

WALTER BAGEHOT



THE ENGLISH
CONSTITUTION

The English Constitution

WALTER BAGEHOT

The English Constitution, W. Bagehot
Jazzybee Verlag Jürgen Beck
86450 Altenmünster, Loschberg 9
Deutschland

ISBN: 9783849648558

*www.jazzybee-verlag.de
admin@jazzybee-verlag.de*

CONTENTS:

INTRODUCTION TO THE SECOND EDITION

No. I. THE CABINET.

No. II. THE MONARCHY.

No. III. THE MONARCHY—(continued).

No. IV. THE HOUSE OF LORDS.

No. V. THE HOUSE OF COMMONS.^[1]

No. VI. ON CHANGES OF MINISTRY.

No. VII. ITS SUPPOSED CHECKS AND BALANCES.

No. VIII. THE PRE-REQUISITES OF CABINET
GOVERNMENT, AND THE PECULIAR FORM WHICH
THEY HAVE ASSUMED IN ENGLAND.

No. IX. ITS HISTORY, AND THE EFFECTS OF THAT
HISTORY.—CONCLUSION.

INTRODUCTION TO THE SECOND EDITION

There is a great difficulty in the way of a writer who attempts to sketch a living Constitution—a Constitution that is in actual work and power. The difficulty is that the object is in constant change. An historical writer does not feel this difficulty: he deals only with the past; he can say definitely, the Constitution worked in such and such a manner in the year at which he begins, and in a manner in such and such respects different in the year at which he ends; he begins with a definite point of time and ends with one also. But a contemporary writer who tries to paint what is before him is puzzled and perplexed; what he sees is changing daily. He must paint it as it stood at some one time, or else he will be putting side by side in his representations things which never were contemporaneous in reality. The difficulty is the greater because a writer who deals with a living government naturally compares it with the most important other living governments, and these are changing too; what he illustrates are altered in one way, and his sources of illustration are altered probably in a different way. This difficulty has been constantly in my way in preparing a second edition of this book. It describes the English Constitution as it stood in the years 1865 and 1866. Roughly speaking, it describes its working as it was in the time of Lord Palmerston; and since that time there have been many changes, some of spirit and some of detail. In so short a period there have rarely been more changes. If I had given a sketch of the Palmerston time as a sketch of the present time, it would have been in many points untrue; and if I had tried to change the sketch of seven years since into a sketch of the present time, I should probably have

blurred the picture and have given something equally unlike both.

The best plan in such a case is, I think, to keep the original sketch in all essentials as it was at first written, and to describe shortly such changes either in the Constitution itself, or in the Constitutions compared with it, as seem material. There are in this book various expressions which allude to persons who were living and to events which were happening when it first appeared; and I have carefully preserved these. They will serve to warn the reader what time he is reading about, and to prevent his mistaking the date at which the likeness was attempted to be taken. I proceed to speak of the changes which have taken place either in the Constitution itself or in the competing institutions which illustrate it.

It is too soon as yet to attempt to estimate the effect of the Reform Act of 1867. The people enfranchised under it do not yet know their own power; a single election, so far from teaching us how they will use that power, has not been even enough to explain to them that they have such power. The Reform Act of 1832 did not for many years disclose its real consequences; a writer in 1836, whether he approved or disapproved of them, whether he thought too little of or whether he exaggerated them, would have been sure to be mistaken in them. A new Constitution does not produce its full effect as long as all its subjects were reared under an old Constitution, as long as its statesmen were trained by that old Constitution. It is not really tested till it comes to be worked by statesmen and among a people neither of whom are guided by a different experience.

In one respect we are indeed particularly likely to be mistaken as to the effect of the last Reform Bill. Undeniably there has lately been a great change in our politics. It is commonly said that "there is not a brick of the Palmerston House standing." The change since 1865 is a change not in one point but in a thousand points; it is a change not of

particular details but of pervading spirit. We are now quarrelling as to the minor details of an Education Act; in Lord Palmerston's time no such Act could have passed. In Lord Palmerston's time Sir George Grey said that the disestablishment of the Irish Church would be an "act of Revolution;" it has now been disestablished by great majorities, with Sir George Grey himself assenting. A new world has arisen which is not as the old world; and we naturally ascribe the change to the Reform Act. But this is a complete mistake. If there had been no Reform Act at all there would, nevertheless, have been a great change in English politics. There has been a change of the sort which, above all, generates other changes—a change of generation. Generally one generation in politics succeeds another almost silently; at every moment men of all ages between thirty and seventy have considerable influence; each year removes many old men, makes all others older, brings in many new. The transition is so gradual that we hardly perceive it. The board of directors of the political company has a few slight changes every year, and therefore the shareholders are conscious of no abrupt change. But sometimes there *is* an abrupt change. It occasionally happens that several ruling directors who are about the same age live on for many years, manage the company all through those years, and then go off the scene almost together. In that case the affairs of the company are apt to alter much, for good or for evil; sometimes it becomes more successful, sometimes it is ruined, but it hardly ever stays as it was. Something like this happened before 1865. All through the period between 1832 and 1865, the pre-'32 statesmen—if I may so call them—Lord Derby, Lord Russell, Lord Palmerston, retained great power. Lord Palmerston to the last retained great prohibitive power. Though in some ways always young, he had not a particle of sympathy with the younger generation; he brought forward no young men; he obstructed all that young men wished. In consequence,

at his death a new generation all at once started into life; the pre-'32 all at once died out. Most of the new politicians were men who might well have been Lord Palmerston's grandchildren. He came into Parliament in 1806, they entered it after 1856. Such an enormous change in the age of the workers necessarily caused a great change in the kind of work attempted and the way in which it was done. What we call the "spirit" of politics is more surely changed by a change of generation in the men than by any other change whatever. Even if there had been no Reform Act, this single cause would have effected grave alterations.

The mere settlement of the Reform question made a great change too. If it could have been settled by any other change, or even without any change, the instant effect of the settlement would still have been immense. New questions would have appeared at once. A political country is like an American forest: you have only to cut down the old trees, and immediately new trees come up to replace them; the seeds were waiting in the ground, and they began to grow as soon as the withdrawal of the old ones brought in light and air. These new questions of themselves would have made a new atmosphere, new parties, new debates.

Of course I am not arguing that so important an innovation as the Reform Act of 1867 will not have very great effects. It must, in all likelihood, have many great ones. I am only saying that as yet we do not know what those effects are; that the great evident change since 1865 is certainly not strictly due to it; probably is not even in a principal measure due to it; that we have still to conjecture what it will cause and what it will not cause.

The principal question arises most naturally from a main doctrine of these essays. I have said that cabinet government is possible in England because England was a deferential country. I meant that the nominal constituency was not the real constituency; that the mass of the "ten-

pound” householders did not really form their own opinions, and did not exact of their representatives an obedience to those opinions; that they were in fact guided in their judgment by the better educated classes; that they preferred representatives from those classes, and gave those representatives much license. If a hundred small shopkeepers had by miracle been added to any of the '32 Parliaments, they would have felt outcasts there. Nothing could be more unlike those Parliaments than the average mass of the constituency from which they were chosen.

I do not of course mean that the ten-pound householders were great admirers of intellect or good judges of refinement. We all know that, for the most part, they were not so at all: very few Englishmen are. They were not influenced by ideas, but by facts; not by things palpable, but by things impalpable. Not to put too fine a point upon it, they were influenced by rank and wealth. No doubt the better sort of them believed that those who were superior to them in these indisputable respects were superior also in the more intangible qualities of sense and knowledge. But the mass of the old electors did not analyse very much: they liked to have one of their “betters” to represent them; if he was rich, they respected him much; and if he was a lord, they liked him the better. The issue put before these electors was which of two rich people will you choose? And each of those rich people was put forward by great parties whose notions were the notions of the rich—whose plans were their plans. The electors only selected one or two wealthy men to carry out the schemes of one or two wealthy associations.

So fully was this so, that the class to whom the great body of the ten-pound householders belonged—the lower middle class—was above all classes the one most hardly treated in the imposition of the taxes. A small shop-keeper, or a clerk who just, and only just, was rich enough to pay income tax, was perhaps the only severely-taxed man in the

country. He paid the rates, the tea, sugar, tobacco, malt, and spirit taxes, as well as the income tax, but his means were exceedingly small. Curiously enough the class which in theory was omnipotent, was the only class financially ill-treated. Throughout the history of our former Parliaments the constituency could no more have originated the policy which those Parliaments selected than they could have made the solar system.

As I have endeavoured to show in this volume, the deference of the old electors to their betters was the only way in which our old system could be maintained. No doubt countries can be imagined in which the mass of the electors would be thoroughly competent to form good opinions; approximations to that state happily exist. But such was not the state of the minor English shopkeepers. They were just competent to make a selection between two sets of superior ideas; or rather—for the conceptions of such people are more personal than abstract—between two opposing parties, each professing a creed of such ideas. But they could do no more. Their own notions, if they had been cross-examined upon them, would have been found always most confused and often most foolish. They were competent to decide an issue selected by the higher classes, but they were incompetent to do more.

The grave question now is, How far will this peculiar old system continue and how far will it be altered? I am afraid I must put aside at once the idea that it will be altered entirely and altered for the better. I cannot expect that the new class of voters will be at all more able to form sound opinions on complex questions than the old voters. There was indeed an idea—a very prevalent idea when the first edition of this book was published—that there then was an unrepresented class of skilled artizans who could form superior opinions on national matters, and ought to have the means of expressing them. We used to frame elaborate schemes to give them such means. But the Reform Act of

1867 did not stop at skilled labour; it enfranchised unskilled labour too. And no one will contend that the ordinary working man who has no special skill, and who is only rated because he has a house, can judge much of intellectual matters. The messenger in an office is not more intelligent than the clerks, not better educated, but, worse; and yet the messenger is probably a very superior specimen of the newly enfranchised classes. The average can only earn very scanty wages by coarse labour. They have no time to improve themselves, for they are labouring the whole day through; and their early education was so small that in most cases it is dubious whether even if they had much time, they could use it to good purpose. We have not enfranchised a class less needing to be guided by their betters than the old class; on the contrary, the new class need it more than the old. The real question is, Will they submit to it, will they defer in the same way to wealth and rank, and to the higher qualities of which these are the rough symbols and the common accompaniments?

There is a peculiar difficulty in answering this question. Generally, the debates upon the passing of an Act contain much valuable instruction as to what may be expected of it. But the debates on the Reform Act of 1867 hardly tell anything. They are taken up with technicalities as to the ratepayers and the compound householder. Nobody in the country knew what was being done. I happened at the time to visit a purely agricultural and conservative county, and I asked the local Tories, "Do you understand this Reform Bill? Do you know that your Conservative Government has brought in a Bill far more Radical than any former Bill, and that it is very likely to be passed?" The answer I got was, "What stuff you talk! How can it be a Radical Reform Bill? Why, *Bright* opposes it!" There was no answering that in a way which a "common jury" could understand. The Bill was supported by the *Times* and opposed by Mr. Bright; and therefore the mass of the Conservatives and of common

moderate people, without distinction of party, had no conception of the effect. They said it was "London nonsense" if you tried to explain it to them. The nation indeed generally looks to the discussions in Parliament to enlighten it as to the effect of Bills. But in this case neither party, as a party, could speak out. Many, perhaps most of the intelligent Conservatives, were fearful of the consequences of the proposal; but as it was made by the heads of their own party, they did not like to oppose it, and the discipline of party carried them with it. On the other side, many, probably most of the intelligent Liberals, were in consternation at the Bill; they had been in the habit for years of proposing Reform Bills; they knew the points of difference between each Bill, and perceived that this was by far the most sweeping which had ever been proposed by any Ministry. But they were almost all unwilling to say so. They would have offended a large section in their constituencies if they had resisted a Tory Bill because it was too democratic; the extreme partizans of democracy would have said, "The enemies of the people have confidence enough in the people to entrust them with this power, but you, a 'Liberal,' and a professed friend of the people, have not that confidence; if that is so, we will never vote for you again." Many Radical members who had been asking for years for household suffrage were much more surprised than pleased at the near chance of obtaining it; they had asked for it as bargainers ask for the highest possible price, but they never expected to get it. Altogether the Liberals, or at least the extreme Liberals, were much like a man who has been pushing hard against an opposing door, till, on a sudden, the door opens, the resistance ceases, and he is thrown violently forward. Persons in such an unpleasant predicament can scarcely criticise effectually, and certainly the Liberals did not so criticise. We have had no such previous discussions as should guide

our expectations from the Reform Bill, nor such as under ordinary circumstances we should have had.

Nor does the experience of the last election much help us. The circumstances were too exceptional. In the first place, Mr. Gladstone's personal popularity was such as has not been seen since the time of Mr. Pitt, and such as may never be seen again. Certainly it will very rarely be seen. A bad speaker is said to have been asked how he got on as a candidate. "Oh," he answered, "when I do not know what to say, I say 'Gladstone,' and then they are sure to cheer, and I have time to think." In fact, that popularity acted as a guide both to constituencies and to members. The candidates only said they would vote with Mr. Gladstone, and the constituencies only chose those who said so. Even the minority could only be described as anti-Gladstone, just as the majority could only be described as pro-Gladstone. The remains, too, of the old electoral organisation were exceedingly powerful; the old voters voted as they had been told, and the new voters mostly voted with them. In extremely few cases was there any new and contrary organisation. At the last election, the trial of the new system hardly began, and, as far as it did begin, it was favoured by a peculiar guidance.

In the mean time our statesmen have the greatest opportunities they have had for many years, and likewise the greatest duty. They have to guide the new voters in the exercise of the franchise; to guide them quietly, and without saying what they are doing, but still to guide them. The leading statesmen in a free country have great momentary power. They settle the conversation of mankind. It is they who, by a great speech or two, determine what shall be said and what shall be written for long after. They, in conjunction with their counsellors, settle the programme of the party—the "platform," as the Americans call it, on which they and those associated with them are to take their stand for the political campaign. It is by that programme,

by a comparison of programmes of different statesmen, that the world forms its judgment. The common ordinary mind is quite unfit to fix for itself what political question it shall attend to; it is as much as it can do to judge decently of the questions which drift down to it, and are brought before it; it almost never settles its topics; it can only decide upon the issues of those topics. And in settling what these questions shall be, statesmen have now especially a great responsibility if they raise questions which will excite the lower orders of mankind, if they raise questions on which those orders are likely to be wrong; if they raise questions on which the interest of those orders is not identical with, or is antagonistic to, the whole interest of the State, they will have done the greatest harm they can do. The future of this country depends on the happy working of a delicate experiment, and they will have done all they could to vitiate that experiment. Just when it is desirable that ignorant men, new to politics, should have good issues, and only good issues, put before them, these statesmen will have suggested bad issues. They will have suggested topics which will bind the poor as a class together; topics which will excite them against the rich; topics the discussion of which in the only form in which that discussion reaches their ear will be to make them think that some new law can make them comfortable—that it is the present law which makes them uncomfortable—that Government has at its disposal an inexhaustible fund out of which it can give to those who now want without also creating elsewhere other and greater wants. If the first work of the poor voters is to try to create a “poor man’s paradise,” as poor men are apt to fancy that Paradise, and as they are apt to think they can create it, the great political trial now beginning will simply fail. The wide gift of the elective franchise will be a great calamity to the whole nation, and to those who gain it as great a calamity as to any.

I do not of course mean that statesmen can choose with absolute freedom what topics they will deal with and what they will not. I am of course aware that they choose under stringent conditions. In excited states of the public mind they have scarcely a discretion at all; the tendency of the public perturbation determines what shall and what shall not be dealt with. But, upon the other hand, in quiet times statesmen have great power; when there is no fire lighted, they can settle what fire shall be lit. And as the new suffrage is happily to be tried in a quiet time, the responsibility of our statesmen is great because their power is great too.

And the mode in which the questions dealt with are discussed is almost as important as the selection of these questions. It is for our principal statesmen to lead the public, and not to let the public lead them. No doubt when statesmen live by public favour, as ours do, this is a hard saying, and it requires to be carefully limited. I do not mean that our statesmen should assume a pedantic and *doctrinaire* tone with the English people; if there is anything which English people thoroughly detest, it is that tone exactly. And they are right in detesting it; if a man cannot give guidance and communicate instruction formally without telling his audience "I am better than you; I have studied this as you have not," then he is not fit for a guide or an instructor. A statesman who should show that *gaucherie* would exhibit a defect of imagination, and expose an incapacity for dealing with men which would be a great hindrance to him in his calling. But much argument is not required to guide the public, still less a formal exposition of that argument. What is mostly needed is the manly utterance of clear conclusions; if a statesman gives these in a felicitous way (and if with a few light and humorous illustrations, so much the better), he has done his part. He will have given the text, the scribes in the newspapers will write the sermon. A statesman ought to

show his own nature, and talk in a palpable way what is to him important truth. And so he will both guide and benefit the nation. But if, especially at a time when great ignorance has an unusual power in public affairs, he chooses to accept and reiterate the decisions of that ignorance, he is only the hireling of the nation, and does little save hurt it.

I shall be told that this is very obvious, and that everybody knows that 2 and 2 make 4, and that there is no use in inculcating it. But I answer that the lesson is not observed in fact; people do not do their political sums so. Of all our political dangers, the greatest I conceive is that they will neglect the lesson. In plain English, what I fear is that both our political parties will bid for the support of the working man; that both of them will promise to do as he likes if he will only tell them what it is; that, as he now holds the casting vote in our affairs, both parties will beg and pray him to give that vote to them. I can conceive of nothing more corrupting or worse for a set of poor ignorant people than that two combinations of well-taught and rich men should constantly offer to defer to their decision, and compete for the office of executing it. *Vox populi* will be *Vox diaboli* if it is worked in that manner.

And, on the other hand, my imagination conjures up a contrary danger. I can conceive that questions *being* raised which, if continually agitated, would combine the working men as a class together, the higher orders might have to consider whether they would concede the measure that would settle such questions, or whether they would risk the effect of the working men's combination.

No doubt the question cannot be easily discussed in the abstract; much must depend on the nature of the measures in each particular case; on the evil they would cause if conceded; on the attractiveness of their idea to the working classes if refused. But in all cases it must be remembered that a political combination of the lower classes, as such and for their own objects, is an evil of the first magnitude;

that a permanent combination of them would make them (now that so many of them have the suffrage) supreme in the country; and that their supremacy, in the state they now are, means the supremacy of ignorance over instruction and of numbers over knowledge. So long as they are not taught to act together, there is a chance of this being averted, and it can only be averted by the greatest wisdom and the greatest foresight in the higher classes. They must avoid, not only every evil, but every appearance of evil; while they have still the power they must remove, not only every actual grievance, but, where it is possible, every seeming grievance too; they must willingly concede every claim which they can safely concede, in order that they may not have to concede unwillingly some claim which would impair the safety of the country.

This advice, too, will be said to be obvious; but I have the greatest fear that, when the time comes, it will be cast aside as timid and cowardly. So strong are the combative propensities of man that he would rather fight a losing battle than not fight at all. It is most difficult to persuade people that by fighting they may strengthen the enemy, yet that would be so here; since a losing battle — especially a long and well-fought one — would have thoroughly taught the lower orders to combine, and would have left the higher orders face to face with an irritated, organized, and superior voting power. The courage which strengthens an enemy and which so loses, not only the present battle, but many after battles, is a heavy curse to men and nations.

In one minor respect, indeed, I think we may see with distinctness the effect of the Reform Bill of 1867. I think it has completed one change which the Act of 1832 began; it has completed the change which that Act made in the relation of the House of Lords to the House of Commons. As I have endeavoured in this book to explain, the literary theory of the English Constitution is on this point quite wrong as usual. According to that theory, the two Houses

are two branches of the Legislature, perfectly equal and perfectly distinct. But before the Act of 1832 they were not so distinct; there was a very large and a very strong common element. By their commanding influence in many boroughs and counties the Lords nominated a considerable part of the Commons; the majority of the other part were the richer gentry—men in most respects like the Lords, and sympathising with the Lords. Under the Constitution as it then was the two Houses were not in their essence distinct; they were in their essence similar; they were, in the main, not Houses of contrasted origin, but Houses of like origin. The predominant part of both was taken from the same class—from the English gentry, titled and untitled. By the Act of 1832 this was much altered. The aristocracy and the gentry lost their predominance in the House of Commons; that predominance passed to the middle class. The two Houses then became distinct, but then they ceased to be co-equal. The Duke of Wellington, in a most remarkable paper, has explained what pains he took to induce the Lords to submit to their new position, and to submit, time after time, their will to the will of the Commons.

The Reform Act of 1867 has, I think, unmistakably completed the effect which the Act of 1832 began, but left unfinished. The middle class element has gained greatly by the second change, and the aristocratic element has lost greatly. If you examine carefully the lists of members, especially of the most prominent members, of either side of the House, you will not find that they are in general aristocratic names. Considering the power and position of the titled aristocracy, you will perhaps be astonished at the small degree in which it contributes to the active part of our governing assembly. The spirit of our present House of Commons is plutocratic, not aristocratic; its most prominent statesmen are not men of ancient descent or of great hereditary estate; they are men mostly of substantial means, but they are mostly, too, connected more or less

closely with the new trading wealth. The spirit of the two Assemblies has become far more contrasted than it ever was.

The full effect of the Reform Act of 1832 was indeed postponed by the cause which I mentioned just now. The statesmen who worked the system which was put up had themselves been educated under the system which was pulled down. Strangely enough, their predominant guidance lasted as long as the system which they created. Lord Palmerston, Lord Russell, Lord Derby, died or else lost their influence within a year or two of 1867. The complete consequences of the Act of 1832 upon the House of Lords could not be seen while the Commons were subject to such aristocratic guidance. Much of the change which might have been expected from the Act of 1832 was held in suspense, and did not begin till that measure had been followed by another of similar and greater power.

The work which the Duke of Wellington in part performed has now, therefore, to be completed also. He met the half difficulty; we have to surmount the whole one. We have to frame such tacit rules, to establish such ruling but unenacted customs, as will make the House of Lords yield to the Commons when and as often as our new Constitution requires that it should yield. I shall be asked, How often is that, and what is the test by which you know it?

I answer that the House of Lords must yield whenever the opinion of the Commons is also the opinion of the nation, and when it is clear that the nation has made up its mind. Whether or not the nation has made up its mind is a question to be decided by all the circumstances of the case, and in the common way in which all practical questions are decided. There are some people who lay down a sort of mechanical test: they say the House of Lords should be at liberty to reject a measure passed by the Commons once or more, and then if the Commons send it up again and again, infer that the nation is determined. But no important

practical question in real life can be uniformly settled by a fixed and formal rule in this way. This rule would prove that the Lords might have rejected the Reform Act of 1832. Whenever the nation was both excited and determined, such a rule would be an acute and dangerous political poison. It would teach the House of Lords that it might shut its eyes to all the facts of real life and decide simply by an abstract formula. If in 1832 the Lords had so acted, there would have been a revolution. Undoubtedly there is a general truth in the rule. Whether a Bill has come up once only, or whether it has come up several times, is one important fact in judging whether the nation is determined to have that measure enacted; it is an indication, but it is only one of the indications. There are others equally decisive. The unanimous voice of the people may be so strong, and may be conveyed through so many organs, that it may be assumed to be lasting.

Englishmen are so very miscellaneous, that that which has *really* convinced a great and varied majority of them for the present may fairly be assumed to be likely to continue permanently to convince them. One sort might easily fall into a temporary and erroneous fanaticism, but all sorts simultaneously are very unlikely to do so.

I should venture so far as to lay down for an approximate rule, that the House of Lords ought, on a first-class subject, to be slow—very slow—in rejecting a Bill passed even once by a large majority of the House of Commons. I would not of course lay this down as an unvarying rule; as I have said, I have for practical purposes no belief in unvarying rules. Majorities may be either genuine or fictitious, and if they are not genuine, if they do not embody the opinion of the representative as well as the opinion of the constituency, no one would wish to have any attention paid to them. But if the opinion of the nation be strong and be universal, if it be really believed by members of Parliament, as well as by

those who send them to Parliament, in my judgment the Lords should yield at once, and should not resist it.

My main reason is one which has not been much urged. As a theoretical writer I can venture to say, what no elected member of Parliament, Conservative or Liberal, can venture to say, that I am exceedingly afraid of the ignorant multitude of the new constituencies. I wish to have as great and as compact a power as possible to resist it. But a dissension between the Lords and Commons divides that resisting power; as I have explained, the House of Commons still mainly represents the plutocracy, the Lords represent the aristocracy. The main interest of both these classes is now identical, which is to prevent or to mitigate the rule of uneducated members. But to prevent it effectually, they must not quarrel among themselves; they must not bid one against the other for the aid of their common opponent. And this is precisely the effect of a division between Lords and Commons. The two great bodies of the educated rich go to the constituencies to decide between them, and the majority of the constituencies now consist of the uneducated poor. This cannot be for the advantage of any one.

In doing so beside the aristocracy forfeit their natural position—that by which they would gain most power, and in which they would do most good. They ought to be the heads of the plutocracy. In all countries new wealth is ready to worship old wealth, if old wealth will only let it, and I need not say that in England new wealth is eager in its worship. Satirist after satirist has told us how quick, how willing, how anxious are the newly-made rich to associate with the ancient rich. Rank probably in no country whatever has so much “market” value as it has in England just now. Of course there have been many countries in which certain old families, whether rich or poor, were worshipped by whole populations with a more intense and poetic homage; but I doubt if there has ever

been any in which all old families and all titled families received more ready observance from those who were their equals, perhaps their superiors, in wealth, their equals in culture, and their inferiors only in descent and rank. The possessors of the "material" distinctions of life, as a political economist would class them, rush to worship those who possess the *immaterial* distinctions. Nothing can be more politically useful than such homage, if it be skilfully used; no folly can be idler than to repel and reject it.

The worship is the more politically important because it is the worship of the political superior for the political inferior. At an election the non-titled are much more powerful than the titled. Certain individual peers have, from their great possessions, great electioneering influence, but, as a whole, the House of Peers is not a principal electioneering force. It has so many poor men inside it, and so many rich men outside it, that its electioneering value is impaired. Besides, it is in the nature of the curious influence of rank to work much more on men singly than on men collectively; it is an influence which most men—at least most Englishmen—feel very much, but of which most Englishmen are somewhat ashamed. Accordingly, when any number of men are collected together, each of whom worships rank in his heart, the whole body will patiently hear—in many cases will cheer and approve—some rather strong speeches against rank. Each man is a little afraid that his "sneaking kindness for a lord," as Mr. Gladstone put it, be found out; he is not sure how far that weakness is shared by those around him. And thus Englishmen easily find themselves committed to anti-aristocratic sentiments which are the direct opposite of their real feeling, and their collective action may be bitterly hostile to rank while the secret sentiment of each separately is especially favourable to rank. In 1832 the close boroughs, which were largely held by peers, and were still more largely supposed to be held by them, were swept

away with a tumult of delight; and in another similar time of great excitement, the Lords themselves, if they deserve it, might pass away. The democratic passions gain by fomenting a diffused excitement, and by massing men in concourses; the aristocratic sentiments gain by calm and quiet, and act most on men by themselves, in their families, and when female influence is not absent. The overt electioneering power of the Lords does not at all equal its real social power. The English plutocracy, as is often said of something yet coarser, must be "humoured, not drove;" they may easily be impelled against the aristocracy, though they respect it very much; and as they are much stronger than the aristocracy, they might, if angered, even destroy it; though in order to destroy it, they must help to arouse a wild excitement among the ignorant poor, which, if once roused, may not be easily calmed, and which may be fatal to far more than its beginners intend.

This is the explanation of the anomaly which puzzles many clever lords. They think, if they do not say, "Why are we pinned up here? Why are we not in the Commons where we could have so much more power? Why is this nominal rank given us, at the price of substantial influence? If we prefer real weight to unreal prestige, why may we not have it?" The reply is, that the whole body of the Lords have an incalculably greater influence over society while there is still a House of Lords, than they would have if the House of Lords were abolished; and that though one or two clever young peers might do better in the Commons, the old order of peers, young and old, clever and not clever, is much better where it is. The selfish instinct of the mass of peers on this point is a keener and more exact judge of the real world than the fine intelligence of one or two of them.

If the House of Peers ever goes, it will go in a storm, and the storm will not leave all else as it is. It will not destroy the House of Peers and leave the rich young peers, with their wealth and their titles, to sit in the Commons. It

would probably sweep all titles before it—at least all legal titles—and somehow or other it would break up the curious system by which the estates of great families all go to the eldest son. That system is a very artificial one; you may make a fine argument for it, but you cannot make a loud argument, an argument which would reach and rule the multitude. The thing looks like injustice, and in a time of popular passion it would not stand. Much short of the compulsory equal division of the Code Napoleon, stringent clauses might be provided to obstruct and prevent these great aggregations of property. Few things certainly are less likely than a violent tempest like this to destroy large and hereditary estates. But then, too, few things are less likely than an outbreak to destroy the House of Lords—my point is, that a catastrophe which levels one will not spare the other.

I conceive, therefore, that the great power of the House of Lords should be exercised very timidly and very cautiously. For the sake of keeping the headship of the plutocracy, and through that of the nation, they should not offend the plutocracy; the points upon which they have to yield are mostly very minor ones, and they should yield many great points rather than risk the bottom of their power. They should give large donations out of income, if by so doing they keep, as they would keep, their capital intact. The Duke of Wellington guided the House of Lords in this manner for years, and nothing could prosper better for them or for the country, and the Lords have only to go back to the good path in which he directed them.

The events of 1870 caused much discussion upon life peerages, and we have gained this great step, that whereas the former leader of the Tory party in the Lords—Lord Lyndhurst—defeated the last proposal to make life peers, Lord Derby, when leader of that party, desired to create them. As I have given in this book what seemed to me good reasons for making them, I need not repeat those reasons

here; I need only say how the notion stands in my judgment now.

I cannot look on life peerages in the way in which some of their strongest advocates regard them; I cannot think of them as a mode in which a permanent opposition or a contrast between the Houses of Lords and Commons is to be remedied. To be effectual in that way, life peerages must be very numerous. Now the House of Lords will never consent to a very numerous life peerage without a storm; they must be in terror to do it, or they will not do it. And if the storm blows strongly enough to do so much, in all likelihood it will blow strongly enough to do much more. If the revolution is powerful enough and eager enough to make an immense number of life peers, probably it will sweep away the hereditary principle in the Upper Chamber entirely. Of course one may fancy it to be otherwise; we may conceive of a political storm just going to a life peerage limit, and then stopping suddenly. But in politics we must not trouble ourselves with exceedingly exceptional accidents; it is quite difficult enough to count on and provide for the regular and plain probabilities. To speak mathematically, we may easily miss the permanent course of the political curve if we engross our minds with its cusps and conjugate points.

Nor, on the other hand, can I sympathise with the objection to life peerages which some of the Radical party take and feel. They think it will strengthen the Lords, and so make them better able to oppose the Commons; they think, if they do not say, "The House of Lords is our enemy and that of all Liberals; happily the mass of it is not intellectual; a few clever men are born there which we cannot help, but we will not 'vaccinate' it with genius; we will not put in a set of clever men for their lives who may as likely as not turn against us." This objection assumes that clever peers are just as likely to oppose the Commons as stupid peers. But this I deny. Most clever men who are in

such a good place as the House of Lords plainly is, will be very unwilling to lose it if they can help it; at the clear call of a great duty they might lose it, but only at such a call. And it does not take a clever man to see that systematic opposition of the Commons is the only thing which can endanger the Lords, or which will make an individual peer cease to be a peer. The greater you make the *sense* of the Lords, the more they will see that their plain interest is to make friends of the plutocracy, and to be the chiefs of it, and not to wish to oppose the Commons where that plutocracy rules.

It is true that a completely new House of Lords, mainly composed of men of ability, selected because they were able, might very likely attempt to make ability the predominant power in the State, and to rival, if not conquer, the House of Commons, where the standard of intelligence is not much above the common English average. But in the present English world such a House of Lords would soon lose all influence. People would say, "it was too clever by half," and in an Englishman's mouth that means a very severe censure. The English people would think it grossly anomalous if their elected assembly of rich men were thwarted by a nominated assembly of talkers and writers. Sensible men of substantial means are what we wish to be ruled by, and a peerage of genius would not compare with it in power.

It is true, too, that at present some of the cleverest peers are not so ready as some others to agree with the Commons. But it is not unnatural that persons of high rank and of great ability should be unwilling to bend to persons of lower rank, and of certainly not greater ability. A few of such peers (for they are very few) might say, "We had rather not have our peerage if we are to buy it at the price of yielding." But a life peer who had fought his way up to the peers, would never think so. Young men who are born to rank may risk it, not middle-aged or old men who have

earned their rank. A moderate number of life peers would almost always counsel moderation to the Lords, and would almost always be right in counselling it.

Recent discussions have also brought into curious prominence another part of the Constitution. I said in this book that it would very much surprise people if they were only told how many things the Queen could do without consulting Parliament, and it certainly has so proved, for when the Queen abolished Purchase in the Army by an act of prerogative (after the Lords had rejected the bill for doing so), there was a great and general astonishment.

But this is nothing to what the Queen can by law do without consulting Parliament. Not to mention other things, she could disband the army (by law she cannot engage more than a certain number of men, but she is not obliged to engage any men); she could dismiss all the officers, from the General Commanding-in-Chief downwards; she could dismiss all the sailors too; she could sell off all our ships of war and all our naval stores; she could make a peace by the sacrifice of Cornwall, and begin a war for the conquest of Brittany. She could make every citizen in the United Kingdom, male or female, a peer; she could make every parish in the United Kingdom a “university;” she could dismiss most of the civil servants; she could pardon all offenders. In a word, the Queen could by prerogative upset all the action of civil government within the government, could disgrace the nation by a bad war or peace, and could, by disbanding our forces, whether land or sea, leave us defenseless against foreign nations. Why do we not fear that she would do this, or any approach to it?

Because there are two checks—one ancient and coarse, the other modern and delicate. The first is the check of impeachment. Any Minister who advised the Queen so to use her prerogative as to endanger the safety of the realm, might be impeached for high treason, and would be so. Such a minister would, in our technical law, be said to have

levied, or aided to levy, "war against the Queen." This counsel to her so to use her prerogative would by the Judge be declared to be an act of violence against herself, and in that peculiar but effectual way the offender could be condemned and executed. Against all gross excesses of the prerogative this is a sufficient protection. But it would be no protection against minor mistakes; any error of judgment committed *bonâ fide*, and only entailing consequences which one person might say were good, and another say were bad, could not be so punished. It would be possible to impeach any Minister who disbanded the Queen's army, and it would be done for certain. But suppose a Minister were to reduce the army or the navy much below the contemplated strength—suppose he were only to spend upon them one-third of the amount which Parliament had permitted him to spend—suppose a Minister of Lord Palmerston's principles were suddenly and while in office converted to the principles of Mr. Bright and Mr. Cobden, and were to act on those principles, he could not be impeached. The law of treason neither could nor ought to be enforced against an act which was an error of judgment not of intention—which was in good faith intended not to impair the well-being of the State, but to promote and augment it. Against such misuses of the prerogative our remedy is a change of Ministry. And in general this works very well. Every Minister looks long before he incurs that penalty, and no one incurs it wantonly. But, nevertheless, there are two defects in it. The first is that it may not be a remedy at all; it may be only a punishment. A Minister may risk his dismissal; he may do some act difficult to undo, and then all which may be left will be to remove and censure him. And the second is that it is only one House of Parliament which has much to say to this remedy, such as it is; the House of Commons only can remove a Minister by a vote of censure. Most of the Ministries for thirty years have never possessed the

confidence of the Lords, and in such cases a vote of censure by the Lords could therefore have but little weight; it would be simply the particular expression of a general political disapproval. It would be like a vote of censure on a Liberal Government by the Carlton, or on a Tory Government by the Reform Club. And in no case has an adverse vote by the Lords the same decisive effect as a vote of the Commons; the Lower House is the ruling and the choosing House, and if a Government really possesses that, it thoroughly possesses nine-tenths of what it requires. The support of the Lords is an aid and a luxury; that of the Commons is a strict and indispensable necessary.

These difficulties are particularly raised by questions of foreign policy. On most domestic subjects, either custom or legislation has limited the use of the prerogative. The mode of governing the country, according to the existing laws, is mostly worn into a rut, and most Administrations move in it because it is easier to move there than anywhere else. Most political crises—the decisive votes, which determine the fate of Government—are generally either on questions of foreign policy or of new laws; and the questions of foreign policy come out generally in this way, that the Government has already done something, and that it is for the one part of the Legislature alone—for the House of Commons, and not for the House of Lords—to say whether they have or have not forfeited their place by the treaty they have made.

I think every one must admit that this is not an arrangement which seems right on the face of it. Treaties are quite as important as most laws, and to require the elaborate assent of representative assemblies to every word of the law, and not to consult them even as to the essence of the treaty, is *primâ facie* ludicrous. In the older forms of the English Constitution, this may have been quite right; the power was then really lodged in the Crown, and because Parliament met very seldom, and for other reasons, it was then necessary that, on a multitude of