



A PUBLIC DEBATE

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THE WORLD OF DEBATE

"An elected House of Lords will be bad for British democracy"

TUESDAY 23 NOVEMBER 2010, 10.30AM – 12.30PM

HOSTED BY THE ROYAL OPERA HOUSE, COVENT GARDEN

AT THE FLORAL HALL (THE PAUL HAMLYN HALL)

Verbatim Report

Produced by Merrill Corporation

Speaking for the motion:

**VERNON BOGDANOR
SHAMI CHAKRABARTI
SIMON JENKINS**

Speaking against the motion:

**ANDREW ADONIS
BILLY BRAGG
POLLY TOYNBEE**

Chairman:

NIK GOWING



**RT HON THE BARONESS D'SOUZA CMG
CONVENOR OF THE INDEPENDENT CROSSBENCH PEERS
HOUSE OF LORDS**

There is lively debate within the House of Lords on reform but this debate is not as yet fully in the public domain. The Independent Cross Benches, who number approximately 183 peers, believe that the public not only should have more information on the issues surrounding reform but that their views should be canvassed.

This event is aimed at starting a wider debate and the Cross Benches are immensely grateful to *Intelligence²* for organising the meeting and to the '*Just add air*' producers. Warmest thanks are also extended to: **Lord Hall and the staff at the Royal Opera House**; to the *Merrill Corporation* for providing this transcription to be made available to the public; to *the RNID*; to **Lord Low of Dalston**; to **Lord Levene and staff at Lloyds of London**; and to **Julian Dee in the Crossbench Convenor's Office**.

Frances D'Souza
23 November 2010

**BBC Parliament trailer for an edited version of the
debate to be broadcast on Sunday 5 December 2010, 7pm:**
<http://www.youtube.com/watch?v=EyRY1nclddA>

**A free Braille version may be obtained by writing to:
Lord Low of Dalston, House of Lords, London, SW1A 0PW**

A PUBLIC DEBATE

Tuesday, 23 November 2010

"An elected House of Lords will be bad for British democracy"

**THE FLORAL HALL (*The Paul Hamlyn Hall*)
Royal Opera House, Covent Garden, London**

(10.52 am)

THE CHAIRMAN: Welcome to the Paul Hamlyn Hall at the Royal Opera House in London's Covent Garden. We are here for an Intelligence Squared debate. The motion: "An elected House of Lords will be bad for British democracy". I'm Nik Gowing, your host and moderator.

An elected second chamber -- who could argue with that -- is what all good democrats believe should replace the present House of Lords, with its party appointees and hereditary traditions. Or is it? The issue has been there for 100 years or more. There has never been significant public debate on this topic. This is where it gets new momentum to air the views for and against.

Arguing for the motion "An elected House of Lords will be bad for British democracy", in other words for an appointed house: Vernon Bogdanor, research professor at King's College London, longtime analyst of British politics and author of *The New British Constitution*; Shami Chakrabarti, director of Liberty and Chancellor of Oxford Brooks University; and Simon Jenkins, columnist on *The Guardian* and *Evening Standard* and former editor of *The Times*. Arguing against the motion, i.e. an elected house will be good for British democracy: Lord Adonis, director of the Institute for Government, former Secretary of State for Transport and Minister for schools and member of the House of Lords since 2005; Polly Toynbee, columnist on *The Guardian*; and Billy Bragg, musician and activist. Welcome to you all. Ladies and gentlemen, your speakers for this debate.

We need to know how effective the debate is up here on the platform. I would like to hear from you at this stage who is for, who is against the

motion and who hasn't made up their mind. Let me ask you in the audience, who is believing that an elected House of Lords will be bad for British democracy, those for the motion at the moment? (Show of hands). And those against the motion? (Show of hands). Almost split. And those who haven't made up their mind at this stage? (Show of hands). It is probably about one-third each, but maybe a bias for those for the motion. We will compare that vote with the vote after we have heard from the speakers.

Let's hear first the opening statements. Each will be able to speak for eight minutes, and then we will move on with hearing from those members of the floor.

If you would like to find out more about this topic, you can download a free briefing document from the website at www.intelligencesquared.com. Let's now hear the views for and against. Let's here first from Vernon Bogdanor, research professor at King's College London. Vernon Bogdanor, you have eight minutes to speak on the motion.

PROFESSOR VERNON BOGDANOR: Ladies and gentlemen, or should I say my Lords, ladies and gentlemen, we have a problem with our upper house, the House of Lords. We are not the only country with such a problem.

Some years ago a book was published on upper houses in a number of democracies called *Senates*, and that book said that every democracy except Germany was engaged in a search for a better upper house, but the search proved unavailing. Why was that? For one very fundamental reason, I think: that it is so difficult to answer the question of how a country can be represented in two different ways if it is not a federal country.

Now, the House of Commons represents voters as individuals. How else can they be represented? If you live in a federal state, the answer seems obvious: you could represent them territorially, so that the American Senate or the Australian Senate represents states. But we, of course, are not a federal state, though some hope

that we would become that. I think that is Liberal Democrat policy or at least was Liberal Democrat policy, because it is not always easy to keep up with the promises and pledges of the Liberal Democrat party, but it was at one time their policy. But Britain, of course, is now very far from being a federal state.

However, even where you do have a federal state, as in Australia, which has a directly elected upper house, the members of the Australian Senate do not represent the states in any meaningful way. They don't represent New South Wales or Victoria. It is not a states' house; it is another forum for party politicians, and it votes according to party whips, as the lower house does.

You may be sceptical of such a solution if you remember the famous aphorism of John Major that if the answer is more politicians, you are asking the wrong question.

Now, it is proposed, I think, by the Coalition that the upper house be elected by some form of proportional representation. Were it to be a system of closed lists as we have for the European Parliament elections, the voter would have no choice as to who the candidates were; they would be chosen by the party machine. But even if we have an open list or a single transferable vote method, the likely constituencies would probably be so large that the voter cannot make any meaningful choice between candidates. How many people here, I wonder, can name their MEPs? I certainly cannot.

Now, who are the people who are going to be candidates for the new upper house? There will be people who cannot get into the House of Commons; a frightening thought. You could imagine a debate in a local Labour or Conservative Party: "Poor old Jim, he just failed to be chosen as mayor, but he has been a member of our party for 20 years. We must do something for him. We can't send him to the European Parliament because he doesn't speak any foreign languages and doesn't like foreigners. What can we do? Ah, yes, we will put him in the House of

Lords."

What will turnout be like for these elections? One has to remember that turnout is low for the House of Commons, even lower for many other elections. People said for many years that London was straining at the leash to have an elected assembly, but when we had one, turnout in the three elections for it was 34 per cent, 34 per cent and 45 per cent. What will turnout be like?

Now, the newly created second chamber, if we are ever so foolish as to create one, will be composed of members of political parties -- there will be no independents in it, it is very unlikely there will be -- but because it is elected by proportional representation, it would claim to be more representative than the Commons. Someone like myself, who supports proportional representation for the Commons, would then say, "If we have an elected House of Lords, elected by proportional representation, we could then abolish the Commons; we wouldn't need it." But in fact the Lords would claim greater legitimacy than the Commons because it would say it was a fairer representation of what the country thought; and if it was elected at a different time from the Commons, it would say that it had a fresher mandate.

For example, if you had a House of Lords elected in 2007, it would probably have a Conservative majority, and that House of Lords would say, "No doubt in 2005 Labour enjoyed a mandate from the voters. That mandate is now exhausted. The voters clearly want a Conservative government, and therefore we have every right to block government legislation. We are speaking for the people in doing that," and the danger would then be gridlock.

Now, the Australians have got round that by creating a joint sitting mechanism for issues to be decided. That means, in effect, a third chamber of the House of Commons where issues are decided by negotiation, remote from the people.

So there can be no doubt that an upper house so chosen would assert itself and would use its powers absolutely to the full. It would be a stronger upper house. It was inconsistent to propose what the last Labour government did, to have an elected upper house and weaken its powers. I once had the temerity to ask Lord Falconer, the Lord Chancellor in that government, whether the Labour Party wanted a weaker or a stronger House of Lords. He replied the Labour Party wanted a more effective House of Lords. But it is inconsistent to want to weaken its power and also rationalise its composition.

A reformed House of Lords would be more powerful and the country would be faced with two competing conceptions of representation. That is the problem that led to the constitutional crisis in Australia in 1975, when the upper house denied supply to the lower house and the Governor General had to break the deadlock by dismissing the Prime Minister. These problems remain in Australia, and ironically the beneficiary of the events of 1975, Malcolm Fraser, has recently said that the Senate is making Australia ungovernable. The great merit of the Lords as at present constituted is it evades that conundrum of how to create a second chamber which represents the country in a different way from the first. Because it is so constituted, it cannot dispute the supremacy of the Commons; that is a negative virtue. Its positive virtue is the work it does in many unglamorous areas, perhaps in particular the Select Committee on Europe, science and technology, delegated legislation; work with no political pay-off, unglamorous, but needs to be done.

So I conclude that with a directly elected upper house, we are in great danger of gridlock. A directly elected upper house would make government more difficult and almost certainly worse. There would be a low turnout for elections for the upper house, the candidates would be worse than those who stand for the House of Commons, and the damage to democracy would be very considerable. Thank you very much.

THE CHAIRMAN: The first voice for the motion,

Vernon Bogdanor. Let's move to the first voice against, Lord Adonis.

LORD ADONIS: Ladies and gentlemen, I have great respect for the House of Lords. I would say that, because I'm a member and I very much like being there. So why do I want to abolish myself? Churchill put it best, as ever: because democracy is the worst form of government except for all the others. In a democracy, those who make the law should be elected. It is as simple as that. Which is why in the great majority of democracies, and more democracies over time, second chambers are elected, directly or indirectly. In the same way that over the past 100 years since Julian Fellowes, Earl of Grantham, lived in Downton Abbey, most have been elected by all adult citizens, and exactly the same arguments against extending the franchise were used against extending it in respect of the first chamber as are now put in respect of the second chamber.

The argument against an elected second chamber is essentially an argument against democracy, and against the democratic practice of most democracies in the world which do have two parliamentary chambers; not just the United States, with its famous Senate, but Australia and Argentina, Brazil and Bolivia, Chile and the Czech Republic. Most of the A-Z of respectable democracies, including France, India, Italy, Japan, Mexico, the Netherlands, Poland, Spain and Switzerland, all of them with directly or indirectly elected second chambers, most of them with parliamentary systems of government like ours, and many of them also non-federal.

What of the countries with appointed second chambers? Apart from Germany, an exceptional case where the second chamber is appointed by the elected federal state governments, we are in the distinguished company of Antigua, Belize, Jordan, Lesotho, Russia and the Yemen. Canada is there too, but, ladies and gentlemen, even with a maple leaf for protection, I suspect that few of you, apart from Lord Ashcroft, wake up at night wishing they had more in common with Belize, let alone the Yemen.

The case for keeping today's appointed house of patronage essentially comes down to three arguments: that it has a brilliant membership; that it does a good job; and that the House of Commons would never put up with an elected rival. The argument that the Commons would never put up with an elected rival is now entirely hollow, since the House of Commons has itself voted by large majorities in favour of an elected second chamber, and there is now a government, most of whose ministers are of course also members of the House of Commons, committed to introducing an elected Lords.

Opponents of change are therefore reduced to arguing that democracy needs to be saved from itself, which is the cry of reactionaries down the ages. MPs and ministers, I tell you from experience, do not lightly share power. They are willing to do so now knowing that an elected House of Lords would inevitably be more assertive than the existing house because they have concluded that the status quo in the Lords, with its 831 members, is unsustainable, and they are right.

That brings us to the membership of the Lords and the job it does as a second chamber. Now, I admire all of my colleagues in the Lords greatly. But as Walter Bagehot famously said, the cure for admiring the House of Lords is to go and look at it. If you sit in the gallery of the House of Lords, you notice two things.

First, the more brilliant the member, the less likely they are to be there. I'm there a lot. The Lloyd Webbers, the Rowan Williamses, the Adair Turners, the John Browns, barely ever turn up, let alone speak. By far the least active members of the house are the non-party crossbenchers, most of whom rarely speak and rarely vote, though there are distinguished exceptions, some of them here today.

The second thing you notice from the gallery is that most of the work from the Lords, and almost all of the voting in the Lords, is in fact done by identikit professional politicians of the kind you get in the House of Commons. Those who say that if

you had an elected house you would get more professional politicians, and that is the last thing that the country needs, miss the point that the overwhelming majority of the active members of House of Lords, are, yes, professional politicians, including a huge number of former MPs, special advisers, local councillors, people who stood for the Commons and did fail to get in, and have been appointed to the Lords for life instead. The main difference is that in the Commons you tend to get middle-aged professional politicians. In the Lords -- how can I put this politely? -- you tend to get professional politicians of an advanced age, which is inevitably the case in an appointed chamber. The average age of the Lords -- the average -- is 70. When I joined the house at the almost unheard-of age of 42, someone muttered, "My God, it is child labour." And yes, I too am a former special adviser and a failed parliamentary candidate.

In fact, given that the Lords is now 831 strong -- 831 -- you would almost certainly have fewer professional politicians in an elected house than you have now, because there is no way you would have an elected house of anything like that size. Britain is currently one of only three countries with a second chamber larger than the first; I'm told the other two are Kazakhstan and Burkina Faso, and I don't lie awake at night wanting to be more like them either.

That brings us finally to the argument that the present House of Lords does a good job. Well, there is a small group of peers, and I am one of them, who spend hours debating the detail of legislation, where the Lords usually does something to tidy up the worst excesses of the parliamentary draftsman and occasionally, as for example on control orders, the Lords tries -- usually fails, but it tries -- to make a stand on an important point of constitutional principle, and it is right to do so. But this brings us to the heart of the matter.

Even in cases -- and there are plenty of them -- where the Lords makes a powerful argument for the government to think again, it very rarely succeeds because it is simply too weak as

a nominated chamber. Virtually all of the worst policy disasters of the past 25 years sailed through the House of Lords: the poll tax, rail privatisation, the Child Support Agency, the Dangerous Dogs Act and, yes, ID cards, enacted by my government without any proper evaluation of the costs and benefits, all of these passed the Lords essentially intact, without even a period of delay requiring the government to think again. The Lords has the legal power to enforce such a delay, but it virtually never does so because the existing Lords rightly takes the view that as a nominated chamber, it should not use even its very limited legal power to delay government legislation from the Commons, because to do so would be undemocratic.

So this is the fundamental question: do we, in this country, have a government which in terms of its control of Parliament is too weak or too strong? I contend -- and I speak as a former Minister and Secretary of State -- that government in this country is too untrammelled in its control of Parliament. It is too strong. Its merest whim can normally command an automatic majority in the House of Commons, thanks to the whips and the huge payroll vote. And the Lords, because it is nominated, is generally too weak to get the government to think again seriously, even when it has a fantastically strong case and would have actually won the vote on a free vote in the House of Commons, untrammelled by the payroll vote. It all comes back to democracy. Only if the House of Lords is elected can it command the power and legitimacy necessary to do its job properly.

Let me finally say this. If the Lords were elected, I would be abolished as a peer. But many of us would stand for election. We are proud of what we do. We believe passionately in the case for a strong second chamber. We just happen to think that because this is a democracy, we should be elected and not appointed. Whether the public will put up with us is another matter!

THE CHAIRMAN: The first speaker against the motion that an elected House of Lords will be bad for British democracy. Now the second voice for the motion, Shami Chakrabarti.

MS SHAMI CHAKRABARTI: It all comes down to democracy, Lord Adonis, but I fear that you and I disagree about what it is that makes a democracy.

Now, of course if it is just about elections, game over. My team loses, the motion falls, and it is not too early for a drink. If it is just about having elections every few years, the people of Burma and Zimbabwe need be very relieved indeed that they too live in thriving democracies. And yet what if democracy is of course in part about having free and fair elections every few years, but it is also about two other vital ingredients? In my submission, fundamentals rights and freedoms and the rule of law, are essential if democracy is not to descend into tyranny and mob rule, if democracy is to keep sustaining itself over many generations, as it has done in this, the oldest unbroken democracy on earth.

Now, of course our constitution has evolved, mercifully, for many, many years without too much bloodshed. But that doesn't mean that everything that is old is wrong. I like to think of a healthy constitution as a piece of machinery or as a living thing: it has both fixed and moving parts.

Now, the moving parts are of course the party politicians and the elections and the heat and the light that comes with that very contested political debate, but independents too. Independents sitting in an independent judiciary, and indeed in our system in a second revising chamber, are incredibly important to protecting free speech, fair trials, free and fair elections, the rule against torture, freedom of thought, conscience and religion, and equal treatment under the law.

If you dispense with the second revising chamber, with independents, not just crossbenchers but people who were once elected politicians but are able to take a more independent view of things today, if you dispense with them, I say you have to look at the constitution in the round, write it down, and enhance the role of the judiciary; something that I didn't hear Lord Adonis call for in government or today. There has been too much piecemeal tinkering with this constitution. You

need to look at the way that the different pieces fit together.

In all these other younger democracies, great democracies that Lord Adonis referred to, including the United States and France and so on, they have written constitutions, complete separation between the executive and the legislature, and ultimately, in a written system, the judges, the independent unelected judges, have the final word and are able to strike down unconstitutional legislation.

Is that really what the team opposite is proposing? If so, fine. But goodness me, that puts a lot of political pressure on the Supreme Court of any country, and pressure groups spend their entire existence trying to effect the composition of that Supreme Court; an exercise that we are mercifully spared in our more evolved constitution here. The second chamber is not a legislature of the kind of the Commons or legislatures elsewhere. Under the Parliament Acts it can only delay mistakes, including compromises of fundamental rights and freedoms. But that time is very important to asking the executive and the Commons to think again.

Peers, party peers or crossbench peers, are in fact more independent of the party whips, and in recent years in my experience at Liberty they have been great protectors of fundamental rights and freedoms. Today in Britain I have no doubt jury trial would be long dead without the second chamber, personal privacy would be greatly reduced. And do you know what? This is not well-known: that we wouldn't today have a criminal offence outlawing modern-day slavery without the campaign brought by a crossbench peer who is in this room. I shall spare her blushes.

The day after a terrorist atrocity and the day after a terrible crime, it is not easy for an elected politician to take a deep breath before they rush to the statute book. But with the independent-mindedness of, yes, sometimes older, more experienced policymakers and scrutineers of policy in the second chamber, it is

able for the country as a whole to take a deep breath.

We have Commons sovereignty in this country. The judges cannot quash primary legislation under the Human Rights Act; they too can only ask government and the lower house to think again. But Commons sovereignty should not become elected dictatorship. Elected dictatorship is not democracy. By all means tinker some more, let's have permanent constitutional revolution, but I query whether you should do that without looking at this system in the round. I query whether those who oppose this motion as a single piecemeal act of reform do so at the peril of this broader, bigger, holistic constitution in the oldest unbroken democracy on earth. Thanks very much.

THE CHAIRMAN: Shami Chakrabarti for the motion. The next voice against, Polly Toynbee, columnist with The Guardian.

MS POLLY TOYNBEE: Either you believe in the will of the people or you don't. Either you trust the people or you don't. As Andrew said, Winston Churchill said it all: there really is no other better system. He said it about democracy. He said it about the Lords itself, once you had done away with the hereditaries, that an elected chamber would be inevitable.

The motion, which is worded in this motion that elections could be bad for democracy, does sound as if it is devised in China or in Burma. In Britain I think that an unelected House of Lords signifies something that is quite bizarrely elitist and feudal, and infuses itself in all of our thinking about ourselves, our constitution and who we are. I think it is a central problem with our whole rather fairytale, Ruritanian constitution and its monarchy, leading to the exceptional prerogative and pretty toxic autocratic powers of the Prime Minister that derive from that semi-feudal system.

In the audience here I can see rows and rows of peers; a few MPs who might wish to be peers. Very distinguished, the ones I can see. But I can bet that these turkeys aren't going to vote for

Christmas. They never have. It is very difficult to persuade even the most radical people, with some notable exceptions like Lord Adonis here. Once the ermine falls upon their shoulders, some miraculous change overtakes even the profoundest democrat, who suddenly sees the wisdom of this wonderful chamber. Since 1911 we have tried and tried again to reform it, but unholy alliances in the past of hereditaries, of people on the right and on the left, people arguing over what new system should replace it, have still left it largely unreformed and I think pretty much of a laughing stock in its current state.

Speaking as the president of the British Humanist Association, the fact that there are 26 bishops sitting there de facto I find extraordinary; and now of course, quite reasonably, all the other faiths want their rabbis and imams and all the rest of it to have equal representation there, and why not? This is the only democracy in the world that has this theocratic element in it.

I think we need to remove them all. This is the most secular of nations. Let them stand for office along with the rest, and I'm sure some of the distinguished respected people from faiths of all kinds would be elected. They do have an important role to play in society, but let that role be represented according to the numbers who vote for them.

Shami, I'm astonished to find you on the other side of this argument. I had to look at the sheet of paper time and time again, thinking, what can she be doing on wrong side of an argument about democracy? I so admire the work you do for civil liberties, but I cannot see how a non-democratically elected house is any protector of liberties. I do think a second chamber, what its powers are and the way it is elected matter a great deal for all those things about which you are so concerned.

You might even reserve a few places in the House of Lords for some distinguished experts, but not with voting powers, but perhaps with speaking powers, if you wanted to do that. In the end it is much more important to create a credible

voting system that would encourage independents, crossbenchers like some of you I see here today, to stand, and parties to select a very wide range of interesting and distinguished candidates to the upper chamber.

How much better would all of you Lordships and Ladyships here feel if you had been elected, and not plucked up out of the air? This week 54 new peers were added. In just six months we have had 111 new ones created; unprecedented growth under this government. We now have 831, compared with in 1999 a magic 666; still then the largest in the world.

The Coalition agreement says that the Lords will be made reflective of the share of their vote in the last election. As things stand at the moment, if unelected, that would just be an upward escalator at each election. To achieve that now, you need to get to 977. Only 15 die a year; we have increasing longevity. New peers are younger, but they will stay there for 30 or 40 years. Is that what we really want? The Conservatives in the last Parliament blocked an attempt to create retirement, to add retirement. I think that would have about been have been a good thing, a first step.

Of course, what really matters is how you elect that second chamber and what its powers are. There really is no need to raise the scare of a US-style gridlock. Their founding fathers were anti-statists who intended to do just that. That is not our tradition and not what we would create.

You could have a single transferable vote in very large constituencies. You might as well use the European Parliament regions; they would do, they are already there. Elect them to stand for 15 years, a third, a third, a third at a time, with no re-election, so that they are truly independent once there, not afraid, as those in the Commons are, of the latest Daily Mail headline.

They would become out of kilter with the government of the day, as it would take some time to change the complexion of the upper house, and it wouldn't be in kilter with the lower

house and I don't think it ought to be, or ought to attempt to be. There is not much point in having an upper chamber that is simply a rubber stamp of the lower chamber.

An open party list system -- and it would have to be an open party list system -- for parties that wanted to win in this much smaller and different chamber, the experience of other countries shows would have to have very balanced lists. That is what other countries do where they have open lists. So you have a much greater balance between women and men, between people of different ages, between different backgrounds and experiences, different ethnicities, different occupations, and of course distinguished, independent-minded well-known and represented people would do very well within those lists, or indeed standing as independents.

Vernon Bogdanor said they would all just be retreads. I don't see any reason why that should be so at all. I think they would be a far more important lot than MEPs, who I think people don't know much about, but I think people would be interested in who these were, and I think we would get those distinguished people to come forwards.

Of course, the House of Lords do regard themselves as very distinguished, but we have to remember just how many of them really are not. They are where the retreads go. Every time a party wants to get its hands on a safe seat for a favourite son, it bungs some old codger upstairs, or otherwise you get the Lord Ashcrofts and the Lord Archers and people of very dubious nature. I think you could point to large numbers of people who are not particularly distinguished and are up there for all of the wrong reasons. Wandering in the corridors you often see people I thought were long dead.

But in the end you have to look to the opinion polls; you have to trust the people. What the people say in poll after poll after poll is that they want an elected house. Thank you.

THE CHAIRMAN: Polly Toynbee, thank you,

speaking against the motion. The final voice for the motion that an elected House of Lords will be bad for British democracy, Simon Jenkins.

SIR SIMON JENKINS: Thank you. I'm glad to be demonstrating the Catholicity of the Guardian staff here today.

Shortly after the 1997 election I was at a party attended by a large number of people who had just been ennobled by Tony Blair. It was one of those wonderfully glittering occasions when everyone was floating on air. These were luvvies, duckies, I forget what they were called in those days. Was the conversation about the future legislative programme? Were they forecasting the successes of the new Blair administration? No. They were obsessed with one thing: what would be their coats of arms? And I remember thinking to myself, this is rather like Henry III's new court arriving from France, a completely new tribe with a new language, decked out in new ermine, and what on earth had this to do with British democracy? So I start slightly from the position of the other side of the house today.

That said, I'm passionate that, as Shami was saying, democracy is not about simply one vote for a democratic chamber. It is about a complete range, a plethora of different forms of political activity, from freedom of speech to the judiciary to pressure groups or lobbyists, whatever you have, and they are reflected in some sense in all Parliaments.

I do not think there is a necessity for having a second chamber of Parliament. Frankly, the House of Commons does a pretty good job and should do a much better one. Whether the second chamber makes a really big difference, I'm not sure.

Other things being equal, however, (a) we have got one, inheriting the great tradition of the baronial territorial powers in the Middle Ages, and performing to that extent a checking function, as it once did, of territory on the Commons; but no longer doing that and performing this rather febrile, genteel, very dignified check on the

economy, in ways that really it is very difficult to put one's finger on, except you think these are frightfully nice people, and all other things equal, they are a good thing. It is virtually impossible to put your finger on what it is about that House of Lords that is good.

There are two solutions to this, I believe. One is the solution of the other side today, which is elect them. Let me say, politicians promising you more democracy never mean it. Politicians promising you more democracy want more power. When they say elect it, they don't mean elect it; they mean select it by them.

This, I have to say, I think is the central weakness of the case for an elected House of Lords. In the first place, what Vernon says has to be true: if it is properly elected, it is properly democratic and it is properly over against the House of Commons. I'm not sure that is a recipe for good government. If, on the other hand, it is elected but not really powerful, one has to say: well, is it therefore fit for purpose by being elected? As far as I'm concerned, proper election is for proper representative government in the House of Commons, and we have got that. We should improve it, but we have got it.

The question of what a second chamber does is essentially, to my mind, deliberative. It is there to discuss. It is there to bring to public attention topics of public debate. It may have a checking function on the Commons, but that checking function I believe should not be informed and enforced by being elected. Election is properly for the Commons.

In addition to that, if it is elected there is absolutely no doubt whatsoever that the parties will control it. You do not get elected in this country without being a member of a party, unless you are Ken Livingstone once. You have to get on a party list if it is a proportional representation election, and to get on that party list you have to incur the favour of the party. It will be controlled by the whips. The present House of Lords is largely controlled by the whips, at least in its appointment. If it is an election, they will have the

added power of deselection. It would be like an MEP. If you want election, go for the House of Commons. The House of Lords has to redefine itself as something broader than the House of Commons, deeper than the House of Commons, and therefore I think selected in a different way from the House of Commons.

One thing is for sure: you vote for election, you will be voting for increased power for the whips and party politics over Parliament, and I think that would be a bad thing. My preference is for appointment. I would go down the route -- taking the best, if you like, from foreign experience -- of having some territorial representatives, of having some occupational representatives -- we already have the lawyers and the bishops, for some peculiar reason; I don't see why you shouldn't expand that particular constituency -- but the majority of them would be appointed by Royal Commission.

The most important thing is that Royal Commission must not be composed of party politicians. The party politicians have got the House of Commons. Leave them there. The House of Lords should be about non-party political figures. They don't have power. It doesn't matter if they are not elected. The most important thing is they add to the pluralism, the scepticism, the generality of political debate in this country.

Go for our side of the motion. Thank you.

THE CHAIRMAN: The last speaker for the motion. The final speaker against the motion, Billy Bragg.

MR BILLY BRAGG: Thank you very much. We have heard talk this morning about our fine democracy, the oldest unbroken democracy on earth. That this democracy should have to rely on patronage to function I find unbelievable in this day and age.

I feel sometimes that members of the House of Lords don't really appreciate the corrosive effect of appointment on the body politic in this country.

To hear Vernon Bogdanor talk about poor old Jim, who was a member of the party for 20 years, let's stick him in the House of Lords, as if public service for 20 years is somehow something to be ashamed of, just because he is a politician, when instead we crow about good old Jimmy who gave the party a million quid, let's stick him in there. What effect does that have on people's perception of what you need to do to get on in life and what we need to do to become a legislator? Because that's what we are talking about here: we're talking about legislators.

In order to do that, I think we do need professional politicians. I realise it is a bogey word, but this idea that we should have just non-professionals in there; fine, go and see a non-professional dentist if you feel that way. Let's have a non-professional heart surgeon, or maybe just 10 per cent of people who do heart operations should be surgeons; the rest, we just take them from the general public, and maybe a couple of bishops pop in and say a few good words in the hope of something positive happening.

Shami, the good work that their Lordships have done over these past few Parliaments is not really about the Lords; it is really a sad reflection on the failure of members of the House of Commons to hold the executive to account. Successive governments have resorted to bypassing backbenchers because they don't want the press to see that there has been some kind of revolt among the backbenchers, and instead they have relied on ping pong to change the legislation. You end up with the ridiculous situation of governments giving concessions to opposition peers rather than to their own backbenchers; again, a process that fundamentally undermines representative democracy.

The great thing about the House of Lords -- and reforming the House of Lords, I think it's different about reforming the House of Lords -- is the fact that, unlike the other assemblies that have been created in the last decade, we are not starting with a blank sheet of paper. The Lords is part of an already existing Parliament. So however we reform that, we have to take into account the way

that Parliament works. By far and away the most important function of our system is Commons primacy, and everybody who has spoken in favour of this motion has spoken about the possibility of gridlock if we have an elected second chamber. But I find it really difficult to believe that a constitutional expert like yourself, Vernon, has never heard of indirect election. Now, indirect election is the way that both the French and the Germans ensure that their main Parliament retains primacy. In France the Senate is elected by elected officials in the departments, and in Germany it is by elected officials in the Lander.

What we need for our second chamber is a similar sort of indirect election, rather than direct election, people going to the ballot box and making a mark on a piece of paper next to the person they want to sit in the second chamber. Why shouldn't we do that? Because making a mark on a piece of paper confers on those candidates constituents. That is direct election. That has responsibilities. What we need in the second chamber is something one step removed from that.

Now, a mechanism for doing that would possibly be to take the biggest expression of political will that we have in our situation, the general election, where at the moment, if you don't elect your candidate of choice, your vote goes in the bin. For many people, this puts them off voting in the general election. Where I live, there is no point in me voting for my party of choice, because they only get 10 per cent, so I end up tactical voting, which didn't quite turn out exactly as I was expecting this time, but there you go. Who knew? But if, instead of throwing out all the votes on election night, we actually tallied all of the votes cast in each of the 12 regions and nations of our country and then sent 25 representatives from each region and nation, in proportion to the votes cast in that region or nation, and sent them to the second chamber, then we would have an indirectly elected second chamber that reflected the will of the people. It would be proportionate. There is a very strong chance that no party would have a majority in the second chamber, nor would the government of the day have a majority in the second chamber.

In order to do that, as has already been pointed out with regards to proportional representation, it would involve closed party lists. For an indirect election, this is crucial. A closed party list doesn't require you to make that mark on the piece of paper that confers constituents. It doesn't mean you cannot have an element of democracy. If the closed party lists were put in order in the regions by party members, that would give you as a citizen an opportunity, by joining a political party, by taking part in a primary, to have some say in how those lists were put together.

The other big issue about the second chamber, something that is very, very important I believe in the second chamber, is independence of members. Although many people in the second chamber as it is presently constituted do vote along party lines, I think the work of independent-minded peers is very, very important. This could be encouraged in the second chamber by having fixed non-renewable terms, possibly of three Parliaments. So if someone were elected, they would remain there. The whips have many ways of leaning on people, but they wouldn't be able to lean on them by suggesting they couldn't get back on a party list again.

Now, the legitimacy that this secondary mandate would confer would be a quite powerful legitimacy, but not so strong as it could trump the primacy of the Commons. It is a kind of a Goldilocks option: not too hot, not too cold. But the important thing would be that the executive would understand that the second chamber had enough teeth to take big, powerful, legitimate bites out of legislation, so it would be much more encouraged to let its own backbenchers first go over that legislation to make the changes, so that when it went to the second chamber, the legislation was much better and so the problems with regard to the ping-ponging of legislation back and forth would be overcome.

Perhaps the most important thing would be that it would encourage participation in the general election. The general election is the font of all legitimacy in our national politics, and over the past few elections we have seen a drop from the

75 per cent participation that we had in the 20th century. It is possible that as politics, as it seems to be, becomes more about a debate over the centre ground, more and more people feel that their views are no longer represented.

By using the votes in the general election to elect the second chamber on a secondary mandate, we are encouraging people to come forward and to vote and to get some representation for their participation in the general election, because it is my fundamental view that reform of the House of Lords is not actually about the business that their Lordships do, but this is fundamentally about making the Commons work better by holding the executive properly to account. Thank you.

THE CHAIRMAN: Well, you have now heard three voices for the motion and three voices against. It is now time to hear from many others gathered here in the Paul Hamlyn Hall at Covent Garden. Each of the panellists will have another two minutes at the end of the debate to summarise and respond. We will then have a new vote or a show of hands to get an idea of how much, if at all, views have changed.

I open it to the floor. Please introduce yourselves, indicate whether you are for or against the motion. It would be helpful if you could stand and we will get a microphone to you. I would like you to limit your remarks to one and a half minutes, please, and I have a bell to reinforce that if it looks as if you will not stop.

One service message: we have 40 minutes. We are going to end at 12.40, for those who need to calibrate their lunch appointments.

Let me now ask for a first voice for the motion and then a first voice against the motion. A first voice for the motion, please. And against the motion, please, there. Then I'll come to a for and against after these two.

A MEMBER OF THE AUDIENCE: I am in fact for the motion, but that is not why I'm standing. I am Lord Wright, an independent crossbench member of the House of Lords.

I am struck by the fact that none of the speakers on either side has really given the impression of the extent to which the House of Lords has been reformed. I think some of your listeners will have got the impression that the House of Lords is still what it was in 1911. There have been very, very significant changes in the House of Lords: in 1958, in 1999, and there is a bill before the house at the moment from Lord Steel, David Steel, which has so far been blocked by both the Labour government and the Coalition government, but which we will be debating next week. Thank you.

THE CHAIRMAN: Could you introduce yourself and which position you're taking.

A MEMBER OF THE AUDIENCE: My name is Quentin Langle and I'm opposing the motion.

No one disputes the primacy of the Commons in terms of sustaining the government in office or removing it from office. In terms of confidence and means, the Commons should remain supreme. But just because a government is being sustained in office, it doesn't mean it should get every piece of legislation on its wish list. If the Commons has passed a piece of legislation, it should then have to go through another chamber with the actual power to veto it.

Vernon Bogdanor calls that challenging the Commons gridlock. What most people would call challenging the Commons is debate. It is a good thing. Laws matter, and the role of the legislature matters. New laws can put our liberties on the line, and if a piece of legislation cannot get through two separate hurdles from differently constituted chambers then that law simply should not pass.

THE CHAIRMAN: Thank you. More voices for and against. A hand against, please.

A MEMBER OF THE AUDIENCE: I'm Lord Butler of Brockwell, like Lord Wright, an independent crossbench peer. I sometimes vote for the government and I sometimes vote against it. I think that my job is to try to exercise my judgment. But because there are people like me,

the government gets defeated, there is cause to think again, very much more often in the House of Lords than it is in the House of Commons. And that seems to me, for the reasons that Shami Chakrabarti has said, an important function in our democracy.

Lord Adonis said that if there was an elected House of Lords, he would stand. Polly Toynbee encouraged people like me to stand. I would stand, but what chance would I, an independent crossbench peer, have of being elected in an elected House of Lords?

THE CHAIRMAN: Lord Butler, thank you. I will invite the panel to respond in a moment. A voice against, please.

A MEMBER OF THE AUDIENCE: I'm Tony Curzon Price from openDemocracy. I'm against the motion, and yet I agree with a lot of things that Simon Jenkins said. He said that the upper chamber should not be selected by politicians, it should be mainly deliberative and it should be out of party control.

Now, the most natural way of achieving that, it seems to me, is the Athenian option, which is to elect by lots. That in fact gives us the solution to Vernon Bogdanor's problem, which is that we have a new kind of representation. Election by lots would actually be rule by a collection literally of our peers. It works very well in the jury system; it should be used here.

THE CHAIRMAN: Would any of you like to reflect particularly on what Lord Butler says about whether independents stand any chance of being elected? Lord Adonis.

LORD ADONIS: It comes to a question I wanted to ask of Billy as well. The issue is who chooses. That is the only issue, who chooses. We can agree about the powers and so on. You have a closed list system, and I know what a closed list system is like: it is exactly like now, with those peers who accept a party whip. The one thing I don't think you needs in this country is any more power given to the party political machines. List

system election of the House of Lords gives them immeasurably more power even than they have got now.

MR BILLY BRAGG: I've got a two-word answer to that: Lord Ashcroft. Who would put in Lord Ashcroft into the second chamber? Who decided Lord Ashcroft should go for that? If it was open to party members, as I suggested when I spoke earlier, regional party members as well, local people in local areas sending their representatives to the second chamber to speak for their region, I think that would be a lot better than putting millionaires in.

Just one brief thing about independents. Under the method that I suggested, although there would be a possibility to send 25 members from each region, because of the maths, most regions would only manage actually to send 20 members, which would leave around 20 per cent room in a final chamber for some appointments, and provided those appointments were made along lines that reflected the breakdown of the election, they would be as legitimate in my argument. So I do believe there would be room for crossbenchers like yourself, and that that should be preserved.

THE CHAIRMAN: Lord Adonis.

LORD ADONIS: Independent members of the House of Lords make a good contribution to the house, mainly in its debates. It would be perfectly possible to have an elected house where you also had independent members who were added to the house who could take part in the debates; people of the distinction of Lord Butler, Lord Wright and many of the others that we have here today.

However, I wouldn't want you to think that the independent members make much outcome to votes in the House of Lords. Very few of them vote, and the number of divisions where they affect the result is very small. And because we do have this nominated house -- we have to come back to this fundamental point again -- it is very weak.

Gridlock isn't the issue we are dealing with here. The issue that we are dealing with here is the elected dictatorship that Shami referred to. We have it now. A government's writ is almost invariably law in terms of legislation. You need a stronger second chamber, a stronger one, if you're going to have a second chamber that can genuinely get the government to think again and to play its part alongside the courts, alongside the democratic culture and all those other things, in seeing that we are a properly functioning democracy.

THE CHAIRMAN: Vernon Bogdanor, you were mentioned in one of the questions.

PROFESSOR VERNON BOGDANOR: Yes, I think about selection by lot. Was that not so? I wrote an article in *The Times* yesterday advocating that in local government. I think it is less easy to apply in the House of Lords for this reason: that local government can work with people who are not full-time professional politicians. In the House of Lords that wouldn't be so, and so I think it would be much more difficult. You would have to have salaried people, if you had a choice by election or by lot, and whatever the country says at the moment, I think frankly that is not what the country wants.

It would still keep open my worry, which no one has answered -- and I think the reason why no one has answered it is because there is no answer -- on what basis of representation would the House of Lords or an elected chamber be chosen? The only basis that anyone has given is territory. But whereas territory is meaningful in Scotland and Wales, it isn't in England.

The regions in England are ghosts. The regions are used as a basis for European elections but they don't mean anything to people. As I said in my talk, I think very few people could name who their Members of the European Parliament were, and the constituencies are far too large for democratic representation to be really meaningful.

THE CHAIRMAN: Shami Chakrabarti.

MS SHAMI CHAKRABARTI: I felt that the team opposite didn't meet my challenge to say whether they would actually replace all of this with a written constitution and therefore an enhanced role for independent judges as the custodian of that constitution. That was really my central challenge to the team opposite, if they were going to protect checks and balances and rights and freedoms if in their new system. I would be really interested in hearing from them on that.

THE CHAIRMAN: Could you pick that up in your statements at the end. Let's get two voices for, two voices against. Two voices for the motion. Go ahead.

A MEMBER OF THE AUDIENCE: Good morning, thank you. I'm Lola Young and I'm an independent crossbench peer.

THE CHAIRMAN: And your position on the motion?

A MEMBER OF THE AUDIENCE: I was going to say, I don't find that kind of positioning helpful for somebody like me, who is really trying to find what the best answer to the problems that we have in our political culture and the debasement of our political culture, which I think is what we are all talking about. It seems to me there is some agreement on the panel in terms of what we want is something strong and that can hold the executive to account. A number of people have said that, and I think that is terribly important, and that is part of the problem that we have today.

My specific points would be one about election fatigue and the possibility of that: how do you get more people out to vote? How do you get them more interested in what they are voting in? How do you make the difference between -- you've got local councillors, MEPs, potentially police commissioners, mayors, the whole lot. How are we going to make sure people do participate? Because to me election is only effective as a democratic tool if people participate in it. If they don't participate in it, then it's not really effective. The other issue is about the independents, which I know, Billy, you suggested a remedy to address

that. But I think to me what the whole thing boils down to is that we still haven't identified what the right mechanism will be to help to restore more faith and more participation in our democracy.

THE CHAIRMAN: Thank you. Again, for and against. Who would like to speak for? Let me reassure you, we have 30 minutes to go, so I am going to make my way around everybody, so just be patient please. The first voice in this round for, please.

A MEMBER OF THE AUDIENCE: My name is Robert Goymore, I'm a retired solicitor, in a nutshell working voluntarily to try to enhance the course of justice. So my question is this: is the change from the House of Lords as the final appellate court in the UK to the Supreme Court good or bad? More specifically, has it been done to enhance the course of justice or is it primarily a political move?

THE CHAIRMAN: I'll just pick up on that in a moment. A voice against the motion, please, and then we will come to a voice for.

A MEMBER OF THE AUDIENCE: John Strafford. I'm not a Lord, although my namesake had his head chopped off in Westminster Hall a few centuries ago.

The essence of democracy is accountability, and that means that the people elect their representatives and can get rid of their representatives. Now, those in favour of the motion have got no accountability at all because they are all appointed. Polly Toynbee wants a 15-year Parliament; there is no accountability to the people there. Billy Bragg wants closed lists; there is no accountability to the people there. We want normal democracy, which means that the people elect the House of Lords, and if they don't like them, they can get rid of them.

Just look at what this rag, tag and bobtail of a House of Lords is at the moment. We have the bishops, we have the 90 hereditaries. Do you know, 79 members of the House of Lords didn't attend a single session there last year. And we

have the fact the fat cats who make their donations. No, let's have real democracy. The people who elect the House of Lords. If there is competition with the House of Commons, great. I'm in favour of competition. If Conservatives can talk to Liberal Democrats, House of Lords can talk to House of Commons. Let's have democracy in this country and get rid of the mess we are in at the moment.

THE CHAIRMAN: Let's move to another voter against. Lord Howe.

A MEMBER OF THE AUDIENCE: My name is Geoffrey Howe, member of the House of Commons for 24 years and of the House of Lords for 18 years.

I start by expressing significant agreement with what Billy Bragg was saying, for two reasons: because he pointed out very clearly the failure of the House of Commons as it is presently behaving; secondly, he identified the extent to which changes suggested by the Lords and used in the ping pong system did make a contribution for the better.

Now, all that coincides, remarkably but importantly, with conclusions reached by the Wright Committee, the House of Commons Committee on Administration, led until recently by Tony Wright, because they say this:

"The principal cause of today's widespread public disillusionment with our political system is the virtually untrammelled control by the executive of the elected house."

So they come to two conclusions. First, there is a need to ensure that the dominance of Parliament by the executive, including the political party machines, is reduced, not increased. Secondly, the second chamber must be neither rival nor replicate, but genuinely complementary to the Commons and therefore as different as possible.

I add to that my own observation: it surely cannot make sense that the most fundamental change

proposed to the second chamber, the introduction of elected members, is the most likely to extend the influence of the elective dictatorship that so manifestly provokes disenchantment with the presently elected house.

THE CHAIRMAN: Another voice against, please. Right at the back.

A MEMBER OF THE AUDIENCE: Good afternoon. My name's Martin Leay, I work as a researcher to Hugh Bailey, the Labour MP for York Central, and I'm against the motion.

I would like to start by picking up on something that Sir Simon Jenkins said: he favours appointment by a Royal Commission. This begs the question who would appoint the Royal Commission, because if it was the Prime Minister or the government of the day then it would be no different from the powers of patronage that we have at the moment. So perhaps he could elaborate on that point.

Secondly, I thought it was an excellent debate but it was sort of framed in very black and white terms, sort of 100 per cent appointment versus 100 per cent election. I would like to open up to the panel the possibility of sort of part-election, part-appointment and where they stand on that, because we could have a little bit of election that gives greater democratic legitimacy whilst maintaining the possibility of appointing some independent people from business or the world of academia that could go in and do what the Lords does best at the moment, which is scrutinise legislation and hold the executive to account, so have the best of both worlds.

THE CHAIRMAN: Simon Jenkins: the Royal Commission, who appoints it?

SIR SIMON JENKINS: You're quite right, that is the question. You've got to find a way of appointing a Royal Commission. It's not as hard as it sounds. It's been done before. The most important thing is the terms of reference to the Royal Commission rather than the membership of it. The terms of reference in my view should

include: no one joins the House of Lords who was a member of the House of Commons; no one should be in the House of Lords who is, so to speak, a signed up official of a political party.

The whole point of a second chamber is to be different, not to be the same. Everything the other side of this debate is saying is that they want it to be a sort of facsimile, and I cannot see the point. The kind of language, "We want to be able to throw our representatives out"; on a list system you don't. On a list system the party throws your representatives out. You vote for the party; the party decides who's on the list, the party decides who's off the list. Down in Wales, a Labour MEP didn't toe the party line; dropped from the list. No one voted him out; the party voted him out.

The kind of two-faced language that tends to run in British democracy has got to be seen through. Vernon's not doing his job; he ought to be educating people of the realities of democracy in this country. It is not about voting a person in or out. That happens in direct democracy. It happens in the London mayor. It happens in mayors in France and America. It does not happen in Britain. We have indirect democracy through parties, and the parties are far too powerful. Don't give them more power.

THE CHAIRMAN: Let me hear from both sides: this idea of a hybrid, part-appointed and part-elected. Polly Toynbee.

MS POLLY TOYNBEE: I don't see any reason why we shouldn't have some people who are appointed; I think they shouldn't have voting rights. I think there is a fundamental principle here about democracy, which most people when asked at opinion polls seem to agree. But there is no reason why you shouldn't have people appointed, able to take part in debates, experts who can join in as well; that seems to be perfectly reasonable.

Tony Wright and his committee did say neither rival nor replica, as Lord Howe has reminded us, and that is exactly what we want, and what a lot of us are arguing about here between ourselves, as

ever, is exactly how you achieve that. I don't see any reason why you don't achieve that through democracy. For one thing, if somebody is elected only once -- we can argue about whether it is 15 years, 10 years, however you want to do it; that is the mechanics -- they have nothing to fear and nothing to gain. They are free of their own whips. Their whips can whip them as much as they like, but there is nothing much they can do to them, as indeed House of Lords whips often find.

I think there would be plenty of places for very independent-minded people, and parties that chose nothing but the most loyal would do less well. If you have an open list system, people will choose off that open list the people that seem most independent-minded, most interesting, most lively, and I think that the best of those in the Lords now would do very well in a system of that kind.

THE CHAIRMAN: Who on the speakers for the motion would concede the principle on some kind of hybrid? Vernon.

PROFESSOR VERNON BOGDANOR: I suspect there is no real halfway house between part-election and full election, because if you did give the non-elected peers voting rights, any vote carried by them would be seen as not legitimate. So you might as well have 100 per cent election or just give the non-elected peers debating rights, which would mark them out very clearly as second-class citizens.

I think the problem has to be faced that, as people have said, the House of Lords does not have very strong powers, a very small delaying power. Why should anyone of ability wish to stand for such a body? You could stand only once for 15 years. Presumably your career would be heavily interrupted. You would become a full-time salaried member of the House of Lords. But why should one do that for such limited influence and leverage? And the answer to that is that you would try and make the second chamber more powerful, with more leverage, and then you would have to invent some mechanism to resolve differences between the two chambers. But that

is what has happened in Australia.

THE CHAIRMAN: Billy Bragg.

MR BILLY BRAGG: The lack of power thing, Vernon, is an argument for not standing for the parish council, quite frankly. With regard to more accountability, I would agree with you 100 per cent if we were designing a brand new assembly anywhere, all the way down to parish council level: direct democracy, accountability.

Unfortunately the reality of the second chamber is it has to be subservient to the primary chamber. You cannot create a completely brand new chamber. We don't have a blank sheet of paper. In this case Commons primacy precludes us being able to directly elect our representatives. And again, closed lists don't necessarily have to be put by party leadership.

One last point with regard to what Lord Howe was saying. I want to reassure Lord Howe and all the other people who have done such great work in this second chamber that we are not talking about a Guy Fawkes option here. If we were speaking about fixed terms, there is absolutely no way we would want everybody to leave on the same day and a completely new intake come in.

So you would have to elect, although on the same day as the general election, with the general election vote, you would elect one-third at a time. So the first House of Lords that is reformed, two-thirds would be sitting members; the second house, one-third would be sitting members. Eventually, after the third election, you would have a completely elected house of nobody who has been appointed. But there is no reason why appointees shouldn't stay on the list.

THE CHAIRMAN: Thank you. Let's move ahead. I can see Chris Bryant at the back, a member of the Commons.

A MEMBER OF THE AUDIENCE: But I didn't want to say anything.

THE CHAIRMAN: Wait a minute. We have

Baroness Boothroyd here. You first.

A MEMBER OF THE AUDIENCE: Thank you. Betty Boothroyd, crossbench member of the Lords, in favour of the motion. Some little time ago the Commons determined that they would have a vote before our forces were sent into action anywhere in the world. So far, so good. What would be the situation with an elected House of Lords, irrespective of how it was elected, if the Commons voted in favour of sending our forces into conflict and the Lords voted against it? Who is the supreme authority on that?

Secondly, if there were a vote of no confidence in the government, in the House of Commons, and a vote of confidence in the House of Lords, where you would also have secretaries of state, cabinet ministers under an elected system, who is the authority then? Who is the boss then? Where do we go from there, please?

THE CHAIRMAN: Who is the boss? Where do we go from there? We'll pick that up in a moment. Chris Bryant.

A MEMBER OF THE AUDIENCE: I didn't actually want to say anything, I didn't have my hand up at all. But now I've got the microphone...

THE CHAIRMAN: Well, tell us what you think.

A MEMBER OF THE AUDIENCE: I'm Chris Bryant, I'm MP for the Rhondda.

Can I just correct one piece of factual inaccuracy that has come from the contributors, which is Britain hasn't got the longest continuous democracy, by some way. Apart from the English Civil War, Iceland has the longest-standing Parliament. It first sat in 929 and has continued to sit ever since. I think sometimes we are far too arrogant about British democracy. Our system constantly needs to be reformed and updated to meet the needs of modern society.

But I just say to Baroness Boothroyd, she is absolutely right: you couldn't have a situation

where both chambers could appoint and remove a government. You should only ever have one primary chamber which is allowed to set the budget, provide supply, in other words money, and is able to provide for the creation or the removal of a government.

As it happens, I personally prefer an elected second chamber, but I think will be fascinating to see how crossbenchers in the next few weeks vote on big constitutional reform that the government has brought forward which will change the number of MPs in the Commons, cutting them whilst the number of peers in the House of Lords is going up, and completely rejigging every constituency boundary in the land, I think for party political advantage. So it will be interesting to see how the crossbenchers vote on those matters.

THE CHAIRMAN: I'd like one more voice for and against. For the motion, please, in the middle. And an against. Who would like to come in against the motion, please?

A MEMBER OF THE AUDIENCE: Hello, my name is Valerie Humphrey and I'm on the for side of the argument. I just sort of wonder in a way at the moment, I agree with Vernon when he was saying why would people want to become elected members of this body that has so little power? So if you do decide to give them a bit more power, then are we going to end up with another group of people who are sort of like MP-lite? And I don't think that's something we necessarily need. But in the same sense, if you end up giving them that bit more power, how are you going to keep people who might originally have thought of becoming an MP not wanting to flood into the House of Lords because they get a better title and cooler robes?

THE CHAIRMAN: Thank you. Behind you, against the motion.

A MEMBER OF THE AUDIENCE: My name is Ben Lyon.

THE CHAIRMAN: Could you just say what your position is on the motion?

A MEMBER OF THE AUDIENCE: Yes, my position is against the motion.

THE CHAIRMAN: Start again, please, and then give me your name and your position.

A MEMBER OF THE AUDIENCE: I'm against the motion, and my name is Lyon.

It seems that our memory is short. All the talk has been about appointment, about getting access to the cake of power; and yet in very recent memory we have had absolute proof that when you do get there, that power has the tendency to corrupt. What I need as a voter is the ability every so often to vote you out, not necessarily just to vote you in. That is why I think we do need to have direct election. Thank you.

THE CHAIRMAN: Thank you. We have about 10 or 12 minutes to run. Can I get an idea of how many more of you would like to speak, please? Seven. I propose to get more voices then. Another one for the motion, please. The lady here. I will come to as many of you as possible. And against the motion, please. Who's against the motion? Thank you, there please.

A MEMBER OF THE AUDIENCE: I'm Jean Coussins, I'm an independent crossbench peer. Some speakers have suggested that people like me have got to the House of Lords because we have been plucked out of the air or through patronage, and I think it's really important that people understand what the current method of appointing crossbench peers is at the moment.

The House of Lords Appointments Commission is completely independent from government, and the criteria that it uses to appoint us are in the public domain, they are published, they are detailed, they are rigorous, and we are considered and assessed and interviewed and vetted against these criteria.

Polly Toynbee suggested that I might feel better about myself if I had been elected rather than appointed, but actually I would much rather have this system of transparent meritocracy than

a closed party political list.

THE CHAIRMAN: There is a lady with a microphone, please.

A MEMBER OF THE AUDIENCE: Against the motion, Caroline Strafford. I would like to congratulate Lord Adonis, but it cannot be right in a democracy for one part of the government to choose themselves the political nominees for another house, ie the Lords.

Please could we consider county constituencies, where representatives would be known. The regions are much too large and people don't know who their MEPs are, but I suggest that county representatives would be known. And could we please consider perhaps that we should have a retirement age for politicians, perhaps all politicians in the Commons and the Lords.

THE CHAIRMAN: Let me get two more voices, for first of all. I am not forgetting you at the back. And who is against, please. Okay, there are a few voices still for the motion. The gentleman here, yes.

A MEMBER OF THE AUDIENCE: Barry Craven, I'm a retired company director. I think the House of Lords is probably one of the finest revising chambers in the world, with expertise in commerce, religion, law, politics. Before we tinker around with it, I think we should see what we have got.

We have heard a lot about democracy, but democracy is not just an election every four years; it is being able to put a check and a balance on the other place, and I think the Lords performs that extremely well. And I notice regarding democracy that the party that is pressing this hardest came third in the election. Thank you.

THE CHAIRMAN: You have the microphone.

A MEMBER OF THE AUDIENCE: I'm also for the motion. My name is Rodney Elton, I'm an elected member of the House of Lords. I was elected by the whole membership of the House of

Lords in 1999, one of 14 of my type; an interesting oversight in history.

The central point of this debate is that the government has now virtually got control of Parliament. It has more control in the House of Commons than it has in the Lords. We do not, therefore, want to strengthen it in the House of Lords further.

There are two reasons for it being so powerful in the House of Commons. One is that Parliament was invented to control the Crown, the government, and no member of government was allowed into Parliament until George I came on the throne, and there are now 150 of them in the House of Commons and a handful in the House of Lords.

The other is, as everybody has repeatedly said, the power that the electoral system gives to the political parties, because you not only have to have their permission to get into the place but you have to have their permission to stay there. Any of the systems I've heard that are electoral suggested today finishes up with the political parties actually deciding who stays in the upper house, and that means that the government then is able to control both houses and you have lost democracy.

THE CHAIRMAN: Is there another voice against the motion, please? Here.

A MEMBER OF THE AUDIENCE: Alex Davies, I work in the House of Lords.

THE CHAIRMAN: And what is your position?

A MEMBER OF THE AUDIENCE: I'm a parliamentary assistant there.

THE CHAIRMAN: On this motion, please?

A MEMBER OF THE AUDIENCE: Oh, sorry, I'm against the motion.

THE CHAIRMAN: Could you start at the beginning and say what your view is?

A MEMBER OF THE AUDIENCE: Alex Davies, I'm against the motion. I work in the House of Lords.

The gentleman over here who thinks it's the finest revising chamber in the world, I really agree with Lord Adonis and his quote about if you want to find out about the House of Lords, go there; you should really see it some time.

The problem with the House of Lords is actually not about crossbenchers swinging votes or which party swings the votes. What swings votes in the House of Lords is who is there at what time. The House of Lords is so civilised in fact that it has a dinner hour, and after that dinner hour important votes are lost or won on who is there, because people just go home, because it is not a professional house. People say, "Oh, it's so terrible to have professional politicians"; at least professional politicians actually stay there and do the work. People go home after a dinner hour in the House of Lords.

I think Lord Adonis is absolutely right and you should come and actually look at it before you say that it is the finest place in the world, because it isn't.

THE CHAIRMAN: Are there any other voices against the motion, please? Your position, David Davis, given the position that you have taken on the record here.

A MEMBER OF THE AUDIENCE: I am David Davis, Member of Parliament, and in the distant past a government whip, so I know a little bit about how governments exercise their power in the Commons and the Lords. We have heard a lot about the revising chamber. That is all very interesting but it is a luxury. The most important aspect of the House of Lords is standing up to the government when it gets too arrogant, when it impinges on the freedoms, liberties and constitutional rights that our country has possessed for many years. Whether it is as long as Iceland I don't know. But the simple truth is, it is when it exercises those rights that it is important. It only does it two or three times in a

Parliament, over things like jury trial, over things like 42 days, Lord Adonis, where your government was defeated by the Lords and only by the Lords when the Commons capitulated on it. And that is what matters. What I have not heard so far from the case against today, although Billy Bragg tried, is a way of making the members of the House of Lords entirely independent of government: No patronage, no penalty, no reward, no control over them, and that is the only thing that defends our constitution. Until I hear a way of maintaining the independence of individual Lords I will still support this motion.

THE CHAIRMAN: I would like to hear two more voices and then we will move to closing remarks.

A MEMBER OF THE AUDIENCE: Thank you. I'm Kevin Choi. I'm a student and I can't actually vote yet.

THE CHAIRMAN: Do you have a view on this motion?

A MEMBER OF THE AUDIENCE: I'm for the motion. I have a point to pick with Lord Adonis here. He raised the point that elections would make the peers and the House of Lords stronger, but I fundamentally think that is wrong, because what happens is the Lords will then have to be like MPs, really, and they will have to contend with populist vote and what not. I think the power of the House of Lords come from the fact that as a proposition as raised they are from all different walks of life and have different views on things.

I think if you were to make the House of Lords completely elected what we have is simply a mirror of the House of Commons. And, fair, there is a case for reforming the House of Lords. The amount of Lords who don't turn up for a single day in the year is testament to that. But surely having a completely elected House of Lords is wrong. Maybe a hybrid system would be better or whatever, but having a completely elected system makes Lords lose their legitimacy in that they have different points of view from the House of Commons and really it is bad for British democracy.

THE CHAIRMAN: A particular challenge to you, Lord Adonis.

LORD ADONIS: That is a point of view. I regret to tell you that being elected means you have got to grapple with people called voters and the wider public. I'm afraid it is called democracy.

A MEMBER OF THE AUDIENCE: My name is Paul Beckworth. I am an Australian citizen, Swiss resident and a frequent visitor to this wonderful country.

I lived in Australia during the 1976 constitutional crisis -- and a great crisis indeed it was -- and lived in the United States during the 2000 election and associated constitutional crisis. I find it very interesting that in both cases these fascinating and deep crises were resolved at the end of the day by the independent people and officials. In the case of the America crisis it was adjudicated and resolved by the Supreme Court. In the case of the 1976 crisis in Australia it was adjudicated and resolved by the Governor General under the aegis of Her Majesty the Queen. I'm for the motion because I think at the end of the day all such crises ultimately have to be resolved by independent people. I think those who oppose the motion today and want to have an elected House of Lords will have to get used to the fact that it will give a great deal more power, and there is no choice to this, to Her Majesty the Queen and her successors. And is that really what they want?

THE CHAIRMAN: I invite one more voice against the motion, please. I see no more voices against the motion. Therefore I think what we should do now is move to the closing statements: two minutes from each of the contributors for and against in reverse order. After that I will invite you, with a show of hands, to give us an indication of how you still feel or how much you have changed in your view about this motion. Two minutes each. Billy Bragg against the motion first.

MR BILLY BRAGG: Thank you. One of the most unfortunate aspects of this debate is how members of the upper chamber seem to rely on

scoring points by disparaging the lower chamber, our elected representatives. I really don't think that is the way to go. When I hear people refer to members of the potential elected second chamber as "clones of the clowns" as has been mentioned before I find that very disrespectful of our representative democracy, particularly at a time when the party system is about to put 100-odd new peers into the upper house, into the House of Lords, in order to get its business done. You cannot say the second chamber is not party political.

Frankly, I would prefer this to have been resolved on the field of Naseby during the Civil War. One of the things we can be proud of, Chris, is that we were the first country ever to hold our supreme power to account in the form of Charles I. It is unfortunate we had to chop his head off, but there you go. That was done 100 years before Tom Paine wrote *The Rights of Man*. So consequently the idea of the kind of individual freedoms that animated the American and the French revolutions and led to direct election for their upper chamber had not yet been developed. Consequently in 1668 when our Bill of Rights was written and our constitutional Monarchy formed it is actually an agreement between the Crown and the Parliament. We have no documents in our constitution that begin "We, the people ..."

It is an historical anomaly that the House of Lords is still unelected. It is an historical anomaly that crossbenchers still exist. It is a difficulty for our representative democracy. But ultimately I think at a time when public servants around the country are facing unemployment and the so-called reforms, that we bring those reforms into the second chamber. Thank you.

THE CHAIRMAN: Billy Bragg against the motion. Simon Jenkins for the motion.

SIR SIMON JENKINS: I think it is fascinating whenever somebody introduces the battle of Naseby into these discussions and the famous question is asked "On whose side were you at Naseby?" I have to say I am afraid I think Billy is on the Stuart royalist side and I'm on the

roundhead Cromwellian side, because we are discussing the nature of power, and the nature of power now that was once royalist at Naseby is now governmental. It is now represented by the Crown in all its manifestations.

I am desperate to try and reduce the power of the Crown in the name of the people, Billy.

MR BILLY BRAGG: Me too.

SIR SIMON JENKINS: You have got a nexus that you shouldn't damage: The government, the party that supports the government, the discipline that requires that party to support the government, and the whips that enforce the discipline in the elected chamber. That is the House of Commons, and I'm entirely in favour of it. I would like to in every way bolster it. I do not want it to pollute anything else. There is a wider political community of people who are commentators, who are other sorts of parliamentarians, who are former politicians, who are provincial grandees, businessmen, whoever they may be. And I would like to see that group of people made more active rather than less active.

In places like France and Germany where the power of the party over all houses of Parliament is absolute they really are suppressed.

The one virtue I see in the present House of Lords, which is not a bad second chamber as second chambers go, is it is composed of quite a wide range of people. And I think that influence is an asset to public life. The one thing that damages it is the cross-pollution from the House of Commons of the influence of the whips. When people put themselves forwards for the House of Lords at the present moment they are asked "Will you accept a party whip?" If you want to get in the House of Lords you say "Yes." That is wrong. I want to get an appointed House of Lords that simply has that element eliminated from it. If you eliminate that element from it by having a Royal Commission, however we decide to set it up, I think you will have an effective House of Lords that is not powerful but influential, and it is that influence that you want from a body like the

House of Lords.

THE CHAIRMAN: Simon Jenkins, thank you.

The closing statement against from Polly Toynbee.

MS POLLY TOYNBEE: I think we should look at the context in which we are discussing this, which is for the first time we have, because we have a coalition government, a coalition that has a majority in both Houses. I think that is a very alarming and a lot of what has been talked about here is rather abstract compared with what we are faced with. That means that reform is very urgent. We should bear that in mind. We reformers who believe in democracy must stay very open-minded about what kind of system might replace it. We all have our own pet schemes; we have been discussing them in various different ways.

In the past the reason reform has fallen apart and we have not had it, or only very little of it, leaving an extraordinary electoral system amongst the hereditaries that really defies anything found anywhere else in the world. We reformers need to stay open-minded and make sure that we are certain of one thing above all others, that whatever our particular favourite system democracy comes first and we, the people, must be allowed to choose who our own representatives are.

THE CHAIRMAN: Shami Chakrabarti, your closing statement, and may I just ask you to respond to what Polly said at the beginning; she is confused that you are on that side of the house.

MS SHAMI CHAKRABARTI: Perhaps I can just explain in my closing statement. Elected power is of course vital to democracy. But in contrast with the people over there I do not feel it is the only legitimate form of power in a democracy. If it were we would elect the judges. Maybe they would approve of that. I think if you elect the judges Barabbas always goes free.

Just as today's free market if unregulated,

unchecked by the rule of law, and a lot more law besides, will eat itself, take down the banks and take the rest of us down with it if it is unfettered, unchecked. Today's democracy, unprotected by some independent folk in the judiciary and in a relatively gentle revising chamber, today's democracy unprotected by constitutional checks and balances will eat itself and descend into something rather different. This has happened in our lifetimes elsewhere in the world.

Billy invokes France, the United States and Tom Paine, but what no one has answered is whether they are going to replace the current system in the round with a written constitution and therefore place more power in the hands of unelected judges to defend our rights and freedoms. They have come up with no alternative. I for one will hang on to the rights and freedoms I've got.

THE CHAIRMAN: Shami Chakrabarti, thank you. Now the final summing up statement from Lord Adonis against.

LORD ADONIS: I hesitate to point this out, but you may have noticed that 7 of the 10 people who spoke for the motion from the floor are members of the House of Lords.

Let me let you into a secret. Members of the House of Lords generally think the place is absolutely wonderful; it is incapable of improvement; it is the most distinguished and wise deliberative assembly in the world; and they would dearly like also to remain members of the House of Lords. Indeed I, if I was looking for my own personal advantage, would like to remain a member of the House of Lords without anybody else being consulted at all. However you need to discount that and take that at face value. People who are in jobs always believe they do it brilliantly. The question is the basis on which we have our second chamber is one that leads to it being an effective second chamber.

One of my colleagues from the House of Lords said that people in the House of Lords end up there by a process of transparent meritocracy. If

the process by which people end up in the House of Lords is a transparent meritocracy then I have to tell you that I am the man on the moon. I could take you through the list of members of the House of Lords and explain to you the very untransparent, the very unmeritocratic basis on which a very large number of them are there. I hate to say this to Simon, but it has a very great deal to do with these evil whips, all these ministers, all these others who control the levers of patronage in this country. They are the people who with the exception of the independents, who are a small minority of the members of the House of Lords, they are the people who decide who are appointed. And the people they appoint are professional politicians, mostly people who have been career party hacks, who have earned their way through the party one way or another, a large number of party donors -- I couldn't possibly explain to you why it is they end up in the House of Lords, it must be some mysterious meritocratic process which is extremely transparent -- but the fact is at the moment the House of Lords is a house of patronage. Because it is a house of patronage, plus some distinguished independents, because it is that it does not have the authority to challenge the Commons, even on major issues -- and I listed a lot of them: rail privatisation, the poll tax, ID cards, the Child Support Agency -- areas in fact where the government is making a hash of it, where a second chamber worth its salt should ask them to think again, and it can only do so if it has real democratic legitimacy.

THE CHAIRMAN: The final closing statement from Lord Adonis.

And now the final closing statement for the motion by Vernon Bogdanor.

PROFESSOR VERNON BOGDANOR: I am struck during this debate by how some of those who want reform of the Lords are trying to achieve different things from reform of the Lords. Some people want to seek fairer representation. If you want that you should support PR for the Commons not for the Lords. Some people are worried, and rightly worried, at the allegation that

some peers may have bought their places. And if you don't like that you should seek reform of the system of party finance so that that doesn't happen, because parties in my view should not rely on handouts from millionaires. But that is a separate issue.

I think Lady Boothroyd has put her finger on the real crucial central issue, that if you have an elected House of Lords you have competing mandates and people will ask to which house should the government be responsible: the one elected in 2005 a long time ago, the House of Commons, or the House of Lords, with its conservative majority elected in 2007. And this is not just theoretical. This is what happened in Australia in 1975 when the Governor General and the Chief Justice and the leader of the opposition said that because the upper house was directly elected the government has to win the confidence of both houses. That problem was resolved by a double dissolution. You cannot dissolve the upper house in Britain, so we would be in a weaker position than the Australians were. But the Australian Senate, because directly elected, was making the same claim that the House of Lords did before 1911; they could compel a directly elected government to dissolve against its wishes. It seems to me that would not help democracy in this country.

The House of Lords, as at present constituted, evades the problem of competing mandates. It has limited legislative power. It can make the government think again but no more. So please don't make all these very valuable peers in this audience unemployed. Thank you.

THE CHAIRMAN: Vernon Bogdanor, thank you very much.

You have heard the arguments for and against. Many of you have expressed your view as well.

A reminder of the motion: "An elected House of Lords would be bad for British democracy".

Let me ask you now to raise your hand if you support that motion. (Show of hands). Those

against the motion. (Show of hands). Those who still don't know. (Show of hands). A small handful. And those who have shifted their vote during this debate. (Show of hands).

I would suggest, subject to other scrutineers, that the mood has shifted towards the motion for the motion. This is a totally unscientific self-selecting audience, but you have moved towards the motion that "An elected House of Lords will be bad for British democracy". Because I think before on the show of hands there was a shade of a majority for the motion, about a third against and a third undecided, but it has shifted towards the motion.

Let me tell you that if you would like to find out more about this topic you can download a free briefing document from the website. You can see the caption on the screen at the moment.

Let me thank the six people who have been up here for and against the motion, many of you who have contributed as well to this very dynamic debate, moving forward the discussion about the future of the House of Lords here in the Paul Hamlyn Hall at the Covent Garden Opera House, the Floral Hall.

Thank you very much indeed to all of you and from me, Nik Gowing, thanks for joining us here on the BBC. Goodbye.

(12.35 pm)

(The debate concluded)