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God, Caesar and the Liberal Christian

I see it as one of the great strengths of the Reformed Eldership, and indeed of any ministry which a church extends beyond full-time staff, that those of us who serve in this way can bring skills and insights drawn from our other commitments into the life of the believing community. As many of you know, my day job is as an academic, a Lecturer in Law at Cardiff University; the reason why I choose to lead worship in the ceremonial dress of that calling is to symbolise that it is part of what I bring to my ministry here.

Being a University Lecturer is a job that, to my mind at least, has three important sides to it – teaching, scholarship or research, and pastoral care.¹ In previous sermons or in leading prayers I have often drawn upon lessons and ideas derived from my roles as teacher and pastor, particularly of undergraduates. But I don't think I have ever drawn upon my role as scholar – my research specialism; which is particularly strange given that my specialism is in fact the interaction, in England and Wales and to some extent elsewhere, of law and religion – the way that society relates to the phenomenon of religion through the medium of law. Today, I believe, the moment has come to redress that omission.

I believe that most of the issues affecting the modern law of religion in this country can be summed up in this question: 'How can a legal system built upon the presupposition of a Broad-Church or liberal Christianity cope with a contemporary population, not all of whom by any means hold that position?'

I must start by explaining what I mean by saying that the law presupposes a Broad-Church Christianity. Historically, of course, England and Wales formed one Christian territory. As the English kingdoms adopted Christianity in the sixth century, the principles of that religion began to mould many branches of the law, and when English religion was reformed a millennium later – carrying Welsh religion with it – the regulation of Christian religious practice ceased to be a special province of the clergy and became just one more field of the general law, under the ultimate supremacy of the King in Parliament.

In today's law we still see many pointers to that national Christianity. There are Acts of Parliament still on the statute book that declare the King's and the population's adherence to core Christian beliefs, and that label England (and with it Wales) 'this protestant Kingdom'. The succession to the Crown, the composition of parliament, the official calendar and its holidays, a number of rules within the English law of marriage, a small (though diminishing) number of criminal offences, and the continued existence in England (though not in Wales) of a Christian religious provision established by the law of the land, all hark back to a time when the influential classes and much of the electorate took the nation's religious identity for granted: indeed to a time when the great 16th-century theorist of the church Richard Hooker could assume that England was itself, for practical purposes, a church, and

¹ (There is a fourth side, administration, which I consider a good deal less important; although I suppose at least some of this needs to be done to support the University's more crucial work.)

that only the context in which you were speaking determined whether you called it a church or a kingdom.

I also said, however, that the law presupposes a Broad-Church or Liberal Christianity: one that imposes few hurdles and seeks to comprehend as many people as possible. That was not, of course, always the case: but the Reformation made it very much closer to the truth than it had been before, with the individual Bible-reader's conscience (rather than the bishops) becoming final arbiter of what to believe and Elizabeth I refusing to have a law that 'made windows into men's souls'. An attempted come-back by the bishops with royal support failed dismally with the execution of William Laud and the defeat of the Stuarts in Civil War and Glorious Revolution. Later, as the eighteenth and nineteenth centuries progressed, forms of Christianity alternative to the official provision (including our own) became not only tolerated but respectable. People who did not accept all the formularies of the religious Establishment could hold public office, marry in their own way, withhold religious taxes, participate in local government and attend the ancient universities. The ecclesiastical courts no longer sought to punish lay people's lapses from religious morality. New public institutions, from register offices to University College London, came into being having no connection to the official worship of the Christian kingdom. By and large even those who *did* prefer to worship in the parish churches using Thomas Cranmer's liturgy found that the law imposed far fewer obligations on them than before.

Against this liberalisation, Christians with strong beliefs began to fight back. The evangelical movement, within the Church of England and without, focussed largely on the individual, seeking to reach unwarmed souls and inspire a personal religion that would accept Christ's lordship and its demands without reference to what the legal system might be doing. But the new High Church or Oxford Movement, once its pioneers realised that the official Church of England could not be narrowed to insist upon the dogmas they held important, began to set up a voluntary Anglicanism in which clergy and enthusiastic laity rather than parliamentarians and patrons would give the leadership. Parochial church councils, synods and meetings of bishops, charitable trust funds and voluntary giving gradually became more important than the older vestries, tithe and historic endowments. By the First World War parliament was more than ready to surrender its control of national religion into the hands of these enthusiasts, disclaiming all responsibility for Christianity in Wales and letting what is now the General Synod speak almost unquestioned for the Church of England.

This, then, became the first challenge to the presuppositions of a broadly Christian legal system: a narrow or conservative Christianity which opposed, for example, reforms in the law of marriage with which less rigorous Christians had no problem. Today, of course, their opposition is loudest in attacking recent equality law which restricts discrimination against a lesbian or gay orientation that they consider inherently disordered.

The second challenge came, and still comes, from the non-believing sector of the population, which grew considerably in the industrial nineteenth century and again in the later part of the war-torn and permissive twentieth. Its most eloquent spokesman today, the British Humanist Association, keeps up a trenchant criticism of the law's favour to religion of all kinds, from the funding of church schools and

the definition of charity to the bishops in the House of Lords. And the third challenge comes from the active adherents of non-Christian faiths which through migration and the birthrate have become a significant (and in many ways a welcome) facet of the national scene. For Sikhs and Hindus, conservative Muslims and orthodox Jews did not find the inherited Christian legal system as easy to adapt to as did dissenting protestants or even Roman Catholics. A state education system that teaches adolescent boys and girls together, a working week running from Monday to Friday, a law of marriage permitting only one wife, a prison chaplaincy geared to Christian inmates, a law on human remains that forbids an open funeral pyre: such things have always called forth an undercurrent of complaint. But such complaint has surfaced into the open and increased in frequency since the Human Rights Act allowed a positive right to manifest one's religion to be asserted in the domestic courts by way of challenge to the law of the land itself.

This is a sermon, not a lecture. I'm sure it will be clear that I am scratching the surface of a huge subject that generates courses and literature, and if it turns out that people are interested I will have to return to it, perhaps in some other context than worship. It is a fascinating topic, but one from which one cannot stand academically and dispassionately back; because it is one on which many people have really strong feelings. The admissions policy of a Jewish state school will probably soon be scrutinised in the new Supreme Court, opening up some quite dramatic tensions within England's Jewish community itself. Workers who have given a lifetime to the needs of orphaned children find the law - or, depending on how you look at it, the Catholic episcopal hierarchy - facing them with the choice between good standing in their church and complying with a requirement (which many of them apparently believe to be right) to treat would-be adopters equally, regardless of their sexual orientation. A Welsh Hindu community was devastated when a bullock whom they venerated fell victim on health grounds to a policy of compulsory slaughter; but neighbouring farmers would have been equally outraged if it had not. A liberal Christian like myself may be perfectly happy with much of the law as it stands, regret the influence of conservative religious hierarchies on government but be slightly alarmed at finding his closest allies (in goals though not in motivation) to be the non-believing Humanists.

We meet here, though, as followers of Christ. There is biblical warrant to believe that human government, Christian or not, is divinely ordained and has certain God-given tasks. How those tasks are understood has changed with the years: there was, for example, no public welfare provision in New Testament times, perhaps because the need was met in other ways. The Basis of Union of the United Reformed Church affirms that Christ has established a government in the Christian community distinct from, and in some respects equal to, civil government; but it does not quite answer Richard Hooker's point that when the circumstances are right those two types of government may be held in the same hands. The Basis of Union goes on to call upon the civil government to respect rights of conscience, but it does not (and could not) say just how such rights should be balanced with the need to take certain decisions by a majority and to apply the law consistently once made.

I gave this sermon the title 'God, Caesar and the Liberal Christian'. I am sure we all remember the occasion recorded by all Gospel-writers but John, when hostile questioners tried to incite Jesus to commit an act of rebellion by denying the obligation to pay taxes to the Roman government. Jesus declined, after identifying

the Emperor's image on the tribute coins and saying 'render to Caesar the things that are Caesar's, and to God the things that are God's'. Much of what has been written in Christian circles takes those words as the starting point for a principled demarcation of the roles of church and state. But some, such as myself, are driven sometimes to wonder whether the contribution of sincere believers to the liberalisation of the law on religion that I have described has been overlooked; whether too much of the outward expression of religion has been ascribed directly to the direct province of God and not quite enough to the realm of Caesar.

But one thing are clear. The tensions in this country's law on religion are significant, and people are hurting because of it. As people called to love and care for our neighbours, whose Christian faith is to show tangibly in our works, we should take an active interest in this question, and seek - at least at a personal level, in those with whom we deal - to work towards some reconciliation of the many interests involved. Because whether or not Jesus had the same idea of Caesar's province as did John Calvin or Andrew Melville or as do the Human Rights judges in Strasbourg today, he clearly saw the inner human being - the heart - and the expression of a loving heart in healing and peacemaking as belonging to the area where our tribute must be rendered to God.