LIBERALISM'S RADICA ROBERT THRESHIE REID, LO

At the edge of the churchyard in the tiny parish of Mouswald, a few miles south-east of Dumfries, a simple, now broken, stone cross marks the last resting place of Robert Threshie Reid, first and last Earl Loreburn. The casual visitor might easily fail to notice this grave, overshadowed as it is by a number of larger and far grander funerary memorials, of the kind so favoured in the nineteenth century, to no doubt worthy but relatively unknown local figures. In a similar manner, Reid's historical reputation has now largely been eclipsed by those of the distinguished contemporaries alongside whom he held high office. By David Dutton.



AL LORD CHANCELLOR ORD LOREBURN, 1846–1923

'hen Reid was appointed to the Woolsack by Prime Minister Henry Campbell-Bannerman in December 1905, he entered a government that would boast three future prime ministers, H. H. Asquith, David Lloyd George and Winston Churchill, as well as such secondary luminaries as Edward Grey, Richard Haldane, John Morley and Herbert Gladstone. Yet Reid's elevation was one of the most significant of Campbell-Bannerman's cabinet nominations, not simply because of the intrinsic importance of the office involved, but also as an expression of the new prime minister's determination to maintain a balance between opposing factions of the Liberal Party and his refusal to accept dictation over cabinet appointments from its Liberal Imperialist wing.

Reid was born in Corfu in April 1846. His father, himself a distinguished lawyer, had been prominent in the reform agitation of 1830–32, but was serving as a judge in the Supreme Court of the Ionian Islands, then a British protectorate, at the time of his son's birth. The future Lord Chancellor was educated at Cheltenham College, where he showed signs of both academic distinction and sporting prowess. In October 1864 he won a demyship at Magdalene College, Oxford, but risked losing it when he competed for a scholarship at Balliol a month later. He won that too. Two years later he secured a First Class in Honour Moderations and, in 1868, a First in Greats, together with the university's leading classical scholarship, the 'Ireland', the equivalent of the senior wranglership at Cambridge.

Despite being warned by the Master of the College, Benjamin Jowett, that he thereby risked getting a Third, Reid had not devoted himself entirely to his studies. He kept wicket against Cambridge for three successive years and also secured a 'Blue' for rackets. Despite this impeccable record, Jowett insisted on telling Reid, before he left Oxford, that he had one great defect – a lack of imagination. To this Reid is said to have replied: 'I am sure, sir, you would not have reminded me of a defect unless you could prescribe a remedy.' 'The fact that you ask that question,' responded Jowett, 'shows that my criticism was just.'

After Oxford, Reid seemed set fair to follow his father and pursue a career in the law. He was called to the Bar at the Inner Temple in June 1871 and, in the same year, married Emily Douglas, the daughter of a captain in the Dragoon Guards.² He devilled for Sir Henry James and made steady, if

Robert Threshie Reid, 1st Earl Loreburn GCMG PC QC (3 April 1846 – 30 November 1923) not spectacular, progress. He took silk at the exceptionally young age of 36 in 1882, but by then had embarked upon a second career in politics. James's influence helped secure his election in the Liberal interest in the two-member constituency of Hereford in the general election of 1880 and he made his maiden speech in September of that year at the committee stage of the Employers' Liability Bill. He did much to advance reforming legislation, notably the Allotments Act (1887), for which credit is usually accorded to Joseph Chamberlain's close associate, Jesse Collings. His career suffered a temporary setback when, after redistribution removed Hereford's second seat, Reid unsuccessfully sought election for Dunbartonshire in the general election of 1885. Mistakenly anticipating his success, the Scotsman described 'a sound, well-formed politician, who can be of great service not only to the Liberal party but to the constituency'.3 In 1886, however, the opportunity arose to contest the seat of Dumfries Burghs. The sitting Liberal MP, Ernest Noel, found himself at odds with Gladstone's policy towards Ireland and withdrew from the general election called for July. At the invitation of the local party, Reid agreed to fight the seat as 'an advanced Liberal in favour of Home Rule'.4 It was, the

new candidate declared, the most important political issue to have arisen in his lifetime and was at the heart of his local campaign.⁵ Reid took the seat with a majority of 330 votes over his Unionist opponent, Miles Mattinson, and held it until his elevation to the Lord Chancellorship in 1905.

Despite his precocious talents, few at the time would have predicted that Reid's career would one day culminate in the most decorous and dignified of ministerial appointments. Looking back from the vantage point of 1910, Sir Henry Lucy doubted whether 'the most daring seer, casting the horoscope of Bob Reid ... would ever have perched him on the Woolsack ... At that period [the 1880s] Reid was by instinct and habit far too radical in his views for the convenience of his pastors and masters on the Front Bench." Reid not infrequently voted against the party's Gladstonian leadership and seemed almost to delight in finding himself among minority opinion. He was, for example, an early advocate of giving Indian natives a share in the government of their country and, while supporting Gladstone's Home Rule Bill, suggested that the only long-term solution lay in a scheme of 'Home Rule All-Round'. Soon after entering parliament, he made a vigorous attempt to limit the excesses of vivisection.7

Gladstone's commitment to Irish Home Rule badly split the Liberal Party, casting it into opposition for the next two decades, save for a brief and somewhat unhappy interlude of minority government between 1892 and 1895. This did, however, afford Reid his first taste of ministerial office. Changes among the government's law officers gave him his opportunity. In the summer of 1894 the Attorney General, Charles Russell, became a Law Lord and was succeeded by the Solicitor General, Sir John Rigby. Granted his reputation as something of a loose cannon on the Liberal benches, Reid was not an automatic choice to fill the resulting vacancy. But circumstances worked to his advantage. Of the candidates in contention,

[Francis] Lockwood it is believed looks for promotion to the Bench and has an uncertain seat. [Richard] Haldane is backed strongly by Asquith, and is probably the ablest man of the three; but he is an equity lawyer, and it would not do to have him as well as Rigby for Law Officers. So the appointment will probably be offered to Reid, though Rosebery [the prime minister] said that he thought it a bad principle to reward a man who, like Reid, has shown a good deal of discontent.⁸

Then, that autumn, Rigby himself became a judge in the Court of Appeal, leaving Reid the opening to become the government's chief legal officer.

Given the Rosebery government's minority status, it was always likely that this first episode in Reid's ministerial career would be relatively brief. But he did enough to enhance his standing in the party. Reid's main responsibility in parliament was to help the Chancellor, Sir William Harcourt, to get his budget through the Commons. This was the famous Finance Bill that first introduced death duties to the British public. According to George Goschen, Reid 'was doing very well as Solicitor-General; and ... progress [on the budget] would be much more rapid if Harcourt would leave more to Reid and inter-

fere himself less frequently'.⁹ Reid had 'fully justified his promotion to the Solicitor-Generalship', noted Edward Hamilton at the end of the parliamentary session.¹⁰

Rosebery's government was visibly disintegrating even before a narrow Commons defeat on 21 June 1895 on a motion to reduce the War Secretary's salary, following allegations of a shortage of cordite and small arms ammunition, provided the coup de grâce. Ever since Gladstone's retirement from the premiership in March 1894, the Liberal Party had found it impossible to coalesce around an agreed programme and strategy. Resignation was not automatic but, 'by electing to resign ... the Liberal Government arguably chose the worst of the three options available to it. Going out of office on an issue of military preparedness could do it no good in the country, and the Liberals forfeited thereby part of the entitlement which they could have claimed by virtue of their extensive programme of naval rearmament to be regarded as reliable

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custodians of national security." The resulting landslide Unionist general election victory was entirely predictable. The Unionists gained 110 seats, giving them a 152-seat majority in the new House of Commons. By this stage in his career, however, Reid clearly benefited from a significant 'personal vote' among the electors of Dumfries Burghs and, despite arriving somewhat late in the constituency, he never seemed in danger of defeat. With his Unionist opponent making the tactical mistake of focusing too narrowly on the issue of home rule - 'the supreme matter now before you' - Reid defied the national trend and secured a slightly increased majority.12

In opposition the Liberal Party conspicuously lacked the strong leadership which might have helped it to regroup. In Michael Bentley's words, 'the overwhelming sense conveyed by Liberal history after 1895 is one of shrinking horizons and a feeling of involution. What Liberals want to discuss is themselves.'13 Following an apparent call from the ageing Gladstone for British intervention in response to Turkish atrocities in Armenia, Rosebery unexpectedly announced his resignation as Liberal leader on 6 October 1896. As the party was not in government, the leadership was divided between Harcourt in the Commons and the Earl of Kimberley in the Lords. This arrangement was short-lived. Harcourt soon became aware that he could not command the loyalty of the whole of the parliamentary party and he announced his own resignation on 14 December 1898. With Asquith ruling himself out of contention for fear of the impact on his earning potential at the Bar, the Liberals were running out of viable leadership candidates. The mantle now passed to the 63 year-old former Secretary of State for War, Sir Henry Campbell-Bannerman, very much a compromise candidate drawn from the centre ground of the party's increasingly broad ideological spectrum. Few believed that, if and when the time came, Campbell-Bannerman would become prime minister. Such a situation might induce Asquith to put political honour before financial advantage. Alternatively, the monarch could decide to send for Lord Spencer, a former Viceroy

of Ireland. Or perhaps Rosebery would be persuaded to abandon his self-imposed Olympian detachment and return to the political fray. Yet, as opposition leader in the Commons, Campbell-Bannerman would reveal 'previously unsuspected talents'.¹⁴

By the time that Campbell-Bannerman succeeded Harcourt, the focus of the Unionist government and of British politics in general was increasingly fixed upon the deteriorating situation in southern Africa which led, in October 1899, to the outbreak of the second Boer War. But events, which might have been expected to channel Liberal energies into hostility towards the government's policies, served only to exacerbate lines of division within the Liberal opposition itself. As Reid's local newspaper put it in March 1900 following a meeting of the council of the National Liberal Federation, 'there are some who hold that the war is just and necessary, some that it is just but unnecessary, some that it is both unjust and unnecessary'.¹⁵ The last group, of which Reid became a leading member, were inevitably dubbed the 'Pro-Boers' by the Unionist government and its backers in the right-wing press, but the title was misleading. Being a 'Pro-Boer' did not require any degree of support for the Transvaal and Orange Free State republics and their governments, nor did it mean hoping for their military victory. It was based rather on the conviction that the conflict had been wilfully engineered by the British authorities and, in particular, by the Colonial Secretary, Joseph Chamberlain.¹⁶

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In opposition after 1895, Reid tended to concentrate on his legal career and in 1897 Sir Richard Webster, Attorney General in the Unionist government, asked him to assist in the so-called Venezuelan Boundary Dispute. Reid was in fact in Paris during the autumn of 1899 for the arbitration of this case as the diplomatic conflict with the Boers moved towards open hostilities. But he took steps to ensure that his constituents were fully informed of his views:

I see no points between Great Britain and the Transvaal which could not be settled honourably without a sacrifice of interests on either side. The obstacle seems to be the profound distrust of British policy entertained by the Boers. They think we are aiming at their internal independence, which is plainly guaranteed to them by the Convention of 1884.

The only way of securing peace, he insisted, was by unreservedly respecting this convention in actions and not just words. The alternative policy of 'trying to frighten the Boers may land us in a ruinous war'.¹⁷ The following month a mass Liberal meeting in Leeds heard Reid's words read out from a letter. Calling for a British reiteration of the Boers' internal independence to be balanced by steps from the Transvaal government to recognise the civic rights of all its residents and for points of difference to be referred to arbitration, Reid warned of the grave danger posed by 'incendiary speeches and newspaper articles'. His need to speak out was compelling. 'Silence in such circumstances is next door to complicity, and if on such an occasion as this the Liberal party fails to act up to its traditions, it will cease either to deserve or enjoy

the public confidence.'18 The actual outbreak of fighting made Reid's position no easier, as it was the Boers who took the first military action when President Kruger of the Transvaal sent his commandos into the northern Cape and Natal on 12 October. While Rosebery now called upon the nation to 'close its ranks and relegate party controversy to a more convenient season', Reid needed to put across a more nuanced message. While insisting that the attack on the Queen's dominions had got to be repelled, he trusted that at the end of the war both British and Boer interests would receive fair and generous treatment. Furthermore, he thought it difficult to condemn too strongly the 'miscarriage' of South African affairs that had led to the present situation. He held the British government to be guilty of 'exasperating, injudicious and illconsidered conduct, the disastrous consequences of which we are now watching in operation'.19

The extent of Liberal disunity in relation to the war was soon made public. An amendment in the House of Commons on 19 October, moved by the radical backbencher, Philip Stanhope, which expressed 'strong disapproval' of the government's conduct of negotiations, produced an embarrassing threeway split. More than forty Liberals followed Campbell-Bannerman's lead and abstained; but over ninety, including Reid, supported the amendment, while fifteen voted with the Unionist government. Reid himself quickly emerged as one of the government's most effective critics. A Commons speech at the end of January 1900, in which Reid gave a detailed critique of government 'treatment of the South African question from first to last' and called for the reopening of the enquiry into the Jameson Raid of 1896, was described by the Manchester Evening Times as one 'the like of which has not often been heard during recent years in Parliament'.²⁰ At its conclusion he received 'a most remarkable ovation, the Liberals cheering again and again and crowding round him with congratulations in the lobby'. The reply from the War Secretary, St John Brodrick, 'did little to remove the effects of the powerful pleading of the ex-Attorney-General'.21

Over the months that followed, Reid continued to make his case in what was an extremely difficult political environment. Initial Boer victories, culminating in the so-called 'Black Week' of December 1899, were followed by a series of British victories, secured by the now augmented forces led by Field Marshal Roberts and General Kitchener. The danger always existed that Reid and those who agreed with him would be overwhelmed in a tide of jingoistic support for the national war effort. He clearly felt the need to emphasise that he was not opposed to the idea of Empire per se:

If Imperialism means a sober pride in our great Empire, an earnest desire to knit together the bonds of friendship of the various populations, and a firm determination to preserve the integrity of our Empire and to use its resources as a means of advancing civilization, there is no one who is more Imperialist than I am.²²

At the same time, Reid worried that military victory in South Africa might be followed by the annexation of the Boer republics: We have already more than we can digest; anything we do in that direction increases the burden upon us, and does not increase our strength, but on the contrary diminishes our strength, because it increases the drain upon our resources. I hold that no statesman ought, if he can fairly help it, to increase any further the already enormous territories which are under the British Crown.²³

Reid's position became particularly vulnerable when the Colonial Secretary, Joseph Chamberlain, judging that the war was effectively won, persuaded a somewhat hesitant prime minister, Lord Salisbury, to call a general election, to be held between 28 September and 24 October 1900. Nationally, the contest found the Liberal Party deeply divided, a situation which Reid's Unionist opponent in Dumfries Burghs, William Murray, clearly hoped to exploit:

It might be that the fate which had attended the Radical party in the House of Commons might attend it in the constituencies also. The divisions of opinion which had driven brother from brother, which had sent Mr Haldane in one direction, Sir Robert Reid in another direction and left that poor old leader Sir Henry Campbell-Bannerman stuck upon the highest hedge, might appear in the Dumfries Burghs also. He did not say they would, but it was something at all events worth waiting for.24

Indeed, securing Reid's defeat became an important objective of the government's election campaign. As Chamberlain himself put it:

I saw the other day a report of a speech by Sir Robert Reid ... who is himself, I have no doubt, a conscientious pro-Boer and 'Little Englander' and he said that, among the things that you were to vote against at the election, above all was the scandalous administration of the Colonial Office. Scandalous is a strong word, but weak people always use the strongest words. I believe Sir Robert Reid is a most amiable man at home, but in politics he loses his head. He While these developments came close to destroying any remaining cohesion within the Liberal Party, they worked to Reid's long-term personal advantage by forcing the party leader to abandon his efforts to occupy the middle ground and, appalled by Britain's 'methods of barbarism', to come out decisively, like Reid, as an opponent of government policy.

cannot conceive of anybody venturing to differ from him without attributing to him a double-dyed depravity which is almost beyond the powers of his expression.²⁵

In response, Reid conceded that Boer aggression had indeed made it necessary to fight, but he still insisted that government diplomacy could and should have prevented matters ever reaching the point of armed conflict. Granted that the swing against 'pro-Boers' was, on the whole, greater than against Liberal supporters of the war, he did well to hold on to his seat, his majority down by just fifty votes from 1895.

Contrary to most expectations, however, the war was not in fact over. The Boers, aware that they could not prevail in a conventional military conflict against the British army, resorted to guerrilla tactics. The forces of the Crown, now under Kitchener's command, replied with a ruthless scorched earth policy, whose implementation increasingly outraged moderate opinion in Britain. Emily Hobhouse's revelations of conditions in the concentration camps set up by the British authorities were of particular importance. While these developments came close to destroying any remaining cohesion within the Liberal Party, they worked to Reid's long-term personal advantage by forcing the party leader to abandon his efforts to occupy the middle ground and, appalled by Britain's 'methods of barbarism', to come out decisively, like Reid, as an opponent of government policy.²⁶ It was, therefore, in the later stages of the war that firm bonds were established between the two men, which would ensure Reid's prominence in any future government which Campbell-Bannerman might have the opportunity of forming. At the beginning of 1902, the Dumfries Standard singled out Reid and John Morley as 'trustworthy colleagues' of the leader in the 'crusade for peace on terms that will ensure to the Boers the largest, earliest measure of self-government that is consistent with the supremacy of this country'.²⁷ A fortnight earlier, the writer of the same newspaper's 'London Letter', anticipating an early general election, had suggested that some commentators were beginning to construct 'imaginary

Cabinets'. 'In one I see that Sir Henry Campbell-Bannerman is Prime Minister and Sir Robert Reid is set down as Lord Chancellor.'28

It has become something of an historical truism to suggest that the Liberal Party made a dramatic recovery following the final ending of the Boer War in May 1902.29 Nor is this contention without substance. It was the Unionist government which now showed clear signs of disintegration, especially after the launch of the campaign for Tariff Reform by Joseph Chamberlain in May 1903. Most Liberals rallied unhesitatingly to the defence of free trade. Other aspects of government policy, such as the Balfour Education Act of 1902, with its bias towards Church of England establishments, also had the effect of bringing Liberalism's warring factions together. Yet the point must not be taken too far. The Boer War had opened up serious divisions within Liberal ranks which, if now less obvious, had not gone away. This became evident in the events surrounding the formation of a Liberal cabinet in December 1905.

Three months earlier, with Balfour's Unionist administration evidently on the verge of collapse, senior members of the Liberal Party's Imperialist wing, who had never really accepted Campbell-Bannerman's claims to the leadership and still less the premiership, met to determine their tactics. Under the terms of the resulting Relugas Compact, the three conspirators agreed that H. H. Asquith should be appointed Chancellor of the Exchequer in any forthcoming Liberal government, Edward Grey Foreign Secretary and R. B. Haldane Lord Chancellor. In addition, Campbell-Bannerman himself would be largely sidelined by the enforced acceptance of a peerage, leaving Asquith to lead the administration in the Commons.

But the conspirators had consistently underestimated Campbell-Bannerman's strength of character and purpose. The latter was determined to construct a balanced cabinet, reflective of all strands of party opinion. At the same time, he recognised that acceptance in full of the Relugas terms, while not achieving this, would also fatally undermine his authority within the new government. On two points, therefore, the would-be new prime

LIBERALISM'S RADICAL LORD CHANCELLOR: ROBERT THRESHIE REID, LORD LOREBURN, 1846–1923

minister was adamant. He would not compromise his own premiership by going to the Lords and he would insist upon Reid's claims, as a former law officer, to the Woolsack. It seems reasonable to conclude that Campbell-Bannerman envisaged that his personal alliance with the radically inclined Reid would be a key axis in counterbalancing the influence of the government's leading Liberal Imperialists. Once he had loosened Asquith's ties with his fellow plotters, Campbell-Bannerman was home and dry. Asquith tried to press Haldane's claims to the Lord Chancellorship, arguing that Reid would make a suitable Home Secretary, but to no avail.³⁰ Accordingly, Reid took office as Lord Chancellor on 11 December 1905, assuming as his title the old war cry of his native town of Dumfries and emerging now as Baron Loreburn.³¹

The ancient office of Lord Chancellor, at least until the reforms introduced by the Blair government after the general election of 2001, was one of the curiosities of the British constitution, combining in one person and in apparent contradiction of Montesquieu's dictum on the separation of powers, judicial, legislative and executive functions. The office holder was, at one and the same time, head of the independent judiciary, a senior government spokesman in the House of Lords and, in practice, that chamber's Speaker, and a leading cabinet minister. Some occupants of the position were clearly uneasy about this combination of functions and saw the need to minimise their strictly political activities, especially those falling outside their direct departmental responsibility. As the longest-serving Lord Chancellor of the twentieth century put it, 'I assumed that my appointment was, in a sense, a signal from my younger colleagues that the more political aspects of government policy should be left to others. I was grateful, and took the hint.'32 By contrast, even if his public pronouncements became more restrained, the evidence suggests that Loreburn remained active across the entire range of the government's political agenda.

Loreburn's position as a government minister in the House of Lords came to assume particular importance. In part, this was a function of the Opposition Unionists' overwhelming numerical superiority in the upper chamber; in part the result of the constitutional crisis which soon developed as a succession of government bills met their fate at the hands of intransigent Unionist peers. The government had a strictly limited pool of oratorical talent upon which to draw. Apart from the Lord Chancellor, the chief Liberal spokesmen in the parliament of 1906 were the Earl of Crewe (Lord President), the Marquess of Ripon, already nearly 80 years of age (Lord Privy Seal and Leader of the House), Lord Tweedmouth (Admiralty), the Earl Carrington (Agriculture and Fisheries) and the Earl of Elgin (Colonial Office). It was not a strong team and much responsibility fell on Loreburn's shoulders.³³ The Lord Chancellor was taken seriously ill in the autumn of 1906.³⁴ He recovered, but the strain did not go away. As the clerk to the Privy Council recorded a few months later:

He spoke with great emphasis and concern of the immense burden cast upon him by the combination of his judicial and ministerial work with the duties of the Speakership in the House of Lords, which tended to become more and more onerous. He deplored, too, his obligation to intervene so often in debate, as he said 'they are so few' and added that his Cabinet work, which he would not shirk, was in itself a heavy load.³⁵

The Lord Chancellor hoped that his colleagues would agree to the appointment of a salaried deputy Speaker who would be able to take his place in the event of prolonged sittings of the House.³⁶

For all that, few questioned the success of Loreburn's tenure of the Woolsack. In some respects it had been 'the most daring of Campbell-Bannerman's experiments in Ministry making':

To call upon him to preside over the sittings of the House of Lords seemed to the perturbed mind equivalent to wantonly loosening a bull upon a china shop ... [But] the rugged, bluntspoken Bob Reid has become the supple, accommodating Lord Loreburn. To see him beaming 'To call upon him to preside over the sittings of the House of Lords seemed to the perturbed mind equivalent to wantonly loosening a bull upon a china shop ... [But] the rugged, blunt-spoken **Bob Reid** has become the supple, accommodating Lord Loreburn.'

on the Woolsack, with a bishop on one side and a Tory duke on the other, the three engaged in friendliest conversation, is to invite the inquiry: 'Do we sleep, do we dream, and are visions about?³⁷

Though passions ran high in the Lords at this time, Loreburn succeeded in winning the respect of his political opponents. An article in the Unionist-supporting *Observer* in August 1907 pointed out that he now found himself

in a position of authority and personal popularity exceeded by none of his predecessors. Naturally acceptable on his own side, he has won the confidence and esteem of stern, unbending Tories ... Such a statesman deserves encouragement and it is graciously bestowed.³⁸

Enjoying the respect of his opponents did not, however, mean that Loreburn shied away from the vigorous presentation of the government's case. The journalist Harold Spender penned a vivid description of the Lord Chancellor's response to the rejection of the 'People's Budget' of 1909 by Unionist peers:

Lord Loreburn pushed aside the end of his wig, swung his robes away from him, and faced the crowded House. He spoke slowly and clearly, without a moment's hesitation. He went straight for the constitutional point. He brushed aside Lord Lansdowne's sophisms. Was this rejection of the Budget legal? Yes. Was it constitutional? No. Then, very simply and clearly, preaching like a St Augustine to the barbarians, he tried to set forth to these 'wild men' the elements of the British Constitution. First they laughed and sniggered, but in the end they listened. For it was with a touch of that old-world, noble enthusiasm that inspired Chatham and Edmund Burke that Lord Loreburn spoke of that strange mystic entity, the ancient 'Constitution' of these islands. The phrases fell like blows.39

If Loreburn could not expect to prevail in the division lobby against the massed ranks of his Unionist opponents, this had nothing to do with his advocacy of his party's causes.

Ironically, it was the exercise of one of the Lord Chancellor's more routine duties that caused some consternation within the grass roots of the Liberal Party itself. Over the previous generation of almost uninterrupted Unionist domination, the venerable Lord Halsbury had come to regard the Woolsack almost as his own personal fiefdom. Lord Chancellor 1885–86, 1886–92 and 1895–1905, Halsbury appeared to be a permanent fixture in the Unionist hierarchy and, aged 88, was still attending meetings of the shadow cabinet as late as 1912. As Lord Chancellor, he had routinely and almost exclusively appointed known political supporters to the magistrates' bench. It was hardly surprising that, having watched this blatant abuse of the Lord Chancellor's powers, many Liberals now expected Loreburn to redress the balance, especially granted their party's overwhelming victory in the general election of 1906. As the clerk to the Privy Council put it, 'with the present majority in the House of Commons the great risk to which administration is exposed lies in the pressure upon Ministers to exercise their powers in obedience to preconceived ideas of political obligation'.4° To his credit, however, Loreburn refused to make such appointments on the basis of political affiliation.

Reactions within his own party were predictable. 'The Lord Chancellor's refusal to make the Magistracy the reward of political activity, 'to hawk justice', as he calls it, in the purlieus of politics, has excited more prejudice in the Liberal ranks than any other single act of the administration, although Lord Loreburn is perhaps the most advanced Radical of the lot.'41 Of around 7, 000 magistrates appointed between January 1906 and November 1909, less than half were known Liberals. The Liberal whip, whose duties at this date included the management of the party in the country, protested to Campbell-Bannerman that Loreburn was 'upsetting and most seriously damaging our Party'. Liberal activists were 'indignant beyond restraint, and I do not wonder at it'.42 The Lord Chancellor, however, remained unmoved: 'all I can

tell you is that this is an attempt to force upon me what I regard as a prostitution of my office and that I will resign the Great Seal sooner than do it^{2,43} Only in 1910 was the problem resolved when a Royal Commission recommended the setting up of regional committees which would advise the Lord Chancellor on appropriate appointments.

Loreburn's opposition to 'political jobbery or corruption in appointments' extended also to the judiciary.44 Here, he was determined to elevate the best candidates rather than seek to satisfy Liberal Party interests, frequently telling the prime minister that he was unaware of an appointee's politics. Loreburn was also responsible for some significant reforms, not least the setting up in 1907 of the Court of Criminal Appeal, which soon became an indispensable part of the constitution. In addition, it was partly owing to Loreburn that in 1913, after his own retirement from office, the government secured the passage of legislation to reverse the Osborne ruling of 1909, and thereby permit the use of trade union funds for political purposes.

The absence before December 1916 of a cabinet secretariat and the resulting lack of a set of cabinet minutes relating to the Edwardian era limits the historian's ability to evaluate Loreburn's contribution to the full agenda of government business. What is, however, clear is that the Lord Chancellor quickly emerged as a leading critic of the drift of British foreign policy as constructed and conducted by Sir Edward Grey. The divisions which arose within the private discussions of the cabinet in some ways mirrored those which had been on public view during the Boer War. The key element in British diplomacy in these years was the Anglo-French Entente Cordiale, concluded by Grey's Unionist predecessor, Lord Lansdowne, in 1904. But Loreburn became convinced that responsibility for transforming this agreement away from its original, limited and largely colonial intentions and towards a full-blown quasi-alliance lay firmly with Grey and his close colleagues in the Liberal government. Loreburn offered a succinct indictment of what had happened in his book, How the War Came, published in 1919:

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On the formation of the Liberal Government ... three Ministers, Mr Asquith, Mr Haldane, and Sir Edward Grey, laid the foundation for a different policy, namely, a policy of British intervention if Germany should make an unprovoked attack on France. They did this within a month, probably within a few days of taking office, by means of communications with the French Ambassador and of military and naval conversations between the General Staffs of the two countries, who worked out plans for joint action in war if Great Britain should intervene. They did it behind the back of nearly all their Cabinet colleagues, and, what really matters, without Parliament being in any way made aware that a policy of active intervention ... was being contemplated. As time went on our Entente with France was still further developed ... and France was encouraged more and more to expect that Great Britain would stand by her in arms if she were attacked by Germany without giving provocation.45

Loreburn's fury was increased by the fact that he was one of those cabinet ministers who were kept in the dark about the new policy.

After 1906 Loreburn repeatedly pressed Grey not to turn his back on the idea of improved relations with Germany, without fully realising how difficult the Foreign Secretary's fundamental commitment to France rendered such advice. Moreover, the Lord Chancellor's relative power within the government diminished over time. Campbell-Bannerman's resignation on grounds of ill health in April 1908, and his replacement by Asquith, was a particular blow. 'It is a different Government today from what it was three years ago', complained the Lord Chancellor shortly afterwards, on the occasion of the inevitable retirement of the now aged Lord Ripon.⁴⁶ Remaining Radicals either lacked the necessary political clout or were too ineffectual inside the cabinet to provide Loreburn with the backing he needed. Relations between Lord Chancellor and Foreign Secretary were often tense. By 1911, the Chancellor of the Exchequer, David Lloyd George,

who, notwithstanding his pedigree as a 'Pro-Boer' of earlier times, was himself now moving into the Grey camp on matters of foreign policy, confided that Loreburn was 'petulant' and 'unreasonable', always 'rubbing Grey the wrong way'.⁴⁷

But Loreburn had good grounds to feel aggrieved. That August a special meeting of the Committee of Imperial Defence, from which Radical ministers had been purposely excluded, considered the immediate deployment of a British Expeditionary Force to France in the event of the outbreak of war. Yet the manner in which Loreburn learnt of this meeting, not from one of his own colleagues but via the Unionist frontbencher, Alfred Lyttelton, was 'guaranteed to injure his vanity and stoke the fires of his indignation and wrath against the "Liberal Leaguers" (as he continued, with reference to the right-wing group founded by Lord Rosebery towards the end of the Boer War, to describe his opponents).48 There were rumours of the Lord Chancellor's imminent resignation.⁴⁹ In fact, with some help from John Morley, Loreburn staged a showdown at two cabinet meetings on 1 and 15 November. Here the existence of the military conversations between Britain and France was finally revealed to the full cabinet. 'Asquith, Grey, Haldane, Lloyd George and Churchill thought they could boss the rest of us but were mistaken', recorded Jack Pease, the president of the Board of Education.⁵⁰ Loreburn found no logic in Grey's reasoning, telling C. P. Scott of the Manchester Guardian that the Foreign Secretary's case rested 'on one or other of two really absurd propositions - either that our forming a close friendship with Germany would cause France to attack Germany - or that our remaining close friends with France would cause Germany not to attack France'. The once informal association with France had been 'perverted' into an alliance.51

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Any advantage Loreburn may have derived within the internal power struggles of the Liberal government as a result of the cabinet meetings of November 1911 was, however, short-lived. The Lord Chancellor became seriously ill over the Whitsun recess of 1912 and, on doctor's orders, he immediately resigned his office. Haldane recalled receiving an early morning message which 'asked me to communicate this to the Sovereign as he was too ill to do so himself'.⁵² These health problems were genuine, though Loreburn later admitted that he would certainly have resigned over the 'German business', but for his conviction that he should remain in office to try to 'get a sensible policy instead of what had been pursued'.53 Once again, Loreburn recovered relatively quickly and he had returned to limited political activity by the start of 1913. But there could be no question of a resumption of the continuous grind of ministerial office. In any case, he felt increasingly alienated from his former colleagues and his subsequent political interventions often seemed designed to embarrass the government of which he had so recently

been a leading member. It was the apparently deadlocked situation over Ireland which brought Loreburn back to the centre of political controversy. With the Liberal government's Home Rule Bill facing implacable opposition, especially from the Unionists of Ulster, yet bound under the terms of the recently enacted Parliament Act to make its way on to the statute book, Loreburn used a Lords debate in July 1913 to appeal for a settlement by consent along federal lines. Visiting the former Lord Chancellor the following month, Sir Almeric Fitzroy found him surprisingly ready to make concessions on other government measures in order to secure Unionist assent to 'Home Rule in any shape'. 'He did not seem to have reflected very deeply on the attitude his late colleagues might take towards such a scheme of accommodation, but spoke with very great fervour upon his own sense of responsibility in the matter.'54 Loreburn's next move was to send a lengthy letter to The Times, published on 11 September under the heading 'Lord Loreburn's Appeal to the Nation: A Liberal Plea for a Conference'. In it, he wrote that the time had come for Ulster to receive special treatment within a home rule settlement and he called for 'a Conference or direct communication between the leaders' of the opposing factions to reach agreement. The former Lord

Chancellor's ideas were vaguely expressed, but they caught a growing mood. According to *The Observer*, the letter had 'profoundly altered the face of politics. Its manner of grappling with the verities has given the ordinary talk of Parliament and platform an air of mere cant and jargon.' Loreburn had 'made it infinitely more difficult for a vicious deadlock of constitutional elements to drag a paralysed nation to disaster'.⁵⁵

Ministers, however, were less impressed, not least because, in the early stages of drafting the Home Rule Bill, the then Lord Chancellor had bitterly opposed the attempts of Lloyd George and Churchill to exclude Ulster from its provisions.56 His intervention now, 'with a typical elder statesman's show of non-partisan wisdom', was bound to cause resentment.⁵⁷ Nor did it offer a clear path to a compromise settlement. At that time, in fact, the province of Ulster as a whole returned virtually the same number of Nationalist as Unionist MPs to the Westminster parliament. According to his daughter, Asquith regarded Loreburn's suggestions as 'quite unfeasible and absurd'.58 Nonetheless, the prime minister wrote to his former colleague to press for further details. Loreburn responded with a confidential memorandum for the cabinet's consideration, arguing for a form of 'home rule within home rule' for the unequivocally Protestant counties within Ulster.59 The importance of Loreburn's letter has sometimes been exaggerated, and the measured words of Patricia Jalland merit repetition: 'Loreburn's initiative was not alone responsible for the opening of negotiations between the leaders, which were inevitable anyway, but it helped to create an atmosphere which allowed conversations to begin sooner than might otherwise have been the case."60

Not surprisingly, Loreburn greeted Britain's declaration of war against Germany on 4 August 1914 with dismay. Had he still been in government at this time, he would almost certainly have joined Morley and John Burns in resigning his office and he might well have led a more substantial opposition group within the cabinet than in fact emerged. He praised the *Manchester Guardian's* leading article of 31 July which argued that 'England had been committed, behind her back, to the ruinous madness of a share in the wicked gamble of a war between two militant leagues on the Continent'.⁶¹ When shown Morley's memorandum on the events leading to his resignation, he found 'indelible proof of the central fact that our duties to France and the Entente caused our entry into the war and that the case of Belgium might (but for that) have been dealt with and Belgium secured without war'.⁶²

Loreburn's public appearances and speeches during the war were comparatively few, but he was active behind the scenes, working for an early and just peace. He was quick to recognise that the American president, Woodrow Wilson, could play a pivotal role in bringing about such a settlement and made contact with him via his special envoy, Colonel House.⁶³ He also collaborated with those MPs such as Percy Molteno, the Member for Dumfriesshire, who shared his analysis of the changes that would be needed in diplomatic practice if the tragedy of 1914 were not to be repeated.⁶⁴ Lloyd George suggested that he might have restored Loreburn to the Woolsack on the formation of his coalition government in December 1916, had the latter not been a "'pacifist" Radical'.⁶⁵ In reality, however, there was never a chance that Loreburn would have returned to office under a man now inextricably linked to the notion of the 'knockout blow'. In the latter stages of the war, he welcomed the first Russian Revolution of February/ March 1917, hoping that it would 'sow freedom and security broadcast on a scale never approached heretofore', and he gave public support to

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his former antagonist in the upper chamber, the Unionist Lord Lansdowne, when the latter's celebrated letter to the *Daily Telegraph* called for a compromise peace as the only alternative to the destruction of civilisation itself.⁶⁶

In the course of 1918, however,

Germany crumbled in the face of a remorseless allied advance, giving rise to a renewed confidence in outright victory. Any possibility that Loreburn might be able to play a significant role in the conclusion of the conflict quickly passed. With the war over, he rejected the idea that he should return to public life: 'I should be in perpetual antagonism with the Old Gang, who have sold and deceived us." He despaired of the Liberal Party - indeed, he questioned the very existence of such a body 'of the real old kind' - hoped that the country would get rid of Lloyd George, but could not regard Asquith as a possible replacement.⁶⁸ It has even been suggested that 'once, if not twice', he voted for a Labour candidate 'as a protest against the foreign policy of Lord Grey'.⁶⁹ If true, this action can only refer to a local election, granted that Loreburn's position as a peer of the realm denied him the vote in general elections. His last significant task was to see his volume, How the War Came, through to publication. The book offered a powerful indictment of Grey's foreign policy. In it Loreburn was able to rehearse in public the critique of the Foreign Secretary's diplomacy which he had previously voiced in the privacy of the cabinet. His argument was that, in virtual secrecy, Grey had converted the entente of 1904 into a de facto alliance – a situation which

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left the latter with little room for manoeuvre in the crisis of 1914, even though the secrecy of the transformation prevented the Foreign Secretary from making Britain's commitment to France clear to Germany. This in turn ruled out any hope that Germany might be deterred and war averted. Loreburn's analysis of the consequences of secret diplomacy and the reality of Britain's position in 1914 continue to resonate within the still contested historiography of Britain's involvement in the Great War. With his book published, Loreburn remained in almost total retirement at Kingsdown House, Deal, where he died on 30 November 1923.

At a time when it has become normal to view politics and politicians with a cynical contempt, it is difficult not to see in Lord Loreburn a man of principle. He was 'one of those men in whom Liberalism burned like a flame'.⁷⁰ Asquith recalled 'a direct and virile robustness in his creed and his character which was singularly attractive'.71 The Manchester Guardian wrote of one who 'loved justice and hated all the pettiness and meannesses which creep into politics as into every other great department of life'.72 His greatest legacy lay in his determination, as far as he could, to exclude party politics from the administration of justice, thereby doing much to restore the Lord Chancellorship to its proper place in the British government. Yet, if his Liberalism was 'of the unflinching type', his radicalism still had its blind spots.73 For example, he opposed the campaign for women's suffrage, trying unsuccessfully to delete from the Representation of the People Bill (1918) the section dealing with the female vote.74 Though he justified his stance on the grounds that to enact such a measure without the clear sanction of the country would be 'a great outrage on the Constitution', he clearly accepted the traditional idea of 'separate spheres', asking an Anti-Suffrage meeting in 1912 whether 'the feminine point of view and temperament and mode of action [were] suitable for managing great affairs of State'.75 Generally, however, there is an admirable consistency and integrity running through his long career. His contribution to British public life merits greater recognition than it has yet received.

LIBERALISM'S RADICAL LORD CHANCELLOR: ROBERT THRESHIE REID, LORD LOREBURN, 1846–1923

David Dutton is co-author of a new A-level textbook, The Making of Modern Britain, 1951–2007 (Cambridge University Press, forthcoming).

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- 2 Reid's first wife died in 1904. In December 1907 he married Violet Elizabeth Hicks-Beach, niece of the former Conservative Chancellor of the Exchequer.
- 3 T. Watson, 'Sons of the South: Sir Robert Threshie Reid, MP', *The Gallovidian* 9, iii (1901), p. 4.
- 4 Dumfries and Galloway Standard and Advertiser (hereafter Dumfries Standard), 12 June 1886.
- 5 *Dumfries Standard*, 16 June 1886, address to Special General Meeting of Liberal Association.
- 6 Dumfries Standard, 13 Sep. 1922.
- 7 House of Commons Debates,
- vol. 277, cols 1399–1413.
 D. Brooks (ed.), The Destruction of Lord Rosebery: From the Diary of Sir Edward Hamilton, 1894–1895 (London, 1986), pp. 132–3.
- 9 Ibid., p. 148.
- 10 Ibid., p. 167.
- 11 Ibid., p. 93.
- William Murray's election address, *Dumfries Standard*, 10 July 1895. The result was: R. T. Reid 1,785, W. Murray 1,185.
- 13 M. Bentley, The Climax of Liberal Politics: British Liberalism in Theory and Practice 1868–1918 (London, 1987), p. 106.
- 14 R. Hattersley, *Campbell-Bannerman* (London, 2006), p. 65.
- 15 Dumfries Standard, 14 Mar. 1900.
- 16 For a more nuanced assessment of Chamberlain's role, see A. N. Porter, The Origins of the South African War: Joseph Chamberlain and the Diplomacy of Imperialism 1895–99 (Manchester, 1980).
- 17 Letter to constituent, 24 Sep.
 1899, published in *Dumfries Stan*dard, 27 Sep. 1899.
- 18 Dumfries Standard, 11 Oct. 1899. Reid's use of the phrase 'all residents in the Transvaal' might seem to imply concern for the indigenous African population.

However, he interpreted the South African problem primarily as a clash between two competing European colonial traditions and his concern here is with the violation by the Boer republic of the civic rights of the so-called Uitlanders, mainly but by no means exclusively British migrants who had poured into the Transvaal following the discovery of the Witwatersrand Gold Field in 1886.

- Meeting at Liberal Club, Westminster, 28 Nov. 1899, reported in Dumfries Standard, 2 Dec. 1899.
 Manchester Evening Times, 1
- Feb. 1900; Dumfries Standard, 3 Feb. 1900: The Jameson Raid of 1895–6 was an abortive coup designed to prompt the overthrow of the Kruger government in the Transvaal, in which the complicity of the Colonial Secretary, Chamberlain, was widely suspected.
- 21 Harold Spender in *Manchester Guardian*, 1 Feb. 1900.
- 22 Dumfries Standard, 3 Feb. 1900.
- 23 Speech to Dumfries Liberal Association, 13 Sep. 1900, reported in Dumfries Standard, 15 Sep. 1900.
- Adoption meeting in Dumfries,
 20 Sep. 1900, reported in *Dum-fries Standard*, 22 Sep. 1900.
- 25 Speech in Birmingham, 22 Sep. 1900, reported in *Dumfries Standard*, 26 Sep. 1900.
- 26 In an important speech to the National Reform Union in June 1901, marking a distinct movement in his own position, Campbell-Bannerman asked, 'When is a war not a war?' He answered his own question: 'When it is carried on by methods of barbarism in South Africa.' J. Wilson, *CB: A Life of Sir Henry Campbell-Bannerman* (London, 1973), p. 349.
- 27 Dumfries Standard, 1 Jan. 1902.
- 28 Dumfries Standard, 18 Dec. 1901.
- 29 See, for example, G. R. Searle, A New England? (Oxford, 2004), p. 351.
- 30 R. Jenkins, Asquith (London, 1986), p. 148, citing Margot Asquith's diary; M. Bonham Carter and M. Pottle (eds.), Lantern Slides: The Diaries and Letters of Violet Bonham Carter 1904–1914 (London, 1996), p. 90; Bodleian Library, Oxford, Asquith MSS 41210, f. 247, Asquith to Campbell-Bannerman, 25 Nov. 1905.

- 31 'A Lore Burn': 'To the Lower Burn'. At the insistence of King George V, who greatly valued his counsel, Loreburn was raised to an earldom in 1911.
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- 35 Sir A. Fitzroy, *Memoirs*, vol. 1 (London, 1925), pp. 331–2.
- 36 Ibid., p. 332.
- 37 Diary of Sir Henry Lucy, quoted in *Dumfries Standard*, 13 Sep. 1922.
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- 39 Manchester Guardian, 23 Nov. 1909. See also A. C. Murray, Master and Brother (London, 1945), p. 29.
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- 41 Ibid., pp. 334-5.
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- 43 Loreburn to Whiteley, 10 Dec. 1906, cited ibid., p. 156.
- 44 Heuston, Lord Chancellors, p. 153.
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