

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. Everywhere 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 rightfully 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 recognized—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 necessaries 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 $2\frac{1}{2}$ 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 everything 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.

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THE ENGLISH CONSTITUTION.

No. I.

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 in-

herits 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 counter-acting 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 mediæval 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 mediæval 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 cele-

brated 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 opponents 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 pre-requisites 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 mislead-

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ing, 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

excellent

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 par-

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.*

* It is *said* that at the end of the cabinet which agreed to propose a fixed duty on corn, Lord Melbourne put his back to the door and said, "Now is it to lower the price of corn or isn't

But a cabinet, though it is a committee of the 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 is 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.

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 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.* 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.

* 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.

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 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.* 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 economical 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 co-operation is essential to the best government, would have shown itself much more distinctly.

* 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.

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 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 assist 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 cannot 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 contra-

diction 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 re-elected 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*.”

And, as the nation is less able to choose than a parliament, so it has worse people to choose out of. The American legislators of the last century have been much blamed for not permitting the ministers of the President to be members of the assembly; but, with reference to the specific end which they had in view, they saw clearly and decided wisely. They wished to keep “the legislative branch abso-

lutely distinct from the executive branch ;” they believed such a separation to be essential to a good constitution ; they believed such a separation to exist in the English, which the wisest of them thought the best constitution. And, to the effectual maintenance of such a separation, the exclusion of the President’s ministers from the legislature is essential. If they are not excluded they become the executive, they eclipse the President himself. A legislative chamber is greedy and covetous ; it acquires as much, it concedes as little as possible. The passions of its members are its rulers ; the law-making faculty, the most comprehensive of the imperial faculties, is its instrument ; it will *take* the administration if it can take it. Tried by their own aims, the founders of the United States were wise in excluding the ministers from Congress.

But though this exclusion is essential to the presidential system of government, it is not for that reason a small evil. It causes the degradation of public life. Unless a member of the legislature be sure of something more than speech, unless he is incited by the hope of action, and chastened by the chance of responsibility, a first-rate man will not care to take the place, and will not do much if he does take it. To belong to a debating society adhering to an executive (and this is no inapt description of a congress under a presidential constitution) is not an object to stir a noble ambition, and is a position to encourage idleness. The members of a parliament excluded from office can never be comparable,

much less equal, to those of a parliament not excluded from office. The presidential government, by its nature, divides political life into two halves, an executive half and a legislative half; and, by so dividing it, makes neither half worth a man's having—worth his making it a continuous career—worthy to absorb, as cabinet government absorbs, his whole soul. The statesmen from whom a nation chooses under a presidential system are much inferior to those from whom it chooses under a cabinet system, while the selecting apparatus is also far less discerning.

All these differences are more important at critical periods, because government itself is more important. A formed public opinion, a respectable, able, and disciplined legislature, a well-chosen executive, a parliament and an administration not thwarting each other, but co-operating with each other, are of greater consequence when great affairs are in progress than when small affairs are in progress—when there is much to do than when there is little to do. But in addition to this, a parliamentary or cabinet constitution possesses an additional and special advantage in very dangerous times. It has what we may call a reserve of power fit for and needed by extreme exigencies.

The principle of popular government is that the supreme power, the determining efficacy in matters political, resides in the people—not necessarily or commonly in the whole people, in the numerical majority, but in a *chosen* people, a picked and

selected people. It is so in England; it is so in all free countries. Under a cabinet constitution at a sudden emergency this people can choose a ruler for the occasion. It is quite possible and even likely that he would not be ruler *before* the occasion. The great qualities, the imperious will, the rapid energy, the eager nature fit for a great crisis are not required—are impediments—in common times. A Lord Liverpool is better in everyday politics than a Chatham—a Louis Philippe far better than a Napoleon. By the structure of the world we often want, at the sudden occurrence of a grave tempest, to change the helmsman—to replace the pilot of the calm by the pilot of the storm. In England we have had so few catastrophes since our constitution attained maturity, that we hardly appreciate this latent excellence. We have not needed a Cavour to rule a revolution—a representative man above all men fit for a great occasion, and by a natural legal mode brought in to rule. But even in England, at what was the nearest to a great sudden crisis which we have had of late years—at the Crimean difficulty—we used this inherent power. We abolished the Aberdeen cabinet, the ablest we have had, perhaps, since the Reform Act—a cabinet not only adapted, but eminently adapted, for every sort of difficulty save the one it had to meet—which abounded in pacific discretion, and was wanting only in the “dæmonic element;” we chose a statesman who had the sort of merit then wanted, who, when he feels the steady power of England behind him, will

advance without reluctance, and will strike without restraint. As was said at the time, "We turned out the Quaker, and put in the pugilist."

But under a presidential government you can do nothing of the kind. The American government calls itself a government of the supreme people; but at a quick crisis, the time when a sovereign power is most needed, you cannot *find* the supreme people. You have got a Congress elected for one fixed period, going out perhaps by fixed instalments, which cannot be accelerated or retarded—you have a President chosen for a fixed period, and immovable during that period: all the arrangements are for stated times. There is no *elastic* element, everything is rigid, specified, dated. Come what may, you can quicken nothing, and can retard nothing. You have bespoke your government in advance, and whether it suits you or not, whether it works well or works ill, whether it is what you want or not, by law you must keep it. In a country of complex foreign relations it would mostly happen that the first and most critical year of every war would be managed by a peace premier, and the first and most critical years of peace by a war premier. In each case the period of transition would be irrevocably governed by a man selected not for what he was to introduce, but what he was to change—for the policy he was to abandon, not for the policy he was to administer.

The whole history of the American civil war—a history which has thrown an intense light on the

working of a presidential government at the time when government is most important—is but a vast continuous commentary on these reflections. It would, indeed, be absurd to press against presidential government *as such* the singular defect by which Vice-President Johnson has become President—by which a man elected to a sinecure is fixed in what is for the moment the most important administrative part in the political world. This defect, though most characteristic of the expectations * of the framers of the constitution and of its working, is but an accident of this particular case of presidential government, and no necessary ingredient in that government itself. But the first election of Mr. Lincoln is liable to no such objection. It was a characteristic instance of the natural working of such a government upon a great occasion. And what was that working? It may be summed up—it was government by an *unknown quantity*. Hardly any one in America had any living idea what Mr. Lincoln was like, or any definite notion what he would do. The leading statesmen under the system of cabinet government are not only household words, but household *ideas*. A conception, not, perhaps, in all respects a true but a most vivid conception of what Mr. Gladstone is like, or what Lord Palmer-

* The framers of the constitution expected that the *vice-president* would be elected by the Electoral College as the second wisest man in the country. The vice-presidency being a sinecure, a second-rate man agreeable to the wire-pullers is always smuggled in. The chance of succession to the presidency is too distant to be thought of.

ston is like, runs through society. We have simply no notion what it would be to be left with the visible sovereignty in the hands of an unknown man. The notion of employing a man of unknown smallness at a crisis of unknown greatness is to our minds simply ludicrous. Mr. Lincoln, it is true, happened to be a man, if not of eminent ability, yet of eminent justness. There was an inner depth of Puritan nature which came out under suffering, and was very attractive. But success in a lottery is no argument for lotteries. What were the chances against a person of Lincoln's antecedents, elected as he was, proving to be what he was?

Such an incident is, however, natural to a presidential government. The President is elected by processes which forbid the election of known men, except at peculiar conjunctures, and in moments when public opinion is excited and despotic; and consequently if a crisis comes upon us soon after he is elected, inevitably we have government by an unknown quantity—the superintendence of that crisis by what our great satirist would have called “Statesman X.” Even in quiet times, government by a president is, for the several various reasons which have been stated, inferior to government by a cabinet; but the difficulty of quiet times is nothing as compared with the difficulty of unquiet times. The comparative deficiencies of the regular, common operation of a presidential government are far less than the comparative deficiencies in time of sudden trouble—the want of elasticity, the impossibility

of a dictatorship, the total absence of a *revolutionary reserve*.

This contrast explains why the characteristic quality of cabinet governments—the fusion of the executive power with the legislative power—is of such cardinal importance. I shall proceed to show under what form and with what adjuncts it exists in England.

No. II.

THE MONARCHY.

THE use of the Queen, in a dignified capacity, is incalculable. Without her in England, the present English Government would fail and pass away. Most people when they read that the Queen walked on the slopes at Windsor—that the Prince of Wales went to the Derby—have imagined that too much thought and prominence were given to little things. But they have been in error ; and it is nice to trace how the actions of a retired widow and an unemployed youth become of such importance.

The best reason why Monarchy is a strong government is, that it is an intelligible government. The mass of mankind understand it, and they hardly anywhere in the world understand any other. It is often said that men are ruled by their imaginations ; but it would be truer to say they are governed by the weakness of their imaginations. The nature of a constitution, the action of an assembly, the play of parties, the unseen formation of a guiding opinion, are complex facts, difficult to know and easy to mistake. But the action of a single will, the fiat of a single mind, are easy ideas : anybody can make

them out, and no one can ever forget them. When you put before the mass of mankind the question, "Will you be governed by a king, or will you be governed by a constitution?" the inquiry comes out thus—"Will you be governed in a way you understand, or will you be governed in a way you do not understand?" The issue was put to the French people; they were asked, "Will you be governed by Louis Napoleon, or will you be governed by an assembly?" The French people said, "We will be governed by the one man we can imagine, and not by the many people we cannot imagine."

The best mode of comprehending the nature of the two governments, is to look at a country in which the two have within a comparatively short space of years succeeded each other.

"The political condition," says Mr. Grote, "which Grecian legend everywhere presents to us, is in its principal features strikingly different from that which had become universally prevalent among the Greeks in the time of the Peloponnesian war. Historical oligarchy, as well as democracy, agreed in requiring a certain established system of government, comprising the three elements of specialised functions, temporary functionaries, and ultimate responsibility (under some forms or other) to the mass of qualified citizens—either a Senate or an Ecclesia, or both. There were, of course, many and capital distinctions between one government and another, in respect to the qualification of the citizen,

the attributes and efficiency of the general assembly, the admissibility to power, &c. ; and men might often be dissatisfied with the way in which these questions were determined in their own city. But in the mind of every man, some determining rule or system—something like what in modern times is called a *constitution*—was indispensable to any government entitled to be called legitimate, or capable of creating in the mind of a Greek a feeling of moral obligation to obey it. The functionaries who exercise authority under it might be more or less competent or popular ; but his personal feelings towards them were commonly lost in his attachment or aversion to the general system. If any energetic man could by audacity or craft break down the constitution, and render himself permanent ruler according to his own will and pleasure, even though he might govern well, he could never inspire the people with any sentiment of duty towards him : his sceptre was illegitimate from the beginning, and even the taking of his life, far from being interdicted by that moral feeling which condemned the shedding of blood in other cases, was considered meritorious : he could not even be mentioned in the language except by a name (*τύραννος, despot*) which branded him as an object of mingled fear and dislike.

“ If we carry our eyes back from historical to legendary Greece, we find a picture the reverse of what has been here sketched. We discern a government in which there is little or no scheme or sys-

tem, still less any idea of responsibility to the governed, but in which the mainspring of obedience on the part of the people consists in their personal feeling and reverence towards the chief. We remark, first and foremost, the King; next, a limited number of subordinate kings or chiefs; afterwards, the mass of armed freemen, husbandmen, artisans, freebooters, &c.; lowest of all, the free labourers for hire and the bought slaves. The King is not distinguished by any broad, or impassable boundary from the other chiefs, to each of whom the title *Basileus* is applicable as well as to himself: his supremacy has been inherited from his ancestors, and passes by inheritance, as a general rule, to his eldest son, having been conferred upon the family as a privilege by the favour of Zeus. In war, he is the leader, foremost in personal prowess, and directing all military movements; in peace, he is the general protector of the injured and oppressed; he offers up moreover those public prayers and sacrifices which are intended to obtain for the whole people the favour of the gods. An ample domain is assigned to him as an appurtenance of his lofty position, and the produce of his fields and his cattle is consecrated in part to an abundant, though rude hospitality. Moreover he receives frequent presents, to avert his enmity, to conciliate his favour, or to buy off his exactions; and when plunder is taken from the enemy, a large previous share, comprising probably the most alluring female captive, is reserved for him apart from the general distribution.

“Such is the position of the King in the heroic times of Greece—the only person (if we except the herald and priests, each both special and subordinate) who is then presented to us as clothed with any individual authority—the person by whom all the executive functions, then few in number, which the society requires, are either performed or directed. His personal ascendancy—derived from divine countenance bestowed both upon himself individually and upon his race, and probably from accredited divine descent—is the salient feature in the picture: the people hearken to his voice, embrace his propositions, and obey his orders: not merely resistance, but even criticism upon his acts, is generally exhibited in an odious point of view, and is indeed never heard of except from some one or more of the subordinate princes.”

The characteristic of the English Monarchy is that it retains the feelings by which the heroic kings governed their rude age, and has added the feelings by which the constitutions of later Greece ruled in more refined ages. We are a more mixed people than the Athenians, or probably than any political Greeks. We have progressed more unequally. The slaves in ancient times were a separate order; not ruled by the same laws, or thoughts, as other men. It was not necessary to think of them in making a constitution: it was not necessary to improve them in order to make a constitution possible. The Greek legislator had not to combine in his polity men like the labourers of Somersetshire, and men

like Mr. Grote. He had not to deal with a community in which primitive barbarism lay as a recognised basis to acquired civilisation. *We have.* We have no slaves to keep down by special terrors and independent legislation. But we have whole classes unable to comprehend the idea of a constitution—unable to feel the least attachment to impersonal laws. Most do indeed vaguely know that there are some other institutions besides the Queen, and some rules by which she governs. But a vast number like their minds to dwell more upon her than upon anything else, and therefore she is inestimable. A republic has only difficult ideas in government; a Constitutional Monarchy has an easy idea too; it has a comprehensible element for the vacant many, as well as complex laws and notions for the inquiring few.

A *family* on the throne is an interesting idea also. It brings down the pride of sovereignty to the level of petty life. No feeling could seem more childish than the enthusiasm of the English at the marriage of the Prince of Wales. They treated as a great political event, what, looked at as a matter of pure business, was very small indeed. But no feeling could be more like common human nature as it is, and as it is likely to be. The women—one half the human race at least—care fifty times more for a marriage than a ministry. All but a few cynics like to see a pretty novel touching for a moment the dry scenes of the grave world. A princely marriage is the brilliant edition of a universal fact, and, as

such, it rivets mankind. We smile at the *Court Circular*; but remember how many people read the *Court Circular*! Its use is not in what it says, but in those to whom it speaks. They say that the Americans were more pleased at the Queen's letter to Mrs. Lincoln, than at any act of the English Government. It was a spontaneous act of intelligible feeling in the midst of confused and tiresome business. Just so a royal family sweetens politics by the seasonable addition of nice and pretty events. It introduces irrelevant facts into the business of government, but they are facts which speak to "men's bosoms" and employ their thoughts.

To state the matter shortly, Royalty is a government in which the attention of the nation is concentrated on one person doing interesting actions. A Republic is a government in which that attention is divided between many, who are all doing uninteresting actions. Accordingly, so long as the human heart is strong and the human reason weak, royalty will be strong because it appeals to diffused feeling, and Republics weak because they appeal to the understanding.

Secondly. The English Monarchy strengthens our government with the strength of religion. It is not easy to say why it should be so. Every instructed theologian would say that it was the duty of a person born under a Republic as much to obey that Republic as it is the duty of one born under a Monarchy to obey the monarch. But the mass of the English people do not think so; they agree

with the oath of allegiance ; they say it is their duty to obey the " Queen," and they have but hazy notions as to obeying laws without a queen. In former times, when our constitution was incomplete, this notion of local holiness in one part was mischievous. All parts were struggling, and it was necessary each should have its full growth. But superstition said one should grow where it would, and no other part should grow without its leave. The whole cavalier party said it was their duty to obey the King, whatever the King did. There was to be " passive obedience " to him, and there was no religious obedience due to any one else. He was the " Lord's anointed," and no one else had been anointed at all. The parliament, the laws, the press were human institutions ; but the Monarchy was a divine institution. An undue advantage was given to a part of the constitution, and therefore the progress of the whole was stayed.

After the Revolution this mischievous sentiment was much weaker. The change of the line of sovereigns was at first conclusive. If there was a mystic right in any one, that right was plainly in James II. ; if it was an English duty to obey any one whatever he did, he was the person to be so obeyed ; if there was an inherent inherited claim in any king, it was in the Stuart king to whom the crown had come by descent, and not in the Revolution king to whom it had come by vote of Parliament. All through the reign of William III. there was (in common speech) one king whom man had made,

and another king whom God had made. The king who ruled had no consecrated loyalty to build upon ; although he ruled in fact, according to sacred theory there was a king in France who ought to rule. But it was very hard for the English people, with their plain sense and slow imagination, to keep up a strong sentiment of veneration for a foreign adventurer. He lived under the protection of a French king ; what he did was commonly stupid, and what he left undone was very often wise. As soon as Queen Anne began to reign there was a change of feeling ; the old sacred sentiment began to cohere about her. There were indeed difficulties which would have baffled most people ; but an Englishman whose heart is in a matter is not easily baffled. Queen Anne had a brother living and a father living, and by every rule of descent, their right was better than hers. But many people evaded both claims. They said James II. had "run away," and so abdicated, though he only ran away because he was in duress and was frightened, and though he claimed the allegiance of his subjects day by day. The Pretender, it was said, was not legitimate, though the birth was proved by evidence which any Court of Justice would have accepted. The English people were "out of" a sacred monarch, and so they tried very hard to make a new one. Events, however, were too strong for them. They were ready and eager to take Queen Anne as the stock of a new dynasty ; they were ready to ignore the claims of her father and the claims of her brother, but they could not ignore

the fact that at the critical period she had no children. She had once had thirteen, but they all died in her lifetime, and it was necessary either to revert to the Stuarts or to make a new king by Act of Parliament.

According to the Act of Settlement passed by the Whigs, the crown was settled on the descendants of the "Princess Sophia" of Hanover, a younger daughter of a daughter of James I. There were before her James II., his son, the descendants of a daughter of Charles I., and elder children of her own mother. But the Whigs passed these over because they were Catholics, and selected the Princess Sophia, who, if she was anything, was a Protestant. Certainly this selection was statesmanlike, but it could not be very popular. It was quite impossible to say that it was the duty of the English people to obey the House of Hanover upon any principles which do not concede the right of the people to choose their rulers, and which do not degrade monarchy from its solitary pinnacle of majestic reverence, and make it one only among many expedient institutions. If a king is a useful public functionary who may be changed, and in whose place you may make another, you cannot regard him with mystic awe and wonder: and if you are bound to worship him, of course you cannot change him. Accordingly, during the whole reigns of George I. and George II. the sentiment of religious loyalty altogether ceased to support the Crown. The prerogative of the king had no strong

party to support it; the Tories, who naturally would support it, disliked the actual king; and the Whigs, according to their creed, disliked the king's office. Until the accession of George III. the most vigorous opponents of the Crown were the country gentlemen, its natural friends, and the representatives of quite rural districts, where loyalty is mostly to be found, if anywhere. But after the accession of George III. the common feeling came back to the same point as in Queen Anne's time. The English were ready to take the new young prince as the beginning of a sacred line of sovereigns, just as they had been willing to take an old lady, who was the second cousin of his great-great-grandmother. So it is now. If you ask the immense majority of the Queen's subjects by what right she rules, they would never tell you that she rules by Parliamentary right, by virtue of 6 Anne, c. 7. They will say she rules by "God's grace;" they believe that they have a mystic obligation to obey her. When her family came to the Crown it was a sort of treason to maintain the inalienable right of lineal sovereignty, for it was equivalent to saying that the claim of another family was better than hers: but now, in the strange course of human events, that very sentiment has become her surest and best support.

But it would be a great mistake to believe that at the accession of George III. the instinctive sentiment of hereditary loyalty at once became as useful as now. It began to be powerful, but it hardly began to be useful. There was so much harm done by it

as well as so much good, that it is quite capable of being argued whether on the whole it was beneficial or hurtful. Throughout the greater part of his life George III. was a kind of "consecrated obstruction." Whatever he did had a sanctity different from what any one else did, and it perversely happened that he was commonly wrong. He had as good intentions as any one need have, and he attended to the business of his country, as a clerk with his bread to get attends to the business of his office. But his mind was small, his education limited, and he lived in a changing time. Accordingly he was always resisting what ought to be, and prolonging what ought not to be. He was the sinister but sacred assailant of half his ministries; and when the French revolution excited the horror of the world, and proved democracy to be "impious," the piety of England concentrated upon him, and gave him tenfold strength. The monarchy by its religious sanction now confirms all our political order; in George III.'s time it confirmed little except itself. It gives now a vast strength to the entire constitution, by enlisting on its behalf the credulous obedience of enormous masses; then it lived aloof, absorbed all the holiness into itself, and turned over all the rest of the polity to the coarse justification of bare expediency.

A principal reason why the monarchy so well consecrates our whole state is to be sought in the peculiarity many Americans and many utilitarians smile at. They laugh at this "extra," as the Yankee

called it, at the solitary transcendent element. They quote Napoleon's saying, "that he did not wish to be fattened in idleness," when he refused to be grand elector in Sièyes' constitution, which was an office copied, and M. Thiers says, well copied, from constitutional monarchy. But such objections are wholly wrong. No doubt it was absurd enough in the Abbè Sièyes to propose that a new institution, inheriting no reverence, and made holy by no religion, should be created to fill the sort of post occupied by a constitutional king in nations of monarchical history. Such an institution, far from being so august as to spread reverence around it, is too novel and artificial to get reverence for itself; if, too, the absurdity could anyhow be augmented, it was so by offering an office of inactive uselessness and pretended sanctity to Napoleon, the most active man in France, with the greatest genius for business, only not sacred, and exclusively fit for action. But the blunder of Sièyes brings the excellence of real monarchy to the best light. When a monarch can bless, it is best that he should not be touched. It should be evident that he does no wrong. He should not be brought too closely to real measurement. He should be aloof and solitary. As the functions of English royalty are for the most part latent, it fulfils this condition. It seems to order, but it never seems to struggle. It is commonly hidden like a mystery, and sometimes paraded like a pageant, but in neither case is it contentious. The nation is divided into parties,

but the crown is of no party. Its apparent separation from business is that which removes it both from enmities and from desecration, which preserves its mystery, which enables it to combine the affection of conflicting parties—to be a visible symbol of unity to those still so imperfectly educated as to need a symbol.

Thirdly. The Queen is the head of our society. If she did not exist the Prime Minister would be the first person in the country. He and his wife would have to receive foreign ministers, and occasionally foreign princes, to give the first parties in the country; he and she would be at the head of the pageant of life; they would represent England in the eyes of foreign nations; they would represent the Government of England in the eyes of the English.

It is very easy to imagine a world in which this change would not be a great evil. In a country where people did not care for the outward show of life, where the genius of the people was untheatrical, and they exclusively regarded the substance of things, this matter would be trifling. Whether Lord and Lady Derby received the foreign ministers, or Lord and Lady Palmerston, would be a matter of indifference; whether they gave the nicest parties would be important only to the persons at those parties. A nation of unimpressible philosophers would not care at all how the externals of life were managed. Who is the showman is not material unless you care about the show.

But of all nations in the world the English are

perhaps the least a nation of pure philosophers. It would be a very serious matter to us to change every four or five years the visible head of our world. We are not now remarkable for the highest sort of ambition ; but we are remarkable for having a great deal of the lower sort of ambition and envy. The House of Commons is thronged with people who get there merely for "social purposes," as the phrase goes ; that is, that they and their families may go to parties else impossible. Members of Parliament are envied by thousands merely for this frivolous glory, as a thinker calls it. If the highest post in conspicuous life were thrown open to public competition, this low sort of ambition and envy would be fearfully increased. Politics would offer a prize too dazzling for mankind ; clever base people would strive for it, and stupid base people would envy it. Even now a dangerous distinction is given by what is exclusively called public life. The newspapers describe daily and incessantly a certain conspicuous existence ; they comment on its characters, recount its details, investigate its motives, anticipate its course. They give a precedent and a dignity to that world which they do not give to any other. The literary world, the scientific world, the philosophic world, not only are not comparable in dignity to the political world, but in comparison are hardly worlds at all. The newspaper makes no mention of them, and could not mention them. As are the papers, so are the readers ; they, by irresistible sequence and association, believe that those

people who constantly figure in the papers are cleverer, abler, or at any rate, somehow higher, than other people. "I wrote books," we heard of a man saying, "for twenty years, and I was nobody; I got into Parliament, and before I had taken my seat I had become somebody." English politicians are the men who fill the thoughts of the English public: they are the actors on the scene, and it is hard for the admiring spectators not to believe that the admired actor is greater than themselves. In this present age and country it would be very dangerous to give the slightest addition to a force already perilously great. If the highest social rank was to be scrambled for in the House of Commons, the number of social adventurers there would be incalculably more numerous, and indefinitely more eager.

A very peculiar combination of causes has made this characteristic one of the most prominent in English society. The middle ages left all Europe with a social system headed by Courts. The government was made the head of all society, all intercourse, and all life; everything paid allegiance to the sovereign, and everything ranged itself round the sovereign—what was next to be greatest, and what was farthest least. The idea that the head of the government is the head of society is so fixed in the ideas of mankind that only a few philosophers regard it as historical and accidental, though when the matter is examined, that conclusion is certain and even obvious.

In the first place, society as society does not naturally need a head at all. Its constitution, if left to itself, is not monarchical, but aristocratical. Society, in the sense we are now talking of, is the union of people for amusement and conversation. The making of marriages goes on in it, as it were, incidentally, but its common and main concern is talking and pleasure. There is nothing in this which needs a single supreme head; it is a pursuit in which a single person does not of necessity dominate. By nature it creates an "upper ten thousand;" a certain number of persons and families possessed of equal culture, and equal faculties, and equal spirit, get to be on a level—and that level a high level. By boldness, by cultivation, by "social science" they raise themselves above others; they become the "first families," and all the rest come to be below them. But they tend to be much about a level among one another; no one is recognised by all or by many others as superior to them all. This is society as it grew up in Greece or Italy, as it grows up now in any American or colonial town. So far from the notion of a "head of society" being a necessary notion, in many ages it would scarcely have been an intelligible notion. You could not have made Socrates understand it. He would have said, "If you tell me that one of my fellows is chief magistrate, and that I am bound to obey him, I understand you, and you speak well; or that another is a priest, and that he ought to offer sacrifices to the gods which I or any one not a priest ought not to

offer, again I understand and agree with you. But if you tell me that there is in some citizen a hidden charm by which his words become better than my words, and his house better than my house, I do not follow you, and should be pleased if you will explain yourself."

And even if a head of society were a natural idea, it certainly would not follow that the head of the civil government should be that head. Society as such has no more to do with civil polity than with ecclesiastical. The organisation of men and women for the purpose of amusement is not necessarily identical with their organisation for political purposes, any more than with their organisation for religious purposes; it has of itself no more to do with the State than it has with the Church. The faculties which fit a man to be a great ruler are not those of society; some great rulers have been unintelligible like Cromwell, or brusque like Napoleon, or coarse and barbarous like Sir Robert Walpole. The light nothings of the drawing-room and the grave things of office are as different from one another as two human occupations can be. There is no naturalness in uniting the two; the end of it always is, that you put a man at the head of society who very likely is remarkable for social defects, and is not eminent for social merits.

The best possible commentary on these remarks is the "History of English Royalty." It has not been sufficiently remarked that a change has taken place in the structure of our society exactly analogous

to the change in our polity. A Republic has insinuated itself beneath the folds of a Monarchy. Charles II. was really the head of society; Whitehall, in his time, was the centre of the best talk, the best fashion, and the most curious love affairs of the age. He did not contribute good morality to society, but he set an example of infinite agreeableness. He concentrated around him all the light part of the high world of London, and London concentrated around it all the light part of the high world of England. The Court was the focus where everything fascinating gathered, and where everything exciting centred. Whitehall was an unequalled club, with female society of a very clever and sharp sort superadded. All this, as we know, is now altered. Buckingham Palace is as unlike a club as any place is likely to be. The Court is a separate part, which stands aloof from the rest of the London world, and which has but slender relations with the more amusing part of it. The first two Georges were men ignorant of English, and wholly unfit to guide and lead English society. They both preferred one or two German ladies of bad character to all else in London. George III. had no social vices, but he had no social pleasures. He was a family man, and a man of business, and sincerely preferred a leg of mutton and turnips after a good day's work, to the best fashion and the most exciting talk. In consequence, society in London, though still in form under the domination of a Court, assumed in fact its natural and oligarchical

structure. It, too, has become an "upper ten thousand;" it is no more monarchical in fact than the society of New York. Great ladies give the tone to it with little reference to the particular Court world. The peculiarly masculine world of the clubs and their neighbourhood has no more to do in daily life with Buckingham Palace than with the Tuileries. Formal ceremonies of presentation and attendance are retained. The names of levée and drawing-room still sustain the memory of the time when the king's bed-chamber and the queen's "withdrawing room" were the centres of London life, but they no longer make a part of social enjoyment: they are a sort of ritual in which now-a-days almost every decent person can if he likes take part. Even Court balls, where pleasure is at least supposed to be possible, are lost in a London July. Careful observers have long perceived this, but it was made palpable to every one by the death of the Prince Consort. Since then the Court has been always in a state of suspended animation, and for a time it was quite annihilated. But everything went on as usual. A few people who had no daughters and little money made it an excuse to give fewer parties, and if very poor, stayed in the country; but upon the whole the difference was not perceptible. The queen bee was taken away, but the hive went on.

Refined and original observers have of late objected to English royalty that it is not splendid enough. They have compared it with the French Court, which is better in show, which comes to the

surface everywhere so that you cannot help seeing it, which is infinitely and beyond question the most splendid thing in France. They have said, "that in old times the English Court took too much of the nation's money, and spent it ill; but now, when it could be trusted to spend well, it does not take enough of the nation's money. There are arguments for not having a Court, and there are arguments for having a splendid Court; but there are no arguments for having a mean Court. It is better to spend a million in dazzling when you wish to dazzle, than three-quarters of a million in trying to dazzle and yet not dazzling." There may be something in this theory; it may be that the Court of England is not quite as gorgeous as we might wish to see it. But no comparison must ever be made between it and the French Court. The Emperor represents a different idea from the Queen. He is not the head of the State; he *is* the State. The theory of his government is that every one in France is equal, and that the Emperor embodies the principle of equality. The greater you make him, the less, and therefore the more equal, you make all others. He is magnified that others may be dwarfed. The very contrary is the principle of English royalty. As in politics it would lose its principal use if it came forward into the public arena, so in society if it advertised itself it would be pernicious. We have voluntary show enough already in London; we do not wish to have it encouraged and intensified, but quieted and mitigated. Our Court is but the head of an unequal,

competing, aristocratic society ; its splendour would not keep others down, but incite others to come on. It is of use so long as it keeps others out of the first place, and is guarded and retired in that place. But it would do evil if it added a new example to our many examples of showy wealth—if it gave the sanction of its dignity to the race of expenditure.

Fourthly. We have come to regard the Crown as the head of our *morality*. The virtues of Queen Victoria and the virtues of George III. have sunk deep into the popular heart. We have come to believe that it is natural to have a virtuous sovereign, and that the domestic virtues are as likely to be found on thrones as they are eminent when there. But a little experience and less thought show that royalty cannot take credit for domestic excellence. Neither George I., nor George II., nor William IV. were patterns of family merit ; George IV. was a model of family demerit. The plain fact is, that to the disposition of all others most likely to go wrong, to an excitable disposition, the place of a constitutional king has greater temptations than almost any other, and fewer suitable occupations than almost any other. All the world and all the glory of it, whatever is most attractive, whatever is most seductive, has always been offered to the Prince of Wales of the day, and always will be. It is not rational to expect the best virtue where temptation is applied in the most trying form at the frailest time of human life. The occupations of a constitutional monarch are grave, formal, important, but never

exciting; they have nothing to stir eager blood, awaken high imagination, work off wild thoughts. On men like George III., with a predominant taste for business occupations, the routine duties of constitutional royalty have doubtless a calm and chastening effect. The insanity with which he struggled, and in many cases struggled very successfully, during many years, would probably have burst out much oftener but for the sedative effect of sedulous employment. But how few princes have ever felt the anomalous impulse for real work; how uncommon is that impulse anywhere; how little are the circumstances of princes calculated to foster it; how little can it be relied on as an ordinary break-water to their habitual temptations! Grave and careful men may have domestic virtues on a constitutional throne, but even these fail sometimes, and to imagine that men of more eager temperaments will commonly produce them, is to expect grapes from thorns and figs from thistles.

Lastly, Constitutional royalty has the function which I insisted on at length in my last essay, and which, though it is by far the greatest, I need not now enlarge upon again. It acts as a *disguise*. It enables our real rulers to change without heedless people knowing it. The masses of Englishmen are not fit for an elective government; if they knew how near they were to it, they would be surprised, and almost tremble.

Of a like nature is the value of constitutional royalty in times of transition. The greatest of all

helps to the substitution of a cabinet government for a preceding absolute monarchy is the accession of a king favourable to such a government, and pledged to it. Cabinet government, when new, is weak in time of trouble. The prime minister—the chief on whom everything depends, who must take responsibility if any one is to take it, who must use force if any one is to use it—is not fixed in power. He holds his place, by the essence of the government, with some uncertainty. Among a people well-accustomed to such a government, such a functionary may be bold: he may rely, if not on the parliament, on the nation which understands and values him. But when that government has only recently been introduced, it is difficult for such a minister to be as bold as he ought to be. His power rests too much on human reason, and too little on human instinct. The traditional strength of the hereditary monarch is at these times of incalculable use. It would have been impossible for England to get through the first years after 1688 but for the singular ability of William III. It would have been impossible for Italy to have attained and kept her freedom without the help of Victor Emmanuel: neither the work of Cavour nor the work of Garibaldi were more necessary than his. But the failure of Louis Philippe to use his reserve power as constitutional monarch is the most instructive proof how great that reserve power is. In February, 1848, Guizot was weak because his tenure of office was insecure. Louis Philippe should have

made that tenure certain. Parliamentary reform might afterwards have been conceded to instructed opinion, but nothing ought to have been conceded to the mob. The Parisian populace ought to have been put down, as Guizot wished. If Louis Philippe had been a fit king to introduce free government, he would have strengthened his ministers when they were the instruments of order, even if he afterwards discarded them when order was safe, and policy could be discussed. But he was one of the cautious men who are "noted" to fail in old age: though of the largest experience and of great ability, he failed and lost his crown for want of petty and momentary energy, which at such a crisis a plain man would have at once put forth.

Such are the principal modes in which the institution of royalty by its august aspect influences mankind, and in the English state of civilisation they are invaluable. Of the actual business of the sovereign—the real work the Queen does—I shall speak in my next paper.

No. III.

THE MONARCHY—(*continued*).

THE House of Commons has inquired into most things, but has never had a committee on "the Queen." There is no authentic blue-book to say what she does. Such an investigation cannot take place; but if it could, it would probably save her much vexatious routine, and many toilsome and unnecessary hours.

The popular theory of the English Constitution involves two errors as to the sovereign. First, in its oldest form at least, it considers him as an "Estate of the Realm," a separate co-ordinate authority with the House of Lords and the House of Commons. This and much else the sovereign once was, but this he is no longer. That authority could only be exercised by a monarch with a legislative veto. He should be able to reject bills, if not as the House of Commons rejects them, at least as the House of Peers rejects them. But the Queen has no such veto. She must sign her own death-warrant if the two Houses unanimously send it up to her. It is a fiction of the past to ascribe to her

legislative power. She has long ceased to have any. Secondly, the ancient theory holds that the Queen is the executive. The American Constitution was made upon a most careful argument, and most of that argument assumes the king to be the administrator of the English Constitution, and an unhereditary substitute for him—viz., a president—to be peremptorily necessary. Living across the Atlantic, and misled by accepted doctrines, the acute framers of the Federal Constitution, even after the keenest attention, did not perceive the Prime Minister to be the principal executive of the British Constitution, and the sovereign a cog in the mechanism. There is, indeed, much excuse for the American legislators in the history of that time. They took their idea of our constitution from the time when they encountered it. But in the so-called government of Lord North, George III. was the government. Lord North was not only his appointee, but his agent. The minister carried on a war which he disapproved and hated, because it was a war which his sovereign approved and liked. Inevitably, therefore, the American Convention believed the king, from whom they had suffered, to be the real executive, and not the minister, from whom they had not suffered.

If we leave literary theory, and look to our actual old law, it is wonderful how much the sovereign can do. A few years ago the Queen very wisely attempted to make life Peers, and the House of Lords very unwisely, and contrary to its own best interests,

refused to admit her claim. They said her power had decayed into non-existence ; she once had it, they allowed, but it had ceased by long disuse. If any one will run over the pages of Comyn's "Digest," or any other such book, title "Prerogative," he will find the Queen has a hundred such powers which waver between reality and desuetude, and which would cause a protracted and very interesting legal argument if she tried to exercise them. Some good lawyer ought to write a careful book to say which of these powers are really usable, and which are obsolete. There is no authentic explicit information as to what the Queen can do, any more than of what she does.

In the bare superficial theory of free institutions this is undoubtedly a defect. Every power in a popular government ought to be known. The whole notion of such a government is that the political people—the governing people—rules as it thinks fit. All the acts of every administration are to be canvassed by it ; it is to watch if such acts seem good, and in some manner or other to interpose if they seem not good. But it cannot judge if it is to be kept in ignorance ; it cannot interpose if it does not know. A secret prerogative is an anomaly—perhaps the greatest of anomalies. That secrecy is, however, essential to the utility of English royalty as it now is. Above all things our royalty is to be revered, and if you begin to poke about it you cannot reverence it. When there is a select committee on the Queen, the charm of royalty will be

gone. Its mystery is its life. We must not let in daylight upon magic. We must not bring the Queen into the combat of politics, or she will cease to be revered by all combatants ; she will become one combatant among many. The existence of this secret power is, according to abstract theory, a defect in our constitutional polity, but it is a defect incident to a civilisation such as ours, where august and therefore unknown powers are needed, as well as known and serviceable powers.

If we attempt to estimate the working of this inner power by the evidence of those, whether dead or living, who have been brought in contact with it, we shall find a singular difference. Both the courtiers of George III. and the courtiers of Queen Victoria are agreed as to the magnitude of the royal influence. It is with both an accepted secret doctrine that the Crown does more than it seems. But there is a wide discrepancy in opinion as to the quality of that action. Mr. Fox did not scruple to describe the hidden influence of George III. as the undetected agency of "an infernal spirit." The action of the Crown at that period was the dread and terror of Liberal politicians. But now the best Liberal politicians say, "*We shall never know, but when history is written our children may know, what we owe to the Queen and Prince Albert.*" The mystery of the constitution, which used to be hated by our calmest, most thoughtful, and instructed statesmen, is now loved and revered by them.

Before we try to account for this change, there is

one part of the duties of the Queen which should be struck out of the discussion. I mean the formal part. The Queen has to assent to and sign countless formal documents, which contain no matter of policy, of which the purport is insignificant, which any clerk could sign as well. One great class of documents George III. used to read before he signed them, till Lord Thurlow told him, "It was nonsense his looking at them, for he could not understand them." But the worst case is that of commissions in the army. Till an Act passed only three years since the Queen used to sign *all* military commissions, and she still signs all fresh commissions. The inevitable and natural consequence is that such commissions were, and to some extent still are, in arrears by thousands. Men have often been known to receive their commissions for the first time years after they have left the service. If the Queen had been an ordinary officer she would long since have complained, and long since have been relieved of this slavish labour. A cynical statesman is said to have defended it on the ground "that you *may* have a fool for a sovereign, and then it would be desirable he should have plenty of occupation in which he can do no harm." But it is in truth childish to heap formal duties of business upon a person who has of necessity so many formal duties of society. It is a remnant of the old days when George III. would know everything, however trivial, and assent to everything, however insignificant. These labours of routine may be dismissed from the discussions. It

is not by them that the sovereign acquires his authority either for evil or for good.

The best mode of testing what we owe to the Queen is to make a vigorous effort of the imagination, and see how we should get on without her. Let us strip cabinet government of all its accessories, let us reduce it to its two necessary constituents—a representative assembly (a House of Commons) and a cabinet appointed by that assembly—and examine how we should manage with them only. We are so little accustomed to analyse the constitution; we are so used to ascribe the whole effect of the constitution to the whole constitution, that a great many people will imagine it to be impossible that a nation should thrive or even live with only these two simple elements. But it is upon that possibility that the general imitability of the English Government depends. A monarch that can be truly revered, a House of Peers that can be really respected, are historical accidents nearly peculiar to this one island, and entirely peculiar to Europe. A new country, if it is to be capable of a cabinet government, if it is not to degrade itself to presidential government, must create that cabinet out of its native resources—must not rely on these old world *débris*.

Many modes might be suggested by which a parliament might do in appearance what our parliament does in reality, viz., appoint a premier. But I prefer to select the simplest of all modes. We shall then see the bare skeleton of this polity, perceive in what