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DEMOCRACY.

"A new science of politics is indispensable to a new world"

DE TOCQUEVILLE.

BY GEORGE SIDNEY CAMP.

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PUBLISHERS' ADVERTISEMENT.

THE publishers of the Family Library offer the following work to the public as a treatise on "Democracy" in the broadest sense of the word—government by the People. Such a treatise may, they think, not improperly lay claim to novelty; no work, to their knowledge, having ever yet been published, the express design of which is to elucidate the democratic *theory*. That some such work ought to be in the hands of every American citizen it is needless to urge. To claim the right of political self-government, without being able to tell why—to declaim about liberty, without being able to define what that liberty is—are what, in this country, no one should be guilty of; and yet how few among us really understand the fundamental principles of institutions which all are ready to eulogize, in the rights and benefits of which all equally participate, and the practical operation of which all unite to direct.

A work on the theory of democratic government has long been a desideratum in our literature. How far the present volume will supply the deficiency must be left to the American public to decide.

The Democracy treated of in the following pages, it will be seen, is not the democracy of one party, but of all parties. Had anything like a partizan character appeared in it, the volume would never have found a place in the Family Library; but it is believed that the author has studiously, as he has to our view successfully, avoided a tendency which, without serving the cause of any party, would have seriously impaired the generalness of his work. Still, the publishers do not take it upon themselves to assert that all his doctrines will alike command the assent of all. It is impossible to think without being independent; or to be at all original without occasional peculiarity. They have thus thought themselves bound fairly to allow for liberty of opinion. So often, however, as the reader shall discover himself to be at variance with the author, he will find such differences to be

differences between individual and individual, and not comprised in any of those political disputes in which party has been arrayed against party. Nowhere has allusion been made to such disputes, as, it is believed, the subject itself steers above them.

The object which the author has proposed to himself is an elevated one—no less than to portray the true nature, and demonstrate the intrinsic and universal propriety, of republican government. It will accordingly be found that, in pursuit of it, the minor differences of domestic parties have been lost sight of, while his aim has been to vindicate that grand national party, composed of all republican America, against the aspersions of foreign commentators, and the enmity of European monarchists.

H. & B.

New-York, September, 1841.

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DEMOCRACY

PART I.

INTRODUCTION.

THERE is this remarkable difference between monarchical and aristocratical systems of government on the one hand, and the democratic system on the other, that, while the former are based upon *prescription*, the latter is based upon the *right* of the people to govern themselves. The former are founded on custom, and the actual, prevalent order of things; the latter on the moral relations of men.

Of course, there ought to be found corresponding differences in the political theories by which these two descriptions of government are sustained. On the one hand, we ought to receive from monarchical and aristocratical writers an extended consideration of those various views of expediency on which their systems are professedly maintained, and an attempted vindication of them, as imbodying great practical skill and

wisdom, however little of speculative accuracy; and, on the other, we may well look to democratic writers for a full development of the right of man to self-government, and from them require, at least, a portraiture of the abstract perfection of the democratic system.

In a democratic country, where self-government has been successfully exercised by the people for nearly three quarters of a century, it might naturally have been expected that such democratic writers would not have been rare, and that a democratic nation would not have been so long without a democratic literature. Yet to what book or to what author shall we look for a demonstration of the right of the people to manage their own government? To what source shall we refer the young democratic disciple for proof of what he has always understood to be the fundamental principles of our government? for a theory of politics, I will not say, that does not violate every popular conviction, but that does not indirectly assail popular institutions? Eloquent vindications of popular rights, eloquent assaults upon hereditary prerogative, may occasionally be found scattered, at very rare points and very distant intervals, in the world of literature; but no work digesting such views in a

philosophical system, and giving us a clear, consistent, and harmonious theory.

Hence the following brief essay. It will doubtless appear presumptuous, in an inexperienced writer, thus to have attempted a subject the discussion of which might well challenge the exercise of the greatest abilities. My apology must be, that a field where nothing seems as yet to have been even attempted, may well be entered upon by the most enterprising without waiting for the most able; and, however much I may fall short of my theme, it will be my consolation, that to agitate just principles is to advance them, and that first, feeble, and failing essays to grasp the truth are always the earnest of its final and triumphant establishment.

It is our common belief that our government is distinguished in principle from other governments, is radically different. If a man were seriously to propose for our adoption monarchical or aristocratical institutions, he would be overwhelmed with public obloquy. We should feel, not as if he were indulging a mere harmless error of the understanding, not as if he had erred simply on a question of expediency, but as if he had been guilty of a moral delinquency on a moral question; and, should he be actual-

ly attempt to carry his plans into execution, he would be execrated as a public traitor having designs upon our *liberties*; no party, and no individual, but would shun the contamination of his alliance. Now, if this public sentiment be correct, the books we at present have that treat of politics must be radically wrong, for they distinctly recognise three systems of government as equally legitimate, reducing the difference between them to a mere question of convenience and expediency, and, if the truth must be allowed, making republican government the most unwise and inexpedient of the three. They admit that, perhaps, as to its mere theory, none offers so fair; but insist that this abstract perfection is its practical defect; that it is found to be weak, if not impracticable, upon experiment, and stationed the next door to anarchy; in other words, that it is like a very good-natured, well-intentioned, but harmful imbecile, whose chief tendency is towards self-destruction! Yet it is a fact that Paley and Blackstone, Burke, Burlamaqui, and Montesquieu, firmly maintaining such doctrines, and esteemed, with, perhaps, the exception of the last, the greatest favourers of arbitrary power, are the most constantly read, the most universally adopted in colleges, and the

most frequently quoted of all political authorities in republican America; while it may be confidently asserted that *a connected and philosophical exposition of the peculiar theory of democratic government has never yet been written.* Thus we journey on, living in the rich experience and practical enjoyment of democratic freedom, but in entire and reckless indifference to its abstract principles.

Even foreigners hardly seem so indifferent to our political system as we ourselves. Many intelligent men among them have professed to regard its operation, on so grand a scale, as a great and wonderful political phenomenon, and have thought it worth their while to come here to examine more narrowly into its practical nature, and speculate upon its probable results. Its successes have often furnished an embarrassing argument in the hands of the popular partisan of the Old World, and, doubtless, not unfrequently appeared awfully portentous to crowned heads. We alone appear to be indifferent to its real nature and fundamental principles. Nay, our men of education are dwelling in rapture over the flowery pages of Burke, or carefully treasuring up the artificial systems of a Paley or a Blackstone; while our men of wealth and lei-

sure are learning abroad to admire the external splendour that surrounds the favoured classes of aristocratic Europe, and acquiring a distaste for the plainness and simplicity of our social and political systems.

If we search, therefore, for just political sentiment, there seems more of it to be found with the humbler classes, whence it was originally ushered among nations, than in our favoured ranks, where there are too many who have been foreign tributaries for knowledge, or formed tastes for the excesses of European refinement. Popular prejudices on this subject seem to be just; and the American labourer, who looks upon his own as the only free country, seems to me to be much nearer the truth than the man of education, who too often regards freedom as pretty nearly synonymous with well-regulated government. It is singular, yet it is, I think, true, that among educated men, a majority would willingly establish a property qualification as requisite for every voter—a demand vitally at war with democracy; and a very large proportion would be found not to understand, or absolutely to assail, the maxim of the natural equality of mankind, the fundamental principle of our government.

Our political opinions seem to have retro-

graded since the Revolution. The national animosities of that period anticipated some of the truths of philosophy. Those laid aside, we were immediately immersed in the active concerns of life; and from that time to the present, contented with the practical results of our system, we have paid but little attention to the patient study of its abstract nature. We have been, from circumstances, a nation of practical rather than speculative habits. We have had the forest to subdue, a new continent to occupy, a new government to establish; and, hitherto, our republic has been engaged in the acquisition of its independence, in the settlement of its constitution, in the vindication of its rank and honour, and in the hurried, enterprising, and laborious industry incident to the difficulties of a new country, and the embarrassments of a recent nation. We have been all action. A bustling and enterprising activity has been our national characteristic. As individuals, we have had everything to do. Early thrown upon our own resources, a vast practical career has continually been spread out before us. There has been no room for the thinker; he has been jostled one side. The chief speculators we have had have been those in merchandise and real estate. Instead of de-

veloping our theories from our practice, we have taken up with systems which we have found already digested to our hand. Deriving our origin and our language from Great Britain, having one common literature, one common religion, and, to a great extent, common habits and common laws; deriving a great many of our political principles, more of our political institutions, and all our love of liberty, from the old country, we have been slow to discover where our pupilage should have ended, and what bounds the stern dictates of principle should have placed to our filial reverence. We have thus adopted, to a great extent, British politics, with British laws and literature. Thus it has come to pass that, in our politics, we are yet tributary to the Old World; that, while we have been so original in action, we have been so strangely servile in theory. Hence, the strange inconsistency of a nation of republicans suffering themselves to be instructed in the elements of political knowledge by monarchists. Look to monarchists for correct theories of politics on which to base our institutions—the world might as well have expected a reformation from the pope, or Christianity itself from the Scribes and Pharisees.

We have altogether failed to appreciate our

position. We have been guilty of a great practical error in supposing that our Revolution is to be regarded simply as an historical event, of no consequence in its results to anybody but ourselves. On the contrary, it was of a twofold character. It not only made us independent as a nation, it made us free as men; and this freedom, still subsisting, is a standing, permanent fact, indicative of the political capabilities of mankind, that renders the period from which it takes date an era in the moral history of the species. Yet while, as a national event, it has found its imperishable record in our national annals, though it has furnished an example to all nations, and is opening the eyes of mankind to errors which have for centuries caused the past to tyrannize over the present, it has made no alteration, and found no place, in the systems of political science: as if Philosophy were blind to practical achievements, and cared not to celebrate the triumph of her most exalted principles.

Our government was not the result of an accident. Neither blind casualty, nor force, nor fraud, had anything whatever to do with its institution. It was the product of the voluntary mind of man. It was not less the choice than the imbodied wisdom of the people. In its in-

stitution was presented the sublime spectacle of a whole nation deliberating and acting upon the highest and most comprehensive of terrestrial interests. They provided for their common wants out of their common experience. The united aim of the people was to provide, in the choice of a government, for the good of the governed. "The eye" of the body social was "single," and "the whole body was full of light." No existing government controlled the choice, or subsidized the votes of the American people. They were not awed by the fear or seduced by the favour of a feudal and vicious aristocracy. No military power mocked at their deliberations. No hierarchy subdued their souls with superstitious terrors. Corrupt and unnatural prejudices and factions interests, never found concurrent except among the few, were necessarily unheeded, when the appeal was made alike to all. No class could have had an undue influence, or secured to itself singular privileges and immunities, when none was distinguishable from the multitude, or when those who owed to temporary circumstances a transient distinction were to relapse immediately into the common mass. All stood in those equal relations, as respected their choice of the principles of a government, which

mankind at large, were they once unshackled, would universally and reciprocally sustain to each other. Our present system, thus commended to a vast and unorganized people, comprising almost every description of character, habits, position, and interest, that, independently of political institutions, diversifies the condition of our race, it would seem that the only ground of its acceptation must have been those original sentiments common to all men, that constitute the very laws of nature.

The abstract character of this system, and its fundamental principles, ought to have attracted the earliest attentions of the American scholar. Its speculative perfection alone ought to have won for it numerous disciples.

But, independently of its abstract beauty, an understanding of its nature has for us a great practical value. What is our Constitution but the mere creature of the public will, and how can we be sure of its integrity and preservation if the public mind be misinformed or perverted? We are all sovereigns: ought we not all to be statesmen? Should not an American be always ready to show by what title he claims to be a free citizen? to vindicate the system by virtue of which he exercises such peculiar and such exalted prerogatives?

Faith is as necessary to the republican as to the Christian, and the fundamental characteristic of both. We must believe in the capacity of man for self-government, or the framework of our Constitution will be altered. On what basis does that conviction now rest? We may guard ourselves from foreign enemies by physical force; soldiers, arms, artillery, and fortifications may render us safe from foreign aggression; but the sacred ark of our liberties is kept in the temple of the human mind, and can only be preserved inviolate by gathering around it the forces of Truth, and intrenching it behind the deep and enlightened convictions of the moral sense. Men will not risk much for what they believe to be but a transient blessing. The permanency and the excellence of self-government are our only motives to be loyal to our sovereign, the people, our only motives to patriotic and self-sacrificing devotion; it behooves us, therefore, to be fully assured, not only of its immediate and practical value, but of its high moral rectitude and intrinsic propriety, its ennobling qualities, and its absolute capability of duration.

Any citizen who merely professes to love his country and to honour her institutions, may well be justified in attempting to assert some better

argument in their favour than mere national prejudiee. They are inquiries worthy to be agitated, whether all nations are capable of self-government? whether the invariable laws of justice imperatively demand its universal institution, independently of the particular circumstances of each separate nation? and what are the prospects of its permanency and universal prevalence? Questions to which, strange to tell, American literature yet furnishes no answer.

I cannot believe that our government is to be a perpetual "*experiment;*" that its practicability can never be demonstrated. Nor am I among those who hold that it is simply the best government *for us*, and that we are, by means of any fancied intellectual or moral superiority, or by the particular favour of Providence, alone, of all the human family, blessed with a monopoly of good government.

When the question of republic or no republic is agitating the elements of society in the most enlightened nations of Europe, it is believed that it cannot be uninteresting to a people who, in the solution of this question, are looked upon as an example, and should be able, from their unconstrained position, to anticipate the future judgment of the world

CHAPTER I.

The Nature of Political Science.

I AM well aware how unsafe and unprofitable abstract political speculations are usually held to be; that they are peremptorily set down as never justified by experience, liable to a thousand qualifications from actual circumstances, and utterly incapable, to a great extent, of any practical application.

Hence the man who relies much upon general principles in politics is looked upon as little better than a visionary. He is continually told that his notions are well enough upon paper; that they may do very well for the closet, but that he is guilty of a great absurdity in attempting to apply them to the actual management of affairs. That he theorizes too much, is not enough of a practical man, that he regards men too much as they ought to be, and too little as they are.

Thus political speculations are usually turned over to men of leisure, as a sufficiently appropriate entertainment for fine, subtle intellects,

not engaged in the active duties of life, and denounced as an idle occupation for, and to be eschewed by, practical and politic statesme

Let us understand the difference between practical and abstract notions, and see how far the reproach of being too theoretical and refined is just in general; how far it is just in its application to this particular subject of politics.

A man, viewing a multitude of facts, deduces general conclusions from them. Every man of business does this. The most practical man has his theories, and a great multitude of theories, on which he conducts his business. Every business rule is a theory. Experience furnishes no lesson but what amounts to a theory. When one not immediately engaged in business deduces general principles from a multitude of facts, he differs from the business man, not in framing theories, nor in his mode of framing them, but in taking more prominent and more numerous facts as his basis, and forming rules of a more extensive application. No theory is bad as a theory, but only bad when not sustained by the facts from which it professes to be a deduction. The question is thus, in all cases, whether a theory is sustained by its facts? If it be, it will not be enough to overthrow it to say that it is *ab-*

stract, as every theory is an abstract theory, and the process of mind by which individual facts are separated from their particular circumstances and reduced to a general proposition is always an abstraction. Thus the practical rules of the business man are, in reality, abstract theories.

But there is a particular class of general rules and principles which are abstract in a different, and, perhaps, more appropriate sense. These are the laws of morals. They are derived from conscience alone, and are thus formed, not by abstracting an aggregation of facts from their accidental circumstances, but by withdrawing the mind entirely from the contemplation of external facts as facts, to the contemplation of moral relations, of which it informs itself. In this sense all moral rules are abstract principles. They are moral rules for the very reason that they treat of the world not as it is, but as it ought to be. Facts and circumstances may vary their application to particular cases, but can in no manner alter or modify the rules themselves, or their intrinsic obligation. To be correct, we have only to attend to the inspirations of conscience.* The imperfections of man cannot im-

* In saying this, I do not, of course, mean to deny the inesti

pair the perfection of morals. His accidental circumstances and condition cannot affect a system founded on his essential relations. No rule ever propounded to man is in such utter nonconformity with human affairs, and so universally reckless of circumstances, as our Saviour's great and comprehensive rule of human conduct, "Love thy neighbour as thyself." It abstracts from all the peculiarities of individual fortune in a race so very widely diversified as ours, and condenses the laws of Divinity to the comprehension of the human heart. The relations of the various parts of a moral proposition are just as fixed, certain, and invariable, independently of a direct application to any particular subject matter, as the relations of the various parts of a geometrical figure. You might as well seek to know how long the hypotenuse of any particular right-angled triangle is, before venturing to determine what proportion the square of its hypotenuse would bear to the sum of the squares of its two sides; or, when asked for the proportion, answer

mable advantages of the Christian revelation in giving absolute clearness and certainty to the convictions of a natural conscience, or to detract from its authority as paramount on every moral question. The scope of the argument would have perhaps saved me from any such inference, but I make this disclaimer to prevent all cavil.

that it must depend upon the size; as, when called upon for *a moral rule*, to inquire the case in which it is to be applied. Thus, for example, the moral law defines theft independently of any actual case, and, when what it calls a theft is clearly made out, we do not ask whether the man plundered, in any particular instance, was plundered of gold or iron, of much or little, whether he was good or bad, rich or poor, wise or simple, strong or weak; nothing but an absolute and imperative necessity, that overturns all morals, contravenes the general rule thus abstractedly laid down. If actual circumstances could modify moral rules in the slightest degree, they would utterly destroy them. Thus those rules are the same for all men, under all circumstances; they are derived from conscience, and conscience is, by nature, the same in all.

There is, then, this difference between the two classes of abstract propositions above denoted, that while, as to the first, their abstractedness, when they are assailed, can furnish no just ground for anything more than a preliminary caution, to awaken the attention to facts; and to prepare the mind for the argument to follow, which must show, if it amount to anything, that the theory is not sustained by its facts; on the

other hand, in regard to moral propositions, so far is their abstractedness from being a ground of reproach, that it would never be even alleged against one clearly and distinctly appearing as such.

But the difficulty with this subject of politics is, that, embracing, as it does, in its different branches, both these kinds of abstractions, their different provinces have not been kept rigidly distinct. Distinguished speculative writers, in debating subjects involved under the practical department, have advanced theories of government which are merely theories, entirely abstracted (and not in any respect deductions) from actual events and a practical experience, where events and experience are the only sources of truth, and have thus unhappily involved both the moral and the practical branches of political theories and abstractions under an imputation which the particular idle schemes of those writers have alone deserved.

Politics deals in theories, as every other science does. It requires, therefore, abstractions. It is an abstract science; purely abstract, so far as its moral principles are concerned; only abstract in the same manner and to the same extent that every science is necessarily abstract, so far as its

practical rules are concerned. For, in part, its office is, when the fundamental character and principles of a sovereignty have been determined on, to prescribe practically by what mechanism it shall act; what are the safest and most efficient agencies to be employed, consistently with its nature, in the execution of its will; how far the executive, the judicial, and the legislative powers shall be separated or conjoined; whether the legislature shall be composed of two houses or one; the executive be divided or single; the judiciary supplied by election or by appointment; and, in dividing the Legislature, how often it shall be divided, and on what different bases its various departments supplied. These are questions to be settled by circumstances and experience alone, as mere questions of expediency; and in settling these practical questions, theories should be rigidly deduced from modes that have actually been tried, and be properly varied and adapted to suit the peculiar and actually existing situation of the people for whom they are devised. Yet, in handling this branch of the subject, speculative writers have arbitrarily allotted an imaginary people by rule and measure into mathematical divisions; have supposed them to be different, both in themselves and their cir

cumstances, from what any people ever were; and have then invaded every department of private life with their artificial systems, and made their schemes embrace very nearly the sum total of human existence, as if men lived only to be governed. Thus have they ended in creating an imaginary mankind for a scheme of government, instead of a scheme of government for mankind. This is speculation with a witness: mere theory, mere abstraction, without facts to sustain it; the fertile soil of Utopian fables. Of such schemes it has been said, that they represent men as they ought to be, not as they are; though, with more propriety, it might have been said, that they neither represent men as they ought to be, *nor* as they are. Of such schemes, with some truth it might be alleged, that their mathematical precision, their apparent "abstract perfection, is their practical defect." Against such systems, and all other systems that attempt thus arbitrarily to define precisely what mechanical and subordinate agencies a government ought to employ for its administration, irrespective of the various natural circumstances and the acquired character and habits of different people, all that has ever been said against abstract theories and systems of government may justly be launched.

These mechanical arrangements and subordinate agencies, however, are so far from being the whole of government, that they are, comparatively, but an inconsiderable part of it. Not by what means and through what channels shall its powers be exercised, are the great questions; but how do its powers originate, and within what limits are they to be legitimately restricted? Those practical details which respect simply the agencies by which government can best act, and present mere questions of expediency, are objects of inferior regard in politics. Political is, for the most part, a branch of moral science. When you prescribe to me a law, or hold up to me an authority, which you say I *ought* to obey, you present to me a case of conscience coming within the jurisdiction of morals. You assume a moral power; have you a moral right? If, indeed, I ought to obey, that obligation is deducible from those fundamental moral principles which Nature has implanted in our bosoms. Facts cannot arbitrarily prescribe in the settlement of the question; it is determinable by the moral and essential relations of man to man. States and nations are but men—mere aggregations of individuals. Their rights are merely the duties that one owes to various men;

their powers are simply the powers which one man may acquire over another, and acquirable only by the same means. Morals deal simply with men, not with bodies corporate or politic. We have, then, but to interrogate our ordinary systems of morals to know what power one man may acquire over another, and by what means. We find no difficulty in determining the rights, relations, and duties of individuals with reference to each other. If we wish to determine the rights, relations, and duties subsisting between one and a multitude, we refer to the same moral code. The addition of numbers makes no difference in the application of moral principles. No matter whether the individuals claiming any right over or duty from me are one man or ten millions; the laws of morals do not regulate men by tens, or thousands, or millions, but by units; conscience has no reference to the question of their multitude. The political are thus governed by the same set of rules as the moral relations of mankind. Hence, to determine how a political sovereignty can be legitimately constituted, we need no knowledge of actual establishments; we ask no illumination from experience, no extensive collection and comparison of facts; we care not what is the description or the an-

tiquity of governments that *do rule*; we care not what are the circumstances of people that *are ruled*; we have to do with man under all circumstances; with his moral nature and relations and the judgment of conscience upon them, and not with circumstances.

Here, therefore, the science of politics rises to the dignity, conclusiveness, universality, and paramount obligation of moral demonstrations. Of this branch of politics alone do we here treat. The question involved in the choice of a sovereignty is not a question of expediency, but of justice. It is to be determined abstractedly, by the reciprocal rights and relations of mankind. The decision is no more fluctuating than right and wrong. It makes a part of the law of humanity; and we need no more an intimate knowledge of the physical and intellectual condition and social habits of distant people, to determine what the intrinsic nature and essential principles of their government should be, than to designate for their use a code of morals. The relations sustained to that aggregate whole called a state, are part of the relations which individuals sustain to each other. And, indeed, it would be a singularly anomalous case in morals, if *the whole* could escape that moral jurisdiction that com-

prises *each*. The great law of justice presides over the organization of government, as well as the subsequent details of its administration, and our rulers must derive their powers over us from sources whence we might derive the same or a similar control over others. Though this universal and inflexible operation of the law of justice has been generally admitted to regulate the intercourse of independent nations, it has been almost universally disregarded in the more familiar relation of states to their own constituency. Yet it pervades with its impartial energy every moral relation; and, blind to the distinctions of foreign or domestic, great or little, powerful or weak, ancient or modern, many or few, attaches with impartial reciprocity and indiscriminate power on everything that bears the impress of humanity.

Thus, then, we have the means of threading the labyrinth of confusion presented by actual politics; for, whatever rights states have, like our individual and private rights, of which they are but a part, may be referred immediately to nature or traced to convention. That great moral necessity, which is superior to nature and convention, may sometimes temporarily intervene; but as it is the utmost violence which human affairs can ex-

perience, and is, in its very essence, an exception to the ordinary current of events, and not a rule, it can never be the lasting foundation for any permanent order of things. Equally certain, permanent, and universal are the relations of states to their members, and the rights, duties, and obligations that we recognise in our ordinary intercourse between man and man.

The idea cannot be too severely reprobated, that the principles of this branch of political science are too abstract for practical uses and application, subject to a conformity with every variety of government, and shifting their ground and altering their aspect to authorize and establish the prevailing power in every state and nation spread over the face of the whole earth. If the relations of justice are universal and immutable, so are these principles. If the duties of men to each other are inflexible, so are the mutual obligations subsisting between communities and each of their constituents; and these can be superseded only by such an absolute necessity as would exempt us, in our ordinary conduct, from the jurisdiction of acknowledged moral precepts, and that but momentarily. So long as man retains the essential characteristics of his nature, and reason, truth, and justice prove

everywhere the same, the fundamental principles of this science will continue invariable, and right and liberty preserve one uniform signification, irrespective of circumstances, in every quarter of the globe.

It is not true, therefore, that "circumstances give to every political principle its distinguishing colour and discriminating effect," and that "our liberties, varying with times and circumstances, admit of infinite modifications, and cannot be settled upon any abstract rule."*

It would be equally philosophical to assert the dependance of private and individual, which rest on the same moral bases as our public and political principles, upon times and circumstances, as if they were entirely extrinsic, and dwelt without, not within us; and just as rational to assert that a good man is produced, like any physical phenomenon, by a fortuitous concurrence of events. The distinctions of morals are uniform, because they repose upon the essential characteristics of our universal nature; and the transcendent excellence of moral rules, from which political relations and civil liberty proceed, consists in their absolute inflexibleness and entire *nonconformity* with circumstances.

* Burke's Reflections on the French Revolution.

It is common, in the discussion of political subjects, to admit a proposition erected on a moral basis as an abstract principle, and still to qualify, not its operation, but the principle itself, by a reference to circumstances. But the very end and the renewing agency of moral, under which I include fundamental political truths, consist in rectifying the disorders everywhere prevalent in human affairs. What is meant when, by way of impeaching their authority, they are styled *abstract?* Is it meant that they are brought from internal sentiments and feelings merely? From what other sources are moral principles derivable? Are not these internal suggestions the axioms of moral demonstration? Is not justice, like truth, approved by its own nature solely? To tell to whom property belongs, must we know in whose hands it is? To tell whether our native liberty belong to us, must we know in what government it reposes, or what is the strength, or what are the services, or what is the antiquity of that government? I assert the actual constitution of human nature, you appeal to the actual condition of human affairs; the first alone determines the nature and extent of moral obligations, to whose force and power the last should passively submit; the

province of the first is to command, of the last to obey; the first embraces all the principles of our moral deliberations, the last are merely the subjects of them. Whence, then, the authority of circumstances to modify moral rules, or, what is the same thing, political relations? What reference should be had to circumstances, when the only condition for the complete operation of moral rules, founded in the actual constitution and necessary relations of man, is humanity?

Those abstract truths, therefore, embraced within the province of political science, are real truths and authoritative lessons of practical wisdom. Least of all does it behoove Americans to impeach them, since, in the very act whereby they vindicate their independence, and formally register their name in the catalogue of nations, they make a dignified appeal for the rectitude of their intentions and the justice of their conduct, from actual and legal authority, ancient, prescriptive, and long recognised, to abstract principles alone.*

Political science is no vain chimera. It does not mock its votaries with notions theoretically systematic and accurate, but impracticable. It yields them truths beautiful in theory and sub-

* "We hold these truths to be self-evident,"

stantial in the experience. While it thus rewards the mere votary of science, it may assert a higher claim to our patriotic regard as Americans, from the protection it is within its province to afford us against foreign influence, however remote and circuitous. With us the integrity of our principles is the integrity of our government. In vain would we be independent of despots if we voluntarily subserve the principles of despotism. The farther maxims are removed from the ordinary questions that convulse us, the more fundamental are they; the more universal their operation, the more subtle and sure their sway

CHAPTER II.

Self-Government by the People the only legitimate Form of Government.—The universal Right of Mankind to Democratic Government, and their Competency to administer it.

It is a part of man's nature to be free. The same constitution that makes us moral, makes us self-governing beings. The right to control our own actions is a necessary consequence of the freedom of the will. If we have not this right, our entire moral structure is a piece of folly in its end, and a piece of awful mockery in its Author. Our passions prompt us to action, our moral and deliberative powers regulate us in our choice of actions, and the will sets the whole machine in motion. But to what tends all this machinery but to *action?* and, if we are not *free* to *act*, to what purpose are we *free* to *will?* If, the instant we begin to act, we must be subjected to some external governing power, the whole man is nonplused at once; and those exalted powers, that liken us to the image of God himself, are made superfluous lumber in the human breast. To avoid consequences so absurd,

yet so inevitable on any other hypothesis, it must be admitted that man was made by Nature to act for himself.

While, however, he is thus made the sovereign arbiter of his own actions, he cannot disclaim the obligation of those moral principles which, constituting an essential part of his nature, form the basis of his freedom; and, at the utmost, he can pretend to no more than the right to conform, in the independent regulation of his own conduct, to the unseen but invariable standard of moral rectitude. A *right* to do *wrong* he cannot have. How could it ever have been imagined that rights, which belong to men only by virtue of their moral attributes, can subsist in the absence or in derogation of moral obligations? or that man in a state of nature possesses the free and uncontrolled liberty of doing whatever he pleases, at the same time that he is impelled by natural reason and the innate power of conscience to pursue the right and to shun the wrong? Nothing, certainly, but the authority of great names could ever have given countenance to such absurdities. While, therefore, the same nature that makes us *moral* makes us *free*, and the same dispensation that makes us responsible for our actions gives us a right to control them, we cannot violate

the conditions, and subvert the foundations of this freedom, by a disregard of that moral constitution by virtue of which we possess it. God has invested us with exalted powers; this is, of itself, a sufficient authority for their independent exertion. But these powers are not merely executive, they are deliberative also. Not power, simply as such, but only a power to pursue our own good, enters into the composition of our natural liberty. We are impelled by nature to the pursuit of our own true and substantial happiness, but governed and controlled in the pursuit of it by certain inherent moral principles: hence the origin and the limit of our natural rights. Though human beings in a state of nature may find their hands and feet unshackled, they are not therefore to assume at once the condition of the savage, and course the forest in pursuit of prey, or arm their hands with the tomahawk and scalping-knife, in violation of every man's rights and safety; they have likewise reason and conscience incorporated in their natures, which teach them to be rationally and morally free.

Natural liberty, then, consists in the uncontrolled disposition of our persons and our property, agreeably to our own will, provided that we do

not transgress the natural or moral law; or, in the words of Montesquieu, "it is the power of doing what we ought to will, and the not being constrained to do what we ought not to will."

This natural liberty is by no means irrespective of our condition as social beings. Since it regards man in his natural, it must comprehend his social and related capacity. Society is rendered indispensable to us, not less by the instincts of our nature than the necessities of our physical condition; and so irresistible are the combined influences of both, as to have prevented the appearance upon the earth, even in its earliest ages, of such a phenomenon as single, individual, isolated man.

When, therefore, we enter into the political state, are our rights abridged because they must be accommodated to the rights of others? By no means. I never had a right, in any condition, to trespass upon my neighbour. Nature has adapted us to one another in a social state, and I am bound, by the law of Nature, to "love my neighbour as myself," not less than by the law of civil society to do him justice. Neither requires me to surrender anything that is mine, but that I should give to every man his own. Natural liberty is, therefore, entirely compatible with

the social condition of man; and as nothing can be more unnatural than that wild and savage state which it is common, under the sanction of great and numerous authorities, to consider as a necessary condition to natural liberty, so nothing can be more absurd than the theory which defines natural liberty to consist in the unrestrained allowance of every man's inclination or caprice.

But when it is said that no man has a right to do wrong, or to transgress the natural or moral law, let us not be understood as asserting that any one has a right to prescribe to any other what that law is, or to punish every infringement of it. On the contrary, it is of the essence of that individual liberty of action which we possess as moral beings that each be allowed to determine that point for himself; for to this end Nature has endowed each of us with rational and moral faculties. But suppose this personal liberty of ours to be infringed by another, we judge the aggressor, not for transgressing the limits of his own freedom, but for trespassing upon ours; of the former he is the judge, of the latter we, by the same right, are the judges. He may go beyond the fixed and absolute limit of his own freedom, but we have no right to interfere, unless, by so doing, he enters into conflict

with us, and encroaches upon our equal rights. This right of self-defence, so far from abrogating our own individual independence, is based upon it, on the ground that those rights cannot be ours which everybody may with absolute impunity appropriate to himself. And hence our right to protect ourselves from injustice confers no authority over our fellow-men (as it would otherwise be at war with its own original), but merely allows us to insist on what is already our own, and to assume a hostile attitude within our own limits.

One man has no right, by nature, to make laws for another. He may repel another when his own rights are infringed, but he has no right to govern him. He is sovereign merely over himself, not over another. He has a right of self-protection, but that he has within his own province. He may say, "Do not infringe upon my rights;" but he has no right to define the rights of third persons, or forbid any infringement upon them. If, however, he unite with others in a convention for mutual protection and defence, then the rights of each become the rights of all; what was before individual becomes common, and still the community keep within the limits of their own concerns when

they say to a stranger, "Do not infringe upon the rights of either of us, or we will jointly repel you," though they do not thus acquire any right to direct him in his intercourse with others. Thus man enjoys by nature, in relation to other men, the right of repulsion, and not the right of direction. The difference is, that the exercise of the former right is confined exclusively to one's self, the latter extends to and arrogates the direction of the affairs of third persons. The office of society is to define what individual rights are (not arbitrarily to direct individuals what they shall or shall not do), and to bind the whole for the defence of them. When a society does this for itself, it is employed in its own concerns, it operates within its own legitimate sphere; when a constituent part only of a society do it for the rest or for the whole, they assume a duty and a responsibility for which there is not the shadow of an argument to show that Nature ever designed them.

We are not made for authority over our fellow-beings. That moral nature, by virtue of which alone we could claim it, has evidently been given us for the regulation and government of ourselves alone. Moral duties are revealed to our species by nature as individuals, and discov-

erable by us, each for himself solely, upon the separate inspection of his own heart. There is Nature's sole depository of the immutable law of right and wrong, justice and injustice, in its applicability to human actions. Its only natural sanction is vested in every man's individual conscience, which reproaches or applauds him for his own actions merely. Thus Nature has made each, for himself alone, the executor of her laws, and she qualifies no man to prescribe and act for another. His moral attributes are not more than sufficient to accomplish him for his own responsibilities; and he may only repel injuries, because they violate those rights of which Nature has made him cognizant, and constituted him the sole guardian and judge.

Such being the prerogatives of all, who shall assume, on the authority of Nature, definitively and authoritatively to settle and enforce the exact demands of justice in disputed cases between man and man? Clearly no one but that Supreme Being, possessing in his own essence a benevolence that is infinite and a wisdom that cannot err, and who, by virtue of his Divine prerogatives, is the natural Governor and Lord of the Universe.

It is treason towards God himself, and a mock-

ery of the majesty of Heaven, not less than an injury to the rights of man, for any merely human being to arrogate a claim so high as that of sovereignty over a race of the same rational and moral nature as himself. In the absence of Divine authority, and while we are conversant with but one order of intelligent beings, universally the same in their essential attributes, one in *genus* and one in *species*, all are morally equal, that is, equal in those respects which constitute moral accountability (and this is what is meant by the natural equality of man), and each has a right to determine the limits prescribed to his actions by the moral law for himself; being still liable to repulsive violence, in consequence of the universal extension of the same right to others, if, by reason of an erroneous judgment upon his own rights, his actions conflict with the rights of others.

We go yet farther, and contend that, as this liberty of action is derived to man through his moral nature; of which it is the necessary concomitant, he can as well abdicate his moral attributes and shift his moral accountability, as alienate it; and that, on the other hand, he is just as capable of acquiring a new nature, and assuming before God the responsibilities of other

moral beings, and aggravating his own, as of governing other men in opposition to their own free and deliberative will.

Man is by nature the free and sovereign arbiter of his own actions; and as it has been proven that there is nothing in the nature of society, either in the rights it respects or the sacrifices it requires, incompatible with the unlimited exercise of his native freedom, so we have shown that he does not, because it inheres in his nature, and he cannot, resign it upon becoming a member of organized society.

Not such, however, is the theory laid down in foreign works and servilely copied by American writers. Instead of adhering to their definition of natural liberty, which we have substantially adopted, they affix to it the idea of the "absolute and uncontrolled power of doing whatever a man pleases," then compel him to "give up a part of his liberty on entering into society," in opposition to one of the most prominent axioms, solemnly and authoritatively announced by the patriots of our Revolution, that liberty is among our inalienable rights; and, finally, as a natural and proper consequence, declare that "expediency and the general advantage of the public" define

the limit to which political power shall encroach upon human rights.*

"Natural liberty," says Blackstone (and the systems of British writers are quite uniform on this subject), "consists, properly, in a power of acting as one thinks fit, without any restraint or control unless by the law of nature; being a right inherent in us by birth, and one of the gifts of God to man at his creation, when he endued him with the faculty of free will. But every man, *when he enters into society, gives up a part of his natural liberty* as the price of so valuable a purchase; and, in consideration of receiving the advantages of mutual commerce, obliges himself to conform to those laws which the community has thought proper to establish. And this species of legal obedience and conformity is infinitely more desirable than *that wild and savage liberty which is sacrificed to obtain it.* For no man that considers a moment would wish to retain *the absolute and uncontrolled power of doing whatever he pleases*: the consequence of which is, that every other man would also have the

* "The moment you abate anything from the full rights of men each to govern himself, and suffer any artificial positive limitation upon those rights, from that moment the whole organization of government becomes a consideration of convenience."—*Burke on the French Revolution.*

same power, and then there would be no security to individuals in any of the enjoyments of life. Political, therefore, or civil liberty, which is that of a member of society, is no other than *natural liberty so far restrained* (and no farther) *as is necessary and expedient for the general advantage of the public.*"*

Who is to judge of this expediency, and to determine what the general advantage requires? If, by the mere fact of becoming members of political society, we resign a part of our natural liberty in consideration of civil and political advantages, of course the current usages and institutions of the society at the time of our incorporation indicate the terms of the compromise; we oblige ourselves, by that act, "to conform to those laws which the community has thought proper to establish;" the established governors and the established laws are the judges. We have abdicated forever the right to judge for ourselves.† Our rulers, by virtue of the powers

* Blacks. Comm, vol. i, book i., chap. i, p. 125.

† "If civil society be the offspring of convention, that convention must be its law. That convention must limit and modify all the descriptions of constitution which are formed under it. Every sort of legislature, judicial or executory power, are its creatures They can have no being in any other state of things; and how can any man claim, under the conventions

with which they are actually vested, looking only to what they *can* do to determine what they *may* do, are restrained by no limits but their own discretion. Our natural rights are entirely devoured by our civil and social privileges.

Thus, if to constitute civil liberty, our natural liberty must be restrained, upon general considerations of convenience and expediency, to effect the greater good of the whole, our rulers, of course, as the guardians of the public weal, are the exclusive judges of what the good of the whole demands, and it needs but the lowest degree of discernment to perceive that, upon this hypothesis, liberty is as much the concomitant of Turkish as of British, and of British as of American government; or, in other words, that it is of civil society, rights which do not so much as suppose its existence? Rights which are absolutely repugnant to it? One of the first motives to civil society, and which becomes one of its fundamental rules, is, *that no man shall be judge in his own cause.* By this each person has at once divested himself of the first fundamental right of uncovenanted man, that is, to judge for himself and to assert his own cause. He abdicates all right to be his own governor. He inclusively, in a great measure, abandons the right of self-defence, the first law of nature. Men cannot enjoy the rights of an uncivil and of a civil state together. That he may obtain justice, he gives up his right of determining what it is in points the most essential to him. That he may secure some liberty, he makes a surrender in trust of the whole of it."—Burke's Reflections on the French Revolution.

the inseparable concomitant of government in all its forms!

The error of this system is sufficiently apparent in the absurdity of its consequences.

Mankind do not need the aid of organized society to plunder their rights, but to enable them to enjoy them. They associate together in free communities, simply to define their rights by their mutual counsels, and to protect one another by their common strength. Each man attends to his private, the aggregate whole to the public concerns; each takes an equal part in the public deliberations as he has an equal share in the public interests. When the Legislature makes a law, or a court of justice passes judgment, we act by our agents, and submit to a tribunal constituted by our own voluntary consent.

A republic is what Cicero long since correctly defined it to be: simply "the union of a multitude, cemented by an agreement in what is right, and a participation in what is useful."*

This theory is exactly conformable to what Jefferson has said: "Our legislators are not sufficiently apprized of the rightful limits of their powers; that their true office is to decide and

* Cœtus multitudinis juris consensu, et utilitatis communione sociatus.—De Repub., lib. i., 25.

enforce our natural rights and duties, and to take none of them from us. No man has a natural right to commit aggression on the equal rights of another; and this is all from which the laws ought to restrain him: every man is under the natural duty of contributing to the necessities of the society, and this is all the laws should enforce on him. The idea is quite unfounded, that in entering into society we give up any natural right."*

Natural liberty, then, consists in the possession of certain rights; civil liberty, in the enjoyment of them. Natural liberty is what inheres in our persons; civil liberty, what we procure by government and laws. In other words, civil liberty is natural liberty established and secured upon fixed principles.

Political liberty, therefore, is that of a community of individuals voluntarily agreeing where the limit prescribed by the natural or moral law to their respective private wills is to be fixed, and uniting together with their common strength to maintain it. In other words, as man requires civil government only by virtue of his rational and moral nature, and as by that rational and moral nature he is essentially a self-governing

* Jefferson's Correspondence, Letter cxxxi.

being, self-government by the people is the only legitimate form of civil government.

The law of justice between man and man establishes the republican principle. Let every man accord to every other the possession and enjoyment of his own, his rights as well as his property, and a republic will be the necessary consequence. A republic is only the application of the law of justice to politics. The result is invariable equality. The just is nothing but the equal. If, therefore, what are right and wrong, are right and wrong everywhere, irrespective of locality, and always irrespective of time or change, it is absurd to allege that one form of government is just and right in America, and not equally and exclusively so in Europe, Asia, or Africa.

When our Saviour propounded the universal law of human conduct, he reduced mankind to a level; he recognised no higher personage in morals than our "neighbour." When we have discharged our duty to our "neighbour," we have fulfilled our duty to mankind; for mankind are our equals and not our superiors, and we owe to our "neighbour" neither obedience nor allegiance.

As the word just has an absolute signification,

so the word free has but one meaning, and admits of no qualified sense or any comparative degrees. An action is just or unjust; a government is free or it is despotic. If it leave every man in the possession of his native liberty, it is free; if it depredate upon and circumscribe that liberty in the least degree, it is arbitrary and oppressive. No circumstances can alter the nature of justice; none can palliate the severity and wrong of despotism. As justice is practicable under all circumstances, because it has its foundation in the nature and constitution of man, so is self-government, his ability for which is in like manner predicated upon his moral attributes; and the universal practicability of self-government is no more to be questioned than the universal practicability of private morals. A treatise on politics that adopts all the various forms of government as equally legitimate, simply because they have all at one time, and in one place or another, been actually reduced to practice, is as absurd as a treatise on morals sanctioning all the actual usages and practices of mankind.

For more than sixty years the Americans have been governed by a government of their own institution, laws of their own making, and governors and magistrates of their own selection.

This is self-government. It is free government. If, in every country, the majority in numbers were predominant in power, the main body of every people would necessarily prevail in the administration of the state, and thus examples of self-government would be universal. But in political arithmetic, it is said, two and two do not always make four. The subjects of political investigation are moral, not physical quantities, and the relative strength of different divisions of a community cannot be determined by their relative physical force, but only by their comparative amount of intellectual and moral strength, which is the presiding and governing principle of the universe.

It will not, therefore, be hastily concluded, from a merely numerical superiority of the governed over the governors, which is found to be the greatest in the most despotic countries, that the will of the people does ultimately prevail, independently of the form in which the government may be administered. A conclusion so preposterous will be avoided, by having regard to the force of prejudice, of antiquity, and of superstition, as well as to the vast authority derived by the established power from a control of the ordinary channels of the state, the undis-

puted exercise of the powers of sovereignty, a possession of the posts of office, and the available and devoted resources of the treasury and military. Self-government is a government of free and deliberative opinion. The public mind, influenced by passion, or fear, or passive acquiescence, does not form opinions, but prejudices; and public and political measures based upon them are not the result of choice, but of a kind of moral necessity.

It is absurd, therefore, to declare that all governments are self-governments. Nor are any governments such, except those under which the people themselves possess and exercise the entire sovereignty. When a people do not govern themselves, they are governed. All governments are either governments of force or governments of opinion; governments of usurpation, or governments of consent. There are no intermediate stages between the two. Compounds of monarchy, aristocracy, and democracy are not the less sovereignties exercised over the people, because limited: the voice of the nation, in being subjected to modification, is controlled.*

* Desunt omnino ei populo multa qui sub Rege est; in primisque libertas; quæ non in eo est, ut *justo* utamur domino, sed ut *nullo*.—De Repub., lib. ii., c. xxlii.

Indeed, so absurd and unjust are the prejudices on which such governments are established, that they never could have been conceived of in a rational view of the public good, and must, consequently, be sustained by an enormous power independently of the public will. And hence we find monarchy always accompanied and fortified either by an aristocracy or hierarchy, or by both. It must be fortified by kindred prejudices and sympathetic influences. The broad and substantial interests and wishes of the people must be compromised by the prerogatives of a faction —not the less a faction for the considerable persons that compose it—subsisting for itself in derogation of common rights, and rioting in the exercise of unlawful power; an evil which republics have only to dread, but which monarchies constantly experience.

The plea on which such governments are sustained, and all others that are not self-governments, is that alike of all individual tyrants and all organized tyrannies—necessity. Men, say monarchists, are incompetent to govern themselves, therefore they must be governed; something must be abated from those proud rights which they arrogate by nature.*

* "Society requires not only that the passions of individuals

Indeed, the sentiment is quite universal, that the exercise of self-government requires very fortuitous circumstances, and an uncommon moral and intellectual superiority. Even those are of this opinion who do not scruple to affirm that it is the only legitimate government. But that Nature could have so constituted or placed any part of mankind, that one mode of government, that of being governed by others, should be practicable but wrong, and the only other mode, self-government, right but impracticable, is equally at variance with my ideas of God and of my fellow-men.

The extreme of vice is of course excluded from these speculations, as, like the extreme of virtue, it is nowhere to be found; and either would probably, though by means totally unlike and adverse, arrive at the same result, the total annihilation of all government.

Nor do we mean to affirm that every nation would be alike skilful in the exercise of self-

should be subjected, but that even in the mass and body, as well as in the individuals, the inclinations of men should frequently be thwarted, their will controlled, and their passions brought into subjection. This can only be done *by a power out of themselves*, and not in the exercise of its function, subject to that will and to those passions which it is its office to bridle and subdue."—Burke's Refl. on French Rev.

government, but that each would exert the degree of skill required by their wants, and proportioned to the importance of their civil and political affairs.

Surely, if we are right in our idea of government, that all the obligations to which it lends its sanction, except such as are purely conventional, and respect merely its mechanical arrangement and support, exist by nature anterior to any regularly organized society, for the due discharge whereof we are answerable to God, there must inhere in our constitution, in order to lay the foundation for that responsibility, a competency to discern and fulfil them .

And, indeed, were it, in this late age of the world, yet problematical whether self-government by the people be practicable, and, if practicable, whether its adoption be sanctioned by wisdom and experience, *to whom* would the solution of these problems belong, and *who* could avail himself of their practical results? If *monarchy* and *aristocracy* be the forms of government agreeable to nature, *who* are the *monarchs* and *nobles* by nature? "One is not born," said he whom principle and nature made a republican, but circumstances and ambition an emperor, "one is not born with a boot on his leg, and

another with a pack-saddle on his back. There are no *naked kings*; they must all be dressed."

The inability of men to govern themselves involves their incompetency to designate either how or *by whom* they shall *be governed*. The claim to rule nations by Divine designation or appointment has been long since exploded; and, even were an exception to be made in favour of settled dynasties, whence could we derive a claim for the sovereigns of a new country? If it be, then, the pleasure of the Being who made us that we *be ruled*, he has imposed on those he has destined to the sovereignty, as well as those he has marked for subordination, a duty arising legitimately out of their circumstances and relations, of which they are not and cannot be apprized; and which he has, therefore, rendered them incompetent, as moral and dutiful creatures, to discharge. Thus, whoever make it imperative upon society to sustain an independent and arbitrary domination, establish a plan as agreeable to the course of nature and the will of God, the execution of which, otherwise than by means clearly contradictory to that will, is utterly impossible; it must be achieved, if achieved at all, through accident, usurpation, violence, and crime.

True, human affairs do not enjoy their primi-

tive perfection, but have been deranged by our depravity. This derangement, however, extends only to the course of human affairs; it does not impair the essential relations of things. Our duties and obligations remain the same; consequently, our rights and social relations remain unimpaired, as they depend not upon *human character*, but upon *human nature*.

It is of no avail for the advocate of arbitrary power to assert the imperfection incident to everything human in our present terrestrial condition, and that, since we will but imperfectly control our own passions, they must be controlled by others. His king is embraced in the wide circle of humanity, and is placed under the same exigency as ourselves. The king, therefore, needs the same control as his meanest slave; and, if his subjects are to impose this control upon him and his actions, they must, after all, intermediately impose it on themselves, and do not require the interposition of a royal automaton.

It is not sufficient to convict the people of wrong in attempting to assume their own government, but some right must be shown to exist independently in the prince. If we must be governed, his authority to govern does not follow as a necessary corollary.

Royalty can plead no exemption from the infirmities incident to humanity. Indeed, to exercise sovereignty over others demands much higher qualifications than to impose the control necessary to self-government upon one's self. If, therefore, the deficiency exist inherently in subjects, a much greater deficiency must be predicated of the prince; and if the advocates of monarchical institutions should assert the advantages of circumstances and position to accomplish the one better than the other for his offices and duties, it may be conclusively replied, that they desert the discussion of the natural rights and relations of man, and argue from the arbitrary allotments of society. Nor can it be denied that the post of government is the very worst place to discipline one for government; and that those only know how to command who have once learned thoroughly to obey. The passive submission, the pernicious flattery, the unbounded sycophancy that attend upon kings, cherish the most depraved passions of the heart; and they are accordingly found to be the proudest, the most arbitrary, the weakest, the most cruel and licentious of human beings. Where will you find in private stations the enormity of vice that is heralded with the lineage of kings? In vain

do we seek for a Nero, a Caligula, a Domitian, a Dionysius, an Alexander of Pheræ, a Richard III., a Henry VIII., a Mary, a Philip II., but upon the throne. The best and greatest examples of kings and despots are those who have risen from private life; such were two of the Cæsars, Cromwell, and Bonaparte.

It is but too true that our nature is full of contradictions, errors, and infirmities; but these are to be moderated by conflicting with each other, and harmonized, as the antagonist forces and apparent disorders of the material world are harmonized, by balancing, and correcting, and repairing the defects of each other. To crown one man king is to give these evils free scope; it makes them arbitrary and supreme, and gives them license to depredate upon the earth. The passions are what we have to fear. But who can suppose that the evils of our system are at all compromised by making the passions of one sovereign; not abating anything from, but cherishing the evil nature of *one*, and giving it the efficiency of *all*: or, at least, better compromised than if the passions of all were left to oppose and moderate each other, and adjust the universal harmony; than if, for instance. the pride of one were opposed to the pride of another, to awaken

emulation, rather than that the arrogance of a Haman should be armed with power to execute exterminating vengeance on a whole nation?

Do the vast body of the people need an independent power to oppose and assail their interests and their wishes? Compromises do sometimes take place in human affairs; but these, when wise, are the results of necessity, not of choice. The only proper checks and balances in a constitution are those that necessarily and naturally arise out of the rights and interests to be protected.

We are not more unfit to be our own governors than to be governed. Duties and obligations are reciprocal; those we owe to the state are exactly correspondent with those the state owes us; and if the due measure of both is not definite and fixed, and as intelligible to the one party as the other, we are as unfit to be subjects as sovereigns.

The relation of individuals to government and society, as well as all other relations subsisting between men, in every capacity human nature is capable of assuming, are comprehended in our moral duties to our neighbour, and universally embraced within the sphere of our moral accountability. Is it possible that such a responsi-

bility could be predicated of a condition wherein we are unable to perceive or to do what appertains to us? Is it possible that we are bound by nature to render to each and all others their right, and are yet incompetent by nature to discern what it is, and to perform what is thus our moral duty? If we can acquit ourselves of our duties to each individually, as the whole have no rights but what are the rights of each, we can discharge our duties to all collectively. Our duties as citizens are merely a part of our duties "as neighbours," and comprehended in the great law of Christian morality as expounded by our Saviour. Unless, therefore, that fundamental precept presuppose a greater degree of intellectual and moral capability than mankind are universally possessed of, the whole family of man are competent to sustain and discharge the duties of free citizens of a free commonwealth. Hence our competency for, and our right to self-government.

Can it be believed by a rational and intelligent man, that the Author of our nature has superadded a moral sanction to our social and relative duties, and has yet left us inadequately provided for the fulfilment of them? Nay, while we are confessedly competent to sustain the responsibilities and the agency of moral creatures in all

those higher duties which we owe immediately to God, can we not respond to the obligations we owe each other? Have we been made competent for the one, and are we not competent for the other? Has the Supreme Being been so provident of the regard due from us to one another, that, while He has intrusted us with the guardianship of our own conduct as the subjects of His empire, He is unwilling that we should be committed to our own discretion in a matter of merely terrestrial import, and, in His infinite view, of entirely subordinate interest? Has He intrusted us with the care of our eternal salvation, and not ventured to commit to us the conduct and supervision of all our temporal affairs?

The advocates of arbitrary power, so that it be properly acclimated, and fall to the dole of ignorance and misfortune, do yet steadfastly insist upon the nobility and supremacy of man, as a being furnished with the prerogatives of sovereignty over the earth, and endowed with a nature in the semblance of God himself. Vain boasting, if, while the lower orders of creation are competent to fulfil the ends of their being, and by the force of mere animal instinct to regulate their own economy; if, while man himself is so abundantly supplied for the sustenance of his animal

nature, those exalted gifts and prerogatives must prove so entirely futile in enabling him to fortify himself upon the very threshold of existence. Wretched is our supremacy, if we be found unable to maintain those just and equal relations upon which we depend for our entire protection, and to which all our rights and terrestrial enjoyments are made subordinate.

Upon a hypothesis contrary to that laid down, the continual occurrences of the providence of God are as inexplicable as the apparent injustice of his original disposition of us. Look at the various nations of the earth. Their different experiences, which are but the experiences of various communities of private individuals, are, to a great extent, owing to their different governments. Wars that devastate the earth, and peace and plenty that replenish it; commerce and education, that cultivate society, and the preservation of rights, that afford the enjoyment of life, liberty, and individual happiness, are in the highest degree dependant upon municipal regulation, the effects of which, in all their rigour or all their benignity, must be sustained by the constituent people. When they are thus made answerable to God and to each other in this public and artificial capacity, ought they not, in justice, to con-

trol this relation, and should not their probation be coextensive with the sphere of their retributions? And yet, if they are not, in their natural state and independently of adventitious circumstances, able to govern themselves, they may, nay, in most cases must, be rendered responsible for a culpability not their own. The earliest instincts of humanity teach us that when we have done no wrong we should be obnoxious to no punishment; that our duties as a neighbour and a citizen are embraced within the sphere of our moral agency, and ought legitimately to be not less under our control than our duties as a husband and a father. I am a party to the government in the effects of its measures and regulations, I ought to be in establishing those measures and regulations. If the relation of governors and governed communicate downward, it should be communicative upward; and, when any barriers are interposed by accident or usurpation to self-government, they interrupt the free communication which Nature, in the equity of her distributions, originally established between our duties and our responsibilities.

An individual has the same right to be independent that a nation has.

Whence otherwise does man, whether civilized or savage, derive that innate feeling of in-

dependence that revolts at servitude, and that prompts him, in every emergency, to rely upon and act for himself? Why do the efforts of those who aspire, even vainly, at their own government, elicit so much of the admiration of the world? Why does the fate of Brutus even yet awaken a tear of sympathetic emotion, though he reposes beneath the ruins of republican Rome? Why does the cause of the Polish exile come with the inspiration of poetry and music to the heart? Is it not that there is something natural to man in self-government, and that Nature has placed a cord in every breast, which, despite of human sophistry on the one hand, or fatal mischance on the other, will resound to a single note of liberty from any part or any period of the world?

This natural impatience of control, this admiration for those who sacrifice themselves at the altar of Liberty, are useless passions, and without any correspondent aim, unless the Deity made us for self-government; nay, an incredible artifice of Nature to seduce us from the path of legitimate obedience, and subject us to the accumulated evils of a most jealous tyranny. Continually thwarted in what we feel ourselves competent to achieve, unable to assert an independence derived to us with existence, we would

otherwise appear at a war with ourselves, in which the worst cause must triumph, and the more worthy and honourable principles of our nature be ignobly sacrificed.

With what wondrous potency are examples of self-government charged. One of the chief causes of the revolutionary movement in France was, undoubtedly, the successful achievement of our independence. That revolution inflamed England, and Italy, and Germany, while it roused all Europe from the sleep of centuries.

If the principle of self-government is not in harmony with the nature of man, why have his energies been developed just in the proportion that he has governed himself? It would be in vain to inquire, upon any other principle, for the reason that free governments, occupying as they have but a small portion of the geography and chronology of the world, have gone so far towards monopolizing its history? Although the transactions of the ancient republics transpired upon a small theatre, all that is classic in literature, profound in science, or illustrious in greatness, seems to be intimately associated with them. And although, among the moderns, the examples of such states have been too few, and too small, and too imperfect to establish the argument, yet, in modern as in all other ages, history grows impor-

tant just in the degree that the government of the people of whom it is written approximates to self-government.

With just pride, the unexampled prosperity of our own country may be adduced. The commonplaces of hyperbole are sober statements of truth when applied to the rapid march of cultivation over our land. From a bankrupt colony we have become the second commercial nation of the world. From a population equal to that of only two counties in Great Britain, we boast now to equal, if not surpass, her in numbers. From being confined upon the Atlantic seaboard by the ocean on our right, and savages and interminable wildernesses on our left, we have subdued and occupied half a continent. Cities and villages spring from beneath the feet of the adventurer as he pauses at the West; and those of a few years in this, challenge comparison with the growth of as many centuries in other countries. Education and Christianity are so widely diffused that they seem to knock at every man's door, and almost to beg admission for the gifts and offerings they bring. Churches and schools, and books and newspapers, are identified with the most intimate habits of the people. Commerce floats upon artificial rivers, and rides, with

the speed of the elements, in artificial vales. In estimating the more prominent characteristics of the whole, so commonly shared are the necessary comforts and substantial supports of life as to make us overlook them, and forget that in these the humblest cultivator of the soil may challenge comparison with the wealthiest banker. We forget that every loghouse furnishes a satisfactory meal to the daintiest appetite; that when it sends forth its youthful inmates to feed elsewhere, in a sound mind and sound body, it gives them all that is needful to feed themselves; that Merit seeks no patron, and Poverty itself does not ask alms.

Let those who think the picture exaggerated and overcharged look at the condition of the great *mass* in other countries. I will not say the few; as the wild beasts of the wood might as well claim to restrain the cultivating hand of man, and vindicate the wilderness for their domain, as a few, in any country, claim a monopoly of the benefits which God has made for the common enjoyment of all. Look at the mass in other countries. What proportion of them are beggared? What proportion of them know of the protecting arm of government except in the experience of the punishments it inflicts? of the

mild, consolatory, and reforming influences of Christianity, except in the exaction of tithes and penances? of the importance of education, except in the frowning aspect of their colleges? How many of the mass till their own lands, sleep in their own houses, and *eat* the bread they *earn?* Whoever, upon the survey of these circumstances, judges the language we have used to convey too strong an impression of our comparative advantages, may be allowed to impeach our description as declamatory and idle.

Revolutions in favour of liberal principles have ever been prolific periods of greatness. When will revive our revolutionary congress of great men? Look through the slumbering ages of despotic France, and you will search in vain for the mighty energy that characterized the period when each individual in that nation indulged, however delusively, the thought that he was an integral part of it, and a unit in society—the ennobling persuasion that, from the abject condition of a subject, he had become his own sovereign. You will hardly find such a galaxy of illustrious orators, statesmen, and generals as introduced, directed, and closed her disastrous revolution of '92. The same causes operated in the neighbouring islands of Britain, and that

kingdom must wait for another such display of genius and eloquence as characterized her own senate at that period, until the same principles again agitate the elements of society on her own or on neighbouring soil. No man in his senses can be supposed to justify the deeds of that revolution; and I do not speak of it in that view. I refer merely to the mighty energy which the mere persuasion of freedom, though false and delusive, developed in those who were the subjects of such a sentiment, and elicited from the antagonist minds of others. If a vicions freedom rouse human agency to such striking achievements, what may we not expect under a just and true freedom, where human power, equally stimulated and strengthened, is expended for the promotion of human happiness?

Upon a review of all these considerations, can we still subscribe to the sentiment that man, when he needs a magistrate, must make a tyrant; when he wants a government, must make himself a slave? Is it not more conformable to truth, as well as to the generous impulses of our nature, to assert the dignity of the human mind as sufficient for its condition, and to vindicate the providence of our Maker in adapting us to

all the exigencies of our state? Certainly there is a character of truth, though perhaps something of irreverence, in the remark of Jefferson, "If the people cannot manage self-government, it will be hard for me to believe that God is not a malevolent Being."

It may be insisted that these conclusions are falsified by historical truth, and, consequently, directly opposed to the absolute results of actual experience. Indeed, so universally prevalent is the opinion that history bears witness against the competency of men for self-government, that it passes almost universally unquestioned, and is esteemed a quite well-established, and almost incontrovertible position.

It is falsely said that republics have not proved to be of long continuance, and this false assumption is sophistically alleged as conclusive proof of their inability to answer the ends of their creation; as if despotic institutions might claim to be exempted from the ruin incident to everything human; and as if a government, to be *good*, must be *eternal*.

I do not find that republics were more evanescent in ancient times than other governments. I do find that they excelled in whatever contributed to the embellishment and happiness of life,

in arts and knowledge, in defending themselves from dangers, in reviving under disasters, in subduing enemies and planting cities, in making themselves honoured and feared; and that thus their destruction was the more signal. The Roman republic lasted as long as the Roman monarchy of the West; the Carthaginian republic lasted as long as the Spartan monarchy; and the Athenian republic endured a century longer than the Macedonian kingdom.

But the decision of this subordinate question is entirely apart from the merits of republican government, and the practicability of self-government by the people. The ability of collective bodies of men to govern themselves must depend solely upon their capacity, morally and intellectually, to establish and enforce laws suited to the exigencies of their condition. Their strength and courage to defend a free government may affect its permanency, but, so long as it endures, cannot impeach its intrinsic excellence, nor, if it endure at all, its absolute feasibility. If, as *a form of government*, it accomplishes all the ends designed by any mere form, it belongs to the people to *defend* their institutions and preserve *their independence*. All people have by nature merit enough to govern themselves; but all peo-

ple may not still have intelligence and vigilance enough to defend their own favourite institutions. We may hope for their continuance, we may fear their destruction; but the object itself remains the same, independently of our hopes and fears. A bad government would not, in itself, be any worse, if from extrinsic causes it should be rendered perpetual, however pitiable the condition of its subjects might be. So, on the other hand, the government and dominion of Rome, pronounced eternal by her orators and poets, have not been rendered less complete and perfect by our subsequent knowledge of their ruin, notwithstanding that the condition of the people was more precarious, and their glory more unsubstantial than they imagined. If an able and efficient prince be supplanted by fraud and violence, and an insolent and tyrannous usurper reign in his stead, are the ability and efficiency of his previous administration necessarily implicated in his disasters? Neither, if a republic be of short duration, is the ability of its constituents to govern themselves necessarily called in question; such a misfortune only involves their incompetency to perpetuate it. We need not be *prophets*, but only *statesmen*, to exercise a decisive choice among governments; for we have

only to decide upon their present relative value and intrinsic merit.* It is early enough to make the election of a bad one when it is forced upon us by the compulsion of necessity; we may endure a bad government, but will never choose one. Meanwhile, a march will be gained upon the hard and adverse conditions of our being.

No government has yet proved immortal. The most stupendous fabrics of despotism have not withstood the brunt of time. Governments that were the enemies, as well as those that were the friends of humanity, are mouldering in monumental history. Why should we not reject all forms because all are alike transitory? And shall not men of science relinquish the present advanced state and improved condition of the sciences, because they have not resulted in the discovery of the philosopher's stone, or the invention of a restorative of human life?

If History is to be interrogated as to whether

* "It is common to say, 'Wait; these are early days. The experiment will fail yet.' The experiment of the particular constitutions of the United States may fail; but the great principle which, whether successfully or not, it strives to imbody—the capacity of mankind for self-government—is established forever. It has, as Mr. Madison said, proved a thing previously held impossible. If a revolution were to take place to-morrow in the United States, it remains an historical fact that, for half a century, a people has been self-governed."—Miss Martineau's Society in America, vol. i., chap *i*.

all men are competent by nature to govern themselves, let her be asked, what that could be called a republic has ever proved recreant to the ends of its institution, and has not, according to the peculiar relations of its people, their age, their country, their natural constitution, and acquired character and habits, been found to govern wisely, efficiently, and justly? Are not the institutions and laws of republics more curious records of practical wisdom and political skill, as well as of public virtue and scrupulous justice, than can be paralleled throughout the universal constitution of monarchical and despotic governments of the same period? While we may inquire, whence are tyrannies? whence the oppression mankind have suffered from the earliest ages, by means of ignorance, weakness, and licentiousness? Tyrants and despots are the names of kings and emperors. Hereditary legislators and governors, those who inherit by their bodies the sovereignty over millions of their fellows, who suck in its delicious sweets from the breasts of crowned nurses, governors by Divine right, these have fertilized the pages of history with blood—domestic blood—the blood of peace. Sometimes, indeed, as in the case of the French Revolution, demagogues and anar-

chists, mobs and factions, have assumed the name and the authority of the people, and with the cap of liberty upon their heads, and the sacred name of the republic in their mouths, have treated the people as slaves, and sacrificed them as brutes. Unless we believe the only actual difference between one government and another to consist in the name, despotism, not republican government, must be held responsible for such enormities. So far as men have suffered from bad governments, just to that extent have they been tyrannized over, in opposition to their wills, by arbitrary power—just to that extent have they *been governed.*

Let not Liberty, then, be flouted with the reproach of our inability to *preserve*, as proof of her incapacity to *govern*; others have misruled, and many in her name, but never with her sanction; so far from it, that all tyrants and tyrannies must be judged by the manner and the extent of their deviation from her prescribed rules. Let self-government stand approved a mode of government the most perfectly adapted to reason and nature, adorned by the most brilliant pages of history, and a refuge accessible to all men whom God has made, whatever be their genius, character, or condition.

As Americans, at least, we will cherish and defend it, while to cherish and defend it is a virtue; we will maintain it, since, by the reluctant concession of its enemies, it is in itself the most perfect form of which political affairs are susceptible; we will stand by it in honour of our nature, since every other political system is based upon human degradation.

The voice of History has been belied. It yields its decisive testimony in favour of the practicability of self-government; as it discloses to us the fact of the actual exercise by man of his own government, under all the various phases which his nature, with its destitutions and infirmities, its ignorance and precariousness, has ever exhibited; from the wandering Tartar and primitive Indian, through the successive revolutions, gradual advances, and final perfection of Greek and Roman society, down to the latest period of modern times, with our luxuries cheapened by science, our territory widely extended by nature, and our habits modified by Christianity, in republican America.*

Whether we refer ourselves, therefore, to the

* Cæsar, De Bel. Gal., l. iv, 23. Tacitus, De Ger, xi., 7. Robertson's America, 162. Jefferson's Works, vol. iv., 278. Colden's Hist. of the Five Nations, passim. See, also, Mitford's Greece, chap. iii., sec. 2.

perfections of the Being who made us, the goodness and wisdom of His purposes and the rectitude of His providence, or to our experience of our own constitution, and the unsophisticated, unbought sympathies of our nature, or to the testimony of historical truth, we meet with but one uniform result, equally consonant with our ideas of the Creator and honourable to ourselves, that MAN IS, BY NATURE, *independently of adventitious circumstances, competent to* GOVERN HIMSELF.

Society is, therefore, when legitimately constituted, entirely voluntary in its origin, and civil government must derive all its legitimate powers from the consent of the governed. We, in our public capacity as the people, retain our right to be judges in our own cause, and the maxim of contrary import is applicable only to private and individual disputes. And, indeed, to whom could the whole community resign this power? Not certainly to one, or to any of its constituent members; since, in being the constituted judges in the cause of all the rest, they would necessarily retain the prerogative of judging in their own. Hence the futility of Burke's objection to self-government: "'No man shall be the judge in his own cause;' by this each

person has at once divested himself of the first fundamental right of uncovenanted man, that is, to judge for himself and assert his own cause." We have seen that, in free communities, the settling of disputes according to that fundamental rule is merely an accommodation of interests, by a mode to which all who compose the society have voluntarily consented, and by men whom they have voluntarily chosen. The citizens still virtually judge for themselves by their agents. They themselves judge, not divested of any rights, but only of their passions, which would otherwise disqualify them for the honest exercise of those rights.

Females, infants, maniacs, and idiots are not allowed a voice in national affairs. As to maniacs and idiots, as they are not rational and moral beings, they want the necessary conditions of political freedom. Infants are, for a time, entirely helpless by nature; Nature indicates to them, therefore, during that period, a condition of necessary dependance, and provides, in the affectionate solicitude of the parent, for their necessary protection during its continuance. They are free by nature as moral beings; but they have not yet arrived at the maturity of that nature. The only difficulty lies in determining

when they arrive at that maturity. If the law prescribe too late a period, the law is wrong in that respect, but not in excluding *infants*, properly so designated. Woman has all the requisites of political freedom in their perfection. But whether or not she has been confined to the circle of domestic life by the appointment of Providence, and subjected to the dominion of man by an express ordinance of Heaven,* are questions which I do not care to discuss, as I would rather admit the invalidity of the exception than impair the force of the general rule.

Liberty is inherent and inalienable; but, whatever the right of a people under an arbitrary government may be to vindicate their freedom, the declaration is not intended to be made, that it is just and proper for any one, or a few, to assert that right without any reasonable prospect of success, but with the certainty of involving a kingdom in discord and blood; or that it is the individual duty of each *subject* to be a *rebel*. It is a common remark, that what would have been esteemed a treasonable rebellion had not success glorified it, is often lauded as a most just and glorious revolution. That fickleness of opinion

* "Thy desire shall be to thy husband, and he shall rule over thee."

on this subject, which the remark is designed to reprove, is the offspring of a just sentiment; for although it be not only the right, but the duty, of the concurrent whole to assert their freedom, yet, if the artificial strength of the government be far superior to what a revolt in favour of liberal principles can excite against it, and the mass of the people so acquiescent in a state of servitude that it is in vain to attempt resistance, the magnanimous impulses of liberty can never justify an attempt that must inevitably end in riveting the chains of slavery. The question, under such circumstances, will involve considerations of prudence which no rational man can or will disregard; and a man has no more *right* to discard the use of his reason and the ordinary maxims of prudence in the government of his conduct, than he has to discard the use of his moral faculties. Indeed, the gift of the latter presupposes the full and complete exercise of the former. Thus, though circumstances do not impair human rights, they may and ought to influence us in our deliberations about wresting them from the hand of oppression; and if we see an unfortunate issue to the struggle to be inevitable, we cannot, without renouncing our understandings and becoming temporarily mad, engage in it.

However, this is a consideration for the oppressed alone; it is no argument for the oppressor. He can only allege the right of the strongest, which, in the very nature of moral reasoning, can never be any right at all. Be it once granted that all are universally competent to practice self-government, the tyrant is stripped of his plea, the usurper must be dumb in his own justification, and the monarch must abdicate his throne, how ancient soever the tyranny that upholds it, or live in a state of lawless and adulterous union with Power.

CHAPTER III.

The same Subjects continued.

NOTHING can be more simple than the theory of republican government. It may be readily comprehended by the plainest minds; it appeals to the first maxims of common-sense observation, and the universal principles of morals. When you tell the plainest man that every one understands his own business best, that every one is the best guardian of his own interests, you appeal to acknowledged truths, which he has long since known to be of constant application in the daily affairs of common life. When you tell him that God never made one man to be the master of another, you appeal to sentiments to which no human bosom is a stranger. When you tell him that we sustain, in the ordinary allotments of Providence, the consequences of our political regulations and civil laws, and ought, therefore, to have the making of them; that we are moral beings, and therefore invested by Providence with the regulation of our own conduct in all our moral relations, he is at no loss

to recognise the ready application and irresistible force of fundamental moral rules. In the plainness and simplicity of republican principles, the characteristics of truth and justice are manifest. Government, like religion, is essential to our happiness, and was designed by the Author of our being for universal use; it is a proof of the justice and propriety of a scheme of government, as it is of the genuineness of a religious system, that it may be easily and universally comprehended.

The first act of every other but republican government over the citizen is an act of usurpation. Man issues from the hand of his Maker without any trammels. The moment any external restraint is put upon his will, the condition of nature is violated.

Leave every man in the possession of bis natural prerogatives, and a republic follows. Let every one manage his own business and interests, and so simple and common-sense an arrangement unavoidably establishes the same result. No man is conscious of having bartered away his rights. You cannot divest him of his vilest chattel without his assent; can you transfer the sum of all his rights, not only without his consent, but without his knowledge? Is our prop-

erty so sacred, and our right of property so assailable? Is our person inviolable so long as we have been guilty of no crime, and are our rights of person so unprotected and defenceless?

Transatlantic politicians do yet strenuously contend that this transfer has been made. How is it made to appear? Is it established as a matter of fact, susceptible of proof, such as would be required in a court of justice, from a man asserting a claim to an article of the most trivial value? or is it absurdly reasoned out, by the force of a mere abstract and unsustained theory?

Other supporters of monarchy argue that *some* government is necessary, and that it is *inexpedient* to attempt an alteration of established forms, hence endeavouring to make out the rectitude of their favourite system, where it actually prevails, from *expediency*. But this alleged inexpediency of resistance no more rightfully transfers our liberties to the government, than the superior power of a robber and the inexpediency of resistance transfer the property in our purse. The rights with which we were endowed at birth by God and nature, must not only be shown to be capable of transmission, which would be the province of theory, but to have actually passed from us otherwise than by vio-

lence or power, and this is the appropriate province of fact. What force and fraud have established, reason will not sanction.

But, on the other hand, the rational institution of republican government has resulted in a rational scheme. In a republic, each citizen manages his own private interests; the community provide for common interests. As all attend to the concern of all, each is constituted the guardian of his distributive share of the common weal. Each is a public man, and has a political capacity so far as he has public interests. Man governs himself, in all his interests and in all his relations, as he was made by God and nature to do. Neither one man nor five hundred are made the depositories of the public wants, the public wisdom, or the public weal. The state becomes a union of all for the protection of all, cemented by common interests and affections, governed by the united wisdom, and protected by the united strength. The government provides as for a community of men; of equals, not of inferiors; of moral beings, and not of beings unendowed with the right voluntarily to regulate their own conduct agreeably to the dictates of their own will. It provides for government by moral considerations and not by

force. The *people* are the *sovereigns*, the *government* their *servant*. The operation of this system presents no such palpable absurdity as a people, apparently, at least, existing for its government; as the subordination of *the whole* body politic to the will of *a part*; for, be it remembered, the struggle is not, properly speaking, between *the many* and *the few*, but between *a part* and *the whole*. If government be "a provision of human wisdom for human wants," a republic is the only proper form of government, as it is the only one ever expressly and solely instituted with that view, pursuing no independent and extraneous objects, and furnished with no superfluous powers.* It presents the strictest and most rigid adaptation of means to ends. It exhibits the contrivance of skill and wisdom, and evinces its own elevated design. It vindicates its own character, by exhibiting internal evidence of an intelligent and provisionary origin, free from any ingredient of accident or injustice. It has, and can have, no separate and independent existence apart from the people. It subsists only as a government. It has no indi-

* Si vero jus suum populi teneant * * * domini sint legum, judiciorum, belli, pacis, fœderum, capitis unius cujusque, pecuniæ, hanc unam *rite* rempublicam, id est, rem populi appellari putant.—Cicero, De Repub., l. i., c. 32.

viduality. The officer and the office are not identified. When not in the discharge of official acts, the officer sinks into the citizen; and this is one of the most striking tests of legitimate government. If the good of the nation to be secured in the administration of its affairs be the object of government, and that it is even the ambition of despots often proclaims, all its legitimate powers must be subordinate to this end, and every quality or prerogative inappropriate thereto, or that naturally and obviously transcends that limit, is evidently a fraud and usurpation upon the government's superior. · Look at Great Britain, with its king that, in the eye of the Constitution, "can do no wrong," and its Parliament that is "omnipotent." These are the attributes of the Almighty, and, as no modification of humanity, whether individual or associated, can acquire them, so no human power can lawfully exercise that absolute authority which is predicated upon them.

But how does republican government subsist, so grave and simple in its exterior, allied to no living blood, confederate with no selfish interests; that inflicts no fear but that of disobeying its laws, and imposes no subjection but a voluntary subjection of the will of man in conformity with

the rules of justice, to the dominion of his reason? Does the republican scheme make sufficient provision for proper control, for proper integrity, proper intelligence, and proper force?

The general opinion that republican government requires for its basis an unusual amount of virtue, is one that adds but little to the energy of benevolent efforts for the promotion of good morals (best left to their own appropriate considerations), while it has a strong negative influence in deterring enlightened minds from favouring liberal efforts, and nations from making the experiment of freedom.

In reality, the virtue it requires is the virtue which almost necessarily results from our having a moral nature; a degree so low, that no state nor nation can, under any circumstances, be supposed to be destitute of it. For, while we are not, on the one hand, to suppose men to be perfect, and presume upon that perfection as a basis for our political systems, neither should we, on the other hand, suppose them to be depressed to the lowest extreme of vice, and from hence deduce their inabilty to govern themselves; but, in all our speculations, consider them as being, what they really are, mingled masses of good and evil.

It is, however, common to treat of self-government as if it required a moral power of self-restraint in individuals, as effectual for the purposes of civil control as law is in aristocratic and monarchical countries. The subject is reasoned upon as if each individual, whenever a dispute arises between him and his neighbour, were required to be his own judge and his own executioner, and political self-government rendered essential that superhuman excellence which would lead a man, under such circumstances, to lay down and enforce, with absolute impartiality, as against himself, the perfect demands of justice. Now such is by no means the case.

Republican communities have two offices to discharge: in the first place, to define and settle what the law shall be, and, secondly, to secure its prompt administration.

They do not legislate for particular cases and individual instances as they arise any more than other governments, nor (as we have no such divisions) for separate classes, but by general rules, which must have a uniform operation. Thus they enact that property shall be taxed a certain per centage, independently of its amount or its owner; that it shall be acquired by a certain title, which shall be applied indiscriminately to

all cases of acquisition; that a certain conduct which it defines shall constitute a crime, and be followed by a prescribed and definite punishment, whoever may be guilty of it. In other words, they are, like other civilized communities, communities of laws. They cannot plunder the rich, for rich and poor are denominations utterly unknown to the laws; they cannot punish obnoxious individuals who have been guilty of no crime, for they pass no *ex post facto* laws. There is no room for discrimination among individuals, and the distinction of separate and distinct political classes does not exist.

It is clear that, under such circumstances, the law of justice will form the rule of legislative conduct, no matter what may be the particular and accidental shade of the moral character of a people.

Because, first, the separate interests and passions of large multitudes of people drawing in different directions, the law of justice furnishes the only practicable basis for a general rule. Justice alone can harmonize and reconcile these various and conflicting interests and passions. It is the only neutral ground on which all parties can meet. There are no political classes; the contest is between individuals. No individual

will can be predominant, because individuals are equal. Their particular interests are all different; their common interest only is the same; and the law of justice is their common interest. It is, therefore, the only available ground of compromise; and if republican communities harmonize at all, that is, if they can exist at all, it must be by adopting it as the basis of their convention.

Secondly, all men are, in a greater or less degree, moral; all men are sufficiently moral where neither passion nor interest perverts the decisions of conscience. Ask any man to announce a general rule where he thus stands indifferent, and he will give you a sufficiently faultless one. Republican government thus separates the legislator from the impulses of passion and the solicitations of private interest, and calls on him to pronounce a just general rule. If he can do this, he has all the necessary moral qualification for a republican citizen as a legislator; and if he be morally incompetent to do this, he cannot justly be made amenable for any part of his conduct to any human government or tribunal. In his capacity as legislator, he views questions of right and wrong in the abstract. To suppose a man, when thus disinterested and unimpassioned, coolly to announce a palpably unjust law, is

to suppose him possessed of a degree of depravity rarely, if ever, found in any individual of the species, and which can never exist in communities until the race becomes too abandoned to subsist upon the earth.

Finally, whether honesty be the best policy for all individuals and under all circumstances, universally, there may be men found to question, and specific instances of successful roguery may be appealed to for proof; but that, as *a general rule*, applied to numerous instances, to communities of men and long periods of time, so as to exempt the general and natural operation of things from chance or accident, the rule of justice prescribes the most expedient course of conduct, there is no more doubt than that God made the universe. To dispute it would be to deny the natural authority of morals—nay, would be to enter into conflict with the universal experience and express testimony of mankind. When, therefore, one invariable rule must be adopted for all, who doubts that men, suppose them to be as bad as they ever actually are, will adopt, for the internal regulation of their own society, the law of justice as the most expedient, if not as the most just? It has been long since noted that even a community of pirates will insist on the

most rigid application of that law among themselves.* If, therefore, we could suppose men to be utterly destitute of moral principle, and simply alive to their own interest, we could not doubt that they would still adopt the laws of justice as the best conventional rules. The citizens of republics, in their legislative capacity, not being able to separate their private interest, under the generalities of the law, from the public weal, the same rule which governs the case of their neighbour prevailing likewise in their own, interest and duty concur in practically introducing the great rule of Christian morality into republican legislation.

These considerations cannot be estimated in figures, nor can their conclusiveness be set down in the form of a mathematical demonstration; yet I hesitate not to affirm that they amount to a sufficient degree of moral certainty to risk any human interest upon. Monarchists must either assent to the moral ability of man for self-government, or take refuge under the philosophy of Hobbes, that where men are left in a state of nature, without restraint, their natural condition is that of war and depredation upon one another, and add to this that such a condition is their deliberate choice and preference.

* Cicero, De Officus, lib. ii, c. 11.

It is an error to suppose that the existence of republics requires a perfect moral self-control to be actually exerted by individuals in their private conduct. Its establishment is no more based on so absurd a requisition than that of any other form of government. It expects no more than other governments of its citizens. It depends not so much on moral *action* as on moral *resolution* (with which the most infirm specimens of humanity are sufficiently provided), and that not only where a failure to act morally is visited with the natural consequences of vicious excesses, but where a failure to resolve morally is visited with barbarism instead of civilization, and a state of unrestricted violence and plunder in place of the dominion of law. Laws are merely the *resolutions* of community to abide by and enforce the principles of justice.

Look into republican legislation on all fundamental laws: what an almost universal concurrence of minds—what an almost perfect unanimity of opinions. On all questions respecting contracts and redress for the violation of them, respecting property, respecting evidence, respecting crime and its punishment, respecting the organization of courts and sectional administrations, there is hardly the slightest diversity. The

public at large scarcely take any interest in them, because of the unqualified confidence they feel in the result. In most of our states complete codes of laws have been passed at a single session, and without interrupting the ordinary business of legislation, or unduly protracting the sitting. On all the great, vital, fundamental points, legislators are immediately agreed. Almost all party disputes are, in comparison, of infinitely subordinate consequence, not affecting, in a scarcely perceptible degree, our individual liberties, our fortunes, or our happiness. Their final settlement often occupies but a sentence in the statute-book—they are about matters for the most part of commercial regulation or of internal improvement, best left to themselves—agitating the propriety of taking private interests under the public guardianship. Those points of legislation about which men differ so much in republics are, mostly, not matters of justice at all, or involving, in the slightest degree, the moral capabilities of mankind for self-government, but merely subordinate matters of public policy; and it may well be conjectured that, when the business of government shall be restricted to its proper sphere, political and party strife, such as is now known, will be abolished forever. The ne-

cessaries of legislation, like the necessaries of human life, are cheap and of easy acquirement; it is the superfluities that cost the greatest toil, and expense, and difficulty.

As the legislative duties of a republican community do not require an extraordinary amount of moral integrity among a people, so neither do its executive functions.

De Tocqueville thinks us in no danger from the weakness of our administration, but rather from its strength.*

We feel that the force of the community is our own force; we feel that its executive energies are employed to enforce our own wills; it commands all the moral strength of a virtuous approbation, because we know that its determinations are the nearest practicable approximation to absolute justice; but, above all, we feel that our private interest is entirely implicated in the public weal. The innate sense of justice universally pervading the mass, governing the good by the excellency of its own nature, the indifferent by a regard to their own interest, the bad by a con-

* "In my opinion, the main evil of the present democratic institutions of the United States does not arise, as is often asserted in Europe, from their weakness, but from their overpowering strength."—Democracy in America, chap. xv.

viction of its prevalence and power, and exerting upon all in a greater or less degree the sanction of conscience, gives to republican government that silent but sovereign power that sways the state. It is the strong presumption of justice arising in favour of the laws that makes the staff of a petty constable as potential as the *caduceus* of a Mercury, and confers on one, as the officer of the laws, the executive power of all. It is not necessary to the efficacy of that principle that all should be invariably just, nor does it assume any imaginary perfectibility in the species. The efficiency of its support is predicated upon the fact that men in general, without any particular interest of their own in view, or any private passion to gratify, will concur in the ultimate decision of tribunals of their own institution as just, and will feel that in maintaining the rights and interests of others as settled by them, they are actually establishing the firmest legal guaranty of their own. Republican government does not rely upon the state of the public morals, but upon the union of the virtuous impulses of a moral nature with the strong motives of a personal interest; and, whatever doubts may be entertained, under various possible circumstances, of the sufficiency of either separately, there can be

no doubt of their being all-sufficient in a state of combination.

If an individual be not thus the best guardian of his own interest, it may be doubted whether republican governments have any sufficient ground of reliance. It must then be asked whether any other system proposes a better. Is there any system which offers a better guaranty for good government than the alliance of duty with the strong natural impulses of self-interest? Do monarchy and aristocracy present instances in which the fellow-feeling of the higher ranks and orders have provided a better security for the masses than the self-interest of those masses would have provided for themselves? cases in which benevolence has proved stronger than self-love? cases in which humanity has outstripped Divinity, and done works of supererogation, by loving its neighbours *better* than itself? What moral securities do they furnish? Doubtless, abundant, that they will govern us *enough*; but what security that they will not govern us *too much*? What that they will govern *themselves*? Duty, perhaps, but not self-interest; for here these are found in apparent, if not real collision; always seeming and seen to be hostile.

But, if they do not provide better moral, do

they provide better intellectual guaranties for good government? With just the same kind of wisdom and skill will a people manage their political as their private affairs; that is, in a manner always proportioned and suitable to their circumstances. The intelligent chemist may think he can manage practical agriculture better than the poor farmer; but he will find, on experiment, that the farmer will make a fortune where he will lose one. So it is throughout every department of human life. Everybody understands his own business and his own wants best, and individual skill and personal interest make the best provision for them. These are truths which political economy has been slow to develop; for the governments of the Old World, after having kindly undertaken the guardianship of a race thrown by an improvident Creator upon the earth, utterly unprovided, as is said, with requisite moral capabilities, have undertaken, quite consistently with the regulation of the external relations of mankind, that of their private business also! The "let alone" principle, which the political economists have at length so successfully demonstrated, extends also to the region of politics. What does the palace know of the necessities of the cottage? or how can a central

administration be informed of popular wants so well as those who have suffered them, or understand so well the operation of laws as those who judge from a personal experience? No form of government could have less of a practical nature than a monarchy or an aristocracy. None could be more ignorant of detail or of facts; while republican government is, throughout its whole administration, entirely based on the closest and most rigid deductions of those who have had a practical and experimental knowledge of the evils to be redressed, and of the various expedients that have been devised to redress them.

CHAPTER IV.

The Origin and Supports of Monarchical Government.

HAVING seen that mankind are free by nature, and not less competent to govern themselves than to sustain the responsibility of moral beings, let us trace, as far as we can, historically, the actual origin of monarchical governments, and see by what plea the usurpers of human rights justify their supremacy.

Most writers are pleased to consider the condition of the primitive families as exhibiting the image of monarchical governments, to which they therefore assign the rank of the highest antiquity; while monarchists plume themselves upon this assumed fact as an argument in favour of the simplicity of their favourite system, and of its natural conformity to the wants of man. But those who have no preconceived theories to support will be puzzled to discover, in the Mosaic account of the first age of mankind, the features of any political organization. Different families lived, without any common superior, upon the footing of distinct and independent nations. The

only kind of authority known was that of a father over his children, springing voluntarily from reverence and filial love. Among us, that authority over the primitive families has acquired the designation of *patriarchal government*. But it cannot with any propriety be called, in the political sense of the term, a form of government. It was not different in its nature from what family government now is, and has been in all ages. The same power has subsisted since, not only under the sanction of law, in far greater perfection, but (as under the Roman government, embracing the most absolute disposal of property, person, and life) to a far greater extent. When governments followed, this paternal authority was not superseded. Not supplying the place of government, it cannot properly be characterized as such. Society may strictly be said to have subsisted, during its primitive age, in the absence of all government.

When revealed to us at its next stage, families have become tribes; domestic have given place to political relations; the ties of habit and association supply the place of the more intimate ties of kindred, and an experience of the benefits resulting from numerous counsel, concentrated power, and mutual defence, cements their yet free and voluntary union.

Jefferson describes our Indians as being evidently in this state. "Every man with them," he writes, "is perfectly free to follow his own inclinations. But if in doing this he violates the rights of another, if the case be slight, he is punished by the disesteem of his society, or, as we say, by public opinion; if serious, he is tomahawked as a dangerous enemy. Their leaders conduct them by the influence of their character only; and they follow or not, as they please, him of whose character for wisdom or war they have the highest opinion. Hence the origin of the parties among them adhering to different leaders, and governed by their advice, not by their command." "The Cherokees," continues Jefferson, "the only tribe I know to be contemplating the establishment of regular laws, magistrates, and government, propose a government of representatives elected from every town. Of all things, the least they think of is subjecting themselves to the will of one man. This, the only instance of actual fact within our knowledge, will be, then, a beginning by republican, and not by patriarchal or monarchical government, as speculative writers have generally conjectured."

The transient glimpses of history that reveal to us the early condition of the Greeks, Gauls,

Britains, and Germans, exhibit a state of society exactly similar in all respects to that described by Jefferson, and of the utmost possible freedom of organization.

They are wrong, therefore, who represent primitive man as readily and naturally submitting himself to his father as a king, and to his chief as a despot.

At the next stage of observation, the tribe forms a nation, with a king at its head; but in the intervening period, its domestic struggles have not been of sufficient importance to attract the notice of history. We, however, do know the wild and intractable nature of man in his native state; how jealous of his independence; how impatient of control; and we ourselves have felt that the original instincts implanted in our breasts, the natural dictates of our understandings, are all in favour of personal independence. The voluntary subjugation of one's own will to that of another would be the last act of cultivated man. Even on the hypothesis that such an act be, under certain limitations, politically necessary, by what reasons could a semi-barbarian have been convinced of it? The doomed subject, under any circumstances, would be the last to perceive or to recognise the neces-

sity; the superior, the first to anticipate his dominion; and this antagonist position must have been sufficient of itself to have thrown the two parties into forcible collision.

It is not to be denied that monarchical government has its foundation in the successful usurpation of arbitrary power by an individual. Its origin may be referred to two distinct periods in the history of human society; the first, as we have seen, succeeding immediately after the primeval distribution of mankind into tribes; the second, an advanced period, which takes date from the fatal termination of republics. In the first case it is the offspring of a barbarous, in the last, of a corrupt age. In both cases it supplants free governments.

If any doubt arise as to the means by which the first revolution was achieved, from the absence of direct historical information, it must be entirely removed by the analogy which the conversion of free into absolute government in the latter period furnishes for its solution. No man will contend that society required at its most advanced stages of cultivation and refinement harsher means to sway it than in the iron age. That Cæsar or Bonaparte was less scrupulous of means than a chief dealing with semi-barbarous

or savage people. It must, then, be allowed, that monarchy, at both stages alike, has taken its original in fraud, violence, and usurpation; that it was instituted, not for the *nation*, but the *man*; not to answer the rational ends of human government, but to gratify the cupidity of human ambition.*

The issue, therefore, between republican and monarchical governments is, whether the vices or the wisdom of man have made the best provision for human wants.

Thus originating, it becomes matter of curious inquiry, by what plea is monarchical government sanctioned? how does it commend itself to the reason of man? to what fundamental principles does it appeal?

Are European constitutions professedly the result of a people's judgment on what is *best* or what is *right?* Are they founded on the actual condition of things as the best provision for *the present?* Are they the choice of the generation for whom they are designed?

The direct contrary of all this. They are established by *precedent*, and ascertained by reference to the musty records of centuries long since *past*, and the practice of generations long since

* See Burlamaqui, Nat. and Pol. Law, book i., c. ii.

dead. The whole order of nature is reversed; the past is placed in front of the present, and the dead prescribe law to the living.

> "The queen of slaves,
> The hoodwink'd angel of the blind and dead,
> *Custom*, with iron mace, points to the graves
> Where her own standard desolately waves."

If interrogated by the whole body of the nation, "By what right do you rule?" no sovereign would dare refer it to their consideration, that the established government subsists because it is in its frame the best; it is of the nature of monarchical and aristocratic governments to debar their subjects from the decision of that question. The monarch's only justification is, "I have ruled, therefore I rule." The government can only say, "We have exercised this power in time past, therefore we exercise it now." What does this indicate but an origin in force? what better right than the right of the strongest?

Monarchy is undoubtedly a government of force. Why not yield the reins to the people? "Because," its plea is, "they would not govern themselves wisely or justly." Would not the monarch and his agents and ministers still constitute parts of the nation? "Undoubtedly; but the people would not listen to them." How is it

better under a monarchy? "Because the government has the power to coerce." Thus any apology for monarchical government must resolve itself into an acknowledgment that it is a government of force. Indeed, the designation of "*subjects*," given to every individual of the nation but one, implies as much. All modern European governments are immediately derived from the feudal system—an institution of the dark ages, designed to maintain subjection among a conquered people and in a conquered country—a kind of martial law incorporated with the civil jurisprudence. This system has never been revolutionized, but only meliorated; and it is undeniable that all the governments of monarchical and civilized Europe are but mere meliorations of Gothic tyranny.

Monarchical government claims to subsist by prescriptive right, which, as applicable to such a subject, is no better than a right by conquest, the actual foundation of it.

Prescription can of itself confer no right. It is merely a legal presumption, and, as such, nothing more than a rule of evidence. By virtue of it, an uninterrupted possession for an indefinite period, under a claim of right, is sufficient evidence, in the absence of conflicting circum-

stances, of a grant from him or them in whom the absolute propriety had been last known, in the view of the law, to reside. If the presumption be rebutted, the prescription fails. If a claim be acknowledgedly unjust in its inception, no mere lapse of time can impart to it any sanction or validity. Prescription, therefore, never has altered, nor can it alter, the absolute rights of parties. As constituted by any limited period of time, it is not known to morals. As familiarized to us, it is purely a conventional principle, voluntarily adopted by a settled community in a spirit of compromise, that the quiet of society may not be disturbed by endless litigations, and the possession of property unsettled by continued and violent changes. Men only agree by that rule how far they will *investigate* their absolute rights, and what limitations they will put to the *remedial* power of their laws. In this, therefore, the legal sense of the term, it cannot subsist in the absence of express enactment, nor without the voluntary concurrence of those to be bound by it. Our codes of morals know no statutes of limitations.

Even if the rule of prescription were applicable in its utmost latitude, ten thousand years of usurpation would not establish, in the eye of

morals, the justice of an existing government, as no length of time can win from morals a sanction for what has undeniably taken its origin in force. Nay, the most unequivocal renunciation of human rights, which are in their nature inalienable, could only indicate in what temporary and responsible agents certain delegated powers had been reposed, upon which the people would still be at any time at liberty to deliberate in their sovereign capacity, and which they would be left free at any time to resume. On how flimsy a pretext are the most inexorable tyrannies erected! It is not less an insult to the human understanding than an injury to human rights, that a kind of government which confessedly originated in fraud and injustice, and which, even in its most enlightened stages, gives to its people the name of *subjects*, should adduce its power in proof of its justice, and claim to rule for ages to come simply because it had succeeded in maintaining subjection for ages past.

Prescription, as it is familiarized to us, relates to property, and monarchists claim "to receive, to hold, to transmit their government and their privileges in the same manner in which they enjoy and transmit their property and their lives." But government is not of the nature of property;

it is not acquired by the same means, held by the same right, or capable of transmission on the same principles.

Our right to property, and our right to transmit it to our descendants, are not, as some have supposed, dependant upon the law of the land or upon any human convention; they are *natural* rights.

Nature, in giving to man existence, imparted to him also, at the same time, a right to maintain it; and not only to use her bountiful provisions for his absolute sustenance, but for his lawful enjoyment, and the proper cultivation and development of his natural faculties. To this end individual appropriation was requisite. The natural sense of mankind suggested prior occupancy as the mode of appropriation, and it became, therefore, the original groundwork and legitimate mark of property. Civil society did not institute this order of things, but received it as already established by nature, and has merely surrounded it with positive sanctions. Nor are present inequalities in what was originally and naturally common stock, at variance with the theory of the natural origin of the right of property; these inequalities are but an obvious consequence of the original appropriation.

We have offspring, helpless beyond all com-

parison with those of other races, and Nature evidently imposes upon us the obligation to maintain and provide for them. It is a duty we owe to them and to society; having been the occasion of bringing them into the world. Hence, by every means within our reach, we ought to provide for the supply of their wants in such a manner that their existence may be a blessing to themselves, and their addition the ornament and strength of society. Such, however, are the accidents of human life, that the state of helpless infancy sometimes may, and such is the ordinance of Nature that it ordinarily must, be prolonged beyond the death of its parentage. It is evidently, therefore, the intention of Nature that the accumulations of our lives be transmitted to our children after our deaths for their necessary sustenance.

How, then, does the inheritance of property coincide in principle with the inheritance of government? The relation of monarchical governors to their subjects is not a natural, but an artificial relation. As Nature did not create, so she does not perpetuate it; and no natural obligation to discharge the duties of governor surviving the monarch, there are no natural means or principles provided for transmitting to his son sovereign intellect or sovereign power.

Government is never, like property, the right of the incumbent. It is the right of the people—unless, indeed, the good of the whole must be made subordinate to the interest of the few. How, then, can a right be inherited by the son which did not exist in the father?

The judicious and philosophical Paley does not assert the least analogy *in principle* between the two cases of government and property, as acquired by prescription and transmitted by inheritance; nor does he designate the sentiment that views them in conjunction as the offspring of just and enlightened opinion. On the contrary, he characterizes the opinion of right in governors founded on prescription as a *prejudice*, and labours to show, in our familiarity with prescription, as applied to property, the reason why its application to the affairs of government meets with respect or attention.*

Monarchy the right of the monarch, and descendible to his heirs! If so, certainly the nation must be just as much his to govern, as the peas-

* "They who obey from prejudice are determined by an opinion of right in their governors, which opinion is founded upon *prescription*. * * * Nor is it to be wondered at that mankind should reverence authority founded in prescription, when they observe that it is prescription which confers the title to almost everything else," &c.—Paley's Moral and Pol. Phil., book vi., chap. ii.

ant's farm is his to till; and government itself must have been constituted, not for the nation, but merely to afford the monarch an opportunity to govern; not for the *good* of *all*, but to furnish an agreeable *diversion* for *one!*

Notwithstanding that prescription is the chief argument openly urged in favour of monarchical and aristocratical governments, it is easily to be perceived that their iron-handed despotism does not maintain itself upon so imaginary and unsubstantial a basis. If institutions so pure and liberal as those of a republican country require the stern supports of reason and virtue to sustain what is commonly thought to be, at the best, but a transient existence, can the corruption and violence of monarchical and aristrocratic governments find sufficient stability in a flimsy prejudice arising from an imaginary prescriptive right?

Look at the numbers whose self-interest, in derogation of the common weal, requires the permanence of such governments, and you will ascertain the real sources of monarchical and aristocratic power.

First, the king himself, with his family of dukes and princes—the chief nobility of the realm dignified by menial offices in his household, and the most skilful artists and wealthy manufacturers

ambitiously enrolling themselves as the objects of his patronage.

He is the source of power. Are there statesmen of illustrious name, warriors of renown, ecclesiastics that command popular reverence for their learning and piety; and, through all subordinate grades are there genius, enterprise, activity, and wealth?—the king can command in his service the various talents and combined influence of all. From the prime minister to an officer of the customs—from the lord-chancellor to a justice of the quorum—all are raised by his sign-manual to the full sway of office. He is the fountain of honour. His touch ennobles the blood. He keeps the golden gate that bars the plebeian from the aristocratic orders. Dukedoms, bishoprics, stars and garters, are the tokens of his favour and the badges of his service.

Add to this influence that of the overgrown monopolies and rotten corporations, that of the debtors and the creditors of government. One branch, at least, of the Legislature, all the judiciary, the executive, the nobility, the officers of the army and navy, and the dignitaries of the Church, are creatures of the crown; and, once so created, are pledged by self-interest, by the honours and emoluments of rank and power,

to sustain the hand that created them. Thus are abstracted from the cause of the people, and devoted to the service of the governing party, the greater part of the health, vigour, and activity of the body politic. The government is, indeed, made up of a minority, but a minority as superior in power as it is inferior in numbers. The selfish interest of the monarch multiplies itself, and occupies the bosom of every subordinate; not only commanding the numerical force of all, but also all their means of private and personal influence. Appalled by the least prospect of change, they dread revolution as a political death.

Notice the effect, as it is clearly observable in history, of but one of the various engines of monarchical power—the elevation to the peerage. De Lolme, the eulogist of the British Constitution, exults in this provision of "a modern ostracism," as he styles it, whereby the government may separate the people from their friends when patriotic integrity becomes alarming. Bribe with honours! When one of the most absolute powers known to the Constitution is thus exerted to reward political apostacy; when such are the arrangements of a government, that ambition receives its highest gratification at the moment that public virtue undergoes a paralysis, what may we

not suppose its subordinate provisions to be for subduing and ruling a people?

No wonder that the real friend of popular rights is dismayed by the fatal influence which pervades and modifies every social relation, and which, assuming a personal and individual aspect in every influential member of community, is varied, from the complaisant smile of the superior, who is a conservative from self-interest, to the ridiculous truckling of the dependant, who is either paid for his compliances, proud of his servitude, or debased and swayed by fear: fear, not perhaps of the guillotine or Bastile—not of banishment or confiscation—but of personal hostility and proscription on account of political opinion, from those who control all the energies of society, and whose relative importance in the social scale is dependant upon the permanence of existing orders and institutions.

He must be incorrigibly stupid who supposes that a standing army is the only engine of arbitrary power. How is a standing army maintained? Under the most despotic governments and in its greatest efficiency, it is a mere instrument; the primal and vivifying spirit is still a different thing. Arbitrary power, whether in an absolute or mitigated form, is sustained by the

same principles, operating only by different agencies.

There are but two ways in which government can be upheld: either on the voluntary principle, appropriate to all the complicated agencies of rational and moral beings, or by coercion, exercised through the passions, and subjecting men, like brutes, to force. The least abridgment of one of these methods induces the necessary application of the other. The vices that enslave the moral, are the subjugators also of the political world. All that is appropriate to monarchy operates by means of self-interest in the superior and fear in the subordinate, or by a combination of both principles in the union of both characters. There are, it is true, many, very many better principles in operation; nevertheless, it is the force of these that gives to monarchy its distinctive form.

It is true that monarchical government is sometimes found modified by some of the most essential principles of human rights, and that its mechanical means and instruments for the ordinary conduct of its administration, and frequently for carrying into effect those principles, are among the wisest provisions ever devised by human skill and ingenuity. That a nation shall not be taxed without its consent, or a citizen condemned to loss of life or limb except by the

judgment of his peers, and that every man shall enjoy freedom of conscience in matters of religion, are among the former; the election of representatives, the trial by jury, the division and independence of the three powers of government, are among the latter. The latter are the result of experience, and have been extensively copied by us, in the mechanical distribution and arrangement of political power in our system. But do not mistake. What have been found by monarchs the most apt instruments to govern subjects, we have adopted as the most efficient means for governing ourselves. These provisions are irrespective of the animating principle of a government. Whence are the former? Are they coeval with the origin of monarchy, and in strict consistency with its spirit? Or are they innovations made by democracy upon monarchy, the encroachment which the rights of the people, strengthened by the physical power of the people, have made upon the prerogatives of the sovereign? The history of Magna Charta will tell.

Whatever there is of monarchy in foreign governments is totally and radically wrong; whatever there is of democracy is right, and must, therefore, be good; the dividing line is distinctly marked and easily traced.

But foreign writers, whom we have so servilely followed in our political theories, anxious to vindicate the systems under which they live, have endeavoured to present them as one uniform and consistent whole, without reference to the totally repugnant nature of the materials of which they are composed. The consequence is, that instead of laying down the fundamental principles of politics in all their just latitude, they subject them to the arbitrary domination of circumstances, thus violating their essential nature, and utterly annihilating their authority. They attempt to compound the republican principles which are exhibited in their governments, and which are really the axioms of politics, with the pure monarchical character which prevails in those governments—an attempt that is like endeavouring to subject the conscience of man to the operation of physical force.

What is in them a practical error, is in us a foolish subserviency. We are under no necessity of adopting their systems. So far from upholding democracy, they depreciate it, in the practical scale, below all other governments. By seeing in the origin and nature of monarchy its unfitness to be considered a model for any political system, we are better prepared to renounce the delusion under which we have laboured. Unfor-

tunately, our predilection for republican government has been rather a matter of sentiment than of principle; for while we repudiate with horror the idea of succumbing to a monarchy, we have tamely adopted those political maxims and methods of reasoning which sanction and maintain the monarchical form. We have adopted foreign politics along with foreign literature, when it would have been just as rational in our school-days to have imbibed the heathen mythology with classical learning. We must be original and independent in our politics. To say that republican government is the best, while we admit other forms to be legitimate, is occupying but very debateable ground in favour of our own institutions. To say that it is the best for *us*, on account of some fancied superiority of intelligence and morals, or extraordinary felicity of position and circumstances, is taking still more doubtful, and, certainly, far more invidious ground. Establish the truth that republican government is the only form compatible with human rights, and the question is fixed on an immutable foundation, secure from the fallible and ever-varying results of human calculations, and all the capricious decrees of fortune.

Differing from the world as we do in our political organization, we must not search for the

fundamental principles of politics among the ruins of European despotism. We must exercise the same independence in thinking that our forefathers exercised in acting. We must no more search for precedents in principle than they sought for precedents in practice. True, from Great Britain our blood, our language, our literature, our laws and religion, were originally derived; but "why should we," as Jefferson has said, "he always looking backward instead of forward for improvement?"

The principles of our government are the principles of common sense and common honesty. While we enjoy the peaceful dominion of these principles around our sacred and unpolluted hearths and altars, and view their reflected image in the wealth, enterprise, high moral and intellectual condition, and universal comfort of our citizens at home, and the dignity and independence of our nation abroad, why should we suffer to pass unrebuked the opprobium of those who cry out that "their abstract perfection is their practical defect;" and who eulogize measures which they style "practical, for no other reason" (as one has happily expressed himself) "than that they have had the misfortune to put them in practice?".

CHAPTER V.

Common Objections to Democracy considered.—The Character and Spirit of Monarchical Government still farther illustrated.

WE think we have conclusively established the position, that mankind universally have the same right to manage their political as their private interests, and that all have the same right to manage the concerns of all that each has to manage what exclusively concerns himself. Who is to provide for my private and individual welfare? There is not a government of any civilized nation but would say that I myself; and acknowledge that any interference with the voluntary direction of what are exclusively my own private affairs would be tyrannical. But is not a nation as competent to manage its own affairs as an individual, his? And, by the same right, is it not entitled to the direction of them? Does any part of a nation possess a power, a right, or a degree of wisdom that does not reside in the collective whole? Have a part a right to rule the whole, and not the whole to rule the whole?

Having established the right, who shall deny that it is expedient? who shall deny that it is practicable? Who shall say that what is just is inexpedient or impracticable? the just and the right growing out of the essential relations of things, who shall thus impeach the Author of Nature, or say that His wisdom or His power was unequal to His rectitude in determining our condition, and establishing our relations as moral beings?

One of the most prominent objections to republican government is, that it gives the same power of controlling the state to men who are qualified by their habits of thought and business to judge well, and to those who are utterly and brutishly ignorant, making no discrimination; that it cannot be, in the very nature of the case, that the poor labourer who toils in the streets of our cities, and the jurist who presides in our courts of justice, or the statesman who rules in our Senate, are equally qualified to judge of political measures and political men, while our institutions, by giving all an equal vote, give these different descriptions the same right and the same power.

But, if the right of voting were dependant upon intellectual qualifications, the distinctions

in this respect between men would be as innumerable as the individuals of the species. Not only would the statesman and jurist be distinguished from the poor labourer, but neighbour from neighbour; the man of collegiate from the man of common school education; the man of travel from the domestic man; the man of wit, though poor, from the blockhead, though rich. One rule would be applicable to one individual, another to another; nay, as man is never stationary at any period, there would be an infinite number of gradations of power and influence in the state, applicable to the same individual in passing through life, according to the various stages of his progress; and it would be impossible for the combined wisdom of mankind to devise a scale by which the relative power of each one in community should be graduated and determined.

The poor labourer has an equal voice in the state because he is a constituent part of it. It is not a *power* conferred on him because he is particularly well qualified to exert it, but it is a *right* that inheres in him, that he has been endowed with by God, who made him a moral being. It is exactly like the equal right which belongs to every man of managing his own prop-

erty. The wise can manage property better than the foolish; but those laws are still unimpeachable which give to both the same right to dispose of their own agreeably to their own will. There is the same apparent absurdity in those laws that suffer the rich fool to control his millions, while the wise man, who is far better qualified to dispose of them judiciously, starves in a neighbouring garret, as in the political system that allows an ignorant labourer the same power to vote as the learned jurist or the accomplished statesman.

"Ah, but," it may be insinuated, "in the one case a man disposes of his own as it seems meet to him; in the other, he arbitrarily disposes of what belongs to another." By no means. When the jurist or the statesman votes, does he do it because he has rights over another, or because he is himself a free citizen? For the latter reason, undoubtedly. He is merely exercising his own freedom, not prescribing law to another. So with the poor labourer. He votes because he is a member of the state. He does it to protect himself; it is in the course of his own business and interests. He does it because self-government is his right. When a community act for themselves, the result of their joint deliberations must be de-

termined by a plurality of voices; each member of that community only acts for himself, and disposes of his own, therefore, when he votes to direct that public determination either in one way or the other.

The "I'm-as-good-as-you principle," as it is called, is greatly calumniated, without being correctly understood. When we say that all men are by nature equal, we mean nothing more than that all are by nature equal in their moral attributes —equally moral and accountable beings—and, therefore, equally entitled to the regulation of their own conduct, as that is the basis of moral accountability; therefore, all by nature equally entitled to exercise their own government, privately and publicly, socially and politically. This is a principle which God and Nature have established, and they who dispute it enter into controversy with the essential foundation of morals.

Republicans do not contend for the annihilation of social distinctions. Distinctions of rank in society are legitimately allowed in matters of taste and fashion. A republican may be as fastidious as he pleases in the selection of his associates without violating his principles; but whoever would convert arbitrary distinctions into political rights and franchises, whoever

would give one man a higher consideration than another, in the eye of the Constitution or the laws, plots against the liberties of his fellow-man. If I am a man of education, I shall throw open my doors to a man of education; if a man of wealth, to him whose usual gratifications are similar to mine; if a man of polish and refinement, to him whose habits and manners do not disgust me. No party is injured by this distinction. If I am ignorant, I do not like to be mortified by a comparison between my acquirements and those of a learned man; if I am not rich, I feel most contented and happy with those with whom I can enjoy a reciprocity of favours; if unaccustomed to high rank, the fastidiousness of mode and fashion is more disgusting to me than my rudeness is shocking to them. These social preferences and affinities are a mere matter of taste, convenience, or caprice; and, however arbitrarily they may be exercised, never can affect one's rights or occasion an injustice.

That there are inequalities among men, furnishing important grounds of distinction, the republican does not deny; but he does deny that any man is different from another in his essential moral attributes. He does not deny that one man has a more exalted understanding, a more

vivid imagination, a more powerful judgment, than another; but he holds that no man is destitute of reason and conscience; that diversities are, therefore, in degree, not in kind; that they cannot affect the essential relations of man to man; that they cannot, therefore, make the *rights* of one man greater than those of another.

If one man has a more inventive genius, a more comprehensive prudence, a more enlarged experience, a more scrupulous integrity than another, what is the natural, I may say, the inevitable consequence, from the possession of such superior qualities? He possesses superior power and influence. How? from the arbitrary force of circumstances, or the coercive power of human laws? No: it is from the voluntary homage of the human mind and heart. Distinctions such as those I have mentioned are the only just distinctions among men, and they vindicate themselves. They are the distinctions of nature and reason, and they are established by nature and reason. These distinctions, so far from being repudiated by republicans, exhibit themselves in their utmost latitude in republican countries, where there are no arbitrary laws and usages to control their operation and effect. It is true that Nature has estab-

lished inequalities in the world of man as well as in the world of brute and inanimate objects. But Nature has not been so impotent as to require human aid to execute her decrees. The distinctions which she has designed she has not wanted power to carry into effect; nay, she never makes known her plans but by the execution of them. It is absurd, therefore, for man to come in with his empirical devices of monarchy and aristocracy, as if he had caught Nature in travail and unable, by her own means, to effect the same harmony of ranks and orders in society which she has so successfully achieved in the vegetable and animal creation.

Republicans are far from being levellers; they are for distinctions and inequalities; not for the ranks and orders established by the arbitrary decrees of man, or the accidental allotments of birth and fortune, but for the distinctions and inequalities of reason and nature in their most unqualified extent. Not so with monarchists and aristocrats. They are the worst levellers in the world. They are worse than levellers; for they not only do all in their power to annihilate the just grounds of distinction among men, but they establish in their stead distinctions of the most false and arbitrary character. They not merely dethrone the only true lords, but they establish

stupid idols in their places. In America the distinctions of society are constituted by the various kinds and degrees of real merit alone; in Europe, no matter how legitimate the grounds of distinction one may allege in his favour, he is inevitably subordinated to the kings, princes, and nobles of the empire—constituted how? by birth! The highest degree of rational and moral worth is degraded beneath the most capricious accident that presides over human destiny!

Aristocrats omit, in their zeal for the inequalities and diversities of rank and power, the most essential part of the argument they profess to urge, and an indispensable condition to its being wielded in their favour. That Nature and reason have established grounds for the utmost diversity among mankind is absolutely undeniable; all experience is in favour of it; but that she has constituted birth and family the indices of that superior merit which entitles one by natural right to great power and an extended influence, was never, I believe, seriously argued. If it were to be, we should not dispute the advocate's reasons, but question his sanity.

A republic provides for the proper divisions of rank and grade in society on the true grounds of distinction, and for the exercise of their legiti-

mate influence in its appropriate mode, and to a just extent: that is, it leaves the matter entirely to the regulation of itself. It leaves reason to acquire its just force by the control which a superior understanding inevitably gives over other minds; morals, to sway mankind by the influence of an elevated character and example; experience, to be honoured in the verification which its lessons receive from practical results; and all the power which Nature has given one rational and moral being over another, to be exercised by rational and moral means. Leave men free, and it is natural that, not being governed by force, they should place themselves under the dominion of reason.

If a poor and ignorant man wants a lawyer or a doctor, or wishes to put his son at school, and cannot of himself arrive at a satisfactory judgment among the competitors for his choice, he asks his wiser or more experienced friend, and governs his conduct by the advice or the conduct of others. The same lights that he avails himself of in the direction and government of his private affairs, he employs to regulate his public and political conduct. This natural result gives to the wise their just influence, while it enables the ignorant and uneducated to act judiciously, and leaves them in the unrestricted enjoyment of

their rights. It is not more difficult, and, certainly, to the immediate interests of the individual concerned, not a more important task, to choose a public representative than to choose a counselor to attend to one's legal interests, or a physician to whom to commit one's health and life; and the same means of information and the same measure of intelligence accomplish every man to make in either case an equally judicious choice.

Perhaps, after all, the people do not choose the wisest governors, nor always the wisest measures. But this evil can never be very striking, because it would then be apparent; and, being apparent, would be remedied by the people, who can only have their own true and substantial interest at heart. Besides, if they choose poorly, no one has a right to complain; their power to choose emanates from God, and they are responsible only to Him.

A mistake, however, is often made on this head. The greatest statesmen and men of the most shining abilities are not always, perhaps I may say, are not usually, chosen; but this feature in the practical operation of our institutions is a subject of congratulation rather than chagrin to the real friends of republican government. For, in the first place, the greatest geniuses and statesmen do not always make the most judicious gov-

ernors: as they do not always make the best fathers of families, so they do not always make the most provident heads of nations. A sound judgment, which is not invariably an accompaniment of the most shining and brilliant qualities, is one of the most essential qualifications for the exercise of power; while a bright genius always expands in particular directions, and is not apt to take a general and comprehensive survey of all the different views and interests that ought to be taken into account.

I think I can discover the reason why the moderately great, rather than the very great, are apt to be selected for office, and, at the same time, seem it a provision for the safety of republican institutions. If a man is elected to ofhee in this country, it must be by the supremacy of party. But one whose genius prompts him to rely upon and act for himself, will be very apt to yield reluctantly that subordination to party which is requisite with us to give effect to any political organization. It is not very likely, therefore, that such a man will be chosen as the leader of a party. For this same reason, however, the man who is fixed upon will command the more hearty reliance of the community; as he must be more dependant upon the people, and have less confidence in himself independently of his supporters.

He will, therefore, be more prone to consult his interest by devoting himself to the public good, than in pursuing plans of individual ambition. The very great, if they have more power to do good, have greater power, as well as greater inducements, to do harm; and, if the book of experience be consulted, it will be found that nations have ever suffered more from a want of integrity than a want of ability in their rulers.

The liberty that republics accord to all men of every rank of governing themselves, elevates their characters, and qualifies them for self-government. The elevation which this freedom confers on people of the lowest station, stimulates to a degree of self-improvement, and attention to the improvement of their families, which does not cease to surprise even those who daily witness its results, in the case of foreigners coming to our land without consideration or character, but ranking in the second generation with the wealthiest and most influential of the nation. Deprive a man of influence, let him become of no account, and consequently pass unobserved in society, and he loses one of the highest inducements to acquire character, or to preserve his integrity; but add to his weight and respectability, let him feel that he and his children are integral parts of the nation in the midst of which they live, parties to

its laws, and equal partakers of its rights and privileges, and you increase, as much as human means can, the force of his moral motives and the energy of his active powers.

Many weighty objections are urged against republics because they do not provide for a representation of property, and there are not a few among us, even, who contend that the exclusive privilege of directing the state ought to be secured to those, at least, who have some property; partly because it has a natural tendency to ensure a greater amount of intelligence in the direction of public affairs (and so far the argument has already been anticipated), partly because, as it is asserted, the man of property has a greater interest at stake than the poor man. We will endeavour to reply briefly to the latter argument.

From the right of self-government follows the right of representation. Of course it belongs to all of whose moral constitution the right of self-government can be predicated. It does not belong to property. It belongs to what are, properly speaking, the constituents of the state. The state is made up of an association of individuals on certain common principles on which all are agreed; and all the parties to the association have a right to participate in its common concerns; property, however, is not one of the parties.

The object of government is to provide for and secure the *rights* of men. But all men are equal in their rights; therefore all have an equal interest in the common stake. Laws do not operate upon property directly, but indirectly, in settling and fixing the *right* of property, and the principles upon which it shall be acquired and transferred, without reference to the amount; in making the laws, therefore, all ought to have an equal voice independently of the extent of their wealth. My right of property is not less important to me, though worth but a hundred dollars, than yours to you, though worth a hundred thousand; the same law which protects your property protects mine, and the same law which breaks down the barriers of your property leaves mine also unprotected and defenceless. And, though I have nothing, yet I depend on the same law for the benefit I expect from my future earnings, for prompt returns from my daily labour, and a shield from the wretchedness of immediate destitution, as does the *millionaire* to enforce the payment of his rents and mortgages. The statute-book is a code of general rules, and the consideration of rich and poor, of great and little amounts of property, cannot arise in the business of law-making, to which, therefore, the poor are

equally competent as the rich, having not only no antagonist, but not even any separate, interest.

Which do we esteem most dearly, our rights of person or our right of property? Does any man hesitate whether to prefer the inviolability of his property or the sacredness of his domestic relations, and the inviolability and security of his person? Does one doubt for a moment whether he would rather have his wife and children insulted and outraged, his character traduced, himself and all who are most dear to him loaded with every kind of contumely and abuse, without redress, and hold the lives and personal safety of himself and his family at the mercy of every villain in the community, or be stripped of every cent in the world? But at least the personal rights of the poor are the same as those of the rich. The poor man's life, his domestic comforts, his wife and children, are as dear to him as those of the richest man in the world are to him; and it must be allowed that there is no man in the world so rich but that he esteems *himself* above his property: therefore the poor man, however poor, has a stake in society and the laws greater than is represented by the millions of the richest man in community, however rich. If great public works are to be constructed,

whose labour is to build them? If battles are to be fought, who is to fight them?—every human being counts one in the muster-roll of armies. The poor man has, in his hands, the only commodity which has original value, the first price of all other commodities—human labour. He can dispense with the capital of the rich, but the rich cannot dispense with his labour. It is not true, therefore, of any man, that he has no stake in society.

All should have an equal voice in the public deliberations of the state, however unequal in point of circumstances, since human rights, by virtue of which alone we are entitled to vote at all, are the attributes of the man, not of his circumstances. Should the right to vote, the characteristic and the highest prerogative of a freeman, be at the mercy of a casualty? I am rich to-day, worth my hundred thousands; but my wealth consists in stock and merchandise; it may be in storehouses, it may be upon the ocean; I have been unable to effect an insurance, or there is some concealed legal defect in my policy; the fire or the storms devour my wealth in an hour: am I the less competent to vote? Have I less of the capacity of a moral and intelligent being? Am I the less a good citi-

zen? Is it not enough that I have been deprived of my fortune—must I be disfranchised by community?

My having a greater or less amount of property does not alter my rights. Property is merely the subject on which rights are exercised; its amount does not alter rights themselves. If it were otherwise, every one of us would be in some degree subject to some wealthier neighbour, and, if the representation of property were consistently carried out, the affairs of every community, instead of being governed by the majority of rational and intelligent beings, would be governed by a preponderance of houses, lands, stocks, plate, jewellery, merchandise, and money! It is not true that one man has more at stake in the commonwealth than another. We all have our rights, and no man has anything more. If we look at the subject philosophically, and consider how much superior man is by nature to what he is by external condition, how much superior his real attributes are to what he acquires from the accidents of fortune, we shall then view the distinctions of rank and wealth in their true comparative insignificance, and make as little difference on these accounts with the political as with the moral man.

From what has already been observed, it will

be seen that we do not maintain republics on the ground that "the majority are always right;" and, therefore, the many arguments which have been urged against the absurdity of such a proposition do not assail the truth and propriety of republican principles. The real foundation of republican government is the truth of the proposition, that men have a right to judge for themselves; that whether they judge right or wrong, therefore, if they do not infringe the equal right of another to judge for himself, they are amenable to no human tribunal. We maintain that there is no common superior among men who are not connected by any human convention; that those who make up a community have the same right to act for themselves in their common and public concerns, that as individuals they have in their private and individual affairs; and, consequently, that the right of nations to self-government no more depends upon the assumption that they always act right, than that of an individual, in his private capacity. The proposition is, simply, that they have in all cases *the right to act*; and, as the only way in which communities can act together is, when they act in particular cases and in aggregate masses, to abide by the decision of majorities, that, therefore, the majority have in such cases a right to decide.

Indeed, now at length it would seem that the objections to republican government have been rather captions than real.

In the earliest part of our history, its enemies were foreboding that it would be able to maintain no more than a transient existence; but, now that subsequent events have shown the permanency of our institutions, they have turned from impeaching our principles to ridiculing our habits and depreciating our people.

Happily, we are impregnable by this new method of attack so long as we are truly republican in our tastes, feelings, and habits; and when we are guilty of the foolish vanity of emulating European extravagance, or aping foreign and inappropriate usages, we richly deserve the rebukes we are quite sure to receive. We ought to know wherein our strength lies, and rest in that as our stronghold: it is not in the condition of the few, but in the universal contentment and happiness of the mass. We are truly flattered that our circumstances are such as to suggest a comparison, as to the luxuries and embellishments of life, between the two worlds, and that the country of one century falls no farther behind that of ten centuries. But, if the foreign traveller wishes to know what we really are, he must not

confine his excursions to the fashionable saloons of our cities, where he will only learn what we are not; nor seek for fine castles, fine cabinets, fine parks and gardens, fine equipages, and laws of etiquette. He must traverse the interior, look at our farms, enter our farmhouses and our shops, converse with our farmers and labourers, examine our schools and our churches, and ascertain the circumstances and condition of our common people. Let him inquire as to the number of paupers and criminals; contrast the relative safety of our woody wilds with the open and inhabited country of the Old World; observe the relative intelligence and virtue of the masses by which both countries are occupied. Let him ascertain how commonly the ordinary and necessary comforts of life are shared by all; what provision industry and economy, without fortune, can make for the present, and what hopes reasonably cherish of the future; and, if circumstances throw him much into the company of the wealthiest, the most intelligent, or the most powerful in the land, let him inquire the history of their early fortune, and learn from what origin they sprang, and by what means they have risen.

We, too, in our turn, have been too observant

of those externals that strike at first glance. Dazzled by the adventitious splendour which surrounds foreign governments, our view is diverted from an inspection of their intrinsic attributes. We are apt to confound the government with the nation, and to give to the government the credit of what the nation has achieved in spite of its government. When the subject of monarchy is considered, the imagination immediately crowds upon the mind an assemblage of chiefs of the greatest and most enlightened nations, in the ancient, peaceful, and undisputed exercise of sovereignty, commanding the greater part of the wealth, intelligence, and power of the world. But the moral judgment abstracts from all these external circumstances, and considers government, as it weighs an individual, apart from accidental position, and in relation simply to the question of the just or the unjust, the good or the bad. And who can endure the absurdity of monarchical government in all its naked abstraction? A sovereign, selected, not by choice, but by fortune; not from among those possessing competent qualifications, but taken indiscriminately from the embryo in the womb, the child at the breast, the boy in his bib, the youth in his teens, or the old man or woman in their dotage or insanity, as the capricious chances of birth and

death in the royal family happen to determine. These chances have now* made a female and a minor sovereign over one hundred and fifty millions of people, comprising one of the most enlightened portions of the human family. The ablest statesmen of the age, the most profound scholars and jurists, and the most renowned generals, yield to a supremacy as ridiculous, if not as idolatrous and profane, as the worship of the Egyptian Apis or the Grand Lama. The supreme execution of the laws is vested in a girl, to whom, were she in private life, those laws would not intrust the disposition of her own pin-money. One to whom, perhaps, in a different position, a discreet father might not have allowed the direction of her own wardrobe, governs a kingdom; arbitrarily disposes, without question and without appeal, of every civil and military post in the greatest of modern empires; and, by holding in her hand the powers of peace and war, need only utter a capricious decree to embroil a world!

And how is it with the hereditary nobles and legislators? an order of men, in the caustic language of Burke, "swaddled, and rocked, and dandled into legislators." Are they a race disciplined to business, or a race nurtured to pleas-

* A.D. 1839.

ure? a race of statesmen, or merely a race of gentlemen? The order would sink into universal contempt were it not receiving continual recruits from the plebeian stock. And as it is, when we would think a literary body no better than a congregation of lunatics were it to make a professorship hereditary, or an individual a fool if he should acknowledge the office of his meanest artificer to be transmissible by descent, how absurd to acknowledge an hereditary right to the most elevated and responsible authority that man can possibly exercise over his fellow-man.

What is the consequence? The laws are expressly made to countenance and build up this absurdity; and, though equality is the very essence of justice, this first principle is studiously violated in the distribution of property. Those children who have an equal claim to a competent provision are, from pride of caste and family ambition, though nature has made them equal, arbitrarily allotted to different ranks, the very worst passions being thereby generated in the midst of the most tender and intimate relations. A soil hardly ample enough to sustain its population on the most just and equal division, is studiously accumulated and preserved, by the acknowledged policy of the laws, in the fewest possible hands. But,

the more there is thus absorbed by the few, the less is left to be distributed among the mass; and where you find fortunes inordinately great on the one hand, you will find a proportionate amount of poverty and destitution on the other. Providence has given this earth and the blessings it contains for all those who live on it. If a greater portion is to be enjoyed by one than another, it is by him who is most richly endowed with those qualities that deserve it. While the justice of the laws will not suffer any arbitrary alteration of the landmarks of property, their policy ought not to place restrictions upon desert in obtaining it.

The nobility "the Corinthian capital of society?" They do far more to debase it by their vices than to adorn it by their accomplishments. Labour, which was to primitive man a curse, is to fallen man his chief blessing. Active life develops all the elevated energies which our nature is capable of exerting, while it is the parent of every virtue. An hereditary aristocracy, with whom the necessity of labour is superseded, soon come to regard all industrial occupations as dishonourable. Anything but amusement and pleasure appear unbefitting their rank; and when amusement and pleasure, instead of being a relaxation from toil and business, become them-

selves the business of life, they immediately degenerate into vices. Aristocracy is not merely itself corrupted; it becomes a powerful agent of corruption in its turn. Furnishing an example to other classes, it induces all sorts of extravagance, and makes vice itself fashionable; while, from its elevated position and commanding influences, it has means of seduction happily unknown where there is no definite and permanent division of ranks. From this inequality of ranks springs the distress everywhere incident to monarchical and aristocratic governments: hence one quarter of the annual income devoted to taxes; hence one quarter of the population devoted to beggary.

Luxury ought always to be the subsidiary or the reward of labour; so far as it is not, it is the curse of society. When it comes to solace a man in the progress of his labours, or to greet him with repose and comfort at the close of them, it finds no enemy in the political economist. But when a whole class, from generation to generation, and from century to century, transmit excessive fortunes, acquired without labour and preserved without merit, it is a sign of disease in the body politic, which will inevitably display itself in the debased condition of the lower classes. Such a state of society does not result from the natural

operation of things, but from vicious laws. In such a restricted territory as that of Great Britain, to industriously convert large portions of the earth, designed for the subsistence of mankind, into its original wilderness state, to afford an opportunity for noblemen to indulge in the sport of the chase, while thousands around them are starving for the want of what is consumed by the game, is a perversion of the gifts of nature and the bounties of fortune which shocks the moral sense.

Yet republicanism is not of an agrarian character or spirit. Its immediate object is an equal division of rights, not of property. Institutions which lay their only sure foundation in the law of justice; which claim to exist only by virtue of that law, cannot aim at spoliation. They establish the firmest legal guarantee of private rights, as they repose the guardianship of the sacred trust in those whose interest as well as whose duty it is to defend it. But republicanism does aim a death-blow at all those laws and usages the object of which is to perpetuate property in certain hands, or to give it a particular and exclusive direction as a means of political power. It has no fellowship with the law of entails or the law of primogeniture. While it meddles with no vested rights its tendency is to break down all those impolitic

regulations which serve to make property a political element. The landmarks of private property are as sacred and immovable in a republic as in a monarchy. It is political institutions and matters of public policy only that are thrown entirely into the hands of the people; and, under that control, while those laws only are enacted which respect future acquisitions and not any present, vested right, property is made easily transmissible from hand to hand, and liable to a party's legal obligations; those perpetuities are prevented which serve only to pamper the pride of wealth and family, without answering any purpose which the law ought to encourage, and the natural operation of things achieves the rest, distributing wealth among the industrious and deserving.

Republicanism is the uncompromising enemy of a political aristocracy in all its forms, whether of property or of birth. It will not allow that an inanimate possession or a mere casualty should prescribe to beings of a rational and moral nature.

It shows the same stern hostility to a hierarchy that Christianity itself, when an unprejudiced ear is lent to its precepts, is most clearly understood to announce. A union of church and state, from the advent of our Saviour, beginning

with the then existing Jewish hierarchy, down to the present time, has been the nurse of bigotry and superstition, and the parent of all the religious persecution which has disgraced the annals of our species. The fruitful source of tyranny on the one hand, and of hypocrisy and corruption on the other, under its baneful influence the Church has been made a stepping-stone of political power and ambition, the profession of its tenets a mere worldly fashion, and Christianity itself, from being the great and paramount object of an immortal existence, has been degraded to a subordinate means of terrestrial and temporary distinction.

These, then, are the ends which republicanism proposes to itself: no exterminating war but that of reason against force; no destruction but of tyranny; no division but of rights; no supremacy but that of principle.

The prevailing tendency of our institutions is to place the common enjoyments of life within the reach of all; to make popular books, cheap newspapers, education accessible and attainable; to spur forward mechanics to that perfection which will bring manufactures within the means of all, resting for their success upon the number rather than the quality of their patrons; leaving unobstructed to enterprise and merit every station

in society; tending to "the greatest happiness of the greatest number."

The reverse tendency is manifest in the operation of monarchical and aristocratical governments. The few, acting on the assumption that they are Heaven's favourites, aim to monopolize its bounties, while they in fact engage in a controversy with Heaven, and the benefits and blessings which Providence makes abundant, their constant effort is to make rare.

CHAPTER VI.

The Permanency of Democratic Government, and the eventual Prevalence of Democratic Principles.

"If we examine what has happened in France at intervals of fifty years, beginning with the eleventh century, we shall invariably perceive that a twofold revolution has taken place in the state of society. The noble has gone down on the social ladder, and the *roturier* has gone up; the one descends as the other rises. Every half century brings them nearer to each other, and they will very shortly meet.

"Nor is this phenomenon at all peculiar to France. Whithersoever we turn our eyes, we shall witness the same continual revolution throughout the whole of Christendom.

"The various occurrences of national existence have everywhere turned to the advantage of democracy; all men have aided it by their exertions; those who have intentionally laboured in its cause, and those who have served it unwittingly; those who have fought for it, and those who have declared themselves its oppo-

nents, have all been driven along in the same track, have all laboured to one end, some ignorantly and some unwillingly; all have been blind instruments in the hands of God.

"The gradual development of the equality of conditions is therefore a providential fact, and it possesses all the characteristics of a Divine decree: it is universal, it is durable, it constantly eludes all human interference; and all events, as well as all men, contribute to its progress."*

Thus says De Tocqueville. And this furnishes of itself a strong presumptive argument in favour of the justice and propriety of democratic government. Does God will universal anarchy or universal injustice? the supremacy of the mob, the annihilation of property, or the dissolution of the bands of law and order? Republican government, then, partakes of none of these qualities. Will not the Divine Providence respect institutions founded in justice, and matured by wisdom and experience? Such, then, cannot be the basis, nor such the maturity of monarchical and aristocratical governments.

The transitoriness of republics has long been a favourite theme of declamation with the ene-

* Democracy in America, by De Tocqueville, part i., Introduction.

mies of human liberty, while, on the other hand, the constant spread and eventual prevalence of democratic principles ever will be subjects of grateful contemplation to its friends. The admirable discussion of De Tocqueville is based upon the constant and uniform tendency of events, as shown by the light of history. The subject seems to admit equally well of *à priori* reasoning, and the conclusion to which he arrives to be capable of a philosophical demonstration, independently of historical facts.

We have seen that mankind are universally entitled to the exercise of self-government, as a matter of right, by the law of justice, and that every other form of government is no better than an usurpation. Establish but one uniform law of justice for all mankind, and a republic is the necessary consequence. A republic is not so correctly a form of government as it is the supremacy of principle. It is that state in which mankind enjoy liberty. It is an exemption from all unlawful restraints. Forms of government have been, for the most part, only so many varions modes of tyranny. Where the people are everything, and political forms, establishments, institutions, as opposed to the people, nothing, there, and there only, is liberty; such a state, and such

a state only, constitutes republican government, the fundamental principle of which is not a human invention, but results from the leaving untrammelled by human devices the just and natural relations of man to man. Let man be just to his fellow-man, and relinquish all usurpation, and we shall all be as exactly equal in the eye of politics as we are in that of morals.

The question, then, as respects the progress and eventual supremacy of republican principles, is no more nor less than this: will *justice* be maintained in the public relations of man to man, and its empire be enlarged, or will society be surrendered up to the dominion of force? will men, like brutes, be governed, or, like rational and moral creatures, govern themselves? The whole tendency of man's moral nature must determine him towards self-government, and every step which society takes in moral improvement must bring it nearer to a republican form and spirit. If there be a tendency in the species towards progressive improvement, if there be a dispensation over us which points to the eventual realization, in the affairs of men, of those principles of rectitude existing in the Divine Mind, we must be continually approximating to this consummation of political justice. The cause of the

republican is intimately allied with the highest terrestrial hopes and the best interests of mankind, and we cannot cherish the prospect of the universal political emancipation of our race without elevating, nor relinquish it without depressing, ourselves in the scale of existence.

We must keep continually in view, in the discussion of this subject, a distinction to which we have repeatedly adverted, between the fundamental principles of government and its mechanical structure and practical operations. The essence of republican government, its peculiar and distinguishing principle, is the supremacy of the popular will. It is this that constitutes a republic; it is this that makes it an emanation from the eternal and immutable law of justice. That a people have the moral right of self-government is equally true of every people in every age and country. This fundamental principle, as permanent, as universal, as the race itself, prevents republican government from ever becoming obsolete when once instituted. Its moral nature and relations, like those of man, never change. But in its practical character it is, like man, the mere creature of circumstances. That men should govern themselves is its fixed and unalterable principle, predicated upon the moral character

of man; but what particular frame they should adopt in the exercise of self-government, what particular measures of public policy, when the government is once organized, are questions which it leaves to be determined entirely by local position, by previous habits, by the age, and the thousand other capricious circumstances that make up the diversities of human condition. The people of a republic never can, therefore, be at variance with their government. In its essential principles it is a transcript from their nature; in its practical character it is the mere creature of their will. A thousand years hence, if we should so long endure as a nation, a republic will be as proper for us as now. Hence it possesses a principle of permanency which monarchical government can never acquire.

Monarchy is ordinarily the product of a distant age, and its authority is generally absolute in proportion as its origin is remote. In every other provision for our wants, in all affairs in which mankind are left free to provide for their own wants in their own way, the dictates of wisdom and our habits of life prompt us to adopt the latest inventions and improvements; we adopt nothing simply because it is old, nor reject anything simply because it is new; but, while our prejudices attach us to the old, our reason

points us to the new, and we subject everything to the test of utility. In the affair of government alone, civilized and enlightened men are found weak enough to bind themselves implicitly to the past, and renounce the benefits of experience and improvement. But how absurd the system that points to a race which lived ten centuries ago, as endowed with such supernatural farsightedness as to be able to prescribe for the present generation better than the present generation, with all the experience, and all the accumulated wisdom and improvements of every other added to its own, can prescribe for itself. Originating, as monarchical government generally does, in a very remote age, but exercising its functions to provide for the wants and necessities of the present; ambitious and encroaching in the character of its chief functionary, but inflexible in its constitution to the spirit of improvement; basing itself upon prescription, and governing itself by precedent, it must, in its very nature, be continually at variance with its subjects. It is the past in conflict with the present. It is necessarily at war with every proposed melioration. The people cannot feel a new want without its being necessary to assail the constitution in order to obtain it. The governing power must stick to old landmarks, or it would be entirely

overwhelmed by innovations. Actuated by a desire to maintain its sovereignty on the one hand, and the people actuated only by a sense of injury and by necessity on the other, two separate and independent parties are created, having distinct interests and antagonist forces. The seeds of strife are sown in the very elements of such governments. The longer they endure, the more oppressive become the prerogatives of sovereignty, the more numerous, extensive, and irresistible the wants of the people. Time inflicts its changes indiscriminately on both parties, and places them more and more widely at variance with each other, until at length the government, which, unless forcibly reformed by the people, only becomes continually more absurd, at the same time that it grows proportionally more violent and tyranical, must finally yield to the growing intelligence, and greater strength and numbers of the people. So much have force and fear to do with the nature of monarchical government, that every improvement it receives is looked upon as a concession; it is not considered whether all has been allowed that the interests of the people demand, but whether all has been conceded that cannot safely be withheld. And, be it observed, every improvement which is thus conceded to the increasing intelligence and liberal

spirit of the age only assimilates monarchy more nearly to republican government. Thus jealousy of feeling, opposition of interests and of motive, which are only aggravated by time, inhere in the very constitution of monarchical government and predestinate it to destruction, while republican government has for its basis the eternal and immutable principles of justice, which preserve the people in an unvarying relation to their political institutions, and admit without disturbance every human improvement.

Republicanism is the common cause of the species. Republican government is everywhere essentially the same, for it is everywhere the government of man by himself. The division into nations is, therefore, in its view, a question of expediency and convenience merely. The glory of a monarch is his power; of a republic, its liberties. A monarch aspires to conquest as the means of gratifying his pride and ambition, augmenting his revenue, increasing the number of his subjects, multiplying his means and resources for other conquests, and throwing into his hands numerous posts of honour and profit for the gratification of his dependants. But a republic can conquer only to impart its liberties. Under such a supremacy it ceases to

be an object of ambition for man to subdue and enslave his fellow-man. All mankind are taught by the principles of republicanism to regard each other as of one common family, and national distinctions sink into the most perfect insignificance. In republican principles being thus the common cause of all mankind, the same in every age and nation, we see the real source of that sympathy which binds us so strongly to the patriots of Greece, of Rome, and of Poland, and to the brave assertors of liberty in every clime and of every period. The principle of liberty is a fraternizing principle. Republics are bad neighbours for other governments. It is, always has been, and always must be so. No state expedients, no vigilance of government can prevent it. The cause of the oppressed of every country is identical. People will make common cause with people. And how contemptible must appear the tyrants and oppressors of the species, how despicable their strength, how mean their devices, how glaring their usurpation, when arrayed against the innumerable and united hosts they have plundered of liberty, and reduced to the condition of subjects. It is appalling to think of the almost universal combination of interests which really subsists against monarchy, reposing in inactivity only from want of intelligence and

of concert. The physical strength of society, and all its real interests, combine with the justice of republican government to precipitate society into that form. Monarchy subsists only by sufferance.

The cause of monarchy is, to a great extent, of a personal nature, and undergoes simultaneous changes with every fluctuation in the fortune of the individual or family with whom it is associated, and is subjected to all the vicissitudes of human experience. Not so with republican government. It is of an abstract nature, to which nothing can be added, from which nothing can be subtracted. The hopes and wishes of mankind are constantly directed towards it as a fixed point. Whatever deviations political tempests may force them to undergo, their ultimate course must and will be rectified by this polar star.

Combinations are much more easily effected to subvert monarchy than to support it; to advance liberal principles than to uphold usurpation. Every other political cause but that of democracy is the cause of *power*; it addresses itself to the *interest* of its associates. It can command as many as it can bribe with the expectation of rewards; it can retain them while it can hold out a prospect of success. It finds its read-

iest converts in those who are most corrupt Not so with combinations in favour of democracy. It is the cause of principle, of justice. It is easily made known. Its confederates do not address themselves to personal and individual interests, but to the conscience. If they wish to make a proselyte, they have not to exhibit a muster-roll of their strength and numbers, or make an imposing display of the multitude and extent of their resources. They convert by addressing themselves to the enlightened dictates of the understanding, and the warm and upright impulses of the heart. The merit of the cause does not depend upon its success. Every good man is its natural ally. Its supporters are the best, not the worst of the species. If the attempt fail, failure may bring temporary misfortune, but it brings also permanent fame. Confederations thus easily formed, and of such materials, must always be the apprehension of despotic governments; and the fact that such are, in the nature of things, so highly probable, must render the existence of monarchy in this age highly precarious, and its long continuance in enlightened countries extremely problematical. Attempt after attempt may fail, but men will pertinaciously persist in a cause that commands so much virtuous admiration, and is so congenial to our native impulses

Every failure will but give birth to a new enterprise, until success must eventually crown efforts which, in all human probability, will be incessantly renewed so long as humanity remains unchanged.

To have the permanency of nature, every institution must conform to the laws of nature. Monarchy is at variance with the natural disposition of man and his iunate sense of justice What is unjust cannot in its nature be durable. The Providence which presides over the universe does not admit of it. In the separate and isolated cases of individuals, the law of justice may often be violated, and yet be unavenged by nature. It is certainly, however, the natural tendency of things, even in this life, that vice should be followed by punishment; and, whatever may be the fact in individual instances, when we comprehend so large a number of individuals, or so long a period of time, as to represent the aggregate of human experience, the laws of morals will generally be found to have been vindicated by the retributions of Providence. The histories of nations represent the aggregates of human experience. Time—(a lapse of time, which, though long for an individual, is still short for the species)—time has been maturing these great principles for their development, and at this advanced period of the

world, when society is everywhere in such a ferment, it needs no hardy prophet to predict the proximate downfall of monarchy in civilized states.

Infirmity is involved in the very form and constitution of monarchical government. It is the sovereignty of the few over the many; comparatively few, therefore, are directly interested in its defence and preservation; yet, the absolute strength actually residing in the masses, it is compelled to trust its defence to those who have no immediate interest in its preservation, nay, to those who, if they properly appreciated their own situation, would become sensible of a direct interest in its downfall. To the subject, usurpation or conquest is merely a change of masters; whereas, on the contrary, every republican has a direct personal interest in asserting and maintaining the liberties of his country. Hence republics often arm *en masse*, and no republic has ever been conquered until it has first been corrupted.

Every form of government which is not self-government is necessarily centralized; is in the few. It has a separateness and locality admitting of every unfriendly attempt being coneentrated upon one or a few points, which, once carried, it falls. Hence, in the most despotic countries, as Russia and Turkey, a successful

plot in the palace changes the sovereignty of the nation; in countries less so, a successful *emeute* in a city. The scene of the late revolution in France was confined to the streets of Paris. It is an invariable ordinance of nature, the more despotic the power, the fewer hands it must be concentrated in, and the more unstable will be its foundation. The same defect may be predicated of every government of one man or set of men over others; and, though it becomes less and less, in proportion as power is less concentrated, yet, as the disproportion between the governors and the governed in monarchies must always be great, it is an intrinsic and unavoidable defect which predisposes all such governments to decay and dissolution. Not so with republics. The sovereignty is coextensive with the limits of the state. What matters it to their citizens if their capital be taken? It no more deranges their measures of defence than if it were the most inconsiderable town in the country. Accustomed to be informed and to act upon every public interest, to regard their governors as their servants, and not as their masters, they are prepared for every emergency. They are not subdued while the smallest part of them is free. No secrets of state repose in the portfolios

of their ministers. If their governors are prisoners of war, the people are not dismayed. The nation is the government, and the government the nation; and the government will subsist until the whole people are subdued. While a man is free, he knows that he has something to fight for; for he feels that he himself is a sovereign.

The infirmities in monarchical government from the concentration of its powers are equally apparent, whether reference is made to its danger from internal or from external force. They are the concomitants of a subjecting power in all its forms, whether that of kings, or of nobles, or of cities.

Hence the destruction of ancient republics. In violation of liberty, they lorded it over neighbouring cities and whole nations. In their interior economy, indeed, they were republican; but in their relation to other states and communities they were monarchical. They had all the centralization of monarchical government. Athens ruled Attica with imperial sway; Sparta, Laconia; Thebes, Bœotia; Rome, the world. The natural and inevitable consequence by decree of Nature followed. They broke in pieces from the extent of their dominion. Their empire was augmented in an arithmetical ratio; their strength and durability were diminished in a ge-

ometrical or compound ratio; the numbers interested in the sovereignty became comparatively less, while the extent of conquest to be maintained became continually greater. The citizen soldier was supplanted by the mercenary. The servant of the state, and himself a constituent part of the state, fighting in self-defence, was supplanted by the soldier of fortune, attached to the person of his general, and fighting for the acquisitiou of plunder or power. While the empire was coextensive with the republic, the state depended upon itself for its armies, and was adequate to its own preservation; but when the conquests of the republic were so widely extended, it had to employ a force able to dictate its own terms to the empire.* The republic was no better off with its subjects than its armies. The nations it subdued became less warlike; they were easily detached from their sovereign; they had no personal interest in maintaining the power which had subjugated them. It is an invariable law of Providence, which nothing can resist, that man, not being made for the government of his fellow-man, can never hold him in permanent subjection.

The extensive dominion of the ancient republics was likewise one of the chief causes of their corruption. Hence the tribute derived from sub-

* Grandeur et Décadence des Romains, chap. v.

jugated provinces, that enabled the idle populace of the imperial cities of ancient times to subsist on the public treasury, and furnished their leaders and demagogues with the means of corrupting the people with their own money. It was this extensive dominion that eventually brought all occupations, except those of the soldier and the politician, into disrepute, and excluded business industry, that great preservative of morals, from the ordinary habits of ancient people. It was this that made whole states select individual citizens for their patrons, and fee them with princely presents; that enabled the great men of those times to realize immense wealth from the plunder of unfortunate provinces, and laid the foundation for that contest of bribery when they were prosecuted for extortion, between their munificent fortunes on the one hand, and the wealth and resources of oppressed states on the other, which brought all the public virtue in the empire into market. Thus the extensive empire of the ancient cities, entirely at variance with republican principles, and gained by unjust conquests, opened and fed all the avenues of corruption, and Providence, by one of those just retributions which characterize the moral government of the universe, made their unjust usurpations the instrument of their own destruction.

We are not to expect, in the natural course of things, either public or private degeneracy in a republic from the influx of public or private prosperity. Ease and abundance are the appropriate rewards of labour; they ordinarily come at the latter part of a man's career, when moderate habits have rendered him secure from their seductive influences. Leave property to seek its own channels, enact no laws to make it inalienable, and the natural course of things will direct its transmission to those who have earned it by their industry and frugality; while the largest accumulations will pass rapidly from the prodigal and licentious, and reduce them and their posterity to a condition of want and dependance, whence they can only rise by a renewal of those virtues by which the wealth of their ancestors was originally acquired. There is no danger, therefore, when things are left to take their natural and proper course, our habits not corrupted by vicious legislation, and a perverse policy on the part of our government. There is no danger to be apprehended from the increase of public wealth, and the multiplication and improvement of the comforts of life. Our wants must still be supplied by human labour and skill; and, so long as these are necessary, in whatever form

they are exerted, they will operate as an effectual protection to the public morals.

But we have, in these modern times, a more powerful guarantee for the public morals. We have the Christian religion, which Greece and Rome had not. Its code of morals is perfect. Its sanctions are as powerful as it is possible for the imagination to conceive. It is never satisfied with the improvement of its disciples; it will never cease to make converts, until it embraces the universal race of man. If humanity had a downward tendency, this religion would arrest its progress. It is implicitly believed by us that its achievements will be equal to its aims, and that it will go on conquering and to conquer until it shall have restored our race to its primeval purity. On the contrary, rites and ceremonies constituted the chief part of the religion of the ancients; and those rites and ceremonies, so far from improving, corrupted their votaries. The most disgusting and abominable orgies formed a part of them; while theft had a patron in Mercury, drunkenness in Bacchus, licentiousness in Venus, and every vice a precedent in the conduct of some of the numerous divinities of the ancient mythology. It may readily be supposed that heathenism had but little connexion with the study of

moráls, which, while that odious system was universally popular, excited no interest among the people, but was confined to the schools of the philosophers. There was thus no renovating principle for human nature; and it was left under all the seductive influence of circumstances, combined with a religion, itself the offspring of the passions and vices of men, to an uncertain dependance on natural temperament and the unaided sanctions of a natural conscience.

But the Christian religion not merely preserves our morals from corruption, and gives them a decided and continuous impulse towards improvement: it tends directly to the institution of democracy. Make men just, and they must be democratic. What will become of usurpation and force, corruption and fraud, as Christianity takes its march over the earth? It respects no abuses, however ancient. It sanctions nothing but what is wise and what is good. It abhors the corruption, extravagance, and vanity of courts. It imbues man deeply with the fear of God, and those who fear God are inaccessible to any other fear. It fills us with a sense of the absolute equality of the species. It teaches us to respect nothing so much as principle. It inspires the most dignified independence. It is

democratic in its Author; our Saviour himself came from the common people; he was born in a manger; he was a carpenter's son. It was democratic in its apostles; they were fishermen, poor, ignorant, and despised. It expresses its preference of the poor. Its morals are digested to the comprehension of the poor and illiterate. Its sanctions, no man so stupid but that he can comprehend. It inculcates the liberty of conscience; and no man who is thoroughly impressed with the truth that his Creator has intrusted to him his own eternal salvation, can well doubt that the same wise Providence has fully accomplished him for the subordinate relations and responsibilities of this life, and his own government among the rest. No book ever written makes us so sensible as the Christian revelation of the dignity of man as man, and the frivolity of all those temporary or accidental distinctions with which the world has been so long oppressed.

I cannot refrain from noticing some strong points of similarity between the history of religion and of democratic liberty; nor can I believe these points of resemblance between the fate of truth in religion and of truth in politics, man's chief terrestrial and the summary of man's celestial good, to be entirely capricious and fanciful.

Both have always had the predominance of numbers against them. Both are sustained by principle, and would be annihilated by precedent or authority. Both flourish best on the same soil, and sympathize deeply in each other's successes. Both have always inculcated the same contempt for human authority, the same regard for the poorer and humbler classes, the same disregard of merely adventitious and accidental distinctions, the same paramount authority of principle. Both have for their basis the law of benevolence. Both have been reproached with the origin and character of their supporters. Both have been stigmatized as the occasion of an extensive destruction of the species. Both have borne the reproach of being disorganizing and anarchical.

The Christian religion is emphatically a religion for the people. It impregnates the masses with something better than humanity. What a religion for *the many!* What a basis for popular government! How elevated and how substantial the hopes of the friend of popular rights, when he feels that the progress of human liberty must keep pace with the progress of Christian illumination, and that the cause of man is thus identified with the cause of his Maker!

PART II.

CHAPTER I.

The alleged "Tyranny of the Majority" in America.*

WE do not subscribe to the principle that the majority are always right and can do no wrong. The presumption is certainly in their favour, from the vast combination of wisdom and of will; but we are as far from acknowledging a pope in our politics as in our religion, and hold majorities, like individuals, to be but fallible men.

Let us revert to the foundation on which the power, or, more properly speaking, the right of majorities in republican communities is founded, and see how far it actually extends.

The great aim and end of civil society are to secure justice between man and man; and, on examination, it will be found that in republics almost all its powers are, in point of fact, while it

* See De Tocqueville's "Democracy in America," part i. chap. xv.

may well be doubted whether, legitimately, all ought not to be, restricted to the necessary means for the accomplishment of this great end. The power to declare war and raise armies is to protect government, and the power to levy taxes, to support it in the administration of this office; the power to coin money, and the power to regulate weights and measures, furnish it with fixed standards for this object; its power to issue patents merely secures a right founded on the first principles of justice; and so of most of the other powers of government: its power to make internal improvements, and its power to manage the postoffice, seem to be of a different character. But whether or not the jurisdiction of government should be exclusively restricted to the object just mentioned, it is certain that what other powers soever it does exercise are for infinitely subordinate purposes, and sink to nothing in the comparison of importance. When men unite, therefore, in civil societies, it is for the purpose of securing the prompt, uniform, and peaceful administration of justice, or, what is the same thing (as justice is the practical discharge of what our rights claim from other men), for the protection and enjoyment of our rights. But how, when we are all, as we have seen, made

the natural judges of our rights, are we to arrive at what justice really is? There is, in the nature of things, a perfect rule; but we see it imperfectly, and individuals view it under various and different combinations of error. One holds it to be this, another to be that, and this various sense of individuals does not admit of a definite and harmonious action; we must have *a positive rule* in order to concentrate the action of community.

Now, when the existence of society requires a positive rule authoritatively promulgated; when its primary object demands that this rule shall be the law of justice; and when the constitution of our nature, resulting in human freedom, demands that we ourselves be the sole judges and interpreters of that law, what can we do, when the subject is submitted to aggregate bodies in their primary capacity, but abide by the determination of majorities? Theoretically, the prerogative of determining the rule of right resides in the whole; but, unless all will agree in opinion, which, until men are perfect, they never will, we must take up with as near an approximation to a perfect mode as we can get. Modern republics, by the manner in which they take the public determination by majorities,

adopting the representative system, dividing territory into sections, legislatures into different bodies, creating public offices with different tenures, and filling them at different elections, while the sovereignty itself is divided into state and national, make great provision for the sentiments and opinions of the minority also, and bring us as near as is practicable to the aggregate sense of community, and near enough for all human purposes. Each citizen being allowed his equal vote, he thus enjoys the utmost possible amount of human freedom, and all that man ever could or ever did desire.

What then? Is the positive rule thus adopted in itself right, *because* it is the determination of the *majority?* No; but we yield it implicit obedience as if it were right, because it is in practice the nearest approximation to the perfect standard, and the best possible compromise with human imperfection. We observe the decision (not the arbitrary will) of the majority, so far as it is announced in the prescribed constitutional modes, as the rule of our civil and political conduct—as the positive law—until it is reversed by the same authority. Not that, as law, it is perfect; but that, as a positive rule emanating from an authority which Freedom herself has constituted, if we would have constitutions and laws

at all, we must observe it. Majorities thus do for us, in a good degree (not absolutely, as will be soon shown), in politics, what the judge does for us in expounding the laws; and there is the same distinction between perfect enactments and positive statutes that there is between that perfect abstract justice which we call law, and the actual authoritative decisions of the judge. So far as the regular, active interference of society, through the interposition of its organized forces, is concerned, the decisions of the judge and positive statutes must be acted upon as if they were absolutely and perfectly right, because whatever of abstract perfection is wanting has been sacrificed to the necessity of positive rules; but, so far as individual opinion is concerned, they are no more than a presumptive standard, which every citizen is at liberty, if he can by legal and proper measures, to get revoked.

Thus, though we never assail the decrees of the majority when uttered in the constitutional voice of the whole, yet we often feel the most perfect assurance, in assailing the opinions entertained by its individual components, and endeavouring to convert it into a minority. In other words, we yield an implicit obedience to the laws so far as they are enacted by the constitu-

tional force of the majority, but we never feel called upon to renounce individual opinions from deference to that majority.

Even in the enactment of laws we by no means hold the power of majorities to be absolute and unqualified. It acknowledges this limitation in its very nature, that, being merely authorized to announce the law of justice, it can never in any instance extend to the perpetration of a clear and palpable injustice. In this respect political power is subject to the same limitation as the decisions of a legal tribunal. An occasion, however, with us for such a limitation to be actually put upon the powers of the majority, can only very rarely, if ever, occur; for it is impossible to imagine a case in which a body of citizens large enough to constitute a majority in our large democracies could concur in perpetrating a palpable injustice. Against political tyranny in every shape we have the best possible security that human nature admits of; and if we are really still insecure from its assaults, it is only because God has denied all refuge from it to mankind. Contemplate the great numbers which are required to constitute a majority. Now it is possible that among its leaders there may be ambition, may be corruption, tortuous

views, unjust aims; but among the mass of that majority, never. Its opinions may be mistaken, but its feelings must be right; it is morally impossible that so large a body should have any other interests, any other sympathies, than those which belong to the universal whole. It may be, often is, misled; but when it is, it is in pursuit of the public good. It sometimes takes the wrong path by mistake, never by design. Nay, those who hold the balance of power, constituted by the excess of the majority above the minority, are usually a comparatively small number, whose adhesion to the cause of virtue and the common weal is of itself sufficient to save the state from palpably unjust or improper measures.

When we hear of the tyranny of the majority, one would think it a body as fixed and permanent as a monarchical dynasty rioting in the greatest excesses of power, and responsible only to itself. We know, however, that it is, in truth, an extremely fluctuating body, the composition of which is changing every day, sustaining daily losses, and receiving daily accessions of new converts. It is accountable to an ever-vigilant minority, that is continually and rigidly criticising every measure at the bar of public opinion. Its excesses are visited with the immediate loss of

its power, and the indignant exclusion of its agents from office. The majority that *is* is responsible to the majority that *is to be*. Let it act with violence or tyranny, and it will inevitably be converted into a minority. No party can in this country engage in a course of vicious legislation, and exempt themselves, as a part of the common country, from its retributive effects; and, when these are felt, it immediately renounces its leaders and its measures by adopting their opposites. A course of tyranny is thus utterly impracticable, unless we are to suppose republicans capable of devoting themselves, in spite of sense and suffering, to the work of self-destruction.

Nor have we to apprehend a majority's becoming so excessive as to exempt it from the salutary restraint imposed by the fear of degenerating into a minority. A majority is, on the contrary, made more infirm by becoming very considerable. It immediately encounters the danger of falling in pieces of its own weight. In proportion as it is small is the necessity of union and the consequent perfectness of its organization. Men act together in parties, not because there is a perfect unanimity of opinions, but by a sacrifice of minor differences to paramount public objects. When a party are very numerous, the necessity of subordination becomes less in point of fact, and still

less in appearance; hence individuals strike out plans of personal ambition, and individual wills set up for greater independence: it falls a sacrifice, and the evil of too strong a majority thus rectifies itself. The tyranny of majorities is therefore rendered impossible, because they are subject to the continual control of public sentiment, which is the judgment of the people on their own interests.

"When an individual or a party is wronged in the United States," says De Tocqueville, "to whom can he apply for redress? If to public opinion, public opinion constitutes the majority; if to the Legislature, it represents the majority; and implicitly obeys its injunctions; if to the executive power, it is appointed by the majority, and remains a passive tool in its hands; the public troops consist of the majority under arms; the jury is the majority invested with the right of hearing judicial cases; and, in certain states, even the judges are elected by the majority." All this is mere idle declamation. If a man be injured in this country, and the law afford him a remedy, our judges and juries afford him a prompt, cheap, and effectual mode of redress, as free, not merely from a partial and party bias, but as free even from all suspicion of it,

as any judicatories upon the face of the earth; and whoever should wish the arbitrary intervention of the executive or the army where the law is silent, would call for an agency which would make every possession and every right a pitiful accident, subsisting at the mercy of a despotic will. If a man suffer by reason of the imperfection of the law, he applies to public opinion, whose creature and slave the majority are, and the present majority will either be coerced by fear of that appeal, or be turned out by sentence passed upon it, and the evil soon redressed by a future majority. The evil will certainly be redressed; because, arising, on the supposition made, from an imperfection in the law, it must operate with equal severity on all classes of a republican country, where the interest of all is inseparably connected with the interest of each, and the interest of each and all is dependant upon just laws. No intelligent member of this republic has failed to observe how every citizen, even the humblest and most ignorant, when he suffers a private injury, resolves and generalizes the cause from which he suffers into a universal evil applicable to the whole community, and deduces universal consequences from it. "What becomes of our boast-

ed freedom?" he says; "what is the use of laws? why call this a free country? what is the security of property, if a man under these circumstances can do, and his neighbour must suffer, such an injustice?" stating his own injury in the form of a general proposition, to make it tell upon the sympathies of those about him. What he thus says in his own case, he understands when said in the case of another; and he listens to the tale, and unites in the cause of his compatriots, that his tale may be listened to, and his cause promoted, in turn. Thus citizens learn, by continual and personal experience, that the interest or the injury of the individual is the concern of the whole; and public opinion thus becomes as safe a guarantee for the common weal, as private interest is for individual prosperity.

It is wrong to represent the American people as subject to the uncontrollable will of the majority. It is true, that in the original adoption of a constitution the majority governed, and, whenever it comes in review before the people, a numerical majority must again govern. This is, however, a very rare case; and it is not in thus setting up the skeleton and framework of a society (in which the legislation of a people is at the most distant remove from human infirmity,

and wherein they are likely to be perfectly unanimous on all most essential points) that injustice and injury are seriously to be apprehended. After society is thus organized, and by that very organization, the will of temporary majorities is subjected to many practical limitations.

In the first place, this Constitution itself is the paramount law. No majority, however great, can ordinarily add to, alter, amend, or in any way contradict it. Until a question be formally presented to the people, on the amendment of the Constitution, that instrument itself towers above, and presents the first broad limitation to, the power of majorities. By giving to the representative a fixed and independent tenure of office, it places him beyond the immediate reach of majorities. By making requisite, in many cases, a majority of two thirds for the passage of various descriptions of laws, it provides a farther restraint; and, finally, by the creation of two distinct and independent sovereignties.

We often find one majority among the people of a state, and a different majority in its Legislature; sometimes a Legislature of one politics, and the executive of another, which gives a temporary predominance to the minority; often, a state with one politics, while one's immediate ter-

ritorial administration and judiciary are of another; very often a state with one politics, and the nation of another. Rarely, very rarely—indeed, I think I may safely say never—do we find all the political authorities under which we happen to be placed the creatures of one party. The power of one majority is thus modified, and very much modified and controlled, by the power of another; or, if you please, the power of the majority is modified and controlled by the power of the minority, which has thus secured to itself, at least, as great an influence in the administration of affairs as it is entitled to by the relative proportion of its numbers to the aggregate whole. Thus we are fully entitled to say, that by the contrivances of our government we have secured in its administration the action of the whole people.

When I first read the sections of De Tocqueville on the tyranny and unlimited power of the majority in this country, I was for a long time at a loss to conjecture what original could have set to his imagination for the picture. Sensible of no such state of facts as was there described, I could not but wonder that the poor, persecuted victims of too free a state should never have found a voice. Where are their uttered complaints? I asked. The press is free; it disgorges

everything, from a schoolboy's complaint to a president's message; perfect immunity is secured by anonymous publication, to the utterance of every opinion; yet, among all the various literature which our books and newspapers present, an American writer complaining of the tyranny of majorities, as majorities, is yet a *rara avis* quite unknown even to the curious. Indeed, De Tocqueville himself seems to admit that the evil exists, for the most part, only in apprehension. "I do not say" (he concludes one of those sections) "that tyrannical abuses frequently occur in America at the present day; but I maintain that no sure barrier is established against them, and that the causes which mitigate the government are to be found in the circumstances and manners of the country more than its laws." In other words, we have no security against the passage of tyrannical laws but in the people themselves; which, however, is the same kind of security that a community have, that an individual will not voluntarily destroy his own property or cut his own throat. According to the republican theory, it is security enough. We do not require guarantees from ourselves for the judicious exercise of our own powers. Not only "the causes that mitigate," but the causes that make the government, are

the characters and wills of the people; and this fact, so far from exciting our apprehensions, is the foundation of our confidence. We derive our security from ourselves, not from our laws, or only so far from our laws as they may be said to leave the government entirely in our hands.

De Tocqueville, in his speculations on this head, has evidently confounded two distinct subjects, the power of a *political majority* under republican government, and the phenomena resulting from that almost entire unanimity constituting *public apinion*, which are not different in their nature (though they may be more powerful in their effects) from what are exhibited under every form of government.

So far as political majorities in our country are concerned, I think perhaps they may enforce a greater subordination to party than political majorities in other countries, and that such is a natural consequence of greater freedom. Minorities, however, are equally tyrannical in this respect, though their organization may be less apparent; because, while an administration have an independent set of measures to sustain, all that is required to organize an opposition is union in assailing. The truth is, that in republics the organization of parties ought to be more

perfect than elsewhere, for the very reason that the real subjects of division are fewer and of less importance. What may be called the natural ties of party are weaker; to act with effect, the artificial ought to be stronger. Where the subjects of division are fundamental and of vital consequence—where they are clearly marked out in the nature of things, and the division of interests and of classes—these interests and classes may safely be trusted to themselves: each man knows his place, and is bound to it. But it has long since been discovered that in republics, where the real subjects of difference are much more minute than elsewhere, they are much less coercive; and that a party owes a great deal of its success to its organization as well as to its principles. Hence subordination is more rigidly enforced. But this kind of influence exercised by party operates only upon politicians, not on the community at large, who, on the contrary, generally regard the man with greater favour that acknowledges no party trammels. The only consequence that follows from renouncing it is loss of party consideration, and the power and prospects of office; a loss which he who is guilty of defection may be thought perhaps to deserve, by reason of his having impaired the strength of

the party through whose prevalence alone he could hope for political rewards.

"But," says De Tocqueville, "it is in the examination of the display of public opinion in the United States that we clearly perceive how far the power of the majority surpasses all the powers with which we are acquainted in Europe;" and, thus confounding the political force of majorities with the natural force of public opinion, he launches his most severe denunciations against it.

Probably the greatest force of public opinion in this country is exercised in suppressing the expression of atheistical and infidel sentiments, while a similar restraint seems to be exercised in preventing the dissemination of views unfriendly to republican government. A keen and sensitive observation of its effects in these two instances seems to have given birth to De Tocqueville's erroneous speculations on the tyranny of the majority in America.

In neither of these instances, however, do we meet with that million-headed monster of tyranny so terribly depicted by De Tocqueville, spreading itself, like one of the plagues of Egypt, throughout every part of man's daily existence, and depriving him of every comfort and enjoyment of life—a tyranny that, if it really existed,

would be infinitely worse than the ecclesiastical despotism of the dark ages.

It is natural that, where opinion is the most enlightened and the most free, it should have the greatest natural force, as the presumption is greater in favour of its justice and propriety. In proportion, therefore, as you relax other forces, you strengthen that of public opinion, and, where government is the weakest, opinion must be the strongest. Is this a fault of governments or of man? If public opinion be strong here, it is not that *government* has made it so, not that *majorities* have made it so, but that such is the inevitable result of the nature and constitution of *man*. If its force be legitimate and proper, we must rejoice that it is strong with us, and that it is strong because it is right. No man can fail to have observed how much wiser and better we are for our neighbours than for ourselves; how much more exact we are in laying down a rule for another to act by, than in squaring our own conduct by any rule; how much better all, by virtue of continually, as the phrase is, "putting their best foot foremost," outwardly appear than they really are: by just so much is public opinion better than private practice, and just so much does what is called character, a creature of public opinion, superadd to the force of our moral

motives. It seems to be the great force of this highly efficient and really moral agent which is characterized by De Tocqueville as the tyranny of the majority, and which is represented to be so great as to prevent the avowal of individual opinions.

It is true that it has a mighty force, though not so great as represented by De Tocqueville, against the atheist and the infidel;* and why should it not? It operates in suppressing their opinions as it would in suppressing a vice; and why should it not? It is generally believed that atheism and infidelity sap the foundations of private morals, of public prosperity, and of political

* "In America the majority raises very formidable barriers to the liberty of opinion; within these barriers an author may write whatever he pleases, but he will repent if he ever step beyond them. Not that he is exposed to the terrors of an auto de fé, but he is tormented by the slights and persecutions of daily obloquy. His political career is closed forever, since he has offended the only authority which is able to promote his success. * * * The Inquisition has never been able to prevent a vast number of anti-religious books from circulating in Spain. The empire of the majority succeeds much better in the United States, since it actually removes the wish to publish them. Unbelievers are to be met with in America, but, to say the truth, there is no public organ of infidelity. Attempts have been made by some governments to protect the morality of nations, by prohibiting licentious books. In the United States no one is punished for this sort of works, but no one is induced to write them; not because all citizens are immaculate in their manners, but because the majority of the community is discreet and orderly."—De Tocqueville's Democracy in America, pt. i., ch. xv.

freedom; that they are not only untrue in themselves, but that they corrupt our children, render them irreligious and profane, idle, disobedient, and vicious; that they lessen the moral restraints of society, prevent our homes from being inviolate, make our domestic relations less dear, oaths and obligations less sacred, property less valuable, mankind less sympathetic and humane. Now, shall we visit with punishment and disgrace those who commit crimes, and not visit with the moral reprobation of public sentiment those who are continually beating up for recruits to the ranks of the criminal and the outlaw? Or does the prevalence of a public sentiment that prevents men in some measure from becoming atheists and infidels, and prevents in a very considerable degree the dissemination of their principles, demand the regrets of the enlightened politician?—or does the force of such a sentiment possess any of the qualities of a tyrannical power? I rejoice in it, as showing that the just and legitimate restraints of a state of freedom are, for wise and good purposes, more efficacious even than the tyranny of a despotical control. It shows that democracies do not want strength where strength cannot injure. So far from being proof of "little true independence of mind and freedom of discussion," it exhibits the

necessary result of the most absolute independence of mind and the most unlimited freedom of discussion.

That public opinion often signally errs in its decrees, and that, in such cases, in proportion to its force must be its injustice, cannot be doubted; so long, however, as it does not lay hold of the arm of the law, in the regulation of matters not properly cognizable by law, but is left freely in those matters to the natural operation and regulation of itself, the balance of the aggregate account of good and evil influence must be greatly in its favour, and its injuries only accidental, like those of any other great and powerful agency.

We should follow with public odium the man who would openly advocate the adoption of monarchical and aristocratical institutions.* Is

* "At the present time, the most absolute monarchs in Europe are unable to prevent certain notions which are opposed to their authority from circulating in secret throughout their dominions, and even in their courts. Such is not the case in America. * * * I know of no country in which there is so little true independence of mind and freedom of discussion as in America. In any continental state in Europe, every sort of religious and political theory may be advocated and propagated abroad; for there is no country of Europe so subdued by any single authority as not to contain citizens who are ready to protect the man who raises his voice in the cause of truth from the consequences of his hardihood. If he is unfortunate enough to live under an absolute government, the people is on his side; if he inhabit a free country, he may find a shelter behind the authority of the

this a persecution by the majority? If so, it is not by the majority constituted by a political party; it is the natural and necessary result from the expression of an opinion not worthy of many followers, and worthy of no good ones. But would it not be better to let this opinion have a fair chance, and to give it a full and fair trial on equal terms? It has a fair chance, and it cannot gain disciples. If it has not, it is not our fault, nor the fault of our political system; it is the fault of man. He is so made that his opinions as to the proper scheme of government interest his feelings withal. He rejects their opposites, not coolly, but with a feeling of moral reprobation. He feels that certain principles, extensively entertained, would affect him, would injure him, would deprive him of freedom. The monarchist and aristocrat are repelled, therefore, as if they were endeavouring, whether unintentionally or not, to inflict a wrong and injury—as if guilty of a kind of treason against the sovereignty of each free citizen; and it is not surprising that this repulsive feeling should be as universal as is the sovereign citi-

throne, if he require one. The aristocratic part of society supports him in some countries, and the democracy in others. But in a nation where democratic institutions exist, organized like those of the United States, there is but one sole authority, one single element of strength and of success, with nothing beyond it."—Democracy in America, part i, chap xv.

zenship. Such men rest under an odium which they deserve; and public opinion, in free countries always its own best corrective, does not, in this instance, degenerate into the tyranny of majorities.

But what then becomes of the dominion of reason, if we must acknowledge such a subserviency to popular prejudices? I answer, we are men, and we act like men. We are governed by something else besides the force of a mere syllogism. We are not creatures of pure reasoning, and we do not bring everything to the test of logic; neither do we suffer our convictions to rest in our minds like a demonstrated problem on a black board. We take, and we are obliged to take, a great many of our opinions on trust, until we have time and ability to look into their demonstration, and the community is a very respectable source whence to derive such opinions: when we have those opinions, we feel from them, and we act on them; and the public sentiment of a community is in many cases a very proper medium in which to imbody, and through which to enforce them. This is not the tyranny of majorities; it is the nature of man, more prominent only in republics, because government has less force and nature more.

CHAPTER II.

The so-called "Right of Instruction."

THE so-called right of instruction is a false pretence. Under our democratic form of government, whatever the people really *do will*, they have the power to carry into effect. When, therefore, we are honoured with what are styled "instructions from the people to their representatives"—instructions from a source whence we have a right to expect commands—we are certainly justified in the suspicion that these do not emanate from the people, but, more probably, from bodies of men who, having neither the right to command nor the right to instruct, hope to conceal the infirmity of their title under the moderation of their demands.

Let us examine and see who they usually are who thus presume to instruct the people's representatives, and whether they are really "the people," or have any warrant for it from the people.

And, first, let us understand what is meant

by "the people." We mean *the whole people*, and nothing short of the whole people, or a majority of the whole acting simultaneously. It is the government of the whole that alone constitutes self-government—democracy. Now this paramount democratic sovereignty is never called directly into action except in forming and settling a constitution, the very object of which act is to define in what mode the will of the people shall ever after be authoritatively expressed. That done, we have done also with original or primary assemblies, that is, assemblies wherein the people act in their original, absolute, and sovereign capacity. The people agree, by adopting a constitution, that they will no longer act in an irregular, disconnected manner, in separate, unorganized assemblies, and by individual plans and wills, but together only, and in the constituted mode. Town, and ward, and mass meetings, therefore, are by no means, in reality, what they are ordinarily styled, meetings of the people in their primary assemblies. Very respectable organs of public opinion they no doubt are, which are entitled to, and will command, the respectful deference of every wise politician; but not organs of the sovereign will, which every representative would be peremptorily bound

to obey. If these indiscriminate assemblages are, really, what they are so often called, the sovereign people in their primary capacity, they are certainly omnipotent; they can make and unmake laws, magistrates, constitutions; and if they are not, they are, as to political rights or political powers, nothing. If they have not all the rights of the original, sovereign people, they have no right to instruct. Let us proceed, therefore, from these meetings—in which we do not find the only people known to democracy as the arbiter of political differences, and which, when they assume to instruct the people's representatives, seem, simply on the ground of having no authorized place in the body politic, to arrogate the paramount authority—to other and constitutional assemblages.

This pretended right to instruct is claimed, and most frequently exercised, by State Legislatures over representatives in Congress.

But what right have State Legislatures to instruct? It is their constitutional prerogative to elect one branch of the national Legislature; when, however, this election has taken place, that function is discharged; and they have no longer any duties in the premises until another vacancy occurs. When elected, the representative

is not their agent. They are not his principals or his constituents. He is a representative of the people, and so are they. The people have not authorized them to instruct this representative, nor placed it within the range of their duties or their powers; nay, a power to recall him was proposed, in the Convention that framed the Constitution of the United States, to be given them, and the proposition was distinctly negatived. They have no more right to instruct him than he to instruct them. I have said they are not his constituents. The whole state does not comprise his constituents. He is a member of the Congress of the United States, and sworn to discharge his duty as such. The nation are his constituents. He is a representative, not of part, but of the whole. If the paramount interests of the nation at large clearly require the sacrifice of the particular interests of his single state, he is even conscientiously bound to vote for that sacrifice. Because the state, or the State Legislature elected him, they are not, as a necessary consequence, to control him. The state names the representative; but the state alone could never have given him the power which he possesses to affect the whole Union; the origin of this power dates far back from the state election,

at the formation of the grand national compact, and the nation at large are alone entitled to be considered as his political creators.

It is a bad division of labour, as well as an usurpation of power, for men who were elected to attend to state affairs to assume the control of those of the nation. Different powers are required; a different grade of intelligence; different means and opportunities of information and judgment. Is it not enough that so much time is consumed by Congress in debating the grounds of the different national parties; but must the same subjects be again debated and resettled by twenty-six individual state assemblies, to the great obstruction, if not entire neglect, of all domestic legislation; to say nothing of the cost, which would, in the aggregate, form no slight addition to national expenditure? No advocate for a strict construction of delegated powers can consistently maintain that, when the people have sent him to the State Capitol to attend only to those affairs that immediately concern the state, he has a right to usurp the functions or sit in judgment on the conduct of another agent of the people, despatched to a different place, on a distinct errand, and made constitutionally accountable only to the common master of both.

But do elections furnish an authoritative letter of instructions from the people to the representative, of which he is bound to take notice; and is he bound, by democratic principles, when a successor of different politics has been elected, to vote in conformity with the opinions of his successor elect, or to resign? Elections, it is true, are authorities emanating from the sovereign people, because they are exercised in pursuance of the constitution established by the whole, and are therefore authoritative so far as they go. But what does such a result to an election signify? The present incumbent may have been elected on personal as well as political considerations, and at the last canvass not have been a candidate. Therefore, it does not necessarily signify that his political measures are so obnoxious as to prevent his being, in spite of his political course, after all, the preference of the people. Perchance the people, his immediate constituents, wish for a change, but a change *after* his term shall have expired, and he have had an opportunity to bring his measures in some degree to a test, by carrying them out fairly to the close of that period. For this only he has any warrant, that the voice of the people, so far as it is the sovereign voice—the voice of democracy expressed in the

constitutional mode—signifies in such an adverse election—what? (the election designates the *man*, the Constitution, *for what object*)—that, after he shall have fulfilled his term, carrying out his measures to the end of it, then the officer elect shall *succeed*, not now immediately *supersede* and *supplant* him.

But, were it otherwise, the electors of the representative are but a part, and that a very small part, of his real constituents; and if the democratic principle bind him to observe the will of "the people," it is the will of the *whole* people; if the will of "his constituents," the will of the *whole* of his constituents—the nation at large; and thus, if the right of instruction by means of elections be effective at all, it can only take effect, consistently with itself, after the entire national majority shall have been settled; when the result must be, as by the magic of an enchanter's wand, by an instantaneous, complete, and overwhelming revolution, to expel utterly any such thing as opposition, and suffer the headlong torrent of a successful party to bear uninterruptedly away the entire legislation of the country.

This brings us to the final view of this discussion, that, as we have seen, we can get no authoritative instructions from the real people to

the representative, so neither do the people choose to govern in this way, by imparting to their representatives the momentary changes and impulses of popular opinion: in taking which view it is our purpose to show likewise, that the right of the majority to govern is not, even according to the most latitudinarian democratic theory, by any means absolute and unqualified; and that the whole people, the sovereign people, being made up of a majority *and* a minority, some provision has been made for the opinions of that minority.

The government, it is true, is merely the agent of the people, and appointed to be the mere servant of their will. But we must distinguish the case of a people from that of an individual, in the appointment of an agent. The public voice is made up, not of the expression of a single will, but of that of a great multitude of individual wills, on which our own can have but little influence. We cannot but think it wise, therefore, to secure a degree of permanency in the public administration; and, however much of wisdom and rectitude we may be conscious of in ourselves, and however little restraint we may feel disposed to put upon our own individual wills for the future, it is not extraordinary that we should feel a greater confidence in putting ourselves in all

cases within the power of the majority, a greater confidence in that multifarious director, the public will, when placed under certain wholesome qualifications to secure deliberation and discussion; so as to make that will and that majority the offspring of the permanent settled wisdom of the nation, rather than of the hasty effervescence of popular passions. The people do not any the less govern, by thus governing in a certain mode which they themselves prescribe, and which they reserve to themselves the liberty at any time to alter.

In ancient cities, where, in the nature of the case, it was almost impossible to provide such securities, the inconsistencies of democratic legislation, commending to a Socrates the hemlock one day, and erecting statues to his memory the next, have been its eternal stigma. This evil is remedied through our representative system, one of the greatest political improvements of modern times, by securing to the representative a definite term of office, independently of popular fluctuations and temporary excitements. And, without this permanency, can we expect good government? Consistency rises almost to the dignity of the virtues, although not ranked among them; and it is even more necessary in

the administration of states than in the conduct of individuals. Inconsistency in either is certainly a great fault, and in affairs of government it is one of the greatest, as it alone suffices to make the best of laws unjust, and the best of governments tyrannical. In the administration of the complicated affairs of government, experience is the only sure guide; and, if senators and magistrates are not permitted to form their measures into consistent plans, and subject them to the test of continuous experiment, liberty may be safe, but unskilfulness must preside at the helm, and disaster and distress will be the inevitable result. We are a people peculiarly impatient in awaiting the results of experiment, and usually form more conclusive determinations, and take a more prompt and decided action, on the results of ten years, than other people on the experience of a century, or often of many centuries. Hence a hasty, crude, and imperfect legislation is one of the worst characteristics of the working of our system, until laws have become a standing part of our news, and the columns of a weekly print are sometimes more authoritative than a two years' old statute-book, printed by public authority. These defects would be greatly aggravated by abridging, through un-

constitutional though indirect methods, the tenure of public offices. Indeed, people wish to be saved the trouble and excitement of such frequent elections as this pretended right of instruction must give rise to, and the absurdity of the practice cannot be better illustrated than by the fact that there have often been two changes of public opinion, counteracting one another, within so brief a space, that a representative instructed out of office, through a fancied deference to the voice of the people, has often found his immediate constituents again concurring with him before the close of the term for which he was elected, and the public will thus foolishly cheated by his successor of its just expression. Men might wish, in the particular case of their political opponents being supplanted by their political friends, that the term of the former might be abridged, for the advantage of their own partisans; but they would be as much displeased, on the other hand, at the reciprocal operation of the same rule in the opposite contingency; and they must see that, in any considerable period of time, these changes must about balance and compensate one another. The advantage, however, must be greatly in favour of a fixed, constitutional period of office, and the vigilant, consci-

entions, and uninterrupted discharge of its duties, to an uncertain reliance upon a capricious notion, that cannot be practically enforced, and can never receive, at best, but a capricious, uncertain, and unequal observance.

The so-called right of instruction, so far from being in conformity with the principles of the Constitution, seems to be directly against them. The Constitution prescribes a definite term of office; "the right of instruction" would make it uncertain and indefinite. If it had been intended by the people that an election should be taken as a test of the sovereign will, not only to the extent it distinctly imports, but to the extent of changing all immediate representations of the same electors, why did they not establish the practice of voting for all officers at the same time, and at every election?—why make any definite term of office at all?

Our republic is composed of widely-divided sections, and was originally constituted by a compromise of interests which were to some extent hostile; the permanency of our representation forms a part of the compact between these conflicting interests. By the more certain and definite tenure of his office, the representative is made more independent of local considerations,

interests, and feelings, and liberalized for the general good. It is a violation of that compact to require his conformity to instructions, and present the alternative of his resignation.

Moreover, the case may involve a question of conscientiousness on the part of the representative, who may have it in his power, perchance, to prevent what he deems a great evil, by the interposition of a vote which he has the power to give, but is instructed to withhold. His oath of office, his conscience, must determine him; and he who, under such circumstances, relinquishes his office or does violence to his conscience, is a deserter from the post of duty.

Finally, let us consider for a moment who this majority are that assume to dictate so peremptorily? It is not a body unchangeably constituted of the same materials, but one of which every man sometimes and in some cases does, and in others does not, form a part. The supreme power, according to democracy, resides in the whole. But we are never unanimous, and, as has already been remarked, to act at all, the majority must govern. Let it not be forgotten, however, that this government of the majority is only an approximation to democracy, though it is the nearest possible approximation; and, with the actual constitution of mankind, we must necessarily

take up with an approximation. Pure democracy, the unanimous government of the whole, we cannot have. Still the minority are not to be entirely disregarded, as if they were a mere cipher. They have some right in the administration of affairs. They have a right to qualify the opinions of the majority, smee the majority do not govern by an absolute and unqualified right, but only as a matter of necessary compromise, which ought to prevail no farther than the necessity of the case imperiously and inevitably demands. We ought to get, as nearly as practicable, the opinion of *the whole*. Now, in the constitution of the state, the contingent minority, not yet developed, but of whom you, or I, or any other member of society may perchance be one, by establishing a fixed and independent tenure of office makes some provision for itself; an imperfect one, it is true, but still the best that the nature of the case admits. It thus secures what is its right, in being enabled to impress a just and proper bias upon the administration of affairs. This compact with the minority is violated when the majority, not content with exercising that lawful predominance which the Constitution for the most part gives them, assume to dictate to the Constitution itself, as if they held not merely the preponderance of power, but a monopoly of it.

CHAPTER III.

Aristocratic Society in America.

I USE the expression "Aristocratic Society in America" because I find it in use, while I entirely disapprove of the term "aristocratic" as applied to any circle in this country.

We have an upper class, properly designated as the upper or fashionable circle; not, however, an aristocracy. In the Old World, those who are really the aristocracy, the few who govern, are also the select and fashionable in private life; but the term "aristocratic" is properly a political designation, and should not be appropriated to a private circle, except where political power and social rank go hand in hand.

Yet people of the Old World talk of our aristocracy. Aristocracy is the government of the few. There are no few here who govern. Our first class are simply the leaders of *the ton*; they rule in the empire of taste and fashion only. We may follow them in the pattern of a carriage or the cut of a coat; we may determine in a great degree by their patronage, to what public

garden or concert, to what theatre or ball we will resort; we may seek their halls for the most brilliant entertainments and the best company; but do all the prerogatives they thus exercise create *an aristocracy?*

Such prerogatives constitute a distinction, no doubt, but a distinction that the purest democratic feeling is far from repudiating. Such a distinction as it is, therefore, we are very ready to recognise; for democratic principles are by no means incompatible with a just discrimination of ranks in society, so long as that discrimination is voluntarily made by individuals, and has no political aim. Democracy has always borne the obloquy of cherishing a levelling spirit and aiming at agrarian measures; a reproach that it is much farther from deserving than every other species of government. There has been widely disseminated, as we have already taken frequent occasion to remark, and cannot too often repeat, a mistaken notion as to the kind of equality that a democracy demands, which is not an equality in the circumstances, but an equality in the rights of mankind. In utterly repudiating all distinction in political rights, it admits freely of every other distinction, to the most absolute and unqualified extent. It destroys arbitrary and fictitious,

to make room for real rank. It annihilates the distinction of rights only to build up the greatest distinctions of men. All men are not really equal in all respects; they are not equal in integrity, not equal in talent, not equal in practical skill, not equal in diligence, not equal in success; nay, no two men are equal. In republics individual is left freely to cope, in these respects, with individual, and to establish these differences in their fullest possible latitude. Thus the charge so often alleged against republics, of bringing down men to one level, is highly calumnious and unjust. What shall we say of other systems, which really do substitute, for the absurdity of a single average standard, and the reducing all to a medium equality (falsely alleged against republics), the absurdity of divers arbitrary measures that, worse than the bed of Procrustes, are used to stretch the small to the dimensions of the great, and to cut down the great to the pigmy stature that naturally and rationally belongs only to the small?

Happily, republicans are alike guiltless of both these absurdities. They embrace the division of the social circle, as part of the natural and necessary results of any system which leaves men free, and do not look with envy on the fashion-

able class, so long as all are left to contend on equal terms for what is, after all, a rather trivial, and, at the best, a purely social distinction.

Foreigners, according to their particular and individual humours, either carp at an organization of society which, they say, leaves us without an aristocracy, or, admiting us to possess one, sneer at its composition. The first, if, when they speak of our being without an aristocracy, they use that word in its misappropriation to an upper or fashionable circle, distinctly recognised among us as such, are clearly wrong in point of fact; if they mean the absence of a political aristocracy, using the word in its proper sense, we admit their allegation, and are as far from regretting the fact as we are from lamenting our deprivation of any other species of degradation and injustice. The last, who only grant us the possession of an aristocracy to overwhelm it with their sneers, contend that we have one founded on money, and that an aristocracy of wealth is the meanest and most sordid of all aristocracies. They forget that our first class does not constitute an aristocracy; and that what doubtless is very unfit to be an ingredient in the national sovereignty, may be a very essential element and support of an order which professes

simply to direct taste and fashion, and aspires only to the elegance, refinement, and independence of private life.

Our aristocracy of fashion (if it may be momentarily so called) is principally founded on wealth, it is true; and on what other foundation could it be built? How, otherwise, could it command leisure, ease, and elegance, which will always be essential to a superior rank, so long as we have a physical nature to sustain, and five corporeal senses, with all their refined tastes, to gratify?

Before too severely criticising our so-called aristocracy, as based on wealth, Europeans would do well to analyze the composition of their own, and see how much of its consequence it borrows exclusively from that source. Abstracted from its possessions and property, it would about as nearly resemble an aristocracy as a human body without breath resembles a living man; the order would sink into universal contempt, and utterly cease to exist, if with the blood and titles, its members did not also inherit the estates of their ancestors.

Let them not sneer at the deference shown to wealth in this country. By making it the measure of political rights, and giving it a preponderance in the management of the state, they them-

selves yield to it a much greater deference, while they commit a flagrant injustice: we, certainly, may be pardoned its becoming among us the basis of a purely social and private distinction. It has won its own way to the rank it enjoys here, and hence it must be held to have arrived only at the consideration to which it is justly entitled.

When we speak of wealth as the essential, we do not, by any means, intend to designate it as the exclusive basis of our highest circle. On the contrary, it is to be preferred before any other basis, for the very reason that it admits of the readiest and most extensive amalgamation with every other most legitimate and most valuable ingredient. Talent and education, as well as political distinction, will always mingle more largely in the higher class of a democratic than in that of an aristocratic country—will always more easily command wealth than they can command family pride—of course, much more easily than they can command the pride of wealth and the pride of family united. Indeed, the acquisition of wealth, of itself, presupposes the exercise of some intelligence and many of the virtues; as the practice of almost any vice requires an expensive and prodigal nourishment incompatible with business success. On the other hand, wealth per-

petuated in aristocratic families by aristocratic laws, tends to nourish the bad passions and deprave the heart. In the one case, industry is required for the success of the individual; in the other, idleness is imposed by the prejudices of society. A man who has spent his youth in the fox hunt or the horse-race at home, and in the hells and stews of the domestic, or the more promiscuous but less restricted dissipations of a foreign capital, may be a more polished gentleman, but he cannot be a wiser or better man, or a more suitable head of society, than he who has from early youth been disciplined to patient habits of industry, and mingled with men in the various but sober walks of business. The difference may be, on a comparison of the upper classes of society, much in favour of Europe, in externals; but give me, notwithstanding, the internals and essentials of the upper class of American society. Give me the Ionic capital of American society rather than the highly-wrought Corinthian of European. It is to our advantage to have an upper class that has the dross of democracy about it; that is justly subject to much criticism, and cannot assume too arrogant pretensions. It would be uncongenial, if not dangerous; it would be the source of much unhappiness, if not of political disaster,

could we transfer to our highest rank, as a mere social class, the claims to respect and veneration put forth by European aristocracy. I delight in a want of cultivation and refinement that has the odour of freedom, and would not dispense with one jot or tittle of a rusticity which continually reminds me that I am a free citizen of a free country. The constitution of our society, therefore, seems to me in itself the best, independently of the price we should be compelled to pay for any other.

The distinction of wealth, so long as it confers no political privileges, so long as it elevates one in the circles of private society only, is a peculiarly democratic distinction; since wealth may be said to be almost within every man's reach; at least, every man is free to strive in an equal competition to obtain it. No criterion by which to bestow the first rank in society could possibly be devised more appropriate to the circumstances of a democratic people. It is right that in a republican country the highest class should not be too widely separated from the masses. The two extremes of society ought to communicate by imperceptible degrees. The highest station ought not to be too high and ought not to be too secure. The lowest citizen ought not to be pre-

cluded from hope nor the highest from fear. Thus society will be properly amalgamated by the force of reciprocal sympathies. It would be much to be regretted if we had an upper class with too lofty pretensions and too inaccessible a rank. A first circle, to a great extent formed of those who are rewarded by their accession to it for the successful pursuit of wealth, and are dependant in a great degree for their continuance in it upon the caprices of fortune, accomplishes for us a very desirable result.

How could a higher class of society maintain itself without wealth? Without leisure, society is a tax; and without wealth, leisure is impossible. Wealth places within a man's reach the means of entertaining society. He is thus prepared to make his friends comfortable at his house. Fashionable society necessarily implies a degree of luxury. The wealthy man can afford it. He can furnish his balls with the nicest specimens of the mechanic arts to subserve personal comfort; with the finest specimens in every department of the fine arts, for the gratification of a fastidious taste; he can educate his family in those accomplishments of intellect and person which are in the best repute: thus his house naturally becomes the resort of the best company.

To determine the consideration that wealth is

entitled to in society, let us see, for a moment, what influence it really commands, in these modern times, in the affairs of the world.

And, at the first blush of the subject, we are struck with the fact, that in modern republican society, at least, it seems to be the principal objcet of desire and pursuit. Wherefore does the student trim his midnight lamp, the artisan anticipate the morning's dawn, and the tradesman so often forego the dear domestic delights of fireside, and wife, and home, to assume an intensity of care that eats deeply into health and life? What secret spring sets all the energies of society into such wonderful activity? What so much as the universal passion for the acquisition of wealth? It seems to be the power of wealth that has wrought a great majority of the most important political meliorations of modern times. What originally created the chartered cities, the first germe of modern freedom, but the wealth that purchased their franchises of the needy crusaders? What has introduced the most important improvements into the British Constitution, and made it as liberal as it is, but the power assumed by the British Parliament over the money of the nation? What peopled this continent, for the most part (the colonization of the Eastern States

must be excepted), but the pursuit of wealth? What revolutionized it but our jealousy of the control of our money? What prompts to the discovery of new countries so much as the pursuit of wealth? What so much facilitates the intercourse of old countries, or tends so powerfully to preserve peaceful relations among them? What is the great means of modern society, means of comfort, means of influence, means of power, means of good? What is the great instrument of benevolence and charity—the powerful agency employed to civilize, enlighten, reform, and Christianize mankind? To be able to subsidize the most sublime powers of genius, to lay under contribution every department of human art and industry, and control, to an almost unlimited extent, the direction of the lives and energies of mankind, seem certainly to be among the prerogatives of wealth. Even great states are compelled to bow to its omnipotence. Questions of finance seem to monopolize the politics of the country. How business shall be fostered, commerce promoted, taxes levied, and currency regulated, are the great dividing questions of public policy in modern times. Great princes now no longer draw their support from their own private domains or from conquered provinces. War is no longer

sustained by the voluntary aid of imperial citizens, the personal services of vassals, or the plunder of conquered cities and the sale of captive prisoners; government must be conducted and war sustained by means of the wealth of the state. Without money, or the means of commanding it, a government is wholly without resources; it has no power to conduct the operations either of peace or war, and the arm of the national sovereignty is utterly paralyzed.

Money is thus the great engine of modern times, and they who possess large shares of it must be prominent in modern society. That wealth, being the object of such universal desire and the means of so commanding an influence, should attract much of the regard of mankind, and the first place in society be generally and voluntarily accorded to it, is certainly not unreasonable or surprising. Wealth, in this age, is power, and power commands respect. If we do not respect the possessor for his intrinsic qualities, we respect him for his position, in the same manner that we may respect an officer for the station he holds, though we may despise the man.

Those romantic and visionary people who have exerted themselves so often to decry the distinction that wealth confers, would have exhibited

much more wisdom, and lived to much better purpose, had they exerted their wits in the acquisition of it. I respect a sentiment so universal among mankind as their great regard for wealth. There must be some foundation for it. Spite of all the fine things which have been said, in fits of philosophical romancing, about indifference to it and the meanness of its creatures, we still see, in point of fact, a degree of respectful deference and sedulous attention paid to the rich, by the philosopher and the boor alike (or, perhaps, of the two, the philosopher is the most obsequious, as he is usually the most needy), which intrinsic merit, unadorned by imposing external circumstances, is very rarely able to command. Our present existence is but partly, and that the smallest part of it, intellectual, as it depends much more upon physical than upon intellectual comforts; and within the more present and immediate sphere which our material nature prescribes to us, wealth seems to domineer almost without control.

A good deal of our poetical prejudice against it, as a means of conferring rank in society, comes down to us from the exploded systems of former times. All the social and intellectual refinement of ancient times was collected in cities—not like our cities, differing only from the coun-

try in presenting a larger aggregate of population, and the provisions which such a population naturally makes for itself, without any peculiar prerogatives—but cities in the midst of conquered and subordinate provinces, like kings in the midst of subjects. Estates were acquired by spoils, and tribute, and patronage. To labour was the business of slaves. To work for profit, and manifest a desire to gain by thrift, and economy, and industry, was a mean and sordid occupation for the free citizen of an imperial city. The army and the forum furnished the only fit places for a freeman; of course, military and civic honours, in conjunction with hereditary rank, with which they were commonly connected, furnished the only suitable grounds for distinction.*

During the barbarous ages of society which succeeded, war was still the most honourable occupation. The same broad distinctions of sovereign and subject were still observed, only the sovereignty was transferred from the imperial city to the feudal lord. Wealth was to the feudal lord a thing of course. The arts of peace, the patient industry of commerce, and its reward of wealth, were still despised; they still conferred no rank. Wealth had but limited objects

* Grandeur et Décadence des Romains, chap. x.

of gratification, and was of little use to its possessor in lawless times. The distinction of lord and vassal swallowed up every other, and the labour of the country was divided between villeins and plebeians. Their occupations were esteemed mean, their rank was fixed, and they could not be ennobled by the successful achievement of wealth.

The aristocracy of Europe is a relic of this system. The European nobleman is still in possession of the demesnes of his ancestors; still prides himself on his descent; still retains political power; still takes precedence of the commoner; still affects to look down upon the plebeian trader and shopkeeper; though this dread of contamination, it must be confessed, is often greatly modified by the want of money which the exigences of modern society have superinduced.

But this affected and idle contempt of the rank which is conferred through wealth on business success, springing from a system founded on the unjust domination of one man over another, and sustained only by custom and prejudice, cannot pass the barrier of the Atlantic. We have undergone a revolution which foreign aristocracies must sooner or later experience. Labour is no longer despised, and wealth is honourable.

We therefore maintain that wealth is justly entitled to the distinction which in this country it actually enjoys, of being the basis of, and the most essential qualification for, the first or fashionable class of modern society.

Not that a man's admission into the best circle should follow of course upon his arrival at wealth, and by no means do I mean that his exclusion should follow of course from the absence of that qualification; but that the first circle, or fashionable society, must be mainly sustained by wealth, and that the man of wealth has, though not an irresistible, yet a very powerful claim, and one which it must require some very considerable disqualification to resist. It is certainly a gratification to democratic feeling—the manner in which the distribution of social distinctions by wealth in this country sports with the idle prejudices imported from aristocratic countries, and shocks and overturns the fastidious caprices of those who affect to pride themselves on their family and station, as if they were unapproachable by others. In every industrial calling the road is open to wealth; and to wealth, if not to that of the acquirer himself, yet invariably, if its advantages be properly improved, to wealth in the hands of his children, the doors of fashiona-

ble society must open, whether he be shoemaker or blacksmith, tinker or tailor. The man himself, if constantly confined to the details of his trade, the immediate handiwork of his craft, may be uncleanly in his person, rude in his manners, and uninformed by education; if so, he will naturally be excluded; but if time and good fortune have enabled him to get the better of these unpropitious circumstances, and his family have improved the advantages of wealth, by acquiring polished manners and cultivating their minds, you may boggle at, but you must accept them. Perhaps in no single respect do individuals of our upper circle appear at so great a disadvantage as in entertaining prejudices, and freely; and almost ostentatiously, making an avowal of sentiments, that would put to shame one part of their own career, and, if universally indulged, utterly disgrace probably the greater part of their family, in the ascending, descending, and all its collateral branches. The just reasons for exclusion from any particular grade of society ought to be as powerful with the excluded as the exclusionist; and, in judging of this question, trade, occupation, family, origin, should be considered as what the lawyers call only *prima facie* evidence, furnishing no more than a mere

presumption, to be varied according to the circumstances of each particular case. One may be so situated that his associates cannot be agreeable; he may be excluded, because he would bring the taint of his set with him. If he be agreeable as to mind and heart, he may be rude and uncouth in manner. He may not be familiar with good society, and thus alike embarrassed and embarrassing. His means or his occupation may not admit of a suitable exterior; and, in large communities, where every man cannot be known, appearances are not to be disregarded. These and other like circumstances are not capricious, arbitrary, and fanciful, but furnish just and solid grounds of discrimination. Still let every man be treated respectfully; let not his feelings, or even his prejudices, be wounded, nor let his pretensions be too slightly regarded; he is a free citizen of a free commonwealth; and, as such, a candidate for the highest political honours, as well as the highest private station.

Our first class is well enough as it is, and the criticisms of a foreign aristocracy only attach us the more strongly to it. What they allege as its very faults and blemishes, are, in our view, its most unexceptionable features. It is the better liked in proportion as it is the more dependant

It is not so high and inaccessible as to be beyond the reach of our sympathies. Its parent Democracy loves it the better for its being an infirm child. It can only become ridiculous by putting forth ridiculous pretensions; by affecting to interpose between itself and the multitude from which it originates, and by which its ranks must be continually fed, an impassable barrier. We cannot laugh at the coach which conveys it; but we may be pardoned a smile at the livery on the box, or the coat of arms on the panel.

CHAPTER IV.

Immigration.

WHEN we look at the condition of the world and its inhabitants, and see how greatly overstocked some parts of it are with population, and what immense resources of nature, in other parts, are exhausting their productive energies upon the wilderness, we may well ask, by what right can the bounties of Providence be withheld from the support of human life? When God has given man dominion over the earth to cultivate and subdue it, shall a portion of our race league with the wild beast to resist that ordinance? Certainly not. We have an undoubted right to regulate the prices of our vast and uncultivated forests; we have an undoubted right to prescribe all qualifications necessary for the preservation of our liberties and our property; but to devise any set of regulations, the direct aim of which is utterly to exclude the surplus population of the Old World from our soil, I doubt whether we have a right.

Whether we have the right or not, certainly

nothing could be more impolitic than practically to assume it. We have an immense and unoccupied territory. We want population. Land is cheap; labour is dear. We have enterprise, energy, intelligence, and practical skill; we want not minds, but hands. Immigrants are the material exactly suited to our circumstances: great physical power, in want of capital, direction, and application. They compound our wealth in a geometrical ratio, by adding not only to its sum, but still more to its means. By every immigrant that comes to this country, every man already in it is made somewhat the richer; the circle of his customers is widened; the demand for his abilities, his goods, and his estate is increased, and with it their price. It is a great error to suppose that real estate has been so rapidly advancing, town and country so rapidly settling, business so flourishing, and wealth so rapidly accumulating, by the mere force of the internal resources of the country; they are but the natural results of a rapidly-increasing population, to which foreign immigration has in no insensible degree contributed.

Is there danger that the same causes which have alone peopled this country, and brought us to our present height of prosperity, may, by a

more active operation, precipitate us into a decline? Shall we adopt a system of policy that would have excluded our fathers from these shores? that would have picked out and exiled some of the best soldiers of the Revolution? that would have condemned this country forever to the dominion of savages and perpetual sterility?

The benefits of immigration are too manifest to bear extensive comment: let us examine some of its alleged evils.

Perchance the foreigner is a pauper. If so, he is at least an able-bodied one; the laws provide a sufficient security for that, by requiring a pledge from the man who brings him here of his present ability to maintain himself. Granted that he is an able-bodied pauper; he is, even thus, worth much to this country. Is not an able-bodied slave, who brings with him nothing but his sinews, yet worth much to his master? Far more is an able-bodied, though destitute immigrant, as a free citizen, worth to this free country: by all the difference between the cost and profit of the slave; by all the superadded difference between free and slave labour; by all the overwhelming difference between the blessings of freedom and the inappreciable curse of slavery. I should perhaps beg pardon for using

the comparison: I only do it the more forcibly to show that the immigrant who brings nothing but a sound body, patient of fatigue and capable of labour—the foreign pauper if you please (he is no longer a pauper when he arrives here), still brings to this country a great accession of value, capable, even to a certain extent, of a specific pecuniary estimation.

The difficulty which prevents our thus considering the subject is, in part, that we only view the foreigner landed and lodged in poverty at our great cities on the seaboard, where he arrives, and where, under such circumstances, his presence often, unfortunately, *is* an evil. These cities are like an old country overstocked with population, where there are already more hands than can find employment. Here, therefore, the presence of the immigrant is much felt withal, in an increased extent of public pauperism and an increased amount of taxation: a burden, by-the-bye, which, owing as it is to accidental position, and sustained for the common benefit, ought to be distributed and borne by the state at large, by which means it would be made light, instead of operating, as now, oppressively. This evil is however a temporary one, and even light, in comparison with the immense, permanent, and

universal benefits which accrue from the same source. Much enlarged upon by our principal newspapers, which, it so happens, are published in places where its weight is most oppressively felt, it has met with a far more indulgent and sympathetic consideration in prejudicing the public mind against the cause of immigration generally, than from its real comparative magnitude it is justly entitled to. Take the pauperism account on the one side, and a single item which may be mentioned on the other—that is to say, the greater feasibility and diminished cost of our extensive public works—and I doubt not that this comparison alone would show an immense balance in favour of immigration.

There remain two other objections to the immigration of foreigners, which have been urged with much apparent plausibility, and largely inducted into public favour: the pretended apprehension of danger to our liberties, and of the spread of an erroneous religious faith.

It is one of the curses of bad government, that it makes the evils it occasions an apology for the power it usurps and the tyranny it exercises. It first, by its general and indirect operation, reduces the masses of its people to ignorance, deprives them of the proprietorship of the soil and

a large share of their rights, and then displays the phenomena which a people under such circumstances exhibit, as proof of their incapacity for government. Give men their rights, make education accessible and property attainable, and you make a different people of them. They become orderly and friendly to government, because they are a part of the sovereignty; they respect the right of property, because they are proprietors themselves; and, to be qualified for the exercise of the prerogatives which property and self-sovereignty confer, they zealously apply themselves to the lights of education, and make every exertion to secure its benefits to their families. They become respectable men, because they are free citizens. So much are we the creatures of circumstances, that the same rule of conduct presents very different motives to a man as a freeholder, and the same man, with the same moral characteristics, in the character and condition of an outlaw. Hence, accordingly, it has been found, that in proportion as Ireland, whence the largest number of immigrants come, has been enfranchised, to the same extent has it been reduced to order and good government. We have no reason to fear the influx of foreigners; the very operation of our government transmutes them into

good citizens. Have we forgotten that even robbers and outlaws originally founded and peopled Rome, republican Rome itself, where yet justice, and frugality, and all the severe virtues once flourished, in ancient times, in their greatest lustre?

To little purpose do we claim the essential capacity of man, under all circumstances, for self-government, if we still view the influx of a foreign population as dangerous to *our* liberties—as if those liberties must not become *their* liberties also. And it is singular that we, who have been built up from the foundation by this very means, should quake at the accession of foreigners, when we are ourselves foreigners of but one or two generations old; as if we were the original population of the soil, and, what the ancient Athenians arrogantly claimed to be, *autochthones*, that is, sprung from the earth we inhabit.

But a large proportion of these immigrants are Catholics, and Catholicism has from of old been assailed as unfriendly to freedom.

Bigotry and persecution have never been without plausible argument; and the main difference between Protestantism and Catholicism, in these respects, has been, not that one has been guilty of proscribing by law whole classes of men on account of religious opinions, and the

other not, but that the *degree* of punishment has been different, and the *pretext* different. The principle of persecution is a common property which history has assigned to both.

It is not for me to recapitulate the *pros* and *cons* on the question of religious toleration, especially in a country where a state settled by Catholics, under Catholic auspices, set the first noble example of absolute and universal immunity from all punishment or disqualification whatever for religious opinions. The principle may be supposed to have been long since sufficiently settled, that so long as a citizen is practically a good citizen, he should not suffer on account of any inference which *we* may deduce, but *he* does not, from his speculative opinions. I speak of the settlement of the question of religious toleration, because that embraces the other question, whether we have anything to dread politically from the influx of Catholics. If they are really hostile to our liberties, they may justly be proscribed as enemies; and if we have reason to dread them as such, we ought not to tolerate them. I refer, therefore, those who are so spasmodically patriotic and fearful on this particular question, to those old discussions of the right of religious toleration, with which their opinions on this subject show

them to be not familiar. They will there find urged, among other things, what history proves to be true, that Catholics are as good citizens as any other religionists; that toleration and political freedom of conscience are not the gift of a particular religion so much as of modern times; that, on the other hand, bigotry and persecution are not the qualities of any particular faith, but the natural result of an exclusive or too great preponderance of a single sect. If Protestautism has been more liberal than Catholicism, it has been owing to its circumstances; it has been because it had a later birth. It happened to be the last; another religion had the exclusive possession; it had to turn assailant. Hence its character as being favourable to freedom; one to which it has great, but not by any means exclusive claims; a character, however, often brought forward, in these times, to assail the very cause in whose service it was acquired.

To urge the influx of Catholics as an evil, in a religious point of view, is a flagrant error. The Protestant Christian, as such, ought to know no particular country. The soul across the Atlantic ought to be as dear to him as that of a native-born American. He ought therefore to rejoice at an event which places the Catholic with-

in his reach, within his means of influence and conversion—at a change to a place where that (in his view) erroneous faith is more accessible, and truth is re-enforced by the strong auxiliary power of majorities. The religious Protestant ought to regard with great satisfaction an event which brings Catholics to his own door, to have their belief rectified if it be not orthodox, and thus converts every Protestant neighbour into a Protestant missionary. He ought not to fear for the cause of truth in an equal competition with error, but rather to invite such competition. The rivalry among religious sects has already redounded much to our secular advantage, and has actually, I believe, made us a more enlightened people. It may well be doubted whether, had the population rapidly settling at the West been all Protestant, the same strenuous efforts would have been put forth there in the cause of education, or so zealously sustained.

We have, therefore, everything to hope and to gain from the immigration of foreigners, while there is nothing to be endangered or lost by it. The question stands in the same relation to us that it bore to our revolutionary fathers, who made it one of the causes of complaint against the king of Great Britam, that he "had endeavoured to pre

vent the population of these states, for that purpose obstructing the laws for the naturalization of foreigners, and refusing to pass others to encourage their migration hither."

We ought, therefore, to aim at regulation, not restriction. Immigrants come here to seek a refuge in the bountiful bosom of Nature from the desolating dominion of man. They come on the same mission that our forefathers came, and to be, in common with us, progenitors of a great nation. They are sent by Providence to equalize the burden of the earth, and improve the condition of the human family. Let us not be appalled at their numbers. They do not come too rapidly to amalgamate with us. We should interpose no capricious barriers to their amalgamation. The greater their numbers, the more sensibly do they add to our individual and national prosperity.

THE END.