

# THE LIBERAL THE CONS

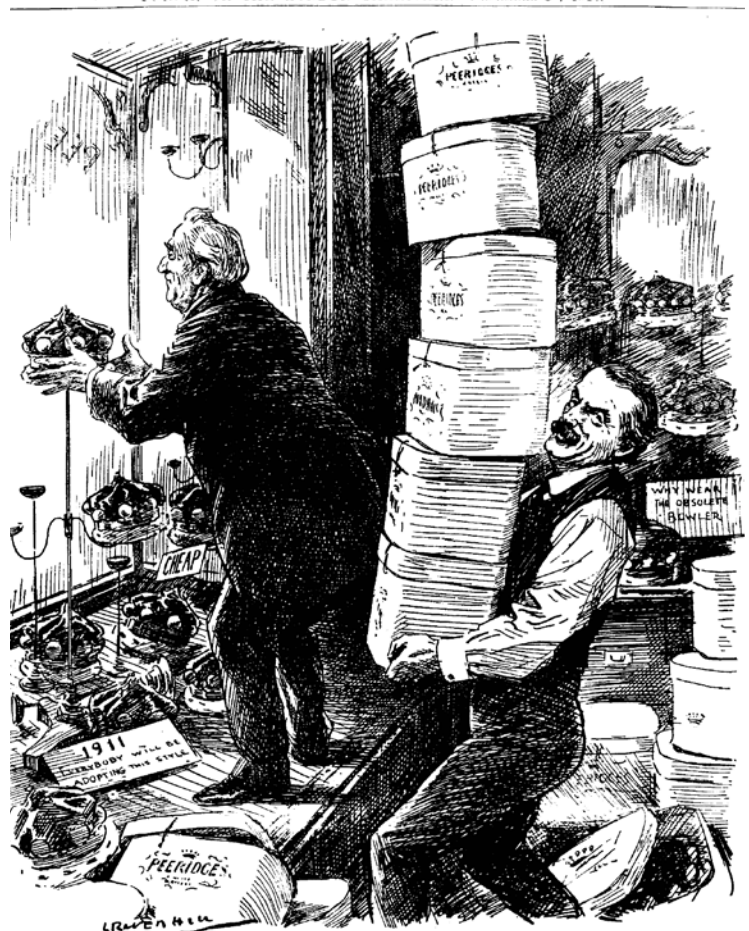
The preamble to the 1911 Parliament Act refers to the creation of 'a Second Chamber constituted on a popular instead of a hereditary basis' – an aim still not achieved almost a century later. Yet perhaps the received wisdom – that an elected House of Lords was Mr Asquith's unfinished business – is mistaken.

**Vernon Bogdanor** argues that the Liberals regarded the arrangements of 1911 as a final settlement of the second-chamber question.

*Punch*, 28  
December 1910:  
**The chance of a lifetime**

*Our Mr Asquith:*  
'Five hundred coronets, dirt-cheap! This line of goods ought to make business a bit brisker, what?'

*Our Mr Lloyd George:*  
'Not half; bound to go like hot cakes'



## THE CHANCE OF A LIFETIME.

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# PARTY AND STITUTION

**I**N THE great days of liberal hegemony before 1914, Liberal governments were strongly associated with the idea of constitutional reform. Whigs and Liberals were prominent in the campaign for expansion of the franchise, while Gladstone devoted his third and fourth administrations to the struggle for Irish Home Rule. Liberals campaigned hard for local government reform to provide for local self-government, a campaign which culminated in the Parish Councils Act of 1894 providing for the establishment of elective parish councils. Of that Act, a great Continental constitutional lawyer, Josef Redlich, declared:

The grand principle of representative democracy has now been fully applied to local government – England has created for herself ‘self government’ in the true sense of the word. She has secured self government – that is to say, the right of her people to legislate, to deliberate, and to administer through

councils or parliaments elected on the basis of popular suffrage – And this is the root of the incomparable strength of the English Body Politic.<sup>1</sup>

Above all, it was a Liberal government which in 1911 passed the Parliament Act limiting the power of the House of Lords, and radically reshaping the constitution.

It has become a commonplace that the 1906 Liberal government was more successful in its social and economic reforms – old age pensions, redistributive taxation and national insurance – than in constitutional reform. The Asquith government failed to secure an agreed settlement in Ireland and failed to secure Home Rule All Round. They did not succeed in meeting the demands of the suffragettes for votes for women – an essentially liberal cause, one might have thought. They did not reform the electoral system when they had the chance, and they did not secure what the Parliament Act in its preamble referred to as ‘a Second Chamber constituted on

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a popular instead of a hereditary basis’. Indeed, one commentator has referred to recent attempts to secure House of Lords reform as ‘Mr Asquith’s Unfinished Business’.<sup>2</sup>

It is, however, by no means clear that the Parliament Act was in fact unfinished business, that the Liberals genuinely intended to proceed to what would now be termed a phase two of further reform of the Lords. There are strong grounds for believing that most Liberals regarded the Parliament Act as a final settlement of the second chamber question.

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The idea of the suspensory veto, the basis of the Parliament Act, derives from the utilitarian, James Mill, father of John Stuart Mill, who was the first to propose it in 1836. John Bright was the first politician to give it public support in 1883 at a meeting of the Federation of Liberal Associations at Leeds. Bright was supported by Joseph Chamberlain, although of course, in 1911,

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Chamberlain, by then a Unionist, was to take a very different view, proving to be a last-ditch defender of the absolute veto of the House of Lords.

The suspensory veto would not, however, have become Liberal policy without the personal intervention of Sir Henry Campbell-Bannerman, Liberal Prime Minister from 1905 to 1908. For, in 1907, a Cabinet committee chaired by Lord Ripon recommended that disputes between the two chambers be settled not by a suspensory veto, but by a joint conference between the Commons and the Lords. The moving spirit behind this report was the Chancellor of the Exchequer, H. H. Asquith. But Sir Henry rejected the recommendation of his own Cabinet committee, insisting upon the suspensory veto. The Liberal Cabinet was by no means happy with this solution, and the Foreign Secretary, Sir Edward Grey, declared that it was 'open to the charge of being in effect a Single Chamber plan and from a Single Chamber, I believe the country would recoil'.<sup>3</sup> This remark was prescient only in part. It is true that the 1911 Parliament Act established, for most practical purposes, single-chamber government, but it does not seem as if the country has in fact recoiled from it.

The division of opinion between those Liberals who favoured the suspensory veto and those who preferred the Ripon proposal of a joint conference coincided broadly, though by no means completely, with the division in the party between the left-wing, radical 'Little Englanders', and the Liberal Imperialists. The radicals wanted the suspensory veto partly because they wanted to secure Irish Home Rule. The Liberal Imperialists, by contrast, tended to the view that the commitment to Home Rule was holding the party back, and sought, if not to jettison it, at least to postpone it

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or to introduce it by stages. It is noticeable that the 1906 Liberal government, which commanded a large overall majority in the House of Commons, made no attempt to introduce a Home Rule bill.

In 1908, Asquith, a leading advocate of the Ripon committee's proposal for a joint conference rather than the suspensory veto, succeeded the dying Campbell-Bannerman as Prime Minister. It is a paradox that it was he who was to introduce the suspensory veto in 1911. The issue was decided, as so often happens in politics, less by the wishes of politicians than by electoral vicissitudes. For, in the January 1910 general election, the Liberals lost their overall majority and became dependent upon the Irish Parliamentary Party and Labour. The Ripon plan would have been rejected both by the Irish, who insisted upon the suspensory veto in order to secure Home Rule, and by Labour. The only other party which might have supported the Ripon plan would have been the Conservatives. Had the Constitutional Conference of 1910, or the Lloyd George coalition proposals of the same year, succeeded, possibly the Ripon plan would have been resurrected. But, after the Constitutional Conference broke down on the issue of whether Home Rule should be treated as a 'constitutional' or an 'ordinary' issue, Asquith had no choice but to adopt the suspensory veto if he wished to retain the support of the Irish Parliamentary Party. It may be argued, therefore, that the current powers of the House of Lords owe more to the Irish Party, most of whose members sought nothing more than a quick departure from the House of Commons, than to any reasoned assessment of the proper functions of a second chamber.

Admittedly there was, by 1910, a further factor. The Liberal government was becoming

committed to policies far removed from the spirit of the Gladstonian period, which, by destroying the old aristocratic settlement, had sought to remove obstacles to individual advancement. The Liberals were becoming committed to policies of social welfare and state assistance, policies which Gladstone would have dubbed 'constructionist' and to which he would have been strongly opposed. These policies – old age pensions, redistributive taxation and national insurance – demanded legislative efficiency, the speedy translation of ministers' wishes into law. The action of the Lords in rejecting the 'People's Budget' of 1909 showed the dangers which a powerful second chamber could pose against measures involving redistributive taxation. Thus, the Asquith government, like Attlee's after 1945, sought to ensure that Parliament acted more speedily in getting legislation on to the statute book.

This was, of course, a considerable departure from the attitudes of nineteenth-century Liberals, or, for that matter, of Liberal Democrats today, who are concerned with securing effective checks and balances in a constitution whose condition approaches what Lord Hailsham famously called an 'elective dictatorship'. In 1911, however, Liberals could not afford to allow delays to redistributive measures from an unrepresentative upper house. Nor did rank-and-file Liberals wish to reform the Lords so that it could become a more effective check on the people's will. From this point of view, there must be serious doubt as to whether the notorious preamble in the 1911 Parliament Act, committing the Liberals to establishing a 'popular' rather than a 'hereditary' chamber, was seriously intended. Indeed, the preamble seems to have been inserted mainly 'to appease Sir Edward Grey', who remained deeply concerned about 'single-chamber government'.<sup>4</sup> But, having

largely destroyed the power of a hereditary chamber to obstruct progressive legislation, the Liberals were hardly likely to construct a second chamber – more legitimate because more democratically based – which would be in a much stronger position to wreck legislation. It is arguable, therefore, whether reform of the composition of the House of Lords designed to make it more legitimate can fairly be characterised, as ‘Mr Asquith’s Unfinished Business’.

Both in 1911 and, indeed, later in 1949, when the Attlee government passed a second Parliament Act, reducing the period of delay from three sessions to one, governments of the left concentrated upon reducing the *powers* of the Lords rather than reforming its *composition*. For both Asquith and Attlee appreciated, as perhaps Blair has still to appreciate, that a more legitimate House of Lords would be a greater threat to a government of the left than a Lords composed on the basis of heredity. In the 1960s, Richard Crossman described Labour’s position on the House of Lords as being that ‘an indefensible anachronism is preferable to a second Chamber with any real authority’.<sup>5</sup> The Liberal position in 1911 was very similar. They wanted a weaker House of Lords not a stronger one. The Blair government, it may be argued, is inconsistent in seeking reform of the *composition* of the Lords, thus making it more legitimate, while at the same time seeking to reduce its *powers*.

The constitutional crisis of 1909–11 had revealed a profound divergence of view as to whether the main problem of democracy was that it was inefficient – that it could not pass legislation which the people needed because of obstruction from the hereditary chamber – or that it lacked sufficient checks and balances – that it worked too quickly rather than too slowly. The Liberals were strongly committed to the former view; and it

was, ironically, a Liberal government which helped to pave the way for the elective dictatorship which Liberal Democrats today seek to check.

From 1911, Britain enjoyed, for most practical purposes, as Sir Edward Grey had predicted, single-chamber government. Indeed, we have managed the unusual feat of achieving single-chamber government with a bicameral parliament. Since 1911, the House of Commons, which means in practice the governing party, can now change unilaterally any part of the constitution, except that it cannot extend the five-year maximum interval between general elections without the consent of the Lords. On that issue alone, the Lords retain an absolute veto. Under the pre-1911 constitution, by contrast, the constituent assembly comprised both houses, and the government could not unilaterally alter the constitution; it needed the consent of the upper house.

Under the post-1911 constitution, the governing party which controlled the House of Commons has become the sole and supreme judge of the extent of its power. It was for this reason that the great constitutionalist, A. V. Dicey, declared in 1915 that the Parliament Act of 1911 marked ‘the last and greatest triumph of party government’, since it showed that party was the essence of the British constitution and not a mere accident of the system.<sup>6</sup> Dicey believed that the Act left a gap in the constitution, a gap which he believed should be filled by the referendum. The referendum, to which Liberals have been strongly opposed, was, he believed, the only democratic way of limiting government by party.

Today, perhaps, the gap is being filled by the judges who are counterposing to the idea of the sovereignty of Parliament the idea of the rule of law. In the recent case brought by supporters of hunting, *Jackson v Attorney-General*, 2005, judges

declared, obiter, that an act of parliament purporting to abolish the House of Lords by using the Parliament Acts would not necessarily be constitutional. The growth of judicial power is of course a development on the whole welcomed by Liberal Democrats. They welcomed it much less at the beginning of the twentieth century, when the judges were seen as reactionary enemies of a government of the left; in 1911, Winston Churchill told the House of Commons that ‘where class issues are involved – a very large number of our population have been led to the opinion that they [the judges] are, unconsciously no doubt, biased’.<sup>7</sup>

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As well as setting up the elective dictatorship, the Liberal government which won so triumphant an election victory in 1906 strove to maintain the first-past-the-post electoral system. In this they were following in the Liberal tradition. Gladstone, Bright and Chamberlain had all been strongly opposed to proportional representation.

During the debates on the Third Reform Bill, Gladstone had ridiculed proportional representation in the House of Commons on 4 December 1884, as a *pons asinorum*, an insurmountable obstacle to reform, while Chamberlain had told the electoral reformer, Sir John Lubbock, that he would prefer the most reactionary Conservative government to proportional representation. At the first conference of the National Liberal Federation in 1877, Chamberlain spoke of:

Liberals ignorant of what are the first elements of Liberalism, and whose lingering distrust of the good sense and the patriotism of the people has found expression in machinery – cumulative vote, minority representation, and I know not what of the same kind, which

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tends to divide the party of action in face of the ever united party of obstruction.<sup>8</sup>

**H. H. Asquith  
(1852–1928),  
Prime Minister  
1908–16**

In 1886, Chamberlain was to argue that universal suffrage made the old liberal fear of strong government irrelevant. Using words which the New Liberals and particularly Lloyd George could have echoed, he said:

I think a democratic government should be the strongest government from a military and imperial point of view in the world, for it has the people behind it. Our misfortune is that we live under a system of government originally contrived to check the action of Kings and Ministers, and which meddles far too much with the Executive of the country. The problem is to give the democracy the whole power, but to induce them to do no more in the way of using it than to decide on the general principles which they wish to see carried out, and the men by whom they are to be carried out. My Radicalism at all events desires to see established

a strong government and an Imperial government.<sup>9</sup>

John Morley, Chamberlain's fellow-radical, told the House of Commons in 1884 that schemes of proportional representation and the like 'were but new disguises for the old Tory distrust of the people'.<sup>10</sup> Asquith and Lloyd George, in their opposition to proportional representation, were doing no more than following in the Liberal tradition. They remained hostile to proportional representation until the 1920s.

The Asquith government was, however, beginning to be worried by the threat of the new young Labour Party splitting the progressive vote. Introduction of the alternative vote system would prevent the two parties of the left splitting the vote, and the Asquith government flirted mildly with this reform, although, of course, the alternative vote could have led to even more disproportional results than first past the post.

In 1908, Asquith established a Royal Commission to inquire into the electoral system, the only such Royal Commission that there has ever been in Britain. Giving evidence to the Commission, J. Renwick Seager, Secretary of the Registration Department of the Liberal Central Association, told it that:

Proportional representation is a matter scarcely ever talked about – The Liberal agents as a whole, so far as I know, are none of them in favour of it; and as to the organisations, I do not know of one Liberal organisation that has ever passed a resolution in favour of it.

Seager was himself strongly opposed to proportional representation since 'the effect to my mind would be that the number of bores and cranks in the House would be largely increased, apart from the personal interests of trade and religion'. Instead, it was, he suggested, 'the duty of

the minority to turn itself into a majority by reason and in course of time'.<sup>11</sup>

It is hardly surprising that the 1906 Liberal government was so hostile to proportional representation. It had won a healthy majority of 397 seats out of 670 in the House of Commons on just 49 per cent of the vote. Under proportional representation, the Liberals would probably have had to depend on the Irish for their majority. The last Gladstone government, from 1892 to 1895, had been in that position, and most Liberals had no desire to repeat the experience of that unfortunate administration. The Liberals could not of course be expected to foresee the electoral earthquake which would overtake them after 1918 when they would be rapidly reduced to the status of a minor party. Moreover, as we have seen, New Liberals such as Asquith and Lloyd George believed less in restraint by the state than in strong government to pursue policies of social reform. In consequence, the party did not come out in favour of proportional representation until 1922, when the Asquithian Liberals for the first time committed themselves to it in their election manifesto.

In 1917, the first Speaker's Conference unanimously recommended proportional representation in the urban seats. But this was the only unanimous recommendation of the conference which Lloyd George refused to accept, telling C. P. Scott, editor of the *Manchester Guardian*, that proportional representation was 'a device for defeating democracy, the principle of which was that the majority should rule, and for bringing faddists of all kinds into Parliament, and establishing groups and disintegrating parties'. Asquith refused to give a lead to his followers on this issue, saying that 'The matter is not one which excites my passions, and I am not sure that it even arouses any very ardent enthusiasm'. In 1925, however, Lloyd George



told Scott that he had made a great mistake. 'Some one ought to have come to me in 1918 and gone into the whole matter. I was not converted then. I could have carried it then when I was prime minister. I am afraid it is too late now.' One may perhaps take Lloyd George's statement that he would have introduced proportional representation in 1918 if someone had explained it to him with a pitch of salt. By 1925, however, it was certainly too late.<sup>12</sup>

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At the end of the nineteenth century, many Liberals hoped that Home Rule for Ireland could be the prelude to Home Rule All Round, a policy of devolution for England, Scotland and Wales as well as Ireland. In his Midlothian campaign of 1879, Gladstone had declared that 'If we can make arrangements under which Ireland, Scotland, Wales, portions of England, can deal with questions of local and special interest to themselves more efficiently than Parliament now can, that, I say, will be the attainment of a great national good'. The Asquith government too sympathised in principle with the idea of Home Rule All Round. Indeed, the second draft of the 1912 Home Rule bill included a scheme proposed by Lloyd George for Grand Committees in England, Scotland and Wales, with wide legislative powers of the same scope as those being offered to Ireland. The title of the bill was to be Government of Ireland and House of Commons (Devolution of Business) bill. This scheme was dropped from the final draft of the bill, but, in introducing Home Rule, Asquith declared that it was to be 'the first step and only the first step in a larger and more comprehensive policy'.<sup>13</sup> The Asquith government remained sympathetic to separate legislative treatment for the non-English nations of the United Kingdom – as witnessed

by Irish university legislation in 1908 and land legislation in 1909, and separate Scottish land laws in 1911 and temperance legislation in 1913.

It is perhaps hardly surprising that Lloyd George, as a Welshman, seemed at times to be a supporter of Home Rule All Round. Indeed, from the time he was returned to the House of Commons in a by-election in 1890 until 1923, he described himself in *Dod's Parliamentary Companion* not as a Liberal but as a 'Radical and Welsh Nationalist'. Yet Lloyd George had suffered a major political defeat in 1896, when his attempt to secure a unified Welsh Liberal Federation was defeated by Liberals from industrialising South Wales. A Cardiff Liberal, Alderman Bird, declared that 'a cosmopolitan population from Swansea to Newport' would 'never bow to the domination of Welsh ideas'.<sup>14</sup> The nearer Lloyd George came to political power, the more lukewarm he became about Home Rule for Wales.

The New Liberals preferred, after 1906, to ensure equal status for Wales through national educational institutions and the disestablishment of the Welsh Church, a minority church in Wales, rather than to establish Home Rule. Admittedly, in 1911, Lloyd George agreed to set up separate national commissions to administer the National Insurance Act, rather than a single commission to cover the whole of the United Kingdom. He had, however, hoped for a centralised scheme, but, at almost the last moment before the bill was published, he came to appreciate that this was politically impossible, and that 'you have got to defer to sentiment'.<sup>15</sup>

At the Corporation of London / Liberal Democrat History Group meeting in February 2006 at which Lord Morgan (the historian, Kenneth O. Morgan) celebrated the 1906 election victory, a member of the audience recalled hearing Lloyd George speak at Denbigh in 1939, shortly

before the Second World War. Lloyd George declared that after the war Wales would have Home Rule. Lord Morgan replied that Lloyd George was most strongly in favour of Home Rule at the beginning and the end of his political career, when he was furthest from power.

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There are two reasons why the 1906 Liberal government failed to pursue a radical programme of constitutional reform of the kind that today's Liberal Democrats now seek. The first is that the Liberals of 1906 were a party of government, and were, therefore, likely to take the same view as the Attlee government did in 1945, namely that the machinery of government worked too slowly. A party in opposition, by contrast, and in particular a third party with little likelihood of being able to form a government, is much more likely to champion checks and balances. Thus the Liberals of 1911 sought to remove checks on the power of government. Liberal Democrats today seek to restore them.

But there is a second, and in some ways more interesting reason. It is that the social reforms of the New Liberalism, like those of the 1945 Labour government, presupposed centralisation. For they rested on the proposition that the benefits which individuals should receive ought to depend not upon geography but upon need. Old age pensions were to depend upon income levels; health and unemployment insurance were to depend upon need and the level of contributions. Whether a claimant lived in Ireland, Scotland, Wales or England was irrelevant. The proposition that benefits should depend not upon geography but upon need is a key element of social democracy, and it was accepted as much by the New Liberals as by Labour. The principle was carried to fruition

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by the Attlee government after 1945 and reached its culmination in the National Health Service established in 1946. Bevan, like Lloyd George, resisted creating separate health services for the different components of the United Kingdom; but, unlike Lloyd George, he felt no need to 'defer to sentiment'. Perhaps sentiment had become weaker by 1946 than it had been in 1911. Indeed, it may well be that the forces of sentiment are now, at a time when voters become anxious about the so-called 'postcode lottery', on the side of the centralisers rather than the devolutionists. It is, after all, self-contradictory to favour both decentralisation and territorial equality. What is clear is that Home Rule All Round, or devolution, like the creation of a strong second chamber and proportional representation, all fell foul of what has been called the New Liberalism.

The New Liberalism was an attempt to reconcile liberalism and social democracy. It favoured strong government, and was coming to appreciate that devolution would dissipate the power of government. From the economic and social point of view, the problems of the Scottish crofter or the Welsh peasant did not differ from those of the English agricultural labourer. The solution to the problem lay not in creating Home Rule parliaments which would divide the forces working for change, but a strong radical government at Westminster which could implement reform. That was Lloyd George's view just as it had been Joseph Chamberlain's, and it was to be the standpoint from which Aneurin Bevan and Clement Attlee were to approach social reform. For them, the problems of the Scottish or Welsh working class did not differ in any essential respect from the problems of the English working class. The solution was a strong Labour government at Westminster, not devolution.

**Study of the 1906 Liberal government shows that there is no specifically Liberal approach to the constitution.**

The term 'the New Liberalism' is in part fudge, masking the fact that there was a fundamental conflict between liberalism as a creed and social democracy. Many of the things that the 1906 Liberal government did – such as, for example, the National Insurance Act, which demanded compulsory contributions, and the Trade Union Act of 1913, which required trade unionists specifically to contract out if they did not wish to support the Labour Party – were hardly liberal from the point of view of expanding individual freedom of choice. Moreover, the motivation for these reforms derived largely from movements, such as the Fabians and the 'National Efficiency' school, which were almost explicitly anti-liberal. From a modern vantage point, it can be seen that liberalism and social democracy were diverging after 1906, and that social democracy was coming to supplant liberalism. Lloyd George and his allies were becoming social democrats and leaving liberalism behind. Today it has become clear that social democracy and liberalism are different and possibly incompatible philosophies, the one legitimating strong and centralised government, the other favouring constitutional reform which would have the effect of limiting the power of the state and dispersing it territorially.

Study of the 1906 Liberal government shows that there is no specifically Liberal approach to the constitution. The Liberal approach has differed according to whether the Liberals have been a party of government or a party of opposition without a realistic prospect of power. The 1906 Liberal government favoured single-chamber government, centralised government and the first-past-the-post electoral system. Today's Liberal Democrats prefer an elected second chamber, a federal and decentralised system of government and proportional representation. It is difficult under these

circumstances to detect any continuing Liberal tradition of constitutional reform.

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