



**Economist.com**

PRINT EDITION  
**BRITAIN**

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## **Billy Bragg's modest proposal**

Mar 11th 2004

From The Economist print edition

### **The government is in a jam over constitutional reform. It needs a way out, fast**

SO DEEP is the mess the government has got itself into over constitutional reform that it may be about to turn to Billy Bragg, a left-wing singer-songwriter, for the answer to its problems. This is not to denigrate Mr Bragg. Known variously as the Bard of Barking and Britain's Woody Guthrie, he made his name in the 1980s playing concerts in support of various lost causes, such as Arthur Scargill's striking miners, and has an unlikely passion for constitutional reform. He has, for years, been plugging a plan to reform the House of Lords that, against all odds, is being taken seriously in high places.

More of the Bragg proposal later. The reason the government just might embrace it is that it has no viable plan of its own for reforming the House of Lords. Last year the House of Commons, presented with a cornucopia of options from a wholly-elected to a wholly-appointed second chamber, farcically failed to back any of them. This week, things went dramatically worse, and the government needs to find a way out of the jam it is in.

The immediate cause of the government's embarrassment is the House of Lords' rejection on March 8th of its proposals to abolish the centuries-old office of Lord Chancellor and set up a Supreme Court with judges chosen by an independent appointments commission. But these broadly sensible measures are in jeopardy largely because the government has managed to convince just about everybody that on such big and important questions, it plays fast and loose.

The way in which the judicial reforms were announced is a case in point: after not so much as a mention in Labour's 2001 manifesto, nor any attempt to explain why they might be necessary, they were jumbled up with one of the most cackhanded cabinet reshuffles in living memory. There were mitigating circumstances. Tony Blair was exhausted and distracted by the Iraq war. And the high-handed refusal of Lord Irvine, Lord Chancellor for Labour's first six years in office, to contemplate his own abolition hardly helped. But the impression, amplified by Lord Irvine's replacement with Lord Falconer, Mr Blair's sometime flatmate, was of arrogance and a lack of seriousness.

Still, this might not have mattered too much, but for the way Mr Blair had behaved over the House of Lords. The government's manifesto at the last election committed it to creating a "more representative and democratic" second chamber. To most people, including two very important audiences—Labour MPs and the remaining 92 hereditary peers—that meant a largely elected second chamber.

The hereditaries believed that the deal they had struck with the government in 1999 to go quietly was based on just such a promise. The great majority of Labour MPs supported a large directly-elected element; only a few unrepentant unicameralists held out against them. Thus in 2002, when the government produced a white paper proposing that just 20% of the new

chamber should be elected, few were impressed. Robin Cook, the leader of the Commons at the time, observed before last year's vote: "We need to remind ourselves that the problem was not that the white paper was seen to offer a dangerously high level of elected members."

Mr Blair begs to differ. He "personally" now favours a wholly appointed second chamber: any form of "hybridity" (mixing appointees with elected members) would be unstable, while a wholly-elected house would inevitably threaten the "primacy" of the Commons. Mr Blair's objections are not absurd, but they are extreme. Next week, unless "drafting difficulties" continue to beset it, the government will finally publish a bill outlining the next stage of Lords reform that will reflect Mr Blair's views, confining itself to the ejection of the last hereditaries and the establishment of a new appointments commission.

## Mutinuous dogs

The consequences are lamentable. The House of Lords is in a state of open insurrection, cleverly fomented by the Tories' leader in the Lords, Lord Strathclyde. Because the government has broken its promises to them, many peers feel released from normal constitutional discipline. An alliance of the disillusioned and the about-to-be dispossessed is ready to ambush government legislation whenever the opportunity arises. And while Labour MPs will shed no tears over the hereditaries' extinction, many will have deep misgivings about voting, in effect, for an all-appointed chamber in defiance of both their election manifesto and public opinion.

To save itself, the government must show that next week's bill is not, as Mr Blair has indicated, the final stage of Lords reform. Above all, it has to demonstrate that it wants to end up somewhere that other people might wish to go. Which brings us back to Billy Bragg. Mr Bragg's plan is for seats in the second chamber to be allocated in proportion to the votes cast in a general election. Each vote would, in effect, be used twice—first, as now, to elect an MP, and second, under the new scheme, to elect representatives from regionally based lists drawn up by the political parties.

The closed lists are deeply unattractive, but on most other counts this could be the basis of a workable compromise that would give the second chamber much-needed legitimacy, while explicitly recognising it as a component of Parliament rather than a separate entity. The scheme has supporters among Mr Blair's advisers. Peter Hain, the leader of the Commons, is said to be an enthusiast. Lord Falconer has also shown interest and had a meeting with Mr Bragg last month.

Mr Bragg's plan is modest, but that is also its strength. The best doesn't have to be the enemy of the fairly good, but when it comes to reforming the House of Lords, that it is how it has usually been.