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ENGLISH
INSTITUTIONS

AND THEIR MOST

NECESSARY REFORMS.

A CONTRIBUTION OF THOUGHT

BY

FRANCIS W. NEWMAN,

LATE PROFESSOR IN UNIVERSITY COLLEGE, LONDON.

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Where materials are vast, conciseness may be accepted by the Reader as a compliment to his intellect, not as a dogmatism. Whatever the colour of his political creed, let him consent for half an hour to suspect fallacy in his customary axioms. No one judges freely who does not think freshly.

1808

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THERE are times in national history, at which the urgent business of the classes in power is, to increase the number of citizens loyal to the constitution: then, what seems to be a great democratic move, may be made simply to avoid civil war. Such was the crisis of 1832: such might have been that of 1848. But, in spite of insurrection successful in Sicily, Paris, Vienna, and Berlin, the English aristocracy in the latter year judged stiff and total resistance safer than any concession; relied on our hatred of anarchy; and by rallying the middle classes round the standard of legality, quickly dissipated all fear of Insurgent Reform. That lesson has not been lost on Conservatives. Our wealth is more massive, our thriving class reaches lower, in 1865 than in 1848. Education has spoiled political aspirants for revolutionists. Let Reformers therefore take to heart, that they have no chance now of succour from the influences which carried the Reform Act of 1832. If they are to have any organic changes, great or small, they must *persuade* the actual holders of constitutional power, and not forget the House of Lords: otherwise, they do but waste their effort.

For the reforms urged in these pages I would plead with equal simplicity before the House of Lords or before an assembly of Chartists. The

arguments would differ in their relative importance, but would never need to be dissembled. The nuisances which have to be abated, bring evil to every political order and class of the nation, though the weakest part of the nation of course suffers most from them.

Where the object of a great national reform is, to strengthen one Order by lowering another; to humiliate the pride of a dynasty or of a peerage; or to enforce some large sacrifice of pecuniary means:—the nature of the proposed change cannot be disguised. Undoubtedly much strong language is heard among us against aristocracy and in favour of democracy, which, taken to the letter, might seem to imply that aristocracy, in its legitimate sense, is to be depressed and stripped of honour. But in fact *bureaucracy* and *centralization* are the real foes, both of them hostile to the genius of the constitution in former days, and in no way closely allied to aristocracy as such. Centralization has come in from Continental Despotism, from the first French Revolutionists, and largely from the writings of Bentham, as I understand. Bureaucracy has been ever on the increase through the enormous extent of the empire, and the immensity of power devolving on the ministry of the day; while Parliament is too slow in learning facts to be any adequate check. The House of Peers, as an Order, has no interest in bureaucracy, and none in centralization. Hence without a shadow of paradox, and with perfect straightforwardness, I maintain, that from a true Conservative point of view our nation has to retrace many wrong steps and make many right ones, quickly and boldly.

Not that it is paradoxical to hold, that in certain cases it is for the true interest and true honour of a ruling class—just as to a despotic king—to have new checks put on its power. No man is to be congratulated that his baser passions can bear sway over him without restraint; and no party, no

ministry, no Order of the State, is stronger or more honourable, when its less wise or less virtuous members can assume the guidance of it. Whatever from without bridles them, is a real strength to the party or Order, and will tend to its permanent honour.

In a pamphlet already widely disseminated, I have avowed my conviction, that to extinguish all future creation of *hereditary* peers is the first needful step of reform. But it is equally my conviction that this may be so done, and ought to be so done, as to make us all proud of the House of Lords, strengthen its efficiency, and in no way impair *practically* its hereditary character, which (under rightful modifications) I know how to value.

The course which Whig-Radical Reform has hitherto taken has greatly frightened many reasonable Conservatives: I maintain that it ought also to displease, if not alarm, all sincere and reasonable Radicals,—because *it tends to bring us to the French goal, not to the American goal*. With a Central authority preponderating so enormously over our Local; a Parliament by the side of which every Municipality is a pigmy; a Ministry, wielding an executive so vast, while our Mayors and Lord Mayors have sunk into pageants;—every step of change which merely extends the Parliamentary franchise, is a step towards a system in which it is decided by universal suffrage once in 7 years, what oligarchy shall be our despotic rulers. A Reform in the direction of restoring the essential principles of the old English Constitution ought not to frighten Conservatives: a reform to re-establish what through total change of circumstances is now unsuitable, ought not to be desired by Radicals. I cannot but feel that it is a popular fallacy to say, that because the original Parliament was elected by universal suffrage, therefore the same thing is now proper. Admit for the moment that the fact was as is

asserted: yet the different functions needed from the modern Parliament demand far wider political information and intelligence in its electors. The existing system is confessedly inadequate to the nation: Tories and Whigs have avowed it, nor am I defending things as they are. But before we enter on a course which must become a mere question of strength, and may convulse us—not by civil war, but by bitter discontents and impaired patriotism—more deeply than any one yet knows; let thoughtful men of all sides be willing to reconsider the entire position of things.

§ 1. Before judging what reforms we need, we must consider what grievances exist. I enumerate under six heads the greatest of our organic evils and sorest of our dangers.

I. *Our wars made immorally.**—War is crime on the greatest scale, except when it is a necessary measure of police for a commensurate object of justice. No man can be hanged or deprived of his property without the solemn verdict of men sworn to uphold the right: yet we bombard cities, depose princes, take possession of territory, drive families into beggary, without any previous public hearing or public deliberation; without any verdict of justice; at most by the vote of a secret cabinet, *not* sworn to prefer the just to the convenient; nay, the thing may be done at the will of one or two men in Asia, without orders from England, or by the hot-headedness of a commodore; yet be ratified and followed up, barely because it would hurt our pride to disown it. These wars disgrace our ruling classes

*List of Queen Victoria's wars.—War of Canada,—of Syria,—of Afghanistan,—of Scinde and Moulton,—two Punjaub wars,—two Caffir wars,—war of Assam,—war of Burma,—three Chinese wars,—Persian war,—Russian war,—war of Japan,—New Zealand wars,—war of Bhootan,—besides wars internal to India or Ceylon, little wars in West Africa, and in South America. Of all these wars *only one* (that of Russia) received previous mature consideration and had national approval; and *only one* (the first Punjaub war) was a war of defence against a foreign invader. Even that invasion was caused by our aggression and conquest of Scinde.

to the foreigner and bring upon them diplomatic humiliations. To the poor of this country they are the direst and most incurable of evils, entailing and riveting upon them all their depression. If there be a government of God on earth, no nation can afford to make wars of cupidity or of pride.

This first grievance implies that Parliament is no adequate check on the Ministry, and that the Ministry has no adequate control on its distant subordinates, in the matter of extra European war.

2. *Our administrative inefficiency.*—At the time of the Crimean mismanagements, there was great outcry for administrative reform: it is not needful here to do more than allude to the monstrous and frightful facts which so harrowed the mind of Earl Russell, then in the cabinet as Lord John Russell. But in that great war, our Admiralty postponed to build the gunboats wanted for the Baltic in 1854 and 1855: built in preference great ships which were not needed, and finally completed the gunboats by 1856 after peace was made.—In the last four years, the United States Admiralty, beginning from nothing in their docks and almost nothing on the seas, have built fleets adequate to their vast war; with 2000 miles of coast to blockade and great flotillas on the rivers. It has been done for less cost in gold, than that which our Admiralty has expended in the same four years of peace: yet at this moment we hear the outcry, that our ships and guns are inferior to the American. On such details I cannot pretend to knowledge; but it is needless to prove that the incompetence of the Admiralty is a chronic fact in England. Even the French Admiralty has commented on it.—Now if the Admiralty is inefficient, is the War Office or Civil Service likely to be better, when the Admiralty is precisely the organ on which it is hereditary with all English statesmanship to pride itself?

The second grievance implies that Parliament

has no adequate control over Ministerial incapacity or favouritism.

3. *The state of Ireland.*—Lord Macaulay declared Ireland to be the point at which the empire is always exposed to a vital stab. No one will pretend that Ireland is flourishing, or is loyal, or that the members of the London Parliament have confidence in their own understanding of Irish questions. A population larger than that of some European kingdoms, inhabiting a separate island—yet close to us—predominantly of a foreign race, very many of them still speaking a foreign tongue, differing also in religion; is not easy to govern wisely, and cannot be permanently disaffected without grave mischief to us all. Thirty thousand soldiers to overawe the Irish, are a display to the world, that we still hold the island as a conquest, and cannot trust them as fellow citizens. The prohibition of volunteer soldiers tells the same tale. Meanwhile the prime of the labouring classes emigrate, and propagate hatred against us in America.

This grievance has lasted long enough to make it clear, that the imperial Parliament is an inefficient organ for Ireland, and that the Irish members are inefficient or damaging for English legislation. The Irish Parliament ought to have been reformed, not destroyed.

4. *The state of Established Churches.*—Five-sixths of the population of Ireland are Dissenters: so is a very large fraction of Wales. Half of England is in Dissent, and no effort has ever been made to bring back the most numerous body (the Wesleyans) who on principle approve of a State Church. Scotland is in a wonderful position through the destruction of her Parliament. The articles of Union are expounded to mean, that the Imperial Parliament is bound forever to support the Westminster Confession of Faith, (which never was the faith of England) whether Scotland believe it or not.

Two successive vast schisms have rent away masses of population from the Established Church ; the latter in our own day, under Dr. Chalmers, who was a vehement advocate for State Churches.

It is not my part to lay down that State Churches are right or wrong : but I understand two characteristic boasts of " Conservatives " to be,—the House of Lords and the State religion. *Each of these is in secular decline under the existing routine*, and must continue to decline, if it be felt to obstruct, not to invigorate, national life. In the abstract, I do not dissemble my own preference for territorial Churches over Sects ; but the example of the United States proves that Sectarianism is less hurtful in the absence than in the presence of a Sectarian Church Establishment. Thus we manage to get at once the worst evils of both systems.

This topic suggests that the attempt at *uniformity* is the wreck of state religion. Indeed, in the case of Scotland uniformity is sacrificed, but in just the most mischievous way,—that of enacting an ever unchangeable creed. Populations in a different mental condition demand diversity in teachers and in religious worship. These need local adjustment by local assemblies, on which, at most, a veto alone should be reserved to the central legislature.

5. *The state of our Peasantry*.—Almost from the beginning, the peasantry have found the Parliament to be an unfriendly organ. Under Edward III. their wages were fixed by law, and they were punished if they refused to work. For four centuries and a half they were forbidden to make their own bargains. Who can imagine that a Parliament of landlords which thus treated them would not make the laws of land unfairly favourable to landlords ? Yet such laws are treated as sacred and unchangeable. At present, in Ireland, Wales, Scotland, and England, we find the actual cultivators of the soil to be worse off than in France, Spain, Italy, Germany, Hungary, or

(at length) than in Russia; nay, in a far less thriving and happy condition than in the little island of Guernsey. In Guernsey and in Belgium land is scarcer than in England, in America it is far more abundant; yet in each extreme the peasantry are better off than with us. We have evidently to adjust the arrears of six centuries' oppression. Who can hope that evils of that antiquity will be cleared off by the old machinery?

6. *The incompetency of Parliament to do its duties to India.*—The English empire is a vast machine of three parts. First, the United Kingdom, with outlying military posts. Secondly, the true English Colonies, which contribute to us neither men nor money, yet have to be defended against dangers real and imaginary. Thirdly, the perilous splendour of India, where 150 millions are subjected to the Queen's direct rule, and thereby to her Parliament. To these add 30 millions at home, and you find 180 millions which have to be watched over by a single supreme legislature. Nor only so: but 50 millions more of Indians, through their princes, are in subordinate alliance to the Queen. These princes are liable to be dethroned by the pen of the Queen's Secretary. To all such, the appeal for justice lies to the British Parliament.

It is but the other day, that an Indian prince appealed against an executive decree which had deprived him of his royalty and thereby ejected all his countrymen and kinsmen from high office. His cause came before Parliament and was voted down by ministers and placemen. Without assuming that the vote was unjust, it may be judged monstrous to eject all natives from high office because their prince has misbehaved. In any case, Indians will never become loyal to British rule, if their appeals against the local executive are heard, not in a court of Law, by judges sworn to do justice, but by men banded as partizans, and virtually judges in their own

cause. An eminent Indian officer recently states, that, though not a shot be fired, 10,000 soldiers are required yearly, merely to keep up in India the existing force of 75,000 British troops. Grant that sanitary arrangements may lower this frightful number : yet how many will be wanted if we make new annexations ? if we absorb more and more native principalities ? if we develop Indian wealth and mechanism while wounding the native sentiment ? All these agencies are going on at this moment. A general insurrection may be surely counted on within thirty years, unless, before that time, we win the loyalty of Indian patriots. Even the movement of 1857 would have been irresistible, if the insurgents had actively extended its area at once, or if certain princes had gone against us. Unless the drain of men for the Indian army be stopped, the sooner we avow ourselves to be, like Switzerland and Belgium, neutral in all European questions, the better for our good fame. We are ourselves cementing India into one country. Another insurrection, an insurrection of collective India,—if successful, would inflict on England an amount of loss, ruin, and disgrace, which could not be recovered in a whole generation ;—if unsuccessful, would still multiply our difficulties tenfold, and make it doubtful whether expulsion would not have been better for us.

§ II.

For these six grievances and dangers Reforms are needed. Of what Reforms do we now hear talk ? Prominently and solely* of Extended Suffrage and the Ballot. Let me grant to a Radical, that each of these may have its value ;—the Ballot for its mechanical convenience, and as a temporary engine to save a limited class from intimidation. Yet unless these are mere steps towards after-reforms, they will leave Parliament overworked and helpless,

* Since this was in type, Triennial Parliaments have been claimed.

the Bureaucracy as despotic as ever, India disloyal, the House of Lords as obstructive as ever to all religious freedom. If after-reforms are intended, they must be avowed at once, or we shall be once more told that the settlement is "final," and is to last for a full generation. That Mr. Bright and the late lamented Mr. Cobden expected changes in the possession of land, with benefit to our peasants, from these two measures of reform, I infer from a celebrated altercation; but the mode in which they are to operate and the length of time before they will bring relief, remain extremely obscure. The artizan class from 1840 to 1846 gave their effort to sustain the Corn Laws; the peasants also, if they had the vote, would probably use it against themselves. To give voting power to ignorant masses, accustomed to abject obedience, is surely no political panacea.

The primary weakness of our organization lies in the enormous over-occupation of the House of Commons. With great talent, knowledge and experience, in more than 600 men,—by tact to divide labour and put each man to his special work;—by standing Committees and Permanent Chairmen, in whom the House could confide, and to whom they could refer for information and counsel; no doubt a vast deal of work might be done, and without very long speeches. But no ministry has ever shown a wish to aid the Legislative body to conduct its work energetically. On matters of administration the ministers must of course take the initiative; but they will never invent an organization which is to control them; which in fact must be devised and maintained strictly as *against* them. New principles are wanted. At present the holders of power and the expectants of power combine to subject the independence of the Legislative to the Bureaucracy; and this usurpation is veiled under the phrase,—prerogative of the Crown. Merely to extend the franchise will not

add to the chance of getting abler members of Parliament, nor a larger number of men resolved to fight against any of the grievances enumerated. The task laid on the Commons House is at present too overwhelming. Without new machinery which shall relieve it of the present intolerable load, no imaginable change in the mode of electing is likely to cure the evil. One supreme legislature for 230 millions! Englishmen who come out of practical life and have been deeply immersed in special and very limited occupations, are to judge on Private Bills innumerable, and on the affairs of people very unlike to us and quite unknown to us! In the United States, for 31 millions of people there are 35 independent local legislatures, each having on an average less than a million; while the Supreme Congress is wholly disembarassed of all local law, and regulates only a defined number of topics which concern the entire homogeneous Union. Our colonial legislatures legislate only for the home interests of perhaps half a million, two million, or at most three million people. It does not require super-human wisdom in legislators to do tolerably well work thus limited. But it is a truly barbarous simplicity to put one organ to the frightfully various work of our Commons House. Entirely new organs appear to me an obvious and undeniable necessity, however disagreeable to men of routine.

Nor should it be left out of sight, that in the last century and a half, while our population has been growing in numbers and our affairs in complexity; so far have we been from increasing and developing our organization, that we have destroyed or spoiled the organs which existed. The Parliaments of Ireland and Scotland have been annihilated (one by flagrant, the other by suspected, bribery,) and the power and status of our Municipalities and our County organization have been gravely lowered. The old Municipalities and Counties were the

sources from which Parliament derived its own rights and power: to the new institutions limited rights have been jealously measured out by Parliament. Every Empire needs to be made up of Kingdoms or Governments; every such Government, of Provinces or Counties; and each smaller unit should have complete political life, with as much power over itself as can be exercised without damage to the nation. From these elementary principles we have gone widely astray, working towards a central confusion which always threatens alternate despotism and anarchy.

To invent new organization is not really difficult. California thirteen years ago was infamous as a nest of gamblers and robbers, mixed with gold-diggers; but the instant that a sufficient mass of honest men was poured in, they constructed admirable institutions, and have now among other good things popular colleges which we may envy. The difficulty is, to persuade English aristocrats to adopt anything new, until the old has become quite intolerable. Let wretched Ireland be a witness to that! It means that millions of the nation must go through martyrdom,—that public calamity and disgrace must be incurred,—that disaffection must become dangerous; before the classes which are at ease will consent to the creation of any machinery which they suspect might ultimately undermine their power. This is no true Conservatism. This is the way to ruin an aristocratic order. It is not the able men, the experienced men, who so feel or so reason; it is the meaner members of their party, whom the leaders will not risk offending, until public calamity forces them, or until the nation, *gaining a clear idea of what it wants*, speaks so pointedly, that the real party-leaders come over to it. This I hold to be the right course for the Radicals, who (it seems) must be the movers. Let them make it their business to convince such men as Mr. Gladstone and Lord

Stanley in the two great parties of the State, that the things which they claim are reasonable and right,—and with a view to this, let them impress the same thing on as many members of Parliament as they can,—and the necessary reforms will be carried, however novel in principle. Those who call themselves “practical men”—are apt to snuff out every proposal that goes beyond routine, by the reply,—“There is no use in talking of it; for it is quite impossible:” and until a public opinion has been formed in favour of it, every new thing is of course impossible. But what our colonies and the United States do, is not impossible to Englishmen at home when they resolve upon it.

The inertia of our aristocratic ranks, miscalled Conservatism, has undoubtedly a marvellous resisting force; and this is the great danger of the country. When all the world beside is in rapid movement, and that world is in intimate relations—industrial, political, social, literary,—with England; when moreover our own population is in steady change; organic reforms ought to accommodate themselves easily and quickly,—if possible, spontaneously,—to the changes of society. This would be true Conservatism; for this is vitality. Reform which comes too late, fails to avert political disease. The noblest function of high legislation is to guide and conduct Reform.

Let those who think Inertia to be Conservative, look with a fresh eye on the outer world. RUSSIA has cast off her slave system, and is organizing her Governments into centres of independent political life. She increases her population three times as fast as England every year, and loses none by emigration. In a quarter of a century more she is likely to have 100 millions, not of disfranchised men, or discontented subjects, but of real citizens, under 40 or 50 local Parliaments, combining their strength in one Empire.—GERMANY may ere long

be involved by her Prussian dynasty in a great civil war, which (even if it do not become a Republican contest) can scarcely fail of ending in a great union of their many local governments: a Union which may chance even to absorb Holland and Switzerland by the good will of these little states. The Germany of the future is resolved to be a power on the high seas, with at least forty millions of people, who will cease to emigrate largely when they are politically better satisfied.—FRANCE will be to us ever a better neighbour, the richer and the more commercial she becomes: yet so much the more certainly is she our rival on the seas.—The ITALIAN fleets, with those of Southern Germany, will supersede our functions as police of the Mediterranean, and therefore might seem our valuable allies: whether our Conservatives will so regard them, is another question.—But the broad fact is, that with the increase of good government on the continent, and still more with the progress of free institutions, the relative power of England must sink and does sink: and we can less than ever afford to have a discontented Ireland, and a peasantry who are nearly at the bottom of the European scale.

Something yet stronger remains to be urged. English and Irish peasants must be compared, not merely to the peasants of Guernsey or of Europe, but to those of America. There, a nation, among whom in every moral and social sense our people find themselves at home,—a nation which, since the death of George III., has absorbed three million British emigrants,—has decided on the overthrow of slavery, and is resolved to people its vast fertile lands by bestowing them freely on cultivators. The Slave States will soon attract emigrants even more than does the far West. America (to say nothing of Canada) might receive ten million new citizens in the next ten years with no result to herself but increased prosperity. An emigrant who

has manly strength, industry, and temperance, landing at New York with a few dollars, can in 3 or 4 years lay by enough to stock a farm, receive public land, and become a freehold cultivator. Should emigration from our counties once commence in earnest, the Irish Exodus teaches that it is like a syphon which sucks the cask dry,—the stream in front attracting that behind. If English landlords desire our problem to work itself out on the Irish pattern; if they can look complacently on the possibility of a constant dwindling of the English population, with results which need not here be pointed at, they have only to persevere in their past routine.

In this connexion there is yet one more topic which English Whigs and Tories ought not to overlook: (I am unwilling to lay stress on it, yet it is too important wholly to omit;)—the danger—as they will view it—of Republicanism becoming militant in Europe. *Their folly has prepared the way.* They abandoned Hungary, with its territorial nobility, its old precedents, its rights founded on treaty, when it had no thought of throwing off royalty. By refusing to acknowledge the belligerency of Hungary, and to reassume that place of Mediator, between her and Austria, which (with Holland) we had held in making the peace of 1710,—we connived at Russian invasion, and made Gorgey's treason a possibility. Our *first* punishment was our own Russian war, which came in the train. The *next* is, that the English aristocracy now is isolated, and Hungary (irreconcilable to Austria) will become a Republic on the first opportunity. Hitherto the French dynasty has failed to attain a constitutional position, without which it has no mark of permanence; nor is Victor Emmanuel's throne the stronger for all the humiliations which the French Emperor has put upon it. Whether in France or in Germany events give the initiative, matters but little. A

civil war may rise in Germany, either from the unendurable encroachments of a prince, or by the contagion of revolutionary spirit. Whatever the cause of German commotion, Republicanism would quickly become an established fact in Hungary; and once successful there, would reanimate the struggle elsewhere. It will not wait to be a second time crushed by the combination of kings. No one can predict what is to come; but no reasonable man will now deny that events of an ordinary kind *may* lead to the establishment of Republics in Hungary, Germany, and France. Would not English Conservatives and the Crown itself then regret, if by obstructing all reforms, and initiating nothing likely to remove the causes of discontent, they had perpetuated a sullen indignation against British Institutions? Even in 1848 Tories rejoiced, that Lord Grey's Reform Bill of 1832 had become law.

§ III.

What steps of Organic Reform do I then desire to recommend to the attention of the reader? I must distinguish between *immediate* and *ultimate* measures.

Five measures appear to me of immediate urgent importance.

1. The establishment of an IMPERIAL COURT in India, to judge all causes between the Queen's Government and the Princes; with power similar to that which the Queen's Bench would put forth, if here the Government were to eject a nobleman from his estates. The mere inauguration of such a Court would send a gush of loyalty through Indian hearts, and would encourage the princes to lessen their native armies. The establishment of one disputed title by it (say, the confirmation of the Rajah of Mysore against Lord Canning's unexpected and harsh decision, which extinguishes his dynasty with his life,) would allow us to reduce the Indian army by one half. Its restitution of a single prince unjustly

deposed, with restoration of his jewels and wardrobe, might bring down the English force to the standard of 1833. The mark of a "tyrant" (according to the old Greeks) was his defence by a foreign body-guard: *we* bear that mark of illegitimate sway at present. To make India loyal, to save the yearly sacrifice of health or life to 10,000 young men, now the miserable victims of our army system, is so urgent an interest, that I put this topic foremost. Too much importance can hardly be given to it. Each soldier is said to cost us £100; hence the pecuniary expense also is vast. But until we restrain ourselves from aggression, all attempts permanently to improve the state of our millions at home must be fruitless.

Nor only so: but considering that 200 millions of Indians would be represented in that Supreme Court, a splendid commencement would be given to "Arbitration instead of War," for which Cobden contended in Europe. English judges would be faithful to their duty; but, by adding natives of India to the Court, we should set a potent example to the whole world, fraught with good will to men, and likely to bring us blessings from God.

The responsibilities of the English Parliament would be greatly lightened by this measure; which would at least relieve them of their arduous *judicial* duties towards the Indian princes.

2. The boon which was solemnly guaranteed to India by Lord Grey's Ministry in Parliament, and by the Parliamentary Charter of 1833, should be at once bestowed, *bona fide*. It was promised that to every office, high or low, *except* that of Gov. Gen. and Commander-in-Chief, native Indians should be admissible on equal terms with British-born subjects. "*An exception corroborates the rule concerning things not excepted.*" For twenty years this solemn act was made a dead letter; then in 1853, under pretence of new liberality, the delusive system of competitive examinations was established, subjecting

natives to unjust disadvantage, and forcing them to come to England to be examined. If this system of trickery be kept up by the old influences which Lord Grey threatened with extinction if they dared to resist that important clause in 1833,—all our other good deeds and good intentions may prove inadequate to win Indian loyalty. Our task there is, to rear India into political manhood, train it to English institutions, and rejoice when it can govern itself without our aid. If a part of our aristocracy and middle classes is too narrow-minded to understand how noble is such a function, the rest of Great Britain ought not to remain silent,—to the great and certain mischief of the empire.

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3. The MUTINY ACT, which is never passed for more than one year, should not be re-enacted in its present barbarous state, but with several important modifications. Of these, I shall here specify but one. No soldier or sailor who kills, wounds, or destroys, should be exempted from the ordinary responsibilities of a civilian, except after the Queen (or her accredited Viceroy) has publicly proclaimed war. Then, and then only, if a soldier attack the country against which war has been proclaimed,—and none another,—should he be able to plead “military command” in his justification. Against violent and sudden attack civilians and soldiers alike may make defence with deadly weapons. Admirals and Consuls will cease to involve us in war of their own initiation, only when they become unable to shield the tools of their will from personal responsibility.—[I suppose that it is the Mutiny Act which here needs modification. If there be some other Act which exempts the soldier from guilt, then it is that which needs repeal.]

4. *Irish Ecclesiasticism has to be reformed with the least possible delay.* The topics are too well known to dwell on. The Lord Morpeth Bill of 1837 and Lord Leveson Gower’s of 1825,—both murdered

by the House of Lords,—tell what needs to be done for Ireland.

5. What I mention fifth, might be executed first.—The principle of creating Life Peers, recalled by Lord Palmerston in the case of Lord Wensleydale, should be avowed by the nation, and enforced by the executive, but *with one essential modification of pre-eminent importance*. Let the Commons vote a humble address to her Majesty, representing that the House of Peers needs to be elevated in honour and called to higher and more active functions; and with a view to this implore her that in future she will create none but Life Peers, and such Peers as can be trusted by her faithful Commons to co-operate diligently in the public service; that therefore also she will instruct her ministers to seek a vote from the Commons, commending for *public merit* any individual for whom they are disposed to solicit from her Majesty the honour of a Life Peerage.—The majority of the Peers will be too sensible to resist the nation and the Commons in such a cause, and a vast step onward will have been made.

So much for immediate Reforms: but what are the more distant, yet necessary objects?

We cannot undo in a day the malversations of centuries. Every idea of immediate *final* Reform is a sad delusion. For a century and a half, as above remarked, instead of developing our ancient organs, we have lamed or destroyed them. To remake or invent requires both special knowledge and wisdom. A popular movement cannot possibly dictate details. But I will not shrink from saying my thought in outline, where I have thought a great deal.

1. To stop unjust wars, entangling treaties, and unwise diplomacy, the House of Lords should have supreme controul over Foreign Affairs. The right of advising her Majesty to declare war should be

taken from the Privy Council, (which is in this matter now a wooden machine,) and should be given to the Lords; every one of whom should have a right, like that of the American Senate, to enter the Foreign Office and read every despatch. No Treaty should be valid unless confirmed by the Lords, and by the Commons also, if it involve pecuniary contingencies, and the House should have a right to order the un mutilated publication of whatever diplomatic document it pleases.

2. Every appointment to office should be made out in the words, that her Majesty appoints the person, "by the consent of the House of Peers." Then the House would have a veto on every appointment. The Ministry would not dare to appoint through mere favouritism, and would gain power to resist importunate claimants of their own party, whom they now reluctantly gratify.

Of course these new and high functions could not be given to the Lords, until the nation trusts them: and perhaps no Conservative, no peer, would wish the Upper House to have this prominence in the empire without some change in the present constitution. Sismondi,—a writer who energetically combines an aristocratical creed with zeal for a freeholding peasantry,—declares as a historical induction, that the essence and energy of aristocracy is corrupted from the day that it becomes formally hereditary. In England it has been saved by the dying out of so many old peerages, and by the incessant creation of new ones. The sole innovation of *principle* which I propose, is, that the creation shall be made, not to reward partizanship, or to stock the house with wealthy men; but that^{it} shall be voted of *Optimis cuique*, (as the Romans have it) by the representatives of the nation, and thus made a true Aristocracy, a rule of *the Best*.

3. *We want safety for our food which is on the high seas.*—The mischief of Bureaucracy is strikingly

illustrated in the recent history of this topic. In 1860 the United States Government sent a circular to all its ministers in Europe, requesting them to propose neutral privileges for all merchant ships in time of war: and Earl Russell gave a decided refusal, without letting Parliament know that the offer had been made. Three years later, Mr. Cobden revealed the fact, having got information of it from America; and asserted of his own personal knowledge that every Court of Europe would have gladly acceded to the measure, if Earl Russell had accepted it. The American Government did not expect refusal from this quarter; for Lord Palmerston in a public speech at Liverpool had declared his desire of such an arrangement. More recently indeed, he has tried to back out of what he then said; but, as is believed, solely because he had found Earl Russell unconvinced. Such is the power of one man, secretly to obstruct a matter of vital interest to the nation. The doings of that one ship, the Alabama, in spite of all the efforts of the Federal navy, are a sufficient warning of what England would suffer in a war with a power quite third-rate on the seas. In fact, it is probable that either Austria or Prussia could annihilate our merchant navy. To compute the misery which would be endured by the middle and lower classes of England from the stagnation of foreign trade and the cutting off of foreign food,—is impossible. It is not yet too late to repair Earl Russell's grave error; but if war once come upon us, we then shall repent too late.

4. I believe that Ireland ought to be divided into four Provinces, England into (perhaps) six, Scotland into two; Wales would remain "the Principality:" hence might be thirteen Provincial Councils with free power of local taxation and local legislation, subject only to a *veto* from Parliament, which in most cases would gradually become a formality. Time and trial, or lawyer's skill, would discover in

what cases the veto might be definitely renounced. *The Councils should be elected by a very extended suffrage*, which in two generations might reach to every adult who is ostensibly independent. The more the Councils should relieve the Parliament of all business except that in which the empire is necessarily *a unit*, the better. To controul the Executive—to arrange all that is general to the United Kingdom,—to look after India and the Colonies; will remain a more than sufficient task, if not only all Private Bills are stript away, but also all business concerning Education, Churches, the Poor, the Law Courts, and Militia or Volunteers. If we had thus many centres of national life, of high cultivation and refinement, the unhealthy and threatening growth of London would be arrested. We should soon have many Universities, Free Education for all ranks, and many small Army-systems, in wholesome emulation. The Counties and the large Towns would no longer be isolated, as strongholds of aristocracy and democracy; but the country gentlemen and nobility would seek and find their places in the local Executive and in the Provincial Councils, without being able to block out meritorious men of every rank. The poor would have a chance of rising to the top of the scale. Instead of society being mischievously divided, as now, into horizontal strata, its relations would be local and territorial; for every Council in England and its Executive would have a power and dignity equivalent to that of a kingdom such as Belgium or Holland. Each would regulate its local Religious Establishments: one would vie with another in diffusing education: experimental legislation might become fruitful; and whatever manifest benefit one part had devised, would be initiated without the ordeal of long Parliamentary campaigns.

The decay of English institutions from the accession of William III to the death of George III was

mainly due to the fact, that during European war an English Parliament can ill attend to anything else. Just so, Parliamentary Reform was abandoned, *because* Russian war came upon us. This is an evidently defective and barbarous condition; and puts us into melancholy contrast to the United States, in which no intensity of war lessens the domestic energy of the State Governments.

5. The question of Parliamentary suffrage cannot be properly argued here. It is now complicated by Mr. Hare's ingenious proposals, of which I would gladly see *experiment* in a single district, as in that of the metropolis. To discuss his scheme fully would require much space; to give an opinion shortly would be arrogant. But to many reasoners on the subject of the suffrage, a few general remarks may be not superfluous.

Representative Legislators are an artificial system. Many men say to me: "I am not bound to obey laws, unless I have consented to them *by my representative.*" What if another say: "I am not bound to obey laws, unless I have consented to them *myself?*" I think, that of the two, the latter statement has more reason. The former is every way absurd. My representative may have voted *against* the law; then, I am not bound! Women also are free from all statute laws, by this argument. Moreover, I never consented to be bound by my representative. Representation is a mere *means to an end.* JUSTICE to all orders and persons is the end. Inasmuch as injustice in legislation generally proceeds from one-sidedness of mind, a legislature which does not contain men *from all ranks* is almost certain to be unjust to the ranks excluded. But merely to admit a right of voting, does not ensure the object aimed at. The English farmers have always had votes, but never in our days have had representatives of their interest in Parliament. Nor is the vote a natural right of *individuals.*

If convenience suggested to cast lots in each rank, and pick out a sort of jury from it as an electoral college, no class would be injured, and no individual could complain, as long as the results proved good. Nor is it true that the men called "potwallers" in old days were in any moral sense "elevated" by the Parliamentary vote. That small shopkeepers, artisans, farmers, peasants, and the entire female sex, are wholly unrepresented in Parliament, seems to me a great defect, apt to involve injustice to each class, whenever it happens to have some special interest and rights. But to remedy the evil is a matter of extreme difficulty. Neither extended suffrage, nor universal suffrage seems to me likely to bring an alleviation, until a distant date, after living men are in their graves.

That persons may be "elevated" by possessing the suffrage, they must be able to meet, and discuss, and form definite opinions; and not merely vote once in seven years, but wait upon their representative and press their judgments upon him, and be able to call him to account, or be enlightened by his explanation. A man who needs the Ballot to shield him, and dares not allow the colour of his political opinions to be known,—can do none of these things; cannot fulfil the cardinal duties of a constituent, and is degraded, not elevated, by possessing the vote. Men who are too numerous or too distant to meet and confer, are generally a mischievous constituency. Cliques and "caucuses," or other Clubs, unknown to the Constitution, generally snatch power out of their hands. I cannot convince myself that the workmen who have "Unions" are not often in miserable subjection to the power of a clique. The "caucuses" of the United States have constantly enabled those who are called "trading politicians" to dictate the course of public events, owing to the President being elected by suffrage on too vast a scale. A nation which enjoys very

vigorous local institutions,—where the Parish, as well as the State, is in high energy, and education is not only free to all, but accepted by all,—may bear the occasional exercise of such a vote,—and will use it well in a time of great national tension. But to introduce those who have no daily political duties, no local activity, no wide political thought, into the responsibility of voting in huge masses once in seven years, for a Parliament which is to be “omnipotent;” and to expect that this will promote liberty;—seems to me a lamentable and wild mistake. Electors ought to have clear opinions as to the competence of the elected for *the highest and most difficult* of the tasks which will befall him. The welfare of our millions is sacrificed by mismanagement of remote affairs, as to which they have little knowledge and no care. They should be able, not only to confer and advise one another publicly, but to keep up active personal relations with their representative. Any enlargement of the franchise which impedes these processes, or makes elections more expensive, and leaves the expense on the candidate, must (I fear) be a change greatly for the worse. At present, the power of a minister to threaten a dissolution,—which means, to threaten a *fine* of some hundreds or even thousands of pounds on single members, if the voting be not to the minister’s taste, is a disgrace and a grave mischief.

The French Reformers in the last century, who first in Europe conceived generous and noble ideas of popular power, were aware that nothing but confusion could come of Universal Suffrage acting directly on a central system in a populous nation. They devised the system of Double Election; and in my belief were fundamentally right. But on a sound foundation they built unsoundly. The bodies which thus elect, *ought not to exist merely for the sake of electing*. They should elect because they are a substantive power, trusted for *other* high duties,

and *therefore* trustworthy for this function also. I will not conceal my opinion, that if the United Kingdom were divided into Provinces, every member of the Imperial Parliament ought ultimately to be an *ambassador* delegated by the direct vote of his Provincial Council; delegated with instructions, and each *liable to be separately recalled*, and replaced at the will of the Council. Such a system, I think, would be a virtual return to the original idea, in which the Knights and Burgesses certainly never represented individuals, but represented *corporate bodies*. There is the very same reason for electing the central Parliament by representative Councils, as there is for legislating by representatives, and not by a folk-mote, when a nation is counted by millions. From every Council, on an average, seven might every year be appointed, to sit for seven years, unless recalled. Some of the seven every year would be selected to gratify the petition of every order of men: thus every class would have virtual representatives in Parliament. Every delegate should have an honourable stipend from his own Council, and never be permitted to incur any election expenses. In this way, from a humble origin, merit might rise, first into the local legislature or local executive, next into central posts of honour. And there is no such security for the welfare of the lowest ranks, as when a sensible fraction of the *Executive Government* is ordinarily filled by men who have risen from below. At present no such men rise, nor can rise, even into the *Legislature*, extend the suffrage as you may.

After sons of peasants and of artizans shall be found in high places,—after the House of Peers is popularized,—no one would despair of changes in the tenure of landed property, such as may elevate the entire order of the peasantry; but if it is to be delayed so long, the problem will be solved by Emigration in a mode far less satisfactory to the

landlord class. If landlords are wise, they will understand their danger; and will prefer to have a House of Peers which shall deal with it. Surely it is happy for the Russian nobility that the Emperor has taken in hand the removal of serfdom, instead of awaiting the chances of revolution.

6. That pernicious system of Centralization which makes French legal liberty impossible, and has gravely damaged England, in India has run riot without controul. When the East Indian Company overthrew local treasuries in India, and put into their central exchequer at Calcutta the tolls of roads and ferries of the most remote South, they perpetrated a deed which doomed their rule to be a blight upon the land, even if the virtue of their lowest servants had been on a par with the best. We know by positive official statement that in consequence of this diversion of moneys from their local purpose, the roads of whole kingdoms became overgrown, and so lost, that their old course was matter for official inquiry. This hideous blunder remains unreversed. India has no local treasuries. Every coin in every province is liable to be spent in some war against Nepaul, Affghanistan, or Thibet. War is made with the very life-blood of material prosperity: roads and bridges, canals and tanks, cannot be repaired during war, while their funds are mixed with the war funds. Many have of late been finding out, that colonists will involve us in wars with barbarian neighbours as long as they can support their wars out of the resources of the Home Government. Not less true is it, that India will never be without a war, as long as there is a centralized treasure to support it and no Parliament to refuse supplies. Mr. Bright many years since made an elaborate speech in Parliament, which was heard by all sides with very respectful attention:—if he had followed it up, and claimed inviolable local treasuries, he would have said all that I am here

pressing. He urged that every Indian Presidency should be independent of the rest, and that each should be in direct relation to the Home Government. India, it is often said, is a continent, not a country. The diversities of its inhabitants are enormous. No one proposes for it uniform legislation. If an English ministry could be *at once* convinced that India ought to be divided into many coordinate governments, it might be a reform not of the distant, but of the near future. Parliament would acquiesce in any thing proposed by the ministry. There is evidently no reason in doubting that a Government of 10 million people could defend its own frontiers against any rude neighbours or half barbarous potentates: and a Government thus limited, would have far less tendency to aggression than the powerful and proud Executive of 150 millions. A VICEROY is wanted in India, *not to govern but to reign*. Take away the Governor General, and send a prince of the blood royal, to represent the Empress Queen to the Indian princes; —to receive their occasional homage and their formal applications :—to be the medium of transmitting their diplomacy to England, or their suits to that Imperial Court which I imagine. The Central Executive should be a mere "Board of Works" for Railways, Canals, Rivers, Harbours, Post, and Mint, without a Foreign Office, an Army, or a Navy. India will not cease to be drained by war expenses, and thereby to be misgoverned, until ambitious central despotism is destroyed.

Every point above proposed by me, (except the neutralization of merchant vessels in time of war, to which Lord Palmerston once gave voluntary assent) is developed out of the single principle, that *Centralization*, and the *Bureaucracy* which it nourishes, must be severely abated. If Bureaucracy is to be depressed, something else must be elevated. What must that be? I say, the House of Peers

and an Imperial Court of Law. This ought not to frighten a Conservative. But the House cannot get or keep public support,—it cannot really lead the nation,—without a Reform. What milder reform is possible, than is above suggested? What more honourable to Peerage? The strongest Democrats rejoice to be presided over by a popular nobleman. To a Reformed House of Peers the warmest lovers of liberty among us would shortly rally. A popular movement can only dictate *principles*; such as are these: let us have true Aristocracy, not Bureaucracy: let us have political vitality every where, restricting Centralization to its true functions: let every class be represented in the Legislature, and be admissible into the Executive.

Such principles are broad enough to be popular. Details must be directed by cultivated intelligence, independent of the ministry of the day. Every ministry, like a Turkish Pasha, has an intense interest in the present, and a very feeble interest in the future. To allow a ministry to dictate permanent policy is a truly grave mistake, tending to Turkish ruin. The ministry has a task to execute; but a power which has a more permanent stake in the country should prescribe *what* task. When the House of Commons looks to the ministry to lead it, and the Lords have no popular support, what else can be expected but short-sighted policy?

I have said enough, yet I wish to add, that I regard our system of voluntary political societies, made for special objects, as a wretched crutch, and an enormous waste of time and money. The argumetations which they carry on ought to be heard on the floor of a local constitutional assembly,—of a parish or municipality first,—thence by transference to a Provincial Council, *through which* any petitions should ordinarily go to Parliament. Then both sides would hear one another from the beginning; whereas now, an elaborate process is needed, before

even the best cause can get a hearing from adversaries, while foolish schemes linger without effective refutation.—The case of our peasants is sad and disgraceful; but it needs wisdom still more than sympathy. To abolish the Law of Primogeniture might bring no immediate visible result; but it would excellently inaugurate a new principle, and give some hope for the future.