

A response to the Consultation on the House of Lords Reform Draft Bill

National Secular Society

October 2011

Submission to the Joint Committee on the Draft House of Lords Reform Bill

1. The National Secular Society (NSS) is a not-for-profit non-governmental organisation founded in 1866. It promotes the separation of religion and state, and seeks a society where law and the administration of justice are based on equality, respect for Human Rights and objective evidence without regard to religious doctrine or belief.
2. We welcome the opportunity to respond to the Draft House of Lords Bill. The NSS takes no position on the question of whether the reformed upper chamber should be wholly or mainly elected. Our response focuses solely on the role of bishops in the House of Lords. We attach as an appendix the report we prepared on Lords Reform in relation to the current review.¹ It was sent to the Deputy Prime Minister Rt Hon Nick Clegg MP, The Cabinet Office and the House of Lords Reform Team in December 2010. We ask that this be accepted as supporting evidence to our submission.
3. The NSS promotes secularism as the best means to create a society in which people of all religions or none can live together fairly and cohesively. A key objective of the NSS since its inception in 1866 has been to oppose all forms of religious privilege. We are therefore very disappointed by the Draft Bill's proposals to provide continued places for bishops of the established Church in a partly appointed House.
4. We argue that the retention of reserved places for Church of England bishops in a reformed House of Lords is grossly undemocratic; the bishops' only qualification is not personal merit, but that the Church appointed them. On the strength of this, they are able to argue strongly and vote for the Church's self-interest – whereas in other walks of life, those with a vested interest generally abstain from voting for matters where they have a self-interest². Their continued presence is also a manifestation of the disproportionate, entrenched power and privilege of the Church.
5. Academic research commissioned by the National Secular Society reveals that the United Kingdom is unique among Western democracies in having ex-officio religious representation in its legislature, a fact confirmed by Lord Strathclyde in a PQA: "The House of Lords is the only legislature that includes ex officio representation of clerics".³ The vast majority of Western democracies have abandoned all links between Church and State, with no discernible adverse consequences.
6. Independently published research shows long term and steepening decline in church attendance. Normal Sunday attendance in Britain is projected by Christian Research⁴ to drop by 2020 to 4.2% of the population, less than 1% of which is attendance at the Established church. These statistics cast doubt on claims that the bishops speak for any significant constituency, indeed perhaps even for those in Anglican pews. Since the trend away from organised religion is predicted to continue, the role in Parliament of any

¹ Lords Reform: Why religious representation should be removed from the House of Lords

<http://www.secularism.org.uk/uploads/lords-reform.pdf>

² For example Lord Avebury pointed out in the Education Bill debate where the bishops were obstructing some relaxation of mandatory Collective Worship that it was no coincidence that England and Wales are the only countries with mandatory (daily) collective worship in community schools and that the House of Lords is the only legislature with *ex officio* clerics. HL Deb 18 July 2011, cGC372.

³ HL Deb, 1 July 2011, c484W

⁴ Source: Religious Trends 7, 2007/2008 publ by Christian Research derived from Table 12.6.2

religious representatives will become increasingly irrelevant and unjustifiable. Nor should it be overlooked that the bishops are all male and middle class, and almost exclusively white. And none are from dioceses in Wales, Scotland or Northern Ireland. We also reject the self-serving idea they promote that they provide a moral perspective on matters of ethical importance on behalf the religious and non-religious alike, regardless of their location.

7. In March 2010, a survey conducted by ICM Research⁵ showed that three-quarters of the public and 70 per cent of Christians believe it is wrong for bishops to have reserved places in the House of Lords.
8. The results of the Consultation Responses from the *House of Lords — Completing the Reform* (2001) showed an overwhelming majority against Church of England 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.
9. It is vitally important that the reformed Second Chamber should not have any specific religious representation whether *ex-officio* or appointed, whether of Christian denominations or any other faiths. The presence of religious leaders amounts to double representation of religious interests as many temporal peers already identify themselves as being religiously motivated.
10. We are therefore pleased that the Draft Bill contains no proposals to extend religious representation in the Lords to other denominations/religions. The NSS believe such a move would not only be unworkable and unpopular, but it would also carry a high risk of creating resentment in minority communities that are already sensitive to discrimination, were they not to be represented. There is a real slippery slope problem in that there is no obvious point at which to stop extending representation - and there will be pressure from sub groups within minority religions. The more faith groups acceded to, the less representative the slimmed down second chamber would become.
11. If proposals were made to extend religious representation to other faiths through the appointments process, there are serious questions about the extent to which such leaders would be representative of the group they purport to represent. Opinion polls conducted during the Pope’s visit to the UK in 2010 showed that Catholic bishops are at almost complete variance with Catholics on the same social issues where they seek most strongly to exert their influence. Only 4-11% of Catholics polled agreed with the bishops’ position on contraception, homosexuality and abortion.⁶ Similar arguments would equally apply to minority faiths’ leaders. Within religions, there is a whole spectrum of belief and practice. Treating such groups as homogenous can be particularly detrimental for women and sexual minorities.
12. In line with proposals for a reduction in the size of the second chamber, the Draft Bill proposes that the number of reserved places for Church of England archbishops and bishops should also be reduced, from 26 to a maximum of 12. In an upper chamber of 300 members this represents an increase in the proportion of bishops. The NSS regards this as unacceptable. We note that the Wakeham Commission sought in 2001 to justify a reduction by ten of the number of archbishops and bishops on the manufactured and

⁵ http://www.ekkleisia.co.uk/content/survey_on_bishops_icm.pdf

⁶ YouGov / ITV Survey Results, Sample Size: 1636 Catholic Adults, Fieldwork: 31st August - 2nd September 2010

grossly inaccurate basis of the Church's claimed "membership" of 25million, based on baptisms. The Church's actual membership is one twentieth of this number. In any event, if size-of-membership were a valid criterion for seats in the Lords, many other organisations (religious and non-religious) could equally claim such privilege.

13. The Draft Bill proposes that the Archbishops of Canterbury and York and the Bishops of London, Durham and Winchester retain their right to hold a seat in the House of Lords as of right under the Bishops Act 1878. The Government proposes that the remaining 7 places would be selected by the Church of England. We regard this as a disturbing development and maintain that the Church should not gain any greater freedom over the appointment of its nominees.
14. We are concerned that such a proposal could herald the introduction of specifically appointed bishops – in effect full time professional lobbyists not just with access to ministers but with power to call them to account – who would be expected to intervene much more than the present bishops and create a new voting bloc. It is likely they could at times hold the balance of power. 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.
15. We are also very concerned about the exemptions proposed by the Government for the Lords Spiritual from the tax deeming provisions, the serious offence provisions and those on expulsion and suspension. This proposal would mean that in the most serious of matters, bishops will be accountable to the Church rather than Parliament. We oppose this unjustifiable privilege and recommend that if seats are to be reserved for bishops in a reformed House, they should be accountable to Parliament in the same way as other members.
16. We believe that the proposals contained within the Draft Bill concerning the Church of England bishops represent a missed opportunity for real modernisation and enhanced democracy. Britain is already the only western democracy left that reserves seats for clerics in its Parliament – elsewhere only theocracies have such arrangements. The proposals for their retention will inevitably give rise to calls for representation to be extended to other denominations or faiths – a move we regard as deeply undesirable and entirely unworkable.
17. We therefore urge the Committee to reject the Draft Bill's proposals to retain the Bench of Bishops. With a view to creating a more democratic chamber, we ask the Committee to ensure that reserved seats for Church of England Bishops are completely removed from the House of Lords.

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