

THE BUILDING OF CHURCH UNION IN SCOTLAND

H. R. MACKINTOSH

WHEN the Sadhu, an Indian Christian mystic, visited England in 1920, he made some characteristic epigrammatic remarks on the subject of Christian unity. "If Christians," he said, "cannot live together happily here in this short life, how will they live together in Eternity? The children of God are very dear but very queer. They are very nice but very narrow." The alien might perhaps be pardoned who considered that these searching observations had a special relevance to Scotland, and who drew from Scottish history the sad or amused inference that here at least was a country in which Church unity had very little chance. Is not the story of Secessions and Disruptions written at large in the chronicles of these two hundred years?

In point of fact, however, the alien would be wrong. Church life in Scotland has had its share of bitterness. Between one communion and another there have been jealous and unfriendly rivalries. Said an old woman in a Scottish burgh, according to a recent *raconteur*, as she considered the failings of another ecclesiastical body: "There's nae love amangst them, nae tenderness. I cud stap ma umbrella through the e'e o' every ane o' them." And yet, things were not altogether what they seemed. A great softener of manners is intermarriage, and members of the Churches intermarried freely. Differences on spiritual matters left untouched a deep sense of social equality. Besides, after all, the antagonisms in view hardly deserved to be called religious; they had to do mainly with that old puzzle—the proper relationship of Church and State. Since 1843, when the Scottish Church was rent asunder, there has been no distinction worth mentioning between the two fragments in the sphere of doctrine, or worship, or discipline and internal government. They could meet at the sacrament table and lift their psalms of praise together. No so-called principle bade them deny each other's Christianity or afforded them the curious gratification of unchurching their neighbours with a show of religious earnestness. Superficial phenomena, accordingly, might

seem to forbid Scotland to hope for Church union; in reality, the field was white to harvest.

For the moment I pass by former unions, such as that which in 1847 produced the United Presbyterian Church, or that of 1900, when the United Free Church began its career. These will be seen one day as preliminary stages of something greater. The good news has gone round the world to all friends of Scotland that the Presbyterianism of the country, except for minor groups—for the most part limited to the Highlands—is likely to close its ranks. The two Churches interested are the Church of Scotland, established by law, and the United Free Church of Scotland, the inception of which in 1900 by the fusion of the Free Church and the United Presbyterian Church (both the fruit of previous unions) has already been noted. These two great Presbyterian communions are on a national scale. They both cover the entire country and have each somewhere round about 1500 or 1600 congregations. It will be readily understood that the reasons for organic union are imperative. Not only does religion call for unity, but what are often called in the narrower sense "practical" motives brook no delay. To use the words of a Christian statesman: "No one will deny that the present schisms of the Churches are wholly deplorable, that they tend to retard and frustrate Christian progress, and that they involve a waste and dissipation of energy which it is quite impossible to defend. The Church will in vain urge the world to set its house in order until the Church has set its own house in order; and the world to-day, I venture to think, is bemused and shocked by the ecclesiastical strife and rivalry which prevail. The Churches," he goes on, "are grieved by it, and even ashamed of it, but they are powerless under existing conditions to remedy it."

These words occur in the convincing and finely-toned speech delivered in the House of Commons on June 22 of this year by Mr. Robert Munro, the Secretary for Scotland, on a motion for the second reading of the "Church of Scotland Bill, 1921." As this Bill represents a vital preface to Union, we may suitably ask why it was necessary, and what events have led to its introduction.

The movement which now reaches a critical point in the framing and, as may now be said, the passage of this Bill, has been a gradual one. It began fourteen years ago. Then in 1909 both Churches appointed Committees to take up the matter in steady consultation, and gave the instructions that they should enter into unrestricted conference on the ecclesiastical situation as it exists in Scotland and on the main causes which keep the Churches apart. These negotiations proceeded smoothly, if slowly, until

1914, when the outbreak of war naturally proved distracting. But up till 1912 less progress than might have been hoped for was made in satisfying the demand for the recognition of the freedom of the Church in matters spiritual. The leaders of the Church of Scotland offered various suggestions on the point, but, as one of them has said in retrospect, "in the proposals which were made, freedom appeared to the other Churches to be freedom offered provisionally as a concession by a State claiming omnipotence in the spiritual as well as in the secular domain."

Then in 1912 matters took a new turn. The Church of Scotland has always believed itself already to possess spiritual freedom, notwithstanding its statutory connection with the State, but it has faced with great magnanimity the fact that other people had their doubts. In 1912 its leaders prepared a document later known as the Memorandum, and full of the best statesmanship. Spiritual freedom being, as both sides agreed, an inherent prerogative of the Church, therefore something which the State could neither give nor take away but only acknowledge, it was proposed to make this cardinal fact the hinge on which procedure should turn. The new plan adumbrated in the Memorandum was, as it has been put, "to begin at the other end—to begin, not with the State conceding spiritual liberty to the Church and prescribing its limits, but with the Church formulating and asserting its own liberty and prescribing the limits within which it claimed freedom from any external interference. Such liberty might be recognized by, but it did not originate with or flow from, the State."* One other new point may be noted. An attempt was made to get away from old war-cries. Not establishment or disestablishment was taken as the point of reference, or controversy might have gone on till doomsday; but the endeavour was made "to put the Church in a relation to the State not inconsistent with the historical ideals of either Church, and in which both Churches could acquiesce."

The United Free Church provisionally accepted this new line of approach as full of promise, and encouraged the idea that Draft Articles should be prepared setting out clearly the terms of a constitution such as the Church of Scotland might adopt. The Church of Scotland Committee in their Report to the Assembly of 1913 made the following very important statements, from which it will be seen how near the Churches had come to be by the simple expedient of opening their minds to each other. "The proposals of the Memorandum," it was said, "contemplate the organization

* This quotation, like one or two more in this present paper, are taken from Lord Sands's luminous article in the *Scotsman* newspaper, for June 23rd of this year.

of the Church upon a basis of spiritual freedom unaffected by special relations to the State. Under the suggested scheme, any appeal to Civil authority would be to the authority of the general law, and not to the authority of the State as limiting in any way the action of the Church in virtue of a special relation of the Church to the State. The Committee recognizes that, in view of the attitude of the United Free Church upon the question of freedom in relation to the State, that Church is warranted in insisting that the provisions which secure this should be specific, explicit, and exhaustive, and that these must be accepted with the consequences which necessarily flow from them."

In the preparation of the Draft Articles, declaratory of the constitution of the Church of Scotland, that Church worked—ostensibly at least—alone. The United Free Church thought it best not to interfere in a domestic concern between the Church and the State, and it accordingly left to the other side both to draw out the terms of the proposed constitutional statement and to ask for it the sanction of Parliament. Some surprise was occasioned by this attitude, but it may well have obviated at least as many difficulties as it caused. Not only so, but private talks between prominent people on both sides went on all the time. Suffice it to say that definitions of the spiritual freedom of the Church—an absolutely vital point—were eventually framed by the Church of Scotland Committee which the other Church could accept without doubt or scruple. It was declared by the Assembly of the United Free Church in 1919, in language warmed by a sense of the Christian wisdom and public spirit of their neighbours, that they cordially welcomed the Articles as a full and adequate statement of the inherent liberties and powers of the Church, as providing that the United Church would be a purely spiritual institution, devoid of any privilege which might depress other Churches, and as securing, in and after the Union, the continuity and identity of both Churches with their own past. The last point is one on which the Church of Scotland does well to be sensitive. From the time of the Reformation the Church of Scotland has been the Church of the people, in which men of the Secession and Disruption felt they had a part; and at this time, when the religious consciousness of the land is anew rising in intensity, no bond with that old heritage must be severed.

At an earlier point it was remarked that the outbreak of war in 1914 virtually suspended the action of the Churches for re-union. But what for the time was lost officially was more than gained by human fellowship. To cite once more Mr. Munro's impressive

words: "The war knit Churches together. The ecclesiastical divisions which divided men at home seemed irrelevant, insignificant—nay, impertinent—in the war hospitals and on the battlefield. The measure of the differences which separated was realized to be as nothing compared with the measure of agreement which united, and hearts were melted and minds were warmed, and there came a great longing and striving for unity." Chaplains from both Churches found it pleasant to work together. They had nothing to unlearn about each other's general attitude to the Christian message, but in new ways they felt unforgettably that touch of nature which makes men kin. At home the ministers of either communion cared for each other's people while chaplains were absent with the troops. Congregations worshipped together, often for months at a time. Theological colleges became one, and found it hard to part again when peace arrived. It is not to be thought of that such things could not leave a mark. They left a deep mark. They meant that when the war was over the psychological atmosphere had become such that public opinion, impatient of delay even when delay was essential for sound workmanship, found the Churches eager at once to make headway.

To continue our narrative: in 1919 the Draft Articles were adjusted and were sent down to the Presbyteries of the Church of Scotland in accordance with the terms of what is known as the Barrier Act, an ecclesiastical measure dating from 1697 which is designed to prevent sudden and ill-considered innovations. Out of 84 Presbyteries 72 declared themselves in favour of the Articles, while 9 rejected them. Then in the Assemblies of 1920 and 1921 the Articles were approved by overwhelming majorities, no amendment being moved which challenged the principle behind the policy as a whole.

These Articles are nine in number and in these pages need only be described with brevity. Article 1 contains a summary of the essentials of the Church's faith, affirms in an evangelical spirit the doctrine of the Trinity, the Saviourship of Christ, the gifts of pardon and eternal life, and the duty of advancing the Kingdom of God throughout the world. "The Church of Scotland," it is added, "adheres to the Scottish Reformation, receives the Word of God which is contained in the Scriptures of the Old and New Testaments as its supreme rule of faith and life, and avows the fundamental doctrines of the Catholic faith founded thereupon." It has been argued with some plausibility that here the Church is tied hand and foot to the *ipsissima verba* of the Creed formulated in this first Article. When however we read the open-

ing words of Article 8, in some respects the next in importance, it is obvious that these fears are baseless. "The Church," it says, "has the right to interpret these Articles, and, subject to the safeguards for deliberate action and legislation provided by the Church itself, to modify or add to them, but always consistently with the provisions of the first Article hereof, adherence to which, *as interpreted by the Church*, is essential to its continuity and corporate life." The italicised words are the gist of the matter. So far as the solemn and resolute affirmation of the Church can secure it, the point is made clear to the world that it is for the Church itself to define, when circumstances emerge, what the Trinitarianism and Protestantism of its constitution are to be held to imply.¹ This is a position which cannot be surrendered, be the price what it may. Christian men, not merely as individuals but in their corporate life, must and will be free from all civil or statutory control in giving credal expression to the truth they have learned of God. And they alone must be the judge of the conformity of their action with their creed. We may grant unreservedly that hard problems gather round this theme. It might be argued, for example, that if the Church, even under this constitution, were to modify her Creed in some apparently minor detail, and to do this with practical unanimity, appeal may yet be made to the law-courts to deprive her of her property. "Yes," it might be said, "by Article 8 the Church was given the right to interpret for herself the provisions of Article 1; but that holds good only so long as she is a Christian Church, and the contention I wish to lay before the law-courts is that in consequence of this doctrinal modification she has actually ceased to be *Christian*." Nor can it be said that such a case is wholly inconceivable. The memoirs of the late Lord Alverstone, one of the Appellate Judges who heard the famous Free Church case in 1904, reveal an all but incredible ignorance of matters at issue between the litigating parties. But the answer to our imaginary objector is not that we are conjuring up an unthinkable situation. It is different, and may be stated in two parts. In the first place, there is no Church in the world which, so long as it describes itself as Christian, and therefore characterized by certain unchangeable beliefs (say, the Fatherhood of God as revealed through Christ, and personal immortality), might not in theory find itself at the mercy of ignorant or prejudiced interpreters of

1. This view of the Articles was emphatically expressed by the distinguished lawyers who took part in the debate on the second reading in the House of Lords. Viscounts Haldane and Finlay agreed with Lord Parmoor on this point. Viscount Finlay is reported as saying that "the power of interpretation might be dangerous, and it has been asked if the interpretation was, in the eyes of lawyers, erroneous, would not the civil courts interfere." He said without hesitation that, on the passing of this Bill, the civil courts could not interfere."

law; and from outrage of this kind it could be saved only by the sense of justice in the country at large. Secondly, if such an outrage were again to occur in Scotland, after Union, and redress were denied, another Disruption would of course take place. For, as was said by a great Christian leader near twenty years since, "only that Church is free which dares to be free."

To resume—Article 2 sets out the subordinate standard of the Church's government and discipline; Article 3 affirms that "this Church is in historical continuity with the Church of Scotland which was reformed in 1560, whose liberties were ratified in 1592, and for whose security provision was made in the Treaty of Union of 1707." "As a national Church, representative of the Christian faith of the Scottish people, it acknowledges its distinctive call and duty to bring the ordinances of religion to the people in every parish of Scotland through a territorial ministry." Article 4 asserts in wide and comprehensive terms the autonomy of the Church in matters spiritual, and here once more we must call attention to the explicit statement that the Church receives from the Lord Jesus Christ, its Divine King and Head, and from Him alone, the right and power—subject to no civil authority—to legislate, and to adjudicate finally in all matters of doctrine. This is further emphasized in Article 5, which declares the right of the Church to modify or revise its Confession of Faith, the true note of liberty being again struck in the words "always in agreement with the Word of God and the fundamental doctrines of the Christian Faith contained in the said Confession, *of which agreement the Church shall be sole judge.*" Article 6 recognizes the authority of the civil magistrate within his own sphere, and affirms the mutual duty which the Church and the State are conceived to owe one to the other. Article 7 declares the autonomy of the Church as regards union with other Churches. Article 8, as already explained, proclaims the right of the Church to interpret these Articles, under strong safeguards.

So much for the Articles, which, as we saw, the Church of Scotland through more than one General Assembly had emphatically approved. Approved, but not adopted. Adoption of these articles as embodying its constitution is possible only by Parliamentary sanction.* Let that sanction be obtained, and at once the Church can transmit the Articles to Presbyteries under the Barrier Act and embody them in an Act of Assembly. The Church cannot accept its constitution from the hands of the State as a gift, but must frame it *ex proprio motu*; on the other hand, the other party

* This has now been secured

to the contract—the State—must announce its sanction of what the Established Church is doing.

The next step, accordingly, is that the Church of Scotland has approached Parliament in order to have its freedom declared in terms perfectly definite and so unambiguous as to lay all doubt to rest. This declaration is given in the "Church of Scotland Bill, 1921," to which allusion has been made. That Bill, now happily passed into law, lays down that the constitution of the Church is what the Articles say it is. All statutes and laws in force at the passing of the Bill are to be construed in conformity with, and in subordination to the self-determined Articles of the Church, and in so far as they are inconsistent therewith these laws and statutes are repealed. "In all questions of construction the Declaratory Articles shall prevail." This general style of repeal has wisely been preferred to an attempt, which from its very nature would be hopeless, to repeal selected passages and phrases from earlier legislation. Endless controversy might arise over details, to some of which perhaps nothing more than a sentimental value may attach. The proposal to sweep the old statutes *en bloc* from the statute-book would arouse keen opposition, not merely within the Church of Scotland itself, but far beyond its limits. In the manner just explained the difficulty has been met. If anything in the older laws be found in conflict with the Articles, it is now made certain that the Church's view of its own constitution shall have effect.

These old statutes, however, not only (as is held) infringed the liberties of the Church established by law; they depressed the position of other Churches before the law. Occasionally they contained expressions based on the theory, to quote the quaint Scots of that age, that there is "nae ither face of Kirk . . . within this realm"; or, in plain English, that the only Church which the law could recognize in that character was the Church established. As it has been put: "In those times it was not contemplated that there might be more than one Church in the land protected or even tolerated by law. There was then no question of any special recognition of one out of several Churches. The matter in hand was the constitution and government of *the* Church, the one and only Church in the country." All this is quite familiar to people who have even a distant acquaintance with Scottish ecclesiastical history. Naturally, framed under the influence of such ideas, the laws in question now and then fell into a language which, under new conditions, has an exclusive and intolerant sound. Here also it was necessary to remove the impression that

anything in the older statutes was being perpetuated which denied, or seemed to deny, to other Christian communions a legitimate status. The second clause in the Act therefore runs: "Nothing contained in this Act, or in any other Act affecting the Church of Scotland, shall prejudice the recognition of any other Church in Scotland as a Christian Church protected by law in the exercise of its spiritual functions."

We need not dwell either on Clause 8, which affirms the rights of courts of law in all civil matters, or on Clause 4, the last, which as Mr. Munro explained "provides that the Bill is conditional or suspensory, that is to say, its provisions will not come into operation until after the Declaratory Articles have been adopted by an Act of General Assembly with the consent of the majority of the Presbyteries of the Church."

The second reading of the Bill was carried without a division. It is said that only five or six Scottish members of Parliament were opposed to its passage into law. Mr. Munro made the interesting remark that he had not in his time known his Scottish colleagues to be so united as they were upon this subject.

The obvious criticism of the Bill—and it was instantly made in Parliament—is that it is incomplete. It does not deal with Church endowments or Church buildings, or indeed with anything included under the ugly but useful word "temporalities." The promoters of the Bill are the first to acknowledge that it must be followed by another, dealing with these matters. If it be asked why the measure was not made final and comprehensive, we may adopt Lord Sands's witty rejoinder: "Why make two bites of a cherry? The mouth of Parliament is not big enough, and only one half of the cherry is ripe." It would have been a blunder, quite possibly fatal, to overload the Bill. People would support or oppose this or that particular clause for reasons which had no connection with the chief intention of the Bill, which is to recognize the Church of Scotland as spiritually free. No doubt, also, there is a desire to consult the wishes of the United Free Church as to the terms on which the endowments shall be held. It was accordingly stated by Mr. Munro that the Government propose "to appoint a Committee or a Commission, whose personnel will command authority, to investigate and to report upon the temporalities of the Church, and, following upon their report, to introduce the legislation which may be appropriate." Both Churches are agreed on very important points which must be given a place in any future settlement. They are agreed that the endowments shall not be secularized. They are agreed that "when the time

comes to arrange the terms of union, all the endowments of the Church of Scotland must be vested in it under a tenure which is consistent with the freedom set forth in the Draft Articles, and which recognizes no right of the State to exercise any special control over the Church in virtue of its enjoyment of these endowments." They are agreed, lastly, that it is impossible to start the task of negotiating a union until the question of endowments, equally with that of the Articles, has been dealt with.

But, it may be said, why all this pother about endowments? Let the Church simply be disendowed, and by this short, easy plan you escape all difficulty. To this it may be replied, in the first place, that strictly speaking the Church *is* being disendowed, inasmuch as the endowments will be re-claimed by Parliament, and, subject to the recommendations of the proposed Commission, re-distributed. It is true that the Church of Scotland would not be a willing party to any such arrangement except on the understanding that the endowments in the new era as in the old were to be applied to religious purposes; but this desire the United Free Church shares. Further, the Church of Scotland is in reality a poor Church. At most its capitalised endowments may come to between four and six million pounds, a small sum for a Church containing so large a part of the population when compared with the eighteen millions belonging to the Church of Ireland before its disestablishment in 1869, and the Church of Ireland was the Church of a small minority. It is perfectly true that the endowments are public funds; but they have been in the use of the Church for hundreds of years, and here prescription has a good deal to say. Provided the State imposes no enslaving conditions—and effective safeguards against this have been taken—it is hard to see why the new Church should not be allowed to go on using these funds, made over to it once for all, if the State believes they would be well used. At this point there is no distinction of principle between the funds of the Church and its buildings, and these last nobody, so far as we are aware, has proposed to take away. It may be pointed out, finally, that when the Church of Wales was disendowed a few years ago it was left with a yearly income of £208,000 out of a total previous annual endowment of £250,000, and has been granted an additional sum quite lately. There seems to be singularly little difference between out-and-out disendowment of this sort and the kind of measure likely to be drawn up for Scotland.

One impression left on the mind of careful observers by the present movement for Church re-union in Scotland is that it is striking into quite new paths, and is steadfastly refusing to be told

that the paths are not really there. Appeals to what the great leaders of a past generation would have said of the policy just outlined are inadmissible. They led nobly in their own conditions, but their conditions were not ours. They would have refused to be limited by the convictions of their grandfathers, and the same liberty must now be claimed by those who have life and work in the twentieth century with the Great War behind them. Archbishop Whately once wrote to a friend: "Is it getting up a faction for me you are after? No, I'll have no Whatelyites. Anyone who tries to imitate me is sure to be unlike me in the important circumstance of being an imitator; and no one can think as I do who does not think for himself." The leaders of the two interested communions have endeavoured—it would seem successfully—to frame a quite novel conception of the proper relationship of Church and State, and have embodied this conception in a clear-cut and practicable scheme which closer study is commending ever more widely to the public mind of Christian Scotland.

Two concluding glimpses of the wider outlook may be of interest. Viscount Wolmer, the only Anglican who intervened in the House of Commons debate of June 22, did something to place the question in its larger setting. Those who supported the Bill from an outside point of view, he said, realized its world-wide importance. It was a landmark in the history of Christendom. The effects of the movement which this Bill was designed to assist would be world-wide and far-reaching, and remembered for many years to come. It was the first practical step towards re-union, the first bridge built to help Christendom to reach the goal towards which they had for so long been feeling their way. To England it was a challenge and an invitation for them to follow in the path on which Scotland led. Possibly the speaker in his reference to England rather overlooked the point that the two countries are not, in this matter, on one and the same plane. As was shown above, there has never in Scotland been any *religious* wall of partition between the Churches now striving to unite. In particular, they have freely joined each other at the Table of Communion, believing that the Table is not theirs, but Christ's. What is needed in England is just that. Acts of communion are the natural, spiritual, inevitable accomplishment of words about union, if the words are to be taken as spoken earnestly and with a full consciousness of their corporate implications.

By the passage of the Church Bill, moreover, into law a new and fertile idea will have been introduced into English jurisprudence. In his remarkable *Studies in Authority*, Professor Laski has shown

what devastating and reactionary consequences have all through history flowed from the legal notion of "the Absolute State." The idea that the State cannot contain within itself any corporate body characterized by the intrinsic capacity of organic growth, but that at each step the power to develop its own constitution must be craved from the supreme civil authority, and if imparted can be imparted by that civil authority alone, has been the cause of untold mischief in the past. But now for the first time Parliament is acknowledging a free Church *as a Church* and not merely as a trust company, and near the heart of the very Act where this fateful acknowledgement is proclaimed the words are set that nothing which is being done for the Church of Scotland is to prejudice the recognition of other Churches. It is for these to take on their own behalf the constitutional freedom now won. The reverberation of this jurisprudential novelty in other quarters will be awaited with keen interest. It cannot fail, to take but one instance, to affect in the profoundest way the legal status of Trade Unions.

MY GARDEN-HOME

REV. J. W. A. NICHOLSON.

I have built me a home in the vast out-of-doors,
 With the sky for its roof and the grass for its floors.
 The lilacs and the snowballs weave a border to my plot,
 The willows and weigelias build a glorious little grot;
 Flooded with silvery sunshine, or embowered in gorgeous gloom,
 Compassed by billowy foliage and by wealth of wondrous bloom,
 Beneath a stately maple, and within this billowy bower,
 I watch the subtle alchemy of sunshine, soil, and shower,
 And feel the throbbing pulse of life through many a thoughtful hour.

Upon the balmy atmosphere—the soft surrounding air—
 The garden-elves swing censers with incense rich and rare
 Distilled in tinted chalices of flowers fresh and fair.
 Here in sunshine or in shadow I enjoy God's out-of-doors;
 With handshake welcome comers, and with Godspeed bless the goers.
 Here radiantly happy in work-time and at play,
 Night follows eerie twilight, and mystic dawn gives place to day,
 And here the Giver of all Good, as host and guest, abides always.