

CHAPTER FIFTEEN

THE VALUE OF THE LORDS

"Parliament is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation with one interest—that of the whole."

EDMUND BURKE, M.P., 1774.

THE reader will have realized my dislike of the Corporative State, and, even if the trains do still run to time, I am not roused to enthusiasm for Mussolini. But those in this land who have known the 'divine exhalation' from the Pontine Marshes seem to turn inevitably to the reform of the British House of Lords.

REFORM OF THE LORDS

According to these people, it is in our reformed House of Lords that every Corporation shall find its avatar. There the interests shall lie down together in amity, and perform in secret conclave those mystic rites of log-rolling which shall satisfy everybody round the table—at the expense of those under it. Replete with prancing pro-Consuls, magnates of the City, the Heads of the Professions and Services, and salted with suitable Labour leaders of the right convictions or commitments, a powerful House could be devised that should command respect and might secure obedience.

So they dream, only to meet with the dull conservative resistance of the stupid British echoing down the centuries: *'Nolumus leges Angliæ mutari'*.¹ "It is impossible to survive

¹ 'We will not change the laws of England'. In these words, 650 years ago, the Lords signified their refusal to legitimize an eldest son born before wedlock. As heresses were the best gambling counter of the time, their resolution to refuse the Church's decree was not entirely disinterested.

and progress with so absurd a veto as the present House of Lords," cry the 'For-God's-sakers'. Answer: "*Nolumus leges Angliæ mutari.*" "It is laughable that the hereditary principle, etc., etc." "*Nolumus leges Angliæ mutari*" comes the antiphon down the ages. Nevertheless, the bright young things see in this cherished absurdity the possibility of 'higher things', the germ of the Fascist State—and write authentic articles in the silly season to display a nice new House of Lords fit for Mussolini.

The most sporting scheme was the step-by-step abolition of the hereditary Peerage. Each generation was to go back one, unless they could produce a Boy-Scout good deed to save the dignity of the next generation. Our dukes would sink, gasping, into marquesses, our earls to viscounts, our bold barons would be blotted out in scores to mingle with ignoble baronets.

Then there is the proposal that future peerages should be for life only. This, it is contended, would enable stout radicals, and even Labour men, to accept the position just like aldermen in the London County Council without compromising their natural contempt for heredity, snobbery and rank. It is a kindly gesture made to Labour, to the honest working man, whose wife would be made so uncomfortable by thinking of her daughter-in-law becoming in time a real lady. Alas for human nature! You might go through the House of Commons offering life peerages on a plate to all—to the humblest Tory as well as to the Trade Union dictator—without finding one who would pick it up. Their reasons they would give as financial—Peers are not paid expenses. But their real refusal and contempt would be for a pinchbeck peerage for paupers from the proletariat, whose sons and daughters would get no 'kick' out of it at all.

Or, consider the Scottish Peer system. All the Scottish Peers elect sixteen of themselves to sit in the House of Lords for each Parliament. Therefore turn all the present 700 Peers of the United Kingdom into an electoral body to elect 70, who shall represent them in the Lords. All Parties would share in proper measure in the new refined assembly, as the selection would be by proportional representation. Thus backwoodsmen would vanish, and the country would be spared the scandal of a speech being made in their Lordships' House by the present Earl Russell or Duke of Bedford—to name the only two who would not bring a libel action.

The constant prayer of politicians is, "May the Lord deliver us from our constituents!" If, going to the Upper House, one is still dependent on the same caucus and subject to the same humiliations, if we are still to mind our p's and q's lest we be reprimanded by the Party Whip, or even expelled from the Party like Stafford Cripps and Aneurin Bevan and D. N. Pritt, what is the inducement to sit in the impotent Lords? What sort of honest personal opinion do you expect from people elected by the Party machine? In the Commons nobody minds—everybody, indeed, expects—the obscure Member to make, once in a while, a tub-thumping oration for the benefit of his constituency, to show that he is alive. We can walk out; and he can tell them next Sunday in Little Puddleston how he gave it straight from the shoulder, and what the Prime Minister said to him about it afterwards. Are all the 70 elected Peers going to show off to their select critical electorate that they are alive—more alive than the other fellow? It is indecent that the old gentlemen of 70 should keep popping up to speak to show that they are alive. That is why I left the Commons, with gratitude to Churchill, and the remains of my dignity. For heaven's sake, let us at the end, after we have acquired experience and merit, be at last

able to speak with freedom and to expect from our fellows completely honest counsel and advice, untinged by Party propaganda, unchastened by expediency.

I pass over the various plans 'to strengthen' the Lords by the collection therein of all ex-Cabinet Ministers, all ex-Governors, ex-Permanent Officials of superior grade, heads of the professions or confessions, victorious Generals and Admirals, and all the other component extracts from the Corporative State. The public is now (and should, I hope, remain) somewhat sceptical as to the strength such folk would add to any executive or deliberative body. I would sooner pick them by lot out of the street as in G. K. Chesterton's *Napoleon of Notting Hill*. Seeking to justify and make excuses for your past blinds the eyes and seals the brain. How can such men, hampered by their past, bring an impartial mind to bear on any problem of action or philosophic discussion?

Lord Vansittart justifying the kicking of Weimar, Chamberlain justifying appeasement, Trenchard justifying the separation of the Air Force, Chatfield justifying monster battleships, Jellicoe justifying Jutland, or Ironside Dunkirk—how very tiresome! Most of them have the sense not to try it; those who do, show perhaps a twinge of conscience which is all to the good, but their past indicates no reason to anticipate prospective reliability, whether in action or in philosophy.

MORAL INFLUENCE

As a High Court of Appeal in all legal matters, the Lords of Appeal in Ordinary need no strengthening. The moral influence of the House of Lords upon politics is quite another matter. All this 'strengthening business' misconceives what

has gradually become both the virtue and the province of the House of Lords. We do not want a Corporative Chamber; we do not want a duplicate of the active ruling House of Commons. We do not need a mausoleum for extinct virility or for the rehash of old controversies. I do not think we even require action from the House of Lords. I should prefer the House to remain indifferent to the perpetual wail of the 'For-God's sakers' to 'do something'.

No! I conceive that the House of Lords as now in existence, being a voluntary association of the Lords Spiritual and Temporal, responsible to no man but only to their God and their Country's good name, has great value as a political court of equity, humanity, or morals. That it is a high court without power to execute its orders does but add to the moral influence upon public opinion of its praise or of its censure. Indeed, the more it is above the Party battle, the greater will be the respect in which it is held, and the weight of its verdicts.

It is no answer to say that it has not yet been much used in this sense. The House is in a state of transition in an age of very rapid change to new ideas and new standards, which require constant reference back to the first principles upon which our British character has been founded and developed. There are political ethics as well as Christian ethics blended in what has made our national life. We desire to preserve them, or rather to see that modifications due to changing circumstances do not become the sport of expediency. It is to expediency alone that popular opinion, the Press, and even the representative House of Commons too often give ear. The Golden rule, freedom, justice, the humanities, the lessons of history and of the philosophers, need recalling and restating, *ex cathedra*, but without power save over the minds of men.

CHURCH LEADERSHIP

A revolution has taken place during the last hundred years in the Church of England. Leaders of the Church no longer think, preach and vote of or for the interests or privileges of their Church. They now recognize that the moral and humanitarian standards of the country are increasingly in their charge and are their first business. Of our Church, Clemenceau's bitter jibe is no longer true: 'Christianity, which began by being the refuge of the poor, has ended by becoming the Trades Union of the rich!' An Archbishop of York, daring unpopularity, can demand justice and denounce vengeance. Bishops of Chichester and of Chelmsford can stand up for alien Jews; Deans of Canterbury and of Chichester can sacrifice preferment and career in pursuit of what they believe to be right. I may have no faith, save in freedom; but there is much in common between all faiths which demand courage and self-sacrifice—too much for anyone, loving his country, to fail to applaud the entry of the Church of England into political ethics, or her guardianship of all our Non-conformist consciences.

There are 24 Bishops of the Church of England sitting in the House of Lords. We could do with more of them, and with any other Heads of Churches from Great Britain and Northern Ireland. At present they attend and speak too rarely. There is a reluctance to intervene save on matters in which the Church is obviously and directly interested. In truth, there are no matters in which the Church should not be interested. Every issue—from the land question to child labour or peace terms—has a moral side. They plead episcopal duties, and I admit that in the present inconvenience of getting about attendance is a difficulty. But I believe they are merely nervous from inexperience of plunging with a banner into the world of men. The new Archbishop

may enjoy both the banner and the opportunity of extended service.

WHAT IS NOW IN EXISTENCE?

I have spoken of the House of Lords, as now in existence, as being a voluntary association of the Lords Spiritual and Temporal, as having this possibility of guiding political, moral and even economic ethics. As now in existence? Nominally, there is a House of Lords which might run to 769 Members, most of whom should sit in the House by hereditary right. In fact, it is extremely rare for even 100 to take part in a whipped division, and a House of forty to listen to debate is a good House. If one should analyse those who attend and occasionally speak, it becomes obvious at once that, apart from the bishops, the Peers who attend are almost all either those who have been raised to the peerage, who have sat in the Commons, or are Ministers or ex-Ministers of the Crown. Seven hundred peers would only feel uncomfortable and strangers if they came to do more than take their seats and register a very infrequent vote.

So that the actual House of Lords—the existing active House—is a cross between a Committee of Privy Councillors and a bench of Aldermen from the Church and the Commons, irremovable and therefore less infected with Party spirit, and much more given, even than the Commons, to an altruistic point of view. I see no reason to alter it; I desire no power for it; but I do see great possibilities for its moral influence. As Democracy is government by reason and argument, the right to question the bureaucracy and freely to debate any question, seems a useful buttress for both reason and democracy.

The use made of the whole peerage by Mr. Balfour between 1906 and 1914, to vote down Liberal legislation, or

—a right they still possess but dare not use—to vote down and hold up for two years Labour legislation—is dangerous only to the House itself. It is unlikely to be used again; such are the overwhelming powers of the Commons House.

Except for this doubtfully existing danger, I entirely approve of the existing Second Chamber, and infinitely prefer it to any elected Second Chamber either on the lines of the American Senate or indirectly elected by the County, City and County Borough Councils. Such Chambers would reduce the prestige and standing of the Members of the Lower House, and completely upset the balanced constitution and institutions which wisdom and luck have developed for the education and government of Great Britain. Moreover, a second Chamber indirectly elected from Councils would surely compel elections to all such Councils to be run on Party lines. Fortunately a certain amount of independence of Party still persists on local Councils.

‘MEND IT OR END IT’

Only a generation ago denunciation of the House of Lords was a common theme for the radical politician. The hereditary Chamber was indefensible save by obfuscated Tories. The derision of Labouchère, the Non-conformist ardour of Bright and Joseph Chamberlain, and the republican fervour of Dilke and Morley, still lingered in the memory. Political feeling ran high in those days. The House of Lords was a high Tory shrine, and Gladstone, hewing down trees, had laid his axe to the trunk of privilege and vested interests. The only alternatives were ‘mend it or end it’. For a radical to retire from the fight and enter the Lords was almost apostasy.

But with the passing of the Lords’ veto, and the first world war—and the eclipse of the Liberal Party, all changed.

The Lords were no longer a bulwark, because it was no longer safe to use them. The backwoodsmen were better kept out of sight in the background; one after another, and in rapid succession, plans were brought forward for changing the composition of the House. These were brought forward not by radicals but by the Tory Party. Under all such schemes hereditary right was to be sacrificed in exchange for more solid blocking powers. Little wonder was it that the 'backwoodsmen' sulked and began to stay away. They argued thus: If the high and mighty intellectual Peers thought the backwoods were insufficiently educated or out of date, let them get on with the job themselves. The 'mend-them' Bill never got beyond pious Resolutions, but those to be sacrificed took the hint in dudgeon and became strangers to their own House. They washed their hands of politics. Meanwhile the radicals of the Labour Party became ever more anxious to prevent any amendment of the second Chamber which should set it up as a rival to the House of Commons; and single-Chamber men ceased to find any support in the Press, on the platform or in the Labour Executive.

I do not think they ever put it into words, but the Labour Governments preferred to be dependent on the Liberal vote in the Commons. They preferred it as a good excuse for not being forced by their wild men to carry out an extreme policy, to which they might have given lip-service in their opposition days. Just before the 1923 election, I remember saying to MacDonald: "I know what the result will be. We shall come back the second largest party; but with the Liberals we shall have a majority. I know Baldwin will resign rather than carry on in such a position, he will advise the King to send for you." MacDonald turned to me and said: "You really think so? That would be just perfect." Office, without power to be dangerous, is the goal which all

so situated must find perfect. In like manner they regard the House of Lords. It has become 'my partner Jorkins', never in evidence, but always the stumbling-block to carrying out inconvenient promises, the politically-needed whipping-boy for Ministerial failure.

So the House of Lords will endure unamended, unless some future leader of the Labour Party agrees to restore the veto in order to make 'my partner Jorkins' a more real person. But I hope the inconvenience of coming up to town from the backwoods will endure, till habit develops into custom, and custom into constitutional practice.

HISTORICAL RETROSPECT

The first use of the term 'House of Commons' occurs in 1454,¹ the term 'House of Lords' not till a hundred years later; for to mediaeval England the House of Lords was Parliament. The King in Parliament was the King on his throne, sitting in his High Court of Parliament—the supreme Court of Appeal and fount of Justice. Before Commons were thought of, before knights of the shire and burgesses were brought in by Simon de Montfort, the King in Parliament, surrounded by Judges, Bishops and Magnates, judged England, granted his Charters, and pronounced his Statutes. Parliament was the King's Council and *Curia Regis*—the most essential elements whereof, after the King, were the King's servants and the Judges of the Bench.

The advent of the Commons, called occasionally to the presence, outside the bar of the real House of Parliament began almost unnoticed by the great machinery of the Court. But the Councillors, summoned to assist the King in his Court, became, early in the reign of King Edward I, a nebulous number of territorial magnates, the feudal baron-

¹ The name not of the building but of the body.—*Paston Letters*, i-273.

age. By the time of the Lord Ordainers (1312) the summoning of the heads of some seventy families had become constitutional practice. Before the end of that century, by their 'high looks', their pride and power, they had frozen the Judges and other King's servants into silence. The Judges received the same writs of summons, but, by custom, spoke only in Parliament when their opinion was asked. The High Court of Parliament eliminated Judges and King's servants and became in fact the House of Lords. Later they eliminated the Abbots also, and limited the number of Bishops who might attend their House.

The lay Peers summoned had sunk to 34 by the end of the Wars of the Roses, Henry VIII increased their number to give his lay Peers a majority over Bishops and Abbots before he subdued the Spiritual Lords to his service; and after the inglorious time of the Stuarts, the great Whig Houses entrenched in the Lords controlled also the Commons, and the Crown as well. George III broke the power of the great Whig Houses even before the French Revolution converted them to Tories, and under Victoria peerages sprang up like mushrooms, and the Lords became the House of Plutocracy.

After these many metamorphoses there seems no constitutional obstacle to prevent the House of Lords becoming the decorative setting for leaders of thought, ethics and politics. There, on common ground, could meet and reason together, with advantage to the world and to each other, lovers of wisdom and the humanities with wide experience of the world of men.

CRITICAL VALUE

Nor need they be divorced from direct contact with affairs. As the elector becomes more and more dependent

on the State, so a Member of the House of Commons—still in active life—becomes dependent upon the bureaucrat. This blunts to some extent the desire to criticize. It is no longer only the P.P.S. that constitutes himself as laudator and protector of his Minister and his Department. Therefore the more reason for vigilance in the Lords by those who have no longer any axe to grind or career to cultivate. Moreover, as they have no constituents with personal grievances to be amended, the elder statesmen can and do take up wider issues.

They can put down Questions to Ministers as in the Commons, but the answer is not followed by a hot rapid exchange of rapier-thrusts to the accompaniment of cheers and laughter, befogging the point at issue. The Lords' Questions are few and may well be followed by a full debate averaging two hours. Those who explain on behalf of Government and the Departments in the Lords are generally Under-Secretaries without much authority or independence. But that drawback is small compared with the advantage of being able (in the form of a single question) to explain fully the point of the question, and to get the assistance of other Peers unconnected with Party who may reinforce one's arguments.

One must remember that bureaucrats dislike above all public criticism which puts them wrong with their chiefs. In devising an answer to a Question on the Paper, the official can conceal much without departing from the literal truth. That is not so easy in drafting a speech in answer to a spoken question. In such a case the Minister, even an Under-Secretary, has to be told all the story by his officials, selection being left to him. If the story is a bad one to tell and hear, the Minister will see the questioner, ask him to withdraw the question and tell him enough of what he is

going to do in order to put the matter right. He will tell him enough to persuade, but his promises of performance will allow considerable latitude of definition. The motion will probably have to be withdrawn, but the great thing is to have witnesses and allies at the subsequent interview to buttress the virtue of the Minister. A show of firmness will also induce the Minister to have the responsible officer present. That will avoid all misunderstandings, and produce more widespread devastation in the Department. The one-sided tale becomes impossible.

I have laid great stress upon the power to criticize the bureaucracy and the growing importance of such criticism for democracy's survival. In other directions the power of the Peers is less than that of the Commons. Important Bills generally start in the Commons and are thoroughly discussed there before they come before the Lords; the subject is exhausted, the Press no longer interested, unless it is a Party last-ditch fight. The House meets only two or three times a week and then only for three or four hours. There is no Question hour and bubbling Prime Minister. Even Lord Cranborne, as 'leader', is an inadequate substitute for a whole row of gentlemen recognizable from David Low's cartoons. The whole House of Lords, now meeting in a modest room, is more a family gathering than a battleground of giants. Yet the Press, with laudable appreciation of high rank, give speakers in the family party at least as much publicity as they do to the gladiators in another place. They even allege that Lords are better worth reporting, adding, slyly, that their readers like it. Readers are no doubt the best judges of the educational value of our spoken commentary from the Lords.

EDUCATIONAL VALUE

Second only to the value of our criticism of the Departments I put the educational value of fresh ideas from new angles, coming from well-known men above suspicion of deceit by reason of their position of perfect freedom.

We are much more free to speak our mind in the House of Lords; for we have arrived. We are more free from Party pressure, passion, exaggeration, colouring—than when we were in the Commons; for we cannot lose our seat. Because we are free, our arguments, our criticism, and our exhortations can be taken on their merits. As we do not speak to Party-deafened but to receptive ears, the educational value of the House of Lords is, potentially, far greater than can be that of the House of Commons. It must surprise the philosopher that the Church at least has not made more use of this platform for just that education in self-control, high thinking, and clean honesty which is the special need of these revealing days.

In the Lords, as in the Commons, there are all the minor chores to be done outside the Chamber. There are Private Bill Committees; if Standing Committee work vanishes, there are more official calls to serve on Committees with the Commons; there are the 'Society' Committees (by which I mean Societies for this and that); there are innumerable demands from near and far to speak, take the chair, write a foreword, send a message, and subterfuges to extract an autograph. In the interests of all my fellow victims, as well as my own purse, I solemnly and publicly record that never again will I answer such requests, however highly sponsored, unless accompanied by a stamped and addressed postcard or envelope. In future even the most shocking cases of injustice to helpless refugees must go unanswered, so heavy becomes the burden upon the good-natured Peer.

GOOD-NATURED PEERS

For those Peers who attend are essentially good-natured. Why else should they attend? or speak? or ask questions? They are not doing the job as chairman or director of a company, for there are no fees or travelling expenses. They come partly as to a club to meet their friends, partly from a sense of public duty; partly, no doubt, to defend themselves from some imputation, personal or professional, but far more often to defend others. When Lord Gainford, once a soulless Party Whip, takes the trouble at 82 to protest against the employment of young persons 53 hours a week, he is completely disinterested. So is the Bishop of Chichester speaking for Jewish refugees; so is Lord Sankey on coal-mining, or Lord Cecil on the distinction between Nazis and the German people.

At present they appeal, verbally indeed, to the Government *via* an Under-Secretary without power, but actually to public opinion. I am not certain that this is inevitable. When debates go, as frequently, all one way, save for the official stone-wall, it should be easy to press the matter further by private deputation to the Cabinet Minister concerned. Thereby the public interest would be better served. There is a sense of wasted effort when a sound case is stated by sound men and nothing happens. In the Commons one is in more constant contact with the Executive. Politics there is more a whole-time job. Deputations to Ministers are all in the day's work, and some Members are always available. Peers, on the other hand, carry far more weight with Ministers than most M.P.s voicing the views of electors—just as personal knowledge carries more weight than a second-hand interest.

Certainly I find far better debating and more practical knowledge in the Lords than in the Commons. It is not a

drawback that in a tamer atmosphere speaking tends to become less explosive and more scholarly. I do not agree with Lord Vansittart's vendetta against the German people, but how neatly he put the point I have always wished to make: "I think it was Hume who said that 'incapacity for astonishment indicates a feeble mind'. And if he did not say it, I do! And I hope your lordships will agree that is the proper manly way to treat quotations." Quite so! This taking cover behind authority denies one's own intelligence and belittles one's own authority. I am interested in what Mr. Gladstone said in 1867, but I am capable of judging for myself whether he was right. When Lord Simon quotes Milton to justify threats to the Press, I protest that much has happened in the last 300 years to educate even the wisest of those days. It is a poor case that needs buttressing with authorities, and the quotations prefixed to these chapters are merely a concession to the weak and an advertisement of *Forever Freedom!*

The leader of the House accused me the other day of "inciting to violence". I admit it. In a sense my whole life has been an incitement to think, to see, and then to act. Every idea is an incitement. It offers itself for belief, and, if believed, it is acted on, unless some other belief outweighs it, or failure of energy stifles it at birth. The only difference between the expression of opinion and an incitement is the speaker's enthusiasm for the result. If I have any criticism to make of the House of Lords (to which I am proud to belong), it is that their Lordships are just too content merely to express an opinion.

Not so is our spirit of justice and humanity, our tradition of freedom, our education, our civilization, our worship to be defended. Liberty is the crusade of all brave and

conscientious men, the new religion, the chivalry of all gentlemen. For that crusade this testament is written.

Let our light so shine before men, that our democracy and our Parliament may continue the more fruitfully to guide all mankind towards the brighter, burning, consuming flame of liberty and justice.

THE END