

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.

After how long a term should members of Parliament be subject to re-election? The principles involved are here very obvious; the difficulty lies in their application. On the one hand, the member ought not to have so long a tenure of his seat as to make him forget his responsibility, take his duties easily, conduct them with a view to his own personal advantage, or neglect those free and public conferences with his constituents which, whether he agrees or differs with them, are one of the benefits of representative government. On the other hand, he should have such a term of office to look forward to as will enable him to be judged, not by a single act, but by his course of action. It is important that he should have the greatest latitude of individual opinion and discretion compatible with the popular control essential to free government; and for this purpose it is necessary that the control should be exercised, as in any case it is best exercised, after sufficient time has been given him to show all the qualities he possesses, and to prove that there is some other way than that of a mere obedient voter and advocate of their opinions, by which he can render himself, in the eyes of his constituents, a desirable and creditable representative. It is impossible to fix, by any universal rule, the boundary between these principles. Where the democratic power in the constitution is weak or over-passive, and requires stimulation; where the representative, on leaving his constituents, enters at once into a courtly or aristocratic atmosphere, whose influences all tend to deflect his course into a different direction from the popular one, to tone down any democratic feelings which he may have brought with him, and make him forget the wishes and grow cool to the interests of those who chose him, the obligation of a frequent return to them for a renewal of his commission is indispensable to keeping his temper and character up to the right mark. Even three years, in such circumstances, are almost too long a period, and any longer term is absolutely inadmissible. Where, on the contrary, democracy is the ascendant power, and still tends to increase, requiring rather to be moderated in its exercise than encouraged to any abnormal activity; where unbounded publicity, and an ever-present newspaper press give the representative assurance that his every act will be immediately known, discussed, and judged by his constituents, and that he is always either gaining or losing ground in the estimation, while, by the same means, the influence of their sentiments, and all other democratic influences, are kept constantly alive and active in his own mind, less than five years would hardly be a sufficient period to prevent timid subserviency. The change which has taken place in English politics as to all these features explains why annual Parliaments, which forty years ago stood prominently in front of the creed of the more advanced reformers, are so little cared for and so seldom heard of at present. It deserves consideration that, whether the term is short or long, during the last year of it the members are in position in which they would always be if Parliaments were annual; so that, if the term were very brief, there would virtually be annual Parliaments during a great proportion of all time. As things now are, the period of seven years, though of unnecessary length, is hardly worth altering for any benefit likely to be produced, especially since the possibility, always impending, of an earlier dissolution keeps the motives for standing well with constituents always before the member's eyes.

Whatever may be the term most eligible for the duration of the mandate, it might seem natural that the individual member should vacate his seat at the expiration of that term from the day of his election, and that there should be no general renewal of the whole House. A great deal might be said for this system if there were any practical object in recommending it. But it is condemned by much stronger reasons than can be alleged in its support. One is, that there would be no means of promptly getting rid of a majority which had pursued a course offensive to the nation. The certainty of a general election after a limited, which would often be a nearly expired period, and the possibility of it at any time when the minister either desires it for his own sake, or thinks that it would make him popular with the country, tend to prevent that wide divergence between the feelings of the assembly and those of the constituency, which might subsist indefinitely if the majority of the House had always several years of their term still to run--if it received new infusions drop by drop, which would be more likely to assume than to modify the qualities of the mass they were joined to. It is as essential that the general sense of the House should accord in the main with that of the nation as is that distinguished individuals should be able, without forfeiting their seats, to give free utterance to the most unpopular sentiments. There is another reason, of much weight, against the gradual and partial renewal of a representative assembly. It is useful that there should be a periodical general muster of opposing forces to gauge the state of the national mind, and ascertain, beyond dispute, the relative strength of different parties and opinions. This is not done conclusively by any partial renewal, even where, as in some of the French

constitutions, a large fraction--a fifth or a third--go out at once.

The reasons for allowing to the executive the power of dissolution will be considered in a subsequent chapter, relating to the constitution and functions of the executive in a representative government.

Chapter XII

Ought Pledges to be Required from Members of Parliament?

Should a member of the legislature be bound by the instructions of his constituents? Should he be the organ of their sentiments, or of his own? their ambassador to a congress, or their professional agent, empowered not only to act for them, but to judge for them what ought to be done? These two theories of the duty of a legislator in a representative government have each its supporters, and each is the recognized doctrine of some representative governments. In the Dutch United Provinces, the members of the States-General were mere delegates; and to such a length was the doctrine carried, that when any important question arose which had not been provided for in their instructions, they had to refer back to their constituents, exactly as an ambassador does to the government from which he is accredited. In this and most other countries which possess representative constitutions, law and custom warrant a member of Parliament in voting according to his opinion of right, however different from that of his constituents; but there is a floating notion of the opposite kind, which has considerable practical operation on many minds, even of members of Parliament, and often makes them, independently of desire for popularity or concern for their re-election, feel bound in conscience to let their conduct on questions on which their constituents have a decided opinion be the expression of that opinion rather than of their own. Abstractedly from positive law, and from the historical traditions of any particular people, which of these notions of the duty of a representative is the true one?

Unlike the questions which we have hitherto treated, this is not a question of constitutional legislation, but of what may more properly be called constitutional morality--the ethics of representative government. It does not so much concern institutions as the temper of mind which the electors ought to bring to the discharge of their functions, the ideas which should prevail as to the moral duties of an elector; for, let the system of representation be what it may, it will be converted into one of mere delegation if the electors so choose. As long as they are free not to vote, and free to vote as they like, they can not be prevented from making their vote depend on any condition they think fit to annex to it. By refusing to elect any one who will not pledge himself to all their opinions, and even, if they please, to consult with them before voting on any important subject not foreseen, they can reduce their representative to their mere mouthpiece, or compel him in honor, when no longer willing to act in that capacity, to resign his seat. And since they have the power of doing this, the theory of the Constitution ought to suppose that they will wish to do it, since the very principle of constitutional government requires it to be assumed that political power will be abused to promote the particular purposes of the holder; not because it always is so, but because such is the natural tendency of things, to guard against which is the especial use of free institutions. However wrong, therefore, or however foolish, we may think it in the electors to convert their representative into a delegate, that stretch of the electoral privilege being a natural and not improbable one, the same precautions ought to be taken as if it were certain. We may hope that the electors will not act on this notion of the use of the suffrage; but a representative government needs to be so framed that even if they do, they shall not be able to effect what ought not to be in the power of any body of persons--class legislation for their own benefit.

When it is said that the question is only one of political morality, this does not extenuate its importance. Questions of constitutional morality are of no less practical moment than those relating to the constitution itself. The very existence of some governments, and all that renders others enduring, rests on the practical observance of doctrines of constitutional morality; traditional notions in the minds of the several constituted authorities, which modify the use that might otherwise be made of their powers. In unbalanced governments--pure monarchy, pure aristocracy, pure democracy--such maxims are the only barrier which restrains the government from the utmost excesses in the direction of its characteristic tendency. In