



## Religious representation in the House of Lords

Standard Note: SN/PC/05172

Last updated: 26 October 2009

Author: Lucinda Maer and Chintan Makwana

Section: Parliament and Constitution Centre

---

At present, two Archbishops and 24 Bishops of the Church of England sit in the House of Lords as 'Lords Spiritual'. Over the last ten years there have been a number of proposals for reform of the House of Lords, many of these include at least a proportion of elected members within a smaller second chamber. Within this context, there has also been discussion of the future of the Lords Spiritual, and questions of whether other faith groups should have representation in the second chamber.

The Government's most recent White Paper on Lords reform was published in July 2008. It proposed that in a fully elected second chamber there would be no seats reserved for Church of England Bishops. If there were to be an appointed element, there should be a proportionate number of seats reserved for Church of England Bishops. These seats would not count towards the proportion to be filled following nomination or application to the Appointments Commission. The Church of England would be invited to consider how it would in future select Bishops for membership of the second chamber.

This information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as being up to date; the law or policies may have changed since it was last updated; and it should not be relied upon as legal or professional advice or as a substitute for it. A suitably qualified professional should be consulted if specific advice or information is required.

This information is provided subject to [our general terms and conditions](#) which are available online or may be provided on request in hard copy. Authors are available to discuss the content of this briefing with Members and their staff, but not with the general public.

## Contents

<b>1</b>	<b>The Bishops and Archbishops in the House of Lords</b>	<b>3</b>
1.1	Introduction	3
1.2	The contribution of Bishops and Archbishops to the Lords	3
<b>2</b>	<b>The Government's 2008 White Paper, <i>An Elected Second Chamber: Further Reform of the House of Lords</i></b>	<b>4</b>
<b>3</b>	<b>Religious representation: previous proposals</b>	<b>7</b>
3.1	<i>Modernising Parliament: Reform of the House of Lords, 1999</i>	7
3.2	The Wakeham Commission, 2000	8
3.3	2001 White Paper, <i>The House of Lords: Completing the Reform</i>	11
3.4	Public Administration Select Committee Report, <i>The Second Chamber: Continuing the Reform, 2002</i>	11
3.5	2003 Consultation Paper: <i>Constitutional Reform: Next steps for the House of Lords</i> <sup>12</sup>	
3.6	Cross-party report, <i>Reforming the Lords: Breaking the Deadlock, 2005</i>	13
3.7	2007 White Paper, <i>The House of Lords: Reform</i>	13
<b>4</b>	<b>Reactions and views of faith and non-faith groups</b>	<b>14</b>

# 1 The Bishops and Archbishops in the House of Lords

## 1.1 Introduction

At present, two Archbishops and 24 Bishops of the Church of England sit in the House of Lords as the 'Lords Spiritual'. The Archbishops of Canterbury and York receive a seat in the Lords as of right together with the diocesan Bishops of Durham, London and Winchester. The remainder are appointed on the basis of seniority from amongst the diocesan bishops.<sup>1</sup>

Bishops and Archbishops hold their place in the Lords by virtue of their position within the Church of England; they are not life peers. When bishops retire (at age 70) they do not retain their place in the Lords. They are not technically Peers in the traditional sense but Lords in Parliament.<sup>2</sup> However, some former bishops and archbishops have been appointed as life peers. These are usually former Lords Spiritual or others who have made a large contribution to British Society and usually sit as crossbenchers. Notable former bishops who have been given life peerages include David Sheppard after his retirement as Bishop of Liverpool and Richard Harries, formerly the Bishop of Oxford.

The Bishop of Sodor and Man and the Bishop of Gibraltar are ineligible to sit in the Lords (as their jurisdiction lies outside of Great Britain).<sup>3</sup> The established Church of Scotland is not represented (excluded after the Scottish Reformation in 1638), neither are the Church of Ireland (after it disestablished in 1871) and the Church in Wales (after it disestablished in 1920).

Historically, there had been a significant Christian element in the meetings of the Anglo-Saxon Witan. Bishops and Archbishops formed a sizeable part of the House of Lords since their inclusion in William the Conqueror's Curia Regis. However, this number diminished heavily in the period of the Reformation and during the dissolution of the monasteries under Henry VIII. During the English Civil War, the Bishops were excluded from the House of Lords, the chamber being abolished during the period of the Commonwealth, but the *Clergy Act 1661* made provision for their return. The number was limited to 26 (the number existing at the time of the legislation) by the *Bishopric of Manchester Act 1846*, which stated that the number of Bishops shall not rise, even on the creation of new bishoprics.

## 1.2 The contribution of Bishops and Archbishops to the Lords

A Lord Spiritual is guaranteed to be present each day for the prayers before the business of the House commences. Theos, the theology think tank, published the report *Coming off the Bench* in 2007 on the role of the Bishops in the House of Lords which explains that:

Certainly, staff at Lambeth Palace arrange for a duty bishop to be assigned for every day that the House is sitting. His duty is to lead prayers in the Upper House at the beginning of the day's business. A list is circulated amongst the bishops (the most senior bishops receive it first, although the Bishoprics of Canterbury, York, London, Durham and Winchester are exempt from the system) for them to sign up for two or three weeks at the House during which, according to one former bishop they are

---

<sup>1</sup> A full list of those bishops currently sitting in the House of Lords is available on the Parliament website at: [http://www.parliament.uk/mpslordsandoffices/mps\\_and\\_lords/house\\_of\\_lords\\_bishops.cfm](http://www.parliament.uk/mpslordsandoffices/mps_and_lords/house_of_lords_bishops.cfm)

<sup>2</sup> House of Lords Standing Order No. 6

<sup>3</sup> R M Morris, *Church and State in the 21<sup>st</sup> Century*, 2009, p44

“supposed to be there for any business right up to closing time at ten o’clock or whenever it is.”<sup>4</sup>

Bishops and Archbishops have commitments outside the House, as do many other peers, with most commitments being in their diocese. Donald Shell (University of Bristol) has commented that:

The business of the House is arranged at relatively short notice and those whose diaries fill up months ahead therefore find attendance at particular debates is often difficult to arrange.<sup>5</sup>

However, some Lords Spiritual can and do play an active part in the House. For example, Richard Harries, as Bishop of Oxford, chaired an ad hoc select committee on stem cell research, which reported in 2002. He also assumed the role as convenor of the bishops from 1998. He was a member of the Royal Commission on House of Lords Reform and was created a life peer when he retired in 2006.

Meg Russell and Maria Sciara have looked at the voting behaviour of Bishops as part of a larger study of government defeats in the House of Lords:

[T]he votes of the bishops only rarely makes a difference to legislative outcomes. Of our 806 divisions this occurred only four times. Once in 2004 on an amendment to the Pensions Bill where the government won by two votes, but without the support of two Bishops voting the result would have been a tie. On two occasions, in 2000 and 2003, the government was defeated by one vote, with the vote of one bishop making the difference between this and a tied vote. Only once, on the Nationality, Immigration and Asylum Bill in 2003, was the government defeated thanks to the votes of bishops, when otherwise it would have won.<sup>6</sup>

At the same time, bare numbers cannot tell the whole story, and there are no doubt occasions where bishops influence the behaviour of other members of the Lords...<sup>7</sup>

Theos’s publication *Coming Off the Bench* also looked at whether bishops attend, vote and speak in the House of Lords, and what they say. The report noted that the bishops’ attendance has been higher under the Labour Government than it was between May 1979 and May 1987, and that the bishops’ participation in divisions has increased. It is worth noting, however, that on some occasions the bishops have voted separately on the same subject matter in debate.<sup>8</sup>

## **2 The Government’s 2008 White Paper, *An Elected Second Chamber: Further Reform of the House of Lords***

In July 2008 the Government published *An Elected Second Chamber: Further reform of the House of Lords*.<sup>9</sup> The White Paper was the latest in a series of proposals for reform that have been published by the Government since the removal of the majority of the hereditary peers in 1999. The Government had previously published a white paper on House of Lords

---

<sup>4</sup> Partington and Bickley, *Coming off the bench: The past, present and future of religious representation in the House of Lords*, 2007

<sup>5</sup> Donald Shell, *The House of Lords*, 2007, p55

<sup>6</sup> Meg Russell and Maria Sciara, ‘Why does the Government get defeated in the House of Lords?’, *British Politics* (2007) 2, 299–322

<sup>6</sup> R M Morris, *Church and State in the 21<sup>st</sup> Century*, 2009, p221

<sup>8</sup> Donald Shell, *The House of Lords*, 2007, p54

<sup>9</sup> Ministry of Justice, *An Elected Second Chamber: Further reform of the House of Lords*, July 2008, Cm 7438

reform in February 2007. Free votes were held in both Houses of Parliament in March 2007 on the composition of the House of Lords. The House of Lords voted for a fully appointed second chamber, and the House of Commons voted in favour of both an 80% elected and 100% elected chamber.

The 2008 White Paper was based on how a second chamber with the compositions preferred by the House of Commons might be constituted. The proposals in the White Paper were the result of cross-party talks, and where there were differences between the parties, these are set out in the White Paper. The Secretary of State for Justice and Lord Chancellor Jack Straw stated in the Foreword to the White Paper that the paper was intended to generate discussion and inform debate rather than representing a final blueprint for reform. He said that proposals for reform would have to be included in a general election manifesto to ensure that the electorate ultimately decided the form and role of the second chamber.<sup>10</sup>

On religious representation, the White Paper stated:

The Government proposes that there should be no reserved seats for Church of England Bishops in a wholly elected second chamber. It also proposes that if there is to be an appointed element in a reformed second chamber, there should be a proportionate number of seats reserved for Church of England Bishops. These seats would not count towards the proportion to be filled following nomination or application to the Appointments Commission. The Church of England would be invited to consider how it would in future select Bishops for membership of the second chamber.

After careful consideration, the Government proposes to endorse the recommendations of the Wakeham Commission that providing reserved places for other churches and faith communities other than the Church of England in a reformed second chamber would be problematic. Any appointments to represent other churches and faith groups should be made through the Appointments Commission in the usual way. The Government would welcome views on whether the Appointments Commission should be given a specific remit to provide for representation of other churches and faith groups in making its appointments.

...The Liberal Democrats propose that there should be no reserved seats for Church of England Bishops in a reformed second chamber if it includes an appointed element. However, Bishops or other representatives of the Church of England could be nominated or apply to the Appointments Commission in the usual way.<sup>11</sup>

The Government argued:

...The relationship between the Church and State is a core part of our constitutional framework that has evolved over centuries. The presence of Bishops in the House of Lords signals Governments' commitment to this fundamental constitutional principle and to an expression of the relationship between the Crown, Parliament and the Church that underpins the fabric of our nation.

However, the Church of England's role stretches further than constitutional principles. The Church takes a leading part in a range of spheres, both religious and secular. In partnership with many of the UK's other religious communities, the Church offers spiritual support to everyone, regardless of their beliefs. The fact that the Church's staff and volunteers often live in the heart of the community they serve adds to the

---

<sup>10</sup> For further background information on recent developments in House of Lords reform see Library Standard Note SN/PC/5135, *House of Lords Reform: The 2008 White Paper and recent developments*

<sup>11</sup> Ministry of Justice, *An Elected Second Chamber: Further reform of the House of Lords*, July 2008, paras 6.8-6.10

effectiveness of this support. The Church of England Bishops' position in Parliament reflects this culture of promoting tolerance and inclusiveness.<sup>12</sup>

Responding to Jack Straw's statement in the House of Commons on publication of the White Paper, the then Shadow Secretary of State for Justice, Nick Herbert, stated that the Conservative Party:

...welcome the special place that the Government intend to reserve for the Church of England bishops in a mainly elected, reformed second Chamber.<sup>13</sup>

Speaking for the Liberal Democrats, Simon Hughes stated:

There has been a debate about the bishops. I hope that the Secretary of State accepts that many of us in the Church—not only the Anglican Church, but the Church generally—believe that the time has come for the Church of England not to be part of the establishment any more. The Church was not part of the establishment at the beginning and it was not intended to be so. Whether there are to be women bishops soon or not—I hope that there will be—the Church must, like anybody else, put its case for representation to the people. It is nonsense to protect one bit of the old House of Lords, but not any other.<sup>14</sup>

Adam Price, Plaid Cymru, asked about the representation of other Christian denominations:

**Adam Price (Carmarthen, East and Dinefwr) (PC):** Church of England bishops may not be men-only in future, but they will be England-only for eternity, so will Wales, Scotland and Northern Ireland have additional representation to compensate for the fact that they do not have established religion? ...

**Mr. Straw:** ...The hon. Gentleman raises an important issue about the representation of other faith communities, within both the Christian Church and other world religions. I accept his point that if there were an appointed element—it is one of the arguments in favour of an appointed element—the faith communities would be represented, albeit it in a different way. Without an appointed element, there is no provision for any appointments of bishops or of representatives of other faith communities.<sup>15</sup>

Dr Evan Harris also pressed the Secretary of State on the future of the Bishops in the House of Lords:

**Dr. Evan Harris (Oxford, West and Abingdon) (LD):** Even the Government accept in the White Paper that there is no place for bishops in a 100 per cent. elected House, so in their view there is no fundamental constitutional principle in having bishops. Therefore, if the Government want bishops in an 80 per cent. elected House, why not rely on the appointments system rather than reserving a place for 16 or 26 male, mainly conservative people who have separate representation from anyone else?

**Mr. Straw:** I have been a strong supporter of women bishops in the Church of England and I look forward to their future representation in the other place. The issue comes down to the position of the established Church. I understand and respect the hon. Gentleman's view, which is different from mine. One of the things that we need to recognise, at a time of concern about whether there is a lack of faith generally, is the important role that the Lords Spiritual, as bishops of the Church of England, play in representing not only the Church of England but the wider faith communities. It is

---

<sup>12</sup> *Ibid*, paras 6.45-6.46

<sup>13</sup> HC Deb 14 July 2008 c25

<sup>14</sup> *Ibid*, c27

<sup>15</sup> *Ibid*, c31

interesting that almost all representatives of other faith communities, including other world religions, applaud the role of the Lords Spiritual in the other place.<sup>16</sup>

After the statement was made on publication of the White Paper in the House of Lords, the Bishop of Exeter stated:

**The Lord Bishop of Exeter:** ... We on these Benches will play our part fully in the debates on the recommendations, including those that seek to secure a proper representation of all communities of faith in these islands. Given the evident interest in the future of these Benches shown by many noble Lords, not least during the reading of the Statement, perhaps I could comment on some of the recommendations that relate to the Bishops. While noting that there could be no continuing place for Lords Spiritual in a wholly elected Chamber, we welcome the fact that there would be a place for them within a partially elected Chamber. We therefore acknowledge that in a House with a reduced membership, consideration would need to be given to the appropriate number of Lords Spiritual, which currently stands at 26. We have long held the view that the minimum number required for an effective service to be offered to this House would be 20 and we would therefore welcome a commitment by the Government to discuss this issue with the church. In this context we would be happy to respond to the invitation in the White Paper to review the current system of selection to the Bishops' Bench...

...My Lords, in welcoming the continuing presence of Lords Spiritual in this House, would the Minister affirm that, whatever the final outcome regarding the place of Lords Spiritual in the House, there is an assurance that there would be no fundamental change in the relationship between church and state?

**Lord Hunt of Kings Heath:** My Lords, I can gladly so affirm.<sup>17</sup>

In June 2009 the Government announced that they would be "moving forward" with House of Lords reform. They would first legislate to remove the remaining 92 hereditary peers and then publish a draft bill "for a smaller and democratically constituted second chamber".<sup>18</sup>

### **3 Religious representation: previous proposals**

#### **3.1 *Modernising Parliament: Reform of the House of Lords, 1999***

The 1997 Government published their initial proposals for House of Lords reform in 1999. It supported continued religious representation in the Lords during the transitional House (which would follow the proposed removal of the hereditary peers):

The Government does not propose any change in the transitional House of Lords in the representation of the Church of England within the House. The Bishops often make a valuable contribution to the House because of their particular perspective and experience. To ensure that contribution remains available, the Government proposes to retain the present size of the Bishops' bench which we accept is justified, because the Church's official representation is made up of serving diocesan Bishops, who have duties which frequently call them away from the House. The present representation makes it possible for the Church to ensure its perspective is represented on all occasions when it would be particularly valuable.<sup>19</sup>

---

<sup>16</sup> *Ibid*, c33

<sup>17</sup> HL Deb 14 July 2008 c1000

<sup>18</sup> HM Government, *Building Britain's Future*, June 2009, Cm 7654, p108

<sup>19</sup> Cabinet Office, *Modernising Parliament, Reforming the House of Lords*, , January 1999, p39

There was also a comment on how to include other faith groups within membership of the Lords:

The Government also recognises the importance of the House of Lords reflecting more accurately the multicultural nature of modern British society in which there are citizens of many faiths, and of none. We shall be looking for ways of increasing the representation in the Lords or other religious traditions. In particular, there is a case for examining the position of the Church of Scotland which is an established church but has never had representation as of right in the second chamber.<sup>20</sup>

It noted, however, the difficulty in including them and would be an issue for the longer-term and not an immediate cause of resolution:

However, at least during the first phase of our reforms, other religious representation will not take the form of providing regular representation such as is enjoyed by the Church of England. Nonetheless, considering if there is a way of overcoming the legal and practical difficulties of replicating that regular representation for other religious bodies should form one of the issues for examination in longer-term reform of the Lords.<sup>21</sup>

### **3.2 The Wakeham Commission, 2000**

The Wakeham Commission (the Royal Commission on Reform of the House of Lords) was established by the Government to make recommendations for reforming the second chamber. The 1999 White Paper had suggested that amongst a number of issues, the Royal Commission should consider “if there is a way of overcoming the legal and practical difficulties of replicating...regular representation [like the Church of England] for other religious bodies”.<sup>22</sup> The membership of the Commission included the then Bishop of Oxford, Lord Harries (now Lord Harries of Pentegarth).

The Royal Commission’s report proposed that a reformed House of Lords would have around 550 members, with 65, 87 or 195 elected members. It recommended the creation of a statutory Appointments Commission which would be responsible for all the appointments made to the second chamber. The Commission concluded that religious representation was beneficial to the membership of the second chamber, and accepted that the number of Bishops and Archbishops (Church of England and other English, Scottish, Welsh and Northern Irish) remain at 26. These seats would be distributed as follows:

- 16 seats for Church of England representatives
- 5 seat for other English Christian representatives
- 2 seats for Scottish Christian representatives
- 1 seat for a Welsh Christian representative
- 2 seats for Northern Irish representatives.

---

<sup>20</sup> *Ibid*, p39

<sup>21</sup> *Ibid*, p40

<sup>22</sup> *Ibid*, para 21-22



It further recommended that the Appointments Commission appoint up to 5 non-Christian faith group representatives to the House of Lords at any one time.<sup>23</sup>

Chapter 15 of the Commission's report dealt with representation of religious faiths. The Commission started by examining whether religious representation should be included at all. It recommended that due to the importance of religious belief in public and individual life, there should be a certain representation:

...the reformed second chamber should continue to include people capable of articulating a range of philosophical, moral and spiritual viewpoints, both religious and secular. The Appointments Commission should have regard to this requirement and seek to identify people, whether religious leaders, moral philosophers or other secular thinkers, who can make a particular contribution to such 'moral conversations' alongside the general contributions of other members of the reformed second chamber. Furthermore, we hope the Commission will appoint people who not only have specific expertise in different areas, for example of scientific and medical advance, but who have thought deeply about these issues from philosophical and spiritual points of view.<sup>24</sup>

The Commission then considered whether there should be an explicit role for the Church of England in a reformed second chamber. A majority of the members of the Commission believed that there should continue to be formal religious representation in the second chamber, but that the time had come "to broaden and deepen the nature of that representation to embrace other Christian dominations in all parts of the United Kingdom and other faith communities".<sup>25</sup>

The Commission went on to consider how these other faiths could be represented. A number of obstacles were identified, including the lack of a hierarchical structure in some other faiths, the multiplicity of faiths in the United Kingdom, that to achieve proportionality among faiths, the numbers of religious representatives risked being disproportionate to the size of the House itself, and that some faiths might have concerns about such representation. The Commission argued that the "only way ...of providing a voice for other faith communities would be to place a duty on the Appointments Commission to appoint individuals who would be perceived as broadly representative of the different faith communities."<sup>26</sup> On a proportionate basis, they argued that the Appointments Commission should aim to ensure that at any one time there were at least five members of the second chamber specifically appointed to represent the various non-Christian faiths.<sup>27</sup> The report continued that:

The Appointments Commission should make clear to the various faith communities that it is open to receive nominations from them. It should consult the main inter-faith organisations but would ultimately have to make its own decisions on the basis of individual nominees' personal standing. The Appointments Commission would not be able to strike an exact balance at any one time, but through a series of nominations, over time, it should be able to ensure an appropriate level of representation for the main faith communities in the country. In achieving the necessary balances, it should also be able to take account of the spread of religious views among the members of

---

<sup>23</sup> Royal Commission on the Reform of the House of Lords, *A House for the Future*, January 2000, p155

<sup>24</sup> *Ibid*, p151

<sup>25</sup> *Ibid*, para 15.9

<sup>26</sup> *Ibid*, para 15.15

<sup>27</sup> *Ibid*, p155

the second chamber, including, in particular, those of members from minority ethnic groups.<sup>28</sup>

The Commission argued that it would not be right to increase the total number of Christian denomination representatives to the House of Lords beyond 26, the existing number of Church of England bishops in the House. These 26 places would be distributed according to the size of the population in each of the nations which comprise the United Kingdom. Therefore 21 would go to members representing the Christian denominations in England. 16 of these should be assigned to representatives of the Church of England and five to members of other Christian denominations in England. The representatives other Christian denominations would be chosen by the Appointments Commission in consultation with Churches Together in England (CTE):

CTE and its equivalents in Wales, Scotland and Ireland are legally authorised instruments to promote co-operation and a common approach between the different Christian denominations. They have no distinct theological position of their own: they exist to facilitate the closer working together of the Christian churches. We believe that they could play a useful part in helping the Appointments Commission to identify appropriate people to represent the various Christian denominations. They could also assist the Commission in striking the right balance, over time, between the claims of the different denominations active within the nations concerned. A convention might develop that, when nominations were requested by the Appointments Commission, whatever names were put forward by the ecumenical instrument would normally be accepted.<sup>29</sup>

The Commission recommended that the ultimate responsibility for making appointments to the five places reserved for the Christian denominations in Scotland, Wales and Northern Ireland should again rest with the Appointments Commission, but that they should consult extensively with the relevant ecumenical instruments.<sup>30</sup>

The Commission noted two further points. Firstly, that their recommendations were based on demographics, and that as these might change, adjustments might need to be made to the pattern of religious representation they proposed.<sup>31</sup> Secondly, they recognised that their recommendations would have an effect on the role of a diocesan bishop in the Church of England. They explained that:

Unless the number of eligible bishoprics were reduced, or the basis of Church of England representation in the second chamber were altered, bishops would in future need to wait for up to ten years before becoming members of the second chamber and could then only expect to serve for three or four years. It would be difficult for them to make a significant contribution in such a short time and their tenure would be substantially different from that of other members of the second chamber. We hope that future Church of England representatives would also serve 15-year terms. Rather than attempt to provide a detailed answer to these complex questions, we think that the Church of England should take the lead in finding a satisfactory basis for determining how its representatives, whether bishops or not, should be identified. Similarly, the Church should lead in considering arrangements for reducing the number of bishops in the second chamber and liaising with the Appointments Commission

---

<sup>28</sup> *Ibid*, p154

<sup>29</sup> *Ibid*, p156

<sup>30</sup> *Ibid*, Recommendation 113

<sup>31</sup> *Ibid*, Recommendation 114

about the timing for bringing ten members of other Christian denominations into the reformed chamber.<sup>32</sup>

### **3.3 2001 White Paper, *The House of Lords: Completing the Reform***

This report was a response to the Royal Commission's proposals. In the context of a majority appointed House of Lords with a maximum size of 600, it proposed that the Church of England Bishops and Archbishops remain, but decrease in number. It did not agree with formal representation for other denominations and faith groups, but would expect the Appointments Commission to consider this when appointing members of the second chamber.

The Government argued that:

The House should be more representative of the nation as a whole than is the current chamber... This representativeness should go beyond political affiliation to embrace faith, gender and ethnicity.<sup>33</sup>

They went on to state:

The Government acknowledges the force of the Royal Commission's proposition that religious representation helps in the recognition of the part that moral, philosophical and theological considerations have to play in debating political and social issues. It agrees that the Church of England should continue to be represented formally in the House. The Government proposes that the Church of England's representation should be reduced to 16, in line with the Royal Commission's recommendations.

The Government does not feel able to accept the Royal Commission's recommendations for formal representation for other denominations and religions. The practical obstacles are simply too great. Most other denominations and faiths do not have a hierarchical structure which will deliver readily identifiable representatives. There are many more denominations and faiths than could be accommodated by the numbers proposed.

The Government believes, however, that leaders of other denominations and faiths have a significant contribution to make to the second chamber, and it would expect the Appointments Commission to give proper recognition to the non-Church of England faith communities as they seek greater representativeness in the independent membership of the House. The Appointments Commission ought to take particular account of any views expressed by religious communities about actual or potential members of the second chamber. A more diverse lay membership will also help to provide a broader representation of the faiths.<sup>34</sup>

### **3.4 Public Administration Select Committee Report, *The Second Chamber: Continuing the Reform, 2002***

In February 2002 the Public Administration Select Committee published a report on reform of the House of Lords. The report recommended that the Second Chamber should be predominantly elected. On the future of the Bishops it stated that:

157. ... 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

---

<sup>32</sup> *Ibid*, para 15.28

<sup>33</sup> Cabinet Office, *The House of Lords: Completing the Reform*, November 2001, p17

<sup>34</sup> *Ibid*, paras 83-85

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.<sup>35</sup>

### **3.5 2003 Consultation Paper: *Constitutional Reform: Next steps for the House of Lords***

This consultation paper included proposals to remove the remaining hereditary peers and establish a statutory Appointments Commission. On religious representative, it confirmed what it said in the 2001 White Paper:

The Government has previously proposed reducing the size of the Church of England's representation in the House from its current 26 to 16. This would have been in the context of a much more fundamental reform than is being proposed at this stage and probably in the context of a smaller House. There is a separate issue about how to increase the representation for other faiths and denominations, and this is one of the issues to which the Appointments Commission could be asked to give consideration.<sup>36</sup>

The Government also stated that they proposed:

...to charge the Appointments Commission with ensuring that in selecting independent members they should have regard to the make-up of society. We wish to see a mix of independent members that are representative of the nations and regions of the UK and are balanced in terms of age, gender, ethnicity, disability and faith.<sup>37</sup>

---

<sup>35</sup> Public Administration Select Committee, *The Second Chamber: Continuing the Reform*, 14 February 2002, HC 494 2001-02, paras 157-159

<sup>36</sup> Department for Constitutional Affairs, *Constitutional reform: next steps for the House of Lords*, September 2003, p26

<sup>37</sup> *Ibid*, p44

### **3.6 Cross-party report, *Reforming the Lords: Breaking the Deadlock*, 2005**

This report, published by the Constitution Unit at UCL, was produced by a group of cross-party MPs. It proposed a 70 per cent elected House, with 16 Bishops amongst the 30 per cent appointed. It also stated that other faith groups should be represented in the second chamber and the Appointments Commission should ensure this would be the case:

We believe that there are strong arguments for ending the formal representation of the Church of England in the second chamber. But this is a matter on which there are firmly held beliefs, not least in the Church itself. Removing the Bishops would end a 900 year tradition, and represent a symbolic change in the relationship between the Church and the state. This is therefore more than a matter of House of Lords reform alone. We have sought to build our proposals on consensus, and whilst there is no consensus on such a major issue we are inclined on balance to leave the principle of religious representation as it is. An attempt to upset the current arrangements could threaten the success of the package as a whole, which would be regrettable as there is so much agreement on other points. In any case the Bishops have often proved to be valuable members of the chamber, even in modern times. We therefore propose, like the government and the Royal Commission, that the Bishops should remain in the chamber but that their number should be reduced from 26 to 16. The choice of who takes these seats should be left to the Church itself.<sup>38</sup>

On the issue of other faith groups:

Meanwhile it should be the duty of the appointments commission and the political parties to ensure that other faiths are represented in the chamber.<sup>39</sup>

### **3.7 2007 White Paper, *The House of Lords: Reform***

In February 2007 the Government published another Lords reform White Paper. In the context of a hybrid House of Lords with half its members elected and half appointed, the report supported the principle of faith groups in the Lords and a reduction in the number of Bishops:

It is important that faith communities are represented in the House of Lords. The Church of England, as the established Church, enjoys a special status in social and political life in England and more widely around the United Kingdom. This has long been recognised even by people who are not themselves Anglicans. Lords Spiritual have sat in the Lords since its inception. They are the only category of member whose term is limited to the holding of their office. There have in the past been arguments about the disestablishment of the Church of England. There is little steam behind such arguments today, and, in any event, any profound change in the status of the Church must be in the first instance for the Church itself. It is therefore right for there to continue to be special representation of the Church of England in the reformed Lords.

Whilst recognising the quality of work Lords Spiritual bring to the House, there remains a strong case for a more flexible approach which would allow the Church to determine, from among the Bishops, those who they consider would be able to make the best contribution, rather than appointment on seniority. Assuming the overall size of the House reduces, it would be difficult to justify retaining the current number of 26 Lords Spiritual.

---

<sup>38</sup> Kenneth Clarke, Robin Cook, Paul Tyler, Tony Wright, George Young, *Reforming the House of Lords: Breaking the Deadlock*, January 2005, p23

<sup>39</sup> *Ibid*, p24

It is equally important that a reformed House of Lords reflects the wider religious make-up of the United Kingdom, though the formal nominated representation of particular faith groups may not be possible... The Government will look carefully at how the views of those of faith and of none can be represented in a reformed House of Lords. This will of course only be realistically possible if there is a significant appointed element in a reformed House.<sup>40</sup>

Later in the White Paper the Government included some analysis of the work of the bishops in the House of Lords:

The Government has always recognised that the nature of diocesan Bishops' work means that it is very difficult for many of them to attend the House of Lords with regularity and therefore that their overall representation needs to be higher than would otherwise be appropriate. However, a smaller number than 26 would still deliver this. Much of the work in the House is already done by a smaller core team of Bishops. For example, of the Lords Spiritual between April 2005 and March 2006, 11 attended more than 25 times (out of a possible total of 134). 12 attended fewer than 20 times. 42% of the total number of attendances was accounted for by just 5 of the Bishops and the top 16 Bishops accounted for 89% of total attendances.

In the light of these figures, and taking into the account the reduction in the overall size of the House, the Government believes that the Church could continue to be well represented with fewer Bishops. It proposes reducing their number in discussion with the Church of England.

However, given that it would then be more important that those who were members of the House were those who were best able to contribute, the Government sees a strong case for the Church of England to have the legal flexibility to decide itself which Bishops should sit in the House, rather than this being determined on seniority.<sup>41</sup>

#### **4 Reactions and views of faith and non-faith groups**

In its response to the Government's 2003 consultation paper, the Archbishops of Canterbury and York noted that:

We continue to hold that this diversity of representation should include the nation's spiritual and religious life. In an era of growing interest and concern about relations between faiths, their approach to moral and ethical issues, and their impact on the modern world, the House of Lords has considerable potential as a forum for serious and well-informed debate on these matters. It is also a forum in which the important insights that faith traditions have to offer about contemporary challenges can be brought to bear directly on our public discourse.

We note with satisfaction that the consultation document recognises the need for a more broadly drawn faith presence in the House of Lords, with regard to both Christian denominations and other religions. We urge the government to work seriously towards this goal, reiterate our own long-standing support.<sup>42</sup>

The consultation also gave some indication of the views of representatives of other faith groups. For example, the Bahai community responded that:

---

<sup>40</sup> Office of the Leader of the House, *The House of Lords: Reform*, February 2007, p28

<sup>41</sup> *Ibid*, p47

<sup>42</sup> Response from the Archbishops, <http://www.dca.gov.uk/consult/holref/responses/hl049.pdf> (last viewed 24 September 2009)

...some representation of religion in the House of Lords might be valuable. However, the identification of people who are genuinely representative of their faith communities can be far from easy for some communities. Furthermore, to include representatives of some faiths and not of others could be invidious. It may, then, be better to appoint people on merit and experience (rather than as representatives of the faith communities), while keeping in mind the overall balance of the different diversity factors in the House of Lords as a whole.<sup>43</sup>

The difficulty of finding representatives of some faith groups was expressed by a response by the Network of Buddhist Organisations:

...there are many different traditions represented in the UK, both ancient ones and more modern Western forms of Buddhism, and there is at present no formal means whereby a choice could be made as to who might fill such a role.<sup>44</sup>

The Board of Deputies of British Jews suggested that to appoint official representatives from the faith communities could be divisive within the communities and cause more harm than good. They argued:

Within the British Jewish community there are several different strands of practice and interpretation of our religion. These are reflected in a range of synagogal groupings which embrace most sections of the community, from the ultra-Orthodox communities through to the Progressive communities. Not all sections of the community recognise the religious authority of the Chief Rabbi and several groups have their own Rabbinic Authority.

It is important that if a member of the second chamber is appointed as a representative of a community, that person should have legitimacy within that community. It will be difficult to achieve this in practice. It is our belief that to attempt to appoint official representatives from the faith communities could be divisive within the communities and cause more harm than good.

We would recommend instead that whatever method is used for deciding the balance of members of the reformed House of Lords, due regard is given to their religious background, thereby ensuring that the composition of the chamber is broadly representative of the multi-faith landscape of the United Kingdom in the 21st century.<sup>45</sup>

The British Muslim Research Centre suggested that representation should be achieved through the appointments process:

Where religion is increasingly a significant marker of identity, this in our view represents a significant democratic deficit. We recommend that, like ethnicity, the objective for representation of faith in the House should be pro rata with representation in the population as a whole...Furthermore, in view of the small number of nominations for which the proposed Appointments Commission will be responsible- and therefore, the clear limitations on its ability to make a significant difference to the make-up of the House, we agree with the Government that the larger political parties should be required to seek the same objective with regards to representation of faith as the proposed Appointments Commission. It is only by doing so, that we may achieve fair

---

<sup>43</sup> National Spiritual Assembly of the Baha'is of the UK, <http://www.dca.gov.uk/consult/holref/responses/hl159.pdf> (last viewed 24 September 2009)

<sup>44</sup> The Network of Buddhist Organisations, <http://www.dca.gov.uk/consult/holref/responses/hl161.pdf> (last viewed 24 September 2009)

<sup>45</sup> Board of Deputies of British Jews, <http://www.dca.gov.uk/consult/holref/responses/hl026.pdf> (last viewed 24 September 2009)

representation for all faith communities and mainstream their voices and viewpoints in the House.<sup>46</sup>

The Catholic Bishops' Conference of England and Wales stated that:

As regards faith representatives we recognise that all appointments should be on merit taking account of the full range of contributions that each member can make. It is to be hoped that members will have more than just one special interest and will speak on various occasions on a variety of topics. If this is so then there should be among members those whose lives are informed by their faith and who will contribute to debates from a faith perspective. This will be achieved if the Appointments Commission keeps in mind the broad interests and experience of those proposed for membership.

We believe it important that there should be some members appointed by the Commission who, whilst qualifying on merit, are also appointed precisely because of their knowledge and position in a specific faith community, and we would expect the Appointments Commission to make appropriate enquiries ahead of appointment.

As we have indicated in previous submissions we believe that among lay Catholics there are many well informed citizens whose political and social opinions are influenced by their faith, and they bring at least an implicit Catholic perspective to their involvement in public life. Some, but by no means all, of these would be able to speak on behalf of the Church and to give voice to the moral and spiritual teaching of the Catholic Church across a range of issues. We believe that the Appointments Commission should be required to consult the Bishops' Conference when the fact that a candidate was a Catholic is a major consideration in choosing such a candidate for appointment.

No doubt this requirement should apply to all churches or Faiths but we understand that for some such consultation may be impractical because there is no accepted focus of authority within the faith community itself.<sup>47</sup>

The British Humanist Association has campaigned for the removal of the Bishops from the House of Lords. In response to the 2008 White Paper, *An Elected Second Chamber: Further Reform of the House of Lords* the Humanists stated that they:

...strongly opposed] the retention of the right of Church of England Bishops to sit in a partially-appointed House of Lords *ex officio*. The continuing representation of a single denomination in the national legislature is religious privilege of the most egregious sort and is discrimination against members of other religions and those with non-religious belief systems like humanists.

We also oppose any extension of religious privilege to other religions or to other Christian denominations, and welcome the Government's position in the White Paper that seats in a reformed second chamber should not be reserved for representatives of other religions. Not only would the proportionate representation of religious representatives of the diversity of religions found in the UK be impossible in practical terms, it would only serve to increase the privileged position of religion in the House of Lords and in government and society more generally. It would be divisive and unnecessary.

---

<sup>46</sup> British Muslim Research Centre, <http://www.dca.gov.uk/consult/holref/responses/hl034.pdf> (last viewed 24 September 2009)

<sup>47</sup> Catholic Bishop's Conference of England and Wales, <http://www.dca.gov.uk/consult/holref/responses/hl043.pdf> (last viewed 24 September 2009)



We are very concerned about the suggestion in the White Paper of what in practice would constitute positive action measures to encourage in particular appointments of religious representatives.

In addition, we are concerned by the suggested that, should Bishops be granted seats as of right in the reformed second chamber, the Church of England would have the right to select them using their own criteria independent from public scrutiny.<sup>48</sup>

---

<sup>48</sup> British Humanist Association, *The Governance of Britain. An Elected Second Chamber: Further reform of the House of Lords, Response from the British Humanist Association*, [http://www.humanism.org.uk/\\_uploads/documents/BHA-Response-to-MoJ-consultation-'An-Elected-Second-Chamber'.pdf](http://www.humanism.org.uk/_uploads/documents/BHA-Response-to-MoJ-consultation-'An-Elected-Second-Chamber'.pdf) (last viewed 24 September 2009)