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Donald Macleod

The Political Theology of the Disruption Theologians

The Professor of Systematic Theology in the Free Church of Scotland College, Edinburgh, examines the political thinking of the founding theologians of the Free Church.

Scotland's Disruption leaders bequeathed to their successors a substantial legacy in political theology. There were several reasons for this.

First, they were following a long Scottish tradition. George Buchanan had published his *De Iure Regni Apud Scotos* in 1579, Rutherford his *Lex Rex* in 1644 and Alexander Shields *A Hind Let Loose* in 1687. Disruption theologians such as William Cunningham knew this literature intimately and endorsed it almost unreservedly. 'We are satisfied,' wrote Cunningham, 'that the doctrines of the Scottish Presbyterians of the sixteenth and seventeenth centuries, on the subject of the relation of the civil and the ecclesiastical authorities, can, as to their substance, be successfully defended against all opponents,—except in the one point of their not admitting the views then almost universally rejected, and now almost as universally adopted, upon the subject of toleration and the rights of conscience, and what naturally resulted from this.'¹

Secondly, the very fact that they were senior ministers in an established church forced Chalmers and his associates into a high degree of political involvement. For example, they had to oversee provision for the poor and supervise parochial education; their views were canvassed on such issues as Catholic emancipation and the Reform Bill; they had close associates who were members of parliament and who even solicited their help in the drafting of legislation; and senior members of cabinet gave them an audience when they visited London, graced their lectures with their presence and corresponded with them as a matter of course. It is hardly surprising, in the circumstances, that they reflected deeply on the

¹ *Discussions on Church Principles* (Edinburgh, 1863), 266.

political process and sought both to justify and to guide their involvement by appeal to fundamental theological principles.

Thirdly, the very nature of the church struggle demanded reflection on the theology of politics. The key issue, after all, was the relation between the church and the state. What was the responsibility of the church in relation to civil affairs? and what was the responsibility of the state in relation to spiritual matters? The church, in the later phase of the struggle, accused the state of tyranny. The state, even more roundly, accused the church of sedition. The issues were keenly felt and the need to justify the church's course of action compelling.

Finally (and this was probably the most important reason of all) these Disruption theologians had a wholistic, comprehensive view of Christianity. Chalmers, in particular, was impatient with all forms of pietism. Religion applied to the whole of life: commerce and politics as well as worship and spirituality. 'I assert with the most unqualified earnestness,' he proclaimed in one of his sermons, 'that Christianity is the religion of life, and will bear to be carried in the whole extent of her spirit and of her laws throughout all the haunts and varieties of human intercourse . . . the religion of the New Testament admits of no partitioning whatever . . . what it professes to do is either thoroughly to reform the world, or to bring the world under the burden of a righteous and inescapable condemnation'.² Such a vision of Christianity made it inevitable that men like Chalmers, Cunningham and Candlish would reflect deeply on the political process and its underlying principles.

The state's obligations to Christianity

But what kind of political theology did they advocate? What most strikes the modern reader is the confidence with which they assert (or, rather, assume) the obligation of the state to recognise and support Christianity, to pursue Christian objectives and to operate with Christian values. This appears with special clarity in Cunningham's essays referred to above. The promotion of the temporal welfare of the community is not the only responsibility of government, Cunningham argued. It also had a responsibility for the spiritual welfare of the population. In fact, all the objects the church was bound to aim at, the magistrate was also bound to aim at; just as every private individual was bound to aim at them. Cunningham was saying in effect that the obligation to seek first the kingdom of God was incumbent not only on every human individual but on every

² *Sermons by the Late Thomas Chalmers* (Edinburgh, 1849), 365.

human combination and collective: church and board-room, town council and trade union, parliament and United Nations. 'The civil magistrate,' he wrote, 'is bound, in the exercise of his proper authority, in his own province, to aim at the promotion of religion and the welfare of the church'.³ He repeated the point in his *Historical Theology*: 'nations, as such, and civil rulers in their official capacity, are entitled and bound to aim at the promotion of the interests of true religion, and the welfare of the church of Christ'.⁴ There was nothing remotely novel in such a concept, Cunningham contended. It was simply the Establishment Principle, asserted unanimously by the Reformers and rejected only by the Anabaptists.⁵

Cunningham distinguished this principle sharply from the idea of a national endowment of religion. Financial assistance from the state was not of paramount importance. In 1844, reporting to the Free Church General Assembly on his visit to the United States, Cunningham admitted that he had 'seen much fitted to modify the impressions which some of us may once have entertained of the importance of State assistance to the Church of Christ and the cause of religion. I have seen much, yea abundant evidence, that a vast deal of good, and good in the highest sense, may be done by churches which have no State assistance, and I have seen much to confirm me in the belief that there is nothing to which the energies of the Church of Christ, when animated by the Spirit of Christ, are not fully adequate'.⁶ But his faith in the general principle of national recognition of Christianity remained unshaken. Indeed, the position of the American brethren on the matter was not all that different from their own. He had found 'a very general admission of the great scriptural principle for which alone we contend, that in virtue of the principles embodied in God's word, the obligation is laid upon nations and rulers to have regard to the moral government of God as supreme, and to the welfare of the Church of Christ. The general admission of this doctrine is all that we care about'.⁷

Cunningham's position as to the religious obligations of government was shared by all his colleagues. George Smeaton, for example,

³ *Op. cit.*, 209.

⁴ *Historical Theology* (Edinburgh, 1862), Vol. I, 381.

⁵ See *Historical Theology*, Vol. II, 559f.

⁶ *Life of William Cunningham, DD*, by Robert Rainy and James Mackenzie (London, 1871), 217.

⁷ *Ibid.* 217.

defended it in his Preface to Dr Thomas McRie's *Statement*⁸ and James Bannerman expounded it with brilliant clarity in an important Appendix to his *Church of Christ*. Bannerman conceded that 'the State was instituted, in the first instance, for other purposes than that of promoting the Christian and civil good of its subjects'. But he went on to say: 'there can be no sound view of political government which restricts it to the care of man's body and bodily wants, and does not assign to it a wider sphere, as charged in a certain sense with the advancement of human well-being, in its moral as well as its material interests.'⁹

It was obviously tempting for the Free Church fathers to minimise the role of the magistrate in the spiritual sphere and to speak with muted and qualified accents on the matter. But we find no trace of this. They refer to it not as something they concede but as something on which they insist. Once again, Cunningham is typical: 'A right of interference in religious matters the Westminster Confession unquestionably ascribes to him (the magistrate), and this right no Free Churchman has ever disputed.'¹⁰ Cunningham quoted approvingly Proposition 41 of the *Hundred and Eleven Propositions* published by the General Assembly in 1647: 'every lawful magistrate, being by God Himself constituted the keeper and defender of both tables of the law, may and ought first and chiefly to take care of God's glory, and (according to his place, or in his manner and way) to preserve religion when pure, and to restore it when decayed and corrupted'. This involved such details as ensuring that the established church had a learned and godly ministry, that it provided schools and that it met in duly ordered synods. It also involved the responsibility of restraining and punishing atheists, blasphemers, heretics and schismatics ('as the violators of justice and public peace').¹¹

Further striking details were added by such theologians as James Bannerman. To quote just one intriguing example: the magistrate had a right to be suspicious that, 'A church favoured by its spiritual character may indulge in proceedings not spiritual.'¹² Consequently, it was entirely proper for the state to be represented at the meetings of the church and to be cognisant of its transactions: 'the civil magistrate has a right to know and be satisfied that the Church

⁸ *Statement of the Difference between the Profession of the Reformed Church of Scotland as Adopted by the Seceders, and the Profession Contained in the New Testimony and Other Acts, Lately Adopted by the General Associate Synod*, (Edinburgh, 1871), xii ff.

⁹ *The Church of Christ* (Edinburgh, 1867), Vol. II, 363.

¹⁰ *Discussions on Church Principles*, 265.

¹¹ *Ibid.*, 232f.

¹² *The Church of Christ*, Vol. II, 386.

which claims toleration at his hands is in truth what it imports to be,—a spiritual society in reality, and not in pretence.¹³

This emphasis on the responsibility of the state to support Christianity was no mere theory. When, from 1834 onwards, Chalmers became involved in the Church Accommodation (later Church Extension) movement he looked to the government for help as if it was the most natural thing in the world. The duty of an Establishment was to bring Christianity to the whole population, especially the impoverished working classes. If that was what the government wanted (and there were excellent political as well as religious reasons why it should be) then they should provide the funds. Individual subscription and local fund-raising could do so much, but when Edinburgh alone required an additional 55 parish churches the task was far beyond the resources of unaided Voluntaryism (especially when the need was greatest precisely in the poorest areas). ‘The key to his Church Accommodation campaign,’ writes Stewart Browne, ‘was the Parliamentary grant, which the Scottish establishment had pursued, without success, since 1828. “Internal Voluntaryism” had to be matched by State assistance to ensure an effective Establishment . . . So long as Scotland retained a national Establishment, it was Parliament’s responsibility to ensure that it was sufficient for the nation’s needs.’¹⁴

In the event, no real government help was forthcoming (although money *was* given to the Irish College of Maynooth for the purpose of training Roman Catholic priests). Melbourne and Peel reneged on Chalmers, as the Scottish aristocracy had earlier reneged on Knox. But it is a measure of the distance we have travelled since 1834 that whereas today we might look for a government grant to build an opera house or a sports complex we would not dream of seeking parliamentary aid towards the cost of erecting a church. It is not only the times that have changed. Our political theology has changed, too.

Limits to the power of the state

There were, however, two clear limits to what the state, in the view of Disruption theologians, could do to advance religion.

First, it could not interfere in the internal running of the church. This, obviously, was the key issue in the Ten Years’ Conflict. At its heart lay the distinction between what the civil power could do *circa sacra* and what it could do *in sacris*. This went back to Chapter Twenty-three of the Westminster Confession, which laid down two

¹³ *Ibid*, 388.

¹⁴ *Thomas Chalmers and the Godly Commonwealth* (Oxford, 1982), 242.

positions: first, the magistrate had authority to ensure that all the ordinances of God were 'duly settled, administered and observed'; and, secondly, the magistrate must not assume to himself 'the power of the keys of the kingdom of heaven'. In connection with religion (*circa sacra*) government had the right to see to it that the church had men competent to exercise the power of the keys, to facilitate their task and to encourage them in it. But they had no right *in* religious things, that is, they had no right to exercise the power of the keys themselves. This principle, men like Cunningham insisted, had to be jealously safeguarded even when the church existed under a 'godly' magistracy: 'Civil rulers, by becoming Christian, and setting about the discharge of the duties which the word of God imposes upon them in reference to religion or the church, do not acquire any right or authority which they had not before, and do not become entitled to alter the constitution and laws of the church, or to assume any authoritative control over its affairs . . . Even if the whole community were members of the church, and of one and the same church, this could be regarded only as an accidental condition of things that could not be expected to last for any length of time, and if it should last, would afford no warrant for disregarding or setting aside Christ's arrangements.'¹⁵

The second limit on what the state could do to advance religion was the principle of liberty of conscience. This was an axiom of Disruption theology and played a far more important role in their overall ethos than is usually recognised. It went back to the Westminster Confession (Chapter XX) and was already firmly embedded in the parish school system of Scotland: 'If a child's parents did not wish it to learn the Catechism, or some part of it, that was so arranged. Hence, Roman Catholic children came unhesitatingly to the parish school.'¹⁶ Whether the situation was quite so rosy in practice is a moot point, but the principle was certainly recognised. In accordance with this, when the Free Church Assembly of 1847 passed a deliverance on Public Education it stressed the importance of opening all public schools to any who needed the secular education they would provide, 'without requiring attendance at any religious service or exercise, either on week-day or Sabbath-day.'

It was because this principle was so central to their thinking that Cunningham and his colleagues betray symptoms of acute embarrassment over the language of some paragraphs of the Westminster Confession, particularly Chapter XXIII.III, which

¹⁵ *Discussions on Church Principles*, 203.

¹⁶ *Life of William Cunningham*, 281.

appears to authorise the state to suppress blasphemy, heresy and abuses in worship. Cunningham struggled manfully to vindicate the Confession, arguing that the framers meant only that the civil magistrate is bound to exercise his authority with a view to promoting the interests of religion; and that when it came to suppressing heresies and blasphemies and reforming corruptions and abuses in worship he could do only what scripture warranted him to do, which immediately meant that he had no right to engage in persecution or to claim lordship over the conscience. In 1846, the Free Church General Assembly passed a Declaratory Act, drafted by Cunningham, to indicate where the Church stood on the matter. The key-statement is as follows: 'The General Assembly . . . think it right to declare, that, . . . (the Church) disclaims intolerant or persecuting principles, and does not regard her Confession of Faith, or any portion thereof, when fairly interpreted, as favouring intolerance or persecution, or consider that her office-bearers, by subscribing it, profess any principles inconsistent with liberty of conscience and the right of private judgement.'

Whether this is a fair interpretation of the Confession is debateable. The majority of those involved in drafting the Confession did not believe in toleration. Samuel Rutherford, for example, expressed his horror of it in *A Free Disputation against Pretended Liberty of Conscience* (1649). Some of Cunningham's younger contemporaries (notably James Macgregor) had serious reservations about the Act, particularly because it committed the Church to an interpretation of the Confession which, *as an interpretation*, was untenable.¹⁷ It would have been much better if the Free Church had adopted the course taken by the American Presbyterian Church in 1788 and completely re-written Chapter XXIII.III. Nevertheless, Cunningham's action shows that both he and the Church wanted to distance themselves from any suspicion of intolerance and to highlight their belief in the right of private judgement.

James Bannerman regarded the question of liberty of conscience as the key issue in the Ten Years' Conflict. As far as he was concerned, the principle of Spiritual Independence was identical with the principle of Toleration. 'Liberty of conscience,' he wrote, 'is secured to the meanest citizen of the commonwealth, not because it is a civil right due to him as a citizen, but because it is a more sacred right due to him as the moral and accountable creature of God.'¹⁸

¹⁷ See the *British and Foreign Evangelical Review*, Vol. XXVI, 205: 'The provision thus made by the Free Church Assembly of 1846 was made in a very blundering way, so as in strict logic to lay a burden on conscience when seeking to relieve it.'

¹⁸ *The Church of Christ*, Vol. I, 375.

This was true even when conscience was heterodox: 'The plea of conscience is a plea competent to every church . . . It is not necessary for us to ask, in the case of such a Church, whether, according to our standard, its doctrine is orthodox, or its worship uncorrupted, or its discipline pure, before we concede to it the benefit which the plea of conscience carries with it, any more than we require to ask whether an individual holds scriptural views, before we accord to him the right of private judgement and the advantage of toleration. Conscience may err in the case of the society as well as in the case of the individual; and yet an erring conscience is to be dealt with reverently, because it has rights as against a fellow-creature, although it may have no rights against God.'¹⁹ This did not mean that a church could be above the law. If it transgressed from its allotted spiritual sphere, then it immediately came under the scrutiny of the civil law. For example, a church might stain a man's character; it might meet for treasonable purposes; it might advocate beliefs and practices (for instance, polygamy) which are fatal to social life. From this point of view, the question of *the limits of toleration* was a problem for the state, just as the question of *the limits of obedience* was for the citizen. But so long as a church kept to the spiritual sphere the state had no right to interfere. No civil penalties should be inflicted simply for peculiar modes of worship. 'There can be no justification,' Bannerman concluded, 'for the interference of the civil power with spiritual societies when dealing with spiritual affairs.'²⁰

It was this same principle which Hugh Miller deemed to be threatened by the refusal of sites. Such landlords as the Duke of Sutherland were in effect denying men the freedom to worship God according to their consciences. If the Duke could withhold sites with impunity, then, argued Miller, toleration was the law of the British Empire generally, but it was not the law of any particular part of it; and this was 'a signal flaw' in our religious constitution. A monarch could be deposed for denying spiritual freedom, but a local proprietor could do it as a matter of course. In a county the extent of Sutherland the effect was devastating. No church could be built, no manse erected, no congregation convened, without the consent of the proprietor.²¹

But would the Disruption theologians have been as willing to concede toleration to others as they were keen to claim it for themselves? Bannerman, as we have seen, would have been reluctant to grant toleration to sects which advocated polygamy

¹⁹ *Ibid*, 378.

²⁰ *Ibid*, 387.

²¹ *Leading Articles* (Edinburgh, 1870), 445ff.

(such as the Mormons). *Prima facie*, that is a blot on his escutcheon. Let us remember, however, that while modern Britain tolerates Mormons it does not tolerate their polygamy. On the whole, the Disruption theologians were consistent. Chalmers, for example, was constantly concerned to repudiate intolerance: 'the perfection of an ecclesiastical system in a land is first an Establishment, but that followed up by an ample and unrestricted toleration'²² 'There should be a full equality,' he wrote later, 'between churchmen and sectarians in any civil and political right.'²³

It was this impulse that led Chalmers to support the campaign for Roman Catholic emancipation. The proposal for parliamentary action on the matter was first mooted in the King's Speech on 5 February, 1829. The country was startled to hear the government recommend that the civil disabilities under which Catholics had laboured for centuries be removed. Despite widespread opposition, the Bill was laid before parliament on 27 February. A few days earlier, the Whig politician, Sir James Mackintosh, had written to Chalmers: 'I have always understood your opinion to be favourable to the abolition of all civil disabilities for religion. If you retain that opinion, it now stands in the utmost need of your patronage.' Chalmers replied unhesitatingly: 'I have never had but one sentiment on the subject of the Catholic disabilities—it is that the Protestant cause has been laid by them under very heavy disadvantage, and that we shall gain prodigiously from the moment that, by the removal of them, the question between us and our opponents is reduced to a pure contest between truth and error.'²⁴

This indicates that Chalmers's support for Catholic emancipation was to some extent pragmatic: the unseemly alliance between Protestantism and intolerance had gravely hindered the progress of the gospel in Ireland. 'The truth is,' he declared at a public meeting in Edinburgh on 14 March, 1829, 'that these disabilities have hung as a dead weight around the Protestant cause for more than a century . . . They have transformed a nation of heretics into a nation of heroes.'²⁵ Chalmers fervently believed that emancipation would lead to the triumph of Protestantism: 'Give the Catholics of Ireland their emancipation,' he cried in one of his most brilliant perorations, 'give them a seat in the Parliament of their country; give them a free and equal participation in the politics of the realm; give them a place

²² *Memoirs of Thomas Chalmers* by William Hanna (Edinburgh, 1854), Vol. II, p. 86.

²³ *Op. cit.*, 172.

²⁴ *Op. cit.*, 184.

²⁵ *Ibid.*, 172.

at the right ear of majesty, and a voice in his counsels; and give me the circulation of the Bible, and with this mighty engine I will overthrow the tyranny of Antichrist, and establish the fair and original form of Christianity on its ruins.²⁶

But the pragmatism was no mere opportunism. It reflected a profound conviction that the truth could never be advanced by violating the moral order. The alliance between Christianity and intolerance was in its very nature unseemly and the public outcry against emancipation ran counter to the whole drift and spirit of the gospel. 'What other instruments do we read of in the New Testament for the defence and propagation of the faith, but the Word of God and the Spirit of God? . . . Reason, and Scripture, and prayer—these compose, or ought to compose, the whole armoury of Protestantism'.²⁷

Social criticism

In view of their belief that the state must support Christianity and act Christianly it was inevitable that Disruption churchmen would engage in wide-ranging social criticism. This appeared, for example, in connection with slavery. The question had been settled in Britain (and the Empire) by Wilberforce's Bill of 1807. But it still simmered in America, and Scottish churchmen were inevitably drawn into the discussion not only because of the ethical issues involved but because of the presbyterian connection between the two countries. In 1844, for example, R S Candlish was one of the main speakers at a meeting called by Edinburgh Town Council to express outrage over the case of John Brown (sentenced to death in South Carolina for aiding the escape of a female slave). 'Let us go to them,' said Candlish, 'and implore them to consider this young man's case, and to pronounce him, as he is already pronounced by God, wholly innocent and scatheless.'²⁸

The problem became acute immediately after the Disruption, when financial support from America left the Free Church open to the charge that it was the friend of 'slave-holding' churches. The issue was debated in successive Assemblies between 1845 and 1847. In 1846 the Assembly sanctioned a Letter to the Presbyterian Church of the United States. The Letter was conciliatory, stressing points of agreement, acknowledging that the American churches did not

²⁶ *Ibid*, 189.

²⁷ *Ibid*, 187.

²⁸ William Wilson, *Memorials of Robert Smith Candlish, DD* (Edinburgh, 1880), 333.

countenance the traffic of slaves for gain, or the separation of husbands from wives or parents from children, or the cruel treatment of slaves in any respect. But the Assembly went on to declare: 'we cannot conceal from you, that in some particulars we are constrained to differ from you.'

The Letter made two general criticisms.

First, because they were surrounded by slavery ('a system which no Christian man or Christian church can fail to condemn') the American brethren tended to contemplate it with 'diminished abhorrence'.

Secondly, the American churches were muted in their political protest. The Assembly recognised that the American view of church-state relations differed from the Scottish; and conceded that the church had no right to legislate for the commonwealth or to dictate to its rulers. 'We believe, however, that it is often the church's duty to testify to the state, and remonstrate with it, in regard to evils which it may be sanctioning or tolerating. More especially when these evils are so flagrantly in violation of the spirit of the gospel, and so inconsistent with the due discharge of its duties,—as slavery, in every form, is.'²⁹

'Wherever there is slavery there is sin,' the Letter concluded; 'and the party who holds, or possesses, or owns, a slave, must be presumed to be a sinner, unless it can be shown that it is not through his fault that he is a slave-master, and that he cannot, consistently with his duty, cease to be so.'³⁰

In 1847 a motion was brought before the Free Church Assembly to the effect, 'That the Free Church of Scotland cannot hold fellowship with churches countenancing slaveholding, or failing to use proper efforts for its abolition.' A supplementary motion asked the Assembly to warn the American churches that unless they exercised proper discipline over slave-holders 'the Free Church cannot hold communion with them as branches of the Church of Christ.'³¹

The occasion was memorable mainly for a devastating speech by Cunningham.³² He made plain his abhorrence of slavery. All correspondence between the Free Church and the American churches, he said, had been based on a full and explicit denunciation of slavery; on an explicit assertion of the duty of Christian churches to do all in their power to abolish it; and on a

²⁹ *Proceedings of the General Assembly of the Free Church of Scotland, 1846*, Appendix II, 51.

³⁰ *Op. cit.*, 52.

³¹ *Proceedings of the General Assembly of the Free Church of Scotland, 1847*, 262ff.

³² *Ibid.* 268ff.

concern to make plain the Free Church's distaste for many of the views held by American churches on the subject. They had never attempted to disguise the corrupting influence of slavery on the sentiments of American Christians. But Cunningham refused to be stampeded into precipitate ecclesiastical action. The resolution before the Assembly was that they should hold no more intercourse with these American churches. This was the one thing the Church had so far shrunk from saying: 'we have not said, because the word of God does not warrant us to say, that it is a law universally binding on the church of Christ, that every slaveholder, simply as such, is, on that ground alone, at once and immediately to be excluded from Christian privileges.' Slavery was an atrocious system, but this does not dispose of every ulterior question. 'Although we find, in commentaries on the New Testament, all sorts of absurdities, I do not know that there exists a single commentator who ever disputed that the apostles admitted slave-holders to all the privileges of the Christian Church.' But even if the New Testament did require the excommunication of slave-holders, was the failure to implement this so grave as to warrant suspending all intercourse with the American churches? 'I have no wish,' he declared, 'to diminish the guilt of slavery . . . but still we must regard it in its own proper light, and see, in judging of these American Churches, that we do really apply to them the principles of common sense and ordinary Christian charity.'

The petitioners, he concluded, 'call upon us to declare, in substance, that all slave-holders should be excluded from Christian ordinances. We cannot make that declaration, because we do not believe it to be true; and we cannot persuade ourselves that it is true, until these men have proved that the apostles did not admit slave-holders to Christian ordinances.'

Sunday observance

Another public issue which interested the Disruption theologians was Sunday observance. Cunningham contributed a carefully argued article on this subject to the *Presbyterian Review* for November, 1837.³³ To all the Disruption theologians, of course, Sunday legislation was an inevitable deduction from the Establishment Principle. If civil rulers were bound to recognise and support Christianity, then they were bound to do all in their power to promote the observance of the Sabbath. Cunningham recognised, however, the absurdity of trying to make people religious by Acts of

³³ Vol. X, 334ff.

Parliament. Men could never keep the Sabbath holy until they had undergone 'a great change of principle and character'.³⁴ But the fullest admission of this truth 'is not inconsistent with the persuasion that Acts of Parliament may affect the interests of religion.'³⁵ For example, Acts of Parliament could secure the erection of schools and churches, facilitate the work of teachers and ministers and remove outward impediments to moral and spiritual progress. More particularly, legislation could protect the outward rest of the Sabbath. Even more important, it could protect those who, in modern parlance, want to 'keep Sunday special'.

Cunningham readily conceded—even stressed—that any parliamentary legislation would have to be restricted by the rights of conscience. Parliament could not, for example, require people to attend a specific place of worship, or, indeed, to worship at all. It could not even lay down any positive directions as to the way in which people were to spend their time on the Sabbath. It was also imperative that any proposed statutory prohibitions admitted of being defined precisely and accurately, and could be detected without invading domestic privacy. Nothing could be proscribed if it could be performed within the walls of a private house, without disturbing neighbours or passers-by.

But even with such careful restrictions there was considerable scope for Sunday legislation. It should embrace 'all such open and public breaches of the Sabbath as force themselves upon the notice of the community, and are offensive to the feelings of those who are cordially interested in its (the Sabbath's) observance'.³⁶ The consensus element here is important. The proportion of people 'cordially interested' in Sunday observance may dwindle to the point where legislation on the subject is impracticable. Similarly, what is 'offensive to the feelings' can vary enormously. Public sensitivity in the 1990s is vastly different from that of 1837. Cunningham was well aware that legislation not supported by public feeling would serve only to make the law an ass.

Victorian Scotland, however, had no such problems. There, Sunday legislation was still eminently practicable and Acts of Parliament could be passed (so Cunningham argued) to close all public amusements, every species of public spectacle, fighting matches (with the quaint parenthesis, 'whether with rational or irrational animals'), political meetings, all trading and all 'travelling by public hired conveyances'.

³⁴ *Ibid.*, 337.

³⁵ *Ibid.*, 336.

³⁶ *Ibid.*, 341.

The essential principle here was that working people should have Sunday at their own disposal. How they used it was a matter for their own consciences to decide. Many of them might misuse it. But they did so on their own recognisance. Without parliamentary legislation they would have no rest-day at all: once trading were permitted all traders (and their staff) would have to work on the Sabbath. Those who refused would go out of business. The same would be true of bakers, coachmen, hostlers and boatmen. It would be a cruel mockery to tell such people that they could refuse to work on the Lord's Day, when their refusal would lead, directly or indirectly, to the loss of their jobs. Their only security lay in legislation.

'It is the poor,' Cunningham concluded, 'who are most in danger of being deprived of the inestimable advantages both as pertaining to life and to godliness derived from the institution of the Sabbath, and it is the province of a paternal government, interested in the real welfare of the community, to interpose for their deliverance and protection.'³⁷

National education

The Disruption leaders also devoted considerable attention to the question of a national system of education. It quickly became apparent that the Free Church could not, alone, meet Scotland's need. 'It seems wholly improbable,' wrote Hugh Miller, 'that we should ever succeed in educating the young of even our own congregations; and how, then, save on some great national scheme, is a sinking nation to be educated?'³⁸ All the Free Church leaders agreed on this: it was the responsibility of the state to educate. Miller quotes Chalmers as laying down 'the absolute right and duty of a government to educate, altogether independently of the theological differences or divisions which may obtain among the people or in the Churches'.³⁹ Cunningham was of the same mind. 'I hold,' he declared, 'that the nation is bound to provide for the education of the community altogether irrespective of the obligation to promote the cause of Christ, and that this would still be its duty even if Christianity were expelled out of the world.'⁴⁰ Quite apart from the fact that only a government-funded national scheme could provide adequate coverage Cunningham supported it because it would bring the children of various denominations together and offer a field for cooperation between Christians of all traditions.

³⁷ *Ibid*, 346.

³⁸ *Leading Articles on Various Subjects* (Edinburgh, 1870), 61.

³⁹ *Ibid*, 24.

⁴⁰ *Life*, 286.

The great problem, however, was the place of religion itself in such a scheme. The Disruption theologians (along with virtually every British educationist of the day) took it for granted that religion was an essential element in any curriculum. Education ought to rest on religious grounds and be pervaded by religious principles. This was easily arranged in denominational schemes. The question was, How could it be fitted into a national scheme? Which religion was to be taught? The Privy Council scheme of 1847 proposed to give grants to all bodies (including the Free Church) which were involved in education. One of the conditions of such aid was that the schools teach religion 'according to some creed'.⁴¹ The Education Bill of 1854 contained a similar provision. Every school committee was required to appoint certain stated hours for religious instruction, but there was no specification as to what the 'religion' should be.

The difficulty with this, in the eyes of the Free Church, was that it represented indiscriminate endowment. All religions were placed on a level and error was supported as well as truth. Cunningham, for example, argued that while the state had a duty to provide education for Socinians and Roman Catholics it had no right to use national funds to teach Romanism and Socinianism. Hugh Miller had a further objection: the evils of religious instruction improperly taught. 'To the *extempore* religious teaching of no merely respectable schoolmaster would we subject our child's heart and conscience,' he wrote; 'For we hold that the religious lessons of the unregenerate lack regenerating life; and that whatever in this all-important department does not intenerate and soften, rarely fails to harden and sear. Religious preachments from a secular heart are the droppings of a petrifying spring, which convert all that they fall upon into stone.'⁴²

There was considerable debate in the Free Church as to how this problem could be overcome. Some argued that the state should content itself with providing a secular education, acknowledging the importance of religion but not accepting responsibility for it. Others argued that it was still politically feasible to legislate in favour of the Bible and Shorter Catechism being taught in schools. This, they claimed, would command the support of ninety-five per cent of the population and the rights of conscience could easily be safeguarded: children would not be required to attend these classes if their parents objected. Yet others argued for a kind of devolution: religious education could be left to the control of parents acting through local boards of management.

⁴¹ *Ibid*, 286.

⁴² *Leading Articles*, 33.

Transcending all these differences, however, was one shared, passionate conviction: virtually any national scheme would be better than the prevailing fragmented provision. Chalmers, for example, refused to let his support depend on the government giving the church exactly what it wanted. He 'looked beyond the difficulties of a scheme to the emergencies of a nation'.⁴³ Cunningham took exactly the same view: 'if Government, on its own responsibility, should introduce a measure not going all the length which he thought practicable, he would be very slow indeed to oppose it.'⁴⁴ The great difficulty was to persuade the government to take up the matter at all. They seemed to think it would involve them in endless difficulties, and the church itself, Cunningham warned, had contributed to this impression by dwelling on theoretical difficulties among themselves. 'Though it might be difficult,' he concluded, 'to get everyone to agree beforehand as to what precisely the bill should be, any reasonable measure would, in fact, meet with all but universal acquiescence.'⁴⁵

Chalmers noted the argument that the Church ought to refuse government grants towards education on the ground that Parliament had established Popery in the colonies and was threatening to establish it in Ireland. He responded with characteristic vigour: 'Ought I,' he exclaimed, 'ought I not to use, on teetotal principles, the water of the public pump, because another man mixes it with his toddy?'⁴⁶

In the event Scotland had no national system of education until 1872, but the blame for this lay neither with Scottish churchmen nor with Scottish politicians. The 1854 Education Bill commanded wide support, but it was defeated in the House of Commons by a coalition of English Conservatives, Dissenters and Roman Catholics. A decisive majority of Scottish MPs (36 to 14) were in favour.

Hugh Miller not only endorsed the sentiments of Chalmers and Cunningham but went on to reflect on the tragic political ineptitude of Scottish presbyterianism. It was too late to demand the statutory teaching of Bible and Catechism in schools. 'It is of mighty importance,' Miller asserted, 'that men should look at things as they really are. Let us remember that it is not for the emergencies of yesterday that we are now called on to provide, but for the necessities of today.'⁴⁷ But why, he asked, was government so unrepresentative? *A priori*, it should represent the aggregate character of the people:

⁴² Quoted in Miller, *Leading Articles*, 24.

⁴⁴ *Life*, 296.

⁴⁵ *Ibid*, 301.

⁴⁶ Quoted by Miller, *Leading Articles*, 292.

⁴⁷ *Leading Articles*, 72.

episcopalians, presbyterians and papists. Why was the presbyterian voice so low? Miller had a ready answer: 'Mainly, we unhesitatingly reply, through the influence exerted by certain crochets entertained by the bodies themselves on their political understanding.'⁴⁸ Bodies like the Cameronians and the Voluntaries had demanded the ideal (that government should represent presbytery only) and when the ideal had been refused they had simply withdrawn, leaving the field entirely to other ideologies. Miller contrasted this with the attitude of Knox when he learned of government plans for the distribution of the patrimony of the mediaeval church. 'I see,' said Knox, 'two parts freely given to the Devil and the third must be divided between God and the devil.' But did Knox on that account refuse God's moiety? No! 'He received God's part, and in applying it wisely and honestly to God's service, wished it more.'⁴⁹

Conclusion

Miller did not develop his argument further, but he had put his finger on a crucial issue: how can the private conscience cope with public morality, or Christian absolutes survive amid the politics of compromise? The problem is with us still. Public life remains deprived of the Christian leaven because we cannot bring ourselves to practise 'the art of the possible'. We prefer, in Bonhoeffer's words, to flee from public altercation into the sanctuary of private virtuousness.⁵⁰ What would Chalmers and Miller have made of the German martyr's affirmation of 'the profound this-worldliness of Christianity'? 'By this-worldliness,' he wrote, 'I mean living in life's duties, problems, successes and failures, experiences and perplexities.'⁵¹ The Disruption theologians would have sympathised with that more readily than their modern counterparts, who insist, too often, on 'all or nothing', opt for abstract theorising rather than concrete responsibility and forget that although a good conscience is easily attained in the private sanctuary it is a dangerous luxury in public life, where even the most enlightened moralist finds himself forced to prioritise among competing absolutes. Chalmers and his colleagues found that they could not secure both a state system of education and the compulsory teaching of the Shorter Catechism, just as Bonhoeffer would later find that he could not secure both the absolute sanctity of

⁴⁸ *Ibid*, 289.

⁴⁹ *Ibid*, 291.

⁵⁰ *Letters and Papers from Prison* (SCM Press, London, 1971), 5.

⁵¹ Eberhard Bethge, *Bonhoeffer: An Illustrated Introduction* (Collins, London, 1979), 126.

life and practical freedom from tyranny. Those who want things done must keep their 'crotchets' to a minimum. Otherwise they will find their hopes of social justice crushed by what Reinhold Niebuhr called 'the brutal character . . . of the behaviour of all human collectives'.⁵²

Abstract

The purpose of this article is to identify the main points in the political theology of those who led the Church of Scotland in the era of the Disruption. This involves, in particular, a discussion of the responsibility of the state towards Christianity, of the limits of state-power in matters of religion and of the theology of toleration. The article also illustrates the application of this political theology to some of the public questions of the 19th century, notably Catholic emancipation, slavery, Sunday observance and national education. The treatment draws mainly on primary 19th century material, but concludes by relating some of the fundamental concerns of the Disruption theologians to the questions raised by more recent theorists such as Dietrich Bonhoeffer.

⁵² *Moral man and Immoral Society* (Scribner's, New York, 1932), XX.