

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 vulgarism, 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.