

for it to settle. Accordingly, there is great danger that the legislature, being debarred from all other kind of business, may take to quarrelling about its elective business ; that controversies as to ministries may occupy all its time, and yet that time be perniciously employed ; that a constant succession of feeble administrations, unable to govern and unfit to govern, may be substituted for the proper result of cabinet government,—a sufficient body of men long enough in power to evince their sufficiency. The exact amount of non-elective business necessary for a parliament which is to elect the executive cannot, of course, be formally stated. There are no numbers and no statistics in the theory of constitutions. All we can say is, that a parliament with little business, which is to be as efficient as a parliament with much business, must be in all other respects much better. An indifferent parliament may be much improved by the steadying effect of grave affairs ; but a parliament which has no such affairs must be intrinsically excellent, or it will fail utterly.

But the difficulty of keeping a good legislature, is evidently secondary to the difficulty of first getting it. There are two kinds of nations which can elect a good parliament. The first is a nation in which the mass of the people are intelligent, and in which they are comfortable. Where there is no honest poverty, where education is diffused, and political intelligence is common, it is easy for the mass of the people to elect a fair legislature. The idea is roughly realised in the North American colonies of

England, and in the whole free States of the Union. In these countries there is no such thing as honest poverty; physical comfort, such as the poor cannot imagine here, is there easily attainable by healthy industry. Education is diffused much, and is fast spreading. Ignorant emigrants from the Old World often prize the intellectual advantages of which they are themselves destitute, and are annoyed at their inferiority in a place where rudimentary culture is so common. The greatest difficulty of such new communities is commonly geographical. The population is mostly scattered; and where population is sparse, discussion is difficult. But in a country very large, as we reckon in Europe, a people really intelligent, really educated, really comfortable, would soon form a good opinion. No one can doubt that the New England States, if they were a separate community, would have an education, a political capacity, and an intelligence such as the numerical majority of no people, equally numerous, has ever possessed. In a state of this sort, where all the community is fit to choose a sufficient legislature, it is possible, it is almost easy, to create that legislature. If the New England States possessed a cabinet government as a separate nation, they would be as renowned in the world for political sagacity as they now are for diffused happiness.

The structure of these communities is indeed based on the principle of equality, and it is impossible that *any* such community can wholly satisfy the severe requirements of a political theorist. In

every old community its primitive and guiding assumption is at war with truth. By its theory all people are entitled to the same political power, and they can only be so entitled on the ground that in politics they are equally wise. But at the outset of an agricultural colony this postulate is as near the truth as politics want. There are in such communities no large properties, no great capitals, no refined classes—every one is comfortable and homely, and no one is at all more. Equality is not artificially established in a new colony; it establishes itself. There is a story that among the first settlers in Western Australia, some, who were rich, took out labourers at their own expense, and also carriages to ride in. But soon they had to try if they could live in the carriages. Before the masters' houses were built, the labourers had gone off—they were building houses and cultivating land for themselves, and the masters were left to sit in their carriages. Whether this exact thing happened I do not know, but this sort of thing has happened a thousand times. There have been a whole series of attempts to transplant to the colonies a graduated English society. But they have always failed at the first step. The rude classes at the bottom felt that they were equal to or better than the delicate classes at the top; they shifted for themselves, and left the "gentlefolks" to shift for themselves; the base of the elaborate pyramid spread abroad, and the apex tumbled in and perished. In the early ages of an agricultural colony, whether you have political democracy or not,

social democracy you must have, for nature makes it, and not you. But in time, wealth grows and inequality begins. A and his children are industrious, and prosper; B and his children are idle, and fail. If manufactures on a considerable scale are established—and most young communities strive even by protection to establish them—the tendency to inequality is intensified. The capitalist becomes a unit with much, and his labourers a crowd with little. After generations of education, too, there arises varieties of culture—there will be an upper thousand, or ten thousand, of highly cultivated people in the midst of a great nation of moderately educated people. In theory it is desirable that this highest class of wealth and leisure should have an influence far out of proportion to its mere number: a perfect constitution would find for it a delicate expedient to make its fine thought tell upon the surrounding cruder thought. But as the world goes, when the whole of the population is as instructed and as intelligent as in the case I am supposing, we need not care much about this. Great communities have scarcely ever—never save for transient moments—been ruled by their highest thought. And if we can get them ruled by a decent capable thought, we may be well enough contented with our work. We have done more than could be expected, though not all which could be desired. At any rate, an isocratic polity—a polity where every one votes, and where every one votes alike—is, in a community of sound education and diffused intelligence, a con-

ceivable case of cabinet government. It satisfies the essential condition ; there is a people able to elect a parliament able to choose.

But suppose the mass of the people are not able to elect—and this is the case with the numerical majority of all but the rarest nations—how is a cabinet government to be then possible ? It is only possible in what I may venture to call *deferential* nations. It has been thought strange, but there *are* nations in which the numerous unwiser part wishes to be ruled by the less numerous wiser part. The numerical majority—whether by custom or by choice, is immaterial—is ready, is eager to delegate its power of choosing its ruler to a certain select minority. It abdicates in favour of its *élite*, and consents to obey whoever that *élite* may confide in. It acknowledges as its secondary electors—as the choosers of its government—an educated minority, at once competent and unresisted ; it has a kind of loyalty to some superior persons who are fit to choose a good government, and whom no other class opposes. A nation in such a happy state as this has obvious advantages for constructing a cabinet government. It has the best people to elect a legislature, and therefore it may fairly be expected to choose a good legislature—a legislature competent to select a good administration.

England is the type of deferential countries, and the manner in which it is so, and has become so, is extremely curious. The middle classes—the ordinary majority of educated men—are in the present day

the despotic power in England. "Public opinion," nowadays, "is the opinion of the bald-headed man at the back of the omnibus." It is *not* the opinion of the aristocratical classes as such ; or of the most educated or refined classes as such ; it is simply the opinion of the ordinary mass of educated, but still commonplace mankind. If you look at the mass of the constituencies, you will see that they are not very interesting people ; and perhaps if you look behind the scenes and see the people who manipulate and work the constituencies, you will find that these are yet more uninteresting. The English constitution in its palpable form is this—the mass of the people yield obedience to a select few ; and when you see this select few, you perceive that though not of the lowest class, nor of an unrespectable class, they are yet of a heavy sensible class—the last people in the world to whom, if they were drawn up in a row, an immense nation would ever give an exclusive preference.

In fact, the mass of the English people yield a deference rather to something else than to their rulers. They defer to what we may call the *theatrical show* of society. A certain state passes before them ; a certain pomp of great men ; a certain spectacle of beautiful women ; a wonderful scene of wealth and enjoyment is displayed, and they are coerced by it. Their imagination is bowed down ; they feel they are not equal to the life which is revealed to them. Courts and aristocracies have the great quality which rules the multitude, though philosophers can see

nothing in it—visibility. Courtiers can do what others cannot. A common man may as well try to rival the actors on the stage in their acting, as the aristocracy in *their* acting. The higher world, as it looks from without, is a stage on which the actors walk their parts much better than the spectators can. This play is played in every district. Every rustic feels that his house is not like my lord's house; his life like my lord's life; his wife like my lady. The climax of the play is the Queen: nobody supposes that their house is like the court; their life like her life; her orders like their orders. There is in England a certain charmed spectacle which imposes on the many, and guides their fancies as it will. As a rustic on coming to London finds himself in presence of a great show and vast exhibition of inconceivable mechanical things, so by the structure of our society, he finds himself face to face with a great exhibition of political things which he could not have imagined, which he could not make—to which he feels in himself scarcely anything analogous.

Philosophers may deride this superstition, but its results are inestimable. By the spectacle of this august society, countless ignorant men and women are induced to obey the few nominal electors—the £10 borough renters, and the £50 county renters—who have nothing imposing about them, nothing which would attract the eye or fascinate the fancy. What impresses men is not mind, but the result of mind. And the greatest of these results is this

wonderful spectacle of society, which is ever new, and yet ever the same ; in which accidents pass and essence remains ; in which one generation dies and another succeeds, as if they were birds in a cage or animals in a menagerie ; of which it seems almost more than a metaphor to treat the parts as limbs of a perpetual living thing, so silently do they seem to change, so wonderfully and so perfectly does the conspicuous life of the new year take the place of the conspicuous life of last year. The apparent rulers of the English nation are like the most imposing personages of a splendid procession : it is by them the mob are influenced ; it is they whom the spectators cheer. The real rulers are secreted in second-rate carriages ; no one cares for them or asks about them, but they are obeyed implicitly and unconsciously by reason of the splendour of those who eclipsed and preceded them.

It is quite true that this imaginative sentiment is supported by a sensation of political satisfaction. It cannot be said that the mass of the English people are well off. There are whole classes who have not a conception of what the higher orders call comfort ; who have not the pre-requisites of moral existence ; who cannot lead the life that becomes a man. But the most miserable of these classes do not impute their misery to politics. If a political agitator were to lecture to the peasants of Dorsetshire, and try to excite political dissatisfaction, it is much more likely that he would be pelted than that he would succeed. Of parliament these miserable creatures know

scarcely anything ; of the cabinet they never heard. But they would say that, " for all they have heard, the Queen is very good ; " and rebelling against the structure of society is to their minds rebelling against the Queen, who rules that society, in whom all its most impressive part—the part that they know—culminates. The mass of the English people are politically contented as well as politically deferential.

A deferential community, even though its lowest classes are not intelligent, is far more suited to a cabinet government than any kind of democratic country, because it is more suited to political excellence. The highest classes can rule in it ; and the highest classes must, as such, have more political ability than the lower classes. A life of labour, an incomplete education, a monotonous occupation, a career in which the hands are used much and the judgment is used little, cannot create as much flexible thought, as much applicable intelligence, as a life of leisure, a long culture, a varied experience, an existence by which the judgment is incessantly exercised, and by which it may be incessantly improved. A country of respectful poor, though far less happy than where there are no poor to be respectful, is nevertheless far more fitted for the best government. You can use the best classes of the respectful country ; you can only use the worst where every man thinks he is as good as every other.

It is evident that no difficulty can be greater than that of founding a deferential nation. Respect is traditional ; it is given not to what is proved to be

good, but to what is known to be old. Certain classes in certain nations retain by common acceptance a marked political preference, because they have always possessed it, and because they inherit a sort of pomp which seems to make them worthy of it. But in a new colony, in a community where merit *may* be equal, and where there *cannot* be traditional marks of merit and fitness, it is obvious that a political deference can be yielded to higher culture only upon proof, first of its existence, and next of its political value. But it is nearly impossible to give such a proof so as to satisfy persons of less culture. In a future and better age of the world it may be effected; but in this age the requisite premises scarcely exist; if the discussion be effectually open, if the debate be fairly begun, it is hardly possible to obtain a rational, an argumentative acquiescence in the rule of the cultivated few. As yet the few rule by their hold, not over the reason of the multitude, but over their imaginations, and their habits; over their fancies as to distant things they do not know at all, over their customs as to near things which they know very well.

A deferential community in which the bulk of the people are ignorant, is therefore in a state of what is called in mechanics unstable equilibrium. If the equilibrium is once disturbed there is no tendency to return to it, but rather to depart from it. A cone balanced on its point is in unstable equilibrium, for if you push it ever so little it will depart farther and farther from its position and fall to the earth.

So in communities where the masses are ignorant but respectful, if you once permit the ignorant class to begin to rule you may bid farewell to deference for ever. Their demagogues will inculcate, their newspapers will recount, that the rule of the existing dynasty (the people) is better than the rule of the fallen dynasty (the aristocracy). A people very rarely hears two sides of a subject in which it is much interested; the popular organs take up the side which is acceptable, and none but the popular organs in fact reach the people. A people never hears censure of itself. No one will tell it that the educated minority whom it dethroned governed better or more wisely than it governs. A democracy will never, save after an awful catastrophe, return what has once been conceded to it, for to do so would be to admit an inferiority in itself, of which, except by some almost unbearable misfortune, it could never be convinced.

No. IX.

ITS HISTORY, AND THE EFFECTS OF THAT HISTORY
—CONCLUSION.

A VOLUME might seem wanted to say anything worth saying * on the History of the English Constitution, and a great and new volume might still be written on it, if a competent writer took it in hand. The subject has never been treated by any one combining the lights of the newest research and the lights of the most matured philosophy. Since the masterly book of Hallam was written, both political thought and historical knowledge have gained much, and we might have a treatise applying our strengthened calculus to our augmented facts. I do not pretend that I could write such a book, but there are a few salient particulars which

* Since the first edition of this book was published several valuable works have appeared, which, on many points, throw much light on our early constitutional history, especially Mr. Stubbs' "Select Charters and other Illustrations of English Constitutional History, from the Earliest Times to the reign of Edward the First," Mr. Freeman's lecture on "The Growth of the English Constitution," and the chapter on the Anglo-Saxon Constitution in his "History of the Norman Conquest:" but we have not yet a great and authoritative work on the whole subject such as I wished for when I wrote the passage in the text, and as it is most desirable that we should have.

may be fitly brought together, both because of their past interest and of their present importance.

There is a certain common polity, or germ of polity, which we find in all the rude nations that have attained civilisation. These nations seem to begin in what I may call a consultative and tentative absolutism. The king of early days, in vigorous nations, was not absolute as despots now are; there was then no standing army to repress rebellion, no organised *espionage* to spy out discontent, no skilled bureaucracy to smooth the ruts of obedient life. The early king was indeed consecrated by a religious sanction; he was essentially a man apart, a man above others, divinely anointed, or even God-begotten. But in nations capable of freedom this religious domination was never despotic. There was indeed no legal limit; the very words could not be translated into the dialect of those times. The notion of law as we have it—of a rule imposed by human authority, capable of being altered by that authority when it likes, and in fact, so altered habitually—could not be conveyed to early nations, who regarded law half as an invincible prescription, and half as a Divine revelation. Law “came out of the king’s mouth;” he gave it as Solomon gave judgment—embedded in the particular case, and upon the authority of Heaven as well as his own. A Divine limit to the Divine revealer was impossible, and there was no other source of law. But though there was no legal limit, there was a practical limit to subjection in (what may be called) the pagan part

of human nature,—the inseparable obstinacy of freemen. They *never* would do exactly what they were told.

To early royalty, as Homer describes it in Greece and as we may well imagine it elsewhere, there were always two adjuncts: one the “old men,” the men of weight, the council, the βουλή, of which the king asked advice, from the debates in which the king tried to learn what he could do and what he ought to do. Besides this there was the ἀγορά, the purely listening assembly, as some have called it, but the *tentative* assembly, as I think it might best be called. The king came down to his assembled people in form to announce his will, but in reality, speaking in very modern words, to “feel his way.” He was sacred, no doubt; and popular, very likely; still he was half like a popular premier speaking to a high-spirited chamber; there were limits to his authority and power—limits which he would discover by trying whether eager cheers received his mandate, or only hollow murmurs and a thinking silence.

This polity is a good one for its era and its place, but there is a fatal defect in it. The reverential associations upon which the government is built are transmitted according to one law, and the capacity needful to work the government is transmitted according to another law. The popular homage clings to the line of god-descended kings; it is transmitted by inheritance. But very soon that line comes to a child or an idiot, or one by some defect or other incapable. Then we find every-

where the truth of the old saying, that liberty thrives under weak princes; then the listening assembly begins not only to murmur, but to speak; then the grave council begins not so much to suggest as to inculcate, not so much to advise as to enjoin.

Mr. Grote has told at length how out of these appendages of the original kingdom the free States of Greece derived their origin, and how they gradually grew—the oligarchical States expanding the council, and the democratical expanding the assembly. The history has as many varieties in detail as there were Greek cities, but the essence is the same everywhere. The political characteristic of the early Greeks, and of the early Romans, too, is that out of the *tentacula* of a monarchy they developed the organs of a republic.

English history has been in substance the same, though its form is different, and its growth far slower and longer. The scale was larger, and the elements more various. A Greek city soon got rid of its kings, for the political sacredness of the monarch would not bear the daily inspection and constant criticism of an eager and talking multitude. Everywhere in Greece the slave population—the most ignorant, and therefore the most unsusceptible of intellectual influences—was struck out of the account. But England began as a kingdom of considerable size, inhabited by distinct races, none of them fit for prosaic criticism, and all subject to the superstition of royalty. In early England, too, royalty

was much more than a superstition. A very strong executive was needed to keep down a divided, an armed, and an impatient country; and therefore the problem of political development was delicate. A formed free government in a homogeneous nation may have a strong executive; but during the transition state, while the republic is in course of development and the monarchy in course of decay, the executive is of necessity weak. The polity is divided, and its action feeble and failing. The different orders of English people have progressed, too, at different rates. The change in the state of the higher classes since the Middle Ages is enormous, and it is all improvement; but the lower have varied little, and many argue that in some important respects they have got worse, even if in others they have got better. The development of the English Constitution was of necessity slow, because a quick one would have destroyed the executive and killed the State, and because the most numerous classes, who changed very little, were not prepared for any catastrophic change in our institutions.

I cannot presume to speak of the time before the Conquest, and the exact nature even of all Anglo-Norman institutions is perhaps dubious: at least, in nearly all cases there have been many controversies. Political zeal, whether Whig or Tory, has wanted to find a model in the past; and the whole state of society being confused, the precedents altering with the caprice of men and the chance of events, ingenious advocacy has had a happy field. But all

that I need speak of is quite plain. There was a great "council" of the realm, to which the king summoned the most considerable persons in England, the persons he most wanted to advise him, and the persons whose tempers he was most anxious to ascertain. Exactly who came to it at first is obscure and unimportant. I need not distinguish between the "magnum concilium in Parliament" and the "magnum concilium out of Parliament." Gradually the principal assemblies summoned by the English sovereign took the precise and definite form of Lords and Commons, as in their outside we now see them. But their real nature was very different. The Parliament of to-day is a ruling body; the mediæval Parliament was, if I may so say, an *expressive* body. Its function was to tell the executive—the king—what the nation wished he should do; to some extent, to guide him by new wisdom, and, to a very great extent, to guide him by new facts. These facts were their own feelings, which were the feelings of the people, because they were part and parcel of the people. From thence the king learned, or had the means to learn, what the nation would endure, and what it would not endure;—what he might do, and what he might not do. If he much mistook this, there was a rebellion.

There are, as is well known, three great periods in the English Constitution. The first of these is the ante-Tudor period. The English Parliament then seemed to be gaining extraordinary strength and power. The title to the crown was uncertain;

some monarchs were imbecile. Many ambitious men wanted to "take the people into partnership." Certain precedents of that time were cited with grave authority centuries after, when the time of freedom had really arrived. But the causes of this rapid growth soon produced an even more sudden decline. Confusion fostered it, and confusion destroyed it. The structure of society then was feudal; the towns were only an adjunct and a make-weight. The principal popular force was an aristocratic force, acting with the co-operation of the gentry and yeomanry, and resting on the loyal fealty of sworn retainers. The head of this force, on whom its efficiency depended, was the high nobility. But the high nobility killed itself out. The great barons who adhered to the "Red Rose" or the "White Rose," or who fluctuated from one to the other, became poorer, fewer, and less potent every year. When the great struggle ended at Bosworth, a large part of the greatest combatants were gone. The restless, aspiring, rich barons, who made the civil war, were broken by it. Henry VII. attained a kingdom in which there was a Parliament to advise, but scarcely a Parliament to control.

The consultative government of the ante-Tudor period had little resemblance to some of the modern governments which French philosophers call by that name. The French Empire, I believe, calls itself so. But its assemblies are symmetrical "shams." They are elected by a universal suffrage, by the ballot, and in districts once marked out with an eye

to equality, and still retaining a look of equality. But our English parliaments were *unsymmetrical* realities. They were elected anyhow; the sheriff had a considerable license in sending writs to boroughs, that is, he could in part pick its constituencies; and in each borough there was a rush and scramble for the franchise, so that the strongest local party got it, whether few or many. But in England at that time there was a great and distinct desire to know the opinion of the nation, because there was a real and close necessity. The nation was wanted to do something—to assist the sovereign in some war, to pay some old debt, to contribute its force and aid in the critical conjuncture of the time. It would not have suited the ante-Tudor kings to have had a fictitious assembly; they would have lost their sole *feeler*, their only instrument for discovering national opinion. Nor could they have manufactured such an assembly if they wished. The instrument in that behalf is the centralised executive, and there was then no *préfet* by whom the opinion of a rural locality could be made to order, and adjusted to suit the wishes of the capital. Looking at the mode of election a theorist would say that these parliaments were but “chance” collections of influential Englishmen. There would be many corrections and limitations to add to that statement if it were wanted to make it accurate, but the statement itself hits exactly the principal excellence of those parliaments. If not “chance” collections of Englishmen, they were

“undesigned” collections ; no administrations made them or could make them. They were *bonâ-fide* counsellors, whose opinion might be wise or unwise, but was anyhow of paramount importance because their co-operation was wanted for what was in hand.

Legislation as a positive power was very secondary in those old Parliaments. I believe no statute at all, as far as we know, was passed in the reign of Richard I., and all the ante-Tudor acts together would look meagre enough to a modern Parliamentary agent who had to live by them. But the negative action of parliament upon the law was essential to its whole idea, and ran through every part of its use. That the king could not change what was then the almost sacred *datum* of the common law, without seeing whether his nation liked it or not, was an essential part of the “tentative” system. The king had to feel his way in this exceptional, singular act, as those ages deemed original legislation, as well as in lesser acts. The legislation was his at last ; he enacted after consulting his Lords and Commons ; his was the sacred mouth which gave holy firmness to the enactment ; but he only dared alter the rule regulating the common life of his people after consulting those people ; he would not have been obeyed if he had not, by a rude age which did not fear civil war as we fear it now. Many most important enactments of that period (and the fact is most characteristic) are declaratory acts. They do not profess to enjoin by inherent authority what the law shall

in future be, but to state and mark what the law is; they are declarations of immemorial custom, not precepts of new duties. Even in the "Great Charter" the notion of new enactments was secondary, it was a great mixture of old and new; it was a sort of compact defining what was doubtful in floating custom, and was re-enacted over and over again, as boundaries are perambulated once a year, and rights and claims tending to desuetude thereby made patent and cleared of new obstructions. In truth, such great "charters" were rather treaties between different orders and factions, confirming ancient rights, or what claimed to be such, than laws in our ordinary sense. They were the "deeds of arrangement" of mediæval society affirmed and re-affirmed from time to time, and the principal controversy was, of course, between the king and nation—the king trying to see how far the nation would let him go, and the nation murmuring and recalcitrating, and seeing how many acts of administration they could prevent, and how many of its claims they could resist.

Sir James Mackintosh says that Magna Charta "converted the right of taxation into the shield of liberty," but it did nothing of the sort. The liberty existed before, and the right to be taxed was an efflorescence and instance of it, not a substratum or a cause. The necessity of consulting the great council of the realm before taxation, the principle that the declaration of grievances by the Parliament was to precede the grant of supplies to the

sovereign, are but conspicuous instances of the primitive doctrine of the ante-Tudor period, that the king must consult the great council of the realm before he did anything, since he always wanted help. The right of self-taxation was justly inserted in the "great treaty;" but it would have been a dead letter, save for the armed force and aristocratic organisation which compelled the king to make a treaty; it was a result, not a basis—an example, not a cause.

The civil wars of many years killed out the old councils (if I might so say): that is, destroyed three parts of the greater nobility, who were its most potent members, tired the small nobility and the gentry, and overthrew the aristocratic organisation on which all previous effectual resistance to the sovereign had been based.

The second period of the British Constitution begins with the accession of the House of Tudor, and goes down to 1688; it is in substance the history of the growth, development, and gradually acquired supremacy of the new great council. I have no room and no occasion to narrate again the familiar history of the many steps by which the slavish Parliament of Henry VIII. grew into the murmuring Parliament of Queen Elizabeth, the mutinous Parliament of James I., and the rebellious Parliament of Charles I. The steps were many, but the energy was one—the growth of the English middle-class, using that word in its most inclusive sense, and its animation under the in-

fluence of Protestantism. No one, I think, can doubt that Lord Macaulay is right in saying that political causes would not alone have then provoked such a resistance to the sovereign unless propelled by religious theory. Of course the English people went to and fro from Catholicism to Protestantism, and from Protestantism to Catholicism (not to mention that the Protestantism was of several shades and sects), just as the first Tudor kings and queens wished. But that was in the pre-Puritan era. The mass of Englishmen were in an undecided state, just as Hooper tells us his father was—"Not believing in Protestantism, yet not disinclined to it." Gradually, however, a strong Evangelic spirit (as we should now speak) and a still stronger anti-Papal spirit entered into the middle sort of Englishmen, and added to that force, fibre, and substance which they have never wanted, an ideal warmth and fervour which they have almost always wanted. Hence the saying that Cromwell founded the English Constitution. Of course, in seeming, Cromwell's work died with him; his dynasty was rejected, his republic cast aside; but the spirit which culminated in him never sank again, never ceased to be a potent, though often a latent and volcanic force in the country. Charles II. said that he would never go again on his travels for anything or anybody; and he well knew that though the men whom he met at Worcester might be dead, still the spirit which warmed them was alive and young in others.

But the Cromwellian republic and the strict Puritan creed were utterly hateful to most Englishmen. They were, if I may venture on saying so, like the "Rouge" element in France and elsewhere—the sole revolutionary force in the entire State, and were hated as such. That force could do little of itself; indeed, its bare appearance tended to frighten and alienate the moderate and dull as well as the refined and reasoning classes. Alone it was impotent against the solid clay of the English apathetic nature. But give this fiery element a body of decent-looking earth; give it an excuse for breaking out on an occasion, when the decent, the cultivated, the aristocratic classes could join with it, and they would conquer by means of it, and it could be disguised in their covering.

Such an excuse was found in 1688. James II., by incredible and pertinacious folly, irritated not only the classes which had fought *against* his father, but also those who had fought *for* his father. He offended the Anglican classes as well as the Puritan classes; all the Whig nobles, and half the Tory nobles, as well as the dissenting bourgeois. The rule of Parliament was established by the concurrence of the usual supporters of royalty with the usual opponents of it. But the result was long weak. Our revolution has been called the minimum of a revolution, because in law, at least, it only changed the dynasty, but exactly on that account it was the greatest shock to the common multitude, who see the dynasty but see nothing else. The

support of the main aristocracy held together the bulk of the deferential classes, but it held them together imperfectly, uneasily, and unwillingly. Huge masses of crude prejudice swayed hither and thither for many years. If an able Stuart had with credible sincerity professed Protestantism probably he might have overturned the House of Hanover. So strong was inbred reverence for hereditary right, that until the accession of George III. the English government was always subject to the unceasing attrition of a competitive sovereign.

This was the result of what I insist on tediously, but what is most necessary to insist on, for it is a cardinal particular in the whole topic. Many of the English people—the higher and more educated portion—had come to comprehend the nature of constitutional government, but the mass did not comprehend it. They looked to the sovereign as the government, and to the sovereign only. These were carried forward by the magic of the aristocracy and principally by the influence of the great Whig families with their adjuncts. Without that aid reason or liberty would never have held them.

Though the rule of Parliament was definitely established in 1688, yet the mode of exercising that rule has since changed. At first Parliament did not know how to exercise it; the organisation of parties and the appointment of cabinets by parties grew up in the manner Macaulay has described so well. Up to the latest period the sovereign was supposed, to a most mischievous extent, to interfere in the

choice of the persons to be Ministers. When George III. finally became insane, in 1810, every one believed that George IV., on assuming power as Prince Regent, would turn out Mr. Perceval's government and empower Lord Grey or Lord Grenville, the Whig leaders, to form another. The Tory ministry was carrying on a successful war—a war of existence—against Napoleon; but in the people's minds, the necessity at such an occasion for an unchanged government did not outweigh the fancy that George IV. was a Whig. And a Whig it is true he had been before the French Revolution, when he lived an indescribable life in St. James's Street with Mr. Fox. But Lord Grey and Lord Grenville were rigid men, and had no immoral sort of influence. What liberalism of opinion the Regent ever had was frightened out of him (as of other people) by the Reign of Terror. He felt, according to the saying of another monarch, that "he lived by being a royalist." It soon appeared that he was most anxious to retain Mr. Perceval, and that he was most eager to quarrel with the Whig Lords. As we all know, he kept the ministry whom he found in office; but that it should have been thought he could then change them, is a significant example how exceedingly modern our notions of the despotic action of Parliament in fact are.

By the steps of the struggle thus rudely mentioned (and by others which I have no room to speak of, nor need I), the change which in the Greek cities was

effected both in appearance and in fact, has been effected in England, though in reality only, and not in outside. Here, too, the appendages of a monarchy have been converted into the essence of a republic ; only here, because of a more numerous heterogeneous political population, it is needful to keep the ancient show while we secretly interpolate the new reality.

This long and curious history has left its trace on almost every part of our present political condition ; its effects lie at the root of many of our most important controversies ; and because these effects are not rightly perceived, many of these controversies are misconceived.

One of the most curious peculiarities of the English people is its dislike of the executive government. We are not in this respect "*un vrai peuple moderne*," like the Americans. The Americans conceive of the executive as one of their appointed agents ; when it intervenes in common life, it does so, they consider, in virtue of the mandate of the sovereign people, and there is no invasion or dereliction of freedom in that people interfering with itself. The French, the Swiss, and all nations who breathe the full atmosphere of the nineteenth century, think so too. The material necessities of this age require a strong executive ; a nation destitute of it cannot be clean, or healthy, or vigorous, like a nation possessing it. By definition, a nation calling itself free should have no jealousy of the executive, for freedom means that the nation, the political

part of the nation, wields the executive. But our history has reversed the English feeling: our freedom is the result of centuries of resistance, more or less legal, or more or less illegal, more or less audacious, or more or less timid, to the executive government. We have, accordingly, inherited the traditions of conflict, and preserve them in the fullness of victory. We look on State action, not as our own action, but as alien action; as an imposed tyranny from without, not as the consummated result of our own organised wishes. I remember at the Census of 1851 hearing a very sensible old lady say that the "liberties of England were at an end;" if Government might be thus inquisitorial, if they might ask who slept in your house, or what your age was, what, she argued, might they not ask and what might they not do?

The natural impulse of the English people is to resist authority. The introduction of effectual policemen was not liked; I know people, old people I admit, who to this day consider them an infringement of freedom, and an imitation of the *gendarmes* of France. If the original policemen had been started with the present helmets, the result might have been dubious; there might have been a cry of military tyranny, and the inbred insubordination of the English people might have prevailed over the very modern love of *perfect* peace and order. The old notion that the Government is an extrinsic agency still rules our imaginations, though it is no longer true, and though in calm and intellectual

moments we well know it is not. Nor is it merely our history which produces this effect ; we might get over that ; but the results of that history cooperate. Our double Government so acts : when we want to point the antipathy to the executive, we refer to the jealousy of the Crown, so deeply imbedded in the very substance of constitutional authority ; so many people are loth to admit the Queen, in spite of law and fact, to be the people's appointee and agent, that it is a good rhetorical emphasis to speak of her prerogative as something *non-popular*, and therefore to be distrusted. By the very nature of our Government our executive cannot be liked and trusted as the Swiss or the American is liked and trusted.

Out of the same history and the same results proceed our tolerance of those "local authorities" which so puzzle many foreigners. In the struggle with the Crown these local centres served as props and fulcrums. In the early parliaments it was the local bodies who sent members to parliament, the counties, and the boroughs ; and in that way, and because of *their* free life, the parliament was free too. If active real bodies had not sent the representatives, they would have been powerless. This is very much the reason why our old rights of suffrage were so various ; the Government let whatever people happened to be the strongest in each town choose the members. They applied to the electing bodies the test of "natural selection ;" whatever set of people were locally strong enough to elect, did so. After-

wards, in the civil war, many of the corporations, like that of London, were important bases of resistance. The case of London is typical and remarkable. Probably, if there is any body more than another which an educated Englishman nowadays regards with little favour, it is the Corporation of London. He connects it with hereditary abuses perfectly preserved, with large revenues imperfectly accounted for, with a system which stops the principal city government at an old archway, with the perpetuation of a hundred detestable parishes, with the maintenance of a horde of luxurious and useless bodies. For the want of all which makes Paris nice and splendid we justly reproach the Corporation of London; for the existence of much of what makes London mean and squalid we justly reproach it too. Yet the Corporation of London was for centuries a bulwark of English liberty. The conscious support of the near and organised capital gave the Long Parliament a vigour and vitality which they could have found nowhere else. Their leading patriots took refuge in the City, and the nearest approach to an English "sitting in permanence" is the committee at Guildhall, where all members "that came were to have voices." Down to George III.'s time the City was a useful centre of popular judgment. Here, as elsewhere, we have built into our polity pieces of the scaffolding by which it was erected.

De Tocqueville indeed used to maintain that in this matter the English were not merely historically

excusable but likewise politically judicious. He founded what may be called the *culte* of corporations. And it was natural that in France, where there is scarcely any power of self-organisation in the people, where the *préfet* must be asked upon every subject, and take the initiative in every movement, a solitary thinker should be repelled from the exaggerations of which he knew the evil, to the contrary exaggeration of which he did not. But in a country like England where business is in the air, where we can organise a vigilance committee on every abuse and an executive committee for every remedy—as a matter of political instruction, which was De Tocqueville's point—we need not care how much power is delegated to outlying bodies, and how much is kept for the central body. We have had the instruction municipalities could give us: we have been through all that. Now we are quite grown up, and can put away childish things.

The same causes account for the innumerable anomalies of our polity. I own that I do not entirely sympathise with the horror of these anomalies which haunts some of our best critics. It is natural that those who by special and admirable culture have come to look at all things upon the artistic side, should start back from these queer peculiarities. But it is natural also that persons used to analyse political institutions should look at these anomalies with a little tenderness and a little interest. They *may* have something to teach

us. Political philosophy is still more imperfect ; it has been framed from observations taken upon regular specimens of politics and States ; as to these its teaching is most valuable. But we must ever remember that its *data* are imperfect. The lessons are good where its primitive assumptions hold, but may be false where those assumptions fail. A philosophical politician regards a political anomaly as a scientific physician regards a rare disease—it is to him an “interesting case.” There may still be instruction here, though we have worked out the lessons of common cases. I cannot, therefore, join in the full cry against anomalies ; in my judgment it may quickly overrun the scent, and so miss what we should be glad to find.

Subject to this saving remark, however, I not only admit, but maintain, that our constitution is full of curious oddities, which are impeding and mischievous, and ought to be struck out. Our law very often reminds one of those outskirts of cities where you cannot for a long time tell how the streets come to wind about in so capricious and serpent-like a manner. At last it strikes you that they grew up, house by house, on the devious tracks of the old green lanes ; and if you follow on to the existing fields, you may often find the change half complete. Just so the lines of our constitution were framed in old eras of sparse population, few wants, and simple habits ; and we adhere in seeming to their shape, though civilisation has come with its dangers, complications, and enjoyments.

These anomalies, in a hundred instances, mark the old boundaries of a constitutional struggle. The casual line was traced according to the strength of deceased combatants; succeeding generations fought elsewhere; and the hesitating line of a half-drawn battle was left to stand for a perpetual limit.

I do not count as an anomaly the existence of our double government, with all its infinite accidents, though half the superficial peculiarities that are often complained of arise out of it. The co-existence of a Queen's seeming prerogative and a Downing Street's real government is just suited to such a country as this, in such an age as ours. *

* So well is our real Government concealed, that if you tell a cabman to drive to "Downing Street," he most likely will never have heard of it, and will not in the least know where to take you. It is only a "disguised republic" which is suited to such a being as the Englishman in such a century as the nineteenth.

THE END.





