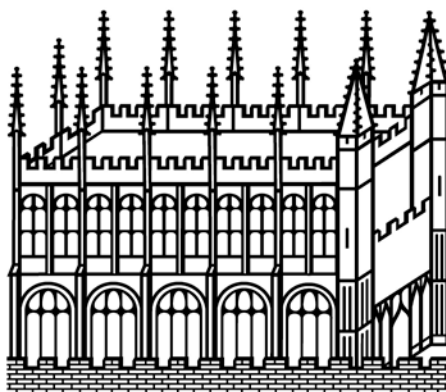




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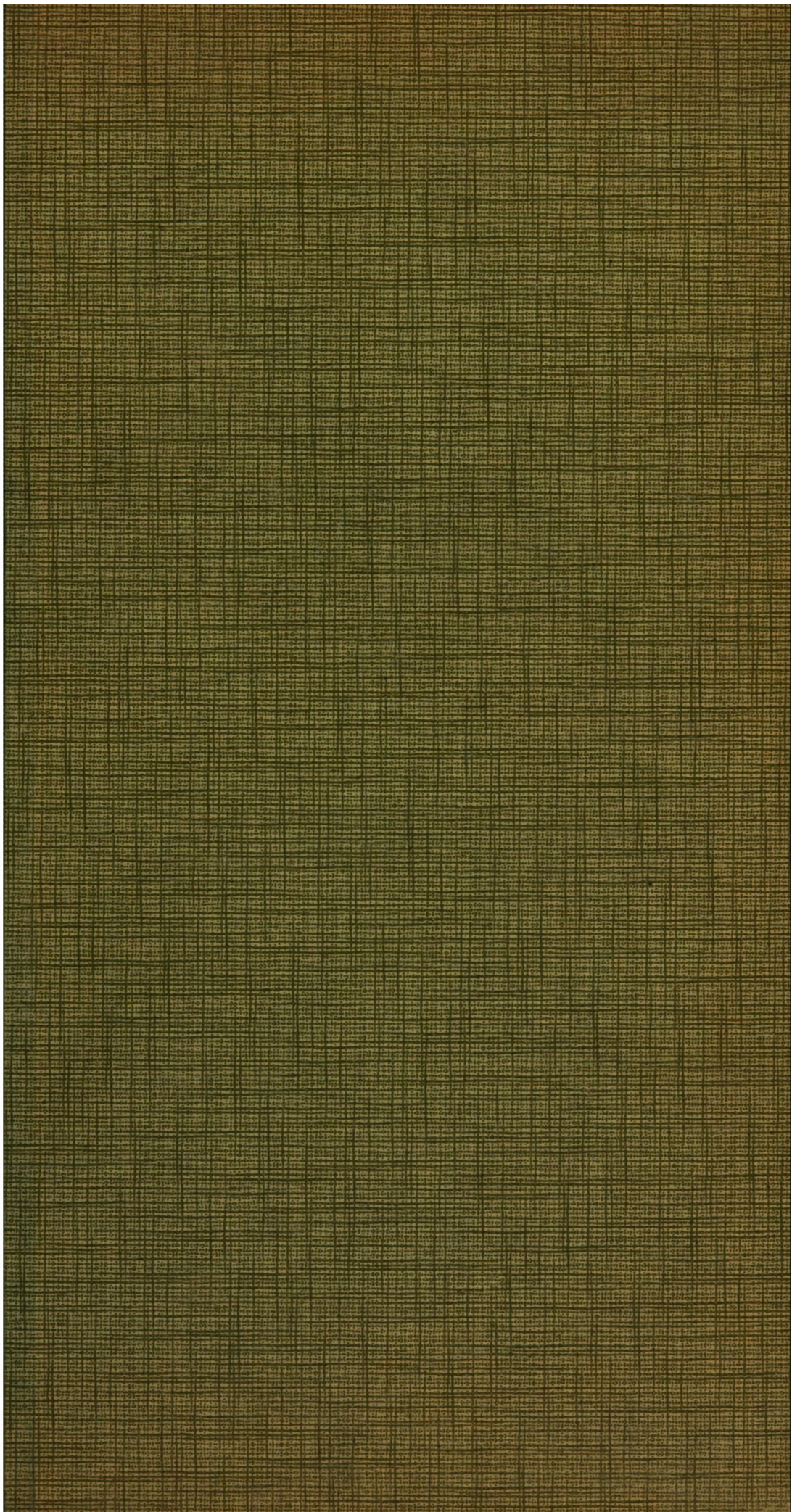
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The Power and Stability of Federative Governments.

A

PRIZE ESSAY,

READ

IN THE THEATRE, OXFORD,

JULY I. MDCCCXXIX.

Χρόνιοι ξυνιόντες ἐν βραχυῖ μὲν μορίῳ σκοποῦσι τι τῶν κοινῶν, τῇ δὲ πλείονι
τὰ οἰκίᾳ πρᾶσσουσιν· καὶ ἕκαστος οὐ παρὰ τὴν ἑαυτοῦ ἀμέλειαν οἶσται
βλάψειν τὰ κοινὰ, μέλειν δὲ τινι καὶ ἄλλῃ ὑπὲρ ἑαυτοῦ τι προΐδειν· ὥστε
τῷ αὐτῷ ὑπὸ ἀπάντων ἰδίᾳ δοξάσματος λανθάνειν τὸ κοινὸν ἀθρόον φθειρόμενον.

Thucydides I. 141.



ARGUMENT.

THE infinite variety in the local and otherwise peculiar circumstances of different nations urged as a principal reason for the wide discrepancies which exist between governments bearing a common appellation. Hence the difficulty of pronouncing any general conclusion upon their power and stability.

The nature of confederation commented upon ; and its place among constitutions of government.

The argument against its capacity for power.

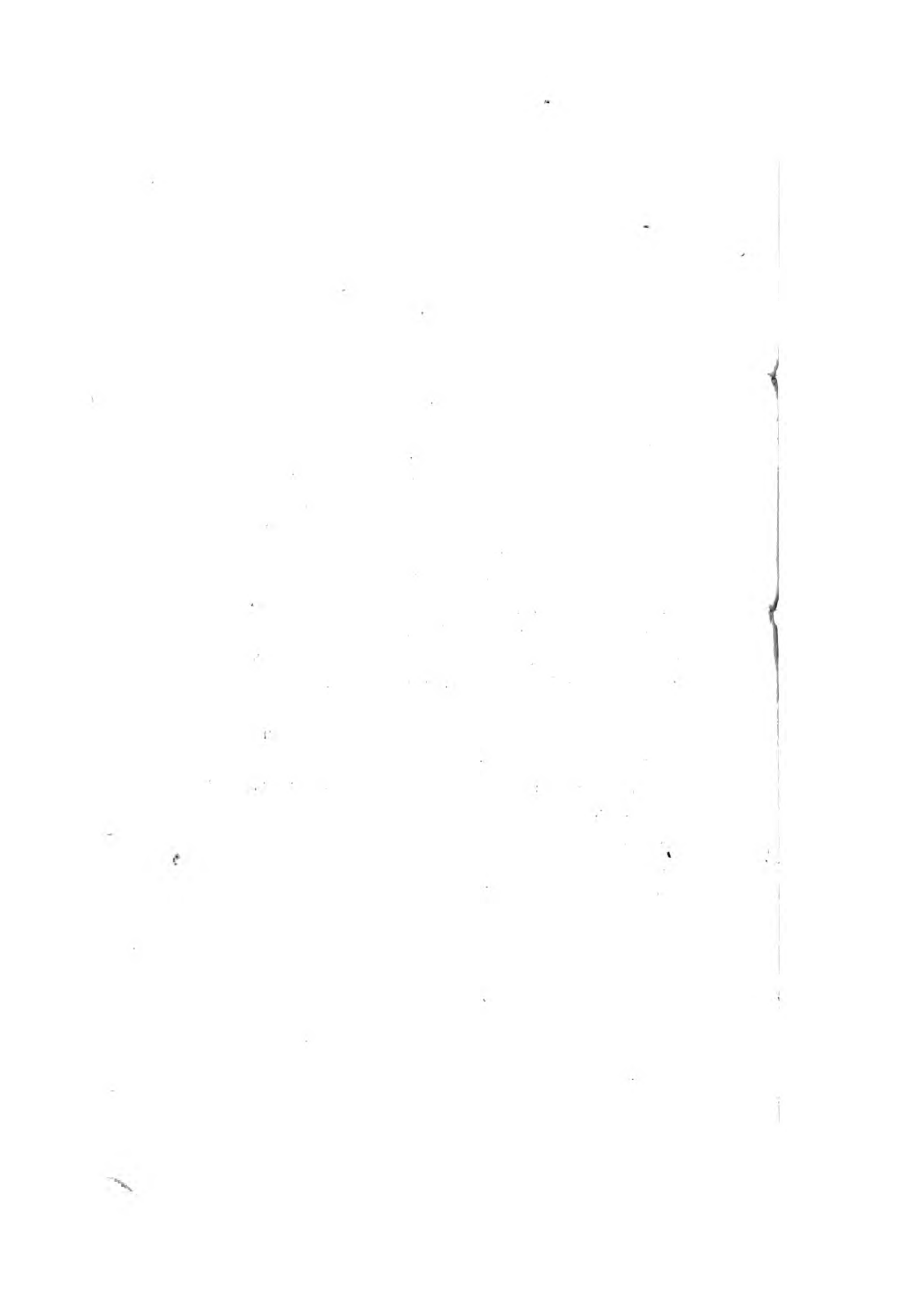
An objection, which might be raised from the fact of the existence of great power in the United Provinces, answered by an enquiry into the sources of that power, shewing how it was affected by the peculiarity of their constitution.

The stability of federative governments considered, and shewn to be incompatible with power.

Examination of the principal features of the Helvetic confederacy.

Sum of the Argument.

Brief review of the political circumstances of the United States.



The Power and Stability of Federative Governments.

POLITICAL Science, however founded upon the experience of ages, and illustrated by the highest efforts of human wisdom, is nevertheless of a doubtful and ill ascertained character. This defect is inherent in its nature, and inseparable from its subject-matter, arising as well from the unceasing fluctuation in the habits and circumstances, in the moral and social relations of mankind, as from the complex operation of external causes. There exists indeed but little community of opinion or uniformity of practice beyond the circumscribed limits of those maxims in politics, which are deducible by direct inference from moral truths; for the great mass of those rules and principles, which have a more immediate influence upon practice, and give to a government its tone and peculiar organization, are of a description purely local; deriving their force from local circumstances and local interests, and therefore, however just, are only applicable in their full extent to the particular case. Hence it is, that constitutions, nominally and externally the same, have little or no interior

resemblance, and in many instances only so far correspond as to justify us in referring them to one common standard.

Closely allied to the difficulties of the science are those impediments to fair and candid investigation which exist with different degrees of strength in the mind of the enquirer. The voice of truth may indeed be heard, but is far too feeble to be obeyed, unless where reason has been enabled to establish around her a calm and perfect silence by stilling the angry and unruly feelings of the human breast. The caution against any attempt to form a comprehensive theory, so just in reference to all subjects which furnish but precarious grounds for reasoning, applies with peculiar force to political discussion, which involves too many questions of interest and prejudice, not to provoke at every step a ready appeal from the judgment to the passions.

The boundaries, then, of this subject are vague and undefined, but comprise in their extent a wide field beaten and explored, and familiar to our knowledge. There are principles of increase and decay, of weakness and energy, common to all governments whatever. Others again, which develop themselves more fully and powerfully in constitutions of a peculiar kind. The danger, for instance, of an undue assumption of power by the executive exists more or less in all governments ;

while in republics more particularly we should look for an excess of faction and party spirit.

In like manner, in all federative constitutions there are many points of common origin, upon the investigation of which we may arrive at a common conclusion, to be subsequently modified by an enquiry into the peculiar circumstances of each separate example.

The system of federation may be partially regarded as a choice of evils, a species of compromise between subjection and independence originating in the inherent weakness of each member of the confederacy. Advantages indeed it proposes and secures, to which a number of small and unconnected states could individually form no reasonable pretension, but which involve in their very attainment a sacrifice of free agency on the part of the respective members. So far it bears a close resemblance to the social compact, by which every man surrenders a portion of his natural rights in exchange for an assurance of a more full and secure enjoyment of those he reserves. But at this point the parallel must cease. In the great system of society the objects of mutual cooperation are infinite in number and extent ; and we admire the peculiar beauty of an order of things, which places its ultimate end in the advancement of human happiness, and furnishes us with a means of attaining it at once the only one

we can imagine, and in all its parts the most admirably complete. In a federal union, on the contrary, the immediate objects of cooperation are necessarily fewer ; the means too for securing them are not only precarious and incomplete, but inferior in many principal points to others, which have been devised for compassing the same end ; which are open to observation, and matter of actual experience.

But the excellencies and deficiencies of federal constitutions must be examined, not so much by a comparison with those incident to other forms of government, as by a separate and independent process of investigation. Since it would seem a fair assumption in the outset of our enquiry, that, supposing it possible to consolidate any system of confederated states into one single and thoroughly compacted body, without depriving them of any advantages, natural or acquired, which they had previously enjoyed, the chances of prosperity, of power and stability, would be indefinitely increased. In a word, any government, single and indivisible, is surely preferable to one, whose tendency, unless counteracted by the operation of more prevailing causes, is disunion and decay. Nor is it any answer to adduce examples of confederated states, which have attained a higher degree of glory and prosperity than nations possessing a consolidated government ; since this would be omitting to notice many important elements of

consideration in the manners and habits, temper and situation, of the people thus forced into comparison, all and each of which are to the full as important as their form of government. That there are real advantages belonging more peculiarly to federative constitutions, when organized upon just principles, is not wished to be denied : but there are also countervailing obstacles to the extension and durability of national power, which may be said to form part of the essence of federation. Again, the advantages of any state or number of states may be great and unquestionable, and yet the government may be such as to check their growth and increase, and disappoint the fair promise of national prosperity. It will be seen that a federal government necessarily partakes more or less of this character ; that it has, in short, a direct tendency to defeat in the end the very object it was devised to promote.

The question of government is a question of the application of means to an end, that end being, in general terms, the happiness and prosperity of the people ; and this idea of government supposes a power vested in the hands of a few or more individuals for the benefit of the community. Now it is clear that delegated power ought in all cases to be equal to its object ; since it is doubtless unreasonable to make men responsible for the discharge of a sacred trust, while you deny them all adequate means for its fulfilment and execution. It follows

that a government, fettered and shackled in its operations by an ill-timed and improper jealousy, cannot be expected to provide for the security, advance the prosperity, or support the independent character of the commonwealth. How indeed can its administration be any thing else than a succession of impotent and temporizing expedients? How can it undertake with confidence, or execute with promptitude and success, any liberal or enlarged plans for the public good?

The public good cannot from its very nature admit of precise and accurate definition. Nor is it possible to assign to it at any given moment fixed and certain limits which it may not be expedient and even necessary to transgress at some future period in order to its preservation. Those therefore who are entrusted with power for the protection and advancement of national interests, must have full and unlimited scope for the exercise of their functions. This power in a free government (and it is such only we are considering) is lodged in the legislature, composed either entirely, or in part, of the representatives of the people; and he, who would give a constitution to his country, prescribing bounds to the legislative authority, would, in his anxiety to avoid an imaginary danger, lay the foundation of practical and extensive injury. The true check and safeguard against the usurpation of the few lies not in controlling the operations of the legislature, but in making it responsible to

public opinion, and in giving the nation frequent opportunities of marking that opinion, of testifying their approbation or disavowal, their rejection or support.

The impossibility of avoiding in a federal constitution the defect which necessarily attaches to a limitation of the legislative authority, is placed in a clear point of view by the practice of the United States, which have an unquestionable title to be regarded as the best model of that form of government, whether in ancient or modern times. With a view to balance the powers of the central and the state governments, and to prevent the former from overstepping its proper limits, a power has been there conceded to the judiciary, which has in no other instance, we believe, been vested in that department. Thus if the American legislature should in the passing of any law have transgressed its legitimate bounds, the citizen, who is prosecuted for the violation of that law, may defend himself on the plea of its being at variance with the principles or practice of the constitution ; and, notwithstanding the Act may have passed both Houses of the legislature, and have been ratified by the chief Magistrate in accordance with all the usual forms, should the supreme court of judicature find that it contravened the constitution, it would be pronounced null and of no authority. In this manner state laws, even upon matters over which Congress has exclusive jurisdiction, have actually been abrogated.

It does not appear necessary to consider here in what manner the due exercise of the several branches of legislative authority conduces to the vigour and stability of government ; but we may safely conclude upon the evidence of reason and confirmation of history, that a supremacy of authority, undivided and uncontrolled in the exercise of its delegated powers, must be lodged in some quarter, and that that quarter can be no other than the legislature.

In the application of this principle to the question of the power of a federative constitution, the enquiry naturally presents itself in two distinct points of view. 1. Can a power of this nature, fully competent to its object, exist at all in a confederacy? 2. Is it in the nature of things to expect that confederate states will be inclined to concede even that full degree of power to the federal head, which is compatible with the principles of their constitution?

Now to both these questions the answer is in the negative. To suppose indeed the existence of such a power in a confederacy involves a contradiction of terms. A supremacy of general authority admits of no participation or interference, and is therefore incompatible with the rights of sovereign and independent states. On the other hand, if we suppose all idea of local administration to be abandoned, and every power, executive, legisla-

tive, and judicial, lodged in the component parts of the federal head, the confederacy would no longer exist in any shape but in that of a mere territorial division. We may add, that however slight might be the influence of these divisions on the national administration, in the event of so entire a consolidation of the states, yet would they be quite sufficient to foster old prejudices, to give frequent occasion for umbrage and jealousy, and thus keep alive the embers of dissension and disunion in the very heart of the community.

The denial of the latter of the above questions is grounded upon the acknowledged principles of human nature. The grand and primary object of an association of states under one government consists in the improved relations of security, of dignity, and independence, in which they will thereby stand to foreign nations. In the same proportion, therefore, as these interests come less home to the breasts of the greater portion of the community than such as are domestic and of daily recurrence, will the desire of giving efficiency and vigour to the power employed upon them be weak and transient. In the same proportion will the citizens of each separate state repose their confidence in the members, and interest themselves in the measures, of their own government, while they are either inattentive to the concerns of the federal administration, or regard its conduct with jealousy and suspicion.

If again by a confederacy is meant an assemblage of independent states into one great state for national purposes, it follows, that all the powers, not ceded by them severally, and delegated in express terms to the federal head, must continue to reside in their own respective administrations. These therefore being, in a peculiar manner, the guardians of local interests, and protectors against the encroachments of the federal head, will always possess a higher relative degree of influence over the people of their respective states: "a circumstance," says a celebrated republican^a, "which teaches us that there is an inherent and intrinsic weakness in all federal constitutions, and that too much pains cannot be taken in their organization to give them all the force consistent and compatible with the principles of liberty."

This division of authority involves, among many other sources of inconvenience and danger, the very difficult and delicate question of a concurrent jurisdiction. Thus, where funds are to be provided as well for the maintenance and purposes of the federal administration, as for those of the state governments, there must not only exist a necessity for an extreme care and prudence in regulating the collection of imposts, and defining the precise province of each jurisdiction, but also for a degree of

^a Mr. Hamilton, one of the most distinguished advocates of the present constitution of the United States.

moderation and mutual forbearance in enforcing these regulations, which is seldom to be met with amid the eager passions and jarring interests of numerous societies.

On referring to the history of confederate states, as well ancient as modern, we shall find ample cause for assenting to the proposition, which asserts the power of such governments to be in exact proportion to the weakness or efficiency of the federal head. The denial of supreme authority to this body has in most cases been attended with fatal results, inasmuch as it comprises, among various other sources of evil, one great radical and vital error, in the principle which assigns to the national council under a federative constitution the power of legislating for its members in their collective capacities of states, but denies them all power over the individuals composing those states. Now supposing a demand to be made by this body upon the members of their confederacy for supplies of men, a demand coupled with no constitutional authority for the actual levying of those supplies, the requisition will have practically the force of a mere recommendation, and not of law. The states, on their part, will observe or disregard it at their option, in compliance with the dictates of local interests, or of any faction which may chance to prevail, and accordingly as they shall deem themselves capable or not of prescribing their own terms. For this state of anarchy and disobedience

the sole remedy is force ; the sole result of such a species of coercion is commonly the aggrandisement of the more powerful states at the expence of their refractory associates.

These remarks are confirmed by observing, that wheresoever a confederacy has been partially ^b free from this error, the result has been favourable to its political existence. Thus the common council of the Lycian confederacy, which is instanced by Montesquieu ^c as the best model of that form of government with which he was acquainted, was entrusted with a very delicate species of interference in the appointment of the officers and magistrates of the various cities composing the confederacy. This concession of authority justifies us in concluding, that a union of a very intimate nature ^d subsisted between these cities ; one indeed approaching as nearly as possible to a consolidated government.

Again, in the Achæan league, which has shared with the Lycian the applause of political writers,

^b We say ‘ partially,’ because there has never been an instance (the United States, as we shall see hereafter, possessing a constitution of a mixed character) of the investment of sovereign power in the federal head ; and for the plain reason, that such a government would not be a confederacy, but a consolidation of states.

^c *Esprit des Loix*, ix. 3.

^d See the character given of the Lycians, and the account of their constitution. Strabo, l. xiv.

the federal head possessed very ample powers ; while so closely drawn were the bonds of union, that all the cities had the same laws and usages ^c, the same weights and measures, and the same money. Thus, when Lacedæmon was brought into the league by Philopœmen, the change was attended by an abolition of the laws and institutions of Lycurgus, and an adoption of those of the Achæans. The natural result of this wise organization was the attainment of great ^f power and consideration ; however little calculated to withstand the force of internal jealousies, fostered and promoted by the ambition and ascendancy of Rome.

It can hardly be necessary to instance the pretence of union among the Greeks under the feeble and inefficient sanction of the Amphictyonic council. They had scarcely any claim to the title of a confederacy ; none certainly, if the distinction be allowed, to that of a federative government. The notorious vices and imperfections of their union, with all its attendant anarchy and bloodshed, may, nevertheless, be easily referred to the operation of the same mistaken principle, when taken in connection with the impossibility of harmonizing the discordant elements of oligarchy and democracy,

^c Plutarch, Life of Philopœmen, ch. 16. Also c. 8. and Life of Aratus, c. 9.

^f Περὶ δὲ τοὺς Ἀχαιοὺς παράδοξος αὐξήσις καὶ συμφρόνησις τοῖς καθ' ἡμᾶς καιροῖς γέγονε, κ. τ. λ. Polybius ii. 37. Idem iv. 1.

of popular licence and stern republicanism, both of which exercised at the same moment their uncontrolled influence within the narrow limits of ancient Greece.

In more modern times, the most remarkable example of federation, as well from its extent, as from its general influence upon the affairs of Europe, was the Germanic body. This curious political fabric, which, it may be remarked, bore no un instructive analogy to the Amphictyonic league, had its foundation and origin in the feudal system, which succeeded to the reality of imperial power enjoyed by the immediate descendants of Charlemagne^g. We find accordingly that it laboured under the feeble and confused organization of an imperfect^h confederacy, engrafted upon all the vices and anomalies of that system.

^g Vers le milieu de 13 siècle, la dignité impériale perdit son éclat, soit par les brouilleries avec le cour de Rome, soit par les abus toujours croissans du regime feodal. Avec le pouvoir des empereurs la constitution de l'empire fut alterée. Ce vaste etat *degenera insensiblement en une sorte du système fédératif*, et l'empereur ne fut plus par le suite du temps, que le chef commun et le Seigneur Suzerain des vastes etats, dont ce système etait composé. *Tableau des Revolutions*, vol. i. p. 173.

^h Imperfect both in principle and practice, and faulty in the extreme from the admission of many members to a share in the confederacy, who possessed dominions not included under the provisions of the federal compact in other countries of Europe.

Were we to judge indeed from the parade of constitutional powers vested by the Germanic union in the federal head, from the ample authority entrusted to the Diet, and from the extensive influence enjoyed by the executive Magistrate in virtue of his numerous prerogatives, we should arrive at no conclusion, but one favourable to the domestic tranquillity and power of the empire. But the facts of the case are far otherwise: the principle, which formed the basis of this confederacy, that the empire was a community of sovereigns, that the Diet was a representation of sovereigns, and that the laws were addressed to sovereigns, rendered it a nerveless and unwieldy body; equally incapable of internal regulation, and of security from the pressure of external danger. So far indeed was it from presenting any appearance of concert and unanimity, that the generality of its wars were waged between its own members; nor is there any one instance throughout its whole history in which it can be said to have united in offering a steady resistance to foreign arms.

The history of Germany is a history of wars and tumults, of foreign interference and foreign intrigue, of violence, rapine, and oppression, of refusals to comply with the decisions of the Diet, and of attempts to enforce them either abortive, or attended with bloodshed and civil war. In the 16th century the emperor, with one half of the empire, was

engaged against the princes and states composing the remainder. Again, previously to the peace of Westphalia, Germany was desolated by a war of thirty years, in which the emperor and part of the empire were opposed to Sweden, aided by many members of the confederacy. Peace was at length negotiated and dictated by foreign powers; and the articles of it, to which foreign powers were parties, became fundamental principles of the Germanic constitution.

Hence it is that we look in vain for the power which ought naturally to have followed upon the organization of so extensive a confederacy; for allowing the existence of great strength and abundant resources in the Germanic body, yet we find them seldom or never called into united action, from the prevalence of conflicting interests, without any adequate means of adjustment; from the want of substantial authority in the Diet; and the consequent necessity of referring all disputes of moment to the decision of the sword.

Now it would seem, that as all questions of the power of federative governments may be resolved into that of the efficiency of the federal head, and as we have shewn this to be more or less incompatible with the principles and feelings of all confederacies; the conclusion must be unfavourable to their capacity for power.

But the reserve necessary in the admission of any rule in the science of politics, and the caution with which we must examine all the circumstances in the history of a nation, before we pronounce its constitution to be incapable of a high degree of political power, is no where more strongly forced upon our consideration than in the present case.

It is quite true that in the great majority both of ancient and modern confederacies we have a striking picture of weakness and instability. There are some, however, which bear a contrary aspect; and one in particular, which, although in a certain degree exposed to the latter of these imputations, cannot certainly be taxed with a want of power^b. It will easily be understood that allusion is here made to the United Provinces.

In order to understand in what manner the extraordinary power enjoyed by this nation during a great portion of the 17th century was affected by the constitution of their government, we must recur to the origin of their political existence; since our question is not so much whether the fact of a people possessing a federal constitution is of itself sufficient to account for the presence or absence of power, as how far such a constitution may affect

^b We may instance also the Hanseatic league, which took its rise in the 13th century, and which may justly be considered to have given the first great impulse to the commerce of modern Europe.

the existing causes of weakness or prosperity. A free government is but an epitome of the nation where it exists ; and the real springs of power have their source in the peculiar circumstances, principles, habits, and feelings of the people. Good government will develop and assist these in their course ; bad government will choke and exhaust them.

The power of the United Provinces derived both its origin and subsequent support from their extensive commerce ; and this, although it arose at an early period of their independence, and prior to the existence of their federative government, was in after times much indebted to the peculiarity of their constitution. History indeed teaches us, that in all ages free governments have been the most favourable to commerce. Nor is the fact more evident, than the reasons and principles upon which it might be established : but this would lead us into a digression foreign to our purpose.

The federal constitution, which had for its basis the union of Utrecht in 1579, found in the ¹four maritime provinces of the league, in those which have from the earliest times been the depositories of the strength and riches of the Netherlands, a people, whose whole thoughts and feelings were centered in two grand objects, and these identified

¹ Holland, Zealand, Friesland, Groningen.

the one with the other, their independence and their commerce. The religious persecutions which raged in France, England, and Germany, during the course of the 16th century, had compelled multitudes of those professing the reformed discipline to take shelter in the low countries, where the government had long been of a milder character, and the privileges of the cities inviolate. The course of these emigrations took a natural direction towards such of the provinces, as held out the fairest prospect of success in the consolidation of their independence; and thus the above-mentioned provinces became the seat of a redundant, but wealthy and enterprising population. The result in favour of commerce was powerful and immediate; and with the growth of their commerce their independence may be fairly said to have been identified, since it was commerce alone which supplied them with the means of a protracted resistance to the Spanish power. Further still, it afforded them so great facilities for the destruction of the Spanish wealth derived from her East Indian^k possessions, that the desire to put a stop to their further successes and depredations in that quarter was among the chief reasons which extorted from Spain the first recognition of their independence in 1609.

^k Portugal and her Indian dependencies had been subdued by Philip II. in 1580. She did not recover her independence till 1640.

Under such circumstances it was plainly impossible for the federal government to close its eyes to the importance of trade, even had it wished to give a different direction to the current of popular feeling. Fortunately, however, the members of that government were themselves engaged in the same pursuits with the great body of the nation. They were sensible how much depended upon the encouragement of commerce ; and therefore fell in entirely with its habits, and with its consequences upon society. It is to these causes that we may in great measure attribute the traits of frugality, of industry and perseverance, so indelibly stamped upon the character both of the administration and the people.

But the operation of the federal government upon commerce, although at first silent and secondary, became in after times its main spring and support, as will easily appear from a brief review of certain results of that singular constitution.

There is perhaps no example in history, which reads us a more forcible lesson upon the precarious nature of political wisdom, or which can teach us by a more striking appeal to facts, that the most faultless and unexceptionable theories of government are not always the best adapted to practice, or the best calculated to insure the grand objects of national happiness and national prosperity. A plan for a constitution like that of the United

Provinces, could hardly form any part of the speculations of the politician, unless he were desirous to demonstrate the probable consequences of so glaring a perversion of the principles of his science. It was indeed an edifice constructed to all appearance of ill assorted and heterogeneous materials ; a compound of monarchy, aristocracy, and oligarchy ; which has been dignified with the title of a Republic, without the existence of one particle of popular government throughout its whole composition.

There were in this constitution four main elements. The first and most prominent was the authority and influence of the House of Orange ; the second, the federal provisions of the union ; the third, the sovereignty of the provinces ; the fourth, the freedom of the cities. The direct tendency of the internal administration of the two latter was oligarchical ; and as these, in conjunction with the hereditary aristocracy, and the Princes of Orange, made up the federative government, the great majority of the people had no immediate authority whatever. They exercised, nevertheless, as will appear, a very considerable moral influence over the minds of those in power ; a species of influence at once the most salutary and the most efficacious that can be exercised by the bulk of the community.

The political condition then of this people was in

many respects of a very anomalous description. Their liberty indeed was secure from the fact of the balance of power between the monarchical and oligarchical principles of the constitution being placed in their hands ; but they were destitute of all immediate authority and control over the affairs of the league. It is therefore at first sight matter of surprise that they acquiesced so willingly in this form of government. But there is nothing more remarkable in the history of these provinces than the sterling good sense and moderation of the people ; the result in a great measure of that slow and cautious temperament, which has ever marked their character, and still more perhaps of the privations and distress, through which during a long course of years they struggled to the attainment of a dear bought independence. Profiting by this experience, the governors presided over the national interests in an equitable and impartial spirit ; dealing wisely and temperately with the people ; without encroachment or oppression, and, if we may judge from the insignificance of their¹ emoluments, without desire of advantage. They were well aware that the surest way both to the attainment and preservation of power lay through the medium of those qualities, which secure the esteem, and

¹ The salary of the Pensioner of Holland, the most influential officer of the state, did not exceed £200 per annum ; and others in proportion : naval and military officers were remunerated at somewhat a higher rate.

gain the confidence, of the people, and the use they made of this conviction was wise and salutary. The governed, on the other hand, beheld with content and satisfaction the surrender of all pretence to tyranny, and sacrificed all factious opposition and interference to the public benefit, which they knew to be identified with the vigour and stability of government.

From this account of the general workings of the constitution, it would appear, that although necessarily imperfect from the circumscribed limits assigned to the choice of those invested with power, the oligarchical administration was yet free from the odious vices which commonly attach to that species of government, and met with a noble recompence in the esteem and confidence of the people. Hence it was enabled to adjust and harmonize discordant views and principles, and to preserve to the several elements of the confederacy a due proportion of constitutional authority.

At this stage of our enquiry it will be evident in what manner the existence of a federative government was favourable to the commerce, and therefore to the power of the United Provinces. Since the influence of the oligarchy, however sure and well founded, would have been little able to oppose a permanent and effectual barrier to the encroach-

ments of the House of Orange^m, had it not derived a very considerable assistance from the sovereignty of the provinces and the freedom of the cities. The one great security against the establishment of a monarchy lay in the uncompromising and watchful jealousy which must ever subsist among the members of a confederacy: while the force and spirit of this must have speedily evaporated, had they been consolidated into one single and undivided state.

In order then to render the inference complete, we must shew that under the circumstances of this country, the operation of a monarchy upon commerce would have been the reverse of favourable.

It is not meant to be asserted, that a free monarchy has a general tendency to depress commerce; much less, that any republican constitution has advantages to offer comparable to those we enjoy under a kingly government tempered with all the principles of rational liberty. But where-

^m The authority of their princes was imposing and extensive. They were hereditary high admirals and captains general, and had thereby the disposal of all naval and military commands. They had the power of pardon; the right of choosing the magistrates from a certain number nominated by the towns; with various other privileges and prerogatives, besides an overwhelming influence derived from their great patrimonial revenues, lordships, and principalities.

soever regal authority trenches upon these principles, and is enabled to pursue with advantage to itself a separate and distinct interest from that of the community, there is great danger lest it should deaden, and eventually destroy the spirit and enterprise of the nation. It is not in human nature to incur labour and risk in the pursuit of advantages, for the enjoyment of which it can have no permanent security; and this appears to be the main reason why commerce has never reared her head under the baneful influence of despotism. Consequences the same in character, though differing in degree, have place in all monarchies, which are not founded upon the broad basis of freedom, and the true principles of government.

What then, it will be asked, were the impediments to the establishment of a *free* monarchy in the United Provinces? The answer is easy. The oligarchy were in direct opposition to the investment of the kingly office in the House of Orangeⁿ.

ⁿ William II. who died in 1650, had shewn a strong disposition to arbitrary power. Upon the minority, therefore, of his successor, the oligarchical party seized the opportunity to abrogate all the public hereditary dignities of the House of Orange. The states and cities assumed the last nomination of their own magistrates, and there remained no right of pardon, and no representation of the sovereign dignity of the state. This state of things lasted twenty-two years, and hence the division of the confederacy into two distinct and hostile parties at the period of the French invasion in 1672.

Any attempt therefore on the part of the latter to ascend the throne must have been prefaced by a complete overthrow and subjection of this powerful body in the state. Regal authority pursued in contradiction to the interests and opinions of so important a body, as it must have been acquired by violence and faction, so must it likewise have been sustained by force, and must have rested upon a foundation too unstable and insecure to be enabled to dispense with arbitrary power. Even on the supposition of a more fortunate event, and the erection of a throne attended with little or no invasion of the liberties of the people, yet would the change have still proved detrimental to the interests of commerce ; since these would no longer have preserved their paramount influence over the minds of the entire community, but have given way in great measure to other views and occupations, to other objects of enterprise and ambition. In a word, the establishment of a monarchy would have involved many consequences directly or indirectly unfavourable to commerce, and none more effectual than the introduction of feelings, habits, and pursuits, subversive of those principles of parsimony and frugality, so long a source of wealth and means of power.

The argument then may be shortly recapitulated as follows.

I. That the commerce of the United Provinces

formed the very nerves and sinews of their power.

II. That the strong monarchical principle of the constitution, had it once been enabled to acquire the ascendancy, must, from the nature of the case, have assumed an absolute character, which could not have failed to prove in the highest degree prejudicial to commerce.

III. That the one effectual preventative against the acquisition of any such ascendancy lay in the operation of the federal government, which is therefore to be regarded as a necessary element of their power.

Now it is plain, that the above example, however it may exhibit an instance of great political power, and that power mainly dependent upon the nature of the constitution, is yet in no way sufficient to constitute a valid objection to the general conclusion, which asserts the prevailing character of federative governments to be weakness and inefficiency. It resulted from local and peculiar circumstances alone, that the operation of the federal constitution was favourable to power ; and it was from these, in connection with their commerce, and the importance derived from their relative situation to the nations of Europe, that this people attained a height of consideration and influence, so disproportionate to their population and territorial extent.

Their history is remarkable for many reasons ; for no one more than the manner in which the very defects of their constitution were turned to their advantage ; as well as for the spirit and decision with which on great emergencies they^o dispensed with restrictive regulations, when a close adherence to the letter of the constitution would have endangered the best interests of the commonwealth.

The question of the stability of federative governments is made up of opposite considerations to those insisted upon in the discussion of their power : and here we cannot fail to observe the existence of a very marked difference between the results of a federal union and those of a national government. In the latter, political power and internal stability have a mutual and beneficial operation ; while under a federal constitution, although it is quite

^o The States General had no constitutional authority to decide in questions of peace and war, of foreign alliances, of raising or coining money, or of the privileges of the several members of the confederacy, without previously sending to consult the provincial states by their respective deputies. But in concluding the treaties, which laid the foundation of the triple alliance in 1688, they acted in direct contradiction to this fundamental principle. Now it is clear that this assumption of supreme authority by the federal head was the salvation of the state. Since an attention to common forms would have given time and opportunity to France to defeat the proposed measures by tampering with the members of the league, any one of whom might, by the provisions of the constitution, prevent a great national object by a single veto.

true that stability is essential to the successful pursuit of power, yet is it also true, that accessions of power have a direct and inevitable tendency to impair the stability of the union. Whether then we pursue an abstract enquiry into the principles of federalism, or look to history for the evidence of example, we shall arrive by distinct paths at a common conclusion; and the coincidence between facts and theory would seem to be plain, striking, and complete.

The most favourable instance of a federal constitution will be found in the union of pure republics. Unanimity can never be expected from an association of monarchies, nor indeed from any combination of monarchy with the forms either of oligarchical or popular government: neither are the two latter more easily reconcilable; and although the case of the United Provinces presents us with an illustrious exception in favour of an union of oligarchies, yet in the great majority of instances the government of the few is of too selfish a character to assimilate and harmonize with federal principles. Good government, therefore, if it be attainable at all under a confederacy, must have for its basis an association of republics. Nor is the process of negative reasoning the only one available to the establishment of this conclusion; but the positive arguments in its favour are sufficiently obvious, to allow us to assume it as one which requires no further proof.

Associations of states, as of individuals, are formed in pursuit of a definite object by an identity of means : their stability, therefore, is liable to be endangered by any change in either of these two essentials. In the case of a confederacy, the one grand object is the attainment of security ; and, as subordinate to this, we might enumerate all those political advantages which are inseparable from an extended sphere of influence, of consideration, and power. In an association of republics, when organized upon just principles, the means in order to the acquisition of these advantages would be a close and intimate union, a general community of rights and privileges, and, lastly, the delegation of ample and efficient powers to the federal head. It will hardly be matter of controversy, that a union, established upon such principles as these, would embrace very many requisites for good government. But its excellencies and advantages would not be confined to a mere guarantee of internal prosperity and peace ; but would comprise exhaustless sources of energy and greatness, to swell the stream in its onward course to political power.

Montesquieu^a treats of a confederate republic as an expedient for extending the sphere of popular government, and combining the advantages of monarchy with those of republicanism ; the energy

^a *Esprit des Loix*, iii. 9.

of supreme power with the liberties of the people. This is obviously true of a confederacy in its most perfect form ; which would allow little room among its salutary jealousies for the abuses of corruption, still less for any fatal burst of violence or faction, and none for the apprehension of tyranny and despotic power. And were there no adverse principles in the essence of such a constitution, it would not be presumptuous to prophesy in its favour a lengthened political existence. But the very prosperity of a federal government, however excellent in its organization, carries within its bosom the germ of disunion and decay, in the extreme difficulty of retaining for any very lengthened period the unanimity of thought, and singleness of purpose, which gave the first impulse to the measures of the union : in the impossibility (if the expression be allowed) of preserving in their pristine vigour these essentials of a federal constitution, and defending them against the secret, but powerful and unceasing, workings of separate and conflicting interests. In other words, although the great object of national security remain substantially the same, yet the circumstances, under which it is viewed by the members of the confederacy, are exposed to continual fluctuation ; and with them the means to its attainment, originally assented to and pursued by all, become a fruitful source of dissension and dispute.

Now there is nothing which has a stronger and a more direct tendency to effect a change in the relative views and feelings of confederate states than an increase and growth of power. If indeed it were possible to assign to the several members of a confederacy a due proportion of the political advantages acquired by them in their collective capacity, and thus to preserve them in a situation similar or analogous to their original condition, the stability of their league would be so far from incurring any danger of a dissolution, as to acquire at every step additional firmness and consistence. But we may leave to the enthusiast the confident expectation of so cheering a result ; and turning our eyes from the fair, but fallacious, picture of imaginary excellence, compel ourselves to regard steadily those darker shades, which are the truer representatives of human action, and which harmonize so justly with the varied colours of historical truth.

We will then assume a case of confederate republics, whose several interests have been carefully poised and adjusted in the outset of their national career, and their relative share of influence assigned with impartial justice. This arrangement would render imperative a great degree of mutual concession, and a subservience of particular interests to the general welfare. Now it is reasonable to suppose, that certain of these states will possess advantages in their situation and general circum-

stances, which will enable them to outstrip with ease their less fortunate associates. An augmentation of prosperity will beget, not merely a pretension, but a right to an augmentation of power. Power once acquired has a natural tendency to a rapid increase ; and is unhappily so adverse to the due exercise of equity and moderation, that it is scarcely possible but that the change in the relative situation of the confederates, which began in justice, must end in encroachment and oppression. The natural result of this state of things will be combinations among the weaker states for the purposes of resistance ; and the aid of foreign powers will be invoked to repel the threatened subjection, although it is scarcely possible that this summons can fail to involve a dissolution of the federal compact.

We have a striking exemplification of these political consequences in the history of the Achæan league. The feeble tie of the Amphictyonic confederacy, over which Athens, Sparta, and Thebes had exercised a successive sovereignty, was at length effectually severed by the introduction of the ^r Macedonian power. A state of anarchy ensued, and all appearance of concert and unanimity among the states of Greece was confined to a few inconsiderable towns of Achaia. Even this had at

^r La Grece etait perdue, lorsque un roi de Macedon obtint une place parmi les Amphictyons. *Esprit des Loix*, iii.

one moment disappeared beneath the potent influence of the arts and arms of Macedon ; but it had disappeared only to revive in a shape more commanding and extensive. ¹ The disinterested union of a few Achæan towns gave promise of such inestimable advantages, that within a short time from its formation the league embraced nearly the entire ² Peloponnesus. Even Athens united herself to the common cause, and for a second time in the history of Greece the selfishness of ambition gave way before a generous enthusiasm for the common liberty. Sparta, however, a solitary exception to these sentiments, Sparta, who had reigned the imperial mistress of a former league, in which the Achæans had made so inconsiderable a figure, beheld their rapid progress with jealousy and discontent. The Achæans, unable to cope single-handed with the Spartan power, invoked the aid of Macedon, and were triumphant in the contest. But they had escaped one danger only to incur another, more fatal, because more concealed, and clothed in the garb of friendship and alliance. Macedon had now attained a situation whence she could securely foment the jealousies and discontent which had already begun to manifest themselves among the

¹ In the second period of the league, about 280 B. C.

² The expressions of Polybius are remarkable. *Τούτῳ δὲ μόνῳ ἔδοκεν διαλλάττειν τοῦ μὴ μιᾶς πόλεως διαθέσιν ἔχειν σχεδὸν τὴν σύμπασαν Πελοπόννησον, τῷ μὴ τὸν αὐτὸν περίβολον ὑπάρχειν τοῖς ἐνοικοῦσιν αὐτήν.* ii. 37.

members of the league: nor was this a task of difficulty. Achaia, as the centre of the union, had acquired by her conduct and good fortune a very considerable share of influence and power. The same fears, therefore, which first gave birth to the confederacy, were again revived; but their direction was changed. Many of the confederates became distracted between their fears of Macedon, and their jealousy of Achaia; and the harmony, so necessary to the very being of the confederacy, was lost for ever.

During this crisis the Romans had appeared upon the stage of Greece. Rome, however, was content to forego an immediate for a future, but more easy and certain, conquest. And, foreseeing the ultimate fate which awaited a divided people, she^u employed the intermediate time in secretly undermining the few remaining props and bulwarks of Grecian liberty. This insidious forbearance did not long pass unrewarded. Opportunities speedily arose for a more direct and effectual interference; and Achaia, in common with the rest of Greece, submitted to a yoke of hopeless slavery, the more galling, because attended with a conviction, when

^u Nec aliud adversus validissimas gentes nobis utilius quam quod in commune non consulunt. Rarus duabus tribusve civitatibus ad propulsandum commune periculum conventus. Ita, dum singuli pugnant, universi vincuntur. *Tacitus vit. Agricolaë*, c. 9.

too late, that their own errors had mainly contributed to strengthen the hands and smooth the path of the haughty conqueror^x.

The objection furnished by the example of the United Provinces, which may seem to have combined stability with power, is easily met by an enquiry into the real merits of the case. Their confederacy subsisted, it is true, for upwards of two hundred years; but the duration of its pre-eminence in power did not embrace a sixth part of that period. The spirit of faction, together with other consequences of their brief though extraordinary career of prosperity, exposed them in a naked and defenceless state to the ambition of France at the commencement of the war in 1672. Since the era of that struggle they no longer occupied the same high station among the nations of Europe; and the stability of their union, up to the period of the French revolution, was owing to the interest of foreign powers in its preservation, and still more perhaps to their own comparative weakness and insignificance.

We have seen in all the instances examined the obstacles to the permanency of a federal union,

^x The history of the Olynthian confederacy, as detailed by Mitford, c. xxxvi. sect. 2. will furnish us with another proof of the certain operation of prosperity and power in loosening, and finally in dis severing the ties, of federal union.

which result from the acquisition of power of a purely defensive character; we are justified then in ascribing no less certain consequences to the power of a confederacy, which may have been fortunate enough to escape the influence of internal jealousies, and have proceeded through a long course of prosperity and riches, first to security, and then to conquest. The military talents of a single chief, the devotion of his victorious soldiers, the introduction of standing armies, a necessary accompaniment of conquest, must involve consequences so directly hostile to the stability of the confederacy where they exist, that it is needless to enlarge upon their inevitable operation.

If then the acquisition of power has a certain tendency to weaken the ties of federal union, we should expect that a confederacy, deprived, by natural, as well as adventitious, circumstances, of all pretension to political power, would, for that reason, possess in a superior degree the merit of stability. This position is throughout illustrated by the history of Switzerland, which, prevented by concurrent causes from occupying a high place in the scale of nations, preserved with few variations, during the lapse of five centuries, the original constitution and character of her league.

The revolt of the Waldstetten at the close of the 13th century originated in an unmixed feeling of resistance to oppression: nor can we reasonably

imagine that any idea of national power was at that moment entertained by these petty communities. This observation will apply in a no less degree to their subsequent history ; for it is a remarkable fact, and one which places in a clear light the general character and complexion of the Helvetic league, that the same free and jealous people, who flew to arms in vindication of their title to freedom in 1298, did not claim an entire exemption from the feudal sovereignty of the empire^y, until upwards of three centuries had elapsed from the date of their independence. The Cantons acceded slowly to the league, accordingly as they severally felt themselves aggrieved by the Austrian dominion ; and, content with having emancipated themselves from the yoke of servitude, seemed to pay but little regard to the dictates of ambition. During the course of the 14th century, their history is one strain of well merited panegyric ; and the mind, wearied with the follies and disgusted with the crimes of the rest of Europe, reposes with pleasure on a scene, where she can find so little to condemn ; nothing at least sufficient to obscure the bright example of public and private virtue.

Happy had it been for Switzerland, had she continued to cherish these pure and healthful feelings ; happy had it been, had she gained nothing beyond simple liberty in her contest with

^y *i. e.* Until the peace of Westphalia, A. D. 1648.

her ancient masters. But the cravings of avarice and the thirst of plunder are inseparable from the pride of victory ; and while the hardy mountaineer exulted in the defeat and humiliation of the Austrian chivalry, he purchased his triumph at the expence of his integrity and the simplicity of his nature. The sudden influx of wealth into the valleys and fastnesses of the Alps wrought a melancholy change in the character of the inhabitants. The peaceful occupations of the peasant and the citizen were gladly exchanged for the dangers and privations of the soldier ; and the love of freedom, which had first awakened their warlike energies, degenerated into an undistinguishing thirst for gain and desire of advantage.

Under circumstances too favourable for the developement of the military character, the Swiss were not slow to attain a prominent rank among the nations of Europe. Their situation, however, precluded them from exerting this means of power in their own behalf, and for the purposes of conquest ; and they thus became the ready agents of the highest paymaster ; content to substitute for the disinterested enthusiasm of the patriot and the hero, the rapacity of the hireling and the devotion of the slave. On the other hand, the comparative tranquillity, which was in some measure ensured to the internal relations of the confederacy by the constant occupation of these turbulent and licentious spirits, was a great, but a solitary, advantage.

Such was the condition of Switzerland, when the dawn of the Reformation gave promise of better hopes. It produced indeed a very material change in the character and circumstances of the Swiss ; and its effects are chiefly visible in the improved tone of moral feeling, and in the introduction of better habits, and a growing aversion to mercenary service, as the leading features of this improvement. But in another point of view, the Reformation was unavoidably attended with disastrous consequences ; and the history of Switzerland, during the latter part of the 16th and the whole of the 17th century, is crowded with endless details of controversies and bloodshed ; of that violence and those animosities, which are found so terribly to prevail, where religious zeal has been abused to the purposes of intolerance, or assumed as a passport for the unrestrained indulgence of evil passions. It was not until the commencement of the 18th century, that the mutual exhaustion of the conflicting Cantons put an end to a contest which had seemed interminable, but the tranquillity then established was founded upon a secure basis ; and up to the period of the French revolution, Switzerland enjoyed an uninterrupted course of prosperity and peace.

From this brief and very imperfect sketch of the history of the Helvetic league, it is clear, that the stability of the confederacy during five centuries can in no wise be imputed to the absence of motives to disunion among the Cantons, or to

their freedom from intestine divisions and social war. The annals of few nations are more deeply tinged with blood ; few, like Switzerland, can present to us in the same page the evidences of the most determined hostility, and the semblance of union. But these apparent anomalies are easily reconciled by a slight consideration of the nature of her league, of its original purpose, and subsequent operation.

First then, from the earliest ages ² down to our own times, the union between the various tribes or communities occupying the extent of modern Switzerland has been restricted to the simple principle of mutual defence. At no period does the federal constitution appear to have comprised any thing of importance beyond a general guarantee of independence, and a right of arbitration in disputes between the members of the league, vested by the constitution in the neutral Cantons. But we find no marks or traces of common sovereignty, no common treasury, no common troops, even in time of war, no common coin, or courts of judicature.

The second peculiarity, which resulted immediately from the foregoing, was the extreme feeble-

² We learn from Cæsar, that ancient Helvetia was divided into four communities called ' Pagi,' between whom there subsisted a defensive alliance, but no other sign of a federal union.

ness, and singularly ill-defined character, of the ties of federal association. Indeed, since the era of the Reformation, this confederacy existed rather as a consequence of geographical position than of political combination. Before that period, their common interest, their military glory, together with the pressure of a neighbouring and hostile empire, preserved them in a state of union, of which they had too recently experienced the unmixed benefit, to be disposed to question its utility and advantage.

Now it is precisely to this feebleness and inefficiency of the federal ties, that we are to look for the main cause of the permanence of the league. An association, which imposed upon its members^a no perceptible restraint, which called upon them for no sacrifices, and made no demands upon their individual interests, which might, we may almost say^b, be entered into at pleasure, and at pleasure relinquished, was surely well calculated to survive under circumstances, which must have proved fatal

^a For instance, the articles of confederation forbade the concluding of any foreign alliance without the consent of the Diet. But, after the Reformation, we find Berne at the head of the Protestant interest in treaty with the United Provinces; and Lucerne as the head of the Catholic interest, in treaty with France.

^b We find Berne refusing to take any part in the war against Leopold of Austria, in which was fought the battle of Sempach; but this contempt of federal principles seems to have caused little surprise, and to have given birth to no hints at a separation.

to any system of federation constructed upon better-ascertained principles, and possessing a vested right to interpret and assert the provisions of its constitution.

It would be unjust to Switzerland to omit in this place all notice of the remarkable excellence of her internal government. The absence of power, and the division of the country into petty communities, appear to have exercised a very beneficial influence upon the ^c various forms of administration which are found to have prevailed among the members of the league. The Swiss unquestionably enjoyed during far the greater part of the 18th century a very high degree of happiness and prosperity. Their simplicity and singleness of character ; their disposition, bold and uncompromising, yet peaceable and industrious ; their steady neutrality amid all the wars of conflicting Europe ; are worthy objects of contemplation to the moralist, and of panegyric to the historian. The praises indeed, they so fully merit, have never been denied them, but ratified by the concurrent testimony of all nations ; and, to select an evidence of high autho-

^c We should perhaps confine this praise chiefly to the aristocratical Cantons ; for it cannot be denied, that in those possessing a democratical form of government, the administration of justice was extremely corrupt. This is perhaps attributable in some measure to their uniform practice of compounding for offences by a fine, which speedily confounds together the ideas of private gain and public justice.

rity, we find it declared by Burke, " that he had beheld throughout Switzerland, and above all in the Canton of Berne, a people at once the happiest and the best governed upon earth."

To sum up the argument. It would seem that the advantages of federation are more than counter-balanced by its defects. The former indeed are calculated to promote good internal government ; but as this is not the great object of a federal union, so neither can it be much insisted upon as a peculiar benefit. On the other hand, in the pursuit of political power, which is the ultimate object of the association, the defects come immediately into play, and their tendency is not more uniform and certain, than it is powerful and destructive. Now it is true, that these last could certainly have no place in a perfect confederacy, which would therefore rank very high among systems of government. But political and moral perfection are equally unattainable ; and human nature must indeed change, before a regard for remote and widely-diffused interests can be reasonably expected to stifle the voice of passion, of prejudices, and local feeling. Men, either in their private capacities, or as members of a community, are chiefly swayed by motives, which have the closest and most immediate connection with their own advantage : and although in the majority of cases the interests of the confederate members and those of the collective body will coincide, it is, nevertheless, certain, that oppor-

tunities will frequently arise to give grounds for a real, or imaginary, opposition and hostility between them. Hence will result a division of authority, and a denial of supremacy to the federal head, which, however it may differ in degree under different circumstances, cannot fail to prove injurious, not merely to the increase, but even to the preservation, of political power.

On the other hand, should the good fortune, the conduct, or the peculiar advantages of any confederacy have been sufficient to counteract the evil influences of a partial and inefficient union, the growth of power will be vigorous and rapid, but its decay will be rapid also. Its maturity will give birth to jealousies and faction, to oppression and resistance; and from the moment when these principles assume a decided shape, from that moment will national power cease, and the spectacle of a mighty and united people give place to one of petty and conflicting states. The stability therefore of confederacies, however it may subsist entire and unimpaired in the absence of all means of aggrandisement, may be pronounced to be incompatible with the possession of power.

We turn our eyes as well from the examples of antiquity, as from those of more recent ages, to the great political phenomenon of our own times. It has been reserved for America to call into renewed existence a form of government, which, among the

multiplied parallels of history, has scarcely one to command our unmixed approval, or challenge our unqualified applause. But it would be a most uncandid perversion of the truth, were we to extend to the confederacy of the western hemisphere those censures, which are in different degrees applicable to the federal systems of the old world.

In premising, that the constitution of the United States differs most essentially from that of any ancient or modern confederacy, we shall at once perceive, that any judgment respecting its future prospects must be attended with great and peculiar difficulties. We shall perceive, that we possess no standard of reference; no examples, by which to try the validity of our conclusions; no analogous cases, to which we may turn for illustration or authority. Their government is a new creation in politics, and must be tried solely and singly upon its own merits. But the experience of less^d than half a century, replete as it is with matter for reflection, for admiration, and for hope, is far too scanty to allow us to appeal with confidence to its results, or to regard them as even tolerably certain indications of what is yet to come.

It is a presumption indeed prior to all positive argument in favour of the American union, that it has avoided the glaring errors of former confe-

^d i. e. from the date of the present constitution in 1787.

deracies. The free and enlightened framers of the constitution of 1787 appear to have studied the models of antiquity in the true spirit of political wisdom. Uniting their own experience of the manifold and incurable evils of a partial union to the lessons of history, they directed their whole energies to the establishment of a permanent and effective government. They considered, that if the association of the states were at all an object, it was clearly one of the most vital and paramount importance. That in all questions, therefore, of coexisting powers, the first point was to settle the national authority upon a secure basis, by placing in its hands every thing which could be conceded consistently with the preservation of the independence of the states. With this principle for their guide, they proceeded with deliberate caution and consummate sagacity to blend together and adjust an immense mass of complicated and partly conflicting interests. The result of their patriotic labours was that constitution, which, if they never considered it as perfect, as indeed may easily be gathered from their speeches and recorded opinions, was still unquestionably the best that the views and circumstances of the country would permit ; and few men, we should conceive, however they may doubt its ultimate success, can refuse to it the tribute of admiration and respect.

We cannot attempt to offer in this place any detailed account of the provisions of this famous

constitution ; but must content ourselves with observing, that it partakes largely of the *national* as well as of the *federative* character. A government purely federal, would have no vested power of control over the individual citizens of the several states composing the confederacy, but simply over the legislatures of those states. Now an adherence to this principle is clearly incompatible with a due regard for effective government ; and the American acted with temperance and true wisdom, in abandoning an unprofitable independence for the real and tangible advantages of national union.

Again, it is hardly necessary to employ discussion to prove the existence of political power in the United States. If we look around the world, where shall we find a people who have made within the same period the same advances in all the essentials of national greatness and national prosperity ? And although we must in fairness assign a large portion of what is enjoyed by them as a nation to the century which elapsed prior to the date of their independence, when, to use the words of Burke, “ a free and generous nature was left to take its own course to perfection,” there will still remain a vast aggregate of national advantages, which can only be referred to their form of government, to its admirable adaptation to the spirit of enterprise and the love of freedom.

It would evince a high degree of presumption

in the writer of these pages, if with his very limited acquaintance with the social and political circumstances of the United States, he were to offer any positive opinion upon the probable fortunes of that great confederacy. But there are certain considerations, arising immediately from the nature of the case, which indeed can have escaped no one, who has at all interested himself in the history of America; but which appear too important to pass unnoticed, since they relate to principles, upon which the permanence of the existing union would seem mainly to depend.

The old confederation, under which the United States had achieved their independence, ceased naturally with the conjunctures of the revolution, which had first called it into existence. It was not, it is true, annulled by any formal act; but its insufficiency to answer any good end in time of peace had become so manifest, that no alternative remained, but a dissolution of the confederacy, on the one hand, or a union constructed upon entirely new principles, on the other. It was fortunate for America, that the sound views and enlightened patriotism of the friends of union prevailed over the selfish ambition of men, who would fain have reared the edifice of their own power upon the ruins of the confederacy.

The constitution then of 1787 commenced its career under the happiest auspices. The circumstances

of the country and the people were all favourable to a republican form of government, and the consolidation of civil and religious liberty. But the extreme difficulty of providing for an ever varying and increasing country a permanent and settled government could not escape the statesmen of America. They were well aware, that the peculiar advantage at that time enjoyed by their republic in the absence of an impoverished and idle population, could not in the nature of things continue, for any very lengthened period, the same and unimpaired. And although the facilities for obtaining subsistence, and many of the comforts of life, have as yet prevented any very serious evil from the rapid increase of the population, coupled with the extended principle of the elective franchise, it is impossible not to foresee, that sooner or later the time must come, when the antidote will cease to operate, and the poison begin to work; when the republican constitution, founded upon the basis of equal representation, will degenerate into the turbulent and ungovernable licentiousness of a wild democracy. It will then remain to be seen how far the popular election of the chief magistrate is compatible with the internal quiet and stability of the union. Even at the present day these elections give occasion for a display of faction and party-hostility, which in any country of Europe possessing a more condensed population and a standing army, would inevitably terminate in a civil war. In America the spirit evaporates and

dies away, owing to the absence of these motives to excitement.

The distinction between the manufacturing and commercial interests, so long as a due mean and equitable proportion is preserved in their adjustment, would rather tend to unite more closely the members of the confederacy, than permit any adequate reasons for a separation. But if the spirit of legislation, which prescribed the adoption of the tariff of 1824, continue to exert its influence, the groundwork will be laid for substantial differences between the states; and these again, promoted, as they cannot fail to be, by geographical (or in the language of America, by territorial) distinctions, may pave the way for a premature dissolution of the confederacy. This unwise measure has excited, especially among the southern states, an extreme degree of dissatisfaction. Hints at further and more important consequences have been loud and frequent; and the wound must indeed have sunk deep into the vitals of the constitution, when we find one of the most distinguished advocates of the existing union declaring, "that a dissolution of the confederacy would be a preferable alternative to the endurance of evils, which must spring from this odious act of the federal legislature."

‡ Mr. Jefferson. Vide *Edinburgh Review*, No. XCVI. p. 488, 489.

There is yet another danger arising from the rapid acquisition of new territory, and the consequent accumulation of local interests. These are every day increasing ; and it cannot be denied, that there is a prospect of their becoming too numerous and too widely diffused to admit of regulation by one central congress. It is important also to bear in mind, that the final decision of any question, which may involve the stability of the confederacy, must almost entirely depend upon the light in which a national union is regarded by the several states as a source of domestic benefits, and a means of promoting and securing their *internal* prosperity. *External* pressure there can be none ; for they are happily placed in circumstances, in which, even supposing them dissevered into two or more confederacies, they may bid defiance to foreign arms ; and thus it is, that the strongest inducement to the preservation of a federal union, that of mutual defence, so far from being constantly present to the mind of the American, is in danger of being overlooked or disregarded in the eager pursuit of local interests. There is indeed room for apprehension, least their security at home should prompt them to an undue interference in the affairs of Europe. But if there be any one line of policy which is clearly marked out for the United States, it is unquestionably that of peace. Should it be their ill fortune or ill conduct to plunge themselves into a protracted war, the high wages of labour would necessarily render the expence of an extensive naval and

military establishment very great ; and the antipathy to taxes would beget a still more alarming difficulty in defraying that expence. It is a disadvantage also, which is inseparable from the constitution of a federal government, that as it possesses no strong hold upon the affections of the people, the slightest disaster is sufficient to ensure its unpopularity, and give the signal for its overthrow.

The causes, however, which may create hostility between the people of the United States and the nations of continental Europe are too remote to excite apprehension, and can hardly indeed be said to possess any separate existence. On one fair land alone, which the voice of nature and of interest unite in declaring the fitting object of friendship and alliance, the western horizon at times appears to lower with the signs of tempest. But while we fear no consequences in the defence or assertion of our rights, we acknowledge with gratitude and hope that there exist but few and decreasing indications of an approaching storm. England and America are both too wise, and one at least swayed by councils too moderate, to allow the prosecution of a spirit of rivalry and petty jealousies to disturb the harmony of the Christian world. Let us not indulge in gloomy anticipations, or torment ourselves with imagining the possible occurrence of more serious causes for offence. England may justly be proud of her child : America may regard her parent with affection and respect : both may concur

in displaying to the world the power of enterprise and active industry ; the inestimable benefits of popular representation in government, of equal and impartial laws : both may diffuse over either hemisphere, and, if united, with tenfold power, the light of Civilization and the blessings of Freedom.

GEORGE ANTHONY DENISON,

FELLOW OF ORIEL.

