William Robertson Smith

An Open Letter to Principal Rainy.

An Open Letter

TO

PRINCIPAL RAINY

BY

WILLIAM ROBERTSON SMITH

SECOND EDITION.

EDINBURGH: DAVID DOUGLAS
1880

Dear Principal Rainy,

Since my return to Scotland I have learned from various sides, and in a way which leaves no doubt as to the correctness of the information, that a new project for disposing of the case against me has suggested itself to your mind, and is being ventilated in your name in several parts of the Church. The suggestion, as I understand it, is that the Assembly should summarily terminate the judicial process against me by dropping the libel, but at the same time should relieve me of my Chair, not by judicial sentence but by an act of administrative authority.

I cannot assume that you have made up your mind to propose such a course to the Assembly. I imagine that before finally committing yourself to approve of the removal of a colleague from office, not by the regular operation of constitutional process, but by a simple fiat of the Assembly, and as an act of administration and policy, you would feel it a duty to consult with your colleague, and to lay before him the arguments of Christian expediency that shut you up to this conclusion.

But at any rate the project is being ventilated in your name, and must exercise considerable influence on men's minds. It is a project involving such grave constitutional questions and such weighty religious issues as cannot be satisfactorily discussed in a hurried debate on the floor of the General Assembly. I therefore take the liberty of addressing you on the matter,

and as I speak not only to you but to all who may have your suggestion before their minds, I do so in the form of an open letter.

The proposal which I am to examine has two parts: In the first place, it is proposed to break off the judicial process against me and drop the libel;—in the second place, I am to be deprived of my Chair, not by judicial sentence but by a fiat of the Assembly.

To see the force of the first of these twin proposals we must look at the exact position of the case. The demand for a libel proceeded from the accused with a view to his judicial vindication from the suspicion of unsoundness in the faith. Our constitution gives the right to such vindication, which is complete when it appears that no libel can be produced, or when the accusers fail to carry their libel through to judgment and sentence. It is not indispensable to the vindication of the accused that the process should terminate in a judgment in his favour. His acquittal is still more emphatic if the Court directs that the libel be departed from while the process is still unexhausted and part of his defence still unheard. At no stage before a judgment of proven or not proven has been pronounced, can a Court compel the accused to retire with a stain on his character as an office-bearer in the Church.

It is important to insist on this point, because on the course which you have suggested the resolution of the Assembly to drop the libel might seem to acquire a different colour from its association with the further resolution to deprive me of my office as Professor in Aberdeen.

The twin proposal looks like a compromise, in which the apparent vindication of my position involved in dropping the libel is modified by the fact that the Church at the same time refuses to leave me in my Chair. But if it be read in this light the proposal is manifestly unjust. The compromise, if compromise is meant, is not a compromise with me. I do not consent to give up my Chair for the sake of escaping the deposition which would follow if the libel were established and

its charge of heresy found proven. My contention still is that I have a good answer to the libel. And that, as every one knows, is your own position. You have always maintained that the charge in the libel cannot be established against me, and you told me some months ago, when we last talked over the matter in the presence of Mr. Whyte, that my condemnation under the amended libel would be an act of injustice. I could not in conscience accept, and you could not in conscience demand, a compromise which meant less than the admission that the present libel is wholly bad, and that I have a right to be cleared of the charge which it conveys. It is plain then that the second half of your twin proposal has no logical connection with the first, and does not in the least modify the absolute acquittal which lies in a resolution to drop the libel.

This is all that I have to say on the first part of your suggestion. I go on to consider the second proposal, viz., that the Church should relieve me of my office without any judicial process and as a mere act of administrative authority.

The deprivation of a Professor without trial is not an every-day occurrence. It is a well-known principle of our Church that every office-bearer holds his charge *ad vitam aut culpam*, that he cannot be removed from the active service of the Church against his will till a fault has been proven against him. This is not a bare legal theory. It rests on a deep religious truth—the truth which gives solemnity to Church office and makes the exercise of office a spiritual responsibility and privilege. The outward vocation to office, when combined with the inward call of the Spirit, is recognised by our Church as the call of Christ Himself addressed to the heart and conscience of him who receives it. Not merely the status of a pastor or teacher, but the right to the exercise of office, is the gift of Christ conferred through the appointment of the Church. The office-bearer is ordained the minister not of the visible Church but of Christ Himself, and this spiritual tie cannot be loosed or the work which Christ has given His servant to do taken from his hands except in the due and regular exercise of

the power of the keys committed to the Church under the forms of judicial discipline. In pronouncing judicial sentence the Courts of the Church speak expressly "in the name of the Lord Jesus Christ, the alone King and Head of the Church, and by virtue of the power and authority committed by Him to them," and no less weighty authority is adequate to withdraw the servant of Christ from the work in which his Master has set him.

It has been the doctrine of our Church that the administrative authority of Church Courts, as distinct from the power of the keys, extends to the transportation of a minister from one sphere of active work to another sphere of a similar kind to which he is duly called, but not to his removal from office, his translation without a call, or his compulsory transportation to a sphere of service so diverse that the call to the one and the gifts necessary to its discharge do not include the call and gifts needful for the other.[1]

These positions are too well established to be disputed by any theologian of our Free Church. I take it for granted that you yourself will be the first to admit their correctness, and that in ventilating a proposal plainly at variance with the ordinary application of them you are aware that you incur a grave responsibility, and are bound to show by a clear line of argument that the apparent irregularity disappears when the course you suggest is referred to the fundamental principles of our Church's Scriptural Constitution.

What shape your argument would assume, I am not in a position to conjecture; nor can I anticipate the form of motion in which you may submit it to the House, should you finally

[1] Thus Pardovan, Book I. Title vi. § 3, speaking of "the transporting of ministers to be only teachers or masters in Universities, which is an appointing of him to exercise the office of a doctor and dispensing with him from preaching of the word and administrating of the sacraments," adds, "*Which dispensation, or the loosing of which tie, if it be a favour, it can never be imposed upon any pastor without his own consent: but if it be a punishment it can be inflicted upon none without their fault.*" The argument applies word for word to the case of a professor dispensed from the exercise of his gifts of teaching.

resolve to recommend the Assembly to adopt the course under consideration. I propose, therefore, to inquire in my own way what can be the meaning of an act of deprivation not flowing from a judicial process carried to judgment. The act is either penal or it is not. The deprivation must be inflicted either as punishment for a fault or as a mere incident in the administration of the Church, without reflection on the person deprived. Under which alternative do you propose to justify it? Common sense seems to say that the former point of view is the only possible one. Deprivation is either a punishment or an injustice. The loss of a sphere of useful activity, the pain of separation from colleagues and students, withdrawal of the means of material subsistence, are substantial injuries if they are not parts of a merited chastisement. It seems that by summary deposition, you must naturally mean summary punishment; but punishment for what offence? I know that there are many in the Church who think that I have merited the sentence, not merely of deprivation, but of deposition from the ministry; but these are the persons who think the libel good, and are prepared to push it on to a judgment of proven. With these persons *you* have nothing in common. You think the libel bad, and your suggestion, as we have already seen, proceeds on the assumption that it is so. If the libel is dropped, I cannot be punished for any fault charged in it. Do you propose to punish me for some other fault of which, as yet, I know nothing, and to make the punishment so summary, that sentence shall follow in the same breath with the first intimation of my offence, or rather in the same breath with my final acquittal from the charges which have hung over me for three years? It is impossible that this can be what you propose. A blow, struck under such conditions, would be not punishment but revenge.

There is another line of consideration which seems to put the idea of penal deprivation equally out of the question. It is admitted that every fault for which a minister can be punished may be set forth in a judicial indictment. The original libel against me was drawn on this footing, and was expressly

designed to embrace every fault that could be charged upon my writings. Piece by piece that libel crumbled away. But that is not all. You yourself, at the Assembly of 1878, suggested the addition of one more item of possible transgression, which the framers of the libel had overlooked. That charge too has disappeared. There remains but a single count in the amended libel, and it, on your proposal, must now be dropped. Thus the whole array of conceivable charges which have occurred to the Church in general, or to yourself in particular, has been dealt with in detail, and no judgment has been given against me. What, then, remains as a ground for summary punishment?

In pressing these arguments on your consideration, I do not forget that you have repeatedly expressed the conviction that my articles are unsettling in tendency, and that I was blameworthy in publishing them. The Church gave you the opportunity to press this conviction in judicial process, when the Glasgow Assembly adopted, at your suggestion, a new form of the charge of tendency. But the charge was not established. You yourself had an active share in its abandonment. I know not if this means that further consideration has modified your views as to the tendency of my writings. But you cannot wish to inflict summary punishment for an offence which you failed to bring home to me judicially.

These considerations are so plain that it seems hardly necessary to add a third objection to the idea of penal deprivation. That objection is drawn from the nature of the punishment. Deprivation, unaccompanied by loss of ministerial status, is a thing not known in our Church. Pardovan, indeed, cites one instance—the deprivation of the ministers of Linlithgow and Bathgate, in May 1661. The case is given in Wodrow's *Church History*, and I cite his account at length, to show what the precedent is worth:—

"In the Synod of Lothian things were carried with a very high hand by our statesmen; they were immediately under their eye, and

were treated most insolently. They were not suffered so much as to speak of any testimony, yea, were forced to do what was very much contrary to the inclinations of many. Some members of the Synod, fully ripe for a change, and ready to fall in with the manager's designs, proposed that the Synod should begin at censuring and sentencing the brethren who had been for the protestation, even though it had been agreed among the resolutioners and protesters, in the year 1658, that none of either side should be questioned in their judicatories for their different practices.

"This unaccountable proposal, Mr. Robert Douglas, Mr. David Dickson, and many others of the best note in the Synod, endeavoured to wave, and probably would soon have warded off, had not the two commissioners appointed for the synod, the Earl of Callendar, and Sir Archibald Stirling of Carden, come in, no doubt by concert with the corrupted members, just when they were reasoning this matter, and required the moderator to purge the synod of rebels, meaning ministers of the protesting judgment; yea, they threatened plainly, that if this was not presently fallen in with, they would dissolve them, and stage them before other judges. The synod were so far forced in with the proposal, that they suspended Mr. Alexander Livingstone, minister at Biggar, Mr. John Greig, minister at Skirling, Mr. Archibald Porteous, and Mr. James Donaldson, ministers in Biggar presbytery, and Mr. Gilbert Hall, minister at Kirkliston; all of them ministers of great piety, and some of them persons of great ability in the Church. I find that at this synod, Mr. William Weir, minister at Linlithgow, and Mr. William Creighton, minister at Bathgate, were likewise removed from their charges, upon application of some malignant and disaffected persons in their parishes. After this sad work, the commissioners proposed some overtures in favour of prelacy, which the plurality of the Synod very briskly opposed, and thereupon were dissolved in the king's name, and obliged to dismiss without prayer."—*Wodrow*, Bk. I. Ch. ii.

It is easy to see why simple deprivation is a punishment for which a precedent has to be sought in times of violence and bondage to civil tyranny. To remove a man from his particular charge, but leave him a minister, is to find him guilty of an unfaithfulness to the duties of that charge, which is not, at the same time, unfaithfulness to the general responsibilities of a minister of Christ. There is a self-contradiction in the very idea of such a finding, which, in the present case, is aggravated by the consideration that no complaint has ever been made against me for faulty performance of the work of my Chair.

I take it, then, to be incredible that you can think of deprivation as a penal act. Under no circumstances can you argue that I have forfeited my Chair by censurable conduct, and if you are driven to advocate my deprivation, you will have to repeat the language which you held on the occasion of my suspension in 1877. Now as then your words will be—"I hold that it is not to be a judicial act, which is unfair to Professor Smith's position. I could not do it as a censure on any account, but I hold it to be an act of policy and administration." It appears, however, that in 1877 you had not come to hold that policy and administration could justify an act of deprivation. It was objected by Dr. Candlish, in his reasons of dissent from the act of suspension, that, "on the same grounds on which this is done, Professor Smith might be permanently suspended from his professorial office without regular process by way of libel." To this the Committee, of which Dr. Wilson, Dr. Begg, Sir H. Moncreiff, Mr. Maclagan, and yourself, were the members, replied that "the inhibition upon Professor Smith cannot be continuous, for the grounds of it were simply the necessity of providing for what is temporary during the proceedings of the Presbytery of Aberdeen, and can have no application to any more extended cessation after these proceedings have been brought to a close by a judgment on their part, or by a judgment of Synod or Assembly by appeal." At that time no one thought it possible that my right to hold and exercise the functions of professor could be decided otherwise than by judicial process. But is it possible, after all, that Dr. Candlish was right? Must we learn that policy and administration are principles which acknowledge no restraints, and can make that seem reasonable in 1880 which three years before all men deemed an impossible injustice?

I do not for a moment suppose that you have changed your position under the mere force of circumstances without earnest consideration of the principles involved. I am certain that you will propose no course to the Assembly which does not approve itself to your own mind as consistent with the highest

motives. But it is very conceivable that, to a man in your position, laden with special responsibilities, and deeply interested in the peace and welfare of the Church, immediate and practical necessities may have somewhat obscured the bearing of those general principles on which all Church order depends, and which, though they may sometimes seem remote from practice, can never be violated with impunity, because they are the eternal principles of justice, morality, and religion. You will not take it amiss if I ask you once more to compare these principles with the course which you have suggested.

I take it for granted that you do not suppose that judicial forms and processes should be altogether abolished in our Church. Even after the experience of the last three years you may be presumed to concede that the notion of justice has a place in the Church as well as in the State, and that individual Church members possess rights which, in the ordinary course, can be asserted and vindicated in judicial form. But when you suggest that an office which I have not forfeited in the eye of justice may be taken from me by an administrative act, you affirm that, under certain circumstances, the rights of individuals may be overridden for the greater good of the Church. I presume that this is a nameless prerogative of ecclesiastical authority; when the State overrides individual rights, the action is called tyranny.

But of course you do not advance the theorem that the Church can always, and without limitation, sacrifice the individual for the good of the society. The society is made up of individuals, and the good of the society consists in the just balance and proper combination of the interests of all its members, which have hitherto been supposed to be secured through the recognition of individual rights. The rights of every individual are the interest of the whole society, for when "one member suffers, all the members suffer with it." The right of an individual means only that part of the law of the society which more closely affects him, and which he has a special duty to maintain in the interests of the whole body.

What you mean to assert is doubtless no more than this, that in certain cases the ordinary rights of one person may be shown to come into collision with a higher right. But why is the decision of such cases an act of administration and policy exempt from the formalities of judicial process? Does not every one know that questions of the conflict of rights are judicial questions—the gravest and most difficult that a judge can be called to decide?

But perhaps I have laid too much stress on those principles of justice which regulate the administration of well-ordered States. It appears to be your contention that in the Church, as distinct from the constitutional State, the last appeal in a case too difficult for the ordinary courts is to the arbitrary decision of an absolute power uncontrolled by constitutional principles. The government of the Church is, on your view, a despotism; a benevolent despotism no doubt, seeking the greatest good of the greatest number, but still a despotism in the strict sense of the word, where the individual *has no right in face of the supreme executive.*

It is easy to argue that, for her own welfare and preservation in serious crises, the Church *must* possess this despotic power; the same argument has been pressed a thousand times, and with equal force, in favour of civil despotism. The arguments for civil despotism would be irrefragable, if one could find an infallible despot; the argument for absolutism in the Church is equally good, but it postulates an infallible Church. The Church of your hypothesis is the Church of Rome, or rather the Church of the Middle Ages with its infallible councils. *I* claim to hold office in a Church of the Reformation, which has received from its invisible Head no despotic and infallible authority, but a scriptural constitution and laws that are higher than all expediency.

That the Churches of the Reformation do not claim despotic power over members and office-bearers, but only ministerial authority to interpret and apply the laws of Christ written in His Word has hitherto been undisputed. That no Church can

claim absolute power without claiming infallibility is shown by a simple argument :—The authority of the Church is spiritual, and exercised in the name of the Lord Jesus. This must mean one of two things—either that the Church rules by divine laws, and under a spiritual constitution granted by the Lord, or else that every decision of the Church is the direct expression of the mind of Christ. On the latter alternative the Church is infallible; on the former, she cannot go beyond her laws and constitution without ceasing to speak the mind of Christ.

You do not propose to deprive me according to law and constitution, for in that case, the deprivation would be brought about in judicial form. Either then you admit the Assembly to be infallible, or you advise it to transgress its commission from Christ.

I may add that as our Church forms are framed on Scriptural principles, no Member of Assembly could vote for such a motion as you suggest, without transgressing the commission to him from his presbytery, which directs members "to consult, vote, and determine, in all matters that come before them, to the glory of God and the good of His Church according to the Word of God, the Confession of Faith, and agreeable to the constitution of this Church." My argument, you observe, is—not that your proposal contravenes some one point of our Scriptural constitution, but—that it is inconsistent with the idea that our Supreme Church Court is limited in its action by any constitution whatever. No constitutional authority can dispose of the rights of an individual, except by judicial process, or by regular constitutional legislation. To deal with such rights by a mere administrative act is the privilege of despotism alone, and cannot be agreeable to any constitution.

And now let me clinch these arguments by reference to the particular act of administration contemplated, and the grounds of expediency by which it may be supported. Whatever reasons may appear on the face of such a motion as you suggest, the ultimate ground of my deprivation must be that I have

promulgated certain opinions which have not been proved to be at variance with the Confession, but which many in the Church condemn, dislike, or at least suspect to be false and dangerous. Now, in ordinary cases, a false opinion condemned by the Confession is dealt with by discipline. A false opinion of a novel kind, which the Confession does not touch, but which is too dangerous to be allowed free course, is constitutionally met by a legislative addition to the Confession. Beyond these limits, all questions are open to free discussion. It is this right of free discussion which your proposal seeks to abridge. No doubt I am to be left a minister and member of the Church, and thus it is conceded that my opinions may be held within the Church; but to promulgate them, or to do so in a certain way, is to be at the peril of the promulgator. This is exactly the standpoint of civil despotism, which leaves men to think as they will, but forbids them to speak their thoughts. Now the positions and arguments which I have published, and which you propose to visit with deprivation, are such as I conscientiously believe to be true and scriptural. And I read in our Confession (xx. 2) that "God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men which are in anything contrary to his word, or beside it, in matter of faith and worship." A commandment to abstain from publishing opinions which have not been refuted from the Confession, and have not been proved unscriptural, is clearly a commandment of men beside the Word of God. Such a commandment is an assault on liberty of conscience, a violation of Christian freedom, and an intrusion on the prerogative of Him who alone is Lord of the conscience.

In the present case, the assault on Christian liberty is veiled under specious assertions as to the special responsibilities of professors. It is important, we are told, that the views of a professor on debateable matters should be in harmony with the current opinions of the Church. What does this mean? The Church, as an organised body wielding authority, has no current opinions. She receives nothing but the authoritative Word of

Scripture interpreted by her standards. On the other hand, the current opinion of the majority of individual members or office-bearers who for the time being constitute the Church, is a fluctuating and uncertain quantity, which, till truth is determined by universal suffrage, claims no more consideration than is due to the arguments by which it is supported. It is the business of a professor, more than of any other man in the Church, to seek for truth where it is to be found, to weigh evidence by his conscientious judgment, and to refuse to sacrifice the truth of which he is conscientiously persuaded to any popular vote or clamour.

The right to be in the minority for conscience' sake belongs to my Christian freedom. Did I resign that freedom when I became professor? No! I then surrendered nothing which it is the right and duty of a Christian to maintain. I only bound myself to assert, maintain, and defend the doctrines of our Church and standards, which now, as firmly as then, I accept on their evidence as the truth of God. It is true that the Church ought to superintend and direct the teaching of her Halls. She has a right to see that her doctrines are faithfully and wisely taught, and that the time assigned to this purpose is not spent on the promulgation of private opinions. It has never been shown, never even asserted, that my teaching was unfaithful in this respect. And till this is shown, my place as professor has no connection with the question in hand.

Another argument for my deprivation has been sought in the assertion that if I am left in my Chair there can be no peace in the Church. The assumption is that the liberty of the individual conscience is subordinated to the interests of peace. Now, according to our Confession (xx. 4) the Church may call a man to account (but only by way of regular censure) for publishing such opinions as either in their own nature, or in the manner of publishing them, are destructive of the external peace and order which Christ hath established in the Church. But this is not my case. Whatever errors of judgment lay in the manner of publication of some of my views—and these

errors I neither deny nor seek to extenuate—the publication was quiet and orderly. If the external peace of the Church is now disturbed, it certainly was not disturbed by me. In the interests of peace the Church has sometimes found it necessary to suspend public controversy on questions not touching the essence of faith. But such suspension is of necessity impartial, closing the mouths of all parties, and leaving open for discussion in calmer times questions that have been darkened by the fumes of controversial passion. Such a remedy might be sought now, but it would leave me in my Chair, and leave my articles as they stand.

There is one other ground on which I have been denied the privileges of Christian liberty. It is said that my views are not for edification, that inquiries into the literary history of Scripture afford nothing of value for the religious life. Into this argument I need not enter in addressing one who for so many years has been engaged in the pursuit of theological science, and in applying his science to the practical training of the ministry. The assumptions of that type of piety, which makes its own narrow round of genuine but unenlightened spirituality the measure of the necessities of the Church Universal, can find no sympathy in your breast.

In sum, the motion which you have been tempted to think expedient involves a direct attack on those fundamental Protestant principles which are the basis of our Ecclesiastical Constitution. That "the government of the Church is ministerial, not lordly, and to be exercised in consonance with the laws of Christ and the liberties of His people," is an essential proposition in the Claim of Rights on which our position as a Free Church rests. Yet the course now proposed claims for the Church despotic lordship over her office-bearers, and the right to dispose of the liberties of Christ's people without reference to His laws. I well know that this is not in your mind, nor do I seek to hold you responsible for the series of events which has gradually forced you to appear even a half-hearted supporter of so dangerous a scheme. I know that you

contemplate the proposed course as an inevitable concession to escape the danger of a finding which you deem still more violent and unjust; but it is not in the face of a determined attack on Christian freedom that concession and compromise should be thought of, and no danger to the Church can be so grave that escape from it should be purchased by surrendering the Church's Scriptural Constitution.

I am, dear Principal Rainy,

Yours very truly,

WM. ROBERTSON SMITH.

EDINBURGH, 21*st May* 1880.

By the same Author.

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