

repeating the offence. When the two branches of a legislature differ, and a valuable bill has failed, or when there has been vexatious filibustering, public opinion fixes the blame on the party primarily responsible for the loss of good measures or public time, and may punish it at the next election. Thus, in many ways and on many occasions, though not so often or so fully as is needed, the vision of the polls, seen some months or even years off, has power to terrify and warn selfish politicians. As the worth of courts of law is to be estimated not merely by the offences they punish and the suits they try, but even more by the offences from which the fear of penalties deters bad men, and by the payments which the prospect of a writ extracts from reluctant debtors, so a healthy and watchful public opinion makes itself felt in preventing foolish or corrupt legislation and executive jobbery. Mischief is checked in America more frequently than anywhere else by the fear of exposure, or by newspaper criticisms on the first stage of a bad scheme. And, of course, the frequency of elections—in most respects a disadvantage to the country—has the merit of bringing the prospect of punishment nearer.

It will be asked how the fear is brought home, seeing that the result of a coming election must usually be uncertain. Sometimes it is not brought home. The erring majority in a legislature may believe they have the people with them, or the governor may think his jobs will be forgotten. Generally, however, there are indications of the probable set of opinion in the language held by moderate men and the less partisan newspapers. When some of the organs of the party which is in fault begin to blame it, danger is in the air, for the other party is sure to use the opening thus given to it. And hence, of course, the control of criticism is most effective where parties are nearly balanced. Opinion seems to tell with special force when the question is between a legislative body passing bills or ordinances, and a president or governor, or mayor, vetoing them, the legislature recoiling whenever they think the magistrate has got the people behind him. Even small fluctuations in a vote produce a great impression on the minds of politicians.

The constancy or mutability of electoral bodies is a difficult phenomenon to explain, especially where secret voting prevails,

and a dangerous one to generalize on. The tendency of the electoral vote in any constituency to shift from Tory to Whig or Whig to Tory, used in England to be deemed to indicate the presence of a corrupt element. It was a black mark against a borough. In America it sometimes deserves the same interpretation, for there are corruptible masses in not a few districts. But there are also cases in which it points to the existence of an exceptionally thoughtful and unprejudiced element in the population, an element which rejects party dictation, and seeks to cast its vote for the best man. The average American voter is more likely to be a partisan than the English, and is, I think, less capricious, and therefore if a transfer of votes from one party to the other does not arise from some corrupt influence, it betokens serious disapproval on the part of the Bolters. Fluctuations are most frequent in one or two of the least sober and steady Western States, and in some of the most enlightened, such as New York and Massachusetts. In the former the people may be carried away by a sudden impulse; in the latter there is a section which judges candidates more by personal merits than by party professions.

These defects which may be noted in the constitutional mechanism for enabling public opinion to rule promptly and smoothly, are, in a measure, covered by the expertness of Americans in using all kinds of voluntary and private agencies for the diffusion and expression of opinion. Where the object is to promote some particular cause, associations are formed and federated to one another, funds are collected, the press is set to work, lectures are delivered. When the law can profitably be invoked (which is often the case in a country governed by constitutions standing above the legislature), counsel are retained and suits instituted, all with the celerity and skill which long practice in such work has given. If the cause has a moral bearing, efforts are made to enlist the religious or semi-religious magazines, and the ministers of religion.<sup>1</sup> Deputations proceed to Washington or to the State capital, and lay siege to individual legislators. Sometimes a distinct set of women's societies is created, whose action on and through women is all the more powerful because the deference shown

<sup>1</sup> In Philadelphia, during a struggle against the City Boss, the clergy were requested to preach election sermons.

to the so-called weaker sex enables them to do what would be resented in men. Not long ago, I think in Iowa, when a temperance ticket was being run at the elections, parties of ladies gathered in front of the polling booths and sang hymns all day while the citizens voted. Every one remembers the "Women's Whisky War" when, in several Western States, bands of women entered the drinking saloons and, by entreaties and reproaches, drove out the customers. In no country has any sentiment which touches a number of persons so many ways of making itself felt; though, to be sure, when the first and chief effort of every group is to convince the world that it is strong, and growing daily stronger, great is the difficulty of determining whether those who are vocal are really numerous or only noisy.

For the promotion of party opinion on the leading questions that divide or occupy parties, there exist, of course, the regular party organizations, whose complex and widely ramified mechanism has been described in an earlier chapter. Opinion is, however, the thing with which this mechanism is at present least occupied. Its main objects are the selection of the party candidates and the conduct of the canvass at elections. Traces of the other purpose remain in the practice of adopting, at State and national conventions, a platform, or declaration of principles and views, which is the electoral manifesto of the party, embodying the tenets which it is supposed to live for. A convention is a body fitted neither by its numbers nor its composition for the discussion and sifting of political doctrines; but, even if it were so fitted, that is not the work to which its masters would set it. A "platform" is invariably prepared by a small committee, and usually adopted by the general committee, and by the convention, with little change. Its tendency is neither to define nor to convince, but rather to attract and to confuse. It is a mixture of denunciation, declamation, and conciliation. It reprobates the opposite party for their past misdeeds, and "views with alarm" their present policy. It repeats the tale of the services which the party of those who issue it has rendered in the past, is replete with sounding democratic generalities, and attempts so to expand and expound the traditional party tenets as to make these include all sound doctrines, and deserve the support of all good

citizens. At present neither platforms nor the process that produces them have a powerful influence on the maturing and clarification of political opinion. However, in times more stirring than the present, as in the days immediately preceding the Civil War, conventions have recorded the acceptance of certain vital propositions, and rejection of certain dangerous proposals, by one or other of the great parties, and they may again have to do so, not to add that an imprudent platform lays a party open to damaging attacks. When any important election comes off, the party organization sends its speakers out on stumping tours, and distributes a flood of campaign literature. At other times opinion moves in a different plane from that of party machinery, and is scarcely affected by it.

One might expect that in the United States the thoughts of the people would be more equably and uniformly employed on politics than in European countries. The contrary is the case. Opinion, no doubt, is always alive and vigilant, always in process of formation, growth, and decay. But its activity is less continuous and sustained than in Europe, because there is a greater difference between the spring-tide of a presidential campaign year and the neap-tides of the three off years than there is between one year and another under the European system of chambers which may be dissolved and ministries which may be upset at any moment. Excitement at one time is succeeded by exhaustion at another. America suffers from a sort of intermittent fever—what one may call a quintan ague. Every fourth year there come terrible shakings, passing into the hot fit of the presidential election; then follows what physicians call "the interval"; then again the fit. In Europe the persons who move in the inner sphere of politics, give unbroken attention to political problems, always discussing them both among themselves and before the people. As the corresponding persons in America are not organized into a class, and to some extent not engaged in practical politics, the work of discussion has been left to be done, in the three "off years," by the journalists and a few of the more active and thoughtful statesmen, with casual aid from such private citizens as may be interested. Now many problems require uninterrupted and what may be called scientific or professional study. Foreign policy obviously presents such problems. The shortcomings

of modern England in the conduct of foreign affairs have been not unreasonably attributed to the fact that, while the attention of her statesmen is constantly distracted from them by domestic struggles, her people have not been accustomed to turn their eyes abroad except when some exciting event, such as the war of 1870 or the Bulgarian massacre of 1876, forces them to do so. Hence a State like Germany, where a strong throne keeps a strong minister in power for long periods, obtains advantages which must be credited not wholly to the wisdom of the statesmen, but also to the difficulties under which their rivals in more democratic countries labour. America has little occasion to think of foreign affairs, but some of her domestic difficulties are such as to demand that careful observation and unbroken reflection which neither her executive magistrates, nor her legislatures, nor any leading class among her people now give.

Those who know the United States and have been struck by the quantity of what is called politics there, may think that this description underrates the volume and energy of public political discussion. I admit the endless hubbub, the constant elections in one district or another, the paragraphs in the newspapers as to the movements or intentions of this or that prominent man, the reports of what is doing in Congress and in the State legislatures, the decisions of the Federal Courts in constitutional questions, the rumours about new combinations, the revelations of Ring intrigues, the criticisms on appointments. It is nevertheless true that in proportion to the number of words spoken, articles printed, telegrams sent, and acts performed, less than is needed is done to form serious political thought, and bring practical problems towards a solution. I once travelled through Transylvania with Mr. Leslie Stephen in a peasant's waggon, a rude, long, low structure filled with hay. The roads were rough and stony, the horses jangled their bells, the driver shouted to the horses and cracked his whip, the wheels clanked, the boards rattled, we were deafened and shaken and jolted. We fancied ourselves moving rapidly so long as we looked straight in front, but a glance at the trees on the roadside showed that the speed was about three miles an hour. So the pother and din of American politics keep the people awake, and give them a sense of stir and motion, but the

machine of government carries them slowly onward. Fortunately they have no need to hurry. It is not so much by or through the machinery of government as by their own practical good sense, which at last finds a solution the politicians may have failed to find, that the American people advance. When a European visitor dines with a company of the best citizens in an Eastern city, such as Boston or Baltimore, he is struck by the acuteness, the insight, the fairness with which the condition and requirements of the country are discussed, the freedom from such passion or class feeling as usually clouds equally able Europeans, the substantial agreement between members of both the great parties as to the reforms that are wanted, the patriotism which is so proud of the real greatness of the Union as frankly to acknowledge its defects, the generous appreciation of all that is best in the character or political methods of other nations. One feels what a reserve fund of wisdom and strength the country has in such men, who so far from being aristocrats or recluses, are usually the persons whom their native fellow-townsmen best know and most respect as prominent in business and in the professions. In ordinary times the practical concern of such men with either national or local politics is no greater, possibly less, than that of the leaders of business in an English town towards its municipal affairs. But when there comes an uprising against the bosses, it is these men who are called upon to put themselves at the head of it; or when a question like that of civil service reform has been before the nation for some time, it is their opinion which strikes the keynote for that of their city or district, and which shames or alarms the professional politicians. Men of the same type, though individually less conspicuous than those whom I take as examples, are to be found in many of the smaller towns, especially in the Eastern and Middle States, and as time goes on their influence grows. Much of the value of this most educated and reflective class in America consists in their being no longer blindly attached to their party, because more alive to the principles for which parties ought to exist. They may be numerically a small minority of the voters, but as in many States the two regular parties command a nearly equal normal voting strength, a small section detached from either party can turn an election by throwing its vote for the

candidate, to whichever party he belongs, whom it thinks capable and honest. Thus an independent group wields a power altogether disproportionate to its numbers, and by a sort of side wind can not only make its hostility feared, but secure a wider currency for its opinions. What opinion chiefly needs in America in order to control the politicians is not so much men of leisure, for men of leisure may be dilettantes and may lack a grip of realities, but a more sustained activity on the part of the men of vigorously independent minds, a more sedulous effort on their part to impress their views upon the masses, and a disposition on the part of the ordinary well-meaning but often inattentive citizens to prefer the realities of good administration to outworn party cries.

## CHAPTER LXXXIV

## THE TYRANNY OF THE MAJORITY

THE expression "tyranny of the majority" is commonly used to denote any abuse by the majority of the powers which it enjoys, in free countries under and through the law, and in all countries outside the law. Such abuse will not be tyrannous in the sense of being illegal, as men called a usurper like Dionysius of Syracuse or Louis Napoleon in France a tyrant, for in free countries whatever the majority chooses to do in the prescribed constitutional way will be legal. It will be tyrannous in the sense of the lines

"O it is excellent  
To have a giant's strength, but it is tyrannous  
To use it like a giant."

That is to say, tyranny consists in the wanton or inequitable use of strength by the stronger, in the use of it to do things which one equal would not attempt against another. A majority is tyrannical when it decides without hearing the minority, when it suppresses fair and temperate criticism on its own acts, when it insists on restraining men in matters where restraint is not required by the common interest, when it forces men to contribute money to objects which they disapprove, and which the common interest does not demand, when it subjects to social penalties persons who disagree from it in matters not vital to the common welfare. The element of tyranny lies in the wantonness of the act, a wantonness springing from the insolence which sense of overwhelming power breeds, or in the fact that it is a misuse for one purpose of authority granted for another. It consists not in the form of the act, which may be perfectly legal, but in the spirit and temper it reveals, and in the sense of injustice and oppression which it evokes in the minority.