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The Failure of British Federalism: Imperial and Domestic

by Martin George Holmes

Britain has always struggled with the concept of federalism. This strained relationship might seem strange. Modern Britain, like the United States of America, is said to have been founded on classical-liberal principles. Federalism, with its emphasis on decentralization and voluntary cooperation, complements classical liberalism. Why, then, has federalism made little headway throughout British history?

This article argues that structural imperialism is to blame. The United Kingdom, founded in 1707, upholds the concept of absolute and indivisible parliamentary sovereignty. All power is vested in, and flows from, Parliament. Federalism risks undermining parliamentary sovereignty, and so has never gained mass support. This factor explains the failure of all attempts to transform the British Empire into a free union of peoples. It also explains the inability of the British to federate the United

Kingdom, the core territory of the empire, which unites several peoples in the British Isles.

The Tyranny of Parliament

Herbert Spencer, the great British classical liberal, argued in 1884 that "The great political superstition of the past was the divine right of kings. The great political superstition of the present is the divine right of parliaments."[3] His analysis applies to Britain even more than to many other countries. Since the so-called Glorious Revolution of 1688–1689, the British state has revolved around the concept of the "King-in-Parliament." The Crown and the two houses of Parliament, the Lords and the Commons, work together for the good of the realm. The relationship between the three has changed over time. Nevertheless, the King-in-Parliament as an institution has absolute legislative authority. It cannot acknowledge rival sources of authority.

Supporters of the British system consider the King-in-Parliament a bulwark of liberty. The Glorious Revolution, it is said, put an end to Stuart rule in the British Isles, and thereby to the kind of

[3] Herbert Spencer, *The Man Versus the State* (Caldwell, ID: The Caxton Printers, 1960), 174.

absolutist monarchies that imposed themselves upon Continental Europe. The participation of the Commons in government ensured representation for the British people even during the *ancien régime* that prevailed before the 1830s, when the electorate was restricted to a tiny minority, and when religious dissenters were treated as second-class subjects. In reality, however, Parliament's exclusivist claims made it as tyrannical as any absolutist monarchy. No less a figure than Michael Fry, the great conservative historian, acknowledges that even after the 1830s reforms, the King-in-Parliament ruled "in essence" like "an absolute monarchy."[4]

Under such a system, federal ideas can make little headway. The American Revolution illustrates this fact.[5] Owing to geographical distance and incompetent governance from the imperial metropole, the Thirteen Colonies were largely left to their own devices until the 1760s. They developed a more democratic form of sovereignty that stressed decentralization and direct

[4] Michael Fry, "The Disruption and the Union," in *Scotland in the Age of the Disruption*, ed. Stewart J. Brown and Michael Fry (Edinburgh: Edinburgh University Press, 1993), 35.
[5] An outstanding history of the American Revolution is, Murray N. Rothbard, *Conceived in Liberty* (Auburn, AL: Ludwig von Mises Institute, 2011).

representation. When Britain, seeking greater control over its possessions, began imposing laws that the colonies considered tyrannical, they challenged the absolutism of the King-in-Parliament. The British government, unable to accept an alternative seat of sovereignty, responded with repression. This action led to war – a war that Britain lost. The new United States of America embraced federalism, and the country became an inspiration for virtually all future federal unions in the modern world.

The Pipedream of Imperial Federation

At this point, one might argue that the loss of the Thirteen Colonies forced Britain to become more conciliatory. This is true only to a certain extent. Both imperially and domestically, the King-in-Parliament concept ensured continued hostility to federal views. Certainly, the British state became more attentive to the desire of its overseas subjects for a degree of autonomy. This point was driven home after the Canadian Rebellions of 1837–1838, which had protested heavy-handed British appointees and pressed for self-government. The British began granting self-government to highly developed settler societies – in other words,

those lands in which white European immigrants and their descendants were prevalent. These self-governing territories soon became known as "dominions."

The significance of this shift should not be underestimated. British subjects, after the granting of self-government, could now manage their local affairs in local parliaments. The political environment of the dominions, moreover, was freer and more egalitarian than in the metropole. Nevertheless, this change was one of devolution, not federation. This distinction became particularly important after the influence of classical liberals on British policy declined from the mid-nineteenth century.[6] The British Parliament, as a pragmatic measure, allowed these local institutions to manage their local affairs. It did not cede supreme legislative authority over any of the dominions; nor did it acknowledge any alternative font of sovereignty. The non-white parts of the empire, notably the British Raj that dominated the Indian subcontinent, remained without self-government.

[6] For further discussion, see Martin George Holmes, "Explaining the Interventionist Trend of British Liberalism in the Late Nineteenth and Early Twentieth Centuries: A Lesson in First Principles," *Journal of Libertarian Studies* 27, no. 1 (September 2023): 75–100.

There was little interest in granting these non-white peoples political autonomy, since they were widely regarded as biologically inferior, and almost universally as culturally inferior. The relationship between British leaders and their dominion counterparts also remained one of subordination. The Crown's representative, the governor general, had the authority to overrule colonial leaders. As late as 1926, for example, the governor general of Canada, Lord Byng of Vimy, refused Prime Minister William Lyon Mackenzie King's request to dissolve parliament and organize a general election. A constitutional crisis ensued, after which Mackenzie King got his election, won it, and sought to restrain the powers of governors general.

There were periodic calls for imperial federation in the late nineteenth and early twentieth centuries. However, the goal of most imperial federationists was not to transform an oppressive empire into a free union of peoples, but rather to perpetuate this oppressive empire by binding the periphery and the metropole closer together. Growing geopolitical tensions, generated to no small extent by aggressive British policy, concerned imperial loyalists. The British Empire, already enormous, was still expanding. To defend its scattered territories, the

armed forces – the navy above all – needed constant strengthening. The problem was, the dominions were not contributing to the defense budget, since that was the remit of the British state. The British taxpayer bore the burden. Many people in the dominions were reluctant to contribute for fear that the British government would squander their resources on projects that did not benefit them directly.

Imperial federationists hoped that the establishment of an imperial parliament, in which all self-governing territories were represented, would bind the empire closer together. Tax revenue would increase dramatically; dominion representation would help ensure that no one felt neglected. Britain could then face its rivals with confidence. The 1885 rallying cry of J. D. S. Campbell, the Marquis of Lorne, is a case in point: "Recent expensive wars at the Cape, annexations of groups of islands in the neighbourhood of Australia, the Fishery and other questions that have arisen … on the North American continent, have all compelled us to take a review of our responsibilities in connection with our Colonies."[7]

[7] The Marquis of Lorne, *Imperial Federation* (London: Swan Sonnenschein, 1885), 10.

Imperial federationists of this stamp had little commitment to federalism as classical liberals understand the term. It was just a buzzword, often confused with devolution, that would help them regiment the sociopolitical life of the empire they held dear. Their plans valued the empire above the subjects; the collective above the individual. Some proponents almost seemed to anticipate twentieth-century fascism, so eager were they for collective unity, militarization, and imperialism. Most notable was Sir Julius Vogel, a prominent New Zealand statesman who twice served as his country's premier. In 1889, Vogel published a novel, *Anno Domini 2000*, to popularize imperial federation. The novel is feeble as art. The characters are pallid; the plot is thin; the prose is erratic. As a political document, however, the novel is a powerful articulation of what many imperial federationists wanted to achieve.

Vogel imagined the world he would like to see in the year 2000. From a classical-liberal perspective, it is very much a dystopia. The British Empire has survived the twentieth century, and it is stronger than ever before. Imperial federation is the key to its strength. An imperial parliament runs the empire, and is assisted by an emperor who takes an active

role in political policy and military campaigns. The empire is obsessed with war. The armed forces are gargantuan: millions of ground troops, a navy larger than all other fleets combined, and air-cruiser units that dominate the skies. During the novel, a war is fomented with the United States under the most egregious of circumstances: the British seek influence in American public life, the American leadership protests, so the British launch a full-scale invasion for the sake of wounded pride. With their advanced weapons, the British win the conflict and annex New England. The empire is also obsessed with keeping its own population in line. Draconian laws curtail the freedom of speech. "To question even the wisdom of continuing the Empire … or of permitting a separation of any of the dominions was held to be rank treason; and no mercy was shown to an offender."[8] To help prevent such questioning, bloated welfare programs, funded by heavy taxation, have been set up to placate the masses.

One group of imperial federationists, it must be admitted, had a more idealistic commitment to federal ideas. The Round Table Movement established itself in 1909 to lobby for a federated

[8] Julius Vogel, *Anno Domini 2000; Or, Women's Destiny* (London: Hutchinson, 1889), 135–136.

empire. It recruited several influential policy makers and worked out unification schemes in great detail. Some were even willing to allow non-white parts of the empire self-government, provided that they demonstrated sufficient commitment to British concepts of "civilization." However, the Round Tablers – as they called themselves – were, like all imperial federationists, more concerned with the collective than the individual. They ended up endorsing the kind of unhealthy policies that had prevented the British Empire from evolving into a free union of peoples in the first place.

Although the Round Tablers looked to the United States as an inspiration, they favored the centralized, top-down policies of statists such as Alexander Hamilton. In other words, they embraced the very people who betrayed the authentic federal organization of the United States, which had been developed under the influence of classical liberals such as Thomas Jefferson. The Round Tablers were also obsessed with national security, and advocated all manner of authoritarian policies to strengthen the empire against perceived enemies. Before and during the First World War, they were among the most zealous warmongers, who called for a larger

military supported by increased taxation and mass conscription.[9]

Despite their evident loyalty to empire, the imperial federationists failed to achieve their goal. Most British people, whether in the metropole or the dominions, remained hostile to the concept, even in the potently authoritarian form served up by Vogel. The British Parliament was unwilling to cede sovereignty to other institutions, and could not do so without undermining the concept of the King-in-Parliament. The dominions, whose populations were smaller than the metropole and some non-white sections of the empire, worried that they would be sidelined in an imperial parliament. Maintaining the status quo, therefore, was a priority. Hence the English historian Edward A. Freeman's defense of metropole-colonial relations as one of subjection, not federation.[10]

The weakening of the empire after this point made movement for greater independence inevitable. The

[9] For a recent discussion, see Martin George Holmes, "Even More Loyalist than Most: The Round Table Movement in New Zealand, 1910–1923," *Journal of New Zealand Studies* 37 (July 2024): 64–78.
[10] Edward A. Freeman, "Imperial Federation," *Macmillan's Magazine*, 1 November 1884, 435.

1931 Statute of Westminster formally proclaimed that the dominions were independent, and that their relationship to Britain was one of voluntary affinity. There was nothing federal about this ruling. It simply acknowledged that the dominions had achieved political maturity, and therefore ought to be considered separate countries that shared a monarch. When the empire broke up after the Second World War, even the most conservative dominions accepted their independent status.

The British government considered a federal solution for some territories during the collapse of empire in the 1950s and 1960s. To preserve its influence and reputation in the world, Britain encouraged former dominions and colonies to join the Commonwealth of Nations. Britain feared that certain small and isolated former colonies, if not united in larger federal unions, would fail to develop fruitfully. Despite the genuinely ethical concern of many government officials, power politics lay at the heart of these projects. As the historian John Kendle puts it, “Here was British policy in a nutshell: create a federation to preserve strategic interests and then pressure the states via

development money to ensure that the federation did what the British wanted."[11]

These top-down initiatives failed miserably. They squashed peoples and legislatures together without sufficient concern for local opinion, ethnic rivalries, and cultural traditions. To keep this article concise, only two shall be noted here. The West Indies Federation lasted only four years, from 1958 to 1962, because it had little local support, and because it was poorly organized. The Central African Federation, which lasted from 1953 to 1963, was even more problematic. Conflict between different groups ensured its dissolution; many African leaders, in particular, thought that the white settler population possessed a disproportionate political influence.

The Myth of a Federal United Kingdom

It is now time to explore how federalism fared within the metropole itself. Contrary to what some people have thought, both today and in the past, the United Kingdom has never been a federation. In fact, it has been an aggressive vehicle of imperialism that subjugated the minority peoples of

[11] John Kendle, *Federal Britain: A History* (London: Routledge, 1997), 143.

the British Isles to Parliament, a largely English institution. This subjugation began during the Middle Ages, when the English took control of two adjacent Celtic territories, Wales and Cornwall. Then, in 1603, James VI of Scotland inherited the English Crown, and became James I of England. His accession to the English throne marked the beginning of a regal union between the two kingdoms. In 1707, the two were officially united to form the Kingdom of Great Britain.

The Treaty of Union was signed by the English Parliament and, before its dissolution, the Scottish Parliament. It guaranteed certain features of the Kingdom of Scotland. Religion was among the most important. The Church of England was Anglican, and Parliament legislated doctrine and practice. In contrast, the Church of Scotland was Presbyterian, and resisted state interference in its internal affairs. The Act of Security within the Treaty protected the Church of Scotland's separate status: it was an established church, but one with spiritual independence. These concessions have persuaded many people, then and now, that the Treaty was a federal document. This is not the case. The British Parliament, in which few Scots were represented, transgressed the Act of Security almost before the

ink was dried. For example, it legislated lay patronage, state-supported interference in ecclesiastical appointments, as early as 1712. Outraged and disillusioned, many Presbyterians began seceding from the state church. In 1843, after a particularly intransigent conflict between Evangelicals and Parliament, approximately half the remaining membership left to form the Free Church of Scotland. Despite these impressive public protests, Parliament maintained its authoritarian course. After all, if Parliament alone is sovereign, it must have the capacity to change any law it wishes, including the Act of Security.[12]

This attitude explains why the British state was so quick to use armed force to keep Scotland in the Union in times of trial. Most notable was the 1715 Rising, the largest of the Scottish Jacobite attempts to put a Stuart monarch back on the throne. Popular disaffection was due less to Stuart loyalism than to resentment toward the consequences of the Union.[13] The British crushed the rebellion and, though it exonerated many rebels for pragmatic reasons, it

[12] Fry, "Disruption," 36–39.
[13] Margaret Sankey, *Jacobite Prisoners of the 1715 Rebellion: Preventing and Punishing Insurrection in Early Hanoverian Britain* (London and New York: Routledge, 2017), 154.

excluded others, including the whole of Clan MacGregor. The defeat of another rising in 1745, led by Bonnie Prince Charlie, was bloodier. Reprisals against large swaths of the Highlands killed and maimed many people. Britannia ruled supreme north of the English border. By the nineteenth century, almost all Scots had adopted a British identity.

The relationship with neighboring Ireland was even more strained. The English had tyrannized the country for centuries before the Union of 1707, and rule under the British Empire was no different. Initially, the Kingdom of Ireland, in which a small minority of Anglified Protestants lorded over the Irish Catholic majority, was nominally independent. In 1801, however, the British Parliament incorporated Ireland into a new union. A recent rebellion against British rule had persuaded the government that a tightening of the imperial bond was essential to maintain control. The United Kingdom of Great Britain and Ireland came into being. British rule was far from beneficial for the Irish. Until 1829, Catholics were barred from public office. Until 1871, Irish Catholics were forced to pay taxes to the minority Anglican Church of Ireland, the established church until this date.

Even after these concessions, the Irish were still in a subordinate position. Wealthy Protestants monopolized important positions of authority, and Ireland was denied self-governing status within the empire. Classical liberals in the British Isles tried repeatedly to secure self-government – called "home rule" – for Ireland. However, conservatives scuttled proposal after proposal. In 1914, after several years of political crisis, a home rule act received royal assent, but Parliament suspended its implementation owing to the First World War. Moreover, the Protestant minority in Ulster had been actively arming to prevent the enactment of home rule, and a significant number of British military and political figures supported them.

Ireland eventually gained self-government in 1922 by becoming a dominion. It did so only after Irish republicans launched a war of independence. The British state realized that it could not suppress the yearning for liberty, and therefore promised self-government within the empire to the moderates. They received twenty-six Irish counties; the remaining six, in which unionists were strongly represented, remained part of the United Kingdom. Hence Britain's current name: the United Kingdom of Great Britain and Northern Ireland. This new

entity helped the Irish moderates win a bloody civil war against the hardline republicans who held out for independence. It was only in 1937, after such republicans were voted into office, that Ireland cut the cord with Britain.

In recent years, Britain has treated its minority populations with greater caution. There is greater recognition that the numerical predominance of the English can sideline peoples on the periphery. Once again, however, it has done so for its own benefit. Following the Second World War, nationalist movements became prominent in the Celtic lands. The British state cannot ignore these popular movements, which have been sapping support from established national parties for years. The Labour Party, which had strong bases of support in the Celtic lands, has been particularly hard hit. Yet, the attempted solution to this issue has been devolution, not federalism. In 1999, local legislatures were established in Scotland, Wales, and Northern Ireland. Like the old colonial legislatures, they deal only with local issues. Weighty matters such as foreign policy and defense remain in the hands of the British Parliament, which reserves the right to overrule the local institutions. The King-in-Parliament concept remains intact.

This factor has contributed to support for independence among nationalists. At the time of writing, none of these nationalist movements have succeeded in breaking away, though Scottish nationalists came close to winning a referendum in 2014. If they do succeed in splitting apart the United Kingdom, there is little chance of a federal union. The parts that make up the United Kingdom will simply become a plethora of independent states that share a common language and, possibly, a common monarch.

Conclusion

This article has explained the lackluster support for federalism throughout British history. Owing to the concept of the King-in-Parliament, the British state has been reluctant to acknowledge limits on its sovereignty. It resisted calls for imperial federation even when these purported to strengthen the empire. It also resisted federal ideas within the United Kingdom itself. As a result, there have been only two realistic options for people within the British world. On the one hand, they can continue to live under British rule, possibly with local powers that Parliament condescends to allow them. On the other

hand, they can opt for independence, possibly retaining the British monarch as head of state.

From a classical-liberal perspective, the lack of support for federalism is tragic. Federalism can help guarantee the wishes of local communities while also allowing them to join with fellow-minded communities for their mutual benefit. The U. S. Constitution remains a sterling example of a great federal document, however much succeeding generations of statists have tried to reinterpret or set aside its principles. It can act as a check against tyrannical governments, especially when articulate, well-placed classical liberals are on hand to defend it. Moreover, it always serves as a rallying point for defenders of liberty. If only the British world had possessed such a pristine liberal constitution, rather than an overbearing parliamentary tradition that vests all sovereignty in itself.

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