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The Political Theology of Sir James Stephen

Raymond Heslehurst

Introduction

The immediate previous Prime Minister of Australia (Mr. Tony Abbott) was sometimes characterised as a 'mad monk'. The attack was used to suggest that he was profoundly affected in his political decisions by his Catholic faith. A similar critique has been raised concerning other federal politicians. Often politicians assert that their personal faith does not affect their public role.

Is this as it should be? How can we determine if it is, in fact, affecting their decision-making? A parallel question is, 'What, in fact, is the *faith position* (their world view or philosophy) of any given public person'? Can it simply be assumed to be the 'creedal' position of the religious community to which the particular person belongs? A further question is also raised; it concerns the issue of the integrity of public figures who claim their *faith position* does not control their decision making. Such a position seems to deny the function of such a position.

In this article I wish to examine one particular public figure and demonstrate what his 'political theology' was. I will then make some tentative conclusions concerning both the actuality of and the nature of the effect of a *faith position* on the behaviour of public persons.

I. Sir James Stephen

James Stephen (1789-1859) was the third son of James Stephen, Master in Chancery, in the late part of the 18th Century and the early part of the 19th in Great Britain. His father was member of the House of Commons, one of the leaders of the anti-slavery campaign, a convinced Evangelical member of the Church of England. He was part of that group of public persons who formed what became known as the Clapham Sect whose leading light was William Wilberforce.

Sir James studied at Trinity Hall, Cambridge (LL.B., 1812). He was called to the Bar at Lincoln's Inn in 1811 and shared his father's work in chancery. He was appointed as a council to the Colonial office in 1813 and later became Assistant Undersecretary in that organization (1834) and then Undersecretary between 1836 and 1847.;¹ the position of Undersecretary is prestigious for being that of the senior Public Servant reporting to the Secretary of State for a particular department. The major role he had as council was to write opinions for the Secretary of State on the acts, ordinances and proclamations of colonial legislation and the gubernatorial acts in colonies. All legislation, ordinances and

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¹ J E Egerton, Australian Dictionary of Biography, vols. (2: MUP, 1967), http://adb.anu.edu.au/biography/stephen-sir-james-2694.

proclamations had to be sent to the UK for either Privy Council or Parliamentary scrutiny; and they could be disallowed.

An advantage we have in using Sir James for our purposes is that his minutes on legislation are available. His reasoning is clear and, most importantly, he has left us a clear statement of his personal *faith position* in an epilogue to his book *Ecclesiastical Biography*.² For our purposes we will look particularly at his advice concerning religious and anti-slavery legislation.

II. Stephen's Advice

In advice that Sir James wrote concerning an Ordinance issued by the Lieutenant Governor of Malta he points out that the effect of the Ordinance would be that the Lieutenant Governor, the Pope and the Vicar Apostolic in Malta 'will have incurred the guilt of High Treason'. This ordinance allowed Roman Catholics to exercise their normal structure of ecclesiastical government, which put them at odds with civil law. Stephen advised various Colonial Secretaries to acquiesce in such legislation and proclamations even when it was clear that such law applied and that at the very least a controversy would likely ensue. What led an 'Evangelical' to take up such a position?

While one might presume that this was an isolated piece of pragmatism, that it was not can be seen by several other pieces of advice given by Sir James. For example, in an opinion offered on the request of certain bishops in Nova Scotia, he expressed the view that pursuit in the colonies of ecclesial particularity could only be justified if it met with civil approbation.

Whatever the decision [on the bishop's request] may be, it seems to me of importance that the Bishop's Letter should not be made public because the tone of it is such as would infallibly give great offence to those of the colonists who utterly deny the high pretensions of the Episcopal Clergy there and elsewhere. If, as Lord Galkland says, four-fifths of the population belong to other denominations of Christians they will be sour and angry at finding themselves thus spoken of as Dissenters who ought to be quite satisfied with full toleration and religious freedom without claiming to participate in the endowments of the Crown. ... Whatever it might be worthwhile to risk for the stability or promoting of the Church of England in Nova Scotia, it would seem bad policy to engage in such a contest without any definite prospect of advantage even in case of success.⁵

Stephen commented on certain Bahamas' legislation (Act 673 of 1821c2) which effectively made all ministers or clergy—with the exception of the Establishment (Church of England)

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² The Right Honourable Sir James Stephen, *Essays in Ecclesiastical Biography*, Vol. 2., 3rd ed. (London: Longman, Brown, Green, and Longmans, 1853).

³ Paul Knaplund, *James Stephen and the British Colonial System*, 1813-1847 (Madison: University of Wisconsin Press, 1953).

⁴ Michael Hennell, *Sons of the Prophets: Evangelical Leaders of the Victorian Church* (London: S.P.C.K., 1979).

⁵ Knaplund, James Stephen and the British Colonial System, 1813-1847.

clergy—"vagabonds and rogues". That he saw such a designation as odious is clear from his commentary:

On this construction of the act, therefore, the whole body of dissenting Teachers whose discipline or religious opinions require a frequent change of place are left to depend on the uncontrolled will of the Governor for liberty to exercise their office. – If, on the other hand, the act does not intend to except licensed preachers, it amounts to a total prohibition of all public religious instruction by Methodists and others, who, it is notorious, do habitually "go about as preachers of the Gospel." – On either supposition, the act is, I apprehend, entirely at variance with the mild and tolerant spirit of the British Government.

His report of a St Vincent Act of 1843 more clearly showed his heart. It concerned the right to visit hospitals and was intended to restrict this to Establishment Clergy.

If there is any one place from which polemical debate and feeling should be excluded more anxiously than from any other it would seem to be the place where all come to suffer, and very many to die. The regular attendance of a Clergyman at a Hospital is of paramount importance. His peculiar views of Church Discipline, or even of Christian truth, seem to me comparatively immaterial, supposing only that he is a sincere and zealous man.⁸

III. Sir James' Theology

The issues of religious tolerance within Christian denominations that arose for Sir James had two dimensions: a Constitutional and theological one. We will take these in reverse order. From a theological perspective, the issue for Sir James was the nature of what was intrinsic to being Christian. As regards his own categorization as a Christian, Sir James is included in Hennell's book⁹ on 19th century Evangelical leaders as an Evangelical.¹⁰ Yet this does not seem to be the position he himself espoused. For Sir James, being a Christian required recognition of one's membership in a fellowship that believes in the divinity of Christ and the authority of the Scriptures, but he did not restrict that fellowship to adherents of only one denomination of Christianity. A particular contribution by Sir James that reveals his approach to the Christian belief was a series of articles for the Edinburgh Review on significant Christian figures and movements. These were not restricted to English or Protestant figures; and he later expanded them, added an epilogue and published them in a separate volume, namely *Essays in Ecclesiastical Biography*. Writing of his father, he stated:

⁶ Knaplund, James Stephen and the British colonial system, 1813-1847, 137.

⁷ Knaplund, James Stephen and the British colonial system, 1813-1847, 137.

⁸ Knaplund, James Stephen and the British colonial system, 1813-1847, 140.

⁹ Michael Hennell, Sons of the Prophets: Evangelical Leaders of the Victorian Church (London:: S.P.C.K., 1979).

 $^{^{10}}$ The use of a capitalised form indicates a member of the Church of England who followed an evangelical form of the Faith.

¹¹ James Stephen, Essays in Ecclesiastical Biography.

My father gave in his Essays a sufficient indication of his religious creed. That creed, while it corresponded to his very deepest emotions, took a peculiar and characteristic form. His essay upon the 'Clapham Sect' shows how deeply he had imbibed its teaching, while it yet shows a noticeable divergence namely his inclusion on the Faith of people whom his father would have considered simply 'nominal Christians'.¹²

Sir James' own views on theology emphasized two principal themes: Light and Love, which can be interpreted as allowing for religious divergence among Christians.

From our Redeemer himself we have learnt what are the two commandments on which hang all the law and the prophets. From the disciple who lay in his bosom, and who he selected as the channel of his higher revelations, we have learnt what are the two truths on which hang all the other doctrines of the Gospel. The first is, that God is light – the second is, that God is love.¹³

He then proceeded to extrapolate from these two ideas, firstly to argue that all the faculties of human existence emanate from God as light; our 'natural instincts, 'our natural aversion towards material things', '14 our sensitive instincts, intellectual instincts, judicial instincts – 'the use of our free will and free agency which is entrusted to us' 15, our moral instincts – 'the law written on our hearts' 16, social instincts, and the light of understanding are all explained in terms of God's emanation. The light of understanding is crucial in that it is "the faculty which observes and reflects, which collects, premises, and deduces inferences; which has truth for its logic and reason for its guide". However, he went on at this point to warn against an idolatrous elevation of reason. He had already warned of the potential for moral weakness to undermine the use of our instincts, arguing that their use was hampered "in each by corruption of the recipients, or obscured by their infirmity." 18

His final exposition of God as light is discussed in the context of "the light of Revelation". ¹⁹ As he put it:

The Holy Scriptures differ from other writings in kind rather than in degree.²⁰ They, and they alone, have taught us whatever it most concerns us to know of Him who

¹² Leslie Stephen, *The Life of Sir James Fitzjames Stephen Bart.*, K.C.S.I. A Judge of the High Court of Justice (London: Smith, Elder, & Co., 1895)

¹³ Stephen, Ecclesiastical Biography, 463.

¹⁴Stephen, Ecclesiastical Biography, 464.

¹⁵Stephen, Ecclesiastical Biography, 465.

¹⁶ Stephen, Ecclesiastical Biography, 465.

¹⁷ Stephen, Ecclesiastical Biography, 466.

¹⁸ Stephen, Ecclesiastical Biography, 463.

¹⁹ Stephen, Ecclesiastical Biography, 467.

²⁰ While Stephen regards the Holy Scripture as different in kind to other religious works his overall handling of the material shows that he does not hold the 'Reformation' idea of sola scriptura.

made us, and ourselves – of the relationships in which we stand with Him, and of the duties which those relationships impose upon us.²¹

His view of Scripture is not simplistic or unalloyed, rather he sees it pointing to 'one great Being as the common object and centre of all revealed truth; an²² incarnation of deity'.²³ However, the biography is not a self-explicit doctrinal document. Rather it is his description and analysis of moments in Christian history which reveal the *faith position* of those significant figures within that list. Sir James listed movements and the opinions of central figures within the Christian world—some of which were divergent but which nonetheless each claimed to be the truth—to muse:

Shall we then conclude that this celestial guide is erroneous or equivocal? God forbid! Or shall we say, that of the so many paths thus pursued by so many contending sects, there is one, and only one, which is trodden by the honest, the candid, and the upright, and that all who deviate from that one path, are victims of their own levity, or prejudice, or insincerity? Or may we not find some other explanation of this phenomenon, compatible at once with the reverence due to the sacred canon, and with charity due by every man to his brother?²⁴

The second of Sir James' two principal theological themes was that which emphasized that 'God is love'. By this he not only meant that God is loving, but that 'God is love'. This is a far greater claim and discovery since 'it enables us to discern ... the moral nature of our Creator in the yet remaining traces in ourselves of His image and likeness. He also goes on to make the unusual observation that, since God is love there must be that *to* love, and so 'the creation is coeval with the creator'. In asserting the co-eternity of God and creation, Sir James is denying the all-but universally-held belief that the creation has both a beginning and an ending and that God precedes the creation. Sir James then went on to argue that man was therefore created free so as to be able to respond with love, a response that only a free creature can make. In fact, he explains that it would be a moral evil for a person to withhold the 'love which He demands'; and since humans can and do respond in this way, the divine love, for our benefit does not degenerate into 'fondness' but provides 'remedial punishment' to bring us to cumulatively better responses.

²¹ Stephen, Ecclesiastical Biography, 467.

²² The question that must be asked here is, does he mean at this point that Jesus of Nazareth is only 'an' incarnation of deity or is he orthodox and means 'the' incarnation? Is he, in fact, Trinitarian? We have looked at this issue also with reference to Sir James FitzJames Stephen's suggestion that his father was Socinian. For this thesis, see p. 128.

²³ Stephen, Ecclesiastical Biography, 468.

²⁴ Stephen, *Ecclesiastical Biography*, 470.

²⁵ Stephen, Ecclesiastical Biography, 478.

²⁶ Stephen, *Ecclesiastical Biography*, 478.

²⁷ Stephen, Ecclesiastical Biography, 479.

²⁸ This concept of God being coeval with the universe is picked up by the 20th Century Process Theologians, such as the English philosopher-mathematician, Alfred North Whitehead (1861-1947) and the American philosopher-ornithologist, Charles Hartshorne (1897-2000). http://plato.stanford.edu/entries/process-theism/.

²⁹ Stephen, *Ecclesiastical Biography*, 481.

³⁰ Stephen, Ecclesiastical Biography, 481.

To enable humans to engage with God, our Father, in 'infinite condescension' 'the Divine Logos, his own communicative energy (is) infused into one of the children of Adam'. This Christology was challenged at the time, as his footnote on page 482-3 indicates. In that footnote, he said that he was not seeking to differ with the creeds and articles of the Church of England and noted that our knowledge of the Trinity and Incarnation is, at its best, but a probing into the eternal. He seems to this writer to be seeking to avoid the issues which Christological and Trinitarian theology place in the face of a general theistic approach to God. Rather than engaging with ontological questions, it is communication, a practical form of rationality and love, with which he seeks to interact and which expresses his understanding of true Christianity.

This practical approach is evident in the view he expresses: "That God is love, is proclaimed from Bethlehem, and from Calvary, in a voice penetrating the inmost heart; but in a voice which addresses the heart only, and which summons us not to investigate, but to worship."³²

Sir James does speak of Christ as our 'atoning sacrifice and the High Priest by whom that sacrifice is offered'. Yet, although one cannot be absolute, on balance it would seem that his view is closer to that of Abelard—for whom Divine love shown in Jesus of Nazareth provokes a response of Love from us—rather than to the forensic substitutionary atonement which we can see in the founding members of Clapham. For the Clapham Sect, this was necessary due to acceptance of the idea of the absolute corruption of our human nature, but this idea is never explicitly affirmed in Sir James' writing and its rejection is consistent with Sir James' comments above. ³³ He, himself, admitted that one might call him Latitudinarian as many were who "passed a long series of years in a free intercourse with every class of society". ³⁴ But one must also remember Sir Leslie Stephen's comment on his father's views.

Whatever doubts or tendencies to doubt might affect his intellect, they never weakened his loyalty to his creed. He spoke of Christ, when such references were desirable, in a tone of the deepest reverence blended with personal affection.³⁵

IV. Constitution and Establishment

Yet Sir James' advice about the relationship between religious commitment and civil activity, as it was to be expressed in law, did not turn simply on a theological belief although his belief allowed him to give precedence to the legal situation of the time as he saw it. Like Hennell, Knaplund describes Sir James as an evangelical yet he clearly believed that Stephen was committed to religious plurality and equality before the law especially within the

³¹ Stephen, Ecclesiastical Biography, 482.

³² Stephen, Ecclesiastical Biography, 484.

³³ Speaking of visiting the sick he says of the clergyman "His peculiar views of Church Discipline, or even of Christian truth, seem to me comparatively immaterial, supposing only that he is a sincere and zealous man." See page 3.

³⁴ Stephen, Ecclesiastical Biography, 56.

³⁵ Stephen, *The Life of Sir James Fitzjames Stephen*, 59.

colonies.³⁶ Such a stance was very different to the Evangelicalism of Clapham and of the early Victorian period. "Toleration and equality for all Christians ultimately came to mean the abolition of legal disabilities based on creed. With this reform Stephen has general sympathy."³⁷

Yet it is also clear that Stephen was committed to the law as in place in the United Kingdom. In dealing with certain decisions in Upper and Lower Canada and Malta concerning Roman Catholics and their bishops' relationship to the civil authorities, he drew attention to the effect that the Elizabethan Act of Supremacy had: "I apprehend ... that such a recognition is directly opposed to the Act of Supremacy of the 1st year of Queen Elizabeth cap 1, s 16 &17." ³⁸

In the case of the Malta Ordinance, as noted earlier, Knaplund points out that the Lieutenant Governor, the Pope and the Vicar Apostolic 'will have incurred the guilt of High Treason'. Stephen's advice to various Colonial Secretaries to acquiesce in such legislation and proclamations seems to be based in utility in governing rather than a strict implementation of the law of the United Kingdom, even when it is clear that such law applied. In it Stephen seems to recognise the historically contingent nature of the Act of Supremacy or a difference that consists, in the fact that it was the United Kingdom not England which ruled the colonial territories. This he notes expressly in comments on the fact that in the United Kingdom there are two established churches: the Church of England in England and the Presbyterian Church in Scotland.

In an opinion, also referred to above, on a request of certain bishops in Nova Scotia, the underpinning of Stephen's views are clear. His motivation, even if he preferred the Established Church (C of E), was the maintaining of stable civil government. It seems that, in his mind, pursuit in the colonies of ecclesial particularity could only be justified if it met with civil approbation.

... Whatever it might be worthwhile to risk for the stability or promoting of the Church of England in Nova Scotia, it would seem bad policy to engage in such a contest without any definite prospect of advantage even in case of success.⁴¹

Knaplund points out that in a report on an earlier Nova Scotian Act, Stephen had written, 'it is utterly impossible to stem, on the North American Continent, the Current of popular opinion in favour of an absolute equality amongst all Christian Societies, and in favour of equal rights of all to Legislative assistance'. 42

³⁶ Knaplund, James Stephen and the British Colonial System, 1813-1847, 166-167.

³⁷ Knaplund, James Stephen and the British Colonial System, 1813-1847, 149.

³⁸ Knaplund, James Stephen and the British Colonial System, 1813-1847, 144.

³⁹ Knaplund, James Stephen and the British Colonial System, 1813-1847, 146.

⁴⁰ Knaplund, James Stephen and the British Colonial System, 1813-1847, 141.

⁴¹ According to a minute of the Colonial Office by Sir James Stephen of 30 June, 1842 in Knaplund, *James Stephen and the British Colonial System*, 1813-1847, 138.

⁴² According to a report, October 7, 1841, on Nova Scotia Act No 2186, C. O., 323: 56, folios 7-8 [C. O. refers to Colonial Office Archives.] in Knaplund, *James Stephen and the British colonial system*, 1813-1847.

This approach is allied to Sir James' comments on conscience in his *Epilogue*, which emphasize the primacy of the individual conscience. He is opposed to any 'fellow-men' as rulers over one's conscience, for freedom is indispensable if one is to love. ⁴³ This natural or creationally-given guardian is seen even in the general consent of humanity, which he argues provides a guide to right and just action. As he put it:

Nor is the hyperbole, Vox populi vox Dei, a mere extravagance, if it be understood only as recognising that beneficent constitution of our common nature which renders every concurrence of mankind in their moral judgements at once so terrible to guilt and so encouraging to good desert.⁴⁴

V. Conclusion Concerning Sir James

We can now summarise the shape of Sir James' 'Political Theology'. The primary principal is that the law, in all its complexity, is not to be overridden by a 'particular form of the Faith'. Given the obligation placed upon humanity by God (who is Love and whose defining attitudes toward us is Love) there must ultimately be freedom of will to allow a proper response of love toward God. This position reflects what he takes to be the purpose and desire of a people and while not 'a democrat' he is committed to the idea of 'parliamentary government' as it had developed to his point in time. Clearly he does not find a multi-denominational Christian situation to be fundamentally injurious to the good governance of the state. One could almost say that he saw it as necessary to a free society, given the fact of the multi-denominational Christian world he confronted.

VI. Is there Anything to Learn from Sir James' Approach?

It is difficult to assess how he would handle a truly 'liberal' understanding of the Faith in the face of his pragmatic attitudes toward governing and his insistence of the 'fullness' of the Christian revelation. What he would make of a multi-faith or secular state (in the modern sense) cannot be determined.⁴⁶

However, it is clear that Sir James' theology enabled him to allow a variety of settlements in the colonial situation. In this he was helped by the nature of the 'English' legal approach and the constitutional settlement then in place in Great Britain. In this he stood at odds with his near contemporaries Robert and Samuel Wilberforce, who were his cousins due to the fact that his step-mother was the sister of their father, William. But, as we have seen he was not just the 'objective public servant', rather his commitment to a theological position and to practical acceptance of the reality of competing denominations, affected his theology, the way he viewed political administration and the way he viewed individuals.

His position is clearly logically coherent; as we have seen, for Sir James, his *faith* position affected how he viewed humanity and individual humans. Unless one regards religion as only affecting 'piety', it is hard to see how any decision is not affected by one's

⁴³ Stephen, Ecclesiastical Biography, 485.

⁴⁴ Stephen, Ecclesiastical Biography, 481.

⁴⁵ It may be of interest that Sir James was one of the architects of the New South Wales Constitution in 1845.

⁴⁶ I would hazard that he would find it difficult to justify in the light of his belief in the 'revelation of Christ'.

faith position. Judaism, Christianity and Islam all have public faces. It is expressed in their eschatological beliefs. Given the nature of these beliefs they ought to affect the way their adherents view the 'constitution' under which they are living, how they see humans (as in each case, the doctrine of creation and scriptural evidence would reinforce the notion that faith, by its very nature, involves the whole human experience –private and public.

Yet Sir James shines light on the question of how we know his belief. If we had just his written minutes we would be justified in coming to the conclusion that, while being a member of the Church of England, he did not represent either the evangelicalism of his father nor the High Church position of his friends the Wilberforces. However, we may be able to say more but with caution. We could not, reasonably, conclude that his *faith position* was a major factor in his public actions.

Fortunately we have his own assessment of his position as Sir Leslie Stephen has recorded it. From this we can see that his actions and advice was certainly influenced to a large degree by his *faith position*. Unlike his Wilberforce contemporaries, he was able to adapt to the new 'constitutional' position developing in the first half of the 19th century. The question of the role of faith in regard to civil matters is one of integrity for the public person. With Sir James we see that his position, as he himself understood it, was consistent with his actions. One could reasonably suggest that any public person who wishes to maintain intellectual and moral integrity should be as personally clear as Sir James, who clearly demonstrates integrity as a social virtue. His behavior appears to be well-described in the definition of personal integrity offered by Cheshire Calhoun, who argues that:

[p]ersons of integrity treat their own endorsements as ones that matter, or ought to matter, to fellow deliberators. Absent a special sort of story, lying about one's views, concealing them, recanting them under pressure, selling them out for rewards or to avoid penalties, and pandering to what one regards as the bad views of others, all indicate a failure to regard one's own judgment as one that should matter to others. ⁴⁸

If we recognize that Christian eschatology asserts not the sovereignty of nations, but the sovereignty of the resurrected Christ over all nations, then can a person who truly believes this say that their public actions are not, at least to some degree, influenced by their *faith position* and still maintain any integrity?

Another way of asking the same question is to enquire as to whether it is not reasonable to suggest that one can discover the *actual* rather than the *creedal* position of any public person by observing their acts and comments. Thus when a politician uses the term 'tolerance' in the sense of an affirmation of various competing *faith positions* (the manner in which it appears most common in 21st Century), and then compares that commitment to tolerance to the creedal position of the religious community to which the politician belongs, would one not be justified in drawing attention to any discrepancy.⁴⁹

⁴⁷ For detail of the Wilberforce response to the same issues, see Raymond E Heslehurst, "'Sons of the Prophets': Continuity and Change in Clapham Evangelicalism".

⁴⁸ Cheshire Calhoun, "Standing for Something," *Journal of Philosophy*, no. 92 (1995): 235-260.

⁴⁹ For further exploration of this, see my University Sermon at UOW in Raymond E Heslehurst, Ed, "The Richard Johnson College Ltd Papers" (Wollongong, NSW, 2012).

We are faced here with what we might identify as competing horizons or truth vectors, which can be described as religious, constitutional and political. It is important for public persons to be aware of the way they deal with these, either implicitly or explicitly. In a democracy it is also important for public persons to be transparent in showing us how they deal with these truth vectors, so as to give us confidence in their participation in the democratic process.

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