

THE UNIVERSITY OF HULL

The Parliament (No. 2) Bill:

Victim of the Labour Party's Constitutional Conservatism?

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by

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That a major bill to remove hereditary peers, and to reconstitute the basis of membership for the upper House, should have received all-party endorsement, been introduced as a Government bill, received a comfortable majority at second reading, then been abandoned in committee, was remarkable.

Donald Shell¹

The idea of reducing its powers was, in a vague kind of way, official Labour policy. What I was primarily concerned with, however, was to place its composition on a rational footing. Such a project, one might think, would commend itself to all Liberals and Socialists, if it involved eliminating or at least much reducing the hereditary element ... In fact, the position was, from the beginning and throughout, much more complex.

Lord Longford²

¹ D. Shell (2006) 'Parliamentary Reform' in P. Dorey (ed.) *The Labour Governments 1964–1970*, London: Routledge, p.168

² F. Longford (1974) *The Grain of Wheat*, London: Collins, pp.33-4

ABSTRACT

This thesis assesses the failure of the UK House of Commons to pass an item of legislation: the Parliament (No. 2) Bill 1968. The Bill was an attempt by the Labour Government 1964-70 at wholesale reform of the House of Lords. Government bills would normally pass without difficulty, but this Bill had to be withdrawn by the Government at the Committee Stage in the Commons. While the Bill's failure is often attributed to a backbench filibuster, this was a necessary but not sufficient cause for the failure. The filibustering would have been overcome if the Bill was supported enthusiastically by a larger number of the Labour backbenchers.

The Labour Party had an attachment to the Westminster Model of British Government. Within this constitutional conservatism, there was a conservative standpoint on the House of Lords which consisted of three tenets: firstly, the Lords' existing anachronistic/irrational composition was considered as preferable to a rationalised composition, since this protected the supremacy of the House of Commons; secondly, it was thought that a Labour Government should be focussing on economic and social reform, rather than on Lords reform; thirdly, there was a distinct lack of theory, or theorising, on the Second Chamber *qua* Second Chamber, which was based on the Labour Party's empirical, atheoretical, and pragmatic approach in general.

The Parliament (No. 2) Bill was intended to appeal to the Labour Party on the basis of a range of selling-points: 1) abolishing the Lords' hereditary basis, 2) abolishing the Lords' capacity to impede the Commons, 3) strengthening the Commons' scrutinising functions, 4) technocratic reform of the governance institutions, and 5) modernising Parliament as part of a wider institutional modernisation. The thesis concludes that these selling-points were insufficient to overcome the Labour Party's conservatism on Lords reform, grounded as it was in a broader constitutional conservatism, and that this overall conservatism was the principal cause for the Bill's failure.

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CHAPTER 1: Introduction

Introduction

After the 1966 general election, the Labour Party was returned to Office on the basis of a campaign whose focus was on radical reform e.g. “modernising obsolete procedures and institutions”.¹ At the time, the House of Lords was composed overwhelmingly of hereditary peers – “at total variance with the socialist ideals of equality”² – and contained a large majority for the Conservative Party. The Lords also held a one-year delaying power over principal legislation and a power of rejection over subordinate legislation. Dorey notes:

For many Labour politicians, the most objectionable aspect of the House of Lords’ ability to delay legislation for one year has been the unelected and unaccountable character of the (hereditary) peers imbued with this power.³

Overall, it is explicable that the Labour Government 1966-70 would make an attempt at reforming the House of Lords, and indeed this attempt was embodied in the Parliament (No. 2) Bill. The provisions of the Bill included: reducing the delaying power over principal legislation, establishing a compositional majority for the Government of the day (and as such eliminating the Conservative Party’s in-built majority), and eliminating both the hereditary principle and the power of rejection over subordinate legislation. It is reasonable to expect that this Bill would be supported by the majority of the Labour backbenchers, and therefore that the Bill would proceed reasonably straightforwardly to Royal Assent.⁴ Indeed, the Bill received a Second Reading in the

¹ The 1966 Labour Party manifesto – <http://www.politicsresources.net/> (accessed 31st May 2016)

² J. Silkin (1987) *Changing Battlefields: The Challenge to the Labour Party*, London: Hamilton, p.113

³ P. Dorey (2008a) *The Labour Party and Constitutional Reform: A History of Constitutional Conservatism*, Basingstoke: Palgrave Macmillan, p.138

⁴ Additionally, the Labour Government was elected in 1966 with a comfortable majority of nearly 100 seats.

Commons by a large majority of 150. However, during the Bill's Committee Stage, a minority of backbenchers were able to filibuster the debates in order to obstruct the Bill's progress, while the majority of the Labour backbenchers were not sufficiently enthusiastic to support the Bill in order to drive it forward. As a result, the Bill's progress was extremely slow – it got bogged down – and the Government was forced to withdraw it. While the filibustering has entered into political folklore (it was led by the so-called 'unholy alliance' of Michael Foot and Enoch Powell), this thesis will demonstrate that the filibustering was a necessary but not sufficient cause for the Bill's failure. As such, the pressing question to ask is: what can explain the lack of enthusiastic support from the majority of the Labour backbenchers?

A thesis on the Parliament (No. 2) Bill is a timely and worthwhile endeavour. Since the Labour Party's last three general election manifestoes (2010, 2015, 2017) all pledged that the House of Lords will be replaced with an elected Second Chamber,⁵ it is likely that a Labour Government in the near-future will make an attempt at this wholesale⁶ Lords reform (whether in stages or as a 'big bang' reform). However, the three historical Labour Governments with comfortable parliamentary majorities (1945-50, 1966-70, 1997-2010) all made attempts at wholesale Lords reform, and they produced a clear record of failure:

- the Labour Government 1945-50 could not reach agreement with the Conservative Party at a cross-party conference;
- the Labour Government 1966-70 introduced the Parliament (No. 2) Bill but then was forced to withdraw it;

⁵ The 2010 and 2015 manifestoes can be found from ft.1

The 2017 manifesto can be found from the official Labour Party website <https://labour.org.uk/manifesto/> (accessed 15th November 2016).

⁶ 'Wholesale' Lords reform is defined as the reform of the powers, composition, and functions, which will establish the Second Chamber in a satisfactory form (for the Labour Party) at least in the medium-term.

- the Labour Government 1997-2010 removed most of the hereditary peers but then went no further (Stage 2 Failed).

This precedent merits attention not only from a near-future Labour Government,⁷ but also from anyone concerned with British politics. The Second House/Chamber within a bi-cameral parliamentary system has the potential to impact hugely on the legislative process, and therefore the debate on Lords reform is highly important in British politics in general. As such, further assessment⁸ of one of the previous failed attempts at wholesale Lords reform, specifically the Parliament (No. 2) Bill, is a worthwhile and timely endeavour.

Research questions & Thesis structure

The primary research question is whether the Labour Party's conservatism on Lords reform, grounded in a broader constitutional conservatism, can explain the failure of the Parliament (No. 2) Bill. *Key concepts: the Labour Party's 'conservatism on Lords reform' and 'constitutional conservatism' are the subjects of discussion in two sections of the Literature Review (see below) and also Chapters 3 and 4 of the thesis.

In order to answer the primary research question, three subsidiary research questions will be posed. On this basis, the main body of the thesis is divided into three sections, each of which comprises two consecutive chapters, with each section being devoted to answering one of the subsidiary research questions:

- Section 1 – chapters 3 and 4:

What were the Labour Party's standpoints on the Constitution and on Lords reform (1951-64)?

⁷ There is some comment in Shell (2006: 168).

⁸ The last significant academic research on the Bill was two book chapters, one by Dorey & Kelso (2011) and one by Ballinger (2012).

- Section 2 – chapters 5 and 6:

What were the selling-points of the Bill, or how was the Bill intended to appeal to the Labour Party? (This is as distinct from the detailed provisions of the Bill.)

Section 3 – chapters 7 and 8:

What were the Cabinet's and the PLP's standpoints on the Bill?

The conclusion chapter (chapter 9) draws together the findings made in the main body of the thesis, and then seeks to answer the primary research question.

Section 1 assesses the Labour Party's standpoints on the British Constitution in general and on the House of Lords in particular. The time period in question is 1951-1964, when the Labour Party was in Opposition. The analytical approach is based on the Labour Party's ideological positions⁹ and the Party's main philosophical strands. This is the dominant analytical approach in the existing academic literature. Chapter 3 begins by assessing the standpoints of the Revisionist Right, Labour Left, and Centre (the ideological positions), before assessing the standpoints of Fabianism and Labourism (two of the philosophical strands).¹⁰ Chapter 4 assesses the standpoints of the Labour Party's leadership, whose ideological position has been labelled as Technocratic Collectivism. This chapter also discusses the House of Lords' conduct with Government bills over the 1964-1966 Parliament.

Section 2 assesses the process of the Bill's development, beginning with the initial phase before the Conservative Party became involved (June 1966 to October 1967), and ending with the final published form of the Bill (December 1968). It is necessary to understand how the Bill was developed in order to understand how the Bill was

⁹ Discussion in Seyd (1986: 18)

¹⁰ Brief discussion in Foote (1985: 32)

Ethical socialism and Social democracy were the other philosophical strands that were considered for inclusion.

A diagram of the influences on the Labour Party's ideology is provided in Leach (2002: 84).

intended to appeal to the Labour Party. Chapter 5 discusses the initial phase, which was the work of a Ministerial Committee in developing the Bill. Chapter 6 begins by discussing the work of an Inter-party Conference in further developing the Bill. The chapter then addresses the Southern Rhodesia Order incident,¹¹ which was the ostensible reason for the Government's decision to suspend the IPC. The coverage provided of the incident is only brief as the details are largely outside the scope of this thesis. It was the consequences of the incident which are pertinent.

Section 3 looks at the Cabinet's and the PLP's standpoints on the Bill. Even though it was the PLP's standpoint which most directly caused the Bill to fail, the Cabinet's standpoint strongly reflected that of the PLP. Chapter 7, which concerns the Cabinet's standpoint, assesses every meeting of the Cabinet at which the Bill was discussed, ranging from the Cabinet's initial decision to embark on Lords reform (June 1966) to the Cabinet's final decision to withdraw the Bill (April 1969). Chapter 8 begins by analysing the PLP's standpoint on the general issue of Lords reform. This was during the period before the Bill was published.¹² The chapter then addresses each stage of the Bill's passage through the Commons and also the PLP meetings at which the Bill was discussed. Since the pressing question (see above) is how to explain the PLP's lack of enthusiastic support for the Bill, both chapters 7 and 8 will pay particularly close attention to the Cabinet's and PLP's support for the Bill.

¹¹ On 18th June 1968, the House of Lords voted to reject the Southern Rhodesia Order (United Nations Sanctions) 1968. This was an item of the Labour Government's subordinate legislation.

¹² The Bill was kept confidential from the PLP until its publication, in the form of a White Paper, on 1st November 1968.

Literature Review

This thesis concerns an attempt by the Labour Government 1964-70 at reforming the House of Lords, which was also an attempt at reforming a part of the British Constitution. As such, the thesis falls within two wider and inter-related subject areas: the Labour Party's historical standpoints on 1) Lords reform, and 2) constitutional reform. The historical scope of these two subject areas can be confined to the period 1945-70, because this period marked a singular temporal-paradigm of constitutional thought e.g. Norton notes that constitutional reform was

viewed as [incremental] adjustments made necessary by a perceived failing of a particular part of the constitutional framework ... The stance towards constitutional change was, thus, reactive.¹³

The existing academic literature which concerns the two (aforementioned) subject areas will be reviewed here, with a section being devoted to each subject area. These two sections of the Literature Review will be relatively brief because the intention is only to provide a contextual discussion. In any case, there is only a small number of academic publications¹⁴ which concern these two Labour Party standpoints (for the historical period 1945-70). Since the Labour Party adopted conservative standpoints – as will be discussed below – the small number of academic publications is perhaps unsurprising. The next (third) section, and the predominant focus here, is on reviewing the existing literature which concerns the Parliament (No. 2) Bill. Similarly, there has not been

¹³ P. Norton (2011) Introduction: A Century of Change, *Parliamentary History*, 30/1, p.12

¹⁴ 'Academic publications' is defined as: books, chapters within books, journal articles.

extensive academic coverage on the events of the Bill e.g. only two out of the five academic books on the Labour Government 1964-70 contain any discussion of them.¹⁵

The Labour Party's standpoint on the Constitution (1945-70)

There is a clear academic consensus that the Labour Party was conservative on the Constitution during the period 1945-70, although a paucity of academic coverage for this standpoint has also been highlighted.¹⁶ To illustrate the paucity, such adjectives as 'tacit' and 'implicit' are sometimes used to describe the standpoint e.g. the book by Dorey uses 'tacit' twice in the introductory chapter.¹⁷ Furthermore, there are gaps in the chronologies of some of the academic publications¹⁸ – although presumably deliberate – as they jump from the constitutional standpoint of the mid-1950s straight to that of the 1970s or 1980s, thereby skipping over the constitutional standpoint of the late 1950s and 1960s. Presumably (again) this was because the period 1945-70 represented a singular temporal-paradigm of constitutional thought.

Taking an overview of the existing academic explanations, rather than the definitions, for the Labour Party's constitutional conservatism in the period 1945-70:

Evans notes that the Labour Party's preferred constitutional framework was congruent with that of the Constitution as it stood e.g. the Constitution provides an enabling context for strong, centralised, executive-driven government.¹⁹ Marquand notes that socialism asserts the primacy of the social and economic over the political, hence any

¹⁵ The two academic books in question are: P. Dorey (ed.) (2006b) *The Labour Governments 1964–1970*, London: Routledge; C. Ponting (1989) *Breach of Promise: Labour in Power 1964-1970*, London: Hamilton

¹⁶ M. Evans (2003) *Constitution-making and the Labour Party*, Basingstoke: Palgrave Macmillan, p.7; B. Jones & M. Keating (1985) *Labour and the British State*, Oxford: Clarendon Press, p.v

¹⁷ Dorey, *History of Constitutional Conservatism*, ft.3, pp.4, 12

¹⁸ V. Bogdanor (1997) 'Labour and the constitution: Part I' in B. Brivati & T. Bale (eds.) *New Labour in power: precedents and prospects*, London: Routledge; Evans, *Constitution-making*, ft.16, pp.15-39; D. Marquand (1992) 'Half-way to citizenship? The Labour Party and Constitutional Reform' in M. Smith & J. Spear (eds.) *The Changing Labour Party*, London: Routledge; A. Wright (1990) British Socialists and the Constitution, *Parliamentary Affairs*, 43/3

¹⁹ Evans, *Constitution-making*, ft.16, pp.313-4

calls for political reform would be to “concentrate on form instead of on substance”.²⁰ Wright notes that the “experience of [the Labour Government 1945-51] had shown that the institutions of British parliamentary democracy could be pressed into service as the vehicle for socialist advance”.²¹ Jones & Keating note that the Labour Party did not give any sustained thought to the Constitution or to the “form of the state”, which was an approach inherited from the British radical tradition.²² Bogdanor notes that in its ascendancy the Labour Party did not see itself as locked in a “socialist ghetto” within a “capitalist constitutional framework”, because it was actively assisted by one of the capitalist parties, the Liberals, through an electoral pact.²³ Wright notes that the “weight of the [British] constitutional tradition” had an inhibiting effect on the “exercise of the institutional imagination” within the Labour Party²⁴ (also Hill²⁵). Dorey highlights the influence of the Labour Party’s “ideological strands” – *viz.* Fabianism, Social Democracy, and Labourism – all of which underpinned an “assumption that the British state was essentially benign” or neutral.²⁶ Relatedly, Judge notes that the Labour Party’s “reformist [rather than revolutionary] orientation” implied a “parliamentarist character” and a strategy based on achieving “electoral success”.²⁷ Theakston notes that all the Labour Party’s Prime Ministers were conservative on the Constitution, and Morgan describes Hugh Gaitskell, the Party’s leader between 1955 and 1963, in the same terms.²⁸ Following on, Diamond notes that critics of the Constitution within the Labour

²⁰ Marquand, ‘Half-way’, ft.18, pp.45-6

²¹ A. Wright (1989) ‘The Constitution’ in L. Tivey & A. Wright (eds.) *Party Ideology in Britain*, London: Routledge, p.186

²² Jones & Keating, *British State*, ft.16, pp.2, 25-6

The conclusion to this argument is provided in Drucker (1979: 91).

²³ Bogdanor, ‘Labour and the constitution’, ft.18, p.112

²⁴ Wright, *British Socialists*, ft.18, pp.337-8

²⁵ D. Hill (2004) ‘Constitutional Reform’ in R. Plant et al. (eds.) *The Struggle for Labour's Soul: Understanding Labour's Political Thought since 1945*, London: Routledge, p.206

²⁶ Dorey, *History of Constitutional Conservatism*, ft.3, pp.350-357

²⁷ D. Judge (1993) *The Parliamentary State*, London: Sage, pp.87-8

²⁸ K. Theakston (2005) Prime Ministers and the Constitution: Attlee to Blair, *Parliamentary Affairs*, 58/1, p.36; K. Morgan (2013) The Left and Constitutional Reform: Gladstone to Miliband, *The Political Quarterly*, 84/1, p.77

Party, e.g. Richard Crossman, exercised “little influence on the leadership” in this respect.²⁹

However, the Labour Party’s constitutional conservatism did not mean that any and all constitutional reforms were ruled out. During this period, the tendency of the Labour Party was to act on constitutional reform for “politically expedient”³⁰ reasons or for “pragmatic considerations”³¹ or for “calculations of partisan advantage”.³² For example, the Labour Government 1964-70 established the Royal Commission on the Constitution due to the “political circumstances” of a “surge in support for the nationalist parties in Scotland and Wales”.³³

Amongst all these academic perspectives, there is a strikingly dissenting perspective in the chapter by Taylor.³⁴ His argument is that the “Labour Party has proved itself a friend of constitutional reform” and that its achievements in this field are often understated.³⁵ However, even a cursory glance at the primary evidence, e.g. the Labour Party’s manifestoes (1945-70), shows no particular support for the argument that constitutional reform was anything other than a peripheral or marginal concern. The chapter by Taylor is, nonetheless, a useful scholarly³⁶ contribution in terms of discussing the Labour Party’s constitutional reforms, even if the overall conclusion is somewhat off-base.

Let us look at how the explanations for the Labour Party’s constitutional conservatism can be thought to have manifested in a practical standpoint of constitutional

²⁹ P. Diamond (2013) *Governing Britain: Power, Politics and the Prime Minister*, London: I.B. Tauris, p.68

³⁰ Evans, *Constitution-making*, ft.16, p.39

³¹ Jones & Keating, *British State*, ft.16, p.193

³² Dorey, *History of Constitutional Conservatism*, ft.3, p.4

³³ Wright, ‘The Constitution’, ft.21, pp.190, 194-5

³⁴ M. Taylor (2000) ‘Labour and the Constitution’ in D. Tanner et al. (eds.) *Labour's First Century*, Cambridge: Cambridge University Press

³⁵ p.173

³⁶ The research, as reflected in the footnotes, is impressively thorough.

conservatism (from the theory to the practice). Specifically, let us look at the constitutional standpoint of the Labour Government 1964-70, because it was this particular Government which introduced the Parliament (No. 2) Bill. Given the narrower time-range (narrower relative to 1945-70), it is perhaps unsurprising that there are even fewer academic publications which provide an extensive discussion about such a standpoint. To illustrate: from the five academic books about the Labour Government 1964-70,³⁷ only the book by Dorey provides an extensive discussion.³⁸ It may be presumed that this paucity of academic coverage is due to the same reason which was highlighted in the introduction to this Literature Review. Contrarily, several of the academic books (perhaps even most of the academic books) on the Labour Government 1997-2010 have provided a dedicated chapter on a constitutional standpoint,³⁹ which is almost certainly because this particular Government's agenda for constitutional reform "was wider than that of any political party taking office [in the 20th] Century".⁴⁰

Taking an overview of the existing academic argumentation about the constitutional standpoint of the Labour Government 1964-70:

Jones & Keating note that "As the 1964 election approached, the issue [of constitutional reform] came back on the agenda as the [Labour] party absorbed the fashionable thinking⁴¹ about modernization and change".⁴² However, Dorey notes that in the prelude to assuming office the Labour Party had demonstrated "a remarkable lack of

³⁷ Coopey, Fielding, & Tiratsoo (1993); Dorey (2006b); O'Hara & Parr (2006); Ponting (1989); Tomlinson, Fielding, & Young (2003)

³⁸ Dorey, *Labour Governments 1964-1970*, ft.15, pp.365-371

³⁹ For example: Beech & Lee (2008); Chadwick & Heffernan (2003); Coates & Lawler (2000); Driver & Martell (1998, 2002, 2006); Ludlam & Smith (2001, 2004); Seldon (2001, 2007).

⁴⁰ R. Blackburn & R. Plant (1999) 'Introduction' in R. Blackburn and R. Plant (eds.) *Constitutional Reform: The Labour Government's Constitutional Reform Agenda*, Harlow: Longman, p.1

⁴¹ The thinking on constitutional reform in the early 1960s is discussed in B. Coxall & L. Robins (1998) *British Politics since the War*, Basingstoke: Macmillan, pp.144-153. A primary source for this type of thinking is W. Stankiewicz (1967) 'Introduction: The Need for Reform' in W. Stankiewicz (ed.) *Crisis in British government: the need for reform*, London: Collier-Macmillan

⁴² Jones & Keating, *British State*, ft.16, pp.140-1

specificity ... about how this modernisation was to be achieved”.⁴³ The Labour Government 1964-70 indeed attempted a number of incremental constitutional reforms, but Dorey (in a different publication) notes that “these were never melded together to provide a ... coherent programme of constitutional reform. Instead, various measures were ... notable for their largely *ad hoc* and atheoretical character”.⁴⁴ It would perhaps follow that Ponting describes this Labour Government’s attempts to bring about constitutional reform as “for the most part a half-hearted affair with few tangible results”.⁴⁵ For example, Theakston discusses the narrow terms-of-reference which were given to the Fulton Committee on Civil Service reform.⁴⁶ Wright notes that the overall result was a “politics of expediency and [of] containment informed by familiar ideological reflexes”,⁴⁷ or in other words, this Government maintained a standpoint of constitutional conservatism. Evans does not discuss the constitutional standpoint of this particular Government, although there might be grounds to his argument that the Labour Party’s historical interest in constitutional reform was usually a hangover from, and presumably conditional on, a period in opposition.⁴⁸ John Mackintosh notes that “there was no strong ideology to provide guidelines” for the constitutional reforms, and that the pattern was one of “piecemeal pragmatic changes”⁴⁹ (Mackintosh was a Labour backbencher during this Government’s tenure).

⁴³ Dorey, *Labour Governments 1964–1970*, ft.15, p.365

⁴⁴ Dorey, *History of Constitutional Conservatism*, ft.3, p.3

⁴⁵ Ponting, *Breach*, ft.15, p.391

⁴⁶ K. Theakston (1992) *The Labour Party and Whitehall*, London: Routledge, pp.123-4

⁴⁷ Wright, ‘The Constitution’, ft.21, pp.190-1

⁴⁸ Evans, *Constitution-making*, ft.16, p.314

⁴⁹ J. Mackintosh (1974) *The Government and Politics of Britain*, London: Hutchinson, pp.32-3. See also J. Mackintosh (1968) *The Devolution of Power: Local Democracy, Regionalism and Nationalism*, London: Chatto & Windus, pp.39-40; J. Mackintosh, (1970) Forty Years On?, *The Political Quarterly*, 41/1, p.44

The Labour Party's standpoint on Lords Reform (1945-70)

Given the clear academic consensus that the Labour Party was conservative on the Constitution (1945-70), it follows that there is another clear academic consensus that the Labour Party was conservative on a part of the Constitution: the House of Lords (1945-70). This section will begin by taking an overview of the existing academic explanations, rather than the definitions, for that latter standpoint. Before doing so, it should be remarked that the work of Prof. Pete Dorey is seminal in this subject area, and that the discussions provided by the *few* other academic publications are at most only four pages in length, while several are much shorter.⁵⁰

The academic literature contains three overarching explanations for the Labour Party's conservatism on Lords reform. Firstly, Dorey notes that it was due to the "Party's indecision and lack of internal agreement as to what precisely to do about the Second Chamber"⁵¹ e.g. the "relationship the [reformed House of Lords] would have with the House of Commons".⁵² The question is posed by Jones & Keating, "Does the party believe in bicameralism in principle?"⁵³ Based on Jones & Keatings' argument from the previous section, the answer to the question is presumably that the Labour Party does not know itself and that the issue has not been given any sustained thought. Secondly, Bogdanor notes that it was considered as preferable to preserve the House of Lords with a composition predominately of hereditary peers – i.e. a conservative standpoint – because "to rationalize the composition of the Lords ... might strengthen the legitimacy of the upper house and make it more of a threat to the Labour government's

⁵⁰ There is no doctoral thesis on the 'e-theses online service' website (<https://ethos.bl.uk/>) which is applicable to this section. Borymchuk (2006) is on the topic of the House of Lords and the Labour Government 1945-51. Lamport (2005) is entitled 'Reform of the House of Lords in British Politics 1970-1992'.

⁵¹ P. Dorey (2006a) 1949, 1969, 1999: The Labour Party and House of Lords Reform, *Parliamentary Affairs*, 59/4, p.618, also p.599

⁵² P. Dorey (2000) The Labour Party and the problems of creating a 'representative' House of Lords, *Representation*, 37/2, p.122

⁵³ Jones & Keating, *British State*, ft.16, p.159

legislation”⁵⁴ (also Hill⁵⁵). Blackburn adds that Lords reform would imply “reconstructing the doctrine of the ‘Crown in Parliament’ which ... promot[es] the ability of the party majorities in the House of Commons to exercise absolute power as and when they choose to do so”.⁵⁶ Thirdly, Shell notes that the “experience of the Attlee government ... confirmed to Labour that the House [of Lords] need not be considered a pressing problem”, because as Jones & Keating note: “the Lords were by and large prepared to play the democratic game and, respecting the government’s electoral mandate, were of only limited nuisance value”.⁵⁷ Dorey notes that this would lend credence to the argument of some Labour MPs that the Party ought to dismiss the whole issue of Lords reform and instead concentrate on “policies which address the concerns of ordinary working people”,⁵⁸ such as unemployment and social service provision.

There are two further explanations which are found in more than one item of this academic literature, but these two explanations are not quite as prevalent as the preceding three. Firstly, Shell notes that to pass “any reform, especially if no [cross-party] agreement ... had been reached, could be very costly in terms of parliamentary time”.⁵⁹ Jones & Keating elaborate that a unilateral “reform could probably be put through ... under the provisions of the 1949 Parliament Act”, but this would be “at the cost of massive disruption and delay to the rest of the party’s programme” because the Conservative peers would almost certainly rescind their willingness to cooperate with the Labour government (or to ‘play the democratic game’ – as above).⁶⁰ Secondly, Dorey notes that the “Second Chamber was actually very useful in terms of assisting the

⁵⁴ V. Bogdanor (2009) *The New British Constitution*, Oxford: Hart Publishing, pp.44-5

⁵⁵ Hill, ‘Constitutional Reform’, ft.25, p.212

⁵⁶ R. Blackburn (1999) ‘The House of Lords’ in R. Blackburn and R. Plant (eds.) *Constitutional Reform: The Labour Government’s Constitutional Reform Agenda*, Harlow: Longman, pp.22-3

⁵⁷ D. Shell (2000) Labour and the House of Lords: a Case Study in Constitutional Reform, *Parliamentary Affairs*, 53/2, p.292; Jones & Keating, *British State*, ft.16, p.158

⁵⁸ Dorey, *History of Constitutional Conservatism*, ft.3, p.361, also p.140

⁵⁹ Shell, Labour and the House of Lords, ft.57, p.291

⁶⁰ Jones & Keating, *British State*, ft.16, p.159

government with its parliamentary and legislative workload”.⁶¹ Shell adds that this was felt particularly by Labour governments (rather than Conservative governments) because of their “heavy legislative programmes”, and that it was felt “especially [by] those who have served as Ministers” because they had practical experience of how legislation was passed through Parliament.⁶²

Let us look at how those explanations can be thought to have manifested in practical standpoints of conservatism on Lords reform (from the why to the how). Evans notes that the Labour Party historically took a “gradualist approach” to Lords reform, which served to “reinforce the *status quo*”.⁶³ We should also recall the academic argumentation from the previous section about the Labour Party’s tendency to act on constitutional reform due to reasons such as pragmatism and expediency. To illustrate, the Labour Government 1945-51 passed the Parliament Act 1949 in order to incrementally reduce the Lords’ powers, and Dorey notes that

pragmatism and a degree of opportunism were the primary motives [for the 1949 Act] rather than a clear and coherent principle concerning the proper role and power(s) of the Second House.⁶⁴

Jones & Keating note that the specific pragmatic motive was to circumvent the Lords’ opposition to the Bill for nationalising the iron and steel industries (also Hill).⁶⁵ (During the 1945-70 period, the 1949 Act was the only measure of Lords reform to be successfully implemented, via legislation, by a Labour Government.) Evans argues that in 1948 “pressure from Conservatives and Liberals forced” the Labour Government into cross-party talks for wide-ranging Lords reform, to include both powers and

⁶¹ Dorey, 1949, 1969, 1999, ft.51, p.601

⁶² Shell, *Labour and the House of Lords*, ft.57, pp.291, also 293

⁶³ Evans, *Constitution-making*, ft.16, p.156

⁶⁴ Dorey, 1949, 1969, 1999, ft.51, p.601

⁶⁵ Jones & Keating, *British State*, ft.16, pp.55, 65; Hill, ‘Constitutional Reform’, ft.25, p.211

composition, but agreement could not be reached.⁶⁶ Subsequently, the Conservative Government would introduce the Life Peerages Bill (1957), and Shell notes that the Labour Party decided to oppose this reform because “it would give greater credibility to a chamber that remained fundamentally undemocratic and dominated by the Conservative Party” (also Hill).⁶⁷ Overall, Blackburn notes that the Labour Party’s reforms to the Lords, either attempted or enacted, were in part reflecting “a desire to maintain the supremacy of the House of Commons ... and to formalise further the subordination of the Lords” (also Dorey).⁶⁸ This was indeed true of both the Parliament Act 1949 and the Parliament (No. 2) Bill. But while the former was introduced for a clear pragmatic reason, Evans notes that for the latter there was an “absence of an official Labour line on the need for reform beyond the need to curb the power of the Lords to delay legislation and veto delegated legislation”.⁶⁹

Staying with the same subject area, let us turn to the primary literature (rather than the secondary literature) which the Labour Party’s politicians have written.⁷⁰ This literature would not be expected to contain numerous and significant contradictions to the academic argumentation, simply because the argumentation is based in large part on primary literature (although not only that which was written by the Labour Party’s politicians). Indeed, there are only three contradictions significant enough to warrant attention being drawn to them:

⁶⁶ Evans, *Constitution-making*, ft.16, p.139

⁶⁷ Shell, *Labour and the House of Lords*, ft.57, pp.292-3; Hill, ‘Constitutional Reform’, ft.25, p.211

⁶⁸ Blackburn, ‘House of Lords’, ft.56, p.24; Dorey, 1949, 1969, 1999, ft.51, p.617 and Dorey, *History of Constitutional Conservatism*, ft.3, p.139

⁶⁹ Evans, *Constitution-making*, ft.16, p.142

⁷⁰ Attlee 1954: 167-8; Benn 1957: 8-9; Chorley, Crick, Chapman 1954: 35; Crossman 1965: 110; Dalyell 1989: 140-1 and 143; Jenkins 1954: 189 and 192-5, 1968: 273-4 and 277-282; Longford 1974: 33-40; Morrison 1954, 1959: 187-94; Wilson 1971: 536, 608

- two arguments made in a book written by Herbert Morrison,⁷¹ the deputy Prime Minister 1945-51 and the Labour Party's deputy leader 1951-55; and
- one argument made in a biography written by Tam Dalyell,⁷² a Labour MP during the tenure of the Labour Government 1964-70.

Firstly, when discussing the Parliament Act 1949, Morrison does not state that the Act was passed in order to secure the nationalisation of iron and steel.⁷³ One might presume that he was countering the type of criticism which *The Economist* had put forward:

To tamper with the constitution merely in order to forestall a possible opposition of the Upper House to a Bill ... is hardly an indication of much confidence either in the virtue of the legislation proposed or in the solidity of the British parliamentary tradition.⁷⁴

Secondly, Morrison claims that the PLP would have accepted the wide-ranging reform which was almost agreed at the 1948 cross-party talks, because “most of [the Labour Party] were convinced that [it] would be worthwhile”.⁷⁵ However, within the very same chapter of the book, Morrison goes on to describe the Labour Party's conservative standpoint on Lords reform.⁷⁶ Overall, one might presume that both claims – about the 1949 Act and the 1948 cross-party reform – are flavoured with some self-interest and partisanship, given the identity of the author. Dalyell argues that the Labour Party felt “something had to be done” about the House of Lords following the 1966 general election. However, he writes in the very next paragraph, with no clarification, that “I

⁷¹ H. Morrison (1954, 1959) *Government and Parliament: a Survey from the Inside*, London: Oxford University Press

⁷² T. Dalyell (1989) *Dick Crossman: A Portrait*, London: Weidenfeld & Nicolson

⁷³ Morrison, *Government and Parliament*, ft.71, p.172

Contrarily, the memoir of Clement Attlee, who was the Labour Party's leader at the time, explicitly makes such a statement (Attlee 1954: 167).

⁷⁴ ‘The Parliament Bill’, *The Economist*, 8th November 1947, p.745

⁷⁵ Morrison, *Government and Parliament*, ft.71, p.190

⁷⁶ *Ibid.*: 194

was a non-believer in Lords reform from the very beginning”.⁷⁷ Furthermore, within the very same chapter of the book, Dalyell goes on to describe the Labour Party’s conservative standpoint on Lords reform (just as Morrison did).⁷⁸ This biography does not cite any evidentiary sources, as it does not contain any footnotes or a bibliography, which could explain this particular absence of analytical rigour. It was also written approximately 25 years after the events, thereby pointing to a possible lapse in the memory of the author. And Dalyell notes clearly that in 1966 the Labour Party did not have any developed ideas in place for Lords reform: “something had to be done ... The question was what?” Lastly, this collection of primary literature includes two pamphlets⁷⁹ written, or co-written, by Labour MPs in order to call for Lords reform, but these pamphlets were not a contradiction since they both note explicitly that the Labour Party was conservative on Lords reform. According to Wright, constitutional issues were at the time “confined to a maverick existence in the political margin”,⁸⁰ and indeed these two pamphlets can most probably be characterised in such terms.

The Parliament (No. 2) Bill

This section will review the causes for the Bill’s failure, or rather the Bill’s non-enactment, which can be found in the existing literature.⁸¹ The two book chapters by Morgan are widely considered as the seminal academic literature on the Bill.⁸² Aside from that, the single book chapters by Ballinger and by Dorey & Kelso are the only

⁷⁷ Dalyell, *Dick Crossman*, ft.72, p.141

⁷⁸ *Ibid.*: pp.143-3

⁷⁹ The Labour MP Tony Benn’s pamphlet: T. Benn (1957) *The Privy Council as a Second Chamber* (Fabian Tract 305), London: Fabian Society; The Labour MP Donald Chapman’s pamphlet: R. Chorley, B. Crick, & D. Chapman (1954) *Reform of the Lords* (Fabian Research Series 169), London: Fabian Publications

⁸⁰ Wright, ‘The Constitution’, ft.21, p.190

⁸¹ Published diaries and published archival documentation are omitted from this section. This is because the nature of the writing in diaries and archival documentation is typically spontaneous and off-the-cuff. On the other hand, the nature of the writing in academic literature is more developed and analytical.

⁸² J. Morgan (1975) *The House of Lords and the Labour Government 1964-1970*, Oxford: Clarendon Press, pp.169-220

academic literature on the Bill which are in excess of ten pages in length.⁸³ Wheeler-Booth wrote a journal article on the Bill, but this contains extensive excerpts from the Bill and from the preceding White Paper.⁸⁴ *This literature review does not take the approach of critiquing the number and type of data sources which are cited in an item of academic literature.

In discussing the causes for the Bill's failure, every item of existing literature refers to the backbench filibustering and its consequent effects. Indeed, this was the most plainly apparent cause for the failure, although it was actually a necessary but not sufficient cause (see below). Wheeler-Booth notes that the tactics of the Bill's backbench opponents were to "put down a very large number of amendments ... and to argue them at length and to use every procedural device to prolong the proceedings of the Bill".⁸⁵ That journal article *only* refers to the backbench filibustering when discussing the failure.⁸⁶ Dorey & Kelso describe the strategy of the backbench opponents: "if they persevered with their obstructiveness, the Cabinet would finally admit defeat and abandon the legislation."⁸⁷ Some of the consequent effects of the backbench filibustering are colourfully described by Marcia Williams, Private and Political Secretary to the Prime Minister, as she notes:

⁸³ C. Ballinger (2012) *The House of Lords 1911-2011: A Century of Non-Reform*, Oxford: Hart, pp.127-158; P. Dorey & A. Kelso (2011) *House of Lords Reform Since 1911: Must the Lords Go?*, Hampshire: Palgrave Macmillan, pp.135-170

⁸⁴ M. Wheeler-Booth (1970) The Attempted Reform of the House of Lords 1964-1969, *The Table*, 38, pp.85-109

⁸⁵ *Ibid.*: p.105

⁸⁶ The article was published in *The Table* journal and was written by "a senior clerk in the House of Lords", who was one of the main civil servants involved in the Bill's development.

⁸⁷ Dorey & Kelso, *Lords Reform Since 1911*, ft.83, p.162

[The Bill] was to gum up the Parliamentary works for many months, cause great irritability, and seriously detract from the speed and force with which the other [Government bills] could be handled.⁸⁸

There is near-unanimity within this literature that Michael Foot was leading the Labour backbenchers who opposed the Bill, while Robert Sheldon is also frequently highlighted as one of the main Labour backbench opponents. Furthermore, the following argument – or some variation – against the Bill is frequently highlighted:

the Upper House remade, reconstituted, justifiable and efficient, would inevitably rival [the Commons]. No longer ridiculous, the Lords would become dangerous.⁸⁹

The second-most frequently highlighted argument – or some variation – against the Bill was about the extension of Prime Ministerial patronage, which Shell notes was due to the “proposal to replace hereditary peers by nominated or life peers”.⁹⁰

In addition to the backbench filibustering, the literature discusses several other causes for the failure of the Bill, with some of the causes being characterised as either contributory or decisive. This section will divide the causes into the following themes:

- Tactical errors with the Bill’s development and subsequent handling;
- The roles of the Conservative Party and the Lords themselves;
- Low morale and indiscipline within the PLP;
- The complexity of the Bill;
- The Labour Party’s conservatism on Lords reform.

⁸⁸ M. Williams (1972) *Inside Number 10*, London: Weidenfeld & Nicolson, p.278 also p.256

⁸⁹ Morgan, *House of Lords*, ft.82, p.219

⁹⁰ D. Shell (2006) ‘Parliamentary Reform’ in P. Dorey (ed.) *The Labour Governments 1964–1970*, London: Routledge, p.191

These themes are not discrete, i.e. not individually distinct from each other, rather there are varying degrees of overlap between them. For example, the complexity of the Bill was a type of tactical error with the Bill's development.

Morgan notes that several "tactical errors" were made with the Bill's development and subsequent handling. For example:

The Bill failed because departmental responsibility was too diffuse and ministerial roles confused ... The Government vacillated between hesitancy and insistence. They seemed ready to entertain concessions and the next moment determined to plough on with the [Bill].⁹¹

Ponting writes a short chapter on the Bill and he notes that the Government's "aims and strategy were unclear", while the Ministerial Committee which developed the Bill was "out of touch with its Cabinet colleagues".⁹² Shell notes that the Bill "was nominally an all-party measure, but the Labour Government had never obtained a firm commitment of support from the (Conservative) Opposition"⁹³ (also Wheeler-Booth⁹⁴). In terms of parliamentary procedure, James Callaghan, the Home Secretary, notes that "from the outset it [was] absolutely necessary to have a timetable agreed with the Opposition, or a guillotine motion in reserve", but neither was in place for the Bill.⁹⁵ Wheeler-Booth notes that "despite a wish for consensus in constitutional matters, in practice almost all major constitutional reforms have been carried into effect by governments against the opposition of the other parties"⁹⁶ (also Stacey⁹⁷). (The decision to have James Callaghan

⁹¹ Morgan, *House of Lords*, ft.82, pp.220, 218

⁹² Ponting, *Breach*, ft.15, pp.348-9

⁹³ Shell, 'Parliamentary Reform', ft.90, p.190

⁹⁴ M. Wheeler-Booth (2003) 'The House of Lords' in R. Blackburn and E. Kennon, *Griffith & Ryle on Parliament: Functions, Practice and Procedures*, London: Sweet & Maxwell, p.642

⁹⁵ J. Callaghan (1987) *Time and Chance*, London: Collins, p.503

⁹⁶ ft.94, Wheeler-Booth

⁹⁷ F. Stacey (1975) *British Government 1966-1975 Years of Reform*, Oxford: Oxford University Press, pp.80-1

pilot the Bill was most probably unavoidable because he was the Home Secretary at the time. Therefore, this cannot be characterised as a tactical error even though Ballinger notes that it put the Bill “at a disadvantage”.⁹⁸ The same conclusion of unavoidability can be drawn about adhering to the constitutional convention of taking the Bill on the Floor of the House, rather than taking it in a smaller Standing Committee.⁹⁹)

The memoirs of Harold Wilson, the Prime Minister, and James Callaghan both argue that the Conservative Party reneged on an agreement to support the Bill.¹⁰⁰ The former writes: “The truth was ... that the Opposition was enjoying seeing the Government’s legislative programme getting into difficulties”. Such partisan perspectives are perhaps to be expected from those authors, although Shell presumably employs academic neutrality and he notes that the Conservative Party was “scenting a tactical victory.”¹⁰¹

Whether or not party politics was a factor, the literature contains various practical examples of the Conservative Party’s lack of cooperation:

- through ‘the usual channels’;¹⁰²
- for passing a guillotine motion;¹⁰³
- over the offer of a Government concession to postpone the Bill’s implementation until the subsequent Parliament.¹⁰⁴

⁹⁸ Ballinger, *Century of Non-Reform*, ft.83, p.142. Also Morgan, *House of Lords*, ft.82, pp.214, 216

⁹⁹ see ft.94, Wheeler-Booth

¹⁰⁰ H. Wilson (1971) *The Labour Government 1964–70: A Personal Record*, London: Weidenfeld & Nicolson, p.609; Callaghan, *Time and Chance*, ft.95, pp.502-3

¹⁰¹ Shell, ‘Parliamentary Reform’, ft.90, p.190.

Contra perspectives are in Dorey & Kelso, *Lords Reform Since 1911*, ft.83, p.162 and Stacey, *Years of Reform*, ft.97, p.78. Detailed discussion is in T. Lamport (2005) *Reform of the House of Lords in British Politics 1970-1992*, D.Phil. thesis, Queen Mary – University of London, pp.40-2, 46. However, the fundamental point is sustained that the Conservative Party was not assisting with the Bill’s passage.

¹⁰² Ballinger, *Century of Non-Reform*, ft.83, p.143; Morgan, *House of Lords*, ft.82, p.212

¹⁰³ Dorey & Kelso, *Lords Reform Since 1911*, ft.83, p.164; Morgan, *House of Lords*, ft.82, p.215

¹⁰⁴ Lamport, *Reform of the House of Lords*, ft.101, p.38; Morgan, *House of Lords*, ft.82, p.213

Furthermore, since the Bill was the product of cross-party talks, Dorey & Kelso note that some Labour backbenchers held “partisan” suspicions due to a perceived “collusion” between the Labour and Conservative frontbenches¹⁰⁵ (also Ballinger¹⁰⁶). Turning to the role of the Lords themselves, Wheeler-Booth notes that the Bill “was too much the brainchild of ... the leadership[s] in the Lords from all parties”, and Morgan notes that “MPs were suspicious of a Bill which the Peers seemed to favour”.¹⁰⁷

According to Lamport, the Labour Government was “slow in dealing” with Lords reform¹⁰⁸ (also Ponting¹⁰⁹) and as such the Bill was not brought forward until late 1968. Morgan notes that the Bill “missed the political tide” because the “Government’s programme entered the doldrums” at around this point in the 1966 Parliament.¹¹⁰

According to Wilson, the Government’s industrial relations measure was contributing to a “strain” within the PLP.¹¹¹ Stacey writes a short chapter on the Bill and he notes that “this was a period when backbench opinion was particularly assertive”¹¹² (also Morgan¹¹³). Ballinger concludes that it was the “malaise in which the PLP found itself that holds the key to the failure” of the Bill:

The unpopularity of the Labour Party in the country, exacerbated by a series of political and economic troubles ... caused the PLP to lose faith in its leadership.¹¹⁴

¹⁰⁵ Dorey & Kelso, *Lords Reform Since 1911*, ft.83, p.169

¹⁰⁶ Ballinger, *Century of Non-Reform*, ft.83, p.154

¹⁰⁷ Wheeler-Booth, ‘The House of Lords’, ft.94, p.642; Morgan, *House of Lords*, ft.82, p.219

¹⁰⁸ Lamport, *Reform of the House of Lords*, ft.101, p.44

Lamport is the only doctoral thesis on the ‘e-theses online service’ website (<https://ethos.bl.uk/>) in which there is a significant section on the Parliament (No. 2) Bill.

¹⁰⁹ Ponting, *Breach*, ft.15, p.349

¹¹⁰ Morgan, *House of Lords*, ft.82, p.218

¹¹¹ Wilson, *Personal Record*, ft.100, p.609

¹¹² Stacey, *Years of Reform*, ft.97, p.78;

¹¹³ Morgan, *House of Lords*, ft.82, p.213

¹¹⁴ Ballinger, *Century of Non-Reform*, ft.83, p.154, also p.143

This resulted in the PLP's unwillingness to show support for the Government in a general sense, but also in a particular sense by not showing support for an item of the Government's legislation *viz.* the Parliament (No. 2) Bill. Conversely, from the perspective of the Cabinet, Lamport notes that there was "a problem of authority in the Parliamentary Labour Party" and Dorey & Kelso note that the "PLP itself seemed increasingly to be ungovernable".¹¹⁵

Stacey concludes that there were "intrinsic weaknesses in the proposed [Bill] which laid it open to criticism" e.g. the "rather complicated juggling process of creations and retirements after each general election."¹¹⁶ Morgan notes: "Those who had devised the [Bill] were carried away by its beauty and suppressed their doubts that backbenchers would fail to appreciate its intelligence".¹¹⁷ Dorey & Kelso duly note:

some of Crossman's senior colleagues were rather perturbed by his faith in what appeared so rational and reasonable intellectually or in principle, and thus his apparent failure to appreciate the pragmatic practicalities of parliamentary politics¹¹⁸ (also Dalyell¹¹⁹).

The idea of 'pragmatic practicalities' is also picked up by Wheeler-Booth who notes that the "Bill was too long (20 clauses and 1 schedule) and gave too much opportunity for parliamentary opponents to filibuster".¹²⁰ The conclusion of Shell is that the Bill's complexity was crucial to the failure because it "strengthened the feeling that a much simpler solution to the problem posed by the Lords was possible."¹²¹ According to Lamport, a comparatively simple powers-only reform "would almost certainly have

¹¹⁵ Lamport, *Reform of the House of Lords*, ft.101, p.39; Dorey & Kelso, *Lords Reform Since 1911*, ft.83, p.166

¹¹⁶ Stacey, *Years of Reform*, ft.97, pp.78, 80

¹¹⁷ Morgan, *House of Lords*, ft.82, p.218, also p.214

¹¹⁸ Dorey & Kelso, *Lords Reform Since 1911*, ft.83, pp.168-9;

¹¹⁹ Dalyell, *Dick Crossman*, ft.72, pp.147-8

¹²⁰ Wheeler-Booth, 'The House of Lords', ft.94, p.642

¹²¹ Shell, 'Parliamentary Reform', ft.90, p.190

been supported by Labour MPs ... and, given that support, would have stood a reasonably good prospect of reaching the statute book”¹²² (also Ponting¹²³).

The memoir of Lord Longford, *Labour Leader in the Lords*,¹²⁴ and a biography written by Tam Dalyell, position noted above,¹²⁵ both discuss a cause for the Bill’s failure which was discussed in the second section of this Literature Review, as it was one of the explanations for the Labour Party’s conservatism on Lords reform (1945-70). The former author argues:

I am sure that no other [reform bill] would have been more popular ... So long as [the House of Lords] remained irrational, it remained futile ... and many [Labour MPs] preferred it that way.¹²⁶

The latter author completes the argument:

Once you start rationalizing the House of Lords and eliminating its anachronisms, by definition you create a rival to the House of Commons.¹²⁷

Dorey & Kelso discuss this cause, and they conclude that the Labour MPs “might not have liked the House of Lords very much but [were] even less enamoured with the proposed alternatives”.¹²⁸ In addition, the literature contains a few other causes which fall within this theme: Lamport notes that the “Labour MPs ... were not sufficiently persuaded of the case for [wide-ranging Lords] reform”, and Dalyell notes that the

¹²² Lamport, *Reform of the House of Lords*, ft.101, p.45;

¹²³ Ponting, *Breach*, ft.15, p.349

¹²⁴ Longford was directly involved in the early stages of the Bill’s development (until early 1968).

¹²⁵ Biography of Richard Crossman, whose Parliamentary Private Secretary was Dalyell.

¹²⁶ F. Longford (1974) *The Grain of Wheat*, London: Collins, pp.39-40

¹²⁷ Dalyell, *Dick Crossman*, ft.72, p.143

¹²⁸ Dorey & Kelso, *Lords Reform Since 1911*, ft.83, pp.167-8, 170

The upper echelons of the Labour Party shared in the overall conservative standpoint:

For the Cabinet: Shell, ‘Parliamentary Reform’, ft.90, p.190

For Douglas Houghton, then Chairman of the PLP: Dalyell, *Dick Crossman*, ft.72, p.143-4

For James Callaghan and the Prime Minister: Lamport, *Reform of the House of Lords*, ft.101, p.45

“Commons collectively thought there were many other matters [other than Lords reform] to which priority should be given”.¹²⁹

Conclusion

The academic literature discusses a wide range of causes for the failure of the Parliament (No. 2) Bill, and the third section of the Literature Review has divided these causes into themes. Can a ‘gap in the academic literature’ be identified? Thus far, there has not been an expansive discussion of the Bill’s failure in the context of the Labour Party’s ideology. Ballinger and Morgan have not discussed the Labour Party’s ideology, which is probably why the theme *The Labour Party’s conservatism on Lords reform* is overlooked and almost entirely overlooked, respectively, in those publications.¹³⁰ On the other hand, Dorey & Kelso have discussed the Labour Party’s ideology,¹³¹ and duly they have also discussed a cause for the Bill’s failure which falls within the aforementioned theme. Nonetheless, Dorey & Kelso have only provided one book chapter about the events of the Bill. This accounts for all the academic publications on the Bill which are in excess of ten pages in length. Overall, there is a gap in the academic literature for a doctoral thesis which will test whether the Bill failed due to the Labour Party’s ideology, or due to the Labour Party’s conservatism on Lords reform. (This is *not* to suggest that the existing academic literature has exhaustively explored, or even extensively explored, all the other causes/themes for the Bill’s failure.) It is, at least in part, the methodologies used by Ballinger and by Morgan that can explain why these two authors have not discussed the highlighted theme. The former author draws his data predominately from the documentation held in the National Archives and the Parliamentary Archives, and he does not refer to the seminal memoirs of the Labour

¹²⁹ Lamport, *Reform of the House of Lords*, ft.101, p.45; ft.127, Dalyell

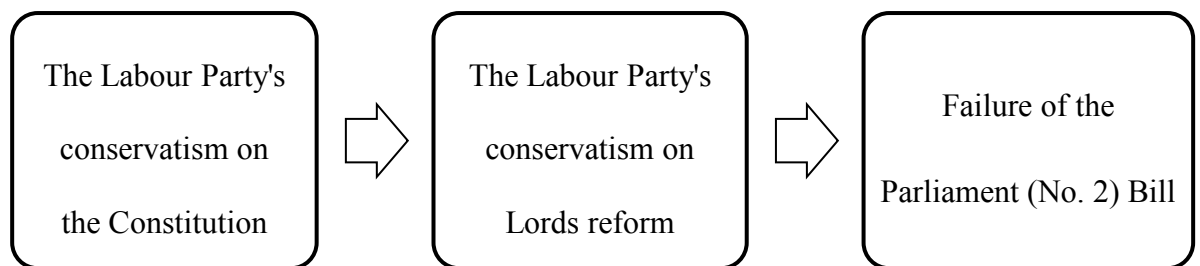
¹³⁰ Longford, *Grain of Wheat*, ft.126, pp.39-40 and Dalyell, *Dick Crossman*, ft.72, pp.143-4 both briefly discuss this theme. However, these two publications are not *academic* publications in the sense that they do not cite any evidentiary sources (there are no footnotes or a bibliography in either publication).

¹³¹ Dorey & Kelso, *Lords Reform Since 1911*, ft.83, pp.135-9

Party's politicians¹³² or to the documentation held in the Labour Party Archives. The latter author has interviewed "Ministers and officials" and the only published literature to which she refers is the diaries of Richard Crossman.¹³³ On the other hand, the publication by Dorey & Kelso "draw[s] more on political parties' archives and focus[es] more on party politics",¹³⁴ so unsurprisingly the theme is discussed therein.

Having identified a gap in the academic literature, the first step in the process of filling the gap is to develop an hypothesis or research question. Handily, the structure of this Literature Review can be used:

Figure 1.1 Developing an hypothesis or research question from the Literature Review



As such, the hypothesis is that the Bill failed to be enacted due to the Labour Party's conservatism on Lords reform, in turn grounded in a broader constitutional conservatism.¹³⁵

It is on a sound footing to confine our line-of-enquiry only to the Labour Party's ideology, rather than incorporating the Conservative Party's ideology as well, because

¹³² Callaghan (1987), Dalyell (1989), Wilson (1971)

¹³³ The data sources used by Morgan are listed on p.169 of her book.

¹³⁴ Comment is from Ballinger, *Century of Non-Reform*, ft.83, p.221

¹³⁵ To draw a contrast, the Labour Government 1945-51 passed (successfully) the Parliament Act 1949 but this was driven by a pragmatic and expedient consideration – namely, securing the Bill for iron and steel nationalisation. Indeed, like the Parliament (No. 2) Bill, the 1949 Act was also not “part of a long-term strategy of institutional reform” for the House of Lords (the Labour Party had not developed such a strategy, nor was it interested in doing so) – Jones & Keating, *British State*, ft.16, p.55

the Bill was in actual fact introduced as unilateral Government legislation. The Labour backbencher John Mendelson notes:

After agreement [on the Bill's provisions] had been reached between the government [and] the Conservative front bench ... the government undertook to introduce the Bill. The [government] argued that this was government legislation and demanded support from Labour [backbenchers] in the normal way.¹³⁶

Furthermore, Ballinger notes that the absence of Conservative Party support “was not sufficient to prevent the passage of the Bill: with a Labour majority of 72 in the Commons, the lack of cooperation between the parties only made passing the Bill more difficult rather than impossible.” Ballinger continues that the backbench filibustering “could have been overcome with more enthusiastic support from those Labour MPs who were not opposed to the Bill”¹³⁷ (also Lamport¹³⁸). Taking a specific example, according to Callaghan the lack of enthusiasm from Labour MPs “may explain the Prime Minister’s reluctance to agree to a guillotine motion” (as he feared the division for it would be lost).¹³⁹ In this regard, it can also be seen that the filibustering was a necessary but not sufficient cause for the Bill’s failure.

In summary, this thesis will test whether the Labour Party’s conservatism on Lords reform, and on the Constitution, can explain the failure of the Parliament (No. 2) Bill. A doctoral thesis on such a narrow topic should allow for an exhaustive range of data

¹³⁶ J. Mendelson (1970) ‘The Chamber as the Centre of Parliamentary Scrutiny’ in A. Morris (ed.) *The Growth of Parliamentary Scrutiny by Committee*, Oxford: Pergamon Press, p.113

¹³⁷ Ballinger, *Century of Non-Reform*, ft.83, pp.143, 154

Studying the mechanics of the filibuster would confirm the point. See, for example, Griffith 1974: 142-3 and Richards 1970: 168

¹³⁸ Lamport, *Reform of the House of Lords*, ft.101, p.38

¹³⁹ Callaghan, *Time and Chance*, ft.95, p.503

sources to be used. Following on, this chapter will now turn to the issue of methodological design.

Methodology

The topic of this thesis has two constituent parts: the Labour Party's standpoints on 1) Lords reform and the Constitution, and 2) the Parliament (No. 2) Bill. These two constituent parts are both clearly within the 'ideational' and 'interpretive' realms of social science research (and therefore qualitative¹⁴⁰ research). For example, the Literature Review has discussed several disparate explanations for, or indeed interpretations of, the Labour Party's conservatism on Lords reform. There lies our methodological problem(s), because the findings of this type of research are "contestable as absolutes do not necessarily exist".¹⁴¹ In this type of inquiry, "no interpretation is ever final".¹⁴² We cannot seek causal relationships or law-like generalisations within this realm – turning briefly to Epistemology – rather we can only uncover the meanings, beliefs, and ideas that provide the reasons for action. Additionally, the "relation of belief to action is ... internal and conceptual".¹⁴³ The term conceptual can be elaborated by the distinction between a concept and a conception: a concept lacks meaning in itself and can only be given meaning once a particular conception of it is formed.¹⁴⁴ Furthermore, it is "not possible to obtain a full understanding of an individual's actions without reference to the values of that individual" because, for example, an individual may act for a particular reason which is

¹⁴⁰ Definition can be found in: N. Denzin & Y. Lincoln (2005) 'Introduction: The Discipline and Practice of Qualitative Research' in N. Denzin & Y. Lincoln (eds.) *The SAGE Handbook of Qualitative Research*, London: Sage, p.3

¹⁴¹ S. Slater (2011) *A comparative evaluation of the ethical socialism of Tawney and Crosland*, D.Phil. thesis, University of Liverpool, p.19

¹⁴² T. Brown & D. Heggs (2011) 'From Hermeneutics to Post-Structuralism to Psychoanalysis' in B. Somekh & C. Lewin (eds.) *Theory and methods in social research*, London: Sage, p.296

¹⁴³ A. MacIntyre, (1962) 'A Mistake About Causality in Social Science' in P. Laslett & W.G. Runciman (eds.) *Philosophy, Politics and Society: A Collection*, Oxford: Blackwell, p.52

¹⁴⁴ M. Beech & K. Hickson (2007) *Labour's Thinkers: the Intellectual Roots of Labour from Tawney to Gordon Brown*, London: Tauris Academic Studies, p.3

different from another individual who performs the same act. Therefore, the methodological approach of this thesis will be hermeneutical, because such an approach is concerned with the “recovery of the meaning and understanding of the historical actors’ own beliefs and interpretations”.¹⁴⁵

There are two further inter-related points which ought to be made about the hermeneutical approach. Firstly in regard to the researcher, the “task of hermeneutical understanding is not to (deceptively) convince us that we can somehow abstract ourselves from our own historical context”.¹⁴⁶ Instead, the researcher risks his/her biases, values, and presuppositions in the act of interpretation, although the fact that we belong to tradition, and “that tradition in some sense governs interpretation”,¹⁴⁷ does not necessarily mean that tradition overwhelms the act of interpretation. Being cognisant of this issue is important in reducing its negative effects, and also caveats and qualifications can be made clear when presenting the research findings. Overall, the act of interpretation becomes one of engaging with the “dynamic and historically situated nature of human understanding”,¹⁴⁸ however this also implies that the act is transient and always “coming into being in the specific occasion of understanding”.¹⁴⁹ For example:

¹⁴⁵ K. Hickson (2005) *The IMF Crisis of 1976 and British Politics*, London: Tauris Academic Studies, p.6

¹⁴⁶ R. Bernstein (1983) *Beyond objectivism and relativism: science, hermeneutics, and praxis*, Oxford: Blackwell, p.162

¹⁴⁷ T. Schwandt (2003) ‘Three Epistemological Stances for Qualitative Inquiry: Interpretivism, Hermeneutics, and Social Constructionism’ in N. Denzin & Y. Lincoln (eds.) *The Landscape of Qualitative Research: Theories and Issues*, London: Sage, p.302

¹⁴⁸ M. Freeman (2012) ‘Hermeneutics’ in L.M. Given (ed.) *The SAGE Encyclopaedia of Qualitative Research Methods*, London: Sage, p.6

¹⁴⁹ Schwandt, ‘Three Epistemological Stances’, ft.147, p.302

Were I to act as if my explanation is correct, the world may (subsequently) resist my actions in a slightly unexpected way, giving rise to a new understanding”.¹⁵⁰

Secondly, and relatedly, the social-political-historical contexts of the subject should also be considered.¹⁵¹ Briefly, the historical context incorporates both the *horizontal* – the contemporaneous historical context – and the *vertical* – the historical lineage.¹⁵² All of these contexts should be considered because the subject’s “beliefs do not operate in a vacuum”,¹⁵³ rather they are “continuously context-dependent”,¹⁵⁴ and it is necessary to appreciate the “cultural and social forces that may have influenced” them.¹⁵⁵

Additionally, the point is about both the contextual influence at the subconscious/implicit level and the subject’s reactions to context(s) at the conscious/explicit level. An example of this consideration, specifically regarding the political context, is provided by Beech & Hickson who note:

[The] development of ideas was not just one of ideological contemplation, but was also an attempt to develop the political strategy of the Labour Party ... Ideas do not exist independently of political strategy and should not be analysed as such.¹⁵⁶

Elaborating on that example, a political strategy adopted when in Opposition can be at odds, and is sometimes starkly at odds, with a political strategy adopted when in

¹⁵⁰ Brown & Heggs, ‘From Hermeneutics’, ft.142, p.296

¹⁵¹ See also chapter 2 in A. Kelso (2009) *Parliamentary reform at Westminster*, Manchester: Manchester University Press

¹⁵² Archer 1998: 196 (quoted in M. Alvesson & K. Sköldböck (2018) *Reflexive Methodology: New Vistas for Qualitative Research*, London: Sage, p.52) and M. Beech (2006) *The Political Philosophy of New Labour*, London: Tauris Academic Studies, pp.2-3

¹⁵³ J. Miles (2017) *The Labour Party and the Westminster electoral system*, D.Phil. thesis, University of Liverpool, p.15

¹⁵⁴ J. Garrison (1996) A Deweyan Theory of Democratic Listening, *Educational Theory*, 46/4, p.437

¹⁵⁵ Slater, *A comparative evaluation*, ft.141, p.18, also pp.19-20

¹⁵⁶ Beech & Hickson, *Labour's Thinkers*, ft.144, p.7

Government (an example of this which concerns parliamentary reform is provided by Dorey¹⁵⁷).

The methodological approach has now been established. Before discussing the methods to be employed for gathering data, let us briefly discuss another couple of important considerations in methodological design. Firstly, Alvesson & Sköldbberg discuss how to critically assess sources of data, or ‘source criticisms’, for example:

- Criticism of bias Does the subject have an interest – conscious or subconscious – in distorting the data?
- Criticism of distance The more remote the source is from the event, in terms of both time and space, the less value the source has.¹⁵⁸

Secondly, and consequently, a process of ‘methodological triangulation’ will be used and which can be defined as: “[combining] data drawn from different sources and at different times, in different places or from different people”.¹⁵⁹ The intention of the process is to validate the research findings, as it will serve to ameliorate the impact of errors and limitations, e.g. due to bias, in each source of data. This in turn will minimise the errors and limitations in the thesis as a whole. Fine et al. describe the process as “adding one layer of data to another to build a confirmatory edifice”.¹⁶⁰

¹⁵⁷ Dorey, *History of Constitutional Conservatism*, ft.3, pp.7-8

¹⁵⁸ Alvesson & Sköldbberg, *Reflexive Methodology*, ft.152, pp.134-145

See also Denscombe 2014: 230

¹⁵⁹ U. Flick (2004) ‘Triangulation in Qualitative Research’ in U. Flick et al. (eds.) *A Companion to Qualitative Research*, London: Sage, p.178

¹⁶⁰ M. Fine et al. (2003) ‘For Whom? Qualitative Research, Representations, and Social Responsibilities’ in N. Denzin & Y. Lincoln (eds.) *The Landscape of Qualitative Research: Theories and Issues*, London: Sage, p.187

Let us turn to a discussion of the methods to be employed for gathering data. The purpose of the following discussion is to justify the appropriateness of the data, and the methods for gathering data, upon which this thesis will be based.¹⁶¹

Books, book chapters, journal articles (loosely: ‘publications’)

This source of data incorporates a wide range of different subjects, and it was used as the predominant source of data for chapters 3-4 and as one of the substantial sources of data for chapter 8. It was also used, to varying degrees, in every other chapter of this thesis. To provide examples, some of the publications fell within the following broad subjects:

- ideology and programme of the Labour Party
 - Labour Party’s approach to constitutional reform
- } Chapters 3 and 4
-
- events of the Parliament (No. 2) Bill
 - backbench rebellions in the Labour Party
- } Chapter 8

(All of these publications were relating to the period of the 1950s and 1960s.)

To elaborate on the first example, let us look at some of the publications used for the section on the Revisionist Right (one of the sections in chapter 3). Some of the primary sources used were: the books *The Future of Socialism* (1956) and *The Conservative Enemy* (1962) both by Tony Crosland, and the book *Contemporary Capitalism* (1956) by John Strachey. Those type of books can be taken to be the “most developed articulation of an individual’s political thought”.¹⁶² Some of the secondary sources used were: books which concern the Revisionist Right in general (e.g. *The Gaitskellites*

¹⁶¹ The subsequent process of data analysis is discussed in L. Spencer et al. (2003) ‘Analysis: Practices, Principles and Processes’ in J. Ritchie and J. Lewis (eds.) *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, London: SAGE

¹⁶² Beech & Hickson, *Labour’s Thinkers*, ft.144, p.7

(1969) by Haseler), ‘intellectual biographies’ which concern Crosland in particular (e.g. *Crosland’s Future: Opportunity and Outcome* (1997) by Reisman), and books which concern the history of British socialism (e.g. *The Labour Party’s political thought* (1986) by Foote). Secondary sources¹⁶³ were used not only to develop the analysis as a whole, e.g. to discuss the meanings within the primary sources, but also for the following two specific purposes: firstly, as a starting point to discover which primary sources to use, and secondly, to place the ideological position within the wider socialist tradition and the wider social-political-historical context (other sources of data were also used for the latter purpose).

Archival repositories

Each chapter of this thesis has made substantial use of data which was extracted from archival repositories. These repositories were accessed *in situ*, e.g. the National Archives, and via the internet e.g. the website House of Commons Parliamentary Papers. This type of data can be categorised as “outside of the usual research remit”, therefore it should assist with the aim of “contributing something new to the body of knowledge on the subject”.¹⁶⁴ The following are some examples of the *in situ* archival data:

- Private papers e.g. annotated party documentation;
- Official minutes and memoranda e.g. for Cabinet meetings and PLP meetings;
- Obscure publications which are not stocked by the University library e.g. back-issues of the *Socialist Commentary* journal.

¹⁶³ The “writing of historical texts can be seen in terms of adding layers onto the existing literature” – Hickson, *IMF Crisis*, ft.145, p.15. As such, this thesis becomes a part of the existing secondary literature.

¹⁶⁴ Beech, *Political Philosophy*, ft.152, p.6

To elaborate on the second example, the official minutes of the Ministerial Committee and the Inter-party Conference were the main sources of data for charting the development of the Parliament (No. 2) Bill (chapters 5 and 6).¹⁶⁵ This type of data is authored by civil servants who are neutral, at least notionally,¹⁶⁶ and also authored in a factual and comprehensive style. Those are the advantages in the use of this type of data. However, a related disadvantage is that the neutral/factual style does not yield indications as to how fervently arguments were made: was something demanded or merely suggested? Furthermore, the official minutes do not include detail as to the wider social-political-historical contexts which brought pressure to bear on the discussions and decisions. As such, several other sources of data were used, e.g. secondary sources and Richard Crossman's published diaries, in order to provide the 'human' and contextual dimensions to the official documentation.

Data extracted from 'parliamentary papers', which can be considered as a type of archival data, was mostly¹⁶⁷ gathered via the internet. The Parliament (No. 2) Bill and the preceding White Paper were both accessed from the website referenced above. The website for Hansard was used for accessing the debates and divisions taking place in the House of Commons. The website for Parliament was used for accessing an Early Day Motion and also the briefing papers published by the House of Commons library. In addition, articles in the *Table* journal, written by parliamentary clerks, were accessed at the library of Hull University (*in situ*) – this is a secondary source of data.

(Appendix 1 contains a list of the archival repositories which the researcher accessed, both *in situ* and via the internet.)

¹⁶⁵ During the writing of this thesis, a book was published which contains a substantial amount of this archival documentation: P. Raina (2014) *House of Lords Reform: A History 1960-1969*, Oxford: Peter Lang AG

¹⁶⁶ It is argued that civil servants are not impartial but instead operate with their own agenda – R. Lowe (1997) Plumbing new depths, *Twentieth Century British History*, 8/2, p.250

¹⁶⁷ On the Hansard website, the Committee Stage of the Parliament (No. 2) Bill contained a few errors and therefore a hard-copy of the debates and the divisions had to be accessed.

Published diaries, memoirs/autobiographies, biographies

This thesis has made extensive use of data extracted from the published diaries of Labour Ministers and also from the memoirs of both Labour Ministers and Labour backbenchers.¹⁶⁸ Roberts notes that biographical research “rests on a view of individuals as creators of meanings”.¹⁶⁹ This type of data is most desirable for the hermeneutical approach. As such, an advantage in the use of diaries is their immediate insight into the diarist’s mindset e.g. the “thought processes involved in making decisions”.¹⁷⁰ The related disadvantage is the inherent subjectivity of diaries e.g. diaries are likely to present a self-justifying narrative.¹⁷¹ Another related disadvantage is that diaries are written spontaneously and off-the-cuff, so they lack any significant hindsight. Memoirs are vulnerable to the former disadvantage but not to the latter disadvantage, nonetheless a memoir which is written several decades after the events is vulnerable to lapses in the memoirist’s memory. Following on, Kandiah notes that “the best autobiographies and memoirs are those which ... are not solely reliant on memory”.¹⁷² This relates to the discussion about the triangulation of data sources (see above), and it was briefly discussed in the Literature Review in relation to Dalyell’s biography of Crossman. Biographies have not been used extensively in this thesis, except for Dalyell’s and for what are best described as “intellectual biographies”¹⁷³ which focus on the ideas/thinking of the subject. Dalyell was Crossman’s PPS at the time of the events, so it was important to include this particular biography.

¹⁶⁸ This author is not aware of any Labour backbencher, during the period 1964-70, who published a diary in which there is reference to the events of the Parliament (No. 2) Bill.

¹⁶⁹ B. Roberts (2002) *Biographical Research*, Buckingham: Open University Press, p.6 also pp.80-2

¹⁷⁰ R. Barbour (2008) *Introducing Qualitative Research*, London: Sage, p.18

¹⁷¹ K. Theakston (2003) Richard Crossman: The Diaries of a Cabinet Minister, *Public Policy and Administration*, 18/4, p.20

¹⁷² M. Kandiah (1996) ‘Books and Journals’ in B. Brivati et al. (eds.) *The Contemporary History Handbook*, Manchester: Manchester University Press, p.317

¹⁷³ Beech & Hickson, *Labour's Thinkers*, ft.144, p.1

Subsidiary sources of data

Newspapers and elite interviews¹⁷⁴ were both used only as subsidiary sources of data. The former tends to a superficial and sensationalist type of coverage – “newspapers are seductive. They are intended to be”¹⁷⁵ – which is unsuitable as a substantial source of data for a doctoral thesis. As to the latter, only a small number of interviews – in the form of written correspondences – were able to be conducted, and from which only a small amount of data was able to be gathered. This is because only a small number of the actors who were involved in the events were still alive, and sufficiently healthy/cogent, at the time of writing. Furthermore, of those actors with whom interviews were conducted, nearly all were unable to recall the events in any significant detail. This is perhaps to be expected because the events of the Parliament (No. 2) Bill took place nearly fifty years ago i.e. at a considerable temporal distance.¹⁷⁶

Most of the data gathered from newspapers came from *The Times*, as a ‘newspaper of record’, and some data came from *The Guardian*. Both of the archives for these newspapers were accessed via the internet. This type of data was sometimes used because it was an immediate “witness of the times, conveying something of the intangible ‘atmosphere’ which surrounds events”¹⁷⁷ e.g. the national and international reaction to the Southern Rhodesia Order incident (chapter 6). In the main, this data source was used for *reportage* (loosely: a prosaic description of what happened) on the events inside Parliament, but with an additional dimension:

¹⁷⁴ Richards (1996)

¹⁷⁵ C. Kaul (1996) ‘The Press’ in B. Brivati et al. (eds.) *The Contemporary History Handbook*, Manchester: Manchester University Press, p.305

¹⁷⁶ The book by Morgan (1975) is based in part on interview data (see p.169) and it is used extensively throughout this thesis.

¹⁷⁷ Kaul, ‘The Press’, ft.175, p.299

Familiarity of contact has been institutionalised in ... the Westminster lobby – an inner core of journalists given access to ... the candid opinions of those in authority.¹⁷⁸

Newspaper articles by journalists were not used as a substantial source of data for the Labour Party's ideology on the Constitution and on Lords reform (chapters 3-4), although newspapers were used as a means of gathering primary data e.g. speeches and articles by the actors who were involved in the events. In any case, newspaper articles by journalists have been used by several of the other types of secondary sources which in turn have been used in chapters 3 and 4 e.g. for data on the wider social-political-historical context.

Interviews were sought with two types of actors, who sometimes overlapped: the first type was Labour MPs and Civil Servants who had any degree of involvement in the events, and the second type was Labour MPs who were members¹⁷⁹ of either the Labour Left or Revisionist Right. In designing the interview, the author formulated a list of questions which stemmed from the hypothesis of this thesis and which were specific to the actions and experience/knowledge of each interviewee. The second type of actor was sought because the discussion in this thesis (in chapters 3 and 4) is based almost entirely on the leaders of each ideological position – manifesting as factions – which is at the expense of the Labour MPs who predominately comprised the factions. For example, this author wanted to investigate the 'uniformity' of each ideological position.¹⁸⁰ For both types of interviewee, the questions were formulated to be open-ended (e.g. asking *why* rather than asking *did*) in order to "let the interviewee develop

¹⁷⁸ Ibid.: 302

¹⁷⁹ See chapter 3 for discussion as to how membership was defined.

¹⁸⁰ J. Brand (1989) *Faction as its Own Reward: Groups in the British Parliament 1945 to 1986*, *Parliamentary Affairs*, 42/2, p.154

ideas and speak more widely on the issues raised by the researcher”.¹⁸¹ This was in the hope of revealing potentially important data not directly elicited by the researcher’s questions. As such, something of a semi-structured interview format was used. The researcher was also careful not to ask ‘leading’ questions, which seek a particular answer to fit the pre-conceived ideas of the researcher.¹⁸² An advantage in conducting interviews is that the questions can be tailored in order to clarify areas of uncertainty in the research¹⁸³ e.g. due to gaps in the archival data. Some of the disadvantages are the same as those which apply to memoirs: the interviewee’s subjectivity and lapses in memory (see above). In addition, there is the problem of unrepresentative sampling¹⁸⁴ which is particularly applicable to a very limited sample of interviewees.

(Appendix 1 contains a list of the actors with whom interviews were conducted.)

Overall, this thesis is prone to some limitations¹⁸⁵ on the basis that:

- 1) some methods were not able to be employed because the data source no longer exists, and some data was not attempted to be gathered following a cost-benefit analysis;
- 2) some data could not be located (and gathered) because it *most probably* no longer exists or because of financial constraints, even though attempts were made.

In the first case, only a very small number of interviews were able to be conducted. In addition, based on a cost-benefit analysis, this author did not consider it would be worthwhile to access the Parliamentary Archives *in situ* after its catalogue listings were

¹⁸¹ M. Denscombe (2014) *The good research guide: for small scale social research projects*, Maidenhead: Open University Press, p.186

¹⁸² D. Hall & I. Hall (1996) *Practical Social Research*, Basingstoke: Macmillan, p.98

¹⁸³ A. Seldon (1996) ‘Elite interviews’ in B. Brivati et al. (eds.) *The Contemporary History Handbook*, Manchester: Manchester University Press, p.358

¹⁸⁴ *Ibid.*: 356

¹⁸⁵ Doubtless, there were limitations resulting from the stages of data analysis and presentation, as well as those resulting from the preceding methodological stage – U. Flick (2002) *An introduction to qualitative research*, London: Sage, p.62

perused online.¹⁸⁶ In the second case, this author was unable to locate a list(s) of the Labour MPs who abstained in the divisions for the White Paper and the Second Reading of the Bill. Any such list(s) is most probably no longer in existence.¹⁸⁷ In addition, financial constraints limited the time that could be spent in the archival repositories of Cambridge University and Oxford University, but it was nonetheless possible to access most of the documentation relevant to the research topic.

¹⁸⁶ See also ft. 165, Raina

¹⁸⁷ The list(s) of names, or its location, was sought from: the Labour Party's archives (via e-mail), the House of Commons Enquiry Service (via telephone), Prof. Philip Cowley (via e-mail), the archival repository of the Chief Whip John Silkin (*in situ*), and newspaper accounts (*The Times*, *The Guardian*).

CHAPTER 2: Historical Context

The Labour Party's standpoint on Lords reform 1945-1964

Introduction

This chapter seeks to establish the historical context to the events of the Parliament (No. 2) Bill. The historical context is, simply put, how the Labour Party approached the issue of Lords reform during the period 1945-64. As such, this chapter does *not* intend to provide a general treatment of the history of Lords reform, rather it looks specifically at the Labour Party's standpoint on the issue. That the institution of the House of Lords was considered by the Labour Party as an 'issue' will be established in the introduction to the present chapter. Additionally, the present chapter will look only at the standpoint of the Labour Party's representation in the Commons, to the exclusion of the Party's other arms (e.g. the Annual Conference) and its representation in the Lords. Such is the nature/scope of this thesis. Nevertheless, certain Labour peers were important in the events which took place, so their roles are included in the discussion. Also largely omitted are the calls for Lords reform by individual Labour MPs, because the intention here is to provide a broad overview of the Labour Party's standpoint.

Let us briefly sketch the Labour Party's pre-1945 standpoint on the Lords:¹

As a political party which traditionally represented the working class, the Labour Party could have nothing but antipathy for a parliamentary chamber whose composition was dominated by the aristocratic class, that is, by hereditary peers.² Another objection to the House of Lords was that it contained a large (and permanent) majority for the Conservative Party. However, there was something of a problem with the Labour

¹ For a discussion of the pre-1945 period: C. Ballinger (2012) *The House of Lords 1911-2011: A Century of Non-Reform*, Oxford: Hart, pp.52-4; P. Dorey (2008a) *The Labour Party and Constitutional Reform: A History of Constitutional Conservatism*, Basingstoke: Palgrave Macmillan, pp.102-104; K. Manton (2012) Labour and the 1949 Parliament Act, *Contemporary British History*, 26/2, pp.151-3

² D. Shell (2007) *The House of Lords*, Manchester: Manchester University Press, p.150

Party's standpoint on the Lords, because there was no clear view about how to reform the institution, or what priority should be given to reform, or even whether it should be reformed at all. What compounded this was the Labour Party's lack of concern with issues of institutional design, which itself "reflects and reinforces a generally uncritical acceptance of the Westminster Model of the British polity".³ Outright abolition of the Lords, resulting in a unicameral Parliament, has appealed to some elements in the Party and occasionally to the majority, but the pre-1945 Labour Party never had a stable and coherent policy for Lords reform.⁴ Contrarily, the Labour Party has always found it easier to oppose reform proposals e.g. Dorey highlights that it was

opposed to an elected Second Chamber (lest this challenge the primacy of the House of Commons) ... and opposed to a Second Chamber whose members are appointed (this option giving rise to concerns about Prime Ministerial patronage).⁵

Turning to the immediate pre-1945 period, according to Eatwell there were doubts within the Labour Party about the degree to which an extensive legislative programme could be pushed through Parliament, and there was a discernible apprehension about the Lords' capacity for obstruction in this respect.⁶

³ P. Dorey (2006a) 1949, 1969, 1999: The Labour Party and House of Lords Reform, *Parliamentary Affairs*, 59/4, p.599

⁴ D. Shell (2000) Labour and the House of Lords: a Case Study in Constitutional Reform, *Parliamentary Affairs*, 53/2, p.291; Ballinger, *Century of Non-Reform*, ft.1, p.52

⁵ Dorey, *History of Constitutional Conservatism*, ft.1, p.102

⁶ R. Eatwell (1979) *The 1945-1951 Labour Governments*, London: Batsford Academic, p.51

The 1945-50 Parliament

*Labour Party in Government

*1945 Labour Party manifesto: “we give clear notice that we will not tolerate obstruction of the people's will by the House of Lords.”⁷

The manifesto pledge was a warning that a Labour Government’s legislation should not be unduly delayed by the Lords, although no indication was given as to what would happen in such an eventuality. Dorey notes that this lack of specificity reflected the Labour Party’s uncertainty about what to do with the Lords, while Manton confirms that no proposal for Lords reform was in place at the time of the election.⁸ As it would transpire, the Lords did not obstruct the Labour Government’s legislation for the initial three years of the 1945-50 Parliament.⁹ This was attributable to the guidance of Lord Salisbury, the Conservative Leader in the Lords, and this guidance was subsequently elevated into the status of a constitutional convention *viz.* the Salisbury Convention.¹⁰ Clement Attlee, the Prime Minister, observed that the pre-1945 expectation did not materialise, and to the contrary:

The House of Lords fulfilled a useful role as a debating forum and a revising chamber.¹¹

As such, Stacey notes that the Lords proved to be a means of “accelerating rather than delaying Labour’s ambitious legislative programme.”¹² The approach to the Lords tacitly enunciated in the 1945 manifesto was reiterated by the Cabinet Minister Hugh

⁷ <http://www.politicsresources.net/> (accessed 31st May 2016)

⁸ Dorey, 1949, 1969, 1999, ft.3, p.600; Manton, 1949 Parliament Act, ft.1, pp.153-4

⁹ P. Bromhead (1958) *The House of Lords and Contemporary Politics 1911-1957*, London: Routledge & Kegan Paul, p.265

¹⁰ The Lords would refrain from voting against the second reading of legislation which had been clearly foreshadowed in the party manifesto. Excerpts from Salisbury’s speech are quoted in Lamport 2005: 16-18

¹¹ C. Attlee (1954) *As It Happened*, London: Heinemann, pp.167-8

Some figures are provided in Eatwell, 1945-1951, ft.6, p.117

¹² F. Stacey (1968) *The Government of Modern Britain*, Oxford: Clarendon Press, p.215

Dalton towards the end of 1946: reform would not be undertaken until the Lords “first badly mauled one of our bills”.¹³ Therefore, despite the admittedly indefensible composition of the Lords, ‘let sleeping dogs lie’ was the Labour Government’s standpoint on the Lords during the great legislative drive of 1945-7.¹⁴

In mid-1947, the Government decided to postpone until the 1948-9 session its bill for nationalising the iron and steel industries. However, some Cabinet Ministers were reluctant to agree to this postponement, so they had to be assuaged by a concomitant decision to curtail the Lords’ delaying powers.¹⁵ Without this curtailment, the Lords could have invoked their two-year delaying power against the nationalisation bill, thereby preventing the bill’s enactment within the lifetime of the 1945 Parliament (the latest a general election could statutorily be called was 1950).¹⁶ The Government chose to proceed with a powers-only reform rather than a more complex reform involving composition, because the former limited measure was considered to be relatively quick and straightforward and also would avoid exposing disagreements within the PLP over Lords reform.¹⁷ In November 1947, the Parliament Bill was introduced in order to amend the Parliament Act 1911, and it was to provide for a reduced delaying power of

two successive sessions, with one year having to elapse between the Commons’ second reading in the first session and the Commons’ third reading in the second session.

¹³ H. Dalton (1986) *The Political Diary of Hugh Dalton 1918-40 and 1945-60*, London: Cape, pp.388-9

¹⁴ B. Crick (1964) *The Reform of Parliament*, London: Weidenfeld & Nicolson, pp.118-9

¹⁵ Ballinger, *Century of Non-Reform*, ft.1, p.58; K. Morgan (1984) *Labour in Power 1945-1951*, Oxford: Clarendon Press, p.117; D. Shell (1994) *The House of Lords: Time for a Change?*, *Parliamentary Affairs*, 47/4, pp.724-5

¹⁶ Discussion in Bromhead, *Lords and Contemporary Politics*, ft.9, pp.265-6

See also ‘The Salisbury Doctrine’, House of Lords: Library Note, June 2006, pp.27-30 – available from <https://www.parliament.uk/> (accessed 31st May 2016)

¹⁷ Manton, 1949 Parliament Act, ft.1, pp.156-7; P. Dorey & A. Kelso (2011) *House of Lords Reform Since 1911: Must the Lords Go?*, Hampshire: Palgrave Macmillan, pp.85-6

Summarising, the decision to introduce the Parliament Bill was driven by a pragmatic imperative – driven by an immediate, *ad hoc*, tactical imperative – of securing the legislation for iron and steel nationalisation. Jones & Keating note that the Bill was not “part of a long-term strategy of institutional reform” for the House of Lords.¹⁸ A few Cabinet Ministers were actually apprehensive about proceeding with the Bill because the Lords had not, thus far, obstructed the Government’s legislation.¹⁹ Furthermore, the Bill was of a targeted scope in that it was confined only to resolving the short-term and tactical (pragmatic) problem which had arisen in relation to the Lords: the Lords’ opposition to the bill for iron and steel nationalisation.

In February 1948, the Government suspended the passage of the Parliament Bill in order to accept the Conservative Party’s invitation for cross-party talks on wide-ranging Lords reform (incorporating both powers and composition). The ‘Conference of Party Leaders’ was duly convened, with a variety of reasons being cited for the Government’s decision to hold the Conference:

- If the invitation for cross-party talks was rejected, the Government was likely to encounter obstruction from the Conservative peers either on the Parliament Bill or on other legislation, and quite possibly on both;²⁰
- If the cross-party talks failed, the Government “would have strengthened their position” by having accepted “a public offer to enter into discussions on conditions which would be generally regarded as reasonable”;²¹

¹⁸ B. Jones & M. Keating (1985) *Labour and the British State*, Oxford: Clarendon Press, p.55
There was no clear and coherent principle concerning the proper role and power(s) of the Second House (Dorey, 1949, 1969, 1999, ft.3, p.601).

¹⁹ Dorey & Kelso, *Lords Reform Since 1911*, ft.17, pp.66-7; Manton, 1949 Parliament Act, ft.1, p.157

²⁰ Dorey & Kelso, *Lords Reform Since 1911*, ft.17, p.71

²¹ Manton, 1949 Parliament Act, ft.1, p.165

- Lord Salisbury, on behalf of the Conservatives, promised that the Parliament Bill would – regardless of the outcome of the talks – be quickly accepted or quickly rejected by the Lords, thus setting underway the process of its enactment.²²

The point to take away is that the Government did not agree to hold the Conference on the basis that comprehensive Lords reform was an ideological aim. The Government's reasons were, again, ostensibly pragmatic. According to Morgan, neither Clement Attlee nor Herbert Morrison (Leader of the Commons) considered compositional reform to be a leading priority.²³ Moreover, the Cabinet was divided on the sagacity of convening the Conference, and it was remarked during a Cabinet meeting:

there was no practical or political necessity for deciding these difficult issues (i.e. wide-ranging Lords reform) at the present time; and the Government would be open to serious criticism if they allowed Parliament to occupy itself with these matters at the cost of postponing urgent measures of social and economic reform.²⁴

The Conference eventually broke-down because of a fundamental difference between the Parties over the issue of the Lords' powers.²⁵ In any case, both Attlee and Morrison note that they would have required the PLP's endorsement for any reform proposal which the Conference had agreed upon,²⁶ and Ballinger argues that in actual fact the Conference was doomed from the outset by this decisional constraint.²⁷

²² Ballinger, *Century of Non-Reform*, ft.1, pp.62-3

²³ Morgan, *1945-1951*, ft.15, p.85

See also B. Crick (1970) *The Reform of Parliament*, London: Weidenfeld & Nicolson, pp.128, 153

²⁴ CM 1(48), 6th January 1948, p.7

²⁵ 'Parliament Bill 1947: Agreed statement on Conclusion of Conference of Party Leaders' (Cmnd.7380, p.6).

A particularly detailed treatment of the Conference is provided in P. Raina (2013) *House of Lords Reform: A History 1943-1958*, Oxford: Peter Lang AG, pp.117-256

²⁶ Attlee, *As It Happened*, ft.11, p.168; H. Morrison (1954, 1959) *Government and Parliament: a Survey from the Inside*, London: Oxford University Press, p.190

²⁷ Ballinger, *Century of Non-Reform*, ft.1, pp.63, 69

Subsequently, in June 1948, the legislative passage of the Parliament Bill was resumed. Since the Lords rejected the Bill, the Government took recourse in enacting it under the provisions of the Parliament Act 1911. As such, the Bill had to be re-introduced in another two successive sessions, which also incorporated a two-year period from the Bill's initial second reading in the Commons.²⁸ The Parliament Bill eventually received Royal Assent in December 1949, after being originally introduced in late 1947.

The Lords' overall approach to the Labour Government 1945-50 is described succinctly by Morrison:

Generally speaking ... [the Lords] treated us with consideration, as indeed was our due.²⁹

Their 'due' was based on their democratic mandate. Shell notes that the actions of the Conservative peers "showed clearly that they had now accepted the subordinate status of the Lords" vis-à-vis the Commons.³⁰ In addition, according to Attlee, the conduct of the Lords had made many Labour MPs realise the "practical advantage of a revising chamber".³¹ Dorey elaborates that the House of Lords was "actually very useful in terms of assisting the government with its parliamentary and legislative workload".³² Consequently, the experience of the Attlee Government had shown to the Labour Party that the Lords "need not be considered a pressing problem".³³

In terms of a standpoint on the broader Constitution, Morgan notes that the Labour Government 1945-50 had shown

See also Dorey & Kelso, *Lords Reform Since 1911*, ft.17, pp.71-2

²⁸ Discussion in 'The Parliament Act 1949', House of Lords: Library Note, November 2005, pp.2-3 – from <https://www.parliament.uk/> (accessed 31st May 2016) and Pritt 1963: 237

²⁹ Morrison, *Government and Parliament*, ft.26, pp.178, also 196-7

³⁰ D. Shell (1988) *The House of Lords*, Oxford: Philip Allan, p.12

³¹ Attlee, *As It Happened*, ft.11, p.168

³² Dorey, 1949, 1969, 1999, ft.3, p.601

³³ Shell, *Labour and the Lords*, ft.4, p.292

a conservative attitude ... and almost a reverence for the constitution, from the monarchy ... to local government.³⁴

Clement Attlee was manifestly a constitutional conservative,³⁵ and in 1950 he spoke approbatively of

our British methods where so often we preserve the form of our institutions while altering their content and purpose.³⁶

According to Taylor, the test of expediting the legislative process was this Government's "ultimate consideration" in reforming – or rather incrementally adjusting – the Constitution.³⁷ The Parliament Act 1949 clearly shares the two aforementioned characteristics: the Act was a conservative reform because (*inter alia*) it left the Lords' composition entirely unreformed, while the Act also expedited the legislative process because (*inter alia*) it was to circumvent the Lords' opposition to a Government bill. Since the 1949 Act was the only item of Lords reform which was implemented, via legislation, by the Labour Government 1945-50, it can be concluded that this Government's standpoint on Lords reform was clearly in keeping with its standpoint on the broader Constitution.

The 1950-1 Parliament

*Labour Party in Government

*1950 Labour Party manifesto: no pledge for Lords reform.³⁸

³⁴ Morgan, *1945-1951*, ft.15, pp.493-4

³⁵ Dorey, *History of Constitutional Conservatism*, ft.1, p.371; P. Hennessy (2000) *The Prime Minister: the Office and its holders since 1945*, London: Allen Lane, pp.170-1; K. Theakston (2005) *Prime Ministers and the Constitution: Attlee to Blair*, *Parliamentary Affairs*, 58/1, pp.18-20
Herbert Morrison was also manifestly a constitutional conservative (discussion below).

³⁶ Hansard, House of Commons debates, 24th October 1950, vol.478 col.2705

³⁷ M. Taylor (2000) 'Labour and the Constitution' in D. Tanner et al. (eds.) *Labour's First Century*, Cambridge: Cambridge University Press, p.166

See also Eatwell, *1945-1951*, ft.6, pp.51-2

³⁸ ft.7

The Government decided early in this Parliament to rule out the introduction of contentious legislation, because it would almost certainly result either in the “need for an embarrassing retreat if unanimous party support [in the Commons] was not forthcoming” or “debilitating delaying tactics by the House of Lords”.³⁹ Concerns about the former were due to the Government’s precarious Commons majority of just five seats. In terms of the latter, the high probability of another general election in the near future⁴⁰ meant that the Lords were likely to reject contentious legislation, e.g. nationalisation legislation, and even the new Parliament Act meant that such a rejection would impose at least a year’s delay – until probably after the next election.⁴¹ The former and the latter were clearly inter-related concerns. Consequently, Lords reform did not become an issue in the way it had in the previous Parliament, and the Labour Government 1950-1 did not enact, or attempt to enact, any legislation for Lords reform.

The 1951-55 Parliament

*Labour Party in Opposition

*1951 Labour Party manifesto: no pledge for Lords reform.⁴²

Once in Opposition, the Labour Party showed minimal interest in Lords reform and it was inclined to view the Parliament Act 1949 as an adequate reform for the foreseeable future.⁴³ According to Shell, the Lords knew that their powers could only be used with the greatest of restraint, partly because the Lords had evolved in the post-1945 era to become a ‘useful’ rather than a ‘strong’ parliamentary chamber.⁴⁴ It was the hereditary composition of the Lords – “undemocratic, unrepresentative and unaccountable” –

³⁹ K. Jefferys (1992) *The Attlee Government 1945-1951*, London: Longman, p.51

⁴⁰ Such a general election would be called in the hope of obtaining a working majority in the Commons.

⁴¹ Eatwell, *1945-1951*, ft.6, p.133

⁴² ft.7

⁴³ P. Dorey (2009) Change in Order to Conserve: Explaining the Decision to Introduce the 1958 Life Peerages Act, *Parliamentary History*, 28/2, p.248

⁴⁴ Shell, *Lords* (2007), ft.2, p.21; Hansard Society (1961) *Parliamentary reform 1933-1960: a survey of suggested reforms*, London: Cassell, p.174

which “ensured that it normally remained politically subordinate to the House of Commons”.⁴⁵ To elaborate, the anachronistic composition of the Lords meant that it lacked the legitimacy/authority, as a parliamentary chamber, to challenge the legislation from the democratically-elected Commons. Stacey summarises the Labour Party’s standpoint as preferring to leave the House of Lords as it was: “in a state in which it could do good, by improving legislation, but could not do harm”, by not obstructing legislation.⁴⁶ The Labour Party’s conservative (non-reforming) standpoint on the Lords extended at times to an explicit opposition to reforming the composition, as Patrick Gordon-Walker (Labour MP and former Cabinet Minister) declared: “I would be against changing it at all”.⁴⁷ Morrison observed that the Labour Party

was not anxious for the rational reform or democratization of the Second Chamber, for this would have ... strengthened its position as against that of the House of Commons.⁴⁸

Or in other words, compositional reform would have made the Lords more inclined to use their powers to delay the legislation of a Labour Government. A 1954 Fabian pamphlet acknowledged a “widely held view” among socialists that it would be “unwise to attempt even ... limited reforms”.⁴⁹

During the 1950s,⁵⁰ the Labour Party’s standpoint on the broader Constitution was one of “general satisfaction”.⁵¹ The Labour Government 1945-51 had successfully

⁴⁵ Dorey, 1949, 1969, 1999, ft.3, p.603

⁴⁶ Stacey, *Government of Modern Britain*, ft.12, p.218

⁴⁷ P. Gordon-Walker (1954) ‘Delaying Power: Two Views’ in S. Bailey (ed.) *The Future of the House of Lords: a Symposium*, London: Hansard Society, p.128

⁴⁸ Morrison, *Government and Parliament*, ft.26, pp.193-4

Previously, in 1948, Morrison was explicitly opposed to a democratically-elected second chamber, rather than simply being ‘not anxious’ for it (Labour Party 1948: 211)

⁴⁹ R. Chorley, B. Crick, & D. Chapman (1954) *Reform of the Lords* (Fabian Research Series 169), London: Fabian Publications, p.35

⁵⁰ For a discussion of the temporal-paradigmatic thought on the Constitution: B. Coxall & L. Robins (1998) *British Politics since the War*, Basingstoke: Macmillan; A. Wright (1989) ‘The Constitution’ in L. Tivey & A. Wright (eds.) *Party Ideology in Britain*, London: Routledge

implemented an extensive legislative programme and it had therefore shown that the existing state institutions could be “pressed into service as the vehicle for socialist advance”.⁵² Moreover, the uncodified Constitution was flexible enough to allow for minor amendments and adjustments, especially for the removal of obstacles to the exercise of Executive power.⁵³ The Labour Party’s conservatism on the Lords is therefore also explicable in the context of its conservatism on the broader Constitution. The book entitled *Government and Parliament* (1954 and 1959), by Herbert Morrison, is considered⁵⁴ to represent the Party’s standpoint on the Constitution, and indeed he wrote about a

great love and admiration for British parliamentary democracy ... and the steady growth towards some degree of perfection in our system.⁵⁵

This book also reflected, according to Wright, a “celebration of constitutional orthodoxies”.⁵⁶ Those orthodoxies are aptly encapsulated in the concept of the Westminster Model,⁵⁷ and since this implied “strong single-party government”⁵⁸ then it would in turn explain the constitutional norm in which the Lords were not significantly obstructing the Commons/government. Considering the Labour Party’s constitutional standpoint that “strong executive government” was the “key instrument of statecraft”,⁵⁹ it stands to reason that at least in this respect the Labour Party would be conservative on

⁵¹ A. Wright (1990) British Socialists and the Constitution, *Parliamentary Affairs*, 43/3, p.330

See also Hanson 1957

⁵² Wright, ‘The Constitution’, ft.50, p.186

⁵³ M. Evans (2003) *Constitution-making and the Labour Party*, Basingstoke: Palgrave Macmillan, pp.25-6

⁵⁴ See, for example, K. Theakston (1992) *The Labour Party and Whitehall*, London: Routledge, p.162

⁵⁵ Morrison, *Government and Parliament*, ft.26, pp.vi, 91

⁵⁶ Wright, *British Socialists*, ft.51, p.325

⁵⁷ The Westminster Model was one of the two defining characteristics of Britain’s constitutional doctrine (Evans, *Constitution-making*, ft.53, pp.17-18).

⁵⁸ Dorey, *History of Constitutional Conservatism*, ft.1, p.353

⁵⁹ Evans, *Constitution-making*, ft.53, p.313

the Lords. Indeed, Dorey & Kelso note that senior party figures did not “make any significant notable references” to the issue of Lords reform during the 1950s.⁶⁰

In February 1953, the Conservative Government invited the leaders of the Labour and Liberal Parties to hold cross-party talks on wide-ranging Lords reform. Attlee, still the Labour leader, put this invitation to the PLP but it was rejected with a vote of 58 ‘against’ and 51 ‘for’.⁶¹ Lord Salisbury was not wholly surprised:

the rank and file of the [Labour] party no doubt prefer the House of Lords in its present impotent yet vulnerable state.⁶²

The Times reported:

House of Lords reform is not regarded by the Labour Party as a live political issue.⁶³ The party leaders ... probably thought it better for tactical reasons that the invitation to exploratory talks should be accepted, but even those who favoured this are unlikely to be distressed at the Party’s decision against acceptance.⁶⁴

The Labour Party’s unwillingness to cooperate with Conservative Governments on the issue of Lords reform was, it seemed, likely to “continue indefinitely”. The suggestion is that the PLP was opposed to a cross-party approach because any resulting reform would “apparently leave the Conservatives with a permanent majority in the House”.⁶⁵

⁶⁰ Dorey & Kelso, *Lords Reform Since 1911*, ft.17, pp.83-4

⁶¹ The smallness of the ‘against’ majority does not carry any significance when considering the small overall attendance at the PLP meeting. In addition, it was reported that Attlee advised the PLP to accept the invitation (some comment in Crick, *Reform of Parliament* (1970), ft.23, p.153)

⁶² Quoted in Ballinger, *Century of Non-Reform*, ft.1, pp.79-80

⁶³ The small attendance of Labour MPs at the PLP meeting would also imply a disinterest in the issue. There were nearly 300 Labour MPs during the 1951 Parliament, but only approximately 100 Labour MPs had attended the meeting.

⁶⁴ ‘House Of Lords Reform’, *The Times*, 19th February 1953, p.8

⁶⁵ Bromhead, *Lords and Contemporary Politics*, ft.9, pp.272-3; also Jones & Keating, *British State*, ft.18, p.159

The 1955-59 Parliament

*Labour Party in Opposition – Hugh Gaitskell is the new Labour Party leader.

*1955 Labour Party manifesto: no pledge for Lords reform.⁶⁶

During the 1950s, the Labour Party's representation in the Lords had declined into "an elderly and rather ailing band of Labour peers"⁶⁷ – the words of Gaitskell himself – and as a result the legislative functions of the chamber had become endangered.⁶⁸ There was a difficulty in finding 'Labour people' who would accept an hereditary peerage and who could afford to attend the House regularly without being paid. The Conservative Government was "very much worried about the decay in the House of Lords",⁶⁹ but it was also considering Lords reform for other reasons as well.⁷⁰ Gaitskell thought that a properly functioning second chamber was necessary and he wanted to introduce an expenses allowance in order to enable attendance to the House.⁷¹ However, he also thought that the "whole subject [of Lords reform] bristles with difficulties" and that it was likely to cause divisions and discontent within the Labour Party.⁷² This was due to the lack of a clear view within the Party about how to reform the Lords, what priority should be given to reform, or even whether the Lords should be reformed at all. Moreover, Gaitskell observed a "great disinclination [within the Labour Party] to think at all about the problem of the second chamber", and indeed Aneurin Bevan⁷³ argued that any policy-development should be postponed "until the Government introduced

⁶⁶ ft.7

⁶⁷ H. Gaitskell (1983) *The Diary of Hugh Gaitskell 1945-1956*, London: Cape, p.416

⁶⁸ D. Shell (1983) 'The House of Lords' in D. Judge (ed.) *The Politics of Parliamentary Reform*, London: Heinemann Educational, p.97; Shell, *Lords* (2007), ft.2, p.32

⁶⁹ Gaitskell, *Diary*, ft.67, p.411

⁷⁰ Dorey, *Change in Order to Conserve*, ft.43, pp.251, 265

⁷¹ See also P. Williams (1979) *Hugh Gaitskell: A Political Biography*, London: Cape, p.470

⁷² Clement Attlee and Harold Wilson, respectively the previous and subsequent leaders of the Labour Party, both made similar remarks.

⁷³ Bevan was the shadow Foreign Secretary at the time.

their [reform] measure.”⁷⁴ To be sure, the Labour Party did not have a policy for reforming the Lords at this juncture (late 1956) nor was it seeking to develop one.

The Conservative Government decided to proceed with a reform which provided for the creation of peerages lasting only for the lifetime of the holder *viz.* life peerages. Since the Government was keen to secure bi-partisan support for the ensuing reform bill, R.A. Butler and Lord Home would meet with Gaitskell and Herbert Bowden (the Labour Party’s Chief Whip) in late 1957.⁷⁵ However, it soon became apparent that the Labour Party “had not yet resolved its differences on this problem”⁷⁶ and indeed it had still not developed a policy on how to reform the Lords. Crick notes that the Labour Party continued to show “every sign of wishing to avoid the issue”, and it was content with pursuing a “conservative policy” in which the composition of the Lords remained anachronistic.⁷⁷ In a 1957 Fabian pamphlet, the Labour MP Tony Benn described the Party's (tacit) policy as “leaving [the Lords] alone to die quietly”⁷⁸ through atrophy. The Life Peerages Bill was published in November 1957.⁷⁹ According to Dorey, the Labour Party was “singularly unenthusiastic” about the Bill,⁸⁰ and *The Times* reported on the PLP’s decision to oppose the Bill because it

only tinkers with the problem of reform and leaves the powers of the Lords wholly unimpaired and its composition still overwhelmingly hereditary.⁸¹

⁷⁴ Gaitskell, *Diary*, ft.67, pp.411-2, 415-8, 563-5

See also T. Benn (1994) *Years of Hope: Diaries, Letters and Papers 1940-1962*, London: Hutchinson, p.257

⁷⁵ Gaitskell, *Diary*, ft.67, pp.415-8 has discussion of an earlier meeting on Lords reform between Gaitskell and the Conservative Prime Minister. Some useful comment in Ballinger, *Century of Non-Reform*, ft.1, p.80

⁷⁶ Dorey, *Change in Order to Conserve*, ft.43, pp.258-9

⁷⁷ Crick, *Reform of Parliament* (1964), ft.14, p.128; Crick, *Reform of Parliament* (1970), ft.23, pp.143-4

⁷⁸ T. Benn (1957) *The Privy Council as a Second Chamber* (Fabian Tract 305), London: Fabian Society, p.2, also pp.8-9. See also Gaitskell, *Diary*, ft.67, p.412

⁷⁹ Available from the website 'UK Parliamentary Papers'.

⁸⁰ Dorey, 1949, 1969, 1999, ft.3, p.603

⁸¹ ‘Labour Challenge To Life Peerages Bill’, *The Times*, 29th November 1957, p.10

However, there was again no policy adopted for reforming the Lords, not least because there was a wide divergence of opinion on the issue within the PLP.⁸² During the Second Reading debate, Gaitskell spoke to oppose the Bill because it would “enhance the prestige of the House” to the extent that the House “may very well seek to use its existing powers far more ... frequently”, while at the same time the Bill leaves the “overwhelming Conservative majority utterly unimpaired”.⁸³ Crick notes that the Labour Party did not express concern at the

prospect of what damage the Lords could do to legislation in the last year of a Labour [government] – when they themselves had left the year's delay in the Parliament Act of 1949.⁸⁴

Shell highlights the rather “odd spectacle” of a left-wing party voting to keep a parliamentary chamber entirely composed of hereditary peers (with the exception of the bishops and law lords).⁸⁵

The Life Peerages Bill passed both Houses without amendment and it received Royal Assent on 30th April 1958.⁸⁶ The Labour Party subsequently cooperated with the working of the Life Peerages Act 1958, and as such the appointment of Labour life peers would strengthen the Party's representation in the House.⁸⁷ Previously, in 1957, an attendance allowance was introduced which meant that peers could claim for “expenses actually incurred in attending at any sitting of the House ... or its committees”.⁸⁸ The House was slowly rejuvenated and enjoyed something of a

⁸² Bromhead, *Lords and Contemporary Politics*, ft.9, p.270; Dorey, *History of Constitutional Conservatism*, ft.1, p.108

⁸³ Hansard, House of Commons debates, 12th February 1958, vol.582 col.417-8

⁸⁴ Crick, *Reform of Parliament* (1964), ft.14, p.128

⁸⁵ Shell, *Lords: Change?*, ft.15, p.726

⁸⁶ ‘The Life Peerages Act 1958’, House of Lords: Library Note, 21st April 2008 – available from <https://www.parliament.uk/> (accessed 31st May 2016)

⁸⁷ Stacey, *Government of Modern Britain*, ft.12, pp.219-21

⁸⁸ Shell, *Lords* (1988), ft.30, pp.14-5, 214

renaissance as a result of these reforms, although Crick notes that the Labour Party still did not accept the House of Lords as a permanent feature of the Constitution.⁸⁹

The 1959-64 Parliament

*Labour Party in Opposition

*1959 Labour Party manifesto: no pledge for Lords reform.⁹⁰

Since the mid-1950s, Tony Benn had been campaigning for the right to renounce an hereditary peerage,⁹¹ to which he was an heir, so that he could remain as a sitting Labour MP upon the death of his father (Viscount Stansgate). However, Ballinger notes that the “*possibility* of succession could not engender sufficiently widespread support in order to change the law” (my italicisation), and this lack of support was inclusive of Benn’s colleagues in the Labour Party.⁹² The issue came to the fore in late 1960 when Viscount Stansgate died, as this had prompted the disqualification of his eldest living son, *viz.* Tony Benn, from membership of the Commons. According to Raina, the credit for the eventual passage of the Peerage Act 1963, which resolved this issue, “goes entirely to Tony Benn’s efforts”.⁹³ Initially, Benn argued in front of the Committee of Privileges (of the Commons), but their report found against him.⁹⁴ During the Commons’ debate on the report, Gaitskell argued that a reform bill should be introduced

⁸⁹ Crick, *Reform of Parliament* (1964), ft.14, p.127

⁹⁰ ft.7

⁹¹ M. Wheeler-Booth (1961) The Stansgate Case, *The Table*, 30, pp.23-4

Interesting discussion in P. Bromhead (1961) Mr Wedgwood Benn, The Peerage And The Constitution, *Parliamentary Affairs*, 14/4, pp.503-4

⁹² Ballinger, *Century of Non-Reform*, ft.1, pp.108, 122

See also Benn, *Years of Hope*, ft.74, pp.221-2, 266

⁹³ P. Raina (2014) *House of Lords Reform: A History 1960-1969*, Oxford: Peter Lang AG, pp.2, 168

⁹⁴ ‘Report from the Committee of Privileges’, HC 142, 14th March 1961, session 1960-1 (available from the website ‘UK Parliamentary Papers’ – accessed 31st May 2016)

to provide for the renunciation of peerages and to allow those who have renounced a peerage to ... be candidates at parliamentary elections and, if elected, to be members of the Commons.⁹⁵

This approach to Lords reform was clearly pragmatic and targeted: Gaitskell was calling for reform because of a short-term and tactical problem (specifically, Benn's disqualification from the Commons) and the scope of the reform was confined only to resolving that particular problem. The approach was reiterated by the Labour MP Anthony Greenwood, on behalf of the National Executive Committee, at the 1961 Labour Party Conference.⁹⁶

According to Crick, the media's coverage had left the Conservative Government "in no doubt" that the weight of public opinion was on Benn's side.⁹⁷ As such, the Government announced in the Commons that it would setup a Joint Committee whose terms-of-reference were to consider:

- i) the composition of the House of Lords;
- ii) whether peers should have the right to sit in either House, to vote at elections, or to surrender their peerages;
- iii) remuneration for peers.

However, during the debate in the Commons, Gaitskell asked for the terms-of-reference to be narrowed to the second point alone, on the grounds that there has "never been agreement on the wider issues"⁹⁸ i.e. the first and third points. Gaitskell was reiterating

⁹⁵ Hansard, House of Commons debates, 13th April 1961, vol.638 col.575

Benn's opinion of Gaitskell on this issue can be found in Benn, *Years of Hope*, ft.74, pp.361, 378

⁹⁶ Labour Party (1961b) *Report of the Annual Conference of the Labour Party 1961*, London: Labour Party, pp.156-160

⁹⁷ Crick, *Reform of Parliament* (1970), ft. 23, pp.141, 143

⁹⁸ Hansard, ft.95, 26th April 1961, vol.639 col.423

the pragmatic and targeted approach to Lords reform.⁹⁹ Subsequently, it was reported in *The Times* that the PLP had decided “emphatically against” cooperating with the Joint Committee, because the terms-of-reference had excluded “consideration of the powers of the Upper House”.¹⁰⁰ The Government eventually decided to narrow the terms-of-reference to the second point only. Sainty argues that this decision was due to a fear that “no progress could be made ... unless the objections of the Labour Party were met”, although Dorey & Kelso argue that it was due to the Conservative Party’s internal disagreements on Lords reform.¹⁰¹

The Joint Committee duly began its proceedings on 9th May 1962 and it would report on 17th December 1962. Its most pertinent proposals were:

- a) a person who may succeed to a peerage should be enabled to surrender his peerage.
- m) ... upon surrender such a person should be entitled to resume his status as an active member of the House of Commons.¹⁰²

The Shadow Cabinet met on 19th December 1962 in order to decide its reaction. It did not want to have to deal with the problem of renunciation in future because a Labour Government would be preoccupied with other matters, so the decision was made to generally back the report even though it amounted to a minor strengthening of the hereditary principle.¹⁰³ Harold Wilson became the Labour Party’s new leader in February 1963, but he said in the Commons that there would be no change in the Party's

⁹⁹ See the discussion in Williams, *Gaitskell*, ft.71, pp.470-1

¹⁰⁰ ‘Labour Refuse To Join Talks On The Lords’, *The Times*, 20th July 1961, p.9

¹⁰¹ Sainty, J. (1962) The Joint Committee on House of Lords Reform and the Peerage Bill, *The Table*, 31, pp.14-5; Dorey & Kelso, *Lords Reform Since 1911*, ft.17, pp.121-3

¹⁰² ‘Joint Committee on House of Lords Reform’, HL 23 HC 38, session 1962-3, pp.7-8 (available from ft.94)

¹⁰³ Ballinger, *Century of Non-Reform*, ft.1, p.116; Shell, *Lords* (1988), ft.30, pp.16-7

A renounced hereditary peerage would be re-adopted by the next heir, and as such the renounced hereditary peerage would only be in abeyance rather than extinguished entirely.

standpoint on the report.¹⁰⁴ The Peerage Bill, embodying the Joint Committee's proposals, was introduced into the Commons on 30th May 1963 and it received Royal Assent on 31st July 1963. Benn renounced his peerage that very evening.¹⁰⁵ Overall, Crick notes that "both parties saw to it that no thin end of the wedge would be made towards an agreed and [wide-ranging] reform of the Lords."¹⁰⁶

Conclusion

Throughout the period 1945-64, the Labour Party's standpoint on Lords reform can be characterised by two overarching and inter-related principles: pragmatism and conservatism.

- Pragmatism

The Labour Party when in Government (1945-51) had enacted a measure of Lords reform, the Parliament Act 1949, and when in Opposition (1951-64) it had called for a measure of Lords reform, what essentially became the Peerage Act 1963. Both reforms were driven by pragmatic imperatives, that is, by tactical and short-term imperatives. Firstly, the 1949 Act was enacted in order to circumvent the Lords' opposition to the Bill for iron and steel nationalisation, and secondly, the 1963 Act was called for so that Tony Benn could renounce his hereditary peerage and then return to the Commons. As such, neither reform was driven by a long-term strategy, grounded in ideological imperative(s), for reforming the Lords. Throughout this period, the Labour Party did not enact or call for any other measure of Lords reform (which would have to be implemented with legislation). Furthermore, the Attlee Government agreed to hold the 1948 cross-party talks for wide-ranging Lords reform on the ostensible basis of pragmatic imperatives.

¹⁰⁴ Hansard, ft.95, 28th March 1963, vol.674 col.1641-1642

¹⁰⁵ T. Benn (1987) *Out of the Wilderness: Diaries 1963-67*, London: Hutchinson, pp.46-7

¹⁰⁶ Crick, *Reform of Parliament* (1970), ft.23, p.146

- Conservatism

The Labour Party did not have, or seek to develop, an ideologically-grounded strategy for reforming the Lords. Instead, there was a prevailing standpoint of conservatism, or non-reform, on the Lords. This became particularly conspicuous when the issue was on the political agenda, e.g. during the Benn case, and indeed there was a distinct lack of interest in developing any policy, or policies, in pursuance of wide-ranging Lords reform. The conservative standpoint was also reflected in the targeted scope of the reforms either enacted or called for during the 1945-64 period: the Parliament Act 1949 and the Peerage Act 1963 were both confined only to resolving the short-term and tactical (overall: pragmatic) problems which had arisen in relation to the Lords. The second section of the Literature Review and also this chapter have highlighted a variety of causes for the Labour Party's conservatism on Lords reform, but the overarching cause was a conservatism on the Constitution as a whole, or in other words, an attachment to the executive-centred Westminster Model of British Government. This Model was seen as enabling a Labour Government to enact, without obstruction, a programme of economic and social reform.

Another pattern can be discerned from the 1945-64 period, in that each Parliament had a failed attempt at reaching cross-party agreement for wide-ranging Lords reform:

1945-51: the 'Conference of Party Leaders' broke-down over the issue of the Lords' powers;

1951-55: the Labour Party rejected the Conservative Government's invitation for cross-party talks;

1955-59: no progress was made at a behind-the-scenes meeting held between Gaitskell and Anthony Eden (the Conservative Prime Minister);

1959-1964: the Labour Party rejected the Conservative Government's initial remit for a Joint Committee on Lords reform.

These failures might not be entirely surprising when considering the Labour Party's conservative standpoint on Lords reform. However, this conservatism was very far from the only factor in explaining the failure of these attempts e.g. it was clearly "absurd"¹⁰⁷ of the Conservative Government to exclude the Lords' powers from the initial remit of the Joint Committee in 1961. Furthermore, the successive leaders of the post-1945 Labour Party, Attlee and Gaitskell, were both unenthusiastic about wide-ranging Lords reform at least in part because it was thought to have a divisive effect on the PLP. This effect was due to a lack of consensus within the PLP, or more accurately a wide divergence of opinion, about how to reform the Lords or even whether to do so at all.

In early 1963, Harold Wilson was elected as the new leader of the Labour Party. Shortly thereafter, he said in the Commons that the Party's standpoint on Lords reform at the "next election will be what it was in 1945 ...

... that we shall not allow the House of Lords to interfere with or frustrate the decisions of a democratically controlled House of Commons.¹⁰⁸

At this juncture, however, there was still no proposal in place for Lords reform (see also chapter 4), just like in the prelude to the 1945 General Election. Wilson was effectively re-iterating the early standpoint of the Attlee Government: Lords reform would not be undertaken until the Lords "first badly mauled one of our bills" (the words of Hugh Dalton in 1946).¹⁰⁹ As such, the Labour Party in 1963 was no more advanced in its thinking on comprehensive Lords reform than it was in 1945. Overall, Wilson was

¹⁰⁷ Crick, *Reform of Parliament* (1970), ft.23, p.144

¹⁰⁸ Hansard, ft.104, col.1641-2

¹⁰⁹ See also ft.96, Labour Party 1961b

signalling a continuation of the Labour Party's conservative standpoint on the Lords, which was a standpoint it had adopted since 1945.

CHAPTER 3: Labour Party Ideology (1)

Revisionist Right, Labour Left, & the Centre

Fabianism & Labourism

Annual Conference

Introduction

This chapter begins by assessing the standpoints of the Labour Party's ideological positions – Revisionist Right, Labour Left, and Centre – on the Constitution and on the House of Lords. (The Labour Party's leadership, whose ideological position has been labelled as Technocratic Collectivism, is assessed in the following chapter.) The time period in question is 1951-1964, when the Labour Party was in Opposition: between the Attlee Government's ousting from Office and the Wilson Government's ascension to Office. For the Revisionist Right and Labour Left, the chapter draws heavily from the writings of those actors labelled as 'thinkers' and 'intellectuals'. However, such labels are not the only criteria for inclusion e.g. the writing of Anuerin (Nye) Bevan is assessed at length even though "intellectual direction [for the Labour Left] was given by Dick Crossman and his group of younger followers".¹ The chapter also draws heavily from the house journal for each ideological position e.g. the *Tribune* journal for the Labour Left. These ideological positions had manifested as factions² of MPs within the PLP, although it is important to highlight that both the Labour Left and Revisionist Right had united around the Labour Party's programme, *Signposts for the Sixties*, published in 1961 (see chapter 4).³ Subsequently, the chapter turns to the Labour Party's Centre.⁴ The Labour MPs here comprised the bulk of the PLP, and indeed only

¹ K. Hickson, M. Beech, & R. Plant (2004) 'Introduction' in R. Plant et al. (eds.) *The Struggle for Labour's Soul: Understanding Labour's Political Thought since 1945*, London: Routledge, p.2

² Brand (1989), Rose (1964)

³ P. Seyd (1986) *The Labour Left*, D.Phil. thesis, University of Sheffield, pp.67-8
See also Beech, Hickson, & Plant 2018: 2

⁴ This is wholly distinct from the Centre as discussed, for example, in Haseler 1969: 9

“about fifty” Labour MPs could be “clearly identified” with either the Labour Left or Revisionist Right.⁵ The Centre is perhaps difficult to pin-down and is often overlooked, even though it is crucial: “it informs us of both the balance of power within the Party and the uses of the Party’s ethos”.⁶ Lastly, the chapter will assess the standpoints of two of the Labour Party’s main philosophical strands, Fabianism and Labourism, on the Constitution and on the House of Lords.

The Revisionist Right

The book entitled *The Future of Socialism* (1956), by Tony Crosland, was the seminal ideological text of the Revisionist Right. This book did not contain any proposals for parliamentary or constitutional reform, nor or any detailed discussion of the parliamentary institutions or the broader constitution.⁷ Marquand notes that Crosland had taken the “existing structure of the British state for granted” and that the Croslandite programme “would be implemented through the existing machinery of Parliament”.⁸ Diamond notes:

The Revisionists assumed that they were in full control of the state once power was achieved through the democratic electoral process.⁹

Indeed, Crosland argued that the Government was powerful enough to bring about socialistic reforms to the economy and society, as was demonstrated by the Labour

The Keep Calm group (see Beech & Hickson 2007: 108) had also disbanded by the turn of the 1960s.

⁵ P. Jenkins (1970) *The Battle of Downing Street*, London: Knight, pp.63-4

⁶ Hickson, Beech, & Plant, ‘Introduction’, ft.1, p.2

⁷ There is a section in Jenkins (1953: 155-7) and in Strachey (1956: 157-180) in which one can discern a satisfaction with the parliamentary institutions and the broader constitution. There were a few other publications which comprised, to varying degrees, the Revisionist Right’s ideology e.g. Socialist Union (1956) and the manifesto of the Campaign for Democratic Socialism (in Windlesham 1966: 265-9). There were no proposals for parliamentary or constitutional reform within these publications.

⁸ D. Marquand (1982) ‘Introduction’ in D. Marquand (ed.) *John Mackintosh on Parliament and Social Democracy*, London: Longman, pp.8-9

For other perspectives – Diamond 2016: 111-2 and Marquand 1991a: 333

⁹ P. Diamond (2016) *The Crosland Legacy: the Future of British Social Democracy*, Bristol: Policy Press, pp.299-300

Government 1945-51. This had contradicted claims, based on the Marxist analysis, that such reforms would be thwarted by the “entrenched power and reactionary attitudes of the capitalist ruling-class”, of which the House of Lords was a manifestation¹⁰ (see, for example, Cripps¹¹). Therefore, the capacity of the Lords for impeding the Government/Commons, e.g. by way of the one-year delaying power, was not considered by Crosland as an issue in need of redress. John Strachey fêted the British parliamentary apparatus in which

everything turns on the effectiveness of democracy ... the existence of representative governments which can be made genuinely responsive to the wants of the population.¹²

It would follow that Strachey noted with approbation that

the power of the British House of Commons is, since the [Parliament Act 1949], virtually absolute.¹³

In relation to the composition of the Lords, there was a chapter in *The Future of Socialism* which discussed the deleterious influences of an “hereditary society”,¹⁴ although Crosland did not explicitly refer to the hereditary peers in that chapter or in the rest of his book.¹⁵ Indeed, this particular critique did not extend to the constitutional

¹⁰ A. Crosland (1956) *The Future of Socialism*, London: Cape, pp.19-42

Put another way, Crosland argued that the state exercised an “independent influence” (quoted in Reisman 1997b: 42) thus implying a belief in the neutrality of the institutions of state.

¹¹ S. Cripps (1933) *Can socialism come by constitutional methods?*, London: Socialist League, pp.4, 7

¹² J. Strachey (1952) ‘Tasks and Achievements of British Labour’ in R. Crossman (ed.) *New Fabian Essays*, London: Turnstile Press, pp.182-9

¹³ J. Strachey (1956) *Contemporary Capitalism*, London: Gollancz, p.209

¹⁴ ‘Is Equal Opportunity Enough?’ (Crosland, *Future*, ft.10, pp.218-37)

¹⁵ Additional comment in Reisman 1997a: 202

realm.¹⁶ (None of the other ideological sources drawn from the Revisionist Right – those listed in ft.7 – provide different argumentation.)

During the 1959-64 period, Crosland published *The Conservative Enemy* (1962) and couched it in a disapprobation of the wide-ranging conservatism which had “settled over the country” e.g. a “certain national mood of stagnation ... and dislike of change”. Crosland argued that reform was required in “every segment of our national life” and that “our Parliament ... [is] in fact in need of drastic modernisation”.¹⁷ Richard (Dick) Taverne, a young MP on the Revisionist Right, provided another aspect to the thinking on parliamentary reform:

It seems to me that one of the weaknesses of Britain ... is the force of almost irresistible conservatism generated by its institutions.¹⁸

This was related to the thesis of *The Conservative Enemy*. However, Crosland provided a list of policies which ‘a radical, progressive, revisionist Labour Party would stand for’ and none of them had related to parliamentary or constitutional reform.¹⁹ To be sure, the Revisionist Right was still predominately focussed on the redress of issues within the social, economic, and foreign/defence realms. Duly, the *Socialist Commentary*²⁰ journal (from October 1959 to October 1964) contained only a few short articles, written by Revisionist Right MPs, on the issue of parliamentary reform. For example, Reg Prentice wrote about introducing morning sittings in the Commons²¹ and George Thomson wrote

¹⁶ Crosland was keen to distinguish his version of socialist ideology from the *revolutionary* version which had brought about the Soviet Union (Crosland, *Future*, ft.10, pp.216-7, 247). See also Francis 1997: 54

¹⁷ A. Crosland (1962) *The Conservative Enemy: a Programme of Radical Reform for the 1960s*, London: Cape, pp.7-8, 127

See also: Note to Hugh Gaitskell, November 1960, Crosland 6/1(13), LSE Archives (quoted in Diamond, *Crosland Legacy*, ft.9, pp.173-4). Additional comment in Reisman 1997a: 18

¹⁸ ‘Inside Parliament’, *Socialist Commentary*, July 1962

¹⁹ Crosland, *Enemy*, ft.17, p. 131

Similarly in Jay 1962: 386-90. Douglas Jay was a leading figure of the Revisionist Right.

²⁰ Jefferys (2004: 74) calls this journal the “unofficial mouthpiece” of the Revisionist Right.

²¹ September 1962, April 1963

about improving research facilities for backbench MPs.²² The objective of these reforms was to strengthen the scrutinising functions of the Commons. The July 1964 edition of the journal contained a supplement²³ on parliamentary reform, and in which some ideas were put forward for Lords reform. However, these ideas were made with a caveat that “there may be certain dangers”, because reforming the Lords’ composition would in turn increase their authority and therefore the Lords could “one day ... obstruct an elected Government on a crucial issue of policy.”²⁴ It is perhaps unsurprising that the supplement concluded that “no firm recommendation is made”²⁵ for Lords reform. Moreover, this supplement was twenty pages long in total, with only two pages being devoted to Lords reform. During an interview, Taverne told this author that the Revisionist Right MPs “were not very interested in the Lords, which we thought were largely an irrelevance.”²⁶ William (Bill) Rodgers, another Revisionist Right MP, told this author: “At one level, the Lords did no real harm. In the end, legislation in the Commons would win – and quite right too.” Summarising, at the time of the early 1960s, there was a marginal interest in parliamentary reform within the Revisionist Right – as per the temporal-paradigmatic thought on the Constitution (see chapter 4) – but this marginal interest was directed significantly more on the Commons than on the Lords. (There is nothing discernible in *The Conservative Enemy*, or in the secondary literature on Crosland, to suggest that he had changed his previous ideas on the power of the Government/Commons vis-à-vis the Lords.²⁷ Furthermore, there was again no explicit reference to the hereditary peers in *The Conservative Enemy*, even though Crosland again condemned the hereditary principle in several places therein.²⁸)

²² May 1963, September 1963

²³ ‘Three Dozen Parliamentary Reforms by One Dozen Parliamentary Socialists’

²⁴ Page xvi

²⁵ Page xx

²⁶ See also R. Hinden ‘Socialism by Half’, *Socialist Commentary*, March 1962

²⁷ See also Jay 1962: 386

²⁸ See the chapter ‘The Public Schools and English Education’ (Crosland, *Enemy*, ft.17, pp.167-82)

The standpoints of two leading figures of the Revisionist Right:
Roy Jenkins and Patrick Gordon-Walker

Jenkins wrote of being satisfied with the *status quo*, that is, with leaving unreformed the anachronistic composition of the Lords. He described his standpoint as:

distrustful of the existing archaicism [of the Lords] but interested above all in the supremacy of the Commons, [seeing] the relationship between the two Houses ... as the dominant issue.²⁹

It is highly likely that Jenkins maintained this standpoint at least until the 1966 Parliament.³⁰ Accordingly, there were no references to Lords reform in:

- *The Labour Case*, which was a short campaign book written by Jenkins for the 1959 General Election;³¹ or
- ‘The Next Five Years’, which was a statement made by Jenkins about the Labour Party’s goals in 1966.³²

Jenkins also remarked during the debates for the Peerage Bill in 1963:

I do not find it ... easy ... to see exactly what sort of second chamber ought to be constructed.³³

In his memoir, Jenkins describes his standpoint on Lords reform in the late 1940s: “no reform of composition ... but a concentration upon the restriction of powers”.³⁴

²⁹ R. Jenkins (1954) *Mr Balfour's Poodle*, London: Heinemann, pp.194-5

Jenkins argued against any compositional reform which was to “increase the prestige” of the Conservative-dominated chamber.

³⁰ B. Castle (1984) *The Castle Diaries 1964–1970*, London: Weidenfeld & Nicolson, pp.139-40, 293

³¹ R. Jenkins (1959) *The Labour Case*, Harmondsworth: Penguin Books

³² Contained in: R. Jenkins (1967) *Essays and Speeches*, London: Collins, pp.274-7

³³ Hansard, House of Commons debates, 19th June 1963, vol.679 col.508

Jenkins also questioned the “value” (i.e. role/functions) of a second chamber, and said only that it “may be of some limited value in certain circumstances”.

³⁴ R. Jenkins (1991) *A Life at the Centre*, London: Papermac, p.85

However, this was a short-term reaction to the Lords' obstruction to the Iron and Steel Bill (see chapter 2).

Gordon-Walker argued for removing the "power of the second chamber" and to "sweep away the hereditary [peers]". As such, he argued for a compositional reform which was to result in a wholly appointed House,³⁵ although this result was couched very much in negative terms e.g. he referred to the "marginal legislative usefulness" of the second chamber. Furthermore, Gordon-Walker's call for Lords reform was due in part to his fear that the Conservative Government was trying to

secure an effective Second Chamber ... This aim would be achieved if the composition of the Lords can be [reformed] without any diminution of their powers.³⁶

Indeed, Gordon-Walker was only calling for his reform once the issue of Lords reform was already on the political agenda, due to the Benn case.³⁷ Gordon-Walker was also to be a member of the Joint Select Committee whose recommendations would lead to the Peerage Bill. Subsequently, Gordon-Walker would return to a standpoint of satisfaction with the *status quo*:

One can only tolerate [the House of Lords] on the assumption that it does not abuse what powers it has, and never stands in the way of this elected Chamber.³⁸

Another notable source is R. Jenkins 'When Ll. G. called the Lords Mr. Balfour's Poodle', *Tribune*, 17th September 1948, p.9

³⁵ Gordon-Walker did not make the argument explicitly, but it is a reasonable assumption.

³⁶ P. Gordon-Walker 'The Future of the Lords', *The Guardian*, 26th May 1961, p.10

³⁷ Gordon-Walker's published diaries (1991) and his other relevant publications (1951, 1970) contain no calls for Lords reform.

³⁸ Hansard, ft.33, 19th June 1963, vol.679 col.470

See also Gordon Walker 1954: 128

This was the same standpoint as that of Roy Jenkins, and it re-affirms that Gordon-Walker's call for Lords reform was a short-term reaction to the Benn case.

In summary, Lords reform was not an ideological aim of either Roy Jenkins or Patrick Gordon-Walker, who were both leading figures of the Revisionist Right. On the contrary, there was a satisfaction with the *status quo* in which the Lords' anachronistic composition was protecting the supremacy of the democratically-elected Commons.

A sample of Revisionist Right MPs³⁹

In addition to Patrick Gordon-Walker, this author was able to source the following Revisionist Right MPs who made proposals for Lords reform in the 1955-1964 period:

- Cyril Bence⁴⁰
- Donald Chapman⁴¹
- Lady Megan Lloyd George⁴²
- Fred Mulley⁴³

Just like Gordon-Walker, these four MPs were calling for their proposals once the issue of Lords reform was already on the political agenda: Bence made his call during the Commons debates for the Peerage Bill (1963), while Chapman, Lloyd George, and Mulley made their calls during the Commons debates for the Life Peerages Bill

³⁹ The Revisionist Right faction was called the Campaign for Democratic Socialism, and a list of the Labour MPs who pledged support is found in: S. Haseler (1969) *The Gaitskellites: Revisionism in the British Labour Party 1951-64*, London: Macmillan, pp.217-8.

The categorisation of the listed Labour MPs as being 'on the Revisionist Right' is corroborated by other sources: B. Brivati (1990) Campaign for Democratic Socialism, *Contemporary Record*, 4/1; B. Brivati (1993) The Campaign for Democratic Socialism 1960-64, *Contemporary Record*, 7/2

⁴⁰ Hansard, House of Commons debates, 19th June 1963, vol.679 col.536

⁴¹ Ibid.: 13th February 1958, vol.582 col.637-639

⁴² Ibid.: 12th February 1958, vol. 582 col.452

⁴³ ft.41, col.662

(1957).⁴⁴ Lastly, there was a manifest lack of consensus among these reform proposals – see appendix 3.

The Labour Left

Throughout the 1950s, the Labour Left did not develop a programme broader than that of the “embryonic strategy” adopted by the Keep Left group.⁴⁵ The *Keep Left* (1947) and *Keeping Left* (1950) pamphlets contained a total of only three brief sections which discussed the constitution or parliamentary institutions,⁴⁶ while no specific proposals for parliamentary reform were made in either pamphlet. Beech & Hickson note that Richard Crossman was the “leading [intellectual] exponent” of the Labour Left – although he was “a centrist at least from the mid-1950s onwards”⁴⁷ – and indeed Crossman was a co-author of those two pamphlets. Nye Bevan, the figurehead of this ideological position, argued for improving the secretarial and office facilities in the Commons, but he argued more broadly that “our present political institutions are adequate for all our purposes”.⁴⁸ (Bevan would remain the figurehead until 1957.) To be sure, this ideological position was predominantly focussed on the redress of issues within the social, economic, and foreign/defence realms – Warde criticises the Labour Left for its “very narrow ... critique of the existing [state] institutions”.⁴⁹ In terms of the House of Lords, it was not referenced at all in either the *Keep Left* or *Keeping Left* pamphlets.⁵⁰

⁴⁴ A sample of five MPs is too small to make any firm conclusions about the Revisionist Right as a whole.

⁴⁵ N. Ellison (1994) *Egalitarian Thought and Labour Politics: Retreating Visions*, London: Routledge, pp.59, 68. See also Warde 1982: 82, 84-5

⁴⁶ In the former pamphlet, there was a section proposing to “integrate the planning machine into the executive machine” and a section discussing democracy (pp.16-17). In the latter pamphlet, there was a section decrying the loss of power from the Commons to the Cabinet (p.42).

⁴⁷ M. Beech & K. Hickson (2007) *Labour's Thinkers: the Intellectual Roots of Labour from Tawney to Gordon Brown*, London: Tauris Academic Studies, pp.8-9, 131-2

⁴⁸ A. Bevan (1952) *In Place of Fear*, London: Heinemann, pp.5-7, 9-11, 102

⁴⁹ A. Warde (1982) *Consensus and Beyond: the Development of Labour Party strategy since the Second World War*, Manchester: Manchester University Press, pp.89-90

⁵⁰ There are also only very brief references in: Thomas, *Tribune* 21, pp.10, 177

Moreover, Bevan argued that sufficient power was vested in the democratically-elected chamber, the House of Commons, for the implementation of his ideology:

The British constitution, with its adult suffrage, exposes all rights and privileges, properties and powers, to the popular will⁵¹ [channelled via the Commons]. The only checks are those that arise from a sense of justice and social propriety.⁵²

As such, the capacity of the Lords for impeding the Government/Commons, e.g. by way of the one-year delaying power, was not considered by Bevan as an issue in need of redress. Furthermore, Bevan provides elaborate criticism in relation to the composition of the Lords, e.g. it was a manifestation of privilege,⁵³ although he did not make any proposals for its reform.⁵⁴ In 1958, Bevan made a speech on the Life Peerages Bill in which he re-iterated many of these ideas.⁵⁵ Overall, Lords reform was not one of Bevan's ideological aims, because he was prepared instead to leave the Lords unreformed and thereby "irrational" (or anachronistic). In 1948, during a Cabinet discussion on Lords reform, Bevan asked: "Why [should] we grasp this nettle? What have we to gain?"⁵⁶

During the 1959-64 period, the ideas and policy initiatives of the Labour Left were expressed in the pamphlets of the *Victory for Socialism* group and in the weekly-published *Tribune* journal. There were no proposals for parliamentary reform in the

⁵¹ Bevan devised a formulation involving the forces of private property, poverty, and democracy: poverty was to use the power of democracy (in the Commons) to attack private property. He also argued that the Marxist school had underestimated the power of a "political democracy", under a universal franchise, to bring about interventions in the socio-economic realms (Bevan, *Fear*, ft.48, pp.2-3, 11, 19, 21-2).

⁵² Bevan, *Fear*, ft.48, p.100

⁵³ This was an idea shared with Crosland (Crosland, *Future*, ft.10, p.217)

⁵⁴ Bevan, *Fear*, ft.48, pp.99-101

⁵⁵ Hansard, House of Commons debates, 13th February 1958, vol.582 col.683-694

⁵⁶ The Cabinet Secretaries' Notebooks, CAB 195/6,
<http://www.nationalarchives.gov.uk/releases/2006/july/hol.htm>

former source,⁵⁷ while there were only ten dedicated articles which called for parliamentary reform in the latter source (over the period of October 1959 to October 1964). Four out of those ten *Tribune* articles had wanted to strengthen the scrutinising functions of the Commons⁵⁸ and a fifth article discussed the Commons in terms of its “ossification”.⁵⁹ A couple of the Labour Left’s leading figures, Barbara Castle⁶⁰ and Michael Foot,⁶¹ also wrote (not in the *Tribune* journal) about the supposed malfunctions of the Commons.⁶² However, there were no references to the Lords in either of the publications by Castle and Foot. Furthermore, the five *Tribune* articles which called for Lords reform⁶³ were written mostly in reaction to the Benn case.⁶⁴ Subsequent to the enactment of the Peerage Act (on 31st July 1963), which resolved the Benn case, the *Tribune* journal did not carry any articles which called for Lords reform in the period prior to October 1964. Therefore, the issue of Lords reform was no longer on the agenda of the Labour Left, just like in the pre-1959 period, and the capacity/powers and composition of the Lords were not considered to be issues in need of immediate redress. Stanley (Stan) Newens, a Labour Left MP, told this author:

We were concerned ... with the issues which directly affected ordinary people ... [e.g.] the economic outlook, pensions, living standards and also foreign policy [which] loomed larger in the eyes of many people on the Left than reform of the House of Lords.

⁵⁷ The author was able to locate and access the following *VFS* pamphlets: *Tho’ Cowards Flinch* (1956), *Industry your Servant* (1958), *The Red Sixties* (1959), *Let Labour Lead* (1960). The *VFS* manifesto was published in *Tribune* 13th November 1959 pp.5-6

⁵⁸ *Tribune*: 3rd November 1961 p.5, 8th December 1961 p.6, 29th March 1963 p.7, 10th July 1964 p.5

⁵⁹ *Tribune*: 13th November 1959 p.8

⁶⁰ ‘Nationalising Parliament’, *New Statesman*, 27th February 1960, pp.278-9

⁶¹ M. Foot (1959) *Parliament in Danger!*, London: Pall Mall

⁶² Bevan was interested in parliamentary reform at this juncture (Foot 1962: 623), although he was no longer the figurehead of the Labour Left.

⁶³ *Tribune*: 2nd December 1960 p.4, 5th May 1961 p.4, 7th September 1962 p.4 (this article was not written in response to the Benn case), 21st December 1962 p.12, 7th June 1963 p.5

⁶⁴ Nonetheless, the scope of all the proposed reforms was significantly wider than a remedy for the Benn case.

The one *Tribune* article which called for Lords reform but was not written explicitly in reaction to the Benn case had argued:

If only we'd modernise the procedure of the House of Commons ... we could easily manage without this anachronistic Second Chamber [i.e. the Lords].⁶⁵

(This article was still written contemporaneously with the Benn case.) Summarising, at the time of the early 1960s, there was a very marginal interest in parliamentary reform within the Labour Left – as per the temporal-paradigmatic thought on the Constitution (see chapter 4) – but this very marginal interest was directed significantly more on the Commons than on the Lords. In the *Tribune* journal, the only call for Lords reform which was not made explicitly in reaction to the Benn case was still made at least partially conditional on Commons reform.

The standpoints of two leading figures of the Labour Left: Michael Foot and Emrys Hughes

N.B. Hughes was not a *leading* figure but rather was a *longstanding* figure of this ideological position.⁶⁶

In 1963, Foot argued that

if we are to deal with the House of Lords at all we must have a radical reform ... abolition of the House of Lords.⁶⁷

However, Foot contemporaneously wrote a pamphlet, *Parliament in Danger* (1959), and an article, 'Democracy's Self-Imposed Chains',⁶⁸ in which he made no reference at all to Lords reform. It should be noted that Foot's aforementioned argument to abolish

⁶⁵ *Tribune*: 7th September 1962 p.4 – this article was authored by Ian Mikardo, one of the leading figures of the Labour Left.

⁶⁶ For example: J. Schmeer (1988) *Labour's Conscience: the Labour Left 1945-51*, Boston, Mass: Unwin Hyman

⁶⁷ Hansard, House of Commons debates, 28th March 1963, vol.674 cols.1596, 1599

⁶⁸ *Tribune*, 29th March 1963, p.7

the Lords (and for unicameralism) was made during a Commons debate on the Benn case. Therefore, the presumption is that if the Benn case was resolved then Foot would no longer be calling for Lords reform. Indeed, during a later interview,⁶⁹ Foot was asked if he thought any reforms were needed “in the parliamentary democracy we have in Britain?” Foot’s answer made no reference at all to Lords reform. Foot said earlier in the interview:

I think parliament [i.e. the Commons] can be used extremely effectively for socialist purposes ... I think it’s the determination of ... the Labour Party itself to take over other institutions and bring them under the control of the elected parliament that is lacking.

During another Commons debate, Foot said that the presently irrational/anachronistic composition of the Lords was overwhelmingly preferable to a reform which was confined only to removing the hereditary peers, because “although [the second chamber’s] powers might not be formally increased they [would] be increased in fact”.⁷⁰

Hughes wrote a book calling for parliamentary reform, entitled *Parliament and Mumbo-Jumbo* (1966), in which he argues:

the Labour Party should take the precaution of asking the country for a mandate to end [the House of Lords] altogether the moment it blocks the way to necessary and urgent change.⁷¹

In other words, there would need to be a clash between the Houses, caused by the Lords obstructing the Labour Government’s legislation, before the Lords would be reformed

⁶⁹ ‘Credo of the Labour Left’ – interview in *New Left Review* (1968) vol.49, pp.28-9

⁷⁰ Hansard, ft.67, 28th March 1962, vol.656 col.1439-1440 (see also col.1438)

⁷¹ E. Hughes (1966) *Parliament and Mumbo-Jumbo*, London: Allen & Unwin, p.48

(in this case, abolished).⁷² This was a reactive approach to Lords reform, and as such the *status quo* would be retained if there was no such obstruction. It is almost certain that Hughes was arguing for unicameralism e.g. he argues against an appointed upper house on the grounds that life peers are “not elected and responsible to nobody. The Prime Minister nominates them and it is patronage”.⁷³ (The latter argument against an appointed upper house was also invoked by Michael Foot.⁷⁴)

In summary, Lords reform was not an ideological aim of either Michael Foot, a leading figure of the Labour Left, or Emrys Hughes, a long-standing figure of the Labour Left. The latter wrote a book calling for parliamentary reform and even here the argument was that Lords reform should be undertaken in reaction to, or be conditional on, an obstruction by the Lords to the Labour Government’s legislation.

A sample of Labour Left MPs⁷⁵

In addition to Michael Foot, this author was able to source the following Labour Left MPs who made proposals for Lords reform in the 1955-1964 period:

- Frank Bowles⁷⁶
- Emrys Hughes⁷⁷
- Jennie Lee⁷⁸
- Ian Mikardo⁷⁹

⁷² During the 1966-70 Parliament, the Lords rejected the Southern Rhodesia Order (United Nations Sanctions) 1968 and Hughes duly voted in support of a Ten Minute Rule Bill “to abolish the House of Lords” (Hansard, ft.67, 26th June 1968, vol.767 col.466-78).

⁷³ Hughes, *Mumbo-Jumbo*, ft.71, pp.41-2

⁷⁴ For example: Hansard, ft.67, 28th March 1963, vol.674 col.1597-8

⁷⁵ The following sources were used for categorising Labour MPs as being ‘on the Labour Left’: H. Berrington (1961) *Backbench opinion in the House of Commons 1955-59*, Oxford: Pergamon Press; p.58; *Tribune*, 24th March 1961, p.2 (as suggested by Rose 1969: 154), and the appendix of M. Jenkins (1979) *Bevanism: Labour's high tide*, Nottingham: Spokesman

⁷⁶ Hansard, House of Commons debates, 12th February 1958, vol.582 col.449

⁷⁷ *Ibid.*, 2nd April 1958, vol.585 col.1271; *Ibid.*, 28th March 1963, vol.674 cols.1633

⁷⁸ *Ibid.*, 13th February 1958, vol.582 col.614; see also *Ibid.*, 2nd April 1958, vol.585 col.1256

Just like Foot, these four MPs were calling for their proposals once the issue of Lords reform was already on the political agenda (see the point made – above – about the sample of Revisionist Right MPs). With the inclusion of Foot, these five Labour Left MPs were unanimously calling for the abolition of the House of Lords (and almost certainly for unicameralism) – see appendix 3. Nonetheless, a sample size of five is too small for ascribing a particular reform proposal to the Labour Left as a whole.

The Centre⁸⁰

Beech & Hickson suggest that Richard Crossman was a centrist thinker “at least from the mid-1950s onwards”, while Thompson suggests that the post-war John Strachey “might, conceivably, be categorised as a centrist” thinker.⁸¹ However, the political thought of Crossman and Strachey did not represent the ideology of the Labour Party’s Centre.⁸² Moreover, there was no journal (or other type of publication) associated with the Centre. Therefore, the approach adopted in the preceding sections of this chapter cannot be adopted with respect to the Centre. Furthermore, the current body of academic research does not contain a systematic method for locating the individual Labour MPs (from the 1959-64 Parliament) on the Left-Centre-Right (linear) ideological spectrum.⁸³ One final point ought to be made which is that the centre-of-gravity within the PLP, or in other words the majority of the Labour MPs, clearly tended to the ideological Right at this time.⁸⁴

⁷⁹ ft.65, *Tribune*

⁸⁰ The author is indebted to Dr. Kevin Hickson for his assistance with this section.

⁸¹ Beech & Hickson, *Labour’s Thinkers*, ft.47, pp.131-2; N. Thompson (2004) ‘The Centre’ in R. Plant et al. (eds.) *The Struggle for Labour’s Soul: Understanding Labour’s Political Thought since 1945*, London: Routledge, p.47

⁸² Comment in Beech & Hickson, *Labour’s Thinkers*, ft.47, p.287

⁸³ Barnett (1968) has conducted some research. Fred Willey calls himself a “middle-of-the-road” Labour MP (Willey 1974: 165).

⁸⁴ S. Haseler (1980) *The Tragedy of Labour*, Oxford: Blackwell, p.108; S. Meredith (2012) A Catalyst for Secession? European Divisions on the Parliamentary Right of the Labour Party 1962–72 and the Schism of British Social Democracy, *Historical Research*, 85/228. Comment in Haines 2004: 257

The Labour Party's Centre is discussed by Desai:

in the absence of a theoretical guide with a greater elaboration and broader scope than the impulses of trade unionist economism, the wider purposes for which governmental power is to be gained tend to remain vague, and at worst, null.⁸⁵

The former aspect of this excerpt – ‘impulses of trade unionist economism’ – refers to the idea of Drucker who argues that there existed an ethos within the Labour Party, as distinct from the Party's ideology.⁸⁶ This ethos, or “set of unarticulated values”,⁸⁷ arises from the institutional links between the Labour Party and the trade unions, and it implies an attachment to advancing the interests of the working class e.g. tackling unemployment, poverty, ill-health, and insecurity. Beech & Hickson compare it to what Saville has termed as Labourism (see below), and it is sufficient for our purposes to highlight that Labourism implies a conservative standpoint on the Constitution.⁸⁸ The latter aspect of the excerpt by Desai would explain why the Centre has variously been described as “apolitical”,⁸⁹ “amorphous”,⁹⁰ and “pragmatic”.⁹¹ To elaborate, the Centre has no “clear ideological perspective”⁹² which can be expressed in the form of a series of policy proposals, such as that of the Labour Left or Revisionist Right. Seyd notes that the Labour MPs on the “Centre [decide] each issue on its merits rather than on

⁸⁵ R. Desai (1994) *Intellectuals and Socialism: 'Social Democrats' and the British Labour Party*, London: Lawrence & Wishart, p.103

⁸⁶ H.M. Drucker (1979) *Doctrine and Ethos in the Labour Party*, London: Allen & Unwin; H.M. Drucker (1991) ‘The Influence of the Trade Unions on the Ethos of the Labour Party’ in B. Pimlott & C. Cook (eds.) *Trade Unions in British politics: The First 250 Years*, London: Longmans

⁸⁷ Hickson, Beech, & Plant, ‘Introduction’, ft.1, p.1. See also Garnett 2018: 35-6

⁸⁸ Beech & Hickson, *Labour's Thinkers*, ft.47, p.287; J. Saville (1973) ‘The Ideology of Labourism’ in R. Benewick et al. (eds.) *Knowledge and Belief in Politics: The Problem of Ideology*, London: George Allen & Unwin, p.215; J. Saville (1988) *The Labour movement in Britain*, London: Faber, p.14

See also McKibbin 1990: 17 and Miles 2017: 70

⁸⁹ J. Mackintosh (1972b) The Problems of the Labour Party, *The Political Quarterly*, 43/1, pp.2-3

⁹⁰ A. King (1974) *British Members of Parliament: A Self-portrait*, London: Macmillan, p.42

⁹¹ Desai, *Intellectuals*, ft.85, p.9

⁹² K. Hickson (2004) ‘Equality’ in R. Plant et al. (eds.) *The Struggle for Labour's Soul: Understanding Labour's Political Thought since 1945*, London: Routledge, p.120

ideological commitment”.⁹³ The Labour MP George Strauss notes that the Centrist Labour MPs “can normally be relied upon to support the policies of their leaders”.⁹⁴ Rose notes that the inclination “may result from an active concern with only the gross differences between electoral parties.”⁹⁵ With this overall perspective, the Centre of the Labour Party was patently not calling for Lords reform.

Taking another perspective on the Centre, Thompson provides the following definition:

In ideological terms, the Centre represents that matrix of values, aspirations, analysis [sic] and prescriptions to which, at any point in time, a critical mass of the Party gravitates.⁹⁶

According to Thompson the Labour Party’s manifesto is “representative of Centre opinion” when the Party is united,⁹⁷ and indeed the Party was united under the leadership of Harold Wilson.⁹⁸ In such a case, the “manifesto emerges in some measure from the crucible of the struggle of disparate viewpoints and power blocs within the Party”, and indeed the 1964 manifesto was drawn-up more or less in that manner.⁹⁹ Since Lords reform was not an aim of the Labour Party’s identifiable ideological positions,¹⁰⁰ it may be deduced that Lords reform was most unlikely to be within the ‘matrix of values, aspirations, analyses and prescriptions’ (from the definition provided

⁹³ Seyd, *Labour Left*, ft.3, p.22

⁹⁴ G. Strauss (1972) ‘The Influence of the Backbencher: a Labour view’ D. Leonard & V. Herman (eds.) *The Backbencher and Parliament*, London: Macmillan, p.218. See also Stewart 1974: 65

⁹⁵ R. Rose (1964) Parties, Factions and Tendencies in Britain, *Political Studies*, 12/1, p.38 – this academic publication does not use the term ‘Centre’ but rather the term ‘non-aligned’.

See also Beech, Hickson, & Plant 2018: 2

⁹⁶ Thompson, ‘The Centre’, ft.81, p.48

⁹⁷ Ibid.: pp.49, 51. See also Rose, Parties, Factions and Tendencies, ft.95, p.38

⁹⁸ V. Bogdanor (1970) ‘The Labour Party in Opposition 1951-1964’ in V. Bogdanor & R. Skidelsky (eds.) *The Age of Affluence 1951-1964*, London: Macmillan, p.105. See also Jefferys 2006: 16

⁹⁹ T. Jones (1996) *Remaking the Labour Party: from Gaitskell to Blair*, London: Routledge, p.79

See also Pimlott 1980: 176

¹⁰⁰ Revisionist Right, Labour Left, and Technocratic Collectivism (the last is discussed in chapter 4.) Bale (1997a: 36) also discusses what he calls the “soft left” (see also Bale 1997b: 168; 1999: 163).

by Thompson) which comprised the Labour Party's Centre.¹⁰¹ It follows that the 1964 manifesto did not contain a pledge for Lords reform. Rather, the 1964 manifesto was divided into three main sections – 1) A Modern Economy, 2) Modern Social Services, 3) A New Role For Britain¹⁰² – which reflects that the Labour Party's predominant foci were on issues within the economic, social, and foreign/defence realms.

Fabianism

The distinction between the Fabian Society and Fabianism is crucial. The former was one of the Labour Party's founding organisations and was (still is) a type of non-doctrinal “think-tank, carrying out policy-oriented research”.¹⁰³ Contrarily, Fabianism is a philosophy in itself, derived from the work of prominent Fabians in the late 19th Century e.g. Beatrice and Sydney Webb. In 1952, Clement Attlee (the Labour Party's leader) wrote that the “British Labour and Socialist Movement has to a large extent lived on the thinking of the Fabian Essayists¹⁰⁴ [i.e. Fabianism]”.¹⁰⁵ For this thesis, the pertinent matter is Fabianism.

The initial point to make is that the Fabian tradition did not have a ‘theory of the state’ associated with it.¹⁰⁶ The early Fabians were atheoretical and empirical,¹⁰⁷ and this “pragmatic bent extended to thinking about the state”.¹⁰⁸ The state machine was to be captured (see below) and then utilised, it was not to be fundamentally reformed or

¹⁰¹ The Labour Party's ideological spectrum was also somewhat narrow e.g. Barker (1978: 186) notes that the “tradition of socialism represented by Bevan shared many elements with the ... reformism of Crosland.” See also Pimlott 1980: 185

¹⁰² F. Craig (ed.) (1975) *British General Election Manifestos 1900-1974*, London: Macmillan, pp.255-272

¹⁰³ R. Leach (2002) *Political ideology in Britain*, Basingstoke: Palgrave, p.83

Milburn (1958: 339) notes that the Society was “unable to influence significantly, from day-to-day, Labour party policy or program pronouncements”.

¹⁰⁴ This was in reference to the book entitled *Fabian Essays* (1889).

¹⁰⁵ C. Attlee (1952) ‘Preface’ in R. Crossman (ed.) *New Fabian Essays*, London: Turnstile Press, p.ix See also Howell 1980: 27; Nairn 1964: 49

¹⁰⁶ A. McBriar, (1962) *Fabian socialism and English politics 1884-1918*, Cambridge: Cambridge University Press, pp.72-3, 79

¹⁰⁷ R. Crossman (ed.) (1952) *New Fabian Essays*, London: Turnstile Press, pp.4-5

¹⁰⁸ B. Jones & M. Keating (1985) *Labour and the British State*, Oxford: Clarendon Press, pp.30-1

overthrown.¹⁰⁹ British parliamentary government – and “legislative reform”¹¹⁰ – was the route to be taken:

In ... accepting the Fabian belief ..., the Labour Party considers it can deliver Socialism on behalf of the working class through the Westminster system.¹¹¹

This Fabian approach was based on a “very strong, centralised democratic state”,¹¹² and concomitantly, Sydney Webb argues that the democratically-elected “House of Commons must be and remain the supreme legislature [sic].”¹¹³ Moreover, the Fabian tradition adhered to the existing mode of governance in the British Political Tradition: elite, top-down government which translated into using the strong executive, with its dominance over the legislature, to pilot a programme through parliament.¹¹⁴ The overall constitutional conservatism of Fabianism does seemingly accord with how Wright describes the goal of Fabianism: the achievement of a “social and economic democracy”.¹¹⁵ For example, the (democratic) state should be increasing its regulation of factories and its ownership of economic resources, in order to increase equality and welfare provision for the working class.¹¹⁶ Turning to the 1951-64 period, the Attlee Government had just demonstrated that the existing Constitution, along with the House of Lords, could be used to implement the programme of a democratically-elected

¹⁰⁹ The Fabian approach rejected the alternatives of Marxism, Syndicalism, or Guild Socialism.

¹¹⁰ W.H. Greenleaf (1983) *The British political tradition Volume II: The Ideological Heritage*, London: Methuen, p.379

¹¹¹ J. Miles (2017) *The Labour Party and the Westminster electoral system*, D.Phil. thesis, University of Liverpool, p.62

¹¹² M. Beech (2012) A social democratic narrative of British democracy, *Policy Studies*, 33/2, pp.136-7

¹¹³ S. Webb (1917) *The Reform of the House of Lords* (Fabian Tract 183), London: Fabian Society, p.14

¹¹⁴ P. Diamond et al. (2015) Labouring in the Shadow of the British Political Tradition: The Dilemma of ‘One Nation’ Politics in an Age of Disunification, *The Political Quarterly*, 86/1, p.54; A. McManamon (2012) *The House of Lords and the British Political Tradition*, D.Phil. thesis, University of Birmingham, p.374

¹¹⁵ A. Wright (1990) British Socialists and the Constitution, *Parliamentary Affairs*, 43/3, p.324

¹¹⁶ “In conjunction with Keynesian political economy, it constituted the dominant social democratic approach to the role of the state” (Miles 2018: 156).

Labour Government. Only an incremental (and reactive) measure of Lords reform was required: the Parliament Act 1949 (see chapter 2). Indeed, Evans notes that Fabianism would have encouraged the removal of impediments to the exercise of executive power.¹¹⁷ Additionally, Attlee wrote:

It had always been our practice, in accord with the natural genius of the British people, to work empirically.¹¹⁸

The constitutional conservatism of Fabianism was based on two ideas. Firstly, the inevitability of gradualness: a socialist society was bound to come about in Britain – gradually and organically – due to the natural laws of history.¹¹⁹ Therefore, the Fabian view was simply that a “well-devised extension” of this historical process was all that was required.¹²⁰ Secondly, the neutrality of the state. This was opposed to the Marxist conception of the state in which the state institutions were considered as instruments of class oppression. One of the first Fabian Tracts declared:

Remember that Parliament ... has always governed in the interests of the class to which the majority of its members [in the Commons] belonged ...
And it will govern in the interests of the people when the majority is [elected] from the wage-earning class.¹²¹

Succinctly, the attainment of a socialist majority in the Commons was the goal of Fabianism in capturing control of the state apparatus. (It is worthwhile noting that Tony

¹¹⁷ M. Evans (2003) *Constitution-making and the Labour Party*, Basingstoke: Palgrave Macmillan, pp.19-20. The other (incremental) constitutional reform which can be associated with Fabianism was Civil Service reform (Dahl 1947: 877-8, Dorey 2008a: 350-1).

¹¹⁸ C. Attlee (1954) *As It Happened*, London: Heinemann, p.163

¹¹⁹ G. Foote (1986) *The Labour Party's political thought: a history*, London: Croom Helm, pp.28-9; J. Harris (2000) 'Labour's Political and Social Thought' in D. Tanner et al. (eds.) *Labour's First Century*, Cambridge: Cambridge University Press, pp.11-12

One of the founders of Fabianism discusses (poetically) the “extent to which our unconscious socialism has already proceeded” (Webb 1889: 82).

¹²⁰ Greenleaf, *British political tradition*, ft.110, p.379

¹²¹ B. Shaw (1890) *What Socialism Is* (Fabian Tract 13), London: Fabian Society, p.3

Benn (1957) wrote a Fabian Tract on Lords reform, but his reform proposal was not in any sense indicative of a Fabian standpoint on Lords reform¹²²).

Labourism

As discussed in the Centre section of this chapter, Labourism is considered as characterising the Labour Party's ethos: "attempting to secure the interests of the working class via the trade unions".¹²³ While this ethos arises from the institutional links between the Labour Party and the trade unions, Minkin notes that the trade union leaders had made no direct attempts to control the Labour Party even though they had all the levers of power at their disposal.¹²⁴

The goal of the trade unions was to promote the interests of the working class e.g. the achievement of higher wages, shorter hours, and improved conditions.¹²⁵ These were to be achieved through free collective bargaining with employers, backed by sanctions and including ultimately the withdrawal of labour. As such, the trade unions' methods and goals would imply an accommodation with the existing order, both political and economic, rather than its fundamental transformation. Indeed, the trade unions were "moderate, reformist, and gradualist", and were unenthusiastic about "elaborate socialist doctrines".¹²⁶ In turn, this was underpinned by an "anti-intellectualism and pragmatic empiricism".¹²⁷ The pertinent point to make is that the trade unions did not give much

¹²² Comment in Judge 1993: 50

¹²³ Beech & Hickson, *Labour's Thinkers*, ft.47, p.287

¹²⁴ L. Minkin (1991) *The Contentious Alliance: Trade Unions and the Labour Party*, Edinburgh: Edinburgh University Press, pp.xiii, 629

See also Richter 1973: 17. During the 1950-60s, the trade unions provided between 50% and 55% of the Labour Party's total income (Harrison 1960: 99-100), they commanded the overwhelming majority of votes at the Party's annual conference, and they elected two-thirds of the members to the National Executive Committee (Crouch 1982: 176).

¹²⁵ F. Bealey (1970) *The social and political thought of the British Labour Party*, London: Weidenfeld & Nicolson, p.6

¹²⁶ Leach, *Political ideology*, ft.103, p.79; M. Freedon (1996) *Ideologies and political theory: a conceptual approach*, Oxford: Clarendon Press, pp.452-3

¹²⁷ P. Dorey (2008a) *The Labour Party and Constitutional Reform: A History of Constitutional Conservatism*, Basingstoke: Palgrave Macmillan, pp.354-5

thought to, and certainly did not challenge, the British Constitution as it stood.¹²⁸

Furthermore, throughout most of the 19th Century, the trade unions did not even seek specific parliamentary representation.

However, towards the end of the 19th Century, a number of trade unions joined with a few socialist societies, the latter “pitifully weak”,¹²⁹ in order to establish the Labour Representation Committee (LRC) in 1900. One of the main reasons for this was a series of court cases which went against the trade unions, culminating with the Taff Vale judgment of 1901. Duly, Hodgson notes that the LRC was setup as a “defensive act ... not to transform society.”¹³⁰ The LRC was founded with the following objectives: 1) electing the representatives of organised labour to the House of Commons, and 2) cooperating “with any party which ... may be engaged in promoting legislation in the direct interest of labour.”¹³¹ With the transformation of the LRC into the Labour Party in 1906, the new Party inherited the same (limited¹³²) objectives. Judge concludes that the incipient Labour Party had a recognisably labourist and electoralist/parliamentarist (rather than extra-parliamentarist or revolutionary) character from the very outset: the causes of the working class would be pursued through the parliamentary route and the “existing state structures”.¹³³ Duly, the 1906 Labour Party manifesto¹³⁴ – comprising approximately 250 words – decried that, for example:

¹²⁸ Even during the General Strike in 1926, the non-revolutionary character of both wings of the labour movement was clearly demonstrated (Leach, *Political ideology*, ft.103, p.79). See also Judge 1993: 101

¹²⁹ D. Coates (1975) *The Labour Party and the Struggle for Socialism*, Cambridge: Cambridge University Press, p.9

¹³⁰ G. Hodgson (1981) *Labour at the crossroads: the political and economic challenge to the Labour Party in the 1980s*, Oxford: Martin Robertson, p.14

¹³¹ Quoted in C. Brand (1965) *The British Labour Party: a short history*, Stanford, Calif.: Stanford University Press, p.11

The 1900 LRC manifesto did not contain any calls for *structural* reforms to the state institutions, but only called for reforms such as “adult suffrage” and “shorter parliaments” – I. Dale (ed.) (2000) *Labour Party general election manifestos 1900-1997*, London: Routledge, p.9

¹³² Harris, ‘Political and Social Thought’, ft.119, p.9; Jones & Keating, *British State*, ft.108, p.29

¹³³ D. Judge (1993) *The Parliamentary State*, London: Sage, pp.87-8

¹³⁴ Dale, *Manifestos 1900-1997*, ft.131, pp.10-11

The slums remain; overcrowding continues, whilst the land goes to waste.

There was, moreover, no reference to any constitutional reforms therein. As to the subsequent development of the Labour Party's ideology, according to Foote the radical socialist ideology which has been formally adopted since 1918 has been generally interpreted in a "gradualist manner". (Described by Marquand in stronger terms as a "cautious, even conservative" manner.¹³⁵) This was partly because the chance for new ideas to succeed in the Labour Party was based on an ability to fit into the Party's "labourist framework", and labourism was much more compatible with "gradual and piecemeal" ideas.¹³⁶ As such, the Labour Party was to protect the working class from "unemployment, insecurity, sickness, and poverty" through a range of "amelioratory measures", but not through "overthrowing the system".¹³⁷ Overall, labourism had a clear conservative influence in regard to the Labour Party's standpoint on the Constitution.

Annual Conference¹³⁸

During the Annual Conferences for the years 1956-63, the only resolutions moved for Lords reform were by the constituency parties (hereafter, the 'CLPs'). However, as part of a clear academic consensus, McKenzie notes that the "constituency section of the Labour Party is almost powerless [at the Annual Conference] in the face of the alliance between parliamentarians and trade union leaders", at least during this historical period.¹³⁹ As such, it may be asked why it is worthwhile to assess the CLPs'

¹³⁵ D. Marquand (1991b) *The progressive dilemma*, London: Heinemann, pp.21-2

¹³⁶ Foote, *Political thought*, ft.119, pp.6-7, 12, 15

The disaffiliation of the Independent Labour Party in 1932 is a case-in-point.

See also Beech, Hickson, & Plant 2018: 2 and Garnett 2018: 37

¹³⁷ E. Shaw (2004) 'Labourism: Myths and Realities' in R. Plant et al. (eds.) *The Struggle for Labour's Soul: Understanding Labour's Political Thought since 1945*, London: Routledge, p.188

¹³⁸ The seminal text on the Labour Party's Annual Conference is Minkin (1978).

¹³⁹ R. McKenzie (1963) *British Political Parties: the Distribution of Power within the Conservative and Labour Parties*, London: Heinemann, pp.505-6

standpoint(s) on Lords reform? To answer, this standpoint was a consideration for some Cabinet Ministers in the Labour Government 1964-70 e.g. Barbara Castle argued in support of removing the Lords' powers because the Labour Movement "needed a pinch of radicalism occasionally to leaven [the Government's] mass of pragmatism".¹⁴⁰

Nevertheless, this section will be shorter than the other sections in this chapter.

At the Annual Conferences for the years 1956-1960 and 1962-3, the constituency section had moved a total of nine resolutions which called for Lords reform, or more specifically which called for abolishing the Lords.¹⁴¹

See also – Epstein 1962: 167, Janosik 1968: 2, Minkin 1978: 316-8, Whiteley 1982: 120

Interesting discussion in Brand 1992: 39

¹⁴⁰ Castle, *Diaries 1964–1970*, ft.30, p.140

See also Lee 1980: 235, Lamport 2005: 25, and:

- C 87(66), Reform of the House Of Lords: Memorandum by The Lord Chancellor and The Lord Privy Seal, 24th June 1966, p.2
- PREM 13/1686, Meeting between the Prime Minister and senior Ministers, 14th September 1967, p.2

¹⁴¹ See the publication titled 'Resolutions for the Annual Conference of the Labour Party' for each year.

Table 3.1 Number of CLP resolutions moved for Lords reform at the Annual Conference

Year of the Annual Conference	Number of CLP resolutions moved
1956	4
1957	1
1958	4
1959	0
1960	0
1961	No figure available, but resolutions were moved (see below)
1962	0
1963	0

There is something of an inexplicable pattern in Table 3.1, since there is no discernible reason as to why *four* resolutions were moved in 1956 yet a total of *zero* resolutions were moved in the years 1959-60 and 1962-3. To elaborate, the 1956 resolutions had not expressly highlighted any event(s) which caused these calls for Lords reform.

Minkin might provide the reason as he notes that the “constituency party [resolutions]

were to a high degree spontaneous and relatively unpredictable”.¹⁴² On the other hand, two out of the four resolutions moved in 1958 were in reaction to the passage of the Life Peerages Act, as one of resolutions read: “This Conference views with alarm the Tory manoeuvres designed to justify the continued life of the House of Lords.” In any case, none of the resolutions moved for Lords reform in the years 1956-8 were selected for debate at the Conference.¹⁴³

At the 1961 Annual Conference, there was a debate on the following two resolutions moved by the constituency section:

- (1) for abolishing the Lords outright (this resolution was moved explicitly in reaction to the Benn case);
- (2) for abolishing the “House of Lords as an hereditary chamber”.

During the debate, neither resolution was opposed by a speaker from the floor of the Conference. However, resolution (1) was defeated and resolution (2) was remitted, with both decisions duly abiding by the recommendation of Anthony Greenwood, who was a Labour MP and member of the NEC¹⁴⁴ (this might serve to confirm the above argument of McKenzie¹⁴⁵).

Overall, during the years 1956-1960 and 1962-3, the total number of CLP resolutions moved for Lords reform was dwarfed by the number moved for several other issues e.g. welfare provision or nuclear disarmament.¹⁴⁶ The conclusion to draw is that the CLPs,

¹⁴² L. Minkin (1978) *The Labour Party Conference: A Study in the Politics on Intra-party Democracy*, Manchester: Manchester University Press, p.44

¹⁴³ See the publication titled ‘Report of the Annual Conference of the Labour Party’ for each year; F. Craig (ed.) (1982) *Conservative & Labour Party Conference Decisions 1945-1981*, Chichester: Parliamentary Research Services

¹⁴⁴ Labour Party (1961b) *Report of the Annual Conference of the Labour Party 1961*, London: Labour Party, pp.156-160

¹⁴⁵ At this time, voting at the Annual Conference was dominated by the trade unions, who acted as the “Praetorian guard” of the parliamentary party (McKenzie, *British Political Parties*, ft.139, p.597).

¹⁴⁶ See also Rose 1962: 367

on the whole, did not consider Lords reform as an issue of importance during this period.¹⁴⁷ However, Minkin notes that some CLP resolutions “responded to the emergence of issues”, and indeed it seems most likely that the CLPs would call for Lords reform in such circumstances, as they did in reaction to the Life Peerages Act and the Benn case¹⁴⁸ (this characteristic was also in evidence at the 1968 Annual Conference¹⁴⁹).

Conclusion

Standpoint on the Constitution (1951-64)

During this period, the Fabian tradition (or philosophy) was dominant within the Labour Party in terms of a constitutional standpoint. This standpoint had dovetailed with the elitist, top-down, Westminster Model of the British polity, which provided for Executive-centred governance and also a supreme House of Commons:

the first and most vital function of the electorate is to choose a House of Commons the membership of which makes possible the creation of a Government which can govern.¹⁵⁰

For the Labour Party, the key was to attain a majority of seats in the House of Commons – via democratic election – and thereby a Labour Government would have gained control of the state apparatus. Thereafter, a Labour Government would be able to enact, without obstruction, a programme of economic and social reform. Even the

¹⁴⁷ Interpretation in Jessop 1974: 72-3, 100-2

This author had a brief e-mail exchange with Prof. Matthew Worley.

¹⁴⁸ Minkin, *Labour Party Conference*, ft.142, p.44

¹⁴⁹ At the 1968 Conference, a composite resolution was moved by the constituency section in reaction to the Southern Rhodesia Order incident (see chapter 6). This resolution called for abolishing the Lords – Labour Party (1968) *Report of the Annual Conference of the Labour Party 1968*, London: Labour Party, pp.172-3

¹⁵⁰ H. Laski (1951) *Reflections on the constitution: the House of Commons, the Cabinet, the Civil Service*, Manchester: Manchester University Press, p.58

Labour Left was constitutionally conservative at this time,¹⁵¹ despite its rejection of the elitism of Fabianism – among other aspects – which had manifested in calls for the Commons to be influential vis-à-vis the Executive.¹⁵² During the 1959-64 period, the Labour Party began to have a marginal interest in constitutional reform, but indeed the Party’s predominant focus was still on the redress of issues within the social, economic, and foreign/defence realms. Furthermore, the marginal interest was only “focussed on secondary issues” within the Constitution, rather than on the fundamentals of the Constitution.¹⁵³ More broadly, the Labour Party’s approach was empirical, atheoretical, and pragmatic, and duly there was a distinct lack of theory,¹⁵⁴ or theorising, on the Constitution: on the Constitution’s individual institutions, on the Constitution *qua* Constitution, or on the “nature of political power in Britain”.¹⁵⁵

Standpoint on Lords reform (1951-64)

There was a conservative standpoint on Lords reform which spanned across the ideological positions this chapter has assessed (Revisionist Right, Labour Left, and Centre). The conservative standpoint had consisted of three tenets. Firstly, the argument that retaining the Lords’ existing anachronistic composition – dominated as it was by hereditary peers – meant that the Lords would lack the authority/legitimacy to obstruct the legislation from the democratically-elected Commons. Secondly, the belief that a Labour Government should be focussing on the redress of issues within the economic and social realms, rather than focussing on Lords reform which was an issue within the constitutional realm. Thirdly, due to the Labour Party’s empirical, atheoretical, and pragmatic approach in general, there was a distinct lack of theory, or theorising, on the

¹⁵¹ Judge, *Parliamentary State*, ft.133, pp.93-100

¹⁵² This was based on a bottom-up distribution of political power. See the discussion in the pamphlets *Keep Left* (pp.16-17) and *Keeping Left* (p.42).

¹⁵³ Jones & Keating, *British State*, ft.108, p.141

¹⁵⁴ Indeed, the Labour Party had not developed, or associated itself with, a theory of the state.

¹⁵⁵ Dorey, *History of Constitutional Conservatism*, ft.127, p.2

Second Chamber *qua* Second Chamber e.g. its role/functions. During the 1959-64 period, the Labour Party had a marginal interest in constitutional reform, but this interest did not extend to the House of Lords, for example:

- Revisionist Right: the *Socialist Commentary* journal had included a supplement which called for several (incremental) parliamentary reforms, and even here a conservative standpoint on Lords reform was enunciated.
- Labour Left: Emrys Hughes wrote a book which called for parliamentary reform, and even here the argument was that Lords reform should be undertaken in reaction to, or be conditional on, a clash between the two Houses.
- Centre: since Lords reform was not an aim of the Revisionist Right, Labour Left, or Technocratic Collectivism (see chapter 4), it may be deduced that Lords reform was most unlikely to be an aim of the Centre.

The conclusion chapter (chapter 9) of this thesis will draw together the Labour Party's conservative standpoints on the Constitution and on Lords reform.

CHAPTER 4: Labour Party Ideology (2)

The Party Leadership – Technocratic Collectivism

Introduction

This chapter assesses the standpoints of the Labour Party's leadership on the Constitution and on Lords reform. The time period in question begins with the aftermath of defeat in the 1959 general election, and ends with the incoming Labour Government in 1964. The chapter draws from the academic renderings by Warde and by Favretto,¹ who attribute to the leadership an ideology which they call, respectively, 'technocratic collectivism' and 'centre-left technocratic'. There are several academic sources on the Labour Party for the 1959-64 period,² but the ideology of the Party's leadership is most systematically laid-out by Warde and Favretto. As to the key proponents of the ideology, Warde has identified Harold Wilson, Peter Shore, Tony Benn, and the personnel of the Labour Party Research Department, while Favretto has added Richard Crossman to the list.³ The chapter also draws from the contemporaneous writings of these key proponents. According to Favretto, the publication of two programmatic documents, *Labour in the Sixties* (1960)⁴ and *Signposts for the Sixties* (1961), signalled the ascendancy of the ideological position, so the chapter also draws from these two programmatic documents. The latter (1961) document was adopted as the Labour Party's chief statement of domestic policy at the time.⁵ Since the Labour Party's leadership is the subject of this chapter, the pledges for Lords reform included in

¹ A. Warde (1982) *Consensus and Beyond: the Development of Labour Party strategy since the Second World War*, Manchester: Manchester University Press, pp.94-118; I. Favretto (2000) 'Wilsonism' Reconsidered: Labour Party Revisionism 1952-64, *Contemporary British History*, 14/4

² Two of most detailed academic sources are Howell (1980: 221-243) and Jones (1996: 65-87).

³ This addition to the list seems to be of sound basis if one considers the article 'Scientists in Whitehall' authored by Crossman (R. Crossman (1965) *Planning for Freedom*, London: Hamish Hamilton, pp.134-147). Moreover, Crossman was seen as a loyalist and a political friend of Harold Wilson.

⁴ The sole named author was Morgan Phillips (General Secretary of the Labour Party), but Crossman records that he and Peter Shore played a role in drawing-up the publication (R. Crossman (1981) *The Backbench Diaries of Richard Crossman edited by Janet Morgan*, London: Hamish Hamilton, pp.860-1).

⁵ D. Butler & A. King (1965) *The British general election of 1964*, London: Macmillan, pp.57-8, 61-2

the Party's manifestoes (1964 and 1966) are also assessed. No house journal or faction of Labour MPs (see chapter 3) were associated with Technocratic Collectivism.

The Ideology (1959-64)

There was no extended discussion on the parliamentary institutions, or on the broader Constitution, in either of the two programmatic documents. Indeed, the ideology of Technocratic Collectivism had “accepted the existing structures”,⁶ and an attachment to the government-centred Westminster Model of the British polity (see chapter 3) can be seen throughout *Signposts*, for example:

a Government responsible to a democratically elected Parliament must take full responsibility for the nation's economic destinies.⁷

To be sure, the ideological position was focussed predominately on the redress of issues within the economic and social realms, rather than on issues within the constitutional realm. In *Signposts*, there was only one paragraph on issues relating to the Constitution (it was entitled ‘The Retreat from Government’⁸), which was an abridgement of the work published a year earlier by Richard Crossman. In that work, Crossman wrote:

Since the war we have watched a dreary process by which the House of Commons has been progressively deprived of effective authority.⁹

However, strengthening the Commons vis-à-vis the Executive was only a marginal imperative within this ideological position. For example, Harold Wilson said during an

⁶ Warde, *Consensus and Beyond*, ft.1, p.103. There is discussion of something approaching a constitutional standpoint for Technocratic Collectivism in pp.102-4. See also Diamond 2013: 89

⁷ Labour Party (1961a) *Signposts for the Sixties*, London: Labour Party, p.18

See also Labour Party (1960) *Labour in the Sixties*, London: Labour Party, p.7

See also T. Benn (1965) *The Regeneration of Britain*, London: Gollancz, p.78; H. Wilson (1964a) *The Relevance of British Socialism*, London: Weidenfeld & Nicolson, pp.2, 5

See also the later book P. Shore (1966) *Entitled to Know*, London: Macgibbon & Kee, pp.152-3

⁸ *Signposts*, ft.7, p.10

A passage in *Labour in the Sixties* (ft.7, pp.8-9) expressed substantially the same ideas/arguments.

⁹ R. Crossman (1960) *Labour in the Affluent Society* (Fabian Tract 325), London: Fabian Society, pp.23-4

interview that decision-making in government would be taken with “experts – not only ministers – but top civil servants, planners within the department and also, in some cases, people brought in from outside.” Such a technocratic approach, as the interviewer remarked, would have “demoted Parliament in ... relative importance”.¹⁰

There was no specific reference to the House of Lords in either of the two programmatic documents. With additional reference to the academic renderings¹¹ and the writings of the key proponents,¹² it can be concluded that Technocratic Collectivism was not concerned with the power of the government/Commons vis-à-vis the Lords. For example, Crossman described the Lords as “one of the ceremonial aspects of the Constitution”.¹³ Furthermore, *Signposts* argues that “too many directors [in finance and industry] owe their position to family, school, or political connections”, and Warde observes that Technocratic Collectivism was seeking a “meritocratically regenerated social order”.¹⁴ However, this type of critique was not extending to the composition of the Lords, dominated at the time by hereditary peers. For example, Tony Benn wrote that the standpoint on Lords reform was conservative: “leaving the place as undemocratic, and hence as vulnerable, as possible.”¹⁵ (Benn happened not to agree with this standpoint – see below.) Moreover, a publication by the Labour Party Research Department had focussed its criticism on the large Conservative majority in the Lords, rather than on its hereditary basis,¹⁶ although no proposal for Lords reform was made therein. As such, the Lords’ composition was also not an issue with which the

¹⁰ Interview with Norman Hunt – N. Hunt (1964) *Whitehall and Beyond: Jo Grimond, Enoch Powell and Harold Wilson*, London: BBC, pp.23-4

¹¹ Favretto and Warde (ft.1)

¹² Crossman, *Affluent Society*, ft.9 and R. Crossman (1963) ‘Introduction’ in W. Bagehot, *The English Constitution*, London: Collins; Labour Party Research Department (1963) *Twelve Wasted Years*, London: Labour Party; Wilson, *Relevance of British Socialism*, ft.7 and H. Wilson (1964b) *Purpose in Politics: Selected Speeches*, London: Weidenfeld & Nicolson; Tony Benn’s writings are excluded – see below.

¹³ Crossman, *Affluent Society*, ft.9, p.23

See also the later book: Shore, *Entitled to Know*, ft.7, pp.152-3

¹⁴ *Signposts*, ft.7, pp.9-10; Warde, *Consensus and Beyond*, ft.1, p.112

¹⁵ T. Benn ‘The Labour Party and Lords reform’, *The Guardian*, 28th January 1963, p.8

¹⁶ *Twelve Wasted Years*, ft.12, p.455. For a similar point, see Jenkins 1954: 194-5; 1968: 281

ideology was concerned. In addition, it should be recalled from chapter 2 that the Labour Party did not have a policy for Lords reform throughout the 1950s, so the Technocratic Collectivists had not inherited a policy for Lords reform.

In the wake of the 1959 general election, the Labour Party's leadership considered that one of the reasons for its defeat was the out-dated and narrow appeal of its working class image. Consequently, in order to broaden its electoral appeal, the leadership decided to re-brand the Party's image by adopting the presentational themes of modernisation, dynamism, and facing the future.¹⁷ The two programmatic documents were duly intended to convey the Labour Party's "new image as a modern party of progress".¹⁸ Draft versions of *Signposts* contained a section entitled 'An up-to-date Democracy',¹⁹ whose introductory paragraphs were couched in the newly-adopted presentational themes:

If they are really alive, the principles of democracy should work right through our national life invigorating and modernising the whole society.²⁰

An earlier draft of this section, not even typed on official headed paper, proclaimed:

Almost alone among the industrial nations, we retain a hereditary House of Lords and statutes dating from feudal times.²¹

Later drafts of the section called for wide-ranging constitutional reform:

¹⁷ S. Fielding (1993) 'White heat and white collars: the evolution of Wilsonism' in R. Cooney et al. (eds.) *The Wilson Governments 1964-1970*, London: Pinter; S. Fielding (2007) Rethinking Labour's 1964 Campaign, *Contemporary British History*, 21/3; Minutes of the Home Policy sub-Committee, 11th January 1960: "Elections are won by the picture of the party" (LSE Archives, SHORE/4/28).

¹⁸ N. Ellison (1994) *Egalitarian Thought and Labour Politics: Retreating Visions*, London: Routledge, p.70

¹⁹ The section was present up to at least the 3rd revised draft of *Signposts* (LSE Archives, SHORE/4/39)

²⁰ 1st revised draft of *Signposts* (Ibid.: p.24)

²¹ Undated but clearly a very early draft of *Signposts* (Ibid.)

we must begin with a critical re-examination of the whole range of our political institutions from the House of Lords to the local authorities. This must be done with the single purpose of seeing how they fit the needs of our rapidly changing society.²²

These references to the Lords were only included in draft versions of *Signposts* and they were subsequently omitted from the published version of the document, as was the entire section of *An up-to-date Democracy*. (Despite the proclamation of beginning “a critical re-examination of the whole range of our political institutions”, there was no new theory, or theorising, on the Constitution: either on the Constitution’s individual institutions²³ or on the Constitution *qua* Constitution.²⁴) Nonetheless, these draft versions of *Signposts* have shown a marginal interest in constitutional reform, which was justified in the context of the newly-adopted presentational themes of modernisation and being up-to-date. (No programmatic documents were published between *Signposts* and the 1964 Labour Party manifesto.)

Following the accession of Harold Wilson, Fielding argues that the main difference about the Labour Party’s leadership was the extent to which they

tried to promote what they believed was a more contemporary image – a process encouraged by Wilson but initiated by Gaitskell.²⁵

Indeed, modernisation was the distinctive theme that would characterise Wilson's leadership.²⁶ According to Warde, a principal element of the electoral strategy was the

²² 3rd revised draft of *Signposts* (Ibid.: p.22)

²³ For example, Crossman displayed a lack of “sustained and coherent reflections” about how the Commons would be strengthened – N. Johnson (1979) ‘Select Committees and Administration’ in S. Walkland (ed.) *The House of Commons in the Twentieth Century: essays by members of the Study of Parliament Group*, Oxford: Clarendon Press, p.464. See also Walkland 1976: 194

²⁴ A. Wright (1989) ‘The Constitution’ in L. Tivey & A. Wright (eds.) *Party Ideology in Britain*, London: Routledge, pp.190-1

²⁵ Fielding, *Labour's 1964 Campaign*, ft.17, p.309. See also Howell 1980: 236

²⁶ Favretto, ‘Wilsonism’, ft.1, p.67

need to regenerate Britain, which incorporated the deleterious influence of the so-called ‘old aristocracy’ as represented, for example, by the Conservative Government.²⁷

Wright notes that this “ideology of modernisation” would extend to the reform of the country’s “antique Establishment institutions”,²⁸ to be encapsulated in what Tony Benn called an “age of reform”.²⁹ According to Shell, the issue of parliamentary reform was “firmly on the agenda although it was not generally perceived as a high priority”, and it was not Lords reform “that was uppermost [in this regard], but reform of the House of Commons”.³⁰ Dorey notes that the interest in parliamentary reform was also partly due to the Labour Party having just lost three consecutive general elections.³¹ The wider temporal-paradigmatic thought on the Constitution also played a role, as academics and commentators were beginning to question “the effectiveness of Britain’s political institutions”,³² mainly prompted by a growing concern over Britain’s relative economic decline. One part of this was the ‘decline of parliament’ thesis,³³ although little direct attention was paid to House of Lords reform.³⁴ Additionally, Walkland notes that the key academics in the field of parliamentary reform had continued to accept the basic constitutional conventions e.g. “strong single-party government [which] maintained its political control over a weak supportive parliamentary system.”³⁵ Moreover, the causal

²⁷ Warde, *Consensus and Beyond*, ft.1, pp.95-8. Also Callaghan 1989: 38, Jones & Keating 1985: 141-2

²⁸ Wright, ‘The Constitution’, ft.24, p.191

²⁹ Benn, *Regeneration of Britain*, ft.7, p.7

³⁰ D. Shell (2006) ‘Parliamentary Reform’ in P. Dorey (ed.) *The Labour Governments 1964–1970*, London: Routledge, pp.168, 170. Also Taylor 2000: 167

³¹ P. Dorey (2008a) *The Labour Party and Constitutional Reform: A History of Constitutional Conservatism*, Basingstoke: Palgrave Macmillan, p.3

³² B. Coxall & L. Robins (1998) *British Politics since the War*, Basingstoke: Macmillan, p.144

³³ Discussion in M. Jogerst (1993) *Reform in the House of Commons: the Select Committee system*, Lexington, Ky.: University Press of Kentucky, pp.48-52

³⁴ P. Dorey & A. Kelso (2011) *House of Lords Reform Since 1911: Must the Lords Go?*, Hampshire: Palgrave Macmillan, p.137. There was some scholarly work by Crick (1964).

³⁵ S. Walkland (1976) The Politics of Parliamentary Reform, *Parliamentary Affairs*, 29/2, pp.191-2

link between constitutional reform and economic growth was “never clearly or convincingly explained”.³⁶

Let us assess what the key proponents of Technocratic Collectivism were writing about Lords reform in the pre-1964 period. In February 1963, prior to the enactment of the Peerage Act, Richard Crossman wrote in support of Tony Benn’s reform proposal:

the House of Lords should be reconstituted on the basis of life appointments ... simultaneously the power of the Commons should be increased so that they will be able in future to override all decisions of the Lords by a simple resolution.³⁷

Crossman also managed to include the words “new” and “modernising” in justifying his support for this reform proposal. However, the majority of his article was concerned with reforming the Commons, something which also characterised his other contemporaneous writings on parliamentary reform.³⁸ Moreover, once the Benn case was resolved, Crossman argued for a conservative standpoint in which the Lords was “so discredited by its composition that it was no threat at all” to the Commons.³⁹ In September 1963, the Labour Party Research Department (whose head was Peter Shore⁴⁰) published *Twelve Wasted Years* in which there was a short section on the Lords.⁴¹ No proposal for Lords reform was made therein, while abolition (resulting in unicameralism) and a democratically-elected House were both ruled out as possible reforms. There were, however, proposals for improving the research facilities of MPs

³⁶ P. Dorey & V. Honeyman (2010) Ahead of his time: Richard Crossman and House of Commons Reform in the 1960s, *British Politics*, 5/2, p.156

³⁷ R. Crossman ‘Reform at Westminster’, *The Guardian*, 8th February 1963, p.20

³⁸ Crossman, *Affluent Society*, ft.9, pp.23-4 and Crossman, ‘Introduction’, ft.12, pp.56-7

³⁹ R. Crossman (1975) *The Diaries of a Cabinet Minister: Volume 1 Minister of Housing 1964–66*, London: Hamish Hamilton, p.553

This was said during a meeting of the Cabinet in June 1966. Crossman’s standpoint on Lords reform would subsequently change once he was appointed as Leader of the Commons in August 1966.

⁴⁰ Shore would not publish his own book until 1966.

⁴¹ ft.12, pp.455-8

and for establishing a parliamentary commissioner in the Commons. One wonders if *Twelve Wasted Years* would have included a reform proposal for the Lords if the Benn case had not yet been resolved by September 1963. Tony Benn was still calling for Lords reform⁴² even after the enactment of the Peerage Act, but his personal travails with the Lords (see chapter 2) make him something of an idiosyncratic case. Harold Wilson is discussed in the next section of this chapter, but he was not calling for Lords reform at the time.

In summary, Lords reform was not one of the aims of Technocratic Collectivism. This can be discerned from the two programmatic documents, the academic renderings, and the writings of the key proponents (except for Tony Benn's). During the pre-1964 period, there was neither a policy in place for Lords reform nor a policy being developed. Indeed, there was no new theory, or theorising, on the Second Chamber *qua* Second Chamber e.g. its role/functions within the Constitution. There was evidence only of a very marginal interest in Lords reform, which was justified in the context of the newly-adopted presentational themes of modernisation and being up-to-date.

Harold Wilson

In February 1963, Harold Wilson was elected as the Labour Party's leader after the sudden death of Hugh Gaitskell. The two contemporaneous publications by Wilson – wherein he set forth his political ideas – do not contain an extensive discussion of the parliamentary institutions or the broader Constitution.⁴³ Furthermore, there was no proposal for Lords reform in either publication,⁴⁴ and his criticism of “hereditary leadership” was confined to that which existed in the economic realm.⁴⁵ During a

⁴² Benn, *Regeneration of Britain*, ft.7, pp.84-6 (originally published in 8th November 1963)

⁴³ Wilson, *Relevance of British Socialism*, ft.7; Wilson, *Purpose in Politics*, ft.12

The same absence of discussion also characterises the earlier memoir of Wilson (1986).

⁴⁴ For example, see the list of policies in Wilson, *Relevance of British Socialism*, ft.7, pp.7-9

⁴⁵ *Ibid.*: pp.24-5

Commons' speech, Wilson said that the Labour Party's "criticisms [in relation to the Lords] relate to two things. The first is the [Lords'] delaying powers ... the second is the right of the [Lords] to reject Statutory Instruments."⁴⁶ However, Weare describes Wilson's standpoint: "so long as the House [of Lords] voluntarily limits use of its constitutional powers, he will tolerate it."⁴⁷ The characterisation of Jones & Keating is seemingly apt as they find that the "constitutional norms and institutions of the state" were unquestioningly accepted by the Labour Party's pragmatists.⁴⁸ The broader constitutional conservatism of Wilson can be explained in part by his adherence to the social-democratic idea of the neutral state institutions; he compared them to

a car waiting to be driven ... whichever way it is steered, the machine will go. What matters is the driver. If the man behind the machine is a Labour man, the machine will move towards Labour.⁴⁹

Nonetheless, the Labour Party's leader was also pledging a "new Britain"⁵⁰ to be "forged in the white heat of [the technological] revolution",⁵¹ so institutional reform was always likely to receive some of his attention. Duly, Theakston notes that Wilson

was adept at the use of a vague rhetoric of 'modernisation' and reform of supposedly out-dated and inefficient institutions.⁵²

Walkland confirms that the institutional reforms lacked "any political critique".⁵³ Let us briefly look at the standpoint of Wilson on two parliamentary reforms (more precisely,

⁴⁶ Hansard, House of Commons debates, 28th March 1963, vol.674 col.1641-2

⁴⁷ V. Weare (1965) The House of Lords – Prophecy and Fulfilment, *Parliamentary Affairs*, 18/4, pp.432

⁴⁸ B. Jones & M. Keating (1985) *Labour and the British State*, Oxford: Clarendon Press, p.195

See also Dorey, *History of Constitutional Conservatism*, ft.31, p.353 and K. Theakston (2005) Prime Ministers and the Constitution: Attlee to Blair, *Parliamentary Affairs*, 58/1, p.36

⁴⁹ Quoted in D. Coates (1975) *The Labour Party and the Struggle for Socialism*, Cambridge: Cambridge University Press, pp.142-3 See also Howell 1980: 236

⁵⁰ H. Wilson (1964c) *The New Britain: Labour's Plan Outlined by Harold Wilson*, Harmondsworth: Penguin Books. See also Hill 2015

⁵¹ Labour Party (1963) *Report of the Annual Conference of the Labour Party 1963*, London: Labour Party, p.140

⁵² Theakston, Prime Ministers, ft.48, p.23. See also Crick 1964: 202 and Theakston 1992: 168

Commons reforms) which the Labour Party was pledging: establishing a parliamentary commissioner⁵⁴ and expanding the system of select committees. In the former case, Gwyn argues that Wilson thought it would improve the Labour Party's electoral image, specifically by challenging

the Conservative's claim to be the major embodiment of the liberal tradition in the twentieth century.⁵⁵

In the latter case, Wilson suggested in a memo that it would provide "useful and constructive employment"⁵⁶ for the new intake of Labour MPs, keeping them occupied and not simply 'sitting around',⁵⁷ and he later added that it would "give a very forward looking image to parliamentary reform".⁵⁸ It is also highly probable that these two measures of parliamentary reform were related to another argument by Gwyn in that Wilson's

main effort in improving the Party's image was to present the Party as a means for promoting *governmental* and economic modernisation.⁵⁹ (my italicisation)

In summary, Wilson was supporting these two parliamentary reforms due to reasons of electoral imagery and what Theakston calls "short term and tactical political needs".⁶⁰

⁵³ S. Walkland (1983) 'Parliamentary Reform, Party Realignment and Electoral Reform' in D. Judge (ed.) *The Politics of Parliamentary Reform*, London: Heinemann Educational, pp.40-1

⁵⁴ Comment in Stacey (1971: 38-9).

⁵⁵ W. Gwyn (1971) *The Labour Party and the Threat of Bureaucracy*, *Political Studies*, 19/4, p.400
See also O'Hara 2011: 704

⁵⁶ PREM 13/1053, Wilson to Bowden, 21st November 1964 – quoted in Dorey & Honeyman, *Ahead of his time*, ft.36, p.158

⁵⁷ M. Williams (1972) *Inside Number 10*, London: Weidenfeld & Nicolson, p.142

See also Short 1989: 245-6; Wilson (1971: 273) alludes to such reasoning in his memoir.

⁵⁸ PREM 13/1053, Wilson to Crossman, 6th April 1966 – quoted in Dorey & Honeyman, *Ahead of his time*, ft.36, pp.159-160

⁵⁹ Gwyn, *Threat of Bureaucracy*, ft.55, p.400

Discussion of Wilson's standpoint on morning sittings is in Crossman, *Diaries Volume 1*, ft.39, p.322

⁶⁰ Theakston, *Prime Ministers*, ft.48, p.25

The 1964 Manifesto Pledge for Lords Reform⁶¹

The 1964 Labour Party manifesto, entitled *The New Britain*, pledged that the government would not permit its legislation

to be frustrated by the hereditary and non-elective Conservative majority in the House of Lords.⁶²

As such, the approach of an incoming Labour government would be reactive to the conduct of the Lords. In other words, the government would proceed by maintaining the *status quo* and a reform measure would only be introduced if the Lords frustrated the government's bills.⁶³ However, what exactly amounted to the 'frustration' of bills remained open to interpretation. It certainly implied the invoking of the Lords' powers, but what of their other means to frustrate? For example, Crossman would later argue: "It's a fact that at any time [the Lords] can use their Tory majority to filibuster ... [holding] our programme up."⁶⁴ While the aim of Lords reform, as the pledge foreshadowed, would be to reduce or remove the Lords' capacity to frustrate bills, there was no indication as to whether the powers or composition, or both, would be the subject of reform. The Technocratic Collectivists were keen to impugn the principle of heredity,⁶⁵ but Shell notes:

⁶¹ For the writing of the manifesto: T. Benn (1987) *Out of the Wilderness: Diaries 1963-67*, London: Hutchinson, p.138 (this was a meeting of the NEC and Shadow Cabinet).

⁶² The pledge was situated in the conclusion section of the 1964 manifesto.

⁶³ Lords Gardiner and Longford would interpret the government's approach, as foreshadowed by the 1964 pledge, to be "conditional" on the conduct of the House of Lords – C(66) 87, Memo 'Reform of the House of Lords', 24th June 1966, p.2

⁶⁴ R. Crossman (1977) *The Diaries of a Cabinet Minister: Volume 3 Secretary of State for Social Services 1968-70*, London: Hamish Hamilton, p.101. See also Morgan 1975: 46-7, 49-50

⁶⁵ In the year 1968, the total membership of the Lords was 1062, of which 736 were hereditary peers (Wheeler-Booth 2003: 674).

For many Ministers in the 1964–1970 Labour Governments, it was the House of Lords’ power which remained the crucial issue.⁶⁶

The manifesto pledge could have been satisfied by removing or reducing the powers, or by installing a compositional majority for the government, or by some combination of those reforms to be implemented either simultaneously or sequentially. The contention of Raina that the pledge was “vague” stands to reason.⁶⁷ Overall, the absence of any provisions for a reform measure can be considered to reflect the absence of a policy for Lords reform. Nor, indeed, was a policy being developed, and a late draft of the 1964 manifesto did not even contain this pledge for Lords reform.⁶⁸

According to Shell, the pledge was “effectively a warning” to the Lords that the “Labour Government was armed with a manifesto pledge to deal, in whatever way it chose”, with frustration from the Lords.⁶⁹ *The Times* highlights particular legislation which the Lords might have frustrated e.g. re-nationalising the steel industry and the creation of a Land Commission.⁷⁰ Following the general election, *The Times* reported:

The Lords could easily become one of Mr. Wilson’s stumbling blocks and might bring on his downfall the moment the Conservative leaders decide that the Administration has become vulnerable to a really determined assault.⁷¹

But then why was the 1964 pledge for Lords reform not included in the Labour Party’s manifestoes for 1955 and 1959?⁷² There was, after all, a pledge for re-nationalising the

⁶⁶ Shell, ‘Parliamentary Reform’, ft.30, p.185

⁶⁷ P. Raina (2014) *House of Lords Reform: A History 1960-1969*, Oxford: Peter Lang AG, p.170

⁶⁸ Draft contained in the archival repository of George Brown (Bodleian Library, MS. Eng. 4999/1-2)

⁶⁹ Shell, ‘Parliamentary Reform’, ft.30, p.184

⁷⁰ ‘First Things First’, *The Times*, 17th October 1964, p.9

⁷¹ ‘Second List For Cabinet Follows Today’, *The Times*, 17th October 1964, p.8

⁷² There was no reference to the House of Lords in the Labour Party’s manifestoes for 1955 and 1959 (<http://www.politicsresources.net/> – accessed 31st May 2016)

steel industry in both of those manifestoes. Undoubtedly, there were other factors at play to explain the presence of the 1964 pledge.⁷³

The pledge for the Lords was directly preceded, within the same paragraph, by this pledge for the reform of Whitehall:

we shall need to make government itself more *efficient* ... the machinery of government must be *modernised*. *New techniques, new kinds of skill and experience are needed if government is to govern effectively.* (my italicisation)

The phraseology of the pledge (as italicised) is typical of that which was used throughout the 1964 manifesto,⁷⁴ and it is also typical of the presentational themes which characterised the Labour Party's broader electoral strategy. It can be seen that the presence of the pledge for Lords reform was not simply to foreshadow the approach of an incoming Labour government, i.e. the intent to legislate, but rather it was predominately to emphasise the presentational themes. To elaborate: firstly, the outdated institution of the House of Lords was used to counterpose an election campaign with a focus on modernisation, new-ness, and efficiency.⁷⁵ Secondly, the phraseology of the pledge, specifically use of the words 'hereditary' and 'Conservative', was to highlight the deleterious influence of the old aristocracy (see above). Wilson said in a key-note speech (unrelated to Lords reform):

we are governed by an Edwardian establishment mentality ... Tory society is a closed society, in which birth and wealth have priority.

⁷³ Discussion in Dorey & Kelso 2011: 135-6. In addition, the Lords had become a more assertive parliamentary chamber following the passage of the Life Peerages Act 1958 (Shell 1988: 17-8).

⁷⁴ In the 1964 manifesto, the words 'modern/modernise/modernisation' were used 17 times and the word 'new' was used a staggering 86 times. In the 1959 manifesto, the respective uses were 4 and 8. Moreover, the very title of the 1964 manifesto was *The New Britain*.

⁷⁵ See also Benn, *Diaries 1963-67*, ft.61, pp.80-1

He went on:

Socialism, as I understand it, means applying a sense of purpose to our national life: economic purpose, social purpose, and moral purpose.⁷⁶

Warde concludes that Wilson was seeking to re-cast socialism as efficient and purposeful administration directed by a meritocratic elite.⁷⁷

Let us briefly look at the detailed⁷⁸ pledges for constitutional reform in the 1964 manifesto:

- regional planning boards
- a Secretary of State for Wales
- a Ministry of Economic Affairs and a Ministry for Technology

These constitutional reforms were to facilitate ‘planning’, one of the Labour Party’s flagship ideas at the time. It follows that the Lords could not have played a role – via incremental reform⁷⁹ – in the facilitation of planning, and this further explains the somewhat anodyne pledge for Lords reform in the 1964 manifesto.

The Labour Government 1964-66

The Labour Party narrowly won the October 1964 general election and they duly formed a government with an overall majority of four seats;⁸⁰ the resulting Parliament would last until March 1966. As to the conduct of the House of Lords during this Parliament, Wheeler-Booth notes that the Lords did not insist on amendments rejected

⁷⁶ Wilson, *New Britain*, ft.50, pp.9-10, 14

⁷⁷ Warde, *Consensus and Beyond*, ft.1, p.97

⁷⁸ The only other detailed pledge for constitutional reform was the establishment of a parliamentary commissioner. There were other pledges for constitutional reform which were vague and unspecific e.g. reform of the Civil Service was pledged as: “the machinery of government must be modernised.”

⁷⁹ During the temporal paradigm of the early 1960s, it should be thought that the scope of constitutional reform was ‘bound’ to incrementalism.

⁸⁰ This majority would fall by one seat in January 1965 (Butler & King 1966: 326).

by the Commons but instead there was a readiness to acquiesce at the second time of asking.⁸¹ Edward Short, Chief Whip in the Commons, wrote of the “prospect of a conflict” when the Lords amended the War Damage Bill, but the Lords “capitulated” once the Commons returned the Bill to them in its original form.⁸² Stacey highlights a similar incident with the Trades Disputes Bill, but overall he contends that the Lords were “assertive ... not intransigent”.⁸³ *The Times* adds the Rent Bill to the list.⁸⁴ Lord Longford, Labour Leader in the Lords, describes the Conservative Peers as “willing to wound but afraid to strike”.⁸⁵ However, Shell has a different perspective:

the Lords inflicted numerous defeats on the Government. The Conservatives forced many more divisions than they had when last in Opposition, and these they almost invariably won. Sometimes the Government decided to compromise after defeat ...⁸⁶

The conclusion to draw is that the Conservative Peers did not force a major confrontation, or present excessive challenges, to the Labour Government. But even if the Lords had done so, the Government was highly unlikely to attempt a reform due to the precarious size of its majority in the Commons.⁸⁷ Indeed, during the dispute over the War Damage Bill, the Prime Minister told the Cabinet that it would be made

⁸¹ M. Wheeler-Booth (1970) *The Attempted Reform of the House of Lords 1964-1969*, *The Table*, 38, pp.85-6. See also Bromhead 1974: 155-6

⁸² E. Short (1989) *Whip to Wilson*, London: Macdonald, pp.135-6

⁸³ F. Stacey (1968) *The Government of Modern Britain*, Oxford: Clarendon Press, p.226

⁸⁴ ‘Labour Ready To End Lords Delaying Powers’, *The Times*, 4th March 1966, p.12

This is discussed in: Crossman, *Diaries Volume 1*, ft.39

⁸⁵ Longford (1981) – quoted in T. Lamport (2005) *Reform of the House of Lords in British Politics 1970-1992*, D.Phil. thesis, Queen Mary – University of London, p.28

⁸⁶ D. Shell (1988) *The House of Lords*, Oxford: Philip Allan, p.18

Willie Hamilton, the Labour backbencher, also took this perspective (Hamilton 1992: 130).

Vincent (1967) has some statistical research.

⁸⁷ The Labour Parliamentary Reform Group contended that constitutional reform “should be achieved as soon as the Labour Party obtained a working majority after a further election” (Barker 1970: 200-1).

clear that if the House of Lords continued to obstruct Government business, the Government would seek a mandate at the next General Election to curtail the powers of the upper house in this respect.⁸⁸

The PM repeated this standpoint in the Commons when answering a question from the Labour backbencher Willie Hamilton.⁸⁹

During this Parliament, various factors can explain the lack of a major confrontation between the Lords and the Commons, and the lack of excessive challenges from the former to the latter. Firstly, there was the skilful management of Lord Carrington, Conservative Leader in the Lords, who urged self-restraint on the Conservative Peers. His directive was that their powers (the statutory powers of the House) could only be used in the “most exceptional circumstances,”⁹⁰ but conversely this was only if the Labour Government was “reasonable ... they know how far they can push us”.⁹¹

Carrington later wrote of his reasoning:

the House of Commons had been elected by the people ... the Government had a majority in that House and that Government must go on.⁹²

Secondly, owing to their precarious Commons majority, the Labour Government did not introduce the type of legislation which the Lords were likely to oppose vehemently e.g. re-nationalising the steel industry.⁹³ Even though a pledge for just that measure was

⁸⁸ CC 18(65), 25th March 1965, p.3

⁸⁹ Hansard, House of Commons debates, 13th April 1965, vol.710 col.1158
See also Raina, *Lords Reform 1960-1969*, ft.67, pp.175-6

⁹⁰ Hansard, House of Lords debates, 25th May 1965, vol.266 col.734
See also Lamport, *Reform of the House of Lords*, ft.85, p.33

⁹¹ Quoted in J. Morgan (1975) *The House of Lords and the Labour Government 1964-1970*, Oxford: Clarendon Press, p.5

Shell (1988: 18) quotes the directive of Lord St. Aldwyn, Conservative Chief Whip in the Lords.

⁹² P. Carrington (1988) *Reflect On Things Past: the Memoirs of Lord Carrington*, London: Collins, p.204

⁹³ Morgan, *House of Lords*, ft.91, p.170; Dorey & Kelso, *Lords Reform Since 1911*, ft.34, p.139

Wilson (1971: 177) notes: “It was clear that with a majority of three ... we would have the utmost difficulty in carrying a Bill [for re-nationalising the steel industry] through every stage of the legislative process ... We preferred to wait until we had an adequate majority.”

included in the Labour Party's 1964 manifesto, Lord Salisbury (Conservative) suggested that the Addison-Salisbury Convention might not apply as the slender Government majority made it difficult to accept that the electorate had fully endorsed the Labour Party manifesto.⁹⁴ There was, as such, caution and moderation from both the Labour Government and the Conservative Peers.⁹⁵ Thirdly, Shell notes that

the old conservatism of the House was being supplanted by a new liberalism. In 1965, for example, peers gave a 100-vote majority to the proposal to abolish the death penalty, a matter on which, [in 1956], they had dug their heels in by insisting on retention.⁹⁶

The PLP was given a free vote on this legislation since it was considered to be a matter of 'conscience',⁹⁷ but only one Labour MP voted against it and Twitchell contends "everyone knew that the Government was heavily, if unofficially, committed to the bill".⁹⁸ It is reasonable to suggest that if the Lords were to defeat the Murder (Abolition of the Death Penalty) Bill, this would have caused at least some degree of a confrontation between the Lords and the Commons.⁹⁹ With that possibility in mind, the Government decided to accept a significant amendment from the Lords.¹⁰⁰

Given these relatively tranquil inter-cameral relations, and the Labour Party's conservatism on the issue, Lords reform had not received the sustained attention of the Labour Government 1964-66.¹⁰¹ This was even though some high-up personnel in the

⁹⁴ Lamport, *Reform of the House of Lords*, ft.85, p.28; M. Wheeler-Booth (1989) 'The House of Lords' in J.A.G. Griffith and M. Ryle (eds.) *Parliament: Functions, Practice and Procedures*, London: Sweet & Maxwell, pp.504-5

⁹⁵ Further comment in Morgan, *House of Lords*, ft.91, pp.138-9

⁹⁶ Shell, 'Parliamentary Reform', ft.30, p.184

⁹⁷ Richards (1970)

⁹⁸ N. Twitchell (2006) 'Abolition of the Death Penalty' in P. Dorey (ed.) *The Labour Governments 1964-1970*, London: Routledge, p.333

⁹⁹ E. Hughes (1969) *Sydney Silverman: Rebel in Parliament*, London: Skilton, p.179

¹⁰⁰ Short, *Whip to Wilson*, ft.82, pp.79-82

The only reference in Wilson (1971: 58) to obstruction from the Lords is concerning this amendment.

¹⁰¹ Two publications based on extensive archival research have reached the same conclusion:

Labour Party had been calling for Lords reform, notably Tony Benn (Postmaster General) during a televised debate¹⁰² and also Lord Shepherd (Lords' Chief Whip) privately to the Prime Minister,¹⁰³ both instances taking place in April 1965. The PM rebuffed the request of Shepherd, with Ballinger suggesting that “there were more pressing concerns for the Government”¹⁰⁴ e.g. the balance of payments crisis. Lord Longford also thought that Lords reform was rightly an issue for deferment because the Labour Government's

first task was to carry a mass of legislation as quickly as possible.¹⁰⁵

Therefore, it stands to reason that the minutely detailed diaries of the Ministers Benn, Castle, and Crossman, ranging over the 1964-66 Parliament, do not contain a reference to a Cabinet discussion on Lords reform.¹⁰⁶

As discussed in the first section of this chapter, Lords reform was not an aim of the ideology of Technocratic Collectivism. To confirm the contention, in 1966 Shore wrote four pages on parliamentary reform in which he describes the Lords simply as a “monumental absurdity”, and in which no ideas were put forward for Lords reform.¹⁰⁷

Furthermore, the diaries of Crossman and the memoir of Wilson, ranging over the 1964-66 Parliament, do not contain any references to a personal interest in Lords reform.¹⁰⁸

Benn continued to be an idiosyncratic case. In a short-term and reactive sense, Ballinger concludes that “nothing in the 1964-66 Parliament had given the Labour Government

C. Ballinger (2012) *The House of Lords 1911-2011: A Century of Non-Reform*, Oxford: Hart, p.128 and Raina, *Lords Reform 1960-1969*, ft.67, p.170

¹⁰² Benn, *Diaries 1963-67*, ft.61, p.240 (see also p.434)

¹⁰³ HL/PO/1/477, Lord Shepherd: Report of interview with the Prime Minister, 23rd April 1965 – quoted in Ballinger, *Century of Non-Reform*, ft.101, p.128

¹⁰⁴ *Ibid.*: 128

¹⁰⁵ S/35, Memorandum by Longford to Gardiner, 10th May 1965 – quoted in *Ibid.*: 128

¹⁰⁶ Benn, *Diaries 1963-67*, ft.61, pp.160-399; B. Castle (1984) *The Castle Diaries 1964-1970*, London: Weidenfeld & Nicolson, pp.3-112; Crossman, *Diaries Volume 1*, ft.39, pp.19-486

¹⁰⁷ Shore, *Entitled to Know*, ft.7, pp.156-160

¹⁰⁸ Crossman, *Diaries Volume 1*, ft.39, pp.19-486; H. Wilson (1971) *The Labour Government 1964-70: A Personal Record*, London: Weidenfeld & Nicolson, pp.1-218

cause to resent the Lords' delaying powers".¹⁰⁹ Briefly, there was minimal pressure for Lords reform either from the PLP, e.g. from the Labour Parliamentary Reform Group, or from academics and commentators e.g. from the Study of Parliament Group. Both of these cited examples were focussed on Commons reform – see chapter 8 for the former and see Rush for the latter.¹¹⁰

The 1966 Manifesto Pledge for Lords Reform

The pledge in the 1966 Labour Party manifesto, entitled *Time for Decision*, was:

legislation will be introduced to safeguard measures approved by the House of Commons from frustration by delay or defeat in the House of Lords.¹¹¹

This pledge foreshadowed a reform measure with the same aim, in relation to the capacity of the Lords, as the pledge from 1964. However, there was much more specificity in the 1966 pledge as to the provisions for a reform, because it was foreshadowing the reduction/removal of the Lords' powers.¹¹² There was another marked difference between the manifesto pledges of 1964 and 1966 in that the latter pledge was foreshadowing a proactive approach to Lords reform: "legislation *will* be introduced". This meant that a reform measure would be brought forward irrespective of whether or not the Lords tried to frustrate the government's bills.¹¹³ In contrast, the 1964 pledge had foreshadowed a reactive approach. Nonetheless, according to Norton, the traditional approach of British governments is to view their manifestoes

¹⁰⁹ Ballinger, *Century of Non-Reform*, ft.101, p.128

¹¹⁰ M. Rush (1999) 'The House of Lords: The Political Context' in P. Carmichael & B. Dickson (eds.) *The House of Lords: its Parliamentary and Judicial roles*, Oxford: Hart, p.13
See also the Study of Parliament Group's output e.g. Hanson & Crick 1970, Study of Parliament Group 1973

¹¹¹ Section V, sub-section 2, point 4 of the manifesto – ft.72

¹¹² Even though the word 'powers' is not explicitly used in the pledge, all the discussions on developing the 1966 pledge were based on the introduction of a powers-only reform.

¹¹³ Lords Gardiner and Longford would interpret the government's approach, as foreshadowed by the 1966 pledge, as being "unconditional" on the conduct of the House of Lords – ft.63

as a guide to a party's intentions if returned to office ... but not a contract or binding document.¹¹⁴

Indeed, shortly after the 1966 general election, the Prime Minister held a meeting on Lords reform at which various options were discussed in contradiction to the pledge e.g. "whether the Government should volunteer proposals for reform or wait until some action on the part of the Lords provided an occasion for introducing proposals".¹¹⁵ Furthermore, the processes of developing any legislation to fulfil the 1966 pledge were not undertaken (or initiated) during the 1964-66 Parliament. The pledge was just that: a pledge. There was no long-term planning behind it. To emphasise the point, the pledge was not even included in late drafts of the 1966 manifesto.¹¹⁶

The Labour Party's manifestoes were written at the time by a joint committee of the NEC and the Cabinet or shadow Cabinet (as circumstances would dictate).¹¹⁷ During one of these meetings, on 6th February 1966, Tony Benn advocated for "controlling" the powers of the House of Lords as a means of "modernising Parliament".¹¹⁸ Furthermore, in a meeting between Wilson and several of his Ministers,¹¹⁹ on 15th February 1966, it was agreed that a bill for reducing or removing the Lords' powers would be introduced during the next Parliament. However, the reasoning for this decision is not recorded in the archival documentation. Notably, it was also agreed that the "Lords had not misused their powers to delay or veto in the present Parliament." Taking a closer look at the Ministers in attendance during the meeting:

¹¹⁴ P. Norton (1982) *The Constitution in Flux*, Oxford: Martin Robertson, p.282

¹¹⁵ PREM 13/1685, Meeting between the Prime Minister and Lords Gardiner and Longford, 8th June 1966

¹¹⁶ These are held in the archival repository of Peter Shore (LSE Archives, SHORE/5/90-2)

¹¹⁷ Minkin (1978: 293, 298) notes that the Cabinet dominated the formulation of the 1966 manifesto. See also Butler & King 1966: 87-9

¹¹⁸ Benn, *Diaries 1963-67*, ft.61, p.384 The other NEC-Cabinet meeting took place on 7th March 1966.

¹¹⁹ PREM 13/1685, Note for the Record: Meeting between the Prime Minister and Ministers, 15th February 1966

Harold Wilson (Prime Minister), Herbert Bowden (Lord President), George Brown (First Secretary of State), Edward Short (Chief Whip), Lord Gardiner (Lord Chancellor), Lord Longford (Colonial Secretary), Lord Shepherd.

It should be recalled that Wilson was in support of parliamentary reform on the basis of the nebulous idea of institutional modernisation. Otherwise, it was most probably the Lords Ministers, rather than the Commons Ministers, who were calling for Lords reform: Bowden is documented as being a constitutional conservative,¹²⁰ Brown would later vehemently oppose Lords reform,¹²¹ and there is no discernible evidence to suggest that Short was interested in Lords reform.¹²² Contrarily, there is extensive archival documentation, e.g. Raina,¹²³ detailing the Lords Ministers' contemporaneous interest in Lords reform. More broadly, Morgan notes a long-term interest within the Labour Party for "some change in the Lords' powers" – Wilson made remarks to this effect in the Commons¹²⁴ – although she adds that "no unanimity" existed on the issue.¹²⁵ Indeed, on that latter point, Roy Jenkins (Home Secretary) said about a powers-only reform that the "whole matter could wait: it wasn't a priority".¹²⁶ Relatedly but more short-term, Shell notes "there remained a sharp awareness of the problems that a more obstructive House of Lords could pose for a Labour government",¹²⁷ and indeed Wilson remarked at the manifesto launch: "We have had our anxious moments from time to time",¹²⁸ presumably in reference to the Lords' activities on the Rent Bill, War Damage Bill, and Trades Disputes Bill. Shortly after the 1966 general election,

¹²⁰ For example: B. Crick (1970) *The Reform of Parliament*, London: Weidenfeld & Nicolson, p.211

¹²¹ See chapter 7

¹²² For example: Short, *Whip to Wilson*, ft.82

¹²³ Raina, *Lords Reform 1960-1969*, ft.67, pp.177-184

¹²⁴ Hansard, House of Commons debates, 5th July 1966, vol.731 col.251

¹²⁵ Morgan, *House of Lords*, ft.91, pp.170-1; Also Longford 1974: 33

¹²⁶ Castle, *Diaries 1964-1970*, ft.106, p.140 – this was during a meeting of the Cabinet (28th June 1966)

¹²⁷ Shell, 'Parliamentary Reform', ft.30, p.184

See also Ballinger, *Century of Non-Reform*, ft.101, p.128

¹²⁸ 'Labour Want Public Stake In Aircraft', *The Times*, 8th March 1966, p.12

Crossman expressed some support for removing the Lords' powers.¹²⁹ Moreover, the Labour Party's leadership was still seeking to project the same types of presentational themes – efficiency, modernisation, new-ness – at the 1966 general election as they did two years previously.¹³⁰ The implication, in terms of explaining the presence of the pledge for Lords reform, is the same as was made for the 1964 pledge. To be sure, the pledge for reforming the Lords was made in a section of the 1966 manifesto entitled 'Wider Democracy in the *New Britain*', in a sub-section entitled '*Modernising Parliament*', and introduced in the context that "it is not the power of Government that we shall seek to extend, but its *efficiency* ..." (my italicisation).

Since Tony Benn and the Lords Ministers all wanted a wide-ranging reform (incorporating both powers and composition), it is worthwhile asking why the manifesto pledge was confined only to removing the Lords' powers. The answer, most probably, is that the NEC-Cabinet joint committee would not have agreed to a pledge for wide-ranging reform e.g. Benn describes such opposition during the formulation of the 1964 manifesto:

Jim Callaghan said he was against tinkering with the House of Lords ... and Jennie Lee preferred hereditary titles and was dead against a nominated second chamber. This is the policy of total conservatism ... George Brown said that we had spent too long on an unimportant subject and brought the discussion to a close.¹³¹

¹²⁹ Crossman, *Diaries Volume 1*, ft.39, p.553

¹³⁰ In the 1966 manifesto, the words 'efficiency/efficiently/inefficiencies' were used 7 times, the words 'modern/modernise/modernisation' were used 23 times, and the word 'new' was used a staggering 84 times.

¹³¹ Benn, *Diaries 1963-67*, ft.61, pp.116-7

Indeed, it was felt that a bill confined only to dealing with the Lords' powers was "apparently so much simpler than tackling the more complex issue of composition".¹³²

The Prime Minister was also clearly inclined to a powers-only bill for Lords reform.¹³³

Overall, the Technocratic Collectivists were *generally* in support of reducing/removing the Lords' powers, as was pledged in the 1966 Labour Party manifesto. But the question to ask is: what degree of importance would they subsequently attach to fulfilling this pledge? Let us assess more closely the justifications for the pledge:

- Removing the Lords' capacity to frustrate legislation as a reaction to the experience of the 1964-66 Parliament

This did not seem to be an overly important concern (as discussed at length in the previous section) and *The Times* reports: "the Government experience has been that the House of Lords ... rarely works to [its] disadvantage."¹³⁴

- The Labour Party's long-term interest in reducing/removing the Lords' powers

Again, the importance of this should be brought into question e.g. the Labour MP Tam Dalyell discusses this concern but then writes: "I was a non-believer in Lords reform from the beginning".¹³⁵ Moreover, chapter 2 argues that Lords reform was not a concern for the Labour Party throughout the period 1945-1964.

- Modernising the parliamentary institutions as an aim of Technocratic Collectivism

The following section in this chapter will argue that this was not an overly important concern.

¹³² Shell, 'Parliamentary Reform', ft.30, p.185

See also Dorey & Kelso, *Lords Reform Since 1911*, ft.34, p.140

¹³³ ft.124, Hansard and chapter 7.

¹³⁴ ft.84, 'Labour Ready To End Lords Delaying Powers'

¹³⁵ T. Dalyell (1989) *Dick Crossman: A Portrait*, London: Weidenfeld & Nicolson, p.141

The conclusion should be drawn that the removal of the Lords' powers was not an important aim of Technocratic Collectivism. This should cast some doubt about how attached the Technocratic Collectivists (except Benn) would be to implementing the 1966 pledge for Lords reform. Furthermore, the pledge was not part of a theoretically-grounded strategy for Lords reform, or in other words, there was still not any developed thinking on the Second Chamber or a "clear and coherent principle concerning the proper role and power(s) of the Second House".¹³⁶

The manifesto pledges for Commons reform

The following reforms of the Commons were pledged in the 1964 and 1966 Labour Party manifestoes:

1. establishing a parliamentary commissioner for administration (an 'ombudsman') (1964)
2. improving the select committees (1966)
3. improving the research facilities for MPs (1966)
4. broadcasting the proceedings of the House (1966)

These pledges (except the fourth pledge¹³⁷) were intended to strengthen the scrutinising functions of the Commons.¹³⁸ Contrarily, the Technocratic Collectivists would not have pledged to strengthen the other chamber within the Legislature, i.e. the Lords, because it was not democratically elected. Indeed, one of the aims of the 1966 pledges was to strengthen the "*democratic* element in modern Government" (my italicisation). In

¹³⁶ P. Dorey (2006a) 1949, 1969, 1999: The Labour Party and House of Lords Reform, *Parliamentary Affairs*, 59/4, p.601. This quotation (by Dorey) is in reference to the Parliament Act 1949, but it is just as applicable to the 1966 pledge for Lords reform.

¹³⁷ The intention of the fourth pledge for Commons reform was not *contradictory* to the intention of the preceding three pledges in regard to strengthening the Commons.

¹³⁸ See also the individual Technocratic Collectivists – Benn, *Regeneration of Britain*, ft.7, pp.77-80; Shore, *Entitled to Know*, ft.7, pp.156-60; both Crossman and Wilson are discussed above.

Signposts for the Sixties, the only discussion on the parliamentary institutions was a short section, entitled ‘The Retreat from Government’, and this held that the government should be responsible/accountable via Parliament to the “whole people”.¹³⁹ As such, the unelected Lords did not figure in this conception of how the institutions of Parliament should be functioning; Crossman said during a meeting of the Cabinet that he wanted in effect a “unicameral government”.¹⁴⁰ It follows that Crossman would also later emphasise the “sovereignty of the Commons.”¹⁴¹ (It is important to note that the Technocratic Collectivists were not seeking to detract from the power of the government with these Commons reforms.¹⁴²)

At around this time, Crick was calling for Lords reform:

The true function of the Upper House is to save time for the Commons; [e.g.] to discuss and debate ... matters of administration and of the working of social policies for which the Commons seemingly has little time.¹⁴³

According to Crick, carrying out this reform of the parliamentary functions would have led to a strengthening of the Commons.¹⁴⁴ This was concordant with one of the aims for Commons reform as pledged in the 1964 and 1966 Labour Party manifestoes, and subsequently it became one of the aims of the Parliament (No. 2) Bill. However, strengthening the Commons was only a marginal imperative within the ideology of Technocratic Collectivism¹⁴⁵ – both Wilson and Shore would not be committed to

¹³⁹ Labour Party 1961a, *Signposts*, ft.7, p.10 (also p.18)

See also *Labour in the Sixties*, ft.7, pp.7, 8-9

¹⁴⁰ Crossman, *Diaries Volume 1*, ft.39, p.553

This was prior to his appointment as Leader of the Commons in August 1966.

¹⁴¹ Hansard, House of Commons debates, 19th November 1968, vol.773 col.1136-7

¹⁴² Benn, *Regeneration of Britain*, ft.7, p.78; Walkland, *Politics of Parliamentary Reform*, ft.35, pp.192

¹⁴³ B. Crick (1964) *The Reform of Parliament*, London: Weidenfeld & Nicolson, pp.144-6

(also Crick 1970: 155-160 – this latter source was originally published in 1965).

¹⁴⁴ See also the advice of Burke Trend (PREM 13/2295, Trend to Wilson, 27th June 1966, pp.1-2)

¹⁴⁵ This might explain why the academic renderings of Technocratic Collectivism (Warde and Favretto – ft.1) have not included the strengthening of the Commons as being a part of the ideology. (This author exchanged e-mails with Profs. Warde and Favretto). See also Dorey 2008a: 6, 13

implementing the manifesto pledges for Commons reform (see below) – so at the very least it should be questioned whether this aim was likely to cause the other adherents of Technocratic Collectivism, e.g. backbenchers, to support the Parliament (No. 2) Bill.

The Technocratic Collectivists on Parliamentary Modernisation

Let us briefly discuss the implementation of the 1964 and 1966 pledges for Commons reform, with attention paid to the importance of ‘modernisation’ as an imperative for their implementation.¹⁴⁶ This discussion will be used to further assess the importance which the Technocratic Collectivists were likely to attach to implementing the 1966 pledge for Lords reform. (N.B. The comparison between the pledges for Commons reform and Lords reform should be treated with some caution, since the aims of the respective reforms were clearly different).

During the 1966-70 Parliament, Tony Benn was in support of establishing the additional select committees.¹⁴⁷ There are also references in his diaries to support for televising the Commons and for establishing the parliamentary commissioner.¹⁴⁸ However, Benn did not justify his support for these reforms with reference to the imperative of modernisation, at least not in these diary entries.

Richard Crossman was a long-standing¹⁴⁹ supporter of Commons reform, but his contemporaneous support was not predominately justified with reference to the imperative of modernisation.¹⁵⁰ There is also no such reference in the chapter by Dalyell

¹⁴⁶ In the 1966 manifesto, the pledges for Commons reform were included in a sub-section entitled ‘Modernising Parliament’.

¹⁴⁷ For example: T. Benn (1988) *Office without Power: Diaries 1968-72*, London: Hutchinson, p.28; Castle, *Diaries 1964-1970*, ft.106, p.187; R. Crossman (1976) *The Diaries of a Cabinet Minister: Volume 2 Lord President of the Council and Leader of the House of Commons 1966-68*, London: Hamish Hamilton, p.661

¹⁴⁸ Benn, *Diaries 1963-67*, ft.61, p.413; Benn, *Diaries 1968-72*, Ibid., p.71

¹⁴⁹ For example: R. Crossman (1956) *Socialism and the New Despotism* (Fabian Tract 298), London: Fabian Society

¹⁵⁰ Crossman, *Affluent Society*, ft.9, pp.23-4; Crossman, ‘Introduction’, ft.12, pp.56-7; ft.37, *Guardian*

on Crossman's tenure as Leader of the Commons¹⁵¹ (when he was in charge of implementing Commons reform) or in the chapter by Honeyman on the topic of 'Crossman and the Constitution'.¹⁵²

This author could not find any discernible evidence that Peter Shore had supported the implementation of the pledges for Commons reform in the 1966-70 Parliament. The book by Shore (1966), in which he called for parliamentary reform, was reflecting the "fashionable reform thinking of the 1960s" according to Theakston,¹⁵³ and one wonders whether the adjective 'fashionable' is being used in the pejorative sense. One also wonders whether Crossman had Ministers like Shore in mind when he complained about the lack of Cabinet support for the Commons reforms.¹⁵⁴

Harold Wilson was a supporter of modernising the Commons at the beginning of the 1966-70 Parliament,¹⁵⁵ but Ponting notes that the longer Wilson was in Office "the more institutionally conservative he became ... he seemed increasingly content to operate the institutions of power as they were."¹⁵⁶ Several of the diary entries in Crossman support such an argument, for example, during a Cabinet meeting in January 1969:

The Prime Minister reported that we would be announcing the end of the experiment on specialist committees ... This took my breath away. The end of the experiment, as though we had written it off as a failure.¹⁵⁷

¹⁵¹ Dalyell, *Dick Crossman*, ft.135, pp.149-162

¹⁵² V. Honeyman (2007) *Richard Crossman: A Reforming Radical of the Labour Party*, London: I. B. Tauris, pp.95-132

The section in the biography by Howard (1990: 280-285) is too short to draw any firm conclusions. The author exchanged e-mails with Dr. Honeyman on this issue.

¹⁵³ K. Theakston (1992) *The Labour Party and Whitehall*, London: Routledge, p.126

¹⁵⁴ Crossman, *Diaries Volume 2*, ft.147, pp.130-1

¹⁵⁵ For example: Crossman, *Diaries Volume 1*, ft.39, p.502

¹⁵⁶ C. Ponting (1989) *Breach of Promise: Labour in Power 1964-1970*, London: Hamilton, p.173

¹⁵⁷ Crossman, *Diaries Volume 3*, ft.64, p.348. Also Crossman, *Diaries Volume 2*, ft.147, pp.346-7, 466

Dorey notes that Wilson may have expressed his support for the Commons reforms, but he rarely seemed to view them as particularly important.¹⁵⁸

In summary, the Technocratic Collectivists had not considered modernisation as a significant imperative for implementing the manifesto pledges for Commons reform. (It could be argued that modernisation was not, and could not, be viewed as an ‘end’ in itself.) By extrapolation, the Technocratic Collectivists were unlikely to attach importance to modernisation as an imperative for implementing the 1966 pledge for Lords reform.

Conclusion

Standpoint on the Constitution (1959-64)

The ideological position of Technocratic Collectivism had an attachment to the government-centred Westminster Model of the British polity (see chapter 3), for example:

a Government responsible to a democratically elected Parliament must take full responsibility for the nation’s economic destinies.¹⁵⁹

Indeed, there was no new theory, or theorising, on the Constitution: either on the Constitution’s individual institutions or on the Constitution *qua* Constitution. For example, there was no extended discussion on the Constitution in either of the two programmatic documents (or in their draft versions), *Labour in the Sixties* (1960) and *Signposts for the Sixties* (1961). Nonetheless, in the wake of the 1959 general election, the Labour Party’s leadership had decided to re-brand the Party’s image by adopting the presentational themes of modernisation, new-ness, and being up-to-date. In this context,

¹⁵⁸ Dorey, *History of Constitutional Conservatism*, ft.31, p.372

In a later book, Wilson (1976) does not refer to the imperative of modernisation when discussing these Commons reforms.

¹⁵⁹ ft.7, Labour Party 1961a

there was a marginal interest in constitutional reform, which was justified with reference to the newly-adopted presentational themes. Since there was “no strong ideology (or theory)”¹⁶⁰ for constitutional reform, any reforms would almost certainly be only piecemeal or incremental in scope. Doubtless, the interest in constitutional reform was also partly driven by the wider temporal-paradigmatic thought on the Constitution, as academics and commentators were beginning to question the “effectiveness of Britain’s political institutions”,¹⁶¹ mainly prompted by a growing concern over Britain’s relative economic decline. It should also be recalled that the Labour Party was in Opposition at this time, and Dorey notes that the interest in constitutional reform was in part due to the Party having just lost three consecutive general elections.¹⁶²

Standpoint on Lords reform (1959-64)

The ideological position of Technocratic Collectivism was conservative on Lords reform: there was no imperative to reform either the powers or the composition of the Lords. More broadly, there was no new theory, or theorising, on the Second Chamber *qua* Second Chamber. For example, the two (published) programmatic documents had made no reference at all to the House of Lords. Nonetheless, there was evidence of a very marginal interest in Lords reform, which was justified with reference to the Labour Party’s newly-adopted presentational themes. This interest was doubtless also driven by the wider temporal-paradigmatic thought on the Constitution. However, in the pre-1964 period, the Labour Party still did not adopt, or begin to develop, a policy for Lords reform. During the 1964-66 Parliament, the issue of Lords reform did not receive the sustained attention of the Labour Government. This was partly because Lords reform

¹⁶⁰ J. Mackintosh (1974) *The Government and Politics of Britain*, London: Hutchinson, pp.32-3

¹⁶¹ ft.32, Coxall & Robins

¹⁶² ft.31, Dorey

See also Evans 2003: 314

was not an aim of Technocratic Collectivism, and it was partly because no major confrontation had taken place between the Government and the Lords. Subsequently, the Labour Party's 1966 manifesto had pledged to reduce or remove the Lords' powers, but this pledge was not part of a theoretically-grounded strategy for Lords reform. The following justifications can be discerned for the inclusion of the pledge:

- A reaction to the Lords' conduct with Government bills over the 1964-66 Parliament;
- In order to modernise the parliamentary institutions, as an aim of Technocratic Collectivism;
- The general long-term standpoint of the Labour Party.

The Technocratic Collectivists did not attach any particular importance to these justifications, and also the pledge was not part of a developed theory or strategy for Lords reform, so it can be concluded that the implementation of the 1966 pledge for Lords reform was unlikely to be considered as an important priority.

CHAPTER 5: Developing the Bill (1)

Ministerial Committee

Introduction

This chapter turns to the beginning of the attempt by the Labour Government (1966-70) to reform the House of Lords. In June 1966, Lord Gardiner¹ and Lord Longford² sent a memo to the Cabinet which called for the introduction of a bill to reform the powers and composition of the House of Lords.³ The Cabinet duly decided to proceed with Lords reform, but the legislation would be confined only to abolishing the powers.⁴ As such, the composition would be left unreformed. (This Cabinet decision is discussed in detail in chapter 7.) A Ministerial Committee was to be appointed – the workings of which form the subject of this chapter – and be tasked with developing the reform bill. Burke Trend, the Cabinet Secretary, reported that the Lords would have held “simply a power of [legislative] revision”⁵ as a result of the reform. The Cabinet also decided

to consider the timing of the introduction of the proposed bill in the light of the progress made with Government legislation in the current Session.⁶

In the meantime, no external indication would be given that the Government was contemplating the introduction of a bill for Lords reform.

*Since the composition and functions of the Lords would not be addressed as part of this bill, the reform to be developed is referred to hereafter as a ‘powers-only reform’.

¹ Gerald Gardiner, the Lord Chancellor.

² Frank Pakenham, the Labour Leader in the Lords.

³ C 87(66), Reform of the House of Lords: Memorandum by The Lord Chancellor and The Lord Privy Seal, 24th June 1966. The sending of this memo was arranged in a prior meeting between the Prime Minister and Lords Gardiner and Longford (see chapter 4).

⁴ CC 32(66)2, Cabinet Conclusions Confidential Annex, 28th June 1966, p.6

⁵ PREM 13/2295, Memo: Trend to Wilson, 27th June 1966, p.1

⁶ CC 32(66)2, ft.4, p.4

The first meeting of the ‘Ministerial Committee on the Powers of the House of Lords’ was held on 14th April 1967.⁷ Five subsequent meetings would be held before the final recommendations were sent to the Cabinet.⁸ Lord Gardiner (ft.1) served as the chairperson throughout the Committee’s tenure, and in terms of the rest of its membership:

- The Ministers drawn from the House of Commons were Richard Crossman (Leader of the House), Patrick Gordon-Walker (Minister without Portfolio), Roy Jenkins (Home Secretary), and John Silkin (Chief Whip);
- The Ministers drawn from the House of Lords were Lord Longford (ft.2), Lord Shackleton (Minister without Portfolio), and Lord Shepherd (Chief Whip).⁹

The full terms-of-reference of the Committee were:

To work out proposals for the abolition of the power of the House of Lords to withhold consent to subordinate legislation subject to affirmative or negative resolution, and to delay the passage of bills; and to arrange for the preparation of the necessary legislation.¹⁰

The final recommendations of the Committee, which departed significantly from these terms-of-reference, were sent to the Cabinet on 9th October 1967.

⁷ There was a meeting held on 26th October 1966, but this turned out to be a “trial run” (R. Crossman (1976) *The Diaries of a Cabinet Minister: Volume 2 Lord President of the Council and Leader of the House of Commons 1966–68*, London: Hamish Hamilton, p.94)

⁸ Subsequent meetings of the Ministerial Committee: The powers-only reform was discussed at meetings, including the first meeting, on these dates: 5th June 1967, 19th June 1967, 18th July 1967. The compositional and functional reform was discussed at meetings on these dates: 19th June 1967, 10th July 1967, 18th July 1967, 12-13th September 1967.

⁹ Richard Crossman was the Minister formally responsible for parliamentary reform, as he was Leader of the Commons, thus explaining his membership of the Committee. In early April 1967, Crossman explicitly requested the membership of each of the listed Ministers (except Longford and Shackleton) although his diary entry does not provide any reasoning (Crossman, *Diaries Volume 2*, ft.7, p.298). In June 1966, Trend suggested to the Prime Minister that it would be useful to involve Ministers “particularly interested in the problem [of Lords reform] ... e.g. Roy Jenkins” (PREM 13/2295, ft.5, p.3).

¹⁰ C 145(67), Report of the Ministerial Committee on the Powers of the House of Lords, 31st August 1967, p.2

The Powers-Only Reform

Principal legislation¹¹

The Committee would consider two alternative schemes for the Lords' powers over principal legislation:

Scheme 1: A bill which had been sent to the Lords at least three months before the end of the session, and either rejected by the Lords or not passed by them at the end of three months, could be submitted for Royal Assent without the concurrence of the Lords on a resolution to that effect as passed by the Commons.¹²

Scheme 2: A bill which had been rejected by the Lords could be passed into law by closing the original session and then opening a new session in which the bill would be passed again in the Commons. The bill would be presented automatically for Royal Assent if the Lords rejected it for the second time.¹³

Under both schemes, if a bill was passed by the Lords with amendments then only those acceptable to the Commons would be included in the Act as submitted for Royal Assent.

In deciding which scheme to recommend, it was noted that presently there were good working relations between the Government and the Conservative Opposition in the Lords. Shepherd made the following remarks at the Committee's very first meeting:

¹¹ Discussions primarily took place at the first (14th April 1967) and third (19th June 1967) meetings of the Ministerial Committee. An abridged record of the discussions was included in the Annex of a report sent to the Cabinet: C 145(67), ft.10, 31st August 1967

¹² To be implemented by replacing section 2 of the Parliament Act 1911 with new provisions to this effect.

¹³ To be implemented by repealing the proviso to subsection 1 of section 2 of the Parliament Act 1911. This would remove the compulsory minimum interval of one year which must elapse, under the existing Parliament Acts, between Second Reading in the Commons in the first Session and Third Reading in the Commons in the next.

at present a large volume of legislation was passed expeditiously through the Lords, and they were willing to deal at short notice with Bills ... even on major controversial measures they were not prepared to obstruct the Government to the extent of invoking the existing Parliament Acts.¹⁴

For example, the respective business managers from the Government and the Opposition were cooperating over the timetabling of legislation. Therefore, the Committee decided to recommend the scheme which posed the lowest risk of disturbing these good working relations. Moreover, there was agreement with the advice of the Official Committee in that the “aim of restricting the delaying powers ... should be to avoid disruption [by the Lords] of the Government’s legislative programme at any stage of a Parliament”.¹⁵

In the case of scheme 1, Shepherd advised that the “Lords would constantly [feel to be] under the threat of the three-months guillotine”¹⁶ because they would anticipate the Government’s willingness to invoke the procedures of this scheme. This willingness was based on the significantly greater efficiency of these new procedures in terms of overriding the Lords, in comparison with the procedures of the existing Parliament Acts.¹⁷ To illustrate, during the 1964-66 Parliament, the Government decided to accept a Lords amendment to the Murder (Abolition of the Death Penalty) Bill in order to avoid a clash between the Houses (see chapter 4). Therefore, the enactment of scheme 1 was likely to cause a disturbance to the good working relations with the Lords. Moreover, the limited period of delay under this scheme could have become ‘the rule

¹⁴ PL(67)1, Minutes of the MC, 14th April 1967, p.3

¹⁵ Ibid.: p.1

¹⁶ PL(67)3, Memorandum by the Chief Whip in the House of Lords, 6th April 1967, p.3

¹⁷ The situation under the existing Parliament Acts: a bill rejected by the Lords had to be passed again in the subsequent session, following a delay of one year, through all of its stages in the Commons before being sent back to the Lords. Only then could the rejected bill be given Royal Assent.

rather than the exception', that is, the Lords could avail themselves on a regular basis of the full period of three months' delay.

In the case of scheme 2, Shepherd advised that the Lords would retain a significant legislative sanction – the Government would be forced to close the session and then open a new one¹⁸ – and as a result the Lords would consider themselves to be threatened to a lesser extent in comparison with scheme 1.¹⁹ Therefore, the Committee decided to recommend scheme 2 predominately because it was less likely, than scheme 1, to disturb the presently good working relations between the two Houses.²⁰ Additionally, the Lords would be less likely to persist in opposing a Government bill under scheme 2 because of the magnitude of the sanction/power, just as they were under the existing Parliament Acts. (The magnitude of the Lords' existing powers was one of the main reasons as to why, in practice, the Lords were not deploying them.)

Subordinate legislation (subject to affirmative or negative resolution)²¹

The Lords still retained the powers of outright rejection over this type of legislation (to which the provisions of the Parliament Acts did not apply), but the Committee would note that these powers “were not, in practice, used so as to frustrate the Government's programme”.²² Indeed, the Lords had not invoked these powers at all since 1945.²³

¹⁸ Prematurely closing a session would cause significant upheaval to the legislative timetable of the Government. Additionally, a disputed bill would have to be passed again through all of the stages in the Commons before being sent back to the Lords.

¹⁹ PL(67)3, 6th April 1967, p.4

²⁰ This decision was taken at the third meeting of the Ministerial Committee: PL(67)3, Minutes of the MC, 19th June 1967, p.1

²¹ Discussions primarily took place at the second (5th June 1967) and fourth (18th July 1967) meetings of the Ministerial Committee. An abridged record of the discussions was included in the Annex of a report sent to the Cabinet: C 145(67), ft.10, 31st August 1967

²² PL(67)4, Minutes of the MC, 18th July 1967, p.2

²³ House of Commons Library, Briefing Paper 06509, 15th December 2016, pp.24-5

The Committee would consider two alternative schemes for the Lords' powers over subordinate legislation:

Scheme 1: Transferring to the House of Commons alone the powers hitherto enjoyed by both Houses in being able to reject subordinate legislation.²⁴

Scheme 2: Leaving the Lords with their existing powers over subordinate legislation but giving the Commons an overriding power in the case of disagreement between the Houses.²⁵

In discussion, the Committee thought that scheme 1 would be disadvantageous because it

would remove from the Lords their valuable scrutinising functions at present performed [by the Special Orders Committee] in relation to Orders requiring affirmative resolution.²⁶

This would mean a loss in the attention paid by Parliament to this type of legislation.

Crossman duly remarked that "in reducing [the Lords' powers] we mustn't reduce [the Lords'] utility".²⁷

A disadvantage of scheme 2 would be its likely effect of encouraging

the Lords to reject statutory instruments since, unlike the present situation, there would be a method of overriding the Lords' decision. At the present time the Lords were reluctant to reject statutory instruments because they

²⁴ To be implemented by amending existing enactments e.g. the Statutory Instruments Act 1946.

²⁵ In respect of subordinate legislation which is subject to a negative resolution, the Lords would be left with their existing power to pass such a resolution but it would be ineffective unless concurred to by a resolution in the Commons.

In respect of subordinate legislation requiring an affirmative resolution, it might be provided that such a resolution of the House of Commons should have effect as if passed by both Houses, whether by the same or by a subsequent resolution.

²⁶ PL(67)2, Minutes of the MC, 5th June 1967, p.1

²⁷ Crossman, *Diaries Volume 2*, ft.7, p.94

recognise that their decision was final; but if the Commons were given an overriding power, the position might be quite different.²⁸

This would cause inconvenience to the Government's legislative timetable and it would be "difficult, if not impossible, to get as much business through [Parliament] as they had done in recent sessions".²⁹

Due to these disadvantages, both schemes would have placed additional burdens on the time of members in the Commons. In the case of scheme 1, the functions of legislative scrutiny to be removed from the Lords would instead have to be carried out in the Commons, while in the case of scheme 2, it would be necessary during instances of disagreement between the Houses to have a debate in the Commons before a vote to override the Lords' decision. Previously, Trend wrote to the Prime Minister that there was a "background of anxiety about the capacity of the Commons to handle the volume of legislation which Governments of any complexion now require."³⁰ As such, both schemes would only exacerbate this problem. In the end, the Committee decided to recommend scheme 1 on the grounds that it better satisfied the aim of removing the "powers of the Lords to frustrate the intentions of the Commons".³¹

Report to the Cabinet

To comprise the powers-only reform bill, the Ministerial Committee would recommend scheme 2 for principal legislation³² and scheme 1 for subordinate legislation (subject to affirmative or negative resolution). However, the Committee also eventually found that "some disturbance of working relations was inevitable"³³ with any powers-only reform.

²⁸ PL(67)2, ft.26, 5th June 1967, p.1

²⁹ PL(67)4, ft.22, 18th July 1967, p.2

³⁰ PREM 13/2295, ft.5, 27th June 1966, pp.1-2

³¹ PL(67)2, ft.26, 5th June 1967, p.2

³² A draft bill, comprising one clause, was already prepared to give effect to this scheme.

³³ MISC 154(67)1, Minutes of the MC, 19th June 1967, p.1

Therefore, the Committee reported that introducing the reform bill would cause the Conservative Opposition in the Lords to relinquish their present cooperation with the passage of Government legislation. For example, it would create the “conditions in which the Lords would be tempted to reject [Government] bills which they pass at present”.³⁴ Indeed, Lord Carrington³⁵ threatened Longford that the Conservative peers would almost certainly reject an upcoming item of Government subordinate legislation, the ‘Stansted Order’, if a powers-only reform was introduced.³⁶ The crux of the problem was the large compositional majority which the Conservative Party held in the Lords, because it made the “Government depend entirely on the cooperation of the [Conservative Lords] in maintaining the present flow of legislation”.³⁷ Shell describes another consequence in the same vein:

the House of Lords undertook a considerable degree of legislative work on behalf of the Government, such as improving bills which were still in a rather raw state when they completed their Commons stages ... In normal circumstances, the House was diligent and co-operative in these respects, but ... it could easily turn uncooperative and awkward.³⁸

This would also have deleterious implications on the expeditious passage of Government legislation through the Lords. Such consequences would be manifest even once the reform bill was on the Statute Book: while the Lords were deterred from invoking their existing power in part because of the magnitude of the power itself (a delay of one year), a reduced power was likely to be invoked more willingly and

³⁴ PREM 13/1686, Memo: Trend to Wilson, 5th September 1967
The argument was made also in relation to subordinate legislation: C 145(67), ft.10, 31st August 1967, annex p.5

³⁵ Conservative Leader in the Lords.

³⁶ LCA 2/8127, Note of a Meeting, 6th October 1967

Morgan (1975: 68, 96-7) briefly discusses the Lords’ standpoint on the ‘Stansted Order’.

³⁷ C 145(67), ft.10, 31st August 1967, annex p.2

³⁸ D. Shell (2006) ‘Parliamentary Reform’ in P. Dorey (ed.) *The Labour Governments 1964–1970*, London: Routledge, pp.185-6

regularly. Furthermore, if their new power was invoked, the Lords might also be unwilling to cooperate in “arrangements for carrying over [into the new session] other unfinished business.”³⁹ Duly, Shepherd observed that the Government would be left in a worse position than under the existing Parliament Acts.⁴⁰

Overall, proceeding with a powers-only reform would almost certainly result in greater delays to the Government’s programme than were likely to result if no powers-only reform was passed at all. This would be the case during the legislative passage of the reform bill as well as once it was on the Statute Book. The Committee’s report would conclude that “there is no satisfactory way of dealing in isolation with the Lords’ powers,” and that if only the Lords’ powers can be dealt with then “we must advise that there should be no change in this Parliament”.⁴¹ (The Committee also made other arguments to oppose a powers-only reform. These are discussed in the third section of this chapter because they were made in the context of the Committee’s case for introducing a wide-ranging reform).

The Compositional and Functional Reforms

The Cabinet agreed⁴² with the Committee’s conclusion, and therefore a powers-only reform was discarded in the immediate circumstances.⁴³ Subsequently, the Committee requested that the Cabinet would expand the original terms-of-reference, which gave consideration only to the Lords’ powers, to those which gave consideration instead to the Lords’ powers, composition, and functions. The Cabinet assented to this request, although it was “without prejudice to the question whether legislation to effect such a

³⁹ C 145(67), ft.10, 31st August 1967, annex p.3

⁴⁰ PL(67)3, ft.20, 19th June 1967, p.4

⁴¹ C 145(67), ft.10, p.2

⁴² CC 54(67), Cabinet Conclusions, 7th September 1967

⁴³ This decision proved to be somewhat short-lived, because the introduction of a powers-only reform was given serious consideration less than a year later (in June 1968) – see chapters 6 and 7.

reform should in the event be introduced”.⁴⁴ (This Cabinet decision is discussed in detail in chapter 7). As such, the Committee was to develop a proposal for wide-ranging Lords reform and then report back to the Cabinet.

To begin developing the reforms of the composition and functions, the Committee would establish the following foundational principles:

- Membership of the House of Lords should in future be determined only by appointment, and the inheritance of an hereditary peerage should no longer entitle its holder to membership.

There were no discussions throughout the Committee’s tenure – according to the minutes – which gave consideration to any other method of composition e.g. any type of election or abolishing the institution outright (unicameralism).⁴⁵ The discussions were based on achieving a wholly appointed House either in the first instance or on a transitional basis.

- The government of the day should, in normal circumstances, be able to secure a voting majority in the House.

Together with the removal of the delaying powers (see below), this would enable the government to maintain control over the passage of legislation in the House. The aim was to prevent the Lords from being able to impede legislation against the will of the Commons, while at the same time allowing the revising and scrutinising functions of the Lords to be developed.

⁴⁴ CC 54(67), ft.42, p.13

⁴⁵ In terms of abolition and unicameralism, Trend wrote: “Experience of recent years ... has demonstrated the need for a working Second Chamber ... in order to reduce the pressure on the Commons, to enable a greater volume of legislation to be enacted” (PREM 13/1686, Memo: Trend to Wilson, 5th September 1967). Shepherd added that “this is particularly so for a Labour Government which requires to see a large amount of legislation placed on the Statute Book” (PL(67)3, Memorandum by the Chief Whip House of Lords, 6th April 1967, p.1).

- The cross-bench peers (‘individuals of distinction in various walks of life’) who attended the House only infrequently should be able to continue participating in debates.

The contributions in debates by these peers, based on their specialist knowledge and experience, provided a valuable functional aspect of the House. Indeed, the Committee wanted to preserve the “character of the House as a debating chamber of distinction.”⁴⁶ Scientists were cited as a desirable type of cross-bench peer,⁴⁷ which surely reflected the ideology of Technocratic Collectivism.

Since the Committee had thereby established an outline of the reformed composition (or the result of the reform), in order to arrive there they would need to establish what changes were needed to the existing composition. In doing so, the Committee would identify the principal ‘defects’ in the existing composition: “its hereditary basis and the present in-built Conservative majority”.⁴⁸ Remedy would be achieved by eliminating the former which in turn would serve to eliminate the latter. (Approximately three-quarters of the Conservative Party’s majority in the Lords was made up of hereditary peers.⁴⁹)

Duly, the Committee would consider two broad schemes for reforming the composition of the Lords, although the fine details were not being developed at this juncture. Both schemes were intended to accord with the foundational principles and with remedy of the principal compositional defects:

⁴⁶ MISC 154(67)4, Minutes of the MC, 12/13th September 1967, p.3

⁴⁷ C 157(67), Composition and Powers of the House of Lords, 9th October 1967, p.5

⁴⁸ MISC 154(67)2, Minutes of the MC, 10th July 1967, p.5

These were the Labour Party’s principal concerns with the composition of the House since at least 1945.

⁴⁹ A break-down of the House’s composition (at the time) can be found in: House of Lords Reform, Cmnd.3799, November 1968, p.5

The two-tier scheme:⁵⁰ membership of the House would be composed of two distinct tiers of peers, ‘voting’ and ‘non-voting’. The former would hold full rights of membership as at present, while the latter would hold speaking rights only and thus not be permitted to vote in divisions. The voting tier would be composed of the created peers, i.e. the life peers and peers of first creation, along with the law lords and a reduced number of the bishops (see discussion below).⁵¹ The non-voting tier would be composed of the peers by succession and the created peers who only attended the House infrequently. The voting peers would be paid “a substantial rate of remuneration ... plus expenses actually incurred”,⁵² and for the non-voting peers the attendance allowance would continue.

The one-tier scheme:⁵³ membership of the House would be composed in approximate accordance with the voting tier of peers as in the two-tier scheme.⁵⁴ The peers by succession would be removed from the House entirely and as such all members of the House would hold full rights of membership, including the right to vote in divisions. Further consideration was needed as to the type of payment (whether an attendance allowance or a salary) the peers would receive.

An attendance requirement would be imposed under both schemes. This was to ensure that members played a significant role in the work of the House and for the government to be reasonably assured of maintaining a voting majority. Crucially, only the voting peers under the two-tier scheme would be subject to this requirement.

⁵⁰ Outlined orally by Shackleton – MISC 154(67)4, ft.46, pp.7-8.

This was seemingly the original idea of Henry Burrows (former Clerk Assistant of the Parliaments): ‘How the House of Lords might reform itself’, *The Times*, 26th May 1966, p.15

⁵¹ It was thought that the number of voting peers would require supplementation by a selection of the peers by succession who for this purpose would be made life peers. This was to ensure a reasonable balance between the parties and the retention as voting peers of a number of the useful and contributing hereditary peers.

⁵² MISC 154(67)4, ft.46, 12/13th September 1967, p.8

⁵³ Outlined orally by Gardiner (Ibid.: pp.3-6)

⁵⁴ The main difference was that the one-tier scheme required more supplementary peers from the pool of the peers by succession.

In discussion, the following advantages of the two-tier scheme were suggested: Firstly, allowing the peers by succession to remain as members of the House – holding speaking rights only – was expected to serve as a concession to the Conservative Opposition. This would allow the reform bill to be passed on the basis of cross-party agreement, so there would not be the “need to force [the reform bill] through under the Parliament Acts and so avoiding disturbing present working relations”.⁵⁵ At the same time, the hereditary peerage would be deprived of legislative power because they would be disbarred from voting in the House. Secondly, the cross-bench peers who attended the House only infrequently could be designated as speaking-only/non-voting peers, which allowed the government to be sufficiently assured of a voting majority without having to unduly enlarge the size of the voting tier of peers.⁵⁶ Thirdly, allowing the peers by succession to ‘serve out their time’ would facilitate continuity with regard to the work of the House and ensure that the process of reform was a “Burkean organic adaptation”.⁵⁷ As such, this scheme would ease the transition to a wholly appointed House.

The following advantages of the one-tier scheme were suggested: Firstly, the scheme was likely to be more acceptable to the Labour MPs. The peers by succession would cease to be members of the House in any capacity and therefore no member would be taking their seat on the basis of inheriting an hereditary peerage.⁵⁸ Secondly, the scheme would result in a lesser degree of governmental patronage because there would only be one rate of payment. There would not be a situation in which the government could appoint peers to a voting tier, where they would be paid significantly more, or to a non-

⁵⁵ MISC 154(67)4, ft.46, 12/13th September 1967, p.10

⁵⁶ One of the problems with a larger voting tier was that it would make more difficult the job of the government whips in maintaining a voting majority. A House of 200-250 voting members was envisaged under the two-tier scheme, while a House of 290 members was envisaged under the one-tier scheme.

⁵⁷ Shell, ‘Parliamentary Reform’, ft.38, p.186; J. Morgan (1975) *The House of Lords and the Labour Government 1964-1970*, Oxford: Clarendon Press, p.174

⁵⁸ MISC 154(67)4, ft.46, 12/13th September 1967, p.9

The presence of the hereditary peers was one of the foci of criticism in meetings of the PLP.

voting tier. Indeed, this was criticised by a Labour MP as “paying peers more for voting [the government’s] way.”⁵⁹ Thirdly, due to the absence of the speaking-only/non-voting peers, the outcome of divisions would in normal circumstances be reflective of the tone of debates. Otherwise, these peers could potentially dominate a debate by their weight of numbers and therefore the resultant division, determined only by the voting peers, would be distorted.

As part of the wide-ranging reform, the Committee would recommend to remove the Lords’ powers in relation to principal legislation (scheme 2 as outlined in the previous section). It was reasoned that

a nominated second chamber ... should not be accorded powers as a separate House of Parliament since it was contrary to democratic principles that power should derive from any other source but the electorate.⁶⁰

The powers in relation to subordinate legislation (subject to affirmative or negative resolution) would require further consideration, conditional on the way in which the Lords’ scrutinising functions were to be developed.⁶¹ However, the Cabinet was informed that the aim of the eventual recommendation would be to prevent the Lords from being able to outright reject this type of legislation against the will of the Commons.⁶²

⁵⁹ Crossman, *Diaries Volume 2*, ft.7, p.417. Roy Jenkins criticised the two-tier scheme on such grounds (Crossman, *Diaries Volume 2*, ft.7, p.473).

⁶⁰ MISC 154(67)4, ft.46, 12/13th September 1967, p.1

⁶¹ It should be recalled – as discussed in the previous section of this chapter – that abolishing these powers would have caused some of the House’s scrutinising functions to be lost.

⁶² C 157(67), ft.47, 9th October 1967, p.3 (also p.7)

Plurality or Overall Majority

Before and during the tenure of the Ministerial Committee, Crossman argued that the government of the day should hold an overall majority in the reformed House.⁶³ This would provide a greater assurance of government control (as one of the foundational principles demanded – see above) and lessen the chances of disruption to the passage of government bills. However, the final recommendation of the Committee was only for a plural majority,⁶⁴ and indeed the Committee recognised that this would create some degree of scope for government defeats:

the Opposition Parties, together with cross-benchers ... might combine to reject Government proposals.⁶⁵

It is worthwhile to look at the reasons behind this recommendation, because it had seemingly defied one the Committee's own foundational principles.

The Committee thought that an overall majority for the government was either unnecessary or undesirable because:

1. it would necessitate the appointment of additional peers to the House, which would be open to criticism as being an excessive extension of patronage.⁶⁶
2. it was likely to lower the quality of the membership due to the difficulty of finding a sufficient number of "men [sic] of the right quality"⁶⁷ to comprise the additional appointments.
3. on a change of government, the number of new appointments would make the House 'unwieldy' in terms of its size (its total number of members) – see ft.56.⁶⁸

⁶³ Crossman, *Diaries Volume 2*, ft.7, pp.298, 328, 387

⁶⁴ A firm decision was taken on this issue at: MISC 154(67)2, Minutes of the MC, 10th July 1967

⁶⁵ C(67)157, Composition and Powers of the House of Lords, 9th October 1967, p.7

⁶⁶ *Ibid.*: p.3

⁶⁷ MISC 154(67)1, Minutes of the MC, 19th June 1967, p.2

4. removing the Lords' powers was sufficient to ensure that the will of the Commons would prevail in any disagreement between the Houses.⁶⁹ Moreover, it was probable that the Salisbury Convention would be preserved.⁷⁰
5. even though the outcome of divisions would notionally be in the hands of the cross-benchers, these peers "in practice rarely vote (and when a few do, they either break even or tend to support the government of the day)".⁷¹
6. it would create an expectation that the government should win most, if not all, of the divisions in the House. As such, a defeat for the government would be more embarrassing and carry a greater political significance, compared to the circumstances in which there was only a plural majority and thereby some degree of scope for government defeats.⁷²
7. it would be "less conducive to a responsible attitude in the House".⁷³ This was because the House would not feel justified as a parliamentary chamber with sufficient independence from the government's control, and therefore the opposition parties were likely to employ delaying tactics in order to impede the government's legislation.⁷⁴
8. it would be difficult to defend because the outcomes of divisions were likely to be seen as a "foregone conclusion"⁷⁵ and this would make the House "appear no more than a creature of the government".⁷⁶ Contrarily, the Committee wanted the House to appear as "an integral part of a bicameral legislature".⁷⁷

⁶⁸ PREM 13/1686, Trend to Wilson, 10th October 1967, p.3

⁶⁹ MISC 154(67)4, Minutes of the MC, 12/13th September 1967, p.2

⁷⁰ MISC 154(67)2, ft.64, p.3

⁷¹ C 157(67), ft.47, 9th October 1967, p.6

⁷² MISC 154(67)1, ft.63, p.2

⁷³ C 157(67), ft.47, p.6

⁷⁴ MISC 154(67)2, ft.64, pp. 3-4

⁷⁵ MISC 154(67)4, ft.69, p.2

⁷⁶ PREM 13/1686, ft.68

⁷⁷ C 157(67), ft.47, p.4

9. there was already criticism that the outcomes of divisions in the Commons, where the government held an overall majority, were not reflective of the tone of debates. There would be strong criticism if this feature was mirrored in the Lords.⁷⁸

The Committee's final recommendation was that the government of the day should hold "a small working majority over the opposition parties",⁷⁹ but not a majority over the whole House i.e. when those peers without party allegiance were included (cross-benchers, law lords, senior bishops). Nonetheless, Crossman said that the government would be "normally assured of a voting majority"⁸⁰ and it would have "sufficient control to ignore the theoretical capacity of a reformed House of Lords to thwart the will of the Commons".⁸¹ In the last resort, the government would retain the ability to enforce its will by 'swamping' the Lords via the creation of a tranche of new life peers. This "had, in the past, proved effective in moderating the attitude of the Opposition to a Labour Government."⁸²

It should be emphasised that the Committee's recommendation for a plural majority, rather than an overall majority, was not to enable the Lords to exercise a constitutional 'check' on the government. Indeed, the Committee's aim was still to "ensure the continued co-operation of the Lords in forwarding Government business",⁸³ and Gardiner remarked that "we must trust our reformed House of Lords to back the Government".⁸⁴

⁷⁸ MISC 154(67)2, ft.64, p.3

⁷⁹ C 157(67), ft.47, p.6

⁸⁰ CC 59(67), Cabinet Conclusions, 12th October 1967, p.4

⁸¹ C 157(67), ft.47, p.6

⁸² MISC 154(67)2, ft.64, p.3

⁸³ MISC 154(67)2, Memorandum by the Home Secretary and the Ministers without Portfolio, 17th July 1967, p.5

⁸⁴ Crossman, *Diaries Volume 2*, ft.7, p.387

The Bishops and the Law Lords

The Committee's debates on the Bishops and the Law Lords were highly disparate in nature e.g. arguments were made both for abolition and retention. Furthermore, the Committee attributed only a peripheral importance to these issues: firstly, because they were "difficult and delicate"⁸⁵ e.g. removing the Law Lords would make changes necessary to the wider judicial system. Secondly, because the Bishops and the Law Lords did not affect the relative party balance in the House (they did not take any party whip). As such, there were no prolonged discussions in regard to these issues throughout the Committee's tenure.⁸⁶

Arguments were made both for excluding the Bishops and for retaining them. In the former case, a modern Parliament should abide by the principles of secularism and therefore it was erroneous for Bishops to sit, *ex officio*, in one of its chambers. In the latter case, the presence of the Bishops was justified on historical grounds and it was an integral part of the 'special relationship' between the established Church and the State.⁸⁷ The Committee decided that "in order to avoid unnecessary complication and controversy"⁸⁸ the House should continue to hold places for the Bishops, which would also be in keeping with an evolutionary approach to Lords reform. However, since there would be a reduction in the size of the House (that is, in its total number of members), there should be a corresponding reduction in the representation of the Bishops, also because relatively few of them attended. In addition, the Committee discussed whether allocations should be made in the House for *ex officio* representation of the other

⁸⁵ PREM 13/1686, Memo: Trend to Wilson, 5th September 1967, p.3

⁸⁶ It should be recalled that the two principal 'defects' in the composition of the House, as identified by the Committee, were the "hereditary basis and the present inbuilt Conservative majority".

⁸⁷ House of Lords Reform, Cmnd.3799, November 1968, p.25

⁸⁸ MISC 154(67)4, Minutes of the MC, 12/13th September 1967, p.5

religious denominations, but this was rejected because “it would present serious problems both of demarcation and of individual selection.”⁸⁹

It was argued that the membership of the Law Lords was an historical accident and that it might be preferable to separate their judicial functions from the other functions of the House. On the other hand, it was argued that the presence of the Law Lords was “intimately connected with the House of Lords”⁹⁰ and that they played a valuable role in discharging the functions of the House in its appellate capacity. Furthermore, a convention had developed under which the Law Lords would refrain from voting on party political subjects, while they also gave valuable service to the House in debates on legal issues, in advising on drafts of bills, and in aspects of jurisprudence. As such, the Committee decided that the Law Lords, who in any case were created peers, should all remain as members of the House. They should be regarded in the same light as the cross-bench peers who were appointed on merit and who contributed a specialist experience to the work of the House.⁹¹

It should be concluded that the Committee’s standpoint on the Bishops and the Law Lords was not grounded in principles of constitutional theory (e.g. the ‘separation of powers’),⁹² but rather in practical/pragmatic/expedient considerations. However, their standpoint was grounded, at least in part, in what Dorey & Kelso describe as the “predominantly piecemeal tradition of British constitutional development and political change.”⁹³

⁸⁹ MISC 154(67)2, Memorandum by the Home Secretary and the Ministers without Portfolio, 17th July 1967, pp.3-4

⁹⁰ MISC 154(67)4, Memorandum by the Minister without Portfolio, 7th September 1967, p.11

⁹¹ Ibid.: p.5

⁹² The principles of the ‘separation of church and state’ and the ‘separation of powers’ were not imperatives within the Labour Party’s ideology.

⁹³ P. Dorey & A. Kelso (2011) *House of Lords Reform Since 1911: Must the Lords Go?*, Hampshire: Palgrave Macmillan, p.143

Deciding between the one-tier and two-tier schemes⁹⁴

The Committee members were divided between the alternative schemes for reforming the composition: Roy Jenkins and Patrick Gordon-Walker supported the one-tier scheme⁹⁵ but “a majority favoured the two-tier approach.”⁹⁶ However, even those Committee members who favoured the one-tier scheme would concede that the “balance of advantage might swing in favour of the [two-tier scheme]”⁹⁷ if the reform bill could be enacted via cross-party agreement. The pivotal factor was that the good working relations between the Government and the Conservative Opposition in the Lords were likely to be maintained, thereby avoiding the risk of disruption to the Government’s programme “over a period of a year or more”.⁹⁸ Dorey & Kelso discuss the other tactical advantages of proceeding on the basis of cross-party agreement e.g. those Cabinet Ministers who still only wanted a powers-only reform could be outmanoeuvred if it could be shown that there was cross-party support for a wide-ranging reform.⁹⁹ Therefore, the decision between the alternative schemes would be based on whether the two-tier scheme could be introduced as legislation enjoying the Opposition’s support, or at least the Opposition’s acquiescence, but indeed this could only be tested in cross-party negotiations. It was concluded that the upcoming Queen’s Speech should include an announcement of the Government’s intention to legislate for Lords reform, and that negotiations would be sought thereafter with the Conservative

⁹⁴ The decision was made at the fourth Committee meeting, held on 12/13th September 1967, at which Tony Benn (Minister of Technology) and Michael Stewart (First Secretary of State) were additional attendees.

⁹⁵ Crossman, *Diaries Volume 2*, ft.7, pp.473-4, 547

⁹⁶ MISC 154(67)4, ft.88, 12/13th September 1967, p.10

There was, however, a “general agreement on the need for reform and on the objectives to be aimed at”. Benn (1987: 510-1) was dissenting.

⁹⁷ PREM 13/1686, Memo: Trend to Wilson, 10th October 1967, p.1

⁹⁸ C 157(67), ft.47, 9th October 1967, p.2

Gardiner also commented that in a “constitutional reform of this importance, [cross-party] consultation would in any event be required” (MISC 154(67)4, ft.88, 12/13th September 1967, p.10).

⁹⁹ Dorey & Kelso, *Lords Reform Since 1911*, ft.93, p.144

Party (and also the Liberal Party). The finer details of the reform would be decided in the light of these negotiations.¹⁰⁰

The Case for the Reform Proposal (September 1967 – October 1967)

The Ministerial Committee had recommended that a powers-only reform, as originally mandated by the Cabinet (June 1966), should not be introduced. When requesting an expansion in the terms-of-reference, the Committee also recommended against retaining the *status quo* (against leaving the Lords unreformed) although this option was preferable to introducing a powers-only reform. The Cabinet decided that “if the composition of the Lords were not to be changed, it would be undesirable to introduce legislation dealing solely with ... powers”, or in other words that the “choice lay between a [wide-ranging] reform of the House of Lords and leaving matters as they stood.”¹⁰¹ Subsequently, the Committee asked for the Cabinet’s assent to:

- their proposal for wide-ranging Lords reform, whose compositional aspect was based on the two-tier scheme; and to
- negotiating with the Conservative Opposition, with a view to enacting the reform bill via some degree of cross-party agreement.

“Since the Conservative leaders were prepared to abandon the hereditary principle, it should be possible to achieve reform by agreement on the lines of the proposed two-[tier] scheme.”¹⁰²

This section looks at the case which the Committee would put to the Cabinet. Notably, the Committee remarked that the provisions of their reform would represent the limit to

¹⁰⁰ PL(67)5, Minutes of the MC, 19th October 1967, p.1

¹⁰¹ CC 54(67), Cabinet Conclusions, 7th September 1967, pp.13-14

¹⁰² CC 59(67), Cabinet Conclusions, 12th October 1967, p.4

which they would go in securing agreement with the Conservative Opposition.¹⁰³ (A précis of the proposed reform is included in the conclusion to this chapter.)

Removing the capacity of the Lords

The Committee argued that a risk would remain to the Government's legislation from an unreformed House of Lords, in terms of it impeding both principal and subordinate legislation. Additionally, it was argued that the Lords' powers could be exercised as a veto on principal legislation in the final year of the Parliament¹⁰⁴ – this was one of the reasons which led the Cabinet to mandate a powers-only reform in June 1966.¹⁰⁵ But the Committee argued that the Lords' capacity to impede/veto legislation was not only derived from the chamber's powers but also from the chamber's composition (or specifically, the balance of party representation). According to Morgan, it was felt that “with the composition unaltered, the [Conservative] hereditary peers would still be in control” and by the use of procedural methods, e.g. tabling amendments,¹⁰⁶ these peers would retain a capacity to interfere with the passage of bills even if their powers were removed (see also the ‘Report to the Cabinet’ sub-section of this chapter).¹⁰⁷ Therefore, both the powers and composition would have to be reformed in order to remove the Lords' capacity to thwart the will of the House of Commons, and as such the “elected majority in the Commons could always prevail.”¹⁰⁸ Moreover, the Committee noted that the House of Lords was presently deterred from invoking its powers due to the

¹⁰³ C 157(67), Composition and Powers of the House of Lords, 9th October 1967, p.2

This would *not* be borne out, because the Parliament (No. 2) Bill would provide for a six month delaying power.

¹⁰⁴ CC 59(67), ft.102, p.3

The Committee argued that the reform bill would have to be introduced in the upcoming session (1967-8) in order to address this issue. This was because the enactment may have to proceed under the procedures of the Parliament Acts (PREM 13/1686, Memo: Trend to Wilson, 10th October 1967, p.2) and therefore be delayed by one year.

¹⁰⁵ Crossman, *Diaries Volume 2*, ft.7, p.94

¹⁰⁶ Having to deal with amendments from the Lords would distract the Government's attention and interfere with the legislative timetable.

¹⁰⁷ Morgan, *The House of Lords*, ft.57, p.172

¹⁰⁸ C 157(67), ft.103, 9th October 1967, p.7

“magnitude of the powers themselves”,¹⁰⁹ but Crossman told the Cabinet that the proposed reform was still needed because

it could not be assumed that the present situation, which on the whole had operated favourably to the Government, would continue.¹¹⁰

In a similar vein, enacting the proposed reform via cross-party agreement would avoid disturbing the presently good working relations between the Government and the Conservative Opposition in the Lords. This would ensure that the Government was able to continue passing its programme unimpeded through the Lords.¹¹¹ According to the Committee, their essential objectives for Lords reform were not compromised by taking this approach.

Functional reform

The Committee argued that removing the (aforementioned) capacity would also allow the Lords to be developed in the new role of a revising and scrutinising chamber. As such, one of the aims of the reform was to ensure that the Government held a measure of control over legislation in the Lords in order to make fuller use of the Lords’ revising and scrutinising functions.¹¹² As a result, the House of Lords was to be made an effective instrument for Government legislation. This was to be linked with reforms being undertaken to the House of Commons, forming part of the reform of Parliament

¹⁰⁹ Ibid.: p.4

¹¹⁰ CC 59(67), ft.102, 12th October 1967, p.4

¹¹¹ Having to force the reform bill through, using the Parliament Acts, would also consume parliamentary time and as a result the Government would be able to get less legislation enacted – C 157(67), ft.103, 9th October 1967, p.6.

¹¹² According to Trend, there would be a risk “that a reformed House of Lords, with enhanced authority and prestige, would be seen as a rival by the elected House, who would be reluctant to see its functions developed in the way envisaged” (PREM 13/1686, Memo: Trend to Wilson, 5th September 1967, p.3).

as a whole,¹¹³ as the functions of the upper chamber were to be integrated with those of the lower chamber:

Take, for one example, our Specialist Committees. It is already clear that the chance of rapidly expanding the number of those Committees is reduced by the manpower [sic] problem both in the [Commons] and among the Clerks ... With a reform of the House of Lords, this problem would be considerably eased ... thanks to the infusion of the cross-bench element ... we should have at our disposal, after the reform, a new source of manpower [sic] for Joint Committees.¹¹⁴

Moreover, Crossman argued that the composition of the Lords would have to approximately “reflect the will of the electorate”¹¹⁵ – and therefore would have to be reformed from its current configuration – if the chamber was to play a fuller role in the work of Parliament. Gardiner summed up the thinking of the Committee by telling the Cabinet that the powers, composition, and functions of the Lords “could not be dissociated.”¹¹⁶

Crossman told the Cabinet that the “principal objective of [the wide-ranging] reform should be to ensure the more efficient working of Parliament as a whole”.¹¹⁷ But in what sense was Parliament to be made more efficient? Firstly, Crossman wanted to relieve the House of Commons of part of its presently heavy burden of legislative work, by which he was alluding to a malady noted previously by Shepherd: “despite their long hours ... the Commons still do not have time to debate the important matters which they

¹¹³ F. Longford (1974) *The Grain of Wheat*, London: Collins, p.36; Castle 1984: 293

¹¹⁴ Hansard, House of Commons debates, 19th November 1968, vol.773 col.1143

¹¹⁵ MISC 154(67)8, Memorandum by the Lord President of the Council, 8th September 1967, p.1

¹¹⁶ CC 54(67), ft.101, 7th September 1967, p.13

¹¹⁷ CC 59(67), ft.102, 12th October 1967, p.4

should be able to do”.¹¹⁸ This would be achieved by giving the House of Lords a greater share of the legislative workload e.g. the Lords could be given a more active role as ‘first House’ for the consideration of bills of secondary importance.¹¹⁹ Secondly, the reform was to remove the capacity of the House of Lords to impede the Government’s legislation and therefore the efficient, or unimpeded, passage of bills through Parliament was to be secured. Additionally, the re-distribution of legislative work would make available “more Ministerial manpower [sic]”,¹²⁰ in the Lords’ Ministers, thus enabling Government Departments to send a larger volume of bills concurrently through Parliament. As such, Crossman in part wanted to allow the House of Commons more time to carry out its functions of scrutiny, while in part he wanted to streamline the process of dispatching Government business.

Fulfilling the manifesto pledges

The former part of Crossman’s argument was eminently compatible with one of the aims for parliamentary reform as pledged in the 1966 Labour Party manifesto *viz.* “to reinforce the democratic element in modern Government”.¹²¹ Indeed, the Committee drew attention to this pledge, which was to foreshadow a strengthening of the scrutinising functions of the (democratically elected) House of Commons – discussed in chapter 4. In terms of their other arguments based on the 1966 manifesto: firstly, Gardiner highlighted that a pledge was made to remove the Lords’ powers, and that this was subsequently ‘augmented’ by the Cabinet’s decision that the powers “could not be

¹¹⁸ PL(67)6, Memorandum by the Chief Whip in the House of Lords, 2nd June 1967, p.2

See also PREM 13/2295, Memo: Trend to Wilson, 27th June 1966, pp.1-2

¹¹⁹ PL(67)4, Note by the Lord President of the Council, 23rd May 1967, p.1

The appendix to the White Paper (House of Lords Reform, Cmnd.3799, November 1968) provides coverage.

¹²⁰ MISC 154(67)8, ft.115, 8th September 1967, p.2

¹²¹ C 157(67), ft.103, 9th October 1967, p.4

This quotation, in the Committee’s report, was taken from the 1966 Labour Party manifesto.

dealt with in isolation from the composition”;¹²² a wide-ranging reform should therefore be introduced.¹²³ Secondly, the reform and modernisation of Parliament was pledged, and this could not be effectively fulfilled unless the House of Lords was addressed. Indeed, the “large hereditary element and unmanageable nominal size” of the House was “anomalous by any standards”.¹²⁴ Longford described the composition of the House as “ludicrous and reactionary”.¹²⁵ (The principal defects in the composition – see above – were being implicitly referenced.)

The PLP

The Committee argued that proceeding with a powers-only reform, thereby entrenching the existing composition, would be criticised by the Government’s supporters.¹²⁶

Indeed, during the PLP meetings on Lords reform, some Labour MPs would make the following calls for compositional and functional reform:¹²⁷

- the “hereditary peers should be swept out, as well as the Bishops”;¹²⁸
- “it was considered desirable to get rid of the Court of Appeal”¹²⁹ (meaning the Law Lords).

¹²² CC 59(67), ft.102, 12th October 1967, p.3

¹²³ Contrarily, this manifesto pledge could be used as argumentation for *not* proceeding with a wide-ranging reform, because the pledge only mandated the Government to introduce a powers-only reform and nothing more. This was highlighted by some of the Labour MPs during the Commons debates on the Parliament (No. 2) Bill e.g. Michael Foot at the Second Reading debate (Hansard, ft.114, 3rd February 1969 vol.777 col.90).

¹²⁴ PREM 13/1686, ft.112, 5th September 1967, p.2

¹²⁵ PREM 13/1685, Memo: Longford to Wilson, 29th March 1967

¹²⁶ C 145(67), Report of the Ministerial Committee on the Powers of the House of Lords, 31st August 1967, p.1

Given the context in which it was written, the ‘Government supporters’ being referenced were almost certainly the Labour backbenchers.

¹²⁷ Notably, there were only paltry attendances of Labour MPs at the PLP meetings for Lords reform (e.g. Crossman, *Diaries Volume 2*, ft.7, p.573, see also chapter 8).

¹²⁸ Labour Party Archives, Minutes of the PLP meeting, 15th November 1967

¹²⁹ *Ibid.*: 3rd July 1968

Moreover, Crossman argued that the “younger generation of Labour MPs were strong supporters of Lords reform”.¹³⁰ Presumably, he had in mind those young Labour backbenchers – predominately drawn from the 1964/1966 intake of new MPs – who established the Labour Parliamentary Reform Group. This Group was founded in 1965 in order to “persuade [the] government to reform Parliament as an aspect of party policy”¹³¹ (see chapter 8). These new Labour backbenchers had some degree of cachet, because Harold Wilson decided to appoint Crossman as Leader of the House in order to carry out Commons reforms for the “somewhat frustrated new intake”.¹³²

‘Party political’ imperatives

A powers-only reform would also cause problems for the Government, according to the Committee, from what may be termed as party political imperatives. Crossman claimed that in the event of introducing such a reform,

the [Conservative Party] would immediately amend our Bill to improve the composition and expose us to ridicule.¹³³

This underpinned Shepherd’s argument that it would be difficult for the Labour Government to “show ourselves in the role of a reforming Government ... if we could not do as well or better”¹³⁴ than the Conservative Opposition i.e. if the composition was left unreformed. Shepherd went on to say that the Opposition are always eager to exploit the charge of increasing the power of the Executive vis-à-vis Parliament, and that a powers-only reform would have appeared in such a light especially since the Lords’ powers had not been used in recent years. Moreover, the Conservative leadership

¹³⁰ Crossman, *Diaries Volume 2*, ft.7, p.515

¹³¹ A. Barker (1970) ‘Parliament and Patience 1964-66’ in B. Crick (ed.) *The Reform of Parliament*, London: Weidenfeld & Nicolson, p.200

¹³² H. Wilson (1971) *The Labour Government 1964–70: A Personal Record*, London: Weidenfeld & Nicolson, p.273

¹³³ Crossman, *Diaries Volume 2*, ft.7, p.364

¹³⁴ PL(67)6, Memorandum by the Chief Whip in the House of Lords, 2nd June 1967, p.1

in the Lords was vocally acknowledging the necessity of reforming the composition and they had expressed their preparedness to do so on a cross-party basis,¹³⁵ as such Dorey & Kelso note that the Government would appear to be “motivated solely by calculations of partisan advantage in [only] reducing the power of delay”.¹³⁶ Also, a report of the Committee would note:

There is strong evidence that both the Conservatives and the Liberals are working on proposals for the reform of the composition and functions of the Lords.¹³⁷

Even though Ballinger notes that “no proposal for House of Lords reform which did not have Government support would enjoy any serious prospect of becoming law”,¹³⁸ it is an imperative for any Government to be in control of the political agenda – or at least attempt to be in control – and not be outflanked by the opposition parties.

On 12th October 1967, the Cabinet assented to the Committee’s reform proposal and to conducting negotiations with the Conservative Party. (This Cabinet decision is discussed in detail in chapter 7). The Government’s intention to legislate for Lords reform was to be announced in the upcoming Queen’s Speech. The Committee felt that the negotiations could only be initiated after a firm announcement of the intention to legislate, thereby making the Opposition “fear that they would lose heavily if they did not enter into negotiations”.¹³⁹ Furthermore, such an announcement would leave the

¹³⁵ See the remarks by Lord Harlech (Conservative deputy leader in the Lords) – quoted in M. Wheeler-Booth (1970) *The Attempted Reform of the House of Lords 1964-1969*, *The Table*, 38, p.86

See also Carrington 1988: 205-214 and Morgan, *The House of Lords*, ft.57, pp.171-2

¹³⁶ Dorey & Kelso, *Lords Reform Since 1911*, ft.93, p.144

¹³⁷ C 157(67), ft.103, 9th October 1967, p.4

¹³⁸ C. Ballinger (2012) *The House of Lords 1911-2011: A Century of Non-Reform*, Oxford: Hart, p.130

¹³⁹ C 157(67), ft.103, 9th October 1967, p.2

Government free to proceed with their own reform, “possibly on more radical lines”,¹⁴⁰ if negotiations with the Opposition broke down.

Conclusion

In mid-October 1967, the Ministerial Committee’s proposal for wide-ranging Lords reform was put to the Cabinet.

The Provisions of the Reform Proposal

- The Parliament Acts would be amended so as to remove the Lords’ powers to delay principal legislation. The Lords’ powers to reject outright (veto) subordinate legislation would be removed by giving the Commons an override.
- The Lords would be composed of two tiers of peers, ‘voting’ and ‘non-voting’. The former would hold full rights of membership, while the latter would hold speaking rights only and not be permitted to vote in divisions. The voting tier would be composed of the created peers,¹⁴¹ while the non-voting tier would be composed of the peers by succession.
- Membership of the Lords would in future be determined only by appointment, and the inheritance of an hereditary peerage would no longer entitle its holder to membership. As such, the House would gradually transition to a wholly appointed House.
- The government would hold a small voting majority over the opposition parties, and it would be able to secure a voting majority in normal circumstances. The government would not hold an overall majority in the voting House when those peers without party allegiance were included.

¹⁴⁰ CC 59(67), ft.102, 12th October 1967, p.3

This assumedly meant a reform based on the one-tier scheme.

¹⁴¹ The created peers were the life peers and the (hereditary) peers of first creation

- There would be a reduction in the representation of the bishops which corresponded with the reduction in the size of the whole House, but the law lords would all be retained because they performed useful legislative functions.
- The voting peers would be paid a salary, and for the non-voting peers the attendance allowance would continue.
- An attendance requirement would ensure that the voting peers played a full part in the increased work of a reformed Lords. The created peers who were unable to meet this requirement would be designated as non-voting peers.

The provision for retaining the peers by succession, as speaking-only/non-voting peers, was to serve as a negotiating concession to the Conservative Party. The Committee's intention was to enact the reform bill via some degree of cross-party agreement, on the grounds that this would preserve the good working relations between the Government and the Conservative Opposition in the Lords. In turn, this would ensure a significantly easier passage for the reform bill itself and for the rest of the Government's legislative programme.¹⁴²

The Case for the Reform Proposal

The Committee put the following case to the Cabinet in support of the reform proposal, which also served as the case to oppose retaining the *status quo* (to oppose leaving the Lords unreformed):

- The capacity of the Lords to impede or veto the Government's legislation (both principal and subordinate legislation) would be removed:

¹⁴² This argument was *only* put forward in meetings of the Cabinet, and it was *not* put forward in meetings of the PLP, or in the Commons, or in the Parliament (No. 2) Bill itself.

This capacity was derived from both the powers and composition of the Lords, and as such both would need to be reformed. Furthermore, removing this capacity would give the Government control over legislation in the Lords in order to make greater use of the chamber's revising and scrutinising functions.

- The working of Parliament as a whole would be made more efficient:

Firstly, the Lords would be given a greater share of the legislative workload, which was to allow more time for the Commons to undertake functions of scrutiny. Secondly, removing the capacity of the Lords to impede or veto legislation would secure the process of dispatching Government business.

- Fulfilment of the pledges made in the 1966 Labour Party manifesto:

Pledges were made to remove the powers of the Lords, to reform and modernise Parliament, and to strengthen the scrutinising functions of the Commons.

- The predominant 'defects' in the existing composition of the Lords would be redressed:

Firstly, both the legislative power of the hereditary peers and the hereditary principle would be abolished (together, the "hereditary basis" would be abolished). Secondly, the Conservative Party's large compositional majority would be abolished.

- There was support for Lords reform among the young and newly-elected Labour MPs, some of whom had established the Labour Parliamentary Reform Group.

- 'Party political' imperatives:

Both the Conservatives and Liberals were working on proposals for wide-ranging Lords reform, so the Government ought to retain control of the political agenda and not be outflanked.

Overall, the reformed Lords would be a useful part of a modern parliamentary structure, complementary but subordinate to the will of the Commons, and with its functions more closely and efficiently integrated with those of the Commons. Moreover, enabling peers to be given speaking rights only would permit the continued participation of the cross-benchers who attended the House only infrequently. This would preserve the character of the House as a debating chamber of distinction.

On 12th October 1967, the Cabinet assented to the Committee's reform proposal and to conducting negotiations with the Conservative Party.

CHAPTER 6: Developing the Bill (2)

Inter-party Conference

Southern Rhodesia Order incident

Reconstituted Ministerial Committee

Introduction

On 12th October 1967, the Cabinet assented to the Ministerial Committee's reform proposal and to conducting negotiations with the Conservative and Liberal Parties. The following paragraph was duly included in the Queen's Speech of 31st October 1967:

Legislation will be introduced to reduce the powers of the House of Lords and to eliminate its present hereditary basis, thereby enabling it to develop within the framework of a modern Parliamentary system.¹

This was followed by the Prime Minister's invitation, extended to the "other political parties in both Houses", to begin inter-party consultations in order to develop the legislation.² On behalf of their respective parties, Edward Heath (Leader of the Conservative Party) and Jeremy Thorpe (Leader of the Liberal Party) accepted the invitation. This represented the establishment of the 'Inter-party Conference on Reform of the House of Lords' (hereafter, the 'IPC').

When announcing the invitation in the Commons, the Prime Minister justified an inter-party approach by referring to the proposed reform as "a matter of such constitutional importance".³ There was no reference in his speech to preserving the good working

¹ Hansard, House of Commons debates, 31st October 1967, vol.753 col.7

A discussion on the wording of the paragraph can be found in P. Dorey & A. Kelso (2011) *House of Lords Reform Since 1911: Must the Lords Go?*, Hampshire: Palgrave Macmillan, p.145

² The 'Debate on the Address' – Hansard, ft.1, col.29

The Prime Minister sent letters (dated 30th October 1967) to Heath and Thorpe which informed them of these intentions.

³ Hansard, ft.1, col.29

relations between the Government and the Conservative Opposition in the House of Lords. Nor was there any such reference when Richard Crossman justified the approach during the PLP meeting which took place prior to the IPC.⁴ It should be recalled, from the previous chapter, that preserving these working relations was in actuality an integral aspect of the inter-party approach.

*Key concept: The ‘two-tier scheme’ was discussed at length in chapter 5.

The Inter-party Conference

Prior to the IPC, the Labour delegation had sent out a Background Document to the Conservative and Liberal delegations, which read:

there exists a wide measure of support for ... an evolutionary rather than a revolutionary approach to [Lords] reform.⁵

The two-tier scheme was referenced as a possible option for the compositional reform, although no reference was made to retaining the peers by succession in a speaking-only/non-voting capacity. In any case, Crossman notes that Lord Longford (Labour Leader in the Lords) was privately consulting with senior Conservative peers as if those provisions were part of the opening negotiating position.⁶ Officially, the Government was not committed to any specific reform proposal, and the Prime Minister said in the Commons that the Government was “ready to consider any alternative” proposals from the opposition parties.⁷ During the PLP meeting on 15th November 1967, Morgan notes

⁴ Labour Party Archives: Minutes of a PLP meeting, 15th November 1967; R. Crossman (1976) *The Diaries of a Cabinet Minister: Volume 2 Lord President of the Council and Leader of the House of Commons 1966–68*, London: Hamish Hamilton, pp.573-4

There would also be no such reference in any of the subsequent PLP meetings, nor when the legislation was introduced.

⁵ PREM 13/1687, House of Lords Reform Background Document, undated (early November 1967), p.2 This document was intended to give a “general indication of the Government’s attitude on the major issues”.

⁶ Crossman, *Diaries Volume 2*, ft.4, pp.532-3, 545, 547

⁷ Hansard, ft.1, col.29

that the PLP had not given the Labour delegation any clear guidelines to follow at the IPC.⁸

The IPC convened for its first meeting on 8th November 1967,⁹ with the Labour delegation composed of predominately the same personnel¹⁰ as that of the Ministerial Committee:

- The Ministers drawn from the House of Commons were Richard Crossman (Leader of the House), Roy Jenkins (Home Secretary) until November 1967, James Callaghan (the new Home Secretary) from December 1967 onwards,¹¹ John Silkin (Chief Whip) from January 1967 onwards, and Fred Peart (the new Leader of the House) for meetings 12 and 13;
- The Ministers drawn from the House of Lords were Lord Gardiner (Lord Chancellor), Lord Longford (position noted above) for meetings 1 to 7, and Lord Shackleton (Minister without Portfolio).

The Conservative delegation was composed of:

- Reginald Maudling (Deputy Leader of the Opposition), Iain Macleod (Shadow Chancellor of the Exchequer), Lord Carrington (Leader of the Opposition in the Lords), Lord Jellicoe (Deputy Leader of the Opposition in the Lords).¹²

⁸ J. Morgan (1975) *The House of Lords and the Labour Government 1964-1970*, Oxford: Clarendon Press, pp.176, 178

⁹ Subsequent meetings of the IPC would take place on these dates: 15th November 1967, 28th November 1967, 12th December 1967, 19th December 1967, 8th January 1968, 9th January 1968, 12th March 1968, 26th March 1968, 2nd April 1968, 9th April 1968, 30th April 1968, 7th May 1968. (Total of thirteen meetings).

¹⁰ For comment: Crossman, *Diaries Volume 2*, ft.4, p.511 and Morgan, *The House of Lords*, ft.8, p.178

¹¹ Trend notes that Jenkins, appointed as Chancellor on 30th November 1967, would be unlikely to “find time to attend future meetings” of the IPC. Furthermore, Trend advised to retain the Home Secretary (whoever it might be) as part of the Labour delegation “in order to maintain the present arrangements for departmental support” (PREM 13/1686, Memo: Trend to Wilson, 4th December 1967).

¹² The Conservative standpoint on Lords reform is discussed in T. Lamport (2005) *Reform of the House of Lords in British Politics 1970-1992*, D.Phil. thesis, Queen Mary – University of London, pp.33-4

The Liberal delegation was composed of:

- Jeremy Thorpe (position noted above) and Lord Byers (Liberal Leader in the Lords).

A sub-committee composed of Lords Shackleton, Jellicoe, and Byers would undertake a significant amount of the developmental work at the IPC.¹³ Morgan highlights that these Lords did not sufficiently appreciate the party-political needs of MPs and also they had a “genuine affection for the [House of Lords]”.¹⁴ There is a revelatory entry in the diary of Crossman as to some of the workings at the IPC:

When we deal with this kind of detail, Jellicoe clearly understands because he’s on [the sub-committee] but Maudling is completely out of his depth.¹⁵

This most likely had a contributory role in the argument of Shell that “those most disappointed with the failure of the [Parliament (No. 2) Bill] were probably active members of the House of Lords.”¹⁶

Provisions based on the exchange of negotiating concessions

The provisions in the Bill for the composition, specifically the two-tier scheme, and for the delaying powers were both the result of exchanges in negotiating concessions between the Labour and Conservative delegations.

In relation to the composition,¹⁷ Gardiner argued that “heredity of itself should not confer a right to membership of the House”¹⁸ and accordingly Crossman argued that a

¹³ Morgan, *The House of Lords*, ft.8, pp.178-181 and M. Wheeler-Booth (1970) *The Attempted Reform of the House of Lords 1964-1969*, *The Table*, 38, p.88

¹⁴ Morgan, *The House of Lords*, ft.8, p.179

¹⁵ Crossman, *Diaries Volume 2*, ft.4, p.737

¹⁶ D. Shell (1988) *The House of Lords*, Oxford: Philip Allan, p.20. See also Shell 2006: 190

¹⁷ This issue, specifically the two-tier scheme, was discussed at these IPC meetings:

- MISC 172(67)2, Minutes of the IPC, 15th November 1967
- MISC 172(67)3, Minutes of the IPC, 28th November 1967
- MISC 172(68)6, Minutes of the IPC, 8th January 1968

¹⁸ MISC 172(67)2, ft.17, p.2

one-tier structure¹⁹ was “most likely to commend itself to the Labour Party”.²⁰ The Conservative delegation would counter that they “could not accept without some qualification” the elimination of the hereditary principle as a basis for membership.²¹ In reporting on the negotiations, the Labour delegation noted that they “were able to move together [with the Conservative delegation] on the basis of a two-tier scheme”,²² in which the peers by succession would remain in the House but in a non-voting/speaking-only capacity (in other words, the hereditary principle would not confer a right to vote in the House). Carrington argued that it would be essential for the Conservative Party for “a number of the [peers by succession] to be nominated as [voting] members of the reformed House”, to which Longford agreed that there was a good case for retaining those peers by succession who gave “valuable service to the House”.²³ The Labour delegation then secured a concession in which the descendants of the peers by succession would not inherit the right to become members of the House in any capacity (in other words, speaking rights would not be inherited).²⁴ As such, membership would in future be determined only by appointment. Crossman notes that the Labour delegation felt they “could not concede anything on the hereditary principle”, while Morgan notes that the Conservative delegation had “intellectually and emotionally ... set more store by the Lords’ delaying power.”²⁵

In relation to the delaying powers over principal legislation,²⁶ the Labour delegation would initially put forward the ‘new session’²⁷ scheme as drawn-up by the Ministerial

¹⁹ The one-tier structure was composed only of appointed peers – i.e. the life peers and the peers of first creation – and would exclude all the peers by succession except those who would be given life peerages.

²⁰ MISC 172(67)2, ft.17, p.5

²¹ *Ibid.*: p.2

²² C 26(68), House of Lords Reform: Report on the Progress of the IPC, 29th January 1968, p.2

²³ MISC 172(67)2, ft.17, pp.5-6. See also Longford 1974: 35

²⁴ MISC 172(68)7, Minutes of the IPC, 9th January 1968, p.4

²⁵ Crossman, *Diaries Volume 2*, ft.4, pp.575, 640; Morgan, *The House of Lords*, ft.8, p.181

²⁶ This issue was discussed at these IPC meetings:

- MISC 172(67)4, Minutes of the IPC, 12th December 1967
- MISC 172(67)5, Minutes of the IPC, 19th December 1967

Committee, but the IPC quickly dismissed this scheme. Prior to the IPC, the Background Document (see above) noted that there was “some validity in [the] argument” in which the Lords should be provided with “some moderate measure of delaying power ... At least there must be adequate time for resolving differences between the two Houses.”²⁸ The Conservative delegation would then put forward a scheme for a delaying period of nine months after any disagreement between the two Houses had become apparent. They argued that the second chamber should “be able to disrupt the Government’s timetable”²⁹ in order to allow for public opinion to develop and express itself on the matter in dispute. The Labour delegation would counter that such a substantial delaying period would mean that a bill could not be enacted in the final year of a parliament if the Lords rejected it, and also that urgently required bills (such as the Prices and Incomes Bill) could be rendered nugatory. Furthermore:

It would not be acceptable that a House which derived its authority solely from nomination should be able to disrupt the [democratically-elected] government’s legislative programme.³⁰

While the Lords should be given a reasonable period to *consider* legislation and then, if they so wished, to impose a *delay*, the delaying period should be no longer than for requiring the Commons to ‘think again’.³¹ Notably, there was some dissension within the Labour delegation on this issue, because Callaghan argued that the powers of the Lords should be only to

• MISC 172(68)7, ft.24

²⁷ A bill rejected by the Lords could be passed into law by closing the original session and then opening a new session in which the bill would be passed again in the Commons.

²⁸ PREM 13/1687, ft.5, p.7

²⁹ MISC 172(67)5, ft.26, p.4

³⁰ MISC 172(67)4, ft.26, pp.4-5

³¹ Further comment in Crossman, *Diaries Volume 2*, ft.4, p.706

subject a bill to thorough scrutiny and to force Ministers to justify its provisions in detail.³²

The Conservative delegation would counter that the minimum delaying period which they could contemplate was six months after the point of disagreement.³³ However, they conceded that the delaying period should be capable of being carried-over into the subsequent session or the subsequent parliament, and that at the end of the delaying period the disputed bill could be presented for Royal Assent following only a resolution of the Commons.³⁴ The respective delegations came to an agreement over this provision, and also for the reformed House to be allowed a period of up to two months in which to consider bills. (The provision for the delaying powers over principal legislation is discussed further in the third section of this chapter, in the context of its explanation to the Cabinet).

As regards subordinate legislation,³⁵ Gardiner argued that the aim was to remove the Lords' existing powers of veto and to provide them instead with the powers for requiring the Commons to 'reconsider',³⁶ but this must also enable genuinely urgent subordinate legislation to be passed quickly. The Conservative delegation was in general agreement with the former aspect of that aim (the veto removal), but they objected to the latter aspect (the quick passage of urgent legislation). The sub-committee of the IPC reported that a "wide and detailed" survey would be needed in order to establish a system for distinguishing between urgent and less urgent

³² MISC 172(68)7, ft.24, p.1. See also *Ibid.*: 641

³³ 'Disagreement' would be defined so as to cover the situations where a bill sent up from the Commons is rejected by the Lords, where a motion that it should be read at any stage or passed is rejected or amended, or where the Lords insist on an amendment which is not acceptable to the Commons (House of Lords Reform, Cmnd.3799, November 1968, p.21)

³⁴ MISC 172(68)7, ft.24, p.2

Also described as "a formal period of delay after which legislation would be automatically enacted" (Crossman, *Diaries Volume 2*, ft.4, pp.611-2).

³⁵ This issue was discussed at these IPC meetings: MISC 172(67)4, ft.26, p.7 and MISC 172(68)7, ft.24, pp.5-6

³⁶ In other words, the aim was to replace the veto powers with delaying powers.

subordinate legislation. It was decided that the subject of subordinate legislation should be considered by a joint select committee of both Houses,³⁷ although the IPC came to an agreement on the provisions for removing the Lords' veto powers:

The Commons should be able to override, by a subsequent resolution, the rejection by the Lords of subordinate legislation requiring affirmative resolution.

The operation of any negative resolution passed by the Lords would be suspended for a period sufficient to enable the subordinate legislation to be considered (or considered again) by the Commons, and provision made for such a resolution to become ineffective if ... the subordinate legislation were then approved by a resolution of the Commons overriding the Lords' resolution.³⁸

Fleshed-out and additional provisions

The work of the Ministerial Committee would serve as the basis for several of the provisions in the Bill, so this section omits the details already given in chapter 5. The focus below is on the work of the IPC in which: i) they fleshed-out the provisions already formulated by the Ministerial Committee, and ii) provisions were formulated in addition to those already formulated by the Ministerial Committee.

³⁷ Further comment in Morgan, *The House of Lords*, ft.8, p.203

³⁸ C 26(68), ft.22, p.4

i) Fleshed-out provisions

The government of the day should hold a voting majority of 10% over the total of the opposition parties. The distribution of the voting peers³⁹ (i.e. the relative party balance) should be determined by convention in broad accordance to

[the parties'] representation in the Commons and to the number of votes cast for them in recent general elections.

In the current parliament, it was thought that the voting peers would be distributed thus: 105 Labour, 80 Conservative, 15 subsidiary opposition parties. The presence of 30 voting cross-bench peers (with no party allegiance) would prevent the government from holding an overall majority.⁴⁰ Voting rights would be conditional on attendance at one-third of the sittings in each parliamentary session.⁴¹ A voting peer who failed to satisfy this attendance requirement would be able to recover his/her voting rights only at the beginning of the subsequent parliament. The IPC found that there was “no practical alternative to leaving nominations [to the House] in the hands of the Prime Minister”,⁴² and that there was to be no restriction placed on the right of the Prime Minister in this regard.⁴³ However, the method of selecting the cross-bench peers would require further consideration (see below).⁴⁴ The Law Lords⁴⁵ and the Bishops⁴⁶ were described by

³⁹ This issue was discussed at these IPC meetings:

- MISC 172(67)3, ft.17, pp.4-7
- MISC 172(68)6, ft.17, pp.1-3
- MISC 172(68)8, Minutes of the IPC, 12th March 1968, pp.4-5

⁴⁰ The Bill would not contain any of the aforementioned provisions because it did not seek to regulate the exercise of the Royal Prerogative in respect of the creation of new peers (Wheeler-Booth, *The Attempted Reform*, ft.13, pp.101-2) – see also PREM 13/2295, Memo: Trend to Wilson, 4th December 1968, p.1

⁴¹ This issue was discussed at these IPC meetings:

MISC 172(67)3, ft.17, pp.2-3 and MISC 172(68)6, ft.17, pp.4-5

⁴² MISC 172(67)3, ft.17, pp.6-7. No alternative ideas were in fact discussed, according to the official minutes.

⁴³ *Ibid.*: p.4

⁴⁴ MISC 172(67)2, ft.17, p.2

⁴⁵ This issue was discussed at these IPC meetings:

MISC 172(68)6, ft.17, pp.6-7 and MISC 172(68)9, Minutes of the IPC, 26th March 1968, p.1

⁴⁶ This issue was discussed at these IPC meetings:

Crossman as “secondary issues” which the IPC “clipped our way through”.⁴⁷ All the serving Law Lords would be retained “additional to the provision already suggested for the cross-benchers”. As regards the Bishops:

initially all twenty-six Bishops should enjoy speaking rights⁴⁸ ... the number should be reduced to sixteen as deaths or resignations occurred.

The two Archbishops and the other three senior Bishops (of London, Durham, and Winchester) who sit *ex officio* would possess voting rights irrespective of the attendance and age qualifications, as would all the Law Lords. The issue of remuneration is covered in Dorey & Kelso⁴⁹ and while the White Paper was deliberately vague – “voting peers should in future receive some remuneration”⁵⁰ – the IPC had agreed that voting peers would receive a salary and non-voting peers would receive an expenses allowance.⁵¹

ii) Additional provisions

The voting peers would be subject to a compulsory retirement age⁵² of around 75 years, which would be effective at the end of a parliament and after which these peers would become non-voting/speaking-only peers. This provision would create vacancies for the new voting peers who would be required on a change of government, while at the same time keeping the voting House at a controllable size for the party managers (the whips). The work of the sub-committee had provided the basis for this provision, as they

- MISC 172(68)6, ft.17, p.7
- MISC 172(68)9, ft.45, pp.2-3
- MISC 172(68)11, Minutes of the IPC, 9th April 1968, pp.4-7

⁴⁷ Crossman, *Diaries Volume 2*, ft.4, p.737

⁴⁸ Interesting discussion in footnote 7 of Morgan, *The House of Lords*, ft.8, p.183

⁴⁹ Dorey & Kelso, *Lords Reform Since 1911*, ft.1, pp.148, 150-2

⁵⁰ House of Lords Reform, ft.33, p.21

The vagueness was because remuneration was a “sensitive matter” due to the concern that it might be perceived as unacceptably increasing the Prime Minister’s powers of patronage.

⁵¹ Morgan, *The House of Lords*, ft.8, p.183

⁵² The issue was discussed at this IPC meeting: MISC 172(68)6, ft.17, p.4

produced quantitative models which showed the effects of differing retirement ages on the size of the voting House.⁵³ There would be no statutory limitation on the size of the voting House,⁵⁴ but at the outset a size of 200 to 250 (excluding the Law Lords and Bishops) was thought to be required for conducting the work of the House. This issue would depend on the numbers of non-voting/speaking-only peers who attended debates and served on committees, but there might be difficulty for the Labour Party in finding a sufficient number of persons to appoint to the House if its size were any larger. The Prime Minister of the day should pay special regard, in the appointment of new peers, to the inclusion in the voting House of a “reasonable number” of peers with knowledge/experience in matters concerning Scotland, Wales, Northern Ireland, and the regions of England.⁵⁵ The IPC did not consider that specified numbers of places should be kept in the House for these peers, but it was to be made clear that this provision would be capable of modification in the light of future developments e.g. the findings of the Royal Commission on Local Government. The IPC should continue in being, after the reform was enacted, to keep aspects of the composition under review.⁵⁶ Such aspects would be the relative party balance, the size of the voting House, and the non-partisanship of the cross-bench element. It was initially suggested that the IPC, in its continued form, should make the selections for appointing the cross-bench peers,⁵⁷ in order to reduce the Prime Minister’s powers of patronage. However, Wilson objected to

⁵³ Morgan, *The House of Lords*, ft.8, pp.180-1

⁵⁴ This issue was discussed at these IPC meetings: MISC 172(67)3, ft.17, pp.4-7 and MISC 172(68)6, ft.17, p.1

There was also to be no statutory limitation on the size of the ‘speaking House’ – MISC 172(67)3, ft.17, p.6

⁵⁵ This issue was discussed at these IPC meetings:

MISC 172(68)8, ft.39, pp.5-6 and MISC 172(68)11, ft.46, pp.1-3

⁵⁶ This issue was discussed at these IPC meetings:

- MISC 172(68)8, ft.39, pp.7-9
- MISC 172(68)12, Minutes of the IPC, 30th April 1968, pp.4-6
- MISC 172(68)13, Minutes of the IPC, 7th May 1968, p.7

⁵⁷ R. Crossman (1977) *The Diaries of a Cabinet Minister: Volume 3 Secretary of State for Social Services 1968–70*, London: Hamish Hamilton, pp.26-7, 36

the idea and it was decided to retain the existing (Prime Ministerial) selection procedure for these appointments.⁵⁸

*Hereafter, the term ‘IPC reform proposal’ will be used to denote the reform proposal, or more accurately the provisions, that were agreed at the IPC.

How close was the IPC to bringing forward an agreed reform proposal?

In reporting to the Cabinet, Gardiner said that by June 1968 the IPC had “reached almost complete agreement” on a reform proposal, and further:

The proposal had been considered and endorsed by the Shadow Cabinet and by the leaders of the Liberal Party ... [A] draft White Paper had been prepared ... and had been considered and approved by the Parliamentary Committee.⁵⁹

However, there was a fundamental disagreement at the IPC over the date from which the reform should be made effective i.e. the date of implementation. Iain Macleod, from the Conservative delegation, argued for postponing the implementation until the subsequent parliament, on the basis that the Labour Government was electorally unpopular at the time and therefore had lacked the mandate for a constitutional reform of this magnitude.⁶⁰ On the other hand, the Labour delegation wanted the implementation to take place once the bill was enacted, on the basis that it would remove the Lords’ capacity to block the Labour Government’s legislation in the final year of the current parliament.⁶¹ The gravity of this disagreement should not be

⁵⁸ Summed up in footnote 1 of Ibid.: 27

The IPC would “hope that sensible choices might be made” (Morgan, *The House of Lords*, ft.8, p.182).

⁵⁹ C 87(68), House of Lords Reform: Memorandum by the Lord Chancellor, 16th July 1968, p.1

⁶⁰ The standpoint of Macleod is discussed in C. Ballinger, (2012) *The House of Lords 1911-2011: A Century of Non-Reform*, Oxford: Hart, pp.136-7. See also Ponting 1989: 345

Maudling “rather sheepishly tried to give some support” to Macleod (Crossman, *Diaries Volume 2*, ft.4, p.757)

⁶¹ The other arguments of the Labour delegation are in Morgan, *The House of Lords*, ft.8, pp.185-6

underestimated, because Macleod said that his objection was “so basic that he couldn’t sign an agreed White Paper”,⁶² while he also had the support of the Shadow Cabinet over the issue.⁶³ Duly, Morgan notes:

Neither Labour nor Conservatives would give way and on this issue the Conference was deadlocked.⁶⁴

Moreover, the electoral unpopularity of the Labour Government during the spring of 1968,⁶⁵ as referenced by Macleod, would lead Carrington to observe that

the Tories in the Commons should ask themselves why a Government which has no credit should be shored up by the Opposition in a bi-partisan agreement.⁶⁶

This sentiment of partisanship was shared by the Prime Minister who lambasted Crossman for dealing with “the enemy”⁶⁷ (the Conservative Party) over Lords reform, and additionally it was shared by the Cabinet and the PLP.⁶⁸ There was, as such, an unpropitious political climate for introducing cross-party legislation at around this time. In the same vein, Carrington observed that the Conservative peers were becoming “pretty uncontrollable” (as a result of the Labour Government’s unpopularity) and indeed Crossman was expecting these peers to start opposing the Government’s

⁶² Crossman, *Diaries Volume 3*, ft.57, p.51

Carrington was pessimistic about changing “his colleagues’ opinion about the date of the implementation” (Crossman, *Diaries Volume 3*, ft.57, pp.21-2).

⁶³ Dorey & Kelso, *Lords Reform Since 1911*, ft.1, p.149; Lamport, *Reform of the House of Lords*, ft.12, p.34

⁶⁴ Morgan, *The House of Lords*, ft.8, p.187

⁶⁵ At around this time, the Labour Government was defeated in several by-elections and was showing declining support in the national opinion polls (Wheeler-Booth, *The Attempted Reform*, ft.13, p.88).

⁶⁶ Crossman, *Diaries Volume 3*, ft.57, pp.21-2

⁶⁷ *Ibid.*: 108 (see also pp.100-1 and Morgan, *The House of Lords*, ft.8, p.192)

⁶⁸ Morgan, *The House of Lords*, ft.8, pp.143, 188-9, 194

legislation.⁶⁹ If important legislation was opposed then “an agreed reform will indeed be impossible”,⁷⁰ because it would provoke the wrath of the Cabinet and the PLP.⁷¹

To draw a conclusion, the IPC reached a comprehensive agreement over the provisions for a reform proposal, but there remained a fundamental disagreement over the date of the implementation,⁷² while the political climate had become discernibly partisan and therefore unpropitious for proceeding with cross-party legislation. In late May 1968, Crossman said that “in the present situation it was hopeless to think of Lords reform” and that it should be delayed for a “couple of months”.⁷³ As such, the IPC was *not* close to bringing forward an agreed reform proposal in June 1968.

The Southern Rhodesia Order incident⁷⁴

*The details of this incident are largely outside the scope of the present thesis, so the discussion provided here is relatively brief. It was the *consequences* of the incident which are pertinent.

On 18th June 1968, the House of Lords voted to reject the Southern Rhodesia Order (United Nations Sanctions) 1968, which is referred to hereafter as the ‘incident’. The Order was an item of the Labour Government’s subordinate legislation, and the Conservative peers had provided 172 out of the 193 votes cast against it.⁷⁵ Even though this was the first time the Lords had seriously defied the Labour Government 1966-70,⁷⁶

⁶⁹ Crossman, *Diaries Volume 3*, ft.57, pp.75, 87

Crossman also alludes to a lack of parliamentary discipline within the PLP at the time, and said that “they’re going to be infuriated” by the reform proposal.

⁷⁰ *Ibid.*: 137

⁷¹ Morgan, *The House of Lords*, ft.8, p.196

⁷² Crossman remarked: “This is the only opposition the Shadow Cabinet have raised against our proposals” (Crossman, *Diaries Volume 2*, ft.4, p.705).

⁷³ Crossman, *Diaries Volume 3*, ft.57, pp.75, 87

⁷⁴ The best accounts of this incident are in Morgan, *The House of Lords*, ft.8 and P. Carrington (1988) *Reflect On Things Past: the Memoirs of Lord Carrington*, London: Collins

⁷⁵ Analysis of the division is in Ballinger, *A Century of Non-Reform*, ft.60, p. 139

⁷⁶ *Ibid.*: 138

and the Order was shortly afterwards re-laid and then was passed by the Lords,⁷⁷ Morgan argues that this incident had made it “impossible to proceed with the all-party proposal”.⁷⁸ This author would be inclined to agree when considering the nature and extent of the press coverage alone e.g. it was claimed on the front page of *The Times* that the Government was “embarrassed internationally”.⁷⁹ Even the Conservative Leader in the Lords would later write: “The Government could not shrug off [this] defeat ... its credibility would have been destroyed internationally”.⁸⁰ Harold Wilson believed that the Conservative peers had attempted to force a general election by inflicting a “humiliating defeat” on the Government,⁸¹ whether or not at the instigation of the Conservative leadership in the Commons but “certainly with their enthusiastic acquiescence.”⁸² In a statement to the Commons he said that the

deliberate and calculated decision of the Conservative Party ... was in direct contravention of the spirit in which [the IPC was] being conducted.⁸³

Furthermore, *The Times* reports that some Labour backbenchers were “strongly pressing” for the IPC to be discontinued,⁸⁴ while Crossman accepted that the Labour backbenchers would have to be “appeased”.⁸⁵ Wilson notes that there was significant pressure from the PLP, as well as from some Cabinet Ministers, to take “urgent action” in reducing or removing the Lords’ powers (but leaving the Lords’ composition

⁷⁷ Despite the action of the Lords in rejecting the Order, its effect remained in force and undisrupted (Wheeler-Booth, *The Attempted Reform*, ft.13, p.89)

⁷⁸ Morgan, *The House of Lords*, ft.8, pp.192-3

⁷⁹ ‘Government Defeated By Nine In Lords Rhodesia Vote’, *The Times*, 19th June 1968, p.1

See also Dalyell 1989: 145 and Williams 1972: 256

⁸⁰ Carrington, *Reflect On Things Past*, ft.74, p.205

⁸¹ Crossman, *Diaries Volume 3*, ft.57, p.102

⁸² H. Wilson (1971) *The Labour Government 1964–70: A Personal Record*, London: Weidenfeld & Nicolson, p.537. Further comment in *Ibid.*: 97-8. See also ‘Wrong Battleground’, *The Times*, 17th June 1968, p.9

⁸³ Hansard, House of Commons debates, 20th June 1968, vol.766 col.1315

⁸⁴ ‘Wilson May Act Today To Curb Lords’ Powers’, *The Times*, 20th June 1968, p.1

⁸⁵ Crossman, *Diaries Volume 3*, ft.57, p.102

unreformed).⁸⁶ A few days after the incident, 131 Labour backbenchers would vote for a Ten-Minute Rule Bill which proposed to abolish the Lords outright.⁸⁷

In the wake of the incident, Wilson wanted to introduce a bill “to curtail the powers of the House of Lords on the lines provisionally agreed” at the IPC.⁸⁸ In addition to the pressure he was feeling from the PLP and the Cabinet, Wilson was personally in support of such a bill at this juncture.⁸⁹ He said in the Commons that the incident represented “a denial of democracy and a total frustration of the spirit of our Constitution.”⁹⁰

Preparations for a powers-only bill, proceeding ‘behind the back’ of Crossman, had reached such an extent that Freddie Warren (Private Secretary to the Chief Whip) reported to Crossman, “It’s all fixed. We’ve prepared the [powers-only] bill already.”⁹¹ Morgan suggests that officials were asked to prepare a powers-only bill as early as the Whitsun Recess (31st May to 11th June).⁹² However, on 19th June 1968, some of the Ministers from the Labour delegation who still supported the IPC reform proposal,⁹³ and crucially still supported the cross-party approach, met with the Prime Minister in order to get him to resile. In a meeting described by most accounts as ill-tempered, these Labour Ministers deployed precisely the same arguments which characterised the work of the Ministerial Committee (see chapter 5) as Crossman told Wilson:

We have to deal with composition and powers together ... Composition *is* their power and if you try to pass a Bill destroying their powers ... they will

⁸⁶ Wilson, *A Personal Record*, ft.82, p.537

⁸⁷ Hansard, ft.83, 26th June 1968, vol.767 cols.466-78

⁸⁸ PREM 13/2295, House of Lords: Note of a meeting, 19th June 1968, p.1

Discussion is provided above as to the provision in the IPC reform proposal for the Lords’ powers (including in relation to subordinate legislation, of which the Southern Rhodesia Order was an item).

⁸⁹ Morgan, *The House of Lords*, ft.8, p.192

⁹⁰ Hansard, ft.83, 20th June 1968, vol.766 col.1315. See also Wilson, *A Personal Record*, ft.82, p.537

⁹¹ Crossman, *Diaries Volume 3*, ft.57, pp.99-100. Silkin and Peart were apparently parties to the machination.

⁹² Morgan, *The House of Lords*, ft.8, pp.189-90

⁹³ These Ministers were Crossman, Gardiner, Shackleton, and Beswick. The other Ministers at this meeting were Silkin and Peart (and Wilson) – Crossman, *Diaries Volume 3*, ft.57, p.101

do everything possible to sabotage our [legislative] programme. It would take us the best part of a year to get a [powers-only bill] through both Houses.⁹⁴

The Prime Minister decided to acquiesce but only to the extent that a powers-only bill would not be introduced in the immediate circumstances. As described by Fred Peart, an agreement was reached that “we shouldn’t close all avenues ... we should leave it open”,⁹⁵ and the Ministerial Committee should be reconstituted in order to consider what proposals the Government might put forward for Lords reform.⁹⁶

At the Cabinet meeting the following day, it was agreed that Wilson should make a statement in the Commons to the effect that the IPC could not be continued, but the scope and timing of the bill for Lords reform should be left ambiguous. This latter point would keep the Lords “in some doubt as to the Government's intentions”, and it would therefore give the Lords an incentive to cooperate with the Government in the passage of legislation.⁹⁷ Crossman notes that within the Cabinet there was “no kind of a majority for continuing the [IPC]” and that his persuading of Wilson to resile from a powers-only reform “hadn’t won me any liking”.⁹⁸ (This Cabinet decision is discussed in detail in chapter 7). Duly, in his statement to the Commons on 20th June 1968, Wilson declared that it was the Government’s intention to introduce “comprehensive and radical legislation” for Lords reform “at an early date of the Government’s choosing”.⁹⁹

⁹⁴ Ibid: 101

⁹⁵ Quoted in Ibid.: 101

The account in Wilson, *A Personal Record*, ft.82, p.608 does not accord with the other primary documentation.

⁹⁶ PREM 13/2295, ft.88, 19th June 1968, p.3

⁹⁷ CC 31(68), Cabinet Conclusions, 20th June 1968, p.4

⁹⁸ Crossman, *Diaries Volume 3*, ft.57, p.103. See also Castle 1984: 464

⁹⁹ Hansard, ft.83, 20th June 1968, vol.766 col.1316

According to Morgan, the statement was welcomed by the Labour backbenchers, who were most probably unaware of the aforementioned resiling.¹⁰⁰

The reconstituted Ministerial Committee

The reconstituted Ministerial Committee¹⁰¹ would convene for its first meeting on 1st July 1968.¹⁰² Lord Gardiner (Lord Chancellor) would serve as the chairperson throughout its tenure, and in terms of the rest of its membership:

- The Ministers drawn from the House of Commons were Richard Crossman (Minister of Social Services), Fred Peart (Leader of the House), Tony Benn (Minister of Technology), and Elwyn Jones (Attorney General) – John Silkin (Chief Whip) and James Callaghan (Home Secretary) would attend from the third meeting onwards;
- The Ministers drawn from the House of Lords were Lord Shackleton (Labour Leader in the Lords), Lord Shepherd (Minister of Commonwealth Affairs), and Lord Beswick (Chief Whip).

The reconstituted Committee would send its recommendations to the Cabinet on 16th July and 15th October (both dates 1968). Trend notes that the recommendations were supported by “a substantial majority” of the Committee, although not unanimously.¹⁰³ For example, Tony Benn was calling strongly for a different reform proposal.¹⁰⁴

However, Morgan notes that the work of the Committee was directed by those Ministers

¹⁰⁰ Morgan, *The House of Lords*, ft.8, p.194

¹⁰¹ Official name: ‘Ministerial Committee on the House of Lords’.

¹⁰² Subsequent meetings of the reconstituted Committee would take place on these dates: 8th July, 23rd September, 14th October, 21st November, 2nd December (all dates 1968). There was also a meeting on 10th July 1968 of the ‘Parliamentary Committee of Cabinet’ at which Lords reform was discussed.

¹⁰³ PREM 13/2295, Memo: Trend to Wilson, 17th July 1968, p.1

¹⁰⁴ Benn 1988: 88-9, Crossman 1977: 114

– viz. Gardiner, Crossman, and Shackleton¹⁰⁵ – who directed the work of the original Ministerial Committee and to a significant extent the IPC.¹⁰⁶ It should, therefore, come as no particular surprise that this reconstituted Committee would report to the Cabinet with almost exactly the same recommendations as those made in August/October 1967, by the original Committee, and in February 1968, by the IPC. This was despite the intention of composing the reconstituted Committee with:

- i) additional Ministers to those who attended the IPC in order to “take a new look” at Lords reform,¹⁰⁷ and
- ii) a “membership reflecting the variety of views [on Lords reform] within the Cabinet”.¹⁰⁸

Moreover, despite the incident, Morgan notes that friendly relations were maintained with those Shadow Ministers from the Conservative delegation (at the IPC) “whose reforming zeal was unimpaired.”¹⁰⁹ Indeed, Crossman was trying behind-the-scenes, along with Carrington, to resume the IPC.¹¹⁰

Develop a new reform proposal or revert to the IPC reform proposal?

Initially, the Committee would recommend¹¹¹ to the Cabinet that the options for proceeding with Lords reform should be either of the following:

- a new and radical reform proposal to be developed and introduced unilaterally; or

¹⁰⁵ Discussion is provided in chapter 7 as to the other Ministers drawn from the Commons. As a generalised statement, none of these Ministers were *enthusiastic* supporters of the IPC reform proposal (see entries in Crossman 1977 for this period) although this author was unable to obtain any data on the standpoint of Elwyn Jones, including in his autobiography (Elwyn-Jones 1983).

¹⁰⁶ Morgan, *The House of Lords*, ft.8, pp.195-6

¹⁰⁷ PREM 13/2295, Memo: Trend to Wilson, 19th June 1968, p.2

¹⁰⁸ The words of the Prime Minister – CC 31(68), Cabinet Conclusions, 20th June 1968, p.5

¹⁰⁹ Morgan, *The House of Lords*, ft.8, pp.196-7

¹¹⁰ Crossman, *Diaries Volume 3*, ft.57, p.137

¹¹¹ C 87(68), House of Lords Reform: Memorandum by the Lord Chancellor, 16th July 1968

- the reform proposal previously developed at the IPC (the oral explanation to the Cabinet was clearly foreshadowing some degree of cross-party agreement for the legislative passage).

In terms of the former option, the Committee would recommend against particular reform proposals:¹¹²

- Reducing or removing the delaying powers, but leaving the composition unreformed;
- Basing the method of composition on a form of regional representation, or on membership of the Privy Council, or on democratic election;
- Establishing a unicameral Parliament by abolishing the Lords outright.

The overarching reason for recommending against a unilateral reform proposal was that any such bill would be opposed by the Conservative peers,¹¹³ and as such it would have to be forced through by use of the Parliament Act procedure.¹¹⁴ This would cause a major disturbance to the presently good working relations between the two Houses and would in turn cause a major disturbance to the presently unimpeded passage of the Government's legislative programme.¹¹⁵ This was the same overarching reason which led the original Ministerial Committee to seek a wide-ranging reform instead of a powers-only reform (see chapter 5). The reconstituted Committee reported that "recent events (i.e. the incident) have ... done nothing to diminish the strength of the arguments

¹¹² Ibid.: pp.2-3

¹¹³ The Committee reported that this was particularly because the Labour Government had "no mandate to reform [the] composition" (Ibid.: p.3). Also, the Conservatives would be able to claim that the Labour Government had reneged on the previously agreed reform proposal (Dorey & Kelso, *Lords Reform Since 1911*, ft.1, p.155).

¹¹⁴ Trend notes that a unilateral reform bill introduced in October 1968 would not be enacted until December 1969 (PREM 13/2295, ft.107, 19th June 1968, p.1).

¹¹⁵ C 87(68), ft.111, 16th July 1968, pp. 3-4 and 7-9

then deployed”.¹¹⁶ On the other hand, there was a good prospect that the IPC reform proposal, a “virtually agreed plan”, could be enacted as a cross-party bill, even though “all three parties would encounter some opposition from their [own] backbenchers”.¹¹⁷ As such, “we would secure an easier passage for the [reform] bill and for our legislative programme generally”,¹¹⁸ and indeed the Committee were explicit in recommending the IPC reform proposal on the basis of “a matter of tactics”.¹¹⁹

Other tactical reasons were given in support of the Committee’s recommendation.

Firstly, the cross-party approach would commit the Conservative Party to those parts of the reform – after enactment – which depended on convention rather than on statute.¹²⁰

For example, the relative party balance in the voting House was to be determined by convention. Secondly, if a unilateral reform proposal was enacted then a future

Conservative Government was likely to enact its own unilateral reform proposal, whose provisions would be wholly contrary to the Labour Party’s interests. For example, it might “leave the House with much greater [delaying] powers, especially on subordinate legislation”.¹²¹ Party-political reasons (a form of tactical reason) had also played a role

in the Committee’s recommendation. Firstly, Dorey & Kelso highlight that if senior Conservatives now opposed the IPC reform proposal then they could be portrayed as dishonourable and irresponsible. Secondly, if a radical and unilateral reform proposal

¹¹⁶ Ibid.: p.2

¹¹⁷ CC 36(68), Cabinet Conclusions, 18th July 1968, p.8

¹¹⁸ C 111(68), ft.151, 15th October 1968, p.1

¹¹⁹ CC 36(68), ft.117, 18th July 1968, p.8

“rather than of finding the ideal second chamber” (PREM 13/2295, Memo: Trend to Wilson, 9th July 1968, p.1)

¹²⁰ C 111(68), ft.151, 15th October 1968, p.2

In a letter to Crossman, Ted Heath wrote that “if the Bill becomes law we would ourselves endeavour to operate it successfully” (PREM 13/2296).

¹²¹ C 87(68), ft.111, 16th July 1968, p.5

was now pursued then it might prompt Conservative accusations that the Labour Government was motivated by spite or vengeance as a reaction to the incident.¹²²

The Committee also recommended against the option of leaving the Lords unreformed. This was because “we should be failing to implement the pledge in our [1966] election manifesto”,¹²³ and similarly the Government had “announced their intention to legislate in The Queen's Speech”¹²⁴ which was re-iterated by the Prime Minister in his statement to the Commons on 20th June 1968.¹²⁵ Furthermore, it was still necessary to protect the Government’s legislative programme from vetoes by the Lords in the final session.¹²⁶ Even if the Lords were given warning that a radical reform would be enacted in a future parliament, the majority of the Committee felt that they could not rely on the Conservative peers not to “indulge in irresponsible obstruction”¹²⁷ in the final session of the current parliament. Lastly, the provisions of the IPC reform proposal were ‘sold’ to the Cabinet on the basis that they “might not appear attractive presentationally, but were in fact radical in substance” e.g. they would abolish “the built-in Conservative majority in the House of Lords and the power of the hereditary peers”.¹²⁸

Provision for the Delaying Powers

In the IPC reform proposal, the provision for the Lords’ powers in relation to principal legislation was significantly different to that endorsed by the Cabinet prior to the IPC.¹²⁹

¹²² Dorey & Kelso, *Lords Reform Since 1911*, ft.1, p.155

Relatedly, it was argued that there would need to be at least cross-party consultation in order to avoid public criticism – C 111(68), ft.151, 15th October 1968, p.2 and CC 42(68), ft.148, 17th October 1968, p.11)

¹²³ C 87(68), ft.111, 16th July 1968, p.2

¹²⁴ This referred to The Queen’s Speech of the present session (ft.1)

¹²⁵ CC 36(68), ft.117, 18th July 1968, p.8

This statement to the Commons had directly followed the incident.

¹²⁶ C 87(68), ft.111, 16th July 1968, p.2

¹²⁷ PREM 13/2295, ft.103, 17th July 1968, pp.1-2

¹²⁸ CC 36(68), ft.117, 18th July 1968, p.8

¹²⁹ The endorsement was made at the Cabinet meeting on 12th October 1967 – see chapter 5.

The new provision could be interpreted as a delaying period of eight months from the introduction of a bill in the Lords (PREM 13/2295, Memo: Trend to Wilson, 31st January 1968, p.4-5)

Crossman would tell the Cabinet that it was the “price we paid”¹³⁰ to get agreement with the Conservative Party, but in any case “what we have done is make the present House of Lords even weaker”.¹³¹ Gardiner argued that the new provision would still remove the “potential threat to a Labour Government’s legislative programme in the last session of a parliament”,¹³² because the delaying period could be carried-over into the subsequent parliament. Furthermore, the Government would be able to send a bill to the Lords late in a session and, even if it were rejected, to present it for Royal Assent without much loss of parliamentary time in the subsequent session. This was because the delaying period could also be carried-over into the subsequent session and thereafter the rejected bill could be presented for Royal Assent following only a resolution of the Commons. Without those two features, if the session ended during the period of delay¹³³ then the rejected bill would have to be re-introduced in the subsequent session.¹³⁴ Therefore, the new provision for the Lords’ delaying powers would achieve the objective of protecting the parliamentary timetable and would be an improvement on the original (pre-IPC) reform proposal from the point-of-view of business management (it should be recalled that the provision in the pre-IPC reform proposal could only be operated during certain periods and also involved re-introducing a rejected bill in the subsequent session).

The Committee had dismissed a possible criticism in which the delaying powers and the carry-over features would be exercised with regularity and as such come to be regarded

¹³⁰ Castle 1984: 365

¹³¹ Crossman, *Diaries Volume 2*, ft.4, p.706

Crossman noted that reforming the composition in order to provide a majority for the government would, of itself, restrict the powers (or indeed the capacity) of the Lords to delay bills – MISC 172(68)7, ft.24, p.3

¹³² CC 11(68), Cabinet Conclusions, 1st February 1968, p.7

¹³³ Under the provisions of the existing Parliament Acts, a bill is deemed to be rejected if the Lords do not pass it by the end of a session (House of Commons Library, Briefing Paper, No. 00675, 25th February 2016)

¹³⁴ Further discussion in Dorey & Kelso, *Lords Reform Since 1911*, ft.1, p.156

as common practice. They felt that there would be a similar inhibiting effect on the Lords as there was under the existing Parliament Acts:

the Lords' delaying powers were more apparent than real ... the longer the peers were entitled to hold up legislation, the less likely they might be to use such [powers].¹³⁵

The Committee also reported an acceptance by both major political parties that the reformed House would not seek to obstruct a government's programme, rather it would only seek to identify those issues on which it would be right to require a government to 'think again'.¹³⁶ In any case, the Prime Minister would retain the right to 'swamp' the House with a tranche of new peers if there was "an unreasonable threat by the Lords".¹³⁷ But the reformed House was still to be predominately "a scrutinising, revising second chamber"¹³⁸ and

there was [cross-party] unanimity ... that a second chamber should play a complementary, not rival, role to the House of Commons.¹³⁹

Nonetheless, Sir Alec Douglas-Home (Shadow Foreign Secretary) would remark to the Shadow Cabinet that it was "no mean achievement that a Socialist Government should be underwriting a House of Lords which retained definite powers".¹⁴⁰

¹³⁵ Morgan, *The House of Lords*, ft.8, p.181

The carry-over feature would also not become a means for the Lords to obtain more time for considering bills, because rejected bills would not be re-introduced for a second round of parliamentary stages (also, bills were not debated during the period of delay).

¹³⁶ C 26(68), House of Lords Reform: Report on the Progress of the Inter-party Conference, 29th January 1968, p.4

¹³⁷ MISC 172(68)1, Minutes of the MC, 2nd January 1968, p.6

¹³⁸ Crossman, *Diaries Volume 2*, ft.4, p.706

¹³⁹ Dorey & Kelso, *Lords Reform Since 1911*, ft.1, p.146

¹⁴⁰ Archival documentation quoted in *Ibid.*: 147

Tactics for the Legislative Passage

In the autumn of 1968, the Committee was considering the tactical approach for proceeding with the IPC reform proposal, based on whether or not (and how) to resume the IPC.¹⁴¹ According to Crossman, it was found that the Conservative Party did not want any such resumption, the “extremists” in the PLP – assumedly this meant the Labour Left – “detest” the IPC,¹⁴² and the Prime Minister clearly did not want it.¹⁴³ As a result, the IPC would not be resumed. Subsequently, in late October 1968, Crossman would meet and exchange letters with Heath and Thorpe,¹⁴⁴ as well as showing them both a draft of the White Paper with provisions based on those of the IPC reform proposal. The tactics which Crossman secured for the legislative passage are best summarised as:

[The Conservative Party] are content to let [the Bill] go ahead ... and they will be willing to let it be known that [the Bill] is carrying out what was basically agreed at the [IPC].¹⁴⁵

This was despite the Shadow Cabinet’s objections to some of the provisions in the draft, e.g. the date of implementation (see above),¹⁴⁶ and indeed Crossman notes that the Conservatives did not want to “take responsibility for the White Paper”.¹⁴⁷ Nonetheless, these tactics were secured in order to confer the advantages of the cross-party approach as previously described by the Committee.

¹⁴¹ PL(68)3, Minutes of the MC, 23rd September 1968

Discussion in Dorey & Kelso, *Lords Reform Since 1911*, ft.1, p.157

¹⁴² Crossman, *Diaries Volume 3*, ft.57, p.221

¹⁴³ PREM 13/2295, House of Lords Reform, 11th September 1968, pp.1-2.

In this author’s opinion, Crossman (Ibid.: 184-5) has incorrectly interpreted the standpoint of Wilson – see chapter 7 for a discussion on Wilson.

¹⁴⁴ PREM 13/2296 – Crossman’s letters are dated 25th October 1968. Heath’s and Thorpe’s letters are dated 29th October 1968. For the meeting, see Crossman, *Diaries Volume 3*, ft.57, pp.243-4

¹⁴⁵ Crossman, *Diaries Volume 3*, ft.57, p.221

The support of the Conservative Party was “tacit” (Morgan, *The House of Lords*, ft.8, pp.197, 203).

¹⁴⁶ CC 45(68), Cabinet Conclusions, 31st October 1968, pp.3-4 – Discussion in Ballinger 2012: 141

¹⁴⁷ Crossman, *Diaries Volume 3*, ft.57, p.221

In Cabinet, the Committee also reported that the IPC reform proposal might not appeal to the Labour backbenchers because the provisions might not appear as sufficiently radical.¹⁴⁸ This would not only cause intra-party dissent, but would also be detrimental to the morale of the wider PLP. As such, the Committee had recommended that the IPC reform proposal should be modified and brought forward as a unilateral document, or “as a statement of the Government’s [own] proposals”, rather than as a cross-party document. This

would enable them to present [the reform proposal] ... in a way more attractive to their own [backbenchers].¹⁴⁹

(The IPC reform proposal was kept confidential until its publication as a White Paper.¹⁵⁰) It is highly likely that the Committee had additional reasons for recommending a unilateral document. For example, it would give the Government more authority to Whip its backbenchers,¹⁵¹ and indeed the Bill would now rely on the support of the Government’s backbenchers because the Conservative Party would only ‘let it go ahead’ i.e. not actively support it. Furthermore, Carrington had earlier told Crossman that the Conservative Party would not permit the IPC reform proposal to be published as a cross-party document when “in fact the [IPC] was broken-off”.¹⁵²

Duly, modifications were made to the IPC reform proposal in terms of its wording and its substance. For example, less emphasis was placed on the qualities of the Lords (wording), and the suggestion was omitted that the IPC would remain in being in order

¹⁴⁸ CC 42(68), Cabinet Conclusions, 17th October 1968, p.11. See also Crossman 1976: 706, 1977: 22, 47

¹⁴⁹ CC 42(68), ft.148, 17th October 1968, p.11

¹⁵⁰ Morgan, *The House of Lords*, ft.8, pp.199-200

¹⁵¹ Such an intimation was made in C 111(68), House of Lords Reform: Memorandum by the Lord Chancellor, 15th October 1968, p.2. Comment in Mendelson 1970: 113

¹⁵² Crossman, *Diaries Volume 3*, ft.57, p.137

See also PL(68)4, Minutes of the MC, 14th October 1968, p.2

to keep the reformed House under review (substance).¹⁵³ Doubtless, these modifications were only of a superficial and cosmetic nature, but indeed the Committee were explicit in only seeking to redress “problems of presentation”.¹⁵⁴ An earlier report had read:

Any significant variations made to the proposals ... would be recognised as such and the Conservative Party would therefore be bound to resist them.¹⁵⁵

Trend notes that the “substance of the proposals remains the same.”¹⁵⁶ Lastly, the Committee argued in support of their tactical approach on the grounds that there was unlikely to be any forthcoming legislation which provoked a clash between the two Houses.¹⁵⁷ Crossman previously noted that if the Conservative peers were to oppose the Transport Bill then the IPC reform proposal could not be brought forward¹⁵⁸ (see the discussion above re: the unpropitious political climate during the spring of 1968). As late as 19th September 1968, Crossman was still unsure what the Conservative peers would do with the Transport Bill.¹⁵⁹

Introduction of the White Paper and then the Bill

The Cabinet gave its assent on 31st October 1968 (this Cabinet decision is discussed in detail in chapter 7) and as such the White Paper ‘House of Lords Reform’ (*Cmnd. 3799*) was published on 1st November 1968.¹⁶⁰ In the words of the Prime Minister, the published White Paper “followed very closely the lines provisionally agreed in the all-

¹⁵³ The list of modifications was in ‘Annex A’ to C 111(68), ft.151, 15th October 1968

¹⁵⁴ CC 42(68), ft.148, 17th October 1968, p.11

¹⁵⁵ C 87(68), ft.111, 16th July 1968, p.5

¹⁵⁶ PREM 13/2295, Memo: Trend to Wilson, 16th October 1968, p.2

¹⁵⁷ C 111(68), ft.151, 15th October 1968, p.2

¹⁵⁸ Crossman, *Diaries Volume 3*, ft.57, p.185. See also Dorey & Kelso, *Lords Reform Since 1911*, ft.1, p.144

There were similar concerns over the Abortion Bill in mid-October 1967 (Crossman, *Diaries Volume 2*, ft.4, p.522)

¹⁵⁹ Crossman, *Diaries Volume 3*, ft.57, p.194

¹⁶⁰ There was a reference to Lords reform in the Queen’s Speech of 30th October 1968. The words of the Prime Minister in the Debate on the Address might also be of some edification.

party talks".¹⁶¹ Indeed, no new provisions were incorporated. During the PLP meeting of 13th November 1968, Callaghan argued that the White Paper

gave a working solution which would substantially improve the [Labour] Party's position in the Constitution.¹⁶²

Following the debates on the White Paper in both Houses of Parliament (these are discussed in detail in chapter 8), a few minor modifications were made to the reform proposal. The most pertinent modification was the removal of the provision for paying a salary to the voting peers, as Wheeler-Booth notes that there was “widespread criticism” from the Labour backbenchers

on the grounds of the extension of patronage which a nominated and paid Second Chamber would produce.¹⁶³

Instead, the existing system of an expenses allowance would be continued at least for the present Parliament – Dorey & Kelso again provide coverage of this issue.¹⁶⁴ This modification “might win over” the Labour backbenchers who abstained on the White Paper.¹⁶⁵ According to Gardiner, the “only new feature of substance in the Bill is the preamble, which is designed to link the Bill more closely with those parts of the White Paper which are not suitable for legislation and to emphasise our intention that Scotland and other parts of the United Kingdom should be adequately represented in the reformed House”.¹⁶⁶

¹⁶¹ Wilson, *A Personal Record*, ft.82, p.608

¹⁶² Labour Party Archives: Minutes of a PLP meeting and ‘Few kind words for Lords proposals’, *The Times*, 14th November 1968, p.3

¹⁶³ Wheeler-Booth, *The Attempted Reform*, ft.13, p.101

¹⁶⁴ Dorey & Kelso, *Lords Reform Since 1911*, ft.1, pp.159-160

¹⁶⁵ PREM 13/2295, Memo: Trend to Wilson, 4th December 1968, p.3

¹⁶⁶ C 125(68), House of Lords Reform: Note by the Lord Chancellor, 3rd December 1968, p.1

See also Wheeler-Booth, *The Attempted Reform*, ft.13, pp.101-2 and *Ibid.*: p.1

In the Commons' division for the White Paper, the dissent from Labour MPs was thus: 47 cross-votes and 41 abstentions (on a three-line Government Whip). Both the reconstituted Committee and the Cabinet would consider whether to “persevere with the Bill in the face of determined opposition”¹⁶⁷ from a number of the Labour backbenchers. However, Crossman argued in Cabinet that a Government which abandoned a measure

when there were only 47 left-wingers against it,¹⁶⁸ fewer than were against Prices and Incomes, would find it very difficult to rally the Party to other things.¹⁶⁹

To explain: there was already a perception at the time that the Government was lacking a strategy,¹⁷⁰ which was contributing to the low morale within the PLP. This perception would be exacerbated if the Cabinet decided not to proceed with the Bill (for Lords reform) due to the dissent of “only 47 left-wingers” against the White Paper. During the PLP meeting of 21st November 1968, *The Times* quotes Callaghan as arguing that the Commons had “given a clear decision in favour of the White Paper proposals”¹⁷¹ (the White Paper was approved by a majority of 111 MPs – see chapter 8). The Cabinet gave its assent on 5th December 1968 and as such the Parliament (No. 2) Bill,¹⁷² embodying the provisions of the White Paper (with the changes highlighted here), was introduced into the Commons on 19th December 1968.

¹⁶⁷ CC 49(68), Cabinet Conclusions, 5th December 1968, p.7
PL(68)6, Minutes of the MC, 2nd December 1968, pp.1-2

It was argued during the meeting of the reconstituted Committee that the “opposition in the Labour Party came almost entirely from persons who would object to any proposals” for Lords reform because “they wished to see that body abolished”.

¹⁶⁸ This particular aspect of his argument was incorrect – see chapter 8.

¹⁶⁹ Crossman, *Diaries Volume 3*, ft.57, p.284

¹⁷⁰ Dorey 2006b; Ponting 1989

¹⁷¹ ‘Lords back reform plan,’ *The Times*, 22nd November 1968, p.1

See also Labour Party Archives: Minutes of a PLP meeting

¹⁷² The nomenclature is explained in Wheeler-Booth, *The Attempted Reform*, ft.13, p.101

Conclusion

The Provisions of the Parliament (No. 2) Bill

Chapters 5 and 6 have charted the development of the reform proposal (which would become the Bill): beginning with the Cabinet's decision to embark on Lords reform and ending with the publication of the Bill. The conclusion to chapter 5 has outlined the provisions of the reform proposal at the point before the IPC was commenced. During the tenure of the IPC, only the provision for the Lords' powers over principal legislation was significantly changed. This change was made as a negotiating concession to the Conservative delegation. The new provision was:

The Lords should be able to impose a delay of six months on the passage of a bill sent up from the Commons on which there was disagreement between the two Houses. It should then be possible to submit the bill for Royal Assent provided that a resolution to that effect had been passed in the Commons. The period of delay should be capable of being 'carried over' into a new session or into a new parliament. The Lords would have a period of two months in which to consider a bill.

Despite this change, the Labour delegation argued that the provision would still satisfy their declared objectives in relation to the Lords' powers, and indeed the reformed Lords was still to be made weaker than the existing Lords in being able to impede the Commons. Moreover, the reformed Lords was still to be made predominately a scrutinising and revising chamber, which played a complementary and subordinate role, rather than a rival role, to the Commons. The reformed House would not seek to obstruct a government's programme, rather it would only seek to identify those issues on which it would be right to require a government to 'think again'.

In further developing the reform proposal, the IPC would flesh-out and make additions to the provisions already developed by the Ministerial Committee (chapter 5). The fleshed-out provisions were:

- The Lords should be able to require the Commons to reconsider an affirmative order, or to consider a negative order, to which the Lords disagreed, but its power of final rejection should be removed.
- The government of the day should hold a voting majority of approximately 10% over the total of the opposition parties. The presence of voting cross-bench peers would prevent the government from holding an overall majority. (To be determined by convention rather than by statute.)
- Voting rights for peers would be conditional on attendance at one-third of the sittings in each parliamentary session.
- The senior bishops and all the law lords would hold voting rights irrespective of the attendance and age qualifications. The total number of bishops would be reduced to sixteen as deaths or resignations occurred.

The additional provisions were:

- There would be no statutory limitations on the size of the voting House or the speaking House, but at the outset a size of 200 to 250 (excluding the law lords and bishops) was thought to be required for the voting House.
- The voting peers would be subject to a compulsory retirement age of around 75 years – the White Paper stipulated an age of 72 years – after which they would become non-voting peers. During the Bill's Second Reading, the Prime Minister

said that “in order to give flexibility in the early stages of the reform, this provision will not be introduced immediately”.¹⁷³

- The IPC should continue in being, after the reform proposal was enacted, in order to keep various aspects of the Lords’ composition under review. (This provision would later be replaced – see below.)
- In the appointment of new peers, the Prime Minister of the day should pay special regard to the inclusion in the voting House of a “reasonable number” of peers with knowledge/experience in matters concerning Scotland, Wales, Northern Ireland, and the regions of England. (Preamble of the Bill.)

When determining the tactics for the legislative passage, the *reconstituted* Ministerial Committee would make a few minor modifications to the reform proposal. For example, removing the provision for keeping the IPC in being once the reform was enacted.

Instead, the new provision was:

- There would be a committee to review periodically aspects of the composition of the reformed House. Its chairperson should be of national standing but without party political affiliations. Its members would include representatives of the political parties and persons without party political affiliations.

Further modifications were made following the Commons’ debate on the White Paper. For example, the provision for paying a salary to the voting peers was removed and instead the existing system of an expenses allowance was to be continued. During the Bill’s Second Reading, the Prime Minister said that the “matter can be considered in the light of experience at a more suitable time in the future.”¹⁷⁴

¹⁷³ Hansard, House of Commons debates, 3rd February 1969, vol.777 col.49

¹⁷⁴ Ibid.: col.55

The Case for the Bill

Throughout 1968, the Labour delegation and the reconstituted Committee had put forward a case to the Cabinet in support of the reform proposal. They made highly similar arguments to those made by the original Ministerial Committee (see the conclusion to chapter 5), but their additional arguments were:

- there would be a simpler procedure for overriding the House of Lords (on principal legislation) than that available under the existing Parliament Acts.
- the Government's legislative timetable would be protected from disruption by the Lords even if a bill was sent to the Lords late in a session.
- the Government's legislation would be protected from vetoes by the Lords in the final session of a Parliament.
- the 1967 Queen's Speech had announced an intention to legislate for Lords reform, which was reiterated by the Prime Minister in his statement to the Commons on 20th June 1968.

Unsurprisingly, most of the additional arguments were made in reference to the new provision for the Lords' powers. Moreover, none of the arguments made by the original Ministerial Committee were retracted. Following the Commons' debate on the White Paper, Crossman argued in Cabinet that a decision not to proceed with the legislation would exacerbate the perception that the Government was lacking a strategy, and in turn this would exacerbate the low morale within the PLP. In early December 1968, the Cabinet gave its assent and subsequently the Parliament (No. 2) Bill was introduced into the Commons on 19th December 1968.

CHAPTER 7: The Cabinet's standpoint on the Bill

Introduction

A few prefatory notes:

*the term 'reform proposal' is used to denote the item that would culminate as the Parliament (No. 2) Bill. This item would go through successive stages of development: from its initial stage prior to the Inter-party Conference, to its final stage as the Bill.

*the term 'behind-the-scenes' is used to denote the setting for an event which did not take place during a meeting of the Cabinet (or indeed in the public eye). For example, the Prime Minister would sometimes meet in a private setting with only a few of his Ministers, during which no minutes were taken.

*this chapter assesses the events thematically, rather than in a chronological order. To assist in the understanding, the Cabinet's main decisions in regard to Lords reform are outlined in the timeline below:

28th June 1966: a bill to remove the Lords' powers (a powers-only reform) should be introduced. A Ministerial Committee was appointed to develop the bill.¹

*Crossman becomes Leader of the Commons and is therefore responsible for parliamentary reform.

7th September 1967: the powers-only reform was discarded and instead the Ministerial Committee should develop a wide-ranging reform to incorporate both the Lords' powers and composition.²

12th October 1967: approved the provisions of the wide-ranging reform (the 'reform proposal') and the approach of conducting cross-party negotiations.³

¹ CC 32(66)2, Confidential Annex, 28th June 1966, pp.5-6

² CC 54(67), 7th September 1967, p.14

*Inter-party Conference (IPC) begins.

1st February 1968: the “majority of the Cabinet” approved the “main features” of the reform proposal.⁴

*Southern Rhodesia Order incident takes place.

20th June 1968: the IPC was suspended and the Ministerial Committee was reconstituted in order to consider how to proceed with Lords reform.⁵

18th July 1968: the “majority of the Cabinet” approved the reform proposal which was previously negotiated at the IPC.⁶

17th October 1968: approved the reform proposal, but it should be introduced as unilateral legislation.⁷

31st October 1968: as the previous meeting.⁸

*Introduction of the White Paper.

5th December 1968: legislation based on the White Paper should be introduced.⁹

*Introduction of the Parliament (No. 2) Bill.

The timeline should be used as reference-points to clarify the discussion in this chapter.¹⁰

³ CC 59(67), 12th October 1967, pp.6-7

⁴ CC 11(68), 1st February 1968, pp.9-10

⁵ CC 31(68), 20th June 1968, pp.5-6

⁶ CC 36(68), 18th July 1968, p.9

⁷ CC 42(68), 17th October 1968, pp.11-12

⁸ CC 45(68), 31st October 1968, p.4

⁹ CC 49(68), 5th December 1968, p.9

¹⁰ This timeline also clearly shows that the Cabinet’s decisions did not cause any substantial disruption to the development and subsequent progress of the reform proposal. Indeed, the Cabinet’s decisions were all ‘approvals’.

This chapter is divided into four sections. The first section assesses the support for the reform proposal which was expressed by individual (named) Ministers in meetings of the Cabinet. This is worthy of a dedicated section, because the support for the reform proposal is a key aspect to the hypothesis of the thesis. The second section takes a sample of two Ministers from each of the Labour Party's ideological positions (see chapters 3 and 4) and assesses their standpoints on the reform proposal. From these individual standpoints, an overarching standpoint can be extrapolated and then attributed, tentatively, to the Cabinet as a whole. The third section takes a more direct analytical approach to the Cabinet's standpoint, and it assesses the balance of support and opposition within the Cabinet. Compared to the previous section, a more longitudinal view of the Cabinet's standpoint should be revealed because each meeting of the Cabinet until 31st October 1968 is incorporated. The fourth section assesses the following Cabinet decisions: 1) to proceed with the reform proposal after the Southern Rhodesia Order incident, 2) to introduce the reform proposal as legislation i.e. as the Parliament (No. 2) Bill, and 3) to persevere with the Bill while it was being filibustered at the Committee Stage. Similarly to the first section, the Cabinet's support for the reform proposal – or the Cabinet's reasons for proceeding/introducing/persevering – will be focussed upon. Overall, the temporal scope of the chapter is comprehensive, as it ranges from the reform proposal's developmental phase (1967-8) to the withdrawal of the Bill (April 1969).

Support for the Reform Proposal (time range: prior to the introduction of the Bill)

This section assesses all the documented¹¹ support for the reform proposal as expressed by individual Ministers (only Commons' Ministers, not Lords' Ministers) in meetings

¹¹ The Cabinet Conclusions documentation does not make attributions to individual (named) Cabinet Ministers. As such, the predominant source of data for this section is the diary accounts: T. Benn (1988) *Office without Power: Diaries 1968-72*, London: Hutchinson; B. Castle (1984) *The Castle Diaries 1964-1970*, London: Weidenfeld & Nicolson; R. Crossman (1976) *The Diaries of a Cabinet Minister: Volume*

of the Cabinet. The section omits the support of Ministers who were involved in developing the reform proposal, that is to say, the Ministers who were on the Ministerial Committee and/or at the Inter-party Conference.¹² One of the section's main lines-of-enquiry is to assess the justifications for the support, and as such a distinction is made between 'tactical' support and 'ideological' support. The latter type was justified with reference to an imperative within one of the bodies-of-ideology (ideological positions) discussed in chapters 3 and 4.

Tactical (and idiosyncratic) support

There were several tactical justifications in the expressed support of Ministers. The support of Barbara Castle at the meeting of 12th October 1967 was made partly on the basis of party-political imperatives:

it is clear that the Liberals — and Tories too — will come out with proposals for [Lords] reform even if [the Labour Government] does not, and it would be unwise to let them get the initiative.¹³

The support of Peter Shore¹⁴ at this meeting was manifestly tactical (discussed in the section on Shore – see below). At the meeting of 20th June 1968, the support of Roy Jenkins¹⁵ and Michael Stewart¹⁶ was for the cross-party approach which was thought to be preferable, on the basis of maintaining tranquil inter-cameral relations, to introducing

2 Lord President of the Council and Leader of the House of Commons 1966–68, London: Hamish Hamilton; R. Crossman (1977) *The Diaries of a Cabinet Minister: Volume 3 Secretary of State for Social Services 1968–70*, London: Hamish Hamilton

¹² This refers to the support of Roy Jenkins (Castle, *Diaries*, ft.11, p.293), John Silkin (Castle, *Diaries*, ft.11, p.365), and James Callaghan (Benn, *Diaries*, ft.11, p.27). These expressions of support were all made during the tenure of the Ministerial Committee (Jenkins) or the Inter-party Conference (Silkin and Callaghan).

¹³ Castle, *Diaries*, ft.11, p.309

Her previous support for a powers-only reform was also justified on tactical grounds: "the [Labour] movement needed a pinch of radicalism" (Castle, *Diaries*, ft.11, pp.139-40).

¹⁴ Crossman, *Diaries Volume 2*, ft.11, p.515

¹⁵ Castle, *Diaries*, ft.11, p.464

¹⁶ Crossman, *Diaries Volume 3*, ft.11, p.103

a unilateral reform. At the meeting of 5th December 1968, the support of Fred Peart was described thus:

he doesn't like [the reform proposal] and has never liked it, [but] he is a man of honour and as Leader of the House he stood by it.¹⁷

Crossman interpreted the support of the Prime Minister at this meeting thus:

I was confident that Harold would be very reluctant to drop a Bill which was in the [1966] election manifesto and to which he had committed himself anew [after the Southern Rhodesia Order incident].¹⁸

At the meeting of 1st February 1968, Tony Benn argued in support because the reform proposal would remove

the Tory linkage to the network of feudal privilege and this might, in rural areas, be very useful; and it would reduce the appeal of the Tory Party to the working man in the deferential vote.¹⁹

This support should be considered as idiosyncratic for two reasons. Firstly, Benn had a personal and protracted experience with Lords reform in the early 1960s *viz.* the Benn case. Secondly, the removal of the hereditary peers, which was the gist of Benn's argument, was only an extremely minor imperative within the ideological position (Technocratic Collectivism) from which Benn was drawn. The support of Benn²⁰ at the meeting of 5th December 1968 was manifestly tactical (discussed in the section on Benn – see below).

¹⁷ Ibid.: 284

¹⁸ Ibid.: 283. The Prime Minister's reluctant support at the meeting of 20th June 1968 is described in Castle, *Diaries*, ft.11, p.464 – see ft.128

¹⁹ Benn, *Diaries*, ft.11, p.27

²⁰ Crossman, *Diaries Volume 3*, ft.11, p.284

Ideological support

At the meeting of 12th October 1967, Castle described her support thus:

... keeping the Lords impotent by keeping them [anachronistic] is no longer tenable. We should either abolish the place or reform it.²¹

In the same vein, and at the same meeting, Ray Gunter and Fred Peart “sharply but firmly supported the reform [proposal] as inevitable”.²² This support from Castle, Peart, and Gunter was highly likely to be grounded in the imperative of modernising/reforming the parliamentary institutions²³ e.g. the “fashionable reform thinking of the 1960s” is highlighted by Theakston.²⁴ Later on, the Prime Minister (behind-the-scenes) wanted to proceed with the reform proposal in part because he saw it as a “modernising reform.”²⁵ Two initial points can be made about the ideological support within the Cabinet: firstly, there was only a small amount of it relative to the amount of tactical support, and secondly, it was made very early in the lifetime of the reform proposal, which was also early in the lifetime of the 1966-70 Parliament. (The Cabinet Conclusions documentation have not recorded this type of support for the reform proposal at any Cabinet meeting after 12th October 1967.) I will return to the ideological support below.

Overall, there was only one documented (ft.11) argument in support of a specific provision in the reform proposal, which was that made by Tony Benn when he expressed (idiosyncratic) support for removing the hereditary peers. All of the other

²¹ Castle, *Diaries*, ft.11, p.309

²² Crossman, *Diaries Volume 2*, ft.11, p.515

²³ This type of support was recorded in the Cabinet Conclusions document – CC 59(67), 12th October 1967, p.5

Other evidence can be cited as well e.g. Castle approved of introducing the specialist committees in the context of modernising Parliament (Castle, *Diaries*, ft.11, p.116. See also pp.127, 187).

²⁴ K. Theakston (1992) *The Labour Party and Whitehall*, London: Routledge
See also Jones & Keating 1985: 141

²⁵ PREM 13/2295, House of Lords Reform, 11th September 1968, p.3

documented (ft.11) arguments to support the reform proposal, whether tactical or ideological, were not specific to any of the provisions.

Each expression of documented (ft.11) support for the reform proposal, with the exception of Peter Shore's, can be characterised as one or more of the following: inconsistent, qualified, reciprocal, or short-term/reactive. Taking each of those in turn:

Inconsistent support

Several of the Ministers who supported the reform proposal at earlier stages in the process would later criticise or oppose it, either behind-the-scenes or during meetings of the Cabinet.

Table 7.1 Ministers' Inconsistent support for the Reform Proposal

	Supported	Criticised or Opposed
Barbara Castle	12/10/67 ²⁶	1/2/68, ²⁷ 20/6/68, ²⁸ 18/7/68, ²⁹ 5/12/68 ³⁰
Ray Gunter	12/10/67 ³¹	Behind-the-scenes ³²
Fred Peart	12/10/67, ³³ 5/12/68 ³⁴	Behind-the-scenes ³⁵
Tony Benn	12/10/67, ³⁶ 1/2/68, ³⁷ 5/12/68 ³⁸	20/6/68, ³⁹ 18/7/68 ⁴⁰
Roy Jenkins	20/6/68 ⁴¹	Behind-the-scenes ⁴²

The Prime Minister supported the reform proposal during meetings of the Cabinet.

However, in the aftermath of the Southern Rhodesia Order incident, he told Crossman (behind-the-scenes) that he wanted to introduce a “short, sharp bill dealing with powers

²⁶ Castle, *Diaries*, ft.11, p.309; Crossman, *Diaries Volume 2*, ft.11, p.515

²⁷ Benn, *Diaries*, ft.11, p.27; Castle, *Diaries*, ft.11, p.365

²⁸ Castle, *Diaries*, ft.11, p.464; Crossman, *Diaries Volume 3*, ft.11, p.103

²⁹ Crossman, *Diaries Volume 3*, ft.11, p.143

³⁰ Castle, *Diaries*, ft.11, p.567

³¹ Crossman, *Diaries Volume 2*, ft.11, p.515

³² Crossman, *Diaries Volume 3*, ft.11, p.103

³³ Crossman, *Diaries Volume 2*, ft.11, p.515

³⁴ Crossman, *Diaries Volume 3*, ft.11, p.284

³⁵ *Ibid.*: 184-5 (also p.72, p.128); Castle, *Diaries*, ft.11, p.482

³⁶ Crossman, *Diaries Volume 2*, ft.11, p.515

³⁷ Benn, *Diaries*, ft.11, p.27; Castle, *Diaries*, ft.11, p.365

³⁸ Crossman, *Diaries Volume 3*, ft.11, p.284

³⁹ *Ibid.*: 103

⁴⁰ Benn, *Diaries*, ft.11, p.91

⁴¹ Castle, *Diaries*, ft.11, p.464; Crossman, *Diaries Volume 3*, ft.11, p.103

⁴² Crossman, *Diaries Volume 2*, ft.11, pp.473, 547

only”.⁴³ Subsequently, Crossman was able to “unhook” Wilson and persuade the PM to once again support the reform proposal.⁴⁴

Qualified support

There were substantial qualifications to the support of Barbara Castle at the meeting of 12th October 1967,⁴⁵ and to the support of Tony Benn at the meetings of 12th October 1967⁴⁶ and 1st February 1968.⁴⁷ Both of these Ministers were concerned about the increase in the Prime Minister’s powers of patronage. As Benn describes it:

The problem of patronage ... stems from the relationship that is set up between the party leader ... and those who may wish ... to receive the [peerage] ... It follows that in such cases the leader gains from the hopefuls a voting strength and influence in the parliamentary Labour Party.⁴⁸

Following the Commons’ debate on the White Paper, the Prime Minister told Crossman (behind-the-scenes) that if the Government “finds things too difficult on the economic front ... we may have to drop the [reform proposal].”⁴⁹

Reciprocal support

Crossman describes making deals with Barbara Castle and Roy Jenkins in which they would support the reform proposal – Castle at the meeting of 12th October 1967 and

⁴³ H. Wilson (1971) *The Labour Government 1964–70: A Personal Record*, London: Weidenfeld & Nicolson, p.608

⁴⁴ Crossman, *Diaries Volume 3*, ft.11, p.114, also p.119

⁴⁵ Crossman, *Diaries Volume 2*, ft.11, p.515

⁴⁶ Ibid.

⁴⁷ Benn, *Diaries*, ft.11, p.27; Castle, *Diaries*, ft.11, p.365

Benn expressed concern about the provision for a retirement age, but this author is unsure whether the concern was intended as a joke.

⁴⁸ T. Benn (1981) *Arguments for Democracy*, London: Cape, pp.23-4

The concern of Castle was about the increase in Prime Ministerial patronage to be brought about specifically due to the two-tier scheme (see chapter 5).

⁴⁹ Crossman, *Diaries Volume 3*, ft.11, p.267

See also ft.128

Jenkins at the meeting of 20th June 1968 – and in exchange Crossman would support their items of business when in turn they sought the Cabinet’s approval.⁵⁰ There is also the strong suggestion of a similar type of deal with John Silkin at an earlier stage in the process.⁵¹

Short-term and reactive support

The meeting of 20th June 1968 was held immediately after the Southern Rhodesia Order incident, when the issue of Lords reform had temporarily come to the top of the Cabinet’s agenda. Indeed, there was a strong and pervasive feeling within the Cabinet that some measure of Lords reform should be introduced forthwith.⁵² Therefore, the support at this meeting from Roy Jenkins⁵³ and Michael Stewart⁵⁴ should be seen, in part, as a short-term reaction to the incident. Based on the diary accounts, Stewart did not support the reform proposal at any other meeting of Cabinet in the period up to mid-December 1968, and Jenkins only supported it at one such meeting (7th September 1967) but this was while he was a member of the Ministerial Committee (see above). By early July 1968, Crossman notes that the fall-out from the incident had “faded out altogether”.⁵⁵ According to Shell, the “Conservative Peers let it be known that if the Order was re-laid their opposition would not be sustained.”⁵⁶

- Returning to the Ideological Support

Let us return to the Ministers who expressed ideological support *viz.* Barbara Castle, Fred Peart, and Ray Gunter (Harold Wilson is assessed later in this chapter). To recall,

⁵⁰ Crossman, *Diaries Volume 2*, ft.11, p.514 (also Castle, *Diaries*, ft.11, p.309); Crossman, *Diaries Volume 3*, ft.11, p.98

⁵¹ Crossman, *Diaries Volume 2*, ft.11, p.298

⁵² For example: Crossman, *Diaries Volume 3*, ft.11, p.102

⁵³ Castle, *Diaries*, ft.11, p.464; Crossman, *Diaries Volume 3*, ft.11, p.103

⁵⁴ *Ibid.*

⁵⁵ Crossman, *Diaries Volume 3*, ft.11, p.116

⁵⁶ D. Shell (1994) *The House of Lords: Time for a Change?*, *Parliamentary Affairs*, 47/4, p.732

they justified their support with reference to the imperative for parliamentary reform/modernisation. The point here is to gauge the significance of this imperative within those Ministers' wider ideologies: did it play a major or a minor role? The temporal scope of the enquiry is confined to the 1966-70 Parliament. Let us also return to the support of Michael Stewart because he is not assessed later in this chapter.

The memoir⁵⁷ and biographies⁵⁸ of Castle make no reference to any support for parliamentary reform/modernisation. Moreover, there are only two brief references in her diaries to expressions of support for reforming/modernising the Commons, both of which were made very early in the lifetime of the 1966-70 Parliament.⁵⁹ This latter point is important because the support for parliamentary reform/modernisation – in general, not only particular to Castle – would decline as the 1966-70 Parliament progressed.⁶⁰ (It should be highlighted that the legislative passage of the Parliament (No. 2) Bill would not be undertaken until late in the 1966-70 Parliament, specifically not until 1969.)

There is a strong consensus in the primary and secondary sources which contends that Peart showed a “total lack of interest in, let alone drive for” parliamentary reform. Peart did “extremely well in terms of House of Commons Labour traditionalists.”⁶¹ In 1961, Peart wrote an article asking the question, “Can we really say that our Parliamentary institutions match the scientific revolution now unfolding?”, but this article was

⁵⁷ Castle 1993

⁵⁸ Martineau 2000; Perkins 2003. Confirmed by this author's e-mail correspondences with Lisa Martineau and Anne Perkins.

⁵⁹ Castle, *Diaries*, ft.11, pp.116, 127

⁶⁰ J. Mackintosh (1976) ‘Failure of a reform: MPs’ Special Committees’ in W. Stankiewicz (ed.) *British Government in an Era of Reform*, London: Macmillan, p.121; D. Marquand (1968) ‘What kind of Lords?’, *New Society*, 12

⁶¹ T. Dalyell (1989) *Dick Crossman: A Portrait*, London: Weidenfeld & Nicolson, pp.159-60
See also Mackintosh, ‘Failure’, ft.60, p.121; J. Morgan (1975) *The House of Lords and the Labour Government 1964-1970*, Oxford: Clarendon Press, p.196; D. Shell (2006) ‘Parliamentary Reform’ in P. Dorey (ed.) *The Labour Governments 1964–1970*, London: Routledge, pp.180-1.

predominately calling for the Government to harness the ‘scientific age’ rather than calling for parliamentary reform.⁶²

Gunter was drawn from trade unionism⁶³ which was *overtly* constitutionally conservative (there was a *marginal* interest in parliamentary reform/modernisation within the other ideological positions), so parliamentary reform/modernisation was highly unlikely to have any significant role within Gunter’s wider ideology. This was borne out because, for example, the diaries of Crossman⁶⁴ do not make any reference to Gunter having supported any of the Commons reforms either attempted or implemented by the Labour Government 1966-70.

The conclusion should be drawn that the imperative for parliamentary reform/modernisation only played a minor role, even a transient role, within the wider ideologies of Castle, Peart, and Gunter. As such, it should not be entirely surprising that these Ministers would later reverse their standpoints and become critics or opponents of the reform proposal (see the ‘Inconsistent support’ section – above).

The memoir of Stewart briefly discusses the Parliament (No. 2) Bill, although he makes no clear justification for his support therein.⁶⁵ When the Labour Party was in Opposition, Stewart wrote an article in support of establishing a parliamentary commissioner in order to strengthen the Commons,⁶⁶ but his support for this type of reform seemed to evaporate once Office was attained.⁶⁷ His other relevant and

⁶² F. Peart ‘Eight Points for Parliament in a Scientific Age’, *The Observer*, 8th January, 1961, p.13
Peart (1970) wrote a foreword to a book in support of Commons reform, but any such (subjective) claims are belied by various other items of evidence.

⁶³ See the entry for Gunter in the Oxford Dictionary of National Biography – available from <http://www.oxforddnb.com/> (accessed 31st May 2016)

⁶⁴ Crossman was Leader of the Commons and therefore was in charge of parliamentary reform.

⁶⁵ M. Stewart (1980) *Life and Labour: An Autobiography*, London: Sidgwick & Jackson, p.252

⁶⁶ M. Stewart (1964) Party Platform, *New Statesman*, 68, p.430

⁶⁷ For example: Crossman, *Diaries Volume 2*, ft.11, p.130

General discussion in P. Dorey (2008a) *The Labour Party and Constitutional Reform: A History of Constitutional Conservatism*, Basingstoke: Palgrave Macmillan, pp.6, 13

contemporaneous publication, the book *Modern Forms of Government* (1960),⁶⁸ does not make any reference to support for Lords reform. In addition, he made a speech during a meeting of the Cabinet “to the effect that the demand for modernising Parliament was a lot of tripe”.⁶⁹ All of this would seemingly confirm that Stewart’s aforementioned support for the reform proposal was short-term and reactive. Furthermore, during the Bill’s parliamentary passage, Stewart’s support was manifestly tactical.⁷⁰

Standpoints of Ministers drawn from the Ideological Positions

(time range: prior to the introduction of the Bill)

This section takes a sample⁷¹ of two Ministers from each of the ideological positions and assesses their standpoints on the reform proposal: did they support it or oppose it, and why? If there is an overarching standpoint – or at least some thread(s) of commonality – discernible among these Ministers, then it can be assumed as *indicative* of the Cabinet’s standpoint as a whole. (Further evidence is needed to substantiate such an extrapolation. It is also appreciated that a sample of two Ministers cannot be representative of an entire ideological position.⁷²) In addition, this section assesses the arguments made by the Cabinet to criticise or oppose the reform proposal, because by co-incidence these arguments are encompassed by the standpoints of this sample of Ministers. Lastly, the standpoint of the Prime Minister is assessed.

Labour Left (Barbara Castle and John Silkin)

Castle was strenuously opposed to the reform proposal, during Cabinet meetings, because it did not sufficiently reduce the delaying powers while at the same time it

⁶⁸ This was predominately an academic study, rather than a book of ideology (there is an interesting discussion in p.30 and pp.213-5). See also Stewart 1976

⁶⁹ Castle, *Diaries*, ft.11, p.187

⁷⁰ Crossman, *Diaries Volume 3*, ft.11, pp.388, 441

⁷¹ The sample was not random, rather it was determined by the data that was in existence and accessible.

⁷² Indeed, the two Ministers from each ideological position did not take identical standpoints!

would legitimise the composition.⁷³ The latter argument meant that the Lords' authority would be strengthened "so that it would be more likely to use its powers"⁷⁴ and thereby impede the Government's legislation. (During earlier discussions, Castle explicitly wanted to leave the composition unreformed i.e. anachronistic.⁷⁵) The overall problem was compounded because the Government would only hold a plural majority, rather than an overall majority, in the reformed House.⁷⁶ Moreover, the Government might not have sufficient control over its peers because voting rights would continue to be enjoyed even if a peer changed his/her party allegiance.⁷⁷

Silkin⁷⁸ is noted, behind-the-scenes, as being "not particularly keen on [Lords reform]" and then later as being "against the reform [proposal]".⁷⁹ The Prime Minister remarked that this opposition was, in part, due to the divisions likely to be caused within the PLP⁸⁰ (Silkin was the Chief Whip), and indeed Crossman previously spoke about the divisive nature of Lords reform because of the

conflict between those who want two chambers and those who want unicameral government [sic].⁸¹

Silkin seemed to support the standpoint of Wilson at any particular point in time e.g. supporting a powers-only reform in June 1968 and then supporting/accepting the reform proposal in September 1968.⁸²

⁷³ Meeting of Cabinet, 1st February 1968 (Castle, *Diaries*, ft.11, p.365)

⁷⁴ CC 11(68), 1st February 1968, p.8

⁷⁵ Meeting of Cabinet, 28th June 1966 (Castle, *Diaries*, ft.11, pp.139-40)

⁷⁶ Castle, *Diaries*, ft.11, p.446

⁷⁷ ft.73, Castle *Diaries*; ft.74, CC 11(68)

⁷⁸ There is a brief discussion of the Bill in Silkin's book, but there is no particular indication as to whether he supported or opposed the Bill, nor as to his standpoint on Lords reform at the time – J. Silkin (1987) *Changing Battlefields: The Challenge to the Labour Party*, London: Hamilton, p.113

⁷⁹ Crossman, *Diaries Volume 2*, ft.11, p.298; Crossman, *Diaries Volume 3*, ft.11, p.184 (also p.283)

⁸⁰ Crossman, *Diaries Volume 3*, ft.11, p.185

Other reasons behind Silkin's opposition are in Crossman, *Diaries Volume 3*, ft.11, p.267

⁸¹ R. Crossman (1975) *The Diaries of a Cabinet Minister: Volume 1 Minister of Housing 1964–66*, London: Hamish Hamilton, p.553

Revisionist Right (Tony Crosland and Roy Jenkins)

Crosland argued, during a Cabinet meeting, that Lords reform should not be a priority for the Labour Government, but instead they should be prioritising a growing economy.⁸³ Furthermore, Lords reform was not an issue with “which the public at large were ... concerned”.⁸⁴ Crosland’s arguments were made during the meeting at which Lords reform had temporarily come to the top of the Cabinet’s agenda – due to the Southern Rhodesia Order incident – which makes his arguments all the more stark. Subsequently, Crosland assisted in the attempt to “kill”⁸⁵ the reform proposal during the meeting at which the Cabinet decided to introduce the Bill. The discussions at this meeting were overwhelmingly about the difficulties of the Bill’s impending parliamentary passage, e.g. the Cabinet was expecting a filibuster,⁸⁶ so the objections of Crosland were most likely made on those grounds.⁸⁷

Jenkins is noted as supporting the reform proposal, on a tactical and short-term/reactive basis, at the Cabinet meeting of 20th June 1968. His memoir⁸⁸ and contemporaneous publication,⁸⁹ as well as the secondary literature on Jenkins,⁹⁰ contain no indication that he supported either Lords reform in general or the reform proposal in particular. Taking the former, during the initial meeting (28th June 1966) at which it was decided to introduce a powers-only reform, Jenkins made “a speech ... saying the whole matter

⁸² Crossman, *Diaries Volume 3*, ft.11, pp.99-100, 194

Comment in A. Watkins ‘The John Silkin Story’, *New Statesman*, 2nd May 1969, 77, p.606

⁸³ Meeting of Cabinet, 20th June 1968 (Castle, *Diaries*, ft.11, p.464)

⁸⁴ CC 31(68), 20th June 1968, p.4

⁸⁵ Meeting of Cabinet, 5th December 1968 (Benn, *Diaries*, ft.11, p.132)

⁸⁶ CC 49(68), 5th December 1968, pp.8-9

⁸⁷ There is no discernible reference to the Bill in Crosland’s later book *Socialism Now*, and furthermore, it is almost certain that Lords reform did not become an imperative within Croslandite ideology after the debacle of the Bill e.g. A. Crosland (1974) *Socialism Now*, London: Cape, p.45

⁸⁸ R. Jenkins (1991) *A Life at the Centre*, London: Papermac, pp.257-9, 612

⁸⁹ Jenkins 1967 (also his near-contemporaneous publication, Jenkins 1972)

⁹⁰ Adonis & Thomas 2004, Campbell 1983 and 2014

could wait: it wasn't a priority".⁹¹ Taking the latter, when Jenkins was the Home Secretary and involved in developing the reform proposal, he strenuously criticised the two-tier scheme because it "required far more patronage than we could permit".⁹² Moreover, the name of Jenkins is absent from the list of Ministers (provided by Crossman) who supported the reform proposal at the meeting of 5th December 1968 when the final decision was made to introduce the Bill.⁹³

Technocratic Collectivism (Tony Benn and Peter Shore)

Benn summarised his overall standpoint during the meeting of 1st February 1968:

I would like to go a great deal further but recognised that this [reform proposal] had advantages.⁹⁴

As discussed above, his support at this meeting should be considered as idiosyncratic. His support at the meeting of 5th December 1968 was manifestly tactical, because he argued that it was by then too late not to proceed with the Bill⁹⁵ – this meeting was subsequent to the Commons' endorsement of the White Paper. (This section on Benn is deliberately truncated because he was an idiosyncratic case.)

Shore supported the reform proposal at the meeting of 12th October 1967 by re-iterating the tactical argument made by Crossman: the "younger generation of Labour MPs were strong supporters of Lords reform".⁹⁶ His next support would not come until over a year

⁹¹ Castle, *Diaries*, ft.11, p.140

The Crossman diaries contain only vague references to Jenkins having supported the other parliamentary reforms either attempted or implemented during the 1966-70 Parliament (Crossman, *Diaries Volume 1*, ft.81, p.502; Crossman, *Diaries Volume 3*, ft.11, p.728).

⁹² Crossman, *Diaries Volume 2*, ft.11, pp.473, 547

⁹³ Crossman, *Diaries Volume 3*, ft.11, p.284

⁹⁴ Benn, *Diaries*, ft.11, p.27

See also the meeting of 12th October 1967 (Crossman, *Diaries Volume 2*, ft.11, p.515)

The secondary literature on Benn does not contain any discernible reference to his standpoint on the reform proposal (Browne 1983, Higgins 1984, Freeman 1982, Lewis 1978).

⁹⁵ Crossman, *Diaries Volume 3*, ft.11, p.284

⁹⁶ Meeting of Cabinet, 12th October 1967 (Crossman, *Diaries Volume 2*, ft.11, p.515)

later at the meeting of 5th December 1968,⁹⁷ although this support is all the more stark because the majority of the Cabinet at this meeting were clearly opposed to the reform proposal (see below). His support at this meeting was highly likely to be tactical.⁹⁸ Perhaps of equal significance to his expressions of support, there is no documentary evidence that Shore had expressed any opposition to the reform proposal. However, the diary accounts (ft.11) do not make reference to Shore having supported the Bill while it was being filibustered at the Committee Stage.⁹⁹

Labourism (George Brown and James Callaghan)

Brown¹⁰⁰ was opposed to both Lords reform in general and to the reform proposal in particular. In terms of the former, Brown argued strenuously¹⁰¹ in a Cabinet meeting that Lords reform was a “nonsense” and that the Labour Government should be concentrating instead on “improving the economy”.¹⁰² Behind-the-scenes, he argued for concentrating instead on the issue of unemployment.¹⁰³ Furthermore, it was “preferable to leave the present [House of Lords] unchanged” because it was not impeding the Government’s legislation.¹⁰⁴ In terms of the latter, there would be “undisciplined voting”¹⁰⁵ in the reformed House because there were “no sanctions which could be brought to bear”¹⁰⁶ on life peers. In addition, the Government would not have an overall

⁹⁷ Meeting of Cabinet, 5th December 1968 (Crossman, *Diaries Volume 3*, ft.11, p.284)

⁹⁸ According to the Cabinet Conclusions document, the arguments made in support at this meeting were overwhelmingly concerned with tactics – CC 49(68), ft.86, p.9

⁹⁹ The diary accounts (ft.11) also contain no discernible reference to Shore having supported the other parliamentary reforms either attempted or implemented during the 1966-70 Parliament.

¹⁰⁰ The memoir of Brown (1971) contains no reference to the Bill.

¹⁰¹ Crossman, *Diaries Volume 2*, ft.11, p.467

¹⁰² Meeting of Cabinet, 7th September 1967 (Castle, *Diaries*, ft.11, p.293)

¹⁰³ PREM 13/1686, Meeting between the Prime Minister and senior Ministers (the ‘Big Six’), 18th September 1967, p.2 (also Crossman, *Diaries Volume 2*, ft.11, p.481)

¹⁰⁴ CC 54(67), ft.2, p.14 and *Ibid.* and Crossman, *Diaries Volume 2*, ft.11, pp.464-5

¹⁰⁵ Meeting of Cabinet, 12th October 1967 (Crossman, *Diaries Volume 2*, ft.11, p.515)

¹⁰⁶ CC 59(67), 12th October 1967, p.5

majority so Government bills would be “in the hands of the cross-benchers”¹⁰⁷ who were “outside Government control.”¹⁰⁸

Callaghan had “no enthusiasm”¹⁰⁹ for Lords reform, both before and during his involvement with the reform proposal.¹¹⁰ (Callaghan was formally in charge of the Bill because he was the Home Secretary, although Richard Crossman was *de facto* the responsible Commons’ Minister.) Before his involvement, he said behind-the-scenes that Lords reform was “an irrelevant diversion”, most likely with the same reasoning as that of George Brown, and that the issue “would arouse little interest in the country”.¹¹¹ Moreover, reforming the composition of the House was a divisive issue within the PLP as

there were strongly held and widely different views, and there would be great difficulty in devising any scheme for reform which commanded a sufficient measure of agreement.¹¹²

Even as the Home Secretary, he argued during a Cabinet meeting to “abandon the Bill altogether”, but this was mostly due to the expected difficulties with the Bill’s parliamentary passage e.g. he argued that the “Chief Whip couldn’t ... guarantee support”.¹¹³

¹⁰⁷ Meeting of Cabinet, 1st February 1968 (Castle, *Diaries*, ft.11, p.365)

¹⁰⁸ CC 11(68), ft.74, p.8

¹⁰⁹ ft.155, Faulkner interview. See also Benn, *Diaries*, ft.11, p.27 and Crossman, *Diaries Volume 3*, ft.11, p.72

¹¹⁰ Callaghan’s memoir discusses the Bill: J. Callaghan (1987) *Time and Chance*, London: Collins, pp.502-3

¹¹¹ PREM 13/1686, ft.103, pp.2-3 and Crossman, *Diaries Volume 2*, ft.11, p.481

¹¹² CC 54(67), ft.2, p.14

PREM 13/1686, ft.103, p.3 and Crossman, *Diaries Volume 2*, ft.11, p.467

¹¹³ Meeting of Cabinet, 5th December 1968 (Crossman, *Diaries Volume 3*, ft.11, p.283; Castle, *Diaries*, ft.11, p.567)

Summarising the standpoints of this sample of Ministers who are drawn from across the Labour Party's ideological spectrum:

- Labour Left: opposition (Barbara Castle), or supporting the Prime Minister's standpoint but clearly inclined to opposition (John Silkin).
- Revisionist Right: opposition (Tony Crosland), or tactical and short-term/reactive support (Roy Jenkins).
- Technocratic Collectivism: some degree of tactical support (Peter Shore), or idiosyncratic and tactical support (Tony Benn).
- Labourism (philosophical strand): opposition (George Brown) or having 'gone along with it'¹¹⁴ but clearly inclined to opposition (James Callaghan).

Overall, within this total sample of eight Ministers, there was no Minister who can be characterised as an enthusiastic supporter of the reform proposal. By extrapolation, the wider Cabinet was *unlikely* to be enthusiastically supporting the reform proposal (this can be corroborated by the discussion in the third section of this chapter).¹¹⁵

The Prime Minister¹¹⁶

In June 1966, Wilson supported the introduction of a powers-only reform after the request of Lords Gardiner and Longford to initiate "some measure" of Lords reform.

Wilson considered that any attempt to reform the composition of the House would "produce strong divergences of views within the Government and Party".¹¹⁷ During a

¹¹⁴ Crossman, *Diaries Volume 3*, ft.11, p.284

¹¹⁵ Douglas Houghton, the Chairman of the PLP, was also not a supporter of the reform proposal (Dalyell, *Dick Crossman*, ft.61, p.144; also Crossman, *Diaries Volume 3*, ft.11, p.257. This was confirmed by the author's interview with Michael English, who was a Labour MP at the time).

¹¹⁶ There are only brief references to the House of Lords in Wilson's book, *The Governance of Britain* (1976).

¹¹⁷ PREM 13/1685, Meeting between the Prime Minister and Lords Gardiner and Longford, 8th June 1966 (also Crossman, *Diaries Volume 1*, ft.81, p.553)

Cabinet meeting at around this time, he wanted to start modernising the parliamentary institutions¹¹⁸ which most probably reflected his ideological justification for initiating Lords reform.¹¹⁹ Wilson would return to support a powers-only reform at various other times during the 1966-70 Parliament, e.g. in June 1968 and in March 1969,¹²⁰ but at these later times his reasoning was predominately tactical: in June 1968, it was a short-term reaction to the Southern Rhodesia Order incident, and in March 1969, the Parliament (No. 2) Bill was being filibustered and therefore a powers-only reform was seen as an alternative bill for Lords reform.¹²¹

In April 1967, Crossman had to persuade Wilson to support a wide-ranging reform (incorporating both powers and composition), and as such the latter told the former: “I’ll back you if you put it to Cabinet”.¹²² This type of support was continued throughout the development of the reform proposal, with Crossman later describing Wilson as being ‘loyal’ over the issue.¹²³ Wilson would also justify his support (behind-the-scenes) by describing the reform proposal as a “modernising reform”,¹²⁴ but Wilson would lose much of his enthusiasm for parliamentary modernisation as the 1966-70 Parliament progressed,¹²⁵ and Morgan’s conclusion is that Wilson had shown “no sustained interest in constitutional change”.¹²⁶ It follows that Crossman would also later

¹¹⁸ Crossman, *Diaries Volume 1*, ft.81, p.502 (also p.549). This comment was made in reference to the specialist committees. See also CC 19(66), 20th April 1966, pp.7-8 and Wilson, *Personal Record*, ft.43, p.273

¹¹⁹ The secondary literature on Wilson (Morgan 1992, Pimlott 1992, Roth 1977, Ziegler 1995) contains no discernible reference to an interest in Lords reform at around this time, other than for increasing the number of Labour peers.

¹²⁰ Crossman, *Diaries Volume 3*, ft.11, pp.100-1 (The account in Wilson’s memoir does not reflect that of the other primary sources – Wilson, *Personal Record*, ft.43, p.608); Castle, *Diaries*, ft.11, pp.613, 615

¹²¹ See also Crossman, *Diaries Volume 3*, ft.11, p.356

¹²² Crossman, *Diaries Volume 2*, ft.11, p.298

¹²³ Crossman, *Diaries Volume 3*, ft.11, p.143

¹²⁴ PREM 13/2295, House of Lords Reform, 11th September 1968, p.2

¹²⁵ For example: Dorey & Honeyman 2010: 162-3

¹²⁶ K. Morgan (2013) *The Left and Constitutional Reform: Gladstone to Miliband*, *The Political Quarterly*, 84/1, p.77

describe Wilson as being “a bit ambivalent”¹²⁷ on the reform proposal (the ‘qualified’ support of Wilson was discussed above). However, it is difficult to determine whether the wider Cabinet was cognisant of Wilson’s equivocal standpoint, although Silkin was indeed aware and Wilson was apparently “coolly acquiescent” during a meeting with the Ministerial Committee.¹²⁸ In February 1969, Wilson moved the Second Reading of the Parliament (No. 2) Bill,¹²⁹ but he later noted in his memoir: “I made no effort to suggest that there was any enthusiasm about the Bill”.¹³⁰

Balance of Support and Opposition within the Wider Cabinet

(time range: prior to the publication of the White Paper.)

This section assesses the balance of support and opposition for the reform proposal within the wider Cabinet. The previous two sections have assessed the support and opposition of individual Ministers, but this section takes a wider perspective and assesses the Cabinet as a whole. Every meeting of the Cabinet at which discussions took place for Lords reform, between June 1966 and October 1968, is incorporated. One of the section’s main lines-of-enquiry is to assess the ‘depth’ of the support (enthusiastic or acquiescent?) and the opposition (strenuous or acquiescent?) to the reform proposal.

During the initial meeting (28th June 1966), “practically everybody round the [Cabinet] table” was against a compositional reform, and the only noted support was from the Ministers who sat in the Lords *viz.* Lords Gardiner and Longford.¹³¹ As such, it should not be surprising that during the subsequent meeting (7th September 1967), when the Ministerial Committee requested an expansion in their terms-of-reference, there was no

¹²⁷ Crossman, *Diaries Volume 3*, ft.11, p.267

¹²⁸ *Ibid.*; Crossman, *Diaries Volume 2*, ft.11, pp. 477-8

According to Castle, Wilson said at the Cabinet meeting of 20th June 1968 that “he had been persuaded” to support the reform proposal (Castle, *Diaries*, ft.11, p.464). Notably, the Cabinet Conclusions document does not reflect such a description – CC 31(68), 20th June 1968, pp.7-8

¹²⁹ Interesting observation in Crossman, *Diaries Volume 3*, ft.11, p.327

¹³⁰ Wilson, *Personal Record*, ft.43, p.608

¹³¹ Castle, *Diaries*, ft.11, pp.139-140; Crossman, *Diaries Volume 1*, ft.81, p.553. See also Crossman, *Diaries Volume 2*, ft.11, pp.298, 313; F. Longford (1974) *The Grain of Wheat*, London: Collins, pp.35-6

significant support for a compositional reform within the wider Cabinet.¹³² The only support which is noted in Castle's diary account had come from the Prime Minister and the members of the Ministerial Committee *viz.* Crossman, Jenkins, Gardiner.¹³³ In contrast to the previous meeting, only George Brown is recorded as strenuously opposing a wide-ranging reform at this meeting.¹³⁴ (The provisions of the reform proposal were not presented to the Cabinet at this meeting, rather it was solely about expanding the Committee's terms-of-reference.) The difference in the wider Cabinet's standpoint between the meeting of 28th June 1966, when there was a widespread opposition, and the meeting of 7th September 1967, when there was only a minority opposition, is almost certainly due to the Prime Minister's support. Ponting notes:

Without Wilson's support, Crossman would never have overcome the well-founded doubts of his Cabinet colleagues.¹³⁵

Accordingly, after a meeting of the 'Big Six' Ministers¹³⁶ on 18th September 1967, Crossman was "pretty depressed" about the prospects of securing the wider Cabinet's approval for the reform proposal.¹³⁷

During the meeting (12th October 1967) prior to the Inter-party Conference, the Cabinet's decision to proceed with the reform proposal was described by Crossman as "overwhelming".¹³⁸ But this description was almost certainly in reference to a numerical majority of Ministers who gave their *assent*, rather than to an *enthusiastic*

¹³² Crossman, *Diaries Volume 2*, ft.11, p.467

Furthermore, the expression of support for a wide-ranging reform is relatively brief as it is recorded in the Cabinet Conclusions document – CC 54(67), 7th September 1967, p14

¹³³ Castle, *Diaries*, ft.11, pp.292-3

¹³⁴ *Ibid.*: 293

¹³⁵ C. Ponting (1989) *Breach of Promise: Labour in Power 1964-1970*, London: Hamilton, p.349

¹³⁶ George Brown, Michael Stewart, Lord Gardiner, Richard Crossman, James Callaghan, and the Prime Minister (PREM 13/1686, Meeting between the Prime Minister and senior Ministers, 18th September 1967)

¹³⁷ Crossman, *Diaries Volume 2*, ft.11, p.481

¹³⁸ *Ibid.*: 515

support from the wider Cabinet. Indeed, according to Ponting, the Cabinet “reluctantly agreed” to proceed at this meeting.¹³⁹ Firstly, it is highly unlikely that the wider Cabinet would transition from a standpoint of no significant support at the previous meeting (7th September 1967) to a standpoint of overwhelmingly enthusiastic support at this meeting (taking place only a little over a month later). Secondly, the diary accounts¹⁴⁰ are very sparse with detail, noticeably so, as to the reasons which Ministers gave for supporting the reform proposal. Thirdly, the diary account of Castle and the summing-up of the Prime Minister use much more measured language than Crossman when describing the Cabinet’s decision.¹⁴¹ Turning to the opposition within the wider Cabinet, again only a minority of Ministers, *viz.* George Brown and James Callaghan, expressed “strong and emphatic” opposition to the reform proposal. In contrast to their fervour, George Thomson made a “number of objections” but supported the reform proposal “in principle”.¹⁴² Strikingly, Crossman notes that “only very few [Ministers] attended” this meeting and he lists four Ministers as being absent (Tony Crosland, Anthony Greenwood, Cledwyn Hughes, and Richard Marsh) who would later oppose, or be presumed to oppose, the reform proposal.¹⁴³ During the subsequent meeting (1st February 1968), in the middle of the IPC, the Cabinet exhibited the same overall balance of support and opposition to the reform proposal e.g. there was strenuous but minority opposition from Barbara Castle and George Brown.¹⁴⁴

¹³⁹ Ponting, *Breach*, ft.135, p.343

¹⁴⁰ Castle, *Diaries*, ft.11, p.309; Crossman, *Diaries Volume 2*, ft.11, pp.514-5

¹⁴¹ Castle, *Diaries*, ft.11, p.309; CC 59(67), 12th October 1967, p.6

¹⁴² Crossman, *Diaries Volume 2*, ft.11, p.515

¹⁴³ *Ibid.*: 514

For Crosland, see the second section of this chapter. For Hughes: Crossman, *Diaries Volume 2*, ft.11, p.467. For Greenwood and Marsh: Crossman, *Diaries Volume 3*, ft.11, p.103 and p.143 respectively.

¹⁴⁴ Benn, *Diaries*, ft.11, p.27; Castle, *Diaries*, ft.11, p.365. There was, again, very sparse detail as to the wider Cabinet’s reasons for supporting the reform proposal. Additional comment is in Ponting, *Breach*, ft.135, p.344

During the meeting (20th June 1968) directly after the Southern Rhodesia Order incident, there was “no kind of a majority”¹⁴⁵ for proceeding with the reform proposal.

According to the summing-up of the Prime Minister:

The Cabinet had been divided in their views about the nature of the proposals [for Lords reform] which the Government ... should put forward.¹⁴⁶

Morgan describes the period just prior to the incident:

As May [1968] wore on, ... the Cabinet struggled within the constraints of Britain’s unhappy financial situation and the problems resulting from taking the Finance Bill in Committee upstairs brought the Crossman Parliamentary reforms into increasing disrepute.¹⁴⁷

In terms of the cross-party approach, John Mackintosh (a Labour MP at the time) notes that the attention of Ministers was “turning to the prospect of the next election and to the older (adversarial) forms of cross-chamber conflict”.¹⁴⁸ Morgan concludes that both Lords reform and cross-party cooperation, or “co-operation with the enemy”, were deeply unpopular with the wider Cabinet at around this time.¹⁴⁹ Therefore, following the incident, it is unsurprising that Castle wrote in her diary, “[Ministers] are all very pleased with this fiasco”, because it had served to derail the reform proposal.¹⁵⁰

The subsequent meetings – 18th July 1968, 17th October 1968, 31st October 1968 – were all characterised by an overarching indifference to the reform proposal. For example,

Crossman describes the meeting of 17th October thus:

¹⁴⁵ Crossman, *Diaries Volume 3*, ft.11, p.103

¹⁴⁶ CC 31(68), 20th June 1968, p.5

¹⁴⁷ Morgan, *House of Lords*, ft.61, pp.188-9

¹⁴⁸ Mackintosh, ‘Failure’, ft.60, p.121. See also Jones & Keating, *British State*, ft.24, p.154

¹⁴⁹ ft.147, Morgan

¹⁵⁰ Castle, *Diaries*, ft.11, p.464

We got Lords reform through [the Cabinet] in eight minutes, the tactic and the whole White Paper. It was curious, a whole elaborate piece of reform agreed when [the Cabinet] have never really read it.¹⁵¹

Since the Prime Minister was supporting the reform proposal, this was again almost certainly an influential factor in explaining the Cabinet's decisions to approve the reform proposal at these meetings. For example, at the meeting of 18th July, when the reform proposal was "unpopular", it was able to be "pushed through" the Cabinet by the PM – indeed, Crossman was "extremely surprised that we got away with it so easily".¹⁵² In a similar vein, Pearce comments about the 'yes-men' [sic] who were promoted to the Cabinet during the years 1968-9 (this was not explicitly related to Lords reform).¹⁵³ In other words, there were a number of Ministers who were willing to approve, or at least not oppose, any item of business which Wilson was supporting. David Faulkner, one of the key civil servants working on the reform proposal,¹⁵⁴ wrote afterwards: "in retrospect it seems quite incredible that a Bill of that importance could have been brought before the House with so little consultation or even awareness."¹⁵⁵ Lastly, the Cabinet's approval of the reform proposal was distinctly tentative and conditional at two meetings (7th September 1967 and 18th July 1968).¹⁵⁶ For example, the approval at the latter meeting was to be

¹⁵¹ Crossman, *Diaries Volume 3*, ft.11, p.226. For the meetings of 18th July and 31st October: p.143 and p.246 respectively. (See also pp.72, 104).

¹⁵² *Ibid.*: 143

A note about research methodology Crossman's description of this meeting was starkly at odds with that of the Cabinet Conclusions document – CC 36(68), 18th July 1968, p.9. The latter reads: "the majority of the Cabinet were of the opinion ... to implement the [reform proposal]". Given all the other evidence presented in this chapter, the account by Crossman is much more likely to reflect the reality of the events.

¹⁵³ R. Pearce, (1991) 'Introduction' in R. Pearce (ed.) *Patrick Gordon Walker: Political Diaries 1932-1971*, London: Historians' P., p.50

¹⁵⁴ Crossman, *Diaries Volume 3*, ft.11, p.47

¹⁵⁵ The quotation is taken from an e-mail correspondence with this author.

¹⁵⁶ This refers to the Cabinet's approval as described in the summing-up of the Prime Minister – CC 54(67), ft.132, p.14 and CC 36(68), 18th July 1968, p.9

reviewed in the autumn and a decision taken in the light of feeling among the Government's supporters and in the country generally.

Overall, Lamport notes that "Ministers pressed ahead with a measure for which they ... had no great enthusiasm", and Tam Dalyell (a Labour MP and PPS to Crossman) notes that the Cabinet had "cold feet" about the reform proposal.¹⁵⁷

The wider Cabinet's support for the reform proposal was of minimal depth, but what about the nature and depth of the Cabinet's support for a powers-only reform? At the initial meeting (28th June 1966), the Cabinet decided to introduce a powers-only reform but even this decision for a much simpler reform was given to a conditionality:

If the House of Lords attempted to impede the passage of the Iron and Steel or Land Commission Bills, the Government should immediately announce its intention to legislate to reduce their powers; if [the Lords] did not, however, it was arguable that it would not be necessary to legislate in the 1967-68 Session, when there would be considerable pressure on the Parliamentary timetable.¹⁵⁸

Duly, Shell notes that the Cabinet was "never entirely enthusiastic about Lords reform in the first place."¹⁵⁹ Prior to the meeting of 20th June 1968, Crossman wrote in his diary that "there is now overwhelming pressure ... from inside the Cabinet" for a powers-only reform.¹⁶⁰ However, this standpoint was a knee-jerk reaction (a short-term reaction) to the Southern Rhodesia Order incident, and it should be recalled that the following

¹⁵⁷ T. Lamport (2005) *Reform of the House of Lords in British Politics 1970-1992*, D.Phil. thesis, Queen Mary – University of London, p.45; Dalyell, *Dick Crossman*, ft.61, p.139

¹⁵⁸ CC 32(66)2, Confidential Annex, 28th June 1966, pp.5-6

¹⁵⁹ Shell, 'Parliamentary Reform', ft.61, p.190

It could reasonably be asked why the Cabinet decided to introduce a powers-only reform in June 1966. Various reasons can be suggested: at around this time, the Prime Minister wanted to modernise the parliamentary institutions (it should be remembered that this was very early in the 1966 Parliament) and a powers-only reform was a pledge made in the Labour Party's 1966 manifesto (discussed in chapter 4).

¹⁶⁰ Crossman, *Diaries Volume 3*, ft.11, p.102

month the Order was re-laid and was then passed by the Lords, and thereafter the fall-out from the incident had “faded out altogether”.¹⁶¹ Between April 1969¹⁶² and the 1970 general election, there was only one clear instance of Cabinet support for a powers-only reform. This occurred in July 1969,¹⁶³ and it was similarly a short-term reaction to the Lords’ opposition to an item of Government legislation, this time the House of Commons (Redistribution of Seats) (No. 2) Bill.¹⁶⁴ Similarly to the incident, “the Government eventually had their way”¹⁶⁵ – although the Bill was not actually enacted – and again the Cabinet’s support for a powers-only reform would quickly dissipate.

Deciding to Proceed and then to Persevere (time range: July 1968 to March 1969)

This section seeks to demonstrate the important role of tactical imperatives in the decisions of the Cabinet to:

- proceed with the reform proposal after the Southern Rhodesia Order incident, and then introduce the White Paper;
- introduce the Parliament (No. 2) Bill despite the large backbench-rebellion on the White Paper;
- persevere with the Bill at its Committee Stage even though it was being filibustered.

During the meeting of 18th July 1968, there was a “general agreement” that the Cabinet’s decision with respect to Lords reform should be “essentially tactical in

¹⁶¹ Ibid.: 116

¹⁶² The Parliament (No. 2) Bill was withdrawn in this month.

¹⁶³ CC 36(69), 24th July 1969, pp.4-7; Castle, *Diaries*, ft.11, p.694; Crossman, *Diaries Volume 3*, ft.11, p.592 (also p.602)

¹⁶⁴ ‘The Postponement of Alterations in Constituency Boundaries’, *The Table*, 38, pp.130-5; Morgan, *House of Lords*, ft.61, pp. 152-68

¹⁶⁵ Morgan, *House of Lords*, ft.61, p.222, also pp.224-5

character.”¹⁶⁶ As such, the decision to proceed with the reform proposal was partly based on the tactical justification that the reform bill could be enacted via cross-party agreement, which was preferable to seeking to “impose a radical unilateral [reform bill]”.¹⁶⁷ The key point was that a unilateral bill would be opposed by the Conservative Party in the Lords, and therefore a major disturbance would be caused to the presently good working relations between the Commons and the Lords. In other words, a major disturbance would be caused to the presently unimpeded passage of the Government’s legislation through the Lords. However, both the Cabinet and Burke Trend (the Cabinet Secretary) note that the point was “not generally understood” by the Labour backbenchers, who were likely to call for a much more radical (and thereby unilateral) reform.¹⁶⁸ Later on, the Prime Minister would rule out a radical and unilateral reform because it

would leave open too many options [for reform] and would lead to pressure from the Labour backbenchers for a range of very radical [reforms].”¹⁶⁹

During this Cabinet meeting, an argument was put forward that Lords reform should be abandoned altogether,¹⁷⁰ but some Ministers felt that such a course would be a humiliating climb-down to the Conservative peers in the face of the Southern Rhodesia Order incident. Such a course would also undermine the morale of those Labour MPs who supported Lords reform.¹⁷¹

¹⁶⁶ CC 36(68), 18th July 1968, p.8

¹⁶⁷ PREM 13/2295, Trend to Wilson, 16th October 1968, p.3

¹⁶⁸ CC 36(68), ft.166, p.9 and PREM 13/2295, Trend to Wilson, 17th July 1968, p.2

During this Cabinet meeting, it was noted that a “recent meeting of the [PLP] had shown support for the idea of a ... Second Chamber perhaps on an elected or regional basis” (this almost certainly refers to the PLP meeting held on 3rd July 1968).

¹⁶⁹ PREM 13/2295, House of Lords Reform, 11th September 1968, pp.1-2

¹⁷⁰ CC 36(68), ft.166, p.8

¹⁷¹ P. Dorey & A. Kelso (2011) *House of Lords Reform Since 1911: Must the Lords Go?*, Hampshire: Palgrave Macmillan, pp.155, 157

The Cabinet's decision at the meeting of 18th July 1968 was to proceed with the reform proposal, but this decision was given to a conditionality because it

should be reviewed in the Autumn ... in the light of feeling among the Government's supporters.¹⁷²

However, Lords reform would not be discussed again at a PLP meeting until 13th November 1968, which was after the White Paper was already published. (The reform proposal was kept confidential until its publication as a White Paper on 1st November 1968.) In early July 1968, Crossman observed that the PLP did not exhibit any "great demand for radical reform" of the Lords.¹⁷³ During the Labour Party Conference held in early October 1968, a composite resolution was moved to abolish the Lords outright but this was quickly remitted on the recommendation of the NEC.¹⁷⁴ Indeed, Lampont notes that "there seems to have been no great interest in the issue [of Lords reform] in the Labour Party as a whole".¹⁷⁵

*On 20th November 1968, the Commons voted to endorse the White Paper by a majority of 111. The Labour MPs divided (on a three-line Whip): 232 supporting, 47 opposing, 41 abstaining. This was among the largest backbench-rebellions in the 1966-70 Parliament. During the debate, there was only minimal support from the Labour MPs in the form of supporting speeches, which indicates a lack of *enthusiastic* support for the White Paper.

The Bill

During the meeting of 5th December 1968, the Cabinet's decision to introduce the Parliament (No. 2) Bill was based predominately on tactical imperatives. Aside from the

¹⁷² CC 36(68), ft.166, p.9

¹⁷³ Crossman, *Diaries Volume 3*, ft.11, p.116

¹⁷⁴ Labour Party (1968) *Report of the Annual Conference of the Labour Party 1968*, London: Labour Party, pp.172-3, 183-4, 186

¹⁷⁵ Lampont, *Reform of the House of Lords*, ft.157, p.35

few supporters of the reform proposal, the wider Cabinet “said they detested [it] as a difficult nuisance”,¹⁷⁶ and the argument was made that it

would be unwise to proceed with a Bill for which there was no enthusiasm on either wing of the [PLP].¹⁷⁷

However, the White Paper was already published and it was endorsed by a large majority in the Commons, with only a minority of the Labour backbenchers having voted to oppose it. Therefore, “the vast majority [of Ministers] agreed that it was too late now to abandon” the reform proposal,¹⁷⁸ because such a move would result in a loss of the Government’s authority – it “would be a confession of weakness” –

which would expose [the Government] to pressure from other determined minorities [within the PLP].¹⁷⁹

Another tactical argument was made at this Cabinet meeting in support of introducing the Bill, and it was based on the Bill’s provisions for removing the Lords’ capacity to (effectively) veto legislation in the final year of a Parliament:

the Conservative peers might be emboldened, as the end of the Parliament approached, to make freer use of their powers, perhaps to defeat the nationalisation of ports.¹⁸⁰

As such, enacting the Parliament (No. 2) Bill would in turn secure the passage of this nationalisation bill (note the parallel with the Parliament Act 1949, which was introduced by the Attlee Government in order to secure the passage of the Iron and Steel

¹⁷⁶ Crossman, *Diaries Volume 3*, ft.11, p.283-4

¹⁷⁷ CC 49(68), 5th December 1968, p.8

¹⁷⁸ Castle, *Diaries*, ft.11, p.567

¹⁷⁹ CC 49(68), ft.177, p.9

¹⁸⁰ *Ibid.*: p.9

Bill – see chapter 2). However, the primary sources make no indication that this argument had gained any traction with the wider Cabinet.¹⁸¹

*On 3rd February 1969, the Commons voted to give the Bill a Second Reading by a majority of 150.¹⁸² The Committee Stage (taken on the Floor of the House) began on 12th February 1969, and the filibustering began at the very first debate.¹⁸³ During the meeting of 20th February 1969, the Prime Minister spoke of the “slow progress which the Parliament (No. 2) Bill was making”, but he also said that the Labour backbenchers might not oppose, i.e. filibuster, the later clauses which dealt with the Lords’ powers (rather than with the composition).¹⁸⁴

Throughout the Committee Stage, the Cabinet’s decisions were to persevere with the Bill for exactly the same tactical imperative as for introducing it. During the meeting of 27th February 1969, Crossman said that withdrawing the Bill due to the opposition, i.e. filibustering, from a minority within the PLP (“thirty to forty” Labour MPs) would encourage the Labour backbenchers who opposed other items of Government legislation e.g. the “Prices and Incomes or the Industrial Relations Bill”.¹⁸⁵ Barbara Castle agreed “vigorously”¹⁸⁶ with this argument (she was the Minister responsible for the Industrial Relations Bill). It should also be recalled that Castle had previously opposed the reform proposal, and as such her support at this juncture for persevering with the Bill is all the more stark. These sorts of arguments were repeated during the meeting of 6th March 1969, while it was also acknowledged that the Government’s “own [backbenchers]

¹⁸¹ The argument was also *not* mentioned in the memo sent by Burke Trend before this Cabinet meeting (PREM 13/1686, Trend to Wilson, 4th December 1967).

¹⁸² The Government’s decision to impose only a two-line Whip on the division is discussed in Dorey & Kelso, *Lords Reform Since 1911*, ft.171, p.161

¹⁸³ Crossman, *Diaries Volume 3*, ft.11, pp.363-4

¹⁸⁴ CC 9(69), 20th February 1969, p.3

¹⁸⁵ Crossman, *Diaries Volume 3*, ft.11, p.388

¹⁸⁶ Castle, *Diaries*, ft.11, pp.609-10

don't care about" the Bill.¹⁸⁷ To overcome the filibuster, the Government needed to convince a larger number of its backbenchers to attend late-night sittings and vote for closure motions, and the argument to be deployed was again tactical:

failure to support the Government [by staying late] would threaten other Bills to which [backbenchers] attached importance, and that time lost on the Parliament (No. 2) Bill might be made up by reducing the length of the Whitsun recess.¹⁸⁸

To explain: since the Committee Stage of the Parliament (No. 2) Bill was taken on the Floor of the House, the Government's other legislative items could not be put through the House while the Bill was being debated (or indeed filibustered).¹⁸⁹

*The Cabinet noted that one of the factors which facilitated the filibuster was the "impression shared by a number of [Labour] backbenchers ... that the [Cabinet] were not united in their determination to push the Bill through".¹⁹⁰ Holt & Turner highlight that backbench-rebels are inclined to be more forceful when a Cabinet is split on an issue,¹⁹¹ but it also doubtless meant that the other Labour MPs, even those strictly loyal to the Government, would not feel compelled to stay late.

During the meetings of 6th March 1969 and 12th March 1969, it was decided that no escape-hatch could be used in terms of parliamentary procedure:

¹⁸⁷ Crossman, *Diaries Volume 3*, ft.11, p.398 and CC 11(69), 6th March 1969, p.4

¹⁸⁸ CC 10(69), 27th February 1969, p.4

This same argument was also to be made to the Labour backbenchers who were filibustering – CC 12(69), 12th March 1969, p.4

¹⁸⁹ Nevertheless, Trend advised that continuing with the Bill "would not necessarily be disastrous" for the Government's legislative programme (PREM 13/3402, Trend to Wilson, 11th March 1969, pp.1-2).

¹⁹⁰ CC 10(69), 27th February 1969, p.4 and CC 11(69), 6th March 1969, p.5

¹⁹¹ R. Holt & J. Turner (1969) 'Change in British Politics: Labour in Parliament and Government' in W. Andrews (ed.) *European Politics II: The Dynamics of Change*, New York: Van Nostrand Reinhold, p.94

- A guillotine / timetable motion (requiring a majority vote of the whole House) was ruled out because it was likely to be lost, with the understanding that the Conservative Party would issue a three-line Whip against it.¹⁹²
- Taking the remainder of the Committee Stage ‘upstairs’ in a (comparatively small) Standing Committee was ruled out because the Government would have “an even smaller majority [proportionately] and even more difficulty in getting [the Bill] through.”¹⁹³

The Prime Minister then proposed to withdraw the Bill and introduce instead a powers-only reform, but this idea was retracted because it “would be as big a capitulation to [backbench] pressure”.¹⁹⁴ Furthermore, Trend notes that a powers-only reform would

almost certainly have to be forced through under the Parliament Act procedure ... The results for the remainder of the Government’s legislative programme ... could be serious, since withdrawal of the [Parliament No. 2 Bill] would embitter relations between the two Houses.¹⁹⁵

The Bill was also receiving “very little” support from the Opposition Front Bench¹⁹⁶ e.g. there was “no prospect” of cooperation through ‘the usual channels’.¹⁹⁷ The Cabinet attempted to secure some cross-party cooperation by offering to postpone, until the next

¹⁹² CC 11(69), 6th March 1969, p.4

General discussion in J. Palmer (1970b) *Allocation of Time: The Guillotine and Voluntary Timetabling*, *Parliamentary Affairs*, 23/3

¹⁹³ Crossman, *Diaries Volume 3*, ft.11, pp.397-8

General (and brief) discussion in J.A.G. Griffith (1974) *Parliamentary Scrutiny of Government Bills*, London: Allen & Unwin, p.33

¹⁹⁴ Castle, *Diaries*, ft.11, p.613

¹⁹⁵ PREM 13/3402, Trend to Wilson, 7th March 1969, p.2

¹⁹⁶ CC 11(69), ft.192, p.3

The Opposition Chief Whip wrote of his activities during the Committee Stage: “Certainly I could have tried harder, although I believe I would not have succeeded against the type of opposition emanating from our own back-benches” – W. Whitelaw (1989) *The Whitelaw Memoirs*, London: Aurum Press, p.68

¹⁹⁷ This is sometimes referred to in the documentation as a ‘voluntary timetable’. Research: M. Rush & C. Ettinghausen (2002) *Opening Up The Usual Channels*, London: Hansard Society; D. Wade (1978) *Behind the Speaker’s Chair*, Leeds: Austicks

Parliament, the implementation of the Bill's provisions for compositional reform.¹⁹⁸

However, the Conservative Opposition rebuffed this offer, and they made it clear that their only interest was in postponing the implementation of the Bill as the whole.¹⁹⁹

Overall, Castle remarked that there was “no alternative to soldiering on”²⁰⁰ and “sweating it out” with the Bill on the Floor of the House.²⁰¹

Withdrawing the Bill (time range: April 1969)

*By mid-April 1969, the Bill had spent nearly nine sitting days in Committee, with only the preamble and first five clauses (out of twenty) being debated and passed.²⁰² The Chief Whip estimated that a further twenty-four sitting days would be needed just to complete the Committee Stage.²⁰³ The Bill's slow progress was serving to “gum up the parliamentary works for many months, cause great irritability [within Government], and seriously detract from the speed and force with which the other ... [bills] could be handled”.²⁰⁴ According to Raina the “Government's patience was now exhausted”, and according to Jenkins the whole issue was “extremely damaging to the Government's reputation for competence”.²⁰⁵

During a meeting of the Ministerial Committee on 15th April 1969, there was a clear division between the Lords' Ministers and the Commons' Ministers about what to do with the Bill: the former wanted to continue with it but the latter wanted to withdraw

¹⁹⁸ CC 8(69), 11th February 1969, p.3

¹⁹⁹ CC 9(69), ft.184, p.3

²⁰⁰ Comment made at a meeting of the Parliamentary Committee (10th March 1969).

See also Ponting, *Breach*, ft.135, p.348

²⁰¹ Castle, *Diaries*, ft.11, pp.615, 617

²⁰² The Government originally timetabled five days for the Committee Stage (Morgan, *House of Lords*, ft.61, p.212)

²⁰³ PREM 13/3402, Trend to Wilson, 15th April 1969, p.1

²⁰⁴ M. Williams (1972) *Inside Number 10*, London: Weidenfeld & Nicolson, p.278

Crossman, *Diaries Volume 3*, ft.11, p.401; Stacey 1975: 77

²⁰⁵ P. Raina (2014) *House of Lords Reform: A History 1960-1969*, Oxford: Peter Lang AG, p.914; P.

Jenkins (1970) *The Battle of Downing Street*, London: Knight, p.74

it.²⁰⁶ Indeed, even Richard Crossman wanted to withdraw the Bill by this stage,²⁰⁷ while Barbara Castle wanted to introduce her Industrial Relations Bill which “required both debating time in the House and a sympathetic, acquiescent party.”²⁰⁸ The issue would be put to the Cabinet the following day, but the Committee agreed that if the decision was to withdraw the Bill then it must “be presented not as a defeat but as a positive change of policy”.²⁰⁹ Crossman remarked that “we can’t drop [the Bill] without a good reason”.²¹⁰ Prior to this Committee meeting, the Commons’ Ministers had met privately in order to discuss *how* the Bill should be withdrawn.²¹¹ It was decided that any announcement for withdrawing the Bill should be made on the grounds of clearing space in the legislative timetable for the introduction of more important Bills, specifically the Industrial Relations Bill and the Merchant Shipping Bill. In other words, withdrawing the Parliament (No. 2) Bill was to be presented as a “necessary corollary” of the Government’s “legislative priorities”.²¹² Castle considered that such a strategy would also “help to restore party morale [and discipline] by letting the PLP see clearly the lines [the Government] will be following in the months ahead”.²¹³

The following alternative options were put to the Cabinet at the meeting of 16th April 1969:

- introducing a timetable / guillotine motion for the Bill and making it an ‘issue of confidence’ in the Prime Minister, or
- withdrawing the Bill whether temporarily or permanently.

²⁰⁶ For example: Crossman, *Diaries Volume 3*, ft.11, p.440

²⁰⁷ For example: Jenkins, *Battle*, ft.205, pp.86-7

²⁰⁸ Morgan, *House of Lords*, ft.61, p.216

²⁰⁹ PL(69)4, Minutes of the Ministerial Committee on the House of Lords, 15th April 1969, p.1

²¹⁰ Crossman, *Diaries Volume 3*, ft.11, p.434, also p.432

²¹¹ Richard Crossman, Barbara Castle, and Roy Jenkins had met during the Easter Recess (early April 1969).

²¹² Morgan, *House of Lords*, ft.61, pp.216-7

²¹³ Castle, *Diaries*, ft.11, p.634, also 630

See also Jenkins, *Battle*, ft.205, p.92

Tony Benn and Michael Stewart both argued against the second option, and they repeated arguments made in previous meetings of the Cabinet e.g. Stewart said that withdrawing the Bill would “weaken [the Government’s] authority” with the PLP (a tactical imperative) and Benn said that the Bill was a “key part of [the Government’s] modernisation of institutions” (an ideological imperative, but Benn was an idiosyncratic case).²¹⁴ However, the broad opinion of the Cabinet was “clearly in favour of not proceeding with the Bill”, in part because

if the authority of the Prime Minister ... was to be placed behind a demand for discipline in the PLP, the occasion should be an issue of manifest national importance ... On this criterion the Industrial Relations Bill seemed the better choice.²¹⁵

Or as Ballinger puts it: “Lords reform was not a central enough issue on which to chance the Government’s reputation.”²¹⁶ On 17th April 1969, the Prime Minister announced in the Commons that the Government would “not to proceed further at this time with the Parliament (No. 2) Bill”, and the “Leader of the House will ... keep the House informed about the Government's further intentions on the matter of the Bill.”²¹⁷ Nonetheless, despite that latter remark, no further announcement of Government policy was made about Lords reform in the 1966-70 Parliament.²¹⁸

²¹⁴ Benn, *Diaries*, ft.11, p.161; Crossman, *Diaries Volume 3*, ft.11, p.441

²¹⁵ CC 18(69), 16th April 1969, pp.4-5

²¹⁶ C. Ballinger, (2012) *The House of Lords 1911-2011: A Century of Non-Reform*, Oxford: Hart, p.151
See also Callaghan, *Time and Chance*, ft.110, p.503; Wyatt 1973: 53

²¹⁷ Hansard, House of Commons debates, 17th April 1969, vol.781 col.1338

²¹⁸ M. Wheeler-Booth (1970) The Attempted Reform of the House of Lords 1964-1969, *The Table*, 38, p.106

Conclusion

Firstly, there was a lack of enthusiastic support for the Bill within the Cabinet. A sample of two Ministers was drawn from each of the Labour Party's ideological positions, and their standpoints on the Bill were assessed. In summary:

- Labour Left: opposition (Barbara Castle), or supporting the Prime Minister's standpoint but clearly inclined to opposition (John Silkin).
- Revisionist Right: opposition (Tony Crosland), or short-term/reactive support (Roy Jenkins).
- Technocratic Collectivism: limited degree of support (Peter Shore), or idiosyncratic support (Tony Benn).
- Labourism (philosophical strand): opposition (George Brown), or having 'gone along with it' but clearly inclined to opposition (James Callaghan).

Within this total sample of eight Ministers, there was no Minister who was an enthusiastic supporter of the Bill. Since the total sample was spread across the Labour Party's ideological spectrum, then by extrapolation the Cabinet as a whole was unlikely to be enthusiastically supporting the Bill. In order to corroborate this extrapolation, the 'depth' of the Cabinet's support at each meeting of the Cabinet can be assessed. For example, at the Cabinet meeting prior to the IPC, a noticeable lack of reasons is recorded²¹⁹ for the Cabinet's support, which suggests that the decision to approve the Bill was more of an *assent* and not due to an *enthusiastic* support (other evidence suggests it as well). Subsequently, during the three Cabinet meetings in the time-range of July 1968 to October 1968 (the Bill was published in November 1968), the Cabinet exhibited a manifest indifference to the Bill. One of the ways this indifference can be

²¹⁹ This refers to the diary entries for the Cabinet meeting.

seen was the brevity of the Cabinet discussions e.g. the Bill and its legislative passage were discussed in only eight minutes at one of these meetings.

Secondly, the Cabinet's support for the Bill was mostly justified with reference to tactical imperatives. For example, at one of the Cabinet meetings, the support of Roy Jenkins and Michael Stewart was on the basis that the Bill could be enacted via cross-party agreement, which would maintain the presently tranquil inter-cameral relations. The alternative of a unilateral bill for Lords reform would be opposed by the Conservative Party in the Lords.²²⁰ As such, a unilateral bill would cause a major disturbance to the presently good working relations between the Commons and the Lords, or in other words, it would cause a major disturbance to the presently unimpeded passage of the Government's legislation through the Lords. This argument for the cross-party approach, based on a tactical imperative, was one of the Cabinet's main reasons for proceeding with the Bill in July 1968, after the Southern Rhodesia Order incident (the other main reason was the Prime Minister's support for the Bill). Subsequently, in November 1968, the White Paper was endorsed by a large majority in the Commons, with only a minority of the Labour backbenchers having voted to oppose it. On this basis, the Cabinet decided that a failure to proceed with the Bill would damage the Government's authority, thereby encouraging the Labour backbenchers who opposed other items in the Government's programme. This was clearly a tactical imperative, and duly, the Cabinet decided to introduce the Bill in December 1968. At the Bill's Committee Stage, in February/March/April 1969, it was (again) only a minority of the Labour backbenchers who were involved in opposing, i.e. filibustering, the Bill. As such, the Cabinet's decisions were to persevere with the Bill, rather than to withdraw it, for exactly the same tactical imperative as for introducing it.

²²⁰ The Parliament Act procedure would almost certainly have to be used in order to enact a unilateral bill for Lords reform.

CHAPTER 8:
The PLP's Standpoint on the Bill
or
The Parliamentary Passage of the Bill

Introduction

A few prefatory notes:

*the term 'reform proposal' is used throughout this chapter to denote the item that would culminate as the Parliament (No. 2) Bill.

*the Hansard website (<https://api.parliament.uk/historic-hansard/people/index.html>) was the main data source used for determining whether a Labour MP was a backbencher at the time. The data sources used for corroboration were: diaries (appendix 1), The History of Parliament website (<http://historyofparliamentonline.org/>), and the Who's Who website (<https://www.ukwhoswho.com/>).

This chapter is divided into two broad sections:

The first section discusses the PLP's standpoint on the general issue of Lords reform.

This was during the period in which the PLP did not have knowledge of the reform proposal's provisions – the reform proposal was kept confidential until its publication, in the form of a White Paper, on 1st November 1968.¹ Nonetheless, the Queen's Speech for the year 1967 had given a general indication of the Government's intentions for Lords reform,² and some newspaper reports had leaked details of the reform proposal.³

The main questions to answer in this section are whether the PLP was calling for Lords

¹ Details of the reform proposal were requested at the PLP meeting on 3rd July 1968, but the Prime Minister rejected the request (Labour Party Archives, Minutes of a PLP meeting, 3rd July 1968).

² The relevant part of the speech is quoted in the introduction to chapter 6.

³ See the PLP meetings on 23rd and 29th May 1968 (ft.1)

reform, and if so, was a particular reform being put forward in anything approaching a consensus?

The second section discusses each stage of the reform proposal's passage through the Commons: the White Paper, the Bill's Second Reading, and the Bill's Committee Stage.⁴ (The Bill would be withdrawn at the Committee Stage.) The PLP's standpoint on the reform proposal is the focus of this section. Also incorporated are the PLP meetings at which the reform proposal was discussed. Since these meetings took place behind-the-scenes, with no Whipping in operation, they most likely provided a truer reflection of the PLP's standpoint than the debates in the Commons (at least the Whipped debates in the Commons). For example, the Labour backbencher Denis Coe was a supporter of the Bill but he made several arguments in the Bill's (Whipped) Second Reading debate which he did not make in the PLP meetings. Following on, the section will pay particularly close attention to the PLP's support for the reform proposal, because this is a key aspect to the hypothesis of the thesis. The Conservative Party's standpoint is omitted from the discussion.

Prior to the publication of the Reform Proposal

In July 1965, the unofficial Labour Parliamentary Reform Group was founded by some of the new Labour backbenchers from the 1964 intake.⁵ This was a "partisan Group hoping to persuade its Government to reform Parliament as an aspect of party policy". Membership of the Group was spread across the Labour Party's ideological positions e.g. Norman Atkinson, Trevor Park, and Stanley (Stan) Orme were also members of the Tribune Group (Labour Left), whereas Donald Chapman, Tam Dalyell, and Richard (Dick) Taverne were also members of the Campaign for Democratic Socialism (the

⁴ The only significant change from the White Paper to the Bill was the removal of the provision for paying the voting peers a salary.

⁵ 'Labour MPs Form Own Group On Commons Reform', *The Times*, 8th July 1965, p.16

Revisionist Right).⁶ The Group compiled an early day motion (EDM) which listed its requests for parliamentary reform, and which effectively formed its manifesto, but this EDM contained no reference at all to Lords reform.⁷ In any case, the more important political issues, e.g. “Vietnam, prices and incomes, and judges’ pay”, drew away the Group’s attention and activity.⁸ The 1966 General Election resulted in the return of more reform-minded Labour MPs, and duly an official PLP subject group was setup in order to consider parliamentary reform.⁹ According to Morgan, there was a “nucleus of MPs” within this group who was supportive of Lords reform.¹⁰ However, this subject group was relatively small in membership, and it only became smaller as the 1966 Parliament progressed.¹¹ Moreover, Norton notes that the onus for parliamentary reform was placed on the Government and the Leader of the Commons (who was Crossman).¹² The chairperson of this group was Denis Coe,¹³ who describes its somewhat limited activities,¹⁴ and he writes of his attendance at *later* meetings for developing the Parliament (No. 2) Bill:

Whilst my role at those meetings was largely passive, I was able to make some contribution to the discussion.

Nonetheless, *The Times* reports that this subject group had earlier sent a “warning that any scheme of Lords reform which includes fixed salaries for peers and which fails to

⁶ The author had a brief e-mail exchange with Taverne.

⁷ EDM 257, Modernisation of Parliament, 22nd June 1965. Tabled by David Kerr.

⁸ A. Barker (1970) ‘Parliament and Patience 1964-66’ in B. Crick (ed.) *The Reform of Parliament*, London: Weidenfeld & Nicolson, pp.200-1

⁹ B. Jones & M. Keating (1985) *Labour and the British State*, Oxford: Clarendon Press, pp.152-3

¹⁰ J. Morgan (1975) *The House of Lords and the Labour Government 1964-1970*, Oxford: Clarendon Press, p.176

¹¹ R. Crossman (1976) *The Diaries of a Cabinet Minister: Volume 2 Lord President of the Council and Leader of the House of Commons 1966–68*, London: Hamish Hamilton, p.235; J. Mackintosh (1971) ‘Reform of the House of Commons: The Case for Specialization’ in G. Loewenberg (ed.) *Modern Parliaments: Change or Decline?*, Chicago, Ill.: Aldine-Atherton, p.40

¹² P. Norton (1981) *The Commons in Perspective*, Oxford: Martin Robertson, pp.204, 221

¹³ The deputy chairperson was Michael English.

¹⁴ D. Coe (2008) *Variety Certainly Adds Spice*, Sussex: Book Guild, pp.224-6

remove the Lords' powers ... will be strongly opposed by Labour backbenchers.”¹⁵ This would be a prescient warning.

The issue of Lords reform was discussed at PLP meetings held on these dates:

- 15th November 1967: immediately prior to the Inter-party Conference (IPC);
- 19th June 1968: immediately after the Southern Rhodesia Order incident;
- 3rd July 1968: as the follow-up to the meeting of 19th June 1968.

There was a low attendance of Labour MPs at each of these PLP meetings,¹⁶ which indicates that the issue of Lords reform was not a concern for the wider PLP, that is, Lords reform was not one of the PLP's ideological aims. Crossman notes in his diary: “So much for the idea that there's a great demand for radical reform [of the Lords]”.¹⁷

Moreover, it was argued at one of the meetings:

the Party should be applying itself to more important and pressing matters. Lords reform was not a matter of prime concern in the country; the Party would be judged on its record in the economic field.¹⁸

The Labour backbencher Eric Heffer also argued to oppose getting involved with Lords reform because “the Party did not want a strengthened upper House”,¹⁹ meaning that a reformed and thereby

a politically respectable Second Chamber was far more likely to flex its muscles (i.e. invoke its delaying powers).²⁰

¹⁵ ‘Health revolt minimized’, *The Times*, 29th May 1968, p.2. See also Crossman, *Diaries Volume 2*, ft.11, p.417

¹⁶ 15th November 1967: Crossman, *Diaries Volume 2*, ft.11, pp. 573-4; 19th June 1968: ‘Labour MPs cautious on Lords' revolt’, *The Times*, 20th June 1968, p.4; 3rd July 1968: R. Crossman (1977) *The Diaries of a Cabinet Minister: Volume 3 Secretary of State for Social Services 1968–70*, London: Hamish Hamilton, p.116

¹⁷ Crossman, *Diaries Volume 3*, ft.16, p.116

¹⁸ Labour Party Archives, Minutes of a PLP meeting, 3rd July 1968

¹⁹ *Ibid.*, Minutes of a PLP meeting, 29th May 1968

As such, retaining the Lords' existing anachronistic²¹ composition was to protect the supremacy of the democratically-elected Commons. Dorey notes that this argument was grounded in the PLP's attachment to the Westminster Model of the British polity.²²

Indeed, *The Times* reported on a PLP meeting:

Several Commons backbenchers expressed horror at the dangers of an elected chamber or a nominated chamber.²³

Furthermore, it was felt that a wholly nominated second chamber would increase the patronage powers of the Prime Minister to an unacceptable extent. This concern was compounded by the possibility of paying the peers a salary (at the time, they received only an expenses allowance). As a result, the PLP was reported as being "cold on House of Lords reform".²⁴ According to Morgan, there was not even widespread support for implementing the pledge in the 1966 Labour Party manifesto, which was only to remove the Lords' delaying powers. Contrarily, some Labour MPs suggested that the best way to deal with the Lords was to leave the institution to wither away through atrophy.²⁵ Alternatively, it was argued that the Government should leave Lords reform "severely alone until the time arose when ... the Lords ... succumbed to the temptation of rejecting legislation."²⁶ Lastly, it was argued on several occasions that the "wishes of the Parliamentary Party must be taken into account"²⁷ over Lords reform, and the Government was warned "not to enter into any inter-party commitment on Lords reform

²⁰ W. Rodgers (1982) *The Politics of Change*, London: Secker & Warburg, p.153

²¹ See the remarks of Charles Pannell at the PLP meeting on 15th November 1967 (ft.18)

²² P. Dorey (2006a) 1949, 1969, 1999: The Labour Party and House of Lords Reform, *Parliamentary Affairs*, 59/4, p.306

²³ 'Labour goes slow on Lords reform', *The Times*, 4th July 1968, p.3

²⁴ Ibid.

²⁵ Morgan, *The House of Lords*, ft.10, p.171

²⁶ The words of the Labour backbencher John Lee ('Reserve pool of labour', *The Times*, 1st November 1967, p.6)

²⁷ ft.18, Minutes of a PLP meeting, 15th November 1967.

See also Morgan, *The House of Lords*, ft.10, p.176

under the delusion that they could present the [PLP] with an accomplished fact.”²⁸ Such calls were made as late as 30th October 1968,²⁹ which was only two days before the White Paper was due to be published.

At these PLP meetings, there was “very little agreement about what should replace”³⁰ the existing House of Lords. A remarkably wide range of different reforms were put forward, for example:

- total abolition of the hereditary [peers] and the Lords’ delaying powers;³¹
- an elected chamber which would be able to take into account the growing need for devolution;³²
- a unicameral parliament via the abolition of the House of Lords.³³

(The levels of support for each of these reforms cannot be accurately ascertained, given the way in which the PLP meetings were documented.) The Cabinet was seemingly correct in its concerns about the lack of intra-party consensus on Lords reform e.g. it was remarked during a Cabinet meeting that “there would be great difficulty in devising any scheme for reform which commanded a sufficient measure of agreement.”³⁴ When the Government announced its general intention for Lords reform in the 1967 Queen’s Speech, *The Times* reported an expected clash between the Government and some of the Labour backbenchers “who have long campaigned for the abolition of the second chamber.”³⁵ Nonetheless, support for a particular reform does not necessarily rule out

²⁸ ‘MPs’ Warning On Lords Reform’, *The Times*, 30th May 1968, p.3

²⁹ ft.18, Minutes of a PLP meeting, 30th October 1968

³⁰ ‘Labour wary on Lords reform’, *The Times*, 16th November 1967, p.2

Confirmed by this author’s interview with Will Howie (a Labour MP from the time).

³¹ ft.18, Minutes of a PLP meeting, 19th June 1968

³² ft.18, Minutes of a PLP meeting, 3rd July 1968

³³ Crossman, *Diaries Volume 2*, ft.11, p.573 – this was the PLP meeting on 15th November 1967

³⁴ CC 54(67), 7th September 1967, p.14

³⁵ ‘Constitutional Clash Threatened Over Plan For Lords’, *The Times*, 1st November 1967, p.1

some degree of support for a different reform e.g. Denis Coe supported the Parliament (No. 2) Bill but he also told a PLP meeting:

I would like to see an elected second chamber ... however, to move from the existing situation ... with the delicate balance of powers between the two [Houses] straight to an elected second chamber is totally impracticable.³⁶

There was a lack of consensus even among the Labour MPs who were members of the same ideological position. For example, Stanley (Stan) Newens, a Labour backbencher and Tribune Group member at the time, told this author: “some left-wing MPs were in favour of a unicameral parliament while others favoured two Houses.”

In mid-June 1968, the Southern Rhodesia Order incident took place and Morgan observes that a “section of the PLP was furious” with the House of Lords.³⁷ As a result, the Labour backbencher William (Willie) Hamilton tabled a ten-minute rule bill³⁸ for abolishing the Lords, and for establishing a unicameral parliament.³⁹ In the division for Hamilton’s bill, a sizeable 131 Labour MPs voted in support on a free vote.⁴⁰ (The House divided: 223 against, 132 for. Thus, the bill was defeated.) *The Times* reports that Hamilton had “run into resistance from some colleagues who argued that there remains a useful purpose for a second chamber with reduced powers”,⁴¹ although only two Labour backbenchers voted against the bill – Leslie Lever and Francis Noel-Baker. In this vein, both Richard Crossman and Harold Wilson contend that the Labour

³⁶ Coe, *Variety*, ft.14, pp.241

³⁷ Morgan, *The House of Lords*, ft.10, p.192

³⁸ This was a type of private members’ bill (Bromhead 1956 and Marsh & Read 1988).

³⁹ Hansard, House of Commons debates, 26th June 1968, vol.767 cols.466-78

⁴⁰ Supporting the bill would, nonetheless, contradict the Labour Party’s policy on Lords reform as enunciated in the Commons by the Prime Minister (20th June 1968).

⁴¹ ‘Bitter Battle Joined In Parliament On Rhodesia Order’, *The Times*, 18th June 1968, p.1

backbenchers wanted a powers-only reform in response to the incident.⁴² Hamilton later wrote that a ten-minute rule bill is “useful only as a propaganda exercise” and that he never expected his to be passed.⁴³ In any case, even though Hamilton was a long-term supporter of abolishing the Lords, the wider PLP’s support for Lords reform was, at this time, only a short-term reaction to the incident. It follows that the Labour backbenchers John Mendelson and Emanuel (Manny) Shinwell both voted in support of Hamilton’s bill, but in November 1968⁴⁴ both called for retaining the *status quo* (for leaving the Lords unreformed). In early July 1968, Crossman observed that the “excitement [from the incident] has faded out altogether”.⁴⁵

The Parliamentary Passage of the Reform Proposal

White Paper

The White Paper, *House of Lords Reform* (Cmnd.3799),⁴⁶ was published on 1st November 1968. It “made clear that the ... proposals were based on those reached at the Inter-party Conference.”⁴⁷ According to Crossman, after the publication

it was striking how little had happened ... there had been no flurry of excitement or any real stirring of indignation from our own backbenchers.

The whole thing had fallen flat.⁴⁸

At the PLP meeting on 13th November 1968,⁴⁹ *The Times* reports that “only one backbencher and one obscure peer had a kind word to say. Nearly all the other speakers

⁴² Crossman, *Diaries Volume 3*, ft.16, p.102 and H. Wilson (1971) *The Labour Government 1964–70: A Personal Record*, London: Weidenfeld & Nicolson, p.537

See also: ‘Labour MPs cautious on Lords’ revolt’, ft.16

⁴³ W. Hamilton (1992) *Blood on the Walls: Memoirs of an Anti-Royalist*, London: Bloomsbury, p.129

⁴⁴ During the debate on the White Paper which preceded the Parliament (No. 2) Bill.

⁴⁵ Crossman, *Diaries Volume 3*, ft.16, p.116

⁴⁶ Available from the website 'UK Parliamentary Papers'.

⁴⁷ M. Wheeler-Booth (1970) *The Attempted Reform of the House of Lords 1964-1969*, *The Table*, 38, p.90

⁴⁸ Crossman, *Diaries Volume 3*, ft.16, p.256-7

from the floor dismissed the reform”.⁵⁰ The one backbencher was Denis Coe, although none of the documentary sources⁵¹ have recorded any reasons for his support at this meeting, and even he preferred to “take away the Lords’ delaying power entirely.”⁵² In opposing the White Paper, a wide range of different arguments were made by the Labour MPs e.g. “the two-tier system was too complicated and unwieldy”, the “Government was urged to consider [Labour] Party unity rather than a consensus with the Tories”, and the reform would lead to “more Ministers in the House of Lords”. Even once the White Paper was published, arguments continued to be made that Lords reform was “not really necessary” and it would “rouse no enthusiasm in the country”.⁵³ (At this PLP meeting, the arguments made to oppose the White Paper were highly similar to those made during the debate in the Commons – see below – and indeed it was broadly the same Labour MPs who took part in both). Morgan notes that “only about thirty-five people were present at the beginning [of the PLP meeting], over half of them Labour peers, for Labour MPs were largely indifferent to the scheme.”⁵⁴ However, the Government decided not to heed this warning.⁵⁵

On 19th November 1968, Richard Crossman⁵⁶ moved the White Paper to commence a two-day debate in the Commons.⁵⁷ He noted in his diary: “I know it is going to be difficult with our own side”.⁵⁸ Indeed, according to Morgan, “a succession of backbench speakers was overwhelmingly critical”,⁵⁹ and this observation can be applied only to the numbers of speeches from the Labour backbenchers: 14 were to oppose and

⁴⁹ Labour Party Archives, Minutes of a PLP meeting, 13th November 1968

⁵⁰ ‘Few kind words for Lords proposals’, *The Times*, 14th November 1968, p.3

⁵¹ ft.49 and ft.50 and Crossman, *Diaries Volume 3*, ft.16, p.257

⁵² ft.50

⁵³ All quotations from ft.49

⁵⁴ Morgan, *The House of Lords*, ft.10, pp.203-4

⁵⁵ P. Raina (2014) *House of Lords Reform: A History 1960-1969*, Oxford: Peter Lang AG, p.797

⁵⁶ Crossman was by now the Secretary of State for Social Services, but he continued to assist with the reform.

⁵⁷ Hansard, House of Commons debates, 19th - 20th November 1968, vol.773 cols.1125-1433

⁵⁸ Crossman, *Diaries Volume 3*, ft.16, pp.263-4

⁵⁹ Morgan, *The House of Lords*, ft.10, p.74

3 were to support. The small number of speeches made to support was reflective of the lack of enthusiastic support for the White Paper.⁶⁰ There was, again, a poor attendance of Labour backbenchers during the debate, and the Government Whips made little effort to persuade the backbenchers to attend the debate or speak in support.⁶¹ Succinctly, the Labour backbenchers were “either uninterested or hostile.”⁶² Wheeler-Booth notes that the only significant support for the White Paper came from the Front Benches on both sides,⁶³ and even James Callaghan remarked in his speech (to close the debate) that the “preponderance over the last two days has been wholly ... against this scheme.”⁶⁴

The speeches in support by the Labour backbenchers were not only small in number, but one out of the three speeches was also markedly qualified in its support:

The only basis on which one can support the Government is that we are asked not to approve the White Paper but to note it ... [I] hope that the Government will accept great changes in the White Paper.⁶⁵

Those were the words of Eric Ogden, a Parliamentary Private Secretary (PPS) at the time. Additionally, the speech in support by Arthur Blenkinsop had contained some notable ambivalence, for example:

proposals broadly of this character, although with no doubt many criticisms of their detail, are needed.⁶⁶

⁶⁰ The willingness to make a speech in support is a manifestation of being enthusiastic to support the item before the House.

⁶¹ Crossman, *Diaries Volume 3*, ft.16, p.263 (also p.267); Morgan, *The House of Lords*, ft.10, pp.204-5. Crossman argues that the Speaker was biased against the reform proposal and that this affected the debate. However, the pattern of the debate in the Commons reflected the pattern of the debates in PLP meetings. As such, the claim by Crossman, certainly the latter part, should be questioned at the very least (Crossman, *Diaries Volume 3*, ft.16, pp.265-6).

⁶² D. Shell (2006) ‘Parliamentary Reform’ in P. Dorey (ed.) *The Labour Governments 1964–1970*, London: Routledge, p.189

⁶³ Wheeler-Booth, *The Attempted Reform*, ft.47, p.101

⁶⁴ Hansard, ft.57, col.1419

⁶⁵ *Ibid.*, col.1390

Nonetheless, both Ogden and Blenkinsop would subsequently vote in support of the Parliament (No. 2) Bill at its Second Reading division. The third speech in support of the White Paper was made by Donald Chapman, who only had one criticism – the increase in the Prime Minister’s patronage – but he still considered this to be a “substantial” problem.⁶⁷ The other speaker for the Government was Elwyn Jones, who was the Attorney General.

Let us assess the arguments made by those three Labour backbenchers in support of the White Paper. Only the arguments to ‘sell’ the White Paper are included here. In other words, the arguments as to why the White Paper should appeal to the Labour Party. (This is as distinct from the arguments made to support the White Paper, for example, by defending its provisions from criticism.) The speech by Ogden did not contain any arguments of this type (which is wholly unsurprising given his remarks quoted above). The speech by Blenkinsop only contained one such argument: the reform would enable governments to “govern for their normal constitutional period ... The right to govern in the last [statutory] year of their period of office is one which certainly a Labour government have [sic] every right to seek to safeguard.”⁶⁸ As such, two out of the three speeches in support had contained a total of only one argument for ‘selling’ the White Paper. That particular argument falls under the more general argument in support of consolidating the supremacy of the elected Commons vis-à-vis the unelected Lords. This was indeed one of the main results of both the Parliament Acts 1911 and 1949. The speech by Chapman contained several arguments for ‘selling’ the White Paper. Firstly, the procedural/functional reforms of the Lords would in turn strengthen the functions of the Commons.⁶⁹ However, Chapman was the chairperson of the Select Committee on

⁶⁶ Ibid., col.1196

⁶⁷ Ibid., col.1217

⁶⁸ Ibid., col.1195

⁶⁹ Ibid., cols.1218-1220

Procedure,⁷⁰ so his standpoint on the White Paper can be considered as atypical or unrepresentative of the wider PLP's standpoint. Secondly, Chapman argued that the reform would "end the hereditary principle", but this argument was couched as a progression from the Life Peerages Act 1958⁷¹ rather than as the fulfilment of an ideological imperative for the Labour Party. Thirdly, Chapman briefly reiterated the argument by Blenkinsop in 'selling' the White Paper.⁷² It should also be recalled from the Literature Review (chapter 1) that Chapman had co-authored a pamphlet⁷³ which called for Lords reform and that this pamphlet was described as "confined to a maverick existence in the political margin".

Out of the fourteen Labour backbenchers who made speeches to oppose,⁷⁴ two of them – Maurice Edelman and Douglas Jay – did not vote against the White Paper and it may be presumed that they abstained. It follows that some of the speeches made to oppose were 'more opposed' than others, as was the case with the speeches made in support. For example, Edelman's speech briefly commended the provisions for increasing the Lords' functions, reducing the Lords' powers, and eliminating the "hereditary powers".⁷⁵ Turning to the arguments made to oppose, Jenkins notes that "objections were levelled against practically every feature of the scheme".⁷⁶ Furthermore, the confidential process of developing the White Paper was described with the pejorative

⁷⁰ Chapman also previously worked with Crossman on Commons reform (Crossman, *Diaries Volume 2*, ft.11, p.379).

⁷¹ Hansard, ft.57, cols.1214-5

⁷² *Ibid.*, col.1215

⁷³ R. Chorley, B. Crick, & D. Chapman (1954) *Reform of the Lords* (Fabian Research Series 169), London: Fabian Publications

⁷⁴ Charles Pannell, Cyril Bence, Robert Sheldon, Willie Hamilton, Emanuel Shinwell, Maurice Edelman, David Marquand, Dingle Foot, Douglas Jay, John Lee, Emrys Hughes, Eric Heffer, John Mendelson, Hugh Jenkins.

⁷⁵ Hansard, ft.57, col.1179

⁷⁶ P. Jenkins (1970) *The Battle of Downing Street*, London: Knight, pp.72-3

expression “Mafia of the Front Benches”.⁷⁷ When closing the debate, Callaghan said that “matters which have been raised more than any others are powers [and] patronage”.⁷⁸ In relation to the former, Mendelson argued that “up till now the Lords were not credible ... and could not use their powers”, but the reform proposal would make the Lords “more respectable” and they will “be able to use their new powers and will effectively and frequently use them.”⁷⁹ This particular argument similarly falls under the more general argument for protecting the supremacy of the elected Commons vis-à-vis the unelected Lords. In relation to the latter, Edelman argued that the White Paper would “extend the personal patronage of the Prime Minister ... who will have within his gift the paid offices of voting peers”. He went on: “The promise of an office ... [is] diminishing to the independence of a [backbencher] while he is still sitting in the House of Commons.”⁸⁰ According to David Marquand, a Labour MP at the time, this would “increase the power of the central Executive” (interview with the author). Even the three Labour backbenchers who spoke in support of the White Paper had remarked, to varying degrees, that the increase in patronage was a problem.⁸¹

In the division, the White Paper was endorsed by a majority of 111 MPs.⁸²

⁷⁷ The words of John Mendelson (Hansard, ft.57, col.1148). See also J. Mendelson (1970) ‘The Chamber as the Centre of Parliamentary Scrutiny’ in A. Morris (ed.) *The Growth of Parliamentary Scrutiny by Committee*, Oxford: Pergamon Press, p.113

⁷⁸ Hansard, ft.57, col.1421

⁷⁹ Ibid., col.1317

⁸⁰ Ibid., col.1182

The argument about patronage is also highlighted in the treatments of the White Paper debate by Wheeler-Booth, *The Attempted Reform*, ft.47, p. 101 and in ‘Scornful Reception’, *The Times*, 21st November 1968, p.11

⁸¹ Some comment about the historical-political context of the argument about patronage can be found in Shell, ‘Parliamentary Reform’, ft.62, p.191

⁸² The division was in reference to an amendment, tabled by Willie Hamilton, which called for rejecting the White Paper.

Table 8.1 The Commons' division for the White Paper

	Labour MPs (Three-line Whip)	Conservative MPs (Free vote)	Other parties ⁸³	Totals
Supporting	232	40	0	272
Opposing	47	103	11	161
Abstaining	41 ⁸⁴	50 ⁸⁵	-	-

Crossman felt that the three-line Government Whip “undoubtedly saved the situation”.⁸⁶

The Times reports that 80 to 90 Labour MPs were initially going to vote against the White Paper, although the imposition of the Whip may have also increased the number of abstaining Labour MPs.⁸⁷ Willie Hamilton, one of the main backbench opponents of the reform, wrote in his memoir: “Of course we lost the vote. The Labour Government – like all other Governments – could always count on ... ‘the payroll vote’, that is all Ministers, junior Ministers, Whips and any others in the pay of the Government”.⁸⁸ The payroll vote at the time comprised approximately 115 Labour MPs.⁸⁹ Nonetheless, eighty-eight Labour MPs (47 cross voting + 41 abstaining) dissented against the White Paper in defiance of a three-line Whip. This was among the largest Labour backbench

⁸³ The breakdown is in P. Norton (1975) *Dissension in the House of Commons: Intra-party Dissent in the House of Commons' Division Lobbies 1945-1974*, London: Macmillan, p. 304

⁸⁴ Figure is from the Cabinet Conclusions document – CC 49(68), 5th December 1968, p.7

There are various other figures quoted in the academic literature, but the Cabinet Conclusions document must be presumed to provide the accurate figure.

⁸⁵ Figure is from Wheeler-Booth, *The Attempted Reform*, ft.47, p.101

⁸⁶ Crossman, *Diaries Volume 3*, ft.16, p.267

When a three-line whip is applied, the Whips will say to a backbencher something like: ‘A division will take place and your attendance is essential’. Absence is only excusable for exceptional circumstances e.g. family bereavement (A. King & A. Sloman (1973) *Westminster and Beyond*, London: Macmillan, p.105; see also Crewe 2015: 69).

⁸⁷ ‘Lords proposals carried but 159 vote against’, *The Times*, 21st November 1968, p.1

⁸⁸ Hamilton, *Blood on the Walls*, ft.43, p.131

⁸⁹ D. Butler & G. Butler (2000) *Twentieth century British political facts 1900-2000*, Basingstoke: Macmillan, p.71

rebellions in the 1966-70 Parliament,⁹⁰ and the Ministerial Committee on Lords reform would discuss the “wisdom of going ahead with [the legislation] on which feelings among the Government’s supporters were so sharply divided”.⁹¹ The Prime Minister also told Crossman that “if our backbenchers are really difficult to carry we may have to drop” the Bill.⁹²

At the PLP meeting on 21st November 1968, a number of Labour MPs argued that, in light of the dissent against the White Paper, the Government should ‘think again’ before introducing the legislation. The Government countered that the White Paper was endorsed by a large intra-party majority and that “these figures were conclusive”.⁹³

Furthermore, the “Commons having given a clear decision in favour of the White Paper, the Government intended to press on with the legislation.”⁹⁴ However, in the private setting of a Cabinet meeting, there was a discussion about whether to “persevere with the Bill in the face of determined opposition from a number of their [backbenchers].”

Consequently, it was decided to make a concession by removing from the Bill the provision for paying the voting peers a salary (see chapter 6).⁹⁵ On 16th December 1968, a meeting of the Labour Parliamentary Reform Group (LPRG) was attended by a meagre 16 Labour MPs,⁹⁶ and Morgan notes that the Government’s concession was considered to be “insufficient”.⁹⁷ Crossman also thought that the international economic crisis was submerging the relatively unimportant issue of Lords reform.⁹⁸ Nonetheless, the Parliament (No. 2) Bill was introduced into the Commons on 19th December 1968.

⁹⁰ Jenkins, *Battle*, ft.76, pp.72-3; Mackintosh, ‘Parliament Now’, ft.166, pp.250-1; J. Piper (1974) *Backbench Rebellion, Party Government and Consensus Politics: the Case of the Parliamentary Labour Party 1966–1970*, *Parliamentary Affairs*, 27/4; E. Shaw (2006) ‘The problem of party management’ in P. Dorey (ed.) *The Labour Governments 1964–1970*, London: Routledge, p.49

⁹¹ Quoted in Dorey & Kelso, *Lords Reform Since 1911*, ft.23, p.159

⁹² Crossman, *Diaries Volume 3*, ft.16, p.267

⁹³ ft.49, Minutes of a PLP meeting, 21st November 1968

⁹⁴ ‘Lords back reform plan,’ *The Times*, 22nd November 1968, p.1

⁹⁵ CC 49(68), 5th December 1968

⁹⁶ Crossman, *Diaries Volume 3*, ft.16, p.288

⁹⁷ Morgan, *The House of Lords*, ft.10, pp.209-10

⁹⁸ Crossman, *Diaries Volume 3*, ft.16, pp.266-7

There was a further PLP meeting on 22nd January 1969, which Wilson records as having ended after only “a few minutes” due to a lack of speakers (there were only two speakers).⁹⁹ He attributed this to a “lack of interest” in the Bill, and Crossman thought that the Labour MPs who opposed the Bill were much more concerned with fighting the trade union reforms, *viz.* In Place of Strife, to be shortly introduced.¹⁰⁰ Out of the two speakers at this meeting, one was in support (Denis Coe) and one was opposed (Charles Mapp). The basis of the argument made to oppose was that the compositional reform was not radical enough,¹⁰¹ although there was approval of “those clauses of the Bill restricting the powers”. The speech made in support was (again) notably ambivalent, since the minutes record that “Coe expressed his reservations about the Bill”, but Coe also argued:

Successive Governments had done nothing to reform the Upper House, and unless this opportunity was seized [then] further reform of the Commons would be seriously inhibited.¹⁰²

However, justifying his support with reference to a need for Commons reform was unlikely to generate widespread support for the Bill, because Commons reform was also “unpopular” by early 1969: it was the “hobby horse of a very small group of ideological democrats”.¹⁰³ Moreover, Coe was the chairperson of the PLP’s subject group on parliamentary reform, so his standpoint on the Bill can be considered as atypical or unrepresentative of the wider PLP’s standpoint. Indeed, during this historical period, Commons reform was only ever a marginal aspect of the Labour Party’s ideology (see

⁹⁹ Wilson, *A Personal Record*, ft.42, p.608

¹⁰⁰ Crossman, *Diaries Volume 3*, ft.16, p.334

¹⁰¹ Crossman had feared this type of opposition to the reform proposal (Crossman 1976: 706; 1977: 22, 47), although Mapp did not participate in the filibuster during the Bill’s Committee Stage.

¹⁰² ft.49, Minutes of a PLP meeting, 22nd January 1969

¹⁰³ J. Mackintosh (1976) ‘Failure of a reform: MPs’ Special Committees’ in W. Stankiewicz (ed.) *British Government in an Era of Reform*, London: Macmillan, p.121

See also D. Marquand (1968) What kind of Lords?, *New Society*, 12; Morgan, *The House of Lords*, ft.10, p.213

chapters 3 and 4). Despite all of this, according to Raina, the Government showed no intention of changing its plans for Lords reform following the PLP meeting.¹⁰⁴

Second Reading of the Bill

On 3rd February 1969, the Prime Minister moved the Second Reading of the Bill.¹⁰⁵

Crossman argued that getting the Prime Minister to do this would “help the Bill through the Commons”,¹⁰⁶ on the grounds that the Labour MPs would want to support an item with which their leader was personally associated. However, Morgan observes that some of the Prime Minister’s audience discerned a hurried, somewhat flat note in his delivery.¹⁰⁷ In relation to the concession over paying the voting peers a salary, he announced:

This does not mean that we have decided that voting [peers] should not be paid sometime in the future, or that they should. It simply means that we are preserving an open mind so that the matter can be considered in the light of experience at a more suitable time in the future.¹⁰⁸

Wheeler-Booth observes that

the debate was characterised by a more favourable tone towards the proposed reform [than the White Paper debate].¹⁰⁹

Indeed, eight Labour backbenchers made speeches during the debate, four to support and four to oppose, which was a distribution (4:4) in stark contradiction to that of the White Paper debate (3:14). However, *The Times* reports that the opposition to the

¹⁰⁴ Raina, *Lords Reform: A History*, ft.55, p.878

¹⁰⁵ Hansard, House of Commons debates, 3rd February 1969, vol.777 cols.43-171

¹⁰⁶ Crossman, *Diaries Volume 3*, ft.16, p.327

¹⁰⁷ Morgan, *The House of Lords*, ft.10, p.210

¹⁰⁸ Hansard, ft.105, col.55

¹⁰⁹ Wheeler-Booth, *The Attempted Reform*, ft.47, pp. 104-5

reform proposal was “still vigorous”,¹¹⁰ and the ‘sharp divisions’ within the PLP, as noted by the Ministerial Committee, were clearly still in place. Turning to the support, did this distribution of speeches reveal a new-found and significant degree of support for the Bill? While there was a concession to the backbenchers in removing the provision for paying salaries, it will be shown below – in addition to the LPRG meeting of 16th December 1968 – that this concession seemingly did not have a substantial effect. According to Morgan, for the Second Reading debate “Labour MPs had after all responded to the urgings of the Whip”,¹¹¹ which almost certainly meant that the Labour MPs were urged to make speeches in support and also not to make speeches to oppose. It should also be recalled that at the un-Whipped PLP meeting only a couple of weeks previously, on 22nd January 1969, there was minimal support for the Bill.¹¹²

Furthermore, it is highly likely that the greater balance of speeches (supporting : opposing) was partly due to the lesser willingness of backbenchers to dissent against *legislation*, relative to a *white paper*, especially at the second reading stage (see below for further discussion).¹¹³ (The decline in the opposition is most plainly seen in the division rather than in the debate.) Overall, the distribution of speeches at the Second Reading debate should not be interpreted as revealing a new-found and significant degree of support for the Bill.¹¹⁴ (Eight speeches is also rather a small sample size from which to draw any firm conclusions).

Similarly to the White Paper debate, three out of the four speeches in support by the Labour backbenchers were not wholly supportive of the Bill. Firstly, the speech by Denis Coe was characterised by some notable cautiousness, for example:

¹¹⁰ ‘Callaghan concession on Lords reform’, *The Times*, 4th February 1969, p.1

¹¹¹ Morgan, *The House of Lords*, ft.10, p.211

¹¹² ft.102. There was no support at all recorded at the subsequent PLP meeting (20th February 1969).

¹¹³ In addition, Labour MPs who considered themselves as ‘Government loyalists’ would have been more keen to show support for an item of legislation than for a White Paper, especially at the Second Reading stage.

¹¹⁴ See also Dorey & Kelso, *Lords Reform Since 1911*, ft.23, p.160

I support the Bill because, with all its imperfections, I believe that it carries us a little further forward in the amending of our parliamentary institutions.¹¹⁵

Secondly, the speech by William (Will) Howie offered the following qualified support:

I intend to vote for the Second Reading of the Bill ... I shall do so without giving any assurance of good behaviour in Committee, or on Report, or, indeed, on Third Reading.¹¹⁶

Duly, at the Committee Stage, Howie tabled an amendment and also voted in support of two amendments,¹¹⁷ all of which are forms of dissent. Thirdly, the speech by Fred Blackburn offered a similar type of qualified support to that of Howie,¹¹⁸ although Blackburn did not dissent at the Committee Stage (this might have been because the Bill was withdrawn before the relevant clauses were before the House). Only the speech by Edward Mallalieu did not contain any significant ambivalence or qualifications in its support. The other speaker for the Government was James Callaghan, who again closed the debate.

Some of the arguments in support of the Bill were made by *more than one* of those four Labour backbenchers (the same type of argument is highlighted here as for the White Paper debate).

¹¹⁵ Hansard, ft.105, col.135

¹¹⁶ Ibid., col.144

¹¹⁷ Norton, *Dissension*, ft.83, pp.318, 322, 323

¹¹⁸ Hansard, ft.105, cols.99, 103

Table 8.2 Arguments made by *more than one* of the Labour backbenchers who spoke to support the Bill at Second Reading (references relate to ft.105)

	Abolishes hereditary principle	Reduces delaying powers	Abolishes Conservative majority	Cross-party agreement	Improves legislative functions	Establishes ‘desirable’ composition
Blackburn	✓ (col.98)	✓ (col.98)	✓ (col.101)	✓ (col.102)	-	✓ (col.98) The Lords will be more representative of the composition of the Commons
Coe	✓ (col.137)	✓ (col.137)	✓ (col.137)	✓ (col.137)	✓ (col.139) In the context of improving the Commons’ functions	✓ (col.137) Normally the government of the day should have a majority.
Howie	-	✓ (col.145) Concerning the final year of a parliament (see the argument of Blenkinsop – above)	-	-	✓ (cols.145-6)	-
Mallalieu	✓ (col.120)	✓ (col.121) The Lords’ delaying power will “make the ... Commons reconsider its opinion and no more.”	✓ (col.120)	✓ (col.118)	✓ (col.119)	-

Each of the four Labour backbenchers argued that the reduction in the Lords' delaying powers – or establishing a minimal delaying power¹¹⁹ – was a reason for supporting the Bill. This was the only argument which they made unanimously, and it falls under the same broader argument, highlighted above, in regard to consolidating the supremacy of the Commons.

Out of the four Labour backbenchers who made speeches to oppose,¹²⁰ one of them – George Darling – did not vote against the Bill and it may be presumed that he abstained. This was even though his closing exhortation was to “drop the whole Bill”¹²¹ (Darling did not cross-vote at all during the 1966-70 Parliament¹²²). The arguments made by these four backbenchers were broadly the same as the arguments previously made to oppose the White Paper. This should not be at all surprising, since the only significant difference between the White Paper and the Bill was the removal of the provision for paying salaries to the voting peers. In addition, two of the Labour backbenchers who spoke to oppose the Bill – Willie Hamilton and Robert Sheldon – had previously spoken to oppose the White Paper. When closing the debate, Callaghan again said that the matters of ‘powers and patronage’ had been raised by the Bill’s opponents,¹²³ but this time let us look at some of the other matters he highlighted. Firstly, he asked “Is it a reason for voting against the Bill that [the Lords] want to reform themselves?”¹²⁴ Wheeler-Booth explains that the Bill was the “brainchild of ... the leadership[s] in the Lords from all parties”, and Morgan explains further that “MPs were suspicious of a

¹¹⁹ This refers to the argument made by Mallalieu (Ibid., col.121).

¹²⁰ George Darling, Michael Foot, Willie Hamilton, Robert Sheldon.

¹²¹ Hansard, ft.105, col.74

¹²² Norton, *Dissension*, ft.83, p.630

¹²³ The argument about powers is also highlighted in the treatment of the Second Reading debate by Wilson, *A Personal Record*, ft.42, pp.608-9

¹²⁴ Hansard, ft.105, col.157

Robert Sheldon alluded to this (ft.105, col.109) and Michael Foot spoke about it at length (ft.105, cols.87-88, 91).

Bill which the Peers seemed to favour”¹²⁵ – the House of Lords had emphatically endorsed the White Paper (251 for, 56 against).¹²⁶ Secondly, Callaghan drew attention to Michael Foot’s argument that the cross-benchers would hold the decisive votes in the reformed House, or in Foot’s words: “There have been many important legislative measures which Governments ... have required to get through Parliament within days, even within a single day. Could not such a measure be settled (i.e. defeated), in effect, permanently by the cross-benchers?”¹²⁷ (N.B. the Bill also provided for a six-month delaying power). Relatedly, Robert Sheldon argued that a legitimated House, and thereby a more influential House, meant that the “element of detachment (i.e. neutrality) which [the cross-benchers] have at present will be one of the first casualties.”¹²⁸

According to Stacey, the decision to remove the provision for paying the voting peers a salary had “pleased no one”.¹²⁹ This is borne out by the comments of almost all the Labour backbenchers who spoke at the Second Reading debate. Taking the four backbenchers who spoke in support of the Bill: Howie said that the voting peers will be doing a job and therefore they “deserve to be paid” a salary.¹³⁰ Coe said that only affluent people could become members of the Lords if peers were not to be paid a salary.¹³¹ Mallalieu was in favour of paying the voting peers a salary because “they will have that much more independence” from the Government Whips.¹³² However, Blackburn claimed that there was no “great difference between the principle of paying

¹²⁵ M. Wheeler-Booth (2003) ‘The House of Lords’ in R. Blackburn & E. Kennon (eds.) *Griffith & Ryle on Parliament*, London: Sweet & Maxwell, p.642; Morgan, *The House of Lords*, ft.10, p.219

¹²⁶ The House of Lords debated the White Paper on 19th, 20th, and 21st November 1968. There were 101 speakers and most of them were favourable towards the reform (Morgan, *The House of Lords*, ft.10, pp. 206-8; Wheeler-Booth, *The Attempted Reform*, ft.47, pp.100-1).

¹²⁷ Hansard, ft.105, col.89

¹²⁸ *Ibid.*, cols.112-113

¹²⁹ F. Stacey (1975) *British Government 1966-1975 Years of Reform*, Oxford: Oxford University Press, pp.75-6

¹³⁰ Hansard, ft.105, col.147

¹³¹ *Ibid.*, col.138

¹³² *Ibid.*, col.118

expenses and that of paying a salary.”¹³³ Taking the four backbenchers who spoke to oppose the Bill: Sheldon¹³⁴ and Hamilton¹³⁵ both expected the provision for paying a salary to be re-introduced at a later date. Foot made similar remarks but he was not quite as explicit: “I thought that [the Prime Minister] referred to the future and said that he was keeping an open mind. Perhaps it was [an] ‘open hand’.”¹³⁶ However, Darling did not refer in his speech to the issue of paying salaries, which is probably because he did not refer to the issue of patronage (although patronage was not considered as the sole problem with paying salaries). All of this suggests that the decision for removing the provision for paying salaries did not have a significant impact either way: in reducing the backbench dissent or in increasing the backbench support.

In the division, the Bill received its Second Reading by a majority of 150. Crossman records the Government’s fear beforehand that they might lose the division because of dissent from the Labour MPs.¹³⁷

¹³³ Ibid., col.102

¹³⁴ Ibid., cols.110-111

¹³⁵ Ibid., cols.127-128

¹³⁶ Ibid., col.90

¹³⁷ Crossman, *Diaries Volume 3*, ft.16, p.356

Table 8.3 The Commons' division for the Second Reading of the Bill

	Labour MPs (Two-line Whip ¹³⁸)	Conservative MPs (Free vote)	Other parties ¹³⁹	Totals
Supporting	226	58	3	287
Opposing	27	105	5	137
Abstaining	10 – 50 ¹⁴⁰	No figure available	-	-

25 out of the 27 Labour MPs who voted against the Bill were drawn from the 47 Labour MPs who voted against the White Paper.¹⁴¹

While this was a smaller Labour backbench rebellion than against the White Paper, it was still among the largest in the 1966-70 Parliament.¹⁴² Crossman notes that the “Government managed to get more acquiescence than we had hoped”,¹⁴³ which almost certainly meant that the Government Whips had ‘induced’ or ‘leant on’ the dissenting Labour MPs once their standpoints were exposed at the White Paper division.

Moreover, Jenkins notes that the “Labour backbenchers had been more ready to defy the Government on [the] White Paper than on an actual Bill”.¹⁴⁴ To explain further, it is noted by Searing that White Papers are

¹³⁸ Contrarily, it should be recalled that the White Paper was subject to a three-line Whip.

¹³⁹ The breakdown is in Norton, *Dissension*, ft.83, p.313

¹⁴⁰ This range for the number of abstaining Labour MPs is cited in Mackintosh, ‘Parliament Now’, ft.166, p.251

No precise figure could be sourced (see the methodology section in chapter 1).

¹⁴¹ An invaluable source is Norton, *Dissension*, ft.83

¹⁴² ft.90

¹⁴³ Crossman, *Diaries Volume 3*, ft.16, p.356

¹⁴⁴ Jenkins, *Battle*, ft.76, p.73

Douglas Jay made the point explicitly in his speech to oppose the White Paper (Hansard, ft.57, col.1401)

used by governments to test opinion in areas where they would like to legislate but to which they are not yet firmly committed.¹⁴⁵

On the other hand, Erskine May¹⁴⁶ notes that the Second Reading is

the most important stage through which the bill is required to pass; for its whole principle is then at issue.

Nonetheless, it should be emphasised that twenty-seven Labour backbenchers were opposed to the Bill to the extent of cross-voting in the principal parliamentary division, upon which a two-line whip was imposed.

Committee Stage of the Bill

The Parliament (No. 2) Bill was considered¹⁴⁷ to be legislation of ‘first class constitutional importance’, so by convention¹⁴⁸ it was taken in a Committee of the Whole House (instead of a comparatively small Standing Committee). This provided all members of the Commons with the opportunity to engage in Committee proceedings.¹⁴⁹ Indeed, this was one of the factors which enabled the Bill’s backbench opponents to impede its parliamentary passage, as they were able to exploit procedural devices¹⁵⁰ and speak at length, i.e. filibuster, in order to prolong the proceedings. Dorey & Kelso describe the strategy of attrition:

¹⁴⁵ D. Searing (1994) *Westminster's World: Understanding Political Roles*, Cambridge, Mass.: Harvard University Press, p.38. See also Rush 2005: 218

¹⁴⁶ T.E. May et al. (1964) *Erskine May's treatise on the law, privileges, proceedings, and usage of Parliament*, London: Butterworths, p.524

¹⁴⁷ Considered, for example, by the Prime Minister (PREM 13/1686, Note for the Record: Meeting between the Prime Minister and senior Ministers, 18th September 1967, p.2)

¹⁴⁸ Discussion in C. Ballinger (2012) *The House of Lords 1911-2011: A Century of Non-Reform*, Oxford: Hart, pp.147-8. See also Hazell 2006

¹⁴⁹ Discussion in Norton, *Commons in Perspective*, ft.12, p.192

¹⁵⁰ For example: tabling amendments, making points of order, and requesting motions to report progress.

if [the backbench opponents] persevered with their obstructiveness, the Cabinet would finally admit defeat and abandon the legislation.¹⁵¹

The Bill's backbench opponents were led by a so-called 'unholy alliance'¹⁵² consisting of Michael Foot, from the Labour Left, and Enoch Powell, from the Conservative Right, although Wilson notes (correctly) that "those ... opposed to the Bill were drawn from all sections of parliamentary opinion".¹⁵³ The balance of support and opposition within the PLP was similar to that within the Cabinet (see chapter 7), as it was remarked during a Cabinet meeting that the "opposition among [our] own backbenchers was confined to a small minority."¹⁵⁴ These backbench opponents were also variously described as a "small enthusiastic army"¹⁵⁵ and as "convinced, determined and in some cases passionate".¹⁵⁶ The Commons would sit in Committee on 12th, 18th, 19th, 25th, 26th February; on 18th, 19th March; and on 1st, 2nd, 14th April (all 1969). The filibustering began at the very first debate,¹⁵⁷ and the Bill's progress was extremely slow throughout. According to King, the Government had lost control of the House of Commons.¹⁵⁸

Since the Conservative Opposition was not providing cooperation through 'the usual channels', the Government had to rely on the votes of its own backbenchers in order to pass closure motions¹⁵⁹ and as such to curtail the debates. However, the Whips were

¹⁵¹ Dorey & Kelso, *Lords Reform Since 1911*, ft.23, p.162

The phenomenon of filibustering is only sparsely covered in the existing academic research. A brief discussion is in N. Wilding & P. Laundy (1972) *An Encyclopaedia of Parliament*, London: Cassell, pp.270-1 (see also Richards 1970: 209-10).

¹⁵² Discussion in Ballinger, *A Century of Non-Reform*, ft.148, p.142

¹⁵³ Wilson, *A Personal Record*, ft.42, pp.608-9

¹⁵⁴ CC 11(69), 6th March 1969, p.3

¹⁵⁵ Jenkins, *Battle*, ft.76, p. 73

¹⁵⁶ D. Marquand (1969) Backbench Power, *New Society*, 13

¹⁵⁷ Crossman, *Diaries Volume 3*, ft.16, pp.363-4

This can be confirmed with the most cursory reading of the debate – Hansard, House of Commons debates, 12th February 1968, vol.777 cols.1324-37

¹⁵⁸ A. King (1974) *British Members of Parliament: A Self-portrait*, London: Macmillan, p.87

¹⁵⁹ In order to pass a closure motion, a minimum of 100 MPs are required to vote in support.

unable to ensure that a sufficient number of Labour MPs were attending the late-night sittings in order to secure the closure, hence the Bill's slow progress. Ballinger notes:

The key problem actors ... were not these few [filibustering] opponents of the Bill, but the much larger numbers of Government supporters who had failed to attend late-night sittings.¹⁶⁰

In the primary accounts, Labour backbenchers are repeatedly described as being unenthusiastic about the Bill,¹⁶¹ and furthermore, “only a small number of government supporters ... were fully behind” the Bill.¹⁶² But what can explain this lack of enthusiasm? Lord Longford wrote:

So long as [the House of Lords] remained irrational, it remained futile ... and many [Labour MPs] preferred it that way.¹⁶³

As noted above, the Lords' irrational/anachronistic composition was protecting the supremacy of the democratically-elected Commons. This explanation was grounded in the Labour Party's broader constitutional conservatism – see the conclusion chapter. In addition, Tam Dalyell (PPS to Crossman) notes that the Labour MPs “thought there were many other matters [other than Lords reform] to which priority should be given”.¹⁶⁴ In a written correspondence with the author, Dick Taverne wrote:

¹⁶⁰ Ballinger, *A Century of Non-Reform*, ft.148, p.143

The events of a division in late February 1969 are described in B. Castle (1984) *The Castle Diaries 1964–1970*, London: Weidenfeld & Nicolson, p.609

¹⁶¹ For example: J. Callaghan (1987) *Time and Chance*, London: Collins, p.503; F. Longford (1974) *The Grain of Wheat*, London: Collins, p.39; F. Willey (1974) *The Honourable Member*, London: Sheldon Press, p.118

¹⁶² Mendelson, ‘The Chamber’, ft.77, p.114

One of the divisions for the Bill is colourfully described in Morgan, *The House of Lords*, ft.10, p.214

¹⁶³ Longford, *Grain of Wheat*, ft.161, p.40

¹⁶⁴ T. Dalyell (1989) *Dick Crossman: A Portrait*, London: Weidenfeld & Nicolson, p.143

[The Bill] aroused little interest ... Only a few constitutional experts like Dick Crossman really cared about [Lords] reform, so nothing came of it.¹⁶⁵

Overall, it should not be surprising that an insufficient number of Labour MPs were willing to stay late and sustain the Bill through its Committee Stage. In addition, a normative behaviour in the British parliamentary tradition – backbenchers supporting their leadership in divisions – was not being adhered to, as the Labour backbencher John Mackintosh notes:

the normal forces of party loyalty could not operate on [the Government's] behalf precisely because ... the main points of the Bill were the result of bi-partisan front-bench agreement (Mackintosh voted for the White Paper and for the Bill at Second Reading.)¹⁶⁶

According to Griffith, the Bill was removed “from the arena of party politics [which] made it less a question of confidence in the Government.”¹⁶⁷

Let us explain further why the majority of the Labour MPs were not heeding the instructions of the Whips and choosing not to stay late. Parts of this discussion also serve to explain the various factors which facilitated the opposition (i.e. filibustering) to the Bill e.g. “the opponents of the Bill became further emboldened” due to the Cabinet’s lack of enthusiasm for the Bill.¹⁶⁸

The Cabinet’s lack of enthusiasm for the Bill was sensed by the PLP – this was explicitly acknowledged during meetings of the Cabinet¹⁶⁹ – which doubtless made the

¹⁶⁵ Taverne was “Minister of State, Treasury” at the time (Wilson, *A Personal Record*, ft.42, p.523), and therefore was not a backbencher.

¹⁶⁶ J. Mackintosh (1972a) ‘Parliament Now and a Hundred Years Ago’ in D. Leonard & V. Herman (eds.) *The Backbencher and Parliament*, London: Macmillan, p.256

See also Hamilton, *Blood on the Walls*, ft.43, p.131; Marquand, *Backbench Power*, ft.156

¹⁶⁷ J.A.G. Griffith (1974) *Parliamentary Scrutiny of Government Bills*, London: Allen & Unwin, pp.142-3

¹⁶⁸ Shell, ‘Parliamentary Reform’, ft.62, p.190

¹⁶⁹ CC 10(69), 27th February 1969, p.4 and CC 11(69), ft.154, p.5

task of the Whips more difficult. Palmer describes the Government Front Bench during the Committee Stage as “deserted by members of the Cabinet, and usually occupied by a junior minister from the Home Office or a law officer and a disconsolate Whip.”¹⁷⁰

Moreover, James Callaghan was the Cabinet Minister in charge of piloting the Bill through the Commons, and Wheeler-Booth notes in a memo:

There is ... a widespread feeling in the Commons that Mr. Callaghan is not at all keen on [the Bill]”.¹⁷¹

Callaghan was also “seen in the tea-room nodding in agreement with [the Bill’s] opponents”.¹⁷² According to Castle, the Prime Minister admonished the Cabinet: “we could hardly expect our [backbench] loyalists to stand by us ... when Ministers were spreading the impression ... that the Government was divided over the Bill”.¹⁷³

(Nonetheless, the Prime Minister was also not a wholehearted supporter of the Bill, as demonstrated by his “hurried, somewhat flat” speech to move the Second Reading.)

David Faulkner¹⁷⁴ wrote afterwards that the “Bill was at a disadvantage” because its “enthusiasts ... had little or no formal responsibility for the Bill or for managing government business in the Commons.”¹⁷⁵ (The standpoints of John Silkin, the Chief Whip, Fred Peart, the Leader of the Commons, and Douglas Houghton, the chairperson of the PLP, were all discussed in chapter 7).

There was also a “disintegration of morale”¹⁷⁶ within the PLP at around this time, which was partly because the Government had “dismayed many of its supporters by

¹⁷⁰ H. Palmer (1970a) The Publication of Lords’ Attendances, *The Table*, 38, p.111

¹⁷¹ Quoted in Ballinger, *A Century of Non-Reform*, ft.148, p.145

Wheeler-Booth was one of the key civil servants who worked on developing the Bill.

¹⁷² Jenkins, *Battle*, ft.76, pp.73-4

See also Castle, *Diaries 1964–1970*, ft.160, p.617 and Crossman, *Diaries Volume 3*, ft.16, p.398

¹⁷³ Castle, *Diaries 1964–1970*, ft.160, p.610

¹⁷⁴ One of the key civil servants who worked on developing the Bill (Crossman 1977: 47).

¹⁷⁵ The quotation is from an e-mail correspondence with this author.

¹⁷⁶ Crossman, *Diaries Volume 3*, ft.16, p.279. See also Jenkins, *Battle*, ft.76, p.74

despatching cherished principles”.¹⁷⁷ For example, Bale discusses the impact on the PLP’s morale of imposing prescription charges.¹⁷⁸ Some Labour backbenchers considered themselves to be treated merely as ‘lobby fodder’,¹⁷⁹ with little or no influence on the Government’s general direction or specific policies. Morgan adds that the other Crossman parliamentary reforms, e.g. the “fiasco of morning sittings”, were contributing to “backbench crabbiness”.¹⁸⁰ Moreover, the Government was showing poor levels of support in the national opinion polls, and Crossman observed:

The smaller [the backbenchers’] chances of retaining their seats, the less interest they take in the life of the [Commons].¹⁸¹

Ballinger notes that “a series of political and economic troubles, from the devaluation crisis in 1967 through to industrial relations policy problems in 1969, caused the PLP to lose faith in its leadership”.¹⁸² Given all of this, it should not be surprising that the PLP was not heeding the instructions of the Whips, and duly it was noted during a Cabinet meeting that a need existed to “re-establish [the Government’s] authority within the party”.¹⁸³ Barbara Castle, who was the Minister for Employment, considered the behaviour of the PLP to be neurotic and frivolous.¹⁸⁴ Dorey & Kelso note that the PLP “seemed increasingly to be ungovernable” at around this time.¹⁸⁵ However, the low morale within the PLP was not only due to a dissatisfaction with the Government, because it was also noted during a Cabinet meeting:

¹⁷⁷ E. Shaw (1988) *Discipline and discord in the Labour Party*, Manchester: Manchester University Press, p.164

¹⁷⁸ T. Bale (1999) *Sacred Cows and Common Sense*, Aldershot: Ashgate Publishing, pp.181, 190

¹⁷⁹ Raina, *Lords Reform: A History*, ft.55, p.911; D. Houghton (1969) The Labour Back-bencher, *The Political Quarterly*, 40/4, p.459; M. Stewart (1974) *Protest or Power? A Study of the Labour Party*, London: Allen & Unwin, pp.65-6

¹⁸⁰ Morgan, *The House of Lords*, ft.10, p.213. See also ft.103

¹⁸¹ Crossman, *Diaries Volume 3*, ft.16, pp.287-8

¹⁸² Ballinger, *A Century of Non-Reform*, ft.148, p.154

¹⁸³ CC 11(69), ft.154, p.5. See also Jenkins, *Battle*, ft.76, p. 86

¹⁸⁴ Castle, *Diaries 1964–1970*, ft.160, pp.655, 791

¹⁸⁵ Dorey & Kelso, *Lords Reform Since 1911*, ft.23, p.166

the majority of loyal Labour Members were increasingly resentful of the activities of a minority of [Labour] dissidents who opposed the Government's policies on issue after issue, and the time had come to arrest the fall in morale by strengthening discipline.¹⁸⁶

Indeed, Norton notes an “unprecedented amount of dissent from ... backbenchers” in the 1968-9 session,¹⁸⁷ and Piper notes that the “Labour revolts were directed at virtually all of the [Government's] major policy positions”.¹⁸⁸ One of those policy positions was of course the Parliament (No. 2) Bill, and its lack of progress was contributing to the “strain on the parliamentary party”.¹⁸⁹

In terms of parliamentary procedure, the Cabinet discussed using a guillotine motion¹⁹⁰ or completing the Committee Stage in a Standing Committee ‘upstairs’ (off the floor of the Commons). Ballinger discusses the propriety of both guillotining and sending upstairs a bill for constitutional reform.¹⁹¹ Taking each of those options in turn:

The Chief Whip estimated that a guillotine motion would be lost by approximately 30 – 35 votes.¹⁹² Dalyell is quoted as telling Crossman:

there'll be not only the forty-five [Labour MPs] who are now inveterately against the Bill, but another seventeen to twenty who will vote against you just because you ought not to guillotine a constitutional measure.¹⁹³

¹⁸⁶ CC 11(69), ft.154, p.5

See also Crossman, *Diaries Volume 3*, ft.16, pp.398, 415 and the remarks of John Lee (a Labour Left MP) in Hansard, ft.57, cols.1204-5

¹⁸⁷ Norton, *Dissension*, ft.83, p.612

See also Mackintosh, ‘Parliament Now’, ft.166, p.246; E. Shinwell (1973) *I've Lived Through It All*, London: Gollancz, p.244; M. Williams (1972) *Inside Number 10*, London: Weidenfeld & Nicolson, p.186

¹⁸⁸ Piper, *Backbench Rebellion*, ft.90, p.385

¹⁸⁹ Wilson, *A Personal Record*, ft.42, p.609

See also Williams, *Inside Number 10*, ft.187, p.256

¹⁹⁰ A guillotine motion requires a majority vote of the whole House. It is A.K.A. a timetable motion or an allocation of time motion.

¹⁹¹ Ballinger, *A Century of Non-Reform*, ft.148, pp.145-9

¹⁹² CC 11(69), ft.154, p.4

The aforementioned ‘seventeen to twenty’ Labour MPs were likely to include, as Wheeler-Booth contends, those “who are not directly concerned with the struggle” over the Bill.¹⁹⁴ Furthermore, Morgan argues that the use of a guillotine motion “would probably have been unacceptable even to many of those who supported the Bill”.¹⁹⁵ Wheeler-Booth adds that the “suggestion of a guillotine” would have inflamed the opponents of the Bill and caused an intensification of the filibustering.¹⁹⁶

The Chief Whip reported a similar risk of defeat for a motion to send the Bill upstairs.¹⁹⁷ Retaining the Bill on the floor of the House was key to the strategy of the Bill’s backbench opponents, as John Mendelson observed afterwards that the Bill could not have been defeated “in a committee tucked away [upstairs]. The members of such a committee would have been carefully selected by the two front benches through their Chief Whips.”¹⁹⁸ Overall, Mackintosh notes that the difficulty of carrying either this motion or a guillotine motion was due to the “apathy of many Labour [backbenchers]”,¹⁹⁹ which was the same problem as with carrying the closure motions. Moreover, the Labour backbenchers were more prepared to vote against their Government in divisions for these procedural motions, relative to divisions for legislation, because the “Government could not say [that] it was seriously damaged by such procedural defeats”.²⁰⁰

¹⁹³ Crossman, *Diaries Volume 3*, ft.16, p.387 and Dalyell, *Crossman*, ft.164, p.147

Discussion in Norton, *Commons in Perspective*, ft.12, p.90

¹⁹⁴ Quoted in Raina, *Lords Reform: A History*, ft.55, p.906

¹⁹⁵ Crossman, *Diaries Volume 3*, ft.16, p.371

See also ‘Callaghan gets tough on Lords reform’, *The Times*, 20th February 1969, p.3

¹⁹⁶ ft.194

¹⁹⁷ CC 11(69), ft.154, p.3

¹⁹⁸ Mendelson, ‘The Chamber’, ft.77, p.115

See also Norton, *Commons in Perspective*, ft.12, p.217 and ‘Back-Bench Victory’, *The Times*, 18th April 1969, p.11

¹⁹⁹ Mackintosh, ‘Parliament Now’, ft.166, pp.252, 257

²⁰⁰ The counter-perspective of Wheeler-Booth is quoted in Raina, *Lords Reform: A History*, ft.55, p.905

During the two PLP meetings in February 1969, protests were made “about the amount of [parliamentary] time being taken up” with the Bill, because it meant that “much more important legislation was being held up”.²⁰¹ At the PLP meeting on 20th February 1969, the minutes record no support at all for the Bill and Crossman records the markedly ambivalent standpoint of the Labour MP Richard (Bob) Mitchell: “I’m not against this Bill ... We should either give it up or fight it through, I don’t mind which.”²⁰² At a meeting between Fred Peart (the Lord President) and a number of Labour backbench Privy Counsellors, the only support for the Bill had come from George Strauss who said that he “approved the principles” of the Bill, although the minutes do not record his reasoning.²⁰³ As the Bill wore on in the Committee Stage, the “Government backbenchers who were not strong supporters of the Bill, and had voted in general support of the [Government], were becoming more and more lukewarm in their attitude to the legislation.”²⁰⁴ Eventually, Lord Gardiner reported to the Cabinet that even those Labour backbenchers who supported the Bill were not enthusiastic enough to stay late.²⁰⁵

By mid-April 1969, only the Bill’s preamble and first five clauses (out of twenty) had been debated and passed. Ballinger contends that there was no realistic hope of securing the Bill.²⁰⁶ Duly, on 17th April 1969, the Prime Minister announced in the Commons that the Government would not “proceed further at this time with the Parliament (No. 2) Bill”.²⁰⁷ Later on, Wilson observed that this announcement was met with “general approval” and Callaghan observed that there was “no pressure for the Bill in the country

²⁰¹ Labour Party Archives, Minutes of a PLP meeting, 20th and 27th February 1969

²⁰² Ibid.; Crossman, *Diaries Volume 3*, ft.16, p.374

²⁰³ PREM 13/3403, Notes of meeting with Douglas Houghton, Charles Pannell, Emanuel Shinwell, Dingle Foot and George Strauss, 25th March 1969, p.3

²⁰⁴ Mendelson, ‘The Chamber’, ft.77, p.114

See also Norton, *Commons in Perspective*, ft.12, p.193

²⁰⁵ C 37(69), Parliament (No. 2) Bill: Memorandum by the Lord Chancellor, 15th April 1969, p.1 ‘Fight to the death for Bill nobody wants’, *The Times*, 24th February 1969, p.8

²⁰⁶ Ballinger, *A Century of Non-Reform*, ft.148, p.152

²⁰⁷ Hansard, ft.157, 17th April 1969, vol.781 col.1338

where it was regarded as an irrelevance”.²⁰⁸ *The Times* reported: “Labour MPs representing the ports have been strongly pressing for the [Merchant Shipping Bill], until now they have despaired that in the Government’s priorities Lords reform was rated above [that Bill]”.²⁰⁹ However, any inclination felt by the PLP to congratulate the Government on withdrawing the Bill was offset by a readiness to blame it for getting into such a mess in the first place.²¹⁰ Also on 17th April, doubtless in an attempt to “save face”,²¹¹ Wilson told a PLP meeting that the Government still considered the Parliament (No. 2) Bill as “the right way to deal with the Lords problem”.²¹²

Analysis of the Dissent w.r.t. the Labour Left and the Centre-Right

This short section discusses how much of the dissent against the reform proposal was made by members of the Labour Left ideological position. Seyd notes that a faction of Labour MPs called the Tribune Group had “operated as the [Labour] Left” during the 1966-70 Parliament.²¹³ This faction comprised only 35 Labour backbenchers²¹⁴ which was a minority within the PLP, and indeed the majority comprised what Meredith calls the “centre-right dominant coalition”.²¹⁵ However, Rose argues that dissent within the Labour Party was historically ‘factional’, and Piper notes that

²⁰⁸ Wilson, *A Personal Record*, ft.42, p.609; Callaghan, *Time and Chance*, ft.161, p.503

²⁰⁹ ‘Government’s survival hangs on union reform-Wilson’, *The Times*, 18th April 1969, p.1

²¹⁰ Jenkins, *Battle*, ft.76, p. 92

²¹¹ Willey, *Honourable Member*, ft.161, p.119. Fred Willey was a Labour MP at the time.

²¹² ft.201, Minutes of a PLP meeting, 17th April 1969

²¹³ P. Seyd (1987) *The Rise and Fall of the Labour Left*, Basingstoke: MacMillan Education, p.77

Mikardo (1988: 174) recounts the Group’s founding. Brand (1989) is seminal research. See also Cyr (1978)

²¹⁴ Figure is from the membership list of the Tribune Group held in the Labour Party Archives (RICH/3/5/3).

There are other methods for locating the Labour backbenchers on the ideological spectrum e.g. voting behaviour and the signing of EDMs – for example, see Leece & Berrington (1977).

²¹⁵ S. Meredith (2012) A Catalyst for Secession? European Divisions on the Parliamentary Right of the Labour Party 1962–72 and the Schism of British Social Democracy, *Historical Research*, 85/228, p.329

the ideological concerns of the Labour Left ... were an important underlying factor in most PLP rebellions in the 1966-70 [Parliament].²¹⁶

In terms of the reform proposal, Crossman contends that it was only “left-wingers” who voted against the White Paper, and Raina contends that the “main block on progress in the committee [stage] ... was the deliberate obstruction of the left-wing Labour MPs”.²¹⁷ As such, this short section intends to uncover whether it really was only the Labour Left MPs who opposed the reform proposal.

*Prefatory note: the terms ‘Labour Left’ and ‘Tribune Group’ are used interchangeably. The term ‘Centre-Right’ is used to denote all the Labour backbenchers who were not members of the Tribune Group. Due to a lack of space, it was decided to omit an analysis of the dissent-by-voice in the debates for the White Paper and the Bill at Second Reading.

Table 8.4 The Commons’ division for the White Paper: numbers of Labour MPs who dissented w.r.t. the ideological positions

Voted Against (total 47)		Abstained (total 41) ²¹⁸	
Labour Left	Centre-Right	Labour Left	Centre-Right
24	23	Range of 0 – 5	Range of 36 – 41

(Appendix 8 lists the names of the cross-voting Labour MPs with respect to the ideological positions. The author was unable to ascertain the names of the Labour MPs who abstained in this division.)

²¹⁶ R. Rose (1964) Parties, Factions and Tendencies in Britain, *Political Studies*, 12/1; Piper, ft.90, p.390 See also Bale 1997b: 167

²¹⁷ Crossman, *Diaries Volume 3*, ft.16, p.284; Raina, *Lords Reform: A History*, ft.55, p.887

²¹⁸ The figures for the abstaining Labour MPs were calculated thus: the whole of the Tribune Group comprised only a further 5 MPs in addition to the 24 MPs who cross-voted and the 6 MPs (see appendix 8) who voted in support. Therefore, the total number of abstaining Labour MPs could only have comprised a maximum of 5 Tribune Group MPs, while the rest must have been from the Centre-Right.

An abstention carries half the weighting of a cross-vote because the former reduces the parliamentary majority by one, whereas the latter reduces it by two. As such, the Centre-Right MPs had provided more dissent against the White Paper in an absolute sense than the Tribune Group MPs.

Table 8.5 The Commons' division for the Second Reading of the Bill: numbers of Labour MPs who cross-voted (total 27) w.r.t. the ideological positions, and the % decline from the White Paper division

Labour Left	Centre-Right	Decline in the Labour Left cross-votes	Decline in the Centre-Right cross-votes
20	7	16.7 %	69.6 %

(Appendix 8 lists the names of the cross-voting Labour MPs with respect to the ideological positions.)

19 out of the 20 Labour Left MPs who voted against the Bill had also previously voted against the White Paper, while 6 out the 7 Centre-Right MPs who voted against the Bill were analogous in that regard (see appendix 8).²¹⁹

To conclude, the Labour MPs on the Centre-Right provided a significant proportion of the PLP's dissent against the White Paper and the Bill at Second Reading. Indeed, the dissent within the PLP was not confined wholly, or even predominately, to the Labour Left MPs. For example, the Centre-Right MPs provided nearly half of the 47 Labour cross-votes in the division for the White Paper, and therefore Crossman was wrong to say that it was only "left-wingers" who cast votes against it. However, relative to the size of the faction, the Labour Left MPs provided a hugely disproportionate amount of the dissent against the reform proposal. This was because the Tribune Group comprised

²¹⁹ 4 out of the 23 Centre-Right MPs who voted against the White Paper subsequently voted in support of the Bill (see appendix 8), and none out of the 24 Labour Left MPs who voted against the White Paper were analogous in that regard.

at the time only 35 Labour MPs whereas, for example, they provided nearly three-quarters of the Labour cross-votes in the division for the Bill's Second Reading.

Conclusion

Firstly, there was a lack of enthusiastic support for the Bill within the PLP. Only a few Labour MPs spoke in support of the Bill and moreover their support was, mostly, qualified or ambivalent:

At the PLP meeting on 13th November 1968, only Denis Coe spoke in support and even he preferred to "take away the Lords' delaying power entirely."

At the Commons' debate on the White Paper, a total of seventeen Labour backbenchers made speeches and only three of them were in support. Furthermore, one of the speeches in support – by Eric Ogden – said that he only supported the White Paper because "we are asked not to approve" it "but to note it." Another of the speeches in support – by Arthur Blenkinsop – said that there were "many criticisms" of the White Paper.

At the PLP meeting on 22nd January 1969, only Coe (again) spoke in support and even he expressed "reservations about the Bill".

At the PLP meeting on 20th February 1969, no Labour MP is recorded as supporting the Bill (based on two documentary sources).

At a meeting between Fred Peart (the Lord President) and a number of Labour backbench Privy Counsellors, only George Strauss spoke in support.

Even at the Bill's Second Reading debate, two out of the four Labour backbenchers who made speeches in support (Will Howie and Fred Blackburn) said that they would table amendments to the Bill at its Committee Stage.

Secondly, the support from these few Labour MPs was, mostly, not justified with arguments to ‘sell’ the Bill. (In other words, arguments as to why the Bill should appeal to the Labour Party. This is as distinct from arguments to support the Bill, for example, by defending its provisions from criticism.)

At the PLP meeting on 13th November 1968, none of the three documentary sources have recorded any reasons for Coe’s support.

At the Commons’ debate on the White Paper, three Labour backbenchers made speeches in support:

- Ogden’s speech contained no arguments at all to ‘sell’ the White Paper.
- Blenkinsop’s only argument to ‘sell’ the White Paper was that it would remove the Lords’ (effective) veto on a Labour government’s legislation in the final year of a parliament.
- Chapman made several arguments to ‘sell’ the White Paper, but he was the chairperson of the Select Committee on Procedure and so his standpoint on the White Paper can be considered as atypical or unrepresentative.

At the PLP meeting on 22nd January 1969, Coe’s only argument to ‘sell’ the Bill was that it would allow for further reform of the Commons. However, Coe was the chairperson of the PLP’s subject group on parliamentary reform, so his standpoint on the Bill can also be considered as atypical or unrepresentative.

At a meeting between Fred Peart (the Lord President) and a number of Labour backbench Privy Counsellors, the official minutes have not recorded any reasons for Strauss’ support.

Let us end with the words of David Marquand, a Labour MP at the time: most of the PLP were “willing to vote for [the Bill] because the Government asked them to ... but they could not understand why the Government had bothered to bring it forward in the first place.”²²⁰

²²⁰ Marquand, *Backbench Power*, ft.156

Marquand voted against the White Paper but he made no verbal submissions at the Committee Stage.

CHAPTER 9: Conclusion

This thesis has sought to test whether the failure of the Parliament (No. 2) Bill was due to the Labour Party's conservatism on Lords reform, in turn grounded in a broader constitutional conservatism. This conclusion chapter will draw together the findings made in the main body of the thesis.

Section 1: The Labour Party's Ideology (chapters 3 and 4)

This section discusses the Labour Party's standpoints on the Constitution and on Lords reform. The overall time period in question is 1951-64, although the wider time period of 1945-70 marks a singular temporal-paradigm of constitutional thought.

1951-59

In terms of a constitutional standpoint, the Fabian tradition was dominant within the Labour Party. This standpoint had dovetailed with the top-down, elitist, Westminster Model of the British polity, which provided for Executive-centred governance and also a supreme House of Commons:

the first and most vital function of the electorate is to choose a House of Commons the membership of which makes possible the creation of a Government which can govern.¹

Indeed, the Labour Party was to deliver socialism via the 'parliamentary route' and the existing state institutions. The key was to attain a majority of seats in the House of Commons – via democratic election – and thereby a Labour Government would have gained control of the state apparatus.² Thereafter, a Labour Government would be able to enact, without obstruction, a programme of economic and social reform ("no matter

¹ H. Laski (1951) *Reflections on the constitution: the House of Commons, the Cabinet, the Civil Service*, Manchester: Manchester University Press, p.58

² Overall, this was based on the idea of the 'neutrality of the state'.

what that programme might be”³). Even the Labour Left was constitutionally conservative at this time,⁴ despite its rejection of the elitism of Fabianism – among other aspects – which had manifested in calls for the Commons to be influential vis-à-vis the Executive. Furthermore, the Labour Party’s approach in general was empirical, atheoretical, and pragmatic, and duly there was a distinct lack of theory, or theorising, on the Constitution: on the individual institutions of the Constitution, on the Constitution *qua* Constitution, or on the “nature of political power in Britain”.⁵ To be sure, the Labour Party had not developed, or associated itself with, a theory of the state. Instead, the approach to constitutional reform was reactive, rather than proactive, and viewed as incremental “adjustments made necessary by a perceived failing of a particular part of the constitutional framework”.⁶

Within the Labour Party’s conservative standpoint on the Constitution, there was a conservative standpoint on the House of Lords. This latter conservatism had consisted of three tenets:

Firstly, due to the Lords’ anachronistic composition – it was composed predominately of hereditary peers – the Lords lacked the legitimacy/authority to challenge the legislation from the democratically-elected Commons. According to Shell, the Lords knew that its powers could only be used with the greatest of restraint.⁷ As such, retaining the existing composition of the Lords would protect the supremacy of the Commons, in the context of an attachment to the Westminster Model of the British polity. Reforming the Lords’ composition, to become either an appointed or an elected

³ D. Coates (1975) *The Labour Party and the Struggle for Socialism*, Cambridge: Cambridge University Press, pp.140-1

⁴ D. Judge (1993) *The Parliamentary State*, London: Sage, pp.93-100

Panitch uses the pithy phrase “parliamentary paternalism” to describe the Labour Left’s constitutional standpoint (quoted in Judge 1993: 98).

⁵ P. Dorey (2008a) *The Labour Party and Constitutional Reform: A History of Constitutional Conservatism*, Basingstoke: Palgrave Macmillan, p.2

⁶ P. Norton (2011) Introduction: A Century of Change, *Parliamentary History*, 30/1, p.12

⁷ D. Shell (2007) *The House of Lords*, Manchester: Manchester University Press, p.21

House, would strengthen its legitimacy/authority and therefore the Lords would become inclined to use its powers to obstruct or veto the Commons' legislation.⁸

Secondly, it was thought that the Labour Party ought to be focussing on the redress of issues within the economic and social realms, rather than focussing on Lords reform which was an issue within the constitutional realm. For example, the Party ought to be tackling "unemployment, insecurity, sickness, and poverty", or implementing a "more egalitarian distribution of wealth and opportunity".⁹ Reforming the House of Lords was seen as an irrelevant diversion from these types of priorities, and also it was highly likely to make more difficult the passage of economic and social reform (tenet 1).

Indeed, the Constitution, along with the House of Lords, was already configured for a Labour Government to enact, without obstruction, a programme of economic and social reform.

Thirdly, there was a distinct lack of theory, or theorising, within the Labour Party on the Second Chamber *qua* Second Chamber, e.g. its role/functions, which was based on the Party's empirical, atheoretical, and pragmatic approach in general. The *experience* of the Attlee Government was significant in this respect, because the House of Lords had decided mostly not to obstruct the Government's legislation. The Party's long-term standpoint, "in a vague kind of way",¹⁰ was to reduce or remove the Lords' powers, but

⁸ The Labour Party opposed the Life Peerages Act 1958 on these very grounds, even though it was a reform measure of only incremental scope.

⁹ E. Shaw (2004) 'Labourism: Myths and Realities' in R. Plant et al. (eds.) *The Struggle for Labour's Soul: Understanding Labour's Political Thought since 1945*, London: Routledge, p.188; B. Jackson (2007) *Equality and the British left: a study in progressive political thought 1900-64*, Manchester: Manchester University Press, p.164

¹⁰ F. Longford (1974) *The Grain of Wheat*, London: Collins, pp.33-4. See also J. Morgan (1975) *The House of Lords and the Labour Government 1964-1970*, Oxford: Clarendon Press, p.170

this standpoint was not grounded in any developed thinking e.g. “a clear and coherent principle concerning the proper role and power(s) of the Second House”.¹¹

Duly, the Labour Party’s general election manifestoes for the period 1951-59 did not contain any pledges at all for Lords reform. This standpoint of conservatism on Lords reform can also be narrowed-down to the Party’s ideological positions:

Revisionist Right: *The Future of Socialism* (1956), by Tony Crosland, argued that the Government was powerful enough to bring about socialistic reforms to the economy and society. Moreover, this book discussed the deleterious influences of an ‘hereditary society’, although this particular critique did not extend to the constitutional realm.

Labour Left: *In Place of Fear* (1952), by Anuerin Bevan, argued that sufficient power was vested in the democratically-elected House of Commons for the implementation of Bevanite ideology. Furthermore, this book elaborately criticises the composition of the Lords, but no proposals for compositional reform were made therein.

Centre: this ideological position was characterised by Labourism, which meant advancing the material interests of the working class *through the existing Constitution*. Beyond this, there was not much ideology on the Labour Party’s Centre.

Overall, Lords reform was not an ideological aim of the Labour Party (or indeed of its ideological positions), or of the Party’s leaders (Clement Attlee and then Hugh Gaitskell), during this period. Instead, there was a prevailing standpoint of

¹¹ P. Dorey (2006a) 1949, 1969, 1999: The Labour Party and House of Lords Reform, *Parliamentary Affairs*, 59/4, p.601. This quotation is in reference to the Parliament Act 1949, but it is just as applicable to the Labour Party’s general long-term standpoint on Lords reform.

conservatism, i.e. non-reform, on the House of Lords, within the context of a broad constitutional conservatism.

1959-64

During this period, some academics and commentators were beginning to have doubts about the “effectiveness of Britain’s political institutions”,¹² mainly prompted by a growing concern over Britain’s relative economic decline. This resulted in some calls for institutional modernisation – at the time there was a “fashionable thinking about modernisation”¹³ – and it was in this context that the issue of constitutional reform had become a part of the Labour Party’s agenda.

However, the Party did not develop, or adopt, a new theory on the Constitution, in part because there was no wide and inter-connected “review of constitutional fundamentals”.¹⁴ Moreover, the causal link between constitutional reform and economic growth was “never clearly or convincingly explained”.¹⁵ This was the case for each of the Party’s ideological positions e.g. Crosland’s book *The Conservative Enemy* (1962), for the Revisionist Right, went no further on parliamentary reform than:

Our Parliament ..., brilliantly adapted to the needs of a bygone age ... [is] in fact in need of drastic modernization.¹⁶

Indeed, at this time, the overarching driver for constitutional reform was the “watchwords of efficiency and modernisation”,¹⁷ and furthermore, the ideology for

¹² B. Coxall & L. Robins (1998) *British Politics since the War*, Basingstoke: Macmillan, p.144

¹³ B. Jones & M. Keating (1985) *Labour and the British State*, Oxford: Clarendon Press, p.141

¹⁴ A. Wright (1989) ‘The Constitution’ in L. Tivey & A. Wright (eds.) *Party Ideology in Britain*, London: Routledge, p.191

¹⁵ P. Dorey & V. Honeyman (2010) Ahead of his time: Richard Crossman and House of Commons Reform in the 1960s, *British Politics*, 5/2, p.156

¹⁶ A. Crosland (1962) *The Conservative Enemy: a Programme of Radical Reform for the 1960s*, London: Cape, p.127. The book *The Future of Socialism* (1956), by Crosland, did not contain an extended discussion of the Constitution.

¹⁷ Wright, ‘The Constitution’, ft.14, p.191

constitutional reform can be considered as ‘thin’ or ‘weak’.¹⁸ The conclusions to draw are that the Labour Party’s interest in constitutional reform was only “focussed on secondary issues”¹⁹ within the Constitution and, concomitantly, that any constitutional reforms would only be of incremental scope; Coxall & Robins note:

The central principles of the constitution – its unitary nature, executive dominance in parliament, and ministerial responsibility – remained untouched.²⁰

In addition, the Party only had a marginal interest in constitutional reform, or in other words, the Party’s predominant focus was still on the redress of issues within the social, economic, and foreign/defence realms. To be sure, there was no fundamental change in the Party’s constitutional conservatism (from the 1951-9 period).

Even though the Labour Party had a marginal interest in constitutional reform, this interest was not extending to the House of Lords, for example:

Revisionist Right: the *Socialist Commentary* journal had included a twenty-page supplement which called for several (incremental) parliamentary reforms, and even here a conservative standpoint on Lords reform was enunciated.

Labour Left: Emrys Hughes wrote a book which called for parliamentary reform, and even here the argument was that Lords reform should be undertaken in reaction to, or be conditional on, an obstruction by the Lords to the Labour Government’s legislation.

¹⁸ For discussion: Mackintosh 1974: 32-3; Walkland 1983: 40-1

¹⁹ Jones & Keating, *British State*, ft.13, p.141

²⁰ Coxall & Robins, *British Politics*, ft.12, p.152

Technocratic Collectivism: there was a very marginal interest in Lords reform, which was justified with reference to the presentational themes of modernisation and ‘newness’.²¹ However, there was no new theory, or theorising, on the Second Chamber *qua* Second Chamber.

Centre: since Lords reform was not an aim of the Revisionist Right, Labour Left, or Technocratic Collectivism, it may be deduced that Lords reform was most unlikely to be an aim of the Centre.

Overall, the Party’s ideological positions – including the Party’s leader (Gaitskell and then Harold Wilson) – all continued to be conservative on Lords reform, just as they were during the 1951-9 period, within the context of a broad constitutional conservatism.

During the 1959-64 period, the only occasion when the Labour Party called for a measure of Lords reform was as a short-term reaction to the Benn case. The Party’s leadership called for a measure whose scope was to be confined only to resolving the Benn case. Calls for Lords reform were also made within each of the Party’s ideological positions,²² for example:

Revisionist Right: Patrick Gordon-Walker called for removing the hereditary peers and the delaying powers.

Labour Left: articles in the *Tribune* journal called mostly for abolishing the Lords (and almost certainly for unicameralism).

²¹ It was argued in chapter 4 that the Technocratic Collectivists would not subsequently view ‘modernisation’ as a significant imperative for the implementation of parliamentary reform.

²² In relation to Labourism: George Brown spoke about Lords reform in 1963, but he did not make any proposal for Lords reform (Hansard, House of Commons debates, 28th March 1963, vol.674 cols.1553-1562). James Callaghan did similarly in 1961 (Ibid., 26th April 1961, vol.639 cols.430-1). Brown and Callaghan were both speaking in reaction to the Benn case.

Technocratic Collectivism: Richard Crossman called for effectively the same reform proposal as Gordon-Walker.

(N.B. the Labour Party was in Opposition at this time, so these reforms would not necessarily have been put forward if the Benn case had occurred during a Labour Government's tenure.²³) Once the Benn case was resolved, with the enactment of the Peerage Act 1963, these calls for Lords reform would all quickly dissipate.

The 1964-66 Parliament

Prior to the 1964 general election, the Labour Party still did not have a proposal in place for Lords reform, and there was still a distinct lack of interest in developing any such proposal. Harold Wilson simply said: "we shall not allow the House of Lords to interfere with or frustrate the decisions of a democratically controlled House of Commons."²⁴ The pledge on Lords reform in the Party's 1964 manifesto was also partly to this effect. During the 1964-66 Parliament, the issue of Lords reform did not receive the sustained attention of the Labour Government. This was partly because Lords reform was not an ideological aim of the Labour Party (or indeed of its ideological positions), and it was partly because no major confrontation had taken place between the Labour Government and the Lords.²⁵ The issue of Lords reform had only received the Government's attention in the form of a short-term reaction to unacceptable amendments from the Lords – as happened, for example, with the War Damage Bill in 1965. Subsequently, the Labour Party's 1966 manifesto had pledged to reduce or

²³ "There have also been tensions or inconsistencies in what Labour has recommended in Opposition, and what it has subsequently done (or failed to do) once in Office" (Dorey, *History of Constitutional Conservatism*, ft.5, p.13).

²⁴ Hansard, House of Commons debates, 28th March 1963, vol.674 col.1641-2

²⁵ The Labour Government 1964-66 did not have a working majority in the Commons, so it would not have embarked upon a major measure of constitutional reform. Nonetheless, it could have drawn-up a proposal for Lords reform for a time when a working majority was attained.

remove the Lords' powers, and the following justifications can be discerned for the inclusion of the pledge:

- In order to modernise the parliamentary institutions, as an aim of Technocratic Collectivism;
- A reaction to the Lords' conduct with Government bills over the 1964-66 Parliament;
- The general long-term standpoint of the Labour Party.

The Labour Party did not attach any particular importance to these justifications, in the context of a broad conservatism on Lords reform, so the conclusion is that the implementation of the 1966 pledge for Lords reform was unlikely to be considered as an important priority.

Section 2: The Parliament (No. 2) Bill (chapters 5 and 6)

The Provisions

The following is a précis of the Bill's provisions:²⁶

- Membership of the Lords would in future be determined only by appointment (creation), but the existing peers by succession would be able to attend for the remainder of their lives. As such, the House of Lords would gradually transition to a wholly appointed House. (Clause 1)
- The Lords would be composed of two tiers of peers, 'voting' and 'non-voting'. The former would hold full rights of membership, while the latter would hold speaking

²⁶ This is loosely based on the précis included in the White Paper – 'House of Lords Reform', Cmnd.3799, November 1968, pp.28-9 – upon which the Bill was based.

rights only and not be permitted to vote.²⁷ The voting tier would be composed of the created peers,²⁸ while the non-voting tier would be composed of the peers by succession. (Clause 2)

- The government would hold a voting majority of 10% over the total of the opposition parties, but it would not hold a voting majority when the voting peers without party allegiance (the cross-benchers) were included. At the outset, the size of the voting House would be between 200 – 250 peers. (To be determined by convention rather than by statute)
- The voting peers would be subject to an attendance requirement of one-third of the sittings in each session. The created peers who could not meet the attendance requirement would be designated as non-voting peers. (Clause 4)
- The number of bishops would be reduced to sixteen as deaths or resignations occurred, but the law lords would all be retained. The senior bishops and all the law lords would hold voting rights irrespective of the attendance qualification. (Clauses 5 to 6)
- The Prime Minister of the day should pay regard, in the appointment of new peers, to including a reasonable number of peers with knowledge and experience of matters concerning Scotland, Wales, Northern Ireland, and the regions of England. (Preamble of the Bill)
- The Lords would be able to impose a delay of six months on the passage of principal legislation sent up from the Commons. It would then be possible to submit the disputed bill for Royal Assent provided that a resolution to that effect had been passed in the Commons. The period of delay would be capable of being carried-over

²⁷ See point (h) on p.28 of the White Paper (Ibid.) for detail.

²⁸ The created peers were the life peers and the (hereditary) peers of first creation.

into a new session or into a new parliament. The Lords would have a period of two months in which to consider a bill. (Clauses 8 to 12)

- The Lords would be able to require the Commons to reconsider an item of subordinate legislation to which the Lords disagreed. The decision of the Lords would be overruled by a subsequent resolution passed to that effect in the Commons. (Clauses 13 to 15)

The provisions had come as a result of negotiations, taking place at the Inter-party Conference (IPC), between the Labour Government and the Conservative Opposition. As such, the Government explicitly described the Bill's provisions as based on "a general agreement with the opposition parties."²⁹ In the Commons, Crossman argued that any major constitutional reform was best implemented on the basis of cross-party agreement³⁰ – in other words, constitutional considerations were more important than party considerations. At a PLP meeting, Crossman argued that

the only sacrifice the [Labour] Party had made during negotiations was the retention of the [six month] delaying power.³¹

Nonetheless, according to Crossman, the Bill would "precisely" fulfil the Labour Party's requirements for Lords reform even with this concession.³² He recalled the negotiating process at the IPC: "From the Government's point of view ... six months seemed unduly long, until the ingenious suggestion was thrown up of a carry-over into the next Session, or even into the next Parliament."³³ In any case, the cross-party

²⁹ Labour Party Archives, Minutes of a PLP meeting, 13th November 1968, p.1

³⁰ Hansard, House of Commons debates, 19th November 1968, vol.773 col.1128-9

This was not the argument put to the Cabinet for taking a cross-party approach (see chapter 5).

³¹ ft.29, Minutes of a PLP meeting, p.2

During a Cabinet meeting before the IPC, the Ministerial Committee argued that retaining the peers by succession would serve as the negotiating concession to the Conservative Party.

³² Hansard, ft.30, cols.1126 and 1129

³³ Ibid., col.1135

agreement for the Bill's enactment, secured in late 1968, meant that the Bill's passage through the Commons was to rely on "support from the Labour [MPs] in the normal way",³⁴ in the same sense as any unilateral Government bill. This was because the Conservative Opposition in the Commons was to only let the Bill 'go ahead', that is, neither support it nor oppose it.

The Case for the Bill

The provisions of the Bill having been established, let us turn to the arguments put forward in 'selling' the Bill to the PLP. In other words, how was the Bill intended to appeal to the PLP? With this approach, various types of argument in support of the Bill have been omitted e.g. the arguments put forward to defend the Bill from criticism. This sub-section is based predominately on Crossman's speech to move the White Paper.³⁵

Beginning with the Lords' composition: firstly, the hereditary basis of the House of Lords would be eliminated. It would be achieved via the two-tier scheme in which the peers by succession would lose their voting rights – in divisions and in committees – and therefore lose their legislative power. It would also be achieved because the inheritance of an hereditary peerage would no longer entitle its holder to membership of the House, and therefore the hereditary principle would be abolished. (Both types of hereditary peer – 'by succession' and 'of first creation' – would be removed gradually as they died out.) Secondly, removing the voting rights of the peers by succession would in turn remove the Conservative Party's large in-built majority in the House of Lords, because approximately three-quarters of this majority was made up of peers by

³⁴ J. Mendelson (1970) 'The Chamber as the Centre of Parliamentary Scrutiny' in A. Morris (ed.) *The Growth of Parliamentary Scrutiny by Committee*, Oxford: Pergamon Press, pp.113-4

³⁵ Hansard, ft.30, col.1125-1145

This sub-section is augmented by Section I and Appendix II of the White Paper, the PLP meetings held after the White Paper was published, and the Prime Minister's speech to move the Second Reading of the Bill.

succession.³⁶ Instead, “in normal circumstances, the Government of the day should be able to secure a reasonable working majority”³⁷ of voting peers. According to the White Paper, these compositional reforms would remedy the main compositional “features which are inappropriate to modern conditions.”³⁸

Turning to the Lords’ powers: “the Government’s principle was clear [that] the second chamber must be denied the right to ... obstruct Government business”, although the Lords should be allowed “to tell the Commons to think again.”³⁹ As such, the Lords’ powers to delay principal legislation would be restricted, and the Lords’ powers to veto subordinate legislation would be abolished. Moreover, “since the Government of the day would normally have a working majority, the actual use of this [new] power would ... be a rare event”.⁴⁰ Referring to the existing composition, Crossman argued that “it is the in-built Conservative majority which provides one of the main obstructive threats to a Labour Government”, and the “separation between composition and powers ... is quite artificial”.⁴¹ At a PLP meeting, it was argued that the reform “would allow Labour to go on legislating, as they cannot with certainty now, in the last session of a Parliament.”⁴² This was because the period of delay over principal legislation could be carried-over into the subsequent Parliament. Referring to the existing powers, the White Paper notes: “The possibility that the Lords might use their formal powers remains a political fact with which every non-Conservative Government must reckon.”⁴³

There would be a reform of the Lords’ procedure and functions, as part of a broader parliamentary reform, which coordinated/integrated the two Houses’ procedure and

³⁶ For the composition of the existing House, see the White Paper (ft.26) p.5

³⁷ Speech by Crossman (ft.35) col.1129

³⁸ White Paper (ft.26) p.9

³⁹ Speech by Crossman (ft.35) col.1135

⁴⁰ White Paper (ft.26) pp.14-5 also p.12

⁴¹ Speech by Crossman (ft.35) col.1127

⁴² ‘Few kind words for Lords proposals’, *The Times*, 14th November 1968, p.3

⁴³ White Paper (ft.26) p.9

functions. In particular, there would be “an emphasis on joint committees”,⁴⁴ for example:

- for principal legislation, “a convention might be established that certain classes of bills (e.g. non-contentious bills) should start in one House and then receive detailed examination by a joint committee.”⁴⁵
- the cross-benchers in the reformed House of Lords would provide “a new source of manpower [sic]” for the Specialist Committees (in the Commons) “if they were made, as they could be, joint committees”.⁴⁶

The underlying idea was to give the Lords a greater share of the legislative workload, which was to reduce the pressure on, and make better use of, the time of backbenchers in the Commons. In turn, this would enable the strengthening of the Commons’ scrutinising functions.⁴⁷ Crossman highlighted the present “failure of the House of Commons ... to exercise a continuous investigation of the activities of the Executive.”⁴⁸

The speech by Crossman contained only two paragraphs, and a few isolated sentences, intended to sell the reformed House of Lords as an institution *per se*. He said that the reform

creates conditions for a second chamber which combines the two essential functions of, first, a working legislature and, secondly, a debating chamber of distinction.⁴⁹

⁴⁴ Ibid.: p.35

Appendix II of the White Paper provides a detailed discussion.

⁴⁵ White Paper (ft.26) p.34

⁴⁶ Speech by Crossman (ft.35) col.1143

⁴⁷ Ibid.: cols.1128, 1144

⁴⁸ This was named the ‘decline of Parliament’ thesis.

⁴⁹ Speech by Crossman (ft.35) col.1130

The second of those functions was based partly on allowing the cross-bench peers, e.g. “doctors, scientists, farmers, economists or technologists”,⁵⁰ to attend part-time as speaking-only/non-voting peers. (The quoted examples of cross-benchers were reflective of the technocratic component of Technocratic Collectivism.) Why only the two paragraphs for selling the reformed House? It should be recalled that the Ministerial Committee decided, in October 1968, to revise the wording of the White Paper in order to make it “more suitable for unilateral presentation, (with) less emphasis being placed on the advantages of the House of Lords.”⁵¹ There is a clear academic consensus that the Labour Party has historically “viewed the House of Lords with deep suspicion”.⁵² In general, it was because the House was seen as “a barrier to socialist objectives”⁵³ and was “closely associated with wealth, privilege, and ... aristocracy”.⁵⁴

When moving the Bill’s Second Reading, Harold Wilson argued at length⁵⁵ that the Bill would achieve a “step in the long overdue modernisation of the institutions of our democracy”. This was a plank in the Labour Government’s wider agenda of institutional modernisation, and “part of a much wider process” of “a modernising age”. Crossman asked the question, “What would the electors say about a ... reforming Government who left the hereditary House of Lords completely unchanged and unreformed?”⁵⁶

⁵⁰ Ibid.: col.1132

⁵¹ C 111(68), House of Lords Reform: Memorandum by the Lord Chancellor, 15th October 1968, Annex A p.3

⁵² D. Shell (2000) Labour and the House of Lords: a Case Study in Constitutional Reform, *Parliamentary Affairs*, 53/2, pp.291-2. Also: V. Bogdanor (2009) *The New British Constitution*, Oxford: Hart Publishing, p.44; Dorey, 1949, 1969, 1999, ft.11, p.600; Jones & Keating, *British State*, ft.13, p.158

⁵³ D. Hill (2004) ‘Constitutional Reform’ in R. Plant et al. (eds.) *The Struggle for Labour's Soul: Understanding Labour's Political Thought since 1945*, London: Routledge, p.211

⁵⁴ R. Blackburn (1999) ‘The House of Lords’ in R. Blackburn and R. Plant (eds.) *Constitutional Reform: The Labour Government's Constitutional Reform Agenda*, Harlow: Longman, p.24

⁵⁵ Hansard, ft.30, 3rd February 1969, vol.777 cols.57-59

⁵⁶ Speech by Crossman (ft.35) col.1144

Crossman called the House of Lords a “total anachronism”.

To summarise section 2, the Bill was intended to appeal to the PLP on the basis of these selling-points:

- 1) the Lords' hereditary basis would be abolished;
- 2) the Lords' capacity for obstructing or vetoing legislation would be abolished (relating to the reform of both the Lords' powers and composition);
- 3) reform of the Lords' procedure and functions would enable the strengthening of the Commons' scrutinising functions;⁵⁷
- 4) the attendance of part-time cross-bench peers would allow for technical expertise to be contributed in the Lords' debates;
- 5) modernising/reforming the parliamentary institutions was a plank in the Labour Government's wider agenda of institutional modernisation/reform.

Conspicuously, Crossman's and Wilson's speeches did not refer to a wholly appointed House of Lords – one of the main results of the reform – as being one of the Bill's selling-points. The subsequent section in this chapter will explain this omission.

Section 3: The Cabinet's and the PLP's standpoints on the Bill⁵⁸ (chapters 7 and 8)

The Cabinet

Support for the Bill

A sample of two Ministers was drawn from each of the Labour Party's ideological positions, and their standpoints on the Bill were assessed. In summary:

⁵⁷ This selling-point was not mentioned during the oral presentations of the Bill in Cabinet meetings. The closest was that the Bill would "relieve the Commons of some of their routine work" CC 11(68), 1st February 1968, p.7

⁵⁸ This section only covers the period after the Cabinet and the PLP were made aware of the Bill's provisions. The Cabinet was made aware in a report, dated 9th October 1967, sent by the Ministerial Committee. The PLP was made aware when the White Paper was published on 1st November 1968.

- Labour Left: opposition (Barbara Castle), or supporting the Prime Minister's standpoint but clearly inclined to opposition (John Silkin).
- Revisionist Right: opposition (Tony Crosland), or short-term/reactive support (Roy Jenkins).
- Technocratic Collectivism: limited degree of support (Peter Shore), or idiosyncratic support (Tony Benn).
- Labourism (philosophical strand): opposition (George Brown), or having 'gone along with it' but clearly inclined to opposition (James Callaghan).

Within this total sample of eight Ministers, there was no Minister who can be characterised as an enthusiastic supporter of the Bill. Since the total sample was spread across the Labour Party's ideological spectrum, then by extrapolation the Cabinet as a whole was unlikely to be enthusiastically supporting the Bill. In order to corroborate this extrapolation, let us assess the 'depth' of the Cabinet's support at each meeting of the Cabinet. For example, at the three Cabinet meetings in the period from July 1968 to October 1968, the Cabinet approved the Bill but also exhibited a manifest indifference to the Bill: both the Bill and its legislative passage were discussed in only eight minutes at one of these meetings. Overall, there was a lack of enthusiastic support for the Bill within the Cabinet.

At an earlier Cabinet meeting, before the Bill's provisions were presented to the Cabinet, there was no significant support for reforming the Lords' composition.⁵⁹ Furthermore, the Cabinet's support for a powers-only reform was generally unenthusiastic, as the Cabinet decided that the introduction of such a reform bill would

⁵⁹ Cabinet meeting: 7th September 1967

be conditional on whether the Lords tried to obstruct the Government's other legislation i.e. a reactive approach was adopted.⁶⁰

Opposition to the Bill

In opposition to the Bill, two arguments were made at several meetings of the Cabinet.⁶¹ Firstly, there were other more pressing matters to be dealt with than Lords reform,⁶² especially those matters "in the economic field".⁶³ Crosland made this argument even at the Cabinet meeting which directly followed the Southern Rhodesia Order incident, when Lords reform was temporarily at the top of the Cabinet's agenda. The particulars of the economic-temporal context also probably bolstered this argument e.g. in November 1968, the Prime Minister told Crossman (behind-the-scenes) that if the Government "finds things too difficult on the economic front ... we may have to drop" the Bill.⁶⁴

Secondly, if the House of Lords was established on a more rational basis, by removing the hereditary peers, its authority/legitimacy would be enhanced and therefore it would be more likely to invoke its powers on Government bills.⁶⁵ This would be "contrary to the conception of the Lords as a subordinate partner in Parliament".⁶⁶ The particulars of the Bill also probably bolstered this argument e.g. Barbara Castle argued that the Bill strengthened the Lords "without sufficiently reducing their powers".⁶⁷ George Brown argued for retaining the *status quo* "since it operated favourably to the Government."⁶⁸

⁶⁰ CC 32(66)2, Confidential Annex, 28th June 1966, p.4

⁶¹ These arguments were made before and after the Bill's provisions were presented to the Cabinet. However, this section deals almost entirely with the 'after'.

⁶² Cabinet meetings: 12th October 1967, 20th June 1968

⁶³ CC 59(67), 12th October 1967, p.4

⁶⁴ R. Crossman (1977) *The Diaries of a Cabinet Minister: Volume 3 Secretary of State for Social Services 1968–70*, London: Hamish Hamilton, p.267

⁶⁵ Cabinet meetings: 12th October 1967, 1st February 1968

⁶⁶ CC 11(68), 1st February 1968, p.8

⁶⁷ B. Castle (1984) *The Castle Diaries 1964–1970*, London: Weidenfeld & Nicolson, p.365

⁶⁸ CC 54(67), 7th September 1967, p.14

If the Labour Party was conservative on Lords reform, it begs the question: why did the Cabinet decide continually to approve the Bill (see the introduction to chapter 7)? The key was seemingly that the Prime Minister was able to ‘push the Bill through’⁶⁹ at the Cabinet meetings. Ponting notes:

Without Wilson’s support, Crossman would never have overcome the well-founded doubts of his Cabinet colleagues.⁷⁰

Indeed, the *strenuous* opposition to the Bill was confined only to a minority of Ministers, since it predominately came only from Barbara Castle and George Brown.

The PLP

Support for the Bill

Beginning with the meetings which took place behind-the-scenes. Only one Labour MP spoke in support of the Bill at:

- the PLP meetings on 13th November 1968 and 22nd January 1969;
- a meeting between Fred Peart (the Lord President) and a number of Labour backbench Privy Counsellors, held on 25th March 1969.

At the meeting on 13th November 1968, the one Labour MP was Denis Coe and the documentary sources⁷¹ have not recorded his reasons – if any were in fact given – for supporting the Bill. Furthermore, Coe said previously that “there were difficulties about a nominated [second] chamber.”⁷² At the meeting on 22nd January 1969,⁷³ Coe was again the one Labour MP and his only reason for supporting the Bill was that it allowed

⁶⁹ Crossman, *Diaries Volume 3*, ft.64, p.143

⁷⁰ C. Ponting (1989) *Breach of Promise: Labour in Power 1964-1970*, London: Hamilton, p. 349 (also p.343)

⁷¹ The official minutes (LPA), newspaper accounts, and diary entries.

⁷² LPA, Minutes of a PLP meeting, 3rd July 1968

⁷³ *Ibid.*: 22nd January 1969

for “further reform of the Commons”. Moreover, the official minutes have recorded that Coe “expressed ... reservations about the Bill.” At the meeting held on 25th March 1969, the one Labour MP was George Strauss who is recorded as saying only that he “approved the principles of the Parliament (No. 2) Bill”.⁷⁴ This author could not find any other evidence of Strauss having supported the reform proposal in the period between its publication and its withdrawal, so the reasons for his support are unknown. Lastly, there was no recorded support at the other PLP meetings⁷⁵ in which the Bill was discussed.

Turning to the debates in the Commons. During the debate for the White Paper, a total of seventeen Labour MPs made speeches and only three of them were in support.⁷⁶ The support of one out of the three speeches – by Eric Ogden – did not contain any arguments at all to sell the White Paper. Ogden also said that he only supported the White Paper because “we are asked not to approve” it “but to note it.”⁷⁷ The second of the three speeches – by Arthur Blenkinsop – contained only one argument to sell the White Paper: it would enable Governments to “govern in the last [statutory] year of their period of office.”⁷⁸ Blenkinsop also said that there were “many criticisms” of the White Paper. Even at the Bill’s Second Reading debate, the speech in support by Will Howie – one out of the four speeches in support by the Labour MPs – was based on a “very modified rapture” and a “hope that [the Bill] will be closely scrutinised” at the Committee Stage.⁷⁹

⁷⁴ PREM 13/3403, Notes of a meeting with Douglas Houghton, Charles Pannell, Emmanuel Shinwell, Dingle Foot and George Strauss, 25th March 1969, p.3

⁷⁵ 21st November 1968, 20th and 27th February 1969, 17th April 1969.

⁷⁶ Hansard, House of Commons debates, 19th - 20th November 1968, vol.773 col.1125-1433

⁷⁷ Ibid.: col.1390

⁷⁸ Ibid.: col.1195

⁷⁹ Hansard, House of Commons debates, 3rd February 1969, vol.777 col.144, 148

Another of the four speeches – by Fred Blackburn – contained the remark that “there are a number of points which might well be considered in Committee” (col.103).

Overall, there was a lack of enthusiastic support for the Bill within the PLP, manifesting both in the meetings which took place behind-the-scenes and in the Commons' debates.

Opposition to the Bill⁸⁰

At the Commons' debate on the White Paper, the Labour MP Cyril Bence made a speech to oppose and he argued that the reform proposal was "irrelevant to the economic and social problems of the country."⁸¹ The particulars of the economic-temporal context also probably bolstered this argument e.g. Crossman notes after the Commons' debate on the White Paper:

People were saying, 'What the hell are we doing discussing the House of Lords when the whole international monetary system is breaking up?'⁸²

At the Commons' debate on the Second Reading of the Bill, Wilson observes that the Labour MPs opposed the Bill on these principal grounds:

any improvements in the Lords' composition ... might lead the Upper Chamber to be regarded as a more rational and defensible place and thus lead to an increase in its influence and authority.⁸³

Several other primary sources have highlighted this argument.⁸⁴ The particulars of the Bill also probably exacerbated this argument e.g. the Bill only provided for a plural majority, rather than an overall majority, for the Government of the day. Duly, the Labour MP Dingle Foot argued that the "cross-benchers will hold the balance of power"

⁸⁰ These arguments were made before and after the Bill's provisions were presented to the PLP. However, this section deals only with the 'after'.

⁸¹ Hansard, ft.76, col.1383 (also 1380)

⁸² Crossman, *Diaries Volume 3*, ft.64, pp.266-7

⁸³ H. Wilson (1971) *The Labour Government 1964-70: A Personal Record*, London: Weidenfeld & Nicolson, pp.608-9

⁸⁴ T. Dalyell (1989) *Dick Crossman: A Portrait*, London: Weidenfeld & Nicolson, p.143; Longford, *Grain of Wheat*, ft.10, p.40; M. Wheeler-Booth (2003) 'The House of Lords' in R. Blackburn & E. Kennon (eds.) *Griffith & Ryle on Parliament: Functions, Practice and Procedures*, London: Sweet & Maxwell, p.642

in determining whether the Lords' powers would be invoked.⁸⁵ The Labour MP Emanuel (Manny) Shinwell argued for retaining the *status quo* because the "House of Lords has not given the Government much trouble" by way of delaying legislation.⁸⁶

Table 9.1 The PLP's voting in the divisions for the White Paper and the Bill at Second Reading

	White Paper	Second Reading
Supporting	232	226
Opposing	47	27

Table 9.1 shows that the majority of the PLP had voted to support the reform proposal, whereas the opposition within the PLP was confined only to a minority. However, the majority of the PLP who voted in support "did so apathetically and half-heartedly. The opponents of the Bill, on the other hand, were convinced, determined and in some cases passionate ... [V]otes always have to be weighed as well as counted".⁸⁷ At the Bill's Committee Stage (in the Commons), the minority of backbenchers who opposed the Bill were able to filibuster in order to prolong the proceedings and obstruct the Bill's passage. On the other hand, there was not enough *enthusiastic* support from the majority of the PLP – "only a small number of Government supporters ... were fully behind"⁸⁸ the Bill – to overcome the filibuster and drive the Bill forward.

⁸⁵ Hansard, ft.76, col.1162

⁸⁶ Ibid: col.1339 (also 1343)

⁸⁷ D. Marquand (1969) Backbench Power, *New Society*, 13

⁸⁸ Mendelson, 'The Chamber', ft.34, p.114

Conclusion

The overarching argument of this thesis is that the lack of enthusiastic (and hence insufficient) support for the Bill was due to the Labour Party's conservatism on Lords reform, grounded as it was in a broader constitutional conservatism. The former conservatism had consisted of three tenets:

1. the Lords' existing anachronistic composition was considered as preferable, since it protected the supremacy of the Commons;
2. it was thought that a Labour Government should be focussing on economic and social reform, rather than on Lords reform;
3. there was a distinct lack of thinking on the Second Chamber *qua* Second Chamber e.g. its role/functions.

The Party's broader constitutional conservatism can also be defined as an implicit attachment to the Westminster Model of the British polity. This Model was based partly on:

the alleged virtue of strong ... government, whose authority and right to govern is derived from having secured a mandate for its (manifesto) programme by virtue of winning a majority of seats in the House of Commons.⁸⁹

As such, retaining the Lords' anachronistic composition (tenet 1) would facilitate the implementation of economic and social reform by a Labour Government (tenet 2).

Tenet 3 was reflected in the implicit nature of the constitutional conservatism. To be sure, the Bill's selling-points were insufficient to overcome this weight of conservatism.

⁸⁹ P. Dorey (2008b) Stumbling Through 'Stage Two': New Labour and House of Lords Reform, *British Politics*, 3/1, p.25

Ballinger argues that the lack of enthusiastic support for the Bill was due to the low morale within the PLP: “the PLP [lost] faith in its leadership”.⁹⁰ However, this low morale was caused in large part by the (perceived) absence of a Government strategy, and a contribution to this was the introduction of a bill for Lords reform, the Parliament (No. 2) Bill, even though the Labour Party was conservative on Lords reform.

Taking a wider perspective, during the 1945-70 period, the Labour Party only tended to act on constitutional reform due to short-term and tactical/pragmatic/expedient imperatives, in the context of a broad constitutional conservatism. Concomitantly, Norton notes that constitutional reform was only undertaken in reaction to “a perceived failing ... of the constitutional framework”.⁹¹ So the question to pose is: during the 1966-70 Parliament, was there an instance(s) when the Labour Party (Cabinet and PLP) showed an enthusiastic and widespread support for Lords reform? The only clear instance was in June 1968, when the House of Lords voted to reject an item of the Government’s subordinate legislation: the Southern Rhodesia Order (United Nations Sanctions) 1968. This was the first time, during the 1966-70 Parliament, that the Government’s legislation was significantly obstructed by the Lords, and moreover, the legislation was on “a major question of foreign policy”.⁹² The Prime Minister said in the Commons:

There is no precedent for the voting down of a Statutory Instrument by the non-elected Chamber ... This House cannot ... but treat it as a denial of democracy and a total frustration of the spirit of our Constitution ... This

⁹⁰ C. Ballinger (2012) *The House of Lords 1911-2011: A Century of Non-Reform*, Oxford: Hart, pp.143, 154

⁹¹ ft.6, Norton

⁹² The words of the Prime Minister – CC 31(68), 20th June 1968, p.4

House will expect that the verdict of the elected Chamber will be given effect to.⁹³

As a result, Crossman observed in his diary: “there is now overwhelming pressure not only from the Labour backbenchers ... but from inside the Cabinet for an immediate bill to remove the Lords’ powers.”⁹⁴ However, once the immediate furore from the incident had dissipated (the Order was shortly afterwards re-laid and then was passed by the Lords), both the Cabinet’s and the PLP’s support for Lords reform also dissipated. Overall, this instance of support for Lords reform was a knee-jerk (short-term) reaction to both the Lords’ obstruction of a high-profile item of Government legislation, and the Lords’ challenge to the supremacy of the democratically-elected Commons. Since the Parliament (No. 2) Bill was not being driven by any such short-term and reactive imperatives, this is confirmatory that the lack of enthusiastic support for the Bill can be attributed to the Labour Party’s constitutional conservatism.

There were several secondary-order causes which contributed to the lack of enthusiastic support e.g. Richard Crossman was one of the Bill’s main architects and he was an apparent dilettante.⁹⁵ However, there was a weight of constitutional conservatism across the Labour Party’s ideological spectrum (ideological positions) and philosophical strands. As such, the argument here is that the Labour Party’s constitutional conservatism was the principal cause for the failure of the Parliament (No. 2) Bill.

⁹³ Hansard, House of Commons debates, 20th June 1968, vol.766 col.1315

⁹⁴ Crossman, *Diaries Volume 3*, ft.64, p.102

⁹⁵ See the comments of the Labour MP Eric Ogden (Hansard, ft.76, col.1389) and of the Cabinet Minister Barbara Castle (Castle, *Diaries*, ft.67, p.365).

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APPENDIX 1

Archival repositories

The following archival repositories were accessed *in situ*:

- Bodleian Library (Oxford University)
 - Papers of: George Brown
 - James Callaghan
 - Anthony Greenwood
 - Roy Jenkins
 - Harold Wilson
- British Library of Political and Economic Science (London School of Economics)
 - Papers of: Peter Shore
- Churchill College (Cambridge University)
 - Papers of: Patrick Gordon-Walker
 - John Silkin
 - Michael Stewart
- Hull History Centre (Hull)
 - Back-issues of the Tribune journal (1959-1964)
- Modern Records Centre (Warwick University)
 - Papers of Richard Crossman
 - Pamphlets published by the Victory for Socialism group
- National Archives (Kew, London)
 - Minutes of the Ministerial Committee and the Inter-party Conference
 - Memoranda sent by Burke Trend (the Cabinet Secretary) to the Prime Minister
- Labour Party Archives (Manchester)

Minutes of PLP meetings

Membership list of the Tribune Group¹

Back-issues of the Socialist Commentary journal (1959-1964)

The following archival repositories were accessed via the internet:

- British Library of Political and Economic Science (archives.lse.ac.uk/)
 - Fabian Tracts
- Hansard (hansard.millbanksystems.com/)
 - Debates and divisions in the House of Commons
- House of Commons Parliamentary Papers (parlipapers.chadwyck.co.uk/marketing/index.jsp)
 - White Paper: *House of Lords Reform* (Cmnd. 3799)
 - Parliament (No. 2) Bill
- Parliament (parliament.uk)
 - Early Day Motion 257, Modernisation of Parliament, 22nd June 1965
- National Archives (nationalarchives.gov.uk/)
 - Minutes of the Cabinet meetings (known as ‘Cabinet Conclusions’)
 - Memoranda sent to the Cabinet
- Newspapers (Hull University subscription)
 - The Guardian
 - The Times

¹ Due to some illegible handwriting in this documentation, there was a need to refer to lists of the Tribune Group members in Coates (1966: 19) and Allaun et al. (1972: 1), as well as to information in Castle (1984) and the *Who's Who* online catalogue.

Elite Interviews

Interviews were conducted, in the form of a written correspondence, with the following actors:

- Michael Barnes (Labour MP)
- Michael English (Labour MP)
- David Faulkner (one of the two principal Civil Servants involved in developing the Bill)
- Lord Howie of Troon (Will Howie) (Labour MP)
- David Marquand (Labour MP)
- Stanley Newens (Labour MP – member of the Tribune Group)
- Lord Rodgers of Quarry Bank (Bill Rodgers) (Labour MP – member of the Revisionist Right)
- Lord Taverne (Dick Taverne) (Labour MP – member of the Revisionist Right)
- Sir Michael Wheeler-Booth (one of the two principal Civil Servants involved in developing the Bill)

Many other interview requests were made, but they were either declined or no reply was received. The researcher was unable to conduct any interviews with Ministers from the time, because all the Ministers who had any degree of involvement in the events were deceased at the time of writing.

Published Diaries1945-64 period

Benn, T. (1994) *Years of Hope: Diaries, Letters and Papers 1940-1962*, London: Hutchinson

Crossman, R. (1981) *The Backbench Diaries of Richard Crossman edited by Janet Morgan*, London: Hamish Hamilton

Dalton, H. (1986) *The Political Diary of Hugh Dalton 1918-40 and 1945-60*, London: Cape

1964-70 period

Benn, T. (1987) *Out of the Wilderness: Diaries 1963-67*, London: Hutchinson

Benn, T. (1988) *Office without Power: Diaries 1968-72*, London: Hutchinson

Castle, B. (1984) *The Castle Diaries 1964-1970*, London: Weidenfeld & Nicolson

Crossman, R. (1975) *The Diaries of a Cabinet Minister: Volume 1 Minister of Housing 1964-66*, London: Hamish Hamilton

Crossman, R. (1976) *The Diaries of a Cabinet Minister: Volume 2 Lord President of the Council and Leader of the House of Commons 1966-68*, London: Hamish Hamilton

Crossman, R. (1977) *The Diaries of a Cabinet Minister: Volume 3 Secretary of State for Social Services 1968-70*, London: Hamish Hamilton

Covering both periods:

Gordon-Walker, P. (1991) *Patrick Gordon Walker: Political Diaries 1932-1971*, London: Historians' P.

APPENDIX 3

Reform Proposals made by a sample of Revisionist Right MPs (1955-64)

- Cyril Bence: “I accept the principle of one-Chamber government.”
- Donald Chapman: “we should have a second Chamber ... on the nomination of the Prime Minister ... stripped of the constitutional [i.e. delaying] powers.”
- Lady Megan Lloyd George: “My family motto, as far as the House of Lords is concerned, has been, ‘End and not mend’.”
- Fred Mulley: “I would let [the House of Lords] stay until it interfered [with the House of Commons] and then get rid of it. If it did not interfere I should let it alone.”

Reform Proposals made by a sample of Labour Left MPs (1955-64)

- Frank Bowles: “[The Lords] should not exist at all. I have heard no valid argument for any second chamber in this country.”
- Emrys Hughes: “would like to see it abolished”; “End it, not mend it.”
- Jennie Lee: the Labour Party was “quite willing to allow the House of Lords gently to fade away”; “I do not believe in a second Chamber”.
- Ian Mikado: “we could easily manage without this anachronistic Second Chamber, as many other Parliaments do.”

APPENDIX 8¹**Labour MPs who cross-voted in the division for the White Paper w.r.t. the Labour Left and the Centre-Right**Labour Left (Tribune Group)

Allaun, F.	Foot, M.	Jenkins, H.	Mikardo, I.
Atkinson, N.	Griffiths, W.	Kerr, A.	Orme, S.
Bidwell, S.	Heffer, E.	Kerr, R.	Park, T.
Booth, A. E.	Hughes, E.	Lee, J.	Perry, G.
Dickens, J.	Hughes, R.	Mendelson, J.	Ryan, J.
Fletcher, T.	Jackson, P.	Newens, S.	Swain, T.

Centre-Right

Barnes, M.	Hamilton, W.	Marquand, D.	Roebuck, R.
Barnett, J.	Hamling, W.	Padley, W.	Sheldon, R.
Bence, C.	Jeger, L.	Paget, R.	Shinwell, E.
Craddock, G.	Kerr, D.	Palmer, A.	Short, R.
Evans, A.	Lewis, A.	Pannell, C.	Tomney, F.
Foot, D.	McGuire, M.	Robertson, J.	

(Names in bold would subsequently vote to support the Bill at Second Reading)

The following Labour Left MPs voted to support the White Paper: Fred Evans, Dennis Hobden, John Rankin, Gwilym Roberts, Ted Rowlands, Julius Silverman.

¹ Norton (1975) is an invaluable data source.

Labour MPs who cross-voted in the division for the Bill's Second Reading w.r.t. the Labour Left and the Centre-Right

Labour Left (Tribune Group)

As for the White Paper, but with the exception of:

Fletcher, T. Hughes, R. Swain, T.

Griffiths, W. Kerr, A.

and with the addition of:

Driberg, T.

Centre-Right

Barnett, J. Hamilton, W. Manuel, A. Sheldon, R.

Foot, D. Lewis, A. Padley, W.

Out of these seven Centre-Right MPs, only Manuel did not previously vote against the White Paper.