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A table of contents for *The Churchman* can be found here:

[https://biblicalstudies.org.uk/articles\\_churchman\\_os.php](https://biblicalstudies.org.uk/articles_churchman_os.php)

# Lawful Authority for Additions and Amendments to the Prayer Book.

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**T**HE law of public worship in the Church of England still bears the characteristic mark of its origin. The history of the Western Church from the pontificate of Hildebrand towards the end of the eleventh century, to the close of the council of Trent in 1563 was a continuing process of administrative and theological centralisation which finally placed the Pope in the position of being the Universal Ordinary. This ecclesiastical development was reflected liturgically in the growing dominance of the Roman rite and the virtual suppression of local rites. Since the Council of Trent such rites as the Ambrosian in Milan or the Mozarabic in Spain are only permitted on strictly limited occasions. No doubt, had the Reformation not supervened, the sixteenth century in England would have witnessed the effective supremacy of the Sarum rite before in time it would have been obliged to yield to the Roman rite.

The dominance of the Papacy in the sixteenth century church was matched by the absolutism of the monarchy in the new nation states—indeed in those states which repudiated the jurisdiction of Rome, the crown inherited the authority both of Emperor and of Pope. The break with Rome inaugurated by Henry VIII could only be justified and perpetuated if accompanied by liturgical reform, for the theology of the common man is moulded and expressed by the way in which he worships. The Prayer Book of 1549 was compiled against this background and it served to show that certain fundamental principles of positive worth underlay the English Reformation. A comparison of the revised book of 1552 with the first English liturgy of 1549 will demonstrate the positive sacramental doctrine which the reconstructed Communion service was designed to teach. This radical change in the method of public worship could only have been accomplished by the executive power of the crown. It would be idle to pretend that the bulk of English churchmen in the middle of the sixteenth century desired to make such differences in public worship. They were not greatly disturbed by the repudiation of Papal lordship but changes in worship touched their personal religion very closely. As the Cornish rebels of 1549 put it, they desired to have abolished "this Christmas game" of an English service and to return to the worship of God! It was therefore inevitable that the use of a reformed liturgy would have to be enforced by Act of Parliament. Indeed the Prayer Book in all its revisions, was annexed to an Act of Uniformity making its use compulsory in every church and chapel in the realm.

Such a policy of liturgical rigorism was probably the only way, under the circumstances, to get a reformed rite well established in the country. The first Edwardine Act of Uniformity began by reciting the evidences for liturgical chaos and the failure of previous attempts to terminate

it. "Of long time there has been had in this realm divers forms of common prayer, commonly called the Service of the Church; that is to say the use of Sarum, of York, of Bangor, and of Lincoln; and besides the same, now of late much more divers and sundry forms and fashions have been used in cathedral and parish churches . . . and as the doers and executors of the said rites and ceremonies, in other form than of late years they have been used, were pleased therewith, so *others* not using the same rites and ceremonies were thereby greatly offended."<sup>1</sup> The Act then proceeded to order that the conclusions of the commissioners, appointed to draw up one uniform order of Common Prayer, now embodied in the Book of Common Prayer, must be accepted "throughout England and Wales, at Calais and the marches of the same." "All and singular ministers in any cathedral or parish church . . . shall . . . be bound to say and use the Matins, Evensong, celebration of the Lord's Supper and administration of each of the sacraments, and all their common and open prayer, in such order and form as is mentioned in the said book and none other or otherwise."<sup>2</sup> This order was repeated in substantially the same language in every succeeding act of uniformity, including the Act of 1662 which is still the law of public worship in the Church of England.

This uniformity in the conduct of public worship and the celebration of the sacraments has been a foundation principle of the Prayer Book for four centuries. It involved, as the Acts of Uniformity made plain, the abolition of provincial rites for "from henceforth all the whole realm shall have but one use."<sup>3</sup> This was to follow the parallel procedure in the Roman church whereby local rites were virtually eliminated, but it was also to vindicate against Rome the liberty of a nation (represented by lawful authority) to make such order for public worship as seemed necessary. It also involved a denial of any power of discretion on the part of the minister responsible for the conduct of public worship since he was obliged to use the Prayer Book, the whole Prayer Book, and nothing but the Prayer Book, and periodically to signify publicly his assent to this principle.

The Prayer Book was subject to attacks from two different directions. Conservatives and pro-Romans disliked the use of vernacular and the doctrinal changes while an influential minority, influenced by reformed modes of worship on the Continent, desired radical changes in the Prayer Book and the grant of a considerable measure of freedom to the officiating minister. In the circumstances of the sixteenth century and the political considerations dependent upon liturgical questions, it was only to be expected that a fixed liturgical form would require the sanction of a statute of the realm.<sup>4</sup> Religious toleration, amounting almost to indifference, with which we are familiar, was unthinkable in the sixteenth or seventeenth centuries. To men of that time it appeared to endanger public order and the only question at issue concerned which form of religion should be legally enforced. The Uniformity Act of 1662 states explicitly, "that nothing conduces more to the settling of the peace of this nation which is desired by all good men, nor to the honour of our religion and the propagation thereof, than a universal agreement in the public worship of Almighty God."<sup>5</sup> Probably this conviction had been reinforced by the disturbances experienced during the Civil War and the Commonwealth, but

the important thing to remember, is that it was a conviction firmly held by the majority and only repudiated by Independents and a few other sectaries.

Now it is clear that such liturgical rigorism cannot possibly be maintained at the present time, although it is important to understand and to appreciate the reasons, cogent enough in their place, for this earlier insistence on uniformity in all respects. For good or ill, the history of the last century and a half has changed the temper of English people on this issue and we no longer think that liturgical diversity is either a danger to the realm or an offence to the honour of Almighty God. The influence of the French Revolution and the Enlightenment has caused us to lay emphasis on the right of the individual to worship God as he pleases, instead of the earlier emphasis on his duty to engage in that form of public worship provided by authority. This is evident from the complete failure of the policy of prosecutions for liturgical illegalities initiated in the nineteenth century. Legally, the prosecutors had a strong case, but it was a policy which aroused much distaste and brought little but discredit to the Evangelical cause. It is important that Evangelicals in the twentieth century should be dissociated from any such invocation of the secular authority in liturgical disputes.

At this point we are confronted by a problem of peculiar urgency for Evangelicals, for the question of lawful authority in public worship raises the deeper issue of law and grace. Meticulous attention to ceremonial detail and the prescribed order of a rite is characteristic of "Catholic" worship, but opposed to Evangelical emphasis on the necessity for worship to be "in the Spirit". This contrast is not of course absolute, and evangelical worship must be a worthy visible token of the devotion of the heart and obedience of life. Charles Simeon was wont to declare that nothing was more moving or more acceptable to God, than the sight of a congregation reverently and intently offering the worship of the Prayer Book services. It is an apostolic principle that all things should be done decently and in order, which means that our worship must be intelligible and orderly, dignified and scriptural. These qualities will not be found in any worship unless it is disciplined by some law, for otherwise the congregation is at the mercy of the minister or still worse, of his moods. But law is here used in the sense of guidance for the church, showing the regenerate the path in which they should walk.<sup>6</sup> The Christian is always beset by the temptation to permit law to fall into disuse or contempt, or on the other hand to allow it to supersede grace. It is clear that we live in a period when the law of public worship has fallen into contempt and every man does that which is right in his own eyes. The greater measure of discipline which is needed, based on agreed Gospel principles, must not be confounded with a policy of legalism which would call upon the bishops to administer the law of the church, or the State to discipline any recalcitrant bishops.

The fact is that the law of public worship which we have inherited is too rigid and thereby opposed to true evangelicalism. It was designed for different circumstances as the earlier part of this paper sought to show. In those circumstances, it possessed an historical justification but in the altered situation of modern times it is now obsolete. The

Royal Commission on Ecclesiastical Discipline in its report in 1906, after commenting on the fact that Acts of Uniformity set up and require universal conformity to one standard in the conduct of Divine Service including words spoken, vesture worn by clergy, ornaments of the church, and rites and ceremonies, went on to point out that any distinction between things important and things trivial had been expressly and emphatically precluded.<sup>7</sup> No deviation from the Prayer Book and no supplementation is allowed by the terms of the Act of Uniformity.

Now it is not possible for a living church to be subject to such rigid standards for an indefinite period of time. Certain things are bound to become obsolete and certain additions are clearly required with the passage of time. Indeed it could be argued that a standard of Uniformity had been set up which never was and never could be, fully and universally observed. The strict legal interpretation of the meaning of the Act of Uniformity was given by the Judicial committee of the Privy Council in *Martin v. Mackonochie* in 1868. Their lordships quoted a judgment delivered in an earlier case and declared themselves disposed entirely to adhere to it: "In the performance of the services, rites and ceremonies ordered by the Prayer Book, the directions contained in it must be strictly observed; no omission and no addition can be permitted."<sup>8</sup> It is unlikely that there have been many clergy since 1662 who have not infringed the Statute of Uniformity in some particulars when it is interpreted with this strictness. Once the Prayer Book was assured of survival and of general acceptance in the decades following upon 1662, it is improbable that its use was generally observed with such exact care, but until after 1850 there was no desire to replace Prayer Book worship by a rite drawn from other sources, and consequently few occasions of dispute on the meaning of lawful authority.

As a matter of fact, since 1559, it has been clearly recognised that the standard forms of worship in the Prayer Book stood in need of supplementation from time to time. A bulky volume of nearly 700 pages in the publications of the Parker Society contains "Liturgies and Occasional forms of Prayer set forth in the reign of Queen Elizabeth." Besides the Prayer Book of 1559, these vary from orders for "Prayer and Thanksgiving (necessary to be used in these dangerous times) for the safety and preservation of her Majesty and this Realm"—set forth by authority, to prayers or forms of service issued by Bishops for use in their dioceses or even by private persons. "Certain prayers fit for the time" seem to have been issued whenever there was a political crisis (such as an assassination plot) or when the forces of the crown were engaged in a campaign. Single prayers were issued to be appended to the Litany or read after the Collect before the Epistle. A volume entitled "Certain Prayers and other Godly Exercises for the seventeenth of November (accession day)" compiled by the Sub-dean of York but obviously intended for public use was issued in 1585.<sup>9</sup> Occasional forms of service to supplement the prescribed forms were also issued by individual bishops in the seventeenth century.<sup>10</sup>

It was probably in the light of evidence of this sort and of the developing needs of nineteenth century life, that a Royal Commission of 1864 recommended that the Declaration of Assent should end with

the words : " I will use the form in the said Book prescribed and none other, except so far as shall be ordered by lawful authority." This exception was adopted by Parliament in the Clerical Subscription Act of 1865<sup>11</sup> and in the opinion of Archbishop Davidson giving evidence before the Royal Commission in 1906, " the reason for its insertion was chiefly to protect a clergyman in the case of a service ordered by the Privy Council ; such for example as was ordered at that time in connection with the cattle plague."<sup>12</sup> But the commissioners of 1906 were bound to admit, that even taking into account such deviations from the Prayer Book as were involved in special services of national thanksgiving and the like, drawn up by the Archbishops and issued with the authority of the Privy Council, it was still true that " from the sixteenth century down to the present time there has existed a contrast between the theory of the law clearly expressed in the Acts of Uniformity and the practice of the clergy in the conduct of public worship."<sup>13</sup> This is the liturgical problem bequeathed to us by four centuries of Anglican church history culminating in our present state of chaos.

We must therefore begin to tackle this grievous problem by admitting that the Act of Uniformity has very largely become obsolete. Nothing short of this will meet the real difficulties of the situation. No one obeys the law rigidly construed, for there is scarcely a clergyman to be found who makes no change in the authorised forms of service while the bishops are neither willing nor able to see that an impossible law is carried out. A law which is largely ignored or flouted with impunity is productive of grave scandals and the present position has resulted in a generation of clergy who do not share that serious respect for Prayer Book rubrics or for the solemnity of the declaration of assent which marked the outlook of earlier generations. As the Preface to the Prayer Book says : " Although the keeping or omitting of a ceremony in itself considered, is a small thing, yet wilful and contemptuous transgression and breaking of a common order and discipline is no small offence before God." When a law has clearly outlived its usefulness it should either be repealed or modified. A considerable measure of relief would be obtained if it could be agreed that the existing law needs to be modified by acknowledging a great difference of principle between things trivial and things which would change the order of the rite or alter the implied doctrine.<sup>14</sup> There is for instance a wide difference between the adoption of the 1549 Eucharistic canon on the one hand, and on the other the addition of hymns and a sermon to Morning and Evening Prayer. This agreement could be achieved somewhat along the lines of the Synodical Declaration suggested as a temporary measure by the Archbishops' Commission on Church and State in 1935 and would probably not be refused by Parliament. That declaration began with the assertion that the Services of the Book of Common Prayer should always be regarded as the normal standard of worship and went on to claim that no deviations from this standard should be authorised unless in the opinion of the Convocations it was neither contrary to, nor indicative of any departure from the fundamental doctrines and principles of the Church of England as set forth in the Thirty-Nine Articles and the Book of Common Prayer.<sup>15</sup> Such a proposal would no doubt give rise to many difficulties of inter-

pretation and much variety of opinion on the limits of what is covered by the doctrines and principles of the Church of England. But diversity of interpretation is part of our Anglican heritage and cannot easily be ignored.

Further, if it should be said that this attempt to modify the working of the Act of Uniformity amounts to an attempt to ignore or, still worse, to flout the authority of the State, the answer must be made that the authority of Parliament, strictly interpreted, is being flouted now, even in most Evangelical parishes, Sunday by Sunday. Parliament plainly does not wish to interfere with the legitimate need of a living church to adapt and enrich its public worship and is quite content for the present situation to continue. Archbishop Davidson as long ago as 1906 said, "as far as I am aware, no responsible people in public life desire that the rubrical details of the Book of Common Prayer shall be discussed in Parliament" and again in 1910, "that any party in the House of Commons desires to have the rubrics of the Prayer Book made the subjects of its debates I entirely disbelieve".<sup>16</sup> In these days when the attention of Parliament is fully occupied by great secular matters it is most likely that these statements of the Archbishop carry even greater weight than when they were originally uttered. We repeat, the Act of Uniformity strictly interpreted is obsolete—no one obeys it or will obey it and alike in the interests of Church and State it should be amended to allow for reasonable change.<sup>17</sup> It ought to be possible to get wide-spread agreement for such a step without raising grave doctrinal issue, for of itself it would not make any alterations or additions to the Prayer Book.

The phrase, "lawful authority", as it stands cannot normally signify anything else than the authority of the Crown exercised through Parliament. But it is intolerable that strictly we should have to resort to the secular power every time it is desired to make some changes or additions in the use of the Prayer Book. In fact by long established usage, diocesan bishops possess some power to relax the strict letter of the rubric, *e.g.*, to sanction one service instead of two where the circumstances of the parish do not require more.<sup>18</sup> Archbishop Davidson, commenting on the phrase "except so far as shall be ordered by lawful authority" in the Act of 1865 said, "that the words as they stand now, part of an Act of Parliament, are capable of giving to the Episcopate some larger authority than existed before, seems hardly to admit of a doubt"<sup>19</sup>. This would suggest that in addition to the right of the bishop to settle matters of doubt in the contents of the Prayer Book, he also possesses some power to sanction such services as Harvest Festivals, Missionary Festivals and other similar special services provided that he does not sanction what is expressly forbidden in the rubrics of the Prayer Book. This would probably cover most diocesan forms of service and the issue of diocesan service books and other manuals of prayers and thanksgivings, much in vogue at the present time.<sup>20</sup> It is evident that we are passing through a period of necessary liturgical experiment and provided that the framework of the liturgy is not ignored it is important there should be some opportunity for experiment. This can only be secured if there is the necessary flexibility about the law of public worship to allow temporary deviations, for it would be disastrous if the tastes and desires

of our age were to be given such liturgical sanction in a new Prayer Book, as would require wholesale revision at the end of the next half-century. To quote from the evidence submitted to the Commission on Church and State by Sir Ernest Barker, "I do not think you can go on reformulating the ritual and reformulating the Articles of Belief, of an old Church. . . . If you begin to reformulate and tighten, it is a process which is unending."<sup>21</sup> Such flexibility is in fact our present possession and Parliament manifests no desire to take it away. But it can only exist on the basis of a standard of worship expressed in a Prayer Book (to which there may hardly be exact conformity in any one place) and a commonly accepted principle of procedure for making the required adaptations. Parliament might do well formally to acknowledge this fact.

No discussion of the lawful authority for additions to the Prayer Book would be complete without reference to the authority of custom and usage, which is an important factor in any liturgical history. Certain things, such as the Exhortations in the Communion Service, drop out of use during the course of years and although the rubric ordering their use remains untouched in the Prayer Book, any attempt to enforce it would be doomed to failure. Similarly, the controversy over the compulsory recitation of the Athanasian Creed has died away and there are now comparatively few churches where it is used and fewer still where it is used on every occasion prescribed in the existing rubric. The custom of providing three, four or five hymns and a sermon at Morning and Evening Prayer is well established by a long tradition and any attempt to conform to the strict letter of the rubrics by providing a sermon only at the Holy Communion would be deeply resented by the laity. Whatever may have been the original intention of the Reformers, Morning Prayer has become the principal service of worship in the Church of England and even the Oxford Movement has failed to affect its position in the church as a whole. Such customs are commonly recognised as possessing considerable liturgical authority and it should be possible to make the necessary rubrical changes, if considered desirable, without much likelihood of serious disagreement. This would suggest that each age in turn should make its contribution to the Prayer Book in the way of enrichments or adaptations but that only those which can show the authority of long continuing custom should be formally incorporated in the Book and these will necessarily be few in number. The tendency to make the supposed needs of our age the final criterion in liturgical reform is to be discouraged.<sup>22</sup> The Book of Common Prayer has won the affectionate regard of generations of loyal members of the Church of England and moulded their piety, because it was constructed from materials which had themselves already stood the test of time. Modification of the strictness of the Act of Uniformity would retain for us our proper liturgical standard while allowing time to exercise its dissolving influence on the majority of amendments which must for a long time be experimental and should not possess any final rubrical authority.

<sup>1</sup> Documents Illustrative of English Church History. H. Gee and W. J. Hardy, p. 358.

<sup>2</sup> *ibid* p. 360.

<sup>3</sup> 'Concerning the Service of the Church' prefixed to the Prayer Book.

- <sup>4</sup> Note however that the authority of the Crown and of the Crown in Parliament is a supremacy of rule and not of direction or of initiation. This is true even of Henry VIII. See 'Establishment in England' Sir Lewis Dibdin, p. 73.
- <sup>5</sup> Gee and Hardy *op. cit.*, p. 603.
- <sup>6</sup> Christ's Strange Work. A. R. Vidler, p. 52.
- <sup>7</sup> *Vide* Report of Commission on Church and State (1935), Vol. I, pp. 78-9 quoting paragraphs 23-44 of 1906 report.
- <sup>8</sup> Church and State Report Vol. I. p. 81.
- <sup>9</sup> Liturgical Services of Queen Elizabeth (Parker Soc.) pp. 466-7, 679, etc.
- <sup>10</sup> Darwell Stone. F. L. Cross, p. 230.
- <sup>11</sup> Church and State Report, Vol. I. pp. 82-3.
- <sup>12</sup> Randall Davidson. G. K. A. Bell. Vol. I. p. 469.
- <sup>13</sup> Church and State Report. Vol. I. p. 79.
- <sup>14</sup> On the importance of this distinction as a practical possibility see 'Establishment in England' Sir Lewis Dibdin, pp. 82-3.
- <sup>15</sup> Church and State Report, Vol. I. pp. 87-8.
- <sup>16</sup> Quoted in 'The Prayer Book of 1928 Re-considered': W. K. Lowther Clarke, p. 72—*cf.* 'It is unthinkable that the State should claim to dictate to the Church what Prayer Book it should use . . . supremacy of rule implies protection . . . if the society protected is at liberty to make changes of substance without the consent of the ruler, that ruler—the Christian State—may be left in the absurd position of ruling and protecting under circumstances and for purposes which it neither contemplated nor desired. Dibdin *op. cit.*, p. 77. *cf.* p. 13 on the unwillingness of the House of Commons to meddle with forms and words. *cf.* Bell *op. cit.*, p. 350 for statement of Mr. Balfour.
- <sup>17</sup> Even the 1662 Act of Uniformity contains a provision for changing the names of the Royal Family in public prayers when necessary. Gee and Hardy, *op. cit.*, p. 615.
- <sup>18</sup> Church and State Report, Vol. I. p. 83.
- <sup>19</sup> Bell *op. cit.*, Vol. I. p. 469. *cf.* Lowther Clarke, *op. cit.*, p. 71.
- <sup>20</sup> *e.g.*, the many litanies, forms of prayer and intercessions issued during the war.
- <sup>21</sup> Church and State Report, Vol. II. p. 74.
- <sup>22</sup> See for instance the enthusiastic advocacy of the Revised Prayer Book by the late Bishop F. T. Woods in 'The Prayer Book Revised'. Most of what he said is now out of date.