enjoying salary without service. They are under a semi-military discipline. In Bavaria, for instance, the superior civil functionary can place his inferior functionary under house-arrest, for neglect of duty, or other offence against civil functionary discipline. In Wurtemberg, the functionary cannot marry without leave from his superior. Voltaire says, somewhere, that, 'the art of government is to make two-thirds of a nation pay all it possibly can pay for the benefit of the other third.' This is realised in Germany by the functionary system. The functionaries are not there for the benefit of the people, but the people for the benefit of the functionaries. All this machinery of functionarism, with its numerous ranks and gradations in every district, filled with a staff of clerks and expectants in every department looking for employment, appointments, or promotions, was intended to be a new support of the throne in the new social state of the Continent; a third class, in connection with the people by their various official duties of interference in all public or private affairs, yet attached by their interests to the kingly power. The *Beamptenstand*, or functionary class, was to be the equivalent to the class of nobility, gentry, capitalists, and men of larger landed property than the peasant-proprietors, and was to make up in numbers for the want of individual weight and influence. In France, at the expulsion of Louis Philippe, the civil functionaries were stated to amount to 807,030 individuals. This civil army was more than double of the military. In Germany,

this class is necessarily more numerous in proportion to the population, the landwehr system imposing many more restrictions than the conscription on the free action of the people, and requiring more officials to manage it, and the semi-feudal jurisdictions and forms of law requiring much more writing and intricate forms of procedure before the courts than the Code Napoleon."

A bureaucracy is sure to think that its duty is to augment official power, official business, or official members, rather than to leave free the energies of mankind; it overdoes the quantity of government, as well as impairs its quality.

The truth is, that a skilled bureaucracy—a bureaucracy trained from early life to its special avocation—is, though it boasts of an appearance of science, quite inconsistent with the true principles of the art of business. That art has not yet been condensed into precepts, but a great many experiments have been made, and a vast floating vapour of knowledge floats through society. One of the most sure principles is, that success depends on a due mixture of special and nonspecial minds—of minds which attend to the means, and of minds which attend to the end. The success of the great joint-stock banks of London—the most remarkable achievement of recent business—has been an example of the use of this mixture. These banks are managed by a board of persons mostly *not* trained to the business, supplemented by, and annexed to, a body of specially trained officers, who have been bred to banking all

their lives. These mixed banks have quite beaten the old banks, composed exclusively of pure bankers ; it is found that the board of directors has greater and more flexible knowledge—more insight into the wants of a commercial community—knows when to lend and when not to lend, better than the old bankers, who had never looked at life, except out of the bank windows. Just so the most successful railways in Europe have been conducted—not by engineers or traffic managers—but by capitalists ; by men of a certain business culture, if of no other. These capitalists buy and use the services of skilled managers, as the unlearned attorney buys and uses the services of the skilled barrister, and manage far better than any of the different sorts of special men under them. They combine these different specialties—make it clear where the realm of one ends and that of the other begins, and add to it a wide knowledge of large affairs, which no special man can have, and which is only gained by diversified action. But this utility of leading minds used to generalise, and acting upon various materials, is entirely dependent upon their position. They must not be at the bottom—they must not even be half way up—they must be at the top. A merchant's clerk would be a child at a bank counter ; but the merchant himself could, very likely, give good, clear, and useful advice in a bank court. The merchant's clerk would be equally at sea in a railway office, but the merchant himself could give good advice, very likely, at a board of directors. The summits (if I may so say) of the

various kinds of business are, like the tops of mountains, much more alike than the parts below—the bare principles are much the same; it is only the rich variegated details of the lower strata that so contrast with one another. But it needs travelling to know that the summits *are* the same. Those who live on one mountain believe that *their* mountain is wholly unlike all others.

The application of this principle to Parliamentary government is very plain; it shows at once that the intrusion from without upon an office of an exterior head of the office, is not an evil, but that, on the contrary, it is essential to the perfection of that office. If it is left to itself, the office will become technical, self-absorbed, self-multiplying. It will be likely to overlook the end in the means; it will fail from narrowness of mind; it will be eager in seeming to do; it will be idle in real doing. An extrinsic chief is the fit corrector of such errors. He can say to the permanent chief, skilled in the forms and pompous with the memories of his office, "Will you, Sir, explain to me how this regulation conduces to the end in view? According to the natural view of things, the applicant should state the whole of his wishes to one clerk on one paper; you make him say it to five clerks on five papers." Or, again, "Does it not appear to you, Sir, that the reason of this formality is extinct? When we were building wood ships, it was quite right to have such precautions against fire; but now that we are building iron ships," &c., &c. If a junior clerk asked

these questions, he would be "pooh-poohed!" It is only the head of an office that can get them answered. It is he, and he only, that brings the rubbish of office to the burning glass of sense.

The immense importance of such a fresh mind is greatest in a country where business changes most. A dead, inactive, agricultural country may be governed by an unalterable bureau for years and years, and no harm come of it. If a wise man arranged the bureau rightly in the beginning, it may run rightly a long time. But if the country be a progressive, eager, changing one, soon the bureau will either cramp improvement, or be destroyed itself.

This conception of the use of a Parliamentary head shows how wrong is the obvious notion which regards him as the principal administrator of his office. The late Sir George Lewis used to be fond of explaining this subject. He had every means of knowing. He was bred in the permanent civil service. He was a very successful Chancellor of the Exchequer, a very successful Home Secretary, and he died Minister for War. He used to say, "It is not the business of a Cabinet Minister to work his department. His business is to see that it is properly worked. If he does much, he is probably doing harm. The permanent staff of the office can do what he chooses to do much better, or if they cannot, they ought to be removed. He is only a bird of passage, and cannot compete with those who are in the office all their lives round." Sir George Lewis was a perfect Parliamentary head

of an office, so far as that head is to be a keen critic and rational corrector of it.

But Sir George Lewis was not perfect; he was not even an average good head in another respect. The use of a fresh mind applied to the official mind is not only a corrective use, it is also an animating use. A public department is very apt to be dead to what is wanting for a great occasion till the occasion is past. The vague public mind will appreciate some signal duty before the precise, occupied administration perceives it. The Duke of Newcastle was of this use at least in the Crimean war. He roused up his department, though when roused it could not act. A perfect Parliamentary minister would be one who should add the animating capacity of the Duke of Newcastle to the accumulated sense, the detective instinct, and the *laissez faire* habit of Sir George Lewis.

As soon as we take the true view of Parliamentary office we shall perceive that, fairly, frequent change in the official is an advantage, not a mistake. If his function is to bring a representative of outside sense and outside animation in contact with the inside world, he ought often to be changed. No man is a perfect representative of outside sense. "There is some one," says the true French saying, "who is more able than Talleyrand, more able than Napoleon. *C'est tout le monde.*" That many-sided sense finds no microcosm in any single individual. Still less are the critical function and the animating function of a Parliamentary minister likely to be

perfectly exercised by one and the same man. Impelling power and restraining wisdom are as opposite as any two things, and are rarely found together. And even if the natural mind of the Parliamentary minister was perfect, long contact with the office would destroy his use. Inevitably he would accept the ways of office, think its thoughts, live its life. The "dyer's hand would be subdued to what it works in." If the function of a Parliamentary minister is to be an outsider to his office, we must not choose one who, by habit, thought, and life, is acclimatised to its ways.

There is every reason to expect that a Parliamentary statesman will be a man of quite sufficient intelligence, quite enough various knowledge, quite enough miscellaneous experience, to represent effectually general sense in opposition to bureaucratic sense. Most Cabinet ministers in charge of considerable departments are men of superior ability; I have heard an eminent living statesman of long experience say that in his time he only knew one instance to the contrary. And there is the best protection that it shall be so. A considerable Cabinet minister has to defend his department in the face of mankind; and though distant observers and sharp writers may depreciate it, this is a very difficult thing. A fool, who has publicly to explain great affairs, who has publicly to answer detective questions, who has publicly to argue against able and quick opponents, must soon be shown to be a fool. The very nature of Parliamentary government

answers for the discovery of substantial incompetence.

At any rate, none of the competing forms of government have nearly so effectual a procedure for putting a good untechnical minister to correct and impel the routine ones. There are but four important forms of government in the present state of the world,—the Parliamentary, the Presidential, the Hereditary, and the Dictatorial, or Revolutionary. Of these I have shown that, as now worked in America, the Presidential form of government is incompatible with a skilled bureaucracy. If the whole official class change when a new party goes out or comes in, a good official system is impossible. Even if more officials should be permanent in America than now, still, vast numbers will always be changed. The whole issue is based on a single election—on the choice of President; by that internecine conflict all else is won or lost. The managers of the contest have that greatest possible facility in using what I may call patronage-bribery. Everybody knows that, as a fact, the President can give what places he likes to what persons, and when his friends tell A. B., "If we win, C. D. shall be turned out of Utica Post-office, and you, A. B., shall have it," A. B. believes it, and is justified in doing so. But no individual member of Parliament can promise place effectually. *He* may not be able to give the places. His party may come in, but he will be powerless. In the United States party intensity is aggravated by concentrating an overwhelming

importance on a single contest, and the efficiency of promised offices as a means of corruption is augmented, because the victor can give what he likes to whom he likes.

Nor is this the only defect of a Presidential government in reference to the choice of officers. The President has the principal anomaly of a Parliamentary government without having its corrective. At each change of party the President distributes (as here) the principal offices to his principal supporters. But he has an opportunity for singular favouritism ; the minister lurks in the office ; he need do nothing in public ; he need not show for years whether he is a fool or wise. The nation can tell what a Parliamentary member is by the open test of Parliament ; but no one, save from actual contact, or by rare position, can tell anything certain of a Presidential minister.

The case of a minister under an hereditary form of government is yet worse. The hereditary king may be weak ; may be under the government of women ; may appoint a minister from childish motives ; may remove one from absurd whims. There is no security that an hereditary king will be competent to choose a good chief minister, and thousands of such kings have chosen millions of bad ministers.

By the Dictatorial, or Revolutionary, sort of government, I mean that very important sort in which the sovereign—the absolute sovereign—is selected by insurrection. In theory, one would

certainly have hoped that by this time such a crude elective machinery would have been reduced to a secondary part. But, in fact, the greatest nation (or, perhaps, after the exploits of Bismarck, I should say one of the two greatest nations of the Continent) vacillates between the Revolutionary and the Parliamentary, and now is governed under the Revolutionary form. France elects its ruler in the streets of Paris. Flatterers may suggest that the democratic empire will become hereditary, but close observers know that it cannot. The idea of the government is that the Emperor represents the people in capacity, in judgment, in instinct. But no family through generations can have sufficient, or half sufficient, mind to do so. The representative despot must be chosen by fighting, as Napoleon I. and Napoleon III. were chosen. And such a government is likely, whatever be its other defects, to have a far better and abler administration than any other government. The head of the government must be a man of the most consummate ability. He cannot keep his place, he can hardly keep his life, unless he is. He is sure to be active, because he knows that his power, and perhaps his head, may be lost if he be negligent. The whole frame of his State is strained to keep down revolution. The most difficult of all political problems is to be solved —the people are to be at once thoroughly restrained and thoroughly pleased. The executive must be like a steel shirt of the Middle Ages—extremely hard and extremely flexible. It must give way to

attractive novelties which do not hurt; it must resist such as are dangerous; it must maintain old things which are good and fitting; it must alter such as cramp and give pain. The dictator dare not appoint a bad minister if he would. I admit that such a despot is a better selector of administrators than a parliament; that he will know how to mix fresh minds and used minds better; that he is under a stronger motive to combine them well; that here is to be seen the best of all choosers with the keenest motives to choose. But I need not prove in England that the revolutionary selection of rulers obtains administrative efficiency at a price altogether transcending its value; that it shocks credit by its catastrophes; that for intervals it does not protect property or life; that it maintains an undergrowth of fear through all prosperity; that it may take years to find the true capable despot; that the interregna of the incapable are full of all evil; that the fit despot may die as soon as found; that the good administration and all else hang by the thread of his life.

But if, with the exception of this terrible revolutionary government, a Parliamentary government upon principle surpasses all its competitors in administrative efficiency, why is it that our English government, which is beyond comparison the best of Parliamentary governments, is not celebrated through the world for administrative efficiency? It is noted for many things, why is it not noted

for that? Why, according to popular belief, is it rather characterised by the very contrary?

One great reason of the diffused impression is, that the English Government attempts so much. Our military system is that which is most attacked. Objectors say we spend much more on our army than the great military monarchies, and yet with an inferior result. But, then, what we attempt is incalculably more difficult. The continental monarchies have only to defend compact European territories by the many soldiers whom they force to fight; the English try to defend without any compulsion—only by such soldiers as they persuade to serve—territories far surpassing all Europe in magnitude, and situated all over the habitable globe. Our Horse Guards and War Office may not be at all perfect—I believe they are not: but if they had sufficient recruits selected by force of law—if they had, as in Prussia, the absolute command of each man's time for a few years, and the right to call him out afterwards when they liked, we should be much surprised at the sudden ease and quickness with which they did things. I have no doubt too that any accomplished soldier of the Continent would reject as impossible what we after a fashion effect. He would not attempt to defend a vast scattered empire, with many islands, a long frontier line in every continent, and a very tempting bit of plunder at the centre, by mere volunteer recruits, who mostly come from the worst class of the people—whom the Great Duke called the "scum

of the earth,"—who come in uncertain numbers year by year—who by some political accident may not come in adequate numbers, or at all, in the year we need them most. Our War Office attempts what foreign War Offices (perhaps rightly) would not try at ; their officers have means of incalculable force denied to ours, though ours is set to harder tasks.

Again, the English navy undertakes to defend a line of coast and a set of dependencies far surpassing those of any continental power. And the extent of our operations is a singular difficulty just now. It requires us to keep a large stock of ships and arms. But on the other hand there are most important reasons why we should not keep much. The naval art and the military art are both in a state of transition ; the last discovery of to-day is out of date, and superseded by an antagonistic discovery to-morrow. Any large accumulation of vessels or guns is sure to contain much that will be useless, unfitting, antediluvian, when it comes to be tried. There are two cries against the Admiralty which go on side by side : one says, " We have not ships enough, no ' relief ' ships, no *navy*, to tell the truth ; " the other cry says, " We have all the wrong ships, all the wrong guns, and nothing but the wrong ; in their foolish constructive mania the Admiralty have been building when they ought to have been waiting ; they have heaped a curious museum of exploded inventions, but they have given us nothing serviceable." The two cries for

opposite policies go on together, and blacken our Executive together, though each is a defence of the Executive against the other.

Again, the Home Department in England struggles with difficulties of which abroad they have long got rid. We love independent "local authorities," little centres of outlying authority. When the metropolitan executive most wishes to act, it cannot act effectually because these lesser bodies hesitate, deliberate, or even disobey. But local independence has no necessary connection with Parliamentary government. The degree of local freedom desirable in a country varies according to many circumstances, and a Parliamentary government may consist with any degree of it. We certainly ought not to debit Parliamentary government as a general and applicable polity with the particular vices of the guardians of the poor in England, though it is so debited every day.

Again, as our administration has in England this peculiar difficulty, so on the other hand foreign competing administrations have a peculiar advantage. Abroad a man under Government is a superior being: he is higher than the rest of the world; he is envied by almost all of it. This gives the Government the easy pick of the *élite* of the nation. All clever people are eager to be under Government, and are hardly to be satisfied elsewhere. But in England there is no such superiority, and the English have no such feeling. We do not respect a stamp-office clerk, or an exciseman's assistant. A

pursy grocer considers he is much above either. Our Government cannot buy for minor clerks the best ability of the nation in the cheap currency of pure honour, and no government is rich enough to buy very much of it in money. Our mercantile opportunities allure away the most ambitious minds. The foreign *bureaux* are filled with a selection from the ablest men of the nation, but only a very few of the best men approach the English offices.

But these are neither the only nor even the principal reasons why our public administration is not so good as, according to principle and to the unimpeded effects of Parliamentary government, it should be. There are two great causes at work, which in their consequences run out into many details, but which in their fundamental nature may be briefly described. The first of these causes is our ignorance. No polity can get out of a nation more than there is in the nation. A free government is essentially a government by persuasion; and as are the people to be persuaded, and as are the persuaders, so will that government be. On many parts of our administration the effect of our extreme ignorance is at once plain. The foreign policy of England has for many years been, according to the judgment now in vogue, inconsequent, fruitless, casual; aiming at no distinct pre-imagined end, based on no steadily pre-conceived principle. I have not room to discuss with how much or how little abatement this decisive censure should be accepted. However, I entirely concede that our

recent foreign policy has been open to very grave and serious blame. But would it not have been a miracle if the English people, directing their own policy, and being what they are, had directed a good policy? Are they not above all nations divided from the rest of the world, insular both in situation and in mind, both for good and for evil? Are they not out of the current of common European causes and affairs? Are they not a race contemptuous of others? Are they not a race with no special education or culture as to the modern world, and too often despising such culture? Who could expect such a people to comprehend the new and strange events of foreign places? So far from wondering that the English Parliament has been inefficient in foreign policy, I think it is wonderful, and another sign of the rude, vague imagination that is at the bottom of our people, that we have done so well as we have.

Again, the very conception of the English Constitution, as distinguished from a purely Parliamentary constitution is, that it contains "dignified" parts —parts, that is, retained, not for intrinsic use, but from their imaginative attraction upon an uncultured and rude population. All such elements tend to diminish simple efficiency. They are like the additional and solely-ornamental wheels introduced into the clocks of the Middle Ages, which tell the then age of the moon or the supreme constellation; —which make little men or birds come out and in theatrically. All such ornamental work is a source of friction and error; it prevents the time being

marked accurately ; each new wheel is a new source of imperfection. So if authority is given to a person, not on account of his working fitness, but on account of his imaginative efficiency, he will commonly impair good administration. He may do something better than good work of detail, but will spoil good work of detail. The English aristocracy is often of this sort. It has an influence over the people of vast value still, and of infinite value formerly. But no man would select the cadets of an aristocratic house as desirable administrators. They have peculiar disadvantages in the acquisition of business knowledge, business training, and business habits, and they have no peculiar advantages.

Our middle class, too, is very unfit to give us the administrators we ought to have. I cannot now discuss whether all that is said against our education is well grounded ; it is called by an excellent judge "pretentious, insufficient, and unsound." But I will say that it does not fit men to be men of business as it ought to fit them. Till lately the very simple attainments and habits necessary for a banker's clerk had a scarcity-value. The sort of education which fits a man for the higher posts of practical life is still very rare ; there is not even a good agreement as to what it is. Our public officers cannot be as good as the corresponding officers of some foreign nations till our business education is as good as theirs.*

* I am happy to state that this evil is much diminishing. The improvement of school education of the middle class in the last twenty-five years is marvellous.

But strong as is our ignorance in deteriorating our administration, another cause is stronger still. There are but two foreign administrations probably better than ours, and both these have had something which we have not had. Theirs in both cases were arranged by a man of genius, after careful forethought, and upon a special design. Napoleon built upon a clear stage which the French Revolution bequeathed him. The originality once ascribed to his edifice was indeed untrue; Tocqueville and Lavergne have shown that he did but run up a conspicuous structure in imitation of a latent one before concealed by the mediæval complexities of the old *régime*. But what we are concerned with now is, not Napoleon's originality, but his work. He undoubtedly settled the administration of France upon an effective, consistent, and enduring system; the succeeding governments have but worked the mechanism they inherited from him. Frederick the Great did the same in the new monarchy of Prussia. Both the French system and the Prussian are new machines, made in civilised times to do their appropriate work.

The English offices have never, since they were made, been arranged with any reference to one another; or rather they were never made, but grew as each could. The sort of free trade which prevailed in public institutions in the English middle ages is very curious. Our three courts of law—the Queen's Bench, the Common Pleas, and the Exchequer—for the sake of the fees extended an origin-

ally contracted sphere into the entire sphere of litigation. *Boni judicis est ampliare jurisdictionem*, went the old saying; or, in English, "It is the mark of a good judge to augment the fees of his Court," his own income, and the income of his subordinates. The central administration, the Treasury, never asked any account of the moneys the courts thus received; so long as it was not asked to pay anything, it was satisfied. Only last year one of the many remnants of this system cropped up, to the wonder of the public. A clerk in the Patent Office stole some fees, and naturally the men of the nineteenth century thought our principal finance minister, the Chancellor of the Exchequer, would be, as in France, responsible for it. But the English law was different somehow. The Patent Office was under the Lord Chancellor, and the Court of Chancery is one of the multitude of our institutions which owe their existence to free competition,—and so it was the Lord Chancellor's business to look after the fees, which of course, as an occupied judge, he could not. A certain Act of Parliament did indeed require that the fees of the Patent Office should be paid into the "Exchequer;" and, again, the "Chancellor of the Exchequer" was thought to be responsible in the matter, but only by those who did not know. According to our system the Chancellor of the Exchequer is the enemy of the Exchequer; a whole series of enactments try to protect it from him. Until a few months ago there was a very lucrative sinecure called the "Comptroller-

ship of the Exchequer," designed to guard the Exchequer against its Chancellor; and the last holder, Lord Monteagle, used to say he was the pivot of the English Constitution. I have not room to explain what he meant, and it is not needful; what is to the purpose is that, by an inherited series of historical complexities, a defaulting clerk in an office of no litigation was not under natural authority, the finance minister, but under a far-away judge who had never heard of him.

The whole office of the Lord Chancellor is a heap of anomalies. He is a judge, and it is contrary to obvious principle that any part of administration should be entrusted to a judge; it is of very grave moment that the administration of justice should be kept clear of any sinister temptations. Yet the Lord Chancellor, our chief judge, sits in the Cabinet, and makes party speeches in the Lords. Lord Lyndhurst was a principal Tory politician, and yet he presided in the O'Connell case. Lord Westbury was in chronic wrangle with the bishops, but he gave judgment upon "Essays and Reviews." In truth, the Lord Chancellor became a Cabinet Minister, because, being near the person of the sovereign, he was high in court precedence, and not upon a political theory wrong or right.

A friend once told me that an intelligent Italian asked him about the principal English officers, and that he was very puzzled to explain their duties, and especially to explain the relation of their duties to their titles. I do not remember all the cases, but

I can recollect that the Italian could not comprehend why the First "Lord of the Treasury" had as a rule nothing to do with the Treasury, or why the "Woods and Forests" looked after the sewerage of towns. This conversation was years before the cattle plague, but I should like to have heard the reasons why the Privy Council Office had charge of that malady. Of course one could give an historical reason, but I mean an administrative reason —a reason which would show, not how it came to have the duty, but why in future it should keep it.

But the unsystematic and casual arrangement of our public offices is not more striking than their difference of arrangement for the one purpose they have in common. They all, being under the ultimate direction of a Parliamentary official, ought to have the best means of bringing the whole of the higher concerns of the office before that official. When the fresh mind rules, the fresh mind requires to be informed. And most business being rather alike, the machinery for bringing it before the extrinsic chief ought, for the most part, to be similar: at any rate, where it is different, it ought to be different upon reason; and where it is similar, similar upon reason. Yet there are almost no two offices which are exactly alike in the defined relations of the permanent official to the Parliamentary chief. Let us see. The *army and navy* are the most similar in nature, yet there is in the army a permanent outside office, called the Horse Guards, to which there is nothing else like. In the navy, there is a curious

anomaly—a Board of Admiralty, also changing with every government, which is to instruct the First Lord in what he does not know. The relations between the First Lord and the Board have not always been easily intelligible, and those between the War Office and the Horse Guards are in extreme confusion. Even now a Parliamentary paper relating to them has just been presented to the House of Commons, which says the fundamental and ruling document cannot be traced beyond the possession of Sir George Lewis, who was Secretary for War three years since; and the confused details are endless, as they must be in a chronic contention of offices. At the *Board of Trade* there is only the hypothesis of a Board; it has long ceased to exist. Even the President and Vice-President do not regularly meet for the transaction of affairs. The patent of the latter is only to transact business in the absence of the President, and if the two are not intimate, and the President chooses to act himself, the Vice-President sees no papers, and does nothing. At the *Treasury* the shadow of a Board exists, but its members have no power, and are the very officials whom Canning said existed to make a House, to keep a House, and to cheer the ministers. The *Indian Office* has a fixed "Council;" but the *Colonial Office*, which rules over our other dependencies and colonies, has not, and never had, the vestige of a council. *Any* of these varied constitutions may be right, but all of them can scarcely be right.

In truth the real constitution of a permanent

office to be ruled by a permanent chief has been discussed only once in England: that case was a peculiar and anomalous one, and the decision then taken was dubious. A new India Office, when the East India Company was abolished, had to be made. The late Mr. James Wilson, a consummate judge of administrative affairs, then maintained that no council ought to be appointed *eo nomine*, but that the true Council of a Cabinet minister was a certain number of highly paid, much occupied, responsible secretaries, whom the minister could consult either separately or together, as, and when, he chose. Such secretaries, Mr. Wilson maintained, must be able, for no minister will sacrifice his own convenience, and endanger his own reputation by appointing a fool to a post so near himself, and where he can do much harm. A member of a Board may easily be incompetent; if some other members and the chairmen are able, the addition of one or two stupid men will not be felt; they will receive their salaries and do nothing. But a permanent under-secretary, charged with a real control over much important business, must be able, or his superior will be blamed, and there will be "a scrape in Parliament."

I cannot here discuss, nor am I competent to discuss, the best mode of composing public offices, and of adjusting them to a Parliamentary head. There ought to be on record skilled evidence on the subject before a person without any specific experience can to any purpose think about it. But I may observe that the plan which Mr. Wilson suggested

is that followed in the most successful part of our administration, the "Ways and Means" part. When the Chancellor of the Exchequer prepares a Budget, he requires from the responsible heads of the revenue department their estimates of the public revenue upon the preliminary hypothesis that no change is made, but that last year's taxes will continue; if, afterwards, he thinks of making an alteration, he requires a report on that too. If he has to renew Exchequer bills, or operate anyhow in the City, he takes the opinion, oral or written, of the ablest and most responsible person at the National Debt Office, and the ablest and most responsible at the Treasury. Mr. Gladstone, by far the greatest Chancellor of the Exchequer of this generation, one of the very greatest of any generation, has often gone out of his way to express his obligation to these responsible skilled advisers. The more a man knows himself, the more habituated he is to action in general, the more sure he is to take and to value responsible counsel emanating from ability and suggested by experience. That this principle brings good fruit is certain. We have, by unequivocal admission, the best budget in the world. Why should not the rest of our administration be as good if we did but apply the same method to it?

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I leave this to stand as it was originally written since it does not profess to rest on my own know-

ledge, and only offers a suggestion on good authority. Recent experience seems, however, to show that in all great administrative departments there ought to be some one permanent responsible head through whom the changing Parliamentary chief always acts, from whom he learns everything, and to whom he communicates everything. The daily work of the Exchequer is a trifle compared with that of the Admiralty or the Home Office, and therefore a single principal head is not there so necessary. But the preponderance of evidence at present is that in all offices of very great work some one such head is essential.

# No. VII.

## ITS SUPPOSED CHECKS AND BALANCES.

IN a former essay I devoted an elaborate discussion to the comparison of the royal and unroyal form of Parliamentary Government. I showed that at the formation of a ministry, and during the continuance of a ministry, a really sagacious monarch might be of rare use. I ascertained that it was a mistake to fancy that at such times a constitutional monarch had no *rôle* and no duties. But I proved likewise that the temper, the disposition, and the faculties then needful to fit a constitutional monarch for usefulness were very rare, at least as rare as the faculties of a great absolute monarch, and that a common man in that place is apt to do at least as much harm as good—perhaps more harm. But in that essay I could not discuss fully the functions of a king at the conclusion of an administration, for then the most peculiar parts of the English government—the power to dissolve the House of Commons, and the power to create new peers—come into play, and until the nature of the House of Lords and the nature of the House of Commons had been explained,

I had no premises for an argument as to the characteristic action of the king upon them. We have since considered the functions of the two houses, and also the effects of changes of ministry on our administrative system; we are now, therefore, in a position to discuss the functions of a king at the end of an administration.

I may seem over formal in this matter, but I am very formal on purpose. It appears to me that the functions of our executive in dissolving the Commons and augmenting the Peers are among the most important, and the least appreciated, parts of our whole government, and that hundreds of errors have been made in copying the English Constitution from not comprehending them.

Hobbes told us long ago, and everybody now understands, that there must be a supreme authority, a conclusive power, in every state on every point somewhere. The idea of government involves it—when that idea is properly understood. But there are two classes of governments. In one the supreme determining power is upon all points the same: in the other, that ultimate power is different upon different points—now resides in one part of the Constitution and now in another. The Americans thought that they were imitating the English in making their Constitution upon the last principle—in having one ultimate authority for one sort of matter, and another for another sort. But in truth the English Constitution is the type of the opposite species; it has only one authority for all sorts of

matters. To gain a living conception of the difference let us see what the Americans did.

First, they altogether retained what, in part, they could not help, the sovereignty of the separate states. A fundamental article of the Federal Constitution says that the powers not "delegated" to the central government are "reserved to the States respectively." And the whole recent history of the Union—perhaps all its history—has been more determined by that enactment than by any other single cause. The sovereignty of the principal matters of state has rested not with the highest government, but with the subordinate government. The Federal government could not touch slavery—the "domestic institution" which divided the Union into two halves, unlike one another in morals, politics, and social condition, and at last set them to fight. This determining political fact was not in the jurisdiction of the highest government in the country, where you might expect its highest wisdom, nor in the central government, where you might look for impartiality, but in local governments, where petty interests were sure to be considered, and where only inferior abilities were likely to be employed. The capital fact was reserved for the minor jurisdictions. Again, there has been only one matter comparable to slavery in the United States, and that has been vitally affected by the State governments also. Their ultra-democracy is not a result of Federal legislation, but of State legislation. The Federal Constitution deputed one of the main items

of its structure to the subordinate governments. One of its clauses provides that the suffrages for the Federal House of Representatives shall be, in each State, the same as for the most numerous branch of the legislature of that State; and as each State fixes the suffrage for its own legislatures, the States altogether fix the suffrage for the Federal Lower Chamber. By another clause of the Federal Constitution the States fix the electoral qualification for voting at a Presidential election. The primary element in a free government—the determination how many people shall have a share in it—in America depends not on the government but on certain subordinate local, and sometimes, as in the South now, hostile bodies.

Doubtless the framers of the Constitution had not much choice in the matter. The wisest of them were anxious to get as much power for the central government, and to leave as little to the local governments as they could. But a cry was got up that this wisdom would create a tyranny and impair freedom, and with that help, local jealousy triumphed easily. All Federal government is, in truth, a case in which what I have called the dignified elements of government do not coincide with the serviceable elements. At the beginning of every league the separate States are the old governments which attract and keep the love and loyalty of the people; the Federal government is a useful thing, but new and unattractive. It must concede much to the State governments, for it is indebted to them for

motive power : they are the governments which the people voluntarily obey. When the State governments are not thus loved, they vanish as the little Italian and the little German potentates vanished ; no federation is needed ; a single central government rules all.

But the division of the sovereign authority in the American Constitution is far more complex than this. The part of that authority left to the Federal government is itself divided and subdivided. The greatest instance is the most obvious. The Congress rules the law, but the President rules the administration. One means of unity the constitution does give ; the President can veto laws he does not like. But when two-thirds of both houses are unanimous (as has lately happened), they can overrule the President and make the laws without him ; so here there are three separate repositories of the legislative power in different cases : first, Congress and the President when they agree ; next, the President when he effectually exerts his power ; then the requisite two-thirds of Congress when they overrule the President. And the President need not be over-active in carrying out a law he does not approve of. He may indeed be impeached for gross neglect ; but between criminal non-feasance and zealous activity there are infinite degrees. Mr. Johnson does not carry out the Freedman's Bureau Bill as Mr. Lincoln, who approved of it, would have carried it out. The American Constitution has a special contrivance for varying the supreme legislative

authority in different cases, and dividing the administrative authority from it in all cases.

But the administrative power itself is not left thus simple and undivided. One most important part of administration is international policy, and the supreme authority here is not in the President, still less in the House of Representatives, but in the Senate. The President can only make treaties, "provided two-thirds of Senators present" concur. The sovereignty therefore for the greatest international questions is in a different part of the State altogether from any common administrative or legislative question. It is put in a place by itself.

Again, the Congress declares war, but they would find it very difficult, according to the recent construction of their laws, to compel the President to make a peace. The authors of the Constitution doubtless intended that Congress should be able to control the American executive as our Parliament controls ours. They placed the granting of supplies in the House of Representatives exclusively. But they forgot to look after "paper money;" and now it has been held that the President has power to emit such money without consulting Congress at all. The first part of the late war was so carried on by Mr. Lincoln; he relied not on the grants of Congress, but on the prerogative of emission. It sounds a joke, but it is true nevertheless, that this power to issue greenbacks is decided to belong to the President as commander-in-chief of the army; it is part of what was called the "war power." In

truth money was wanted in the late war, and the administration got it in the readiest way; and the nation, glad not to be more taxed, wholly approved of it. But the fact remains that the President has now, by precedent and decision, a mighty power to continue a war without the consent of Congress, and perhaps against its wish. Against the united will of the American *people* a President would of course be impotent; such is the genius of the place and nation that he would never think of it. But when the nation was (as of late) divided into two parties, one cleaving to the President, the other to the Congress, the now unquestionable power of the President to issue paper-money may give him the power to continue the war though Parliament (as we should speak) may enjoin the war to cease.

And lastly, the whole region of the very highest questions is withdrawn from the ordinary authorities of the State, and reserved for special authorities. The "constitution" cannot be altered by any authorities within the constitution, but only by anthorities without it. Every alteration of it, however urgent or however trifling, must be sanctioned by a complicated proportion of States or legislatures. The consequence is that the most obvious evils cannot be quickly remedied; that the most absurd fictions must be framed to evade the plain sense of mischievous clauses; that a clumsy working and curious technicality mark the politics of a rough-and-ready people. The practical argu-

ments and the legal disquisitions in America are often like those of trustees carrying out a misdrawn will—the sense of what they mean is good, but it can never be worked out fully or defended simply, so hampered is it by the old words of an old testament.

These instances (and others might be added) prove, as history proves too, what was the principal thought of the American constitution-makers. They shrank from placing sovereign power anywhere. They feared that it would generate tyranny; George III. had been a tyrant to them, and come what might, they would not make a George III. Accredited theories said that the English Constitution divided the sovereign authority, and in imitation the Americans split up theirs.

The result is seen now. At the critical moment of their history there is no ready, deciding power. The South, after a great rebellion, lies at the feet of its conquerors: its conquerors have to settle what to do with it.* They must decide the conditions upon which the Secessionists shall again become fellow citizens, shall again vote, again be represented, again perhaps govern. The most difficult of problems is how to change late foes into free friends. The safety of their great public debt, and with that debt their future credit and their whole power in future wars, may depend on their not

* This was written just after the close of the civil war, but I do not know that the great problem stated in it has as yet been adequately solved.

giving too much power to those who must see in the debt the cost of their own subjugation, and who must have an inclination towards the repudiation of it, now that their own debt,—the cost of their defence,—has been repudiated. A race, too, formerly enslaved, is now at the mercy of men who hate and despise it, and those who set it free are bound to give it a fair chance for new life. The slave was formerly protected by his chains; he was an article of value; but now he belongs to himself, no one but himself has an interest in his life; and he is at the mercy of the "mean whites," whose labour he depreciates, and who regard him with a loathing hatred. The greatest moral duty ever set before a government, and the most fearful political problem ever set before a government, are now set before the American. But there is no decision, and no possibility of a decision. The President wants one course, and has power to prevent any other; the Congress wants another course, and has power to prevent any other. The splitting of sovereignty into many parts amounts to there being no sovereign.

The Americans of 1787 thought they were copying the English Constitution, but they were contriving a contrast to it. Just as the American is the type of *composite* governments, in which the supreme power is divided between many bodies and functionaries, so the English is the type of *simple* constitutions, in which the ultimate power upon all questions is in the hands of the same persons.

The ultimate authority in the English Constitution is a newly-elected House of Commons. No matter whether the question upon which it decides be administrative or legislative; no matter whether it concerns high matters of the essential constitution or small matters of daily detail; no matter whether it be a question of making a war or continuing a war; no matter whether it be the imposing a tax or the issuing a paper currency; no matter whether it be a question relating to India, or Ireland, or London,—a new House of Commons can despotically and finally resolve.

The House of Commons may, as was explained, assent in minor matters to the revision of the House of Lords, and submit in matters about which it cares little to the suspensive veto of the House of Lords; but when sure of the popular assent, and when freshly elected, it is absolute,—it can rule as it likes and decide as it likes. And it can take the best security that it does not decide in vain. It can insure that its decrees shall be executed, for it, and it alone, appoints the executive; it can inflict the most severe of all penalties on neglect, for it can remove the executive. It can choose, to effect its wishes, those who wish the same; and so its will is sure to be done. A stipulated majority of both Houses of the American Congress can overrule by stated enactment their executive; but the popular branch of our legislature can make and unmake ours.

The English Constitution, in a word, is framed

on the principle of choosing a single sovereign authority, and making it good ; the American, upon the principle of having many sovereign authorities, and hoping that their multitude may atone for their inferiority. The Americans now extol their institutions, and so defraud themselves of their due praise. But if they had not a genius for politics ; if they had not a moderation in action singularly curious where superficial speech is so violent ; if they had not a regard for law, such as no great people have yet evinced, and infinitely surpassing ours, the multiplicity of authorities in the American Constitution would long ago have brought it to a bad end. Sensible shareholders, I have heard a shrewd attorney say, can work *any* deed of settlement ; and so the men of Massachusetts could, I believe, work *any* constitution.* But political philosophy must analyse political history ; it must distinguish what is due to the excellence of the people, and what to the excellence of the laws ; it must carefully calculate the exact effect of each part of the constitution, though thus it may destroy many an idol of the multitude, and detect the secret of utility where but few imagined it to lie.

How important singleness and unity are in political action no one, I imagine, can doubt. We may distinguish and define its parts ; but policy is a unit

* Of course I am not speaking here of the South and South-East, as they now are. How any free government is to exist in societies where so many bad elements are so much perturbed, I cannot imagine.

and a whole. It acts by laws—by administrators; it requires now one, now the other; unless it can easily move both, it will be impeded soon; unless it has an absolute command of both its work will be imperfect. The interlaced character of human affairs requires a single determining energy; a distinct force for each artificial compartment will make but a motley patchwork, if it live long enough to make anything. The excellence of the British Constitution is that it has achieved this unity; that in it the sovereign power is single, possible, and good.

The success is primarily due to the peculiar provision of the English Constitution, which places the choice of the executive in the "people's house;" but it could not have been thoroughly achieved except for two parts, which I venture to call the "safety-valve" of the constitution, and the "regulator."

The safety-valve is the peculiar provision of the constitution, of which I spoke at great length in my essay on the House of Lords. The head of the executive can overcome the resistance of the second chamber by choosing new members of that chamber; if he do not find a majority, he can make a majority. This is a safety-valve of the truest kind. It enables the popular will—the will of which the executive is the exponent, the will of which it is the appointee—to carry out within the constitution desires and conceptions which one branch of the constitution dislikes and resists. It

lets forth a dangerous accumulation of inhibited power, which might sweep this constitution before it, as like accumulations have often swept away like constitutions.

The regulator, as I venture to call it, of our single sovereignty is the power of dissolving the otherwise sovereign chamber confided to the chief executive. The defects of the popular branch of a legislature as a sovereign have been expounded at length in a previous essay. Briefly, they may be summed up in three accusations.

First. Caprice is the commonest and most formidable vice of a choosing chamber. Wherever in our colonies parliamentary government is unsuccessful, or is alleged to be unsuccessful, this is the vice which first impairs it. The assembly cannot be induced to maintain any administration ; it shifts its selection now from one minister to another minister, and in consequence there is no government at all.

Secondly. The very remedy for such caprice entails another evil. The only mode by which a cohesive majority and a lasting administration can be upheld in a Parliamentary government, is party organisation ; but that organisation itself tends to aggravate party violence and party animosity. It is, in substance, subjecting the whole nation to the rule of a section of the nation, selected because of its speciality. Parliamentary government is, in its essence, a sectarian government, and is possible only when sects are cohesive.

Thirdly. A parliament, like every other sort of sovereign, has peculiar feelings, peculiar prejudices, peculiar interests ; and it may pursue these in opposition to the desires, and even in opposition to the well-being of the nation. It has its selfishness as well as its caprice and its parties.

The mode in which the regulating wheel of our constitution produces its effect is plain. It does not impair the authority of Parliament as a species, but it impairs the power of the individual Parliament. It enables a particular person outside parliament to say, "You Members of Parliament are not doing your duty. You are gratifying caprice at the cost of the nation. You are indulging party spirit at the cost of the nation. You are helping yourself at the cost of the nation. I will see whether the nation approves what you are doing or not ; I will appeal from Parliament No. 1 to Parliament No. 2."

By far the best way to appreciate this peculiar provision of our constitution is to trace it in action —to see, as we saw before of the other powers of English royalty, how far it is dependent on the existence of an hereditary king, and how far it can be exercised by a premier whom Parliament elects. When we examine the nature of the particular person required to exercise the power, a vivid idea of that power is itself brought home to us.

First. As to the caprice of parliament in the choice of a premier, who is the best person to check it ? Clearly the premier himself. He is the person

most interested in maintaining his administration, and therefore the most likely person to use efficiently and dexterously the power by which it is to be maintained. The intervention of an extrinsic king occasions a difficulty. A capricious Parliament may always hope that his caprice may coincide with theirs. In the days when George III. assailed his governments, the premier was habitually deprived of his due authority. Intrigues were encouraged because it was always dubious whether the king-hated minister would be permitted to appeal from the intriguers, and always a chance that the conspiring monarch might appoint one of the conspirators to be premier in his room. The caprice of Parliament is better checked when the faculty of dissolution is intrusted to its appointee, than when it is set apart in an outlying and an alien authority.

But, on the contrary, the party zeal and the self-seeking of Parliament are best checked by an authority which has no connection with Parliament or dependence upon it—supposing that such authority is morally and intellectually equal to the performance of the intrusted function. The Prime Minister obviously being the nominee of a party majority is likely to share its feeling, and is sure to be obliged to *say* that he shares it. The actual contact with affairs is indeed likely to purify him from many prejudices, to tame him of many fanaticisms, to beat out of him many errors. The present Conservative Government contains more than one member who regards his party as intellectually

benighted; who either never speaks their peculiar dialect, or who speaks it condescendingly, and with an "aside;" who respects their accumulated prejudices as the "potential energies" on which he subsists, but who despises them while he lives by them. Years ago Mr. Disraeli called Sir Robert Peel's Ministry—the last Conservative Ministry that had real power—"an organised hypocrisy," so much did the ideas of its "head" differ from the sensations of its "tail." Probably he now comprehends—if he did not always—that the air of Downing Street brings certain ideas to those who live there, and that the hard, compact prejudices of opposition are soon melted and mitigated in the great gulf stream of affairs. Lord Palmerston, too, was a typical example of a leader lulling, rather than arousing, assuaging rather than acerbating the minds of his followers. But though the composing effect of close difficulties will commonly make a premier cease to be an immoderate partisan, yet a partisan to some extent he must be, and a violent one he may be; and in that case he is not a good person to check the party. When the leading sect (so to speak) in Parliament is doing what the nation do not like, an instant appeal ought to be registered and Parliament ought to be dissolved. But a zealot of a premier will not appeal; he will follow his formulæ; he will believe he is doing good service when, perhaps, he is but pushing to unpopular consequences the narrow maxims of an inchoate theory. At such a minute a constitutional king—

such as Leopold the First was, and as Prince Albert might have been—is invaluable; he can and will prevent Parliament from hurting the nation.

Again, too, on the selfishness of Parliament an extrinsic check is clearly more efficient than an intrinsic. A premier who is made by Parliament may share the bad impulses of those who chose him; or, at any rate, he may have made "capital" out of them—he may have seemed to share them. The self-interests, the jobbing propensities of the assembly are sure indeed to be of very secondary interest to him. What he will care most for is the permanence, is the interest—whether corrupt or uncorrupt—of his own ministry. He will be disinclined to anything coarsely unpopular. In the order of nature, a new assembly must come before long, and he will be indisposed to shock the feelings of the electors from whom that assembly must emanate. But though the interest of the minister is inconsistent with appalling jobbery, he will be inclined to mitigated jobbery. He will temporise; he will try to give a seemly dress to unseemly matters: to do as much harm as will content the assembly, and yet not so much harm as will offend the nation. He will not shrink from becoming a *particeps criminis*; he will but endeavour to dilute the crime. The intervention of an extrinsic, impartial, and capable authority—if such can be found—will undoubtedly restrain the covetousness as well as the factiousness of a choosing assembly.

But can such a head be found? In one case I

think it has been found. Our colonial governors are precisely *Dei ex machinâ*. They are always intelligent, for they have to live by a different trade; they are nearly sure to be impartial, for they come from the ends of the earth; they are sure not to participate in the selfish desires of any colonial class or body, for long before those desires can have attained fruition they will have passed to the other side of the world, be busy with other faces and other minds, be almost out of hearing what happens in a region they have half forgotten. A colonial governor is a super-parliamentary authority, animated by a wisdom which is probably in quantity considerable, and is different from that of the local Parliament, even if not above it. But even in this case the advantage of this extrinsic authority is purchased at a heavy price—a price which must not be made light of, because it is often worth paying. A colonial governor is a ruler who has no permanent interest in the colony he governs; who perhaps had to look for it in the map when he was sent thither; who takes years before he really understands its parties and its controversies; who, though without prejudice himself, is apt to be a slave to the prejudices of local people near him; who inevitably, and almost laudably, governs not in the interest of the colony, which he may mistake, but in his own interest, which he sees and is sure of. The first desire of a colonial governor is not to get into a "scrape," not to do anything which may give trouble to his superiors—the Colonial Office—at home,

which may cause an untimely and dubious recall, which may hurt his after career. He is sure to leave upon the colony the feeling that they have a ruler who only half knows them, and does not so much as half care for them. We hardly appreciate this common feeling in our colonies, because *we* appoint *their* sovereign; but we should understand it in an instant if, by a political metamorphosis, the choice were turned the other way—if *they* appointed *our* sovereign. We should then say at once, "How is it possible a man from New Zealand can understand England? how is it possible that a man longing to get back to the antipodes can care for England? how can we trust one who lives by the fluctuating favour of a distant authority? how can we heartily obey one who is but a foreigner with the accident of an identical language?"

I dwell on the evils which impair the advantage of colonial governorship because that is the most favoured case of super-parliamentary royalty, and because from looking at it we can bring freshly home to our minds what the real difficulties of that institution are. We are so familiar with it that we do not understand it. We are like people who have known a man all their lives, and yet are quite surprised when he displays some obvious characteristic which casual observers have detected at a glance. I have known a man who did not know what colour his sister's eyes were, though he had seen her every day for twenty years; or rather, he did not know *because* he had so seen her: so true is the philosophi-

cal maxim that we neglect the constant element in our thoughts, though it is probably the most important, and attended almost only to the varying elements—the differentiating elements (as men now speak)—though they are apt to be less potent. But when we perceive by the roundabout example of a colonial governor how difficult the task of a constitutional king is in the exercise of the function of dissolving parliament, we at once see how unlikely it is that an hereditary monarch will be possessed of the requisite faculties.

An hereditary king is but an ordinary person, upon an average, at best; he is nearly sure to be badly educated for business; he is very little likely to have a taste for business; he is solicited from youth by every temptation to pleasure; he probably passed the whole of his youth in the vicious situation of the heir-apparent, who can do nothing because he has no appointed work, and who will be considered almost to outstep his function if he undertake optional work. For the most part, a constitutional king is a *damaged* common man; not forced to business by necessity as a despot often is, but yet spoiled for business by most of the temptations which spoil a despot. History, too, seems to show that hereditary royal families gather from the repeated influence of their corrupting situation some dark taint in the blood, some transmitted and growing poison which hurts their judgments, darkens all their sorrow, and is a cloud on half their pleasure. It has been said, not truly, but with a possible ap-

proximation to truth, "That in 1802 every hereditary monarch was insane." Is it likely that this sort of monarchs will be able to catch the exact moment when, in opposition to the wishes of a triumphant ministry, they ought to dissolve Parliament? To do so with efficiency they must be able to perceive that the Parliament is wrong, and that the nation knows it is wrong. Now to know that Parliament is wrong, a man must be, if not a great statesman, yet a considerable statesman—a statesman of some sort. He must have great natural vigour, for no less will comprehend the hard principles of national policy. He must have incessant industry, for no less will keep him abreast with the involved detail to which those principles relate, and the miscellaneous occasions to which they must be applied. A man made common by nature, and made worse by life, is not likely to have either; he is nearly sure not to be *both* clever and industrious. And a monarch in the recesses of a palace, listening to a charmed flattery unbiased by the miscellaneous world, who has always been hedged in by rank, is likely to be but a poor judge of public opinion. He may have an inborn tact for finding it out; but his life will never teach it him, and will probably enfeeble it in him.

But there is a still worse case, a case which the life of George III.—which is a sort of museum of the defects of a constitutional king—suggests at once. The Parliament may be wiser than the people, and yet the king may be of the same mind

with the people. During the last years of the American war, the Premier, Lord North, upon whom the first responsibility rested, was averse to continuing it, and knew it could not succeed. Parliament was much of the same mind; if Lord North had been able to come down to Parliament with a peace in his hand, Parliament would probably have rejoiced, and the nation under the guidance of Parliament, though saddened by its losses, probably would have been satisfied. The opinion of that day was more like the American opinion of the present day than like our present opinion. It was much slower in its formation than our opinion now, and obeyed much more easily sudden impulses from the central administration. If Lord North had been able to throw the undivided energy and the undistracted authority of the Executive Government into the excellent work of making a peace and carrying a peace, years of bloodshed might have been spared, and an entail of enmity cut off that has not yet run out. But there was a power behind the Prime Minister; George III. was madly eager to continue the war, and the nation—not seeing how hopeless the strife was, not comprehending the lasting antipathy which their obstinacy was creating—ignorant, dull, and helpless—was ready to go on too. Even if Lord North had wished to make peace, and had persuaded Parliament accordingly, all his work would have been useless; a superior power could and would have appealed from a wise and pacific Parliament to a sullen and

warlike nation. The check which our constitution finds for the special vices of our Parliament was misused to curb its wisdom.

The more we study the nature of Cabinet Government, the more we shall shrink from exposing at a vital instant its delicate machinery to a blow from a casual, incompetent, and perhaps semi-insane outsider. The preponderant probability is that on a great occasion the Premier and Parliament will really be wiser than the king. The Premier is sure to be able, and is sure to be most anxious to decide well; if he fail to decide, he loses his place, though through all blunders the king keeps his; the judgment of the man, naturally very discerning, is sharpened by a heavy penalty, from which the judgment of the man, by nature much less intelligent, is exempt. Parliament, too, is for the most part a sound, careful, and practical body of men. Principle shows that the power of dismissing a Government with which Parliament is satisfied, and of dissolving that Parliament upon an appeal to the people, is not a power which a common hereditary monarch will in the long run be able beneficially to exercise.

Accordingly this power has almost, if not quite, dropped out of the reality of our constitution. Nothing, perhaps, would more surprise the English people than if the Queen by a *coup d'état* and on a sudden destroyed a ministry firm in the allegiance and secure of a majority in Parliament. That power, indisputably, in theory, belongs to her; but it has passed so far away from the minds

of men that it would terrify them, if she used it, like a volcanic eruption from Primrose Hill. The last analogy to it is not one to be coveted as a precedent. In 1835 William IV. dismissed an administration which, though disorganised by the loss of its leader in the Commons, was an existing Government, had a premier in the Lords ready to go on, and a leader in the Commons willing to begin. The King fancied that public opinion was leaving the Whigs and going over to the Tories, and he thought he should accelerate the transition by ejecting the former. But the event showed that he misjudged. His *perception* indeed was right; the English people were wavering in their allegiance to the Whigs, who had no leader that touched the popular heart, none in whom Liberalism could personify itself and become a passion—who besides were a body long used to opposition, and therefore making blunders in office—who were borne to power by a popular impulse which they only half comprehended, and perhaps less than half shared. But the King's *policy* was wrong; he impeded the reaction instead of aiding it. He forced on a premature Tory Government, which was as unsuccessful as all wise people perceived that it must be. The popular distaste to the Whigs was as yet but incipient, inefficient; and the intervention of the Crown was advantageous to them, because it looked inconsistent with the liberties of the people. And in so far as William IV. was right in detecting an incipient change of opinion, he did but detect an erroneous

change. What was desirable was the prolongation of Liberal rule. The commencing dissatisfaction did but relate to the personal demerits of the Whig leaders, and other temporary adjuncts of free principles, and not to those principles intrinsically. So that the last precedent for a royal onslaught on a ministry ended thus:—in opposing the right principles, in aiding the wrong principles, in hurting the party it was meant to help. After such a warning, it is likely that our monarchs will pursue the policy which a long course of quiet precedent at present directs—they will leave a Ministry trusted by Parliament to the judgment of Parliament.

Indeed, the dangers arising from a party spirit in Parliament exceeding that of the nation, and of a selfishness in Parliament contradicting the true interest of the nation, are not great dangers in a country where the mind of the nation is steadily political, and where its control over its representatives is constant. A steady opposition to a formed public opinion is hardly possible in our House of Commons, so incessant is the national attention to politics, and so keen the fear in the mind of each member that he may lose his valued seat. These dangers belong to early and scattered communities, where there are no interesting political questions, where the distances are great, where no vigilant opinion passes judgment on parliamentary excesses, where few care to have seats in the chamber, and where many of those few are from their characters and their antecedents better not there than there.

The one great vice of parliamentary government in an adult political nation, is the caprice of Parliament in the choice of a ministry. A nation can hardly control it here; and it is not good that, except within wide limits, it should control it. The Parliamentary judgment of the merits or demerits of an administration very generally depends on matters which the Parliament, being close at hand, distinctly sees, and which the distant nation does not see. But where personality enters, capriciousness begins. It is easy to imagine a House of Commons which is discontented with all statesmen, which is contented with none, which is made up of little parties, which votes in small knots, which will adhere steadily to no leader, which gives every leader a chance and a hope. Such Parliaments require the imminent check of possible dissolution; but that check is (as has been shown) better in the premier than in the sovereign; and by the late practice of our constitution, its use is yearly ebbing from the sovereign, and yearly centering in the premier. The Queen can hardly now refuse a defeated minister the chance of a dissolution, any more than she can dissolve in the time of an undefeated one, and without his consent.

We shall find the case much the same with the safety-valve, as I have called it, of our constitution. A good, capable, hereditary monarch would exercise it better than a premier, but a premier could manage it well enough; and a monarch capable of doing better will be born only once in a century,

whereas monarchs likely to do worse will be born every day.

There are two modes in which the power of our executive to create Peers—to nominate, that is, additional members of our upper and revising chamber—now acts: one constant, habitual, though not adequately noticed by the popular mind as it goes on; and the other possible and terrific, scarcely ever really exercised, but always by its reserved magic maintaining a great and a restraining influence. The Crown creates Peers, a few year by year, and thus modifies continually the characteristic feeling of the House of Lords. I have heard people say, who ought to know, that the *English* peerage (the only one upon which unhappily the power of new creation now acts) is now more Whig than Tory. Thirty years ago the majority was indisputably the other way. Owing to very curious circumstances English parties have not alternated in power, as a good deal of speculation predicts they would, and a good deal of current language assumes they have. The Whig party were in office some seventy years (with very small breaks) from the Death of Queen Anne to the coalition between Lord North and Mr. Fox; then the Tories (with only such breaks) were in power for nearly fifty years, till 1832; and since, the Whig party has always, with very trifling intervals, been predominant. Consequently, each continuously-governing party has had the means of modifying the Upper House to suit its views. The profuse Tory

creations of half a century had made the House of Lords bigotedly Tory before the first Reform Act, but it is wonderfully mitigated now. The Irish Peers and the Scotch Peers—being nominated by an almost unaltered constituency, and representing the feelings of the majority of that constituency only (no minority having any voice)—present an unchangeable Tory element. But the element in which change is permitted has been changed. Whether the English Peerage be or be not predominantly now Tory, it is certainly not Tory after the fashion of the Toryism of 1832. The Whig additions have indeed sprung from a class commonly rather adjoining upon Toryism, than much inclining to Radicalism. It is not from men of large wealth that a very great impetus to organic change should be expected. The additions to the Peers have matched nicely enough with the old Peers, and therefore they have effected more easily a greater and more permeating modification. The addition of a contrasting mass would have excited the old leaven, but the delicate infusion of ingredients similar in genus, though different in species, has modified the new compound without irritating the old original.

This ordinary and common use of the peer-creating power is always in the hands of the premier, and depends for its characteristic use on being there. He, as the head of the predominant party, is the proper person to modify gradually the permanent chamber which, perhaps, was at starting

hostile to him; and, at any rate, can be best harmonised with the public opinion he represents by the additions he makes. Hardly any contrived constitution possesses a machinery for modifying its secondary house so delicate, so flexible, and so constant. If the power of creating life peers had been added, the mitigating influence of the responsible executive upon the House of Lords would have been as good as such a thing can be.

The catastrophic creation of Peers for the purpose of swamping the Upper House is utterly different. If an able and impartial exterior king is at hand, this power is best in that king. It is a power only to be used on great occasions, when the object is immense, and the party strife unmitigated. This is the conclusive, the swaying power of the moment, and of course, therefore, it had better be in the hands of a power both capable and impartial, than of a premier who must in some degree be a partisan. The value of a discreet, calm, wise monarch, if such should happen to be reigning at the acute crisis of a nation's destiny, is priceless. He may prevent years of tumult, save bloodshed and civil war, lay up a store of grateful fame to himself, prevent the accumulated intestine hatred of each party to its opposite. But the question comes back, Will there be such a monarch just then? What is the chance of having him just then? What will be the use of the monarch whom the accidents of inheritance, such as we know them to be, must upon an average bring us just then?

The answer to these questions is not satisfactory, if we take it from the little experience we have had in this rare matter. There have been but two cases at all approaching to a catastrophic creation of Peers —to a creation which would suddenly change the majority of the Lords—in English history. One was in Queen Anne's time. The majority of Peers in Queen Anne's time were Whig, and by profuse and quick creations Harley's Ministry changed it to a Tory majority. So great was the popular effect, that in the next reign one of the most contested ministerial proposals was a proposal to take the power of indefinite peer creation from the Crown, and to make the number of Lords fixed, as that of the Commons is fixed. But the sovereign had little to do with the matter. Queen Anne was one of the smallest people ever set in a great place. Swift bitterly and justly said "she had not a store of amity by her for more than one friend at a time," and just then her affection was concentrated on a waiting-maid. Her waiting-maid told her to make peers, and she made them. But of large thought and comprehensive statesmanship she was as destitute as Mrs. Masham. She supported a bad ministry by the most extreme of measures, and she did it on caprice. The case of William IV. is still more instructive. He was a very conscientious king, but at the same time an exceedingly weak king. His correspondence with Lord Grey on this subject fills more than half a large volume, or rather his secretary's correspondence, for he kept a very clever man

to write what he thought, or at least what those about him thought. It is a strange instance of high-placed weakness and conscientious vacillation. After endless letters the king consents to make a *reasonable* number of peers if required to pass the second reading of the Reform Bill, but owing to desertion of the "Waverers" from the Tories, the second reading is carried without it by nine, and then the king refuses to make peers, or at least enough peers when a vital amendment is carried by Lord Lyndhurst, which would have destroyed, and was meant to destroy the Bill. In consequence, there was a tremendous crisis and nearly a Revolution. A more striking example of well-meaning imbecility is scarcely to be found in history. No one who reads it carefully will doubt that the discretionary power of making peers would have been far better in Lord Grey's hands than in the king's. It was the uncertainty whether the king would exercise it, and how far he would exercise it, that mainly animated the opposition. In fact, you may place power in weak hands at a revolution, but you cannot keep it in weak hands. It runs out of them into strong ones. An ordinary hereditary sovereign—a William IV., or a George IV.—is unfit to exercise the peer-creating power when most wanted. A half-insane king, like George III., would be worse. He might use it by unaccountable impulse when not required, and refuse to use it out of sullen madness when required.

The existence of a fancied check on the premier

is in truth an evil, because it prevents the enforcement of a real check. It would be easy to provide by law that an extraordinary number of Peers—say more than ten annually—should not be created except on a vote of some large majority, suppose three-fourths of the Lower House. This would ensure that the premier should not use the reserve force of the constitution as if it were an ordinary force; that he should not use it except when the whole nation fixedly wished it; that it should be kept for a revolution, not expended on administration; and it would ensure that he should then have it to use. Queen Anne's case and William IV.'s case prove that neither object is certainly attained by entrusting this critical and extreme force to the chance idiosyncrasies and habitual mediocrity of an hereditary sovereign.

It may be asked why I argue at such length a question in appearance so removed from practice, and in one point of view so irrelevant to my subject. No one proposes to remove Queen Victoria; if any one is in a safe place on earth, she is in a safe place. In these very essays it has been shown that the mass of our people would obey no one else, that the reverence she excites is the potential energy—as science now speaks—out of which all minor forces are made, and from which lesser functions take their efficiency. But looking not to the present hour, and this single country, but to the world at large and coming times, no question can be more practical.

What grows upon the world is a certain matter-of-

factness. The test of each century, more than of the century before, is the test of results. New countries are arising all over the world where there are no fixed sources of reverence; which have to make them; which have to create institutions which must generate loyalty by conspicuous utility. This matter-of-factness is the growth even in Europe of the two greatest and newest intellectual agencies of our time. One of these is business. We see so much of the material fruits of commerce, that we forget its mental fruits. It begets a mind desirous of things, careless of ideas, not acquainted with the niceties of words. In all labour there should be profit, is its motto. It is not only true that we have "left swords for ledgers," but war itself is made as much by the ledger as by the sword. The soldier—that is, the great soldier—of to-day is not a romantic animal, dashing at forlorn hopes, animated by frantic sentiment, full of fancies as to a lady-love or a sovereign; but a quiet, grave man, busied in charts, exact in sums, master of the art of tactics, occupied in trivial detail; thinking, as the Duke of Wellington was said to do, *most* of the shoes of his soldiers; despising all manner of *éclat* and eloquence; perhaps, like Count Moltke, "silent in seven languages." We have reached a "climate" of opinion where figures rule, where our very supporter of Divine right, as we deemed him, our Count Bismarck, amputates kings right and left, applies the test of results to each, and lets none live who are not to do something. There has in truth been a great change during the

last five hundred years in the predominant occupations of the ruling part of mankind; formerly they passed their time either in exciting action or inanimate repose. A feudal baron had nothing between war and the chase—keenly animating things both—and what was called "inglorious ease." Modern life is scanty in excitements, but incessant in quiet action. Its perpetual commerce is creating a "stock-taking" habit—the habit of asking each man, thing, and institution, "Well, what have you done since I saw you last?"

Our physical science, which is becoming the dominant culture of thousands, and which is beginning to permeate our common literature to an extent which few watch enough, quite tends the same way. The two peculiarities are its homeliness and its inquisitiveness; its value for the most "stupid" facts, as one used to call them, and its incessant wish for verification—to be sure, by tiresome seeing and hearing, that they are facts. The old excitement of thought has half died out, or rather it is diffused in quiet pleasure over a life instead of being concentrated in intense and eager spasms. An old philosopher—a Descartes, suppose—fancied that out of primitive truths, which he could by ardent excogitation know, he might by pure deduction evolve the entire universe. Intense self-examination, and intense reason would, he thought, make out everything. The soul "itself by itself," could tell all it wanted if it would be true to its sublimer isolation. The greatest enjoyment possible

to man was that which this philosophy promises its votaries—the pleasure of being always right, and always reasoning—without ever being bound to look at anything. But our most ambitious schemes of philosophy now start quite differently. Mr. Darwin begins :—

"When on board H.M.S. *Beagle*, as naturalist, I was much struck with certain facts in the distribution of the organic beings inhabiting South America, and in the geological relations of the present to the past inhabitants of that continent. These facts, as will be seen in the latter chapters of this volume, seemed to throw some light on the origin of species —that mystery of mysteries, as it has been called by one of our greatest philosophers. On my return home, it occurred to me, in 1837, that something might perhaps be made out on this question by patiently accumulating and reflecting on all sorts of facts which could possibly have any bearing on it. After five years' work I allowed myself to speculate on the subject, and drew up some short notes ; these I enlarged in 1844 into a sketch of the conclusions which then seemed to me probable : from that period to the present day I have steadily pursued the same object. I hope that I may be excused for entering on these personal details, as I give them to show that I have not been hasty in coming to a decision."

If he hopes finally to solve his great problem, it is by careful experiments in pigeon fancying, and other sorts of artificial variety making. His hero is

not a self-inclosed, excited philosopher, but "that most skilful breeder, Sir John Sebright, who used to say, with respect to pigeons, that he would produce any given feathers in three years, but it would take him six years to obtain a head and a beak." I am not saying that the new thought is better than the old; it is no business of mine to say anything about that; I only wish to bring home to the mind, as nothing but instances can bring it home, how matter-of-fact, how petty, as it would at first sight look, even our most ambitious science has become.

In the new communities which our emigrating habit now constantly creates, this prosaic turn of mind is intensified. In the American mind and in the colonial mind there is, as contrasted with the old English mind, a *literalness*, a tendency to say, "The facts are so-and-so, whatever may be thought or fancied about them." We used before the civil war to say that the Americans worshipped the almighty dollar; we now know that they can scatter money almost recklessly when they will. But what we meant was half right—they worship visible value: obvious, undeniable, intrusive result. And in Australia and New Zealand the same turn comes uppermost. It grows from the struggle with the wilderness. Physical difficulty is the enemy of early communities, and an incessant conflict with it for generations leaves a mark of reality on the mind—a painful mark almost to us, used to impalpable fears and the half-fanciful dangers of an old and complicated society. The "new Englands" of all

latitudes are bare-minded (if I may so say) as compared with the "old."

When, therefore, the new communities of the colonised world have to choose a government, they must choose one in which *all* the institutions are of an obvious evident utility. We catch the Americans smiling at our Queen with her secret mystery, and our Prince of Wales with his happy inaction. It is impossible, in fact, to convince their prosaic minds that constitutional royalty is a rational government, that it is suited to a new age and an unbroken country, that those who start afresh can start with it. The princelings who run about the world with excellent intentions, but an entire ignorance of business, are to them a locomotive advertisement that this sort of government is European in its limitations and mediæval in its origin; that though it has yet a great part to play in the old states, it has no place or part in new states. The *réalisme impitoyable* which good critics find in a most characteristic part of the literature of the nineteenth century, is to be found also in its politics. An ostentatious utility must characterise its creations.

The deepest interest, therefore, attaches to the problem of this essay. If hereditary royalty had been essential to parliamentary government, we might well have despaired of that government. But accurate investigation shows that this royalty is not essential; that, upon an average, it is not even in a high degree useful; that though a king with high courage and fine discretion,—a king with

a genius for the place,—is always useful, and at rare moments priceless, yet that a common king, a king such as birth brings, is of no use at difficult crises, while in the common course of things his aid is neither likely nor required—he will do nothing, and he need do nothing. But we happily find that a new country need not fall back into the fatal division of powers incidental to a presidential government; it may, if other conditions serve, obtain the ready, well-placed, identical sort of sovereignty which belongs to the English Constitution, under the unroyal form of Parliamentary Government.

# No. VIII.

## THE PRE-REQUISITES OF CABINET GOVERNMENT, AND THE PECULIAR FORM WHICH THEY HAVE ASSUMED IN ENGLAND.

CABINET Government is rare because its pre-requisites are many. It requires the co-existence of several national characteristics which are not often found together in the world, and which should be perceived more distinctly than they often are. It is fancied that the possession of a certain intelligence, and a few simple virtues, are the sole requisites. The mental and moral qualities are necessary, but much else is necessary also. A cabinet government is the government of a committee elected by the legislature, and there are therefore a double set of conditions to it: first, those which are essential to all elective governments as such; and second, those which are requisite to this particular elective government. There are pre-requisites for the genus, and additional ones for the species.

The first pre-requisite of elective government is the *mutual confidence* of the electors. We are so accustomed to submit to be ruled by elected min-

isters, that we are apt to fancy all mankind would readily be so too. Knowledge and civilisation have at least made this progress, that we instinctively, without argument, almost without consciousness, allow a certain number of specified persons to choose our rulers for us. It seems to us the simplest thing in the world. But it is one of the gravest things.

The peculiar marks of semi-barbarous people are diffused distrust and indiscriminate suspicion. People, in all but the most favoured times and places, are rooted to the places where they were born, think the thoughts of those places, can endure no other thoughts. The next parish even is suspected. Its inhabitants have different usages, almost imperceptibly different, but yet different; they speak a varying accent; they use a few peculiar words; tradition says that their faith is dubious. And if the next parish is a little suspected, the next county is much more suspected. Here is a definite beginning of new maxims, new thoughts, new ways: the immemorial boundary mark begins in feeling a strange world. And if the next county is dubious, a remote county is untrustworthy. "Vagrants come from thence," men know, and they know nothing else. The inhabitants of the north speak a dialect different from the dialect of the south: they have other laws, another aristocracy, another life. In ages when distant territories are blanks in the mind, when neighbourhood is a sentiment, when locality is a passion, concerted co-operation between remote regions is impossible even on trivial matters. Neither

would rely enough upon the good faith, good sense, and good judgment of the other. Neither could enough calculate on the other.

And if such co-operation is not to be expected in trivial matters, it is not to be thought of in the most vital matter of government—the choice of the executive ruler. To fancy that Northumberland in the thirteenth century would have consented to ally itself with Somersetshire for the choice of a chief magistrate is absurd; it would scarcely have allied itself to choose a hangman. Even now, if it were palpably explained, neither district would like it. But no one says at a county election, "The object of this present meeting is to choose our delegate to what the Americans call the 'Electoral College,' to the assembly which names our first magistrate—our substitute for their president. Representatives from this county will meet representatives from other counties, from cities and boroughs, and proceed to choose our rulers." Such bald exposition would have been impossible in old times; it would be considered queer, eccentric, if it were used now. Happily, the process of election is so indirect and hidden, and the introduction of that process was so gradual and latent, that we scarcely perceive the immense political trust we repose in each other. The best mercantile credit seems to those who give it, natural, simple, obvious; they do not argue about it, or think about it. The best political credit is analogous; we trust our countrymen without remembering that we trust them.

A second and very rare condition of an elective government is a *calm* national mind—a tone of mind sufficiently staple to bear the necessary excitement of conspicuous revolutions. No barbarous, no semi-civilised nation has ever possessed this. The mass of uneducated men could not now in England be told "go to, choose your rulers;" they would go wild; their imaginations would fancy unreal dangers, and the attempt at election would issue in some forcible usurpation. The incalculable advantage of august institutions in a free state is, that they prevent this collapse. The excitement of choosing our rulers is prevented by the apparent existence of an unchosen ruler. The poorer and more ignorant classes—those who would most feel excitement, who would most be misled by excitement—really believe that the Queen governs. You could not explain to them the recondite difference between "reigning" and "governing;" the words necessary to express it do not exist in their dialect; the ideas necessary to comprehend it do not exist in their minds. The separation of principal power from principal station is a refinement which they could not even conceive. They fancy they are governed by an hereditary queen, a queen by the grace of God, when they are really governed by a cabinet and a parliament—men like themselves, chosen by themselves. The conspicuous dignity awakens the sentiment of reverence, and men, often very undignified, seize the occasion to govern by means of it.

Lastly. The third condition of all elective govern-

ment is what I may call *rationality*, by which I mean a power involving intelligence, but yet distinct from it. A whole people electing its rulers must be able to form a distinct conception of distant objects. Mostly, the "divinity" that surrounds a king altogether prevents anything like a steady conception of him. You fancy that the object of your loyalty is as much elevated above you by intrinsic nature as he is by extrinsic position; you deify him in sentiment, as once men deified him in doctrine. This illusion has been and still is of incalculable benefit to the human race. It prevents, indeed, men from choosing their rulers; you cannot invest with that loyal illusion a man who was yesterday what you are, who to-morrow may be so again, whom you chose to be what he is. But though this superstition prevents the election of rulers, it renders possible the existence of unelected rulers. Untaught people fancy that their king, crowned with the holy crown, anointed with the oil of Rheims, descended of the House of Plantagenet, is a different sort of being from any one not descended of the Royal House—not crowned—not anointed. They believe that there is *one* man whom by mystic right they should obey; and therefore they do obey him. It is only in later times, when the world is wider, its experience larger, and its thought colder, that the plain rule of a palpably chosen ruler is even possible.

These conditions narrowly restrict elective government. But the pre-requisites of a cabinet government are rarer still; it demands not only the condi-

tions I have mentioned, but the possibility likewise of a good legislature—a legislature competent to elect a sufficient administration.

Now a competent legislature is very rare. *Any* permanent legislature at all, any constantly acting mechanism for enacting and repealing laws, is, though it seems to us so natural, quite contrary to the inveterate conceptions of mankind. The great majority of nations conceive of their law, either as something Divinely given, and therefore unalterable, or as a fundamental habit, inherited from the past to be transmitted to the future. The English Parliament, of which the prominent functions are now legislative, was not all so once. It was rather a *preservative* body. The custom of the realm—the aboriginal transmitted law—the law which was in the breast of the judges, could not be altered without the consent of parliament, and therefore everybody felt sure it would not be altered except in grave, peculiar, and anomalous cases. The *valued* use of parliament was not half so much to alter the law, as to prevent the laws being altered. And such too was its real use. In early societies it matters much more that the law should be fixed than that it should be good. Any law which the people of ignorant times enact is sure to involve many misconceptions, and to cause many evils. Perfection in legislation is not to be looked for, and is not, indeed, much wanted in a rude, painful, confined life. But such an age covets fixity. That men should enjoy the fruits of their labour, that the law of property should be known,

that the law of marriage should be known, that the whole course of life should be kept in a calculable track is the *summum bonum* of early ages, the first desire of semi-civilised mankind. In that age men do not want to have their laws adapted, but to have their laws steady. The passions are so powerful, force so eager, the social bond so weak, that the august spectacle of an all but unalterable law is necessary to preserve society. In the early stages of human society all change is thought an evil. And *most* change is an evil. The conditions of life are so simple and so unvarying that any decent sort of rules suffice, so long as men know what they are. Custom is the first check on tyranny; that fixed routine of social life at which modern innovations chafe, and by which modern improvement is impeded, is the primitive check on base power. The perception of political expediency has then hardly begun; the sense of abstract justice is weak and vague; and a rigid adherence to the fixed mould of transmitted usage is essential to an unmarred, unspoiled, unbroken life.

In such an age a legislature continuously sitting, always making laws, always repealing laws, would have been both an anomaly and a nuisance. But in the present state of the civilised part of the world such difficulties are obsolete. There is a diffused desire in civilised communities for an *adjusting* legislation; for a legislation which should adapt the inherited laws to the new wants of a world which now changes every day. It has ceased to be

necessary to maintain bad laws because it is necessary to have some laws. Civilisation is robust enough to bear the incision of legal improvements. But taking history at large, the rarity of cabinets is mostly due to the greater rarity of continuous legislatures.

Other conditions, however, limit even at the present day the area of a cabinet government. It must be possible to have not only a legislature, but to have a competent legislature—a legislature willing to elect and willing to maintain an efficient executive. And this is no easy matter. It is indeed true that we need not trouble ourselves to look for that elaborate and complicated organisation which partially exists in the House of Commons, and which is more fully and freely expanded in plans for improving the House of Commons. We are not now concerned with perfection or excellence; we seek only for simple fitness and bare competency.

The conditions of fitness are two. First, you must get a good legislature; and next, you must keep it good. And these are by no means so nearly connected as might be thought at first sight. To keep a legislature efficient, it must have a sufficient supply of substantial business. If you employ the best set of men to do nearly nothing, they will quarrel with each other about that nothing. Where great questions end, little parties begin. And a very happy community, with few new laws to make, few old bad laws to repeal, and but simple foreign relations to adjust, has great difficulty in employing a legislature. There is nothing for it to enact, and nothing