

Of crowns and (triple) tiaras

While the worldwide Anglican Communion is currently wrestling with the question of homosexuality and same sex marriage another change is being proposed that, perhaps in the long-term, will be far more consequential.

During the Commonwealth meeting held in Perth in Australia on 28th October 2011, British Prime Minister David Cameron proposed changes to the laws of succession for British monarchs. This would abolish male *primogeniture* by which male heirs of a monarch take precedent over female ones regardless of age. Only in the case of an absence of male heirs can the British and commonwealth have a Queen. There is a degree of irony in this as we are currently celebrating the diamond jubilee of her majesty Queen Elizabeth II. The only other monarch to celebrate sixty years on the throne was another woman Queen Victoria. It is difficult to imagine that the sixteen Commonwealth realms that will have to agree to this with Britain will demur on a long overdue reform.

However, tacked onto this proposal is another namely the ending of the ban on marriage by those in the royal succession, to a Roman Catholic. The two proposals are linked because the Act of Settlement 1701 enshrined a number of protective clauses that ensured a Protestant succession with the monarch (as supreme governor) being in communion with the Church of England and their wives or husbands not being Roman Catholics.¹

In 2008 Autumn Kelly converted to Anglicanism to marry the Princess Royal's son Peter Phillips, who is 11th in line to the throne. If she had not done so, Mr Phillips would have had to forfeit any, albeit unlikely, claim of becoming King when he married Miss Kelly. A converse example is that of Prince Michael of Kent at that time 15th in line to the throne who forfeited his right to succession when he married Roman Catholic Baroness Marie Christine Anna Agnes Hedwig Ida von Reibnitz who is now known as Princess Michael of Kent

Critics of this restrictive format have pointed out that the Act does not disbar someone in line for the throne from marrying anyone else other than a Roman Catholic from an atheist to a Hindu or Muslim and that they argue is discriminatory. For example, in 2009 a British parliamentary Private Members' Bill was sought by Evan Harris, Liberal Democrat MP for Oxford West and Abingdon, who said that he was promoting his Bill 'to reverse centuries of discrimination against Catholics'. Cardinal Cormac Murphy O'Connor, the Archbishop of Westminster and then *de facto* leader

¹ Lucinda Maer and Oonagh Gay *The Coronation Oath* (House of Commons Library, SN/PC/00435, 2008), p.3 ff

of English Catholics, supported Dr Harris's Bill. He said: "This is an anomaly in the law which I am sure will be repealed in the future."²

However, the consequences of this part of the proposal may not be quite as benign as a simple removal of religious qualification may seem. This year in March 2012 the Bishop of Leicester, the Rt Rev Tim Stevens, who leads the 26 bishops who sit in the House of Lords, told *The Sunday Telegraph* that David Cameron's policy to end Britain's 300-year-old succession laws risked overturning the Church's constitutional role. He argued that the Prime Minister's plans to repeal the ban on the monarch being married to a Catholic posed a serious potential risk as the Roman Catholic Church insists on children of a mixed marriage being brought up as Catholics.³

Bishop Stevens seemed to be arguing against any change, perhaps on pragmatic grounds that the two issues of male *primogeniture* and the prohibition on Roman Catholics are both intertwined in the Act and may be difficult to separate.

Nevertheless, whilst there is a strong case for proceeding to remove any male bias in future successions it is also easily possible to envisage a situation where a future monarch may marry a Roman Catholic. Such a union would have the monarch's children brought up as those recognising papal authority and the Roman Catholic Church *de facto* and perhaps *de jure* could claim the allegiance of one of its greatest prizes, after almost 500 years, namely the English crown. The end result would be a constitutional crisis coupled with a final disestablishment of the Church of England.

For many, such considerations are academic and matter little in an increasingly secular society and an ecumenical world. At the petty level of discrimination it is hard to argue against personal religious freedom, but in the case of the British crown religious affiliation is closely associated with religious leadership and inextricably bound up with the Church of England.

An unanswerable *quid pro quo* might come when it is possible for a practising Anglican to become Pope.

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² See: <http://www.telegraph.co.uk/news/uknews/theroyalfamily/4298378/First-born-daughters-of-the-Royal-Family-could-be-allowed-to-become-Queen.html> Accessed June 2012

³ <http://www.telegraph.co.uk/news/religion/9136295/Catholic-monarch-could-put-Church-of-England-in-peril-bishop-warns.html>

