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# THE CONSCIENCE CLAUSE :

## A LETTER

TO

HIS GRACE THE DUKE OF MARLBOROUGH,

LORD PRESIDENT OF HER MAJESTY'S PRIVY COUNCIL.

BY

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1867.

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# LETTER,

*&c.*

THE PREBENDAL, AYLESBURY,  
*June 22, 1867.*

MY DEAR LORD DUKE,

I ADDRESS this letter to your Grace, out of respect, not only for your high office as Lord President, but also for your character as an able and practical friend of the Church. I am, therefore, encouraged to hope that you will give your favourable consideration to the following thoughts upon National Education, and the suggestion embodied in them, for a solution of the difficulties of what is called the "Conscience Clause."

The Church of England, if she is to fulfil her duty in the present day, needs all the expansion that can be given to her, short of the surrender of principle. It is our duty, as well as our interest, to strive to obtain this for her. It is our duty, so long as we claim for her the position of the National Church. And it is our interest,

inasmuch as such elasticity must greatly increase her efficiency, and strengthen her hold upon the affections of the people. We have, of course, a definite system of doctrine and discipline to maintain: but in maintaining it, we should not forget the fact that our Church has a mission which is co-extensive with the whole population. This is the theory of a National Church. And we cannot be said to have adequately fulfilled that mission, until our ministrations have been brought within the reach of all; leaving it, of course, to the individual conscience whether to receive or reject them.

We should remember also, that while large numbers of our population are still unhappily beyond the reach of any religious teaching, there is another large proportion of this population which has become alienated from the Church, and has attached itself to other religious bodies, because the Church has not adequately discharged her duty as the National Church of the country.

It is not, I trust, an unreasonable hope, that the great efforts which the Church is now making to fill up past deficiencies, and to overtake the rapid increase of population, will result not only in the gathering within her fold of large numbers of those who have hitherto been altogether uncared for, but also in the winning back of many of those who have left her communion.

In this great work which lies before our



National Church, the education of the children of the poor occupies a very prominent place. And it is certainly satisfactory to know that in this part of her work she is not behindhand. There are at the present moment 12,594 Schools in connexion with the Incorporated National Society, attended by 1,199,534 children. And even these figures, large as they are, do not by any means represent all that the Church of England is now doing in the matter of education.

Your Grace is aware that the conditions of union with the National Society are, that the children shall be taught the Church Catechism, and that they shall attend the services of the Church. Provision is in fact made, that Religion, according to the doctrine and discipline of the Church of England, shall be the basis of all the teaching. But in the application of this principle to the circumstances of different parishes, the position of the Clergyman of the Parish is duly recognized; and, in practice, a liberal and wise discretion is left to the Managers, or rather to the Clergyman, in dealing with individual cases, the Clergyman being assumed to be the best judge of the mode of imparting religious instruction to those children of his flock whose parents entrust them to his care; and the result is, that in most instances the education so provided is thankfully accepted. As a rule, the present

system is working admirably; and, as a matter of fact, the Church of England educates not only her own children, but a large proportion of the children of Dissenters. The rule itself is strict; the application of the rule is wisely left to the discretion of the Managers, who are thus able to adapt it to the transition state through which we are passing. It is probable that the result is, that in some instances the children of Dissenters are thus drawn to the Church; though I am inclined to think that, in the far greater number of cases, the children, upon first leaving school, follow the religion of their parents—the home influence being stronger than the influences of the school. But be this as it may, at all events the effect of the Clergy opening the doors of their Schools to the children of Dissenters, for such part of the teaching of the School as their natural guardians are willing that they should receive, is at least this, that kindly relations are fostered between the Clergyman and the Dissenters of his parish, to say nothing of the hope that a blessing may come to their children from some portion of the Church's teaching.

I am well aware that there are some high-minded and conscientious Clergymen who adopt a different course. They refuse, on principle, to admit into their Schools any children until they have been baptized; they make the full teaching of the Church a *sine quâ non* throughout the School,

and they require every child, without exception, to attend the Sunday School. If my own practice differs from this, it is not because I do not highly appreciate and respect the motives of those who adopt the stricter rule. I can quite imagine the case of parishes in which such a course may be pursued with advantage; and though, as a general rule, I might question the expediency of inserting strict conditions like these into the Trust Deed of a School, I conceive that they would be in perfect consistency with the Charter of the National Society. And in parishes sufficient in population and in wealth to support a Dissenting School as well as a Church of England School, I do not see how any well founded complaint of injustice could be made.

The real and practical difficulty arises in those parishes which are unable to support two Schools, but which contain a certain proportion of Dissenters, whose children have no alternative but the Church School. In parishes such as I describe, wherever the Clergyman exercises a liberal discretion, and receives into his School the children of Dissenters for such portions of the teaching as the parents do not object to, (and in the vast majority of cases they object to none of it,) the difficulty does not arise. But suppose the Clergyman of such a Parish to adopt the stricter rule, a grievance at once exists, for which we ought, if possible, to find a remedy. Admit that it is

infinitesimal, we can nevertheless hardly with safety apply to it the legal maxim, "De minimis non curat lex." The Dissenter's case is this. He lives in a parish which cannot support a Dissenting School. The National School is well conducted and efficient. But it is a rule of the School that the full teaching of the Church shall be given to every child without exception; and so the doors of the School are closed to him, because he must either have the education with the whole of the Church Catechism, or none, although the school is in part supported out of the public funds.

I have endeavoured, my Lord Duke, to put the question fairly on both sides; and I have thus reached the difficulty, the solution of which has been sought for in a "Conscience Clause."

The principle of the "Conscience Clause" is this, that in the case of Parishes such as I have described, (for I am not aware that it is pressed in other cases,) it shall be a condition of receiving a Building Grant that the promoters shall insert a clause in the Trust Deed, which provides that no child shall receive religious instruction contrary to the declared wishes of its parent.

Now, at first sight, this would seem a fair and simple solution. It has often been urged that this is nothing more than the embodiment of the principle upon which nine-tenths of the Clergy act in the administration of their Schools; and why

then should it meet with such strenuous oppositions? Why, it is said, do you object to have that condition set forth and fixed in your Trust Deeds which is for the most part your own voluntary rule of action?

The objections may not be obvious; but they are abundantly sufficient when fairly stated. There is the widest possible difference between the discretionary power vested in the Clergyman in this matter, and the tyranny to which the rigid rule of the "Conscience Clause," so applied, might subject him. Every one must see the difference between the Clergyman admitting the Dissenter's child into his School on sufferance, and the Dissenter demanding admission for his child as a matter of right. The School would no longer be the Parochial School presided over by the Clergyman. If a Dissenter demands that the whole of the religious teaching be withheld from his child, another may do likewise, and another; and thus, so far as the relaxation reaches, a simply secular education would take the place of the religious. There would, in fact, be nothing to prevent the School losing altogether its religious character, and becoming a mere secular seminary. I know it will be urged that in the great majority of cases the "Conscience Clause" would remain inoperative. But still there it lurks in the Trust Deed, and has only to be brought into action generally, in order

to destroy altogether the character of the school as a Church of England School.

For these reasons, amongst others, I earnestly deprecate the admission of the "Conscience Clause" into the Trust Deeds of our National Schools. The Church of England has a conscience no less than Dissenters, and she only asks that her conscience may be respected, and that the same measure of fairness may be meted to her, which is dealt out to other religious bodies in the State.

But it has often occurred to me that if we are left alone with regard to our Trust Deeds, the principle of a "Conscience Clause" might fairly be applied to the Annual Grants in respect of those parishes, such as I have described, which can only support one School. What I would venture to say in such cases is this. Do not impose upon the promoters of Church Schools any conditions which you would not impose upon the promoters of Dissenting Schools. Do not fetter the consciences of Churchmen, by saddling your Building Grant with conditions which they cannot conscientiously accept. Do not put weights on the Church, because she outstrips her competitors in the great race of educating the people. Treat Church of England promoters just as you would treat the promoters of other Schools. Satisfy yourselves that there is a reasonable prospect that the proposed School will be supported, and then let



them have their grant. It will, perhaps, be the only School in the parish. Be it so. But if it is the only School, they have a right, at least, to their share of the Education Grant, according to the system, deliberately adopted by Parliament, of supporting a denominational education. But with regard to the *annual grants* in such cases, there is a concession which the Church might make, as it seems to me, without any surrender of principle. I venture to think that in parishes, such as I have described, the principle of the "Conscience Clause" might be applied, so far at least as this, that it should be made a condition of receiving these Grants from year to year, that the Managers should make a statement, that no child had, in the course of the last year, received any portion of the distinctive teaching of the Church to which the parent had formally, and in writing, objected. In ninety-nine cases out of a hundred the Clergy would thus simply record their usual practice,—the ground of the grievance would be cut away,—and the action of the Clergy would be left perfectly free; because, in any instance, they could at once release themselves, if they thought fit, by declining to accept the Annual Grant at all.

But, that I may make my view as clear as possible, I will, before concluding, point out what seem to me to be the special advantages of this mode of meeting the difficulty.

I. In the first place, there would be no interference with the Trust Deeds of the School, so as to alter its fundamental character as a Church of England School.

II. In the next place, it would, as I hope, restore those amicable relations which should exist between the Committee of Council and the National Society. The Building Grants have hitherto been the cause of contention, and this plan would leave the promoters absolutely free with regard to these.

III. Lastly: the number of parishes affected would be comparatively small, and the proposed arrangement would be temporary, only operating from year to year, and as long as the Grant might be continued; and not for all future time, as the "Conscience Clause" imbedded in the Trust Deed would do. It would, in fact, adapt itself to the transition state through which we are passing, and to the changes of Incumbents, without in the least degree interfering with their sense of conscience, or restraining their independent action.

I will only add, my Lord Duke, that the Voluntary system has already made a great impression upon the educational destitution of the country; and if it is not impeded by any Rating system, even though permissive, which I earnestly deprecate, or thwarted by new and unnecessary restraints, we may fairly hope that it will raise the

education of our people to the highest point that we can hope to reach. Remove the restriction with regard to Certificated Teachers, at least in country parishes, and let payment be according to results; and the Church of England will not be backward in doing what yet remains to perfect the system of eleemosynary education.

I am, my dear Lord Duke,

Very faithfully yours,

EDWARD BICKERSTETH.

HIS GRACE THE DUKE OF MARLBOROUGH,

*Lord President of the Council, &c., &c.*

THE END.















