

WALTER BAGEHOT

THE ENGLISH
CONSTITUTION

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NO. I

INTRODUCTION TO

THE SECOND EDITION

There is a great difficulty in the way of a writer who attempts to sketch a living Constitution—a Constitution that is in actual work and power. The difficulty is that the object is in constant change. An historical writer does not feel this difficulty: he deals only with the past; he can say definitely, the Constitution worked in such and such a manner in the year at which he begins, and in a manner in such and such respects different in the year at which he ends; he begins with a definite point of time and ends with one also. But a contemporary writer who tries to paint what is before him is puzzled and a perplexed: what he sees is changing daily. He must paint it as it stood at some one time, or else he will be putting side by side in his representations things which never were contemporaneous in reality. The difficulty is the greater because a writer who deals with a living Government naturally compares it with the most important other living Governments, and these are changing too; what he illustrates are altered in

one way, and his sources of illustration are altered probably in a different way. This difficulty has been constantly in my way in preparing a second edition of this book. It describes the English Constitution as it stood in the years 1865 and 1866. Roughly speaking, it describes its working as it was in the time of Lord Palmerston; and since that time there have been many changes, some of spirit and some of detail. In so short a period there have rarely been more changes. If I had given a sketch of the Palmerston time as a sketch of the present time, it would have been in many points untrue; and if I had tried to change the sketch of seven years since into a sketch of the present time, I should probably have blurred the picture and have given something equally unlike both.

The best plan in such a case is, I think, to keep the original sketch in all essentials as it was at first written, and to describe shortly such changes either in the Constitution itself, or in the Constitutions compared with it, as seem material. There are in this book various expressions which allude to persons who were living and to events which were happening when it first appeared; and I have carefully preserved these. They will serve to warn the reader what time he is reading about, and to prevent his mistaking the date at which the likeness was attempted to be taken. I proceed to speak of the changes which have taken place either in the Constitution itself or in the competing institutions which illustrate it.

It is too soon as yet to attempt to estimate the effect of the

Reform Act of 1867. The people enfranchised under it do not yet know their own power; a single election, so far from teaching us how they will use that power, has not been even enough to explain to them that they have such power. The Reform Act of 1832 did not for many years disclose its real consequences; a writer in 1836, whether he approved or disapproved of them, whether he thought too little of or whether he exaggerated them, would have been sure to be mistaken in them. A new Constitution does not produce its full effect as long as all its subjects were reared under an old Constitution, as long as its statesmen were trained by that old Constitution. It is not really tested till it comes to be worked by statesmen and among a people neither of whom are guided by a different experience.

In one respect we are indeed particularly likely to be mistaken as to the effect of the last Reform Bill. Undeniably there has lately been a great change in our politics. It is commonly said that "there is not a brick of the Palmerston House standing". The change since 1865 is a change not in one point but in a thousand points; it is a change not of particular details but of pervading spirit. We are now quarrelling as to the minor details of an Education Act; in Lord Palmerston's time no such Act could have passed. In Lord Palmerston's time Sir George Grey said that the disestablishment of the Irish Church would be an "act of Revolution"; it has now been disestablished by great majorities, with Sir George Grey himself assenting. A new world has arisen which is not as the old world; and we naturally ascribe the change

to the Reform Act. But this is a complete mistake. If there had been no Reform Act at all there would, nevertheless, have been a great change in English politics. There has been a change of the sort which, above all, generates other changes—a change of generation. Generally one generation in politics succeeds another almost silently; at every moment men of all ages between thirty and seventy have considerable influence; each year removes many old men, makes all others older, brings in many new. The transition is so gradual that we hardly perceive it. The board of directors of the political company has a few slight changes every year, and therefore the shareholders are conscious of no abrupt change. But sometimes there IS an abrupt change. It occasionally happens that several ruling directors who are about the same age live on for many years, manage the company all through those years, and then go off the scene almost together. In that case the affairs of the company are apt to alter much, for good or for evil; sometimes it becomes more successful, sometimes it is ruined, but it hardly ever stays as it was. Something like this happened before 1865. All through the period between 1832 and 1865, the pre-'32 statesmen—if I may so call them—Lord Derby, Lord Russell, Lord Palmerston, retained great power. Lord Palmerston to the last retained great prohibitive power. Though in some ways always young, he had not a particle of sympathy with the younger generation; he brought forward no young men; he obstructed all that young men wished. In consequence, at his death a new generation all at once started into life; the pre-'32 all at once died

out. Most of the new politicians were men who might well have been Lord Palmerston's grandchildren. He came into Parliament in 1806, they entered it after 1856. Such an enormous change in the age of the workers necessarily caused a great change in the kind of work attempted and the way in which it was done. What we call the "spirit" of politics is more surely changed by a change of generation in the men than by any other change whatever. Even if there had been no Reform Act, this single cause would have effected grave alterations.

The mere settlement of the Reform question made a great change too. If it could have been settled by any other change, or even without any change, the instant effect of the settlement would still have been immense. New questions would have appeared at once. A political country is like an American forest; you have only to cut down the old trees, and immediately new trees come up to replace them; the seeds were waiting in the ground, and they began to grow as soon as the withdrawal of the old ones brought in light and air. These new questions of themselves would have made a new atmosphere, new parties, new debates.

Of course I am not arguing that so important an innovation as the Reform Act of 1867 will not have very great effects. It must, in all likelihood, have many great ones. I am only saying that as yet we do not know what those effects are; that the great evident change since 1865 is certainly not strictly due to it; probably is not even in a principal measure due to it; that we have still to

conjecture what it will cause and what it will not cause.

The principal question arises most naturally from a main doctrine of these essays. I have said that Cabinet government is possible in England because England was a deferential country. I meant that the nominal constituency was not the real constituency; that the mass of the "ten-pound" house-holders did not really form their own opinions, and did not exact of their representatives an obedience to those opinions; that they were in fact guided in their judgment by the better educated classes; that they preferred representatives from those classes, and gave those representatives much licence. If a hundred small shopkeepers had by miracle been added to any of the '32 Parliaments, they would have felt outcasts there. Nothing could be more unlike those Parliaments than the average mass of the constituency from which they were chosen.

I do not of course mean that the ten-pound householders were great admirers of intellect or good judges of refinement. We all know that, for the most part, they were not so at all; very few Englishmen are. They were not influenced by ideas, but by facts; not by things impalpable, but by things palpable. Not to put too fine a point upon it, they were influenced by rank and wealth. No doubt the better sort of them believed that those who were superior to them in these indisputable respects were superior also in the more intangible qualities of sense and knowledge. But the mass of the old electors did not analyse very much: they liked to have one of their "betters" to represent them; if he was rich

they respected him much; and if he was a lord, they liked him the better. The issue put before these electors was, Which of two rich people will you choose? And each of those rich people was put forward by great parties whose notions were the notions of the rich—whose plans were their plans. The electors only selected one or two wealthy men to carry out the schemes of one or two wealthy associations.

So fully was this so, that the class to whom the great body of the ten-pound householders belonged—the lower middle class—was above all classes the one most hardly treated in the imposition of the taxes. A small shopkeeper, or a clerk who just, and only just, was rich enough to pay income tax, was perhaps the only severely taxed man in the country. He paid the rates, the tea, sugar, tobacco, malt, and spirit taxes, as well as the income tax, but his means were exceedingly small. Curiously enough the class which in theory was omnipotent, was the only class financially ill-treated. Throughout the history of our former Parliaments the constituency could no more have originated the policy which those Parliaments selected than they could have made the solar system.

As I have endeavoured to show in this volume, the deference of the old electors to their betters was the only way in which our old system could be maintained. No doubt countries can be imagined in which the mass of the electors would be thoroughly competent to form good opinions; approximations to that state happily exist. But such was not the state of the

minor English shopkeepers. They were just competent to make a selection between two sets of superior ideas; or rather—for the conceptions of such people are more personal than abstract—between two opposing parties, each professing a creed of such ideas. But they could do no more. Their own notions, if they had been cross-examined upon them, would have been found always most confused and often most foolish. They were competent to decide an issue selected by the higher classes, but they were incompetent to do more.

The grave question now is, How far will this peculiar old system continue and how far will it be altered? I am afraid I must put aside at once the idea that it will be altered entirely and altered for the better. I cannot expect that the new class of voters will be at all more able to form sound opinions on complex questions than the old voters. There was indeed an idea—a very prevalent idea when the first edition of this book was published—that there then was an unrepresented class of skilled artisans who could form superior opinions on national matters, and ought to have the means of expressing them. We used to frame elaborate schemes to give them such means. But the Reform Act of 1867 did not stop at skilled labour; it enfranchised unskilled labour too. And no one will contend that the ordinary working man who has no special skill, and who is only rated because he has a house, can judge much of intellectual matters. The messenger in an office is not more intelligent than the clerks, not better educated, but worse; and yet the messenger is probably a very superior

specimen of the newly enfranchised classes. The average can only earn very scanty wages by coarse labour. They have no time to improve themselves, for they are labouring the whole day through; and their early education was so small that in most cases it is dubious whether even if they had much time, they could use it to good purpose. We have not enfranchised a class less needing to be guided by their betters than the old class; on the contrary, the new class need it more than the old. The real question is, Will they submit to it, will they defer in the same way to wealth and rank, and to the higher qualities of which these are the rough symbols and the common accompaniments?

There is a peculiar difficulty in answering this question. Generally, the debates upon the passing of an Act contain much valuable instruction as to what may be expected of it. But the debates on the Reform Act of 1867 hardly tell anything. They are taken up with technicalities as to the ratepayers and the compound householder. Nobody in the country knew what was being done. I happened at the time to visit a purely agricultural and Conservative county, and I asked the local Tories, "Do you understand this Reform Bill? Do you know that your Conservative Government has brought in a Bill far more Radical than any former Bill, and that it is very likely to be passed?" The answer I got was, "What stuff you talk! How can it be a Radical Reform Bill? Why, BRIGHT opposes it!" There was no answering that in a way which a "common jury" could understand. The Bill was supported by the Times and opposed by

Mr. Bright; and therefore the mass of the Conservatives and of common moderate people, without distinction of party, had no conception of the effect. They said it was "London nonsense" if you tried to explain it to them. The nation indeed generally looks to the discussions in Parliament to enlighten it as to the effect of Bills. But in this case neither party, as a party, could speak out. Many, perhaps most of the intelligent Conservatives, were fearful of the consequences of the proposal; but as it was made by the heads of their own party, they did not like to oppose it, and the discipline of party carried them with it. On the other side, many, probably most of the intelligent Liberals, were in consternation at the Bill; they had been in the habit for years of proposing Reform Bills; they knew the points of difference between each Bill, and perceived that this was by far the most sweeping which had ever been proposed by any Ministry. But they were almost all unwilling to say so. They would have offended a large section in their constituencies if they had resisted a Tory Bill because it was too democratic; the extreme partisans of democracy would have said, "The enemies of the people have confidence enough in the people to entrust them with this power, but you, a 'Liberal,' and a professed friend of the people, have not that confidence; if that is so, we will never vote for you again". Many Radical members who had been asking for years for household suffrage were much more surprised than pleased at the near chance of obtaining it; they had asked for it as bargainers ask for the highest possible price, but they never expected to get it. Altogether the Liberals,

or at least the extreme Liberals, were much like a man who has been pushing hard against an opposing door, till, on a sudden, the door opens, the resistance ceases, and he is thrown violently forward. Persons in such an unpleasant predicament can scarcely criticise effectually, and certainly the Liberals did not so criticise. We have had no such previous discussions as should guide our expectations from the Reform Bill, nor such as under ordinary circumstances we should have had.

Nor does the experience of the last election much help us. The circumstances were too exceptional. In the first place, Mr. Gladstone's personal popularity was such as has not been seen since the time of Mr. Pitt, and such as may never be seen again. Certainly it will very rarely be seen. A bad speaker is said to have been asked how he got on as a candidate. "Oh," he answered, "when I do not know what to say, I say 'Gladstone,' and then they are sure to cheer, and I have time to think." In fact, that popularity acted as a guide both to constituencies and to members. The candidates only said they would vote with Mr. Gladstone, and the constituencies only chose those who said so. Even the minority could only be described as anti-Gladstone, just as the majority could only be described as pro-Gladstone. The remains, too, of the old electoral organisation were exceedingly powerful; the old voters voted as they had been told, and the new voters mostly voted with them. In extremely few cases was there any new and contrary organisation. At the last election, the trial of the new system hardly began, and, as far as it did begin, it was favoured

by a peculiar guidance.

In the meantime our statesmen have the greatest opportunities they have had for many years, and likewise the greatest duty. They have to guide the new voters in the exercise of the franchise; to guide them quietly, and without saying what they are doing, but still to guide them. The leading statesmen in a free country have great momentary power. They settle the conversation of mankind. It is they who, by a great speech or two, determine what shall be said and what shall be written for long after. They, in conjunction with their counsellors, settle the programme of their party—the "platform," as the Americans call it, on which they and those associated with them are to take their stand for the political campaign. It is by that programme, by a comparison of the programmes of different statesmen, that the world forms its judgment. The common ordinary mind is quite unfit to fix for itself what political question it shall attend to; it is as much as it can do to judge decently of the questions which drift down to it, and are brought before it; it almost never settles its topics; it can only decide upon the issues of those topics. And in settling what these questions shall be, statesmen have now especially a great responsibility if they raise questions which will excite the lower orders of mankind; if they raise questions on which those orders are likely to be wrong; if they raise questions on which the interest of those orders is not identical with, or is antagonistic to, the whole interest of the State, they will have done the greatest harm they can do. The future of this country

depends on the happy working of a delicate experiment, and they will have done all they could to vitiate that experiment. Just when it is desirable that ignorant men, new to politics, should have good issues, and only good issues, put before them, these statesmen will have suggested bad issues. They will have suggested topics which will bind the poor as a class together; topics which will excite them against the rich; topics the discussion of which in the only form in which that discussion reaches their ear will be to make them think that some new law can make them comfortable—that it is the present law which makes them uncomfortable—that Government has at its disposal an inexhaustible fund out of which it can give to those who now want without also creating elsewhere other and greater wants. If the first work of the poor voters is to try to create a "poor man's paradise," as poor men are apt to fancy that Paradise, and as they are apt to think they can create it, the great political trial now beginning will simply fail. The wide gift of the elective franchise will be a great calamity to the whole nation, and to those who gain it as great a calamity as to any.

I do not of course mean that statesmen can choose with absolute freedom what topics they will deal with and what they will not. I am of course aware that they choose under stringent conditions. In excited states of the public mind they have scarcely a discretion at all; the tendency of the public perturbation determines what shall and what shall not be dealt with. But, upon the other hand, in quiet times statesmen have

great power; when there is no fire lighted, they can settle what fire shall be lit. And as the new suffrage is happily to be tried in a quiet time, the responsibility of our statesmen is great because their power is great too.

And the mode in which the questions dealt with are discussed is almost as important as the selection of these questions. It is for our principal statesmen to lead the public, and not to let the public lead them. No doubt when statesmen live by public favour, as ours do, this is a hard saying, and it requires to be carefully limited. I do not mean that our statesmen should assume a pedantic and doctrinaire tone with the English people; if there is anything which English people thoroughly detest, it is that tone exactly. And they are right in detesting it; if a man cannot give guidance and communicate instruction formally without telling his audience "I am better than you; I have studied this as you have not," then he is not fit for a guide or an instructor. A statesman who should show that *gaucherie* would exhibit a defect of imagination, and expose an incapacity for dealing with men which would be a great hindrance to him in his calling. But much argument is not required to guide the public, still less a formal exposition of that argument. What is mostly needed is the manly utterance of clear conclusions; if a statesman gives these in a felicitous way (and if with a few light and humorous illustrations, so much the better), he has done his part. He will have given the text, the scribes in the newspapers will write the sermon. A statesman ought to show his own nature, and talk in a palpable

way what is to him important truth. And so he will both guide and benefit the nation. But if, especially at a time when great ignorance has an unusual power in public affairs, he chooses to accept and reiterate the decisions of that ignorance, he is only the hireling of the nation, and does little save hurt it.

I shall be told that this is very obvious, and that everybody knows that 2 and 2 make 4, and that there is no use in inculcating it. But I answer that the lesson is not observed in fact; people do not so do their political sums. Of all our political dangers, the greatest I conceive is that they will neglect the lesson. In plain English, what I fear is that both our political parties will bid for the support of the working man; that both of them will promise to do as he likes if he will only tell them what it is; that, as he now holds the casting vote in our affairs, both parties will beg and pray him to give that vote to them. I can conceive of nothing more corrupting or worse for a set of poor ignorant people than that two combinations of well-taught and rich men should constantly offer to defer to their decision, and compete for the office of executing it. *Vox populi* will be *Vox diaboli* if it is worked in that manner.

And, on the other hand, my imagination conjures up a contrary danger. I can conceive that questions BEING raised which, if continually agitated, would combine the working men as a class together, the higher orders might have to consider whether they would concede the measure that would settle such questions, or whether they would risk the effect of the working

men's combination.

No doubt the question cannot be easily discussed in the abstract; much must depend on the nature of the measures in each particular case; on the evil they would cause if conceded; on the attractiveness of their idea to the working classes if refused. But in all cases it must be remembered that a political combination of the lower classes, as such and for their own objects, is an evil of the first magnitude; that a permanent combination of them would make them (now that so many of them have the suffrage) supreme in the country; and that their supremacy, in the state they now are, means the supremacy of ignorance over instruction and of numbers over knowledge. So long as they are not taught to act together, there is a chance of this being averted, and it can only be averted by the greatest wisdom and the greatest foresight in the higher classes. They must avoid, not only every evil, but every appearance of evil; while they have still the power they must remove, not only every actual grievance, but, where it is possible, every seeming grievance too; they must willingly concede every claim which they can safely concede, in order that they may not have to concede unwillingly some claim which would impair the safety of the country.

This advice, too, will be said to be obvious; but I have the greatest fear that, when the time comes, it will be cast aside as timid and cowardly. So strong are the combative propensities of man that he would rather fight a losing battle than not fight at all. It is most difficult to persuade people that by fighting

they may strengthen the enemy, yet that would be so here; since a losing battle—especially a long and well-fought one—would have thoroughly taught the lower orders to combine, and would have left the higher orders face to face with an irritated, organised, and superior voting power. The courage which strengthens an enemy and which so loses, not only the present battle, but many after battles, is a heavy curse to men and nations.

In one minor respect, indeed, I think we may see with distinctness the effect of the Reform Bill of 1867. I think it has completed one change which the Act of 1832 began; it has completed the change which that Act made in the relation of the House of Lords to the House of Commons. As I have endeavoured in this book to explain, the literary theory of the English Constitution is on this point quite wrong as usual. According to that theory, the two Houses are two branches of the legislature, perfectly equal and perfectly distinct. But before the Act of 1832 they were not so distinct; there was a very large and a very strong common element. By their commanding influence in many boroughs and counties the Lords nominated a considerable part of the Commons; the majority of the other part were the richer gentry—men in most respects like the Lords, and sympathising with the Lords. Under the Constitution as it then was the two Houses were not in their essence distinct; they were in their essence similar; they were, in the main, not Houses of contrasted origin, but Houses of like origin. The predominant

part of both was taken from the same class—from the English gentry, titled and untitled. By the Act of 1832 this was much altered. The aristocracy and the gentry lost their predominance in the House of Commons; that predominance passed to the middle class. The two Houses then became distinct, but then they ceased to be co-equal. The Duke of Wellington, in a most remarkable paper, has explained what pains he took to induce the Lords to submit to their new position, and to submit, time after time, their will to the will of the Commons.

The Reform Act of 1867 has, I think, unmistakably completed the effect which the Act of 1832 began, but left unfinished. The middle class element has gained greatly by the second change, and the aristocratic element has lost greatly. If you examine carefully the lists of members, especially of the most prominent members, of either side of the House, you will not find that they are in general aristocratic names. Considering the power and position of the titled aristocracy, you will perhaps be astonished at the small degree in which it contributes to the active part of our governing assembly. The spirit of our present House of Commons is plutocratic, not aristocratic; its most prominent statesmen are not men of ancient descent or of great hereditary estate; they are men mostly of substantial means, but they are mostly, too, connected more or less closely with the new trading wealth. The spirit of the two Assemblies has become far more contrasted than it ever was.

The full effect of the Reform Act of 1832 was indeed

postponed by the cause which I mentioned just now. The statesmen who worked the system which was put up had themselves been educated under the system which was pulled down. Strangely enough, their predominant guidance lasted as long as the system which they created. Lord Palmerston, Lord Russell, Lord Derby, died or else lost their influence within a year or two of 1867. The complete consequences of the Act of 1832 upon the House of Lords could not be seen while the Commons were subject to such aristocratic guidance. Much of the change which might have been expected from the Act of 1832 was held in suspense, and did not begin till that measure had been followed by another of similar and greater power.

The work which the Duke of Wellington in part performed has now, therefore, to be completed also. He met the half difficulty; we have to surmount the whole one. We have to frame such tacit rules, to establish such ruling but unenacted customs, as will make the House of Lords yield to the Commons when and as often as our new Constitution requires that it should yield. I shall be asked, How often is that, and what is the test by which you know it? I answer that the House of Lords must yield whenever the opinion of the Commons is also the opinion of the nation, and when it is clear that the nation has made up its mind. Whether or not the nation has made up its mind is a question to be decided by all the circumstances of the case, and in the common way in which all practical questions are decided. There are some people who lay down a sort of mechanical test; they say the

House of Lords should be at liberty to reject a measure passed by the Commons once or more, and then if the Commons send it up again and again, infer that the nation is determined. But no important practical question in real life can be uniformly settled by a fixed and formal rule in this way. This rule would prove that the Lords might have rejected the Reform Act of 1832. Whenever the nation was both excited and determined, such a rule would be an acute and dangerous political poison. It would teach the House of Lords that it might shut its eyes to all the facts of real life and decide simply by an abstract formula. If in 1832 the Lords had so acted, there would have been a revolution. Undoubtedly there is a general truth in the rule. Whether a bill has come up once only, or whether it has come up several times, is one important fact in judging whether the nation is determined to have that measure enacted; it is an indication, but it is only one of the indications. There are others equally decisive. The unanimous voice of the people may be so strong, and may be conveyed through so many organs, that it may be assumed to be lasting.

Englishmen are so very miscellaneous, that that which has REALLY convinced a great and varied majority of them for the present may fairly be assumed to be likely to continue permanently to convince them. One sort might easily fall into a temporary and erroneous fanaticism, but all sorts simultaneously are very unlikely to do so.

I should venture so far as to lay down for an approximate rule,

that the House of Lords ought, on a first-class subject, to be slow—very slow—in rejecting a Bill passed even once by a large majority of the House of Commons. I would not of course lay this down as an unvarying rule; as I have said, I have for practical purposes no belief in unvarying rules. Majorities may be either genuine or fictitious, and if they are not genuine, if they do not embody the opinion of the representative as well as the opinion of the constituency, no one would wish to have any attention paid to them. But if the opinion of the nation be strong and be universal, if it be really believed by members of Parliament, as well as by those who send them to Parliament, in my judgment the Lords should yield at once, and should not resist it.

My main reason is one which has not been much urged. As a theoretical writer I can venture to say, what no elected member of Parliament, Conservative or Liberal, can venture to say, that I am exceedingly afraid of the ignorant multitude of the new constituencies. I wish to have as great and as compact a power as possible to resist it. But a dissension between the Lords and Commons divides that resisting power; as I have explained, the House of Commons still mainly represents the plutocracy, the Lords represent the aristocracy. The main interest of both these classes is now identical, which is to prevent or to mitigate the rule of uneducated numbers. But to prevent it effectually, they must not quarrel among themselves; they must not bid one against the other for the aid of their common opponent. And this is precisely the effect of a division between Lords and Commons. The two

great bodies of the educated rich go to the constituencies to decide between them, and the majority of the constituencies now consist of the uneducated poor. This cannot be for the advantage of any one.

In doing so besides the aristocracy forfeit their natural position—that by which they would gain most power, and in which they would do most good. They ought to be the heads of the plutocracy. In all countries new wealth is ready to worship old wealth, if old wealth will only let it, and I need not say that in England new wealth is eager in its worship. Satirist after satirist has told us how quick, how willing, how anxious are the newly-made rich to associate with the ancient rich. Rank probably in no country whatever has so much "market" value as it has in England just now. Of course there have been many countries in which certain old families, whether rich or poor, were worshipped by whole populations with a more intense and poetic homage; but I doubt if there has ever been any in which all old families and all titled families received more ready observance from those who were their equals, perhaps their superiors, in wealth, their equals in culture, and their inferiors only in descent and rank. The possessors of the "material" distinctions of life, as a political economist would class them, rush to worship those who possess the immaterial distinctions. Nothing can be more politically useful than such homage, if it be skilfully used; no folly can be idler than to repel and reject it.

The worship is the more politically important because it is the

worship of the political superior for the political inferior. At an election the non-titled are much more powerful than the titled. Certain individual peers have, from their great possessions, great electioneering influence, but, as a whole, the House of Peers is not a principal electioneering force. It has so many poor men inside it, and so many rich men outside it, that its electioneering value is impaired. Besides, it is in the nature of the curious influence of rank to work much more on men singly than on men collectively; it is an influence which most men—at least most Englishmen—feel very much, but of which most Englishmen are somewhat ashamed. Accordingly, when any number of men are collected together, each of whom worships rank in his heart, the whole body will patiently hear—in many cases will cheer and approve—some rather strong speeches against rank. Each man is a little afraid that his "sneaking kindness for a lord," as Mr. Gladstone put it, be found out; he is not sure how far that weakness is shared by those around him. And thus Englishmen easily find themselves committed to anti-aristocratic sentiments which are the direct opposite of their real feeling, and their collective action may be bitterly hostile to rank while the secret sentiment of each separately is especially favourable to rank. In 1832 the close boroughs, which were largely held by peers, and were still more largely supposed to be held by them, were swept away with a tumult of delight; and in another similar time of great excitement, the Lords themselves, if they deserve it, might pass away. The democratic passions gain by fomenting

a diffused excitement, and by massing men in concourses; the aristocratic sentiments gain by calm and quiet, and act most on men by themselves, in their families, and when female influence is not absent. The overt electioneering power of the Lords does not at all equal its real social power. The English plutocracy, as is often said of something yet coarser, must be "humoured, not drove"; they may easily be impelled against the aristocracy, though they respect it very much; and as they are much stronger than the aristocracy, they might, if angered, even destroy it; though in order to destroy it, they must help to arouse a wild excitement among the ignorant poor, which, if once roused, may not be easily calmed, and which may be fatal to far more than its beginners intend.

This is the explanation of the anomaly which puzzles many clever lords. They think, if they do not say, "Why are we pinned up here? Why are we not in the Commons where we could have so much more power? Why is this nominal rank given us, at the price of substantial influence? If we prefer real weight to unreal prestige, why may we not have it?" The reply is, that the whole body of the Lords have an incalculably greater influence over society while there is still a House of Lords, than they would have if the House of Lords were abolished; and that though one or two clever young peers might do better in the Commons, the old order of peers, young and old, clever and not clever, is much better where it is. The selfish instinct of the mass of peers on this point is a keener and more exact judge of the real world than the

fine intelligence of one or two of them.

If the House of Peers ever goes, it will go in a storm, and the storm will not leave all else as it is. It will not destroy the House of Peers and leave the rich young peers, with their wealth and their titles, to sit in the Commons. It would probably sweep all titles before it—at least all legal titles—and somehow or other it would break up the curious system by which the estates of great families all go to the eldest son. That system is a very artificial one; you may make a fine argument for it, but you cannot make a loud argument, an argument which would reach and rule the multitude. The thing looks like injustice, and in a time of popular passion it would not stand. Much short of the compulsory equal division of the Code Napoleon, stringent clauses might be provided to obstruct and prevent these great aggregations of property. Few things certainly are less likely than a violent tempest like this to destroy large and hereditary estates. But then, too, few things are less likely than an outbreak to destroy the House of Lords—my point is, that a catastrophe which levels one will not spare the other.

I conceive, therefore, that the great power of the House of Lords should be exercised very timidly and very cautiously. For the sake of keeping the headship of the plutocracy, and through that of the nation, they should not offend the plutocracy; the points upon which they have to yield are mostly very minor ones, and they should yield many great points rather than risk the bottom of their power. They should give large donations out of

income, if by so doing they keep, as they would keep, their capital intact. The Duke of Wellington guided the House of Lords in this manner for years, and nothing could prosper better for them or for the country, and the Lords have only to go back to the good path in which he directed them.

The events of 1870 caused much discussion upon life peerages, and we have gained this great step, that whereas the former leader of the Tory party in the Lords—Lord Lyndhurst—defeated the last proposal to make life peers, Lord Derby, when leader of that party, desired to create them. As I have given in this book what seemed to me good reasons for making them, I need not repeat those reasons here; I need only say how the notion stands in my judgment now.

I cannot look on life peerages in the way in which some of their strongest advocates regard them; I cannot think of them as a mode in which a permanent opposition or a contrast between the Houses of Lords and Commons is to be remedied. To be effectual in that way, life peerages must be very numerous. Now the House of Lords will never consent to a very numerous life peerage without a storm; they must be in terror to do it, or they will not do it. And if the storm blows strongly enough to do so much, in all likelihood it will blow strongly enough to do much more. If the revolution is powerful enough and eager enough to make an immense number of life peers, probably it will sweep away the hereditary principle in the Upper Chamber entirely. Of course one may fancy it to be otherwise; we may

conceive of a political storm just going to a life-peerage limit, and then stopping suddenly. But in politics we must not trouble ourselves with exceedingly exceptional accidents; it is quite difficult enough to count on and provide for the regular and plain probabilities. To speak mathematically, we may easily miss the permanent course of the political curve if we engross our minds with its cusps and conjugate points.

Nor, on the other hand, can I sympathise with the objection to life peerages which some of the Radical party take and feel. They think it will strengthen the Lords, and so make them better able to oppose the Commons; they think, if they do not say: "The House of Lords is our enemy and that of all Liberals; happily the mass of it is not intellectual; a few clever men are born there which we cannot help, but we will not 'vaccinate' it with genius; we will not put in a set of clever men for their lives who may as likely as not turn against us". This objection assumes that clever peers are just as likely to oppose the Commons as stupid peers. But this I deny. Most clever men who are in such a good place as the House of Lords plainly is, will be very unwilling to lose it if they can help it; at the clear call of a great duty they might lose it, but only at such a call. And it does not take a clever man to see that systematic opposition of the Commons is the only thing which can endanger the Lords, or which will make an individual peer cease to be a peer. The greater you make the SENSE of the Lords, the more they will see that their plain interest is to make friends of the plutocracy, and to be the chiefs of it, and not to

wish to oppose the Commons where that plutocracy rules.

It is true that a completely new House of Lords, mainly composed of men of ability, selected because they were able, might very likely attempt to make ability the predominant power in the State, and to rival, if not conquer, the House of Commons, where the standard of intelligence is not much above the common English average. But in the present English world such a House of Lords would soon lose all influence. People would say, "it was too clever by half," and in an Englishman's mouth that means a very severe censure. The English people would think it grossly anomalous if their elected assembly of rich men were thwarted by a nominated assembly of talkers and writers. Sensible men of substantial means are what we wish to be ruled by, and a peerage of genius would not compare with it in power.

It is true, too, that at present some of the cleverest peers are not so ready as some others to agree with the Commons. But it is not unnatural that persons of high rank and of great ability should be unwilling to bend to persons of lower rank, and of certainly not greater ability. A few of such peers (for they are very few) might say, "We had rather not have our peerage if we are to buy it at the price of yielding". But a life peer who had fought his way up to the peers, would never think so. Young men who are born to rank may risk it, not middle-aged or old men who have earned their rank. A moderate number of life peers would almost always counsel moderation to the Lords, and would almost always be right in counselling it.

Recent discussions have also brought into curious prominence another part of the Constitution. I said in this book that it would very much surprise people if they were only told how many things the Queen could do without consulting Parliament, and it certainly has so proved, for when the Queen abolished Purchase in the Army by an act of prerogative (after the Lords had rejected the bill for doing so), there was a great and general astonishment.

But this is nothing to what the Queen can by law do without consulting Parliament. Not to mention other things, she could disband the army (by law she cannot engage more than a certain number of men, but she is not obliged to engage any men); she could dismiss all the officers, from the General Commanding-in-Chief downwards; she could dismiss all the sailors too; she could sell off all our ships of war and all our naval stores; she could make a peace by the sacrifice of Cornwall, and begin a war for the conquest of Brittany. She could make every citizen in the United Kingdom, male or female, a peer; she could make every parish in the United Kingdom a "university"; she could dismiss most of the civil servants; she could pardon all offenders. In a word, the Queen could by prerogative upset all the action of civil government within the Government, could disgrace the nation by a bad war or peace, and could, by disbanding our forces, whether land or sea, leave us defenceless against foreign nations. Why do we not fear that she would do this, or any approach to it?

Because there are two checks—one ancient and coarse, the other modern and delicate. The first is the check of

impeachment. Any Minister who advised the Queen so to use her prerogative as to endanger the safety of the realm, might be impeached for high treason, and would be so. Such a Minister would, in our technical law, be said to have levied, or aided to levy, "war against the Queen". This counsel to her so to use her prerogative would by the Judge be declared to be an act of violence against herself, and in that peculiar but effectual way the offender could be condemned and executed. Against all gross excesses of the prerogative this is a sufficient protection. But it would be no protection against minor mistakes; any error of judgment committed bona fide, and only entailing consequences which one person might say were good, and another say were bad, could not be so punished. It would be possible to impeach any Minister who disbanded the Queen's army, and it would be done for certain. But suppose a Minister were to reduce the army or the navy much below the contemplated strength—suppose he were only to spend upon them one-third of the amount which Parliament had permitted him to spend—suppose a Minister of Lord Palmerston's principles were suddenly and while in office converted to the principles of Mr. Bright and Mr. Cobden, and were to act on those principles, he could not be impeached. The law of treason neither could nor ought to be enforced against an act which was an error of judgment, not of intention—which was in good faith intended not to impair the well-being of the State, but to promote and augment it. Against such misuses of the prerogative our remedy is a change of Ministry. And in general

this works very well. Every Minister looks long before he incurs that penalty, and no one incurs it wantonly. But, nevertheless, there are two defects in it. The first is that it may not be a remedy at all; it may be only a punishment. A Minister may risk his dismissal; he may do some act difficult to undo, and then all which may be left will be to remove and censure him. And the second is that it is only one House of Parliament which has much to say to this remedy, such as it is; the House of Commons only can remove a Minister by a vote of censure. Most of the Ministries for thirty years have never possessed the confidence of the Lords, and in such cases a vote of censure by the Lords could therefore have but little weight; it would be simply the particular expression of a general political disapproval. It would be like a vote of censure on a Liberal Government by the Carlton, or on a Tory Government by the Reform Club. And in no case has an adverse vote by the Lords the same decisive effect as a vote of the Commons; the Lower House is the ruling and the choosing House, and if a Government really possesses that, it thoroughly possesses nine-tenths of what it requires. The support of the Lords is an aid and a luxury; that of the Commons is a strict and indispensable necessary.

These difficulties are particularly raised by questions of foreign policy. On most domestic subjects, either custom or legislation has limited the use of the prerogative. The mode of governing the country, according to the existing laws, is mostly worn into a rut, and most administrations move in it because it

is easier to move there than anywhere else. Most political crises—the decisive votes, which determine the fate of Government—are generally either on questions of foreign policy or of new laws; and the questions of foreign policy come out generally in this way, that the Government has already done something, and that it is for the one part of the legislature alone—for the House of Commons, and not for the House of Lords—to say whether they have or have not forfeited their place by the treaty they have made.

I think every one must admit that this is not an arrangement which seems right on the face of it. Treaties are quite as important as most laws, and to require the elaborate assent of representative assemblies to every word of the law, and not to consult them even as to the essence of the treaty, is *prima facie* ludicrous. In the older forms of the English Constitution, this may have been quite right; the power was then really lodged in the Crown, and because Parliament met very seldom, and for other reasons, it was then necessary that, on a multitude of points, the Crown should have much more power than is amply sufficient for it at present. But now the real power is not in the Sovereign, it is in the Prime Minister and in the Cabinet—that is, in the hands of a committee appointed by Parliament, and of the chairman of that committee. Now, beforehand, no one would have ventured to suggest that a committee of Parliament on foreign relations should be able to commit the country to the greatest international obligations without consulting either Parliament or the country.

No other select committee has any comparable power; and considering how carefully we have fettered and limited the powers of all other subordinate authorities, our allowing so much discretionary power on matters peculiarly dangerous and peculiarly delicate to rest in the sole charge of one secret committee is exceedingly strange. No doubt it may be beneficial; many seeming anomalies are so, but at first sight it does not look right.

I confess that I should see no advantage in it if our two Chambers were sufficiently homogeneous and sufficiently harmonious. On the contrary, if those two Chambers were as they ought to be, I should believe it to be a great defect. If the administration had in both Houses a majority—not a mechanical majority ready to accept anything, but a fair and reasonable one, predisposed to think the Government right, but not ready to find it to be so in the face of facts and in opposition to whatever might occur; if a good Government were thus placed, I should think it decidedly better that the agreements of the administration with foreign powers should be submitted to Parliament. They would then receive that which is best for all arrangements of business, an understanding and sympathising criticism, but still a criticism. The majority of the legislature, being well disposed to the Government, would not "find" against it except it had really committed some big and plain mistake. But if the Government had made such a mistake, certainly the majority of the legislature would find against it. In

a country fit for Parliamentary institutions, the partisanship of members of the legislature never comes in manifest opposition to the plain interest of the nation; if it did, the nation being (as are all nations capable of Parliamentary institutions) constantly attentive to public affairs, would inflict on them the maximum Parliamentary penalty at the next election and at many future elections. It would break their career. No English majority dare vote for an exceedingly bad treaty; it would rather desert its own leader than ensure its own ruin. And an English minority, inheriting a long experience of Parliamentary affairs, would not be exceedingly ready to reject a treaty made with a foreign Government. The leaders of an English Opposition are very conversant with the school-boy maxim, "Two can play at that fun". They know that the next time they are in office the same sort of sharp practice may be used against them, and therefore they will not use it. So strong is this predisposition, that not long since a subordinate member of the Opposition declared that the "front benches" of the two sides of the House—that is, the leaders of the Government and the leaders of the Opposition—were in constant tacit league to suppress the objections of independent members. And what he said is often quite true. There are often seeming objections which are not real objections; at least, which are, in the particular cases, outweighed by counter-considerations; and these "independent members," having no real responsibility, not being likely to be hurt themselves if they make a mistake, are sure to blurt out, and to want to act upon. But the

responsible heads of the party who may have to decide similar things, or even the same things themselves, will not permit it. They refuse, out of interest as well as out of patriotism, to engage the country in a permanent foreign scrape, to secure for themselves and their party a momentary home advantage. Accordingly, a Government which negotiated a treaty would feel that its treaty would be subject certainly to a scrutiny, but still to a candid and lenient scrutiny; that it would go before judges, of whom the majority were favourable, and among whom the most influential part of the minority were in this case much opposed to excessive antagonism. And this seems to be the best position in which negotiators can be placed, namely, that they should be sure to have to account to considerate and fair persons, but not to have to account to inconsiderate and unfair ones. At present the Government which negotiates a treaty can hardly be said to be accountable to any one. It is sure to be subjected to vague censure. Benjamin Franklin said, "I have never known a peace made, even the most advantageous, that was not censured as inadequate, and the makers condemned as injudicious or corrupt. 'Blessed are the peace-makers' is, I suppose, to be understood in the other world, for in this they are frequently cursed." And this is very often the view taken now in England of treaties. There being nothing practical in the Opposition—nothing likely to hamper them hereafter—the leaders of Opposition are nearly sure to suggest every objection. The thing is done and cannot be undone, and the most natural wish of the Opposition leaders is

to prove that if they had been in office, and it therefore had been theirs to do it, they could have done it much better. On the other hand, it is quite possible that there may be no real criticism on a treaty at all; or the treaty has been made by the Government, and as it cannot be unmade by any one, the Opposition may not think it worth while to say much about it. The Government, therefore, is never certain of any criticism; on the contrary, it has a good chance of escaping criticism; but if there be any criticism the Government must expect it to be bitter, sharp, and captious—made as an irresponsible objector would make it, and not as a responsible statesman, who may have to deal with a difficulty if he make it, and therefore will be cautious how he says anything which may make it.

This is what happens in common cases; and in the uncommon—the ninety-ninth case in a hundred—in which the Opposition hoped to turn out the Government because of the alleged badness of the treaty they have made, the criticism is sure to be of the most undesirable character, and to say what is most offensive to foreign nations. All the practised acumen of anti-Government writers and speakers is sure to be engaged in proving that England has been imposed upon—that, as was said in one case, "The moral and the intellectual qualities have been divided; that our negotiation had the moral, and the negotiation on the other side the intellectual," and so on. The whole pitch of party malice is then expended, because there is nothing to check the party in opposition. The treaty has been made, and though it may be

censured, and the party which made it ousted, yet the difficulty it was meant to cure is cured, and the opposing party, if it takes office, will not have that difficulty to deal with.

In abstract theory these defects in our present practice would seem exceedingly great, but in practice they are not so. English statesmen and English parties have really a great patriotism; they can rarely be persuaded even by their passions or their interest to do anything contrary to the real interest of England, or anything which would lower England in the eyes of foreign nations. And they would seriously hurt themselves if they did. But still these are the real tendencies of our present practice, and these are only prevented by qualities in the nation and qualities in our statesmen, which will just as much exist if we change our practice.

It certainly would be in many ways advantageous to change it. If we require that in some form the assent of Parliament shall be given to such treaties, we should have a real discussion prior to the making of such treaties. We should have the reasons for the treaty plainly stated, and also the reasons against it. At present, as we have seen, the discussion is unreal. The thing is done and cannot be altered; and what is said often ought not to be said because it is captious, and what is not said ought as often to be said because it is material. We should have a manlier and plainer way of dealing with foreign policy, if Ministers were obliged to explain clearly their foreign contracts before they were valid, just as they have to explain their domestic proposals before they can become laws. The objections to this are, as far as I know, three,

and three only.

First, that it would not be always desirable for Ministers to state clearly the motives which induced them to agree to foreign compacts. "Treaties," it is said, "are in one great respect different from laws, they concern not only the Government which binds, the nation so bound, but a third party too—a foreign country—and the feelings of that country are to be considered as well as our own. And that foreign country will, probably, in the present state of the world be a despotic one, where discussion is not practised, where it is not understood, where the expressions of different speakers are not accurately weighed, where undue offence may easily be given." This objection might be easily avoided by requiring that the discussion upon treaties in Parliament like that discussion in the American Senate should be "in secret session," and that no report should be published of it. But I should, for my own part, be rather disposed to risk a public debate. Despotic nations now cannot understand England; it is to them an anomaly "chartered by Providence"; they have been time out of mind puzzled by its institutions, vexed at its statesmen, and angry at its newspapers. A little more of such perplexity and such vexation does not seem to me a great evil. And if it be meant, as it often is meant, that the whole truth as to treaties cannot be spoken out, I answer, that neither can the whole truth as to laws. All important laws affect large "vested interests"; they touch great sources of political strength; and these great interests require to be treated as delicately, and with as nice a manipulation of language, as the

feelings of any foreign country. A Parliamentary Minister is a man trained by elaborate practice not to blurt out crude things, and an English Parliament is an assembly which particularly dislikes anything gauche or anything imprudent. They would still more dislike it if it hurt themselves and the country as well as the speaker.

I am, too, disposed to deny entirely that there can be any treaty for which adequate reasons cannot be given to the English people, which the English people ought to make. A great deal of the reticence of diplomacy had, I think history shows, much better be spoken out. The worst families are those in which the members never really speak their minds to one another; they maintain an atmosphere of unreality, and every one always lives in an atmosphere of suppressed ill-feeling. It is the same with nations. The parties concerned would almost always be better for hearing the substantial reasons which induced the negotiators to make the treaty, and the negotiators would do their work much better, for half the ambiguities in treaties are caused by the negotiators not liking the fact or not taking the pains to put their own meaning distinctly before their own minds. And they would be obliged to make it plain if they had to defend it and argue on it before a great assembly.

Secondly, it may be objected to the change suggested that Parliament is not always sitting, and that if treaties required its assent, it might have to be sometimes summoned out of season, or the treaties would have to be delayed. And this is as far as it

goes a just objection, but I do not imagine that it goes far. The great bulk of treaties could wait a little without harm, and in the very few cases when urgent haste is necessary, an autumn session of Parliament could well be justified, for the occasion must be of grave and critical importance.

Thirdly, it may be said that if we required the consent of both Houses of Parliament to foreign treaties before they were valid we should much augment the power of the House of Lords. And this is also, I think, a just objection as far as it goes. The House of Lords, as it cannot turn out the Ministry for making treaties, has in no case a decisive weight in foreign policy, though its debates on them are often excellent; and there is a real danger at present in giving it such weight. They are not under the same guidance as the House of Commons. In the House of Commons, of necessity, the Ministry has a majority, and the majority will agree to the treaties the leaders have made if they fairly can. They will not be anxious to disagree with them. But the majority of the House of Lords may always be, and has lately been generally an opposition majority, and therefore the treaty may be submitted to critics exactly pledged to opposite views. It might be like submitting the design of an architect known to hold "mediaeval principles" to a committee wedded to "classical principles".

Still, upon the whole, I think the augmentation of the power of the peers might be risked without real fear of serious harm. Our present practice, as has been explained, only works because of the good sense of those by whom it is worked, and the

new practice would have to rely on a similar good sense and practicality too. The House of Lords must deal with the assent to treaties as they do with the assent to laws; they must defer to the voice of the country and the authority of the Commons even in cases where their own judgment might guide them otherwise. In very vital treaties probably, being Englishmen, they would be of the same mind as the rest of Englishmen. If in such cases they showed a reluctance to act as the people wished, they would have the same lesson taught them as on vital and exciting questions of domestic legislation, and the case is not so likely to happen, for on these internal and organic questions the interest and the feeling of the peers is often presumably opposed to that of other classes—they may be anxious not to relinquish the very power which other classes are anxious to acquire; but in foreign policy there is no similar antagonism of interest—a peer and a non-peer have presumably in that matter the same interest and the same wishes.

Probably, if it were considered to be desirable to give to Parliament a more direct control over questions of foreign policy than it possesses now, the better way would be not to require a formal vote to the treaty clause by clause. This would entail too much time, and would lead to unnecessary changes in minor details. It would be enough to let the treaty be laid upon the table of both Houses, say for fourteen days, and to acquire validity unless objected to by one House or other before that interval had expired.

II

This is all which I think I need say on the domestic events which have changed, or suggested changes, in the English Constitution since this book was written. But there are also some foreign events which have illustrated it, and of these I should like to say a few words.

Naturally, the most striking of these illustrative changes comes from France. Since 1789 France has always been trying political experiments, from which others may profit much, though as yet she herself has profited little. She is now trying one singularly illustrative of the English Constitution. When the first edition of this book was published I had great difficulty in persuading many people that it was possible in a non-monarchical State, for the real chief of the practical executive—the Premier as we should call him—to be nominated and to be removable by the vote of the National Assembly. The United States and its copies were the only present and familiar Republics, and in these the system was exactly opposite. The executive was there appointed by the people as the legislature was too. No conspicuous example of any other sort of Republic then existed. But now France has given an example—M. Thiers is (with one exception) just the *chef du pouvoir executif* that I endeavoured more than once in this book to describe. He is appointed by and is removable by the Assembly. He comes

down and speaks in it just as our Premier does; he is responsible for managing it just as our Premier is. No one can any longer doubt the possibility of a republic in which the executive and the legislative authorities were united and fixed; no one can assert such union to be the incommunicable attribute of a Constitutional Monarchy. But, unfortunately, we can as yet only infer from this experiment that such a Constitution is possible; we cannot as yet say whether it will be bad or good. The circumstances are very peculiar, and that in three ways. First, the trial of a specially Parliamentary Republic, of a Republic where Parliament appoints the Minister, is made in a nation which has, to say the least of it, no peculiar aptitude for Parliamentary Government; which has possibly a peculiar inaptitude for it. In the last but one of these essays I have tried to describe one of the mental conditions of Parliamentary Government, which I call "rationality," by which I do not mean reasoning power, but rather the power of hearing the reasons of others, of comparing them quietly with one's own reasons, and then being guided by the result. But a French Assembly is not easy to reason with. Every assembly is divided into parties and into sections of parties, and in France each party, almost every section of a party, begins not to clamour but to scream, and to scream as only Frenchmen can, as soon as it hears anything which it particularly dislikes. With an Assembly in this temper, real discussion is impossible, and Parliamentary government is impossible too, because the Parliament can neither choose men nor measures.

The French assemblies under the Restored Monarchy seem to have been quieter, probably because being elected from a limited constituency they did not contain so many sections of opinion; they had fewer irritants and fewer species of irritability. But the assemblies of the '48 Republic were disorderly in the extreme. I saw the last myself, and can certify that steady discussion upon a critical point was not possible in it. There was not an audience willing to hear. The Assembly now sitting at Versailles is undoubtedly also, at times, most tumultuous, and a Parliamentary government in which it governs must be under a peculiar difficulty, because as a sovereign it is unstable, capricious, and unruly.

The difficulty is the greater because there is no check, or little, from the French nation upon the Assembly. The French, as a nation, do not care for or appreciate Parliamentary government. I have endeavoured to explain how difficult it is for inexperienced mankind to take to such a government; how much more natural, that is, how much more easy to uneducated men is loyalty to a monarch. A nation which does not expect good from a Parliament, cannot check or punish a Parliament. France expects, I fear, too little from her Parliaments ever to get what she ought. Now that the suffrage is universal, the average intellect and the average culture of the constituent bodies are excessively low; and even such mind and culture as there is has long been enslaved to authority; the French peasant cares more for standing well with his present *prefet* than for anything else whatever;

he is far too ignorant to check and watch his Parliament, and far too timid to think of doing either if the executive authority nearest to him does not like it. The experiment of a strictly Parliamentary Republic—of a Republic where the Parliament appoints the executive—is being tried in France at an extreme disadvantage, because in France a Parliament is unusually likely to be bad, and unusually likely also to be free enough to show its badness. Secondly, the present polity of France is not a copy of the whole effective part of the British Constitution, but only a part of it. By our Constitution nominally the Queen, but really the Prime Minister, has the power of dissolving the Assembly. But M. Thiers has no such power; and therefore, under ordinary circumstances, I believe, the policy would soon become unmanageable. The result would be, as I have tried to explain, that the Assembly would be always changing its Ministry, that having no reason to fear the penalty which that change so often brings in England, they would be ready to make it once a month. Caprice is the characteristic vice of miscellaneous assemblies, and without some check their selection would be unceasingly mutable. This peculiar danger of the present Constitution of France has however been prevented by its peculiar circumstances. The Assembly have not been inclined to remove M. Thiers, because in their lamentable present position they could not replace M. Thiers. He has a monopoly of the necessary reputation. It is the Empire—the Empire which he always opposed—that has done him this

kindness. For twenty years no great political reputation could arise in France. The Emperor governed and no one member could show a capacity for government. M. Rouher, though of vast real ability, was in the popular idea only the Emperor's agent; and even had it been otherwise, M. Rouher, the one great man of Imperialism, could not have been selected as a head of the Government, at a moment of the greatest reaction against the Empire. Of the chiefs before the twenty years' silence, of the eminent men known to be able to handle Parliaments and to govern Parliaments, M. Thiers was the only one still physically able to begin again to do so. The miracle is, that at seventy-four even he should still be able. As no other great chief of the Parliament regime existed, M. Thiers is not only the best choice, but the only choice. If he were taken away, it would be most difficult to make any other choice, and that difficulty keeps him where he is. At every crisis the Assembly feels that after M. Thiers "the deluge," and he lives upon that feeling. A change of the President, though legally simple, is in practice all but impossible; because all know that such a change might be a change, not only of the President, but of much more too: that very probably it might be a change of the polity—that it might bring in a Monarchy or an Empire.

Lastly, by a natural consequence of the position, M. Thiers does not govern as a Parliamentary Premier governs. He is not, he boasts that he is not, the head of a party. On the contrary, being the one person essential to all parties, he selects Ministers

from all parties, he constructs a Cabinet in which no one Minister agrees with any other in anything, and with all the members of which he himself frequently disagrees. The selection is quite in his hand. Ordinarily a Parliamentary Premier cannot choose; he is brought in by a party; he is maintained in office by a party, and that party requires that as they aid him, he shall aid them; that as they give him the very best thing in the State, he shall give them the next best things. But M. Thiers is under no such restriction. He can choose as he likes, and does choose. Neither in the selection of his Cabinet nor in the management of the Chamber, is M. Thiers guided as a similar person in common circumstances would have to be guided. He is the exception of a moment; he is not the example of a lasting condition.

For these reasons, though we may use the present Constitution of France as a useful aid to our imaginations, in conceiving of a purely Parliamentary Republic, of a monarchy minus the monarch, we must not think of it as much more. It is too singular in its nature and too peculiar in its accidents to be a guide to anything except itself.

In this essay I made many remarks on the American Constitution, in comparison with the English; and as to the American Constitution we have had a whole world of experience since I first wrote. My great object was to contrast the office of President as an executive officer and to compare it with that of a Prime Minister; and I devoted much space to showing that in one principal respect the English system is by far the

best. The English Premier being appointed by the selection, and being removable at the pleasure, of the preponderant Legislative Assembly, is sure to be able to rely on that Assembly. If he wants legislation to aid his policy he can obtain that legislation; he can carry out that policy. But the American President has no similar security. He is elected in one way, at one time, and Congress (no matter which House) is elected in another way, at another time. The two have nothing to bind them together, and in matter of fact, they continually disagree.

This was written in the time of Mr. Lincoln, when Congress, the President, and all the North were united as one man in the war against the South. There was then no patent instance of mere disunion. But between the time when the essays were first written in the Fortnightly, and their subsequent junction into a book, Mr. Lincoln was assassinated, and Mr. Johnson, the Vice-President, became President, and so continued for nearly four years. At such a time the characteristic evils of the Presidential system were shown most conspicuously. The President and the Assembly, so far from being (as it is essential to good government that they should be) on terms of close union, were not on terms of common courtesy. So far from being capable of a continuous and concerted co-operation they were all the while trying to thwart one another. He had one plan for the pacification of the South and they another; they would have nothing to say to his plans, and he vetoed their plans as long as the Constitution permitted, and when they were,

in spite of him, carried, he, as far as he could (and this was very much), embarrassed them in action. The quarrel in most countries would have gone beyond the law, and come to blows; even in America, the most law-loving of countries, it went as far as possible within the law. Mr. Johnson described the most popular branch of the legislature—the House of Representatives—as a body "hanging on the verge of government"; and that House impeached him criminally, in the hope that in that way they might get rid of him civilly. Nothing could be so conclusive against the American Constitution, as a Constitution, as that incident. A hostile legislature and a hostile executive were so tied together, that the legislature tried, and tried in vain, to rid itself of the executive by accusing it of illegal practices. The legislature was so afraid of the President's legal power that it unfairly accused him of acting beyond the law. And the blame thus cast on the American Constitution is so much praise to be given to the American political character.

Few nations, perhaps scarcely any nation, could have borne such a trial so easily and so perfectly. This was the most striking instance of disunion between the President and the Congress that has ever yet occurred, and which probably will ever occur. Probably for very many years the United States will have great and painful reason to remember that at the moment of all their history, when it was most important to them to collect and concentrate all the strength and wisdom of their policy on the pacification of the South, that policy was divided by a strife

in the last degree unseemly and degrading. But it will be for a competent historian hereafter to trace out this accurately and in detail; the time is yet too recent, and I cannot pretend that I know enough to do so. I cannot venture myself to draw the full lessons from these events; I can only predict that when they are drawn, those lessons will be most important, and most interesting. There is, however, one series of events which have happened in America since the beginning of the Civil War, and since the first publication of these essays, on which I should wish to say something in detail—I mean the financial events. These lie within the scope of my peculiar studies, and it is comparatively easy to judge of them, since whatever may be the case with refined statistical reasoning, the great results of money matters speak to and interest all mankind. And every incident in this part of American financial history exemplifies the contrast between a Parliamentary and Presidential government.

The distinguishing quality of Parliamentary government is, that in each stage of a public transaction there is a discussion; that the public assist at this discussion; that it can, through Parliament, turn out an administration which is not doing as it likes, and can put in an administration which will do as it likes. But the characteristic of a Presidential government is, in a multitude of cases, that there is no such discussion; that when there is a discussion the fate of Government does not turn upon it, and, therefore, the people do not attend to it; that upon the whole the administration itself is pretty much doing as it likes, and

neglecting as it likes, subject always to the check that it must not too much offend the mass of the nation. The nation commonly does not attend, but if by gigantic blunders you make it attend, it will remember it and turn you out when its time comes; it will show you that your power is short, and so on the instant weaken that power; it will make your present life in office unbearable and uncomfortable by the hundred modes in which a free people can, without ceasing, act upon the rulers which it elected yesterday, and will have to reject or re-elect to-morrow. In finance the most striking effect in America has, on the first view of it, certainly been good. It has enabled the Government to obtain and to keep a vast surplus of revenue over expenditure. Even before the Civil War it did this—from 1837 to 1857. Mr. Wells tells us that, strange as it may seem, "there was not a single year in which the unexpended balance in the National Treasury—derived from various sources—at the end of the year, was not in excess of the total expenditure of the preceding year; while in not a few years the unexpended balance was absolutely greater than the sum of the entire expenditure of the twelve months preceding". But this history before the war is nothing to what has happened since. The following are the surpluses of revenue over expenditure since the end of the Civil War:—

Year ending June 30.	Surplus. (pounds)
1866	5,593,000
1867	21,586,000
1868	4,242,000

1869	7,418,000
1870	18,627,000
1871	16,712,000

No one who knows anything of the working of Parliamentary government, will for a moment imagine that any Parliament would have allowed any executive to keep a surplus of this magnitude. In England, after the French war, the Government of that day, which had brought it to a happy end, which had the glory of Waterloo, which was in consequence exceedingly strong, which had besides elements of strength from close boroughs and Treasury influence such as certainly no Government has ever had since, and such perhaps as no Government ever had before—that Government proposed to keep a moderate surplus and to apply it to the reduction of the debt, but even this the English Parliament would not endure. The administration with all its power derived both from good and evil had to yield; the income tax was abolished, with it went the surplus, and with the surplus all chance of any considerable reduction of the debt for that time. In truth taxation is so painful that in a sensitive community which has strong organs of expression and action, the maintenance of a great surplus is excessively difficult. The Opposition will always say that it is unnecessary, is uncalled for, is injudicious; the cry will be echoed in every constituency; there will be a series of large meetings in the great cities; even in the smaller constituencies there will mostly be smaller meetings; every member of Parliament will be pressed upon by

those who elect him; upon this point there will be no distinction between town and country, the country gentleman and the farmer disliking high taxes as much as any in the towns. To maintain a great surplus by heavy taxes to pay off debt has never yet in this country been possible, and to maintain a surplus of the American magnitude would be plainly impossible.

Some part of the difference between England and America arises undoubtedly not from political causes but from economical. America is not a country sensitive to taxes; no great country has perhaps ever been so unsensitive in this respect; certainly she is far less sensitive than England. In reality America is too rich; daily industry there is too common, too skilful, and too productive, for her to care much for fiscal burdens. She is applying all the resources of science and skill and trained labour, which have been in long ages painfully acquired in old countries, to develop with great speed the richest soil and the richest mines of new countries; and the result is untold wealth. Even under a Parliamentary government such a community could and would bear taxation much more easily than Englishmen ever would.

But difference of physical character in this respect is of little moment in comparison with difference of political constitution. If America was under a Parliamentary government, she would soon be convinced that in maintaining this great surplus and in paying this high taxation she would be doing herself great harm. She is not performing a great duty, but perpetrating a great injustice. She is injuring posterity by crippling and

displacing industry, far more than she is aiding it by reducing the taxes it will have to pay. In the first place, the maintenance of the present high taxation compels the retention of many taxes which are contrary to the maxims of free-trade. Enormous customs duties are necessary, and it would be all but impossible to impose equal excise duties even if the Americans desired it. In consequence, besides what the Americans pay to the Government, they are paying a great deal to some of their own citizens, and so are rearing a set of industries which never ought to have existed, which are bad speculations at present because other industries would have paid better, and which may cause a great loss out of pocket hereafter when the debt is paid off and the fostering tax withdrawn. Then probably industry will return to its natural channel, the artificial trade will be first depressed, then discontinued, and the fixed capital employed in the trade will all be depreciated and much of it be worthless. Secondly, all taxes on trade and manufacture are injurious in various ways to them. You cannot put on a great series of such duties without cramping trade in a hundred ways and without diminishing their productiveness exceedingly. America is now working in heavy fetters, and it would probably be better for her to lighten those fetters even though a generation or two should have to pay rather higher taxes. Those generations would really benefit, because they would be so much richer that the slightly increased cost of government would never be perceived. At any rate, under a Parliamentary government this doctrine would have

been incessantly inculcated; a whole party would have made it their business to preach it, would have made incessant small motions in Parliament about it, which is the way to popularise their view. And in the end I do not doubt that they would have prevailed. They would have had to teach a lesson both pleasant and true, and such lessons are soon learned. On the whole, therefore, the result of the comparison is that a Presidential government makes it much easier than the Parliamentary to maintain a great surplus of income over expenditure, but that it does not give the same facility for examining whether it be good or not good to maintain a surplus, and, therefore, that it works blindly, maintaining surpluses when they do extreme harm just as much as when they are very beneficial.

In this point the contrast of Presidential with Parliamentary government is mixed; one of the defects of Parliamentary government probably is the difficulty under it of maintaining a surplus revenue to discharge debt, and this defect Presidential government escapes, though at the cost of being likely to maintain that surplus upon inexpedient occasions as well as upon expedient. But in all other respects a Parliamentary government has in finance an unmixed advantage over the Presidential in the incessant discussion. Though in one single case it produces evil as well as good, in most cases it produces good only. And three of these cases are illustrated by recent American experience. First, as Mr. Goldwin Smith—no unfavourable judge of anything American—justly said some years since, the capital error made

by the United States Government was the "Legal Tender Act," as it is called, by which it made inconvertible paper notes issued by the Treasury the sole circulating medium of the country. The temptation to do this was very great, because it gave at once a great war fund when it was needed, and with no pain to any one. If the notes of a Government supersede the metallic currency medium of a country to the extent of \$80,000,000, this is equivalent to a recent loan of \$80,000,000 to the Government for all purposes within the country. Whenever the precious metals are not required, and for domestic purposes in such a case they are not required, notes will buy what the Government want, and it can buy to the extent of its issue. But, like all easy expedients out of a great difficulty, it is accompanied by the greatest evils; if it had not been so, it would have been the regular device in such cases, and the difficulty would have been no difficulty at all; there would have been a known easy way out of it. As is well known, inconvertible paper issued by Government is sure to be issued in great quantities, as the American currency soon was; it is sure to be depreciated as against coin; it is sure to disturb values and to derange markets; it is certain to defraud the lender; it is certain to give the borrower more than he ought to have. In the case of America there was a further evil. Being a new country, she ought in her times of financial want to borrow of old countries; but the old countries were frightened by the probable issue of unlimited inconvertible paper, and they would not lend a shilling. Much more than the mercantile credit of America was

thus lost. The great commercial houses in England are the most natural and most effectual conveyers of intelligence from other countries to Europe. If they had been financially interested in giving in a sound report as to the progress of the war, a sound report we should have had. But as the Northern States raised no loans in Lombard Street (and could raise none because of their vicious paper money), Lombard Street did not care about them, and England was very imperfectly informed of the progress of the civil struggle, and on the whole matter, which was then new and very complex, England had to judge without having her usual materials for judgment, and (since the guidance of the "City" on political matter is very quietly and imperceptibly given) without knowing she had not those materials. Of course, this error might have been committed, and perhaps would have been committed under a Parliamentary government. But if it had, its effects would ere long have been thoroughly searched into and effectually frustrated. The whole force of the greatest inquiring machine and the greatest discussing machine which the world has ever known would have been directed to this subject. In a year or two the American public would have had it forced upon them in every form till they must have comprehended it. But under the Presidential form of government, and owing to the inferior power of generating discussion, the information given to the American people has been imperfect in the extreme. And in consequence, after nearly ten years of painful experience, they do not now understand how much they have suffered from their

inconvertible currency.

But the mode in which the Presidential government of America managed its taxation during the Civil War, is even a more striking example of its defects. Mr. Wells tells us:—

"In the outset all direct or internal taxation was avoided, there having been apparently an apprehension on the part of Congress, that inasmuch as the people had never been accustomed to it, and as all machinery for assessment and collection was wholly wanting, its adoption would create discontent, and thereby interfere with a vigorous prosecution of hostilities. Congress, therefore, confined itself at first to the enactment of measures looking to an increase of revenue from the increase of indirect taxes upon imports; and it was not until four months after the actual outbreak of hostilities that a direct tax of \$20,000,000 per annum was apportioned among the States, and an income tax of 3 per cent. on the excess of all incomes over \$800 was provided for; the first being made to take effect practically eight, and the second ten months after date of enactment. Such laws of course took effect, and became immediately operative in the loyal States only, and produced but comparatively little revenue; and although the range of taxation was soon extended, the whole receipts from all sources by the Government for the second year of the war, from excise, income, stamp, and all other internal taxes, were less than \$42,000,000; and that, too, at a time when the expenditures were in excess \$60,000,000 per month, or at the rate of over \$700,000,000 per annum. And as showing how

novel was this whole subject of direct and internal taxation to the people, and how completely the Government officials were lacking in all experience in respect to it, the following incident may be noted. The Secretary of the Treasury, in his report for 1863, stated that, with a view of determining his resources, he employed a very competent person, with the aid of practical men, to estimate the probable amount of revenue to be derived from each department of internal taxation for the previous year. The estimate arrived at was \$85,000,000, but the actual receipts were only \$37,000,000."

Now, no doubt, this might have happened under a Parliamentary government. But, then, many members of Parliament, the entire Opposition in Parliament, would have been active to unravel the matter. All the principles of finance would have been worked and propounded. The light would have come from above, not from below—it would have come from Parliament to the nation instead of from the nation to Parliament. But exactly the reverse happened in America. Mr. Wells goes on to say:—

"The people of the loyal States were, however, more determined and in earnest in respect to this matter of taxation than were their rulers; and before long the popular discontent at the existing state of things was openly manifest. Every where the opinion was expressed that taxation in all possible forms should immediately, and to the largest extent, be made effective and imperative; and Congress spurred up, and right fully relying

on public sentiment to sustain their action, at last took up the matter resolutely and in earnest, and devised and inaugurated a system of internal and direct taxation, which for its universality and peculiarities has probably no parallel in anything which has heretofore been recorded in civil history, or is likely to be experienced hereafter. The one necessity of the situation was revenue, and to obtain it speedily and in large amounts through taxation the only principle recognised—if it can be called a principle—was akin to that recommended to the traditional Irishman on his visit to Donnybrook Fair, 'Wherever you see a head hit it'. Wherever you find an article, a product, a trade, a profession, or a source of income, tax it! And so an edict went forth to this effect, and the people cheerfully submitted. Incomes under \$5,000 were taxed 5 per cent., with an exemption of \$600 and house rent actually paid; these exemptions being allowed on this ground, that they represented an amount sufficient at the time to enable a small family to procure the bare necessities of life, and thus take out from the operation of the law all those who were dependent upon each day's earnings to supply each day's needs. Incomes in excess of \$5,000 and not in excess of \$10,000 were taxed 2 1/2 per cent. in addition; and incomes over \$10,000 5 per cent. additional, without any abeyance or exemptions whatever."

Now this is all contrary to and worse than what would have happened under a Parliamentary government. The delay to tax would not have occurred under it: the movement by the country

to get taxation would never have been necessary under it. The excessive taxation accordingly imposed would not have been permitted under it. The last point I think I need not labour at length. The evils of a bad tax are quite sure to be pressed upon the ears of Parliament in season and out of season; the few persons who have to pay it are thoroughly certain to make themselves heard. The sort of taxation tried in America, that of taxing everything, and seeing what every thing would yield, could not have been tried under a Government delicately and quickly sensitive to public opinion.

I do not apologise for dwelling at length upon these points, for the subject is one of transcendent importance. The practical choice of first-rate nations is between the Presidential government and the Parliamentary; no State can be first-rate which has not a government by discussion, and those are the only two existing species of that government. It is between them that a nation which has to choose its government must choose. And nothing therefore can be more important than to compare the two, and to decide upon the testimony of experience, and by facts, which of them is the better.

THE POPLARS, WIMBLEDON:

June 20, 1872.

NO. II

THE CABINET

"On all great subjects," says Mr. Mill, "much remains to be said," and of none is this more true than of the English Constitution. The literature which has accumulated upon it is huge. But an observer who looks at the living reality will wonder at the contrast to the paper description. He will see in the life much which is not in the books; and he will not find in the rough practice many refinements of the literary theory.

It was natural—perhaps inevitable—that such an undergrowth of irrelevant ideas should gather round the British Constitution. Language is the tradition of nations; each generation describes what it sees, but it uses words transmitted from the past. When a great entity like the British Constitution has continued in connected outward sameness, but hidden inner change, for many ages, every generation inherits a series of inapt words—of maxims once true, but of which the truth is ceasing or has ceased. As a man's family go on muttering in his maturity incorrect phrases derived from a just observation of his early youth, so, in the full activity of an historical constitution, its subjects repeat phrases true in the time of their fathers, and inculcated by those fathers, but now true no longer. Or, if I may say so, an ancient and ever-altering constitution is like an old man

who still wears with attached fondness clothes in the fashion of his youth: what you see of him is the same; what you do not see is wholly altered.

There are two descriptions of the English Constitution which have exercised immense influence, but which are erroneous. First, it is laid down as a principle of the English polity, that in it the legislative, the executive, and the judicial powers are quite divided—that each is entrusted to a separate person or set of persons—that no one of these can at all interfere with the work of the other. There has been much eloquence expended in explaining how the rough genius of the English people, even in the middle ages, when it was especially rude, carried into life and practice that elaborate division of functions which philosophers had suggested on paper, but which they had hardly hoped to see except on paper.

Secondly, it is insisted that the peculiar excellence of the British Constitution lies in a balanced union of three powers. It is said that the monarchical element, the aristocratic element, and the democratic element, have each a share in the supreme sovereignty, and that the assent of all three is necessary to the action of that sovereignty. Kings, lords, and commons, by this theory, are alleged to be not only the outward form, but the inner moving essence, the vitality of the Constitution. A great theory, called the theory of "Checks and Balances," pervades an immense part of political literature, and much of it is collected from or supported by English experience. Monarchy,

it is said, has some faults, some bad tendencies, aristocracy others, democracy, again, others; but England has shown that a Government can be constructed in which these evil tendencies exactly check, balance, and destroy one another—in which a good whole is constructed not simply in spite of, but by means of, the counteracting defects of the constituent parts.

Accordingly, it is believed that the principal characteristics of the English Constitution are inapplicable in countries where the materials for a monarchy or an aristocracy do not exist. That Constitution is conceived to be the best imaginable use of the political elements which the great majority of States in modern Europe inherited from the mediaeval period. It is believed that out of these materials nothing better can be made than the English Constitution; but it is also believed that the essential parts of the English Constitution cannot be made except from these materials. Now these elements are the accidents of a period and a region; they belong only to one or two centuries in human history, and to a few countries. The United States could not have become monarchical, even if the Constitutional Convention had decreed it, even if the component States had ratified it. The mystic reverence, the religious allegiance, which are essential to a true monarchy, are imaginative sentiments that no legislature can manufacture in any people. These semi-filial feelings in Government are inherited just as the true filial feelings in common life. You might as well adopt a father as make a monarchy: the special sentiment belonging to the one

is as incapable of voluntary creation as the peculiar affection belonging to the other. If the practical part of the English Constitution could only be made out of a curious accumulation of mediaeval materials, its interest would be half historical, and its imitability very confined.

No one can approach to an understanding of the English institutions, or of others, which, being the growth of many centuries, exercise a wide sway over mixed populations, unless he divide them into two classes. In such constitutions there are two parts (not indeed separable with microscopic accuracy, for the genius of great affairs abhors nicety of division): first, those which excite and preserve the reverence of the population—the **DIGNIFIED** parts, if I may so call them; and next, the **EFFICIENT** parts—those by which it, in fact, works and rules. There are two great objects which every constitution must attain to be successful, which every old and celebrated one must have wonderfully achieved: every constitution must first **GAIN** authority, and then **USE** authority; it must first win the loyalty and confidence of mankind, and then employ that homage in the work of government.

There are indeed practical men who reject the dignified parts of Government. They say, we want only to attain results, to do business: a constitution is a collection of political means for political ends, and if you admit that any part of a constitution does no business, or that a simpler machine would do equally well what it does, you admit that this part of the constitution,

however dignified or awful it may be, is nevertheless in truth useless. And other reasoners, who distrust this bare philosophy, have propounded subtle arguments to prove that these dignified parts of old Governments are cardinal components of the essential apparatus, great pivots of substantial utility; and so they manufactured fallacies which the plainer school have well exposed. But both schools are in error. The dignified parts of Government are those which bring it force—which attract its motive power. The efficient parts only employ that power. The comely parts of a Government HAVE need, for they are those upon which its vital strength depends. They may not do anything definite that a simpler polity would not do better; but they are the preliminaries, the needful prerequisites of ALL work. They raise the army, though they do not win the battle.

Doubtless, if all subjects of the same Government only thought of what was useful to them, and if they all thought the same thing useful, and all thought that same thing could be attained in the same way, the efficient members of a constitution would suffice, and no impressive adjuncts would be needed. But the world in which we live is organised far otherwise.

The most strange fact, though the most certain in nature, is the unequal development of the human race. If we look back to the early ages of mankind, such as we seem in the faint distance to see them—if we call up the image of those dismal tribes in lake villages, or on wretched beaches—scarcely equal to the commonest material needs, cutting down trees slowly and

painfully with stone tools, hardly resisting the attacks of huge, fierce animals—without culture, without leisure, without poetry, almost without thought—destitute of morality, with only a sort of magic for religion; and if we compare that imagined life with the actual life of Europe now, we are overwhelmed at the wide contrast—we can scarcely conceive ourselves to be of the same race as those in the far distance. There used to be a notion—not so much widely asserted as deeply implanted, rather pervadingly latent than commonly apparent in political philosophy—that in a little while, perhaps ten years or so, all human beings might, without extraordinary appliances, be brought to the same level. But now, when we see by the painful history of mankind at what point we began, by what slow toil, what favourable circumstances, what accumulated achievements, civilised man has become at all worthy in any degree so to call himself—when we realise the tedium of history and the painfulness of results—our perceptions are sharpened as to the relative steps of our long and gradual progress. We have in a great community like England crowds of people scarcely more civilised than the majority of two thousand years ago; we have others, even more numerous, such as the best people were a thousand years since. The lower orders, the middle orders, are still, when tried by what is the standard of the educated "ten thousand," narrow-minded, unintelligent, incurious. It is useless to pile up abstract words. Those who doubt should go out into their kitchens. Let an accomplished man try what seems to him most obvious, most certain, most

palpable in intellectual matters, upon the housemaid and the footman, and he will find that what he says seems unintelligible, confused, and erroneous—that his audience think him mad and wild when he is speaking what is in his own sphere of thought the dullest platitude of cautious soberness. Great communities are like great mountains—they have in them the primary, secondary, and tertiary strata of human progress; the characteristics of the lower regions resemble the life of old times rather than the present life of the higher regions. And a philosophy which does not ceaselessly remember, which does not continually obtrude, the palpable differences of the various parts, will be a theory radically false, because it has omitted a capital reality—will be a theory essentially misleading, because it will lead men to expect what does not exist, and not to anticipate that which they will find.

Every one knows these plain facts, but by no means every one has traced their political importance. When a State is constituted thus, it is not true that the lower classes will be wholly absorbed in the useful; on the contrary, they do not like anything so poor. No orator ever made an impression by appealing to men as to their plainest physical wants, except when he could allege that those wants were caused by some one's tyranny. But thousands have made the greatest impression by appealing to some vague dream of glory, or empire, or nationality. The ruder sort of men—that is, men at ONE stage of rudeness—will sacrifice all they hope for, all they have, THEMSELVES, for what is called an idea

—for some attraction which seems to transcend reality, which aspires to elevate men by an interest higher, deeper, wider than that of ordinary life. But this order of men are uninterested in the plain, palpable ends of government; they do not prize them; they do not in the least comprehend how they should be attained. It is very natural, therefore, that the most useful parts of the structure of government should by no means be those which excite the most reverence. The elements which excite the most easy reverence will be the THEATRICAL elements—those which appeal to the senses, which claim to be embodiments of the greatest human ideas, which boast in some cases of far more than human origin. That which is mystic in its claims; that which is occult in its mode of action; that which is brilliant to the eye; that which is seen vividly for a moment, and then is seen no more; that which is hidden and unhidden; that which is specious, and yet interesting, palpable in its seeming, and yet professing to be more than palpable in its results; this, howsoever its form may change, or however we may define it or describe it, is the sort of thing—the only sort—which yet comes home to the mass of men. So far from the dignified parts of a constitution being necessarily the most useful, they are likely, according to outside presumption, to be the least so; for they are likely to be adjusted to the lowest orders—those likely to care least and judge worst about what IS useful.

There is another reason which, in an old constitution like that of England, is hardly less important. The most intellectual of men

are moved quite as much by the circumstances which they are used to as by their own will. The active voluntary part of a man is very small, and if it were not economised by a sleepy kind of habit, its results would be null. We could not do every day out of our own heads all we have to do. We should accomplish nothing, for all our energies would be frittered away in minor attempts at petty improvement. One man, too, would go off from the known track in one direction, and one in another; so that when a crisis came requiring massed combination, no two men would be near enough to act together. It is the dull traditional habit of mankind that guides most men's actions, and is the steady frame in which each new artist must set the picture that he paints. And all this traditional part of human nature is, *ex vi termini*, most easily impressed and acted on by that which is handed down. Other things being equal, yesterday's institutions are by far the best for to-day; they are the most ready, the most influential, the most easy to get obeyed, the most likely to retain the reverence which they alone inherit, and which every other must win. The most imposing institutions of mankind are the oldest; and yet so changing is the world, so fluctuating are its needs, so apt to lose inward force, though retaining outward strength, are its best instruments, that we must not expect the oldest institutions to be now the most efficient. We must expect what is venerable to acquire influence because of its inherent dignity; but we must not expect it to use that influence so well as new creations apt for the modern world, instinct with its spirit, and fitting closely to its life.

The brief description of the characteristic merit of the English Constitution is, that its dignified parts are very complicated and somewhat imposing, very old and rather venerable; while its efficient part, at least when in great and critical action, is decidedly simple and rather modern. We have made, or rather stumbled on, a constitution which—though full of every species of incidental defect, though of the worst workmanship in all out-of-the-way matters of any constitution in the world—yet has two capital merits: it contains a simple efficient part which, on occasion, and when wanted, can work more simply and easily, and better, than any instrument of government that has yet been tried; and it contains likewise historical, complex, august, theatrical parts, which it has inherited from a long past—which take the multitude—which guide by an insensible but an omnipotent influence the associations of its subjects. Its essence is strong with the strength of modern simplicity; its exterior is august with the Gothic grandeur of a more imposing age. Its simple essence may, *mutatis mutandis*, be transplanted to many very various countries, but its august outside—what most men think it is—is narrowly confined to nations with an analogous history and similar political materials.

The efficient secret of the English Constitution may be described as the close union, the nearly complete fusion, of the executive and legislative powers. No doubt by the traditional theory, as it exists in all the books, the goodness of our constitution consists in the entire separation of the legislative

and executive authorities, but in truth its merit consists in their singular approximation. The connecting link is the Cabinet. By that new word we mean a committee of the legislative body selected to be the executive body. The legislature has many committees, but this is its greatest. It chooses for this, its main committee, the men in whom it has most confidence. It does not, it is true, choose them directly; but it is nearly omnipotent in choosing them indirectly. A century ago the Crown had a real choice of Ministers, though it had no longer a choice in policy. During the long reign of Sir R. Walpole he was obliged not only to manage Parliament but to manage the palace. He was obliged to take care that some court intrigue did not expel him from his place. The nation then selected the English policy, but the Crown chose the English Ministers. They were not only in name, as now, but in fact, the Queen's servants. Remnants, important remnants, of this great prerogative still remain. The discriminating favour of William IV. made Lord Melbourne head of the Whig party when he was only one of several rivals. At the death of Lord Palmerston it is very likely that the Queen may have the opportunity of fairly choosing between two, if not three statesmen. But, as a rule, the nominal Prime Minister is chosen by the legislature, and the real Prime Minister for most purposes—the leader of the House of Commons—almost without exception is so. There is nearly always some one man plainly selected by the voice of the predominant party in the predominant house of the legislature to head that party, and

consequently to rule the nation. We have in England an elective first magistrate as truly as the Americans have an elective first magistrate. The Queen is only at the head of the dignified part of the Constitution. The Prime Minister is at the head of the efficient part. The Crown is, according to the saying, the "fountain of honour"; but the Treasury is the spring of business. Nevertheless, our first magistrate differs from the American. He is not elected directly by the people; he is elected by the representatives of the people. He is an example of "double election". The legislature chosen, in name, to make laws, in fact finds its principal business in making and in keeping an executive.

The leading Minister so selected has to choose his associates, but he only chooses among a charmed circle. The position of most men in Parliament forbids their being invited to the Cabinet; the position of a few men ensures their being invited. Between the compulsory list whom he must take, and the impossible list whom he cannot take, a Prime Minister's independent choice in the formation of a Cabinet is not very large; it extends rather to the division of the Cabinet offices than to the choice of Cabinet Ministers. Parliament and the nation have pretty well settled who shall have the first places; but they have not discriminated with the same accuracy which man shall have which place. The highest patronage of a Prime Minister is, of course, a considerable power, though it is exercised under close and imperative restrictions—though it is far less than it seems to

be when stated in theory, or looked at from a distance.

The Cabinet, in a word, is a board of control chosen by the legislature, out of persons whom it trusts and knows, to rule the nation. The particular mode in which the English Ministers are selected; the fiction that they are, in any political sense, the Queen's servants; the rule which limits the choice of the Cabinet to the members of the legislature—are accidents unessential to its definition—historical incidents separable from its nature. Its characteristic is that it should be chosen by the legislature out of persons agreeable to and trusted by the legislature. Naturally these are principally its own members—but they need not be exclusively so. A Cabinet which included persons not members of the legislative assembly might still perform all useful duties. Indeed the peers, who constitute a large element in modern Cabinets, are members, now-a-days, only of a subordinate assembly. The House of Lords still exercises several useful functions; but the ruling influence—the deciding faculty—has passed to what, using the language of old times, we still call the lower house—to an assembly which, though inferior as a dignified institution, is superior as an efficient institution. A principal advantage of the House of Lords in the present age indeed consists in its thus acting as a reservoir of Cabinet Ministers. Unless the composition of the House of Commons were improved, or unless the rules requiring Cabinet Ministers to be members of the legislature were relaxed, it would undoubtedly be difficult to find, without the lords, a sufficient supply of chief

Ministers. But the detail of the composition of a Cabinet, and the precise method of its choice, are not to the purpose now. The first and cardinal consideration is the definition of a Cabinet. We must not bewilder ourselves with the inseparable accidents until we know the necessary essence. A Cabinet is a combining committee—a hyphen which joins, a buckle which fastens, the legislative part of the State to the executive part of the State. In its origin it belongs to the one, in its functions it belongs to the other.

The most curious point about the Cabinet is that so very little is known about it. The meetings are not only secret in theory, but secret in reality. By the present practice, no official minute in all ordinary cases is kept of them. Even a private note is discouraged and disliked. The House of Commons, even in its most inquisitive and turbulent moments, would scarcely permit a note of a Cabinet meeting to be read. No Minister who respected the fundamental usages of political practice would attempt to read such a note. The committee which unites the law-making power to the law-executing power—which, by virtue of that combination, is, while it lasts and holds together, the most powerful body in the State—is a committee wholly secret. No description of it, at once graphic and authentic, has ever been given. It is said to be sometimes like a rather disorderly board of directors, where many speak and few listen—though no one knows.¹ But a Cabinet, though it is a committee of the

¹ It is said that at the end of the Cabinet which agreed to propose a fixed duty on

legislative assembly, is a committee with a power which no assembly would—unless for historical accidents, and after happy experience—have been persuaded to entrust to any committee. It is a committee which can dissolve the assembly which appointed it; it is a committee with a suspensive veto—a committee with a power of appeal. Though appointed by one Parliament, it can appeal if it chooses to the next. Theoretically, indeed, the power to dissolve Parliament is entrusted to the sovereign only; and there are vestiges of doubt whether in ALL cases a sovereign is bound to dissolve Parliament when the Cabinet asks him to do so. But neglecting such small and dubious exceptions, the Cabinet which was chosen by one House of Commons has an appeal to the next House of Commons. The chief committee of the legislature has the power of dissolving the predominant part of that legislature—that which at a crisis is the supreme legislature. The English system, therefore, is not an absorption of the executive power by the legislative power; it is a fusion of the two. Either the Cabinet legislates and acts, or else it can dissolve. It is a creature, but it has the power of destroying its creators. It is an executive which can annihilate the legislature, as well as an executive which is the nominee of the legislature. It was made, but it can unmake; it was derivative in its origin, but it is destructive in its action. This fusion of the legislative and

corn, Lord Melbourne put his back to the door and said, "Now is it to lower the price of corn or isn't it? It is not much matter which we say, but mind, we must all say THE SAME." This is the most graphic story of a Cabinet I ever heard, but I cannot vouch for its truth. Lord Melbourne's is a character about which men make stories.

executive functions may, to those who have not much considered it, seem but a dry and small matter to be the latent essence and effectual secret of the English Constitution; but we can only judge of its real importance by looking at a few of its principal effects, and contrasting it very shortly with its great competitor, which seems likely, unless care be taken, to outstrip it in the progress of the world. That competitor is the Presidential system. The characteristic of it is that the President is elected from the people by one process, and the House of Representatives by another. The independence of the legislative and executive powers is the specific quality of Presidential government, just as their fusion and combination is the precise principle of Cabinet government.

First, compare the two in quiet times. The essence of a civilised age is, that administration requires the continued aid of legislation. One principal and necessary kind of legislation is taxation. The expense of civilised government is continually varying. It must vary if the Government does its duty. The miscellaneous estimates of the English Government contain an inevitable medley of changing items. Education, prison discipline, art, science, civil contingencies of a hundred kinds, require more money one year and less another. The expense of defence—the naval and military estimates—vary still more as the danger of attack seems more or less imminent, as the means of retarding such danger become more or less costly. If the persons who have to do the work are not the same as those who have

to make the laws, there will be a controversy between the two sets of persons. The tax-imposers are sure to quarrel with the tax-requirers. The executive is crippled by not getting the laws it needs, and the legislature is spoiled by having to act without responsibility: the executive becomes unfit for its name, since it cannot execute what it decides on; the legislature is demoralised by liberty, by taking decisions of which others (and not itself) will suffer the effects.

In America so much has this difficulty been felt that a semi-connection has grown up between the legislature and the executive. When the Secretary of the Treasury of the Federal Government wants a tax he consults upon it with the chairman of the Financial Committee of Congress. He cannot go down to Congress himself and propose what he wants; he can only write a letter and send it. But he tries to get a chairman of the Finance Committee who likes his tax;—through that chairman he tries to persuade the committee to recommend such tax; by that committee he tries to induce the house to adopt that tax. But such a chain of communications is liable to continual interruptions; it may suffice for a single tax on a fortunate occasion, but will scarcely pass a complicated budget—we do not say in a war or a rebellion—we are now comparing the Cabinet system and the Presidential system in quiet times—but in times of financial difficulty. Two clever men never exactly agreed about a budget. We have by present practice an Indian Chancellor of the Exchequer talking English finance at Calcutta,

and an English one talking Indian finance in England. But the figures are never the same, and the views of policy are rarely the same. One most angry controversy has amused the world, and probably others scarcely less interesting are hidden in the copious stores of our Anglo-Indian correspondence.

But relations something like these must subsist between the head of a finance committee in the legislature, and a finance Minister in the executive.² They are sure to quarrel, and the result is sure to satisfy neither. And when the taxes do not yield as they were expected to yield, who is responsible? Very likely the Secretary of the Treasury could not persuade the chairman—very likely the chairman could not persuade his committee—very likely the committee could not persuade the assembly. Whom, then, can you punish—whom can you abolish—when your taxes run short? There is nobody save the legislature, a vast miscellaneous body difficult to punish, and the very persons to inflict the punishment. Nor is the financial part of administration the only one which requires in a civilised age the constant support and accompaniment of facilitating legislation. All administration does so. In England, on a vital occasion, the Cabinet can compel legislation by the threat of resignation, and the threat of dissolution; but neither of these can be used in a Presidential State. There the legislature cannot be dissolved by the executive

² It is worth observing that even during the short existence of the Confederate Government these evils distinctly showed themselves. Almost the last incident at the Richmond Congress was an angry financial correspondence with Jefferson Davis.

Government; and it does not heed a resignation, for it has not to find the successor. Accordingly, when a difference of opinion arises, the legislature is forced to fight the executive, and the executive is forced to fight the legislative; and so very likely they contend to the conclusion of their respective terms.³ There is, indeed, one condition of things in which this description, though still approximately true, is, nevertheless, not exactly true; and that is, when there is nothing to fight about. Before the rebellion in America, owing to the vast distance of other States, and the favourable economic condition of the country, there were very few considerable objects of contention; but if that government had been tried by English legislation of the last thirty years, the discordant action of the two powers, whose constant cooperation is essential to the best government, would have shown itself much more distinctly. Nor is this the worst. Cabinet government educates the nation; the Presidential does not educate it, and may corrupt it. It has been said that England invented the phrase, "Her Majesty's Opposition"; that it was the first Government which made a criticism of administration as much a part of the polity as administration itself. This critical opposition is the consequence of Cabinet government. The great scene of debate, the great engine of popular instruction and political controversy, is the legislative assembly. A speech there by an eminent statesman, a party movement by a great political combination, are the

³ I leave this passage to stand as it was written, just after the assassination of Mr. Lincoln, and when every one said Mr. Johnson would be very hostile to the South.

best means yet known for arousing, enlivening, and teaching a people. The Cabinet system ensures such debates, for it makes them the means by which statesmen advertise themselves for future and confirm themselves in present Governments. It brings forward men eager to speak, and gives them occasions to speak. The deciding catastrophes of Cabinet governments are critical divisions preceded by fine discussions. Everything which is worth saying, everything which ought to be said, most certainly WILL be said. Conscientious men think they ought to persuade others; selfish men think they would like to obtrude themselves. The nation is forced to hear two sides—all the sides, perhaps, of that which most concerns it. And it likes to hear—it is eager to know. Human nature despises long arguments which come to nothing—heavy speeches which precede no motion—abstract disquisitions which leave visible things where they were. But all men heed great results, and a change of Government is a great result. It has a hundred ramifications; it runs through society; it gives hope to many, and it takes away hope from many. It is one of those marked events which, by its magnitude and its melodrama, impress men even too much. And debates which have this catastrophe at the end of them—or may so have it—are sure to be listened to, and sure to sink deep into the national mind. Travellers even in the Northern States of America, the greatest and best of Presidential countries, have noticed that the nation was "not specially addicted to politics"; that they have not a public opinion finished and chastened as that of the

English has been finished and chastened. A great many hasty writers have charged this defect on the "Yankee race," on the Anglo-American character; but English people, if they had no motive to attend to politics, certainly would not attend to politics. At present there is BUSINESS in their attention. They assist at the determining crisis; they arrest or help it. Whether the Government will go out or remain is determined by the debate, and by the division in Parliament. And the opinion out of doors, the secret pervading disposition of society, has a great influence on that division. The nation feels that its judgment is important, and it strives to judge. It succeeds in deciding because the debates and the discussions give it the facts and the arguments. But under a Presidential government, a nation has, except at the electing moment, no influence; it has not the ballot-box before it; its virtue is gone, and it must wait till its instant of despotism again returns. It is not incited to form an opinion like a nation under a Cabinet government; nor is it instructed like such a nation. There are doubtless debates in the legislature, but they are prologues without a play. There is nothing of a catastrophe about them; you can not turn out the Government. The prize of power is not in the gift of the legislature, and no one cares for the legislature. The executive, the great centre of power and place, sticks irremovable; you cannot change it in any event. The teaching apparatus which has educated our public mind, which prepares our resolutions, which shapes our opinions, does not exist. No Presidential country needs to form daily delicate

opinions, or is helped in forming them. It might be thought that the discussions in the press would supply the deficiencies in the Constitution; that by a reading people especially, the conduct of their Government would be as carefully watched, that their opinions about it would be as consistent, as accurate, as well considered, under a Presidential as under a Cabinet polity. But the same difficulty oppresses the press which oppresses the legislature. It can DO NOTHING. It cannot change the administration; the executive was elected for such and such years, and for such and such years it must last. People wonder that so literary a people as the Americans—a people who read more than any people who ever lived, who read so many newspapers—should have such bad newspapers. The papers are not so good as the English, because they have not the same motive to be good as the English papers. At a political "crisis," as we say—that is, when the fate of an administration is unfixed, when it depends on a few votes yet unsettled, upon a wavering and veering opinion—effective articles in great journals become of essential moment. The Times has made many ministries. When, as of late, there has been a long continuance of divided Parliaments, of Governments which were without "brute voting power," and which depended on intellectual strength, the support of the most influential organ of English opinion has been of critical moment. If a Washington newspaper could have turned out Mr. Lincoln, there would have been good writing and fine argument in the Washington newspapers. But the Washington newspapers can

no more remove a President during his term of place than the Times can remove a lord mayor during his year of office. Nobody cares for a debate in Congress which "comes to nothing," and no one reads long articles which have no influence on events. The Americans glance at the heads of news, and through the paper. They do not enter upon a discussion. They do not think of entering upon a discussion which would be useless.

After saying that the division of the legislature and the executive in Presidential governments weakens the legislative power, it may seem a contradiction to say that it also weakens the executive power. But it is not a contradiction. The division weakens the whole aggregate force of Government—the entire imperial power; and therefore it weakens both its halves. The executive is weakened in a very plain way. In England a strong Cabinet can obtain the concurrence of the legislature in all acts which facilitate its administration; it is itself, so to say, the legislature. But a President may be hampered by the Parliament, and is likely to be hampered. The natural tendency of the members of every legislature is to make themselves conspicuous. They wish to gratify an ambition laudable or blamable; they wish to promote the measures they think best for the public welfare; they wish to make their WILL felt in great affairs. All these mixed motives urge them to oppose the executive. They are embodying the purposes of others if they aid; they are advancing their own opinions if they defeat: they are first if they vanquish; they are auxiliaries if they support. The weakness of

the American executive used to be the great theme of all critics before the Confederate rebellion. Congress and committees of Congress of course impeded the executive when there was no coercive public sentiment to check and rule them.

But the Presidential system not only gives the executive power an antagonist in the legislative power, and so makes it weaker; it also enfeebles it by impairing its intrinsic quality. A Cabinet is elected by a legislature; and when that legislature is composed of fit persons, that mode of electing the executive is the very best. It is a case of secondary election, under the only conditions in which secondary election is preferable to primary. Generally speaking, in an electioneering country (I mean in a country full of political life, and used to the manipulation of popular institutions), the election of candidates to elect candidates is a farce. The Electoral College of America is so. It was intended that the deputies when assembled should exercise a real discretion, and by independent choice select the President. But the primary electors take too much interest. They only elect a deputy to vote for Mr. Lincoln or Mr. Breckenridge, and the deputy only takes a ticket, and drops that ticket in an urn. He never chooses or thinks of choosing. He is but a messenger—a transmitter; the real decision is in those who choose him—who chose him because they knew what he would do. It is true that the British House of Commons is subject to the same influences. Members are mostly, perhaps, elected because they will vote for a particular Ministry, rather than for purely legislative reasons.

But—and here is the capital distinction—the functions of the House of Commons are important and CONTINUOUS. It does not, like the Electoral College in the United States, separate when it has elected its ruler; it watches, legislates, seats and unseats ministries, from day to day. Accordingly it is a REAL electoral body. The Parliament of 1857, which, more than any other Parliament of late years, was a Parliament elected to support a particular premier—which was chosen, as Americans might say, upon the "Palmerston ticket"—before it had been in existence two years, dethroned Lord Palmerston. Though selected in the interest of a particular Ministry, it in fact destroyed that Ministry. A good Parliament, too, is a capital choosing body. If it is fit to make laws for a country, its majority ought to represent the general average intelligence of that country; its various members ought to represent the various special interests, special opinions, special prejudices, to be found in that community. There ought to be an advocate for every particular sect, and a vast neutral body of no sect—homogeneous and judicial, like the nation itself. Such a body, when possible, is the best selector of executives that can be imagined. It is full of political activity; it is close to political life; it feels the responsibility of affairs which are brought as it were to its threshold; it has as much intelligence as the society in question chances to contain. It is, what Washington and Hamilton strove to create, an electoral college of the picked men of the nation. The best mode of appreciating its advantages is to look at the alternative. The competing constituency is the

nation itself, and this is, according to theory and experience, in all but the rarest cases, a bad constituency. Mr. Lincoln, at his second election, being elected when all the Federal States had set their united hearts on one single object, was voluntarily reelected by an actually choosing nation. He embodied the object in which every one was absorbed. But this is almost the only Presidential election of which so much can be said. In almost all cases the President is chosen by a machinery of caucuses and combinations too complicated to be perfectly known, and too familiar to require description. He is not the choice of the nation, he is the choice of the wire-pullers. A very large constituency in quiet times is the necessary, almost the legitimate, subject of electioneering management: a man cannot know that he does not throw his vote away except he votes as part of some great organisation; and if he votes as a part, he abdicates his electoral function in favour of the managers of that association. The nation, even if it chose for itself, would, in some degree, be an unskilled body; but when it does not choose for itself, but only as latent agitators wish, it is like a large, lazy man, with a small vicious mind,—it moves slowly and heavily, but it moves at the bidding of a bad intention; it "means LITTLE, but it means that little ILL."

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