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# **Quid Imperatori cum Ecclesia?** the contemporary church and the royal supremacy

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Evangelical Anglicans have traditionally felt themselves to have a vested interest in the continued establishment of the Church of England. This results, in part, from the transmission from generation to generation of that deep-seated confidence in the parochial system and the structures that support it, which characterized the earliest evangelicals at the time of the eighteenth-century revival, and marked them off from their Methodist brethren just as surely as their commitment to the gospel of regeneration marked them off from broad- and high-church contemporaries in the Church of England. The evangelical revival gave rise to little in the way of moves to reform the polity or constitution of the Church of England, or questions about the propriety of the regulation of its affairs by Parliament. It did not even result in agitation for the restoration of the church's own clerical synods (the Convocation of Canterbury was effectively inactive from 1717 to 1852, owing to the absence of the royal mandate for anything other than a formal assembling for the purpose of prorogation); indeed, Parliament itself could still claim, with more than a semblance of justice, to be the lay synod of the church. Membership of the Commons, like all other office-holding in the state, was dependent upon oaths of conformity to the doctrine and worship of the prayer book, and the abjuration of the mass. Only communicant Anglicans (besides a few occasional conformists) might occupy its seats, and dissenters, while they might be tolerated as an aberration in the harmonious order of the constitution, were still subject to the disabilities of the Test and Corporation Acts. Evangelicals, as is well known, often had cordial relationships with those dissenters with whom they shared the common interests of the gospel, but this does not seem to have led to any embarrassment about their constitutional position as servants of the establishment, subject to the royal supremacy.

## **Defending the state connection**

This acceptance of the current viewpoint of members of their class, which saw the established church as one of the twin pillars of the

stability of society, was buttressed for evangelicals during the nineteenth and early twentieth centuries by three further factors. As evangelicalism became increasingly embattled as a result of the rise of ritualism, liberalism and radical theologies, so the fact that Anglican formularies and confessions were embodied in Acts of Parliament came to look increasingly like the providential provision of protection for the truths and forms that evangelicals held dear. This protection was dependent, of course, on the fact of establishment—in the end what lay behind it was the royal supremacy—and accordingly the tendency for evangelicals to defend the established *status quo* became stronger. What moves there were in the direction of disestablishment were being made by those who supported changes inimical to evangelical convictions, and it is not surprising if evangelicals reacted in defence of establishment in order to protect their heritage. The implication is, of course, that evangelicals lacked confidence in their ability to hold the church to its historic formularies, and this was undoubtedly justified by consideration of their relative lack of effective strength in the higher strata of ecclesiastical hierarchy. This too had its reasons, which we cannot go into here; but it is arguable that evangelicalism's well-known parochialism was implicitly justified in terms of the protection afforded by the state and its inertia. Moreover, the strength of evangelicalism was always as much lay as clerical, and the theatre for lay involvement of any significant sort in ecclesiastical affairs was always Parliament, rather than the House of Laity or the representative church council.

The polarization of parties within the church that characterized this period led the evangelical group a step beyond the resort to establishment as a buttress against change. The existence of a body of legislation incorporating the formularies to which evangelicals looked, was an ideal basis for the assertion of the essentially evangelical character of the Church of England. Thus evangelicals sought to go behind the historic origins of their movement in the eighteenth century and to claim the sixteenth-century Reformers as their historical forbears. This not only resulted in a certain 'reading back' of evangelical ideals into the age of Cranmer, but also in a transference of some of the sixteenth-century notions of constitutional order into the modern period. It is clear, of course, that there is a real community of theological and spiritual interest between the sixteenth-century Reformers and modern evangelicalism, though an historical continuity is more difficult of demonstration; but what was not so readily noticed was that those who ultimately came to positions of authority and power in both church and state, in the sixteenth and seventeenth centuries, were scarcely those with whom the evangelicals might have been expected to identify. The real heirs of the English Reformation were not the Elizabethan or Caroline bishops but the Puritans, for whom successive Acts of Uniformity and Books of Common Prayer were

*causes célèbres* of protest rather than bastions of everything best in Anglicanism. The more extreme Puritans had even been exponents of a form of disestablishmentarianism. But despite this ultimate of ecclesiastical ironies, evangelicals in the modern period felt themselves committed to the state connection because of its use in the justification of evangelicalism as the one truly constitutional Anglicanism.

The third basis of strengthening adherence to the establishment principle was the patronage system. In the nineteenth century, as in the seventeenth, it was the accretion of patronage that would ensure the evangelical succession. To lose the power of appointment from the safe hands of legally constrained trusts into those of unpredictable members of the ecclesiastical hierarchy, who might be able to impose upon credulous laymen and so disrupt the orderly succession of evangelical parishes, has always seemed to evangelicals to be an ultimate horror, and especially so to evangelical clergy. And while patronage by lay individuals may not be so certain of continuance in one tradition, there remains the influence which the clergy may be able to bring to bear upon such individuals for the maintenance of evangelical ministry.

For all these reasons, then, it used to be the case until relatively recently that evangelicals tended to support the state connection. Significantly, G. W. Bromiley notes in connection with the agitation that brought about the 1919 Enabling Act that

It is something of a disappointment to note that although the Evangelicals did not oppose these changes, they did not contribute greatly towards them and have not always turned them to the fullest advantage . . . For some reason . . . Evangelicals as a whole were slow to press for reorganisation and equally slow to make use of the new opportunities.<sup>1</sup>

The reasons, no doubt, were complex, but among them certainly was suspicion about the effects of even so limited a modification of the state's power over the church upon the evangelical interest. Even today, when developments in the relationship between church and state have made many of the old issues of interest somewhat less relevant, there still exists a distinct body of evangelical opinion which would tend to see 'evangelicalism' (as expressed in terms of the Articles and Prayer Book) as the statutory and therefore *de jure* (if not *de facto*) religion of the church, and, indeed, of the realm. Here, it is still sometimes urged, in the statutory and constitutional nature of the Church of England, is an ultimate safeguard against the rising tide of secularism; while the state connection remains it can still be argued that England is not a secular state but a Christian nation whose religion is—theoretically at any rate—Protestant, evangelical Christianity.

### **A dubious bastion**

Such an argument appears to the present writer to be curiously

blinker. It is theoretical to the point of unrealism, because it fails to take account of either sociological and ethnic developments within English society in recent years, or of the long process of constitutional change which has gone on since the seventeenth century. As Valerie Pitt has so ably pointed out,<sup>2</sup> the nub of what is meant by establishment is the supremacy of the sovereign in causes ecclesiastical; this is the formal shape that establishment takes. But since 1533 there have been changes in the nature of the sovereign's power, and of its relationship to the will of both Parliament and people. Once the principle of constitutional monarchy is accepted, we shall also have to face up to the implications of constitutional royal supremacy, and it is at least possible that these may vitiate the somewhat rosy-tinted interpretation of ecclesiastical establishment that we have alluded to. We shall return later to the difficulties of the idea of establishment in our present social setting, but before we do so it may be worth pointing out that, even in the past, the Church of England's subjection to the royal supremacy and the statutory powers of Parliament by no means guaranteed the promotion of the Protestant and evangelical religion.

One or two instances will demonstrate the point. In 1539 King Henry VIII attended the House of Lords in person in his capacity as 'Supreme Head immediately under (God) of this whole Church and Congregation of England'<sup>3</sup> to argue against the reforming group in favour of the passage of the Act Abolishing Diversity in Opinions, better known as the Statute of Six Articles. As a result of the king's intervention (and Cranmer later asserted that it was only as a result of it)<sup>4</sup> the Act was passed. It was designed to complement earlier legislation by providing a positive definition of heresy and a procedure for the prosecution of heretics. According to the Act,

. . . as well by the consent of the King's Highness as by the assent of the Lords spiritual and temporal . . . and by the consent of the Commons . . . it was and is finally resolved . . . that in the most blessed Sacrament of the Altar, by the strength and efficacy of Christ's mighty word, it being spoken by the priest, is present really, under the form of bread and wine, the natural body and blood of our Saviour Jesu Christ, conceived of the Virgin Mary, and that after the consecration there remaineth no substance of bread and wine, nor any other substance but the substance of Christ, God and man.<sup>5</sup>

Any persons who 'by word, writing, imprinting, ciphering, or in any other wise' disputed this doctrinal assertion were deemed to be heretics and subject to death by burning. Of course, it may be objected that Henry has always been known to have lagged behind the forces of reformation during his reign, but this does not alter the fact that the Act explicitly grounds its doctrinal assertions upon the royal supremacy. It is perilous, in any case, to link the English Reformation too closely with the legislative process by which Henry asserted his conception of the implications of sovereignty in the ecclesiastical

sphere. As Walter Ullmann has recently demonstrated, the legislation of the break with Rome, far from being a statutory embodiment of Protestant principles of the freedom of the church, was in fact no more than the final exposition of ideas which had been current amongst medieval kings for some time, and which Henry himself had expressed as early as the time of the preparations for his coronation.<sup>6</sup>

By 1576 the Elizabethan puritan movement was well under way in the English church. The more extreme and radical among the Puritans were already moving in the direction of presbyterianism outlined by Thomas Cartwright, but the majority of puritan sympathizers were more concerned with reform of a practical nature in the standards of ministry and pastoral care. As one means of achieving this, the practice had developed of transferring part of the typical Cambridge pattern of ministerial preparation to the wider church in the form of the exercises known as 'prophesyings'. At Cambridge it was common practice for a group of divines to meet for a series of expositions and sermons on a given text, in which different speakers had responsibility for handling the text in a variety of ways: discussion of the grammatical aspects of the original language, examination of the context, gathering of 'doctrines', and application in a series of 'uses'.<sup>7</sup> The prophesyings took a similar course: clergy from a locality would gather in the market town on market day, and before a congregation of laypeople would preach a series of sermons on the appointed text, before retiring to the local inn to eat dinner together and engage in 'private censure'. A number of the bishops recognized the potential of such exercises for raising the standards of preaching and pastoral care among the clergy at large, and some were even prepared to act as moderators, require the attendance of the non-puritan clergy, and approve regulations for the conduct of prophesyings.<sup>8</sup> But Elizabeth I found the whole business distasteful. The exercises infringed her religious settlement with its delicate balance, and no Tudor sovereign could ever be happy with the thought of people meeting to talk—such things bred disaffection and treason. Accordingly she instructed Archbishop Grindal in 1575 to suppress the prophesyings. This was her normal method of communication with the bishops, but in this case Grindal proved obdurate. He wrote to the queen with a reasoned defence of the prophesyings and refused to instruct the bishops to suppress them.<sup>9</sup> Amongst other things Grindal requested

that you would refer all these ecclesiastical matters which touch religion, or the doctrine and discipline of the church unto the bishops and divines of your realm . . . for indeed they are things to be judged . . . *in ecclesia, seu synodo, non in palatio*.<sup>10</sup>

This was, in effect, a plea for some mitigation of the royal supremacy, and it is noteworthy that Grindal's very reasonable request has still

only partially been answered. Elizabeth's attitude was clear. She sent another letter, this time to the bishops;

. . . considering for the great abuses that have been in sundry places of our realm by reason of the foresaid assemblies called exercises . . . we will and straightly charge you that you also charge the same forthwith to cease and not to be used; but if any shall attempt, or continue or renew the same we will you . . . to commit them unto prison . . . And in these things we charge you to be so careful and vigilant, as by your negligence, if we shall hear of any person attempting to offend in the premises without your correction or information to us, we be not forced to make some example or reformation of you, according to your deserts.<sup>11</sup>

Elizabeth also set about having Grindal deprived. This proved impossible, and she was forced to content herself with his sequestration. Nevertheless, the royal supremacy can hardly be seen in this instance as a bastion of vital, evangelical religion.

### **The power of Parliament**

It was suggested above that the essence of establishment was the royal supremacy. Originally, of course, that supremacy was personal—part of the autocracy that was part and parcel of Tudor government. Significantly, however, even at the beginning, in order to enshrine the supremacy unassailably in legal enactment, Henry VIII was forced to define it by means of Act of Parliament. The next two hundred years saw the struggle for the constitution between Parliament and monarch, a struggle in which the balance of power shifted steadily in favour of Parliament, and in which, inevitably, the question of supremacy over the church formed one of the *casi belli*. The supremacy did not cease to be royal; but as the sixteenth century gave way to the seventeenth and then the eighteenth, it was increasingly a supremacy of the king in Parliament, and ultimately of Parliament through the king. Thus by the end of the seventeenth century, the balance had completely shifted. No longer did the king use Parliament to assert his power over the church. The Bill of Rights (1688) and the Act of Settlement (1701) are examples of Parliament exercising supremacy over the church by effectively limiting the scope of the royal supremacy. Previously the supremacy had merely been left in the hands of the sovereign on something analogous to the *cuius regio eius religio* principle. Mary had had no difficulty in using the royal supremacy to re-establish Roman Catholicism in the 1550s. By the 1680s, James II, if indeed he ever really intended to reverse the Protestant settlement,<sup>12</sup> found himself unable to do so because of the grown powers of Parliament. The next logical step is represented by the Bill of Rights, which excluded Roman Catholics from the succession to the throne; and the next by the Act of Settlement, which restricted the succession to Anglicans. These are, in effect, parliamentary limitations of the royal prerogative, and they must be seen in the context of the longstanding struggle between Crown and Parlia-

ment in the seventeenth century. By them Parliament was protecting not so much the church, as itself, because membership of Parliament was, since the Test Act, open only to Anglicans; by limiting the succession to Anglicans, Parliament was, in effect, extending the scope of the Test Act to include the Crown so as to avoid the exercise of the royal prerogative (as the Stuarts had done) to undermine the position of Parliament. It also had an eye to pre-emption of possible Jacobite risings, and the protection of patronage. These issues were as much political as ecclesiastical. The bishops in the House of Lords formed an important block of votes in the House where the real power lay, and since no one became a bishop without moving through the appointed path of preferment, the control of ecclesiastical patronage at every level was an important political resource. In some respects the church had become one of the organs of state, and this fact lies behind all of the ecclesiastical legislation of the period.

The process of shift of power from sovereign to Parliament did not, of course, stop in 1688; it has continued to the present day. And with it have gone other developments: the shift within Parliament from Lords to Commons; the widening of suffrage to its present democratized extent; and above all, for our purposes, the de-Anglicanization of the state. The repeal of the Test and Corporation Acts, and the Roman Catholic Emancipation Act, brought about an entirely new set of circumstances. The *de jure* royal supremacy had already become a *de facto* parliamentary supremacy, but it had so far been arguable that this had left the exercise of ecclesiastical power in the hands of a lay synod of the church; the Church of England was still the nation viewed from the religious standpoint, and those who opted out of it were effectively opting out of national life. But when once those who opted out of the church no longer opted out of the national life, Parliament could scarcely longer be seen as a lay synod of the church and the (fictional) identity between church and nation was at last exposed for what it was. Tacit recognition of this has been afforded by the series of modifications to the supremacy of Parliament that began with the creation of the House of Laity in 1886, and proceeded with the Enabling Act of 1919 and the Synodical Government Measure of 1969.

But de-Anglicanization is not the only change that has taken place with respect to the religious character of Parliament. Secularization has also gone on, for the same Acts that opened Parliament to non-Anglicans, by removing religious tests of a denominational kind, also made possible the eventual inclusion of non-religious Members, because no attempt was made to replace the denominational tests with more generally religious or even Christian ones. The secularizing potential of this development was obscured at first by the limitation of the franchise but the more nearly universal the suffrage became, the greater the likelihood that Members elected to represent

the sectional interests of social groups which did not share the middle-class allegiance to institutionalized Christianity would begin to exercise influence in Parliament. It is, of course, entirely possible that the House of Commons—or the Lords for that matter—might now include members with a manifest commitment to political philosophies hostile to the very existence of the Christian religion. In view of the fact that the royal supremacy is now almost entirely operated by Parliament, this is hardly a satisfactory state of affairs, and protests about the essentially Christian character of the English state which are based upon the establishment of the English church must be seen for what they are—constitutional abstractions which bear strikingly little relationship to the facts on the ground. Furthermore, with the rapid growth of ethnic minorities during the last two decades, it cannot be long before Parliament includes significant numbers of adherents of other religions, and this will be a further anomaly in the supremacy question. In effect, in our democratic system, the supremacy of the church is now in the hands of the people, and is ultimately exercised by a body whose character is quite properly secular and non-religious.

Something of the implications of this position becomes clear when we consider how the supremacy works in practice. Theoretically, the royal supremacy involves the maintenance of the 'Protestant Reformed religion by law established', but, as Bishop Gore pointed out as long ago as 1913,

. . . if you use about the Church of England the phrase 'the religious organ of the nation' and then try to apply it, it breaks down, and always breaks down. In education can you apply it? No. If the State wants to assist in education it must give up the theory of an Established Church. It must apply at once to all the different organs of religious belief—to the Church, to the Roman Catholics, to the Jews, to the Nonconformists—and find some method by which it can use, not one Church as its religious organ, but every variety of religious opinion as simultaneous and co-ordinated organs. It may be that you are starting so simple a thing as a soldiers' institute, and you want the support of the military authorities; but the military authorities, you are at once told, cannot give their support if it is a Church of England institute. No, it has to be an interdenominational institute. What does that mean, my Lords? It means that as soon as you apply at any part of our common life the theory of the Church as the religious organ of the nation, it breaks down because there is no religious unity amongst us to admit of the practical application of this principle.<sup>13</sup>

The state simply cannot exercise its supremacy by genuinely promoting the religion 'by law established'. To do so would be an infringement of the democratic principle. Indeed, it is even arguable that the implications of royal supremacy, in the changed conditions of our parliamentary democracy and constitutional monarchy, demand the self-contradictory policy of both the promotion and suppression of any religions that may be practised within the state without involving their practitioners in transgression of the law.

## Establishment today

It may, of course, with some justice, be argued that all this is to misrepresent the true position of establishment today. Recent changes in the law have fundamentally altered the role of the state in the royal supremacy. This is true. It is not perhaps fully realized how extensive these changes have been. The Act of Uniformity (1662), for example, has been almost wholly repealed, as has the Act of Uniformity Amendment Act (1872) and the Clerical Subscription Act (1865) in large measure. It may be helpful, therefore, to summarize briefly the present state of the church's established condition.

In general terms, since the Enabling Act of 1919,

Parliamentary control over church legislation remains unfettered, and Parliament may still legislate for the church without the intervention of the General Synod (formerly Church Assembly), but by a novel system of devolution the General Synod is enabled . . . to present Measures in completed form for the consent of Parliament. Parliament may either accept or reject but cannot amend a General Synod Measure, and normally it is by General Synod Measures that legislation affecting the Church is now enacted.<sup>14</sup>

By convention, since 1919, legislative initiative lies with the church rather than with Parliament, so that it is rare now for legislation on ecclesiastical matters to be introduced initially in Parliament. Moreover, before measures are brought to Parliament, consultation quite naturally takes place to avoid the possibility of Parliament being faced with a measure which may not secure acceptance. Nevertheless, the possibility of the supremacy being invoked to reject a measure which has secured the acceptance of the General Synod cannot be ruled out.

These arrangements have been significantly modified by two developments. The Worship and Doctrine Measure (1974) has transferred authority in matters of worship and assent to doctrinal formularies from Parliament to General Synod. In these matters the synod can legislate for the church by canon, but the royal supremacy remains in the form of the requirement that canons must receive the royal assent before they become operative. This is, in fact, something of an anomaly; as Valerie Pitt points out, the failure to revise the Code of Canons for three centuries since 1603 left the procedures for their promulgation unaffected by the shift in the constitutional balance of power as between sovereign and Parliament.<sup>15</sup> The 1969 report of the Archbishops' Commission on Church and State saw this anomaly as the answer to the problems of parliamentary supremacy; by a return to something akin to the original conception of the personal supremacy of the monarch, exercised, however, in the constitutional form of the royal assent, the *skandalon* of the supremacy of a secular parliament might be avoided. But Miss Pitt also points out that the royal assent can be refused, and the threat of its refusal has already been used to modify canons. The apparent

analogy between ecclesiastical canons and parliamentary statutes does not hold water. If the Queen withholds assent from an Act of Parliament she provokes a constitutional crisis. Parliament has teeth—as certain monarchs have found to their cost—but the General Synod does not.

The second modification referred to arises from the fact that, without formally resolving to do so, the synod has in fact followed the recommendation of the 1969 report in framing measures in such a way that the need to provide further legislation by measure is reduced in favour of other methods not subject to parliamentary control. The Standing Committee Report GS 400 points out that this is achieving a steady reduction in the matters which have to be the subject of parliamentary approval:

The acceptance from the side of the State of the two main Chadwick recommendations, within a framework within which the Church of England as an established church, constitutes an achievement which, even as recently as 10 to 16 years ago, would have been thought by many to be unattainable short of disestablishment.<sup>16</sup>

Once again, however, as in the case of providing for changes in worship by canon, this development has done no more than modify the form in which the royal supremacy is exercised. There has been, it is true, a significant reduction in *parliamentary* supremacy, but because legislation by canon is still subject to the royal assent, this has been achieved by what is, in reality, a return in the direction of what the royal supremacy originally meant—the personal supremacy of the sovereign *qua* religious over the religious establishment of her realm. It is arguable, therefore, that the royal supremacy in this personal sense has been significantly strengthened by these developments.

Precisely the same point can be made in the case of patronage. According to Halsbury,

The Kings of England were reputedly the founders of all the bishoprics in England. Hence all bishops in England are, in all cases, appointed by the Crown.<sup>17</sup>

Under the provisions of the Appointments of Bishops Act (1533) the Crown grants licences to the dean and chapter of the cathedral church of a vacant see to elect a new bishop, such licence being accompanied by a letter missive with the name of the person to be elected. Once the election has occurred, letters patent are sent to the archbishop of the province requiring confirmation of the appointment.<sup>18</sup> Until very recently this formal procedure was backed by a complex process of informal consultation and selection during which the name of the final bishop-elect emerged. Initiative lay with the prime minister in his proper role as first executive of the Crown, though in the present century initiative has been taken on his behalf by a permanent civil servant known as the secretary for appointments. At the end of this process (which always involved consultation with both the diocesan

vacancy-in-see committee and the archbishops' lay appointments secretary) the archbishop was invited to submit the names of two or three possible candidates (chosen out of those known to be acceptable at Westminster) for the prime minister's final selection before nomination to the sovereign.

This system of consultation was significantly modified when, in 1976, the General Synod approved the creation of the Crown Appointments Commission. In broad terms this body represents the implementation of one of the alternative proposals of the Chadwick Report,<sup>19</sup> though it is perhaps not insignificant that the precise *modus operandi* of the commission was proposed, not by the synod or one of its subordinate bodies, but by the prime minister (as it happens, not himself an Anglican) in a written Commons reply on 8 June 1976.<sup>20</sup> Under the present system, the initiative now lies with the church in the form of the commission, consisting of representatives of the diocese in question and the wider church, under the chairmanship of the archbishop of the province, with the prime minister's secretary for appointments and the archbishops' appointments secretary as non-voting members. The commission proposes two names to the prime minister, stating its preference, but he may, if he wishes, choose their second nominee, or reject both names, in which case he would refer to the commission for further nominations. The prime minister's selection is then sent to the sovereign in the usual way.

It is clear that there is evident here the same tendency as we have already noted in the case of worship and doctrine. There is a distinct lessening of parliamentary supremacy (in this case, especially, of initiative), and a shift towards ecclesiastical autonomy in the new arrangements. It is less of a shift than in the case of worship and doctrine; it is also less of a shift than the General Synod itself wanted to see. According to the resolution which the synod passed by 270 votes to 70 in July 1974, and to which the prime minister's reply was directed,

the General Synod . . . believes that . . . a small body, representative of the vacant diocese and of the wider Church should choose a suitable person for appointment to that diocese, and for the name to be submitted to the sovereign.<sup>21</sup>

Such an arrangement would have been precisely parallel to the return to personal supremacy involved in legislation by canon, and it is significant that it was this which the synod originally intended. In this form, the change would have involved the removal of the prime minister from the process altogether. We shall consider in a moment the question of whether such a removal is in fact possible in any case in a constitutional monarchy.

Patronage, of course, is a wider issue than the royal supremacy, since it includes private patronage of benefices. Here again, changes have taken place in recent years in the situation that obtained from

the sixteenth century to the twentieth, and these changes have not yet ended. The Benefices Measure is still at the stage of discussion by General Synod, and may bring about fundamental changes in the operation of patronage. But, whatever the result of the current discussions may be, the operation of those parts of the pastoral measure which allow bishops to suspend presentation to benefices have already materially altered the patronage position, and, inasmuch as they have brought parochial appointments much more directly under episcopal control, which is, in turn, regulated increasingly by the synod's attempts to legislate for all matters by measures which will leave further power to act by canon and other means in its own hands, it is arguable that even this development is not unrelated to the increasing personal supremacy of the sovereign.

The one area of the establishment where this trend is not in evidence is that of finance. The vast proportion of the financial affairs of the Church of England is handled by the Church Commissioners; the budget of the General Synod, much of which is concerned with ordination training, is the dust of the balances by comparison. But the commissioners are a statutory corporation, responsible for territorial reorganization, dealings in church property, and the management and application of the endowment income of the church. Although their accounts are laid before the General Synod, and the majority of members of the board of governors are either clergy or laymen appointed by the synod, under the chairmanship of the archbishop, they are in no way answerable to the synod. Nor are they answerable to Parliament, though the important Second Estates Commissioner is always, in practice, appointed by the government of the day. Inasmuch as their accounts are audited by the comptroller and auditor-general, they are, perhaps, theoretically answerable to the Crown, but they form a hybrid and effectively independent stratum of the ecclesiastical establishment, though in tracing their origins back to Queen Anne's Bounty they reveal, once more, the significance of the royal supremacy for all established institutions of the church.

### **An optical illusion?**

It is felt, undeniably, by many in positions of leadership in the church today, that the developments we have been considering have indeed brought about a liberation of the church from Parliament which would not have seemed possible, short of disestablishment, a decade ago. This liberation has been brought about, as we have seen, by the move back in the direction of personal royal supremacy. But the question remains whether such a move is anything more than an optical illusion. The monarchy of England is not today what it was in Tudor times. Then, it was an autocracy built upon the still lively residue of the feudal past, in which both initiative and executive power lay in the hands of the sovereign. Today, on the contrary, the sovereign is a

symbol, the monarchy constitutional; power and initiative lie with elected governments and with the bureaucracy behind them. Precisely what the sovereign symbolizes is perhaps open to debate; what cannot be disputed is that she is constitutionally incapable of exercising the sort of personal supremacy that her Tudor forbears exercised. In the Commons reply already alluded to on the question of the appointment of bishops, the prime minister had this to say:

There are, in my view, cogent reasons why the State cannot divest itself from a concern with these appointments of the established Church. The Sovereign must be able to look for advice on a matter of this kind, and that must mean, for a constitutional Sovereign, advice from Ministers . . .<sup>22</sup>

This is to put the point in a nutshell. Whatever else the sovereign may symbolize today, she must be seen as symbolic of her government. She is, as every state opening of Parliament reminds us, in the last analysis, the mouthpiece of her administration; she can say and decide only what her ministers will allow her to say and decide. This must mean that the transfer of ultimate responsibility from Parliament to sovereign is not a return to the original intention of the religious settlement, and can only give the illusion of liberation for the church. It is not what it appears to be to those who take the letter of the sovereign's supremacy for the whole. It appears to be the transfer of responsibility for religious decision-making from a secularized, non-religious body to an individual who is constitutionally committed to the defence of the church and what it stands for. But analyse that individual and it becomes plain that she (or he, for this is a point about constitutional monarchy, not about our present Queen), in actual fact consists of a complex of Home Office memoranda, cabinet minutes, ministerial conferences and the like. The church has passed from the hands of a secular parliament to those of a secular administration, and the prime minister's inability to contemplate the relinquishment of that administration's ultimate responsibility in the appointment of her senior pastors is an illustration of precisely that point.

All this does not, of course, mean that the secular authorities have not made and may not continue to make their decisions in what they see to be the best interests of the church. But precisely because of the established national character of the Church of England, that is itself a concept extraordinarily difficult to realize. The government represents the people, and the people include an immense number who regard the Church of England as their church. They may never darken its doors, except for a baptism, wedding or funeral; but it is their church. The church herself may question such a claim; she may point to genuine commitment to Jesus Christ, to repentance and faith, to the life of Christ's living people, in all the variety of forms in which these fundamental Christian truths find expression, but the question will always remain whether any elected government has the

right to see the church in this way. There must always, necessarily, be a tension between the church as the people of God (as she sees herself) and the church as the people of England (as she still appears to so many on the fringes of her activities), and it will never be surprising if the secular authorities sometimes allow the latter view to carry the day against the former.

What is ultimately wrong in our present situation is the fact that there is a secular supremacy of any kind, and the ultimate remedy of this wrong is disestablishment. Anglo-Saxon complacency with the pragmatic effectiveness of our present arrangements, so long as our 'gentleman's agreement'<sup>23</sup> with the state holds up, is not a substitute in final terms for the true liberty of the household of God. To give the formal supremacy of the church to the one to whom it truly belongs—the Lord Christ—will not, of course, end sin and self-interest, or even corruption, 'at a stroke'. But it would give the church freedom to develop its institutions and life as a 'congregation of faithful men' without the dubious advantages of the restraining hand of the representatives of nominal Anglicanism, and the secular mind.

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## NOTES

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- 2 *Church and State*, The Report of the Archbishops' Commission (London 1970), Memorandum of Dissent by Miss V. Pitt, p 69.
- 3 31 Henry VIII, c 14 (Statute of Six Articles 1539) preamble.
- 4 J. R. Tanner, *Tudor Constitutional Documents* (Cambridge 1951) p 96, n 2.
- 5 *ibid.*, p 97.
- 6 W. Ullmann, 'This Realm of England is an Empire' in *Journal of Ecclesiastical History*, Vol. 30, No. 2 (April 1979) pp 175-204.
- 7 e.g., S. Clarke, *A General Martyrologie* (Glasgow 1770) p 454.
- 8 e.g., 'Regulations for the Diocese of Lincoln 1574' in J. R. Tanner, *op. cit.*, p 182.
- 9 E. Grindal, *Remains* (Parker Society) (London 1843) pp 376-90.
- 10 *ibid.*, p 387.
- 11 J. R. Tanner, *op. cit.*, p 185.
- 12 G. V. Bennett, 'The Seven Bishops—A Reconsideration' in *Religious Motivation, Biographical and Sociological Problems for the Church Historian; Studies in Church History*, 15 (Oxford 1978) edited D. Baker, pp 267-88.
- 13 Hansard, *Parliamentary Debates*, H. L. Deb. 12 Feb. 1913, Series 5, Vol. xiii, pp 1193 ff.
- 14 Halsbury, *Ecclesiastical Law*, General Synod Edn. (London 1975) para. 350.
- 15 *Church and State*, p 70.
- 16 General Synod Papers, GS400, *Church and State: Lord March's Motion* (London 1979) pp 5-6.
- 17 Halsbury, *op. cit.* para. 460.
- 18 *ibid.* paras 460-4.

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- 19 *Church and State*, pp 32-7.
- 20 Text printed in General Synod Papers, GS304, *Report by the Standing Committee on Crown Appointments* (London 1976) pp 2-4.
- 21 *ibid.*, p 1.
- 22 *ibid.*, p 3.
- 23 G. R. Balleine, *op. cit.* p 257.

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