‘Populist Constitutionalism’ and the Unionist Party during the 1911 House of Lords’ Crisis

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This article reassesses the revolt against the 1911 Parliament Act by the 'ditchers' – the measure's diehard opponents in the house of lords. It shows that the ditchers had a clear and coherent platform on the constitution – referred to here as 'populist constitutionalism' – which sought to relegitimise aristocratic political power through the adoption of constitutional reforms including the introduction of referenda. This platform had evolved naturally from Lord Salisbury's 'mandate theory' that utilised the Unionist predominance in the second chamber to reject unpopular Liberal legislation. Where Salisbury had adopted a tactical, opportunistic perspective, however, populist constitutionalism was more programmatic. In contrast, Arthur Balfour, as Unionist leader, adopted a more cautious approach and avoided reform until his hand was forced by the constitutional crises of 1909–11. The ditchers, as part of the Edwardian ‘radical right’, were often frustrated with Balfour's refusal to advocate measures such as the referendum. This frustration reflected similar radical right criticisms of Balfour's leadership during the tariff reform debate. Hence the ditcher revolt represented the culmination of a decade of Unionist division over the Unionist platform, Balfour's leadership, and indeed the philosophical idea of Toryism itself.

Keywords: constitution; ditchers, house of lords; Parliament Act 1911; parliamentary reform; populism; radical right; referendum, Toryism; Unionist Party

1

On 10 August 1911, the house of lords voted by 131 to 114 to pass the Parliament Act.[1] The Bill's passage owed much to those Unionist peers and bishops who voted in favour of it, but the Unionist leadership's policy of abstention prevented a landslide defeat. The debate focused on the futility of resistance and the principles of the house of lords and the Unionist Party. Its passage saved the Lords from the prime minister's threat to pack the chamber with Liberal peers. Most peers, however, had been against a measure that they believed neutered the second chamber and removed every constitutional check and balance. The ditchers, advocates of resistance, believed that party leader, Arthur James Balfour, had again undermined a forward policy and doomed the Lords to irrelevance.

The study of the crisis in 1911 over the house of lords is well-trodden ground. The scholarship dates back to the 1930s. George Dangerfield's *The Strange Death of Liberal England* depicted the Lords, and especially the ditchers, as backward aristocrats with no programme beyond preserving ancient privileges so as to block Liberal social reforms.[2] Roy Jenkins's study in the 1950s noted the greater intra-Unionist conflict at play, but otherwise endorsed the image of the ditchers as unthinking political brutes who turned against their master.[3] The ditchers were depicted as 'backwoodsmen' who prioritised hunting over politics and lacked a real constitutional vision beyond reactionary conservatism.[4] The only credit given was that Dangerfield and Jenkins saw the 1909 budget's rejection and the Parliament Act's near rejection as a natural continuation of Conservative policy during the 1880s and 1890s.[5]

However, historians in the 1970s, including Gregory Phillips, established a revisionist narrative of politically-active ditchers made up of ex-cabinet members, imperial

administrators, and pressure-group leaders.[6] These groups included the Tariff Reform League (TRL), National Service League (NSL), and Navy League (NL). The ditchers were not 'backwoodsmen' who only attended parliament to reject Liberal measures. They were instead what historians often call the 'radical right' and believed in a coherent constitutional policy that informed their actions throughout the crisis. This article will argue that the ditchers were the first grouping in which the radical right gathered as part of a single body, whether as ditcher peers or as sympathisers within the Commons or outside parliament. Not all ditchers were in the radical right but most of its active participants were. Therefore, the terms will be used interchangeably – along with the term 'die-hards' as Phillips calls the ditchers – unless referring to those ditchers like Henry Percy, 7th Duke of Northumberland, and the Cecil brothers. The Cecils were the sons of the former prime minister, Lord Salisbury, who opposed abstention but were otherwise critics of the radical right.

This article will label the ditcher/radical right's constitutional policy as 'populist constitutionalism' despite the term never being used in contemporary debate. It sought to revitalise and meld old arguments for the traditional powers of the Lords with modern democratic theory. 'Populist' will be defined as challenging the political and economic consensus with reference to 'the people'; implying that the status quo does not respond to the public's wishes. The primary aim of the ditchers' populist constitutionalism was to preserve and enhance the legitimacy of the house of lords and the referendum was seen through that lens.

Phillips argued that, far from merely protecting their position for its own sake, the ditchers believed that they represented the national opinion against the Liberals' 'faddist'-driven policies and that they were protecting the British constitution. His study also contrasted the ditchers with Balfour's conservatism, whether on rhetoric, the constitution, or policies including tariffs and national service. In this context 'conservatism' will refer to what

E.H.H. Green termed the 'quietism' of Lord Salisbury that was sceptical about reform.[7] Phillips's misstep was to isolate the ditchers' revolt from the broader development of the Edwardian radical right.[8] This article will argue that the ditchers embodied years of frustration among the radical right with Unionist and national politics.

In the 1990s, two different interpretations emerged on the constitutional controversies during 1909–11. One was represented by Jane Ridley and C.C. Weston. Weston argued that the Unionist decision to veto the People's Budget, and later support for the referendum, represented an ideology that dated back to Catholic emancipation, the 1846 Repeal of the Corn Laws, and the 1869 Irish Church Act.[9] She argued that these prior controversies had a number of Conservatives, Lord Salisbury among them, champion a 'referendal theory' wherein the house of lords had the right to refer contentious legislation to the electorate.[10] The rejection of the People's Budget, and firm resistance from the ditcher peers, came from this theory and a belief that the enfeeblement of the second chamber would replace the constitution with a 'single-chamber' dictatorship.

This article will agree that the Unionist justification for rejecting the People's Budget and the ditcher resistance was an evolution of the shift in how the Lords viewed themselves during the 1880s. Weston, however, places too much emphasis on the idea of a direct continuity with the Ultra-Tories of the 1820s and the protectionists of the 1840s, along with Salisbury's actual belief in 'the people'.

Andrew Adonis, meanwhile, took the opposing view to Weston in regard to the ditchers and Unionists. He challenged Philips's argument in his own study of the aristocracy,[11] arguing that the ditchers and Balfour had few real differences relative to a joint priority to preserve the landed aristocracy's privilege. He further claimed that it was for this objective that the referendum and tariff were adopted and then abandoned during the years 1909–11. Adonis presumed both were merely tools in a Conservative campaign rather than

core aspects of a distinct platform that sought to relegitimise aristocratic privilege in a modern context.[12]

Robert Blake also had difficulty in squaring the image of anti-ideology Conservatives with the ideological Unionists of the 1900s.[13] Michael Bentley, investigating the late-Victorian Conservatives, contrasted a pragmatic usage of the veto by Salisbury with the rejection of the Licencing Act, Education Act, and other legislative acts by Balfour and Lord Lansdowne.[14] The Unionists were regarded in these interpretations as reactive antagonists to the Liberals, as opposed to proactive players in their own right with an evolving ideology.

More recent articles, including those by Kevin Manton and Emily Jones, have pushed against this narrative. Manton argues that the Unionist commitment to the referendum during the budget and the house of lords' crisis of 1909–11 was genuine.[15] Meanwhile, Jones makes note of the constructive aspects of the Unionists' constitutional policy.[16] Manton's argument that the Unionist Party only embraced the referendum during the constitutional crises goes too far in de-emphasising the role of the 1880–90s and the radical right's own unique perspective.[17]

This article, instead, will argue that the crisis was indeed the culmination of a wider constitutional debate dating back to the 19th century. There does exist a connection between Salisbury's justifications for a proactive house of lords and the referendum proposals of the 1900/10s. Without the former, we cannot understand the ditchers. The 1911 struggle symbolised a wider ideological struggle within the Unionists over Balfour's leadership. Balfour himself admitted that the ditcher revolt was 'symptomatic of previous discontents'.[18] It also represented a debate about the meaning of Toryism in a mass democracy. For Balfour's supporters, it was about pragmatic adaptation, while the ditchers believed in a direct appeal rooted in simplistic and coherent principle.

The debate was not only between the Liberals and the Unionists over the role of the unelected Lords relative to the elected house of commons, but also within the Unionists themselves. Populist constitutionalism embodied a logic rooted in the Edwardian radical right world view. It attempted to justify the Lords' veto over legislation by repositioning the Lords as guardians of long-term public opinion through the inclusion of direct democracy.

Balfour's innate constitutional conservatism kept him from adopting the ditchers' radical populist constitutionalist platform until mid 1910. Despite Jones's attempts to position Balfour as supportive of the referendum, he displayed little interest in its principles and more in its utility as detaching himself from tariff reform. After his Albert Hall pledge in December 1910, which put 'food taxes' under a referendum clause, what little faith the radical right had in Balfour perished.

This article will make use of established sources including parliamentary records, newspaper articles from papers including the *National Review*, and the private diaries and correspondence of the political actors during the constitutional crisis. Among these are the Salisbury and Balfour papers, as the former was the architect of mandate theory, the precursor to populist constitutionalism. The papers and diaries of notable ditchers, including Lord Willoughby de Broke, Lord Milner, Lord Selborne, and sympathisers such as the shadow chancellor, Austen Chamberlain, radical right organiser and MP, Henry Page Croft, naval journalist, Arnold White, and *National Review* editor, Leo Maxse are included. This article will reinterpret these sources to display the ditchers' commitment to an alternative model of constitutional reform to the Liberals, and their frustration with Balfour for not pursuing that model.

The 1911 house of lords' crisis has been analysed and debated since its conclusion, yet the exact nature of Unionist arguments in both external and internal debates remains understudied. The victory of the Liberal perception of the constitution – a de facto unicameral

legislature with the principles of the supremacy of the Commons and representative democracy – has affected the study of Unionist policy. The rejection of the 'People's Budget' in April 1909, which sparked the events that culminated in the Parliament Act, was a radical step. It is often regarded as the end result of Balfour and Lord Lansdowne's unrestrained use of the veto in contrast to Salisbury's pragmatism.[19] Bruce Murray, giving little credit to the constitutionality of Balfour and Lansdowne's decision, only offered the defence that they had no other choice given the budget's threat to both tariff reform and special-interest groups including large landowners and brewers.[20]

The Unionists, however, were not mindless reactionaries nor political actors making cynical, opportunistic use of concepts such as mandates and the referendum. Instead, Unionist policy (both in the constitution and on matters such as food duties) was driven by deep-rooted principles. Those constitutional principles included the importance of a bicameral legislative system, the legitimacy of the aristocracy's political power, and a need for checks and balances on the Commons. This was especially so with the rise of the party-machine 'caucus' and the introduction of cloture supposedly stifling the independence of the Commons.[21]

The ditcher/hedger division by 1910–11 reflected the philosophical debate over what Toryism meant. For those in the radical right like de Broke, Balfour's definition of Toryism was little different from how Benjamin Disraeli described Robert Peel's New Conservatism: 'Tory men and Whig measures.'[22]

2

The Parliament Act's introduction cannot be divorced from the rejection of the People's Budget nor can that budget be studied without an appreciation of the political pressure on the government. The Liberals aimed to pass temperance measures and a land valuation – to prepare for a land tax – through the tradition of the Lords neither amending nor rejecting

financial legislation.[23] The need to fund both old-age pensions and a naval build-up was a strong factor in Chancellor David Lloyd George's mind.[24] So, too, was everything that the Lords had done to stifle the government's programme.

Both the Unionist peers, and Balfour and Lansdowne have been criticised as either cynically exploiting a biased second chamber, or wildly ignoring Lord Salisbury's pragmatic and limited use of the veto. Balfour is judged as at best coerced by party pressure, and at worst falling into a mindset of political entitlement when he declared that 'the great Unionist Party should still control, whether in power or whether in opposition, the destinies of this great Empire'.[25] On the contrary, as Jane Ridley noted, the Unionists' deployment of the Lords' veto was based on a genuine belief that the second chamber was performing its necessary constitutional role.[26] The house of lords' selective rejections (passing bills with working-class support including the Trade Disputes Act) evolved from political discourse dating back to the 1880s/90s. It can also be tied into the origins of the Edwardian radical right itself.

Conceptions of the house of lords, or the Conservative Party, as vanguards of the true feelings of the nation were not modern ideas. The Ultra-Tories of the 1820–30s believed that Catholic emancipation was being forced upon the nation by a minority.[27] Unlike their later counterparts, they lacked unity over how to act on their own criticism. Many were wary of platform speaking, let alone of supporting democratisation of the constitution.

The Lords' rejection of the Paper Duties Bill in the 1860s is an example of the Lords acting as a co-equal body counteracting the will of the Commons, only to back down when William Gladstone placed it in his budget. It was Lord Salisbury who succeeded in making resistance an official, formal policy.[28] Since his own elevation to the Lords, Salisbury believed that the second chamber had the right and duty to confront the Commons in certain legislative areas. He rejected Walter Bagehot's claim that the role of the Lords' veto was merely to delay

legislation, and instead intended to position and revitalise the Lords as a vibrant and near co-equal chamber to the Commons.[29] In the post-Disraeli years, he took his chance to make this a viable and accepted theory among the Lords and Conservative Party.

Salisbury's reasoning resembled how Unionist peers justified rejecting the 1909 budget. A supposed lack of a public mandate was invoked, rendering the Liberal government's legislation illegitimate, and so it was the Lords' role to serve as a strong second chamber checking the partisan and whip-controlled Commons.[30] However, Salisbury's fellow peers were initially reluctant to endorse resistance. The 1882 Irish Arrears Bill was passed despite his protests. The Lords' commitment to refusing to pass the Third Reform Act unless it was coupled with seat redistribution was forced by Salisbury's threat otherwise to resign.[31]

Gladstone's acquiescence vindicated Salisbury and helped his rise to the Conservative leadership. That peers such as Lord Wemyss indirectly cited Salisbury's logic by noting that only a third of Liberal candidates in 1880 backed reform was a sign of his gradual success.[32] By May 1895, Salisbury could freely and openly taunt the Liberals with the Lords' veto being used on subjects such as Welsh disestablishment.[33]

Bentley's study of Salisbury's approach to the Lords during the late Victorian era outlines the principles used to justify the vetoes. It centred on the idea that (Liberal) governments attained their Commons majority by appealing less to the majority of the nation and more to separate special interest groups.[34] Hence, as Salisbury argued in papers such as the *National Review*, the Lords had a duty to represent the true, long-term opinion of the British people by vetoing 'faddist' bills.[35] If the government disagreed, then it could call an election to receive an explicit mandate for such policies as temperance legislation.[36] In practice, after the 1893 defeat of the second Home Rule Bill, few Liberals besides Gladstone desired a 'Peers vs the People' election over home rule, nor one over temperance, which only appealed to Nonconformists.

Salisbury's interest in concepts like mandates and 'the people' existed only to vindicate the Lords' veto. If he was interested in reform, it was in the introduction of life peerages to maintain the power and privileges of the second chamber. In this, he yielded to W.H. Smith's opposition as the leader of the Commons.[37] Far from wishing to introduce direct democracy, Salisbury was immensely pessimistic about government 'by the people'. Weston conceded that Salisbury regarded politics as a long-standing battle between those with property and those without.[38] His mandate theory was a useful tool against the Liberals, but it was only a tool.

When the Liberals won the 1892 general election, which by mandate theory implied that the Lords would have to let the second Home Rule Bill pass, Salisbury merely added a 'predominant partner' condition wherein a majority of English and Scottish seats had to be won.[39] He would later only emphasise the need to acquire a majority of English seats when justifying the Lords vetoing home rule. As for the Lords themselves, Salisbury firmly denied that they should have the power of initiative involving finance when Joseph Chamberlain proposed using the chamber to offer a social reform programme.[40]

The radical right took a different approach. What Salisbury regarded as window dressing for establishing the Lords as a de facto as well as a de jure co-equal body, the ditchers felt were core concepts and supports for the aristocracy's necessary position within British politics. The radical right had little love for the condition of Edwardian Britain and believed that the cause of its problems lay in the political system. A new system was required to replace the representative democracy, seen as having enabled class division and rule by party-caucus, which included the referendum.[41] The radical right rejected the Liberal and Labour portrayal of voters as an 'unpatriotic … down-with-the-army, up-with-the-foreigner class of Little Englanders'.[42] Instead, the public (particularly the working class) were envisioned as imperial-minded nationalists. Where Salisbury and Balfour regarded

democracy as something to be compromised with, the radical right believed it was a weapon to smash the Liberals.

Populist constitutionalism was built upon a confidence that the Unionist Party, or at least the radical right, had an instinctual understanding of what the public wanted. With the referendum, the public would be protected from the allure of Liberal 'bribes' and could freely express the imperial and national spirit that the ditchers believed resided in them. By placing themselves as the champion of the people over their elected representatives, the Lords would be vindicated as protectors of the long-term will. It was the natural conclusion of the mandate theory's logic. One key aspect of the platform, however, was that the referendum was only for either constitutional legislation alone or for matters where the chambers disagreed.[43] The logic was that the aristocracy better understood the public mood than the plutocratic Liberals.

One large impediment to populist constitutionalism, until 1910, were the men who led the Unionist Party in the Commons and Lords. Balfour and Lansdowne both believed that constitutional reform was undesirable[44] or unworkable outside a cross-party consensus.[45] As what follows will make clear, this reluctance to engage would trigger the final and greatest of radical right challenges to Balfour's authority as leader.

3

Internal Unionist divisions on the constitution were the cause of minor complaints until the budget crisis. That Balfour did not act on the thoughts of constitutional scholars like A.V. Dicey frustrated many in the radical right, even those predisposed to sympathise with him, like Lord Selborne.[46] This was part of a broader trend whereby the leadership were seen as over-cautious on matters including the constitution, the Empire, or the army, which the radical right felt was necessary to gain power and strengthen Britain's unity.[47] It was not for nothing that discussions of a 'Reveille Committee' were first mooted, not in 1910, but in 1906 when Balfour was evasive on tariffs.[48]

Most Unionists were content with the Lords' then-composition and those who were not disagreed on whether a nominated element or an elected element was necessary.[49] Few mourned the Rosebery committee's failure to push for Lords reform, and the Unionist Party's inability to agree to a single plan until 1911 was one of Lansdowne's reasons against such reforms.[50] A recent biography on Lansdowne has argued that his reputation as an opponent of Lords reform has been exaggerated and that he did indeed support reform in 1908.[51] Max Egremont, meanwhile, in his biography of Balfour claimed that he was in favour of the introduction of life peerages.[52] It is true that both men were not against life peerages, but Lansdowne's decision to appoint Lord Cawdor to the Rosebery committee was in part to delay its proceedings.[53] Both he and Balfour, despite their sympathies, were sceptical of specific reform plans as they feared it would split the Unionist Party.[54] What united the Unionist Party in regard to the Lords was the legitimacy of both the veto and its usage.

The referendum was part of wider discussions about a greater codification of the British constitution. These thoughts developed further over 1909–11, as de Broke discussed instituting US-style rules on constitutional legislation.[55] For now, however, the conception of the Lords as an equal to the Commons in all legislation under the terms of mandate theory strengthened. Lansdowne's instruction to allow the 1908 Pensions Bill to pass without amendment despite the use of the guillotine in the Commons caused great internal strife.[56]

The division between the ditchers/radical right and Balfour could be regarded as a split within the Tory tradition over what the term itself meant. Was Toryism about not only preventing change harmful to the traditional national institutions but also passing radical reforms to strengthen them? Or did it mean reluctantly accepting inevitable change but with scepticism about seemingly cure-all solutions?

Hugh Cecil certainly believed in the latter, despite his support for the ditchers and Lords reform, and regarded Conservatism as distinct from Toryism and an important limiter

on it.[57] It was not for nothing that he and Robert Cecil, despite being MPs who sympathised with the ditchers in the house of lords' crisis, held nothing but disgust for their world-view.[58] The ditchers symbolised the radical right approach to politics that discomforted hedgers like St Loe Strachey, editor of the pro-free trade *Spectator*; a cut-throat, winner-take-all approach that opposed compromise in favour of total victory.[59]

Ditchers such as de Broke and Maxse believed that the public would be convinced of the righteousness of their approach through a hard commitment to tariff reform and protection of the constitution, with blunt, clear rhetoric in defence of both.[60] To Balfour, the ditchers advocated counter-productive martyrdom.[61] Neither supported the Parliament Act. The divide was over how to respond to a Liberal threat as existential as the one in 1911 that the philosophical differences turned practical and life-and-death. For Balfour, it was also the culmination of a long-standing battle over his authority; having once said that he would rather take the advice of his valet than that of a party meeting.[62]

But in 1909, these differences meant little as the budget crisis brought unity and purpose behind the legitimacy of rejection. Salisbury's acceptance of the 1894 budget, despite the introduction of death duties,[63] was a case of the mandate theory of the 1890s: a more informal set of tactics. By the 1900s, this had changed. The Unionist perception of the Lords' role, and a belief that the budget was a clear case of 'tacking' legislation onto a budget, led to a party-wide belief in rejection. Ruddock Mackay argued that the Limehouse speech forced Balfour's hand to react to what he believed to be a threat to the constitution.[64] Yet Balfour had already conceded before Limehouse that rejection was 'not unlikely', an understatement given the widespread Unionist hostility to the budget.[65] The few Unionists who supported abstention were free traders like Lord St Aldwyn or Lord Balfour of Burleigh.[66] The remaining Unionist free traders accepted tariff reform as the only alternative means to raise revenue for pensions and naval arms as opposed to the 'People's Budget'.[67]

One argument that emerged against the budget was that it lacked a mandate and so the Lords had acted in the name of the people in forcing an election.[68] This was more than mandate theory. Where Salisbury had backed down in 1894, the Unionist Party in 1909 advanced. It was the basic concept of populist constitutionalism: a forward push into uncharted territory, but to supplement an ancient precedent, i.e., the rules of 'tacking' on budgets.

For the Liberals, arguments about mandates and 'tacking' rang hollow. Mandate theory was either an argument used to justify selective and partisan rejections, or an attack on the house of commons' primacy and on the principles of representative democracy.[69] The Liberals refused to engage in the Unionists' attempt at framing the budget dispute (and later the Parliament Act debates) as a discourse about the rights of a second chamber or 'the people's' role in an ever-broadening political model. Instead, they portrayed themselves as champions of the Commons against the peers who sought to sabotage Britain's financial machinery.[70]

This refusal further consolidated Unionist anger. The Unionists believed that the Liberals desired a single-chamber dictatorship with minimal checks and balances.[71] For the ditchers, the battle between this conception – or, as they saw it, corruption – of the British constitution could only be countered by an explicit adoption of a more proactive reform programme.

Balfour, however, resembled the Liberals in his lack of interest in pushing for either the referendum or Lords reform. With the former, Balfour expressed scepticism in the very concept of mandates.[72] In the case of the latter, despite an openness to the idea of life peerages, this can be explained by the need to maintain party unity and to preserve the Unionist hegemony in the Lords. Models of reform such as Lord Curzon's, with nominated, elected, and reserved hereditary peers with electoral colleges and a voting system based on

proportional representation[73] would have doomed Unionist predominance. Balfour's explicit aim during the 1906 parliament was to boost party morale and rob the government of the initiative through extensive use of the Lords' veto. Like Salisbury, he also believed that it was not for the opposition to propose programmes, but instead to critique and attack the government's.[74]

Balfour's conception of mandate theory was similar to his uncle's, albeit without flirting with models of the US Senate.[75] The disparity was likely due to the latter residing in the Lords and the former in the Commons. Balfour's claims as to why he avoided endorsing Lords reform ranged from party unity to a belief in the supremacy of the Commons.[76] John Ramsden's study of the Conservative Party has suggested that his guiding principle during his leadership was that the Unionist Party was a vital organ of the British political system.[77] Thus, his motives were likely more that the party needed as much unity and institutional advantage as possible, which Lords reform threatened.

Most of the controversy that emerged from the referendum's adoption came more from Balfour's tying it to tariff reform than the principle or policy itself.[78] Weston argued that Lord Curzon and Austen Chamberlain were opponents.[79] Chamberlain's opposition to the referendum, despite his being one of the most senior ditchers, may undermine a linking of the radical right and the ditchers to the referendum. However, Chamberlain during the Edwardian era was often perceived as a conservative uncomfortably wearing radical clothing.[80] By contrast, most other ditchers welcomed the referendum, believing 'the people' would respond to appeals to patriotism.[81] Balfour himself had little time for populist constitutionalism or any such long-term constitutional perspective. Like his uncle, he saw the merits of citing mandate theory to block troublesome legislation when he could.

Balfour's motives put him in stark contrast with the radical right and even during the unity of the budget crisis, many remained sceptical. Selborne lamented that Balfour showed

little enthusiasm for reformist ideas.[82] Balfour's commitment to the status quo was seen by Unionists, especially his critics, as a detriment to the campaign because the Lords appeared a purely anti-democratic body opposed to a popular budget.[83] Regardless, the defeat in January 1910 was blamed on the absence of the referendum by many in the radical right.[84] In their eyes, Toryism had yet again been failed by Balfour.

4

The 1910 constitutional conferences, called after Edward VII's death to avoid a constitutional battle, offered an opportunity for the referendum. Lloyd George showed inclinations to the idea, as he would to a Unionist-Liberal coalition, but Balfour was sceptical. Many in the Unionists distrusted the chancellor who had given the Limehouse speech that tarred the peers as costly and useless with language harsh enough to earn the king's rebuke.[85] The ditchers were suspicious of Balfour and Lansdowne who they feared would compromise. F.E. Smith's support for the conference marked him out among the later supporters of the ditchers and de Broke harshly criticised him for it.[86] Ironically, it was Balfour's advocacy of the referendum on constitutional matters and the Lords' right to veto even financial legislation if it was considered 'overtly' political that helped doom the conferences.[87]

This did not matter to the radical right who never ceased believing that Balfour was in constant search for a way to escape his commitments. The Reveille Movement was formally founded in October 1910 by Henry Page Croft and de Broke because of that very prevacation and lack of initiative in constitutional or imperial affairs.[88] Searle noted that the Reveille, critiquing the Unionist leadership's failures, served as a precursor for the Halsbury Club.[89] The main difference between the Reveille and the Halsbury Club was that the former did not concern itself with choosing a figurehead leader like Halsbury and was more vocal about the specific policy issues beyond the leadership's approach and constitutional matters.[90]

Populist constitutionalism was the constitutional aspect of the radical right platform,[91] radical reform in the name of preservation and restoration of Britain's traditional national institutions. Balfour's conversion to tariff reform and the referendum was understood as a tactical shift rather than a change of heart. For that reason, the radical right trusted him with neither cause.

This was further compounded by Balfour's exploitation of the referendum to detach himself from parts of the tariff reform programme. Many ditchers who partook in the Reveille Movement or Halsbury Club were strong tariff reformers who backed duties on certain foodstuffs despite their unpopularity. These advocates were termed 'whole hoggers'. By the December 1910 election, however, Balfour supported a 'food tax' referendum out of concern for the duties' unpopularity. The pledge in question was that Balfour, if elected, would call a colonial conference to discuss imperial preference in trade and would then offer a referendum on increases in food duties. He and his allies later defended this as vital to gain seats in pro-free trade Lancashire.[92] This was supported by Balfourite loyalists who had resented tariff reformer attacks on the leadership (Lansdowne having opposed negotiating with the tariff reformers in 1906)[93] and Unionist free traders who blamed tariff reform for the January defeat. Its adoption by the Unionists was intended to put the moral obligation onto the Liberals to offer a referendum on Irish home rule, whatever the opposition of the Irish Nationalists.

In a letter to his shadow chancellor, Austen Chamberlain, who was a firm whole hogger, Balfour first explained that Andrew Bonar Law (another tariff reformer) suggested that such a pledge would win seats in free trade areas like Manchester.[94] Balfour had only hinted at supporting such a pledge, but in a later letter that same day he made it a fait accompli with the argument that the situation was too urgent to call a shadow cabinet meeting over.[95] Emily Jones has argued that it represented the referendum's predominance in Unionist

thought that Balfour and the party embraced it to resolve the tariff reform difficulty.[96] However, this incident actually reflected the philosophical differences between the programmatic-minded radical right and the tactical Balfour – who only during the constitutional crises adopted the referendum as policy. There were tariff reformers who supported the Albert Hall pledge to hold a referendum on 'food taxes' if the Unionists won, but few were ditchers.

That Balfour overstated Law's actual enthusiasm for the plan[97] suggests that Balfour had waited for the opportunity to act. The Albert Hall pledge bears strong resemblance to Balfour's pre-1906 policy on tariff reform; namely a double-election pledge where the first Unionist victory would have an imperial conference to freely discuss a customs-union and then a second election on the negotiated agreement.[98] After the election, Balfour eventually signed the Valentine compact with Joseph Chamberlain, but only after threats to split the party that left him tempted to resign rather than accept the imposition of the whole hog and party reorganisation.[99] When the January election failed to deliver the victory promised by the whole hoggers, he exploited the pro-referendum zeitgeist within the party, and panic over Asquith's Parliament Bill, to break free from his surrender to the tariff reformers. This is not to say that Balfour had planned to make such a pledge since 1906, or even immediately after January 1910, but that the logic of moderating the food-duties policy aligned with his prior outlook on tariff reform rather than him acting on a newfound faith in the referendum. Kevin Manton noted Balfour's opposition to the referendum in financial legislation during the conferences.[100] His pledge was less of a natural development on the use of referenda and more of a political tactic. It reflected everything the radical right hated about him.

Balfour misjudged the nature and purpose of populist constitutionalism. In a memorandum, Chamberlain made it clear that the referendum was not meant to be used for economic matters.[101] A general election for a 'tacked' budget was acceptable, but not a

referendum on what was meant to unite Britain and its empire. Furthermore, the referendum was seen by ditchers like de Broke as a method of arbitration between the Commons and Lords when they disagreed.[102] It was not to be used when the Commons and Lords were united in a supposed tariff reform majority in both chambers. If Balfour had intended it to escape tariff reform with minimal splits, he was mistaken.

After the December election defeat, with the balance of parliament barely changed, Austen Chamberlain claimed to have been the only one who spoke out against the proposal.[103] In fact, papers such as the *Morning Post*, *National Review*, and others attacked the motion, much to the jibes of Liberal candidates.[104] For the likes of Page Croft and de Broke, it betrayed not only tariff reform but also the British Empire itself; imperialism being one of the major foundations of the radical right's vision for a united and stronger Britain.[105] As for the Liberals, they rejected the referendum's legitimacy whether for an unpopular policy they opposed (food taxes) or one they backed to maintain necessary Irish Nationalist support. Balfour's gamble further inspired criticisms of his leadership.

The food tax pledge can appear as only a part of tariff reform's history, but the incident had implications for the gulf between Balfour and the populist constitutionalists. For the latter, the referendum served the same function as the whole hog, national service, naval build-ups, and an emphasis on imperial-nationalism. This function was to better preserve the traditional pillars of power (e.g., the aristocracy's political privileges) but also to reinvent the nation to 'correct' the errors of the 19th century. It emerged from discontent not only with the mid-century Liberal hegemony, but also the successes and failures of the Unionist predominance of the late 1880–early 00s.

In a speech made during the Parliament Bill debate in August 1911, the earl of Meath, a ditcher, criticised the Lords for allowing the 1832 Reform Bill to pass, which Jenkins used to show the ditchers as pure anti-reformers.[106] Instead, it represented a general reflection of

what the ditchers saw as the Tory failing of the 19th century; the tendency to compromise rather than fight to the end, from 1832, to the corn law split, to the Liberal hegemony that followed, to the 1906 defeat. The radical right blamed a weak leadership obsessed with ineffective short-term tactics as much as they did Liberal opportunism.[107] Balfour's attempt to use the convenience of mandate theory to moderate tariff reform was seen as betraying one fundamental principle for the sake of undermining another.

Populist constitutionalism evolved from mandate theory not just as a justification of the Lords' powers, but also as a response to questions of democracy and the precise role of the public. Confident that the public were sympathetic to radical, imperialistic and nationalistic aims, the radical right believed the referendum to be beneficial and necessary to check the plutocratic and corrupt Liberals.[108] Balfour's pledge was seen as another hollow, electioneering tactic that further enabled rule by the Liberals, Labour, and the Irish Nationalists. Even six years after the house of lords' crisis, those within the radical right such as Arnold White believed that they were the heirs of Toryism against a Unionist leadership that had surrendered its values.[109]

Populist constitutionalism was a part of a mindset rooted in taking the offensive, while Balfour was more minded to a reactive, defensive mode of politics. Yet the Unionist split was not forced into the open for the first months of 1911. The entire Unionist Party, from leaders to prominent supporters, agreed that the Parliament Bill was fatal to constitutional checks and balances and the Union, and had been pushed forward for the government's own selfish survival. De Broke believed it to be the overthrowing of the constitution[110] while Balfour, even in 1910, felt that Liberal proposals represented 'the practical end of the Second Chamber'.[111] Asquith's revealing of George V's promise to appoint Liberal peers to pass the Parliament Bill if it was rejected, however, sharply divided the Unionist Party.

One key element of the house of lords' crisis by July–August 1911 was that it was ultimately not fought on a national scale. It was fought instead within the Unionists over the party's direction and its principles. The Liberal conception of the constitution triumphed over the Unionist, whether Balfour's or the radical right's, after Asquith informed Balfour of the mass-appointment pledge made by George V.[112] Few Liberals believed that the Lords, reformed or not, could be allowed any sort of veto. If Asquith himself hesitated over ending the Lords' veto, he was bound by the very parliamentary arithmetic he feared would emerge from the budget rejection that both 1910 elections produced; absolute reliance on the Irish Nationalists.[113] Both pro- and anti-home rulers knew that the Lords were the only barrier to home rule. The public threats of armed revolt during the Ulster crisis were born with private violent, borderline bloodthirsty, lamentations and curses about the Parliament Act and the Liberal government from ditchers.[114] The Labour Party, as well as Liberal activists and backbenchers, were also unsympathetic to the cause of Lords reform as opposed to abolishing the second chamber. After the December election, the Lords' veto was doomed.

The budget crisis could be seen as an inter-party dispute over the nature of the constitution; whether it should be a bicameral legislature between two coequal chambers or a de facto unicameral system. The Lords' crisis was more a crisis for the Lords and Unionists. The true debate was recognised by ditcher and hedger alike as a battle for the Unionist Party's soul.[115]

When Asquith revealed the king's pledge, the Unionists moved from unity in resistance but divided over faith in Balfour to outright civil war. The formation of the Reveille Movement and Halsbury Club had been built upon distrust of the leadership. Attempts to add a veneer of support for Balfour to the Reveille only infuriated Maxse who demanded assurances that the new groups were neither pro-Balfour nor in favour of

Balfourite methods such as the 'food tax' pledge.[116] With the threat of Liberal peers flooding the Lords, Balfour and Lansdowne acknowledged reality and backed abstention over rejecting the Parliament Bill. This reasoning did not move the ditchers. Neither did Balfour's call to support Lansdowne's abstention policy despite the Parliament Bill coming from a 'revolutionary and unscrupulous government.'[117] Curzon's shift from pledging to fight 'to the last ditch', almost embracing the threat of mass appointment,[118] to becoming the leading hedger symbolised all that the ditchers felt was wrong with Balfour's Unionists.

Balfour and Lansdowne's internal logic was rooted in the struggles to come. Both men were aware that the Unionist majority in the Lords provided benefits, whether with the veto or not. As much as they loathed the Bill, a tactical retreat was preferable to a pointless last stand.[119] Neither Balfour nor Lansdowne were entirely cynical about the Lords, but their priority was to preserve its status as a Unionist weapon against the Liberals.

The ditchers, by contrast, openly disdained party politics.[120] They preferred to see themselves as a 'national' grouping compared with the sectional and divisive Liberals. David Thackeray has brings up, however, how the supposedly party-sceptical radical right actually engaged heavily in the use of grassroots organisation and politicking to seize the Unionists from below for tariff reform.[121] The purpose of the Unionist Party was to advocate, to the point of martyrdom if necessary, the rights of the Lords as part of Britain's constitution and a pillar of British society. The decision to 'hedge' on the Parliament Bill was seen as the culmination of prior hesitance over Tory principles. The thought of electoral consequences shaping decision making was scorned.[122] Furthermore, suspicions had grown to the point that many ditchers and their allies believed that surrender over the Lords' veto would simply lead to the final betrayal of the Union through the Unionists enabling Irish home rule.[123]

The constitutional ramifications of the Parliament Bill cannot be overstated. The loss of the Lords' veto weakened a second chamber that was once de jure a near coequal to the

Commons. The suspensory veto offered informal influence, but this was hard to appreciate relative to the loss of powers at stake. For many Unionists, especially local activists, the constitution was regarded as destroyed completely and utterly.[124] All the Parliament Bill had to offer for Lords reformers was the promise of further constitutional legislation, and nothing for advocates of the referendum.[125]

The Bill was a consolidation of the Liberal interpretation of the British constitution and a defeat for populist constitutionalism. Asquith's pledge to revisit the question of the constitution had been given to keep his foreign secretary from resigning rather than enjoying his genuine support.[126] He, along with the majority of Liberals, the Labour Party, and the Irish Nationalists who supported the government, were content to maintain the new status quo.

For the hedgers, the solution was to cut their losses and accept defeat rather than lose their delaying weapon in a fruitless attempt to maintain the veto.[127] The Lords could be restored and the Union protected, but only if the Lords remained in Unionist hands to buy two years of pressure on the government. Their logic was built upon a belief in the constitution and that the changes made could be reversed.

The ditchers, meanwhile, believed that abstention would undermine any future calls for the Parliament Bill's abolition.[128] Furthermore, many ditchers did not even believe that the constitutional status quo was sufficient. For the majority of ditchers, politics in Edwardian Britain had descended to a state of corrupt plutocracy controlled by party whips which required radical reforms to change.[129] The cause of Britain's woes came not just from the Liberals' actions but the Unionists' inaction.

The ditchers' faith that the government was bluffing,[130] or that the Lords could resist the influx of Liberal peers, can appear baffling. The pieces of logic offered were first that the Liberal peers, if somehow appointed, would gravitate to defend the Lords against the

Commons.[131] On top of this, ditchers such as Selborne argued that publicising the potential appointment of 500 peers would horrify public opinion enough to turn against the government and shift the political momentum against the government to force an election.[132] It was the same brand of political delusions that convinced them that the public would welcome 'food taxes', that peers campaigning in January 1910 would not backfire, and that the Lords' rejection of the popular People's Budget would lack consequences. De Broke's claim that the Unionists could exploit parliamentary procedure to block the potential Liberal peers was self-admittedly reliant on twisting the spirit of the law.[133] This was not an attitude born out of nowhere. Similar suggestions had been made decades ago by none other than Lord Salisbury during the struggle over the second Home Rule Bill.[134] Balfour himself was often tempted to believe that the Liberals would only appoint 150 peers and had to be stopped by Lansdowne and Curzon from openly suggesting this and emboldening the ditchers.[135]

Just as populist constitutionalism was a natural evolution of Salisbury's mandate theory, Lord Salisbury's recasting of the Lords as an equal to the Commons and his electoral successes inspired the ditchers. Salisbury posthumously justified an apparent break with mandate theory as actually staying true to it in 1893, and the ditchers did the same after the defeat in December 1910. Lord Malmesbury argued that there was no mandate for the Parliament Bill as 'policies were introduced at the last moment under strong external pressure'.[136] It served to both subtly criticise Balfour for his food tax pledge and to extend an attack onto the Liberals for claiming a mandate to pass the Parliament Bill. Other ditchers claimed that the Liberals sought to use the Parliament Bill to avoid having to attain a mandate for home rule or Welsh disestablishment.[137]

The radical right identified themselves with the rebels of the 1880s including Randolph Churchill's Fourth Party,[138] and Joseph Chamberlain (more for his imperialism than his Lloyd George-esque language at the time).[139] But in terms of a direct historical link,

much of the radical right's philosophies and perspectives on Britain came more from the successes and failures of the Unionist hegemony of 1886–1905. It may explain why Lord Salisbury's sons sided with their erstwhile enemies within the Unionists rather than with their cousin.

One oft-repeated argument by the ditchers was that they were not being disloyal to the party. Instead, they had simply followed Lansdowne's lead the whole time and kept going after he stopped.[140] N.C. Fleming has used the ditchers' public professions of loyalty to argue that they were not an openly anti-Balfour force.[141] The ditchers' claims to loyalty, however, were widely recognised as a feeble protestation to cover open revolt. Sceptics found sufficient evidence for their disbelief from the pre-1911 divisions within the party. Balfour would cite his sense of abandonment by colleagues and sense of rejection as a reason behind his resignation.[142] The intended purpose was to wreck the leadership's legitimacy, whether morally or politically. Balfour's hesitation aside, he made his position clear. A public letter to Lord Newton, a hedger, was published in *The Times* supporting Lansdowne. It was considered an endorsement of the hedgers by the ditchers themselves. Austen Chamberlain sent an indignant letter protesting the loyalty of the ditchers while they worked to undermine their party's leaders.[143].

There was a sense of fatalism to the ditchers: worn down by both Balfour's failure to seize the political initiative and his short-termist tactics such as the food tax pledge. It was not uncommon for ditchers to believe that the Parliament Bill would pass and that the house of lords would lose all its spiritual along with its political authority, all because of Balfour's weakness.[144] This shows that the ditchers can hardly be seen as anything less than the culmination of years of frustration with Balfour.

For the ditchers, the Empire, the constitution, the military, the crown and the Union were the vital pillars that kept Britain strong and all five were threatened by both the

radicalism of the Liberals and the Unionists' failures.[145] Balfour's reluctant support for tariff reform and populist constitutionalism, and his respective betrayal and failure, led to some in the radical right seeing the ditcher movement as not only a revolt, but also a potential splinter party.[146]

Where their arguments held more weight was that resistance to the Parliament Bill and dogmatic insistence on the referendum and legitimacy of the Lords was nothing more than continuing the logic Lansdowne had cited since 1906. It was the same logic the Unionists had used since the mid 1880s: that the Lords were an equal actor that represented the British public in a different, but equally legitimate way, from the Commons.[147] The broad concept of populist constitutionalism had been accepted by most Unionists by 1910–11. In the aftermath of the Parliament Bill vote, the Halsbury Club agreed on a scheme to restore the Lords' veto which entailed both the reform of the second chamber's composition and the introduction of the referendum.[148] Unlike the pre-budget and house of lords' crisis days, there was little to no concern or delay in the adoption of this platform after the crisis. The ditchers' primary achievement was the Unionist Party's total recommitment to the platform it had eventually adopted the year before. That the Parliament Bill would rely on not only the abstentions of the hedgers, but the explicit support of a number of Unionist peers and the bishops, shows the resonance of the ditcher argument within the party.[149]

The Lords of the early 1880s might have tried resisting the Parliament Bill, but it is unlikely they would have embarked on the acts of the 1906 parliament. It was Salisbury's mandate theory and call for a stronger Lords that sparked this resistance. Curzon would cite Salisbury's claim that actions meant more than words to push undecided peers to support Lansdowne.[150] His argument during the debate was simple: the leadership needed their support, and resistance would only embarrass and weaken the second chamber.[151] Lord Halsbury's reply was equally simple and invoked the same logic of action over words. If the

Unionists promoted a policy then they were obligated to push for it to the end, rather than hesitate at the first sign of threats.[152]

In the end, the hedgers won. But the infuriated ditchers would not stay down, as newspapers of the time noted.[153] If the radical right were a mere porous collection of individuals, or the ditchers and their platform had been a mere creation of the crises, it would have been impossible for some to have contemplated a splinter party entirely. The party-base's reaction, however, was clear. Hedgers such as Curzon were cursed as traitors and threatened with expulsion into the political wilderness when the time came.[154] The ditchers, especially de Broke, were applauded and services were offered if the Halsbury Club formed their own party.[155]

For ex-cabinet members of the radical right such as Selborne and Chamberlain, this was unthinkable. Excuses were made about the need to keep the Cecils onside which would threaten any new group's policy coherence, and a pro-ditcher resolution pushed by Maxse for the annual party conference was opposed by Selborne who claimed that furthering party divisions would be counterproductive.[156] These were just to cover for what was genuine support for Balfour. The moderate members of the radical right, often members of the last Unionist government, admired Balfour.[157] After the Albert Hall speech, some who would become pro-ditchers approached Chamberlain about the need for a new party on a constitutional line similar to populist constitutionalism, along with a whole hog approach to tariff reform.[158] This only led to mutual irritation when Chamberlain refused to consider challenging Balfour.[159]

For the younger members of the radical right, those outside the front bench and exposed to what appeared a 'crisis of conservatism', Balfour was at best a symptom to be treated. Members of the Unionist Party, freshly disillusioned by the absolute defeat of the Unionist vision of the constitution and the leadership's apparent inaction from the beginning

of the crises, offered their aid.[160] For many within the radical right, their political memories began with the Unionist dominance of the 1890s and khaki election of 1900.[161] The failures of 1906 and after were blamed on Balfour, Unionist free traders, and any other part of the leadership or party that opposed the bold, 'forward' politics of Joseph Chamberlain. Lord Winterton and other juniors agreed to pass a motion of confidence in Balfour at a Halsbury Club dinner less from Halsbury (who was almost not invited to join) and Austen's threat to resign but because they knew of Balfour's resignation.[162]

The ditchers' failure was not just a sign that populist constitutionalism had been defeated, but a signal to them that the Unionist Party had fully abandoned Tory principles. If they would not leave the Unionists, then as Maxse proclaimed in the *National Review*, 'Balfour Must Go' as a new leader and a new approach was demanded.[163] His replacement, at the time envisioned to be Austen Chamberlain, would be expected to never compromise on the Union or on the need to restore the constitution. On top of that, the new leader would have to be willing to promote populist constitutionalism via the referendum and restoration of the Lords' veto. They would also need to embrace the more violent edge of denouncing any Liberal claim to represent 'the people' and call to do everything possible to restrict legislation that lacked a mandate. The Irish Home Rule Bill was a prime example. The measures considered necessary to force proof of such a mandate would be an escalation of existing political feeling, but also a natural evolution of the sentiments that Salisbury had fostered.

6

The 1911 house of lords' crisis was pivotal in the history of British and Conservative politics. In terms of constitutional reform, it was a bitter defeat for all Unionist conceptions of the constitution. The house of lords went from being a coequal chamber bound only by uncodified norms to having only a delaying power over legislation.[164]

The referendum, once presumed to be inevitable by some Unionists,[165] was put on the back-burner until 1975 and not normalised in British politics until, if even then, the 21st century. The reasons for this require further study but the referendum's association with Lords reform (then perceived as an attempt to strengthen the second chamber), possibly led to its falling out of vogue alongside the Lords question after World War One. Another factor may have been the post-war attempts to pacify British politics and move away from the rambunctious nature of Edwardian politics that concepts including the referendum represented.[166] Just as the radical right entered decline in the post-1911 years, only to perish during the First World War, populist constitutionalism faded with it.

Owing to this decline, it is natural that historians from Dangerfield to Adonis to Manton would argue that the radical right, if they were even a coherent group, lacked a true constitutional programme. However, this article has shown that instead the ditchers did have a constitutional platform – populist constitutionalism – and that it was a natural evolution from Lord Salisbury's mandate theory. The means of arbitration for mandate theory and populist constitutionalism were essentially the same: an appeal to the electorate. Where the two differed was that populist constitutionalism adopted the direct-democratic method of the referendum as its tool for consulting the people. As over tariffs, national service, and the need for blunt language and a clear, coherent platform, the radical right were often frustrated by Balfour's reluctance to argue for the referendum.

Phillips argued that the ditchers were distinct from the radical right,[167] but he failed to appreciate how the anger of 1911 represented a decade's worth of mounting tensions. Balfour's failure to protect the constitution was not only a failure of leadership in 1909–11 but also represented a broader failure since 1902 to advance or maintain Tory principles against the Liberals. With the exception of the Cecils and Lord Lovat, the executive committee of the Halsbury Club were primarily tariff reformers including Milner, Leo

Amery, de Broke and Austen Chamberlain.[168] Emily Jones has made strong arguments about the constructive constitutional approach taken by Unionists,[169] but mistakenly names Balfour as a reformer. Instead, he approached the constitution as both a conservative in his reluctance to endorse reform and a Conservative in viewing reform through a primarily party-political lens.

For the ditchers, the role of the people was to arbitrate on constitutional reforms as opposed to economic issues, let alone a way to moderate a controversial economic policy. The decision to revolt was not only a firm stand for the principles of populist constitutionalism against the Liberal conception of de facto unicameralism, but a rejection of Balfour's logic. What he saw as pragmatic triage, the ditchers believed was yet more of the same failed tactics that defined Balfour's leadership.

The battle within the Unionists was not over the legitimacy of populist constitutionalism. It was an idea few were willing to actively fight against, but Balfour's natural disinclination to the concept meant that policies, including the referendum, were not fully invoked until after January 1910. Balfour's constitutional conservatism came from his bias towards the Commons and the Unionists, whether by maintaining unity or institutional advantages. The consequence was that the Unionists ultimately failed to present their ideology – more advanced than the reactionary label assigned to it – to the public in January 1910. In the face of breaking precedent, they had no counters to the 'Peers vs The People' slogan whether by Lords reform or the referendum.

Radical right distrust of Balfour blossomed again as the 1910 conferences inspired fears of betrayal. That the conferences partly collapsed due to Balfour's refusal to concede was beside the point for the Reveille Movement. To the ditchers, Balfour's true 'sin' was his failure to evolve with the times.

Just as the Liberals viewed populist constitutionalism as merely another Tory attempt at undermining Britain's political foundations, the Unionists no longer perceived the Liberals as anything close to a legitimate governing party. For the radical right, the belief that the Liberals broke the constitution would linger even into the latter half of the First World War.[170] The British constitution was seen as either suspended or abolished. In its place was a one-chamber dictatorship dedicated to its own survival.

The reversal of the Osborne decision, the payment of members to deter backbench rebellion, and the Marconi scandal where Lloyd George and Attorney General Rufus Isaacs were saved by a party-line vote emboldened these thoughts.[171] Just as with the right of the Lords to veto 'political' budgets, the referendum, and eventually Lords reform (a combination of a nominated and elected element), the radical right united over Ulster's right to take up armed revolt. There appeared no other constitutional alternative in the face of a 'revolution' against the Union.[172] With every other check and balance on the Commons removed, the logic of populist constitutionalism was that 'the people' would have to check the government themselves.

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[1] Hansard, *Lords Debates*, 5th ser., ix, cols 1074–5: 10 Aug. 1911.

[2] George Dangerfield, *The Strange Death of Liberal England* (1966), 21.

[3] Roy Jenkins, *Mr Balfour's Poodle: An Account of the Struggle Between the House of Lords and the Government of Mr Asquith* (1954), 187.

[4] Dangerfield, *Strange Death*, 46.

[5] Dangerfield, *Strange Death*, 17–19.

[6] Gregory Phillips, 'The Die-Hards and the Myth of the "Backwoodsman" ', *Journal of British Studies*, xvi (1977), 108.

[7] E.H.H. Green, *The Crisis of Conservatism: The Politics, Economics, and Ideology of the Conservative Party 1880–1914* (1995), 277.

[8] Gregory Phillips, *The Die-Hards: Aristocratic Society and Politics in Edwardian England* (Cambridge, MA, 1999), 114.

[9] Corrine Comstock Weston, 'Salisbury and the Lords, 1868–1895', *HJ*, xxv (1982), 118.

[10] Corinne Comstock Weston, *The House of Lords and Ideological Politics: Lord Salisbury's Referendal Theory and the Conservative Party, 1846–1922* (Philadelphia, PA, 1995), 1, 13–14.

[11] Andrew Adonis, *Making Aristocracy Work: The Peerage and Political System in Britain* (Oxford, 1993), 147.

[12] Adonis, *Aristocracy*, 146.

[13] Robert Blake, *The Conservative Party from Peel to Major* (1997), 181–2.

[14] Michael Bentley, *Lord Salisbury's World: Conservative Environments in Late Victorian Britain* (New York, 2001), 168.

[15] Kevin Manton, 'British Unionism, the Constitution, and the Referendum 1907–1914', *HR*, lxxxv (2012), 505–25.

[16] Emily Jones 'Constructive Constitutionalism in Conservative and Unionist Political Thought 1885–1914', *EHR*, cxxxiv (2019), 334–57.

[17] Manton, 'Referendum', 524.

[18] Peter Fraser, 'The Unionist Debacle of 1911 and Balfour's Retirement', *Journal of Modern History*, xxxv (1963), 354.

[19] Adonis, *Aristocracy*, 112–3.

[20] Bruce Murray, *The People's Budget, 1909–1910* (Oxford, 1980), 15.

[21] Weston, *Referendal Theory*, 97.

[22] Richard Verney (Lord Willoughby de Broke), *The Passing Years* (1924), 183.

[23] Bruce Murray, 'Politics of the People's Budget', *HJ*, xvi (1973), 555.

[24] Bodl., MS Asquith 22, f. 147: Lloyd George budget speech, 29 Apr. 1909.

[25] Jenkins, *Balfour's Poodle*, 18–9.

[26] Jane Ridley, 'The Unionist Opposition and the House of Lords, 1906–1910', *Parliamentary History*, xi (1992), 235.

[27] G.T. Machin, 'The No-Popery Movement in Britain in 1828–9', *HJ*, vi (1963), 204.

[28] Bentley, *Salisbury's World*, 168.

[29] Weston, 'Salisbury and the Lords', 104–5.

[30] Weston, 'Salisbury and the Lords', 169.

[31] Andrew Roberts, *Lord Salisbury: Victorian Titan* (1999), 297–8.

[32] Hansard, *Lords Debates*, 3rd ser., ccxc, cols 438–9: 8 July 1884.

[33] Bodl., X. Films 64/2, National Union Gleanings: Salisbury Bradford speech, 22 May 1895.

[34] Bentley, *Salisbury's World*, 168–9.

[35] *National Review*, Nov. 1892, pp. 293–8.

[36] Hansard, *Lords Debates*, 3rd ser., cccvi, cols 18–19: 25 May 1886.

[37] Hansard, *Lords Debates*, 3rd ser., cccxxviii, col. 871: 10 July 1888.

[38] Weston, *Referendal Theory*, 52.

[39] Peter Marsh, 'Salisbury's Definition of the Power of the Lords', *Parliamentary History*, xxii (2003), 97–8.

[40] Marsh, 'Salisbury's Definition', 98–9.

[41] G.R. Searle, *Corruption in British Politics 1895–1930* (Oxford, 1987), 116.

[42] Alfred Milner, *The Nation and the Empire* (1913), 252.

[43] Cadbury Research Library [hereafter cited as CRL], AC8/7/1: Balfour to Chamberlain, 28 Nov. 1910.

[44] BL, Add. MS 49730 ff. 39: Balfour to Lansdowne, 29 Dec. 1909.

[45] BL, Add. MS 49730 ff. 52: Lansdowne on Salisbury memorandum, 28 Jan. 1910.

[46] *The Crisis of British Unionism: The Domestic Political Papers of the Second Earl of Selborne 1885–1911*, ed. David Boyce (1987), 45.

[47] Churchill Archives [hereafter cited as CA], AMEL1/2/19: Leo Amery memorandum, nd.

[48] West Sussex RO, Maxse MS 455/232: Page Croft to Maxse, 2 Feb. 1906.

[49] G.R. Searle, *A New England? Peace and War 1886–1918* (New York, 2004), 423–4.

[50] Thomas Legh, 2nd Baron Newton, *Lord Lansdowne: A Biography* (1929), 391.

[51] Simon Kerry, *Lansdowne: The Last Great Whig* (2017), 192.

[52] Max Egremont, *Balfour* (1980), 221.

[53] Kerry, *Lansdowne*, 192.

[54] David Dutton, *His Majesty's Loyal Opposition: The Unionist Party in Opposition, 1905–1915* (Liverpool, 2002), 78–80.

[55] Parliamentary Archives [hereafter cited as PA], WB/2/83: E. Kenyon Stow to de Broke, 5 Aug. 1911.

[56] Ridley, *Opposition*, 245–6.

[57] Jane Ridley, 'The Unionist Social Reform Committee 1911–1914: Wets Before the Deluge', *HJ*, xxx (1987), 396.

[58] BL, Add. MS 51157, ff. 36–7: Hugh Cecil to Robert Cecil, 10 Jan. 1915.

[59] BL, Eur. MS F112/89 ff. 130: Strachey to Curzon, 1 Aug. 1911.

[60] Gregory Phillips, 'Lord Willoughby de Broke and the Politics of Radical Toryism 1909–1914', *Journal of British Studies*, xx (1980), 211.

[61] *The Times*, 26 July 1911, 8.

[62] R.J.Q. Adams, *Balfour: The Last Grandee* (2007), 74.

[63] Hansard, *Lords Debates*, 4th ser., xxvii, cols 1222–9: 30 July 1894.

[64] Ruddock Mackay, *Balfour: Intellectual Statesman* (Oxford, 1985), 232.

[65] Adams, *Balfour*, 308.

[66] Hansard, *Lords Debates*, 5th ser., iv, col. 1309: 30 Nov. 1909.

[67] Adonis, *Aristocracy*, 150.

[68] J.L. Garvin, *Tariff or the Budget: The Nation and the Crisis* (1909), 7.

[69] Hansard, *Lords Debates*, 5th ser., iv, col. 1142: 29 Nov. 1909.

[70] Hansard, *Lords Debates*, 5th ser., iv, col. 1138: 29 Nov. 1909.

[71] Garvin, *Tariff* (1909), 5.

[72] BL, Add. MS 49860 ff. 182: Balfour to [not known], 22 Dec. 1909.

[73] BL, Add. MS 49733 ff. 129-35: Curzon memorandum, 23 Mar. 1911.

[74] BL, Add. MS 49961 ff. 196-206: introduction to the Science of Politics: miscellaneous notes, nd.

[75] BL, Add. MS 49860 ff. 185-7: Balfour to Kitchin, 23 Dec. 1909.

[76] BL, Add. MS 49860 ff. 185-7: Balfour to Kitchin, 23 Dec. 1909.

[77] James Ramsden, *The Age of Balfour and Baldwin 1902–1940* (1978), 32.

[78] Jones, 'Constructive Constitutionalism', 348.

[79] Weston, *Referendal Theory*, 173.

[80] David Dutton, *Austen Chamberlain: Gentleman in Politics* (1985), 6.

[81] Searle, *Corruption*, 116.

[82] *Selborne*, ed. Boyce, 45.

[83] BL, Add. MS 49860 ff. 183-4: Kitchin to Balfour, 22 Dec. 1909.

[84] *Selborne*, ed. Boyce, 48.

[85] PA, LG/C/5/5: Edward VII to Lloyd George, 7 Aug. 1909.

[86] John Campbell, *F.E. Smith: First Lord of Birkenhead* (1991), 219.

[87] BL, Add. MS 49692 ff. 101: Asquith to Balfour, 9 June 1910.

[88] Henry Page Croft, *My Life of Strife* (1947), 54–5.

[89] Searle, *Corruption*, 115.

[90] Page Croft, *Strife*, 54–5.

[91] Austen Chamberlain, *Politics from Inside: An Epistolary Chronicle 1906–1914* (1936), 81.

[92] BL, Add. MS 49730 ff. 151-2: Lansdowne to Chamberlain, 14 Dec. 1910.

[93] Kerry, *Lansdowne*, 184–5.

[94] CRL, AC8/7/1: Balfour to Chamberlain, 28 Nov. 1910.

[95] CRL, AC8/7/1: Balfour to Chamberlain, 28 Nov. 1910.

[96] Jones, 'Constructive Constitutionalism', 349.

[97] PA, BL/18/8/14: Law to Balfour, 26 Nov. 1910.

[98] Adams, *Balfour*, 285–6.

[99] BL, Add. MS 49706, ff. 317–8: Balfour to Goschen, nd.

[100] Manton, 'Referendum', 522.

[101] CRL, AC49/6/2: Austen Chamberlain memorandum, 23 Jan. 1911.

[102] Hansard, *Lords Debates*, 5th ser., ix, col. 36: 3 July 1911.

[103] *Life and Letters of Austen Chamberlain*, ed. Charles Petrie (2 vols 1939), i, 268.

[104] *Beverley and East Riding Recorder*, 10 Dec. 1910, p. 5.

[105] CA, CRFT/1/20, f. 7: de Broke to Page Croft, 29 Sept. 1910.

[106] Hansard, *Lords Debates*, 5th ser., ix, col. 1055: 10 Aug. 1911.

[107] PA, BL/18/6/124: Leo Maxse to Bonar Law, 29 Sept. 1910.

[108] G.R. Searle, 'Revolt from the Right in Edwardian Britain', in *Nationalist and Racialist Movements in Britain and Germany Before 1914*, ed. Paul Kennedy and Anthony Nicolis (Oxford, 1981), 30.

[109] Arnold White, *The Hidden Hand* (1917), 49.

[110] PA, WB/2/38: de Broke to Lansdowne, 25 July 1911.

[111] BL., Add. MS 49861 ff. 177: Balfour to Horsfall, 26 Nov. 1910.

[112] Bodl., MS Asquith 46 ff. 51: Asquith to Balfour, 20 July 1911.

[113] Bodl., MS Asquith 46 ff. 41: Asquith to [not known], 6 Oct. 1909.

[114] Ronan Fanning, ' "Rats" versus "Ditchers": The Die-Hard Revolt and the Parliament Bill of 1911', in *Parliament and Community*, ed. Art Cosgrove and J.I. McGuire (Belfast, 1983), 194.

[115] BL, Eur. F112/89, f. 130: Strachey to Curzon, 1 Aug. 1911.

[116] CA, CRFT1/16, f. 32: Maxse to Page Croft, 22 Oct. 1910.

[117] *The Times*, 26 July 1911, 8.

[118] Dangerfield, *Strange Death*, 48.

[119] *The Times*, 26 July 1911, 8.

[120] Phillips, 'Radical Toryism', 205–6.

[121] David Thackeray, *Conservatism for the Democratic Age: Conservative Cultures and the Challenge of Mass Politics in Early Twentieth-Century England* (Manchester, 2013), 24–5.

[122] PA, WB/2/58: Stanmore to de Broke, 27 July 1911.

[123] BL, Add. MS 49861 ff. 278: Maxse to Sanders, 24 July 1911.

[124] PA, WB/3/30: Suffolk Unionist secretary, Major C.H. Tippet to de Broke, 14 Aug. 1911.

[125] Manton, 'Referendum' 506.

[126] Roy Jenkins, *Asquith* (rev. edn, 1978), 206.

[127] PA, WB/2/33: Lansdowne to de Broke, 24 July 1911.

[128] PA, WB/2/4A: Norfolk to Bathurst, 13 Jan. 1911.

[129] Searle, 'Revolt', 24–5.

[130] PA, WB/2/73: George Wyndham to de Broke, 3 Aug. 1911.

[131] Dutton, *Opposition*, 97.

[132] Weston, *Referendal Theory*, 199.

[133] PA, WB/2/38: de Broke to Lansdowne, 25 July 1911.

[134] Roberts, *Salisbury*, 585.

[135] Fraser, 'Unionist', 358–60.

[136] Hansard, *Lords Debates*, 5th ser., ix, col. 9: 3 July 1911.

[137] Hansard, *Lords Debates*, 5th ser., xxix, cols 824–7: 7 Aug. 1911.

[138] CA, CRFT1/16, f. 32: Maxse to Page Croft, 22 Oct. 1910.

[139] Croft, *Strife*, 47.

[140] Hansard, *Lords Debates*, 5th ser., ix, col. 1062: 10 Aug. 1911.

[141] N.C. Fleming, *Britannia's Zealots. Vol. 1: Tradition, Empire, and the Forging of the Conservative Right* (2019), 74.

[142] BL, Add. MS 49767 ff. 293-4: Balfour to Sanders, 9 Nov. 1911.

[143] BL, Add. MS 49736 ff. 154: Chamberlain to Balfour, 26 July 1911.

[144] PA, WB/2/58: Stanmore to de Broke, 29 July 1911.

[145] *Selborne*, ed. Boyce, 44.

[146] PA, WB/2/34: Robert Finlay to de Broke, 24 July 1911.

[147] Adonis, *Aristocracy*, 259–60.

[148] CA, AMEL1/2/12: Halsbury Club report, 17 Oct. 1911.

[149] Philip Norton, 'Resisting the Inevitable? The Parliament Act 1911', *Parliamentary History*, xxxi (2012), 453.

[150] Hansard, *Lords Debates*, 5th ser., ix, cols 1067–8: 10 Aug. 1911.

[151] Hansard, *Lords Debates*, 5th ser., ix, col. 1065: 10 Aug. 1911.

[152] Hansard, *Lords Debates*, 5th ser., ix, col. 1071: 10 Aug. 1911.

[153] *Irish Independent*, 12 Aug. 1911, p. 6.

[154] BL, Eur. F112/88, f. 89: [not known] to Curzon, 12 Aug. 1911.

[155] PA, WB/3/9: Maxse to Lady Willoughby de Broke, 11 Aug. 1911.

[156] PA, WB/3/63: Selborne to de Broke, 25 Aug. 1911.

[157] *Life and Letters*, ed. Petrie, 269.

[158] CRL, AC8/7/17: Jebb to Chamberlain, 6 Dec. 1910.

[159] CRL, AC8/7/18: Jebb to Chamberlain, 8 Dec. 1910.

[160] PA, WB/3/39: Viscount Wolmer to de Broke, 15 Aug. 1911.

[161] Page Croft, *Strife*, 41.

[162] Edward Turnour (Lord Winterton), *Fifty Tumultuous Years* (1955), 230–1.

[163] *National Review*, Sept. 1911, p. 16.

[164] Norton, 'Resisting' 457.

[165] Hansard, *Lords Debates*, 5th ser., ix, col. 267: 5 July 1911.

[166] Jon Lawrence, 'Forging a Peaceable Kingdom: War, Violence, and Fears of Brutalisation in Post-First World War Britain', *Journal of Modern History*, lxxv (2003), 561.

[167] Phillips, *Die-Hards*, 114.

[168] Fleming, *Zealots*, 234.

[169] Jones, 'Constructive Constitutionalism', 334–57.

[170] White, *Hand*, 59.

[171] Searle, *Corruption*, 172–4.

[172] Jones, 'Constructive Constitutionalism', 352–3.