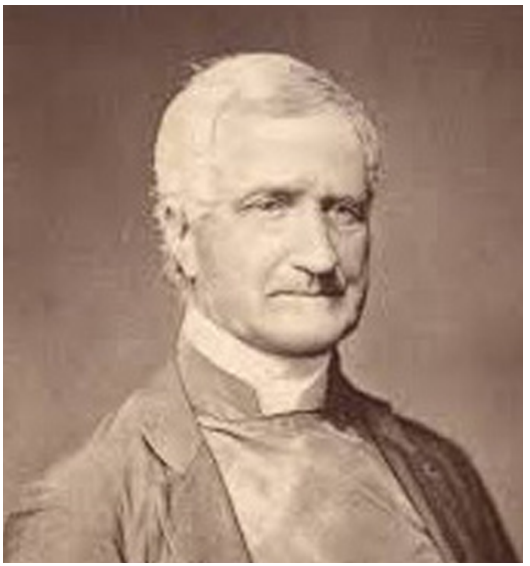
COLONIAL RELIGION





Conflict and Change in Church and State





Bruce Kaye

Colonial Religion

Bruce Kaye

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Brief notes on the cover figures of Colonial Religion

Top left

Sir Richard Bourke
Governor of New South Wales 1831–1837. Liberal Anglican and Irish in background Bourke was a successful Acting Governor in South Africa. In New South Wales, he moved to reform courts and pressed for an elective government. His Church Acts in 1836 put the main christian churches on the same footing thus breaking the monopoly of the Church of England. He failed to make changes to the school system which was basically run by the churches. He was continuously opposed by the 'exclusives' in the colony and in church affairs by Bishop Broughton. Portrait held in the National Portrait Gallery.

Top Right

Sir Alfred Stephen
Acting judge in the Supreme Court of New South Wales in 1839, Acting Chief Justice 1844, Chief Justice 1844–1873. He had family connections with prominent legal and reformist leaders in England. Sir Leslie Stephen was his godfather. He was a strong supporter of the Church of England and in part of Bishop Boughton, though the thought the bishop to be somewhat narrowly conservative. A strong advocate of lay initiative in the church and of reform in the law and government.

Lower Left

William Tyrrell
Bishop of Newcastle 1847–1879
While they were undergraduates at Cambridge University, he became friends with GA Selwyn later bishop of New Zealand. Tyrrell was much influenced by Selwyn in later life. A consultative figure of deep piety and faith. He fought for Broughton's view of a university in a public dispute with the Vice-Provost, Sir Charles Nicholson. He encouraged his nephew Edward to come to the Hunter Valley where he established Tyrrell wines. The image is held in the archives of the University of Newcastle and is dated 1881.

Lower Right

William Grant Broughton
Archdeacon of New South Wales (1829–1836) Bishop of Australia 1836–1847) Bishop of Sydney 1847–1853). A distinguished scholar and conservative High Churchman. Educated at Cambridge, he maintained his scholarly habits after he came to New South Wales. He is the foundational bishop and churchman of the colonial period influencing church governance and contributing to education and the ending of transportation. Portrait held by the University of Woolongong.

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Conflict and Change in Church and State

Bruce Kaye

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I am delighted and privileged that this book is published in the ATF Scholars Collection series. I am grateful for the energetic cooperation of Hilary Regan and salute the contribution he and the ATF have made to the cause of theology in Australia.

The essays in this book arise from a particular phase in my life and work beginning in 1991. When I spent a year in Cambridge as a Fellow of Churchill College and a Visiting Scholar in the Divinity School. I spent that year beginning a study of early colonial Anglicanism in New South Wales and have been occupied with work on Anglicanism ever since. Having spent twenty-six years working in universities in the UK and Australia I was appointed General Secretary of the Anglican Church of Australia in 1994. This provided me with a very different perspective on the contemporary Anglican church both in Australia and further afield. During this period I incurred many debts too numerous to mention all. Special among these has been Keith Rayner who was Primate of the Anglican Church of Australia for the greater part of my tenure as General Secretary. He brought formidable strengths of wisdom, learning and humility to his office. I thank him for his friendship, wisdom and generous support. Former colleagues in the group of Provincial Secretaries in the Anglican Communion, very many scholars and learned people who lent their time and gifts to the Anglican Church in Australia. Colleagues in Cambridge and Seattle and the community at St Denials Library in Wales. Members of the Anglican Theology Seminar and the Anglican History Seminar which operated out of the General Synod Office and members of that sacred learned society, The Heretics, who haunt the University of Sydney and the cause of christian theology in the great

city of Sydney. In particular I acknowledge the encouragement of Dr David Thompson who first encouraged me in my initial endeavours so long ago in Cambridge, Dr Mark Goldie, a colleague at Churchill, at the time, and more recently Christopher Haigh. In Australia Brian Fletcher, Ken Cable, John Gascoigne, Geoff Treloar, Mark Harding, David Hilliard, Stephen Pickard, Deryck Schreuder and many others who have been playing in the growing orchestra of scholars and making music in the fields of Australian Anglican history and theology. Regular conversationalists over many years have been Stanley Hauerwas, Keith Mason and Hugh Mackay.

Particular mention should be made of the Centre for Public and Contextual Theology and Charles Sturt University for continuing intellectual encouragement and for financial support in the publishing of this book.

My best thanks go to my wife Louise. When we were in Cambridge she dictated onto audio tapes from a marginally legible microfilm the whole of Broughton's correspondence with Edward Coleridge. A searchable transcript of that correspondence is now available in the history archive of the State Library of New South Wales. She has a sharp eye for any text and a keen sense of what it means to be a christian in a changing and conflicting culture. Much more than that she has been a constant companion and example that has made my life and my work worthwhile, and better and illuminated with joy and the sound of music.

Sources

The essays in this book are edited and slightly revised versions of the following articles with the exception of chapters Six and Seven. Chapter Six, 'Church Conflict and the Founding of Sydney University' is a thorough re-working of three earlier papers. Chapter Seven is a re-working of an earlier paper 'From Anglican Gaol to religious pluralism: Re-casting Anglican views of church and state in Australia'. Chapters Six and Seven are here published for the first time.

The sources for the earlier works are:

'The Baggage of William Grant Broughton: The First Bishop of Australia as Hanoverian High Churchman', in *Pacifica* 8 (1995): 291–314

'The Laity in Church Governance according to Bishop Broughton', in *Journal of Religious History* 20.1 (1996): 78–92

'Broughton and the Demise of the Royal Supremacy', in *Journal of the Royal Australian Historical Society* 81 (1995): 39–51

'Selwyn and the Australasian Conference of Bishops, 1850', in *A Controversial Churchman. Essays on George Selwyn, Bishop of New Zealand and Litchfield, and Sarah Selwyn.* edited by AK Davidson (Wellington, New Zealand: Bridget Williams Books, 2011): 146–58.

'The Strange Birth of Anglican Synods in Australia and the 1850 Bishop's Conference', in *Journal of Religious History,* 27.2 (2003): 177–97

'From Anglican Gaol to religious pluralism: Re-casting Anglican views of church and state in Australia', in *Church and State in Old and New Worlds*, edited by H Carey and J Gascoigne (Leiden: EJ Brill, 2011): 287–306

Introduction

In December 2017, the Royal Commission into Institutional Responses To Child Sexual Abuse established by the Commonwealth Government published its final report.[1] Anglicans were represented and disgraceful behaviour by both lay and clerical officers of church institutions and grossly negligent conduct by a number of bishops were reported. Several bishops, including one archbishop, resigned when this negligence was exposed. The actual offenders are being or have been dealt with by police and church authorities.

However, the commission had some difficulty in coming to terms with the organisational complexity of the Anglican Church. They worked with the General Synod thinking that it was the national body and had some kind of jurisdiction in relation to the twenty-three dioceses. The reality was that the jurisdiction lay with the dioceses and the General Synod was an arena in which some agreement might be negotiated but from which no certain jurisdiction flowed to the dioceses. When the Commission asked for information from the dioceses about schools one diocese included all the schools in the diocese that described themselves as Anglican, another diocese included only those that came specifically under the jurisdiction of the synod of the diocese. In one sense both were correct depending on how one counted what was the Anglican Church and what counted as an Anglican institution. Such distinctions in a loose voluntary association such as the Anglican Church of Australia presented a real difficulty for the Royal Commission. It worked in jurisdictional terms and generally on assumptions that were national in character.

1. https://www.childabuseroyalcommission.gov.au/final-report

For outside bodies such as the government it is not entirely straight forward to identify what is the Anglican Church or even an Anglican body. This becomes a more complex question for Anglican welfare agencies who receive substantial government funding for some of their services. This is even more complicated where entities themselves comprehend a variety of internal sub groups such as schools within a diocesan church schools system. It has not always been so in relations between church and state. In the early years of the colony of New South Wales it was much simpler. The governor represented the state and the Anglican Archdeacon represented the Church of England.

In 1829 William Grant Broughton arrived in Sydney as the Church of England Archdeacon. He was responsible for all schools in the colony and was third in seniority in the government. In 1836, Broughton became Bishop of the new Diocese of Australia and in the same year lost his monopoly control of schools in the colony and of government financial support for his church. He remained part of the government but with a diminished role. In 1847 his Diocese was divided and he became bishop of Sydney but Metropolitan of Australasia. In 1852, he left for England hoping to sort out the problems of colonial churches but he died without achieving this goal. When he left Sydney, he was no longer part of the government and had to battle for private support for his church. He was challenged by a growing presence of other churches and more so by dramatic changes in society and the politics of the colony which arrived at local representative government just as he was leaving.

Broughton's transition from senior government officer to independent player in a plural environment was neither easy nor comfortable for him. He was not alone in this. The abandonment of convict immigration, which Broughton had strongly supported, had a profound effect on the colony. Older social groups like the 'exclusives' were being challenged by the new men of the rising generation. Shadows of uncertainty clouded hopes for the future for some while others could not wait to embrace what was to come.[2]

The middle two decades of the century was a time of great transition that heralded profound changes in the colony and in the place

2. See the excellent overview of this transition period in JB Hirst, *Freedom on the Fatal Shore: Australia's First Colony* (Melbourne: Black Inc, 2008)

of the Church of England in the colony. Broughton was greeted with gubernatorial splendour and public acclaim when he arrived. When he departed it was a somewhat miserable and lonely affair. His personal circumstances had been marred by personal tragedy and he had given away half his income to support the creation of another diocese. His church reforms for Sydney had been rejected in the midst of public protest and counter petitions to the Queen. When he departed there was no public farewell from the governor.

The great social and political currents in the colony in the middle of the nineteenth century enveloped Broughton but he was not to be swept away. He had the intelligence, strength and personal gifts to be a major contributor to the colony. At a memorial event for Broughton the Chief Justice, Sir Alfred Stephen, declared 'There was not one great object for the promotion of civilisation and special advancement in the colony with which he was not connected; there was not one effort to raise its name in the estimation of the world with which his name was not identified'[3] In England he was entombed in Canterbury Cathedral as a hero of the Church of England and the Empire.

This period in the history of Australia has been widely studied and in many respects has become a distinctive turning point by which to interpret succeeding decades and generations. It was a significant period in the sense that major changes occurred which had a profound influence on the future. But the history of societies is more a wandering affair than a series of straight grid lines as if a great matter settled at one point remains a determining force into the future.[4]

This mid-century period has itself been seen to be marked by some surprising even unexpected turns.[5] The period also draws attention to areas of startling surprise in the longer run. Who at the time could have thought that the long struggle over the control of school education from Bourke in the 1830s to Parkes in 1880 might be totally turned on its head in the second half of the twentieth cen-

3. Quoted from GP Shaw, *Patriarch and Patriot, William Grant Broughton 1788–1853* (Melbourne: Melbourne University Press, 1978), 274
4. One might compare the overtly philosophical interpretation of Manning Clark Manning Clark, *A History of Australia* (Carlton, Vic: Melbourne University Press, 1962); John Manning Ward, *et al*, *The State and the People: Australian Federation and Nation-Making, 1870–1901* (Leichhardt, NSW: Federation Press, 2001).
5. JB Hirst, *The Strange Birth of Colonial Democracy. New South Wales 1848–84* (Sydney: Allen and Unwin, 1988).

tury by a Commonwealth Government providing finance for science laboratories and then moving on to provide munificent funding for non-government schools.

The case of the Church of England in mid nineteenth century New South Wales in relation to some critical social and institutional changes does however present a useful study of how some of the dynamics of memory and hope contribute to informing action in the present. The essays in this volume are concerned with these social and political issues as they affected both the government and the Church of England in the middle of the nineteenth century.

On the one hand was the heritage that the Church of England brought to the colony, principally in the person of the archdeacon and later bishop Broughton. But, on the other hand, were the social and political dynamics that emerged in the colony. The matter was complicated by the fact that these two aspects of life in the colony did not arrive as separate streams. The colonising power was the political entity of the English Christendom, a system in which the clerical and lay elements shared in the government of the kingdom. Not only so but the kingdom was professedly a christian kingdom, indeed in this case a kingdom that professed the faith of the Church of England. Its colony in New South Wales began on the same terms.[6] At one level these essays could be seen as historical in character and intention. They address particular historical events or people and seek to set them in their context. In that respect, they participate in the general conversation about mid nineteenth century history of New South Wales. However, they are also concerned with a theological endeavour that has to do with the way in which a christian tradition like Anglicanism is sustained through changes in time and place. In that respect they are theological.

Christianity is rightly described as an historical religion. That is not only because it has existed over time, but more importantly because it is founded on beliefs about an historical figure, Jesus of Nazareth, who lived in a particular time and place. The belief, central to Christianity, is that Jesus of Nazareth, as articulated by the apostle Peter and by subsequent Christians, is the Christ the Son of the

6. Bruce Kaye, *The Rise and Fall of the English Christendom. Theocracy, Christology, Order and Power* (London: Routledge, Routledge Contemporary Ecclesiology, 2018).

living God. Debates among early christians about what came to be called Christology arise from these roots. How may christians speak of Christ as both divine and human, and in what way. These foundations have meant that christians have had to exist, as they early began to express it, in two worlds or kingdoms: the kingdom of this world and the kingdom of Christ. But this dynamic in Christianity has also meant that christians have had to take the mundane historical reality of their lives seriously and thus also the material culture that they created over the centuries.

As a consequence for christians historical interpretation has always paid attention to continuities in history and to the means of transmission in christian culture and faith. Such continuity has been thought of in a variety of terms such as the working of the Holy Spirit to reveal new truths; the memory of things Jesus or the apostles did or said or wrote; memory laden activities like the Lord's Supper or Baptism; arrangements like ministerial order or texts regarded as authoritative or political relations with governments. These are matters that involve theological questions; they are not simply historical developments. The inter-penetration of events and theology remains whether the Christian lives in a Christendom or some other kind of society. These essays are focussed on a period in which the transition from a Church of England Christendom to a different kind of society was already underway. That transition dynamic shaped the character of significant parts of the conflict described in these essays.

These essays do not refer to these changes in the middle of the nineteenth century as if they necessarily set the path ahead into the distant future for either church or state. Rather they are offered as examples of how these Church of England Christians responded to significant changes in their day. In that sense, they offer examples of how christians in the twenty first century in Australia might engage with the dramatic cultural changes of their own day.

The first three essays focus on Bishop Broughton and his trials. They explore his background before he arrived in Sydney and his struggles with two of his biggest challenges; the role of laity in church Governance and how to rid himself of the restrictions of the operation of the Royal Supremacy.

The following two essays relate to the 1850 conference of the bishops of Australasia, which Broughton, in his capacity as Metropolitan, called to discuss issues facing the bishops in their separate colonies.

The sixth essay arises from three other shorter essays on different aspects of the founding of the University of Sydney, to which Broughton took such great exception. When reviewing these three essays it seemed to me to be better to draw material from them and my subsequent thinking into a comprehensive account of the conflicts involved in this great enterprise. As a consequence this is a longer essay and includes a good deal of original material from the time in order to illustrate my particular interpretation of this moment. The conflicts show up not just division within the Church of England in the colony but also the quite different orientations of those involved in trying to come to some kind of accommodation with the new university. These are not just about how to relate to the university but also who could be thought to represent the Church England in this matter. In the absence of a Bishop of Sydney the question of who might properly be regarded as representing the Church of England was a significant issue for a government about to hand over large endowments. For the church there was also a domestic question of what kinds of initiatives and power lay people could take in the church. Church governance had been an earlier case of re-locating power in the church. The tussle with the university was another. The last essay arises from a conference on Church and State in Old and New Worlds and seeks to reconfigure the terms in which it is approproate to speak about relation between church organisations and aspects of the modern state that is Australia. Once again this is not the original essay but a reconfigured essay developing the work of the earlier article.

Many of the questions raised by the events dealt with in these essays still confront Anglicans and Australians albeit in quite different circumstances. The Royal Commission mentioned above is but one example. Another ongoing example is the debate about religious freedom and the terms upon which the debate might most usefully be conducted. I hope that some airing of these discussions might contribute to a calmer and more reflective conversation about these things.

Chapter 1
The 'Old High Church' Baggage of William Grant Broughton

This article examines the intellectual and ecclesiastical baggage which WG Broughton brought with him when he came to New South Wales as Archdeacon in 1829 by tracing Broughton's early life and education, his early ministry and scholarly writings, and identifying Broughton's circle of friends in the Church of England. The travel diary, which Broughton kept on his journey to New South Wales is examined for his estimate of the books he read while on ship. Broughton emerges from this study as a person of considerable scholarly talent, and a member of the old High Church group (The Hackney Phallanx) by both theological, and political conviction as well as personal friendships.

Late in the afternoon on 26 May 1829 the recently appointed archdeacon of New South Wales could have been seen deftly stepping aboard the convict ship John with his wife and two daughters. In such a manner did he set out from Sheerness for the other side of the world with their assorted household baggage. The baggage that he carried in his head, and which would direct the way in which he tried to arrange the affairs of the Church of England and its mission in the colony, is also reasonably identifiable. Here we have a high churchman of the Hanoverian church/state mould. He was entirely committed to the Church of England as the fruit of the Protestant Reformation with its basis in the authority of scripture. The Duke of Wellington, great though he was, had made a terrible mistake with Roman Catholic emancipation, for Romanism was not just politically subversive it was a system of error from which the Reformation had delivered the Church of England.

Broughton warrants more attention than he has been given so far in terms of Australian history and religion.[1] However, he also deserves some consideration in terms of the English framework within which he spent the first forty-one years of his life, and that in two respects. First, with what convictions, habits of thought and educational qualities did he venture to Australia to deal with this new and threatening situation for the Church of England in New South Wales. Secondly, does an examination of his background shed any light on our understanding of church and theological movements in the early part of the nineteenth century in England itself, especially the position of the old high church group?[2] It may, therefore, prove of interest from both an English point of view, and also from an Australian point of view, to look a little more carefully at the baggage which Broughton took with him to Australia.

Such an examination, I suggest, places Broughton in the category of the 'Old High Church' group. There is a certain difficulty of definition involved in this statement, since it is a matter of discussion as to how exactly that High Church group should be characterised, a characterisation which may well vary according to the point in time in which one was interested. The term in an ecclesiastical sense

1. That Broughton has been somewhat neglected is clear from the biographical publications on him. Shaw, *Patriarch and Patriot.* (Melbourne: Melbourne university Press, 1978), hereafter referred to as Shaw. Shaw's biography is the only modern critical biography on Broughton and all who work on this subject are indebted to him for his pioneering and excellent work. There is an earlier biography, FT Whitington, *William Grant Broughton, Bishop of Australia* (Sydney: Angus and Robertson, 1936) (This work was completed with extensive assistance from Dr P Micklem). There is also an extensive memoir by Archdeacon Benjamin Harrison in the collection of Broughton's sermons which the Archdeacon edited, *Sermons on the Church of England, Its Constitution, Mission and Trials* (London, 1857). Shaw thinks that the Revd George Gilbert wrote the memoir of Broughton in the *Gentleman's Magazine,* volume 39 (1853): 431–436. There is also a memoir in the *Annual Register* (1853): 214–217 and in E Churton, *Memoir of Joshua Watson* (Oxford/London, 1861) the whole of chapter 23 is devoted to Broughton.
2. See in particular Peter Nockles, *Continuity and Change in Anglican High Churchmanship 1792–1850*, DPhil thesis (Oxford, 1982) and also his essay, The Oxford Movement: Historical Background 1780–1833, in G Rowell (editor) *Tradition Renewed* edited by G Rowell (London: Pickwick Publications, 1986), 24–50. In relation to patronage and the Hackney Phalanx see Clive Dewey, *The Passing of Barchester* (London: The Hambeldon Press, 1991)

goes back to the last decade of the seventeenth century when 'High Churchmen' tried to respond to a flood of anti-clerical publicity.[3] The term comes to have a variety of connotations in the nineteenth century, in no small measure as a result of the division which developed between Tractarianism and the High Church group in the late 1830s.[4] We are concerned here, however, with the period up to 1829, when Broughton departed for New South Wales. In this period that division had not occurred. It is very easy to project the post Tractarian categories back on to the earlier period, just as, more generally, it has proved to be a temptation for historians to read back later Victorian categories into the interpretation of the eighteenth century.

William Grant Broughton was born on 22 May 1788 at Bridge Street, Westminster. When he was six years old the family moved to Barnet in Hertfordshire, and the young Broughton went to Barnet Grammar school. In January 1797 he entered the King's College Canterbury, and at the end of that year he was granted a King's scholarship. He left school in December 1804, having won an exhibition to Pembroke College, Cambridge, but he was not able to take up his position for lack of funds. For the next two years he appears to have lived at home and then, in April 1807, obtained a position at the East India Company in London. Six years later he inherited £1000 from his uncle and this enabled him to take up his position at Pembroke in October 1814. He graduated BA (sixth wrangler in mathematics) in 1818, and then was ordained deacon by the Bishop of Salisbury, married his long time sweetheart Sarah Francis and became the curate of Hartley Wespall in Hampshire, where he stayed for nine years. In 1827 he went to be Assistant at Farnham in Kent and was also appointed Chaplain to the Tower of London in 1828. He was offered the position of Archdeacon of NSW in October 1828, for which colony he set sail on 26 May 1829, four days after his forty-first birthday.

Such, in brief outline, is the course for the formation of the Archdeacon. That formation and its results can be identified in more detail by concentrating on three stages in his life, each of which contrib-

3. See G Every, *The High Church Party, 1688–1718* (London: SPCK, 1956) xiii. However PB Nockles, 'Continuity and Change in Anglican High Churchmanship in Britain, 1792–1850', DPhil University of Oxford, 1982, xliv, refers the origin of the term to its use by Richard Baxter in relation to Richard Hooker.
4. For a detailed analysis of the relations between High Churchmen and Tractarians, see Peter Nockles, *Continuity*, Chapter 6

uted something to the final outcome; his early life, time at Cambridge and his ministerial period. Before turning to these details, it will help to focus the developing picture if we pause briefly to note the sorts of issues which Broughton would have to face in New South Wales first as Archdeacon and then later as the first Bishop of Australia. The English background can be focussed as well by identifying Broughton's circle of friends and acquaintances, for they securely locate him in the High Church tradition.

New South Wales was founded as a convict colony and this fact dominated the first twenty-five years of its existence. The Governor was supreme and the Archdeacon was an important person in the hierarchy of the colony. Although he came later in the life of the colony, Broughton still had to contend with some of the convict problems. The role of the church in relation to marriage, divorce and social mores certainly were a concern to him. The problems of the developing colony in matters such as immigration, the cessation of transportation, the settlement of land and the basis of its tenure, and the supply of labour in the colony all occupied his attention as an advisor to the government. For a number of years he was the chairman of the immigration committee of the Legislative Council. He was continually occupied with the problems of the role of the church in education, particularly with the rising anti-ecclesiastical sentiment in this area. In his episcopal role he was faced with questions of church government and the relation of the church to the colonial government. As we shall see these challenges pick up elements in his background and development. The 'baggage' he took with him was useable in the colony, but it had to be significantly re-arranged.

An interesting circle of Broughton's acquaintances within the ecclesiastical life of the Church of England can be identified. At Cambridge the Greek Professor, James Henry Monk, turns up again as the Bishop of Gloucester at Broughton's consecration. He was the leading light on Greek textual criticism at Cambridge, and he was also a staunch high churchman. Broughton would also have met or known of, George D'Oyly who was the Christian Advocate at Cambridge in Broughton's first two years as a student. D'Oyly was well known in his day as a theologian, was the Treasurer of the Society for the Promotion of Christian Knowledge (SPCK) and a member of the committee of the Society for the Propagation of the Gospel (SPG); the two societies which Broughton supported, the latter being the object of his first