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## **Religious or Secular Authority of the British Monarchy? Reflections on the Dual Role of the United Kingdom's Sovereign and the Church of England\***

### ABSTRACT

*The Act of Supremacy enacted in the 16th century established a personalized union between the monarchy and ecclesiastical authority, a relationship that endures in the contemporary United Kingdom of Great Britain and Northern Ireland, despite considerable societal secularization. This enduring association is notably manifested within the Church of England. This study undertakes an examination of several pertinent themes, including the genesis of power and its interpretation within the Christian tradition, the role of the British Monarch within the Church of England, intrinsically linked to the state, and the scope of authority exercised by English monarchs over this religious denomination. Furthermore, this article scrutinizes the religious orientation of the British monarch, culminating in a summary and concluding insights.*

**KEYWORDS:** *British monarch, Church of England, exercise of power, religious freedom, union of throne and altar, canon law, religious law*

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## *Introduction*

The foundational elements of European civilization encompass Greek philosophical thought, Roman legal principles, and Christian theology, even if these cultural influences are sometimes underemphasized. While explicit references to Christianity may be infrequent in European treaties, as repeatedly claimed by the Bishops of Rome and the Apostolic See, the states comprising the European community directly refer to the Absolute – understood in the sense that is akin to the Christian doctrine – into their constitutional frameworks<sup>1</sup>.

The United Kingdom of Great Britain and Northern Ireland formally withdrew from the European Union on January 31, 2020. However, it is worth noting that in the letter instigating *Brexit*, Prime Minister Theresa May stated: “On 23 June last year, the people of the United Kingdom voted to leave the European Union. As I have said before, that decision was no rejection of values we share as fellow Europeans. (...) We are leaving the European Union, but we are not leaving Europe and we want to remain committed partners and allies to our friends across the continent”<sup>2</sup>.

The British Monarchy represents a distinctive entity within the European context. While the monarch's titular position primarily carries symbolic weight, it also encompasses extensive managerial and sovereign prerogatives over Parliament and the Cabinet. Similarly, the inception of the Church of England, often misconstrued as originating in the 16th century, can be traced back to the 14th century and the theological contributions of John Wycliffe (1329-1384)<sup>3</sup>. In a separate scholarly investigation into the Church of England, the present author observed that “early separatist movements faced suppression in the British Isles. Nevertheless, it is imperative to acknowledge that the dissenting spirit was instilled and eventually manifested within English Christianity. A confluence of political dynamics, driven by the ambition to subordinate spiritual authority to royal governance, along with doctrinal critiques by local theologians, culminated in a pivotal event during the Anglican Reformation – the promulgation of the Act of Supremacy in 1534”<sup>4</sup>.

As such, the Act of Supremacy established a fusion of authority between the monarchy and the Church, a union that endures in the United Kingdom despite the prevailing secular trends in British society. This study aims to delve into the origins of authority within the Christian tradition, the intricate involvement of the British Monarch in the Church of England, which exhibits characteristics akin to a quasi-nation-state, and the extent of monarchic authority over this religious institution. Moreover, it will briefly examine the religious affiliation of the incumbent monarch. The study will culminate with a succinct summary and conclusions.

### *I. Theological Foundations of the Authority of the State - The Perspective of Christian Universalism, i.e., Catholicism*

This study endeavours to examine the theological underpinnings of state authority as articulated by the Catholic Church. This selection is based on two primary considerations: firstly, the Catholic Church's status as the oldest Christian denomination, serving as the progenitor from which other denominations

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<sup>1</sup> The Republic of Finland, the Republic of Cyprus, the Principality of Denmark, and the Republic of Greece are notable examples. Cf. Głowa, Marcelina: *Pluralistyczny charakter relacji państwo-religia w konstytucjach państw członkowskich Unii Europejskiej a tożsamość kulturowa i religijna Europy*. In Stanulewicz, Maksymilian, Plewa, Emil, Linowski, Cezary (ed): *Państwo wobec religii. Teraźniejszość i przyszłość*. ArcheGraph Wydawnictwo Naukowe, Łódź 2021, p. 180.

<sup>2</sup> Prime Minister Theresa May's letter to the European Council's President Donald Tusk announcing the Brexit by proclaiming the Article 50. Available at <[https://commons.wikimedia.org/wiki/File:Prime\\_Minister%20%80%99s\\_letter\\_to\\_Donald\\_Tusk\\_triggering\\_Article\\_50.pdf](https://commons.wikimedia.org/wiki/File:Prime_Minister%20%80%99s_letter_to_Donald_Tusk_triggering_Article_50.pdf)>.

<sup>3</sup> Cf. Kilanowski, Igor: *Status prawny Church of England*. Wydawnictwo Naukowe Uniwersytetu Kardynała Stefana Wyszyńskiego, Warszawa 2021, pp. 13-14.

<sup>4</sup> Ibid.

often diverged (typically through the delineation of state or national identities). Secondly, the Catholic Church emerged as an early advocate for religious freedom and the autonomy of conscience, principles intricately linked with the delineation between state and religious institutions. Moreover, many doctrinal formulations, subsequently embraced by diverse denominations, can be traced back to the doctrinal heritage of the Catholic Church.

The Catholic Church espouses the principle of separation and autonomy between state and religion, while advocating for collaboration within their respective domains of competence. Entities that mobilize adherents, whether citizens or believers, around shared ideologies should not be forcibly disjointed. However, such cooperation ought to be governed by appropriate legal frameworks established by the state concerning religious organizations.

K. Kamiński claims that “fundamentally, power is understood as the legal or moral authorization of a specific entity to perform leadership functions within a particular human community.”<sup>5</sup> This statement applies both to the state and ecclesiastical communities. Such an assumption implies that the mentioned authorization “legitimises individuals or groups to impose obligations on its subjects and make other binding decisions concerning them. Authorized authority, i.e., the ability to govern and lead the community towards the common good, is a vital, if not fundamental, principle of power. (...) In this system of relations, one person or group acknowledges the superiority, competence, and authority of another. However, the basis of this relation is not pressure or coercion because the authority has been socially accepted and universally recognized”<sup>6</sup>. The author concludes, however, that “power so understood should be distinguished from ruling in that the latter is based on obedience”<sup>7</sup>. Consequently, it can be deduced that the authority of the monarch and elected representatives of the state rests on distinct foundations, given that the monarch exercises power without direct endorsement from the populace. Nevertheless, there is merit in positing that royal authority, whether exerted over subjects or the members of a religious community, embodies a form of service. The framework employed in the United Kingdom posits that although subjects do not participate in the selection of the monarch, the monarch serves the nation, while the nation retains the prerogative to express its political preferences through the election of state representatives vested with legislative and executive functions. Arguably, royal authority is fundamentally representative, encompassing prerogatives such as the endorsement of legal instruments and bills promulgated by democratically elected entities.

Although the present-day doctrine of the Catholic Church concerning secular authority primarily draws from the Second Vatican Council, it is pertinent to consider the evolving perspectives of Catholic spiritual leaders, particularly exemplified by Pope Leo XIII. In his encyclical, *Diuturnum illud*, issued in 1881, he articulates: “The divine influence of the Christian religion, permeating customs and public institutions, provided society with excellent foundations of stability and order. One of the most valuable fruits of this influence is the just and wise delineation of the rights and duties of rulers and people. Indeed, from the teachings and examples given by Christ flows a remarkable power to maintain in duty both those who listen and those who command, and to preserve between them that harmony and cooperation which, according to the natural law, ensure the peaceful and prosperous development of nations”<sup>8</sup>. It should be emphasized that the quoted papal document was issued in 1881. It mainly refers to European countries, most of which were monarchies, hence the term “ruler” rather than “governor” or “representative” (both treated as synonyms of contemporary exercise of power in democratic states) is more frequently used. Pope Leo XIII further contends: “Necessity itself demands that someone stand at the head of every association and community, which, deprived of a guiding head, would fall apart and fail to achieve the purpose for which it was formed and constituted”<sup>9</sup>. Attempting to persuade his contemporaries that monarchical power is superior to the democratic power of the people, Leo XIII states: “It must be noted, however, that the election of those who are to govern the state may in certain cases be left to the will and judgment of the people, and that this by no means opposes or violates the

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<sup>5</sup> Kamiński, Krzysztof: *Władza w Kościele. Ujęcie teologiczno-prawne. Biuletyn Stowarzyszenia Kanonistów Polskich*, v. XXX, 2020, p. 92. Trans. K. Ciesłowska.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Leon XIII: *Encyklika Diuturnum illud*. Available at

<[https://silesia.edu.pl/index.php/Papie%C5%BC\\_Leon\\_XIII\\_-\\_encyklika\\_Diuturnum\\_illud\\_z\\_29\\_XI\\_1881](https://silesia.edu.pl/index.php/Papie%C5%BC_Leon_XIII_-_encyklika_Diuturnum_illud_z_29_XI_1881)>.

<sup>9</sup> Ibid.

Catholic doctrine. The election determines the ruler but does not confer on them the right to rule, nor does it create supreme authority; it only indicates who is to exercise it. Nor does it concern any particular form of government: there is no reason why the Church should not recognize the supreme authority of one or more individuals, provided that authority is just and committed to the common good. Therefore, subject to acquired rights, the people are free to choose the form of government that best suits their spirit, customs, and habits”<sup>10</sup>.

Leo XIII underscores that the act of electoral governance, a fundamental tenet of democratic governance, pertains to the delegation of authority for a specific temporal period. In contrast, monarchical authority is perceived as divinely sanctioned, resulting in the amalgamation of secular (state) and spiritual (transcendental) powers within the monarch. This theoretical framework carries multifaceted implications, yet it is closely intertwined with the doctrine of authority within the Catholic Church. Within the Church, the Bishop of Rome (the Pope) exercises absolute authority over both the ecclesiastical body, often referred to as the People of God, and the Vatican City State (or, during Leo XIII's tenure, the Papal States), where he serves as the ultimate sovereign.

The aforementioned assertions align harmoniously with the contemporary doctrinal teachings of the Church on this matter, notably elucidated in the Second Vatican Council's Constitution *Gaudium et spes* (1965), addressing the Church's interface with the modern world. This doctrinal stance has been reiterated in numerous addresses by recent pontiffs. As articulated in paragraph 74 of the Constitution: “(...) It is clear, therefore, that the political community and public authority are founded on human nature and hence belong to the order designed by God, even though the choice of a political regime and the appointment of rules are left to the free will of citizens. It follows also that political authority, both in the community as such and in the representative bodies of the state, must always be exercised within the limits of the moral order and directed toward the common good – with a dynamic concept of that good – according to the juridical order legitimately established or due to be established. When authority is so exercised, citizens are bound in conscience to obey. Accordingly, the responsibility, dignity and importance of leaders are indeed clear”<sup>11</sup>. The Catholic Church underscores that authority emanates from natural principles, specifically divine law, irrespective of whether it manifests as monarchical authority (whether elective or hereditary) or through popular suffrage. Human proclivities naturally incline towards communal living, necessitating a regulatory framework facilitated by a governing entity, which, in turn, formulates laws conducive to the moral rectitude and equity of the community.

The last reference to the teachings of the Catholic Church in the context of authority, perhaps somewhat controversial in the context of the matter under consideration, concerns the relationship between the Catholic Church and public authority. Paragraph 76 of the Constitution states: “The Church, by reason of her role and competence, is not identified in any way with the political community nor bound to any political system. She is at once a sign and a safeguard of the transcendent character of the human person. The Church and the political community in their own fields are autonomous and independent from each other. Yet, both, under different titles, are devoted to the personal and social vocation of the same men. The more that both foster sounder cooperation between themselves with due consideration for the good of all. (...) There are, indeed, close links between earthly things and those elements of man's condition which transcend the world. The Church herself makes use of temporal things insofar as her own mission requires it. She, for the part, does not place her trust in the privileges offered by civil authority. She will even give up the exercise of certain rights which have been legitimately acquired, if it becomes clear that their use will cast doubt on the sincerity of her witness or that new ways of life demand new methods. It is only right, however, that at all times and in all places, the Church should have true freedom to preach the faith, to teach her social doctrine, to exercise her role freely among men, and also to pass moral judgment in those matters which regard public order when fundamental rights of a person or the salvation of souls require it”<sup>12</sup>. The Church must remain free from

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<sup>10</sup> Ibid.

<sup>11</sup> Paul VI: Pastoral constitution on the Church in the modern world *Gaudium et spes*, 7<sup>th</sup> December 1965, no. 73. Available at < [https://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_const\\_19651207\\_gaudium-et-spes\\_en.html](https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html)>.

<sup>12</sup> Ibid., nr 76.

political power, and political power should respect its autonomy and complete independence<sup>13</sup>. However, these Catholic postulates are not followed in the United Kingdom of Great Britain and Northern Ireland.

## *II. The Monarch: The Head or Governor of the Church of England?*

In accordance with the theological and doctrinal analysis presented in the preceding sections, it is evident that a singular individual can concurrently hold dual authority. Presently, this phenomenon of dual authority is exemplified by the roles held by both the Bishop of Rome and the British Monarch.

The establishment of the Church of England dates back to the reign of Henry VIII and the Act of Supremacy. The currently enforced Royal Declaration, which serves as a preface to the theological-doctrinal principles of the Church of England, states: "Being by God's Ordinance, according to Our just Title, Defender of the Faith as Supreme Governor of the Church, within these Our Dominions, We hold it most agreeable to this Our Kingly Office, and Our own religious zeal, to conserve and maintain the Church committed to Our Charge, in Unity of true Religion, and in the Bond of Peace (...) We have therefore, upon mature Deliberation, and with the Advice of so many of Our Bishops as might conveniently be called together, thought fit to make this Declaration following (...). That We are Supreme Governor of the Church of England"<sup>14</sup>. This declaration clearly indicates the role of the Church in relation to the sovereign and that it is the sovereign who appoints themselves as its governor.

Further sections of the Articles of Faith, constituting a dogmatic constitution of the Church of England, indicate that "Bishop of Rome hath no jurisdiction in this Realm of England"<sup>15</sup>. This implies that Anglicanism is a separate Christian denomination established by a monarch who somewhat usurped authority over the Church from the Roman Catholic Church. This monarch, by enacting the Act of Supremacy, defined clear doctrinal and legal frameworks for this ecclesiastical community, thereby laying the foundations for the further development of the Church in England, which then became the actual Church of England.

It is often believed that the monarch is the Head of the Church of England. However, it should be noted that the post-Reformation reign of Queen Elizabeth introduced the Book of Common Prayer and led to the re-enactment of Henry VIII's Act of Supremacy in 1558. Elizabeth, together with Parliament, introduced the Oath of Supremacy, in which anyone who swears allegiance to the queen as the supreme authority of the Church of England and "Supreme Governor of the Church of England" must utter the following words: "I, A. B., do utterly testify and declare in my conscience that the Queen's Highness is the only supreme governor of this realm, and of all other her Highness's dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal, and that no foreign prince, person, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority ecclesiastical or spiritual within this realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities and authorities, and do promise that from henceforth I shall bear faith and true allegiance to the Queen's Highness, her heirs and lawful successors, and to my power shall assist and defend all jurisdictions, pre-eminences, privileges and authorities granted or belonging to the Queen's Highness, her heirs or successors, or united or annexed to the imperial crown of this realm. So help me God, and by the contents of this Book"<sup>16</sup>. Therefore, British monarchs cannot be referred to as "Head of the Church" because their title and their prerogatives indicate that the monarch is the "Governor of the Church."

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<sup>13</sup> Dalla Torre, Giuseppe: *La Chiesa e gli stati. Percorsi giuridici del Novecento*. Edizioni Studium, Roma 2017, p. 108-109.

<sup>14</sup> *Articles of Religion. His Majesty's Declaration*. Available at < <https://www.churchofengland.org/prayer-and-worship/worship-texts-and-resources/book-common-prayer/articles-religion>>.

<sup>15</sup> *Ibid.*, Article XXXVII.

<sup>16</sup> *Ibid.*, *The Oath of Supremacy*.

### *III. Religious and Legal Aspects of the Authority of the British Monarchy*

#### *III.1. Supremacy*

As previously observed, a prominent characteristic of the Church of England, along with Anglicanism as a broader entity, is the inherent supremacy vested in the British monarch over this religious denomination. However, the supremacy is not spiritual in kind, as the “spiritual governance” is exercised by the Archbishop of Canterbury. It is of significance to mention that the designation “Defender of the Faith”, inherited by the monarchs of the United Kingdom, traces its origins back to 1521 when Pope Leo X (prior to the Anglican schism) conferred this title upon Henry VIII. The king, on whose authority the British Crown separated from communion with Rome, became famous for his pamphlet against Martin Luther, *Assertio Septem Sacramentorum*<sup>17</sup>, a theological treatise defending Catholic teachings on the holy sacraments.<sup>18</sup> It is noteworthy to underscore that Henry VIII's actions in this context were primarily politically motivated, notwithstanding the monarch's purported intention to defend the imperilled Catholic faith. Henry VIII's objectives included bolstering diplomatic ties with the papacy and consolidating the authority of the British Crown within the contemporary European landscape. Aligned with the objectives of other Catholic monarchs such as those of France and Spain, Henry VIII sought to attain the esteemed designation of “Most Christian Kings” (Latin: *rex christianissimus*) by establishing his own distinct title<sup>19</sup>. This would serve to strengthen the position of the monarchy on the international stage. The successive British rulers chose to inherit the title “Defender of the Faith”, which found expression in the provisions of Anglican canon law<sup>20</sup>.

The foundational role of the monarchy within the Church of England is delineated by the 39 Articles of Faith, notably in the introduction and Article 37<sup>21</sup>, which underscores the concept of royal supremacy over the Church. It is pertinent to note that the status of other Anglican communities in the United Kingdom, except for the Church of Scotland, transitioned away from being “established” entities<sup>22</sup>. Consequently, the Monarch ceased to wield legal jurisdiction over them and was no longer considered their Head.

Furthermore, the ceremonial interactions between the British monarchy and the Church of England primarily centre around the General Synod. This assembly convenes every five years, and its proceedings are inaugurated by the monarch, who delivers a speech to the newly elected members. Despite Queen Elizabeth II's commitment to her duties, she did not attend the Synod session in November 2020; instead, the session took place via video conference. Presently reigning, King Charles III has yet to formally engage in this event. However, on March 10, 2023, he hosted representatives of the General Synod of the Church of England as part of the “privileged bodies” tradition, a custom dating back to the 17th century. This tradition affords them the privilege to deliver addresses to the sovereign while seated on the throne and receive direct responses. Such encounters were infrequent during Queen Elizabeth II's reign, occurring only five times. It is noteworthy that royal addresses to the synodal

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<sup>17</sup> The Latin and English text of the document is available in O'Donovan, Louis: *Assertio Septem Sacramentorum or Defence of the Seven Sacraments by Henry VIII, King of England*, New York, Cincinnati, Chicago 1908, pp. 145-463.

<sup>18</sup> Cf. *Ibid.*, pp. 40-41.

<sup>19</sup> *Ibid.*, pp. 49-51.

<sup>20</sup> *The Canons of the Church of England. Canons Ecclesiastical promulgated by the Convocations of Canterbury and York in 1964 and 1969 and by the General Synod of the Church of England from 1970.* Can. A6 (hereinafter as: CCE).

<sup>21</sup> *Articles of Religion*, art. 37.

<sup>22</sup> This refers to the Church of Ireland, which was “destabilized” by *Irish Church Act 1869*, 32 & 33 Victoria, c. 42 and the Church of Wales, whose status changed due to the *Welsh Church Act 1914*, 4 & 5 George 5, c. 91, sec. 1: For example: “On the day ... (in this Act referred to as the date of disestablishment) the Church of England, so far as it extends to and exists in Wales and Monmouthshire (in this Act referred to as the Church in Wales), shall cease to be established by law and, save as by this Act provided, no person shall, after the passing of this Act, be appointed or nominated by His Majesty or any person, by virtue of any existing right of patronage, to any ecclesiastical office in the Church in Wales”. On the strength of these documents, the role of the British monarch became limited to representational functions, carried out not within or on behalf of the church community, as is the case with the Church of England, but as a head of state.



assembly typically carry a pastoral tone, as demonstrated by Queen Elizabeth II's speech on November 24, 2015<sup>23</sup>.

The monarch's substantive role as the Governor of the Church of England also encompasses participation in the process of nominating individuals for ecclesiastical appointments. This symbiotic relationship between the Church and the state entails that in this procedure, the sovereign acts in dual capacities: as the Governor of the Church of England and as the Head of State. However, not all ecclesiastical appointments necessitate the approval or involvement of the monarch. According to the current legal framework, unaltered since 2007, the monarch possesses the prerogative to nominate "Diocesan and Suffragan bishops, as well as 28 Cathedral Deans, a small number of Cathedral Canons, some 200 parish priests, and a number of other post-holders in the Church of England"<sup>24</sup>. The process for selecting candidates for episcopal roles is intricate and merits distinct examination.

Nevertheless, it is noteworthy that the final step in appointing a candidate to an ecclesiastical office involves approval by the monarch<sup>25</sup>. In practice, the Governor of the Church of England does not typically challenge the selection of a candidate<sup>26</sup>. The elected candidate is mandated to affirm allegiance, either before the monarch or a designated representative. The content of the oath is governed by the Canons of the Church of England, with its tenor accentuating the paramount role of the British monarchy in the Church's hierarchical structure. Within the canonical framework of the Church of England, there exist two types of oaths: of allegiance<sup>27</sup> and of obedience<sup>28</sup>. Additionally, the individual selected for an ecclesiastical appointment issues a Declaration of Assent<sup>29</sup>. In its formulation, there exists a certain parallel to the oath undertaken by individuals assuming ecclesiastical positions in the Catholic Church<sup>30</sup>. Catholics, upon assuming an ecclesiastical office, pledge firstly to maintain unity with the Catholic Church and accept the obligations emanating from faith and obedience to the Teaching Office of the Church, while Anglicans pledge allegiance exclusively to the royal authority. It is noteworthy that oath-taking is a customary ecclesiastical practice.

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<sup>23</sup> Cf. Elizabeth II: *The Queen's speech to the Inauguration of the Tenth General Synod of the Church of England (24<sup>th</sup> November 2015)*. Available at <<https://www.royal.uk/queens-speech-inauguration-tenth-general-synod-24-november-2015>>.

<sup>24</sup> *The Governance of Britain. Presented to Parliament by the Secretary of State for Justice and Lord Chancellor by Command of Her Majesty*, CM 7170, p. 58.

<sup>25</sup> Cf. Coleman, Stephen: *The Process of Appointment of Bishops in the Church of England: A Historical and Legal Critique*, *Ecclesiastical Law Journal*, 2 (2017) 19, p. 221.

<sup>26</sup> Cf. Zieliński, Tadeusz: *Państwowy Kościół Anglii. Studium prawa wyznaniowego*. Wydawnictwo Naukowe ChAT. Warszawa 2016, p. 270.

<sup>27</sup> The content of *The Oath of Allegiance* is regulated by can. C13 CCE: "I [name], do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elisabeth II, her heirs and successors, according to law: So help me God".

<sup>28</sup> The content of *The Oaths of Obedience* is regulated by can. C14 CCE: "I [name], do swear by Almighty God that I will pay true and canonical obedience to the Lord Bishop of C and his successors in all things lawful and honest: So help me God". In some circumstances, a candidate may make a solemn declaration regulated by can. C14 (4) CCE: "I [name], do solemnly, sincerely and truly declare and affirm that I will pay true and canonical obedience to the Lord Bishop of C and his successors in all things lawful and honest".

<sup>29</sup> The content of the oath regulates is regulated by can. C15 CCE: "I [name], do so affirm, and accordingly declare my belief in the faith which is revealed in the Holy Scriptures and set forth in the catholic creeds and to which the historic formularies of the Church of England bear witness; and in public prayer and administration of the sacraments, I will use only the forms of service which are authorized or allowed by Canon.

<sup>30</sup> Upon assuming office exercised on behalf of Catholic Church, those obligated to take the oath of allegiance, whose content is defined in the *Professio Fidei et iusiurandum fidelitatis in suscipiendo officio nomine Ecclesiae exercendo*, Acta Apostolicae Sedis 81 (1989), p. 104-106, are those mentioned in can. 833, nos. 5-8 of Canon Law 1983, namely candidates for episcopal ordination, and those equal in law to a diocesan bishop, a diocesan administrator, a vicar general, and episcopal vicar, and a judicial vicar.

### *III.2. Establishing law and ceremonial duties*

An essential element of the British Monarch's involvement in the legislation pertaining to the Church of England is obtaining the royal assent for specific regulations to enter legal circulation. This legal role of the monarch seems to be limited to simply signing a particular legal act. However, T. Zieliński notes that “it is customary for the sovereign to engage in all stages of legislative proceedings, not just in the final phase of the legislative process”<sup>31</sup>. While it remains difficult to precisely ascertain the specific ecclesiastical legislation amended by Buckingham Palace, it is apparent that the former British queen, Elizabeth II, indirectly communicated her stance on significant political matters to the public. This was exemplified by her attire during her annual speech in the Westminster Parliament, where she announced the implementation of decisions arising from the United Kingdom's referendum regarding its departure from the European Union.

The role of the monarch in the establishment of canon law also pertains to Canons, which are enacted by the General Synod of the Church of England, with their enactment, observance, and promulgation being dependent on the will of the monarch<sup>32</sup>. The royal assent thus serves not only a ceremonial role, elevating the status of the legislative process, but also an executive one. Canons also become part of state law and are fully respected by the state. The British monarch, both in the state and in the Church of England, generally holds a ceremonial role. However, Anglican canon law emphasizes the paramount role of the monarch. Canon A7 states: “We acknowledge that the Queen excellent Majesty, acting according to the laws of the realm, is the highest power under God in this kingdom, and has supreme authority over all persons in all causes, as well ecclesiastical as civil”<sup>33</sup>. It follows from the above that the role of the monarch is not limited solely to performing an honorary role. The monarch is not only obligated to abide by the law but also actively participates in its enactment.

### *IV. What will happen if a future Monarch is not Anglican?*

British law mandates that each successive monarch be a full member of the Church of England. Furthermore, upon ascending the throne<sup>34</sup> the monarch is obligated to take the coronation oath, wherein they solemnly vow to uphold the Church of England as the national church<sup>35</sup>. The coronation, an event exclusive to clergy members of the Church of England, serves to not only reinforce the esteemed status of this religious community but also highlights its substantial influence on the monarch. This influence is demonstrated through the ceremonial anointment and coronation of the monarch, traditionally

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<sup>31</sup> Cf. Zieliński, Tadeusz: *Państwowy Kościół Anglii. Studium prawa wyznaniowego*. Wydawnictwo Naukowe ChAT. Warszawa 2016, p. 269. Trans. K. Ciesłowska.

<sup>32</sup> Cf. *Synodical Government Measure 1969*, sec. 1 (1): “It shall be lawful for the Convocations of Canterbury and York to submit for Her Majesty’s License and Assent Canons in the form set out in Schedule 1 to this Measure providing – (a) for vesting in the General Synod of the Church of England, being the Church Assembly renamed and reconstituted in accordance with this Measure, the functions, authority, rights and privileges of the said Convocations; (b) for modifying the functions of the said Convocations when sitting separately for their provinces; and, if Her Majesty is pleased to grant Her License and Assent, it shall be lawful for the said Convocations to make, promulge and execute the said Canons, which shall have full force and effect”.

<sup>33</sup> Can. A7 CCE

<sup>34</sup> It should be noted that coronation is not synonymous with accession to the throne. Ascension to the throne is the moment when the first in the line of succession receives news of the death of their predecessor. From this moment, they become a full-fledged monarch, and the coronation ceremony is purely ceremonial and not required for legitimate rule.

<sup>35</sup> According to *An Act to alter the form of the Declaration required to be made by the Sovereign on Accession 1910*, 10 Edward VII & 1 George V, c. 29, alongside the coronation oath, the monarch should also make a declaration upon accession, i.e. at the moment of assuming the throne: “I [name of Sovereign] do solemnly and sincerely in the presence of God profess, testify, and declare that I am a faithful Protestant, and that I will, according to the true intent of the enactments which secure the Protestant succession to the Throne of my Realm, uphold and maintain the said enactments to the best of my powers according to law”.

overseen by the Archbishop of Canterbury, with origins dating back to 1066 at Westminster Abbey in London (Collegiate Church of St Peter at Westminster). Unlike other contemporary democratic nations in Europe, the United Kingdom maintains a distinctively Christian ceremony for the ascension of the sovereign, wherein, in addition to legislative enactments by the British Parliament, the monarch pledges allegiance to divine law as interpreted by Anglican theology<sup>36</sup>.

Critics argue that the tone of the coronation ceremony carries inherent anti-Catholic sentiments, as the monarch's affirmation of affiliation with a specific religious denomination confers privileged status while implicitly marginalizing others. Furthermore, individuals of Catholic or alternative denominational backgrounds are precluded from succession to the British throne under the Succession to the Crown Act 2013, underscoring the substantial constraints imposed on the monarch by British legal statutes. Legally bound to adhere to the religious doctrine represented by the Church of England, irrespective of personal beliefs or practices, the monarch's obligation to lead the religious community seems paradoxical when considering their potential lack of active involvement in religious observances consistent with Anglican tenets.

### *Conclusions*

The concept of personal union, exemplified by the tangible linkage between the monarchy and religious authority, is palpable in the successive roles of British Monarchs. Despite the convergence of secular and ecclesiastical power within the monarch, the latter does not hold spiritual jurisdiction within the Church.

The Church of England, originating from a contentious schism with the Roman Catholic Church, the oldest Christian denomination, exhibits a significant dependence on state influence. Its autonomy is compromised by its subservient status to both the British Crown and the populace of the British State.

The Monarch's dominion over the Church of England transcends ceremonial duties, encompassing substantial involvement in the formulation of canon law, the internal legislation of the Church of England. In specific instances, this legislation may hold legal validity within the broader state framework. Moreover, given the requirement for the Monarch to be a member of the Church of England, this condition has implications for religious freedoms enshrined in human rights catalogues.

In summary, the dualistic nature of monarchical authority in the United Kingdom reinforces the religious underpinnings of the state. Despite legislative shifts in the 20th and 21st centuries that have attenuated the religious character of the British Isles, religion retains a symbolic significance within the political milieu, primarily revolving around the monarch, rather than significantly shaping the socio-political landscape of Great Britain.

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<sup>36</sup> It is worth noting at this point that in traditionally Catholic Spain, the religious character of coronation ceremonies has been abandoned. Therefore, the ascension to the throne by King Felipe in 2017 was secular. This event was not preceded by a Catholic liturgical celebration, and the content of the coronation oath referred only to the constitution, omitting the traditional oath on "God and the Holy Gospel." It should be emphasized that the coronation of Charles III on May 6, 2023, had a strongly Christian undertone.

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