

CHAPTER V

THE PRESENT SITUATION

HAVING now briefly traced the process of the democratisation of Parliament, and having indicated the main issue, in domestic politics, which the process has brought into prominence, I propose, in the present chapter, to offer certain considerations upon the central machinery of Government in connection with the socialistic tendencies which have just been examined.

The conception of a fundamental division of society into the two antagonistic classes of labourers and capitalists, or, more generally, of the poor and the rich, admits, I am aware, of only a limited application ; but as it is the basis of revolutionary socialism, it may be interesting to examine its bearing on the theory of democratic government. The aim of the modern socialists, as we have seen, is to develop to its logical conclusion the political machinery of democracy, and then to utilise it to effect a social revolution. Universal suffrage, payment of members and of election expenses out of public funds, and the abolition of the House of Lords, would give, it is supposed, to the more

numerous of the two classes into which, on this hypothesis, the nation is divided, the unconditional and absolute control of the legislature ; they would therefore be able to effect, without further difficulty or scruple, a fundamental change in the tenure of property.

Stated thus crudely and frankly, but not, as I believe, unfairly, this conception appears to me to be a *reductio ad absurdum* of the whole theory of democracy, so far as it is held in any absolute sense. It is not true, and it never has been and never will be true, that the majority have either the right or the power to do anything they choose, in defiance of the claims or the wishes of the minority ; and if ever a serious attempt were to be made to carry out the policy of the Socialists, the only result would be the breakdown of government altogether. . Government by the majority is a convenient means of conducting national affairs, where and in so far as there is a basis of general agreement deeper and more persistent than the variations of surface opinion ; but as soon as a really fundamental point is touched, as soon as a primary instinct, whether of self-preservation or of justice, begins to be seriously and continuously outraged, the democratic convention gives way. No minority, for example, even in a compact modern State, either would or ought to submit to a decision of the majority to prohibit the exercise of their religion. Such a decision could only be

carried into effect by force, subject to the contingency of armed rebellion; and orderly government would dissolve into veiled or open civil war. Similarly, and in spite of the optimism of Home Rulers, it is perfectly possible that in the case of a population as heterogeneous as that of Ireland, the attempt to introduce the system of government by the majority might really drive the minority to rebellion.

It is the presupposition of all democratic government that certain principles, tacitly understood if not precisely formulated, will in practice be observed by any party that may be in power. Such a principle, in the present condition of society, is undoubtedly the rule on which every man relies that private property shall not be appropriated by the State, except for what are generally recognised to be desirable public ends, and on the payment of a reasonable compensation. And, in my opinion, the realisation of the political ideal of the extremer Socialists, and the attempt by that particular method to effect a social revolution, without any fair consideration for the claims of owners of property, would simply result in the collapse of the whole convention on which the possibility of government depends.

Let us turn, however, from this somewhat abstract possibility, to the actual condition of affairs in England.

In the last chapter we were led to a general

conclusion, which, however, must be received with certain qualifications. The secession of the Boiler-Makers from the Trades Union Congress in consequence of the socialistic resolution of 1894¹ is a phenomenon whose significance cannot be overlooked ; and it is possible that as a clearer conception is reached of all that is involved in collectivism such dissensions in the ranks of labour will become increasingly acute. But, after making every allowance, I think it may be reasonably anticipated that one of the great questions of the future will be the distribution of property, and that, within certain limits, the tendency will be for the nation to divide itself into the two antagonistic classes of the rich and the poor. I may add that, personally, I have no desire to shirk this issue. I think it quite possible that indefinite modifications may be introduced, with advantage to the nation, into the present system of producing and distributing wealth ; but I think also that the possibility of effecting any really beneficial change depends very largely on the character of the political machinery employed. At present, in spite of the changes in its constitution described in a previous chapter, the House of Commons is still controlled by the propertied classes. For this fact various reasons may be assigned. Bribery, no doubt, goes for something,

¹ The resolution, as has already been noted, was not confirmed by the Congress of 1895 ; but a motion was passed in favour of the nationalisation of land, minerals, and railways.

in spite of the stringent laws ; but the determining factors, I suppose, are the expenses entailed on candidates and members, and (partly as a consequence of this) the defective organisation of the working class. But these are conditions that are not likely to continue long. A serious attempt is already being made to organise an independent labour party ; and the payment of members and of election expenses out of public funds would completely revolutionise the situation. For any arrangement which would really and freely admit the working class into Parliament would also end by giving them a majority there ; and that is the consummation to which we must look as the result of the complete democratisation of the House of Commons. In any case, what we have to expect is a representative House divided into parties so radically and fiercely opposed that they might more properly be described as factions, and contending over that issue of property which, as all experience shows, is felt by the average man as the most vital and the most personal of all that affects him.

Whichever faction might predominate in such a contest, I do not think it probable that a settlement would be reached which would be either reasonably fair to those who were defeated, or satisfactory to the community at large. The condition of a tolerable settlement, as it appears to me, is that all the interests concerned should not only be represented in the House, but should also

be able to count on a reasonable consideration being shown to their claims. This is a condition which it becomes more and more difficult to fulfil as the issues become more and more acute and personal; and the difficulty is further increased by the change that has taken place in the relation of a member of Parliament to his constituents. For, as we have seen, the 'representative' has been converted into the 'delegate'; he is no longer free to modify his views under the influence of debate, or of personal contact with members of the opposite party; he is sent up to vote for certain measures, and if he has the originality and force to change his views, his only course is not to act upon them, but to resign. Such a development goes far to abrogate what was, in earlier times, one of the best guarantees for the practical wisdom of the House. Bagehot, writing before the Reform Bill of 1867, points out that a main reason why the House of Commons was able to govern the country at all was the fact that the majority of its members were practical men of business, following freely their own judgment through a maze of conflicting probabilities; and this condition, he says, would be destroyed were the constituencies to govern instead of their representatives; for 'the feeling of a constituency is the feeling of a dominant party, and that feeling is elicited, stimulated, sometimes even manufactured, by the local political agent. Such an opinion could not

be moderate, could not be subject to effectual discussion, could not be in close contact with pressing facts, could not be framed under a chastening sense of near responsibility, could not be formed as those form their opinions who have to act upon them. Constituency government is the precise opposite of parliamentary government. It is the government of immoderate persons far from the scene of action, instead of the government of moderate persons close to the scene of action; it is the judgment of persons judging in the last resort, and without a penalty, in lieu of persons judging in fear of a dissolution, and ever conscious that they are subject to an appeal.' ¹

But the condition which Bagehot feared is practically becoming established. More and more every year the constituencies, or rather the caucuses, do actually dominate the House, and, as a direct consequence, the debates in Parliament are coming more and more to be regarded as mere dialectical exercises. The party that may happen to be in power is beginning to act upon that hypothesis; opposition is labelled obstruction, and put down by the gag; and the only effect of a debate is to excite passion to that fever-point at which the decision of the majority is felt by their opponents not as a national award but as an arbitrary and tyrannical exercise of brute force.

As a set-off against this increasing degrada-

¹ 'English Constitution,' No. 5.

tion of the House of Commons, it is said that the issues have been previously discussed before the electorate, and that to debate them in Parliament is merely a tiresome repetition. But what does a discussion before the electorate really mean? Even supposing a question were to be presented to the country singly, and on its own merits—a condition which does not practically occur—what kind of a presentation is it after all? The voters of either party read the journals, and listen to the speeches of their own orthodoxy; there is no real clash of argument, no compulsion to understand and face the other side. What does the Radical artisan know of the ‘Times,’ or the country squire of the ‘Daily Chronicle’ or the ‘Star’? The art of the journalist and the politician is, at best, to make it appear that arguments have been met, which it has been predetermined shall not be even examined; and discussion before the country, broadly speaking, means little more than the repetition from a thousand platforms and leading articles, to masses of electors on one side or the other, of the views which their own party-chiefs have decided that it will be possible and desirable to make them appear to believe.

If this account be accepted as even approximately true, and I do not see how it can be fundamentally denied, it is clear that a discussion before the electorate can never be a satisfactory substitute for a full and free debate in

Parliament among men both willing and able to receive instruction from their opponents. But such debate, as we have seen, is becoming increasingly impossible. And the conclusion to which I am driven is, that the House of Commons is becoming an assembly increasingly unfit to deliver a final and national award on any issue which profoundly stirs and divides the passions of the people. For it will, I believe, be admitted by any man of common sense that in a free country, and in the case of an acute division of opinion, the solution which it is desirable to obtain is not that of either party in the dispute, but that which the cooler heads on both sides would be willing to accept as practically reasonable under all the circumstances, having regard both to the arguments and to the forces of the combatants. And though in minor matters, no doubt, such a solution may be roughly attained by the clash of opinions and votes in the representative House, yet I have given reasons for thinking that in the case of a really democratic assembly, having to deal with the fundamental question of property, it would be difficult, if not impossible, for the party that might be in a minority to obtain a fair consideration for its claims.

If there be anything in the preceding argument it will appear that we are thrown back, as the only possible remedy for the evils indicated, upon some kind of Second Chamber. Here, however, we are

met by various difficulties and objections. Of these, the most fundamental is based upon the democratic theory itself. The will of the people, it is said, must be supreme; that will is expressed in the representative House; and to subject its decision to the approval of some co-ordinate authority is to subvert the foundations of popular government.

Accepting, for the moment, the postulate that the will of the people must be supreme, and passing over the tacit assumption that the people is identical with the majority, let us consider, to begin with, whether it is really true that the will of the majority is expressed in the representative House. Clearly, if their will is ever to be ascertained on any particular question, that question must be submitted to them by itself and on its own merits. Under our present system, not only is this not done, but it is deliberately avoided.

Let us consider what happens at a general election. A number of measures, not necessarily connected by any common principle, are adopted by one or other of the great parties and submitted to the electors. Each of these measures is calculated to attract some section or other of the people; to the rest each section may be indifferent or even opposed. But it is necessary to vote for all or none; either to reject what you do want, or to take with it what you do not. The result is that a majority is returned pledged to a whole programme,

of which possibly no single item is approved by a majority of the nation. Of these tactics the election of 1892 was a striking example. The Liberals went to the country with a batch of measures, of which Home Rule, the disestablishment of the Welsh Church, and the creation of Parish Councils were only three of the more prominent and important. The constituencies voted according to their predilections; Wales was interested primarily in the disestablishment of the Church, London in a progressive municipal policy, the agricultural labourers in parish councils, the town artisans in Employers' Liability, the miners in the Eight Hours Bill; and, as the result of the whole process, a Liberal majority was returned. What had this majority a 'mandate' to perform? All these things, or none of them? Surely, on the democratic theory, none. For on no single issue had the will of the people been fairly ascertained. All that was really certain was that the majority of the constituencies had voted positively for one or other item in the programme, and had been content negatively to acquiesce in the rest.

The statement, then, that the House of Commons represents the people is only true in a certain modified sense. It does not mean that the principle of every bill which may be carried through the House has been considered, weighed, and accepted with full responsibility by the

majority of the electors. It may mean merely that every section has been so much pre-occupied with the measure immediately affecting its own interests that it has been ready to allow all the others to pass without a protest.

Particularly will this be the case when one of the measures submitted to the electors is at once so complex in its issues and so remote in its effects that it requires the imagination of a statesman to comprehend and weigh its real bearing on the common good. The elector will dismiss with impatience what he cannot understand and what does not appear to affect his immediate interest; and a party may return to the House with what it calls a mandate from the people to perform what the people have never taken the trouble to consider at all.

Precisely such a measure was that of Home Rule for Ireland; and precisely such a mandate, I believe, had the Liberal party to carry it. But whether this was so or not, the general situation is clear enough. With the present method of employing the democratic machinery it is possible that bills of the first importance may be passed by the House of Commons on the strength of a passive acquiescence on the part of the electors, which may merely indicate not that they approve but that they have not seriously thought about the matter at all.

To say that, under such conditions, the House

of Commons represents the will of the people, even if 'the people' be identified with the majority, is to employ an empty and sophistical phrase. Nor can I conceive upon what grounds, democratic or other, the devolution upon such an assembly of supreme and absolute power can be seriously contemplated by any reasonable man. Some check, clearly, is demanded; and from the democratic point of view, the most obvious check would be the 'Referendum.' This would, at any rate, ensure two great advantages: first, that the issue to be decided would be placed fairly before the electors; secondly, that under the necessity of voting for a single definite point they might be driven to realise their own responsibility. If people are to govern themselves, they ought at least to know what they are doing and take the consequences. Nothing could be more demoralising than a system which vests the responsibility nowhere, but allows the representatives to toss it to the electors, on the plea that they have received a 'mandate,' and the electors to return it to the representatives on the plea that it was not to that particular question that they intended the 'mandate' to apply. So essential, indeed, is the Referendum to the complete theory of democracy, that when we find a hesitation on the part of democrats to apply it, it is difficult to avoid the conclusion, so forcibly suggested by history, that after all, a democrat, as a rule, is only a Jacobin in disguise.

The introduction of the Referendum would counteract some of the disadvantages of the present system ; but there is one which it would only exaggerate. It would diminish still further the importance of the debates in Parliament, as a reconciling and sobering influence, and throw the ultimate decision more and more into the hands of 'immoderate persons far from the scene of action.' And, in any case, from my own point of view, it would not be sufficient, by itself, to remove the disadvantages of government by a single representative House. It would ensure, no doubt, so far as machinery could do it, the prevalence of the will of the majority ; and from the standpoint of a democrat that is all that is to be desired. But, for my own part, I am not a democrat, and have no desire to see the democratic theory prematurely applied in its completeness. I think that points may easily arise, and those of the utmost importance, on which it would not be desirable that the 'will of the people,' even if it had been ascertained, should be obeyed. The unity and the security of the nation appear to me to stand above any temporary expression of the national will ; nor do I understand how anyone can be regarded as in any sense the friend of the people, who is so pedantically set upon their doing what they like that he does all he can to facilitate their suicide. On the contrary, I believe there may be occasions when it would be the duty of any minority, having the

power, deliberately and obstinately to thwart the 'will of the people.' Suppose, for example, that a majority composed mainly of wage-labourers should declare in favour of a universal eight-hours' day, in the face of a minority including all the political economists and the intelligent and active business managers; or suppose that a majority composed of people who have never been out of England should vote for the introduction of the democratic principle into the government of India, in the teeth of the opinion of all Indian experts; in any such case, or in cases less extreme on the same lines, even supposing the majority to have voted fairly by Referendum, I should think it essential that they should not be allowed to have what they want; and, should consider those to be the patriots and statesmen who would do their best by every means in their power to thwart and oppose the realisation of the 'national will.' Such examples, it may be said, are forced and improbable. I think, myself, that they may serve to suggest real possibilities. But however that may be, if we return to the point from which this whole discussion started, the tendency to a political division of the nation into the rich and the poor, it appears to me not unreasonable to anticipate that, under the government of a single representative House, economic measures might be adopted by the majority which were neither sound in themselves nor fair to the present holders of property. I do not think that the sanc-

tion of such measures by a direct reference to the people would make it desirable and safe that they should pass into law; and I therefore consider it essential to retain an upper House with power not only to revise but to veto bills passed by the Commons.

It is said sometimes that on really important questions it would be impossible for any non-elected House to resist the will of the people, deliberately expressed, however disastrous the decision at which they might have arrived. I should doubt whether the popular will, except under very exceptional circumstances, is ever so rigid and final in its choice as this objection appears to presuppose. The intervention of a second chamber which had any title to respect would be in itself a modifying factor on opinion; for if there are some whom opposition confirms in their views, there are others whom it induces to reconsider them; and there are many, and these perhaps the most valuable members of the State, who would rather acquiesce in a defeat than invite a revolution. And especially would this be the case if it were recognised that the minority was a compact and powerful body, far more important for their real capacity and weight than their merely numerical inferiority might seem to suggest. Under such conditions I see no reason why a competent Upper House should not be strong enough, in a really critical case, either to override

altogether the popular decision or to compel some reasonable compromise.

The position, then, to which I am driven, as the result of these considerations, is briefly as follows. To abolish the veto of the Upper House, while leaving the representative machinery unreformed, would be an absurdity even from the democratic point of view. For the House of Commons does not and cannot fairly represent the people; and any Second Chamber, however bad, would be better than none, when the alternative is the supremacy of the majority of a body of delegates returned more or less by accident, and imbued with the unfortunate idea that they have received a mandate to carry into law a whole series of measures, not one of which has been fairly and singly presented to the electorate. On the other hand, to propose the political annihilation of the Upper House under the condition that the machinery of the Referendum should be introduced, would be at least an intelligible policy. It would not, however, be one which personally I should be prepared to accept, because I do not believe the time is ripe for an uncompromising application of the democratic ideal. I should, therefore, propose to retain the Upper House, with all its present powers, and to make it as good a House as possible.

For that if we are to have an Upper House at all it must be the House of Lords, reformed or

unreformed, appears to me to be an axiom of practical politics. I cannot imagine that it would be possible, and I certainly do not think it would be desirable, to create any sort of brand-new second chamber, whether on an electoral or any other basis. The only real question appears to be whether the House of Lords can and ought to be reformed.

Let us examine the objections that may be brought against its present constitution. The first and most fundamental of these is that it is based on the principle of heredity. That is a principle which cannot, I think, in theory be defended, though it has two great advantages: the first, that it is respected in the country; the second, that it is free from the particular defects which attach to the principle of popular election. Personally, however, I should be perfectly prepared to welcome its abolition, and the substitution of life peerages.

The second objection is, in my opinion, a more serious one—that the House of Lords is, in effect, a House of landlords. For although, as I have indicated, I do not think it has been made out that their action has been commonly dictated by the narrow spirit of a class, and although I believe the landed aristocracy to be far more generous and public-spirited than the commercial plutocracy which is thrusting them aside, yet I think it a serious evil, when questions of property are coming

to the front, that the Upper House should be mainly composed of those who to some extent are, and to a far greater extent are supposed to be, the representatives and champions of a wealthy caste. For, according to my view, the function of the Upper House is not to protect the 'interests' from attack, but to deliver that larger national solution of the issues that may be raised between them and the mass of the people which it is becoming increasingly difficult to evolve out of the machinery of the House of Commons. As the Commons tend more and more to represent the forces of the country, the Lords should tend more and more to represent its wisdom; and it is, I conceive, from this point of view that reform should be introduced.

The details of such reform must be evolved by practical statesmen, and there are already schemes enough before the country. But the whole question is complicated by a consideration more important than any which I have raised, and upon which, in conclusion, I can only briefly touch. The point of view which I have taken throughout has been that of domestic politics, and I have given my reasons, from that side alone, for supporting the privileges and powers of the Upper House. If, however, the question were to be approached from the point of view of the empire, I cannot but think the case would be enormously strengthened. For then we should have to face the fact, so difficult for us to realise, that this England, with whose internal

transformation we are so exclusively preoccupied, is the centre of a whole system of subordinate States ; that the government which we are reconstructing at home on the lines of the democratic creed, in India is, and must remain, a military despotism ; that the people who in Europe are professors of humanitarian and cosmopolitan ideals in Africa proceed, and are bound to proceed, by the elemental brutality of war. The head belongs to the nineteenth century, the extremes to the dark ages—there is the paradox of the British Empire. But what a paradox to be presented to a young democracy ! What a contradiction to reconcile ! What a problem to solve !

Of the nature of that problem, and the method by which it may be solved, it is not too much to say that the English people have hardly as yet the glimmering of an idea. At present they are content to let it alone, which is perhaps the best thing they can do ; for it is something to maintain the *status quo*. But even to this the development of democracy at home may be a serious menace. For as the ‘people,’ in that narrower sense in which they are differentiated from the ‘classes,’ begin really to feel their new power, what is likely to be their first impression of the empire they are called upon to control ? As they come to political consciousness, the first conception to which they attain is that of themselves as a separate Order in the State ; the first

end which they seek is their own economic emancipation. In this task they are dominated exclusively by the democratic ideal. Self-government is an axiom to them, not only of here and now, but of every time, of every place, of every set of circumstances; and about it centres not only their intellectual creed, but those enthusiastic emotions of justice through which they are stirred and led. When, therefore, from this engrossing pre-occupation with the immediate interests of their Order, their attention is called to the larger problems of the Empire, in what temper are they likely to approach them? Ignorant of history, untrained in the larger art of politics, and confined at once by their experience, their interests, and their sympathies to the particular methods and conceptions which are adapted to the ends of their class, will it not be their natural impulse either to abandon an inheritance which will appear to them at once as a burden and an iniquity, or to ruin it by a *doctrinaire* application of the ideas by which they are guided in their policy at home?

To this it may be replied that the people are open to instruction, that their fundamental reasonableness is the presupposition of democracy, and that, if they cannot be trusted to go right of themselves, no political machinery will keep them from going wrong. These propositions, in general, I am not concerned to deny; but I do not think they meet the present case. What we have imme-

diately to deal with is not a democracy perfected and trained, but one which is only struggling into existence. In the transition peculiar and temporary problems arise. An empire acquired and organised by a strong and homogeneous aristocracy has to pass into the keeping of a nation increasingly engrossed by an economic feud, whose tendency is at once to destroy the sense of corporate unity, and to vitiate the sanity and strength that should be brought to bear on imperial affairs. Under such conditions, I do not believe that the democratic House will be a body competent to direct the destinies of the Empire.

On the contrary, I believe that they might far more safely be entrusted to the House of Lords.

For the very conditions which have caused the peers to mistrust the development of democracy at home are precisely those which qualify them to conduct imperial affairs. Just because they are the hereditary representatives of the statesmen of the eighteenth century; just because they are independent of popular election; just because they are able to discuss each question upon its merits, independent of the necessity of conciliating a heterogeneous party; just for that very reason it is that in questions where their interests as a class are not involved, they are likely to judge better, and not worse, than the representative House. They have the sense of continuity which the Commons tend to lack; they have the dispa-

sionate leisure for judicial and prescient choice ; above all, by virtue of their removal from the arena of party strife, they have the sense of proportion to weigh partial and temporary claims against the permanent and abiding interests of the whole.

It appears to me, then, that even although the House of Lords were really as obstructive an agency in domestic politics as it is believed by the Radical party to be, yet it would be unworthy of a statesman to propose the modification or abolition of its powers without a fundamental consideration of the problem from the imperial point of view.

For even if it were reasonable to entrust the fortunes of England to the exclusive keeping of the House of Commons, it may well be doubted whether it would be reasonable to devolve upon the same authority the larger fortunes of the British Empire. There are colonists to whom the House of Lords is more venerable than the House of Commons ; to whom it represents the continuity and the splendid achievement of the English race, and who owe to it an allegiance which they would never be prepared to extend to an elected House essentially similar to the legislatures of which they have experience at home.¹ Any proposed reconstruction of the House of Lords or of its powers is bound to take account of this view ; and until we can see our way to the creation of a satisfactory machinery for the government of the Empire we may well

¹ See the 'Baronage and the Senate,' by W. C. Macpherson.

hesitate to tinker at the Constitution merely because we are in a hurry over our domestic affairs.

The considerations which I have advanced in this chapter do not perhaps necessarily lead to the conclusion which I have drawn from them ; other people, reasoning on the same probabilities and facts, may arrive at a different opinion. But of one thing I am sure, that the considerations themselves ought to be taken into account ; that they are ignored or kept in the background by the Liberal party ; and that the present agitation against the House of Lords, on the lines on which it is being conducted, is as frivolous and shortsighted a piece of rhetorical folly as is to be found in the annals of modern politics.