

THE ORIGIN OF PARLIAMENTARY REPRESENTATION IN ENGLAND.

Assembly was, according to a phrase often found in early documents, to "talk with the king," to hear what he had to propose or to ask, and to give him an answer. Such a process implies discussion among the members of the Assembly, and we find records of such discussions older than the Norman Conquest. But whatever talk the Witan had among themselves, they were only making ready for their decisive talk with the king. The memory of this earlier kind of speech is kept up in the name of the speaker, the member who speaks least in discussions within the House, but who alone speaks in the name of the House, when the House itself has to speak to the king or to any one else. Parliament, in short, was not a new body which supplanted the Witenagemót; it was simply one name for the Witenagemót which, in the end, supplanted all others.

But, on any theory of the constitution of the Witenagemót, the difference between its constitution and that of a modern Parliament, or a Parliament of any time since the thirteenth century, is clear at first sight. According to any theory, the constitution of the Ancient Assembly was in practice fluctuating and uncertain. According to any rational theory, it contained no element that was formally representative or elective. I say "formally," because a little thought will show that an informal representation, and even election, is quite possible. If I am right in holding that the Witenagemót, the Assembly of the whole kingdom, was, like the smaller Assemblies of the shire, the hundred, and the township, a primary Assembly, in which every freeman had, in theory, a right to attend, the remark which Niebuhr makes about the Roman tribes will no less apply to the ancient gatherings of the English nation. Each Roman tribe had one vote whether all its members or only a handful of them were present in the *Comitia*. Niebuhr remarks that those who actually attended might well be, in practice though not in form, the representatives of those who stayed at home, commissioned by them to give the vote of the tribe in a particular way. This does not apply in all its fullness to any assembly except those where the votes are taken by tribes or other such like divisions. But it does not apply in some measure to every

primary assembly. The richer or more zealous man who goes may easily be the practical representative of his poorer or less zealous neighbors who stay away. He may easily be their mouth-piece, commissioned by them to set forth their grievances and their wishes. And this in truth applies whichever theory of the assembly we accept. Whether the king's thegn went directly as a king's thegn, or simply because was likely to have wealth and leisure to enable him to go, in either case he might, if he was a popular and most worthy man, be the practical representative of his absent neighbours. But, on showing, was there any formal election or representative. And if they thereby be the right one, there could not be any.

I have therefore always maintained that the non-representative element, the aristocratic element, in the English Parliament, not only represents, but is, by direct and unbroken succession, identical with the old primary assembly of the English people. Its character has wholly changed; but it has changed through very simple causes. It has become aristocratic, because it was once in the extreme degree democratic. It has become the assembly of a class, because it was once open to all classes alike. In a large country a primary assembly is really less democratic than a representative assembly. If the national consists in theory of every man in the nation, it will in practice soon come to consist of a very small part of the nation. It will consist of those only who have wealth and leisure to take long journeys to attend its meetings. A primary assembly works well, and keeps its democratic character, in small communities like those of Uri, Unterwalden, Glarus, and Appenzell; but a primary assembly in all Switzerland, even a primary assembly of the canton of Bern, would soon come to be far less democratic than the present representative assemblies. In this way, as I have often tried to show, the primary assembly of all England naturally shrank up into a mere gathering of the chief men, simply because none but the chief men had time or means habitually to attend. We have evidence that this was the ordinary character of a meeting of the Witan; we have equally evidence that on special occasions when the meeting was held in a great