



**PAPER BY THE  
NATIONAL SECULAR SOCIETY  
FOR THE  
HOUSE OF LORDS CONSULTATION**

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\*“White Paper” refers to *The House of Lords - Completing the Reform* [Publ. 7 November 2001]

## EXECUTIVE SUMMARY

- We recommend:
  - (i) that the Bench of Bishops be completely removed from the House of Lords and that the new Second Chamber should not have any religious representation whether *ex-officio* or appointed, whether of Christian denominations or any other faiths and
  - (ii) that, in future, neither prayers nor religious oaths should form any part of the proceedings of the Second Chamber.
  
- Research commissioned by the National Secular Society (table in Sect. 4) reveals that the United Kingdom is *unique* among Western democracies in having *ex-officio* religious representation in its legislature. The vast majority of Western democracies have abandoned all links between Church and State, with no discernible adverse consequences.
  
- Retaining the Bench of Bishops or extending religious representation by selection on religious grounds alone would be inimical to the Government's stated aim of "modernisation" and is an affront to democracy. (Sect. 6)
  
- Independently published research shows long term and steepening decline in church attendance. Normal Sunday attendance in England is officially estimated to drop by 2005 to 6.6% of the population, included in which is only 1.7% for the established church. These statistics cast doubt on claims that the Bishops - or any other religious representatives - speak for any significant constituency. Since the trend towards rejection of organised religion is predicted to continue, the role in Parliament of any religious representatives will become increasingly irrelevant, and the suggestion of adding more representatives seems by any rational analysis, perverse. (Sect. 7)
  
- We reject the implication that the Bishops somehow provide special moral insights denied to other members of the House. Many temporal peers already identify themselves as being religiously motivated. Furthermore, those who profess no religion are no less capable of making moral and ethical judgements. The absolutist moral positions of most of the likely religious candidates for additional seats are out of touch with the population and are regarded by many (especially in matters of sexual ethics) as extreme and inhumane. (Sect. 9)
  
- Were representation to be extended to other denominations or faiths, religious factionalism is very likely to lead to large and increasing demands for representation from the many religions and their various sects extant in Britain. Those unhappy as to the extent of the representation they were granted (if any), would probably claim this was the result of discrimination, and, possibly racism. The Established Church has already reacted with hostility to the suggestion that its representation should be reduced from 26 to 16. (Sect. 10)
  
- A "reformed" House of Lords which contained extended religious representation would become unworkable. Not only would it be distracted by sometimes strident sectarian and doctrinal arguments, this unrepresentative (and mostly morally absolutist) group could, if it were more than minimal in number, vote *en bloc* and even hold the balance of power in debates over specialised issues. (Sect. 11) This has happened in other fora - e.g. the United Nations. There is no democratic justification for extending privileged religious representation, thereby further eroding the franchise of the many who are non-religious.
  
- In our view, all oaths should be replaced by non-religious affirmation and public prayers should be abolished from the Chamber. (Sect. 14)

# **PAPER BY THE NATIONAL SECULAR SOCIETY FOR THE JOINT COMMITTEE ON HOUSE OF LORDS REFORM**

## **1. Basis of this Submission**

This Response concentrates on the compelling arguments against religious representation in the Lords on the grounds of practicality, democracy and equity.

A key objective of the National Secular Society<sup>1</sup> since its inception in 1866 has been to oppose all kinds of religious privilege and we regard the presence of the bishops in the House of Lords as a prime example of this. (The pronoun ‘we’ refers throughout to the formal view of the Society.)

## **2. Principal recommendations**

- a) that the Bench of Bishops be removed from the House of Lords and that the new Second Chamber should have no *ex officio* or specifically appointed religious representation, whether of Christian denominations, or any other faiths.

(We note that the Commons Public Administration Committee Fifth report, dated 12 Feb 2002 reached a similar conclusion, as shown in more detail in Appendix 2)

- b) that, in future, neither prayers nor religious oaths should form any part of the proceedings of the Second Chamber.

## **3. The UK compared with other Western democracies**

The research we have commissioned into the constitutional arrangements of the UK and other major democracies revealed that the UK is unique among Western democracies in affording the ‘prerogative’ of *ex officio* religious representation in its legislature. The remaining 27 countries in the table appear to operate their legislatures properly without specific religious representation.

Countries with totally secular constitutions - as the table below shows - include Albania, Belgium, Canada, the Czech Republic, Finland, France, Japan, the Netherlands, New Zealand, Poland, Portugal, Spain and the United States of America. Of these, Japan’s Post-W.W.II (and thus westernised) constitution is one of the most modern. It specifically prohibits State involvement in religion, and *vice versa*; it also guarantees that the practice of religion will not be mandatory.

The table (in the next section) also reveals how unusual the UK is among Western democracies in having such strong links between Church and State. Practically all states, even those which are not entirely secular, recognise the dangers of such arrangements.

Italy provides a European example of how religious influence can be separated from the legislature. The Italian Constitution once protected Catholicism as the established religion. Recognising developments in Italian history and society over the last hundred years, Italy has recently enacted reforms based upon a concordat agreement designating spheres of influence. The Italian legislature no longer has *ex officio* religious representatives.

Even in Poland, where the importance of the Roman Catholic Church’s influence is acknowledged in the preamble to the Constitution, the rest of the Constitution contains very definite separation of Church and State.

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<sup>1</sup>A brief description of the Society is given in Appendix 5

**4.****Religious Characteristics of the Constitutional Government in Leading Western Democracies**

Country	<i>ex officio</i> religious representation in the state	control of religious education by parliament	control of religious institutions by parliament	religion established by law	limitation upon the expression of “blasphemy”	Oaths or preamble contain a religious component
<b>United Kingdom</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
Albania	No	No	No	No	No	No
Austria	No	<b>Yes</b>	No	No	<b>Yes</b>	No
Australia	No	No	No	No	<b>Yes</b>	No
Belgium	No	No	No	No	No	No
Canada	No	No	No	No	No	No
Czech Republic	No	No	No	No	No	No
Denmark	No	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	No
Finland	No	No	No	No	No	No
France	No	No	No	No	No	No
Germany	No	No	No	No	<b>Yes</b>	<b>Yes</b>
Greece	No	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
Ireland	No	No	No	No	<b>Yes</b>	<b>Yes</b>
Italy	No	No	No	No	<b>Yes</b>	No
Japan	No	No	No	No	No	No
Luxembourg	No	No	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	No
Macedonia	No	No	<b>Yes</b>	No	No	No
Netherlands	No	No	No	No	No	No
New Zealand	No	No	No	No	No	No
Norway	No	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
Poland	No	No	No	No	No	No
Portugal	No	No	No	No	No	No
South Africa	No	<b>Yes</b>	No	No	No	No
Spain	No	No	No	No	No	No
Sweden	No	No	No	<b>Yes</b>	<b>Yes</b>	No
Switzerland	No	<b>Yes</b>	No	No	No	<b>Yes</b>
Turkey	No	<b>Yes</b>	No	No	No	No
United States	No	No	No	No	No	No

All countries covered by this research are included in the above summary. With the exception of the United Kingdom, the Society has been unable to identify a single Western democracy with *ex officio* religious representation in its legislature.

The above table was prepared by Dr. David Nash of Oxford Brookes University specifically for the National Secular Society.

### **5. Why the UK alone?**

The United Kingdom's *unique* position among European and leading Western democracies in having *ex officio* religious representatives in its legislature raises serious questions about the UK's democratic credentials. This anachronism must now be addressed.

Given the UK's singular position on this issue, it should be for those wishing to perpetuate *ex officio* religious representation, on whatever scale, to justify conclusively why such religious privilege is appropriate for a "modernised" UK when it was never, or is no longer, considered appropriate in other democratic states—particularly as interest in religion in this country is at an historic low.

The Royal Commission failed to make a cogent case for the retention of the bishops.

### **6. Could the Second Chamber truly be considered to have been "modernised" if it contains ex officio religious representatives?**

The very position of the Bishops' Bench in the Chamber - just next to the Lord Chancellor - is symbolic of the Bishops' historic power and influence, which they have indicated that they wish to perpetuate. They have reacted in a hostile fashion to the suggestion that their number be reduced to 16 in the White Paper on Lord's Reform: *The House of Lords - Completing the Reform* Publ. 7 November 2001.

Further reasons why the Bishops Bench should be removed are cited in Christian Socialist Movement's pamphlet *Established Certainties?*: "The Bishops' position is unjust. They have no mandate for interfering in national legislation; they add an English bias to the Second Chamber, and they waste time which could be better spent either in their own dioceses or working with the leaders of other churches in seeking answers to major social and spiritual ills". Such points would also apply broadly to non-Anglican religious representatives.

Virtually all of what are now democratic countries have undergone some kind of revolution in which their constitutions were drawn up, generally in writing and with appropriate safeguards. The UK has had no equivalent revolutionary modernisation, and, famously, has no written Constitution. In order to make their constitutional arrangements more democratic, many other democracies (including our European neighbours) had to endure the upheaval and bloodshed of revolution. We now have a belated opportunity to start the process of true modernisation without such strife.

The former Lord Bishop of Durham, Bishop Jenkins, acknowledges that "the days when it was assumed that states exist under the sacred canopy within which religious authorities are responsible under God for legitimating power, morality and civil order have long since passed." He also wrote in the *Independent on Sunday*, "If hereditary peers are undemocratic, what of the Lords spiritual?"

No reform failing to banish *ex officio* religious representation could legitimately be described as “modernising”. (As it is outside our scope, we do not propose to comment on the position of the other remaining *ex officio* group, the Law Lords.)

### **7. Just who do the Bishops represent?**

Our written and verbal evidence to the Royal Commission on Reform of the House of Lords set out the very low and declining level of Church of England worshippers. Yet the Commission’s Report conspicuously avoided any reference to this<sup>2</sup> when seeking to justify the retention of 16 Bishops - the same number proposed in the White Paper. Instead, the Commission did so by claiming that nearly 25 million Britons are members of the Church of the England. When the CofE made a similar claim in a survey, the *Sunday Times* commented<sup>3</sup>: “The survey suggests that Anglicans are being disingenuous about their support by including among their followers people who have been baptised but who no longer attend church.” (Incidentally, only 122,000 children were baptised by the CofE in 2000. This followed over fifty years of almost continuous decline in numbers; in 1920, for example, such baptisms exceeded 600,000.) A more realistic church membership figure is around 1¼ million<sup>4</sup>, calculated from Church’s electoral rolls.

The Bishops represent the Established Church in which nearly 99% of the UK population do *not* attend the CofE on a normal Sunday. Such attendances fell short of 800,000 adults in 1998<sup>5</sup>. We accept that there are alternative measures of attendance or adherence but none give a figure sufficiently high to represent the Church as anything other than a small minority interest. Expressed as a percentage of the English population, the decline of CofE Sunday church attendance has fallen from 2.9% in 1980 to a predicted 1.7% in 2005<sup>6</sup>, a drop of two fifths in 25 years. The steepening decline is illustrated by attendances being predicted to fall by an eighth between 1998 and 2005<sup>7</sup>. Those who do attend church are predominantly elderly, with half over 45 years old, and the percentage of elderly attendees rising rapidly<sup>8</sup>. The young are increasingly finding religious creeds incredible<sup>9</sup>. This is not an ageist point; it is made merely to demonstrate that the decline in belief seems set to continue as it has done over the past two decades (and longer). The reforms being contemplated now should be designed for the future rather than the past.

The Bishops represent English dioceses alone, of a Church which itself does not reflect society. All 26 Bishops are male and middle-class. The method of their selection ensures that they are mainly in their

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<sup>2</sup> *A House for the Future* (The Stationery Office January 2000 CM4534)

<sup>3</sup> *Sunday Times*, 26 July 1998

<sup>4</sup> *UK Christian Handbook - Religious Trends 3 - 2002/03* (ISBN 1-85321-145-1) Table 8.2.2 (2005 figure used because no other post 1996 figures are not corrected for deaths).

<sup>5</sup> Church Times 29 June 2001

<sup>6</sup> Ibid Derived from Table 2.23

<sup>7</sup> *UK Christian Handbook - Religious Trends 3 - 2002/03* (ISBN 1-85321-145-1) Derived from Table 2.23

<sup>8</sup> *UK Christian Handbook - Religious Trends 3 - 2002/03* (ISBN 1-85321-145-1) Derived from Table 12.42.2

<sup>9</sup> *UK Christian Handbook - Religious Trends 1998/99* (ISBN 1-85078-281-4) Table 5.13

fifties or sixties. Recent publicity has drawn attention to how, in their palaces, many of them are remote from both their clergy and their congregations. There is no case for retaining this unrepresentative group with its totally disproportionate power.

Such power is demonstrated by the following extract from the Church of England Gazette<sup>10</sup>: “As with all of the Lords Spiritual, Bishop Herbert [Bishop of St Albans, the Rt Rev Christopher Herbert] values being able to gain an audience with a minister that might be denied to Peers. “I am listened to because of the position I occupy,” he says. “And if I write to a minister on House of Lords notepaper protocol dictates that I receive a reply, and speedily.”

To quote again from *Established Certainties?* the CSM said: “...the Bench of Bishops would be ludicrously out of place in an elected Second Chamber - akin to the 25 per cent of Chilean Senators still appointed by ex-president Pinochet. The Bishops ... are not representative of the full religious or denominational base of the nation, and they perform no specific function in the Lords.” We favour this view rather than one with which it sits uneasily, the claim made by the Bishop of Winchester<sup>11</sup> that [the Bishops] “sit in this House as a sign of, and as a contribution to, the Christian, and then to the more broadly religious, reference of every aspect of the Queen’s Government and so of the public life of this country.”

Similar arguments to the above apply *mutatis mutandis* to the representation of other denominations and faiths. Sunday church attendance in England for all denominations was nearly 25% in 1851. The percentage has continuously declined since then, with the rate of future decline steepening markedly in 1860, 1950, 1980 and 1990<sup>12</sup>. In 1980, 1990, 2000 and 2005 (estimated) the percentages were/are 11.1, 9.6, 7.4, 6.6 respectively<sup>13</sup>. The proportion of the population attending non-Christian religious devotions is relatively small. There is no reason to suppose that those sent to represent the other denominations and faiths would be any more representative of their respective belief communities than the Bishops are of theirs.

### **8. Do we need the Bishops, or other religious representatives, to present a religious view?**

The White Paper asserts that religious representations are especially helpful when “moral, philosophical and theological considerations” are required. We challenge this view, which has been repeatedly expressed by religious people outside of parliament, that the Bishops’ (or other religious representatives) religious

<sup>10</sup> Church of England Gazette Volume 3 Edition 4 *A place in the Lords?*

<sup>11</sup> *Hansard* House of Lords debate on its future, 22 + 23 February 1999

<sup>12</sup> *UK Christian Handbook - Religious Trends 3 - 2002/03* (ISBN 1-85321-145-1) Table 2.15

<sup>13</sup> *UK Christian Handbook - Religious Trends 3 - 2002/03* (ISBN 1-85321-145-1) Table 2.23

input is *per se* any more valuable than the insights of anyone else in the House of Lords. According to a large survey in 1998, respondents ranked religion as 8<sup>th</sup> out of 12 main sources of their identity<sup>14</sup>.

If there are any very specific issues on which ecclesiastical input is required, then consultations could take place in the same way as already works successfully for other special-interest groups, without the need for *ex officio* representatives.

Even without the ‘Lords spiritual’, religion would be well represented in the House of Lords. There are a significant number of peers who are, or who have been, prominent in religious organisations, a small number of clerics who have peerages, and many peers identify themselves as speaking from a religious perspective. (The late Earl of Longford made this point in the Chamber<sup>15</sup> and it is clear from debates). Even excluding the Bishops, the strength of this religious representation in the Chamber is, we believe, considerably in excess of the norm for the country (partly because of the House’s higher average age than the population); this reinforces our view that there is no need for *ex officio* religious representation.

### **9. Do we need the Bishops, or other religious representatives, to present a moral view?**

We hope we have demonstrated above that there is no need to retain religious representatives to present religious views. It seems even more evident that there is no need to retain such representatives to present allegedly superior moral views. Such representatives seem to have largely lost any ability to provide moral inspiration to the nation. Declining figures for belief and religion in the UK reinforce this observation. The former Archbishop of Canterbury, for example, appeared to be admitting this when he stated<sup>16</sup> that the nation “has an allergy to religion”. Research also places the clergy very low in the list of those to whom people look for moral guidance.

An objective measure of this is contained in the BBC’s *Soul of Britain* survey<sup>17</sup>.

Respondents were asked:

Generally speaking, do you think that the leaders of religion are giving adequate answers to...?

The moral problems and needs of the individual	Yes: <b>21%</b> No: <b>67%</b>
The problems of family life	Yes: <b>23%</b> No: <b>67%</b>
The social problems facing our country today	Yes: <b>22%</b> No: <b>70%</b>

It seems the Government’s insistence that religion provides the nation with a “moral steer” is sentimental nostalgia not shared by the population at large.

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<sup>14</sup> BBC *Soul of Britain* Questionnaire (1,000 respondents in 2000)

<sup>15</sup> *Hansard* House of Lords debate on its future 22 + 23 February 1999

<sup>16</sup> at a Spring 1999 conference (in the west of England) to review the Decade of Evangelism, as reported in the *Telegraph*

It would be offensive to other members of the Second Chamber (especially those who profess no religion) to suggest that the religious representatives have (or would have, in the case of any extension) greater moral insights - or indeed integrity - than other members of the chamber. It is not unknown for the Bishops to use their entrenched position of power and privilege to behave in self-serving ways that sometimes border on the discreditable.

One example of such behaviour occurred during the passage of the Human Rights Bill through the House of Lords in 1998. Although their action was later substantially diluted in the Commons, the Lords initiated, lobbied and voted in effect to exempt religious organisations from the terms of the European Human Rights Convention, despite the fact that the freedom to practise religion is already enshrined in that Convention. The vast majority of the Bishops voted for this exemption, relying on arguments that were repeatedly proved to be disingenuous, to say the least. Such arguments included (i) that the Church would be required to “marry” homosexual couples, even though the Human Rights Convention clearly envisages marriage as being exclusively between men and women, and (ii) that the Bishops sought exemptions on employment issues, despite the ECHR not extending to employment.

A further example of disdain for Human Rights were the majority of the Bishops present voting against the equalisation of the age of homosexual consent in 1998 and 1999, despite there being a Government undertaking to the European Court of Human Rights to equalise it with the age of heterosexual consent.

In each of the above cases we understand that the bishops further promoted the churches’ views by using its privileged access to the Government.

Ralph Wedgwood, Professor of Philosophy at the University of Cambridge, has put this issue succinctly<sup>18</sup>: “The basic principle of human rights, which is accepted all over the world, is that it is wrong for governments to discriminate between classes of people without an uncontroversial and compelling justification. ... When a sectarian religious view conflicts with a universal principle of human rights, it is clear which of the two should prevail.”

The bishop’s actions noted above demonstrate that they do not unreservedly accept Professor Wedgwood’s statement. Despite the Human Rights Act, we are fearful that increased religious representation in the Second Chamber would result in attempts to oppose Human Rights - if not the concept itself, introducing legislation which is contrary to Human Rights principles. Recent history in USA indicates attempts by the religious Right to reverse previous Human Rights legislation, for example in relation to homosexuals and abortion.

Were there to be official/‘professional’ Roman Catholic religious representatives in the Second Chamber, there would inevitably be conflict over issues such as artificial contraception and abortion. Such issues are

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<sup>17</sup> conducted by Opinion Research Business in 2000 with 1,000 respondents

ones in which they have a legitimate doctrinal interest, but over which they should have no privileged input in framing legislation to which the whole of our society would be subject.

**10. Should representation be extended to other denominations and faiths and does an Appointments Commission solve the many problems?**

We were pleased to note from the White Paper (*The House of Lords - Completing the Reform* Publ. 7 November 2001) that the Government intends to abandon the idea proposed by the Royal Commission of giving *ex officio* representation to other faiths and denominations. It has rightly concluded that “the practical obstacles are too great”. In our submission to the Commission we made this case strongly, and indeed many of the practical problems which we set out there (and again below) were acknowledged by the Commission in their Report, especially in Sections 15.10 - 15.15.

We were, however, disturbed to note that the Government now proposes to instruct the Appointments Commission to “give proper recognition to the non-Church of England faith communities as they seek wider representation in the House”. We feel that the Appointments Commission will itself meet the same insuperable “practical obstacles”; indeed if its remit remains to “give proper recognition” then the very phrase will lead to these practical obstacles being multiplied. The phrase will be used as a ‘battering ram’ to force the appointment of more representatives.

Professor McLean has been even more scathing: “However, the Government’s rejection of [Lord] Wakeham’s Recommendation 98 makes [the creation of a representative house] mathematically impossible. The Appointments Commission would have to shape a House of 600 while able only to choose 120 of its members (Appendix 1).

The democracy arguments noted earlier in this submission apply with even more force to an extension - through appointment - to other denominations and faiths. There are also serious dangers in such an extension and overwhelming practical difficulties in implementing it.

Many of the other Christian denominations would want to have their voices heard, a problem multiplied when (as is the case for several) a leader head is appointed annually.

Despite its relatively small size, UK inhabitants practise more different religions (many with a substantial number of denominations and sects) than practically any other country in the world. There can therefore be no realistic expectation of finding a formula of representation that would satisfy them all - unless it were to make the Lords practically a theocratic chamber. As the White Paper acknowledges, some faiths such as Hinduism do not have a hierarchical structure, and some may also have no formal structure and have highly independent congregations. In many cases therefore it will not be possible to find a suitable

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<sup>18</sup> *Times* letter (July 1998)

individual who would both represent the followers of the faith and would be acceptable to the vast majority of them. Whatever choice the Appointments Commission would make, it would often be opposed by a competing leader or someone from another subdivision of that faith.

Such difficulties have already emerged over the very first non-Christian faith to be represented in UK institutions - Judaism. Despite its small (around 300,000<sup>19</sup> and diminishing) number of adherents, divisions make it impossible to find one representative who could convincingly speak for all, as is specifically acknowledged in the Wakeham report (15.14). Given such difficulties even with Jewish representation when Jews have been a significant presence in the country for hundreds of years, are well integrated into society and are generally non-proselytising, it can be expected that the difficulties in finding suitable representatives for other religions will be much greater.

Similarly, given the historic differences between the various Muslim sects it is hard to imagine any would be happy with a single representative, a choice complicated by the non-hierarchical nature of Islam.

In general, the very existence of sects is evidence of differences with other sects or the mainstream religion which the adherents consider to be crucial and will fight to maintain. Were this not the case, there would be no purpose in maintaining the sect.

In this religious free-for-all, other minority religions might come forward, demanding - in the interests of religious freedom and parity - to be represented. The Unification Church (Moonies), for instance, has many adherents in this country, as does the Church of Latter Day Saints (Mormons), Scientology, Salvationism, Satanism, Wicca etc. etc. Even to dispassionate observers, there is no obvious cut off point for those religions to be granted representation and those that should not - for those excluded their exclusion will be to them a matter of great injustice.

There are also several problems relating solely to the Roman Catholic Church. We understand that they are divided as whether to continue the self-imposed (and codified in their own canon law) detachment of their clerics from politics<sup>20</sup>. Lord Desai said in February 1999<sup>21</sup>: "I believe that if we want the faiths to be represented we should take the same stance as the Catholic Church; that faiths should be represented by the lay people who believe in them and not by the 'professionals'". We concur with Lord Desai's view on this point, as long as seats granted to religious lay people are allocated on their merit, skills and experience, rather than simply because of their faith. If an extension were to take place, however, the RCs - as one of the largest faith groups - would probably feel pressurised to seek representation. The seeds of this conflict have already sprouted (as we will demonstrate in next section).

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<sup>19</sup> *UK Christian Handbook - Religious Trends 3 - 2002/03* (ISBN 1-85321-145-1) Tables 10.6.8 and 10.7.3

<sup>20</sup> Lord St John of Fawsley *Hansard* House of Lords debate on its future, 9 January 2002 (Col 605)

<sup>21</sup> *Hansard* House of Lords debate on its future, 22 + 23 February 1999

There is a further constitutional problem with RC representation. If the Appointments Commission, as would be likely, appointed representatives from the senior hierarchy of the Church, this would amount to the leader of a foreign quasi state (the Pope) acquiring in essence the power to appoint members of the UK legislature. (As the former Bishop of Birmingham pointed out several years ago, the Pope could acquire the effective right to appoint members of the House of Lords.) Similar arguments apply to other non-UK-controlled religions. Such appointments would add to the democratic objections, and would not be popular with the electorate as a whole.

When any religious claimant is denied a seat, or considers his faith has insufficient representation, a justifiable cry of religious discrimination will arise. There may even be legal challenges when seats are allocated to some and not to others.

In our opinion, the only way to avoid this problem is to remove religious representation from the House of Lords entirely.

The issue of disestablishment is being increasingly debated, no longer just in Church and Government circles, but much more widely. It seems clear that the time for action is drawing near. An early step in this process could be the abolition of the bench of bishops.

### **11. Just how many religious representatives would there be and would an “extended” chamber work?**

One important additional argument against a multi-denomination/faith representation is that religious input to debates would increase dramatically in the already overcrowded timetable of the Chamber. At present only one or two bishops of the 26 entitled to sit are normally present in the House. It is to be expected that, having been granted the privilege of religious representation, any new appointees would wish to exercise it, and would wish to express their view as often as possible in an attempt, perhaps through legislation, to impose their minority view on the rest of the populace.

As already noted, the Government wisely declined to follow the Royal Commission’s proposals to extend representation as of right to non-Anglican Christians and to other faiths. These proposals would have resulted in around *four times* the number of religious representatives in the chamber for contentious moral debates, compared with the situation now when there rarely more than five Anglican bishops. A major factor in this calculation is that the reduction from 26 to 16 Anglican bishops would not reduce Anglican presence in the chamber, it would simply mean that fewer bishops would attend more frequently.

While the Royal Commission’s proposals in this respect have been disregarded, there is a danger that the open-ended Appointment Commission arrangement now envisaged could in the longer term result in even more religious appointees than under the Royal Commission’s proposals.

Were each of the annually appointed religious leaders to be invited by the Appointment Commission take up a seat in the Lords there could eventually be ten or more retired heads for each denomination still sitting in the Lords, dependent on the tenure of their seats. A similar problem will arise to a lesser extent every time a non-annually appointed new leader is installed. No suggestion has yet been made that seats for such leaders should be annual or for their term of office/until a replacement is appointed, but there would doubtless be resistance to such an idea on the grounds that it normally takes some years to ‘learn the ropes’ before making any effective contribution.

The extension of religious representation could in itself frustrate the best intentions of reform of the Second Chamber. Were the religious representatives to form coalitions and vote *en bloc* - as has been the case in other fora such as the United Nations<sup>22</sup> - it seems likely they could hold the balance of power, particularly in less well-attended debates. Under such circumstances this undemocratic group might be able to dictate the parliamentary agenda and therefore be in a position to make their own demands, particularly on contentious social issues. The Bishops currently restrict their votes to broadly social issues, but this is only a convention. If further religious representatives were appointed, they might not adhere to this convention, and would thus be in a stronger position to exert pressure through the exercise of their votes on other topics.

We are also concerned about parliamentary time being taken up by representatives of the competing sects and religions in discussions on theological points, point scoring and power seeking. The evidence is too overwhelming to require specific examples, that where there is religion, there is conflict. Further consequences of plural representation could be sectarian speeches (perhaps in the “Ian Paisley style of oratory”) or the Chamber’s precious debating time being monopolised by religious disagreements, however peacefully expressed. Lord St John of Fawsley may have started the first by even being concerned about where in the chamber any new Roman Catholic bishops should sit, to the consternation of peers (recorded in *Hansard*<sup>23</sup>).

We feel that handing over to the Appointments Commission the responsibility for ensuring “balanced” religious representation in the House of Lords is to evade the issue and to give the Commission an impossible task. The White Paper states that the Appointments Commission ought to “take particular account of any views expressed by the religious communities about actual or potential members of the second chamber.” We feel that this wording, presumably inserted to placate religious sensibilities, would also invite the application of intense and unfair pressure on the Commission to appoint religious

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<sup>22</sup> Catholics for Free Choice ( [www.seechange.org](http://www.seechange.org) ) have published a number of papers showing how the RC church (which has a privileged status at the United Nations), has acted at the UN in conjunction with conservative - mainly Roman Catholic- and Muslim-dominated states such as Libya and the Sudan - actively to obstruct such measures as the provision of emergency contraception to rape victims, and of contraception in Africa. This obstruction leads directly to greater mortality from AIDS and from ‘back street’ abortions. Titles include *Church or State?*, *The Vatican & Family Politics*, and *Opus Dei, the Pope’s Right Arm in Europe*.

representatives whether or not they were in the country's interests and in numbers that could overwhelm the democratic operation of the chamber.

Indeed, Lord St John of Fawsley has already started campaigning for Roman Catholic bishops<sup>24</sup>. He observed that there are more Roman Catholics taking mass on Sunday than there are those attending Anglican services, then quickly moved to note that the present Cardinal, for example, would not be content with token representation and suggested five RC seats for England alone.

Even if the government were able to appoint *ex-officio* religious representatives to match the current profile of belief across the country, this would not withstand the passage of time. Any religion or sect which is attracting an increasing number of adherents will demand more seats, but those in the reverse situation, would, like the established Church, be unwilling to give any seats up. In 20 or 30 years the profile of belief will be materially different. Indeed, even by 2013 the number of active Muslims will outstrip practising Anglicans<sup>25</sup>. The profile will change both through fluctuations (we anticipate a reduction) in the number of religious believers, and through the altering proportions of the believers of each religion and sect. Complications will also arise through amalgamations (e.g. potentially the Anglicans and Methodists). Additional representatives would be sought for new sects or religions, perhaps arising from a split, or ones whose influence had grown. Entrenched appointees would resist being displaced to provide a more appropriate balance. Thus we would be creating a new anachronism. The pressure would continually grow for ever more religious seats.

### **12. How are the non-religious to be represented?**

Unless *ex officio* religious representation is terminated, the third of the population who do not believe in God (actually 55% of those under 35<sup>26</sup>) - could demand, in the interests of equity, specific "non-faith" representation. The BBC's *Soul of Britain* survey in 2000 provided some revealing insights into the low level of commitment to religion. In response to the question "Do you regard yourself as belonging to any particular religion?", 51% said "no". The percentage of respondents answering in this way has increased rapidly over recent years.

Those who oppose the establishment of a specifically non-religious group generally do so by pointing to the presence of non-believers on the temporal benches. Yet such an argument is two-edged. There are also many more on those same benches who espouse the religious cause, as the late Lord Longford indicated<sup>27</sup> (and as already been noted above).

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<sup>23</sup> Lord St John of Fawsley *Hansard* House of Lords debate on its future, 9 January 2002 (Cols 605/6)

<sup>24</sup> *Ibid*

<sup>25</sup> According to Dr Peter Brierley, a former Government statistician who is the executive director of Christian Research. As quoted in *Sunday Telegraph* 28 October 2001

<sup>26</sup> *UK Christian Handbook - Religious Trends 1998/99 (ISBN 1-85078-281-4) Table 5.13*

<sup>27</sup> *Hansard* House of Lords debate on its future 22 + 23 February 1999

We do not, however, advocate specifically non-religious representatives (from this organisation or any broadly similar humanist or secular group) any more than we do religious representatives. The appointment of a significant number of religious representatives would already be unworkable. To compound this by appointing specifically non-religious representatives would be to add to the manifest absurdity of retaining any religious representatives and would further damage the parliamentary process.

An example of a completely secular constitution is shown in Appendix 4, Japan's Post war constitution.

### **13. Religious representation in the Lords is not popular**

The results of the Consultation Responses from the *House Of Lords - Completing The Reform* showed an overwhelming majority against CofE bishops sitting as of right. It concluded: **“Calculating on the basis that those who want an all-elected house do not want bishops (or anyone else) sitting as of right gives an 85% majority against the formal representation of the Church of England<sup>28</sup>.”** (The complete result is reproduced in Appendix 4)

The questionnaire published in the report of the Royal Commission also revealed public opposition to religious representation. On the Lords' powers relative to organised religion, 53 per cent thought that they should be reduced while only 27 per cent thought that they should be maintained or developed. If the 20 per cent that did not respond are excluded, this becomes a two to one majority in favour of reduced involvement with organised religion. (Of thirteen topics including representation, respondents were asked whether the Lords' present functions should be reduced or, conversely, maintained/developed. Respondents were far less keen on religious representation being maintained/developed than any of the other twelve topics.)

One of the questions asked as part of research conducted for the BBC's 'Soul of Britain' programme was “Should religious leaders such as bishops be in the House of Lords or not?” Only 35% answered yes, whereas 55% answered no.

The YouGov polling site asked 5,926 people: “Please rate on a scale of 0 to 5 how much you value the experience in the following [seven] areas for those who serve in the House of Lords” (Where 0 is not at all and 5 is most needed). For religion, the rating was 1.86 - only “the media” scored lower at 1.80. Four other areas scored between 3 and 4. YouGov also asked: “Do you support quotas to ensure representation for... people from a range of religious beliefs?” Only 8% indicated strong support, while “strong opposition” was shown by 25%.

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<sup>28</sup> Analysis of Consultation Responses in *The House of Lords - Completing the Reform* published by the Lord Chancellors Department in May 2002

This research shows that outside a minority of the religious there is no overwhelming constituency clamouring for religion the House of Lords. Indeed the general feeling is quite the reverse, so changes to increase representation actually run counter to public opinion. The various statistics shown above were based on surveys conducted prior to the events of September 11 2001. Since then, many more people have come to the realisation of the dangers of mixing politics and religion, and the importance of them being kept apart. We support this stance.

The Church of England's demand for the retention of its bishops in the House or Lords is self-serving and is not in the long-term interests of this country. On the contrary, we foresee it creating friction and conflict as other faiths grow stronger than the CofE, and come to feel resentment at their exclusion.

According to *The Times* on 16 May 2002, "More than 80 per cent of the 1,100 members of the public, faith groups, MPs and others consulted by the Government on House of Lords reform were against representation of the Church of England. The Government wants to cut the number of bishops in the Lords from 26 to 16."

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#### **14. Prayers and Oaths**

Since it is accepted that we live in a multicultural society which is largely secular in nature, we feel that continuation of the use of prayers and religious oaths in the Second Chamber - and also indeed in the House of Commons - would be an anachronism. Most other States include in their constitutions non-religious affirmations of allegiance to the State. The same affirmation can thus be taken by everyone. Britain should do likewise to ensure that our legislature is truly open and representative of the whole population.

Mindful of time pressures, we would prefer neither prayers nor silence, but the Northern Ireland Assembly seems to have reached a reasonable compromise by opening with a few moments of silent contemplation, which members can utilise according to their conscience.

**Conclusion overleaf**

**15 Conclusion - and the only long term solution**

There is no justification for the Bishops' in the new House of Lords. Their retention would be inimical to what has become a *de facto* secular society.

Furthermore, their retention - especially at such a high number - gives rise, on the grounds of equality, to calls for large numbers of non-CofE representatives to be selected by the Appointments Commission. They would generally be much more morally absolutist than the Bishops and out of step with the country as a whole. They would seek to force legislation on to the nation that is unwanted and unpopular, and they could impede progressive legislation, as the bishops have done in the past.

Adding more religious representatives would be a risky venture. If it turned out - as we predict - to be unworkable and unpopular, it would certainly carry a high risk of creating resentment in minority communities that are already sensitive to discrimination.

The only solution is an entirely secular chamber. It would obviate the grave risks we have catalogued and avoid objections from those who would have felt left out.

**This report was prepared by**

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**Appendices follow**

Extract from **Response by Iain McLean, Professor of Politics, Oxford University**  
to Cm 5291: *The House of Lords - Completing the Reform* (Extract reproduced with kind permission.)

## SUMMARY

**(Only relevant parts of this section are reproduced)**

The Government wishes to meet its manifesto commitment to a representative House by laying a duty on the Appointments Commission to make the House representative of the UK by gender, ethnicity and faith community.

However, the Government's rejection of [Lord] Wakeham's Recommendation 98 makes this mathematically impossible. The Appointments Commission would have to shape a House of 600 while able only to choose 120 of its members.

### **Making the White Paper\* proposals work.**

**\**The House of Lords - Completing the Reform* [Publ. 7 November 2001]**

**(Only relevant parts of this section are reproduced)**

B3 To require gender balance, ethnic minority representation, and diversity among the elected members would require very intrusive primary legislation to control parties' nominating procedures; be impossible to impose on individual independent candidates (Dr Richard Taylor MP (Ind. Wyre Forest) has only one gender, one ethnicity, and at most one religion); and constitute a contempt of the electorate. Therefore, the Appointments Committee could achieve its proposed targets for gender, ethnic and faith-community representation (Supporting Documents 7:24-28) only by choosing the gender (etc.) of at most 406 members, and for some purposes at most 120 members, of a 600-member house.

B4 The Government's decision to reject Recommendation 98 of the Royal Commission makes the Appointment Commission's task impossible. If a party's list of nominees does not help to achieve the required gender, ethnic and faith-community representation, what is the Appointments Commission to do about it? If a gender, ethnicity, or faith is under-represented among the political senators (elected or appointed) and if the political parties (or some of them) do not voluntarily produce 'balanced tickets', the Appointment Commission will have no powers to make them do so.

B5 In such an event, the Commission would have to produce diversity in a house of 600 while being able to control the relevant features in only 120 members. This gearing could make the gender requirement (at least 30% of each) impossible to achieve, and the ethnic and faith requirements extremely difficult. Table 2 shows the relative size of the UK's faith communities. If the Church of England is assigned 16 representatives (whether by ex officio bishops or otherwise), then a total of 77 senators will be needed to represent all faith communities. Many of them will have to be female, whatever the wishes of the faith community in question, to satisfy the gender requirement. At worst, this could leave the Appointments Commission with only 53 crossbench places to fill with representatives of anything other than faith communities.

B6 The only solution I can see is that the Appointments Commission must ask each party voluntarily to produce a ticket of nominees that is balanced as to gender, ethnicity, and faith. Table 3 shows how difficult that would be in respect of ethnicity. Because one ethnic group is so overwhelmingly large, it would be difficult for any one party to nominate from each of the other groups in the appropriate proportions.

B7 If the Government does not remove the bishops (all of one gender, and all from one minority faith) and the Lords of Appeal in Ordinary (historically almost all of one gender) from the senate, then the above becomes even more problematic.

### **C. Bishops and Law Lords**

C1 There is no good argument for retaining either bishops of the Church of England.

C2 Contrary to the claim in the Royal Commission Report (Cm 4534, 15:9), the presence of the Church of England Bishops in the House of Lords has not always promoted 'ever greater religious tolerance and inclusiveness'. A dispassionate historian would have to say that until the 20th century it did just the opposite. Between 1893 and 1914, the Bishops voted en masse against Irish Home Rule and Welsh Disestablishment. As they were disestablished in Ireland in 1869, it is hard to see how they felt entitled to vote at all on Home Rule; and in Wales, their denomination was a small minority sect. If faith communities are to be represented in proportion to size, then the Church of England should have approximately 21 % of those seats. Nothing in Cm 4534 nor in the White Paper explains why the ex officio representation should remain.

C3 The Human Rights Act is forcing the UK towards a formal separation of the judicial function from the executive and the legislature. The *Pinochet* and *Factortame* cases have shown how easily the multiple roles of the Lords in Appeal in Ordinary could be confused. Sooner or later, the Law Lords will have to leave the legislature. There is no better time than now.

#### D. The transitional House

D1 The White Paper exaggerates and misrepresents the problem of transition from the existing House to the senate. It exaggerates the problem of managing the attrition in the number of Life Peers. It misrepresents the problem of achieving political balance during the transition.

D2 The present House contains 144 hereditary peers, bishops and Law Lords (only 4 of whom are women). It is agreed that the first will go and strongly urged above that the second and third should also go. Of 555 life peers (excluding those on leave of absence, bankrupt, or in jail), death can be expected to remove 18 a year for the next ten years and a somewhat smaller number thereafter. A voluntary retirement scheme, with club rights preserved (as with hereditaries in 1999) will certainly produce enough retirements to keep the total house size within the cap of 750 during the transition.

D3 There is a serious mistake in §93 of the White Paper, where it is stated that Labour Party peers would need to be created in order to give that party a lead over the Conservatives. But the Conservative lead over Labour among existing peers is purely a function of the remaining 92 hereditaries continuing to sit. When they go (and assuming no deaths or resignations among life peers), Labour will have, as it already does, a plurality of life peers.

**Table 2. Faith communities in the UK**

	N (000) (Col 1)	Percent of total	Entitlement to seats (Col 3)	Notes
Christian:				
Anglican	1,654	20.89	<b>16</b>	<b>Column 1:</b> Source is Office of National Statistics, UK 2002, Table 15.1 <b>Column 3</b> is derived by comparing the relative size of each faith community to that of Church of England, for which the White Paper proposes 16 reserved seats.
Catholic	1,768	22.33	<b>17</b>	
Free Churches	1,278	16.14	<b>12</b>	
Presbyterian	989	12.49	<b>10</b>	
Orthodox	235	2.97	<b>2</b>	
Non-Trinit'n	533	6.73	<b>5</b>	
Buddhist	50	0.63	<b>0</b>	
Hindu	165	2.08	<b>2</b>	
Jewish	95	1.20	<b>1</b>	
Muslim	665	8.40	<b>6</b>	
Sikh	400	5.05	<b>4</b>	
Others	<u>85</u>	1.07	<u><b>1</b></u>	
<b>Total</b>	<b><u>7,917</u></b>		<b><u>77</u></b>	

## Commons Public Administration Committee Fifth report, dated 12 Feb 2002 (Extract)

### The Bishops

154. The Government's proposal is that the new chamber should contain 16 Church of England Bishops, instead of the present 26. To recognise the "significant contribution" other faiths can make to the chamber, the White Paper [*The House of Lords - Completing the Reform* Publ. 7 November 2001] suggests that the Appointments Commission would be expected to give "proper recognition" to non-Church of England faith communities "as they seek greater representativeness in the independent members of the House".

155. The Royal Commission recommended a reduction in the number of Bishops to allow for the representation of other faiths. We took little evidence on this issue, but note that the continued presence of Bishops, described by the Constitution Unit as "a medieval hangover",<sup>[65]</sup> based originally as much on their role as landowners as on spiritual leadership, makes Parliament unique among modern European legislatures. The case against seats for the Bishops is only strengthened by the unwillingness of the Government to allow formal representation of other faiths. We note the analysis made by Professor McLean, who points out that the Government's aspirations in the White Paper for representation of other religions is made mathematically impossible by the presence of the Bishops.<sup>[66]</sup>

156. The Church of England, in a submission following the report of the Royal Commission,<sup>[67]</sup> made a case for the continued presence of a substantial body of bishops in the second chamber. This was based on the view that 'a Christian perspective is an important feature of debates that concern the common good and public life as a whole'. It called for a 'certain minimum level of representation' to ensure that bishops and similar groups of non-politicians can 'play an effective role in the complex and detailed processes of the legislature'.

157. But the debate has moved on considerably since the Royal Commission. We entirely accept the case that a healthy variety of opinions, which could include a range of religious, moral and ethical viewpoints, should be represented in the second chamber. However, the political support for a very large second chamber, of the sort that could accommodate the bench of bishops, has diminished, with the Conservative Party for instance now proposing a chamber of 300. The continuing process of reform, with a largely elected second chamber and the active statutory appointments commission we propose, would rapidly make the tradition of ex officio religious membership an anachronism. It is of course the case that distinguished senior figures in the Church of England (and other religious bodies) will be considered for membership of the second chamber through the appointments process (and they should be free to stand for election). This appears to us to represent the fairest approach.

158. If we are serious about equipping Britain with a modern Parliament and constitution, it is time to modernise this aspect of our constitution too, and to bring to an end formal representation of the church in Parliament. This need not lead to disestablishment: there is, as the Royal Commission acknowledges, no necessary connection between the establishment of the Church of England and places for its Bishops in the second chamber. Disestablishment in Wales in 1920 led to the disappearance of Bishops from that country from the House of Lords.

159. To give the new statutory Appointments Commission time to develop a policy on diversity in the new House, **we recommend that the Bishops of the Church of England should no longer sit ex officio from the time of the next general election but one.** There will be nothing to prevent the Appointments Commission from appointing Bishops, or retired Bishops, if they have a contribution to make and can give sufficient time to the House to make a real contribution, along with representatives from other faith communities.

### End notes to Commons Public Administration Committee Fifth report:

65 Constitution Unit Submission (Cmd 5291)

66 HC 494-II, LR 58

67 Church of England Submission to the Royal Commission (Cm 4534, 2000)

**THE HOUSE OF LORDS - COMPLETING THE REFORM****ANALYSIS OF CONSULTATION RESPONSES****(PUBL BY THE LORD CHANCELLOR'S DEPARTMENT, APRIL/MAY 2002)****Bishops (Page 7)**

185 respondents (17%) mentioned the place of bishops in the new house specifically. 56% of these thought there should be no bishops at all in the new house. Another 15% thought that bishops should not sit of right, but only if appointed by the independent commission. A quarter of those who responded thought that there should be some bishops sitting as of right. In addition, 340 respondents called for an all-elected house, but did not mention the role of bishops specifically.

**Calculating on the basis that those who want an all-elected house do not want bishops (or anyone else) sitting as of right gives an 85% majority against the formal representation of the Church of England.**

**Representation of non-CofE faiths (Page 9)**

6% of respondents mentioned this issue. 39% said that other faiths should be represented of right. Most of these respondents also favoured representation for the Church of England. 26% said that other faiths should be represented as of right only if the Church of England bishops remained. Most of these respondents (where they expressed a preference) did not want bishops to sit in the new house of right.

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## APPENDIX 4

**Japanese Constitution**

One of the most modern constitutions, that of post-W.W.II Japan (thus westernised) shows clearly how Church and State can be separated. We maintain this separation is a prerequisite for a truly democratic state.

“Article 20 [Freedom of Religion, Secularity of the State]

1. Freedom of religion is guaranteed to all.
2. No religious organisation shall receive any privileges from the State, nor exercise any political authority.
3. No person shall be compelled to take part in any religious act, celebration, rite or practice.
4. The State and its organs shall refrain from religious education or any other religious activity.

**The National Secular Society, some background**

The National Secular Society was founded in 1866 by Charles Bradlaugh, an MP who campaigned for several years for the right to affirm in Parliament rather than swear a religious oath. This right is now in place, although it met great resistance at the time of its proposal.

Since then, the Society has been prominent in peaceful campaigning against religious privilege (e.g. for the removal of the blasphemy law and against religious assemblies in schools). It also campaigns vigorously for the legalisation of voluntary euthanasia, and a woman's right to choose abortion.

It was active in the campaign for the removal of capital punishment and, earlier, for the introduction of artificial contraception (opposed by the Church of England until 1930 and still opposed by the Roman Catholic Church).

END