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THE ARCHBISHOPS

ON THE LAWFULNESS OF
THE LITURGICAL USE OF INCENSE
AND
THE CARRYING OF LIGHTS IN PROCESSION

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LAMBETH HEARING

THE questions put before us at the present time are two : the lawfulness of the liturgical use of incense, and the lawfulness of carrying lights in procession, in the public worship of the Church of England.

There is no direction in the Book of Common Prayer either enjoining or authorising either of these practices. But it is argued that they are practically sanctioned by the Ornaments Rubric prefixed to the Order for Morning Prayer. And it is consequently this Rubric that we have to interpret. It seems most convenient first to interpret it as it stands, and then to consider whether any circumstances tend to contravene or modify this interpretation.

The Ornaments of which it speaks are limited by two phrases :—they are the Ornaments to be used by the Ministers “ at all times of their ministration ” ; and they are to be such as were in use in the Church of England by the authority of Parliament in the second year of the reign of King Edward the Sixth. Ornaments which do not fall within both these limitations are outside the purview of the Rubric altogether. Any Ornament which is not required at any time of the ministration of the Ministers, and any Ornament which was not in use by authority of

Parliament in the second year of the reign of King Edward the Sixth is not an Ornament to which the Rubric applies. To deal, therefore, with the first of these limitations, it is necessary to examine the meaning of the word "ministration." The ministration of the Ministers is contained in and prescribed by the Book of Common Prayer. It is there that we find what is the form to be observed in all the offices of public worship. Every Clergyman is required by the Thirty-sixth Canon to use the Form in the Book of Common Prayer prescribed, and none other. This prevents the insertion of any additional prayer or ceremony without special authority. And the only authority which can bind or authorise the Clergyman to make any variation whatever from what is contained in the Book is either an Act of Convocation, legalised when necessary by Parliament, or the order of the Crown, issued with the advice and consent of the Metropolitan under the Act of 1559, or a direction of the Ordinary under the Uniformity Act Amendment Act of 1872.

Against this it is contended that the Prayer Book of 1549 contains ceremonies which are not in the Prayer Book of 1552, and that since omission is not prohibition, these omitted ceremonies are still lawful under the later Act. Whether omission is prohibition it is not necessary for us to consider. But prohibition is prohibition; and nothing can be clearer than the words used in the Act of 1559 prohibiting the use of any ceremony not ordered in the Book. "And further be it enacted by the Queen's Highness, with the assent of the Lords and Commons in this present Parliament assembled, and by authority of the same, that all and singular Ministers in any Cathedral or Parish Church or other place within this realm of England, Wales, and the marches of the same, or other the Queen's dominions,

“ shall from and after the Feast of the Nativity of St. John
 “ Baptist next coming, be bounden to say and use the
 “ Mattins Evensong Celebration of the Lord’s Supper and
 “ administration of each of the Sacraments and all their
 “ common and open Prayer, in such order and form as is
 “ mentioned in the said Book so authorised by Parliament
 “ in the said fifth and sixth year of the reign of King
 “ Edward the Sixth, with one alteration or addition of
 “ certain Lessons to be used on every Sunday in the year,
 “ and the form of the Litany altered and corrected, and two
 “ sentences only added in the delivery of the Sacrament
 “ to the Communicants, and none other or otherwise.” And
 the closing section of the Act still further confirms this by
 saying, “ And be it further enacted by the authority afore-
 “ said, that all laws, statutes and ordinances, wherein of
 “ whereby any other service administration of Sacraments or
 “ Common Prayer is limited, established or set forth to be
 “ used within this realm or any other the Queen’s dominions
 “ or countries shall from henceforth be utterly void and of
 “ none effect.” The words “ none other or otherwise ” in
 the first of these quotations are clearly meant to exclude
 all variations. It is sometimes urged that the Act of
 1559 not having previously received the assent of the
 Convocations has no authority from the Church, and is
 therefore not binding on the consciences of the Clergy.
 But though it was not possible at the moment to give the
 Convocations their proper place, yet the Church fully
 accepted the Act at the time, and its authority was never
 questioned. In regard to the particular matter now
 under consideration, the 36th Canon requires from every
 Clergyman, and every Clergyman has ever since made and
 still makes, a solemn promise containing the same words,
 that he will use the Form in the said Book prescribed and

none other. And in the Manuscript Prayer Book signed by Convocation on 20th December, 1661, and then presented to the King, the Act of 1559 is set forth at full length in the beginning, and is thus formally adopted by the authority of the Church.

It is quite true that there may be variations which are so brief, so long in use, so unimportant, that a Bishop would be justified in refusing to allow a Clergyman to be prosecuted because of his use of them. No authority has been found for the short sentences which in many Churches the people are accustomed to say or sing immediately before and after the reading of the Gospel in the Communion Office. There is no authority for the practice of the people saying the General Thanksgiving aloud with the Minister. There is no authority for shortening the Exhortation which the Minister is to read when giving notice of the Holy Communion. These practices are probably in strictness all illegal; but no Bishop would be wise in allowing a prosecution for such unimportant deviations from the strict letter of the law. This, however, cannot be said of the introduction of any ceremony which is conspicuous, not sanctioned by long-continued custom in our Church, and of such a nature as to change the general character and aspect of the service.

It is urged that the Act was not really and generally obeyed at the time when it was passed, and was probably never intended to be so obeyed; and instances are given of the use of incense in worship at the time and for long afterwards.

With regard to such instances it is to be remarked that the time was a time of great excitement and unsettlement. The whole country was in a feverish condition. Elizabeth and her advisers could not be sure that insurrection and

civil war might not begin at any moment. It was necessary to act without delay. Elizabeth herself would have preferred to bring back the First Prayer Book of Edward the Sixth ; but she did not feel sure that the country would bear this, and all through her reign, in spite of her despotic character, she showed herself steadily determined to have her people with her. It was impossible to consult the Convocations ; the reign of Mary had made them, and especially their leaders the Bishops, untrustworthy for the purpose in hand. The end was, as usual in England, a compromise. The Second Book of Edward the Sixth, slightly modified, was taken as the Book of Common Prayer. The Ornaments of an earlier period were revived, but only until the Sovereign might make some different order. And the Crown was empowered with the consent of the then Ecclesiastical Commissioners, or of the Archbishop of Canterbury, to order additional rites and ceremonies at discretion.

The English are almost always ready to settle agitating disputes by a compromise. But they are not always quick to see what the compromise means. There can be no doubt that the Act was imperfectly obeyed ; practices which were no longer lawful under its provisions were still maintained here and there. Archbishop Sandys, in his well-known Letter, goes so far as to say that he interprets the Act as one that would not be really enforced. There seems to have been a certain amount of conscious and still more unconscious disobedience. But, in spite of all this, the precise and clear statements of the Act gradually prevailed, and forbidden ceremonies gradually disappeared. In its application to the use of incense the law was obscured by the fact that, side by side with the liturgical use,

another use had always been common which it was not the intention of the rulers or of the Legislature to interfere with. There was nothing to prevent the use of incense for the purpose of sweetening the atmosphere of a Church wherever and whenever such sweetening was needed. And instances of this use can be found long after the Act of Elizabeth, and were produced before us at the hearing of the case. But such instances have no bearing whatever on the lawfulness of the liturgical use. But they explain why in the case of incense, the law was more slowly understood because it was so natural to confuse the two uses with one another. There are many instances of what is called the fumigatory, as distinguished from the liturgical, use. George Herbert used incense to sweeten his Church. There is no liturgical use in this. And yet he is very frequently quoted as one of those who used incense in worship. When all these instances are struck out, the number of cases in which incense was used in worship is utterly insufficient as evidence to show any widespread interpretation of the law as permitting the retention of the old usage, in spite of the plain words of the Statute.

Further, it must be remembered that the Church has never spoken of incense as an evil thing. There are some expressions in the Homilies which have that character. But the Homilies are hortatory rather than imperative, and have never been taken as having high authority on points of doctrine or of ritual. Incense was excluded from public worship, not as an evil thing, but as unsuited to the needs of the day. There were clearly three reasons present to the minds of the then Church authorities for its exclusion.

First they felt the need of greater simplicity. The services were too complicated. The rule that the services

should be understood by the people required that they should not only be in English, but that they should not be overloaded with symbolism, making a complete understanding difficult. Symbolism kept within strict limits helps the understanding. But symbolism may easily be pushed to lengths which divert the attention from what the symbolism is intended to teach, to the symbolism itself. The Liturgical use of incense was described on the part of those who advocated it before us as very complicated in its detail. It might have been well under quite other circumstances to have simplified the ceremonial while still retaining it. But it is generally found easier and more effective to get rid of the danger contained in anything of this kind by disuse than by modification.

Secondly, the Liturgical use of incense was specially connected with the Office for the Holy Communion, in relation to which many serious errors had arisen, and the authorities had a strong desire to make that whole Office as nearly as it could suitably be made a precise repetition of the original institution. It was the main purpose of the then rulers of the Church to put prominently forward the supremacy of the Bible. It is clear that the more closely the ceremonial of the Eucharist was modelled on the Biblical account of the original institution the more fully was the authority of the Bible recognised. The difference between the time when the Bridegroom was with His disciples and the time when He had departed to share His Father's throne, was enough to account for the preference of kneeling over sitting when receiving the mysterious gift ; but in other respects the ritual was as nearly as it could be made a repetition of the original Feast. Even the mixing of water with the wine was dropped for

the same reason. For though our Lord used the Wine of the Passover, which was a mixed cup, there is no record of His having mixed it afresh for the purpose of His Sacrament, nor is there any reason to believe that He did so. The mixing of the chalice as part of the ceremonial was therefore omitted, though nothing was said to prevent its being mixed beforehand.

And, thirdly and lastly, they had the less hesitation in omitting incense because it was certainly not in use in the Church for at least three hundred years from the Apostolic times. To get back to the earlier and purer days of Christianity, to make the primitive Church the model for the Church of England, was certainly part of the purpose which our Reformers cherished. It would have been a very strong reason for keeping incense in use could it have been shown that this use dated from Apostolic times, and had passed directly from the Jewish to the Christian Ritual. But the history pointed in quite another direction.

And so the three chief reasons for omitting the use of incense—viz., the desire for greater simplicity, the desire for conformity with the New Testament account of the original institution of the great Sacrament, and the desire for reviving the ways of the Primitive Church, converged to recommend the action which was finally taken.

Yet it is right to observe that even now the liturgical use of incense is not by law permanently excluded from the Church's Ritual. The Section in Elizabeth's Act which allows the Crown, with the consent of the Archbishop of Canterbury, to order new ceremonies does not forbid the inclusion of the use of incense in such new ceremonies if such are ordered. It would always be possible, if some great occasion made it suitable, for the Sovereign with the advice of the Primate to order a great ceremonial in which

2. This is directly answered by Rev. Faraday p. 13

the use of incense should form a part. The question of probability need not now be raised. Many things might become probable when our toleration of one another had risen to a higher level, which are not probable at present. But meanwhile the law requires that the Clergy should wait for the action of lawful authority before bringing any additional ceremonial to form a part of public worship.

The Rubric is often carelessly interpreted as if the order to use the Ornaments was "per se" an order to use the appropriate ceremonies. But, in the first place, this interpretation makes the Act of Elizabeth contradict itself by ordering a strict adherence to the form of ceremonial prescribed in the Book, and at the same time ordering the revival of a number of ceremonies of which the Book says nothing. In the second place, it inverts the relation between a ceremony and an ornament, by making the ceremony subordinate to the ornament, instead of the ornament being subordinate to the ceremony. The very meaning of an ornament is that it is a thing to be used for the fitting performance of a ceremony, and if no ceremony be prescribed the so-called ornament has no place. In the third place, to order a ceremony not directly, but by ordering the use of an ornament connected with it, is without any precedent in the history of the Church. And lastly, this interpretation makes the words "at all times of their ministrations" not merely unmeaning but misleading. They would be better away.

Such an interpretation we are quite unable to adopt.

In conclusion, we are far from saying that incense in itself is an unsuitable or undesirable accompaniment to Divine worship. The injunction for its use by Divine authority in the Jewish Church would alone forbid such a conclusion. But this is not the question before us. We

are not to determine what might be fitting or permissible at some future time ; but whether, under the present directions of the Book of Common Prayer, the liturgical use of incense is lawful or unlawful in the Church of England. And we are obliged to come to the conclusion that the use of incense in the public worship, and as a part of that worship, is not at present enjoined nor permitted by the law of the Church of England ; and it is our duty to request the Clergy who so use it to discontinue that use. If used at all, it must be used (in George Herbert's language) to sweeten the Church, and outside the worship altogether.

It is obvious at once that precisely the same line of reasoning is applicable to the case of processions carrying lights as we have applied to the case of incense. There is no authority for such processions, and they are therefore neither enjoined nor permitted. To light up the Church for the purpose of adding to its beauty or its dignity stands on the same footing with hanging up banners, decorating with flowers or with holly, or the like. The ceremonies of carrying lights about have a different character. And in this case, as in that of incense, we are obliged to request the Clergy to discontinue what the law of the Church of England does not permit, the carrying of lights in procession. And in this decision we have the support of the late Archbishop Benson in his judgment in the case of the Bishop of Lincoln.

We began by pointing out that the Ornaments Rubric limited the ornaments of which it speaks by two phrases, namely, the words "at all times of their ministrations," and the words "as were in use by authority of Parliament in the second year of the reign of King Edward the Sixth." We have examined the first of these limitations, and have

concluded that it forbids the use of incense and of lights carried in procession in public worship. It is obvious that this conclusion makes it unnecessary to examine at any length the second limitation. Whether, as seems most probable, the authority of Parliament in the second year of the reign of King Edward the Sixth means the first Act of Uniformity, and therefore the Prayer Book of 1549, or means the immediately preceding state of the law, does not affect the arguments which we have used. The question is undeniably difficult to answer, because of the anomalous rule at that time in force, whereby the operation of every Act of Parliament was made to date from the first day of the Session in which it was passed, and consequently some time previously to the Royal Assent. This strange rule continued till 1792, and was then abolished. And this rule would appear to carry back the first Act of Uniformity into the above-named second year of King Edward. But it is not necessary for us to enter into this matter now, as the questions before us are sufficiently determined without reference to the point.

In conclusion we think it our duty to press not only on the Clergy that have appeared before us, but also on all the Clergy alike, to submit to Episcopal authority in all such matters as these. All alike have consented to the Book of Common Prayer; and the Book of Common Prayer requires all persons, not only if they doubt but if they find that others disagree with them concerning the meaning of the directions contained in the Book, to resort to the Bishop of the Diocese, who may, if he think fit, send the question to the Archbishop for his decision. In order to give the fullest opportunity to any who diversely take any question of this kind to give reasons for their opinion we have suspended our decision until we had heard the

matter fully and learnedly argued before us ; and we have now given our decision as the Prayer Book requires us to do. We entreat the Clergy, for the sake of the peace of the Church, which we all so much desire, to accept our decision thus conscientiously given in the name of our common Master, the Supreme Head of the Church, the Lord whose commission we bear.



