When the French change their monarchy into a republic, they call it a republic. If the English change theirs likewise they go on calling it a monarchy. If the French pass from democracy to Caesarism, they boldly name it Caesarism. If the English are deprived of representative government, they cling harder than ever to the representative formula.

The result of this ostrich-like habit of mind is that no one in England ever quite knows what constitution he is living under. The old high-and-dry law-books say one thing; the clever up-to-date commentators say another, and the still small voice of common-sense speaks differently from either.

This peculiar mentality—foreigners call it hypocrisy, but it is only slow-wittedness—of the British public was admirably hit off by the first Lord Esher, when he said that it was the business of a judge to find a technical reason for a commonsense decision. The British public always wants the commonsense judgment. But it can seldom bear to dispense with the technical pretext.

Hence the extraordinary confusion which is apparent in the public mind at this moment. A House created to represent a small privileged class has appealed for a democratic plebiscite on a proposed tax; and a House created to represent the democracy has treated that appeal as a defiance of the democracy. As might have been expected, counsel has been further darkened by the advocates on both sides. The most democratic Ministry yet seen in Britain, sustained in office by a majority of three to one, is denounced by the Tariff press as a revolutionary. The reproach has been borne by (among others) Moses, Socrates, Luther, Cromwell, Washington, Blackstone, and the late Senor Ferrer. What better words can find no higher term of praise to lay at the feet of its own friends than that of "true Conservatives." I do not question that some members of the present Government may be at heart true Conservatives. So were Pharaoh, Herod, Bloody Mary, and General Mercier. Neither am I concerned to defend the Duke of Norfolk, the Duke of Rutland, Lord Milner and the Bishop of Bristol from the reproach of being revolutionaries. The reproach has been borne by (among others) Moses, Socrates, Luther, Cromwell, Washington, Gladbstone, and the late Senor Ferrer. What bewilders and distresses me is to see such words used in such a way by Messrs. Cadbury.

It is clearly time for the impartial publicist to bring order out of all this confusion by calling things by their right names. Unfortunately the faculty of doing so is not to be acquired in schools, and is but seldom conjoined with the occupation of a professorial chair. For a hundred years the orthodoxy of Blackstone held the field. Then the heretic Bagehot arose to explain that Blackstone's language had become obsolete and misleading, and to point out where the political centre of gravity really was. Bagehot's view was sound when he expressed it. But the ink was no sooner dry upon his page than the centre of gravity had begun silently to shift elsewhere. To-day Bagehot is quoted by the pundits with as much reverence as Blackstone, and he is just as misleading.

De Tocqueville came very near to the mark when he observed of the famous British constitution that there was no such thing. There is a group of written laws from the Great Charter onward dealing with the government and legislative machinery, most of them merely putting on formal record customs that already prevailed. There is a group of customs which have not yet been transcribed into the written law, but command almost the same regular obedience; and it is probably those which the party writer has in his mind when he describes a thing authorised by the law of the constitution, as "unconstitutional." There is a third group of rules hourly coming into existence to meet new needs, on the one hand, and hourly hardening into constitutional custom on the other; and this third element, to which it would be convenient to give the name of constitutional etiquette, is the one which renders it so difficult for the publicist to say what is, or is not, "constitutional" at a given moment.

Because all these three groups are in conflict with each other, and the question of which is at the moment more authoritative is one which can only be answered by a general judgment based on a careful study of present tendencies as well as past events.

Now the present conflict between the two Houses must be judged in the light of these three conflicting criteria, before it becomes possible for the publicist (except the party publicist) to pronounce an opinion.

First, as to the law. It is unquestioned that the House of Lords has the legal right or power to refuse its assent to a Money Bill. That legal right or power is not disputed by the House of Commons. But, on the other hand, neither is it asserted by the House of Lords.

In order to illustrate the position we may compare the present conflict with that of 1832 over the great Reform Bill.

The common sense of the country has taught it that the present crisis is much less acute than the one of eighty years ago. It does not follow, of course, that it will have less important consequences. The revolution of 1688-9 was much less violent than that of 1642-9. But though the battle was won on the first occasion, the fruits were reaped on the second.

The distinction between the fight over the Reform Bill and this over the Budget may be brought out by the change of a single word. The first was a fight between two Estates,* the second is a fight between two Chambers.

* The technical distinction between the Spiritual and Temporal baronages, as two "Estates," has never had any meaning in this country, since they have always sat and voted together as one House of Parliament.
In rejecting the Reform Bill the Lords no doubt claimed to be acting in accordance with the national will, as, of course, many of them believed they were acting. But the point is that they did not claim to be acting in accordance with the national will. They rejected the Bill because the country did not want it, but because they themselves did not want it. They rejected it as a bad Bill, in the exercise of their legal right, and constitutional duty, to reject bills which they thought bad.

The Commons resented that right, challenged it, and, as far as custom went, abolished it. It has remained abolished. The Lords have never ventured to revive it. They have parted, not with their veto, but with the exercise of their veto, for modern language has invested it with a kind of sanctity. By the mouth of their leaders of both parties the Lords have time after time accepted in set terms as a constitutional principle, the absolute sovereignty of the Commons, and renounced any claim on the part of their Estate to oppose its will to that of the other. And that acknowledgment and renunciation have never been made more clearly and impressively than by the language of the Lansdowne amendment.

If, then, the Lords no longer claim for their Estate, as, after all, is, in what character have they continued in fact to exercise legislative authority? On the answer to that question depends the whole case.

In substance, what the Lords have done, or pretend to have done, is to transform their House into a Second Chamber exercising a control over the First Chamber, in order to test the justice of the criticisms to which the Lords have become in fact. The authority of the House of Commons itself arose in no other way. As such, the House of Commons, or the majority in that House, are fully entitled to resist it, and I think it most probable that the country will support them in so doing.

The issue, however, is not a technical one. The questions which the country will really ask and answer are perfectly plain questions of political expediency. Is it, or is it not, for the national benefit that the House of Lords, as at present constituted, should stretch its authority to such an extent? Ought its authority not rather to be curtailed? Or ought not its constitution to be changed, so that it may be safely allowed to retain its present authority? Those are the issues, and all the stages of their consideration and discussion tell us that the scolding is not any the less so because the scolding is done by promissors in the vocabulary of Blackstone, instead of by fishwives in the vocabulary of Billingsgate.

No one seems to think it possible that the Government may produce a statesmanlike plan for a legal and competent Second Chamber, or that such a plan, if produced, would meet with any better fate than instantaneous rejection at the polls. That is not our way. We have made up our minds to muddle through the crisis, and we hope to emerge with a House of Lords slightly improved as to its personnel, and slightly crippled as to its legal powers.

In this view it is worth while to compare the House of Lords, as it is at present constituted, with the House of Commons, in order to test the justice of the criticisms to which the former is, and has been, subjected.

And first of all we shall be struck by the extreme slowness, the almost purely formal character, of any difference that exists between the two Houses, in spite of the different lines on which they are supposed to be constituted.

To begin with, the two Chambers are made up to an appreciable extent of the same individuals at different stages of their careers. As regards the active and prominent members of both, this is as much the case probably as in any other two-chambered constitution in
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the world. A considerable proportion of peers begin their political life in the House of Commons. A large proportion of the best House of Commons men close theirs in the House of Lords. The Liberal Minister who has demanded that the Lords should be abolished, himself ends by becoming a Lord, thereby "mending" that assembly in the most gracious fashion, as his friends and opponents alike will admit.

It is certain that if compulsion were removed in the case of peers the hereditary principle would like the House of Commons to be as strictly hereditary as its rival. The only important measure of Lords who owe their seats to birth is three or four to one. The proportion in the case of ordinary members of the House of Commons may be considerably less; in the case of Ministerial members it is considerably more.

It is important to insist on this for an obvious reason. If we find the democracy, exercising its choice at the polls, or in the party caucuses, almost invariably treats birth as the most important qualification of a legislator, it seems a necessary inference that the House of Lords is constituted on lines which, on the whole, enjoy the popular approval; and that the objection made to its hereditary character is insincere.

There is no practical difference between showing gratitude to an eminent statesman by making his son a peer and making him a secretary of state. Now it is already the custom of the Cabinet to succumb to the pressure of both parties, that a Cabinet Minister of great prominence shall be succeeded by his son. And no rule is more cordially accepted by Liberal and Conservative parties, that a working man, except in the sense that everybody is entitled to the refusal of his father’s seat. The electorate would like the House of Commons to be as hereditary as its rival.

It should be possible to discuss this point without offence or surprize; but it is a sentiment that about half the members of even a Liberal Ministry are mainly indebted for their position to their fathers' merits, and we must be allowed to point that out, not in order to reflect on them, but in order to show that the nation at large believes in the hereditary principle.

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for the convenience of public business. But for their presence the House of Commons would have to be described as the Second-Class Chamber.

III. The degradation of the elected House is at once cause and effect of its loss of authority in the State, of which loss the increased authority of the Lords is only one symptom.

On the one hand, the constituencies, although they are willing enough to sell the letters M.P. to "local men" and keepers of bucket-shops in return for subscriptions to Little Bethel and the Boy Scouts, yet they are not willing to sell the power of legislation. Accordingly Alderman Snee, J.P., and the chairman of the Mutual Swindle, Limited, are not sent to Westminster without pretty stringent precautions against any display of their local incapacity, or their financial capacity, in the statute book. On the other hand, men who take an interest in politics, and have no interest except to serve the public, are less and less willing to discharge the purely acrobatic functions of the private members, and are being steadily squeezed out of Parliament.

This double process has ended in reducing the House of Commons to the condition of a tiresome anachronism, with hardly more reality about it than the Petty Bag Office or the Board of Green Cloth. Despised by the electorate, and detested by the bureaucracy, it is hardly more than an Electoral College, whose mandate is exhausted as soon as it has placed a particular group of Ministers in office.

Dickens, in Nicholas Nickleby, describes the old-time member of Parliament, harried by a deputation from his constituency, sent to remind him of his pledges to show independence in the House. That was the old British spirit; and national constitutions were superfluous; and now that it is dead they are unavailing. For it is dead. In our day the deputations come on a very different errand, to rebuke independence, to call the rebellious member to heel, and bid him be dumb or resign.

So the Grand Inquest of the nation, after braving the wrath of the Plantagenets and the sword of the Stuarts, has succumbed to the meag-spiritedness of the democracy; and the publicist in search of the cité de grâce must seek it anywhere rather than in the Commons House of Parliament.

In actual practice the Empire is governed by two competing, co-optative cliques or groups of eminent politicians alternately entrusted with a dictatorship for periods varying from a few months to a few years. The members of these groups are not chosen by the electorate, and detested by the bureaucracy, it is hardly more than an Electoral College, whose mandate is exhausted as soon as it has placed a particular group of Ministers in office.

The 'House of Lords has picked up the authority let out to the Lords. The present quarrel is between one of these cliques and the House of Lords.

The House of Lords has picked up the authority let fall by the House of Commons. It stands between the electorate and the directorate. It claims to judge when the directorate is executing the national will, and when it is acting ultra vires. Hitherto its judgment has generally been sound. On the only occasion when an issue between the two Houses, or rather between the Lords and the Liberal Directorate, was fairly and squarely put before the people, in 1886, they endorsed the action of the Lords. It is worth reminding constitutional lawyers of the "true Conservative" school, that the people of England are, after all, the supreme authority on the constitution, and have a right to alter it without being taunted as "revolutionaries."

The secret of this popular acquiescence in the peers' usurpation is perfectly well known. Lord Salisbury put the situation when he placed the matter before the people, in 1886, the supreme authority on the constitution, and have a right to alter it without being taunted as "revolutionaries."

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The truth seems to be that the Lords have themselves confused their ancient prerogative of throwing out bills which they disliked with their modern claim to throw out bills which the country dislikes. They cannot be surprised if the same confusion is in the minds of their critics. Frankly, no one believes the language of the Lansdowne amendment. Every elector in the land, of whatever party, will believe Lord Lansdowne to mean this:

"We don't want to be taxed in this way, and we hope to persuade the country to let our friends raise the money in some other way."

There is nothing more discreditively in that, but there is nothing creditable. It is without doubt the very worst ground on which the Lords could possibly have challenged the Liberal Directorate, not because it is the most doubtful ground, technically, but because it is the most openly selfish ground. It was suicide by stupidity to offer the Liberal Party for the first time in eighty years the genuine war-cry of the People, with the cry of the Peers. One is driven to the age-worn explanation—Whom the Gods want to destroy they first drive mad.

* The quotation is from the writer's own forecast of that election, published months beforehand in a Liberal paper, in the vain hope of warning fanatics.

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