice.

3.8 Comment: *The amended form of the vows requires only belief in the Apostles' and Nicene Creeds. The creeds are excellent; they set out the basic beliefs of all Christians. But they are not sufficient for a church that is reformed in its theology. To relegate the Westminster Confession of Faith to be part of a Book of Confessions which we only promise to be "guided by" is not strong enough. It should remain as our subordinate standard.*

Response: This is a legitimate view, though not one shared by the General Assembly. It is worth noting that the new promise, to be 'guided by' the Westminster Confession, is, in fact, significantly stronger than the office-holders' present commitment, which indicates belief only in the undefined 'essential doctrines of the Christian faith contained in' the Westminster Confession. The Forum suggests that for reasons of integrity and of accountability, the proposed change is merited. Ultimately, this question must be determined by the courts of the Church.

3.9 Comment: *Recognising, as has been said, that many will not have read the Westminster Confession and yet profess adherence to it, recognising the importance of clear and appropriate credal statements, and recognising that the Westminster Confession contains some statements which will prove difficult for some to accept I have, sadly, significant concerns that the proposed basis of subscription, namely the Nicene and Apostles' Creeds, omit several important elements. These include the uniqueness of God, the holiness and righteousness of God, the fallen and sinful nature of all men and the need for atonement for those sins. With all that in mind, I therefore will have to vote against the Overture.*

Response: This is a legitimate view, though not one shared by the General Assembly. It is worth noting that the new promise, to be 'guided by' the Westminster Confession, is, in fact, significantly stronger than the office-holders' present commitment, which indicates belief only in the undefined 'essential doctrines of the Christian faith contained in' the Westminster Confession.

3.10 Comment: *In Common Order published in 1994, the procession of the Holy Spirit from the Father and the Son was carefully dealt with by the use of brackets, signalling the Church of Scotland's awareness of the ecumenical dialogues through the later 20th century between Eastern and Western churches on the filioque. General Assemblies were given careful theological reports on these matters, and Church of Scotland representatives, including myself, in ecumenical dialogue work, were fully aware of the importance of avoiding any sense of subordinating the Holy Spirit to the Son, for all that we undoubtedly affirm the close relationship between the Son and the Spirit.*

It seems therefore strange and worryingly forgetful that there is not even an asterisk or word of explanation for the (filioque-including) form of the Nicene Creed being referred to through this Barrier Act procedure. The Nicene-Constantinopolitan Creed of A.D. 381 has the capacity to function as a symbol of our united faith - part of our Church's Articles Declaratory. Theological sloppiness does not endear itself at a time of our Church redefining its confessional standards. This all said, who knows I may have misunderstood the Theological Forum's plan: but I see neither in 2022 or 2023 reports the text of the Nicene Creed being printed out.

Response: The Theological Forum is minded to include the filioque clause without brackets, as it has been included in the text of the Creed used in the Western Church since the sixth century, but will be happy to add an explanatory note, either in the introduction or in the footnote, explaining that this clause was a later addition and is not subscribed to by the Eastern Church.

3.11 Comment: *Presbytery noted that it would be helpful if the Act specified the particular confessions included in the Book of Confessions - to ensure clarity as to the nature of the subordinate standard. However, it was also noted that a wider collection of Christian confessions would be helpful for teaching and deepening understanding, such as they have in the Presbyterian Church (USA).*

Presbytery also suggested that a wider collection of confessions could be useful for communicant classes and discussion groups. And it was mentioned by someone that the PC (USA) uses a book of 12 confessions for this purpose (and possibly for its subordinate standard).

Response: The five confessions forming the initial contents of the Book of Confessions have been chosen as documents already approved by previous General Assemblies of the Church of Scotland, and as reflecting the historical development of the Church. Once the current Overture has been enacted, the Book will be open for further amendment, including the addition of further confessions, by the 'double Barrier Act' process, as mentioned above.

3.12 One Presbytery made a comment about the format of the Return to Overture form which was sent to Presbyteries. The Office of the General Assembly will respond direct to that.

In the name and by the authority of the Committee

FIONA SMITH, Convener

Appendix A

RETURNS TO THE CONFESSIONS OF FAITH OVERTURE

	Approve without suggested amendment		Approve with suggested amendment		Disapprove	
Number of Presbyteries*	17		2		1	
Total number of Presbyters	896	116	112	59	1	26
Overall number of Presbyteries approving the Overture, whether with or without suggested amendment, and disapproving it	19				1	

*In the year to 31 December 2023, there existed 22 Presbyteries in the Church. Two Presbyteries did not submit a return: (i) the Presbytery of Abernethy did not consider the Overture before 31 December 2023 and that Presbytery now no longer exists, having been assumed into Clèir Eilean Ì, the Church of Scotland in the Highlands and Hebrides, from 1 January 2024, and (ii) the Presbytery of Jerusalem, where the situation in Israel and Palestine did not permit consideration.

Appendix B

THE CONFESSIONS OF FAITH OVERTURE

The General Assembly again adopt the Overture the tenor whereof follows, and transmit the same a second time to Presbyteries for their consideration under the provisions of Article VIII of the Articles Declaratory in Matters Spiritual (1921), directing that returns be sent to the Principal Clerk not later than 31 December 2024.

The General Assembly, with consent of not less than two-thirds of the whole of the Presbyteries of the Church obtained in two immediately successive years, enact, ordain and declare that Articles II and V of the Articles Declaratory in Matters Spiritual (1921) enacted by the General Assembly of 1926 and the Preamble, Questions and Formula authorised by the General Assembly of 1929 shall be amended as follows:

1. Articles Declaratory

1.1 Change Article II from:

II. The principal subordinate standard of the Church of Scotland is the Westminster Confession of Faith approved by the General Assembly of 1647, containing the sum and substance of the Faith of the Reformed Church. Its government is Presbyterian, and is exercised through Kirk Sessions, Presbyteries, and General Assemblies. Its system and principles of worship, orders, and discipline are in accordance with "The Directory for the Public Worship of God," "The Form of Presbyterial Church Government" and "The Form of Process," as these have been or may hereafter be interpreted or modified by Acts of the General Assembly or by consuetude.

To:

II. The subordinate standards of the Church of Scotland are contained in its Book of Confessions. Its government is Presbyterian, and is exercised through Kirk Sessions, Presbyteries, and General Assemblies. Its system and principles of worship, orders, and discipline are in accordance with "The Directory for the Public Worship of God," "The Form of Presbyterial Church Government" and "The Form of Process," as these have been or may hereafter be interpreted or modified by Acts of the General Assembly or by consuetude.

1.2 Also change Article V from:

V. This Church has the inherent right, free from interference by civil authority, but under the safeguards for deliberate action and legislation provided by the Church itself, to frame or adopt its subordinate standards, to declare the sense in which it understands its Confession of Faith, to modify the forms of expression therein, or to formulate other doctrinal statements, and to define the relation thereto of its officebearers and members, but always in agreement with the Word of God and the fundamental doctrines of the Christian Faith contained in the said Confession, of which agreement the Church shall be sole judge, and with due regard to liberty of opinion in points which do not enter into the substance of the Faith.

To:

V. This Church has the inherent right, free from interference by civil authority, but under the safeguards for deliberate action and legislation provided by the Church itself, to frame or adopt its subordinate standards, to declare the sense in which it understands its **Book of Confessions**, to modify the forms of expression therein, or to formulate other doctrinal statements, and to define the relation thereto of its officebearers and members, but always in agreement with the Word of God and the fundamental doctrines of the Christian Faith contained in the said **Book of Confessions**, of which agreement the Church shall be sole judge, and with due regard to liberty of opinion in points which do not enter into the substance of the Faith.

2. Ordination and Induction Vows

2.1 *Change the vow:*

Do you believe the fundamental doctrines of the Christian faith contained in the Confession of Faith of this Church?

To

Do you believe the fundamental doctrines of the Christian Faith **expressed in the Apostles' and Nicene Creeds?**

2.2 *Also create a new vow after the aforementioned one:*

Do you confess the Catholic and Reformed Faith of the Church as contained in its Book of Confessions, and promise to be guided by the said Book in your life and doctrine?

3. Formula of Subscription

3.1 *Change the first paragraph of the Formula from:*

I believe the fundamental doctrines of the Christian faith contained in the Confession of Faith of this Church.

To

I believe the fundamental doctrines of the Christian Faith **expressed in the Apostles' and Nicene Creeds. I promise to be guided in my life and doctrine by the Book of Confessions of this Church.**

4. Preamble

4.1 *Change the last paragraph of the Preamble from:*

The Church of Scotland holds as its subordinate standard the Westminster Confession of Faith, recognising liberty of opinion on such points of doctrine as do not enter into the substance of the Faith, and claiming the right, in dependence on the promised guidance of the Holy Spirit, to formulate, interpret or modify its subordinate standards: always in agreement with the Word of God and the fundamental doctrines of the Christian Faith contained in the said Confession – of which agreement the Church itself shall be sole judge.

To:

The Church of Scotland holds as its subordinate standards those documents contained in its Book of Confessions, recognising liberty of opinion on such points of doctrine as do not enter into the **fundamental doctrines** of the Faith, and claiming the right, in dependence on the promised guidance of the Holy Spirit, to formulate, interpret or modify its subordinate standards: always in agreement with the Word of God and the fundamental doctrines of the Christian Faith **expressed in the Apostles' and Nicene Creeds** – of which agreement the Church itself shall be sole judge.