

Church and State

by J.H. Newman

The sermon discusses the relationship between the Church of England and the government, highlighting the tensions between State Protection and State Interference.

Scripture: Proverbs 24:23, Galatians 6:7, Ephesians 6:12, 1 Timothy 5:22, 1 Peter 5:2

Topics: "Church Government", "State Interference"

Description

J.H. Newman preaches about the Union of Church and State, highlighting the concerns about attempts to disunite them, which could lead to unjust confiscation of Church property and sacrilegious acts towards God. He warns against blindly supporting the Union without understanding its implications, as some may have ulterior motives. Newman explains the concept of State Protection and State Interference in the Church, discussing the benefits and drawbacks of each, emphasizing the need for a balance that upholds true religion and prevents the intrusion of unfit individuals into important Church positions.

Transcript

WE are very naturally jealous of the attempts that are making to disunite, as it is called, Church and State; which in fact means neither more nor less, in the mouths of those who clamour for it, than a general confiscation of Church property, and a repeal of the few remaining laws which make the true Church the Church of England.

This is what Dissenters mean by disuniting Church and State; and we are all naturally anxious to avert a step at once so unjust towards men and sacrilegious towards GOD.

Let us not imagine, however, that every one who apparently joins with us in this anxiety must necessarily have the welfare of the Church at heart. Many people seem to join us at this crisis, and protest loudly in favour of the Union of Church and State, who nevertheless mean by this, something very different from what Dissenters mean, and from what we mean when we are opposing Dissenters. The "Union of Church and State," which many persons so call, and are so anxious to preserve, is in some points almost as great an evil, as it is confessedly, in other points, a good: and there are almost as many persons who support it for its bad points, as there are who hate it for its good.

To make this plain, I shall endeavour to explain what it is that the Union of Church and State consists in, as now enforced by the law of the land.

It consists in two things, STATE PROTECTION and STATE INTERFERENCE; the former of which, Dissenters wish to overthrow; and the latter of which, governments, of whatever kind, are very anxious to retain: while Churchmen have hitherto been contented to accept both conjointly, without perhaps very exactly calculating how little they gain on the one hand, and how much they sacrifice on the other. This subject is indeed one which, from the confidence hitherto placed by us in the integrity of government, has, perhaps, been much less investigated than any other of equal importance. But recent changes in the constitution have now so entirely altered the mutual relations of the Church and the Legislature, that what has in past times been a becoming, though perhaps misplaced, reliance on authority, would at present be a disgraceful negligence about our most sacred interests. In the following pages, then, it will be my object to consider the gains and losses which we accept jointly, in the Union of Church and State, arranging them under the above-mentioned heads: STATE PROTECTION and STATE INTERFERENCE.

I. The PROTECTION which the Church receives from the STATE consists principally in four things. 1. In securing to us by Law some small portion of those ample endowments which the piety of our forefathers set apart for the maintenance of true religion in this country. Of these endowments far more than half are at this day in the hands of laymen, who may be of any religion or none, and do not consider themselves obliged to spend one farthing of it in the cause of GOD. But there is still a certain remnant in the hands of the clergy, who are there by enabled to spread truth over the land, in the poorest and most remote districts; and to live in decency themselves, without being a burden to the poor people for whose good they are labouring. This remnant then the State has forborne to confiscate, as it has confiscated the rest; and in this consists the first kind of State Protection.

2. It further consists in enabling us to raise a tax on real property for the keeping our parish churches in tolerable and decent repair through the country, -which tax, as estimated by those who put it at the highest, amounts to about as many thousands a year as the other taxes amount to hundred thousands. This is the only existing law by which Englishmen, as such, are called on to assist in the maintenance of the Church of England.

3. It consists, farther, in allowing Thirty Bishops to sit and vote in the House of Lords, to which House all Bishops, and many other Church Dignitaries belonged, as a matter of right, at the signing of Magna Charta; and from which they never can be excluded without violating the very first article of Magna Charta, the basis of English liberty.

4. In the law De excommunicato capiendo, by which the State engages, that on receiving due notice of the excommunication of any given person, he shall be arrested, and put in prison until he is absolved.

Such are the four principal heads of STATE PROTECTION: on reading them over, it will occur to every one, that the first is nothing more than common justice, and no greater favour than every person in the country receives in being protected from thieves; that, as to the second, the most that one can infer from it is, that in the eye of the State the importance of the Church is to the importance of civil government as a thousand to a hundred thousand, or as one to a hundred; that to counterbalance the third, which admits some Bishops to the House of Lords, all clergymen whatever are excluded from the House of Commons; and that the fourth is a bad useless law, which cannot be done away with too soon.

II. Such is STATE PROTECTION: now, on the other hand, let us consider the existing set off against it, which is demanded of us. This is STATE INTERFERENCE, which encumbers us in ways too numerous to be catalogued, but is especially grievous in regard to the two following particulars:-1. Church Patronage.

2. Church Discipline.

1. With regard to the first of these, it is obvious that the efficiency of the Church must ever mainly depend on the character of the Bishops and Clergy; and that any laws which facilitate the intrusion of unfit persons into such stations must be in the highest degree prejudicial. The appointment of our Bishops, and of those who are to undertake the cure of souls, is a trust on which so much depends, that it is difficult to be too cautious as to the hands in which it is placed and as to the checks with which its due execution is guarded. The sole object which should be kept in view is the getting these offices well filled, and the fewer private interests which are allowed to interfere in filling them the better. Yet what are the Laws which are forced on the acceptance of the Church for regulating this important matter? What is the care that has been taken to vest the appointment in proper hands? with what checks is its due execution guarded? what attention has been paid to any one point except the very last that should have been thought of, the private interests of patrons? We shall see.

The appointment of all our Bishops, and, in much the greater number of instances, of those who are to undertake the cure of souls, is vested in the hands of individuals irresponsible and unpledged to any opinions or any conduct; laymen, good or bad, as it may happen, orthodox or heretic, faithful or infidel. The Bishops, every one of them, are, as a matter of fact, appointed by the Prime Minister for the time being, who, since the repeal of the Test Act, may be an avowed Socinian, or even Atheist. A very large proportion of other Church benefices, carrying with them cure of souls, are likewise in the hands of the Prime Minister, or of the Lord Chancellor and other Lay Patrons, who, like him, may be of any or no religion. So much for the hands in which these appointments are vested: the checks by which they are guarded must be considered separately in case of Bishopricks and of inferior benefices.

At former periods of our history, even in the most arbitrary and tyrannical times, various precautions were adopted to prevent the intrusion of improper persons into Bishopricks. To exclude the great officers of state from a share in the nomination was indeed impossible-perhaps not desirable-but to prevent their usurping an undue and exclusive influence, their choice was subjected to the approbation of other bodies of men, with different interests, and sufficiently independent to make their approbation more than a form.

The Nomination of the King and his Ministers was to be followed by a real bona fide election on the part of the Collegiate Body attached to the vacant See. In the Church of Canterbury this body consisted of 140 men, with small incomes, and connected, in many instances, with the peasantry of the country, whose feelings and opinions they seem to have, in a great measure, represented. The courage and resolution with which these men frequently resisted state persecution, will be appreciated on reading Gervase's History of Canterbury, between the years 1160 and 1200. Indeed, it would be no difficult matter to make a catalogue of the atrocities perpetrated at different times on these collegiate bodies by kings and nobles, in the hope of extorting consent to improper nominations; such as would rival Fox's Book of Martyrs in number and cruelty. Here then was the first check on improper appointments.

Again, after Nomination and Election followed Confirmation, a process well calculated to elicit any sinister dealings which might have influenced the previous steps. On a day appointed by the Archbishop, all persons whatever that had any objection to urge against the Election or person elected, were cited to appear in the cathedral church of the vacant Diocese. The Archbishop was himself to be in attendance as judge, to confirm or annul what had passed, according to the evidence which should come before him. The publicity of this process, and the circumstance that it was conducted in a place of all others the most interested in the result, seemed calculated to preclude any very flagrant neglect of duty.

But, should no obstacle have interfered with the will of the State, either in Election or Confirmation, it still remained with the Archbishop to decide whether he was justified in consecrating: and in deciding this he was left to the dictates of his own conscience, exposed indeed to the vindictive tyranny of power, but uncontrolled by any law, and responsible to no earthly tribunal.

Thus it appears that in the most arbitrary and tyrannical times the constitution of England recognised three independent checks to the King's appointment, allowing a veto to be put upon it either at Election, Confirmation, or Consecration. These checks were, indeed, frequently overpowered by the capricious tyranny of the feudal system, or the still more capricious interference of the Bishop of Rome. Perhaps, also, though upon the whole well adapted to the times in which they were devised, they are unsuited to those in which we live. Yet it is evident, that whatever difference exists between those times and our own, it is a difference in our favour; whatever checks to abuse of power could exist then, might exist, and more effectually, now; nor can any objection we may make against the particular checks adopted under the feudal system, be an argument for abolishing them without finding a substitute.

The object of these remarks is not to raise impatience and complaint, or to suggest changes in present arrangements, which, except under certain contingencies, it might be wrong to contemplate, but merely to set before the Church its position. I have shown what it was in the middle ages, in order to assist our minds in the inquiry; let us, with the same object, now advance to the consideration of its present condition.

It cannot be denied that at present it is treated far more arbitrarily, and is more completely at the mercy of the chance government of the day, than ever our forefathers were under the worst tyranny of the worst times. Election, Confirmation, Consecration, instead of being rendered more efficient checks than formerly, are now so arranged as to offer the least possible hindrance to the most exceptionable appointments of a godless ministry. As to Election: the Dean and Chapter, with whom it still formally rests, have only twelve days given them to inquire into the character of the person nominated, who may be an entire stranger to every one of them, or known through report most unfavourably; if they fail to elect in this time, election becomes unnecessary, and the Crown presents without it. And now the Dean and Chapter have eight days given them, and the Archbishop twenty, for reflection; if within these periods the former fails to go through the form of election, send the latter to consecrate, both parties subject themselves to the pains and penalties of a Praemunire, i. e. all their goods, ecclesiastical and personal, are liable to confiscation, and themselves to imprisonment till such time as they submit. Such is the legal urgency which has been substituted for the violence of former times: and thus, as the law now exists, we have actually no check on the appointments of a Socinian (if it so happen) or Infidel Minister, guided by the more violent influences of a legislative body, for which I feel too much respect as a political power, to express an opinion about certain portions of its members.

Again, with regard to the inferior patronage of the Church: a large proportion of our benefices are, as has been already noticed, in the hands of laymen, who may be of any religion under heaven; and the laws of England (it must be confessed with sorrow) watch so jealously over the interests of these patrons, and so little over those of the Church, that they compel the Bishops, except in cases so outrageous that they can hardly ever occur, to accept at once of the person first presented to them, and to commit the cure of souls to him by the process of institution. It is worth observing what Judge Blackstone says upon this subject. "Upon the first delay," says he, "or refusal of the Bishop to admit the Clerk, the Patron usually brings his writ of Quare impedit against the Bishop for the temporal injury done to his property in disturbing him in his presentation.... The writ of Quare impedit commands the Bishop to permit the plaintiff to present; and

unless he does so, then that he appear in Court to show his reason." What sort of reason the Court will be satisfied with, the Judge informs us in another place. " With regard to faith and morals," says he, "if the Bishop alleges only in generals that he is schismaticus inveteratus, or objects a fault that is malum prohibitum merely, as haunting taverns, playing at unlawful games, or the like, it is not good cause of refusal." The Judge proceeds, "if the cause be some particular heresy alleged, the fact, if denied, shall be determined by a jury." The sum of the whole is, then, that unless the Bishop can prove to the satisfaction of a jury in a Court of Common Law, that the person presented to him for institution has been guilty of some particular immoral act above the grade of malum prohibitum, or has maintained some opinion such as shall come under the strict definition of heresy, he loses his cause, and then, if he persist in his refusal, is liable to an action for damages, in which the Judge informs us "the patron may recover ample satisfaction."

Now, if any one were to search among his own acquaintances for those whom he considers least fit for clergymen, he would certainly find that his reason for thinking so was of a kind which he could not make good before a court of justice. Those who wish to see this matter in its true light should read over 1 Tim. iii. to verse 10., and then reflect whether St. Paul would have been very likely to approve of the law of England as it now stands.

These are among the effects of STATE INTERFERENCE, as it affects Church Patronage. As to Church Discipline, without entering into the reasons for restoring it, it may be sufficient to mention one fact, showing the practical effect of the law to suppress it.

Every Churchwarden in every parish in England is called on once a year to attend the visitation of his Archdeacon. At this time oaths are tendered to him respecting his different duties, and among other things he swears, that he will present to the Archdeacon the names of all such inhabitants of his parish as are leading notoriously immoral lives. This oath is regularly taken once a year by every Churchwarden in every parish in England; yet I believe such a thing as any single presentation for notoriously immoral conduct has scarcely been heard of for a century. So that it would certainly seem that, if within this last century any notoriously immoral man has been residing in any parish in England, the Churchwardens of that parish have been perjured: and this is the effect of certain laws, which we should call persecuting, did they not exist in our own free country, which interfere with the due discharge of their solemn engagement.

These remarks are offered to my brethren without immediate practical object. Circumstances, however, may occur any day which would make them immediately practical; and it is necessary to be prepared for these. Firmly as we may be resolved at present, from the dictates of a sober and contented spirit, not to commence changes; yet when changes are commenced, and seem likely to extend still more widely, it may obviously be the duty of Churchmen, in mere self-defence, to expose and protest against their destitute and oppressed condition.

OXFORD,

Feast of St. Mark.

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