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Tory Opposition to the Reform Bill of 1832

by DeForest Clement Steele

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Submitted to the Department of History and
the faculty of the Graduate School of the
University of Kansas in partial fulfillment of the
requirements for the Degree of Master of Arts.



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Carl Becker.

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History

Preface.

This topic was chosen for the reason that I am interested in social problems; and more especially those of a political nature. Although I am doing my major work in History, I am not a student of History for History's sake. It seems to me that it is very necessary to have a fairly good knowledge of History, especially Modern History, in order to have a background, or foundation, so to speak, for Political Science, Economics, Philosophy, Education, or in fact almost any line of endeavor. The question here discussed is especially fascinating because it throws light upon a problem of the first magnitude in current times.

I wish here to express my appreciation, for I feel truly grateful, for the patient and sympathetic guidance of Professor Carl L. Becker — at present, of the University of Kansas — who has helped me so much in the preparation of this thesis, and in obtaining, to a small degree, a saner and more unbiased perspective of social institutions and of human nature.

D.C.S.

Introduction, Chapter I.

The passage of the Parliamentary Reform Bill of 1832 is, according to the concensus of historical opinion, one of the major landmarks in the growth of English institutions. It is considered so, not because of any sanguinary and disastrous upheaval in society at the time, nor because of any fundamental change in the constitution, but because it marks the beginning of a long series of alterations which have continued at irregular intervals to the present time. England in the Twentieth Century, is essentially democratic, though not nominally so. Although practically every male citizen is a voter, it is not by virtue of such qualifications but through the piece-meal and multiplex extension of electoral privileges. Expediency, operating through small irregular arcs, has turned the face of England from the old regime to a view which is diametrically opposed to it. Elsewhere, notably in France, the half-cycle was covered at a reckless and dizzy pace, and the operating force was not that of expediency but of principle founded on natural right.

Certainly it was not possible for anyone in 1832 accurately to predict the revolution which a little less than a century would bring. It is equally certain, however, that a good many statesmen at the very inception of this revolution had a remarkably accurate insight into the developments which would follow the initial step. In the light of the far-reaching changes which had been effected on the continent and in America, one's prophetic imagination would have needed no supernatural aid in reading the probable future events in a rough way, had he lived in England during the stormy scenes in the years 1830 to 1832.

It is because of this accurate diagnosis of the outcome of the agitation for reform that the study of this period is so important to the student in the present generation. In an indirect fashion the same problem was attacked then as is being wrestled with today. In one way, at least, that period had an advantage over the Twentieth Century. At that time democracy had not been accepted with all its appendages, apparently regardless of their merits. In America, at the present time, and largely in Europe as well, democracy has come to be

considered the axiomatic foundation of all free government. Practically all movements toward reform assume that the evils which are to be eradicated grew out of the imperfect applications of democracy. In other words democracy is very widely considered to be the goal, as well as the means, of political reformation. Such a situation makes a judicial investigation and discussion of the question a difficult task. It is for this reason that a study of the great struggle, which raged around the very same issue nearly a hundred years ago, is so valuable in connection with an unbiased treatment of the problem.

Considering the Reform Bill in the light of what it promised and ultimately did bring about, the arguments for and the objections to it are well worth a careful analysis. The arguments for it however, are not so much to the point because the prime movers in its advocacy were ostensibly (and it may readily be believed, actually) attempting to bring about a readjustment which, from their point of view, merely essayed the task of purifying the old system. They claimed that, due to the industrial revolution and the

consequent growth and re-location of population, it was nothing but just and desirable to restore the balance which to them had obviously become unstable. The redistribution, however, was not to savor of equality, for the Whig leaders who pushed through the measure were as much tied to the old regime of checks and balances as were the Tories. The democratic howling of the radical element was as objectionable to one as to the other. Of course, the co-operation of the Radicals and the step toward equalization evinced by a rough adjustment of representatives in proportion to population and the uniform minimum ten pound qualification in the boroughs, pointed toward democracy. This, however, was not their intention; neither would they admit the tendency. In view of this stand on the part of the Whig leaders, it is obvious that their arguments in favor of the Reform Bill are not directly applicable to the question of democracy.

The Tory arguments cannot be ruled out on this ground. They, honestly, or dishonestly, claimed that the bill savored of and would inevitably lead to democracy. They knew that, if they could convince the Whigs of this, the bill would not carry. Although this boggy

was played up to its limit of influence, the Tory argument was not vitiated by it. And whether the anti-democratic argument applied to the Bill or not, it answers our purpose just the same. The Reform Bill offered a capital opportunity to set up side by side the old order of liberty based on rank and privilege, and the new order of liberty based on majority rule regardless of the old standards of rank, privilege, and property. In other words it was a contest in which was involved the destiny of the old qualitative test and the newer quantitative one. In the last analysis, then, it was, considered particularly from this point of view, a battle royal between the Tories and the Radicals with the Whigs ostensibly on one side but really on the other.

It is not thought necessary nor advisable to go into detail and make a general historic setting for the Reform Bill; nor to follow the exciting and turbulent scenes which were enacted in the long struggle out of which the Bill finally came virtually intact and triumphant. It is assumed that the few readers to whom this discussion will be of some interest, have in mind the events, ideas, and dynamic forces which were operative in the period leading up to the Reform Bill. However,

it may not be amiss to make a few statements relative to the minor and unsuccessful attempts at reform in the half century preceding 1830, and the sources from whence they came.

Not considering the unorganized radical movements, it is interesting to note that it was the Tories who took the leadership in reform measures in the latter part of the Eighteenth Century. This was due in part to the fact that they were in the saddle during this period. The assumption on the part of George III of additional prerogative and the disastrous issue of the American war developed a tremendous amount of criticism and directed a full measure of invective against the administration. The public began to surmise that it might be due to the organization of the Commons House of Parliament, that conditions had come to such a pass. The castigated Tory administration under the leadership of William Pitt tried to clean house by offering to buy out the "Rotten" and "Nomination" burroughs and by adding one hundred members to the representation from the counties. The discussion of this plan dragged along for some time until economic conditions improved and Pitt's enthusiasm oozed out by degrees.

Even before the American Revolution the Tories considered Parliamentary reform under the Leadership of Pitt, the elder, (Lord Chatham). There were two other abortive attempts outside of the Tory influence. Wilkes, an irresponsible and disreputable character, disgruntled and peeved over the Middlesex Election's scandal, offered a very elaborate scheme for reforming the House of Commons. The source from whence the measure came was enough to discredit it. Another measure in the nature of an open minded investigation was offered by Lord Grey at the time when Englishmen were horrified at the excesses of the "Terror" in France. Not being an administration measure and offered at such an inopportune time it was doomed to failure from the start.

In the first two decades of the Nineteenth Century the agitation for reform was left almost entirely in the hands of the Radicals. The odium of the "Terror" and the ensuing regime in France, laid such a heavy hand upon all innovations that even the ranks of the Radicals were seriously decimated. Not until the extreme pressure of acute economic suffering developed was there any serious agitation for reform. There was a Corrupt Election's measure introduced in 1809 but it met with a frigid re-

ception. The really major efforts of the Radicals were made in the bills introduced beginning with 1817. The demand, however, for annual Parliaments, universal suffrage, and the ballot was too much for either the Whigs or the Tories.

The decade beginning in 1820 may be summed up in this way: The Whigs attempted to win popular favor by advancing some very mild measures of reform. It is true that Lambton (later Lord Durham, a member of the committee which drafted the great Reform Bill) introduced a very democratic bill in 1821, but it was frowned upon by the members of his own party. In the same year Lord John Russell introduced an indefinite compromise measure, to no avail. The Tories tried to distract and wean the populace away from the extreme Radical notions by dishing out some very much needed reforms along economic and religious lines. These compromising and distracting measures put off the inevitable struggle and doubtless added to its intensity. The Tories split their ranks assunder by the above mentioned measures, and the Whigs after much agonizing hesitation saw their opportunity to lead a liberal coalition in favor of a measure which would at least be tolerated by the Canningite Tories and the more reasonable Radicals. The measure

which was the product of such a far-reaching compromise, was, in addition to its other burdens, loaded down with the responsibility of effecting a change which would be permanent: at least enduring for a generation.

As has been suggested, all the attempts prior to 1830 were abortive, but for our purpose were only less successful in degree than the measure which became a law in 1832. Regardless of the particular provisions of those measures, they were all subject to the attacks of the opposition, which interpreted all of them in much the same way. In fact, the undisguised democratic measures introduced by Sir Frances Burdette and the more radical Whig measures of Lambton and Lord John Russel, uncovered the opposition and isolated the issue in no uncertain way, which cannot be so truly claimed in 1831 and 1832. Hence no inconsiderable material is available from these sources.

The plan of this treatise is to present the Tory arguments against all parliamentary reform which would undermine the then existing order. The attempt has been made to organize and arrange the evidence in a way that is easy to follow. The Constitutional bases of Parliamentary government, which the Tories deemed fundamental

and absolutely indispensable, are presented in the second chapter, and their practical political virtues are discussed in the third chapter. I choose to present this evidence first, because the Tories had the habit of defending the institutions under which they lived before attacking directly the proposed changes of the reformers. This order of procedure gave them the opportunity, after eulogizing the constitution in general and the virtues of the unique organization of the House of Commons in particular, of discounting as unnecessary any proposal for reform, regardless of the theoretical virtues or blemishes. In the fourth chapter, the dangers which appeared to them to be pregnant in the reform measures are held up to view. The fifth chapter deals with the methods of progress which they offered as a safe substitute for the wild and dangerous projects of the Whigs and Radicals. After the presentation of the arguments outlined above, a resume of them and a discussion of their applicability to the political order of the Twentieth Century will be found in the sixth chapter.

Chapter II.

The Fundamental Bases of Tory Philosophy.

Viewing the question of Parliamentary Reform in England during the early part of the nineteenth century in the light of the twentieth century and from a country which has known nothing else than democratic and representative institutions for many generations, it is very difficult to consider the problem without a large measure of bias in our perspective. It is not surprising that such is the case; in fact, it is perfectly natural that it should be. The institutions under which we are living are of the very sort that the Tories fought so hard against in the early part of the nineteenth century; and almost invariably associate an attack against democracy with a reactionary policy: reactionary in the sense that it is considered as opposing liberty and justice.

There is no absolute standard by which to measure political institutions. It is largely because of the fact that there is no absolute standard that every age considers its own institutions to be the beau ideal — the summum bonum of such for all time. The present age is not exempt from such a notion. The great majority of people look upon our

social and political system as being imperfect only in degree. The old regime systems have been discarded as worthless and no untried political panacea is more than a theoretical nostrum. Certain theories, like those based on communism, have been tested a number of times on a small scale and have proven unsatisfactory or at least short lived. Hence we think our form of government and our mode of society are the best. The very fact that a system similar to our own has in England superseded the one for which the Tories plead so consistently and eloquently to maintain is thought to be additional proof of excellence. In fact the countries of Western Europe and the republics of the Americas as well as some other scattered countries have tacitly turned down their thumbs on the old regime.

The Tories did the same thing a hundred years ago that the majority of people would do now. They believed that they had stumbled onto a form of social and political organization, or rather that the exigencies of a long period of time together with the aid of good political sense had evolved a ship of state which was practically perfect as well as unique. It had all the virtues of the old regime systems on the continent without their faults. On the other hand the new democratic schemes were considered impractical

if not entirely bad. They considered them in the same light that we would hold communism or anarchism today —most likely to be failures in themselves and what is worse productive of terror and confusion.

These few remarks have been made with the hope that they will operate in the manner of an auto-suggestion against a prejudiced presentation of the fundamental tenets of the Tories. As was suggested above, they had a theory of government which was more than a theory for it was actually in operation. It was not only in operation but it was considered most ideal. This chapter then is devoted to a presentation of what the Tories considered to be indispensable to the England of their time.

The Radicals and all others who tolerated or condoned the idea of reform, had ideas of what was essential to liberty. To the Radicals the system in vogue at that time militated against liberty. On the other hand the Tories supported the English brand of the old regime for the very reason that the Radicals opposed it. To them it was the only bulwark against tyranny. Thus we have the spectacle of two groups of people fighting for concrete systems which were the very antitheses of one another , and

at the same time aiming at the same goal — liberty. obviously, then, it becomes a question as regards what constitutes liberty. Here again we have no absolute standard of measurement.

In the minds of the Tories, and most of the staunch Whigs as well, liberty was the product only of a system of checks and balances. It mattered not what power gained an undue amount of advantage, liberty paled directly in proportion at that power or any other succeeded in gathering to itself more than a just proportion of eminence and prestige. Other governments had tried (notably France) to establish a balance of power between the three estates, but had signally failed because one of the three divisions of society had swallowed a lion's share. In France the king had gained almost a monopoly of prerogative, and it was just in so far as the monarchy had become comparatively overgrown had France lost her liberty. The results of it, measured by this conception was a foregone conclusion. The breakers of disaster were in the path ahead.

England,¹ however had succeeded in maintaining the equilibrium between the units of the triune social system. It was because of this successful maintenance of a nicely balanced political state that the liberty of the English people stood out in the lime light before the world. The

Tories argued with a great deal of apparent sincerity and undoubtedly a vast amount of reason and conviction that the English constitution was the peer of all constitutions: so much so that other peoples envied and worshiped it. France in the eighteenth and Germany in the nineteenth century vied with one another in extolling the virtues of the English constitution. Practically every man who made a speech against some proposed reform measure during the half century preceding the Great Reform Bill of 1832 prefaced his remarks or in some cases devoted his whole effort to the highest eulogy of the excellencies of the constitution, which his eloquence was capable of. Mr. J.R.M. Butler states the case very aptly — "While the capitals of Italy, Germany, Spain, and Russia had been stages in the triumphal progress of the universal tyrant, England had stood single handed against the Continent, and after Waterloo towered among the nations in prestige no less than in real power. Englishmen were firmly convinced of their infinite superiority in all respects to less fortunate peoples. The same spirit in which Coningsby speaks of 'the degraded patricians of the continent' was mighty in our fleets and armies, creating a full assurance of victory against all odds. But without dis-

paraging the merits of our captains by land and sea, it might fairly be claimed that it was the unique vitality of our constitution, as personified by Pitt at home and abroad, which enabled us to keep up the unequal fight. Foreign nations had recognized the fact. To say nothing of Hamilton and Montesquieu, the French system of 1815 was avowedly modeled on our own. In the eyes of all Europe the English Constitution was the Constitution par excellence."^a

This balance of government was anything else than simple. One might suppose that it consisted of a mere division into the three estates like the case had been in France. If that had been true there would have been three separate heads both in society and in government: the King, Lords, and Commons; three entities, each of which had its own separate and unmixed place in the fabric of state. That however, was not true. The King and House of Lords had both lost power and prestige to the House of Commons, but to offset this disparagement they had contrived to insert their influences in the House of Commons. Thus the phenomenon of a single house containing the three parts of

(a) Butler, The Passing of the Great Reform Bill, p238.

the social and political fabric is exhibited for our study. I quote Butler again for an exposition of how this unique situation came about: "The theoretical perfection of our polity was held to lie in the successful fusion of the monarchical, the aristocratic, and the popular elements, in proportion which forbade the preponderance of any one. Thompson's Liberty was constantly quoted in praise of

'The full, the perfect plan
Of Britains matchless Constitution, mixt
Of mutual checking and supporting powers,
Kings, Lords, and Commons.'

'so long as England is England,' wrote the author of Order Against anarchy^h, 'the institutions themselves must remain;' and the corollary was added that if they were to remain they must preserve the same relative power; else the unstable equilibrium would collapse, and the old time objections to a mixed form of government be justified. But it had become clear that with the absolescence of the royal veto, and the gradual but unquestioned subordination of the Upper to the Lower House, the balance was no longer maintained in the manner belauded by the political philosophers. George III however, and the great families of the eighteenth century, had discovered a means of preserving their power, quite as effective but much less invidious.

By the simple expedient of the Treasury and the nomination boroughs the influence of the Crown and the nobility remained potent in the Constitution. The King's personal power in the Commons did not survive the reign of George III, but that of the ministry and the aristocracy did, and by the time of the Reform Bill the practice had acquired enough prescriptive sanction to find apologists. The Theory of Checks was now construed to mean that King, Lords, and People must each be duely represented in the House of Commons. Or, as Reformers put it, the people's share in the Constitution was now only one-ninth, while the other two elements acquired the same amount in addition to their original thirds." ^a The latter statement shows the sharp cleavage between the Tories and the Reformers.

The ideal character of such a balance of power is admirably stated in the Quarterly Review. "The advantages of this arrangement are — that the collision and shock of the three rival principles is either prevented or prodigiously softened by this early mixture of their elements; that by converting those sudden and successive checks into one regulating and graduated pressure, their operation becomes infinitely more smooth

(a) Butler, The Passing of the Great Reform Bill
p. 239.

and manageable, and no longer proceeds by jerks and bounds that might endanger the safety of the machine; while its movements, instead of being fractured and impeded by the irregular impulses of opposite forces, slide quietly to the mark in the diagonal produced by their original combination."^a

Thus the three divisions of society were represented in one body. On the face of it, it would look like a very unsatisfactory arrangement, but there were many men who considered it the quintessence of excellence. All classes and all talents were represented. Sir Robert Inglis expounds this phase of it very clearly and completely. "Such generally speaking, as the House of Commons is now, such it has been for a long succession of years: it is the most complete representation of the interests of the people, which was ever assembled in any age or country. It is the only constituent body that ever existed, which comprehends within itself those who can urge the wants and defend the claims of the landed, the commercial, the professional classes of the country; those who are bound to hold up the prerogative of the Crown, the privileges of the nobility, the interests of the lower classes, the

(a) Quarterly Review, vol.44, Jan-Feb 1831, p.580.

rights and liberties of the whole people. It is the very absence of symmetry in our elective franchises which admits of the introduction to this House of classes so various. This concordia discors opens the door to the admission here of all the talents, and of all classes, and of all interests. -- -- -- In one place we have burgage tenure; in another a close corporation; in another, an open corporation; in another, scot and lot; in another universal suffrage; something to please everybody. This was the case from the beginning. -- -- I took alphabetically, the nine first boroughs cited in one and the same year of one prince, namely, in the 23rd of Edward I; and I found at this day at least, no two of them appears to be invested with the same particular kind of franchise"^a. The following is the list of the nine boroughs referred to above:

boroughs -- -- kind of franchise -- -- number of voters
in 1795.

"1. Andover, Bailiff and select Burgesses	24
2. Appleby, Burgage tenure,	120
3. Arundel, Scot and Lot,	200
4. Barnstaple, Corporation and Burgesses,	385.
5. Bath, Mayor, aldermen and Common Council,	30
6. Bedford, Burgesses, Freemen, and inhabitant householders not receiving alms,	1000
7. Bedwin, Freeholders and Inhabitants of ancient Burgage-messauges,	80
8. Bletchingly, Borough-holders,	90
9. Beverly, Burgage-holders,	1000"

III Hansard Parliamentary Debates, vol. II p.1108.

The above list of nine boroughs gives one a very clear and accurate notion of the extreme variety in the mode of electing the members to the House of Commons. In fact, there was no mode at all, strictly speaking, because that term gives one the idea of system which was not to be found in England at that time, in regard to the election of members to Parliament. There was not only no system or uniformity but such system or uniformity was not desired, as the words of Canning indicate: "For my part, Sir, I value the system of Parliamentary Representation, for that very want of uniformity which is complained of in this petition; for the variety of rights of election. I conceive that to establish one uniform right would inevitably be to exclude some important interests from the advantage of being represented in this House."^a

There were, in a general way, four bases for the franchise in the boroughs alone, aside from the county representation, which comparatively speaking was more uniform. In a few boroughs there was a large electorate, the franchise being granted upon the payment of some

(a) Canning, Speeches, volume IV, p.343.

petty tax or stipulated contribution to the poor, or the possession of the right to a place of abode where one had his own pot or other eating utensils. These largely democratic boroughs were called "Scot and Lot" and "Potwalloper" boroughs. In another class where there was a smaller percent of voters the franchise was limited to certain men who had hereditary claim upon the right of choosing members to the House of Commons. The "Burgage", "Freehold", and "Freemen" boroughs come under this classification. In a large number of boroughs the prerogative of choosing members was limited exclusively to the town corporation which was a closed and permanent body. The boroughs in which the franchise was most restricted of all were owned and controlled by patrons. Such were known as "Nomination " boroughs. Altho it is convenient and desirable generally to classify the boroughs into four groups, one should not make the mistake of supposing that such classification is anything other than an arbitrary one. There were about as many shades and modifications of the four general kinds as there were boroughs. The nine boroughs mentioned above indicate this also.

The patrons of those who controlled the corporations

in the towns were usually wealthy nobles. These influential nobles were often able to control the elections in the boroughs where the franchise was not limited to a patron or a town corporation, but was never-the-less not very large. This was usually done by direct purchase. These same classes of limited voting rights based on some hereditary privileges were often made up of or controlled by the bourgeoisie. In the near-democratic boroughs the lower classes, excluding the vagabonds and those living largely on charity, usually dominated. It was in this way that the nobility and the several levels of the Commons were represented in the Commons House of Parliament. The King or government wielded its influence through the treasury: in other words, it bought enough votes to guarantee security for the administration.

The Tories placed a very large emphasis upon this variety of representation which was so uniquely balanced in the House of Commons. They were never tired of pointing to it with the utmost pride and devotion. Lord North said: "The beauty of the Constitution of the House of Commons is, that like the general fabric of the British legislature, it provides for and preserves the due balance

between the several great interests of the empire — the landed, the commercial and the monied."^a Mr. Curwin said, in introducing the Corrupt Practices Act of May 4, 1809 that " The very excellence of Parliament consists in having a due proportion of all ranks in society, considering the importance of commerce, I should be sorry it we had not those who pursue it, that due proportion of the army, and the learned professions. But the peculiar advantage of having the landed proprietor in this House is that each individual brings with him the affections and confidence of a portion of the people."^b

Now the Tories were very careful to make plain that although the English Constitution provided for a balance of power between the three fundamental classes of English society and government, and permitted members chosen from all kinds and classes of society to sit together; they were equally careful to point out that back of rank and representation stood property. Nobility was directly or indirectly based upon property. Great influence in controlling elections and manipulating legislation was almost entirely made operative by money. The people in boroughs, having the more popular voting rights, obtained their

I Hansard Parliamentary Debates, vol. 22, p 146
 II " " " " vol. 14, p 362.

franchises directly through their property or indirectly through the property of their ancestors. Originally, representation in the King's Council, which later developed into Parliament, was obtained through grants direct from the crown, and practically in all cases were gifts in return for financial support to the King. This financial support was based on property. Sir Robert Inglis said that it was not based upon population, or property, or any other thing but was a free grant by the Crown in accord with his own prerogative. That is true, however, the kingly prerogative was exercised in granting participation in his council to the Nobles and Knights of the Shire in return for their financial support, and this financial support was based upon property.

Mr. Davies Giddy said: "He thought that property and power should be invariably connected together, for without that connection, no peace could be maintained in society."^a Propertied people within and without the Tory party opposed all reform that aimed at dispossession of property on the ground that property was a sacred right and could not be arbitrarily confiscated. Mr. Mr. Martin of Galway said: "He was hostile to every

(a) II Hansard Parliamentary Debates, vol. 14, p. 723.

species of reform, in the manner in which it was called for by certain persons. In the particular case of Grampound, before they tried this summary punishment, they should apply the remedy provided by law, and administer the bribery oath. He could not consent to the disfranchisement forever of the descendents of the present voters, merely because some of the latter had, at a former period, misconducted themselves. As well might they take away the Charter of the Bank of England, or of the East India Company, as to deprive Grampound of its right."^a Mr. Seymour says: "Many of the moderates in each party doubted the wisdom and legality of disfranchisement. A large number of members were anxious to grant representation to the large industrial towns of the Northwest, but felt that no borough should be disfranchised except in cases of indubitable corruption or where the borough proprietors consented to a sale of his rights."^b

This principle was ascribed to by William Pitt when he introduced his Reform Bill of 1782. £ 1,000,000. was to be appropriated to the buying up of a number of boroughs in order to re-adjust the representation to the

(a) III Hansard Parliamentary Debates, vol.4,
p.584.

(b) Seymour, Electoral Reform in England and
Wales, p.54.

growth and diversification of English society. This principle of the sacredness of property is to be seen elsewhere in the annals of English History. Slavery was not abolished until property rights were satisfied by a remuneration. The striking feature, however, relative to this case was the unique character of the property in question — that is, unique from our point of view. The right to vote or nominate a member to Parliament was bought, sold, and passed from one generation to another just as we do with stocks, bonds, notes, deeds, and mortgages. Although this right was maintained in the borough, it was not requisite that the patron or elector own any land or even reside in the borough. It was a form of property which to us has no earmarks of property as we conceive the term. But since the right was considered as we consider property, it naturally was defended as private property in land is defended at the present time against the attacks of the Henry George theory.

We have to turn to Mr. Canning for a succinct and impressive statement of the interpretation which those people who believed in the Tory theory, placed upon the

efforts of the reformers, who were trying to abate what they considered to be a nuisance and an injustice. Mr. Canning, referring to the reform measure introduced by Mr. Lambton (Later Lord Durham) in 1821, said: "That honourable gentlemen proposed to treat the Constitution of the House of Commons as a rasa tabula, and to reconstruct the system of representation altogether upon a uniform plan, abating, without scruple, every right and interest that stood in his way. - - - - Certainly no conqueror of an invaded country ever parceled out with a more unsparing hand the franchises and properties of individuals and communities."^a

For our purpose, this brief statement of the fundamental basis of the English Constitution, as applied to the question in hand, is probably sufficient. In the eyes of the Tories, it was the living, functioning, practical, alternative, or what is more, a practical antithesis to the wild schemes of reformers. The following chapter will be devoted to point out some of the practical virtues of that system of government, which was based on the triple foundation of balance of power; variety of representation; and the rights of property.

(a) Canning, Speeches, vol. 4, p.344.

Chapter III.

Practical Virtues of the Constitution.

To guard against any apparent redundancy in this chapter it is in place to make an explanation at the beginning. In the preceeding chapter, ample reference was made to the beauty and excellence of the English Constitution, as seen by the Tories. Tribute however was paid to the excellence of the fundamental principles and make up of the government in general and the House of Commons in particular. It was considered excellent because of its nice balance of power, its variety of representation, and its anchor in the solid foundation of property. Whatever is said of the virtues of the House of Commons in this chapter will be directed to the practical usefulness and adaptability of it to the demands of the time, regardless of the good or bad character of the House as measured by its inherent conformity to ideal constitutional standards.

If we can judge what the Tories thought by what they said, it certainly must have seemed to them that there was a great deal of fuss made without any sensible reason or excuse for it. The middle and lower classes of

society were wrought up and ablaze with their wrongs and grievances. These they laid at the door of the House of Commons. If only they could remodel it after their own liking, it seemed to them that all their troubles would vanish into thin air. It seemed to them that the House was a body chosen by everybody except themselves, and hence was so far away that they could not make their wants known. Financial conditions would improve; war would be less likely; justice would be prompt and easy; taxes would be lowered; in fact, everything desirable would be forthcoming if only the Commons House of Parliament could be remodeled. This, they thought, was the key to all future reform. Without readjustment, the government was not amenable to the wishes of the people, hence popular measures could not be gotten through. The Tories could not see any logic or sense in such a notion. Had not the same House of Commons piloted the ship of state through crises fully as difficult, yes, even more beset with dangers than this one. The storms of hard times and discouraging wars had been weathered with patience and fortitude. There had been criticisms during those periods too, but conditions improved after each crisis,

the unrest invariably subsided. This, they believed would happen again. They thought it bad judgement to swap horses in the middle of the stream, especially when the one under the saddle was doing better than any other would be likely to do.

One of the first and most persistent complaints which the reformers offered was that the House of Commons did not represent the wishes of the people. This they believed to be true because in the first place there were so many important cities and towns which sent no member to Parliament. In the second place, the men who were members of Parliament were in a large measure from small boroughs, and boroughs having but a comparatively small electorate. The influence of Patrons was much larger than it appeared to be at first sight. "John Wilson Croker who knew the House of Commons during the first quarter of the last century as well as any one, put the members returned by patrons at 276 out of 658. - - - - It has been estimated that from about 1760 to 1832, nearly one half of the members of the House of Commons owed their seats to patrons."^a "Walpole states that in 1793, 245 members were notoriously returned by the in-

(a) Ilbert, Parliament, (Home Univ. Library) p.43.

fluence of 128 peers. Thus peers, themselves sitting in the House of Lords, had representatives sitting in the other House. Lord Lonsdale thus returned nine members, and was known as 'premier's cat-o-nine-tails.' Others returned six, five, four apiece. Some would sell their appointments to the highest bidder, and a common price was 100,000 pounds for two seats for a single parliament."^a These statements and estimates were held by the Tories to be exaggerated, but even if they were approximately correct, what of it? Virtual representation, they claimed, covered the people who were not directly represented, and was fully as desirable in many ways as direct representation: some claimed that it was even more desirable for reasons which follow shortly. By direct representation, in this connection is meant representation from ones own borough. The question raised relative to whether a representative should necessarily speak or not speak the behests of his constituency is taken up in another chapter.

It was in connection with discussions relative to the nomination boroughs that the Tories took occasion to foist their theory of "virtual representation" as a soft

(a) Hazen, Europe Since 1815, p. 413.

of a shibboleth. They were proud of the place which the nomination boroughs held and the services which they rendered. These men, who represented no constituency nor any territory of importance, were free to devote their interests and talents to state-wide or empire-wide problems. Their only restraint was the necessity of conforming to the interests, in the main, of the patrons who appointed them. The questions, however, which affected the interests of the patrons were comparatively few in number: hence, they were entirely at liberty in the majority of cases to act as free lances, unhampered by any sordid dictation. In most of the cases in which they did handle problems which were of direct interest to their patrons, the questions were of more general interest and application than the confines of one borough or county. Thus they were less provincial in any case.

Men representing corporations like the East India Company, and men having large interests in the over-seas possessions of the Empire could and did buy boroughs and gained controlling interests in other boroughs having a restricted electorate. Seymour has a good statement of the way in which nomination boroughs represented greater Britain: "Another Tory argument emphasised the

fact that the colonies were virtually represented by the close boroughs and that the interests of the empire overseas would be endangered by the disfranchisement of the nomination constituencies. India especially, they claimed, would suffer, as her interests were taken care of by members of the East India Company who owned the close boroughs. At least eight boroughs — Sandwich, Rochester, Cricklade, Hythe, Bridgewater, Bristol, Old Sarum, and Malmsbury — furnished ready places for Indian 'Nabobs'.^a

In regard to boroughs and cities which sent no member or members to Parliament, the Tories and many of the moderates in each party contended that they lost nothing by not having the privilege to send representatives. In fact, according to some arguments they not only did not lose anything worth while but they were saved the expense and odium of conducting elections which, in the towns having a large electorate, extended over a number of days and weeks, fraught by business disruption, immoral conduct, and a general state of excitement. How much better it was to have virtual representation and at the same time be saved from such undis-

(a) Seymour, Electoral Reform in England and Wales, p. 54.

irable periodic occurrences. "We unhesitatingly state that we never yet met with any intelligent person of any party who ventured to maintain that the local interests of Manchester, Leeds, or Birmingham have ever suffered from the want of adequate protection, or that any of these communities ever felt itself at a loss for a channel, through which its wants, its grievances, or its wishes, might be made known to Parliament; and if both the business of these particular communities, and that ~~of~~ the nation, can be safely and efficiently conducted without exposing the dense and susceptible masses to the periodic contagion of such scenes as we have lately witnessed at Liverpool, we will own that, in our simple estimation, the privation ought to be felt by them rather as a blessing than a curse."^a

We have been discussing only one of the alleged virtues of the close and nomination boroughs. Another was that the men who sat for them in the House, were above the average in ability and integrity. At first blush, such a statement looks absurd, for we are prone to think of men who represent certain interests as being the groveling tools of sordid gain, having neither conspicuous

(a) Quarterly Review, vol. 44, Jan.-Feb. 1831
p.575.

ability, nor morality that amounts to much. About the best reply to the assertion of the Tories that these boroughs did afford a means of obtaining office by the ablest men of the kingdom, is found in a statement of Macaulay, which I quote in part from Hazen : "Referring to the utility of the close boroughs as affording careers to men of talent he said that 'we must judge the form of government by its general tendency, not by happy accidents', and that if 'there were a law that the hundred tallest men in England should be members of Parliament, there would probably be some able men among those who would come into the House by virtue of this law'."^a The Tories came back at him immediately with the satirical assertion of the fact that he, Mr. Macaulay, and many of his colleagues obtained their seats by means of nomination and other small boroughs.

The best statement of this particular virtue of the boroughs which were so roundly condemned by reformers, I find in the Quarterly Review. It is lengthy but it is so much to the point and covers the field so admirably that I cannot see my way to abridge it: "Were the elective franchise apportioned everywhere according to a fixed

(a) Hazen, Europe Since 1815, p. 435.

rule, and exercised only by the people associated in large bodies, it is reasonable to presume, and is proved indeed by the example of our county elections, that, without a certain degree of local influence for any man, not exercising the profession, nor choosing to stoop to the arts of a demagogue, to offer himself as a candidate. But it is well known that there are entire classes of men of great weight in the nation, — men contributing largely to the public burdens, and eminently entitled to their station, their independence, and still more by their knowledge on some of the most important subjects of legislative discussion, to a voice in public affairs; yet who, being confined by their vocations to an almost constant residence in the metropolis, have neither means nor opportunity of cultivating local connexions, and would be excluded from parliament altogether, if a seat were not to be obtained by purchase."

"Of these classes, the first in order are the members of the great monied interest, the stockholders, the bankers, the mercantile capitalists of London, such men as Mr. Baring and the late Mr. Ricardo, neither of whom probably would ever have sat in parliament, had the support of a large body of electors been an indispensable

precedent condition. Then there are the eminent members of the legal profession, some of whom have from time to time been among the chief ornaments of the legislature, and whose counsel and experience must always be of such essential aid to the house in the discharge of its most important functions. They too, are fixed by their duties to the metropolis; and if they wish to enter parliament, it can only be through the channel of a close borough."

"Above all, it is to some of these boroughs that young men of distinguished promise, but without the advantages of aristocratic birth, and consequent provincial connexion, have generally owed their first introduction to public life. After indeed, a man has once fairly earned for himself a certain reputation, one can conceive circumstances that might warrant his indulging some hopes of success from the result of an election contest even though he entered the lists in opposition to the local interests. But the case presupposes his having already enjoyed opportunities of recommending himself to the public — may we not almost say, opportunities of distinguishing himself as a parliamentary speaker? It required the energy of party zeal, acting for party objects,

and backed by the borough influence of some minister or political leader, to seek out brilliant talent among the youth of our universities, and transplant it at once on mere experiment to the senate. It is indeed a remarkable fact, that, among all the great statesman and parliamentary orators, who have adorned our own time, there is scarcely one who did not make his first appearance into public life through the medium of a rotten borough. Mr. Pitt when yet scarcely of age, was returned to parliament through the Lowther interest, for the borough of Appleby. Mr. Burke sat in successive parliaments for Wandoover; and Mr. Fox represented originally the eighteen burgesses of Midhurst. Mr. Sheriden, during a great part of his political life, was connected with Stafford, not absolutely a close borough, but one of the most venal in three kingdoms. Mr. Canning took his first seat in the house as member for the corporation of Newport, in the Isle of Wight, where there are only twenty four voters. Mr. Horner might have been condemned to the drudgery of a professional career, had not the accession to office of the Fox and Grenville cabinet opened a way for him to parliament through the Cornish borough of ST. Ives. Sir James Mackintosh sits to this day for Knaresborough; and our

present gifted Chancellor himself had been a public man for a quarter of a century, ere he succeeded at last in gaining a higher station on the representative list of Winchelsea. How a minister is to find places in the house even for the official organs for his administration, or how he is to conduct the business of his government without them, after all the close corporations shall have been converted into so many popular electoral bodies is a problem, indeed, of which the solution is not very apparent, but which, like many other things, we shall understand better, we suppose, after a little experience of the new world that is preparing for us." ^a

The above statement is so well made and so complete that it is really superfluous to attempt to add anything to it or to make any comment upon it. If we want, however a briefer but more eloquent statement of the same theory/ we can do no better than quote from Sir Robert Inglis: "At any rate and in the first instance, as the noble lord (Lord John Russell) will himself admit, his measure completely overturns that system of representation, under which, whatever may be its fault in the eye of theory, this country has practically enjoyed blessings above those of any other nation; that system under which these

(a) Quarterly Review, vol. 44, p. 577.

walls have received, for successive generations, bodies of men, who whether elected with more or less of the influence of the Crown, of the aristocracy, or of the people, have here displayed more integrity, more talent, more capacity to serve their country, and more zeal to serve it, than have ever been combined in any other assembly, in any other country in any period of history."^a

The next question is: did these men who, it was claimed, virtually represented the wishes of the people, and who were claimed to be men with a higher average of ability than those from the more popular boroughs, actually come in contact with the people enough sufficiently to understand their needs and their wishes? The people at large and the reformers who supported the popular belief, claimed that their desires and wants were not appreciated by these men who had no occasion to feel the popular pulse. The mooted question relative to the proper function of a representative is not raised here. Whether a man should be the agent of the people or use his own discretion as a legislator will be taken up in another connection. In any case, however, it is pretty generally agreed that a representative should know and

(a) Hansard Parliamentary Debates, vol. 2,
p. 1104.

have some sympathy for the needs and wishes (even tho they be whims) of the people.

The Tories answered this question in the affirmative and gave two reasons. In the first place, the most broad minded and capable men of the country were to be found among the men from these close boroughs, as was pointed out above, Naturally , men of such caliber will enlist their sympathies with the general welfare of the people. This contention is obvious and needs no further support, providing the contention that the members from the close boroughs average the highest in character and ability in the kingdom. The second proof calls for a more elaborate treatment.

The Tories admitted that in the more remote past there might have been some ground for asserting that the men, from the metropolis for illustration, who sat for some such obscure and depopulated place as Gatton or Old Sarum, had no ready means, even if they did have the desire, to acquaint themselves with the masses of people. That contention could not apply to the time under consideration. The education of the public to the extent that the majority of the people could read, and the development of the printing press had totally vitiated such an

argument. Men who were directly in contact with the people were printing pamphlets daily, and these pamphlets represented in the main the feelings and aspirations of the public. Whenever a member of Parliament did anything contrary to the best interests of the people as they saw it, they would soon find it out by means of papers, magazines, and pamphlets, and by the same means show him their disapproval.

This view is brilliantly stated by Sir Robert Inglis in his usual naive and succinct way: "This is the real control to which we all look more or less; and when the noble Lord, a few years ago, enumerated the vast increase of the power of reading, by education, and of the means of reading, by newspapers, circulating libraries, and cheap editions, and argued from this that the people were fit to receive an increase of their power, it was quite evident that if he had proved anything, he had proved that they already possessed that power. The Press governs us, not in the House only, but in half the actions of public men. The man who can read and the man who can print, exercise a powerful influence over everything in or out of this House. For good or for evil the fact is so; and, therefore, I contend, that the people by means of

the Press, do at this moment exert an all but overwhelming influence over this House. Whatever is said or done by any public man, is conveyed by the Press to the world, with the rapidity of lightening, and is subject to the strictures of the people."^a

The writer in the Quarterly Review caps the climax of this argument in the following statement: "What better proof, indeed, need we seek of the actual predominance of the popular voice in the legislature, than the position which this very question of reform itself has now assumed? No man surely can seriously profess to believe that the House of Commons is at this moment, in obedience to the call of the people, prepared to commit an act of political suicide, absolutely to surrender the privileges by which a majority of its members hold their seats and their influence, and have the effrontery to maintain, in the same breath, that public opinion is not represented in that House of Commons."^b

With these arguments, the Tories believed that they had proven, not only the fundamental soundness of the British Constitution as it was then, but had demonstrated its practical excellence and utility. The cream

(a) IIIHansard Parliamentary Debates, vol.2,
p.1120

(b) Quarterly Review, vol. 44, p.559.

of the country was regularly assembled in the House of Commons by the unique process of choosing members, then in vogue. These men virtually represented the wishes of the people, and did so intelligently by means of the press. What more could be desired? If the House should be reformed, no advantage could be gained and much would be lost, as will be pointed out in the following chapter.

Chapter IV.

Objections to Democracy and Fear
of the "Terror".

As early as 1818, Canning had sensed the significance of the agitation for reform. While others were talking all around the subject, his keen mind discerned that reform, regardless of the kind proposed, must have one of two objects in view. "There were two modes of reform — to bring back the Constitution to its former principles, or to reconstruct it on new and improved principles. If it were meant to carry back the Constitution to its condition in former times, he would say, 'name your period' — if to reconstruct it, 'define your principles'."^a

As was indicated in the introductory chapter, the Whigs stoutly maintained, while introducing and defending their reform measure of 1831 and 1832, that the object was to recur to some previous period: that is, the bill was intended to re-instate the balance which had been disrupted by the growth of industry and the change of population. This was not the Radical attitude nor that of some of the more advanced Whigs. The Tories knowing

(a) II Hansard Parliamentary Debates, vol. 38,
p. 1170.

this, passed up the reconstruction or restoration argument with a few well placed shots and devoted the major part of their time and energy to a vigorous assault upon democracy — that to which the reform movements were leading.

The three great democratic measures which the Radicals were advocating and demanding during this period were direct representation, annual Parliaments, and the ballot. The latter two principles were not incorporated in the Great Reform Bill, neither were they demanded so vehemently by such great radicals as Sir Francis Burdett. It was not because they deemed them of secondary importance, but rather because direct popular control of the House of Commons was considered to be the key to reform, and hence in action would have a favorable reaction upon the other measures. The Tories recognized this well and acted accordingly;

They met this theory with a partial acquiescence, but a larger proportion of emphatic objection. They admitted that public opinion should operate in a checking and a suggestive way upon the House. They denied however, in the first place, that direct representation was necessary to give voice to the popular will; and in the second

place that unrefined and unadulterated popular will was desirable. The previous chapter has pointed out the Press as one of the most potent forces in giving vent to public opinion. But there were other methods in vogue before the passage of the Great Reform Bill and the Tories supported them. Letters, petitions, and reports made by leading men who occasionally visited various parts of the Kingdom, added to the voice of the Press.

They maintained that these means were sufficient for the people to express their wishes and for the legislators to know their desires. Mr. Wilmot asserted in substance in his opposition to Mr. Lambton's measure, that public opinion is a sufficient corrective for the abuses of government, and would therefore apply no other remedy to these abuses. The reformers ^{called} for the method or implement by which the people could not only express their wishes but could make it necessary that their wishes be considered. This the Tories answered by calling attention to the power of the purse which had been the most powerful shield which the people had enjoyed. Farther than this the Tories would not go. They were willing to hear whatever the people wanted to say and tolerated a

limited amount of general control, but no more.

Mr. Twiss, commenting upon the motion of Mr. Lambton, stated very accurately the extent to which popular influence should operate, according to Tory Philosophy: "It is not desirable that this house should be ^a representation in the sense required by the Hon. Member who had spoken last. The opinion of the people, though trustworthy guides from age to age, were not to be safely followed from month to month; and it was better in most cases, for the House to be a little behind public opinion, than a little before it."^a Thus it becomes plain that the function of the House was alleged to be a slow and deliberative one.

The last sentence suggests a principle which was certainly the center and a good share of the circumference of Tory theory against democracy. A deliberative assembly and direct representation, which makes the delegate of the people merely a mouth-piece, are wholly incompatible. Deliberation means investigation into the merits of a question. It means that the merits of various alternatives of a question must be carefully weighed. That involves time, which makes it necessary that unrestrained enthu-

(a) III Hansard Parliamentary Debates, vol. 5.
p.426.

siasm will have to cool down and a saner view be allowed a chance . The inference must necessarily go still farther. Deliberation means merely the killing of time and the inevitable putting into operation of the wishes of the sponsors of a proposition; or it amounts to the principle of a prerogative of final receptance or rejection, regardless of popular wishes.

This position is tantamount to a lack of confidence in the judgement of the people, as regards particular measures. Lord Milton, supporting Mr. Lambton's motion quotes a statement from Burke which clarifies this view; a position which is so easily misunderstood; "Of all these things, they (the people) are perfect judges, and judges without appeal; but as to the detail of a particular measure or scheme^{of} policy, they have not sufficient of speculation in the closet, nor of experience in business, to decide upon it, They can very well see, however, whether we (the House of Commons) are tools of the court or their true and honest servants; of all that they can well judge, and I could well wish that upon such points they should always exercise their judgement."^a

The following from Lord Milton is a principle

(a) III Hansard Parliamentary Debates, vol.5,
p.437.

which the Tories stoutly discredited: "The House might be more pure than the Areopagus of Athens or the Senate of Rome; but if it did not represent the wishes of the people, it was not a House of Commons in any Constitutional meaning of the word. That the people were fully capable of judging whether the House of Commons did or did not do its duty upon sound and constitutional principles."^a Thus the issue is made clear, but we must investigate the Tory argument more at length in order to see upon what grounds they took their stand.

In the first place, it was not historically true that the House of Commons was subject to the will of the people. Mr. Thomas Pitt, speaking against Wm. Pitt's motion for reform, May 7, 1782, said: "Theorists, it seems, have endeavored to establish a maxim, that that nation only can be free where no individual in it is governed but by laws to which he has given his assent in person, or by the mouth of one he has personally deputed to give that assent for him; freedom therefore, is stated to consist in equal personal representation. Good God, Sir, is that the principle upon which this House has been established by our ancestors? Can any one principle be applied to

(a) Ibid.

our Constitution? Equal representation, Sir, when out of a mass of six or seven million inhabitants, not perhaps three hundred thousand have been trusted with the privilege of voting for representatives."^a

Another argument was, that government was not a matter of the will of the people but was based upon the constitution which included King, Lords, and Commons, and was a form of government which had ^{been} agreed upon and acquiesced in by all classes. This contention is adequately expressed by Canning in the following words; "But it was said by the Hon. Baronet that the will of the people did not always exercise direct influence upon their deliberations. He admitted the fact, but contended that government was not a matter of will; all plans for government, all ties by which monarchy was fettered, all the contrivances by which democracy was brought to act in the constitution, were so many contrivances to prevent the daily, hourly, direct operation of the will, upon matters which are subject only for deliberation."^b

The following quotations point out that direct representation is neither necessary nor desirable. "If we hold the purses of the people as faithful guardians; if

(a) I Hansard Parliamentary Debated, vol.22,p.112
 (b) II " " " " vol.38, p.117

we preserve the laws of the country from violation, we answer every purpose of our institution, whatever irregularities a specialist may think he discovers in our institutions. For that country enjoys the benefit of civil liberty where the laws of the land hold an equal course to all, not where all are equally represented."^a This argument should be noted in particular for it involved the yet mooted question of the similarity or difference, from a logical point of view, of the so called rights of liberty and of participation in government. The Tories maintained that they were vastly different.

Sir Robert Inglis expressed the undesirability of direct representation in the following vivid way: "This House would not be bound by the cries of a majority of the people to decide in favor of any change. The distinction which I always took as to the value of petitions was this, where the parties sought for no more than the conservation of blessings which they actually enjoyed, they were intitled to great weight; but where they sought for change, (change, the nature of which, and the necessity of which, could be ascertained only by deliberation) the petitions of large bodies of men are not nec-

(a) I Hansard Parliamentary Debates, vol.22,p1426

essarily entitled to the same weight as are petitions praying that there be no change. I never will admit that any man has such good means of judging in respect to that which he has not, as in respect to what he has; and, the mere multiplication of numbers, asking for what they have not, can never without references to the reasons which they urge, be an argument to which a deliberative body can be justified in yielding. The allusion is almost too trite to be used; but I might remind the noble Lord, that there may be a tyranny of the many as well as of one; and that it is as much the part and duty of a brave and wise man, to resist the civium ardor prava jubentium, as the vultus instantis tyranni. This House is not a collection of deputies as is the States General of Holland, and as the assemblies in some other continental countries. We are not sent here day by day to represent the opinions of our constituents. Their local rights, their minicipal privileges, we are bound to protect; their general interests we are bound to consult at all times; but not their will unless it should coincide with our own deliberate sense of right. We are sent here with a large and liberal confidence; and when elected, we represent not the particular place only for which we are returned, but the in-

terests of the whole empire."^a

Another statement which so admirably points out the defects of direct representation can not be omitted. "Now, it is obvious that an assembly so constituted as to represent exactly the opinions and wishes of the people must be also a faithful representative of their prejudices. But as the object of rational legislation is not to gratify the peoples prejudices, but to take care of their interests, that system of government must be wanting in a most essential point, which is incapable of protecting the people from themselves, of resisting clamour from without, and securing to the country the practical fruits of wisdom and knowledge engaged in the direction of affairs."^b There are numberless other quotations upon this phase of the subject, which might be made but as Mr. Inglis said, numbers do not necessarily count. The thing that we must take into consideration is the plain and simple principle that deliberation and the weight of numbers do not necessarily agree. Neither do the will of a majority necessarily coincide with the best welfare of the majority.

- (a) III Hansard Parliamentary Debates, vol. 2, p. 1195.
- (b) Quarterly Review, vol. 44, p. 571.

Canning illustrates the above statement as follows:

"The Noble Lord has himself stated, that in the instances of the Revolution, the Parliament did wisely in setting at naught the immediate feelings of its constituents.

There cannot indeed be the slightest doubt that had the nation ^{been} polled in 1688, the majority would have been found adverse to the change that was then affected in the Government: but Parliament, acting in its higher and larger capacity, decided for the peoples interests against their prejudices. It is not true, therefore, that the House of Commons is necessarily defective, because it may not instantly respond to every impression of the people."^a

Summing up these contentions, the Tories maintained that public opinion, operating by various methods; the control of the purse, and the deliberative action of the government, would conduce more to the general happiness and welfare of the people than direct operation of the will of the people.

Another objection to Democracy was that such a form of government was extremely unstable. So unstable and so uncertain that practically all attempts toward establishing such a form of government had been failures. What was even more alarming from the independent national standpoint was an inherent weakness in democracies which

(a) Canning Speeches, vol. 4, p. 349.

~~standpoint was an inherent weakness in democracies which~~ diminished their strength in time of war. Looking at the problem from the Tory standpoint, these objections were very important and valid. Those favoring liberalism in general and democracies of republics in particular contended that the failures of poorly organized democracies could not be held against the principle of democracy which had never had a fair trial. This the Tories could not assent to for they had the prima facie evidence of their collapses.

Mr. Peel makes a representative statement regarding the failures of Democracies and of the unadaptability of the same to a country like England. "If power can be so safely intrusted to the people — if they are so competent to govern themselves — such enlightened judges of their own interests, why has it happened that, up to the present hour, every experiment to establish and regulate popular control over executive government has, with one single exception, failed? — — — The boundless extent of unoccupied land in the United States — the absence of all remote historical recollections of an ancient monarchy, a powerful aristocracy, an Established church, the different distribution of property in the two countries, are all circumstances essentially varying

the character of the institutions suitable to each country."^a

Mr. Twiss, opposing Mr. Lambton's measure, felt very keenly the dangers of military weakness in a less centralized and co-ordinated government. "The inconveniences of our present system — for some there were— we willingly bore as the price of freedom; but to multiply those inconveniences would be to add nothing to our freedom at home but to detract materially from our strength and safety abroad: for the result of these perpetual appeals to the people would throw the executive as well as the other powers into their hands, and leave the nation in time of war but an unequal match for the vigorous, single handed despotism of the continental states. These were a few among the many considerations which would induce him to oppose the present motion."^b Such argument was not wholly without effect for the doubtful times of the Napoleonic Wars were still fresh in the memory of many living statesmen. They realized that, without a stable and centralized government, directed by the strong hand of Pitt, the issue would

(a) III Hansard Parliamentary Debates, vol. 2,
p. 1351.

(b) III " " Debates, vol. 5,
p. 427.

probably have been disastrous. Other occasions might arise, so they must keep a lookout for such contingencies.

Another point upon which the sponsors and the opponents of the Great Reform Bill could not agree was what the proposed measure really amounted to. The Whigs who promoted it claimed that it would result in a slight modification of the constitution, while the Tories stoutly maintained that it was tantamount to a revolution. Mr. Baring voices the most conservative notion of it: "He repeated that although on the face of it this was only a bill to alter the representation, it was essentially, and in point of fact, as much a new Constitution as if had been drawn from the pigeon-holes of Abbe Sieyes."^a

What alarmed the Tories more than the thought of a revolution in the form of government was the fear of insurrection and blood-shed which so often accompanied a revolution. Revolution always produces disruption and a temporary weakening of the normal order. Since the Whigs maintained that the proposed measure was not revolutionary, there was no danger of such results if they judged rightly. The Tories maintaining that it was really a revolutionary measure, consistently pointed out the

(a) III Hansard Parliamentary Debates, vol. 2,
p. 1305.

dangers of disorder and the overthrow of existing rights and privileges in the catalycism of "Terror". Their prophesy of a "Reign of Terror" if reform should be successful was not based entirely on the theoretical consequences of successful revolution but had in support of it, numerous incidents of lawlessness and even bloodshed during the past two decades. What was more, at the time the reform measure was being buffeted about in the halls of Parliament all England was aflame with meetings, petitions, demands, and threats.

Why run such risks, said the Tories, when a little reform dished out to the Radicals would merely sharpen their appetite for more. They ridiculed the notion that a partial reform would even temporarily satisfy the thorough-going reformers. Lord Grey loudly proclaimed this belief when at the head of the government he introduced the Great Reform Bill. He believed, if we can judge by what he said, that the concessions made in the administration measure would stand without any revision for a half a century, or at least a generation. The Tories had it about all their own way in this particular phase of the argument because it was hard to believe that the Radicals would be so easily satisfied. This advantage,

added to their consummate ability as debaters, gave them almost a clear field.

Mr. Peel set forth this thought in a most unique and striking fashion. "If the purge^{was taken} he did not think it would operate — others would be administering their nostrums. There would be Dr. Warburton, the honorable member from Bridgport, who would offer them a bolus in the shape of the ballot; and no doubt another honorable member, Dr. Hume, would give them another dose in the form of universal suffrage, and Annual Parliaments. He did not know whether the honorable member from Preston, (Mr. Hunt) was in the House or not, but if he was he would be too good humored to be offended with what he was about to say. His observation then was, that the Noble Lord opposite was mistaken in supposing that this would be the last reform that was demanded; for he felt sure that if a reformed Parliament sat, and the present member from Preston was returned, as returned he no doubt would be, that honorable member would not sit in the House for three months, without saying that Reform was well enough as far as it went, but it did not go far enough; and he would ask them to let him prescribe and he would advise them a dose of Hunt's matchless composition."

(a) III Hansard Parliamentary Debates, vol. 3, p. 149.

Mr. Windham stated it more briefly and seriously but not any less to the point: "One set of reformers say, we will go ^{so} far; another set say, you shall go farther: so that once permitted to begin, there was no knowing where or at what they would stop."^a

Although this was the usual course of legislation, especially of the reform type: piece by piece; it is obvious that such a procedure is unfortunate. Turmoil is present all the time. Economic stability is thrown out of poise with the result that more people suffer than under oppressive laws in a quiet time. What is still worse, other beneficial and sometimes very necessary legislation is held up for a long time. This fact was not hard to see and the Tories used it for all it was worth.

The most ominous and dangerous possibility as a result of reform was the prospect of something similar to the "terror" of the French Revolution or the lesser upheavals on the continent. The paradoxical part of it was, however, that such a cataclysm would be about as likely to occur if reform was refused as if granted. It was in this respect that the Tory argument was weakest in logic, but what they lost in reason they made up in seriousness

(a) II Hansard Parliamentary Debates, vol. 14, p. 369.

and determination. The case was desperate for it was likely to go wrong in any case. It was up to them to estimate by prophesy the lesser of two evils. They reasoned that a steady and firm hand would probably nip the obnoxious seed in the bud, while a compromising policy would only show the weakness of the conservative element and finally lead to a complete stepping down and out. Then, too, even if a compromising policy did not stir up riot and turmoil, the concessions granted to that end would be a loss to the conservative notion of the Constitution. It was after weighing all of these features that they took their stand. The supporters of reform were not too blind to see this and many of them made prophesy that if reform did not take place from within the House it would come from without. It was this thing which converted a number of men who would otherwise have stood out to the end.

Sir. Robert Inglis said: "I approach the discussion of this question with a sensation of awe at the contemplation of the abyss, on the brink of which we stand, and into which the motion of the Noble Lord will, if successful, hurl us."^a At another point in the same speech he said: "I will tell him that the object of his bill, what-

(a) Hansard Parliamentary Debates, vol. 2, p.1090.

ever his intentions may be, cannot then be restoration; cannot then be reform; but, in one single word is, and must be, Revolution: Revolution overturning at once the existing influences of property and of rank, leading ultimately to the destruction of the other orders of the State."^a Another statement which may not be very accurate historically, but which shows the earnestness and almost desperateness of the Tories position was one made by Mr. Martin while opposing Mr. Lambton's reform measure of 1821. "Reform might be carried to an extent that would not only be dangerous, but criminal. During the French Revolution, one of the members of the Convention told the assembly that they had destroyed the aristocracy of the nobles, the aristocracy of tradesmen and shopkeepers, but still they had another class more dangerous to destroy namely, the aristocracy of talent and genius — Danton was the monster who made such a proposition. It was an instance proving that the spirit of reform might lead, if followed, to the most extravagant actions."^b

The writer of the Quarterly Review expresses both the practical certainty of more reform and the danger of it as such, with an ease and convincing force scarcely

(a) ~~III~~ Hansard parliamentary debates, vol. 2, p. 1104.
 (b) " " " " , vol. 5, p. 436.

equalled. "That what is now talked of in most influential circles, as a moderate reform, is neither a thing safe in itself, nor calculated in the slightest degree to satisfy those ardent spirits under whose menaces the island is now quailing, and who would in truth, reject your boon as an insult, if they did not see in it a step to the attainment of their ulterior views. To talk, indeed, of appeasing by concessions that physical force which is the real object of men's apprehensions, the true principle of all these disquiet movements in the body politic, — that physical force which may be seen already addressing its energies to matters far more nearly concerning its own interests than any reform in the legislature, and which must either eventually put down the whole social fabric or be itself put down: — to talk of appeasing such a power, by giving up to it that which is to make it stronger, is just about as reasonable as would be the conduct of a man attacked by a highwayman, who should say to him, 'You are not my friend, to expect that I will ever surrender my purse; sooner than part with that, I will part with my life; but if you please to accept my pistols, here they are, — take them and welcome; and now, having ^{done} so much to oblige you, I trust you will pass on and give me no further trouble!'"^a

(a) Quarterly Review, vol. 44, p. 573.

Another fear prevailed in the minds of the Tories. It was not the terror striking kind, but it was none the less alarming from their point of view. They were handicapped, however, in voicing it because of its nature. Their objection would be largely theoretical, and they had condemned theory as argument. There were certain interests of the higher type, which certainly would ^{not} be conserved nor developed by a democratic organization of society. The social, moral, and intellectual standards would surely be affected. They would not be improved: they would be lowered very perceptibly. This resultant would be inevitable, because democracy was a leveling order which would level down more largely than level up. A majority of numbers or physical force does not necessarily correspond to a majority of intelligence. In most instances there would be a wide divergence. To be more specific, democracy would doubtless be less inclined to support higher education which must of necessity be limited to the few. Its leveling influence would tend to hold back the ambitious and capable. Under the regime which the Tories supported, genius and industry were encouraged and compensated. All moral standards were not crushed down to the level of a majority of numbers.

Thus we find that the Tories had good and sufficient reason — both that which is based on unselfish principle and that founded on self protection — to oppose reform, even if administered in homeopathic doses. They believed that reform would inevitably lead to democracy which would not exist along side of a deliberative Parliament, and the latter was absolutely indispensable. What is worse it would destroy rights and even freedom, for freedom was based on privileges and social distinctions. On the other hand the Tories did not claim to be immovable. To be sure, they believed in growth and progress, but it must be of an entirely different brand. This theory of political evolution will be treated in the following chapter.

Chapter V.

Tory Theory of Progress.

The preceeding chapter was devoted to the Whig-Radical plan of reform, which in the estimation of the Tories was nothing more nor less than Revolution veneered with good intentions and mistaken judgment. The Tories, on the other hand had a theory of reform which they claimed to be adequate to all emergencies and had the additional virtue of being safe and sane. To hear the Tories talk, or read their arguments against practically all Parliamentary reform measures which were offered during the period under consideration, one is tempted ^{to jump} to conclusions and decide that they truly deserved the twentieth century epithet — "Standpat", raised to the nth power. They would have protested vigorously at such an insinuation. They would have pointed with pride to the English Constitution and said: see the growth and internal change of that matchless instrument. It has adapted itself to changing conditions for hundreds of years. It has never failed to respond to the call of progress and adjust itself accordingly. It was one hundred percent progressive in their estimation, so what more could be asked?

They were ^{not} willing, however, to permit the Radicals or even the Whigs to define the term progress, over their

signature. To have done so would have been suicidal. What is peculiar, however, from our point of view, is that their conception and representation of it is largely unintelligible from the point of view of current phraseology and understanding. When we talk of progress we think of invention, or discovery. We can't even let Darwin's evolution rest in peace on its hypothesis of infinitesimal and gradual variation, but must get in a hurry and demand sudden leaps of "sports", as the biologists would call them. Our wireless code is so far out of tune with Tory philosophy that we are almost incapable of picking up the message. What would the average man think today of such prefatory remarks to an alleged reform measure as the following statement made by Mr. Bennet? "In submitting his proposition to the House, it gave him great satisfaction to reflect that he was introducing no novelty to its consideration. In the plan which he should propose for their adoption, he had followed closely the path of their ancestors, and had put his foot, wherever it was possible, in the very track in which they had trodden."^a Such a statement made today, in this country, would probably be howled down and hooted out.

(a) III Hansard Parliamentary Debates, vol. 5, p. 1053.

There are two viewpoints in Tory philosophy which should be recognized. As an introduction to one of these viewpoints, I quote a statement in a memoir of Canning, written by R. Therry. "In the general exultation which the French Revolution, at its first burst, awakened, even among the temperate advocates of well regulated freedom, throughout Europe, Mr. Canning, with a mind fresh from the contemplation of those heroic achievements in the cause of freedom, which 'raised up the Greek and Roman name with such a lustre', sanguinely participated. This admiration, however, was limited to the principle of necessity of adjusting the inequalities of the political conditions of France — of correcting the abuses — and of remodeling and invigorating the institutions which a long series of acts of misgovernment had enfeebled."^a

What is the significance of such a statement? The French Revolution in the beginning was ostensibly, and it may well be believed really, an attempt on the part of the French government, prompted by what it considered to be necessity, to remodel and invigorate "the institutions which a long series of acts of misgovernment

(a) Cannings Speeches, vol. 1, p. 14.

enfeebled." had This statement is a tacit assumption of a sort of esoteric or a priori thesis that the existing government is either of a superior sort, or that the kind of government matters little, but the important thing is the fact that any government which survives a long period of time adjusts itself to the institutions and to the people; or the other way around — the people and institutions, which are the resultants of the inexplicable effects of traditions, customs, religious practices and economic attachments, conform themselves to the political structure of society, and are injured by any disruptions of the same regardless of whether they seem to be inherently for the better or worse. In other words Canning expresses, what seems to be the view of the Tories generally, that the government of England (and it might just as well have been said of France or some other country) is either inherently good or else it is good because it has adjusted itself to the time, place, and people.

Whether the government was considered inherently good or good for some other reason, the important fact was that it was believed to be desirable or at least more so than some substitute. The other view point was that

a change of the government in the direction of granting more participation in the government on the part of the people, was not desirable because the people were not capable of taking care of added responsibilities. A statement by Mr. Wilmot, in opposition to Mr. Lambton's Reform measure, represents this attitude: "I am^a disposed, taking human nature as it is, - - - - to suppose that reformation of public morals can precede private ones. I think with the late Sir. Philip Francis, at one period at least, of his life, that the representation is good enough and fully answers its purpose, that the milk throws up the cream, and that it is impossible to build up a Grecian temple with brickbats and rubbish'." An insinuation is here made that a better form of government might be available were it not for the incapacity of the people. This interpretation should be guarded against, for I do not believe that the Tories held it, generally speaking. They would not admit that the government was essentially faulty. They would admit that there were some minor inconsistencies and malformations. The point of the above quotation, however, is that alteration must be moderate and deliberate, keeping pace with the growth

(a) III Hansard Parliamentary Debates, vol. 5, p.393.

of the people through the agency of education. This the Tories claimed.

Now, let us put these two viewpoints together and see what we have. In the first place we have the belief that the government was good — good regardless of the source of its virtue. It might be either inherent or acquired by time and association. In the second place, alteration should only be affected in accordance with and proportional to the development of the people. This attitude gives us a hint, pointing towards the reason for the maintenance of the belief, that a deliberative assembly was absolutely necessary: necessary in order to save the virtues of the political order against the untutored mob, who, thinking themselves capable of improving the well tried system, endangered its very existence.

This basic theory paves the way for the belief that expediency must be the measuring stick for all proposed political alterations. Principle is discarded as a criterion because principles naively assumes that something is fundamentally wrong. Such a view could not be countenanced for the constitution was held to be fundamentally good. Therefore, impious hands must not be laid upon the venerable and essentially immaculate con-

stitution, except for minor readjustments. If there was any argument which was thoroughly driven home and clinched, it was this one. Every reform measure was challenged by this watchword before it had time to thoroughly clear for action. A few brief quotations will suffice to represent this contention. Lord Castelreagh said, in opposition to Lord John Russell's measure for the disfranchisement of Grampound, that: "If the noble Lord looked to all of the peculiarities of Cornwall, he would see the impracticability of applying his system to that part of the country. From this he could not fail to observe the impolicy of adopting a fixed principle: the mischiefs which would arise are self evident: whereas, if each case, accompanied by its peculiar circumstances, were brought before Parliament, then the question might fairly be discussed as to the mode of disposing of the franchise — whether to extend it to the adjacent county, or to populace towns which were not previously represented."^a At another time he said: "The noble Lord (Russell) looked at Grampound as supplying an opportunity for improving the representation. He (Lord Castelreagh) looked at the representation only on its practical effects, not at its

(a) II Hansard Parliamentary Debates, vol. 41, p. 1111.

theoretical composition. He looked only at the evil and the remedy to be applied to that evil; but he did not look at it as carrying any theory entertained respecting reform. Let the proposition of reform come before them on its own merits."^a Mr. Grenfell, in opposition to Sir. Francis Burdett's Reform Bill of 1819, said: "Now before he could agree to any plan of Parliament reform, he must see, not only what the nature of the abuse was, but what also was the specific remedy to be applied."^b

Supplementary to this appeal to specific remedy, was the demand for this specific remedy to be beneficial exclusively from the standpoint of utility. Franchises must not be changed in order to produce symmetry, or for a fantastic clamor for equal participation in government, or for any other reason, save that of utility. The writer in the Quarterly Review states the idea so admirably that I do not deem it necessary to quote more than what he has to say on the subject. "Utility is only sound principle and the only safe measure applicable to such cases. We are to look to the end and not to the instrument. Nor does it seem to us a very sufficient

(a) III Hansard Parliamentary Debates, vol.1, p.490.

(b) II " " " " " " .40,p.1470.

ground for disturbing the settled order of the constitution, that the citizens of the overgrown manufacturing towns may thereby, once in seven years, enjoy the glorious privilege of getting drunk on election ale, and hallooing at the heels of the demagogue, unless there be some more substantial benefit to result from the altercation. We demand, then, to know from the advocates of reform — we demand more especially from his Majesty's ministers, what are these important measures for the relief and advantage of the public, which in their estimation a reformed parliament will be able and willing to accomplish, but which are beyond the competency of the legislatures as at the present constituted? This is the real gite of the whole case. They may invest their new representatives, if they think fit, with all the cardinal virtues, or involve the question in any other vague and general ambiguities that may be most agreeable to themselves. But unless we are permitted to know, distinctly and nominatim, the particular results which they anticipate from this great change, we can form no judgment of their real views. We call on them to specify even one such result."^a

(a) Quarterly Review, vol. 44, p. 504.

With this statement, it seems the Tories have finished their case. Greater elaboration might be indulged in, but no real addition to their testimony, as far as I can discover, can be made. Although not particularly applicable to the arguments raised in this chapter, I think it fitting to make the concluding quotation a choice paragraph from the lips of the premier statesman of England in the period immediately preceeding the passage of the Great Reform Bill. In fact it was his final words voiced in the halls of Parliament on the subject of Parliamentary reform. Mr. Canning said: "Our lot is happily cast in the temperate zone of freedom: the clime best suited to the development of the moral qualities of the human race; to the cultivation of their faculties, and to the security as well as the improvement of their virtues: -- a clime not exempt indeed from variations of elements, but variations which purify while they agitate the atmosphere that we breathe. Let us be sensible of the advantages which it is our happiness to enjoy. Let us guard with pious gratitude the flame of genuine liberty, that fire from heaven, of which our Constitution is the holy depository; and let us not, for the chance of rendering

it more intense and more radiant, impair its purity or hazard its extinction!"^a

(a) Canning's Speeches, vol. 4, p. 380.

Chapter VI.

Resume' and Discussion in the Light of the
Twentieth Century.

At first blush, one might readily come to the conclusion that Tory arguments of a hundred years ago would have no part in or application to the political problems with which we are dealing in this generation. The methods of travel; the almost instantaneous means of communicating ideas across hundreds and thousands of miles of sea and land; the relatively higher percentage of education among the masses of people; the vast development and increased complexity of the production, distribution, and consumption of the necessities of life, would seem to demand a new political order based upon a revised political philosophy. The needs of the farm, shop, road, home, school, etc. must be satiated by constantly improved, and in some cases completely revolutionized equipment. The problems of overpopulation, emigration, immigration, and race-hatred would seem to have created a new order just as new processes of manufacture and distribution have developed new diseases of the physical man, which must

be met by new discoveries in medical science.

Although such a notion is based upon new developments, it is not new in itself. The French revolutionary philosophers of the Eighteenth Century, and the rough and ready men who met the tremendous crises of the Revolution, threw history and precedent to the winds, setting their faces steadfastly in the direction of the present and to the future. These men had disciples in the Nineteenth Century and are not without them in the Twentieth Century. The irony of the situation, however, is: if their theory is correct we must we must equally discard, or at least discount, the democratic notions of liberty, equality, fraternity, inviolability of property, etc. We must wipe the slate clean; our political scheme must be written on a tabula rasa. This is consistency, but the trouble with it is that it leads us to the point of absurdity. Our position becomes ludicrous in our own eyes.

We look about us and discover that the new born babe of this generation crawls upon the stage of human endeavor in much the same way that other new born babes have done in generations in the remote as well as the near past. Although his care and training is much

modified, his initial mentality and the stages in the well beaten path of mental and physical growth remain essentially the same. When he arrives at maturity, he will have the same ambitions for wealth, power, and preferment which characterized his ancestors, if he is an average individual. His social and domestic wants will differ only in modes of expression. Social groups, made up of such individuals will clannishly seek their own level in society. Kindred economic and social needs will constrain those possessing the same to voice their wishes in groups.

If this is true — and nothing seems more obvious— it would appear that it is futile to attempt to revolutionize human institutions in the way that mechanical processes may be overturned. Now, this is exactly the center of Tory philosophy. Time had apparently vouchsafed the conclusion to them that the fundamental bases of political organization were found ready made in the natural cleavage of society. It would have appeared trite to say that the interests of Royalty, Nobility, and the remainder of society were widely at variance. Each group had its own traditions, beliefs, pleasures, and prerogatives. The ambitions of each must be held

in check, lest the entire social and political order be overturned. These rights and ranks in society must not only be respected but they must remain constant. They were not transient and fleeting adjustments, but were the heritages of generations and centuries. These standards constituted the criteria. All material and mental innovations must be adapted to these permanent social structures.

Thier fitness and their justification did not depend upon some natural right which could be approached and proclaimed by some rational process. Their mere existence sufficed. The arbitrary standards of political philosophers had come and gone. Their (the Tories) order was natural in the sense that it was the product of natural growth, but it was not natural in the sense that was in harmony with some necessary and hence universal law that could be represented by some arbitrary formula. The English brand of society was held to be natural like a tree is natural, because it is a part of the natural order of plants; but its roots and branches are arranged in an individual way. No other tree in the whole universe has the same exact proportion and arrangement of stone, clay and alluvium in its soil

as the one under inspection. No other tree has passed through the same vicissitudes of broken limbs, marred trunk, blighted foliage, occasioned by wind, lightening, animals etc.

To attempt to re-arrange the order of branches, roots, etc. according to some rational, arbitrarily symmetrical scheme would be impossible short of actual destruction of the tree. It might be pared, cultivated, watered, and otherwise nurtured until it becomes more beautiful and useful, but it remains the same individual tree — not a plant unit identical with all others of its kind. Thus the English Constitution constituted the trunk and larger branches of the English plant. It was not be identical with French, Italian, American, and German plants. The variety of standards of representation based in the main upon property was acquired during the growth of this individual plant.

The Anglo-Norman Feudalism of England resembled in many ways the various types of Continental Feudalism but it had many unique features which added to its beauty and usefulness, just as individuality adds attractiveness to the individual plant or human being. The Tories could not explain just why it produced such a superior crop of

statesmen, but the fact remained that it did. They could not explain technically just why it had adjusted itself so well to changing conditions, but the fact remained that it had. There seemed to be some "magic spell" connected with it.

The Tories believed that in order to insure this venerable and much lauded political organization of the state, it was absolutely necessary to allow the House of Commons, which was considered to be the most important and strategic branch of the government, to maintain discretionary powers. To be sure, both King and Lords had discretionary powers too, but their prerogatives were not called into question, neither were they in so potent a position. In order to exercise real discretionary powers, it was necessary that the members of the House of Commons be not directly amenable to the passing whims of the people; unless those whims, in their calm and deliberative judgment, would contribute to the general wellbeing of the state, temporarily and for time. In consequence of this belief it was held to be fully as desirable to nominate members by means of close boroughs and corporations as directly by popular election. In fact, the Tories claimed that it was even

more desirable for under those circumstances dispassionate judgment relative to the general welfare was much easier and less embarrassing.

Now this attitude, though not nominally, amounted really to paternalism. They virtually said: we are very willing that you (the masses of people) should take an interest in political affairs and express your opinions. We are equally willing to consider them carefully and conscientiously, but we reserve the right to accept, reject, or modify them as the general welfare, and conformity with the constitution and laws require. In fact, we frankly doubt your wisdom in many cases, i. e. we respect your wisdom as a parent would the judgment of his child. On the other hand, to surrender to the direct and unrevised wishes of the masses, would be like allowing inexperienced children to order the affairs of the household according to their own fads and prejudices, without any reserve whatever. Under those circumstances every one knows full well that domestic finances, peace, and happiness would go to the winds. In the same way, the Tories believed the peace, happiness, and well being of England and English institutions would be jeopardized.

 Having pretty clearly in mind now the exact po-

sition of the Tories, I (pursuant to their careful and deliberative theory) approach the task of applying the foregoing principles to the current problems of the world, and more especially those of our own country, with no small degree of hesitation and misgivings. I recognize full well that I am only adding to the already too numerous amateur and cock-sure conclusions. I am consoled and encouraged however by the realization that very little harm is possible because my readers will be very few, and of the class which is not likely to become alarmed or stampeded by anything that may be said.

The United States is nominally a republic, but there has been in recent years a marked trend toward modifying our representative institutions to conform more nearly to democratic principles. The sponsors of this movement realize, to be sure, the limitations upon pure democracy which are inherent in so large a span of territory and so great a population, but the movement has made some progress never-the-less. In fact there has been an unconscious drifting away from the republican ideas of the drafters of the Constitution, practically from the very beginning. Probably the most

striking illustration of this movement is the atrophy of the intended functions of the electoral college. Thinking that the masses of people would scarcely have opportunity or inclination sufficient to exercise intelligent judgment in national elections, provision was made for election by the people of a body of electors which should have discretionary powers. As every one knows, the electoral college has degenerated to mere form and "red tape".

Another very marked and more invidious deviation from the thought of the sponsors of the Constitution lies in the fact that representatives and senators have become subservient to the provincial wishes of their particular constituencies to an extent which was neither intended nor anticipated. This is true in both states and nation. One of the most naive statements of this acquiescence was reported to have been made quite recently by the governor of Nebraska. Upon being asked his position on "Preparedness" he replied that he did not know what he thought for he had not learned the views of the majority of his constituents. The same thing is true in Congress. Upon discovering a probable change of opinion on the part of their constituents (ascertained

by means of the press, straw votes, petitions, primary elections, etc.) members of Congress trim their sails. In recent years there have been some very definite and obvious steps in the direction of democracy. The mere mention of the direct election of United States Senators, primary elections, the initiative, referendum, and recall, in some of our states is sufficient evidence.

But while we are consciously and openly directing our course toward democracy by the above mentioned steps we have been quietly, but no less surely, drifting away from democracy in a very insidious manner. We often hear it remarked that a certain senator, representative, or Supreme Court Justice represents certain capitalistic interests; another the labor interests; the agricultural interests, etc. This means in fact if not in theory class representation, which is obviously foreign to popular democratic theory. The congressmen who represent districts which have similar constituencies, get together and thus form a group of legislators that collectively represent a class in the body politic. This procedure is both contrary to the original constitutional idea of deliberative action and discretionary

powers, and the more popular notion of equal geographical representation based upon an equal division of population, as far as that is possible.

Another one of the unfortunate developments of our popular government is the fact that our most capable statesmen are not, generally speaking, chosen to guide the ship of state. This is partly due to the constitutional provision that they must be residents of the state or district from which they are chosen. It is certainly obvious that our best statesmen are not distributed geographically according to population. Our party government, with its smooth running machinery, doubtless accounts for various offices being occupied (not filled) by "politicians" rather than statesmen. There are doubtless other reasons to account for this state of affairs. What is even more remarkable is the fact that the party leaders in the House of Representatives are, more frequently than not, comparatively mediocre men. I have good authority for the statement (Professor Hodder is the authority) that the present Democratic floor leader, Mr. Underwood, and the Republican floor leader, Mr. Mann are very ordinary men.

There are doubtless a great many more weaknesses in our government, but my thoughts are drawn to two in particular, in addition to those above mentioned. Minorities are not represented as they certainly should be. If the majority in power has a safe and workable superiority of numbers, the wishes and in some cases the vital interests of the minority or minorities are walked over rough shod. Their protests are often contemptuously ignored. The other imperfection which I have in mind is the military and industrial weakness which seems almost inseparable from a democracy. It seems that this weakness is directly proportional to the purity of the democracy.

Tory theory, although quite generally thought to be out of date, may, it appears to me, offer some very welcome solutions to a few of our modern problems. In some cases a solution is not provided but the issue is very much clarified, which is the initial step toward solution. Let us see what Tory philosophy, if carried over to the Twentieth Century, has to say relative to our modern problems. I make no effort to take up the problems in the same order in which I have presented them.

One of the most obvious and most generally recognized difficulties, especially just now because of the military efficiency and inefficiency of contending European nations, is the one I have mentioned relative to democracy and military weakness. For this malady, Tory theory offers no panacea, for there are other factors which enter into military efficiency as well as form of government. Racial temperament, natural resources, advantageous or disadvantageous geographical position, comparative population, etc. play their parts. Tory philosophy unhesitatingly points out the fact, however, which is altogether too apparent for denial, that that conception of democracy which calls for a more general and minute participation of the masses of people in the determination of policy, is suicidal to the efficient disposition of sudden and pressing vital problems. It simply says that popular initiative and approval is folly and often disastrous under such circumstances. The Tories offered by way of example, the non-popular Pitt management of affairs in the Napoleonic Wars.

Unmixed majority rule is pointed out to be ^{both} unjust and impolitic: unjust to the extent that certain rights and needs are ignored; impolitic, because factious party

spirit is aroused as the result of the impossible situation which faces a minority whose interests and wishes are not considered. This, in the last analysis, is one of the most fruitful causes of strikes, riots, insurrection, and war. It is so because, fundamentally, the rule of the majority is based on might rather than right: Hence the only alternative is, figuretively speaking, to fight fire with fire. To get away from the fundamental basis of might in government is impossible, because order and security are not obtainable otherwise. But it is neither necessary nor politic to decide questions involving justice, relative merit, etc. by the arbitrary criterion of a majority of numbers. Thus, if Tory theory is valid in this instance, another popular attribute of democracy is condemned.

The Tories maintained that the unique system of choosing members to the Commons House of parliament, was responsible for the superb personnel of the House, and that the Great Reform bill, if passed, would sound the death knell of that matchless syetem. They went further and stated that such an assemblage of statesmanlike celebrities could not be gotten by any other scheme. They could demonstrate the former statement but

the latter was not susceptible of proof. Now, the lack of a high average of statesmanship among our legislators, and in some cases in our executive and judicial departments as well, has been pointed out. To transplant their particular machinery into our political soil, from another country and a different age would be as undesirable as it is impracticable. On the other hand, to apply the non-tangible essence, or as a better way of expressing it to translate the basic theory into contemporary popular government, is not an impossible thing. The essence of the scheme, it seems to me was that certain men were selected because of their conspicuous ability, without the handicapping restriction either to locality or to the prompt and specific demands of a selfish and highly emotional constituency. Now it would be a presumption for one of my experience and in my position to map out in detail a specific plan for such a theory. It seems to me, however, that a plan could be devised and practically applied by which men of merit, of high statesmanlike qualities, would permit of and encourage the exercise of broad minded and sympathetic discretionary power without the limitation of local prejudice and sordid dictation on the part of colloquial minded constituencies. Such a

scheme would not necessarily supplant the existing system but might supplement it, and thus affect a marked improvement. If such a scheme is theoretically valid and practically workable, another prop has been removed from democracy as it is popularly conceived.

The exercise of deliberative and discretionary powers would be immensely enhanced by any scheme which would affect the choosing^{of} a superior quality of independent statesmen. This is just the point at which, however, many modern sponsors of democratic theory would balk. To them the exercise of deliberative and discretionary powers spells the negation of popular control; it means aristocracy — a rule of the many by the few — which inevitably would redound to the advantage of the few against the many. This objection is valid if it is impossible to select men who will be constrained by their own high character, and by any other restrictions which it is possible to apply, from selfishly promoting the interests of the few and the making permanent of the rule of their own caste. To perfect a scheme of choosing such worthy men, and such men there certainly are, I cannot believe is impossible, or is even comparatively impracticable. It is certainly worth serious investigation, considering the unfortunate by-products which

are continually sloughing off from our own application of democracy.

Democracy does not necessarily mean the verbatim rendition of the popular will. I believe that a government chosen by the people, directly or indirectly, may order the governmental affairs to the best interests of the people as a whole, in spite of the clash of sordid desires; and that such government will be none the less democratic, because democracy in the best sense is a rule of the people (regardless of method or machinery) having as a result the well being of the people as a whole.

The application of expediency as one of the foremost criterions of action on the part of a government is fundamentally out of harmony with a popular and specious notion, which has grown up side by side with democracy, and which seems inseparable from it in the minds of some of the latter's devotees. To judge the merits of a question from the standpoint of expediency often involves or necessitates concessions and compromises. Such an application of expediency, a very vociferous and fairly numerous group of people would condemn unqualifiedly, for to them there are just two sides to a question: it is

either right or it is wrong; it is either advisable or not advisable. What the ruling majority of them wants is right and must be obtained without delay and without modification, regardless of complicated situations and the rights of others.

Summing up the criticisms of the Tory theory as applied to popularly conceived democracy, one is warranted in arriving at the following conclusions: - Democracy would be most benevolently unburdened of direct and exact representation; of the arbitrary will of majorities; of uncompromising demands as the result of so called natural right or some cock-sure notions; of the limitation in the selection of men to geographical units, which inevitably cuts down the average of statesmanlike qualities in the governing body. The essential attributes of democracy are left intact. The best interests of the people as a whole are conserved by a group of men who are big enough to rise above the sordid interests, by setting up side by side the claims of agriculture, labor, capital, education, etc. and after due deliberation determine a settlement which contains the maximum of wellbeing for all concerned. This confessedly sounds

Utopian, but it cannot be otherwise for political theory always tends toward the ideal, unless it is captured by "high-browed" cynicism which is sceptical of any sort of improvement.

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