

## Erskine May, Chapter V, pp. 299-308

### The Lords Spiritual

In reviewing the rapid growth of the temporal peers sitting in Parliament, it is impossible not to be struck with the altered proportions which they bear to the lords spiritual, as compared with former times. Before the suppression of the monasteries by Henry VIII., in 1539, when the abbots and priors sat with the bishops, the lords spiritual actually exceeded the temporal lords in number. First in rank and precedence,—superior in attainments,—exercising high trusts and extended influence,—they were certainly not inferior, in political weight, to the great nobles with whom they were associated. Even when the abbots and priors had been removed, the bishops alone formed about one third of the House of Lords. But while the temporal lords have been multiplied since that period about eight-fold, the English bishops sitting in Parliament have only been increased from twenty-one to twenty-six,—to whom were added, for a time, the four Irish bishops. The ecclesiastical element in our legislature has thus become relatively inconsiderable and subordinate. Instead of being a third of the House of Lords, as in former times, it now [300] forms less than a fifteenth part of that assembly; nor is it likely to receive any accession of strength. When the pressing demands of the church obtained from Parliament the constitution of the new bishopric of Manchester, care was taken that not even one spiritual lord should be added to the existing number. The principle of admitting a new bishop to sit in Parliament was indeed conceded; but he was allowed that privilege at the expense of the more ancient sees. Except in the case of the sees of Canterbury, York, London, Durham, and Winchester, the bishop last appointed receives no writ of summons from the crown to sit in Parliament, until another vacancy arises.(1) The principle of this temporary exclusion of the junior bishop, though at first exposed to objections on the part of the church, has since been found to be not without its advantages. It enables a bishop recently inducted, to devote himself without interruption to the labours of his diocese, while it relieves him from the expenses of a residence in London, at a time when they can be least conveniently borne.

But, however small their numbers, and diminished their influence, the presence of the bishops in Parliament has often provoked opposition and remonstrance. This has probably arisen, more from feelings to which episcopacy has been exposed, than from any dispassionate objections to the participation of bishops in the legislation of the country. Proscribed by Presbyterian Scotland,—ejected from Parliament by the English Puritans,—repudiated in later times, by every sect of dissenters,—not regarded with too much favour, even by all the members of their own church,—and obnoxious, from their dignity and outward pomp, to vulgar jealousies,—the bishops have had to contend against many popular opinions and prejudices. Nor has their political conduct, generally, been such as to conciliate public favour. Ordinarily supporting the government of the day, even in its least popular measures,—leaning always to authority,—as churchmen, opposed to change, and precluded by their position from courting popularity,—it is not surprising that cries have sometimes been raised against them, and efforts made to pull them down from their high places.

In 1834, the Commons refused leave to bring in a bill 'for relieving the bishops of their legislative and judicial duties in the House of Peers,' by a majority of more than two to one. By a much greater majority, in 1836, they refused to affirm 'that the attendance of the bishops in Parliament, is prejudicial to the cause of religion.' And again in the following year, they denied, with equal emphasis, the proposition that the sitting of the bishops in Parliament 'tends to alienate the affections of the people from the established Church.' [302] Since that

time, there were no adverse motions in Parliament, and few unfriendly criticisms elsewhere, in relation to the Parliamentary functions of the bishops.

Their place in our venerable constitution has hitherto been upheld by every statesman, and by nearly all political parties. At the same time, the liberal policy of the legislature towards Roman Catholics and Dissenters, has served to protect the bishops from much religious animosity, formerly directed against the church, of which they are the most prominent representatives. Again, the church, by the zeal and earnestness with which, during the last thirty years, she has followed out her spiritual mission, has greatly extended her own moral influence among the people, and weakened the assaults of those who dissent from her doctrines. And the increased strength of the church has fortified the position of the bishops. That they are an exception to the principle of hereditary right—the fixed characteristic of the House of Lords—is, in the opinion of many, not without its theoretical advantages.

#### **Footnote.**

1. Bishopric of Manchester Act, 10 and 11 Vict. c. 108, See also Debates, 1844 in the House of Lords, on the St. Asaph and Bangor Dioceses' Bill.
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## **Political Position of the House of Lords**

The various changes in the constitution of the House of Lords, which have here been briefly sketched, have considerably affected the political position and influence of that branch of the legislature. It is not surprising that peers of ancient lineage should have regarded with jealousy the continual enlargement of their own privileged order. The proud distinction which they enjoyed lost some of its lustre, when shared by a [303] larger body. Their social preeminence, and the weight of their individual votes in Parliament, were alike impaired by the increasing number of those whom the favour of their sovereign had made equal to themselves. These effects, however, have been rendered much less extensive than might have been anticipated, by the expansion of society and by the operation of party in all political affairs.

But however the individual privileges of peers may have been affected by the multiplication of their numbers, it is scarcely to be questioned that the House of Lords has gained importance, as a political institution, by its enlargement. Let us suppose, for a moment, that the jealousy of the peers had led either to such a legal restraint upon the prerogative, as that proposed in the reign of George I., or to so sparing an exercise of it, that the peerage had remained without material increase since the accession of the House of Hanover. Is it conceivable that an order so limited in number, and so exclusive in character, could have maintained its due authority in the legislature? With the instinctive aversion to change, which characterises every close corporation, it would have opposed itself haughtily to the active and improving spirit of more popular institutions. It might even have attempted to maintain some of its more invidious privileges, which have been suffered to fall into desuetude. Hence it would necessarily have been found in opposition to the House of Commons, the press, and popular opinion; while its limited and unpopular constitution would have failed to give [304] it strength to resist the pressure of adverse forces. But the wider and more liberal constitution which it has acquired from increased numbers, and a more representative character, has saved the House of Lords from these political dangers. True to the spirit of an aristocracy, and to its theoretical uses in the state, it has been slower than the House of Commons in receiving popular impressions. It has often checked, for a time, the progressive policy of the age; yet, being accessible to the same sympathies and influences as the other House, its tardier convictions have generally been brought, without violence, into harmony with public opinion.

And when measures, demanded by the national welfare, have sometimes been injuriously retarded, the great and composite qualities of the House of Lords,—the eminence of its numerous members,—their talents in debate, and wide local influence,—have made it too powerful to be rudely overborne by popular clamour.

Thus the expansive growth of the House of Lords,—concurring with the increased authority of the House of Commons, and the enlarged influence of the press,—appears to have been necessary for the safe development of our free institutions, in which the popular element has been continually advancing. The same cause has also tended to render the peers more independent of the influence of the crown. To that influence they are naturally exposed: but the larger their number, and the more various their interests, the less effectually can it be exercised: while the [305] crown is no longer able to secure their adherence by grants of land, offices, and pensions. And if the peerage has occasionally been discredited by the indigence or abasement of some few of its number, its dignity has been well maintained by territorial power,—by illustrious ancestry,—by noble deeds,—by learning, eloquence, and public virtue.

### **Political Parties**

These changes in the constitution of the House of Peers must further be considered in their relations to party. The general object which successive ministers have had in view in creating peers,—apart from the reward of special public services,—has been to favour their own adherents, and strengthen their Parliamentary interest. It follows that the House of Lords has undergone considerable changes, from time to time, in its political composition. This result has been the more remarkable, whenever one party has enjoyed power for a great length of time. In such cases the number of creations has sometimes been sufficient to alter the balance of parties; or, if this cause alone has not sufficed, it has been aided by political conversions,—the not uncommon fruit of ministerial prosperity. The votes of the bishops have also been usually recorded with that party to whom they owed their elevation. Hence it was that, on the accession of George III., when the domination of the great Whig families had lasted for nearly half a century,—the House of Lords was mainly Whig. Hence it was that, on the accession of William IV., when the Tory rule—commenced under Lord Bute, [306] strengthened by Lord North, and consolidated by Mr. Pitt—had enjoyed ascendancy for even a longer period, the House of Lords was mainly Tory.

Under such conditions as these, when a ministry, having established a sure majority in the House of Lords, is overthrown by an opposition commanding a majority of the House of Commons, the two Houses are obviously in danger of being brought into collision. A dissolution may suddenly change the political character of the House of Commons, and transfer power from one party to another; but a change in the political character of the House of Lords may be the work of half a century. In the case of Whig administrations since the Reform Act, the creation of a majority in the Upper House has been a matter of peculiar difficulty. The natural sympathies of the peerage are conservative; and are strengthened by age, property, and connections. A stanch Whig, raised to the Upper House, is often found a doubting, critical, fastidious partisan,—sometimes an absentee, and not unfrequently an opponent of his own party. No longer responsible to constituents for his votes, and removed from the liberal associations of a popular assembly, he gradually throws off his political allegiance; and if habit, or an affectation of consistency, still retain him upon the same side of the House, or upon the neutral 'cross-benches,' his son will probably be found an acknowledged member of the opposition. Party ties, without patronage, have been slack, and easily broken.

While the influence of the crown was sufficiently [307] great to direct the policy of the country; and while a large proportion of the members of the Lower House were the nominees of peers, collisions between the two Houses, if not wholly averted, were at least easily

accommodated. There had been frequent contests between them, upon matters of privilege. It was not without protracted struggles, that the Commons had established their exclusive right to grant supplies and impose taxes. The two Houses had contended violently in 1675, concerning the appellate jurisdiction of the Lords; they had contended, with not less violence, in 1704, upon the jurisdiction of the Commons, in matters of election; they had quarrelled rudely, in 1770, while insisting upon the exclusion of strangers. But upon general measures of public policy, their differences had been rare and unimportant. George III., by inducing the Lords to reject Mr. Fox's India bill, in order to overthrow the coalition ministry, brought them into open collision with the Commons; but harmony was soon restored between them, as the crown succeeded, by means of a dissolution, in obtaining a large majority in the Lower House. In later times, the Lords opposed themselves to concessions to the Roman Catholics, and to amendments of the Criminal Law, which had been approved by the Commons. For several years, neither the Commons nor the people were sufficiently earnest to enforce the adoption of those measures: but when public opinion could no longer be resisted, the Lords avoided a collision with the Commons, by acquiescing in measures of which [308] they still disapproved. Since popular opinion has been more independently expressed by the Commons, the hazard of such collisions has been greatly increased. The Commons, deriving their authority directly from the people, have increased in power; and the influences which formerly tended to bring them into harmony with the Lords, have been impaired.

[There are no footnotes to this section]

[Next](#)

[Contents](#)

[Previous](#)