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A table of contents for *Scottish Bulletin of Evangelical Theology* can be found here:

https://biblicalstudies.org.uk/articles_sbct-01.php

GOING ROUND IN CIRCLES:
TOWARDS UNDERSTANDING AND APPLYING
THE ESTABLISHMENT PRINCIPLE IN THE 21ST CENTURY

THOMAS DAVIS

For the Presbyterian Church in Scotland today, the issue of the Establishment Principle is one that seems to leave us endlessly going round in circles. Once a touchstone of Scottish ecclesiastical identity, for many today it is a relic of a bygone era that shows little sign of a return. Furthermore, the precise nature of the Establishment Principle is by no means clear; different people, and different periods, seem to define it in different ways. It is a principle that is being held onto by some but ignored by many. The many who ignore it frequently do not understand it, but the some who hold onto it are not unanimous on how to define it. Round and round the circles go.

Yet for many Presbyterians, it remains a principle to which we are deeply committed. The issue is particularly acute for the Free Church of Scotland (of which this writer is a pastor). The Free Church faces the constant tension whereby we believe in the Establishment Principle, but we are not an Established Church; we long to be an Established Church, but we see little or no prospect of that actually happening. For the Free Church, and for other Presbyterian denominations in Scotland, this principle is of the upmost constitutional importance, yet it feels today as though it holds hardly any practical relevance. Can this endless going-round-in-circles be solved?

The following paper is attempt to say, 'Yes, it can.' This paper aims to retrieve the definition of the Establishment Principle as it was understood in the years leading up to the Disruption of 1843 which led to the formation of the Free Church of Scotland. In doing so, it will be observed that, in the years since 1843, there has been divergence in the way in which the Establishment Principle has been defined and understood. In particular, there has been an increasing tendency to confuse, or even conflate, the Establishment Principle and the Principle of Spiritual Independence. The main thesis offered in this paper is that such a tendency is unhelpful and that any application of the Establishment Principle to the life of the Church today will be aided by a re-focus on the ways in which the Establishment Principle was understood by the men who took part in the controversies culminating in the momentous events of 1843.

The paper is divided in five sections. First, examples of diverging definitions of the Establishment Principle are observed and analysed.

Following this, Section Two aims to disentangle the Establishment Principle from the Principle of Spiritual Independence. In the third section, a model for understanding the Establishment Principle (as defined by Chalmers and his colleagues) is offered. Section Four then draws primarily on the writings of William Cunningham to unpack how Establishment works. Finally, a concluding section offers some points of application for the Church today.

One caveat to note at the outset; the focus of this paper is on the origins of the Free Church of Scotland. It does not, therefore, examine either Establishment as understood in the earlier centuries of Scottish Church history, nor the question of how Establishment has been defined and practised in other nations. To begin with then, in the context of the past 200 years in Scotland, how have definitions of the Establishment Principle diverged?

1. DIVERGING DEFINITIONS

Any discussion on the issue of Establishment immediately begs the question, What is the Establishment Principle? Such a question is obvious and expected. Answers in relation to the Scottish Church, however, are far from straight forward. Cited below are three answers that have been offered to this question in the past 200 years:

Definition One: Thomas Chalmers

In the spring of 1838, Chalmers delivered a series of lectures on Establishments in London, after which he was described by the then Duke of Cambridge as a “monstrous clever man.”¹ In his opening lecture, Chalmers defines a National Establishment as follows:

We shall assume, then, as the basis of our definition for a Religious Establishment, or as the essential property by which to specify and characterise it, — a sure legal provision for the expense of its ministrations. It is a question merely of nomenclature or of definition, and not of doctrine, wherewith we are at present engaged. Our single attempt at this moment is, not the statement of our belief, but the settlement of our language — that there might be a clear and common understanding of the terms used by us, in the course of our argument. We are not saying, at present, whether the legal establishment of religion be a good or a bad thing — we are only telling what we understand

¹ William Hanna, *Memoirs of Dr Chalmers* (Vol. 2) (Edinburgh: Thomas Constable and Co., 1854), 409.

The lectures are found in Thomas Chalmers, *The Works of Thomas Chalmers* (Vol. 17) (Glasgow: William Collins, 1848) 187-356.

such an establishment specifically to be; and saying, that wherever we have a certain legal provision for the ministrations of Christianity, there we have an Establishment of Christianity in the land. It is this which forms the essence of an Establishment; and, as such, must be singled out from among all the other accessories wherewith it may happen to be variegated.²

Definition Two: Church of Scotland Articles Declaratory

However, not everyone turns to Chalmers for a definition of the Establishment Principle. Others³ look to Article Six of the Church of Scotland Articles Declaratory:

VI. This Church acknowledges the divine appointment and authority of the civil magistrate within his own sphere, and maintains its historic testimony

² Chalmers, *Works* (Vol .17), 195.

³ In personal correspondence with Dr Doug Gay, Senior Lecturer (Theology & Religious Studies) at the University of Glasgow, directed me to this definition. Other recent definitions of the Establishment Principle echo the language of the Articles Declaratory. For example, on his personal blog, Dr Donald Boyd, leader of the Scottish Christian Party, offers the following answer to the question, What is the Establishment Principle?:

“The Establishment Principle is that biblical principle which states that God is sovereign over secular and ecclesiastical affairs, and that He has established a relationship between these two sovereign spheres in which the state and the Christian church are to acknowledge each other as divinely-appointed institutions, to mutually support and encourage each other, but not to interfere in each other’s God-given province. Instead of earthly rulers resisting Christ and His church, they should support it (Psalm 2).” Donald Boyd, “What is the Establishment Principle?” <https://donaldboyd.org/2018/09/19/what-is-the-establishment-principle/>. Online, accessed 17/7/23.

Likewise, the Reformed Books Online website, defines the Establishment Principle is as follows:

“Church and State are co-ordinate powers (on an equal level, with separate jurisdictions) under the authority of the Word of God, that the State has the obligation to profess, protect and promote the true religion, civilly uphold all 10 Commandments, and civilly establish (*circa sacra*, not *in sacra*) the true religion in the land. The Church, maintaining its existence and government by Divine Right, is to speak the Word of God to the State and keep it in check.” <https://reformedbooksonline.com/topics/topics-by-subject/civil-government/church-state-relations/the-establishment-principle/>. Online, accessed 17/7/23.

The same quotation also appears on <https://purelypresbyterian.com/2016/07/11/establishment-principle-1-what-it-is-what-it-isnt/>, Online, accessed 17/7/23.

to the duty of the nation acting in its corporate capacity to render homage to God, to acknowledge the Lord Jesus Christ to be King over the nations, to obey His laws, to reverence His ordinances, to honour His Church, and to promote in all appropriate ways the Kingdom of God. The Church and the State owe mutual duties to each other, and acting within their respective spheres may signally promote each other's welfare.

The Church and the State have the right to determine each for itself all questions concerning the extent and the continuance of their mutual relations in the discharge of these duties and the obligations arising therefrom.⁴

Definition Three: Speech at the Free Church General Assembly, May 2021

Other definitions have arisen since. At the 2021 General Assembly of the Free Church of Scotland an overture came to the Assembly requesting that the General Assembly, “form a Committee to consider how the Church should interpret and apply the Establishment Principle in the 21st century and advise the Church accordingly.”⁵ In a speech presenting the overture, the commissioner defined the Establishment Principle in the following terms:

The Establishment Principle is that principle in which Church and State recognise and respect their separate jurisdictions. The State recognises that the Church is free to define its doctrines, its mode of worship, and its practice of discipline without any interference from the State. In turn, the Church recognises and respects the responsibility of the State to legislate in matters outwith the spiritual sphere.⁶

Summary

These three definitions can be summarised as follows. Definition One describes a *unidirectional provision* made by the State, for the Church. Definition Two describes a *bidirectional relationship* of mutual duties whereby obligation and support moves between State and Church, and *vice versa*, while maintaining an awareness of each party's authority

⁴ Articles Declaratory of the Constitution of the Church of Scotland. <https://www.churchofscotland.org.uk/about-us/church-law/church-constitution>. Online, accessed 17/7/23.

⁵ Free Church of Scotland, 2021 General Assembly Reports, 98. <https://freechurch.org/wp-content/uploads/2021/06/General-Assembly-Reports-2021-1-1.pdf>, Online, accessed 17/7/23.

⁶ Speech by Rev Ian Watson, 2021 General Assembly of the Free Church of Scotland. https://www.youtube.com/watch?v=tFpqe8RxQHK&list=PLF73r3ezO-0oFWBaFO4-Vk7pVbdkVtLm0_1hr32min10sec. Online: accessed 17/7/23.

within its own sphere. Definition Three focuses on a clear recognition of *separate jurisdictions* between State and Church whereby the freedom of each to operate within its own sphere without interference is recognised and respected. The first point to note for the purposes of this study is that these three definitions are different. In fact, they are very different.

And these differences in definition are crucial to recognise. Indeed, Definition One and Definition Three are almost antithetical; the former grounds the Establishment Principle in terms of a *connection* of support and provision from the State to the Church, the latter grounds the Establishment Principle in terms of a clear and firm *separation* between the State and the Church. These concepts of connection and separation are both key aspects of historic political theology in the Scottish Church. However, do they both describe the Establishment Principle?

The central thesis of this paper is that the answer to that question is No. Moreover, the paper will argue that Definition One, the definition articulated by Thomas Chalmers and the Disruption Fathers in the years leading up to the Disruption, is the most appropriate way of understanding the Establishment Principle. Indeed, it will be argued that a retrieval of this understanding of the Establishment Principle is crucial for applying the Principle in the present day. It is also suggested that Definition Three is not an accurate understanding of the Establishment Principle at all. Definition Three articulates a key truth of ecclesiology, but the doctrine it describes is not the Establishment Principle. To see this, it is necessary to go round some circles.

2. WHICH CIRCLE? ESTABLISHMENT PRINCIPLE OR THE PRINCIPLE OF SPIRITUAL INDEPENDENCE?

As an undergraduate student in the Church Principles class at the Free Church College, the present writer was given the following diagrammatic explanation of the Establishment Principle:

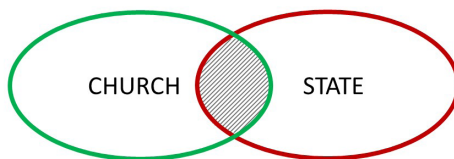


Fig. 1

Fig. 1 was said to represent the Establishment Principle. Each circle depicts the respective jurisdictions of Church and State. In an Establishment, these circles overlap to a certain extent, and the shaded area represents the areas of mutual responsibility and cooperation that an Establishment

allows. This was contrasted with Fig. 2 (below), which was said to depict an ecclesiology that insisted on the separation of Church and State.

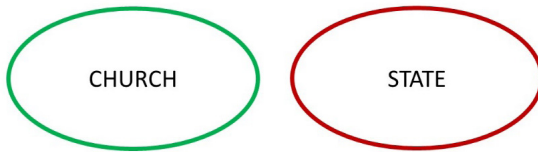


Fig. 2

It is the suggestion of this paper that, in terms of understanding the Establishment Principle as it was understood by Chalmers et al., the above diagrams are both inaccurate and unhelpful. This because these diagrams do not describe the Establishment Principle. They depict something else. They depict the Principle of Spiritual Independence. To see this, two points must be noted.

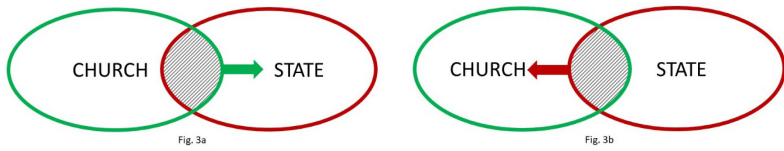
First, the relationship described in Fig. 2 is almost non-existent. That is because even in churches that argue vociferously for the separation of Church and State, there are still numerous areas in which the jurisdictions of Church and State overlap. Obvious examples today would be employment law, tax obligations, health and safety legislation, data protection, charitable status etc. All of these involve a relationship of some sort between the Church and State; they all fall into the shaded area on Fig.1, regardless of the particular church's position on the Establishment Principle. Granted, the shaded area may at times be bigger or smaller depending on context, but it is almost never non-existent. Strictly speaking, the only church that is represented by Fig. 2 is the one that is cut off from the outside world and allows no contact with the nation in whose territory it is situated.⁷ For any mainstream church, Fig. 2 is an illusion. As William Cunningham observed long ago, "even in America they have not excluded altogether union or connection between Church and State."⁸

Secondly, as a depiction of the Principle of Spiritual Independence, Fig. 1 is immensely helpful. Indeed, it can be expanded upon. As, Figs. 3a and 3b show below, the area of mutual relationship between Church and

⁷ Even in that context there is still arguably a relationship between that church and the State given that national security of that territory is provided by the State and enjoyed by that church.

⁸ William Cunningham, "The Nature and Lawfulness of Union Between Church and State," in *Lectures on the Nature, Lawfulness, Duty and Advantages of Civil Establishments of Religion, with an Application of the Argument to the Parochial Economy of Scotland*, ed. James Buchanan (Edinburgh: Fraser & Co., 1835), 40.

State can be compromised when either party encroaches into the jurisdiction of the other:



Figs. 3a and 3b depict two tendencies which, to the historic Protestant in Scotland, are intolerable. Fig. 3b depicts a Church seeking to interfere with State responsibilities; the Church seizing from Caesar that which belongs to Caesar. Fig. 3b denotes a State meddling with the prerogatives of the Church; Caesar seizing that which belongs to Christ's Church. Fig. 3b represents the situation that led to the Disruption, but both diagrams would have repulsed the Disruption Fathers. Indeed, the logical conclusions of Fig. 3a and 3b resulted in situations which were resolutely opposed by men like William Cunningham:

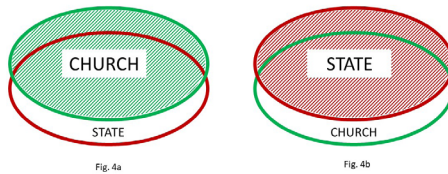


Fig 4a depicts what Cunningham called the 'Popish System', Fig 4b describes Erastianism. The former represents "the Popish extreme of the subjection of the civil to the ecclesiastical, and the other the opposite extreme of the subjection of the ecclesiastical to the civil."⁹ The Disruption Fathers insisted on an ecclesiology that maintained a clear recog-

⁹ William Cunningham, *Historical Theology: A Review of the Principal Doctrinal Discussions in the Christian Church Since the Apostolic Age* (Vol. 2), eds. James Buchanan and James Bannerman (Edinburgh: T. & T. Clark, 1862) (Republished, London: The Banner of Truth Trust, 1960), 557. (Hereafter HT2).

See also James Bannerman, *The Church of Christ: A Treatise on the Nature, Power, Ordinances, Discipline and Government of the Christian Church*, (Vol. 2) (Edinburgh: T. & T. Clark, 1868), 102-6.

Note, that Fig. 4b can also be argued to describe the tragic situation where the Church is actively persecuted by the State.

inition of the mutual independence and separate spheres of jurisdiction granted by God to the Church and to the State.¹⁰

Thus, the above diagrams are all immensely helpful in clarifying the Principle of Spiritual Independence. There will always be an element of overlap, but the respective areas of authority must be recognised, and the extremes of the historic civil headship of the Pope or of Erastianism are to be avoided.

The key point for this paper, however, is that none of the above diagrams represent the Establishment Principle as understood by Chalmers and his colleagues. Indeed, at this point, it becomes all the more clear that Definition Two, and especially Definition Three, in Section One, are not definitions of the Establishment Principle. They are definitions of the Principle of Spiritual Independence. As will be shown below, this confusion of the Establishment Principle with the Principle of Spiritual Independence is very unhelpful, both for understanding the Establishment Principle and for seeking to apply it today.

3. UNDERSTANDING THE CIRCLE OF ESTABLISHMENT

How then should the Establishment Principle be understood? How can it be depicted? The clearest answer comes by drawing a circle, but not the kind drawn above. Instead, the Establishment Principle (as understood by Chalmers) can be diagrammed in the following way:

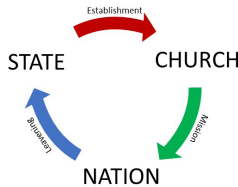


Fig. 5

There are several important points revealed in Fig. 5. First, it shows that the Establishment Principle is not bilateral. Instead, three parties are involved: the State, the Church, and the general population of the Nation. Secondly, it is crucial to observe the directions that the arrows point. Def-

¹⁰ See also William Cunningham, *Discussions on Church Principles: Popish, Erastian, and Presbyterian*, eds. James Buchanan and James Bannerman (Edinburgh: T. & T. Clark, 1863). (Republished, Edmonton: Still Waters Revival Books, 1991). Cunningham writes that though the Establishment Principle may bring the Church “within the scope of [the State’s] care, it does not bring [the Church] within the sphere of his jurisdiction.” Cunningham, *Discussions*, 208-9.

initions Two and Three in Section One and the connection depicted in Fig 1 above all convey a bidirectional relationship where the Church and State give and receive from each other (to varying degrees). But Chalmers saw no such direct back-and-forth in the Establishment Principle. In terms of a Church existing as an Establishment, the movement is entirely unidirectional; the State supports the work of the Church, and the Church receives that provision. The clue, of course, is in the grammar. The State is the active voice who *establishes*; the Church is the passive voice who *gets established*. But, thirdly, that receiving on the part of the Church does not leave her unresponsive. The response to being established, however, is not directed immediately back to the State magistrate. Instead, it is directed towards the Nation, as indicated by the green arrow. Chalmers described the arrangement as follows:

The church receives from the state the maintenance of its clergy; and the clergy, in return, give to the subjects of the state a Christian education.¹¹

In other words, the Church receives the provision of the State and uses that to aid the work of mission that Christ has commanded her to engage in. The result is a ‘Christianized’ nation; the church evangelises the population, it engages in discipleship as the masses are educated in the truths of the gospel, and the outcome is a nation leavened with Christianity. And there the investment of the Establishing State is realised; the Church has helped to build a nation shaped by the morality and hope of the gospel.

Thus, in Chalmers’ opinion, the *benefit to the State* was a population *in a far better state*. In a three-hour speech to the General Assembly of 1839, Chalmers described the beneficial outcome of the Establishment Principle for all parties:

The boon [of a National Establishment] on the one side [for the Church] was a maintenance for the Church’s labourers, who might be distributed over the length and breadth of the land, and act each as the herald of salvation on his own assigned portion of the territory. The return on the other side [for the State] was an immense blessing to the State – that best security, not for the temporal and eternal happiness of individuals only, but for the moral and political and the economic wellbeing of every community – a universal Christian education.¹²

A further and crucial point in regard to the above diagrams is to recognise that, in understanding the relationship between the Church and the State,

¹¹ Chalmers, *Works* (Vol. 17), 197.

¹² Hanna, *Memoirs of Dr Chalmers* (Vol. 2), 461.

the answer is not to make a choice between Fig. 1 and Fig. 5. The answer to recognise that Fig. 1 and Fig. 5 must always be held together because they represent two different things, both of which were vital to Chalmers and both of which form a key aspect of the historic understanding of how the ecclesiastical and the civil related in a Scottish context:

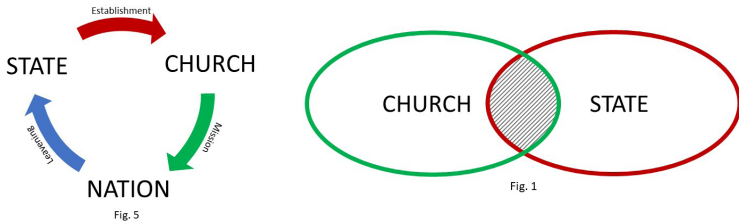


Fig. 5 depicts the Establishment Principle, Fig. 1 the Principle of Spiritual Independence. The former is primarily about the Church being *resourced*; the latter is about the Church being *respected*. Two important points must be noted.

First, to Chalmers and the Disruption Fathers, these two diagrams are *perfectly compatible with each other*. Chalmers repeatedly argued that a commitment to the Establishment Principle did not equate to a surrendering of the Principle of Spiritual Independence:

But the truth is, that, after many conflicts, the matter is now better understood; and the understanding is, that neither should meddle with the prerogatives of the other. The state may pay the church; yet without conceding to it one particle of temporal sovereignty. The church may serve the state; yet without the surrender of one spiritual prerogative. To teach the people Christianity — that is the church's service. To teach them no other than what itself judges to be the Christianity of the Bible — that is the church's prerogative. To deal out among our parish families the lessons of faith and of holiness — this is the church's incumbent duty. But that these shall be no other than what itself judges to be the very lessons of that Scripture whose guidance in things spiritual it exclusively follows, and that in this judgment no power on earth shall control it, — this is the church's inviolable privilege.¹³

Indeed, James Bannerman argued that it is only with an accurate understanding of the Principle of Spiritual Independence that an Establishment is possible:

¹³ Thomas Chalmers, *Sermons and Discourses* (Vol. 1) (New York: Robert Carter, 1844), 313-314.

There is one fundamental condition, then, essential to an alliance between the Church and state, and on which both parties in the alliance have equally the right to insist: the condition, namely, that the Church and the state, as distinct societies, shall be recognised as mutually independent in their existence and entire offices and functions. Without this, there can be no true or scriptural alliance.¹⁴

Translated into the framework of this paper, Bannerman is arguing that Fig 5 is only ever possible when there is an accurate understanding of Fig. 1.

Secondly, equally crucial to the Disruption Fathers was the fact that abandoning either of these diagrams was incompatible with the doctrine of the Headship of Christ. The basis for both diagrams is the Headship of Christ, over his Church and over the nations of the world.¹⁵ That is why when the Spiritual Independence of the Church was compromised during the Ten Years' Conflict, men like Cunningham resisted because Christ is Head of his Church:

We still regard this great truth [the Headship of Christ over his Church] as warranting the whole course which we pursued in our contest with the civil authorities, as it is sanctioned by the law of the land as well as the word of God; and we still proclaim it to be the ground and basis of our peculiar standing and testimony in regard to the spirituality and freedom of the church, and its relation to Christ as its only head.¹⁶

And later in the nineteenth century, when the Free Church's commitment to the Establishment Principle was in danger of being abandoned in favour of union with the United Presbyterians, George Smeaton wrote in similar terms, again appealing to the Headship of Christ:

We are not ashamed to argue for supplementary grants from the national resources as the right, nay, as the duty of the Christian State; and to contend that national funds are not diverted from their appropriate object, when aid is given, from the national treasury, for the purpose of furnishing religious instruction to old and young, by means of Schools and Churches. This may

¹⁴ Bannerman, *The Church of Christ* (Vol. 1), 111.

¹⁵ Thus, if anyone desires a biblical warrant for an Establishment, they need go no further than words of Christ's Great Commission at the end of Matthew 28. Christ has authority over the State, so they should honour him by supporting his Church. Christ has authority over the Church, so they must obey him by engaging in mission. And Christ's goal is for all nations to be discipled.

¹⁶ Cunningham, *HT2*, 585.

be argued on many grounds. It may be put on the ground of Christ's authority, and of national responsibility to Him.¹⁷

In other words, Christ's authority means that Spiritual Independence must be maintained; at no point should the State encroach into the prerogatives of the Church. Christ's Church must be *respected*. And at the same time, Christ's authority means that States should be willing to invest in the Church, supplying material support to aid her in her mission. Christ's Church must be *resourced*.

A final point emerges when Figs. 1 and 5 are placed side by side. As Fig. 5 makes clear, any response from the Church to being Established is directed to the nation, not back to the State. In other words, the Church does not hold a government to account because she is established. An Established Church does not claim the right to speak to the government because she is Established, and the Establishment Principle gives her no such right. Does that mean that a Church should never speak to the State? By no means! But the crucial point is that the Church does not speak to the State because she is established; she speaks to the State because she is spiritually independent. The arrow in Fig 5 never points from Church to State. But the green circle in Fig. 1 insists that the Church has a right to speak on issues of faith, morality and truth. The prophetic voice is always a voice that speaks through the mouthpiece of spiritual independence. Prophets like Jeramiah did not speak to the king in Jerusalem because they were established. In fact, more often than not, the State sought to silence men like Jeremiah. Jeremiah and his colleagues spoke, not because they were established, they spoke because they were spiritually independent and never would they allow State to stop them from declaring 'Thus says the Lord'.

Disentangling the Establishment Principle from the Principle of Spiritual Independence is therefore crucial for understanding how the Disruption Fathers understood Establishment. Indeed, a helpful summary is found in an anecdote from a conversation with an American minister that Thomas Chalmers recounted when lecturing on Establishments in London:

¹⁷ George Smeaton, *National Christianity and Scriptural Union* (Edinburgh: Johnstone, Hunert and Co., 1871), 56-57.

Cunningham makes the same point: "A friendly union, or alliance, between Church and State, between religion and civil authority, is a necessary consequence, that is, in point of right or duty, of Christ's supremacy, of his undoubted right to reign and be obeyed, not merely as King of Saints, but also as king of nations." Cunningham. "On the Nature and Lawfulness of Union between Church and State", 30.

In the course of that lecture¹⁸ . . . Dr. Chalmers quoted a conversation which he had had with an American clergyman, who said to him, “If all you mean by an Establishment is an organized provision for a clergy, we should rejoice in it. The thing we deprecate is the authority of the civil magistrate in matters of religion.” “Now this,” said Dr. Chalmers, “this organized provision is truly all that we contend for. It is just, in other words, a legal provision for the support of a Christian ministry; an arrangement which might truly be gone into, and which actually is gone into, without the slightest infringement on the spiritual prerogatives of the Church, or the ecclesiastical independence of her clergymen.”¹⁹

4. MEASURING THE DEGREES

Having recognised the three-point circle of Fig. 5 as the correct way to understand the Establishment Principle (as understood by Chalmers and the Disruption Fathers), further details can be added in terms of how that cyclical relationship works. Four important points arise.

First, Chalmers insisted that, for the mission of the Church to be accomplished effectively, *one particular church had to be selected by the State* to receive the privilege of being established. In summarising Chalmers’ view, William Hanna writes that, for an effective National Establishment to be possible, two things are required:

...first, that the State should select and employ some one Church for the accomplishment for this work; and, secondly, that it should adequately endow the Church, and progressively extend it.²⁰

In the wider context of the post-Reformation Church, Chalmers highlights that that decision was frequently one that had to be made between Protestantism and Roman Catholicism.²¹ But Chalmers goes even further. Even in the context of the numerous divisions within Protestantism, Chalmers insists that one denomination must be selected as the Established channel through which the nation is given a Christian education. For Chalmers, sharing responsibility between the different branches of Protestantism was impractical, resulting in a Presbyterian village here, a Methodist township there, and the territories of the nation shared between Baptist,

¹⁸ “Lecture II: Vindication of a Religious National Establishment, in opposition to the Reasonings and Views of the Economists.” In Chalmers, *Works* (Vol. 17), 281ff.

¹⁹ Hanna, *Memoirs of Dr Chalmers* (Vol. 2), 412-3. See also Chalmers, *Works* (Vol. 17), 221.

²⁰ Hanna, *Memoirs of Dr Chalmers* (Vol. 2), 410.

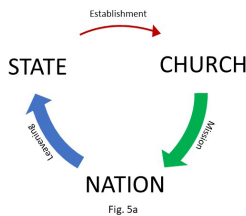
²¹ Chalmers, *Works* (Vol. 17), 283-308.

Episcopalians and every other Protestant group.²² To the single-minded Chalmers, such diversity was never going to work:

the attempt to combine the territorial principle with an equal treatment of all the denominations, must be given up as impracticable; and some one denomination must be singled out, for an establishment whose ministers are to be charged overhead with the Christian education of the whole country — and each in his own sphere to have an oversight and a certain responsibility laid upon him for the religious knowledge and habitudes of all the families.²³

Secondly, the Disruption Fathers recognised that Establishment *can function in differing degrees*. This is explained by William Cunningham in his lecture “On the Nature and Lawfulness of Union between Church and State.” Cunningham points out that a Church might be Established ‘in a certain sense’ whereby the Church is given the support and sanction of the State but is not endowed, either because the State chooses not to, or because an endowment is not necessary at that time.²⁴ As Cunningham notes, “Constantine established the Church, but he did not endow it.”²⁵ Moreover, Cunningham points out that the Church of Scotland was established before it was ever endowed.²⁶ Thus, Establishment can function to differing degrees, that may be a legal recognition of the Church, it may be the provision of certain resources and benefits to the Church, or it may be the full endowment of a particular denomination. National laws and the disposal of national wealth can be such that the mission of the Church is supported and helped.

For this reason, the arrow connecting State and Church in Fig. 5 can be made larger or smaller, depending on the level of support given to the Church by the State:



²² Chalmers, *Works* (Vol. 17), 338.

²³ Chalmers, *Works* (Vol. 17), 341.

²⁴ Cunningham, “On the Nature and Lawfulness of Union between Church and State,” 6-7.

²⁵ Cunningham, “On the Nature and Lawfulness of Union between Church and State,” 7.

²⁶ Cunningham, “On the Nature and Lawfulness of Union between Church and State,” 7.

Fig 5a. depicts a situation whereby the State's support may be modest, but nevertheless does serve to benefit the Church. This observation is important because, arguably, this describes the situation experienced by the Church in Scotland today. Although no Church is endowed today, nevertheless, there are many national laws that benefit the Church, such as legislation around Charitable Status, and Gift Aid and other tax reliefs mean that some national wealth is still made available to the Church. Clearly, that is not to the extent of selecting one particular denomination for establishment as imagined by Chalmers, yet it is still an example of national laws and wealth being given to the Church in order for her to fulfil her mission. That, albeit to a very limited extent, is nevertheless an example of the Establishment Principle.

Thirdly, Cunningham argues that any Establishment arrangement *must be initiated by the State*:

...for if, as we have tried to prove, it is lawful, proper, and necessary, that there should be some union, or friendly connection, between Church and State, *the union must be formed by the State*. The Church is not so much called upon to act in this matter. The Church existed before the State thought of doing anything in favour of Christianity; and, in general, in propagating the Gospel over the world, it will happen, as it has in times past, that a Church will be formed, and have made some progress in a country, before the civil power acknowledge the authority and supremacy of Christianity. The Church, meanwhile, must be going on, evangelizing the land, preaching the gospel, and calling men to the discharge of their duties; and if, in process of time, those invested with civil authority, should come to feel their obligation to contribute, in every way, the promotion of the interests of Christ's Kingdom, they will naturally think of offering to the Church, by whom alone this object can be directly effected, whatever assistance their control over national laws and national wealth may enable them to render; while the Church has to consider whether or not the offers of the State are such as she can, consistently with the paramount duty which she owes to Christ, accept, and whether or not the acceptance of these offers would afford her any additional facilities for promoting the object which she is bound ever to aim at.²⁷

This a crucial point, and it again highlights the passive grammar of being an Established Church. As far as Cunningham was concerned, the Church was not to demand establishment, initiate establishment, or cry out for establishment. Chalmers agreed, in forming a connection between Church and State, "the first movement was made by the State."²⁸

²⁷ Cunningham, "On the Nature and Lawfulness of Union between Church and State," 42-43. Emphasis added.

²⁸ Hanna, *Memoirs of Dr Chalmers* (Vol. 2), 460.

The red arrow in Fig. 5 always moves from State to Church. As Cunningham argues above, while the State decides what it wants to do, the Church has to get on with job of evangelising the nation, preaching the gospel and disciplining men and women. That is always her task, with or without the support of the State. But if the State does decide to initiate a friendly alliance, the Church is left with a decision.

Thus, fourthly, in the formation and ongoing functioning of an Establishment, *the Church must evaluate whether or not the State's offer of provision is going to help her fulfil her mission*. This is outlined in Cunningham's quote above; the Church has to decide "whether or not the offers of the State are such as she can, consistently with the paramount duty which she owes to Christ, accept, and whether or not the acceptance of these offers would afford her any additional facilities for promoting the object which she is bound ever to aim at."²⁹ And this, of course, was the issue that led to the Disruption. In the eyes of the Disruption Fathers, the Ten Years Conflict witnessed the encroachment of the State into the prerogatives that belong only to the Church (a violation of Fig. 1). The State's insistence that the Church comply with such terms was considered too high a price to pay for the privileges of being established. Therefore, "we were compelled, for conscience sake, to abandon our connection with the State, and our enjoyment of the temporalities of the Establishment."³⁰

Thus, from the Church's perspective, it is helpful to draw a distinction between a 'privilege' and a 'right' in relation to the Establishment Principle and the Principle of Spiritual Independence.³¹ The former is a *privilege*, and a healthy establishment was seen as the best means of leavening a nation with gospel. But the Spiritual Independence of the Church is a *right* that cannot be comprised on. The vitiated establishment that Chalmers his colleagues quit was one where the privilege of establishment required surrendering the right to spiritual independence. That was a price that the Disruption Fathers were unwilling to pay.

And this explains why the Disruption Fathers were able to "go out on the Establishment Principle."³² Cunningham highlighted this long before the momentous events of 1843:

²⁹ Cunningham, "On the Nature and Lawfulness of Union Between Church and State," 42-43.

³⁰ Cunningham, *HT2*, 583.

³¹ Note, of course, that although for the Church, Establishment was a privilege, from the perspective of the State, the Disruption Fathers would have viewed Establishment as a *duty*. But the obligation to fulfil that duty lies entirely with the State; whether the State recognises such an obligation is out of the Church's hands.

³² Hanna, *Memoirs of Dr Chalmers* (Vol. 2), 647.

It is quite possible, nay, it is a fact actually realized amongst us, that men may hold the great general principles on which National Establishment of Religion rest, and can be fully vindicated, although there may be no particular Establishment in existence to which they can conscientiously attach themselves.³³

In 1843, conscientious attachment to the Established Church of Scotland was no longer possible for Chalmers, Cunningham and their colleagues. But never for a moment did that mean that commitment to the Establishment Principle had been abandoned.

5. APPLYING THE ESTABLISHMENT PRINCIPLE TODAY

Where does all of this leave the Establishment Principle today? Is there any end to all this going round in circles? The following concluding points are offered.

First, it is clear that definitions of the Establishment Principle have changed over time. This has been recognised. Even as early as 1868, James Bannerman acknowledged that the way in which Establishment was understood during the Disruption was no longer current.³⁴ Others have observed the same; Doug Gay observed that in the nineteenth century, “The meaning of establishment, however, was changing. In this new era, establishment needed to be performed differently.”³⁵ Cranmer, Lucas and Morris are perhaps even closer to the truth when they say that Establishment is, “In practice an elastic term, its meaning is often stretched to accommodate the rhetorical purpose and policy preferences of particular writers.”³⁶ One consequence arises from these diverging definitions; if a denomination is going to apply the Establishment Principle today, then she must choose which definition to follow. And in the case of the Free Church of Scotland, in making that choice, why would she depart from the definition used by her founders?

Secondly, it is crucial that the Establishment Principle and the Principle of Spiritual Independence are kept separate. Indeed, the whole reason

³³ Cunningham, “On the Nature and Lawfulness of Union Between Church and State,” 6.

³⁴ James Bannerman, “Letter on the Doctrine of the Confession of Faith anent Recognition and Endowment of the Church by the State.” In *The Church of Christ* (Vol. 2), 346.

³⁵ Doug Gay, *Honey from the Rock* (London: SCM Press, 2013), 174-5.

³⁶ Frank Cranmer, John Lucas and Bob Morris, “Church and State A Mapping Exercise.” (London: Constitution Unit, Department of Political Science UCL (University College London, 2006) 29–30. <https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/133.pdf> Online: accessed, 21/7/23.

the Disruption happened is because these principles were kept separate; the privilege of the former was not going to come at the expense of the latter. Indeed, had Cunningham been a commissioner at the 2021 Free Church General Assembly when the Establishment Principle was defined in the terms of Definition Three, it is easy to imagine him raising a point of order because, though he believed in everything described in that definition, to Cunningham and his colleagues, that definition does not describe the Establishment Principle.

Thirdly, the cyclical diagram represented by Fig. 5 helps the Church today to appreciate the benefits that she does receive from the government. Granted, the Church is rarely given a recognition different from other faith groups or charities, but nevertheless, there are still ways in which national laws and national wealth is used to help the Church. These are cause to rejoice and are a reminder that not everything about a secular government makes it an enemy. Things may change in the future, and the day may come when these privileges are offered only at the cost of our spiritual independence. Charity status may only come on the condition of endorsing moral positions outlawed in Scripture, tax reliefs may be removed unless the Church embraces a government's position on ethical questions, access to schools may be denied unless the Church preaches pluralism. The privileges the Church enjoys now may one day come at a cost that she cannot accept. On that day, we would do well to remember the convictions of the Disruption Fathers; the loss of privilege is worth it in order to remain free.

Fourthly, this study reminds the Church that a duty to speak to the State on matters of truth, morality and ethic remains, but it does not stand, and has never stood, on the Establishment Principle as its basis. That right and obligation to speak is grounded on the Church's Spiritual Independence. Indeed, a Church that speaks to a State only because that State supports her is a rather grotesque concept. Spiritual Independence ensures that the Church's voice is an unmanipulated voice. Indeed, Spiritual Independence reminds us that we speak even when what we say is not what the State wants to hear.

Finally, the question arises, what is the obligation for the Church in terms of the Establishment Principle? The answer is found in Fig. 5: Mission. Whether it is the fully endowed Establishment of the 1830s, or the lower case establishment of today where a few State privileges still come to the Church, or even if it is the persecuted Church that the State wants to stop, in all circumstances the Church has one great obligation: evangelise and disciple the people who live in our nation. It is a reminder that the Church should not concern herself with the size of the red arrow that runs from State to Church. The concern for the Church is the size of the green

arrow that runs from the Church to the Nation. Indeed, one further diagram offers a salient warning to the Church today:

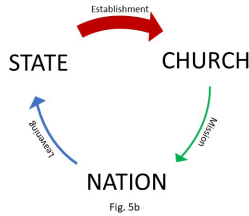


Fig 5b describes a Church that enjoys many privileges but which fails to put them to good use. In the history of the Scottish Church, such an arrangement has a specific name: Moderatism. And the consequences are serious. Even if the red arrow is small, the Church can still engage in her mission, with or without the support of the State. But if the Church's efforts are moderate, half-hearted or self-interested, if the green arrow is thin, the leavening of the nation with the gospel will never happen.

That work of mission is where the Church's obligation lies and where her focus must always remain. Let us never forget that on the day of judgment, the Head of the Church and the Head of the Nations will not ask us, 'Did you restore Establishment?' He will ask us, 'Did you make disciples of your nation?'