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## AUTHORITY IN THE CHURCH. (AD CLERUM)

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IT is a striking fact that when our Lord was on earth He appealed almost exclusively to man's moral consciousness. For Him the Church of His day was divinely founded, but, while He gave a general assent to its order, He frequently attacked its ritual and administration and did not hesitate to modify its doctrine. His appeal lay behind the Church to what man, in himself, guided by the prophets, knew of God. And in practice the clergy to-day make the same appeal, and in our own lives we acknowledge the same authority of conscience. Examples may be multiplied, but it will be sufficient to point to one or two. Recently Dr. Major was accused of heresy, but the trial was not proceeded with because the authority of conscience was at least tacitly admitted.<sup>1</sup> Similarly Archbishop Tait declared that nobody in the Church of England takes the so-called damnatory clauses in the Athanasian Creed in their literal sense.<sup>2</sup> Or, it may be pointed out that some of our brethren refuse to acknowledge the jurisdiction of the Judicial Committee of the Privy Council on conscientious grounds.

But, apart from examples, to confess "I believe in the Holy Ghost" is in itself to insist on the primary importance of the moral consciousness. For, while it is true that we all regard the Church as the Spirit-bearing Body, it is also true that we regard the Holy Spirit as dwelling in the individual and progressively revealing to the individual the will of God. "I believe in the Holy Ghost" must mean "I believe that God reveals Himself to the individual believer who seeks to know Him and to do His will."

This is the only way in which modern thought and historical knowledge, through which we believe God to be revealing Himself, can be brought within the purview of the Churchman. A reference to the Thirty-nine Articles will make this clear. "Viewed in relation to their own day, the Articles may be regarded as a charter of freedom; in relation to ours, they may present the appearance of a fetter to progress."<sup>3</sup> It was because the Spirit of God had been leading men into a clearer apprehension of the truth that the formula of assent to the Articles was modified in 1865. But this clearer revelation of the truth was largely due to the changing interpretation of Holy Scripture which is explicitly declared to be the chief authority in sixteen out of the Thirty-nine Articles. The changing interpretation was in its turn due to the acknowledgment

<sup>1</sup> Cf. *A Resurrection of Relics*, Major.

<sup>2</sup> Cf. *Freedom and Authority*, Bishop Barnes, p. 10.

<sup>3</sup> *Liberal Evangelicalism*, p. 41.

of the authority of the moral consciousness, working not in the Church as a whole, but in the hearts and minds of individual believers. This authority must be acknowledged if the Church is to grow, for the principle of growth demands constant readjustment.

But while the moral consciousness of the individual must be supreme in his personal relationship to God, if it is altogether uncontrolled it will lead to something akin to anarchy and will make ordered fellowship impossible. In the make-up of man there is another faculty which we call his social consciousness, and this leads him to form groups for many different purposes, among others for worship. The Church is such a group. In passing it should be pointed out that this does not in any sense preclude the idea of a Divine origin of the Church of Christ.

The group can only exist under an authority other than that of the individual conscience, so that membership of a group, for our purposes a Church, involves to a certain extent the surrender of the authority of the individual conscience to that of the group. Two points need to be made clear—(1) that there are limits beyond which submission cannot go (it will be necessary to say something about this later in this paper); (2) that in surrendering to the authority of the group the authority of conscience is active and admitted.<sup>1</sup> This surrender is eminently reasonable, for in our own sphere we can say that “the sifted experience of Christian history acts as a check to our possible misinterpretations of the Spirit’s leading and admits us to a knowledge of His general principles of working.”<sup>2</sup> A Church preserves and crystallizes the findings of conscience. Perhaps, in an attempt to relate the two authorities, it may be put thus. Conscience chooses the end; the means by which that end is achieved is a matter of wider experience than that of the individual.<sup>3</sup>

The way is now clear for an examination of the authority of the Church, and it seems well to begin with a reference to the two distinct vows which each of us has made concerning this question of authority. At our ordination we promised “reverently to obey (our) Ordinary, and other chief Ministers, unto whom is committed the charge and government over (us).” When we were licensed to a cure the oath read, “I do swear by Almighty God that I will pay true and canonical obedience to the Lord Bishop of the Diocese and his successors, in all things lawful and honest.” Possibly it is easy to raise questions of interpretation, but two things are quite clear. We have freely (for we were under no compulsion to be ordained or to accept a bishop’s licence) acknowledged the authority of the Church and acknowledged that this authority is exercised by certain persons acting freely within certain limits. It will be convenient to examine this dual authority under the two heads of Canon Law and the Power of the individual Bishop.

Canon Law is largely the codification of custom. But that drives

<sup>1</sup> Cf. *Infallibility of the Church*, Salmon, Lecture 3.

<sup>2</sup> *Liberal Evangelicalism*, p. 45.

<sup>3</sup> Cf. *Conscience and Christ*, Rashdall, pp. 18, 29, 30, 31.

us back a step further to the rise of any particular custom. We can trace the formulation of some Canon in this way. A particular custom grew up, perhaps insensibly, in a local church; "the actual form that these customs took depended very largely on local conditions, sometimes indeed on accidental material circumstances. In the formation of such customs we must not ignore the influence of secular life."<sup>1</sup> The custom appealed to other Churches; it spread, and was eventually adopted by some Synod or Council. The constitution of these Synods and Councils varied, but in some, and these not the least important, the laity voted equally with the bishops and the clergy. Cyprian repeatedly states that he did nothing as bishop without consulting his clergy and laity too.<sup>2</sup> Hooker<sup>3</sup> insists that the laity have an equal voice with the bishops and clergy in making Canon Law.

Bearing the origin of Canon Law in mind, "we must beware of arguing that a thing was always done because a Canon was passed to say that it should be done"<sup>4</sup>; and, historically, a Canon might be passed, but it was only observed in so far as it was enforced by the individual bishop,<sup>5</sup> and thus continued to represent the mind of the Church. We have now arrived at the conception of Canon Law as the expression of the mind of the Church in any particular age. For example, pre-Reformation Canon Law is the law of the medieval Church regarded as a state, which was the prevalent conception of the Church in the Middle Ages. This being so, we have confirmation of the principle that Canon Law is alterable by local churches. Under modern conditions the only alternative to this principle is an acknowledgment of the authority of the Pope. In fact, of course, our Articles of Religion<sup>6</sup> assert this principle and, to quote but one example, the Civil Power, before the Reformation, modified Canon Law in England in the Constitutions of Clarendon, in 1164.<sup>7</sup> A committee appointed by Convocation drew up a revision of the existing Canon Law in 1553, but this *Reformatio Legum Ecclesiasticarum* never received authority, so that we are left with the position that "all those parts of Canon Law which are not repugnant to the King's prerogative and the law of the land are technically valid."<sup>8</sup>

But to attempt to govern the Church of England to-day by Canon Law drawn up in the dim ages would make government ludicrous. One reason is that no one knows what Canon Law is; particular canons may be known, but the system must be regarded as a whole, and there is first-rate authority for the statement that "much of the old law has ceased to be authoritative . . . the present

<sup>1</sup> *The Thirty-nine Articles*, Bicknell, pp. 380, 383.

<sup>2</sup> *Authority in the Church*, T. C. Hammond, p. 42.

<sup>3</sup> *Ecc. Polity*, VIII, vi, 6, 8. Cf. Lord Denman, quoted in *Threatened Revival of Canon Law*, J. T. Tomlinson, p. 3.

<sup>4</sup> Dr. Collins, quoted in Bicknell, *op. cit.*, p. 383.

<sup>5</sup> Cf. Bicknell, *op. cit.*, p. 538.

<sup>6</sup> E.g. *Articles*, 20, 21, 32.

<sup>7</sup> Cf. *A History of the Church of England*, Paterson, pp. 103 ff.

<sup>8</sup> Paterson, *op. cit.*, p. 216, note.

Canon Law of the English Church is that which the English Church as a matter of fact uses."<sup>1</sup> This of course is simply an assertion of the principle that Canon Law is an expression of the mind of the Church in a particular age. In any case, who is to interpret Canon Law? It will be remembered that Laud's consecration was delayed owing to a difference in interpretation of a particular Canon which was only determined by reference to a royal commission, a civil body.<sup>2</sup> Further, such parts of Canon Law as are known are, in many cases, inapplicable. "At Nicea it was enacted that all were to pray standing on Sundays . . . that the receiving of interest for the use of money was wrong, and it was ordered that any cleric guilty of the practice should be deposed."<sup>3</sup> And if it be urged that these are out-of-date, the whole principle of the abrogation of Canon Law by desuetude has been conceded. The present Bishop of Truro, Dr. Frere, states: "It is a recognized principle that canonical legislation does lose its force through desuetude. Canon Law is not repealed, necessarily, as is statute law, when it is no longer required to be in force. It lapses through the prevalence of contrary custom or the indirect action of subsequent legislation."<sup>4</sup> The same principle is affirmed in the opinions of Bishop Stubbs and Sir Lewis Dibdin given to Bishop Boyd Carpenter with reference to an assertion made by Lord Halifax at the Bradford Church Congress, in 1898, that the pre-Reformation Canon Law respecting Reservation was still binding because it had never been repealed.<sup>5</sup> It is only by a full admission of the principle of desuetude as applying to Canon Law that it is possible to maintain the theory of Canon Law as the expression of the mind of the Church, and this is its sole claim to authority.

If it be asked what place Canon Law has to-day, it must be replied that, as we have already pointed out, Canon Law is originally local custom and, as such, old laws can be discarded and new laws formulated by local churches. An example of this is to be found in the Preface to our own Ordinal,<sup>6</sup> where the provision as to the age of ordination to the diaconate was twenty-one years in the 1559 Prayer Book, but was altered to twenty-three by the Canons of 1604. In the American and Scottish Churches the age of twenty-one still survives. The Spirit of God acts directly on each generation, and this being so, each generation must determine for itself the Canon Law for its own age. "A mechanical view of the way in which the Spirit guides the Church cannot be reconciled with the phenomena of Church history, and does not agree either with what we know of God in other ways or with the laws of human psychology."<sup>7</sup>

<sup>1</sup> Bicknell, *op. cit.*, p. 539.

<sup>2</sup> Paterson, *op. cit.*, p. 329 f.

<sup>3</sup> *Freedom and Authority*, Bp. Barnes, p. 7. Cf. also African and Roman Synods, Hammond, *op. cit.*, p. 119.

<sup>4</sup> *Principles of Religious Ceremonial*, p. 182. Quoted by Bp. of Southwark in *Authority and Obedience and Reservation*, p. 34; *q.v.* also for quotations from Bp. Gore and Dr. Adrian Fortescue.

<sup>5</sup> *The Church Gazette*, Nov., 1925, p. 124.

<sup>6</sup> Cf. *Tutorial Prayer Book*, pp. 504 f.

<sup>7</sup> *Liberal Evangelicalism*, p. 38.

It remains to say something as to the power of the bishop, and we start from the point that belief in a living and active Spirit of God precludes the possibility of the Church's being bound by dead law. If the guidance of the Spirit and the old law clash, the old law must go. Because the Church is the Spirit-bearing body we shall expect to see the guidance of the Spirit in the movements in the Church of a given age, these movements being expressed in living men and women, subject always to the appeal, made quite distinctly in the Church of England, to the authority of Holy Scripture. But who shall interpret these movements?

In a Church with an episcopal constitution there are certain definitely episcopal functions, e.g. ordination and confirmation, but the bishop also has power in the administration of the Church. An example of the latter may be cited in the order made recently by the Bishop of Lagos, refusing to admit children born out of wedlock to holy baptism, except under certain conditions.<sup>1</sup> His Synod desired to challenge the validity of the ruling, but he denied their right to challenge it on the grounds that he had, before making the ruling, referred the question to the 250 bishops assembled at Lambeth, and they agreed to the principle. We have here an affirmation of episcopal authority and an illustration of the method of its exercise.

The authority of the single bishop is limited. He is subject to the Archbishop of the Province, acting with or without his fellow-bishops, and is bound by the canons of discipline.<sup>2</sup> (It was the organization of the Church into patriarchates, which began in the fourth century, which marked the beginning of the displacement of the authority of the local council by the control of the Metropolitan.) One distinct step in the arrest of the spread of Arianism in the Church was the decision of the Council of Nicea to limit the power of the single bishop or group of bishops. The bishop's authority in ordination is limited (though the function of ordination belongs to him in virtue of his office). It will be sufficient to quote the reading of the *Si Quis*, which acknowledges the power of the laity in the choice of church officers; and the alteration of the Preface to our Ordinal, determining the men from among whom the bishops shall choose ordinands, which was made not by the bishops as such but by Convocation.

The bishop derives his authority in administration from the fact that he is now, as he was originally regarded, the representative of the Church. As the representative of the Church he cannot act independently of the other bishops in the Province, but he can claim obedience because he speaks not as an individual but as the mouth-piece of the Church. And this is quite independent of any method by which he is chosen; the Establishment does not destroy the representative character of the bishop. For, apart from any meaning which there may be in the phrase "grace of Orders" (and those

<sup>1</sup> *Church Missionary Review*, Sept., 1925, pp. 237 ff.

<sup>2</sup> For limitation of power of single bishop, see Hammond, *op. cit.*, pp. 25, 32 ff, 64 ff, 117.

who attach most meaning to the phrase would be the first to insist that the grace is conferred by the Laying-on-of-Hands and not by the method of appointment), the bishop is, in virtue of his duties and his contact with other men of varying mind, a representative, and is best fitted to declare and interpret the mind of the Church in the area for which he is responsible.

Subject always to the appeal to Holy Scripture, the mind of the Church in a given age is the law of the Church for that age, and the bishops, as leaders and through the nature of their work, are both in reason and in practice the best exponents of this mind.

These considerations seem to afford an answer to two questions which are agitating the minds of many of us at this time. One is the question of obedience to one's bishop in regulations he may make concerning matters left to the Ordinary in the Book of Common Prayer, and the other the question of our acceptance (as a permissible alternative) of the Revision of the Book of Common Prayer, even if, as seems probable, it contains matter with which we do not agree.

In regard to the first of these questions, the Church having declared its mind in the Book of Common Prayer, and having deliberately left certain matters to the direction of the Ordinary, the priest is bound to obey his bishop in particular regulations which he may make concerning these matters, because *in these matters* the Church has delegated its authority to the bishop and because the priest has promised to obey; the bishop's order having behind it a canonical action of the Church which brings it out of the realm of the authority of conscience into that of acknowledged external authority.

This being so, there would be the more reason for accepting a Revision of the Book of Common Prayer, if it can be presumed that the bishops, acting as a body, have attempted to assess and interpret the mind of the Church in this age and have submitted their attempt to a Church Assembly which fairly represented the Church as a whole and by which it was approved as a fair and valid interpretation of that mind.

There will arise cases, on both sides of our Church, where such revision and such orders will conflict with conscience. If a priest "is clear that it is his conscience and not his prejudice which is speaking to him, he must at all costs follow his conscience. But loyalty to conscience does not excuse disloyalty to engagements deliberately undertaken."<sup>1</sup> If obedience is for him conscientiously impossible, "there is no alternative left for an honest man but to resign his commission and thus regain freedom to follow his personal convictions unhampered by the promises he had previously made."<sup>2</sup>

<sup>1</sup> *Authority and Obedience and Reservation*, Bishop of Southwark, p. 26.

<sup>2</sup> *Ibid.*