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RELATIONS OF CHURCH AND STATE HISTORICALLY CONSIDERED, MAINLY IN REGARD TO THE REFORMATION AND SUBSEQUENT PERIODS.

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THERE is no need to adduce evidence to show that, at first, the Church was entirely independent of the State; it was neither instituted nor legally recognised by the State, but grew up of its own power despite attempts of the State from time to time to suppress it. The question of its relation to the State only began to arise after its legalisation by Constantine. The exact position then was that its existence, not in any sense due to the State, was none the less recognised: the Church was "licita." But soon, through the actions of this or that emperor, the relation between the head of the State and the Church became more intimate though, so far as I know, that relation was never strictly defined nor understood in early days. Still, Emperors did interfere in ecclesiastical matters, without protest from anyone. Each of the first four general councils was due to imperial initiative: on occasion, an emperor would even be personally present in a council and sway (if not compel) its decision—as Constantius at Milan in 355. In 380 Theodosius published a decree ordering all nations under him to obey the faith as taught by St. Peter, and laying down what that faith was—"*the sole deity of the Father, the Son and the Holy Ghost under an equal majesty and a pious trinity.*" Before long—and with the approval of bishops such as Augustine—the State was visiting with civil penalties those whom the Church rejected as schismatic. Obviously there was a close though undefined alliance, and a strong emperor could exercise considerable influence in Church affairs. None the less, I think that the Church considered itself as being, though recognised by the State, yet not the creation of the State, nor dependent for its right to exist either on that recognition or on the Emperor's will. The imperial support was used and valued so far as it helped the Church to carry out its own policy, but at times imperial interference was clearly and successfully rejected, as when Ambrose refused the request of Valentinian II to allot a church in Milan for the use of Arians, or Basil of Cæsarea actively withstood Valens about the same time. Thus, there was no fully worked-out or authoritative view of the relation of Church and State: in the main the Church thought of itself as an independent self-governing body: legally its position was that it was permitted but not created by the State. Strong ecclesiastics restrained imperial interference but, in practice, emperors did sometimes largely affect both the discipline of the Church and its expression of what constituted orthodoxy.

In the Middle Ages, the position seems to be different, and it is as important as it is difficult to gain a clear idea of it. The modern man, conscious of the difficulties in the relation of Church and State to-day, and dimly aware of acute struggles between Emperors and Kings on the one hand and Popes on the other, is apt to think of Church and State in the Middle Ages as separate, clearly marked and rival entities. But all who are able to speak with authority say that it was not so. Rather, the two were regarded simply as differing aspects or functions of one single society. Of the causes of this quasi-identification of Church and State it is not necessary to enquire —no doubt it was largely due to the fact that, in theory anyhow, all citizens were members of the Church (those who were not were outlaws). But be the causes what they may, of the fact there is no real doubt. Thus Dibdin and A. L. Smith write, "It would be a mistake to regard the Middle Ages as a continual fight between spiritual and temporal. These were rather two aspects of one united community. Bishops and abbots, besides being great ecclesiastics, were also barons with feudal obligations and political duties." [1] Of the period in England under the Saxons they say: "The bishop and the ealdorman sat side by side and heard ecclesiastical and secular cases in the same court. The king and his nobles were present and assenting parties at church councils, and the bishop was a member of the Witan. Ecclesiastical laws were made or re-made both in Church Councils and in the Witan." [2] As Bishop Browne puts it in the same Report: "The Church was not independent of the State, nor the State of the Church. Their relation was that of interdependence . . . . each naturally taking the lead when its own affairs were in question" (p. 209). Carnegie Simpson agrees, and so does Figgis, from whom I wish to quote at some length, for he puts the condition of things very clearly.[3] "Neither churchmen nor statesmen believed in two separate social entities, the Church and the State, each composed of the same persons" (p. 77). "Alike on the Imperial and the Papal side, the claims would have been inconceivable had it not been admitted that both Popes and Emperors were rulers in one society" (p. 78). "All this was crystallised in the idea of the Holy Roman Empire, the governing conception of a great Church-State, of which it is hard to say whether it is a religious or a temporal institution. Half the trouble comes from the fact that popes and emperors were heads, in theory co-equal, of the same society" (p. 205). What then, it may be asked, of all the troubles with which we are familiar between Church and State, Emperor and Pope? Dr. Figgis's answer is very clear and interesting: "The distinction that has ruled Europe for so many centuries has been a distinction not between Christian and non-Christian societies, but between cleric and layman, between the spiritual and the temporal power, each of them exercised within the Church; between the ecclesiastical and the secular governments,

[1] Report of Archbishops' Committee on Church and State (1916), p. 15.
[2] Report of Archbishops' Committee on Church and State (1916), p. 8.
[3] Figgis, *Churches in the Modern State.*

each of them functioning within the body politic" . . . (p. 182). "In common parlance the Church in the Middle Ages meant not the *congregatio fidelium*—though, of course, no one would have denied this to be the right meaning— . . . but rather the active governing section of the Church—the Hierarchy and, I suppose, the religious orders" (p. 184).[1] "In the Middle Ages the Church is used to distinguish the spirituality from the laity, and in nine cases out of ten it means the ecclesiastical body . . . whereas in the Middle Ages 'I am a Churchman' would mean 'I am not a layman' nowadays the same phrase means 'I am not a Dissenter.'" And so "In these controversies you have practically no conception of the Church, as consisting of the whole body of the baptised set over against the State, consisting of the same people. . . . It is a quarrel between two different sets of people, the lay officials and the clerical, the bishops and the justices, the pope and the kings" (p. 190). A good illustration of this usual conception of the relation between Pope and Emperor is quoted by Carnegie Simpson from Dante (p. 88).[2] "There was needed, in order to bring man securely to his double end, a double directing power: to wit, the Holy Pontiff to guide him, in accordance with Revelation, to eternal life; and the Emperor, to direct him to temporal felicity. . . . It is clear then that the authority of the monarch descends to him without any medium from the fountain of all authority. . . . This however is not to be taken as meaning that the Roman Emperor is in nothing subject to the Roman pontiff; for that mortal happiness of which we have been speaking itself has a further end in the happiness which is immortal. Let then Cæsar pay such reverence to Peter as a first-born son owes to his father that . . . he may with greater virtue irradiate the whole circle of the world over which he is placed by Him alone Who is the ruler of all things temporal and spiritual."

So much for the general belief of the relation of Church and State in Middle Ages—or rather of the relation of spiritual and temporal officers in the one body corporate. On the other hand, Figgis[3] admits that (p. 197) in the acuter minds of the later Middle Ages, the conception of Church and State as separate organisms was beginning to evolve, though not popularly held. Such a view was advanced by the growth of national self-consciousness which overshadowed the vague ideal of the one Holy Empire and set states instead of the State in the front of men's minds. It was helped by the emergence in history of the Papacy as a territorial power side by side with other similar powers, thereby challenging rivalry with them. It was very largely helped by the pretensions of the Papacy, based on forged decretals and the Donation of Constantine as well as the Petrine claims, to be superior to all temporal rulers —pretensions powerfully put forward by such strong popes as Hildebrand, Innocent III and Boniface VIII, who claimed that both temporal and spiritual swords belonged to him. It was helped

[1] Figgis, *Churches in the Modern State.*
[2] Carnegie Simpson, *The Church and the State.*
[3] Figgis, *Churches in the Modern State.*

too by the growing demarcation of the clergy from the laity. By "benefit of clergy" they were marked off as a class apart, belonging as it were to a jurisdiction other than that of the territorial ruler; an impression strengthened by such an action as that of the clergy in England in 1295[1] when they claimed to sit as a separate estate of the realm with the right to settle their own taxation. Now on the Roman view of the Church—that it was constituted by its Petrine authority from above and not from below; and that all spiritual benefits came from the Pope and were mediated through the clergy, his deputies—all that tended to the conception of the Church as an organism separate from the State. But though such claims to separate independence were being made by Popes, they were not admitted by the temporal rulers; nor were the popes, despite individual successes for a time, able to enforce such claims for any considerable periods. Nor, as I have said, were the implications which such claims plainly involved recognised generally. The ordinary man thought of Church and State as allies or rivals —different officers—in the one society.

Such, roughly, was the position when the Reformation brought matters to a head. Immediately the earlier, ill-defined and idealistic conception of the relationship of Church and State became no longer tenable. The sense of nationality for one thing made it impossible; even more so did the fact that multitudes who were sure they were Christians and members of the true Church yet were definitely not members of the society of which the Pope was head. The problem had to be faced squarely. So far as the Roman Church was concerned, the result was simple. Grounded on its Petrine claims, it was sure of itself as a separate organism, over against and independent of temporal authorities. But the other churches had to work out their own positions. I propose to say something about each in turn, reserving to the end for fuller treatment the Church of England.

First of all, Germany. Now, of course, to Luther at bottom salvation did not depend on membership of the Church but on faith. Those who had justifying faith were saved and alone constituted the true Church. At first it would therefore seem as though he had no need for a visible organised community and that the problem of Church and State would not arise. But in fact he insisted on the need of a visible church, for evangelistic purposes, for "He who would know something about Christ . . . must go to the church, visit and make enquiry of it." The signs of that church are "Baptism, the sacrament and the Gospel." But, so far as I can make out, he never worked out any theory of a visible catholic church which should be a single united organism. His view was rather that the whole body of Christians formed a spiritual unity of which local churches where were the Gospel and the sacraments were visible individual expressions. But—and this is of vital importance—the authority or validity of those churches did not consist in a hierarchy descended from Peter; once and for all,

[1] Report of Archbishops' Committee on Church and State (1916), p. 223.

for Luther, the possibility of the medieval way of regarding the clergy as the Church, or even the dominant element in it, was gone. All believers were of the spiritual estate, the clergy merely the deputies of the whole spiritual community—"The Bishop's consecration is as if, in the name of the whole congregation, he took one person out of the community, each member of which has equal power, and commanded him to exercise this power for the rest." In other words, the Church is *not* the clergy: it is the whole Christian congregation of which the clergy are only the ministers. As contrasted with the medieval view, it seems to me that Luther there emphasised a most important truth—and one which all Protestant bodies have accepted—that the laity as well as the clergy constitute the Church.

Logically, such a church of true believers should plainly be self-regulated and autonomous, governed by the general decision of all who are alike equal members of it. Its constitution should be democratic and independent of State control. And there is little room to doubt that at first Luther supposed that the German churches would develop on those lines. But in fact that was not the system he ultimately left behind. The reasons for the change were probably practical rather than theoretical—he lost his faith in the common people. They did not, in fact, undertake the work of organisation: e.g. immense difficulty was found in providing ministerial stipends. Even worse, many of them were (in Luther's view) led astray by Anabaptists, and the attempt to set up an Anabaptist community at Münster dismayed him. Finally the Peasants' Revolt in 1524 alienated him from the common man for, though the demands of the Peasants included many of the things for which he fought, there were also other claims which were frankly political and materialistic, with which he had no sympathy. So in the end he turned to the civil power as the agent which should carry out the reforms he wanted. Now that was not, in fact, to put the Church under the State: it was an appeal from the Church as a whole to the temporal authority within the Christian society. In a sense it was a piece of conservatism (of which there was a great deal in Luther)—a return to the old idea of Church and State as one, in which the chief person was the Christian prince who, in virtue of his pre-eminence, was naturally the principal member of the national or local Christian congregation. Moreover, such a policy was not inconsistent with his past view;—for before his break with Rome in his Address to the German Nobility he had urged them to undertake the task of reform since the definitely ecclesiastical officers (Pope and so on) would not do so. Von Ranke defends this policy on the ground that "no one could question the competency of the Empire, in the prevailing confusion, to frame ordinances respecting ecclesiastical as well as civil affairs." When, at the Diet of Speier in 1526, the Princes resolved "each one so to live, govern and carry himself as he hopes and trusts to answer it to God and His imperial Majesty" all that happened, according to Ranke, was that the Diet entrusted the exercise of its corporate

rights to individual territorial rulers. None the less, I cannot help feeling that for Luther to agree to such powers in the civil ruler was a betrayal of his fundamental principles. It was due to practical necessity. However that may be, in the Confession of Augsburg (1530)—the real official standard of Lutheranism—the civil power is recognised, and its relation to the ecclesiastical clearly laid down. To the ecclesiastical power is assigned the preaching of the word, the power of the keys and the administration of the sacraments, while secular princes are to occupy themselves in protecting the persons and property of their subjects. But the magistrates are expected to punish—i.e. to be the disciplinary power even in ecclesiastical matters—" if any teach against a public article of the faith which is clearly founded upon the Scriptures and is believed by all Christendom." That sounds, in theory, very nice—the Church is to decide, and the State to be the executive under the guidance of the Church. But it does, in fact, open a very wide door for State control. And in practice it was so interpreted by Luther as really to make the territorial rulers dominant in the changes which were effected. In Hessen, at the instigation of the Prince, a church of true believers was formed, which was to choose its own officers. In Prussia, again with the approval of the ruler, a bishop of reforming views took charge. In Electoral Saxony, the Elector chose four commissioners to carry out reform, though later on (the first in 1539) consistories were formed to which were entrusted the guardianship of true doctrine, the arrangements for public worship, and the supervision of morals. Now whatever the theory, no matter how carefully the functions of civil and ecclesiastical powers had been defined at Augsburg, it is obvious that in such proceedings the various princes took a predominant part not only in discipline, but in imposing doctrines. There lay the seeds of the later view " cujus regio ejus religio." With such a beginning, the civil power did not, says Simpson,[1] confine itself within the limits laid down at Augsburg : in protestant as well as in catholic states, coercion in religious matters was operative—and the various German state churches were fairly launched. That state of affairs continued till the present century, the churches really being controlled by the State, or rather by the prince who at times (e.g. in Prussia) rode roughshod over all spiritual liberty—e.g. Frederick William II sought to lay down on his own authority what might be taught in church and schools.[2] After the war, a change was made by the Weimar Constitution : the state churches were disestablished, but were given clear legal security and freedom, with different conditions in different states. At present, the attempt is being made to combine all the different protestant churches in the Reich—over 20 in number—into a single German church under a state bishop ; the outcome I do not venture to try to prophesy. But plainly, whatever the exact legal forms which have been fulfilled (synodical actions and so on), to the onlooker it appears as though the unified state is trying to coerce the

[1] Carnegie Simpson, *The Church and the State*, p. 117.
[2] Carnegie Simpson, *The Church and the State*, p. 190.

churches as were the separate state-churches before the war by the separate territorial rulers. In the Proclamation from Hitler read to the Nazi Party rally at Nuremberg on September 5, 1934, it was said (i.e. in the name of Hitler): "We are striving to reach an upright and honourable agreement with the two great Christian religions . . . (but) . . . we are resolved, as far as the Evangelical faith is concerned, to convert the present divided church organisations into a single great Church of the Reich." [1]

Calvin was, of course, of a temperament very different from Luther. The dominant idea in his thought is the omnipotence and majesty of God, and his ideal of earthly government is a theocracy. Thus, whereas Luther was primarily concerned with the inner salvation of the individual and does not lay great stress on state control of morals, Calvin, as Carew Hunt points out, "insisted that society should see to it that the honour of God was respected by an outward conformity with the precepts of the moral law." His views are clearly and consistently expressed in the Institutes. There is no need of a primary see; though he does contemplate the possibility of councils, yet each local church has the right to the name of Church, and is authoritative over its members and can exercise spiritual discipline, including excommunication, over them. Such local churches will have pastors, but Calvin is careful to lay it down that they do not alone constitute the Church, which is the whole body of the congregation. He clearly distinguishes between the discipline of the Church and of the civil power: "The Church has no power of the sword to punish or coerce, no authority to compel, no prisons." Its business is the administration of the word and sacraments, and spiritual discipline: in such it is to be entirely beyond any control by the State. But the authority of the State he regarded as also divinely instituted—only instead of being above or equal with that of the Church, he plainly regarded it as subordinate. "No government can be happily constituted unless its first object be the promotion of piety," he said: its duty is "to cherish and support the external worship of God, to preserve the pure doctrine of religion, to defend the constitution of the Church, to regulate our lives in a manner requisite for the society of men." If it command anything contrary to God's word, Christians are excused from obedience.

The theory there is quite clear. The local Church, consisting of all Christians, is independent; the divinely instituted civil magistrates are to protect the Church and carry out its moral injunctions—but the decision on faith and morals rests with the Church, not the State. Moreover in Geneva, while Calvin lived, he succeeded in getting his theory put into practice—though not without a severe struggle. His position was in a sense peculiar not only because of his dominant personality, but also because the republic of Geneva had by popular vote and with an oath accepted the reformed religion. The struggle centred round the question of excommunication which, I think, involved civil penalties. Calvin

[1] *The Times*, Sept. 6, 1934.

instituted a moral ecclesiastical tribunal consisting, be it noted, of lay members as well as ministers. When the Consistory began to excommunicate prominent citizens, trouble arose and the Council repudiated excommunication. But in the end, Calvin was victorious —the right of the Church to pass sentence was admitted, and the civil powers carried out the decisions of the Church. That system in the end broke down because, says Carnegie Simpson, the exercise of discipline was carried too far. Moreover, it was not a system which could be established except where a state had definitely accepted the reformed faith as the only tolerated form of worship —in Geneva those who were not willing to conform were pressed to find a home elsewhere. But even where Calvinism was not so accepted by the State, Calvin's views on the constitution and autonomy of the churches had enormous effect. All over, congregations of Reformed Christians sprang up, local, compact, self-governed, admitting no control of the State in matters of belief or discipline—as the Huguenots in France. The doctrine underlying such congregations was the complete independence of the Church from the State, and it inspired the Independent and Puritan movements in England, though such movements often (though not always) wanted to go to the full lengths of Calvin and render the State subsidiary to the Church in enforcing the moral law. Some of them however did not, e.g. Cromwell was prepared to allow wide divergence of opinion in matters of doctrine without wishing the State to interfere.

This view of the complete independence of the Church from State control naturally leads up to the consideration of the settlement in *Scotland*. For this section I have had to rely almost solely on Carnegie Simpson, but his conclusions are borne out by what is said in an appendix to the Report of the Archbishops' Committee in 1916. As the Crown and prominent nobles were catholic, the movement for reform was not instituted from above, but came from the people under leaders such as Knox. In various places, congregations were formed, and in 1560 Parliament was petitioned to disestablish Popery. In reply it was asked what form of religion was to be substituted. Knox and others formulated a reformed confession of faith to which Parliament gave its sanction as the national confession of Scotland. Next, a general assembly was called not by Parliament but by the Church leaders, consisting of six ministers and thirty-four elders (note the proportion): it drew up a constitution setting forth the presbyterian order of church government. Neither Parliament nor Privy Council as yet acknowledged this, and the Queen definitely refused to authorise it—but none the less it was observed by the churches. In the Confession of Faith, it was explicitly stated that Christ was the only head of the Church and lawgiver "in which honour or offices, if man or angel presume to intrude themselves, we utterly detest and abhor them as blasphemous to our Sovereign and Supreme Governor, Jesus Christ," though in another part the Confession (in Calvinistic vein) admits that kings may and should help "the reformation and pur-

gation of religion." But plainly this would be as the servant, not the master, of the Church.

Queen Mary tried to control or overthrow this independent Church by ordering Knox, in vain, to be obedient to her directions in his teaching; by trying to put a stop to the meetings of the Assembly—again in vain—and by controlling preachers. But in 1567 came her abdication—and in the very same year a notable recognition by Parliament of the Church in an Act which embodies the Church's Confession and constitution including the statement of the Church's spiritual freedom and final jurisdiction in all ecclesiastical issues. Moreover, the Act does not speak as if freedom were being conferred by it, but rather as if the freedom were inherent in the Church and was simply being acknowledged. It orders[1] that " no other jurisdiction ecclesiastical be acknowledged than that which is and shall be within the same kirk established presently, and which floweth therefrom, concerning preaching of the Word, correction of manners and administration of the Sacraments."

That freedom the Church maintained—it was specially recognised by an Act of Security when the Parliaments of England and Scotland were united—and it was unchallenged by the State till last century. But in 1843 there was a crisis. The Assembly passed a Veto Act (to prevent ministers being forced on a congregation which did not want them). This was challenged and legal decisions were given that it was *ultra vires*, the decisions explicitly assuming that the Church derived its power from Parliament and must submit to statutes of the realm even in ecclesiastical matters. The General Assembly appealed to the government of the day, but Peel, the Prime Minister, regarded their claim to autonomy as " unreasonable," and the legal decision was upheld. Thereupon, two-fifths of the ministers resigned all that was secured to them by establishment and state protection—manses, stipends, positions—so as to assert their spiritual liberty. Thus was founded the " Church of Scotland Free." In 1900 this Free Church united with another non-established presbyterian church to form the United Free Church of Scotland. This union was challenged by a small minority, and the case came to the civil courts—the point being the possession of the funds the Free Church had acquired since 1843. The final decision in the House of Lords attributed the funds to the small dissenting minority—" Wee Frees "—denying the right of the Free Church to unite with the other Presbyterians to form the United Free Church—again an attempt to deny complete liberty, even to the Free Church. But the union in fact went on, despite the loss of funds. But in 1909 there was a fresh step—the Established Church of Scotland approached the United Free Church with a view to union. After discussion, Articles of Agreement were drawn up, and those articles were declared lawful by an Act of Parliament in 1921. I think I am right in saying that, as so declared legal, they have now been accepted by both parties, and that the union of the United Free Church and the Church of Scotland is an

[1] Carnegie Simpson, *The Church and the State*, p. 146.

accomplished fact, within the last year or two. But what is of real interest after the attempts in 1843 and 1900 on the part of the judicature to deny the spiritual autonomy of the Church, is the language of the constitution drawn up by the churches but recognised by Parliament as "lawful." It asserts that the Church "as part of the universal Church wherein the Lord Jesus Christ has appointed a government in the hands of Church office-bearers, receives from Him its Divine Head and King, and from Him alone, the right and power, subject to no civil authority, to legislate and to adjudicate finally in all matters of doctrine, worship, government and discipline." It declares that State recognition, however expressed, does not affect the character of that government "as derived from the Divine Head of the Church alone," and that the State has not "any right of interference with the proceedings or judgment of the Church within the sphere of its spiritual government." Those words, included in an Act of Parliament, definitely return to the position laid down originally in 1567—that the Church is not made free by Parliament, but has its freedom recognised. They are a charter of complete ecclesiastical liberty—and a full answer to those who declare that establishment must mean State control.

Finally, let us turn to the *Church of England*. Originally, as I have said, no real distinction was made between Church and State —"the distinction between spiritual and temporal authorisation was very lightly drawn" as Stubbs put it.[1] After the Conquest, the English Church was drawn into much closer relation with the Church on the Continent—i.e. the Roman—but certainly at first the King retained his power over it. The Conqueror enjoined the Bishops "not to enact or prohibit anything but what had first been ordained by the King."[2] No Englishman was to acknowledge a Pope as Apostolic until the King had issued his consent, no legate might land without his permission, nor English ecclesiastic leave the country without his leave. Nor might papal letters be published without his approval. Later on, when Papal pretensions grew, they were often rejected or abridged. In 1351 the Statute of Provisors sought to check the custom of the Pope of thrusting his own nominees into English benefices: in 1353 the Statute of Præmunire sought to stop ecclesiastical cases being taken out of the courts of the realm for hearing at Rome. When Boniface VIII issued the Bull "Clericis laicos" declaring that lay persons have no control whatever over ecclesiastical property, and the clergy acknowledged the Bull, they were promptly outlawed—and gave way. Thus, all through, the State was insisting on its rights in the Church as a national Church and refusing to acknowledge the Papal claims. In 1399 Parliament even declared the Crown and realm so free that the Pope could not interfere with it. On the other hand, often enough when disputes arose between King and Pope, a compromise was reached whereby the Pope was allowed certain powers

[1] Report of Archbishops' Committee on Church and State (1916), p. 7.
[2] Report of Archbishops' Committee on Church and State (1916), p. 9.

in England, as in the controversy over investitures under Henry I: the Pope was to invest, but the bishop or abbot was to do homage to the King for his temporalities. And often weak kings, or those who wished for his support went further than that and allowed the Pope to wield large authority—one even going so far as to acknowledge that he held the realm as a fief from the Pope. But that was not usual. In the main a certain if precarious independence was maintained in theory if not always in fact, though by usage the Pope had certain rights. Thus Canon Dixon rightly sums up the position before the Reform when he says: "What the Pope possessed in England was spiritual jurisdiction: he was the head of the spiritual jurisdiction of the realm, by the King's consent, because he was the spiritual father of Christendom. But this jurisdiction was neither in word nor deed a supremacy rivalling that of the sovereign. . . . The jurisdiction of the Pope had been limited by one statute after another: and that part of it which had been allowed to remain (the appeal in purely spiritual things as matrimony, divorce, presentment and right of tithes) was matter of grant from the temporal power." He adds a note: "I question whether the word 'supremacy' is ever applied to the Papal jurisdiction in any of the documents of the age. Power, jurisdiction or authority are the names applied to it by those who lived under it and by those who abolished it. But to the royal prerogative the word 'supremacy' is constantly applied because supremacy was what the King had."

Technically, what happened at first under Henry VIII was that all papal jurisdiction and power in the realm was by law abolished and the Royal Supremacy not created but reaffirmed. In 1532, under threat of action under the Statutes of Præmunire, the clergy agreed not to put in use any canons not sanctioned by the King, and agreed that the existing canons should be examined to see which were detrimental to the royal authority. In 1533, the Act in Restraint of Appeals definitely marked the break with Rome. Its language is interesting—there is no idea of the State starting a new church. It continues the old one, declaring it spiritually self-contained:[1] "This realm of England is an empire . . . governed by one supreme head and king . . . the body spiritual having power, when any cause of the law divine happened to come in question or of spiritual learning, then it was declared interpreted and showed by that part of the said body politic called the spiritualty, now being usually called the English Church which . . . hath been always thought and is also at this hour sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts and to administer all such offices and duties as to their rooms spiritual doth appertain." In 1534 came the Supreme Head Act—and again the language is interesting:[2] "Albeit the king's majesty justly and rightfully is and ought to be the supreme head of the Church in England, and

[1] Report of Archbishops' Committee on Church and State (1916), p. 225.
[2] Report of Archbishops' Committee on Church and State (1916), p. 227.

so is recognised by the clergy of this realm in their convocations, yet nevertheless for corroboration and confirmation thereof," etc., etc. Incidentally in the Act the saving clause *quantum per Christi legem licet* inserted by Convocation was omitted. The Act asserted that the King was to enjoy such jurisdiction and authority as belonged to his dignity with power to " visit reform and correct " all heresies and errors " which, by any manner of spiritual authority or jurisdiction ought to be reformed or corrected."

In all that there is no suggestion of what is usually meant by a church " by law established," a phrase about which I should like to interpose a few words. I do not know when it first appeared, but I think that what has popularised its use and made it seem authoritative is its appearance in the English version of the Canons of 1604. But of those canons, it is the Latin not the English which is authoritative. In the Latin canons, the word translated " established " is not *fundatus*, but " *stabilitus* " or " *constitutus*," and in their context they mean not that the Church has been set up or constituted by law, but that its forms of liturgy and ceremonial, because of disputes, have been so settled, and its articles, only the last by Convocation. There is nothing in the Latin Canons of 1604 to support the popular idea of " by law established " and, to revert, there was nothing in the legislation under Henry VIII. The Church was thought of as continuing its previous existence—apostolic in the sense that it followed apostolic models, with the jurisdiction of the Pope abolished and that of the King reaffirmed. Moreover, throughout Henry tried to keep the Convocations alive as real legislating bodies and to work with and through them. If they were only to pass canons with his sanction, that was merely a return to the Conqueror's position. If he made his visitatorial powers a reality through his vicar-general—that, after all, was only the civil power intervening to carry out the laws of the Church which the church officers had neglected to execute. Until the *Reformatio legum ecclesiasticarum* was carried out—it never was effectively—the old canons were valid. The Act of the Six Articles was not an invasion of the Church's rights, but only an attempt by civil legislation to insist on the observation of certain rites and beliefs which were common to the English and Roman Church and which had not yet been repudiated by Convocation. Indeed, in the main, in spite of his tyrannical disposition, Henry does not seem to have wished for any change except the abolition of Papal jurisdiction. As Visitor, he issued injunctions—but surely that was within the scope of the language of the Act of Supremacy. He appointed Bishops—but in fact the kings had often done the same before. But I seriously doubt whether, on his own authority, he issued any doctrinal statements. Carnegie Simpson says he did put out " provisional articles of religion." If so, it was going beyond his visitatorial powers. But Simpson does not specify exactly what he means. The Ten Articles of 1536 were the first to appear, and it is very doubtful who drew them up. Certainly the King had some hand in them, but probably they were at least authorised

by the Upper House of Convocation; anyhow, they were subscribed by many of the Bishops. Professor Powicke thinks the Bishops drew them up. The Institution of 1537—the Bishops' Book—was drawn up by the Bishops, a process Latimer found very irksome. The so-called King's Book—the Necessary Doctrine and Erudition for any Christian Man—of 1543 though put forward with the King's sanction, had been fully discussed by Convocation. I do not know of any other doctrinal statements in Henry's reign. It is true that the title "Supreme Head" without qualification appears ominous —and it is true that Henry did *personally* control and guide things in a way which was not consistent with the full liberty of the Church. But roughly the legal position was not that the Church became more the servant of the State than before, except that the strength of the backing drawn from connection with Rome was abolished. The usurped powers of the Pope were resumed by the King—a not intolerable position if the King's powers are regarded as merely visitatorial and not doctrinal. His power of veto over convocation and of nominating bishops are a different matter—but they were not an innovation.

Under Edward VI an entirely different state of affairs arose. The Council of Regency acted as though the royal supremacy was vested in its members and used their position to carry out their own sometimes extreme views without recognising the limitations which even Henry VIII had recognised. The Church was treated as though it was a mere department of the State, and its bishops as state officers—e.g. the Council decided that the authority of the bishops depended on Henry's authorisation and ceased with his death; all bishops were therefore required to take out new commissions under the new King. And at once their powers were suspended that a royal visitation should take place, with a view to which injunctions were ordered. These in many ways went against what was the rule in Henry's day—and, in their innovations, far beyond merely visitatorial rules. The Council was trying to force reforms on the Church under the cloak of royal supremacy. By Act of Parliament, communion was ordered to be in both kinds in 1547. The Prayer Book of 1549 was authorised by Parliament, but probably not by Convocation—it is a much-disputed point. The Forty-two Articles of 1553 were issued by royal mandate, and again possibly without the assent of Convocation, though Cranmer was largely responsible for drawing them up. It is also uncertain whether Convocation ever passed the 1552 book. So what we get here is plainly an attempt to reduce the Church to a mere department of the State, with the Council and Parliament in control.

All that was completely upset by the reign of Mary, and when Elizabeth came to the throne, there was—or threatened to be—complete confusion, especially when the flood of those who had withdrawn to Switzerland began to pour back into England. The first thing was to secure some recognised authority—and the first act of the Parliament of 1559 (Elizabeth only succeeded in November, 1558) was the Supremacy Act, declaring the sovereign to be supreme

governor (not head) and requiring all ecclesiastical persons to acknowledge the Queen, on oath, to be "the only supreme governor of this realm in all spiritual and ecclesiastical causes or temporal." In the Royal Injunctions issued in the same year Elizabeth sought to quiet any scruples about the supremacy by carefully explaining that she did not "challenge authority and power of ministry of divine offices in the Church," but only to have "the sovereignty and rule over all manner of persons born within these her realms . . . of what state, either ecclesiastical or temporal, soever they be." Her policy has been summed up, I think accurately, as "to restore to the Church its comparative independence of action, reserving to herself, as supreme governor of the realm, a power of guidance of ecclesiastical affairs behind the scenes, while keeping clear of public responsibility for action taken by the Church." [1] It is true that the new Prayer Book was settled by Act of Parliament without consulting Convocation—for, of course the Marian Bishops would not accept it. But that was in 1559, and as Frere observes: "A religious revolution, like any other revolution, must risk technical irregularities and be content to do exceptional things in the confidence that the event will justify them." But thereafter on more than one occasion she checked, with a good deal of force, attempts of Parliament to interfere in doctrinal and ecclesiastical matters, declaring that such was not its province. True, there was an Act in 1571 ordering subscription to the Articles—but they were the Articles drawn up by Convocation in 1563. The Court of High Commission was established, but its functions, however severely carried out, were to see that the ecclesiastical laws were observed, not to frame them. There was also repressive legislation against those who would not conform—but then again the State was not dictating to the Church but trying to enforce its rules. On the other hand, when Parker wished her to authorise a book of discipline, Elizabeth made him put it out on his own authority, not hers—the Advertisements of 1566. And she did constantly, as Visitor, urge on the Bishops their duty to suppress irregularities, even suspending one archbishop who did not go so far as she thought right. Of course, she still had, like Henry, a veto on the decisions of Convocation, and it is difficult to know what would have happened if it had made a decision of which she disapproved. But after the first year of difficulty, the position was really more what it had been under Henry—the Church was not under parliamentary control but legislated for itself in Convocation. The Queen appointed the Bishops, she had and used visitatorial powers; but she did all she could to rouse the Church to act as a self-governing body through Convocation.

Into the troubled waters of the Stuart period we need not plunge, save to note that the Prayer Book of 1661 was the work of Convocation without serious alteration by Parliament.[2] But the situation began to change in the eighteenth century, and the idea of the

[1] Report of Archbishops' Committee on Church and State (1916), p. 230.
[2] Two unimportant changes were made in the House of Lords.

Church under its supreme governor as an entity independent of State control practically disappeared. There were two causes for this. First of all the rulers, from William onwards, with the exception of Anne, did not really take their position as Governor seriously and, moreover, the real power of the King in the country was slowly but surely passing to the legislature. Secondly, from 1717–1854 Convocation was never summoned. The result was that any legislation on Church affairs was by Parliament rather than the Church—a fact which has done much to confirm the popular interpretation of " by law established," and, indeed, to give substance to it ; but this was not the result of deliberate anti-church policy on the part of the State. Of such legislation, appearing to involve the control of the Church by Parliament, there was a good deal. " Such administrative machinery as the Church of England possesses has been built up by Parliament, and largely during the period 1818–1885 " say Smith and Dibdin,[1] and they specify as follows : " The erection of new bishoprics ; the creation of new, and the subdivision of old, parishes ; the restraint of pluralities ; the leasing and sale of glebe ; the substitution of tithe rent charge for tithe in kind, and its redemption ; the abolition of sinecures and the better employment of their endowments " and so on. Plainly, Parliament has taken a hand in purely ecclesiastical concerns. Moreover, it has even touched on matters which seem at any rate akin to discipline, if not even to doctrine. It is true that the last revision of the Prayer Book sanctioned by Parliament in 1870 was prepared by Convocation. Parliament has not laid down the law over the Church there or in the matter of the Articles. But in other ways Parliament has clearly interfered. The procedure in Church Courts is controlled by Act of Parliament, though they still deal with clerical offences. There is, however, now an appeal for them to the King's Court. The civil consequences of excommunication have been abolished. The Clerical Disabilities Act of 1870, contrary to canon law, make it possible for a Priest to resign his Orders ; in 1857 the remarriage of a divorced person according to the rites of the Church was allowed, and in the same year matrimonial and testamentary cases were removed from the Church Courts to specially constituted Civil Courts. Now all that has in fact made it appear as though the Church was simply a department of state controlled by Parliament. But it was, I think, not done deliberately. There was no attempt to change legally the position of the Church as under Elizabeth : but in the failure of the Church to act and legislate, because Convocation did not meet, Parliament stepped in.

With the resumption of Convocation, however, there has once more come forward the idea of the Church as a self-governing body, not a mere department of the State. This led to the Enabling Act which gives the Church a real legislating body better in a way than even Convocation, for the laity are represented in it. But that body, as we learned to our cost, only legislates subject to the approval

[1] Report of Archbishops' Committee on Church and State (1916), p. 24.

and consent of Parliament. That is the present position. In a sense Parliament, the heir of the royal power in other spheres, has also obtained the equivalent of the kingly veto on Convocation—and of course the Prime Minister has much to do with the nomination of Bishops. But there is much more recognition of the Church as a self-governing society, and it is inconceivable that Parliament should now try to dictate to her any change in belief or practice. How far it may be possible, without disestablishment, to obtain further liberty for the Church it is difficult to estimate. At least she might be allowed to choose her own bishops and officers. It is not easy to see, however, in what way, so long as the Church is recognised by the State, she can have complete freedom to change rites or doctrines without the consent of Parliament—for if recognition is given by statute, the civil power must know exactly what is being recognised—and that means some authoritative, fixed standard, any change in which Parliament would have to agree to. Even in Scotland I imagine the State has the right to withdraw its recognition if it wants. But it does not seem to me that such control is too heavy a price to pay for state recognition—provided that it is exercised reasonably by Parliament. The difficulty over the revised Prayer Book, to my mind, was that while Parliament had clearly a legal right to do what it did, it had not a moral right. One can however hope that in time the legal right will be exercised, so to speak, morally, and the Church, while still established, will have effective freedom.

The course of public lectures in the University of Leeds on the Historical Background of Christianity by Dr. E. O. James, Professor of the History and Philosophy of Religion in the University of Leeds, has been issued by S.P.C.K. (4*s*. net). The author is complete master of his subject and gives a most clear and useful picture of the world and its thought during the great critical period of the spread of Christianity throughout the world, until it became the accepted religion of the Roman Empire. After a description of the Graeco-Roman world an account is given of the philosophic thought and the mystery religions which in some way prepared the world for the acceptance of the Christian faith. Then the Jewish background is considered, and the place of The Christ in His Fulness is presented. The views of St. Paul and the Apostolic Church are then considered with the rise of Hellenism and the special forms of Gentile Christianity. The closing chapters are on "Councils, Creeds, and Cults," and "Christian Civilisation." They illustrate the various phases and conflicts through which the Church passed until it arrived at its more or less settled position in the fourth century. A closing comparison with our own age is rather suggestive of a condition of decay and disintegration unless the spiritual foundation and Christian values are given their full significance.