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Feb 9th 2006

From The Economist print edition

**How Britain's upper chamber became so uppity**

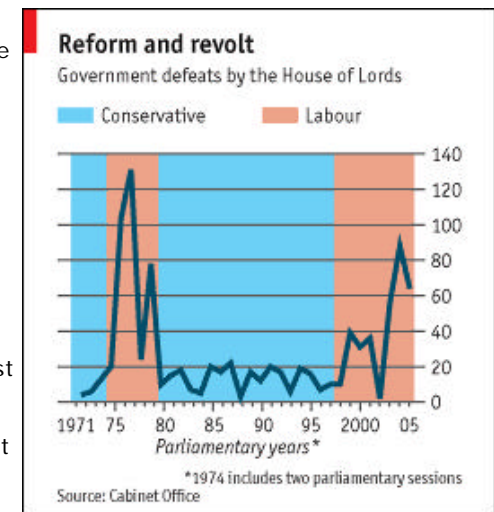
THE House of Lords runs on politeness. There is no speaker to keep order in the debating chamber, and the proposal to introduce one this June is adding frown lines to some already heavily crinkled foreheads. Members are not elected and they cannot be sacked, so they have little incentive to attack their political opponents. And the House's business is scheduled in friendly chats between the offices of (Baroness) Valerie Amos, Labour leader of the Lords, and (Lord) Thomas Strathclyde, leader of the opposition, who sit a few doors away from each other down an ornate neo-gothic corridor.

"People in the Lords don't like to talk about party politics," says Lady Amos. Yet, for a couple of reasons, they have become much readier to confront the government (see chart), particularly over civil liberties issues. For an example, take the bill requiring Britons to carry identity cards, heavily amended by the Lords, that returns to the House of Commons next week. Why this surge of activism?

First, many of the people who sit on the red leather benches are newcomers. Almost half of them have been appointed since Labour came to power in 1997. At the same time, reforms to the Lords in 1999 that removed most of the hereditary peers have brought the total number of Lords down from about 1,300 in 1999 to 700 now. Though the reforms were dismissed by many at the time as incomplete, they have created a very different upper house. The remaining Lords are more confident, turn up regularly and are less inclined to do what the government tells them.

"Before 1999 the place was congested with people wearing thick tweed clothes," says Anthony Quinton, an ex-Oxford don and Conservative peer. "If they saw there was a vote on the preservation of red deer in the Highlands they would come rushing down to Westminster, then disappear again when things like war or terrorism were being discussed." Now, he says, "the Lords are no longer held back by the fear of looking absurd."

Second, the sorts of laws proposed by government have changed. According to Philip Norton, a political scientist who sits on the Conservative benches in the



Lords, this is because many are aimed at regulating the private sector, and are therefore more complex than laws on, say, criminal justice. The company law reform bill, which has 885 clauses and runs to over 500 pages, is a good example. So although there are not actually more new bills around than there were under the Tories they do tend to be longer.

In theory, the Commons is meant to look at all this stuff in detail. But in practice MPs don't have the time. Due to changes in the way parties now work (see [article](#)), MPs have to put much more energy into stroking their constituents if they want to get re-elected. There are also more exciting things for them to do in the Commons, like sitting on a select committee and grilling government ministers. As a result, the standing committees in the Commons (which are meant to scrutinise every new law) are thinly attended and skip over chunks of each bill. This has created a power vacuum that the Lords—which goes through new laws line by line and claims to sit for longer in each session than the Commons does—has happily filled.

The Lords' new status is making life harder for the government and having a big effect on lawmaking. Though Labour is now the largest party in the Lords, with 206 peers to the Conservatives' 205, it does not have a majority. There are 191 crossbenchers, many of whom are former civil servants, judges and senior military types. They tend to be socially conservative, speak only on issues where they have expertise and vote infrequently. The political balance is therefore held by the Liberal Democrats, with 74 peers. Whereas the Tories hope one day to get into government, and are wary of being obstructive in case they set a precedent that will be used against them, the Lib Dems have no such qualms, and like to argue that the Salisbury convention (whereby the Lords won't oppose bills on which the government campaigned in general elections) no longer stands.

On votes that touch civil liberties, the balance of power can be seen clearly. On ID cards, control orders, laws on glorifying terrorism and on religious hatred, an unbeatable coalition of Lib Dems, crossbenchers influenced by the judges in their midst and Tories worried about preserving ancient freedoms comes together. Though the Lords can't strike bills down—the government can ultimately get its way by forcing bills through under the Parliament Act—their alterations are often successful. Several key clauses in the religious hatred bill were drawn up in half an hour by Lord Lester, a Lib Dem peer, and are now the law of the land.

None of this is very democratic, but voters don't seem to mind. Reform of the Lords sends even politicians to sleep and has not featured prominently in Labour's last two manifestos. And in a recent poll by MORI for the Constitution Unit at University College London, 68% of respondents thought it was sometimes all right for the Lords to vote against government bills.

The danger for the House of Lords, Walter Bagehot noted in the 19th century, lies "not in assassination, but atrophy; not abolition, but decline". Through a botched reform and a lot of prolix laws, Labour has managed to rescue it.

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