

By abandoning ideology for short term pragmatism both left and right are trivialising important constitutional questions

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By Democratic Audit UK

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*Although Tax Credit changes were accepted in the House of Commons, the failure of the Lords to approve this motion has created some interesting paradoxes. **Sagar S Deva** and **Christopher Kirkland** write that rather than suggesting politically-motivated and short-termist changes to affect the passage of legislation, a longer term appreciation of proposed changes is required to reach a modern workable constitutional settlement.*



Credit: UK Parliament

The current passage of changes to tax credits and income thresholds through parliament has caused quite a stir. Although changes were accepted in the House of Commons the failure of the Lords to approve this motion has left us with some interesting paradoxes. Rather than suggesting short-termist changes to affect the passage of legislation we contend that a longer term appreciation of any proposed changes is required to avoid throwing the baby out with the bathwater, and to reach a modern workable constitutional settlement. The current debates surrounding the role of the House of Lords are political battles which are set against long term constitutional arrangements.

The absence of a formal constitution makes such arguments over such issues easily susceptible to loose or self-interested interpretations. The Conservatives have portrayed the failure of the motion in the Lords as a constitutional matter. The central argument is that the House of Lords has defied conventions which date back to the early twentieth century by blocking a piece of financial legislation. This demonstrates, according to senior Conservatives, the need for a reformed House of Lords to reassert the dominance of the elected lower chamber.

A number of ideas for reform have been posited by the conservatives. One has been the formal codification of certain conventions into parliamentary acts, whilst another 'quick fix' solution that has been advanced by the Conservatives is that of '[packing](#)' the House of Lord with Conservative sympathisers. The implications of this would be significant, and not limited to [politicising the queen](#) (one of the countervailing arguments against this idea). Such a move would undermine the integrity of the parliamentary system by severely undermining the process of

accountability in the bicameral legislature, and increasing the individual powers of the PM disproportionately through extensive patronage rights.

Perhaps ironically, opinion polls show that on the issue of tax credits the House of Lords is more in tune with the British public than the House of Commons. Traditional advocates of reform to the upper chamber, those on the left, were also strongly opposed to the legislation and have found themselves championing the defiance of the Lords. Yet in their pragmatic attempts to stop the passage of this single piece of legislation, the left risk undermining deep held ideological positions and arguments in favour of wider constitutional reform. Historically, left wing parties have argued for a more accountable, democratically elected House of Lords, arguments which may well be stymied by utilising the House of Lords to block a financial bill despite a long-standing convention against such practice.

The left's further insistence upon the right of the Lords to block changes to tax credits as these were not included in the Conservative Party manifesto demonstrates little appreciation for the role of manifestos in general elections. Whilst no statistics exist (as far as we know) on this issue it is more than likely that many of those advocating this as a defence for the Lord's behaviour did not consult the Tory manifesto prior to casting their vote in 2015. As with the arguments surrounding constitutional reform this places greater importance on a short term political battle than on the broader implications for the integrity and functionality of the parliamentary system. By playing up the importance of manifestos they may leave future governments in the position of having to place every conceivable act they wish to pass during the next parliament in their election manifestos. Clearly this could limit the flexibility of future governments when it comes to legislating.

Advocates of reform and the status quo alike, therefore, have been guilty of assimilating House of Lords and constitutional reform with one particular piece of legislation. This has skewed politicians and the wider electorate's views on the issue and led people to argue for short term solutions without thinking through the full consequences of their actions. Those on the left and right should ask themselves what outcomes they would wish to see if the Labour Party were in government and a central piece of their financial programme was being blocked by the House of Lords. Paradoxically if this was the case it would not be too far-fetched to suggest that similar arguments from the government/opposition would be emerging – and such a thought indicates that on constitutional change both parties are misguided on the real issues.

Both the left and right are abandoning ideological positions in favour of very short term pragmatism, and in doing so trivialise important constitutional questions regarding the relationship between the two houses. A failure to understand these changes or place any debates surrounding constitutional settlements (either advocates for reform or for change) in longer term settings could result in similar pragmatic arguments being made in another imperfect system. Despite not being codified in a written document, established constitutional procedures are the foundation stones of the British political system and should not be reformed on the basis of knee-jerk reactions to a single bill or issue.

Note: this post represents the views of the author, and not those of Democratic Audit or the LSE. Please read our [comments policy](#) before posting.

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