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NON-INTRUSION AND GENEVA: A PHASE OF THE DISRUPTION CONTROVERSY

WHILE there have been other controversies more voluminous and more fundamental than that which raged in Scotland from 1839 to 1843, it is difficult to name any other which dragged more forgotten documents into the light of day. Since the question was broadly whether certain principles which the majority of the Church of Scotland reckoned essential had the sanction of constitutional usage and practice, not even the most trifling local clash was irrelevant to the issue. If there was enshrined among the principles of the Church that of Non-intrusion, had it acted uniformly in consistency therewith, and had the State, in general or in specific cases, acquiesced? It was within the area of the Scottish past that these antiquarian researches were normally conducted; singularly little had been written of the remoter Presbyterian past, the Genevan origins. It was only at rare intervals that any appeal was made by either side to the authority of John Calvin and his successor Theodore Beza. Indeed, it was not until the Disruption had actually taken place that attention came to be focused on this point in the most dramatic fashion. And this was the manner of it.

Sir William Hamilton, Professor of Philosophy in the University of Edinburgh since 1836—a significant figure in the history of Scottish philosophy—was a man who stood outside the conflict. He was, I believe, a Scottish Episcopalian. But he had been disturbed to the depths of his soul by the growing tension between Church and State, and genuinely appalled at the prospect of a disastrous cleavage in the Church of Scotland. On the basis of some of the antiquarian researches conducted by Lord Medwyn and given forth in his judgment on the Auchterarder Case, he—and it has to be remembered that his first Chair was a historical one—had set himself to investigate historically the real nature and implications of the Calvinist tradition of Non-intrusion, and had emerged quite convinced that the leaders of the Evangelical Party had gone far beyond the traditional position of their fathers in any section of the Reformed Church. What was about to happen, he felt, was due to a

fundamental error in their interpretation of the teaching and practice of their ecclesiastical ancestry. And so he wrote, in the spring before the Disruption, though it did not issue from the press till some ten days after it, a pamphlet of 59 pages with this startling title-page: *Be not Schismatics, be not Martyrs, by Mistake. A Demonstration that "the Principle of Non-intrusion" so far from being "Fundamental in the Church of Scotland" is subversive of the Fundamental Principles of that and every other Presbyterian Church Establishment. Respectfully submitted to the Reverend the Convocation Ministers. By Sir William Hamilton of Preston, Bart. (No. 1). "Stand ye in the ways, and see, and ask for the old paths, where is the good way, and walk therein, and ye shall find rest for your souls" Jeremiah vi. 16.*

Within a few days of its appearance, Dr. William Cunningham, just appointed one of the first Professors of the Free Church, began his trenchant answers in the *Witness*, and within a few weeks these were gathered together and supplemented in a pamphlet of slightly greater length entitled *Animadversions upon Sir William Hamilton's Pamphlet*. It is with these two pamphlets and their implications that this paper proposes to deal.

Sir William Hamilton begins with an appreciation of the sincerity and the staunchness of the men who had gathered in the Convocation of November, 1842. He, for one, does not believe that their professions of being ready to suffer will prove a flash in the pan. They are firmly convinced that they are facing a challenge on essential principles, and with these convictions and where such men with such convictions have put their hand to the plough, there is no looking back for them. All honour to them if their convictions be sound. If this principle of Non-intrusion is really "fundamental and original" their separation from the Church is fully justified. "Nay, more", he adds. "In point of fact, you represent the true Church. The Establishment secedes from you: you do not secede from the Establishment: and if the principle in question be of sufficient moment (and the estimate of that must be left to your own convictions) you are even bound in conscience to abandon a Church which has ceased to be faithful to itself, and no one ought to think of your exertions and your sacrifices unless with admiration and applause." But, on the other hand, should the principle, for which you contend as fundamental, be shown to have at no time been countenanced as expedient, far less recognised as obligatory, by the Church

of Scotland—what is the result? “Your secession becomes morally impossible; because, from a duty, it is changed forthwith into a crime. And what a crime!”

It is no use saying, the argument continues, that such a body of men would never have gone so far without making sure of the grounds on which they were proceeding. In some lines of life, he allows, this would be a weighty argument. But not in a matter of religious zeal. History has many examples of great religious movements which spiritual zeal would have led astray without a dissentient voice, had it not been for the sober wisdom of the State. He takes two instances. One was from the Reformation in Germany. That Reformation did finally promote Chastity. But what a fearful dissolution of manners there would have been had Luther had his way! In his zeal against celibacy, he would have established polygamy and had his lead been followed, “a plurality of wives might now have been a privilege as religiously contended for in England as in Turkey”. The second was from the Scotland of 1712 when there were before the country the two Bills—one for the Toleration of Episcopacy and the other—for restoring Patronages. The General Assembly of the Church of Scotland protested against both, but all its most violent language was directed against the former. It was more ready to accept patronage—which was now to these men a monster—than toleration—which had now become a fetish. Men animated by spiritual zeal without the leaven of temporal wisdom have notoriously their blind spots—and this question of Non-intrusion is the blind spot of the zealots of this generation.

May I simply say, at this point, that Dr. Cunningham is worth reading in his merciless dealing with Sir William Hamilton’s historical reading of these two events, but we pass them over. They are only the curtain-raiser to the main play.

Now, the principle of Non-intrusion, as understood by the Convocation ministers, was that no one was to be inducted by a Presbytery into the pastoral charge of any congregation, against the declared wishes of a majority of that congregation. A majority objecting—without any reasons assigned—was a sufficient bar to the formation of the pastoral tie. Sir William Hamilton announced boldly that he was prepared to prove that there was no such historical principle—that it had arisen from a total misunderstanding of the Presbyterian past—that here he had

laid his finger on the blind spot. Two things in especial he was prepared to demonstrate, (1) that in no Presbyterian Church Establishment "was it allowed to the people arbitrarily to reject a pastor proposed for their acceptance—or to object to him at all, except for reasons assigned"; (2) "that the principle of Non-Intrusion is diametrically opposed to that order which the first founder, Calvin, established (as the one most conformable to the mind of God) for the constitution of the Presbyterian Church: and the same principle is prophetically anathematized by the second founder, Beza, as a snare laid by Satan, and calculated to throw any Church adopting it into convulsion!" This he is prepared to prove. And he means to divide the line of his proof into two parts. The first will deal with the schemes of Calvin and Beza, and the analogy of other established Presbyterian Churches. The second will deal with the past history of the Church of Scotland. (Only the first part, let me add at this point, ever appeared. Whether this was due to the fact that he had become conscious that he had misread his documents, or not, we cannot tell.) But before proceeding to the first part of his proof he dilates on the logical result of his demonstration—assuming it to be successful—in the course of which his central assertion, emphasised by the size and heavy leading of the type is this: "That the whole of this lamentable affair originated in a single error of fact: and were the Non-intrusionists allowed, in ignorance of this error, to consummate their separation and their sacrifices, they would earn for themselves the singular, if the unenviable distinction of being recorded to the end of time as the first (probably the last) of their class—**THE PROTO-SCHISMATICS, THE PROTO-MARTYRS, BY MIS-TAKE.**"

Sir William Hamilton's intention is thus plain beyond any possibility of doubt. It is to prove (to translate it into terms of the current controversy) that Lord Aberdeen's Bill, giving liberty to the people of a Parish to lodge specific objections to a Presentee, of the validity of which objections the Presbytery was to judge, gave everything that would have satisfied Calvin and Beza and every Presbyterian establishment in Europe, and that the veto without reasons specified, was, not only in its terms, but in its underlying assumption viz. that no minister should be inducted into a Parish in face of the express dissent of the Majority of the people to be placed under his care, an innovation

in Presbyterian practice unknown before 1834, and contrary to all the wise legislative provisions of the Calvinist past—with the solitary exception of one unfortunate phrase in a document which never had any legislative authority—Scotland's first Book of Discipline—the famous phrase “it appertaineth to the people and to every several congregation to elect their minister”.

It is obvious that Sir William Hamilton had set himself a tremendous task. All who had hitherto read and studied the Fourth Book of Calvin's Institutes and his Commentary on the Acts of the Apostles—even those who had scrutinised them with hostile intent—had rightly seen in them a re-assertion of the primitive rights of the Christian people and a determination that these rights should be restored. Definite statements like “This, then, is the legitimate principle, that these be chosen by common suffrages who are to fill *any public office* in the Church”, “It is an impious robbery of the Church, whenever a bishop is intruded upon any people, whom they have not asked for, or at least approved by a free voice”, are not lightly to be got over. It was by an analysis of the meaning of words like “*voluntas*”, “*suffrages*”, “*consent*”, “*free voice*”, “*approbation*” in the history and practice of the pre-Reformation Church that Sir William Hamilton proposed to eviscerate these declarations of their accepted meaning. Which, of course, is the most misleading canon of interpretation to be applied to Calvin, who was so obviously and so continuously liberating himself from the old bad entail. Dr. Cunningham had really little difficulty in disproving Sir William Hamilton's interpretations of the mind of Calvin, and of Beza, so far as related to their doctrine of the Church. In this part of his task of reply, he was triumphantly successful. In their doctrine of the Church, Calvin and Beza were unimpeachable even by Convocationist standards. No more need be said of this, though the bulk of both pamphlets is devoted to it. For this is not where the *gravamen* of the attack lay. Sir William Hamilton would have been in a much stronger position had he omitted it altogether, and gone on to his main point—which would then have appeared his main point—indeed his solitary point.

He might have admitted that Calvin had a very high doctrine of the Church in this regard, that he reckoned it an essential characteristic of his ideal Church, and gone on to assert that as

a practical man face to face with stern realities—as a leader, equally great as a lawyer and a theologian—as a wise legislator bent on getting as much of his ideal on the statute book as was possible amid existing institutions—he was ready to accept less than the Church of his dreams, and to compromise on matters that were not supremely essential. One of these was the principle of Non-intrusion. If it were not obtainable in its fulness, something of it might be retained. And when we read the Ecclesiastical Ordinances, we see unmistakably that what was retained in Geneva was precisely what the Governments of 1840 and 1843 were prepared to grant. Lord Aberdeen's Bill would have satisfied the Calvin of practical politics, though it would not have satisfied all the requirements of his theology.

Had Sir William Hamilton said this, he would have given even Dr. Cunningham a hard nut to crack. But he did not. He tried to read the Institutes and the Commentaries in the light of the Ordinances, and delivered himself into Dr. Cunningham's hands. But let us see what he might have made of it, had he confined himself to Calvin, the practical statesman.

To begin with, we must recall the history of the Ordinances. They were not, as Sir William Hamilton asserted, the work of Calvin alone. When they were made, Calvin was by no means the dictator he became in his closing years. They were drawn up by a Committee, mainly of members of the City Council, at Calvin's request, and based upon the earlier Articles Directive of Church Government which bear the stamp of William Farel. On being completed, they had to pass all the Councils of Geneva, two of which made fairly drastic amendments which Calvin never saw till the document was ready to be presented to the Conseil Général, the General Assembly of the people of Geneva, for final adoption. (The complete text at its various stages is most readily accessible to the modern student in Kidd's *Documents of the Continental Reformation*.)

But the point which Sir William Hamilton could have stressed is that Calvin was content to work in a Church with this constitution—and that while he sought, and obtained amendments gradually, there is no trace of his being dissatisfied with the constitution on this point.

Now, here is the passage from the Ordinances as given by Sir William Hamilton (though, I may mention in passing, it does not correspond exactly to any of the editions printed by

Kidd). Indeed, it seems to be the revision of 1576, twelve years after Calvin's death.

"Chap I. Of the Vocation of Pastors. . . . In this vocation it behoves to consider these three things—(1) the examination, which is the chief; (2) to whom it belongs to institute Ministers; (3) what ceremonies it is good to observe on their introduction to the Ministry."

[Having treated of the examination, it continues:] "As to the manner of instituting Pastors, as well for the town as for its dependent parishes, we have found that the best is that conformed to the order of the ancient church, this embodying the true practice of what is shown in this matter by Scripture. This is, that the Ministers should, in the *first place*, among themselves elect him whom they shall judge proper to serve in the ministry along with them; proceeding according to the scheme of examination stated above. In the *second place*, that they give intimation to our Petty Council, which shall depute certain of its members to hear the person chosen handle the Scripture in the assembly of Ministers, to make a report thereon to the Council. That if the Council be not content, a new election shall be instituted: with which if the Council be satisfied they shall then proceed to the *third* point in the vocation of the Ministry, as follows:

"On Sunday intimation shall be made to the people in all the temples, that whereas such a person, naming him, has been elected and approved according to the customary order in this church, to serve as minister: *but that, notwithstanding, if there be any one who is aware of aught to object to in regard to the life or doctrine of the foresaid, that he may come and declare it to one of the Syndics, before the next following Sunday, on which day (also) it may be presented to the end that no one be inducted to the ministry, except with the COMMON CONSENT OF THE WHOLE CHURCH.* And if any information should thus unexpectedly come in, by which it is found that the person who would have been elected is ineligible, let them proceed to a new election."

From this Sir William Hamilton inferred, to quote his own words, "that the whole congregation was held to consent where none could prefer what was judged to be a valid ground of objection"; therefore, to complete his argument, Lord Aberdeen's Bill satisfies all the conditions in which Calvin was happy to work in Geneva; therefore, it ought to satisfy Dr. Chalmers and the rest of them.

Now, it might be objected to this statement and inference:

- (1) that this is not the form of the ordinances as operated in the days of Calvin, and certainly not as drawn up by him and his colleagues. But it was operated by Beza, and in matters of Church government, his authority has always in Scotland been accepted as almost as good as his predecessor's.
- (2) that reformers in their practical rules do not, through the intractability of environment, give so clear an indication of their full doctrine of the Church as in their theological definitions. This point, on which Cunningham with justification insists, is really irrelevant. For the question at issue is what the Church can afford to part with as the price of its recognition by the State. Do not the Ordinances show that a high doctrine of Non-intrusion is one of these things? Cannot, therefore, the Church of Scotland do the same?
- (3) that it is not clear from the section of the Ordinances that the Common Consent of the Whole Church is presumed, where there is no statable and stated valid ground of objection. There is something in this, for it looks as though

the call for objections to life and doctrine was made, and the objections themselves were due, before ever the proposed minister preached.

- (4) that—most important of all—the regulations disclose a telescoping of two processes, recognition as a minister, and induction to a particular sphere of labour.

We have to recall the situation of Geneva in Calvin's day. The growth of the Christian community of the city, or the removal of a minister, creates the necessity for a new ministry. Where is the minister to be found? There is no regular body of licentiates on which to draw. One of the city teachers may be promoted, or someone invited from outside the city, and normally from outside the ministerial office. The ministers consult as to whom they can best ask to join the ministerial staff of the city. They put him through trials like modern trials for licence, which are completed with leading laymen present. Having approved him, they intimate the name to the Christian community, in all the temples—it is to be noted that there was nothing corresponding to the minister of a particular congregation or parish in all Geneva with the exception of certain congregations of refugees speaking another tongue which did not come within the purview of the Ordinances. If the man has been a teacher in Geneva, there may be citizens who know things about him unknown to the ministers or the Council, things that would prevent him being accepted for the ministry at all. Before ever they hear him as a duly nominated addition to the City ministry, these are asked to disclose valid objections to his life and doctrine. His final reception seems to be conjoined with the common consent of the whole Church, after preaching. This does seem to add the express approval of the lay folk to the imprimatur of the Ministers and the Council. The requirements of Geneva cannot therefore be applied to the situation in Scotland. And no one has ever been able to point to any case in which any man, to whom a majority of the Christian folk of Geneva objected, was yet ordained to the ministry of the city, simply because there was no substantiated objection to his creed or conduct, life or doctrine. It is somewhere in this region of the telescoping of what are now distinct acts, separated by an interval, long or short, that the solution to the apparent compromise of Calvin on this fundamental principle is to be sought.

It is when we pass to the next generation in Geneva, that Sir William Hamilton reaches the peak of his argument. Following a clue given by Lord Medwyn in his judgment on the

Auchterarder Case, he came upon the 83rd Epistle of Beza. This, being a *consilium*, a considered judgment in response to a question, ought, to his mind, to be accepted by all loyal Presbyterians as determinative on this point. What the question was, we are not told in the Epistle, nor do we know who asked it. A wide field is, therefore, open to conjecture. Sir William Hamilton roundly said that the question was on the popular election of ministers, and presented a plausible case for assuming that the questioner was John Knox, seeing that this was the one point on which he went beyond the Genevan scheme. Having stated these conclusions of his, he proceeded to quote the letter in full. As it occupies 4½ pages of close print, it will be enough to quote the phrases that he italicised.

(1) "The Presbytery should perform all things lawfully," (2) "power being given to every one of warning the Presbytery and Christian magistracy of whatever things he may deem important enough to be brought under enquiry, before the judgments already come to by the Presbytery and Magistrate (where he is Christian) be finally ratified, to the end that no one be intruded on an unwilling flock. But it is right that the facts reported should be inquired into by those to whose hands it has pleased the Lord to commit the administration of his house." (3) "To bestow upon a multitude be it greater or be it less, such an authority, that it shall be competent for it to approve or reject by a majority what has been carefully pondered, and, by relation to circumstances, determined on by appointed individuals, previously, and with the consent of the multitude itself, selected on account of their pre-eminent integrity and prudence;—what is this but to open an entrance for Satan, to throw the best constituted Churches into convulsion?" (4) "For although the Church of God, to which the Lord has not in vain promised His Spirit, is not to be compared with the disorderly multitude of any temporal republic; still Christ Himself compares the Kingdom of Heaven to a net, which drags up in it all sorts of things; whilst the experience of every age has sufficiently, nay superfluously proved, that there is no society against which the Devil so assiduously lays his snares as the Church, and that churches have fallen far more frequently from intestine contentions than from external assaults." (5) "If in any constituted church, be its numbers what they may, heads are to be counted, to the end that the matter be decided by a majority of votes; the certain consequence is, that the sheep may resolve concerning their pastors and rulers, who would thus be made to depend upon their flock." (6) "Since the great Shepherd requires of his flocks a voluntary obedience, it is fair that nothing should be intruded on an unwilling flock." (7) "It is not only perilous but unjust, and, at the same time, inconsistent with the Word of God, that the congregation at large should be polled, and thus the judgments of the pastors and elders subjected to the caprices of the multitude."

From these seven italicised selections it appeared to Sir William Hamilton that Beza detested popular selection of the ministers, saying it only gave an entrance for Satan—and that there could be no intrusion when a properly constituted Church

through its proper authorities settled a minister in a Church which, for reasons unspecified, did not want him. Beza, in fact, would have been more than satisfied with the provisions of Lord Aberdeen's Bill; could not the Non-intrusionists be content with Beza's Non-intrusion, as Sir William interpreted it? There were many in Scotland who acquiesced in Sir William's feeling that this was a master-stroke: in fact a complete knock-out blow.

It was just here, however, that Dr. Cunningham's answer was most devastating. He agreed that the attack was formidable on Sir William's reading of the letter. But, was there anything to be said for that reading? The question put to Beza was evidently, from the whole tenor of the letter, a far larger one than that of the election of ministers—and the "nothing" (*nihil*) to be intruded on an unwilling congregation ought to have warned him of that fact. The question at issue was evidently that raised by Jean Morelli, the father of the doctrine of the complete Independency of the local congregation who, on the basis of the conditions of the Church in Corinth where discipline was manifestly, he contended, exercised by a majority of the local congregation, had elaborated in his *Treatise on Ecclesiastical Discipline* a theory that the local congregation had complete powers in all matters of creed, discipline, and the choice of pastors. It could exercise its undoubted right to call, after a poll of the people, any one whomsoever to be its pastor, it could effectively settle him, independently of any outside Church authority whatsoever. And what Beza defends, in his *consilium*, is simply the orderliness of Church government in constituted Churches. The whole letter, read in this light, acquires a new meaning and becomes quite irrelevant to Sir William's purpose. There is nothing in it to suggest that Beza supported or was content with Intrusion; it only demonstrates his recoil from the anarchy of total independency.

Now, while I concur with Dr. Cunningham that the letter deals with a far wider problem than Sir William ever envisaged: I am not so certain that it deals precisely with Morelli, though in the English controversies of the time of the Westminster Assembly it was generally so taken. I think that Morelli's teaching would have been given shorter shrift. A note as to his earlier condemnation by the Consistory of Geneva, and later by three French Synods, would have sufficed. But it must have been one of those variants which arose in the second phase of the

Reformation, put forward by some one who had no suspicion of its kinship with the condemned doctrine. My own suggestion would be that the place of origin was Berne, and that some teacher of that Church, impressed by the analogy of the Swiss constitution, in which every law enacted by the Diet had to be ratified by each individual Canton before it became law for that Canton, had proposed that every decision of a Court of the Church, disciplinary or credal, had to be approved by a majority of the members of an individual congregation before it became effective for that congregation: that is to say, that if a Synod determined that, throughout its bounds, the baptismal font was to be retained but placed beside the pulpit, or that such and such a minister was suspended from his office, or that all first communicants must be able to repeat, and declare their assent to, the first 120 questions of the Genevan Catechism, that decision would have no effect until, by a special vote at a meeting duly summoned, the local congregation had indicated its approval. On all such questions, Beza contends, where you have a Church with a constituted and representative government, you must trust that government, and treat its decisions as settled, though such a government will neglect no means of informing the congregations and carrying them with it, to the end that nothing (*nihil*) be intruded on an unwilling people.

Whatever be the question that called forth Beza's letter, it was demonstrably not the problem that Sir William Hamilton presupposed, but, coming upon it as he did with that problem obsessing his mind, it cannot be a matter for wonder that he misread it, nor that others were all too willing to welcome such a reading backed by so outstanding a personality.

And while his pamphlet was the most learned, the ablest, and the most subtle, put forth on the Moderate side during the conflict, and while it seems to have gone through many editions, it did not disturb the convictions nor diminish the enthusiasm of the Free Church, though it may have helped to swell the number, and to establish the peace of mind, of those who accepted Lord Aberdeen's Act as a reasonable solution of the Ten Years' Struggle about Intrusion.

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