

The English Constitution.

I. The Cabinet.

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

It was natural — perhaps inevitable — that such an under-growth of irrelevant ideas should gather round the British Constitution. Language is the tradition of nations; each generation describes what it sees, but it uses words transmitted from the past. When a great entity like the British Constitution has continued in connected outward sameness, but hidden inner change, for many ages, every generation inherits a series of inapt words — of maxims once true, but of which the truth is ceasing or has ceased. As a man’s family go on muttering in his maturity incorrect phrases derived from a just observation of his early youth, so, in the full activity of an historical constitution, its subjects repeat phrases true in the time of their fathers, and inculcated by those fathers, but now true no longer. Or, if I may say so, an ancient and ever-altering constitution is like an old man who still wears with attached fondness clothes in the fashion of his youth: what you see of him is the same; what you do not see is wholly altered.

There are two descriptions of the English Constitution which have exercised immense influence, but which are erroneous. First, it is laid down as a principle of the English polity, that in it the legislative, the executive, and the judicial powers, are quite divided — that each is intrusted to a separate person or set of persons — that no one of these can at all interfere with the work of the other. There has been much

eloquence expended in explaining how the rough genius of the English people, even in the middle ages, when it was especially rude, carried into life and practice that elaborate division of functions which philosophers had suggested on paper, but which they had hardly hoped to see except on paper.

Secondly, it is insisted that the peculiar excellence of the British Constitution lies in a balanced union of three powers. It is said that the monarchical element, the aristocratic element, and the democratic element, have each a share in the supreme sovereignty, and that the assent of all three is necessary to the action of that sovereignty. Kings, lords, and commons, by this theory, are alleged to be not only the outward form, but the inner moving essence, the vitality of the constitution. A great theory, called the theory of "Checks and Balances," pervades an immense part of political literature, and much of it is collected from or supported by English experience. Monarchy, it is said, has some faults, some bad tendencies, aristocracy others, democracy, again, others; but England has shown that a government can be constructed in which these evil tendencies exactly check, balance, and destroy one another — in which a good whole is constructed not simply in spite of, but by means of, the counteracting defects of the constituent parts.

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

English Constitution could only be made out of a curious accumulation of medieval materials, its interest would be half historical and its imitability very confined.

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

There are indeed practical men who reject the dignified parts of government. They say, we want only to attain results, to do business: a constitution is a collection of political means for political ends, and if you admit that any part of a constitution does no business, or that a simpler machine would do equally well what it does, you admit that this part of the constitution, however dignified or awful it may be, is nevertheless in truth useless. And other reasoners, who distrust this bare philosophy, have propounded subtle arguments to prove that these dignified parts of old governments are cardinal components of the essential apparatus, great pivots of substantial utility; and so they manufactured fallacies which the plainer school have well exposed. But both schools are in error. The dignified parts of government are those which bring it force which attract its motive power. The efficient parts only employ that power. The comely parts of a government have need, for they are those upon which its vital strength depends. They may not do any thing definite that a simpler polity would not do better; but they are the preliminaries, the needful prerequisites of all work. They raise the army, though they do not win the battle.

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

far otherwise.

The most strange fact, though the most certain in nature, is the unequal development of the human race. If we look back to the early ages of mankind, such as we seem in the faint distance to see them — if we call up the image of those dismal tribes in lake villages, or on wretched beaches-scarcely equal to the commonest material needs, cutting down trees slowly and painfully with stone tools, hardly resisting the attacks of huge, fierce animals — without culture, without leisure, without poetry, almost without thought — destitute of morality, with only a sort of magic for religion; and if we compare that imagined life with the actual life of Europe now, we are overwhelmed at the wide contrast — we can scarcely conceive ourselves to be of the same race as those in the far distance. There used to be a notion — not so much widely asserted as deeply implanted, rather pervadingly latent than commonly apparent in political philosophy — that in a little while, perhaps ten years or so, all human beings might, without extraordinary appliances, be brought to the same level. But now, when we see by the painful history of mankind at what point we began, by what slow toil, what favourable circumstances, what accumulated achievements, civilized man has become at all worthy in any degree so to call himself — when we realize the tedium of history and the painfulness of results — our perceptions are sharpened as to the relative steps of our long and gradual progress. We have in a great community like England crowds of people scarcely more civilized than the majority of two thousand years ago; we have others, even more numerous, such as the best people were a thousand years since. The lower orders, the middle orders, are still, when tried by what is the standard of the educated “ten thousand,” narrow-minded, unintelligent, incurious. It is useless to pile up abstract words. Those who doubt should go out into their kitchens. Let an accomplished man try what seems to him most obvious, most certain, most palpable in intellectual matters, upon the housemaid and the footman, and he will find that what he says seems unintelligible, confused, and erroneous — that his audience think him mad and wild when he is speaking what is in his own sphere of thought the dullest platitude of cautious soberness. Great communities are like great mountains — they have in them the primary, secondary, and tertiary strata of human progress; the characteristics of the lower regions resemble the life of old times rather than the present life of the higher regions. And a philosophy which does not ceaselessly remember, which does not continually obtrude, the palpable differences of the vari-

ous parts, will be a theory radically, false, because it has omitted a capital reality — will be a theory essentially misleading, because it will lead men to expect what does not exist, and not to anticipate that which they will find.

Every one knows these plain facts, but by no means every one has traced their political importance. When a state is constituted thus, it is not true that the lower classes will be wholly absorbed in the useful; on the contrary, they do not like any thing so poor. No orator ever made an impression by appealing to men as to their plainest physical wants, except when he could allege that those wants were caused by, some one's tyranny. But thousands have made the greatest impression by appealing to some vague dream of glory, or empire, or nationality. The ruder sort of men — that is, men at one stage of rudeness — will sacrifice all they hope for, all they have, themselves, for what is called an idea — for some attraction which seems to transcend reality, which aspires to elevate men by an interest higher, deeper, wider than that of ordinary life. But this order of men are uninterested in the plain, palpable ends of government; they do not prize them; they do not in the least comprehend how they should be attained. It is very natural, therefore, that the most useful parts of the structure of government should by no means be those which excite the most reverence. The elements which excite the most easy reverence will be the theatrical elements — those which appeal to the senses, which claim to be embodiments of the greatest human ideas, which boast in some cases of far more than human origin. That which is mystic in its claims; that which is occult in its mode of action; that which is brilliant to the eye; that which is seen vividly for a moment, and then is seen no more; that which is hidden and unhidden; that which is specious, and yet interesting, palpable in its seeming, and yet professing to be more than palpable in its results; this, howsoever its form may change, or however we may define it or describe it, is the sort of thing — the only sort — which yet comes home to the mass of men. So far from the dignified parts of a constitution being necessarily the most useful, they are likely, according to outside presumption, to be the least so; for they are likely to be adjusted to the lowest orders — those likely to care least and judge worst about what is useful.

There is another reason which, in an old constitution like that of England, is hardly less important. The most intellectual of men are moved quite as much by the circumstances which they are used to as by their own will. The active voluntary part of a man is very small, and if it were

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

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

is narrowly confined to nations with an analogous history and similar political materials.

The efficient secret of the English Constitution may be described as the close union, the nearly complete fusion, of the executive and legislative powers. No doubt by the traditional theory, as it exists in all the books, the goodness of our constitution consists in the entire separation of the legislative and executive authorities, but in truth its merit consists in their singular approximation. The connecting link is the cabinet. By that new word we mean a committee of the legislative body selected to be the executive body. The legislature has many committees, but this is its greatest. It chooses for this, its main committee, the men in whom it has most confidence. It does not, it is true, choose them directly; but it is nearly omnipotent in choosing them indirectly. A century ago the Crown had a real choice of ministers, though it had no longer a choice in policy. During the long reign of Sir R. Walpole he was obliged not only to manage parliament, but to manage the palace. He was obliged to take care that some court intrigue did not expel him from his place. The nation then selected the English policy, but the Crown chose the English ministers. They were not only in name, as now, but in fact, the Queen's servants. Remnants, important remnants, of this great prerogative still remain. The discriminating favour of William IV. made Lord Melbourne head of the Whig party when he was only one of several rivals. At the death of Lord Palmerston it is very likely that the Queen may have the opportunity of freely choosing between two, if not three statesmen. But, as a rule, the nominal prime minister is chosen by the legislature, and the real prime minister for most purposes — the leader of the House of Commons — almost without exception is so. There is nearly always some one man plainly selected by the voice of the predominant party in the predominant house of the legislature to head that party, and consequently to rule the nation. We have in England an elective first magistrate as truly as the Americans have an elective first magistrate. The Queen is only at the head of the dignified part of the constitution. The prime minister is at the head of the efficient part. The Crown is according to the saying, the "fountain of honour;" but the Treasury is the spring of business. Nevertheless, our first magistrate differs from the American. He is not elected directly by the people; he is elected by the representatives of the people. He is an example of "double election." The legislature chosen, in name, to make laws, in fact finds its principal business in making and in keeping an executive.

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

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

sary essence. A cabinet is a combining committee — a *hyphen* which joins, a buckle which fastens, the legislative part of the state to the executive part of the state. In its origin it belongs to the one, in its functions it belongs to the other.

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

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

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

First, compare the two in quiet times. The essence of a civilized age is, that administration requires the continued aid of legislation. One principal and necessary kind of legislation is *taxation*. The expense of civilized government is continually varying. It must vary if the government does its duty. The miscellaneous estimates of the English Government contain an inevitable medley of changing items. Education, prison discipline, art, science, civil contingencies of a hundred kinds, require more money one year and less another. The expense of defence — the naval and military estimates — vary still more as the danger of attack seems more or less imminent, as the means of retarding such danger become more or less costly. If the persons who have to do the work are not the same as those who have to make the laws, there will be a controversy between the two sets of persons. The tax-imposers are sure to quarrel with the tax requirers. The executive is crippled by not getting the laws it needs, and the legislature is spoiled by having to act without responsibility: the executive becomes unfit for its name since it cannot execute what it decides on; the legislature is demoralized by liberty, by taking decisions of which others (and not itself) will suffer the effects.

In America so much has this difficulty been felt that a semi-connection has grown up between the legislature and the executive. When the Secretary of the Treasury of the Federal Government wants a tax he consults upon it with the Chairman of the Financial Committee of Congress. He cannot go down to Congress himself and propose what he wants; he can only write a letter and send it. But he tries to get a chairman of the Finance Committee who likes his tax; — through that chairman he tries to persuade the committee to recommend such tax; by that committee he tries to induce the house to adopt that tax. But such a

chain of communications is liable to continual interruptions; it may suffice for a single tax on a fortunate occasion, but will scarcely pass a complicated budget — we do not say in a war or a rebellion — we are now comparing the cabinet system and the presidential system in quiet times — but in times of financial difficulty. Two clever men never exactly agreed about a budget. We have by present practice an Indian Chancellor of the Exchequer talking English finance at Calcutta, and an English one talking Indian finance in England. But the figures are never the same, and the views of policy are rarely the same. One most angry controversy has amused the world, and probably others scarcely less interesting are hidden in the copious stores of our Anglo-Indian correspondence. But relations something like these must subsist between the head of a finance committee in the legislature, and a finance committee in the executive.² They are sure to quarrel, and the result is sure to satisfy neither. And when the taxes do not yield as they were expected to yield, who is responsible? Very likely the secretary of the treasury could not persuade the chairman — very likely the chairman could not persuade his committee — very likely the committee could not persuade the assembly. Whom, then, can you punish- whom can you abolish when your taxes run short? There is nobody save the legislature, a vast miscellaneous body difficult to punish, and the very persons to inflict the punishment.

Nor is the financial part of administration the only one which requires in a civilized age the constant support and accompaniment of facilitating legislation. All administration does so. In England, on a vital occasion, the cabinet can compel legislation by: the threat of resignation, and the threat of dissolution; but neither of these can be used in a presidential state. There the legislature cannot be dissolved by the executive government; and it does not heed a resignation, for it has not to find the successor. Accordingly, when a difference of opinion arises, the legislature is forced to fight the executive, and the executive is forced to fight the legislative; and so very likely they contend to the conclusion of their respective terms.³ There is, indeed, one condition of things in which this description, though still approximately true, is, nevertheless, not exactly true; and that is, when there is nothing to fight about. Before the rebellion in America, owing to the vast distance of other states, and the favourable economical condition of the country, there were very few considerable objects of contention; but if that government had been tried by the English legislation of the last thirty years, the discordant action

of the two powers, whose constant co-operation is essential to the best government, would have shown itself much more distinctly.

Nor is this the worst. Cabinet government educates the nation; the presidential does not educate it, and may corrupt it. It has been said that England invented the phrase, "Her Majesty's Opposition;" that it was the first government which made a criticism of administration as much a part of the polity as administration itself. This critical opposition is the consequence of cabinet government. The great scene of debate, the great engine of popular instruction and political controversy, is the legislative assembly. A speech there by an eminent statesman, a party movement by a great political combination, are the best means yet known for arousing, enlivening, and teaching a people. The cabinet system insures such debates, for it makes them the means by which statesmen advertise themselves for future and confirm themselves in present governments. It brings forward men eager to speak, and gives them occasions to speak. The deciding catastrophes of cabinet governments are critical divisions preceded by fine discussions. Every thing which is worth saying, every thing which ought to be said, most certainly will be said. Conscientious men think they ought to persuade others; selfish men think they would like to obtrude themselves. The nation is forced to hear two sides — all the sides, perhaps, of that which most concerns it. And it likes to hear — it is eager to know. Human nature despises long arguments which come to nothing — heavy speeches which precede no motion — abstract disquisitions which leave visible things where they were. But all men heed great results, and a change of government is a great result. It has a hundred ramifications; it runs through society; it gives hope to many, and it takes away hope from many. It is one of those marked events which, by its magnitude and its melodrama, impress men even too much. And debates which have this catastrophe at the end of them — or may so have it — are sure to be listened to, and sure to sink deep into the national mind.

Travellers even in the Northern States of America, the greatest and best of presidential countries, have noticed that the nation was "not specially addicted to politics;" that they have not a public opinion finished and chastened as that of the English has been finished and chastened. A great many hasty writers have charged this defect on the "Yankee race," on the Anglo-American character; but English people, if they had no motive to attend to politics, certainly would not attend to politics. At present there is business in their attention. They assist at the

determining crisis; they assist or help it. Whether the government will go out or remain is determined by the debate, and by the division in parliament. And the opinion out of doors, the secret pervading disposition of society, has a great influence on that division. The nation feels that its judgment is important, and it strives to judge. It succeeds in deciding because the debates and the discussions give it the facts and the arguments. But under a presidential government a nation has, except at the electing moment, no influence; it has not the ballot box before it; its virtue is gone, and it must wait till its instant of despotism again returns. It is not incited to form an opinion like a nation under a cabinet government; nor is it instructed like such a nation. There are doubtless debates in the legislature, but they are prologues without a play. There is nothing of a catastrophe about them; you cannot turn out the government. The prize of power is not in the gift of the legislature, and no one cares for the legislature. The executive, the great centre of power and place, sticks irremovable; you cannot change it in any event. The teaching apparatus which has educated our public mind, which prepares our resolutions, which shapes our opinions, does not exist. No presidential country needs to form daily, delicate opinions, or is helped in forming them.

It might be thought that the discussions in the press would supply the deficiencies in the constitution; that by a reading people especially, the conduct of their government would be as carefully watched, that their opinions about it would be as consistent, as accurate, as well considered, under a presidential as under a cabinet polity. But the same difficulty oppresses the press which oppresses the legislature. It can do nothing. It cannot change the administration; the executive was elected for such and such years, and for such and such years it must last. People wonder that so literary a people as the Americans — a people who read more than any people who ever lived, who read so many newspapers should have such bad newspapers. The papers are not so good as the English, because they have not the same motive to be good as the English papers. At a political “crisis,” as we say — that is, when the fate of an administration is unfixed, when it depends on a few votes, yet unsettled, upon a wavering and veering opinion — effective articles in great journals become of essential moment. The *Times* has made many ministries. When, as of late, there has been a long continuance of divided parliaments, of governments which were without “brute voting power,” and which depended on intellectual strength, the support of the most influential organ of English opinion has been of critical moment. If

a Washington newspaper could have turned out Mr. Lincoln, there would have been good writing and fine argument in the Washington newspapers. But the Washington newspapers can no more remove a president during his term of place than the *Times* can remove a lord mayor during his year of office. Nobody cares for a debate in Congress which “comes to nothing,” and no one reads long articles which have no influence on events. The Americans glance at the heads of news, and through the paper. They do not enter upon a discussion. They do not think of entering upon a discussion which would be useless.

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

The weakness of the American executive used to be the great theme of all critics before the Confederate rebellion. Congress and committees of Congress of course impeded the executive when there was no coercive public sentiment to check and rule them. But the presidential system not only gives the executive power an antagonist in the legislative power, and so makes it weaker; it also enfeebles it by impairing its intrinsic quality. A cabinet is elected by a legislature; and when that legislature is composed of fit persons, that mode of electing the executive is the very best. It is a case of secondary election, under the only conditions in which secondary election is preferable to primary. Generally speaking, in an electioneering country (I mean in a country full of political life, and used to the manipulation of popular institutions), the election of candidates to elect candidates is a farce. The Electoral Col-

lege of America is so. It was intended that the deputies when assembled should exercise a real discretion, and by independent choice select the president. But the primary electors take too much interest. They only elect a deputy to vote for Mr. Lincoln or Mr. Breckinridge, and the deputy only takes a ticket, and drops that ticket in an urn. He never chooses or thinks of choosing. He is but a messenger — a transmitter: the real decision is in those who chose him — who chose him because they knew what he would do.

It is true that the British House of Commons is subject to the same influences. Members are mostly, perhaps, elected because they will vote for a particular ministry, rather than for purely legislative reasons. But — and here is the capital distinction — the functions of the House of Commons are important and continuous. It does not, like the Electoral College in the United States, separate when it has elected its ruler; it watches, legislates, seats and unseats ministries, from day to day. Accordingly it is a real electoral body. The parliament of 1857, which, more than any other parliament of late years, was a parliament elected to support a particular premier — which was chosen, as Americans might say, upon the “Palmerston ticket” — before it had been in existence two years, dethroned Lord Palmerston. Though selected in the interest of a particular ministry, it in fact destroyed that ministry.

A good parliament, too, is a capital choosing body. If it is fit to make laws for a country, its majority ought to represent the general average intelligence of that country; its various members ought to represent the various special interests, special opinions, special prejudices, to be found in that community. There ought to be an advocate for every particular sect, and a vast neutral body of no sect — homogeneous and judicial, like the nation itself. Such a body, when possible, is the best selector of executives that can be imagined. It is full of political activity; it is close to political life; it feels the responsibility of affairs which are brought as it were to its threshold; it has as much intelligence as the society in question chances to contain. It is, what Washington and Hamilton strove to create, an electoral college of the picked men of the nation.

The best mode of appreciating its advantages is to look at the alternative. The competing constituency is the nation itself, and this is, according to theory and experience, in all but the rarest cases, a bad constituency. Mr. Lincoln, at his second election, being elected when all the Federal states had set their united hearts on one single object, was vol-

untarily re-elected by an actually choosing nation. He embodied the object in which every one was absorbed. But this is almost the only presidential election of which so much can be said. In almost all cases the President is chosen by a machinery of caucuses and combinations too complicated to be perfectly known, and too familiar to require description. He is not the choice of the nation, he is the choice of the wire-pullers. A very large constituency in quiet times is the necessary, almost the legitimate, subject of electioneering management: a man cannot know that he does not throw his vote away except he votes as part of some great organization; and if he votes as a part, he abdicates his electoral function in favour of the managers of that association. The nation, even if it chose for itself, would, in some degree, be an unskilled body; but when it does not choose for itself, but only as latent agitators wish, it is like a large, lazy man, with a small, vicious mind, — it moves slowly and heavily, but it moves at the bidding of a bad intention; it “means little, but it means that little ill.”

And, as the nation is less able to choose than a parliament, so it has worse people to choose out of. The American legislators of the last century have been much blamed for not permitting the ministers of the President to be members of the Assembly; but, with reference to the specific end which they had in view, they saw clearly and decided wisely. They wished to keep ‘the legislative branch absolutely distinct from the executive branch’; they believed such a separation to be essential to a good constitution; they believed such a separation to exist in the English, which the wisest of them thought the best constitution. And, to the effectual maintenance of such a separation, the exclusion of the President’s ministers from the legislature is essential. If they are not excluded they become the executive, they eclipse the President himself. A legislative chamber is greedy and covetous; it acquires as much, it concedes as little as possible. The passions of its members are its rulers; the law-making faculty, the most comprehensive of the imperial faculties, is its instrument; it will take the administration if it can take it. Tried by their own aims, the founders of the United States were wise in excluding the ministers from Congress.

But though this exclusion is essential to the presidential system of government, it is not for that reason a small evil. It causes the degradation of public life. Unless a member of the legislature be sure of something more than speech, unless he is incited by the hope of action, and chastened by the chance of responsibility, a first-rate man will not care

to take the place, and will not do much if he does take it. To belong to a debating society adhering to an executive (and this is no inapt description of a congress under a presidential constitution) is not an object to stir a noble ambition, and is a position to encourage idleness. The members of a parliament excluded from office can never be comparable, much less equal, to those of a parliament not excluded from office. The presidential government, by its nature, divides political life into two halves, an executive half and a legislative half; and, by so dividing it, makes neither half worth a man's having — worth his making it a continuous career — worthy to absorb, as cabinet government absorbs, his whole soul. The statesmen from whom a nation chooses under a presidential system are much inferior to those from whom it chooses under a cabinet system, while the selecting apparatus is also far less discerning.

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

The principle of popular government is that the supreme power, the determining efficacy in matters political, resides in the people — not necessarily or commonly in the whole people, in the numerical majority, but in a chosen people, a picked and selected people. It is so in England; it is so in all free countries. Under a cabinet constitution at a sudden emergency this people can choose a ruler for the occasion. It is quite possible and even likely that he would not be ruler before the occasion. The great qualities, the imperious will, the rapid energy, the eager nature fit for a great crisis are not required are impediments — in common times. A Lord Liverpool is better in every-day politics than a Chatham — a Louis Philippe far better than a Napoleon. By the structure of the world we often want, at the sudden occurrence of a grave tempest, to change the helmsman — to replace the pilot of the calm by the pilot of the storm. In England we have had so few catastrophes since our constitution attained maturity, that we hardly appreciate this latent excellence. We have not needed a Cavour to rule a revolution — a representative

man above all men fit for a great occasion, and by a natural, legal mode brought into rule. But even in England, at what was the nearest to a great sudden crisis which we have had of late years — at the Crimean difficulty — we used this inherent power. We abolished the Aberdeen cabinet, the ablest we have had, perhaps, since the Reform Act — a cabinet not only adapted, but eminently adapted, for every sort of difficulty save the one it had to meet — which abounded in pacific discretion, and was wanting only in the “demonic element;” we chose a statesman who had the sort of merit then wanted, who, when he feels the steady power of England behind him, will advance without reluctance, and will strike without restraint. As was said at the time, “We turned out the Quaker, and put in the pugilist.”

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

The whole history of the American civil war — a history which has thrown an intense light on the working of a presidential government at the time when government is most important — is but a vast continuous commentary on these reflections. It would, indeed, be absurd to press against presidential government as such the singular defect by which Vice-President Johnson has become President — by which a man elected to a sinecure is fixed in what is for the moment the most important administrative part in the political world. This defect, though most char-

acteristic of the expectations⁴ of the framers of the constitution and of its working, is but an accident of this particular case of presidential government, and no necessary ingredient in that government itself. But the first election of Mr. Lincoln is liable to no such objection. It was a characteristic instance of the natural working of such a government upon a great occasion. And what was that working? It may be summed up — it was government by an unknown quantity. Hardly any one in America had any living idea what Mr. Lincoln was like, or any definite notion what he would do. The leading statesmen under the system of cabinet government are not only household words, but household ideas. A conception, not, perhaps, in all respects a true but a most vivid conception, what Mr. Gladstone is like, or what Lord Palmerston is like, runs through society. We have simply no notion what it would be to be left with the visible sovereignty in the hands of an unknown man. The notion of employing a man of unknown smallness at a crisis of unknown greatness is to our minds simply ludicrous. Mr. Lincoln, it is true, happened to be a man if not of eminent ability, yet of eminent justness. There was an inner depth of Puritan nature which came out under suffering, and was very attractive. But success in a lottery is no argument for lotteries. What were the chances against a person of Lincoln's antecedents, elected as he was, proving to be what he was? Such an incident is, however, natural to a presidential government. The President is elected by processes which forbid the election of known men, except at peculiar conjunctures, and in moments when public opinion is excited and despotic; and consequently, if a crisis comes upon us soon after he is elected, inevitably we have government by an unknown quantity — the superintendence of that crisis by what our great satirist would have called “Statesman X.” Even in quiet times, government by a president is, for the several various reasons which have been stated, inferior to government by a cabinet; but the difficulty of quiet times is nothing as compared with the difficulty of unquiet times. The comparative deficiencies of the regular, common operation of a presidential government are far less than the comparative deficiencies in time of sudden trouble — the want of elasticity, the impossibility of a dictatorship, the total absence of a revolutionary reserve. This contrast explains why the characteristic quality of cabinet governments — the fusion of the executive power with the legislative power — is of such cardinal importance. I shall proceed to show under what form and with what adjuncts it exists in England.