A Proposal to Transform the House of Lords into a Citizens Assembly

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In the background of debates over how to restructure the House of Lords is a fundamental question: what, precisely, is the purpose of having a second chamber in the legislative institutions of a democracy? Roughly, there are two broad kinds of answers to this question: The first, embodied in the historic principles of the House of Lords, is based on the belief that electoral democracy is prone to excesses, so we need some kind of sober institutional check. The device should block or, at least, slow down the process by which representative institutions generate new laws and regulation. The old House of Lords, dominated by hereditary, and then appointed, peers was just such a brake on electoral democracy. This was only modestly altered when the House of Lords was converted to a House of Appointed Notables.

The second answer to the question imagines that democracy can be invigorated and deepened by the addition of a second chamber. The argument here is not that democracy needs to be checked, but rather that a single mechanism of representation cannot fully realize the ideal of democracy. The two chambers of a legislative system, therefore, are designed to embody different mechanisms. For example, one chamber could be elected through a system of territorial-district representation and a second chamber could be elected on the basis of some principle of *functional representation*, where members represent organized groups (unions, business associations, economic sectors, etc.). A system roughly along these lines exists in Austria.

We would like to propose a second chamber in the British parliament that would both provide a check on the failures of electoral democracy and, simultaneously, deepen the democratic character of the legislative process. The proposal is to convert the House of Lords into a *Citizens Assembly of randomly selected members*. We can imagine numerous ways of dong this, but here's a rough sketch of one way:

- Members would serve staggered terms, say three years in length.
- The random selection process would be stratified in an appropriate way to ensure salient demographic groups roughly proportionate representation.
- Remuneration would be set at a high enough level to create strong incentives for most citizens to agree to participate, and employers would be required to reinstate members at the end of their terms.
- The Citizens Assembly would function in a manner similar to the existing House of Lords, being able to slow up legislation, send it back for reconsideration, but ultimately veto such legislation.

Skeptics might balk at random selection. But selection by lot has many precedents: the jury system and Ancient Athens, for example. In fact, the early Enlightenment theorists of democracy thought that random selection was the only

sensible understanding of rule by the people, believing that electoral processes were too easily manipulated by the powerful.

Prime Ministers could not manipulate this system, and nor could their parties. It provides what elected chambers, by their nature, cannot: true diversity of the kinds of people involved in the legislative process. The citizens are neither career politicians nor their cronies. In contrast to a randomly selected assembly, a directly *elected* second chamber would, eventually, threaten the constitutional primacy of the Commons. The members of an indirectly elected or appointed second chamber would always be suspected of cronyism. A randomly selected Citizens Assembly would have the legitimacy that its members were 'of the people', but would always be clearly a secondary chamber. The process of legislating would be improved, but its coherence would not be threatened.

Is our proposal realistic in modern democratic conditions? Yes. It has already been tried, very successfully, in the Canadian province of British Columbia. Here is the basic story: BC *parliamentary* elections were based on standard single-member district first-past-the-post elections. So in 2003 the BC government sought to overhaul the system and replace it with a fairer one. But how? If existing politicians, elected under the old system, make the choice, they have a vested interest in the status quo, and in any replacement. To circumvent this, they authorized a randomly selected Citizen Assembly of 160 persons to prepare a referendum proposal which would be submitted to the citizens of the province for a vote. The assembly was selected at the end of 2003 and met throughout 2004. The first phase of the process was education: members met every third weekend for three months for intensive seminars on alternative electoral systems. In the second phase, the assembly members attended hearings throughout the province to present the issues to open discussions with citizens and hear what people thought. In phase three, the assembly again met on a regular schedule in Vancouver to design the actual referendum proposal. The result was a proposal for a multi-member district single-transferable vote system for the province (a variant of proportional representation in which citizens vote for specific candidates rather than for party lists and can thus vote for candidates in more than one party if they choose). The referendum was then submitted for a popular vote in May 2005. To pass it had to receive a majority vote in at least 60% of the ridings (electoral districts) and an overall vote of 60%. It passed the first criterion, gaining majority support in 77 of 79 ridings, but fell short of the overall 60% threshold, receiving only 57.3% of the overall vote. (The failure to receive over 60% of the vote seems to have been the result of the lack of information by voters. Polling data indicate that before the vote only a third of voters had heard of the Citizens Assembly. Among voters who had heard of the Citizens Assembly, the vote was well over the 60% threshold. Among uninformed voters, the referendum passed, but by just over 50%. This lack of information was the result of a reluctance of the provincial government to run an education campaign about the referendum, fearing that this would compromise the government's official neutrality on the issue. The plan is now to resubmit the referendum in a future general election with a serious effort at informing the electorate).

Of course, a Citizens Assembly that would replace the House of Lords would have a very different character to the one-shot, special purpose of the British Columbia Citizens Assembly. The details of the institutional design, especially the precise form of its relationship to the elected parliament, would need to be carefully worked out. The crucial thing is that such an assembly affirms the central value of democracy as rule by the people and envisions a democratic order in which ordinary citizens are empowered to be directly involved in the crucial work of law making rather than simply the task of choosing their law-makers. It counters the limitations of competitive party-based electoral democracy by deepening democracy, not constraining it.