

REFLECTIONS ON THE DISRUPTION

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1993 marked the 150th anniversary of the Disruption, and various services were held to commemorate the last major schism within Scottish presbyterianism, including one at St Giles in Edinburgh during the general assembly. How does one mark such an event? There would be the danger of seeming to 'celebrate' division in the body of Christ. For the most part, the remembrance of the Disruption sought to understand what happened without seeking to glorify division. It goes without saying that the same is not true of the celebrations in the Free Church which marked the jubilee of the Disruption in 1893. At least from our historical perspective we can seek to be less partisan, more objective, although ecclesiastical rivalries run deep and none of us is entirely free from prejudice. Still today in many communities in Scotland there are two congregations, one of which resulted from the Disruption, and it is not always easy for union to be accomplished.

As we reflect upon the Disruption we are perhaps conscious of the legacy of division above all. The Disruption led to rivalry and bitterness and to the unnecessary and wasteful duplication of resources. The Evangelicals who decided to form the Free Church regarded the principle of the spiritual independence of the Kirk as more important than the preservation of the unity. They could not remain within an establishment which was not free to carry out its work in the way it wished. How had this position been reached?

For some time there had been two parties or groups within the Kirk, the Moderates and the Evangelicals, or Popular Party. Since the middle of the previous century the Assembly had been dominated by the Moderates but the Evangelicals gained in strength during the early decades of the nineteenth century. The Church was thus already divided into two main groupings and the question remained as to whether these parties could continue to live together within the establishment. The Evangelicals had already been successful in applying their strict adherence to the Calvinism of the Westminster Confession of Faith and had been instrumental in bringing several ministers to trial for heresy, the most notable of whom was John McLeod Campbell. The Disruption came at the end of what has been called the "Ten Years' Conflict", the period when the Evangelicals had gained a working majority in the General Assembly and sought to implement the policies which they thought necessary for the good of the Church. They moved on two fronts, to give more popular expression in the choice of a minister, and to give full status to church extension charges.

First, patronage was modified in order to give a greater voice to the wishes of the congregation. It is to be noted that the Evangelicals did not wish, at this stage, to abolish patronage altogether. Indeed Thomas Chalmers was not in favour of its disappearance. Rather a way was to be found whereby objections to a patron's nominee could be given expression. The instrument which was decided upon was the ill-fated Veto Act whereby, if a majority of male heads of families objected to the presentee, then the presbytery would not proceed to his induction. Although some legal experts, notably John Hope the Dean of the Faculty of Advocates, expressed doubts as to the Church's ability to make such an alteration to the rights of patrons, the assembly passed the act in 1834. There followed a number of cases in which disappointed ministers challenged the ruling of the church courts when the Veto Act was applied. The first such case at Auchterarder was the subject of the Court of Session in 1838 which declared that the Veto Act was an illegal infringement of the property rights of patrons. The House of Lords upheld this decision in the following year. In addition a very different view of the relationship between church and state was taken by the majority of judges on the Court of Session. They held that the Church of Scotland was a creation of statute law and was in many ways subordinate to the authority of the civil courts. It could not simply do as it pleased on such matters as the appointment of its ministers. In response the assembly formed a committee with Chalmers as convener to seek redress from the government. But their position did not receive a sympathetic hearing at Westminster. The claim to spiritual independence appeared as a threat to the authority of the expanding parliamentary state.

Secondly, the Evangelicals wished to carry out reform by giving full ecclesiastical status to church extension charges. A growing number of such chapels of ease were set up to meet the needs of the growing urban population of Scotland, largely as a result of a successful campaign led by Thomas Chalmers. In addition

many of these charges were staffed by younger Evangelical ministers. The assembly, therefore, in 1834 also passed the Chapels Act by which such churches were given status as *quoad sacra* parishes, with their own kirk sessions, and their ministers being able to sit on the courts of the church. The key legal decision regarding this act, however, did not involve a chapel of ease but the admission of a former 'Auld Licht' Burgher congregation at Stewarton into the Church of Scotland. The local heritors objected to the admission of its minister into the presbytery of Irvine and to the creation of a new parish for the congregation. The decision of the Court of Session against the legality of the Chapels Act came early in 1843 and more or less made the Disruption inevitable. In this case the civil courts were deciding the membership of the courts of the Church, and from the days of Andrew Melville's conflict with James VI the Kirk had claimed the right to determine the composition of presbyteries and general assemblies free from civil interference.

As part of the Church's campaign to get the government to act, the assembly passed the Claim of Right in 1842, which set out the Kirk's historic claim to spiritual independence, and also called for the abolition of patronage. The government was unprepared to recognise this claim and failed to take action, believing that the schism would be relatively small. There appeared nothing else for the Evangelicals to do but to prepare for secession. As it happened, in the following year, both of the issues which had led to the Disruption, the modification of patronage and the recognition of *quoad sacra* parishes, were addressed by acts of parliament, although not in ways entirely satisfactory to the Free Church. By that time however the issue had become that of the sole Headship of Jesus Christ in the Church. By that time, too, the driving force among the Evangelicals was no longer Thomas Chalmers with his vision of a 'godly commonwealth' and a national mission for the Church, but rather the more revivalist and exclusivist views of the younger 'wild men' such as Robert Candlish of Free St George's and Hugh Miller the editor of the 'Witness'.

Would it have been possible to remain in the establishment and still seek to revive the life of the Church? A group of Evangelical ministers tried to do so and formed the Middle Party. They were dubbed the 'Forty Thieves' by Hugh Miller as they appeared to 'rob' the Evangelicals of their majority at the Assembly of 1843. Led by Matthew Leishman of Govan, the Middle Party, which actually numbered 45, did not join the Evangelicals as they prepared for secession during the winter of 1842-3. On the question of patronage they were prepared to accept a compromise proposal put forward by Sir George Sinclair by which the courts of the church could recognise the validity of the objections to a patron's presentee. They were particularly concerned with the divisions within the Church which in their view only served to give ammunition to the opponents of the Established Church. Theirs was the voice of moderation and compromise, characteristics not much in evidence on either side of the dispute, and their call went unheeded. The formation of the Middle Party, as well as contributing to the Evangelicals being in a minority in 1843, also led the government to hope that the secession would be much smaller than it was.

For the members of the Middle Party the unity of the Church was a higher priority than the interference of the civil courts at the time. They were prepared to continue to work within the establishment and seek new measures from the government rather than rend the body of Christ. They also thought that the Veto Act as it stood did not give enough 'pace to the presbytery which should have the final decision in all matters regarding a call to a vacant charge, not the congregation or the patron. Thus although they signed the Claim of Right they did not leave the establishment. Some of them, such as Robert Story and Norman MacLeod, became prominent leaders in the Auld Kirk as it sought to recover from the Disruption. Nine of the Middle Party would later be called to the Moderator's chair.

Of particular interest to the readers of this journal is the effect of the Disruption upon liturgical revival. With the increased rivalry between the denominations which followed 1843, worship became an area of importance in attracting new members. In addition, with the departure of the more conservative Evangelicals, the way was more open for change to take place. It was therefore in the established Church that the movement for liturgical reform developed with the innovations of Robert Lee followed by the formation of *The Church Service Society* in 1865. Among the leaders of the revival in worship were the next generation of the Middle Party, Robert Herbert Story and Thomas Leishman, as well as others who had been influenced by their outlook such as George W Sprott who worshipped at Govan when a student in Glasgow.

The remainder of the nineteenth century was marked by ecclesiastical rivalry but then by moves for reunion. The division came to an end finally in the union of 1929, an event prepared for by the recognition by parliament of the 'Articles Declaratory of the Constitution of the Church of Scotland in Matters Spiritual'. Among other things the Articles had to do with the legacy of 1843. The Kirk was declared to be both national and free. The claim to spiritual independence, made at the time of Disruption, was recognised and enshrined in the constitution of the Church. Article IV of the Articles Declaratory states:

This Church, as part of the Universal Church wherein the Lord Jesus Christ has appointed a government in the hands of Church office-bearers, receives from Him, 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, worship, government, and discipline in the Church . . .

The Article then goes on to deal with the issue raised by the Stewarton Case in 1843 concerning membership of the courts of the Church. It is the Church alone which has the right to determine 'all questions concerning membership and office in the Church, the constitution and membership of its Courts, and the mode of election of its office-bearers'. Yet in Article III the Church is also said to be national, with a 'distinctive call and duty to bring the ordinances of religion to the people in every parish of Scotland through a territorial ministry'. There was to be no place for an inward looking, self satisfied church, made up of gathered congregations of the faithful. The Church is national and is to exist for everyone, not just its members. And so the insights and strengths of both traditions, Auld Kirk and Free Kirk, were recognised and preserved.

The Articles, too, sought to provide for change and renewal in the life of the Church, including in its doctrinal stance. Liberty of opinion was recognised 'in points which do not enter into the substance of the Faith.' And the Kirk's adherence to the catholic faith was set out in Article I which contains a declaration of key doctrines including those of the Trinity and the Incarnation. Outwith Article I, however, the Church has freedom of theological expression, including the ability to depart from the Westminster Confession. This liberty was insisted upon by the successors of those who had previously sought to maintain a strict adherence to the Kirk's subordinate standard.

In addition the articles contain a very strong statement about the unity of the Church, also inserted at the insistence of the representatives of the United Free Church who proved to be most enthusiastic in the advocacy of further reunion following 1929. The Church, according to Article VII, has a positive obligation, not simply an option, to seek and promote union with other Churches. Yet as we know no further union has taken place since then, although this has not always been the fault of the Church of Scotland.

In reflecting upon the Disruption after 150 years we realise how much of the present constitutional position of the Church of Scotland is due to the principled stance taken by those who left to form the Free Church. The Articles Declaratory also show that there has been an attempt to learn from the negative lessons of 1843 by providing for liberty of doctrinal opinion within the framework of the catholic faith and by emphasising the need to work for greater unity within the body of Christ. In the Kirk today we need to be reminded of these lessons since we are faced with a growing polarisation of theological opinion and a demand for doctrinal rigidity along with a decline of enthusiasm for ecumenism. Yet largely because of the Disruption the Kirk's position as both national and free enables it to tackle such issues without interference and to work for the spiritual good of both church and nation.

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