



## BOOK REVIEWS

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EDITED BY RUSSELL DEWHURST

### **Beyond Establishment: Resetting Church–State Relations in England**

JONATHAN CHAPLIN

SCM Press, London, 2022, 220 pp (paperback £25), ISBN: 978-0-334-06173-1

When publishing *Beyond Establishment: Resetting Church–State Relations in England* in the first half of 2022, I am sure the author did not expect that some of the issues touched upon would head to the front of the public consciousness so quickly, prompted by the death of Her Late Majesty Queen Elizabeth II a few short weeks later. His statement that ‘establishment hardly seems to be the most pressing issue at stake in the larger question of the place of faith in British Society’ might not need wholesale revisiting, but we are doubtless considering the matter with greater immediacy than we were 12 months ago. However, to focus narrowly on those parts of Dr Jonathan Chaplin’s arguments relating to pomp, circumstance and monarchy would do a great disservice to the most complete and accessible exposition of the disestablishmentarian cause of modern times.

Chaplin’s core argument is a theological rather than a legal or political one. The second chapter is devoted to an exposition of why he concludes an established church cannot be defended on theological and ecclesiological grounds, positing that the nation state should hold principled religious impartiality and that the Church should be free of its interference. In this, Chaplin looks north of the border, to the Articles of the Church of Scotland, as an example of a church constitution boldly proclaiming its full independence from the organs of secular government.

The middle chapters, against this theological framework, identify various complex areas of the Church’s inter-relationship with the State, and consider how they would look in this new order (with particular focus on the Monarchy and Parliament, ‘high establishment’), and then debating what this would and would not necessarily mean for the church’s public engagement at a local level (‘earthed establishment’).

He then goes on to consider more practical matters and seeks to rebut some of the more prominent arguments of the defenders of the *status quo*. However, according to the central thesis, all such matters are of secondary importance; as the author repeats throughout, ‘if [this] theology is compelling, Establishment is theologically illegitimate, whatever empirical advantages it may bring’.

The final pre-conclusion chapter gives four recent examples of where the author discerns that the Church's involvement, through establishment, in civil society has harmed its mission. Most notable here is the suggestion that establishment was responsible for '*culpable speechlessness*' in the Brexit debate, whilst simultaneously acknowledging a similar quietness on the part of other UK churches during the same period. That said, Chaplin is doubtless correct in noting that the Church of England's criteria in deciding when and when not prophetically to speak into national affairs is currently opaque, and likely hindered by its complex relationship with the organs of state. Perhaps more controversially, his assertion that the Church's involvement in the ceremonial funeral of Margaret Thatcher implied a blessing of her political legacy and would have been less enthusiastic had it been Tony Benn who had instead been Prime Minister for over a decade, is one that would be fiercely resisted by principled supporters of the current settlement, who would suggest that is precisely *because* of its established status that it can rise above debates over political legacy.

It is particularly refreshing to read an upbeat, front-foot view of disestablishment, something that the Church of England should pursue for its own benefit and at its own initiative, as opposed to the murmurings of imposing disestablishment from MPs (often nominal conservatives) whenever a Bishop says something with which they disagree. If separation of Church and State is inevitable in the long term (as Chaplin hints at), the Church can either push the agenda herself or, eventually, have disestablishment imposed upon her—the terms of the settlement and therefore the welfare of the Church being far better protected by the former than the latter.

Well-informed readers on all sides of the debate will find things with which to quibble, or (inevitably in such a compact treatment of a complex subject) omissions to regret. The lack of detailed analysis of the position of the Ecclesiastical Courts will be a shame for readers of this Journal; it might have served for a fine analysis of divorcing high and earthed establishment, given that the Ecclesiastical Exemption is not unique to the Established Church. A little more treatment of church–state relations in our European neighbours, such as the Nordic countries or the Alsace-Lorraine region of France, would also have assisted the contextual narrative.

From a Welsh viewpoint, deeper analysis of the most likely template for future English disestablishment may have considerably strengthened the arguments at various points. The Church in Wales' position as a partly established or quasi-established church in certain areas of its ministry (marriage, burial, prison chaplaincy) is relegated to a chapter 1 endnote. Thereafter it is largely treated as a fully disestablished exemplar, without consideration as to whether it is these vestiges of establishment (or indeed a neighbour to the east which *is* established) that has assisted its ongoing status in Welsh society. The

assumption that disestablishment this time around would not include any form of disendowment (admitted by the author as ‘perhaps optimistic’), contrary to the previous experience of both occasions of disestablishment within the jurisdiction, may seem utopian to readers west of Offa’s Dyke.

The book is meticulously noted, although many of the notes are so important to the flow of the argument it would have assisted for them to have been included as footnotes, rather than compiled at the end of each chapter. Whilst Parliament and Synod perhaps have more immediate concerns, this is a debate which will forever bubble not far from the surface of their interactions. Both the notes and the acknowledgments show that the work has been crafted and tested in the crucible of discussion and debate with many of the foremost defenders of the *status quo*—the ball is now very much in their court to provide a similarly robust, articulate and persuasive response.

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## Christianity and Global Law

EDITED BY RAFAEL DOMINGO AND JOHN WITTE, JR

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It is estimated that there are about 2.4 billion Christians on the planet, which equates to about 31% of the global population, making Christianity the largest religion in the world. It is, therefore, entirely fitting that there should be produced a publication entitled *Christianity and Global Law*.

In this collection of essays, expertly edited by Rafael Domingo and John Witte, Jr, the contributors explore a range of historical and contemporary Christian sources of ‘global law’, by which the editors mean ‘the emerging common law of humanity that transcends both the law of individual states and the international law between and among nations and regions’ (p 1), whilst at the same time referring to non-Christian religious and non-religious perspectives. The book is split into three parts. The first, entitled ‘Historical-biographical approach’, reviews the contributions of major Christian figures throughout the centuries. The second, entitled ‘Structural principles of global governance’, looks at the sources of the central pillars of global law, having appropriate regard to the contributions made by the different strands of Christianity. The third, entitled ‘Global issues and global public goods’, addresses some of the very real issues which affect the world today and explores the extent to which a Christian understanding may assist in dealing with these issues.