

PARLIAMENT ACT 1911: CONSTITUTIONAL TREASON OR DEMOCRATIC INEVITABILITY?

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1 The Aim of the Study

The centenary of the enactment of the Parliament Act 1911 approaches, and given that the *London Times* newspaper is now available digitally it seems an opportune time to consider what a systematic study of 'Thunderer' can reveal about the passage of a major milestone in the democratic development of Great Britain. The aim of the thesis is to conduct an in-depth examination of the underlying factors and issues that led to the passing of the Parliament Act 1911. The research utilizes the *London Times* newspaper archive to identify the key themes and debates that precipitated this enactment, in particular the intention is to seek to discover if the archive can offer material that might provide alternative insights as to why the Act was passed when it was.

2 The Thesis

The Parliament Act 1911 arguably represents a watershed in the political and constitutional relationship between the House of Lords and the House of Commons. It can be seen as the culmination of the shift in political power from the aristocracy to the 'people' where the Commons gained control of the state and the power of the House of Lords was radically changed from one of absolute veto to one of revision and delay. From a political perspective, the proximate cause of the passing of the Act was the Budget crisis of Lloyd George's Government 1909-1910. Early commentators suggest that the Liberal Government engineered the Budget Bill to provoke the House of Lords into rejecting it, thus forcing a constitutional crisis; Dangerfield stating 'it was a wonderful trap to catch the House of Lords in.'¹ But this view of the Budget as bait to entrap the House of Lords has, according to Murrey, 'fallen out of favour with most scholars.' Murrey states it is 'generally accepted that he [David Lloyd George] devised his budget as an alternative to, rather than as a means

¹ Dangerfield, G., *The Strange Death of Liberal England* (1935 Reprint, 1970, London, Paladin) p.32.

to a battle with the House of Lords.² From a wider historical and legal perspective there is evidence that while the Budget Crisis of 1909/10 precipitated the Parliament Act 1911 a number of social, political and economic forces gained significant momentum in the early twentieth century. These forces would form a nexus that was influential, if not causal, in the timing and passage of the Parliament Act 1911. It is these forces and their levels of inherent significance that the dissertation aims to identify and address.

3 Contexts

For the purposes of structure and analysis the events of the period have been categorised into a number of contexts or themes identified as potential forces that may have played a role in precipitating the enactment of the Parliament Act. The thesis will examine and test these in the context of the public debates surrounding the historiography of the Act to assess their contributory influence and significance.

1) Economic

The Industrial Revolution of the eighteenth and nineteenth centuries saw a move away from an agrarian to an industrial society. The poor left the country to work in the cities leaving fewer people working on the land, which led in turn to wage rises and reduction in agricultural productivity. The landowning classes were faced with a reduction in economic power, which in turn led to a reduction in political power. The emerging industrialists, many of who were not born into the upper classes, bought their way in to the upper classes and gained increasing economic power and demanded increased political power. While bringing wealth to a few, the Industrial Revolution brought poverty and disease to many. By 1906, the UK was in an economic depression, the traditional indirect tax revenue was much reduced and there was a pressing need to increase revenue to pay for social reform and naval expansion. A key source of conflict between the Unionist and Liberal parties was their respective stances on Free Trade. The Liberals were pro-Free Trade whereas the majority of Unionists came to embrace Tariff Reform, as a way of financing their social reform policies, building a stronger empire, supporting British manufacturing and being re-elected. The 1906 election was largely fought over Free Trade issues. The claims of the Liberals that the Unionists stood for more expensive food ultimately proved persuasive to a large proportion of the electorate.

² Murrey, B., The Politics of the 'People's Budget', (1973), *The Historical Journal*, 555-570 at p.555.

2) Social Class

The Industrial Revolution of the late 18th and early 19th century caused profound social change in the UK. The change took the form of a shift from: ‘...an agrarian to an industrial society, where the social order based on vertical connection of dependency and patronage was displaced by the horizontal socialization of class’.³

The change affected both the poor and the aristocracy and saw the emergence for the first time of a middle class. The rise and spread of the middle classes inevitably resulted in its demand for more political power. Simultaneously, the industrial working class began to organise itself more effectively through the creation of beneficial societies and trade unions and became a force that could no longer be ignored. The deference traditionally shown by the lower to the upper classes began to lessen, thus challenging the omnipotence of the latter. The change in relative fortunes of the aristocracy and the middle classes would inform the debates over the passing of the 1911 Act, giving its passage had a significant ‘class’ dimension.

3) Democratisation

The nineteenth century political Reform Acts of 1832 and 1867 had a significant effect on the democratisation of British society, although universal suffrage was not achieved until the early twentieth century. However, despite increasing suffrage prior to the passage of the 1911 Act, the undemocratically constituted House of Lords could, and did, overturn policies presented in Bills introduced by the democratically elected House of Commons. The Lords acted in a very partisan manner particularly with many Liberal Government Bills, especially those perceived as ‘controversial’, which they modified out of all recognition. The leader of the Unionists in the House of Lords, Lord Salisbury (Con), had developed a theory that the House of Lords had a ‘referendal function.’ The Lords, it was argued, had a duty to act as interpreters of the national will, which included rejecting measures proposed by governments for which there was no mandate. The theory was summarised by Randle thus [that] ‘no election could be interpreted as a verdict on anything.’⁴

4) Political Parties

The Liberal Party’s origins lay in the Whigs who were inspired by the Glorious Revolution of 1688, which established the supremacy of Parliament over the

³ Bellamy, R., *Liberalism and Modern Society- A Historical Argument* (1992 London, Polity Press) p.9

⁴ Randle, J., ‘The Unionist Opposition and the House of Lords,’ (1992), 11 *Parliamentary History*, pp235-253 at p.235.

Monarchy and the rejection of absolutism. The Liberal Party, formed in 1865, had at its ideological centre the notion that people were individuals, born free and equal and possessed of 'innate rights derived from the innate capacity of human beings'.⁵ The Liberals' concerns were demonstrated in the legislation they passed in the early nineteenth century, for example, the Representation of the People Act 1832 and the Slavery Abolition Act 1833. At the end of the nineteenth century, 'New Liberalism' emerged as a guiding ideology of the Liberal Party. The ideology reflected increasing concerns about the adverse impact on the working classes of the Industrial Revolution. State intervention to aid the poor 'to self improve' was acceptable, if not desirable, as was the use of taxation to fund such intervention.

The Conservatives were characterised by deference to the Crown. Typically they were wealthy landowners, drawn from the ranks of aristocratic families and landed gentry who had enjoyed power and influence for generations through the principle of primogeniture. Kingdom⁶ argues that the Conservatives considered themselves and the class they represented to be above the Constitution. Evidence for this view comes from Arthur Balfour, the Conservative Prime Minister, who said 'the great unionist [Conservative] party should still control whether in power or whether in opposition, the destiny of this great country.'⁷

The Labour party can be argued to have emerged through the interaction of two distinct but closely related influences, the development of Socialism and the growth of the Trades Union movement. Socialism has its origins in the writings of European intellectuals who were concerned that the wealth generated by the Industrial Revolution was not being distributed equally, resulting in extreme poverty being prevalent among the working classes. Marx argued that Socialism was a stepping-stone to the ultimate state of human history, communism, which could only occur by revolution. Moderate socialists rejected the revolutionary approach arguing that gaining political power was the way to effect social and political change. The moderate approach manifested itself in the formation of the Fabian Society in 1884. The Trades Union movement adopted socialism as their political ideology and recognised that power and influence could be achieved through a political labour movement. These moderate socialist and trade union influences combined and eventually led to the formation of the Labour Party in 1906.

⁵ Ibid.p.24

⁶ Blake, R., *The Conservative Party from Peel to Thatcher* (1985, London, Fontana) p.150.

⁷ Ibid.

5) *Irish Home Rule*

The Act of Union with Ireland 1801 followed centuries of involvement in Ireland by the English. The Anglo-Irish relationship, which would become characterised as the 'Home Rule' question, saw two countervailing forces at work: a centralising and harmonising force from Westminster, and the local demand for power and representation in Ireland. The Conservatives were generally against Home Rule, while the Liberals were generally in favour. There was an influential anti-Home Rule faction in the House of Lords made up of Anglo-Irish peers drawn from families who had settled in Ireland as part of the English attempts to control Ireland in the sixteenth century. The political relations between the Liberals and the Irish Nationalist party were to prove significant in events leading up to the 1911 Act and its enactment.

6) *State Financial Control*

The Liberal Government needed to fund two major projects: its social reform programme, especially the recently introduced non-contributory Old Age Pension scheme and the modernisation of the Royal Navy, in the face of German colonial expansion. The 'People's Budget', as it became known, proposed increases in death duties, income tax and tax on spirits and tobacco. Most controversially, the budget, drawing on the work of an American Political economist Henry George, called for the introduction of a land tax based on the value of land held. The proposal, seen as an attack on property owning, was fiercely opposed by the predominantly landowning Conservatives. The rejection of the 1909 Budget by the House of Lords and the resulting Budget crisis of 1909 brought the issue of state finance to the fore and is well documented as the primary factor precipitating the 1911 Act.

7) *Challenges to the British Empire*

At the beginning of the twentieth century, Great Britain was a post-Industrial Revolution country possessed of an empire that had reached its zenith and was facing the onset of its decline. As a trading nation, it had grown increasingly dependent on overseas markets both as a supplier and an importer. The British Imperium came under threat from a number of countries, which had industrialised later than Great Britain and were now beginning to flex their economic and military might. The United States, Russia, Japan, Germany and France all sought to spread their spheres of influence. Britain had pursued a policy of isolationism in Europe following the Napoleonic wars. However, the growing imperial ambitions of, notably,

Germany was beginning to cause concern in Great Britain. There was also a concern that calls for Irish Home Rule would precipitate the break-up of the Empire.

4 Methodology

A two-phase research approach was decided upon for the study. The first phase was designed to establish the 1911 Act in its wider context. To this end, the first task was to draw up an initial timeline of major events for the period 1880-1914. The dates were selected in the first instance to limit the scope of the period and to make the initial study more manageable. The period was bounded at one end by the Liberal election victory of 1880 and at the other by the outbreak of the First World War. The timeline was derived from a number of general sources. It served and serves three purposes: providing structure for the project, aiding in the process of beginning to identify the issues and identifying potential links between events that gave rise to the Parliament Act 1911.

Phase One

From the timeline approximately 130 keywords or phrases have been identified. These keywords are used to provide basic search criteria to assist in determining both the availability and the relevance of research materials. To begin the research process and to enable the initial research to be conducted in a systematic way, a simple matrix was generated with keywords on the Y-axis and an initial set of sources on the X-axis. The initial sources examined in detail include Hansard from 1820-1914, *The Times* Digital Archive from 1880-1985, the Index to Theses and the National Registry of Archives. In addition, a preliminary examination of potential sources was made including BOPCRIS, the British Library Catalogue, the British Library Newspaper archive, the Parliamentary Archive and JSTOR. However, during the initial phase it became obvious that the net had been cast far too wide in that it was unrealistic to countenance dealing with the sheer volume of material that was associated with the initial time span, not to mention additional problems of accessibility to other resources and also time constraints. Even so, the initial process threw up some themes, which, it is proposed, might have a bearing on the passing of the Parliament Act of 1911.

Phase Two

A revised research criterion was established that would focus on the period 1906 to 1911, i.e. the period from the Liberal landslide victory of 1906 until the passing of the Act itself. *The Times* Newspaper Archive, a resource that had not been greatly used for the purposes of looking at the Parliament Act, was selected for investigation for a number of reasons. It has been continuously published since 1847 so is comprehensive. Arguably it can be used as a proxy for the views of the governing class within English society. Its editorial policy under George Earle Buckle, editor from 1884 to 1912, controlled firstly by the Walter family and after 1908 by Lord Northcliffe, remained fairly consistent during the period examined. Its archive offers potentially at least three views; the editorial view, the reporting view and the correspondent view. Finally it is available online which greatly aids accessibility.

The second analysis phase was itself a two-stage process necessitating the compiling of an index of *The Times* and undertaking an analysis based on that index. The Times Digital Archive (TDA) offers fairly sophisticated search mechanisms including substring and Boolean searches. However, it was decided that a more usable solution would be to generate a hard copy index. Although commercial indexes are available they tend to be incomplete and it was felt that a better approach would be to compile an index of *The Times* newspaper contents from 1st January 1906 to 31st December 1911. A somewhat lengthy process has resulted in the indexing being complete. The indexes offer an overview of the contents of the archive and it is hoped that a study of these, as well as the articles described within, may provide insight into the passing of the Act. The analysis phase is now about to start. The aim is to build up a picture of how the Act, and the run up to it, was reported from an editorial, journalistic and correspondent perspective. It is anticipated that the themes that suggested themselves from the first phase will emerge and the possibility exists that others may also emerge. Despite the fact that the research is qualitative in nature some thought is being given as to the potential of applying a quantitative aspect to the analysis if only as a way of mapping themes/ trends.

4 Outcome of the Study

It has been suggested that 'rather than being seen as a mirror or window, the press should be regarded as a-perhaps the-central component of an interactive Victorian

culture'.⁸ The study is concerned with the tripartite relationship, between *The Times*, its readership and politicians. The intended outcome of this thesis is to further understandings from a historico-legal perspective of how the social, economic and political contexts of the period were manifested in the commentary and discourse of *The Times* and to assess the extent to which *The Times* 'mediated' these debates surrounding the enactment of the Parliament Act 1911.

⁸ de Nie, M., "A Medley Mob of Irish-American Plotters and Irish Dupes." *The British Press and Transatlantic Fenianism*, (2001, *The Journal of British Studies* 213-240 at p.219.