

Law, grace and moral learning: an exploration of the mind of F.D. Maurice

*Jeremy Morris*

It's a pleasure and an honour to be with you today to deliver the Warburton lecture, not least because this year we mark the 150<sup>th</sup> anniversary of the death of Frederick Denison Maurice, one of the greatest names of the many clergy who have ministered here at Lincoln's Inn, and someone whom I have spent a fair proportion of my life studying. Maurice's greatness lies above all in his immense contribution to modern Anglican theology. His reputation has ebbed and flowed, but he remains an intrinsically fascinating, even compelling thinker. And law was, one way or another, a central preoccupation of his life. Preaching and ministering here for nearly fifteen years, many of his closest friends and colleagues as well as his congregation were lawyers, and the administration and practice of the law impinged in multiple ways on his life.

So, when we think of law and the practice of law, what did he have to say, and why was it so important? That's partly what I aim to address in the course of this lecture. But I'm a historian and a theologian, like Maurice himself, and not of course a lawyer, and so what interests me – and what interested him – is not the specifics of defining and practising law, but a profound theological challenge, and it's one that goes right to the heart – to the very origin – of the Christian faith. What is the relationship between law and grace, between regulation or control, and love, in other words, or to put it another way, between what is found and what is freely given? Law and grace constitute two of the great spiritual 'facts' of Christian life. How do we reconcile or fuse them?

If we choose to see them as antithetical, we can trace a genealogy of ideas right back to Jesus's teaching. In so much of his life and ministry we see Jesus at odds with the religious authorities, challenging them about the heartless rigidity with which they impose the provisions of the laws of Israel. And yet he himself says "Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfill them".<sup>1</sup> Jesus the Jew in no wise stands opposed to the law of Israel; and yet time and again he himself qualifies or challenges the administration of the law in the name of compassion. There's at least an implicit antithesis here, which is carried much further in the teaching of Paul. For Paul, Jesus himself is the fulfilment of the law; faith in him takes precedence over observation of the law. The background was the Gentile mission, the expansion of the Jesus movement beyond the synagogue and Temple, the presenting issue the requirement of circumcision. In a sense, Paul reads faith in Jesus as the embodiment – Christians would come to use the word incarnation – of the spirit of the law: the letter, on the other hand, may be an obstacle, if it clouds or obscures the free gift of God in Jesus Christ. As Paul says in his letter to the Galatians, "walk by the Spirit, and you will not carry out the desire of the flesh".<sup>2</sup> In other words, in the life of the Spirit, which is given to us by the grace of God, the

constraints of the law become unnecessary: law is needed, according to Paul, only for the sake of our faults and infirmities.

### The Anglican way

Consequently, in Christian history, a real ambiguity has clung to the question of law. It doesn't help to suggest that Paul is only talking about a religious law, for in the history of Israel there was no distinction between the religious and the secular. Such a distinction began to emerge precisely in Christian thought, not least because it had to inhabit for over three centuries a political establishment which insisted – sometimes – on the observance of laws which fundamentally contradicted Christian belief. But even the Christianization of the Roman empire didn't abolish the potential conflict of law and grace, however, for the intellectual and political inheritance of the idea of empire continued to influence Christendom, through Byzantium, Charlemagne and the Holy Roman Empire (which Voltaire famously said was neither holy, nor Roman, nor an empire), and so Christians continued to have to negotiate their way through life between the commands, the requirements of authorities which, time and again, came into conflict with the Church.

Before we get to what F.D. Maurice might have had to say about these things, I want to take a brief detour through Anglicanism. Anglicans can't claim to have a uniquely successful approach to these questions, but they can claim to have a distinctive perspective on them. That's because – and I'm simplifying grotesquely – the Church of England's characteristic fusion of monarchical Protestantism and the federated structure of medieval Catholicism was like the result of a dialectic between two radically opposed ideas of the relationship of faith and secular authority.

On one side was the full-blown, late medieval conception of the authority of the Papacy. Its fullest expression was the theory of the two swords of temporal and spiritual power, described by Pope Boniface VIII in his Bull, *Unam Sanctam*: both were in the hands of the Church for, as he claimed, “the one who denies that the temporal sword is in the power of Peter has not listened well to the word of the Lord”.<sup>3</sup> The Church, and therefore above all the Pope, the Vicar of Christ, had the ultimate authority over all human affairs.

Now this was never universally accepted in the Latin Church. But it became the argument against which rival ideas had to contend. And against it particularly was the position taken up by the great Protestant reformers. For Luther, for example, the two swords were parallel powers, interdependent, but largely confined to their own spheres. Political authority was always to be obeyed. The canon law of the medieval church was severely cut back.

Which of these models was true of the Church of England? Neither. Henry VIII declared himself 'Head' of the Church of England, and thereby made himself Pope. He simply substituted himself for Pope, in jurisdiction over the English Church. This of course upended the Papal theory completely. No one came closer to despotism in the sheer exercise of arbitrary power in English history than Henry. This English Reformation was always tied closely to the royal will. But it wasn't quite as simple as saying the temporal power totally eclipsed the spiritual. For all his wilfulness, Henry worked by delegation, and that meant ministers and ultimately Parliament. Sovereignty lay with the king, but the king couldn't really exercise it without Parliament, and then the whole emergent structure of English civil and common law. Parliament came to be seen, in time, as the 'lay synod' of the Church of England. Parallel to the 'king in Parliament' eventually – a long way into the future – lay the notion of the 'bishop in synod'.

As a result, in England there developed a relationship of law and religion that was quite distinct from almost anything else seen in Europe – certainly Frederic Maitland thought so, since the development of English common and civil law had demarcated certain issues (violence, property, even Church property, and land, for example) as belonging to the secular courts rather than the Church courts well before the Reformation itself.<sup>4</sup> But it wasn't just Parliament and the law that influenced this outcome: it was also the royal ambition, pursued to the full by Thomas Cranmer in the reign of Edward, to achieve a uniform religious settlement for the whole realm, imposed through a common liturgy, and enforced by the novel device of royal injunctions. For centuries thereafter, the interests of Crown and Church were closely intertwined. Some think they remain so today.<sup>5</sup>

For all the strength of the assertions made in the *Thirty-Nine Articles of Religion*, in the articles dealing with the Christian doctrine of salvation, that works were of no avail in justification, then, a more nuanced relationship developed in England between concepts of law and the theology of grace. It wasn't actually as simple as saying faith justified and saved, and works were merely the fruits of justifying faith, though that's certainly what Cranmer himself believed. Mere obedience to the law was necessary, but not in itself justifying, unlike faith in Christ; but on the other hand, not to obey the law was something more than just a secular offence; it had moral loading. In a Christian realm, with a sovereign who claimed to be the head, later the supreme governor, of the Church, obedience to the law in a sense entailed obedience to the demands of the Gospel, because the former temporal authority now had extended its jurisdiction over the spiritual.

But did this mean that in practice obedience to the law supplanted grace? Not at all. For most of the sixteenth and early seventeenth centuries, continental observers considered the Church of England to be essentially a Protestant, reformed Church, just like the Lutheran and Calvinist churches. Its theology was definitely Protestant. But its *modus operandi*, its partnership with and legal subordination to the monarchy of a consolidated nation state contained within it the seeds of a more complex working out of these tensions. And the really

sharp end of this became the battle over whether or not the structure, life and worship of the Church were sufficiently Biblica, sufficiently subservient to the imperatives of the Gospel.

The one Anglican it is impossible not to mention in this connection is Richard Hooker, the greatest of all the early Anglican theologians, and one whom Frederick Maurice held in the highest esteem.<sup>6</sup> Hooker was the first and by far the greatest of the theorists of the Church of England's relationship with the law and the State. Hooker worked back from the settlement of religion under Queen Elizabeth as he knew it, to explore the Church's existence and operation in harmony with the civil power.

And he did this by starting with a systematic analysis of law. Obviously, as Hooker indicated, there were several different kinds of law – Biblical precept, ritual law, rules of church government, the laws of the State, divine law as in the moral law. In his *Laws of Ecclesiastical Polity* (1594-7), Hooker provided a typology of law which embraced the possibility of change even in the most apparently ancient forms of usage, provided that “The end which is aimed at in setting downe the outward forme of all religious actions is the edification of the Church”.<sup>7</sup> For sure, Hooker did recognize the fixity of the content of faith, but he put all “matters of regiment” in the category of things, including ‘Divine Laws’, or positive law, that are mutable.<sup>8</sup> His conclusion was, by any standard, breathtaking: “I therefore conclude, that neither God's being author of laws for government of his Church, nor his committing them unto Scripture, is any reason sufficient wherefore all churches should for ever be bound to keep them without change.”<sup>9</sup> Hooker didn't by this means denigrate law. On the contrary, he raised it to the highest possible estimation: “Her seat is in the bosom of God, her voice is the harmony of the world; all things in heaven and on earth do her homage, the very least as feeling her care, the greatest as not exempted from her power.”<sup>10</sup> So we see here that the foremost exponent of the Anglican theory of Church government, and of the relationship of Church and State *both* elevated law in all its forms, *and* at the same acknowledged its practical mutability. Hooker placed at the centre of Anglican reflection a method of triangulation: God-given law, human institutions, and the contingencies of time, all sat in a mutual relation. And how did human beings in fact work out how to make this triangulation? Through the application of what came to be called Hooker's ‘threefold cord’ of Holy Scripture, the exercise of reason, and the test-bed of human experience, or tradition.

[Back to F.D. Maurice](#)

Thank you for your patience in listening to my very brief discussion of the emergence of a distinctive Anglican approach to the relationship of law, State and religion. I want to turn back properly to F.D. Maurice now, for we have already touched on three areas of concern which form part of the backbone of his theology. One was the relationship of Church and State, and in particular the establishment of the Church of England; another was the interrelated nature of human and divine law; and another was the question of mediation, that is, how you discern in specific human situations eternal truth.

Maurice did have a quite unique approach to these things. And that was hardly surprising, given his unusual religious background. The child of a Unitarian minister, the hyper-sensitive Maurice was profoundly disturbed as a young man by the religious divisions which opened up in his family when his mother and sister embraced an extreme Calvinist predestinarianism completely antithetical to the cautious religious rationalism of his father. He studied at Trinity College and then Trinity Hall, Cambridge, with a view to becoming a lawyer, but fell under the spellbinding influence of Samuel Taylor Coleridge's metaphysics and religious philosophy, and under this influence headed towards Anglican orthodoxy and ordination. After further study at Oxford, where he became friends with Gladstone, he was ordained into the ministry of the Church of England. This was all a heady, quite intellectually unstable brew – conservative High Churchmanship, Coleridgean metaphysics, traces of radical politics from his Unitarian home, all bound together by a somewhat fevered, even neurotic temperament.

The peculiar combination of these qualities explains quite a lot of the difficulties we might have in reading him today. It was probably less difficult then, but all the same many of Maurice's contemporaries found his a bewildering mind. The Anglo-Catholic theologian James Mozley said of him: "Maurice has been petted and told he is a philosopher, till he naturally thinks he is one. And he has not a clear idea in his head."<sup>11</sup> A man of a quite different intellectual stamp, John Stuart Mill, another great friend of Maurice, thought there was "more intellectual power wasted in Maurice than in any other of my contemporaries. Few of them certainly have had so much to waste. Great powers of generalization, rare ingenuity and subtlety, and a wide perception of important and unobvious truths, served him not for putting something better into the place of the worthless heap of received opinions on the great subjects of thought, but for proving to his own mind that the Church of England had known everything from the first".<sup>12</sup> Most damning of all, but superficial, was perhaps Disraeli's lampooning of Maurice's obscurity when, speaking in 1864, he referred to the "lucubrations of nebulous professors... who, if they could persuade the public to read their writings, would go far to realise that eternal punishment which they deny".<sup>13</sup> And Maurice is indeed, to the modern reader, obscure, long-winded and sometimes utterly baffling.

And yet. And yet. He was a profound inspiration to a whole generation of younger Anglican theologians and laity, who were to translate his somewhat lofty appeals to the social implications of Christian doctrine into both practical and theoretical movements of lasting worth, including the long tradition of Anglican social theology that had its greatest modern exponent in William Temple. And when you stay with him, and roll the complexities around your head, as it were, you can begin to see why.

He had a staggering breadth of vision. He was like the person who can never answer a question briefly because they see the immense complexity of all the interrelated factors at one go. He would probably have made a terrible lawyer. But he tried again and again to unravel and explain the difficulties of Christian faith and life in a way that would make sense

to his age. And he did this with passion, seriousness, and a deep sympathy with the views of others.

By the time Maurice was beginning his ministry in the early 1830s, the Church of England was facing its greatest time of threat since the civil wars. The rise of Dissent, the political influence of the new, industrial middle classes, and the growth of radical politics in the wake of the French Revolution, all called into question the harmonic co-working of Church and State which Hooker had described. Maurice, like many other Anglicans of his time, feared that the dismantling of establishment could turn the Church of England into a sect. It would cease to be the national church, the church for all people, and become just one strand of opinion amongst many.

But worse, not only would it damage the very Church Maurice had now come to love, it would also threaten the State itself. The radical separation of religious truth from the organs of government, the monarchy and the constitution would be tantamount, as it had for a time in France, to the denial of the divine origins of human society. It would establish a practical atheism in the very nature of government and the constitution. Government would cease to be a support by which the unity of people would be sustained under the unity of God; it would become at best simply a tool by which mere material needs were met, answerable to no ultimate moral purpose.

This may sound very lurid and exaggerated. But it was a widely shared fear, as men and women thought they saw the familiar bulwarks of the constitution crumbling around them. Eventually, the crisis was headed off by the most thorough-going programme of reform since the Reformation, which created new dioceses and the Ecclesiastical Commissioners, improved clergy discipline, and raised clerical incomes, and by the ending of legal discrimination against Dissenters and Roman Catholics. But it also triggered new theological defences of Anglicanism, including the Oxford Movement, and the work of Maurice.

Maurice started, not from the Church, as with the Oxford men, but from creation, and in particular the idea of creation as continuous, not a single, once-for-all event. God's creative energies played themselves out in and through the history of human society. For Maurice, there was a 'divine order' in the world, an ontological constitution by which the great archetypes of human society were shaped.<sup>14</sup> Those were the nation, the church, and the family, each a form of organization mandated and blessed by God. For Maurice, for example, the Reformation represented the reassertion of the national principle against the overweening ambitions of Rome. The Church Catholic was the continuation of the elect of Israel through the incarnation of the Word of God in history. The Church of England was, for Maurice, the purest form of the Catholic Church, retaining historic ministry and sacraments, but uncorrupted by the Roman attempt to overthrow national authorities. The family was the basic unit of human society, blessed by God and echoing the love and

fellowship of the Holy Trinity, because it was the set of relations in which each lived for the other, not for themselves.

As you may have gathered, the exposition of some elements of this theology can sound simplistic, perhaps even a bit weird today. In the great age of nationalism, it was less so. But if we leave that strangeness to one side, you can see what Maurice was attempting to do. Like Hooker before him, he wanted to find a way of acknowledging the full truth of the Christian doctrine of creation, with its implication that, through divine and human law, God shapes human history. But like Hooker too, he also wanted to create space for the contingencies of history, for the failure of human beings to remain true to God's aspirations for them, for the ravages of sin and the damage of selfishness.

Once again, and yet. And yet you can't help but find yourself wondering if this is a too elaborate, too strained way of looking at the problem with which we started, the relationship of law and grace. Perhaps. But I haven't quite finished. Maurice's theology was not just a theoretical construct, nor just a sort of analytical description. It was a practice as much as a theory, and its peculiar attraction in its time lies, I think, precisely in its combination of practical action, a receptive sympathy to people, and its force of conviction.

And here education is crucial. How do we know what God intends for us? How do we discern in any one situation what is to be determined in line with what we understand to be the Gospel of Jesus Christ? How, when we pray, can we have any notion at all that prayer is in some sense answered? How can we overcome the apparent limitations of our own mental powers, and genuinely apprehend the moral imperatives of faith?

Maurice's answer essentially lies in what I'd call moral learning. Theology was not, for him, an analytical discipline, but a devotional one. To think was to pray, to pray was to think; but it was also to learn, to open oneself up in faith to the prompting of the Spirit, and in doing so to learn our way through life. Maurice's enormous contribution to practical education – his influence at King's College, London, his establishment of the Working Men's College in Red Lion Square, his role in the formation of Queen's College, his teaching, his gathering of a seminar, as it were, of younger, idealistic professionals around him – all this was not a separate hobby of his, parallel to his Church commitments. It was for him an intrinsic part of his Christian life. Education was not the mere impartation of information; it was a journey of spiritual discovery, in which not only did the individual change, but God progressively revealed himself, his life, his will to the human person.

As Maurice wrote to his wife, "I feel that all my life has been little more than a discipline into the belief that I have a flesh and a spirit, and that there is another Spirit dwelling with my spirit and willing to guide it into all good...[this] has always seemed to me the very first principle of education".<sup>15</sup> Here, Maurice was not very far from the educational

philosophy of John Henry Newman, though the two men disliked each other heartily. Law, for Maurice, then, itself has an educative purpose: the institutions of the State, in harmony with the work of the Church, progressively shape the moral being of the human person. All forms of education sat within a hierarchy of moral order, fully justifying the involvement of the national church in the provision of a national system of education.

## Conclusion

There is naturally much more that could be said about Maurice's views. But I've said enough I hope to indicate just how his positive evaluation of law informed his Anglicanism and also expressed his deep moral seriousness.

However, you will have spotted a problem. When Maurice died in 1872, it was just about possible to sustain the argument that the law of the land – the civil and common law, statute, constitutional principle – articulated the values of a Christian state. But increasingly since the late nineteenth century that has ceased to be true. Small breaches were made in marriage law, at first. But by the late twentieth century it was very clear that few arguments in favour or against a specific legislative proposal were likely to be strengthened in public discourse by an appeal to Christian truth. What happens to Maurice's moral vision of law now?

I suspect that whilst the bigger picture has changed, his case for the moral purpose of education and for the educative potential of law itself remains relevant. If there's one thing that stands out above all from a survey of Maurice's thought as a Christian theologian and preacher, it is his conviction of the intrinsic relatedness of all things in Christ. For Christians, Maurice would have said, there is no ultimate sense in which the spiritual life can be treated apart from the material life, the Church from political reality, religious truth from public morality. And that, for him, would have kept Christian convictions at the heart of his appreciation of law. And it is why he would have been immensely cheered to know that we are here, this morning, in this chapel still at the centre of the Inn, praising God and holding up our lives to him in prayer. Amen.

---

<sup>1</sup> Matt. 5.17.

<sup>2</sup> Gal. 5.16.

<sup>3</sup> <https://www.papalencyclicals.net/bon08/b8unam.htm>

<sup>4</sup> F.W. Maitland, *Roman Canon Law in the Church of England* (1898); J.H. Baker, *An Introduction to English Legal History* (4<sup>th</sup> edn., 2002).

<sup>5</sup> P.D. Avis, *Church, State and Establishment* (2001).

<sup>6</sup> F.D. Maurice, *Moral and Metaphysical Philosophy*, II (new edn., 1873), pp. 189-98.

- 
- <sup>7</sup> R. Hooker, *The Laws of Ecclesiastical Polity*, I (new ed., 1907), p. 361 [Book 4.1.3].
- <sup>8</sup> Hooker, *Laws*, I, pp. 332-3 [Book 3.10.7].
- <sup>9</sup> Hooker, *Laws*, I, p. 334 [Book 3.10.7].
- <sup>10</sup> Hooker, *Laws*, I, p. 232 [Book 1.16.8].
- <sup>11</sup> A. Mozley (ed.), *Letters of the Revd J.B. Mozley* (1884), p. 222.
- <sup>12</sup> J.S. Mill, *Autobiography* (1873), accessed online at: <https://www.utilitarianism.net/books/autobiography-john-stuart-mill/5> in June 2022.
- <sup>13</sup> J.A. Froude, *Lord Beaconsfield* (1890), p. 176.
- <sup>14</sup> Vid. F.D. Maurice, *The Kingdom of Christ* (new edn., 1842).
- <sup>15</sup> F. Maurice, *Life and Letters of F.D. Maurice*, II (1884), p. 257.