

How to win the argument for Lords reform

Guy Lodge and **Michael Kenny** make the case for a stronger second chamber.

As with so many previous attempts, last week's push to reform the House of Lords descended into farce. Its main proponent, Nick Clegg, insists that the fight goes on, but few now believe he will achieve his historic dream of an elected Lords.



Stepping aside from all the partisan squabbles and naked politicking, it is worth reflecting on why the case for reform – which has historically appeared self-evident to most progressives – has been blunted on this occasion, and has failed to touch the public imagination.



The major weakness of the current reform case concerns the impact an elected Lords would have on the Commons. The trap which pro-reformers have fallen into is to claim that an elected Lords, armed with its own democratic mandate, would not alter the relationship between the Lords and Commons. Of course the fundamental 'primacy' of the Commons would be guaranteed by the Parliament Acts (which give the Commons the final word on most legislation), and by the fact that the Commons would continue to form the Government of the day and control the money it spends. And additional safeguards such as those set out in the Bill, including measures to ensure that the Commons always has the most recent electoral mandate, would also help protect the Commons.

Yet, there is no getting away from the fact that if one of the reasons for having a predominantly elected Lords is, as Clegg and other reformers believe, to ensure greater legitimacy for the second chamber, then that chamber will, necessarily become more assertive. And, as all the comparative evidence shows, an elected Lords would be especially assertive when the party composition of the two houses was out of sync with each other, as would quite often be the case. Election would therefore strengthen the constitutional position of the Lords.

This shouldn't surprise us. We know from recent experience that even quite limited reform to the status of the Lords will change the dynamic between the two Houses. The removal of most of the hereditaries in 1999, which, crucially, also meant that no single party holds a majority, significantly boosted the Lords' sense of legitimacy and empowered it to challenge the government. Unsurprisingly, the number of government defeats in the Lords has risen sharply since hereditary privilege was removed.

Should the Lords be elected then it would undoubtedly become more feisty but rather than deny this pro-reformers should seek to make a virtue out of it. The most obvious way to do this is to reframe the argument for change in terms of enhancing the relationship between parliament and the government. An elected Lords, which no single party controlled, would make for a stronger parliament and strengthen the ability of the legislature to hold the government of the day to account. Alongside this reformers should also be advocating mechanisms for managing disputes between an elected Lords and Commons, and developing concrete ways to delineate the powers of the Lords, such as extending the scope of the Parliament Acts and perhaps reducing further the period of time for which they can delay bills.

This issue aside, why is it that the case for reform has not become a more popular cause? The easy answer beloved of many parliamentarians is that issues of constitutional process and political structure are perceived as irrelevant or incomprehensible to a public focused entirely upon economic issues. But this overlooks those periods when Lords reform has struck a chord with reforming movements and party memberships, often at moments of wider economic and political crisis, most obviously during the Liberal Government's great Peers versus the People campaign at the beginning of the last century.

What has been most lacking in the current debate is a compelling rationale for change linked to the

circumstances of today. A more dynamic and populist case – of the kind that a politician like Lloyd George would have assembled – would resonate with authentic public concerns about the perceived unaccountable nature of government in the UK, and the increasingly apparent hoarding of power among a set of interlocking political, economic and media elites.

History suggests that no constitutional change – no matter how compelling it appears on paper – gains traction unless it is perceived to represent a clear solution to pressing problems. Scottish devolution became the solution to the democratic crisis sparked by Thatcher's conspicuous absence of a mandate to govern Scotland. The Parliament Act of 1911 was a response to a profound power struggle that arose when the Lords tried to sabotage Lloyd George's People's Budget. Conversely, political reform goes nowhere when it is unclear what it is intended to remedy. Did anyone seriously believe that the Alternative Vote was an answer to any of the weaknesses of our democracy?

The case for Lords reform needs therefore to be rooted in an account of how power should be most effectively and sustainably exercised in a 21st century democracy. This debate is happening at a time when sections of the public who have become deeply disillusioned by how elites controlling the core institutions of our economic and political systems have misused the power entrusted to them. What links the crises that have recently engulfed the banks, parliament and the media is that they have ultimately been triggered by concentrations of unaccountable power. The reforms we most need are those that begin to challenge and open up these forms of power 'hoarding'. Electing the House of Lords is a small, but actually quite important, and hugely symbolic, step in this direction. Of course it is not a panacea for the problems of irresponsible bankers and over-mighty media moguls. But by creating a stronger, and more legitimate, second chamber, we would have a better chance of holding the power concentrated in our 'core executive' to account. We might also have a wing of the legislature that would be sufficiently powerful to stand aside from, and question, the orthodoxies that led, for instance, to light-touch regulation of our banks and the mountain of household indebtedness that fuelled the political economy of the previous era.

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