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These essays appeared in the *Fortnightly Review* at various times between the spring of 1865 and the first month of this year. I much wish that I were able to recast them, for such a series must have many defects when presented as a continuous book; but many occupations forbid me to hope that I could accomplish this within any moderate limits of time, and as the opinions here set forth (whatever may be their value) have at least cost me much time and thought, I venture to publish them in the only form I can.

The arguments of the first essay, if it had been re-written, might have been exceedingly illustrated by the present contest between the President and the Congress of the United States: but I leave it to stand as it was published a few days after Lincoln's death, when Mr Johnson was said to be a violent anti-Southerner, and no such quarrel was thought of. There is a just suspicion in the public mind of principles got up to account for events just occurring; and I prefer to leave what I wrote as it stood, when no such events were looked for.

As these essays once or twice allude to events passing when they were first published, it may be well to give the dates of their first appearance.

No. I May 15, 1865
" II June 15, 1865
" III August 15, 1865
" IV October 15, 1865
" V February 1, 1866
" VI March 15, 1866
" VII October 15, 1866
" VIII December 1, 1866
" IX January 1, 1867

No. I

The Cabinet

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

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

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

interfere with the work of the others. 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 constituent convention had decreed it – even if the component states had ratified it. The mystic reverence, the religious allegiance, which are essential to a true monarchy, are imaginative sentiments that no legislature can manufacture in any people. These semi-filial feelings in government are inherited just as the true filial feelings in common life. You might as well adopt a father as make a monarchy; the special sentiment belonging to the one is as incapable of voluntary creation as the peculiar affection belonging to the other. If the practical part of the English Constitution could

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

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

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

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

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

because it will lead men to expect what does not exist, and not to anticipate that which they will find.

Every one knows these plain facts, but by no means every one has traced their political importance. When a state is constituted thus, it is not true the lower classes will be absorbed in the useful; they do not like anything so poor. No orator ever made an impression by appealing to men as to their plainest physical wants, except when he could allege or prove that those wants were caused by the tyranny of some other class. 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 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 what they are used to as by what they choose. The active voluntary part of man is very small, and if it were not economised by a sleepy kind of habit, its results would be null. We could not do every day out of our own heads all we have to do. We should accomplish nothing; for all our energies would be frittered away in minor

attempts at petty improvement. One man, too, would go off from the known track in one direction, and one in another; so that when a crisis comes requiring massed combination, no two men will 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*,[1] 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 today; 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 relics.

The efficient secret of the English Constitution may be described as the

[1] 'from the meaning of the term'

close union, the nearly complete fusion of the executive and legislative powers. According to 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. However, our first magistrate differs from the American. He is not elected directly by the people; he is elected by the representatives of the people. He is an example of 'double election'. The legislature chosen, in name, to make laws, in fact finds its principal business in making and in keeping an executive.

The leading minister so selected has to choose his associates, but he only chooses among a charmed circle. The position of most men in Parliament forbids their being invited to the cabinet; the position of a few men ensures their being invited. Between the compulsory list whom he

must take, and the impossible list whom he cannot take, a prime minister's independent choice in the formation of a cabinet is not very large; it extends rather to the division of the cabinet offices than to the choice of cabinet ministers. Parliament and the nation have pretty well settled who shall have the first places; but they have not discriminated with the same accuracy which man shall have which place. The highest patronage of a prime minister is, of course, a considerable power, though it is exercised under close and imperative restrictions; though it is far less than it seems to be when stated in theory, or looked at from a distance.

The cabinet, in a word, is a board of control chosen by the legislature, out of persons whom it trusts and knows, to rule the nation. The particular mode in which the English ministers are selected; the fiction that they are, in any political sense, the Queen's servants; the rule which limits the choice of the cabinet to the members of the legislature, are accidents unessential to its definition – historical incidents separable from its nature. Its characteristic is that it should be chosen by the legislature out of persons agreeable to and trusted by the legislature. Naturally these are principally its own members – but they need not be exclusively so. A cabinet which included persons not members of the legislative assembly might still perform all useful duties. Indeed the peers, who constitute a large element in modern cabinets, are members, nowadays, 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 separable accidents until we know the necessary essence. A cabinet is a combining committee – a *hyphen* which joins, a *buckle* which fastens, the legislative part of the state to the executive part of the state. In its origin it belongs to the one, in its function 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[2] 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 not permit a note of a cabinet meeting to be read. No minister who respected the fundamental usages of political practice would attempt to read such a note. The committee which unites the law-making power to the law-executing power – which, by virtue of that combination, is, while it lasts and holds together, the most powerful body in the state – is a committee wholly secret. No description of it, at once graphic and authentic, has ever been given. It is said to be sometimes like a rather disorderly board of directors, where many speak and few listen – but no one knows.*

But a cabinet, though it is a committee of the legislative assembly, is a committee with a power which no assembly would – unless for historical accidents, and after happy experience – have been persuaded to entrust to any committee. It is a committee which can dissolve the assembly which appointed it; it is a committee with a suspensive veto – a committee with a power of appeal. Though appointed by one Parliament, it can appeal if it chooses to the next. Theoretically, indeed, the power to dissolve parliament is entrusted to the sovereign only; and there are vestiges of doubt whether in *all* cases a sovereign is bound to dissolve Parliament when the cabinet ask 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 – in fact, on critical occasions, the legislature itself. 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 legislate and act, or, if not, 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,

* It is *said*, at the end of the cabinet which agreed to propose a fixed duty on corn, Lord Melbourne put his back to the door and said, 'Now is it to lower the price of corn or isn't it? It is not much matter which we say, but mind, we must all say *the same*.' This is the most graphic story of a cabinet I ever heard, but I cannot vouch for its truth. Lord Melbourne's is a character about which men make stories.

[2] The second edition reads 'no official minute in all ordinary cases'. Soon after the publication of his first *Fortnightly Review* article, Bagehot had been lent by the third Earl Grey some cabinet minutes made by the second earl when prime minister in 1830–4.