

T075

New House of Lords should not be elected

You report (5 March 1998) that the Tories are demanding an independent second chamber; and you yourself say (leader, 6 March) that it should at least contain a very substantial independent element. I disagree, for the consequences would be disastrous.

Under our constitution there is room for only one independent chamber, and that must continue to be the House of Commons. So the new House of Lords must not be wholly or partly elected, whether directly or indirectly.

The House of Commons furnishes and controls the executive, and in the last resort it must always be possible for the executive to control the second chamber. As Bagehot said, it is idle to expect a second chamber - a chamber of notables - to resist a popular chamber when it, and the nation, are vehement.

The means by which the executive controls the House of Lords is the power at any time to create a large number of new peers who will do what the executive wants. Although in practical terms that House is in a sense independent, it is not so in ultimate reality. There lies the genius of our unwritten constitution.

If the hereditary element is to be removed we must perforce swallow that bogey the Grand Quango, solely the product of repeated prime ministerial patronage. However under modern conditions, with a vigilant press, prime ministers are unlikely to get away with exercising this constitutional function improperly.¹

¹ *The Times*, 9 March 1998.