

Parliamentary Government

IN ENGLAND

A COMMENTARY

BY HAROLD J. LASKI



NEW YORK · THE VIKING PRESS · PUBLISHERS

1938

Copyright 1938 by Harold J. Laski

Printed in U. S. A. by the Vail-Ballou Press

Published in November 1938

Parliamentary Government

IN ENGLAND

BY THE SAME AUTHOR

The State in Theory and Practice

Preface

It is important for me to emphasize that this book is not a formal description of the working of parliamentary government in England, but, essentially, as its subtitle states, a commentary limited to certain aspects of its working. I have tried, as best I can, to present those aspects of its working which are most relevant to the pressing problems of our time.

I owe many debts to friends for help in writing it. Among the dead, Lord Haldane and Mr. Arthur Henderson were good enough to discuss with me on many occasions some of the problems here treated; and I have, I hope, learned a good deal from Graham Wallas in long years of eager colleagueship. Among the living, I should like particularly to mention Mr. and Mrs. Sidney Webb, to whom, like all of my generation, I owe an unlimited debt, and Dr. W. I. Jennings, whose work on *Cabinet Government* has already taken its place as the classic on the subject. None of them, of course, has any responsibility for the views I have expressed. Perhaps I may add that parts of the book have benefited greatly from the friendly, if vigorous, criticisms of my students in the London School of Economics and Political Science.

H. J. L.

July 3, 1938,
Little Bardfield, Essex

Contents

I: Introductory	3
II: The Party System	53
III: The House of Lords	88
IV: The House of Commons	112
V: The Cabinet	183
VI: The Civil Service	259
VII: Parliament and the Courts	303
VIII: The Monarchy	327
Index	377

To my friend

MAX LERNER

with warm affection

Introductory

1

NO system of representative government has a history so continuous or so successful as that of Great Britain. It was born of a revolution which, in any real sense, may be said to have lasted almost fifty years. Yet if it was the deposit of a grim civil war, for two hundred and fifty years all its fundamental changes have since been effected by peaceful compromise. It has stood the strain of two wars of world importance, and it has been able to adapt itself to a condition in which the form of its political institutions has been successfully adapted to the substantive distribution of its economic power. In the century and a half of its modern history, the government of France has been reshaped by three violent revolutions; while the constitution of the United States was challenged, half-way in its evolution, by four years of civil war. If we date the history of representative government in Germany and Italy from 1870, the one lasted for sixty-three years, the other for fifty-two.

The contrast is, on any showing, a striking one; and it is tempting to attribute it, as eulogists are wont to do, to some special British genius for the difficult art of self-government. That explanation, however, is an unsatisfactory one, since, obviously, it is a deduction from the history rather than a principle informing it. A passion for simplicity usually works havoc with political philosophers, and it is rare indeed for a phenomenon so complex as the success of the British government to be capable of explanation in terms of any single principle. Explanations that base

themselves upon some supposed virtue in a national character rarely deceive any save those who are responsible for their making. Anyone who compares the impression produced by Englishmen upon Frenchmen in the seventeenth and eighteenth centuries, respectively, will recognize at once that judgments of national behaviour are always a dangerous enterprise. There is a presumption in them both of unity and of objectivity which rarely coincide with the facts themselves.

The "prerequisites," as Bagehot called them, of successful representative government are, indeed, both manifold and complex. It requires something more than intelligence and virtue. It presupposes a body of citizens who are fundamentally at one upon all the major objects of governmental activity; so fundamentally at one, it may be added, that the thought of conflict as a way of change is incapable of entering the minds of more than an insignificant portion of the nation. It requires, in the second place, a sense in the nation that no single class of any importance in the community is permanently excluded from power. For it has been not less true of the British than of other peoples that the possession of power over a long period is corrupting in its nature; so that, in the long run, exclusion from power tends naturally to mean exclusion from benefit also. The rule of an aristocracy has always meant rule in the interest of that aristocracy; the rule of business men has always taken a narrow view of the interests both of agriculture and of the poor. Unless a body of men feel that their place in the society is, granted that they are numerous enough, either certain to receive consideration, or, alternatively, that its refusal will jeopardize the position of those in office, they are unlikely, if the object involved is one to which they attach any profound consideration, to acquiesce at all easily in the maintenance of social peace.

A third condition of successful representative government is that it should be built upon widely diffused habits of tolerance throughout the nation. Men who are to live together peacefully must be able to argue together peacefully. They must not run

to suppress criticism of things as they are; rather they must be willing, if pressed, to invite examination of them. They must refrain from imposing upon a significant minority principles of legislation by which the latter is outraged. Without this tolerance there is no prospect in the society of compromise, and every subject of division then becomes a highroad to disruption.

It is, I think, historically obvious that the habits of tolerance are born of a sense of security. By that I mean that the members of the society are confident, above all in matters of economic constitution, that their established expectations will be fulfilled. For tolerance depends on the existence of a mood in which men are susceptible to rational argument, and nothing is so destructive of this temper as the fear that is born of the disturbance of a wonted routine. Political reform in England was postponed for forty years by the terror born of the French Revolution, and there was a moment when it seemed not unlikely that the compromise of 1832 would not be effected peacefully. Men cannot settle their differences by reason when the passion of fear hangs over their lives. It may be the outcome of defeat in war. It may come through a wholesale disruption of the currency. It may be the invasion of some custom or right held specially dear by those to whom it is denied. Whatever the causes, the deeper the disturbance of the atmosphere of security, the less likely will it be that a free system of representative government can be successfully maintained.

When, seventy years ago, Bagehot made his famous analysis of the English constitution, he added two further conditions which he regarded as essential. The people, he thought, must, as a mass, have the habit of deference; and he regarded the institution of the monarchy as a "myth" which, by its magic influence, persuaded them to accept the rule of their betters. "They fancy," he wrote, "they are governed by an hereditary queen, a queen by the grace of God, when they are really governed by a cabinet and a parliament—men like themselves, chosen by themselves. The conspicuous dignity awakens the sentiment of reverence, and men,

often very undignified, seize the occasion to govern by means of it."

We need not deny the influence of the monarch's person in unifying the sentiment of a nation. But it is obvious enough that Bagehot's myth, in fact, goes a very little way. For, historically, myths of this kind are successful only so long as, beneath their ægis, the "efficient" part of a constitution, as he termed it, is able to do its work successfully; and this, in its turn, depends upon the ability of the system, as it functions, to satisfy the legitimate expectation of citizens. Where it does not, as with Charles I or Louis XVI, or Nicholas II, the ability of the myth to do its work of conviction vanishes pretty rapidly. A successful myth operates only where a regime is secure; it collapses as that regime is undermined.

Underlying Bagehot's insistence on the importance of the "dignified" part of a constitution, there was a deeper apprehension, hardly, perhaps, made fully articulate, which is more important. Bagehot, it must be remembered, wrote before the maturity of trade unions, also before the Education Act of 1870 had exercised any effect upon the population. He doubted the compatibility of representative government with universal suffrage. He was afraid of the ignorance of the multitude. The combination of the lower classes might, he thought, drive their "betters" from power, and he urged a coalition of the aristocracy and the wealthy against this danger. It is clear enough that what he had in mind was a situation—like that of Chartism, or the French Revolution of 1848—in which the masses would use their political power to undermine respect for property. Particularly, he feared a situation in which the masses should find "two combinations of well-taught and rich men 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." "A political combination of the lower classes," he wrote, "as such and for their own objects, is an evil of the first magnitude; a permanent combination

of them would make them (now that so many of them have the suffrage) supreme in the country; and their supremacy, in the state they now are, means the supremacy of ignorance over instruction, and of numbers over knowledge."

That fear of the brute force of numbers is a characteristic of the generation in which Bagehot wrote. Mill and Maine and Lecky are all, in different degrees, pervaded by its influence in their writings. It is, of course, clear now that in some ways their fear was greatly exaggerated. They underestimated the power of education to make men take long views; they underestimated the influence of propaganda in maintaining ancient routines of thought. But, at least from one aspect, their fear of a democracy based on universal suffrage has a significance in which their warnings are of great importance.

For it is certain that in any society where men and women enjoy universal suffrage there will be a persistent urgency to use their political power for the improvement of their material conditions. So long as the economic system is able continuously and measurably to respond to their demands, they are unlikely to discuss those foundations which, as Burke insisted, it is always dangerous to examine. They will want security, higher wages, shorter hours, better housing, more ample education and opportunity for their children. So long as the system is able to provide them with these things, so long, in Bagehot's own phrase, as the "better" classes can "remove not only every actual grievance, but, where it is possible, every seeming grievance, too; they must willingly concede every claim they can safely concede," all will be well. But the essential and central problem of representative democracy is the question of what the "better" classes can do when some claim is made which, in their judgment, they cannot "safely" concede. For Bagehot, no doubt, the idea of "safety" was an objective one, something, perhaps, that could logically be deduced from the postulates of that political economy of which he was so brilliant an exponent. Yet it is clear enough that those postulates were, in

fact, the half-conscious assumptions of a class which had made them work and built its conceptions of "safety" upon the fact that it had come to think of no others as possible.

The real problem was one which was confronted in this period only by Tocqueville among liberal thinkers, and by Marx and his disciples among socialist thinkers. It was the consequences of the situation that might arise if the conception of "safety" in the granting of concessions was viewed differently, even antithetically, by the different parties to the political equation. Men would then be in disagreement about exactly those fundamentals upon which, as Bagehot saw, was the condition of successful government in representative democracy. "Our whole political machinery," Lord Balfour has written, "presupposes a people so fundamentally at one that they can safely afford to bicker; and so sure of their own moderation that they are not dangerously disturbed by the never-ending din of political conflict." It is that unity which explains the remarkable contrast between the political history of Great Britain and that of its continental neighbours.

It is a unity born of economic success, of success in war, of success in empire-building. Out of these came an expanding volume of wealth which permitted the policy of concessions that Bagehot recommended to be continuously applied. Moments of danger, like those of the Chartist movement, were transcended peacefully because each of them broadly synchronized with a great economic move forward which permitted the conference of increasing material benefit upon the masses. That conference, moreover, in no wise endangered, at least until the close of the war, the privileges or the security of the "better" classes; even so late as 1908 an eminent American observer could see no future for the Labour Party save as a minor partner in the liberal alliance. It was widely held, until the outbreak of the war, that the capitalist foundations of society were not seriously in question. It was believed that the new socialized liberalism, of which T. H. Green was perhaps the most notable exponent, had built a philosophy of state-intervention

which would safeguard in perpetuity at least the large outlines of the Victorian compromise. The main bulk of British socialists themselves hardly doubted the validity of this view. Nourished, directly or indirectly, on the views of the Fabian school, they thought of the state-power as a neutral force which responded objectively to the will of an electoral majority. They had no doubt that reason was on their side, and they assumed that they had only to persuade that majority that they were right, to proceed to use the power of the state for the socialist transformation of economic institutions.

This simple theory, no doubt, is still the predominant view in England, though it has received some rude shocks in recent years. Its acceptance is built, in fact, upon a long series of assumptions none of which has been adequately tested. It believes, clearly, in the existence of an objective reason which compels men to peaceful acceptance of its conclusions whatever be their interest in the result of its application. It regards democracy as the supreme good, and it refuses to visualize the operation of democracy in the framework of the capitalist system to which it is so vitally related. It differentiates between the experience of continental countries and that of Great Britain on the ground that British national character and historic traditions create decisively different possibilities; British capitalists, in view of that character and those traditions, will not, it is assumed, act like continental capitalists when their privileges are threatened. It is, moreover, a purely rationalist interpretation of political action; it hardly considers at all the degree to which, in politics, reason has its opportunity only where men have an equal interest in its findings. Above all, perhaps, it has never seriously examined the relation between economic power and political power, the degree, that is, to which the authority of the state is subordinated to the logic of the economic foundations upon which it rests.

As Bagehot and, indeed, most of his generation saw, the position is far more complicated. Constitutional principles and forms do not operate in a vacuum of abstract reason. They are a method

intended to secure the triumph of certain ends; they are shaped to the attainment of those ends. The English state of the past two hundred and fifty years is the institutional expression of that liberalism which received its first classical expression in Locke. It was the affirmation of the right of the property-owner to be protected against arbitrary interference in the enjoyment of his property. The business of the state was to find the terms upon which that enjoyment could be most amply protected. How narrow was this conception of the state's function Adam Smith was not slow to admit; for him the main function of justice was the protection of property. "The affluence of the rich," he wrote, "excites the indignation of the poor, who are often both driven by want and prompted by envy to invade their possessions. It is only under the shelter of the civil magistrate that the owner of that valuable property, acquired by the labour of many years, or perhaps many successive generations, can sleep a single night in security." That the protection of property was the main end of the state was also the view of Burke. "To provide for us in our necessities," he said, "is not in the power of government. It would be a vain presumption in statesmen to think they can do it. . . . It is in the power of government to prevent much evil; it can do very little positive good in this, or perhaps in anything else." The underlying assumption of this attitude was, perhaps, put most clearly, if somewhat starkly, by Arthur Young. "Everyone but an idiot," he wrote in 1771, "knows that the lower classes must be kept poor, or they will never be industrious."

The English liberalism of the last century has, in outward form, departed widely from that attitude. It has built a state in which freedom of speech and association, equality before the law, universal suffrage, compulsory education, and religious liberty are postulates to which all parties give adherence. More: the police-state of the early nineteenth century has given place to the social service state of the twentieth. Upon a scale of which Bagehot could not have dreamed the state has used its supreme coercive power deliberately to mitigate, by its conscious intervention, some of the