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ART. I.—LAY REPRESENTATION IN NONCONFORMITY.

WHAT place ought laymen to have in the councils and legislation of the Church? How may the Church of England grant to her laity such voice and position in the general management of her affairs as they may rightly look for? Such questions as these cry aloud for an answer at the present time: they excite the deepest interest in the minds of large numbers of Churchmen; they command, and must increasingly command, the earnest attention of the thinkers and statesmen in the Church's ranks.

That laymen did take some part in the government and legislation of the Early Church appears certain. St. Cyprian, for example, states again and again how in all matters of consequence his rule was to consult the laity as well as the clergy. In the order of a Council, drawn up at Toledo, A.D. 633, "chosen laymen" are specified amongst those who are to be included in the assembly for the purpose of taking part in consultation. We know that laymen took part at Tarragona, A.D. 516; at the second Council of Orange, A.D. 529; at Toledo, A.D. 653; and at Lyons, A.D. 830. In England, after A.D. 787, the laity had a place in purely ecclesiastical councils; for lay signatures are found affixed in the records of many of them. But without entering into further details of evidence, it may suffice just now to present the summing-up of the case by three great authorities. The late Rev. A. W. Haddan says: "The language in which the subject in general is mentioned, coupled with Apostolic precedent, establishes two things: one, that deacons and laity had a right from the beginning to a certain *status* in councils; the other, that they occupied a distinctly lower *status* than the bishops and presbyters did. The fair influence from the evidence, as regards the general question, seems to be that, as in the election of

bishops, and in synods held for that purpose, so in provincial synods likewise, the consent of *all* orders in the Church—bishops, priests, deacons, and laity—was at the first held needful, although the bishops as a rule discussed and voted.”¹ In the Convocation of Canterbury of July, 1885, the Bishop of Winchester went further, and expressed the opinion that it was “a primitive and catholic usage to consult laymen upon subjects which involved the definition and interpretation of faith. He was quite certain that the primitive custom was to consult laymen, but not to give them a definitive power. There was more authority from the primitive Church for saying that the laymen were consulted than that the presbyters were consulted; and there was abundant evidence that laymen were consulted, although they were not allowed a definitive voice.”² Finally, we have the conclusion of the late Bishop Moberly of Salisbury, to whom the Church is so deeply indebted for his teaching on the position of laymen. “Endeavouring,” he says, “to trace synthetically the working of the Church from the Acts of the Apostles onwards, in respect of its conciliar action and its theory of the possession of Divine truth, I find myself entirely at a loss to discover the beginning of the doctrine that the truth was in such sort delivered to the bishops, as that they alone (or even along with the presbyters) have the absolute and final right to consult or judge respecting it.”³ On the whole we are warranted in saying that, according to early precedent, the presence, voice, and consent of the laity should be had in ecclesiastical legislation, if all the functions of the Christian body are to be in normal and healthy action.

To this teaching of early ecclesiastical history, Churchmen will naturally and rightly turn for the principles and precedents which shall serve as guides through the perplexing difficulties and problems of to-day, rather than to any experience gathered by Christian communities outside our pale. But when Churchmen have to pass from the critical investigation of principles to the practical application and working out of these principles, such modern experience may be of considerable value. We therefore propose to describe the methods and results of lay representation among Nonconformists, and to compare, as far as is practicable, their experience in the representation of the laity with the recent experience of Churches in communion with our own; such as the sister

¹ “Dictionary of Christian Antiquities,” i. 482.

² *Guardian*, July 15, 1885, p. 1055.

³ “The Administration of the Holy Spirit in the Body of Christ,” edn. i., p. 123.

Church of Ireland and the daughter Churches of America and Australia.

Two denominations are at once seen to be incapable from their constitution of yielding any instruction on this point. The Baptists and Congregationalists are not organized corporate bodies, but a collection of independent, unconnected communities, each attending to its own private and particular interests. If we imagine a land in which each town or village governs itself in absolute independence of its neighbours—and all the towns and villages are so many distinct, isolated, political atoms, with no cohesion, no common organic life, no superior assembly vested with authority, no laws binding all citizens alike—we have the civil analogue of the Congregational polity. Every congregation is like a village council, with its own officers and peculiar regulations. The congregations, taken in the aggregate, do not constitute an ecclesiastical state: they are not even a republic; for there is no true federation, no representative governing body with power to regulate the whole, no supreme ruling authority elected or appointed by the people. From such a collection of political or ecclesiastical atoms a legislator can learn nothing. Government can be said to exist only in its most elementary form of village communities.

The only influential denominations that have a corporate organization and life are the Presbyterians and the Methodists. Between these a most interesting similarity obtains in the regular gradation and subordination of their representative assemblies or ecclesiastical courts, in which ministers and laymen meet for united counsel. For in studying Methodism it should ever be borne in mind that as an ecclesiastical system it is essentially Presbyterian, both in its outward form and animating principle. The entire constitution and gradation of its administrative and legislative bodies offer the most striking parallel to what we find in Presbyterianism, though the Methodist assemblies differ from the Presbyterian in some important features, and that, in our judgment, considerably for the better. We will endeavour to trace out this parallel, and in so doing describe briefly the part which the laity take in each community.

Both systems begin with the court most intimately connected with the congregation. In Presbyterianism every congregation has its Kirk-session, which consists of the minister and all the lay elders elected and acting in the congregation, the number of the latter varying according to the size and requirements of the congregation. The minister is *ex-officio* the moderator, but in all other respects the lay elders have equal powers with him. The Kirk-session determines

who shall be admitted as members, and who removed from "the church roll," pronounces whether any member is worthy of censure, and what the form of censure shall be—in short, is charged with the general spiritual oversight of the congregation. The court in Methodism which answers to the Kirk-session is called the Leaders' Meeting, and it consists of the minister, the leaders of the society-classes, along with the stewards or treasurers of the society and poor funds. The lay members of this meeting, however, are not elected by the members of the society, but by the meeting itself on the sole nomination of the minister, apart from whom no name can be brought forward for approval or disapproval. To this meeting there is a right of appeal against any decision of a minister in regard to the admission or expulsion of persons as members of the Methodist Society: the trial of accused members must likewise take place before it, the lay members acting as a kind of jury, whilst the sentence rests with the minister alone. It is also a congregational or parochial council to confer with the minister and advise him in matters affecting the general welfare of the congregation.

Next to the Kirk-session, and superior to it, stands the Presbytery. This is composed of all the ministers who have regular charges within a fixed area, together with a representative lay elder for each Kirk-session, so that ministers and elders are equal in number. This body may grant licenses to preach, and through its ministerial members bestow ordination; the trial of accused ministers takes place in the first instance before it, and it may suspend from ministerial rights and privileges, if this be considered necessary; it is charged with the oversight of vacant congregations within its area; it may also review the rights and privileges of the Kirk-sessions in its jurisdiction. Correspondent to the Presbytery, we find in Methodism the Circuit Quarterly Meeting. This is an aggregate meeting of all the various leaders' meetings comprised within a certain area called a "circuit," with the addition of all lay preachers of three years' standing, and all trustees of chapels in the circuit, who are likewise resident members of the Methodist Society. Two laymen, called Circuit Stewards, are appointed, again on the sole nomination of the presiding minister, to receive and disburse the moneys raised for ministerial sustentation, and to represent the circuit in the next superior court, called the District Meeting. The functions of the Quarterly Meeting are almost entirely financial, the only exceptions being that a report of the number of members in the circuit and an annual return of the scholars in the day and Sunday-schools are given, whilst at the March meeting invitations are given to ministers either to continue in the

circuit or to succeed those whose term of three years may have expired. Candidates for the ministry must be approved by a vote of this meeting before they can proceed to the further examinations; but here its jurisdiction in regard to the ministry ends.

From the Presbytery and the Quarterly Meeting we pass in the gradation of ecclesiastical courts to the Synod amongst the Presbyterians and the District Meeting amongst the Wesleyans. The Synods of Scotland may be described as enlarged Presbyteries, since the membership is simply made up of all the members of those Presbyteries which lie within a prescribed area or province, with the addition of a minister and lay elder as representatives of one or more neighbouring Synods. The work of a Synod is very limited in range. It is mainly a court of review, occupied with the examination of the books of the Presbyteries and the consideration of complaints and appeals. In the Methodist District Meeting one of the most striking and suggestive peculiarities of the Wesleyan system of lay representation makes its first appearance. The lay members of the meeting—that is, the Circuit Stewards, together with the treasurers of various funds—are not admitted to all the sessions, but only to those in which financial affairs and matters related thereto are considered. From all questions affecting faith and doctrine and the investigation of ministerial character they are rigorously excluded. The business in which laymen may take part relates to grants in aid of ministerial sustentation, applications for additional ministers, divisions of circuits, the numbers and condition of the schools, proposals to build or alter chapels, etc., etc. The lay representatives of the Wesleyan Conference are elected in this meeting by the separate votes of the laymen taken by ballot after nomination, the right of which belongs to the lay members only.

The parallel between Methodism and Presbyterianism is completed by the General Assembly of the one, and the Conference of the other. These bodies possess the supreme legislative and judicial power in their respective denominations; and owing to their great influence and authority, membership in them is eagerly sought. Laymen were not admitted to the Wesleyan Conference until 1878. A long struggle for lay representation preceded their admission, but finally it was victorious; and according to the arrangements which received final sanction in 1877, the Representative Conference is composed of 240 ministers and 240 laymen elected by the separate votes of ministers and laymen in the District Meetings, according to a scale of proportionate representation drawn up year by year. The same principle

of equality rules in the Scotch Free Church Assembly, which consists of one-third of the membership of the Presbyteries, elected by the Presbyteries alone. In 1882 there were 372 ministers and 372 elders so appointed. In the Assembly of the Established Church the principle of equality is supplanted by an elaborate system of proportionate representation according to the numbers in each Presbytery. An abstract of a recent Roll of Assembly showed there were 200 ministers and 89 elders representing Presbyteries, 67 elders elected by Town Councils as representatives of Royal Burghs, and 5 ministers or elders representing Universities.¹ The powers of the Assembly are only limited by the constitution of the Church, its judicial decisions are irreversible, even by a succeeding Assembly, but one Assembly is not bound by the precedents of others.

Here the similarity between the Methodist and Presbyterian bodies ends, and a striking difference comes into view. The great and all-important distinction between the Conference and the Assembly is that which obtains between the Synod and the District Meeting. In the Conference all doctrinal and pastoral matters are strictly reserved for consideration by ministers alone. Laymen are not admitted during the first and second weeks of the annual session of the Conference, but may take part only during the last week of the three, when legislation is confined, in theory at least, to questions affecting the finance of the Connexion. Thus it comes about that their consent is not in any way necessary to doctrinal change. Their voice need not be heard at any stage, nor is any provision made for consulting them. When grave changes were recently made in the baptismal office, whereby the doctrine embodied in it was lamentably altered, the laity were entirely ignored, and were absolutely powerless. Multitudes of them, not even excepting many members of the Representative Conference, knew nothing about these serious changes until the new office actually came into use, and resignations of ministers were in consequence taking place. Is not this utter exclusion of the laity a violation of their just rights? As we saw above, though the laity, according to primitive usage, have no "definitive power" in regard to the determination of doctrine, yet they have a well-founded claim to be consulted in some form or other, so that their "consent" may be obtained. This Wesleyan Methodism does not offer to

¹ This peculiar and not very happy arrangement appears to have originated in an abortive effort on the part of the Established Kirk to make itself national. Only an abnormal ecclesiastical genius could have hit upon a town council as an elective body for a supreme church court!

its laity, and so far it appears to be wrong. On the other hand, Presbyterianism errs by going to the opposite extreme, and admitting its lay elders to decide, on terms of perfect equality with its ministers, all questions of doctrine, even the most difficult and delicate, such as tax the utmost resources and skill of trained theologians. The vote of an ignorant and deeply prejudiced Highland elder counts for as much as that of a thorough scholar and calm philosophic thinker, like the late Principal Tulloch or Principal Rainy. Fifty such elders or fewer may turn the decisions of the whole community on grave questions of doctrine or Church rule. This admission of laymen, whose theological equipment may be of the slenderest character, to a share in the definition and interpretation of doctrine, without even the common safeguard of voting by orders, is a grave defect in the system. It accords neither with Scripture, nor Church history, nor the dictates of human reason.

Methodism differs from Presbyterianism in another point, and that not for the better. From first to last there is no such thing among the Wesleyans as direct and true lay representation. Throughout it is a system of ministerial nominee-ship. The Circuit Meeting is composed of the members of the leaders' meetings and the lay preachers, all of whom must be nominated to their office by the superintendent minister before they can be appointed to it. Nearly every lay member of the District Meeting is qualified for his seat by holding the office of Circuit Steward, the nomination to which is again vested solely in the superintendent minister. At first sight the election of lay members of the Representative Conference is an exception to the prevailing rule, but it is an exception in appearance only, seeing the electors to the Representative Conference are the lay members of the District Meeting, and the lay members of the District Meeting are nearly all ministerial nominees. It is a singular and striking fact that, while there is an elaborate system of lay representation, at no stage is there any such thing as free lay election in the Wesleyan-Methodist body. In the other Methodist bodies, such as the Primitive Methodists and the Free Church, this defect has been avoided, but in such a crude and reactionary way that the opposite extreme has been touched, and evils incurred distinctly greater and more serious than those it was sought to remedy.

In one important respect the Conference and the Assembly follow the same rule, and this rule is worth notice both for its wise foresight and for what it suggests in regard to the House of Laymen, which the Southern Convocation has called into existence. The laymen discuss all matters assigned to them,

not alone, but in joint consultation with the ministerial members. We have reason to believe that the practical advantages flowing from this arrangement have proved considerable and valuable in both bodies. However carefully laymen may be selected, they are by no means always well-informed on every question that comes up, nor are they at all seasons disposed to give the necessary time and care which the thorough discussion of some important subject may demand, partly, no doubt, because they do not adequately realize its magnitude or clearly perceive its bearings. But by the union of ministers and laymen in common session, those who have large knowledge of ecclesiastical affairs can make it available, and bring it to bear powerfully upon the decisions of the whole body; more thorough discussion is ensured, the different sides of a question get attention, the danger of mistaken and mischievous legislation is minimized, the risk of collision between the two orders is reduced to insignificance. All this is surely most advantageous. When the proposal to form a House of Laymen was under consideration in the Canterbury Convocation, Archdeacon Emery expressed an opinion that "it would not be wise to let the laymen discuss subjects alone." The experience already had tends on the whole to confirm this view. The separate action of such a body as the House of Laymen has very manifest dangers, which do not appear so far to be counterbalanced by equally manifest benefits.

Most interesting and instructive is it to observe that the constitution of the sister and daughter Churches is in this respect different from that of the mother, and, as we venture to think, wiser. One considerable objection will have to be taken to their arrangements, as we shall shortly see; but their experience may be of the greatest value to ourselves at this time of discussion and transition.¹

Lay representation in the Church of Ireland is, in brief, after this fashion. In the Diocesan Synod two laymen, who must be communicants, are elected for every clerical representative. The Synod elects the bishop, the Diocesan Council, and all diocesan officers. We have it on the authority of Archdeacon Jellett that, "as a rule, the laymen elected to the Diocesan Council are men of high intelligence, as well as of earnest devotion to the Church." In the General Synod the

¹ Those of our readers who are not already acquainted with the three excellent articles on Lay Representation in the Churches of Ireland, America, and Australia, published in the *National Review* for 1886, will be glad to be referred to them. They are in the April, October, and December numbers.

laity are again in the proportion of two to one of the clergy. The late Archdeacon Lee did his utmost to get questions relating to doctrine and discipline reserved for decision by the bishops and presbyters of the Church, and even carried his protest to the length of resigning his seat. But the attempt failed, and subjects of the highest moment are now discussed by clergy and laity in common Synod. A great safeguard is found, without doubt, in the fundamental law which requires the assent of two-thirds of each order, present and voting, before any resolution can be deemed to have passed; but we know too well that great sacrifices will sometimes seem preferable to a collision between the two orders, and thus measures will be adopted which, if discussed in an Assembly of clergy unhampered by such considerations, would be sure to fail.

In the Church of America laymen are admitted to the General Convention in equal numbers with the clergy, and with full power to take part by voice and vote in all matters whatsoever that may arise for discussion. Each diocese is at liberty to choose its representatives in its own manner, and may send not more than four clerics and four laymen. When any constitutional alteration is enacted for which the canons require a constitutional majority, the method of voting must be by both dioceses and orders; at other times the vote may be taken in this way, or by acclamation and division. Bishop Littlejohn testifies that "the laymen chosen by the Diocesan Conventions to represent them have been in every sense the flower of their order."

When we turn to the Church of Australia, a very similar constitution is met with. The Australian Church has three Synods, in all of which the laity are fully represented. To the Diocesan Synod there are summoned the clergyman in charge of each parish, with two, or occasionally three, elected lay representatives. For the Provincial Synod the arrangements for representation are much the same. The General Synod is composed of two Houses, the House of Bishops and the House of Representatives, the latter consisting of equal numbers of clergy and laity. The two Houses sit together for the transaction of business, but they vote separately. All kinds of subjects may come before them, but their power to effect doctrinal change is almost nullified by the fundamental rule of all the Australian Synods, that no alteration in the Articles, Liturgy, or Formularies of the Church may be made, "except in conformity with any alteration which may be made therein by any competent authority of the Church of England in England." The Bishop of Sydney, who has had exceptional opportunities of looking at the system with calm and impartial eye, says, "With the establishment and working of representa-

tive government in the Church, I am entirely satisfied. Lay representation works perfectly for good."

But (he proceeds) this opinion is conditional on that which appears to me absolutely essential for right working, viz., that clergy and laity should sit and confer together. If this were not the case here, I am convinced, not only that we should be liable to dangerous collisions, but that the chief value of our Synods, as deliberative assemblies, as centres of Church unity, and as educating influences over their members, and through them over the Church at large, would be lost. What we want is mutual interpenetration of the clerical and lay mind, and the sense of real co-operation of clergy and laity under the bond which unites them in Church membership. These things would not be furthered, perhaps would be actually hindered, by the co-existence and possible rivalry of separate Houses. So far as Colonial Church experience goes, I believe that it would generally confirm the opinion here expressed; and the inference which I would venture to draw, that the cause of Church representation in England suffers greatly from what is apparently at present considered to be the inevitable necessity of constituting clerical and lay Houses of Representatives in separation from each other.¹

It thus appears that the General Synods and Conventions of these three Churches harmonize in their essential regulations much more with the Presbyterian than the Wesleyan system of lay representation. In their grant of free, unfettered election to the laity, they are unquestionably right; for if the laity are brought in and trusted at all, it is surely better that they should be frankly and fully trusted, than that they should be perpetually held in the leading-strings of a ministerial nominee. But in regard to the exclusion of the laity from "definitive power" on doctrinal matters, it must be owned that the Wesleyans have shown, as the Bishop of Lincoln says, "a true ecclesiastical instinct" in their reservation of questions concerning doctrine and clerical discipline for discussion and decision by ministers only, since this arrangement is undeniably more in harmony with primitive rule and practice. The one point in which the Wesleyans here fail is in not taking proper measures to secure "lay consent" when doctrinal decisions have been come to. Taken as a whole, it must be allowed that no body of Nonconformists has known so well as the Wesleyans how to give the largest possible share in denominational administration and legislation to the laymen, and at the same time to conserve the independence and rightful freedom of the minister. In achieving this result it has gone far towards solving one of the most difficult problems of ecclesiastical representative government.

As to the general effect of the admission of laymen to the Presbyterian Synod and Assembly, the Wesleyan District Meeting and Conference, there can be no doubt in the minds of competent observers that, though the well-known dangers,

¹ *National Review*, December, 1886, p. 451.

weaknesses, and difficulties of representative institutions have not been wholly escaped, yet a great balance of benefit results. The admission of the laity has in each case tended to bind the community together, powerfully contributed to its solidarity and unity, quickened the sense of each belonging to one great whole, and all belonging to each. It has led congregations to look outside their own narrow boundaries and given to their sympathies a wider range. Whilst an Independent congregation is self-centred and self-contained, with little tendency as a rule to throw out vigorous off-shoots, a Methodist, and to a less extent a Presbyterian, congregation has a noticeable disposition to plant down new "causes" and thus to extend its corporate life in all directions. As in administration, so is it in legislation, participation in responsibility develops interest, energy, and growth.

With the results of this Nonconformist experience of lay representation the experience of our own sister and daughter Churches coincides to a very remarkable and interesting extent. "If I be asked," says Archdeacon Jellett, "what has been the result, upon the whole, of the admission of the laity to a share in the government of the Irish Church, I answer, without hesitation, a large increase of Church life and Church work, improved churches, improved services, new organizations for Church purposes, boards of education, associations of Church-workers. I do not say that all these are the results of lay energy, but they are the result of the fact that all the members of the body are now permitted to discharge their legitimate functions, and that the vigour of the body has been thereby increased."¹ The answer of Bishop Littlejohn is very similar: "Without this organized, constitutional co-operation of the laity with the clergy, the American Church to-day would not be what it is in its strength, stability, energy, and aggressive vitality." Bishop Barry testifies that, for the Australian Church, lay representation "is an absolute necessity." "It alone places the Church in harmony with the whole tendency of modern civilization." Without it the decrees of the Synod "would not command general adhesion." So far from being revolutionary, he thinks lay influence in the Synod is "somewhat too conservative, not merely of principles but of practice":

Of all influences tending to bring about the right and healthy condition of things, there is none comparable to the influence of the lay representation in our Synods. It is an education in this important direction [that Church work is the business of the laity as well as the clergy], not only of the representatives themselves, but of those whom they represent.

The general conclusion to which Bishop Barry has come, is

¹ *National Review*, April, 1886, p. 212.

exactly that to which we trust our readers will be led, and not only our readers but the vast majority of English Churchmen. "Such experience," he says, "as I have gained, entirely confirms my strong conviction of the necessity of obtaining or evolving a true representative system in the Church at home. Diocesan Conferences, and Congresses, and the like, are excellent as fields for discussion and schools of preparation for more definite action; but they cannot fill the place of Church Synods or assemblies of real power and responsibility. Till in some way the problem of obtaining these is solved in England, the Church will not have full vitality of self-government and that right harmony of legislative, judicial, and executive functions which is essential to its complete organization."¹

J. STEPHENSON.

ART. II.—THE TITHE WAR.

Tithe Rent-Charge Papers, No. II.; Land Rental, Tithe and Tithe Rent-Charge, with reference to the Tithe Rent-Charge Bill, 1887. By C. A. STEVENS, M.A., Vicar of Portslade. London: P. S. King and Son, King Street, S.W. 1887.

Tithes. By Lord BRAMWELL and others. London: The Tithe-owners Association, 31, Finsbury Circus, E.C. 1887.

IN the discussion of the question indicated by the headings of this article, there are three parties whose interests have to be considered: (1), the Landlord; (2), the Occupier; and (3), the Owner of Tithe Rent-Charge.

From whatever point of view the question be looked at, and however opinions may differ upon details of adjustment, there is one broad and ascertainable principle upon which any legislation about the question ought to proceed, viz., that no legislation deserves the sanction of thoughtful and capable men which does not pay due regard to the rights of property. If this be not conceded, if confiscation of this man's property or of that be *ab initio* intended, then the questions are not worth arguing.

It is a little curious to notice how this principle has extorted respect even from politicians who at once proceed to violate it. As even a Conservative candidate or member has to trim and get the votes of different classes of people, so we have had this pitiable kind of exhibition at many an agricultural meeting.—"I am against anything in the nature of confiscation," says the speaker; and in the next breath he pro-

¹ *National Review*, December, 1886, p. 449.