

Chapter 15 – The representation of religious faiths

15.1 The present House of Lords is unique in the democratic world in providing seats in the national legislature for representatives of an established church. The Archbishops of Canterbury and York, the Bishops of London, Durham and Winchester and the 21 other most senior diocesan bishops of the Church of England are members of the House of Lords by virtue of their office, ceasing to be members of the House of Lords when they retire from their bishoprics.¹ The origins of the bishops' role as members of the House of Lords go back to the early Middle Ages, when they, along with abbots, represented some of the most powerful landed interests in the country and were among the Monarch's chief advisers. Until the Reformation, the Lords Spiritual usually outnumbered the lay members of the House of Lords. They remained a significant minority of the House of Lords until the mid 19th century, when their number was capped at 26 and the number of new lay peerages soared. This trend has continued and was reinforced by the introduction of life peerages in 1958. In the interim House of Lords, the Lords Spiritual make up some 4 per cent of the total membership.



15.2 In considering whether there is a place for Church of England bishops in the reformed second chamber, an important question to ask is whether it is appropriate to provide *any* distinct *explicit* representation for religious bodies in the second chamber. If the answer to the question were affirmative, it would be necessary to consider whether the particular form of representation accorded to the Church of England remains appropriate and how representation might be extended to other denominations and faith communities in the United Kingdom. The Church of England is of course only one denomination of one faith, active in only one part of the United Kingdom.

15.3 In its White Paper,² the Government announced that it did not intend to make any change to the representation of the Church of England in the interim House of Lords. It did, however, acknowledge “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 none” and said it would be “looking for ways of increasing the representation in the Lords of other religious traditions”, albeit “not [in] the form of providing regular representation such as is enjoyed by the Church of England”.³ In an allusion to the problems associated with extending the concept of religious representation in the second chamber, the Government

concluded by encouraging the Royal Commission to consider “if there is a way of overcoming the legal and practical difficulties of replicating that regular representation for other religious bodies”.

¹ Recently appointed bishops must retire at 70 and they usually do so between the ages of 65 and 70. In practice it is customary to offer retired archbishops life peerages under the Life Peerages Act 1958.

² Chapter 7, paragraphs 21 and 22.

³ Other denominations and faiths have in the past been given representation in the House of Lords through the appointment of individual religious leaders as life peers. Examples include the late Lord Jakobovits, the former Chief Rabbi; Lord Eames, the Church of Ireland Archbishop of Armagh; and the late Lord Soper, a former Convenor of the Methodist Conference.

Sources of philosophical, moral or spiritual contributions

15.4 In considering whether the faith communities should have specific, explicit representation, we do not in any way imply that they are the sole source of philosophical, moral or spiritual insight or that their insights are necessarily more valuable than those contributed by people without a religious faith. In the reformed second chamber, as in the present House of Lords, individual members will bring their own deepest convictions to bear, whether their basis is religious or secular. Any formal representation for religious bodies should be seen as an acknowledgement that philosophical, moral and spiritual insights are a significant factor in many debates and that a variety of such contributions is welcomed.

15.5 Religious belief, however, is an important part of many people’s lives and it is desirable that there should be a voice, or voices, in the second chamber to reflect that aspect of people’s personalities and with which they can identify. It would be consistent with our overall views on the composition of the reformed second chamber that it should be in a position to view public policy issues from a range of points of view, including, specifically, the philosophical, moral and spiritual. Several submissions brought out the force of this point but the implication was not that members of religious bodies were the only people who could articulate such considerations. A particularly striking example was the submission from the Chief Rabbi, Professor Jonathan Sacks, in which he argued that, “In a plural society, by definition, moral authority does not flow from a single source. Instead it emerges from a conversation in which different traditions (some religious, some secular) bring their respective insights to the public domain.” He identified a number of questions which were important to a society that is diverse and undergoing rapid change and argued that such an “ongoing moral conversation [was] fundamental to the long term project of society”. He identified the need for a public arena “in which our several moral and spiritual traditions meet and share their hopes and concerns. The health of a free and democratic society is measured not by representative institutions alone. It is measured also by the strength and depth of the public conversation about the kind of social order we seek.” His conclusion was that, in view of its role as a deliberative second chamber, the appropriate arena for this kind of conversation in the United Kingdom was the House of Lords.

15.6 We are sympathetic to much of this analysis and recommend that 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.

Recommendation 107: The reformed second chamber should continue to include people capable of articulating a range of philosophical, moral and spiritual viewpoints, both religious and secular.

An explicit role for religious bodies

15.7 That said, there remains a question over the explicit role of the Church of England in the second chamber and the possibility of extending that role to embrace the representation of other Christian denominations and other faiths. Some of us would be opposed to going beyond the recommendation set out above, arguing that to do so would be inconsistent with the principle of neutrality between those who adhere to a faith and those who do not.

15.8 Those of us who would be prepared to go further are conscious of the historical fact of the Church of England's representation in the House of Lords and its unique place in English society and the wider constitutional framework of the country. Some 50 per cent of the population of England are baptised members of the Church of England and it is the Christian denomination to which they claim to belong and with which they identify, regardless of the regularity of their church attendance. The Church serves the whole of England through 13,000 parishes. It runs 5,000 primary schools (accounting for 25 per cent of all primary school children) and some 200 secondary schools. It is also the established Church in England, connected in a variety of ways to the Queen, who is its Supreme Governor, and to Parliament. The Church of England may legislate in respect of certain issues, although its Measures are subject to approval by both Houses of Parliament. While there is no direct or logical connection between the establishment of the Church of England and the presence of Church of England bishops in the second chamber,⁴ their removal would be likely to raise the whole question of the relationship between Church, State and Monarchy, with unpredictable consequences.

15.9 More generally, a majority of us acknowledge that the presence of the Church of England bishops in the House of Lords has served a wider purpose than simply protecting or recognising the established status of the Church of England. The Church of England bishops' position as Lords of Parliament reflects the British history and culture of seeking to heal religious conflict and promoting ever greater religious tolerance and inclusiveness. The way in which the Church of England's representation in the House of Lords has been manifested over at least the past 100 years has served to acknowledge the importance of philosophical, moral and spiritual considerations – not just religious ones – in the conduct of public affairs. And that representation has been acknowledged by leaders of other Christian denominations and faith communities as providing a voice in Parliament for religion in general, not simply for the Church of England. A majority of us accept the force and the continuing validity of these points. For some of us, the presence of the Lords Spiritual is a sign that Governments are in the end accountable not only to those who elect them but also to a higher authority. Subject to the general caveat in paragraph 15.4, a substantial majority of us consider that there should continue to be formal religious representation in the second chamber. The time has come, however, to broaden and deepen the nature of that representation to embrace other Christian denominations in all parts of the United Kingdom, and other faith communities.

Recommendation 108: The Church of England should continue to be explicitly represented in the second chamber, but the concept of religious representation should be broadened to embrace other Christian denominations, in all parts of the United Kingdom, and other faith communities.

⁴ The Church of Scotland is also established but has no representation in the House of Lords and the Church in Wales was disestablished in 1919 with no observable ill-effects.

Broadening religious representation

15.10 The Church of England bishops, although they claim to speak in the House of Lords “not just for the Church of England but for its partners in other Christian churches, and for people of other faiths and none”,⁵ are not representative of the broad spectrum of religious opinion in the United Kingdom. By definition, they represent only the Anglican Church, in one part of the United Kingdom. That is the foundation of our majority view that it would be desirable to broaden the basis of explicit religious representation in the second chamber.

15.11 To achieve broader religious representation in the reformed second chamber, a number of obstacles would need to be overcome.

- Not all denominations and faiths have a hierarchical structure, like that of the Church of England, which would lend itself to the identification of particular post holders who could be invited to serve in the second chamber on an *ex officio* basis.
- Many of the other Christian denominations and faiths active in the United Kingdom have relatively loose structures with individual congregations or gatherings having a significant degree of independence.
- In the United Kingdom there is a multiplicity of faiths, denominations and sects, making it difficult to identify those which could be considered truly ‘representative’.
- There is a risk that, in seeking to give adequate representation to each broad shade of religious opinion, the number of people who were members of the second chamber by virtue of their membership of a religious body would become disproportionate.
- Members of some religious bodies would have practical and theological concerns about any suggestion that they should be ‘represented’ in the second chamber. The evidence we received from the Church of Scotland, for example, referred to the ‘tension’ which arises from the fact that “while the Church of Scotland is a National Church, whose life is, and has been for centuries, bound up with the life of the nation, it is also a Church which asserts its spiritual independence of the State, an independence which, moreover, the State recognises and guarantees by statute.”⁶

15.12 On a related issue, it is clear that several religious bodies would find it difficult to agree to an arrangement in which the process of nominating someone to ‘represent’ them lay outside the control of their own authorities.

15.13 A specific concern raised by the evidence from the Roman Catholic Bishops’ Conferences in England and Wales and in Scotland was the implications of the Canon Law of the Catholic Church⁷ which forbids clerics from assuming “public office whenever it means sharing in the exercise of civil power”. Both Bishops’ Conferences clearly share the view that the presence of Roman Catholic representatives in the second chamber would be to the overall common good, but both mentioned the Canon Law bar. The Scottish Bishops’ Conference took the view that this would require any Catholic representation to be undertaken by lay Catholics. The England and Wales Bishops’

⁵ Church of England’s submission to the Royal Commission, paragraph 4.

⁶ Church of Scotland’s submission, Part Two, paragraph 7.2.

⁷ Code of Canon Law, 1983, canon 285, paragraph 3.

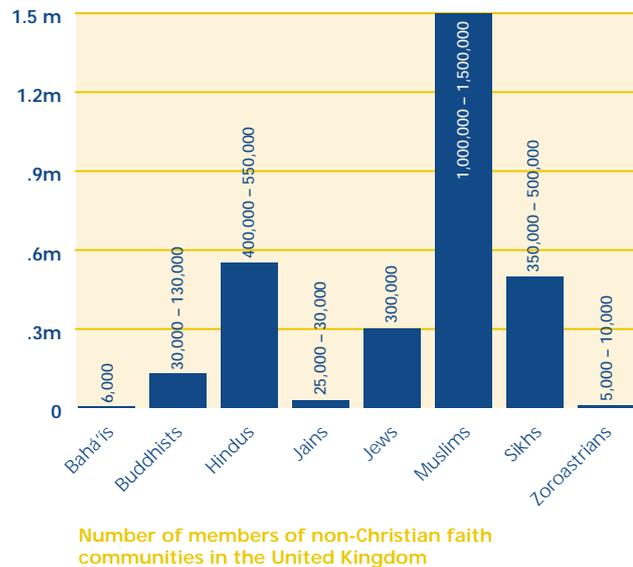
Conference was prepared to entertain the possibility that Roman Catholic representation in the second chamber could be undertaken by Roman Catholic bishops, but acknowledged that, once the role of the reformed second chamber and the proposed arrangements for securing representation in it were clearer, the Holy See would need to be consulted.

15.14 In proposing a way forward, we deal first with the representation of non-Christian faiths in the second chamber and then with the representation of the various Christian denominations throughout the United Kingdom, including the representation of the Church of England.

Non-Christian faiths

15.15 It is clearly not possible to find a way in which all other faith communities could be formally represented on any kind of *ex officio* basis. None of them has a suitable representative body. Even if a case could be made that the United Synagogue could in some sense act for Judaism (though this would be contested), there is nothing comparable for Islam or Hinduism. The only way, therefore, 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. A substantial majority of us so recommend.

15.16 Non-Christian faith communities in the country form between 5 and 6 per cent of the population. In our view, their explicit representation ought to be commensurate with this, in order to demonstrate a desire to give appropriate recognition to such communities. Religious belief is of course an important part of the identity of many minority ethnic or cultural groups. The Appointments Commission should therefore aim to ensure that at any one time there were at least five members of the second chamber specifically selected to represent the various non-Christian faith communities.



15.17 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 the second chamber, including, in particular, those of members from minority ethnic groups.

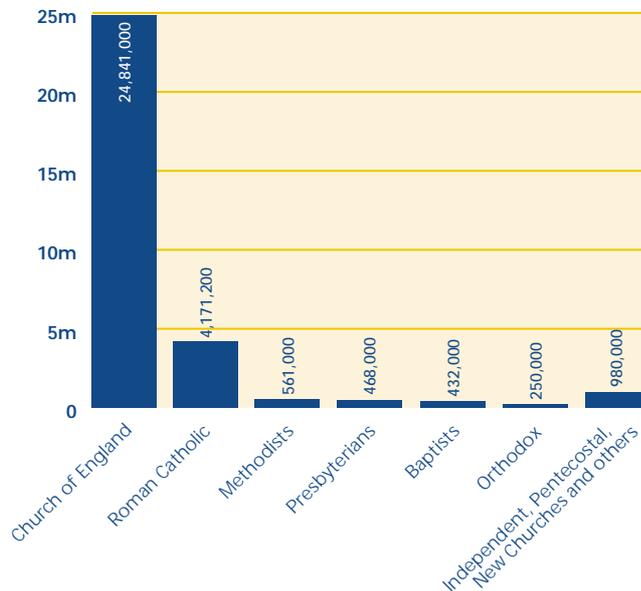
Recommendation 109: The Appointments Commission should ensure that at any one time there are at least five members of the second chamber specifically selected to be broadly representative of the different non-Christian faith communities.

Christian denominations

15.18 As regards the representation of the various Christian denominations throughout the United Kingdom, we do not believe it would be right to increase the total number of such representatives beyond 26, the current number of Church of England bishops sitting as Lords Spiritual in the House of Lords. We believe they should be distributed according to the size of the population in each of the nations which comprise the United Kingdom.

Recommendation 110: The total number of places in the reformed second chamber for members formally representing the various Christian denominations throughout the United Kingdom should be 26. Taking into account the relative size of the population in each of the nations which comprise the United Kingdom, 21 of these places should go to members representing the Christian denominations in England and five should go to members representing the Christian denominations in Scotland, Wales and Northern Ireland.

15.19 For England, we recommend that the allocation of places to representatives of the various denominations should be done on the basis of the number of baptised members of each denomination rather than on levels of regular Sunday attendance. For virtually all Christian denominations, baptism is *the* mark of membership and it reflects the basis on which people identify their religious beliefs. With nearly 25 million baptised members, the Church of England accounts for nearly 80 per cent of the total church membership in England.



Distribution of baptised members of churches in England

Source: *Religious Trends No 1, 1998/9*, Dr Peter Brierley (ed). Christian Research, Paternoster Press.

Recommendation 111: Of the 21 places available for members of Christian denominations in England, 16 should be assigned to representatives of the Church of England and five to members of other Christian denominations in England.

15.20 In view of the considerations which arise from the Church of England's place in the life of the nation, we further recommend that the allocation of its 16 places to particular individuals should be done on a basis which provides considerable continuity from the present arrangements and is developed in consultation with the Church of England authorities. We return to this point below. As discussed in Chapter 13, the formal appointment of the Church of England's representatives as members of the second chamber should be the responsibility of the Appointments Commission.

15.21 So far as the five seats available to other Christian denominations in England are concerned, we recommend that the ultimate responsibility for appointing these members should rest with the Appointments Commission, but that it should consult extensively with the relevant ecumenical instrument, 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.⁸ 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.

Recommendation 112: The Appointments Commission should have the ultimate responsibility for appointing individuals to the five places available for members of Christian denominations in England other than the Church of England. But, in doing so, it should consult extensively with the relevant ecumenical instrument, Churches Together in England.

15.22 We have recommended that five places should be available to representatives of the Christian denominations in Scotland, Wales and Northern Ireland. The ultimate responsibility for making appointments to these five places should also rest with the Appointments Commission. Again we believe it should consult extensively with the relevant ecumenical instruments, Action of Churches Together in Scotland, Cytûn and the Irish Council of Churches.

15.23 Extending the logic of using a population basis for the allocation of these five places would point to drawing two members from denominations based in Scotland, one or two from denominations based in Wales and one from Northern Ireland. Given the nature of the community in Northern Ireland, however, we recommend that there should generally be two representatives of religious bodies from Northern Ireland. The precise distribution of all these seats should be the overall responsibility of the Appointments Commission and we believe it should be able, over time, to ensure appropriate representation for the various Christian denominations in all parts of the United Kingdom. There are two further complications connected with Northern Ireland. First, we understand that the

⁸ Similar instruments exist in each county and most localities in England, and Churches Together in Britain and Ireland performs a similar role covering the whole of the British Isles.

Roman Catholic Church in Ireland has chosen to take ‘observer’ status only on the relevant ecumenical instrument. Second, the main Christian denominations in Northern Ireland operate on an all-Ireland basis. We do not consider that either complication represents an insuperable obstacle to the participation of the Irish Council of Churches in the kind of consultative arrangements we have recommended. We are confident that all concerned would demonstrate due sensitivity in putting nominations forward for consideration.

Recommendation 113: The Appointments Commission should have the ultimate responsibility for appointing individuals to the five places available for members of Christian denominations in Scotland, Wales and Northern Ireland, but it should consult extensively with the relevant ecumenical instruments.

15.24 Three further points should be made. First, our proposals for securing broader religious representation assume the need to identify appropriate individuals to take up the seats concerned and on a basis which involves an active role for the various denominations through their representation on the relevant ecumenical instrument. It would therefore be open to the various denominations and faiths to reach their own decision on whether to recommend clerical or lay members for appointment. This should, for example, give the Church of Scotland and the Roman Catholic Bishops’ Conferences scope to reflect on the extent and nature of their participation in the reformed second chamber. They would be able to alter their positions over time, if appropriate, in the light of experience of the role and work of the reformed second chamber and of the machinery for identifying and appointing members of religious bodies.



Lambeth Palace

15.25 Second, under these proposed arrangements it would become easier than is currently the case for women and members of minority ethnic groups to secure places in the second chamber as representatives of religious organisations. They could do so as representatives of other faiths or of the smaller Christian denominations, as lay representatives or as ordained members of those Christian denominations which have women ministers.

15.26 The recommendations we have made in this chapter are based on current information about population and the numbers of people expressing some identification with religious bodies. Clearly, any demographic changes or changes in the level of adherence to particular sets of religious beliefs would need to be kept under review and appropriate adjustments made to the pattern of representation which we have proposed.

Recommendation 114: Demographic changes and changes in the level of adherence to particular sets of religious beliefs should be reflected in adjustments to the pattern of religious representation which we have proposed.



15.27 Finally, we appreciate that our recommendations will create considerable difficulties for the Church of England. A reduction from 26 to 16 in the number of Church of England representatives entitled to sit in the second chamber will have some awkward consequences that could significantly alter the role of the diocesan bishop. At present a diocesan bishop (excluding the two Archbishops and the Bishops of London, Durham and Winchester) can expect to become a member of the House of Lords within about five years of taking up office and will normally serve as such for about ten years. The Church of England bishops have been effective members of the House of Lords, partly because their

diocesan responsibilities have given them a valuable insight into a range of social and regional issues. On the other hand, the geographical spread of Church of England dioceses and the heavy workloads associated with being a diocesan bishop have meant that, individually, they are often relatively infrequent attenders. That is not a criticism, and we would not necessarily expect representatives of any religious bodies to be full-time members of the second chamber. But our recommendations will require the Church of England to think carefully about the nature of its formal representation in the reformed second chamber.

15.28 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 in the second chamber 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 about the timing for bringing ten members of other Christian denominations into the reformed chamber.

Recommendation 115: The Church of England should review the options for providing formal Church of England representation in the reformed second chamber. Their detailed recommendations should be made to the Government in time for incorporation into whatever legislation is required to implement our own recommendations.