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# Richard Hooker on the Church and State Report

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IT WAS A TEMPTATION to me to write this article in the form of a pseudonymous review of the Church and State Report, as though the judicious Hooker had returned from the grave and had set down his views on the various assumptions and suggestions of the Report. But this might have seemed frivolous, and to have sustained even a hint of the period prose of Hooker for several pages might have proved beyond my powers. So I shall be content with putting Hooker's views alongside the conclusions of the Report, and using his writings as a framework within which to consider the current issues.

Many discussions of Church and State begin by stating that Hooker's conceptions of Church and State are now hopelessly anachronistic. The Moberly Report (1952), in its section on 'Grounds for Disquiet' said, 'it is urged that the conditions which once may have made "establishment" legitimate no longer exist. Hooker's conception of the Christian Commonwealth as a single Church-State was a fundamental assumption of all concerned. But this conception is not primitive, and it is no longer relevant' (Church and State, 1952, Church Information Board, p. 13). The same point is made in para. 119 of the new Report (p. 37) 'In past ages in England Church and society were more nearly identical. Citizen and Churchman could then in theory be identified. Our system is an historical relic of those ages. It depends upon an axiom about English society which was once true, or nearly true, and is now not true. It has served a useful purpose in the past. It has outlived the age when it corresponded to reality. It ought to cease.' (This from supporters of radical change.)

The underlying philosophy in that paragraph was questioned in that part of the Report (which I supported) which suggested only a modification, not the abandonment of the present method of appointing bishops. 'The view that the Church must be free to choose its own leaders is sometimes made to rest upon the assumption that the State is a purely secular authority divorced from spiritual concerns, separate

from, if not actually opposed to, the interests of the Church. But this view of Church-State relationships has limited relevance to our present situation' (Church and State, 1970. CIO para. 98, p. 32).

It is a fact that a careful re-examination of Book VIII of Hooker's Ecclesiastical Polity reveals on the one hand a state of society very different from our own, but also a consideration of Church-State relationships so profound that much of what is said can be applied, with due modification, to our modern problems. In making this examination I shall feel free, now that the Commission is discharged, to state my own views, but I shall not retreat from positions taken up in the Report, which I have signed, nor shall I touch upon the four-year period of discussion which has led to the present report, with its careful compromises and balances.

In Book VIII of his Ecclesiastical Polity Hooker is facing the two challenges which have concerned him throughout the earlier books, those coming to *ecclesia anglicana* from Rome and from Geneva. From Rome there was a challenge to the Elizabethan settlement, based on the view that ecclesiastical matters depended on ecclesiastical i.e. papal, approval (though Hooker reminded his opponents that even in the Marian reaction the approval of *Parliament* had been needed for all steps taken). From Geneva (and the voice of Geneva sounded out in England even from Hooker's own pulpit in the tones of Walter Travers, the afternoon lecturer at the Temple)—the claim came that only the ministers of the church could decide religious questions, and that it was the duty of the magistrates to carry out their wishes.

Traces of these attitudes can be detected in those who press for disestablishment today. Those who see the next step for world Christianity as the emergence of an international organisation (still likely to be based on Rome, or on Geneva as the centre of World-Council religion) shy away from the traditional national embodiment of Christianity in a *national Church*. The Archbishop of Canterbury showed some sympathy with this point of view in the recent General Synod debate on the Report when he said that national churches would become less desirable as we looked more to an international expression of the church's fellowship. He said that the Church of England might well be the last of the established churches, but doubtless the important Scandinavian examples slipped His Grace's mind.

### *The membership question*

'WE hold,' says Hooker, 'that seeing there is not any man of the Church of England but the same man is also a member of the commonwealth, nor any man a member of the commonwealth who is not also of the Church of England; therefore as in a figure triangular the base doth differ from the sides thereof, and yet one and the selfsame line is

both a base and also a side . . . so, albeit properties and actions of one kind do cause the name of a commonwealth, qualities and functions of another sort the name of a church to be given to a multitude, yet one and the same multitude may in a sort be both . . .’ (E.P. viii 1. 2). He points out that the Jews in Egypt and Babylon, and the early Christians in the Roman Empire were not in that situation, but that the ancient kingdom of Israel, and the post-Constantinian Churches were. He goes on to show that ‘in this realm of England’ we are neither in the situation of a church in a pagan society, nor of a church united with its commonwealth but subject to papal control. ‘Our estate’ he says ‘is according to the pattern of God’s ancient elect people, which people were not part of them the commonwealth, and part of them the Church of God, but the selfsame people whole and entire were both under one Chief Governor, on whose supreme authority they did all depend’ (E.P. viii 1. 7).

Since Hooker’s time we have had the arrival of toleration, which arose from, and further encouraged the emergence of other religious societies—now including the Roman Catholics and the Free Churches. We have also had a growing secular, godless element in our society. Nowadays this is very insistent on its rights to a place in the sun. But our Report, in its sociological appendix, shows the enormous surviving strength of our Church and the hold that it has at least on the nominal allegiance of some two-thirds of the nation. In fact although the Hooker thesis cannot be maintained in the form in which he held it, there is a sense in which it is still very relevant. It is true that almost every village has its little Bethel chapel, but who can doubt, as he journeys through England, and sees every village built round its ancient church, often as old as the village itself, that our Church is still *the* Church of England? Urban England is very different, but rural England is still in its blood.

### *The location of authority*

TUDOR monarchies were despotic by modern standards, but Hooker is very insistent that the sovereign must rule according to law. In some ways he is surprisingly modern. ‘That the Christian world should be ordered by kingly regiment, the law of God doth not anywhere command; and yet the law of God doth give them rights, which once are exalted to that estate . . . to general obedience. . . So God doth ratify the works of that sovereign authority which Kings have received by men’ (E.P. viii. ii. 6). ‘In kingdoms of this (English) quality, the highest governor hath indeed universal dominion, but with dependence upon that whole entire body, over the several parts of which he hath dominion. . . . The King is “major singulis, universis minor”’ (E.P. viii. 11. 7). He even suggests that *with consent* powers

may be withdrawn from the Crown, and disposed otherwise for the common good. In other words, Hooker's view of authority is drawn so widely and wisely that the emergence of a Parliament with full powers, and of a Prime Minister with full delegated authority, can easily be contemplated without the breakdown of his fundamental principles.

### *The range of ecclesiastical authority*

HOOKER has a remarkable passage in which he lays down the questions which he proposes to discuss in connection with state authority in ecclesiastical matters. Making due allowance for changes in vocabulary he raises all the matters which have engaged the attention of the Church and State Commission during the last four years. 'It is grown a question' he says, 'whether power ecclesiastical over the Church, power of dominion in such degree as the laws of this land do grant unto the sovereign governor thereof, may by the said Supreme Head and Governor lawfully be enjoyed and held? For resolution wherein, we are, first, to define what the power and dominion is: then to show by what right: after what sort: in what measure: with what conveniency: according unto whose example Christian kings may have it' (E.P. viii. 11. 2). The discussion on this general matter is full of interest, and turns on the point (a very democratic one!) that 'God creating mankind did endue it naturally with full power to guide itself, in what kind of societies soever it should choose to live.' England had chosen a church-controlling sovereign, and this, he says, is just as legitimate as a church-controlling Pope, or a church-controlling synod of ministers.

He goes on to discuss the range of ecclesiastical authority. 'And when these generalities are opened, to examine afterwards how lawful that is which we in regard of dominion do attribute unto our own: namely, the title of headship over the Church, so far as the bounds of this Kingdom do reach: the prerogative of calling and dissolving greater assemblies about spiritual affairs public: the right of assenting unto all those orders concerning religion, which must after be in force as laws: the advancement of principal church-governors to their rooms of prelacy: judicial authority higher than others are capable of: and exemption from being punishable with such kind of censures as the platform of reformation doth teach that they ought to be subject unto' (E.P. viii. ii. 2).

All the important matters raised in the Church and State Report come up in this catalogue—the parliamentary control of worship and doctrine, and the appointment of bishops, to go no further. 'Orders concerning religion' applied to the 1661 Act of Uniformity, and cover to some extent the powers of Parliament remaining to this day. Some

of Hooker's statements about Royal and parliamentary control are worth noting still. 'A gross error it is to think that regal power ought to serve for the good of the body and not of the soul; for men's temporal peace, and not for their eternal safety: as if God had ordained kings for no other end and purpose but only to fat up men like hogs, and to see that they have their mast' (E.P. viii. iii. 2). And again: 'The parliament is a court not so temporal as if it might meddle with nothing but only with leather and wool' (E.P. viii. vi. 11).

The possibility of retaining something of this parliamentary control of worship and doctrine is strongly entertained by Sir Timothy Hoare, and he furnishes a minority report (to Chapter 2 only) on this point in the Church and State Report (pp. 85-87). Much as my heart warms to Hooker's statements, and much as I sympathise with Sir Timothy's aims, I felt I had to sign for the abolition of parliamentary control of worship and doctrine, and its replacement by full synodical control under certain safeguards. Undoubtedly a strong argument for this change consists in the temporary control (up to 18 years in all) already granted in the matter of services. However difficult and sometimes irritating is the process whereby liturgy is being revised, I cannot believe that the floor of the House of Commons is a place where it could or should be done. In my view the actual wording of prayers and rubrics has become too much the concern of a minority (those who actually attend church) to be a suitable subject for discussion by an assembly which is in some sense secular, even though each session is opened with prayer! The general popularity of the Series II Holy Communion service in all schools of thought (I could personally have 'played out time' on 1662!) shows that agreement *can* be reached within the ecclesiastical body given time and mutual consideration. The same principles apply to doctrine. The expression of Christian doctrine is a very subtle exercise—it involves the continual re-formulation of truth around an unchanging nucleus of revelation—and Parliament has neither the time nor the *expertise* required. It is the last thing we want M.P.'s to consider under the pressure of constituency mail, itself organised by party groups or vested interests. Parliament *does* have a duty to see that the long-term continuity of the church is maintained, and this can be secured by the conditions under which complete liturgical and doctrinal freedom would be granted.

A difficult question is raised in connection with the 1662 liturgy. Should the Church, if it gets its freedom, be free to jettison or forbid this Prayer Book? Many of us thought no. It is true that the compulsory retention of 1662 (as an option always available) would involve a theoretical retention of parliamentary control. It is true that (if this dispensation continues for centuries) one day the 1662 Book would be as antiquated in its language as certain Eastern liturgies still in use. But I feel that it would be pastorally inconsiderate and politically rash to ask the Church and the nation to abandon its moorings and

face the possibility that comparatively soon it might be *unlawful* to celebrate according to the 1662 Book!

With regard to the appointment of bishops, Hooker anticipates all the modern questions, and sums up the position thus: 'Their *election* is now but a matter of form: it is the king's mere grant that *placeth*, and the bishop's consecration, that *maketh* bishops' (E.P.VIII. vii.3, italics mine). It is clear that he looks on the state appointment of bishops as a kind of patronage based on the royal endowment of bishoprics in days gone by. Just as a thane or 'squire' appointed a vicar to the church he founded so could the king appoint to the episcopal sees which the Crown had set up. This I think we must describe as a well-meaning rationalisation of practice as he found it. More important is his admission that the bishop's office was of such importance in the whole body-politic, that the Crown could not be indifferent as to who held it.

This brings us to the big outstanding question in the Report. Who is to choose new bishops? On this we divided, almost equally. Both groups allowed for a considerably increased ecclesiastical element in the preparation of the short list. 'My' group said that at that point authority should pass to where it now lies i.e. to the Crown (and of course this implies the Prime Minister). The other group wishes the electoral college to make the final selection, and to send the name direct to the Queen for appointment. In my view this is impossible: the Church cannot 'kidnap' the Queen in this way, and use her for her own ends. If she acts as Queen, she must have the protection of her chief minister's advice. Whether we choose Proposal A (retention of the P.M.) or Proposal B (exclusion of the P.M.) depends on our ultimate picture of the relation of Church to State and State to Church. On this issue I will conclude this article.

### *Can the nation still carry a Cross in its flag?*

HOOKEER began his great treatise by unfolding his view of law and authority in general—how they descend from God, whose nature is 'a kind of law to His being'—into all the strata of heaven and earth, forming the pattern towards which all human 'positive' law must gravitate. All human law, including the law of a nation, is to be judged by its distance from, or its proximity to, the law of God. So there is a natural affinity between good secular law, and good ecclesiastical law, in that they both come from the same matrix. Those to whom this type of thinking is basic—and I count myself among them—will be naturally pre-disposed towards an established church, i.e. a national church in a nation publicly committed to the Christian religion.

Augustine, as is well known, believed that the state had very little

function, in relation to God's purposes, other than to act as a restraint on sin. Aquinas (influenced by Aristotle) took a more positive view. He came to hold that man is by nature a civil, social, and political being, and that the structure of society is not a concession to sin but a necessary means to a fully human style of life. Hooker followed Aquinas here.

So we come to the crux of the matter. It is, I believe, right for the Church in our *more* plural society to have more freedom (as the right to control worship and doctrine would give it) but this is a small matter compared with the question whether the State should continue to make a Christian profession. We are always being told that 'the Establishment' smacks of privilege. It was not considered a privilege by the early Independents, or those who fled to America to escape from it. Now their successors wish to impose *their* freedom on the Church of England! Any privilege involved is more than paid for by the enormous responsibility for pastoral care shouldered by the Church of England. At the same time *this* burden itself brings with it outstanding opportunities for evangelism.

But it is not for the Church's sake that Establishment in some form must continue. It is because the nation *needs* the challenge of a continuing commitment to the faith of Christ. As Burke once said, 'We have consecrated our civil government by allying it with religion. By so doing we have instilled into the whole mind of the nation a sense of duty and a sense of trust; every act done, whether in State or private concerns, by the influence of this principle becomes, as it were, invested with a superior and better sanction. . . . This consecration is made, that all who administer in the government of men, in which they stand in the person of God Himself, should have high and worthy notions of their function and destination, that their hope should be full of immortality . . . (Reflections on the French Revolution). All this may seem remote from the rough and tumble of modern politics, but is it? Miss Valerie Pitt has received some approbation for the clear call she has given for disestablishment in order that the boundaries of the committed body of Christians may be clearly seen. *We* must show that we are inspired by a still higher vision, that of bringing and keeping the whole life of our nation allied to the cause of Christ and His Kingdom. This brings with it the task of keeping every secular aspect of our national life in tune with God's purpose as we know it in Christ—caring for the poor, enriching the quality of the life of our people, purging it of obvious sin (e.g. pornography), and of all that would put stumbling blocks in the way of the young—and it also includes the retention of those links, now all too tenuous, between the organised state and the organised Church. That is why I think it right to keep the Prime Minister a place in the creation of bishops, for this is the only *clear* sign remaining of our desire to be organically linked with the organised life of the state. This is why I wish to retain the



clear picture of our Church as the Church of England, and not to let it be blotted out by 'The Anglican Church in England'. There are many within and without our Church who are working either to reduce (or, as they think, to elevate) our Church to that. I believe we shall do most for the evangelisation of our country, and contribute most to oecumenical Christianity if we secure our own base, and keep our country Christian in name, and as far as possible in fact. Then we can still keep the Cross of St. George as the basis of our national flag.