

Theology on the Web.org.uk

Making Biblical Scholarship Accessible

This document was supplied for free educational purposes. Unless it is in the public domain, it may not be sold for profit or hosted on a webserver without the permission of the copyright holder.

If you find it of help to you and would like to support the ministry of Theology on the Web, please consider using the links below:



Buy me a coffee

<https://www.buymeacoffee.com/theology>



PATREON

<https://patreon.com/theologyontheweb>

[PayPal](#)

<https://paypal.me/robbradshaw>

A table of contents for *The Churchman* can be found here:

https://biblicalstudies.org.uk/articles_churchman_os.php

Establishment and the Moral Witness of the Church.

BY THE REV. C. F. RUSSELL, M.A.,
Fellow of Pembroke College, Cambridge.

THE phrase "the Establishment of the Church of England" expresses a relation of some kind between the Church and the State ; and therefore the subject of Establishment necessarily presents two aspects, and can be examined from two points of view. It can be approached from the side of the State and the individual citizen, and it can be approached from the side of the Church and the individual Churchman.

There are some who will urge at once that there is, or should be, no opposition between these points of view ; and the writer has no desire to contradict such an opinion. But it is essential, if we would think clearly, that we should recognize the fact that they exist, whether they are opposed to one another or not ; and we shall probably agree that no discussion of the matter can be adequate which is content to ignore one or other of them.

In a valuable paper written by Professor Moberly in 1894, and republished in "Problems and Principles,"¹ it is maintained that a Churchman, *quâ* Churchman, is not called upon to consider the question of Disestablishment. This doctrine is based upon certain facts which are indisputably true, and which it is important that we should bear in mind. In the first place, it is evident that the two parties to the relationship which would be terminated by Disestablishment are not concerned in the same way. The State's part is active—it disestablishes ; the Church's part is passive—it is disestablished. And these statements are not the less true because we cannot point to "a single explicit act of establishing on the part of the State."² In the second place, it follows at once that any decision with regard to the continuance or discontinuance of the relationship must proceed

¹ "Considerations upon Disestablishment and Disendowment" ("Problems and Principles," pp. 143-220).

² Moberly, "Problems and Principles," p. 155.

finally from the State alone. In the task of forming such a decision Churchmen, as Churchmen, have no part. It is true that Churchmen must take their share of the responsibility just as much as Nonconformists, but that is because they are citizens as well as Churchmen. It is in their capacity as citizens, and not as members of the Church of England, that they are called upon to decide and to act. The action in which they are involved is an action by the State. In the third place, a further result follows, less acceptable perhaps, but not to be logically evaded—namely, that the grounds on which a decision is based at any time will be such as concern the welfare of the State. Even Churchmen-citizens—who, as we have seen, are concerned herein as citizens, and not as Churchmen—will make up their minds, if they are honest, with a view to the good of the State, and not finally to that of the Church.

From these premises, the truth of which will not be disputed, Moberly concludes that Churchmen must not consider the question of Disestablishment except in their capacity as citizens.¹ But this conclusion is not warranted. For, in the first place, by their examining the question as Churchmen it is possible that they will become so clearly convinced as to the advantage or disadvantage of Establishment to the Church itself that they will desire to propose a definite line of conduct to the State for its consideration, fully recognizing all the time that it is by the State (which includes themselves as citizens) that the final decision must be made; and, in the second place, there is an *a priori* probability (in the minds of Christians at least) that what makes for the good of the Church will make also for the good of the State, and therefore their investigation of the matter as Churchmen may suggest, even though it is not competent to decide, the right course to be pursued.

In this paper the subject is discussed avowedly from the

¹ "The fact, then, that the conscience of a member of the Church of Christ is with him in all his relations as paramount, does not qualify in the least degree the truth of the principle that proposals for disestablishment are political proposals, which come before Churchmen only in their character as citizens" ("Problems and Principles," p. 157).

side of the Church, while yet it is continually borne in mind that it is not with the Church that the right of final decision rests.

The subject of the Establishment of the Church of England is often considered out of all relation to the special conditions involved, and we are frequently asked to pronounce judgment in what is merely an imaginary case. There are presented to our view two pictures: in one we see a great and mighty nation, with deep religious conviction, making public profession of its faith in God and His Son Jesus Christ, claiming for all its laws the sanction of Christianity, able and willing to recognize the eternity of moral distinctions; and in the other the same nation is depicted denying its faith, appealing to materialistic sanctions, combining opportunism with utilitarianism in its ethics. We are asked to say which of these pictures represents the preferable state of things, and when we have given the only possible answer, we are told that we have *ipso facto* pronounced for Establishment. What a remarkable use to make of the method of Dilemma! Of course it is true, and it hardly needs to be said, that a national profession of Christianity is ideally desirable; but that is not in dispute. The question is whether, in our particular circumstances, this national Christianity, or, to be exact, the Establishment which, we are assured, is the only way of retaining it, has, as a matter of history, involved disadvantages sufficient to outweigh the good which it is intended to secure.

The Christian faith has repeatedly been charged with the fault of encouraging in Christians a certain carelessness with regard to conduct. St. Paul had to answer this objection, and still there are those who urge it in our own day. There have, it is true, been times in the past when the doctrine of justification by faith was actually interpreted by some believers in such a way as to warrant the objection. But it is probable that Evangelicals, whose emphasis of the doctrine has made them especially liable to misunderstanding in this respect, are further to-day than they have ever been from any slurring of the vital importance of conduct. They acknowledge fully that the Gospel

is concerned with this life as well as with that which is to come—that, as has been well said, its purpose is not merely to get a man into heaven, but also to get heaven into the man. Consequently, readers of this paper will agree that it is one of the essential elements of the work of the Church to uphold before the world the principles of Christian conduct.

For such moral witness an independent standpoint is necessary with a view alike to unfettered judgment and to courageous testimony. That this is so is admitted by many whose opinion on the whole question is otherwise diametrically opposed to that of the writer. In the discussion of the evils which might be supposed to follow upon Disendowment, there is frequently mentioned the temptation to “prophesy smooth things” which would come upon every preacher who should find his income depending upon the gifts of his congregation.¹ It sounds strange to hear this danger represented as new when we remember that in many parishes at the present time the stipend of the incumbent is derived in part from pew-rents, and that considerable efforts are being put forth to revive the custom of Easter Offerings; and when we further recall the fact that in the Early Church it was customary, and even enjoined, that ministers of the Gospel should depend for their support upon those among whom they laboured.² But whether its novelty is exaggerated or not, the fact that it is thus alluded to witnesses to the universal conviction that any lessening of a man’s moral independence must impair the honesty of his moral witness. And what is true of a man in such a matter is true of a Church also.

Our Lord Himself was no exception to this necessity. If He was to add to men’s knowledge of the ethical content of God’s will, He had to adopt an attitude of criticism even towards

¹ “Thus Mr. Millard writes in the April CHURCHMAN: “The sixth advantage” (of Establishment) “*is the independence of the clergy.* We know how debasing to all that is noblest and best in the teacher it is to be in the power of the purse-holders. . . . The loss of [that independence of spirit] must hinder the free course of the Spirit of God.”

² In so far, that is, as they formed a professional class, as, *e.g.*, the “prophets” in the Early Church. At first, many of the local officers of the Churches supported themselves by their own labour.

the Divinely-given Law of the Jews, while yet He revered it on the ground of its origin and history and achievements. And whatever be our theory of the Church, it is impossible to dispute the obligation that rests upon it to seek to educate the conscience of mankind, leading it ever nearer to that conception of life and conduct which it believes to have been revealed by Christ. In such a task it cannot be dictated to from without; and if we can imagine, for example, that the Government of a Christian country should some day decide that the theft of a sum less than sixpence should no longer be regarded as a legal offence, Christian ethics would be unaffected, and the Christian meaning of honesty would be the same as before. Otherwise the Church would have ceased to pray "Thy kingdom come," and would have taken its place beside those who cry, "We have no king but Cæsar."

Now, it is simple matter of fact that the Church of England to-day lacks this complete freedom which we have seen to be essential if it is to be able always to fulfil its high purpose. Cases have arisen in which it has been dictated to by the State in matters which do actually concern the ethics of Christianity (this statement will be substantiated later on in this paper). Clearly the first question to be answered is this: Is this state of things due to the Establishment, or is it not? and if it is not, to what is it due? We must first of all beware that we do not treat this question as merely abstract. Over and over again we are informed that there is no reason whatever why an Established Church should not be absolutely free in matters of doctrine and discipline. The Church of Scotland, we are told, is Established, and yet it is free. (Some people may not accept the last words as true, but let them pass.) Or we are told that we must not ascribe to the Establishment a condition of things which is due rather to an unforeseen and quite accidental development of the doctrine of the Royal Supremacy.¹ But,

¹ So Moberly, in an essay, "Is the Independence of Church Courts really Impossible?" ("Problems and Principles," pp. 261-326). See particularly pp. 305 ff.

however interesting this may be, it is strictly irrelevant. For, whatever the essence of Establishment may be, the point to be noticed is that the particular form of Establishment with which we in this country are concerned is undoubtedly connected with that liability to State interference to which reference has been made. On what ground is it, for instance, except that the Church of England is Established, that persons can demand, and not merely request, the solemnization of their marriage in a church? And this, as we shall see, has affected the Church's disciplinary powers in ethical matters. Since, therefore, the reform by which the Church of England should be given complete freedom, in reality as well as in name, would be so thoroughgoing, and would change so much that is certainly implied by Establishment, it is not strange that many persons should have arrived at the conclusion that only by Disestablishment can this freedom ever be realized.

Those who think in this way might reasonably expect that their contention would be understood, even if it were not shared; yet this rarely happens. They may be mistaken in thinking that only at so great a cost can the Church of England become free; but if so, those who disagree with them should meet the difficulty fairly, and show how freedom can otherwise be obtained. But at the least, that form of opposition should be discarded which is content to call him disloyal to the Church who looks forward to Disestablishment, "because Disendowment would so greatly cripple the Church's work"! It is true that he prefers a crippled Church to one that is unfaithful to its Lord; but can such a preference fairly be called disloyalty? We trow not!

Let us consider the answer that is usually given to this demand for the Church's freedom. It is replied that we have no business to forget the important fact that this is a Christian nation, and that therefore there can be no danger of the State's wishing to legislate otherwise than in accordance with the principles of Christian ethics. To this it suffices to retort with three considerations: (1) It is evident that our opponents have

not themselves that confidence that the State will always act Christianly which they urge upon us, since they are continually suggesting the awful possibilities of godlessness to result from Disestablishment ; (2) France was once a Christian nation ; and, chiefly, (3) our opponents, after all, admit that a Christian people does not invariably act in accordance with Christian ideals of conduct. Thus the Rev. A. H. T. Clarke writes as follows in the *Nineteenth Century* for February :

“The sanctity of family life . . . has been invaded in America by the laxity of a social standard that has allowed during the last twenty-five years nearly one million cases of divorce in the United States alone.”¹

He does not, I suppose, contend that this is a case of a Christian nation acting Christianly.

The defender of the Establishment is forced to seek another reply : “It is true,” he says, “that the example of the United States supports your contention ; but, after all, we do not live there, and at any rate in this country you need have no fear of such a difficulty. Here the State has always adopted the Christian standpoint, and you may be confident that it will do so in the future too.” What shall we say to this? Simply that we are face to face with a principle, and we cannot hesitate. Once admit that a Christian State is capable of a departure from the ethics of Christ, and we are bound to claim for the Church complete independence of judgment and action. The happy experience of the past in this country is something for which we thank God, but it cannot alter principles.

We have come to close quarters at last, for it is strangely distasteful to many people to-day to be referred to principles. “Do not ask us to think,” they say ; “we do not know how to ! If the thing works, what else matters? Why cannot you be practical and stick to facts, instead of troubling yourselves with imaginary dangers that will never arise?”² But on this point

¹ “Marriage with a Deceased Wife’s Sister and the Cry of ‘Disestablishment’” (*Nineteenth Century and After*, February, 1910, p. 258).

² For illustrations of this method, reference may be made to a correspondence in the *Record* newspaper, December 24, 1909, to January 21, 1910, under the title “Church and State.”

we dare not yield. Opportunism of this sort is simply ecclesiastical suicide. We will not ignore facts, but our action in the face of them shall be based upon a recognition of the principles that are involved.

Is the discussion brought to a deadlock, then? Fortunately it is not, for we can afford to make a concession. We do not for a moment yield our adhesion to principles, but it is possible equally to win the victory in reliance upon the weapons that have been chosen for us. Facts, as well as principles, are on our side, and we can find in this country a sufficient support for our contention.

The laws which govern divorce in England were passed in 1857. They are concerned chiefly, as is natural, with civil aspects of the subject, and they contemplate the remarriage of divorced persons. But one section of the Act makes mention of the Church of England, yet even so it appears to be rather negative than positive in its motive. It is as follows:

“Provided always that no Clergyman in Holy Orders of the United Church of *England and Ireland* shall be compelled to solemnize the Marriage of any Person whose former marriage may have been dissolved on the ground of his or her adultery, or shall be liable to any Suit, Penalty, or Censure for solemnizing or refusing to solemnize the marriage of any such Person” (20-1 Victoria, cap. 85, sect. 57).

There are two observations to be made upon this section. First, the Act clearly recognizes the possibility of Church and State taking up different positions with regard to certain matters connected with marriage; for, while the State allows all divorced persons to marry again during the lifetime of the former spouse, it is actually suggested in this section that clergy may possibly consider a particular class of such marriages unlawful, and decrees that their opinion is to be respected. Secondly, for all its negative appearance, the section must be understood to contain a positive reference also; that is to say, by giving the clergyman the right to refuse to solemnize the remarriage of a particular class of divorced persons, it denies him the right in other cases. And since, in the case of divorce for adultery, it is only the guilty partner of which the Act speaks in this connec-

tion, it is implied that in the case of the innocent partner no such right of refusal to marry is allowed. That this is the meaning of the section has been stated as recently as last December by Lord Justice Fletcher Moulton, who, in delivering judgment in the *Bannister v. Thompson* case, used these very strong words :

“That one of the parties has been divorced and seeks to marry again during the lifetime of the former spouse is unquestionably not such lawful cause” (for refusing to solemnise the marriage) “in the case of the innocent party . . . and the clergyman is compellable to solemnise such a marriage of a parishioner if called upon to do so. If, then, a person conscientiously holds that marriages cannot be dissolved, or that if dissolved neither of the parties may marry again in the lifetime of the other (an opinion held by many members of the Church of England), and if the solemnisation of such a marriage would do violence to his conscience, he should abstain from entering Holy Orders; for if he do so he certainly comes under the legal obligation to solemnise them.”¹

It is hard to understand how some people can be, as apparently they are, quite unable to comprehend the subjection of marriage to two distinct sets of rules, one Divine and one human. No difficulty is felt about such an admission in other matters. It is admitted, for instance, that the civil laws which deal with dishonesty take no account of many practices which receive the Divine condemnation as dishonest; and thus, while certain acts of dishonesty are forbidden to all citizens by the law of the State, there are other acts of this kind which, while permitted by civil law, are proscribed to the Christian by the law of Christ. Thus a Christian citizen is permitted *quâ* citizen, but is forbidden *quâ* Christian, to take advantage, when making a purchase, of the ignorance of the seller. Now, since all this is so, we cannot regard it as *a priori* impossible that the institution of marriage should be in a similar case; and, indeed, we have seen already that the Act of 1857 frankly admits the possibility. Yet, strange to say, it is by no means generally allowed. The writer in the *Nineteenth Century* who has been quoted above says :

¹ As reported in the *Times* of December 13, 1909.

“Marriage is a Divine institution. From this, Bishop Gore infers that it is a matter for ecclesiastical ordinance. Not at all.”¹

Such words have no meaning if it is not that the Church is bound to accept the doctrine of marriage which the State holds. Again, when he writes,

“Till the reign of Justinian, the Church had no laws independent of the State,”²

the statement is purely irrelevant unless it is meant to imply that for 500 years the Church was content to demand from its members no more than obedience to the civil law ; and this is not the fact.

After all, the notion that marriage is liable to none but secular regulation can readily be upset by the consideration of the problem as it presents itself in the mission-field. In countries where polygamy was allowed by national custom, the Christian Church has required that converts should become monogamous. Has it done wrong? In fact, Mr. Clarke himself admits that there is such a thing as a law of God with regard to marriage when he says of Pope Julius II. that he

“had allowed marriage with a brother’s wife in deliberate defiance of the law of God as twice positively enacted in the Levitical code.”³

We observed, in the second place, that the clergy cannot refuse to solemnize the re-marriage of a person who has divorced a former spouse for adultery. What is involved in this?

Our Lord’s teaching on the subject is given by the Synoptists, and while St. Mark’s and St. Luke’s Gospels attribute to Him an absolute prohibition of re-marriage after divorce, St. Matthew’s says that He permitted re-marriage in the case of the innocent person.⁴ The two accounts cannot both be correct. Either the second and third Gospels have omitted the exceptional permission which our Lord gave, or else there has been inserted (however early) in the first a permission which He did not give. The former view was usually taken in the past ; but at the

¹ Clarke, *loc. cit.*, pp. 269, 270.

² *Ibid.*, p. 257.

³ *Ibid.*, p. 265, and so in his next sentence.

⁴ St. Mark x. 11, 12 ; St. Luke xvi. 18 ; St. Matthew v. 32 ; xix. 9.

present time the latter view is widely held, and it is maintained in the two latest English commentaries on the first Gospel.¹

Now it must be emphatically stated that no assumption is here made that the second view is the correct one. Such an assumption is not needed for the argument, which depends solely on the fact that both these divergent views are held. Whether the first or the second be correct, both are held—and held by members of the Church of England without any suggestion that it is inconsistent with Churchmanship. In such a matter of New Testament exegesis, who is to decide between the rival opinions? Some may answer, “expert New Testament scholars”; some, “Convocation”; others, “the Bishops.” What is certain is that nobody would think of suggesting “the State.” And yet it is actually the State which has answered the question, and requires from the Church of England that it should act according to its interpretation.² And this, be it observed, is a matter which touches Christian ethics very closely indeed—namely, in the Christian doctrine of marriage.³

¹ By Archdeacon W. C. Allen (1907) and the Rev. A. Plummer, D.D., (1900). [Since the above was written, two letters from Archdeacon Allen have appeared bearing on this subject (see the *Guardian* for July 1 and 15, and cf. the August CHURCHMAN, p. 563). He deprecates the use that has been made in this controversy of modern critical conclusions, and explains in the second that the point of his first letter is that “the law and doctrine of the Church rest on the life of Christ as recorded in the Gospels, and not on [his] or anybody else’s attempted reconstruction of that life.” The letter is valuable as containing a useful warning against picking and choosing in the results of criticism; but his application of the warning to the present subject is singularly unfortunate. For he apparently fails to perceive that the two accounts of Christ’s teaching are contradictory. He points out rightly that those who desire to see Church teaching on divorce follow the conclusions of recent criticism cannot reconcile such a course with the Church’s whole-hearted acceptance of the first Gospel for matters of faith and practice; but, strange to say, he does not add that it is equally impossible to reconcile the other opinion—which the Church has been content to follow for half a century—with its whole-hearted acceptance of the second and the third! In short, the contradiction is there, whether we like it or not; and the Archdeacon’s suggestion simply comes to this—that in a matter in which a choice is forced upon us we should choose without, rather than with, a reason.]

² The force of the argument is not affected if it be proved (could it be?) that in 1857 the Church of England was unanimously of the former opinion.

³ In the *Fortnightly Review* for April, 1910, Mr. E. S. P. Haynes discusses the attitude of the Church to divorce (“The Church and Divorce Law Reform,” pp. 736-741). His article may be summed up as an appeal to the Church of England to confess that Christ’s ideal of marriage is too lofty for

It is not necessary to discuss at length the recent controversy about marriage with a deceased wife's sister. It will suffice to point out that the supporters of the Bannister judgment have often completely misunderstood what has been urged on the other side. It might be proved beyond the possibility of doubt that marriage with a wife's sister is permitted by the law of God, and yet the objection would be as powerful as before. For its purpose is to assert the Church's right to decide this, as well as other matters, for itself, independently of the State; and hence to say that the State has on this occasion only enforced upon the Church what the Church admits to be reasonable is irrelevant. If the Church should choose to forbid its members to marry their first-cousins, it would not be for the State to interfere; and those who should thereafter contract such alliances would be liable to ecclesiastical censure and discipline for transgressing, not civil, but ecclesiastical law. It is not too much to say that the point of the objection has usually been either missed or evaded. Those who have missed it have scarcely recommended their logical acuteness; and those who have evaded it have scarcely recommended their honesty.

The argument in this paper may be summed up as follows: We have seen that freedom of judgment and action is a necessity in the Church, and in the separate Churches which form its parts, if it and they are to fulfil their essential duty of bearing moral witness to the world; and we have seen also that in the case of the Church of England there is no such freedom, but the State can dictate to it even on fundamental questions of ethics. We have contended that this subjection to the State's

ordinary man, and to lower the ideal deliberately from motives of practical policy. Thus he writes:

"It is clear, then, that the most exalted theory of marriage known to modern Europe has failed to solve the inherent difficulties of the problem" (p. 738).

"It is unreasonable for the Church to rely upon nothing but emotions and ideals in a grave question of public policy" (p. 738).

"It is . . . for them [the Bishops and clergy] to lead the way towards a reasonable monogamy" (p. 741).

Such a suggestion can hardly spring from a recognition of the true purpose and work of the Church.

control is so closely connected with Establishment that it is only by Disestablishment that freedom can be attained. What must the conclusion be? Surely we must confess that we are here in face of the most fundamental questions in relation to the Church, and that all other considerations which are frequently urged against Disestablishment, however important in themselves, must be secondary. The decision must be reached on these fundamental issues alone.

Throughout this paper Disendowment has scarcely been mentioned, and the reason is now apparent. It is truly saddening to hear the oft-repeated argument, put forward as final in the controversy, that Disestablishment is bound to bring Disendowment with it, which would mean the maiming of the Church's work¹ throughout the country, and therefore we must maintain ecclesiastical efficiency at all costs. The words have a pious sound, but—"at all costs"? At the cost of being unfaithful to Christ? That, as it seems to many persons to-day, is the real issue—Endowments or Christ? The clergy are accustomed to tell the business men in their congregations that Christian principles should prevail over their desire for gain: what would be our scorn if the miserable plea were put forward that wealth, even when made by questionable methods, could be used for God's work? We are accustomed to call upon the Indian Christian to sacrifice, as he often must by Baptism, his means of livelihood as well as his family affections: what do our missionaries say to the appeal that by refusing Baptism converts will have greater ability to support the missionary enterprise by financial gifts? And then we turn our thoughts to our own circumstances, and we dare

¹ May it not be that the unfair proposals of Disendowment which have been made hitherto are really the result of the attitude adopted by the Church itself? So long as it persists in maintaining that *any* measure of Disendowment in *any* circumstances is necessarily immoral, so long will all schemes of Disendowment be framed in an atmosphere of unfriendliness to the Church of England. Yet in some of the arguments for partially disendowing the Church there is undeniably a considerable amount of truth, and nothing can be gained by meeting them with mere denunciation. It is much to be wished that Churchmen would seek to understand the Non-conformist (as distinguished from the secular) side of the controversy.

to be less severe with ourselves. We dare to make our primary motive in facing such a serious problem as this the endeavour to avoid the possibility of financial loss! Let us thank God that we do not live in India. We should be no fit companions for some of the Christians there.

A Disestablished Church of England, if so it could still be called, might find itself confronted with difficulties and problems of unprecedented magnitude—unprecedented, that is to say, in this country, where we have been trained to expect that our religious privileges will cost us nothing. But if in this way only it can be free to hold up unbesmirched the pure morality of the teaching of Christ, the cost would be worth the paying. And of this we may be sure—both Church and State would reap the advantage.



The Reformation under Josiah.

BY THE REV. W. F. KIMM, M.A.,

*Rector of Trunch, North Walsham; late Fellow of St. Catherine's College,
Cambridge.*

MODERN criticism of the Ancient Scriptures finds in the reign of Josiah the genesis of Judaism, and more particularly of its characteristic features, the central sanctuary and the organized ministry of Priests and Levites. It is assumed that the changes made during this reign were made in consequence of the finding of the Book; and, strange to say, this assumption is made by almost all writers. It seems quite time to inquire whether this assumption is not a mistake.

We have two records of the reign—in 2 Kings and 2 Chronicles. The authenticity of 2 Chronicles has been most unreasonably questioned, and the book is said to have been written for the glorification of Judaism. Without waiting to consider this charge, we may assume the truth of the history at least in matters that reflect no glory on the priesthood.

In 2 Chronicles xxxiv. we read Josiah was eight years old