

An Historical Study of Witnesses and their Oaths in the Courts of the Presbyterian Church in America

By Thomas E. Rickard

However resistant Presbyterian churches are to major change, they nevertheless make frequent modifications to their polities, procedures, and practices. While the principles of Presbyterian polity remain consistent, it is important to note that even when specific provisions, such as chapter 44 in the Presbyterian Church in America (PCA) *Book of Church Order (BCO)*, is vacated, the underlying principles found in the rest of the *BCO* are not abandoned. Presbyterian churches may update, amend, or revise their forms of governments as long as they do so with the understanding of the basic tenets of the Reformed faith as each denomination seeks to do things decently and in order.

As recently as the 50th General Assembly held earlier this year, the PCA has debated the matter of whom shall or shall not be admitted to testify as a witness in church courts in the process of church discipline. Much of the discussion has concerned possible amendments to the chapter of the Rules of Discipline regarding witnesses (*BCO* 35). This article considers the origin and development of this section of the *BCO* regarding the competency and credibility of witnesses. Following this historical investigation, the article proceeds to defend the practice of administering an oath to witnesses.

The Qualification of Witnesses

HISTORIC ROOTS IN KNOX'S BOOK OF DISCIPLINE

To begin, we direct attention to John Knox's *Book of Discipline* adopted by the national church in Scotland in 1560. This was based on the *Genevan Book of Order* (1556), which has only one reference to 'witnesses' in regard to the process of discipline following Matthew 18:15–17.¹ The *Genevan Book of Order* includes a process of discipline of only about 850 words in length. The content of John Knox's *Book of Discipline*² is broader

than what we would call a book of discipline today, including instructions pertaining to the election and compensation of ministers, instructions for when worship is to be held, and other general matters of church government and operations. This range of material might be compared to the three parts of the PCA's current *BCO* (Form of Government, Rules of Discipline, and Directory for the Worship of God). Upon reading, the *Book of Discipline*, there appears to be no qualifications for who shall be allowed to testify in the 'kirk's court.' However, two points might be helpful to understand this scarcity of detail.

First, the current *BCO* of the PCA is over 100,000 words and the second part regarding discipline within the church is roughly 13,000 words. Knox's book is miniscule in comparison, having about 21,000 words total, and chapter seven entitled "*The seventh head of Ecclesiastical Discipline*"³ is about 2,000 words. To put it in perspective, the current *BCO* has about 1,900 words in chapters 42 and 43 alone dealing with appeals and complaints.

Second, these early documents were prepared, published, and put to use in a cultural setting vastly different than our own. The opening sentence in the *Genevan Book of Order* defines the spheres of discipline which separated ecclesiastical discipline from any other spheres.

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1. *The Forme of Prayers and Miniſtration of the Sacraments, &c. vsed in the Engliſhe Congregation at Geneua and approoued, by the famous and godly learned man, Iohn Caluyn* (Geneva: Crispen, 1556), p. 91.

2. *The Works of John Knox*, ed. David Laing, vol. 2 (Edinburgh: J. Thin, 1895; repr., New York: AMS Press, 1966), pp. 183–260.

3. Knox, 2.227–233.

As no city, town, house, or family can maintain their estate and prosper without policy and governance, so the church of God, which requires more purely to be governed than any city or family, cannot without spiritual policy and ecclesiastical discipline continue, increase, and flourish.⁴

Knox's *Book of Discipline* likewise differentiates and clarifies the two spheres of discipline as civil and ecclesiastical. Chapter seven begins by stating,

As that no Common-wealth can flourish, or long endure, without good laws and sharp execution of the same; so neither can the Kirk of God be brought to purity, neither yet retained in the same without the order of Ecclesiastical Discipline, which stands in reprovng and correcting of the faults, which the civil sword either doth neglect, or not punish: Blasphemy, adultery, murder, perjury, and other crimes capital, worthy of death, ought not properly to fall under censure of the Kirk; because all such open transgressors of God's laws, ought to be taken away by the civil sword.⁵

The historical setting in Scotland when the *Book of Discipline* was adopted was such that even blasphemy was to be considered in the civil court, punishable by the civil sword rather than solely by the exercise of ecclesiastical keys. In this context, there is no listing of the qualifications for witnesses in the *Book of Discipline* adopted in 1560. In 1578, the Church of Scotland adopted *The Second Book of Discipline*, which expanded and altered the 1560 version. This book reads more like a modern BCO (but still minute in comparison). Although *The Second Book of Discipline* did not have the intricate details of the process of discipline, it limited those who could be involved in the church courts (not witnesses in a trial), especially forbidding 'abusers' either to vote in parliament or serve in the church courts.⁶ The term 'abusers' specifically referred to those who

adopted the titles and practices of the Roman Catholic Church (through the Pope or Canon Law rather than Scripture). The expansion from the first to the second *Book of Discipline* shows how the Church disqualified certain people from participation in church courts based on problematic beliefs.

By action of the 1707 General Assembly, following a draft first proposed in 1704,⁷ the Church of Scotland introduced a major change with "The form of process in the judicatories of the church of Scotland, with relation to scandal and censures."⁸ In Chapter 2 section 10, this act states:

10. Before the witnesses be judicially examined, the accused person is to be called, and the relevancy of the libel discussed, and if the defender compare, he may object against any of them, and if the objection be relevant, and made evident to the judicatory, the witnesses are to be cast; but a person's being the delator [denouncer] or informer doth not hinder him to be a witness, except in the case where he formally complained for his own interest, or of pregnant presumptions of malice against the person accused.

Here we see the introduction of the "relevancy" of the witness. The witness cannot be barred because he is the "delator [denouncer] or informer," unless his complaint is for his own interest or has "pregnant presumptions." This introduction established the principle which is carried through subsequent expressions of Presbyterian polity, that not all are qualified to bear witness in a church court. The judicatory has the ability to judge a witness "qualified" (or not qualified) to testify in a church court. The following section provides more qualifications which were expanded from the draft version of the act:

11. Though there be no relevant objection, yet the witnesses are solemnly to be purged of malice, bribe, or good deed done, or to be done, and of partial counsel.

Even if there are no objections, the witness should be examined in various areas to ensure credibility and integrity. The witness should be cleared of potential biases, motives, or ill will towards any party involved. A potential witness must not have been bribed or received reward for his testimony, and he must not have been influenced by outside counsel. Following the certification of a potential witness as eligible to testify, the witness is to be sworn (section 12). However, there is no prescribed oath given in the "Process of Form."

4. Geneva Book of Church Order, *ibid.*, p. 89.

5. *The Works of John Knox*, 4.204

6. See chapter 11, "Of the Present Abusis Remaning in the Kirk," in David Calderwood, ed. (attributed), *The First and Second Booke of Discipline: Together with Some Acts of the Generall Assemblies, Clearing and confirming the same: And an Act of Parliament* (Printed Anno 1621), p. 86, and James Kirk, *The Second Book of Discipline, With Introduction and Commentary* (Edinburgh: The Saint Andrew Press, 1980), ¶6, p. 219.

7. Overtures Concerning Discipline and Method in Ecclesiastical Judicatories', in *Acts of the General Assembly of the Church of Scotland 1638-1842*, Church Law Society (Edinburgh, 1843), p. 337.

8. *Acts of the General Assembly ... 1638-1842*, p. 406.

This is commonly used throughout the “Acts of General Assembly”⁹ to refer to men swearing to the “Solemn League and Covenant,”¹⁰ which mentions “doctrine, worship, discipline, and government.” However, it is highly unlikely that this is the particular oath taken by a witness before giving testimony. D. X. Junkin wrote that the American Presbyterian Church used the similar form used in Scotland, with some “unimportant variations,” reproduced here:

You do solemnly swear by the Almighty God, the searcher of all hearts, that the testimony you shall give [in the case] shall be truth, the whole truth, and nothing but the truth, and that as you shall answer to God at the great day.¹¹

The development of the process of discipline in the Church of Scotland reveals that the foundational desire for God’s glory has occupied the center of the Church’s goal and end of discipline even as changes to the formal expression of that desire were introduced over time by introducing certain qualifications by selecting witnesses who can testify in the church court. We have also established that there was an understanding and practice that a witness is to swear an oath before testifying in the church court. The importance of requiring oaths will be explored further in the second major section of this article.

HISTORIC DEVELOPMENTS IN AMERICAN PRESBYTERIANISM

At this point, we leave Presbyterianism’s historical roots in Scotland and now turn to the American Presbyterian Church. Charles Hodge makes the case throughout his book, *The Constitutional History of the Presbyterian Church in the United States of America, Part I: 1705–1741*, that the early American Presbyterians sought to adopt the Scottish *Book of Discipline* and *Form of Government* as their own.¹² This caused great discussion and debate regarding the relationship of the Church to the Westminster Standards, addressed in the “Adopting Act of 1729.”¹³ With regard to witness-bearing and oath-taking, the current wording of the PCA’s BCO 35–1 was adopted in 1858.¹⁴ We will seek to look at the variations and progress from the first American Presbyterians to the adopted change in 1858.

The 1789 version of the constitution of the Presbyterian Church in the United States of America does not list necessary qualifications for witnesses (there are only two chapters in the version of the *Book of*

Discipline current in 1789). However, the oath required to bear witness does limit who might testify (“Forms of Process in Judicatories of this Church,” Chapter 1).

8. The oath, or affirmation,¹⁵ to be taken by a witness, shall be administered by the moderator, and shall be in the following, or like terms: “I solemnly promise, in the presence of the omniscient and heart-searching God, that I will declare the truth, the whole truth, and nothing but the truth; according to the best of my knowledge, in the matter in which I am called to witness, as I shall answer it to the great Judge of quick and dead.”¹⁶

The earliest version (found by the author) of a standard of competency regarding witnesses in any Presbyterian denomination on the continent of North America was in the 1799 edition of the Associate Reformed Presbyterian Church *Form of Government*, Book II-Discipline, Chapter 4 “Of Processes in general,” section “Of Witnesses.”

2. Children, idiots, those defective in any of the senses on which the accuracy of their knowledge and testimony

9. *Acts of the General Assembly of the Church of Scotland 1638–1842*, throughout.

10. Westminster Assembly, *The Westminster Confession of Faith: Edinburgh Edition* (Philadelphia: William S. Young, 1851), pp. 464–466.

11. D.X. Junkin, *The Oath A Divine Ordinance* (Philadelphia: William S. Martien, 1851), p. 142.

12. Charles Hodge, *The Constitutional History of the Presbyterian Church in the United States of America, Part I: 1705–1741* (Philadelphia: Board of Publication, 1839), pp. 215–18.

13. “The Adopting Act of 1729,” PCA Historical Center, accessed July 15, 2023, <https://www.pcahistory.org/documents/subscription/adoptingact.html>.

14. “The Historical Development of the Book of Church Order; Chapter 35: Evidence,” PCA Historical Center, accessed July 28, 2023, <https://www.pcahistory.org/bco/rod/35/01.html>.

15. The use of affirmation was used in common law to allow for Quakers to affirm the truth without taking an oath (cf. Matt. 5:34–37). Laws were changed in 1695 to allow Quakers to make an affirmation in the following form “I A.B. do declare in the Presence of Almighty God the Witness of the Truth of what I say.” However, this act still forbid them from being witnesses in a court of law. “William III, 1695–6: An Act that the Solemne Affirmation & Declaration of the People called Quakers shall be accepted instead of an Oath in the usual Forme. [Chapter XXXIV. Rot. Parl. 7 & 8 Gul. III. p. 9. n.3.]” in *Statutes of the Realm: Volume 7, 1695–1701*, ed. John Raithby (s.l.: Great Britain Record Commission, 1820), p. 152. A great exposition and refutation of the Quaker view can be found by D. Martyn Lloyd-Jones, *Studies in the Sermon on the Mount*, Second edition (England: Inter-Varsity Press, 1976), pp. 266–274.

16. *The Constitution of The Presbyterian Church in the United States of America* (Thomas Bradford, 1789), p. 177.

depends, accusers, persons of infamous character, at enmity with the accused, under censure or process for censure, who expect, directly or indirectly, to reap any temporal advantage, or to avoid any temporal disadvantage, by giving testimony, cannot be admitted as witnesses either for or against an offender. On any of these grounds, he has a right to challenge a witness, and the Judicatory is candidly to hear and to, decide on his exceptions.¹⁷

The current PCA BCO has four qualifications for those who are barred from testifying as witnesses. As carry-over material from earlier expressions of American Presbyterianism, we find that nineteenth-century BCO commentator F. P. Ramsey summarizes them, “The only grounds of challenge of a witness are too great youth, too little intelligence (i.e., ability), lack of belief in God, or lack of belief in a future state of rewards and punishments.”¹⁸ The 1799 ARP constitution holds about 8 qualifications which include the persons age, ability (mentally and physically), character, relationship to the accused, standing in the church, and if they would reap a benefit or avoid a disadvantage. The qualifications are often paired with the oath that witness must make before testifying. The oath taken by the witnesses is given in one appendix which states,

You do swear by the living God, that the testimony which, in answer to questions or otherwise, you are now to give in the case of _____, under process, before this judicatory, for the sin and scandal of _____ shall be, to the best of your knowledge, the truth, the whole truth, and nothing but the truth; and that as you shall account to God, the day when he shall judge the world by Jesus Christ.¹⁹

The maintenance of the oath taken by a witness

17. “The Government, Disciple and Worship, Associate-Reformed Church in North America, Book II, Of Discipline,” in *The Constitution and Standards of the Associate-Reformed Church in North-America* (New York: T&J Swords, 1799), p. 518.

18. F.P. Ramsey, *An Exposition of the Form of Government and the Rules of Discipline of the Presbyterian Church in the United States* (Presbyterian Committee of Publication, 1898), pp. 215–16.

19. Appendix 1, in *The Constitution and Standards of the Associate-Reformed Church in North-America* (New York: T&J Swords, 1799), p. 578.

20. See, for example, the following: ARP BOD 4.4.I; EPC 9–1; OPC BD IV.A.4.b; PCUSA D-5.0704c; RPCNA BOD II.3.6

21. *The Constitution of The Presbyterian Church in the United States of America* (Alex Towar, 1833), p. 404.

22. The use of the phrase “like terms” is common in many of the forms of oaths for witnesses. This would require further research,

continues to be a trend in the relevant documentary history of the American Presbyterian Church. Even today it is still the case that all major Presbyterian denominations include an oath to be administered to witnesses before testifying in the church court.²⁰

The 1821 and 1833²¹ versions of the *Rules of Discipline* of the Presbyterian Church in the United States of America include qualifications (similar to the ARP 1799) found in Book II-Discipline, chapter VI. Witnesses. Two sections deal with competency and credibility:

II. A competent witness is one who ought to be admitted and heard. The competency of a witness may be affected by his want of the proper age; by a want of any of the senses essential to a knowledge of the matter which he is called to establish; by weakness of understanding; by infamy of character; by being under church censure for falsehood or perjury; by nearness of relationship to any of the parties; and by a variety of considerations which cannot be specified in detail....

IV. The credibility of a witness, or the degree of credit due to his testimony, may be affected by relationship to any of the parties; by deep interest in the result of the trial; by general rashness, indiscretion, or malignity of character; and by various other circumstances; to which judicatories shall carefully attend, and for which they shall make proper allowance in their decision.

These two qualifications show that a witness must be both competent and credible to testify in the courts of the church. A competent witness is one who “ought to be admitted.” The competency test includes seven criteria: age, knowledge (relevant to the matter), understanding, character, freedom from church censure for falsehood or perjury, absence of close relationship to the parties, any other considerations that defy more exact specification. The credibility test includes four factors: relationship, interest in the trial’s outcome, certain negative traits (such as rashness, indiscretion and poor character), and a broad category of other circumstances, all of which members of the judicatory should consider and discuss when determining a witness’s relative weight of credibility. However, the oath is required before the witness giving testimony. The oath in these versions (1821 and 1833) of the *Rules of Discipline* is to be sworn as follows:

IX. The oath or affirmation to a witness shall be administered by the moderator in the following or like terms:²² “You solemnly promise in the presence of the omniscient and heart searching God that you

will declare the truth the whole truth and nothing but the truth according to the best of your knowledge in the matter in which you are called to witness as you shall answer it to the great Judge of quick and dead.”²³

In the United States of America—unlike in Scotland and other nations—there was no nationally recognized State Church. Article 6 section 3 of the United States Constitution includes the “Religious Test Clause” forbidding the requirement of a religious test for determining the qualification of a candidate for office or public service. However, it is the case that in the nineteenth century, the following qualifications were used as tests for witnesses in civil courts: “belief in God and/or in future rewards or punishments.” This stems from English Common Law, dating back at least to the famous case of *Omychund v. Barker* (1744).²⁴ The American use of the belief in God and future rewards and punishments were upheld by State and Federal court systems cases such as *State v. Cooper* (1807), *Curtiss v. Strong* (1809), and *Wakefield v. Ross* (1827).²⁵ This prevalence of cases hitting on this matter of jurisprudence and political life in this time period may have to do with the existence of established churches created and maintained by state governments up until 1833.²⁶ With the eradication of established churches by 1833, it is possible that the Presbyterian Church in the United States then sensed a need to introduce in the 1858 version of the *Rules of Discipline* provisions requiring potential witnesses in ecclesiastical trials to profess belief in God and in the future state of rewards or benefits. Although the specific language appears no earlier than in 1858, the principle and practices for witness qualification which were in place before that time were similar, although the specific words might have changed.

Understanding the historical context surrounding constitutional amendments is helpful not only for building the case for why a particular amendment was included, but also for anticipating what a church could lose if certain provisions were to be removed from its constitutional documents. By way of review, ever since the founding of the American Presbyterian Church a witness was always required to take an oath (or affirmation for Anabaptists/Quakers) stating that he believes in “the omniscient and heart-searching God” and that he will give an account to “the great Judge of quick and dead” for his testimony to be received by the court. The specific wording might stem from political discussion in civil courts, but the practice was essentially the same both before and after the introduction and ratification of the 1858 amendment.

Although the current reading of the PCA’s BCO 35–1 was not adopted until 1858, the principles undergirding the language that appears today have been consistent over time—particularly within the American Presbyterian churches—and was carried over from the practice of the mother kirk in Scotland. As highlighted in the first section of this article, Presbyterian churches very early on paired the evaluation of a potential witness’s ability to testify in the courts of the church as judged by the judicatory with the oath of the witness taken before bearing testimony. The next section seeks to understand the nature of an oath as understood by our Presbyterian forefathers and described in the *Book of Discipline*.

Oaths in Relation to Witnesses

In the sixteenth century, Wolfgang Musculus stated that he did not need to define what an oath was because they are “rather well-known and customary.”²⁷ In the nineteenth century, D. X. Junkin made the statement that an oath is “seldom explained and reverence for it so seldom enforced from the pulpit.”²⁸ Junkin’s point is in opposition to Musculus’ assertion. To Junkin, oaths are not well known and need to be defined and taught from the pulpit. The trajectory of these two datum points remains unchanged. Today, there is much confusion regarding oaths and vows, even as presented in the Westminster Confession of Faith (WCF) in chapter 22. Every Monday morning during the proceedings of the Westminster Assembly, the authors of the WCF would make the following vow,

I do seriously promise and vow, in the presence of almighty God, that in this Assembly, whereof I am a

but generally speaking, Presbyterians were opposed at requiring a particular form of pray or liturgy (Cf. WCF 20.2, 21.1). For a more robust defense please see Samuel Miller’s titled, “Presbyterians Reject Prescribed Liturgies.”

23. *The Constitution of The Presbyterian Church in the United States of America* (Alex Towar, 1833), p. 404.

24. “Omychund v Barker and the Law of Oaths,” Affidavit HQ, June 11, 2015, <https://affidavits.info/omychund-v-barker-and-the-law-of-oaths/>.

25. Ronald P. Formisano and Stephen Pickering, “The Christian Nation Debate and Witness Competency,” *Journal of the Early Republic* 29, no. 2 (2009): 219–48.

26. John R. Vile, “Established Churches in Early America,” *The First Amendment Encyclopedia*, 2009, <https://www.mtsu.edu/first-amendment/article/801/established-churches-in-early-america>.

27. Wolfgang Musculus, Todd M. Reister, and Jordan J. Ballor, *On Righteousness, Oaths, and Usury: A Commentary on Psalm 15* (Grand Rapids, MI: Christian’s Library Press, Acton Institute, 2013), p. 44.

28. Junkin, *The Oath A Divine Ordinance*, p. 3.

member, I will maintain nothing in point of doctrine but what I believe to be most agreeable to the Word of God; nor in point of discipline, but what may make most for God's glory and the peace and good of his Church.²⁹

Oaths and vows were constantly before these men. This is not the case for those who live in the twenty-first century. Today, oaths are merely ceremonial formalities for civil office, or for civil practice in courts. We view them as more relevant for civil court cases than for ecclesiastical trials, with perjury in the former to be prosecuted by the civil sword. The next section of this article seeks to bring clarity to the words of the oath taken by witnesses in church courts, and to the principle which the oath seeks to accomplish.

THE EARLY CHURCH TO MEDIEVAL CHURCH

The practice of taking oaths and the importance of them as religious acts antedate the Reformation. The value of oath-taking was taught and practiced by the church, following the teaching of Augustine, Jerome, Isidore of Seville, and the *Decretum*.³⁰ This consistent teaching on the value of oath-taking established over time the underlying principles that persisted in the teaching of the Medieval Church as found in Canon Law.³¹ The extent and explanation of this commitment to oath-taking can be found in Thomas Aquinas's view of oaths in *The Summa Theologica*.³² Aquinas explains oaths as calling God as witness, either by means of a "declaratory oath" or a "promissory oath" (Art. 1). He continues to explain that a lawful oath is taken that is good itself and but must not be taken unto evil ends. Aquinas quotes the same passage of Scripture (Deut 6:13) as do the Westminster divines (Art. 2;

cf. WCF 22.2). Aquinas also explains that an Oath is an act of religious worship (Art. 4–5). Even Aquinas's distinction of oaths and vows is reflected in the similar distinction drawn by the Westminster divines (Art. 8). This fundamental teaching was carried over into and echoed in the Westminster Standards as they conform to the teaching of the Scriptures.

However, the Reformers' call for church reform did confront the practice of oath-taking as taught by the Roman Catholic magisterium. Aquinas states that the taking of oaths is not limited to God alone, but extends also to His creatures (Art. 6). The practice of taking oaths by created things came about through taking oaths both to God and to His holy gospel/evangelists, or to God and the saints. By the time of the Reformation, the church was encouraging Christians to take oaths by relics, tombs of martyrs, altars, and angels. The practice of the Medieval Church added various means of oath-taking by including practices such as laying a hand on the Bible and kissing it, or by interacting with other supposedly sacred objects.³³ The Reformers applied the doctrine of *sola scriptura* to the practice of taking oaths and vows as we will see included in some detail in the Westminster Confession.

THE REFORMATION

The Reformed principle of taking an oath is outlined in the Chapter 22 of the Westminster Confession of Faith. What follows here is less a commentary on the chapter than it is a distillation of the principles in this chapter regarding witness-bearing in the context of a church court. The fact that there is a chapter entitled "On Oaths and Vows" included in a confession of faith may seem like a superfluous inclusion to modern minds (granting, of course, that confessions of faith themselves are not dismissed as superfluous in the first place). However, the use of oaths was important in the English Reformation with which the authors of the Confession were all associated, both as Englishmen and as Scotsmen. Jonathan Michael Gray opens his book titled, *Oaths and the English Reformation*, by boldly stating, "The English Reformation was as much about oaths as it was about Henry's marriage, succession, and headship over the English Church."³⁴ The author indicates that even historians are prone to overlook the importance of oaths in the sixteenth century.³⁵ Without delving into the importance of oaths during the Reformation, it is indisputable that confessions, catechisms, and articles published during the Reformation make frequent reference to oaths and vows.³⁶

29. Philip Schaff, *The Creeds of Christendom*, vol. 1 (New York: Harper & Brothers, 1878), p. 748.

30. Timothy R. Scheuers, *Consciences and the Reformation: Scruples over Oaths and Confessions in the Era of Calvin and His Contemporaries*, Oxford Studies in Historical Theology Series (New York, NY, United States of America: Oxford University Press, 2023), p. 18.

31. Scheuers, pp. 16–26.

32. Thomas Aquinas, *Summa Theologica*, vol. II (London: Burns Oates & Washbourne, 1981), art. II-II, q. 89.

33. Junkin, *The Oath A Divine Ordinance*, pp. 159–84.

34. Jonathan Michael Gray, *Oaths and the English Reformation*, 1st paperback edition, Cambridge Studies in Early Modern British History (Cambridge: Cambridge University Press, 2017), p. 1.

35. Gray, p. 8.

36. Irish Articles (55), 39 Articles (39) and 42 Articles (42), Heidelberg Catechism (101), Westminster Confession of Faith (22), Westminster Larger Catechism (112–113), Savoy Declaration of Faith (23), Calvin's Catechism (161–162), First London Confession 1646 (50).

The early second-generation Reformer John Calvin explains that the regulative principle of worship is the basis for the taking of oaths or vows.

If all voluntary worship which we ourselves devise apart from God's commandment is hateful to him, it follows that no worship can be acceptable to him except that which is approved by his Word. Therefore, let us not take to ourselves such license as to dare vow to God that which bears no evidence as to how he may esteem it.³⁷

Calvin explains his position concisely in the *Genevan Catechism* (1560), answering the catechism question, "161. Can the name of God we used lawfully in oaths?" Calvin answers, "Yes, when they are necessary, i.e., in order to uphold the truth, when it requires it, and in maintaining love and concord among us."³⁸ More recently, Timothy R. Scheuers seeks to show the challenging task undertaken by Calvin and the council of Geneva of protecting the individual conscience while also having doctrinal and confessional continuity founded on the Scriptures. Calvin initially experienced insurmountable difficulties requiring the citizens of Geneva to swear an oath to a confession of faith.³⁹ However, during Calvin's second call to Geneva, the Consistory began the practice of demanding that a witness be placed under an oath before testifying.⁴⁰

THE WESTMINSTER CONFESSION OF FAITH

The Westminster Confession of Faith, the Reformed confession used by Presbyterians, remains largely unchanged since its adoption in Scotland in 1647 (with several notable and significant exceptions, of course). One detail regarding oaths and vows was changed in the United States of America regarding its relationship to the civil government requiring oaths.⁴¹ The WCF positions chapter 22, "On Oaths and Vows," after the chapter "On Religious Worship." The connection is made clear within the first lines of chapter 22, "a lawful oath is a part of religious worship...." Prior to this opening to 22.1, the Confession reads in 21.2, "Religious worship is to be given to God, the Father, Son, and Holy Ghost; and to Him alone...." The conclusion drawn from the apparent ordering and logic of the Confession is clear. Both oaths and vows are to be made to God alone (WCF 22.1, 22.6). An oath is asserting or promising that God is witness and judge of what the oath-taker swears. A vow is like a promissory oath, but binds the swearer to the duties the vow-taker promises. Using the word "oath" is particularly intended for witnesses in church courts.

Witnesses do not "vow" to tell the truth, the whole truth and nothing but the truth. This would emphasize the witness's duty to tell the truth. However, the witness takes an "oath" solemnly calling upon God Almighty as his witness and judge.

God alone is the proper object of our worship even though our neighbors and we may benefit from participating in or otherwise observing religious worship. As we direct worship to God through Psalms, hymns and spiritual songs, all those who are gathered together receive a benefit of teaching and admonishing each other (Col. 3:16). John Downname (1571–1652), a Puritan theologian who wrote a treatise on oaths, summarized four ends of lawful oaths: (1) God's glory; (2) the maintenance and preservation of truth and justice, with God as witness; (3) the making of a superlative—or final/ultimate—appeal to God as Judge, and (4) the securing of certain benefits for both our neighbor and ourselves. Our neighbor benefits insofar as he is persuaded to believe the truth. We benefit insofar as we maintain our neighbor against injury and injustice.⁴² We are to show love to our neighbors but not worship them, for we are to worship and serve God alone (Exod. 20:3, Deut. 5:7). Our neighbors benefit from our worship to God, but the worship is not to be directed at them. Thus, the chief and highest end of man is to glorify God and fully to enjoy Him forever (WLC 1). Calvin rightly states that using God's name by swearing an oath should be done with only "fear and reverence in order to glorify it."⁴³ Often we think that the purpose of the oath given to a witness is simply to get at the truth of a situation or line of inquiry. However, this is not the exclusive goal of oath-taking. It certainly is not the ultimate or highest goal of oath-taking.

Above all, oath-taking is intended for God's glory, that the one swearing an oath to God might glorify God through his words and submit to God as the judge of the truthfulness of his statement. God is a witness of all

37. John Calvin, *Institutes of the Christian Religion*, ed. John T. McNeill, trans. Ford Lewis Battles, 2 vols., The Library of Christian Classics (Westminster John Knox Press, 2011), 1.1255–56.

38. See "The Catechism of the Church of Geneva," in *Reformed Confessions of the 16th and 17th Centuries in English Translation*, Volume 1, ed. James T. Dennison (Reformation Heritage Books, 2008), p. 490.

39. Scheuers, *Consciences and the Reformation*, pp. 139–62.

40. Scheuers, pp. 170–86.

41. Striking "Yet it is a sin to refuse an oath touching anything that is good and just, being imposed by lawful authority," at the end of WCF 22.3.

42. John Downname, *Four Treatises Tending to Disswade All Christians from Four No Lesse Hainous Then Common Sinnes* (London: Felix Kyngsto, 1609), p. 3.

43. "Calvin's Catechism; Part II, The Law," Q. 162.

that the oath-taker testifies, not merely with the words that proceed from his mouth, but also of his intentions, motives, and actions. The Prophet Jeremiah specifies three aspects of swearing an oath to the living God: that this oath is one of truth, justice, and righteousness. The true, just, and righteous oath taken before the living God will lead to nations blessing themselves in Him, and in Him shall they glory (Jer. 4:2). Lawful oaths are not merely about truth-telling, for they are also worshipful acts of righteousness and accountability before the living God.

The Westminster Confession of Faith chapter 22, paragraph 1 reads as follows:

A lawful oath is part of religious worship, wherein, upon just occasion, the person swearing solemnly calleth God to witness what he asserteth, or promiseth, and to judge him according to the truth or falsehood of what he sweareth.⁴⁴

Four truths can be mined from this brief confessional description of a lawful oath. It is (1) an act of worship; (2) to be taken on justifiable occasions. In the act of taking an oath, a person (3) solemnly calls upon God as a witness to what he asserts or promises; and (4) calls upon God to judge him based on the truth or falsehood of his oath. We will consider each of these four component parts, in turn.

As an Act of Worship

The scriptural reference that the divines chose as a proof-text for this confessional formulation is Exodus 20:7 (KJV), “Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that taketh his name in vain.” They did not refer at this point to the ninth commandment (Exod. 20:16), which specifically forbids bearing false witness. The reference to the third commandment highlights the fact that an oath is not between two people as neighbors, but between the oath-taker and God Himself. The authors of the Confession did not use this reference merely to highlight the right employment of God’s Name, but also to highlight the awful reality that God Himself is the judge of those who bear false witness while under oath. An oath is to be made to something greater than the oath-taker (Heb. 6:13–14). Man was created in God’s image (Gen. 1:28) and made a little lower than heavenly beings (Ps. 8:5). An oath ought

to be taken on nothing less than the Creator Himself who stands as judge of all oath-takers. Being a part of religious worship, an oath is forbidden to be made to any other than God Himself (Matt. 5:34), for He is utterly unique and perfectly holy. Angels swear to Him who lives forever (Dan. 12:6–7). An oath is to be made to God and God alone. Thus, when a witness swears an oath, it is before God alone. James Fisher emphasizes this dynamic in his catechism regarding the third commandment, “29. To whom are vows to be made? A. To God alone, as the only party and witness in the making and performing of them.”⁴⁵ Therefore, when a witness in a church court makes an oath, he does so in the court’s presence, but he makes the oath to the omniscient God and to Him alone.

On Just Occasion

The Westminster Confession stipulates that not all oaths made are lawful, nor does every occasion call for an oath. A lawful oath is only that which is justified for the occasion. The Pharisees’ and Scribes’ excessive use of oaths and vows was the counterpoint to Christ’s teaching given on the Sermon on the Mount that not all occasions call for an oath, but simply let your “yes be yes” and your “no be no” (Matt. 5:37). The Lord’s teaching does not contradict or abrogate the clear teaching of Scripture at other points (e.g., Deut. 6:18), for He does not entirely forbid the use of oaths, but rather specifies under what circumstances oath-taking is justified and therefore lawful. The Westminster divines highlight that an oath must have a justifiable occasion, referring to this three times throughout the Confession. A justifiable occasion involves a degree of rarity and exclusivity, well outside of the ordinary (WCF 22.1, 23.2, and 24.5).

Although the Westminster divines did not stipulate any metrics to validate if an occasion calls for an oath, the practice in the church throughout history has called upon witnesses in cases of church discipline to swear an oath calling God as witness and judge before giving testimony before the court. The divines appear to have this practice in mind as they specifically declare in the Confession that God is witness to the truth (or falsehood) that the oath-taker testifies.

Calling upon God as Witness

The Confession proceeds to explain that the oath-taker calls upon God to be his witness. As stated before, an oath is an act of worship. David Dickson, in his commentary on the Westminster Confession of Faith, *Truth’s Victory Over Error*, highlights the theological implications of calling

44. *The Westminster Confession of Faith: Edinburgh Edition*, p. 122.

45. James Fisher, *The Westminster Assembly’s Shorter Catechism Explained ... third edition with some further corrections and improvements* (Edinburgh: John Gray and Gavin Alston, 1769), p. 40.

upon God as witness. In one point, Dickson explains that an oath is an act of religion and, when taken by a witness, glorifies and adores God's attributes by calling upon God as witness. Dickson explains how oath-taking is an act of worship as the witness acknowledging God's (1) existence, (2) omnipresence, (3) omniscience, (4) truth and veracity, (5) supremacy, (6) justice, and (7) providence.⁴⁶ The ascribing of these attributes to God in the taking of an oath relates not merely to the deciphering or finding out of truth, but primarily demonstrates that the witness makes an oath to God alone, and not the court. Dickson emphasizes that God is called upon as witness because of His uniquely divine nature. No creature can be called upon as witness because no creature can attest or affirm the truthfulness of a statement made by the witness. God alone is the searcher of hearts (Acts 15:8). God is present when no one else is (Ps. 137:9). Early Reformer Wolfgang Musculus (1497–1563) shows that these attributes belong to God alone, and therefore an oath should not (indeed, cannot properly) call upon anyone but God as witness. Musculus states, "If indeed knowledge, justice, and power of all those sorts of things belong to God only, what reasonable person does not see how an oath ought not to be taken in a trial and with justice, except in the name of God only, the knower of all secrets and the avenger of every fraud and treachery?"⁴⁷ The oath of a witness is to be made to God alone because God alone can be his witness.

Calling upon God as witness can be seen in the aspects and construction of an oath. D. X. Junkin (1808–1888), in a book titled *The Oath a Divine Ordinance*, gives four aspects of an oath made by witnesses, indicating that the form of the oath consists of four parts: "(1) the Name of God, (2) a reference to His presence and perfections, (3) an appeal to Him as the omniscient Witness and final Judge, and finally (4) a covenant to speak truthfully or to act faithfully, as the object of the oath may require."⁴⁸ The standard oaths taken in Presbyterian churches often merge these together. For example, the use of His presence and perfections can be found in the oath referring to Him as the great Judge and that He is present as the witness takes the oath. Even in the Old Testament construction, "As the LORD lives" (Cf. Jer. 4:2; Judg. 8:19; Ruth 3:13, etc.) shows the use of many of these aspects, His name, His eternity, and with the understanding that as the covenant Name of God speaks of who He is (Exod. 34:6–7), it would also show His judgment to come. Paul in the New Testament calls upon God as his witness (2 Cor. 1:23).

Acknowledging God as Judge

The last aspect of an oath outlined in the Confession is

that God is the Judge of the witness's testimony. God is not merely the One who can witness all that is testified, but He is the One who will judge the witness according to the truth or falsehood of his statements. This is applied in the civil court with the threat of punishment for perjury, but the Confession does not stipulate the temporal nature of the testimony in a church court, even if man could validate the truthfulness of the testimony (which he cannot, as outlined above). The punishment of perjury shows forth temporal justice in any human court. Ultimate justice comes only on the last day when the true and just judge sits upon His throne. Only God can ultimately judge the testimony. On the Last Day, all deeds will be judged by God (Eccl. 12:14). A witness might testify with a partial truth, neglecting to tell the human judiciary important facts, but God will judge all his testimony—even that which is concealed (Matt. 10:26, Rom. 2:16). God will judge witnesses according not only to their words—whether said or unsaid—but according also to their motives (1 Cor. 4:5).

This is a direct application of the third commandment, as the warning in the third commandment states, "for the Lord will not hold him guiltless who takes his name in vain" (Exod. 20:7b). The Westminster Shorter Catechism explains the reason annexed to the third commandment (Q. 56), "that however the breakers of this commandment may escape punishment from men, yet the Lord our God will not suffer them to escape his righteous judgment."⁴⁹ This catechetical explanation highlights the importance of the reference given by the Westminster divines to the third commandment and not the ninth. God is not only witness of human testimony, but also the only just Judge who can evaluate human testimony (and testifiers) according to the truth or falsehood in which oath-takers swear.

The definition of a lawful oath as presented by authors of the Westminster Confession offers profound insights into the weight of oath-taking as an act of worship, the need for justifiable occasions, the exclusive appeal to God as witness, and ultimate accountability before God as Judge. This definition helps to define and support the consistent use of oaths taken in church courts by witnesses prior to giving their testimony.

This article now proceeds to combine all of what has

46. David Dickson, *Truth's Victory over Error: A Commentary on the Westminster Confession of Faith* (Edinburgh: Banner of Truth Trust, 2007), pp. 162–63.

47. Musculus, et al., *On Righteousness, Oaths, and Usury*, p. 67.

48. Junkin, *The Oath A Divine Ordinance*, p. 142.

49. *The Westminster Confession of Faith: Edinburgh Edition*, p. 408.

been outlined above to oaths taken by witnesses in the courts of the church.

SUMMARIZING THE CONFESSION'S POSITION

As we consider the oaths taken by witnesses in church courts, we often think the oath as merely a means of ascertaining or securing the truth. Thus a witness will swear to "declare the truth, the whole truth, and nothing but the truth." They qualify that they will not leave out any relevant points of truth, and that they will not add any falsehood to their testimony. However, the Confession again helps us to understand the seriousness of the one who swears the vow "to avouch nothing but what he is fully persuaded is the truth" (WCF 22.3). The oath of a witness is an assertory oath in which they assert that what they testify is truth. They assert this not to themselves, nor even to the church court, but to God who is their witness and judge. The oath taken by the witness reflects this truth-centered commitment, emphasizing the profound spiritual dimension of the act. It goes beyond a mere legal formality or a tool for establishing facts in a case. Instead, it symbolizes the witness's acknowledgment that he stands before the Almighty God, bound by his conscience and his faith to uphold the principles of honesty and integrity. By invoking the name of God as his witness and judge, a witness invokes divine accountability and aligns himself with an eternal standard of truth.

In a church court, the witness's oath becomes even more significant. As part of religious worship, the oath bears the weight of God's glory and the pursuit of righteousness. It underscores the indispensable purity of truth within the church, where honesty, transparency, and fairness are essential in maintaining the integrity of the church's discipline and decision-making processes. A witness who takes the oath with sincerity and reverence shows his commitment to seeking God's will and justice rather than serving personal interests or agendas.

Ultimately, the witness's oath is a solemn and religious act that intertwines faith and justice, merging the temporal with the eternal. It reminds all involved that the pursuit of truth is not just a procedural necessity, but a profound moral duty guided by divine principles. The faithful commitment to truth-telling, witnessed by God, serves as a pillar of strength in upholding the values and integrity of the Presbyterian Church, a testament to the enduring relevance of the oath in both its historical roots and its contemporary application.

Conclusion

In conclusion, this article delves into the progression of the Presbyterian Church in America's *Rules of Discipline* and its application to oaths taken by witnesses in proceedings of formal church discipline. Over the course of history, the denomination has experienced various modifications in polity, procedures, and practices, all the while remaining committed to its core principles. While amendments have been made to specific provisions in the *Rules of Discipline*, the underlying principles and ethos have endured.

Through the expansion and evolution of the *Rules of Discipline*, beginning with the major revision in 1707 which introduced the qualifications of witnesses as determined by the judiciary, there has been an overriding continuity of respect for oath-taking in church courts. The expression of this foundational commitment to truth-telling before God developed over the years to find its current form introduced in 1858, which has been carried over into the constitution of the Presbyterian Church in America.

While the exact list of qualifications regarding competency and credibility has changed, the practice of witnesses swearing an oath before testifying in a church court has remained consistent throughout the history of the Presbyterian Church and indeed is practiced in all major Presbyterian denominations in the United States of America. Stemming from the biblical teaching found in the Westminster Standards, witnesses solemnly swear to tell the truth, the whole truth, and nothing but the truth, invoking the presence and judgment of the Almighty.

Throughout its history, the Presbyterian Church has maintained a strong commitment to its confessional heritage, emphasizing the importance of oaths and vows as acts of worship. Such oaths should bring glory to God, advance truth and justice, and promote righteousness.

The Presbyterian Church's history of constitutional amendments nevertheless reveals a consistent commitment to preserving its core principles in the matter of witness-bearing, oath-taking, and formal church discipline. By introducing refinements in language and formal processes while remaining committed to its fundamental principles, the Presbyterian Church continues to strive for decency, order, and the pursuit of truth in its governance and ecclesiastical processes. Above all, the Church exists (in all that it does) to give glory to God. ■