

## COMMENT

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# Preparing for the Next Coronation

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This comment is based on two recently published reports from the Constitution Unit, University College London, prepared by Professor Robert Hazell and the writer. This work followed a 2016 study ‘The Queen at ninety: the changing role of the monarchy, and future challenges’, which charted the further decline of the sovereign’s personal constitutional powers and analysed the remaining functions. While the subsequent exercise was principally directed at examining the royal accession and coronation oaths, work was also undertaken to research the context of the oaths. The outcome was the two reports published in May 2018: ‘Swearing in the new king’, on the oaths, and ‘Inaugurating a new reign’, an account of past coronations and an analysis of the factors that might influence the shape of the next coronation.<sup>1</sup> This article is in two parts: the first concentrates on the next coronation; the second examines the three statutory oaths that a new sovereign must swear, taking in also the traditional non-statutory personal declaration made at the sovereign’s first Privy Council meeting. The first part concludes that the next coronation cannot be on the scale of the last and that the rite, although remaining Anglican-led, must find ways to reflect Britain’s greater religious diversity. On the oaths, the second part points out that their imposition of personal duties was predicated on a constitutional situation where the sovereign was still head of the executive, rather than now, at most, speaking on its behalf. Granted the present, utterly changed position of the sovereign, alternative reformulations are offered for discussion and, absent amending legislation, suggestions are examined for how announcement clarifying their current meaning might be undertaken.

<sup>1</sup> All three reports may be found on the Constitution Unit’s website, <<https://www.ucl.ac.uk/constitution-unit/research/monarchy-church-state>>, accessed 8 June 2018. The oaths report benefited from discussion at two private seminars. The Unit is most grateful for the inestimable help of those attending the seminars but stresses that responsibility for the report lies with the authors alone.

## THE NEXT CORONATION

This section looks at the 1953 coronation and aspects of its forerunners, how Britain has changed since 1952 and what the implications may be for the next coronation. Readers might question the good taste of studies which anticipate a death. But no study of the consequences can avoid doing so. The publication by *The Guardian* of 'London Bridge is down', the government plan for events following demise up to the funeral, illustrates the utility of contingency planning.<sup>2</sup> Much in Britain has changed since 1952 and assessing what it means for one of the cardinal events of our national life is not best left to being overtaken by the event itself, above all when many decisions fall to be made – some immediately. It follows that there must be merit in being aware beforehand of what the main issues will be, so that the eventual decisions are properly informed.

### The 1953 coronation

In 1952 the Conservative Cabinet took a deliberate decision to follow the model of the 1937 coronation and overshadow the 1951 Festival of Britain staged by their predecessors. The result was a remarkable spectacle.

Because Westminster Hall had ceased from 1821 to be used to form up the Westminster Abbey procession of regalia and dignitaries, a large temporary annexe was again erected adjoining the Abbey's west door, to give a space sufficiently large for the assembly of the procession as well as a retiring space for the monarch. In the Abbey a service nearly three hours long followed a communion-centred rite prepared by the Archbishop of Canterbury after taking advice from experts on ritual. After initial hesitation, television was allowed to cover the whole ceremony live except for the anointing. An innovation saw the Moderator of the Church of Scotland, the sole non-Anglican participant, present the Queen with a bible. The service retained the essentially secular spectacle of homage by the senior peers of their rank, although, as from Edward VII's coronation, without the hitherto free casting of silver medals into the congregation.

In Westminster Abbey 8,250 guests (of whom the hereditary peerage constituted the largest contingent) were accommodated, many in temporary stands up to 11 tiers high. Along the five-mile processional route, more than 40,000 servicemen (for all of whom new ceremonial uniforms had been purchased) either lined the route or marched 12 abreast with attendant marching or static bands in a procession which took 45 minutes to pass any one point. The Ministry of Works provided 96,000 ticketed stand places, in addition to the thousands of London County Council schoolchildren posted on the Victoria

2 S Knight, "'London Bridge is down': the secret plan for the days after the Queen's death', *The Guardian*, 17 March 2017, <<https://www.theguardian.com/uk-news/2017/mar/16/what-happens-when-queen-elizabeth-dies-london-bridge>>, accessed 30 May 2018.

embankment and the crowds who assembled more informally. There were 21,000 police officers deployed to ensure the safety and orderliness of the public. The later Spithead review contained 190 ships – there are now only 70 commissioned naval vessels. No full accounts of the total costs of the coronation were ever published.

### Changes since 1953

In 1953 Britain remained a dowdy country marked by post-war austerity. Bombsites still lurked in its cities. Food rationing ended only in 1954. Running a global colonial empire, the nation maintained armed forces of nearly 900,000, five times the present overall number, where the army alone is now smaller than the police service in England and Wales. British forces were fighting a major insurgency in Malaya, the Korean armistice was not signed until July 1953 and the presence of serious unrest in Kenya had recently materialised. Homosexuality and abortion remained criminalised, and there was still capital punishment. Less than 5 per cent of young people attended university. Most children left school with no educational qualification. The economy was biased towards ‘heavy’ industry, textiles and mining.

Britain is now a more open and liberal society, less deferential if more risk averse. Its population is nearly 30 per cent greater, and is better educated and mostly more prosperous in a transformed economy. The population is also much more diverse, with ethnic minorities totalling 11 per cent. It is simultaneously both more secularised and more pluralised in religion: more than half the population is now prepared to say that it has no religious affiliation and 8 per cent belong to non-Christian religions.

### The next coronation

No current government plans for the coronation appear to exist, probably on the basis that planning is not practicable in the face of unknown conditions which include uncertainty about the new sovereign’s preferences. Immediate post-demise planning of the ‘London Bridge’ kind is feasible because it can address a definite series of mostly unalterable events. Much will depend upon the prevailing circumstances following the Queen’s demise, and the attitude of the government of the day will be crucial.

Current expectations include that the rite will remain eucharistic but with a greater presence of other Christian denominations and particularly of non-Christian religions, short of any being concelebrants. The Abbey has much experience at extending roles to non-Anglicans, for example in the way that it has developed Commonwealth Day services.

Apart from a Theos Christian think tank’s 2015 report ‘Who wants a Christian coronation?’ and some scattered discussion of the future of the homage, there

has been little public discussion in recent years.<sup>3</sup> The Theos report relied on survey evidence to argue that minority religions would not be affronted by a Christian coronation but concluded that the rite should be scaled down, made more ‘inclusive’ and shortened. It also recommended a guest list more like that for a royal wedding – no more, say, than about 2,000 – rather than the 8,250 of 1953.

The report concluded that the next coronation could not be on the same scale as the last. It also suggested that the secular homage might be removed from the rite and transformed into a ceremony – possibly under parliamentary auspices – where the new monarch met representatives of modern British civil society in an event of mutual recognition and respect.

## THE STATUTORY OATHS

There are three oaths:

- i. The ‘Scottish’ oath, required under the Act of Union 1706 to be sworn at accession to ‘inviolably maintain and preserve’ in Scotland the Presbyterian form of Scottish church settlement. Traditionally, this oath is sworn at the first Privy Council meeting;
- ii. The oath affirming the monarch’s protestantism under the Accession Declaration Act 1910, to be sworn in Parliament or at coronation. The requirement for the oath is stipulated in the Bill of Rights Act 1689. The 1910 Act replaced the original long and virulently anti-Roman Catholic text with shorter language confined to a declaration of protestantism; and
- iii. The coronation oath required under the Coronation Oath Act 1688, whose text has been modified from time to time by implied repeal following subsequent constitutional changes. The oath consists of a promise in three parts: to govern according to the laws of all the royal territories; to cause law and justice, with mercy, to be executed in all judgements; and to preserve the protestant religion together with the status and privileges of the Church of England.

All the oaths date from the narrow period of 1688–1707, which included the evolution of parliamentary sovereignty and the creation of Great Britain on the amalgamation of the Scottish and English parliaments, all at a time when Britain believed that it faced an existential threat from the European Catholic monarchies.

3 N Spencer and N Dixon, ‘Who wants a Christian coronation?’, 2015, <<https://www.theosthinktank.co.uk/cmsfiles/archive/files/Reports/Next%20Coronation%20version%208.pdf>>, accessed 28 May 2018.

What do the oaths do constitutionally? Swearing them is not a condition of succession, which, under the common law, occurs automatically at the decease of the previous sovereign. Failing to swear them incurs no penalty. The oaths create no law in themselves, but rather declare it: they are performative and affirmative rather than legislative. Their weight depends on their symbolic significance.

What practical obligations do they impose upon the sovereign? When the oaths were first legislated, the sovereign was still head of the executive and the oaths could be construed as obliging the use of real, existing powers to achieve the desired ends. This was implied in formulae requiring the sovereign to uphold the oaths in such terms as ‘to the best of my powers’ and suchlike. Subsequent constitutional changes have inverted the original meaning. Whereas in 1688 the language reflected a real, personal responsibility, it falls now to be reinterpreted for a situation where the sovereign has no personal political power and where the obligation is at best a limited rather than a maximal duty.

### **The oaths individually considered**

The ‘Scottish’ oath as sworn in 1952 is as follows:

I [citation of title] do faithfully promise and swear that I shall inviolably maintain and preserve the Settlement of the True Protestant Religion as established by the laws of Scotland in prosecution of the Claim of Right and particularly an Act entitled an Act for the Securing of the Protestant Religion and Presbyterian Church Government and by Acts passed in both Kingdoms for the Union of the two Kingdoms, together with the Government, Worship, Discipline, Rights and Privileges of the Church of Scotland.

Because the Church of Scotland Act 1921 gave full parliamentary recognition to the Church of Scotland as a national church with freedom over its worship, governance and doctrine, and because also of the guarantees for religious freedom in the European Convention on Human Rights and the incorporation of those rights into the Human Rights Act 1998, it is questionable whether the oath is needed at all. There is also a practical timing point. Because the Acts of Union have been interpreted as requiring the oath to be sworn as soon as possible after accession, repeal or significant alteration could take place only after the oath had been sworn. Legislation could take effect, therefore, only in the following reign.

Should abolition be rejected for political reasons (following objections, for example, from the Scottish Government), the Constitution Unit report canvasses alternative formulations which include reference to subsequent legislation, or converting the oath into one affirming support for the Union and the then current devolution settlement.

The Accession Declaration oath as sworn in 1952 is as follows:

I [citation of title] 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.

This formula replaced the 1689 anti-Catholic diatribe as a result of George V's reluctance to use the original text, on the grounds that it was deeply offensive to his catholic – especially his Irish – subjects. (Edward VII had taken the same view but parliamentary proceedings were not brought to a conclusion by the time that swearing became necessary.) Although Asquith carried the necessary legislation in 1910, he had pointed out in 1909 that the oath was redundant: 'the declaration itself has no effect of any sort or kind as a safeguard for the Protestant succession. That is amply secured in other ways.'<sup>4</sup> In the end, he consented to a substitute formula agreed with the Archbishop of Canterbury as the best way of satisfying catholics without enraging protestants.

A century later, repeal still seems the logical response. However, the Unit report suggests reformulations which would have the effect of converting the oath into an expression of support for the constitution. None of the current oaths requires such explicit language. On the other hand, such terms are traditionally employed in the voluntary personal declaration that new sovereigns make at their first Privy Council. This declaration – treated at greater length in the relevant Unit report – customarily has three elements: regret at the death of the predecessor; an affirmation of support for the constitution; and a call for the nation's support for sovereigns in the conduct of their regal duties. In this way, it is this declaration rather than the oaths proper which most nearly approximates to the kind of accession oath now used in other European monarchies.

The coronation oath used in 1953 was in three parts. Part 1 promised to govern the United Kingdom and the six then independent Commonwealth states according to their respective laws and customs; Part 2 promised to cause law and justice, in mercy, to be executed in all judgements. At Part 3 the archbishop asked:

Will you to the utmost of your power maintain the Laws of God and the true profession of the Gospel? Will you to the utmost of your power maintain in the United Kingdom the Protestant Reformed Religion established by law? Will you maintain and preserve inviolably the settlement of the

4 HC Deb, 14 May 1909, col 2170.

Church of England, and the doctrine, worship, discipline, and government thereof, as by law established in England? And will you preserve unto the Bishops and Clergy of England, and to the Churches there committed to their charge, all such rights and privileges, as do or shall appertain to them or any of them?

*Response:* All this I promise to do.

Whereas the necessity to update Part 1 of the oath to include all 15 Commonwealth realms will not be controversial, Part 3 raises two other matters. First, the reference to maintaining the ‘Protestant Reformed Religion’ in the UK looks clumsy. Intended perhaps to indicate the inclusion of both the Church of England and the Church of Scotland as established churches, the wording wrongly implied that protestant establishment continued also in Wales and Northern Ireland, when it was abolished in those countries in 1920 and 1879 respectively. But, second, it is the language referring to the position of the Church of England that is the most controversial. Reflecting the formerly hegemonic status of Anglican establishment, the formula has not worn well. In more ecumenical times, perhaps there will even be few Anglicans prepared to defend it.

What should be put in its place? The Unit report offers three possible responses in ascending order of radicalism, with a final version majoring on a generic tolerance and religious freedom: ‘Will you to your power maintain tolerance and freedom, including religious tolerance; and will you seek to uphold the rights of all your Peoples to observe their different religions and beliefs without fear of persecution?’

### **Steps to be taken in the absence of reforming legislation**

On the basis that unamended oaths could not pass without some public explanation, the Unit report examines two possibilities: the new sovereign should add a short preamble to each oath explaining how the oath is to be understood; or the government of the day should make a comprehensive statement to the same effect. The first course was rejected because it seemed undesirable to place the whole weight of explanation on the oath-taker, who might as a result be accused of trying to avoid statutory obligations. Instead, it would be better for the government itself to explain the situation, and the report included a draft of a possible statement by the prime minister to Parliament for that purpose.

It should be added that consideration was also given to the idea that, because of the political difficulty of legislating new detailed formulae, the government might seek a power to be responsible itself for preparing new texts. While that course might simplify things, it would be a standing temptation to governments to manipulate texts for their own party political advantage. Accordingly, it

was concluded that the power to determine each text should continue to rest with the whole of Parliament.

## CONCLUDING REFLECTIONS

The Unit reports do not for one moment claim that the last word on these subjects has now been said. On the contrary, the writers hope that the reports will ignite considered responses and debate about the right place of a future coronation and its content. While there will, of course, be respect for the views of the next monarch, the form of a coronation in times so changed from those of the last will require difficult judgement. And this will have to be reached above all at a time when we may have profoundly changed our relationship with our nearest neighbours, as well as the character of the Union itself. Moreover, it has also to be faced that we have not yet entirely settled a post-imperial national identity. In that case, it seems likely that the transformation of empire into Commonwealth has both eased change of role and at the same time prevented change from coming to rest on a more permanent conclusion.

Assessment will also be necessary of the place of religion in a much more religiously plural society. Can ancient models of establishment endure and, if not, how should they change? Whereas the Church of England has effectively been the celebrant of civil religion for the entire UK, it too struggles with post-imperial dilemmas. How it resolves them – for example, if its offer becomes one entirely directed to its own English membership rather than the whole population – may undermine the larger function.

In trying to understand these processes, it will be relevant to bear in mind that no other European monarchy still holds a coronation. Belgium and The Netherlands have never had one, nor has the post-mediaeval monarchy of Spain. The last coronations in Denmark, Sweden and Norway took place in 1840, 1873 and 1906 respectively. In the Scandinavian cases, coronations appear to have disappeared as a self-conscious and deliberate response to the democratisation of the societies concerned.

Finally, one last thought on the oaths and their meaning. Each has a very particular origin within a specific historical period. Such contemporary origins have entirely evaporated but we still live with the vestiges of the late seventeenth-century constitution, which includes a religious test for the sovereign. Have the days of religious oath-taking gone? Moreover, just what does a coronation achieve? Church people will say that it confirms the descent of the grace of God onto the new sovereign and reminds the powers that be that they are accountable to a higher power. Both are matters of faith and, as to accountability, there is probably a majority preference nowadays for earthbound accountability to come first.