

The Twenty-seventh

ERIC SYMES ABBOTT

Memorial Lecture

MIS-ESTABLISHMENT

Locating, and re-locating, the Church of England

delivered by

The Rt Revd Dr Peter Selby

President of the National Council for Independent Monitoring
Boards, Visiting Professor in the Department of Theology &
Religious Studies, King's College London;
formerly Bishop of Worcester and Bishop to HM Prisons

at Westminster Abbey

on Thursday 10 May 2012

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**Dean Eric Symes Abbott
(1906 – 1983)**

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***Mis-establishment
Locating, and re-locating, the Church of England
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Published by
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King's College London
WC2R 2LS

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MIS-ESTABLISHMENT

Locating, and re-locating, the Church of England

The honour of the invitation to give this lecture presented me with something of a dilemma: the Trustees expressed the hope that I might take a topic suitable for The Queen's Diamond Jubilee, reflecting perhaps on the relations between Church and State, while not avoiding comments that might be challenging. This is perhaps not the building in which one might choose to question the relations between Church and State 'in a way that might be challenging', for fear of falling masonry or worse. There is some slight comfort in the prospect of these reflections being repeated in the chapel of Keble College, Oxford where the Tractarian suspicion of establishment and all its works is, one might say, baked into the brickwork.

There was a second reason why this particular invitation presented me with a dilemma, and that is that I am already on record as holding the view that the establishment/disestablishment debate is one in which the claims made on either side of the argument are exaggerated. In 1995 in my preface to a small book of lectures entitled *Rescue: Jesus and Salvation Today* I wrote as follows:

Altering some of the mechanisms at the top of Church and State so as to loosen the links a bit will do very little to alter the relationship between the gospel and the people of our land. It will do very little to overcome the alienation of the Church of England from the poorest people of England or from those who have seen the Church of England as part of their problem rather than part of their solution. So the claims of those seeking change seem to be grandiose. On the

other hand, those who defend the way things are by referring to the great value of our links with the powerful need to face the question, great value *for whom?* And when they go on to be concerned lest any modification of the present arrangements might send 'wrong signals', we need again to ask, wrong signals *to whom?*¹

Whether the claims on either side are exaggerated or not, the debate on the issue of disestablishment continues unabated. The most recent and valuable account of that debate has been the collection of essays, *The Established Church – Past, Present and Future*.² Many of the essays are by historians, and they witness to a discussion that has continued over centuries, focussed at different times on different issues, and that even when it might have been expected that the case for disestablishment might prevail – for instance in the aftermath of the Prayer Book crisis of 1927/8 – there has never really been a sufficient head of steam behind the disestablishment case for it to have a real chance of success. More controversially, William Whyte asserts in the concluding essay that establishment

... compels both Church and state to confront issues that they would each probably rather ignore. This is good for the Church. It is probably also good for the state.³

The same assertion is made by Michael Turnbull and Donald McFadyen in

¹ Peter Selby, *Rescue: Jesus and Salvation Today* (SPCK, 1995), p. 14

² Edited by Mark Chapman, Judith Maltby and William Whyte, (London, T&T Clark, 2011). The collection of essays emerged from a one-day conference organised under the auspices of *Affirming Catholicism*.

³ *Op.cit.* p. 194

their book *The State of the Church and the Church of the State*.⁴ Their project, as they describe it, *Re-imagining the Church of England for our World Today*, embraces a number of reforms they would like to see, but what they imagine is certainly not disestablishment: they roundly declare that England can only be a society where people can flourish

... if the Church of England has the confidence in its own vocation to continue to play its role of proclaiming the Jesus imperatives *from within the mesh of the nation's institutions*.⁵

Supporters of disestablishment might well consider the writers' use of the word 'mesh' unintentionally revealing. Certainly William Whyte, while supporting the maintenance of the challenges and opportunities which establishment offers, has no illusions about the context of gradual alienation within which the established Church will continue to operate: after referring to the fact that Prime Minister Tony Blair could manage no more than to say that he was 'not bothered' by establishment, and in his memoirs manages no real reference to his responsibilities as Prime Minister in the affairs of the established Church, Whyte asserts that 'for the future it seems likely that attempts will be made to drive the Church and State further apart'.⁶

For the record I have no wish to be understood as being opposed to the taking of opportunities, whether provided by establishment or by any other aspect of our historical situation. But that must not be at the cost of failing to take account of the questions those opportunities present, nor of

⁴ Michael Turnbull and Donald McFadyen, *The State of the Church and the Church of the State* (DLT, 2012),

⁵ *Op. cit.* p. 171, my italics.

⁶ *The Established Church*, p.195

ignoring what might be some of the effects, in this case, of the 'enmeshing' of the Church of England within the state's institutions. Of those consequences I shall here mention just two: conditioning, and the sidelining of the task of theological accountability. In relation to the first I would mention an analogy with bodies which I am personally engaged, the Independent Monitoring Boards.

Independent Monitoring Boards that exist by law in all places of custody and with whose National Council I work demonstrate just how difficult it can be to maintain mental independence in the context of having statutory rights of access and representation, and how easy it is to start to think and to speak not of 'the prison we monitor' or 'the Governor whom we question' but of 'our prison' and 'our governor'. Similar issues must arise, surely, for the established Church: 'enmeshed' in the state's institutions, will it not start to accept as normal precisely what it should be challenging, and embrace uncritically assumptions some of which should be regarded as most questionable, at the same time defending its own role against some challenges coming from the state which it should be taking seriously?

As to theological accountability, I dare to instance the current discussions of the Church's place in a reformed Second Chamber. In their submission of October 2010 the Archbishops declare that

In summary, if, as we believe, the second chamber should remain essentially a revising chamber and if, as we also believe, the primacy of the House of Commons is to be maintained, the argument that such a chamber can only be effective and have proper legitimacy if it is wholly or mainly elected is *no more than an*

*assertion.*⁷

There are of course many pragmatic questions to be addressed in the matter of reforming the House of Lords, and much that can be said – though perhaps a little less optimistically than is said – about the contribution which bishops make to the work of that House; there is no hint of coyness in what some might regard as a somewhat self-interested submission. But alongside the focus on the functioning of parliament, are the bishops right to dismiss so summarily the claim that voting gives legitimacy? Can they just dismiss as ‘no more than an assertion’ the principle that membership by election enshrines of the equal voice of every person and in particular of every person who otherwise lacks access to the power which, for instance, money or educational background give to some? And whatever may be the pragmatic adjustments which may be made, the holding of elections is surely to be affirmed, not least by the Church: it is not some post-Enlightenment, secularising, politically correct aberration but echoes at the profoundest level Christian convictions about human beings all equally made in the image of God, redeemed by Christ’s sacrifice, destined for eternal fellowship with him.

It is, one might think, important not to be heard to suggest that voters are incapable of understanding what might be involved in electing to a *revising* chamber and how that might differ from elections to the Commons; it would be important, one might think, not to be heard to make rather unrealistic claims about the contribution bishops currently make; but it is certainly above all else important to witness to that basic Christian

conviction that the ballot box is one way, a really significant way, in which we enshrine the conviction – one might say *establish* the conviction – that in each person is God’s image and for each person there is set aside, as though she were the only one, God’s unconditional and self-giving love. That basic theological accountability must not be lost, and easily can be.

If as I have suggested the claims *for* establishment as we now have it seem exaggerated, and seem also to ignore some of the costs, the case *against* is not without its exaggerations also. Much of the passionate argument presented by Bishop Colin Buchanan in his writing and speeches to the General Synod is criticism of various manifestations of establishment, and most of the arguments advanced against him in all the debates in which he has spoken for disestablishment he quite properly describes as excursions into fantasy. The number of bishops prepared to speak in favour of the appointments system that produced themselves, and that without a hint of embarrassment at the thought that they might be thought to have an interest, has never ceased to amaze me.

But that said, there is a difficulty about the solution he proposes, if ‘cutting the connection’⁸ is his aim. Establishment is in fact a nexus of connections built up over a very long period and touching an enormous number of aspects of national life. It would be possible to cut *individual* connections – the role of the monarch and her ministerial advisers in Church appointments, the presence of bishops in the House of Lords, the requirement of parliamentary sanction for Measures passed by General

⁷ Submission to the Joint Committee on Lords Reform, October 2010, my italics

⁸ Colin Buchanan, *Cut the Connection: Disestablishment and the Church of England* (DLT, 1994)

Synod (and the resulting assigning of the force of statute to those Measures) are examples of particular current significance. But the scope and complexity of the connections make the metaphor of ‘cutting’ a misleading description of what would need to take place; what would need to happen is much more like a process of subtle and wide-ranging *disentangling*. That disentangling involves numerous relationships, local and national, requiring different forms of consent and rearrangement at every point.

It is precisely because the disestablishment case appears to require some simple act of severance that at every point when it appeared that the case for it might gain acceptance it has not done so. In his essay in *The Established Church*, Matthew Grimley describes many such moments and much passionate argumentation, but then has to note the way in which the ambitions of the disestablishmentarians foundered on the actual complexity of what would be required, the range of constituencies whose support would be needed, and the general hesitancy there is about sudden and revolutionary change.⁹

It would however be an equal exaggeration to declare the attempts to promote disestablishment a failure. Ultimately as a ‘single revolutionary act’ it may be destined to founder on the very English suspicion of revolutions, but it is more likely that developments in society as a whole will contribute to the continuing process of salami-slicing which, despite what seems at times a pathological defensiveness within the Church, has

⁹ Matthew Grimley, ‘The Dog that Didn’t Bark’ in *The Established Church*, *op.cit.* pp. 39-55

actually altered the shape of establishment at every level. The appointments system gets nearer and nearer to one in which the Church has not just *a* predominant voice but *the* predominant one; ecumenical sensitivities have demanded that effortless Anglican superiority modify itself; and, as Elaine Graham chronicles in her essay in *The Established Church*, the multi-culturalism which, for all its occasional turbulence, is the context in which we now live continues to modify what establishment can be.¹⁰ There is every ground for thinking that such incremental change – perhaps ‘*decremental*’ would be a better adjective – will be the continuing pattern. Optimistically, perhaps, Dean Wesley Carr called this ‘A Developing Establishment’;¹¹ but while the timescale is not clear we must surely expect that one day those who favour disestablishment will be able to wake up and say, ‘Establishment, what establishment?’

That gradual and yet inexorable change might perhaps be illustrated with an example, the established Church in the prison service.

Prisons – a case study in avoidance

On the face of it, prisons and the place of the Church of England within them are a very good example of what Carr meant in the essay just cited by ‘earthed establishment’, where the Church of England has a unique and co-operative relationship with the community it serves. That certainly is what the Prison Act of 1952 envisages. Chapter 7 of the Act specifies the roles of officers in prisons:

¹⁰ ‘The Establishment, Multi-Culturalism and Social Cohesion’, in *The Established Church*, *op.cit.*, pp. 124-140

¹¹ *Theology* 102 (1992), pp. 2-10

Prison officers.

(1) Every prison shall have a governor, a chaplain and a medical officer and such other officers as may be necessary.

(2) Every prison in which women are received shall have a sufficient number of women officers.

(3) A prison which in the opinion of the Secretary of State is large enough to require it may have a deputy governor or an assistant chaplain or both.

(4) The chaplain and any assistant chaplain shall be a clergyman of the Church of England and the medical officer shall be a registered medical practitioner.

Before considering what has happened to these provisions, a moment's reflection on their nature is called for. There is a matter-of-factness about the way these requirements are stated, and indeed at the time the Act was a gathering together of a number of earlier provisions rather than, at least in this Chapter, innovative; these are requirements that belong to prison life in the era since prison reform, with religion seen as the principal agency of restoration. The requirements are in that context unsurprising. You needed a governor, a chaplain and a doctor (note the order) to have a prison: the governor made sure there was food, an adequate building and no escapes, the chaplain to ensure that prisoners were offered grace and admonition to change their ways as well as the benefits of the provisions of the Book of Common Prayer, and the doctor to deal with the illnesses which prisoners brought into the prison or contracted there.

And the requirements are stated as qualifications: the chaplain needs to be a clergyman (*sic*) of the Church of England for the same reason as the

doctor needs to be a registered medical practitioner or some of the officers in a women's prison need to be women: that's what you need to be do the job. This provision is not grounded in some theological view about the superior qualities of Anglicanism but in an assumption about the established order of things. The institution that could qualify you to be a chaplain was the Church of England; other churches and other religions might provide 'visiting ministers' who would deal with the needs of their members who were imprisoned, but 'the chaplain' had to have this essential qualification.

The Church of England has never pursued the logic of its established position into all areas of life: Oxford and Cambridge might be barred to you if you were not of the Church of England – but prison was always an experience open to anyone. The inevitable result was and is that prison populations have long since ceased to conform to the shape of the world envisaged by the 1952 Act. Irish Roman Catholics were disproportionately imprisoned; then West Indian and African Pentecostals; now, Muslims, and of course other religious groups also. How in those circumstances could you continue the requirement of the 1952 Act? As people started to speak naturally of 'the Roman Catholic Chaplain' and 'the Free Church Chaplain' could you continue to speak of 'the Chaplain', and if not, were you to start referring to 'the Anglican' or 'Church of England' chaplain as though – perish the thought! – the Church by law established was now a denomination. And as ecumenical sensitivities increased – and for that we should be grateful, surely – the pressure for change mounted. When representatives of other faiths started to carry out their ministry in prisons, and when the Muslim population reached a level where full-time Muslim

chaplains were appointed, the question was bound to arise whether the Church of England ascendancy implied by the requirement of the 1952 Act could continue.

You might suppose that this would have led to the repeal or amendment of the 1952 Act – but not so. No government, nor any head of the prison service, has had any enthusiasm for opening up the prospect of amending the Act, and what has been done instead is a very classic English remedy. Every prison is still meant to have a person who is legally ‘the Chaplain’, a Clerk in Holy Orders of the Church of England, but there is also a ‘co-ordinating chaplain’, a person leading the chaplaincy team; and the post of co-ordinating chaplain is of course open to people irrespective of their denominational or faith allegiance. It is still the case, I think, that the majority of co-ordinating chaplain posts are held by Church of England clergy, but what has happened to this piece of ‘earthed establishment’ is that it has been allowed gently to modify itself without being the occasion of the ferocious debates that would have ensued within the Church of England between those who would see the Act as a trench worth dying in and those who would welcome the cutting of the connection.

During my time as Bishop to Prisons I was the recipient of periodic grumpy emails from bishops demanding to know why a prison in their diocese had a Muslim co-ordinating chaplain, and I also heard from Church of England chaplains who found the change very difficult; certainly the recently retired Chaplain General deserves much credit for bearing the burden and heat of that day to the point where much of the tension around the issue has subsided. But the question has to be asked: is

it seriously supposed that it would have been possible in the present context to retain a system of Anglican ascendancy in the co-ordination of prison chaplaincy without the accusation of gross unfairness? And put positively is it not a wholly good thing that members of chaplaincy teams, Christians of all denominations as well as ministers deputed by other faith communities, have come to share sufficient levels of understanding of the generic contribution of chaplaincy within an establishment for them to be able to receive from each other and work under whose ever leadership appears appropriate, while maintaining specific provision for the different faith communities represented in the prison population? When a Jewish visiting minister can say to me how hurt he was at being told by the Chaplain that his services were not required in a particular prison because there were no Jewish prisoners, asserting ‘I’m not there just for Jewish prisoners’, I feel some embarrassment that he should have grasped that point better than the representative of the established Church.

Here is a worked example of what happens to establishment when the society within which the established Church functions changes. It has involved the loss of a certain level of privilege, for sure. But with the loss has come the gain of shared understanding and of the building of bridges, and if the believers in establishment are serious in that belief they should not be surprised if the day should come when establishment passes into history having done its job. If establishment was a response to a new historical moment – whether under Constantine or Elizabeth I – there is no reason to suppose that new responses will not be required in the unfolding history of a globalised world and a society of exciting variety and religious diversity. No doubt skirmishes about various aspects of establishment will

continue and certainly there are issues of principle in the development of society where the religious, not just Christians, will wish to enter strong arguments; but the place of the established Church itself will surely continue to diminish. We are dealing here with historical developments, all of which point in the same direction. Those who advocate the maintenance of the *status quo* will be as disappointed as those who insist that with one bound we might be free. The debate about establishment is not one likely to affect the gradual process of diminution which, it seems to me, continues unabated. The preoccupation with that debate prevents us from noticing some far more significant developments.

Establishment and Sovereign Power

Establishment historically has to do with the relationship between the Church and sovereign power. Sovereign power may be exercised by a monarch, and the place of the Church of England in relation to the monarchy hardly needs mention in a lecture given (initially) in Westminster Abbey. The monarchy may have been an absolute one and may now be a constitutional one. It may be exercised through the mechanisms of parliamentary democracy, and the various ways in which the Church interacts with, and is regulated by, Parliament witness to that reality as it has manifested itself through history: as Parliament has developed so has its interaction with the Church of England developed also.

However much the way in which sovereign power is exercised and the legal and constitutional arrangements by which it is exercised may vary and develop, no examination of establishment can avoid considering the

nature of sovereign power itself. What is this to which the established Church claims a special relationship?

As analysed in the thinking of Giorgio Agamben,¹² the central feature of sovereign power is that it is *vitae necisque potestas*, the power of life and death. What is discernible in the development of the modern state, of sovereignty in modern times, is the development of sovereign power as power over bare life. That basic subsistence, which has been a responsibility of the family, part of the *oikos* rather than the *polis*, has become that over which the sovereign power now exercises control. This is not an abstract point: consider the capacity of large numbers of people to house themselves and their families, to feed themselves, to be treated in the event of bodily illness, to find basic education for their children, to obtain productive employment; the mechanisms may vary as may the scope and reach of the state, but for all citizens of the state to some degree and to the poorest citizens to an ever increasing degree the state's 'power over bare life' has grown and shows no sign of ceasing to grow. Thus politics becomes *biopolitics* in that control is exercised by the sovereign's overwhelming power of coercion against bare, bodily, existence.

The point needs to be stressed: the issue here is not the *processes by which* sovereign power has been exercised, under the various constitutional arrangements that have developed through history and in particular during

¹² Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stamford University Press, 1998). For a fuller account of Agamben's thesis and of its relation to the 'sovereignty of the crucified Son of God', see my 'Reigning from the Tree – Reflections on the Sovereignty of the Crucified', Presidential Address to the Society for the Study of Theology, 2003

the modern period. It would be a mistake to suppose that the character of sovereign power has changed simply because the *mechanisms* of constitutional government or democratic elections are in place; as we shall see, the opposite can be the case.

For sovereignty lives out a logic, albeit a paradoxical one. The sovereign is without question part of the juridical order of the society, with rights and duties prescribed by the juridical order itself. But sovereignty also has the capacity to define the extent of the juridical order itself; that is, the sovereign uniquely has the right to declare *status exceptionis*, a ‘state of exception’. It is of the essence of sovereignty that it is defined by its capacity to decide the exception, and it is the exception and the capacity to declare the exception that explains the juridical order. Kirkegaard’s words on the significance of the exception are worth pondering in this regard, for this is a matter where more than many others the exception proves the rule:

The exception explains the general and itself. And when one really wants to study the general, one need only look around for a real exception. It brings everything to light more clearly than the general itself.¹³

The characterisation of sovereignty in terms of the right to declare the status of an exception shows itself also in the sovereign’s right to declare the subject excluded from the society. Sovereign power thus shows itself in the right to imprison, to section under the mental health acts, or to deprive of citizenship or residence.

The sovereign’s power to determine the ‘state of exception’ has the deepest roots in the primitive life of humankind. Primitive societies deny to the bandit and the outlaw all protection and put them beyond the scope of any taboo against killing. The ‘ban’ of medieval times is a continuation of this tradition, asserting that the person condemned to death by his city was to be regarded as dead. The banned person is the one who reveals the character of sovereign power in its most fundamental sense. The ultimate capacity of the sovereign, that which defines the sovereign *as* sovereign, is the single power, the *vitae necisque potestas*, from which all other powers finally derive. The power generally associated with the sovereign, the capacity to regulate all those aspects of life which are conventionally associated with sovereignty, derive from the latent – and frequently unacknowledged – power of the sovereign to define a person *pro mortuo*, as being as good as dead.

It is unfortunately a fact of history that examples of the exercise of this latent power of the sovereign are not hard to find. They are indeed examples that demonstrate all too clearly that particular constitutional arrangements for the exercise of sovereign power are far from being a guarantee against the placing of individuals and groups under ‘bans’ of various kinds, and therefore treated *pro mortuis*. What is important, however, is that the totalitarian regimes of the twentieth century are considered not simply as the singular extremisms of particular countries and times, but are seen in the light of the development of precisely those institutions that were thought to liberate people from the possibility of the sovereign’s uncontrolled power. In particular, it would be important not to see the ‘sovereignty of the people’ according to the aspirations of

¹³ Quoted in Carl Schmitt, *Politische Theologie*; see *Homo Sacer*, p.16

democratic theory as some kind of guarantee against exceptional and extreme forms of sovereignty.

In fact democratic institutions, based as they are on the belief that popular power will be the best defence of popular interests against the power of those who direct armies or have the control of most of the wealth, have proved easy prey to those able to engage the sympathies of the populace against vulnerable groups of many kinds. To engage the people it is only necessary to persuade or seduce them into a change of their sympathy, a conviction that those with power, force and wealth are not the threat to their interests which they thought they were, but rather constitute their best protection against groups who are presented as the greatest danger to their prosperity or even their very safety. When politics embraces bare life, the basic constituents of bodily existence, sovereign power becomes to that extent more secure and the less subject to control. Able to present itself as representing the will of the people, the sovereign is to that extent the more able to designate particular individuals and groups as presenting an enormous risk to the security of the state, or to the prosperity and well-being of 'the people', and therefore as not deserving of the title of person at all or the protections citizens are meant to enjoy.

There are echoes here of the ancient warnings about Hebrew kingship, a kingship created also in response to the 'will of the people', albeit expressed in a pre-modern environment. The people are warned that the king will take their sons for his armies and their daughters as cooks, perfumers and bakers; the best of the produce of the land will be taken for his purposes. And then, in words that echo much of the history of 'chosen'

sovereigns, 'you will cry out because of your king whom you have chosen for yourselves; but the Lord will not answer you in that day.' (I Samuel 8.18)

So it was that the 'river of biopolitics', the progressive concern of sovereign power with bare life, came together with the plan of the twentieth-century totalitarian states for total domination, working itself out in the concentration camps. As Hannah Arendt puts it,

The supreme goal of all totalitarian states is not only the freely admitted, long-ranging ambition to global rule, but also the never admitted and immediately realized attempts at total domination. The concentration camps are the laboratories in the experiment of total domination, for human nature being what it is, this goal can be achieved only under the extreme circumstances of human made hell.¹⁴

It is of course profoundly disturbing to reflect on the roots of Nazi practice within the development of the political structures of modernity, and particularly to note the development of 'concentration camps' by the Spanish in their colonisation of Cuba at the end of the nineteenth century and by the British in their dealings with the Afrikaners at the same time. In both cases, the needs of the colonists resulted in the declaration of a 'state of exception', effectively of martial law. By the time such a state of exception was declared within the Nazi state to provide the basis for the camps, it was not even necessary to make an open declaration of a 'state of exception' as such, so much had that extreme situation become part of the

¹⁴ Hannah Arendt, *Essays in Understanding, 1930-1954*, ed. Jerome Kohn (New York, Harcourt & Brace, 1994); cf. *Homo Sacer*, p.120

normal operation of the state. This explains why the racial laws of the Third Reich do not need to reside in either ‘science’ or ‘law’: they derive directly from the power of the sovereign – in this case the *Führer* – to declare the state of exception and have it enforced.

He represents the unity and equality of stock of the German people. His is not a despot’s or a dictator’s authority, which is imposed on the will and persons of the subjects from outside. His power is, rather, all the more unlimited insofar as he is identified with the very biological life of the German people.¹⁵

In its courageous statement on war responsibility,¹⁶ the Synod of the *Nippon Seiko-Kai*, the Japanese province of the Anglican Communion, makes a number of similar points about the rule of the *Tenno*, the Japanese Emperor. In identifying the idolatry inherent in the *Tenno* system, the statement points also to its inherent imperialism and racism, in which obedience to the ‘God of Heaven’ or ‘King of the Universe’ is validated by an interior obedience on the part of the subjects who identify their interests and their destiny with the power of the sovereign.

Such formal idolatry is of course avoided in the traditions of sovereignty as exercised in English history. However, it is necessary to ask whether that avoidance is substantial enough to counter the point that sovereign power as exercised domestically and then exported is indeed sovereignty over bare life. The prayer for the sovereign in the Holy Communion service of the Book of Common Prayer is that ‘she (knowing whose

minister she is) may above all things seek thy honour and glory’. The formal idolatry is avoided by the clause ‘knowing whose minister she is’; however the balancing clause might be judged to contain the more important assertion,

... and that we and all her subjects (duly considering whose authority she hath) may faithfully serve, honour and humbly obey her, in thee, and for thee, according to thy blessed word and ordinance.

The elegant rhetorical symmetry presented by these two clauses cannot conceal the serious and deliberate imbalance of substance. The aspirations that worshippers are to have for the sovereign are counterbalanced by the assertion of divine authority and scriptural backing for the obedience of the subjects. It hardly needs adding that what is asked of the subjects is subject to enforcement, as those who belonged to different Christian allegiances or lands later colonised were frequently to discover.

Sadly, the ‘river of biopolitics’ flows on, as those dependent on the state for ‘bare life’ experience the effect of changed policies for welfare and public provision. As this paper was being written a London landlord was reported as declaring that the evictions he needed to seek because of caps on housing benefit would amount in their effects to ‘ethnic cleansing’.¹⁷ The disproportionate incarceration of members of poor and disadvantaged groups and minority ethnic communities witness to the same point. Both the welfare regime and the increased use of imprisonment show what sovereignty actually means, and provide the threatening context within

¹⁵ *Homo Sacer*, p.184

¹⁶ See conference papers, Lambeth Conference 1998

¹⁷ *Guardian* 25 April 2012

which all of us pass our lives. To be ‘established’ is to be related closely to that exercise of sovereignty as coercive power over bare life. Much more to the point than most current debates about the ending the mechanics of establishment in this country is Donald MacKinnon’s hope that the ending of establishment might see an end to episcopal blessings on Polaris submarines.¹⁸ Unfortunately there is no particular evidence that when churches are disestablished they become less eager to have a share in sovereign power, as a moment’s reflection on the disestablished religious right in the USA and its addiction to military force, capital punishment and imprisonment on a massive scale makes all too clear. So more serious than any questions about any limits on the Church’s ordering of its own life in exchange for certain privileges in the life of the nation is whether the Church is established in relation to sovereign power or in relation to those who are the victims of the exercise of that power. In those situations where a choice has to be made between the claims of the powerful and the claims of the excluded, where is the Church located?

Sovereign Power and the role of money

Posters advertising *The Spectator* on the London underground recently expressed in chilling terms the source of sovereign power in the present day: “Most Germans own a second property”, the poster proclaims: “Greece”. The reality of sovereign power as it is exercised in a nation, Greece, which happens to be the cradle of European democracy, is that while the outward structures might indeed be more or less in place, rule of a quite different kind is being exercised, even if not with the violent

brutality that we associate with the totalitarian regimes of the twentieth century. But from the point of view of the Greek people, and especially of its poor, any suggestion that their democracy exercises sovereignty in their country can only elicit a hollow laugh.

But this is just a current instance of a developing trend towards the exercise of sovereign power by the quantity and controlling strength of money and those who hold or manipulate it. Before the collective might even of a failing banking system the governments of nation states, even the largest nation states, are helpless. ‘Too big to fail’ means too powerful to control. This is not the place, nor is there the time, to give a full account of the way in which sovereign power has passed to those who have, control or manipulate money. But of the reality of the passing of sovereign power we can surely be in no doubt. The authority to create money was in times past no different from the authority to raise an army: a sovereign act. The passing of that power, virtually unchallenged, to boardrooms is a passing of sovereign power. And it is sovereignty over bare life: the power of such institutions virtually to determine the economic policies of elected governments means that those receiving – or no longer receiving – welfare payments do so at the behest of unelected bodies. Those who sit on juries deciding in effect whether a person might be consigned to custody will increasingly know that the ‘good of the economy’, at least of their pension funds, will in part be related to those whose prosperity depends on the prisons they buy, build and manage. And as the dislocations in the world economy grow greater, more and more people will be driven to migrate in search of the essentials of bare life, and immigration policy will be structured to maintain the standard of living of those who already have,

¹⁸ Donald MacKinnon, *The Stripping of the Altars* (Collins Fontana, 1969); see Matthew Grimley, *op.cit.*p.52

consigning hundreds of thousands to a state of exception, the status of banned persons.

Why mention these changes in the way sovereignty is exercised? Because sovereign power as it is now exercised bears no signs of the establishment of the Church at all. Bishops may sit in the legislature; the monarch may take an oath before God; but the Church will be the last body to be involved in decisions about investment, interest rates, the money supply and so forth. I am not suggesting that the Church should have a place on the governing body of the Bank of England; I am only pointing out that in our debates about the privileges we have and the duties we acquire by virtue of being the established Church we must remain aware that our involvement with sovereignty is with sovereignty as it was and not as it is. We are *mis-established*, and wisdom and faithfulness begins with that recognition and therefore with abandoning any over-estimate of the significance of our relationship with the old order.

Of course those relations may give opportunity for marginal effects on what government does, on legislation, on the institutions of civil society. Again, to take those opportunities is perfectly proper, as it is proper to resist points where the duties associated with those relationships become irksome. But over all of those activities is a warning sign that reads, 'This night your soul will be required of you'; crisis, the point of judgement, comes when sovereign power, *vitae necisque potestas*, is actually exercised, where persons are made, economically or by the use of force, non-persons, and the decision has to be made whether to side with sovereign power or with the victims of its use, even at the cost of the

relationship enjoyed with the outward sources of sovereign power, the monarch or parliament.

Empire – sovereignty *sans frontière*

If the exercise of sovereignty has extended itself into bare life, that is not simply a *national* phenomenon. Nation states have less and less capacity to act as though they could exercise independent sovereignty. The globalisation of the market economy is a phrase covering a range of phenomena all to do with the power of the mechanisms of international trade and finance to determine policies and outcomes over which nations have less and less control. In part that leads to the increasing development of large groupings of nations for economic and trading purposes or as military alliances. On the other hand, more and more power has come to reside in trans-national corporations, free by virtue of their size to shift their centre of operations to wherever the political framework suits their purposes, and therefore exercising a great deal of power over the governing authorities of nation states.

Yet again, the scale of the global economy means that a dominant individual national economy can exercise enormous influence over the economies of other nations, and particularly over the poorest. What we have seen, and shall continue to see more and more, is the mutation of *sovereignty* into *Empire*, sovereignty exercised without frontiers. Unlike the empires of old this empire is not the result of successful national imperialism but of financial power, supported by force where necessary but mostly exercised through the operation of the market by the will of those with the most power to act there. As Hardt and Negri put it in

Empire, their account of this development,

The passage to Empire emerges from the twilight of modern sovereignty. In contrast to imperialism, Empire establishes no territorial centre of power and does not rely on fixed boundaries or barriers. It is a *decentered* and *deterritorializing* apparatus of rule that progressively incorporates the entire global realm within its open, expanding frontiers.¹⁹

What this comes to mean for sovereign states they sum up bluntly:

Today a notion of politics as an independent sphere of the determination of consensus and a sphere of mediation among conflicting social forces has very little room to exist. Consensus is determined more significantly by economic factors, such as the equilibria of the trade balances and speculation on the value of currencies.²⁰

In terms of the topic we are examining today, we can be clear that the Church of England will be 'established' only in that 'little room'. In that space some differences can be made, and my purpose is not to minimise them. But in terms of the relationship of Church to sovereign power, these massive economic changes mean that in relation to the sovereign we are fundamentally mis-established, and in that situation should notice what such shifts in the location of sovereignty mean most importantly not to us as Church but to those most deeply affected by the *vitae necisque potestas* that now belongs to those who have power in the market.

The world's poorest populations may be taught to attribute their famine and disease to decisions made by their own government in the exercise of its sovereignty, or they may assume they are part of the givenness of their lives, rooted in climatic conditions or other matters beyond human control. No doubt both those elements play a part. But in the main, and from the perspective of our examination of sovereign power over bare life, the reality is that the power of those who control money in the wealthiest countries has declared a 'state of exception' over the majority of humankind, but also the right to determine the law under which trading relations (and consequent relationships of credit and debt) exist. So, as with most exercise of sovereign power, it is natural for the powerful to be convinced that the course of action they take is also the most beneficial not just for them but for those whose destiny they are deciding. We surely hear echoes here of the closing sentence of Jesus' comment on the disciples' dispute about which of them is to be greatest: 'The kings of the nations lord it over them, and those in authority are called benefactors.' (Luke 22.25)

The laws of the market that declare various states of exception and call them beneficial have much wider effects too. The global market has the potential to govern the whole environment of a society, its provision of health care and its educational system, its legal apparatus and criminal law, and in the last resort also those areas of people's lives which are, at the same time, declared to be 'private'. Michael Sandel's latest book asks, with numerous examples to back up his case, what if anything is left that

¹⁹ Michael Hardt and Antonio Negri, *Empire* (Harvard University Press, 2000)

p.xii
²⁰ *Op.cit.* p.307

money can't buy.²¹

There is of course much more to be said about globalisation than that it causes the most vulnerable people and nations to be excluded from human flourishing. From the standpoint of a Christian tradition which speaks again and again of the determination of God that God's love should be shared to the ends of the earth we should not place ourselves among those who simply grumble about it. There has been and continues to be a sharing of democratic institutions and the rule of law, ideals of solidarity and inclusion. If these appear increasingly without the direct exercise of power by churches they do nonetheless appear. The fact that the Church of England, like churches in many countries, no longer has its hands on the levers of power and influence should not stand in the way of our rejoicing in the good when we see it, even as it constitutes a challenge to respond to those whom the benefits of a global market passes by and those who more seriously are reduced to the status of non-persons by its onward march.

Conclusion – the Call to Relocation

I began with the suggestion that the debates about features of establishment that have consumed much energy and continue to do so are not the ones we need to be having. Those debates have been characterised by claims on both sides which seem to exceed the evidence: the present constitutional arrangements, compounded as they are of law and custom, certainly provide the Church with opportunities for engagement with the needs of society, and to challenge some of the assumptions that appear

from time to time in legislation and government policy. Where opportunities present themselves they should of course be taken, but with an awareness of the risks involved: the likelihood of becoming conditioned and in too comfortable a relationship, and with that a loss of the Church's fundamental accountability to God for its mission and ministry.

But to read the claims made for the virtues of establishment, made generally when it is perceived to be under threat, is to be faced, in my submission, with an unedifying combination of exaggeration and defensiveness, usually adding up to the contention that all change is for the worse. To take the Church's current neuralgia about the Lords, are we so lacking in confidence in the abilities of Church members ordained and lay and the public's capacity to discern the value of the contribution of Christian faith to public discussion that even in a wholly elected second chamber we fear no Christian would gain a seat? And in terms of institutional contributions to policy formation, what grounds are there for thinking that the Roman Catholic Church's contribution to social thought as contained in *The Common Good* (1996) would have carried more weight if it had been delivered from the benches of the House of Lords? What gives such contributions weight in government and elsewhere is first the quality of the argument being offered and secondly whether it is thought likely to strike a chord with a significant proportion of the electorate.

On the other hand, I have suggested that the claims made for the new freedom that would come to the Church as a result of a successful campaign for its disestablishment likewise show signs of being captured

²¹ Michael Sandel, *What Money Can't Buy: the Moral Limits of Markets* (Allen Lane, 2012)

by their own rhetoric. What would be being asked for is a vast series of detailed modifications to a tangled web of historical relationships, not at all resembling a brave and revolutionary act. That this disentangling would produce a new passion in the Church's witness, a wholly new and courageous band of authority figures generated by the Church's appointments processes without state interference, worship with a new vibrancy as a result of the ending of parliamentary supervision – such claims for disestablishment are at best unsupported by any evidence and at worst downright incredible.

What makes the claims on both sides of that debate appear even more exaggerated is the fact that there are historical developments in train, as there always have been, which can sometimes be modified by discussions and campaigns but the direction of which is surely clear and irresistible. Those developments have led, and will continue to lead, to a decline in the power of assumed privilege and an emphasis on the need to justify positions by argument and to explain vocabulary, rituals and procedures without assuming that they have a guaranteed place in people's consciousness. In the process there are new and exciting things to be learned and from time to time what we deem to be destructive aberrations to be challenged – after we've considered the case. Such an environment is challenging, but to a people who are heirs to the promise of the Spirit who leads into all the truth surely it is not to be seen as regrettable; it is after all in the *truth* that we seek to be established and there never was a time when that was a simple and clear cut matter. Perhaps one by-product of the history of establishment that we do need to lose is a tendency to combine a negative reaction to change with a lack of forthrightness about real

injustice.

But above all else I have sought to draw attention to an aspect of establishment that is absolutely central but frequently overlooked and that is the fact that it is about a relationship with *the Sovereign*. The Sovereign as holder of the power to declare states of exception, specifically to exercise increasing power over the bare life of the subject, to lock up, to exclude and to grant basic rights of survival, is the one with whom an established Church is in relation. That being so, what has caused the Church to be *mis-established* is the historic change to the location of sovereign power from the structures of the nation state to those who have control over the operation of the market. A debate about whether to change the relationship of the Church to the nation state bypasses the more challenging question of the Church's relation – or non-relation – to the market. It is there that the policies of nation states are determined, there that people are reduced to poverty or otherwise excluded from the mainstream of society.

A consideration of that mis-establishment has therefore to lead to a reconsideration of the Church's *location*. That reconsideration, one that takes seriously the absence of any effective relationship with the sources of financial power or those principally experiencing poverty and exclusion, is further demanded, as I have suggested, by the *international* character of those current sources of sovereign power, determining as they do the operation of a globalised market. We are not at liberty, it seems to me, to ignore that historic development or simply to bemoan it; the divine project has always been, and is now, a global one, and there is too much on offer

and too much at stake for us to neglect the opportunities or the challenges of that globalisation.

But as things are, the Church is perceived, and accurately so, as lacking both the determination or the skills to engage those who operate in the globalised financial market place, and at the same time the willingness to act in solidarity with those whom the international market subjects to states of exception. To remedy that is to embark on the reform of our discipleship, always a more challenging and demanding task than debating or even executing changes in our institutional arrangements. But the combination of the disturbances of last summer, the explosion of frustration at the market's exercise of sovereign power represented by the *Occupy* movement, and the discovery by St Paul's Institute (if we did not already know it) that financial sector professionals do not believe that the Church has any useful ethical guidance to offer²² – these and many other signs leave us no choice if we are to be faithful than to respond to the requirement to relocate ourselves in relation to that sovereign power, its controllers and its victims. And what really leaves us no choice is that we profess that the one who resisted sovereign power to the point of becoming its victim is the one to whom sovereignty ultimately belongs.

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²² See *Value and Values*, a report on the values of financial sector professionals by the St Paul's Institute: www.stpaulsinstitute.org.uk.