

***Church and State in 21st Century Britain: The Future of Church Establishment* R.M.Morris (ed.) Palgrave April 2009**

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Speech notes

**Introduction: R.M. Morris, Honorary Senior Research Fellow,
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This book is about the politics of religion in Great Britain. It is offered as an account of the past, a summary of the present (including in other European countries) and an analysis of possible futures. It does not try, however, to peddle cut and dried solutions: at best it aspires merely to provide some of the materials for the discussions that will be necessary to produce the solutions. It is about the plumbing *for* the house but not the house itself.

The book is the product of a long running Unit study and the support and thoughtful contributions from many hands including initial support from the Joseph Rowntree Trust and the former DCA. Help has also been freely given by the Church of England and the Kirk though neither they nor, of course, anyone else is responsible for the outcome. Above all what could well seem an arcane subject at the margin of constitutional business has been loyally supported by the Director to whom and his talented and ever helpful staff I remain very grateful. In addition to those expressly mentioned in the Preface, I am grateful also to all who attended the July 2006 seminar at St Katharine's, Limehouse, and - with my colleagues – grateful to everyone who has taken the trouble to attend today.

The book offers three principal theses:

- 'Establishment' is not by itself a helpful way of describing church/state relations. The proof of this is in its application to what are in fact antithetical arrangements in England on the one hand and in Scotland on the other. Rather, at best, 'establishment' can be only a shorthand for a complex of discrete relationships in law and custom, each of which has its own, separable status. Accordingly, one cannot usefully be 'for' or 'against' establishment – each feature has to be argued over for itself. Thus, for example, the obligation to provide universal parochial coverage and the connexion, if any, with the crown are not related and fall to be addressed separately.
- Secondly, whilst we have religious freedom in the UK, we do not have religious equality. Whilst the most prominent proof of this is the position of

Roman Catholics – religious tests prevent the succession of a Roman Catholic monarch or an heir married to a Roman Catholic – the second religious test (the requirement to be in communion with the Church of England) has a wider effect. This is because it discriminates not only further against Roman Catholics and against non-Trinitarian Christians but against all other religious belief systems including those who have no religion. True, an heir could succeed who was married to a Muslim but the heir would still have to be in communion with the Church of England.

- Third, it is argued that, if there is to be change, it is best managed in England by the Church of England itself just as it is axiomatic in Scotland that the Kirk – as it is now contemplating over Declaratory Article III's parochial obligation – would take the initiative there. Whilst it is not maintained that the Church of England could act in cold blood or without some government assistance (especially where the requirements of the 1931 Statute of Westminster were concerned), the Church of England would be more likely to secure outcomes which made sense to others and itself if it took the initiative. In practice, this is how major change has been accomplished in the past. For example, it was committees set up by the Church which paved the way for the Enabling Act of 1919 and the Worship and Doctrine Measure of 1974. Of course, this would be a large enterprise but the Church possesses the legislative means under the 1919 Act and it could secure the goodwill of its necessary partners, in particular the Ecclesiastical Committee of Parliament.

Well, this is all very well for Constitution Unit policy wonks trying to tell others what should be their business. Yes, everyone might agree that the issues are important, but are they urgent? In the immediate sense, perhaps not but in the sense that they need addressing, the answer is yes. The reasons for this are as follows:

- First, the arguments from equality have become more pressing. No-one attempts nowadays to defend the discrimination against Roman Catholics, and the greater pluralisation of religious belief has gone far beyond Christian nonconformity and occasional – albeit still Christian in its way – unbelief. There is perhaps more toleration by others *of* the Church of England than of others *by* it. Living in the remains of a confessional state itself based in significant ways on the geopolitics of the late 17th century becomes increasingly difficult to sustain. Whilst the absence of discontinuity can be an advantage, it can also lead to ossified inertia. Moreover, the gaps between form and reality will continue to grow and the notion of state recognition of one particular religious form will become increasingly anomalous. The patience of the *unrecognised* cannot be taken indefinitely for granted. For example, dependent acceptance of the Church of England's convenient apparent operation as a conduit to

government will become less passive as the other religious groups grow more mature politically and become more self-confident.

- Secondly, the case for religious equality will force fresh thinking beyond the dimension of ending discrimination against Roman Catholics. As explained, dealing with that discrimination will require the removal of all the religious tests for the head of state: if permitted to be a Roman Catholic (or of any other persuasion), then the sovereign cannot also be required to be in communion with the Church of England. In form, some might think such a step would be cataclysmic – the end of the core of establishment and that world as we know it. However, that kind of argument is in fact no more than the stagey apocalyptic reflex of those opposed to *any* change. Monarchies can and do exist without being tied by law to any particular religion, the better, one might feel, to be able to relate to *all* religions. Here sovereigns might still, of course, prefer to remain members of the Church of England and be disinclined to forego coronation. But, even if not, they could continue to act as patrons of that Church, *Fidei Defensor* could be reinterpreted in ways Prince Charles has hazarded, and the Church obtain the prize of a more complete autonomy. Revisiting effects attributable to an absence of discontinuity does not necessarily imply that all that has gone before has to be obliterated. The detail of ways in which such goals could be achieved are discussed in the book though I hope illustratively rather than dogmatically.

The *Tablet* reviewer, Theo Hobson, fingered Anglican bishops as those most likely to oppose change. That may or may not be so. (As an aside, I might say that it is impossible to believe that all Anglican bishops could ever get together and agree unreservedly about *any* proposition.) However, in so far as they and other members of the Church may think that 'establishment' is the source of the Church's public status and community influence, they are profoundly mistaken. The real source is the Church's commitment to universal parochial coverage, the celebratory and regional focus of its cathedrals and the moral value of its message. These features are quite independent of the state. As the present bishop of London has rightly pointed out, the Church of England is, financially, one of the most disestablished churches in Europe. From this perspective, the issue is not whether minimal legal ties with the state should remain but, rather, whether the Church will itself continue to maintain the reach it now offers – a more voluntary status (as the lawyers might put it) does not mean that it has to decline into a sect.

Finally in this part of the discussion, it is worth pointing out that the situation may actually be rather more urgent than is allowed. A decision about religious discrimination in our courts under the Human Rights Act or in Strasbourg under the European Human Rights Convention could quite suddenly confront the Church with a need for change just as developing European Union law has impacted on employment practices in both the Anglican and Scottish churches. A

determination to provide a written constitution if it ever came about would spell the end of the Church's present constitutional position. Better to think ahead and be prepared than be forced to change at times other than of one's own choosing – and be forced to change at that asymmetrically, partially, possibly painfully and clumsily. Gordon Brown's decision in July 2007 to withdraw from real involvement in episcopal appointments typically illustrates what may happen. That is unilateral action, careless of the Church's feelings and reckless about the remoter consequences – which in this case included the removal of any remaining rationale for continued episcopal membership of the House of Lords where some planned, voluntary withdrawal would seem the right course.

There is more, much more I hope readers will find, about the issues covered in the book. For example, John Lucas has traced the disestablishments of 1871 and 1920 respectively in Ireland and Wales. Frank Cranmer has written a conspectus of church/state relations in Scandinavia, a region whose religious history has in many ways been closest to our own. With Marjory MacLean and Scot Peterson, he has also contributed a chapter on important and highly significant recent litigation in Scotland. Elsewhere, the book summarises the relevant law and practice (some of which may surprise readers unacquainted with it), investigates finance, and gives an account of the literature and data on secularization. At the end, the book endeavours to offer a description of the pathways that change might follow – the plumbing again. It will be for others, of course, to decide what if any steps to take, when and how. My hope is only that the book will be of some help in a process that seems bound to occur – whether passively or actively - and assist in equipping readers to address how politics and religion might be structured to relate to each other in the longer term.

Lastly, not the least of William Fittall's alert and helpful but impartial interest in the project has been his goodness in coming to act as respondent today. He will not, I imagine, be speaking *ex cathedra* and this will not be the place or time for conclusive reflections though he will understand that I and everyone else will be hanging on his every word.

R.M.M.
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<http://www.churchtimes.co.uk/content.asp?id=76858>