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Church and State in Scotland: Developing Law. By Francis Lyall.
Abingdon: Routledge, 2016. 239 pp. \$144.95.

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Francis Lyall is a former Kirk elder; he left the Church of Scotland in 2013, with most of his conservative evangelical Aberdeen congregation in response to General Assembly decisions around human sexuality. Since his final retirement in 2010, he has been Emeritus Professor of Public Law at the University of Aberdeen. The appearance of this volume was perhaps unexpected by those who believed a 2009 publication *Space Law* (as in outer space) might have marked his zenith. I am glad that there has been one final book launch.

Lyall is a seasoned, witty, and eminent observer and practitioner of things both ecclesiastical and legal in Scotland. His Christian convictions and (historically) Presbyterian identity are obvious from his writing, as are many of his own beliefs and opinions, but these are (mostly) deftly inserted in ways that display his personal position without distorting his academic perspective. The book is simply organized; between a brief introduction and conclusion we find in this order: three chronological chapters on the Church of Scotland from 1560 to 2014, one chapter on other denominations, one each on education and personal relationships, and a final chapter mopping up “other areas where religion and law can collide” (preface).

Lyall’s first chapter spans 1560–1843. He is excellent on the legislative recognition and enactment of Reformation up to 1592 and is unyielding, though nuanced, in his insistence on the Church of Scotland’s status as “established” in various ways, from 1560 until today. Although known primarily as a legal scholar, Lyall is also a lively and trenchant (if rather old school) church historian, whose scholarship is informed by a formidable range of sources, as well as being highly literate in biblical and theological matters. His writing style is crisp and exact, combining just attention to detail, with an economy that keeps the pace of the book moving. Dry material is often enlivened by flashes of his dry wit.

Lyall accomplishes a lot in 228 pages, and there are inevitable limitations on what can be covered. That said, there are some signs of unevenness in the coverage of issues. The Union of the Crowns is only lightly treated and he breezes past the Covenanting times “a struggle between church and state and between rival theories of church government, which need not detain us” (p. 15), pausing only briefly over Rutherford’s *Lex Rex* (1644) before warming to the output of the Westminster Assembly. His deep interest in and affection for the Westminster Confession is a recurring theme, which informs many subsequent issues. A highlight of the book is his magisterial treatment of the causes and cases in the 1843 Disruption, which I suggest is as good a historical account in short compass (35 pages) as has ever been written. Not so good is his fairly minimal treatment of the Roman Catholic Church and he is lighter on the second half of the nineteenth century in general. The chapter on education is brisk and adequate, but brings little that is new to the table.

On personal relationships, Lyall is better, the awareness of recent literature reflecting his personal preoccupations with the choices and conflicts which debates on same-sex marriage and the ordination of those in same-sex relationships have brought to the churches. He is scrupulous in his account of

legal developments, but there are frequent signs of pained or concerned editorializing scattered throughout the text and footnotes. These changes to Scottish society are clearly ones he finds hard to stomach, and there is an air of decline if not doom to how he narrates them, finding more to deplore than to celebrate. He even pauses the narrative to advocate options for enabling conservative congregations to secede with their property and to separate civil and religious forms of marriage. This social and theological conservatism lends a certain cast to the whole book, which has a very limited appetite for broader socio-legal perspective. We are given little sense that changes to Scottish society, including our churches, might have been “good news” for women, for Roman Catholics, or for those who were and at times still are, the objects of others’ scorn, disgust, and violent persecution. While he has some positive things to say in a rather brief treatment of how human rights affects church-state relations, right at the close, Lyall’s normally disciplined and forensic intelligence shows unhappy signs of *Daily Mail*/Fox News spluttering around the issue of “political correctness,” a term I was sad to see him resort to (pp. 227–28).

This is a book few of us expected to see, containing more socially conservative accents than might be anticipated from a publisher such as Routledge. There is some unevenness in coverage and some grumpiness in tone, but there is also a wealth of good scholarship and astute judgment. It should be essential reading for all those interested in reading the development of the church-state story in Scotland from a legal, historical, or theological perspective. We should all be grateful that space was not Lyall’s final frontier.