

To the Cabinet Office

House of Lords Reform Draft Bill Lords Spiritual

The foreword to the White Paper accompanying the above states:-

... we today invite everyone's comments on the draft Bill, whether made to the Cabinet Office or in evidence to the Joint Committee.

In response to such invitation (which specifies no time limit) this document sets out the comments of *Atheism UK* on the draft Bill. Such comments are confined to Part 4, "Lords Spiritual"; it is not part of our function to hold a position on House of Lords reform in general.

Atheism UK is Britain's only distinctively atheist organization. Our principal objectives are:-

- the advancement of atheism;
- the challenging of religious faith.

Further information, about our principles, policies and positions on various issues, can be found on our website at the above address.

Part 4, of the draft Bill, is adequately summarized in paragraph 194 of the Explanatory Notes:-

By virtue of this part a number of archbishops and bishops of the Church of England will sit in the House of Lords alongside the elected and appointed members, on a supernumerary basis. Five named Lords Spiritual (the Archbishops of Canterbury and York and the Bishops of London, Durham and Winchester) and up to seven ordinary Lords Spiritual selected by the Church of England will be entitled to remain in House of Lords at the end of transition (and be replaced if they leave) with full speaking and voting rights. They will continue to be known as Lords Spiritual.

Therefore, it is not proposed to abolish the Lords Spiritual but merely to reduce their number in line with the reduction in size of the second chamber. No rationale, for the continuing existence of the Lords Spiritual, is offered, except the bald assertion that "there should continue to be a role for the established Church".

The persons, who are to be designated as Lords Spiritual, are, as now, the archbishops and several of the bishops of the Church of England. The draft Bill does not provide definitions of either the Church of England or the archbishops and bishops of it, and it is necessary to refer to the *Canons of the Church of England* for these. Canon C 15 prescribes the "Declaration of Assent", to be made by archbishops and bishops on enthronement, as follows:-

The Church of England is part of the One, Holy, Catholic and Apostolic Church worshipping the one true God, Father, Son and Holy Spirit. It professes the faith uniquely revealed in the Holy Scriptures and set forth in the catholic creeds, which faith the Church is called upon to proclaim afresh in each generation. Led by the Holy Spirit, it has borne witness to Christian truth in its historic formularies, the Thirty-nine Articles of Religion, The Book of Common Prayer and the Ordering of Bishops, Priests and Deacons. In the declaration you are about to make will you affirm your loyalty to this inheritance of

faith as your inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making him known to those in your care?

I, A B, do so affirm, and accordingly declare my belief in the faith which is revealed in the Holy Scriptures and set forth in the catholic creeds and to which the historic formularies of the Church of England bear witness; and in public prayer and administration of the sacraments, I will use only the forms of service which are authorized or allowed by Canon.

A defining characteristic, of the Lords Spiritual, is that they have made this declaration. It is predicated on the existence of "the one true God". So, therefore, is the proposal for the designation of Lords Spiritual.

There is no evidence for, and much evidence against, the existence of God. Belief, in the existence of God, is entirely a matter of religious faith. The legal and constitutional status, of religious faith, is set out in following *dictum* of Sir John Laws LJ, in the Court of Appeal's decision in *Relate v. McFarlane*:-

But the conferment of any legal protection or preference upon a particular substantive moral position on the ground only that it is espoused by the adherents of a particular faith, however long its tradition, however rich its culture, is deeply unprincipled. It imposes compulsory law, not to advance the general good on objective grounds, but to give effect to the force of subjective opinion. This must be so, since in the eye of everyone save the believer religious faith is necessarily subjective, being incommunicable by any kind of proof or evidence. It may of course be **true**; but the ascertainment of such a truth lies beyond the means by which laws are made in a reasonable society. Therefore it lies only in the heart of the believer, who is alone bound by it. No one else is or can be so bound, unless by his own free choice he accepts its claims.

The promulgation of law for the protection of a position held purely on religious grounds cannot therefore be justified. It is irrational, as preferring the subjective over the objective. But it is also divisive, capricious and arbitrary. We do not live in a society where all the people share uniform religious beliefs. The precepts of any one religion – any belief system – cannot, by force of their religious origins, sound any louder in the general law than the precepts of any other. If they did, those out in the cold would be less than citizens; and our constitution would be on the way to a theocracy, which is of necessity autocratic. The law of a theocracy is dictated without option to the people, not made by their judges and governments. The individual conscience is free to accept such dictated law; but the State, if its people are to be free, has the burdensome duty of thinking for itself.

While the above relates to the espousal of a particular substantive moral position based on religious faith, it is equally applicable to belief in the existence of God. Therefore, the entitlement of persons to sit in the House of Lords with full speaking and voting rights, because (*inter alia*) they have made the above declaration which is predicated on the existence of God, would be deeply unprincipled, irrational (as preferring the subjective over the objective), divisive, capricious and arbitrary. To the extent of their representation, it would be theocratic.

For these reasons, *Atheism UK* calls upon the government to remove Part 4 from the draft Bill and upon Parliament to remove the Lords Spiritual from its own membership.