

The Protestant Succession to the Throne and its Importance to the Church of England Today

Churchman 93/4 1979

David N. Samuel

What is the Protestant Succession to the Throne of England? To answer this question we must go back to the Reformation itself. Throughout the Middle Ages and until the time of the Reformation, the supremacy of the pope was acknowledged throughout Christendom; i.e., in all matters relating to the faith and practice of the church, the Bishop of Rome was the supreme authority who commanded absolute obedience. The advent of Luther with his appeal to Scripture as the supreme authority changed all that. His actual words at the Diet of Worms in 1521 were:

Unless I am convinced by testimonies of the Scripture, or by evident reason—for I neither believe the Pope nor the Councils alone, since it is clear that they have often erred and contradicted one another—I am overcome by the Scriptures I have quoted, and my conscience is taken captive by the words of God, and I neither can nor will retract anything, since it is neither safe nor right to act against conscience.¹

The Protestantism of the princes and Reformers at the Diet of Speier in 1529 took this principle a step further. The principle enunciated by Luther at Worms was the duty of abiding by the authority of conscience under the supreme guidance and authority of the Word of God, and of not yielding in such matters to any human authority or majority. But at Worms it was merely the assertion of an individual. At Speier it was extended from the individual to the community and the ruler. The right and duty of the independent assertion of what is believed to be the truth in religious matters, by every state and every church, was publicly claimed, and, by one great protestation, was made the commencement of a new order of things.

Reformation of religion which had long been necessary, and had been delayed because of the reluctance of the pope and the unwieldy nature of the medieval church, was now embarked upon 'without tarrying for any', because each prince and nation was by this principle of Protestantism required to do so by conscience and the Word of God. Thus supremacy passed from the pope to individual rulers.

Cranmer appealed to this principle for the accomplishing of the Reformation in England.

Relationship between ruler and church

In England this new relationship of the prince to the national church was enshrined in our case in 1) the Articles of Religion of the Church of England, 2) the Injunctions of Elizabeth I, and 3) the Canons of 1603.

First, *Article 37* of the Thirty-nine Articles of Religion, states:

The King's Majesty hath the chief power in this Realm of England and other his Dominions, unto whom the chief Government of all Estates of this Realm, whether they be Ecclesiastical or Civil, in all causes doth appertain, and is not, nor ought to be, subject to any foreign Jurisdiction.

The Article goes on to explain that this does not mean that the king has power to minister the word and sacraments,

. . . but that only prerogative, which we see to have been given always to all godly Princes in holy Scriptures by God himself; that is, that they should rule all estates and degrees committed to their charge, whether they be Ecclesiastical or Temporal, and restrain with the civil sword the stubborn and evildoers.

It then declares plainly, ‘The Bishop of Rome hath no jurisdiction in this Realm of England’, i.e. there can be no reconciliation or accommodation between the supremacy of the Crown and the supremacy of the pope. The one, if asserted, must necessarily cancel the other out.

Secondly, the *Injunctions of Elizabeth I*, to which the Article refers, enjoin all ecclesiastics to observe the laws made for restoring to the Crown the ancient jurisdiction over the state ecclesiastical, and abolishing of all foreign authority. The Queen’s power is declared to be ‘the highest under God, to whom all men, within the same realms and dominions by God’s Laws, owe most loyalty and obedience.’²

Thirdly, in the reign of James I the Convocations agreed to the *Canons of 1603*. The second canon expressly affirms that the ‘King’s Majesty hath . . . the same authority in causes ecclesiastical that the godly kings had among the Jews and Christian Emperors of the primitive Church’, and both the first and second canons speak of the laws as having restored ‘to the Crown of this kingdom the ancient jurisdiction over the State Ecclesiastical.’ The thirty-sixth canon contains three articles, which were subscribed by all ministers at their ordination. The first is:

That the King’s Majesty, under God, is the only Supreme Governor of this realm, and of all other his Highness’s dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal; and that no foreign prince, person, prelate, or potentate hath, or ought to have, any jurisdiction, power, superiority, prominence or authority, ecclesiastical or spiritual, within his Majesty’s said realms, dominions and countries.³

These documents express the character of the union between church and state, and enshrine the principle of spiritual and civil liberty, bequeathed to this nation by the Reformation, from all foreign dominance and interference in its affairs. The corner-stone of this structure is the royal supremacy and the special relation of the sovereign to the national church. Anything which touches the royal supremacy touches the nature and character of the national church. The basis of the royal supremacy is the principle that the ruler, or sovereign, has the right under God to order the affairs of the national church according to the authority of conscience, informed and instructed by the supreme authority of Holy Scripture. Thus, there is here a reciprocal relationship between the secular ruler and the church. It is the duty of the sovereign to protect and foster true religion in the nation, and to put right what is lacking, or in error, in the church, according to the Word of God. On the part of the church, it is the duty of its ministers to instruct the sovereign in the doctrine of God’s Word, and to declare its standards and principles by which both the church and the nation are to be governed. That is fundamentally the position established by the Reformation—the relationship that is to obtain between the church and the state in a Protestant country.

The Bill of Rights of 1688 and the Act of Settlement of 1701 are primarily concerned with protecting and preserving for the church and nation what had been won by the Reformation.

The need for both was occasioned by attempts by the pope and Roman Catholic powers to subvert the Crown of England and destroy the national Reformed church.

James II succeeded to the throne on 6 February 1685, bent on the perversion of England to the pope. He suspended certain laws against papists, and acted in defiance of Parliament by raising a private army and declaring an indulgence for all dissenters from the national church, chiefly for the benefit of the Roman Catholics for whom alone he cared. The opposition of the bishops to this last measure led to his downfall and abdication. He was, of course, succeeded by William of Orange, and at his accession the Bill of Rights was passed by Parliament. It further circumscribed the arbitrary powers of the Crown, and, most important of all, provided that no Roman Catholic should succeed to the throne. The relevant section is worth quoting:

And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this Protestant kingdom, to be governed by a popish prince, or by any king or queen marrying a papist, the said Lords spiritual and temporal, and Commons, do further pray that it may be enacted, that all and every person and persons that is, are, or shall be, reconciled to, or shall hold communion with, the see or Church of Rome, or shall profess the popish religion, or shall marry a papist, shall be excluded, and be forever incapable to inherit, possess, or enjoy, the crown and government of this realm . . .⁴

It had been found by experience that the thing would not work; that a Roman Catholic could not be the sovereign of this Protestant nation, because there was no middle path between the supremacy of the pope and the supremacy of the Crown. The two were mutually exclusive and irreconcilable. A papist ought not therefore to be placed in this position, nor indeed anyone married to a papist, for that, too, put an intolerable strain upon their loyalty to both parties.

The Act of Settlement was devised thirteen years later when there was a risk of failure in the line of succession. Like the Bill of Rights, it provides for the forfeiture of the crown, if the holder of it is reconciled to, or enters into communion with, the see of Rome, or marries a papist. But in addition it also provides ‘That *whosoever* shall hereafter come to the possession of this crown, shall join in communion with the Church of England.’⁵

Now these Acts and Articles embody and control the relationship of the monarchy to the national church. They spring out of the principles of the Reformation, and they provide for the continuance of that relationship into the future, so that the peace and safety of this realm may be secured as far as it is possible to do so by legislation. The need for the Act of Settlement was stated to be ‘. . . for the happiness of the nation and the security of our religion; and it being absolutely necessary for the safety, peace, and quiet of this realm to obviate all doubts and contentions in the succession by reason of any pretended title to the crown, and to maintain a certainty in the succession thereof . . .’⁶ Where there is certainty in political matters there is more likely to be peace, than where there is doubt. This is a truism that all politicians do well to act upon.

The Reformation bequeathed to this nation, amongst others, the principle that supremacy no longer lay with the pope but with the sovereign of the nation. According to biblical precedent, he is to order the affairs of the nation, and exercise jurisdiction, according to conscience informed and obedient to the supreme authority of the Word of God. It is the duty of the ministers of the church to teach the doctrines and principles of the Bible to rulers. The

supremacy of the Crown cannot be reconciled with any other authority claiming jurisdiction in spiritual matters in this realm. Therefore the papacy and the English Crown, as at present constituted, are irreconcilable. In recognition of this principle the Bill of Rights and the Act of Settlement forbade the succession to a Roman Catholic and to anyone who should marry a Roman Catholic.

A relevant safeguard

Now the question is this: Are things different today? These Articles and Acts were framed during times of religious intolerance, under the threat of subversion by Catholic powers, and when the relation of the sovereign to Parliament was somewhat different from what it is today. Is there not then a case for changing some of the provisions, such as the requirement that the succession to the Crown be always limited to a Protestant, or, if the successor himself be Protestant, that he must not marry a Roman Catholic without forfeiting his right to the succession?

The Times, in a leading article on 14 November 1978 entitled 'An Anachronistic Safeguard', argued that the Act of Settlement was now out of date and largely irrelevant. The term 'papist' no longer carried a political connotation, and the law should be changed to permit the heir to the throne to marry a Roman Catholic, if that was what he chose to do. It did, however, acknowledge that Rome's intransigence over mixed marriages would create a problem, and the price that Rome would have to pay for a Roman Catholic consort to a British king would be the relaxation of its rules about the bringing up of children in the Roman Catholic religion. What occasioned the article was Prince Charles's thirtieth birthday, and speculation about whom he might marry. *The Times* considered that all the eligible young ladies of the royal houses of Europe were Roman Catholic. It was therefore probable that the Prince's choice would lie amongst these, and, if that were so, the terms of the Act of Settlement would entail his forfeiting the right to succeed, a thing that the nation could only accept with deep regret.

Now this article really missed the point at issue. Though the twentieth century is different from the sixteenth or the eighteenth centuries, the fundamental principle of the royal supremacy is the same. There may be religious toleration, and we may not be in imminent danger of subversion by Roman Catholic powers, but it is still the Queen in Parliament who is the ultimate source of all authority and jurisdiction in spiritual matters relating to the church of this nation. And that conception and principle is fundamentally incompatible with the acknowledgement of an authority in spiritual matters outside the kingdom; which is what the papacy is. The mistake *The Times* made, is of thinking that the question of the succession touches only an isolated Act of Parliament, whereas, in fact, it touches the whole constitutional position of the nation and the royal supremacy.

If we once admit the propriety of a connexion between the church and the state, and at the same time deny the supremacy of the pope, it seems to follow of necessity that we should admit a supremacy of the sovereign. The sovereign in that case must hold some position in the church, and it can only be the highest. It is not consistent with his sovereignty that he should have a superior in his own kingdom. The nature of our constitution is such that if there be a king, he must be the supreme governor of the Church of England. He must not only be *not* a Roman Catholic, but he must also be in communion with the Church of England. All this is as true today as it was in the sixteenth and eighteenth centuries. Any alteration or change in the terms of the Protestant Succession strikes at the royal supremacy and leaves the Church of England without a *raison d'être* as the national church.

It need hardly be stated that these would be shocks, which it would appear neither the monarchy nor the church could contemplate with any degree of composure, nor indeed for that matter the nation itself. There are people in all sections of our society today who regard not merely the Act of Settlement, but the monarchy itself, as an anachronism; and the church is continually losing ground in the growing secularism of our age. A constitutional crisis of this magnitude would probably herald the beginning of the end of the monarchy, and leave the Christian church in this country gravely weakened in its fight against the forces of scepticism and moral anarchy. The only true course both for the Crown and the church is to strengthen the bonds that exist between them, to exploit to the full the advantages conferred upon both by their mutual recognition and dependence. If there is to be a monarch at all he must occupy the position of supreme governor of the Church of England. There can be no change in that position without the most serious repercussions in our national life.

But it may be said by some who advocate change, that they grant all that. The sovereign must himself be a Protestant and in communion with the Church of England. What they object to is that his consort must be a Protestant too; that the sovereign is not free to marry a Roman Catholic if he so desires. Some add a Hindu or Muslim, but we all know that the real issue is the Roman Catholic one. Cannot the words, ‘ . . . or shall marry a papist’ be expunged from the Bill of Rights and the Act of Settlement? Surely, they argue, the heir to the throne should have the same rights as any other person and be free to marry whom he likes.

The simple answer to this is that the heir apparent is not just any other person, and to treat him as such is to abolish the concept of the monarchy altogether. The Queen, for example, because she is the Queen, is not free to do all the things that a private citizen is free to do, and to insist that she must be, is, in effect, to say that the monarchy must go. Taking into account the constitutional position and the place of the monarchy in it, it is only realistic to recognize that if the heir to the throne cannot be a Roman Catholic, and must be in communion with the Church of England, of which he must in due course be the supreme governor, the consort of such a person must not be a Roman Catholic either. The supremacy of the pope is irreconcilable with the supremacy of the Crown. How then can the consort of the sovereign be subject to the jurisdiction of the pope and obedient to him, and at the same time be married to one with whose authority such jurisdiction is both incompatible and in conflict? Commonsense should itself dictate that such a relationship is unwise and injurious to both parties, but especially to the sovereign, and therefore one that is studiously to be avoided.

The closeness of the marriage relationship is something that must be taken into account: ‘Therefore shall a man leave his father and his mother, and shall cleave unto his wife; and they shall be *one flesh*’.⁷ This is a physical, psychological and spiritual fact. The desire of the husband is how to please his wife. His judgement is inevitably influenced and coloured by the views, prejudices, likes and dislikes of his wife. To ignore these things is to ignore one of the basic and elementary facts of life. It is the business of politicians to take such things into account; to legislate for the real world and not some cloud-cuckoo-land. Those who framed the Acts relating to the Protestant Succession, therefore, acted wisely in including in the provisions the words, ‘ . . . or shall marry a papist’. To expunge these words now would be an act of the utmost folly, and would do as much harm as if the limitation relating to the heir himself being a Protestant were to be removed.

We are well aware of the subtlety and timing of the call for change which emanates from Roman Catholic sources. It comes at a time when it is considered that the Prince has popular

appeal, and it is presented as a choice between him and some unknown figure who might succeed if the heir were to forfeit his place. But that, in fact, misrepresents the true position. The real choice before the nation is not between the present heir and some shadowy figure. What is at stake in these proposed changes, and tampering with the constitution, is the monarchy itself. If the Act of Settlement were altered and the constitutional position threatened, the nation would quickly discover that the real choice lay between the monarchy as we know it, and no monarchy at all.

Now it is necessary to say these things in order that the true position may be made abundantly clear, and that people may be in no doubt as to what the consequences would be if the royal supremacy were compromised. For a long time now there have been signs of restiveness in some quarters about the limitations imposed upon the sovereign by the Protestant Succession, and the idea of change has been widely canvassed by interested parties. Ronald Butt wrote an article in *The Sunday Times* in April 1977 suggesting that it was time a consort be allowed to be a Roman Catholic.⁸ In February 1978 an article appeared in *The Times* by a Jesuit,⁹ shortly after Dr Coggan's impassioned plea for intercommunion between the Church of England and the Church of Rome, pointing out that the consequences of such intercommunion for the Queen would be the release of all her subjects from their oaths of loyalty. Soon after that Archbishop Winning, the Roman Catholic Archbishop of Glasgow, called for the repeal of the Law of Succession. Then in November 1978 the leading article referred to earlier [p 299] appeared in *The Times*. Hardly a week goes by without some speculation being ventured upon, some kite being flown upon the subject. This is a process of testing public opinion; it is also a softening-up process, getting people used to the ideas that are being floated, and accustomed to the idea of change itself.

To many ordinary people who have little notion of what is involved, it may seem a harmless and relatively insignificant change which is being proposed. Indeed, that is the light in which it is always presented by the other side. Therefore, there is all the more need to spell out *now* the consequences of these proposals. When it is understood clearly what the implications would be, we are confident that the majority of people in this country will be content to leave things as they are, and repose themselves in a constitution which has stood the test of time, and has brought peace and tranquillity to this nation over the last three hundred years.

The value of the present position

In the final part of this paper the positive value of the constitutional position both to the monarchy and the church, and its benefit to the nation as a whole, are discussed.

We have seen that under the terms of our constitution, and the Reformation principles upon which it is based, the sovereign is bound to the national church and the national church to the sovereign by ties of mutual recognition and responsibility. It is the responsibility of the sovereign to maintain and promote true religion—that is, the Protestant Reformed religion of the established church—and at the same time it is the duty of the church and her ministers to pray for the sovereign as the chief magistrate and instruct him or her in the principles and doctrines of God's Holy Word.

The formal recognition of this relationship is seen in the Coronation Service, in which the two principal figures are the Sovereign and the Archbishop of Canterbury, representing respectively the authority of the state and the church. The sovereign swears a solemn oath¹⁰ that he will to the utmost of his power maintain the laws of God, and the true profession of the gospel; that he will to the utmost of his power maintain in the United Kingdom the

Protestant Reformed religion established by law. The archbishop requires this oath before the coronation proceeds. Upon the oath being made, a Bible is presented to the sovereign, signifying that it is by the authority of conscience, instructed and informed by the supreme authority of the word of God, that the nation is to be ruled and the church ordered. These are the two first and principal acts of the Coronation Service.

The role of the church, however, in this relationship, is seen not only in the presentation of the Scriptures and the prayers offered at the Coronation Service in Westminster Abbey, but in the whole liturgy of the Church of England—in the state prayers that are to be offered for the sovereign, and all in authority under her, both at Morning and Evening Prayer, and also in the Communion Service.

The words of the prayer for the church militant epitomize this understanding:

We beseech thee also to save and defend all Christian Kings, Princes and Governors; and especially thy servant Elizabeth our Queen; that under her we may be godly and quietly governed: And grant unto her whole Council, and to all that are put in authority under her, that they may truly and indifferently minister justice to the punishment of wickedness and vice, and to the maintenance of thy true religion, and virtue.

These are the formal terms of the relationship between church and state; the sovereign and the ministers of the Word. It is good that we have it so clearly expressed and formulated in the Coronation Service and in the liturgy of the established church, but it is even more important that it be seen to be a living and real thing in our society today, and not some relic of the past that survives into the twentieth century as a mere anachronism, for its implications are of immense consequence for us today. Our church leaders sometimes seem not to realize the great significance of these things, or, if they do, for some reasons best known to themselves, they do not act upon it.

For example, one of the first things that derives from this understanding of our constitution is that we do not live in a pluralist society. For a long time now we have been told by progressive journalists and fashionable innovators that we live in a pluralist society, whether we like it or not. It is a fact, they say, that we must face. All religions should be taught in our schools; the Christian religion is only one amongst many. All moral views stand on an equal footing. No one has a right to judge between them as far as society as a whole is concerned; it is simply a matter of individual preference. Indeed, some public bodies, such as the BBC, have deliberately espoused this policy of moral indifference, and make it clear that they view morality as a matter of taste. This, however, is not something that is confined to one or a few organizations; it is a notion that now seems widespread amongst us. Even churchmen pay lip service to the notion that we live in a pluralist society, which is, of course, the next step in anarchy. But, in fact, we are not living in a pluralist society at all, and it needs somebody to call the attention of the theorizers to this fact. We are living in a Christian nation, and it is the duty of the chief magistrate—the sovereign—and all who are in authority under her, to maintain and uphold the Protestant Reformed religion, as by law established; to punish vice and promote virtue; and that means the objective moral standards of the law of God, not the tastes and preferences of a minority or even a majority. The basis of this is the solemn oath of the Coronation Service, which commits this nation to these very things—to the laws of God, the true gospel, and the Protestant Reformed religion. If the coronation is not to be regarded as a mere charade, an empty television spectacle, all these things must be enacted in our public life. Our national leaders, who bear rule in the name of our Queen, must be, and must

be seen to be, committed to maintaining and promoting the values, standards, and principles that are enshrined in the Coronation Service.

What is the role of the church in all this? It is to pray for the sovereign and the state that it may be so; and not only to pray, but, in the name of God, to require that it be so. It is the business of the church to declare plainly the principles and doctrines of the Bible, so that those who rule might be in no doubt about what God requires, and what are the standards that should obtain in a Christian nation. If those who govern and administer the laws of this country in the name of the Queen have in recent years been remiss in fulfilling this ideal, the church of this nation has been even more remiss in not declaring firmly and unequivocally the teachings of Scripture, and the authoritative standards of the Word of God. If the fundamental principle of a Protestant nation is to be upheld, it must be government by conscience, enlightened by, and subject to, the supreme authority of the Bible.

As a nation we are committed by our constitution to this Protestant understanding of the relation of the sovereign and the state to the church. I have tried to show how any attempt to alter that would have serious, and possibly disastrous, repercussions. Is not the way forward, therefore, very plain? God has been pleased to bless this relationship in the past, and make it productive of good for the nation and the individual. Why should we not believe that he will bless it in the future? And instead of seeking change, let us endeavour to fulfil and enact our Protestant constitution in our national life, so as to make it a reality and a positive force for good in our society.

The lead in this must come from the church. The essential reform that is needed in the church is the restoration of the Bible to its central place—the acknowledgement of its authority for conscience and for the faith and practice of the Christian religion. Without this understanding of the centrality of Scripture, the position both of the national church and the supremacy of the sovereign become untenable, and there is no antidote to the supremacy and jurisdiction of the pope. The consciences, therefore, of the church's ministers must, as Luther said of himself, be taken captive by the words of God. When Scripture so rules the mind and will of the church corporately, it will be able to guide the nation and those who rule it, in the path of peace and righteousness and true liberty.

The reform of the church and of the nation are big questions. They are, nevertheless, questions with which we must concern ourselves; we have a duty to do so. However, they must be brought home to us each one, personally; and the question that every member of the church must put to himself *now* is: Is my conscience taken captive by the words of God? On the answer to that will hang the future of this nation and the Protestant Succession.

DAVID N. SAMUEL

Endnotes:

- 1) Quoted by Dean Wace in *Principles of the Reformation*, 1910, p 17.
- 2) See E. H. Browne, *Exposition of the Thirty-nine Articles* (12th edn.) 1882, London, p 796.
- 3) *ibid.*

- 4) Anno primo Gulielmi & Mariae, c2 (Bill of Rights) (1688) IX.
- 5) Anno duodecimo & decimo tertio Gulielmi III, c2 (Act of Settlement) (1700) III.
- 6) *ibid.* I.
- 7) Genesis 2:24.
- 8) Ronald Butt, 'Why Forbid a Catholic Consort?' *The Sunday Times*, 24 April, 1977.
- 9) Joseph Crehan, SJ, 'The Need to Remove Awkward Obstacles to Intercommunion' *The Times* 11 February 1978.
- 10) The form of oath is provided by the Coronation Oath Act 1688, s 3.