



**The Mystery of the Purloined Articles:
Why Did Parliament, Savoy, and London '89
Over-Rule the 'Humble Advice' of the Westminster Divines?**
Steven James Weibley April 11, 2018 darknessintolight@gmail.com

Circumscribing the Mix

The devastating consequences of divorce are a widening part of the pastor's calling as culture increasingly impacts both members who personally experience the hardship and pain of the complexities of sin and as the minds of new converts, from a cultural context increasingly distanced from the Scriptures, must be renewed according the Scriptures. A pastor remarked to me that drawing lines as we must leads us to want to say " 'Who is guilty or innocent' or 'who is more guilty or more innocent?' and then to make a judgment." If, however, we agree that the Scriptures are our only first and ultimate guide,¹ we want to seek in them, as the very Word from God, our first source and final authority in every individual circumstance to which we are called to minister.

I have been intrigued to consider, in the limited breadth of my papers for RCF, the ways in which the Savoy Declaration differs from the Westminster Confession, that document to which the framers of Savoy² "fully assent,"³ in those particular articles the congregationalists felt it necessary to alter or delete writing only a decade later. The growth of sects, Arminian⁴ and Quaker outside of the Reformed camp, and questions over doctrines like justification that had arisen within the Reformed camp, meant that clarifications and additions were necessary, as they wrote in the Preface:

¹ According to Lightfoot's journal, those at Westminster were required by Parliament, whether theologian, member of Parliament, or other lay person, to make what is alternatively called a covenant, vow, or protestation regarding the importance of conscience: "I, A.B. do seriously and solemnly protest, in the Presence of Almighty God, That in this Assembly (wherein I am a Member) I will not maintain any Thing in Matters of Doctrine, but what I think in my Conscience to be Truth. or in Point of Discipline, but what I shall conceive to conduce most to the Glory of God, and the Good and Peace of His Church." Van Dixhoorn *The Minutes and Papers of the Westminster Assembly 1643-1652 Appendix 6 pp 190-191*. While it is not stated specifically but must be inferred, from the many debates on confession making at the Assembly, this protestation means that their consciences were to be bound only by their understanding of scripture. WCF 1:8, 22:2. Also, Westminster's *Form of Church Government* (November 1644) required that a minister could only be ordained "according to his persuasion of the truth of the reformed religion according to Scripture." Further, Anthony Tuckney, in his sermon recommended by the divines, *A Good Day Well Improved* wrote, "Though every Title and Iota in it [Scripture] is sacred yet it is the kernel of the doctrine and not so much the shell of the words that we stand upon." (quoted from Rowland S. Ward "Subscription" in *The Westminster Confession into the 21st Century*; Vol. 3,).

² Except for Owen, these were all among the "dissenting brethren" at Westminster, as they preferred to be called (or "Congregationalists") instead of the pejorative term "Independents": Thomas Goodwin, Philip Nye, William Greenhill, Joseph Caryl, and John Owen.

³ From the preface to Savoy: "In drawing up this Confession of Faith, we have had before us the Articles of Religion, approved and passed by both Houses of Parliament, after advice had with an Assembly of Divines, called together by them for that purpose. To which Confession, for the substance of it, we fully assent, as do our Brethren of New England, and the Churches also of Scotland, as each in their general Synods have testified." Thomas Goodwin referred to that "great confession" as the "latest and best." See Ryan Kelly, "Reformed or Reforming? John Owen and the Complexity of Theological Codification for Mid-Seventeenth-Century England," in *The Ashgate Research Companion to John Owen's Theology*, Ashgate Publishing Ltd. Kindle Edition, page 15.

⁴ John Goodwin, who sided with the Independents, was Arminian. Edward G. Gospodinsky, *A Historical and Theological Evaluation of the Savoy Declaration of Faith and Order, 1658*. Doctoral Dissertation, 1996, page 95.

A few things we have added for obviating some erroneous Opinions, that have been more broadly and boldly here of late maintained by the Asserters, than in former times; and made other additions and alterations in method, here and there, and some clearer Explanations, as we found occasion.⁵

By the 1650's the apparent success of the Congregational divines was waning⁶. Twenty-six days before the convening of Savoy, as ordered by the Protector, Oliver Cromwell had died. His son and chosen successor, Richard, had Presbyterian leanings (having appointed another for Vice-Chancellor of Oxford in place of John Owen), none of the abilities of his father for leadership, and was unable to keep the competing interests of his constituents in check, finally resigning in 1659. The newly elected parliament would invite Charles II to return in the chaos, and the congregationalists were concerned that the toleration that had been granted to them under the Presbyterian majority in Parliament (to worship and live by consciences freed to obey the Scriptures, unencumbered by a state which might limit that freedom under Cromwell's Protectorate) would be lost. They would be proven right.

What, then, was the motivation for the Savoy Conference to delete the end of Westminster's 24.4 on consanguinity and the sad articles 5-6 on divorce? In Edgar Allen Poe's *The Purloined Letter*, the central conceit is of a missing piece of evidence, a letter. The letter is stolen. The detective discovers that the letter thought missing was actually in plain sight all along, the best hiding place. What is in plain sight that might illuminate the reason for this change? What might we overlook in surveying their world through a 21st century grid? Sleuthing through another period of history (especially a time as tumultuous as the Civil War) for the letters of the side that lost risks uncertain results, yet in "circumscribing the mix"⁷ and looking long, there is value even in the search itself.

Historical Context

When the Westminster Assembly had finished their work on the Confession, it was sent to Parliament to be approved. Though the House of Lords approved the document,⁸ on February 11, 1647 the debate on the section on the third paragraph of marriage and divorce

⁵ *Preface to the Savoy Declaration*.

⁶ A.G. Matthews, *The Savoy Declaration*, 9-10 (1959). A particularly moving and useful account (for pastors) of Owen's last days in the collapse of all that Owen worked for is Crawford Gribben's *John Owen and English Puritanism: Experiences of Defeat*, Oxford University Press, 2016. Gribben's balanced and generous historical account shows Owens increasing concern for liberty of conscience as well as his experience of the death of (finally) his wife and all of his children and his changed preaching (shorter and simpler) to his diverse congregation of thirty-five (including both royalists and relatives of Cromwell) is both moving and instructive.

⁷ I first heard J.I. Packer use this phrase at the introduction of his course on the Puritans in the 1980's. He meant how a person checks the recipe before baking a cake, takes into account all that is needed, and assembles the ingredients before mixing them and baking the cake. You may rightly consider this paper to be half-baked.

⁸ Chad van Dixhoorn, *The Minutes and Papers of the Westminster Assembly 1643-1652*, Vol. I, p. 35

began in the House of Commons.⁹ It continued on the 18th and March 3, when the 5th and 6th articles failed approval with a divided house and were removed. The House of Lords agreed to the recommended changes from Commons so that the final form of the Confession was approved in February 1649 only with these (and other) articles omitted.¹⁰

However, the Church of Scotland had ignored all of the revisions made by Parliament and approved the “humble advice of the Assembly of Divines” in “substance” in August 1647, publishing without the authorization of the English Parliament.¹¹ The non-voting but powerful Scottish Commissioners appointed to Westminster wanted a unified realm with a “Presbyterial” Government; this outcome was hardly surprising (and Parliament could not afford a two-front war).¹² This, the unapproved longer version with all of Westminster 24 intact, is that which was eventually taken by the Scotch-Irish to America.¹³

Three hundred and fifty years later, the world of Westminster and Savoy seem removed to us in their calm logic, but theirs was a world of cataclysm. The Anglican Church that had been glue for England, with the success of Parliament against the king, had been removed from its power. Though the first calling of the Westminster Assembly was to review and rewrite the Thirty-Nine Articles, the Assembly hoped to undo the use of the Book of Common Prayer, the additions to worship not called for in Scripture, and the Arminian theology of Archbishop of Canterbury William Laud, accomplishing a “settlement” on a unified church in the isles. Almost all at Westminster believed in a national church of some kind, though many hoped this national body would allow for exceptions for those who were otherwise orthodox (the most obvious difference being in Presbyterian, Erastian, or Congregational government). Reading through the minutes of the House of Commons for the years of the Assembly, starting in February 11, of 1647, when Commons was reviewing the recommendation of the Divines on chapter 24, gives the seemingly paradoxical listing of interviews with divines and votes and debates on the Assembly’s work intermixed with the fragility of the Parliament’s standing:

2-11-47	Suppression of stage plays
	Consideration of 24.3 and wording debated
2-18-47	Consideration of 24.4 (with a divided house)

⁹ <http://www.british-history.ac.uk/commons-jrnl> is the online collection of the historic minutes of the House of Commons. All references here are to volumes 4-7, 1644-1660.

¹⁰ Chad van Dixhoorn, *Confessing the Faith*, 328-329. People still remembered that Henry VIII had used “consanguinity” to justify annulment of marriage to Anne Boleyn. “Marrying a deceased spouse’s sibling seems fairly natural, proved to be a common occurrence, and appears to be commanded in some instances.”

¹¹ James Renihan, “Frequently Asked Symbolics Questions: Divorce,” <http://irbsseminary.org/frequently-asked-symbolics-questions-divorce/>

¹² Robert M. Norris, “The Thirty-Nine Articles at the Westminster Assembly,” in *The Westminster Confession into the 21st Century*, Vol. 3, p. 172. Apparently, the parliament was hoping that the rejection of the Thirty-Nine Article revision by Charles would be the final convincing argument for war, and give the Parliament more time to get ready for war.

¹³ Chad van Dixhoorn, *Confessing the Faith*. p. 329. Dates for the two approvals is as appears in Peter Toon “Westminster and Savoy Confessions: A Brief Comparison” in *Journal of the Evangelical Theological Society*, 15:3, 1972, page 152ff.

3-3-47	Consideration of 24.5 (negative vote) And debate on ordinances to punish adultery and incest Consideration of 24.6 (negative vote) Notes on Invalid soldiers
3-11-47- 4-14-47	Frequent debate on potential treaties with the king, and the safety Parliament, "tumult in Kent"
6-7-47	Insurrection, the raising of arms against Parliament, "revolted" ships, the removing of Papists
6-24-47	Texts with Articles of Faith to be printed, Discussion on Presbyterian Government of the Church

The glory of the Assembly's beginnings faded quickly enough when they discovered that a shared commitment to the authority of Scripture did not necessarily lead to a blue print for church government. The exhausting hours, every morning a sermon from 6-8, listening to a sermon from someone hoping to be ordained, Monday to Friday every week, except for July, when they added Saturday (though never Sunday)¹⁴ starting in the Lady Chapel of Henry VII and then "for the benefit of the needs of the most aged and infirm members" in the smaller (but warmer and "sweete") Jerusalem Chamber where they could not be overheard by the public.¹⁵ Frustrated hopes for united (especially in the debates with the dissenting brethren, the Congregationalists) and the presence of members of both the House of Lords and House of Commons were troubling.¹⁶ At first public response was positive, but soon the Assembly's rejection of episcopacy and the king led to them being attacked by both sides in the conflict convulsing the nation.

However, aside from these swirling events, for all the length of the notes on the earlier debates on Westminster, by the time of the considerable voting and re-voting on the Confession arrived, only the shortest of comments and none of the content of the actual debates remains.¹⁷ Scribe Adoniram Byfield's comments grew sardonic and personal, saying of leading Congregationalist Phillip Nye's key speech on Matthew 18 that it was "little to the purpose." Of another, "Mr. Prophet . . . just nothing." Byfield amused himself by recording Anti-Trinitarian Paul Best in the notes as "Paul Beast."

¹⁴ Chad van Dixhoorn, *Minutes*, pp. 185-186.

¹⁵ *Ibid.*, pp. 39-41. In the early days, the hopes for reformation were so high, that rules had to be made to restrict the amount of laughter during debates, p. 81.

¹⁶ *Ibid.* p. 83.

¹⁷ Chad van Dixhoorn, *Minutes*, p. 87.

The Failure of the Cultural Revolution

In 1645 the symbolic launching of the Puritan cultural revolution began when John Large, a minister in Rotherfield, Sussex, was accused of breaking a cake over the head of a bride at a wedding at which he had officiated. The defendant responded by saying that cake-breaking at weddings was “a custom which had long prevailed in his parish which he thought might be inoffensive, in itself neither good nor bad, as many received customs were.” He was dismissed from ministry.¹⁸ So began the 15-year attempt to destroy the pre-war folk culture and replace it with a godly one.¹⁹

Puritans were affronted by procedures for marriage, seeing as idolatrous the use of a ring and the promise of the husband to worship his wife with his body. By the 1630's, Puritans were resisting Laud's efforts for couples to receive communion as part of the wedding service. In 1645, the Directory created a new wedding service shorter and simpler, without these offenses. In 1653, the confusion over marriage was multiplied by redefining marriage as completely secular. In 1657 religious marriages were once again allowed. Finally, at the Restoration, all of these marriages, secular or sacred, were declared valid.²⁰

In the meantime, in an attempt to change dearly held customs, those who held religious weddings were prosecuted.²¹ Though general popular opinion was in favor of these and other reforms,²² many ignored the Directory's wedding service. Hundreds married before the institution of secular marriage, and many waited until after the laws were revoked to marry, so that they might have a “church” wedding.²³ During the 1657 debate in Parliament, several members claimed that not one in a hundred marriages had been performed in line with the Assembly's hopes.²⁴

These years wandered on without any kind of “settlement” on church government. Congregationalists had “unanimously and through the Grace of Christ, without the least Contradiction, assented and agreed”²⁵ to the Westminster Confession. Yet, Owen's agenda for “a national religious unity that nurtured the godly while tolerating minor differences among them” reflecting “a continuation of his efforts begun so many years before” was now “carried on in drastically altered political circumstances.”²⁶

¹⁸ Christopher Durston, “Puritan Rule and the Failure of Cultural Revolution,” p. 210 in *The Culture of English Puritanism*, St. Martin's Press, 1996.

¹⁹ Durston and Jacqueline Eales, *The Puritan Ethos*, in *ibid.*

²⁰ Durston, “Puritan Rule and the Failure,” p. 216f.

²¹ *Ibid.*, p. 281.

²² *Ibid.*, p. 219.

²³ *Ibid.*, pp. 228-229.

²⁴ *Ibid.*, p. 229.

²⁵ *Mercurius Politicus*, October 14, 1658.

²⁶ Tim Cooper, *John Owen, Richard Baxter, and the Formation of Nonconformity*, Ashgate Publishing Company, 2001, p. 240.

The Savoy Declaration

The Preface to Savoy, frequently maligned for its length, has long been thought to have been written by John Owen,²⁷ though it lacks the clarity of his writing, if not his prolixity.²⁸ However, a letter from James Sharp in 1659 reveals that “D. Owen and T. Goodwin are the compilers of that confession.”²⁹ Whoever are the authors, the Preface is more likely the work of the entire committee of six (Philip Nye, William Bridge, Joseph Caryl, Thomas Goodwin, John Owen, and William Greenhill).

While the dashed hopes and increasingly dark future of the congregational way was certainly one reason for the writing of this lengthy Preface, Tim Cooper has seen a direct lineage in several attempts come to a settlement on church government in the 1650’s, in the *Humble Proposals* (1652) and the call for a national confession in the *Humble Petition and Advice* (1657), all authored by the same congregational leaders.³⁰ In 1658, the Parliament discussed the prospects for a new assembly and a new confession, to finally bring national ecclesial unity,³¹ with Oliver Cromwell himself choosing Philip Nye to lead the Savoy meeting.³² Tim Cooper understands that the underlying concern for the Congregationalists and the subtext for the entire Preface was this: not only were they experiencing toleration at this point of time, but since the 1640’s they had received the freedom to worship with their consciences constrained by Scripture alone. The Congregationalists wanted, in a post-Cromwell world, for that toleration to continue. Unlike the Baptists, they believed that the Magistrate had a responsibility in constraining heresy and blasphemy and that churches ought leave to the Magistrate that which is his responsibility. It is in the context of these sort of subtexts in the Preface that we hear Savoy’s not altogether clear statement on the omission of the articles on divorce.

To this course we are led by the Example of the Honorable Houses of Parliament, observing what was established, and what omitted by them in that Confession the Assembly presented to them. Who thought it is not convenient to have matters of Discipline and Church Government put into a

²⁷ *The Savoy Declaration of Faith and Order, 1658*. Edited by A.G. Matthews, 1959 is one of many

²⁸ One of my favorite remembrances of a “J-term” class at Gordon-Conwell on the Puritans being taught by the deadpan J.I. Packer. Referring to Owen’s style, he said something along the lines of “Owen’s lumbering Latinized writing style is elephantine. But, when Owen has been through, you know an elephant has been there.”

²⁹ Cooper, *John Owen, Richard Baxter*, p237 n60.

³⁰ Cooper, *John Owen, Richard Baxter*. One of the great sadnesses and obstacles that led to breakdown of any settlement agreement was the personalities of the individuals, and most especially the vitriolic relationship between Owen and Baxter. Owen was a “political animal (John Goodwin said he was “politiquely addicted),” eloquent and forceful in speech but also not above using political intrigue to forward the success of his views, using his political advantage with Oliver Cromwell. He was an academic with a “streak of personal ambition” and not a man to be contradicted, always in the public eye. Baxter, on the other hand was self-taught, isolated, an only child, and seems to have been aware that he was overly sharp in dialogue, inclined to “blab out” the truth as he saw it. pp. 118-135. Owen’s life-long crusade for consistent Reformed doctrine was sure to run counter to Baxter’s Amyrauldian views [which require a universal atonement, making all save-able after which God because a depraved people will not turn to Him apart from His electing them].

³¹ John Coffey, “John Owen and the Puritan Toleration Controversy,” Cc1

³² Coffey, “John Owen,” p. 240

Confession of Faith, especially the particulars thereof, as then were, and still are controverted and under dispute by men Orthodox and found in Faith. The 30th chap. Therefore of that Confession, as it was presented to them by the Assembly, which is of Church Censures, their Use, Kinds, and in whom placed: As also chap. 31, of Synods and Councils, by whom to be called, of what force in their Decrees and Determinations. And the 4th Paragr. of the 20th chap., which determines what Opinions and Practices disturb the peace of the Church, and how such Disturbers ought to be proceeded against by the Censures of the Church, and punished by the Civil Magistrate. Also a great part of the 24th chap. of Marriage and Divorce. **These were such doubtful assertions, and so unsuitable to a Confession of Faith, as the Honorable Houses in their great Wisdom thought fit to lay them aside: There being nothing that tends more to heighten Dissensions among Brethren, than to determine and adopt the manner of their difference**, under so high a Title, as to be an Article of our Faith: So that there are two whole Chapters, and some Paragraphs in other Chapters in their Confession, that we have upon this account omitted; and the rather do we give this notice, because that Copy of the Parl. followed by us, is in few men's hands; the other as it came from the Assembly, being approved of in Scotland, was printed and hastened into the world, before the Parl. had declared their Resolutions about it; which was not till June 20, 1648, and yet had been, and continueth to be the Copy (ordinarily) only sold, printed, and reprinted for these 11 years.

Savoy's framers and the 200 present unanimously approved the prepared document in eleven days. That there was such unanimity of views among the Congregationalists was one of the Preface's evidences of the rightness of their understanding of church government. Westminster drew a stricter line on dissent. Wrote Owen in a later work on tolerance, "[This kind of authority] would immediately affect the conscience and set up itself in direct opposition to the light of God."³³

The Freedom of Conscience to be Bound Only by the Scriptures

Owen is answering the debates on liberty of conscience which immediately affect whether "divorce" ought be addressed in a confessional document. These are summarized by Ryan Kelly:

What significance should be given to the ancient creeds (e.g., the Apostles' and Nicene creeds)? Should they be included; can they be altered? What is the relationship between a creed and Scripture, and how should that relationship be communicated in the creed, if at all? Should the confession provide proof-texts? Should a confessional need be met with an altogether new confession or with a revision of a current (or ancient) one? How theologically specific should a confession be—should it be the fullest confession possible, just fundamental articles, or something in between? What are the fundamental articles? What are the ministerial and political intentions for the confession? How shall the codification of orthodoxy, the limiting of heresy, and the growing concern for liberty and toleration be negotiated?³⁴

³³ John Owen, "Unto Questions Sent Me Last Night," *Works* 13:514.

³⁴ John Kelly, "Reformed or Reforming?" page 4.

The longest and most intricate debates in Westminster were not primarily about ecclesiology but theology. The whole early debate, voting, re-voting, and re-re-voting on the Apostles' Creed and "Christ's descent into Hell" (the longest-running debate of the Assembly) were necessary because the Thirty-Nine articles required that the Apostles', Nicene, and Athanasian creeds "ought be thorough[h]ly to be received" wrote John Lightfoot, "as if to set them in too high a place in equality with Scripture."³⁵ The Puritans held that "everything introduced into the Church without scriptural sanction is unlawful."³⁶ Every Anglican child had been confirmed using as their confession the Apostles' Creed, but nowhere in the Bible are we told either to make creeds nor to require their use in a worship service. Finally, Congregationalists Philip Nye and William Greenhill AND Presbyterians William Rayner, Thomas Wilson, and Thomas Valentine filed a record of their dissent even on including the Apostles' Creed as an appendix.³⁷ Separately, none of these men had written a word against creeds, but "conservative Assembly-men discovered others seated around them who were frighteningly willing to question the legitimacy of creeds entirely."³⁸

Savoy did not question the legitimacy so much as the use of creeds. The neglected Preface to Savoy³⁹ includes the statement of the "credo" of Christ,

Our Lord Christ himself, when he was accused of his Doctrine, considered simply as a matter of fact by Preaching, refused to answer; because, as such, it lay upon evidence, and a matter of testimony of others; unto whom therefore he refers himself: But when both the High-Priest and Pilate expostulate his Faith, and what he held himself to be; he without any demur at all, cheerfully makes his Declaration, That he was the Son of God; so to the High-Priest: and that he was a King, and born to be a King; thus to Pilate. Though upon the uttering of it his life lay at stake; Which holy Profession of his is celebrated for our example, 1 Tim. vi. 13.

The *Humble Petition* had called for Trinitarian faith, but a faith that would "not be compelled" though "endeavours shall be used to convince" with sound doctrine.⁴⁰ But Owen and friends had been writing about this for years in the *Humble Proposals of Mr. Owen, Mr. Goodwin, Mr. Nye, Mr. Sympson, and other Ministers*; they proposed no one be required to receive the Lord's Supper against their

³⁵ Lightfoot, MS Journal, fol. 19v. quoted in Chad B. Van Dixhoorn, "New Taxonomies of the Westminster Assembly, the Creedal Controversy as Case Study." *Reformation and Renaissance Review*. Volume 6, 2004 - Issue 1, p. 96.

³⁶ Iain Murray, "Scripture and 'Things Indifferent,'" in *Puritan Papers*, Vol. 3., P&R Press, 2001, p. 23.

³⁷ Chad B. Van Dixhoorn, "New Taxonomies of the Westminster Assembly, the Creedal Controversy," p. 102.

³⁸ Chad B. Van Dixhoorn, "New Taxonomies of the Westminster Assembly, the Creedal Controversy," p. 105

³⁹ Even the useful copy of Savoy introduced by Bob Davis for Puritan Press (2005) includes only a "selection" from the Preface.

⁴⁰ Kelly, in "Reformed or Reforming?" p. 3. Sadly, these pages are approximate, from my Kindle full screen view.

conscience and that church attendance is required *except for those whose conscience would keep them from such assemblies.*⁴¹

This “forbearance and mutual indulgence . . . in all other matters *extra fundamental*, whether of Faith or Order. . . has been our constant principle.”⁴² It was a principle that grew not out of carelessness or vacillating on the truth; if anything Savoy is said to be too overly precise.”⁴³ Earlier Thomas Goodwin, in his speech to Richard Cromwell, defined the intentions of Savoy as to “clear[ing] [them]selves of that scandal” that Congregationalism is the “sink of all heresies and schisms.”⁴⁴ Rather, wrote the framers, this quick ratification of this Declaration was the evidence that God had kept Congregationalists faithful, without need of synods, or bishops or creeds.⁴⁵

For all the example of Christ’s confession, the creed-like forms in Romans, and the many creeds written by Congregationalists, the problem with the use of such forms is found at the beginning of the Preface: the Declaration was in no way to be made use of as an imposition upon a person’s conscience, but “according to [the Preface] the very nature of confession demands that it be free, not coerced or enforced.”⁴⁶ When coercion is used, confessions “degenerate from the name and nature of Confessions, turning from “being Confessions of Faith, into exactions and impositions of faith.” The Spirit will not “be used by any humane [sic] arm, to whip men into belief,” “he drives not but gently leads into truth,” and He is “free as to when, and how far, and in whom to work.”⁴⁷ Because of differences of “light obtained” by those confessing, there will be disagreements among believers, so that the differences between Presbyterians and Congregationalists, are really “differences between fellow-servants . . . *neither having authority . . . to impose their opinions [on] the other.*”⁴⁸

What then was the value of a creed? It was not to win or convince. Savoy was “not so much to instruct others, or convince gainsayers. These are the proper works

⁴¹ Kelly, in “Reformed or Reforming?” p. 6.

⁴² Preface to Savoy

⁴³ Baxter called the earlier and shorter *New Confession* the work of “over-orthodox Doctors,” and suggested simply a three-part confessional subscription to the Lord’s Prayer, the Decalogue, and the Apostle’s Creed. Kelly, “Reformed or Reforming?” p. 11.

⁴⁴ Kelly, “Reformed and Reforming,” page 16.

⁴⁵ The Preface to Savoy, sentences x-xii, points out just how difficult it typically is to maintain theological orthodoxy and unity.

⁴⁶ Kelly, “Reformed and Reforming,” page 20.

⁴⁷ This is essentially the collation of Kelly from the Preface, sentences iv-vi.

⁴⁸ Preface, ix-xxix.

of other institutions of Christ [preaching, for example], and are to be done in the strength of express Scripture. *A Confession* is an ordinance of another nature.”⁴⁹

In a later work, Owen would write that God’s revelation does not come as a “creed or confession,” but as “a collection of histories, prophecies, prayers, songs, letters or epistles . . . [having] their power and efficacy upon our minds, not only from themselves, but from their posture as Scripture.”⁵⁰ When we make creeds and when we rightly re-make creeds, we enter into what Ryan Kelly delightfully calls “an ongoing process of scripture *rummaging*.”⁵¹ We must continually come face to face with the rawness of God’s revelation of himself. The Congregationalists delighted (Baxter excepted⁵²) in the making of new creeds because, as they re-investigate each truth, they “better convince others and establish our own hearts’ darkness, unbelief, and doubt of truth”⁵³ and emerge with greater doctrinal and scripture confidence than when they began, “anew to learn . . . every doctrinal truth . . . out of the Scriptures.”

Dissensions Among Brothers

Finally, when the dissenting brethren had no choice, no longer being in a position of power, they increasingly became supporters of toleration. The chaos of the Protectorate, with all its rollercoaster ascents and descents, tempered John Owen among others. Liberty of conscience became something as much lived as said. The amount of time spent arguing during Westminster and in the House of Commons over the issue of consanguinity and divorce showed that there were unresolved differences and lack of unanimity.⁵⁴ John Owen, himself, in his short *Marrying after Divorce in the Case of Adultery*, was as strict (or liberal) as Westminster on remarriage allowed. But Westminster is the first British creed to discuss divorce.⁵⁵ The First Helvetic Confession (1536) is the first to mention divorce:

⁴⁹ Preface, xxiii.

⁵⁰ John Owen, Works, 4:187, 189.

⁵¹ Kelly, “Reformed and Reforming,” page 26.

⁵² Kelly, “Reformed and Reforming,” page 29.

⁵³ Preface to Savoy, sentence vii.

⁵⁴ The Westminster report on Marriage and Divorce (by William Gouge whose *Domesticall Duties* covered the Ephesians 4 and generally does not fall well on our 21st century ears. Wife beating was legal in the day and Gouge asks if it is reasonable that a man’s ‘bed-fellow’, the ‘joynt governour of the family, should be beaten at his hands’ and risk losing the respect of her ‘children or servants’ (p. 391). Instead, he suggests that, if she needs to be disciplined, she could be ‘restrained’ or ‘denied’ the things she most enjoys (p. 392). It is only if a husband is ‘set upon by his wife’, that he might beat her in self-defense (p. 393).

⁵⁵ Though they do discuss the question of priestly celibacy.

[T]he government should also respect it and see to it that a marriage is legally and decently entered into and given legal and honorable recognition, and is not lightly dissolved without serious and legitimate grounds.⁵⁶

The Second Helvetic Confession (1566) gave instructions for church courts with judges who may “care for marriages, and may repress all unchastity and shamefulness, and before whom matrimonial disputes may be settled.”

William Perkins argues in his *Christian Oeconomie* that if an unbelieving husband leaves “All good means must be used to bring the infected [!] party to repentance; and when none will succeed, but the case remaineth desperate, then the marriage is dissolved on his part and the unbelieving wife is free to marry another.”⁵⁷ However, if a believing husband leaves, or if the innocent partner must leave because of fear, both parties may not remarry. The deserter is acting like an unbeliever. In a more complex kind of desertion, “malicious dealing,” when the husband and wife require of each other “intolerable conditions,” the innocent believer maybe be one “who is in certain and imminent danger, either of loss of life, or breach of conscience, if they both abide together.” So, the one who causes the intolerable conditions is considered the deserter, even when he stays. What is significant with Perkins is that, where he believes the Scriptures to not directly address a circumstance, he is willing to draw inferences from the Scriptures and apply them.⁵⁸

William Gouge, on the other hand, who presented the Westminster papers on marriage and divorce (among *many* other papers) believed that, although adultery gives the innocent partner cause for divorce, that does not mean the marriage is dissolved. HOWEVER, Gouge allowed that “In many reformed Churches beyond the seas desertion is accounted so far to dissolve the very bond of marriage, as liberty is given to the party forsaken to marry another. . . . But because our church hath no such customs, nor our law determined such cases, I leave them to the custom of other churches.”⁵⁹ The writers of the PCA General Assembly report on marriage and divorce wonder if Gouge would have changed his mind when he realized that the Scottish Commissioners there present with him at Westminster were from a country that already granted divorce on the grounds of desertion and remarriage and might have, after the Assembly, written a book entitled *How My Mind Has Changed*.⁶⁰

William Ames, after first affirming the indissolubility of marriage in *Conscience with Power and Cases Thereof*, says that indissolubility was not “instituted for punishment, but the

⁵⁶ <http://www.pcahistory.org/pca/divorce-remarriage.pdf> This 1992 PCA position paper is a helpful collection of some of the different views held before and in the Interregnum by the Reformed. Pages 188-199.

⁵⁷ PCA “Divorce-Remarriage,” 190.

⁵⁸ *Ibid.*, p. 191.

⁵⁹ *Ibid.*, p. 193.

⁶⁰ *Ibid.*, p. 193.

comfort of the innocent and *doth admit some exception, in which God ceaseth to joyne them.*" And when, in the case of desertion, "after the triall of all other means," divorce is approved.

We have little record (as mentioned above) of the Westminster Assembly or House of Commons debates about the Confession on divorce, and even less of what was actually said in those debates. We have considerably more from the pen of John Milton. Milton married Mary Powell, the daughter of a Royalist, a man who owed money to Milton's father. He was 33, she was 17. Visiting her family, she refused, with the encouragement of her parents, to return. A reunion was affected by mutual friends several years later; Milton even had Mary's family (ruined in the Civil War) live in his and Mary's home for a year (John and Mary had three daughters, all born after their reconciliation). Before Mary returned, Milton wrote two editions of his *The Doctrine and Discipline of Divorce Restored to the Good of both Sexes . . . Where also are set down the bad consequences of abolishing or condemning of Sin that which the law of God allows and Christ abolisheth not*. Milton argued for divorce when marriage does not meet its goal, the prevention of loneliness; he was arguing in this address to Parliament and the Westminster Assembly that divorce was to be allowed on the grounds of incompatibility!

Scratching the Surface

John Owen had eleven children with his wife Mary, all of whom except one daughter, died in early youth.⁶¹ This daughter, Mary Kennington, was married to a Welsh gentleman,⁶² but "the union proved unhappy," and she came under "the necessity of separating from her husband." She would be received into Owen's thirty-five member Leadenhall church in 1674, and would die after a protracted illness in 1682 and, as Orme writes, "there is reason to believe there was hope in her death. She was apparently never remarried, but one wonders what it meant for John Owen to experience that pain with his daughter (in the midst of his own losing so much).

Reacting to the context of past British history, the turmoil of the Civil War and the Restoration, the chaos of the practice of weddings in the hopeful experiment, living in a time of great hope an excitement, and then a time of deep discouragement, all serve as cautionary tales. I was quicker in my earlier days in how I counseled those whose marriages had broken. I had easier answers. Simpler cookie cutter answers.

I'm not as sure as I once was when, after thirty-three years in the pastorate, I am called determine who is the "innocent" or "guilty" party. I still want to say "'Who is guilty or innocent' or 'who is more guilty or more innocent?' and then to make a judgment." The reality is that, to some degree, we are all guilty parties. God alone can look on the heart and not judge by

⁶¹ John Owen, Works. Vol I:xxxiii. Andrew Thomson's biography. This paragraph is a combination of the short comments of Thomson and William Orme. But see also Gribben's *John Owen and English Puritanism: Experiences of Defeat*, Oxford University Press, 2016.

⁶² Cribben, op. cit. April 13, 1666, Mary married Roger Kynaston of Llanfechain at age 17 (he was 22). She was to join the Leadenhall congregation in 1675, p. 235-236, 258.

outward appearances. I judge with limited understanding, remembering Proverbs 18:17, “The one who states his case first seems right, until the other comes and examines him.” We are all trying to prove ourselves right and don’t see ourselves as sinners our standing before a holy God.⁶³ I have seen what seemed like the strongest marriage, with two of the most doctrinally astute reformed confessors, dissolve into bitter recriminations, charges, separation, and divorce, each remaining day seemingly more bitter than the last, the children used as pawns in war. I have seen my own father-in-law, not a deeply theological man, love his wife with MS who had lost all mobility below the neck, carrying her, doing everything for her until the day she died in his arms. And I have seen a marriage most likely to fail, where one partner was forced to leave and stay in another home, experience heart-melting unity restored (and a child added). I have seen another commit adultery, and have seen the devastating hurt to the spouse, but also the way the “innocent” party can be vengeful and bitter and disobedient before the Lord; and see that marriage restored as well. And I, ungrateful, short, impatient, self-involved, am also a debtor more than you know to the Lord for my own rich treasure of a wife

Whether the House of Commons felt that marriage was a civil matter, whether they and Savoy and the London Baptists after them felt that the issue of divorce did not rise to the level of a statement of faith, or whether in some way the Congregationalists were finally taught by their straits to declare rather than subscribe, delighting not in prescribing boxes to be checked, but delighting to find “symbols” over which they could agree and see (and testify) to the great wide field that they had in common with the believers historically before them and there with them in seventeenth century England, knowing the fruit of extended Scripture rediscovery and rummaging, and finding new for themselves the richness and “sweetnesse” of a raw encounter with God’s Word, I know not. Even with the discovery of so many of the scribal notes from the Westminster Assembly in our own day, long thought lost or burned, we will likely never know. But what we know is that, rather than excusing ourselves, I may come face to face with the God who has betrothed Himself to me when He should have divorced me, Who in Christ has loved us and given Himself up for us, that He might sanctify us, having cleansed us each and all by the washing of water with the Word, so that He might present us to Himself in splendor, without spot or wrinkle or any such thing, that we might be holy and without blemish, and that this One, my Bridegroom will never divorce me or desert me. And I have been refreshed in rethinking, “re-credo-ing,” and learning to wait on the work that only the Holy Spirit can do in His timing, just as had Owen and Nye and Baxter and Bunyan and Peter and James and John. And what I find in the Scriptures is *in plain sight* and cannot be *purloined* for no one is able to snatch me out of my Husband’s hands. For all the ascents and descents of our days, and all my frailties, my hope for my Lover is the same as was Owen’s when, knowing His end had come and writing by the hand of his wife to Charles Fleetwood, he wrote, “I am going to Him whom my soul hath loved, or rather Who hath loved me with an everlasting love. I am leaving the ship of the church in a storm, but whilst the great Pilot is in it the loss of a poore under-rower will be

⁶³ These four sentences are a summation of a phone conversation with a retired pastor and friend.

inconsiderable. Live and pray and hope and waite patiently and doe not despaire for the promise stands invincible and He will never leave thee nor forsake thee." (August 22, 1863)