

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

THE
CHURCHMAN

DECEMBER, 1901.

ART. I.—THE QUALIFICATION FOR THE LAY
CHURCH FRANCHISE.

THOUGHTFUL Churchmen are daily becoming more and more convinced that only by the bestowal on the laity of a more effective share than they at present possess in the government and administration of the Church in the whole country and in each separate parish can we hope to remedy the present defects in our ecclesiastical system, and to adapt it, as occasion may require, to the changing circumstances of the future. But when we begin to formulate a scheme for carrying out this reform we are at once confronted with the difficult question, Who are to be the laity entrusted, either directly or through their representatives, with this voice in the affairs of the Church? It is evident that the answer to this question lies at the base of any scheme on the subject, and it is, at the same time, perhaps the most difficult part of the problem. It has been discussed during the past twelve months in many assemblies of Churchmen. The Bishop of London has expressed the desire that it should be considered by the ruri-decanal conferences in his diocese during the present winter, and the two Houses of Laymen are devoting to its solution the few days in each year when they are able to meet.

The question may be viewed from four aspects—(1) Abstract theory, (2) analogy, (3) history, and (4) expediency—and it will be useful to discuss it under these four heads, though it will not always be easy to keep them rigidly apart.

1. *Abstract Theory*.—This aspect of the question comprises two branches, principle and propriety, which are of very different import. For principle is a hard-and-fast consideration which cannot be surrendered in deference to either history, analogy, or expediency; but propriety is a relative

term, and may be modified by the other features of the case. As a matter of principle, it seems impossible to dispute the proposition that at least Church membership should be required as an essential qualification of the laity to whom any new Church franchise is to be entrusted. The question who are members of the Church does not for the moment arise. That, of course, will require to be answered, but it does not affect the present point. Nor are we here concerned with the question, What amount of external interference with the government of the Church ought to be conceded to or assumed by the State? It is quite clear that the State has, on principle, a right to exercise some control over the temporal and material affairs, and conceivably, in the case of the dissemination of seditious or pernicious doctrines, over the spiritual proceedings of even a non-established Church. Much more, then, has it this right in the case of an established Church, such as our own is at present, and as, in the interests of Christianity and of our country, we trust that it will continue to be. But, putting aside these two collateral questions, can it be seriously argued that persons who are not members of the Church ought to have even such a voice in her administration as would accrue from the possession of a vote in electing representatives to her councils? What would St. Paul have said to the bare suggestion of such an intrusion, after telling the Corinthians that the saints—*i.e.*, the members of the Church—should judge the world, and that they ought therefore to settle even their worldly concerns among themselves, without recourse to unbelievers?

It must, however, be admitted that a contrary view has been taken by some eminent Churchmen, avowedly in deference to the peculiar circumstances in which we are actually placed. Even so high an authority as the late Archbishop Benson, when proposing to remodel for purely ecclesiastical purposes the vestries of ancient parishes, which recent legislation has left in a somewhat mutilated and anomalous condition, designed that they should continue to consist of all the old members, irrespective of any religious qualification. From the report of the joint committee of the two lay Houses, which sat last year on the subject of the lay franchise, it appears that two-thirds of their number advocated the same course. And in the spring of the present year the York House of Laymen, under the strong influence, as many of its members assure us, of their chairman, Viscount Cross, rather than from conviction, came to a similar decision by twenty-eight votes to twenty-five. But in July the Southern House, after a keen debate, rejected the motion by thirty-four votes to eight; and the diocesan conferences which have met

during the autumn have decisively condemned it, and have been right in so doing.

So far, then, principle will carry us, but no further. The abstract question whether all Church-members should be admitted to the franchise, or only a certain further qualified number of them, is one of propriety, not of principle. It is also one which has many ramifications, and upon which there is much to be said on different sides. The subsidiary question, what actually constitutes Church membership, naturally enters into it, and cannot here be put aside. On this point a definite answer may without difficulty be given. For a long period in our history every baptized Englishman (and every Englishman was presumed to have been baptized) was in law a member of the national Church, and although he might be excommunicated, as he might be outlawed, yet, in the absence of this involuntary exclusion, he could no more divest himself of his Churchmanship than he could of his citizenship. But we have changed all this; and while, on the one hand, no person who is unbaptized can belong to the Church of England, or to any other body of Christians who recognise baptism as the Divinely-ordained initiatory rite, on the other hand, no baptized person is now reckoned against his will as belonging to any particular church or denomination. The old law, however, survives to this extent: that every baptized Englishman is deemed to belong to the Church of England unless the contrary is shown by some language or action on his part, or, if he is of tender years, of those who are responsible for his religious persuasion. This proposition, of course, applies equally to persons of both sexes, and the further subsidiary question of the admission of women to the franchise is immediately seen to be involved. The prevalent present-day feeling appears to be that, as far as the right of voting is concerned, both sexes ought, properly speaking, to be on the same footing, the qualification for the one applying equally to the other.

But what, then, is to be this qualification? There are many who contend that mere Church membership, as above defined, is far too wide, and that only those ought to be admitted to participate in the management of the Church, even to such a small extent as voting for representatives on her councils, who do their duty as Church-people by partaking of the Holy Communion at least three times in the year. Others, while deprecating a Communion test, advocate instead that the franchise should be restricted to those Church-people who have been confirmed. Of course, those who advocate one or other of these tests do not suggest it as the only qualification for the franchise. Most, if not all, of them would require

that the voters should also be of full age. Some of them would add the test to the present vestry qualification, giving the franchise only to persons who fulfilled both conditions; while some few would restrict the franchise to the male sex. On the side of mere abstract propriety there is a great deal to be said for either the communion or the confirmation test. So was there much to be said for restricting the civil franchise to persons of education and intelligence, instead of placing it on its present wide basis. But the arguments for restriction in this latter case did not prevail, and in settling our Church franchise other considerations besides that of ideal fitness must be taken into account.

2. *Analogy.*—We are not left in this matter without examples to guide us in other branches of our own communion. The Scottish Episcopal Church, the Disestablished Church of Ireland, the branches of our own Church in our colonies, and the Protestant Episcopal Church in the United States, have all laid down a lay franchise, though in the Scottish Episcopal Church it is not, as in the other cases, the foundation of an appreciable lay element in the administration of Church affairs. In that Church, for the purposes in which representatives of the laity have a voice, the franchise is restricted to communicants, but is accorded equally to members of both sexes, except in connection with the election of the bishops, where it is confined to male communicants. In the Church of Ireland, on the other hand, the qualification is Church membership, and this is the rule also in the ecclesiastical Province of Canada, and throughout Australia, Tasmania, and New Zealand, and in the majority of the South African dioceses. Women have votes in about half the Canadian and all the Australian dioceses, and in about half the dioceses of the United States, but not in New Zealand, although it is there that they have the civil franchise. The communicant qualification prevails in the Province of Rupert's Land, in three of the South African dioceses, and in a few dioceses of the United States; but in the larger number of the United States dioceses, as well as in the West Indies, the franchise is acquired by the holding of a pew or subscription to the Church funds. In some cases where this is not required, habitual attendance at Divine service, in addition to Church membership, is a necessary condition. In the vast majority of the dioceses of our communion it is only accorded to persons of full age, but in a few cases the age for voting is fixed at eighteen. It appears, therefore, that the instances in which the communicant test for electors prevails are very few. The confirmation test is still more rare, being found only in one or two dioceses of the United States. If, therefore, we relied on

analogy alone, we should select Church membership, with, perhaps, the addition of some condition as to holding a pew, subscribing to the support of the Church, or attending public worship, as the qualification for our initial vote.

3. *History.*—But analogy is not by itself a safe guide. We must take into account the antecedents and present circumstances of the institution to which it is to be applied. When we review the history of our Church, we realize that what we are seeking to obtain for her is not an entirely new departure, required by the exigencies of modern times, but is, in fact, the recovery of an ancient order of things, of which she has been deprived by changes in our civil organization. In demanding for the Church laity, as such, a voice in the management of the parish and of the whole Church, which they do not now possess, we are in truth asking for a return in this respect to the ecclesiastical conditions of what we are accustomed to style, with thankfulness and satisfaction, the Reformation Settlement. That settlement was, we must remember, made at a time when all English folk were *de jure* members of the national Church, and those who repudiated such membership were debarred from rights, civil as well as ecclesiastical. Under it Parliament, which was composed of, and represented, Churchmen, had a voice in the ecclesiastical affairs of the whole country; and in each parish the vestry, which was also composed of Churchmen, by annually voting the Church rate for the maintenance of the fabric of the parish church and for the incidents of Divine service, possessed a certain control over the sacred building and the ceremonies adopted within it. Contrast that state of things with the present, when Parliament, though it retains the same voice in Church affairs, yet, to a great extent, neither consists of nor represents Churchmen, and when the parish vestry, also no longer exclusively composed of Churchmen, has lost control over the parish church by having lost the power of levying a church-rate, and the expenses of the parish church are left to be defrayed by voluntary contributions, without any security that the amount collected shall be spent in accordance with the wishes of the contributors.

We are now practically asking that the voice, which under the Reformation Settlement the Parliament of Churchmen possessed in Church affairs, shall be transferred from our present de-churched Parliament to a new representative body of Church laymen (reserving, of course, to Parliament that ultimate veto over Church legislation which the State must have in the case of an established Church), and that something of the power of the Church vestry of the sixteenth century shall be revived and committed to a parochial body of

Churchmen. But if this is so, then there arises the natural inference that in making the proposed reform we should go back as far as possible to the old lines, merely undoing the injuries unintentionally inflicted on the Church by legislation which has taken place in part for the relief of non-Churchmen and in part merely for civil purposes. This would mean, as far as the initial franchise is concerned, that the laity to be entrusted with a voice in the ecclesiastical affairs of each parish should be such persons possessing a vestry qualification in the parish as are members of the Church of England, and the same persons would naturally constitute the laity to be represented, directly or indirectly, in any diocesan, provincial, or national councils of the Church.

Again, in comparing the Church in England (including Wales) with the other dioceses of the Anglican communion throughout the world, we must give due weight to the difference of her position as still a recognised national Church. The value of a national or established Church is sometimes considered to consist in its being a national recognition of, and witness for, Christianity, religion, and righteousness. It is this; but in a State like our own, where one Church only holds that position, it is more: it is a national recognition of, and witness for, the principle that the Christian Church ought to be one, and that its divisions are due to human perversity and weakness and folly. It is immaterial, for the present purpose, to attempt to apportion the blame for these divisions. Before the Reformation the principle was unhappily abused throughout Christendom as a pretext for coercing men by corporal punishments and torture to assent to doctrines and practices against which their judgment revolted; and, although coercion has now happily fallen into abeyance, the Roman and Greek Churches still identify this principle of ecclesiastical unity with an enforced unity of opinion and repression of intellectual liberty among their adherents. Nor has our own Church, at some periods of her Post-reformation history, been altogether free from a similar reproach. But let us not undervalue the principle or the traces of its recognition which still remain because it has been misapplied in the past, and, owing to the mistakes of the past, cannot be realized in the present or in the immediate future. The practical recovery of it, on true lines, remains the goal to which our endeavours should be directed, and in the meantime let us jealously cherish the attestation of it which is afforded by our national Christianity being represented by one body, and this a body which is connected in an unbroken chain with the earliest Christian organizations in Britain and amongst the English people. We cannot, unfortunately, ignore the actual divisions of Christen-

dom, and the existence in our population of elements which do not belong to the Church of England. But let us do nothing to aggravate this state of things. In framing our scheme of the lay franchise, let us, at any rate, take no steps which would imply that the Church of England is only one among many co-ordinate sects or denominations, which would concede that it is perfectly right in the abstract for Christians within the same area to belong to separate Church organizations, or which would impair the maintenance of the present legal presumption, already alluded to, that every baptized Englishman belongs to the Church of England, unless the contrary appears in his case from some utterance or act.

4. *Expediency.*—The foregoing considerations have been suggested by the history of our own Church and of the whole Church of Christ, but they touch upon principle on the one hand, and upon expediency on the other. They warn us against making any move towards denationalizing our Church, either by de-churching any persons who are at present reckoned as belonging to it, or by de-territorializing our organization and so lending a colour to the vicious tenet that it is a matter of indifference whether the Christians in a given area belong to one ecclesiastical body or to many. We cannot afford, like some of the Anglican dioceses elsewhere, to make our lay franchise congregational instead of parochial. Be our test that of communion, confirmation, or Church membership, be it a franchise for householders or for individuals, we must group together the residents in an ecclesiastical parish, and not the habitual worshippers in a particular church. It may be objected that this would in many cases, especially in large towns, entail the practical inconvenience of dissociating regular and active members of a congregation from those of their fellow-Churchmen with whom they habitually work. The inconvenience is real, but it must not be allowed to weigh against the importance of maintaining the territorial principle.

Happily, there is tolerable unanimity amongst us on this particular, as there is also in favour of adopting the traditional standard of twenty-one years as the age at which the right to vote should be conferred. There is, moreover, practical unanimity on the necessity of all persons elected as representatives on any Church council being communicants. The three really debatable points are, first, whether the vote should be confined to men or extended to women; secondly, whether it should be given to all individuals who fulfil the prescribed conditions, or only to such of them as are at present qualified to meet in vestry; and thirdly, last but not least, whether Church membership should be a sufficient

qualification for an elector, or some stricter test should be imposed, and how in either case the qualification should be formulated. These questions are intrinsically independent one of another, yet it is not easy to treat the first without reference to the other two. For if the franchise is to be accorded to individuals, its extension to the female sex would, according to the well-known statistics of population, place the majority of the voting power in the hands of the women, whatever be the ecclesiastical test decided on. Still greater, we fear, would be their numerical preponderance if a communion, or even a confirmation, test were adopted. Without any disparagement of the gentler sex, we may legitimately express a decided opinion that they ought not to have the predominant share in any lay element which is hereafter introduced into the formal councils of our Church. On the other hand, if the vestry qualification were resolved upon, which would practically mean that the electorate would consist of householders who fulfilled the superadded ecclesiastical requirement, the franchise might be given to female householders (as is now the case in all civil elections except the Parliamentary) without any danger of their swamping the electors of the other sex. This is a strong argument, from the standpoint of expediency, in favour of adopting the vestry qualification. There are also other grounds for doing so. It would maintain a link with the past, and, to that extent, would protect the proposed measure from the charge of being revolutionary. Moreover, it would prevent the complaint, which otherwise could scarcely fail in some cases to arise, that a large family or household was able to exercise an undue weight in an election by the accumulated votes of its various members, all given in the same direction by preconcerted arrangement. The representation of the household in the councils of the Church is as natural and fitting an arrangement as the representation of the individual. The only practical objection which can be urged against it is that, while inevitably admitting to the franchise, whatever test be superadded, more or less lukewarm and indifferent Churchmen, it would exclude earnest and active Church-workers if they did not happen to be in the position of householders. This is, no doubt, an objection of some weight. But a similar objection is not allowed to prevail in connection with our civil affairs. Many intelligent and patriotic Englishmen are excluded from the Parliamentary suffrage, confined as it is, with one anomalous exception, to householders. The exception involved in the lodger franchise lets in a certain number of them, but by no means all. We do not, however, on that account agitate for manhood suffrage. In like manner, the objection to the

vestry qualification, with which we are now dealing, might, perhaps, be met in part by allowing in each parish a supplementary list of voters conditioned so as to admit Church-workers not possessing the vestry qualification. But, at any rate, it is not sufficiently strong to outweigh the manifest advantages of giving the Church franchise to the household rather than to the individual.

When we realize that this is what the vestry franchise really means, we recognise that the objection which is sometimes urged against it, that it is a rate-paying qualification, and makes the possession of the vote depend on contributing towards the civil administration, has no substantial validity. Originally, no doubt, the right of voting in vestry depended on payment of rates. But this is no longer the law. The right now depends on the ownership or occupation of a tenement or other property in respect of which rates are paid, whether by the owner or occupier himself or by some other person. And the vestry roll of a parish is practically identical with the register of electors for the civil Parish Council in rural districts, and for the Municipal Council in towns, and for the County Council throughout the country, embracing all occupiers of separate tenements, and only substantially differing from the register for Parliamentary elections in its inclusion of female occupiers.

But when we have agreed on the vestry qualification as our basis, we have still to determine whether the electorate shall include all members of the vestry who are also Church-people, or only those who fulfil the further condition of having been confirmed or being communicants. It is probable that in practice the result would be the same whichever rule were adopted. But in framing schemes we are apt to attach greater weight to the ideal than is justified by its actual effects. It has been objected to the qualification of mere Church membership that it would admit to the franchise Church-people who were living in open and notorious sin. No doubt the exercise of the suffrage by such people would be a scandal; but the risk of it might be prevented by laying down that persons who were both *de jure* and *de facto* debarred from Communion, under the terms of the Rubric on the subject, should not be allowed to vote. There are many Church reformers, however, who go further, and urge that persons who have neglected to comply with the rule of the Church as to being confirmed, or who fail to communicate at least three times a year, in accordance with her precept, are not faithful members of the Church, and are unfit to be entrusted with her franchise. This was the kind of argument which we used to hear urged against the extension of the

Parliamentary franchise during the Reform agitations of the last century. The wider electorate who were proposed to be admitted to it were not fitted for its exercise. The argument was logically unanswerable; but it did not prevail, and most of us will agree that it was a happy thing for the country that it did not. Similarly, it is difficult directly to controvert the plea that, inasmuch as it is the duty of every member of the Church to be confirmed and to communicate at Easter and at least on two other occasions during the year, anyone who has not fulfilled these duties ought not to be admitted to a share in the administration of Church affairs, even to the extent of voting for representatives to sit in Church councils. But the practical difficulty of adopting this course is betrayed by the divergence of opinion which has arisen between its advocates. For while one portion of them insists on the communion test, another is content to restrict the franchise to confirmees, without insisting on their being actual communicants. This particular qualification has, as we have seen, met with hardly any acceptance among Anglicans outside England, and does not appear to have any substantial arguments in its favour. Both proposals are objectionable, not only as restrictive, but also as complicated. For neither could, with justice, be adopted without permitting exceptions in the case of persons who, through no fault of their own, but from unavoidable accident, had been prevented from being confirmed or from communicating with the requisite frequency. And who would be entrusted with the duty of allowing or disallowing these exceptions? Then the proposals, with all their drawbacks, would be of no practical utility; for those who maintain that the suffrage ought only to be conceded to persons of a certain moral or spiritual standard, or a certain standard of Churchmanship, can no more secure that all confirmees or periodical communicants will come up to it than they can that all baptized members of the Church will do so.

How the ecclesiastical qualification, whatever is selected, is to be insured, is a matter of detail which may well be left undecided until the broad features of the scheme have been settled. The prevailing opinion seems to be that it should be evidenced by a declaration on the subject made by the would-be elector himself, either before he is put on the register of voters or before he votes. It may, however, be suggested, as practically sufficient for the purpose, that possession of the qualification being a condition of the right of voting, the tender of a vote by any person might be held to be a declaration on his part of his right to vote. Elections to Church councils would presumably be carried on as elections of

churchwardens are at present, not by ballot, but by open voting. If, then, a person voted who was notoriously unqualified, his vote might be objected to afterwards and struck out, and not permitted to weigh in the election of the candidates. Such a course would avoid much labour and expense, and would also be more consistent with the general presumption as to the possession of the qualification which arises from the fact of our being the national Church.

To return to the main question, there are two other considerations of practical expediency which commend the householder - cum - Church - membership qualification. Its adoption would be more easy to secure than that of other franchises, and its working, when adopted, would be more smooth. We are, happily, a conservative people, and do not care to change our institutions unnecessarily, or further than is necessary. The addition of Church membership to the old vestry qualification as a condition of the Church franchise is the *minimum* of change which present circumstances require. It may be justified on the ground of necessity; but any more restricted franchise is not a matter of necessity or of absolute principle. It can only be advocated as more or less a counsel of perfection, and there will evidently be a greater difficulty in inducing the nation, not to say the Church, to acquiesce in it. In particular, the suspicion, however idle, will always attach to the Communion or Confirmation test that either of them would to a certain extent give to the clergy a control over the admission of laymen to the franchise. There is the additional objection to either of them that it would actually disfranchise Church-people who have now the right to vote in vestry on those ecclesiastical matters with which that body has at present the right to deal. The proposal to disfranchise non-Church-members of the vestry can be justified on principle, but the disfranchisement of Church-members is a measure at which we may well hesitate. Again, if the *minimum* of change is made, and the least possible restriction introduced into the existing parochial franchise, the opportunity will be taken away of successfully objecting to a resolution of an elected Church body that it does not truly represent the preponderance of Church feeling. The risk of failure to obtain the requisite assent of Parliament to measures decided upon by the representatives of the Church will, therefore, be minimized by the adoption of this franchise. This last consideration must, of course, be a mere matter of forecast, but of the other we have already had some practical experience. The vote of the York House of Laymen in the spring, though it probably did not exactly mirror the convictions of all the members who took part in it, at any rate

did not disclose any inclination to confine the electorate to communicants or confirmees. The Southern House, in the summer, left their discussion of the subject unfinished, and will not resume it till the beginning of next year. Besides their decisive vote, already mentioned, against admitting non-Churchmen to the franchise, they rejected by a substantial majority a motion in favour of a somewhat special form of the communicant qualification. But it still remains open to them to adopt that qualification in another form, and, in fact, they are at present committed to nothing except the condemnation of the two particular proposals which they have negatived. We cannot, therefore, safely predict what line they will ultimately adopt. But the subject was discussed at several diocesan conferences during the autumn, and though their conclusions upon it were by no means uniform, the conferences of some of the larger and more populous dioceses showed a decided preference for the wider basis of the franchise. Especially was this noticeable in the case of our second largest diocese, that of Manchester. That conference, on the motion of Mr. J. G. C. Parsons, a member of the Northern House of Laymen, expressed a unanimous opinion in favour of the qualification for electors of representatives to any Church council being the existing qualification for a vote at vestry meetings, together with a declaration that they have been baptized and are members of the Church, further deciding (with only two dissentients, who objected to the Communion test even for the representatives) that for those to be elected as representatives the qualification should include a declaration that they are communicant members of the Church.

It is a trite saw that what Lancashire thinks to-day, England will think to-morrow. In this case, at any rate, if the majority of the Church and nation are not already of the same opinion, I believe that a careful consideration of the arguments on one side and the other will lead them to the conclusion that with whatever arrangements in detail as to declaration, registration, and other points, and possibly a supplementary roll to include earnest Churchmen who are not householders, the vestry or householder qualification, combined with the further condition of Church membership, is the basis on which the lay franchise in our Church must ultimately be settled.

PHILIP VERNON SMITH.

