Thank you for the invitation to give this lecture this afternoon.

In his book, *How To Be In Opposition*, the founder and executive director of the Centre for Opposition Studies, Nigel Fletcher, used Disraeli’s famous quote about opposition as his standfirst: “No government can be long secure without a formidable opposition.” Good quote, and as far as the current government is concerned, we in the opposition certainly hope he’s right. But good though it is, I like as well a quotation, in a slightly different context, from a strangely marginally less eminent political sage, the cricketer David Gower, who said: “You can make plans, but if the opposition plays well, then all your plans become worthless.” I’m no cricketer. But we do aim to play well. And if that has the Gower effect on the government, we will of course be pleased…….

I pay tribute to Nigel, and to the Centre, for their work on a subject central to good government and good governance. They have much to offer, not only in terms of academic research but, perhaps even more importantly, in assisting new and emerging democracies which have little or no concept of the vital role of loyal opposition.

But as Nigel and the Centre for Opposition Studies know well, opposition is a little-studied subject. And if opposition in general in UK politics is a little-studied subject, then opposition in the Lords is, if that’s possible, studied even less. Indeed, if you look in Nigel’s excellent book for any mention of opposition in the Lords, all you find is a hole. So I hope today to try to begin to fill in the hole, and set out something about how we do opposition in the Lords since we reluctantly took on the job in May 2010.
What I want to do today is to look at three main areas:

- firstly, to say something about the nature of opposition, as we see it, and especially about opposition in the House of Lords, and the central place to it of legislation, and the legislative process

- to set out the context, and especially the voting context, in which we work in the House, and to say something about how we do it

- finally, to touch on the immediate issues which we will face in the Lords in the future.

Eleanor Roosevelt said, in 1952: “I have spent many years of my life in opposition, and I rather like the role.” Well, great lady though she was, I don’t agree. I have spent many years of my life in opposition – and I prefer government, every time. Opposition is important to government, as this Centre argues. The idea of ‘Her Majesty’s Loyal Opposition’, including the ideas behind all the terms of that phrase, is an important one in the British constitution. As the real sage of Parliament, Walter Bagehot, wrote in The English Constitution:

“It has been said that England invented the phrase ‘Her Majesty’s Opposition’; that it was the first government which made criticism of administration as much a part of the polity as administration itself.”

Precisely. Opposition may indeed be a help to governments, as the US political analyst Walter Lippman noted:

“The opposition is indispensable,” he said. “A good statesman, like any other sensible human being, always learns more from his opponents than from his fervent supporters.”

But for a political party in opposition, opposition is a difficult and unattractive business. Opposition is where you don’t want to be. If the purpose of a political party is to seek change and improvement in society in the light of the values which form the party, then opposition is not the vehicle to do that. Opposition of course can be of value. For a political party which has been defeated at an election, it can be a time for reflection, for renewal, for reinvigoration. But those are by-products of an unsought, enforced change. In the main, opposition is the antithesis of what political parties are for.
In the British political system, opposition in the Commons is particularly tough. If another political party has been elected with a reasonably substantial majority – and in modern British politics, at least, the pattern now is that most are – then for the defeated party, thrust into opposition, the role is essentially one of demonstration: demonstrating, or seeking to demonstrate, that the policies and positions of the victorious party are damaging and wrong – difficult, given the electorate has usually only just voted for them; and trying to demonstrate that your own party’s policies and positions, the political offer your party is proposing, is the right one – again, difficult, in that they have usually just been explicitly rejected by the electorate. The usual scale of the majority against an opposition party in the Commons, though, means there is little or nothing which an opposition party can do in the Commons to deflect or change the principal vehicles at the Government’s disposal for enacting its values and policies – its economic and fiscal policies, its area-specific policies on issues such as crime, education and health, and crucially, its legislative programme.

In the Lords, opposition is different. The compositional structure of the House of Lords - crucially, that there is a significant group of members of the House who are not politically aligned, the crossbench peers – coupled with its role and function, both operationally and constitutionally, as a revising chamber, holding the government of the day to account, means that there is scope as an opposition to effect change, real change, to the legislative programme a government is seeking to advance.

In the current, unelected House, there are and must be limits to that. What is known as the Salisbury-Addison convention, which essentially stipulates that a properly-elected government has the right, ultimately, to see the legislative programme proposed in its election manifesto and therefore approved by the electorate, get through the House of Lords, is important and still operates, though the advent of a coalition government has impacted upon it materially. In addition, the Lords has a range of powers, including rejecting Commons’ bills at second reading, which it chooses not to deploy, in recognition of the fact that it is the elected House whose will should prevail. These are important constrictions. But it is important too to remember that they are voluntarily applied.

Even with these restrictions, though, the House of Lords has an important role as a legislating chamber – in the main, scrutinising, revising and improving, where it can, the Government’s legislation. In that role, the opposition, together with the independent crossbench peers, has an important part to play. Because that role exists in the Lords in the way it broadly does not in the Commons, where the Government’s majority rules, it means that the fundamental focus for an opposition in the Lords is on legislation, above all else.
Given the opportunity we have in the Lords over legislation which is largely denied to our Commons colleagues, we have thought long and hard about how best to achieve that. For some, the answer is simple – witness the formulation from the Conservative former Chancellor of the Exchequer, Randolph Churchill: “The duty of an opposition is to oppose.” Well, yes: but in modern politics, it is what form, and to what purpose, that duty takes. We have devised and followed since we started in opposition a strategy for what we do. As an opposition in the Lords, our strategic objectives are clear:

- As members of the Labour Party, we are seeking to build a society that is built on principles of fairness, social justice and equal opportunity
- As Labour peers, our key objective is to help secure a victory for Labour at the next election
- As opposition members of the House of Lords, our key task is to scrutinise and improve legislation, to challenge the Government through asking the difficult questions, and to hold the Government to account.

How we seek to attain those objectives is primarily through how we as an opposition deal with the Government’s legislation. But the legislative context for the Lords, the structure of how legislation is done, is now radically different to what has gone before.

We need now to reach into both history and arithmetic to describe the context of how we do what we do, and from that, the practical limits both of what we can achieve as an opposition in the Lords, and how we strive to reach beyond those limits if we can.

One of the reasons why opposition in the House of Lords is so little considered and studied is the context in which it operates. Historically, the Conservative majority in the House was simply enormous. In 1900, the Conservative Party held 354 of the total 589 seats in the Lords – three-fifths of the total. By the end of the twenties, it wasn’t much different: 489 Conservative peers, out of a total of 752, or 65 per cent. By the end of World War Two, not much change either: the number of Conservative members of the Lords was 400 out of a total of 769, or 52 per cent. The Life Peerages Act of 1958 started to make an impact, so by that 1975, for instance, the Conservatives had just 292 declared Tory peers out of a huge overall total of 1139, or 26 per cent. Fifteen years later, at the end of the Thatcher years, when Labour mostly weren’t offered or wouldn’t take peerages, the Conservatives had rallied, with 425 peers out of 1186, or 36 per cent. By 1997, when Labour came to office, it was 477 out of 1067 for the Conservatives, or 45 per cent. The
House of Lords, pretty well always a small-c conservative place, has pretty well always also been a ‘capital-C’ Conservative place.

Interestingly, one of the reasons why opposition in the House of Lords is so little considered and studied is that this large-scale and close to permanent single-party majority in the Lords has, unless it included a period when Conservative peers were either rebelling against Conservative governments or turning over Labour governments, meant that the subject has not been externally interesting, to the public, to the media, to academics, and has mostly not had to be a matter of significant account, either to political legislators or their civil service counterparts.

More importantly, the Conservative dominance meant that participation in the Lords slumped, and headed towards atrophy. In the 1950s, for example, average attendances in the Lords were in the very low hundreds: an average across the whole House of just 104 peers per day, for example, in the 1955-56 session; 112 the year after; 124 the year after that. Involvement at this level threatened the validity and legitimacy of even an unelected House as part of the legislature, and so largely to prevent the House becoming all but moribund, and to attempt to restore its credibility, it was a Conservative government, the Macmillan administration, which introduced the 1958 Life Peerages Act, which sought to broaden and deepen the pool from which membership of the House could be drawn.

But one effect of this stultifying dominance was that in practice, whether in government or in opposition, the Conservative party has managed to parlay the conservative nature of the House of Lords into victories on legislation. In the runup to the 1958 Act, Conservative majorities in the Lords meant that Conservative governments could easily secure their legislative programmes, while Labour governments faced much greater difficulty. After the Act, the Conservatives maintained their dominance, though over time the effects of the legislation began to mitigate it.

Take, as an example, the years of the Thatcher government of the 1980s. Leaving aside Labour, Liberal and crossbench peers, many Tory members of the Lords, rooted in one-nation Conservatism, were uneasy at the brash, forceful, market-led vigour and confidence of the government led by Mrs, now Baroness, Thatcher, fearing real damage to British society. But even so, the Conservative-dominated Lords only defeated the Conservative government on average 13 times each session. When a Labour government came in in 1997, the numbers rocketed, if not quite back towards the very high 126 defeats of the Labour government in 1975-76, then high enough: 18 defeats in the 1997-98 session, 31 the following session, and so on, rising to as high as 62 defeats of the Labour government in 2005-06.
These figures marked a real ideological difference with the Labour government, and the effects of a significant policy shift by the Government towards the House of Lords. Labour in government from 1997 onwards under Tony Blair sought to make efforts to rebalance the political structure of the Lords, by adopting and holding to a policy that, in order to maintain the House of Lords as one of the essential checks and balances of the British constitution, no single party should command a majority in the Lords. So while in the session before the passage of the House of Lords Act 1999, which removed the power of the bulk of hereditary peers in the Lords to sit and vote, there were 484 Conservative peers – 40 per cent of the total, with Labour by contrast holding 193, and the Liberals 72 – the session following the passing of the legislation saw a much more equal distribution: the Conservatives with 232 peers, or 34 per cent of the total, Labour with 201, or 29 per cent, the independent crossbench peers with 163, or 24 per cent, and the Liberal Democrats with 62, or nine per cent.

The result of this principled position – a position which significantly enhanced the role of the Lords as an important constitutional check, at the expense of a Labour administration – was that when the majority of the hereditary peers were removed from the House by the House of Lords Act 1999, the nature of opposition in the Lords changed fundamentally. From being mostly a rubber stamp for Conservative governments the opposition in the Lords became a real opposition, in a newly-invigorated House.

But the advent of the Conservative-Liberal Democrat coalition has changed that position fundamentally. This is best explained by looking at majorities in each House.

In the House of Commons, majorities are usually described numerically. So Labour had a majority of 146 in 1945 and just 4 in 1964, the Conservatives a majority of 17 in 1951, 30 in 1970 and 43 in 1979, Labour a majority of 179 in 1997. But translate the numbers elected into voting strengths – that is, the proportion of the total House held by each party – and you see how governments get their legislation through the Commons.

So in 1945, the winning Labour government commanded 61 per cent of seats in the Commons, while the 1964 Labour administration had just 50.3 per cent. By contrast, the Thatcher government of 1979 had over 53 per cent of Commons seats, while the victorious Labour government of 1997 held 64 per cent. By the time of the 2010 general election, Labour had 54 per cent of the total Commons vote, still enough to guarantee its legislation, save rebellions.
But in the Lords, the position has been very different. So by 2010, with Labour having that 54 per cent of the total vote in the Commons, Labour had in the Lords just 29 per cent of the total vote, the Conservatives 27 per cent, the independent crossbench peers also 27 per cent, and the Liberal Democrats 11 per cent. That meant Labour in government could only get its legislative programme through the Lords if it managed to persuade a sufficient number of peers of its case, to the extent where across a House roughly in balance, peers from benches other than Labour were prepared to support the Labour government.

The formation of the coalition has seen a rapid move away from this position of balance, a position which gave the Lords, as a revising chamber, the ability to carry out what is supposed to be its constitutional role. The advent of the coalition of course gives the Government its majority in the Commons. But the advent of the coalition as a result of an inconclusive outcome to the general election also heavily favours the government in the unelected House of Lords.

Had the Conservative party won the 2010 general election, with whatever majority in the Commons, it would have faced as formidable a difficulty as we in the Labour government had done in terms of getting its legislative programme through. The balance in the House of Lords would have meant that a Conservative government, post the election, would have, as we did, succeeded only by persuasion, by argument, rather than by brute numbers. Not so now. The coalition government now has a greater prospect of getting its legislation through Parliament, and especially through the House of Lords, than the Conservative Party would have done had it clearly won the election. The paradox is that the coalition, formed out of political expediency and without the approval of the British people at an election, is more able to ram things through the Lords than it would have been had the component parties of the coalition been more electorally successful at the ballot box.

Far from the position of broad balance in the Lords brought about by Labour, the coalition is now dominant in the Lords. True, Labour has the largest nominal number of peers. But taken together, the coalition now outguns Labour. Looking at total numbers, there are now 309 coalition peers in the Lords, against 239 for Labour – giving the coalition 39.3 per cent of the total votes in the House, as against 30.4 per cent for Labour. Looked at among the political votes alone, excluding the crossbenchers, bishops and others, the coalition has 56.4 per cent of the votes, against Labour’s 43.6 per cent – a political majority currently of 70 for the coalition.
Government Ministers like to claim that in reality, these overall figures are lower for the Government in practice, and that Labour frequently has the support of crossbench peers in the division lobbies in the Lords. The House of Lords is a voluntary, part-time House and while very many peers are wholly diligent in their role as legislators, attendance can certainly vary. We do, as the only formal opposition now in the Lords, certainly try to seek the support of individual crossbench peers. Some Labour peers, blooded as they see it by crossbench voting patterns over the last dozen or so years, can tend to see the crossbenches as a reserve force for the Conservatives. Some Conservative peers see crossbenchers as a reserve force for Labour. It is, perhaps a measure of the crossbenchers’ own independence that crossbenchers have to withstand such accusations from opposite sides of the House.

Two points are relevant here. Firstly, crossbench peers are precisely that – peers who sit on the crossbenches. They enter the House as individuals. They operate in the House as individuals. They argue in the chamber as individuals. And they vote in the division lobbies as individuals. True, they have a convenor, currently in the form of Lord Laming, the renowned authority on social services and child protection, following the election of their previous convenor, Baroness d’Souza, to be the Lord Speaker. True, they have a small – though impressive – office set-up in the House. True, they have weekly meetings open to all crossbench peers. But they do not operate, or think, or act, or vote collectively. Crossbench votes cannot be ‘delivered’, en masse or en bloc, as the whipping system – inadequate in the Lords, because it has no final sanction of withdrawing the whip, eventually leading to deselection and losing the seat, which is the case in the Commons – seeks to do among the political groupings in the Lords.

Crossbenchers do have a mutuality of expertise which influences their voting. A crossbench peer with particular expertise in, say, the law or the constitution or disability issues can carry with them a number of other crossbenchers with less expertise in that area, on the basis that those crossbenchers, with expertise in other different areas, say, prisons, foreign policy or health will be able in turn to influence the crossbench experts on the law or the constitution or disability. The reality on the crossbenches is that regard for others’ expertise, and hence in turn for one’s own, is important and influential.

Secondly, crossbenchers tend to steer clear of what they regard as overtly ‘political’ issues or divisions or manoeuvres. Of course, many of the issues in which crossbenchers are interested, whatever they are – the economy, for instance, or education, or crime – are of course viewed by the political parties, in both Houses, but the House of Lords certainly no less, as intensely political. But crossbench peers will, in our view from the Labour benches, be careful in dealing with these and similar subjects, wary about being targeted by any of the political groupings in
the House, or by third-party groups, or by the media, or by the public, as being 'political'.

Thirdly, crossbenchers, like members of the House of Lords more generally, tend to come to the chamber later in life, and the psephological correlation between age and small-c conservatism is strong. But closer consideration of crossbench voting and attitudes tends to show that in their voting at least, they tend to translate their independence of position, and indeed thought, to giving less support to the government of the day, of whatever party. Many crossbenchers see their role as moderating the excesses of governments, of whatever political party.

Winning the support of crossbenchers is key part of our strategy as the opposition in the Lords. But doing so is far from easy. There is indeed a congruence of interest. Given the way that the coalition has loaded the dice in terms of voting in the Lords, Labour cannot win in the chamber, cannot change the detail of Government legislation – even if it is subsequently reversed in the Commons – without securing the support of individual crossbench peers. Equally, individual crossbench peers seeking to amend government legislation cannot do so without securing the support of Labour in the Lords. We need them, certainly. But they need us, too.

But that congruence doesn’t mean that mutual support between the Opposition and the crossbenches is automatic. Far from it. Because the crossbenches are not collective, every crossbench vote won to a cause has to be individually secured. Because the crossbenches are not political, every crossbench vote won to a cause has to be secured by argument, discussion and persuasion, not ideology. Because crossbenchers are genuinely cautious about being drawn into battles between the parties, every crossbench vote won to a cause has to be secured sensitively and carefully.

For our part, as a Labour opposition, giving support to crossbench amendments to legislation is far from a formality. At times, amendments proposed from the crossbenches which Labour peers, either from the frontbench or the backbench, can be difficult for Labour to support because doing so does not fit with Labour’s overall priorities, or strategy, or tactics – either in the Lords, or in the Commons.

So frontbench and at times backbench Labour peers work hard to maintain good relations and good relationships with individual crossbench peers with an interest in their policy areas. At times they work closely with them, often being able to sign up to amendments in the name of both crossbench and Labour peers. At times
such closeness is not possible, or sensible. At times it can even be extended, and so far this sessions in the Lords has been extended to a significant number of coalition peers – first from the Liberal Democrat benches, over issues like the National Health Service, and more recently to large numbers of Conservative peers over aspects of the Government’s proposed welfare reforms. Such alliances with coalition peers are as yet rare, though growing more frequent as the flaws in the coalition’s programme and positions become more apparent, and more difficult for a number of coalition members and supporters. Crossbench co-operation is more extensive, though far from uniform. But most crossbenchers and most Labour peers are fully and clearly appraised of the value of co-operation in the context of the new political structure of the House of Lords.

Working to create such sensitive alliances can be – in fact, almost always is – painstaking. But that is the reality we face – and so far, we have had some successes with the strategy. In the Commons, since the election, the Government has lost just one division, out of 450 – and that wasn’t a substantive defeat, but a surprise, on a virtual non-motion. In the Lords over the same period, the Government has been defeated 32 times, out of a smaller total of 175 divisions, a defeat rate of 18 per cent. Eight of those votes were by single-figure margins – but in opposition, you take what wins you can. As a balance, the coalition has won 12 divisions in the Lords by single figure margins, and 26 divisions by fewer than 20 votes each time. The two biggest defeats for the Government were on the Public Bodies Bill, now an Act, which saw a crossbench-led amendment against abolishing the new post of Chief Coroner carried by a margin of 112 votes, and recently on the Welfare Reform Bill, which saw a Conservative-led amendment carried by a massive margin of 142 votes. A good record, we think. Of course we would have liked to have seen more wins against the Government. That’s what opposition is about. But we’re gratified in what we have been able to achieve.

Votes, and winning votes where we can, are important. But they are far from the only success measures for an opposition in the Lords. Securing concessions from the Government can lead to real change – sometimes significantly more change – than winning in the division lobbies. The two are often interconnected: concessions sometimes come, for example, because Ministers gauge that a vote on an issue is likely to go against them in the chamber, and they make concessions to avoid that happening. Concessions can come from close, patient argument and negotiation with Ministers, making a reasoned and rational case that a particular element of a piece of legislation does not work, or is not appropriate. The Public Bodies Act 2011 is a good case in point. The public now has a greatly improved piece of legislation covering arms-length government organisations than the Government originally presented to the House of Lords because the Government and the opposition worked hard and worked well together to improve it. Or take the current Health and Social Care Bill. Indomitable hard work by Labour in the Lords, with strong support from key Liberal Democrats and crossbenchers, coupled
with the near-total opposition from across the spectrum of the medical establishment, has secured so many concessions that yesterday, in the first day of its Report stage in the Lords, we began to consider the 137-odd amendments to the Bill which the Government tabled last week. Real concessions, real improvement, real change. For some, especially some in opposition, that is the wrong approach: Randolph Churchill-like, they see the opposition’s job as simply to oppose. Indeed, they would probably go further, and agree with the former Foreign Secretary Edward Stanley, the 15th Earl of Derby, who said in a debate in Parliament in 1841:

“The duty of an opposition is very simple – it is to oppose everything and propose nothing.”

In the main, though, that isn’t the way to lessen the impact of bad legislation, or to improve it if possible. Constructive opposition, including wringing concessions out of Ministers where it’s possible, is usually a more productive way forward, and a better way to achieve results.

How much more we will be able to achieve in the future is much more open to question. A range of current and future developments looks likely to have a considerable impact on our effectiveness, limited though it is, as an opposition. Not developments because of what we’re doing. But developments being enacted by the coalition.

Coalitions in British politics are peculiar animals. Coalitions are rare, but almost always have been formed as a result of a crisis – an economic crisis, a military crisis. All they have been able to do has been to address, and if possible solve, the crisis. And when the crisis is over, or resolved, the purpose of the coalition disappears, and the coalitions usually follow. This coalition is different. Despite retrospective attempts to claim that this coalition was formed to deal with an economic crisis, in fact it was not. It was formed solely as a result of a political crisis – an inconclusive election, which the Conservatives, in circumstances highly propitious to their victory, failed to win. But though current economic conditions are hugely difficult, there is no formative crisis for this coalition to deal with: so this coalition, probably unique in British political history, has an opportunity which few, if any, other coalitions have had – the opportunity to govern. To do things in government - normal things which governments do, in governing – which previous coalitions have never had the chance to do.

That opportunity has led to a further unusual feature of this coalition. Most consideration of coalitions, by political academics and others, tends to focus on
their most notable features: in the case of most coalitions, almost always their formulation, and their dissolution. Such coalition theory as there is usually posits that each component party of the coalition tends to temper the excesses of the other. This coalition seems different, in that each component party seems to be providing for the excesses of the other. So the Conservative party is imposing a series of austerity cuts, which – mostly in private – are appalling Liberal Democrats; while the Liberal Democrats are pursuing a series of constitutional reforms, which – increasingly in public – are appalling Conservatives.

In that context, the coalition is proposing reforms which will severely impact on what we do, and can do, as an opposition in the Lords. These are the immediate issues which are facing us as an Opposition now, and in the immediate future.

The first of these is a series of relatively small-scale but cumulative changes to procedure in the Lords. In the Commons, MPs in a committee under the chairmanship of the-then MP, Tony Wright, examined a series of proposed procedural changes and brought forward proposals for alterations, a number of which have been put into practice. They have been widely regarded as successful reforms. In the Lords, a similar move was eventually put into place, with a study group – in Lords’ parlance, a Leader’s Group – established by the Leader of the House, the Conservative leader Lord Strathclyde. The group, a cross-party committee under the chairmanship of the senior Conservative peer, Lord Goodlad, brought forward a series of proposed reforms. The proposals were relatively small-scale in nature, but the net effect of enacting them, taken together, would amount to significant reform of the House. The proposals were a balanced package – proposals which favoured the House, including moving regulation of the House away from the Leader of the House to the Lord Speaker; proposals which favoured the Government, including extending the hours and function of the Grand Committee procedure, which would allow legislation to be taken more easily; and proposals which favoured the Opposition, including the establishment of a Standards Committee, to make sure that legislation being brought forward – primarily, but not solely, from the government – met certain minimum legislative standards of quality and competence. The proposals are currently being cherry-picked by the Government, with a series of measures being brought forward within the House’s formal machinery for consideration of such changes. Some measures, such as the transfer of power from the Leader to the Lord Speaker, have already been rejected by the House, which is, as ever, ferociously protective of the fact that the House is self-regulating, rather than, as in the Commons, regulated by a chairman, in the form of the Speaker of the House. But most of the measures being brought forward are notable for featuring two characteristics: they seek to move the procedures of the House away from self-regulation, and into the control of the executive, rather than the legislature; and that in so doing, they advantage the government, and disadvantage the Opposition. We believe that this approach is inherently unfair between the two main parties, and, unless the House takes a
major decision about self-regulation, or such a major decision is forced upon it by wider Lords reform, is in the wrong direction for the House as a whole.

Following such events as the Government being defeated seven times by the Lords on its Welfare Reform Bill, the second issue is the Government seeking to improve its position in the Lords by packing the House with further political peers. Since the passing of the 1958 Life Peerages Act, Prime Ministers have sought a number of political outcomes by the appointment of peers, including providing a different source for government ministers; improving the quality of legislators in the Lords; rewarding people who have, in different ways, worked hard for their party; and assisting in party management. Straight boosting of the governing party’s vote in the Lords has rarely been seen as an objective; but it looks like an objective now.

The coalition is widely seen in the Lords as trying to boost its vote in the chamber for two reasons. Firstly, to increase its voting strength. And secondly, to improve the context for further reform of the Lords. On voting strength, the coalition already has a considerable working majority across the House, and a clear political majority among the political votes in the House. Particularly since this places the coalition in a better position in terms of getting its legislation through than it would have been had the Conservatives secured a clear majority in the Commons as a result of the 2010 general election, this should have led to the Government’s legislative programme getting a relatively smooth ride in the Lords. That has not taken place, in part because the Government’s legislative programme is an ambitious and difficult one, as early programmes from new governments often are, with problematic legislation on a range of classically-tough areas to reform – the health service, welfare, education. In part, though, too, because some of the legislation has been so badly done. For example, yanking together two entirely different bills – one to try to change the voting system for MPs, one to alter significantly the number, size and composition of Commons’ constituencies into one bill, the Parliamentary Voting System and Constituencies Bill, where its double-headed title alone somewhat gave the game away – was bound to cause constitutional, procedural and political trouble in the Lords, and did so last year. Legislation in the Lords has not gone smoothly for the coalition, with significant government defeats being marked by political muttering – sometimes in private, sometimes in public – that this kind of behaviour would be replied to by bringing in extra peers to boost the government’s voting strengths.

That does seem to be what we are currently facing. A total of 47 Conservative and 24 Liberal Democrat peers have been appointed since the coalition came to power – a total for the coalition of 71, against 39 for Labour. This number of appointments led to very large numbers of introductions of new peers into the Lords - so many that they prompted the veteran Conservative peer, Lord Tebbit, to comment in the chamber that “we seem to be having more introductions to this House than one
would find at the average dating agency”. The numbers were so large that they even led the House authorities in the Lords to have to take the unusual step of compiling and publishing a small booklet entitled ‘New Peers’ which contained the photographs of all new entrants, largely so the House doorkeepers and others could identify them. Following that, Westminster has for some time been awash with rumours of a further list – rumours which became so strong that a Labour peer, Lord Campbell-Savours recently took the unusual step of putting the point openly to the Government at question time in the Lords.

A new list is certainly on the way, and the Westminster rumour mill has it at a further 60 new peers – 40 more for the Conservatives, 15 for the Liberal Democrats and five for Labour. The final numbers may be lower than this, but based on these figures, the coalition’s already-dominant strength in the Lords would be substantially boosted – up from a total of 309 peers, with 56.4 per cent of the political vote, with Labour on 239 peers, or 43.6 per cent of the vote, to a total of 364 coalition peers, with 59.9 per cent of the political vote, as compared to 244 Labour peers, or 40.1 per cent of the political vote. Crucially, the coalition’s majority among the political vote would rise from 70 to a whopping 120.

This looks like packing the House - because it is packing the House. Having loaded the dice, the coalition is now intent on creating a completely stacked deck. The purpose, though, is not solely to swamp the Opposition, so severely limiting the constitutional role of the House of Lords to scrutinise and revise legislation, though it certainly does do that. It would also clearly have the effect of reducing the likelihood of the Government making concessions on legislation in the face of likely defeat in the Lords. The purpose is to negate almost totally the impact of the independent crossbench peers by having so many coalition peers available to vote that the crossbenches, on anything like their usual attendance and turnout, would be simply occluded in the division lobbies, in effect thrusting aside the very often acute, informed, intelligent and coherent arguments they had been making in the chamber on the Government’s legislation.

Beating your opponents in the Lords by argument is one thing, and one thing the Government have often been unsuccessful in doing. But beating your opponents by unfairly boosting the strength of your own side is a very different thing indeed, and in effect amounts to political gerrymandering of the worst kind. What the Government is seeking to do here is to change the fundamental constitutional role of the House of Lords. Instead of it being a scrutinising and revising chamber, holding the government of the day to account – the very role described by the Government in its White Paper on further reform of the Lords – the coalition is seeking to return the House of Lords to the rubber-stamp role it used to have in the days of Conservative dominance.
Such blatant manipulation of entry into the Lords is bad enough. But for the
collection, and especially for the Liberal Democrats, it has a further purpose. Many
senior Liberal Democrats have often been wholly dismissive of the House of Lords
(despite operating as a very considerable block vote within it), arguing that the very
existence of the Chamber is anachronistic in modern democratic politics (indeed,
many others, very much including numbers in the Labour party, take a similar
view). But the Liberal Democrats have done something about it, by actively
pursuing a strategy to increase the size of the House in order, as they see it, to
devalue further its legitimacy by bringing it into public ridicule. Admittedly, they
have a long way to go. At a total of 787 peers now, the House is indeed large, and
certainly larger than the Commons. But historically, it is nothing like the levels it
has been. From 1964 onwards, as the impact of the 1958 Act began to take effect,
membership of the House of Lords rose above the 1,000 mark, rising to as high as
1,297 as the Labour government took office in 1997, and only declining sharply
when the bulk of the hereditary peers were removed by the 1999 House of Lords
Act. The clear strategy of some Liberal Democrats to make the Lords look
ludicrous by increasing its size at a time of the size of the Commons is being
decreased – the PVSC Bill, now Act, reduced the size of the Commons by a wholly
arbitrary 60 seats – is, they believe, likely to add to pressures for further reform of
the House.

House of Lords reform is, indeed, the final event currently under way which could
materially affect opposition in the Lords. A lecture on the role of opposition in the
Lords is not the right place to consider further Lords reform in depth. Labour is
committed to further reform of the House of Lords: indeed, our manifesto for the
1910 General Election contained the stirring declaration, all originally in capital
letters, that “THE LORDS MUST GO”. More than a century later, we argue now
that if such a reform as the change proposed by the Government for voting for MPs
in the Commons should be subject, as it was, to a referendum – a referendum
which saw this particular shibboleth of the Liberal Democrats roundly and
resoundingly rejected – then a reform as significant as making the House of Lords
an elected chamber of Parliament should also be subject to a decision by the
British people in a referendum.

The coalition is seeking further reform of the Lords through its current White Paper
and draft Bill. The white paper and bill are widely seen as the pet project of the
Deputy Prime Minister in the coalition, Nick Clegg. Indeed, as Leader of the
Opposition in the Lords, I served on the cross-party committee, chaired by the
Deputy Prime Minister, which was a precursor of the White Paper and draft Bill.
The Deputy Prime Minister is personally no fan of the House of Lords. Only this
week, he said:

“I don’t think the vast majority of people think about the House of Lords at
all. I don’t think it impinges on their daily life at all.”
Referring to the votes last week on welfare, he continued:

“When it does, like it did this week, how can I put this politely? I suspect many people will think: ‘I am not sure this is chamber in real touch with my everyday concerns....’”

The Deputy Prime Minister is often not even as polite as this. In a speech in December, for example, he dismissed the House of Lords as having only a “veneer of experience”, and described the Lords as “the most potent symbol of a closed society”, and said:

“The Lords as currently constituted is an affront to the principles of openness which underpin a modern democracy.”

His response to this is the White Paper and draft Bill. Labour is in favour of reform, and indeed we have a long track record in supporting the real, repeated reforms the House of Lords has seen over the past century, which have included: reform in 1911 with the removal of the fiscal powers of the House of Lords and the shifting of its right to veto to a right of delay; reform in 1949 with further changes to the House’s delaying powers; reform in 1958 with the introduction of life peerages; reform in 1963 with changes to peerage succession; reform in 1999 with the removal of the majority of hereditary peers; and reform in 2004 with the separation of powers between the legislature and the judiciary with the ending of the Lords as the final court of appeal and the establishment of a new Supreme Court.

These changes have been evolutionary. They have been changes over a long period of time. But they have constituted regular, repeated reform of the Lords – reform which we, as Labour, have supported. But we this is a bad white paper. This is a bad draft Bill. Currently, both the White Paper and the Bill are being considered by an all-party Joint Committee of both Houses, chaired by my Labour colleague in the Lords, Lord Richard. The Joint Committee is trying to report by the end of March, and we await its conclusions with interest, especially whether it has managed to resolve any of the complex issues which have surrounded further reform of the Lords for the last 100 years, which the White Paper and Bill themselves patently do not.

I have consistently voted for an elected House of Lords, but it is utterly clear that an elected House of Lords would have a very different relationship with the House of Commons than does the current unelected Lords. Just as took place between the Senate and the House in the United States, after the Senate was established in 1787, the relationship between the Senate and the House of Representatives
changed over time and the Senate established what many US historians regard as its pre-eminence in Congress, so too would an elected House of Lords have a changed relationship, based on its election, with the equally-elected House of Commons. That at least, is the theory, and indeed the practice in somewhere like the USA. What the White Paper and draft Bill are proposing, though, is an elected House of Lords which, though elected, would remain largely subservient to the elected House of Commons. My job here is not to consider the political and constitutional issues related to this, but to point out that such a subservient House would again further move the Lords away from its current and proper constitutional role of a scrutinising and revising chamber holding to account the government of the day, and further towards it being a rubber stamp of the House of Commons, where the executive holds sway. Such a move would further decrease the role and effectiveness of the Opposition in the Lords. Major House of Lords reform of this nature has eluded political and constitutional reformers. We want to see the right solutions, because we want to see real reform.

So those are among the issues immediately in front of us as the now sole opposition in the House of Lords. To deal with them, and the Government's legislative programme, and our role as a scrutinising and revising chamber of Parliament, we have to be a modern and effective opposition. That means devising and operating a comprehensive political strategy.

It means deploying that strategic approach in a range of ways, including flexibility on tactics. Not only, for instance, did we adopt entirely different tactics between, say, our response to the Government’s very poorly framed Public Bodies Bill last year, and our response to the PVSC Bill, which led to charges – wholly unfounded – that we were filibustering in the Lords, but we actually adopted entirely different tactics at different stages of the PBSC Bill, moving from one kind of intense scrutiny in the chamber at Committee stage, which led to the filibustering charges, to a different approach at Report stage.

It means getting the tone of opposition right. The characteristics of most members of the House of Lords – often expert, often impressively well-informed, often with the wisdom and maturity which age and experience can bring – require sensitivity and carefulness in setting the tone in which opposition (and, indeed, government) operates. The House rarely responds well to the kind of political word-wrestling which can characterise debate in the Commons, and which often puts off the public. The House responds well to reasoned argument, to well-argued persuasiveness, to evidence-based cases, to rational thought and rational behaviour. Staying close to that approach can, at times, be frustrating; and from time to time, it can be important and appropriate to adopt an entirely different approach. But reasonable, moderate and constructive opposition is usually right for the Lords; and that is the tone we, in the main, seek to deploy.
Enacting a strategic approach means liaising closely, as we do, with our opposite numbers in the Commons, and with the party generally, at national and local level. It means liaising closely too, as we do, with interested third parties. It means having, as we have, a terrific frontbench team - entirely unpaid as frontbenchers, and entirely voluntary - which is able to take on Government ministers in the Lords. It means having, as we have, a first-rate office and research team, able to operate right along with the massed might of the civil service in taking legislation through. It means operating properly, as we do, with the media – whether the traditional media, in newspapers, radio and TV, or with new media, on the internet, on the web, by email, on social networking sites, or on Twitter. It means being across, as we are, policy and political issues which affect what we do as an Opposition. It means, as we do, campaigning not just in Parliament, but beyond Parliament, on issues which are important to us as an opposition and as a party, and on subjects where we can apply the values we hold. So opposition is a complex process, and opposition in the Lords absolutely so, though often in different ways to opposition in the Commons.

That complexity means that even in a lecture such as this, we have only scratched at the surface of opposition. Opposition is mostly in the doing of it, each day, every day. But in drawing my remarks to a close on the issue of opposition, I finish where I began – that opposition is not a state in which we wish to remain. In November 1940, having just been defeated by FDR, the Republican Presidential candidate Wendell L Wilkie set out a theory and practice of what he, at least, was planning to do in opposition against Roosevelt in his unprecedented third term in office. Wilkie said:

“A vital element in the balanced opposition of a democracy is a strong, alert and watchful opposition. That is our task for the next four years. We must constitute ourselves as a vigorous, loyal and public-spirited opposition.”

Quite right – though I hope in our case, it will be less than that period. But that is what we seek to be, in Parliament generally and in my area, in the Lords particularly. A vigorous, loyal, and public-spirited opposition. A constructive opposition, too. An effective opposition. A successful opposition. We don’t, of course, want to be in opposition, either in the Lords or the Commons. Our party Leader, Ed Miliband, is wholly right when he says that his job as leader is, as quickly as possible, to get our party out of opposition and back into government for the benefit of the country.
But if we do have to be in opposition, then my view is that we must do opposition as well as we can do it, and hopefully as close as possible to as well as it can be done, whilst at the same time, offer ourselves to the public as a party preparing for government.

Finally, to return to David Gower: we do want to play well, and if we do and we can impact upon the Government’s plans, then we can help my party achieve all it wants to in opposition – that is, to get out of it as quickly as possible. That is, of course, what all oppositions want. Quite rightly. But while your party is in opposition, it is your responsibility to do opposition as well as you can do it. That’s what we’re trying to do in the House of Lords. And that’s what we will keep on trying to do, as long as is necessary.