



Reprising the case for disestablishment

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Abstract: This article presents a fresh case for the disestablishment of the Church of England. It opens by noting recent developments that are putting pressure on the public legitimacy of Anglican establishment. It then defines the current relation of the Church of England to the British state in terms of a distinction between 'high' and 'earthed' establishment, expressing support for the latter. Seven key components of high establishment are then described, and disestablishment defined as the progressive ending of these components. A theological case for disestablishment is then articulated in terms of two central principles: the ecclesiological principle of the spiritual autonomy of the church, and the political principle of the religious impartiality of the state. The seven features of high establishment are found to breach one or both of these principles. The final section critically assesses four prominent arguments often deployed in defence of establishment, finding them all unpersuasive.

Keywords: *Disestablishment • Church of England • constitution • church autonomy • state impartiality*

Introduction: is the dog beginning to bark?

Unexpectedly, the established status of the Church of England is becoming topical again¹.

Taking a backwards look, it is true that disestablishment has been, as one historian dubbed it, 'the dog that didn't bark'.² It has certainly not barked much since the late 1920s, when the House of Commons brusquely voted down the Church's considered proposals for liturgical reform, creating the 'Prayer Book Crisis'.³ Indeed to some, disestablishment will seem even less compelling in the light of the Church's prominent and exemplary role during the celebrations for the Queen's Platinum Jubilee, the national mourning for her passing, and the coronation of King Charles III. Some in the Church claim to find in these events evidence of renewed affection for establishment; or, at least, of the Church's deeply embedded role in the aesthetics of national identity-projection. Such momentous national moments, with the Church at their heart, have, some suppose, given the impression of a nation gratefully at ease with a Christian monarchy, even if not overly curious about what the 'Christian' part of that idea means. The Methodist Church in Britain has long adopted a stance of official neutrality on establishment.

¹ This article draws on material in Jonathan Chaplin, *Beyond Establishment: Resetting Church-State Relations in England* (SCM 2022), where full sources are cited. References here are kept to a minimum.

² Matthew Grimley, 'The Dog that Didn't Bark: The Failure of Disestablishment since 1927', in Mark Chapman, Judith Maltby and William Whyte, eds, *The Established Church: Past, Present and Future* (T&T Clark 2011), 39-55.

³ From now on, 'Church' will refer to 'Church of England'.

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This seemingly marginal standing of the question is sustained by the fact that the Church's leadership currently displays no interest in having a public discussion about it. It is difficult to think of a single bishop or other senior Church figure in the last ten years expressing a preference for disestablishment, or even calling for a debate on it. The default stance, entrenched yet rarely openly defended, seems to be that the Church should exploit the pragmatic advantages of establishment as fully as possible for long as they last (as was done in the coronation), while eschewing any attempt to defend those advantages. Although establishment is examined episodically in specialist law and religion journals, the Church's leadership has long relegated it to the periphery of the Church's field of vision, allowing it to be elbowed aside by more urgent questions of the moment, of which there are currently a torrent (acrimonious divisions over same-sex marriage and the urgent need to reform safeguarding being only the most controversial).

Nor has there been much overt popular demand for a debate about establishment. A recent YouGov poll revealed that 50% of people thought the Church 'should be separated from the state', almost unchanged since 2013.⁴ But this question is poorly phrased; and otherwise the poll's results were ambivalent, revealing that 61% people supported removing bishops from the House of Lords but only 31% opposing the monarch being head of the Church of England. Moreover, it did not ask respondents how important their preferred changes might be.

The religious media seems to display little interest in eliciting a public conversation on it. When the leading Church of England paper *Church Times* published a double issue for the Queen's Platinum Jubilee, it gave pride of place to a pointed defence of establishment by a leading cleric, but allowed not a peep of dissent on the matter across its entire sixty-four pages.⁵ Nor did it raise the issue once during the coronation. Yet in spite of this apparent public indifference and sustained leadership neglect, the disestablishment dog can just about be heard yapping again, if only outside the perimeter walls of Lambeth Palace and mostly by terriers outside the Church. Let me suggest five recent examples of why, after all, the question merits serious debate in Church and nation.

Pressures for Reform

First, the coronation, while glossed by the Church as a confirmation of its national role, has been read by others as a glaring constitutional anachronism that has lost all legitimacy in a liberal democratic state that operates in every other part of the public sector on the basis of religious neutrality. The UK is unique among European monarchies in holding a sacral coronation; indeed, any kind of coronation. It is precisely the dramatic prominence of the Church at the heart of this momentous national occasion that poses the unsettling question: can the role of presiding over the investiture of a new British monarch, the head of state of the whole people of the UK in all their religious and national diversity, any longer justifiably be held by only one small English Christian denomination, however much it may have been formative in the nation's history and past identity? There may have been little prior public discontent at the role of the Church in King Charles's coronation, but there will almost certainly be some when it is King William's turn. This is because, after seventy years, the nation actually saw what a religious coronation looked like, many finding it bewildering or alienating.

Second, the latest census results show for the first time that only a minority (46%) of British people now self-identify as Christian.⁶ While Church leaders were quick to talk this up as a surprisingly large persisting minority, we can be fairly sure that most of that number includes those whose identification with Christianity is weakly cultural rather than religiously serious. The results were seized on, not only by the National Secular Society and Humanists UK which have long campaigned for disestablishment, but also by leading constitutional experts, such as Vernon Bogdanor (Kings College, London) and Scot Peterson (University of Oxford). As Peterson put it: "It's been difficult

⁴ <https://yougov.co.uk/politics/articles/50933-is-it-time-to-disestablish-the-church-of-england>

⁵ Lucy Winkett, 'Platinum Jubilee: the privilege of establishment must be seized', *Church Times* 27 May 2022.

⁶ Nick Spencer, 'Census 2021: And the winner is...?', *Theos Comment*, 29 November 2022.

to defend having an established church since the beginning of the 20th century, but it is now becoming a figment of the imagination. The king being the head of the Church of England made sense in 1650, but not in 2022”.⁷

Third, MPs have been flexing their muscles in response to mounting discontent with the performance of ‘the national Church’. In September 2021, Tory MP Chris Loder, speaking for a group of disgruntled colleagues, expressed concern at what he claimed was the “bureaucratic wokery” dominating the Church’s leadership. He issued a thinly-veiled threat of parliamentary intervention if the Church did not get its house in order.⁸ From another point on the political spectrum, since the beginning of 2023 another group of parliamentarians, led by the Labour MP Ben Bradshaw, have been issuing similar threats that, if the Church does not move promptly to accept the blessing of same-sex marriages, MPs might get Parliament to ‘encourage’ it to do so. In spite of their ideological divergence, both groups deploy the same argument: precisely because the Church of England is the ‘national Church’, how can it be permitted to diverge from the settled values of the nation, on any matter? Those within the Church who defend establishment just because it ensures that the Church is closely aligned with the nation, will struggle to find any cogent response to that question.

It is true that MPs cannot force the Church to do anything. But the Church is more vulnerable to parliamentary pressure on issues like same-sex marriage than it might think. It will be desperate not to repeat the unedifying spectacle occurring during the passage of the Equal Marriage Act 2013, when it fought to defend its exemptions from the provisions of that Act, to much public opprobrium.⁹

Fourth, already prior to the July 2024 election, the Labour Party declared its intention, eventually, to abolish the House of Lords and replace it with a wholly elected second chamber.¹⁰ In government, it has already announced plans to abolish the remaining hereditary peers. So far it has not itself raised the issue of the Lords Spiritual, but any debate about Lords reform will inevitably raise the question of how to justify the automatic entitlement of twenty-six Church of England bishops to seats in a national legislative chamber, especially at a time when fewer than 2% of the population are active members of that Church.¹¹ Such an idiosyncratic law-making privilege offered to only one Christian denomination representing at best a small fraction of only one of the four nations of the UK, will surely not survive the scrutiny of public debate. Shrewdly, when the Labour government announced its latest plans, the Archbishop of York took the opportunity to state that the Church would encourage a greater diversity of faith representation in the Lords.¹² But once a wider debate gets going, it will be hard to hold that line against those demanding abolition of the very principle of guaranteed religious representation, however diverse.

These four factors show why the established status of the Church of England continues to throw up uncomfortable questions of legitimacy for both Church and state. They suggest that, at the very least, the Church should begin to know its own mind on the theological and missional questions raised by establishment. Currently, it does not, offering at best weak and piecemeal pragmatic defences. The Church has, in fact, done no serious official thinking about establishment for half a century, when it produced the wholly untheological Chadwick Report in 1970, the result of an Archbishops’ Commission dominated by pro-establishment clerics and lawyers.¹³

The most serious denominational reflection on establishment since then has, in fact, come from the Methodist Church in Britain, whose 2004 document, *A Report on Church, State and Establishment* offered a wide-ranging and theologically serious analysis.¹⁴ Triggered by questions arising from the 2003 Anglican-Methodist Covenant, the

⁷ Robert Booth et al, ‘Calls grow to disestablish Church of England as Christians become minority’, *Guardian* 29 November 2022.

⁸ Chris Loder, ‘Parliament is watching closely’, *Church Times* 17 September 2021.

⁹ ‘Church of England warning on gay marriage’, BBC website 12 June 2012, <https://www.bbc.co.uk/news/uk-18405318>, accessed 1/10/25.

¹⁰ *A New Britain: Renewing Our Democracy and Rebuilding Our Economy: Report of the Commission on the UK’s Future* (Labour Party, 2022).

¹¹ In September 2024, Sir Gavin Williamson MP tabled an amendment to the government’s House of Lords (Hereditary Peers) Bill that would abolish the Lords Spiritual, but the amendment was defeated by 378 to 41. <https://www.churchtimes.co.uk/articles/2024/1-november/news/uk/bishops-seek-talks-over-left-field-proposal-to-abolish-the-lords-spiritual>

¹² <https://www.archbishopofyork.org/speaking-and-writing/sermons/house-lords-debate-humble-address-his-majesty>

¹³ *Church and State: Report of an Archbishops’ Commission* (Church Information Office, 1970).

¹⁴ (Peterborough: Methodist Publishing House, 2004).

report presented a balanced assessment of different Methodist views of establishment, raised concerns about its current operation, but remained neutral on the question itself, as the Methodist Church in Britain itself has long been.¹⁵

But the result of the Church of England's own longstanding neglect of the issue is that the national Church currently has no official theology of how it should relate to the national state. This leaves open a real risk that when further challenges to current arrangements come from the side of the state, as they inevitably will, the Church will again be caught on the back foot, reacting ad hoc to events dictated by the state's agenda and, no less importantly, missing a unique opportunity for the public explanation of its mission within the nation.

Defining 'establishment'

Debates about disestablishment are frequently confounded by multiple confusions over what it might entail. One way of clarifying what is at stake is to distinguish between 'high' and 'earthed' establishment.¹⁶ 'High establishment' refers to the formal constitutional relations between state and church at the national level. 'Earthed establishment' refers to the organic local presence of the Church in parishes and dioceses. The latter continues to be appreciated by many within and without the Church. Because of the Church of England's deep embeddedness in the life of the nation and its physical presence in every parish in England, the Church is still seen by many as 'our church', a church belonging to the English people and available to serve their spiritual needs, however episodically sought. It remains the default place for many to turn for life rituals such as baptisms, marriages, funerals, memorial services and so forth. Let me say at the outset that, whatever the shortcomings of earthed establishment, I am an enthusiastic supporter of the missional and service opportunities it affords. I do not want the Church to cast them aside, and I will argue that little that is of value in earthed establishment would be lost if high establishment were dismantled. What happens on the ground, at parish level, will not be notably impacted by even far-reaching changes at the constitutional level. I focus chiefly on high establishment, returning to earthed establishment later.

High establishment has been defined as "a system in which a particular church or churches (or more generally, one or more religious bodies) is accorded in public law special forms of privilege and responsibility not afforded to other religious bodies".¹⁷ Establishment in England, then, means the special forms of privilege and responsibility accorded by public law to the Church of England. I note two important definitional points before explaining the workings of the system further.

First, obviously, the Church of England only exists in England. In the other three nations of the UK, Anglicanism is non-established, while in Scotland the Church of Scotland enjoys a distinctive form of establishment which is much thinner and less problematic than England's because it confers no substantial privileges on the Kirk nor entails any state authority over its internal affairs. But while only English Anglicanism is established, the Church of England enjoys privileged constitutional status in the UK as a whole, raising the question of how such inequity across the four nations of the UK can be justified.

Second, we should exclude from the definition of establishment the Church's role in the provision of public services such as education, social services, the health sector, chaplaincies, and so forth, since such roles are shared with non-established churches, indeed with non-Christian faiths. With a few minor exceptions, this role is not the result of 'special privileges or responsibilities' and it does not depend on high establishment. It is true that the Church of England occupies a predominant position in the current system of faith schools on account of its pre-eminent historical role as providers of schools. But even this does not depend on any constitutional privilege; it is in principle open to all faith providers. The place of faith-based service providers like these would not be undermined by disestablishment at the constitutional level. Certainly, a strong case for the churches' (and other religions') presence in such sectors can be made, but a defence of high establishment is no part of that case.¹⁸

¹⁵ David Carter, 'Methodism and Establishment', in Chapman, Maltby and Whyte, *The Established Church*, 158-175.

¹⁶ Wesley Carr, 'A Developing Establishment', in *Theology* 102 (1999), 2-10.

¹⁷ Joan Lockwood O'Donovan, 'The Liberal Legacy of English Church Establishment: A Theological Contribution to the Legal Accommodation of Religious Plurality in Europe', *Journal of Law, Philosophy and Culture* 6.1 (2011), 17.

¹⁸ I make such a case in Jonathan Chaplin, *Faith in Democracy: Framing a Politics of Deep Diversity* (SCM 2021).

Seven components of high establishment

I now briefly describe what I take to be the seven most important components of high establishment.¹⁹ Many are closely intertwined and it is not obvious how all are to be ranked in order of importance. I start, however, with the one that is the best candidate as cornerstone of the edifice.

Royal Supremacy

The British monarch is ‘Supreme Governor’ of the Church of England. This dates from the English Reformation of the 1530s, notably Henry VIII’s Act of Supremacy 1534. The English Reformation was different to that in many other European nations where Protestant churches initially claimed a significant sphere of freedom from civil authorities, even when supported by them. Henry VIII’s Reformation, however, was shaped by ‘Erastianism’, the theory that the state is fully entitled to control the church. Henry seized control of the Catholic Church in England from the Pope, removing all papal jurisdiction over it and concentrating extensive power to govern it in himself (and Parliament). It is true that all European monarchs had exercised some control over their national churches before the Reformation, sometimes quite extensive (notably in France). But Henry in effect nationalized the English Church as part of a wider attempt to expand royal authority over the whole country. This act of nationalization has never been formally renounced. The Act of Supremacy remains on the statute book.

In time this power came to be exercised increasingly through Parliament rather than at the whim of the monarch, but it remained very extensive until as late as 1919, when Parliament delegated extensive powers of self-governance to a new Church Assembly. This means that from a legal point of view the Church does not possess inherent, independent authority as is enjoyed by the Church of Scotland (and which the state acknowledged in the Church of Scotland Act 1921). Parliament delegated further power to the Church in 1969 when a new governing body was created, General Synod, where now all Church legislation is initiated.

Yet the monarch remains ‘Supreme Governor’ of the Church. This is still visible, for example, in the system of ‘crown appointments’, whereby bishops and senior clergy such as Cathedral Deans are formally appointed by the Crown via the office of the Prime Minister. The official announcements of such appointments are issued from that office, not from the Church’s. It is true that, since 2007, prime ministers no longer exercise any discretion between the Church’s nominees (traditionally two), but accept the Church’s own nomination without question. Some suggest, therefore, that there is no longer a problem with the system.

Parliamentary oversight

The fact that the Church’s legal power of self-government is derived wholly from Parliament means that the Church continues to depend on parliamentary approval of its legislation (known as ‘Measures’). Measures originate in General Synod, and Parliament cannot force a change on the Church. But Measures still require formal parliamentary endorsement and are subject to scrutiny by a special committee of Parliament (the Ecclesiastical Committee). This can delay or block a Measure or demand changes to it, as it did, for example, as recently as the early 2000s over women bishops. It retains the authority to intervene again if a future Measure on the blessing of same-sex relationships were not fully to meet MPs expectations.

Monarch as ‘Defender of the Faith’

This element also derives from the Reformation, but was the title given by the Pope to Henry VIII for his early attack on Luther. So it originally meant ‘defender of the Catholic faith’, but when the monarchy embraced Protestantism it was retained, and it still applies today. Some years ago Prince Charles spoke of aspiring to be the ‘Defender of Faiths’ rather than of ‘the Faith’. He later clarified that this was not at the expense of his role defending the primacy of the Church of England; and it is true that he and the Queen had long affirmed the place of other faiths in society. But

¹⁹ I elaborate these in *Beyond Establishment*, chapters 3 and 4.

the duty remains part of the British constitution and was reaffirmed in King Charles's coronation. It is worth noting that this specific constitutional duty is not based in statute but in convention, meaning it could be changed quite easily.

Protestant succession

This is the requirement that the British monarch must be Protestant, which means Church of England, or Church of Scotland when in Scotland. It dates back to the early eighteenth century, when Scotland became part of the United Kingdom. The Scots insisted on an assurance that the English monarch would protect the presbyterian character of the Church of Scotland after the union. Like his predecessors, Charles also reaffirmed this at his coronation.

National ceremonial precedence

The Church is entitled to enjoy, and is expected to assume, automatic precedence at key royal events such as baptisms, weddings and funerals; at national memorial ceremonies such as Remembrance Day, or the service of thanksgiving after the Falklands Islands war; at other major civic events like the Queen's Platinum Jubilee; or at ad hoc events such as the service held at Westminster Abbey in 2019 to mark the fiftieth anniversary of Britain's continuous-at-sea nuclear deterrent.

The Church of England alone has this privilege and responsibility, even though other churches and in some cases other faiths sometimes play a secondary role in some. The most important event is the coronation, which is an Anglican religious ceremony, including a Eucharist, in which the monarch is formally inducted into their role as head of state of the UK, pledging to uphold the law and safeguard the Christian faith. It is important to note, however, that the monarch is already legitimate at the moment of their predecessor's death, as is immediately confirmed in an 'Accession' ceremony. As all other European monarchies show, a coronation is not necessary for the legitimacy or continuity of a monarchy.

Public law status

The ecclesiastical law of the Church of England is part of the public law of the land. This means, for example, that the rights of parishioners to be baptised, married or buried in their local church (subject to certain conditions) are public law rights, not matters of private contract, as with every other church or religious body in the UK. Ecclesiastical courts are also part of the general system of English courts. The Church's public law status also carries the constitutionally eccentric implication that a body outside Parliament, namely General Synod, can itself initiate changes to the law of the land (so long as it does not interfere with the rights of other citizens).

The Lords Spiritual

Twenty-six Church of England diocesan bishops enjoy an automatic entitlement to sit in Parliament's second chamber, the House of Lords. The Lords Spiritual long predate the Reformation but are typically seen as a key component of establishment. The arrangement is robustly defended by senior Church leaders, even though (as noted) some have indicated a willingness to accept reform. In fact, a handful of other senior religious figures are already appointed as life peers but in an individual capacity and with no entitlement to sit. The Chief Rabbi, for example, is usually offered a seat; and prominent Methodist minister and campaigner Lord Leslie Griffiths holds a seat, although not as representative of the Methodist Church.

There are undoubtedly some good outcomes of the presence of the Lords Spiritual. It means that religious – or at least Christian – voices can sometimes be heard on major national issues from a platform at the heart of the state. Bishops often offer quality interventions that elevate the debate, introducing moral considerations that might not otherwise be so readily foregrounded. Bishops are almost always present in House debates. Some hold special portfolios for particular areas of public policy such as education, housing, refugees, technology and so forth. In addition, all Lords Spiritual take a turn in leading official parliamentary prayers each day. On the other hand, they continue to be full-time diocesan bishops, raising the question whether they can ever be sufficiently well-prepared for such a role, however well-resourced by the Church's national public policy staff.

The case for disestablishment

These, I suggest, are the seven most prominent features of high establishment. It is important to spell them out in some detail, because many defenders of establishment (high or earthed) tend to be quite opaque about what exactly it is they are defending. They often tend to retreat to platitudinous generalities such as, 'it is important to keep faith at the centre of our public life', or 'the Church is called to be at the heart of the nation', and so forth. Those generalities need to be subjected to close critical scrutiny if a debate about establishment is to make any progress.

If this is what (high) establishment means, what would *disestablishment* entail? Like establishment, disestablishment is not one thing. It could involve modifying or terminating any or all of the seven components listed above. Some elements, however, are tightly interlinked and would need to be abolished together. For example, if Royal Supremacy is ended, it is hard to see how the entire apparatus of parliamentary control could survive (implying, for example, that the Enabling Act 1919 would have to be replaced). But both Royal Supremacy and parliamentary control could be abolished without affecting the role of the Lords Spiritual, and vice versa. It is perhaps possible to imagine that Protestant Succession could end without imperilling Royal Supremacy, but losing one would certainly put pressure on the other. By contrast, because it is a mere convention, the monarch's title of 'Defender of the Faith' could easily be abandoned or rephrased (perhaps as 'Defender of the Traditions of the Nations') without touching any other element of high establishment.

To allude to my earlier definition of establishment, full disestablishment would involve terminating all the 'special forms of privilege and responsibility accorded by public law to the Church of England'. As one constitutional writer puts it, this would mean 'the abolition of all privileged links between the Church of England and the British state to place [it] in the same position as any other religious body in the UK'.²⁰

For example, the Church of England would in law become a self-governing voluntary association like the British Methodist Church, the Roman Catholic Church of England and Wales, the Church of Scotland (which remains only symbolically established), the Muslim Council of Britain or the Board of Deputies of British Jews.²¹ It would be free from special constitutional obligations to the state and, no less important, much less vulnerable to the pressures of the powerful political and cultural expectations inevitably accompanying its unique national standing. By becoming a fully self-governing body, it would be liberated to reach its own decisions on appointments, church order, mission and public ethics (whether on money, sex or power) according to its own theological, pastoral and political lights (if it wished). It would, of course, continue to enjoy the advantages of its longstanding historical pre-eminence and the resources of public witness bequeathed by that legacy. We can assume that Westminster Abbey would continue to be situated right next to Parliament. But the Abbey would enjoy no greater constitutional standing than its near neighbour Methodist Central Hall, or than the Roman Catholic Westminster Cathedral just down the road.²² Interestingly, Methodist historian David Carter suggests that a "gradual move [...] towards the form of Establishment enjoyed by the Church of Scotland might prove widely acceptable within Methodism and other churches and faith communities".²³ But whether reflecting the Scottish model or a fuller separation from the state, the Church of England would take its place as one among the multitude of faith communities in the UK (all minorities now), standing should-to-shoulder with them in a common task of upholding the legitimate place of faith in the public realm.

Disestablishment would indeed mean the *end of high establishment*. Not all of the seven elements would have to be changed at the same time or in one fell swoop. Indeed it is unlikely that there could be a single omnibus piece of legislation effecting disestablishment, as there was in Wales in 1920 and Ireland in 1870. What is much more likely, and certainly more feasible, is a planned series of individual reforms to discrete elements of the system over

²⁰ R. M. Morris, ed., *Church and State in 21st Century Britain: The Future of Church Establishment* (Palgrave Macmillan, 2009), 84.

²¹ To pre-empt a likely objection, it should be noted that, while from a legal point of view the Church would then be deemed a voluntary association, it need not *deem itself theologically* to be merely a voluntary, contractual body. It could continue to regard itself as a corporate, covenanted, sacramental body instituted by Jesus Christ to which members in baptism commit themselves non-transactionally for life.

²² That is, assuming it was no longer a 'royal peculiar' under the direct jurisdiction of the Crown.

²³ Carter, 'Methodism and Establishment', 174.

a possibly extended period of time (probably at least a decade). It would be complicated and time-consuming, although not insurmountably so, as alarmists anxiously warn. It might, perhaps, involve a loss of some of the Church's lands or properties, namely 'partial disendowment'. Defenders of the system therefore ask why the Church would ever embark upon such a distracting enterprise. I argue that the Church should indeed embark upon it, for two reasons: the present system is theologically indefensible; and the arguments routinely mounted to defend it are increasingly threadbare.

Establishment is theologically indefensible

Establishment depends critically on the legitimacy of the notion of a 'national Church'. This is a twofold claim. The first is that a church can embody or represent 'the faith of the nation', serving as custodian of that nation's faith. The second is that the state should officially recognise such a church as such: this church expresses the nation's faith, and the state gives it unique privileges and responsibilities to reflect that role.

The notion of a national Church was, of course, widely accepted for much of Christendom (roughly, the period from the fifth to the eighteenth centuries). But it is radically undermined by two closely interlinked assertions central to the architectonic theology of the New Testament, but which were systematically marginalised under Christendom. These are the spiritual autonomy of the church (an argument from ecclesiology), and the religious neutrality of the state (an argument from political theology).

The *ecclesiological argument* is that the New Covenant in the New Testament divorces the people of God from any theologically privileged link to a national territory such as applied to biblical Israel. This theological claim is not merely a rationalisation of the prudential circumstance that the political authorities facing the early church were pagan and oppressive. Much more importantly, it flows from the radical change in the nature of the 'people of God' effected by the coming of Jesus Christ. Because Jesus is the universal Messiah offering salvation to all nations, and because God no longer effects salvation primarily through the medium of one 'chosen' nation, the people of God in the New Testament are transformed into a trans-national, non-territorial, voluntary fellowship of believers. They are no longer tied to any territorial national community but are called to be a faithful, critical presence in all.

The implication is that the people of God may never again seek or enjoy any privileged relation to the national territory in which they reside, or confer on it any privileged theological status. There is no hint in the New Testament that the church should seek or expect any official privileges from political authorities, or offer any to them. Nor is the church to be subject to control by those authorities in the discharge of its unique spiritual mission. The church stands under the direct authority of Jesus Christ who alone brought it into being (mandating St. Peter to declare, 'we must obey God rather than any human authority' (Acts 5:29 *NRSV*)). The church must protect its freedom to order its affairs according to its own lights and not allow itself to be subordinated to the authority of the state in anything pertaining to its distinctive spiritual purpose and integrity.

The *argument from political theology* is that, under the New Covenant, political authorities are nowhere authorised to take any official view of the truth of religion or other ultimate beliefs. The classic passage in Romans 13 teaching that God himself has 'instituted' political authorities (13:1 *NRSV*), is often invoked to suggest that they are so authorised. The passage does not, however, say anything about the state's relationship to the church, but only mandates political authorities to punish public evil and promote the public good. I think we can generalise this to affirm that states in the New Testament era are not entitled officially to 'recognise' a faith or a church or to confer on it any privileged legal status. That would be to exceed the scope of its God-given authority. Rather, the implication is that the state must adopt a stance of official neutrality or impartiality towards the diverse religious (or, today, secular) faiths present in its territory. An intriguing thought-experiment is to imagine how church history might have unfolded had the church consistently upheld that stance, firmly declining the privileges offered it by imperial and national political leaders and maintaining a critical distance from political power.

The principle of the religious neutrality of the state does not imply that the state can be *morally neutral*. Its laws, acts or omissions – in criminal law, family law, taxation law, environmental law, foreign policy – will always reveal

some particular moral commitments (like them or not); call these principles of political morality. But those principles do not compel it to endorse the larger religious (or secular) truth claims in which different citizens may choose to ground them. The state leaves the question of that grounding to the consciences of citizens, and to open debate in civil society in which, of course, the churches and other faiths should play a constructive role.

The logic of this argument is that the state should, as far as possible, engage with diverse faith groups equitably, without intentional discrimination. Equally, it implies that, from the side of faith groups, they are free to be fully engaged in the political process, working democratically to shape state policy according to the principles of political morality emerging from their faith. While state neutrality rules out any official state endorsement or privileging of one faith group, or only some faith groups, it equally allows for a legitimate and vigorous presence of faith in the public realm. As many European examples show (France being the outlier in this regard), religious neutrality does not lead to the official imposition of public secularism.

The implication of these two arguments is that there cannot be such a thing as a 'national Church'. Under the new dispensation effected by the New Covenant, nations are no longer entitled to collectively confess a faith (though they may try), and nor can their states legitimately maintain an official religious faith, or favour one over another (though they may try). The church can never be the 'church of the nation', in the sense of a church that presumes to embody or represent the whole nation, or to exist as the 'soul of the nation'. This is true even if that nation is numerically overwhelmingly Christian.

My fundamental theological argument against establishment, then, is that the demands of the spiritual autonomy of the church and of the religious neutrality of the state exclude the idea of a 'national Church'. These undermine the central presuppositional foundations of establishment. But the seven components of English establishment breach one or both of these principles in ways that matter to both Church and state.

Royal Supremacy upholds a formal legal subordination of the Church to the state. Even though the impact of royal control is now greatly attenuated, the symbolism of royal supremacy still sends a signal to the Church, and the nation, of the Church's subordinate status. I submit that this is spiritually and politically unhealthy. The Crown's formal power of appointment of senior clergy, for example, still conveys the message that the Church cannot be trusted to appoint its own chief pastors without state oversight. Protestant succession, and the Monarch's title as 'Defender of the Faith', amount to state endorsement of (one) religion. The national ceremonial precedence of the Church of England is another such endorsement. Note that this precedence is not only a privilege but also a burden, by placing the Church under a powerful expectation that it will always be available to offer such spiritual services to the state, an expectation that it could never realistically disappoint whatever private theological reservations its leaders might entertain. Parliamentary oversight of the Church's legislation is an intrusion by the state into the internal spiritual affairs of the Church, further rendering the Church vulnerable to improper state expectations. The Church's public law status is another state privilege (if at times also a burden). The status of the Lords Spiritual confers a unique constitutional platform on one Christian denomination, breaching state neutrality and, in effect, compelling the Church to participate in official state duties.

From a missional point of view, for the Church to seek to retain these seven special privileges or responsibilities sends another deeply problematic message to the nation. This is that, while the Church loudly proclaims a gospel of self-emptying love and solidarity with those on the margins, it is quite content to cling on to a constitutionally superior and institutionally advantageous public status, one that objectively sends a signal of close alignment with the interests and purposes of the state (whatever the subjective intentions of Church leaders). The standard rejoinder to this critique is that the Church only retains its privileges in order to be of service to the nation and that it would be content to lay them down if the nation no longer desired them. But the Church has not yet summoned the courage to ask the nation whether that time has now come, effectively trading on public indifference and a Westminster political agenda always too crowded by more pressing matters. Insofar as Church leaders speak of it at all, they almost always dwell on what might be lost by disestablishment. But another salutary thought-experiment would be for the Church to imagine what might be the public impact of a voluntary decision to relinquish its constitutional privileges, something it has yet never done in its five hundred year history. What might be the missional opportunities opened up by such an unprecedented 'kenotic' gesture?

Alternate arguments in defence of establishment

There are, however, other arguments that defenders of establishment often invoke. Might they perhaps, outweigh the arguments I have so far outlined? I consider four.

1. The incarnational mission argument

This argument appeals to the doctrine of the incarnation to justify establishment. In particular, it appeals to the idea of ‘incarnational mission’, the quite proper recognition that the church’s mission is always rooted in a particular history and embedded in a particular place. This idea seeks to remind us that the church’s mission always arises from and reflects a specific cultural context, and that we should not pre-emptively reject the unique features of that context but embrace them where possible and put them to missional advantage. This idea is deeply lodged in English Anglican identity, but it is far from unique to that tradition.

This argument invites two obvious responses. First, it is plain that a church can commit to such a generic idea of incarnational mission without enjoying any of the advantages of establishment. Many non-established English churches are, in theology and practice, fully committed to the idea of incarnational mission. Second, there is no logical or theological connection between the idea of incarnational mission and the very peculiar history that has created English Establishment. Invoking ‘incarnation’ does not license us to endorse any feature of our inherited context we happen to like, especially not those which manifestly favour us. An appeal to incarnation will as likely lead to a critique of any specific product of our history as it will permit us to endorse it. The generic idea of incarnation itself supplies no criteria for the evaluation of the specific features of any context; for those, we must turn elsewhere (in this case, as I have, to ecclesiology and political theology). Indeed, if we are following the way of the Incarnate One, we surely have good reasons to expect the church to find itself more at odds with the expectations of its given national and political contexts than inclined to endorse them.

2. The barrier against secularism argument

The second argument frequently deployed to defend establishment is that it serves as a barrier to the further secularisation of British society by maintaining the presence and legitimacy of religion at the heart of public life. Disestablishment, so the argument goes, would send the signal that the Church, perhaps religion generally, is abandoning public life to secular humanism.

I acknowledge that this argument seems persuasive to several religious minorities in the UK, the majority of the leaders of which defend establishment. This is likely because, since they already experience a degree of marginalisation in the public realm (compounded by racial and ethnic discrimination), they fear that any alternative would leave them in a worse position. But a Christian church must make up its own theological mind on these matters, while also reassuring other faith communities of its firm commitment to protecting their place in the public realm.²⁴

I think this argument can be rebutted with the aid of Rowan Williams’ distinction between ‘procedural’ and ‘programmatic’ secularism.²⁵ Procedural secularism is essentially the same as what I call a religiously impartial state: the state may be called ‘secular’ in the sense that it does not favour religious over secular beliefs or favour one religion over others. By contrast, programmatic secularism is a militant variant of secularism which seeks to mould the public realm according to the worldview of secular humanism and push religion to the margins of society (as under French *laïcité*). This is ‘negative neutrality’. Rather, a procedurally secular state should practice ‘positive neutrality’, meaning that it will constructively cooperate with many faith groups in the shared pursuit of particular public goods. Such cooperation occurs widely in the UK and in several other European states such as Germany, the Netherlands, Belgium and Austria.

²⁴ Tariq Modood and Thomas Sealy, *The New Governance of Religious Diversity* (Cambridge: Polity, 2024), 53–4, 102–3.

²⁵ *Faith in the Public Square* (Bloomsbury, 2012), 2.

I claim that there is nothing in disestablishment as I have described it that would feed programmatic secularism (or negative neutrality). For example, for the monarch to lose the title of Supreme Governor will not suddenly propel secularist legislators and campaigners into a position of greater influence over public policy. The abolition of the Ecclesiastical Committee is not going to make the slightest difference to whether laws expressive of a Christian vision of criminal justice or education or family will be maintained. The content of law and public policy depends rather on the outcome of ongoing democratic deliberation and mobilisation. If the Lords Spiritual were lost, that would indeed amount to a slight diminution of the Church's overall influence on law and public policy. But in any case, by far the preponderance of Christian influence over such matters emerges from the ordinary democratic activity of lay Christians working outside and inside Parliament (largely invisibly, unlike the headline-generating Lords Spiritual). Cumulatively, that is vastly more impactful than anything done by the Lords Spiritual; and that is as it should be.

3. Establishment sustains a limited, accountable state

The argument here is that the various elements of establishment serve as a reminder to the state that it stands under transcendent values, deriving its authority from a higher source to which it is accountable. Establishment keeps alive the idea that human political authority is delegated by God and limited to the purposes assigned to it by God, namely the pursuit of justice and the common good. It thus reins in the state's tendencies towards authoritarianism and oppression; or so the argument goes. Defenders usually propose that this is pre-eminently expressed in the coronation, which sacramentally confirms the divine delegation of authority and keeps the monarch, and thus their government, humble.

It is obviously true that the accountability of the state to God is a fundamental principle of Christian political theology, and that the Church should proclaim this as part of its national mission. But the argument that the apparatus of high establishment keeps the state cognisant of transcendent values is weak, for two reasons.

First, the argument attributes to a mere public religious ceremony greatly exaggerated powers to effect changes in the behaviour of political office-holders or citizens. Consider, for example, the example of the actual performance of British governments in the years following the last coronation in 1953, at a time when England was still overwhelmingly Christian. That event was lauded at the time as a unique moment of national rededication to Christian values. But is difficult to discern any improvement in the performance of Christian values on the part of government or ordinary people following the event. On the contrary, this was, for example, a time of increasing racism towards recent immigrants from the Caribbean on the part of both government and citizens. I submit that there is no evidence that establishment has in any way helped Britain to exhibit national Christian values better than any comparable liberal democracy with a Christian history but lacking establishment (such as the Netherlands or postwar Germany). It is surely the practical discharge of the divinely-given role of the state in promoting justice that must be the decisive criterion, not the sending of symbolic constitutional signals. Invoking the 'transcendent values' argument to defend English establishment is to risk lapsing into self-serving delusions.

Second, as I have already intimated, there is a much more effective route by which Christian citizens can hold their states accountable to what they regard as the demands of divine authority. That is simply to exploit the ordinary channels of democratic participation so as to pressure states to act more justly. It is this kind of pressure that caused government policy, and in time, public opinion, to become less racist after the 1960s. The apparatus of establishment played no discernible role at all in this achievement. Such bottom-up, grassroots democratic pressure requires no constitutional privilege.

4. The national vocation argument

This argument appeals to the idea that the Church of England, by virtue of its distinctive history and standing, has a unique vocation compared to other churches, a namely a national mission to England (or, perhaps, 'Britain'). Disestablishment, it is alleged, would amount to a renunciation of that national vocation, a walking away from a (providential?) historical role it sustains on behalf of all the people of England. The argument, in fact, comes in two parts, which are often unhelpfully conflated. I take each in turn. The first is that disestablishment would mean an abandonment of the Church's *pastoral openness* to all the people of England. The Church of England is

distinctive in that it stands ready to offer spiritual ministries to anyone in a parish regardless of their level of religious commitment or degree of participation in the Church. The worry is that disestablishment will somehow erect a barrier to outsiders, and that people will thus no longer see the Church of England as 'their church'. The outcome of disestablishment, it is said, would be a lapse into 'congregationalism' or 'sectarianism'; the Church would start to look inwards rather than outwards, cutting itself off from local communities, and concentrating exclusively on cultivating its own holiness rather than opening its arms to all comers.

This is one of the few places where high establishment meets earthed establishment in a way that matters. It is indeed true that full disestablishment would end the current legal obligations on parishes to baptise, marry or bury all eligible parishioners. But the removal of a prescription is not the same as the imposition of a proscription. The legal change would in no way prevent the Church from continuing to offer such services as it wished. Doing so would now be a result of its own missional and pastoral choices. But it is hard to believe that the majority of Church of England parishes would somehow 'seize on' disestablishment to impose more restrictive stances on its parishioners. Yet even if some did, by far the best way to resist such a lapse is to argue the case for pastoral openness within the Church itself, not to continue to lean on public law to forestall it. In any case, establishment has not, in fact, forestalled it; there are already 'congregationalist' tendencies in many parishes. Disestablishment would, however, have the salutary effect of requiring parishes, and the national Church, to articulate their theologies of place-based mission better than they currently do.²⁶ But nothing in disestablishment would force the Church to become more insular than it currently is. This is surely confirmed by the fact that several non-established churches have long displayed pastoral openness to all as part of their sense of responsibility to the nation. Indeed, the 2004 British Methodist Church report 'reminded the Church of England that Methodism is not a gathered church but that it *also* has a sense of responsibility towards the wider community'.²⁷

The second part of the national vocation argument is that disestablishment would amount to a retreat from national political engagement. Not only would it become more pastorally insular, it would also become preoccupied with its internal affairs and less interested in wider public life. My argument, again, is that there is nothing in disestablishment as I have described it that would prevent the Church from continuing to engage in national politics as it currently does (with the exception of losing the Lords Spiritual).

Consider recent examples: two Archbishops' Commissions recently produced solid public policy reports, on housing²⁸ and on social care²⁹; in 2015 the House of Bishops produced a thoughtful fifty-page pre-election document called 'Who is my neighbour?'³⁰ There is no reason at all why a disestablished Church could not continue to produce such outputs. But they would be offering them on the same terms as other churches do, without a privileged platform. I suggest that it is highly unlikely that outsiders would suddenly pay less attention to the Church of England's contributions than they currently do, 'because now the Church is disestablished'. Indeed it is much more likely that the Church of England would continue to enjoy a default primacy of consideration in national political debates, either by virtue of its longstanding practice of making such contributions, or because of the relatively greater resources it would continue to have at its disposal in this area. The substantial and competent national staff team devoted to faith and public affairs is not suddenly going to be disbanded (those currently advising the Lords Spiritual could easily be redeployed to other areas of the Church's political work). It may also turn out that the Church would find good reasons for greater ecumenical cooperation with other churches in making such interventions, pooling the resources of the wider church and amplifying their collective voices.

I have argued so far that disestablishment need not cause any retreat by the Church from national political engagement. But there is a further consideration here that tells positively in favour of disestablishment. I suggest that establishment has the effect muting or even silencing the Church on certain controversial issues where it ought

²⁶ For an excellent prompt, see Jenny Leith, 'The Place of Civic Belonging: The Dangers and Possibilities of Anglican Territorial Embeddedness', *Religion, State and Society* 50.5 (2023), 569-584, which advocates a 'non-competitive belonging to place'.

²⁷ Carter, 'Methodism and Establishment', 171.

²⁸ *Coming Home: Tackling the Housing Crisis Together* (The Commission of the Archbishops of Canterbury and York on Housing, Church and Community, 2021).

²⁹ *Care and Support Reimagined: A National Care Covenant for England* (Reimagining Care Commission, Church of England 2023).

³⁰ *Who is my neighbour? A Letter from the House of Bishops to the People and Parishes of the Church of England for the General Election 2015*, Church of England 2015.

to be speaking truth to power. It does not do so on all issues; for example, bishops in the Lords have, to their credit, been foremost critics of recent government policy on refugees and asylum seekers; they have pointedly argued against aspects of welfare policy such as the two-child cap; there are other good examples. But as I noted in the Introduction, establishment creates powerful expectations that the national Church will not diverge too far from what are taken to be the settled values of the nation. This means that when the Church of England speaks, it has to do so in the face of strong headwinds sustained by those expectations. Sometimes it succeeds in resisting them, other times not. I propose that it is far better for the Church to remove itself from those headwinds so that it has greater spiritual and psychological freedom to make up its own mind on the issues in question.

I already alluded to Westminster Abbey's participation in what must be regarded as a deeply problematic ceremony to 'recognize' fifty years of Britain's continuous-at-sea nuclear deterrent in 2019 (by contrast, the Royal Navy described it as a service of 'thanksgiving'). It did so in spite of the fact that the previous year the national Church had in effect signalled its support for the banning of such weapons. But establishment positions the Church as the deferential 'chaplain to the nation' in such settings, always on standby for the blessing of national events, even though some might be profoundly at odds with its own commitments. Can we imagine the Abbey declining a request from the Royal Navy to host such an event? Under establishment, the idea is inconceivable.³¹

That is an example of the profoundly compromising effect that establishment can have in some instances. An example of the muting effect I referred to is the Brexit debate, where the national Church made no collective official statement on the most traumatic national question for forty years. Here, establishment worked to prevent the Church from saying anything substantial on the question itself in order to avoid the appearance of partisanship. This silence must go down as a spectacular failure of a Church that prides itself on a unique vocation to minister to the spiritual needs of the nation. The point is not that the Church ought to have opted for one side, but that it should have offered a searching theological diagnosis of the deeper issues unearthed by the debate: a crisis in English/British national identity, the deepening inequality of British society, the fragility of British democracy, the obligations of international cooperation, the perils of globalization, and so forth. It could have assembled the resources to make a wise, telling, perhaps even prophetic intervention in such debates, but, for fear of offence, opted to keep silent while the nation tore itself apart.

I suggest that disestablishment would create the possibility that the Church could become braver and more prophetic in its national political engagement. It would not guarantee that outcome; non-established churches do not always exhibit such prophetic courage (indeed many did not during Brexit). But it would remove a major constraint on the Church of England's capacity to engage in a prophetic ministry to the nation.

Conclusion

I have argued that establishment is theologically problematic insofar as it breaches the principles of the spiritual autonomy of the church and the religious impartiality of the state; and that the seven components of high establishment in England do breach them. I have also suggested that the arguments typically invoked to defend establishment – that it is legitimated by the idea of incarnational mission; that it keeps the state subordinate to transcendent values; that it is a barrier to secularism; that it safeguards the Church's national vocation – are unsuccessful. The Church of England continues to enjoy and defend the advantages of establishment, while being unable or unwilling to articulate a robust theological defence of them. It urgently needs to put its collective official mind to the question, if only because the state may likely soon take the initiative to dismantle establishment in ways the Church may not find congenial and that could even leave other faiths more vulnerable than they already are. But the point should be put more constructively: developing a better, more critical theology of the Church's relation to nation and state will give the Church a unique historical opportunity to present a fresh and distinctive public theology, one suited to a secularised (if also increasingly post-secular), religiously plural, multicultural, post-Christendom context that now defines its missional horizons. It should seize that opportunity with both hands.

³¹ I would argue that the constraints of establishment also help explain why the senior leadership of the Church (with a few recent exceptions) has been so slow to dissent from the overwhelmingly pro-Israel stance of the UK government since October 7 2023.

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