

COMMISSION ON POLITICAL POWER: HOUSE OF LORDS REFORM

Response from Humanists UK, October 2022



ABOUT HUMANISTS UK

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by 100,000 members and supporters and over 115 members of the All-Party Parliamentary Humanist Group. We endorse their report *Time for Reflection*, on religion or belief in the UK Parliament which we append to this summary. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

SUMMARY

- The House of Lords does not reflect the diverse make-up of the UK, not least of all because of the presence as of right of 26 bishops of the Church of England.
- Church of England bishops are not just present, but enjoy privileges over and above other peers including special consultation privileges prior to legislation being brought before Parliament, privileged speaking rights in the chamber and exemptions from the Code of Conduct.
- Sittings in the House of Lords open with Anglican prayers, a practice that disadvantages those who do not wish to take part by potentially limiting their ability to participate in subsequent debates.

Recommendations

We endorse recommendations 2 to 5 of the All-Party Parliamentary Humanist Group (APPHG) which focus on reform to make the House of Lords a more inclusive place and more reflective of the people it serves. These are:

- The Bishops Act 1878 and the Lords Spiritual (Women) Act 2015 be repealed, thereby removing the automatic right of the various bishops and Archbishops to sit in the House of Lords.
- The House of Lords Appointments Commission should avoid any custom or practice of awarding peerages to individuals by virtue of being representatives of any religion or denomination, including awarding life peerages to former archbishops, and appoint religious leaders only on merit in the same way as for everyone else.
- Each House of Parliament should at the next opportunity revise its standing orders to see the practice of saying prayers before the start of business replaced by an inclusive time for reflection. Prayers could instead be held elsewhere in Parliament (e.g. in the chapel or one of the larger committee rooms) for those MPs and peers who want them.
- If the preceding recommendation is not implemented, then at the very least, each House of Parliament should at the next opportunity revise its standing orders to ensure that those



who do attend prayers do not get privileged access to seats in the chamber during any subsequent debates.¹

INTRODUCTION

The latest British Social Attitudes Survey shows that the share of the population belonging to no religion has continued to grow, standing at 53%, with 12% Anglicans, 7% Catholics, 18% other Christians, and 9% all other religions. More than that, it shows that the share of non-religious people will continue to rise over the coming decades, with some 68% of 18-24 year olds saying they belong to no religion, versus just 18% saying they are Christians – including just 0.7% saying they are Anglicans.² However, the House of Lords remains a Christian institution with the 26 bishops of the Church of England appointed by right and daily opening of proceedings with Anglican prayers. These arrangements in themselves mean the House of Lords does not reflect the diverse make-up of the UK.

BISHOPS IN THE HOUSE OF LORDS

In its chapter on 'Bishops in the House of Lords',³ the APPHG comprehensively argues against the automatic rights of bishops, or indeed any religious representative, to sit in the House of Lords. Iran is the only other sovereign state in the world to give seats in its legislature to religious representatives as of right which negatively impacts the UK's ability to advocate for freedom of religion or belief around the world.⁴

Church of England bishops enjoy privileges unavailable to other peers

The role of the Lords Spiritual is active and influential in law-making. But not only do they speak, vote and serve on committees like other peers, bishops are subject to a number of privileges:

- They are specially consulted on legislation by the Government prior to it being brought before Parliament, just like the various political parties, but unlike any other religious or belief group.⁵
- They have privileged speaking rights over other peers – when a bishop wants to speak, others are expected to give way.⁶
- They are exempted from the portions of the Code of Conduct of the Lords that forbid payment for providing advice and services, enabling them to advocate on behalf of the Church of England.⁷

¹ All-Party Parliamentary Humanist Group, *Time for Reflection* (2019-20).

https://humanists.uk/wp-content/uploads/APPG-report_religion-in-parliament_Jan2020_print.pdf, p7

² 'Latest British Social Attitudes survey shows huge generational surge in the non-religious', Humanists UK, 1 April 2021. <https://humanists.uk/2021/04/01/latest-british-social-attitudes-survey-shows-hugegenerational-surge-in-the-non-religious/>

³ APPHG, *Time for Reflection*, pp10-17

⁴ *ibid* p 10

⁵ *ibid* pp10-11

⁶ *ibid* pp11-12

⁷ The Lords Spiritual are exempt from paragraphs 9(c)-(d) of the Code of Conduct for Members of the House of Lords states that they 'must never accept or agree to accept any financial inducement as an incentive or reward for exercising parliamentary influence' and 'must not seek to profit from membership of the House by accepting or agreeing to accept payment or other incentive or reward in return for providing parliamentary



Bishops' influence on new laws have decisively benefitted the Church

The APPHG's report found that between 2002 and 2018, the votes of the Lords Spiritual directly changed the outcome of nine votes (twelve when ex-bishops are included), two of which directly benefited the Church of England:

- *Equality Act 2010*: the votes of eight bishops ensured the removal of a clause about employment equality, establishing wider religious exemptions.
- *Education and Adoption Act 2016*: this Act provides that if a maintained school is failing, the Secretary of State must convert it to an Academy. The votes of three bishops ensured the defeat of an amendment that would have made this power discretionary. As the Church of England has more control over its Academies than its maintained schools, it benefited significantly from the defeat of this amendment.

This does not include how Lords Spiritual have influenced the actions of other peers. For example, an amendment that would have repealed the statutory ban on the Church of English to perform same-sex marriages was withdrawn following opposition from a bishop.⁸

Why arguments made in favour of retaining the Lords Spiritual are unfounded

There are two main arguments in favour of retaining the Lords Spiritual, either that of tradition and cultural inheritance or citing bishops' purported moral expertise. Culture is not immutable and cannot be used to justify ongoing practices that privilege one denomination of one religion over others. The argument of moral expertise is not only weak but insulting to those of other religions or beliefs. It is untenable to claim that Anglican bishops can speak on behalf of all religions, a position which, regardless of its falsity, reinforces illegitimate privilege for religion over non-religious worldviews.⁹

Why other religious leaders should not have seats in the Lords by right

In 2018, the Government's then 'Faith Minister' Lord Bourne advocated adding other religious leaders to the House of Lords. This proposal fails on several counts:

- It ignores the question of who would represent the growing humanists population as well as other non-religious people.
- It would require adding at least 85 other religious leaders to the House of Lords.
- It fails to question how representative religious leaders actually are of their denominations.
- It ignores the already disproportionate overrepresentation of religious people in the Lords.
- Appointments are already made to the Lords of individuals associated with other religions but generally they are not appointed by virtue of a right held by their religious institutions to be represented in Parliament but on their personal merits.
- The public firmly opposes an automatic right to seats for any religious representatives.¹⁰

advice or services. House of Lords, 'Guide to the Code of Conduct' (June 2022), para 30.

<https://www.parliament.uk/globalassets/documents/lords-commissioner-for-standards/HL-Code-of-Conduct.pdf>

⁸ APPHG, *Time for Reflection*, p13

⁹ *ibid* pp14-15

¹⁰ *ibid* 16-17



PRAYERS IN PARLIAMENT

In its chapter on Prayers in Parliament,¹¹ the APPHG highlights that sittings of the House of Lords always begin with Anglican prayers. Those who attend prayers can remain in their seats for any subsequent debate. There are around 400 seats in the chamber, compared with nearly double that number of peers. As a consequence, conscientious members who do not wish to participate in prayers, are disadvantaged when it comes to being able to speak in the most popular debates.

The Westminster Parliament is the only national legislature in the UK to have exclusively Anglican prayers. Having some time for reflection can enable peers to take a deeper look into the issues of the day, or wider moral questions, and provide food for thought for legislators before getting down to business. However, it is only by making this time inclusive, as it is in Scotland or Northern Ireland, that it can best serve the interests of all peers and the diverse population that the UK has today.

For more details, information, and evidence, contact Humanists UK:

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¹¹ APPHG, *Time for Reflection*, pp 18-19

