

# THE CHURCH OF SWEDEN AND THE UNRAVELLING OF ESTABLISHMENT

FRANK CRANMER  
LL.M. student, Cardiff Law School

## 1. INTRODUCTION<sup>1</sup>

### (a) *Church and State*

The Church of England and the Church of Sweden have been in communion with one another since the early 1920s and have much in common. Both maintain the historic episcopate, both place great emphasis on liturgy, and since the Reformation both have long been 'by law established'—a process which began in Sweden when Gustavus Vasa took the throne in 1523 after the successful war of liberation against Denmark, was confirmed by the *Riksdag* of Västerås in 1544 and, after some vicissitudes, was finally settled by the Pact of Succession of 1604.

But establishment came to an end in Sweden at midnight on 31st December 1999; and the purpose of this article is to tell the story of the Church of Sweden's journey towards disestablishment.

Like the Church of England, the Church of Sweden has traditionally seen itself as ministering to all-comers: the folk-church (*folkkyrkan*). Almost nine out of ten Swedes belong to it—even if the vast majority attend but rarely—and the *folkkyrkan* concept has given a particular flavour to church-state relations. Because the church has been seen as encompassing all the Swedish people, the test of membership for almost fifty years was *citizenship* rather than *baptism*: a child of parents who did not belong to the church was not considered as a member, but if either parent was a member, the child automatically became a member in its turn.<sup>2</sup> Partly as a result of this policy (which, as we shall see, was subjected to steady criticism) the distinction between the secular and ecclesiastical spheres became blurred and the church increasingly politicised.

### (b) *Church Government*

Regardless of disestablishment, the form of church government in Sweden remains very like that of the Church of England. Each parish has a rector (*kyrkoherde*), and a parish synod (*kyrkofullmäktige*) whose decisions are executed by a parish council (*kyrkoråd*) on which the rector serves *ex officio*—roughly equivalent to the English system of parochial church council and standing committee. Neighbouring parishes are grouped into a deanery (*kontrakt*) presided over by a rural dean (*kontraktpräst*) appointed by the bishop. Each diocese (*stift*) has a diocesan association (*stiftsfullmäktige*)—equivalent to the English diocesan synod—with a diocesan board (*stiftsstyrelsen*) as its executive arm. Each diocese also has a diocesan chapter (*domkapitel*) chaired by the bishop and responsible for doctrine, liturgy and clergy discipline. At the apex of the pyramid sits *kyrkomötet*, which now

<sup>1</sup> This article began life as part of a thesis for the Archbishop of Canterbury's Diploma in Theology (S.Th.) entitled 'The Crown, the Church and the Courts—a comparative study of Establishment in England, Scotland and Sweden since 1800'. Short titles of Swedish legislation are based in general usage (where known) or my own translation. I should like to thank the Very Revd Dr Lars Österlin, Dean Emeritus of Linköping and Professor Emeritus at Lund, for his generous help in untangling the story of Swedish disestablishment, the Revd Dr Perry Butler for supervising my initial research, Dr Norman Doe for commenting on the article in draft, and Ms Birgi Filppa for translating the Church of Sweden Act 1998.

<sup>2</sup> Per-Olov Åhrén, 'The Church of Sweden: Organisation and Legal Status' in Robert Murray ed. *The Church of Sweden—Past and Present* (Malmö: Allhem, 1960, p. 32. Åhrén subsequently became Bishop of Lund.

meets annually.<sup>3</sup> Day-to-day decision-making is in the hands of the Church Board (*kyrkostyrelsen*). Questions of doctrine are reserved to the Committee on Church Doctrine (*kyrkomötets läronämnd*), consisting of the bishops and elected representatives of *kyrkomöten*. Because the elections to *kyrkomöten* and to parish and diocesan synods were held in 1997 for a four-year term, the present representatives continue in office until 2001, thereby providing continuity during the changeover.<sup>4</sup>

Prior to disestablishment dignitaries were appointed, as in England, by the Crown on the advice of the government. When a bishopric was vacant an electoral college consisting of the diocesan council and parish representatives voted on candidates then sent a list of three names to the government. The electoral college in the case of a vacancy in the Archbishopric was more complicated; a system of weighted voting gave every diocese a chance to state its preferences while giving the largest say to the primatial see of Uppsala. Unlike the deliberations of an English vacancy-in-see committee the electoral college results were made public.<sup>5</sup>

The government exercised the final choice. It was not constrained to choose the first name and could, if it wished, reject all three and request further nominations. Nathan Söderblom, probably the greatest archbishop in living memory, was a distant third in the voting for the vacancy at Uppsala in 1914 but was nevertheless appointed over the other two candidates.<sup>6</sup> Nor was the rejection of the first choice an isolated event; in recent times it has been widely accepted that clergy opposed to the ordination of women to the priesthood were passed over even when they were strongly preferred by the vacant diocese.<sup>7</sup> This system of Crown appointments extended even to the parishes, where every third vacancy in every benefice was in the gift of the Crown.

Under the new arrangements all this has been swept away. Crown appointments to parishes are no more. The electoral college for a vacant see remains, but in future the winning candidate will be confirmed as bishop by a Certificate of Appointment from the Church Board.<sup>8</sup>

### (c) *The Church and the Courts*

Though, as we shall see, the legal personality of the church *itself* was in doubt prior to disestablishment, its officers have long been subject to the general law like those of other public bodies. Not only does this mean that they can be sued for damages, but they are also subject to review by the Judicial Ombudsman (*Justitieombudsmän* or *JO*) for maladministration or denial of constitutional rights. In a recent case, for example, the Diocesan Chapter of Växjö attempted to discipline a rector for unprofessional conduct on the basis of certain opinions which he had expressed in a letter to a newspaper. He appealed to the Judicial Ombudsman for review, claiming contravention of his rights under the Freedom of the Press Ordinance (*Tryckfrihetsförordningen*) 1949 chapter 1, section 1. The Ordinance, which is regarded as a 'fundamental law' and therefore part of the Constitution,<sup>9</sup>

<sup>3</sup> Since there is no settled English translation of *kyrkomöten*, I have used the Swedish title throughout.

<sup>4</sup> Ragnar Persenius, 'The Year 2000: Disestablishment in Sweden', *Theology* (1999) CII No. 807, p 181. Persenius, currently Director of the Skondal Diaconal Institute, was theological counsellor to the Church of Sweden preparing the preparation of the disestablishment legislation.

<sup>5</sup> In 1996, for example, Archbishop Gunnar Weman announced his retirement. The results of the subsequent election were posted on the Internet and the clear winner was Bishop K.G. Hammar of Lund—who duly succeeded Weman.

<sup>6</sup> Goran Gustafsson, 'Sweden: A Folk Church under Political Influence': *Studia Theologica* (1990) 44, pp 11–12.

<sup>7</sup> Bernhard Erling, 'Augustana, Bishops and the Church of Sweden': *Lutheran Forum* (1992) 26:1 30–36, 26:2 46–55, p 1:33.

<sup>8</sup> *Church of Sweden Press Release*, 'Decisions by the Church Assembly' (Uppsala: Church House, June 1999).

<sup>9</sup> *Constitutional Documents of Sweden* (Stockholm: The Swedish Riksdag, 1996) p 9.

entitles every citizen, subject to provisions to protect individual rights and public security, to publish his opinions in print, to publish official documents and to make statements and communicate information 'on any subject whatsoever'. The Chapter of Växjö argued that priests were a special case: in essence, the rector had been in breach of his ordination vows and, as the proper disciplinary body, it had an overriding duty to ensure that clergy did not go against the doctrines of the church in public statements. In her report, the Ombudsman ruled that the rector's rights under the Ordinance were paramount and that his opinions could not be called into question by the Chapter.<sup>10</sup>

## 2. THE HISTORY OF ESTABLISHMENT

### (a) *Enforced Conformity*

The church–state relationship was embodied in the Church Code (*Kyrkolag*) 1686 which, though subject to a series of liberalising amendments, remained in force until 1992. The Code charged the Crown with the supervision, care and defence of the church, defined Sweden as an evangelical nation, and required Swedes to confess the evangelical faith. With the growth of democratic institutions, those obligations devolved upon the government—and communion came to be seen as a test of citizenship. The policy of enforced conformity was directed as much against Dissenters as against Roman Catholics, culminating in the Conventicle Edict (*Konventikelplakat*) 1726. The Edict, which forbade worship in private groups, was in part repealed by Royal Decree in 1858 but, even then, only a very limited freedom of assembly was allowed to other denominations.

### (b) *The Beginning of Change*

In 1860 the Church Code was moderated by a new law on religious observance, the Alien Creeds Act (*Lag om främmande trosbekännare*), which at last made it possible for Swedish citizens to withdraw from the church. But the 1860 Act was still very restrictive. Denominations had to be approved by the state after very careful scrutiny, and one could only leave the established church for an approved denomination. Crucially, one could not simply declare oneself an atheist or an agnostic and cut one's ties with formal religion.

At about the same time, the ecclesiastical and the civil parishes were formally separated. Traditionally, the parishes had levied taxation for local services, including the upkeep of the parish church. From 1862, however, the two spheres of local government were separated at law: the municipality (*kommun*) would have jurisdiction over the local secular administration, while the geographically coterminous ecclesiastical parish council, under the chairmanship of the rector, would be responsible for matters of religion—which at that time still included primary education and poor relief.<sup>11</sup> Nevertheless, the ecclesiastical parishes retained the right to set and levy the church tax on everyone within their bounds—a right which, with modifications, continued until 31st December 1999 and which has accounted for a major part of parish income.

In 1863 *kyrkomötet* was established to replace, in matters affecting the church, the House of Clergy of the *Riksdag*. Initially, it comprised the bishops and the Minister for Church Affairs, together with representatives of the clergy, the laity and two representatives from each of the theological faculties at Lund and Uppsala. It was chaired by the Archbishop (or, in his absence, by a bishop nominated by the govern-

<sup>10</sup> 1995/96: *Justitiebudsman* 1 s 567–571. What this means for the future of clergy discipline generally is not at all clear: if a rector espoused atheism in print, would he be protected by the provisions of the 1949 Ordinance?

<sup>11</sup> Gustafsson, 'Sweden: A Folk Church under Political Influence', p. 7.

ment) and convened every fifth year (or more often if the government so requested) for a maximum of thirty-five days.<sup>12</sup> Originally, the clergy were in the majority; but as it grew in size the balance between clergy and laity changed. Since *kyrkomötet* is a unitary body, rather than voting by Houses in the Anglican manner, by 1949 the laity could outvote the clergy.

(c) *The Beginning of Criticism*

The rise of Liberalism in the middle of the nineteenth century and of the Social Democratic Party in the 1880s brought mounting pressure to reexamine the position of the church in society. 'In the 1880s the advocates of the so-called naturalist trend in Liberalism declared that the church was finished and regarded it as an enemy of "normal" life. Especially in [...] academic circles and in the labour unions many turned their backs on the faith and rules of the church [...]'<sup>13</sup> As they did so, they began questioning the church–state connection. In 1909 the continued propriety of establishment was raised for the first time in the *Riksdag*<sup>14</sup> while, at the same time, the first critical voices began to be heard from within the church itself. Some of the more evangelical elements argued for gathered congregations united by personal conversion and faith in Christ's atoning sacrifice instead of inclusive, territorial parishes.<sup>15</sup>

The *folkkyrkan* ideal became a major focus of theological debate and, perhaps for the first time, the proponents of establishment were required to defend it. For advocates of the status quo such as Bishop Henry Tottie of Kalmar, a national church was an indispensable asset, invested with historically-binding obligations towards the whole nation and responsible both for each individual and for 'the religious and moral nurture of the whole people'.<sup>16</sup> The debate continued to rage, provoking a detailed response from Bishop Einar Billing of Västerås, in *Den svenska folkkyrkan*.<sup>17</sup> Though by no means unaware of the temptation facing a national church to compromise its message in the interests of inclusiveness, Billing stoutly defended the parish system on both practical and theological grounds. He argued that territorial ministry was both a practical demonstration that the services of the church were available to every individual and a living illustration of the fact that every person lives within the borders of the grace of God.<sup>18</sup>

For Tottie, for Billing, and for those who shared their views, the *folkkyrkan* ideal and establishment were merely two sides of the same coin. Whatever the historical origins of establishment, because the Swedish Reformation had been very comprehensive and because Sweden retained a remarkably high degree of religious homogeneity it became in time meaningless to ask whether the Church of Sweden was a folk-church or an established church.

It was in this period also that institutional change began to gather speed. In 1910, the rectors of parishes were relieved of their historic obligation to manage the glebe. A Church Fund (*kyrkofonden*) was established to hold the church's assets and parish priests were henceforth paid on a fixed salary scale.<sup>19</sup> This set in train a gradual change in the basis on which the church would henceforward be financed: as the value of the glebe (and, consequently, the value of the Church Fund) was steadily

<sup>12</sup> Ahren, 'The Church of Sweden: Organisation and Legal Status', p 41.

<sup>13</sup> Hilding Pleijel, 'The Church of Sweden: An Historical Retrospect' (in Robert Murray ed. *The Church of Sweden—Past and Present* (Malmö: Allhem, 1960), p 27.

<sup>14</sup> Åhrén, 'The Church of Sweden: Organisation and Legal Status', p 191.

<sup>15</sup> Nicholas Hope, *German and Scandinavian Protestantism 1700–1918* (Oxford: Clarendon Press, 1995) p 584.

<sup>16</sup> Lars Österlin, *Churches of Northern Europe in Profile* (Norwich: Canterbury Press, 1995) pp 226–227.

<sup>17</sup> Stockholm 1930 [np].

<sup>18</sup> Gunnar Wingren, *Einar Billing: en studie i svensk teologi före 1920* (Lund: Gleerups, 1967) p 85. See also Gustafsson, 'Sweden: A Folk Church under Political Influence', p 7.

<sup>19</sup> Åhrén, 'The Church of Sweden: Organisation and Legal Status', p 34.

eroded in real terms, the church tax became increasingly the most important source of revenue.

A further incremental step towards modernisation was carried out in 1919. When the government instituted general primary education in 1841 it had used the church as its agent. The parish structure provided total geographical coverage and (as in England) the incumbent was sometimes the only educated person in the parish. The church had run the school system and education was the responsibility of the Department of Ecclesiastical Affairs.<sup>20</sup> Henceforward, the parishes were to lose their responsibilities for primary education and religious instruction was to be non-denominational. During the same period the responsibility of the ecclesiastical parish for poor-relief was transferred to local government.<sup>21</sup> In practice, though the schools became a charge on the state, until the 1950s the bishops continued to appoint priests (usually the rectors) to conduct religious education classes in each school and to chair the school board *ex officio*.<sup>22</sup>

(d) *The Post-War Era*

The church entered the Fifties under Archbishop Yngve Brilioth, who feared that disestablishment would create an irreligious country with a negative attitude towards the Christian faith.<sup>23</sup> Nevertheless, it was clear that change of some kind was inevitable; and the present writer would suggest that it was in 1951 that the long process of separating church and state began.

Since 1861 it had been possible to leave the established church, but only in order to join another state-recognised denomination. In 1951, however, the Freedom of Religion Act (*Religionsfrihetslag*) made it possible to exit without having to opt for a recognised alternative—though those who departed were still liable for a so-called ‘dissenters’ tax’ at sixty per cent of the church tax. At the same time, the basis of membership was changed; baptism would no longer be a necessary prerequisite to full participation in the life of the church. Whether the change was meant to imply any new theology of the church is unclear—and Ragnar Persenius, for example, denies that it had any theological significance whatsoever.<sup>24</sup> Nevertheless, the 1951 Act was criticised precisely on the grounds that membership without baptism was contrary both to tradition and to New Testament teaching. The precise impact of the change on baptismal practice is difficult to estimate, but Göran Gustafsson calculated in 1990 that as many as ten per cent of all church members might be unbaptised.<sup>25</sup>

Further pressure for change came from the movement to ordain women to the priesthood, first proposed by a government inquiry in 1920. In 1921, when all offices within the public service in Sweden were opened to women, the church was given a special concession that the canons on ordination should not be changed without the approval of *kyrkomötet*.<sup>26</sup> The matter lay in abeyance until 1946, when a commission under the chairmanship of Bishop Torsten Bohlin was appointed to examine the issue, concluding in 1950 that the ministry should be opened to women on the same basis as to men.

The crunch came in 1957, when the Government formally proposed that women should be ordained priest, assuming that the matter had been fully discussed and that *kyrkomötet* was ready to take a decision. To the Government’s fury, however,

<sup>20</sup> C. Emanuel Carlson, ‘Independence without Disestablishment in Sweden: A Book-review Article’, *Journal of Church and State* (1976) 18 311–320, p 312.

<sup>21</sup> Gustafsson, ‘Sweden: A Folk Church under Political Influence’, p 8.

<sup>22</sup> Österlin [personal communication].

<sup>23</sup> Sir Walter Moberly: *Church and State* (London: Church Information Board of the Church Assembly 1952), p 11. Archbishop Brilioth was Söderblom’s son-in-law.

<sup>24</sup> Persenius, ‘The Year 2000: Disestablishment in Sweden’, p 180.

<sup>25</sup> Gustafsson, ‘Sweden: A Folk Church under Political Influence’, p 6.

<sup>26</sup> Ahrén, ‘The Church of Sweden: Organisation and Legal Status’, p 192.

*kyrkomötet* asked for more time to consider the proposal. *Kyrkomötet* was dissolved and fresh elections held, with the ordination of women at the top of the agenda; and various politicians suggested that if *kyrkomötet* was not prepared to agree to the change its right of veto should be removed. After further consideration, in 1958 the new kyrkomöte agreed the change by sixty-nine votes to twenty-nine. The first women were priested on Palm Sunday 1960.<sup>27</sup>

The priesting of women evoked the same passions in Sweden as were later seen in England. The Church Union (*kirklig samling*)—which represents ‘Swedo-Catholic’ and has strong links with its English counterpart—regarded the whole matter as illegitimate secular interference in the life of the church. According to Per-Olov Ahrén, writing shortly after the event in 1961, the Church Union saw the affair as ‘the first evidence of the state’s intention to force the church to accept the values of a secular society as against the Bible and the confessions of the church and, if the state persists in this path, *the ties between the state and the church must be broken* in order to secure for the church the right to live in freedom [...]’.<sup>28</sup>

(e) *The Commission of 1956*

In 1956, at about the same time as the ordination debate was raging, the Social Democratic Government set up a commission to review church-state relations—though it was not empowered to formulate concrete proposals for regulating the future relationship between church and state. Shortly afterwards, in 1960, the classic paragraph in the Social Democratic Party platform stating that ‘religion is a private matter’ was changed to the more neutral formulation that ‘the relations between the state and the church should be arranged according to the principles of democracy and religious freedom’—a change which some commentators saw as preparation for disestablishment.<sup>29</sup>

The commission dragged on until 1968; but change continued nonetheless. It was decided in 1961 that from 1963 onwards rectors, though remaining members *ex officio*, would lose the automatic chairmanship of the parish council—a move which attracted considerable criticism at the time.<sup>30</sup> Potentially much more insidious was a parallel requirement that parish councils would henceforward be obliged to submit their budgets for approval to the municipal authorities—a proposal which many feared was the first step towards control of parish finances by secular local government.<sup>31</sup> Even Archbishop Gunnar Hultgren, while unwilling to contemplate a complete break between church and state, was very concerned at the way events were unfolding:

the Government has [...] maintained its power to decide in matters of church organisation and finance; and it has exercised its power in such a way that the church has been left without the necessary means and resources to meet fully the demands of a changing society. Thus indirectly the state has limited the possibilities of the church to fulfil its calling to preach the Gospel to the whole people.<sup>32</sup>

Coupled with what appeared to many to be the erosion of the rights of the parish councils came their increasing politicisation. During this period candidates for election began increasingly to sport political party labels: this is now normal practice. Bishop Krister Stendahl summed up the situation like this:

<sup>27</sup> Ahrén, ‘The Church of Sweden: Organisation and Legal Status’, pp 192–193.

<sup>28</sup> Ahrén, ‘The Church of Sweden: Organisation and Legal Status’, p 192 (emphasis added).

<sup>29</sup> Gustafsson, ‘Sweden: A Folk Church under Political Influence’, p 9.

<sup>30</sup> Ahrén, ‘The Church of Sweden: Organisation and Legal Status’, p 194; Gustafsson, ‘Sweden: A Folk Church under Political Influence’, p 8.

<sup>31</sup> Ahrén, ‘The Church of Sweden: Organisation and Legal Status’, p 195.

<sup>32</sup> Gunnar Hultgren, ‘Church, People, State in the National Church of Sweden’ in Leslie S. Hunter, ed: *Scandinavian Churches* (London: Faber & Faber, 1965), p 59. Hultgren was Archbishop from 1958 to 1967.

[...] the church-state issue usually comes down to the church tax and the old principle of “no taxation without representation”. Sweden is the only country in the world where the parish council is elected along party-political lines. When I meet with the diocesan council they sit in party lines on either side of the table with the majority party in the chair. Swedes tend to say, “How else could we do it?”<sup>33</sup>

The outcome of the inquiry begun in 1956 was published in 1968 and proposed four possible alternatives for reform: retention of the existing structure but with certain minor reforms such as reversion to baptism rather than birth and citizenship as the basis for membership; separation, with the church retaining its endowments and the right to levy the church tax; separation, with the church retaining its endowments but losing its right to tax; and disestablishment and disendowment.<sup>34</sup> No-one had any enthusiasm whatsoever for the last alternative, but there was no consensus as to which of the other three was preferable.

There was considerable support for baptism as the norm for membership, but some objected even to *this* proposition, on the grounds that it represented rejection of those who wanted to maintain a nominal connection with the church—an argument advanced until quite recently. Jonas Jonson suggested in 1988 that the 1951 Act had put the church in a no-win situation; on the one hand it caused considerable ecumenical difficulties while, on the other, the concept of ‘membership’ implied an exclusiveness loaded with negative connotations. Any change was bound to offend *someone*, moreover: ‘It is for the sake of the Gospel, many would argue, that the church must remain open and inclusive. Baptism is a free gift, a sign of the church which need not necessarily be a condition for admission. After all, the church has always had catechumens in its ranks’.<sup>35</sup> Under pressure, the proponents of the birth-qualification tended to fall back on the catechumen argument; but catechumens in the early church were being prepared for baptism and it is not clear that unbaptised Swedes were put under any pressure to be baptised.<sup>36</sup>

#### (f) *The Myrdal Commission*

In the absence of consensus, a further inquiry headed by the then Minister for Church Affairs, Mrs Alva Myrdal, was set up immediately, this time to look at different possible models of church-state relations. It reported in 1972, starting from the basis that

[...] reforms are needed to express more clearly the status of the Swedish Church as a community or denomination, rather than a state institution. This is achieved by an “exchange” of duties between the church and the civil community. The Swedish Church’s status as a denomination is marked by giving it freedom to decide independently concerning matters of faith and liturgy as well as internal organisation, and by eliminating its compulsory duties of a profane administrative character.<sup>37</sup>

The report set out a timetable for a phased disestablishment, starting in 1974 with a bill setting out the general principles of reform and culminating with formal separation of church and state at the end of 1982.<sup>38</sup> Its recommendations received a mixed

<sup>33</sup> Stuart Lamont, *Church and State. Uneasy Alliances* (London: The Bodley Head 1989) p 165. Stendahl was Bishop of Stockholm from 1984 to 1988.

<sup>34</sup> G. Hall, Swedes Debate their Church-State Ties’ *Christian Century* (1968) 3rd July, pp 881–882.

<sup>35</sup> Jonas O. Jonson, ‘Baptism and Church Membership in Sweden’, *Lutheran Forum* (1988) 22:1, p 15. Jonson was then General Secretary of the Lutheran World Federation; he is currently Bishop of Strängnäs.

<sup>36</sup> Tom Dorris, ‘Svenska kyrkan: Some Initial (Preliminary and Partial) Impressions’, *Lutheran Forum* (1993) 27:4, pp 14–15.

<sup>37</sup> *Samhälle och Trossamfund: Slutbetänkande* (Stockholm: SOU, 1972) p 205, quoted in Carlson, ‘Independence without Disestablishment in Sweden: A Book-review Article’, p 315. The ‘duties of a profane administrative character’ were the traditional functions of the rector as registrar of the *civil* parish.

<sup>38</sup> Jan-Erik Wikström, ‘Sweden Faces Church-State and Ecumenical Problems’, *Christian Century* (1971) 24th Feb, p 761.

reception: conservatives within the church rejected the whole package, while a group of younger clergy and laity began a campaign in support of the proposals. In the event, the proposals were not pursued; the possibility of disestablishment was averted by a combination of pressure from the parishes and a threat by the Centre Party to make the matter a major issue in the 1973 General Election.<sup>39</sup>

(g) *The Instrument of Government 1974*

In 1974 the Constitution itself underwent radical reform. The Instrument of Government of 1974 (*Regeringsformen*) confirmed the new unicameral *Riksdag* that had been in operation experimentally since 1971 and, in effect, reduced the role of the Monarch to presiding at state occasions. The most serious effect from the church's point of view was the change in the balance of power between the Church of Sweden, the *Riksdag* and the Government. Prior to 1974, each of the three had had to be in agreement before any law could be enacted affecting the church—giving the church the power of veto, if not the power of initiation.<sup>40</sup> Under the new legislation that power was lost.

(h) *The 1982 Reform of Kyrkomötet*

The issue of church-state relations was raised yet again in 1978, in a report produced jointly by representatives of all the political parties and the church itself, *Changed relations between the State and the Church of Sweden*.<sup>41</sup> The report recommended a radical reform of *kyrkomötet* which was implemented in 1982 by the Church Synod (Membership and Authority) Ordinance (*Forordning om ersättning till ledamöter av kyrkomötet och dess myndigheter*).

The 1982 reform increased the size of *kyrkomötet* to 251 members, to be elected on the sole qualification of membership of the church rather than, as previously, by residence. The bishops continued to attend but were no longer voting members *ex officio*. In order to vote, they had to stand for election with everyone else; only three of them chose to do so and the rest attended the enlarged institution with the right only to speak.<sup>42</sup> Henceforward, *kyrkomötet* operated entirely through party political groups. By 1989, eighty-five per cent of members had been elected on political party tickets and all the members of the various executive boards and committees were appointed from party lists; indeed, the small non-political minority formed an 'uncommitted' party group in order to secure seats on some of the committees.<sup>43</sup>

Together with the reform of *kyrkomötet*, the Church Code was amended in 1983, in line with the provisions of the Instrument of Government 1974, so as to tilt the legislative balance away from the church and towards the *Riksdag* and the government. Under the new arrangements, what remained of the veto on government proposals exercised by *kyrkomötet* was almost entirely removed, and replaced by a right only to make non-binding recommendations. Responsibility for organisational and financial matters was placed on the Government, which also retained the right to appoint bishops and deans. Nevertheless, *kyrkomötet* retained its right of veto over any proposal to change the basis of membership of the church.<sup>44</sup> In addition, it was given autonomy over doctrine and worship—with the result that the new combined liturgy, psalter and hymn-book, *1986 Psalmboken*, bears the colophon *antagen av 1986*

<sup>39</sup> Gustafsson, 'Sweden: A Folk Church under Political Influence', pp 9–10.

<sup>40</sup> Emmet E. Eklund, 'Swedish Church Fights for Freedom', *Christian Century* (1983) 16th June, p 50.

<sup>41</sup> *Stat-kyrka: Andrade relationer mellan staten och Svenska kyrkan* (Stockholm: SOU, 1978).

<sup>42</sup> Richard L. Stetson, 'Re-forming the Church in Sweden', *Lutheran Forum* (1983) Reformation p 33.

<sup>43</sup> Gustafsson, 'Sweden: A Folk Church under Political Influence', pp 11–12.

<sup>44</sup> Lester Wikström, *The Church of Sweden in Brief* (Uppsala: Dept. for Theology and Ecumenical Affairs, 1993) p 14.



års kyrkomöte.<sup>45</sup> This latter move was warmly welcomed in some quarters,<sup>46</sup> but others were less enthusiastic about the package as a whole:

‘The point is not that there will be less clerical power in *kyrkomötet* [...], rather, that the church will lose significant legislative functions which affect its whole life in society [...] The national Parliament will get sole rights to legislate concerning the operation of the church in society [...] including] the economic framework [...] and the appointment of pastors [...]. In other words, the state and the Parliament get the full responsibility for laws governing church life.’<sup>47</sup>

### 3. THE CHURCH CODE OF 1992 AND THE DECISION OF 1995

#### (a) *The New Church Code and its Consequences*

During the 1980s the major political parties were divided on the issue of establishment, and the balance was beginning to tilt towards support for its demise. As we have already seen, the Social Democratic Party—for long the dominant force in Swedish politics—had become increasingly equivocal on the matter: some wished to retain an established church almost as part of the welfare state, while others held to the old view that ‘religion is a private matter’. Opinion in the Conservative Party was divided between a coalition of *laissez-faire* liberals who wanted to disestablish the church as part of a general programme to reduce state influence and right-wingers who felt that the church had become too politicised and, in the other camp, those who supported establishment as a pillar of Swedish society. The Centre Party retained establishment as a central part of its ideology, while the Liberal Party came out firmly against it.<sup>48</sup>

But the church was also moving towards a loosening of its ties with the state. By 1988 Archbishop Bertil Werkström, along with a number of other church leaders, made it clear that the time had come for greater independence. In that year, a survey among the parishes revealed that ninety-five per cent were in favour of the *status quo*,<sup>49</sup> but, in spite of parish opposition, pressure for change increased.

A new Church Code was enacted in 1992 which repealed the Church Code 1686 and set out the framework of membership, organisation, staffing and property: the promulgating of canons (*Svenska kyrkans författningssamling*) was delegated to *kyrkomötet*. Disestablishment had now become almost inevitable; in 1995, after further discussion with the Government, *kyrkomötet* finally took the decision in principle to disestablish. At the same time, it was agreed that from 1st January 1996 the test of membership would once more be baptism rather than citizenship and inheritance, thereby reverting to the position prior to 1951.<sup>50</sup>

At that meeting it was also decided to exclude from ordination all those opposed to the ordination of women to the priesthood; in November 1997 the government, at the request of *kyrkomötet*, enacted the Office of Bishop and Priest 1992 (Amendment) Ordinance (*Förordning om ändring i förordningen (1992:997) om biskops- och*

<sup>45</sup> ie approved by *kyrkomötet* in the year 1986 (as opposed to the situation which persists in Denmark: where *Den danske Salmebog 1995* is authorised by kgl. resolution af 12 juni 1992—‘authorised by Royal decree [...]’).

<sup>46</sup> Timothy Stayton, ‘The Church of Sweden—An Inside View’, *Lutheran Forum* (1984) 18:3 pp 8–9.

<sup>47</sup> Kjell Ove Nilsson, ‘Sweden—After the Assembly, More-or-less a State Church’, *One World* (1982) July–August, pp 5–6.

<sup>48</sup> Gustafsson, ‘Sweden: A Folk Church under Political Influence’, pp 12–13.

<sup>49</sup> Gustafsson, ‘Sweden: A Folk Church under Political Influence’, p 14. Werkström was Archbishop from 1983 to 1993.

<sup>50</sup> Persenius, ‘The Year 2000: Disestablishment in Sweden’, pp 180–181.

*prästtjänster*) to ensure that prospective clergy were willing to accept the validity of sacraments administered by women.<sup>51</sup>

The *Riksdag* subsequently established working-parties to look at the issues arising from the decision. It was proposed that the church should adopt a new Church Ordinance to replace the Church Code of 1992 and become fully independent of the state on 1st January 2000. The government would then cease to be involved in ecclesiastical appointments, power to legislate for the Church would pass to *kyrkomötet*, the provision in the Succession Ordinance (*successionsordning*) 1810 obliging the King to confess the Evangelical faith would be repealed, and the compulsory church tax and 'dissenter tax' would be abolished. The Church would, however, retain its endowments.<sup>52</sup> Subsequently, a series of decisions were taken on various aspects of Church life and organisation after 1999.

### (b) Church Organisation and Financial Arrangements

The two most important pieces of new legislation are regarded as part of the 'fundamental law'.<sup>53</sup> Under the Religious Communities Act (*Lag om trossamfund*) 1998, any religious organisation which fulfils a few very basic criteria is now able to register as a religious community and acquire legal personality—a means of enabling dissenting churches to formalise their position *as churches*. Prior to that Act, the Roman Catholic and Orthodox Churches had described themselves as 'foundations'. Instead of the present church tax, an ecumenical church fee has been established, to be collected by the Government. The fee continues to be compulsory for members of the Church of Sweden, while other churches are now able to have it collected from their members.<sup>54</sup> All religious organisations, including the Church of Sweden, are now to be taxed as not-for-profit organisations.<sup>55</sup> Under the Church of Sweden Act (*Lag om Svenska kyrkan*) 1998, the Church of Sweden itself has for the first time been given legal personality in its own right.<sup>56</sup> The Act provides the merest skeleton—fourteen short sections in all—for the new government of the Church of Sweden: its definition as a religious community with a legal personality; parochial and diocesan structure; the church fee; a general direction on property and assets; custody of and access to archives; and the obligation to provide information pursuant to section 7 of the Religious Communities Act 1998.

The new Church Ordinance (*Kyrkoordning*) which came into force on 1st January 2000, replacing the Church Code 1992 and its associated legislation, puts the flesh on the bones. It has five constituent parts: the Confession of Faith, Order of Services, and *kyrkomöet*; working structures at the various levels; elections, parish boundaries, church registers and archives; finance and property; and staff, structures of authority and complaint procedures. As well as replacing the previous Central Board with a Church Board chaired by the Archbishop as the executive arm of

<sup>51</sup> The 1997 Ordinance amended the 1992 Ordinance by adding a third condition to s 3: 'Persons can only be appointed to the office of dean or rector who [...] have declared themselves to be prepared to officiate fully with other clergy in the services of the Church of Sweden'. The test appears to be the willingness of a male priest to administer the chalice when a female priest celebrates: Dag Sandahl, 'Broken Promises—the Nordic Decline' in John Broadhurst ed. *Quo Vaditis: The State Churches of Northern Europe* (Leominster: Gracewing 1996), p 45.

<sup>52</sup> Ragnar Persenius, 'Church and State in Sweden 1995', *European Journal for Church and State Research* (1996) 3, pp 122–124; Osterlin [personal communication].

<sup>53</sup> Persenius, 'The Year 2000: Disestablishment in Sweden', pp 182–183.

<sup>54</sup> Church of Sweden Act 1998 ss 7, 8; Persenius, 'Church and State in Sweden 1995', p 133.

<sup>55</sup> Persenius, 'Church and State in Sweden 1995', p 135.

<sup>56</sup> 'The Church of Sweden may acquire rights and assume liabilities as well as plead a cause in court': Church of Sweden Act 1998, s 3. This means that for the first time in its history the Church of Sweden may hold property in its own right: David McClean, 'Establishment in a European Context', in Doe, Hill and Ombres eds. *English Canon Law: Essays in Honour of Bishop Eric Kemp* (Cardiff, University of Wales Press, 1998), p 134.

*kyrkomötet*, a Church Board of Appeal has been established as a “constitutional court” and a Church Election Oversight Committee will resolve disputed elections.<sup>57</sup>

The proposals were the subject of exhaustive consultations and received general approval. Nevertheless, there remain many practicalities to be resolved as the new arrangements are tested in practice—and it will be interesting to see what effect, if any, the introduction of the voluntary church fee will have on the party-political nature of synodical government.

### (c) *Historic Churches*

Proportionate to its size, the Church of Sweden probably has as many historic buildings as the Church of England: for example, the Diocese of Visby contains almost one hundred mediaeval churches, some of them quite large, serving a population of about 60,000.<sup>58</sup> Nor has the church any mechanism for declaring church buildings redundant since, given the relatively generous financial cushion provided by the church tax, this has not hitherto been necessary. The government has therefore undertaken to support historic church buildings with grants starting from SEK50 million (about £3.8 million) in 2002 and rising to SEK460 million (about £35.4 million) in 2009. What will happen after that date remains to be seen.<sup>59</sup>

### (d) *Burial Grounds*

The issue of paying for the cemeteries was potentially very difficult. Every country church has a churchyard which is still used for burials, as do most town churches except in the inner city. Large municipal cemeteries of the kind common in England are fairly rare in Sweden—not least because a far higher proportion of Swedes live in small towns and villages. Traditionally, every parishioner has had the right to be buried free of charge in the parish churchyard if space is available, and a considerable proportion of the proceeds of the old church tax was spent on maintaining burial grounds. Under the new arrangements, the church has retained responsibility for burial grounds but is able to charge a burial fee to non-members. Other denominations and local authorities will also be able to establish burial grounds if they wish.<sup>60</sup>

### (e) *Employees*

The Church of Sweden, with about 28,000 lay employees in a total population of about 8.6 million, is a sizeable employer; if the Church of England employed a similar proportion of the population it would have over 150,000 lay people on its payroll. About 2,500 are full- or part-time church musicians, while about 2,000 are parish assistants (*forsamlingsassistenter*), employed mainly as youth-workers or parish educators (*forsamlingspedagoger*) involved in teaching.<sup>61</sup> The vast majority of the remainder are employed to maintain the church buildings and burial grounds (by English standards immaculately). On disestablishment, responsibility for employees was transferred to the church.<sup>62</sup> If, however, nominal adherents leave in droves now that the church tax has been replaced by the voluntary church fee, then the resulting drop in income will mean economies in the areas of music, education and social work. -

<sup>57</sup> *Church of Sweden Press Release*, ‘Historic Round of Considerations on Church Ordinance Begun’ (Uppsala: Church House, May 1998).

<sup>58</sup> A. Anderberg, ‘The Visby Diocese’, in Robert Murray, ed. *The Church of Sweden—Past and Present* (Malmö: Allhelm, 1960), p 195; the *most recent* parish church was built in 1361: Anderberg, p 204.

<sup>59</sup> Ragnar Persenius, ‘Church and State in Sweden 1996’, *European Journal for Church and State Research* (1997) 4, p 1159. Inevitably, the Church wanted much more than it actually received!

<sup>60</sup> Persenius, ‘The Year 2000: Disestablishment in Sweden’, p 185.

<sup>61</sup> Lester Wikström, *The Church of Sweden in Brief*, p 19.

<sup>62</sup> Church of Sweden Personnel (Changes in Church-State Relations from 1st January 2000) Act (*Lag om Svenska kyrkans personal vid relationsändringen mellan staten och Svenska kyrkan den 1 januari 2000*) 1999.

#### 4. DISESTABLISHMENT THROUGH SECULARISATION, OR DISESTABLISHMENT THROUGH EXHAUSTION?

Lars Österlin would attribute the process of disestablishment, at least in part, to the gradual secularisation of local government. In his view, two features of the mediaeval church remained intact at the Reformation: the parochial system and the territorial commitment to minister to every part of Sweden. Gustav Vasa attempted to assume power to direct and supervise the parishes but failed; for example, when he attempted to remove the church bells in order to use them as raw material for cannon, leaving each church a single bell with which to summon the parishioners, he sparked off an uproar and he had to back down. The parishes and the diocesan chapters formed a local government structure independent of the Crown and, as we have seen, until the early part of the twentieth century the parish was also the unit of local administration and fulfilled many of the functions of the modern *kommun*. Disestablishment has therefore been an inevitable result of the disengagement of parish and *kommun*.<sup>63</sup>

Krister Stendahl has expressed similar views on what he regards as the secularisation both of educational and personal social services and of the moral values of Swedes themselves. First, in the boom years of the 1940s to 1960s:

‘Morning devotions disappeared in the schools as a regular item and the social activities of the church were starved and transferred to the state. This was a time when old Christian values were violently done away with. People thought they knew what the church was and said “it’s a private matter”; there was a conscious line drawn between the Christian past and the present [...]. Then came the second stage of secularisation which we are still in today. There is nothing to fight against. No memory of bad, arid devotions at school assembly. In the 1950s people showed glee at the church’s failures. Now they show sadness.’<sup>64</sup>

Most Swedes seem to have been largely indifferent to the fate of the church, despite the fact that the majority were at least nominal, taxpaying members of it. Though the church has been prosperous in material terms, Sweden has for long been one of the most secularised countries in Western Europe. The vast majority of Swedes have tended to regard the church merely as one of many available social services which might be occasionally useful but which impinges little on everyday life: the folk-church to which the folk have become almost totally indifferent.

The decision to disestablish was also influenced by ecumenical considerations. Even thirty years ago Sweden was a remarkably homogeneous society in religious terms; but subsequent immigration, for example from the Balkans, has had an enormous impact on its religious demography. There has also been a steady trickle of converts from the Church of Sweden, reacting against what they regard as increasing secularisation. In 1960, there were 29,000 Roman Catholics and 10,000 Eastern and Oriental Orthodox in Sweden; by 1999 they numbered 166,000 and 98,500 respectively.<sup>65</sup> Pentecostal churches have also seen significant growth. It seemed to many that if the Church of Sweden was to take a full part in ecumenical dialogue it could only do so effectively on the basis of strict equality with its ecumenical partners—which meant cutting its ties with the state. Ragnar Persenius reflected those views when he wrote: ‘In a pluralist society there is little possibility of giving a particular religion, opinion or ideological organisation a privileged [...], position [...]. There is no place for a church to claim a position of authority in society.’<sup>66</sup>

<sup>63</sup> Personal communication.

<sup>64</sup> Lamont, *Church and State: Uneasy Alliances*, p 164.

<sup>65</sup> Lester Wikström, *The Church of Sweden in Brief*, p 27; 1999 statistics from the Swedish Institute.

<sup>66</sup> Persenius, ‘The Year 2000: Disestablishment in Sweden’, p 174.

We have already noted Archbishop Werkstrom's misgivings in the late 1980s about the trend of church-state relations. Another possible element in the process may have been the attitude of those opposed to the priesting of women. In their different ways, both parties to that argument seem to have seen disestablishment as advantageous to their cause. The traditionalists (who had not forgiven what they had regarded as unwarranted state interference during the controversies of the 1950s) hoped that a disestablished church would be free of pressure to conform with secular policies on equal opportunity, while the majority assumed that a disestablished church could dismantle the safeguards for those opposed to women priests. With the consecrations of Christina Odenberg as Bishop of Lund in 1997 and Caroline Krook as Bishop of Stockholm in 1998 the matter has now been decided irreversibly.

In conclusion, the history of the Church of Sweden over the last fifty years has been characterised by a series of commissions of inquiry and changes in its constitutional and legal position during which the church gradually lost control of the agenda. One cannot help wondering to what extent the final decision to disestablish was fully thought through and to what extent it was the result merely of intellectual exhaustion. The 1951 change in the basis of membership from baptism to inheritance, however well-intentioned, may have been the catalyst in a reaction which brought about the slow unravelling of the church-state relationship.

## BIBLIOGRAPHY

- Per-Olov Ahrén, 'The Church of Sweden: Organisation and Legal Status', in Robert Murray ed., *The Church of Sweden—Past and Present* (Malmö, Allhelm, 1960)
- A. Anderberg, 'The Visby Diocese', in Robert Murray ed, *The Church of Sweden—Past and Present* (Malmö, Allhelm, 1960), p 195
- C. Emanuel Carlson, 'Independence without Disestablishment in Sweden: a Book-review Article' (1976) *Journal of Church and State* 18
- Church of Sweden Press Release, *Decisions by the Church Assembly* (Uppsala, Church House, 1999)
- Church of Sweden Press Release, *Historic Round of Considerations on Church Ordinance Begun* (Uppsala, Church House, 1998)
- Constitutional Documents of Sweden* (Stockholm, The Swedish Riksdag, 1996)
- Tom Dorris, 'Svenska kyrkan: Some Initial (Preliminary and Partial) Impressions' (1993) *Lutheran Forum* 27:4
- Emmet E. Eklund, 'Swedish Church Fights for Freedom' (1983) *Christian Century*, 16th June
- Berhard Erling, 'Augustana, Bishops and the Church of Sweden' (1992) *Lutheran Forum* 26:1 30–36, 26:2 45–55, p 1:33
- Göran Gustafsson, 'Sweden: A Folk Church under Political Influence' (1990) *Studia Theologica* 44
- G. Hall, 'Swedes Debate their Church-State Ties' (1968) *Christian Century* 3rd July
- Nicholas Hope, *German and Scandinavian Protestantism 1700–1918* (Oxford, Clarendon Press, 1995)
- Gunnar Hultgren, 'Church, People, State in the National Church of Sweden', in Leslie S. Hunter ed, *Scandinavian Churches* (London, Faber & Faber, 1965)
- Jonas O. Jonson, 'Baptism and Church Membership in Sweden' (1988) *Lutheran Forum* 22:1
- Stuart Lamont, *Church and State: Uneasy Alliances* (London, The Bodley Head, 1989)
- David McClean, 'Establishment in a European Context', in Doe, Hill and Ombres eds, *English Canon Law: Essays in Honour of Bishop Eric Kemp* (Cardiff, University of Wales Press, 1998)

- Sir Walter Moberly, *Church and State* (London: Church Information Board of the Church Assembly, 1952)
- Kjell Ove Nilsson, 'Sweden—After the Assembly, More-or-less a State Church' (1982) *One World*, July–August
- Lars Österlin, *Churches of Northern Europe in Profile* (Norwich, Canterbury Press, 1995)
- Ragnar Persenius, 'Church and State in Sweden 1995' (1996) *European Journal for Church and State Research* 3
- Ragnar Persenius, 'Church and State in Sweden 1996' (1997) *European Journal for Church and State Research* 4
- Ragnar Persenius, 'The Year 2000: Disestablishment in Sweden' (1999) *Theology*, CII No 807
- Hilding Pleijel, 'The Church of Sweden: An Historical Retrospect', in Robert Murray ed, *The Church of Sweden—Past and Present* (Malmö, Allhelm, 1960)
- Samhälle och Trossamfund: Slutbetänkande* (Stockholm, SOU, 1972)
- Dag Sandahl: 'Broken Promises—The Nordic Decline', in John Broadhurst ed, *Quo Vaditis: The State Churches of Northern Europe* (Leominster, Gracewing, 1996)
- Stat-kyrka: Andrade relationer mellan staten och Svenska kyrkan* (Stockholm, SOU, 1978)
- Timothy Stayton, 'The Church of Sweden—An Inside View' (1984) *Lutheran Forum* 18:3
- Richard L. Stetson: 'Re-forming the Church in Sweden', *Lutheran Forum* (1983) Reformation 3.
- Lester Wikström, *The Church of Sweden in Brief* (Uppsala, Department for Theology and Ecumenical Affairs, 1993)
- Jan-Erik Wikström, 'Sweden Faces Church-State and Ecumenical Problems' (1971) *Christian Century*, 24th February
- Gunnar Wingren, *Einar Billing: en studie i svensk teologi före 1920* (Lund, Gleerups, 1967)

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