

BRUCE KAYE

The Strange Birth of Anglican Synods in Australia and the 1850 Bishops' Conference*

The emergence of synods in Australian Anglicanism and their shape flowed in large measure from the social democratic forces at the time and these were for the most part expressed by Anglican lay people. While the Bishops' conference in 1850 identified the issue of church governance and lay involvement the precise recommendations of the conference were nowhere followed. The popular memory of this process which gives determining influence in shaping the form of church constitution to the theological opinions of the local bishop owes its origins to some key interpretations at the beginning of the twentieth century which were part of the political debate about a national church constitution, a debate which was being argued with theologically shaped rhetoric. The reality in the middle of the nineteenth century was quite different but nonetheless implied a theological perspective which validated the use of contemporary social and political ideas in shaping church structures. In order to secure a model which incorporated the whole church community the synods used the mid nineteenth century parliamentary model. Whether that remains the best model for synods is a question.

On 26 May 1852 William Tyrrell, the bishop of Newcastle, wrote to the ageing Joshua Watson, for many years a driving force in the Society for the Propagation of the Gospel and the high church pressure group, the Hackney Phalanx.¹ Tyrrell gave Watson an extensive account of the diocese and then went on to give his reflections upon the conference of bishops held in October of 1850 in Sydney. He described the closing aspects of the conference and then in brief summary form described what happened in the dioceses of each of the bishops who had attended the conference, namely: Augustus Short from Adelaide, Charles Perry from Melbourne, Francis Nixon from Tasmania, George Selwyn from New Zealand and, of course, William Grant Broughton, bishop of Sydney and Metropolitan, who had convened and chaired the conference.

1. Archives and Manuscript Collection, Anglican Diocese of Newcastle [B6556], University of Newcastle Library, Tyrrell to Watson, 26 May 1852.

Bruce Kaye is General Secretary of the Anglican Church of Australia.

* An earlier version of this paper was presented to the Melbourne Anglican Historical Society as the Sydney Smith lecture for 2000 and was printed as "Trinity Papers Number 18, November 2000."

Tyrrell expressed the view that the bishops made two mistakes. The first was that the Metropolitan's letter, which was to be sent to the archbishop of Canterbury with a copy of the Minutes of the conference "should have been laid before the Suffragans that they might know exactly what application was made to the Archbishop of Canterbury." The second mistake was that "we should have agreed on some uniform course of action as for instance just to ask the opinion of the clergy or laity, until the answer of the Archbishop had been received. We, however, dispersed to our dioceses without seeing the Metropolitan's letter, and without agreeing upon any uniform course of action." Tyrrell goes on to describe what we know from other sources that in each of the dioceses different things were done and they were done at different times and not always to the pleasure of the bishops. At the end of his letter he argued that Newcastle and Sydney needed to work together because they came under the one colonial government. In regard to the other dioceses he expressed the following interesting point of view:

In addition to the great difficulty of keeping dioceses under different governments acting together, the real circumstances of the six dioceses, their wants and means, are so essentially different that it would seem to me unwise and unreasonable to expect from them any great uniformity of enactment or union of action. New Zealand with its native population, Tasmania with its convict population, Adelaide without any government support and Melbourne with its wish for isolation cannot be expected to have the same wants and wishes, to require the same laws and regulation as Sydney and Newcastle, united under the same government and receiving the same government aid for religious and educational purposes.

This is a very astute observation. Tyrrell identified not only that there were different social circumstances in each of the separate colonies and dioceses but also that there were emerging different legal environments, within which each of the dioceses had to work out their institutional arrangements.

Subsequent accounts of the significance of this conference have not been quite so open to the influence of these social and political considerations. That may in part be due to the fact that three influential accounts, those of Micklem, Clarke and Giles, were written to contribute to a very particular contemporary church campaign, namely the formation of a national church constitution. The interpretative line set out by Clarke and Giles has moved into the popular memory. That tradition explains the constitutional patterns that emerged in terms of the theological views of the bishop. Thus Short is described as a Tractarian and hence looked for independence from the state in a "consensual compact," whereas the evangelical Perry looked for an alliance with the state.²

2. I regret to say that I expressed a view skirting along these lines myself in an earlier work, B. N. Kaye, *A Church without Walls. Being Anglican in Australia* (Melbourne: Dove, 1995), 111. "Attitudes sympathetic to a Tractarian approach are to be found in the way in which synodical government was established in Queensland, South Australia and Western Australia." This article significantly corrects a number of things I said in that book concerning the emergence of synods, especially 38–45.

It is the argument of this article that the emergence of synods in Australian Anglicanism flows in interaction with the social democratic political forces of the time and that these were in large measure expressed by Anglican lay people. Furthermore it is suggested that this process is in line with the way that church institutions have been shaped historically over two millennia, and it is especially in line with the experience of English Christianity, which has been the tradition from which modern Anglicanism has grown. Furthermore it is argued that, while the conference in 1850 identified the issue of church governance and lay involvement, the precise recommendation of the conference was nowhere followed. Even in Sydney this was true, despite the best efforts of the Metropolitan, Broughton, to put the recommendations in place. A more careful examination of the correspondence of the participants and the diary kept by Perry, along with the spiritual journal kept by Tyrrell, enables us to see better that the minutes of the conference do not reflect profound unanimity, but rather cover significant disagreement.

I

The Church of England came to Australia with the First Fleet in the role of chaplain. An archdeaconry was established in 1823 with the appointment of Thomas Hobbes Scott and then in 1836 Broughton, who had been archdeacon since 1829, was appointed bishop of Australia. In 1842 Tasmania was separated from New South Wales and the diocese of Tasmania was established. In 1847 the diocese of Australia was divided by the creation of the dioceses of Adelaide, Melbourne, and Newcastle, and Broughton was made bishop of Sydney and Metropolitan of Australasia, with New Zealand being brought into the Province at this time. Broughton had planned to gather his bishops together in a conference in October 1848,³ but the conference did not happen at that time and 1849 was a fateful year for Broughton when he almost died from an illness. His wife, who had been nursing him through this illness, herself died while Broughton was still ill.⁴ Added to this personal devastation was the fact that Selwyn in New Zealand was grappling with a volcanic eruption and earthquakes in Wellington,⁵ and Perry was preoccupied in Melbourne. Shaw comments that "it would have been impolitic of Perry, whose bishopric symbolized Port Phillip's approaching equality with Sydney, to make too hasty a pilgrimage north."⁶ Therefore the conference was postponed to 1850.

Broughton was no doubt influenced by the development of the Roman Catholic Church in N.S.W. In 1842 Polding had been appointed archbishop of Sydney and Metropolitan of Australia and in 1844 had summoned the first

3. Moore College, Sydney, Broughton Correspondence, W.G. Broughton to Edward Coleridge, 4 July 1848.

4. A good account of this can be found in G. P. Shaw, *Patriarch and Patriot, William Grant Broughton 1788-1853* (Melbourne: Melbourne University Press, 1978): 229.

5. Moore College, Broughton to Coleridge, 15 January 1849.

6. See G. P. Shaw, 219.

Roman Catholic Synod in Australia.⁷ While Presbyterians had called conferences or synods from an early time it is unlikely that Broughton would have thought of following their example because he regarded Presbyterianism as sectarian and socially divisive.⁸

More generally, however, the colony of N.S.W. was itself developing and growing in political and commercial sophistication. Partly elected representative government came to New South Wales and Tasmania in 1842. During the 1840s the self-consciousness of the N.S.W. colony could be seen in the founding of the University of Sydney, and in the protests against the continuation of transportation in which Broughton was deeply involved. For many years he chaired the immigration committee of the N.S.W. Legislative Council. In 1841 New Zealand had been proclaimed a colony independent of N.S.W. within whose boundaries it had been defined since 1839. Victoria was declared a separate colony with its own legislature in 1850. The colonies were growing and developing socially, commercially and politically.

The four colonies had developed in quite different ways by 1850.⁹ Tasmania was established as a colony essentially to receive convicts, in much the same way as N.S.W. had originally been established. However, Victoria began from the private initiative of Batman and others who came as free settlers in 1834. Port Phillip was settled as a result of the desire to find more extensive lands for commercial development.¹⁰ South Australia was formed on a commercial basis, with the support of the Imperial Government, by colonizing interests in England. These founders, deeply affected by political and religious dissent in England, sought to create a colony free from any established religion.¹¹ Originating in different ways, inhabited by different kinds of populations, the colonies of N.S.W., Victoria, South Australia and Tasmania which emerged in 1850 were also dioceses set within these same emerging and differing contexts.

Anglican bishops were appointed to Tasmania in 1842 and to Melbourne, Adelaide, and Newcastle in 1847. By 1850 these bishops had had time to familiarize themselves with their social and political circumstances. Therefore, when they came to Sydney for their conference in October 1850 they came from different situations with their own local possibilities and problems. Those realities lie beneath the surface of the debates that are recorded

7. See T. L. Suttor, *Hierarchy and Democracy in Australia: 1788–1870* (Melbourne: Melbourne University Press, 1965): 67f.

8. See Moore College, Broughton to Coleridge, 14 October 1839, and 24 April 1846, where he says of Presbyterianism that "it lacks any stable foundation."

9. This diversity reflects the different ways in which the British Empire grew, and is relevant material in the reconsideration of the character of Empire and colonisation currently going on. See, for a comment on the Australian situation of this, Stuart Macintyre "Australia and the Empire" in R. W. Winks (ed.), *The Oxford History of the British Empire*, Volume V, *Historiography* (Oxford: Oxford University Press, 1999): 163–181 and more generally, R. W. Louis "Introduction," 1–42.

10. See G. Blainey, *Our Side of the Country* (North Ryde: Methuen, 1984); A. G. L. Shaw, *A History of the Port Phillip District. Victoria before Separation* (Melbourne: Melbourne University Press, 1996).

11. The classic statement of South Australian religious history is D. Pike, *Paradise of Dissent. South Australia 1829–1857* (Melbourne: Melbourne University Press, 1957).

in the private correspondence of the participants and in the diary that was kept by Charles Perry¹² and they are also hinted at in the spiritual journal kept by Tyrrell throughout this period.¹³

II

The bishops gathered on Tuesday 1 October 1850 with a service at St Andrews Church in Sydney. This was followed by a preliminary meeting at which procedures and orders of operating were agreed upon. The conference proper convened on the morning of Wednesday 2 October. The pattern for the day appears to have been 9.00 AM prayers and 10.00 AM commencement of the conference which then ran until 1.00 PM. An evening session began at 4.00 PM until such time as business was completed.¹⁴ Charles Perry kept a diary of the debates. That diary covers in some detail the conversations that took place at the conference sessions from the period of 2 October to 11 October. Tyrrell's journal notes his significant reflections and his devotional reading and brief references to conversations and activities. There were further meetings and other activities until the conclusion of the conference on Thursday 24 October.¹⁵ At that point the Minutes of the conference, which had been agreed by the bishops in stages, were read to an assembly of clergy and subsequently published.¹⁶

Broughton had expressed his desires for the conference to a number of people in correspondence beforehand, not least to Gladstone in a letter in July 1850. With Gladstone's encouragement, he wanted to see the question of baptism and the implications of the Gorham case in England addressed. However, his real concern was with the question of authority and the legal institutions for the governance of the church in the colonies as well as with certain local matters to do with church discipline.¹⁷ How far Broughton communicated his plans is a little uncertain as Short later said that he left for the conference not knowing what the agenda would be.¹⁸

The Minutes of the conference indicate that they had consulted about the various difficulties in which they were then placed "by the doubtful application

12. Diocese of Melbourne, Archives, Perry's Diary.

13. Archive and Manuscript Collection, Anglican Diocese of Newcastle [B6556], University of Newcastle Library, Tyrrell's journal and related correspondence.

14. The rigour of the programme is testified to by A. E. Selwyn, Dean of Newcastle, in a letter to Miss Rose Rusden, marked Monday October, 1850 while in Sydney, published in *Letters of the Late Dean Selwyn (of Newcastle) chiefly to his wife* (Sydney, Angus and Robertson, 1902): 3.

15. Drawn from Diocese of Melbourne, Archives, Perry's Diary and Archive and Manuscript Collection, Anglican Diocese of Newcastle [B6556], University of Newcastle Library, Tyrrell's journal remarks.

16. The minutes were published in a supplement of the *Sydney Morning Herald* on Wednesday 4 December 1850. They are now available in a number of places. They can be found together with a commentary from the Governor of Tasmania, "Minutes of Proceedings at a Meeting of the Metropolitan and Suffragan Bishops of the Province of Australasia, Held at Sydney, from October 1st to November 1st, A.D. 1850," reprinted in *British Parliamentary Papers: Correspondence and Papers Relating to Immigration and Other Affairs in Australia, 1851-52, Colonies Australia, Series 13* (Shannon: Irish University Press, 1969).

17. British Library, Add MSS 44369, Broughton to Gladstone, 13 July 1850.

18. "When I left Port Adelaide for Sydney, I was perfectly ignorant of the topics which I should be called on to consider." According to the *Colonial Church Chronicle*, Vol. V (1852): 231, this was said at a meeting in Adelaide on 28 January 1851.

by the church in this province of the ecclesiastical laws which are now in force in England, and to suggest such measures as may seem to be most suitable for removing our present embarrassments." They also wanted to consider questions about the development and progress of religion in Australia and how the gospel might be propagated amongst the "heathen races of Australasia and the adjacent islands of the western Pacific." The published Minutes indicate that there were several broad issues with which they were preoccupied. The 1604 Canons of the Church of England were regarded by the bishops as part of their understanding of the church and its order and they "must be, as far as possible, complied with in substance." They addressed the question of synods and conventions for the purposes of church governance, church membership and the discipline of bishops and clergy, as well as laity. They also considered some more particular issues to do with liturgy, baptism, education and the establishment of a board of missions.

The bishops were stewards of a religious faith which had grown up in England with particular church institutions related to that society. Now, however, they found themselves in a society which lacked those institutional frameworks, a society which was nonetheless still linked to England not only by ties of sentiment but, especially for the bishops, by certain legal obligations. Also they were the stewards of such church institutions as existed in the colonies and of the faith to which they committed themselves at their consecrations. In other words, they faced what we would call a challenge of contextualization which involved not just beliefs, ideas and practices, but also institutions.

Perry's diary also points to an awareness by the bishops that they were serving different kinds of communities and that the same solution might not necessarily apply in every colony. Nixon was particularly conscious of this with regard to the convict situation in Tasmania, as was Short in terms of the church state relations in South Australia and the community attitudes that went with that.

Clearly, church governance was an important issue before the bishops. They discussed the practical questions under the shadow of this issue. According to Perry's diary, the key people in the debate on governance were Broughton, Perry, Selwyn and Short. Tyrrell was relatively quiet on this subject and Nixon's few contributions revealed his concern with the special circumstances of Tasmania as a convict colony.

They focused on the significance of the Royal Supremacy and its importance to the colonial churches. Broughton declared that the ecclesiastical law aspects of the Royal Supremacy had no mode of operation in the colonies and were thus inoperative. However, he implied that the Royal Supremacy contained within itself a theory of government and indeed of church government. The bishops attempted to interpret the theory of the Royal Supremacy to produce conclusions as to how they might proceed in the colony. Broughton made the interesting argument that the crown was the lay element in the Royal Supremacy and thus the lay element should be reflected in what they proposed. They were divided on the question of whether priority should be

given to the diocese or to the province and there was significant debate as to the nature of synods which for most of them meant an assembly of the bishop and clergy. They were divided also about the way in which discipline should be exercised under any kind of constitutional arrangement in the colonies, but they were all clear that the financial implications of the colonial situation for the churches created significant problems for them in the area of governance.

The argument reflected a very considerable knowledge of ancient sources and the standard text books. They also seemed very well aware of contemporary debates. They were aware of what was going on in the United States and indeed appeared to have records of the various conventions and the constitution of the Protestant Episcopal Church of the U.S.A.¹⁹ Tyrrell's journal reveals that he spent days preparing for this conference. Perry's diary suggests the same for all of the bishops. From time to time, it is clear that they wrote papers on topics which they read to each other trying to develop their own positions. On 7 October Perry notes that a subcommittee was appointed to draft resolutions on the structure of a provincial synod. Perhaps the subcommittee did not do its work, because he later records on 11 October "Bp of New Zealand proposed some Resolutions on the powers of Provincial Synods, etc. It was agreed to take copies and to deliver written opinions on Wednesday evening." Unfortunately none of these papers survive.²⁰

Perry's record of the debate reveals each of the bishops adopting different perspectives. Broughton took a leading role and argued that in the colony they were free from the operation of the Royal Supremacy because there was no mode for its operation. He emphasized that they were an ecclesiastical province and thus in terms of church polity they were an independent and self sustaining entity. Indeed Broughton describes any intervention by Canterbury in the affairs of the province of Australasia in regard to the appointment of bishops as a kind of Papal intrusion. "Now that there *is* a Province of Australasia and Metropolitan of Sydney, the nomination and consecration of Bishops within that Province by the See of Canterbury is irregular, and in *fact* a '*Papal*' assumption of power."²¹ Broughton was very conservative in his view of the structure of governance instruments. The laity clearly needed to have a voice and they could have a convention separate from the meeting of the clergy whom he said should be consulted when they had an interest. The involvement of the laity was needed for the exercising of discipline at the parochial level but that was put forward as a purely practical argument. The mode of his arguments in this conference tended to be practical and based upon legal theory and a particular conception of the legal situation in which they found themselves.

19. For example, on the second day Tyrrell proposed the American Episcopal model for the nomination of bishops, and Short used the American and Scottish example to argue that the independent provincial action did not compromise doctrinal purity. The following day Tyrrell was able to quote from the resolutions of the Convention of October 1784.

20. Mitchell Library, Sydney, Broughton Papers, B1612, contains a few scribbled notes in what appears to me to be Broughton's handwriting but they give us no help about the details of the debates.

21. Diocese of Melbourne, Archives, Perry's Diary, 3 October.

Perry, however, focused strongly on the diocese and was not really interested in pursuing the question of the governance of a province.²² He wanted to maintain a clear relationship with Canterbury for reasons of orthodoxy and unity. On the morning of 3 October he even went so far as to record his own comment that “Romish provincial bishops refer in all proceedings to Rome — so we should to Canterbury.” The laity, he believed, should have specific roles in regard to clergy and parishes, particularly in appointments. This concern probably reflects agitation earlier in the year in Melbourne, particularly emanating from Geelong where he had promoted a clergy discipline bill. In regard to finance, he considered the lay people had an entitlement to see how their funds, which were being held on trust, were actually being used. In matters of governance he appealed to the practice of the ancient Church and of the Church of England and what he described as those things which were desirable in the current circumstances.

Augustus Short, as presented in Perry’s diary, constantly appealed to scripture. He argued that the power of the bishop and the presbyter was of the same order except that the bishop ordained. The presbyters should therefore probably have a role in any judicial proceedings and bishops, who were responsible for the administration of money which had been given from whatever source, should be required to give an account. In Short’s view, “Autocratic Episcopacy” was a relic of popery and he supported the view that the laity should have a fair claim to present any clerk for consideration in a parish because they, the laity, were actually paying. In the matter of discipline the clergy had no other authority to act on except their inherent internal authority as presbyters in the church. The same, he said, went for bishops because of the disconnectedness of church and state in South Australia. It is remarkable how much Short appealed to scripture. Repeatedly, he cited the Council of Jerusalem as a model for synodical process and he derived from it the conclusion that laity and clergy should all be involved. Indeed he claimed that the Church of England rediscovered this scriptural principle of church governance at the Reformation.²³

Tyrrell on the other hand regarded the Church of England as having been wrong at the time of the Reformation and particularly in the legislation where the church appears to be construed as the clergy. The church is not just the clergy in Tyrrell’s view. It is more scriptural to admit presbyters into the governance structure, and the Royal Supremacy in his view “overstrained” the lay principle because it gave so much control over the life of the church to the Crown and to Parliament. He was unhappy about a juridical approach to discipline believing that the preliminary issues of what he called “training” were more urgent and important.

22. These kinds of comments may have helped Tyrrell form the view about Melbourne which he expressed in his letter to Joshua Watson quoted above.

23. These are views consistent with what Short had said to the clergy of his diocese when he first arrived. He declared that in his efforts to build the diocese he looked “to the zealous efforts of the clergy and the hearty co-operation of the laity. The clergy were not the church, but the ministers of the church.” *Colonial Church Chronicle*, Vol. 11 (1849): 35.

Nixon did not contribute extensively to this debate and, when he did so, he generally referred to the advice given to him by the Colonial Secretary and his legal advisers. Lay involvement in his view was very difficult in Tasmania because it was a convict colony. Like Broughton he appealed to the legal framework.

An inspection of Perry's diary read in conjunction with some of the relevant sections of Tyrrell's spiritual journal suggests that the public Minutes of the conference, which were agreed by the bishops section by section, represent at certain points significant compromises for some of the participants.²⁴ Indeed, later in Melbourne Perry said this in response to public discussion about the Minutes and suggested that some of these compromises might need to be reconsidered in the Victorian context.²⁵

In the Minutes a synod is said to be a meeting of bishop and representatives of the clergy. Such a synod was to consult and agree on rules and practices of ecclesiastical order and to institute and conduct the processes necessary to give effect to these things. What such synods may not do is alter the Thirty Nine Articles, the Book of Common Prayer or the Authorized Version of the Bible. Representatives of the laity might meet in convention simultaneously with a meeting of the synod. They could consult upon temporalities and any acts of a diocese would need the consent of both the lay convention and the synod. Changes in the constitution of a diocese would need to be proposed first by the synod and then the approval of the lay convention should be sought.

Clearly this is a very cautious statement. It does not go by any means as far as some of the bishops would have wished. The role given to the laity in these Minutes is significantly restricted and reflects the influence of Broughton, who at one point in the conference declared that the bishops had to have an eye to the future particularly in any thought of committing to the present lay population any significant decision making. He declared:

colonial bush population absolutely without religious education — what feeling of Church membership have they? The population is erratic, registration inoperative — subscription to articles and prayer book as at Adelaide too stringent — the laity will not submit to discipline wielded by the clergy . . . The laity has no right to sit in a proper convocation; nor a provincial, nor a diocesan synod. For a parochial work let them be employed to the full by voluntary association of parishioners.²⁶

It is also interesting that Short's arguments from the Council of Jerusalem as a model for the whole church were completely eclipsed in these Minutes.

24. In a letter to the Editor of the *Christian Observer*, 10 January 1851, which Perry asked not to be published, he said "You will observe, that our conclusions are expressed in very few words, and are of a very general character, a course adopted in order to ensure a perfect unanimity." I am quoting this from E. D. Daw "Church and State in the Empire: The Conference of Australian Bishops, 1850." *Journal of Imperial and Commonwealth History* 5, No. 3 (1977): 262, who locates the letter in the Bishop's Letter Book.

25. *Argus*, Melbourne, 25 June 1851.

26. Diocese of Melbourne, Archives, Perry Diary, 8 October.

III

Tyrrell appears to be correct in saying that there was no agreement as to what should be done by the bishops when they returned to their dioceses. All of them made the Minutes available and in fact they were published in all the colonies. The bishop of Newcastle presented them to his clergy and in Tasmania the bishop received responses from various people. In Sydney nothing was done to invite comment on them, and indeed, after the conference, Broughton went off on a tour of his diocese which took him out of Sydney for several months. An angry, negative initiative was taken in Adelaide at a "very numerous attended" meeting on 28 January 1851 when Short was not present.²⁷ The meeting passed the following resolution by a large majority:

That this Meeting has heard with regret and alarm, that the Australian Bishops, at their recent Conference held at Sydney, have attempted to narrow the terms of Communion with, and admission into the Ministry of our Church, by their formal, gratuitous, and unnecessarily dogmatical declaration on the subject of Baptismal Regeneration, thereby disturbing the peace and harmony which have hitherto prevailed among its members in the Diocese.

They also passed resolutions supporting Short and, "desirous to pay proper deference and respect to the Lord Bishop of this Diocese," rejecting any assumption of ecclesiastical authority by the bishops of the other Australian colonies and denouncing what they thought was their encouragement of the Tractarian and antiprotestant portion of the church.²⁸

Melbourne was the only place where an early effort was made to seek responses following the conference. In the *Messenger* several articles prepared the way for the publication of the Minutes. Perry sent a copy to every clergyman in the diocese and there were clear steps to encourage responses.²⁹ A number of letters from groups of clergy were published and Perry responded to them. The tone of the responses in Melbourne was much less critical than in Adelaide, as Perry himself noted in his letter of June 1851 to Broughton in relation to his Melbourne conference:³⁰

There may be a difference of sentiment on some points between this mixed assembly and ourselves, but I do not apprehend any such disposition to sit in judgement upon us and upon our conclusions as has been exhibited in Adelaide and in Hobart Town. So far as I can perceive the spirit of the members of our conference is all together different and I expect that their decisions will tend in all material points to confirm our own.

Broughton received a curt and brief response from the archbishop of Canterbury in the second half of 1851.³¹ He therefore decided to consult with his

27. The meeting was reported in the *Sydney Morning Herald* of 18 February, 2, where the text of this resolution is given.

28. These resolutions of a meeting which included some of the leading citizens do not support the view that Short was seen as a Tractarian innovator.

29. Diocese of Melbourne, Archives, Perry Letter Book 1, 81–88, Perry to Broughton, June 1851.

30. Perry to Broughton, June 1851.

31. There is an interesting short note from the Archbishop of Canterbury to Secretary Sir John Pakington dated 27 May 1852 published in P. Ford and G. Ford, eds, *British Parliamentary*

clergy about the contents of the Minutes and to seek to formulate a petition to England asking for some solution to the problems as he saw them. In February 1852 he met with Tyrrell and the minutes and a draft petition were circulated to parishes. A series of meetings took place throughout Sydney which led to considerable opposition to aspects of the Minutes, particularly the role of the laity in governance.³² Broughton invited the clergy to come to a meeting on 8 March, and 41 lay people turned up uninvited and sat behind the clergy. In a difficult situation Broughton was lucky to escape with a compromise that the laity would meet "in connexion" with the synod of bishop and clergy.³³ That clearly did not satisfy the laity because a counter petition went from a group of lay people to the Queen³⁴ and in August Broughton himself went to England in order to lobby for some kind of solution to the colonial problems.³⁵ He never returned, dying in England. Nothing effectively happened in Sydney until the new bishop, Frederic Barker, arrived. Even then the progress towards a N.S.W. constitution was complicated and difficult and nothing emerged until 1866 when a bill was passed in the N.S.W. Parliament to provide for the control of church property according to a constitution which was attached to the bill as an appendix.³⁶ Newcastle, of course, was caught up in the difficulties associated with Broughton's handling of the Sydney situation and the later complication of the formation of the diocese of Goulburn in 1863. Tyrrell hoped for action by the Imperial parliament, but in the period after 1855 he came round to the view that a legislative solution should be sought from the N.S.W. parliament.³⁷ In Tasmania a council of clergy and laity met in 1857 and the following year the Church of England Constitution Act came into effect.

The two places where things actually happened with more expedition were Melbourne and Adelaide. The first synod to be established on any constitutional basis took place in South Australia in October 1855, just four years after the Bishops' conference.

Papers (Shannon: Irish University Press, 1969, 34 vols), Vol. 13, 2, "I have searched in vain for a copy of my reply to the Bishop of Sydney, but its tenor may be collected from the reply; it was chiefly occasioned by a remark of Lord Grey, when pressed upon the subject, that before he could legislate for the colonial Church, he must know what were its principal requirements."

32. These meetings were reported in the *Sydney Morning Herald*, 9 April, 4; 17 April, 4; and 6 May, 2.

33. See *Sydney Morning Herald*, 15 April 1852, 2-3. The meeting adjourned and met again 15 April 1852, see *Sydney Morning Herald*, 16 April, 2-3. The story is well told by G. P. Shaw, 253-262.

34. *Sydney Morning Herald*, 19 May 1852, 2-3 and 20 May 1852, 3, reports the meeting of lay people, and the terms of the petition were advertised in the *Sydney Morning Herald* 10 May 1852, 3, seeking signatures.

35. He set out his intentions in a farewell speech to a gathering of people just before he departed, *Sydney Morning Herald* 16 August 1852.

36. New South Wales Select Committee, *Report from the Select Committee on the Church of England Synods Bill: together with the Proceedings of the Committee, Minutes of Evidence and Appendix* (Sydney: New South Wales Legislative Council, 1860), provides considerable material relevant to these developments and an excellent insight into the issues and arguments.

37. See the discussion in A. P. Elkin, *The Diocese of Newcastle. A History of the Diocese of Newcastle, N.S.W., Australia* (Sydney: Printed by Australasian Medical Publishing Company, 1955), 270ff.

In Melbourne Perry had encouraged discussion of the Minutes. From 24th June to 9th July in 1851 a conference of clergy and laity took place and resolved that they should meet again and a committee was established to advise on the legal situation.³⁸ The conference met again three years later in 1854 and a bill passed through the Victorian Legislative Council in November of that year. Perry went to England to lobby for royal assent which, after some difficulty, was obtained on 12 December 1855.

In Adelaide the South Australian Church Society met on 28 January 1851 protesting vehemently that the Minutes reflected too much episcopal authority. The statement by the bishops on baptism was very ill-regarded in Adelaide because it appeared to narrow the membership of the Church of England and to constitute a significant change in the range of legitimate opinion on the doctrine of baptismal regeneration. It is clear that in Adelaide there was a strong sense that the Protestant character the Church of England was compromised. These meetings were also greatly concerned that there should be a continuing strong connection with England and the Ecclesiastical authorities there. The same complaint about the baptismal declaration appears in the Melbourne reactions but Perry's dissenting view in the Conference Minutes blunted any criticism of him.³⁹

The significant turning point in Adelaide was the decision of the Legislative Council to abolish all church aid within weeks of the election of the new Council in 1851. This created a dire financial situation for the Church of England in South Australia and Short initiated a conference in December 1852 to deal first and foremost with financial questions. However, a meeting of the Church Society held prior to this conference considered issues to do with a constitution and prepared material which was discussed at the December conference. In the event a constitution was drawn up and a petition to the Queen was formulated to give effect to this constitution. In February 1853 Short went to England where he was advised that no legislation was needed,⁴⁰ and so it was that in early 1855 a diocesan conference agreed to a constitution for a synod on the basis of voluntary agreement among the parties concerned. That synod came into effect in October 1855.⁴¹

38. Reports of the conference were published in the *Church of England Messenger* (1851/52): 143–156, 161–168, 218–223, 227–235, 245–254.

39. That part of the Minutes dealing with Baptism was separately published in the *Church of England Messenger*, (1851/52): 10–13, and was introduced by the editor with words including the following: "merely observing that the latter (i.e. Perry's dissenting statement), as will be perceived, is in exact agreement with the paper upon the subject in our May number." In the same year the paper published the letter dated 25 March 1851 from the clergy of the diocese to the bishop concerning the minutes of the Bishops' conference in which they "strongly deprecate the putting forth of any authoritative decision upon the doctrine of our church regarding it, beyond that contained in Article 9 as agreed in 1562," 152.

40. See *Colonial Church Chronicle*, Vol. VIII (1855): 302 for the opinion of the lawyers R. Bethel, F. Kelly, J. Napier and A. J. Stephens, "We are of the opinion that the Act of Submission (25 Henry VIII, c. 19) does not extend to prohibit or render illegal the holding of Diocesan Synods within the Diocese of Adelaide."

41. It is interesting to observe that at almost the same time as royal assent was given to the Victorian bill a similar request from Canada was rejected in London on the grounds that the Canadian bill went too far.

IV

The resulting constitutional patterns in the Australian colonies differ significantly. The two earliest, South Australia and Victoria, best illustrate these differences. The South Australian Constitution contains a recital and a declaration that this constitution is going to be based on a "consensual compact."⁴² The Declaration states that this church is part of the United Church of England and Ireland and retains the doctrine and sacraments, the Book of Common Prayer and the Ordinal of that church. There is to be a synod made up of bishop, clergy and elected lay representatives from parishes, provided that the parishes have paid their contributions to synod expenses. The synod may make regulations and will be the proper court for offences of the clergy. The synod "shall be the proper Court for the trial of such offences as may be presented to it by the Bishop."⁴³ The synod may hold property, and is to meet annually. A vote will be taken by orders on all matters except finance. All clergy and synod men will be obliged to sign a declaration which is contained in the appendix of the constitution. This last aspect highlights the consensual character of this arrangement.

The Melbourne Constitution, which was cast in the terms of an Act of the Victorian legislature, follows a different pattern from that in South Australia, although the implicit ecclesiology is very similar.⁴⁴ The Victorian Bill follows much the same lines as Archbishop Sumner's unsuccessful bill of 1853. The synod will contain clergy and laity and may be convened by the bishop. Regulations and acts of the synod are to be binding on the clergy and lay members insofar as they concern their membership of the church or their ministry in the church. Members are to make a declaration that they are communicant members of the Church of England. Any resolutions of this synod require a majority of the laity and the clergy and need to be voted for by the bishop. There is reference in this constitution as well to patronage and advowson, an issue which had been a running sore in Melbourne since 1850. The synod can establish a commission and its acts are to be sent to the Metropolitan and to the archbishop of Canterbury who may comment to the Crown about any actions of the synod or its rules. On the advice of the archbishop of Canterbury those rules may be disallowed.

The Victorian constitution thus kept the archbishop in full play in order to remove any prospect of interference from the other colonies. In their 25 March letter to the bishop the clergy of Melbourne explicitly reject the idea of a local Metropolitan and argue that the senior bishop in the colonies should act simply as a "Primus of the Australian dioceses, without possessing any judicial authority over the same."⁴⁵ Both colonies were determined to keep the other colonies from interfering in local affairs. The Victorians did this by

42. The text of the constitution can be found in H. Lowther Clarke, *Constitutional Church Government in the Dominions beyond the Seas and in other Parts of the Anglican Communion* (London: SPCK, 1924), 99–104.

43. Clause 2.

44. The text is also printed in Clarke, 136–140.

45. *Church of England Messenger* (1850/51): 150.

tying themselves to Canterbury, the South Australians by establishing themselves more independently.⁴⁶

The arguments in Melbourne appealed to ancient usage, for example in regard to the appointment of any new bishop by the synod. In the Melbourne debate there was to be no provincial synod because it would weaken the ties with England and would interfere with the bishop's and the diocese's independence. Any doctrinal issues ought to be settled by duly constituted authorities which for this purpose were understood to include the ecclesiastical courts in England.

In Adelaide both the laity and the clergy complained about the absence of any consultation. The laity argued that the bishops' statement narrowed the conception of church membership and they did not want any Tractarian or antiprotestant section of the Church of England to be given any kind of encouragement.⁴⁷ There should be no authority given for other bishops to intrude upon what happened or might happen in Adelaide.⁴⁸ The clergy also complained that there had been no proper consultation and that in fact it was the clergy's responsibility to appoint bishops according to ancient practice. They agreed with their lay colleagues about the Gorham judgement because it left the range of legitimate opinions open. In this whole process Short shows a remarkable combination of pragmatic common sense and an openness to what the South Australian Church Society was saying. At the conference in 1852 where the report of the South Australian Church Society was discussed, he defended it as being in accord with the principles of the Church of England.⁴⁹

The debates in both Adelaide and Melbourne show a remarkably strong democratic temper from both the clergy and the laity. Whereas in Melbourne there had been easy and early consultation, in Adelaide the South Australian Church Society took an early initiative and set itself against the Bishops' conference and on a number of matters against Short.

The political circumstances in these two places differ as well. In Melbourne the legal environment put the focus on the local parliament and royal assent. The constitution which was prepared and presented to the local Parliament was modelled on Archbishop Sumner's unsuccessful bill in England. On the other hand in Adelaide the legal steps were taken not via the local Parliament, where they clearly would not get any satisfaction, but by means of a petition to the Crown with regard to their agreed constitution.

The financial circumstances in Victoria were not as pressing as they were in Adelaide. The general financial situation in Victoria was better and the church continued to receive aid from the state. In South Australia there was lay objection to State aid. The earlier acceptance of State aid by Bishop Short and the clergy had been criticised and in any case aid was abolished early in 1851 as one of the first acts of the newly elected parliament.

46. The Adelaide position was criticised by the editor of the *Church of England Messenger* (1851/52): 363.

47. *Sydney Morning Herald*, 18 February 1851, 2, Resolution 4.

48. *Sydney Morning Herald*, 18 February 1851, 2, Resolution 2.

49. *Sydney Morning Herald*, 26 January 1852, 2.

In both Melbourne and Adelaide senior public figures were involved in these debates which revealed both a high level of legal acumen and of social awareness. The context in Victoria reflected the newly separate and independent status of the colony and identification with it. In Adelaide one has the feeling that the issue of loyalty to the Crown and to the Royal Supremacy by the members of the Church of England reflects something of their nostalgia for the English establishment in a colony where church and state were separate and in which members of the Church of England perceived themselves to be just one among others in the denominational stakes.

V

This examination of the 1850 conference and the emergence of synods as the key element in the polity of Anglicanism in Australia has proceeded on the basis of examining fully Bishop Perry's diary of the conference and the contemporary accounts of the developments after the conference in each of the colonies. It has sought to set the conference and these developments in the broader social circumstances in each of the colonies in the middle of the nineteenth century. Regional differences have been highlighted as has the decisive influence of popular lay opinion in shaping what eventually emerged in each of the colonies. The proposals contained in the minutes of the conference in regard to synods were nowhere adopted. The notion of a synod of bishop and clergy alongside a convention of laity concerned with temporalities only was explicitly rejected by popular pressure in every colony. The evidence of Perry's diary makes it clear that the bishops were not in any case agreed on this point. In fact it is quite clear that neither Perry nor Short shared this view and probably Tyrrell and Selwyn did not either. Broughton is the only one who shows after the conference that he holds to this view of things, but he was defeated in Sydney on the point by popular protest. This same evidence makes it clear also that the views, theological or otherwise, of the bishops were not decisive. Those bishops who gained most did so by diplomacy and adjustment.

It is a curiosity therefore that the received tradition moves in the direction of explaining the different models that emerged in terms of the theological opinions of the bishops. Theological in this context usually means opinions which are shaped and derived from the internal traditions of the church. This phenomenon can perhaps be explained by the fact that the historiography of the 1850 conference has been developed as part of the effort to secure a national constitution for the Anglican Church. The three central accounts were all written at crucial times in the long history of the debates about a national constitution. The first three, Micklem (1921), Clarke (1924) and Giles (1929), were written to contribute to the intense debates in the General Synod during the 1920s. Ross Border (1962) wrote much later in the final stages of the development of the constitution which eventually came into being in 1962.

The first three contributions have set the main directions of the tradition. They were written in the 1920s when it was widely thought the constitution

was about to be agreed. All are concerned with constitutional questions. All work on a historical comparative basis. Micklem compares the contemporary situation with the historical expression of church constitutional ideas from the earliest times of Christianity. He pays particular attention to the development of western Christianity and the limited historical reality of papal hegemony. Clarke tracks the contemporary and recent constitutional developments in the Church of England, particularly in relation to the spread of Anglicanism beyond England to the farthest reaches of the British empire. Giles restricts himself to the Australian experience and sets out the story from 1788 to 1929, written in the expectation that this would see the culmination of that development in an agreed national constitution. Clarke provides an immense amount of contemporary material, and also a number of general background essays, but he does not consider the 1850 conference itself in great detail. For Micklem and Giles the 1850 conference is crucial. Each of the accounts emphasizes the relationship with the state and social institutions for the development of church institutions and each emphasizes the role of the bishops in that development.

Micklem declared at the beginning that his purpose was to contribute to the then current constitutional debate. He regarded it as important to have a national constitution so that the church could be independent for mission. He wanted local liberty so that Anglicans could "make their full appeal to the peoples in which they are planted."⁵⁰ He also wanted a national constitution for the sake of Christian unity which he claimed was increasingly seen to be best achieved not through a rigid standard of uniformity but "through a rich diversity of life and devotion."⁵¹ This second point particularly is shown in his account of the development of church polity up to the modern period. It is the key to his account of the relationship between the papacy and the Holy Roman Empire and the response of the church in the west to nationality as seen in such movements as the Hussites. He claims the "the principle of nationality may legitimately be asserted in Church government."⁵² In turn this becomes a key issue in the expansion of the Church of England in relation to the emerging national awareness in different countries. That point in turn prepares the way for arguing that the emerging context of political development in Australia provides the context for understanding the 1850 Bishops' conference: "In the civil sphere constitutional development was proceeding apace."⁵³

At first he claims it was thought changes should be effected by the Imperial Parliament and indeed this is reflected in the actions of Broughton. Perry also thought that any constitution should be achieved by legislation, and he pursued that aim in the Victorian parliament. However, he claims that Selwyn in New Zealand wanted to move by consensual compact and that "similar action was taken by the diocese of Adelaide under the guidance of Bishop

50. P. A. Micklem *Principles of Church Organisation* (London: SPCK, 1921), p.v.

51. Micklem.

52. Micklem, 71.

53. Micklem, 106.

Short.”⁵⁴ Micklem claims that although the method of achieving a constitution was a burning question, the practical result in the end was not all that different. The bishops’ desire to secure independence from a constitution was, according to Micklem, prescient as can be seen by the case of *King v. Barker* in which it was made clear in the N.S.W. Supreme Court that the bishop’s powers to use ecclesiastical institutions for clergy discipline were very limited.⁵⁵ “Thus the Bishops’ resolution of 1850 recommending the establishment of synodal government was abundantly justified by the trend of events both in the civil and ecclesiastical sphere of the next few years.”⁵⁶

Micklem’s account of these events is very interesting from a number of points of view. First he is acutely aware of the historically conditioned character of decision-making on church structures, not only for the 1850 conference but for the history of the Christian church generally. He also recognizes that the practical differences in outcome between the so-called consensual compact basis for a constitution and a parliamentary legislative basis were not all that great. However, his presentation of the flow of events does not account for the conflict which the resolution of the Bishops’ conference encountered. For example, Adelaide, he says, moved forward under the guidance of Bishop Short. Undoubtedly Short did guide the process, but not in the sense that he led Adelaide gently forward to the conclusion already reached by the bishops in 1850. On the contrary he ran into a lot of trouble. Short’s leadership in this matter consisted more in adjusting to the strongly expressed mood of the lay and clergy members of his diocese.

Clarke does not discuss the 1850 conference in great detail, but he does remark upon the different bases upon which a constitution was or should be sought. He clearly affirms the idea of a consensual compact as being a “true principle” and he appears to approve of an unidentified quote from Gladstone that a voluntary consensual compact was the way to go and was “the basis on which the church of Christ rested from the first.”⁵⁷

However, it is in Giles that we come fully into the notion that the different approaches in each of the colonies flowed from the bishops and that the principle divide on this issue was whether they were Tractarian or not. He takes Victoria and South Australia as the key examples of the different approaches. In Victoria, Perry’s views on despotism and particularly episcopal despotism are noted, and the reason for Perry going to the legislature was because “we are so circumstanced.”⁵⁸ It is Perry’s views on institutional and political authority, especially as seen in the church, that provides the interpretative context for Melbourne’s move towards the legislature.

By way of contrast Short is characterized at some length as a Tractarian on the basis of an essay he had written on Tract XC, the Tract, which sought to

54. Micklem, 111.

55. See *Ex parte The Revd George King*, Supreme Court of New South Wales, 2 Legge 1307.

56. Micklem, 109.

57. Clarke, 83.

58. R. A. Giles, *The Constitutional History of the Australian Church* (London: Skeffington, 1929), 84.

show that the Thirty Nine Articles were susceptible of a fully Catholic interpretation. The issue for Giles is not so much that the constitutional arrangement in South Australia was prompted by Short's Tractarian views, but rather that the evangelical laymen in Adelaide disliked Short's views on Baptism and the Gorham judgement as expressed in the minutes of the Bishops' conference. They regarded the move to synodical government as just another expression of Short's Tractarianism.⁵⁹ Giles recounts the Adelaide story in those terms. He goes on to recall that the legal effect of the trust approach to a constitution was tested in the courts in 1858. A clergyman charged with drunkenness opted to be tried by a church tribunal and was found guilty. The clergyman then brought a suit of libel against the synod, but the court found that he had accepted the jurisdiction of the church procedure. Giles also records that in 1862 an unsuccessful attempt was made to secure a legislative basis for the church constitution.

We see here the beginnings of a tradition which portrays the Bishops' conference as the fount of the movement for synods in Australia and that the different foundations for such constitutions in the different colonies, Victoria and South Australia in particular, arose from different theological opinions held by the respective bishops. The characterization of the debates on a national constitution in the twentieth century given by John Davis reflects a disposition to perceive the differences in terms of such theological opinions. Thus Sydney stands for an evangelical position upholding a Reformation opposition to the Romanizing tendencies introduced into the Church of England by the Tractarians, and believes that the issue of the constitution in its various aspects is to be seen in these terms.⁶⁰

I do not propose to examine the process of the debates on the constitution in the twentieth century but do point out that the rhetoric of a debate may not necessarily tell you what the real issues are for those involved. I think that point can be profitably applied to the interpretation of the 1850 Bishops' conference and the emergence of synods in Australian Anglicanism. To claim that the consensual compact is the natural expression of someone's Tractarian views requires an immense suspension of critical judgement. In the case of Short the way in which he approached the matter of church-state relations does not at all reflect a supposedly Tractarian view that the church should be independent of the state and therefore that it should seek a constitution on the basis of a consensual compact. If we take Short's attitudes and actions on church-state relations in the matter of a church constitution then he could not possibly be said to have that kind of Tractarian point of view. It seems to me that Short's Tractarianism is more secure in the subsequent rhetorical mythology than in the reality of his actual utterances and actions. The accusation of Puseyism was bandied around in mid-century but it often had more to do with the anxieties of the accusers than with the realities of the

59. Giles, 98.

60. J. Davis, *Australian Anglicans and Their Constitution* (Canberra: Acorn Press, 1993): 98f. and 106f.

subject of the accusation. In the case of Broughton we have clear evidence of this discrepancy.⁶¹

This examination of the 1850 conference shows that the bishops were well informed and certainly were the catalysts for the emergence of synods in Australian Anglicanism. It also shows that not one of the final constitutions in the different colonies conformed in basic structure to the resolutions in the Minutes of the Bishops' conference. It also shows that the bishops were subject to very considerable pressure from lay people to make the constitutions more democratic. Perry and Short were most open to this move, but Broughton was not. Furthermore the contemporary accounts in both church and secular papers show that the move to church constitutions was seen as part of the general moves in society to more democratic and local institutions. This can be easily seen in terms of government, but it is also true in other social institutions. This is the period when Mechanical and Literary Institutes flourished, when the cooperative movement gathered pace as never before. Affiliated societies came in the 1830s and legal recognition of friendly societies was given, along with some control, in the *Friendly Societies Act* of 1843.⁶² The economy was developing and while it was the age of the pastoralist and the economy was riding on the sheep's back, industry and commerce were developing as well and financial institutions were emerging. All of these developments meant that the Australian colonies were taking on board moves which enabled the development of social institutions which could be created by the people for the people.

Given that the bishops were, in general, responsive to contemporary social forces and given that the lay people who were active in these church matters were also involved in the wider social changes it appears much more likely on the evidence that the democratic character and pragmatic foundations of the emerging synods in Australia were shaped by these wider social movements. To make that claim does not mean that these developments lacked any theological foundation or influence. It simply means that the theological influence was of a kind that enabled openness in the formation of ideas and institutions for decision making in the church.

There is one aspect of this which does call for comment and illustrates the continuing influence of the English tradition of social institutions on the formation of these synods. By and large the models used in the synods were drawn from government and politics. That model has continued in the synodical tradition in Australia, as indeed elsewhere in the Anglican Communion. It probably arises from the long tradition of the establishment of the Church of England and the reshaping of church structures along the lines of those of the state which was put in place for Anglicans at the time of the Reformation in England. Perhaps this state model could be regarded as a fossil from the

61. See B. N. Kaye, "The Baggage of William Grant Broughton: The First Bishop of Australia as Hanoverian High Churchman", *Pacifica* 8 (1995): 291–314.

62. See David Green and Lawrence Cromwell, *Mutual Aid or Welfare State. Australia's Friendly Societies* (Sydney: George Allen & Unwin, 1984).

English past, and at a time of great institutional change alternative models could be profitably explored.

Another consequence of these forces at work in the strange birth of synods in Australia, is that regional differences were embedded in the arrangements. Democratic, local, synodical governance became the determining mark of the church polity and lay power moved to centre stage in Australia, whereas in England it was in the process of being eclipsed.⁶³

The participants in these synods were essentially conservative in their approach to central doctrines and theology. However, in relation to institutions there is clearly a diversity of point of view. Underlying that diversity is a common assumption about the guidance or providence of God. What has providence provided at this point in time? Broughton answered: an ecclesiastical province which is independent and sufficient to itself. Perry answered: a continuing connection with the Church of England's institutions particularly their ecclesiastical legal institutions. Short was nearest the mark with a vision of the whole community functioning together like the Council of Jerusalem in the Acts of the Apostles. In fact the whole church community finished up with what was finally democratic, local and regional. That was what providence effectively provided in the middle of the nineteenth century and what has characterized Australian Anglicanism ever since.

In the ecclesiology to which I am drawing attention, the synods are one part of the life of the church community. They seek to secure the provision of word and sacrament and the discipline of bishops, priests and deacons. Because of the way in which they emerged in the middle of the nineteenth century they also institutionalized a way of settling questions which involved the whole church community. Such a commitment, as the conciliarists of the fourteenth century discovered,⁶⁴ called for a notion of representation in what emerged in Australia in the nineteenth century and has become part of the ecclesial tradition of modern Anglicanism.

I have borrowed the terminology of my title from the book by John Hirst called *The Strange Birth of Colonial Democracy*.⁶⁵ Hirst concentrated on N.S.W., whereas I have noted the separate development of South Australia and Victoria. However, his analysis of the political situation has a number of echoes in the church debates. He underlines that democracy came in the middle of the nineteenth century by a series of pragmatic steps rather than

63. Burns has argued for a diocesan revival in the second half of the nineteenth century, but it is not a revival of lay participation in church governance. A. Burns, *The Diocesan Revival in the Church of England c.1800–1870* (Oxford: Clarendon Press, 1999). Throughout the nineteenth century the role of Parliament in the affairs of the Church of England was diminished and in 1852 Convocation began meeting. Lay people met in a separate assembly from 1885 but a joint meeting only occurred with the Church Assembly in 1920.

64. See for example the works of Brian Tierney: *Church Law and Constitutional Thought in the Middle Ages* (London: Variorum, 1979) and *Religion Law and the Growth of Constitutional Thought* (Cambridge: Cambridge University Press, 1982). See also R. W. Albright, "Conciliarism in Anglicanism", *Church History* 33 (1964): 3–22.

65. J. B. Hirst, *The Strange Birth of Colonial Democracy. New South Wales 1848–84* (Sydney: Allen and Unwin, 1988).

an idealistic struggle.⁶⁶ Self-government was reasonably easily granted by England and the egalitarianism which became part of the Australian culture was largely created by social forces outside of local politics. Similar things can be said in regard to the strange birth of synods and church governance in Australia. Local social, political and institutional circumstances were crucial in terms of shaping what was possible.

John Hirst suggests that in the broader Australian political environment, Australians wanted a society which was open to all especially in the area of politics. He concludes his book with this sad comment: "But as parliament lost its eminent and gentlemanly manners it also ceased to enjoy wide respect. The Colonists inverted the Greek ideal and made public life something to be ashamed of."⁶⁷

The population of the synods of the Anglican Church has not changed quite so quickly. But an arrangement which institutionalizes an arena of argument is probably never fully able to escape the possibility of it becoming something to be ashamed of. On the other hand if such an assembly of representatives conducts its affairs in a way which reflects the claim that this is a community which is called by God and manifests the Christian virtues and prayer, then it could be a powerful witness to the presence of the community of the Crucified. That is an ecclesial model to strive for, and the modern foundations of its possibility were laid in the strange birth of synods in Australia in the middle of the nineteenth century. How far the current versions of these synods with their continuing parliamentary pattern is still appropriate is altogether another question.

66. A similar approach is to be found in the recently published manuscript of the late John M. Ward, *The State and the People: Australian Federation and Nation-making, 1870–1901* (Sydney: Federation Press, 2001).

67. Hirst, 273.