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The question of the Lords [1]

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The Public Administration Committee yesterday called [3] for changes in the law governing peerages. In the wake of the cash-for-honours scandal, they want more transparency and more powers for the electoral commission.

The report is bound to prompt renewed calls for a through-going reform of the Upper House. The current consensus is for eighty percent of peers to be directly elected by proportional representation on a regional party list system, with elections held alongside European Parliament ones.

This consensus strikes me as being one of those that seems like a good idea, but falls apart under closer examination. Firstly, the role of the Lords is to review legislation and protect the constitution and liberties from majoritarian tyranny. It is not obvious that elected peers would be better at this than appointed ones. Indeed, they would probably be worse: less independent and less willing to deviate from their party line.

Secondly, electing peers by party list would do little to reduce the role of patronage. Political parties could easily sell places at the top of their lists, as they have sold honours in the past. More generally though, the quality of people on party lists would probably be lower than that of current appointees. One of the best things about the current Lords is the availability of a wide variety of specialists, who would not otherwise be involved in the legislative process.

A better reform would be to genuinely put appointment in the hands of the Monarch, who would act on the advice of a statutory, independent Appointments Commission, without the involvement of the political parties. At least a quarter of peerages should be reserved for independents, and remaining appointments would be made in proportion to the parties' share of the popular vote in the most recent general election.

A more radical option, which tends to be favoured by libertarians, is to appoint the upper house by lottery ? like a legislative jury service ? for short terms, perhaps even for single sessions of parliament. It's certainly

an interesting idea, but there are plenty of problems with it, and I doubt it's a realistic option.

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