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**The Influential Role of the Senate VS the Declining Role of the House
of Lords**

**Dissertation Submitted in Partial Fulfillment of the Requirements for
Master's Degree in Literature and Civilization**

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Dedication

We dedicate this work to our parents who encouraged us to accomplish this research work.

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Abstract

This thesis studies the chronological development of the Senate and the House of Lords in both the United States of America and the United Kingdom. Its aim is to point out the advantages and the disadvantages that both of the houses have gradually obtained over the years. Its main objective is to explain to the researchers about the major causes that led one house to rise up and led the other to fall down, as well as to compare their roles between the past and recent years. This study adopts historic, descriptive, and analytical method where the researchers reviewed various reliable sources. The findings of this study revealed that the Senate was given more powers by the framers of the constitution to distinguish them from the people and their opinions about the government actions, while the House of Lords powers eroded by the Commons that has inclinations to the people in their decisions to make, thus, the roles of the House of Lords differ from the roles of the Senate on many scales due to past distribution of power of both houses.

Keywords: United States, United Kingdom, Congress, Parliament, House of Lords, The S nate, Role of the House of Lords, Role of the Senate.

المخلص:

تدرس هذه المذكرة التطور الزمني لمجلس الشيوخ ومجلس اللوردات في كل من الولايات المتحدة الأمريكية والمملكة المتحدة. هدفه هو الإشارة إلى المزايا والعيوب التي حصل عليها كلا المنزلين تدريجياً على مر السنين. هدفها الأساسي هو أن تشرح للباحثين الأسباب الرئيسية التي أدت إلى قيام أحد المنازل وقاد الآخر إلى الانهيار ، وكذلك مقارنة أدوارهم بين السنوات الماضية والأخيرة. تتبنى هذه الدراسة المنهج التاريخي والوصفي والتحليلي حيث قام الباحثون بمراجعة مختلف المصادر الموثوقة. كشفت نتائج هذه الدراسة أن مجلس الشيوخ قد منح المزيد من الصلاحيات من قبل واضعي الدستور لتمييزهم عن الناس وآرائهم حول تصرفات الحكومة ، بينما تآكلت سلطات مجلس اللوردات من قبل مجلس العموم الذي كان له ميول للشعب في وبالتالي ، تختلف قراراتهم في اتخاذ أدوار مجلس اللوردات عن أدوار مجلس الشيوخ في العديد من المستويات بسبب التوزيع السابق للسلطة لكلا المجلسين

الكلمات المفتاحية: الولايات المتحدة ، المملكة المتحدة ، الكونغرس ، البرلمان ، مجلس الأعيان ، مجلس الشيوخ ، دور مجلس

لأعيان ، دور مجلس الشيوخ

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General Introduction

Since the dawn of history, all nations had sought the stabilization of power between rulers and different layers of society. Perhaps democracy was the solution to be applied. For years, England and the United States have shared many aspects of their politics, having descended from one another. It ultimately makes sense that these two nations would share such familiarities in their governing system.

Back in 11th century, Saxon kings with the support of their councils and the attendance of religious leaders sought to lay the foundation of what is now known as the parliament. By 14th century, two bodies were created, the House of Commons which was composed of shire and borough representatives, the other one is known as the House of Lords was made of Lords Spiritual and Temporal Lords (UK Parliament, 2022).

On the other hand, in 1787, what is known as the framers in America shaped within Article I the powers and roles of the congress. They declared that the congress should be made of two houses, the first one is the House of Representatives. The second chamber was proposed by James Madison and meant to contradict the other house and to be also independent and more democratic which ultimately became the Senate. Over the years, many scholars and journalists and even senators themselves have often sought the essence of the Senate existing in the system of the United States government, being the ultimate scale of balance and harmony within the federal framework. As the Senate is considered as an independent part of other legislative bodies, it plays a significant role and serves a great purpose in the United States government (U.S.Senate, n,d).

The paper at hand seeks to compare both houses from the United Kingdom and the United States, the Senate and the House of Lords, with aims for understanding their function structure from their genesis to the present day, then spotting the similarities and distinctions between the two. Given the historic nature of the tackled topic, it was decided to follow the

chronic development of the House of Lords and the Senate in an outline manner in order to emphasize the significance of the study and its impact on a worldwide scale.

This study adopted historic, descriptive, and analytical methods by means of different reliable historic documents, sources, and other materials. The content of these documents was then analyzed to serve the basic aims and objectives of the study at hand. The rationale for the selection of these research methods was centered around their suitability to this genre of research topics, that is historic and political issues.

The current study attempts to answer the following key questions:

- How are the Senate and the House of Lords structured?
- Who sits in each House? And what duties and roles do they practice?
- What are the reasons that led one to rise up and the other to fall down?

In order to achieve the aims of the study, this research work is divided into two chapters. Chapter one which is titled "The Senate: Origin, Development, and Roles" is dedicated exclusively to trace the origin of the Senate, how it was created, its development and its roles over history. The second chapter that is titled "The House of Lords: Origin, Development, and Roles" focuses on studying the chronological chain of events that formed the British Parliament as we currently know it. This chapter at the beginning introduces the known event of the Magna Carta, then it proceeds to uncover the birth of the House of Lords and its roots. It also works to discuss the qualification and qualities to be a member of the House of Lords, along with the membership. Furthermore, it highlights the reform of the House of Lords in 1911 and the reform acts of 2015. Finally, the chapter concludes with the important roles of the House of Lords.

CHAPTER ONE

The Senate: Origin, Development, and Roles

1.1 Introduction

The first chapter attempts to cover the significant role of the Senate in the U.S., Starting from the colonial period of America and all the way to the draft of the constitution. The first section, which deals with the reasons for the War of Independence and its impact on the colonists includes the British taxes that were imposed on the colonies at the time. It also encompasses the events which had led to the convening of the first and Second Continental Congresses. The second section attempts to shed light on the Declaration of Independence as well as the Articles of Confederation, and specifically on the ones that focus on representation, all of which comprising fundamental steps in the upbringing of the United States to its current image and forming the principals of its unique nationalist identity. Finally, the last section talks about the bicameral system of America and focuses on the Senate and its roles and powers in the US political system.

1.2 Historical Overview

Right from the beginning, colonization in America faced many rivalries from European countries such as Spain, France, and England, who had been willing to conquer as many lands as possible in the new world. At times, this competition devolved into open warfare, some of these wars were depicted in the Seven Year War or what is called the French and Indian war (CrashCourse, 2013).

By 1749, England and France were at peace, however, the French were hunting a man called George Groghan, he has put the French into some much trouble that one day a French commander put a bounty on his head, he was so skilled and manipulative, he built trading posts in lands seized by France, and fanned the flames of the natives on the French to revolt against them in Ohio, France began to push and drive the English from Ohio and western Pennsylvania, ' a military expedition under the command of Captain Pierre-Joseph Céleron de Blainville marched through the contested territories in 1749, planting metal plates proclaiming French ownership and warning the Indians not to trade with the British.' (Cave, 2004:5). Although the two countries were at peace, they both also told their colonial officials to take forceful measures to seize the west, France planned to take control of the Mississippi and Ohio valley trade, pushing the English to the Atlantic coast, eventually, France managed to take control of many forts owned by the British in western and northern territories (Cave, 2004).

In 1753, the King's Cabinet ordered the governors of the colonies to take back the lost territories by force if needed, at that point and after many conflicts, war was necessary, Great Britain sent a 21-year-old militia colonel called George Washington to send a message to the French Commandant to withdraw his troops from the fort they took, he refused, and proceeded to undertake others territories, Dinwiddie, a commander of a Virginian band, sent a party to build a fort in the forks of Ohio to protect the English, which was taken by the French eventually,

Dinwiddie sent reinforcement to the forks and later was killed, and Washington took command instead (Cave, 2004).

On 28 May 1754, Washington waged a surprising attack on French separated troop at Great Meadows, however, Washington has been trapped by the French at the Necessity Fort, Washington was released after he signed an approval to a French officer to take the fort, government of Virginia then called London for help to take back upper Ohio valley. The head of the British government, the Newcastle duke stated that these forts must be destroyed which was build upon the English lands, ' London sent a sixty-year-old British general, Edward Braddock of the Coldstream Guards, to Pennsylvania in command of two Irish regiments. to his force of 1.000 professional soldiers, Braddock added 2.500 colonial militia.' (Cave, 2004:8). When Braddock was preparing to attack the French, he was ambushed by Canadians militia and Indians, it was a one-sided battle, he was defeated badly, and he was killed after, although, he has shown courage on the battlefield, his defeat was considered as a humiliation to the British. Both French and British looked for allies in the local native Americans, at the beginning the French were winning a lot of battles, some say because they had more manpower and equipment than the British army, others believe that Native tribes backed them in winning, but after so many conflicts and battles, the French managed to push the British back to the 13 colonies (Cave, 2004).

For the next couple of years, things did not go well for the British, although after losing to the French, they did manage to take control of Nova Scotia, 11.000 French Canadian were forced out of the territory, a lot of them perished in what is known as "expulsion", others were found in Louisiana and later were known as Cajuns. In 1759, the tide began to turn for the British side after the seized Duquesne, Ticonderoga, and Louisbourg forts from the French, and when William Pitt a State Secretary of Britain lay hold of the war, a man devoted by dreams of expanding the British Empire, his sole goal was to defeat the French in North America, so he

poured a substantial amount of funds into military reinforcements on the field. In September, the British won the biggest victory of all by defeating the French in the battle of Quebec at the Plains of Abraham. After the battle, Montreal surrendered and the British were triumphant in many other regions such as the Caribbean, Europe, and their victory has reached even India, however, the war continued for three more years, but eventually, which came to an end in 1763 with the Paris Treaty (CrashCourse, 2013).

Some believe that the American intention of the war of Independence was way before 1776. Yet on 17th April 1775, a group of British soldiers exchanged fire with their own colonists in Massachusetts, in that day, the phrase "the shot heard round the world" was born, as 400 colonial militiamen engaged 100 British soldiers at Concord and Lexington, and so the American Revolution had started. The reasons for the war of independence were built upon many events and acts. There were two sections of causes that ultimately led to the war of independence, fundamental and immediate causes. The fundamental causes represented in the Englishmen who left England and settled in the colonies, these people developed an independent attitude towards their motherland, they had no goodwill towards England, they were a group of religious people who fed up with the disabilities that were forced on them in the 17th century, so they left England, some outsiders were encouraged by the government to live and fill up these colonies such as Dutch, Italians, Spaniards, and even Danes, these people did not have much love for England (Raj, 2020).

During that period of time, there were no means of transport and communication between the motherland and the colonies, everything was primitive, and the government system made sure in facilitating a feeling of hostility towards the colonies when they were governed by governors and colonels who were appointed by the king, colonies were under an external control that eventually led to awakening a colonial feeling towards them, another fundamental reason was about the economic exploitation that was based on the principle of "the colonies existed for

the mother country" such as the exploitation of their industries and trade, the colonies hated these restrictions and regulations imposed to them by the government on their imports and exports, although, they did not seem to follow these rules, because they were just words on papers, the colonies continued with their trade with other countries, The Molasses Act, passed in 1733, is an example of those restrictions, but eventually it was denied (Raj, 2020).

The Seven Years War, on the other hand, led to a different cause of the war of independence, which is the immediate cause. In the event of war against the French, England sought to defend her northern colonies, and as a consequence, England fell into a financial crisis as they spend a lot of money in the defense of these colonies. King George III and his ministers sought to resort building up his revenue by passing out a chain of acts on the colonies, for they needed to come up with a new system that will compensate for their loss (Raj, 2020).

Wars are very expensive, and Britain lost a very large amount of its budget during the Seven Years' War, the British thought to give some of the burdens to the colonies since they were the ones who defended them, so they had to raise taxes in order to collect funds and pay for the war. Lord Granville the British Lord and Prime Minister were assigned to pass Acts of Taxes on the 13 colonies to raise revenue in the British Government (Raj, 2020).

1.3 The Impact of British Taxes on the Colonies

Wars are very resource-consuming entanglements, as such, England fell into a financial crisis due to the increasing expenditure of money that was required by upkeep and maintaining the defensive powers of the colonies during the Seven Years War. Within this vortex of financial difficulties, the British thought to give up on some of those colonies as defending them became quite the burden. An initial step within their presumed line of correction was to raise the levied taxes in order to collect the necessary funds needed for war supplies and pay the soldiers. Lord Granville the British Lord and Prime Minister was assigned to pass acts of taxes on the 13 colonies to raise revenue for the British Government (Raj, 2020, p.5).

1.3.1 The Stamp Act

In 1764, The British government passed taxes on a large list of printed materials such as newspapers, pamphlet licenses, handbooks, legal documents, and even playing cards and dice. Embossed with the official revenue stamp under the excuse of "defending, protecting and securing" the American colonies. It was seen that British troops required further funding, hence the levy. Although the act was imposed by the British government, it did not meet the approval of the colonial legislatures and those who violated the act found themselves prosecuted in Vice-Admiralty courts that had no juries and could be held anywhere in the empire. As a result of that, hostility aroused, and a new political group called " the Sons of Liberty" was founded. It was the first Act that was brought to the streets and the sons of liberty raised a public protest and launched a march in Boston and other cities, From Massachusetts to South Carolina. Additionally, the group sometimes used violence and was poorly organized and would take part in various other politically proclive incidents before being disbanded (Raj, 2020, p.6).

In October 1765, delegates from nine colonies gathered for a meeting in New York. They discussed that the crown had no right to exercise any taxes on American land. Thus, the catchword "No Taxation without Representation" was born. The protests stood for that only the colonial legislatures had the right to make and pass such taxes on the American colonies (Raj, 2020, p.6).

1.3.2 The Townshend Acts

To raise the revenue, the British imposed taxes on tea, glass, paint, lead, and even paper from British imports that were sent to the colonies. This further heightened the tensions resulting in boycotting these goods, which was made possible yet again with the contribution of the Sons of Liberty. A series of events eventually led to the Boston Massacre where five people died in acts of protesting, and because of this latter the acts were repealed in 1770 except for the taxes on tea (Raj, 2020, p.7).

1.3.3 The Boston Tea Party

In response to the Tea Act, the Sons of Liberty jumped to British ships which were loaded with tea. They threw 340 chests of tea into the Boston harbor. The British government was outraged by such actions and for losing such amount of tea that cost a lot to them. Apart from being costly, the symbolic signification of tea was so strong that it can still be seen centuries later as a cultural element. Tea has always been a cultural symbol to England which was the country from which the crown ruled, thus the constituted egoistic insult. Afterwards, Parliament decided to make new measures for the colonists such as "The Coercive and Intolerable Acts" (Raj, 2020, p.8).

1.4 The First Continental Congress

The American colonists kept getting more unsatisfied with the British laws while the independent legislatures ruled the colonies. The colonial legislative bodies made a "Committee of Correspondence" to indicate leaders, to contact and work together, despite the fact that they believe they are independent of each other. But after the coercive acts that happened in 1774, which had some laws that made the American so outraged and very disturbed about their rights and own lives especially for the quartering act. The correspondence committee made a deal and agreed to meet as colonial representatives (Course Hero, 2019).

On 5 September 1774, in Carpenter's Hall, 56 delegates from all the colonies gathered in a meeting in Philadelphia with the exception of Georgia; thus, the First Continental Congress was held. Peyton Randolph was appointed the president of the congress, and some names like Samuel Adams, John Jay, George Washington, Richard Henry Lee, Patrick Henry, and John Adams were part of the congress. As they discussed the matter of their current and future situation, two documents were eventually created namely, the declaration and resolves as the first document and also as a response to the coercive acts. It included the rejection of the British

parliament laws on the grounds of violating liberties and rights of the colonial citizens (Course Hero, 2019).

" That they are entitled to life, liberty and property: and they have never ceded to any foreign power whatever, a right to dispose of either without their consent."(Course Hero, 2019). Meaning that everyone is free of what he possesses, and has the right to live freely (Course Hero, 2019).

"That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy."(Course Hero, 2019). Which meant that when the colonials first migrated, that does not mean they were stripped from their rights and enjoyment of life (Course Hero, 2019). The Articles of Association were the second document, which had been about boycotting all the British imports until the Parliament removed the Coercive Acts (Course Hero, 2019).

1.5 The Second Continental Congress

It was set on 10 May 1775 during the First Continental Congress as a reconvene to the responses of Britain on its demands. News of the Battle of Lexington and Concord had spread across all over the colonies, which urged the colonies delegates to take action and defend themselves against Great Britain (Course Hero, 2019).

Everything changed then because the war was at its doors. The delegates gathered to discuss the conjunction of a continental army under the leadership of George Washington, since he had quite the reputation of a leader when he used to be a one during the Indian and French war as the militia commander in Virginia. The Congress meant to separate the American colonies from Britain, but the congress was divided into three groups (Course Hero, 2019).

The conservatives, who were under John Dickinson's command, were hoping that the relationship of the colonies would remain as it had been before 1764. The radicals, who were associated and supported by Samuel Adams and John Adams wanted to separate completely from Great Britain which does mean independence. The moderates, most of the congress were in favor of this group, which they hoped to be loyal to King George III, yet they did not want to remain under the Parliament's authority (Course Hero, 2019).

Congress agreed to send these demands in the form of the Olive Branch Petition. These letters did not receive any goodwill from the king, he received the petition on the same day that the Battle of Bunker Hill took place on June,17, which had already angered him, he even refused to read the petition because of that. Afterwards, he declared that these colonies are in a state of rebellion and that they must be punished (Course Hero, 2019).

1.6 The Declaration of Independence

The reasons for the American Revolution had a different opinion among historians. Some said that the commercial and economic rivalries between the colonies and Britain were the beginning of the revolution. Others believed that the imposition of different taxes on them made the colonists very dissatisfied, which led to the outbreak of the revolution. A third kind who said that the Americans have managed to develop a self-awareness that they start to see themselves capable of governing and managing their country. Who knows! perhaps all these factors played a role in the cause (McKeever & Davies, 2006, p.12).

The taxes imposed on the colonies were but for the sake of one thing, and that is to regain what Britain had lost in the war against France. The interests of the British and the colonies went against each other, and each of them wanted to fulfill its desires and demands. The Americans felt that there should be self-rule over their country, not an external one (McKeever & Davies, 2006, p.12).

While the independence activists debated among themselves about Whigs and Tories in Britain during the English civil war, that The Whigs believed according to the philosopher John Locke, that "they opposed the notion of the divine right of kings to rule as they see fit and believed that each man has natural rights, granted to him by God, that no king or parliament could take away" (McKeever & Davies, 2006), They also agreed with Locke's conviction that governments are largely dependent on the approval of the people, means if a government breaks the social contract between ruler and governed, the people have the right to reform it. And only when the Americans learned that they were not able to convince King George, as what happened with the Whigs, then they knew it is time for independence. As Michael Heale stated that "*The only course left was rebellion, a rebellion which was begun . . . not so much against the British constitution as on behalf of it*" (Heale, 1977, cited in McKeever & Davies, 2006).

But of course, the reason of independence was not the overthrow of the economic or commercial system prevailing in the colonies, nor to overthrow the monarchy system, that will

cost the system of their country a radical change, which will create radical thinking, but it was for sake of freedom (McKeever& Davies, 2006, p.12).

Democracy was not one of the causes of the War of Independence, but it was part of creating a democratic element in the new constitution. The decision to replace a monarchy with a republic was the most apparent progressive development at the national level. Americans are driven by republicanism such as the inability to replace the British royal family with an American one. Therefore, after the independence American relied on introducing democratic elements into its constitutions. Thomas Paine said in his famous work " Common Sense " that while the monarchy is gone, the rule of law will replace it (McKeever& Davies, 2006, p.14).

Some supported the independence movement and stayed aristocratic, while some others remained monarchist. There were also radical voices like Thomas Paine, and Sam Adams who wanted the popular to govern the country. But no matter how many factions there were. There was one common core in American politics. Most importantly, a government committed to republicanism and standing along with the people public's opinion. And while the reasons for the war of independence were not the goal of creating democracy, nor the constitution did bring it, but eventually, both had links to democracy in their core (McKeever& Davies, 2006, p.15).

1.7 The Articles of the Confederations

The Articles of the Confederations were the basis of the American Constitution. It was approved by Congress on November 15, 1777, during the revolution. The Americans wanted to overthrow a government that was ruling them from afar, they wanted to establish a government that would exercise its authority in its lands. The Articles of the Confederations however were somewhat weak, for the fact that they had neither an executive body nor a legislative body, as there was only a Congress (McKeever& Davies, 2006, p.15).

Some of what stated in the Articles of Confederation in the following, Article 5 " *For the most convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.*" (The Articles of Confederation, 1777).

"*No State shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees or emolument of any kind.*" (The Articles of Confederation, 1777).

"*Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.*" (The Articles of Confederation, 1777).

"*In determining questions in the United States in Congress assembled, each State shall have one vote. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests or imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.*" (The Articles of Confederation, 1777).

This Article means that in order to establish an administration that works to satisfy the desires of all the people. The delegates must be appointed every year by the legislative body, by arranging a meeting for the delegates on the first Monday of November of each year, as well as being able to summon state representatives or their replacements at any time of the year. Each state has the right to one vote, it also has the right to send from two to seven people to practice in Congress. Moreover, no one can hold his place as a delegate for more than three years, and no

court or any other ground has the right to question or prevent freedom of debate in Congress, except in the event of a legal crime.

Article 10: " *The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of the nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled be requisite.*"(The Articles of Confederation, 1777). Meaning that they established a group called the Committee of States, which in turn acts in place of the Congress of Confederation in certain situations.

1.8 The Congress in the US Constitution

The constitution formed three administrative bodies, a Legislative, an executive, and a Judicial body. Each one has a fundamental role in running the country's affairs, it provided for these bodies to be separated in order to make them exercise their authority in an appropriate environment (Sheppard., 1855, p.55).

1.8.1 Bicameralism

A bicameral system simply means to have two chambers in the legislative body, the House of Representatives and the Senate in the United States serve as a great example of that. The origin of the word is Latin, "bi" meaning two, whereas Cameral means chamber. The British Parliament is a unique model for the bicameral system, as this system was established in the year 1341 when the House of Commons met to decide to create two chambers, to eliminate distinctions between the nobles, the clergy, and the commoners, and to establish an upper and lower chamber within a balanced and unified body (Investopedia, n.d.).

The U.S legislative system is considered an adaptation of the Britain bicameral system. The purpose of a bicameral system is to serve as a component of a broader system of checks and balances that balances the authority of different sectors of a government or society. And by distributing power between the legislative branches, bicameralism serves to ensure that one legislative branch is not allowed to wield excessive power over the other (Investopedia, n.d).

1.8.2 The Division of the Congress into Two Houses

The legislative branch of the United States constitution holds two houses, the upper house represents the Senate, and the lower house known as the House of Representatives, together they basically form the congress (Sheppard., 1855, p.55).

"SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." (Sheppard, 1855). The First Constitutions of Georgia and Pennsylvania, as well as the Constitution of Vermont before the 1828 amendments, all have examples of a single legislative body; however, in the constitutional convention, every state supported splitting Congress into two separate bodies: a Senate and a House of Representatives except for Pennsylvania (Sheppard, 1855, p.56).

The main benefits of dividing legislative authority into two branches, that

"it is more apt to check hasty legislation and temporary excitement by delaying the final passage of a proposed law until there shall have been ample time for reflection and inquiry. It makes it less likely that laws will be passed from private and personal influence, for in a single assembly of men it generally happens that there are a few leaders who exercise great control over the others. It increases the probability that good laws will be passed, because they may be altered, and must be revised and concurred in, by a separate and independent body." (Sheppard, 1855, p.56).

1.8.3 Qualifications and Election of the Senate

SECTION 3. [Clause 1.] *"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote."* (Sheppard, 1855). The Senate is elected by the legislatures of the concerned states, while the House of Representatives is elected by the people. In each state there are two senators, no matter the differences the states have, all states have an equal voice in the Senate. While in the House of Representatives, they are elected according to their population (Sheppard, 1855, p.70).

The constitution does not specify how the senators are elected. But in most of the states, the Senate is elected through a joint vote, that is, both parties of the legislature practice in the election as if they are one body. But in some other states, the election is done separately, but both sides have to agree to vote for the same candidate. In the past, voting was conducted through the states under the Articles of the Confederation, and each state has the right to only one vote, regardless of the number of its representatives, therefore, to show a new way of voting, if the entire states, or most of them, declined to elect a Senate, the Senate's legislative powers would be revoked (Sheppard, 1855, p.70).

[Clause 2.] *"Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally_ as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth year, and of the third class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next meeting of the Legislature, which shall then fill such Vacancies."*(Sheppard, 1855). That is, senators are replaced on a regular basis, there are always new members, so a third of the members retire every two years to be replaced by other members (Sheppard, 1855, p.71).

" *In the original division of the members into classes, the senators from each State were placed in separate classes, in order that their terms of service might expire at different periods, and that there might not be a vacancy at the same time in the seats of both senators from the same State.*" (Sheppard, 1855). In order to keep equality in the classes, every Senate from a new state would be put into classed by lot. In the event of the death or retirement of the Senate of a state, the governor of the state has the right to vacate their place, through his appointments, and this is only when there is no session of the state legislature, it is however an exceptional and temporary condition. But when the legislature is in session, then one must be elected from that body (Sheppard, 1855, p.71).

[Clause 3.] "*No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.*" (Sheppard, 1855), concerning the qualification of a Senator, it is composed of three major requirements. The required age of the member is at least 30 years old because the senator's maturity and experience of life are essential to qualify him for this role, the senator must be from the United States, and if he is a foreigner, he must be resident in the United States for nine years as a minimum (Sheppard,1855, p.73).

The senator must belong to the relevant state to which he will be elected so that he is aware of the various wants and desires that the residents of that state hope to fulfill. A member is not required to have property qualifications, nor any specific work or special religion, and if he moved from a state for which he was chosen to another state, he would have the right to keep his seat, and he is also entitled to re-election whenever he wants (Sheppard., 1855, p.73).

1.9 Roles of the Senate of the United States

MPany distinctive features make the Senate very strong, and they are depicted as powers.

1.9.1 The Unlimited Debate

It is seen as one of the most distinctive procedural aspects of the Senate, the strategy of making extensive speeches is to delay action when any legislation is introduced in its first session, it is also known as "talking a bill to death". By the 19th century, the Senate witnessed many of these filibusters in sessions by the majority, however, the Senate has no official procedure to bring legislation or nominees to a vote by putting an end to the debate (U.S. Senate, n.d).

The word originally derived from " freebooter" which is a Dutch word and also the Spanish " filibusteros", as a description of the Caribbean pirates, but the word first appeared in the 1850s in the American legislative debates. The recent filibusters have resulted in the creation of so-called "cloture", which is a procedure for concluding a discussion and putting a question to a vote. Some objected to filibuster, others praised the freedom to limitless debate as a way that helps to balance the power of political majorities (U.S. Senate, n.d).

In the 1930s, Senator Huey P. Long used the filibuster to prevent bills that he believed would benefit the rich over the poor, also Strom Thurmond managed to filibuster for 24 hours against the Civil Rights Act of 1957, this was known as the longest individual speech of all time. Nowadays, the filibuster is considered to be part of Senate practices, nevertheless, during the 2010s, the Senate established new precedents that allowed a mere majority to conclude debate on nominations (U.S. Senate, n.d).

1.9.2 Nominations

The framers of the constitution handed both the Senate and the president the power to appoint the judiciary and civil officers, but the way this power is exercised has changed for the Senate over the years. At first, Senatorial courtesy was established for the Senate to participate in a consultation in the process of nominations for all federal posts, which granted the Senate more power to the point that they became of the political parties (U.S. Senate, n.d).

The nineteenth century witnessed a struggle between presidents and senators over control of the nomination process, the reformers decided to reduce the number of positions contested under the auspices of the Senate advice, but eventually, the Congress managed to reduce the numbers of positions that need to be consented. The senate may give presidents the freedom to choose whom to nominate, but sometimes, the Senate and Presidents experience a struggle over whether to accept or reject whoever is nominated to a specific position. Such as " when opponents of President Andrew Jackson gained a Senate majority in 1833, the Senate rejected Jackson's choice for secretary of the treasury, Roger B. Taney. When Vice President John Tyler became president in 1841 upon the death of William Henry Harrison, he clashed with Senate Whigs, who rejected Tyler's nominees to head the Treasury, Navy, and War Departments." (U.S. Senate, n.d).

While the constitution granted the Senate the power to confirm appointments, nevertheless, it did not specify who has the authority to remove civil officers, usually, their appointments expire upon the departure of the president who submitted them. After the Civil War, Republicans in the Senate wanted to limit the power and the control of President Andrew Johnson over the executive side by prohibiting him from removing cabinet officers without the consent of the Senate (U.S. Senate., n.d).

1.9.3 Treaties

3-Article II, section 2, clause2: "*He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur...*". For the sake of advice and counsel that the president needs in making treaties, the framers gave the Senate the authority to exercise such power through ratification or objection, to work as a check on the presidential control over it, and also to protect state sovereignty by ensuring that each state has a fair say in the treaty-making process, this process is done by a vote of two-thirds

of senators, meaning that to receive acceptance, treaties must transcend political and partisan divisions (U.S. Senate, n.d).

When the delegates met at the Constitutional Convention, they discussed among themselves, about who should wield the power of treaties and where it should be practiced whether on the legislative level or executive. According to the Articles of Confederation, treaties may be entered into with the approval of nine of the 13 states, delegates like Charles Pinckney of South Carolina, said that "the Senate, in which each state had equal representation, should have the sole power to make treaties. Alexander Hamilton argued that the executive branch should exercise powers related to foreign relations and should therefore have the power to make treaties "with the advice and approbation of the Senate." In the end, Hamilton's argument proved to be the most persuasive" (U.S. Senate, n.d).

On 4 May 1789, The day on which Senate convened for the first time, there was ambiguity on how the advice and consent of the Senate should be exercised, at the beginning, Washington and the Senate decided to meet in person and discuss the issue of treaties, however, on August 22 of the same year, Washington and Henry Knox (War Secretary) Meet with the Senate in one room to discuss the Native American Tribes Treaty, on that day, the senate decided that is for the better to discuss the treaty within the committee rather than in the presence of the president, Washington was upset at the time and decided to communicate with the Senate about treaties by letters. After few years, some presidents sought to prioritize the Senate in approving treaties through appointing senators to negotiating delegations (U.S. Senate, n.d).

Nowadays, ratification occurs when the United States officially exchanges its ratification documents with the foreign country, however, there are some exceptional cases when the president may enter into a treaty without consulting the Senate, which is called "executive agreements" under international law (U.S. Senate, n.d).

1.9.4 Impeachment

[Clause 6.] *"The Senate shall have the sole power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present."* (Sheppard, 1855), the other part of the fifth clause states that only the members of the House of Representative have the power of impeachment, But the power of the trial rests in the Senate, and that comes after all the proposed impeachment were submitted by the representatives, this is to prevent anybody from the legislature from being both accusers and judges (Sheppard, 1855, p.75).

"An impeachment is a written accusation charging a civil officer of the United States with treason, bribery, or other high crime or misdemeanor." (Sheppard, 1855). The Senate gives their judgment under oath or affirmation, that is, *" An affirmation is a solemn declaration made by those who have scruples of conscience against taking an oath."* (Sheppard, 1855). It is obligatory for two-thirds of the majority to cast vote against the convict whether guilty or innocent (Sheppard, 1855, p.76).

When is the president is impeached, anything he holds from powers or duties pass to the Vice-President. But he cannot be the president of the Senate during the session of impeachment, because he could have intentions of taking his place and succeeding him by being in favor of his conviction, so in such cases, the chief justice of the Supreme Court will be put to preside (Sheppard, 1855, p.76).

In the Senate, the convict is stripped of his position, and he is not entitled to exercise in any office under the United States, nevertheless, the accused remains under trial, and he is tried in a court of law if he is found guilty. If he was impeached of treason in the court, he would be sentenced to death according to the punishment of the law's penalty, but if he is proven innocent, the Senate impeachment would remain in effect (Sheppard, 1855, p.76).

1.10 Conclusion

The United States of America has gone through various stages and developments, historically and politically. Once it was only 13 colonies governed by Britain, but after so many struggles and sacrifices, the United States was finally an independent country, with an independent government, and much bigger and stronger than it was. The United States Managed to create a constitution that is strong and balanced at the same time, deriving its seeds from the Articles of Confederation that meant to be the pillar on which the government stands. However, at that time many of whom were unsatisfied with it, demanded a change to become for what is today. The United States adopted a bicameral system, which allowed its legislation to be more effective and fairly balanced. The Senate known as the upper chamber plays a very important role in the government and serves as a check on the lower house, as well as the president himself. Without the Senate, the country may run into so many struggles and troubles and may lose control of its government direction and its organization overall.

CHAPTER TWO

House of Lords: Origin, Development, and Roles

2.1 Introduction

The second chapter aims to study the chronological chain of events that formed the British Parliament as we currently know it. This chapter introduces the known event of the Magna Carta, then it proceeds to uncover the birth of the House Lords and its roots. It also works to discuss the qualification and qualities to be a member of the House of Lords, along with the membership. Furthermore, it highlights the reform of the House of Lords in 1911 and the reform acts of 2015. Finally, the chapter concludes with the important roles of the House of Lords.

2.2 The Magna Carta Event

The arrival of king John to ancient England brought forth a new era of political prosperity, through the rise of the Magna Carta which is the first and most reliable source of democracy in the history of the United Kingdom. This however was preceded by series of military and economic failures following the skirmishes and battles made to return lands stolen by the French crown under the rule of king Philip II in 1204. Although King John enjoyed a certain amount of popularity among the barons, and indeed a number of whom owed the crown money, the accumulation of what would be described as ill-opinionated judgements made by his predecessors already fueled the barons for a rebellion. That was in fact what happened when he came back from French lands in utter defeat. The distortions of the barons among themselves were mended by their agreement and oath on now walking on the steps of the old days. As such, a number of negotiations would occur with pope innocent III as a facilitator and a product of the barons' wishes was made in a document that was known at the time with the name "the Unknown Charter of Liberties".

Seeking further support from the Pope and even taking in the title of a crusader were strategic moves that king John adhered to in order to strengthen his positions. It was after knowing that the archbishop of Canterbury was secretly working with the barons that he was driven into a corner that would force his hand to initiate the peace talk. This was after the barons successfully seized London, Lincoln and Exeter.

“On June 15, 1215, the document known as the Articles of the Barons was at last agreed upon, and to it the king’s great seal was set. It became the text from which the draft of the charter was hammered out in the discussions at Runnymede (beside the River Thames, between Windsor and Staines, now in the county of Surrey), and the final version of the Magna Carta was accepted by the king and the barons on June 19. The charter was a compromise, but it also contained important clauses designed to bring about reforms in judicial and local administration. “(Stenton, 2021).

The Magna Carta states the utmost values and principles of transparency and respect to the people at all costs. It made sure that whoever reigns the Kingdom, the people will always have the decisive words when it comes to constitution and law passing. From the text stated above, the immense impact of the Magna Carta on the course of history in the United Kingdom, that is to say, it represents the first kind of judiciary settlement there.

Magna Carta of King John, AD 1215

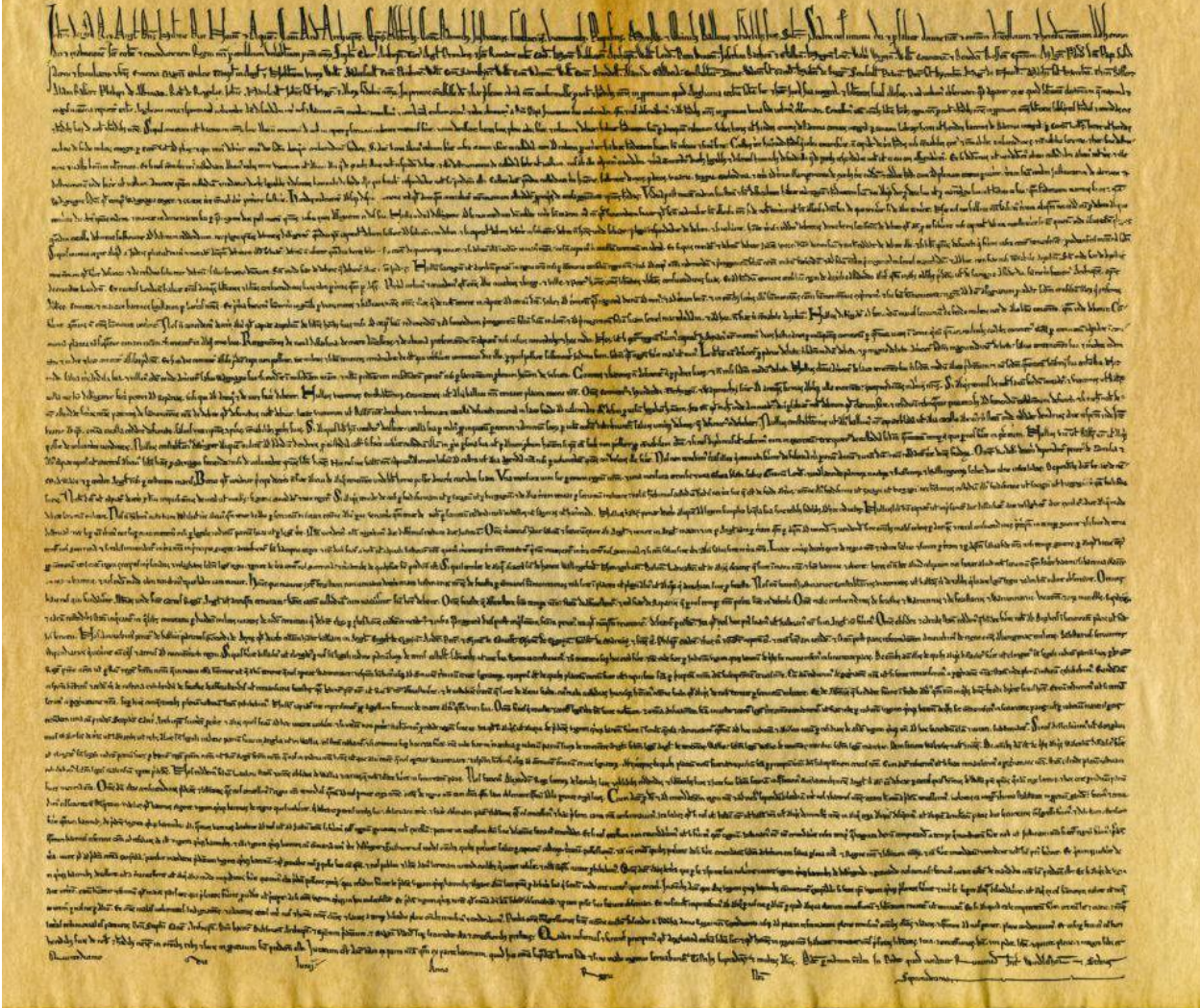


Figure 1 (Magna Carta) <https://www.thoughtco.com/why-magna-carta-key-document-usa-104638>

2.3 The birth of the House of Commons

Given the structure of the Magna Carta which imposes representatives from all layers of the society in order to guarantee the highest standards of genuine worthiness to serve the greater good of the people.

2.4 A Briefing History of the House of Lords

Decades ago, in 11th century, Saxons' kings consulted by councils and important religious figures to debate the creation of a balanced bodies within their reign. Later in 14th century, two houses were established, The House of Commons, and House of Lords which was composed of Lords Spiritual and Temporal Lords (UK Parliament, 2022).

By 15th century, the house of lords faced many changes, including the Lord Temporal that changed to become totally male and hereditary, they were also no longer called by monarch but by writ, and they eventually were known as peers. While the lords Spiritual were group of religious leaders that composed of bishops, abbots, and priors. Later in 1539, there was a restrain of monasteries and in the light of that event only bishops attended and lords Temporal appeared as the majority for the first time (UK Parliament,2022).

During the 17th century, a civil war happened in 1642 that caused Bishops to be removed from the house until they eventually came back through the Clergy Act. After seven years from the civil war the house almost vanished but also carried on in an independent settings, then the Commons had the superiority in financial matters after efforts and attempts of the Lords to breach the convention. The Commons afterwards launched an act which stated that the parliament should have an authority over the king, it was known as the Bill of Rights (UK Parliament, 2022).

In 1847, an Act was established that was called the "Bishops of Manchester" which reduced the number of bishops that is to be in the house, and also for any bishops that retires, they would eventually have no power to vote or sit in the house (UK Parliament, 2022).

During 1909 the lords refused the Liberal Government's budget, during that rejection the liberal created a bill that sought to remove the power of the lords in rejecting legislation which was already accepted by the commons. These Acts and Bills have been seen as a force that tore down the house of Lords a bit by bit (UK Parliament, 2022).

2.5 Reform of the House of Lords 1911

Ever since it was founded, the House of Lords underwent many changes that adapt to the shifts of the global political tides. This gave rise to the 1911 Marquess Lansdowne reform trustworthy of the title of the House of Lords:

“On 8 May 1911 the Marquess of Lansdowne rose to present his bill to amend the constitution of the House of Lords. Introducing the bill, the marquess gave his reasons for doing so. The situation which confronted him and his col leagues was a ‘most extraordinary situation – a situation created by the conduct of His Majesty’s Government in dealing with this great constitutional question’. His majesty’s government had ‘from the first, admitted that a measure of House of Lords reform was necessary and desirable.’” (Raina, 2011, p. 1).

2.6 The Qualities of the Members of the House of Lords

It is well known that the House of Lords is an elite group of British citizens that own an extensive life experience from numerous domains. These individuals are also known as Life Peers who seek to put their knowledge into legislation to help shape the Kingdom laws and make sure it is well managed. Given the large number of British population that deserve to be a Lord, only 767 seats are to be chosen. British church requires nominees who seek to become Lords to acquire a set of qualifications that govern the criteria through which they assign

members of the Lords in the “Second Chamber”. Membership removal also imposes the Lords to provide some conditions before another member is elected.

“The question of how individuals obtain a seat in the House of Lords is the most hotly debated point in all discussions on Lords reform. The method of composition decided on for a reformed House must be able to deliver on the key principles outlined in the previous chapter. Broadly speaking, there are three main options, an all-appointed House, an all-elected House, or a hybrid of the two. A House made up of an all-appointed membership has the advantage of being the simplest way to ensure that the majority of the principles of composition set out above are met. Appointment would mean that the composition of the Lords did not replicate the Commons at all. It would provide the maximum opportunity for those with sufficient experience of the outside world to gain a seat, and it would help ensure that the House properly reflects the diverse population of the United Kingdom. However, an all-appointed House fails to meet a crucial principle in a reformed chamber – that of legitimacy. It does little to meet the expectation of many that in a modern Parliament (Privy Seal, 2007, p. 30).

The second chamber should have a degree of democratic legitimacy. Indeed, previous proposals for a fully or majority appointed House of Lords have been strongly criticized on these grounds, claiming that such composition would diminish the credibility and authority of the House in Britain’s Parliamentary system. An indirect election system has been suggested by some, on the grounds that this would give legitimacy to the Lords while retaining some of the valuable aspects of an appointed system. Indirect election could also – it is argued – avoid any claims that the Lords had a different, and possibly more legitimate, mandate than the Commons, and should therefore have increased powers. There is a range of options to deliver the idea within the overall heading of an indirect system, from electoral colleges made up of

the main locally elected politicians and/or devolved assemblies, to direct representation of vocational and interest groups in the second chamber, and the so-called secondary mandate (Privy Seal,2007, p. 3).

Direct election of individuals plainly would confer more legitimacy than an indirect system. Many other second chambers around the world use direct election as the method for selecting the whole or part of their membership, and it allows every voter in the country to have a say in who sits in the House of Lords. If direct election is agreed as a principle, the next question is about the method of election to be deployed, and what constituencies should be used. Direct elections to the Lords could either be (a) first past the post, or (b) by one of the more proportional methods of election. There are two basic forms of the latter – list systems, or transferable or alternative vote systems. There are different ways of replacing members of the Lords following resignation or death, but all are faced with the same difficulty. The term of office will be fixed, and entry and exit will only normally take place at an election or at an appointment round. Therefore, any entry or exit that takes place away from an election or appointment round causes difficulties in deciding how long an individual’s term should be (Privy Seal,2007, p. 33).

All options for replacement have their drawbacks. Some proposals lead to variable sizes of cohorts of Lords entering the House at each election or appointment round. Some, such as not replacing members who leave the House, would require a very large House in order to cope with the effect of membership declining over time.” Privy Seal,2007, p. 38).

2.7 The Roots of the House of Lords

“We must go to the dawn of English political history to look for the roots of the House of Lords. The early English kings, presumably from the beginning of the seventh century on, ruled with the assistance of witan, the ‘wise men’. This group of ‘wise men’ assembled together in what was called the witenagemot. The members of this assembly were the king’s favorites, and therefore could hardly be called representative. We learn, again from history, that about 695 the witan took a leading part in drafting the Doms of King Withred of Kent (about 695). And about two hundred years later King Alfred (871–900) approved some of the laws observed by his predecessors, but ‘annulled’ those he did not approve of on ‘the advice of my witan’, ordering these laws ‘to be observed in a different fashion’. But then, Alfred alleges, that ‘I, Alfred, King of the West Saxons, have shown these to all my witan, and they have declared that it met with the approval of all that they should be observed. Not all English kings resorted to the advice of the witan. King Edgar (959–75) disregarded them, as did Ethelred I I (978–1016).

We note witenagemot mentioned seven times during the reign of Edward the Confessor (1042–66), but reference is equally made to about ten meetings of the Concilium, a group that should be understood as the king’s councilors.” (Raina, 2011)

2.8 House of Lords Reform Acts

On March 26th of the year 2015, the members of the parliament including Lords Spiritual, Lords Temporal along with the Commons under the supervision of her majesty Queen ELIZABETH II, a list of 8 vacancies was passed under chapter c18 of year 2015. These vacancies concern women who are to be nominated Lords Spiritual in the House of Lords.

“1 Vacancies among the Lords Spiritual

(1) This section applies where

(a) a vacancy arises among the Lords Spiritual in the House of Lords in the

10 years beginning with the day on which this Act comes into force, (b) at the time

the vacancy arises there is at least one eligible bishop who is a woman, and (c) the

person who would otherwise be entitled to fill the vacancy under section 5 of the

Bishoprics Act 1878 is a man.

(2) If at the time the vacancy arises there is only one eligible bishop who is a woman, the vacancy is to be filled by the issue of writs of summons to her.

(3) If at the time the vacancy arises there are two or more eligible bishops who are women, the vacancy is to be filled by the issue of writs of summons to the one whose election as a bishop of a diocese in England was confirmed first.

(4) In this section “eligible bishop” means a bishop of a diocese in England who is not yet entitled in that capacity to the issue of writs of summons.

(5) The reference in subsection (1) to a vacancy does not include a vacancy arising by the avoidance of the see of Canterbury, York, London, Durham or Winchester.” (Spiritual, 2015, p. 18).

The same file included the date in which the act will be put to practice, which countries of the United Kingdom shall it be extended and the official confirmation of the act as the 2015 women Lords Spiritual.

“2 Commencement, extent and short title

(1) This Act comes into force on the day Parliament first meets following the first parliamentary general election after this Act is passed.

(2) This Act extends to England and Wales, Scotland and Northern Ireland.

(3) This Act may be cited as the Lords Spiritual (Women) Act 2015.” (Spiritual, 2015).

2.9 Membership

In order to fit a seat, nominees need to go through a short process of selection in order to judge their worthiness of a seat in the British parliament.

“The membership of the House of Lords includes 26 Church of England Archbishops and Bishops who sit on an ex officio basis as ‘Lords Spiritual’. Their right to sit and vote in the House having been established by ancient usage and by statute. They currently comprise around three percent of the total membership”.

As Members of the House of Lords, the Lords Spiritual have the same rights as life and hereditary Peers, the ‘Lords Temporal’. A Bishop reads prayers at the start of each sitting day and Bishops regularly participate in the business of the House. A Convenor of the Lords Spiritual is appointed by the Archbishop of Canterbury and coordinates the work of the Bishops in the Lords. Between the 2005–06 and 2016–17 sessions, the bishop’s attendance averaged 18 percent, compared to the whole house average of 58.5 percent. A number of commentators have

observed that the bishops' relatively low attendance is the result of having a wide range of duties in their dioceses. Arguments made about reserved seats for the bishops typically focus on their historical role in the UK constitution, their contribution to the work of the House of Lords, their role as representatives, the potential impact of their removal on the established church and the role of Bishops in passing church legislation. Since 1847, the number of Bishops in the House of Lords has been fixed at 26.

No cap on numbers exists for another category of Member. Five of the 26 (the Archbishops of Canterbury and York and the Bishops of London, Durham and Winchester) are automatically granted a seat. Previously, when a vacancy arose in one of the remaining 21 spaces not reserved, the next most senior Bishop replaced them. Until 2025, under the Lords Spiritual (Women) Act 2015, any such vacancy is now filled by a female English diocesan Bishop, ahead of any male. Bishops are required to retire at the age of 70.” (White, 2017).

2.9.1 Lords Spiritual/ Lords Temporal

As any member of the Lord's chamber, both Lords Spiritual and Lord Temporal need to go through a criteria in order to be chosen. This includes an Appointment Panel which is an independent jury that chooses Life Peers as well as Lords Spirituals for their tasks inside the British Parliament palace.

“...the choosing of a new Bishop begins with discussions in the diocese about the needs of the area and what kind of candidate is appropriate. A Vacancy in See Committee meets in this regard and has two functions:

-To prepare a brief description of the diocese and a statement setting out the desired profile of the new Bishop.

- To elect the diocesan representatives to the Crown Nominations Commission. Following this, the two Appointments Secretaries, comprising the Diocesan Secretary and the Archbishops’

Secretary for Appointments will “jointly undertake consultations, within the diocese in order to inform their memorandum outlining their views on the requirements of the diocese and on the desired profile of the new bishop”. The Appointments Secretaries will then prepare a memorandum based on their consultations while the Strategy and Planning Unit at Church House, Westminster, produces statistics on the Diocese’s mission and ministry. In addition to this, the archbishops “prepare a statement which will set out the needs of the Church of England as a whole with particular regard to the range of skills, perspectives and experience of existing members of the House of Bishops. The public are then invited to submit comments and suggest possible individuals to the Appointments Secretaries. These names, along with the Description of the Diocese and Statement of Needs; the Secretaries’ Memorandum; a note by the outgoing Bishop (if submitted); and a statement by the archbishops on the needs of the Church of England as a whole, are submitted to the Crown Nominations Commission. 33 The membership of the Crown Nominations Commission comprises:

- Two Archbishops (as Chair and Vice-Chair).
- Six members of the General Synod (three clergy, three lay).
- Six members elected by the diocesan Vacancy in See Committee (at least three of them lay).
- Two Appointments Secretaries (as non-voting members).

-The Archbishop of the Province presides, although he or she may delegate presidency of all or part of a meeting to the other Archbishop. (When a vacancy in the See of Canterbury or the See of York is considered, the membership is slightly different and a lay person presides).³⁴ The meetings of the Commission and the documents circulated are kept confidential. The Church has set out the reason for this confidentiality: This is to protect all candidates considered from undue pressure and also to protect the new bishop and his or her family from rumour, as well as individual members of the commission. Unlike the Lords Temporal, the Lords Spiritual sit by virtue of the office they hold. Though they are not Peers themselves, like the Lords Temporal.

“They do not represent a parliamentary constituency, although their work is often closely informed by their diocesan role. They sit as individual Lords Spiritual, and as such they have much in common with the independent Crossbenchers and those who are not party-affiliated” (White, 2017, p. 2).

2.10 Role of the House of Lords

Given the large number of members in the House of Lords, it has many influential Lords that can change the course of gatherings, especially that lords Temporal and Lords Spiritual have the right to attend all matters if they deem important. They enjoy a certain level of flexibility and omniscient abilities, which is why their presence could be very significant at times. “As Members of the House of Lords, the Lords Spiritual have the same rights as the Lords Temporal. The Church of England’s website explains:

There is always a Lord Spiritual in the House of Lords when it is sitting, to read prayers at the start of the day and to participate in the business of the House. Attendance in the House to read prayers is determined by the Lords Spiritual on a

weekly rota basis, but Bishops also choose to attend the House on an ad-hoc basis when matters of interest and concern to them are before it.

Unlike the Lords Temporal, the Lords Spiritual sit by virtue of the office they hold. Though they are not Peers themselves, like the Lords Temporal “they do not represent a parliamentary constituency, although their work is often closely informed by their diocesan role. They sit as individual Lords Spiritual, and as such they have much in common with the independent Crossbenchers and those who are not party-affiliated”. Like the Crossbenchers, the Bishops have a recognized spokesman in the House. The Convenor of the Lords Spiritual coordinates the work of the Bishops in the House of Lords. The Church of England website explains:

The Convenor ensures that the work of the Lords Spiritual is coordinated and supported and that the interests of the Bishops Bench are represented fully in and outside Parliament. The Convenor is the primary point of contact and liaison on behalf of the Bishops Bench for the party leaderships in the Lords, Convenor of the Cross Bench Peers, officials and business managers.

The Archbishop of Canterbury appoints the Convenor of the Lords Spiritual and the position changes when the incumbent retires. The current Convenor is the Bishop of Birmingham, David Urquhart.” (Privy Seal,2007, pp. 38-43)

2.11 Conclusion

Reform of the House of Lords is an issue which has been on the political agenda for many years. The Government believes that, with the three main parties now committed to reform, there is currently an unusual opportunity to find a lasting solution to this question.

“The Government believes that the center of gravity on opinions for a reformed House lies around the hybrid option, with elections run on a partially-open list system in European constituencies at the same time as European elections. A hybrid House can deliver a second chamber which is a complement to the House of Commons, and delivers the important principles of representation which are essential for an effective House of Lords. The benefits that would accrue from combining the two methods of entry to the Lords far outweigh the losses that, as with any compromise, come with a hybrid House. Such a House can deliver a chamber which properly represents the regions of the United Kingdom, and its gender, religious and ethnic balance. This system would ensure that the balance of support for the parties in the country is properly reflected in the membership of the Lords. And a hybrid House would be more democratically legitimate, while ensuring that the membership of the House is not overly political in the relatively partisan way of the House of Commons. It is the best compromise, and a sensible system for reform of the House of Lords.” (Privy Seal,2007).

General Conclusion

The Senate of the United States and the House of Lords of the United Kingdoms have almost the same status, with both of them being the upper chamber of the United States Congress and the UK Parliament. However, their roles differ from each other. The senate has a very effective spot to play in the US government, while the house of Lords grew lesser influence in the UK Parliament.

The Senate has several roles, among which nominations; granted by the constitution, senators can nominate presidents after the consent of the senate, appoint ambassadors, ministers, and judges of the supreme court. The Senate can also approve and disapprove treaties by two-thirds vote. Furthermore, they can make changes or adopt a treaty, not to mention the consent of executive agreements with other nations initiated by the president. One other role that the Senate can do is impeachment, which can be initiated by the House of Representatives and proceeded by the Senate to impeach any federal official or even presidents, in other words, the senate in this situation represents a judge and jury, and indeed, three presidents were impeached in the past years and many other officials. Some legislations can be delayed or even blocked by the Senate. This process is called the filibuster which the Senate can perform if are no satisfaction to such debate. Another procedure of the same tree of filibuster called "Cloture" which is technically a tool that a Senate can use to permanently end a debate by a two-thirds vote. Last but not least, senators can be a judge in determining whether qualifications and qualities are qualified to someone to be a Senate.

The house lords in the other hand does have a significant role to play as well in the UK parliament, being a standalone body and an independent proficiency. Generally, the House of

Lords spends their time or almost two thirds of their time debating bills and challenging the work of the government, bills started in the house of Commons. They work as check unite to any actions or bills that the Commons offer.

Ultimately, there is a plain difference between the roles of the House of Lords and the Senate as shown in this study, though each one serves its purpose and plays a significant role on its own ground, yet The Senate grew stronger because of many reasons and effects since the American Revolution, and also due to the distribution of power given by the framers of the Constitution. Unlike the House of Lords who was stripped from some of its powers to the Commons to serve the needs and wants of the people.

References

- Cave. Alfred. (2004). The French and Indian War.
- Course Hero, (2019) Early Conflicts and Colonial Actions: 1774–1776.
<https://www.coursehero.com/sg/us-history/early-conflicts-and-colonial-actions-1774-1776/> (accessed on: May, 2021)
- Hinman& Bonnie, (2017) The Second Continental Congress.
- Investopedia, (n.d) Bicameral System. [https://www.investopedia.com/terms/b/bicameral-system.asp#:~:text=A%20bicameral%20system%20describes%20a,camera%22%20\(meaning%20chamber\)](https://www.investopedia.com/terms/b/bicameral-system.asp#:~:text=A%20bicameral%20system%20describes%20a,camera%22%20(meaning%20chamber)) (accessed on: may, 2021)
- Kerr.H,(2009) The Origin and Development of the United States Senate.
- Privy Seal (2007) The House of Lords: Reform.
- R. H. (2007). The House of Lords: Reform. Norwich: The Stationery Office.
- Raina, P. (2011). House of Lords Reform: (Vol. 1). (P. Lang, Ed.) Bern: Peter Lang AG, International Academic Publishers.
- Raj. A, (2020) Causes of the American War of Independence.
- Robert J. McKeever, Philip Davies (2006) Politics USA.
- Sheppard., (1865) Constitution of the United States.
- Spiritual, L. (2015). Lords Spiritual (Women) Act 2015. London: The Stationery Office.

- Stenton, D. M. (2021, August 31). Magna Carta. Retrieved from <https://www.britannica.com/>: <https://www.britannica.com/topic/Magna-Carta>.(accessed on: April, 2022)
- The Articles of Confederation, (1777).
- U.S. Senate, (n,d) Origins and Foundations <https://www.senate.gov/about/origins-foundations.htm> (accessed on: 21 May, 2022)
- U.S. Senate. Powers & Procedures, (n.d) <https://www.senate.gov/about/powers-procedures.htm>(accessed on: may, 2021)
- UK Parliament (2022) <https://www.parliament.uk/globalassets/documents/lords-information-office/hoflbphistory.pdf> (accessed on: 27 May, 2022)
- UK Parliament, (2022) History of the House of Lords <https://www.parliament.uk/business/lords/lords-history/history-of-the-lords/> (accessed on: 24 May, 2022).
- Video <https://www.youtube.com/watch?v=5vKGU3aEGss&t=75s> (accessed on: May, 2021)
- White, S. (2017). HOUSE OF LORDS Library Briefing. London: House of Lords Library.