

to be appointed electors again: and the main reliance must still be on the penalties for bribery, the insufficiency of which reliance, in small constituencies, experience has made notorious to all the world. The evil would be exactly proportional to the amount of discretion left to the chosen electors. The only case in which they would probably be afraid to employ their vote for the promotion of their personal interest would be when they were elected under an express pledge, as mere delegates, to carry, as it were, the votes of their constituents to the hustings. The moment the double stage of election began to have any effect, it would begin to have a bad effect. And this we shall find true of the principle of indirect election however applied, except in circumstances similar to those of the election of senators in the United States.

It is unnecessary, as far as England is concerned, to say more in opposition to a scheme which has no foundation in any of the national traditions. An apology may even be expected for saying so much against a political expedient which perhaps could not, in this country, muster a single adherent. But a conception so plausible at the first glance, and for which there are so many precedents in history, might perhaps, in the general chaos of political opinions, rise again to the surface, and be brought forward on occasions when it might be seductive to some minds; and it could not, therefore, even if English readers were alone to be considered, be passed altogether in silence.

Chapter X

Of the Mode of Voting.

The question of greatest moment in regard to modes of voting is that of secrecy or publicity, and to this we will at once address ourselves.

It would be a great mistake to make the discussion turn on sentimentalities about skulking or cowardice. Secrecy is justifiable in many cases, imperative in some, and it is not cowardice to seek protection against evils which are honestly avoidable. Nor can it be reasonably maintained that no cases are conceivable in which secret voting is preferable to public; but I must contend that these cases, in affairs of a political character, are the exception, not the rule.

The present is one of the many instances in which, as I have already had occasion to remark, the *spirit* of an institution, the impression it makes on the mind of the citizen, is one of the most important parts of its operation. The spirit of vote by ballot--the interpretation likely to be put on it in the mind of an elector, is that the suffrage is given to him for himself--for his particular use and benefit, and not as a trust for the public. For if it is indeed a trust, if the public are entitled to his vote, are not they entitled to know his vote? This false and pernicious impression may well be made on the generality, since it has been made on most of those who of late years have been conspicuous advocates of the ballot. The doctrine was not so understood by its earlier promoters; but the effect of a doctrine on the mind is best shown, not in those who form it, but in those who are formed by it. Mr. Bright and his school of democrats think themselves greatly concerned in maintaining that the franchise is what they term a right, not a trust. Now this one idea, taking root in the general mind, does a moral mischief outweighing all the good that the ballot could do, at the highest possible estimate of it. In whatever way we define or understand the idea of a right, no person can have a right (except in the purely legal sense) to power over others: every such power, which he is allowed to possess is morally, in the fullest force of the term, a trust. But the exercise of any political function, either as an elector or as a representative, is power over others. Those who say that the suffrage is not a trust, but a right, will scarcely accept the conclusions to which their doctrine leads. If it is a right, if it belongs to the voter for his own sake, on what ground can we blame him for selling it, or using it to recommend himself to any one whom it is his interest to please? A person is not expected to consult exclusively the public benefit in the use he makes of his house, or his three per cent. stock, or any thing else to which he really has a right. The suffrage is indeed due to him, among other reasons, as a means to his own protection, but only against treatment from which he is equally bound, so far as depends on his vote, to protect every one of his fellow-citizens. His vote is not a thing in which he has an option; it has no more to do with his personal wishes than the verdict of a jurymen. It is

strictly a matter of duty; he is bound to give it according to his best and most conscientious opinion of the public good. Whoever has any other idea of it is unfit to have the suffrage; its effect on him is to pervert, not to elevate his mind. Instead of opening his heart to an exalted patriotism and the obligation of public duty, it awakens and nourishes in him the disposition to use a public function for his own interest, pleasure, or caprice; the same feelings and purposes, on a humbler scale, which actuate a despot and oppressor. Now an ordinary citizen in any public position, or on whom there devolves any social function, is certain to think and feel, respecting the obligations it imposes on him, exactly what society appears to think and feel in conferring it. What seems to be expected from him by society forms a standard which he may fall below, but which he will seldom rise above. And the interpretation which he is almost sure to put upon secret voting is that he is not bound to give his vote with any reference to those who are not allowed to know how he gives it; but may bestow it simply as he feels inclined.

This is the decisive reason why the argument does not hold, from the use of the ballot in clubs and private societies to its adoption in parliamentary elections. A member of a club is really, what the elector falsely believes himself to be, under no obligation to consider the wishes or interests of any one else. He declares nothing by his vote but that he is or is not willing to associate, in a manner more or less close, with a particular person. This is a matter on which, by universal admission, his own pleasure or inclination is entitled to decide; and that he should be able so to decide it without risking a quarrel is best for every body, the rejected person included. An additional reason rendering the ballot unobjectionable in these cases is that it does not necessarily or naturally lead to lying. The persons concerned are of the same class or rank, and it would be considered improper in one of them to press another with questions as to how he had voted. It is far otherwise in Parliamentary elections, and is likely to remain so as long as the social relations exist which produce the demand for the ballot--as long as one person is sufficiently the superior of another to think himself entitled to dictate his vote. And while this is the case, silence or an evasive answer is certain to be construed as proof that the vote given has not been that which was desired.

In any political election, even by universal suffrage (and still more obviously in the case of a restricted suffrage), the voter is under an absolute moral obligation to consider the interest of the public, not his private advantage, and give his vote, to the best of his judgment, exactly as he would be bound to do if he were the sole voter, and the election depended upon him alone. This being admitted, it is at least a *primâ facie* consequence that the duty of voting, like any other public duty, should be performed under the eye and criticism of the public; every one of whom has not only an interest in its performance, but a good title to consider himself wronged if it is performed otherwise than honestly and carefully. Undoubtedly neither this nor any other maxim of political morality is absolutely inviolable; it may be overruled by still more cogent considerations. But its weight is such that the cases which admit of a departure from it must be of a strikingly exceptional character.

It may unquestionably be the fact, that if we attempt, by publicity, to make the voter responsible to the public for his vote, he will practically be made responsible for it to some powerful individual, whose interest is more opposed to the general interest of the community than that of the voter himself would be, if, by the shield of secrecy, he were released from responsibility altogether. When this is the condition, in a high degree, of a large proportion of the voters, the ballot may be the smaller evil. When the voters are slaves, any thing may be tolerated which enables them to throw off the yoke. The strongest case for the ballot is when the mischievous power of the Few over the Many is increasing. In the decline of the Roman republic, the reasons for the ballot were irresistible. The oligarchy was yearly becoming richer and more tyrannical, the people poorer and more dependent, and it was necessary to erect stronger and stronger barriers against such abuse of the franchise as rendered it but an instrument the more in the hands of unprincipled persons of consequence. As little can it be doubted that the ballot, so far as it existed, had a beneficial operation in the Athenian constitution. Even in the least unstable of the Grecian commonwealths, freedom might be for the time destroyed by a single unfairly obtained popular vote; and though the Athenian voter was not sufficiently dependent to be habitually coerced, he might have been bribed or intimidated by the lawless outrages of some knot of individuals, such as were not uncommon even at Athens among the youth of rank and fortune. The ballot was in these cases a valuable

instrument of order, and conduced to the Eumonia by which Athens was distinguished among the ancient commonwealths.

But in the more advanced states of modern Europe, and especially in this country, the power of coercing voters has declined and is declining; and bad voting is now less to be apprehended from the influences to which the voter is subject at the hands of others, than from the sinister interests and discreditable feelings which belong to himself, either individually or as a member of a class. To secure him against the first, at the cost of removing all restraint from the last, would be to exchange a smaller and a diminishing evil for a greater and increasing one. On this topic, and on the question generally as applicable to England at the present date, I have, in a pamphlet on Parliamentary Reform, expressed myself in terms which, as I do not feel that I can improve upon, I will venture here to transcribe.

"Thirty years ago it was still true that in the election of members of Parliament the main evil to be guarded against was that which the ballot would exclude--coercion by landlords, employers, and customers. At present, I conceive, a much greater source of evil is the selfishness, or the selfish partialities of the voter himself. A base and mischievous vote is now, I am convinced, much oftener given from the voter's personal interest, or class interest, or some mean feeling in his own mind, than from any fear of consequences at the hands of others; and to these influences the ballot would enable him to yield himself up, free from all sense of shame or responsibility.

"In times not long gone by, the higher and richer classes were in complete possession of the government. Their power was the master grievance of the country. The habit of voting at the bidding of an employer or of a landlord was so firmly established that hardly any thing was capable of shaking it but a strong popular enthusiasm, seldom known to exist but in a good cause. A vote given in opposition to those influences was therefore, in general, an honest, a public-spirited vote; but in any case, and by whatever motive dictated, it was almost sure to be a good vote, for it was a vote against the monster evil, the overruling influence of oligarchy. Could the voter at that time have been enabled, with safety to himself, to exercise his privilege freely, even though neither honestly nor intelligently, it would have been a great gain to reform, for it would have broken the yoke of the then ruling power in the country--the power which had created and which maintained all that was bad in the institutions and the administration of the state--the power of landlords and boroughmongers.

"The ballot was not adopted; but the progress of circumstances has done and is doing more and more, in this respect, the work of the ballot. Both the political and the social state of the country, as they affect this question, have greatly changed, and are changing every day. The higher classes are not now masters of the country. A person must be blind to all the signs of the times who could think that the middle classes are as subservient to the higher, or the working classes as dependent on the higher and middle, as they were a quarter of a century ago. The events of that quarter of a century have not only taught each class to know its own collective strength, but have put the individuals of a lower class in a condition to show a much bolder front to those of a higher. In a majority of cases, the vote of the electors, whether in opposition to or in accordance with the wishes of their superiors, is not now the effect of coercion, which there are no longer the same means of applying, but the expression of their own personal or political partialities. The very vices of the present electoral system are a proof of this. The growth of bribery, so loudly complained of, and the spread of the contagion to places formerly free from it, are evidence that the local influences are no longer paramount; that the electors now vote to please themselves, and not other people. There is, no doubt, in counties and in the smaller boroughs, a large amount of servile dependence still remaining; but the temper of the times is adverse to it, and the force of events is constantly tending to diminish it. A good tenant can now feel that he is as valuable to his landlord as his landlord is to him; a prosperous tradesman can afford to feel independent of any particular customer. At every election the votes are more and more the voter's own. It is their minds, far more than their personal circumstances, that now require to be emancipated. They are no longer passive instruments of other men's will--mere organs for putting power into the hands of a controlling oligarchy. The electors themselves are becoming the oligarchy.

"Exactly in proportion as the vote of the elector is determined by his own will, and not by that of somebody who is his master, his position is similar to that of a member of Parliament, and publicity is indispensable. So long as any portion of the community are unrepresented, the argument of the Chartists against ballot in conjunction with a restricted suffrage is unassailable. The present electors, and the bulk of those whom any probable Reform Bill would add to the number, are the middle class, and have as much a class interest, distinct from the working classes, as landlords or great manufacturers. Were the suffrage extended to all skilled laborers, even these would, or might, still have a class interest distinct from the unskilled. Suppose it extended to all men--suppose that what was formerly called by the misapplied name of universal suffrage, and now by the silly title of manhood suffrage, became the law; the voters would still have a class interest as distinguished from women. Suppose that there were a question before the Legislature specially affecting women--as whether women should be allowed to graduate at universities; whether the mild penalties inflicted on ruffians who beat their wives daily almost to death's door should be exchanged for something more effectual; or suppose that any one should propose in the British Parliament what one state after another in America is enacting, not by a mere law, but by a provision of their revised Constitutions; that married women should have a right to their own property--are not a man's wife and daughters entitled to know whether he votes for or against a candidate who will support these propositions?

"It will of course be objected that these arguments' derive all their weight from the supposition of an unjust state of the suffrage: that if the opinion of the non-electors is likely to make the elector vote more honestly or more beneficially than he would vote if left to himself, they are more fit to be electors than he is, and ought to have the franchise; that whoever is fit to influence electors is fit to be an elector; that those to whom voters ought to be responsible should be themselves voters, and, being such, should have the safeguard of the ballot, to shield them from the undue influence of powerful individuals or classes to whom they ought not to be responsible.

"This argument is specious, and I once thought it conclusive. It now appears to me fallacious. All who are fit to influence electors are not, for that reason, fit to be themselves electors. This last is a much greater power than the former, and those may be ripe for the minor political function who could not as yet be safely trusted with the superior. The opinions and wishes of the poorest and rudest class of laborers may be very useful as one influence among others on the minds of the voters, as well as on those of the Legislature, and yet it might be highly mischievous to give them the preponderant influence, by admitting them, in their present state of morals and intelligence, to the full exercise of the suffrage. It is precisely this indirect influence of those who have not the suffrage over those who have, which, by its progressive growth, softens the transition to every fresh extension of the franchise, and is the means by which, when the time is ripe, the extension is peacefully brought about. But there is another and a still deeper consideration, which should never be left out of the account in political speculations. The notion is itself unfounded that publicity, and the sense of being answerable to the public, are of no use unless the public are qualified to form a sound judgment. It is a very superficial view of the utility of public opinion to suppose that it does good only when it succeeds in enforcing a servile conformity to itself. To be under the eyes of others--to have to defend oneself to others--is never more important than to those who act in opposition to the opinion of others, for it obliges them to have sure ground of their own. Nothing has so steady an influence as working against pressure. Unless when under the temporary sway of passionate excitement, no one will do that which he expects to be greatly blamed for, unless from a preconceived and fixed purpose of his own, which is always evidence of a thoughtful and deliberate character, and, except in radically bad men, generally proceeds from sincere and strong personal convictions. Even the bare fact of having to give an account of their conduct is a powerful inducement to adhere to conduct of which at least some decent account can be given. If any one thinks that the mere obligation of preserving decency is not a very considerable check on the abuse of power, he has never had his attention called to the conduct of those who do not feel under the necessity of observing that restraint. Publicity is inappreciable, even when it does no more than prevent that which can by no possibility be plausibly defended--than compel deliberation, and force every one to determine, before he acts, what he shall say if called to account for his actions.

"But, if not now (it may be said), at least hereafter, when all are fit to have votes, and when all men and women are admitted to vote in virtue of their fitness, *then* there can no longer be danger of class legislation; then the electors, being the nation, can have no interest apart from the general interest: even if individuals still vote according to private or class inducements, the majority will have no such inducement; and as there will then be no non-electors to whom they ought to be responsible, the effect of the ballot, excluding none but the sinister influences, will be wholly beneficial.

"Even in this I do not agree. I can not think that even if the people were fit for, and had obtained universal suffrage, the ballot would be desirable. First, because it could not, in such circumstances, be supposed to be needful. Let us only conceive the state of things which the hypothesis implies: a people universally educated, and every grown-up human being possessed of a vote. If, even when only a small proportion are electors, and the majority of the population almost uneducated, public opinion is already, as every one now sees that it is, the ruling power in the last resort, it is a chimera to suppose that over a community who all read, and who all have votes, any power could be exercised by landlords and rich people against their own inclination, which it would be at all difficult for them to throw off. But, though the protection of secrecy would then be needless, the control of publicity would be as needful as ever. The universal observation of mankind has been very fallacious, if the mere fact of being one of the community, and not being in a position of pronounced contrariety of interest to the public at large, is enough to insure the performance of a public duty, without either the stimulus or the restraint derived from the opinion of our fellow-creatures. A man's own particular share of the public interest, even though he may have no private interest drawing him in the opposite direction, is not, as a general rule, found sufficient to make him do his duty to the public without other external inducements. Neither can it be admitted that, even if all had votes, they would give their votes as honestly in secret as in public.

"The proposition that the electors, when they compose the whole of the community, can not have an interest in voting against the interest of the community, will be found, on examination, to have more sound than meaning in it. Though the community, as a whole, can have (as the terms imply) no other interest than its collective interest, any or every individual in it may. A man's interest consists of whatever he takes an interest *in*. Every body has as many different interests as he has feelings; likings or dislikings, either of a selfish or of a better kind. It can not be said that any of these, taken by itself, constitutes 'his interest:' he is a good man or a bad according as he prefers one class of his interests or another. A man who is a tyrant at home will be apt to sympathize with tyranny (when not exercised over himself); he will be almost certain not to sympathize with resistance to tyranny. An envious man will vote against Aristides because he is called the Just. A selfish man will prefer even a trifling individual benefit to his share of the advantage which his country would derive from a good law, because interests peculiar to himself are those which the habits of his mind both dispose him to dwell on and make him best able to estimate. A great number of the electors will have two sets of preferences--those on private and those on public grounds. The last are the only ones which the elector would like to avow. The best side of their character is that which people are anxious to show, even to those who are no better than themselves. People will give dishonest or mean votes from lucre, from malice, from pique, from personal rivalry, even from the interests or prejudices of class or sect, more readily in secret than in public. And cases exist--they may come to be more frequent--in which almost the only restraint upon a majority of knaves consists in their involuntary respect for the opinion of an honest minority. In such a case as that of the repudiating states of North America, is there not some check to the unprincipled voter in the shame of looking an honest man in the face? Since all this good would be sacrificed by the ballot, even in the circumstances most favorable to it, a much stronger case is requisite than can now be made out for its necessity (and the case is continually becoming still weaker) to make its adoption desirable." [4]

On the other debateable points connected with the mode of voting, it is not necessary to expend so many words. The system of personal representation, as organized by Mr. Hare, renders necessary the employment of voting papers. But it appears to me indispensable that the signature of the elector should be affixed to the paper at a public polling-place, or if there be no such place conveniently accessible, at some office open to all the world, and in the presence of a responsible public officer. The proposal which has been thrown out of

allowing the voting papers to be filled up at the voter's own residence, and sent by the post, or called for by a public officer, I should regard as fatal. The act would be done in the absence of the salutary and the presence of all the pernicious influences. The briber might, in the shelter of privacy, behold with his own eyes his bargain fulfilled, and the intimidator could see the extorted obedience rendered irrevocably on the spot; while the beneficent counter-influence of the presence of those who knew the voter's real sentiments, and the inspiring effect of the sympathy of those of his own party or opinion, would be shut out. [5]

The polling places should be so numerous as to be within easy reach of every voter, and no expenses of conveyance, at the cost of the candidate, should be tolerated under any pretext. The infirm, and they only on medical certificate, should have the right of claiming suitable carriage conveyance at the cost of the state or of the locality. Hustings, poll clerks, and all the necessary machinery of elections, should be at the public charge. Not only the candidate should not be required, he should not be permitted to incur any but a limited and trifling expense for his election. Mr. Hare thinks it desirable that a sum of £50 should be required from every one who places his name on the list of candidates, to prevent persons who have no chance of success, and no real intention of attempting it, from becoming candidates in wantonness or from mere love of notoriety, and perhaps carrying off a few votes which are needed for the return of more serious aspirants. There is one expense which a candidate or his supporters can not help incurring, and which it can hardly be expected that the public should defray for every one who may choose to demand it--that of making his claims known to the electors, by advertisements, placards, and circulars. For all necessary expenses of this kind the £50 proposed by Mr. Hare, if allowed to be drawn upon for these purposes (it might be made £100 if requisite), ought to be sufficient. If the friends of the candidate choose to go to expense for committees and canvassing, there are no means of preventing them; but such expenses out of the candidates's own pocket, or any expenses whatever beyond the deposit of £50 (or £100), should be illegal and punishable. If there appeared any likelihood that opinion would refuse to connive at falsehood, a declaration on oath or honor should be required from every member, on taking his seat, that he had not expended, nor would expend, money or money's worth beyond the £50, directly or indirectly, for the purposes of his election; and if the assertion were proved to be false or the pledge to have been broken, he should be liable to the penalties of perjury. It is probable that those penalties, by showing that the Legislature was in earnest, would turn the course of opinion in the same direction, and would hinder it from regarding, as has hitherto done, this most serious crime against society as a venial peccadillo. When once this effect has been produced, there need be no doubt that the declaration on oath or honor would be considered binding. [6] "Opinion tolerates a false disclaimer only when it already tolerates the thing disclaimed." This is notoriously the case with regard to electoral corruption. There has never yet been, among political men, any real and serious attempt to prevent bribery, because there has been no real desire that elections should not be costly. Their costliness is an advantage to those who can afford the expense by excluding a multitude of competitors; and any thing, however noxious, is cherished as having a conservative tendency, if it limits the access to Parliament to rich men. This is a rooted feeling among our legislators of both political parties, and is almost the only point on which I believe them to be really ill-intentioned. They care comparatively little who votes, as long as they feel assured that none but persons of their own class can be voted for. They know that they can rely on the fellow-feeling of one of their class with another, while the subservience of *nouveaux enrichis* who are knocking at the door of the class is a still surer reliance; and that nothing very hostile to the class interests or feelings of the rich need be apprehended under the most democratic suffrage, as long as democratic persons can be prevented from being elected to Parliament. But, even from their own point of view, this balancing of evil by evil, instead of combining good with good, is a wretched policy. The object should be to bring together the best members of both classes, under such a tenure as shall induce them to lay aside their class preferences, and pursue jointly the path traced by the common interest, instead of allowing the class feelings of the Many to have full swing in the constituencies, subject to the impediment of having to act through persons imbued with the class feelings of the Few.

There is scarcely any mode in which political institutions are more morally mischievous--work greater evil through their spirit--than by representing political functions as a favor to be conferred, a thing which the depository is to ask for as desiring it for himself, and even pay for as if it were designed for his pecuniary benefit. Men are not fond of paying large sums for leave to perform a laborious duty. Plato had a much juster

view of the conditions of good government when he asserted that the persons who should be sought out to be invested with political power are those who are personally most averse to it, and that the only motive which can be relied on for inducing the fittest men to take upon themselves the toils of government is the fear of being governed by worse men. What must an elector think when he sees three or four gentlemen, none of them previously observed to be lavish of their money on projects of disinterested beneficence, vying with one another in the sums they expend to be enabled to write M.P. after their names? Is it likely he will suppose that it is for *his* interest they incur all this cost? And if he form an uncomplimentary opinion of their part in the affair, what moral obligation is he likely to feel as to his own? Politicians are fond of treating it as the dream of enthusiasts that the electoral body will ever be uncorrupt: truly enough, until they are willing to become so themselves; for the electors, assuredly, will take their moral tone from the candidates. So long as the elected member, in any shape or manner, pays for his seat, all endeavours will fail to make the business of election any thing but a selfish bargain on all sides. "So long as the candidate himself, and the customs of the world, seem to regard the function of a member of Parliament less as a duty to be discharged than a personal favor to be solicited, no effort will avail to implant in an ordinary voter the feeling that the election of a member of Parliament is also a matter of duty, and that he is not at liberty to bestow his vote on any other consideration than that of personal fitness."

The same principle which demands that no payment of money for election purposes should be either required or tolerated on the part of the person elected, dictates another conclusion, apparently of contrary tendency, but really directed to the same object. It negatives what has often been proposed as a means of rendering Parliament accessible to persons of all ranks and circumstances--the payment of members of Parliament. If, as in some of our colonies, there are scarcely any fit persons who can afford to attend to an unpaid occupation, the payment should be an indemnity for loss of time or money, not a salary. The greater latitude of choice which a salary would give is an illusory advantage. No remuneration which any one would think of attaching to the post would attract to it those who were seriously engaged in other lucrative professions, with a prospect of succeeding in them. The occupation of a member of Parliament would therefore become an occupation in itself, carried on, like other professions, with a view chiefly to its pecuniary returns, and under the demoralizing influences of an occupation essentially precarious. It would become an object of desire to adventurers of a low class; and 658 persons in possession, with ten or twenty times as many in expectancy, would be incessantly bidding to attract or retain the suffrages of the electors, by promising all things, honest or dishonest, possible or impossible, and rivaling each other in pandering to the meanest feelings and most ignorant prejudices of the vulgarest part of the crowd. The auction between Cleon and the sausage-seller in Aristophanes is a fair caricature of what would be always going on. Such an institution would be a perpetual blister applied to the most peccant parts of human nature. It amounts to offering 658 prizes for the most successful flatterer, the most adroit misleader of a body of his fellow-countrymen. Under no despotism has there been such an organized system of tillage for raising a rich crop of vicious courtiership. [7] When, by reason of pre-eminent qualifications (as may at any time happen to be the case), it is desirable that a person entirely without independent means, either derived from property or from a trade or profession, should be brought into Parliament to render services which no other person accessible can render as well, there is the resource of a public subscription; he may be supported while in Parliament, like Andrew Marvel, by the contributions of his constituents. This mode is unobjectionable for such an honor will never be paid to mere subserviency: bodies of men do not care so much for the difference between one sycophant and another as to go to the expense of his maintenance in order to be flattered by that particular individual. Such a support will only be given in consideration of striking and impressive personal qualities, which, though no absolute proof of fitness to be a national representative, are some presumption of it, and, at all events, some guaranty for the possession of an independent opinion and will.

Chapter XI

Of the Duration of Parliaments.