

THE IDEA OF PARLIAMENT IN BRITISH POLITICAL CULTURE, BOLINGBROKE TO BROWN*

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The mother of Parliaments

No remark about the British Parliament is more frequently quoted out of context than John Bright's, delivered in a speech on parliamentary reform in 1865: 'England is the ancient country of Parliaments... England is the mother of Parliaments'.¹ Bright has been echoed innumerable times. The parliamentary historian and would-be liberal politician A.F. Pollard described parliamentary institutions in 1920 as 'incomparably the greatest gift of the English people to the civilization of the world';² at the height of the first World War in 1917 Winston Churchill claimed that 'this little room' – the chamber of the House of Commons – 'is the shrine of the World's liberties'.³

It has long been axiomatic in British political culture that Parliament was invented in England; that it was a key ingredient in the strength and success of Britain as a state; and that its history and structure were inextricably tied up with the nature of English character and society.⁴ The late twentieth century conservative politician and constitutional romantic Enoch Powell suggested that if you 'take Parliament out of the history of England... that history itself becomes meaningless' and claimed that 'the British nation could not imagine itself except with and through its Parliament'.⁵ Organic growth over centuries was, it was claimed, the key to Parliament's success, and meant that it was impossible to replicate elsewhere.

THE IDEA OF PARLIAMENT...

Benjamin Disraeli patronised Louis XVIII for trying in his constitution of 1814 to copy the English constitution. The 'innocent monarch', he loftily wrote

seems to have supposed that the English constitution consists merely of two rooms full of gentlemen, who discuss public questions, and make laws in the metropolis at a stated season of the year. The King of France had no idea that political institutions, to be effective, must be founded on the habits and opinions of the people whom they pretend to govern; that the members of a representative body must be composed of a class to which the people have long looked up with respect and confidence; and that these representatives must carry on their affairs in a mode and spirit congenial and homogeneous with the prescriptive practice of the community.⁶

This essay is not intended to consider the accuracy of statements like these; instead it reviews their political and cultural implications. It is undeniable that the story of Parliament's creation and its relationship with the crown and the executive, has been, for many years, a, if not the, central element in most narratives of British history. We know much about the political dramas played out within it; oceans of ink have been spilt over identifying the balance of constitutional power between it and government; historians have been deeply concerned to examine the changes in the theory and practice of representation. But the history of the parliamentary *idea* has rarely been the object of study. The British have been surprisingly incurious about the institutional and cultural history of Parliament and its relationship with the other institutions of the British state and the culture of the British people. With their eyes on the political and constitutional arguments that have taken place on the parliamentary stage, they have been less interested in the stage itself. Parliament in England and Britain, venerated though it might have been (at least by some) has been largely taken for granted. It has been political scientists from *beyond* Britain who have been most interested in describing and theorising the institutional aspects of Parliament: the Swiss, De Lolme and Etienne Dumont; the Canadian, Alpheus Todd; the Austrian, Josef Redlich; the American, Lawrence Lowell; and the Russian, Moisei Ostrogorski.⁷

What will follow, then, is the beginnings - very much the beginnings - of an attempt to establish the place of Parliament in British

political culture. I want to try to separate out the idea of parliament from more general ideas about politics and political theory, and to isolate the elements of a *Parliamentary* ideology. I should stress that the intention is not to review the languages and concepts used about parliamentary *functions* – deliberation, representation, legislation, sovereignty and so on. It is rather to review what those concerned believed were the particular virtues of Parliament, how they thought it should go about its functions, and what they believed were the conditions for its success – to identify the axes of activity and anxiety around which the idea of Parliament has turned. In particular, I will examine the notions of independence; moderation; responsiveness and formality. Along the way I hope to begin to bring out how ideas about Parliament are related to ideas about Englishness and Britishness, of English and British history, and to the particularities of the British state.

This is not straightforward. As the literary historian George Watson complained in 1974, British historians have always found it difficult to isolate events at Westminster from the history of the nation and the lives of members of its two Houses.⁸ Parliament is so deeply ingrained within British politics that it is difficult to separate the two. It is difficult, moreover, to pin down exactly what Parliament is. Bagehot called the House of Commons a public meeting; Macaulay called it (at least potentially) a mob. Historians used to argue over when Parliament became an institution rather than an event, and it is not until very recently that Parliament acquired much sense of corporate identity. Its essence, indeed, was disorganisation. The values and ideas about such a body of those who participate in it were bound to be vague, unsystematic and underdeveloped.

Nor is it straightforward to review the values of Parliament (and mostly the House of Commons) over more or less three hundred years. There are radical discontinuities within that time: most obviously, the Reform Acts of 1832, 1867 and 1884. Context is crucial, for analyses of the operation of Parliament have often been related to some more general debate about the health of the political system, and there is some danger of reading statements about parliamentary government that had specific contexts as if they were normative, rather than temporal and contingent. It would take a much more comprehensive study than this to be confident of separating out real continuities and discontinuities from the merely contingent. But within a culture and discourse that has been so concerned with prescription and tradition it is not unuseful or illegitimate to try and trace them.

Independence

In his *Dissertation upon Parties* of 1733–34, Henry St John, Viscount Bolingbroke, among the chief ideologists of the opposition to Sir Robert Walpole, wrote that

Parliaments are the true guardians of liberty... many securities to liberty are provided, but the integrity which depends on the freedom and independency of Parliament, is the key-stone that keeps the whole together... The integrity of Parliament is a kind of Palladium, a tutelary goddess, who protects our state.⁹

The *Dissertation upon Parties* has, of course, a specific context in the opposition to the Walpole regime in the 1730s. But it drew very heavily on the country ideology of the late seventeenth century and the reaction to the parliamentary management in the 1670s of the king's minister the earl of Danby, and his many successors, most effectively articulated by Andrew Marvell, in his *Account of the Growth of Popery and Arbitrary Government* of 1678.

In the debates of the 1670s a tradition was founded in which the independence of Parliament was based solidly on the character of country gentry, and their independence in turn dependent on land and the income from their own landed estates. Marvell's satire, *Last instructions to a Painter*, written in 1667, precisely two hundred years before the second Reform Act, praised the 'country' Members of Parliament as:

A gross of English gentry, nobly born,
Of clear estates, and to no faction sworn
Dear lovers of their king, and death to meet
For country's cause, that glorious think and sweet;
To speak not forward, but in action brave,
In giving generous, but in counsel grave.¹⁰

The poet John Dryden devoted a similar tribute to his cousin, John, a Member in the 1690s:

Well-born and wealthy, needing no support,
You steer betwixt the country and the court;
Nor gratify whate'er the great desire
Nor grudging give, what public needs require.¹¹

The perceived link between parliamentary independence and the economic independence of the English gentry persisted for at least two hundred years. In 1835 Disraeli drew on the same tradition in his *Vindication of the English Constitution*, when he referred to Parliament's reliance on

a class of individuals noble without privilege, noble from the generosity of their nature, the inspiration of their lineage, and the refinement of their education; a class of individuals who, instead of meanly submitting to fiscal immunities, support upon their broad and cultivated lands all the burthens of the state; men who have conquered by land and sea, who have distinguished themselves in every honourable profession, and acquired fame in every department of learning, and in every province of science and of art; who support the poor instead of plundering them, and respect the court which they do not fear; friends alike to liberty and order, who execute justice and maintain truth – the gentlemen of England; a class of whom it is difficult to decide, whether their moral excellence or their political utility be most eminent, conspicuous, and inspiring.¹²

Even if they might have felt slightly uncomfortable with Disraeli's rhetoric, most politicians and commentators would have agreed on the fundamental point: that the healthy operation of Parliament depended on politicians of independent means.

The idea of a Parliament that could be dominated by independent members, though, was never the whole story. The constant failure in the early eighteenth century to pass place bills preventing representatives in Parliament from being also salaried officials of the state or benefiting in other ways from government patronage, indicates that Bolingbroke's claims were as rhetorical as they were real. David Hume's wearied dismissal of Bolingbroke's argument in *Of the Independency of Parliament* of 1741 firmly indicates its impracticability. The potential power of the Commons was so great, he insisted, that they required to be held in check through some sort of executive control.¹³

The truth was, that the leadership of ministers had become indispensable to the operation of the eighteenth century House of Commons. Scarcely referred to in the standard works on the constitution in the eighteenth century, the incorporation of the executive within the legislature and its management of the legislature through

THE IDEA OF PARLIAMENT...

the mechanism of party was now the fundamental principle of British government, vital to making Parliament into a coherent body. In the words of Thomas Macaulay, it had on the one hand enabled the House of Commons to 'exercise a control over all the departments of the executive administration', while on the other giving it the leadership and direction without which it would lapse into anarchy: 'It has been truly said that every large collection of human beings, however, well educated, has a strong tendency to become a mob; and a country of which the Supreme Executive Council is a mob is surely in a perilous situation'.¹⁴ Bagehot's celebration in the *English Constitution* in 1865 of the role of the cabinet in tying together executive and legislative branches of government was the most influential formulation of the idea. The role of party was equally central. Though they treated it warily enough, eighteenth century politicians had thoroughly assimilated the idea of party; their nineteenth-century counterparts, Whigs especially, treated it with positive enthusiasm. Party helped ministers to bring coherence and leadership to parliamentary debate, to ensure that it could issue in decision, rather than chaos.¹⁵ Parliament, liberals alleged in the middle of the nineteenth century, became ineffective and useless in the Palmerston years because of a decline in the party spirit that drove it onwards.

Neither the role of ministers, nor the role of party, was in practice incompatible with the independence of individual politicians. Though Bolingbroke's fears about the corruption of Parliament by government resurfaced regularly throughout the eighteenth century, and were converted by William Cobbett and others into the panic about 'Old Corruption' between about 1810 and 1830, its actual impact was much exaggerated. Much has been written on the strength and definition of political parties during the eighteenth and nineteenth centuries; but it is clear enough that they were at least until 1830 complex and fluid entities – 'polarities', rather more than 'bodies' – in which loyalty to a party was a highly contingent affair – they were 'flexible associations born of voluntary subordination not unconditional obedience'. They lacked the centralised bureaucracies, the extensive constituency organisation and the mass membership which would become the hallmarks of democratic party government.¹⁶ In the eighteenth century, as Peter Thomas has argued, the key to the procedure and practice of the House of Commons in the eighteenth century was the presence of a majority of members who were independent of the administration:

PAUL SEAWARD

it explained the moderate tone in politics, with opposition to government an accepted part of parliamentary behaviour; the real significance of debates in a House where there were votes to be won, and the survival and development of a procedure that had originated as a means of defence against the Crown.¹⁷

The period when Bagehot, Grey and Macaulay were writing, from the late 1840s to the mid 1860s, was one in which parties went through an exceptional period of turbulence and fluidity, and their descriptions of parliamentary government assumed the independence of members and the reality of the choices they independently made. Independence was not simply a contingent feature of the political system: it remained for Bagehot one of the two things, with moderation, that were the essential conditions for the 'bare possibility' of parliamentary government.¹⁸

The threat they feared to that independence came not so much from parliamentary leadership at Westminster but from the grip of party on the constituency. In this they were looking back to the ancient argument over whether Members of Parliament should accept instructions from their constituencies concerning the way they acted in Parliament. The argument was already a century old when Burke gave classic expression to the Members' view in his 1774 speech to the electors of Bristol, and its origins, like the origins of the 'country tradition' in English politics, lay in the assault on the corruption of Parliament by government and the campaign for the dissolution of the Cavalier Parliament during the 1670s.¹⁹ Pressure on Members from the constituencies was seen as a way of counteracting the pressure from the court, and preserving their independence and honesty from government corruption.²⁰ The complex partisan politics of the 1690s and the first decade of the eighteenth century resulted in further efforts to insist on the delegate status of Members of Parliament. In response, it would be argued that individual constituents lacked the information, the rationality and the independence to make the judgements in the public interest which Members would have to make.²¹ In a debate in the Commons on a later controversy, related to the rule of Walpole and the excise crisis, one Member argued that

Members of Parliament when chosen must be as independent of their electors as of the Crown, otherwise they will be under an influence that may be prejudicial to the general good of the nation, for the desires of a

THE IDEA OF PARLIAMENT...

Corporation may thwart the good of the whole, and contending particular interests would be an eternal discord to measures of Parliament. Septennial Parliaments in great measure prevent that influence, for he who is not to return under an obligation to ask the favour of his voters to be speedily chosen again will act more freely for the general good than if he is, and the common people will not ride the gentry.²²

The last point let down the high-mindedness about the common good: but it underlines the claim – directly contrary to the implication made in the 1670s – that independence from voters was closely related to independence from the crown. The gentleman Member could be nobody's servant and nobody's delegate, and made his political choices as a free agent.

Moderation

In the debate about delegation, parliamentarians argued that independence from constituency pressures enabled independent Members to come to their decisions through rational and moderate debate. Pre-Reform Act parliamentarians prided themselves on the business-like, mature way in which argument was conducted. Speeches were generally short, and debate proceeded by genuine argument, with the Speaker taking care to balance contributors on different sides of an argument, and to alternate between them.²³ There were of course exceptions. William Pitt the elder achieved success through his legendary abilities as a parliamentary speaker: but his eloquent and sometimes overblown speeches were seen as out of date by the 1750s.²⁴ When Burke tried it in the 1770s and 1780s it was almost always unsuccessful – famously, Burke was referred to (in common with many others regarded as tedious) as a 'dinner bell' – the signal for Members to leave the chamber to dine.

Undoubtedly, the reality of eighteenth century parliamentary debate was a lot less attractive than Members liked to claim. Sir Anthony Keck in the 1690s described the Commons as a bear garden, and complained of the notorious committee of elections that 'some of the Members come in drunk, some sleep and some tumultuous, and seldom any mind the justice, but his friend or the party'.²⁵ Heated arguments could be common, though, as Peter Thomas has argued,

duels based on arguments in the House were dying out by the end of the eighteenth century.²⁶ Certainly by the end of the century, broader changes in English culture, and in ideas of masculinity, gentility and sensibility were plainly instrumental in supporting the idea of rational and moderate debates. Sir James Mackintosh called Commons debates 'animated conversation on public business'; George Canning emphasised the importance of reasoned argument: Members had to take conversation as the basis of their contributions,

rather than anything studied or stately. The House was a business-doing body and the speaking must conform to its character; it was jealous of ornament in debate, which, if it came at all, must come as without consciousness. There must be method also; but this should be felt in the effect, rather than seen in the manner; no formal divisions, set exordiums or perorations, as the old rhetoricians taught, would do. First, and last, and everywhere, you must aim at reasoning.²⁷

The link between moderation in debate and the character of a membership dominated by the English aristocracy and gentry was drawn by Bagehot.

The partisans of the English Parliament... are Whigs, or Radicals, or Tories, but they are much else too. They are common Englishmen, and, as Father Newman complains, 'hard to be worked up to the dogmatic level'. They are not eager to press the tenets of their party to impossible conclusions. On the contrary, the way to lead them – the best and acknowledged way – is to affect a studied and illogical moderation.

He praised their leaders for being 'in contact with reality'.²⁸

Of all modes of enforcing moderation on a party, the best is to contrive that the members of that party shall be intrinsically moderate, careful, and almost shrinking men; and the next best to contrive that the leaders of the party, who have protested most in its behalf, shall be placed in the closest contact with the actual world. Our English system contains both contrivances: it makes party government permanent and possible in the sole way in which it can be so, by making it mild.²⁹

Formality, antiquity and codes of behaviour

Rationality, caution and independence were backed by an enormous weight of experience and practice. Nothing was more apparent in the way Parliament worked than its antiquity. As the great nineteenth-century clerk of the House of Commons, Sir Thomas Erskine May, observed in his *Treatise on parliamentary law*,

step by step the legislature has assumed its present form and character; and after many changes its constitution is now defined by "The clear and written law, - the deep-trod footmarks / Of ancient custom."³⁰

Or as his successor, Sir Courtney Ilbert, wrote in his introduction to the English edition of Redlich's *Procedure of the House of Commons* in 1908,

the English Parliament strikes its roots so deep into the past that scarcely a single feature of its proceedings can be made intelligible without reference to history... Without the guidance of the historic sense parliamentary procedure is a bewildering jungle. For the initiated, the forms and ceremonies of Parliament, often quaint and arbitrary in external appearance, are pregnant with historical significance.³¹

The Parliament at Westminster, he went on to say, and one assumes that this was not meant to sound pejorative, 'is not only a busy workshop; it is a museum of antiquities'.³²

The significance attached to the 'arcane' forms of parliamentary procedure related partly to the way in which it placed obstacles in the way of those who wished to pass laws. The seventeenth century inhibited legislators as much as possible (the idea that those who proposed new laws in some Greek governing assemblies had to do so wearing ropes around their necks - and if it was not accepted they were hanged - was often cited). It was a procedure, as Redlich argued, that was stacked in favour of an opposition, although as Peter Thomas has shown, in practice, oppositions rarely took advantage.³³ For the rules and precedents of procedure were tempered, crucially, by assumptions of civility and gentleman-like behaviour, the codes of the aristocracy and gentry who made up the membership of the House.

Doubts about this web of rules and assumptions as a basis for a Parliament were already being expressed in the eighteenth cen-

ture: Thomas quotes Alexander Wedderburn's exasperated protest of 1770: 'is there no rule to govern an assembly by but that of precedents? Is there no rule that results from the reason of the thing?'³⁴ It is perhaps remarkable, however, that the arch systematiser, Jeremy Bentham, found little to criticise in the procedure and practice of the British House of Commons when he wrote his treatise on *Political Tactics* in 1791, and even wagged a finger at the French National Assembly for its failure to adopt more British practices.³⁵ But with the rapid growth in the government's need to legislate from the outbreak of war with France in 1793 onwards, the obstacles presented by an antiquated procedure became an increasing burden. The outline of the growth of procedural ministerial control is well-established: the introduction of Order Days in 1811, and the increasing dominance of those days by government in practice (though not in theory) allowed ministers to monopolise a growing proportion of the time of the House.

Enough obstacles were left to irritate those less enamoured of the intricacies of the institution, and also to be exploited by those less hobbled by ideas of the appropriate codes of behaviour. From the 1832 Reform Act the House of Commons was almost always discussing the procedural obstacles to effective government. The exposure of the inadequacies of the government in dealing with the Crimean War of 1854–6 was the background to the most significant attempt to remove a growing logjam in the business of the House, one which finally resulted in some significant reforms in 1861. The process, though, was intensely cautious. Redlich, reviewing what he called the 'reform of the antiquated procedure', was deeply impressed by the House's reluctance to make changes lightly. He drew attention, for example, to two features of the conclusions of the report of the select committee on the business of the House of 1861:

first, the conservative character which distinguishes the proposals of the committee; secondly, the great political wisdom and experience which characterises the eminent parliamentarians, who composed it, as heirs and transmitters of a high tradition.³⁶

The Committee itself claimed to have

treated with respect the written and the unwritten law of Parliament, which for ages has secured a good system of legislation, perfect freedom of debate, and a due regard for the rights of minorities. This respect for

THE IDEA OF PARLIAMENT...

tradition and this caution in making changes have proceeded on the principle that no change is justifiable which experience has not proved to be necessary, and that the maintenance of the old rules is preferable to new but speculative amendments.³⁷

Some executive minded politicians were less impressed by such conservatism. Even the Tory politician and writer Lord Salisbury, the later prime minister, in 1864 complained that the proceedings of the house of Commons were

uncouth, complicated, often unmeaning, founded upon circumstances which have ceased to exist, often defensible by no reasons applicable to the present state of things, and liable at any time to misuse.³⁸

Responsiveness

The principles of independence and moderation and a respect for custom, tradition and appropriate codes of behaviour determined much of the way in which parliamentary business was conducted. Often in conflict with those principles was a tradition of responsiveness and openness to outside influences. This may seem surprising, given Members' attitudes to the debate on constituency delegation. But local business was as much part of Parliamentary life as were great matters of state and politics. Much recent work on English politics from the sixteenth to the eighteenth century has emphasised how localised, how independent of the central state, was the great bulk of the process of government – as Thomas Paine put it in *The Rights of Man*, 'the sense of the Nation is left to govern itself, and does govern itself by magistrates and juries, almost at its own charge, on republican principles'.³⁹ Counties and boroughs were the essential and largely self-governing units of local administration. In these circumstances, Parliament was the one thing – the point of contact, as the historian of sixteenth century England, Sir Geoffrey Elton, put it – that really held the nation together. The great Victorian constitutional historian, Bishop William Stubbs, emphasised this in his *Constitutional History of England* published in 1874: the parliamentary constitution of England, he argued, closely reflected its origins rooted in the machinery of local government – in particular the shire courts: 'the Parliament of the thirteenth century was the concentration of local representation in and with the national council'.⁴⁰ Members of Parliament – or rather

PAUL SEAWARD

knights of the shire and burgesses, for the title Member of Parliament was little used until the 1830s – came to Parliament with the experience they had gained as local magistrates and country gentlemen and with a determination to protect their own patch. Parliamentarians may have resisted the notion that they might be delegates from the constituency to Westminster, or obliged to follow the instructions of their constituents on general political matters. In theoretical terms, they regarded themselves as representing the interests of landed society. But they assumed that among their principal functions was to further in Parliament the specific interests and concerns of their constituents – rather than, or besides, a class.

If localism was essential to the ideology of the eighteenth century Parliaments and their predecessors, so was the idea of openness and responsiveness. Indeed, the two were closely linked. Sir William Robinson, who by 1724 had sat as MP for York for 24 years, complained

there being vast trouble to discharge the duty of a Parliament man, so many different interests to please while in the place I serve for, so much expected to be done for the citizens or their friends during the session of Parliament that one's never quiet.⁴¹

Thomas Gisborne in 1797 wrote that

The institution of a House of Commons ensures almost to every inhabitant of the realm an opportunity of making known his grievances to a tribunal, which is competent to provide for their redress. If the evil of which he complains be real, and of any considerable magnitude in the general estimation; whether it arises from the absence, from the inefficiency, or from the abuse of positive law; it is nearly certain that some Member of Parliament will be influenced either by laudable or reprehensible motives, by the impulse of duty, of benevolence, of compassion, of patriotism; or by selfishness, by resentment, by vanity, by party spirit, or even by the mere inquietude of a busy disposition, to bring it forward into public notice.⁴²

The complicated results of this assumption on eighteenth century legislation have been well established by Paul Langford and others. Deeply reluctant to address issues such as poor relief on a systematic national level, Members responded to individual instances with individual solutions, such as the almost 120 bills relating to arrange-

THE IDEA OF PARLIAMENT...

ments for poor relief passed at the request of individual parishes and groups of ratepayers in the century after the 1688 Revolution.⁴³ What Langford has called 'legislative particularism' was the result of local demand and parliamentary willingness to supply, and placed Parliament at the centre of a patchwork of local interests. Parliament's centrality to the processes of grievance and redress was even more evident in the practice of petitioning. Members regarded themselves as obliged to present petitions from their constituents.⁴⁴ This was true for the whole of the eighteenth century and long before; but by the end of the century the growing burden of these on the time of the House, on its administration, and on individual Members is well established. The statistics showing the dramatic increase in the number of petitions received in the early nineteenth century are very familiar: 880 in the five years 1785–9 – an average of 176 a year – to over 24,000 in the five years ending in 1831, an average of nearly 5,000 a year.⁴⁵

The threat of reform

For those who praised the virtues of what was now firmly described as 'parliamentary government' in its heyday, further reform had troubling implications, which lie in the background of much of the commentary on the principles of parliamentary government in the 1850s and 1860s, Bagehot included. The threat that the House of Commons would no longer be governed by people who were imbued with the values of aristocratic government and independent judgement was of course central to Mill's *Considerations on Representative Government* of 1861. Within a few years of the second Reform Act of 1867 some commentators were already gloomily starting to notice a decline in the aristocratic qualities and values of Parliament. Government of the 'best', who represented 'the intelligence, the property, and the highest honour and culture of the nation' had been replaced by government by the ignorant, easily manipulated by demagogues and agitators.⁴⁶ In these circumstances, the established parliamentary values were under severe threat.

In particular, the new pressures of mass politics had an immediately chilling effect on Members' independence. Most feared was the advent of caucus politics in which the pressure from constituents was transferred to constituency parties. Already, before the 1832 Reform Act, politicians and commentators had begun to worry about the

new politics of public pressure. The most obvious problem for hard-pressed ministers was that the volume of local business and petitions was a constant distraction from the business promoted by government, usually the business of supply. But perhaps more significantly, it began to be obvious that Parliament was ill-equipped to cope with a myriad of local schemes and promoters, and to determine whether they met minimum standards of justice or could be claimed to be in the public interest. And of greatest concern to Members concerned with their independence, the huge growth in petitioning – often the result of campaigns by pressure groups, such as those over slavery or catholic emancipation, sometimes organised by MPs themselves, sometimes linked to groups within the political parties – was symptomatic of the greatly increased impact on Parliament of organized public opinion.⁴⁷ Bagehot had argued in 1865 how the quality of the House of Commons was dependent on the weakness of the pressures coming from parties and constituencies:

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.⁴⁸

Constituency government was precisely what Bagehot, and many of his contemporaries, feared was on its way. After 1867, the development of the caucus became the object of a sort of political and moral panic among political commentators, especially after the establishment of the Liberal caucus or National Liberal Federation in 1877. Many MPs and parliamentary candidates feared that their independence was being threatened in the constituencies by the caucus, having already been curtailed at Westminster by increased party discipline. Historian and political scientist W.E.H. Lecky thought in 1896 that the caucus would reduce

the ordinary member of Parliament to the position of a mere delegate, or puppet, though at the same time it tends, like many other democratic institutions, to aggrandise enormously the power of any single individual who is sufficiently powerful and conspicuous to enlist the favour of the nation and dominate and direct the caucus machinery.⁴⁹

THE IDEA OF PARLIAMENT...

In fact the caucus system proved, by and large, to be much weaker than anticipated. Sir Courtney Ilbert criticised Redlich in his introduction to the English edition of the *Procedure of the House of Commons* for exaggerating its effect. But the new discipline of party politics at Westminster, with determined and systematic whipping in divisions, did spell the end of the idea of Members' independence, save as a nostalgic memory and occasional protest. The number of divisions in which Members voted against their own party collapsed from a peak of close to 100 at the height of 'parliamentary government' in 1860 to around 10–15 in the last decade of the nineteenth century.⁵⁰

New Members wanted to speak, not to argue, to direct their remarks not at each other but over the heads of their companions and to the newspapers outside. It had been happening for some years. In 1820 30.5% of MPs were recorded as making some contribution in the House of Commons. In 1833 it had just about doubled to 60%. By 1896, after two more Reform Acts, it was 86%. The reasons are still not completely understood. Gary Cox has attributed this growth partly to the expansion of the press, but more to the nature of the change brought by the 1832 Act. Those who sat for the new, larger, industrial constituencies were more likely to speak; larger boroughs could not be managed simply through responsiveness to the interests of a patron or boroughmonger and required of their Members more evidence of activity not just on their behalf, but also a greater engagement with 'the politics of opinion'.⁵¹ More to the point here is the impact of the growth in the demand to speak on the style of the House of Commons. It was argued in 1878 that the 'mass of new members returned at the last election have introduced a familiar, chatty style, unsuited to good work'.⁵² Lecky in 1896 remembered with regret the

terse, direct character of the speeches of Russell, Palmerston and Disraeli... The dreary torrent of idle, diffusive, insincere talk that now drags its slow lengths through so many months at Westminster certainly does not contribute to raise the character of the House of Commons.⁵³

It was no longer a conversation with other Members, but with the nation at large. Paradoxically, as debates in the House of Commons became less significant as a way of moulding political events and policies, they became better known, more popular and had vastly more impact in the country.

PAUL SEAWARD

Parliament's sense of the local and the particular was threatened by the growth of national parties with their own legislative agendas. P.M. Blaas has linked Stubbs's ideas about the localist origins of the English Parliament to the debate about centralization in the 1850s. Toulmin Smith complained that

Parliament has, in fact, become little more than the registrar of the decrees of governments aiming more and more, every day, at suppressing every trade of local self-government, and at supplanting that only lawful and healthy system by the unlawful and unhealthy system of centralization.⁵⁴

As the balance shifted to government, the difficulty of presenting legislation became a constant theme of complaint by 'private' Members in the nineteenth century. From being the agent of local interests described by Paul Langford, Parliament started to become an agent of a central government with a central agenda. Most remarkably, the extraordinary growth of petitions to the House of Commons, which peaked at 34,000 in 1843, was stifled as the House – no longer able to cope with the pressure of dealing with them on the floor – simply chose largely to disregard them, abandoning the long debates they took up.

The new politics was also incompatible with the caution with which aristocratic politicians had approached the reform of Commons procedure.⁵⁵ Lecky, again, regretted the popular appetite for change: all real progress, he wrote,

Must grow out of a stable, persistent national character, deeply influenced by custom and precedent and old traditional reverence, habitually aiming at the removal of practical evils and the attainment of practical advantages, rather than speculative change. Institutions, like trees, can never attain their maturity or produce their proper fruits if their roots are perpetually tampered with.⁵⁶

An impatience with such language is evident among many radicals. The vigorous journalist Frederic Harrison wrote in 1881

the House of Commons persists in the medieval method of settling the drafts and amending every measure, however intricate and however technical, in floating committees of the whole House; and for no other reason but that such was the practice under the Plantagenet Kings, I suppose, by the standing orders of Simon de Montfort

THE IDEA OF PARLIAMENT...

– the baronial leader credited with having brought the House of Commons into being more than six centuries earlier.⁵⁷

The fact was that parliamentary government *à la* Bagehot could not deal with post-1867 Reform politics: with MPs needing to respond to the demands placed on them by electoral pressure; with governments like Gladstone's with new and controversial programmes of legislation; and even more with organised campaigns of deliberate obstruction. The German political scientist Georg Jellinek in 1905 wrote of systematic obstruction in all parliamentary systems as one of 'the greatest problems of statecraft of the present day'.⁵⁸ Obstruction was not new at the end of the nineteenth century: Jellinek acknowledged a 'good old time' in the England of the nineteenth century when

even members of the cabinet looked upon obstruction as a permissible means of defeating proposals initiated by the House and not acceptable to the government; to say nothing of leaders of the opposition who sought to hinder the majority by wordy speeches.⁵⁹

It was claimed by James Bryce that its use by young Tories in 1872 had inspired Parnell and the Irish party and a little later Lord Randolph Churchill and the Fourth Party. But the much more determined effort mounted by the Irish party from 1879 to 1881 finally resulted in action – the creation of the closure – which had been advocated by some, in particular Erskine May, for years. Jellinek referred to the remedy against obstruction as 'frequently no less dangerous than the disease': undoubtedly, when they were introduced, the new rules of 1882 were seen as a 'direct attack upon Parliamentary government'.⁶⁰

The impact of democratic politics on the quality of what went on at Westminster was, to those disposed to look for it, immediately apparent. The journalist William Rathbone Greg in 1870 accepted Bagehot's point that Parliament could act as an educator to a democratizing polity, but he believed that it was no longer possible for Parliament to be both a representative and an adequate pool of governing talent. While Parliament was

admirable, to a certain point, for educating the nation, and diffusing throughout the community that vigilant interest in politics which constitutes so essential a part of national life, it is, for the immediate purposes probably of wise legislation, assuredly of good administration, about the

clumsiest and most inefficient contrivance extant. Everything is done by amateurs, and most things by novices... We are constantly obliged by the force of party ties and the exigencies of party obligations to allot high offices to incapable or unpractised hands, though the gravest interests may be compromised thereby. We compel ourselves to select our men of action exclusively from among our men of speech.⁶¹

Curiously, the advent of mass parties seemed to many to have led to a decline, rather than a renewal, of political vigour. By the turn of the century, they felt, Westminster was dominated by the petty squabbles of pygmy politicians, rather than the titanic struggles of their predecessors. W.E.H. Lecky (a friend of Greg's), wrote in *Democracy and Liberty* in 1896 that 'I do not think there is any single fact which is more evident to impartial observers than the declining efficiency and the lowered character of parliamentary government'.⁶² The great constitutional lawyer, A.V. Dicey, complained in the 1915 edition of his *Introduction to the Study of the Law of the Constitution* that during the age of Palmerston in the mid-nineteenth century there were Members who 'each possessed an authority inside and outside the House which is hardly claimed by any Member nowadays who neither has nor is expected to obtain a seat in any cabinet'.⁶³ 'I have not the remotest doubt', A.V. Dicey complained in 1894, that 'under the present condition of things parliamentary government means a very vicious form of government by party'.⁶⁴ To this cast of mind, policies were no longer tested by the vigorous debate imparted by *parliamentary* government. As a consequence, disciplined party politics appeared predictable, boring and ineffective and life seemed to be bleeding away from politics while the politicians merely talked at one another. On both right and left the result could issue in a mood of anti-politics and anti-parliament. In his *Efficiency and empire* of 1901, the right-wing journalist Arnold White regretted the loss of aristocratic leadership: the aristocracy were the 'most efficient people in the nation, whose efficiency has been graded up by generations of training';⁶⁵ in other works he demanded a popular leader to cut through the talk and party politics, a 'man with an iron will'.⁶⁶ Radical socialists also became frustrated with parliamentary democracy, though for opposite reasons - its failure to deliver socialist results. Some called for different ways of organising politics, such as G.D.H. Cole's guild socialism; the Labour party in the 1920s continued to debate its real commitment to parliamentary government.

The survival of parliamentary values and the invention of 'scrutiny'

Such views, though they gained much currency, secured little practical purchase. There were perhaps two reasons for this. One was that – as Dicey had recognised – Parliament, if it fell fully under the effective control of one party, provided, in theory at least, an efficient means of achieving any comprehensive change mandated by an electorate, of securing the levers of power. Although some socialists were highly sceptical, mainstream socialist thought in Britain between the first and second World Wars recognised that by seizing control of the House of Commons through the ballot box they had a better chance of success than through more revolutionary means. The other was that the ideal of parliamentary government – of government by discussion – continued to exercise a powerful attraction in British political life. That may have been because, although it might have been associated with undemocratic politics, parliamentary government flattered politicians, emphasising that their votes and consciences were relevant and important. It may have been because it provided a means for senior party politicians to escape some of the pressure from the grass roots of their parties. It was probably largely because deferential voting ensured that British politics remained aristocratic in culture well beyond the second world war; and partly because of the continuing strength of parliamentary values in British culture.

In other words, there were two different ideas available concerning the value and the *modus operandi* of Parliament which were operating concurrently. In one, Parliament was an effective partner of strong executive government and a potentially powerful agent of political change, in which a House of Commons majority could deliver legislation almost as quickly as the government required it. In the other, Parliament was a stately forum for independent and serious discussion, governed by tried and tested rules and conventions, resistant to novelty and reluctant to change except after deep deliberation. The two conceptions were almost inevitably in conflict. Promoting rapid change through Parliament required effective discipline and severe curtailment of debate, the antithesis of the independence and government by discussion that were fundamental to the idea of parliamentary government.

The conflicts between these two conceptions of Parliament – party government and parliamentary government – would run through

the politics of parliament in the twentieth century. Advocates of party government continued to seek ways of easing the passage of government legislation. The bitterest battles would take place over the guillotine, an order of the House in relation to a bill which sets out a timetable for the discussion on it and which closes discussion at regular intervals during the debates on it, ensuring the successful passage of the bill. First used in 1881, the drastic way in which it curtailed debate – the whole point of Parliament – made it intensely disliked, and difficult to use. Throughout the twentieth century, governments with big legislative agendas struggled to find ways of making it more acceptable. One of the key features of the modernisation agenda of the Labour government of Tony Blair elected in 1997 was a renewed attempt to enter a deal with the Conservative opposition over what was referred to as the ‘programming’ of all legislation. In the end, the government brought in its plans without cross-party agreement. The modernisation plans of the Blair and Brown governments also reflected an impatience with some of Parliaments more minor and pointless traditions and observances. Not that this was only felt by Labour politicians: those of both major parties could be irritated by the way the House of Commons continued to look and feel and sometimes behave like a Victorian institution.

Advocates of parliamentary government, on the other hand, continued to weigh the contemporary Parliament against the Parliament of Bagehot, Macaulay and Grey. Such commentators noted the government’s control of the time of the House; the enforcement of party discipline by government and opposition whips; the lack of opportunities for private Members to take legislative initiatives. Sir Ivor Jennings’s influential description of the operation of Parliament, written in 1931, described it almost entirely as a battle between the two front benches: parliamentary decision-making, he argued, had moved out of the chamber and into the rooms in which the party hierarchies and apparatchiks discussed how their party could gain some electoral advantage. Probably the most influential expression of that view was the introduction to an edition of Bagehot’s *English Constitution* written by the Labour politician (and sometime leader of the House of Commons) Richard Crossman in 1963, in which Crossman argued that party had become so dominant within Parliament that parliamentary control of the executive had been profoundly weakened.⁶⁷ Michael Foot, the author of *Parliament in Danger!* of 1959, and leader of the

THE IDEA OF PARLIAMENT...

Labour party in the early 1980s similarly articulated strong feelings about the abuse of Parliament – although Foot's brand of romantic radical Englishness was naturally susceptible to the idea of parliamentary government.

From the 1960s onwards, however, a sort of compromise between the advocates of party and parliamentary government began to be forged. It was found in the idea of 'scrutiny'. The word 'scrutiny' had long been applied to one of the roles of the House of Commons, in relation to legislation. But its broadening into a routine monitoring of all of the activities of government was a twentieth century development. Crossman himself was in part responsible, for when Leader of the House of Commons in 1968 he accepted the creation of a set of permanent committees designed to review the activities of the government. Another editor of *Bagehot*, the conservative politician and later Leader of the House of Commons Norman St John Stevas, would be responsible a decade later, in the first year of the Thatcher government in 1979, for making the committee structure more systematic. Governments for long resisted the establishment of such select committees which would review the expenditure and administration of each government department on a permanent and ongoing basis; but once a systematic structure was conceded, it was obvious that it might become an alternative source of energy for Parliament. After many weaknesses in the system for its first twenty years, over the last decade or so the select committee structure has, indeed, provided more vitality to the House of Commons, and has been the impetus for further reforms.

One interpretation is that the new practice of parliamentary scrutiny may herald a modest revival of parliamentary government, for it is possible that the committees, the way they have encouraged cross-party cooperation and alliances, have done something to erode party boundaries, to provide a space in which independence from party discipline is possible. At the same time – and perhaps partly as a result of the new structure – party discipline within Parliament has been weakening, and is reportedly weaker since 2001 than at any point since the 1930s. The realities of coalition government have imposed new stresses on party cohesion as well. But another interpretation is that 'parliamentary scrutiny' does not represent a shifting of the pendulum back towards parliamentary government, but a new model of the relationship between parliament and government.

PAUL SEAWARD

While Parliament has effectively conceded that there is no likelihood that the government will not succeed in obtaining what it wants, if it is part of its bargain with the electorate, government has conceded in return a high level of public scrutiny of its actions and its plans. It could be seen as an indication of Parliament's real powerlessness in the face of relentless party politics; it could, on the other hand, be seen as a potentially powerful new tool with which to rein governments in.

Whether such a tradeoff can be accepted by those who still argue for the preservation of the key values of parliamentary government seems unlikely. In any case, the greater challenge for Parliament and its members now is to overcome the damage caused by the 2009 expenses scandal, and the gulf it painfully revealed between the perception about themselves and about Parliament held by parliamentarians, and that held by the remainder of the population. The lawyer and journalist Frederic Harrison in the year of the 1867 Reform Act said that 'perhaps the grand vice of Parliament... is a splendid unconsciousness that it has any vices'.⁶⁸ Cursed, as well as blessed, with its pre-democratic legacy, since 2009 Parliament could hardly be ignorant of its shortcomings. To some its inability to escape from that legacy is part of the problem; to others the failure of the British Parliament to live up to it remains a source of profound regret.

THE IDEA OF PARLIAMENT...

NOTES

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1. Speech in Birmingham, 18 January 1865, *Speeches on Questions of Public Policy by John Bright M.P.* (2 vols., 1828), II, 112.
2. A.F. Pollard, *The Evolution of Parliament* (1926), 3.
3. Quoted in Peter Hennessy, *The Hidden Wiring* (1996), 142.
4. See A. G. Gardiner, *Life of Sir William Harcourt*, (1923), I, vii.
5. Quoted in Hennessy, *The Hidden Wiring*, 141.
6. Benjamin Disraeli, *Vindication of the English Constitution in a Letter to a Noble and Learned Lord* (1835), 32–3.
7. Jean-Louis de Lolme (1741–1804), author of *Constitution de l'Angleterre* (1771); Etienne Dumont (1759–1829), translator of Bentham; Alpheus Todd (1821–84) author of *On Parliamentary Government in England* (1867–9); Josef Redlich (1869–1936), author of *Recht und Technik des Englischen Parlamentarismus* (1905); Moisei Ostrogorski (1854–1921), author of *Democracy and the Organisation of Political Parties* (1902); Lawrence Lowell (1856–1943), author of *The Government of England* (1908). It is arguable that Ostrogorski and Lowell were both instigated to study British political institutions by the Oxford historian and political scientist James Bryce: see Paolo Pombeni, 'Starting in Reason, ending in Passion. Bryce, Lowell, Ostrogorski and the problem of Democracy', *Historical Journal*, 37, 2 (1994), 319–41. See also the recent work by Pasi Ihalainen and Kari Palonen 'Parliamentary sources in the comparative study of conceptual history: methodological aspects and illustrations of a research proposal', *Parliaments, Estates and Representation* 29 (2009), 17–34.
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9. Bolingbroke, *Political writings*, ed. David Armitage (Cambridge, 1997) 94.
10. *The Poems and Letters of Andrew Marvell*, ed. H.M. Margoliouth (2 vols., Oxford, 1927), I, 148.
11. John Dryden, 'To my Honour'd Kinsman John Driden', in *Fables* (1700): printed in *The Poems of John Dryden*, ed. James Kinsley (4 vols., Oxford, 1958), IV, 1528.
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13. Printed in *Hume: political essays* ed. Knud Haakonssen (Cambridge, 1994), 124–7.
14. Thomas Babington Macaulay, *History of England* (1858), iv. 437.
15. J.P. Parry, 'Liberalism and Liberty' in Peter Mandler, ed., *Liberty and Authority in Victorian Britain* (Oxford, 2006).
16. Angus Hawkins, *British party politics, 1852–1886* (1998), 13–14.
17. P.D.G. Thomas, *The House of Commons in the Eighteenth Century* (Oxford, 1971), 6.
18. *The Collected Works of Walter Bagehot*, ed. N. St John Stevas (15 vols., 1965–86), v.305.
19. See Mark Knights, *Representation and Misrepresentation in Later Stuart Britain: Partisanship and Political Culture* (Oxford, 2005).

PAUL SEAWARD

20. William Penn, *England's Present Interest Discover'd* (London, 1675); see also *England's Great Interest in the Choice of this New Parliament* (London, 1679).
21. Knights, *Representation and Misrepresentation*, 200.
22. Pole, *Political Representation in England and the Origins of the American Republic* (1966), 412
23. Thomas, *House of Commons*, 198–9.
24. Peter Thomas, 'The great commoner', *Parliamentary History*, xxii (2003), 162.
25. *The History of Parliament: the House of Commons 1690–1715*, ed. D. Hayton, E. Cruickshanks, S. Handley (5 vols., Cambridge, 2002), iii, 536.
26. Thomas, *Eighteenth Century House of Commons*, 7.
27. Quoted in Paul Langford, *Englishness Identified: Manners and Character, 1650–1850* (Oxford, 2000), 207.
28. *Collected Works of Walter Bagehot*, v, 296, 297.
29. *Collected Works of Walter Bagehot*, v, 297.
30. Thomas Erskine May, *A Practical Treatise on the Law, Privileges and Usage of Parliament* (2nd edn., 1851), 1. The quotation is from Schiller's *Wallenstein*.
31. J. Redlich, *The Procedure of the House of Commons*, (3 vols., 1907) I, iii, iv–v.
32. Redlich, *Procedure of the House of Commons*, I, vi.
33. Thomas, *Eighteenth Century House of Commons*, 10.
34. Thomas, *Eighteenth Century House of Commons*, 9.
35. Jeremy Bentham, *Political Tactics*, ed. M. James, C. Blamires, and C. Pease-Watkin (1999). 3.
36. Redlich, *Procedure of the House of Commons*, I, 103.
37. Redlich, *Procedure of the House of Commons*, I, 98.
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39. Paine: *Political Writings*, ed. B. Kucklick (Cambridge, 2000), 136.
40. Quoted by P.B.M. Blaas, *Continuity and Anachronism: Parliamentary and Constitutional Development in Whig Historiography* (The Hague, 1978), 161.
41. *History of Parliament: the House of Commons 1690–1715*, V, 291.
42. Gisborne, *An Enquiry into the Duties of Men* (1797), i.178–9
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44. Thomas, *Eighteenth Century House of Commons*, 219.
45. Peter Jupp, *British politics on the Eve of Reform* (1998), 217.
46. Parry, *Democracy and Religion: Gladstone and the Liberal Party, 1867-1875* (Cambridge, 1989), 116–21.
47. Jupp, *British politics*, 219, 223–4.
48. *Collected Works of Walter Bagehot*, V, 298
49. W.E.H. Lecky, *Democracy and Liberty* (2 vols., 1896), i.123.
50. For voting cohesion in the nineteenth century, see Hugh Berrington, 'Partisanship and Dissidence in the Nineteenth Century House of Commons', in *Parliamentary Affairs*, 21 (1967–8) and John D. Fair, 'Party voting behaviour in the British House of Commons 1886-1918', *Parliamentary History* 5 (1986), 65–82.
51. Gary W. Cox, *The efficient secret* (1987), 54–9.
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53. Lecky, *Democracy and Liberty*, i, 122.
54. J. Toulmin Smith, *Local Self-government and centralization* (1851), 87.
55. See Blaas, *Continuity and Anachronism*, 201.

THE IDEA OF PARLIAMENT...

56. Lecky, *Democracy and Liberty*, i. 127.
57. Harrison, 'The deadlock in the House of Commons', *Nineteenth Century* 10 (1881), quoted in Blaas, *Continuity and Anachronism*, 199.
58. Georg Jellinek, 'Parliamentary Obstruction', *Political Science Quarterly*, 19, 4 (Dec. 1904), 582.
59. Jellinek, 'Parliamentary Obstruction', 580.
60. Hughes, 'The changes in parliamentary procedure', 289.
61. W.R. Greg, *Political problems for our age and country* (1870), 217-18.
62. Lecky, *Democracy and Liberty*, I, 118-19.
63. A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (8th edn., 1915), lvi.
64. Hawkins, *British Party Politics*, 282.
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66. Searle, *Quest for National Efficiency*, 94.
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