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“A History of the Anglican Church—Part XLIV: An Essay on the Role of Christian Lawyers and Judges within the Secular State”©

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“To speak of the separation of church and state is to speak of the separation of soul and body.”
-- Rev. Algernon Sidney Crapsey (Anglican Priest)

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The ideas expressed in this Apostolate Paper are wholly those of the author, and subject to modification as a result of on-going research into this subject matter. This paper is currently being revised and edited, but this version is submitted for the purpose of sharing Christian scholarship with clergy, the legal profession, and the general public.

PREFACE

The organized Christian church of the Twenty-First Century is in crisis and at a crossroad. Christianity as a whole is in flux. And I believe that Christian lawyers and judges are on the frontlines of the conflict and changes which are today challenging both the Christian church and the Christian religion. Christian lawyers and judges have the power to influence and shape the social, economic, political, and legal landscape in a way that will allow Christianity and other faith-based institutions to evangelize the world for the betterment of all human beings. I write this essay, and a series of future essays, in an effort to persuade the American legal profession to rethink and reconsider one of its most critical and important jurisprudential foundations: the Christian religion. To this end, I hereby present the sixty-first essay in this series: “A History of the Anglican Church—Part XLIV.”

¹ <https://www.encyclopedia.com/religion/encyclopedias-almanacs-transcripts-and-maps/convocation-english-clergy>

INTRODUCTION²

The Church of England—the mother of Anglo-American jurisprudence—fell out of favor with King George I and his Whig supporters early during his reign. Indeed, by the early 1700s, the political stage in England was firmly set for Capitalism and the State to overthrow the privileged position of the Church of England within the new and emerging imperial government of Great Britain.

Church ←-----→ State ←-----→ Capitalism

Led by the Whig party, modern parliamentary government and the secular forces of capitalism first took control of the British monarchy. They did this by inviting George I of the House of Hanover to England in order that he would become a limited, constitutional monarch. Significantly, “[d]uring George's reign, the powers of the monarchy diminished and Britain began a transition to the modern system of cabinet government led by a prime minister. Towards the end of his reign, actual political power was held by Robert Walpole, now recognised as Britain's first de facto prime minister.”³ Historian Goldwin Smith thus summarized these circumstances as follows:

Although he knew almost nothing about politics George had sense enough to see that he could not be an absolute ruler in England as he had been in his beloved Hanover. He also saw that the Whigs had brought him from Germany for political and religious reasons. They alone could hold the house of Hanover safely upon the throne. Hence George I threw himself into the arms of the Whig party. They were indeed his friends and he trusted them.⁴

² This paper is dedicated to the memory of the Bishop of London **Dr. Beilby Porteous (1731-1809)**. “Beilby Porteous was one of the most significant, albeit under-rated church figures of the 18th century. His sermons continued to be read by many, and his legacy as a foremost abolitionist was such that his name was almost as well known in the early 19th century as those of Wilberforce and Thomas Clarkson His legacy lives on, though, in the fact that the campaign which he helped to set in motion eventually led to the transformation of the Church of England into an international movement with mission and social justice at its heart, appointing African, Indian and Afro-Caribbean bishops and archbishops and others from many diverse ethnic groups as its leaders.” This paper is also dedicated to the **Global Anglican Futures Conference (GAFCON)**. GAFCON is an extraordinary organization. It consists of Anglicans from all around the world who are united to stop the excesses of a growing liberalization within Anglican theology that does not comport with the authentic text of the Sacred Scriptures. In many ways, today’s GAFCON is carrying on the great tradition from within the Church of England which this paper commemorates. <https://www.gafcon.org/> Finally, this paper is also dedicated to **Dr. Michael Joseph Brown**, President of Payne Theological Seminary (Wilberforce, Ohio) and to the future development of African Methodism.

³ “George died of a stroke on a trip to his native Hanover, where he was buried. He is the most recent British monarch to be buried outside the United Kingdom.” https://en.wikipedia.org/wiki/George_I_of_Great_Britain

⁴ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 421.

The Whigs and their powerful allies next targeted the Church of England and its *Christian influence upon law and public policy*. As a result, during the 18th century, forces of skepticism, deism, and commercialism attacked the Church of England from every direction. Even within the universities such as Oxford and Cambridge, the Church of England was attacked; and within its bishoprics, parishes, dioceses, provinces, and synods, the Church of England was attacked from within by its own clergymen. The powerful forces which attacked the Church of England wished to restrict its influence on *law and public policy*. And these forces succeeded in doing just that, when on February 14, 1718, Parliament suppressed⁵ Anglican clergymen from meeting and deliberating in their legislative body known as “Convocation.”⁶ This historical act prompted historian Gerald Switzer to write:

That in so epochal a period England's greatest religious communion should rest supinely without visible means of corporate action, while dissenting groups in council, assembly, and conference, weighed the vital spiritual issues of the day, **is a phenomenon defying parallel in the Protestant world**. That the results in **religious apathy and moral decline were deplorable is the over-whelming testimony of reliable historians**.⁷

From the viewpoint of the legal historian, we may thus attribute the steady tearing away of the Christian conceptualization of “law” from Anglo-American constitutional jurisprudence—and the substitution of legal positivism and secularism—to this period of British history. During the reign of the House of Hanover and beyond, the Church of England’s influence over law and public policy was significantly curtailed. All of this would eventually influence British North America and its conceptualization of church-state relations.⁸ See, Table 1, below.

⁵ Gerald B. Switzer, “The Suppression of the Convocation of the Church of England,” *Church History*, Sep., 1932, Vol. 1, No. 3 (Sep., 1932), pp. 150 - 162.

⁶ See Appendix A “Convocation of the English Clergy.”

⁷ Gerald B. Switzer, “The Suppression of the Convocation of the Church of England,” *Church History*, Sep., 1932, Vol. 1, No. 3 (Sep., 1932), p. 151.

⁸ The Whigs in England sought to curtail the influence of the Church of England in law and public policy, but so, too, did the American colonists. Most of the Founding Fathers, including George Washington and Thomas Jefferson, had been Whigs or sympathized with Whig ideology. What colonial America and the entire British Empire lost was the establishment upon American soil of a great Anglican institution—the Church of England, the mother of Anglo-American constitutional law and jurisprudence and the moral voice of the British Empire. The loss of this great Anglican institution hastened the decline of the influence of the Christian faith upon Anglo-American jurisprudence— i.e., the English system of “Higher Law,” ecclesiastical law, and equity jurisprudence was significantly subordinated by other priorities (e.g., commercial interests) within Anglo-American jurisprudence.

Table 1. Whigs and Tories in colonial British North America

ENGLAND	BRITISH NORTH AMERICA
Whigs	Patriots (American Whigs) ⁹
Tories	Loyalists (American Tories)

Perhaps Samuel Johnson (1709–1784), a leading London intellectual, best defined the spirit of the times. Mr. Johnson “repeatedly denigrated the ‘vile’ Whigs and praised the Tories, even during times of Whig political supremacy. In his great *Dictionary* (1755), Johnson defined a Tory as ‘one who adheres to the ancient Constitution of the state and the apostolical hierarchy of the Church of England, opposed to a Whig.’ He linked 18th-century Whiggism with 17th-century revolutionary Puritanism, arguing that the Whigs of his day were similarly inimical to the established order of church and state. Johnson recommended that strict uniformity in religious externals was the best antidote to the objectionable religious traits that he linked to Whiggism.”¹⁰

The chief opponents of the Church of England were influential Whig politicians who wished to move Great Britain in the direction of modernity, laissez-faire government, and global economic empire. Many of those Whig politicians considered church tradition and Christian morality—organized in the form of a great national and historical institution called the Church of England—could be potentially harmful towards their political objectives. To resolve this problem, the Whigs resolved that the Church of England must be led by Whig-friendly bishops who were more modern, liberal, and favorable towards the Whig’s political and commercial agenda. From the period 1688 through 1800, the Church of England’s bishops tended to be Whigs and supporters of House of Hanover.

The result of all of this, from an ecclesiastical and spiritual point of view, was that the Church of England was drained of its true saints, spiritual men of devotion, and great intellectual servant-leaders of the church. The

⁹ " 'Whigs' or 'Patriots'"

“The critics of British policy towards the colonies called themselves ‘Whigs’ after 1768, identifying with members of the British Whig party who favored similar colonial policies. In Britain at the time, the word ‘patriot’ had a negative connotation and was used as a negative epithet for “a factious disturber of the government”, according to Samuel Johnson.” [https://en.wikipedia.org/wiki/Patriot_\(American_Revolution\)](https://en.wikipedia.org/wiki/Patriot_(American_Revolution)). (NOTE: In the Apostolate Paper #60, we have seen how the Society for the Propagation of the Gospel in Foreign Parts (SPG) failed to establish the Church of England in colonial British North America, because of the American Revolution and the American Patriots’ association of the Anglican Church with loyalty to King George III.)

¹⁰“Whigs,” Wikipedia Online Encyclopedia. [https://en.wikipedia.org/wiki/Whigs_\(British_political_party\)](https://en.wikipedia.org/wiki/Whigs_(British_political_party))

Church of England's leadership collapsed into a system of political patronage, ecclesiastical office-hoarding, and bishopric pride. When William III came to the throne in 1688, and next followed by King George I in 1714, the Whig governments of Great Britain moved decisively against a powerful Church of England that would have been strong enough to interpose a "law of Christ"¹¹ upon secular affairs, laws, and public policy; or to effectuate a moral consensus against important issues of the day, such as taxation, colonial exploitation, prison reform, and African slave trade. During the pivotal turn of the 18th century, right when the mighty empire of Great Britain was being birthed, the British monarchy and Parliament essentially and effectively removed the powerful Church of England from stage of imperial politics:

In 1717 the Whigs saw an opportunity to muffle the Tory High Churchmen and persuaded George I to prorogue convocation, the legislative body of the church and long the cockpit of clerical warfare. Convocation was not permitted to transact business until the middle nineteenth century. Bereft of competent pilots in an age of moral drifting the Church of England found her course chartered.¹²

Meanwhile, the talented Anglican clergymen who had been trained in the tradition of Rev. Richard Baxter (1615 – 1691) were being driven from the Church of England. "The anti-Puritan purges of the Cavalier years had driven over two thousand Puritan clergymen out of the Church of England. Under William III about four hundred Nonjuring divines had been expelled."¹³ These "nonjuring" clergymen were men who had refused to take the Oath of Allegiance to William III and Mary II. Queen Anne's reign (1702 – 1714) briefly allowed the Tories to regain some strength, but after 1714, through the remaining portion of the 1700s, and up until the mid-19th century (circa, 1850), both King (or Queen) and British Parliament expressly prohibited the Church of England from acting in a legislative capacity—i.e., it suspended the Church of England's legislative body known as "Convocation."¹⁴

¹¹ The fundamental "Law of Christ," to wit, is to "love ye one another" (John 15:12); to do justice and judgment (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

¹² Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner's Sons, 1957), p. 451.

¹³ Ibid.

¹⁴ See Appendix A, "Convocation of the English Clergy."

Thus, during the 18th century, the Church of England was quickly being drained of two groups of stalwart clergymen. The first group, the Puritans, was lost to the Church of England beginning in the early 1600s and continued up through the early 1700s. These Puritans tended to be well-educated and Calvinistic in their theology. They were the heirs of Augustine of Hippo, Martin Luther, and John Calvin. Their preferred forms of ecclesiastical polity were that of Presbyterianism or Congregationalism. And they had settled the New England colonies of British North America. The Puritans, who were known for their piety and belief in the absolute sovereignty and providence of God, had a major “legal” tradition that endorsed the “Two-Tables” theory of Church and State. See Table 2, below:

Table 2. “Protestant Reformation—The Two Tables Theory for Church and State”

New England Puritans (1620-1800); Rev. Roger Williams (1603 – 1683)¹⁵// Rev. Richard Baxter (1615 – 1691)// Rev. John Wesley (1703 – 1791) // Rev. George Whitefield (1714 – 1770) //Rev. Martin Luther King, Jr. (1929 – 1968)(e.g., Protestant Reformation Theory of Law and Government-- e.g., Lutheranism, Calvinism, Baptist theology, American Methodism, and New England Puritanism).	
CHURCH-- FIRST TABLE	STATE-- SECOND TABLE
Eternal Law	Natural Law
Divine Law	Human Law
Ten Commandments (I – IV):	Ten Commandments (V- X):
I am the Lord thy God, which have brought thee out of the land of Egypt, out of the house of bondage. Thou shalt have no other gods before me! Ex. 20:2-3. Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the water under the earth. Thou shalt not bow down thyself to them, nor serve them: for I the LORD thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and	Honor thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee. Ex. 20:12 Thou shalt not kill! Ex. 20:13 Thou shalt not commit adultery! Ex. 20: 14 Thou shalt not steal! Ex. 20: 15 Thou shalt not bear false witness against thy neighbor! Ex. 20:16

¹⁵ See, generally, “A History of the Anglican Church: Part XXXIV (“Baptist Polity and Theology During the Life and Times of Rev. Roger Williams”), *The Apostolate Papers* (Volume 1, Apostolate Paper # 54).

<p>fourth generation of them that hate me; and shewing mercy unto thousands of them that love me, and keep my commandments. Ex. 20:4-6</p> <p>Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that that taketh his name in vain. Ex. 20: 7</p> <p>Remember the Sabbath day, to keep it holy. Six days shalt thou labour, and do all thy work: but the seventh day is the Sabbath day of the LORD thy God: in it thou shalt not do any work, thou , nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates: for in six days the LORD made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the LORD blessed the Sabbath day, and hallowed it. Ex. 20:8-11.</p>	<p>Thou shalt not covet thy neighbor's house, thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbor's. Ex. 20: 17</p>
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The second group of stalwart clergymen who were lost to the Church of England was the Orthodox Catholics—the heirs of St. Augustine of Hippo, St. Thomas Aquinas, and the great catholic traditions of the universal church. This second group more and more became alienated from the Church of England after the year 1717, when King George I and the Whig Parliament restricted their ability to hold Convocation. This group, of course, had adhered to the orthodox “catholic” legal tradition of St. Thomas Aquinas and the Anglican divine Richard Hooker. See Table 3, below:

Table 3. The Catholic Definition of Natural Law

<p>St. Thomas Aquinas (1225 – 1274) // Rev. Richard Hooker (1554 – 1600) // Sir. Edward Coke (1552 – 1664) // Sir William Blackstone (1723 - 1780) // Rev. John Wesley (1703 – 1791) (e.g., Roman Catholic, Anglican and British Methodist Theory of Law and Government)</p>
<p>Eternal Law</p>
<p>Divine Law</p>

Natural Law
Human Law

The 18th-century The Church of England thence was drained of much of its spiritual vitality—whether Puritan, Independent, or Orthodox. The “Puritan” and the “Roman Catholic” orthodox traditions were severely watered down and weakened within Anglicanism, with a few notable and exceptional clergymen. The senior-ranking positions of bishop, prelate, and primate were frequently sold to the second sons of prominent families or to men who could pay for those positions or extend political patronage in support of one political party or another.¹⁶ The lower-ranking clergy positions (i.e., the priests) were often “defunded” and given to men who “were incapable of making better livings elsewhere.”¹⁷

As we have seen in Apostolate Papers #59 and 60, the Society for the Propagation of the Gospel in Foreign Parts (SPG) found the Anglican Church in British North American in a somewhat dilapidated state, but back home in England the Church of England was also bereft of spiritual leadership. In a word, the Anglican Church in England had become both inept and corrupt:

Table 4. The Church of England during the 1700s

CHURCH OF ENGLAND (1714 – 1800)	
Bishops and Archbishops	Priests
“Whig governments [gave] bishoprics and deaneries to Whigs without regard for learning or piety.” ¹⁸	“The poorer positions were opened to individuals who were incapable of making better livings elsewhere.” ²³
“Many ecclesiastic preferments went to the	“[M]any of the humbler clergy were pious

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid., p. 451.

²³ Ibid.

highest bidders, especially to the younger sons of nobles; such men were usually neither godly nor intelligent.”

“**Pluralism** and **sinecurism** prevailed everywhere.”¹⁹

“Amidst public corruption and dim ideals venal primates and prelates arrogantly lived like princes; **hard-drinking, fox hunting** and **pluralist parsons** usurped the name of clerics.”²⁰

“The cumulative effect of the expulsion of the Puritan and Nonjuring clergy, the suppression of convocation, and the political rise of the church as a reservoir of patronage was **an unprecedented degree of spiritual decadence.**”²¹

“There were, of course, many stalwart, virile, and hard-working Christians in the Anglican Church; but their voices were unheeded in the streets.”²²

and capable.”²⁴

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For example, the Rev. John Wesley (1703 – 1791), Rev. Charles Wesley (1707 – 1788), and Rev. George Whitefield (1714 – 1770) were amongst this group of hard-working Anglican clergymen.

The 18th-century Empire of Great Britain was now positioning itself for a sort of moral relativism that would produce and justify a sort of “legal positivism”²⁶ within the administration of justice within a global commercial

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid., p. 452.

²² Ibid., p. 451.

²⁴ Ibid.

²⁵ Ibid., p. 451.

²⁶ **Oliver Wendell Holmes, Jr. (1841 – 1935)** was an Associate Justice on the U.S. Supreme Court. He is the author of *The Common Law*, which was originally published 1881, before Holmes was appointed the Supreme Court. Holmes endorsed “**legal positivism**” which reduced the law to simply the expression of the human sovereign, without there being a “higher law” to uproot inequity, injustice, or oppression. Holmes wrote that “[a] legal right is nothing but a permission to exercise certain natural powers, and upon certain conditions to obtain protection, restitution, or compensation by the aid of public force. Just so far as the aid of the public force is given a man, **he has a legal right, and this right is the same whether his claim is founded in righteousness or iniquity.**” In my view, the Christian lawyer or judge, applying Anglo-American common law and constitutional law, does not reach the same conclusion, because principles of “equity” inherent in those laws do not, and should not, permit

empire—without a “higher law” taught from the pulpits of the Church of England. The moral foundations of law and jurisprudence gave way to the practical concerns of chambers of commerce and the leagues of merchants. “The cumulative effect of the expulsion of the Puritan and the Nonjuring clergy, the suppression of convocation, and the political rise of the church as a reservoir of patronage was an unprecedented degree of spiritual decadence. The church-dominated and decaying universities were seldom concerned with scholarship.”²⁷ At the same time, British culture was changing profoundly. It remained deeply aristocratic, and the aristocrats were leaning toward cosmopolitanism, global consumption, capitalist expansion, and worldliness. Bars, whore houses, coffee houses, and places of entertainment multiplied “This, then, was a century of heavy drinking, lawlessness, gambling, and immorality. An age that insisted on the hardness of its common sense was often very foolish.... In the country the standards were higher, especially among the working classes.... Thus debauchery was not quite universal....”²⁸ But the critical problem lay with a growing disinterest among the rich in high-quality education, and the lack access of the poor to any education at all. These were problems which normally the Church of England was well-positioned to solve. But due to the Church of England’s lack of spiritual vision and leadership during the 18th century, it had become ill-suited to the task of ministering to spiritual needs of the common man or to address the great moral questions, such as the African slave trade, affecting law and policy. For these and other reasons, the Methodist Church arose during this period.

SUMMARY

The historical and human events of the early 18th century were dominated by the demands of empire, commercial expansion, and multinational competition worldwide, and these demands placed the Church of England at the cross currents of change. King William III, who was a Calvinist, naturally wished for the established Anglican Church to work towards inclusivity and “comprehension.” But many Anglican clergymen, who were nonjuring Jacobins and who did not support either King William, the Whigs, or the Glorious Revolution of 1688, rejected the idea of inclusivity and “comprehension.” As a result, discord between Anglican clergymen escalated during the early 1700s, and the Church of England

“iniquity” to have the sanction of law. In my view, this fundamental difference in perspective as to the nature of law and jurisprudence is a major conflict between “Christian” and “non-Christian” lawyers and judges.

²⁷ Goldwin Smith, *A History of England*, p. 452.

²⁸ *Ibid.*, p. 449.

became extremely political. Within the Church of England's legislative body, known as the Convocation, there was the Upper House (the Bishops, Prelates, and Primates, etc.), which tended to favor the Whig Party; and the Convocation's Lower House (the Parish Priests, Rectors, etc.), which tended to favor the Tory Party. These two wings of the Church of England did not get along, engaged in acrimonious debate and theological disputes, and eventually caused such divisiveness that King George I and the Whigs enacted a resolution to prorogue the Convocation in 1718—a measure which remained in place until the early 1850s. While the Independents enjoyed more religious freedom in both England and throughout the empire, the Church of England itself was administratively paralyzed, yielding its legislative influence to the secular British Parliament. From the accounts of most contemporary observers and historians of British history, the result of these events was the *moral decline* of the English-speaking peoples worldwide.

Part XLIV. Anglican Church: “The Suppression of the Convocation of the Church of England- 1718 -1800”

This is the story of how the Church of England lost much of its legislative power and influence during the 18th and 19th centuries. For the global “catholic” church and the Christian faith, this was a tragic development, because the Church of England, as the church of the British Empire, was in a very pivotal position to provide a moral voice against African slavery and slave trade, economic inequality, collapse of public morals and morality, and growing international human rights abuses. The Church of England suffered from internal derision and division from within. Moneyed interests dominated the bishoprics. Regular clergymen and laymen tried to keep the flames of the Christian faith burning—some of them, such as John and Charles Wesley and George Whitefield, carried out that effort by joining the Methodist Movement. But as an institution the Church of England and its senior bishops became swallowed up by the mammon and materialism of the British Empire.

A. King William III and Ecclesiastical Compromise, 1688-1702

The Glorious Revolution of 1688 brought the Calvinists William of Orange and Mary II to the throne of England. The Whigs had invited them to England in order to ensure Protestant rule in England, British commercial and colonial expansion, and the curtailment of French global influence. As a Calvinists, King William III naturally supported the Church of Scotland (Presbyterian) and the Puritans. As a Whig, William also naturally supported religious liberty. But these

measures made many of the conservative Anglican clergymen uncomfortable. Many of the High-Church Anglicans shuddered at the thought of a potential return to the days of Oliver Cromwell and the Protectorate; they did not trust the Presbyterians and the Puritans; and they did not wish to compromise or to cooperate with the Puritans, Independents or any of the other sects.

<p>CHURCH OF ENGLAND “CONVOCATION” (1688 – 1720)</p>	
<p>UPPER HOUSE OF CONVOCATION</p>	<p>BISHOPS (Mostly supporters of the Whig Party)</p>
<p>LOWER HOUSE OF CONVOCATION</p>	<p>PRIESTS (Mostly supporters of the Tory Party)</p>

Discord between the Upper and Lower Chambers of the Convocation prevented much productive legislation or cooperation from between 1698 through the end of King William III’s reign in 1702. During the late 1690s, an anonymous letter was published, titled “Letter to a Convocation Man,”²⁹ which promoted the Lower-House’s views on the independence of the Church of England and its rights to be free from regulation from the state—whether the King or Parliament.³⁰ This viewpoint attacked the Erastian viewpoint of the Upper House and the Whigs,

²⁹ Gerald B. Switzer, “The Suppression of the Convocation of the Church of England,” Church History, Sep., 1932, Vol. 1, No. 3 (Sep., 1932), pp. 150 - 162.

³⁰ Ibid.

which held that the King of England, as chief civil magistrate, had the final authority to regulate the Church of England.

B. First Great Debate: Bishop of Rochester versus the Bishop of Lincoln, 1698- 1714³¹

The Lower House of the Church of England was led by the Bishop of Rochester, Dr. Francis Atterbury. Bishop Atterbury argued that the orthodox, High-Church Anglicans should exist as the official state church of England; that this Church should be free and independent; that its clergymen had a constitutional and ancient right, going back to the days of Magna Carta of 1215, to sit in Convocation without permission or leave from King and Parliament; and the Convocation had a right to take up matters of importance to the Church and society and to enact legislation, even though the King must still approve such legislation; and, finally, that the Church of England retained its right of petition to the King or Parliament for the redress of grievances. When Queen Anne ascended to the throne in 1702, she threw her support behind Bishop Atterbury and the Lower-House Anglican clergy. Later, when the Tories won a majority in Parliament, they refused to take office until Convocation was held. Bishop Atterbury, as the spokesman for the Tory Party within the Church, thus ascended to a position of significant influence within British politics.

Against the Tories and Bishop Atterbury stood the Whigs and their champion in the Upper-House of the Convocation, Bishop of Lincoln William Wake (a future Archbishop of Canterbury). Bishop Wake argued that the Church of England had not right to impose the Anglican faith upon dissenters; that the plain spirit and text of the Gospels do not support religious conformity; that nonjuring clergymen in the Lower House of the Convocation were disloyal; and that the King of England and Parliament had every right to protect the integrity of England's sovereignty against encroachments from "Roman Catholic members of the royal family" who wished to overthrow their current monarch.

The great debate between Bishop Atterbury and Bishop Wake was also duplicated by numerous other clergymen within the Church of England. So long as Queen Anne remained on the throne, the Lower-House clergymen had the upper hand. After Queen Anne died in 1714, and King George of the House of Hanover ascended to the throne, the vicious acrimony between the two camps of Anglican clergymen deepened.

³¹ Ibid.

C. **Second Great Debate: Bishop of Bangor versus the Bishop of Thetford, 1716-1718**³²

By the year 1716, there were many High-Church Anglicans, Tories, and Lower-House clergymen who were deeply dissatisfied with King George I. First off, George I was a known philanderer, spoke no English, expressed no interest in the Church, displayed little interest in England, and openly displayed favoritism toward the Whigs. As historian Goldwin Smith describes the situation:

England was not pleased by George I, first of the Hanoverians. This German princeling was cold, stingy, sensual, and a bully. He had quarrelled with his wife, and kept her locked up for thirty years; he had become involved in the murder of her lover. The relations between the new king and his son, the Prince of Wales, were consistently hostile; their public battles were venomous and degrading. Several German courtiers came with George I; two mistresses followed him.³³

Hence, there was even serious discussion of returning the Catholic Stuarts to the English throne.

The Bishop of Banhor, Benjamin Hoadly, arose in opposition to the Tories and the Lower-House clergymen. Bishop Hoadly unapologetically defended George I and the House of Hanover. His two most powerful and influential publications were *The Happiness of the Present Establishment and the Unhappiness of Absolute Monarchy* and *A Preservative Against the Principles and Practices of the Non-Jurors both in Church and State, or an Appeal to the Consciencs and Common Sense of the Christian Laity*. Bishop Hoadly continued to advance the same Whig arguments which Bishop Wake (now the Archbishop of Canterbury as of 1716) had made a decade or so earlier. Bishop Hoadly argued that the non-jurors within the Lower-House were disloyal to both king and Parliament; that these clergymen were supporters of the “Popish branches of the royal family”; that the Glorious Revolution of 1688, the English Bill of Rights of 1689, and the Act of Settlement of 1707 were constitutionally binding upon the Church of England; and that as king, George I, in self-defense of both himself and the national interest, had the right as sovereign to regulate the Church of England.

³² Ibid.

³³ Goldwin Smith, *A History of England* (New York, N.Y.: Charles Scribner’s Sons, 1957), p. 421.

On March 3, 1717, Bishop Hoadly gave a sermon at the Royal Chapel at St. James where he preached a sermon that again repeated the arguments that he had previously made in his printed publications. The sermon was subsequently printed in England's newspapers and was widely discussed and debated.

As a result of Bishop Hoadly's sermon and publications, the Bishop of Thetford Bishop George Hickes published *The Constitution of the Catholick Church and the Nature and Consequences of Schism*. Bishop Hickes' argued that the Whigs and the Upper-House clergymen were destroying the "visible church" and dishonoring Article 19 of the Thirty-Nine Articles of Religion. Bishop Hickes' argued that the Church of England must have meaningful authority to regulate its own affairs; to discipline its clergy and laity; to defend against heresy; and to petition or admonish the secular state. As a result of Hickes' efforts, the Lower-House of the Convocation voted unanimously to censure Bishop Hoadly. This censure vote caused deep division among the Anglican clergy. It also pitted the Church of England against both the British Crown and Parliament. Most ominously, the Anglican clergy continued to air their disputes in the press, and this caused significant harm to the reputation of the Church of England.

D. Convocation Suppression Act of February 1718³⁴

By early 1718, the British government appeared desperate. Rather than allow Bishop Hoadly, who was a staunch supporter of the King George I and the House of Hanover, to be publically humiliated, on February 4, 1718, the British government moved to prorogue Convocation indefinitely. Historians consider this act a very pivotal event in British history. The British government, in essence, had stripped the Church of England of its power and vitality, thus preventing it from properly effectuating its Gospel mission and general ministry to the body politic. As Great Britain emerged on the world stage as a major empire, it simultaneously effectuated its own moral decline:

It was in the opening years of the eighteenth century, however, that state domination in England's ecclesiastical affairs reached its zenith. In 1717 the Convocation, the highest court of the Church of England, was utterly suppressed, and with minor exceptions was not re-empowered to proceed to significant ecclesiastical business for one hundred thirty-five years. Diocesan

³⁴ Gerald B. Switzer, "The Suppression of the Convocation of the Church of England," *Church History*, Sep., 1932, Vol. 1, No. 3 (Sep., 1932), pp. 150 - 162.

synods did not exist during this period and the practice of convening ruri-decanal synods had long since ceased.³⁵

That in so epochal a period England's greatest religious communion should rest supinely **without visible means of corporate action**, while dissenting groups in council, assembly, and conference, weighed the vital spiritual issues of the day, is a phenomenon defying parallel in the Protestant world. **That the results in religious apathy and moral decline were deplorable is the over-whelming testimony of reliable historians.**³⁶

During the 18th-century, the influential Whig Party, the House of Hanover, the merchants, financiers, and creditors, and the imperial interests from throughout the British Empire effectively overthrew the Church of England in 1718. And for the next one hundred and thirty five years, from 1718 to 1852, no Convocation was held within the Church of England. What colonial America and the entire British Empire lost was the establishment upon American soil of a great Anglican institution—the Church of England, the mother of Anglo-American constitutional law and jurisprudence and the moral voice of the British Empire. The loss of this great Anglican institution hastened the decline of the influence of the Christian faith upon Anglo-American jurisprudence— i.e., the English system of “Higher Law,” ecclesiastical law, and equity jurisprudence was significantly subordinated by other priorities (e.g., commercial interests) within Anglo-American jurisprudence.

³⁵ Gerald B. Switzer, “The Suppression of the Convocation of the Church of England,” *Church History* , Sep., 1932, Vol. 1, No. 3 (Sep., 1932), p. 150.

³⁶ *Ibid.*, p. 151.

CONCLUSION

In 1718, King George I prorogued Convocation, the Church of England's legislative body, thus prohibiting the Church from addressing the moral and spiritual crisis then plaguing the British Empire. The Church of England was thereafter unable to establish firm roots on American soil or anywhere else in the British Empire, primarily because the British government would not allow it to properly carry out its mission of education and evangelization with an authentic Christian spirit. The Society for the Propagation of the Gospel in Foreign Parts (SPG) had mixed results, because it had a few outstanding missionaries. Since many of the Anglican bishops were indifferent towards moral questions such as slavery, even the SPG owned slaves in the British West Indies—an unpleasant fact which Bishop of London Beilby Porteous (1731-1809), who was an abolitionist, protested against. Bishop Porteous also lobbied the SPG to manumit its slaves. According to contemporary observers and historians of the period, the decline of the Church of England also marked a decline in moral values of Englishmen everywhere, including British North America. The critical problem lay with a growing disinterest among the rich in high-quality education, and the lack access of the poor to any education at all. These were problems which normally the Church of England was well-positioned to solve. But due to the Church of England's lack of spiritual vision and leadership during the 18th century, it had become ill-suited to the task of ministering to the spiritual needs of the common man or to address the great moral questions—such as economic monopoly, land reform, prison reform, the African slave trade, etc.—affecting law and policy. For these and other reasons, this moral decline and malaise in the public life of England and the British Empire eventually lead to the Great Awakening of the 1730s-50s, and to the rise of the new Methodist Movement.

THE END

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APPENDIX A

“CONVOCAATION OF THE ENGLISH CLERGY³⁷”

“The designation of two distinct but functionally related ecclesiastical assemblies associated in the past and at present with the government of the Archbishoprics of Canterbury and York. This entry covers the origins and historical developments of the Convocations of Canterbury and York.

“Historically, there is an ecclesiastical assembly called the Convocation of Canterbury and another the Convocation of York. Both may be compared to provincial synods, but their involvement in English constitutional history has induced them to operate in areas not usually claimed by synods on a provincial level. Their development as an institution may be traced back to early Anglo-Saxon England. In form they have remained relatively stable since the Middle Ages, but the Reformation led to the loss of their power to act independently of the state. In the late 19th and 20th centuries they have functioned as the voice of the clergy of the Church of England, but their position and power have been overshadowed by the National Assembly created in 1919 by act of Parliament. Of the two, the Convocation of Canterbury has been considered the operational leader and the term "Convocation" is often used in reference to it alone. At times, members from both convocations have sat together in full synod to handle common problems.

“Origins. English constitutional and ecclesiastical history constitutes the necessary background for a developmental study of convocation. Its history may be divided into six stages: (1) Anglo-Saxon England; (2) after the Norman Conquest to the 13th century; (3) the late Middle Ages; (4) the Reformation period; (5) the post-Reformation period; and (6) the late 19th and 20th centuries.

“Ecclesiastical meetings were held in England as early as the time of Saint Augustine of Canterbury. Under Saint Theodore of Canterbury, bishops were summoned to promote subscription to canons of the Church universal as well as to unify the Church in England. At a meeting in a.d. 680, the canons of the Lateran

³⁷ <https://www.encyclopedia.com/religion/encyclopedias-almanacs-transcripts-and-maps/convocation-english-clergy>

Council of 649 were adopted as well as the dogmas of the first five general councils. The 8th century witnessed the establishment of the Archbishopric of York as well as the continued development in the use of councils to help govern the Church. In the latter part of the 9th and 10th centuries and the first 60 years of the 11th, church councils as such were not fully utilized; the affairs of the Church were taken care of in a witan, a body in which ecclesiastics had a strong voice by virtue of their learning and territorial importance.

“After Lanfranc was consecrated archbishop of Canterbury, the Church began to move away from governmental fusion with the state, a trend paralleling developments on the Continent. In the 12th century, papal legates presided over a number of ecclesiastical meetings. A mandate of the archbishop of Canterbury, summoning one for September 1125, contains the word *convocatio*, the first known use of this term to denote an ecclesiastical assembly in England.

“The 13th century brought regular participation of the lower clergy in ecclesiastical gatherings, as the importance of the clergy as a class increased in relation to monarchical and papal assertions of authority and demands for financial aid. Clerics other than diocesan bishops were not given a decisive vote in the making of ecclesiastical constitutions, but it was recognized that they had a right to be heard on such matters, and if taxed, to consent in the determination of the amount of taxation. It became the practice of the lower clergy to attach conditions to their grants. The development of more refined procedure and greater organization for the summoning and conducting of ecclesiastical meetings accompanied this development.

“In 1226, Stephen Langton, Archbishop of Canterbury, began the practice of distributing his mandate for a meeting through the bishop of London as dean of the province; this procedural step has been followed ever since for Canterbury. Representatives of the lower clergy also began in 1226 to participate in councils called to deal with the king's requests for money. In 1273, Robert Kilwardby, archbishop of Canterbury, summoned representatives of the lower clergy to a gathering designed primarily to handle ecclesiastical business. It was called and held independently of the king; abbots and priors did not attend. With the Convocation of Canterbury of May 1283, the system of having the diocesan clergy represented by two proctors from each diocese was inaugurated. The arrangement

regarding representation was never embodied in a canon, but it was followed when the lower clergy were summoned to the Convocation of Canterbury. The Archbishopric of York's convocation was soon organized in the same manner except that two proctors were elected from each archdeaconry instead of each diocese. Until 1920 only beneficed clergy voted in an election for proctors.

“In the autumn of 1295, Edward I summoned the diocesan clergy to Parliament. The form of the summons sent to the archbishop of Canterbury became the official form for summoning the clergy to Parliament in the future, except for occasional and slight changes. In the wording of the summons the word "praemunientes" appears for the first time, and it has since been used to describe the clause in question. The king asked for the same scale of representation as that of the 1283 Convocation of Canterbury.

“The lower clergy resisted the attempt by the king to tax them through Parliament. Although proctors of the lower clergy appeared in Parliament, ecclesiastical meetings were needed to satisfy the king's financial demands as well as to provide for the government of the Church. The terms provincial council and convocation were both used to describe such meetings. In those meetings called to secure a grant, the participation of the lower clergy became formalized in representation according to precedent as well as in organization. After 1340, grants to the king by the lower clergy were determined in this type of meeting, the king usually ordering a meeting to be convoked at or near the time of a Parliament for such a purpose. Later, Convocation became the accepted designation for these gatherings. Clerical proctors continued to attend Parliament as observers or advisers into the 16th century.

“When Convocation met, it became the custom for the archbishop to ask the lower clergy to deliberate separately. Out of this emerged the organizational division of Convocation into an Upper House for the archbishops and diocesan bishops and a Lower House for the rest of the clergy. Convocation usually opened with a joint session for a declaration of its authority and purpose and the two divisions then withdrew to deliberate as individual units. The decisions and grievances of the lower clergy came to be reported by an official called the prolocutor. In the 15th century the use of committees developed. Since 1429, the members of Convocation have had the same freedom from arrest as members of

Parliament. In the pre-Reformation period Convocation was not controlled in its deliberations by the civil power.

“Reformation. The independence of Convocation was lost by the Submission of the Clergy (1531), later given statutory force by Henry VIII in 1534. The king's writ became necessary for the assembling of any provincial meeting and his license had to be obtained for the enactment of any canon. After the passage of the Act of Supremacy (1559) and the Act of uniformity (1560), Convocation participated in the imposition of religious change upon England under the protection and supervision of the state. In character, it became the provincial assembly of the Church of England. Even with the king's permission, it was prohibited legally from enacting any canon contrary or inimical to the laws and customs of England.

“With the Restoration, Convocation's right to act as the taxing authority for the clergy was abandoned to Parliament without a struggle. In the late 17th and early 18th century, it became an arena in which the religio-political questions of the day were debated. During the reign of Queen Anne, special "Letters of Business" were issued by the crown to Convocation for the purpose of securing consideration of certain specified matters. **This procedure was followed at different times in the future. In 1717 the king prorogued Convocation against its will and, although it continued to be summoned before each Parliament, it was not allowed to operate beyond its formal opening ceremonies for the next 135 years. As part of the renewal of church life engendered by the oxford movement, the Convocation of Canterbury was revived in 1852 and that of York in 1861. This revival made no change in the limitations placed upon Convocation by the Reformation,** and historical precedents. Convocation deliberated and enacted canons with the king's permission, but it had no power to depart from its past relationships until the formation of the National Assembly established a body capable of sanctioning changes in its legal position. With the approval of the National Assembly, in 1921, both Convocations liberalized the use of the franchise and defined the membership arrangements of their lower house. Membership in the Convocation of Canterbury was reduced with the establishment of the province of Wales in 1920.

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APPENDIX B

WHO WERE THE 18th-CENTURY WHIGS?³⁸

“The Whigs were a political faction and then a political party in the parliaments of England, Scotland, Great Britain, Ireland and the United Kingdom. Between the 1680s and 1850s, the Whigs contested power with their rivals, the Tories. The Whigs merged into the new Liberal Party in the 1850s, though some Whig aristocrats left the Liberal Party in 1885 to form the Liberal Unionist Party, which merged into the Liberals' rival, the modern day Conservative Party, in 1912.

“The Whigs' origin lay in constitutional monarchism and opposition to absolute monarchy, supporting a parliamentary system. The Whigs played a central role in the Glorious Revolution of 1688 and were the standing enemies of the Stuart kings and pretenders, who were Roman Catholic. The Whigs took full control of the government in 1715 and remained totally dominant until King George III, coming to the throne in 1760, allowed Tories back in. The Whig supremacy (1715–1760) was enabled by the Hanoverian succession of George I in 1714 and the failed Jacobite rising of 1715 by Tory rebels. The Whigs thoroughly purged the Tories from all major positions in government, the army, the Church, the legal profession and local offices. The party's hold on power was so strong and durable that historians call the period from roughly 1714 to 1783 the age of the Whig oligarchy. The first great leader of the Whigs was Robert Walpole, who maintained control of the government (1721–1742) and whose protégé Henry Pelham also led (1743–1754).

“While the Whigs and Tories began as loose groupings or tendencies, both became quite formal by 1784 with the ascension of Charles James Fox as the leader of a reconstituted Whig party, arrayed against the governing party of the new Tories under William Pitt the Younger. Both parties were founded on rich politicians more than on popular votes. Although there were elections to the House of Commons, only a few men controlled most of the voters. The Whig party slowly evolved during the 18th century. Its tendency supported the aristocratic families,

³⁸ “Whigs” (British Political Party), Wikipedia Online Encyclopedia, [https://en.wikipedia.org/wiki/Whigs_\(British_political_party\)](https://en.wikipedia.org/wiki/Whigs_(British_political_party))

generally the continued disenfranchisement of Catholics and toleration of nonconformist Protestants (the dissenters such as the Presbyterians) while the Tories favoured the relative smallholders (whether narrowly) or minor gentry with High Tories preferring high church elements or even the exiled Stuarts' claim to the throne (Jacobitism) and virtually all maintained the legitimacy of a strongly established Church of England. Later, the Whigs drew support from the emerging industrial reformists and mercantile class while the Tories drew support from farmers, landowners, imperial military spending and relatedly royalists.

“By the first half of the 19th century, the Whig programme came to encompass the supremacy of parliament, free trade and acceleration of the completion of Catholic equal rights, the abolition of slavery and expansion of the franchise (suffrage). The 19th-century Whig support for Catholic emancipation was a complete reversal of the party's historic sharply anti-Catholic position in the late 17th century....

American Influence

“The association of Toryism with Lord North's government [during the reign of King George III] was also influential in the American colonies and writings of British political commentators known as the Radical Whigs did much to stimulate colonial republican sentiment. Early activists in the colonies called themselves Whigs, seeing themselves as in alliance with the political opposition in Britain, until they turned to independence and started emphasising the label Patriots. In contrast, the American Loyalists, who supported the monarchy, were consistently also referred to as Tories. Later, the United States Whig Party was founded in 1833 and focused on opposition to a strong presidency just as the British Whigs had opposed a strong monarchy. The True Whig Party, which for a century dominated Liberia, was named for the American party rather than directly for the British one....

Name Origin

“The term Whig was originally short for whiggamor, a term meaning "cattle driver" used to describe western Scots who came to Leith for corn. The cattle drivers would call out "Chuig" or "Chuig an bothar" (meaning "away" or "to the

road"), and the sound was converted by English people to the pejorative term "Whig" or "Whiggamore". In the reign of Charles I the term was used during the Wars of the Three Kingdoms to refer derisively to a radical faction of the Scottish Covenanters who called themselves the Kirk Party (see the Whiggamore Raid). It was then applied to Scottish Presbyterian rebels who were against the King's Episcopalian order in Scotland.

“The term Whig entered English political discourse during the Exclusion Bill crisis of 1678–1681 when there was controversy about whether or not King Charles II's brother, James, should be allowed to succeed to the throne on Charles's death. Whig was a term of abuse applied to those who wanted to exclude James on the grounds that he was a Roman Catholic. The fervent Tory Samuel Johnson often joked that "the first Whig was the Devil".

“In his six-volume history of England, David Hume wrote: ‘The court party reproached their antagonists with their affinity to the fanatical conventiclers in Scotland, who were known by the name of Whigs: The country party found a resemblance between the courtiers and the popish banditti in Ireland, to whom the appellation of Tory was affixed. And after this manner, these foolish terms of reproach came into public and general use; and even at present seem not nearer their end than when they were first invented....’

THE END