

Chapter I

Early Life and Abjuration Oath Controversy

IN THE YEARS OF Erskine's early life and ministry, one detects many of the influences that would shape both the man who Erskine would become and the theology that he would promulgate. In the first instance, one sees the familial identity and the personal experience that would convince Erskine that Scotland's Covenants were hallowed entities that, in his own day, were ascending from repression to dominance. In the second instance, one encounters Erskine's pivotal conversion experience, an experience that seems deeply to have influenced the freedom that would mark his later evangelical federalism. Finally, Erskine is seen to join himself to a body of Kirk dissent that, in its re-emergence, both demonstrated and solidified Erskine's controversialist determination. In all of these glimpses into Erskine's formation, the Scotland that he inhabited would play an inimitable role.

SCOTLAND UNDER THE REVOLUTION SETTLEMENT

In 1690, Scottish presbyterians had great cause for rejoicing: after decades of persecution under the reigns of Charles II and James VII, the Presbyterian Kirk was again the legally established Church of the nation. While there was some dissatisfaction that the establishment was founded upon a mixture of the terms of 1592 and the popular will rather than upon the Covenanted heights attained by the Second Reformation, the accession of Thomas Lining, Alexander Shields, and William Boyd, the three remaining Cameroonian ministers, into the pale of the establishment seemed to promise that

Scottish Presbyterianism was once again united and willing to work under an acceptable, if not ideal, arrangement.¹ Indeed, with the abolition of patronage and the purging of episcopalians from university posts, it seemed that the Kirk was well positioned for eventual victory in what still would be a long battle to remove the taint of episcopacy from the whole of Scotland.²

Despite the promise of 1690, there were two indications that the re-established Kirk would have to tread lightly as it sought to consolidate its power. In the first instance, William III's pragmatism on matters of establishment compelled him to desire a policy of comprehension toward all Scottish clergy—presbyterian or episcopalian—who would swear loyalty to him and renounce the Pretender.³ Forced to accept a strictly presbyterian settlement of the Kirk, William would repeatedly seek, both overtly and covertly, to balance the presbyterians' power in order to preclude the kingdom-wide upheaval that would ensue upon an overly-zealous persecution of episcopalians.⁴ Secondly, the Scots were viewed suspiciously by the "Revolution sentiment" that prevailed in England.⁵ In contrast to English desires for stability following the "Glorious Revolution," the Scots' Solemn League and Covenant portended Covenanting armies crossing the Tweed and the contractual monarchy espoused in their Claim of Right seemed capable of plunging the kingdom into turmoil afresh.⁶ The presbyterian Kirk was legally established, but it was also closely watched.

In the years following the Revolution, the Kirk clearly was aware of the need to proceed mildly. While efforts were made to consolidate the Kirk's establishment and to preclude future alteration thereto, the General Assembly was careful to assure William that it was acting generously toward episcopalians and presbyterian polemicists declined the supranational aspirations of the Solemn League and Covenant in favor of asserting only

1. See AGA, 224–25.

2. For the extent of the remaining battle, see Maxwell, "Presbyterian," 25–37.

3. See Glassey, "William II and the Settlement of Religion in Scotland," 317–25. Hereafter, "William II." See also Kidd, *Subverting Scotland's Past*, 51–52; Knox, "Establishment and Toleration," 336–37; and Maxwell, "William III and the Scots Presbyterians," 175. Hereafter, *Subverting*, "Toleration," and "William III," respectively.

4. See especially Glassey, "William II." On William's efforts, see Maxwell, "Church Union," 237–57. See also Burleigh, *Church History*, 263; Kidd, "Realignment," 158.

5. For the most thorough treatment of this "Revolution sentiment," see Kenyon, *Revolution Principles*, especially chapters 2 and 5. See also Knox, "Toleration," 335–36; Maxwell, "William III," 176–77. For the origins of this distrust under the Commonwealth, see Barber, "Scotland and Ireland," 195–221. See also Cowan, *Covenanters*, 25–26.

6. Kidd delineates "the black legend of Presbyterian politics" that underlay such fears. See Kidd, "Constructing," 5–6.

the particularist claims of presbytery within Scotland.⁷ Carefully and ponderously, the Kirk sought to fashion a presbyterianism that was both secure for Scotland and benign for England.⁸

ERSKINE'S EARLY LIFE AND EDUCATION

Due to a paucity of extant materials, relatively little is known of Erskine's early life and education. Born at Dryburgh on 22 June 1680, Erskine was the son of Henry Erskine, a Covenanted minister who, after being ejected from his charge under the Act of Uniformity in 1662, acquired a reputation for piety as he spent twenty-five years wandering with his family in the border regions of Scotland and England, being imprisoned several times until 1687, when he was freed from prison under the Act of Indemnity.⁹ After preaching within the bounds of Whitsome parish for several years, Henry Erskine was admitted to the parish of Chirnside in September 1690, only three years before his son Ebenezer would depart to pursue his education at the University of Edinburgh, beginning his course there in November 1693.¹⁰

The education that Erskine received at Edinburgh would have been marked by three chief characteristics. First, Erskine's education would have been self-consciously presbyterian in orientation. When Erskine matriculated in 1693, none of the six full professors on the faculty had held their posts prior to the purging of episcopalians that had accompanied presbytery's reestablishment.¹¹ Led by Gilbert Rule, Principal of the University and a noted apologist for the presbyterian cause, this new faculty would have insisted on the tenets and rights of presbytery. Secondly, Erskine's arts

7. For a representative exchange between the Assembly and William, see *AGA*, 222–23. For efforts at consolidation, see *AGA*, 260–61; Kidd, *Subverting*, 58–59; Kidd, “Constructing,” 3; Lyall, *Presbyters*, 20. For the particularizing of presbytery's claims, see especially Kidd, *Subverting*, chapter 4.

8. See Kidd, “Protestantism,” 328–29.

9. On Henry Erskine, see *Life*, 3–57; Pearce, “Erskine, Henry”; Wodrow, *Analecta*, 1:88–89.

10. *Fasti*, 2:34; Harper, *Memoirs*, 8–9. While preaching in Whitsome, Erskine was used in the conversion of the young Thomas Boston. See Boston, *Works*, 12:11–12. Sir Alexander Grant stipulates that, technically, throughout the seventeenth century, Edinburgh was a college, not a university. Grant, *University of Edinburgh*, 1:183. However, Grant's distinction is not generally followed in the literature and thus the name “University of Edinburgh” will be used throughout the present work.

11. The two senior faculty members, Gilbert Rule, Principal, and George Campbell, Chair of Divinity, had both been appointed on 26 September 1690. See Bower, *University of Edinburgh*, 1:425–27.

curriculum would have constituted a largely uniform educational experience for students of different academic years. Until the early eighteenth century, the University of Edinburgh continued to operate on the regent system wherein education progressed according to set Latin “dictations” and an underlying reliance on the orderliness of the syllogistic method.¹² Thirdly, Erskine’s time at Edinburgh would have been pervaded by an emphasis upon personal piety, with both Lord’s Day worship and catechism memorization fixed components of the curriculum.¹³

As Erskine and his classmates were receiving this broadly-characterized education, they would have been witnesses to an event which wins almost universal condemnation in the secondary literature. On 8 January 1697, Thomas Aikenhead, a student of divinity at Edinburgh, was executed for blasphemy due to statements he had made attacking the Trinity, the Incarnation, the authority of Scripture, and other central truths of traditional Christian orthodoxy.¹⁴ With Aikenhead’s execution still fresh in the popular imagination, Erskine graduated on 25 June 1697 and embarked upon his own course in divinity, also at the University of Edinburgh. This theological education would have followed largely the same pattern as had Erskine’s undergraduate course, being structured around standard works of scholastic theology and bringing Erskine into contact with theological texts of generally accepted orthodoxy.¹⁵ Working simultaneously as private tutor and chaplain to the family of John, Earl of Rothes, Erskine completed his divinity course and awaited an entry into the ministry as the eighteenth century dawned.¹⁶

12. During his years at the University, Erskine most likely was overseen by the regent Herbert Kennedy, of whom no record beyond his time as a regent remains. See Bower, 1:427; *Life*, 64–65. For more on the general structure of the regent system, see Shepherd, “University Life,” 2, 11; Ferguson, *Scotland*, 98–99; Horn, *University of Edinburgh*, 23.

13. See Horn, *University of Edinburgh*, 23–25. As did most students, Erskine took extensive notes on both sermons and lectures that he heard. See Erskine, *Notebook 1694*. The notebook contains no continuous pagination.

14. See Devine, *The Scottish Nation*, 64; Wright, “Thomas Aikenhead.”

15. See Boston, *Works*, 12:21; Ryken, “Scottish Reformed Scholasticism,” 199. In a book belonging to Erskine and dated to 1699–1702, he provides a sample of some of the works he was reading: Stephen Charnock, *Discourses upon Regeneration*; Robert Ferguson, *Justification Onely upon a Satisfaction*; John Wilkins, *A Discourse concerning the Gift of Prayer*; Edward Polhill, *Speculum Theologiae*; Laurance Echard, *Ecclesiastical History*; Howell, *Elements of History from the Creation to Constantine the Great*; Edmund Calamy, *A Caveat Against New Prophets*; Turner on Providence; and Pierce, *Defence of the Dissenters in England*. See *Life*, 520–21.

16. *Life*, 65–67.

From the little that is known about Erskine's early life and education, it is possible to note two things. First, in his theological training, Erskine was exposed to a broadly uniform body of accepted Scottish theology. Unlike some contemporaries, Erskine did not receive his theological education abroad; rather, he was educated in Scotland itself, where the regent system ensured marked uniformity of exposure and restricted the influence of novelty or even of the specific personalities or predilections of individual faculty members.¹⁷ The influences that shaped Erskine's theological education would have been shared by a large body of other ministers trained in the late seventeenth and early eighteenth centuries. Secondly, Erskine's early life and education would have instilled in him a hopeful expectation that Scotland would regain her former Covenanted glories. After being reared by a harried and wandering conventicler, Erskine went on to be educated in an Edinburgh where a resurgent presbyterianism had reclaimed the University at which he studied and the churches in which he worshipped.¹⁸ In the actions against Aikenhead, Erskine even had seen State power employed not to persecute his father, but to dispel Socinian heresy. While a mature Erskine later would observe falterings in the Scotland of the immediate post-Revolution era, the Erskine who left Edinburgh for the parish ministry in 1703 doubtlessly entertained hopes that the positive trajectory of the nation and her Kirk would continue until the Covenanted attainments for which his father had suffered were attained afresh.

EARLY MINISTRY IN PORTMOAK

When Erskine did leave Edinburgh, he moved north to the rural parish of Portmoak, located across Loch Leven from Kinross.¹⁹ The congregation there had voted unanimously to call Erskine on 26 May 1703 and, after an initial hesitation, he eventually acquiesced to the call and was ordained and installed on 22 September 1703.²⁰ Provocatively, Erskine judged that it

17. In the late seventeenth and early eighteenth centuries, a considerable number of Scots received their theological training abroad, particularly in Holland. For an account of the importance of Dutch influence on Scotland in that period, see Whatley, *The Scots and the Union*, 72–82.

18. MacEwen, *The Erskines*, 25.

19. The parish of Portmoak is occupied by the present-day towns of Scotlandwell and Kinnesswood.

20. Despite speculation in the secondary literature, there is no reliable indication of the reasons for Erskine's initial hesitance in accepting Portmoak's call. See *Records of the Presbytery of Kirkcaldie from October 11, 1693–April 13, 1704*, Vol. 2d, 357–58. Hereafter, *Presbytery of Kirkcaldie 1693–1704*. For common speculations, see *Life*, 73,

was in these early years at Portmoak that he was converted from a legalistic religion to the true faith of Christianity. In 1708, fully five years after his ordination, Erskine overheard a spiritual conversation between his wife, the former Alison Turpie, whom Erskine had married in 1704, and his brother Ralph and, through the agency of that overheard conversation, Erskine's heart was made to "give a consent" to Christ on 26 August 1708.²¹ In Erskine's estimation, the change that occurred was so categorical that, had he died prior to that day, "I make not the least question but I had perished eternally."²²

While all subsequent biographical accounts of Erskine's life have dated his conversion to this relatively late date, and therefore made his previous ministry little more than a spiritual fabrication, there is important primary evidence that broadens considerably one's understanding of Erskine's spiritual state in the early years of his ministry.²³ In a personal notebook, Erskine preserved, in his own hand, a letter he had received from the Reverend James Hog in 1696 in reply to a letter that Erskine had sent to him. After summarizing the content of Erskine's letter, Hog proceeded to address the central burden of that letter—Erskine's struggle with assurance. Throughout his lengthy letter, it is clear that Hog assumes himself to be writing to one who is a sincere, if young, Christian; an assumption made explicit when Hog comments that, after spending considerable time communing with Erskine, he judges that "there are fair probabilities, & (I doubt not) more than these" for believing that a saving foundation already had been laid in Erskine's heart.²⁴ In the estimation of a renowned pastor twenty-two years his senior, Erskine was a genuinely converted Christian as early as 1696.

Taken in tandem, Erskine's conviction of a late conversion and Hog's persuasion of a considerably earlier one present a clearer picture of Erskine's spiritual state and disposition in the formative first years of his ministry. Speaking tentatively, it is possible to suggest that as early as the mid-1690s, Erskine had been of a sincere, if weak, Christian faith and that in August 1708, he received experiential confirmation of the faith that he had had for over ten years. Heavily indebted to the Puritan conception of conversion as a protracted process culminating in a definite moment of spiritual liberty and joy, Erskine's own conversion process contained both times of spiritual

78; MacEwen, *The Erskines*, 31; Harper, *Memoir*, 11–12.

21. *Life*, 84. See also *Life*, 83–85.

22. *Life*, 85–86.

23. For anecdotal "proof" for a late date for Erskine's conversion, see Lachman, "Erskine, Ebenezer," in *DNB*, 18:527; Mitchell, "Ebenezer Erskine," 150–51.

24. Erskine, *Notebook* 1694.

doubting and of certainty of salvation.²⁵ Whether the definitive moment of that salvation occurred in 1708 or much earlier, one thing is certain; Erskine's own most personal religious experience would have convinced him that no amount of contact with gospel truth was salvific until it first was appropriated and applied personally.

With his ministry transformed in 1708, Erskine continued preaching and lecturing to his rural congregation, and reading broadly, while enormously important events were transpiring furth of Portmoak.²⁶

THE UNION OF 1707

In the years following the Revolution, Scotland's relationship with England, and with their shared monarch, had undergone periods of pronounced tension. Following the succession of Anne, William's heirless sister-in-law, to the throne in 1702, these tensions became focused on the question of succession and ultimately resulted in the proposal of the Treaty of Union in 1706.²⁷ In the earliest stages of debate over the Treaty, the specter of an incorporating union with episcopal England caused the Kirk to be the most potent Scottish opponent of Union.²⁸ Indeed, Kirk opposition was so sharp that some ministers' "continual preaching against union was believed in

25. See Pettit, *The Heart Prepared*, esp. 1–21.

26. For more on Erskine's performance of his pastoral duties, see *Life*, 186, 192; MacEwen, *The Erskines*, 37. For more on the general condition of rural Scots, like those of Portmoak, in the early eighteenth century, see Ferguson, *Scotland*, 70–74. For more on worship in the eighteenth century, see Sefton, "Revolution to Disruption," 65–78. Hereafter, "Revolution."

In his diary during these early years, Erskine periodically recorded the names of books he had found particularly profitable. The works thus listed are John Norton, *The Orthodox Evangelist*, cited on 21 December 1707; Laurance Echard, *Ecclesiastical History*, cited on 30 November 1710; John Owen, *The Glory of Christ*, cited on 22 December 1713; Blaise Pascal, *Thoughts on Religion*, cited on 26 January 1714; and Thomas Halyburton, *Life*, cited on 9 June 1714. See *Life*, 137–41.

27. Materials on the Union are legion. For a representative account, see Ferguson, *Scotland*, 36–69. For an important new modification, see Whatley, *The Scots and the Union*. On the matter of succession, see Kidd, "Protestantism," 331–34; Kidd, *Subverting*, 36–37; Knox, "Toleration," 349–50; Whatley, *The Scots and the Union* 1–3, 140–41, 206–7.

28. The Earl of Mar, a leading proponent of Union, judged that if the Treaty was rejected, it would be purely because of Kirk opposition. See *Report On the Manuscripts of the Earl of Mar and Kellie Preserved at Alloa House*, 1:315–16, 318–19. Hereafter, *Mar and Kelly Papers*.

government circles to be a threat to public order.”²⁹ The image of civility that the Kirk had been cultivating since the Revolution threatened to implode.

The reasons for the Kirk’s apprehension were rooted deeply in the Scottish notion of a National Church first articulated by John Knox and later systematized in the *Scots Confession*, the *First Book of Discipline*, the *Second Book of Discipline*, and the Westminster Confession of Faith.³⁰ Broadly speaking, this Knoxian view of a National Church held that the Church and the State were both divinely ordained institutions that were to work in tandem for the complete reformation of all areas of society, bringing that society into conformity with Scriptural norms.³¹ While the Church functioned as a prophet, preaching the gospel and counselling the State about the implications of God’s Word, the State functioned as a righteous king, using the temporal power of the Sword to protect and advance the true Reformed religion.³² This Knoxian view of a National Church had been enshrined in the Covenants, both National and Solemn League, wherein a prophetic Church had joined with a protective State to pursue a wholly reformed society, both at home and abroad.³³ However, with the incorporating Union of 1707, this older formulation was brought to a crisis point. In its very essence, the Knoxian model was at pains to assimilate itself to a situation in which there were two National Churches competing for the ear of one civil magistrate. The simple existence of such a situation seemed to imply that neither the Church nor the State actually was fulfilling its proper function—as simply one of multiple voices, the Church could not function as an authoritative prophet, and by countenancing such a situation, the State

29. Devine, *Scottish Nation*, 9. See also Whatley, *The Scots and the Union*, 35, 260–61.

30. For a helpful discussion of Knox’s Calvinian political thought, see Mason, ed., *John Knox on Rebellion*, Introduction. For a survey of approaches to the interaction of church and society dating back to the early church, see Fergusson, *Church*, 23–46. For an analysis of the *Scots Confession*’s stance on these issues, see Hazlett, “The Scots Confession 1560,” 315–19. For an assessment of the *First Book of Discipline*, see Cameron, ed., *The First Book of Discipline*, 62–67. On the *Second Book of Discipline*, see Kirk, ed., *The Second Book of Discipline*, 57–64. For the affinity of the Westminster Confession of Faith with this tradition, see Fergusson, “Church,” 118–19.

31. For a description of the breadth of this vision of reform, see Fergusson, *Church*, 114–15.

32. See Knox, *The First Blast of the Trumpet*; “A Letter to the Nobility in Scotland,” in *Selected Writings of John Knox*, 371–434, 337–41, respectively.

33. The implicit presence of a Knoxian position is perhaps clearest in the National Covenant, as that document related more specifically to the relation of the church to the civil magistrate within one nation. See especially, “National Covenant,” in *WCF*, 348–50.

would be failing to use its Sword to reform all aberrations in worship and discipline.³⁴

The impasse thus created by the proposed Union was alleviated on 12 November 1706, when the Scottish Parliament passed the Act for the Security of the Church, or the Security Act, which made the maintenance of the presbyterian system of doctrine and government within the Church of Scotland an “essentiall Condition of any Treaty or Union to be Concluded betwixt the Two Kingdoms.”³⁵ Almost instantaneously, pulpits that formerly were ablaze fell silent. Increasingly, ministers began to accept the reasoning that had animated many politicians since the Revolution and that William Carstares lately had been urging in support of the Union: the only sure way to prevent the return of a Stuart Pretender and combat the international ambitions of Bourbon France was to seek a closer and more formal union with England.³⁶ The modification to the Knoxian model that would be involved was inconsequential to the larger imperative of preserving the presbyterian structure of the Scottish Kirk. While some ministers remained opposed to the Union, the Kirk as a body was persuaded of the benefits of the Union and offered no objections when the Treaty formally went into effect on 1 May 1707.³⁷

In this evolution of the Assembly’s response to Union, two distinct strands within Kirk dissent emerge.³⁸ On the one hand, there were many ministers initially opposed to Union because of pragmatic concern for the security of Scotland’s presbyterian establishment. Under the plan for Union, Scotland would relinquish her independent Parliament, which as recently as 1703 had acted as the last legislative barrier to English designs to force a measure of toleration on Scotland, thus leaving the Kirk defenseless not

34. Matters were worsened by the preponderance of English representation in the United Parliament, making it inevitable that the episcopal voice would be preferred if any dissonance occurred in that “united” voice. For more on the differences between a Williamite and a Scottish view of establishment that underlay some of the tension in this situation, see Knox, “Toleration.” For some of the effects of the Williamite approach’s pragmatism, see Allan, *Scotland*, 43.

35. In Donaldson, ed., *Scottish Historical Documents*, 277. For the legal procedures that underlay the Security Act, see Lyall, *Presbyters*, 21.

36. Such is the core of Whatley’s provocative new thesis. See Whatley, *The Scots and the Union*, 5, 25, 29–30, 37–39, 58, 90–92, 264, 305. See also *Mar and Kelly Papers*, 1:315.

37. See *FIT*, 31–32; Stephen, “The Kirk and Union,” 85; Burleigh, *Church History of Scotland*, 273; Whatley, *The Scots and the Union*, 36, 293.

38. For a brief, yet broad synopsis of the Kirk’s reasons for opposition to the Union, see [Webster,] *A Second Defence*.

against a Catholic Pretender, but against a hostile Parliament.³⁹ For ministers troubled by these concerns, the Security Act was the lynchpin of Union. Without that Act, the presbyterian settlement of the Kirk was in danger and thus Union was unpalatable; with the Act, presbytery was secure and the Union could be countenanced, even with its modification of the Knoxian model for a National Church. The centrality of the Security Act to the alleviation of this concern ensured that that Act's terms would be guarded jealously in the future. The Kirk had had to extort the guarantees of the Security Act from a reluctant England, and it would be watchful in coming years to ensure that what had been given begrudgingly would not be rescinded assiduously.⁴⁰

In addition to this protectionist concern about Union, some within the Kirk articulated an even more profound, Covenantally-based critique of the Treaty. Within this line of opposition, the initial draft of the Treaty of Union was not objectionable because it contained no guarantees for Kirk security; it was objectionable because it was a material renunciation of a Knoxian system, particularly as embodied in the Solemn League and Covenant.⁴¹ In that Covenant, Scotland and England both had sworn to pursue the presbyterianization of the entire British Isles; under the terms of the Union, all people within the new Great Britain formally countenanced the episcopal structure of the Church of England. From this perspective, the Security Act was inconsequential; the Solemn League and Covenant had provided the framework for pan-Britannic unity and any agreement that receded from the full presbyterian unity and uniformity that it envisioned, even if it did protect Scottish presbyterianism, constituted a breach of Scotland's Covenant not only with England, but with God himself.⁴² To this impulse of opposition to the Treaty of Union, there could be no remedy, and thus those

39. See Kidd, "Realignment," 162–63; Kidd, "Constructing," 1–2; Stephen, "The Kirk and Union," 71–72.

40. See, especially, Stephen, "The Kirk and Union". Furthermore, the anomaly of a multi-confessional state in the early eighteenth century, and thus the uncertainty that would have gripped Scottish presbyterians as to how the Union would proceed, is often overlooked. See Kidd, "Realignment," 145–46.

41. See Kidd, "Realignment," 156–57.

42. This commitment to presbyterianism, rather than a more general Protestantism, set this covenantal commitment outwith even the mainstream of religious unionism in the eighteenth century. See, for example, Colley, *Britons*, 11–54; Kidd, "Protestantism," 338–39. See also Kidd, "Conditional," 1149–50, 1153–55; Kidd, "Realignment," 156. See also Burrell, "The Apocalyptic Vision of the Early Covenanters," 21. Hereafter, "Apocalyptic."

who were animated by it remained unreconciled to the Union of 1707 long after that Union had been realized.⁴³

In the actual debate over Union, these two strands of opposition to the Treaty seldom were held exclusively of each other. As demonstrated in a letter from John Logan of Alloa to the Earl of Mar, Covenantal and Constitutional strands of opposition to the Union were held and articulated in the closest of connections.⁴⁴ Rather than constituting different factions of opposition, they more properly represented differing motivations for opposition; motivations that held varying balances of influence in the opposition of individual ministers. The Kirk's eventual acquiescence in Union demonstrated that the protectionist strand was the more potent and influential basis for opposition within the Assembly.⁴⁵ The very presence of the Covenantal strand of opposition is equally important, however, for it shows that, after years of attempted civility and moderation, a voice of Covenanted dissent was once again heard within the mainstream of the Church of Scotland.⁴⁶

THE ABJURATION OATH CONTROVERSY

While the Security Act had won the Kirk's assent to Union, cries of protest again were heard from Scotland when, in 1712, the United Parliament passed both the Toleration Act and the Patronage Act. While the latter Act's restoration of patronage in the Church of Scotland evoked strident opposition, the exact provisions of the Toleration Act caused a more immediate, and thus more prominent, crisis.⁴⁷ Under the terms of this Act, episcopalians were guaranteed freedom to worship in Scotland provided that they used the English liturgy, took the Oath of Allegiance, renounced Jacobitism, and prayed publicly for Queen Anne and the Hanoverian succession; only Roman Catholicism and blasphemy against the Trinity fell outwith the pale of legal protection.⁴⁸

43. Whatley argues that, by the time of the Union itself, this brand of opposition was relegated to the Macmillanites. However, as will be seen, its influence was much wider than that. See Whatley, *The Scots and the Union*, 294.

44. *Mar and Kelly Papers*, 1:274–75.

45. See Kidd, "Realignment," 161–62, 165–66, 168.

46. See Kidd, "Constructing," 10.

47. For an example of opposition to the Toleration Act, see *The Case of the Church of Scotland, With Relation to the BILL for a TOLERATION to the Episcopal Dissenters*. For the roots of Scottish opinion on toleration, see Campbell, "The Scottish Westminster Commissioners and Toleration," 1–18.

48. On the Toleration Act and its precursors, see Whatley, *The Scots and the Union*, 323; Devine, *Scottish Nation*, 18–19; Ferguson, *Scotland*, 57–61, 110–11; Knox,

Despite its seemingly manifold violations of the Security Act, opposition to the entire Toleration Act began to crystallize around one specific provision thereof—the mandated swearing of the Abjuration Oath.⁴⁹ In 1708, the Abjuration had been imposed upon all Scots involved in military or civil service within the United Kingdom, and under the terms of the Toleration Act, all members of the Scottish clergy also were required to swear the Oath on or before 1 November 1712.⁵⁰ Anyone who refused to take the Oath would be removed from his charge and, if he attempted to persist therein, would be levied a fine of £500.⁵¹ The imposition of this Oath not only threatened a confrontation between the Kirk and the State, but it also precipitated a violent division within the Kirk itself, with some non-jurant ministers refusing to take the Oath and jurant ministers arguing that it was not only permissible, but indeed requisite, that ministers comply in swearing the Abjuration.

In most secondary accounts, the Oath controversy is summarized by a synopsis of the terms of the Oath and a declaration that some ministers within the Kirk were willing to swear to those terms and some were not.⁵² In actuality, however, the central issue in the Oath controversy was not whether the terms of the Oath were acceptable, but rather what the Oath actually meant.⁵³ As a writer of the day observed,

Ministers only differ about the Sense of the Oath, and none take it in the Sense wherein others refuse it, nor do any condemn it

“Toleration,” 354–55; Drummond and Bulloch, *The Scottish Church: 1688–1843*, 17–19; Burleigh, 274–75; Lyall, *Presbyters*, 21–22. To some presbyterians, the terms of the Toleration Act made it even more objectionable than the episcopalizing measures of Charles I. See *Some Thoughts, and Questions Upon the OATH of ABJURATION, and Act tolerating the English Liturgy in Scotland, in 1712*, 2. Hereafter, *Thoughts*.

49. For an example of the Abjuration being seen as representative of the entire Toleration Act, see *The Oath of Abjuration Displayed, in its sinful nature and Tendency, in its Inconsistency with Presbyterian Principles and Covenants; the Security it affords to the Church of England*, 16. Hereafter, *Oath Sinful*.

50. See [Wodrow,] *Oath*, 5–7. In 1708, many Scots had expressed scruples with the Oath that were almost identical to the ones voiced by the non-jurors in 1712. In order to allow these Scots to take the Oath in good conscience, the Parliament in 1708 had changed the wording of the Oath to remove any objections. However, when the Oath was reimposed by the Toleration Act in 1712, it was imposed using the original formulation and several attempts to use the amended version from 1708 instead of the older version were refused.

51. See *Life*, 220–22.

52. See, for example, *ibid.*, 220–21; MacEwen, *The Erskines*, 53; Ferguson, *Scotland*, 119; Cowan, *Scottish Covenanters*, 142.

53. For a transcript of the Oath, see Appendix I.

as unlawful in the Sense wherein others declare they understand it and take it.⁵⁴

To appreciate the nature of the Oath debate, one must examine the views of that Oath put forth by both the non-jurors and the jurors.

The Non-Juror Position

The non-jurant interpretation of the Oath, and thus their opposition to it, centered upon the word “as” in the text of the Oath.⁵⁵ In the non-jurant understanding, the Oath had the juror swear to support, maintain, and defend the succession precisely “as” that succession was stipulated in the English Acts most commonly referred to as the Limitations and the Entail. In this interpretation, the “as” was said to have a reduplicative sense, for it defined the succession as being not a succession in general, but rather the succession exactly as it was construed in the Limitation and the Entail.⁵⁶ The problem caused by this interpretation was that under the terms of those Acts, each future successor to the Throne was required to be a communicant of the Church of England and was required to swear the English Coronation Oath, in which he would swear to preserve the rights and privileges of all bishops within his realm.⁵⁷ By swearing the Abjuration, then, a presbyterian minister would be publicly aligning himself with the Church of England and vowing to not only the legitimacy, but also the supremacy, of that body.⁵⁸

In the standard non-jurant argument, the problem with such a situation was two-fold. In the first instance, the Abjuration seemed to represent a manifest violation of the Treaty of Union’s provision that Scots would not be forced to take any oath contrary to their principles. In the constitutional objection thus raised, the Oath undermined the Kirk’s establishment and left no security against future, and more grievous, assaults. For many non-jurors, the Abjuration represented an undoing of the Security

54. *The Oath of Abjuration Considered, Both as to the Lawfulness and Expediency of its being taken by the Ministers of the Church of Scotland*, 22. Hereafter, *Oath Lawfulness*. The General Assembly realized the same thing. See AGA, 475.

55. See Appendix I. The “as” is placed in bold type for emphasis.

56. E.g., *Oath Sinful*; and [Wodrow,] *Oath*.

57. For a transcript of the problematic sections of the Limitation and of the Coronation Oath, see Appendix II.

58. For examples of such non-jurant argumentation, see [Wodrow,] *Oath*; *Oath Sinful*; *Some Reasons Humbly Offered, why the English Oath of Abjuration should not be imposed upon the subjects of North Britain, especially the Ministers of the Gospel there*; [Logan,] *The Oath of Abjuration Enquir’d Into*.

Act and other constitutional protections, a collapse that would leave the Kirk increasingly defenseless against an aggressive British State. In addition to this constitutional problem, there was also a Covenantal objection to the Abjuration Oath. In Scotland's Covenants, she had abjured prelacy and pledged, alongside England and Ireland, to seek the full religious uniformity of the three kingdoms under a presbyterian structure. In swearing the Abjuration, Scottish ministers thus would perjure themselves on both accounts. Not only would they countenance episcopacy by consenting that all future monarchs must be communicants in the Church of England, but they would renounce the Solemn League and Covenant's cherished goal of a pan-Britannic presbyterian uniformity. If presbyterian ministers swore that all future monarchs must be Anglican and must swear to protect the bishops, how could they then pray and labor for the day when all Britons would be presbyterian? In this Covenantal objection to the Oath, one clearly sees a festering discontent with the Union; indeed, the same objections that had been brought against the Union are recapitulated in relation to the Oath. Five years on, there was still a sentiment within the Kirk that was critical not only of the exact events of the Kirk's relationship with the State, but rather of the entire constitutional framework upon which that relationship was to proceed in a multi-confessional Britain.⁵⁹

In most non-jurant writings against the Oath, it is these two objections that bear the weight of their argument, with the preponderance of emphasis being placed on the constitutional concerns. For the non-jurors, the situation facing presbyterian ministers if they should swear the Abjuration was dire. Constitutionally, they were endangered; Covenantally, they were perjured. In this, both an abiding, moderate, constitutionalist sensibility and a resurgent Covenantal dissent merged to array the non-jurors against the encroaching demands of the British State.

The Juror Position

In the jurant interpretation of the Oath, the exact meaning of the Abjuration was quite different. Rather than involving the juror in swearing to maintain that all future monarchs must be communicants in the Church of England, the Oath simply required them to maintain that all future monarchs must be Protestant.⁶⁰ In this construction, the "as" was seen as having a demonstra-

59. In his essay, Logan makes the connection between the Union and the Oath explicit. See [Logan,] *Oath of Abjuration Enquir'd Into* 1–2, 15.

60. For a representative example of the jurant position and refutation of the non-jurant position, see *Oath Lawfulness*.

tive rather than a reduplicative sense. Rather than holding that the succession to which one was swearing was the succession precisely defined in the Limitation and Entail, the “as” in the Oath merely indicated that the Protestant succession which the juror was swearing to maintain had elsewhere been addressed in those two Acts.⁶¹ Therefore, the controversial particle, “as,” was not intended to import into the Oath conditions and stipulations on the succession that were not mentioned expressly in the Oath. Rather, it was intended to indicate that the Protestant succession which the juror was swearing to maintain was nothing novel. In the jurant argument, this demonstrative sense of the Oath was necessitated by the Security Act, for any reduplicative sense to the Abjuration would be a violation of that inviolable constitutional guarantee. Thus seen in a more limited sense that was regulated by the Security Act, the Oath was not problematic and could be sworn safely by all ministers of the Church of Scotland.

The General Assembly’s Decision

When the General Assembly 1712 convened, the matter of the Oath pressed upon them. In light of unrest within the Kirk over the Oath, the Commission 1711 had sent a representation to the Queen telling her that the scruples of some ministers required that they clarify the sense in which ministers would take the Oath. The Commission had then proceeded to describe the demonstrative, jurant sense of the Oath, limiting its reference to only a Protestant succession.⁶² Shortly after this Representation was presented to her, Queen Anne, in her annual letter of 1712, wrote to assure the Assembly that in spite of what might be feared from the Toleration Act, “it is our firm purpose to maintain the Church of Scotland as established by law,” and that the jurant sense of the Abjuration Oath described to her in the Commission’s representation

did so much manifest their loyalty and good affection to our royal person and government, and their true concern for the succession in the Protestant line, as established by law, that it could not but be acceptable to us.⁶³

61. In *Oath Lawfulness*, 8–12, the author also demonstrates how, even if the express terms of the Limitation and the Entail were included in the Oath, they were not as offensive as the non-jurors alleged. However, the burden of his argument is to show that the fuller stipulations of these other Acts are not included in the Oath.

62. For a full transcript of the Representation, along with a similar Representation pertaining to the Patronage Act, see *AGA*, 467–71.

63. *AGA*, 460.

To many ministers, Queen Anne's letter was clear evidence that the jurors had been correct in their charitable construction of the British government's intentions and that the demonstrative, limited sense of the Oath was the only proper sense thereof.

In accordance with this perception, the Assembly voted, on 14 May 1712, to adopt the express words of the Commission, in their address to Queen Anne, as stating its own mind on the issue. In the view of the Assembly, this Address by the Commission gave a true and clear sense of the Oath that was acceptable for ministers to swear and that "appears to be intended by the said oath, as fully witnessed by her Majesty's foresaid gracious acceptance."⁶⁴ Using the Security Act as their controlling interpretive grid rather than as an instrument of protest, ministers were to swear the Abjuration in the demonstrative sense thereof.⁶⁵ However, some within the Kirk remained opposed to the Oath and to the Assembly's countenancing of it.

Erskine's Position in the Oath Controversy

Traditionally, the Erskine historiography has held that Erskine did not enter into the Oath controversy overtly outside of forced non-juration and occasional sermonic references to the matter.⁶⁶ Such a perception undoubtedly is traceable to Fraser's failure to mention any other Erskinite contributions to the controversy and his unmistakable implication that a young and timid Erskine took a stand against the Oath only out of necessity.⁶⁷ However, Erskine's involvement in the Oath controversy and his contribution to the non-jurant cause were both much more extensive than has been hitherto acknowledged.

In 1713, while the controversy was raging still, a letter written by Erskine critiquing the Oath was published anonymously and circulated widely.⁶⁸ That this pamphlet, entitled *An Essay Upon the Design, the Reference, the Penalty and Offence of the Abjuration Oath, in a Letter to a Presbyterian Minister*, is attributable to Erskine appears from the controversy that followed the much later Marrow affair. In 1726, an anonymous pamphlet entitled *Marrow-Chicaning Displayed; In a Letter to the Reverend Eben-Ezer*

64. AGA, 475. See also AGA, 460–61, 477.

65. AGA, 473–75.

66. E.g., *Works*, 1:15, 30.

67. See *Life*, 220–29.

68. See Marrow-Chicaning, *DISPLAYED; IN A LETTER TO THE Reverend Mr. EBEN-EZER ERSKINE, Minister of the Gospel at Portmoak*, 12. Hereafter, *Marrow-Chicaning*.

Erskine, Minister of the Gospel at Portmoak was published during the sitting of the General Assembly, attacking Erskine personally for his involvement in the *Marrow* controversy.⁶⁹ In the course of that pamphlet, reference is made twice to an earlier anti-Oath publication by Erskine. While the name of the publication is not cited, the two references to it cite exact words and heads of argumentation that it contains.⁷⁰ Both of these detailed references are to be found in the *Essay* in question.⁷¹ Furthermore, following the publication of *Marrow-Chicaning*, both Erskine and the anonymous author of a pamphlet entitled *The Viper Shaken Off Without Hurt into the Fire* refuted *Marrow-Chicaning*'s individual charges in an effort to clear Erskine's name.⁷² In both Erskine's self-defense and the anonymous *Viper*, there is no mention of *Marrow-Chicaning*'s attribution of a published non-jurant work to Erskine. In 1726, Erskine was still under judicial scrutiny for allegedly failing to show mutual forbearance to his jurant brethren in the course of the Oath controversy, and thus it is reasonable to assume that, had Erskine not authored a published work on the Oath, both he and his defender would have argued as much in order to remove any insinuation that Erskine had sought to assail his jurant brethren in print. In light of *Marrow-Chicaning*'s precise citations of a non-jurant work by Erskine and the absence of any exception to that claim in both Erskine's own advertisement and *Viper*, it appears that Erskine actually did author a published work on the controversy. As the specific references contained in *Marrow-Chicaning* coincide with the *Essay*, it appears that the *Essay* is Erskine's written contribution to the Oath debate.⁷³

Although the *Essay* was not published until 1713, the contents of that work indicate that it actually was written sometime between mid-May and late October of 1712, precisely the months in which the deadline for swearing the Abjuration loomed.⁷⁴ As a means of explicating his stance on the impending Oath, Erskine explains that he will "descend particularly upon

69. The author of the pamphlet was widely regarded to be James Adams of Kinnaird, writing at the instruction of Alexander Anderson. See Lachman, *Marrow*, 236, 432–33.

70. See *Marrow-Chicaning*, 12, 16–17, respectively.

71. [Erskine, Ebenezer,] *AN ESSAY UPON The Design, the Reference, the Penalty and Offence of the ABJURATION OATH*, 35, 23–32, respectively. Hereafter, *Essay*.

72. Erskine's printed self-defense was included as an appendix in the anonymous work. For both, see *THE VIPER Shaken off without Hurt into the Fire*. Hereafter, *Viper*. See also Brown of Whitburn, *GOSPEL TRUTH ACCURATELY STATED AND ILLUSTRATED*, 110–11. Hereafter, *Gospel Truth*.

73. The English Short Title Catalogue also attributes this pamphlet to Erskine. While no reason is given for this obscure ascription, it presumably has been made for considerations similar to the ones presented here.

74. The publisher advises the reader that the letter was "written some time ago." Erskine, *Essay*, 2.

such Scruples or Objections, as are most straitning and gravelling to my Conscience,” scruples and objections which he says can be reduced to the four heads indicated in the title.⁷⁵ In the argumentation that follows, there is not much divergence from the standard non-jurant reasoning; if the persuasiveness of Erskine’s presentation merited specific publication, the general lines of his argument most certainly did not. However, within this broad conformity to a standard non-jurant position, one detects the early formation of what later would become a robust modified Covenantalism.

In the first instance, Erskine’s essay shows the young minister viewing questions of the Church-State relationship through the grid of Scotland’s Covenants rather than of other constitutional guarantees. Although the normal non-jurant method of argument was to present a mixture of Covenantal and constitutional considerations against the Oath of Abjuration, with the latter normally having the pre-eminence, Erskine presents an almost wholly Covenantal argument. After establishing, at the outset of his argument, that the design of the Oath is to protect the episcopal English Church, Erskine rests the balance of his argument upon the sinfulness necessarily involved in countenancing a polity that has been abjured in Scotland’s Covenants. Erskine does not concentrate his arguments upon the threat that episcopacy poses to presbyterianism, or the risk that the Church of Scotland might be under from English intentions to reintroduce episcopacy; rather, Erskine’s overriding critique of the Abjuration is that it forces Scottish ministers to countenance that which they have abjured in their Covenants and even, Erskine implies, makes them active enemies to the Solemn League and Covenant’s vision of a pan-Britannic presbyterianism.⁷⁶ Most often, when Erskine mentions the Treaty of Union or the Security Act, he does so either as simple recognition of diplomatic fact or in order to chide the jurant party that they are placing their trust for Church security in the fickle guarantees of man rather than in the abiding Covenant of God.⁷⁷ Although Erskine does recognize the diplomatic and constitutional realities of his situation, when he evaluates the status and the mission of the Kirk, his paradigm is almost exclusively that of the Covenants.⁷⁸

While Erskine unreservedly embraces a Covenantal identity for the Church, this does not create in his argumentation any belligerence toward the uncovenanted British State. Although Erskine does countenance a

75. Erskine, *Essay*, 3.

76. See Erskine, *Essay*, 9–10, 15. For a possible, though passing, exception, see *ibid.*, 5.

77. See *ibid.*, 5, 23, 30.

78. See *ibid.*, 31.

contractual view of monarchical government, both asserting that the ascent of the Hanoverians is proof that the succession is “alterable [sic—alterable] at Pleasure” and explicitly quoting from the Claim of Right, the predominant tone of his argument is much more submissive than radical.⁷⁹ Erskine freely concedes that the civil magistrate has a legitimate coercive power to which even ministers of the gospel must humbly submit “our Lives, our Estates, and every thing that pertains to us as Members of the Civil Society.”⁸⁰ Indeed, within his own writing, Erskine evidences precisely such a submission to the British government, speaking deferentially of the Treaty of Union, the House of Lords, and the Hanoverian succession and asserting that disloyalty to a reigning government is the doctrine of Hobbes, Machiavelli, and Jesuits, but not of true presbyterians.⁸¹

At first inspection, Erskine’s position can appear contradictory, coupling a primacy for the Covenants in determining the Kirk’s standing in relation to the State with a deference to that State despite its uncovenanted status. However, Erskine’s essay makes clear that he does not see the Covenants impinging upon questions of magisterial legitimacy. In the course of pursuing his argument concerning the reference of the Abjuration Oath, Erskine adduces the hypothetical situation of a Protestant living in Spain and thus subject to the Roman Catholic succession in that country. In considering the situation of this hypothetical Protestant, Erskine concludes that the Protestant could not justifiably swear to uphold a succession that he knew would remain Roman, yet he concedes that that same Protestant citizen could safely swear allegiance to the reigning Roman monarch.⁸² In the propositions that Erskine thus adduces from his hypothetical situation, he maintains that Christian citizens must simultaneously render obedience to reigning magistrates who are hostile to the Reformed faith and use every endeavor to seek the reform of that magistracy. While this position itself is crucially important, equally important is that in his prescriptions for the Protestant Reformed Spaniard, Erskine implicitly identifies Scotland’s Covenanted obligations with the biblical obligations incumbent upon all Christians. Throughout his *Essay*, Erskine’s thought is permeated by the

79. Ibid., 11. See also *ibid.*, 23. Erskine also repeatedly uses radical language. See, for example, *ibid.*, 10, 17.

80. Ibid., 25.

81. See *ibid.*, 5; 15–16; 35; 14, respectively. Erskine’s reference to Hobbes likely is an appeal to “Revolution sentiment.” In the post-Revolution era, Hobbes’s views on government were distrusted because of their contractual, non-theistic foundation. See Kenyon, *Revolution Principles*, 16–17, 63. For more on the religious implications of Hobbes’s political theory, see Tuck, Introduction to *Leviathan*, xxxviii–xliv.

82. See Erskine, *Essay*, 17–18.

assumption that Covenanted Scots must render obedience even to the uncovenanted Hanoverians, yet his opposition to the Abjuration Oath demanded that Covenanted Scots decline an Oath that would implicate them in assisting the succession of another uncovenanted monarch. In other words, Erskine consistently assumes that the Covenanted obligations of the Scots are precisely that of the Protestant Spaniard in his example; a Spaniard who is an uncovenanted Protestant living in an uncovenanted State. For Erskine, the co-existence of a Covenanted Kirk alongside an uncovenanted State was possible because the Covenants did not create extra-biblical categories of responsibility; rather, they simply added an additional solemn weight to the responsibilities that already resided upon all Christians. While the Covenants were determinative for the Church, their presence did not alter the legitimacy of the civil magistrate or the Christian's duty to submit thereto. Although Erskine did not address their provenance, the decisive factors for these matters evidently rested elsewhere.

While the overall structure provided by this nascent modified Covenantalism was thoroughly Knoxian, with the State aiding a prophetic Church in the quest for societal righteousness, Erskine's system seemed to create as many questions as it answered.⁸³ How could the Kirk be guided by the Covenants and yet embrace a civil magistrate that categorically rejected them? By basing such engagement upon a reduction of Scots' Covenanted obligations to a codification of pre-existing biblical obligations, was Erskine not materially altering the Covenants of the seventeenth century? If the Covenants did not influence the civil magistrate's legitimacy, from whence did that legitimacy originate? Practically speaking, while Erskine's modified Covenantalism proved to be an effective weapon of protest, was it actually coherent if called upon to guide the National Church rather than merely voice dissent from within the current, differently-structured, Kirk? As the view of Erskine and his fellow Covenantal dissidents remained a minority position within the Kirk, they were able to avoid having to articulate these and other of the finer points of their system. Rather than a cogent model for the Kirk, Erskine's modified Covenantalism represented a profoundly critical assessment of the present National Church that went beyond specific contentious issues to question both the basis for the Kirk's status as the Established Church and the ultimate goal of the Kirk's actions.

83. For the Knoxian emphases of Erskine's essay, see *ibid.*, 22–25, 27–30, 34.

Erskine's Actions in the Oath Controversy

As Erskine's Covenantal opposition to the Oath seemed to make a confrontation with the government inevitable, the approach of the deadline to swear the Abjuration filled Erskine with great apprehension. This internal turmoil is evident as early as 13 April 1712 in a letter written to his sister, Jean Balderston.⁸⁴ In that letter, Erskine laments the "reeling and perplexing times" that are besetting the Kirk, judging that

The dragon seems this day to be casting out a flood of wrath and malice against the woman, and the remnant of her seed. All the power and policy of hell is set to work for the ruin and overthrow of the Church of Scotland.⁸⁵

In the trials that thus seem imminent, Erskine expresses his great anxiety that

I know not how I shall be able to stand the storm itself, or how I shall do in the swellings of Jordan. . . . I would gladly know what our ministers are thinking or doing anent this Oath of Abjuration, which is to be imposed on us; although, through grace, I resolve not to make any man my standard, but my own light my rule in this matter. And, truly, as to any light I have as yet about it, I durst not adventure to take it, though I should be driven with my small family to beg my bread.⁸⁶

Interpreting his current situation in the vague apocalyptic imagery of Revelation 12, Erskine clearly understood the impending confrontation over the Oath as an assault by Satan upon the Kirk; an assault that Erskine is sure will bring a persecution upon Christ's faithful servants so severe that he fears he may not be able to withstand it.⁸⁷ As the imposition of objectionable

84. Erskine frequently corresponded with Mrs. Balderston. While she actually was his half-sister, Erskine always referred to her simply as his sister. See Scott, *Genealogy*, 50; Harper, *Memoir*, 9.

85. *Life*, 162–63.

86. *Life*, 163.

87. Although Erskine directly equates the Oath controversy with the events of Revelation 12:13–17, it is impossible to read any apocalyptic precision into his reference. James Durham, the only authority on Revelation ever personally cited by Erskine, assigned the prophecy's reference to a time of doctrinal persecution sometime between 310 and 606 AD, while Erskine clearly is speaking of physical persecution in 1712. See Durham, *A COMMENTARIE Upon the BOOK of the REVELATION*, 445–65, 670–71. As Erskine's reference to Revelation 12:13–17 is dissonant with the interpretation of his preferred authority on Revelation, and as Erskine never applies that prophecy to the Oath controversy again, one must conclude that his description of his situation in

oaths had served as the pretext for the persecution of presbyterians during the Covenanting era, Erskine had good cause to fear that non-juration would carry a heavy cost; faced with the approach of that threat, Erskine was preparing himself for the suffering that would accompany it.⁸⁸

On 30 October, only two days before the deadline for swearing the Abjuration, Erskine attended a meeting of presbytery at which he requested, and received, a supply to his charge until the court's next meeting.⁸⁹ Thus adopting a tactic used by other non-jurors, Erskine was able to avoid the deadline for swearing the Oath and observe how affairs would progress before preaching in defiance of the government. The situation that emerged under his watching eyes was quite surprising. In total, about one third of Scotland's presbyterian clergy refused to take the Oath.⁹⁰ Although the Kirk's detractors used this presbyterian non-juration as an occasion to accuse the Kirk of abiding political radicalism and even closet Jacobitism, London's studied unwillingness to interfere further in the affairs of a Scotland that already appeared on the brink of revolt led the government to ignore the strict penalties for non-juration and to extricate itself from the matter entirely.⁹¹ After only one week away from his pulpit, Erskine was able to return.⁹²

The government's withdrawal from the controversy transformed what had threatened to be a confrontation between Church and State into an internecine conflict within the Kirk. In this ongoing contention, Erskine continued to play an active role in the non-jurant cause, serving as part of a nationwide network of non-juring ministers who corresponded and held regular meetings in an effort to resist both the principles and designs of the Oath and those who had sworn it.⁹³ While the majority of ministers had sworn the Oath, the sympathies of the population largely lay with Erskine and his fellow non-jurors, and the resulting unrest threatened to

these terms in the present instance is intended to convey only a vague sense of Satanic assault and subsequent persecution and not a more precise apocalyptic or millenarian interpretation of contemporary events.

88. See *Life*, 221, 222.

89. *Records of the Presbytery of Kirkcaldie from April 13 1704 to Oct 1 1713. Volume 3*, 324. Hereafter, *Presbytery of Kirkcaldy 1704–1713*. See also *Life*, 222–23.

90. See *Life*, 221; Kidd, "Conditional," 1152. See also *THE HISTORY AND ARGUMENT OF THE Scots Presbyterians*, 4. Hereafter, *History and Argument*.

91. For Erskine's dismissal of charges of Kirk Jacobitism, see Erskine, *Essay*, 29–30, 35. See also Kidd, "Constructing," 11–12; Ferguson, *Scotland*, 61–62.

92. Such is evident from a letter written by Erskine to John, Earl of Rothes on 6 November 1712. For a transcript of the letter, see *Life*, 68–69.

93. Wodrow, *Analecta*, 2:128. At a meeting held on 5 December 1712, Wodrow estimates that there were approximately sixty ministers present. See Wodrow, *Analecta*, 2:121–28.

precipitate an open rupture within the Assembly.⁹⁴ Indeed, by 1714, popular disaffection for jurant ministers had even sparked a fledgling conventicling movement in the southwest of Scotland.⁹⁵ While annual Acts of Assembly failed to defuse the deepening antagonism between jurors and non-jurors, the course of national events precluded an open fissure.⁹⁶ With George I's accession to the throne upon Anne's death in 1714, the Jacobite Rising in 1715, and the Kirk's unflinching loyalty to the House of Hanover through such turmoil, the British State became even more prosaic on the Oath.⁹⁷ When a new version of the Oath issued in 1715 failed to remove the objections of Erskine and most other non-jurors, the government again neglected to impose the threatened penalties and seemed content to ignore the contentious matter in view of the Kirk's evident Hanoverian loyalties.⁹⁸ Internally, the Kirk soon was consumed with more alarming doctrinal matters, particularly those concerning John Simson, Professor of Divinity at Glasgow University, and thus after 1715, the Oath is not mentioned again in the formal Acts of the Assembly. While disagreement on the Oath might not have ended, open contention over it had.

The Re-Emergence of Erskine's Opposition

For Erskine, contention over the Oath was not to resurface until 1725, when he was arraigned before the Commission of the General Assembly for allegedly speaking against jurors in a sermon preached at Dysart on 7 October 1714 entitled "The Backslider Characterised; Or, the Evil and Danger of

94. The Assembly had detected this risk in 1712. See AGA, 476–77. Even the division that did exist was sufficient for Kidd to label the non-jurors as "a substantial semi-detached minority" within the establishment. Kidd, "Conditional," 1148. See also Cowan, *Scottish Covenanters*, 142; M'Kerrow, 3rd ed., 5–6.

95. See AGA, 489–90. See Kidd, "Conditional," 1150–51 for the abiding threat of a Covenanting rebellion.

96. See, for 1712, AGA, 473–75; for 1713, AGA, 482; for 1714, AGA, 489–90; for 1715, AGA, 499–500.

97. Erskine was among the presbyterian ministers who showed conspicuous loyalty to the Hanoverian cause even in the face of personal danger. See *Life*, 229–32.

98. When the 1715 version of the Oath was issued, Erskine initially expressed a willingness to swear it. However, he changed his mind before swearing the Abjuration and remained opposed to the Oath. For Erskine's explanation of this vacillation, see Wilson, *A DEFENCE OF THE REFORMATION-PRINCIPLES OF THE Church of Scotland*, 330. Hereafter, *Defence*. In his continued non-juration, Erskine was not unique among the original non-jurors. See *History and Argument*, 5, 11. See also MacEwen, *Erskines*, 53–54; Kidd, "Conditional," 1151–52. For the text of the 1715 version, see Appendix III.

Defection Described,” and another sermon preached at Strathmiglo on 3 June 1714 entitled “God’s Little Remnant Keeping Their Garments Clean in an Evil Day.”⁹⁹ While other complicating factors were important in precipitating this later arraignment, the situation in 1714 to which they refer does offer insight into Erskine at this earlier point in his ministry.

In 1725, to refute the charges against him, Erskine published the full text of his contested sermons. In the preface to his sermon at Strathmiglo in particular, Erskine conceded that

It is true, in the use of lamentation, I took notice of some who defiled themselves and the land by perjury, particularly in taking the abjuration-oath, with a design to serve the Pretender’s interest. But that I spoke either of ministers taking or forbearing is false in fact; and I don’t believe he will get any of that numerous company who will adventure to say so upon oath . . . for my part, if the oath be a good thing, and if he took it with a good conscience, I cannot find anything in all that sermon that could militate against him, there being nothing in it so far as I know, but the pure and plain truths of God.¹⁰⁰

In some respects, Erskine’s protestation here is correct. In his sermon, Erskine addresses the Abjuration Oath and the sinfulness of it, yet he ascribes that sinfulness only to Jacobites who swore it with the intention of retaining their positions in the hopes of being able to aide a future return by the Pretender.¹⁰¹ Presumably, sincere jurors who were opposed to the Pretender and persuaded of the demonstrative reading of the Oath were exempt from such pronouncements. However, Erskine concluded his sermon by warning his auditors that

We should take heed to ourselves, even in the use of things that are in themselves lawful; many things are lawful, but everything lawful is not at all times expedient. Ye should shun

99. For the full text of these two sermons, see *Works*, 1:24–39; 1:1–23, respectively. Alexander Anderson, who brought the charges, also alleged that Erskine had preached against jurors in “The Humble Soul the Peculiar Favourite of Heaven,” preached at Orwell on 27 July 1721. While that sermon contains a few references to “division,” there is nothing that could be construed as applying to jurors and, given the date of that sermon, the references to “division” most certainly have a different referent. For the text of that sermon, see *Works*, 1:108–24. In 1731, Erskine’s non-juration also was cited as grounds for withholding his ministerial stipend, yet such reasoning was regarded as a façade at the time. See Wodrow, *Analecta*, 4:215.

100. *Works*, 1:4–5 (preface). For Erskine’s similar comments on his Dysart sermon, see *Life*, 225–28.

101. See *Works*, 1:15. Such references have in view jurant episcopalians.

every appearance of evil; do not stand in the way of temptations, or occasions of sin. And, in particular, take care to avoid evil company.¹⁰²

Coming at the conclusion of a sermon that had clearly denounced the Abjuration Oath, the applicability here to jurors is unmistakable. Indeed, one of the standard arguments that jurors would adduce for their position was that there was nothing expressly unlawful about the Oath and thus they were free to take it.¹⁰³ Furthermore, throughout his sermon, Erskine lamented the sin of “defection,” a word charged with meaning in the Covenanting idiom and, especially in light of Erskine’s known Covenantal objection to the Oath, a word that could hardly be understood without reference to swearing the Abjuration, regardless of the motivations with which that Oath was taken.¹⁰⁴ In his sermonic references to the Oath, there is thus a level of opposition to the Abjuration that is obscured by Erskine’s later self-defense. While Erskine did comply with the Assembly’s calls for non-jurant ministers to invite jurant brethren to participate in communion seasons, he was also willing to preach against not only insincere jurors, but even sincere ones.¹⁰⁵ In Erskine’s later self-defense, there is, correspondingly, a measure of disingenuity and a failure to own fully the implications of what he had preached.¹⁰⁶ As seen in the Oath controversy, Erskine was both resolute and potentially antagonistic in controversial matters.

IMPLICATIONS OF THE OATH CONTROVERSY

In the controversy surrounding the Abjuration Oath, three very different ideological commitments emerged within the Established Church. In the

102. *Works*, 1:23. Erskine also strongly implied that many who had sworn the Oath had done so in order to avoid the penalty for non-juration rather than out of true principle, thus repeating a charge he had made in his *Essay*. See *Works*, 1:17.

103. E.g., *Oath Lawfulness*, 22.

104. Harper grasps the necessary connotations of such language. See Harper, *Memoir*, 35.

105. Erskine even invited Anderson to preach at such a communion season after their disagreement. See Erskine’s letter to Anderson of 20 July 1715 in *Life*, 228–29. There is no indication of whether Anderson accepted the invitation. For communion seasons’ development from religious occasions to potentially divisive partisan gatherings and the implications of such development for the Oath controversy, see Schmidt, *Holy Fairs*, 21–41, 112–13, respectively.

106. The same could be said of his later biographers. See, for example, *Life*, 225. Such tendencies lend credibility to critiques of Erskine’s character such as those brought by Mitchell. See Mitchell, “Ebenezer Erskine,” 165–66.

majority view that was willing to swear the Abjuration, one detects a willingness to trust in the constitutional guarantees of the Treaty of Union and, based upon that trust, to permit a degree of State initiative with relation to the Church that would appear alarming in the absence of that Treaty. From this integrationist perspective, the Treaty of Union provided the secure statement of intention upon which trusting engagement with the British State could proceed. In the second ideological strand, one sees a determination to protect the Kirk against the encroachment of a British State that is viewed with a great degree of suspicion. The result of such a strand was the constitutionalist objection to the Oath. Within this constitutionalist paradigm, the guarantees of the Treaty of Union were seen as hard-won protections that must be carefully guarded or else they would be rescinded subtly by a shrewd United Parliament. In the final ideological trend, as embodied in the Covenantal objections to the Abjuration, one glimpses a far more radical critique of the Oath and of the United Parliament that had imposed it. While this Covenantal stance allowed for loyalty to the Hanoverian succession and submission to the lawful commands of the United Parliament, it fundamentally rejected the functional basis for the Union and, thus, for State interaction with the Kirk. The purpose of that interaction was not to be the maintenance of a presbyterian Kirk and a Reformed Scotland within a multi-confessional British State; the purpose was to be the furtherance of Covenanted reform, both in Scotland and in all of the United Kingdom. The specific exigencies of the Oath controversy had brought the constitutionalist and Covenantal commitments into often inextricable harmony for a considerable minority party of the Church, yet that harmony and its opposition to the integrationist commitment was by no means necessary. Indeed, the constitutionalist stance shared a more profound commonality with the integrationist predilection than with the Covenantal paradigm. In both the integrationist and the constitutionalist ideological strands, there was an acceptance of a constitutional foundation of, and goal for, the Kirk's establishment; in the Covenantal impulse, there was a fundamental rejection of this constitutional idiom in favor of stringent Covenantal foundations and Covenantal goals from which the constitutionalist position demurred.¹⁰⁷

While the Erskine historiography always has regarded the Oath controversy as an insignificant event in Erskine's ministry to which he was a passive victim rather than an active participant, that controversy and its unearthing of these ideological commitments was actually a formative experience for Erskine. In those tense days of controversy, a voice of Covenantal dissent regained prominence within the Kirk and Erskine found

107. See Wodrow, *Oath*. See also Kidd, "Realignment," 161–62, 165–66, 168.

himself at the center of that movement, employing the Covenants and not the Treaty of Union as his controlling paradigm for critique of the State. In that critique, Erskine enunciated a clear desire to see the Kirk navigate the exigencies of eighteenth-century Scotland by means of binding Covenantal obligations, yet by perceiving those obligations as differing in degree rather than in type from the obligations that rested upon uncovenanted Christians in uncovenanted lands, Erskine was able to recognize the existential and political realities of his day and uphold the legitimacy of the uncovenanted Hanoverian State. While the nebulous modified Covenantalism that resulted lacked satisfying definition in certain areas, one can see the emergence of a paradigm that differed importantly from the prevailing, constitutionalist paradigm of the General Assembly. In the crucible of the Oath Controversy, then, Erskine was able to refine his Covenantal perspective on Kirk matters in the company of many other ministers who shared the same commitments and the same desire to see those commitments guide the Kirk in her new post-Union world, yet Erskine and his associates were delivered by their minority position within the Assembly from having to articulate the nuances of this perspective or actually implement what appeared to be a system so rife with contradiction and imprecision that it would collapse upon itself. Furthermore, although Erskine's personal correspondence shows him forcibly summoning up the courage of a martyr, he and his fellow dissenters were allowed to defy the Assembly and the State with practical impunity, thus unavoidably confirming them in their dissenting perspective.

SUMMARY

At the close of the Abjuration Oath controversy, a definitive portrait of Erskine seems to have crystallized. Sent by a formerly-persecuted father to be educated in a newly re-presbyterianized Edinburgh, the foundational and still-dynamic presence of the Covenants at the core of Scotland's identity would have suffused Erskine's mind. Several years after departing that Edinburgh for the parish ministry, Erskine underwent a definable spiritual experience that, experienced from within the pastorate, instilled within Erskine the conviction that truth, no matter how often heard, must be personally appropriated. When this Covenantally-committed, evangelical Erskine joined himself to the non-juror cause in the Abjuration Oath controversy, the minister of an obscure rural parish showed himself unrelenting in his Covenantally-delineated stances. That Erskine was simultaneously solidifying other areas of his thought would emerge in the immediately-following years.