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Features of the development of the electoral law of Great Britain in the 19th century

Abstract: The article is devoted to the peculiarities of the development of the electoral law of Great Britain in the 19th century. The prerequisites for changing the electoral legislation, the socio-class basis of their implementation, as well as the rivalry of the liberal and conservative parties in the framework of the reform promotion are considered. The author analyzes this topic as a stage of formation of the modern electoral system of Great Britain. The purpose of the study was to identify general trends in changes in English electoral legislation. In the course of the study, historical and comparative methods were used to achieve the goal and solve the tasks set. The research used scientific works and works of specialists in the history of state and law S.Yu. Danilova, P.N. Galanzy, S.A. Chibiryayeva, N.V. Mikhailova, etc. The main sources of studying the history of the development of the electoral law of Great Britain in the 19th century are the normative legal acts of the corresponding period. The author concludes that the electoral reforms of this period are the stage of formation of a democratic society in the UK.

Keywords: electoral legislation, parliament, voters, bourgeoisie, reforms, electoral law.



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Особенности развития избирательного права Великобритании в XIX веке

Аннотация: Статья посвящена особенностям развития избирательного права Великобритании в XIX веке. Рассматриваются предпосылки изменения избирательного законодательства, социально-классовая основа их проведения, а также соперничество партии либералов и консерваторов в рамках продвижения реформы. Автор анализирует указанную тему как стадию становления современной избирательной системы Великобритании. Целью исследования было выявление общих тенденций изменения английского избирательного законодательства. В ходе исследования для достижения цели и решения поставленных задач применялись исторический и сравнительный методы. В исследовании использовались научные труды и работы специалистов по истории государства и права С.Ю. Данилова, П.Н. Галанзы, С.А. Чибиряевой, Н.В.

Михайловой и др. Основными источниками изучения истории развития избирательного права Великобритании в XIX веке являются нормативно-правовые акты соответствующего периода. Автором сделано заключение о том, что избирательные реформы указанного периода являются стадией становления демократического общества в Великобритании.

Ключевые слова: избирательное законодательство, парламент, избиратели, буржуазия, реформы, избирательное право.



Introduction

The electoral system is an integral part of a democratic society in which the principles of electability of higher and other authorities are actively implemented. The formation of the electoral system is an extremely long and complex process. It consists of both the global principles of the development of electoral law and the peculiarities of national mentality and legislation. Of course, one of the most revealing stories of the formation of electoral systems is the history of the formation of the electoral law of Great Britain. This article will consider a specific stage of its development – the 19th century.

The relevance of this topic lies in the study of trends in the development of electoral legislation in England, explaining some of its modern features.

The subject of study in the framework of this study is the regulatory framework of the electoral legislation of Great Britain of the 19th century, as well as the political conjuncture.

The purpose of this study is to identify common historical features of the development of suffrage in the UK.

The objectives of this study are to study the prerequisites for changes in electoral legislation, the socio-class characteristics of Great Britain, the peculiarities of the electoral reforms of 1832 and 1867, which laid the foundation for the formation of universal English suffrage, which is valid to the present. Historical and comparative methods were used in this study.

The main research was the works of such researchers of the history of state and law as S.Yu. Danilova, P.N. Galanza, S.A. Chibiryeva, N.V. Mikhailova, E.V. Milekhina, O.A. Omelchenko, I.A. Senchenko.

Prerequisites for electoral reforms

At the end of the 18th and beginning of the 19th centuries, the reforms of the system of state and law of Great Britain had a significant socio-economic basis. During this period, there is an intensive growth of industry, as a result of which small craft industries disappear, which are replaced by large industrial centers. By far, the most significant growth was observed in the capital of Great Britain – London. As a result of such rapid development, there was a significant increase in the number of classes characteristic of the capitalist formation, namely the bourgeoisie and the proletariat, which is a characteristic sign of an industrial revolution ([Danilov, 1999](#)).

In parallel, the agrarian revolution took place. Small land tenants were gradually replaced by large capitalist (farming) farms. The predominant segment of the population in rural areas are farmhands, exploited by large farmers and landlords.

So, the industrial revolution and the agrarian revolution significantly changed the class structure of society. In the village, in fact, there were three classes: landlords, tenants and farmhands. A class of industrial bourgeoisie and a class of proletarians were formed in the city.

By the 19th century, significant changes had taken place in English politics. Due to significant changes in the social structure of society, the social base of the main political parties – the Tories and Whigs - has also changed. The Tories were the party of the landlords and the financial bourgeoisie, the bearers of historical tradition, conservatism. Despite the fact that these categories of the population as a whole did not oppose sufficiently progressive reforms, they tried to preserve the largest number of old elements. The basis of the Whig Party was the industrial bourgeoisie. It can be concluded that the struggle between these parties for political influence actually reflected the rivalry between the industrial bourgeoisie and the union of landlords and the commercial and financial bourgeoisie.

These parties alternately turned out to be leaders in English politics during the 18th century, in fact remaining the only parties. From the “Glorious Revolution” until the middle of the 18th century. the Whigs dominated the parliament. In 1783, the Tories made up the majority of the House of Commons. The Great French Revolution helped to strengthen their dominance, which discouraged the English bourgeoisie from seeking radical changes. The Tories ruled until 1830.

While holding power for a long time, the Tories sought to make changes to the system of public authorities, increasing the influence of the executive branch, in particular the royal one. The King, as before, had a large number of formal powers: he was the commander-in-chief of the armed forces, solved issues of war and peace, represented the state in the international arena. He appointed and dismissed ministers, could prematurely dissolve the House of Commons, appoint new members to the House of Lords (*Chernilovsky, 1995*).

However, in reality, the king could not exercise any of his many prerogatives. According to the provisions of the unwritten English Constitution, there were norms in the UK that actually deprived the monarchy of almost all powers.

The composition of the Cabinet of Ministers was a structure determined by the parliamentary majority. This fact significantly strengthened the position of the Cabinet members in relation to the king, and also allowed the Parliament to exercise control over the activities of ministers.

Consequently, it can be concluded that the leading element in the political system of Great Britain was the parliament. The House of Commons had a special status in its structure – it was through this body that the cooperation of the bourgeoisie and the aristocracy took place. However, the electoral system in force until the beginning of the 19th century ensured the dominance of the landed aristocracy in the House of Commons, which became the reason for the struggle for the reform of the electoral law.

Electoral reform of 1832

The Napoleonic Wars had an extremely negative impact on the UK economy. Exports of goods declined, which led to an increase in unemployment. In addition, the prices of bread and other agricultural products have fallen. The large landed aristocracy feared that the import of bread to Great Britain would further significantly reduce the price of it, as a result of which land rents would also fall. To prevent such a development of events in 1815 Parliament passed a

number of “bread” laws prohibiting the import of bread to Great Britain if the price of grain fell below 80 shillings per quarter, and in the future the price was further reduced, which effectively eliminated the possibility of importing bread. Industrial and agricultural workers interested in making bread cheaper began to fight against the grain laws. The English industrial bourgeoisie was also hostile to these laws, since high prices for bread ensured its main rivals, the landlords, dominance in parliament, and also did not allow workers to reduce wages. (*Galanza, 1963*)

As a result of rising food prices, the UK was gripped by popular unrest. In 1817, the Habeas Corpus Act was temporarily suspended, and repressions were carried out. However, with the introduction of this law into force a year later, popular unrest resumed.

Thus, the petty bourgeoisie and the workers demanded the democratization of the political system and the introduction of universal suffrage. The movement for electoral reform was also supported by the industrial bourgeoisie.

Since the 1820s, there has been a significant increase in trade and production, which was primarily due to the emergence of new markets in South America. Many changes took place in the life of the workers: there was an increase in wages, and in 1824 the law prohibiting unions of workers was repealed. As a result of the repeal of this law, new structures began to appear in society – trade unions, that is, associations of workers to develop common acceptable working conditions, mutual assistance within the association.

At the same time, the struggle for electoral reform begins. The first changes in the electoral legislation took place in 1829, when Catholics were allowed to participate in elections and be appointed to public positions. The next bill on parliamentary reform was prepared in 1830 by the Whigs. This act was quite moderate, it focused on the redistribution of seats: only the large and middle bourgeoisie could claim seats in parliament. This bill did not find support from the Tory Party, whose representatives considered it revolutionary. However, the appearance of armed workers ready to fight for electoral reform on the streets made it possible to carry out this reform. The House of Lords had to give in, and in June 1832 the Reform Bill was approved. This bill deprived 56 “rotten places” of the right of representation in parliament, and 30 “rotten places” could henceforth send one deputy to parliament instead of two. Large industrial cities received the right of parliamentary representation. That is, we can say that there has been a significant redistribution of seats in parliament.

The law granted the right to vote to men who had reached the age of 21, who paid a tax on the poor and had real estate (in counties – land, in cities – a building) giving at least 10 pounds sterling of annual income (*Sizikov, 1999*).

As a result of the reform, land tenants (previously deprived of the right to vote) with an annual rent of at least 50 pounds sterling received the right to vote. The settlement qualification was established - 6 months. Despite the fact that the property qualification was not very high, the law provided for another condition: voters had to pay a tax on the poor, which was paid only by the owners. Workers who paid rent for housing of 10 pounds and even higher could not become voters.

Thus, the electoral reform of 1832 ensured the representation of the industrial bourgeoisie in parliament, while the landed aristocracy retained seats in the state apparatus, that is, the reform was also a compromise. This reform followed the traditions of the feudal representative monarchy and turned the House of Commons into a full-fledged bourgeois parliament

(*Chibiryeva, 2002*). Thanks to changes in the composition of the parliament, the dependence of the Cabinet of Ministers on the royal power was reduced, not only the large landed aristocracy, gravitating towards the king, now participated in its formation. The principle of “responsible government”, developed in the 18th century, was fixed, which was due to the transfer of ministerial power into the hands of the party, which had a parliamentary majority. Thanks to the development of the principle of responsible government, a special status of the crown was formed during this period: the king reigns, but does not rule. This provision formed the basis of the English constitutional monarchy.

An important consequence of the reform of 1832 was significant changes in the essence of political parties. The former names of the parties lost their meaning, and the Tories were renamed the Conservative Party, the Whigs - the Liberal Party. After a while, liberalism and conservatism turned into powerful political currents, which contributed to the development of the state system of bourgeois society (*Senchenko, 2005*).

The structure of the parties has also undergone changes. After the adoption of the reform, it became necessary to register voters, compile electoral lists, which contributed to the organization of primary party organizations on the ground.

The reform of 1832 significantly changed the structure of the state apparatus. For example, in the Ministry of Finance, positions that were introduced in the Middle Ages were abolished; the Naval Ministry was significantly simplified, the role of the Ministry of the Interior and the Ministry of Commerce was strengthened (*Livantsev, 1986*).

The reform of local self-government bodies was not left aside, in particular, city councils were created that solved local issues and were elected by the city's population. However, this regulatory framework did not cover counties and parishes, where the structure of local self-government bodies differed significantly depending on the territorial feature (*Mihailova, 2008*).

Thus, the electoral reform of 1832 laid the foundations for the suffrage of English bourgeois society. As a result of the reform, the large industrial bourgeoisie gained significant political power within the British Parliament. However, it is worth noting that the reform was not revolutionary, but rather of a compromise nature.

Electoral reform of 1867

In the 1850-60s, political domination passed to the industrial bourgeoisie. The House of Commons, which had the largest representation of the industrial bourgeoisie, gained a leading role in the political system of Great Britain, reducing the roles of the House of Lords and the royal power. However, it is worth noting that as part of the electoral reform of 1832, only the top of the industrial bourgeoisie received access to parliament.

At the end of the 1840s, the Conservative party declined due to the split that occurred within it, for a long time the initiative passed to the Liberal party. The statesmen who headed this party were ready to make concessions to the middle and petty bourgeoisie in order to achieve the common goals of the Liberal party. However, the expansion of the electoral reform was perceived by them at that time as premature.

Significant and diverse forces have united to fight for a new electoral reform. The bourgeoisie, possessing economic power, sought to gain political dominance by expanding parliamentary reform.

Due to the decline of the Chartist movement, the workers' movement in Great Britain lost its independence, and it was also limited exclusively by legal methods of fighting only for economic demands. It was during this period that the leading organization of trade unions was fully formed-professional workers' unions, which included well-paid highly skilled workers in their composition. The Trade Union Council did not want to join the political struggle and had no political program, but under the pressure of the working masses it was forced to allow the participation of workers' organizations in the struggle for a new electoral system. The active participation of workers has added strength to the movement for new electoral reform. In order to influence entrepreneurs in resolving economic disputes, the workers' unions sought to increase the number of workers-voters. Both parties, under the influence of popular movements, realized the need for electoral reform, intercepting each other's initiative to carry it out. In the end, the draft proposed by the head of the conservative cabinet B. Disraeli was adopted, with amendments put forward by the radical part of the liberals.

The reform of 1867 provided for a new redistribution of parliamentary seats: 11 "seats" were completely deprived of the right to choose deputies to the House of Commons, and 35 "seats" retained the right to choose only one deputy. The vacant mandates were transferred to the largest industrial cities and counties (*Omelchenko, 2000*).

The suffrage of urban residents has changed significantly: it was granted to all owners or tenants of houses who pay tax in favor of the poor, and tenants who pay at least 10 pounds of rent per year (with a one-year residency qualification).

In the counties, landowners with at least 5 pounds of annual income, as well as tenants or owners of premises with a yield of at least 12 pounds, received the right to vote.

An extremely important innovation was the reservation that the direct payer of taxes in favor of the poor is also considered to be the one who, like all the numerous tenants of small apartments, pays this tax not himself, but through his landlord, who has so far been considered as the only taxpayer. Thanks to this, not only homeowners, but also all their tenants were included in the electoral lists. Thus, the electoral lists expanded at the expense of the petty bourgeoisie, artisans and workers.

As a result of the reform of 1867, the total number of voters increased by more than a million. However, 2/3 of the male population of England (the bulk of the workers, not to mention women) were still disenfranchised. Open voting was maintained until 1872. The old, uneven distribution of electoral districts also persisted.

Through electoral reforms, there was a redistribution of power within the ruling elite, and the industrial bourgeoisie came to power in an evolutionary way, without any serious upheavals. Liberals and conservatives strengthened their positions and did not allow an explosive situation (*Milebina, 2002*).

Thus, it can be concluded that the electoral reform of 1867 largely corrected the shortcomings of the electoral reform of 1832. The number of voters was significantly increased, which allowed the small and middle bourgeoisie to have their own representation in the British Parliament, which, of course, became the next stage of the democratization of English society.

Discussion

The topic of changes in the electoral legislation of Great Britain in the 19th century is relevant due to the fact that within the framework of the reforms given in the study, qualitatively new foundations of English democracy were laid. It is important to note that the principles developed in the regulatory framework of that period laid the foundations not only of the bourgeois stage of the development of Great Britain, but also to a large extent of the modern stage. The problems of this topic are manifested in the question concerning the degree of influence of the principles developed during this period on the further development of democracy in the UK. Did these electoral reforms correspond to the development of English society at that time? How great is the influence of the principles of electoral law developed in the 19th century on the modern electoral system of Great Britain?

Conclusion

Thus, it can be concluded that during the 19th century, the English electoral system underwent significant changes, which, of course, contributed to the democratization of English society. In many ways, these reforms laid the foundations for modern universal suffrage, both in the UK and around the world. Within the framework of the study, the socio-class foundations of electoral reforms were identified as a feature of the development of the electoral law of Great Britain in the 19th century, which indicates the achievement of the research goal. Attention was also paid to the prerequisites for reforming the electoral system, the electoral reforms of 1832 and 1867 in the framework of solving the research tasks.

References:

- Chernilovsky, Z.M. (2002). General history of state and law. Moscow: Prospekt. (in Russian)
- Chibiryayeva, S.A. (2002). *History of the state and law of foreign countries*. Moscow: Bylina. (in Russian)
- Danilov, S.Yu. (1999). *Legal democratic states: essays on history*. Moscow: Inform. (in Russian)
- Galanza, P.N. (1980). *History of the state and law of foreign countries*. Moscow: Legal Literature. (in Russian)
- Livantsev, (1986). *History of the bourgeois state and law*. St Petersburg: Leningrad State University. (in Russian)
- Mihailova, N.V. et al. (2008). *History of the state and law of foreign countries*. Moscow: UNITY. (in Russian)
- Milehina, E.V. (2002). *History of the state and law of foreign countries*. Moscow: Lectons Course. (in Russian)
- Omelchenko, O.A. (2000). *General history of state and law*. Moscow: Ostozhie. (in Russian)
- Senchenko, I.A. (2005). *State and law, history and culture of Great Britain and the USA*. Moscow: Prior-Izdat. (in Russian)
- Sizikov, M.I. (1999). *History of state and law of foreign states*. Moscow: MGUP. (in Russian)