

**The Dying
Man's Testament to the Church of Scotland
or,**

**A
TREATISE
CONCERNING
SCANDAL**

**By
James Durham**

**A New Edition Edited
By Christopher Coldwell**

**Collated and corrected, with an Introduction
By David C. Lachman, Ph.D.**

Matt. 18:7: Woe unto the world because of Offenses: for it must needs be that Offenses come: but woe to that man by whom the Offense cometh.

1 Cor. 10:32: Give none offense, neither to the Jews, nor to the Gentiles, nor to the Church of Christ. Psalm 119:165: Great peace have all they which love thy Law; and nothing shall offend them.

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A Treatise Concerning Scandal by James Durham.

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This edition is based on the text of the 1680 Edinburgh, *The Dying mans Testament to the Church of Scotland; or, A Treatise concerning Scandal. Divided into Four Parts* (Edinburgh: William Carron for John Cairnes, 1680). It has been compared, corrected and collated with other editions. The text has been revised in so far as possible without marring the author's work, to reflect contemporary spelling, punctuation, and usage. Words or insertions supplied by the editor are in brackets []. The four parts of the book are the way the Author intended. The present editor felt it necessary to restructure the entire chapter layout to cut down their number, and to better show forth the outline of the work. Most, if not all of the original side headings of this edition have been retained as subheadings, and a few new ones inserted where thought useful. The footnotes are the editor's. Bracketed italicized notes define preceding words or phrases that are underlined. For most unusual words see the Glossary that has been provided.

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CHAPTER ONE

HOW HERESY, SCHISM AND DIVISION DIFFER.



From the first, we take it for granted that there is such a thing as division in the church; which is not to be looked upon as any new or strange thing, for the Scripture makes it clear, and the history of the church puts it out of question. Concerning which we may permit these few things:

1. That the division which is intended here is not every contest, and alienation of mind, and difference of practice incident to men, but that which is proper to the church concerning church affairs, and so is to be distinguished from civil debates and contentions. We would advert also, that there may be church differences that fall not under the charge of scandal, as when in some things men of conscience are of different judgments, yet carry it without any offense or breach of charity, or when in some practices there is diversity with forbearance, as was in Polycarp's days, and the time of Irenaeus (about Easter matters); these we speak not unto.
2. Although sometimes titles and expressions may be used more generally and promiscuously, yet, in this discourse we would distinguish between these three: *Heresy*, *Schism*, and *Division*, without respect to what other[wise] useth to be done.

WHAT HERESY IS.

And, first, *Heresy*, is some error in doctrine, and that especially in fundamental doctrine, followed with pertinacy, and endeavor to propagate the same.

WHAT SCHISM IS, AND THE KINDS THEREOF.

Again, *Schism* may be where no heresy in doctrine is, but is a breaking of

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the union of the church, and that communion which ought to be among the members thereof, and is either in government, or worship.

[SCHISM IN GOVERNMENT.]

As 1., in government, when the common government, whereto all ought to be subject, is rent, and a government distinct set up. This may be either when the government is altered, as suppose some should set up Episcopacy in opposition to Presbytery, yet keeping still the fundamental truths; or it may be, where the same government is acknowledged, but there be difference concerning the persons to whom the power belongs. So sometimes men have acknowledged Popery, yet followed diverse Popes. So often, Sectaries have not disclaimed Councils and Bishops, but have set up their own, and refused subjection to these to whom it belonged. The first kind implies a doctrinal error concerning government. The second may consist with the same principles of government, but differs in the application of them, and becomes a schism when men act accordingly in acknowledging diverse supreme independent governments; because so, when there ought to be but one church, it becomes as it were, two. And this is exclaimed against and regretted by the Fathers, under the expression of erecting *altare contra altare*, that is, *altar against altar*, whenas the Lord allowed but one, even in reference to his own worship.

[SCHISM IN WORSHIP.]

Schism may be in worship, that is when, it may be, both the same doctrine and government is acknowledged, yet there is not communion kept in church ordinances, as in Prayer, Word and Sacraments, but a separate way of going about these is followed. It seems that this was in part the schism of the Corinthians (whatever was the rise thereof) that they had a divided way of communicating, and of going about other duties, and other ordinances (as may be gathered from *1 Cor. 11:18-21*, with *33*). This kind of schism has been frequent in the church, and has flowed not so much from dissatisfaction with the doctrine and government thereof, as with the constitution of the members, or failings of the governors. Thus it was in the case of the Novatians, Donatists, Meletians, Cathari, and others, of whom it is recorded that their fault did not consist in setting up any strange

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doctrine, or in rejecting of the truth (at least at the first) but in breaking the band of communion, as Augustine has it often. For says he, *Schismaticos facit non diversa fides sed communionis disrupta societas*. Again, he says of the Donatists, *Nec de ipsa fide vertitur quaestio, sed de sola communionem infaeliciter litigant, & contra unitatem Christi rebelles inimicitias, perversitate sui erroris, exercent*. And this sort of schism often draws with it the former, there being no way to maintain this without the other.³¹

Of this schism there are many kinds, according to its several rises and degrees, and also according as it extends to breaking of communion in whole, from ordinances, or in part only from some, or in some ordinances, as appears to have been in the Church of Corinth, where there has not been a total schism, though it has been in that ordinance of the Supper especially. And it is like[ly] also that that schism had been occasioned because of the corruption of some members, with whom others have [been] scared to communicate, and therefore had not tarried for them. For the Apostle particularly condemns this, and exhorts them to tarry one for another. And to attain this, he clears them of what was necessary for right partaking, to wit the examining of themselves (v. 28), and declares unto them, that whoso did eat unworthily, and did not prepare himself, did eat and drink damnation, but to himself, and not others. Wherefore, says he, you need not be so anxiously solicitous how they are prepared, or of what sort they are that are with you, but examine yourselves, and tarry one for another, that there is not a schism amongst you. And this he speaks, even when he has been reprovng drunkenness among the communicants, yet will he not admit that as an excuse, why private persons should communicate separatedly, which was their practice. This was spoken of in the first part.

This *Schism*, however it is understood, has ever proved exceeding hurtful to the church, and has been an inlet and nursery to the greatest errors. It is

³¹ *Not a fellowship dissimilar in belief, but one broken in communion brings about schismatics. contra Faustum, lib. 20. Again, . . . And the investigation has not been conducted about faith itself, but they are unhappily disputing over their own communion, etc., in opposition to the unity of Christ they are busying themselves, in the perversity of their error, at rebellious hostilities. Ad Bonifac. Epist. 50.*

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most pressingly condemned in the Scriptures, even with as great weight as corrupt doctrine and heresy are, and it is attributed to that same original, to wit, the flesh, with witchcraft, idolatry, heresy, etc. (*Gal. 5:20*). It has ever been most weighting to faithful ministers, most offensive to people of all sorts, most advantageous to the enemies of the truth, and has made the church most vile and contemptible before the world, as we may see in the sad complaints and writings of the Fathers, in reference to the Novatians, Donatists, and others of that kind. It has also proved most dangerous to these who have been engaged therein, and often has been a snare to bring on some spiritual desertion, deadness of spirit, security, self-confidence or some other spiritual evils of that kind, or to dispose for receiving a more gross temptation, as was formerly marked. Also it may be observed, that such schisms have spread very suddenly in some places of the world, but have not been easily removed. For these schisms of the Novatians and Donatists troubled the church for several generations, which might be enough to make men think the breach of unity, in that respect, to be no little evil, and to make them fearful to fall in the same. But because every schism properly implies some error in doctrine, although it does not arise from the same, therefore we shall forbear to speak anything particularly to this, because what has been said of errors in doctrine, may in part be applied here.

[WHAT SCHISM IMPLIES.]

For we will find that schism implies one or all of these:

- (1.) That such apprehended corruptions either make such a society to be no church, or communion with that church in other ordinances to be unlawful, because of such corruptions, or of such corrupt members.
- (2.) That there may be a distinct erected church beside a church, which yet may not be of communion with that other church.
- (3.) These or such consequences: that either the church of Christ in the earth is not one (which truth of the unity of the catholic visible church is the main ground of all church-union and communion), or that that one church may be of such heterogeneous or dissimilar parts, as the one of

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them ought not to have communion with the other; or at least this, that a person ought to seek his own satisfaction and consolation, though to the prejudice and renting of the church, and to the general offense and stumbling of all others. The fairest schism and separation must imply one of these, for it cannot be conceived that otherways men would act so directly, according to these principles, if they did not take them for granted.

[RASH AND SCANDALOUS SCHISMS.]

It is to be adverted, that as there is an unjust schism, that is a separation without any cause at all, so there is a rash and scandalous schism, that is when it is beyond the ground given, or when the ground given is not such as will warrant such a separation. Which may be, (1.) when the separation or schism is upon some occasion, which is indeed a defect in the church, but not such as makes communion therein sinful, as that in Corinth.

Or (2.), when, it may be, the schism is extended beyond the ground: that is when suppose one could not communicate in the Lord's Supper in such a church, because of some sinful corruption in that ordinance, if, upon that occasion one should separate from communion in all ordinances, that were to exceed the ground given.

Or (3.), when no professed schism is owned; yet when really and indeed it is practiced, so as men can neither justify a schism or separation upon such a ground, nor yet altogether vindicate their practice from inferring the same; in which respect, the schism and rent flows from affection, or inclination, and not from well grounded light, or reason, and so cannot be but rash and unwarrantable.

(4.) It may be in the manner precipitant, when either means have not been used to remove that ground if it is just, or when men so heighten some lesser defect in a church by aggregating it with such circumstances as may make it appear to themselves or others, a ground sufficient to bear and warrant separation; or in such a way, to vent their dissatisfaction with things, or persons, as thereby to hurt the unity of the church, or to occasion a rent, or division, or schism in the same, when, it may be, others beside

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their intention may thus conclude: 'A church so corrupted, etc., is not to be kept communion with (and, it may be, the proposition is sound and so qualified, as it is acknowledged by all Divines). But this or that particular church is such.' This, again is offered to be made out by the too vehement aggravation of some lesser defect, which may seem to confirm that assumption. And in practice it may be observed that as some will lay down premises concerning a schism, who yet dare not act according to the conclusion, and actually separate, so others will keep the conclusion, and actually separate in practice, who yet dare not in *These* absolutely maintain schism to be lawful upon such a ground. It is to be adverted that schisms and divisions are so nigh in nature and names, that we may use instances for illustration of either promiscuously.

WHAT IS HERE MEANT BY THE WORD DIVISION.

The third word is *Division*, which does not at the first view differ from schism; yet we take it here as different, and to agree to such divisions and dissensions in the church as are consistent with communion both in government and worship, and have not a divided government or worship following them, as in the former case. Of such there are many instances in scripture and church history, as we may observe by considering these distinctions thereof:

THE SEVERAL KINDS THEREOF.

(1.) There is a *Doctrinal Division*, as when the matter is not fundamental, nor yet is it pleaded for as such, to the breaking off of communion among these that differ; yet possibly being a mere indifferent matter, is followed with too much eagerness, vehemency, bitterness, etc., by these who own the same respectively. Thus contentions were hot in the primitive times for meats, and such things which were neither of themselves destructive to the foundation of faith on either side, at least in that time, and so were not heretical. Nor did they break off communion in church ordinances, and so were not schismatical. Yet was the church troubled therewith by division among her members. Of this sort are the divisions that may be among godly and orthodox men in some points of truth, when they too vehemently press their own opinion to be received with a kind of

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necessity, or load the other with too many absurdities beyond what will follow from the nature thereof.

(2.) There are some divisions that may be called *Practical*, and indeed imply some difference of opinion, but also infer some[thing] in practice. Of this sort was the division about Easter in primitive times, before it came to a schism, some keeping one day, some another. And in after times it abounded, when some acknowledged the ordination of such a Bishop, and others not; when some acknowledged the authority of such a Council, and others not, and so had divided practices.

(3.) Some divisions are between particular men; some have influences upon Churches, and are, as it were, one party against another. The first is more properly a difference, and may be between eminently godly and zealous men, such as was between Paul and Barnabas (*Acts 15:39*), and is called a *contention*. Such also we will find in church history between Augustine and Jerome, Chrysostom and Epiphanius, which indeed has a contention with it, and, if the Lord prevent not, is apt to make parties, and to rent the church. But the other, to wit, the acting of one party against another, as has been seen in many councils, and appears to have been among the Corinthians, when one adhered to one person, and one to another: this I say, looks like faction, and is properly division.

(4.) Division may be considered in all these respects as it is in *judgment*, or in *affection*, or in *practice*. [1.] It is in judgment when they are not of the same mind, but have diverse apprehensions concerning truths. [2.] It is in affection when upon that difference of judgment alienation follows, whereby that love, and affection, and charity that one owes to another, is somewhat cooled or discomposed. [3.] It is in practice when they speak and act differently and oppositely, as if it were an advantage to truth for the one to cross and undermine what the other does. This distinction is clearly insinuated [in] *1 Cor. 1:10*, *I beseech you brethren, that there be no divisions among you*; which is branched out in union in these three, to wit, *speaking the same thing*, that relates to action; of *being perfectly joined together in the same mind*, that relates to affection; and of *being one in the same judgment*, that relates to opinion: which supposes that

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there were divisions opposite to all these, which also often go together.

(5.) There are some Divisions, which (to say so) are negative, and are in the manner and circumstances of doing some duties. Thus men may differ and take diverse ways, yet both of them be endeavoring the thriving of the work of the gospel, and no way laboring to cross each other, or to make one another less weighty and successful. Thus Paul and Barnabas, after their contenton, indeed differed in their manner of prosecuting the work of the gospel, yet both of them continued faithful therein, and neither of them counter-plotted, nor counteracted to others. Again, some divisions are positive (to say so), when men not only differ from each other, but oppose each other, and do not set themselves singly to prosecute the work, which possibly their opposite may be prosecuting with them. But there is an endeavor to lessen the authority and mar the actings of the other, and to engage men in the approbation of that particular wherein they do differ, which favors of division and faction properly, and is more hurtful and intolerable; when as the first is more tolerable among men who have their infirmities. And it's like[ly], that such were the divisions of Corinth when there was an endeavor to cry up one, and down another.

(6.) Some are in *doctrine* for difference of judgment. Some are in *government* for precedency: as sometimes was among the disciples a contest who should be greatest; which is not so much for government abstractly, and considered in itself, or about what should be done, as it is for the persons who should be the governors and doers thereof. As among the disciples, it is not the question, 'What kind of government shall be?,' but 'Who should be chief and have the main hand in ruling?'

(7.) Sometimes divisions are more stated and deeply rooted, when some way men's designs are cross, though not in the main, yet in the manner of carrying them on. Sometimes again, they are more occasional, and arise from some particular act or circumstance, wherein men may differ, and may be when neither side draw-on a division. So that particular of taking or not taking John Mark in the company was the occasion of that contention and division between Paul and Barnabas (*Act. 15*), when otherways there was an harmony in the series and strain of their whole

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way.

(8.) Sometimes divisions are between godly and orthodox men upon the one side, and corrupt men upon the other, as were the divisions of the church with the Arian Heretics, and others of that nature. Sometimes again, they are among godly and orthodox men on both sides. This is a main ingredient in, and aggravation of, the scandal of division, when it is among Christ's own disciples; and this is that which we would especially speak to. Concerning which we say:

DIVISION AMONG THE GODLY.

[1.] That there is such a thing incident to the church as division among godly, able, and orthodox men, as between Paul and Barnabas (*Act. 15*), the disciples of Christ and the disciples of John, yea, oftentimes between the disciples of Christ among themselves. And afterward the instances of Augustine and Jerome, Chrysostom and Epiphanius, with many others of later times, demonstrate it. In the Old Testament we find Job and his friends keeping up a long dispute right sharply. And [in] *Numb. 12*, something is recorded of a division between Moses, Aaron and Miriam.

IT MAY CONTINUE LONG, AND COME TO A GREAT HEIGHT.

[2.] This division may continue long, and come to a great height, that is it may be very sharp, although it may be the rise thereof is small. For contentions are as *the letting out of waters (Prov. 17:14)*, and they often grow, even among good men, so as to provoke much sharpness against each other, and that with much confidence, as the instances given clear.

AND NOT EASILY REMOVED.

[3.] Though it is frequent to them to come to an height, yet they are not easily removed, even among the best; this being true (*Prov. 18:19*), *that a brother offended is harder to be won than a strong city, and that their contentions are as the bars of a castle*, they are so strongly rooted. Hence we see that there is no breaking off between Job and his friends, till the Lord interposes. There is no composing of the matter between Paul and Barnabas, but their contention continues so hot that they must separate.

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Neither is there anything expressly recorded of their meeting together again, although they had long been of most intimate fellowship as nearest colleagues in their journeying and traveling in the Lord's work, and that appointed thereto, even by himself extraordinarily (*Act 13*). It is recorded that Chrysostom and Epiphanius sundered so embittered one at the other, that Epiphanius did wish that Chrysostom should not die a Bishop. He again wished, that the other might not see his home, to wit, Cyprus, to which he was then making his voyage; both which accordingly fell out, which is a dreadful instance of this evil, and looks like the Lord's making use of their passion to signify his displeasure against both their distempers.

CHAPTER TWO

WHENCE DIVISIONS DO ARISE, AND HOW THEY ARE FOSTERED AND INCREASED.



his division frequently arises, and is continued upon very small occasions. For it is not ordinarily gross heresies or palpable abominations that draw godly and learned men to side in the defense thereof, but things of lesser concernment; which we will find to be such as these:

VARIOUS APPREHENSIONS OF INFERIOR TRUTHS.

1. Some various and different apprehensions of truths that are less fundamental, such as was the debates about meats, genealogies, and other questions in the primitive times, concerning which there was no little jangling even among good men; thus is it when Divines press too hotly some truth, not simply necessary. It cannot be supposed that all men who yet see but in part, should be of that same mind, and the Lord has left some things, as it were, to be the matter of doubtful disputations, as the Apostle speaks (*Rom. 14:1*). And though there is truth upon the one side of every debate, yet considering that that is not always easily demonstrable, too peremptory deciding and pressing of such things, cannot but occasion strife.

THE MISTAKE OF SOME DISPENSATIONS.

2. Sometimes it flows from the mistake of some dispensations, and the suspecting of the sincerity and integrity one of another; whereby sometimes men are engaged ere they wit [*before they know it*], to maintain their prejudice, and to lay the less weight upon light held forth by others. It was thus with Job's friends, who, misinterpreting God's hand upon him, and concluding uncharitably of his state, are brought to maintain an unwarrantable these for making out of their point.