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Chapter 2

Key Concepts for Parliament in Britain (1640–1800)

Paul Seaward and Pasi Ihalainen

Although parliamentary debates have frequently been referred to in political history, the evolution of the British parliament has rarely been analysed from a linguistic point of view. In this chapter, we trace shifts in the use and application of key political concepts relating to Parliament and its role and operation during a period of major transformations. By reviewing the use of the terms ‘sovereignty’, ‘parliament’, ‘representation’, ‘deliberation’, ‘responsibility’ and ‘publicity’ in the surviving records of parliamentary debates from 1640 to 1800 (see Chapter 9 for early modern parliamentary rhetoric and Chapter 14 for procedural issues in the nineteenth century), we aim to evaluate changes in their meanings over time and to chart some trends in the formation of the English/British notion of parliament. Rather than attempting to reveal some linear development in a Whiggish sense, we want to analyse the changing and often ambiguous nature of discursive constructions of parliament through time. One problem with this is that before 1771 both Houses of Parliament tried to suppress public accounts of their debates, and therefore they are much less fully reported than later ones. However, some accounts of debates from before 1771, made informally and usually by members themselves, do exist. Moreover, the above-mentioned concepts were also discussed in other contexts, and these discussions and accounts have provided alternative sources for this study.

Despite apparent institutional continuity, Parliament adapted itself to constitutional upheavals and to the rise of critical publicity. As a result, key terms relating to Parliament

were used in complex and ambiguous ways, reflecting ambivalence concerning the source and structures of power and authority – as well as the needs of political argument in various speaking situations. Arguments in connection with historical turning points such as the Civil War, the Revolution of 1689, the break with America and the French Revolution meant that the terms defining Parliament became more frequently discussed; their traditional understandings challenged, their inherent ambiguities more exposed and their meanings redefined. Broadly speaking, however, the same terms were used over the entire period and often in similar ways: there was no striking change in parliamentary concepts as Parliament became a more prominent element of the constitution. What did change – especially in the late eighteenth century – was the way that these concepts were used in combination to create a much more elaborate and coherent notion of a parliamentary government that had shed some of the complexities of its relationship with monarchical sovereignty.

<A>Parliament, Sovereignty and Representation during the Civil War

<FL>The seventeenth century saw the gradual emergence of notions resembling parliamentary sovereignty (derived from representation) as opposed to monarchical sovereignty (derived from religious ideas). It was already generally appreciated by then that Parliament was in practical terms the most authoritative source of law. Sir Thomas Smith wrote in 1583 that ‘the most high and absolute power of the realme of Englande, consisteth in the Parliament’ (1583: 34), by which he meant the prince, the Lords and the Commons acting together. This way of thinking gave Parliament some partnership in sovereignty: the monarch was most fully sovereign when he exercised his legislative role in conjunction with the two branches of Parliament. However, the word ‘sovereignty’ was strongly associated with the personal, indivisible authority of the king. Moreover, the king’s acknowledged right to summon and dismiss Parliament and, in certain extreme circumstances, make law without its

agreement meant that his theoretical sovereignty was not seriously challenged. Descriptions of Parliament within the constitution approached the question of its authority in an oblique way. One of the most common metaphors for Parliament was that of a ‘state physician’, an occasional corrective for a diseased state, rather than a permanent partner in government.

The confrontation between the king and Parliament in the 1640s, after an eleven year attempt by Charles I to rule without Parliament, forced many of the ambiguities and unspoken assumptions in this relationship into the open. The arguments of the two years before the outbreak of the Civil War exposed differences over the extent to which the partnership was one of equal elements with equal, ‘coordinate’ powers, or one in which the king stood outside and above Parliament. The Long Parliament’s assertion of its right to ignore the king’s veto and the cession by the king in the Triennial Act of 1641 of his right to dismiss it made the idea of a monarchical sovereignty unsustainable. A radical discourse in the 1640s laid claim to Parliament’s right to be the ‘supreme authority’ (‘The Humble Petition’, 1648), while Thomas Hobbes, in his *Leviathan* of 1651, placed sovereignty unambiguously in the legislative power and derided the notion of power-sharing in a mixed constitution. The scarcity of records of parliamentary debates in the 1640s makes it difficult to determine how soon members began to use the word ‘sovereign’ in relation to their institution, although during the parliaments of the 1650s some of them certainly did so, including Henry Neville. (Burton’s *Diary*, 8 February 1659: ‘It is in your power, as the sovereign power of the nation’; and Major Beake, 6 December 1656: ‘I conceive the judgment of Parliament is so sovereign, that it may declare that to be an offence, which never was an offence before.’)¹

While it was generally accepted that Parliament’s own legitimacy stemmed from its representative status, the nature and meaning of representation were little explored before the Civil War. A more assertive discourse concerning representation was initially a response to

the king's rejection of proposed parliamentary legislation on the militia in 1642.

Propagandists such as Henry Parker (1643: 20) began to emphasize Parliament's status by referring to it as the 'representative of the people':

Tis true, the King may be held a representative of the people in ordinary cases, for avoiding of a more troublesome convention, but in extraordinary cases when such a convention is necessary, the Parliament is the onely true representative, and congregated to the King for more perfection sake, or else it were vainly congregated. And because the people cannot be congregated at all, much lesse in any more perfect forme then in a Parliament, therefore the peoples utmost perfection is truly residing in the Parliament. Let not then any private man, Let not the King himselfe undertake to define how far Regall power shall extend in iudiciall or Military affaires (as such a perticular position of things may happen, and according to all emergences) better then the representative body of the Kingdome, which in no respect ought to be held any other thing then the whole Kingdome it self.

Hobbes (2010 [1679]: 268–69) and other royalist polemicists challenged this idea of the representativeness of Parliament, and it was only after the execution of the king in 1649, the declaration of a republic and the abolition of the non-representative element of Parliament, the House of Lords, that Parliament corporately and explicitly identified itself as the representative of the people. The claim invited rejection from some of the people themselves, and there was a precocious but brief debate on the nature of representation within the army during the late 1640s. During the 1650s, the idea that the House of Commons was the representative of the people became firmly established: the debates recorded in the 1650s concerning the powers of the proposed 'other House' frequently use the term 'representative',

emphasizing the representative credentials of the Commons compared to the appointed status of its potential partner (e.g., Burton's *Diary*, Chaloner, Steward and Bodurda, 8 February 1659).

Towards Parliamentary Omnipotence

This debate on representation was largely suppressed after the Restoration, and old ambiguities concerning the place of Parliament within the constitution were restored. It remained rare to associate sovereignty with Parliament on its own: late seventeenth-century debates recorded by Anchitell Grey used the term only to deny the association. Charles II himself, responding to parliamentary intervention in foreign policy on 28 May 1677, argued: 'Should I suffer this fundamental power of making Peace and War to be so far invaded (though but once) as to have the manner and circumstances of Leagues prescribed to me by Parliament, it is plain, that no Prince, or State, would any longer believe, that the Sovereignty of *England* rests in the Crown' (*Commons Journals*, 9: 426).

However, some writers may have been prepared to accord Parliament a more dominant position. Even while he continued to use the idea that Parliament was the state's physician, George Savile, Marquis of Halifax, wrote in *The Character of a Trimmer*, originally published in 1689 (Savile 1989, 1: 197), that the Trimmer

beleaveth no government is perfect except a kind of omnipotence reside in it, to be exerted upon great occasions. Now this cannot be attained by force upon the people, let it be never so great; there must be their Consent too, or else a nation mooveth only by being driven, a sluggish and constrained motion, void of that life and vigour which is necessary to produce great things. Whereas the virtuall Consent of the whole being included in their representatives, and the King giving the sanction to the

united sence of the people, every Act done by such an authority seemeth to be an effect of their choice, as well as a part of their Duty.

This careful formulation suggests a new appreciation of the complexity of the idea of sovereignty. A further series of confrontations between the king and a parliamentary majority in the late 1670s and early 1680s encouraged some radicals to use much clearer language concerning the place of Parliament within the constitution. After the Revolution of 1688–89, even the Tory Party (the political heirs of the Civil War Royalists) reacted to the misgovernment of James II with a stronger recognition of the authority of Parliament, and with Parliament now sitting every year, having an annual rhythm and taking a much more dominant place among governing institutions owing to its routine character and budgetary power, it was difficult to deny its practical supremacy (Dickinson 1977; Kenyon 1977).

Despite Parliament becoming routine, the word ‘sovereignty’ was still treated with caution. By the 1760s, both Whig and Tory Parties emphasized Parliament’s unlimited legislative supremacy in the context of the challenges of Wilkite radicalism and the American colonies (Langford 1991: 152–53), and the notion of ‘the omnipotence of parliament’ was debated in the press, though it might still be regarded as ‘too bold a figure indeed’ to describe ‘our triform legislature, constituting one indivisible power’ (*London Chronicle*, 5 June 1764).² William Blackstone, a leading constitutional lawyer, wrote about the ‘sovereign and uncontrollable authority’ of Parliament in his *Commentaries on the Laws of England* (1765–69, 1: 156). Unqualified associations between Parliament, supremacy and omnipotence became more common from the mid 1770s onwards among both the executive, who opposed the colonists, and opposition speakers, who sympathized with their ideals, and also in the press (*Public Advertiser*, 4 April 1774, 16 May 1774; Parliamentary debates: Charles Pratt, 20 January 1775: 13, 16 March 1775: 83; George Johnstone, 6 February 1775: 161; Edmund

Burke, 29 February 1776: 357).³ According to William Henry Lyttelton, the war in America was intended to maintain ‘the inalienable and indubitable rights of the sovereign power of the King, the Parliament, and the nation’, who ‘in their deliberative or legislative capacity ... thus united, constituted the sovereign or supreme power’ (12 June 1781: 521, 523). However, there were also opposition critics of ‘the doctrine of unconditional supremacy’ and ‘parliamentary supremacy’ (Charles James Fox, 1 December 1775: 242; Henry Cruger, 20 February 1776: 337), who insisted that only the people could be truly ‘omnipotent’ (Goldsworthy 1999: 194, 216, on Richard Price and John Wilkes).

Controlling the Government

One difficulty with the concept of parliamentary power was that in constitutional theory the executive remained firmly under the control of the monarch. The notion of its accountability to Parliament only emerged very gradually: since ministers were appointed by, and reported to, the Crown, they could not be held formally responsible or accountable to the Commons. However, the notion of a controlling, rather than a directing, power – i.e., an ability to audit and check the activities of executive agents – offered a means of formalizing the responsiveness of the king’s government to parliamentary pressures.

The idea that it was the function of the Commons to investigate the abuses of royal servants and to bring them to the attention of the king was an ancient one. It was expressed by the early seventeenth-century jurist Sir Edward Coke (1669: 11, 24) when he called the Commons the ‘generall Inquisitors of the Realm’. Coke was referring to the ‘grand juries’ or ‘grand inquests’ – representative panels established in each county to decide whether individual miscreants should be brought before the judges for criminal trial. Sir Robert Filmer’s *Free-holders’ Grand Inquest* (1648) made the same analogy between the grand juries and the Commons. ‘We are the Grand Jury of the Nation, as the Freeholders are of a

county,' one member stated in 1675 (Sir Thomas Clarges in Grey, *Debates*, 3 May 1675). This normally meant that Parliament would address the king for the removal of ministers who were deemed to have been guilty of some misdemeanour. The revival of the medieval practice of impeachment in the 1620s offered a process by which they could initiate and pursue a criminal prosecution of powerful malefactors before the House of Lords, although it was rarely a very effective instrument. Associated with the notion of parliamentary control was the claim, generally accepted after the Revolution of 1689, that ministers had an obligation to 'give an account' to Parliament of matters within their responsibility (Grey, *Debates*, regarding the Attorney General, 24 November 1680, and commissioners of the admiralty, 11 November 1693).

Ministers and parliamentarians in the eighteenth century already regarded it as axiomatic that ministers had a general obligation to provide information to Parliament and could be held accountable to it. By the time of the Sacheverell and Succession Crises in the 1710s, the accountability of ministers to Parliament for their actions was emphasized by several politicians as a principle of 'the fundamental Constitution' (Laurence Hyde, Earl of Rochester, 1710/11: 320; Robert Harley, Earl of Oxford, 1715: 12; Robert Walpole, 1715: 41; Richard Steele, 1716: 86). The political hegemony of Sir Robert Walpole during the 1720s and 1730s, and the more routine conception of 'opposition' that it helped to create, brought with it a greater sophistication in defining how parliamentary control over ministers might be exercised (Kluxen 1956; Skinner 1974; Kleinhenz 1991: 63) and in the ways that the MPs understood their role. Walpole recognized that ministers were to some extent accountable to their 'Country' (not expressly 'to Parliament') regarding 'the Counsels they give their Sovereigns' (1738: 307). The opposition leader William Wyndham pointed out that in a free government the executive power was subordinate and accountable to the legislative power, which consisted of an assembly of the people (1739: 240), and Samuel Sandys

demanded that as the prime minister had so long acted without being truly accountable, a parliamentary inquiry into his actions was needed (1740: 43). The notion of the accountability of the executive to the Commons is reflected in an opposition attack in the name of ‘the general Voice of the People of England’ on Walpole, as ‘a Steward for the Publick’ (Alexander Hume-Campbell, 1741: 84; Watkin Williams Wynne, 1741: 93; Velters Cornwall, 1741: 157; William Pitt, 1741: 170, 211). John Philipps declared that it was the duty of MPs to be ‘jealous of Ministers’, as they themselves, as ‘Agents for the People’ and ‘the Representatives of the People’, were accountable to the electors (1742: 216, 266). Walpole’s resignation, following his failure to secure a majority in the House of Commons (Langford 2006: 393), was a recognition of the difficulty of governing without the ability to ensure parliamentary consent. It suggested a very practical acknowledgement that the power of a minister now rested on his possession of a majority in the House of Commons; one which would become formalized in the idea of a vote of censure or of confidence.

By the 1760s, the press maintained the principle of ‘the constitutional control, which the people hold over the crown’, through ‘the representative body of the people’ (*Gazetteer and London Daily Advertiser*, 22 July 1762). The concept of parliamentary ‘control’ of the ministers also found its way into late eighteenth-century procedural tracts (Hatsell 1781: 237). During the crisis following the defeat in the American War, the notions of ministerial responsibility and parliamentary control became more explicitly stated in parliamentary debates as well. On 20 March 1782, Prime Minister North was forced to resign as a consequence of military failure (Kleinhenz 1991: 68–69). His admission that ‘it was the right of that House to command; it was the duty of a minister to obey its resolutions’ (4 March 1782: 348) suggested that ministers no longer regarded themselves as being responsible to the Crown so much as to the Commons. Charles James Fox likewise conceded that the responsibility of ministers ‘balanced the power, and insured to the people that no ill use

would be made of it'; the Commons being appointed 'to check and control' the use of power (20 November 1783: 85). By the end of our period, the idea that a minister might be forced to resign by a formal vote of censure in the House of Commons had become widely recognized. In 1797, Prime Minister Pitt conceded that 'Ministers were undoubtedly responsible to Parliament for their conduct; and whenever [Samuel Whitbread, an opposition member] thought proper to propose a Vote of Censure upon his conduct, he should be prepared to meet the discussion' (*True Briton*, 10 May 1797).

The opposition remained doubtful about the realities of such responsibility. An anxiety throughout the eighteenth century about how government could effectively control the Commons through the distribution of offices and pensions to its members meant that the assertion of the sovereignty of Parliament implied to many not so much a growth in the power and status of the representative element of the constitution, but an alarming increase in the effective power of the government.

Parliament and the People: The Complexities of Representation

The recorded parliamentary debates of the late seventeenth century show how deeply members were aware of the representative status of the Commons. They often referred to the constituents whom they represented, particularly on occasions where their consent was uncertain.

However, Parliament's supremacy begged many questions about the basis of its power and the real extent and meaning of its representative status. Some of the complexities of 'representation' emerged more fully after 1680 when political divisions were acknowledged under the party labels 'Whig' and 'Tory'. This change encouraged electorates to question whether they were being represented in Parliament in the way they wished. The frequency of elections under the Triennial Act of 1694 encouraged them to believe that they

could hold their own representatives properly accountable. Representation was a dual activity, facing both backwards to the constituents and forwards to the Crown. The use of the word in seventeenth-century parliamentary sources often refers to the function of representation: putting forward a view on behalf of the group to someone qualified to provide redress. The most common use of the word referred to how issues were ‘represented’ to the king: to represent was to provide the king with information on the basis of which he could make the proper decisions. In December 1678, the House was urged to ‘represent to the King the dangerous condition the Nation is in’ (Grey, *Debates*, 2 December 1678). Edward Seymour in 1689 told the House: ‘[I]t is not in our power to remedy the Miscarriages, but it is to represent them to the King to be remedied’ (Grey, *Debates*, 14 December 1689).

In a divided political nation, voters could become suspicious that their representatives were not correctly representing the views of their communities. From the 1680s onwards, the relationship between constituencies and representatives could become difficult and contested, with voters claiming that their views were being misrepresented, or demanding that their representatives commit themselves to certain positions through formal instructions. Further friction was caused by petitioning, which constituted a more direct form of popular expression or ‘representation’ and was often rejected by the ‘proper’ representatives in Parliament. The presentation of a petition in 1701 urging Parliament to ‘have regard to the voice of the people’ and to adopt policies to which Tory leaders in the Commons were fundamentally opposed produced a volatile controversy concerning the relationship between the people and their representatives (Bradley 2007: 96; Knights 2009: 42, 51).

The other usage of the word faced towards the origins of the act of representing a community’s views, relating to the process by which representatives were chosen and the extent to which the chosen representatives reflected the country itself. The close relationship

between the two usages was brought out by Lord Charles Noel Somerset when he defined Parliament in connection with an attempted repeal of the Septennial Act as ‘the grand Inquest of the Nation, they are to represent the grievances of the People to their Sovereign; and the People are always to choose proper representatives for that Purpose’ (1733/34: 159). In 1745, William Yonge saw a representative as ‘the attorney of the people’, albeit one who possessed ‘full freedom to act as he thinks best for the people’ (Rush 2001: 13). However, the link between communities and Members was often tenuous, as rich individuals in practice bought their seats in Parliament, and the effectiveness with which such men really represented their communities was highly doubtful.

The corruption of the representative system by government made the issue a persistent complaint. Campaigners repeatedly attempted to limit government influence within Parliament by means of ‘place bills’ (disqualifying the holders of various crown offices or government supply contracts from membership) and bills limiting the duration of a parliament and the period between general elections, a process that finally secured elections every three years in 1694. The latter reform was reversed with the Septennial Act (requiring elections only every seven years) in 1716, and the threat of government influence continued to be a preoccupation of opposition parties and ‘patriots’ well beyond the eighteenth century.

Walpole’s government of 1721–42, in particular, was seen to be a threat to the relationship between the electors and the elected. Concern about the influence of the Crown on elections led to suggestions that the Commons might turn into ‘a Representative of an Administration, or of one single Minister, but could no longer be a true Representative of the People’ (*Protest by Several Lords*, 29 March 1732: 1059). In their attempts to repeal the Septennial Act, the opposition saw the election of representatives as the most essential privilege of the people and called for more frequent elections in order to make parliaments responsible to the electors (John St Aubyn, 1733/34: 143). Calls for parliamentary reform

made no serious headway in Parliament before the office of William Pitt the Younger in the 1780s, but the representation of the people had become an established, even if rhetorical, principle of the British parliament.

Deliberation and the Relationship between Parliament, the Executive and the People

By the end of the eighteenth century, concerns about the relationship between Parliament and the executive, and between Parliament and the people, were reflected in the concept of ‘deliberation’, derived from the rhetorical genre of deliberation pro et contra, already familiar in the early seventeenth-century parliament (Chapter 9). Two arguments encouraged parliamentarians to use ‘deliberation’ more generally as a description of what Parliament did. One was the need to stress Parliament’s distinctive role in relation to the executive and the importance of avoiding corruption thereby. The other was the need to stress the freedom of parliamentarians to come to their conclusions independently of external pressure.

Parliament was regarded as being composed of a mixture of elements, incorporating the Crown as well as the Lords and Commons. In the seventeenth century, the separate roles were often underlined by emphasizing the role of the Commons in providing advice, or ‘counsel’, to the king. Parliament’s debates were often seen as part of a process of producing such ‘counsel’. ‘Deliberation’ was commonly used to emphasize the need to take a particular decision with great care, although its use was also often associated with an attempt to delay a decision or a debate for purely tactical reasons.

By the 1770s, the idea of ‘deliberation’ was replacing ‘counsel’ as a description of the essential role of Parliament. Thomas Townshend, an opponent of the American War, regarded the Commons as ‘a deliberate body, and one of the branches of the legislature’ that had particular privileges, including the power of granting money (1776: 313). In the American crisis, the government was believed to be ignoring parliamentary advice and the

separate roles of the executive and deliberative powers, which made the opposition argue for sufficient time for parliamentary deliberation as the very essence of the institution.

Townshend, condemning hurry as disgraceful to Parliament, presented ‘mere edicts of the council table, or rather the dark machinations of a desperate cabal of ministers’ as a counter-concept to ‘the laws of free, deliberative assemblies’ (7 May 1775: 273). John Hussey-Montagu complained that, through their conduct and use of language, the executive was ignoring Parliament as an essentially ‘deliberate body ... a body possessed of discretionary and deliberate powers, who could advise, check, and control the conduct of ministers’ (15 March 1781: 268). In the same debate, Prime Minister North responded to the claim that the ministry was manipulating Parliament by recognizing that ‘undoubtedly the Parliament had the powers to check and to control the treasury. Having the powers of deliberation, they certainly could rescind any resolution which they had made’ (15 March 1781: 269). Thomas Pitt summarized the essential deliberative function of Parliament, connecting it with budgetary power:

What, Sir, is the Crown but the executive power of Government? What is Parliament but the deliberative? What is this House but the branch of the deliberative power that is trusted with the purse of the People? Sir, it is because these powers are not one, it is because they are disunited, that this Government has obtained the admiration and envy of every other nation ... When the Crown, when the executive power, shall be ill advised and ill administrated, it is for Parliament, it is for the deliberative power, to interpose; and more peculiarly for this House to exert its important privilege, by shutting up the purse with which it is entrusted. (30 November 1781: 74)

By emphasizing the deliberative nature of Parliament, these speakers were underlining the importance of free and unprejudiced debate. The concept of deliberation could also be used to defend the status of Parliament in relation to the people. Deliberation implied that Parliament itself would come to a final decision through a process of calmly weighing the issues at stake, without heat and undue influences. Deliberation among members with a free mandate was the core of parliamentary politics, and it excluded the views of those outside. Parliament was, according to Edmund Burke's famous speech to the electors of Bristol, not 'a *Congress* of Ambassadors from different and hostile interests' negotiating as 'Agents and Advocates' but 'a *deliberative* Assembly of *one* Nation, with *one* Interest, that of the whole' (1775: 28).

Burke's point was an old one, but the strength with which it was expressed in the 1770s and 1780s reflected the growing popular pressure on, and interest in, parliamentary politics.

Alexander Murray, the Solicitor General of Scotland, expressly denied the right of extra-parliamentary associations to deliberate on state matters and to redress grievances (8 May 1781: 239). During the radical phase of the French Revolution, leading politicians like Prime Minister Pitt and Foreign Secretary William Grenville began to describe Parliament more generally as the 'deliberative assembly' of the nation. By doing so, they distinguished Parliament from revolutionary assemblies affected by public opinion (Robert Banks Jenkinson, 6 May 1793: 394; Richard Colley Wellesley, 7 May 1793: 437; *Sun*, 18 June 1793; *Sun*, 18 February 1794).

Representing the Public in the Late Eighteenth Century

Although Parliament was maintained to be the representative of the people, its connection with representation was problematic, both in the sense that parliamentarians did not feel obliged to reflect directly the opinion of their voters, partly in view of the fact that, because of the restricted franchise, those who actually voted did not fully represent the population.

From time to time, the debate returned to the issue originally raised by seventeenth-century radicals: if Parliament based its legitimacy on the fact that it represented the people, it should represent them and their views as accurately as possible. The mismatch of population and representation was increasingly justified by shifting the basis of representation onto ‘interests’ as well as communities. Or as Charles Mellish put it: ‘Necessity has adopted this fiction of a virtual representation, and it is now become our duty to consult the interest of the kingdom in general, in preference to the advantage of our borough or county’ (27 October 1775: 56).

The American crisis pushed the broader question of representation to the forefront of political discourse. Lord Camden saw representation as a ‘modern discovery’ that constituted the basis of the sovereign power of the legislature (14 March 1776: 247). By the end of the war, parliamentary reform was called for in county petitions complaining that ‘the representation of the Commons in Parliament’ had ‘frequently a separate interest from the people’ and was ‘unequal to express the general sense of the said Commons’ (Petition from Sussex, 22 January 1783: 133). However, despite repeated complaints that virtual representation could not guarantee the people their rights, there was no parliamentary reform in the eighteenth century. Moreover, before the 1770s, the privacy of Parliament’s deliberations meant that it was impossible for the wider public to estimate its effectiveness in representing them. Calm deliberation away from the pressure of the people meant deliberation in secret, without public exposure. When the Wilkite radicals demanded the publication of parliamentary proceedings in the early 1770s, members were divided between the defenders of the exclusive privilege of Parliament to discuss politics in secret and the advocates of the right of the people at large to have access to political information. Welbore Ellis considered that the publication of the debates bypassed ‘the whole body of the British people’ as represented by Parliament, since it allowed anyone to misrepresent the debates of

the House (25 March 1771: 121, 126–28). On the other hand, Alderman James Townsend argued that the privileges of the Commons and the people were identical and that discussion of parliamentary debates outside the House should hence be allowed (25 March 1771: 121–22). Attempts to prevent the immediate publication of reports of debates were abandoned shortly afterwards. The result was to strengthen Parliament as the focus of public political discourse. Well before Bagehot's time, the publicity that Parliament brought to political issues became regarded as a self-evident aspect of its role (Ihalainen 2010). Moreover, the simultaneous growth of the press also provided a variety of forums for the expression of dissenting views, challenging the focus on Parliament.

In the aftermath of the French Revolution, expanding parliamentary publicity could already be presented as compensating for the lack of representation: 'The debates in that House were more generally known, and more particularly attended to. Every member knew when he was speaking that his arguments and conduct would be discussed and canvassed by the public at large' (William Adam, 7 May 1793: 489–90). Charles Jenkinson suggested that the publication of parliamentary debates constituted a link between the members and the people and removed any need for universal suffrage: '... the very proceedings of the House were continually published, by which the people had opportunities of knowing what was passing daily, which must have great influence on the House, by the opportunities that were afforded to the people of forming their opinions from time to time' (26 May 1797: 689). Though to some extent it was an alibi for representative change, it could be argued that the new publicity given to parliamentary proceedings was a way of making Parliament increasingly accountable to the people.

The Sovereignty of Parliament as the Sovereignty of the People

Much effort had been devoted since the Revolution of 1688–89 to avoiding the implication that – however it was derived – sovereignty lay in the people rather than in Parliament (Dickinson 1977: 46–47, 125–31, 87–90). Opposition Whigs and some Jacobites might invoke the people, recognizing that Parliament’s legitimacy was based on its representative function, but they generally avoided the implication that sovereignty resided in the people themselves. The relationship between parliamentary supremacy and its roots in the election of the people remained an ambiguous one.

Towards the very end of the eighteenth century, those ambiguities were exposed and attacked in the wake of the French Revolution. Radical Whigs then controversially used the revolutionary notion of the ‘sovereignty of the people’ as a synonym for the sovereignty of Parliament – an expression that had been avoided until then. Charles James Fox’s extra-parliamentary suggestions that even George III only held the Crown ‘by the sacred and solemn Act of Parliament, flowing from the Sovereignty of the People’ pushed the notion well beyond contemporary usage, even though he claimed: ‘The Sovereignty of the People of Great Britain is surely a thing not new to the language, to the feelings, nor to the hearts of Englishmen. It is the basis of the whole system of our Government’ (*Lloyd’s Evening Post*, 7 February 1798).

A more extensive confrontation leading to redefinitions of parliamentary sovereignty took place in connection with debates on the union with Ireland (Ihalainen 2010). Benjamin Hobhouse argued that a justification for ‘the sovereignty of the people in the last instance’ could be found in William Blackstone’s recognition of the right of resistance in case the legislature violated the liberties of the people (14 February 1799: 75). Solicitor General John Mitford rejected the idea, arguing that all power had been delegated to the government (*Sun*, 15 February 1799). Foreign Secretary William Grenville described the sovereignty of the people as ‘a Jacobinical doctrine’, while ‘a Part must be always Sovereign, not the whole

People'. There was, furthermore, 'no bound to the political ... competency of Parliament' (*Whitehall Evening Post*, 19 March 1799). Lord Minto claimed that 'the universality of parliamentary power has been characterized by the strong and emphatic title of Omnipotence' (11 April 1799: 419) and that 'the Sovereignty of Parliament' was 'identically and precisely the same with the sovereignty of the people itself, appearing in the only visible, tangible or perceptible form in which it can be recognized in this country'. In the British constitution, 'the authority and sovereignty of Parliament has been established' (11 April 1799: 427) – and thereby popular sovereignty as well. It was unusual for a conservative, such as Minto, to accept the sovereignty of the people – but by treating it as if it was simply another way of expressing the sovereignty of Parliament, Minto was using new and revolutionary notions to reinforce his traditionalist argument.

By 1800, the Westminster parliament was developing a rather more coherent conception of parliamentary government; one made up of the concepts of sovereignty, representation, 'control' (or accountability), deliberation and publicity. At least in principle (if rarely in practice) it could be viewed as an institution based on popular sovereignty realized through representation and deliberating political questions, providing the public with information and what we would call 'political education' through publicity and keeping the executive accountable to the representatives of the people. This does not mean that the unreformed Parliament before 1832 actually embodied such ideals. The debates surrounding Catholic emancipation and the Reform Act (1829–32) would bring about a further development in ideas about Parliament (as, indeed, would some influences from debates about parliamentary systems abroad, especially in France) even though much of this was couched in terms of tactical considerations about the preservation of the system and the removal of abuses, rather than in conceptual change. However, the British parliament, as an evolutionary institution, provided one model for new understandings of the key categories of

a parliament – though no longer the only one after the rise of alternative forms of representative institutions in the revolutionary era.

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References

Primary Sources

- Blackstone, W. 1765–69. *Commentaries on the Laws of England*, vol. 1. Oxford: Clarendon Press.
- Burke, E. 1775. *Mr. Edmund Burke's Speeches at his Arrival at Bristol and at the Conclusion of the Poll*, 2nd ed. London: J. Dodsley.
- Burton, T. 1828. *The Parliamentary Diary of Thomas Burton*. J.T. Rutt (ed.). Retrieved from <http://www.british-history.ac.uk/subject.aspx?subject=6&gid=45>
- Cobbett, W. 1806–20. *Cobbett's Parliamentary History of England: From the Norman Conquest in 1066 to the Year 1803*. London: R. Bagshaw.
- Coke, E. 1669. *The Fourth Part of the Institutes of the Lawes of England; Concerning the Jurisdiction of Courts*. London: A. Crook.
- Filmer, R. 1648. *Free-holders' Grand Inquest Touching our Sovereigne Lord the King and His Parliament*. London: s.n.
- Grey, A. 1769. *Debates of the House of Commons, from the year 1667 to the year 1694*. London. Retrieved from <http://www.british-history.ac.uk/subject.aspx?subject=6&gid=71>
- Hatsell, J. 1781. *Precedents of Proceedings in the House of Commons, under Separate Titles; with Observations*. Vol. 2. London: J. Dodsley.
- Hobbes, T. 1651. *Leviathan, or, the Matter, Form, and Power of a Common-Wealth Ecclesiastical and Civil*. London: A. Crooke.
- . 2010 [1679]. *Behemoth, or, The Long Parliament*. P. Seaward (ed.). Oxford: Oxford University Press.
- Journals of the House of Commons*, vol. 9. 1802. London. Retrieved from <http://www.british-history.ac.uk/subject.aspx?subject=6&gid=43>
- Parker, H. 1643. *The Oath of Pacification, or a Forme of Religious Accommodation Humbly Proposed both to King and Parliament*. London: R. Robstock.

Savile, G. 1989. *The Works of George Savile Marquis of Halifax*, vol. 1. M.N. Brown (ed.). Oxford: Clarendon.

Smith, T. 1583. *De Republica Anglorum. The Maner of Gouvernement or Policie of the Realme of England*. London: Gregorie Seton.

‘The Humble Petition of Thousands Wel-affected Persons Inhabiting the City of London, Westminster, the Borough of Southwark’. 1648. London: s.n.

The Parliamentary Register. Retrieved from the House of Commons Parliamentary Papers database.

Secondary Sources

Bradley, J.E. 2007. ‘Parliament, Print Culture and Petitioning in Late Eighteenth-Century England’, *Parliamentary History* 26(1): 96–111.

Dickinson, H.T. 1977. *Liberty and Property: Political Ideology in Eighteenth-Century Britain*. New York: Holmes and Meier.

Goldsworthy, J. 1999. *The Sovereignty of Parliament: History and Philosophy*. Oxford: Clarendon Press.

Ihalainen, P. 2010. *Agents of the People: Democracy and Popular Sovereignty in British and Swedish Parliamentary and Public Debates, 1734–1800*. Leiden: Brill Academic Publishers.

Kenyon, J.P. 1977. *Revolution Principles: The Politics of Party 1689–1720*. Cambridge: Cambridge University Press.

Kleinhenz, R. 1991. *Königtum und Parlamentarische Vertrauensfrage in England 1689–1841*. Berlin: Duncker & Humblot.

Kluxen, K. 1956. *Das Problem der Politischen Opposition. Entwicklung und Wesen der Englischen Zweiparteipolitik im 18. Jahrhundert*. Munich: Alber.

Knights, M. 2009. 'Participation and Representation before Democracy: Petitions and Addresses in Pre-modern Britain', in I. Shapiro et al. (eds), *Political Representation*. Cambridge: Cambridge University Press, pp. 35–61.

Langford, P. 1991. *Public Life and the Propertied Englishman 1689–1798*. Oxford: Clarendon.

_____. 2006. 'Prime Ministers and Parliaments: The Long View, Walpole to Blair', *Parliamentary History* 25(3): 382–94.

Rush, M. 2001. *The Role of the Member of Parliament since 1868: From Gentlemen to Players*. Oxford: Oxford University Press.

Skinner, Q. 1974. 'The Principles and Practice of Opposition: The Case of Bolingbroke versus Walpole', in N. McKendrick (ed.), *Historical Perspectives: Studies in English Thought and Society in Honour of J.H. Plumb*. London: Europa, pp. 93–128.

<A>Notes

¹ References to the parliamentary diaries of Thomas Burton and Anchtell Grey and to the *Journals of the House of Commons* are derived from the electronic text provided on British History Online (<http://www.british-history.ac.uk/Default.aspx>), and are indicated as Burton, *Diary*, Grey, *Debates*, and *Commons Journals*.

² All references to newspapers are based on a digitized version of the Burney collection.

³ All references to early eighteenth-century parliamentary debates are from *Cobbett's Parliamentary History of England: From the Norman Conquest in 1066 to the Year 1803* and late eighteenth-century debates from *The Parliamentary Register* as available in digital form in The House of Commons Parliamentary Papers. The speaker, the date of the debate and the page numbers have been appended.