

PART II
THE STATE GOVERNMENTS

CHAPTER XXXVI

NATURE OF THE AMERICAN STATE

From the study of the National Government, we may go on to examine that of the several States which made up the Union. This is the part of the American political system which has received least attention both from foreign and from native writers. Finding in the Federal president, cabinet, and Congress a government superficially resembling those of their own countries, and seeing the Federal authority alone active in international relations, Europeans have forgotten and practically ignored the State Governments to which their own experience supplies few parallels, and on whose workings the intelligence published on their side of the ocean seldom throws light. Even the European traveller who makes the six days' run across the American continent, from New York *via* Philadelphia and Chicago to San Francisco, though he passes in his journey of 3000 miles over the territories of eleven self-governing commonwealths, hardly notices the fact. He uses one coinage and one post-office; he is stopped by no custom-houses; he sees no officials in a State livery; he thinks no more of the difference of jurisdictions than the passenger from London to Liverpool does of the counties traversed by the line of the North-Western Railway. So, too, our best informed English writers on the science of politics, while discussing copiously the relation of the American States to the central authority, have failed to draw on the fund of instruction which lies in the study of the State Governments themselves. Mill in his *Representative Government* scarcely refers to them. Mr. Freeman in his learned essays, Sir H. Maine in his ingenious book on Popular Government, pass by phenomena which would have admirably illustrated some of their reasonings.

American publicists, on the other hand, have been too much absorbed in the study of the Federal system to bestow much

thought on the State governments. The latter seem to them the most simple and obvious things in the world, while the former, which has been the battle-ground of their political parties for a century, excites the keenest interest, and is indeed regarded as a sort of mystery, on which all the resources of their metaphysical subtlety and legal knowledge may well be expended. Thus while the dogmas of State sovereignty and State rights, made practical by the great struggle over slavery, have been discussed with extraordinary zeal and acumen by three generations of men, the character, power, and working of the States as separate self-governing bodies have received little attention or illustration. Yet they are full of interest; and he who would understand the changes that have passed on the American democracy will find far more instruction in a study of the State governments than of the Federal Constitution. The materials for this study are unfortunately, at least to a European, either inaccessible or unmanageable. They consist of constitutions, statutes, the records of the debates and proceedings of constitutional conventions and legislatures, the reports of officials and commissioners, together with that continuous transcript and picture of current public opinion which the files of newspapers supply. Of these sources only one, the constitutions, is practically available to a person writing on this side the Atlantic. To be able to use the rest one must go to the State and devote one's self there to these original authorities, correcting them, where possible, by the recollections of living men. It might have been expected that in most of the States, or at least of the older States, persons would have been found to write political, and not merely antiquarian or genealogical, State histories, describing the political career of their respective communities, and discussing the questions on which political contests have turned. But this has been done in comparatively few instances, so that the European inquirer finds a scanty measure of the assistance which he would naturally have expected from previous labourers in this field.¹ I call it a field: it is

¹ Since these lines were written, such a series of State histories has been begun under the title of *American Commonwealths*. Of the volumes that have already appeared some possess high merit; but they do not always bring the narrative down to those very recent times which are most instructive to the student of existing institutions.

rather a primeval forest, where the vegetation is rank, and through which scarcely a trail has yet been cut. The new historical school which is growing up at the leading American universities, and has already done excellent work on the earlier history of the Eastern States, will doubtless ultimately grapple with this task;¹ in the meantime, the difficulties I have stated must be my excuse for treating this branch of my subject with a brevity out of proportion to its real interest and importance. It is better to endeavour to bring into relief a few leading features, little understood in Europe, than to attempt a detailed account which would run to inordinate length.

The American State is a peculiar organism, unlike anything in modern Europe, or in the ancient world. The only parallel is to be found in the cantons of Switzerland, the Switzerland of our own day, for until 1815, if one ought not rather to say until 1848, Switzerland was not so much a nation or a state as a league of neighbour commonwealths. But Europe so persistently ignores the history of Switzerland, that most instructive patent museum of politics, apparently only because she is a small country, and because people go there to see lakes and to climb mountains, that I should perplex instead of enlightening the reader by attempting to illustrate American from Swiss phenomena.

Let me attempt to sketch the American States as separate political entities, forgetting for the moment that they are also parts of a Federation.

There are forty-four States in the American Union, varying in size from Texas, with an area of 265,780 square miles, to Rhode Island, with an area of 1250 square miles; and in population from New York, with 5,997,853 inhabitants, to Nevada, with 45,761. That is to say, the largest State is much larger than either France or the Germanic Empire; the most populous much more populous than Sweden, or Portugal, or Denmark, while the smallest is smaller than Warwickshire or Corsica, and the least populous less populous than the parish of Wandsworth in the suburbs of London (46,717), or the town of

¹ Since the above was written, in 1887, many valuable treatises and monographs on these constitutional and historical topics have appeared, and several journals or serial publications have been established dealing with them.

Warrington in Lancashire (52,742). Considering not only these differences of size, but the differences in the density of population (which in Nevada is .4 and in Wyoming .6 to the square mile, while in Rhode Island it is 276 and in Massachusetts 268 to the square mile); in its character (in South Carolina the blacks are 692,503 against 458,454 whites, in Mississippi 747,720 against 539,703 whites); in its birthplace (in North Carolina the foreign-born persons are less than $\frac{1}{350}$ of the population, in California more than $\frac{1}{3}$); in the occupations of the people, in the amount of accumulated wealth, in the proportion of educated persons to the rest of the community, — it is plain that immense differences might be looked for between the aspects of politics and conduct of government in one State and in another.

Be it also remembered that the older colonies had different historical origins. Virginia and North Carolina were unlike Massachusetts and Connecticut; New York, Pennsylvania, and Maryland different from both; while in recent times the stream of European immigration has filled some States with Irishmen, others with Germans, others with Scandinavians, and has left most of the Southern States wholly untouched.

Nevertheless, the form of government is in its main outlines, and to a large extent even in its actual working, the same in all these forty-four republics, and the differences, instructive as they are, relate to points of secondary consequence.

The States fall naturally into five groups: —

The New England States — Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, Maine.

The Middle States — New York, New Jersey, Pennsylvania, Delaware,¹ Maryland, Ohio, Indiana.²

The Southern, or old Slave States — Virginia, West Virginia (separated from Virginia during the war), North Carolina, South Carolina, Georgia, Alabama, Florida, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, Texas.

¹ Delaware and Maryland were Slave States, but did not secede, and are in some respects to be classed rather with the Middle than with the Southern group, as indeed are W. Virginia and Missouri, perhaps even Tennessee and Kentucky.

² Ohio and Indiana are becoming rather Middle than Western, but many people would still class them among Western States.

The North-Western States — Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Colorado, N. Dakota, S. Dakota, Wyoming, Montana, Idaho.

The Pacific States — California, Nevada, Oregon, Washington.

Each of these groups has something distinctive in the character of its inhabitants, which is reflected, though more faintly now than formerly, in the character of its government and politics.

New England is the old home of Puritanism, the traces whereof, though waning under the influence of Irish and French Canadian immigration, are by no means yet extinct. The Southern States will long retain the imprint of slavery, not merely in the presence of a host of negroes, but in the degradation of the poor white population, and in certain attributes, laudable as well as regrettable, of the ruling class. The North-West is the land of hopefulness, and consequently of bold experiments in legislation: its rural inhabitants have the honesty and narrow-mindedness of agriculturists. The Pacific West, or rather California and Nevada, for Oregon and Washington belong in character to the Upper Mississippi or North-Western group, tinges the energy and sanguine good nature of the Westerns with a speculative recklessness natural to mining communities, where great fortunes have rapidly grown and vanished, and into which elements have been suddenly swept together from every part of the world, as a Rocky Mountain rainstorm fills the bottom of a valley with sand and pebbles from all the surrounding heights.

As the dissimilarity of population and of external conditions seems to make for a diversity of constitutional and political arrangements between the States, so also does the large measure of legal independence which each of them enjoys under the Federal Constitution. No State can, as a commonwealth, politically deal with or act upon any other State. No diplomatic relations can exist nor treaties be made between States, no coercion can be exercised by one upon another. And although the government of the Union can act on a State, it rarely does act, and then only in certain strictly limited directions, which do not touch the inner political life of the commonwealth.

Let us pass on to consider the circumstances which work for uniformity among the States, and work more powerfully as time goes on.

He who looks at a map of the Union will be struck by the fact that so many of the boundary lines of the States are straight lines. Those lines tell the same tale as the geometrical plans of cities like St. Petersburg or Washington, where every street runs at the same angle to every other. The States are not natural growths. Their boundaries are for the most part not natural boundaries fixed by mountain ranges, nor even historical boundaries due to a series of events, but purely artificial boundaries, determined by an authority which carved the national territory into strips of convenient size, as a building company lays out its suburban lots. Of the States subsequent to the original thirteen, California is the only one with a genuine natural boundary, finding it in the chain of the Sierra Nevada on the east and the Pacific ocean on the west. No one of these later States can be regarded as a naturally developed political organism. They are trees planted by the forester, not self-sown with the help of the seed-scattering wind. This absence of physical lines of demarcation has tended and must tend to prevent the growth of local distinctions. Nature herself seems to have designed the Mississippi basin, as she has designed the unbroken levels of Russia, to be the dwelling-place of one people.

Each State makes its own Constitution; that is, the people agree on their form of government for themselves, with no interference from the other States or from the Union. This form is subject to one condition only: it must be republican.¹ But in each State the people who make the constitution have lately come from other States, where they have lived under and worked constitutions which are to their eyes the natural and almost necessary model for their new State to follow; and in the absence of an inventive spirit among the citizens, it was the obvious course for the newer States to copy the organizations of the older States, especially as these agreed with cer-

¹ The case of Kansas immediately before the War of Secession, and the cases of the rebel States, which were not readmitted after the war till they had accepted the constitutional amendments forbidding slavery and protecting the freedmen are quite exceptional.

tain familiar features of the Federal Constitution. Hence the outlines, and even the phrases of the elder constitutions reappear in those of the more recently formed States. The precedents set by Virginia, for instance, had much influence on Tennessee, Alabama, Mississippi, and Florida, when they were engaged in making or amending their constitutions during the early part of this century.

Nowhere is population in such constant movement as in America. In some of the newer States only one-fourth or one-fifth of the inhabitants are natives of the United States. Many of the townfolk, not a few even of the farmers, have been till lately citizens of some other State, and will, perhaps, soon move on farther west. These Western States are like a chain of lakes through which there flows a stream which mingles the waters of the higher with those of the lower. In such a constant flux of population local peculiarities are not readily developed, or if they have grown up when the district was still isolated, they disappear as the country becomes filled. Each State takes from its neighbours and gives to its neighbours, so that the process of assimilation is always going on over the whole wide area.

Still more important is the influence of railway communication, of newspapers, of the telegraph. A Greek city like Samos or Mitylene, holding her own island, preserved a distinctive character in spite of commercial intercourse and the sway of Athens. A Swiss canton like Uri or Appenzell, entrenched behind its mountain ramparts, remains, even now under the strengthened central government of the Swiss nation, unlike its neighbours of the lower country. But an American State traversed by great trunk lines of railway, and depending on the markets of the Atlantic cities and of Europe for the sale of its grain, cattle, bacon, and minerals, is attached by a hundred always tightening ties to other States, and touched by their weal or woe as nearly as by what befalls within its own limits. The leading newspapers are read over a vast area. The inhabitants of each State know every morning the events of yesterday over the whole Union.

Finally the political parties are the same in all the States. The tenets (if any) of each party are (with some slight exceptions) the same everywhere, their methods the same, their