Representation and the House of Lords

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Abstract

Since 1997 there has been substantive reform of the House of Lords in an effort to make the chamber 'more democratic and more representative'. Whilst the Labour government failed to press ahead with any of the proposed plans for further reform following the removal of the bulk of the hereditary Peers in 1999, it remained committed to the notion that such reform must make the second chamber 'more representative'. The Coalition government's programme advocates a long-term aspiration for a House wholly or mainly elected on the basis of proportional representation, and a short term approach based on additional appointments to ensure a balance of the parties. What is clear in all of these proposals for reform is a desire for the House of Lords to become more representative than it is at present. However, what is less clear is what is meant by 'representative' – who the House of Lords is supposed to represent, and what form representation will take. Moreover, in proposing to make the chamber more representative, either through appointment or election, little attention has been paid to how the current House of Lords provides representation. This article examines these questions in the context of Pitkin's classic conceptions of representation and Peers' attitudes towards their own representative role.

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The United Kingdom's House of Lords has not generally featured highly in discussions of legislative representation. This is perhaps not surprising, for whilst the composition of most modern second chambers is decided by some form of election, the British upper House is entirely unelected. Indeed the combination of hereditary and life Peers has meant that the House of Lords has often been held up as an example of an unrepresentative legislative chamber, which failed to reflect the rest of society in socio-economic or political terms, and as a result was often viewed as somewhat detached from the populace it served. Yet, from

1997, as part of Labour's modernisation and reform programme, there has been substantive reform of the second chamber in an effort to make the House of Lords 'more democratic and representative',[1] although, as discussed below, the Labour government's interpretation of these terms varied considerably during its term of office. In 1999 the bulk of the hereditary Peers were removed and the House of Lords Appointment Commission was introduced to take responsibility for the appointment of non-party political members, resulting in the creation of an 'interim House', comprised largely of appointed members, and in which no political party held overall control.

Whilst the Labour government failed to press ahead with any of the proposed plans for further reform of the House of Lords, it remained committed to the notion that such reform must make the second chamber 'more representative'. However, while the government continued to emphasise the need for a more representative chamber, its use and interpretation of the term varied widely. In the various proposals for reform the Labour government's position shifted from advocating a largely appointed chamber which would be made more representative of British society as a whole in terms of gender, ethnic minorities and faith,[2] to one in which representation would be based upon elections.[3] These competing visions of representation continue to be reflected in the 'programme for government' agreed between the Conservative and Liberal Democratic parties in May 2010. This included a commitment to 'establish a committee to bring forward proposals for a wholly or mainly elected upper chamber on the basis of proportional representation', but also stated that in the meantime additional appointments to the House of Lords would be made to create 'a second chamber that is reflective of the share of the vote secured by the political parties in the last general election'.[4]

What is clear in all of these proposals for reform is a desire for the House of Lords to become more representative than it is at present. However, what is less clear is what is meant by 'representative', and in particular, who the House of Lords is supposed to represent, and what form that representation might take. Moreover, in proposals to make the chamber more representative, either through appointment or election, little attention has been paid to how the current House of Lords provides representation. This article examines this question in the context of Pitkin's classic conceptions of representation.[5] In particular by examining Peers' attitudes towards their own representative role and situating these within Pitkin's framework of conceptions of representation, it seeks to assess the various ways in which the House of Lords may be said to provide representation. In doing so it provides new empirical data on the nature and extent of representation in the House of Lords and uses this to explore different forms of representation as they might apply to the current House and to any further reforms to the upper chamber.

The article draws upon a series of lengthy face-to-face interviews with seventy-eight Peers (more than ten per cent of the then House of Lords) during 2007 and 2008. These interviews were undertaken as part of a wider project on parliament and welfare policy which also included interviews with ten per cent of members of the House of Commons.[6] Detailed research on parliamentary attitudes and to some extent behaviour is notoriously difficult to conduct, and is largely dependent on the willingness of parliamentarians to subject themselves to detailed interviews. Nevertheless the research is based on a substantial number of interviews with Peers. The sample was selected to represent the balance of the parties in the House of Lords at the time, with at least ten per cent of the main parties in the House interviewed, along with ten per cent of cross-bench Peers and of Bishops. The sample was also broadly representative of the House according to a number of other indicators. Eighty-

two per cent of those interviewed were Life Peers, and fourteen per cent hereditary peers, compared to eighty-four and thirteen per cent of the House at that time. Peers who had previously served as MPs were rather under-represented, comprising eighteen per cent of the sample, compared with twenty-four per cent of the House, whilst women, who made up thirty-three per cent of the sample but only twenty per cent of the House, were rather over-represented. There was a diverse range of experience, including individuals who had first entered the Lords between 1971 and 2006, and eight Crossbenchers who had been appointed since 2001 by the House of Lords Appointments Commission (11 per cent of the sample, compared with 6 per cent of the House as a whole).

The concept of representation

The question of representation is complicated by the long history and the contested nature of the concept. This article, in keeping with a number of other recent studies,[7] draws heavily upon what remains an important and groundbreaking study of the concept of representation by Hanna Pitkin. Pitkin identified a number of diverse and at times contradictory conceptions of representation, including formalistic, symbolic, descriptive and substantive, and her approach is useful because it encourages a focus upon what representatives do, rather than simply who they are. Moreover, whilst Pitkin's work has been criticised, in particular for a uni-directional approach which focuses on the representative rather than the demands of those being represented,[8] that very focus is helpful in providing a starting point for considering the idea in relation to unelected chambers, such as the House of Lords, in which the nature and extent of representation is largely defined by its membership.

Formalistic representation

Traditional or formalistic interpretations of representation are those that focus on the formal arrangements and procedures that frame representation, and that involve the granting of authority to someone else to act on one's behalf. According to this interpretation representation is defined by the initial giving of authority, after which the representative may do whatever they please. Pitkin notes that although limitations on the representative's actions may be defined at the outset, once the initial granting of authority has taken place, whatever the representative chooses to do may be considered as representation. According to this view, Pitkin concludes:

> There can be no such thing as representing well or badly; either he represents or he does not. There is no such thing as the activity of representing or the duties of a representative; anything done after the right kind of authorization and within its limits is by definition representing.[9]

Although this concept of representation is bound up with Hobbesian notions of authority, and as Judge observes, 'is essentially a "pre-democratic" theory',[10] it does provide for some measure of accountability by stressing the ability of those who are being represented to punish their representative for failing to act in their interests. Thus, while the representative has no obligation to act on behalf of those they represent, if the representative is not, to some degree, responsive to the needs of those being represented, then some sanction should be available to remove or replace the representative, usually by the holding of regular elections.

As an unelected House it is perhaps not surprising that formalistic views of representation were prominent in Peers' comments. Indeed, when asked whom they felt they represented, twenty-one Peers (28 per cent of the sample, the largest group of respondents to this question)

replied that they did not feel that they represented anyone. Answers from many of these Peers fitted quite closely with Pitkin's concept of formalistic representation, in that they stressed the importance of their initial appointment as granting them the authority to exercise their judgement without recourse to anyone else. While they might talk about the achievements which had led to them being chosen to sit in the House of Lords, in some cases acknowledging that they had been chosen not as individuals but as representatives of a particular profession, interest group or other area of activity, such as the trades unions or the National Health Service, they nevertheless asserted that once they had taken their seat in the Lords, they did not consider it incumbent upon them to represent these areas in the House. Indeed, these Peers, in line with Pitkin's conception of formalistic representation, often stressed that it was their duty to exercise their independent judgement without seeking the approval of others, saying things like:

> I have a voice borne out of experience but I don't represent them – I take an interest in Trades Unions, but I don't represent them. Labour Peer (and former trades union leader).

> I don't represent anyone. I have a duty to exercise individual judgement based on my experience because I'm a very old man and can do that, without recourse to Whips. Conservative Peer.

> You only represent yourself in the Lords. To suggest otherwise is wishful thinking. Crossbench Peer.

I don't actually feel I represent anyone. I bring to the House of Lords 35 years experience as a judge, almost all dealing with children and young people. Crossbench Peer.

Interestingly party-political Peers were more likely to claim they did not represent anyone than Crossbench Peers. A quarter of Labour Peers interviewed, and almost half of Conservative and Liberal Democrat Peers expressed a formalistic attitude towards representation. In contrast Crossbench Peers claimed to represent a diverse range of interests with less than one in five claiming that they did not feel they represented anyone. Perhaps surprisingly, few party-political Peers claimed to represent their party. Only four Peers interviewed claimed that they did feel that they represented their party (two Labour, one Conservative, and one Liberal Democrat) and only one of these had formerly served as an MP.

Representing unattached interests

Whilst formalistic notions of representation impose limited expectations on the representative to act in a particular way, Pitkin goes on to outline a related form of representation which does imply certain expectations about how the representative will act. This she refers to as 'representing unattached interests'. While less well known than other forms of representation, this may be of value in exploring representation in the House of Lords. This form of representation draws upon the work of Edmund Burke, and is related to formal theories of representation in that it does not require the representative to be responsive to the views of those they are representing. However, while formal representation implies that the representative is offered a mandate to represent individuals or groups, albeit through the exercise of their own judgement, in the case of the representation of unattached interests it is

not people who are represented, but abstract ideas about what is right or good. As Pitkin puts it, this form of representation involves 'the representation of interest, and interest has an objective, impersonal, unattached reality'.[11] In short, in the case of formal representation (and indeed the other forms of representation discussed below), *someone* is being represented, in this case it is *something* which is represented.

The implication of this form of representation is that representatives must be individuals of great knowledge and wisdom, who in any given situation will have the capacity to make decisions in the interest of the greater good. As Pitkin suggests:

> Representatives should be superior men of wisdom and ability, not average or
> typical or even popular men. What matters is their capacity for practical
> reasoning… Only, in Burke's view, reasoning is not a purely intellectual matter,
> but is intimately bound up with morality and what is right... Thus the superiority
> of the natural elite and the desirable qualities of a representative lie less in
> intellect or knowledge than in judgment, virtue and wisdom derived from
> experience.[12]

Although Pitkin goes on to argue that 'It is because the modern world shares so few of these attitudes or assumptions, that no-one today takes a Burkean view of representation',[13] echoes of such a stance may be found in the House of Lords, where a significant number of Peers argued that rather than representing particular individual or group interests they represented some form of abstract principle, such as 'common sense', 'issues' or 'humanity at large'. For example:

What I owe this place is my own judgement. If one has a constituency, it's

common sense. Conservative Peer.

I represent what is right and what is wrong, formed through my experience.

Conservative Peer.

Issues replace the constituency. I don't think I represent anyone, I talk about

things I know about. Liberal Democrat Peer.

Symbolic representation

Other concepts of representation, Pitkin suggests, reflect the widening of the franchise and

subsequent concerns that the composition of legislatures should more accurately reflect the

society which they serve. Symbolic representation, Pitkin suggests, is based upon the notion

that a representative 'stands for' the thing they represent. Rather than acting on the authority

of, or on behalf of, those being represented, symbolic representation emphasises the meaning

which the representative evokes in those who are being represented. Consequently, it may be

important for legislatures to include groups which have not traditionally been represented,

such as women, ethnic minorities, disabled people, or the working classes.[14] For such groups

to be represented symbolically it is not necessary for the representative to act in a particular

way, or for their presence to be comparable to the size of such groups within society (as in

descriptive representation below), it is sufficient for them to be present in the legislature. In

this sense the symbolic value of a representative may be more important than their numerical

value, or indeed their ability to act for or on behalf of those being represented.

Symbolic representation has featured heavily in the various proposals for reform of the composition of the House of Lords, as a means of creating a more diverse Chamber whilst avoiding the problem of providing a numerical balance for the various interests which might be represented. In particular the Royal Commission on House of Lords Reform advocated a broad approach to representation in which individuals from all sectors of British society should be present in the Chamber.

> It should be broadly representative of British society. People should be able to feel that there is a voice in Parliament for the different aspects of their personalities, whether regional, vocational, ethnic, professional, cultural or religious, expressed by a person or persons with whom they can identify.[15]

However, the Royal Commission rejected a strictly numerical approach to making the second chamber more representative, asserting that 'it cannot and should not be a mere statistical microcosm of British society'.[16] Although numerical or descriptive representation was to be provided through the creation of a gender balance in the second chamber, the Commission's proposals for the representation of other groups were largely based on symbolic representation which would enable 'all sectors of society' to feel they have a voice in a second chamber, 'expressed by a person or persons with whom they can identify'.[17]

The Royal Commission also asserted the need for the representation of a broader range of religious faiths. Once again, faced with the not inconsiderable difficulties involved in providing representation 'to each broad shade of religious opinion'[18] the Commission advocated the symbolic representation of a broad range of faiths, by enhancing the existing

arrangements through the appointment at least five representatives of non-Christian faith communities.

There was relatively little discussion by Peers of symbolic representation. Although many female Peers, a number of Peers from ethnic minorities, and a number of Peers with disabilities were interviewed, few spoke about their symbolic importance, although several did discuss how they 'acted for' these groups. However, when the idea was raised there appeared to be little opposition to the politics of presence, and while some Peers thought their role went some way beyond symbolism, they were happy to be perceived in that way. For example, one disabled Peer, who is active in the Chamber in relation to disability issues, conceded that as a woman and somebody who used a wheelchair, she was sometimes seen 'as a visible presence rather than as a spokesperson'.

Interestingly, the clearest examples of Peers being aware of their symbolic role were provided by the Bishops. In some cases they were quite explicit in explaining that their presence in the Chamber was symbolic, describing themselves as representatives of 'the Monarch under God' and 'office holders for God'. In addition, perhaps in response to the privileged position of the Church of England in the Chamber, one Bishop in particular asserted that the Bishops have a wider role in representing 'other faith communities', asserting that 'we are representatives of the established church but also of the wider Christian church and of the wider faith community too', although adding that 'as appointments from other faiths come into the House of Lords that may change'.

Descriptive representation

Descriptive representation takes the concept of symbolic representation one stage further by asserting that the composition of a representative body should reflect the composition of the society it represents. This form of representation has been supported by some advocates of proportional electoral systems and, as with symbolic representation, those who argue for the inclusion of previously excluded groups, such as women and ethnic minorities, within legislatures. In liberal democracies advocates of descriptive representation have shifted the argument beyond the symbolic importance of, for example, women in parliament, to support for a level of statistical or numerical representation which reflects society at large. Others have sought to take descriptive representation beyond simply visible characteristics to include, for example, 'shared experiences'.[19]

Interestingly, when explaining descriptive representation Pitkin used the House of Lords as an example of how not to do it, by reminding us that Sidney and Beatrice Webb declared the House of Lords to be:

> the worst representative assembly ever created, in that it contains absolutely no members of the manual working class; none of the great class of shopkeepers, clerks and teachers; none of the half of all the citizens who are of the female sex.[20]

The situation has improved somewhat since the Webb's, and indeed Pitkin, were writing. A combination of factors including the election of a number of Labour Governments, the consequent creation of a greater number of Labour Peers, and the passage of the Life Peerage Act in 1958, have resulted in the appointment of Peers from a more diverse range of backgrounds. However, when Labour took office in 1997 the Government's initial proposals

for reform were based strongly on claims of a lack of descriptive representation in the Chamber. Alongside the obvious point that 88 per cent of hereditary peers who took the party whip identified themselves as Conservatives, the Government also took issue with the argument made by some defenders of the status quo that the hereditary peers came from such a diverse range of backgrounds and locales that they constituted a cross-section or 'random representative sample' of society. In response, it provided data from a survey undertaken in the 1980s which indicated that over 60 per cent of hereditary peers claimed land management or farming as their occupation, compared to only 5 per cent of the country as a whole. It provided similar figures for the proportion of hereditary peers with backgrounds in the armed services, the Civil and Diplomatic Services, and industry and the financial services, before concluding, 'this is clearly not representative of jobs people do in the country as a whole'. Finally, it stressed that because most peerages descended down the male line, only 16 out of 750 hereditary peerages were held by women.[21]

Whilst the removal of the bulk of the hereditary Peers in 1999 aimed to some extent to correct this imbalance improvements in the descriptive representation have remained central to proposals for House of Lords reform. Although the various proposals put forward since 1999 appeared to have moved away from the kind of broad approach to descriptive representation suggested in New Labour's original justification for reform, they have continued to express aspirations for an improvement in the gender and racial mix, and the representation of religious opinion in the second chamber.[22]

Perhaps as a result of the ongoing debate about reform several Peers stressed that the House is now more diverse than in the past, and to some extent more descriptively representative than the House of Commons. In particular the representation of women and ethnic minorities

has increased to the extent that in descriptive terms women are now almost as well represented in the House of Lords as the House of Commons (21 per cent of Peers are women compared with 22 per cent of MPs), while ethnic minorities are somewhat better represented (4 per cent of Peers come from ethnic minorities compared with 2 per cent of MPs).

However, comparing the proportion of women and ethnic minorities in the two Houses rather masks the fact that in descriptive terms, when compared to the population as a whole, both chambers still fall considerably short. It is also notable that women comprise a larger proportion of members of almost all other assemblies elected within the UK, in some cases significantly so (women comprise 47% of members of the Welsh Assembly, 33% of members of the Scottish parliament, 33% of British members of the European Parliament, and 29% of local councillors in England).

Moreover, if one takes a broader conception of descriptive representation there is less evidence that the House is a great deal more representative than in the Webb's time. An investigation into the educational backgrounds of parliamentarians completed by the Sutton Trust found that 62 per of Peers were educated at independent schools, which educate only 7 per cent of the population as a whole, while 74 per cent had attended university, with 42 per cent having gone to either Oxford or Cambridge.[23] A number of recent studies have also suggested that the occupational background of Peers is rather limited. Research undertaken by Crewe revealed that lawyers, company directors, former MPs and academics now dominate the House, whereas doctors, social workers, teachers and even farmers are rather poorly represented,[24] whilst in the most recent edition of his work on the House of Lords, Shell observes that 'it is noticeable that some professions and some areas of public service seem under-represented in the House', noting in particular the paucity of teachers, with the

result that 'the frequent debates on schools that take place there are marked by an absence of contributions from Peers who have actually worked in schools'.[25] This may mean that very large and important areas of government policy, such as education, largely go without informed scrutiny in the Lords.[26]

Substantive representation

Pitkin argues that symbolic and descriptive representation are important supplements to formalistic interpretations, and do much to widen our understanding of the concept. However, she suggests that these approaches are not sufficient on their own to explain representation. For her, the main problem with these ideas is that they do not seek to define or explain how a representative acts. Whilst formalistic interpretations offer some explanation of the actions of representatives, it is that the representative is free to act according to their own judgement. Symbolic and descriptive representation do not require the representative to act in any way at all; the representative function is merely provided by the presence of particular individuals in the representative body, either as symbols of particular groups, or as part of a cipher for society as a whole. In this sense Pitkin suggests, a representative may be said to 'stand for' something, but it does not explain how they should act.

There is then, Pitkin argues, the need for another concept of representation which explains how representatives 'act for' those they represent. The concept of substantive representation therefore sees representation as 'acting for others, an activity in behalf of, in the interest of, as the agent of, someone else'.[27] Unlike other forms of representation this also allows one to assess the extent or quality of representation by assessing whether the outcomes advanced by the representative serve the best interests of those they seek to represent.

This may be much closer to our modern understanding of the kind of representation on display in legislative chambers such as the House of Commons, where MPs are expected to act on behalf of their constituents, rather than notions of formalistic representation or the symbolic or descriptive representation of particular groups in legislatures. However, while substantive representation may be seen as the polar opposite to formalistic representation, it is not unrelated to symbolic and descriptive concepts of representation. As Pitkin observes, 'standing for' often becomes 'acting for'. For example, those working on the representation of women frequently refer to the link between the symbolic or descriptive representation of women and the attitudes and behaviour of female MPs which manifests itself in the substantive representation of women.[28]

Similarly whilst proposals for reform of the House of Lords have tended to focus on the symbolic importance of having a more diverse membership, there is an implication that such Peers will act on behalf of those they represent. Although proposals for an appointed element in the House stop short of stating that Peers should be required to act on behalf of any particular groups, it is often implied that the presence of a diverse range of Peers should enable people to feel they have a voice in the Chamber.[29] However, if it is the case that descriptive representation may lead to substantive representation, the apparently limited nature of descriptive representation in the House of Lords may also limit the extent to which Peers 'act for' a wide range of groups.

Nevertheless, in interviews many Peers claimed to be very active in working on behalf of a range of individuals and groups. This form of representation takes a number of forms, such as representing those in the field in which they work:

I have a constituency of the people and organisations from the field that I come from… I do not represent but I help with access and making their voice heard. Crossbench Peer.

The Health and Social Services are a large body of people who look to me to represent their views… It's a good counterweight to constituency MPs, our interest is wider than the narrow parochial interests of MPs… Although we're not elected we do respond to concerns of ordinary people. Conservative Peer.

However, the extent to which Peers actively represent their professional interests or background varies greatly. Whilst some Peers clearly feel, what one Crossbencher described as 'an obligation to their profession', others felt no such obligation. One Peer even stated that he actively avoided participating in debates in his area of professional expertise in order to avoid any potential conflict of interest, and perhaps most remarkably, one of the Bishops claimed that he seldom represented the Church of England in the Chamber but sought 'to speak for my city and my county'. Given that many Peers may have been appointed on the basis of their professional background, such inconsistencies may raise questions about the efficacy of appointing Peers on such a basis as a means of ensuring representation for particular groups or professions.

Some form of regional representation in the House of Lords has featured in a number of the proposals for reform including those for an elected House. Perhaps in response to this, a number of Peers asserted that the House was already representative of the regions. Several Peers claimed that they acted on behalf of their local area. Perhaps not surprisingly this group included Peers who had previously served as MPs, and in the words of one Labour Peer

'bring the shadow of that mandate up here'; others stated that they felt they represented the region in which they lived, or from where they take their title. One Conservative Peer asserted that there was little need to introduce a regionally elected element, claiming that 'the geographic spread of Peers almost mirrors that of MPs in the Commons'. In other cases Peers claimed to be able to provide a greater degree of local support than constituency MPs.

> Given that we're all more part-time we do get out more. I got involved in the closure of our local hospital in the Scottish borders… Constituency MPs will only see those who come to their surgeries, we get out and about. Conservative Peer.

There are however, a number of potential problems with claims to regional representation in the House of Lords. Firstly, suggestions that the House of Lords already provides the same level of regional representation as the House of Commons do not stand up to scrutiny. A study by the New Local Government Network looked at Peers' main residences based upon the Register of Lords' Interests, and found that 41 per cent of Peers resided in London and the South East, compared to 25 per cent of the population as a whole, while some regions were poorly represented, such as the North-West, cited as home by 7 per cent of Peers compared to 11 per cent of the population, and Yorkshire and Humber, home to 5 per cent of Peers compared to 8 per cent of the population. If the country was broken down into smaller regions it is likely that there would be nowhere near the kind of representation currently offered by constituency MPs.[30]

Several Peers also observed that attempts to act on behalf of their local area were not always recognised or indeed welcome, suggesting that any attempt to create a second chamber on the basis of regional representation may face potential problems both within Westminster and the

country. As one Crossbench Peer observed, 'MPs resent Peers interfering in geographic constituencies', whilst another noted that Peers rarely enjoy the kind of recognition and perhaps influence, of constituency MPs, adding that while he chaired a group of Yorkshire Peers, this would probably be news to the people of Yorkshire.

Some Peers suggested that in terms of substantive representation they provided a somewhat different and perhaps complementary role to that of the constituency MP. They described the House of Lords as an additional, and often under-used, resource for individuals seeking support, advice and advocacy, noting that whilst individuals only have one constituency MP, there are over seven hundred Peers, and people may choose to approach those most likely to support their particular cause. Many Peers suggested that they respond to, and act for, individuals who write to them, in the same way as MPs do with constituents who write to them.

> I make an effort to fill the gap by seeking out people to help. You build up a network then people come to you, but you have to build it up. Politics is not just a matter of my enormous wisdom, it's about engaging with people. Labour Peer.

> Technically we don't represent anyone, but we are a resource that public opinion and public groups can utilise. You can judge that by the postbag. It's a floating constituency not one group or another. Conservative Peer.

It may also be reasonable to suggest that in some respects some groups or issues may be better 'represented' in the House of Lords than in the Commons. This might include, in particular, issues which may not be electorally popular, such as prisoners and their rights, so

that, while in interviews few MPs stressed the importance of working for prisoners, a significant proportion of Peers did so.

It is also clear that some Peers feel a degree of accountability to those groups they feel they 'represent'. This is significant given that the lack of accountability is a common criticism of an appointed House.

> I am conscious of the impact of what I say or do… I don't think of myself as accountable but I know that certain groups will listen to what I say and if they don't like it I will hear about it. Crossbench Peer.

> Most Peers feel they represent, or are guided by a broad constituency of public opinion. Peers become uneasy if they take a view which does not have a broad degree of public support. Crossbench Peer.

> My constituency is carers, disabled people and disabled children. I sometimes wonder about what they will think… It can feel uncomfortable sometimes. Labour Peer.

However, whilst many Peers claimed to provide some form of substantive representation for a diverse range of interests, groups and individuals it is not always clear how this is manifested in their behaviour in the House. Whilst few party-political Peers claimed to represent their Party research on voting behaviour in the House of Lords suggests that Party cohesion is high and remains the principal driver behind voting in the House.[31] There are, of course, other means by which Peers might seek to

provide representation, including by raising issues on the floor of the House, asking

parliamentary questions, or seeking to exert influence on government Ministers outside

the Chamber. Indeed, Peers' perceptions of what actions might be expected from any

'representative' role varied widely, from minor reactive responses when an issue

affecting a group or interest arises, to proactive pursuit of a particular policy goal. As a

result it is inevitably difficult to assess with any degree of accuracy how Peers provide

substantive representation in relation to particular issues, particularly as much of the

work, and arguably influence, of parliamentarians is unseen.[32] Although this does not

mean that substantive representation is not being provided, it does suggest that further

research is necessary to identify the links between Peers' perceptions of their

representative role and their behaviour in the House.

Conclusions

Drawing upon Pitkin's conceptualisation, this research suggests that there is a great deal of

'representation' in the current House of Lords. Whilst it may not always be apparent to many

what forms that representation takes or how it is practiced, notions of formalistic, symbolic,

descriptive and substantive representation can be used to understand Peers' views and their

roles. Some Peers, while not claiming to represent anyone, do see themselves as

representatives of abstract or unattached interests, such as common sense, or 'what is right'.

It is clear, and perhaps not surprising, that a significant number of Peers have adopted a

formalistic approach to their representative role, believing that they are appointed as

representatives but that following this, it is not incumbent upon them to be responsive to

those whom they represent. However, those Peers who do not claim to represent anyone are

in a minority, and many talked not only about their own representative work, but also the

representative nature of the House as a whole. Perhaps as a result of the ongoing debate about

reform, many Peers defended the House as more descriptively representative than it was in the past, and indeed than the House of Commons of that time. Consequently, Peers referred variously to geographic or regional representation, the range of professions represented, and the representation of gender and ethnic minorities. There also appeared to be significant claims of substantive representation in the House of Lords. Many Peers claim to act on behalf of a range of interests, and this may be based upon the area in which they live, their current or former profession, issues which for personal or professional reasons have affected them, and in response to lobbying by groups and individuals. Moreover, some Peers not only claim to have a representative role but also feel a degree of accountability to those they 'represent', and despite not being required to seek election, believe that they will have to answer to a wider audience for their actions in the chamber.

However, there remain significant grounds for questioning the representative nature of the House of Lords. While there are now more women and people from ethnic minorities in the House of Lords, there is little evidence that the House of Lords is becoming more descriptively representative according to a range of other criteria such as age, occupation or social class.

Similarly, while many Peers claim to provide substantive representation for a range of different interests, there is very little evidence about how Peers act to provide substantive representation, and it is therefore difficult to make judgements about the extent to which those interests are actually represented. This is particularly striking when one considers that whilst Peers claimed to represent a diverse range of interests, Party affiliation remains the most significant indicator of voting behaviour in the House. It is also not clear who is being represented in this way, and perhaps more importantly who is not. As with other theoretical

and empirical considerations of representation,[33] the links between the actions of representatives and the needs and desires of the represented are less clear. This to some extent reflects the criticisms of Pitkin's approach noted earlier, in that Peers' representative roles, whilst clearly influenced by a range of external factors, appear to be largely defined or chosen by Peers themselves and may not be subject to external claims for representation. This may mean that a more diverse range of interests are represented in the House of Lords, particularly when compared to the House of Commons. There is, for example, some evidence that certain groups, such as prisoners, may enjoy a greater degree of advocacy than they do in the House of Commons. However, there is not enough evidence to be able to argue robustly that this is the case, or that the two chambers effectively complement each other in terms of substantive representation. In most cases substantive representation in the House of Lords appears to reflect the personal or professional interests of its members, and consequently is subject to the interest, ability and will of individual Peers. Moreover, simply appointing Peers from particular backgrounds or interest groups is no guarantee that those Peers will act on behalf of those groups.

In addition, while it may be argued that there is a broad element of representation, of one form or another, in the House of Lords, a significant challenge remains the question of accountability. There are many concepts of representation, but each appears to be somewhat based upon some notion of accountability. Even in formalistic concepts of representation there is a strong element of accountability which can be exercised from time to time to remove those who are not to some degree responsive to those they represent. The appointment of Peers for life means that representation in the House of Lords is inevitably a selective and diminishing resource, based almost entirely on individual Peers' views of their representative role.

Finally, any attempt to explore 'representation' in the House of Lords is hampered by the confusion over whether and how the second chamber is supposed to provide representation, and what form this should take. Consequently, while it may be tempting to criticise Peers and the House as a whole for not providing effective or consistent representation, until there is some clear view about what the representative role of the second chamber should be, then any assessment or reform of it is likely to be problematic. While the Coalition government's apparent commitment to a 'wholly elected upper chamber on the basis of proportional representation' broadly reflects the two parties' manifestos, and on the face of it may be fairly straightforward, it is unclear the extent to which there has been any consideration of whether any form of 'representation' other than simply election (presumably on party lines), are envisaged for the upper House, nor how they would impact upon its legitimacy or accountability. As soon as one departs from the relatively straightforward notion of electoral representation (notwithstanding debates about electoral systems) to consider other ways in which chambers might be considered to be 'representative' or not, conceptualisations such as those put forward by Pitkin, and her critics, can help provide valuable insights into how different forms of representation might operate. For any lasting agreement on the shape and role of the House of Lords, it may be appropriate to consider these prior to further reforms.

Acknowledgement

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