



# Separating Church and State:

The Case for  
Disestablishment

national  
**secular**  
society

# SEPARATING CHURCH AND STATE: THE CASE FOR DISESTABLISHMENT

THE NATIONAL SECULAR SOCIETY

For more than a century the National Secular Society has actively campaigned for the disestablishment of the Church of England. This report outlines the central arguments for a separation of church and state and considers the challenges involved in making this a reality. It argues that disestablishment is right both as a basic matter of principle and in order to make the UK more representative of the changing landscape of religion and belief.

# ESTABLISHMENT IN THE UNITED KINGDOM

---

The terms ‘establishment’ and ‘disestablishment’ refer to the relationship between church and state. At its simplest, the former denotes a close or official connection between the two, while the latter refers to the process of severing such links. Church-state relations assume a variety of forms. In practice, establishment is less of a binary, black and white distinction and more of a sliding scale of interconnections and overlaps. This means that the links *between* church and state may be stronger and more deep-rooted at certain points than others.<sup>1</sup>

The origins of establishment in the UK date back to the Elizabethan settlement of the late sixteenth century, following the break with Rome under the reign of Henry VIII (albeit with a brief reversion to Papal authority under Edward VI and Mary). The precise form of establishment has changed considerably during the last three centuries, due not least to the shifting political and theological complexion of the United Kingdom itself. The disestablishing of churches in Ireland (in 1871) and Wales (in 1920) led to a significant reduction in the scope of church-state relations, and while there remains some debate over the exact position of the Church of Scotland (which is legally recognised as a ‘national’ church but theologically opposed to close links with civil government) the Church of England stands unique among the UK’s religious bodies in its institutional links to the state.<sup>2</sup>

The establishment of the Church of England extends over a wide range of interconnections. On one side of the equation is the influence of the state over the internal life of the Church. The most visible manifestation of this is the UK’s reigning monarch, being simultaneously head of state as well as head of the Church, holding the titles of *Supreme Governor of the Church of England* and *Defender of the Faith*.<sup>3</sup> While key matters of church governance – including theological decisions about the Book of Common Prayer and authorised liturgy – are passed as Measures by the General Synod (the Church of England’s highest governing body), they are subject to formal approval by both Houses of Parliament at Westminster, and require Royal Assent in order to become law.<sup>4</sup>

The influence of the state extends to the filling of key positions within the Church. Bishops and Archbishops are appointed by the ruling monarch (acting on advice from the Prime Minister) and appointments to other church positions, such as deans, deacons and priests, are also shaped by the views of state officials.<sup>5</sup> Alongside this, the established status of the Church of England requires it to conduct a ‘national mission’ and to minister to the whole of the English population. This involves the provision of pastoral care in every local area, along with a legal duty (with some limited exemptions) to marry, bury and baptize those who reside within a parish.<sup>6</sup> The Church’s canons (internal rules that are also authorised by Parliament) further require it to conduct communion and evening prayers in every parish (but not church) each Sunday and on other specified days in the Christian calendar.

The other side of this relationship involves the influence of the Church of England over the state. For much of its history the Church was one of the most powerful institutions in the country (second only to the monarchy) and enjoyed extensive privileges. These privileges were significantly reduced by a series of reforms enacted during the course of the nineteenth century.

## Reform in the Nineteenth Century

- The *Sacramental Test Act* (1828) removed the requirement for public officials to be members of the Church of England.
- The *Roman Catholic Relief Act* (1829) codified the emancipation of Catholics, allowing (*inter alia*) members of the Catholic Church to take seats in the Westminster Parliament for the first time.
- The *Tithe Commutation Act* (1836) abolished the system of tithes under which the Church had claimed one-tenth of land produce as payment for its services.
- The *Marriage Act* (1836) and the *Births and Deaths Registration Act* (1836) introduced civil marriage and the civil registration of births, marriages and deaths.
- The *Bishopric of Manchester Act* (1847) limited the number of Bishops entitled to sit in the House of Lords to 26 (its current figure).
- The *Matrimonial Causes Act* (1857) took the issue of divorce away from the jurisdiction of the ecclesiastical courts, making divorce more widely available and accessible (especially for women).
- The *Court of Probate Act* (1857) passed control of probate administration (including the collection of death duties) from the ecclesiastical courts to a newly established government department (the Court of Probate).
- The *Ecclesiastical Courts Jurisdiction Act* (1860) further reduced the jurisdiction of church courts to those 'in Holy Orders'.
- The *Compulsory Church Rate Abolition Act* (1868) made the payment of church rates voluntary instead of compulsory.
- The *Oaths Act* (1888) permitted a non-religious affirmation, rather than an oath on the Bible, for the requisite oath taken by Parliamentarians. This was instigated by the founder of the National Secular Society, Charles Bradlaugh MP.

Since the mid-nineteenth century this process of reducing the powers of the Church has stalled. The only substantive change in almost one-and-a-half centuries has been the *Church of England Assembly (Powers) Act* (1919), which granted the Church additional powers over its own governance, enabling it (through the Synod) to bring forth its own legislation, and even to amend Acts of Parliament on matters affecting it. Parliamentary approval for such proposals has usually been a formality and unlike Private Members' Bills is not dependent on the whim of the Government to grant the necessary time for debate.

As a result, the Church of England retains considerable influence over the political and legal life of the country. One of the most visible expressions of this involves the institution of the monarchy. The Church has a key role in the coronation of a new monarch, who is crowned and anointed by the Archbishop of Canterbury during an Anglican coronation ceremony held in Westminster Abbey. As part of this process the incoming sovereign must take the Accession Oath, in which they swear to 'maintain and preserve inviolably the settlement of the Church of England, and the doctrine worship, discipline, and government thereof, as by law established in England'.<sup>7</sup> Until recently (with the *Succession to the Crown Act*, 2013) this requirement to uphold the Protestant faith of the Church of England included a prohibition on the new monarch being married to a Roman Catholic.<sup>8</sup>

Another major feature of establishment is the presence of Church of England bishops in the House of Lords. The 26 church bishops (from a total of 108) granted seats in the Upper Chamber give the Church a significant platform within the House. In addition to voting rights over legislation, the presence of Anglican bishops in the Lords gives them direct access to government ministers. Bishops are also granted, by convention, a privileged role in House of Lords debates by being able to speak whenever they wish.

The influence of the Church can also be seen in the intertwining of ecclesiastical law with other aspects of the English legal system. Despite reductions in the jurisdiction of the ecclesiastical courts, the absence of a comprehensive recodification has meant that a number of anomalies still remain. These include Chancel Repair Liability (a relic of Norman common law under which modern day property owners can still be required to pay for repairs to an ancient Anglican church), and the sole remaining vestige of the *Ecclesiastical Courts Jurisdiction Act, 1860* (under which disturbances in or around a place of worship can result in imprisonment for up to two months). The common law offences of blasphemy and religious libel protecting Church doctrine were only abolished in 2008 after a long campaign in which the National Secular Society played a leading part.

Alongside these institutional linkages the establishment of the Church of England also involves a number of more indirect components. Amongst these include the saying of Anglican prayers at the opening of daily business in both Houses of Parliament, the conducting of national civic ceremonies (such as Anglican-led services at the cenotaph on Remembrance Day) and the issue of faith schooling. At the present time a quarter of all publicly funded schools are Anglican, far exceeding the numbers for any other denomination.<sup>9</sup>

## THE CASE FOR DISESTABLISHMENT

---

The principal arguments in favour of maintaining an established church in the UK typically focus on a number of core themes: tradition, morality and inclusivity.

The first of these themes highlights the longevity and deep-rooted nature of church-state connections. The core argument here is that it would be impossible to undo the ties of establishment without doing irreparable damage to the UK's social and cultural fabric, potentially shattering the delicate and harmonious balance of the constitution. Of particular concern in this respect is the relationship between the Church of England and the monarchy. Supporters of establishment warn that the separation of church and state would erode one of the key functions of the monarchy (namely, to support the Anglican Church), leading to far-reaching and unanticipated consequences, not least of which would be an irrevocable secularisation of British public life.

The second theme highlighted by supporters of establishment focuses on the issue of morality. The central claim here is that the Church of England provides an indispensable repository of values and moral guidance on which the rest of the nation can draw. From this perspective one of the purported benefits of establishment is that it offers a constant reminder that the state is accountable to what it regards as a higher authority for its actions, preventing state officials from wielding power in irresponsible ways.<sup>10</sup> Supporters of establishment also emphasise the social functions that are performed by the Church to anyone who wants or needs them (such as weddings, funerals, baptisms and chaplaincy services), and maintain that without the moral foundations that the Church helps to provide there would be nothing to stop society from descending into a state of moral relativism. This, they claim, would leave critical policy issues open to fluctuations in the public mood rather than being judged to a set of objective moral standards, leading to outcomes detrimental to the common good.

The third theme commonly highlighted by those in favour of establishment is that of inclusion. A key argument in this respect is that the close relationship between church and state helps to protect a sense of Britain's Christian identity and supports a more general role for faith in public life. This is described by Dr Charlotte Smith as 'probably the most important objective justification for the continuation of establishment today',<sup>11</sup> and is a view that has been publicly supported by the Queen, who has stated that the role of the established church is 'not to defend Anglicanism to the exclusion of other religions' but 'to protect the free practice of all faiths in this country'. A similar view has been expressed by the Prince of Wales, who reportedly wishes to assume the title 'Defender of Faith' (rather than 'Defender of the Faith') at the time when he takes the throne.<sup>12</sup>

Supporters of establishment claim that this institutional 'umbrella' for faith in public life provides a number of interrelated benefits. One of these is that the close relationship between the state and the Church of England creates a channel through which all religious voices (and not just those of Anglicans) can be heard. By sending out a signal that faith is welcome in public life, establishment is said to help integrate minority groups into British culture and society, enabling them to feel secure in their own faith and allowing them to claim a number of important religious rights such as faith schooling and freedoms of religious dress. In a similar fashion, supporters of establishment also point to the moderating influence of the Church of England as a bulwark against extremism. The separation of church and state, they argue, would take religion out of the mainstream and drive it into the shadows where illiberal views could fester and grow.<sup>13</sup>

These claims in defence of establishment are flawed in a number of ways. First of all, arguments from tradition rely on a series of unfounded implications. The idea that the separation of church and state will precipitate a political crisis is as fanciful as the view that establishment offers some kind of defence against unanticipated constitutional change. Assertions such as these offer nothing more than thinly veiled prescriptions for inertia designed to create the impression that disestablishment is, and will never be, possible.

Yet the ostensible difficulty of pursuing a course of action is hardly a good reason to maintain the status quo, and, indeed, the claim that Britain's constitutional arrangements are so complex as to preclude meaningful reform can easily be framed as an argument to show that the entire system requires an overhaul. It is the needs of British citizens and not the technicalities of the constitution that must come first. Nor is it a legitimate function of Parliament to try to obstruct the progressive secularisation of British public life, even if that were possible.

The notion that establishment is beneficial for moral reasons is similarly flawed. The claim that the Church of England offers a unique source of moral guidance clashes sharply with the regressive stance taken by church leaders on a range of moral issues, and establishment allows them a privileged position in Parliament through which they can try to impose these views on others. It is simply absurd to imagine that religious leaders have access to a wellspring of ethical knowledge that is somehow denied to non-religious citizens. By the same token there is no reason to assume that ceremonies for births, marriage or funerals require the presence of an established church. A range of secular providers is perfectly willing and able to meet demand for such services or ceremonies (a point amply demonstrated by the rise in humanist weddings and funerals) and the state itself is more than capable of acting as a service provider, as it does already through various local government bodies. Nor would the separation of church and state prevent the Church of England from continuing to perform baptisms, weddings and funerals for its own members.

Equally unpersuasive are attempts to justify establishment on the grounds that the Church of England provides a sense of Christian identity and a voice for faith in the public realm. The notion that a state-promoted religion is required to uphold a sense of national cohesion is clearly anachronistic in a multi- and non-faith democratic society, and it is simply impossible for the Church to speak for, let alone actively represent, the multiplicity of faiths and beliefs in modern Britain today (especially since the largest single belief group is now the non-religious). Establishment, by definition, grants undue privileges to one particular religion, to one particular section of the population and to one particular institution.

An obvious illustration of this is the continued presence of bishops in the House of Lords. Britain is one of only two countries in the world to have religious leaders in the legislature by right (the other is Iran). This gives rise to a number of inequalities. One is that it grants the Church of England – an expressly *English* church – the non-reciprocal right to shape legislation governing the whole of the United Kingdom. Another is that the presence of Anglican Bishops in the House of Lords gives religion a double (or duplicate) representation in the legislature. In addition to the Bishops' Bench the Lords contains numerous religious appointees, including former bishops and religious functionaries, while the age profile of the House (recent figures show that 82.7% of its members are aged 60 or older) means that it is already drawn from a cohort that is far more likely to be religious than the rest of the British population.<sup>14</sup>

Another source of inequality concerns the changing landscape of religion and belief in British society. On-going processes of secularisation have led to a decline in all measures of religiosity throughout the post-war period, and in recent decades increasing levels of cultural diversity have further undermined traditional claims that Britain is a Christian (or even a Christian majority) country.

According to British Attitude Surveys, the proportion of the adult population describing themselves as 'Christian' fell from 67% to 41.7% between 1983 and 2014. The proportion belonging to non-Christian faiths grew from 2% to 7.7% during the same period, and the proportion self-identifying as having 'no religion' rose from 31% to 48.9%.<sup>15</sup> Other surveys have produced similar results. A YouGov poll conducted in April 2014 found that 50% of British adults did not regard themselves as belonging to any religion, and just 23% said they were religious in any way.<sup>16</sup>

The demographics of the non-religious population are also indicative of long-term religious decline, being especially pronounced among younger age groups. According to a YouGov/Sun poll conducted in 2013, 56% of 18–24 year olds described themselves as having 'no religion' (with just 13% describing themselves as belonging to the Church of England), 56% said that they never attended a place of worship (a further 18% attended once a year or less) and 41% thought that religion was a cause of evil (with just 14% claiming that it was a force for good).<sup>17</sup>

These processes of secularisation pose a particularly acute problem for the Church of England. Figures show that weekly attendances are at an all-time low, with average Sunday attendances now involving just 1.4% of the population of England (roughly one-third of the levels enjoyed in the 1960s).<sup>18</sup>

This inexorable decline of Christianity in the UK has been accompanied by a growing values gap between the Church and the general public. The composition of the bishops in the House of Lords is wholly unrepresentative of the British population (being disproportionately white, male and middle class), and in 2016 the Archbishop of Canterbury, Justin Welby, went so far as to say that the Bishops' Bench was now the 'most orthodox since World War II'.<sup>19</sup> This is reflected in its regressive stance on a number of moral issues, including: women's rights (refusing to allow women bishops prior to the ordination of Libby Lane in 2015, for instance), the legalisation of same-sex marriage in 2013 (which was opposed by every single bishop who voted), and the decriminalisation of assisted suicide (on which the Church hierarchy is at odds even with most of its own lay members).<sup>20</sup>

This opposition to progressive policies completely undermines the Church's claim to provide a moderating influence on potential extremism (an assertion that carries more than a hint of threat about it) as well as the view that disestablishment would do irreparable damage to Britain's social and cultural fabric. It is quite clear that the vast majority of British citizens have nothing to do with the Church in the course of their everyday lives, and nor are they influenced by any of its pronouncements. The proportion of British adults without confidence in the Church rose from 51.4% in 1981 to 61.4% in 2008, while the proportion expressing trust in the Church fell from 42% in 2003 to 30% in 2013. According to a YouGov survey conducted in 2013, just 20.8% of adults in Britain felt that the Church of England was in touch with the general public, while 60.9% felt that they were not.<sup>21</sup>

The regressive outlook of the Church of England's hierarchy serves as a timely reminder of the fact that the institution has consistently put its own interests ahead of the country it purports morally to lead. As Andrew Brown and Linda Woodhead have recently noted, the idea that the Church provides 'a moderating and unifying force' conveniently ignores 'the suffering caused by its long struggles to impose unity – burnings in the sixteenth century, imprisonments in the seventeenth, riots in the eighteenth, prejudice in the nineteenth'.<sup>22</sup>

In April 2017 the first Church of England vicar to enter into a same-sex marriage, Andrew Foreshew-Cain, resigned his position claiming that the Church was 'institutionally homophobic' and warning that it was now so at odds with the country that it risked 'becoming a sect'.<sup>23</sup>



The wholly unrepresentative nature of establishment extends to the coronation of the monarch, a ceremony that retains strong echoes of the Divine Right of Kings. The installation of the UK's head of state through a religious service (and an expressly Anglican one at that) has little relevance to the non-Anglican majority of the population. The wording of the coronation oath, which implies that anyone not sharing the beliefs promulgated at the service are not to be included as full citizens of the state, does little, for an event that is supposed to unite the nation, to suggest any kind of inclusivity.

Supporters of establishment often claim that one way of dealing with the growing diversity in British society is to widen the links between church and state in order to include leaders of other denominations and faiths. Key recommendations here include expanding religious representation in the House of Lords and changing the coronation ceremony to involve non-Anglican religious organisations.<sup>24</sup>

Such moves, however, would create a number of serious problems. The participation of non-Anglican faiths in the coronation would be wholly incongruous with an oath committing the monarch to uphold the tenets of Anglicanism, while expanding religious representation in the Lords would run the risk of injecting inter-faith tensions into the legislative organs of the state. Moreover the representative nature of any such expansion would be fundamentally compromised by the exclusion of the non-religious majority, and such measures would do little to bridge the values gap between church leaders and the rest of society given that the views held by many adherents to minority faiths are even more conservative than those of the Anglican leadership.

In addition to this there are insurmountable difficulties involved in determining which religions beyond the Church of England would be eligible for representation, and which religious leaders could be considered their authentic and legitimate voices. It is not at all obvious how such issues could be resolved, not least since it is far from clear who, if anyone, can claim the right to 'speak' for faiths that do not adhere to formal and hierarchical structures such as those that exist within Christian denominations. Given these problems it is highly likely that attempts to extend religious representation would create heightened tensions between religious groups that were included and those left out in the cold.

A final set of arguments for the separation of church and state are the potential benefits that disestablishment would bring for the Church of England itself. Separating church and state would free the Church from having core elements of its internal governance subject to the approval of an external body (even if Parliament has rarely overturned the expressed will of the Church).<sup>25</sup> While the move would signify a diminution in the Church's political influence, the autonomy gained over its own internal affairs would liberate it to follow its own theological direction. Some also claim that, by releasing the Church from the constraints of having to present an official 'party line' on critical social issues, disestablishment would enable a greater range of voices within it to be openly and freely expressed.

Such views have found resonance with the higher echelons of the Church itself. The former Archbishop of Canterbury, Rowan Williams, has stated that separating the Church of England from the state would give it a 'certain integrity' and that disestablishment would be 'by no means the end of the world'.<sup>26</sup> His successor, Justin Welby (though less sympathetic to the idea of disestablishment), has also downplayed the notion that separation would have negative results, claiming that such an outcome would 'just be another event in a very long history'.<sup>27</sup>

## THE ROAD AHEAD

---

The arguments for separating church and state are compelling, but the road to achieving disestablishment contains a number of significant obstacles. Notably, at the present time, there is no clamour for separation from the Government or Members of Parliament. The views of the British public, however, are characterised by apathy. The available evidence does not suggest that there is any great support for disestablishment, but neither does it point to substantial support for the status quo. The current situation is that most people are simply indifferent to the issue. As Dr Ben Clements observes: ‘The status of the Church of England as the established church is rarely a leading item of political debate, nor does it represent a “bread-and-butter” issue for members of the public’.<sup>28</sup>

Public support for establishment was generally favourable for most of the post-war period, but has since fallen away. Approval for an established church grew from just 38% in 1955 (with 46% against), to a plateau of 57% by 1970 and 58% by 1984. By the end of the decade opinion was split more evenly (in 1989 47% were for establishment and 44% were against) and since then the pendulum has swung more dramatically still, from 63% in favour of establishment in 1996 to 64% against by 2000. In 2007 most people expressing a view (46%) were indifferent on the issue, and just 28% came out in support of establishment.<sup>29</sup>

More recent surveys also suggest that support for an established church remains soft. A British Election Study undertaken in 2011 found that 53.5% of British adults were content with the current state of affairs, with 15.8% opposed and with 30.6% expressing no particular opinion.<sup>30</sup> A survey on the future of the monarchy conducted by YouGov in 2011 found that 56% of British adults felt the monarch should remain head of the Church of England, with 30% opposed.<sup>31</sup> A YouGov poll conducted the following year found that 42% believed the Church of England still had ‘a valuable role’ to play in British society, with 41% holding the opposite view.<sup>32</sup> According to a YouGov survey conducted in 2013, just 27% of British adults thought that ‘the connection between the Church of England and the State should continue’.<sup>33</sup>

Public opinion surveys also reveal some distinct demographic trends. Most of the support for an established church derives from Anglicans (as well as other Christian denominations), from women, from older age groups, from residents in England and Wales, and from Conservative voters. Conversely, while opposition to establishment is less uniform this tends to cluster around Roman Catholics and those with no religion, men, younger age groups, residents of Scotland, the AB social class, Labour and (especially) Liberal Democrat voters.<sup>34</sup>

The attitude of the Church of England towards establishment is more difficult to ascertain. One reason for this is that the Church itself is really a conglomerate of separate organisations, many of which have widely differing views. Another reason is a lack of empirical research into what Church members actually think. What evidence there is, however, points to significant support for a looser relationship between church and state.

A study conducted in 2003 revealed substantial differences between the views of lay members and the clergy, with the former having a greater attachment to the status quo. While 55% of lay members were content with the existing ties between church and state, less than half (46%) of clergy felt the same way. Roughly the same number (45%) of clergy wanted church-state ties to be gradually loosened (compared to just 31% of the laity), and 42% wanted them to be severed completely (a view favoured by 35% of lay members).<sup>35</sup>

At the same time, Church of England members were more opposed to state links that impinged upon the autonomy of the Church than they were to those aspects of establishment that enhanced its political and social influence. Both clergy and laity believed that Anglican bishops in the House of Lords were a force for good (85% and 75% respectively), and were supportive of extending representation in the Lords to leaders of other Christian faiths (by 87% and 72%) – although this was diminished for members of non-Christian faiths (at 72% and 54%). On the other hand, variations were also apparent. Just 31% of clergy (and 58% of lay members) favoured keeping the monarch as Supreme Governor of the Church, and opinions were even more mixed on allowing the monarch to marry a member of another religion (favoured by 58% of the clergy and 42% of the laity), and on retaining a coronation oath commitment to uphold the Protestant faith (a position supported by 32% and 68% respectively).

The overall picture, as the authors of this study write, is that members of the church ‘want to keep the advantages and privileges of establishment, but to see establishment modified sufficiently to give the Anglican Church in England more power over its own internal affairs’.

A more recent study, conducted by Dr Clive Field in 2011, found similar results. Half of lay members expressed satisfaction with the status quo but 35% favoured early or incremental disestablishment, with substantial support for weaker state influence over areas of internal church governance. In contrast, just 28% of clergy were in favour of preserving the existing relationship, while 44% favoured looser ties (26% were for a gradual severing and 16% favoured a rapid divorce).<sup>36</sup>

Westminster MPs, on the other hand, are likely to be more in favour of retaining an established church. Although empirical evidence on this is also lacking, a ComRes poll of MPs taken in 2004 found that 57% were in favour of disestablishment, with strong variation between Labour MPs (67% of whom supported severing church-state links) and Conservative MPs (just 24% of whom supported disestablishment).<sup>37</sup> Given the political changes that have occurred in the intervening period – with a Conservative-Liberal Democrat coalition in 2010 being followed by Conservative administrations from 2015 – and given the strong support for establishment that exists among Conservative MPs, any moves to separate church and state would seem unlikely to garner much in the way of parliamentary support as things currently stand.

A litmus test of this issue emerged early in 2016 when the Anglican Communion – the global conglomerate of churches headed by the Archbishop of Canterbury – voted overwhelmingly to prevent the U.S. Episcopal Church from taking part in Communion decision-making for three years as punishment for supporting same-sex marriage. In January 2016, Lord Scriven wrote to the government calling for a commission to look at the question of the disestablishment of the Church of England. The government’s reply was that it had ‘no plans’ to do so.<sup>38</sup>

The longer-term picture, however, is a far more positive one. Overt support for establishment remains weak. Sustained and on-going processes of secularisation, increasing levels of cultural diversity and the growing divergence between the ethical views of church leaders and wider British society will undoubtedly make current justifications for establishment ever-harder to sustain. This particularly applies to the Bishops’ Bench as these continuing developments make the Anglican bishops in particular seem less relevant and even more of an anomaly.

One event with the potential to heighten awareness of church-state relations will be the ascension to the throne of Prince Charles. For supporters of disestablishment this will offer a particularly opportune moment to press the benefits of their case. A decision on the part of the Prince of Wales to retain a coronation oath overtly committing him to uphold the tenets of the Anglican faith will be antagonistic for the non-Anglican majority of the UK population. On the other hand, attempting to avoid this difficulty by adopting the title ‘*Defender of Faith*’ will antagonise many supporters of the Church of England, especially the significant proportion that desires greater control over their own internal affairs.

Other potential flashpoints may also help to raise public awareness about the merits of church-state separation. Periodic tensions around the stance taken by the Church on moral issues (such as women's rights and same-sex marriage) provide key tactical opportunities to highlight the problems of establishment. Given the significant values gap that now exists between the hierarchy of the Church and mainstream British public opinion it is to be expected that situations like these will emerge with considerable frequency.

To achieve the separation of church and state, proponents of disestablishment must continue to press home the positive advantages of a secular (as opposed to a secularised) society. Defenders of an established church frequently present secularism as a negative and repressive worldview, making it essential to emphasise the fact that a secular state offers the best means of ensuring freedom, tolerance and equality for all citizens, religious and non-religious alike. This needs to be combined with a readiness to capitalise on any strategic opportunities to highlight the negative aspects of an established church (as well as the more general problems of religion in public life), both to shape public opinion and to maintain the pressure on Britain's elected representatives.

It is important to remember that the existence of an established church is, internationally speaking, an abnormal state of affairs. According to one study just 25% of countries around the world had a state religion as of 2011 (amounting to 48 from a total of 192 countries), and just 18 of these (37%) were classed as liberal democracies.<sup>39</sup>

Countries with a state religion have also been shown to perform significantly worse than secular states across a range of indicators including civil liberties, political rights and levels of religious persecution. Such findings have prompted the UN Special Rapporteur on freedom of religion and belief, Heiner Bielefeldt, to note that: 'It seems difficult, if not impossible, to conceive of an official "State religion" that in practice does not have adverse effects on religious minorities, thus discriminating against their members'.<sup>40</sup>

It is a matter of historical record that disestablishment can and does occur. The examples of Wales and Ireland have already been noted and throughout the course of the twentieth century, a number of countries (including Brazil, Chile, Turkey, South Korea and Sweden) chose to abandon the idea of maintaining a state religion. The recent decision by Norway to divest itself of an established church as of 1 January 2017 (even if this, in practice, does not amount to full separation) also points the way to a possible route for secularists in Britain.<sup>41</sup>

Perhaps the most practical way forward, given the extensive interconnections between the Church of England and the state would be to look to a process of gradual dismantling rather than securing a single clean break (although as Andrew Brown and Linda Woodhead observe, 'the logic of effective disestablishment leads quickly to the real thing').<sup>42</sup> Key steps here could begin with measures to exclude the Anglican bishops' right to sit in the House of Lords, putting an end to Anglican prayers in both Houses, and the removal of existing legislative relations between parliament and the Church – taking Church courts out of the justice system, stopping Church Measures from being Acts of Parliament, scrapping the Synod's power to initiate legislation, and abolishing the Ecclesiastical Committee. No doubt even these partial steps would be faced with concerted opposition. The voices of religious privilege are loud and their vested interests are strong. But if the problems of twenty-first century life are to be effectively addressed, and if Britain is to become a modern state rather than one in which Parliament continues to cleave to its mediaeval past, then the separation of church and state needs to be part of the solution.

## ENDNOTES

- 1 On the various forms of church-state relationship see Winfried Brugger (2007), 'On the Relationship between Structural Norms and Constitutional Rights in Church-State-Relations', in Winfried Brugger and Michael Karayanni (eds.), *Religion in the Public Sphere: A Comparative Analysis of German, Israeli, American and International Law*, Springer, Berlin.
- 2 The disestablishment of the Church in Wales took five attempts and even then was arguably incomplete. See Frank Cranmer, 'Disestablishing the Church in Wales – at last?' *Law & Religion UK*, 15 June 2013, <http://www.lawandreligionuk.com/2013/06/15/disestablishing-the-church-in-wales-at-last/>
- 3 The latter of these titles was initially conferred on King Henry VIII in 1521 by Pope Leo X, and referred to the Catholic rather than the Protestant faith.
- 4 Ecclesiastical regulations (known as Canons) also require monarchical – although not Parliamentary – approval.
- 5 Full details of the appointments procedure for Bishops and Archbishops can be found at: [https://www.churchofengland.org/media/2481320/briefing\\_for\\_members\\_of\\_vis.pdf](https://www.churchofengland.org/media/2481320/briefing_for_members_of_vis.pdf)
- 6 For example, the marrying of divorcees is discretionary.
- 7 <https://www.royal.uk/queens-relationship-churches-england-and-scotland-and-other-faiths>
- 8 These conditions were extended to the UK throne as a whole through the Acts of Union 1707 and 1800 (which created Great Britain and the United Kingdom).
- 9 At the present time this equates to 1 in 4 primary schools and 1 in 16 secondary schools in England, amounting to approximately 1 million pupils.
- 10 One commentator notes that this is: '[p]robably the most obvious rationale for establishment, at least historically'. Charlotte Smith (2012), 'Is There a Place and Role for an Established Church in a Liberal Democratic State?' *Religion and Law*, Theos, London.
- 11 *Ibid.*
- 12 Remarks made in an address to faith leaders at Lambeth Palace, 2012 (the Queen's Jubilee address) <http://www.princeofwales.gov.uk/the-prince-of-wales/promoting-and-protecting/faith>
- 13 As Lucy Winkett puts it: 'Competing political and religious ideologies would continue to be explored and argued over, but in darker corners, perhaps in more toxic atmospheres. My advice to the politicians about religious leaders—keep us where you can see us'. See 'The Duel: Should the Church of England be disestablished?' *Prospect*, 24 March 2016. <http://www.prospectmagazine.co.uk/regulars/the-duel-should-the-church-of-england-be-disestablished>
- 14 Calculated from Thomas Brown, 'House of Lords: Statistical Profile of Membership', House of Lords Library Note (LLN 2016/0017), 23 March 2016, Table 2.1.
- 15 British Social Attitude surveys can be found at: <http://natcen.ac.uk/our-research/research/british-social-attitudes/>
- 16 [http://cdn.yougov.com/cumulus\\_uploads/document/xbqfnxhcct/YG-Archive-140423-Religion.pdf](http://cdn.yougov.com/cumulus_uploads/document/xbqfnxhcct/YG-Archive-140423-Religion.pdf)
- 17 [http://cdn.yougov.com/cumulus\\_uploads/document/jgdvn3vm4b/YG-Archive-Pol-Sun-results-190613-youth-survey.pdf](http://cdn.yougov.com/cumulus_uploads/document/jgdvn3vm4b/YG-Archive-Pol-Sun-results-190613-youth-survey.pdf)
- 18 John Bingham, 'Church of England Attendance Plunges to Record Low', *Telegraph*, 12 January 2016.
- 19 Madeleine Davies, 'Our divisions are an obscenity, Welby tells Primates', *Church Times*, 12 January 2016.
- 20 Legislation to allow women bishops was finally passed in 2014, after conservatives in the General Synod blocked an earlier attempt in 2011.
- 21 Ben Clements, *Religion and Public Opinion in Britain: Continuity and Change*, Palgrave, London, 2015. Tables 2.3 and 2.8.

- 22 Brown, A. and Woodhead, L. (2016), *That Was The Church That Was: How the Church of England Lost the English People*, Bloomsbury, London, p. 224.
- 23 See 'Anglican stance on women and gays could trigger disestablishment', 14 May 2017, <http://www.secularism.org.uk/blog/2017/05/anglican-stance-on-women-and-gays-could-trigger-disestablishment>
- 24 For example, see *Living With Difference*, Report of the Commission on Religion and Belief in British Public Life, 2015. <https://corablivingwithdifference.files.wordpress.com/2015/12/living-with-difference-online.pdf>
- 25 The most notable of these was in 1927/28 when the House of Commons rejected proposed changes to the Book of Common Prayer.
- 26 <http://news.bbc.co.uk/1/hi/uk/7789192.stm>
- 27 <https://www.churchtimes.co.uk/articles/2016/19-february/news/uk/welby-divorce-of-church-and-state-would-not-be-a-disaster>
- 28 Ben Clements, 'Attitudes Towards the Disestablishment of the Church of England', *British Religion in Numbers*, <http://www.brin.ac.uk/figures/attitudes-towards-the-disestablishment-of-the-church-%20of-england/2012>
- 29 Clive Field, 'Monarchical Religion', *British Religion in Numbers*, <http://www.brin.ac.uk/2011/monarchical-religion/2011>
- 30 Ben Clements and Nick Spencer (2014), 'Public opinion in Britain towards the disestablishment of the Church of England', *Journal of Anglican Studies*, 13(1): 30-49.
- 31 Clive Field, 'Monarchical Religion'. 'A Quaint and Dangerous Anachronism?'
- 32 [http://cdn.yougov.com/cumulus\\_uploads/document/6195qkb1kr/YG-Archives-Pol-ST-results-17-190212.pdf](http://cdn.yougov.com/cumulus_uploads/document/6195qkb1kr/YG-Archives-Pol-ST-results-17-190212.pdf)
- 33 [http://cdn.yougov.com/cumulus\\_uploads/document/3s35pyaa5c/YG-Archive-131125-Prospects.pdf](http://cdn.yougov.com/cumulus_uploads/document/3s35pyaa5c/YG-Archive-131125-Prospects.pdf)
- 34 Although the differences between age groups are not substantial, and younger age groups are more 'don't know' than opposed. See Clive Field, 'A Quaint and Dangerous Anachronism?'; Ben Clements and Nick Spencer, 'Public opinion in Britain'.
- 35 Guy Smith, Leslie John Francis, and Mandy Robbins (2003), 'Who Wants Establishment? A Comparison of Clerical and Lay Opinion in the Church of England', *Journal of Beliefs & Values*, 24(3): 349-365.
- 36 Clive Field, 'A Quaint and Dangerous Anachronism?'
- 37 [http://www.comresglobal.com/wp-content/themes/comres/poll/Disestablishment\\_CoE.pdf](http://www.comresglobal.com/wp-content/themes/comres/poll/Disestablishment_CoE.pdf)
- 38 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2016-01-19/HL5202/>
- 39 Steven Kettell (2013), 'State Religion and Freedom: A Comparative Analysis', *Politics and Religion*, 6(3): 538-569.
- 40 UN News Centre, 'State religions risk alienating minorities, warns UN rights expert', 6 March 2012, <http://www.un.org/apps/news/story.asp?NewsID=41468#.WMI09hKLSRs> Also see Jeroen Temperman (2013), 'Are State Churches Contrary to International Law?' *Oxford Journal of Law and Religion* 2(1): 119-149.
- 41 Frank Cranmer, 'Separation of Church and State in Norway', *Law & Religion UK*, 2 January 2017, <http://www.lawandreligionuk.com/2017/01/02/separation-of-church-and-state-in-norway/>
- 42 Brown and Woodhead (2016), p. 216-17.


national  
secular  
society

 [www.secularism.org.uk](http://www.secularism.org.uk)

 [admin@secularism.org.uk](mailto:admin@secularism.org.uk)

 @NatSecSoc

 [facebook.com/NationalSecularSociety](https://facebook.com/NationalSecularSociety)

 020 7404 3126

Published by National Secular Society, 25 Red Lion Square, London, WC1R 4RL  
Company limited by guarantee. Registered in England No. 1418145