

HOUSE OF LORDS
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TAKEN BEFORE
THE JOINT COMMITTEE ON THE DRAFT HOUSE OF LORDS REFORM BILL

DRAFT HOUSE OF LORDS REFORM BILL

MONDAY 28 NOVEMBER 2011

The Archbishop of Canterbury

Andrew Copson and Elizabeth Hunter

Evidence heard in Public

Questions 428 - 463

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Members Present

Lord Richard (Chairman)
Baroness Andrews
Lord Hennessy of Nympsfield
Bishop of Leicester
Lord Norton of Louth
Lord Rooker
Baroness Scott of Needham Market
Lord Trefgarne
Lord Tyler
Baroness Young of Hornsey
Gavin Barwell MP
Tom Clarke MP
Ann Coffey MP
Oliver Heald MP
Mrs Eleanor Laing MP
Dr Daniel Poulter MP
John Stevenson MP

Examination of Witness

The Most Rev and Rt Hon Rowan Douglas Williams, Archbishop of Canterbury

Q428 The Chairman: Archbishop, thank you very much for coming. We are grateful. I think you know what the Committee is about and the issues that we are faced with. Would you like to make an opening statement before we launch the questions at you?

The Archbishop of Canterbury: Thank you, Lord Chairman. I am very grateful to the Committee for this opportunity to make some introductory remarks. The Committee will have had copies of the submission that the Archbishop of York and I sent, which expresses the views of the Bishops. The Committee will know that we welcome the draft Bill as an opportunity to debate reform of the House of Lords. Our starting point

has been to ask what will best serve Parliament and the nation. In a bicameral legislature, what kind of second Chamber do we actually need, which provides a restrained but effective check and balance to the House of Commons? We agree that some reform of the Lords is long overdue, not least in solving the problem of an ever increasing membership and the pressure on seats—we on the Bishops' Benches have noted that particularly in the last year or so. We also see a compelling case for retaining a second Chamber distinctive from the House of Commons in composition and powers. Our view is that a second Chamber should be composed so as to ensure the just use of power entrusted to the Government of the day, one which commands a majority in the House of Commons; so as to ensure true and impartial accountability, scrutinising and revising government legislation with a degree of independence not possible in the House of Commons; and so as to represent the diversity of what I and others have called non-partisan civil society and intellectual life.

Our concern is that the nature of the second Chamber should be shaped by considerations about its purpose—considerations of that sort. We believe that the proposal in the draft Bill to have a much smaller second Chamber which is entirely or almost entirely elected would bring about a fundamental change, producing a second House which is only doubtfully likely to secure those objectives. We believe that it is important that all Members of the second Chamber should have a full understanding of the diversity of civil society. That is where we believe that the Bishops' contribution comes in.

Bishops, of course, are not life Peers. They are Peers of Parliament. They sit in the House until they retire as diocesan Bishops. They serve only when they are in harness in the diocese. They bring to bear their experience of all aspects of civil society in their own diocesan area. It has been said that they are in effect the only Members of the upper House who have something like constituencies. I draw the Committee's attention to the appointments procedure for Bishops—it is not always widely understood. It involves elected members of our Synod and extensive consultation with civil society in the vacant diocese. It approaches and draws opinions from a large number of people in, for example, civil administration, education and a number of other community locations. The appointments procedure takes for granted that a Bishop has a very visible role in civil society.

One of the things that we hear most often in the Crown Nominations Commission from non-church representatives from the diocese who have been consulted is that they want someone who will speak for the city, speak for the county and speak for the region. That is not just a matter of empty words, as I think is shown by the number of diocesan Bishops who have served and continue to serve in regional partnerships, often in the chair. The rooted presence of the Church of England in every community of England and the committed membership of nearly 1 million regular weekly attendees gives Bishops personal access to a very wide spread of civil organisation and experience—perhaps wider than is enjoyed by many comparable public figures. Their personal contribution to the work of the House of Lords therefore draws not on partisan policy but on that direct experience, as well as

engagement generally with questions of ethics, morality and faith. Bishops know every church in their diocese. They know the communities they serve—and they serve far more people than church attendance in a narrow sense represents. They take part in civil ceremonies. They visit and are known by hospitals, care homes, the Armed Forces, factories, prisons, universities and community projects. In prisons, they have a statutory right of visitation. Hundreds of primary and secondary schools are Church of England schools. In other words, diocesan Bishops belong in a web of relationships in the communities that they serve and have direct lines of communication into those societies at every level. As I noted, people look to the Church of England to provide focus and a voice for the community at times of shared mourning or celebration.

In many cities, the Church of England acts as the convener for bringing representatives of different faiths together. That is also true at the national level where, in only the last seven days, I have had experience of convening three gatherings of faith leaders on a national basis. I think that that would be borne out by analysis of the church's response to last summer's urban disturbances. All this gives the established church a capacity to express common values in a way that no other organisation is placed to do. The Chief Rabbi has said that if the established church is removed from the public square, common values become more difficult to articulate. It is also fair to say that some Members of both Houses of Parliament look to the Bishops to offer a faith perspective, which they may sometimes hesitate to volunteer in their own right.

I raise these points not by way of special pleading for the Bishops in the second Chamber but to point out some of what might be lost if change is brought about in a simply formulaic way and if we have not addressed what we want the House of Lords to do before considering what composition and basis of appointment best deliver that function. I have not yet touched at length on the particular constitutional relationships of Bishops to the Crown in England, or indeed on the status of three of the named Bishops in the draft Bill as *ex officio* privy counsellors. That might need further discussion. In short, I agree that the House of Lords needs reform. It strikes me personally—this is a personal rather than a Church of England view—that the package of measures proposed in Lord Steel’s Bill provide a very effective basis for a revising Chamber. Beyond that, Lord Chairman, I am happy to invite the Committee’s questions.

Q429 The Chairman: Thank you very much. I start by asking what I hope is not a formulaic approach. You believe that the House of Lords needs reforming but you do not accept that it should be an elected or predominantly elected House. If the House of Lords remains a nominated and unelected House, would you then agree that the number of Bishops should be reduced?

The Archbishop of Canterbury: I do not think that it would be particularly helpful to have the proportion of Bishops in the House of Lords increased in any way. If there is a reduction in the numbers in the upper House, the Bishops would have to face the implications of that. In an appointed House, there is a strong case for Bishops retaining their place on the grounds that I have already outlined as speaking for this

non-partisan civic perspective. I would hope that, in such circumstances, that case would still be made and accepted.

The Chairman: Yes, but 26 as opposed to 12?

The Archbishop of Canterbury: That is precisely why, Lord Chairman, I said that we would accept the need for a proportionate reduction.

The Chairman: I see. So if the House was to remain as it is and there is no Bill, you think the Church of England should remain entitled to 26 Bishops but, if the Bill goes through, you would come down to 12.

The Archbishop of Canterbury: At the moment, Lord Chairman, the 26 Bishops are deployed on a basis that assumes that none of them is in a position to be a full-time working Peer. The number 26 allows us the flexibility to have enough meaningful participation. A reduction in that number in present circumstances would leave us in a very difficult position if we wish to participate.

The Chairman: Just one final point on this before I throw it open: if the Lords remains as it is and the number of Bishops in the Lords remains at 26, would you be in favour of other faiths being introduced into the House of Lords? Could you say a word about what sort of faiths, how many and which?

The Archbishop of Canterbury: Our own submission makes it clear—we have been clear throughout discussions over the last decade or more—that the Bench of Bishops has no objection to other faiths being included in some way. We also recognise the extraordinary practical difficulties—as you have noted, Lord Chairman—in deciding who should be represented in that way. There would be a

number of possible answers. The national Inter Faith Network recognises nine major faiths who are invited as of course to a number of national events. That might be a basis on which to proceed, but I also note the very complex issues that have been put before this Committee and others by, I believe, Professor Jones, on the large proportion of faith representatives that might be entailed if you assumed that all those faiths should be represented on something like the same basis.

Perhaps I may add just one other comment. It is certainly a good idea for any appointments mechanism to take into consideration the representation of minority faiths in some way in a second Chamber. That would not of itself replace the way in which Bishops are acknowledged to be able to convene local faith leaders and represent the particular and far from homogeneous mix of faith communities in different regions of the country. Non-Christian observers have, I think, made the point quite strongly that those who belong to minority communities feel that the Bishop is in a unique position to convene groups of leaders as appropriate in different parts of the country without going through a mechanical box-ticking of who has to be represented. There is a sort of flexibility and local sensitivity there.

Q430 Lord Tyler: I am not declaring an interest; I am sort of confessing. I am a practising Anglican in the sense that I am trying to do it better. I chair the Faiths & Civil Society Unit at Goldsmiths College. Naturally, I have listened with great interest. There are two questions I would ask as an Anglican. Do you think from your experience in Wales that the Welsh nation felt deprived that they were not

represented in the House of Lords? Was the Welsh church in any way weaker in the community in Wales because it was not represented in the House of Lords?

The Archbishop of Canterbury: I wondered whether I would get a question on the Welsh dimension—the equivalent of the West Lothian question, I suppose. Of course, for nearly the last century, the Church in Wales has had a very different history from that of the Church of England. The rationale of disestablishment nearly a century ago was that Anglicanism in Wales was very much a minority. Since then, I think that the Anglican Church in Wales has had to work out a way of relating to civil society in Wales on a rather different basis from the Church of England. It did not, day to day, feel all that different, but there were those in the Church in Wales who would have said quite strongly, “Take away the relationship with the state in Westminster and things will also change in Wales”. In other words, I do not think that you alter the Welsh situation for the better if there is any question of removing Bishops in England. When the Wakeham commission was doing its work, there was quite a lot of discussion in Wales about whether there should be some sort of representation for the Welsh Christian communities. There was a fairly widespread consensus among those who discussed it in Wales that, were the Archbishop of the Anglican Church in Wales to be invited to sit in an upper Chamber, it would be very welcome.

Q431 Lord Tyler: That seems to lead to some real questions about the link between representation in Parliament and establishment. Am I not right in thinking that the role of the Lords spiritual—who I gather from one of your colleagues at one point actually had a majority in this House because they included medieval abbots and

abbesses—predates the Reformation, the established church and Henry VIII? Is this not really now an anomaly that needs addressing, not least for the people of Wales—or indeed Scotland and Northern Ireland?

The Archbishop of Canterbury: It really depends where you start from. If the question is whether religious bodies in Northern Ireland, Wales or Scotland properly require some kind of voice in Westminster as religious bodies, I have already said that I do not think that that is much helped by removing the Lords spiritual. The second point, of course, is that the Lords spiritual are part of a constitutional settlement. They have a relationship to the Crown, which other church leaders—including the Anglican Church leaders of the other nations—do not. That is part of the background of their being there and part of the set of considerations which affects their appointment—the processes that I have already mentioned in which the public interest, in the widest sense, is very directly involved. I think that there will also be the quite simple question of, anomaly or not, what precisely is the problem that is solved by the removal of the Lords spiritual?

Lord Tyler: Well, it may be that others would say that they would rather like to come in under an appointments system. The established Church of Scotland might say that, if there is merit in the link between representation in the legislature and establishment, here is another curious anomaly.

The Archbishop of Canterbury: The establishment of the Church of Scotland is, of course, a very different thing from the establishment of the Church of England. It

does not involve the monarch in any way in the appointment of the Church of Scotland's leadership, to take the obvious example.

Lord Tyler: From an Anglican point of view, that might be a great benefit to the Church of England, I would think, but I had better not go down that route.

Q432 The Chairman: I do not think that you had. I agree with that. Can I just follow this up with one little question? If the offer, so to speak, on the table was that the Church in Wales and the Church of Scotland came in and there was a reduction in the number of Bishops from the Church of England—this is not the Church of England Bishops being all thrown out—to make room for the other churches, would that be acceptable?

The Archbishop of Canterbury: I certainly do not think that it is a zero-sum game that we are talking about here, but I would need to see any such proposals on the table before commenting in detail and I would want to hear the views of my colleagues in Scotland, Wales and Northern Ireland. My sense is that there is not, at the moment, a great deal of pressure from the churches there on this subject, but that is just an anecdotal impression.

The Chairman: Perhaps they should try the Assembly in Cardiff.

The Archbishop of Canterbury: There is a long story there, Lord Chairman.

Q433 Baroness Scott of Needham Market: I was very taken with your opening remark about a voice for the region. I found it rather intriguing, because whether or not an area, a town, a city or a region feels that it has a voice is entirely dependent on whether it happens to have a Bishop at that time. I just wonder if that does not

actually make the case for having some sort of geographic link for the whole country, so that everyone can feel that they have a voice in this half of Parliament.

The Archbishop of Canterbury: Let me repeat that I would not at all object to that as a proposal if I could see it fleshed out. The only point that I wish to put on the table at this juncture is that, as I say, it is not a zero-sum game that we are talking about. The virtues of the presence of Bishops as regional voices would not exactly be augmented if they were removed simply because there were no voices from the three other nations.

Q434 Baroness Scott of Needham Market: I have a second question. In the current House there is a wide range of attendance and activity levels, from people who are here virtually every day to others. I think that it would be fair to say that currently the Bishops are at the lower end in terms of that activity level. I wonder two things. First, do you have internal rules and processes for discussing how active you think the Member should be? Secondly, do you think that an issue may emerge when we have a House that is, if you like, more professional—one that is salaried and where the whole atmosphere is different?

The Archbishop of Canterbury: Thank you. Yes, those are two very important questions, if I may say so, so let me take both of them. On the first question, the answer is yes. We have internal systems and, of course, the basic rota for the Bishop who takes Prayers and who is in attendance for a fixed period. That is fixed year by year. We also have meetings of the Lords spiritual from time to time at our House of Bishops meetings. We will discuss what particular pieces of legislation are coming up

and who is prepared to attend, to be briefed and to take part in those. We also assume—again, this is in your papers—that it is quite likely that Bishops will be asked to serve from time to time on Select Committees and so forth, as indeed they have and they do. So we have some system about this. However, and this really goes back to the 26 question, were the House of Lords to change its character—to be smaller or to be more a matter of, as you say, professional politicians—we would have to face the question, which is noted in the submission from the Archbishop of York and me, of how we best facilitated the participation of a smaller number of Bishops in a more demanding regime, as you might say, of attendance and so forth. So we have begun already to look at those questions and to ask how we could reorganise our representation and what the extra demands on those Bishops still present in the second Chamber would be, which we would have to supply and resource as a church. These are very live questions for us and I understand exactly why they are being asked.

Q435 Baroness Young of Hornsey: I have two questions. The purpose of the proposed election is to have democratic legitimacy. If someone says, in relation to the appointment of the Bishops, that the Bishops come from a relatively narrow spectrum of society and that they have separate rules of appointment, separate discipline and no women, does not all that undermine the notion of legitimation either through democratic election or through a rigorous independent appointments procedure? That is the first question. You were talking earlier about the qualities of Bishops, saying that they represent aspects of civil society and have that connection, so the

second question is whether you could say why you do not think that it would be okay for them simply to go forward and apply to be one of the 20% appointed Peers, were we to have that particular system, as opposed to having this closed group with a guaranteed position.

The Archbishop of Canterbury: Thank you. On the accountability question first, I have explained that we have a nomination procedure in the Church of England that attempts to canvass as widely as possible in local communities what the perceived needs are to which a Bishop's presence would be material. We take strongly into consideration in that process the likelihood or, in some cases of course, with the senior Bishops, the certainty of a Bishop having to operate within the House of Lords. So within the system of appointment, we have, I believe, some elements of public accountability built in, in the way that we do that particular bit of business. Certainly it leaves the Bishops in a distinctive category in a reconstructed House. The question is whether—this leads us on to your second issue—the guaranteed presence of a particular kind of faith-based voice in the second Chamber is significant. The Bishops are there as Lords spiritual. They are not there—and this may sound a little counterintuitive—to represent the Church of England's interests. They are there as Bishops of the realm, to use a rather old-fashioned phrase, who have historically—certainly in the past couple of decades—more and more taken on the role of brokering and attempting to speak for the needs of the wide variety of faith communities. I think that if you look at some of the debates in which Bishops have been involved—around education and around the Racial and Religious Hatred Bill, for

example—you will see that in operation. That is one reason why I think that the Bishops would be reluctant to cede the pass on their particular role as being involved in religious representation in the broadest possible sense and would not wish to be subsumed in the general appointment procedure. You noted also, I think quite reasonably, the somewhat restricted pool from which Bishops are currently drawn—men. You will notice in our submission that we have taken this on board to the extent of suggesting that Clause 28(4) in the draft Bill should drop, to allow the church the flexibility, when women are allowed to be ordained Bishops, to fast-track, so to speak, the first women in that position on to the Bishops' Benches.

Q436 Baroness Symons of Vernham Dean: I do not know whether we are to declare an interest, but I am an active member of the Church of England. Archbishop, you said a moment or two ago that you thought that the Bishops were able to speak for a wide variety of faith members. Would it not be better if those faith members were able to have a place themselves to speak for themselves? You put it rather elliptically when the Lord Chairman asked about other faiths, because you said that you had "no objection" to other faiths. I wondered why you could not be a little bit warmer and why you might not welcome the participation of other faiths in the House.

The Archbishop of Canterbury: I am very happy to be as warm as you like. We would welcome that and we do welcome it, because of course there are members of other faith communities already in the second Chamber. If I may go back to the substantive point, yes, of course it is important that we as Bishops do not assume that

we have the right to speak for other faith communities—that would be very insulting, I think, to other communities—but I think that most Bishops would agree that this is a role into which we have been increasingly, and willingly, shunted by the facts of social and religious life in a variety of localities. The difficulties that I flagged a moment ago are very real ones. People sometimes assume that all faith communities must be pretty much of the same shape and that there must therefore be equivalent national leaders for Muslim, Hindu or Jewish communities. This is by no means the case. It is extremely difficult, I think, to decide how you would set about finding anything like comparable representation. It may therefore be that, for the moment, until we think of some better scheme, the Bishops *faute de mieux* act as spokesmen because they act as conveners, to use my earlier word, in the localities.

Q437 Baroness Symons of Vernham Dean: A lot of people would argue that it is an anomalous position that we have so many Bishops in the House at the moment and no one appointed from other faiths to represent those faiths, although I hear what you say about the difficulties in doing that. To take Lady Young's point, does not the position of the Bishops become even more anomalous if the House becomes very largely elected and the Bishops sit alone as the non-elected dimension? That would seem to compound what many people already see as a bizarrely anomalous position that the Bishops have in the 21st century.

The Archbishop of Canterbury: The anomaly is very real, I grant you, but the question is whether the removal of the Bishops would be for the benefit or health of

either the upper House or the nation at large. The argument that I have been trying to put is that it would not.

Q438 Baroness Symons of Vernham Dean: Can I then put to you a broader point?

It comes at the beginning of your paper, in paragraph 12, where you say: "In summary, if, as we believe, the second chamber should remain essentially a revising chamber and if, as we also believe, the primacy of the House of Commons is to be maintained, the argument that such a chamber can only be effective and have proper legitimacy if it is wholly or mainly elected is no more than an assertion." I do not want to put words in your mouth, but you appear to be saying here that you either have elections or you maintain House of Commons primacy. Is that what you saying, as appears to be the point? If it is, can you see any way round it, where you could have elections and still maintain the primacy of the House of Commons by anything other than what I think we are all agreed is the rather silly assertion in Clause 2 of the Bill?

The Archbishop of Canterbury: You are quite right to pick up that that paragraph as key to the feelings that are quite widely shared among the Bishops. I noted it earlier on partly because I want to make it clear that our questions about the reform of the upper Chamber are not simply a matter of episcopal self-interest. We have a genuine concern about the assumption that the only form of democratic legitimacy is the electoral pattern of the House of Commons or even STV. It is a broad question that we are anxious about. Is there another way forward? We can argue, again, about the proportions between election and appointment in a second Chamber. We can argue about the relation between an Appointments Commission and the elected Members

of the first Chamber. I am thinking off the top of my head here, but we could also argue about the basis or, if you like, the chemistry of the electoral process. Are we talking about a simple party process in the second Chamber or are we talking about something different? Are we talking about a broad extension of the practices that have grown up around people's Peers and so forth? There would be a number of ways in which we could come at this. The protest that is registered in the paragraph that you quoted was simply against the assumption that democratic legitimacy equals the electoral system as it works in the House of Commons, or something rather like it, on a party basis.

Q439 Mrs Laing: I was going to put Lady Symons's point the other way round. I had also identified that paragraph 12 of your submission is extremely important. If we are declaring interests, Lord Chairman, I do not have an interest to declare, because I am a member of the Church of Scotland, so that is different.

The Archbishop of Canterbury: So I believe.

Mrs Laing: I will not take you down that path, because that area of the argument has already been explored. In the short time that you are with us, I think that it is far more important to look at what is said in paragraph 12: "the argument that such a chamber can only be effective and have proper legitimacy if it is wholly or mainly elected is no more than an assertion." It happens that, personally, I agree with your paper on that point, but I wonder whether you would care to expand on that in the light of paragraph 8, where you say: "The sheer diversity of constitutional arrangements across the democratic world should ... in our view, instil a sense of humility in relation

to claims that any one approach is manifestly superior to another.” Reading those two paragraphs together, I wonder whether you would care to expand on that. Can there be legitimacy without a simple, straightforward party-political election?

The Archbishop of Canterbury: Thank you. Yes, I would be glad to. The word “legitimacy” is key here, of course; it is a very complex and important word. The argument, I think, rests on two basic points. One is the broad theoretical question about the nature of democratic legitimacy and it works in precisely the way that you have cited in terms of the huge variety of practice across the globe. If we say that legitimacy is always necessarily based on direct popular election, a great many legislatures across the world would be under the cosh on that, I think. The second, more practical, point is really to do with a legacy of the Parliament Act and various other things. An elected second Chamber, we believe, runs the risk—this needs to be faced down—of being in competition with the first Chamber in terms of legitimacy, especially if the second Chamber is elected by a method, the single transferable vote, that in the eyes of a good many people, including some prominent people in certain political parties, is regarded as a more legitimate and more credible method of election than the first past the post method. So it is a theoretical question as well as a practical one: does this threaten to upset the balance that the Parliament Act has enshrined in our constitutional arrangements?

Q440 Lord Trefgarne: Like several around this table, I claim to be a practising Anglican, although I was in fact confirmed into the Congregational Church and come from a family of Congregationalists. You, of course, were once the Archbishop of

Wales and I wonder whether you are really sure, as you said earlier, that the non-conformist church in Wales would perhaps not be particularly enthusiastic about becoming part of the new second Chamber and whether we should look into that more closely.

The Archbishop of Canterbury: I am sure that it is worth looking into. I am simply reporting the kind of discussion that was around some 12 to 15 years ago, when this was a live issue in Wales. The rather dramatic change in the religious demography of Wales since 1920 means that the Anglican Church in Wales is now considerably larger than the non-conformist churches, which were once superior in numbers and public influence.

Lord Trefgarne: Is that truly the case? I did not realise that.

The Archbishop of Canterbury: Yes. It was one factor that I think shaped that discussion in the 1990s, which, as I say, came to the view that, if there were to be a religious representative from Wales, the person to look to realistically would be the Anglican Archbishop. You are quite welcome to write that off as anecdotal, once again, but it is certainly worth looking into and that will be the background to it.

Q441 Lord Trefgarne: May I also ask you a slightly different question? What do you think is the view of the non-Christians, not only in Wales but elsewhere, about joining the second Chamber?

The Archbishop of Canterbury: You have, I think, submissions from the Muslim Council of Britain and from the Chief Rabbi on this subject. I think that you would see there some fairly strong evidence that the leadership in those communities—again,

faute de mieux, to go back to Baroness Symons's question—would say, "Well, we are more confident that the Bishops can represent us as a group than some of our own people." That is not to say that there is any lack of enthusiasm in, let us say, Muslim, Hindu or Jewish communities for representation of some sort in the House of Lords and, as I have said, there are already distinguished representatives—or members, I should say—of those faiths in the House of Lords, who may regard their role as in some sense to carry the flag for their communities in certain circumstances. But when opinion is rounded up on this, it seems to be the view, partly on the basis of what I keep coming back to, which is the local experience of the Bishop as convener of faith communities, that these are figures who are trusted to speak for others.

If I may, Lord Chairman, I will add a brief point to that, which is not wholly immaterial to either of the questions that have been raised. Last week I was privileged to have a long-ish, quite demanding and interesting meeting with a number of very senior pastors in black majority churches, mostly in the London area, whose view was almost embarrassingly emphatic that they trusted the Bishop in the House of Lords to speak for them as well as for others. Given that that is a very significant part of not only the Christian population but the population at large in this country, that is not wholly immaterial to what we are discussing.

Lord Trefgarne: They are largely what I would describe as evangelical churches, presumably.

The Archbishop of Canterbury: Yes, these are churches of largely Caribbean or west African membership with indigenous leadership. They are developing rapidly in

numbers and they are developing also their professional outreach in society. We are not talking here about the marginal fringe; there are some very disturbing religious groups around. These are what I would regard as uncontroversially the mainstream among the black majority churches, heavily involved in, for example, combating gun crime in communities, amnesties, mentoring schemes and any number of other things. They are rapidly, if you will excuse the vulgarity, upping their game in terms of educating their own pastors and their own staff. This meeting, which was not specifically on this subject and rather surprised me in its outcome, ended with a number of these leaders getting into a corner and saying, "Is there somebody we should write to to say that we are in favour of Bishops in the House of Lords?" I pass that on for what it is worth.

Q442 Baroness Andrews: Could I follow that up very briefly, Archbishop? That is presumably what you were thinking of, among other things, when you said that many leaders of other faith communities value the fact that we have an established church with a role in Parliament. Am I right in assuming that there is not a pressure that you are aware of for separate representation?

The Archbishop of Canterbury: I think that that is absolutely right. I am certainly not aware of such pressure. I am not aware either at the moment—and this is an interesting shift in my lifetime and the lifetime of most people around the table—of any great pressure for disestablishment from any Christian body, because I think that most non-Anglican Christian bodies in the United Kingdom would now see disestablishment as part of an aggressively secularising programme that they would

want to resist. Whatever the historic unease there may have been about the privileges of Anglicans in Parliament, that landscape has now changed, I think, irreversibly.

Q443 Baroness Andrews: May I follow that up very quickly? You say in paragraph 48: "The established status of the Church would not be at an end ... but its character would be significantly changed and weakened". I wonder whether you could expand on that.

The Archbishop of Canterbury: Thank you. One of the things that people find very difficult about the established character of the Church of England is that it means a very large number of things. There is no one little thing that you can change or remove in order to disestablish the church. The experience of the Welsh church suggests that it is like pulling a loose thread on a badly made cardigan and finding that you are left with a ball of wool—a lot unravels. That being said, for the Bishops not to be part of the scrutiny and discernment that go on around legislation in this country would be, at the very least, to send a signal that the voice of faith in the general sense was not particularly welcomed in that process. Nobody is looking for a theocracy; nobody wants to turn the United Kingdom into Iran. But there is a strong belief that, particularly in the geopolitical context in which we live at the moment, the role of faith in asking questions and in joining in that scrutiny is very significant. For that to be edged away from the legislative process would certainly not be tantamount to disestablishment but it would make the establishment a great deal more hollow than it is in many ways, because it would alter the sense that British constitutional history has left us with that this is a society and political culture in

which the voice of faith is neither dominant nor ignored, which, I think, is a very good place to be—although I would say that, wouldn't I?

Q444 Dr Poulter: I have two questions for you, Archbishop. First, on first principles, it is the presumption of the Bill but also commonly held that it is very difficult to argue for the hereditary principle in the House of Lords. This point has been touched on before, that if we are saying that the hereditary principle is wrong, then it is also an anachronism that we have Bishops in the House of Lords by right. What do you think?

The Archbishop of Canterbury: I am afraid that I think that that is a false analogy. A hereditary Peer is present in Parliament on the basis of heredity. An Anglican Bishop is present in the House of Lords because of a process of appointment, scrutiny and public responsibility that is clearly defined. I do not think that the two are equivalent. I am afraid that anachronism is, to me, a shortcut in an argument.

Q445 Dr Poulter: Well, I disagree with you and think that others here and probably a lot of the general public would disagree as well. On the second point, you make the case that at the moment you have a rota system for how Bishops participate in the House of Lords and that they represent a wide geographical spread. If there is to be a cull of Bishops from 26 to eight, is that not—

The Archbishop of Canterbury: Sorry. Where does the number eight come from?

Dr Poulter: Sorry, from 26 down to a smaller number, as in the model in the Bill.

The Archbishop of Canterbury: I think the number mentioned is 12.

Dr Poulter: Indeed, 12. Will it not be the case that it will be much harder for that rota system to work? You may well end up having faith-based politicians representing the church here. You may also end up with that wide geographical spread—one of the presumptions of your early case—being lost.

The Archbishop of Canterbury: The five named Lords spiritual in the draft Bill already provide a certain level of general coverage. I do not think it would be completely lost even if it were just those five—that is, Durham, Winchester, London, York and Canterbury. As I indicated earlier, we are looking actively at how we might meet some of these considerations. For example, if we were looking to nominate another seven Lords spiritual, we would deliberately set out to identify particular sees in particular parts of the country, which would be assumed to be those associated with the Lords spiritual. We would want to keep that geographical concern very much at the forefront of our minds because it is an important element in what the Lords spiritual have offered.

Dr Poulter: On the second point, about the fact that those seven that would remain would actually have to spend a disproportionately large amount of their time in the House of Lords, they would effectively become much more political in their role here, rather than necessarily dealing with their previous role in the church—the role that they have at the moment.

The Archbishop of Canterbury: It is already taken for granted that the work of the House of Lords is part of what we take into consideration when we nominate somebody as a Bishop. As I said earlier, these questions are very carefully and

explicitly raised in the nominations and appointments process. We are not talking about a change of category. As I said in response to an earlier question, we would have to think very carefully about what sort of resourcing would be appropriate with a smaller number to allow our Members to spend longer in the work of the Chamber. I do not think that it is a question of their becoming more political; it is a question of their having to act more like professional politicians in the sense of giving the time.

Dr Poulter: Is that not a case of QED, or quod erat demonstrandum?

The Archbishop of Canterbury: Yes, I know what it means.

Dr Poulter: In that case they are being more political as professional politicians.

The Archbishop of Canterbury: I assume that becoming “political” means becoming partisan in some sense, which I do not accept. Becoming professional participants—

Dr Poulter: Or professional politicians. The whole presumption in what you put across is that they carry independence and a link to groups of people whom they represent. But becoming professional politicians, as you just said, goes against your earlier argument.

The Archbishop of Canterbury: I clearly should not use the term “professional politicians”. I am trying to find a way of talking about an increased level of commitment or professionalism among those who already, I think it would be agreed, have a fairly high level of commitment and professionalism in their work in the Chamber. The record is there to be examined. What we have to consider in different circumstances is, as I say, how we resource a smaller number to keep up that level of professionalism in their engagement in the work of the Chamber.

Q446 Mr Clarke: Lord Chairman, the Archbishop has already answered the question that I was going to put, on Clause 28(4). I wonder if he might want to add to what he already said.

The Archbishop of Canterbury: We are very conscious that one of the reproaches that can be laid against the Bench at present is that it is not exactly representative in gender terms. We are in the middle—well, not in the middle, but near the end—of a complex, protracted process about the ordination of women as Bishops, which will come to term, we hope and trust, next summer. As and when women become Bishops, we do not particularly want women Bishops to have to wait until 2025 or something before there is any possibility of their being represented on the Bench. Therefore, we want the discretion and flexibility to allow a little fast-tracking there.

Q447 Ann Coffey: I just wanted to pursue this troublesome business of elections a little more. Civic society is very diverse. It certainly is in my work as a constituency MP. On a regular basis, I meet friends of parks groups, friends of school groups, residents associations and community associations. It is, of course, right that the various churches are involved in that, but I would say that the overwhelming majority of people who take part in civic society are not practising Christians—or indeed practising of any faith at all. Part of the way in which they choose how they are represented and how their views are represented is through the whole process of elections, even though they may get it wrong. In a sense, you kind of side-stepped this by saying that your case for the Church of England being represented in the House of Lords is that it is good for society, even though that is not tested out

through any electoral process. In a sense, you can only hold that opinion if the House of Lords is not elected. You can have the opinion that it is good for the Bishops, experts and others to be in the House of Lords because the House of Lords is about what is good for people, rather than the population electing people there. That is quite a driver for the Church of England holding the position that the House of Lords should not be elected. The second question that I want to ask relates to your saying earlier that you could not see what problem would be fixed by not having the Bishops in the House of Lords. Maybe the problem that would be fixed is that people would perceive it not as a place that is part of the establishment and the elite of this country, but a place in which civic society has chosen whom they send to it to represent their interests.

The Archbishop of Canterbury: Perhaps I may take the second point first, on a place where civic society feels that they have chosen who represents them. I remain unconvinced that the only method of civic society doing that is by a partisan electoral process. If you are not going to have a partisan electoral process, there remains to me a question of whether the best method of approaching a second Chamber is a properly accountable Appointments Commission, with some relationship to other, democratically elected bodies. There are many ways of cutting that cake. I can understand on your first point why you might think that our sudden enthusiasm for an appointed second Chamber is the result of panic about the electoral principle. I really think that it is rather the other way. We are genuinely concerned, as Bishops, about the principle of an elected second Chamber and genuinely believe, as I have

argued with a number of people in this Palace, that there is an issue of a kind that I have mentioned around the Parliament Act, which has to be faced in some way in this whole process. The question of whether unelected Bishops remain an intolerable anomaly in an otherwise wholly elected second Chamber is one that I find quite difficult to answer because I accept that it is an anomaly. It is of course an anomaly if you allow ministerial appointments in a second Chamber. There is any number of anomalies that we tolerate because we believe that they are constitutionally on the whole good for us.

Ann Coffey: Good for people.

The Archbishop of Canterbury: Good for people. I hear the reproach of paternalism coming through, yet if proper accountability is built in and we are not simply talking about a wholly unaccountable, self-appointed Appointments Commission, we are in some way plugging it into what people believe they need. Therefore, I think that an appointed House is democratically justifiable. Within that, the rather peculiar and distinctive modes of appointment of Bishops fit in. With the elected House, of course it is anomalous, but it is not a unique anomaly. I think it is just about a bearable anomaly because, on balance, I think it is a constructive one.

Q448 Lord Hennessy of Nympsfield: I have an interest to declare. I am a Catholic but with an affection for the Anglican Church that almost amounts to fellow travelling. Archbishop Rowan, Gladstone once said that he was in favour of the established church carrying on because he "clung to the notion of a conscience ... in the State". Do you think that that idea still has some vitality?

The Archbishop of Canterbury: Yes, in a word—not the sole voice of the conscience of the state but a significant one. Again, it is a reminder of our constitutional settlement, which assumes that the voice of faith has a role, as I said earlier, in the discernment around legislation and scrutiny of proposed legislation. I think that it is important to have voices, among which the religious voice is extremely significant, that are not determined by particular sorts of party politics.

Lord Hennessy of Nympsfield: I agree with you that disestablishment is not exactly a runner at the moment. Mark Harper, the Minister, when he gave evidence, said that they were not considering it, which I am sure was a great relief to you. But if you were disestablished, this argument of Gladstone's and yours would fall just like that, wouldn't it? If you were not established, you could not sustain that argument.

The Archbishop of Canterbury: The church would continue to be the church, I believe. It would engage in other ways. I said that the Anglican Church in Wales had to find other ways of earning its place at the table, so to speak, in public discussion. I think that it did that over the near century of its existence. But I do not see any compelling reason why the Church of England should have to go through the same process.

Q449 Lord Hennessy of Nympsfield: Could you argue that your independence and your relationship to the people and the constituency who produce your Bishops through your consultation processes were enhanced when there was a little bit of the unravelling of the wool of establishment when Mr Brown decided that he would not interfere in the choice of Bishops by the church and that he would just act as a

postman to Her Majesty the Queen? David Cameron has done the same. Does that not put you in a slightly stronger position, or is that the beginning of the wool unravelling?

The Archbishop of Canterbury: I do not think that it is the wool unravelling at all. I think that what we have is, if you like, a rationalisation of a position agreed several decades ago, in effect, which was that the Prime Minister would not interfere in the process of nomination. There would be a moment of choice, but it has not been exercised for a very long time.

Lord Hennessy of Nympsfield: Tony Blair interfered once or twice, didn't he?

The Archbishop of Canterbury: The proceedings of the Crown Nominations Commission are wholly confidential and I do not know the answer.

Lord Hennessy of Nympsfield: You know as well as I do, but that is another question.

The Archbishop of Canterbury: I genuinely do not know.

Q450 Gavin Barwell: Archbishop, thank you very much for your joint submission, which, along with the answers that you have given, make very clear your views on what the Government are proposing. I just want to press you a little bit about what you collectively feel would be the right kind of reform, because the paper recognises that there is a case for some change. Perhaps you would just humour me for a minute or two. In paragraph 4, you say: "For so long as the majority of the House of Lords consisted of the hereditary peerage there was manifestly a compelling case for reform." Then you go on in paragraph 16 to say: "It seems to us that reforms which

bring the second chamber further under the control of the main political parties ... will ... damage the independence of the House of Lords". I think that it is unarguable that the change that happened in the late 1990s did that, because there was clearly a move from having hereditary Peers to a second Chamber of which a large chunk was appointed by the leaders of the political parties. Indeed, there are several other references in here, most notably in paragraph 2, where you note the fact that there will not be a ban on MPs becoming Members of the second Chamber. That implies to me that your view is that a preferable second Chamber would be one in which there were far fewer ex-politicians present. Will you elucidate that? There are several other references that I could quote that imply that without saying it bluntly.

The Archbishop of Canterbury: Yes, the answer is that I would not be averse to a second Chamber with fewer ex-party politicians or continuing party politicians. I have already indicated, I think, that there would be ways of constructing an Appointments Commission that would develop in some ways the people's Peers model. There are a number of ways forward there. For the moment, given that an absolutely global reform of that kind is not envisaged, we have, as I say, some sympathy with Lord Steel's proposals.

Q451 Oliver Heald: Somewhat oddly in the draft Bill, there is a provision that says that Members of the House of Lords would not be able to stand for the Commons for four years except for Lords spiritual. There are two other exemptions that I will mention to you. In terms of punishment, there is going to be provision for expulsion and suspension of Lords in certain circumstances except for the Lords spiritual. When

it comes to non-domiciled, offshore tax people, they are all going to be deemed to be domiciled in the United Kingdom in order to deal with that problem except for the Lords spiritual. I just wondered if you had any idea why that was.

The Archbishop of Canterbury: The implication is quite correct that the number of Lords spiritual who are building up vast tax fortunes in the Cayman Islands is quite small—it may even be vanishingly small. I think that you would have to ask the drafters of the Bill to explain the rationale here. The church has not sought any of these exemptions, I should say, and would be perfectly happy to see them fall. I think that the assumption as regards disciplinary action and expulsion was that the internal disciplinary regulations of the Church of England are arguably more severe than those at work in the parliamentary framework, but any appearance of looking for special treatment is certainly something that we are not interested in.

Oliver Heald: And any suggestion that the reason why you all might want to stand for the House of Commons is that you are being reduced in number in the Lords can be firmly denied, can it?

The Archbishop of Canterbury: I think that that is wildly unlikely, I have to say.

The Chairman: Archbishop, I thank you very much indeed on behalf of the Committee for giving us your time and for answering such questions that we had in such an open and thorough way. Thank you very much indeed.

The Archbishop of Canterbury: My thanks to you, Lord Chairman, and the Committee.

Examination of Witnesses

Andrew Copson, Chief Executive, British Humanist Association, and **Elizabeth**

Hunter, Director, Theos

Q452 The Chairman: Thank you very much for coming. I apologise for the fact that we did not start you at 6.45 but we got hung up before the Archbishop arrived and the Archbishop, understandably, took a little longer than we had expected. I apologise for that. Would either or both of you like to make a short statement before we start the questioning?

Elizabeth Hunter: Hello and thank you very much for the invitation to give evidence this evening. My name is Elizabeth Hunter and I am the Director of Theos. We are a Christian think tank and carry out research into the role and place of religion in society. We work with a wide variety of denominations and other non-Christian faith groups, but it must be stressed that we are a research organisation, not a lobby or campaigning group. We cannot be seen to speak on behalf of any religious institution or for religion in general. That said, like all think tanks, we have a broad perspective: that religious people and institutions already make a significant, positive contribution to society. We have sketched out how in our written submission. We believe that having religious voices in a reformed second Chamber is well within the logic of the draft Bill and we would say a good thing per se. In 2007, we published a report on this issue, *Coming Off the Bench: The Past, Present and Future of Religious*

Representation in the House of Lords, which concluded by endorsing the Wakeham commission's recommendation of a reduction in the number of Bishops in a reformed second Chamber and a broadening of that religious element to reflect the increased religious diversity of the United Kingdom. This draft Bill obviously creates a very different scenario from the situation that was looked into by the Royal Commission in 2000, but we would be in favour of a similar arrangement in principle—that is, the principle of religious voices as a good thing per se and a broadening of those religious voices. However, we see a number of ways that these principles could be applied in practice under the general proposals of the Bill. I am sure that we will speak about those.

Andrew Copson: Thank you. My name is Andrew Copson and I am the Chief Executive of the British Humanist Association. Our position on the questions of Lords reform and representatives is that we are against Bishops or any religious representatives ex officio, as of right, having a place in a reformed House of Lords. We have laid that out in our submission to your Committee. Our views are also extensively explored in the really good House of Lords Library note that I was just reading this morning. It is excellent. We think that ours is inside the mainstream of the view of the issue that people take outside this room. In 2002, 85% of those who responded in the Lord Chancellor's consultation to the question of Bishops were for their removal. The ICM opinion poll in 2010 found that 74% of people surveyed were against the presence of Bishops as of right in the reformed Chamber.

We have four main responses to the four principal arguments that are made in favour of Bishops as of right in the Chamber that lead us to this view. First is the argument from tradition—the idea that it has always been this way. We do not think that that argument has any particular potency at a time of reform. The question is not what problem the removal of the Bishops would solve but why they should be there in the House of Lords as part of our Parliament. We certainly reject the idea that their removal would have any negative effect on establishment. We are with the Wakeham commission when it said that there was no direct or logical connection between establishment and Bishops in the Lords. We certainly do not think that Bishops provide a unique or significantly distinctive spiritual insight, as many Members of the Lords may do so. Even if they did, it would only be one narrow view. Clearly, there are many lay members, as your declarations showed in the previous evidence session. Many people from the Christian religion are present in the Lords and make that contribution. We do not accept the argument that the Church of England can somehow represent a co-establishment of all people of faith. They obviously only ever speak for people of other faiths with whom they are in agreement. It would not be true to say that Bishops in the House of Lords speak for Hindus, for example, who are against faith schools. Clearly they associate themselves only with Hindu groups that are in favour of faith schools, as the Church of England is. Fourthly, we reject the idea that, as the UK's largest NGO with penetration into every local community, the Church of England should have ex officio a right to seats in the Lords. Why not other NGOs that are just as significant or, in the case of NGOs like the National Trust,

perhaps even larger in terms of their national membership? For those four reasons and obviously our main reason of principle—that we believe in a secular state where no one is disadvantaged or privileged because of their religious beliefs or lack of them—we do not think that Bishops in the House of Lords ex officio is a good idea.

Q453 The Chairman: Let me start by following on immediately from what you have just said. It is the ex officio bit that you really object to.

Andrew Copson: Yes it is.

The Chairman: You do not mind Bishops or any other religious denomination being represented in the House of Lords so long as they are not there as of right.

Andrew Copson: Yes, I think we would have no problem if there were to be an appointed Chamber—whether wholly or partly appointed—through which Bishops came through the Appointments Commission and they were incidentally Bishops.

The Chairman: Would you find it objectionable supposing Bishops had been appointed and there were 12 Bishops sitting in the House of Lords as part of an appointed system, either on the recommendation of the Prime Minister or anybody else, and they had gone through an Appointments Commission?

Andrew Copson: My objection would perhaps not be to their actual presence but to the means by which they ended up appointed through the procedure. If 12 Anglican Bishops ended up in a smaller, appointed House of Lords, I would question whether it was a wise and proportionate exercise of appointment powers by the commission to have ended up with so many Anglican Bishops.

The Chairman: So it not their theology that you object to but their status.

Andrew Copson: Personally, I object to their theology but, when it comes to making a constitution, I would object to the method of selection.

Q454 Bishop of Leicester: I note that in your submission, Andrew, you say that the BHA does not take a position on what a reformed House of Lords should look like. That intrigues me because it sounds as if you really do not mind what it looks like as long as it does not have Bishops in it. Is that actually your position? Are you really a single-issue lobbyist here, with no wider view at all about what kind of House Bishops should be excluded from?

Andrew Copson: I could not claim that I or the BHA has any wider personal expertise on what sort of second Chamber would best suit our Parliament in the future and the type of reform. I am and the BHA is particularly concerned with discrimination within our constitution on grounds of religion or belief. That is a narrower range of concerns than one might have if one was concerned with everything. The BHA is committed to democracy, human rights and the rule of law, as many NGOs of course are. I think it would be difficult for us to find a knock-down argument in favour of a wholly elected or wholly appointed Chamber within the confines of our mission in those terms. It is quite right to say that election is not the only democratic method. You could choose your Peers by ballot, through an Appointments Commission or have them ex officio because they ran a learned society or whatever. Personally, I see all sorts of interesting solutions that could present themselves. The BHA as an organisation, being concerned predominantly with religion or belief discrimination in the constitution, would not take a view one way or the other.

Q455 Bishop of Leicester: Could I just pick up a point that arises from that? You also say that the best constitutional system is one that is secular—that is, one where state institutions and religious institutions are separate and the state is neutral on matters of religion or belief.

Andrew Copson: Yes.

Bishop of Leicester: It does not sound as if your argument is neutral on matters of religion or belief.

Andrew Copson: In what way is it not neutral?

Bishop of Leicester: You have already declared the fact that you are against religious representation and against the theological position of the Bishops. You have a view. My point is: is it not an illusion to argue that a secular state is a neutral state? A secular state is one that has an attitude towards religion.

Andrew Copson: I understand your point. No, I do not think it is an inconsistent position. I would also be against the President of the British Humanist Association ex officio having the right to sit in the House of Lords, in the unlikely event that you proposed that. Neutrality in that sense is about objective, fair and balanced treatment of people of different religions and beliefs in the system. I am not opposing Bishops in the Lords because I do not like Bishops; I am opposing ex officio places for Bishops in the Lords because I think that that is unfair.

Q456 Bishop of Leicester: Perhaps I could ask just one more question, arising out of what Andrew said. You said that this argument, which I think you described as specious, that Bishops in some way can speak for other faiths and other interests

beyond the church and that other faiths support our presence here is supported only by those who happen to agree with us and that there is a wider faith view. How do you square that with what, for example, the Muslim Council of Britain and the Chief Rabbi, who are two very significant voices, have said? Do you just discount those as being in some way a distorted voice and completely unrepresentative of the wider faith communities of this country?

Andrew Copson: My point was not that the other religious groups that might speak up for Bishops in the Lords and the establishment of the Church of England did so only because they agreed with the Church of England. My point about that was that the Church of England could claim to speak for other religions only to the extent that they were speaking for the other religions that agreed with them, so the point that I was making was the other way round. On the second point, about my view of those things, it is relatively easy to stitch up a sort of multi-faith consensus on the question of establishment among the leadership level of national religious organisations, but I would be very surprised if that 74% of people who are against Bishops in the Lords as of right did not contain any Muslims, Jews, Hindus or people of other religions. I can see very easily how in discussions you might come to a particular agreement with the Chief Rabbi, but I do not think that that should be taken as indicating any particular views among British Jews.

The Chairman: I think that Theos ought to comment on that.

Elizabeth Hunter: We need to be careful about taking one answer from one survey as creating a broad picture of public opinion. We have tried to look at as many

different polls as possible and I think that the picture that you get is one of ambivalence. What we see is that, in that same 2010 ICM poll, 43% of people thought that it was very or fairly important for institutional religion to a role in public life. In 2007, a YouGov survey found that 46% of people were indifferent to the question of Bishops in the Lords, followed by 28% who thought it was a good thing and 17% who thought it was a bad thing. In that same year, a BBC and ComRes poll showed that there was 48% support for Bishops in the Lords versus 43% against. We need to look at a broad spectrum of information and come to the conclusion that there is no easy or clear argument to make here from public opinion.

Andrew Copson: Although none of those figures indicates a majority of people in favour of Bishops.

Elizabeth Hunter: That is true. There is no easy or clear argument in either direction.

The Chairman: It is like a ping-pong match.

Q457 Lord Trefgarne: Can you give me a clue where you are coming from in all this? I have to confess that I am not as clear as I should be about what exactly humanists stand for.

Elizabeth Hunter: I cannot answer that.

Andrew Copson: I am the humanist. The British Humanist Association is an organisation that has particular aims. A good definition of a humanist would be someone who had a view of life that was not religious, who located values and meaning in the here and now, who trusted to a scientific and rational approach to finding out about the universe and who had a human-centred, present-world-centred

approach in deciding what was right to do and what meaning there could be in life. The British Humanist Association is an organisation that promotes education about and public awareness of that view of things. It provides certain community services—for example, non-religious funerals and other services that non-religious people in the community find it difficult to access where those things have traditionally been provided by, for example, religious groups. A third area of work that we engage in is advocacy and public policy issues, particularly in questions of discrimination either in public life or in the treatment of individuals on the basis of religion or belief. Our interest in this particular question is in having a constitution in this country where there is no in-built privilege in favour of or disadvantage against anyone on grounds of their religion or belief.

Q458 Lord Trefgarne: Where does Theos come from?

Elizabeth Hunter: Theos comes from a broadly ecumenical Christian perspective. We are a research organisation seeking to draw on Christian political thought in our thinking around what makes a good society. We look at the place of religion in society and the role it should play in 21st-century Britain and the role that it is playing. We draw both on empirical research and on theological, philosophical and sociological existing arguments.

Lord Trefgarne: Thank you both.

Q459 Baroness Andrews: This is a question for Andrew. Perhaps you could clarify this point. You say in paragraph 8: “The proposals do not simply maintain the status

quo but create a new, independent and largely unaccountable bloc for the Church of England in Parliament.” Do you think that Bishops currently act as a bloc?

Andrew Copson: Obviously not in terms of all voting together or all turning out on particular issues necessarily, but I can think of a couple of instances where one might describe their activities as bloc-ish. One example is when they were speaking up on Equality Act exemptions on grounds of sexual orientation—they were looking for exemptions for religious groups, the Church of England being one of them, from the duty to treat people equally on grounds of sexual orientation. I think that their behaviour then was that they were of one mind and behaved in that way. Obviously, the Bishop of Leicester is about to tell me that that is not true, but I think also that, in relation to the Private Member’s Bill on assisted dying for the terminally ill, an impartial observer would have seen their behaviour as caucus-like. Generally, obviously I accept the point that they are not all there at the same time and that they have different portfolios, responsibilities, areas of interest and specialisms, but none of that affects my view that they should not be there as of right at all.

Elizabeth Hunter: Might I come in on that? I would just like to make it clear that in neither of those cases were the Bishops’ votes decisive. In the Joffe case in 2006, we saw 14 out of 26 Bishops, which was the largest turnout in a very long time. I would like to point out that there will be cases in which all kinds of Peers end up in the same Lobbies, because they have shared convictions. Not agreeing with the way that they voted is not necessarily a reason to assume that they are indeed voting as a bloc.

Andrew Copson: I would agree with that, of course.

Baroness Andrews: I think that I will cede to the Bishop of Leicester.

Bishop of Leicester: On the Equality Bill, the issue was: where is the boundary of state interference appropriately located and how far should it legislate for the internal organisation of faith communities? That was the issue on which the Bishops stood together—to try to define where that boundary should be. I just make that point for the record, Lord Chairman.

Q460 Baroness Scott of Needham Market: Before I take any notes from the Bishop, I would ask him the question the other way round: where does one appropriately define the boundaries of how far the church can interfere with the state in terms of legislation? Nevertheless, he is not in the witness stand. I really wanted to ask Theos a question. At the moment, Peers do not represent anyone. We are here in our own right. Clearly we all have interests. Many of us have a sort of representative role but it is not formalised in any way. The only exception to that is the Bishops, who are there as of right in a particular way. Why do you think, of all the groups one could possibly have sitting in the House of Lords by right, Church of England Bishops should be the one group?

Elizabeth Hunter: I would like to make it clear that we are not ideologically committed to that mode of achieving the objective of having religious voices represented as religious voices. That is one way and there are lots of pragmatic and symbolic reasons for it. We see the House of Lords as a constituency of constituencies. We see institutions of civil society represented—of rather, reflected. We need to be quite careful about the language of representation. Any appointed

section of a reformed House of Lords would not be in any commonly understood sense representative. As the Archbishop of Canterbury pointed out, the existing Lords spiritual do not see themselves as representative of the Church of England or indeed Christianity. They are individual Lords of Parliament. It may be that the rest of the world assumes that that is what they are doing, but that is now how they conceive of their role. We do not think a system where religious voices are seen as representative is workable. We think that in that appointed section, where the voices and major institutions of civil society and important groups within the UK today see their voices reflected, it is entirely within the spirit of the Bill that religious voices are among those.

Baroness Scott of Needham Market: I was simply trying to make the point—which, with respect, I do not think you addressed—that all these other organisations and organs are not represented as of right. They may happen to be represented by Members of the House of Lords who happen to be there, but there is nothing constitutionally that ensures that different parts of civil society are represented, except for Church of England Bishops.

Elizabeth Hunter: That is certainly the case.

Q461 Lord Hennessy of Nympsfield: Andrew, I respect your position—genuinely I do—but of all the people to get upset about, the Anglican Bishops are almost entirely herbivorous and socially sensitive. They are great company. You seem to have a real animus towards them, which I am sure does not fit with your aim. That is just an observation. My question is about this: the opinion survey suggests that, even though

we are a very secular society, particularly in England, we are still very strongly in the UK a believing but not a belonging society. People do not turn up on the day. A million people still go to Anglican churches every Sunday or most Sundays, but by and large people do not go to church in the way that they used to, even when I was younger. But opinion surveys show that they still believe. Normally, about three-quarters of the population on most surveys still believe. So in many ways the C of E in particular speaks to many people's faith instincts in this country. I just want you to recognise that. I rather have the feeling that you do but the manner of your attack on my herbivorous friend and his colleagues has perhaps taken my breath away.

Andrew Copson: I have absolutely no animus against Bishops per se, only against the position that Bishops are accorded in the current set-up of the House of Lords. It is worth pointing out that although they may be mainly herbivorous, in the sense that I think you meant to imply of placidity, mild manners and so on, they have taken actions where I think they have done great damage in their views. For example, if you are someone who believes in the right of someone who is terminally ill to have access to an assisted death, you would have a slightly more carnivorous view of what they have done and the effect of it than the one that you have expressed. In terms of the second point, that we are a society that is believing without belonging, I do not think that that is true. There is data to suggest quite the opposite—that actually people are more belonging than believing. More people describe themselves as Christians than believe in Jesus Christ, for example, or God. The percentages of people taking on that self-identification are much higher than the percentages of people believing.

Professor David Voas of the University of Manchester is probably one of our best demographers on religious matters. His very good article on belonging without believing is the corrective to that view.

Lord Hennessy of Nympsfield: Perhaps you could send me that.

Andrew Copson: Yes, I will do, certainly.

Q462 Gavin Barwell: I will try to ask a question of each of you to give you both a chance to express a view. I am not sure if you have had the chance, Andrew, to see the written evidence that Theos put in.

Andrew Copson: No, I have not seen the Theos evidence.

Gavin Barwell: I will very briefly summarise the point that I wanted to make. They make four arguments about the principle of religious representation. One of them you will not agree with, but there are the other three. A significant proportion of the population still have religious observance—one can argue about the exact figure, but there is certainly a significant proportion. High levels of social capital come from that. Some of the issues that Parliament looks at are moral issues and it is right that people of religious backgrounds and faith should be part of the mix of people who get to comment on that and make observation on it. I entirely understand your arguments against anyone being there as of right but I was quite surprised when, in the Lord Chairman's question to you at the start that suggested that you might have 12 representatives out of 300, say, in the House, you thought that that was a large number. I put it to you that, given the number of people in the UK who have some kind of religious faith, that does not seem to be an unreasonable number. I am not

talking about being there by right, but if an Appointments Commission placed that sort of number of people of a faith background into an appointed second Chamber, that would not strike me as unreasonable. Can I ask the other question at the same time? In the Theos evidence, you say in paragraph 4b, in terms of the Bishops being appointed: "The existing arrangements are ecclesiologically and theologically appropriate to the Church of England". Do you think they are constitutionally appropriate to the UK? You say that they are right for the church but are they right for the UK as a whole?

Andrew Copson: I will try to answer both points of your question very quickly. In relation to the first part, obviously there are people in Britain today of many different and contrasting religious and non-religious world views, beliefs and practices. I hope that an Appointments Commission would end up with—whether they were clergymen, ministers or not—an appropriately representative range of those views, either just incidentally or, I suppose if they specifically wanted to plug some gaps, maybe that way. As I said, there are plenty of Christians in the House of Lords who are not Bishops and plenty of Members of the House of Lords of other religions who are not clerics in the same way. The second question—

Q463 Gavin Barwell: Can I just push you on that? Do you think that leading people of the major faiths in this country have not unique but particular expertise on moral questions that come before Parliament?

Andrew Copson: Leaders? People who are particularly high up in the hierarchy?

Gavin Barwell: Yes. They might not have unique expertise, and there may be others with expertise, but would you accept that they have expertise?

Andrew Copson: I should think that probably the Archbishop of Canterbury has an equivalent level of expertise as a chair of moral philosophy at some university. If you were going to have one, I could see that you would have the other through an Appointments Commission. I can see that there might be expertise there. On the second point about the number 12, I was answering specifically the question of whether 12 Anglicans in a Chamber of that size would be appropriate. I think you were asking in your question about 12 religious people generally. Professor Iain McLean in his little table of all the different numbers of different religious people whom we would have in a truly representative House, with 77 religious people including 16 Anglicans and 17 Roman Catholics in order to achieve that sort of representation, gives a reason why it is not possible. That is to take an obviously unworkable number of people within any appointment mechanism.

Elizabeth Hunter: My answer would be that, yes, it is constitutionally appropriate, given where we are now, which is that establishment is part of our unwritten constitution and we are constitutionally, at least, a Christian nation. We are not here to defend establishment, but that is a fact of our current situation. Also, we probably want to echo what a 2007 UCL Constitution Unit report, *Breaking the Deadlock*, said. Reform of the House of Lords and the establishment of the Church of England are two very complex and intertwined issues. It is probably sensible, given that there is no major consensus or real clamour for disestablishment or to move in that direction as

part of the reform of the House of Lords. Bishops in the Lords are not entirely necessary for establishment. We know that it is an ecology of things, a cord of many strands. But any removal of Bishops from the House of Lords as part of this reform would move towards disestablishment and that is a significant knot to begin to unpick. I will just make the further point that we are not in any way aberrant across western Europe or among flourishing democracies in having intertwined relationships between church and state. The now truism that only Iran has religious representation like that in the House of Lords becomes a little jaded when you see that, across western Europe, Finland has an established church, Denmark collects taxes and pays the clergy, and Greece, Germany and Switzerland all have very entangled relationships between church and state. It does not seem to hamper their democracy unnecessarily. I think that is a long way of saying, "Yes, at the moment".

The Chairman: Thank you very much. I understand that we are about to become non-quorate, in which case I fear that we have to call this session to an end. I thank both of you for coming. You have been very helpful. What you said in conjunction with the papers that you put in has made things much clearer for us. Thank you very much indeed, as it was very helpful.