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It is not to be thought of that the Flood  
Of British freedom, which, to the open sea  
Of the world's praise, from dark antiquity  
Hath flowed, 'with pomp of waters, unwithstood', . . .  
That this most famous Stream in bogs and sands  
Should perish.

WILLIAM WORDSWORTH, 1802

'Fight on, my men!' says Sir Andrew Barton,  
'I am hurt, but I am not slain;  
I'll lay me down and bleed a-while,  
And then I'll rise and fight again.'

BALLAD OF *Sir Andrew Barton*

'Lay me a green sod under my head,  
And another at my feet;  
And lay my bent bow at my side,  
Which was my music sweet;  
And make my grave of gravel and green,  
Which is most right and meet.

'Let me have length and breadth enough,  
And under my head a sod;  
That they may say when I am dead,  
"*Here lies bold Robin Hood!*" '

BALLAD OF *The Death of Robin Hood*

BRITAIN  
AND THE  
BRITISH PEOPLE

*By*  
ERNEST BARKER

OXFORD UNIVERSITY PRESS  
LONDON . NEW YORK . TORONTO

OXFORD UNIVERSITY PRESS

AMEN HOUSE, E C.4

*London Edinburgh Glasgow New York  
Toronto Melbourne Capetown Bombay  
Calcutta Madras*

HUMPHREY MILFORD

PUBLISHER 10 THE UNIVERSITY

*First Impression 1942*

*Second Impression 1943*

*Third Impression 1944*

*Fourth Impression 1945*

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## PREFACE

**T**HIS book is confined to the island (or islands) of Britain. It deals with what might be called, in a medieval phrase, 'The matter of Britain'. . . . There is a British Empire, or British Commonwealth of Nations, as well as Britain. The reader is asked to remember, in the course of his reading, that behind and around 'Britain and the British People' there stand 'all the Britains' of which George VI, in the Latin inscription that runs round our coins, is declared to be King (BRITT. OMN. REX). TO describe *one* Britain without the others is to describe it partially and imperfectly; for the significance of Britain in the world is that it is not one, but many, and yet many who are none the less one. Here, therefore, is only a section of a circle which stretches out in its fullness round all the Britains, and even includes in its scope, for a number of various and growing purposes, all

who speak the tongue  
That Shakespeare spake; the faith and morals hold  
Which Milton held.

The author desires to add some expression of his debt to the collaboration of the publisher. That collaboration has continued from the beginning to the end. The publisher suggested the theme and some of its topics (especially the topic treated in the last chapter); the author has suggested, on the publisher's invitation, the illustrations, the maps, and many of the other details. Homer has a verse—

Two men going together, one sees in advance of the other.  
That verse is true of this book. If it gives any pleasure to the reader, and is of any public service, the cause is a two-fold cause. If it has defects, as it no doubt has, the cause is single. . . . Publishers are blameless.

E. B.

CAMBRIDGE,  
7 June 1942.

## SOME DATES IN BRITISH HISTORY

55 B.C.-A.D.	407. Roman Occupation.
407-1066.	Teutonic and Scandinavian Immigration.
1066.	Norman Conquest.
1150-1200.	Development of the Courts of Law.
1150-1200.	Rise of the Universities of Oxford and Cambridge
1215.	Magna Carta.
1295.	The Model Parliament.
1350-1400.	Development of Equity and Court of Chancery.
1485-1603.	The Tudor Dynasty.
1533.	Beginning of the English Reformation.
1559.	Acts of Supremacy and Uniformity (Church).
1583.	Rise of Puritanism.
1601.	Poor Law.
1603-1714.	The Stuart Dynasty.
1620-40.	English Emigration to New England.
1642-60.	Civil War and Commonwealth.
1660.	Restoration of Charles II.
1662.	Act of Uniformity and Rise of Nonconformity.
1688-9.	Revolution and Bill of Rights.
1689.	Toleration Act.
1695.	Censorship of Press Abolished.
1707.	Union of England and Scotland in Great Britain.
1714 onwards.	The Hanoverian Dynasty.
1730 onwards.	Rise of Wesleyanism.
1760 onwards.	Industrial Revolution.
1776.	American Declaration of Independence.
1800.	Union of Great Britain and Ireland.
1828.	Repeal of Test and Corporation Acts (Emancipation of Nonconformity).
1829.	Roman Catholic Emancipation Act.
1832.	First Reform Bill (Extension of Suffrage).
1835.	Municipal Corporations Act (Reform of Boroughs).
1840 onwards.	Rise of the Modern Civil Service.
1867.	Second Reform Bill.
1867.	First Lambeth Conference.
1869.	Disestablishment of the Church of Ireland.
T870.	Elementary Education Act.
1871.	Abolition of Religious Tests in Universities.
1884-5.	Third Reform Bill.
1888.	Local Government Act.
1902.	Education Act (Secondary Schools).
1908 - 11.	Extension of Public Social Services.
1911-	Parliament Act (relations of the two Chambers).
1918.	Fourth Reform Bill (Representation of the People Act).
1920.	Disestablishment of the Church in Wales.
1922.	Establishment of the Irish Free State (Eire) with Do- minion Status.
1928.	Fifth Reform Bill (Equal Franchise Act).
1929.	Local Government Act.
1933.	Local Government (Consolidating) Act.
1939.	Military Training Act.

## CHAPTER I

### THE BRITISH COMMUNITY

#### *The Aspect of the Country*

**T**HERE are some impressions which naturally form themselves in the mind of an Englishman who has been living abroad and has then returned (let us say in the spring of the year) to his own country. One of these impressions is that of a miniature country. It has been observed that islands generally run to the miniature; and the observation would certainly seem to be true of our own island, where even the trains are small (at any rate in comparison with the giants of the American continent), if they are also sometimes singularly swift. Another impression is that of a green country, with a natural pastoral trend. We are near the Gulf Stream: we are visited by gentle rains: we have, as one of our poets has said, a 'green and pleasant land'. Still another impression is **that** of hedged fields and a sort of garden-country, with a neat and trim tidiness of box-borders; but this impression is smudged and blurred by patches of sad black country, crowded with huddled tenements and smoking factories. The same poet who spoke of a 'green and pleasant land' spoke also of its 'dark Satanic mills'.

The whole of Great Britain is certainly a diverse and curiously composite land, *multum in parvo*, with different sorts of scenery succeeding to one another kaleidoscopically even in the course of a modest railway journey—here the flat plain; there the limestone dale; and there again mill-stone grit and heathery hills. It has the quality of a geological mosaic, as if nature had made a museum; and it is also something of a human mosaic. There are different nationalities (for Great Britain is a multi-national country); and within each of the different nationalities there is again a crop of varieties. In Scotland the Highlander is not as the Lowlander; in England not only does the Northerner differ from the Southerner, but the East Anglian differs from the Cornishman, the Lancashire man from the Yorkshireman, and the Durham man from the man of the Lake country. It sometimes seems as if each county were a country. Each, at any rate, has its idiosyncrasy; and this is one of the difficulties which confront any scientific or rational scheme for proper areas of local administration.

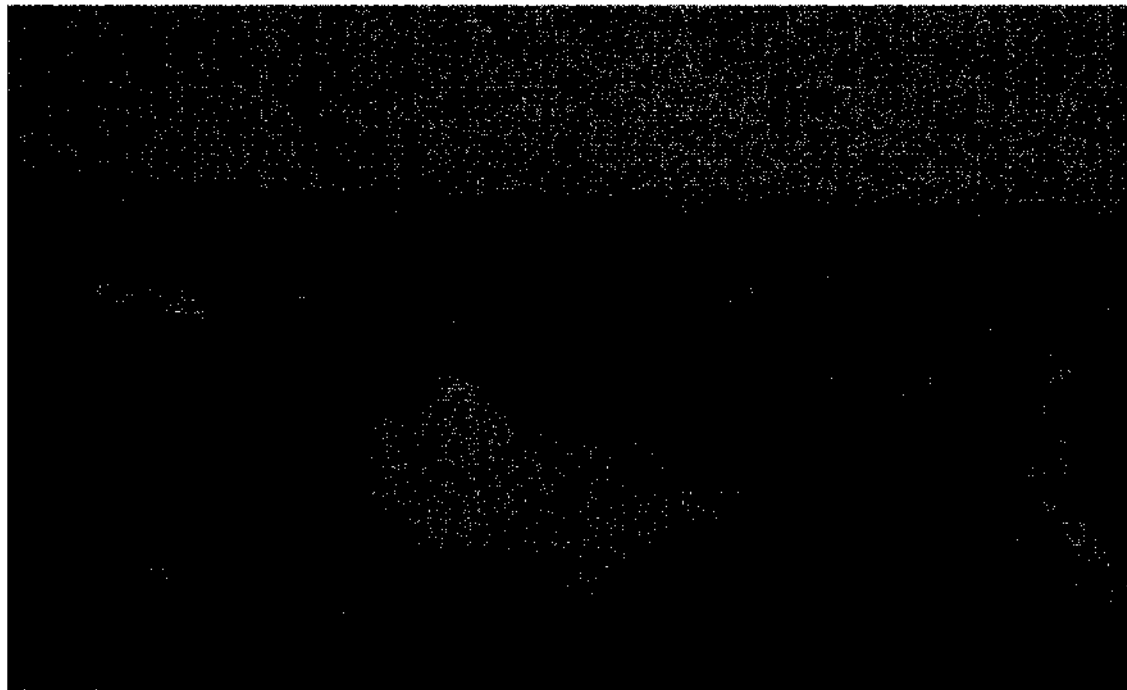
The mosaic of occupations and of economic structures is **almost** as various as the geological and the human mosaic. Lancashire is cotton to its core; Durham coal to its finger-tips;

Yorkshire has the old cardinal woollen industry; and Warwickshire builds anything that can be made of metal. Our forefathers used to say that England was a place of ships and sheep; one might also say (remembering that the ships used to be largely occupied in the herring-fisheries) that there was a time when the proper arms of England would have been a herring rampant and a sheep couchant. To-day it would be impossible to compass in any shield the 'allusive arms' which would indicate, or even suggest, the mixed and multitudinous activities of our economic life.

The mosaic has a dense population, unequally and unevenly distributed. That is an aspect of the country which must inevitably impress every visitor. He may drive in his car, or pass in the train, through miles of quiet country; but sooner or later he comes to the 'wens', as Cobbett called our urban aggregates, where men are thick on the soil. The population of England and Wales is reckoned at 703 persons to each square mile. Belgium, the next most densely populated country in Europe, has 687; and the island of Java, with 784 to the square mile, is the only considerable area anywhere in the world with a denser population. The sad, or at any rate the disturbing, thing about the density of our population is the nature of its distribution. There is some reason for thinking that a number of not more than 50,000 is the just amount of an urban population and the right size for a town, permitting it to form a real community of interest and to keep in touch with the soil and the sights and sounds of nature. If this be so, it has to be said that nearly half of our population (so far as England and Wales are concerned) is contained in towns which exceed this size.

#### *The Nation and its Nationalities*

Is a nation a race? It all depends on the sense in which you use the word 'race'. If you prefer to use it, as there is good and sound reason for doing, to denote a physical species or stock, distinguished from other such species or stocks by physical differences (differences in the formation of the skull, the cast of the features, colouring, stature, and the like), you will say that a nation is *not* a race, and that all nations—or at any rate most nations—are constituted of a mixture of races, due to successive waves of invasion and the cross-breeding which they have brought. In this sense the British nation is an amalgam of the different species and stocks which have wandered into our island, by way of the sea, from **the area of western Europe stretching from Le Havre to Bergen. The**



I. THE  
CENTRE  
OF  
ENGLAND

STRATFORD-  
ON-AVON  
(E.N.A.)

species or stocks predominant in the amalgam would seem to be two: a Nordic stock of the north European type, and a Mediterranean stock of the south European. One stock which seems to be missing, or sparsely represented, among us is the Alpine or round-headed stock—a stock of patient and tenacious agriculturists which stretches from the middle of France across the middle of Europe. Its absence is our loss. But so far as we know anything of the characteristics of the other two stocks, we may count it gain that we are mixed of both, and that we have enjoyed, and still enjoy, the deep benefits of their cross-fertilization.<sup>1</sup>

But *races*, in spite of all the advances of physical anthropology, still remain in the realm of tenebrosity. What is more certain, because it rests on the sober record of history, is the simple fact that there was a British or Celtic *people* in our island before the beginning of the Christian era; that there was a Roman occupation, of which we can still discern some physical relics, for nearly four hundred years (A.D. 43-407); and that in the next six hundred years and more (from soon after A.D. 407 to 1066) there were successive infiltrations of different Teutonic peoples from North-western Europe—first the Saxons, or Anglo-Saxons, from the Low Countries and the Frisian coast; then the Danes or Scandinavians, mainly from Norway and Denmark; and finally the gallicized Scandinavians who came from the Duchy of Normandy (where they had settled early in the tenth century) and achieved the Norman conquest of the year 1066.

In this historical succession of stages it is natural that there should be some difference of opinion about the importance and the abiding influence of each successive stage. There are some, for example (and Carlyle was one of them), who would emphasize the crucial and creative importance of Norman 'spit and polish'—forgetting that the old Anglo-Saxon, or, as it is perhaps better called, the 'old English', strain is more deeply embedded in the rhythms and tones of our poetry and the whole of our national temper. There are others who, lumping together the various Teutonic immigrations which succeeded the Roman occupation, proclaim, like Tennyson, 'Norman and Saxon and Dane are we'—forgetting that before any of the Teutons there were in these islands the Britons, and that the Britons are still a part, and a very large part, of our composition. Many of them may have retreated and isolated themselves in the fastnesses of Wales and Northern

<sup>1</sup> The reader is referred, if he would care to consult the work, to the writer's book on *National Character* (1927), and the chapter called 'The Genetic Factor', pp. 19-42.

Scotland, or in the island of Ireland; but many of them must have stayed and intermarried with the Teutonic settlers—those sparse bands of men who had come in their skiffs and long-boats across the North Sea, and who naturally, or violently, as the case might be, would marry the daughters of the land. 'I do not care who your fathers were: I am sure your mothers were Welsh.' The writer remembers hearing these words, at a dinner-table in Oxford, nearly fifty years ago, as they fell from the lips of a famous Welsh Professor of Moral Philosophy in the University of Glasgow. He still believes that they are essentially true; he even guesses that, coming as he does from the western parts of northern England, he has in his own veins unknown and immemorial Welsh blood. It is but a guess and a faith. But it is a permissible guess and a pardonable faith.

There is always a mixture, from whatever angle you look at Great Britain—always the 'crossing' of which one of our writers, Samuel Butler (the Samuel Butler of *Erewhori*), loved to write. Consider our language. Was there ever a language equally crossed? It is supposed to be a Teutonic language, but more than half of its current words, in the ordinary vocabulary which we use, are of Latin origin. It is 'a language of the bridge', which spans the gulf between the Germanic and the Romance families of speech: it is a language combining simple and homely German words with magnificent Latinities, and able to compass, in the strength of its double vocabulary, a rich range of fine shades of meaning. This is the reason, added to its wide diffusion in the United States and the British Commonwealth, which gives it the promise—perhaps in some simplified and \*basic' form—of becoming a universallanguage of international intercourse, and Everyman's second speech.

The nation which speaks this language, the English language, is itself something more than English. It is a British nation, inhabiting the United Kingdom of Great Britain and Northern Ireland (only *Northern*, for Southern and Western Ireland, or, as it is now called, Eire, became a separate and autonomous dominion, outside the United Kingdom but inside the British Commonwealth, in 1922)—a nation not only of England, but also of Scotland and Wales as well as Northern Ireland or Ulster. This British nation may justly be called a multi-national nation. It contains in itself four different nationalities—the English, the Scotch, the Welsh, and the Ulstermen of Northern Ireland; and this variety, with the differences it breeds and the riches it brings, is a source of national strength. Englishmen may joke about Scotsmen, but they are proud of the wisdom and valour of the Scots; and Scotsmen on their

side have been known to express a cautious appreciation of the English. In some of the different nationalities languages other than English are spoken, generally as a second language, but sometimes as the only language: there is Welsh in Wales, and Gaelic in the Highlands of Scotland. In some of the nationalities there are even separate institutions: Northern Ireland, for instance, has had its own Parliament at Belfast since 1922 (though it still continues to send members to the general parliament in London): Scotland, again, has its own courts of law and its own separate national Presbyterian Church of Scotland. It is a question of the future whether the contained nationalities will aspire to any system of autonomy or Home Rule. There are nationalist movements of this type both in Scotland and Wales; but they would seem, as yet, to halt at the stage of a vague and academic ideal. The general feeling in both Scotland and Wales is that Scotsmen and Welshmen can give more and get more by being included in the wider scope of the United Kingdom than if they pursued the path, which might segregate them in isolation, of autonomy and Home Rule.

Meanwhile our unity in diversity—or more exactly, our mixture of unity and diversity—is a factor that is bound to puzzle, and even to baffle, the inquirer and the statistician. The puzzle exists in the area not only of political; but also of social institutions. Sometimes our social formations or groups cover the whole of the British nation: sometimes they belong only to one of its nationalities; and sometimes there are mixed and borderland cases. Trade Unions generally count their membership for the whole of the nation and all the United Kingdom. Churches may sometimes belong to the whole, and sometimes only to a part; but they may sometimes seem to belong both to the whole, and only to a part, simultaneously. The Anglican Church, for instance, is in some sense one for all Britain; but it also exists separately, in four different ways, in four different parts—as the established 'Church of England' in England, as the disestablished 'Church in Wales' among Welshmen, as the 'Episcopal Church in Scotland' among the Scots, and as the disestablished 'Church of Ireland' (Ireland at large, and not Northern Ireland only) among Irishmen. Great Britain is indeed a puzzling country!

The riches remain. At the last census, of 1931, the population of the United Kingdom was over 46 millions. Over 37 millions were living in England; there were 2½ millions in Wales; Scotland had nearly 5 millions; Northern Ireland had one million and a quarter. England and Englishmen are the great mass: the one English county of Lancashire has a larger



## II. BRITISH HISTORY IN STONE

1. CARNARVON  
CASTLE, WALES  
*(Paul Popper)*

2. EDINBURGH  
CASTLE,  
SCOTLAND  
*(Valentine, Dundee)*

3. WHITEHALL,  
LONDON  
*(Valentine, Dundee)*



population than Scotland; and eight of the English counties have each a larger population than Northern Ireland. We do not count by the mass, but rather by the mind: and the minds of the Scotch, the Welsh, and the Irish count on the same basis as the mind of the English. Besides, it is far from easy to discover the mind of the English, or to know what an Englishman is. One can describe the *perfervidum ingenium* of Scotland, or the fire of Wales, or the stern sanity of Ulster; one is baffled by the riddle of England. An Englishman may be a quintessence of pure poetry, like the Englishmen Shelley and Blake: he may be a marvel of rational ingenuity, like the Englishmen Thomas Hobbes and Jeremy Bentham; and he may equally, and far more often, be as dull as ditch-water. He is more easily caricatured than characterized. The world has recognized the fact. The Englishman has recognized it himself, and invented *Punch*. But there is *The Times* as well as *Punch*; and there is an Englishman of reality as well as the Englishman of caricature. But who shall define him?

### *The Regions and Divisions of England*

There are regions in Wales and Scotland as well as in England. But it is perhaps pardonable to consider the matter of regions with reference only to England, partly on the ground of its physical size, but mainly on that of its dense population. We are not here concerned with regions in the technical and administrative sense, such as the regions established by government for purposes of civil defence at the beginning of the present war.<sup>1</sup> Our concern is with the natural regions—the regions of life and its movement rather than of administration and its cadres—into which England and its people fall.

A natural division of England, as of many other countries (the United States, for example, or, again, France), is the division of North and South. The dividing line may be said to be the river Trent, which is sometimes used to separate the two parts of England that play one another at the national game of cricket; or, more exactly, it may be said to be a line drawn from the Severn at Shrewsbury to the Wash at King's Lynn. To the North is the country of textiles, coal, iron, and ship-building—the old 'heavy industries' which before the war were depressed and suffering from unemployment. To

<sup>1</sup> The areas of the regional commissioners established in England for purposes of civil defence are ten in number—three in the North, three in the Midlands, and four in the South. They are curiously reminiscent of the districts established by Oliver Cromwell in 1655, when, as a contemporary expressed it, he divided England into some ten 'cantons', and set over each a 'Bashaw', entitled a Major-General.

the South, and also in the intervening and indeterminate belt of the Midlands, is the country of the new and more prosperous "light industries"—for instance, motor-cars and artificial silk—and also the country of country-houses, of the great schools, and of the old Universities. We may count a population of some seventeen millions in the dozen counties of the North: the remaining twenty millions cover the remaining counties (some thirty in number) of the Midlands and the South. There is said to be now a drift both of industry and population from the North towards the South; and one of the problems of England is the maintenance, or rather the re-invigoration, of the old stalwart life of the North. The difference of North and South is an old difference, accentuated by the Industrial Revolution of the eighteenth century and its sequels; it is a difference not only of economics and the economic habit of life, but also of dialect, pronunciation, social habits, and character. Popular sayings have celebrated the difference: the Manchester man believes that 'what Lancashire is thinking to-day, England will think to-morrow\*', and the Londoner occasionally retorts that \*Lancashire is thinking to-day what the rest of England was thinking the day before yesterday'. We may perhaps leave the matter to Tennyson (remembering that he himself came from the North), and say with him:

That bright and fierce and fickle is the South,  
And dark and true and tender is the North.

But in doing so we must, in justice, append a postscript, or add an after-thought. There is a distinction of East and West as well as of North and South. It is a subtler and finer distinction, but it exists. Perhaps there is more of poetry in the West (some of our literary critics have detected a Western strain in our poetic tradition); perhaps there is more of a theological and scientific tradition in the East. This may seem pure fancy. But it is a fancy which haunts the mind of the writer of this book, who was born and spent the first twenty years of his life in the West, and is now spending his latter days among the flat pensive spaces and the open skies of East Anglia. He cannot but reflect that he is now in the country of Oliver Cromwell and Sir Isaac Newton, both of them men

Voyaging through strange seas of Thought, alone,  
and both of them men who saw marching at night, in the starry sky,

The army of unalterable law.

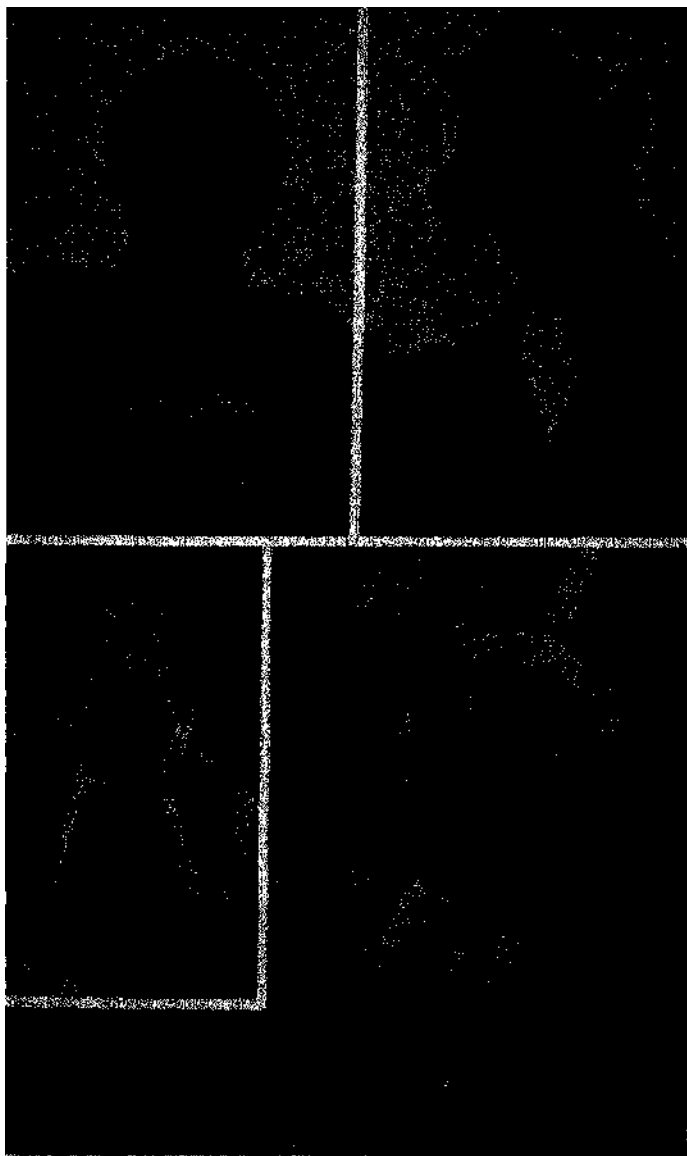
It was Eastern England, and the parts round Cambridge, that sent men, three centuries ago, to the eastern shores of America,

to found a New England across the seas. In Boston and in Massachusetts the tradition of Eastern England still lives; and the Cambridge on the banks of the River Charles, where Harvard stands, still calls to the Cambridge on the Cam.

Another division in England is the division between town and country. We have already had reason to notice that there are many 'wens' in England. We may say that nearly 80 per cent, of its population is urban, and only some 20 per cent, rural; we may also add that nearly one-third of the urban population lives in towns of a population of a quarter of a million and upwards. This is in contrast with the United States, where the urban and the rural populations are almost equally balanced: it is also, and still more, in contrast with France, where the rural population exceeds the urban. Two problems confront the England of the future in this respect. The less, but also the more difficult problem, is that of decomposing great and unmanageable urban aggregates, which divorce men from contact with mother earth, into manageable units which give that contact. The greater problem, perhaps less difficult, but difficult enough, is that of securing a better balance between urban life dependent on industry and rural life based on agriculture. In our climate, and under our moist skies, the cultivation of corn and the maintenance of arable agriculture (at any rate for wheat crops, if not for oats, barley, and rye) is not the easiest of matters. We run more naturally and easily to green fields and pastures; and a wit might say that the cultivation of grain 'goes against the grain'. But it has long been practised, and it is now being encouraged by the policy of the State, which is seeking to redress the balance, to create a more varied economy, and to produce that equilibrium between the soil and the machine which is necessary to a just and modest ideal of national autarky. It is significant that, before the war, the State was expending some £40,000,000 a year in financial assistance to agriculture. It may be contended that this is to prefer and favour one branch of the national economy at the expense of others. It may be answered to that contention that the old policy of the State involved an automatic preference of other branches at the expense of agriculture.

### *The System of Classes*

When we are discussing the nature of any society, one of the most important things which falls to be considered is the nature of its system of classes. Historically there has been a tendency in England (and still more in Scotland and Wales)



### III. TYPES OF BRITISH WORKERS

1. FISHERMAN (*Keystone*)

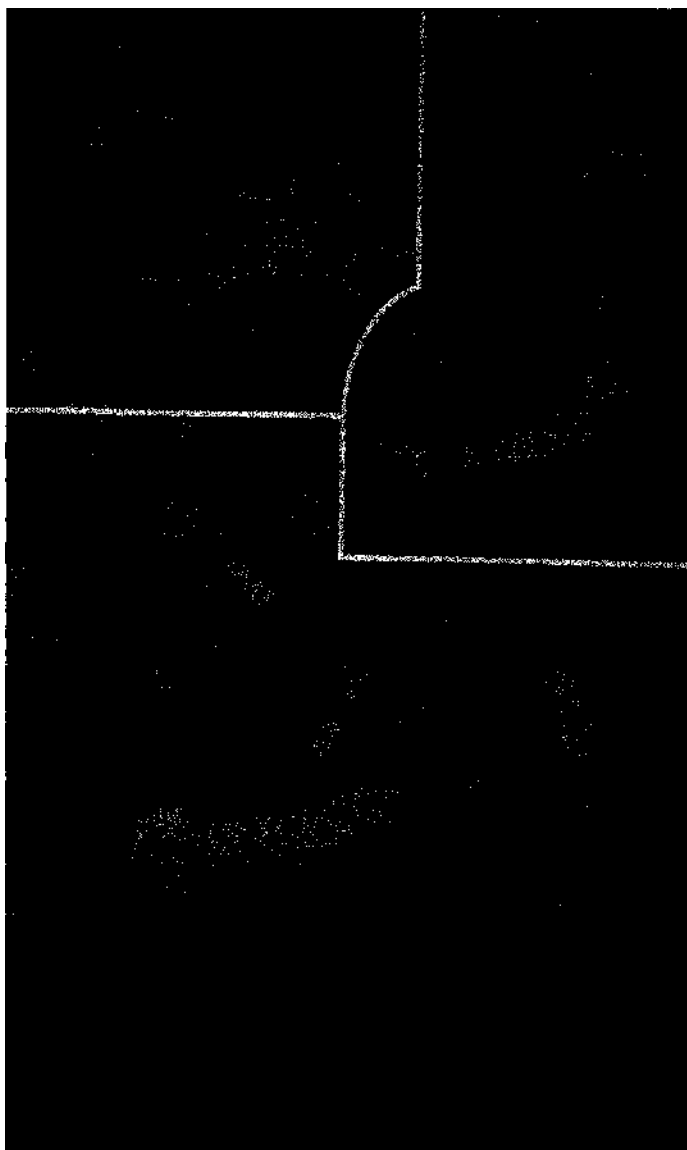
2. FARM WORKER (*Crown Copyright reserved*)

3. OFFICE WORKER (*Fox Photos.*)

4. RIVETER (*Central Press*)

towards social homogeneity. There has never been a strict line of division, as there was, for centuries, on the Continent, between the nobleman and the commoner. For six hundred years, and more, the younger sons of the English nobility have sunk into the class of commoners; and the commoner who has been successful in the great profession of law, or in business, and has then bought land and 'founded a family', has been able to achieve nobility by acquiring an hereditary seat in the House of Lords. This historical tendency towards social homogeneity was affected, and affected for a time adversely, by the Industrial Revolution, which began about 1760, at much the same date as that at which the seeds of the American Revolution also began to germinate. (It is curious to reflect that England and America were plunged into revolution simultaneously, if very differently. This had its long and lasting effects. America remembered the old England from which she had parted. But the England which now moved by her side was a new and different England.) In itself, the Industrial Revolution created a new division between industrial capitalism and an industrial proletariat. Initially, it was something of a setback to the older tradition of social homogeneity. But the old tradition has never been lost: and after the initial stages of the Industrial Revolution it was once again at work, modifying and tending to soften the asperities of the new division. It would be hard to detect a class-war in the present system of our English life. It is certainly not there in time of war. Most of us failed to detect it even in time of peace.

It is true that we may speak, and indeed are bound to speak, of a separate class of manual workers, who are linked together in a working-class movement, with the Trade Unions as its core, and who have organized their own political party, called the Labour party, which at the last normal election—that of 1929—polled over 8 million votes out of a total of 22 millions. But there are a number of other things which are also true. There is no non-working-class movement—still less any anti-working-class movement—which confronts the working-class movement as a single and organized opposition. Things run in and out; colours slide into one another; there is no simple contrast of black and white, but a good deal of indeterminate grey. The Labour party includes workers with brain as well as workers with hand; indeed it includes the peerage, as well as the professions, along with the proletariat. On the other hand it is far from including the whole body of the working classes: there are millions of working men who belong to political parties other than the Labour party; there are also millions who, irrespective of their political allegiance, are



#### IV. WOMEN WAR-WORKERS

I and 2. IN MUNITION FACTORIES

3. ON THE LAND

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owners of some small capital, with investments in Savings Banks or Building Societies, or with shares in industrial concerns. This in-and-out character of British life shows itself in many ways, and at almost every turn. Education, for example, especially in England, may often seem to the foreign observer to be a divided world of the sheep and the goats—the sheep of the so-called 'public' schools (which are really private) and the old residential Universities, and the goats of the State schools and the new Universities of the great cities. It is true that there is still much educational inequality; and it may even be said, with some justice, that the last enemy of equality to be destroyed among us is education. But even here things are changing, and changing at a smart pace. There is now a ladder of ascent, on the rungs of scholarships or bursaries, which carries the sons of manual workers through State secondary schools to the Universities, old and new; and it has been calculated that about 50 per cent, of the students at the old Universities of Oxford and Cambridge are students in receipt of aid. There is more social solidarity in our general life than social division; and most men meet readily, with a mutual respect and a common instinct for giving and taking, on the common ground of a common citizenship. This tradition of mutual respect and mutual co-operation is not least evident in our parliament, where the representatives of Labour are readily drawn or readily move (it works both ways) into easy relations of friendship with the representatives of other parties. Indeed, it is one of the indictments brought by extremists against parliament, and against most of our institutions, that they enable 'the other side' to corrupt the fresh ardour and the original integrity of the radical, entangling him in friendships and imbuing him with *esprit de corps*.

All in all, it is difficult to detect any spirit of class-war, or any system of two divided nations. If there is a working-class movement, it does not include all the members of the working classes, and it is not opposed by any counter-movement based on another class or combination of classes. If there is inequality in the distribution of wealth and resources, there is also a sort of 'grousing' patience with the existing system of distribution, and a general disposition in favour of altering it gradually and by agreement. Yet the distribution of wealth *is* uneven and unequal. It was calculated, some years ago, that less than 50,000 persons owned nearly 40 per cent, of the property of the country; and it was argued that this distribution was more uneven than that of any other country for which any trustworthy estimate could be framed. We may admit that in **the** last fifty years beginning with the Budget of the Liberal party

in 1894, a good deal has been done to correct the old inequality. The State has imposed heavy taxation on the owners of property: it has also provided, or rather helped to provide, what are called 'social services' (free education, old age pensions, and the like) for the benefit of the poorer members of the community. But inequality still remains; and the paradox still remains that a country with a remarkable measure of social homogeneity is a country which has also a remarkable measure of economic inequality. This is not to say that the standard of life of the poor is exceptionally low. That is not the case. It is rather to say that the standard of life of the well-to-do is exceptionally high. It is not the poor only who suffer from this fact. It is the community at large. The community at large is the poorer when the storing of private treasure encroaches on the storing of the common treasure—the common equipment of life—which the community needs for its own common well-being.

### *The System of Churches*

It would be impossible to comprehend the religious life of Great Britain in any common description. Here, if anywhere, the multi-national character of the British nation is evident. Scotland has its own national Presbyterian Church of Scotland, which follows the faith of Calvin, and meets annually and solemnly in its General Assembly—the real parliament of Scotland, in which Scotland 'finds itself and expresses its national life and genius. The Church of Scotland is a Church recognized by the State, but recognized as absolutely free; and if the Lord High Commissioner appointed by the Crown attends the meeting of its General Assembly, he attends it in homage rather than in power. Wales has no national Church of a similar standing (the annual assembly in which Wales finds itself is the national 'bardic', or cultural, festival of the Eisteddfod rather than a religious assembly); but the Calvinistic Methodist, or Presbyterian, Church of Wales is a church of Welsh origin, now over two centuries old, which includes a large proportion of the population of Wales, and deeply affects its life. The Anglican Church, once established in Wales as well as in England, was disestablished in Wales over twenty years ago, and it now exists in Wales as a voluntary Church on the same basis as other Churches.

In England itself (but in England alone of all the divisions of Great Britain) the Anglican Church is still established as the State Church, a position which it has held for the last four centuries. As an established Church it has special privileges

(for example, its bishops sit *ex officio* in the House of Lords); but these are balanced by special restrictions, which deprive it of the appointment of its own bishops, of a final jurisdiction in its own ecclesiastical cases, and of the ultimate control of its own liturgy and ritual. The established Church of England has a large hold on the affections of Englishmen; but it is the church of a half, or less than a half, of the English nation. By its side there stand (apart from the Roman Catholics, who number from 6 to 7 per cent, of the population) the general body of the Free Churches and the general cause of Nonconformity. Historically English Nonconformity falls into two main divisions or strata—that of the Congregationalists and the Baptists, which goes back to the age of Cromwell and even to the age of Elizabeth, and that of the Methodists or Wesleyans, which dates back to the middle of the eighteenth century. In numbers the general body of Nonconformity is not far short of the general body of Anglicanism.<sup>1</sup> But apart from any question of their relative numerical strength it may be said that the general relations, the general balance, and the general interaction of Anglicanism and Nonconformity have been a cardinal factor in English life and development for over three centuries.

Down to the beginning of the nineteenth century (and until the repeal of the Test and Corporation Acts in 1828) the Anglicans were favoured by law at the expense of the Nonconformists. Only they were full citizens, with full civic rights: the Nonconformists were, in some sense, half citizens, excluded from State and municipal offices and even from higher education. Their disabilities led the Nonconformists to challenge not only the State Church, but also the State which stood behind it, and to form a constant opposition which fought for civil and religious liberty and for the general rights of individuals to freedom of thought and action. This is one of the deepest causes of the English idea of the limited State and the English aversion from any form of totalitarianism. There was also another result of the struggle between the State Church and the Free Churches. This was the division of England into two religious bodies rather than two social groups—a division, in other words, of confessions rather than classes. We may say, without any paradox, that the division of confessions was an anti-toxin against the division of classes; and it has been remarked by historians that the passion which might otherwise have gone into revolutionary politics found

<sup>1</sup> It is difficult to give any exact figures because the basis of reckoning, and the areas employed for the purpose of reckoning, both differ in the calculations of different religious bodies. But see below, p. 88.

its outlet and channel, at the end of the eighteenth century, in an ardent Methodism. It is true that there was some difference of social complexion between Anglicanism and Nonconformity, and that, to that extent, the religious division entailed a corresponding social division. Anglicanism was strong in the gentry and the upper classes: Nonconformity was strongest in the world of business and labour. But it is also true that there was wealth—industrial and commercial wealth—on the Nonconformist side, which to some extent balanced the mass of landed property on the other side; indeed it has even been contended that the temper and habit of the Nonconformist had much to do with the rise of capitalism. Whatever may be said of that contention, we are bound to confess that oppressed Nonconformity was in no sense an oppressed proletariat, and that if there was a religious gulf, wealth was distributed not unequally on both sides of the gulf.

This was a fact which affected the action and the tone of English political parties. Those parties were largely based on religious differences. The Tory party (the name by which one side went for a period of a century and a half, from 1680 to 1830) was a party largely based on Anglicanism, as the Whig party (the name by which the other side went for the same period) was a party largely based on Nonconformity; and religious division thus coincided with political difference. But—just for this reason—political difference did *not* coincide with social division. The Whigs drew into their ranks the general range of Nonconformity, in all its social gradations; and the Tories equally drew into their ranks the general range of Anglicanism. This connexion of political difference with religious division thus helped to save England from a system of political parties based on class. It had also another, a more positive, and a nobler effect. The connexion of political parties with religious divisions and religious issues helped to raise the tone of English politics. It kept religious questions in the forefront. It made political life turn largely on religious problems—the problem of toleration in one age; the problem, in another age, of education and the part which religions should play in the schools and the training of the nation. It may even be said that religion, and the prominence of religious issues in England, was the parent of English democracy. It provided an issue for national discussion: it provided parties to conduct the discussion; and the fact that the parties, divided as they were, were yet united by a common Protestant faith, provided also that basis of national unity behind party difference which is essential to the success of democracy. We shall never understand the development of English life

and politics unless we use the key of religion to unlock its secrets.<sup>1</sup>

*The General Relation of Society and the State*

What has just been said of religion may lead us naturally, in conclusion of this chapter, to a more general theme. What, in the course of British history has been the general relation, not only of religious society, but also of society in general, to the State and its political system? In order to answer that question, we must begin by asking another. What is the difference, and what is the connexion, between society and the State?

We may draw a distinction between the organization of the English State, with its system and rules of law and its system of responsible government based on representative institutions, and the organization of English society, with the general system of voluntary associations in which and through which it acts. The State is the members of the nation regarded as living a regulated life, in a single legal association, under rules of law declared and enforced by a government which represents the whole of the association. Society is the members of the nation—the same members—regarded as living a voluntary life in a number of freely formed groups or associations, each acting on the principle and by the method of voluntary co-operation. These groups or associations are as various as they are numerous: some of them are religious bodies, such as the Free Churches: some are educational bodies, such as the British Association for the Advancement of Science or the Workers' Educational Association: some are economic bodies, such as Trade Unions: some are even political bodies, such as political parties, which with us are freely formed associations, of the nature of what we call clubs, not regulated by the State, even though they affect the State, but acting freely as voluntary groups in the social area. Society is the sum total of these groups or associations: and the same body of persons—the same members of the same nation—thus form, at one and the same time, both a society and a State. They are a society when they act voluntarily, through many voluntary associations: they are a State when they act under legal rules, in and through a single legal association.

The question which now arises is simple. How much, and what proportion, do we leave in England to society, and how much, and what proportion, do we leave to the State? The answer is also simple. For centuries, owing to a mixture of geographical and historical causes, we have left the major

<sup>1</sup> See below, Chapter V, pp. 94-7.

proportion to society. Geography, which has made us an island, has freed us from the pressing urgency and constriction of land frontiers, and freed us therefore from the necessity of clinging to the government of the State for the defence of our farms and homes. History has given us free churches, seeking to be independent of the State in their religious life: it has given us, in the countryside, a local gentry accustomed to manage local government and to regard it as a sort of social concern largely independent of the central government: it has given us, in our towns, a growing commercial and industrial class, with employers seeking to manage industry and commerce for themselves, and with the workers also organizing themselves in their own voluntary way to secure their own interests by their own action. For all these reasons John Stuart Mill could say, in his *Autobiography*, some seventy years ago, that in England 'nine-tenths of the internal business which elsewhere devolves on the government is transacted by agencies independent of it'. For all these reasons, again, the British Empire has been mainly an activity and an expansion not of the State, but of society. It was religious congregations and economic companies, and not the English State, which established the English in Massachusetts and Virginia over three centuries ago.

We have thus tended to keep as much as possible in the area of society: we have had our voluntary or free churches as a great part of our national life: we have had our voluntary schools (indeed it was not till as late as 1870 that the State began to provide State schools): we have cherished our voluntary hospitals: we have cherished our free Trade Unions: we have cherished a general system of free associations which we have largely identified with the general cause of freedom. On the other hand, in the seventy years since Mill wrote, there has been a great growth of the action of the State—a growth still accompanied by a parallel growth of voluntary social action, but involving, none the less, a more equal division between the action of the State and that of society. There are two main reasons for the growth of this action of the State. In the first place, the State is now a far more democratic State, based on a far wider suffrage, and it can do far more, with much less opposition, than the old and more aristocratic State could do. In the second place, the problems of modern life, especially the economic and the educational, are so great and so many that the State is more and more forced to undertake their solution. We have now State schools as well as voluntary schools: we have State services for the benefit of workers (pensions, sickness insurance, unemployment insurance, and

the like), in addition to the voluntary services rendered by Trade Unions: we have even State regulation of trade, or Protection, in place of the old system of Free Trade which went along with our general conception and practice of social freedom.

But all this growth of State action in no way involves the suppression, or even the curtailing, of the old free voluntary activity of social groups. The two forms of action co-operate, and co-operate amicably, in a new and more balanced system of dyarchy or *condominium*. The State has caught up with society; but it still goes hand-in-hand with society. What Sidney Webb, now Lord Passfield, wrote in 1910 is still true: 'Voluntary association and government action . . . go on side by side, the one apparently always inspiring, facilitating, and procuring successive developments of the other.'

## CHAPTER II

### THE GENIUS OF BRITISH PARLIAMENTARIANISM

#### *The General Scheme of British Political Institutions*

**V**IRGIL, in a famous passage of the *Aeneid*, assigns to Rome and the Roman people the practical arts of law and government, leaving to Greece and the Greek genius the artistic and scientific gifts of sculpture, oratory, and astronomy. In actual life every people cultivates alike both the practical arts and each artistic or scientific gift, and seeks to celebrate its triumphs in all spheres. The British people has not been untouched by poetry, or by the spirit of scientific inquiry and scientific invention; but it may be confessed that in the estimation of the world, if not in its own aspiration, it has largely turned to the practical arts of economics and politics. Whatever it may have done in the art of economics, it has perhaps served civilization best in the art of politics. Here it has produced two things—a system of law, the English common law, which is common to all English-speaking peoples, and divides the world with systems derived from Roman law; and a system of government, responsible government based on representative institutions, which has been one of the sources and supports of modern democracy everywhere.

We are thus brought to the two characteristics of the State as it exists in Great Britain. They are (if we may invert the order just used) the Sovereignty of Parliament and the Rule of Law.

The sovereignty of parliament means that the two Houses of Parliament, and more especially the elected House called the House of Commons, always have the last word, and always pronounce, in the last resort, on all issues of internal policy (including therein issues of constitutional as well as of ordinary law) and on all issues of external policy. Parliament, and therein particularly the House of Commons, is the mainspring and the nerve-centre of the British State.

The rule of law means that every British subject has his rights protected by the ordinary courts of law, both against other citizens and against officials, and that he can only be fined, or imprisoned, or in any way *coerced*, after public hearing in those courts and after due sentence given by them in accordance with the certain and known body of law by which they act. One body of law, and one set of courts, covers all the land and all cases arising in the land.<sup>1</sup>

The sovereignty of parliament, based upon the opinion of the general body of citizens, and representing that opinion, is the guarantee of *political* liberty. The rule of law, protecting all citizens indifferently, is the guarantee of *civil* liberty. The two essential things in the British State are thus the Houses of Parliament at Westminster and the Law Courts in the Strand. These two things are not only parallel: they are also interconnected, and mutually interdependent. On the one hand the judges uphold and sustain the sovereignty of parliament, which is the only maker of law that they recognize (except in so far as law is made, in the form of 'case-law', by their own decisions): on the other hand parliament upholds and sustains the rule of law and the authority of the judges, who are the only interpreters of the law made by parliament and the rest of the law of the land.<sup>2</sup>

<sup>1</sup> There are, it is true, some exceptions to this broad statement. The clergy of the Church of England are subject to canons or rules of law which do not bind the laity; and these canons or rules are enforced in special ecclesiastical Courts. Soldiers, under an Army Act annually re-enacted, are subject to military law in their duty, in order that discipline may be observed; and this military law is enforced in courts martial. But clergymen of the Church of England and soldiers are also under the common law and the ordinary courts; and the final court of appeal in ecclesiastical cases is one of the courts of the land—the Judicial Committee of the Privy Council.

<sup>2</sup> It should be noted, however, that by recent developments the Executive has acquired, by delegation from parliament made in particular statutes, not only (1) a power of supplementary or delegated legislation, in the form of rules or orders issued by executive departments in explanation and extension of statutes, but also (2) a power of administrative jurisdiction, in the way of interpreting statutes, and more especially the statutes bearing on social reform and social policy.

We are here concerned with the sovereignty of parliament. (The rule of law belongs to a separate inquiry and a later chapter.) There are three riders or corollaries to be added to what has just been said in regard to the nature of parliamentary sovereignty. They colour or qualify, without essentially diminishing, the nature of that sovereignty, and they give it its essential British quality.

In the first place, the sovereignty of parliament is conjoined with the power, the leadership, and the responsibility of the cabinet—the executive body which sits in parliament, at once as its leader and guide and as its responsible servant. Herein the British system of parliamentary democracy differs from the continental system which was illustrated and exemplified by the Third Republic in France. In France the two Chambers were supreme over the cabinet: they always sat for their full term of four years, exempt, in practice, from any fear of dissolution: they could evict and install a series of short-lived cabinets, so that France had 90 cabinets in a period of seventy years, during which Great Britain had only 18: they had a system of standing committees, rivalling the cabinet in power and tending to act as so many anti-cabinets: they had the power of the purse and the control of expenditure, and individual members of the Chambers could move for appropriations. The British system was, and is, different on all these points; and it is important to realize the difference of the two systems. In Great Britain the cabinet can advise the Crown to dissolve parliament before the end of its constitutional term of five years: the cabinet commands a length of tenure which enables it to pursue a sustained policy: it is not confronted or checked by great standing committees of parliament, though it *is* confronted and checked, as we shall see later, by an organized and standing Opposition; and the members of the cabinet have the exclusive right, under a rule which is as old as the reign of Queen Anne (1713), of moving for appropriations. The British cabinet is thus a body possessed of power and authority. But the power and authority of the cabinet does not essentially diminish, even if it colours and qualifies, the sovereignty of parliament. The cabinet is a leader of parliament which is trusted by parliament and acts as the instrument of its sovereignty. It is not a case of one hand being uplifted against another—the hand of the cabinet against the hand of parliament: it is a case of hand in hand. Homer has a wise saying, already quoted in the preface: 'Two men going together, one sees in advance of the other.' That saying may be used to denote the relation of the British parliament and the British cabinet.

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In the second place, the sovereignty of the central parliament is conjoined with a system and process of local self-government by local elected bodies in British counties and towns. We have not only our central parliament: we have also what may be called our local parliaments, in the shape of our county and borough (or city) councils; and these local parliaments levy their own local taxes (called rates), appoint and control their own local officials, and determine their local policy in the large sphere of local affairs which parliament leaves them free to control. Liberty with us thus draws in its train some measure of equality between the system of central government, controlled by the central parliament, and the system of local self-government by local elected authorities. It is true that the central parliament subsidizes the local authorities by 'grants-in-aid' which supplement the proceeds of the local rates: it is also, and consequentially, true that central officials, acting as agents of the central government, are thus able to inspect, to criticize, and even in a measure to control, the action of the local authorities, in order to ensure the spending of the 'grants-in-aid' as the central parliament would wish them to be spent. But this means, in practice, interconnexion between central and local government, rather than the subordination of the one to the other. There are no permanent central officials established in our counties and boroughs, like the *préfets* of the departments in France. At the most, central officials come from London to discuss expenditure, and the questions of policy which it raises, with local authorities and their officials; or vice versa the local authorities send members and officials to London to discuss expenditure and policy with the central ministers and central officials. Interconnexion and consultation are the methods, rather than subordination and control.

Finally, it remains to say, or rather to repeat, that the sovereignty of the central parliament, and the local authority of local bodies, are operative only in the area of the State, and that they leave to society a large area of operation through the agency of voluntary associations. Just as we recognize that there is local self-government as well as the central sovereignty of parliament in the area of the State, so we recognize that there is an area of society as well as the area of the State; and we accordingly leave a good deal to be done by society, over and above, or side by side with, what is done by the State, both central and local. Our Universities, for example, are self-governing institutions. Our free Trade Unions play a great and recognized part in our national life. We have, it is true, a democratic State which we trust. But the State is not all; and

even the best of democratic governments would not, in our view, be enough for the cause of freedom.

*Parliament and its Relation to the Cabinet*

Parliament, in the past, conducted a struggle with the Crown to determine the residence of sovereignty and to vindicate sovereignty for itself. The issue of that struggle was practically determined in the seventeenth century, and consolidated in the eighteenth. Three landmarks illustrate and illuminate the result. The first is the Restoration of 1660, when Charles II was restored to the throne *by* parliament, and *on condition* of his co-operation with parliament. (Indeed it has been said, and said with justice, that it was parliament rather than the monarchy which was restored in 1660.) The second landmark is the Revolution of 1688, when James II, failing to co-operate with parliament, was 'abdicated' (the passive verb expresses best the sense of what happened), and parliament determined, by the Bill of Rights of 1689, not only who should reign next, but also on what express conditions he should reign. The last landmark is 1783, when, with the accession of the younger Pitt to office, the cabinet system may be regarded as finally fixed, and the King ceases to choose and dismiss his ministers, who are henceforth, in reality if not in form, chosen and dismissed by parliament.

The parliament which had triumphed in the struggle with the monarchy was predominantly an aristocratic parliament, in which, however great the power of the House of Commons might seem to be, the actual substance of power was largely lodged in an hereditary House of Lords controlling, in no small measure, the composition of the other House by virtue of its patronage and its territorial influence. The reform of the House of Commons, which began with the Reform Bill of 1832, and was continued by later measures of reform in the nineteenth century, not only altered that House, and made it democratic in character: it also affected the relations between the House of Commons and the House of Lords. The struggle between the two Houses, which followed the struggle they had waged together against the monarchy, was long delayed; but it came to a head in the beginning of the twentieth century. The struggle was brief and decisive; and the inevitable victory of the House of Commons was sealed by the Parliament Act of 1911. Under that Act the House of Commons attained a recognition of three principles, and thereby of its own final and conclusive sovereignty. The first principle was that it alone had control of all money bills; the second, and conse-

quential, principle was that it alone had control over the cabinet; the third was that it could pass by itself alone, and without the concurrence of the other House, any legislative measures which were affirmed by its vote in three successive sessions.

The powers and functions of the House of Lords were thus fixed, and fixed within narrow limits, by the Parliament Act of 1911: indeed they were fixed on a basis which closely approaches the nature of a unicameral system. What was left unfixed and unsettled (though there was some reference in the preamble of the Act to the reconstitution of the Second Chamber on a popular basis) was the future composition of the House of Lords. It still remains what it has been for centuries—an hereditary chamber of peers who sit in their places because their forefathers sat there before them. There may be hereditary genius; but this is hereditary genius on a large and sweeping scale. At the present time, and in the present year 1942, there are 781 members. Apart from the 16 Scottish and the 13 (remaining) Irish representative peers, who have been elected by the other peers of their country (the former for each parliament, and the latter for life), and apart from the 26 Archbishops and Bishops, sitting for the tenure of their office, and the 7 Law Lords who sit for life, there are thus some 720 hereditary members of the House. It is an additional difficulty that the large and predominant majority of these hereditary members belong to one political party, the Conservative, which thus appears to be permanently entrenched in the Second Chamber. The solution of the whole problem presents such difficulties that it has hitherto been left, and is likely to continue, in abeyance. It was suggested, some twenty years ago, that the number of the members of the present House should be reduced by more than half, to some 350 members; that half of these should be elected, for a tenure of about twelve years, by the present hereditary peers from their own ranks, subject to the possession of some qualification of public service; and that the remaining half should be appointed for a life tenure from the community at large, either on election by the House of Commons, or on the nomination of the Crown, which would be, in effect, that of the Prime Minister and his Cabinet. The suggestion may yet bear fruit; but it is at least as likely that the present Second Chamber will remain *in statu quo*, either sinking into a gradual atrophy or (as is perhaps more likely) continuing to maintain its dignity and to do good public service by consenting to observe two necessary conditions—first, that only the really qualified members should attend its sittings and vote (as is generally the case),

and secondly that these members should use the powers remaining to the House with moderation and discretion.<sup>1</sup>

It remains to give some account of the House of Commons and its relations to the other main factors (especially the factor of cabinet) in the British system of parliamentary democracy. In composition the House of Commons is a body of 615 members, of whom 492 sit for English constituencies, 74 for Scottish, 36 for Welsh, and 13 for constituencies in Northern Ireland. The 615 members are generally elected on the basis of single-member constituencies, though there are 10 borough constituencies and 3 University constituencies each returning two members, and one University constituency which returns three. Apart from the University constituencies, in which there is a form of proportional representation, the voting is by the ordinary method of the single non-transferable vote. This method created no difficulties in the old days of a two-party system; but it has produced inequalities of representation under the conditions of the system of three parties (Conservative, Liberal, and Labour) which has prevailed since 1900. The party which is numerically weakest suffers disproportionately from the effects of three-cornered contests in single-member constituencies. In the election of 1929, for example, nearly five and a half million voters who voted for Liberal candidates returned only 59 Liberal members; a little over eight and a half millions who voted for the Conservative cause, returned 260; a little less than eight and a half millions, who voted for the Labour party, returned as many as 288. The natural result has been a demand by the Liberal party for a system of proportional representation, with its corollary of many-member constituencies. But the other two parties, which form the great majority are content with the existing methods; and the single-member constituency, which produces a steady contact between the member and his constituency, has advantages which possibly balance the anomalies and disproportions apparent in electoral results.

<sup>1</sup> During recent years, and not least in the course of the present war, the prestige of the House of Lords would appear to have grown with a quiet and steady growth. Members of the House of Commons with parliamentary and administrative experience have been promoted to the Upper House: they have made valuable contributions to its debates; and it is noteworthy that the Press now sends reporters to the Upper House, and records its proceedings, on a new and larger scale. It may also be noted that under the Ministers of the Crown Act, of 1937, a certain number of Ministers (not less than 3 out of 17 specified in the Act) must be members of the House of Lords; and at the present moment (in addition to the Lord Chancellor) the Secretary for the Colonies and the Ministers of Food, Economic Warfare, War Transport, and Works and Buildings, are all members of that House.

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More important than the question of the mathematical relation of the House of Commons to the electoral vote is that of the general relation of the House to the general system, and to the other main factors, of British parliamentary democracy. British parliamentary democracy may be defined as a *method of government by discussion* (or 'parley'—a word synonymous with discussion, and the etymological origin of the word 'parliament') which acts through four main factors or organs. The first of these is *party*—or rather parties; not a single party, but at any rate two, and possibly even more. Parties contribute to government by discussion by formulating the issues of discussion in programmes, and by putting candidates pledged to their programmes before the electorate for its vote. The second factor or organ is the *electorate*. The electorate contributes to government by discussion by choosing, in and during the discussion of a general election, among the candidates of the different parties, and by giving a majority, absolute or relative, to the candidates of one of the parties. The third factor or organ is *parliament* itself, and particularly and predominantly the House of Commons. The House of Commons contributes to government by discussion in two ways: first, by conducting discussion itself between the representatives of the different parties which it contains, and secondly by throwing up a cabinet, consisting of the leaders of the largest party, to guide and direct its discussion. The fourth and last organ is this *cabinet*. The cabinet contributes to government by discussion not only by guiding discussion in parliament, but also by itself discussing, in its own meetings and in order that it may be able to guide parliament more effectively, the lines of policy and legislation which it will follow and induce parliament also to follow. We may thus say that the cabinet contributes to government by discussion by carrying discussion to the final and highest stage, which is the stage of decision—decision which is always subject to the confirmation of parliament—in regard to legislation and to the general conduct of policy both foreign and domestic.

In the light of this description, or summary definition, of the factors of the British system of parliamentary democracy, we may now consider the relations of the House of Commons, as one of the four factors (and indeed the central factor), to the other three. What is the nature of its connexion, on the one hand with the party system and the electorate, by which it may be said to be preceded and even created, and on the other hand with the cabinet, which is preceded and in some sense created by it, but which also guides and directs its predecessor and creator?

We have still to discuss the specific character of British political parties. But there is one thing which may be said at once about the relation of parties generally to parliament. British parties are organizations controlled by their representatives in parliament, and particularly and especially by the leaders of those representatives: they are not organizations controlling from outside their representatives in parliament, and still less are they organizations controlling their parliamentary leaders. In a word, party is not an organization *outside* the House of Commons which controls the representatives *in* the House: the fact is the very reverse, and this fact is cardinal to the understanding of the British system of politics. Attempts were indeed made, some seventy or eighty years ago, both by Mr. Joseph Chamberlain (the father of the late Prime Minister) in the Liberal party, and by Lord Randolph Churchill (the father of the present Prime Minister) in the Conservative, to make party organizations outside the House supreme over the parliamentary representatives in the House; but the attempts both failed, and the dominance of the parliamentary party leaders over both parties was effectively secured. The Labour party, it is true, is still, in the main, a new party: it has still to settle its future; and Labour organizations outside the House are still more powerful over the Labour representatives in the House than is the case with the other parties. But it may be predicted that the Labour party will repeat the history of the other two parties; and meanwhile it may be generally said that the House of Commons is free, and even (through its party leaders) sovereign, in its relations to the party organizations outside its walls.

When we consider the relations of the House of Commons to the electorate, we again note freedom: we again note what may not improperly be called sovereignty. There is no system of mandates or pledges imposed by the electorate: there is nothing in the nature of an electoral right of referendum. Every member is a free member so far as the general electorate and his local constituency are concerned; and he is the more free in respect of his local constituency because, as we have already had reason to notice, he cannot propose any expenditure or appropriation which might be for its benefit, and he is thus immune from the pressure which the possession of such a power would involve. Not only is every member thus a free member in respect of his constituency (except in so far as he is pressed by organizations within it to subscribe to their funds): every member is also a national member, in the sense that he represents not merely his constituency, but the whole of the country at large. This is an old doctrine, proclaimed in

the House as long ago as the reign of Queen Elizabeth, when a Mr. Norton urged, in 1571, that 'the whole body of the realm, and the service of the same, was rather to be respected than any private regard of place': and the doctrine was repeated by Burke in 1774, when on being elected for Bristol he told his constituents, 'You choose a member indeed; but when you have chosen him, he is not member of Bristol, but he is a member *of parliament*.' There is not, and there has not been for centuries, any rule or custom that a member must be resident in his local constituency; and constituencies generally prefer to be represented by national figures. It is true that each member must generally carry the support of his party in his constituency; but his party in his constituency will always support him if he supports his party leader in parliament.

It is when we come to the relation of the House of Commons to the cabinet that we touch the peculiar and essential feature of British parliamentary democracy. The sovereign House of Commons, we have now to observe, obeys, or appears to obey, the cabinet, and accepts the fact of its leadership. This seems like a contradiction of the sovereignty of parliament. We have spoken of that sovereignty; we have noticed, incidentally, that parliament is sovereign even over the constitution, with the result that it can alter and amend the law of the constitution as freely as it alters and amends the ordinary law of the land. We now seem to see the sovereign abdicating; and over the head of the sovereign parliament we seem to see enthroned the super-sovereign cabinet.

Certainly the cabinet is strong with a majestic strength. It arranges the debates and controls the time of the House of Commons. Its members alone can propose any expenditure of public money. It drafts, proposes, and carries all important legislation. It is *not* confronted or curbed by special and functional committees of the House which might limit its power: the Standing Committees of the House for the discussion of general legislation are general committees which discuss any measure assigned to them by the Speaker, and these committees (except for the Scottish committee) are so far from being functional that they are simply designated by the letters of the alphabet—A, B, C, and D. Free from any rivalry of committees of the House, the cabinet is able to control it—and even to dissolve it. More exactly it can advise the King (who always acts on its advice) to dissolve the House; and when that advice is given, the House is dissolved.

The leadership of the cabinet in the House of Commons is thus an essential fact and feature of our parliamentary system. We have reconciled the practice of parliamentary democracy

with the need and the fact of leadership. Some would say that we have sacrificed democracy, or at any rate the House of Commons, on the altar of leadership. There have been complaints that the House of Commons is being elided, or squeezed out of existence (like the man in the prison of the Spanish Inquisition, in one of Edgar Allan Poe's stories, when the walls began to contract together upon him), by the drawing together, in closer and closer contact, of cabinet and the electorate. There have been complaints that the ordinary member of the House is being reduced to a voting automaton. There have even been complaints of the erection of a 'new despotism', under which each member of the cabinet, in his particular department, is coming to enjoy—by permission, be it noted, of the House of Commons itself—a power of direct legislation, exercised through the issuing of 'orders' in supplement of the general provisions of parliamentary Statutes. We can only note, in passing, that if *this* is despotism, it is a despotism made by parliament. But the real question to be faced is whether there is really *any* sort of despotism, and whether the sovereignty of parliament, which is, in effect, that of the House of Commons, has really been elided by a new super-sovereignty of cabinet.

In order to answer that question, we must turn to another feature of British parliamentary democracy, which may be said to be the most essential of all. This is, in a word, the Opposition. What is the position and function of the Opposition—His Majesty's Opposition—in our system? The Leader of the Opposition has his room and his recognition in the House of Commons. Under an Act of the year 1937 he has been officially recognized by Statute, and officially assigned a salary of £2,000 per annum. What is the actual service and duty of the Leader of the Opposition, and of the Opposition generally, in the British system of democracy?

Let us first of all recognize the essential fact that instead of sporadic and temporary oppositions we have a single and permanent opposition—an opposition always there, always challenging the cabinet (in normal days of peace), and always ready to take its place. Recognizing that fact, we begin to see light. The leaders of the victorious party who form the cabinet do not stand alone in the House of Commons. If they did, we might speak of their super-sovereignty: we might even speak of a new despotism. Actually, there stand by their side the leaders of the other side—the other organized side—the opposition side. They are not nugatory: they are very far from nugatory. They oppose: they oppose actively: and—if they are wise—they oppose constructively. Nor do they only



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oppose. They are consulted by the victorious party leaders who form the cabinet on the arrangement of debate and the allocation of time: they may even be consulted, in an emergency or any grave posture of affairs, on serious issues of national policy. In actual practice, when our system is working normally, there is a sort of dyarchy, a sort of *condominium*, between the cabinet and the leaders of the opposition. (This tendency to dyarchy or *condominium*,—or in simpler language, to 'give-and-take', or compromise, or, as our forefathers called it, balance—runs through our public life. We have noticed it already in regard to the relations of State and society: we have noticed it already in regard to the relations of central government and local self-government: we notice it now in regard to the relations of cabinet and the opposition: we may notice it almost everywhere.) Besides a cabinet, therefore, we have always an anti-cabinet. We may accordingly say, 'The British system of parliamentary democracy is a system under which a cabinet *in esse*, an actual cabinet, is confronted, criticized, and checked by a cabinet *in posse*, a potential cabinet, an anti-cabinet, which hopes to be, and is doing what it can to become, an actual cabinet.' This is the British secret—if we have any secret. Just as you may see on this year's tree, in the autumn, the buds of next year's growth already appearing, so you may see the new buds ready on the tree of national life. We make provision for the future: we have the anti-leaders ready, by the side of the actual leaders; *uno avolsolo, non deficit alter*.

All this is true, of course, only in normal times—if ever there are normal times. (The thing that an American President once called 'normalcy' seems, alas, dead.) In times of war we are elastic enough to abandon even our British secret: indeed we may be said to have abandoned it—for the time being—as long ago as 1931, when the world began to crack, and when we accordingly formed a national government composed of members of all parties . . . not but that even this government was confronted, until war came again, by an opposition similarly composed of members of all parties; and even in war (in our praise be it said) opposition still lives. What does it mean—this system of government and opposition—a cabinet *in esse* confronted by a cabinet *in posse*? It means, in a word, the spirit of compromise. That, surely, is in the logic of discussion and of a system of government by discussion, such as our system is. You discuss and discuss; and in what do you end? Why, in compromise, which is the natural fruit of discussion, when two sides have each shown the good that is in their side, and the two sorts of good have to be put together in a compromise. Our British merit, if we may claim

a merit, is the possession of a system of government naturally adjusted to the making of compromise.

This is where the House of Commons comes in, after all, at the end, and resumes the throne of sovereignty, which it has never really left. Cabinet and anti-cabinet have stated their views. They have to be reconciled. What is the reconciler? The good sense of the House of Commons: the common sense of the House of Commons. So long as there is an anti-cabinet as well as a cabinet, an opposition as well as a government, the House of Commons will always come by its own. Without the House of Commons there would never be compromise. Without it we should have the unqualified leadership of one party, or rather of one set of party leaders. Having the House of Commons, we escape that result. We escape the tyranny of a majority, which is a tyranny we may well fear. (Have we not all an impatient ignorance of the vital importance of criticism, which makes us cry, all too readily, 'Let the will of the people—which, of course, is on *our* side—prevail, and away with the critics'?) Through the House of Commons, and in the House of Commons, we get a compromise between majority and minority, between cabinet and opposition—a compromise in which the majority gets most (it *must*), but in which the minority gets something. Attaining a majority-minority compromise, we also get continuity. A minority which has got something will not readily reverse the action of its predecessor in the day when it comes into power. It will honour the past which it did not make, but which it helped to make, and it will thus preserve the continuity of national life. Thus, under our cabinet system, in which there is always present an anti-cabinet, we get, after all, the sovereignty of the House of Commons, and besides the C of Commons, and along with the C of Commons, we get also the two great Cs of compromise and continuity.

We may recapitulate in three propositions the argument which has just been advanced.

1. The House of Commons is the *forum* of British parliamentary democracy, which is a method of government by discussion or 'parley'.

2. Compromise is *the fruit* of discussion in this forum.

3. Continuity is the *gathering of the successive fruits of discussion*—that is to say, of the successive compromises attained—in a scheme of national life at once stable and progressive.

*Political Parties and their Policies*

Burke defined party, in 1770, as 'a body of men united for promoting by their joint endeavours the national interest upon some particular principle in which they are all agreed'. Dr. Lowell, the President of Harvard University, defined it in 1908 as 'a body of men united by the intent of sustaining a common ministry'. A definition which united both of these, and included the relation of party to the electorate and parliament as well as to cabinet, might run, 'A party is a body of men united in a voluntary association, which acts in the area of society, for the three main purposes of formulating a political programme, presenting to the electorate candidates who represent that programme, and returning to parliament a majority of members who will carry the programme into effect through the agency of their leaders organized in a cabinet.'

On this definition, it is to be noted, a party is a voluntary association. This is true of our British parties. They are not organs or institutions of the State, specifically regulated by its law, as is the case in some countries. They are not wheels in the system of political machinery, but moving bodies of opinion formed in and flowing from the social area. On the other hand, though they are formed in and flow from that area, they affect the area and the institutions of the State: they affect the electorate, parliament, and the cabinet. We may accordingly say that party is a link, a bridge, or a channel between society and the State. Let us adopt the metaphor of a channel. We may then proceed to say that party is a channel along which a current of opinion flows from the area of society, where it has been formed, into the area of the State and its institutions, where it affects and even directs the course of political action. Like a current of water, the volume of opinion canalized by party flows from its social gathering-grounds, and then makes successive leaps, at each of which it turns the wheels of the State—first the leap into the electorate, then the leap into parliament, and then the leap into cabinet. The value of a free electorate, and the value of a free parliament, is that they both give the chance, at successive stages, for currents of social opinion to play upon the State. The value of a free system of parties—parties in the plural; at least two, and possibly more than two—is that such a system allows different currents of social opinion to emerge, to prove their relative value and strength, and to play their part, according to their relative value and strength, in affecting and directing the action of the State.

There are three main political parties in Great Britain. The Liberal party, once called the Whig, is as old as, if not older than, the Green Ribbon Club which had its headquarters, as long ago as 1675, at a tavern in Chancery Lane, where the city of London passes into the city of Westminster.<sup>1</sup> The Conservative party, once called the Tory, is as old as its ancient rival. The Labour party already existed, under the name of the Labour Representation Committee, in 1900: it assumed its present name as late as 1906. What are the different aspects of national policy which these parties represent?

There is an old story that once upon a time, when Liberty, Equality, and Fraternity had to be distributed between France, Great Britain, and the United States, the British came first and took Liberty, the French came next and took Equality (the social equality to which they have since been devoted), and the Americans, coming last, took the residuary gift of Fraternity. If these gifts were now to be distributed among our three political parties, what would the distribution be? Would it be just to say that the Liberals long ago took Liberty, that the Conservatives (long ago, too) took the gift of Fraternity and the cause of 'union', and that the Labour party has adopted and cherishes the residuary gift of Equality?

The Conservative party has passed through many names—Tory, Conservative, Unionist, and (if that be not rather a name for a combination under its predominant influence than for itself) National. The name Conservative, which only began to come into use after 1830, has been for a century its general name; but it hardly denotes its essential nature. As early as 1834, in his famous Tamworth manifesto (issued, it would appear, on the suggestion of John Walter of *The Times*), the Conservative leader Peel had committed himself and his party to 'a careful review of institutions . . . the correction of proved abuses, and the redress of real grievances . . . without mere

<sup>1</sup> The reader is here referred to a later passage in this book, at the end of the last paragraph but one of Chapter IV. For his information it may also be added that the name 'Whig', like the name 'Tory', was originally a term of derision—just as, by the way, the name 'Puritan' (signifying somebody strait-laced and demurely 'pure') was originally applied in mockery. The Whigs were so called by their opponents because they were allied with the Nonconformists, and because the word 'Whig' was applied in Scotland to the extreme and most radical of the Presbyterians; the Tories, in turn, were so called by their opponents because they championed the monarchy, even when it seemed to be committed to Roman Catholicism, and because the word 'Tory' was applied in Ireland to rebellious Irish Catholics who attacked the English Protestant settlers. It will be seen (1) that both names were *religious* nick-names, and (2) that in both cases terms derived from *outside* England were used to bring odium on an English party.

superstitious reverence for ancient usages', and had thus embarked on a policy not so much of conservatism as of gradual and cautious change. Great changes have since been effected by the party—changes in the way of factory legislation: changes in the way of the progressive recognition of Trade Unions: changes in the way of extension of the suffrage (1867): changes in the way of reorganization of local government (1888 and 1929). But the real essence of the Conservative party, for the last century, has been neither conservatism nor cautious change: it has been rather a clinging to the notion of fraternity or unity. The Conservative party clung, down to 1922, when the Irish Free State, now called Eire, started its life, to the unity of the United Kingdom in face of the demand for Irish Home Rule: it began to cling, under the inspiration of Disraeli and later of Joseph Chamberlain, to the unity of the British Empire and the consolidation of that unity by economic ties: it clings to-day, in the face of ideas of class-division, to the idea of the social unity and homogeneity of the nation. In a word, it is a party of unity: a unitarian party.

On the other hand it is certainly allied with particular parts or sections of the nation. It was long allied with Anglicanism: and it may still be said to be the party of "Church and State". It may also be said to be allied with the cause of private property and private enterprise. It is true, indeed, that the Liberal party, with its Manchester doctrine of freedom of trade and competition, was once the particular exponent of that cause; but the Liberal party, as we shall presently see, has moved, and it is mainly Conservatism which now defends the gates of private property. In particular, containing the land-owners, and being in large measure a rural party, though it is also strong and has perhaps become strongest in the world of industry, the Conservative party has a particular interest in the land and the prosperity of agriculture. Finally, and on the geographical ground, Conservatism may be said to be particularly connected with Middle and Southern England, rather than with the life of the North—though there are parts of the North, and not least Lancashire, in which it is strong and vigorous.

But when we have allowed for these partial or particular elements in Conservatism, we must also admit, once more, its general and unitarian character. The Conservative party is indeed the stronghold of certain classes and sections, which largely affect and colour the nature of its general outlook. But it can hardly be called a class party. It includes all sorts and classes of members; and during the present century it has always polled more votes (with the one exception of the elec-

tion of 1906) than any other single party. In many ways it appears to be the particular incarnation of those ideas of compromise and continuity which belong to the British system of parliamentary democracy (though it sadly failed to show these qualities in the matter of Irish Home Rule and again at the time of the passage of the Parliament Act of 1911); and these ideas, linked with the master idea of fraternity, may be said to be its essence.

The Liberal party, like the Conservative, is 'one shape of many names'. It was Whig till the French Revolution; it became Liberal in the nineteenth century; but some of its uneasier members for long preferred to call themselves Radical. The party has stood, at all times, for the essential idea of liberty. It has championed the cause of religious liberty, and particularly the right of the Nonconformists (with whom it was long allied) to worship freely and to gain emancipation from the civic disabilities under which they suffered. It has championed the cause of political liberty—the right of every member of the State to an equal share of the suffrage, and the right of the House of Commons, elected by such a suffrage, to a final and sovereign voice. (It was the Liberals who carried the Parliament Act of 1911.) It has championed the cause of general civil liberty and the right of every individual to freedom of thought and freedom of action within the limits fixed by parliament and enforced by the courts of law.

For a long time the cult of liberty committed, or seemed to commit, the Liberal party to doctrines of the liberty of the capitalist to do what he would with his capital. But Liberalism has changed its view, or, to speak more exactly, it has broadened the scope of its view. The Liberals have recognized that there is a liberty of the workers which has also to be secured: they have embraced the cause of a general economic liberty, as well as the cause of political, religious, and civil liberty: they have added (especially in the programme of 1928 contained in a volume called *Britain's Industrial Future*) a new plan of economic democracy to the old Liberal scheme of political democracy. Leaving a large scope still free for the action of private enterprise, they seek to democratize such enterprise: they would have each industry governed by an industrial council representing both workers and employers, and they would equally have each works or factory provided with a works council similarly representing both sides. They go further: they advocate the diffusion of property—or, as it may also be called, the popular ownership of property—on a system under which the workers in each enterprise are gradually to become partners by receiving a share of its profits in the form

of shares in its capital. The Liberals are not Socialists, but they approach Socialism in two directions, partly by welcoming and indeed advocating (as they do in the volume just mentioned) the socialization of all enterprises which can best be conducted by the State, and partly by seeking to introduce the principle of social co-operation, in the manner just described, even into the conduct of private enterprises. They believe neither in a regime of pure private enterprise, nor in one of pure socialism, but in a mixed regime which combines features and elements of both, according to the needs of the nation, and progressively changes the proportion of the elements with the movement of national needs.

But the particular principle for which Liberals have always stood, and still stand, is the principle of liberty. This makes them still cling to the policy of Free Trade, as it long made them cling to the idea and policy of the Free Church. So long as its principle lives, a Liberal party will continue to live. But a number of causes have gravely weakened the position of the Liberal party in Great Britain. It no longer draws the old strength which it once drew from its alliance with the Non-conformists, whose grievances and disabilities have now been entirely removed. The rise of the Labour party has removed a large body of its adherents. In a country with a political system which groups men naturally, and by a political law of gravitation, into two sides—the side of the government and the side of the opposition—the position of a third party, with numbers inferior to those of the other two, is inevitably shaken. The Liberal party tends to become an army of generals without any adequate body of troops: its leaders do excellent thinking, but their party has no automatic hold on any great body of voters. In 1929 it could still poll nearly 25 per cent, of the electorate: at the last general election, in 1935, it polled, in all its fractions, only 10 per cent.

The Labour party, as we have seen, is a new party belonging to the present century. (There were individual Labour members in the nineteenth century, but they generally acted with the Liberal party.) Since 1906 it has been a party partly composed of *groups* (mainly Trade Unions, which belong collectively and as organized bodies), and partly of individual members who are workers with hand or brain. The 'group' part of its members distinguishes it from the other political parties: it also determines largely its internal character and policy. The Trade Unions are mainly the source of the political funds of the party, and for that reason, as well as for others, they count largely in its deliberations. Trade Unions are not the only groups which belong as such to the Labour party; there

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are also societies or bodies of opinion, such as the Fabian Society, which are affiliated to its ranks, and some of these societies have contributed largely to its thought and its ideas. The individual members, who, joining the party as individuals in a particular constituency, are thereby included as members of the general national party, form a large part of the whole, are drawn from the community at large, and include members of the professions (teaching, the law, medicine, and journalism) as well as manual workers.

If we study the programmes of the Labour party, as they have been expressed in its national conferences, we shall say that it is a Socialist party, pledged to 'the common ownership of the means of production and the best obtainable system of popular administration and control of each industry and service'. But the British instinct, strong in the Labour party, tends less towards any general theory than to the practical redress of immediate grievances; and in particular the Trade Union side of the party, with its experienced and practical leaders, is accustomed to address its energies to the concrete issues and the actual problems of the hour. The driving force of the Labour party is less a passion for socialism than a passion for social equality. This is natural in a country in which the old aristocratic complexion of society is still evident (particularly, perhaps, in the domain of education), and in which, as we have already had reason to notice, the distribution of property is still remarkably uneven. The Labour party accordingly desires 'the political, social, and economic emancipation of the people, and more particularly of those who depend directly upon their own exertions by hand or brain for the means of life'. It may be called a party of levellers, in a country which stands in need of levelling. It desires a more level system of education and more equality of access to educational opportunity. It desires a more level system of property and more equality in its distribution. It thus carries further, and it vindicates for itself as its peculiar inspiration, a movement which was already beginning, and gathering strength, even before its appearance. The old stratified England, with its social ranks and its habit of deference, was already passing in the beginning of the twentieth century. A Conservative Government took a great step towards educational equality in 1902, when it instituted a system of State secondary schools, with scholarships to enable the children of the poor to enjoy the benefits of further education. A Liberal Government paved the way to social equality when it began to institute, after 1908, a general system of social services for the benefit of all workers. The Labour party now carries the torch, newly

trimmed and burning with a fresh flame. It seeks to light Britain forward into a new era of equality—with less of a zest, perhaps, for the technique of social change, and less of concern for the question whether or no that technique involves a policy of socialism, and with more, far more, of a passion for the reality of social change and the actual coming of equality.

Two notes may be added by way of conclusion to this summary review of British parties. The first concerns a feature which is common to them all. The second concerns a problem which is raised by their mutual relations.

The common feature of British parties is that none of them has been an anti-Church, far less an anti-religious, party, and that none of them has had a secularist or agnostic basis. On the Continent Liberal parties, revolting against ecclesiastical domination, have often been anti-clerical, and even anti-religious; and Socialist parties have tended to be secularist as well as socialist. British history, owing to historical factors which will come under review in a later chapter of this book, has connected political parties with religious causes. The Conservative party has a tradition of connexion with the State Church: the Liberal party has a tradition of connexion with the Free Churches and the cause of Nonconformity. The Labour party, more recent, has less of a similar tradition. But the Labour party, too, has always been a party of religious connexions and sympathies. Some of its leaders have been trained as lay preachers in the ranks of the Free Churches. Many of its adherents are to be found in the ranks of the clergy both of the State Church and of the Free Churches. An old tradition, which has always connected religion with politics, still lives.

The problem raised by the mutual relations of our British parties is the problem of their number. We have now three parties—not to mention 'splinters' or fragments. If we look at Conservatism, Liberalism, and Labour as all representing different ideals, each of which is necessary for the general national well-being, we may well see room for three parties in Britain, and not merely two. It takes three parties to represent the great currents of social opinion; and if the point and function of parties is to represent those great currents, three parties are justified. But if we may justify, and even welcome, a plurality of parties on social grounds, we seem to be driven, on political grounds, to reverse the argument, and to pronounce that the advantage lies with two parties and two parties only. Our British political system of cabinet and anti-cabinet would appear to demand two parties—a party supporting the government or cabinet, and a party supporting the Opposition

or anti-cabinet; and the social argument in favour of a plurality of parties is thus met by the political argument in favour of a duality of parties—two parties and no more. How can the social advantage of plural parties be combined with the political advantage of a system of only two parties? We may answer that the question has to be solved, is being solved, and will continue to be solved, pragmatically. The strong pull of the two factors of cabinet and anti-cabinet automatically creates two *sides*. When parties are plural, one *side*, or both, may consist of a combination or coalition of *parties*. It is thus possible to have, simultaneously, two sides and more than two parties. It is possible; but it is also difficult. Parties may be shivered, or sadly altered, when they have to fit themselves to sides. This is a fate which has partially befallen the British Liberal party. But all parties are affected when under a system of more than two parties the pull of two sides begins to act on the party system. That is the experience through which Britain has been passing for the last twenty years.

### CHAPTER III

#### THE GOVERNMENT OF BRITAIN

##### *The Monarchy*

**T**HE King, or, as we also say, the Crown (which is something more majestic even than the King), pervades, in our constitutional theory and law, the whole of the British State. We were concerned, in the last chapter, with parliament; but even there the King may be said to be legally present, and the legal maker of our laws is the King-in-Parliament. Apart from his relation to parliament, the King—or to speak more exactly (since it is the office, rather than the person, that is here in question) the Crown—acts regularly for the State, on the executive side, through the various departments of government, and equally acts for it, on the judicial side, through the various courts of law. The Crown, in the sense of the office held by the King, with all its complex of rights and powers, was the original legal source, and is still the essential legal ground, of our legislation, our executive government, and our system of jurisdiction. This fact is clearly evident in the form of our legislation, which runs, 'Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords . . . and Commons in . . . Parliament

assembled, and by the authority of the same. But the fact is especially vital in the area of executive government. The executive ministers who form the cabinet are the ministers of the Crown, and they derive a large measure of their dignity and prestige from that fact. It is true that they are responsible to Parliament. It is also true that their advice determines the action of the Crown, and that the Crown cannot act except upon their advice. But it is equally true that they are ministers of the Crown, and that they would not be what they are unless they had that dignity and style. The ministers who advise the King, as the personal bearer of the rights and powers comprised in the Crown, advise a man who is commander-in-chief of the armed forces; who is the supreme governor of the State Church; who is the source of appointments and the fountain of honours in the whole State; who conducts international affairs and the issues of peace and war; who ramifies in every direction. The ministers who advise him share all his ramifications; and they share, by reflection, his dignity. We have to remember, in order to see the whole range of the British monarchy, that the King is not confined to Britain and the British people. He goes overseas: he is, by style, the Emperor of India: he is, by function, the symbol of the free association of the members of the British Commonwealth of Nations, and in that capacity he is advised by separate and independent ministers in other lands and climes. 'The King's most Excellent Majesty' has a wide and deep diffusion.

Before we seek to describe the King's ministers in Britain, some further words must be said about the King—not in regard to his office or Crown, which has already been summarily sketched, but in regard to his family or house (the Royal Family, or the House of Windsor), and in regard to his own personal action and influence. In a moving passage, George V once spoke of himself as in some sense the father of a family which embraced the whole of his people. That is true, and deeply true; and it largely explains the feeling of the British people for their King. But in another more particular sense the King is the head of a particular family or house, which is closely connected with other houses or families in the British aristocracy; and in that sense the monarchy has its links with the aristocratic elements once so strong in British society, and still powerful by virtue both of prestige and of public service. Even to-day Britain is a country which mixes with its democracy a large tincture of aristocracy. The composition of its war cabinet to-day illustrates that mixture; but it is specially illustrated in the position of the monarchy. The King is at once the head of the family of all his people and the

head of a family or house linked with the families or houses of the aristocracy. Perhaps it may be said that, as time goes on, he becomes more and more of the former, and less and less the head of a special 'society' of great houses engaged in its own special 'social' life.

In his personal action and influence, as a man and an individual, the King depends partly on himself and partly on the experience derived from the continuous tenure of a life office. George VI, in a tenure of little more than five years, has already been advised by three Prime Ministers. As time goes on, he becomes a central source of information and experience. Always informed and always consulted—never a mere figure-head, in whose name things are done without his knowing what is being done—he acquires, or at any rate possesses an unrivalled opportunity for acquiring, a general sense of affairs which enables him to encourage or warn the ministers who offer the advice which he is necessarily bound to accept. A Head of the State who enjoys a life-office, and enjoys it by hereditary right, not only saves the State from the perturbations of periodical elections: he can also give it the positive service of a ripe experience and a disinterested judgement of affairs.

### *The Executive Government*

It is important to distinguish between the senses of two words which are often used as if they were synonymous—the words 'government' and 'administration'. The word 'government', derived from a Latin word which means steering, may be used either in a broader sense, in which it denotes the general steering or direction of the *whole* policy of the State, including its legislative policy, or in a narrower and more special sense in which it denotes the general steering or direction of the *executive* policy of the State. In either sense the word 'government', essentially concerned with policy, is distinct from the word 'administration'. Administration, derived from a Latin word which means service, denotes the technical and professional work of service done by an expert and professional staff which realizes in detail, for the purposes of daily life and regular routine, the general lines of policy laid down by those who conduct the government, and more especially by those who conduct the executive government. Government is concerned with the determination of policy: administration is a matter of the realization of policy in its details. Being concerned with the general lines of policy, government may be, and generally is, conducted by amateurs: administration

being a matter of the detailed realization of policy, involves the patient and continuous action of a professional staff.<sup>1</sup>

In our British usage government, in the more special and more common sense of the word in which it denotes executive government, is vested, under normal conditions, in about twenty persons who form a cabinet, and, as such, act together as a single body, under the presidency of the Prime Minister, for the purpose of determining and conducting a government policy for which they are collectively responsible to parliament. The members of this cabinet are the several heads of the major departments of government. They all belong, under normal conditions, to a single party, and that fact is closely connected with their acting together as a single body; but in times of war or national emergency they may be drawn from different parties, and the presence of war or emergency will still ensure their acting together as a single body in spite of their different party allegiances. They all sit, at all times and under all conditions, in one or other of the Houses of Parliament; and this fact is closely and essentially connected with their responsibility to Parliament.

The relations of the cabinet to party and parliament have already been discussed in the previous chapter. We are here concerned with the cabinet simply in itself, as the central and dominant organ of the executive government, apart from its relations to party, parliament, the electorate, or any other part of our constitutional system. At present we have a War Cabinet of only seven members, some of whom can hardly be called heads of departments, and certainly cannot be called heads of major departments. That is because men are needed in the War Cabinet who are free from particular executive duties. But the War Cabinet is still the cabinet, and the only cabinet. Ministers who in normal times would have been members are now outside it, but none the less controlled by it. It is the magnet of policy, and it draws them under its compulsion: they are at once outside and included. The present system is only exceptional in its degree. Even in time of peace, when the cabinet is a more numerous body (it numbered as many as twenty-three in August 1939), there are heads of important departments (such as the Post Office, for example) who are not members.

<sup>1</sup> Two notes may be added, (a) In ordinary speech, we sometimes use the word 'administration' to denote a government, as when we speak of a 'coalition administration', (b) In actual life, an administrative official may suggest policy to a member of the government, or to the whole government, and thus transcend the scope of administration proper. In spite of these facts the distinction between government and administration is necessary to any clear thinking

The essential thing is that there should always be—as in the War Cabinet there now is—a central and dominant organ of the executive government, covering the whole of the range of that government, however many or however few of the heads of the different departments may be included in this organ. The method of this central and dominant organ is always the collegiate method. It acts together as a single body: it is collectively responsible for its actions. This collegiate method involves a corollary—a corollary of the first importance. The unity and the corporate character of the cabinet is sustained and maintained by the dominance of the Prime Minister. The cabinet acts together as one because, in the last resort, the decision of the one man at its head prevails. He has the final word: in case of doubt or difference, his view determines policy; and if it is not adopted by his colleagues, on a matter which he regards as vital, he demands and receives their resignation. Just as the cabinet is the central and dominant organ of the executive government, so the Prime Minister is the central and dominant figure of the cabinet. It may appear *prima facie* that the principle of collegiality, or in other words collective responsibility, is contradicted by the individual dominance and the final personal responsibility of the Prime Minister. But we shall realize, on reflection, that the unity and the cohesion of the cabinet are really secured, and not contradicted, by the unifying influence of the Prime Minister's position.

It only remains to add, or rather to repeat, that the cabinet, while it co-ordinates and controls the whole of the executive government, does not include, even under normal conditions, all the heads of the major departments, and that there are a number of heads of minor departments whom it never includes. Those who are not included are ministers, without being cabinet ministers; and in the capacity of ministers they sit in parliament and deal in parliament with all questions affecting the departments of which they are heads. All the major departments (sometimes called the Whitehall Departments) are represented in parliament by the minister at their head; but there is an outer fringe of other departments which are not represented in parliament by a minister of their own. Some of these other departments may be represented in parliament by a member who is not a minister (an example is the Charity Commission): others may be represented in parliament by a minister at the head of another department, as the British Broadcasting Corporation (which, it is true, is hardly a department, but has some of the characteristics of a department) is represented by the minister at the head of the Post Office.

In one way or another, directly or indirectly, all the departments of government may be said to be represented in parliament; and the whole of the executive government—as well as, if not so closely as, the cabinet which is the core and co-ordinator of that government—is thus connected with parliament and the sovereign control of parliament.

### *The Administration or Civil Service*

We turn from the members of the government, ranged in their various degrees, to the members of the administrative or professional staff which stands at the service of the government. The whole of this staff, or, in other words, the Civil Service at large, is a body of some 400,000 members, ranging from the permanent and professional heads of departments, who are immediately in contact with the changing parliamentary heads, down to clerks and postmen and the general mass of workers in the service of the State. It is, on the whole, a thing of recent growth. We may date its effective beginning about a century ago, after the revolution in our political life which was marked by the Reform Bill of 1832. Before that time the general English notion of trusting to amateurs had predominated: after that time, as the functions of the State increased (in the control of poor relief, in aid given to education, in the promotion of public health, and in other ways), the services of a professional staff were increasingly recognized as necessary, and the initiative of men such as Sir Edwin Chadwick and Sir James Kay Shuttleworth—both of whom came from Lancashire, and who together may be regarded as the founders of a new civil service—was active in meeting the need. A new impulse came at the beginning of the twentieth century, when, after the Liberal victory at the General Election of 1906, a new activity of the State in the domain of the public social services, necessarily accompanied by a new growth of administration, increased the volume and extended the scope of the civil service. The professional element in our general system of government has grown and grown; and critics have even begun to appear who denounce the dangers of bureaucracy and the despotism of the civil servant.

Two things are of particular importance in determining the efficiency and the ethics of the British Civil Service. The first is the method of its recruitment. This takes the form of an open competitive examination, conducted by a Civil Service Commission—a system which began to be introduced, largely under the influence of Lord Macaulay and his brother-in-law Sir Charles Trevelyan, in the period between 1850 and 1870.

This open competitive examination is not an examination in special and professional subjects, supposed to be specially necessary as a preparation for a career of professional administration: it is an examination in the general and liberal subjects which have been studied by candidates in their ordinary course at the school and the university, and the idea of the examination is simply that of discovering and enlisting *general* ability. There are defects in the system, which the novelist Anthony Trollope sought to depict in his novel *The Three Clerks* and also in his *Autobiography*. Ability in a general examination is not necessarily followed by ability in the service of the State; and there are intellectual qualities, such as judgement and practical sense, which matter at least as much as the acquisition and exposition of a knowledge of languages, mathematics, and natural science. This is true enough: indeed its truth has been acknowledged by the introduction into the open competitive examination of an oral interview, on which a considerable proportion of the total of marks is given, for the purpose of testing qualities and capacities which lie outside the scope of the written papers. But it is also true that the open competitive examination, open to all without fear or favour (and freest of all from fear or favour *in its written part*), is the best security against the dangers of patronage, and the best guarantee of the recruitment of ability from the whole community. It is also true, and it is an important truth, that a State examination based on the ordinary curriculum of schools and universities, and not on a special curriculum specially required by the State, has the great merit of not interfering with the normal educational development of the young, as a State examination of a special type would inevitably tend to do.

The second thing of importance in determining the efficiency and the general standard of the civil service is the code of conduct, or the system of professional ethics, which the civil servant is required to observe. This is a code laid down partly in Acts of Parliament and partly in orders, regulations, and instructions issued by the government and by departments of the government. It is a stringent code, designed to prevent any chance of economic corruption and any opportunity of political (in the sense of party) influence. The code is far from being a paper code: it works; and it works at least as effectively as the professional codes of the doctor and the lawyer. The British civil servant is a severely neutral figure, rigorously impartial in economic and party-political issues. His neutrality might be a handicap, divorcing him too utterly from the general play of social thought and social life, if it were not

accompanied by another factor or feature. This is the factor of his identity, or at any rate his sympathy, with the general social outlook of the community from which he comes and to which he continues to belong. The civil servant has come from the same sort of school and university as his peers in the other professions and other similar walks of life. He has followed the same general curriculum of education which they have followed. He keeps in touch with them, in touch with the institutions from which he and they have come, and in touch with the general movement of thought and ideas which he and they share. Not a few of our civil servants (Matthew Arnold is an example, but far from the only example) have been distinguished figures in our literature. The homogeneity of British life has never permitted civil servants to become a separate caste of officials. A feature of our legal system may be said to have aided this general tendency. We have no system of administrative courts and administrative law to which alone administrative officials are liable for their official acts.<sup>1</sup> Officials, like the rest of the community, and along with the rest of the community, are liable for their official acts to the ordinary judges and the ordinary courts of law. What may be called legal homogeneity thus comes to the aid of social homogeneity, and helps to prevent the rise of bureaucracy.

Yet, as we have already said, there are some who have begun to denounce the dangers of bureaucracy. What they have in mind, it may be conjectured, is one particular grade or class of the civil service. This is what is called the Administrative Class. It consists of about 1,200 persons (or double the number of the members of the House of Commons) who hold the highest positions in the Whitehall offices and are immediately at the service of the parliamentary chiefs of the various departments of government. The greatest of the officials of this Administrative Class is the permanent secretary of the Treasury, who ranks as the head of the civil service; by his side are the permanent secretaries of the other great departments; under each is a hierarchy of assistants. The permanent secretaries of departments may be men of drive and vigour, who initiate ideas and impress their ideas on their parliamentary chiefs; and here the line of division between policy and the administration of policy wears thin. But it is not this which is meant by the denunciation of bureaucracy. What the critics have in mind is the development of modern

<sup>1</sup> It is true that we have now some germs of a system of *droit adminstratif*. But these germs, as yet, only take the form of administrative cognizance of certain cases (e g. cases arising under Public Health Acts) where the persons concerned are ordinary private citizens.

government, already noticed incidentally, which tends to make executive departments a source of legislation, in the shape of orders and regulations issued in supplement of the legislation of parliament: it is also the tendency which makes these departments a source of jurisdiction, in the sense of issuing decisions on a number of contentious issues which arise in the course of their work. It is true that, in form, such powers of legislation and jurisdiction are mainly exercised by the parliamentary chiefs of departments; but it is also true that, in fact, they are actually exercised by administrative officials. It may seem that, by such methods, parliament and the courts of law are both being ousted in favour of an omniscient bureaucracy, which, not content with administration, encroaches on legislation and also on jurisdiction. But the whole development, as we have already noticed, is a permissive development proceeding from parliament, subject to parliament, and terminable by parliament. Parliament still rules, even though, in this matter, it may have preferred the method of what may be called 'indirect rule'. A bureaucracy controlled by parliament, and subject to parliamentary chiefs, is not a bureaucracy. A single parliamentary question may nip in the bud any presumption; and the constant review and survey of 'the grand inquest'<sup>5</sup> of the nation (as parliament has justly been called) stands always in the background.

#### *The Armed Forces and the System of Military Service*

The British military system, and the ideas behind the British military system, have long been different from the ideas and system of continental Europe. In the first place, as is natural in an insular country, the Navy ranks first both in popular estimation and in formal precedence. The fortunes of the Navy are the peculiar and crucial fortunes of Britain. In the second place, and so far as the Army is concerned, the process of national history has produced a peculiar attitude. The central standing army, raised on the basis of a stipendiary contract made with the King, was long regarded as a potential danger to civil liberty; and the local militia was viewed as the popular part of the military system of the nation. The militia, however, was far from being effective: it trusted in the 'wooden walls' and mainly indulged in summer exercises. Continental States were already beginning, as the eighteenth century merged into the nineteenth, to create conscript armies on the basis of universal military service, with a standing core round which the conscripts could be gathered; and by the end of the nineteenth century the nation in arms was a regular part of

the general system of the Continent. Great Britain stood aloof, and remained in her ancient ways. She retained a regular central army of 'mercenaries', serving on the basis of contract: she retained, with some difficulty and some oscillations, the militia; she added, in 1859, after the troubled years of the Crimean War and the Indian Mutiny, another body called the Volunteers—a body comparable in its nature, but not in its legal position, to the forces of the militia.

The traditional British Army was reformed by Lord Haldane, during his tenure of the office of Secretary for War (1906-12), and given a new constitution. Under the new scheme the British Army fell into two main parts. The first was the Regular Army, consisting not only of the active forces, but also of an army reserve. This was a professional army, composed of men voluntarily recruited and serving under contract at home and abroad for a period of twelve years—seven, as a rule, in the active forces and five in the army reserve. The second part of the British Army was the Territorial Army. This was a non-professional force, also composed of voluntary recruits, who continued to pursue their own professions and occupations but simultaneously received some training. It was on this system that the British Army entered the War of 1914-18. During the course of that war, its ranks were augmented by conscription, which was introduced, in a limited form, early in 1916, and extended afterwards. With the end of the war of 1914-18 conscription also ended. The British Army reverted to the pattern created by Lord Haldane, though not to the dimensions which he had planned. In July 1914 the two parts of the British Army had formed a total of 714,000 men. In January 1938 they formed a total of 518,000. The Regular Army then contained 333,000 men, of whom 218,000 were in the active forces—114,000 serving at home, and 104,000 (of whom half were in India) serving abroad—and the remaining 115,000 were in the army reserve: the Territorial Army, along with a new supplementary reserve, contained 185,000.

A fundamental change in this scheme was introduced in May 1939, less than half a year before the outbreak of the present war. A Military Training Bill instituted in time of peace (though also as an insurance against the imminent end of peace) something in the nature of continental conscription. All young men between the age of 20 and that of 21 (to the number, on a net reckoning, of some 200,000 in each year) were made liable to a military training of six months; and at the end of that time they were given the choice of entering the Territorial Army for a period of three and a half years or pass-

ing into a special reserve of the Regular Army. The strand of universal service was thus inserted into the British military system; and though the period of military training was shorter than the period in continental armies, Britain might be said to have swung into line with the Continent. During the course of the present war the obligation of military service has inevitably been widely extended; but these extensions will probably disappear with the conclusion of war. It seems unlikely, however, that the principle and the practice introduced in May 1939 will also disappear. It is true that the Military Training Act was opposed by the Labour party in parliament and the Trade Union movement in the country; but it is also true that there are strong arguments in its favour, which are likely to remain strong. One of these arguments may be called international, and the other national. On international grounds it may be contended that Britain cannot discharge her duty to Europe unless she builds her army on the European pattern, and unless she has sufficient military forces to give adequate support to her European allies and associates. On national grounds it may be contended that the common service of all classes during a period of military training will at once strengthen the general homogeneity of the nation and improve the physique and the general stamina of its youth. We may perhaps count on a permanent system of national military training in the future—unless the future should be totally and absolutely different from the past.<sup>1</sup>

We may thus expect a permanent revolution in our army, which will alter its character, and will also alter the old attitude and ideas about its place in the State. Instead of an army composed entirely, on the Regular side, of a paid and professional class of soldiers, commanded by an officer class drawn from the social area of the 'public schools', we may have an army of a broader sweep and a wider range. In place of our old doubts and hesitations about the place of the standing army in the State, we may place a new confidence in an army more truly national and more genuinely consonant (as an army based on universal service may be held to be) with universal suffrage and the general temper of democracy. If we can make these changes, we shall have gathered good from evil, and placed our national life on a broader and securer foundation.<sup>2</sup>

<sup>1</sup> It is possible, of course, that some alternative form of compulsory training, or some system of choice between various alternative forms (such as labour training and training for social service, as well as military training), may eventually be instituted.

<sup>2</sup> The author has not mentioned, but he has not forgotten, the Royal Air Force—the new and sure shield of the British skies

*Local Government and Administration*

The origin of national self-government in Britain may be traced back, by the reflective historian, to the root of local self-government. Parliament became strong, and a system of parliamentary democracy was eventually established, because the counties and the boroughs from which the members of parliament were drawn had a sap of native vigour and an instinct for self-government. Our methods of local government have indeed been greatly altered in the century between the Municipal Corporations Act of 1835, which began the reform of our ancient but antiquated boroughs, and the consolidating Local Government Act of 1933, which put the seal on a century of change in counties and boroughs alike. But the whole of the change has only strengthened an old and vigorous system of local liberty—so old that it is anterior to the system of national liberty; so vigorous that it has supplied the sap and the stimulus to that system.

In order to understand the British system of local government, we may begin by drawing a comparison between it and the system followed in France, which has been largely followed in many other countries. In the British system the general mainspring, and the fountain of initiative, is locally elected bodies, corresponding in small to the central parliament at large. These bodies determine local policy, and are accordingly organs of local *government*, in the strict sense of that word in which it is connected with the determination and the conduct or 'steering' of policy. As organs of government, they make their own local rules or by-laws: they raise and expend their own local rates: they appoint and control their own local administrative staffs for the detailed and professional work of the local services. On the other hand, being only organs of government in *localities*, which are included in and determined by the general system of the whole State, they are necessarily subject to control; and they are accordingly controlled both by parliament, which fixes and can always modify their activities and their powers, and by the central government and its administrative staff, which—all the more because parliament subsidizes the local rates by 'grants-in-aid' from the central taxes—audits, inspects, and generally supervises the current operation of local governing bodies and their local administrative staffs. That is the British system. The French system proceeds on very different lines. Here the general mainspring and fountain of initiative for the determination of local policy is the central government and its administrative

staff: and from that point of view, if we seek to use terms exactly, we may say that the principle of local *government*, which means the local *determination of policy*, is not a part of the system. The central government, and especially the department or ministry of the interior, undertakes the direction of local policy, particularly and directly in the ninety departments, in each of which a prefect acts as its agent, but also, if more indirectly, in the 38,000 communes into which the ninety departments are sub-divided and which are all alike subject to the tutelage of the prefect and thereby to the direction of the central minister whose agent he is. On the other hand, just as the direction of local policy by locally elected bodies is qualified with us by the control of the central parliament and the superintendence of the central government, so, and vice versa, the direction of local policy by the central government is qualified in France by a measure of participation permitted to locally elected bodies, such as the general councils of the departments and the municipal councils of the communes. But it is important to notice that on the French system the central direction comes first, and the participation of locally elected bodies is a secondary thing.

We may now turn to consider the development of the British system of local government. In the eighteenth century we still had an amateur system of local government, with little of elected bodies and nothing (or almost nothing) of an administrative staff. In the boroughs, local government was vested in all sorts of municipal councils, ranging from narrow oligarchies to broader and more democratic bodies: in the counties or shires it was vested in the more or less aristocratic Justices of the Peace—local gentry (appointed by the Crown on the recommendation of the magnate who held the office of Lord-Lieutenant of the shire) acting in their solemn quarterly sessions at once as a local legislature for the making of county rules, as a local executive, and as a local judicature. So far as there was any control or inspection, it was not exercised by the central government, and still less by a central administrative staff (which could hardly be said to exist), but by the central parliament, which passed local Acts to regulate this or that locality in this or that particular matter, and by the central courts of law, which kept local authorities within the bounds of parliamentary Acts and the general rules of the common law. It was a paradise of local autonomy; and the current theory was that 'the balance of the constitution' was admirably preserved by a local autonomy thus confronting, almost on equal terms, the possibly dangerous majesty of the central State.

This was all altered, and drastically altered, by the century of reform of local government between 1835 and 1933. We must confine ourselves to England and Wales in seeking to describe the results of this reform; and indeed (though there are no great differences in Scotland) the system of local government is a peculiarly English thing. The results were mainly three. One was the reform and democratisation of the organs of local government. The second was a reform and clarification of the powers and functions of local government. The third was a reform and elucidation of the connexion between local and central government.

I. The reform of the organs of local government was a long and complicated process. It was all the more complicated because, for more than half a century (from 1835 <sup>to</sup> 1888), England pursued the curious policy of creating a new *ad hoc* authority to deal with each new local need that emerged, and not only so, but also of giving to each new authority a different area of operation from that of the old authorities. Light began to appear with the Local Government Act of 1888, which instituted democratic County Councils, with a general competence, in place of the old aristocratic system of Justices of the Peace, mixed with the *ad hoc* bodies which had recently been added to it. The light has progressively grown. As things now stand, there are 62 'administrative' counties in England and Wales (more in number than the 'geographical' counties, several of which are divided for purposes of local government); and each of these has a county council, elected on a general suffrage different indeed from the parliamentary suffrage but still sufficiently wide. *By the side* of the counties stand 83 county boroughs—each with its city or municipal council similarly elected; each exempt from, and each independent of, the county in which it is geographically situated; and each thus standing on a level with the county. *Beneath* the counties, but not so far beneath but that they are often almost on a level, there stand some 250 municipal boroughs, each with its elected council. Similarly *beneath* the counties, but more definitely subordinate to them, and serving as county divisions for the range of affairs remitted to their control, there stand some 800 urban districts (many of them, however, of the nature of towns, and readily rising to the status of municipal boroughs), and some 650 rural districts—all with their 'district councils'. The general pattern of English local government is thus that of a horizontal plane, with the counties and county boroughs equal to one another, the municipal boroughs almost equal to counties and county boroughs, and the urban districts often

tending to an equality with the municipal boroughs.<sup>1</sup> This sloping horizontal plane, which only begins to slope in the middle, and even then slopes by an easy gradient, is different from the vertical system of France, where the pyramid of local areas descends steeply in a hierarchy from the department at the top to the communes at the bottom, and where a great city such as Marseilles stands legally at the bottom (side by side with a village one-thousandth of its size) in the simple position of a commune.

Two notes may be added to this description of the organs of English local government. In the elections of the members of their councils the candidates are generally proposed by parties, and the parties proposing the candidates are generally the national political parties. It is a moot question whether the entry of national parties into local politics is to be approved or deprecated. More important is another matter, which deserves especial attention. The elected councils conduct their business on a system of functional committees, some of which may include non-elected members who have been co-opted in virtue of special qualifications, but all of which include members of the different parties among the elected members, in some rough proportion to the representation of each party in the whole council. These functional committees, each attended by the main local administrative officer connected with its function, are the essential pivots of our local government. They develop a corporate interest in their function which transcends party: they guide the decisions of the general meeting of the whole council, to which they indeed report, but which is generally content to accept and to act upon their report. The system of local government thus differs entirely from the cabinet system of the central government. Either is good in its place and sphere; and local government, with its multifarious powers and functions, thrives best on the committee system.

II. We thus come to the powers and functions of local government, and to their progressive reform and clarification since 1835. We have gradually emerged from the bristling chaos of *ad hoc* authorities, each with its special function; and we have now a system of what may be called *integral* local government, under which each major authority generally conducts the whole of local government in its area. The County Councils, it is true, started in 1888 with limited powers, partly

<sup>1</sup> The following diagram will illustrate the text:

COUNTIES (62)

COUNTY BOROUGHS (83)

MUNICIPAL BOROUGHS (250)

URBAN DISTRICTS (800)

RURAL DISTRICTS (650)

derived from the old functions of the Justices of the Peace, and partly from those of some of the *ad hoc* authorities. But they gained the local control of education (a very considerable power) in 1902; and they gained the local control of public assistance (once called poor relief) in 1929. The boroughs—both county and municipal, if in different degrees and to a different extent—have grown in a similar way. The system of integral local government gives local authorities a large initiative in such matters as roads and transport, police, public health, public education (including public libraries and museums), public assistance, and the supply of public services such as housing, gas, water, and electricity. Here is a large field for the determination and conduct of local policy; and here, it is obvious, a progressive authority can take action which will vitally affect the health, the growth of the mind, and the general well-being of all in its area.

III. It is at this point that the connexion of local government with the central government begins to show its importance; and we are thus led to consider the development and the present methods of that connexion. The central government has obviously a duty of stimulating local initiative where it is backward, and equally of checking it, on occasion, where it is forward or even forward. How is it able to perform that duty? There must obviously be some system of contact, of co-operation, and of interaction, between the local elected bodies, with their local administrative staffs, and the central governing departments with their central administrative staffs. That system has been developed in England in connexion with 'grants-in-aid', paid from the public funds in subvention of local finances, but only paid on condition that the central government and its administrative officials inspect and supervise their spending and the operation of the services on which they are spent. In this way the central government may be said to have *bought* a measure of control over local government, and to have acquired by the power of the purse rights of audit, inspection, supervision, suggestion, and criticism. But the word 'co-operation' is better than the word 'control'. Our actual system is one of partnership between the great partner of the central government, acting under responsibility to the central parliament and acting through its central administrative officers, and the lesser partner of local government, acting in locally elected bodies<sup>1</sup> and acting through

<sup>1</sup> We may speak of 'local government acting *in* locally elected bodies' because the local council is parliament and government in one; whereas at the centre the government is distinct from the parliament (though the heads of its departments sit in parliament), and acts *on behalf of* parliament.

locally appointed officials. Partnership, rather than a hierarchy of rule and subordination, is the essence; and we can thus combine the separate initiatives of different local bodies in the determination and steering of local policy with the general supervision of a central government which seeks to co-ordinate and standardize, on the highest attainable level, the initiatives of the different bodies. The important fact remains that the central government in England never undertakes the conduct of local government through its agents (except in rare cases of misgovernment and failure): it always reviews, and only reviews, the conduct of local government on the initiative, and by the direction, of locally elected bodies.

In any system of politics the central government must control the local, however autonomous the local government may be. In the U.S.A. such control is exercised by the legislature, as it was (apart from the action of the judges) in eighteenth-century England. This is a system which at once burdens the legislature and leads to a more rigorous standardization of local government under more detailed legislative rules. In France the control of the central government over the local is a control of an executive character, which goes so far that it practically eliminates local government, in any exact sense of the word, and remits the control of local policy to local administrative officials acting for the central executive. The British system is a half-way house which combines both legislative and executive control. There is legislative control in the sense that there are parliamentary grants-in-aid made by the legislature, which form the basis and ground of control. There is executive control in the sense that the central executive, acting through its officials, exercises the rights of audit, inspection, supervision, suggestion, and criticism, which are founded on the system of parliamentary grants-in-aid. The value of this system is that it is kinder to local government than pure executive control, and more elastic in its application to the differences of local governing bodies than purely legislative control. Parliament offers grants to local authorities as an equal might offer to equals: the executive, watching the actual operation of the spending of these grants, can use an elastic discretion to suit each particular case—seeking indeed to standardize, but seeking to do so by stimulating the laggard and holding back the impatient, according to the needs and demands of each particular case.

## CHAPTER IV

### THE ENGLISH SYSTEM OF LAW

#### *The Making of English Law*

ENGLISHMEN sometimes offend the Scots by using the word 'English' in a general sense, where Scotsmen think they should properly use the adjective 'British'. It is not an insult to the Scots to speak of English law. There is no British law. Scotland, though similar in many respects to England, has her own legal institutions and legal rules of her own.<sup>1</sup> It is therefore in justice to Scotland, and not in derogation, that we speak of the English system of law and English legal institutions.

Narrow from this point of view, because it is only English, the English system of law is also, from another point of view, a broad and embracing system. It is a general law common to English-speaking peoples all over the globe. It has been said that the world is divided to-day between two great systems of law. One is derived from Rome: the other is derived from England. Rome, in the 1,000 years which he between the Twelve Tables of 450 B.C. and the code of Justinian about A.D. 550, developed a great legal system which has been inherited by most of modern Europe, and by States in other continents which have drawn their origin, or their inspiration, from Europe. The law of Rome has inspired the law not only of France and Italy, but also of Germany and Holland; and it runs to-day among the Dutch of South Africa and the French of Canada, as well as in Louisiana. England began to build a body of common law—that is to say, a law common to the whole of England—during the reign of Henry II, nearly 800 years ago; and that law, which is still in the building, and still in process of development, has spread wherever the English speech has gone and English influence has established its sway. It spread to the United States of America, which has still the

<sup>1</sup> We must not, however, exaggerate the difference between Scotland and England. It is true (1) that the courts and the procedure of the courts are different in Scotland; (2) that the details of criminal law are different; and (3) that in civil matters there are divergencies in property law, in a few (but important) rules of contract, and in part of the law of tort. On the other hand a great amount of law is common to both countries. Company law, like the general law of partnership (in fact, most of commercial law), is identical, and many of the most important statutes (e.g. Workmen's Compensation Acts) are the same for both countries, with slight variations to suit Scottish legal terminology and institutions

same law as England: it spread to the various Dominions and Colonies of the British Empire: it spread to India. Rome and England, in the matter of law, have a common note of universality. In substance, too, as well as in diffusion, the law of England and the law of Rome have common features. It is true that there are large differences. It is true, for example, that Roman law lays a larger emphasis on the State and the prerogatives inherent in its 'majesty', and that English law directs its attention more to 'the liberty of the subject', the rights inherent in his liberty, and the remedies which protect and guarantee his rights. But it is also true that both Roman law and the common law of England have been largely made by the judicature and the legal profession behind it, and that both bear the common stamp and attest the common genius of the method of their making.

We are apt to think of legislatures as the makers of law. It is certainly the case that parliament makes, and makes exclusively, one part of our law—the part which is called Statute law. But there are two other things to be added. In the first place, parliament did not become a busy maker of Statutes and Statute law until about a century ago, after the Reform Bill of 1832, which introduced a new epoch of parliamentary legislation. It had indeed made statutes before, even from its first beginnings in the thirteenth century, but it had made them, we may say, episodically and sporadically, and the continuous flow of a steady stream of statutes begins in the nineteenth century. In the second place, and more important, the statute law made by parliament is only a small part of the total body of English law. We shall have reason to examine the proportions at a later stage of the argument. But it may be said at once that a great part of our law is judge-made law. It has been made by the judges in their courts (as it still continues to be made) with the support and stimulus of the legal profession. It is curious to reflect that parliament itself was originally a law-court. The prayer for parliament in the English Book of Common Prayer is still a prayer for the High Court of Parliament; and it is still the fact that one of the Houses of Parliament is the final Court of Appeal in the English system of law, and cases are carried in the last resort to the House of Lords.<sup>1</sup> To understand the making of English

<sup>1</sup> Actually, as a judicial body, the House of Lords is attended only by the seven Law Lords (and other peers who have held high judicial office) sitting under the presidency of the Lord Chancellor. It should be added that, since 1934, there is no appeal to the House of Lords *as of right*. Leave to appeal must now be given. In practice, the number of appeals has not decreased; but a party to a case can no longer use the threat of 'taking the case to the Lords' as effectually as before

law we must go to the courts and the judges. Indeed, for reasons which will presently appear, we must go even further. We must go to the legal profession which stands behind the judges, and from which the judges are drawn.

### *The Legal Profession*

The legal profession has always held, and still holds, a unique position in England. It is divided into two branches: that of the solicitors, who interview clients and prepare their cases, and that of the barristers who plead the cases in the courts. The two branches work in co-operation; but the fact of the existence of two branches gives a special standing and a special strength to the higher branch—that of the barristers—and makes its members the *elite* of their profession, with a very high standard of professional ability and an equally high code of professional honour.

The barristers, ever since the Middle Ages, have been organized in four main autonomous societies, called Inns of Court—the Inner Temple, the Middle Temple, Lincoln's Inn, and Gray's Inn, societies which all have historic buildings of their own, with chapels, libraries, dining-halls, and rooms for work and residence. These autonomous societies, acting together, form what is called the Bar, or general body of barristers. The Bar acts in a number of ways. In the first place, its members control, through their Council of Legal Education, the nature of the legal training required for admission to membership: they conduct the education of students and the examination on which successful candidates are 'called'. In the second place they form and enforce, through the General Council of the Bar, the code of professional conduct on which all members must act on pain of being 'disbarred'. We may add that the opinion of the Bar is a weighty element in the making of judicial appointments (though these appointments are actually made by the government), and this all the more because judges are appointed from the active members of the Bar. We may also add that the opinion of the Bar may carry weight in an even greater matter. It may help to make the law itself, - so far as the law is judge-made. The pleading of a great barrister, of high standing in his profession, on some new point of law, may help to determine an important decision of the judges which afterwards becomes a precedent and, as such, a part of the law. Drawn from the members of the Bar themselves, the judges always remain in close touch with the opinion of their old profession. They are honoured members of the Inns of Court; and they serve on the Council of Legal Edu-

cation. As the judges co-operate with the Bar, so the **Bar**, in turn, co-operates with the judges. It is significant that the power of making rules of procedure for the courts is vested in a committee which includes barristers (and also solicitors) as well as judges.

Not only is the Bar thus a part, and an important part, of the English system of legal education and the English system of law-making. It also holds a high place of honour in social and political life. It is not in all barristers, or even in many, to command a large success; but those who command it may rise to an income which runs to tens of thousands of pounds a year. Some of the great English families, with seats in the House of Lords, have sprung from successful barristers who subsequently attained a judgeship and ultimately became peers. The rewards of eminent barristers, both in wealth and in social position, are high; but the standard of ability and professional conduct, and the level of service expected, are also high. Nor are the rewards confined to receiving high pay and holding a high social position. The successful barrister often plays a considerable part in politics. The Bar is a way to a seat in the House of Commons and eventually to a seat in the cabinet. The place of the lawyers, and especially the barristers, in our political life is one of the most notable features in our national tradition. It may be illustrated in two ways, one particular and the other general.

The particular illustration is the position of the Lord High Chancellor, who is at once the head and forefront of the law and a great figure in the government. We have nothing in the nature of a political Minister of Justice in England. We do not make a politician the head of a department of justice: we do things the other way round. We take a lawyer and we make him, for the time being, a politician, with a seat in the cabinet, as its legal member and the head of the legal system, under the name and style of the Lord High Chancellor.<sup>1</sup> In this legal capacity he is at once, and in one, the presiding judge in two of the courts and the minister responsible for making judicial appointments. This is not all. Indeed it is far from being all. The Lord Chancellor has a parliamentary as well as a legal capacity; and in his parliamentary capacity he is the Speaker

<sup>1</sup> There may be three 'chancellors' in the cabinet simultaneously, and, except in the days of small war cabinets, there are always two. The two are the Lord High Chancellor and the Chancellor of the Exchequer—the ministers of Justice and Finance. The third is the Chancellor of the Duchy of Lancaster, who is nominally concerned with the rights of the King as Duke of Lancaster, but actually serves as a minister without portfolio.

of the House of Lords.<sup>1</sup> Nor is his capacity as a member of the cabinet merely a legal capacity. It is a general political capacity. He is a full member of the cabinet, and he has a full voice in all its discussions; and a Lord Chancellor may, on occasion, be in charge of important political issues, as Lord Sankey, for example, during his tenure of the office, was charged with the preparation of a new Government of India Bill. The sweep of the Lord Chancellor's office, in the general English system both of law and of politics, throws a flood of light on the position of the legal profession in our national life.

The general illustration of the interconnexion between law and politics in England is the general position held by lawyers in the House of Commons. As long ago as the fourteenth century there were protests against the presence of too many lawyers in parliament, who came to press private suits and to promote their own legal business; and in 1404 the King summoned an 'unlearned parliament' in which lawyers were forbidden to sit. But lawyers, and especially barristers, have always sat and continue to sit; and a career at the bar has long been a recognized avenue to a political career. The great legal figures in the annals of British statesmanship are numerous: it is sufficient to cite, in recent years, the names of Asquith and Haldane, F. E. Smith (afterwards Lord Birkenhead) and Simon. It is sometimes said, especially on the Continent, that the influence of lawyers in British politics produces a legal—not to say legalistic—conduct of great affairs, especially in matters of foreign policy, and that it makes us act like lawyers, or even like sharp attorneys, instead of acting like statesmen. There may well be truth in the saying. But there is another side of the matter; and there is much to be said for the presence of lawyers in politics.

The argument in their favour is double: it relates to foreign as well as domestic affairs. In domestic affairs the value of a legal approach is obvious. The State in its essence is what may be called a legal association. As such it acts by legal rules—legal rules clearly enunciated and actually enforced; and therefore it acts only where such rules are possible—that is to say, where rules can be made and not only made but also enforced. The lawyer has a firm grip of this essential fact. He saves us from impossible laws which the pure politician, carried forward by some strong wave of popular sentiment, might seek to make and succeed in making—but not in en-

<sup>1</sup> As Speaker of the House of Lords, the Lord Chancellor sits on 'the wool-sack', a large square bag of wool without back or arms, covered with a cloth. This may remind us of the importance of wool and the woollen industry, in the early economy of England, see above, Chapter I, p. 10.

forcing. He prevents legislation from going beyond its bounds into the area of morals and taste: he prevents, for example, the passage of any sweeping measure of prohibition which, however well intentioned, cannot be legally enforced. Immersed in the actual working of law, he knows how it works, and within what limits it can be made to work: he has a sane realism, which may, it is true, turn into conservatism, but is always a necessary salt. In the realm of foreign affairs and international policy, with its play of forces and its speed of vicissitudes, the place of the lawyer may seem less assured. But it is the lawyers who, from the time of Grotius and even earlier, have striven to formulate rules of international law; and it is to lawyers we have to look for the provision of methods for its interpretation and even its enforcement. When we are trying, as the nations have been trying during this century, and especially since 1919, to place international relations on the ground of law, instead of the ground of force, we have to enlist the aid of lawyers in our efforts. In foreign affairs, as well as domestic, there is no reason to fear—on the contrary, there is reason to welcome—the lawyer turned politician; the lawyer who has added to the depth of his old legal experience the width of a new political experience, and the new grasp of political problems which comes from membership of parliament and participation in its debates.

### *The Judicature*

It has already been said that our judges are drawn from the active members of the Bar, and that they remain in close touch with the legal profession from which they are drawn. The judges are not a special class, as they are in most continental countries, composed of persons who have been specially and professionally trained for judicial office from the beginning of their legal studies: they are men who have had a quarter of a century or more at the Bar before they became judges, and who have been recommended for appointment by the Lord Chancellor (himself an old barrister) in some sort of understanding with the professional opinion of the Bar. In this respect the British judges, while they differ from the judges of the Continent, are similar to the judges of the U.S.A., who are similarly drawn from the active members of the general legal profession. In another respect there is a difference between British and American judges. None of the British judges is elected. All, through the whole of the judicial hierarchy, are appointed to their office. They have a life-tenure of their office (though the idea of an age-limit, at any

rate for the lower ranks, is beginning to be entertained) *i* and while they are appointed by the government, they are entirely independent of it. They have held their commissions since 1702 'during good behaviour'; and they can only be removed upon the petition of both Houses of Parliament—a petition which it has never been necessary to make. The higher judges (over forty in number) have salaries of the general level of £5,000 a year, rising in some cases to £6,000; and the prestige and the respect they command is even higher than their pay. When a judge of the High Court goes on circuit, to hold what is called an Assize Court in a provincial city or town, he goes and he is received in pomp and state, as the King's representative, and in any ceremony he takes precedence, in virtue of that capacity, of all other persons present.

It would mean a long catalogue, and it would be a weariness of the mind, if we attempted to set forth the hierarchy of the courts. It may be sufficient to say that our system of courts involves an old triad of institutions, each as old as the Middle Ages—the Judges, the Justices of the Peace, and the Jury. The central judges (there are also, of course, local judges<sup>2</sup>) not only sit in London, in their various courts and the divisions of those courts: they also carry the King's justice through the length and breadth of the land when they make their itinerary at stated intervals, as they have continuously done for the last eight centuries, through the eight circuits of England and Wales. Their ancient origin, their pervasive presence, and their solemn responsibility, all combine to make them the first member of the triad. The second member of the triad is the Justices of the Peace. They too are ancient, if not as ancient as the judges: they are as old as the middle of the fourteenth century. Unlike the judges, they are unpaid: they are amateurs in the law (advised, of course, by professional assistants), and they represent that belief in the amateur principle which has always been strong among us. They are some 20,000 in number: they are appointed for life by the Lord Chancellor from the general community: they act in various grades or instances, from the single justice sitting alone, through the petty sessions of two or more, to the quarter sessions of a whole area; and the jurisdiction which they exercise is a criminal jurisdiction.

<sup>1</sup> The Lord Chief Justice has a salary of £8,000; and the Lord Chancellor receives £4,000 as Speaker of the House of Lords in addition to the £6,000 which he receives in his capacity of judge.

<sup>2</sup> The local judges are mainly (a) the 27 Metropolitan Magistrates in London, and the 18 Stipendiary Magistrates in a number of large cities, who exercise a criminal jurisdiction, and (b) some 55 County Court judges, with a civil jurisdiction. The salary of these 100 local judges is at the rate of about £2,000 a year

This second member of the triad differs from the first alike in its numbers, in its amateur quality (into which, however, a professional tincture is more and more being infused), and in its strong and racy localism. The third and the last member of the triad is the Jury—another amateur element, consisting of twelve ordinary citizens empanelled for the purpose of finding a verdict on the issue of fact before the court. The jury is used both in cases which are tried by central judges and in cases which are tried by the quarter sessions of the justices of the peace: it is mainly used in criminal cases, but it may also be used in civil cases. It is as old as the origins of English law: it is meant to bring the ordinary good sense of the average citizen to aid the professional training and experience of the judge. The institution of the jury, as it has developed in history, is connected with that feeling of respect for the ordinary man which is the fundamental basis of British democracy. That is the root and the strength of the jury. It has, indeed, its weaknesses. A jury may be swayed by sentiment (when a pretty woman brings a suit against a man for breach of a promise of marriage); it may be swayed by class-feeling; it may be swayed by pure stupidity. But as long as the ordinary man is respected, the jury—whatever its weaknesses—will continue to play its part in our national life.

#### *The Divisions of English Law*

We may now turn from the personal aspect of law (the legal profession, the judges, and the associates of the judges) to the impersonal aspect of its substance as a body of rules. There are different ways in which it is possible to divide and classify the general substance of English law. We might, for instance, divide it, on the basis of the matters it treats, into constitutional law, criminal law, civil law, and the like. But we can also divide it on another basis, a basis which seems less logical and less concerned with essentials, but is really more important and far more illuminating. This is the basis of historical origin and of differences of historical origin. In an old country with a continuous history, in which law has grown by stages, we shall do best to respect its growth, and to classify it by the successive stages and phases of its growth.

On this basis, and from this point of view, we may say that there are three parts or elements of English law. One of them is the common law. This is a term which is sometimes used in a wider sense (as when we speak of 'the common law of England'), in which it is tantamount to the whole of English law. But it is also used in a stricter and narrower sense, in

which it is only a part—though, as we shall see, a very large part—of that law. In this sense common law may be roughly defined as the judge-made part of law; the part made by the reasoned decisions of judges, given in particular cases, which have subsequently been accepted by other judges as precedents and standards for the settlement of all similar cases, and have thus assumed the character of general legal rules. Common law is thus the general rules of English law which have been created by the judges of the regular courts, acting and thinking (as we have already noticed) in co-operation with the members of the Bar.

Separate from the common law, in this stricter and narrower sense, is the second part or element of English law which is composed of statutes and called by the name of statute law. This part is simple: it is that part of our law which has been made by parliament, and it takes the form of printed acts of parliament. You have to find common law in the reports of judicial decisions, and in the authoritative text-books or commentaries which systematize the rules proceeding from such decisions. This may be a long and is certainly a skilled business. You find the statute law, much more simply, in the printed volumes called the Statutes of the Realm.

The third part or element of English law, when that law is classified on the basis of historical origins, is equity. This is a law for civil cases, and civil cases only (it does not touch crime, as both common law and statute law do); and it is a law only for civil cases of a peculiar kind, which for one reason or other could not be treated, or at any rate could not be treated satisfactorily, in the same way as the general run of civil cases. Equity arose in the latter half of the fourteenth century, when the common law, after two centuries of steady growth (from the middle of the twelfth century onwards) was beginning to get set; and it applied new and elastic rules, through a new and different procedure, and by a new and special court with its own separate staff of judges, to cases which the old rules and procedure of the old common law-courts could not adequately handle. Equity too is a judge-made law (and herein it is similar to common law); but it is a judge-made law which for centuries was made exclusively by a special court called the Court of Chancery—now called, as it has been called since 1873, the Chancery Division of the High Court. The great example of the special kind of cases with which it deals is cases of trust—cases in which some person or body of persons has given or bequeathed property to a person or body of persons, called the trustee or trustees, to hold and use in *trust* for the advantage of a beneficiary or a group of beneficiaries.

The law of equity in relation to trusts has had a great influence, in three different directions, on the general course of English development. The first direction may be called the *social*. The law of trust has protected and fostered the growth of free associations, such as churches and trade unions; and it has thus been intimately connected with that trend towards voluntary action in the area of society which has already been noticed in a previous chapter. Free associations have vested their funds and property in trustees to be used for their benefit; and the law of trust, enforced by the court of chancery, has held the trustees to the performance of their trust and to the strict use of the funds and property for the benefit of the association. In this way, as one of our jurists has said, the law of trust has been 'a most powerful instrument of social experimentation'. The second direction in which the law of trust has exerted its influence may be called the *political*. Transferred from its original area of private law to the area of public law—or, in other words, elevated from the sphere of private relations among individuals and groups to the sphere of public relations between the community and its government—the law of trust produced a political philosophy, already apparent in Locke, that political power was a trust to be held and used by government for the benefit of the people which had vested such power in its hands. This is a basis of democracy: the King, the parliament, and all authorities, become trustees, and are bound as such to use their powers for the benefit of the community from which the powers have proceeded. The third and last direction of the influence of the law of trust may be called the *imperial and international*. As the law of trust had risen from the area of private to that of public law, so it rose again from the area of public law to an even higher area. By 1772 Burke is already clear that the power of England in India is a trust to be exercised for the benefit of the people of India; and since Burke's time the idea of what may be called 'the colonial trust' has become the dominant idea of British colonial policy. The development did not stop there. It grew from an imperial scope to an international extension. The English trust, under the Latin name of mandate, was incorporated in the Covenant of the League of Nations in 1919, and became the basis of the system of mandates and mandated territories in Africa, Asia, and the Pacific. The idea of the trust thus entered on the international stage, and became a part of the international system of the modern world.

Enough, and perhaps too much, has been said of the trust, and of the equity part of our law in which it is enshrined. We

may now revert to the two other parts of English law, and consider the relative proportions, and the general relations, of the common law and statute law. In one sense common law is inferior to statute law. It can always be modified, or even abrogated, by statute law. Parliament is supreme over *all* law; and just as it can modify or abrogate the statute law which it has made itself, so it can modify or abrogate the common law made by the judges. But in another sense the common law is greater, or wider, than statute law. In the first place, statutes generally suppose the existence of common law and legislate by reference (*implicit* reference) to its rules, leaving it intact except where they expressly say that some rule of the common law is to be abrogated or modified. You must always know the background of common law before you can interpret a statute: that background is always supposed, and it always remains intact unless it is specifically changed. A statute about Trade Unions, for example, such as the Trade Unions and Trade Disputes Act of 1927, has to be read in connexion with the common law and its various rules which bear on the position of Trade Unions. In the second place, common law covers far more of the ground of English law than is covered by statute law. Statutes refer, in the main, to public and administrative matters, and not to the private matters—the matters of private law—which are the bulk of all legal systems. Private matters—matters of private law—are mainly covered in England by the rules of common law. It is said that nine-tenths of the legal rules about 'torts', or damages, are rules of common law. A great part of the rules about contracts are also common-law rules.<sup>1</sup>

<sup>1</sup> Perhaps the scope of judge-made law has been exaggerated in the text. It may certainly be taken as true that the judge-made element is the most fundamental and the most important, and that almost the whole of private law would fall to pieces if the whole of judge-made law disappeared. It may also be taken as true that the two branches of law which are mainly judge-made are the general law of contract and that of torts, to which, perhaps, may also be added (in spite of the Trustee Act) the law of trusts.

On the other hand, as the mention of the Trustee Act suggests, a good deal of private law has now been codified by statute. Most of our criminal law is so codified, and perhaps the greater part of our commercial law, and for practical purposes most of our law of real property is now statutory law. The element of statutory codification has thus gained ground. But there still remains a great difference between English law and the law of a country, such as France, where an enacted code is the most fundamental and the most important element. In the latter case, the code gives the general principles, which are elaborated and supplemented by judge-made law. In the former, the general principles come from judge-made law, which is supplemented and modified by statutory law.

*The Merits and Defects of the English System of Law*

If we may start first from merits (though the English themselves would naturally start first by grumbling about defects), it may be counted as a primary merit of the English system that it is primarily directed to the protection of the rights of the citizen, or, as we say, 'the liberties of the subject'. Our legal system does not contain any great and comprehensive declaration of rights, such as the French declaration of *les droits de l'homme et du citoyen* of 1789. Occasionally, indeed, we have declared some rights, as we did in Magna Carta in 1215, and in the clauses of the Bill of Rights of 1689 which are repeated in the first ten amendments of the American Constitution, of the year 1791. Generally, however, our trust has been placed in the legal remedies<sup>1</sup> provided by our judges for anything which they regarded as a breach of the liberties of the subject, and in the actual and daily enforcement of remedies by the procedure of the courts. *Habeas Corpus* is a famous example: if I am imprisoned, a judge can insist, if he is moved thereto by me or any person on my behalf, on 'having my body' brought before him, and he will then insist on having me released unless he is satisfied that I am properly imprisoned under a rule of law. The judges have steadily stood—even before the Revolution of 1688, and still more since—for the liberty of the subject. It is by great judicial decisions, given in leading cases, that the liberty of the subject has again and again been vindicated against the executive.

In this connexion it should be mentioned that till recent times we have had nothing of the nature of administrative law. In other words, we have had no separate law for administrative officials and cases, enforced by separate administrative courts distinct from those of the ordinary judges. Administrative officials and cases have come under the ordinary law of the land (the common law and the statute law) and before the ordinary judges. This has enabled the judges to check any pretensions or any presumption of the administrative officials of government. Of late years, however (since about 1900), something in the nature of administrative law has begun to appear—not so much, be it noted, in regard to administrative officials as in regard to administrative cases. Some of our administrative departments—for instance, the Ministry of Health—now give decisions on cases which they

<sup>1</sup> *Ubi jus, ibi remedium*- 'where there's law, there's remedy'. The English have worried about remedies, and found their law in the process.

have been empowered by parliament to try.<sup>1</sup> (The development, we must notice, has thus proceeded from parliament.) Some members of the legal profession, and some of the judges, naturally tend to resent this growth of the power of administrative departments and civil servants, even though it is due to the action of parliament; they condemn it as bureaucracy or the growth of a 'new despotism'. It is certainly, so far as it goes, a diminution of the old exclusive power of the judges to try all cases. It is not equally clear that it is a diminution of the liberty of the subject, or that the slum-dweller suffers from the action of officials of the Ministry of Health. *Autres temps, autres erreurs*. We have come to believe, in democratic days, that a civil servant acting under a minister responsible to parliament may also serve the cause of liberty.

A second merit of the English legal system is that it protects and enforces law and order at the same time that it protects and ensures the liberties of the subject, or, in other words, that it defends the peace of the community (or, as we call it, the King's Peace) no less than the rights of the individual. This is particularly evident in the sphere of criminal law.<sup>2</sup> On the one hand we respect the rights of the criminal. Suspected criminals are not subject to interrogation on arrest: they may indeed be asked questions by the police (which they need not answer), but a set of 'Judge's Rules' regulates carefully, in the interest of fair play, the procedure of such questioning. The criminal who is eventually charged or 'indicted' will be tried by a judge<sup>3</sup> and jury, with full opportunity for defence, and under rigorous rules of procedure which give the defence an equality with the prosecution; and if he is condemned and sentenced he has a right of appeal to the Court of Criminal Appeal on matters both of fact and of law and on the amount of his sentence. On the other hand, while the law deals fairly with the suspected criminal, it also deals with him swiftly and

<sup>1</sup> The following example will illustrate the point. By the Public Health Act, 1875, a local authority may order a householder to provide proper drains within a specified time, and if he fails to do so within that time it may itself do the work and recover the cost. The appeal of the householder against such an order lies not to the courts, but to the Minister of Health (i.e. to an official of the Ministry), who may then give such decision as seems to him equitable; and the decision so given is final.

<sup>2</sup> The reader is referred to a pamphlet by Sir Maurice Amos on *British Justice*, which is more justly described, in its sub-title, as 'an outline of the administration of Criminal Justice in England and Wales'. (Published for the British Council, 1940)

<sup>3</sup> The judge, on Assize, tries the more serious crimes. The less serious are tried by the Justices of the Peace.

surely, because the peace of the community has also to be protected and the rights of the peaceful citizen have also to be regarded. Our police—a popular body, reformed at the time of the Reform Bill by one of the best reforms of an age of reform—are alert to detect and to apprehend the criminal. In a sense the police is a part of the executive system rather than of the system of law, but in our English system the police have a peculiarly close connexion with the system of law and are peculiarly subject to the rules of legal procedure, and we may count their merits as one of the merits of our system of criminal justice. Another merit, which is specifically legal, is the rapid, if sure, activity of our criminal courts. There is a trial soon after arrest: the trial itself is quick: if there is an appeal, the appeal is rapidly heard: if the sentence is sustained, its execution follows at once. In a famous and complicated case of murder, which raised difficulties of medical jurisprudence and in which there was an appeal, the whole of the proceedings covered a time of four months and a half. It may safely be said that our system of criminal justice protects the community as effectively as it protects the rights of the criminal.

The defects of the English system of law are most apparent on the civil side. A good system of civil justice will be cheap, quick, and impartial. The English system of civil justice is not always cheap or always quick. The standard of remuneration of the legal profession—solicitors as well as barristers—is one of the reasons, and generally a greater reason than the amount of the judicial costs, why it is not always cheap. The possibility of appeal from court to court, and even (it may be) to the House of Lords, is a reason why justice is sometimes slow, as well as being, through the accumulation of expenses in successive courts, undeniably expensive. The partiality sometimes alleged against our courts of justice is a more dubious and uncertain matter. It is sometimes urged, by more radical critics with socialist sympathies, that judges show a class bias, and that, particularly in cases affecting Trade Unions, they have allowed capitalistic prejudice to overpower judicial discretion. No man can escape his personal equation; and no doubt even the trained intelligence of the judge suffers from prejudices of which he may not be aware, but which may be all the deeper for that very reason. It may be doubted, nevertheless, whether there is any substance in the complaint that the tendency of judicial decisions, in cases affecting Trade Unions, has been determined by the personal bias of judges. They have faithfully followed the logic of the relevant rules of common law; and if anything has been wrong it has been the

rules on which they acted—and on which they were bound to act—and not their own bias or prejudice.<sup>1</sup>

Is it a defect of English law that it still remains uncodified—scattered far and wide in thousands of law reports, in commentaries, in a medley of statutes, everywhere? It is hard to answer that question. The English legal profession, entrenched so firmly in English life, has no passion for a code. But perhaps there may yet be appointed an Anglo-American commission of jurists to provide the draft of a code for the British and American legislatures.<sup>2</sup> An Anglo-American commission? Yes: it would need both countries, acting together, along with the British Dominions, to produce a code of the English system of law. It belongs to both countries alike, and the lawyers of either can cite and apply the dicta pronounced by the lawyers of the other. When the Americans signed the Declaration of Independence, they forgot to declare themselves independent of English law.

The writer ventures to append, in conclusion, some notes from a lecture which he recently delivered. (The map at the end of the book shows the places and sites which are mentioned in the argument.)

'To whom do we owe that flexible instrument of social experimentation, that root of democratic development, that germ of international order, which is to be found in the law of trust? To the lawyers of the equity side, or the Chancery Bar, and that as far back as 1350. To whom do we owe the legal remedies—Habeas Corpus and the rest—which are the basis of our civil liberty? To the lawyers of the common law. . . . When I try to understand the organized scheme of our national life—our society, with all its voluntary associations, and our State, with all its liberties—I take off my hat to the lawyers. I sometimes think that the heart of England is somewhere near Temple Bar. When you stand there, be-

<sup>1</sup> While there seems to be little, if any, case against the judges, a more serious case might perhaps be made against the Justices of the Peace. But the more a professional tincture is infused into the Justices, the less their bias is likely to be.

<sup>2</sup> When the author wrote these words, he did not know that (as he has since been informed) there is a movement on foot for British co-operation with the American commission which endeavours to promote 'uniform State laws'—i. e. laws, largely of a commercial character, uniform over all, or a large number, of the forty-eight States of the U.S.A. This would be the beginning of the Anglo-American commission of jurists suggested in the text, and it would help to secure a uniform Anglo-American commercial law. The author can only wish, as he most sincerely does, every success to the movement.

tween the Royal Courts of Justice and the Temple where the lawyers gather, you are standing very near the centre. On the one hand the King's Judges\* on the other hand the King's Counsel and the general body of other barristers; and the two together giving us a law, which with all its defects—expensive, uncodified, and what not—is about the best thing we have.'

'I have often advised my pupils in the University of Cambridge, if they wished to understand the genius of their country, to go up to Liverpool Street station in London, and when they were there to take a seat on the top of the Number n bus which runs westwards through the City of London, past Temple Bar, to the City of Westminster. The bus will carry you through three areas, in a succession which seems symbolical of English life. In the first area you pass the building of the London Stock Exchange, a voluntary association with its "trustees" who act in trust for the "proprietors" and, behind them, for the "members". Here, if you are fanciful, you can think of the law of trust and the social development which it has fostered; and you can reflect that the Stock Exchange, with its basis in trust and with the large powers which it exercises on that basis, is in one respect like some other bodies which would be shocked to be told that they were congruous—Trade Unions, for example, and even Free Churches. This is *the area of society*. In the second area, which you reach after passing St. Paul's Cathedral and going up Fleet Street, you come to the Temple and the two Inns of Court which it shelters. (Incidentally you also pass by the homes and establishments of a free Press.) Here, without being very fanciful, you can muse on those autonomous societies of barristers which have been the makers of much of your country's law (including the law of trust), as well as the breeders of its judges; you can reflect that, as recently as about 1880, the new Royal Courts of Justice were built next door to the Temple, where they are very naturally at home; you may even remember, if you are historically minded, that in this same Fleet Street, within a short stone's throw of Temple Bar, a certain voluntary association, called the Green Ribbon Club, which eventually became the Whig and then the Liberal party, used to have its meetings in a tavern as long ago as 1675. This is a haunted area: it is *the area of the borderland between society and the State*: it is where voluntary societies of lawyers hobnob with the State Courts of Justice, and where there are memories of the thing called "party", itself a borderland thing, half social formation and half political machine, naturally housed in the area of the borderland between society and the State.'

'You have gone through two of the areas. You now pass

through the Strand and Trafalgar Square; and you come at last to the third and final area. This is *the area of the State*. The offices of the government and its administrative staff stand solemnly in Whitehall: the Houses of Parliament rise triumphantly, by the side of Westminster Abbey, on the south side of Parliament Square. Here you may get down, and stand, and muse. Here, at last, is the State—the State, and also the Church, for the two go together in England. It is a solemn place, and fit for musing. But as you stand, and muse, it is good to remember that before you reached the area of the State, you passed through two other areas—the area of society, and the borderland area which lies between society and the State. Your journey on the bus was not altogether unlike the journey your country has made in its history.'

## CHAPTER V

### RELIGION AND THE CHURCHES IN BRITAIN

#### *The English Reformation and the Church of England*

**T**HERE were two separate Reformations in Britain during the sixteenth century. In Scotland, then a separate and independent kingdom, there was a Scottish Reformation, led by John Knox and achieved in despite of the monarchy, which turned the Scottish nation into a nation of Calvinists. In England, then ruled by 'the majestic lord' Henry VIII, there was a less logical and curiously English Reformation—a matter of compromise and of that *via media* on which Englishmen naturally walk—which was largely achieved by the monarchy and resulted in a Church of England 'governed' by the English King.

The Church of England, as a separate Church, is just over four hundred years old. We may date its beginning from the year 1533, and from the Act for the restraint of appeals to Rome which was passed in that year. Before that time there had indeed been an *ecclesia Anglicana*, but it had been a subordinate part of the general *ecclesia Catholica*, and as such it had been subject to the Pope. After that time the English Church became an independent part of the Catholic Church, and as such it was free from the Pope and subject to the King. This, in itself, was an alteration only in the sphere of government; but there was also an alteration, slowly and tentatively achieved, in the sphere of doctrine and ritual. The new Church of England shed some of the doctrine and ritual of Rome; but it

did so without adopting the doctrine and ritual of the Continental Protestants, whether Lutheran or Calvinist. It stood midway between Rome and Continental Protestantism (just as the English language itself is a midway language); it became the church of the bridge, or, as a Frenchman has said, of the hinge (*VEglise charniire*).

Looking at the Church of England in its relation to the English State at the close of the sixteenth century, we may notice two essential features. It was, in the first place, a Church which claimed to be co-extensive with the nation and to include all the members of the nation. In the language of Hooker, the contemporary philosopher of Anglicanism, "one and the self-same people are the Church and the Commonwealth"; and in the logic of this belief all members of the English people were legally held to be members of the Church as well as of the State, and were accordingly forced by law to attend the services of the Church, under penalty of a fine, on Sundays and holydays. In the second place the Church, thus held to embrace the nation, was also held to be subject to the government of the national King, who was at first termed its 'supreme head' and afterwards by the more modest style of 'supreme governor'. The King nominated the bishops of the Church: the King-in-Parliament regulated by law the affairs of the Church. The Church of England was thus a State-Church, in the double sense that it included, or rather sought to include, all the members of the State, and that it was governed and controlled by the government of the State.

There continued to exist (as there still continues to exist to-day, to the number of some 6 or 7 per cent, of the population) a body of Roman Catholics who were in opposition to this system of the State-Church. But there also arose a new opposition, which was destined to prove far more important in its influence on English life and the course of English history. This was the opposition of the Puritans, or, as they came eventually to be called, the Nonconformists. At the opposite pole from the Roman Catholics, who wanted no reformation at all, they wanted a total reformation. Objecting to the whole idea of a midway position, they also objected to the whole system of the State-Church with which the idea of that position was essentially connected. They objected to that system in both of its senses. They rejected the identification of church and nation, and claimed that a church might be, and properly ought to be, a 'gathered' body, voluntarily formed, which consisted of those members of the nation (and *only* of those members of the nation) who felt themselves called to join. They rejected equally the method of church government which

vested the national King with the position of supreme governor, and they claimed that each 'gathered' body, just as it was freely and voluntarily formed, should also be freely and voluntarily governed as a free church. Here, as we shall eventually see, there was a potent germ of the development of English democracy.

The Puritan movement, beginning during the reign of Elizabeth, and growing, from 1570 onwards, under the general influence of Calvinism, had already produced, by the end of the reign of James I (1625), three different types of free Churches which still exist to-day. One of these was the democratic Congregationahsts, or Independents: another was the equally democratic Baptists, who only differed from the Congregationahsts in their doctrine and ritual of baptism: a third was the Presbyterians, who had adopted, along with the strict doctrine of Calvin, the more aristocratic (or clerical) method of government which Calvin had instituted. The Congregationahsts and the Baptists are still large and numerous bodies; the Presbyterians, in England, have now shrunk to small dimensions. In their original hey-day, during the first half of the seventeenth century, the three bodies of Puritanism had combined to produce two great and enduring results. In the first place, they were largely responsible for the first origins of the United States of America. Seeking religious freedom in a 'new England', they braved the waters of the Atlantic: their members peopled Massachusetts and the surrounding colonies, more especially between 1620, when the Pilgrim Fathers landed on a stern and rock-bound coast, and the year 1642, when the outbreak of Civil War between the King and Parliament checked the movement of emigration. In the second place, the Puritan movement played no small part in the origins of this civil war. The religious opposition to the royal Church of England joined hands with the parliamentary opposition to the royal government of the English State; and the union of the two overthrew for a time, from the execution of Charles I (1649) to the Restoration of Charles II (1660), both the monarchy and the Church of England. Even after the Restoration this effect of Puritanism survived, in a new and less drastic form. If there was no civil war between armies, there was still a division between parties; and the temper and tradition of Puritanism served as the foundation-stone of the old Whig party, the ancestor of modern liberalism, which challenged the royalist Tones, the ancestors of modern conservatism. Puritanism builded to large consequences, unseen by itself, when it promoted the growth of the New England colonies and the development of liberalism.

*Anglicanism and Nonconformity from 1660 to 1832*

But a new period began, none the less, with the Restoration of 1660. The monarchy was indeed restored: the Church of England was also restored; and with it was restored the conception that every Englishman must also be an Anglican—a conception expressed in the Act of Uniformity of the year 1662. But along with the enunciation of the old principle of uniformity there also came the enunciation of a new principle of nonconformity—the principle of refusal, permanent refusal, to conform to the Church of England. It is true that the English Nonconformists, who date their origin from the year 1662 and from their refusal to conform to the Act of Uniformity of that year, were in one sense nothing new. In substance and composition they were simply the old Puritans 'writ large'. But in spirit and character they were something new, and something of profound significance for the future development of English life. Puritanism before 1662 had always hoped either to be included in Anglicanism, by a voluntary widening and Protestantizing of the Anglican Church, or (preferably) to include Anglicanism in itself, by impelling it to the left and compelling it to enter the Protestant fold. After 1662 that hope disappeared. Puritanism turned into nonconformity, plain and permanent nonconformity, plain and permanent refusal to conform to the Church of England, with no expectation of any entry on any terms. Henceforth there is a plain dualism of Anglicanism and Nonconformity, of the State Church and the Free Churches, as a part of the permanent structure of English life; and that dualism affected all the succeeding centuries.

At first this dualism was acute to a degree. Legally, the nonconformists had at first no right of existence. An act of the year 1664 forbade them even to meet for worship. It was only in 1689 that a toleration Act was passed, allowing freedom of worship (provided the doors were closed) to those who would take an oath of allegiance to the King and subscribe a declaration against 'Popery', and exempting them, on that condition, from attendance at the services of the Church of England. But if the Nonconformists were allowed freedom of worship, and freedom to absent themselves from the services of the Church, they were not allowed full civic rights in the English State. They were only half citizens; and they were subject to a triple body of religious disabilities. They could not hold municipal office, under an act of the year 1661 called the Corporation Act. They could not hold any civil or military office of the State (though they were not debarred from a seat

in parliament—provided that they could find and carry a constituency) under an Act of the year 1673 called the Test Act. They could not, at any rate legally, educate their children *in* schools of their own, under a rule of law which made it necessary that teachers should be licensed by a bishop; and they could not send their sons to the old Universities of Oxford and Cambridge. But limited as they were, and though they were only half citizens, they were at any rate more free than the Roman Catholics, who had not even freedom of worship and derived no benefit from the Toleration Act of 1689.

Adversity is a nursing mother of man's spirit; and nonconformity thrives on its adversities. The eighteenth century, while it penalized nonconformists, saw a new and remarkable growth of their numbers. At the end of the previous century, they were only a handful: according to a religious census made at that time there was only one nonconformist to every twenty-five Anglicans. But there arose, about 1730, a new religious movement, which may be termed indifferently the Wesleyan, from its founder and author, John Wesley, or the Methodist, from the method of religious life which it preached and sought to spread. At first it was a movement—an evangelical or Protestant movement—within the Church of England; afterwards, as it grew, and became organized in the course of its growth, it turned into a movement outside the Church—a result which was already becoming apparent by 1760, though it was not formally consummated until after the death of Wesley in 1791. The new Wesleyan or Methodist movement thus issued in a new body of nonconformity and a new free church; or rather, to speak more exactly, it issued in a number of new free churches, since the movement, in its development, split into a number of 'connexions' or societies. They were substantially like one another in claiming independence of the State and freedom from the State Church; they were also substantially like the older nonconformist societies of the seventeenth century. In this way nonconformity received a great accession of strength; and henceforth we may distinguish two divisions, or rather strata, of nonconformity—the old seventeenth-century stratum, now mainly composed of Congregationalists and Baptists (for the Presbyterians had dwindled), and the new eighteenth-century stratum composed of the various bodies of Wesleyans or Methodists.

The two strata, different in their chronological origins, were none the less fundamentally alike in their character—alike in their devotion to the idea of the free church: alike in their devotion to a simpler and more evangelical doctrine and ritual alike in their common submission to civic disabilities. Where

they differed from one another was mainly in the matter of government. The Congregationalists and Baptists were (and still are) loose general societies, which placed their essential emphasis on the separate and autonomous congregation gathered in its separate and local chapel. The different Wesleyan societies each formed a centralized body, under a single central government, and continued to bear the mark of the controlling genius of the original founder. But this difference of government did not constitute an essential difference. The two divisions of nonconformity, which in the process of time came to be roughly equal to one another in the number of their adherents, formed a homogeneous body of social life and general opinion. And that body, though at no time equal in size to the general body of Anglicanism,<sup>1</sup> was by the nineteenth century not far short of its dimensions. It was a minority, but a minority which confronted the majority with a solid strength and a serious challenge.

This minority, as it stood at the beginning of the nineteenth century, was distributed over the length and breadth of the land. Geographically, it had two particularly compact blocks, one in the Eastern counties, round Cambridge, and one in the south-western counties, round Bristol; but with the spread of the Industrial Revolution it was also beginning to establish itself strongly in the North. Socially, and in respect of the classes which it embraced, it was strong in the towns, in industry and commerce, and in general business life; but there were also thousands of new village chapels, in quiet corners and lanes, by the side of the old stone churches which had been built in the Middle Ages. Anglicanism was strong in the South, and vigorous in all the countryside: it was the religion of the landed and professional classes: it was the religion of tradition and the general national society. The Nonconformists had wealth (they were by no means confined to the poorer classes), but it was mainly monied wealth: it was wealth unaccompanied by social prestige and attended by civic disability. The Anglicans also had wealth, but it was mainly landed wealth which commanded social prestige; above all, they enjoyed full civic rights and a general possession of political power.

<sup>1</sup> It is difficult, even to-day, to establish the comparative strength of the different religious bodies. The bases of reckoning differ; and the areas included in the reckoning also differ. According to the reckoning of Carr-Saunders and Jones, in *The Social Structure of England and Wales*, the number of Anglican communicants in England and Wales was in 1925-6 about 2,700,000, and the number of the full members of Nonconformist societies about 2,000,000, almost equally divided between the two main strata of nonconformity.

Minority though it was, Nonconformity produced large effects in the development of English life during the long period of its duel with Anglicanism, which lasted from 1662 to 1832, and even later. Politically, it was a largely disfranchised minority, struggling against the State: it was the Antigone of English politics, resisting the edicts of authority, as Antigone in the play of Sophocles resists the edicts of Creon the King of Thebes. Nonconformity thus fostered the notion and the doctrine of the limited State—the State which goes thus far, and no farther. Economically, it was strong in commerce and general business; and it naturally took the line, true to its own general spirit, that commerce and business should properly be left to look after themselves. Some thinkers have held the view that it was the parent of capitalism and of the principle of *laissez-faire*. But English nonconformity always included working men, who formed, indeed, the great majority of its adherents; and the working-class movement, since the beginning of the nineteenth century, has owed a considerable debt to the temper and training of the nonconformist chapels. We cannot exclusively ascribe either capitalism or anti-capitalism to the influence of nonconformity: it was broad enough, and sharp enough, to cut both ways. Finally, in the sphere of moral and social life, nonconformity fostered a general temper of individual self-reliance. The nonconformist was thrown largely on himself by the nature of his position, and he learned to practise the virtue of a rigorous self-control. His ethics were naturally the ethics of the categorical imperative of duty. He had not the social graces, nor much of the social sense which recognizes the existence and the claims of the general community; but he was a fine colonist on lonely farms in strange lands, and a good pioneer in industrial enterprise.

*The Religious Development of the Last Century, from 1832 to 1942*

A great change began about the year 1832—that dividing watershed of our modern English history, when everything began to change and 'reform' was the general watchword—in the character both of Nonconformity and of Anglicanism. The old schism of the 'two nations' in the field of religion began to disappear: and each of the 'nations' changed as the schism between them faded.

The Nonconformists began to be relieved of their civil disabilities. In 1828 the old Acts which had debarred them from municipal office and from office in the State were both

repealed; and in the next year an Act was passed for the emancipation of Roman Catholics. By these Acts, and by their subsequent extension, full civic rights were at last conceded to all men alike irrespective of their religion. But the Nonconformists still had grievances: it was not until 1871 that they were fully admitted, on a footing of equality, to the old Universities of Oxford and Cambridge; and throughout the century they continued to wage a struggle against the Anglican Church in the field of education, challenging its right to any position of privilege in that field. To-day the old schism of Anglicanism and Nonconformity has passed. The Nonconformists have gained a complete parity; they have access to theological degrees and even to theological chairs in the old Universities; and Nonconformists have begun to be associated with Anglican clergy in the solemn services of the State—as they were, for instance, in the Jubilee Service of 1935 which commemorated the twenty-five years of the reign of King George V. There is little sign of any general movement for union between the Church of England and the Nonconformist churches; but there are many signs of friendship and even co-operation. Meanwhile the various divisions of Nonconformity have been drawing together in unions or in some sort of federation. The scattered societies of Wesleyans or Methodists were united again in a single Methodist Church in 1932; and a Free Churches Federal Council associates all the main Nonconformist societies for common purposes.

The Church of England, we may say, stood in any case to gain by the gain of the Nonconformists, and by its own liberation from its own privileges and superiorities. Running level with Nonconformity, it was bound to run a better race. But it so happened that, at the very moment when this position was being achieved, a new movement was also beginning in the Church of England which was destined partly to distract it, and partly to invigorate it. This was the Oxford Movement, which began in 1833. It was a paradoxical movement—half Catholic, in its attitude to doctrine and ritual; half Nonconformist, in its attitude to the government of the Church. It was Catholic, in that it sought to assert the Catholic element in Anglicanism, in opposition to the Protestant: it was Nonconformist, in that it sought to vindicate, in opposition to the old system of State control of the Church, the idea of the Church's right to govern itself independently, to formulate for itself its doctrine and ritual, and to conduct for itself the discipline of its clergy and its members. It was at once an opposition to nonconformity and an expression of nonconformity. Distracted in itself, it also distracted the Church; but it stimu-

lated as well as distracted. The old official Church of the eighteenth century became a busy hive of ideas in the nineteenth century. Anglicanism found itself forced more and more to become a comprehensive body, which admitted a wide range of opinion and (like the nation itself) was built on compromise and agreement to differ. It included a High Church section, inheriting and continuing the tradition of the Oxford Movement, inclining to Catholic doctrine and ritual, and anxious for independence from the State in order to follow its inclination freely: it included a Low Church section, with something of the Biblical temper of early Puritanism, inclining to Protestant doctrine and ritual, and tending to cling to the State as a safeguard against the High Church section: it included a liberal, or broad, or modernist section, chiefly concerned for freedom of religious thought, less concerned than either of the other sections about the problem of church government, but on the whole tending towards State government of the Church rather than towards an ideal of self-government which might tend to become the fact of clerical government. These different bodies of opinion, it is true, had always been present in the Church of England, in some degree, since the Reformation of the sixteenth century. But their definition and accentuation was fostered by the developments of the nineteenth century; and the Church of England, always tending to division between different sections (and perhaps strengthened rather than weakened by that tendency), became more divided, and thereby broader, than ever.

But while the Church of England was broadened, it was also, in another sense, narrowed by the developments of the century of growth which extends from 1832 to the present time. It was narrowed territorially. Though it was called the Church of England, it had never been, since the days of the Reformation, confined to England. It had not, indeed, been extended to Scotland: Scotland had always kept her own national system of Presbyterianism, and even after her union with England, in 1707, the Presbyterian Church of Scotland was recognized and safeguarded as the Scottish national church. Wales and Ireland fared differently. When Wales was legally incorporated into and united with England in 1536, it became an area of the Church of England, and continued to be so for centuries. Ireland was long a separate kingdom (at any rate in form), and it had long had a separate episcopal Church of Ireland, by the side of the episcopal Church of England; but when the kingdom of Ireland, in 1800, was incorporated into and united with the kingdom of Great Britain (as the style had become after the union with Scotland in 1707), the Church of Ireland

was also incorporated into and united with the Church of England, which thus became 'the united church of England and Ireland'. From 1800 onwards, therefore, the Church of England was the established Church of England, Wales, and Ireland. This scope had no long duration. Ireland was a country mainly belonging to Roman Catholicism: to establish the Church of England in it was to establish an anomaly; and in 1869 the episcopal Church in Ireland was once more separated—and not only separated, but also disestablished (in other words, separated from any connexion with the State), and turned into a voluntary church freely managing its own affairs under the style of 'the Church of Ireland'. The same policy was followed in Wales, where the bulk of the population, from the middle of the eighteenth century, had turned to a form of methodism, with presbyterian government, called Calvinistic Methodism, which suited the national genius. In 1920 the Anglican Church of Wales was at last disestablished, and became a voluntary church under the style of 'the Church in Wales'. Since that year, therefore, the Church of England is a Church of England only—limited to England, and yet controlled (so far as it is still State-controlled) by a State which is *not* limited to England but includes in its parliament representatives of Wales, Scotland, and Northern Ireland as well as of England. It is a curious and illogical position. But in Britain, and among the British people, the illogical may long survive, if only it is considered 'sensible'. Most Englishmen appear to consider it 'sensible' that there should still be a State Church, that it should be confined to England, and that the State with which it is connected and by which it is controlled (so far as it is still controlled) should be the whole British State.

Before we ask how far the Church of England is actually controlled by the State, it is necessary to make a preliminary observation. It is true that the Church of England is the Church of England only. But it is far from true to say that Anglicanism—as a general body of belief, of doctrine and ritual, and of religious organization—is confined to England. We must not let law blind us to life. Anglicanism includes not only the Church of England, but also the Church of Ireland, the Church in Wales, and the Episcopal Church in Scotland, which has long existed as a voluntary church by the side of the national Presbyterian Church of Scotland. It goes further afield. It is imperial as well as British: it includes a large number of Churches of the Anglican communion in the British Dominions and colonies. It goes even further afield. It is English-speaking as well as imperial and British; and it may be said to embrace, if not to include, the Protestant Episcopal

Church in the United States of America. There is Pan-Anglicanism, as it may be called, as well as Anglicanism. The general scope of the whole communion may be seen in the Lambeth Conferences, which have met at intervals of roughly ten years since the year 1867. These conferences include American as well as other bishops of the communion: they draw representatives from all the five continents; and they are even wider, as they are also earlier in date, than the Imperial conferences of the British Commonwealth of Nations.

It is a widespread communion; but its core and centre is the Church of England in England, and its central officer is the English Archbishop of Canterbury. The paradox thus emerges that the centre of a world-communion is what seems to be a State Church in one small country. How far is the Church of England really a State Church, in the sense that it is State-controlled? Its higher clergy are still appointed by the King, on the advice of the British Prime Minister: its ritual is still subject to the final control of the British Houses of Parliament, which can allow or disallow changes: the final jurisdiction over its clergy is still vested in a State-tribunal called the Judicial Committee of the Privy Council. But once more it has to be said that we must not let law blind us to life. The conservative English have maintained an historic religious system which is Erastian, or *itatiste*, in law, but independent and free in life. The Church of England, with the new National Assembly<sup>1</sup> which it acquired in 1920, is in its actual spirit and action a national rather than a State Church. Its old churches are spread through the villages and towns of the land: their services are woven into Christmas and Easter and Whitsun, seed-time and harvest, private life and public events; and the movement of its life is essentially a movement of its own free spirit. If the past has left the legal form of State control, that control is exercised in a close understanding, and it may even be said in close sympathy, with the authorities of the Church; and there is a great area of the Church's thought and action which proceeds in absolute liberty. The Church of England, standing at the centre of an Anglican communion scattered throughout the world, and reaching out hands to other Christian communions in order to establish an ecumenical fellowship on a common basis of Christian belief (a movement which it has increasingly sought to foster in this century), can find no enemy, but rather an ally, in a free British parliament and government.

<sup>1</sup> This is a body (including a new house of the *laity*) which has been added to the old and historic *clerical* Convocations of Canterbury and York.

*The Religious Factor in British History*

Some of the record depicted in this chapter may seem a sad story of old and past ecclesiastical animosities, 'of old unhappy far-off things, and battles long ago'. But in a country such as Britain, with its long continuous life, the past is never dead; and in the sphere of religion more than in any other the record of the past is necessary to the understanding of the present. Religion and the position of the Churches has been a dominant factor (many of us would even say that it has been *the* dominant factor) in the internal development of British life during the last four hundred years. National divisions and the issues of national debate have been mainly religious; and social and political issues have arisen within a religious framework and displayed themselves in a religious setting. This may seem a large and sweeping assertion, especially to those who are votaries of purely political democracy, and even more especially to those who are devotees of a specifically 'social' democracy and pledged to a social (or economic) interpretation of history. But the fact remains that the religious key is the key which unlocks most doors of English life.

We have already had reason to speak of the deep influence of Nonconformity on English history. Let us now take a wider scope, and embrace within our view both Anglicanism and Nonconformity. Here we at once begin to notice a peculiar and cardinal fact. England has differed from most other European countries (for instance, from Sweden, a country in many other ways parallel) in one essential respect. She has had, and she has been divided between, two bodies of reformed religion—two bodies of non-Roman Catholic religion—of almost equal strength. This is a unique fact. Let us examine the nature and implications of this fact. It has meant that we have had two bodies in one sense agreeing with one another, because they have both departed from the Roman Catholic Church, but in another sense, and at the same time, disagreeing with one another, because they have sought to depart from the Roman Catholic Church in a different way and to a different extent. There has thus been agreement coupled with difference. The agreement appeared signally in the Revolution of 1688, when both bodies—the Anglican and the Nonconformist—combined to eject a Roman Catholic King, and to establish the sovereignty of Parliament in the process. The difference has appeared more often and more obviously. But there has always been *both* agreement and difference. What have been the results of this fact?

In the first place, it has been the ground of the development of parliamentary democracy. The essence of parliamentary democracy is agreement in fundamentals, coupled with an acute difference about non-fundamentals which are none the less (if we may speak in a paradox) regarded as fundamentally important. To attain that essence is a difficult thing. In order to do so you have to combine a belief in identity with a belief in difference. Should we ever have attained this essence, and achieved the temper of parliamentary democracy, if we had not learned, from the religious experience of our national life, that it was possible to be united and divided at one and the same time—united in common foundations of reformed religious belief, but divided by different conceptions of the proper nature of reformation? Some of us would answer that question in the negative, and would hold that the religious experience of our national life was a necessary and prior condition of the development of our political experience and our system of parliamentary democracy.

In the second place (but this is only to carry into further detail the point which has just been made), the religious development of our history provided us with a system of political parties such as parliamentary democracy needs. We have already noticed that it was on a religious foundation that political parties arose in the latter half of the seventeenth century—the Whigs allied to the Nonconformists and the Puritan cause; the Tories allied to the cause of Anglicanism. The *fundamentum divisionis* of parties was largely religious; and this continued to be the case for centuries. It is true that the emergence of the Labour party, since the beginning of the present century, has altered the old position; but it is also true, as we have already had reason to note, that the Labour party itself, and the general working-class movement, has its own religious connexions, especially with nonconformity, and is very far from being a secularist or anti-religious party, as similar parties and movements on the Continent have tended to be. With our different history, and our different religious experience, we have never considered that enlightenment and progress demanded opposition to religion; and neither our Liberalism (a cause which, on the Continent, has also tended to be opposed to the churches and the clergy), nor our Labour, has followed that line of thought.

In the third place, and apart from the method of our parliamentary democracy and the spirit of our political parties, we may notice that the substance of our national activity has largely been determined by the religious factors in our national life. It has often been noticed, for instance, that in the latter

half of the eighteenth century England went through a religious revolution (the revolution of Wesleyanism) instead of being plunged into the vortex of the French Revolution. Uneasy stirrings, which might otherwise have found a political vent, discovered for themselves a religious channel; and social discontents, which might otherwise have led to an economic upheaval, were eased and comforted by the consolations of a religious revival growing naturally and spreading among the ranks of the people. But there are other grounds on which this religious substance of our national activity may also be traced. It may be traced, for example, on the ground of education. The spread of popular education was connected with the Sunday School movement, and with the general voluntary activity both of Anglican and of Nonconformist societies formed for educational purposes. It was not the State, but religious bodies, which first promoted the education of the nation. These religious bodies, and the voluntary schools which they founded, are still elements in the national system of education, though the State has now assumed a great and major responsibility; and it is not only a relic of the past, but also an ideal and an inspiration for the future, that religious instruction continues to be an element of all our national education, in the schools of the State as well as in voluntary schools.

Finally, we may ascribe to the general influence of religion in our national life a cardinal feature of our British system to which attention has already been directed. We have never believed in the totality of the State: we have never put our whole faith, and the whole order of our lives, in the one *cadre* of politics. We have always held that there was society as well as the State; we have always held that voluntary association had its own sphere of action; and we have even held that it was the function of the State (by its law of trust and otherwise) to foster rather than to envy the action of voluntary associations, and to co-operate with them rather than to seek to incorporate them into itself. It was in the course of our national religious experience (and particularly in the course of the religious experience of the Nonconformist societies) that we learned this lesson. The free church led the way to a variety of free societies: it paved the road, for example, for the free trade union. Religion gave us the general idea of a social ground on which (as well as on the political ground of the State) we could move and live and have our being. It gave us, in this idea, a cardinal and essential ingredient of our system of national liberty.

## CHAPTER VI

### MATTERS OF THE MIND

#### *Education*

**E**DUCATION in England has developed in a way which at first sight may seem paradoxical, but will be seen, on reflection, to be natural and reasonable. It began at the top: it spread down to the middle; and it ended with the people at large. It began with the training of a small *dlite*, in the old Universities of Oxford and Cambridge, which are as old as the year A.D. 1200: it spread down to a wider circle with the foundation of schools preparatory to the University, which first began, on any scale, in the sixteenth century (though Winchester is as old as 1380 and Eton as 1440): it finally ended, but not till the latter part of the nineteenth century, in a national system of education which provided elementary schools for all the children of the land. The early beginnings and the middle stage still survive to-day among all the modern developments. Medieval institutions and Tudor foundations are still part of our system of education. This historical mixture, the result of the continuity of national history, has produced, and still maintains, what seems to be a curious bifurcation in the education of English youth. We have, or we seem to have, two separate nations in the field of education, just as we had long two separate nations in the field of religion. Those who are ready to think in terms of educational dualism find arguments ready to their hand. On the one hand, it may be said, there is the nation of those who go to the old schools (which have come to be called, for historical reasons, 'public schools', though they are actually private), and then proceed to the old Universities of Oxford and Cambridge; and this seems to be the nation destined for high office in Church and State, and for the main prizes of English life. On the other hand, it may also be said, there is the nation of those who go to the new schools which have arisen at a later date (mainly schools maintained by the State), and then proceed, if they proceed further at all, to the new Universities which arose in the nineteenth and twentieth century—Universities such as London and Manchester; and this seems to be the nation destined to lower office and less substantial prizes. If this be so, it may well be asked, can England be called a democracy? Is it not still an aristocracy; or, more exactly, is it not, in this crucial field of education, a mixed and divided society, half

aristocratic and half democratic, with the balance inclining in favour of the aristocratic side?

What are the facts? Any nation must train an *élite* but a democratic nation must train an *élite* which is widely recruited, and securely based on the principle of a career open freely to every talent. At the present time there are some 10,000 students in the old Universities of Oxford and Cambridge. (This is roughly a fifth of the whole body of students in British Universities, the Scotch and the Welsh as well as the English.) Of these 10,000, about one-third have come from elementary schools, and about one-half are in receipt of assistance from public funds. We may therefore acquit the old Universities from the charge of being a preserve devoted to a privileged class, or of being confined to those who have come from the old 'public schools'. But what of the 'public schools' themselves—the old schools such as Eton and Winchester, Harrow and Rugby (both of the sixteenth century), and all the others which, though of a newer date and mainly belonging to the nineteenth century (such as Marlborough and Cheltenham), have been founded and developed on the basis of the old schools? The essential point about these 'public schools', in the *ordinary* use of the term, is that they are boarding-schools—schools which go back to the medieval tradition that the nobleman and the gentleman's son was sent away from home for his education; schools which keep their pupils in residence, as well as for instruction, during three-quarters of each year. What is the number of pupils in attendance at these boys' boarding-schools? It may be estimated at about 20,000. This is what is actually meant, in our *ordinary* use of language, by the 'public school boy'—though it must be admitted that our usage is confused, and that there are twice as many day-boys as there are boarders in attendance at schools which *technically* go by the name of 'public' schools.<sup>1</sup>

Let us confine ourselves to the 'public school boy' who is a boarder—for that, in fact, is the essence of the matter. What is to be said of him and the boarding-school from which he comes? Our opinion may well be divided. On the one hand

<sup>1</sup> In *technical* usage, a 'public school' is one which is represented on a body called the Headmasters' Conference. In order to be so represented, a school must (among other conditions) be controlled *in the public interest* by a regular governing body *of its own*, and it must prepare an adequate number of boys for entrance to British Universities. The number of boys in attendance at such schools (many of them wholly or mainly day-schools) may be counted as about 60,000. But in *ordinary* usage, the term 'public school' is confined to those schools represented on the Headmasters' Conference which are wholly or almost wholly boarding-schools; and the number of boys in attendance at these schools is one-third of the total number of 60,000.

it must be acknowledged, and even contended, that the education which the public school boy receives—intellectual, moral, and physical—is about the best of its kind which can be found anywhere in the world. The boarding-schools have inherited, and maintained at a very high level, a great educational tradition. On the other hand it must be acknowledged, and even contended, that this education is costly. The average boarding fee is £120 a year; and it may run to twice that amount. The result is that the education of the boarding-school is reserved for the sons of parents who can afford to pay that amount. (There are, of course, some scholarships or bursaries; but the great bulk of the boys are fee-paying.) The best education in England, at the pre-University stage, thus tends to be reserved for the well-to-do. This is all the more serious because this education, in actual practice, serves as the passport to the key positions in English life—on the judicial bench, in the Church, in politics, and in other spheres. The problem before England is therefore that of broadening the access to public schools of the boarding type, in the same way that access to the old residential Universities has been broadened. If one-third of the 10,000 students of Oxford and Cambridge have come from elementary schools, and on<sup>^</sup>-half are assisted, something similar has to be achieved in the matter of the 20,000 boarders at the boarding public schools. If it cannot be achieved, the future of the boarding public school is dark and dubious.

Enough, and perhaps too much, has now been said of those elements in the English educational system which were historically the first to be developed; which still survive in the present; and which are now being, or still have to be, digested into our national system of education. It is time to turn to that national system as it stands to-day—a system largely organized by the State, but still retaining, to a remarkable degree, the voluntary principle and the practice of autonomy at every stage. The State was a very late entrant into the field of education in Britain—not altogether because it was a laggard, but partly, and perhaps mainly, because it was long content to leave the field to the voluntary agencies which were already at work. When it did enter, in 1833, it began with a modest grant of £20,000 a year, to be expended in aiding voluntary societies to erect elementary schools. Not till 1870 did it undertake direct responsibility for the provision of such schools. But by the end of the nineteenth century it had travelled a very long road. In the first place, it had covered the land with State elementary schools, over and above, or side by side with, the voluntary elementary schools, which

still continued to exist (and which are even now attended, it may be remarked in passing, by over one-third of the total number of pupils): it had made attendance at elementary schools (either State or voluntary) compulsory and gratuitous; and it was raising the school-leaving age to the age of 14. In the second place, it had instituted, from 1902 onwards, a system of State secondary schools, over and above, or side by side with, the old public schools and the other post-elementary schools of a voluntary character; and to-day the great majority of the nearly half million of pupils (boys and girls) attending a full-time course of post-elementary education attend the secondary schools of the State.<sup>1</sup> In the third place, if it had not founded any Universities (there are no State Universities in Britain), it had begun to aid Universities by a subvention of nearly £2,000,000 in each year—and that without imposing any system of control; and in addition it had begun to aid, by its grants, the cause of adult education among the people at large. The annual grant of £20,000, originally made in 1833, had become by 1937 an annual expenditure (from State taxes and local rates) of £106,800,000.

It would be idle to attempt to describe the present system in even the barest detail. It is sufficient to draw attention to some of its salient features. One of these features is 'the division of power', as it may not improperly be called, which is everywhere to be noticed. This appears twice over. In the first place, as has already been indicated, there is a division of power between the voluntary agency and the State authority. In the elementary sphere of education there are the voluntary (or 'non-provided') schools, maintained by religious societies, as well as the schools of the State: in the post-elementary sphere there are the so-called 'public schools', each really a private concern managed by its own governing body, and a variety of other voluntary schools, as well as the secondary schools established by the State. Once more we have to notice—what we have already had reason to notice in other connexions—the British practice of division, which is also a practice of co-operation, between the State and society. In the second place, there is also a division of power between the central government and the organs of local government. The State, we may say, begins by sharing power with society, and it then proceeds to divide the share of power which it keeps

<sup>1</sup> The actual number! of pupils attending such courses on the eve of the present war was 470,000, of whom 526 were boys and 47-4 were girls. The boys thus numbered about 250,000. Less than a tenth of this number, or some 20,000, were attending boarding-schools.

between the central Board of Education and a large number of Local Education Authorities.<sup>1</sup> This division is almost equal; and there may thus be said to be a working partnership between the Central Board and the Local Authorities. If we inquire into the nature of the division between the two, we shall find that the Board of Education suggests general lines of policy, and uses its staff of inspectors to aid it in getting them followed, and that the Local Education Authorities exercise a considerable discretion in the application of those general lines to the needs and the means of their area. The general relation between the two sides is an admirable example of that general adjustment between central and local government which has already been described in the third chapter of this book.

It is an easy leap from this feature of division of power to another feature of the British educational system. That feature is liberty, which division of power helps to safeguard, but which exists in its own independent right above and beyond that safeguard. There are two liberties which may be celebrated in the British system of education. The first is the liberty of the teacher—a very precious liberty. This liberty is conspicuous in the British Universities. They are self-governing institutions, aided, indeed, but not controlled by the State: their professors and lecturers are all appointed freely and finally by themselves; and their teaching is only controlled by their own ideal of dispassionate search for truth. But the freedom of the University teachers is only a part, and a minor if precious part, of the general liberty of all teachers. Teachers are generally free to frame their own curriculum: teachers choose their own text-books from a list of those which are purchased and supplied by the Local Authority: teachers are free, within the limits which their own good sense and their own code of professional honour impose, to hold and express their own political and social views. The State organizes the machinery of education: the teachers provide, and freely provide, its spiritual substance. It is significant that the Board of Education modestly designates a volume which it publishes for the guidance of elementary teachers by the title, *A Handbook of Suggestions for the consideration of Teachers*. The title is not a matter of mere words. It records an actual fact. The

<sup>1</sup> The Local Education Authorities (or 'L E A.s') are the education committees of the counties and county boroughs (which deal with secondary as well as elementary education), and the education committees of the non-county boroughs (which deal only with elementary education). These committees, which contain co-opted members from the general public, are legally subject to the councils of the counties and boroughs by which they are appointed; but in practice they are themselves responsible for the educational policy of their area.

Board of Education, and the inspectors of the Board of Education, act by suggestion and not by command, even if they are ultimately able to give their suggestions the force of commands.

The other liberty in the British system of education is the liberty of the citizen. It consists in the freedom of 'the citizen's choice' (that freedom of choice between alternatives which is the essence of democracy) among a variety of different types of school. We have, as yet, no approach to what the French call *Vdcole unique*—the single type of school which all alike must attend. Parents and children can freely choose between non-State schools and the schools of the State. It is here that a difference of opinion may possibly arise in the future. It is not all who believe that freedom of choice among alternatives is the essence of democracy in education, as in everything else. There are some (and perhaps they are a growing body) who believe that democracy demands that all schools should be schools of the State and all should alike attend those schools. The issue thus engaged is a fundamental issue of the interpretation of democracy. If democracy means above all equality, and even uniformity, the present system of education in Britain, and particularly and especially in England, is not consistent with democracy. If democracy means above all liberty, and if it therefore means, in the field of education, the liberty of parents and children to choose among alternatives, the present system of education in Britain, and particularly in England (with its wealth of alternative), *is* democratic. But many of us who hold the latter view would not be content to stop there. We should admit, and indeed we should contend, that a liberty of choice which permits only the wealthy to choose some of the types of education is *not* real liberty, and *not* true democracy. We should not, however, proceed to abolish the types which are not at present open to the choice of all. We should rather proceed to insist that they should be thrown open, and on that condition we should retain and cherish them—believing that in this way we best served the cause of democracy and best promoted the essential freedom of 'the citizen's choice'.

We have dealt with some of the salient features of the British educational system, so far as its general organization and its general working are concerned. It remains to notice some few of its recent developments and extensions. One of these is the division, which is now being carried into effect, between two stages of elementary education—the primary stage from the age of 5 to that of 11, handled by the junior school, and the post-primary stage from the age of 11 to that of 14, handled by the senior school. This division enables both

the junior and the senior school to concentrate more thoroughly and more successfully on the proper treatment of its own age-group: in particular, the senior school is set free to train its pupils for their environment, and for the group of callings which it offers, in a more realistic spirit than was possible in the old single elementary school. This was a change recommended by the Board of Education in 1926, and it has been gradually made since that date. Another development, of a much older date, is the extension of education to girls and young women on equal terms with boys and young men. This was a movement already beginning as early as 1848, but it has assumed a new scope and vigour during the last sixty years. To-day one-third of the students of British Universities are women; and though the numbers are more restricted in the old Universities of Oxford and Cambridge than they are in other Universities (at Oxford the women are about one-fifth, and at Cambridge about one-tenth, of the whole), it is a remarkable fact that Universities which had been exclusively masculine Universities for seven hundred years have consented to become mixed, and that women share in their teaching and lecturing and sit on the boards of their faculties. In the pre-University stage of education the number of girls attending schools is almost equal to that of boys, and the varieties offered to their choice are almost as numerous, including girls' boarding-schools (analogous to the 'public schools' for boys), and other voluntary schools, as well as the secondary schools of the State. On the basis of this extension of their educational opportunities women (who were given the suffrage equally with men in the period between 1919 and 1929) are entering the professions, especially the profession of medicine: they are entering the civil service of the State; and they are generally co-operating with men both in the conduct of local government and in the management of voluntary societies.

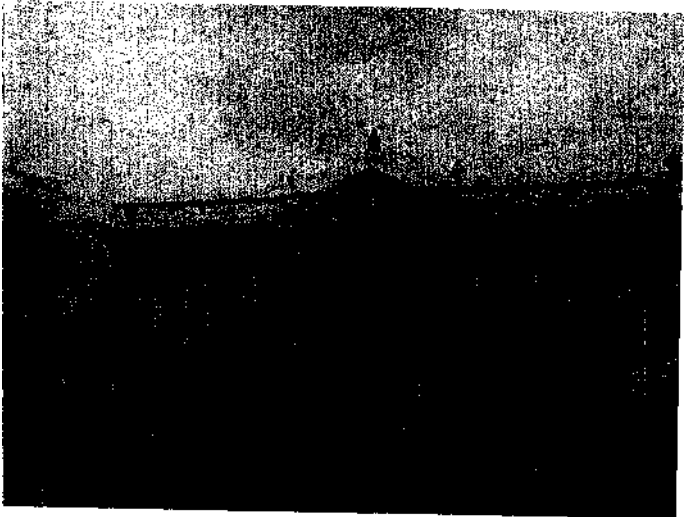
A last development which deserves especial notice is the development of adult education: education offered by the Universities, by voluntary bodies (such as the Workers' Educational Association), and by local authorities—all tending to work in conjunction—to adult men and women who are earning their daily bread. This is a movement which began at the beginning of the present century: it has already gone far; and it may go much further after the end of the war. It is a movement which already includes residential colleges, such as Ruskin College at Oxford, to which working men can be as it were 'seconded' for a period of six months' or even a year's study. It is possible to envisage in the future a general system of what may be called People's Colleges, dotted up and down



VIII.  
THE OLD  
UNI-  
VERSITIES

1. RADCLIFFE  
CAMERA, OXFORD  
(*E.N.A.*)

2. SENATE HOUSE,  
CAMBRIDGE  
(*Turner, Cambridge*)



the land, and possibly serving both as residential colleges for their area and as centres for the holding of classes attended by non-residents. A reform of the admirable but expensive public schools, which opened them to the nation at large, coupled with a general system of People's Colleges, would go far to bring British education into line with the demands of a new age.<sup>1</sup>

### *The Press and Broadcasting*

The British Press has an old and honourable history: indeed, a free press is an obvious and a primary necessity of the democratic system of 'government by discussion' which the British people has sought to practise for over two hundred years. The current number of *The* (London) *Times* which lies before the author as he writes is No. 49,220: it was founded as long ago as the year 1785. *The Times* has never stood alone among the daily newspapers of London; there are also the *Daily Telegraph*, the *Daily Herald*, the *Daily Mail*, the *Daily Express*, and the *News Chronicle*, all with large circulations; and besides the London newspapers there are the newspapers of other cities—the *Scotsman* of Edinburgh, the *Glasgow Herald*, the *Manchester Guardian*, the *Yorkshire Post* of Leeds, and a large number of others. By the side of the daily newspapers (morning and evening) there stand, in addition, the periodical papers and reviews—some weekly, such as the *Spectator* and the *New Statesman*, and such, again, as the two main Sunday papers, the *Observer* and the *Sunday Times*; some monthly, such as the *Nineteenth Century* and the *Fortnightly*; some published at longer intervals, such as the *Round Table* and the *Quarterly Review*. This list may be criticized as intellectualist; and we must not forget such newspapers as the *News of the World* and the *People*, with their great circulations, or such periodicals as *Picture Post*, *John Bull*, *London Opinion*, the *Tatler*, the *Strand Magazine*, and *Home Chat*. It is an abundant fare. What is its quality, and what is the nature of its relish?

British journalism, as is natural in a democracy, has always had a political quality, and it has generally shown a high degree of political responsibility. Since 1695, when parliament refused to renew the Licensing Act, and thus deprived government of any power of censorship, the Press has been a free press—free in the sense that it may print what it likes, without any preliminary *imprimatur*, and subject only to prosecution

<sup>1</sup> A brief but succinct survey of the subject of education is contained in Mr. Kenneth Lindsay's *English Education*, published in the series entitled \* Britain in Pictures'.

in the courts, under the law of libel, *after* publication has taken place. There was a time, especially in the early years of the nineteenth century, when the law of libel (which includes 'seditious' libel) was used by the government *to* hamper the press by vexatious prosecutions. That time has now passed, though it is still true, as one of our lawyers has said, that 'the law of libel restricts, in theory at least, the right to criticize the conduct of government'. Government does not, in practice, tune or attempt to tune the press; and though journalists will always seek to keep in close touch with departments of government, in order to get information, they will always use freely and independently the information they get.<sup>1</sup>

A matter of more importance, in our own days, than the relation of the press to government is its relation to money-power and the modern methods of conducting business. Here we may draw a distinction between the old and the new journalism. The old journalism may be said to have lasted till the end of the nineteenth century, or at any rate till 4 May 1896, when the *Daily Mail* first began to appear. We may call it, in some sense, 'tutorial'<sup>5</sup> journalism. Its newspapers, closely connected with the political parties of the day, not only sought to aid the process of democracy by collecting information about the state of public opinion: they sought to aid it still further by informing and teaching the public about the opinion it should properly hold. The Press aspired to be a 'fourth estate' of the realm; and it took its responsibility gravely. The idea of what has been called 'the new journalism' was different: it was, as some one has said, that the reading of the people ought to be provided by servants of the people in order to entertain the people, 'this may be said to be demagogy rather than democracy. But this was not the whole of the change which was introduced by the new journalism. It also brought a business revolution. In the place of the placid companies which had owned the old newspapers there arose a new type of newspaper proprietor who brought into the newspaper world the method of the trust or cartel, and buying a chain or series of papers controlled their general policy. The result was a troubled period in the history of British journalism during the first quarter of the present century. Even *The Times* was shaken for a period; and the press seemed to be passing, for a time, under the domination of a plutocracy.

<sup>1</sup> At present, in time of war, the government has extraordinary powers, under the Emergency Powers Acts, which entitle it to issue 'defence regulations' in the interest of public security. By virtue of one of these regulations (2B), the *Daily Worker*, a Communist paper, was suppressed in January 1941; and warnings have been issued to another paper. The ban on the *Daily Worker* has since been lifted.

Matters are settling down again: *The Times*, for instance, is now firmly based on an independent foundation; but marks of the change still remain. There are many who feel that the press is still dominated by a plutocracy, and that it has become an apanage of capitalism, hostile to the cause of labour. It is a thesis which cannot be successfully defended. Money has indeed invaded the press, but it has only invaded the press in order to make more money, and not in order to defend the *general* cause of money. (It is not altruistic enough for that.) Money treats the press in terms of dividends; of a large circulation, to be secured by any means; of a large advertisement revenue. Left to itself, it will provide any views—if only they pay; and it will incline to demagoguery rather than reaction. The real gravamen against the new type of journalism is that, professing to give the people what the people wants, it gives the people something which it thinks that the people wants—which is something lower than what the people actually wants. It debases taste more than it perverts opinion. But the disease is one which cures itself, as the taste of the people asserts its true nature. To-day the cure is already at work. What was once new is now becoming old; and unable to assert itself by novelty it has to preserve itself by good sense. It is learning the lesson.<sup>1</sup>

Perhaps it is learning it all the more because we have now broadcasting as well as journalism, and because the standards of broadcasting have been kept at a tolerably high level. Broadcasting in Great Britain is the monopoly of a single body, the British Broadcasting Corporation, a public corporation of some five (now seven) persons appointed by the Crown and acting, under a charter decennially granted, 'as trustees for the national interest'. This corporation, which receives its revenue from a percentage of the annual fees payable to the State by each owner of a wireless set, is not a profit-making body; and except

<sup>1</sup> A friendly critic has made the following observation on this passage: 'Is not this over-optimistic? There was evidence, in the years before the war, that there was still "big money" invested in sensation and filth, on the lines of the American "tabloid"; and it was this type of paper that one saw men and women alike reading most frequently in bus and train. Isn't there an urgent need for education in the sphere of taste? Will "the taste of the people assert its true nature" unaided?' The author would reply (i) that he himself is not greatly shocked by what he sees (though some of it seems to him *stupid*); (2) that the people must be free to swim for itself, and to choose between good and bad; (3) that the wisdom of its choice is increased as popular education grows and spreads, not only in schools, but also in popular movements for the cultivation of music and the drama; and (4) that the worst of all bureaucracies would be a bureaucracy of censors of taste.

that it is bound, by the terms of its charter, to act for the national interest, it is a free body, freely determining its own lines of policy. It is required, indeed, by its charter, to broadcast matter which a department of government requires to be broadcast, and not to broadcast any matter which the Postmaster-General requires it not to broadcast; but these are limits which, in time of peace, hardly ever affect its working. The conception of the public corporation, instituted by the State but left by the State to function freely, is a conception which has been latterly applied not only in broadcasting, but also in other spheres—for instance, the production of electricity in the country at large and the management of passenger transport in London. In its application to broadcasting, the conception forms a *via media* (such as the British love) between the purely State systems of broadcasting, which flourish in some European countries, and the private systems, managed by commercial companies and managed on the basis of profit, in the United States of America. The effort of the B.B.C. has been directed neither to placing radio 'time' at the disposal of government and its propaganda, nor to selling radio 'time' to those who (for reasons of advertisement and other reasons) wish and can afford to buy it, but to providing a forum of discussion in which 'time' is fairly and equitably distributed among different views and to suit different tastes. This is a democratic system; and it is proving its worth in war as it has proved its worth in peace.

### *The Arts*

If one were silent about the Arts in Britain, it might give the impression that they did not exist, or were not worth considering. If one packs a brief mention of them into two or three cursory pages, that too may give the impression that they are only a poor sort of thing, at which a glance can be thrown in passing before the argument moves to some higher thing. In the choice between silence and brevity, we may give our choice to the latter. It is risky; but at any rate it involves a slightly less risk.

The arts illustrate the genius of a people; but they also transcend any national or territorial limits. Perhaps it is some sense of this truth which makes most people of British stock somewhat averse from talking of British 'culture', though there is also another and perhaps deeper cause in their dislike of exhibitionism and their reluctance to imitate the ways of the peacock. The arts in Britain, we generally feel, are part of a common European tradition, on which we have drawn -and to

which we have given, ever since the days of the Renaissance, and indeed since the days of the early Middle Ages. We have learned from France and Italy and Spain: we have learned, in the later course of our history, and particularly in the sphere of music, from Germany; we have learned and are learning from Russia; and we feel that it is better (though we are not always true to our feeling) to be conscious of the debt we owe to others rather than of the debt which others owe to us.

That is a reason why a book devoted to Britain and the British people may well treat the arts with a modest brevity. It is not that we do not love them: it is rather that we love them too well to annex them as specifically British. We have sometimes derided ourselves as a nation of Philistines; and it is true that the Industrial Revolution, especially in its mid-Victorian development, turned a large part of the nation, for many years of its history, towards utility rather than beauty. The result of that period may still be seen in our industrial towns and their buildings. But a nation which has built the English cathedrals and the old English churches, and along with them the Oxford and Cambridge colleges; which has somehow contrived the loveliness of its villages, and the stateliness of its country houses; which loves music (if not always the highest) in all its length and depth, and not only in a circle of connoisseurs; which has a noble anonymous ballad-literature as well as a literature of authors—such a nation was never without a deep tincture of the arts.

There are two ways of judging the measure of a people's devotion to the arts. One way is that of judging by the quality of the artistic production of its artists—its poets and its novelists, its musicians, its painters and its architects. The other way is that of judging by the quality of the artistic appreciation shown by the people at large, and by the degree of their feeling for literature, music, and all the fine arts. It is wise to follow both ways, and not to judge exclusively by either the one or the other.

The quality of the production of British writers, in the field of imaginative literature—from Shakespeare to Scott, and from Scott to Thomas Hardy—speaks for itself. Some of it has been not for an *age*, but for all time; not for one people, but for all. To-day we are passing through what is generally called a period of transition, which means, in simpler language, that we hardly know where we are. Our modern poets seem to be engaged in the pursuit of qualities which, in a phrase of Robert Bridges, 'may be called Oddity and Obscurity'; our novelists have deserted the unfolding of plot and character to pursue fine shades of psychology and to explore the depths of

the subconscious. Much of our literature is introvert; but it is not likely that introversion will long command the allegiance of our writers. An old man, born when Browning and Tennyson, Meredith and Hardy, were still writing, cannot but wish that children to-day were entering into a similar inheritance; and he can only trust, in hope, for a change of fashion he will never see. Meanwhile, in one sphere at any rate, he cannot but feel that an old national gift, as old as Purcell and the seventeenth century, and indeed older still—the gift of music—has flowered again. To have heard the *Enigma Variations* of Elgar played by an English orchestra, with Toscanini as the conductor, is an unforgettable experience; and it seems a safe judgement that the music of the first half of this century will live in our annals. There is comfort, too, in a new flowering of architecture and in the work of modern architects, whether it be seen in London or in Liverpool or in Cambridge; and it is good to compare the achievements of the period about 1870 (a tragic period in the history of our architecture) with the work of the period about 1930. British painting—steadily directed, according to a national tradition, towards the landscape and the portrait—has followed a steadier course, in an unbroken line that goes back to Reynolds and his contemporaries. We British are not the Greeks of the modern world; but neither are we, on the whole, its Philistines.

It remains to attempt the other way of judgement, and to consider the quality of the artistic appreciation shown by the people at large. This has been growing steadily (indeed there was room for it to grow), and growing under encouragement. The Welsh people, and the people of northern England, have always loved singing; and the tradition of singing the oratorios of Handel has never died. The equipment of the nation in the matter of picture galleries—not royal or princely galleries, but national or municipal galleries belonging to the people—grew steadily during the nineteenth century. In our own time the growth of adult education not only means the encouragement of study: it also means the encouragement of artistic appreciation and artistic performance among the people at large. In the 'Community Centres' recently instituted on new housing estates the performance of plays and the provision of concerts by the working-people who frequent the Centres is becoming common. Only the other day a new Council for the Encouragement of Music and the Arts was instituted (it is more simply known as the C.E.M.A.), which seeks, with the aid of the Board of Education, to encourage the holding of concerts, the performance of plays, and the circulation of pictures for the purpose of exhibition, throughout the whole of the country.

The aim of the Council is to ensure that 'culture' should not belong only to the cultured, but should be spread among the people at large 'in widest commonalty'.

A thing which has still to be redeemed is the physical aspect—the housing and the general lay-out—of industrial England, Scotland, and Wales. The cultivation of the arts is not only a matter for artists: it is also a matter for the whole community, which has to build for itself a house of beauty in which its communal life can be happily and finely spent. This is what the ancient Athenians built on and around the hills of their city: it is what we in Britain have signally failed to build in many of our modern cities. We may plead in excuse the industrial revolution which came upon us earlier than it came upon other countries, and found us less prepared: we may plead a rapid and amazing growth of population, with which housing could hardly cope, and a rapid and amazing growth of manufacture, for which factories had to be provided by any and every means. But whatever our pleas for our past, we cannot excuse our present; and we have ceased to make any attempt. One of the most hopeful signs of the times is the new development of national conscience (for loyalty to the claims of beauty is also a matter of conscience) in regard to the amenities and beauties of our town and countryside. The idea of the planning and reconstruction of our towns, in close and vital connexion with the development of our countryside, has become a moving idea in many men's minds. We begin to see that the cultivation of the arts and the pursuit of beauty is a matter of social welfare and an obligation of social conscience: we begin to see that the best service to beauty which a country can render is to make itself beautiful through all its length and breadth. A 'green and pleasant land' is not only a gift of nature: it is also, and even more, a creation of man. If we can create such a land by communal effort, and by town and country planning, we shall be rendering as great a tribute to the arts as we have rendered in our literature; and by setting the arts in our daily life we shall have set them in the highest place of honour which it is possible for us to find.

### *Sport*

It seems paradoxical to include sports in a chapter which is headed 'matters of the mind'. But it has long been, and we may well hope that it will long continue to be, the essential quality of British sport that it *is* a matter of the mind—a matter of mental delight and the happy exercise of mental faculty, and not a cult of physical efficiency or a preparation for war-time

capacity. Sport among us has been of the nature of an art, and connected with the practice of the arts: it has even had something of an ethical quality, and it has connected itself with the practice of the virtues. The ancient Persians are said to have encouraged their youth to shoot straight, to ride straight, and to tell the truth. The British conception of sport has something of a similar nature. It is a conception which, on a physical basis, has erected a structure that is half aesthetic and half ethical. The development began, as we might naturally expect, among the gentry, with its passion for fox-hunting and its curious affection for the fox that it hunted; but it has spread to the schools, and it has spread to the nation at large. Consider, for example, the game of cricket, which is still our national game. There is a magic about the sound of the bat, as it meets the ball, on a green ground, in the summer sunshine. What is the magic? It is partly the magic of an art, and of watching artists at work: there is art in the bowler and art in the batsman, and a visible beauty of execution, true to the canons of art. But that is not all. There is also the magic of feeling the presence of collective effort among the members of the side, and of watching human co-operation in obedience to 'the rule of the game' and the ethic which the game imposes. It is not foolish to think that games have a moral quality.

'The rule of the game' is a phrase which may well set us thinking. We begin to see, as we think of it, a natural activity, of a physical order, lifting itself to a higher plane by a voluntary submission to the idea of law. It is in games, when they are so conducted, that men may learn a great deal of the difficult art of self-government. They voluntarily find, and they voluntarily obey, the rules which ease and ensure the play of a free activity. It is not fanciful to think that there is a close analogy, and even a connexion, between the rules of games and the rules of procedure which are freely adopted by a free parliament in order to ease and ensure the activity of discussion. Indeed it is not fanciful to think that there is an analogy, and even a connexion, between the spirit in which two organized sides conduct a game and the spirit in which two organized groups conduct the serious earnest of politics. The British are sometimes accused of turning politics, and even war, into a game. What they really do is to bring the spirit of the game, and the idea of the rule of the game, into politics and war. There is nothing childish or frivolous in that. If the game has something of an artistic and something of an ethical quality, there may even be said to be something fine and proper.

All in all, the old British idea of the game and the rule of the game is something worth considering. It lifts the physical

activities of relaxation and recreation to a higher plane. It makes the play of the body serve the purposes of the mind. It is, at its best, a contribution to the cause of civilization, because it makes for the taming and humanizing of force. But it is easy to idealize the conception of sport and the idea of the game; and we should be foolish if we did not consider its difficulties and its dangers. For one thing, a large and eager devotion to sport may lead its votaries to live in an unreal world, in which the great events are mimic contests, and the real business of the world is forgotten. In itself, it is no great failing to be passionate about a hunt, or a cricket team, or a football team; but when such a passion becomes the serious purpose of life—as may happen at school, and even in the later years of life—there is a grave inversion of values. ('Yet how good it would be\ Puck whispers in one's ear, 'to open the paper again in the morning with a tense concern about the result of a match rather than with an aching anxiety about the issues of war.')

For another thing—and this is a greater—we have to recognize that games and sport, like other things, have suffered a change with the growth of population and the progress of mechanization. They have become great shows, exhibited by professionals, and organized on the basis of profit. That is true, and it has its bad side; but it is by no means altogether a backsliding. Professionals can lift sport to the height of an art no less than amateurs—perhaps even more; and they can equally obey the rules of the game. Nor need we scold, in a superior way, the mob of 'fans' who gather *in* their thousands, and tens of thousands, to watch football or other games. It is easy to say that they ought to be playing themselves instead of watching. It is no less easy to answer that they probably do play themselves whenever they get the chance; that they gain by watching things done at a height they cannot attain themselves; that they profit by escaping from the week's drudgery into a world of feelings and emotions which it does them good to enter. The social historian of the future may well record the judgement that the great growth of organized games, and especially of football, during the sixty years since 1880, was a comfort and consolation to millions of workers, and that it co-operated with the growth of social services to make their life more tolerable.

Sport has its difficulties and its dangers; but it must always remain a great factor in the life of any nation, and if leisure increases, as with the improvement of methods of production it may, it may become an even greater factor in the future. It is a great thing that a nation should build its sports well and truly; that it should develop an art and ethic of the game; that

it should rise above the idea of winning at any cost, and eschew the idea of a rigorous training and preparation for 'victory'. Games, especially when they enter the 'Olympian' stage of international competition, may become wars instead of games. A game is never a war. It is fun to win in a game; but it is often an honour to be beaten. In any case a game is essentially 'play'—an activity for its own dear sake, and not for the sake of 'ashes' or palms or prizes. These are incidents. The essence is the art and the virtue of playing. That is the essence of the British idea of sport. It is one of our duties to the world to keep the essence pure. In the days of records, of competition which tends to become more and more acute, of passion for victory, and of training for victory's sake, a clean tradition of 'sport for sport's sake', and a pure pursuit of the art and ethic of the game, is more than ever necessary, and more than ever valuable.

## CHAPTER VII

### THE COMMUNITY'S CARE FOR ITS MEMBERS

#### *The General System of Social Economy in Britain*

WE are apt to contrast socialism and individualism, or, more exactly, we are apt to distinguish a socialist system of collective ownership of resources and collective control of production from a capitalistic system of private property and private enterprise. No doubt the two things are different; but they are not so different but that they can co-exist and even co-operate. It is not necessary that a community should be either exclusively socialist or exclusively capitalistic. It can be both simultaneously, using the method of socialism where it thinks that method best, and applying the method of private enterprise where it thinks that method most fruitful. This will mean a system of what we may call 'mixed economy'. Such a system will have a double advantage. Not only will it be flexible, in the sense that it is able to adjust the method employed to the conditions and needs of each particular branch or category of production. It may also be progressive, in the sense that it can progressively alter, as successive experiments and new experiences suggest, the balance of the mixture. It may thus move gradually and experimentally from stage to stage. Such gradual and experimental movement in the sphere of social economy will best accord with the process and the requirements of democracy in the political

sphere. Democracy, as we have seen, is a method of government by discussion, dealing with the problems gradually as they emerge into the area of debate, and seeking to provide experimental solutions which reconcile and mix the different views expressed in the course of debate. A system of mixed economy and a system of democracy are natural corollaries.

The balance of British social economy in the nineteenth century was largely inclined in favour of private enterprise. With the growth of democracy, and the increasing application of its method, the balance has begun to shift. It is not only that the method of direct State ownership and enterprise has been extended. . . . That, indeed, has been done—even more in the area of local government than in the area of central government. Local authorities now own and operate large undertakings for the supply of transport, of gas, electricity, and water, and (more recently) of housing: the central government owns and manages a postal system and (since 1937) some 4,500 miles of trunk roads. . . . But there is another method than that of direct State ownership and enterprise which deserves particular attention. It is new (indeed it only began to be followed on any scale after the last war), but it is likely to develop. This is the method by which undertakings, without being taken by the State into the area of its own ownership and enterprise, are none the less removed from the area of private ownership and enterprise, and remitted, in each case, to officially appointed bodies created by the State for the purpose. Here we enter a mixed area, which lies somewhere between that of State ownership and enterprise, on the one hand, and that of private ownership and enterprise on the other. The 'mixed economy' not only mixes both of these latter areas in a single system, but it also mixes with them an area which is itself mixed.

Undertakings which belong to this mixed area may either cover the whole country or be confined to a local area. Those confined to a local area, which are the less important, include port undertakings (such as that managed by the Port of London Authority); they include undertakings for the supply of water (such as that managed by the Metropolitan Water Board): they include undertakings for the supply of transport (such as that managed since 1933 by the London Passenger Transport Board). The nation-wide undertakings operated by officially appointed bodies not only cover a wider scope, but also produce a deeper effect. There is the British Broadcasting Corporation, instituted in 1927; there is the Central Electricity Board, established in 1926 to control the general production of electricity and to supply authorized local undertakings: there

is the Coal Commission, constituted under an Act of 1938 for the purpose of owning all coal and of exercising its functions as owner to promote the interests, efficiency, and better organization of the coal-mining industry; and there is the Forestry Commission (established under the Forestry Acts, from 1919 onwards), which owns and afforests large tracts of land.

Undertakings of this character, owned and managed (either locally or nationally) by officially appointed and State-created 'Authorities', 'Boards', 'Corporations', or 'Commissions', are obviously next door to the system of State ownership and enterprise. They belong to the mixed area, but they lie at the State end of that area. But there are some undertakings of a somewhat different character which also deserve to be mentioned. These are what are called 'parliamentary companies'. They include the railway companies: they also include all local tramway, gas, water, and electricity companies. These companies (which in the United States would be termed corporations) belong to the area of private ownership and enterprise: their shares are privately owned, and they impose their own charges and make their own profits. On the other hand they are subject to statutory regulation by parliament (that is why they are called 'parliamentary' companies); and such regulation, which is obviously State-regulation, controls the amount of the charges they may impose and the profits which they may make. We may say of such undertakings either that they belong to the area of private enterprise, but are none the less subject to a special control by the State, or that they belong to the mixed area, but lie at the private end of that area. Perhaps the first of these views is the more correct. In any case we can see that there is a gradual shading or transition—from the direct system of State ownership and enterprise to the indirect system of ownership and enterprise by officially appointed bodies; from that to the system of ownership and enterprise by specially controlled companies; and from that to the system of ordinary private ownership and enterprise by ordinary companies and individuals.

This is a rough picture of the British system of social economy. It is a mixed economy, in which the proportions of the different elements may be steadily altered by future development. As it stands to-day, it is still an economy in which a very large area is left to private ownership. We may remind ourselves of a fact which was mentioned in the beginning of our argument, that the distribution of wealth in Britain remains uneven and unequal, and that it could be calculated, some years ago, that less than 50,000 persons owned nearly 40 per cent, of the property of the country. We must therefore turn

from the formal scheme of ownership and enterprise in the British system of social economy to the actual working of this system. Here we may ask ourselves two questions, which will help us to understand that working. They are both questions which relate to the action of the State in the raising and expending of taxes. How does the taxation of the State, by its distribution and incidence, affect the system of social economy? How does the expenditure of the State, by the methods of its distribution and the objects to which it is devoted, affect the working of the system?

### *British Taxation*

We may take for the purpose of our inquiry the year 1937<sup>1</sup>—a year when the imminence of war had not yet seriously inflated the budget of the State. In that year the national income—the aggregate income produced by the whole national system of economy—may be calculated at roughly £4,500,000,000. The revenue of the State, provided by its taxes, was just short of £800,000,000, or more than one-sixth of the national income; but if we add the revenue of local authorities, provided by their rates,<sup>2</sup> which was nearly £200,000,000, we may say that the total revenue of the State, from central taxes and local rates, was about £1,000,000,000, or nearly a quarter of the social income.

Confining ourselves to taxes, we have next to inquire how the revenue of the central government was raised. Of the £800,000,000 which made up the revenue almost exactly one-half (or £400,000,000) came from direct taxes on income and property—income-tax, surtax (an addition to income tax on incomes exceeding £2,000), and estate duties payable on the transfer of property at death. A further sum of £320,000,000, or over three-eighths of the whole, came from indirect taxes levied on the consumption of commodities—partly customs on imports, and partly internal excises on commodities such as beer and spirits. The remainder (about £80,000,000) came from Stamp Duties, the profits of the Post Office, and miscellaneous sources.

<sup>1</sup> More exactly, since the financial year in Great Britain runs from April to April, the year adopted is April 1936-April 1937.

<sup>2</sup> The reader is asked to notice the phrase 'income . . . provided by their rates'. The total revenue of local authorities was far larger, and amounted to £600,000,000. But this included grants-in-aid from the central taxes (not far short of the amount raised in rates), and other revenues such as the profits of undertakings owned and managed by local authorities (nearly £140,000,000). . . . Rates, it may be added for the benefit of non-British readers, are local taxes levied on the assessed value of occupied buildings or land.

Two notes or reflections may be added to this account of the central taxes. The first reflection turns on the proportion between direct and indirect taxation. The two forms of taxation were producing, in 1937, amounts not far removed from one another—one form producing four-eighths to the three-eighths of the other. The proportion of the two forms has varied at different times, but it has generally tended to a parity during the present century. The importance of the issue raised by the proportion of the two forms lies in the social effects involved. Indirect taxation touches all, but it falls with a peculiar incidence on the poor. Direct taxation touches a large section of the community, but under the method followed in Britain it affects particularly the wealthier classes. A just repartition of the two is necessarily a matter of particular importance.

The other reflection suggested by the British system of taxation concerns the method of direct taxation. Since the Budget of 1894 that method has been increasingly progressive. The greater the amount of a man's income, or the greater the amount of his inheritance or legacy, the greater is the *proportion* of that amount demanded from him in the form of direct taxation. Greater wealth not only pays greater taxes: it also pays *progressively* greater taxes. In the sphere of income, this effect is produced by the addition of a progressive surtax to income-tax: in the sphere of inheritance or legacy, it is produced by the increase of the proportion charged as the inheritance or legacy is greater. In this way direct taxation affects the distribution of wealth; and whether or no it is intended to have that result, it may serve in practice, by curtailing large incomes and inheritances, to reduce in some degree inequalities of distribution. This is not to say that a general equity of distribution can be, or even should be, achieved by the process of taxation. It is only to say that taxation, particularly in its direct form, may help to produce that result.

We have seen that the revenue of the central government, in 1937, was £800,000,000, and we have seen how this revenue was raised. How was it spent? It was spent, as it must be spent by any State, in three main ways—the payment of interest on the debt of the past; the payment of the cost of security for the future (by the upkeep of a navy, army, and air force); and the payment of the charges for the maintenance and improvement of the present. It is to the third of these ways that our attention must now be directed. It is a way which includes, as its great and major charge, the expenditure of the State on public social services. (The other and minor charge is that of the State's expenditure on the machinery of government and

administration.) Public social services are the services rendered by the public authority to the well-being of society and the improvement of its members. These services are various: but we may arrange them under three great heads—'mind, body, and estate'. In matters of the mind, they include education. In matters of the body and its health, they include hospitals and allied services; they include a system of health insurance; they include the provision of housing. In matters of 'estate', or the amelioration of poverty and distress, they include a system of poor relief, which is the oldest part of the public social services: they include a system of unemployment insurance, and a further system of unemployment assistance which is separate both from poor relief and from unemployment insurance: they include, finally, a system of pensions for the old and for widows and orphans.

### *The Expenditure on the Public Social Services<sup>1</sup>*

It would be difficult, it not impossible, to state the exact sum which the *central* government pays from the *central* taxes to provide these services. The reason is that, in the British system, the central government is so closely connected with the authorities of local government in securing their provision, and the accounts of both sides are often so dovetailed into one another, that any attempt to separate the two might lead to confusion and error. It is sufficient, therefore, to say that in 1937 the central government and the authorities of the local government, together, spent a total sum of £305,000,000 on those services.<sup>2</sup> But this is not the whole of the expenditure. The actual total expenditure of that year on the public social

<sup>1</sup> The author is chiefly indebted, in the following pages, to A. D. K. Owen's *British Social Services*, published by the British Council, 1940.

<sup>2</sup> We calculated above that the total revenue for 1937 of the central government and the authorities of local government, taken together, was about £1,000,000,000. We may now add that the expenditure of this revenue by the central government and the authorities of local government, taken together, was as follows:

The central payment of the services on the national debt . . . . .	230,000,000
The central payment of the cost of national defence . . . . .	190,000,000
The total payment for public social services. . . . .	305,000,000
The total payment for the maintenance of government and administration . . . . .	275,000,000

£1,000,000,000

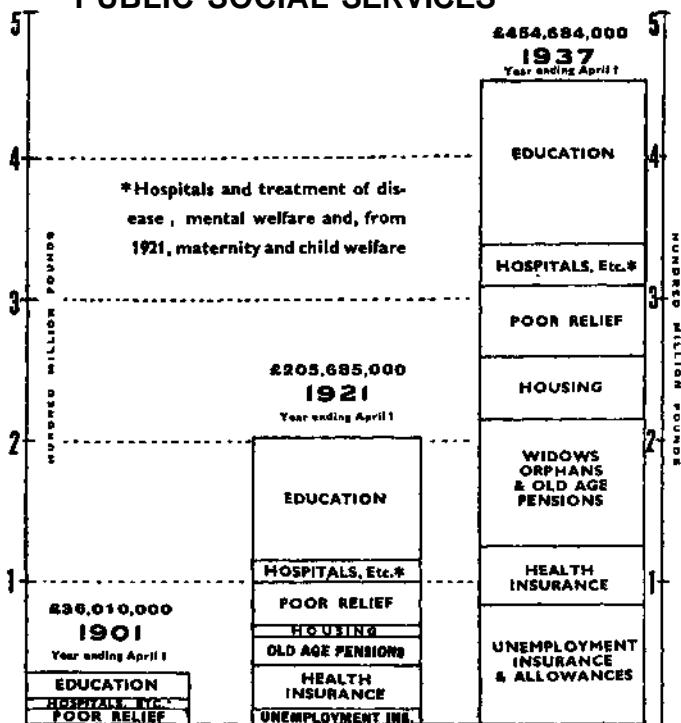
The third figure, it will be noticed, represents nearly one-third of the aggregate expenditure of the central government and the authorities of local government.

services was £455,000,000. From what source, then, was the remaining £150,000,000—roughly one-third of the whole—derived? The answer is simple. It came, in almost equal proportions, from the workers who received the services and the employers of those workers, through the payment of contributions to unemployment insurance, to health insurance, and towards pensions. The workers who received the services thus paid one-half of one-third of the cost—or, in other words, one-sixth. In respect, therefore, of one-sixth of the total benefits received there was a simple purchase by the recipients. Nor must we think of the remaining five-sixths as a gift or a 'dole'. Merely on the financial ground, we have to remember that this five-sixths came not only (1) from direct taxes paid mainly by the well-to-do (and from the contributions of employers), but also (2) from indirect taxes, paid largely by the poor, and from the rates levied on occupied houses, which fall heavily on the poor. No doubt the recipients of public social services had not paid the *full* value of what they received: no doubt the richer members of the community had contributed largely to the cost of the services, without any expectation (or wish) of receiving the benefit of the services to which they contributed. But it would be a grave error to think that the cost of public social services represents a 'Mole' or a 'ransom' paid by the rich to the poor. Directly and indirectly—in the payment of contributions and through the payment of indirect taxes and rates—the poor have joined with the rest of the community in paying for the benefits they receive. But calculations based on financial grounds of this character do not touch the root of the matter. The essential thing is that a just proportion of the total social income should be devoted to the object of social betterment; and a proportion of 10 per cent, of the whole, which is what was so devoted in 1937 (£455,000,000, from a social income of roughly £4,500,000,000) cannot be called more than a just proportion.<sup>1</sup> A further factor which has to be remembered is that *all* alike benefit from the improvement of the poorer members of the community in mind, body, and estate, and all alike should therefore pay the cost. We are *all* better when the poor among us are better.

<sup>1</sup> It should be noted that this sum of £455,000,000 represents expenditure only on *public* social services. We have also to remember the expenditure on *voluntary* social services, and the sums voluntarily subscribed to meet these services. As an instance we may mention the voluntary hospitals, with their annual income (from voluntary endowments and subscriptions) of £17,000,000. But this is only one example of a plethora of voluntary social services maintained by voluntary contributions. It is a British habit to pay 'subscriptions' voluntarily in addition to paying the 'rates and taxes' demanded by government.

Before we pass to a review of the system of public social services, one further matter of finance deserves to be recorded. In 1901 the total expenditure on public services from all sources (central taxes, local rates, and the contribution of recipients) was £36,000,000. Twenty years later, in 1921, it

## GROWTH OF EXPENDITURE ON THE PUBLIC SOCIAL SERVICES



(From A. D. K. OWEN. BRITISH SOCIAL SERVICES by permission of the BRITISH COUNCIL)

was £205,000,000. Sixteen years later, in 1937, it was £455,000,000'. The progression is remarkable. The increase between 1901 and 1921 was made *in spite* of the intervention of a great war, with all its cost. The increase between 1921 and 1937 was made *in spite* of the aftermath of that war, *in spite* of the financial crisis which came in 1931, and *in spite* of new international troubles which began *to* loom up by 1935. Even during the present war, as we shall see later, extensions

of the public social services have been achieved. There was a time when this development made many gasp. We seemed to be heading for bankruptcy: American opinion was alarmed: a French thinker published a book on *La Crise Britannique*. All that was really happening was that we had embarked on a great measure of social justice, a New National Deal, at an earlier date than our neighbours. That New National Deal was not bankruptcy. It was a necessary maintenance and improvement of our national present. It was even more: it was also an insurance, by means other than military expenditure, of our national future. The Deal stands—rather, it grows. Nothing that it brings to any citizen causes him any social stigma. Nothing that it takes from any citizen, to pay its cost, causes him any social rancour.

*The General Character of British Social Services*

We have already seen 'that the public social services are managed by a characteristic combination of central and local government. We have already seen that they contain, in the principle of individual contribution, a characteristic British factor of individual self-help. We have still to notice that they also contain—or, more exactly, that they partly contain within themselves, and are partly supplemented and augmented from outside by—another characteristic factor of British life. This is the factor of voluntary social activity, conducted by voluntary societies, and operating hand in hand or side by side with the State. Voluntary social activity in the sphere of education (where it has provided voluntary schools), in the sphere of health (where it has provided voluntary hospitals), and in the sphere of relief from poverty and distress (where it has acted through \* friendly societies' and other voluntary institutions) has long been a tradition among us. That tradition is still at work—partly working hand in hand with the State, and' in that sense contained or incorporated in the system of public social services (as the voluntary elementary schools, for example, are incorporated in the national system of elementary education); partly working side by side with the State, and in that sense supplementing its activity (as the voluntary hospitals, for instance, supplement the public hospitals maintained by the authorities of local government).

The whole system of the social services is thus a characteristic British combination or compromise (some would even say 'muddle') which mixes and attempts to reconcile different elements. There is public social service; and there is also voluntary social service, half dovetailed into the public, and half independent of it. There is public social service which is rendered by the central government; and there is also public

social service which is rendered by the authorities of local government. This mixed system works; but it also creaks. It is not as neat and tidy as it would be if it were cast in a single mould. The voluntary and the public elements sometimes tumble over one another; and the experienced administrator may groan, here at overlapping and consequent waste of effort, and there at the imperfections of voluntary societies in obstinately trying to do things by themselves which might be far better done by the public authority. But administration is not everything: our unsystematic system *is* a system; and we are generally agreed that it suits our humour, fosters our liberty, and is the sort of thing we desire. It is like a loose old coat with plenty of pockets—a free and commodious garment.

Historically, the voluntary social services may be regarded as prior to the public social services. It is true that *one* public social service—the system of poor relief provided and managed by local public authorities—is over three centuries old, and goes back to the Act for the relief of the poor, passed in 1601 (indeed there were still earlier acts), by which each parish was made legally responsible for maintaining its poor. This was, however, an exception; and the general provision of social services was remitted by public opinion and the practice of the State to the area of voluntary activity. Two voluntary methods were long used to fill the void which was left by the State. One was the method of *benevolent* assistance (we might say of \*charity', if that word had not fallen into disfavour), rendered by voluntary societies in the name of philanthropy or religion. This was the method by which the provision of elementary education began to be attempted at the end of the eighteenth and the beginning of the nineteenth century. The other method was that of *mutual* assistance against sickness and the other perils of life, through friendly societies formed by the poor for themselves in order to help themselves. This was one of the bases of the origin of Trade Unions, which have since come to play so large a part in the general system of British life.<sup>1</sup> By both of these methods—the method of benevolent assistance and that of mutual assistance—a large system of social provision came eventually to be built. We may say that British society made itself a laboratory of social experiment, and that by its experiments and its tentative efforts it prepared the ground of experience on which the State could ultimately act.

We must pause to note that voluntary social action, proceeding by these two main methods, by no means disappeared when

<sup>1</sup> The author sincerely regrets that limitations of space have precluded any account of the vital importance of the free Trade Union in British history.

the State at last undertook the provision of public social services. Far from disappearing it has become, if anything, even more active. Not content with having prepared the ground for State action, and never thinking of resignation or abdication when that had been done, it still continues to work—and it plans to continue its work—in a number of different directions. In the first place it continues to act, as we have already noticed, in association with the new activities of the State. Sometimes the association is simply that of parallel activity, 'side by side' in the same field, as when voluntary hospitals continue their work by the side of the public hospitals maintained by public authorities: sometimes it passes into interconnexion, or a system of 'hand in hand', as when the voluntary elementary schools provided by religious bodies, which are attended by over a third of the total number of elementary pupils, are dovetailed into the system of the State. But voluntary social action not only proceeds in association (hand in hand or side by side) with the new activities of the State. It also proceeds by a second and different method. It continues to inaugurate, by its own motion, and in new fields still untouched by the State, fresh forms of social service which often combine benevolent assistance and mutual assistance in a happy marriage.

We may cite as an instance of such pioneer work the activity of the National Council of Social Service—a body which has promoted, during the last twenty years, new developments such as Village Halls, Community Centres, and Clubs for the Unemployed. But it is a sign of the times, and a proof of the State's growing sense of responsibility, that even such pioneer work by voluntary bodies may now be encouraged and aided by the State—and that from its first inception. This has been the case in the matter of clubs for the unemployed; it has been the case, still more recently, in the matter of adult education, where a pioneer movement for the national encouragement of music and the arts has proceeded from the joint initiative of the Board of Education and a voluntary body called the Pilgrim Trust;\* it has equally been the case, very recently, in the informal movement known as the Service of Youth, which marries voluntary to public effort in a new attempt to meet the physical and recreational needs of youth. Anybody who labours for love in the field of voluntary social effort must recognize instantly, and gladly, how constantly he is brought into contact with, and how largely he is assisted by, the public authorities both of the central and of the local government. There may be disputes and overlapping. There is also a common mind and co-operation.

It is only just to pay some tribute to the old and still vigorous

<sup>1</sup> See above, p. 111.

agency of voluntary societies. But it is no less just, and it is a bounden duty, to pay a large tribute of recognition to the new and growing activity of the State in the sphere of public social service. When the nineteenth century opened, the one public social service which Britain possessed was its old system of poor relief. A hundred years later, when the twentieth century opened, some new things had been added: the provision of State elementary schools had begun in 1870, and by 1900 there was a system of universal and free elementary education; a board of health had been started in 1848, and by 1900 a succession of Public Health Acts had vastly improved urban sanitation: there had also been some attempts to face the problem of the housing of the community, and the authorities of local government had been empowered to clear slums and re-house their inhabitants. But the record was still meagre even in 1900; and the public social services were still limited to poor relief, elementary education, some provision of sanitation, and some permissive powers for local authorities (powers not necessarily used) to deal with the problem of housing. Then came a sudden flowering—so sudden, and so generously large, that most of us have hardly yet realized what has happened. We may date the flowering from the year 1902, when the State undertook the new service of providing secondary (as well as elementary) education; alternatively we may date it, as some would prefer, from the entry into office of a new Liberal Cabinet at the end of 1905 (which included Lloyd George and Winston Churchill<sup>1</sup>) and from the series of measures of social legislation which that cabinet undertook—old age pensions in 1908; employment exchanges, and trade boards to improve conditions and wages in a number of badly organized industries, in 1909; and systems both of health insurance and unemployment insurance in 1911. It was indeed a rapid flowering; and it brought, as one writer has well remarked, the fruits of \*a New Deal for the British working class, a generation ahead of its American counterpart\*. Nor was the flowering temporary. Hardly interrupted by the war of 1914-18, it began again, even before the war was ended, with a new Education Act of 1918; and from that year onwards it has steadily proceeded, whatever party or combination of parties might be in power, down to (and even into) the war which is raging now. The last twenty years have seen the nation at large, irrespective of parties (the 'New Deal' is something which transcends party), wrestling with the problems of unemployment and housing, and introducing new public social services to deal with both

<sup>1</sup> Mr. Churchill did not become a member of the Cabinet till 1908; but he was there when the period of social legislation began.

problems: they have also seen a large extension of the system of pensions originally introduced in 1908. The first half of the twentieth century has been a stormy century. All its storms have not prevented—indeed they even seem to have encouraged—the steady building in Britain of a house of greater social security and greater social justice.

How that old English radical, Tom Paine, who fought for the cause of freedom and justice in North America, and in France, as well as in England, would rejoice if he could see his country again. Exactly 150 years ago, he published a scheme of social reform in the fifth chapter of the Second Part of his *Rights of Man*. His scheme included provision by the State from its funds for the education of children under the age of 14, for old age pensions, for maternity benefit, and for a system of unemployment exchanges in London. His shade has had to wait long for the fulfilment of his old dream. To-day it would find among us education of children, old age pensions, maternity and child-welfare services, and unemployment exchanges—all that he wanted—provided by the State, and provided as of right, for the benefit of its members.

#### *The Various Forms of Public Social Service*

It is possible to classify the public social services in a variety of ways. We may classify them historically, as has just been done summarily, according to the successive stages of their development. We may also classify them logically, according to the nature of the method used in their rendering. But perhaps the simplest and the most useful method for the classification of public social services is neither the historical, nor the logical, but the human. The fundamental question is that of the ways in which these services affect the daily lives of men and women and children. It has already been incidentally suggested that there are three main headings under which these effects can be most readily grouped—'mind, body, and estate'. We may therefore arrange the public social services under these three heads.<sup>1</sup>

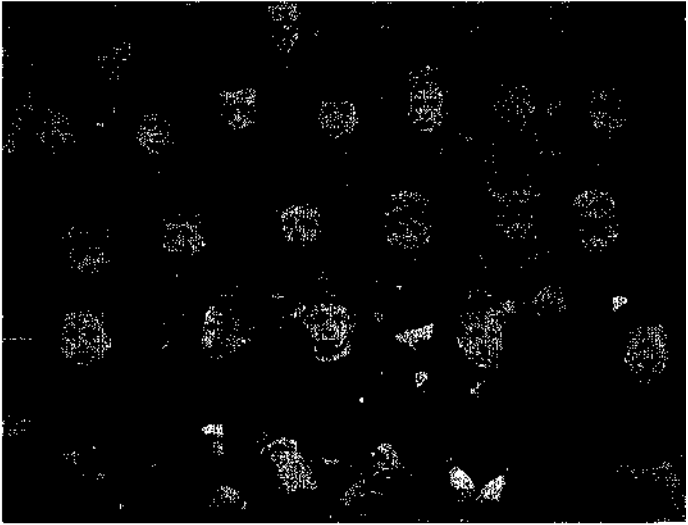
<sup>1</sup> A brief table will show the distribution of the total expenditure of £455,000,000, during the year 1937, under these three heads:

MIND.	Expenditure on education (including fees paid)	115,000,000
BODY.	Health services, insurance, and housing	111,000,000
ESTATE.	Public assistance, unemployment insurance and unemployment assistance, and pensions . . . . .	229,000,000
	Total . . . . .	455,000,000

Roughly, we may say that a quarter goes to each of the first two, and a half to the third.

MIND. The public social services under this head are mainly and predominantly, but not exclusively or only, the services of education. We must not forget the provision of national and municipal galleries, museums, and libraries; we must not forget what may be called research institutes, such as the Department of Scientific and Industrial Research (with an income of three-quarters of a million pounds), or the Medical Research Council. But the essence of the public social services devoted to the mind is the State provision of schools, both elementary and secondary, and the State aid given to the provision and maintenance of Universities. We may see the whole system of provision ascending by stages in the nature of a pyramid; and we may note that there are nearly 8,000,000 pupils and students on the pyramid, in regular attendance at some public educational institution. The first stage, much the most populous, is that of the public elementary schools, which (if nursery and infants' schools be included) are attended by some 6,000,000 boys and girls. The second stage, tapering off but still large, is that of post-elementary or secondary education—a double stage which includes, on the one hand nearly 500,000 pupils in full-time attendance at secondary schools, and on the other hand more than 1,000,000 in part-time attendance at evening institutions and in technical schools and colleges. The third and last stage, tapering off still further, is that of the education of the adult student; and this again is double, including on the one hand about 80,000 full-time students in Universities and training colleges for teachers, and on the other hand almost an equal number engaged in part-time attendance at lectures, classes and courses provided for leisure hours. At each stage the State provides, or aids in the making of provision; and the cost is over a quarter of the whole amount expended in public social services.

Some account has already been given of British education in the previous chapter. Here we are concerned with education only in its connexion with the system of public social services; and in that connexion it only remains to add two brief notes. One of them concerns the ladder of education, which provides the opportunity for ability and industry to ascend from stage to stage of the pyramid. There is a system of scholarships or bursaries, awarded on the basis of an examination, which first carries the *ilite* of the first stage forward to the second, and then the *ilite* of the second forward to the third. There is room for the extension of this system (particularly perhaps by the institution of scholarships which will open the public schools, in the second stage, to talent wherever it be found); but even as it stands, the system, as it has been developed in



IX. THIRTY YEARS OF SOCIAL CHANGE

1. LONDON SCHOOLBOYS, 1895
2. BOYS IN THE SAME SCHOOL, 1928  
*(London County Council)*

this century, has quietly achieved a social revolution. The second note concerns the provision made for body as well as mind, and for body along with mind. This is not merely a matter of playing-fields and athletics. It is rather a matter—particularly at the first or elementary stage—of the institution of a school medical service which provides for the regular inspection of children's health and for remedial treatment, and which is supplemented by the provision of free meals and milk for the needy. The school medical service, established in 1907, has raised the standard of health, and of that cleanliness which is next to godliness, to a most remarkable degree. Yet it must be confessed that the evacuation of children from the towns into the country, during the present war, has revealed conditions of urban health, and urban cleanliness, which prove that, for all we have done, there is still vastly more to be done.

BODY. There are three social services, all essentially health services, which deserve particular mention under this heading. The first, which is a system or complex of services rather than a single service, includes a number of institutions and methods for the prevention of disease and the positive promotion of health. We have already mentioned the State's Medical Research Council and the school medical service (the latter managed by the authorities of local government): we must also mention the ante-natal centres where expectant mothers receive advice and help. But these are only a part of a general complex of services, which includes, in addition, on the positive side, child-welfare centres and, on the preventive side, not only general public hospitals (acting by the side of the voluntary hospitals, which they now outnumber), but also special institutions and measures for dealing with tuberculosis, cancer, and other diseases. The consequent improvement of the health of Britain in the present century has been remarkable; and it is perhaps the best indication of that improvement that the infant mortality rate has sunk since 1900 from 154 for each 1,000 children born to as low as 53.

The second health service is closely connected with, and indeed it may be counted as part of, the general complex of services which constitutes the first: but it is of such scope, and covers so many persons, that it must be mentioned by itself. This is the system of national health insurance introduced in 1911, which now covers some 20,000,000 persons, and under which 8,000,000 are annually treated. This insurance, which is compulsory on all workers from the age of 14 to that of 65 (except non-manual workers earning more than £420 a year), involves the payment of weekly contributions by workers and employers which are supplemented by the funds of the State;

and it secures not only free medical attention, but also weekly payments during incapacity and sickness.

There remains the housing service, which promotes the cause of health by providing healthy houses each set in its own garden plot. Here subsidies provided by the State—subsidies which enable houses to be rented at less than an economic rent—have gone to the building of over 1,500,000 new houses since 1920. It is a sign of self-help that about 2,500,000 additional new houses have been built during the same period without any subsidy. In a space of twenty years, partly with State-help and partly without, the British people has furnished itself with new houses which now form one-third of the whole of its existing housing. This, too, is a revolution, and it is a revolution which any visitor to the 'new estates', filled with decent homes, on the outskirts of British cities, cannot fail to notice, and to applaud. But it is a revolution still imperfect; and much remains to be done. It is not only that the 'new estates' are crowded too uniformly with a homogeneous population, all of the same social type, and unrelieved by the diversity which is necessary for mutual aid and common development. It is also that the 'new estates' are too often merely concentrations of individual houses, without the communal amenities and facilities which are also imperatively needed. Moreover, there still remain great drab crowded tracts of urban and inter-urban areas which have to be tackled and reformed. But there is a will for reform; and 'where there's a will, there's a way'.

ESTATE. 'Estate' is an old English word which signifies social condition. We turn accordingly, under this head, to consider the public social services which are directed to improving the social condition of men and women, by securing them from the peril of indigence, from the peril of unemployment (which has been so long the worker's nightmare), and from the peril of an old age without work and without support.

The first of the services under this head, which are specially and peculiarly 'social' because they specially and peculiarly affect men's social life, is that which was once called poor relief, and is now called public assistance. It is a service for the relief of indigence and destitution, incumbent, as it has been for the last three and a half centuries, on the authorities of local government, and defrayed from local rates. We must not decry it: it has been, historically, a nursing mother of local self-government and the old gnarled root of our modern system of social services. To-day it may be called, in a sense, the residuary social service. It stands in reserve and takes the final thrust. Much has been taken from it by the new developments which we have recorded under the last head, and especially the

development of health insurance: more has been taken from it by the new developments which we have still to record under the present head; but it is still needed, and it is still the last anchor. In the year 1937 over £51,000,000 (or one-ninth of the whole amount expended on the public social services) still went to the service of poor relief; and it deserves to be noticed that £3,500,000 of this amount was contributed by the relatives of those receiving relief. Even poor relief is not entirely a 'dole'; and even here there is contribution.

The second of the services which go to the relief of man's estate, and perhaps the most vital of all the public social services, is the unemployment service. Unemployment is the Apollyon of any industrial community: it has been a devastating Apollyon for the British community; and even when the present war began Great Britain had still a recorded body (it is to be said, however, that she keeps her records with a peculiar accuracy) of over 1,250,000 unemployed. Already in 1911 a national system of unemployment insurance was instituted, on the same principle and the same lines as the health insurance system; and this system of unemployment insurance (with its contributions from workers and employers and its subvention from the State) has been extended until it now covers 15,000,000 workers, who receive benefits from it for a period of as long as half a year when out of employment. By itself this system cannot meet the whole problem of unemployment—for the simple reason that unemployment may last longer than half a year. It has accordingly been supplemented, since 1934, by an additional system of unemployment assistance (given freely and without contribution) which is administered by a special (Unemployment) Assistance Board.<sup>1</sup> It is about the proper amount of such free assistance, and about the conditions on which it should be given (including a 'Means Test' for all recipients), that controversy has raged; but in spite of controversy, and indeed through its aid, the method of unemployment assistance has justified its necessity and its value. Behind both unemployment insurance and

<sup>1</sup> The (Unemployment) Assistance Board marks a new development in the administration of public social services. Hitherto, those services had been directly administered by the government, central or local: thus the Ministry of Health administered (and still administers) the service of health insurance, and the Ministry of Labour administered (and still administers) the service of unemployment *insurance*. For unemployment *assistance* the new method has been adopted, of indirect administration through a board composed of members officially appointed for the purpose—a board thus analogous (though acting in a different sphere) to the officially appointed boards, mentioned in the beginning of this chapter, which manage a number of public undertakings.

unemployment assistance there stands a body of further institutions (developed, like them both, since 1911), for dealing with questions of employment as well as of unemployment. An employment exchange system, of which Tom Paine had suggested the germ in 1792, has now been working for thirty years under the Ministry of Labour; and during the last year before the war nearly 3,000,000 workers were placed in jobs through this system. One part of its activity, developed since 1928, is that of 'industrial transference', which means the giving of aid for the transfer of workers and their families from areas of unemployment to areas of better prospects. More specifically concerned with the specific problem of unemployment are three other institutions. One of these is the system of clubs for the unemployed, which is managed by the National Council of Social Service with the aid of grants from the State. Another is the system of training institutions for the unemployed which is directly managed by the Ministry of Labour, and which trains thousands of workers yearly to fit them for new occupations. Still another is the system of Special Areas and their Commissioners (now replaced by the Ministry of Labour), which was instituted in 1935, and has provided funds and an organization for the re-conditioning and restoration of areas specially depressed by long-time unemployment. Britain may not yet have solved the problem of unemployment; but she has laid some solid foundations.

The third and last of the social services for the relief of man's estate is the service of pensions. This falls into two separate parts—the non-contributory and the contributory. Non-contributory old age pensions were introduced in 1908, for persons (men and women) over the age of 70; they are now given, and given under conditions which involve no rigorous inquiry, at the rate of 10s. a week; and they can now be supplemented, under a new Act passed as recently as 1940, by grants from the (Unemployment) Assistance Board after inquiry into the recipient's means. A scheme of contributory pensions, which is more important and covers a wider scope, was introduced in 1925. This scheme is financed (like the schemes of health and unemployment insurance) from the contributions of workers and employers and the subventions of the State: it is a scheme not only for old age, but also for widows and for orphans. Under it insured workers and their wives receive pensions of 10s. a week at the age of 65 (but the age for women has now been lowered to 60); under it the widows of insured workers who die before the age of 65 receive pensions for themselves and additional allowances for dependent children; under it, finally, the orphans of insured parents receive pensions of

7s. 6rf. a week till they reach the age of 14. It may be added that supplementary grants can now be added to contributory as well as non-contributory pensions. On the eve of the war the beneficiaries of the pension schemes (both contributory and non-contributory) amounted to nearly 4,000,000, of whom over 800,000 were widows and 300,000 were orphans; and the total amount expended was just over £90,000,000, or one-fifth of the total expenditure on public social services.

As we leave the record, a note may be added on the history of the social services during the present war, from the autumn of 1939 to the spring of 1942. The *voluntary* social services rendered by voluntary agencies have grown during the war. Some of the growths (such as 'neighbourhood clubs' for dealing with the danger of air raids, and welfare work among evacuated children) have been purely voluntary: others—such as the Council for the Encouragement of Music and Art, and the Service of Youth—have been a mixture of voluntary effort and State action. The *public* social services have not shown, on balance, any serious reduction of activity or expenditure. If there is less expenditure on housing and on unemployment (which has been almost abolished by the war), there has been a greater expenditure on education, on health services, and on pensions. The astonishing thing is that new legislation has been passed during the war to increase the scope of the public social services. Two examples may be cited. The first is the Old Age Pensions Act of March 1940, which reduced the pensionable age for women to 60, and instituted the scheme of supplements in aid of pensions which has previously been mentioned. The second is the Determination of Needs Act, which came into operation in June 1941, and which altered and eased the 'Means Test' applied to persons in receipt of unemployment assistance or supplementary pensions from the (Unemployment) Assistance Board. It may be added that welfare schemes have also been instituted for war-workers; that benefits under the system of unemployment insurance have been extended; and that new facilities have been provided for the training of men for employment. There is an old saying that 'laws are silent during war'. In Britain laws still speak during war, and they speak for the social benefit of the whole community.

### *Conclusion*

The facts recorded in this chapter may serve to show that British democracy is a democracy that works, and that it is not so far behind the times, or so antiquated and so hidebound

in old 'aristocratic' prejudices, as the new and lively democracies of the Dominions are perhaps sometimes apt to think. British democracy is old; but 'nevertheless' (as Galileo said of the earth) 'it moves'. It is hard for a writer of British stock to set a trumpet to his lips and blow a paean in its praise. He suffers from the British tendency to under-statement (which is, in its way, a form of arrogance, being based on a high conceit of faculty and power that makes any achievement seem disappointing); and like the lady in one of Miss Ruth Draper's sketches, he finds it most congenial to criticize his own garden as he shows his visitors round. But there are some flowers in the garden; and this book may end with some indication of their qualities—at any rate in that part of the garden which is called Social Economy and the Social Services.

There has been initiative at work in the lay-out and the planting. Britain has been experimenting with a new design for the lay-out and new strains for the plants. We have shed the antithesis of socialism and individualism: we have seen the sense of a mixed economy: we have introduced into that mixed economy the new strain of the public undertaking managed by officially appointed bodies which are charged to develop their undertakings 'to the best advantage and in the national interest'. Here, even in the act of striking out along new lines, we are still being true to our old tradition of the middle way—the *via media Anglica*: we are still trying to make a reconciliation, and to find a compromise, between conflicting extremes. It is a way which we follow the more readily because it suits the tentative method of experiment (experiment suited to the particular case and its particular needs) which we prefer to follow. But above all it is a way of balance—'balance', that favourite idea of British thought in the eighteenth century: balance, that instinctive idea behind British action in the twentieth. We identify democracy with balance. One of our statesmen, Mr. Oliver Lyttelton, spoke in a true British strain in the spring of this year. 'The essence of democracy should be a balance between the organizing power of the State and the driving force of the free individual. We must foster both. There are a great number of things which alone can be effectively done by individual enterprise. There are many forms of economic activity which the State alone can direct. In the new world we shall have need for both.'

It is often said that we have to change, or to elevate, 'political' democracy into 'economic' democracy. The answer is that we have already begun to do so, and that we have already travelled far on the way. That is the meaning of our system of public social services. If that is not economic democracy, what

else is it to be called? Here, too, there has been initiative: a new lay-out of the garden: new strains and varieties of plants. The record of the development of the public social services during the last generation (let us say, from the winter of 1905 to the autumn of 1939) is the record of a great social adventure. Caution may bid us add to that statement a warning—the warning that a great *social* adventure may perhaps tend to make us each *individually* less venturesome, less pioneering, less self-reliant, just because we have built for ourselves such a framework of ordered security that the venturesome, pioneering, self-reliant spirit need not leap so much to face for itself the peril of emergency. We shall do well to remember the warning. But we may none the less be proud of the\* great social adventure which our country has undertaken in building its system of public social services. Here, too, there has been balance (we can never dispense with *that*)—balance between voluntary agency and State action: balance between the central government and the authorities of local government; co-operation and mixture and compromise, on the one hand between society and the State, and on the other between the State central and what may be called the State local. A mixed system—a little clumsy: a little creaking; but<sup>e</sup> nevertheless, it moves \

We have gained a new security. We have gained a new plane of liberty—liberty for ordinary men and women to live their lives in the freedom of educated minds, in freedom from ill—health, in freedom from want and from fear—the fear of unemployment and the fear of penniless old age. We have gained a new plane of social equality, and with it a new plane of social fraternity. But there is more to be done, much more, and there are greater heights to be gained. There is more to be done in the cause of equality (not that we have ever worried ourselves very greatly about it, being more concerned about liberty—but ought we not to learn to worry?): above all, there is more to be done in the cause of fraternity, and in the way of making our land, and all its capital equipment, the proper home and framework of a community of neighbours and brothers. But what a pity it would be if there were not more to be done, infinitely more to be done—the spirit of man being infinite, and his capacities infinite—in order to make 'a spacious, active, enterprising, gay country', renewing itself as it moves and resolved to build a New World in the Old.

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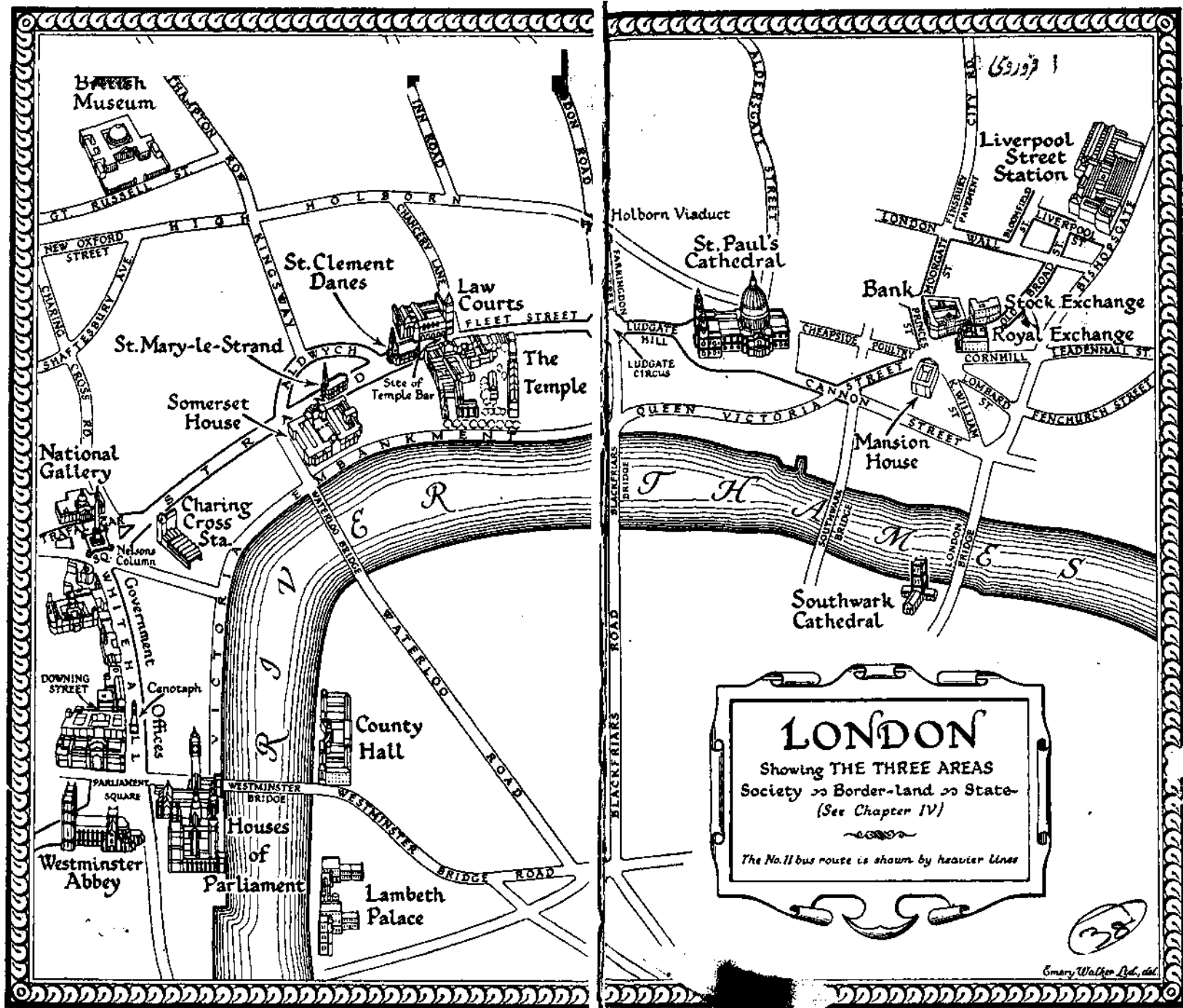
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