

## Reform of the House of Lords: 1998-9

Introduction: In 1999 some serious consideration was given to reform of the House of Lords (the upper house of the UK legislature). A paper was produced by the Demos think-tank *The Athenian option: Radical reform of the House of Lords* by Anthony Barnett and Peter Carey ( see [www.Demos.co.uk](http://www.Demos.co.uk)). The main idea in the paper was, of course, that the democratically reformed House should be more like a citizens' jury, with members drawn *by lot* from the electorate at large. I added my weight in a submission: Item 1 below — I also spoke at a public meeting in the Council Chamber at Birmingham when the Commission was taking soundings around the country.

Of course I was strongly in favour of the Demos proposal, but quibbled with one or two ideas in it. Item 2 is the commentary I sent to Anthony Barnett, author of the Demos report. He was kind enough to reply, which is shown as Item 3.

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### Item 1: My Letter to the Commission:

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To: Lord Wakeham  
Reform of the House of Lords Commission

14 May 1999

I write to support the proposal made by Demos for reforming the House of Lords. This was entitled 'The Athenian Solution', in recognition of the methods used by the people who invented the concept of Democracy. For the ancient Athenians rulers were seldom voted for — selection of the Councils by lottery was understood to be more 'democratic'.

The idea of Citizens' Juries is a well-established adjunct to democratic processes in the U.S. and Germany. In this country we have focus groups, which are, of course not quite the same thing. Advice from these groups is regularly sought to resolve knotty problems like school closure, health care priorities, traffic management. In this sense, the 'Peoples' Peers' proposal from Demos is no more than a standing citizens' jury.

Plucking voters at random from the electoral register in order to be Peoples' Peers may seem like a bizarre and unacceptable idea, but not when you consider the alternatives (which no doubt you are considering):—

- appointment by a committee of the Great and Good inevitably smacks of cronyism (because it is)
- voting by whatever contrived system produces an alternative centre of legitimacy. That may not be a bad thing, but it is unlikely that the Other Place would accept it.

So selection of a House of Peoples' Peers shines through as democratic, in keeping with contemporary ideas, and with the blessing of an ancient civilisation. There are two minor points in the Demos report which I would quibble with:—

- to reserve 50% of places in the proposed House for either sex is quite unnecessary and seems to display a misunderstanding of randomisation. The great delight of random selection is that it ensures that every group, every minority will get a fair representation, in proportion to its presence in the voting population. (This is subject only to slight variations about averages).
- the term of service for the Peoples' Peers is not clearly defined in the Demos report. Again we can defer to the wisdom of the ancients. For the Athenians a short, non-renewable term was seen as vital. In today's terms we would want to avoid the problems of legislators going native, adopting the establishment view, and becoming easy targets for the wealthy pressure groups

A *term of 4 months* for the proposed Peoples' Peers seems about right. A rolling programme of weekly appointments based on Parliamentary constituencies would ensure both geographical spread and give continuity of membership.

I would like if possible to make a submission in person along these lines to the Commission when it visits Birmingham.

Be bold! Democracy in the form of voting is withering away. Exciting new ways of engaging the interest of the electors are called for. Go for the Athenian option.

Conall Boyle

(Conall Boyle recently published a related paper 'Organizations selecting people: how the process could be made fairer by the appropriate use of lotteries' in *The Statistician*, *Journal of the Royal Statistical Society* Part 2 1998.

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## **Item 2: My letter to Anthony Barnett: 18 Dec 1998**

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### **Comment on**

***'The Athenian option: Radical reform for the House of Lords'***

**(Demos, June 1998, by Anthony Barnett, Birkbeck College and Peter Carty)**

**from: Conall Boyle, Statistician**

### **1. The lottery is fair to all: no need for men's and women's sections:**

— When selecting the 'Peoples' Peers', separate sections for men and women are an un-necessary distraction. Perhaps you have missed one of the overwhelming attractions of 'selection-by-lot': that it produces a sample which is representative of

the population. Not just in male/female terms, but in every other dimension you care to name:; young old, gay/straight, fat/thin, posh/rough, Anglo/Celtic, white/black, abled/dis-abled, indeed any of the acknowledged and *unacknowledged* dimensions of discrimination.

If you start down the reserved lists or 'zipping' route to ensure M/F balance, why not do something for all the others? And how far do you go? "Do you have a section for 'normal'/paedophile? It is a nonsense, but fortunately *thanks to select-by-lot it is unnecessary!* The magic of randomness ensures everyone will be represented, in proportion to their presence in the population, without having to make a judgment about their merits.

This inherent fairness is an essential feature of lottery selection, and extends to all the other sub-groups within a population. It may sometimes mean a House devoid of some small group, say black disabled men, but they will appear again later. All of this happens without the need for complex rules, or arguments about who 'deserves' to be included. The lottery is mechanically fair to everyone, directly in proportion to their presence in the community.

## **2. The need for *rotation* as well as lottery:**

The Athenians didn't just select their Assembly-men, magistrates and many other public officials by lottery, and then leave them there. It was a vital part of their scheme that these jobs were for a strictly limited term of one year. Citizens could be re-selected by the lottery, but only after a time lapse. So short, non-renewable terms of office are important too.

You are vague about how long the Peoples Peers (PP) should serve. Don't be! A short term of about 3 or 4 months would be long enough to learn the job, but so long as to start going native. The regulatory-capture problem is endemic in present-day politics. Just look at the Bernie Ecclestone fag-ads-ban saga. Don't give the PPs a chance to be sucked into the system; change them regularly!

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### Item 3: Anthony Barnett's reply (by email)

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**From:** local@globalnet.co.uk  
**To:** conall.boyle@uce.ac.uk  
**Subject:** athenian option  
**Date:** Thursday 21 January 1999 20:01

Thank you for your note and paper. One small point. In Athens the 12 tribes had an equal number of places on the main jury, and the individuals were then selected by lot within each tribe. In this way the system insured that each tribe was proportionately represented.

A lottery is not fair to all in its outcome only in the chance of winning. It is a lottery, after all. You are therefore wrong to say that a lottery "produces a sample which is representative of the population". It need not produce this. An assembly chosen purely by lot could have more than 50 per cent Indian women from Leicester or white men from Devon. This would not be accepted as legitimate by the public for their parliament. This is why the Athenians were right to combine the advantages of randomness with a representative framework fixed in advance. It was this example that led me to propose 50 per cent women and an equal proportion from each region.

Women are about half the population and are not an ethnic minority - who would stand as fair a chance as any other of being represented as you say.

Best wishes

Anthony Barnett

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