

## **THE CHURCH OF ENGLAND AND THE 1870 ELEMENTARY EDUCATION ACT**

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## ABSTRACT

*Set against the background of mid-nineteenth century concerns about an erosion in the denomination's standing and influence, this article highlights the differing responses to the matter from parties within the Church of England, which determined their degree of sympathy with proposals for an education act. Specifically, we point out that the debate over schooling between co-religionists centred upon rival understandings of religious education: 'denominational' and 'undenominational'. We examine the claims of some contemporary High Church leaders and later commentators, that acceding to elements of the 1870 Act, specifically the 'conscience' and 'Cowper-Temple' clauses, represented a pyrrhic victory and that in doing so the Church appeared to resile from its place in society. However, we argue that, though the Church could no longer be described as 'England's educator', it retained considerable influence within the evolving school system and in policymaking. Moreover, we point out that 'denominational' religious education continued to be championed, having diffusive influence, well into the twentieth century. Finally, just as understanding nineteenth-century ecclesiastical history and religious culture is crucial to understanding this moment in the educational past, we argue that a thoroughgoing religious historical literacy is essential to understanding educational policy development regardless of the period under scrutiny. (200 WORDS).*

**Keywords:** Church of England, education policy, religious education

## 1. INTRODUCTION

It is noteworthy that scholarly interest in the history of the period leading up to the Elementary Education Act of 1870 (henceforward the 1870 Act) and its aftermath, particularly its religious dimensions, has been in abeyance for some time. Some works on this period are more than half a century old (book-length treatments include: Brown, 1942; Burgess, 1958; Chadwick, 1997; Cruikshank 1963; Hurt, 1971; Lumb, 1954; Murphy 1959; Murphy 1971; Murphy 1972. Notable journal articles include: Best, 1956; Marcham, 1971; Platten, 1975; Roper 1975). Indeed, study of the religious history of education in this period has mostly lain fallow since the 1970s, with some notable exceptions (Baker, 2001; Loudon, 2004; Robson, 2002; Stocks, 1996; Worsley, 2013). Recently, there appears to be a renewed interest in the subject (Dixon, 2019; Iwashita, 2018; Turner, 2019, Williams, 2020), but there is scope for more revisionist interpretations, not least in light of developments wider scholarship on the wider aspects of nineteenth society, which points to the critical influence of the vying forms of Christianity over British identity and trajectories of development over all aspects of cultural and political life (Saunders, 2014) including the histories of childhood and education, nationally and across the Anglo-world (Bennett, 2019; Burton and Baxter, 2018; Jackson, 2020).

Why there been this hiatus in scholarly interest in the religious dimensions of the founding period of education in England is somewhat puzzling. Is it due to the noted decline in the discipline of the history of education in educational studies (McCulloch, 2002)? This seems unlikely given the steady continuance of the discipline of the history of education as a whole. Perhaps it is due to the tendency to 'silo' fields within history to special or periodic interests, for example the separation of ecclesiastical history from other forms of social and cultural history (Depaepe, 2012, p13), borne out by the fact that

historians of education are rarely found within departments of History in the academy?<sup>i</sup> Perhaps history as a discipline has become more secular in outlook, ignoring the Modern period as one influenced as much by religion as earlier ones, the secularity of the recent past being assumed? The latest scholarly turn back to religion as a cultural and social force, exploring both history of childhood and gendered historical perspectives on it, is likely set to reverse such trends of perception (Strhan, Parker and Ridgely, 2017; Raftery, 2012). Whatever the reasons for the shift away from taking into account the religious dynamic in educational history specifically, here we urge a commitment to its permanent value.

Our aim is not simply to illustrate the structural inequalities of the Anglican hierarchies, or to compare and contrast these perspectives with those of other denominations; the historiography has hitherto already focused upon these (e.g. Hempton, 1979; Smith, 2002) . Rather, this article argues that there is in something to be learned about educational policy formation by understanding the views of senior clerics within the Church of England, on education. Historiographical trends have rightly shone the light of attention upon more diverse historical actors. However, we argue that those who have previously occupied centre stage need to be reassessed from an alternative angle, in this instance their particular religious affiliations and intra-denominational loyalties. If we are concerned with power and its exercise in educational policy terms, then such intra-denominational identities are important to elucidate and understand.

Elsewhere, two of the authors here have argued for the value and necessity of historical methodologies in educational research (Freathy and Parker, 2010). In this article, we add to this call to value the historical by making the case for rigorous historical

studies of education policymaking which are alive to the religious worldviews and specificities of belief and ideological loyalty of the historical actors involved. In order to more fully grasp the significant part played by religious factors, and the various religious communities in education policymaking over time, here we stress the importance of denominationally distinct histories nuanced by an awareness of a tradition's internal diversity.

### *The 1870 Act in Anglican denominational perspective*

By the time the 1870 Act was passed, some in the Church of England believed it to be on the losing side of the decades-long of debacle over elementary schooling. For instance, one diehard clerical campaigner, Archdeacon George Denison, reflecting on this period resignedly felt himself to be a 'man irretrievably defeated' and that it would be a 'waste of time to fight any more' on the matter (Denison, 1878, p.iv). Whereas other notable Anglicans,<sup>ii</sup> such as the Tory member of parliament, James Beresford Hope, came to the conclusion that it was necessary to 'concede in order to conserve' when it came to stipulations of the 1870 Act, Denison remained implacable in his commitment to religious education in the context of denominational schooling (on Beresford Hope see Turner, 2019; Marcham, 1971, p.245). For Denison the passing of the 1870 Act was not only a matter of profound personal regret, however. The stakes for him were much higher and borne of a sense of a loss of the fundamental and longer-term partnership between the English Church and state (Cardell-Oliver, 2015). Indeed, Denison argued that the logical outcomes of the policies being pursued in the 1870 Act were the destruction of Church's schools and the widespread triumph of, what he termed as, 'indifferentism' towards religion (Denison, 1878, p.97). Furthermore, as later historical assessment has it, the 1870 Act was one in a series of reversals for the Church, which would find itself retreating 'again and again to a position where it accepted less influence over schooling'.

Ultimately, as the same Anglican historian put it, from the 1870s the Church would increasingly become ‘a very junior partner in education. Its only real influence would be in its remaining schools and colleges, and in consultations on the nature and direction of religious education’ (Platten, 1975, p.278).

In this article, we challenge such pessimistic contemporaneous and later conclusions based upon an observation of their particular and partisan perspective, and a longer-term assessment of the Church’s part in education. First, this article outlines the reasons for the vociferous debate around elementary education, highlighting why and how the intra-denominational differences amongst Anglicans, and inter-denominational rivalries between the Church’s leaders and Nonconformists, impeded progress towards an education act, and how these shaped the final legislation. These observations are contextualised by mid-nineteenth century concerns amongst Anglicans about the erosion of the established Church’s standing and influence in society, by delineating the competing parties and theologies prevalent within the Church at the time and the educational strategies associated with them. Second, we examine the claims of some contemporary High Church leaders and later commentators in particular (such as Platten above), that acceding to elements of the 1870 Act, namely the ‘conscience’ and ‘Cowper-Temple’ clauses, represented a pyrrhic victory and that in doing so the Church appeared to resile from its place in society. We argue that the Church has maintained a privileged position as a provider of schooling in England and in addition a high degree of influence – directly, and indirectly by softer means – over the policy and practice of religious education (however that might be conceived). Moreover, as we point out, the ideals of ‘denominational’ religious education continued to be championed (by Roman Catholics as well as Anglicans (Tenbus, 2008; 2010)), having diffusive influence beyond Church schooling per se, well into the twentieth century. Finally, just as understanding

nineteenth-century ecclesiastical history and religious culture is crucial to understanding this foundational moment in the educational past, we argue that a thoroughgoing religious historical literacy is essential to understanding educational policy development in England (and indeed more widely) regardless of the faith and period under scrutiny.

## **2. ANGLICAN HISTORY, ECCLESIOLOGY AND EDUCATION**

The ecclesiastical, political and the educational are intertwined in English history. The emergence of the Church of England from the particularities of the English Reformation of the sixteenth century, distancing the nation from Roman Catholicism by creating an alternative and cohesive religious identity, was an educational task as much as a liturgical and theological one.<sup>iii</sup> It was through such means as its cathedral schools, the episcopal licence to teach, and knowledge of the distinctive character of the Church's religion: its catechism, prayer book and the Bible, which forged the nation's new religious identity which gave the Church an effective monopoly of education (Burgess, 1958, pp.3-5). The crafting of *Anglicanism* from *Ecclesia Anglicana*, in the creation Church of England, which Alec Ryrie charts (Ryrie, 2017/8), gave the Church, with its network of local units, the parishes, an important function in the transfer of such religious knowledge. However, neither the nation nor the Church were religiously homogenous, the Protestant character of both were diverse and fragmentary – consisting of a range of views on what the Reformation meant. Religious groups and individuals who dissented from the religious uniformity the Crown sought to impose by a series of Acts of Parliament from 1549, which sought to delineate religious identity by prescribing the use of the Book of Common Prayer and its rites, and attendance at an Anglican places of worship only. According to Henry Burgess the hold of the Church over education was decisively broken as early as 1649, when the Puritan-controlled Parliament severed the link between Church

and Crown. As he put it: ‘suddenly the Church of England ceased to be the established Church, and the control of education passed to the State’ (Burgess, 1958, p.6). Despite the Restoration, and the reassertion of the Church’s religious authority through the Clarendon Code of Acts of Parliament (including the Five Mile Act (1665), which forbade Nonconformists from teaching in schools), Burgess argued, the Church’s position in education was never completely the same and, with the passing of the Act of Toleration in 1689, becoming thereafter subject in certain respects to secular polity and the growing influence of religious dissent.<sup>iv</sup> This in effect made the Church of England one for the aristocracy and the poor, the dissenting Christian communities being made up of those of the middle classes (Burgess, 1958, p.7). This denominationally plural reality would increasingly be one the Church had to adapt to, educationally as in the wider political scene.

Meanwhile, the founding of charity schools for the poor (both endowed and subscription) was given impetus by the founding in 1698 of the Society for the Promotion of Christian Knowledge (SPCK). These charity schools, according to Jones, linked ‘pauperism and irreligion’, the remedy for poverty and moral turpitude being the teaching of the Church’s catechism and the ‘three Rs’ (Jones, 1938, p.5). Accordingly, the SPCK created a model for a ‘national education’ system by networking such schools, promoting the idea of them, and supporting clergy and laity to found them (Jones, 1938, p.19ff) which, as Dixon reiterates, provided the foundation upon which other societies could envisage and build a national system of education (Dixon, 2018, p.188). By 1729 there were at least 1400 such charity schools in England, educating 221,303 children, both the Church and Dissent co-operating in this endeavour (Jones, 1938), as in founding of a Sunday School Union in 1803 (Burgess, 1958, pp.12-13). A degree of cross-



denominational goodwill and co-operation amongst Protestant Christian denominations at this time seemed possible. According to the historiography, this seeming unity of purpose in educational endeavour was to become more challenging as the function of the Church (and churches) in society was eroded due to the growth of the Modern state and a process of ‘educationalization’ (Depaepe, 2012, p.132). These outward pressures interacted with intra-denominational division as the nineteenth century progressed.

### ***The Nineteenth Century***

‘By the change of time the pulpit has lost its place. It does only part of that whole which used to be done by it alone. Once it was newspaper, schoolmaster, theological treatise, a stimulant to good works, historical lecture, metaphysics, etc. all in one. Now these are partitioned out to different officers, and the pulpit is no more the pulpit of three centuries back, that the authority of a master of household is that of Abraham who was soldier, butcher, sacrifice, shepherd, and emir in one person.’ (Brooke, *Life of F.W. Robertson* (cited in Chadwick, 1970, pp.100-101)).

For a variety of reasons, the nineteenth century brought with it increasing dispute over matters of education between co-religionists.<sup>v</sup> The Church felt itself under threat from rationalists whose theories undermined faith, those of the Oxford Movement who wanted to Romanise Church tradition, and evidence of declining religious affiliation from the 1851 census of religious worship (Marcham, 1971, p.237). The Church’s principal means of reasserting its position for some would be by laying claim to be ‘England’s educator’, against the state’s necessary and increasing intervention in the funding of and organisational structures around elementary schooling (Marsh, 1969, p.6).

Debates on education (and religious education within this) in the nineteenth century occurred at a time of wide-scale social transformation, including industrialisation, economic growth and political change (the latter of which saw a rise in the political influence of Dissenters in particular). Indeed, these features of the transition into

modernity were ones which also instigated religious change (Brown, 2001, p.16). At the same time, the various forms of Dissenters, Quakers and so-called heretics, found their home in the new industrializing communities. Furthermore, as one nineteenth-century commentator, W. B. Right, observed it was these 'newer religious groups' that were the 'engine' of industrial entrepreneurship in cities such as Birmingham (Stephens, 1964). As the numbers of these 'newer religious groups' grew (the 1851 census recorded that in 15 out of 29 large industrial towns around half of church attendance was in dissenting congregations), many of whom were also of the wealthy elite, they increasingly demanded equal treatment with Anglicans in every realm of life, the political, social and educational (Machin, 1977, pp.9-10).

In this context of increased denominational pluralism and calls for an expansion of the rights of all citizens (not just Anglicans and Nonconformists, but after Emancipation in 1829, Roman Catholics too), it is little wonder, therefore, that nineteenth-century educational history in England was defined by its 'religious problem' (Murphy, 1959). Should the state be making incursions into what had been the province of the churches for centuries? If state-funding were to be introduced what accountability should government demand in return? How should denominational differences in the national, local and school population be taken into account? Where Anglicans had earlier been prepared to cooperate over charity and Sunday schools for the poorest, they were more protective – as were the Dissenters – of denominational interests when it came to expanding the numbers of day schools, not least with the introduction of an annual government grant to support the expansion of schooling, from 1833 onwards.

Differences in educational approach across the Protestant Christian denominations were highlighted by the promotion of two contrasting models of monitorial system in the schools of the two major educational charities of the time, the British and Foreign School Society (founded in 1808) and the National Society for the Education of the Poor in the Principles of the Established Church (National Society) (founded in 1811). Joseph Lancaster, who was a Quaker, designed a method which was ‘nondenominational’ (that is free of tradition-specific religious teaching, with Bible reading without interpretation occurring only). Andrew Bell (an Anglican) by contrast insisted that his Madras method,<sup>vi</sup> incorporated religious instruction in the liturgy and catechism of the Church of England. The British Schools promoted the Lancastrian method and whilst this undenominational approach also enjoyed significant support (even that of King George III), it was the Prince Regent’s patronage of the National Society which swung the matter the National Society, and Bell’s, way (Dixon, 2018, pp.188-189). The very term ‘national’ in the naming of the society expressed its homogenising aim, that the ‘national religion [that of the established Church of England] should be made the foundation of the national education’ (Burgess, 1958, p.23).

Thus, decades of out-and-out rivalry were fomented, as the both societies, with their contrasting notions of religious education, sought to expand the number of their schools. Already the much larger provider of schooling of the two, with 1,140,655 children in its schools compared to 47,287 children in the British Schools in 1833 (Brown, 1942, p.4), the National Society benefited most from the new government grant. Of the £100,000 paid by the government in the first five years of the scheme (because of its greater capacity to raise the necessary funds required to supplement government support) it received £70,000 (Chadwick, 1971, p.338). Indeed, the Church’s National Society

garnered more of the grant year-on-year, benefiting to the sum of £125,000 by 1848 (Chadwick, 1971, p.342). Thus, it appears that there is some justification to the accusation that the Church was ‘running away with Treasury money for a system of education not only denominational but linked with worship at the parish church’ (Coombs, 1984, p.27).

Notwithstanding the growth in the number of schools of both societies, with the repeal of the Test and Corporation Acts in 1829 and the increasing political influence of Dissenters, it was increasingly clear to some (mostly non-Anglicans) that if a state-funded national education proper were to be founded then ‘it would have to be based upon the recognition of the rights of all denominations’ (Murphy, 1959, p.12). The thorny issue to be resolved was whether education thus provided should be secular or religious, and if were the latter, what could be its character (Chadwick, 1971, p.338)?

*Ecclesiological groupings within the Church, Church-state relations and Elementary education*

Inter-denominational differences over education aside, there were also fracture lines within Anglicanism which determined attitudes towards education. The Church of England in the nineteenth century has been said to consist of three sub-traditions: High Church, Evangelical and Broad Church (the work of Peter Nockles has challenged simple homogenising in relation to one grouping in particular, so these terms are used with caution here (Nockles, 1994)). These parties vied for influence throughout the nineteenth century, particularly so after the rise of the High-Church Oxford Movement from the 1830s, which sought to challenge and clarify the Church’s distinctive doctrinal position (Atherstone, 2016, p.79). What united all parties was the ‘reformed character of the Anglican Church’; ‘fraternal regard for the continental churches of the Reformation’; and the ‘standards of the Church of England – the Thirty-Nine Articles and the Book of

Common Prayer' (Paul Avis quoted in Atherstone, 2016, p.80). They were each aligned in their view that the Church should continue to play its part in a changing Victorian society; where they disagreed was in how that involvement should be enacted and what the new relationship with the state should be in a denominationally plural context. These differing ecclesiologies had ramifications for the Church's perspectives on the character of elementary education and were also reflected in clerics' views on religious education.

The National Society's membership principally consisted of those of the High Church party. This grouping believed that church and state were 'two aspects of the same organism providentially brought together by God as equally divinely constituted partners' (Strong, 2017, p.99). The Church of England is the Catholic church in England and in apostolic succession, divinely ordained not a human construction. The retreat of the state as much as the Church from its obligations to denominational schooling was seen as a resiling from its 'providential purpose to uphold and extend Christianity' (Strong, 2017, p.100). The impetus to make the National Society the only provider of schools for the nation, and the commitment to Anglican denominational religious education needs to be understood in this theological context.

Evangelicals held a similarly providential view of Church and state, but they were more sympathetic to the dissenting cause on the basis that the Protestant churches were also defending the nation against 'popery'. Likewise, Evangelicals perceived themselves to be defending 'the Protestant heritage of the Church of England, against what they saw as the innovations and intrusions of Tractarianism and ritualism' within their own denomination (Atherstone, 2017, p.174). The bastion against such dogma was the Bible, which Evangelicals esteemed as the highest religious authority. The notion of 'a 'general'

rather than a ‘special’ education in religion without any instruction characteristic of a particular church’ (Chadwick, 1971, p.338), and which separated the teaching of religion from secular subjects, was more palatable to those of an Evangelical outlook than others. Given the ‘centrality of the Bible in the Victorian age’ and its ‘cultural currency’ (Larsen, 2011, p.2; Saunders, 2014) it is unsurprising that it came to be viewed as the highest common denominator of ‘general’ religious education; a text around which all Christians might coalesce.

The term ‘Broad Church’ (‘liberal’ or Latitudinarian) as a descriptor was originally intended to express the breadth of the Church as a whole (Chapman, 2017, p.213). However, it came to delineate those of an intellectual and liberal perspective, and such leading lights as Thomas Arnold (historian and headmaster of Rugby School, 1828-1841), Samuel Coleridge (poet and theologian), and Frederick Temple (the late-Victorian Archbishop of Canterbury, 1896-1902). At a time when disestablishment of the Church was widely debated, Broad Church clerics sought to conceptualize Anglicanism as representing the breadth of the nation by its internal diversity, and as ‘responsible for the moral life of the nation’ (Strong, 2017, p.101).

Thus, all parties of the Church sought to justify establishment, but both the Evangelical and Broad-Church parties were able to do so by framing the accommodation of other religious groups in society differently. In the context of religious education this made them more sympathetic to the models of undenominational religious education which came forward from the 1830s as a way to solve the ‘religious problem’. Exploiting the sympathies which stemmed from these ecclesiologies would eventually make possible

the 1870 Act, but was not without cost from the point of view of some of the High Church persuasion.

### **3. THE DEVELOPMENT OF UNDENOMINATIONAL RELIGIOUS EDUCATION AND THE BATTLE FOR DENOMINATIONALISM**

‘All education, deserving of the name, must be based upon Religion; and that education, in its full and proper sense, cannot rightly be said to be carried, where definite religious belief and religious principle do not pervade the whole teaching of a school.’ (National Society, *Annual Report*, 1847, pp.2ff.)

According to the Church historian, Owen Chadwick, a fundamental difference of perspective between nineteenth-century ecclesiastics was over two rival understandings of religious education (Chadwick, 1966, p.338), the ‘special’ and the ‘general’, the denominational and undenominational; the teaching of the particular Christian denomination versus the teaching of a basic form of Christianity. However, acceptance of a form of undenominational religious education took time to politick over before the legislation was finally agreeable enough to pass. This section examines how undenominational religious education was conceptualised by contemporaries, in particular providing a vignette of the contrasting views on religious education in its two forms from the chief advocate of undenominational religious education, James Kay-Shuttleworth, and the leading antagonist and clerical campaigner, George Denison. The Church’s reactions to the imposition of a ‘conscience clause’ is also examined in this intra-denominational context.

The case for an undenominational religious education was put by select committee of the House of Commons in 1828, who proposed to establish schools for the poor of all denominations in Ireland. These schools would combine ‘moral and literary’ instruction on four days each week; on other days separate religious instruction would be given by the clergy of each denomination to children of their own persuasion (Murphy, 1959,

p.22). This, what was to be called ‘Irish National Education System’, was inaugurated in 1831, and became of interest to the Liverpool Education Committee. The Liverpool Committee wished to accommodate the requirements of the churches for denominational religious education, but also desired a way of removing the ‘barrier of animosity which separated Roman Catholics and Protestants’ bringing ‘children of all faiths together for undenominational religious instruction’ (Murphy, 1959, p.25). Additionally, following the Irish model, they trialled the reading of the (somewhat remarkably Roman Catholic and Protestant churches’ agreed) *Extracts from the Scriptures* and the selected *Sacred Poetry* (a popular volume of religious poems authored by poets of different denominations which ran to several editions) which was read to children in the course of their education together, in what might be termed an early form of undenominational religious education curriculum (Murphy, 1959, p.25 & p.27). The Board’s *Extracts from the Scriptures* was analysed for the choices made between the Authorized Version of the Bible and the Douay-Rheims, Roman Catholic, alternative only to be found wanting by the Church of Ireland’s Vicar of Ferns, Henry Newland, in a volume addressed to Lord Stanley (the Chief Secretary for Ireland) (Newland, 1836). His argument being that in making the hermeneutical selections they did in the *Extracts* the ‘commissioners of education have produced a work calculated to advance in every way the pretensions of popery’ (Millikens, 1837, p,175). Likewise, the decision to trial the Irish model in Liverpool in 1836 caused a furore, which James Murphy recounts in detail in his *Religious Problem* (Murphy, 1959). For our purposes it is important to note that this model of approach to undenominational education (as well as that offered by the British Schools) provided a pattern of how to school amidst denominational difference.



A further landmark in the development of a model of undenominational religious education occurred in 1839, when the Whig government's Home Secretary, Lord John Russell, established the Committee of Council on Education. It was the task of this Committee to manage the distribution of Treasury grants and to measure their effectiveness through a system of school inspection. The arch/bishops had not been consulted about the establishing of this Committee, neither was the Church represented in the new body. Moreover, again without consultation, Russell nominated James Kay (from 1842, upon marriage, Kay-Shuttleworth), a former Congregationalist turned Anglican, as secretary of the committee, effectively putting it under Kay's direction. Kay was not coy about his aim in the role, which was to: 'prevent the successful assertion on the part of the Church...for a purely ecclesiastical system of education' (Coombs, 1984, p.28). In what was effectively an attack on High Church ideals of education, what Kay sought to achieve was an organisational and funding structure which – because of the predilections of its leader – would promote 'general' rather than 'special' religious education.

Whilst modestly increasing the government grant in 1839 from £20,000 to £30,000 per annum (and accepting applications from the Roman Catholic Church for funds too), from this point onwards Treasury grants would only be given to schools submitting themselves to an inspection. What was particularly irksome for the Church was that this would be without the need to gain permission from the clergyman responsible for the school before doing so. The National Society was outraged at this stipulation, decided to set up its own inspection system, and refused to apply for further grants until the Committee agreed to reverse this decision and consult the Archbishops before appointing the inspectors (Coombs, 1984, p.28). From the National Society's point

of view ‘the State was furthering a new type of education’ (Coombs, 1984, p.28). As Joyce Coombs, George Denison’s biographer points out, Denison went further. He was convinced that this was nothing short of the ‘appropriation’ of Church schools by the state (Coombs, 1984, p.28). Denison’s default response to the new demand was recalcitrance. For instance, he refused the inspector (Rev. Belairs) access to his school and threatened to ‘tell the boys to put you in the pond’ if he tried to enter (Coombs, 1984, p.29). When later Denison reluctantly did give an inspector (Mr. Tinling) access to his school, he had prepared the children to sing a song ridiculing the man’s appearance, a matter Denison disputed, but which was noteworthy enough at the time to be mentioned in the House of Commons (Coombs, 1984, p.28). Like many clerics, Denison was possessive of what he deemed to be *his* school, after all not only did he have pastoral responsibility for it, he, akin to other clerics of the period, had also invested their personal assets into it.

This unruly clerical campaigner for Church schools, George Arthur Denison (1805-1896), was High Church (though not Tractarian) and a long-standing member on the National Society.<sup>vii</sup> He had earlier, in 1838, founded a parish school at his own expense in his parish at Broadwindsor in Dorset, but it was in 1847 – coinciding with his securing the living at East Brent in Somerset – that he became an ardent campaigner for the cause of Church schools. In Dorset, he had been in sole control of the curriculum and the appointment of staff of his school (much to the chagrin of the Committee of Council) (Coombs, 1984, p.20).

Denison’s denominationalist philosophy of education may be summed up in his own words that: ‘the school was the porch of the Church’ (Coombs, 1984, p.26); parish school and church working in symbiosis in inculcating children into the Christian faith.

Akin to many of his High Church contemporaries, Denison was disturbed to find that the ‘civil powers’ were not working in support of the established church, as was the state’s proper vocation. Instead the state was interfering in matters of faith, working to erode the Church’s God-given influence.

In the struggle to preserve denominational schooling, Denison’s nemesis was the Committee of Council, embodied by its Secretary. It was the publication of Kay-Shuttleworth’s pamphlet *The School in its Relations with the State, the Church and the Congregation* in 1847,<sup>viii</sup> which drew the battle-lines between Denison and Kay-Shuttleworth, inspiring Denison to 31 years of campaigning against state encroachments, using sermons, pamphlets and correspondence to do so, as well as his membership of the National Society and Bristol Church Union (Denison, 1878, p.100).

Kay-Shuttleworth’s pamphlet argued for a different conception of religious education in the state-funded day school. He wrote that the Committee proposed both ‘general’ and a ‘special’ religious instruction in a ‘normal’ school; whereby in one the religious instruction would be given by the teacher and in the other religious instruction given by clergy and ministers of different denominations (much according to the model of the British Schools and National Society) (Kay-Shuttleworth, 1847, p.12); the children being educated together regardless of their denomination. Such a model, Kay-Shuttleworth observed, was being resisted by those who saw their ‘existing interest’ under threat and do not recognise ‘a manifest social right’ of a minority to education (Kay-Shuttleworth, 1847, p.13). The reasons to promote the development of such a school system by the government were clear to Kay-Shuttleworth, that is: to rectify ‘social disorder’ eliminate ‘ignorance’ and the relief of ‘indigence’ (Kay-Shuttleworth, 1847,

pp.17-18). Opposition to such a vision could only be from those who ‘seek the interest of a class rather the welfare of the nation’ (Kay-Shuttleworth, 1847, p.20).

In contrast, Denison wrote of a fuller and wholistic sense of the character of religious education thus:

‘Sometimes I hear it contended, that it is an improvement to have Religious teaching confined to one hour in the day. Is it ‘Religious teaching’? I say it is not. It may be a religious teaching; but it not *the* teaching of Religion .... That is a thing for every hour of every school and home day alike. That is a thing which is an integral part of the Parish Priest’s trust and office; and may not be surrendered or compromised at man’s bidding...If Religion were a thing like reading, writing, summing, &c. &c., there might be room for contention; but it is not. .... A ‘religious lesson’ for an hour is nothing, or, rather, worse than nothing, if that is all. You may just as well confine the religious life to the time passed in public or private prayer: the whole thing is a very miserable fallacy...Religion is the beginning, the middle, and the end of all Christian teaching; the golden thread that runs through it all...’ (Denison, 1878, p.109)

In a published sermon of 1853, Denison questioned whether we shall ‘continue to have Parish schools according to the order and practice, the doctrine and discipline of the Church’ or instead only undenominational schools, which Denison described soullessly as ‘depots of Public Instruction’ (Denison, 1853, p.16). More fundamentally, Denison contrasted Kay-Shuttleworth’s perspective on ‘religion’ with his own. He characterised Kay-Shuttleworth’s as making religion a matter of private interpretation and subject to public opinion, whereas for Denison religion was ‘a definite thing’ a ‘body of revealed truth’ a ‘deposit unalterable’ (Denison, 1853, pp.16-17). He argued, the ‘home missionary character’ of the Church, and every clergyman’s duty, was to proclaim the truth to ‘all the people of every parish or place’; to teach the catechism to all children in his parochial schools’ (Denison, 1853, pp.21-22). We are in danger, Denison argued, of ‘admitting the government to assume the office of the teacher of the people’ which can only be done at the cost of ‘religious truth and principle’; the Church was at risk, he observed, of

subordinating God's truth to the 'supercilious, eclecticism of the council office' (Denison, 1853, p.25). Later, indicative of his theology of Church and state, he wrote in despairing tones of what he considered to be under threat, that of a situation in which the state facilitated the freedom of the Church to be what it was meant to be, 'Educator of the Church's children'. Instead, he observed, the state was to be educator in 'no particular religion', circumstances which would lead to 'indifferentism'. The 'combined school' wherein all religion would be excluded except at its most basic level would, he argued not only lead to apathy about religion, but active hostility against it (Denison, 1878, p.105-106).

For Denison, compromise in giving ground on any of this was tantamount to betrayal, with disastrous long-term consequences. As we have seen, he viewed the resultant 1870 Act despairingly as just that. He turned his back on matters educational, though he was a campaigner (against ritualism and Biblical criticism, amongst other matters), to the end of his life, eulogised by later Anglicans as a Victorian cleric who challenged authority and prevailing trends (see Palmer, 1993).

#### *The 'conscience clause'*

A second feature of the proposed education act that disturbed Denison and his contemporaries was the notion of a 'conscience clause', which to his mind meant that a Church school could not be a Church school. A Church school could only be one in which priest was at liberty to fulfil the obligations of their calling. The Committee of Council had mooted a 'conscience clause', giving parents the right to exempt their children from religious observances and teaching, in the National Society as early as the 1850s (Marcham, 1971, p.240). These discussions having failed it was made a stipulation of the receipt of certain building grants from 1860. As a matter of practice, the 'conscience clause' was agreeable to Roman Catholics and Nonconformists, because it protected their

children from the proselytism of Anglicans, particularly in single school areas. Many denominationalists were opposed to the clause because it appeared to separate education *per se* from religious education. On the other hand, it was supported by some – Anglicans and Dissenters alike – because it protected religious freedom. But the clause raised hackles amongst some in the Church, especially of the High Church party, because it was considered to undermine the Church’s pastoral duty of care as promulgator of the national religion (Murphy, 1971, pp.37-40).

A further vociferous Anglican opponent of the ‘clause’ in the 1860s was the merchant banker, and High Church Tory member of parliament, John Gellibrand Hubbard.<sup>ix</sup> Hubbard, a further representative of the National Society, who gave lectures and engaged in debates in opposition to the ‘clause’, argued that insistence upon it was nothing more than an attack upon religious liberties and an attempt to ‘extirpate religious teaching from all the educational institutions of the land’ (Hubbard, 1866, p.30). Quite apart from this, he observed, such a clause disincentivised charitable giving from amongst Anglicans, by removing the guarantee of the denominational religious education their philanthropy through the National Society aimed to provide. Additionally, Hubbard opined, that a ‘conscience clause’ served to demean Dissenters in requiring them to object to religious teaching, effectively making them supplicants in their child’s secularisation. High-handed and patronising opposition from Anglicans such as Hubbard to the rights of other Christians to religiously educate their children, according to Marjorie Cruikshank, ‘bred deep resentment and distrust...in dissenting hearts for many years to come’ (Cruikshank, 1963, p.10). This situation was likely exacerbated by the fact that by the late 1860s three-quarters of state funding for education was going to Anglican Church schools (Watts, 2015, p.237).

#### 4. THE CHURCH OF ENGLAND AND THE 1870 ACT

Writing to Earl Russell in 1870 of the options available to the government in resolving the intra- and inter-denominational rivalry over religious education which threatened to impede the Bill, Prime Minister, W.E. Gladstone, noted that these were either: ‘secularism, Bible-reading only, Bible-reading with unsectarian teaching...Bible reading with unlimited exposition, or, lastly, this plus Catechism and formularies’ (quoted in Murphy 1971, p.58). Having been introduced to Parliament for a second time in February 1870, W.E. Forster’s Elementary Education Act was passed in August of that year. It was waived through the Lords by the Anglican bishops with little or no remark. Where they did comment these were favourable, probably because it provided for the support of denominational schools as much as the creation of a system of board schools. It was the destruction of the former which Roman Catholic Archbishop Manning expressed fear of losing in correspondence with the Archbishop of Canterbury, Tait.<sup>x</sup>

The 1870 Education Act did not mandate for a publicly funded education system, rather it created legislation which would enforced the establishing of capacity in Elementary schooling in England and Wales where insufficient already existed through the creation of local school boards (The Elementary Education Act, 1870 , Chapter 75, p.444; Murphy, 1972, p.9). In effect it created a ‘dual system’ giving continued grant aid support to the Church’s voluntary schools, alongside new, local rate-funded, ‘non-sectarian’, ‘secular’ Board Schools. Within the new board schools, undenominational religious instruction was *permitted*, but this was not *compulsory*. In existing denominational schools, religious instruction continued unabated.

On the specifics of religious instruction in board schools, this would consist of Bible-reading to occur at the beginning or end of the school session the so-called ‘timetable clause’ (The Elementary Education Act, 1870, section 7, p.445). Additionally, parliament voted that where religious education were given ‘no religious catechism or religious formulary which is distinctive of any particular denomination’, the so-called ‘Cowper-Temple clause’ (after its Whig/Liberal MP proposer, William Cowper-Temple) (The Elementary Education Act, 1870, section 14, p.448; Cruikshank, 1963, pp.29-31). The earlier imposed ‘conscience clause’ was also legislated for, applying to board as well as voluntary schools. This was the final shape of much-debated undenominational religious education. William Walsham How, later to be Bishop of Wakefield (dubbed the ‘Children’s Bishop’), expressed the view that the Church was not the nation state, and therefore that the Act as a national measure was one which on the whole was beneficial for the Church and children. This was a view shared by Archbishop Archibald Campbell Tait and his successor at Canterbury, Frederick Temple (Beeson, 2013, p.40). The Evangelical and Broad-Church perspectives had held sway.

Archbishop Campbell Tait, a Broad-Churchman, had been headmaster of Arnold’s Rugby before continuing his clerical career as Dean of Carlisle, Bishop of London, being translated to Canterbury in 1868.<sup>xi</sup> His contemporary biographer described him as leading the Church through an ‘epoch of change’ (Grey, 1907, p.387, see also Bickley, 1883). He was Archbishop of Canterbury at a time when the privileges of the established church were felt to be dwindling, and education was perceived to be at the heart of revitalising that influence. Yet Tait is virtually silent – at least in public - on educational matters. Aside from a very brief speech in the House of Lords in 1868, cautiously endorsing the proposed education Bill, Tait did not directly contribute to



debates around it in the following two years (Hansard, House of Lords, 27 April 1868 (the second reading of the Education Bill)), probably sensitive to the changing political demographic which the victory of Gladstone's Liberals (and the wider Nonconformist political constituency) in the 1868 General Election represented (Marsh, 1969, p.28).

In the aftermath of the passing of the 1870 Act, Tait begged that every clergyman would do what he could to assist school boards in getting the children to attend school. Additionally, he asked clergymen to form associations of their laity for the same object. In a speech given at the opening of a school in 1871, Tait articulated his full support for the legislation and undenominational religious education as 'essential to the teaching of the young, and which, he was thankful to believe, the nation considered as essential' (Bickley, 1883, pp.88-89).

Thereby a classic 'English compromise' to decades of inter-/intra-denominational rivalry in education was instituted, a 'dual system' of educational provision, which formalised a *new* partnership between Church and state from then onwards (Cruikshank, 1972, p.201). This partnership, which government grants from 1833 had set in chain, meant that the Church was no longer the only purveyor of education, but at least it had conserved its place in the system. From the Church's point of view, the financial 'void' (a term used by Gladstone) unmet by government funding represented its contribution (the grant which met half of the running costs of the school), and with this contribution came the right to provide a form of denominational religious instruction (Watts, 2015, p.245).

Effectively therefore, from the beginnings of maintained elementary education proper, denominationally specific religious instruction, including the specific tenets of the Church of England, were excluded as elements of locally provided board schooling, (though the Bible was not). Taking responsibility for the control, organisation and funding of schools in effect delegated to the locally elected boards authority to *permit* rather than *require* that undenominational religious instruction be given, as befitting a mixed Christian population (even if in practice, it was left to School Boards and teachers to decide the form of religious education to be provided if any, effectively in some instances creating what some deemed to be a ‘new type of Pope in the Council office’ (Murphy, 1971, p.66ff). For the Evangelical Anglican, Anthony Ashley-Cooper (the seventh Earl of Shaftesbury) these were necessary measures to ensure the preservation of scriptural education (Murphy, 1971, p.60).

The 1870 Act may have formalised a new partnership, but it also created new rivalry, this time not between the denominations and charitable societies, but between the Church and the state. Thus, the Cowper-Temple ruling for others added impetus to the need to build more denominational schools (adding 658 Church schools in 1876 by comparison to 298 board schools) (Platten, 1975, p.284), then when, in spite of this, it became clear that the numbers of children attending board schools were overtaking those attending Church ones, Anglicans sought to ensure that the Church was well-represented on elected School Boards (Murphy, 1971, p.80). Despite the defeat of a thoroughgoing form of denominational religious education as *the* model for education, that the government legislated to continue to support voluntary alongside the new board schools was significant. Moreover, not only did the state continue to sponsor a form Christian

education through the school system, it ensured that the Christian religion in its Anglican form remained a salient cultural feature of the (religious) educational landscape.

## **5. THE HISTORY OF (UN)DENOMINATIONAL EDUCATION IN THE TWENTIETH CENTURY**

Was George Denison correct to be pessimistic in believing that the battle he had fought for his version of denominational education – which was also the original vision of the founders of the National Society – was utterly lost? Whilst it is true to say that the Church had to give ground in accommodating the changing religious demographic and political realities of the nineteenth century as the state, of necessity, began to involve itself in the provision of elementary education, there were considerable and lasting compensations given to it. The Church was able to provide revenue-supported denominational schooling, capitalising upon gradually increasing proportions of financial support as time went on, whilst not having to diminish its facility to determine the (religious) educational ethos of its school. Moreover, into the early part of the twentieth century the Church played a leading role in shaping the content and purpose of undenominational religious education through such mechanisms as the local education authority (LEA) ‘agreed syllabus’ of religious education (from 1924), formalising its involvement in this regard through the 1944 Education Act. Across the period, the Church has continued to be very involved in the training and professional development of teachers in Church, Board and LEA schools, through its network of Church colleges (Parker and Freathy, 2020).<sup>xii</sup> Beyond the 1944 Education Act, which Archbishop William Temple played a significant role in negotiating (Green 2011; Parker and Freathy, 2020), the exercise of the Church’s soft power in education and over religious education was barely undiminished. Through the mechanism of the LEAs’ Standing Advisory

Councils on Religious Education' (SACRE) it was able to diffuse Anglican ideals beyond the Church school into the wider maintained sector, such that one cleric was able to observe that with the 1944 settlement even County schools could now be putative Christian communities (Parker and Freathy, 2020, p.209). The creation of two designations of Church school, controlled and aided in the 1944 Act, the former category allowing the Church to retain school buildings, give two periods a week of denominational instruction and a say in the management of the school, permitted Anglicans to retain schools which had come to be unaffordable (Cruikshank, p.206) (in the longer term, however, this was viewed as having eroded the opportunity of foster a 'distinctively Christian' denominational ethos, not least due to the LEA having control over the school's admissions policy (Church Schools Review Group, 2001)). Even so, voluntary 'controlled' Church schools' muted denominationalism has served to ensure a continuance of diffuse Anglican influence. With the ongoing statutory requirement for an act of collective worship, 'wholly or mainly of a broadly Christian character' (1988 Education Reform Act, 1988, section 7, clause1) schools in England (and Wales) schools are still required to make more than a passing nod of recognition to the (Anglican) Christian heritage of the nation. Schooling may not be as wholeheartedly Anglican as George Denison would have wished: whether the situation which evolved led to the 'indifferentism' in religion he feared is a moot point.

Periodically since Denison other Anglicans have expressed concerns about the capacity of undenominational religious education to provide a thoroughgoing Christian education. In 1929, a Minority Report of the Church Assembly's Report of the Commission on Religious Education (which favoured the co-operation of the Church with the LEA over RE) complained about the inadequacy of undenominational religious

education which ‘merely taught a certain number of facts and principles with regard to religion, apart from worship and the corporate life of the Christian Church...[such] there is a danger that the growing boy or girl may learn to look down with a certain amount of contempt upon the Church and its activities’ (Church Assembly, 1929, p.191). Much later, in the 1970s, the Anglican social campaigner Mary Whitehouse added religious education to her list of concerns because of its divergence from a focus upon Christianity as part of English cultural heritage (Parker and Freathy, 2011, p.401). This divorce of undenominational religious education from its confessional aims in relation to Christianity were played out in debates around the 1988 Education Reform Act. Because of its continuing standing in education, the Church was able to negotiate a reassertion of the connection between Christianity and undenominational religious education in this Act (Parker and Freathy, 2020, p.218). Since then, the Church has enjoyed increasing favour for its schools, focusing its resources upon expanding its number of secondary schools from 204 to 209 in the first two decades of the century (figures drawn from Church Schools Review Group, 2001 and Church of England Education Office, 2016).

Moreover, in the latter part of the twentieth century to the present, the Church has sought to articulate denominational education in the terms of a ‘partnership’ between the Church and the state, seeking to define anew the contribution of voluntary provision within a religiously plural society in which the claims of other religious groups to state support seemed legitimate (National Society, 1984). From here on in it became as important as it had even been to articulate the ‘distinctiveness’ of the denominational school and the qualities of religious education and collective worship in shaping Church school ‘ethos’ (Church Schools Review Group, 2001). Since the 1980s, the Church has been able to capitalise upon the recognition that an entirely ‘neutral’ state was incapable

of meeting the educational desires and hopes of parents from minority religious backgrounds (see for instance the case for increasing the number of Jewish schools, which gathered pace in the 1970s (Jewish schools had been funded from 1851(Miller 2001)) and voluntary-aided Muslim schools in 1980s (Halstead, 1986; Hewer, 2001), logically leading to an eventual diversification of faith schooling under the New Labour governments from 1997, and a more sympathetic attitude from the State towards a religiously plural system of state-funded schooling. It is perhaps ironic that religious heterogeneity eventually came to the rescue of those who desired religious homogeneity.

Echoing Denison, however, a recent report has expressed alarm at the disjunction between the ‘wider life of the school’ and ‘religious education’. Indeed, the two it observes, like a ‘ball and socket joint’, must work together in support of the aims of denominational education (Archbishops’ Council, 2014, p.21). The Church maintains its commitment to denominational religious education whilst being able to exercise diffusive influence through its charitable trusts and soft power through its statutory role at local and national level. Indeed, latterly the Church is looking to expand its provision of schools still further (currently it provides 20 per-cent of all schools in England and Wales (Church of England Education Office, 2016, p.15)) by embracing wholeheartedly the opportunity offered to do so through the government’s ‘free schools’ initiative (Church of England Education Office, 2016, p.13).

## **6. CONCLUSION: THE NECESSITY OF RELIGIOUS HISTORICAL LITERACY IN EDUCATIONAL POLICY RESEARCH**

The hidden religious dimensions of policymaking can only be elucidated by a deep understanding of the differences of perspective between co-religionists. In this

instance, we have made the case for such studies by providing an examination of the contribution of the Church of England to policymaking during what is a foundational period in English educational history, the lead up to the promulgation of 1870 Act. We have highlighted how intra-denominational differences amongst leading and influential Anglicans (as well as inter-denominational rivalries between Anglicans and Nonconformists in particular) determined decisions made around about the shape and details of the legislation and funding. We have shown that some of those debates extend into the beginning of the 19<sup>th</sup> century rather than merely into the years immediately preceding the 1870 Act as some might suggest. We have pointed to the influence of contrasting ecclesiologies and theologies of church and society amongst Anglicans, and how these governed the long-term goals of protagonists, determined the policy proposals they put forward and those they were ultimately prepared to support. The particular and important contribution of Roman Catholics to this history is not dealt with at all here, representing a further layer of educational policy influence (Tenbus, 2008; 2010).<sup>xiii</sup>

As we indicate, these debates over education not only had ramifications for the 1870 Act but also have had long-term implications upon (religious) educational policy and how schooling has been structured and organised in England since. Thus, we argue that engaging in a reading of educational history from the perspective of belief gives nuance to the educational historiography, making it sensitive to the subtleties of religious sensibility, loyalty and influence within educational policy debates. Moreover, we believe that paying close attention to the fine-grained subtleties of theological and religious difference and influence in the historical dynamic is essential to understanding the influence of religion in English education over the *longue durée* to the present. Indeed, as Stephen Jackson has recently demonstrated, similar religious problems existed in

establishing and developing national education systems across the Anglo-world (Jackson, 2020).

Given the anniversary of the Act which this article's publication marks, the crucial role which faith played in the lead up to and configuring of the 1870 Act, and the ramifications of the religious dynamic on the trajectories of development in undenominational religious education and Church schooling well beyond the nineteenth century, it is as well to consider the perpetual and ongoing influence of religious beliefs, worldviews and commitments of historical actors and agencies on educational policy formation in other eras and contexts. Only a thoroughgoing religious historical literacy would provide an understanding of these dynamics.

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<sup>i</sup> Some reflections on the professional identity of historians of education can be found here:

<https://networks.h-net.org/node/14281/pages/14320/where-do-historians-education-live-disciplines-and-interdisciplines> (accessed January 2020).

<sup>ii</sup> We use the term Anglican/Anglicanism here to refer to the Church of England and its lay and clerical members. Where Church is capitalized, this designates the Church of England. Anglicanism today has a even wider and more complex ecclesiological and international. The exploration of this complexity, and its import educationally and historically, are beyond the scope of this particular article.

<sup>iii</sup> Roman Catholicism, of course, continued to exist in England, but to a large extent was driven underground and effectively outlawed until Catholic Emancipation in 1829 and the 'restoration of the hierarchy', that is the reinstate of Catholic dioceses and bishops, in 1850.



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- <sup>iv</sup> Dissent/Dissenter and Nonconformist are here used synonymously to describe the group of non-Anglican Protestant Christian denominations.
- <sup>v</sup> That is those within the same denomination of the church.
- <sup>vi</sup> The Madras method was so named because it was near Madras that Andrew Bell saw one boy teach another, inspiring him to devise a model to replicate this behaviour schools. Monitorial systems enabled large numbers of children to be taught by a single teacher at once.
- <sup>vii</sup> Though not formally a Tractarian, theologically Denison was aligned to the Tractarians in his eucharistic theology and ecclesiology, as demonstrated by the notorious case of Denison vs. Ditcher, an ecclesiastical legal case which pitched Denison against his neighbour Evangelical cleric in south Brent, Joseph Ditcher over matters to do with the doctrine of the Real Presence and the Catholic identity of the Church of England (see Palmer, 1993, p.41-44).
- <sup>viii</sup> The pamphlet was anonymously published but was widely ascribed to James Kay-Shuttleworth.
- <sup>ix</sup> John Gellibrand Hubbard, 1805-1889, the first Baron Addington. Elected Conservative member of parliament for Buckingham in 1859, a seat held until 1868. Martin Daunton (2004) *Oxford Dictionary of National Biography*.
- <sup>x</sup> Lambeth Palace Library, Tait Papers, correspondence with Henry Manning, Cardinal Archbishop of Westminster, 1869, Tait 86ff. 118-121.
- <sup>xi</sup> Born in 1811, in Edinburgh, youngest son of Craufurd Tait, Esq., of Harviestoun, a gentleman of a very old Scottish family, described as a man of considerable education and talent, Tait was raised to have broad sympathies and liberal views. He graduated from Oxford in 1833 and was elected to a fellowship of Balliol. Tait had felt called to the ordination some years earlier, aged 18, whilst preaching in a church in Derbyshire. In 1836, he was admitted into holy orders by the then Bishop of Oxford, Richard Bagot.  
<https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-1039>

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<sup>xii</sup> In fact, as early as 1858 it ran the majority of teacher training colleges, 27 out of the 33 training colleges under government inspection (Hurt, 1971, pp.107-109).

<sup>xiii</sup> For instance, both Bishop Ullathorne and Cardinal Manning were clearly of influence in the aftermath of the 1870 Act. Manning was influential in lobbying for, and being a commissioner of, the Cross Commission, a reviewed the effectiveness of the 1870 Act (Roberts, 1985) .

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