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BY

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## WAR AND LOYALTY.\*

[From Brownson's Quarterly Review for October, 1846.]

OUR orators have invested the Fourth of July with so many disturbing associations, that our citizens are gradually becoming less and less disposed to greet its annual return with those festivities which it was the hope of our fathers would continue to mark it through all generations to come. Still, it is a day sacred in the affections of every American citizen, and it cannot come round without exciting lively emotions of gratitude and joy in every American heart. The birth of a nation is an event to be remembered, and the day on which it takes its rank in the family of independent nations is well deserving to be set apart by some service, at once joyous and solemn, recounting the glory which has been won, the blessings which have been received, and pointing to the high destiny and grave responsibilities to which the new people are called.

The orations ordinarily given on our national anniversary are of that peculiar sort which it is said neither gods nor men can tolerate. They are tawdry and turgid, full of stale declamation about liberty, fulsome and disgusting glorification of ourselves as a people, or uncalled-for denunciations of those states and empires, that have not seen proper to adopt political institutions similar to our own. Yet we may, perhaps, be too fastidious in our taste, and too sweeping in our censures. Boys will be boys, and dulness will be dulness, and when either is installed "orator of the day," the performance must needs be boyish or dull. But when the number of orations annually called forth by our national jubilee, from all sorts of persons, throughout the length and breadth of the land, is considered, we may rather wonder that so many are produced which do credit to their authors, and fall not far below the occasion, than that there are so few. All are not mere school-boy productions; all are not patriotism on tiptoe, nor eloquence on stilts. Every year

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\*An Oration delivered before the Authorities of the City of Boston in the Tremont Temple, July 4, 1846. By FLETCHER WEBSTER. Boston: 1846.

sends out a few, which, for their sound sense, deep thought, subdued passion, earnest spirit, manly tone and chaste expression, deserve an honorable place in our national literature. There are — and perhaps as large a proportion as we ought to expect — Fourth of July orators, who, while they indulge in not unseemly exultations, forget to disgust us with untimely rant about self-government, the marvellous virtue and intelligence of the masses, and the industrial miracles they are daily performing; who show by their reserve, rather than by their noisy declamation, that they have American hearts, and confidence in American patriotism and American institutions. A people not factitiously great has no occasion to speak of its greatness; and true patriotism expresses itself in deeds, not words. The real American patriots are not those shallow brains and gizzard hearts which are always prating of the American spirit, American genius, American interests, American greatness, and calling for an American party; but those calm, quiet, self-possessed spirits who rarely think of asking themselves whether they are Americans or not, and who are too sincere and ardent in their patriotism to imagine it can be necessary to parade its titles. Their patriotism has no suspicions, no jealousies, no fears, no self-consciousness. It is too deep for words. It is silent, majestic. It is where the country is, does what she bids, and, though sacrificing all upon her altars, never dreams that it is doing any thing extraordinary. There is, perhaps, more of this genuine patriotism in the American people than strangers, or even we ourselves, commonly suppose. The foam floats on the surface, and is whirled hither and thither by each shifting breeze; but below are the sweet, silent, and deep waters.

Among the orations delivered on our great national festival, which we would not willingly forget, the one before us by Mr. Fletcher Webster, eldest son of Daniel Webster, deserves a high rank. It is free from the principal faults to which we have alluded, simple and chaste in its style and language, bold and manly in its tone and spirit, and, in the main, sound and just in doctrine and sentiment. It frequently reminds us of the qualities which mark the productions of the author's distinguished father, and which have placed him at the head of American orators; and it bears ample evidence, that, with time, experience, and effort, the son need not be found unworthy of such a father.

Certainly, we do not subscribe to every sentiment, view,



or argument of this eloquent oration ; but we like its frank and manly tone, its independent and earnest spirit, and we accept without reserve the leading doctrine it was designed to set forth. We are also grateful to Mr. Webster for having had the moral courage to assert great truths in a community where they can win little applause, and to administer a well merited rebuke to certain dangerous ultraisms when and where it was not uncalled for. He has proved that he is not unworthy to be reckoned a freeman and a patriot, and he deserves and will receive the approbation of all who can distinguish between words and things, and prefer sound sense and solid wisdom to mad fanaticism and hollow cant. It is cheering to find our young men rising above the tendencies of the age and country, and manifesting some respect for the wisdom and virtue of their ancestors, and indicating that they have some suspicion that all that is wise and just was not born with the new generation and possibly may not die with it. It permits us to hope things may not have gone quite so badly with us as we had feared ; that the people are less unsound at the core than we had dared believe ; that, after all, there is a redeeming spirit at work among them ; and that our noble experiment in behalf of popular institutions may not be destined to a speedy failure.

Our great danger lies in the radical tendency which has become so wide, deep, and active in the American people. We have, to a great extent, ceased to regard any thing as sacred or venerable ; we spurn what is old ; war against what is fixed ; and labor to set all religions, domestic, and social institutions afloat on the wild and tumultuous sea of speculation and experiment. Nothing has hitherto gone right ; nothing has been achieved that is worth retaining ; and man and Providence have thus far done nothing but commit one continued series of blunders. All things are to be reconstructed ; the world is to be recast, and by our own wisdom and strength. We must borrow no light from the past, adopt none of its maxims, and take no *data* from its experience. Even language itself, which only embodies the thoughts, convictions, sentiments, hopes, affections, and aspirations of the race, cannot serve as a medium of intercourse between man and man. It is not safe to affirm that black is black, for the word *black* only names an idea which the past entertained, and most likely a false idea. With such a tendency, wide and deep, strong and active, we can-

not but apprehend the most serious dangers. With it there can be no permanent institutions, no government, no society, no virtue, no well-being.

There is much to strengthen this radical tendency. It is natural to the inexperienced, the conceited, and the vain; and it can hardly fail to be powerful in a community where these have facilities for occupying prominent and commanding positions. Young enthusiasts, taught to "remember, when they are old, not to forget the dreams of their youth," that is, not to profit by experience, and not doubting that what they were ignorant of yesterday was known by no one, and that they must needs be as far in advance of all the world as they are of their own infancy, bring benevolent affection, disinterested zeal, and conscientiousness to its aid; political aspirants, reckless of principle and greedy of place, appeal to it as their most facile means of success; and the mass of the people, finding their passions flattered, and their prejudices undisturbed, are thrown off their guard, presume all is right, and cherish unconsciously the enemy that is to destroy them. A factitious public opinion grows up, becomes supreme, to which whoever wishes for some consideration in the community in which he lives, must offer incense, and which he must presume on no occasion to contradict. The majority of the people, indeed, may not be represented by this opinion,—may, it is true, not approve it; but they are isolated one from another, minding each their own affairs, and ignorant of their numbers and strength; while the few, by their union, mutual acquaintance, concert, and clamor, are able to silence any single voice not raised in adulation of their idol. Political parties conspire to the same end. One party to-day, ambitious of success, courts this factitious public opinion as a useful auxiliary, and succeeds; the other must do so to-morrow, or abandon all hopes of succeeding. Then follows a strife of parties, which shall bid highest, and *outradical* the other. The radical tendency is thus daily exaggerated by those who in reality disapprove it, and in their feelings have no sympathy with it. Hence, the evil goes ever from bad to worse. Unhappily, this is no fancy sketch. We have seen it, and we see it daily pass under our own eyes, and not, we confess, without lively alarm for our beloved country and her popular institutions.

It is, therefore, with more than ordinary pleasure that we see among our young men, in whose hands are the destinies

of our country, whose views and passions and interests must be consulted by any party aspiring to power and place, some symptoms of an opposing tendency. Right glad are we that the young "sovereigns" show some signs of beginning to take sounder and more practical views, and to cherish a reaction against the ultraisms of the day. This oration, and some other indications, which have not escaped our notice, prove to us that there is a returning respect for the wisdom of experience, and that the reign of the Garrisons, the Parkers, the Sumners, the O'Sullivans, the Channings, the Abby Folsoms, *et id omne genus*, approaches its termination, and that henceforth practical sense and wise experience will at least dispute the throne with fanatic zeal, blind enthusiasm, and bloated conceit.

In preparing this oration, Mr. Webster must have been conscious that he was running athwart the views of many whom most of us have been accustomed to hold in high esteem, and that, in venturing to assert the lawfulness of war and the obligation of the citizen to obey the government, he would be attacking every class of fanatics in the land, and could not fail to incur the unmitigated wrath and hostility of the whole modern "Peace" party. Yet his courage did not fail him. He does not appear to have had any misgivings before even the awful shade of the late Noah Worcester, founder of the American Peace Society, and he has dared consult his relations as a man and a citizen, and to lay it down as his rule of action, that he is responsible, not to the self-created associations of the day, to the reigning cant of the time and place, but solely to his God and his country. For this, however much he may be condemned by fanatical reformers, we honor him, and for this every right-minded man will honor him; for in this he has asserted his independence, and set an example worthy of imitation.

The main topic of this oration is the lawfulness of war, and the duty of the citizen to obey the government,—a topic at all times interesting and important, and especially so at this time, when we are actually engaged in a war with a neighboring republic, the necessity of which is questioned by many of our citizens; and when there is widely prevalent a notion that the citizen is under no moral obligation to obey the law, if it does not chance to coincide with his own private convictions of justice and expediency. We agree in the main with the view of this topic which the author

takes, and gladly avail ourselves of the occasion to make some additional remarks of our own, which may tend to illustrate and confirm it, though the readers of the oration may, perhaps, consider them quite superfluous.

The war of 1812, declared by this country against Great Britain, as is well known, was exceedingly unpopular in the New England states, not, indeed, in consequence of any especial partiality for Great Britain herself, nor because they were less patriotic than the other members of the confederacy, but because the chief burdens of the war fell upon them, in the ruin it brought to their commerce and its dependent interests, then their principal interests. It is not for us to pronounce any opinion on the justice or expediency of that war; but we cannot censure with extreme severity the New England people for being strongly opposed to it. Yet there can be no question, that, in the madness of the moment, the opposition was carried to wholly unjustifiable lengths, and, though we willingly acquit it of all treasonable intentions, it in reality stopped only this side of treason. Some weak-minded but well disposed New England ministers, incapable of taking comprehensive views and of seeking to remedy an evil by attacking it in its principle, seeing the danger to the Union, to the stability of our institutions, occasioned by the opposition to war, which they never thought of censuring or attempting to moderate, lamenting the very serious evils suffered by their friends and neighbors, and taking it for granted that the war was wholly unnecessary and unjust, made the grand discovery in moral theology that war is *malum in se*, is always unnecessary, and can never be lawful. They without much delay proceeded, *more suto*, to form an association against war, and to preach, lecture, and issue tracts in favor of universal peace. They appealed to the prejudices against the actual war, and to general philanthropy. New Englanders, especially Bostonians, are rarely insensible to the appeal to philanthropy. Since the softening down of some of the asperities of their primitive Puritanism, which took place in the latter half of the last century, they have been justly remarkable for their philanthropy,—no people in the world more so. Industrious, frugal, economical, they certainly are; but mean, sordid, miserly, they are not, and are incapable of being. They are, in truth, open, frank, generous, and liberal, with a sort of passion for world reform, which is one of their foibles. The unpopularity of the war of 1812, and the

popularity of the appeal to philanthropy, gave to the peace movement a speedy and strong support, till peace became a sort of cant among us, and it was hazardous to one's reputation to intimate that war, terrible as may be its evils, is nevertheless sometimes just and necessary.

But the genuine Yankee is never satisfied with doing only one thing at a time. He is really in his glory only when he has some dozen or more irons all in the fire at once. The simple question of peace could by no means absorb his superabundant zeal and philanthropy, so he invented and set on foot anti-slavery and various other movements, all of which adopted the "peace principle;" for the chief actors in one were, for the most part, prominent actors in all. By means of agitation, froth and foam, declamation and rant, of conventions, agents, tracts, lectures, sermons, periodicals, a new code of morals has been gradually framed among us: all that was once regarded as settled is now called in question; what was approved by the generations which preceded us is now pronounced low, earthly, sensual, devilish; the fairest reputations are blackened; our own patriots and heroes are calumniated, and even Washington himself has been publicly branded as an "inhuman butcher." We are cast completely adrift. There was no true morality in the world before these modern societies sprung from the womb of night, and we are required to look to a few canting ministers, strolling spinsters, and beardless youths, as the sole authoritative expounders of the precepts of the divine law. We are unable to determine what it is safe to eat or to drink, when to rise up or sit down, unless some of these self-constituted guides condescend to inform us. Sin and death hover everywhere; poison lurks in every thing, even in the bread made from the finest wheat, and in the purest water from the fountain; and there seems to be no possible means of living but to go naked and cease to eat or drink. It is a wonder how the world has contrived, for six thousand years, to get on, how men and women have contrived to be born, to live, to grow, and to persuade themselves that they enjoy a tolerable share of health and vigor, both of mind and body.

The joke, in fact, becomes serious. Many of the rising generation are beginning to take it, not as a dull jest, but as downright earnest. It interferes quite too much with the social and domestic business of life, and, if continued much longer, will reduce the great mass of us to mere automata.

It is, therefore, high time for what sober sense, for what decency, there may have been left in the community to speak out, send these fanatics back to their native inanity, and let it be known, that, though for a time we have suffered ourselves to be made fools of, after all, we are not quite so stupid, so vain or conceited, as to imagine that nobody understood or practised the moral virtues till our modern associations burst from darkness to teach them; that we really have not sunk so low as to lose all respect for our ancestors, all reverence for the awful past, over which has flowed the tide of human joy and human sorrow, and to be wholly unable to serve our own generation without calumniating those which have placed us in the world and made us what we are. He is a foolish as well as a wicked son who curses the mother that bore him. There has been, from the first, a Providence that has watched over and ruled in the affairs of men; our distant forefathers had eyes, ears, hands, intellects, hearts, as well as we, and knew how to use them, and did use them, not always ineffectually. How, indeed, would the hoary Past, were it not that experience has made it wise and taught it to make allowances for the follies and pranks of youth, laugh at our solemn airs and grave decisions! How should we hang our heads and blush, even to the tips of our ears, could we but for one moment see ourselves as it sees us! "The son," says the proverb, "*thinks* his father a fool; the father *knows* his son to be one." The more we study what has been, the less disposed shall we be to exult in what is. Happily, we begin to discover some symptoms that there are those among us, who have, now and then, at least, a suspicion that change is not always progress, and that it is more creditable to be able to revere wisdom than to condemn it.

War, against which nearly all our modern fanatics declaim so much, and which in the new moral code is utterly prohibited, is, of course, not a thing to be sought for its own sake. Its necessity must always be lamented, as we must always lament that there are crimes to be redressed, or criminals to be punished, or diseases to be cured. But because we must always lament that there are offenders to be punished, it does not follow that to punish them is never necessary, or that their punishment is an evil, and morally wrong; or because it is to be regretted that there are diseases, that we must treat the physician and his drugs as a nuisance. The father weeps that he has occasion to chastise

his child, but knows that "to spare the rod is to spoil the child;" nor does it necessarily follow, because war involves terrible evils, and is to be avoided whenever it can be without sacrificing the public weal, that it is in itself wrong, and may never be resorted to without violating the law of God. Its necessity is an evil, but, as a remedy, it may be just and beneficial. Disease is an evil, but not, therefore, the medicine that restores to health. War is a violent remedy for a violent disease, and as such may, when all other remedies prove or must prove ineffectual, be resorted to without sin. We, therefore, venture to maintain, in the very face of our modern fanatics, that war declared by the sovereign authority of the state, for a just cause, and prosecuted with right intentions, is not morally wrong, and may be engaged in with a safe conscience.

That war is not morally wrong, in itself, is evident from the fact, that Almighty God has himself, on several occasions, as in the case of the ancient Israelites, actually commanded or approved it. But God cannot command or approve what is morally wrong, without doing wrong himself; which is absurd and impious to suppose. It cannot be in itself morally wrong, unless prohibited by some law; but there is no law which prohibits it. It is not prohibited by the law of nature. By the law of nature, the individual has the right to defend and avenge himself. Justice not only forbids wrong to be done, but requires that the wrong done be avenged. In a state of nature where there is no established government, but each individual is left to his own sovereignty, each one has the right of defending and avenging himself in his own hands. If this be true of a private person, it must also be true of the state or nation; for nations have precisely the same rights in relation to one another that individuals have. They then, who admit no law but the law of nature, must concede that war is not prohibited.

Nor is war prohibited by the divine law. This all will readily grant to be true, so far as concerns the old law, which nowhere condemns war, and not unfrequently presents us God himself as commanding or approving it. It is also true, so far as concerns the new law, or Christian law. "If Christian discipline," says St. Augustine, "condemned all wars, the Gospel would have given this counsel of salvation to the soldiers who asked what they should do, that they should throw away their arms and withdraw themselves from the

military service altogether. But it says to them, "Do violence to no man, calumniate no one, and be content with your wages." Surely it does not prohibit the military service to those whom it commands to be contented with its wages.\*

Our Lord commends the faith of a centurion who had soldiers under his command, says he had not found so great faith in Israel, and yet does not order him to throw away his arms, or abandon the military service. Cornelius, "a centurion of the band which is called Italian," is commended as "a religious man, fearing God;" and the blessed Apostle Paul praises Gedeon, Barac, Samson and others, "who through faith subdued kingdoms, became valiant in war, put to flight the armies of foreigners." These considerations show that war is not prohibited by the Christian law. Then it is prohibited by no law, and therefore is not necessarily sinful, but may be just and expedient.

But it is objected, that there are certain passages in the New Testament which, if not expressly, yet by implication, evidently deny the lawfulness of war. 1. "All that take the sword shall perish by the sword." But to take the sword is to use the sword without the order or consent of the proper authority. He who only *uses* the sword by order or consent of the proper authority, that is, of the political sovereign, if he be a private person, or of God, if he be a public person or sovereign prince, does not *take* the sword, but simply uses the sword committed to him. Nor are we to understand that all who take the sword on incompetent authority will be literally slain, but that they will perish by their own sword, that is, be punished eternally for their sin, if they do not repent.†

2. "I say unto you, not to resist evil; but if any man strike thee on thy right cheek, turn to him the other also." War is resistance of evil; but this text forbids the resistance of evil; therefore it forbids war. But the precept refers to the interior disposition, and commands that preparation of the heart which does not resist evil by rendering evil for

\* "Nam si Christiani disciplina omnia bella culparet, hoc potius militibus consilium salutis petentibus in Evangelio diceretur, ut abjicerent arma, seque omnino militie subtraherent. Dictum est autem eis, *Nemini concesseritis, nulli calumniam feceritis; sufficiat vobis stipendium vestrum.* Quibus proprium stipendium sufficere debere precepit, militare atque non prohibuit." Epist. 5., *Ad Marcellinum*, c. 15.

† See St. Augustine, *Contra Faustum*, lib. 22, c. 70, and St. Thomas, *Summa*, 2. 2. Q. 40, a. 1.



evil, but endures patiently whatever wrongs or injuries are necessary for the honor of God and the salvation of men. It is not to be understood to the letter, for our Lord, who fulfilled it, when struck in his face, did not turn the other cheek, but defended himself by reasoning. It commands patience under wrongs and insults, and forbids us to seek to avenge ourselves on our own authority; but it does not prohibit the redress of wrongs by the proper authorities; because we know from the testimony of St. Paul that the magistrate is "the minister of God, an avenger to execute wrath upon him that doeth evil." Wrongs, when redressed by the proper authority, may be redressed without any malignant feelings, and, indeed, with the most benevolent intentions towards the wrong-doer. Wrongs are not, in all cases, to go unavenged, otherwise God would not have appointed a ministry to avenge them. It is often the greatest of evils to suffer offences to go unpunished, and one of the most certain methods of preventing them is for the magistrate to let it be known and understood that they cannot be committed with impunity.\*

3. "Revenge not yourselves, my dearly beloved, but give place to wrath; for it is written, Vengeance is mine, and I will repay, saith the Lord." This, though relied on by the peace party, is not to the purpose, for it speaks of private revenge, which everybody admits is condemned by the Christian law. It is of the same import with the text we have just dismissed. It simply commands patience under injuries, forbearance towards those who do us wrong, and forbids us to seek redress of wrongs done us in a resentful spirit, or by our own hands or authority. But it does not necessarily imply that the public authority, which is the minister of God, may not redress them, or that the com-

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\* "Sunt ergo ista praecepta patientiae semper in cordis praeparatione retinenda, ipsaque benevolentia, ne reddatur malum pro malo, semper in voluntate complenda est. Agenda sunt autem multa, etiam cum invitis benigna quadam asperitate plectendis, quorum potius utilitati consulendum est quam voluntati. . . . Nam in corripiendo filio quamlibet asperere, nunquam amor paternus amittitur. Fit tamen quod nolit et doleat, qui etiam invitus videtur dolore sanandus. Ac per hoc si terrena ista respublica praecepta Christiana custodiat, et ipsa bella sine benevolentia non gerentur, ut ad pietatis justitiaeque pacatam societatem victis facilius consulatur. Nam cui licentia iniquitatis eripitur, utiliter vincitur; quoniam nihil est infelicius felicitate peccantium, qua poenalis nutritur impunitas, et mala voluntas velut hostis interior roboratur." S. Aug. *ep.* 5, c. 14. See also *De Serm. Domini*, lib. 1, c. 19, and also St. Thomas, *ubi sup.*

monwealth may not repel or vindicate attacks upon itself, whether they come from within or from without. To avenge wrongs is not in itself wrong, because it is said the Lord "will repay;" nor is it wrong for the magistrate to avenge them, for "he is the minister of God, an avenger," as we have seen, "to execute wrath upon him that doeth evil;" and it is wrong for the individual to do it only because in civil society his natural right to do so is taken away, and because it is made his duty to leave it to God or the minister God in his providence appoints.

4. "For the weapons of our warfare are not carnal, but powerful through God." But St. Paul is speaking, not of the sword which the magistrate bears, nor of that which the sovereign state, as the minister of God to execute wrath, may put into the hands of its servants, but of the weapons to be used in the conversion of infidels and sinners. These, indeed, are not carnal, but spiritual, and powerful through the virtue God confers on them. Carnal weapons are unlawful in the work of conversion, for conversion is not conversion unless voluntary. God says to the sinner, "Give me thy heart," that is, thy will; and this carnal weapons can force no man to give. It can be subdued only by spiritual arms, rendered effectual through divine grace. But this says nothing against the lawfulness of repelling or avenging injustice, whether from subjects or foreigners, by the proper authorities. These several texts, then, make nothing against our general conclusion, that war is not, in all cases, prohibited by the Christian law.

But we are told, still further, that war is opposed to peace; yet the Gospel is a Gospel of peace, commands peace, and pronounces a blessing on peacemakers. *Beati pacifici, quoniam filii Dei vocabuntur.* War, undertaken for its own sake, looking to itself as the end, is opposed to peace, and unlawful, we grant; but war, undertaken for the sake of obtaining a just and lasting peace, is not opposed to peace, but may be the only means possible of restoring and securing it. Peace is then willed, the intentions are peaceful, and war, as a necessity, becomes itself a peacemaker, and as such is lawful, and its prosecutors are not necessarily deprived of the blessing pronounced on peacemakers. Hence, St. Augustine says,—*Pacem habere debet voluntas, bellum necessitas, ut liberet Deus a necessitate, et conseruet in pace. Non enim parquaritur ut bellum excitetur sed bellum geritur ut parquaritur. Esto ergo etiam bellando pacificus,*

*ut eos quos expugnas, ad pacis utilitatem vincendo perducas.\** The peace is broken, not by the just war, but by the previous injustice which has rendered the war necessary. The war itself is, necessarily, no more repugnant to the virtue of peace than medicine is to health. The mission of our Saviour is not opposed to peace, because followed by certain evils of which he speaks (St. Matt. x. 34-36), and which were not the end for which he came into the world. The preaching of the Gospel is not inconsistent with the virtue of peace, because, through the depravity and wickedness of men, it often occasions discord, divisions, and even wars; nor do they who faithfully preach it any the less "follow after the things which make for peace."

In asserting that war is not necessarily unlawful, we are far from pretending that all wars are just, or that war may ever be waged for slight and trivial offences. The nation is bound studiously to avoid it, to forbear till forbearance ceases to be a virtue, and appeal to arms only as the last resort, after all other appeals have failed, or it is morally certain that they must fail. But when its rights are seriously invaded, when the offender will not listen to reason, and continues his injustice, the nation may appeal to arms, and commit its cause to the God of battles. The responsibility of the appeal rests on the offender whose injustice has provoked it.

It may be said that war is unjustifiable, because, if all would practise justice, there could be no war. Undoubtedly, if all men and nations were wise and just, wars would cease. We might then, in very deed, "beat our swords into ploughshares and our spears into pruning-hooks," and learn war no more. We should, not in vision only, but in reality, possess universal peace. So, if all individuals understood and practised the moral and Christian virtues in their perfection, there would be no occasion for penal codes, and a police to enforce them. If no wrongs or outrages were committed, there would be none to be repressed or punished. If there were no diseases, there would be none to cure. If the world were quite another world than it is, it —would be. But so long as the world is what it is, so long as man fails to respect the rights of man, the penal code and police will be necessary; so long as diseases obtain, the physician and his drugs, nauseous as they are, will be indis-

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\* Epist. 205, *Ad Bonifacium Comitem*.

pensable; and so long as nation continues to encroach on nation, the aggrieved party will have the right and be compelled to defend and avenge itself by an appeal to arms, terrible as that appeal may be, and deplorable as may be the necessity which demands it.

The evils of war are great, but not the greatest. It is a greater evil to lose national freedom, to become the tributaries or the slaves of the foreigner, to see the sanctity of our homes invaded, our altars desecrated, and our wives and children made the prey of the ruthless oppressor. These are evils which do not die with us, but may descend upon our posterity through all coming generations. The man who will look tamely on and see altars and home defiled, all that is sacred and dear wrested from him, and his country stricken from the roll of nations, has as little reason to applaud himself for his morals as for his manhood. No doubt, philanthropy may weep over the wounded and the dying; but it is no great evil to die. It is appointed unto all men to die, and, so far as the death itself is concerned, it matters not whether it comes a few months earlier or a few months later, on the battle-field or in our own bed-chambers. The evil is not in dying, but in dying unprepared. If prepared, and the soldier, fighting by command of his country in her cause, *may* be prepared,

it is of little consequence whether the death come in the shape of sabre cut or leaden bullet, or in that of disease or old age. The tears of the sentimentalist are lost upon him who is conscious of his responsibilities, that he is commanded to place duty before death, and to weigh no danger against fidelity to his God and his country. Physical pain is not worth counting. Accumulate all that you can imagine, the Christian greets it with joy when it lies in the pathway of his duty. He who cannot take his life in his hand, and, pausing not for an instant before the accumulated tortures of years, rush in, at the call of duty, where "blows fall thickest, and blows fall heaviest," deserves rebuke for his moral weakness, rather than commendation for his "peaceable dispositions."

Wars, we have been told, cost money; and we have among us men piquing themselves on their lofty spiritual views, accusing the age of being low and utilitarian, and setting themselves up as moral and religious reformers, who can sit calmly down and cast up in dollars and cents the expenses of war, and point to the amount as an unanswer-

able argument against its lawfulness. War unquestionably costs money, and so do food and clothing. But the sums expended in war would, if applied to that purpose, found so many schools and universities, and educate so many children! The amount expended for food and clothing would found a larger number of schools and universities, and educate a larger number of children. You should ask, not, Will it cost money? but, Is it necessary, is it just? Would you weigh gold in the balance with duty, justice, patriotism, heroism? If so, sink back to your tribe, and never aspire to the dignity of being contemptible.

But having established that war may be necessary and just, the question comes up, What is the duty of the citizen or subject, when his government is actually engaged in war? This is a question of some moment, especially at the present time, when there are so many among us who entertain very loose notions of allegiance, and hardly admit that loyalty is or can be a virtue. We may answer, in general terms, that, when a nation declares war, the war is a law of the land, and binds the subject to the same extent and for the same reason as any other law of the land. The whole question is simply a question of the obligation of the citizen to obey the law. So far as the subject is bound to obey the law, so far he is bound to render all the aid in prosecuting the war the government commands him to render, and in the form in which it commands it.

If the government leaves it optional with the citizen whether to take an active part in the war or not, he is unquestionably bound to remain passive, if he believes the war to be unjust. Consequently, no foreigner, owing no allegiance to the sovereign making the war, can volunteer his services, if he entertains any scruples about its justice. But the subject, though entertaining doubts about the justice of a given war in its incipient stages, believing his government too hasty in its proceedings, and not so forbearing as it might and should have been, yet after the war has been declared, after his country is involved in it, can retreat only by suffering grievous wrongs, and seeks now to advance only for the purpose of securing a just and lasting peace, may, no doubt, even volunteer his active services, if he honestly believes them to be necessary; for the war now has changed its original character, has ceased to be aggressive, and become defensive and just. In such a case, love of country, and the general duty of each citizen to defend his

country, to preserve its freedom and independence, override the scruples he felt with regard to the war in its incipient stages, and enable him to take part in it with a safe conscience. But, however this may be, it is clear, that, when the government has actually declared war, and actually commands the services of the subject, he is bound in conscience, whatever may be his private convictions of the justice of the war, to render them, on the ground that he is bound in conscience to obey the law. If he takes part in obedience to the command of the government, he takes part, even though his private conviction is against the war, with a good conscience; because the motive from which he acts is not to prosecute a war he does not regard as just, but to obey his sovereign, which he is not at liberty not to do, and which he must do for conscience' sake.

The law binds in conscience, because all legitimate government exists by divine appointment, and has a divine right to make laws. For the same reason, then, that we are bound in conscience to obey God, we are bound in conscience to obey the law. The sovereignty resides in the nation, but is derived from God. "By me kings reign and lawgivers decree just things," "Let every soul be subject to higher powers; for there is no power but from God; and those that are, are ordained of God. Therefore he that resisteth the power resisteth the ordinance of God, and they that resist purchase damnation to themselves." Since, then, the nation is sovereign by divine appointment, it follows necessarily, that, when the sovereign authority of the nation declares war, and commands the service of the subject, he is held, on his allegiance to God, who is the King of kings and Sovereign of sovereigns, to render them, and cannot refuse without purchasing damnation to himself.

The nation is not constituted sovereign by the assent of the individuals of which it is composed, for it must be a sovereign nation before individuals have or can have the right of assenting or dissenting. The error of Rousseau and of some of our own politicians is in assuming that the sovereignty, the authority to institute government, to make and execute laws, inheres primarily in the people distributively, as equal, independent individuals, and is subsequently possessed by the people collectively, as a political organism or person, by virtue of the assent of the people taken distributively. The motive for advocating this view is two-

fold : the first is, to make the basis of sovereignty purely human ; and the second, to take from actually existing governments all claims to inviolability, and thus establish a sort of legal right on the part of subjects to rebel against the constituted authorities, whenever they judge it to be expedient. The doctrine is the offspring of an age disposed to revolt from both God and the state, and can be regarded only with horror by the Christian and the patriot. The true doctrine is, that every nation, that is, every people taken collectively, as a moral unity, as a collective individual, is, by the fact that it is a nation, sovereign, and sovereign by the ordinance of God. Being thus invested by the divine will with the political sovereignty, the nation acting in its sovereign capacity has, saving the divine law, the right to institute such forms of government, or to adopt such methods for the expression of its sovereign will, as it in its prudence judges best. It may institute a monarchy, an aristocracy, or a pure democracy ; it may combine these three forms, or any two of them, in any proportion and degree, and establish such mixed governments as it pleases ; or, it may reject all these forms, and, as with us, establish representative government, to be carried on through the medium of popular election. Which is wisest and best is for each nation to decide for itself. In point of fact, we suppose all are best where they fit, and worst where they do not fit. But however individuals may speculate, and whatever preferences as simple individuals they may have, the nation acting in its sovereign capacity is the sovereign arbiter, and alone decides which shall be adopted, and having once decided, that form which it adopts is legitimate, exists by divine right, and its legitimate acts are laws, and bind in the interior as well as in the exterior court.

This is as true of the actual American governments as of any others. The American people were created by their colonial governments, established by legitimate authority, bodies corporate and politic subject to the crown of Great Britain. But the charters granted by the crown, creating the colonial governments, and reserving the allegiance of the colonies, expressed or necessarily implied reciprocal obligations. There was an express or implied contract between the crown and the colonies. When the crown, on its part, broke the contract, as we alleged it did, it forfeited its rights, and the colonies were *ipso facto* absolved from their allegiance, and necessarily became *ipso facto* free and inde-

pendent states or nations, as Great Britain herself subsequently acknowledged them to be. As independent nations, they possessed by the ordinance of God, who makes every nation, in that it is a nation, sovereign, the right of self-government, and were free to devise and adopt such forms of government, not repugnant to the divine law, as they in the exercise of their sovereign wisdom judged to be most expedient. They, in the exercise of the right given them by Almighty God, established the representative form of government, under a federal head. This form of government, therefore, exists with us by divine right, is an ordinance of God. As such it is sovereign and inviolable; as such it has from God authority to enact laws for the common good. Then, since we are all bound in conscience to obey God, we are bound to obey the government, and when it enacts war, just the same as when it enacts any thing else.

Ignorant, conceited, and unbelieving politicians, who would be free to rule, but not bound to obey, may affect to be startled, whenever there is speech of the divine right of government; but we really say nothing that militates in the least conceivable degree against popular sovereignty. Our real offence consists, not in denying the popular sovereignty, but in asserting for it a divine sanction. What, indeed, is it we say? Simply, that the nation, that is, the people as a moral unity, or collective individual, as distinguished from the people taken distributively, is sovereign by the ordinance of God; from which it follows, that the people taken distributively owe allegiance to the nation, and are bound to obey all the sovereign enactments of the government, not merely because it is human government, but because it is human government governing by divine right. This abridges no right of the sovereign people, but confirms its rights by the highest of all possible sanctions. It leaves the nation free to adopt, if it chooses, a pure democracy, and commands us, even though individually disapproving that form of government, to obey it for conscience' sake. In a word, the doctrine we lay down makes the nation—that is, the whole people taken collectively—sovereign and inviolable, and the form of government it adopts, legitimate and sacred, as the ordinance of God. It no doubt, therefore, stamps with the divine as well as the national displeasure what by a strange perversion is termed sometimes “the sacred right of insurrection,” and utterly condemns all



attempts at rebellion or resistance to established government, in the legitimate exercise of its legitimate functions, as so many attacks on the inviolability of the nation, and therefore on the inviolability of God himself, who ordains that every nation, in that it is a nation, shall be sovereign and inviolable. It can tolerate no efforts of any portion of the people to change by violence any established form of government for the sake of establishing another form which they may believe to be more for the common good. But it leaves individuals perfectly free to labor through legal forms, in an orderly manner, for the amelioration of the laws and institutions of the country, and the nation itself, when acting in its sovereign capacity, as we did at the epoch of what we call our revolution, or as we do through the legal conventions of the people, to change even the form of the government, and to ordain such new methods for the expression of its sovereign will as it may believe to be most for the common good.\* It leaves the people as the commonwealth and the people as individuals all the freedom there is this side of license, and forbids nothing that is compatible with national sovereignty and inviolability. It can be objected to, then, by none who are not prepared to object to all government, all law, and all order.

The duty of obedience to law is precisely the same under a republican government as under any other form of government. For though the people make the law, yet it is not in the same sense as that in which they are held to obey it. They make the law in their collective sense, as a moral unity, or public person; they are held to obey in their distributive capacity, as simple individuals. In their quality of electors, acting through legal forms prescribed by sovereign authority, the people with us make the law, but it is only when so acting that they make it, have any voice in making it, or incur any responsibility, be the law what it may. As individuals acting in any other capacity, they are subjects, and in the same sense and to the same extent as they would be in case they enjoyed no elective franchise at all. The law is as imperative with us as it is under any other form of government, and can no more be resisted with a safe conscience than elsewhere.

This assumed, the individual in his quality of subject

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\* See St. Th., *Summa*, 1. 2. Q. 97, a 1. and St. Aug., *De Libero Arbitrio*, I., c. 6.

stands here in relation to the law, as he does in those countries where there is no elective franchise. He incurs, indeed, as elector, a responsibility for the law, and cannot be exempted from blame, if he have not done all in his power to make the law just and useful; but when the proper authorities have enacted and promulgated the law, he in his quality of subject incurs no responsibility by obeying it, in not so aware of his responsibility as an elector in making it. The act of enacting the law was not his individual act, and he is not an elector in it, providing he acted with proper motives; only so far as he went to make up the collective body that enacted it. But the act of obedience or disobedience is purely his individual act, and is unaffected, is obedience or disobedience, by any act of his performed in another capacity, in which he acts not as an individual, but as a part of a whole. Suppose, then, I look upon the war declared by my government as unjust or unequal for. This may be a good reason why I should exert myself in my quality of elector to get the law declaring it repealed, but it leaves me in my quality of subject precisely where I should be in case I had no elective franchise. I am just as much bound to obey the law declaring the war, and incur no more blame for aiding in prosecuting it. The citizen, when he believes a law unjust, is doubtless bound as an elector to seek its repeal; but till repealed, he is as much bound to obey as he would be if he were no elector, and only a simple subject; and being so bound, incurs no blame in obeying it, that he would not then also incur.

But is there no limit to this obedience to law? Have I not the right to judge the acts of authority, and decide for myself whether they are such as I ought or ought not to obey? That is, Does or does not the law depend on the assent of the governed for its validity? It is a sort of maxim with us Americans, that no man can be justly held to obey a law to which he has not assented. This, taken absolutely, is not admissible. The sovereign authority resides in the people as a whole, taken collectively, not in the people distributively, and is derived not from the people as individuals, as Rousseau dreamed, but from God, as we have before proved from the Holy Scriptures. Moreover, to make the law depend on the assent of the governed, that is, on the assent of the subject, is to deny that the law is law, that the subject is a subject, and to assert that one is bound by no law, but free to do as he pleases. There can be no

legitimate government unless it have the right to govern, and there can be no right to govern where there is not a correlative obligation to obey. If the law cannot bind the subject till he gives his assent, and he is free to give or withhold his assent, he is, and can be, under no obligation to obey unless he chooses, and then there is no right on the part of the government to enforce obedience; then no right to govern; and then no government. To make the law depend for its validity on the assent of the governed is, then, the denial of all government. But government exists by divine right. It has from God the right to command. Then it is not under the necessity of entreating or requesting the subject to be so complacent as to obey. The law, then, is complete, the moment it is enacted and promulgated by the proper authority. If the law is then complete, the subject has no assent to give or withhold, no judgment to form, no decision to take, but that to obey.

Nevertheless, there is a sense, in this country, and perhaps in all countries, in which it is true that the assent of the governed is essential to the validity of the law; but this is the assent they give in their quality of electors, through the medium of their representatives in enacting the law, not an assent which they give as subjects to the law after it is enacted and promulgated. The distinction is obvious and important. It is only in our quality of electors, through the medium of our representatives, that we have any legislative authority, any assent, to give or to withhold. But in this quality we have already assented to the law, otherwise it could not have been enacted, since there is no power with us but the people in this quality and through this medium that does or can make the law. Having thus assented, nay, enacted the law, we have no more assent to give, and it would be absurd to seek, after this, the assent of the people in their capacity of simple individuals, in which they are simply subjects, and have no legislative voice whatever. Having spoken once in our legislative capacity, as electors, through our representatives, we must obey, till, by speaking again in the same capacity and through the same medium, we repeal the law. That is, when the people have made the law, they must obey it, till they, through the forms through which they made it, repeal it.

But laws may undoubtedly be unjust. Am I bound to obey unjust laws? We will let St. Thomas answer this

question for us. "Laws imposed by human authority may be either just or unjust. If they are indeed just, they bind in conscience, by the eternal law from which they are derived, according to Prov. viii. 15, *Per me reges regnant, et legum conditores justa decernunt*. They are just when they ordain what is for the common good, when enacted by an authority which does not exceed its powers, and when they distribute in equal proportions the burdens they impose upon the subjects for the common good. For, since each man is a part of the multitude, every man belongs to the multitude in that which he is and in that which he has, in like manner as the part belongs in what it is to the whole, and hence nature allows a certain detriment to the part that the whole may be saved. Consequently, laws of this kind, which proportion equally the burdens imposed, are just, bind in conscience, and are legal laws. But laws may be unjust in two senses. 1. By contrariety to *human* good, in the respects just mentioned. They are unjust, when a prince imposes burdens on his subjects, not for the common good, but rather for his own glory or cupidity, when they exceed the commission or the authority which ordains them, and when the burdens they impose, even though for the common good, are not equally proportioned. Such acts are violences rather than laws, as St. Augustine says, *De Lib. Arb.* l. i. c. 5. *Lex esse non videtur, quia justa non fuerit*. Laws of this kind do not bind in conscience, unless, perchance, for the avoiding of scandal or disorder, for which a man must forego his own rights, according to St. Matt. v. 40, 41. *Qui angustaverit te mille passus, cede cum eo alia duo; et qui abstulerit tibi tunicam, da ei et pallium*. 2. Laws may be unjust by contrariety to *divine* good, as the edicts of tyrants commanding idolatry or other things forbidden by the divine law. Such laws are to be observed in no sense whatever, since, Acts iv., it is necessary to obey God rather than men." \*

The principle is, that all just laws bind in conscience; but, with regard to unjust laws, we must distinguish between those which are unjust because they ordain what is repugnant to human good, and those which are unjust because they ordain what is repugnant to the divine law. The latter do not bind, but we are bound in conscience to refuse to obey them at all hazards; the former, when they

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\**Summa*, l. 2, Quæst. 91, a. 4.

only require us to suffer wrong,—and if they go further and command us to do wrong, they are identical with the latter,—we may obey, and are bound to obey, when our disobedience would cause scandal or breed disturbance in the state.

But who is to determine whether the laws are just or unjust? Not absolutely in all cases the state, for that would make the distinction between just and unjust laws nugatory, since the state, in enacting a law, decides that it is just; not the individual, for that would make the law depend on the assent of the subject for its legality, which we have seen is not the fact, and cannot be the fact, if we are to have government at all. There is here, to many minds, no doubt, a serious difficulty; but, without considering it in a light which would involve a controversy foreign to our present purpose, we may answer the question by laying down the principle, that authority is always *presumptively* in the right, and the law *prima facie* evidence of justice. The *onus probandi* rests on the shoulders of the subject, who must prove the law to be unjust, before he can have the right to refuse it obedience. For this his own private judgment or conviction can never suffice. If he can allege nothing against the law but his own individual persuasion of its injustice, he is bound, by his general obligation to obey the laws, to obey it. No one, then, can ever be justified in disobeying on his own private authority. He must sustain his refusal to obey by an authority higher than his own, higher than that of the state, or else he will be guilty of resisting the ordinance of God, and, therefore, purchase damnation to himself. Hence, where there is no infallible authority to decide, the subject must always presume the law to be just, and faithfully obey it, unless it manifestly and undeniably ordains what is wrong in itself, and prohibited by the law of God.

This rule may strike some as too stringent, but, if examined, closely, it will be found to allow all the liberty to the subject compatible with the existence of government. If, for instance, the government should command me to lie, to steal, to rob, to bear false witness, or any thing else manifestly against the law of nature or the law of God, I should hold myself bound to disobey, and to take the consequences of my disobedience. So also, if my government should declare war against an unoffending state, manifestly for the purpose of stripping it of its territory, destroying its inde-

pendence, and reducing its people to slavery, or for the purpose of overthrowing the Christian religion and substituting a false religion, and should command me to aid it in its nefarious designs, I should hold myself bound in conscience to refuse at all hazards: for such a war would be manifestly and palpably unjust, not in my judgment only, but in that of all sound-minded men. Such a case would be clear, and duty would be so plain that no question could arise. But in a case less clear and manifest, in a case where there was room for doubt, for an honest difference of opinion, I should hold myself bound to obey the orders of the government, for conscience' sake, leaving the responsibility with it, sure of incurring no blame myself.

In conclusion, we say, that, though we have defended the lawfulness of war, when declared by the sovereign authority, for a just cause, and prosecuted with right intentions, we have no sympathy with that restless and ambitious spirit that craves war for the sake of excitement or glory. Only a stern necessity can ever justify the resort to arms, and that necessity does not in reality often exist. In most cases, the war, with a little prudence, a little forbearance, a little use of reason, might be avoided: and a terrible responsibility rests upon rulers when they unnecessarily plunge two nations in the horrors of war. Yet it belongs to the sovereign authority to judge of the necessity of the war, no less than to declare it: and when not manifestly and undeniably for that which is wrong in itself, the subject is bound to obey, and give his life, if need be, for his country. But the subject can, with a good conscience, fight only under the national banner. He can never justly fight under the blood-red flag of the factionist or of the revolutionist. The loyal subject hears no call to the battle-field but that of his sovereign. This sovereign he hears, by him he stands, for him he is ready to fight against any enemies, from within or from without. But there he stops. He can join with no faction, with no party, against the legitimate authorities of his country. No dreams of free institutions, of popular government, of an earthly paradise can make him raise the parrieklal hand, and seek by violence to overthrow legitimate government, and introduce a new political order. No, dearly as we love liberal institutions, and as ready as we are to spill our blood in their defence where they are the legal order, we would rush to the side of authority, and spill the same blood against them, if there

were an attempt by violence to introduce them. True freedom is only where the law is supreme, and the law is supreme only where the people reverence it, and feel themselves bound by their duty to God to obey it.

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## SLAVERY AND THE MEXICAN WAR.\*

[From Brownson's Quarterly Review for July, 1847.]

WE always read Mr. Rhett's speeches with interest, and rarely without instruction. He ranks high among the most eminent of South Carolina's gifted sons, is high-minded and honorable, one of the few—alas! very few—of our public men who act always from principle. He may sometimes be unsound in his views, but he always aims at truth and justice, and acknowledges that in politics, as in every thing else, a man should always act under a deep and abiding sense of moral obligation.

The speech before us is earnest, able, and eloquent,—the production of the statesman and the constitutional lawyer. It is on a subject of great and almost fearful interest, which is every day forcing itself more and more directly upon the attention of the American people. It is confined, indeed, principally to the inquiry, Where vests the political sovereignty, under our system of government? but it raises this inquiry only in its bearing on the great and absorbing question of slavery. The question of slavery is becoming for us, through the influence of causes no longer controllable, the question of questions, which can henceforth be blinked with safety by no section of the Union, but which must be met and in some way disposed of, or it will dispose of the Union itself. How it is to be met and disposed of it is not easy to say, and not for us to attempt to say.

As conductor, some years since, of the *Boston Quarterly Review*, we took frequent occasion to express our views of

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\**Speech of the Hon. R. B. RHETT, of South Carolina, on the Oregon Territory Bill, excluding Slavery from that Territory,—the Missouri Compromise being proposed and rejected.* Delivered in the House of Representatives of the United States, January 14, 1847.

the abolitionists: and though many, many changes have come over us, and we can hardly be recognized by our readers as the same man that we were then, our estimation of them remains unaltered, except that, if possible, we now hold them in still greater detestation. They are the worst enemies of their country, and the worst enemies, too, of the slave. They are a band of mad fanatics, and we have no language strong enough to express our abhorrence of their principles and proceedings. But we cannot shut our eyes to the fact, that they have the sympathy of a large portion of the people of the free states, and that in several of the northern states they are already powerful enough to make it an object for demagogues to bid for their suffrages. Both political parties pander to them. Even the administration seems to court them; for it has appointed from this commonwealth scarcely an individual to a prominent office in its gift, not selected from the abolition section of its friends,—certainly, no one distinguished for his bold and resolute opposition to abolition movements. In the Whig party the tendency to abolitionism, or to court the abolitionists, is, perhaps, still more decided than in the Democratic party. In Maine, New Hampshire, Vermont, Connecticut, the party, at least just before elections, is almost avowedly abolitionist, and would be in this state, were it not for a few distinguished leaders, whose influence we are sorry to see daily declining. Young Whigdom in all the free states, composed of young men and boys, not to say young misses, who are soon to be the Whig party itself, is virtually an abolition party, and its leaders are nearly as far gone as Garrison, Phillips, Leavitt, and Abby Foster.

All the sects, if we except, perhaps, High Church Episcopalians, are either already carried away by the abolition fanaticism, or rapidly yielding to it. The great body of Unitarian ministers in New England, once a respectable and conservative body of men, exerting, indeed, a bad influence on religion, yet highly commendable for political and social virtues, are almost to a man now mad and fanatical socialists and abolitionists. If some few yet hold out, they are timid, and without influence on the general action of the body of which they are members. Nearly all the young men from Protestant theological seminaries come out infected, and, wherever settled as ministers, seek to enlist their congregations in the movement. Only the church, which can be surprised by no new moral or social question, which



has nothing to learn from experience, and whose doctrines on all subjects are long ago determined and fixed, remains unaffected by the fanaticism around her, and pays no attention to the decisions of modern casuists.

Add to this the new aspect the question assumes through the anticipated extension of American territory by conquests from Mexico, and the bravest must admit that there is serious cause for alarm. The slave-holding states contend that the territories of the United States not yet erected into states belong to all the states in common, and must be as open to their citizens to settle and occupy with their property, as to the citizens of the free states; and there is a very general determination on the part even of the most moderate of the citizens of the free states to resist the further extension of the slave system. The majority of them will not seek to disturb it where it now legally exists, but they feel, that, for the sake of humanity and the honor of the American states, they ought resolutely to oppose all efforts to open new territory to it. If any new territory shall be acquired by the Union, a conflict is likely to come, whose shock may shiver the Union, and reduce it to its primitive elements.

For ourselves, we adopt no extreme views on the question of slavery. We have no sympathy with the abolitionists; we entertain not for a moment even one of their fundamental principles. Man, we are ready to maintain, may have property in man, a valid right to the services of his slave,—though no dominion over his soul; slavery is not *malum in se* and in no case justifiable; there is nothing in slavery that necessarily prevents the slave-holder from being a true and pious Christian; and where the master is a true Christian, and takes care that his people are instructed and brought up in the true Christian faith and worship, slavery is tolerable, and for negroes, perhaps, even more than tolerable. Many of the laws of the slave-holding states on slavery are unnecessary, unjust, cruel, and disgraceful; a large body of the slave-holders are deeply censurable for neglecting to recognize and respect marriage among their people, and for bringing them up in heathenism or heresy; but we have no sympathy with those who denounce them *because* they are slave-holders, and we have no reason to suppose that they cannot, in the moral, social, and religious virtues, compare favorably with their brethren of the North; and, whatever repugnance we may feel, personally, to the slave system, we are fully convinced that the greatest disservice they could do their

slaves would be to grant them immediate emancipation; which would be as cruel as for a father to turn his children out upon the world, at a tender age, to take care of themselves.

But the great body of the people of the free states are in principle opposed to the whole system of involuntary servitude. All their feelings and convictions are against it. They may not, the majority of them, as we have said, seek to disturb it where it now has a legal existence; but they shrink from its further extension within the bounds of the Union. They regard it as inconsistent with their professions of liberty and equality, and they feel acutely the hypocritical taunts of foreigners. They cannot endure the thought of consenting to pour out their blood and treasure to extend its area, and sooner than do so they are not unlikely to join in the enterprise to overthrow it where it is now established. If we have not mistaken the feeling in the free states, the determination is fixed, even in the minds of the warmest and least hesitating friends of the South, that there shall be no further extension of the slave territory of the Union, and no more slave states admitted into the Union. Whatever we may think of such a determination itself, we regard it as madness to deny its existence, and idle to attempt to withstand it.

But here arises a serious difficulty. The territories of the United States not yet erected into states belong to all the states in common, and must, in justice, be open alike to the citizens of each, who may wish to occupy them. Congress can make no discrimination between the states, in prescribing the conditions on which the territories may be settled and occupied. If the citizens of non slave holding states are left free to settle and occupy them with their property, the citizens of the slave-holding states must also be left free to settle and occupy them with theirs. The fact, that the latter recognize property in slaves, while the former do not, cannot be taken into the account. Congress has no authority to define property, to say what shall or shall not be property, but is bound to respect as property, for the citizens of each state, what their state defines to be property. One state cannot define it for another; for, in relation to the others, each state is an independent sovereign, and its definition of property within its own limits must be respected by all others, as well as by the Union. Hence, in the territories which belong to no state in particular, but of which all are tenants in common, no state can have any right to

make its system of property prevail over that of any of the others; and congress, being bound to respect the system of each for the citizens of each, cannot prefer the system of one to the exclusion of the system of another. Then congress can make no law which would prohibit the citizens of slave-holding states from emigrating to the territories and occupying them with their property in slaves, any more than it can prohibit the citizens of the non-slave-holding states from occupying them with their property in horses and mules, sheep and cattle. The famous Wilmot proviso was, therefore, unconstitutional, and could not have been passed without a usurpation of power.

But it is contended, on the other hand, that the general government is the sovereign of the territories belonging to the United States, and therefore may prohibit slavery in them, if it chooses. This position would seem to be supported by the ordinance erecting the old Northwest Territory, by the Missouri compromise, as it is called, and the exercise by the general government of sovereign powers in the erection of territorial governments. But the erection of territorial governments does not imply plenary sovereignty, and may be defended on the ground of a sovereignty within the limits of the constitution; and the precedents established by the *ordinance* and the *compromise*, if unconstitutional, cannot be pleaded.

Mr. Rhett, in the speech before us, denies that the general government holds the sovereignty of the territories in question, and he does it on the ground, that the general sovereignty exercised by the Union vests, not in the Union itself, but in the states severally which have created the Union. But this, though conceded, would not of itself, be decisive of the case. It matters not, so far as the exercise of sovereignty by the Union is concerned, whether that sovereignty vests originally in it, or be only delegated to it. If the states have delegated to it the sovereignty in full of the territories, it can exercise all the sovereignty over them it could, if it were sovereign in its own right. But there is, as we shall by and by show, no express delegation of such sovereignty, and the sovereignty in its full sense over them must vest where, and only where, under our system, the plenary sovereignty in general is vested. If it is in the Union, then the Union is sovereign over the territories by its own right, and can exercise plenary sovereignty over them, unless the constitution ordains to the

contrary, without any express grant of power. But if it vests in the states severally, then the Union has no sovereignty but what is expressly delegated to it, and its power over the territories is limited to the express grant, and what is necessarily incident to it. Since, then, there is no express grant of plenary sovereignty over the territories in the constitution, it becomes necessary, in order to ascertain whether the general government possesses it or not, to ascertain whether, under our system, the general sovereignty vests originally in the Union, or elsewhere.

For ourselves, we agree perfectly with Mr. Rhett in his position, that the political sovereignty with us vests originally, not in the Union, but in the states severally which have made the Union, and from which the Union derives its existence and all its powers. Nevertheless, he must pardon us, if we say we cannot, in all cases, accept the reasoning by which he sustains this position, and are unable to adopt his view of the state governments. He maintains that the general government is not sovereign, not only on the ground that it is the creature of the states, but also on the broader ground, that under the American system no government is sovereign, not even the state governments themselves. If government in general, if the state government itself, is a mere agency, deriving all its powers from an authority antecedent to government, then, *a fortiori*, the federal government in particular. He says, —

“ Sir, it is a truth, vital to all free popular governments, that sovereignty can never be in government. The fundamental doctrine, on which all our free institutions rest, is that government is nothing of itself, but is simply the agent of the people. Make government sovereign, and the people are subject. They are ruled, and do not rule themselves. To attempt to alter, change, or abolish, the forms of government over them will, then, not be a right in the people, but treason to the existing government, for which they may rightfully be gibbeted or put to the sword. I repeat the position, that sovereignty, in free, popular governments, can never be in government. It is, under our system of government, neither in the general nor in the state governments. Both are but agencies.”

Understand by *people*, the *states*, and restrict the doctrine asserted to the federal government, this may pass; but understand by *people*, not the state, but population, and extend the doctrine to the state governments, it is inadmissible. The federal government, it is historically certain, is the creature of the states, and, saving the faith they have

pledged to each other, the states have the same right to alter, change, or abolish it that the principal has to alter, change, or revoke the powers he has given to his agent. But we cannot say as much of the state governments. They are governments, not agencies; for there is and can be in the states no authority antecedent to them to create them. The people as population have never made them, and therefore cannot unmake them. The people as the state, the legally constituted people, are inconceivable without the government, are the government itself in fact, as well as in principle, and for them to abolish it would be to commit political suicide.

But "make the government sovereign, and the people are subject." Unquestionably. Sovereign and subject are correlatives, and one necessarily implies the other. Where there is no subject, there is no sovereign; for nothing can be *over*, where there is nothing *under*. If you assert sovereignty, you must concede subjection. Then, the people, "are ruled, and do not rule themselves." Granted. But what is government for, if not to rule the people? and is that government which neither rules them, nor has the right to rule them? Does government operate on *things* only, subject things only, never persons? Are not the people, every man, woman, and child, of them, subject to the laws? And is it not the boast of our institutions, that no one is above the laws? How can you say that the people are subject to the laws, and yet not subject to the government? and if governed by the laws, that they are not ruled? You must either deny all government of *persons*, and exempt from the dominion of the law all except *things*, or else you must concede that the people are subject to government and ruled by it.

But if they are ruled, they do not rule; and the fundamental principle of our institutions is that the people rule. Rule as the government, conceded; as population taken distributively, denied. The confusion arises from the ambiguity of the word *people*, which, in this country, is taken in two senses, very distinguishable one from the other. The term *people* means, 1. Population, the whole number of persons inhabiting the territory or country; 2. The state, commonwealth, or political sovereignty. In the latter sense, as the state, the people are sovereign, and rule; in the former sense, they are not sovereign, but subject, and are ruled. Numerically considered, the people in the one sense

may or may not be commensurate with the people in the other sense; but in no actual case are they so. The people, as population, are the whole population, men, women, and children, freemen and slaves; as the state, they may include only a small number, in some countries more, in others fewer. They are some two hundred thousand out of thirty-five millions in France, and with us they never exceed, in fact never equal, the whole number of free male citizens twenty-one years of age and over; and in most cases never include more than the free *white* male citizens of the same age and over; and these in South Carolina, for instance, do not exceed one in ten, and in no state one in five, of the whole population.

But these free male citizens, the electors, are themselves save in the simple act of voting, subject to the laws, and ruled in the same manner as the rest of the inhabitants. Moreover, the elective franchise, which they possess and exercise, they possess only by virtue of law, and can exercise only according to the law. They may alter, change, or abolish the existing *form* of government, it is true; but by virtue of law, and only in the way, and by the means, the existing form authorizes; and the attempt to do it in any other way, or by any other means, would be treason, and punishable as such, by the laws of every state in the Union. To abolish the government is, under our system, no more the right of the people, than it is under any other system, as Mr. Dorr and his partisans in Rhode Island discovered to their cost.

The insane doctrine of but too many of our politicians on this subject arises from the ambiguity we have pointed out in the word *people*. From the fact that the political sovereignty with us is unquestionably vested in the people *as the state*, they sophistically conclude that it vests in the people *as population*; that is, in the people out of, or antecedent to, the state. But where there is no state, no *polis*, no political entity, there is and can be no political sovereignty. Out of the state and antecedent to it, if you may make the supposition, the people are not a state, have no political existence, and therefore are not sovereign, and have no sovereignty. It is absurd to assume that the sovereignty vests in them; and if it does not in this sense vest in them, they of course cannot delegate it to the state, nor can the state derive it from them. The states could delegate sovereignty to the Union, for they were antecedent

to it, and were, prior to it, sovereign states, and possessed the powers they delegated. But the people could delegate no sovereignty to the state or state government; for, antecedently to the state government, they were no political entity, and therefore had no sovereignty to delegate.

Here is the refutation of the prevalent fallacy of the popular *origin* of government. The administration of government may be popular, and is so with us; but its origin is never popular. The people cannot make the constitution: for to make the constitution is itself an act, and the most sovereign act, of the political sovereignty; and antecedently to the constitution the people are not sovereign, since antecedently to it, as we have seen, they have no political existence. What is not cannot act. Where there is no sovereign, there can be no act of sovereignty. To assume that the people make the constitution is, then, to assume them capable of performing an act of sovereignty before they exist as a sovereignty, which is absurd. It would be to assume that sovereignty is self-created,—an impossible supposition. Nothing can be self created, for the very solid reason, that nothing can act before it is. The constitution must always be *octroyée*,—granted or imposed by authority,—or it has and can have no legal force or vitality. But if we suppose as already existing an authority competent to grant or impose a constitution, we suppose the state to be already constituted, and the sovereign authority to exist. When the state already exists, with its sovereign authority, the people owe it allegiance, are subject to it, and have neither the right nor the occasion to make the constitution.

In denying the popular origin of government, we neither deny the legitimacy nor mistake the character of our American system of government. The doctrine of the popular origin of government—that is, that government is instituted by, and derives its powers from, the people, antecedently, logically, or chronologically considered, to the state—is no American doctrine, and implied in no American institution. It is an exotic, brought hither from the gardens of foreign theorists, and should be rooted up and rejected by every American who loves his country, and would be able to distinguish between the state and the mob.

Not one of our state governments has had a strictly popular origin; for there has never been with us a moment when the people were unconstituted or without government, and free, without regard to existing authority, to institute

government for themselves. We are not so rash as to pretend that the people here have never been guilty of any irregularity, or that all their proceedings are defensible in strict law; but we do say, and are ready to maintain against all challengers, that what with us is called *making the constitution*, with one or two apparent, but not real, exceptions, has been nothing but a modification of a previous constitution, and a modification effected, not by the people as population antecedent to the state, but, if by the people at all, the people as the state, by virtue of previously existing political authority. The conventions which have modified the old constitutions and formed our present constitutions have all been called, or held to be called, by an already constituted public authority, by virtue of public law, and according to law. Their whole authority as conventions has been derived from the government which authorized them, and there has never been a moment when to call conventions without the authorization of the existing government, and to attempt to enforce their acts against it, was not treason, and as such punishable by existing law.

The colonists on arriving here were, as before leaving home, subject to the laws of the mother country; and the colonial governments were constituted governments by the authority of that mother country, and derived from it all their powers. Our present governments are only the mediate or immediate continuations of the colonial governments, by whose authority they have from colonial become state governments. In no instance has the change been effected but by their authority. Mr. Dorr and his friends attempted, in the case of Rhode Island, to effect a change by popular, instead of legal authority, and failed. This is strictly true of all the old thirteen colonies, as nobody can pretend to deny. With regard to the other states admitted into the Union since the adoption of the federal constitution, nearly all have formed their constitutions by authorization of the general government through their territorial governments. Vermont and Michigan, perhaps Kentucky and Tennessee, though of these we cannot speak positively, formed their constitutions in the first instance in conventions called without legal authority; but the defect of legality was subsequently supplied by the acknowledgment of the governments in contravention of whose authority they formed them. Maine became a state by the consent of Massachusetts, on whom she depended, and the authority of congress.



Texas was erected into a state by the act of Mexico, originally illegitimate, but made legal by the subsequent acknowledgment of Mexican independence by Spain, the mother country, and she became an independent state by the revolution which subverted the Mexican union or federal government. All our governments may, then, plead a legal, in distinction from a popular origin.

Against us, some may allege the American revolution, the declaration of independence, and the prevalent theories and speculations of American statesmen and politicians. The theories and speculations of many of our statesmen and politicians assert the popular origin of government, we grant; but these theories and speculations are precisely what we are controverting, and their authors cannot assert them as American, on the authority of our institutions, unless necessary to explain and justify their existence. The existence of these institutions does not require them for their explanation or justification, as we have shown, in showing that they are explicable and justifiable on legal principles.

The declaration of independence, in the preamble, asserts the popular origin of government, it is true; but that document is of no legal force or value, forms no part of the public law of either the states or the Union. The act of the congress which drew it up, declaring the colonies absolved from their allegiance to the crown of Great Britain, has entered into the modifications our institutions have received; but the principles of government they asserted, and the reasonings by which they justified it, enter for nothing. Moreover, the congress which drew up the document had received from the states whose agent they were no authority to promulgate a theory of government, or a political code, and in doing so exceeded their powers. Consequently the political doctrines they published are to be treated simply as the private opinion or speculation of the individual delegates. Furthermore, the assertion of the popular origin of government was a mere *obiter dictum*. The essential issue between the colonies and Great Britain was, not whether the people have or have not the right to institute government for themselves, but whether the crown of Great Britain had or had not committed illegal and unconstitutional acts, and if it had, whether it had forfeited its rights over the colonies. The colonies decided that it had, that the king had proved himself a tyrant, and having so

proved himself, they were absolved—by his act, not by theirs—from their allegiance. The real assumption of the colonies was, not the right of the people to originate government, but that the tyranny of the prince absolves the subject. If it had been otherwise, there would have been no necessity for attempting, as they do in the document in question, by a recital of his acts, to prove that George III. was a tyrant.

What is called the American revolution, properly speaking, was no revolution at all, and no man, in order to maintain the legitimacy of our institutions, is obliged to assert the right of revolution, and therefore the popular origin of government; because it was not the act of the people as population, out of or antecedent to the state, but of the people acting in subjection to the colonial governments, —the constituted authorities; because all our institutions originally or by legal derivation date from beyond it, and not one of them can be said to have originated in it; because the authority of the mother country was not resisted, till it had forfeited its rights, and ceased to be a legal authority; and because, whatever illegality there may have been in the declaration and war of independence, the stain was wiped off, and the whole legitimated, by the subsequent acknowledgment of the independence of the United States by Great Britain. A just appreciation of what we improperly call the American revolution would show that in it the American people were far from intending to declare themselves revolutionists on principle. The whole controversy which preceded the struggle for independence proves that they held themselves bound to obey legitimate authority, and that they did not resist the British government till they had convinced themselves—rightly or wrongly is nothing to our present purpose—that it had ceased to be legitimate, and by its own acts absolved them from their allegiance. But in resisting the crown of Great Britain, they did not resist their own governments; at least, never asserted their right to subvert them, which they must have done in order to have asserted the sacred right of insurrection as it is called, and the strictly popular origin of government.

That there is much confused thinking on this subject among our countrymen at present, and that men with fanciful theories and lawless passions, for which they wished to obtain free scope, have seized upon the American revolution and tortured it entirely out of its original shape, we do not

deny. That there were at the time individuals—perhaps prominent individuals—affected by the mischievous theories of their times, and carried away by the Utopian dreams of liberty, equality, the perfectibility of human nature, and the realization of a paradise on earth, then so common, and the bitter fruits of which France and all Europe were soon to reap, and that they sought, in season and out of season, to introduce their insane imaginings, and to make it appear to all the world that they had the sanction of the American people, and that individuals of this description, of whom the author of *Common Sense*, subsequently, of the *Age of Reason*, was an associate and a sample, were able to direct and color too many of the proceedings of the time, is but too true; but instead of regarding what they said and did as the rule, we should, as true Americans, regard it as exceptional, to be forgotten, not continued, and exaggerated. The less we have of Jean Jacques Rousseau and his school, Thomas Paine and his protectors and followers, and the more we have of the strong old Anglo-Saxon sense, and old Anglo-Saxon loyalty, the better. Massachusetts was foremost in the struggle for independence, and it, perhaps, is some proof that the patriots did not intend to be revolutionists, that she has always been foremost among the states in contending for the supremacy of the law,—though she may not have always maintained it, or been as faithful as we could wish to her principles.

Our readers, of course, will understand that in denying the popular *origin* of the American governments, we do not deny, or wish to deny, their popular administration. We merely assert the legal order against the revolutionary order, and maintain, that, notwithstanding the popular forms of our government, the broad popular basis of their administration, the state is as sovereign with us as it is elsewhere, and that loyalty to the state is as much a virtue here, and made as obligatory upon the people by our institutions, as it is under any other form of government. We recognize all the freedom in the people, as the state acting according to law, that the most zealous radical among us contends for; but in the people, regarded as population, in their capacity, not of sovereigns, but of subjects, no other freedom than the law grants and guaranties to them. In the ordinary routine of government, in all its ordinary functions, there is no perceptible difference in the practical working or results of our governments, whether we suppose

their origin to be legal or to be popular. But there is an immense practical difference, when it comes to the interpretation of their powers, and the allegiance of the subject. If the theory of their popular origin is adopted, they can be assumed to have no powers not granted in the constitution, and the obedience of the subject can never be lawfully enforced. Nay, they have no right of self-preservation; and the people, without reference to law, may abolish them at will, and set up any government or no government in their place, as they please.

Mr. Dorr's movement in Rhode Island, sincere and philanthropic on his part, and undertaken, we have reason to believe, in a pure, disinterested spirit, shows clearly the danger of the theory we denounce. He adopted the theory of the popular origin of government, and held that an instrument drawn up and proposed by a body of men assembled without authority of law, if sanctioned by the votes of a majority of the people, would be the fundamental law of the state, and might be lawfully enforced as such by sword and bayonet against the regularly constituted authorities. He reasoned, it is true, fallaciously; for he was obliged to assume the legality of the existing government in order to determine who were the people of Rhode Island, which was necessary to enable him to determine how many votes he must have in order to have a majority; and when he had assumed the legality of that government, he had conceded his obligation to obey it, and therefore denied to himself all right to resist it, at least so long as it continued in the legal discharge of its legal functions; that is, unless it ceased, by its own act, to be legitimate. But, waiving this consideration, his conclusion was logical, if the popular origin of government was conceded, as it was, for the most part, by his opponents. He certainly had the advantage in the argument of the chief justice of Rhode Island, and of the learned president of Brown University. Yet there was no sober, thinking man, who reflected on his movement, that did not see that it was wholly subversive of all legitimate rule, of the essential principle of government itself. It is unquestionably true, that the legal people, legally convened, have the right to alter or amend the constitution, and equally true, that the new or amended constitution in most cases, though not in all, will not go lawfully into operation unless sanctioned by a majority of the voters voting on it; but not because the constitution derives its authority from

the people antecedent to government, but because the *law* so ordains. The law could, if the sovereign so willed, dispense with the popular vote, and also with the convention; nay, deny the right altogether, under any circumstances, by any methods whatever, to alter the fundamental law; and experience will yet prove that the facilities provided by law for altering or amending the constitution are incompatible with the safety and stability of our political institutions, if indeed it has not done so already.

We have dwelt at length on the legal origin of our state governments, in opposition to the popular fallacy that they derive from the people as population, because we wish to present our institutions in their true character, and guard, as far as possible, against the false and dangerous theories afloat concerning them. The danger with us is not likely to come from the side of law; but it will come through the corrupting theories of the enemies of all legal order. We have an abundance of politicians,—demagogues, more properly,—but, unhappily, a great dearth of statesmen, and no good school of politics. The ambition of our politicians is, not to serve the country, consolidate and perpetuate our institutions, and secure the practical enjoyment of the blessings they promise, but to rise to place and power; and only that which best enables them easily and speedily to rise are they very likely to study. As to rise one must secure the votes of the electors, as these are with us a numerous body, the easiest and speediest way is to make constant appeals to the popular element, to flatter the people, to exalt their majesty, and exaggerate their sovereignty, their wisdom, intelligence, and virtue. Hence the tendency is to undervalue and neglect law, and to prize and consult only *popularity*. We have seen, during the last twenty years, this tendency growing stronger and stronger, till the bulk of our fledgling politicians have become hardly able to recognize any real distinction between the convention and the caucus, the state and the mob, republicanism and ochlocracy. The man who contends for law and order, by a singular misnomer, is termed an *Algerine*, and he who declaims lustily for the people, sneers at all legal distinctions and legal forms as dry and barren technicalities, unworthy a freeman, is regarded as magnanimous and noble, eloquent and profound, wise and sagacious, the true friend of his country, the man of his times, worthy of universal honor, and the highest offices in the gift of a free people. What

will be the end it is not difficult to experienced wisdom to foresee.

It has been from no love of theorizing that we have gone thus largely into the principles of our state governments. The question we have raised is no merely speculative question, but a question of vital practical importance. If our state governments are mere agencies, not governments in the proper sense of the term, we have no governments at all, no legal order, and there is and can be no disloyalty, no treason, and therefore no right to coerce obedience. The government so called is at the mercy of the mob, and Judge Lynch has as valid a commission, and his court as legal an existence, as any judge or court in the land. Moreover, the rule of interpretation is altogether different, on the view we present, from what it is on the one we oppose. If our state governments are governments, they are the STATE, and have all powers, under God, not denied them by the constitution; if they are mere agencies, they have no powers but such as are specially granted in the constitution. In the former case, the constitution is nothing but a limitation of powers; in the latter, it is a grant of powers. In the one case, the practical statesman has only to ask what is forbidden; but in the other, he must ask what is granted. The difference is obvious and important. If the latter view prevail, there will be a constant usurpation of power; for no grant of specific powers which human wisdom can devise will ever be adequate to all the exigencies of the state; and then, either the public weal must be sacrificed through the inefficiency of the government, or the constitution be nullified, and all legal order overthrown, by the exercise of unconstitutional powers.

While, then, we cheerfully concede to Mr. Rhett, Mr. Calhoun, and the South Carolina school of politicians generally that the federal government is a simple agency created by the states, we cannot concede it on the ground, that, under our system, even the state governments themselves are only agencies. The general government and the state governments are in no sense analogous; they rest on totally distinct foundations, and can never be rightfully interpreted on the same general principles. The people do not make the state government in the sense in which the states make the general government, and the relation between the people and the state government bears no analogy to the relation between the states and the general gov-

ernment. The relation in the latter case is that of principal and agent; in the former, it is that of sovereign and subject. The federal constitution is a grant of powers, the state constitution a limitation of powers; the Union has no powers not specified in the grant, the state all powers not specifically denied in the constitution. The Union must prove its power before it can act; the state can act unless its power is disproved. The presumption is in favor of the state, but it is against the Union. It is necessary to bear this difference in mind, lest, applying to the Union the principles proper to the state governments, we run into consolidationism,—or to the state governments the principles proper to the federal government, we run into no-governmentism, and confound the state with the mob.

Some of our statesmen, and statesmen, too, whose views are entitled to the respect always due to superior talents, distinguished rank, and eminent service, reject the doctrine of state sovereignty which, after Mr. Calhoun, we have set forth, and contend that the sovereignty vests, not in the states, but in the Union; that is, that the American people are one sovereign people or state, and that the federal government has all the sovereign powers, substantive or incidental, of government in general, not denied it in the constitution. Foremost among these is Mr. John Quincy Adams, ex-president of the United States, really one of our most scientific, though at times one of our most erratic, statesmen. He, if we understand him, asserts the sovereignty of the Union on the ground that we were one people from the beginning, and that the division into colonies was only for the purposes of administration. He alleges in proof of this, that the colonists had a common origin, a common language, common habits and sentiments; and that the colonies had the common law, derived all their authority from the same imperial government, and were subject to one and the same prince. For the purposes of administration they were distinct departments, each with its own local authority, but they retained their unity by being all subordinated to the same supreme government from which emanated all their legal authority. Consequently, we remain one people, notwithstanding the government of the Union was formed by the states acting in their capacity as distinct states; for it was the only way, prior to the establishment of the Union, in which the sovereign people could legally express its will.

This theory is plausible, but not sound. The common origin, language, sentiments, habits, &c., prove nothing to the purpose, because they exist still between us and Great Britain, in all their essentials, as much as they did between the colonies themselves prior to the revolution, and yet we and Great Britain are not one legal people. The possession of the common law, for the same reason, proves nothing. We have it still in common with England. The greater part of the continental states of Europe possess the civil law, which binds in their courts, and yet they are none the less independent states. Subjection to one and the same prince proves just as little. England, Scotland, and Ireland continued—if they do not still continue—to be separate kingdoms long after their union under the same prince, and the acts of the British parliament would not operate in either of the latter unless specially named. Austria, Bohemia, Hungary, Lombardy, &c., are all subject to the same prince, the emperor of Austria, and yet in relation to each other are independent states. The great vassals of the crown of France, in feudal times, were none the less sovereign in relation to each other, because they held from the same suzerain or lord paramount. The colonies derived all their legal authority from the same source, it is true; but to have been one colonial people for that reason, they must have been subordinated, not to the authority of the mother country only, but to one paramount colonial authority. But there was no paramount colonial authority between them and the mother country. They each held immediately from the crown, and each, under the crown, contained in itself all the legal authority it recognized, or to which it was subjected. Consequently, they were not so many departments or divisions of one colonial people, but so many distinct, and, in relation to each other, independent colonies. Consequently, again, when the authority of the mother country to which they were subordinated, and which was their only bond of legal unity, was thrown off, they necessarily became independent sovereign states, not one sovereign state or people. The proofs, then, on which Mr. Adams relies do not sustain him, and his theory, however consistent it may be with itself, cannot be asserted, because it is contradicted by the historical and legal facts of the case.

Mr. Webster, regarded by a large portion of his countrymen as the ablest expounder of the constitution we have



had, and sustained in his views, we are inclined to believe, by the convictions and intentions of many of the men who aided in framing the constitution, concedes that prior to the adoption of the federal constitution the states were independent sovereignties, but contends that by its adoption their sovereignty was merged in that of the Union, and that therefore the Union is now sovereign. But this is inadmissible, for the reasons we have assigned when denying the popular origin of government. The constitution is the act of the sovereign authority, and therefore does not and cannot create that authority. There can be in the constitution no sovereignty but that which makes, imposes, or grants it. The sovereignty which made or granted it vested, it is conceded, in the states severally. Therefore the sovereignty in the constitution vests in the states severally,—not in the Union, which is their creature. Moreover, the whole vitality and force of the constitution are in the sovereignty which makes it, and are lost the moment that sovereignty ceases to exist. To suppose, then, that the state sovereignty, which made or granted the constitution, ceased to exist the moment the constitution was adopted, is to suppose that the constitution the moment it was adopted became a nullity, and had no legal force or vitality. If the states were sovereign before its adoption, they must be after its adoption; since it can be a constitution only by virtue of their sovereignty. Their sovereignty must survive its adoption, then, as much as the authority of the principal survives the instructions by which he constitutes his agent. Then the sovereignty vests, not in the Union, but in the states severally; and then the Union has no powers but those the states have severally delegated to it.

Mr. Jefferson and his peculiar school do not adopt precisely either Mr. Webster's theory, or the one we have set forth; but appear to adopt one somewhere about midway between the two; that is, that we are one sovereign people in all our foreign relations, and several independent, sovereign states in all our internal relations. This, if intended merely to state the practical fact, that under the constitution the foreign relations of the country are subjected to the Union, and the internal, with some rather important exceptions, to the state governments, is true enough, and nobody disputes it; but if intended to point out the seat of sovereignty under our system, is open to all the objections we have urged against the theory of Mr. Adams and that of Mr. Webster,

and to all those which the consolidationists allege against state sovereignty, besides being an absurdity in itself. Sovereignty is necessarily one and indivisible. A divided sovereignty is inconceivable. The sovereignty must be in the states, and the exercise of it, within certain limits, delegated to the Union; or it must be in the Union, and the exercise, within certain limits, delegated to the states. If you say the former, you have the doctrine we contend for; if the latter, you have the theory either of Mr. Adams or of Mr. Webster. Moreover, if we were not one people in what regards our foreign relations before the adoption of the constitution, as, in refuting Mr. Adams, we have shown we were not, we could not be made one people in reference to those relations any more than in reference to our internal relations, for the reasons we have assigned against Mr. Webster. Both Mr. Jefferson and Mr. Webster appear to us to have been misled by their assumption, that the government derives its authority from the people, not as the state, but as antecedent to the state, —the doctrine of the atheistical Hobbes, and the sentimental and licentious Jean Jacques Rousseau, —and by their overlooking the fact, that it is the political sovereign that makes or grants the constitution, not the constitution or fundamental law that creates the sovereign; and this has happened to them, we presume, in consequence of their having been more concerned with the practical mode to be adopted for administering government, than with inquiries into the origin and nature of government itself. Most of us, however logical we may be in our capacities and tendencies, are apt to take for our premises the assumptions of our particular school, or of the community in which we are brought up, and rarely, if ever, question them till we find them leading us into consequences from which our good sense or right feeling recoils. The error of these great men is easily accounted for, without detracting from their eminent talents, or the solid worth of their characters.

The four views we have considered are all that have been or can be suggested on the constitution of the United States. No other than one of these is possible, and the last three we have seen, though supported by high authority, are inadmissible. Nothing remains, then, but the first, Mr. Calhoun's view,—namely, the sovereignty, under our system, still vests in the states, and the Union has only a delegated sovereignty,

and can rightfully exercise only such powers as are specially delegated to it.\*

Practically, there is no difference in the mode of operation or in the legality of the acts of the Union, whether we assume the Union to be sovereign in its own right or only by the delegation of the states, so long as it keeps within its clear and unquestionable powers. The difference arises only the moment when it concerns doubtful powers. If the power is doubtful, the Union cannot exercise it; for the doubt must always be interpreted in favor of the states, against the Union. The Union can claim none of the incidental powers of sovereignty, unless they are expressly granted, and the only incidental powers it has are such as are incidental or necessary to the exercise of its express substantive powers.

There are, then, only two grounds on which plenary sovereignty over the territories of the United States can be claimed for the Union; that is, it must be itself expressly granted, or it must be necessary to the exercise of some substantive power expressly granted. It evidently is not expressly granted. The only express grant of power over the territories is, that "the congress shall have power to dispose of and make all needful rules and regulations respecting the territories and other property belonging to the United States." This is no grant of plenary sovereignty; and nobody pretends or can pretend that the exercise of plenary

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\* Our readers must not understand us, in adopting Mr. Calhoun's theory of state sovereignty, to adopt also his doctrine of nullification. We heretofore gave in our adhesion to it, but a more thorough investigation of the subject than we had formerly made of it has led us to doubt both its theoretical soundness and its practical efficacy. If the sovereignty still vests in the states severally, a state must have, saving her faith, the right to absolve her subjects, if she chooses, from their obligation to obey the Union, since she alone has created that obligation. But she can nullify no act of the Union in the passage of which she has participated, either for or against, without breaking her faith; and as she is, by her own agreement in consenting to the Union, rightfully held to participate in every act of the Union while she remains in it, whether she actively participates or not, she cannot nullify an act of the Union without seceding from it. She must secede, as the condition of nullifying without breach of faith. The abstract right of a state to secede we are not disposed to question; but as no state has or can have the right to break its faith, we confess we can hardly conceive a case in which the state can practically exercise this abstract right, for it is hard to conceive a case in which the engagements the state has already entered into do not bind her to remain in the Union. But, as the subject has no necessary connection with our present discussion, we reserve its full consideration to some future occasion, should such occasion occur.

sovereignty over the territories is necessary to the exercise of any other power granted in the constitution. Congress has simply power to *dispose of* and to make all *needful* rules and regulations respecting the territories belonging to the United States. Beyond this it cannot go without a usurpation of power. But *needful* to what? Evidently to the end of preserving to the states the property and sovereignty of the territories, and to provide, perhaps, for their settlement, erection into states, and final admission into the Union. The most liberal construction can force nothing more than this from the language of the constitution. Then the power of congress over the territories is restricted to this end, and it is only on the ground that it is necessary to this end that congress has the power even to erect provisional territorial governments.

The question whether congress has authority to exclude slavery from the territories is now easily disposed of. If the exclusion of slavery is needful or necessary to the exercise of the power granted, or to secure the end for which it was granted, congress unquestionably has the power; but if it is not, it has not the power. Since the power is not expressly granted, and can be exercised, if at all, only as an incident of some power expressly granted, it can be claimed as the incident of no power expressly granted but the one in question. But the exclusion of slavery is not needful to the exercise of this, as is evident from past experience, and indeed of itself; it follows, therefore, necessarily, that congress has no constitutional power to exclude slavery from the territories of the United States.

But it is contended that congress may exclude it indirectly, by refusing to admit into the Union any new state whose constitution permits slavery. The constitution says new states *may* be admitted, but does not say they *shall* be. It leaves the admission or non-admission to the discretion of congress, and prescribes no conditions for admission or refusal. If congress has discretionary power to admit or not to admit, it may refuse to admit a slave state, if it chooses. This seems plausible enough.

But the congress is the agent of the states; the agent is bound to exercise his discretionary powers according to the general scope and design of his instructions, and can never so construe his discretion as to make it override a specific instruction, or to make it the grant of full powers over matters on which he has received specific instructions and

in them only limited powers. To do so, if not absolutely a usurpation of power, would be an abuse of power, which the law would not tolerate. Congress, by the fact that it is the agent and not the principal, is bound to subordinate its discretionary powers to the ends contemplated in the powers expressly granted in its instructions. As the power to exclude slavery from the territories is denied it by not being granted in the specific instructions which it has received respecting them, it cannot acquire it by any construction of its discretionary powers. Hence, congress cannot exclude slavery from the territories by refusing to admit into the Union a state which authorizes it, nor can it refuse to admit the new state itself, on the ground that its constitution does not prohibit it,—certainly not without a dangerous abuse, if not absolutely a usurpation, of power. The Union is bound, by its general character of agent of the states, and its instructions as such, to treat the territories as nearly like the states as their exceptional character will allow. Consequently, as it is acknowledged on all hands to have no power over slavery in the states, it can have none over it in the territories, unless necessary to the exercise of its legitimate power over them. It is not necessary to this, and therefore it has and can have no power over it in the territories; and then none to exclude a state from the Union for the sake of excluding slavery from the territory.

Moreover, the refusal of congress to admit a new slaveholding state into the Union would have little practical effect. New states, when once admitted, stand, and must stand, on an equal footing with the old states, and congress can bind the new state after its admission no further than it can one of the old states. Every state now in the Union has the right, so far as the Union is concerned, to hold slaves. Massachusetts may reëstablish slavery to-morrow in her dominions, if she chooses, and the Union has nothing to say to her. The new state, after her admission, would have the same right. All a state wishing to hold slaves has to do, then, is simply to prohibit slavery in her constitution for the sake of admission, and as soon as admitted call a convention, and strike out the prohibition. She will then have the right to hold slaves in defiance of congress; and if bent upon holding slaves, this would be her course, if she could gain admission on no other conditions.

It is clear, from what we have now established, that there is no constitutional means of preventing the extension of

the area of slavery, if there should be an extension of the territory of the Union. What, then, are they who are resolved to confine it within its present limits to do ?

There are boys and girls and some men amongst us who will answer, Humanity is prior and paramount to constitutions, and has the right to prevail over all human conventions and legal enactments. This is very easy to say, and sounds very fine ; but it is true only on condition that it is humanity truly interpreted, instead of humanity as each fanatic may choose to interpret it for himself. The maintenance of legal order is the primary interest of mankind, because there is no interest of mankind that can be protected or promoted without it. They war upon humanity herself, who war, though professedly in her name, upon legal order, and trample on the constitutions of states. Humanity always requires us to show our philanthropy in subordination to the legal order of our country, and forbids us ever to do it in defiance of that order. Of two evils, we are allowed, nay, commanded, in morals, to choose that which is least ; and there is no prudent man who can for a single moment doubt that the continuance and even extension of negro slavery is a less evil than the destruction of the whole legal order of the country. Such destruction would bring no liberty to the slave ; for it would be the destruction of all the conditions and guaranties of liberty, and the reduction of the whole population of the country to anarchy, which is worse than slavery.

There is no greater evil possible to humanity than is threatened by these abolition and other associations which swarm over the land, and seek to expound to us the laws of God and of humanity ; and it is the duty of every one, who loves his God, his race, and his country, to oppose to them the firmest and the most persevering resistance. They are self-created, irresponsible, and without any authority to decide on any moral or political question, except what they arrogate to themselves. Whatever their avowed objects, they are engines destructive of all true liberty. They are formed for and against every thing, and usurp control over both the private and the public conscience. Already have they become in the so-called free states nearly intolerable. They are everywhere ; they annoy us in our downsitting and uprising, in our eating and drinking, in our sleeping and waking. They overawe juries, they make the judge hesitate in his charge, and render the impartial administra-

tion of justice nearly impracticable. The magistrate fears to encounter them, and must obtain their permission, before venturing to discharge his duties. If we yield to them on one point, we must on another,—take the law from their dictation on one occasion, we must on all occasions, and hold our property, our liberty, and our consciences only at their mercy. Let us break up to-day the legal order of the country in reference to slavery at their bidding, and to-morrow we must do it in reference to some other question, next day to still another. All security then is gone. We are at the mercy of a wild, infatuated, and fickle multitude. The evils of negro slavery are but the dust in the balance with the evils we should then experience. No, never trample on law and constitutions in obedience to the mandates of self-constituted and irresponsible associations, which no well-ordered state can safely tolerate. A thousand times better is it to be the slave of the most brutal master, than to come under their lawless and fanatical sway.

Others, hardly less mad, seek to obviate the difficulty by dissolving the Union, but the dissolution of the Union would be the dissolution of American society itself. Remove the pressure of the Union, and the states will fall to pieces. Their strength, as well-ordered states is in the Union. Let them resume the exercise of all their powers as independent sovereignties, and war, revolution, and anarchy would almost instantly follow. They would soon become hostile to each other, and bitter and savage in their hostility in proportion to the intimacy of their former mutual relations. The larger states would soon reduce the smaller to the condition of conquered provinces, and oppression and misrule would become universal.

The external evils would be incalculable; but the internal evils, those which would spring up in the bosom of the state itself, would almost infinitely exceed them. Not a single one of our state constitutions, especially in the northern, middle, and western states, would stand. The insubordination, the love of change, the passion for experimenting of our people are so great, that nothing would remain permanent and fixed, but change itself. The tendency to ochlocracy is already fearfully strong. The reverence for law has nearly disappeared; loyalty is a word of bad meaning; fixed and permanent institutions are held to be derogatory to the majesty and sovereignty of the people, and there is a wide and active determination to sweep away every thing

which may impose even a momentary check upon popular passion and popular caprice. The magistrate trembles before the multitude of the irresponsible and fanatical associations to which we have alluded, and the government in the free states is already passing into their hands. And what are these associations themselves but mobs,—their influence but the influence of the mob, and their rule but the rule of the mob,—unknown as they are to the state, and to all laws, human and divine? Antirentism, agrarianism, forming the principle of one of two leading parties in the great state of New York, the independence of the judiciary already gone, and the judges converted into demagogues by being made elective by the people, for a short term of years, and reëligible, —a senseless socialism spreading like wildfire from one end of the Union to the other, inflaming all ardent temperaments, maddening the young and inexperienced with delusive dreams and fallacious hopes, and undermining the very foundation of society itself, — tell but too plainly the dangerous elements at work in the heart of the American population, and the terrible evils which would fall upon us, if the Union were dissolved, and all the restlessness, ambition, intrigue, cunning, energy in each state, now absorbed by the general government, were turned loose to prey at will upon the bosom of the state itself. Society would be broken up, anarchy in its most hideous forms would reign, and we should be sunk so low as to hail as a liberator the military despot who should succeed in restoring something like order by subjecting us to absolute dependence on his arbitrary will and iron rule. No; talk not of the dissolution of the Union. Palsied be the tongue that would propose it; palsied the arm that would attempt it. Let the day be cursed in which the wretch was born who dare wish it, let him be driven out from the habitations of men, and his memory perish for ever.

What, we ask again, is, then, to be done? The question, as we intimated in the beginning, is practically important only on the supposition of the extension of the territory of the Union by new acquisitions from Mexico. So far as concerns our present territory, the question is merely speculative. Oregon is not likely to become a slave state, and if slavery should be introduced there, it would soon die out, for the same reason that it has died out in the northern and central states of the Union,—because it would be found to be bad economy. The whole importance of the question,



as a practical question, is occasioned by the present war with Mexico, and the probability of our insisting on a cession to us of a portion of her territory, adapted to a slave population. This gives a fearful interest to that war, and imposes a terrible responsibility on the government which has involved us in it, if it could with honor have avoided it.

We have heretofore observed silence on the Mexican war, for we do not like the idea of declaiming against a war in which our country is actually engaged, especially if we have only our private judgment on which to question its justice or necessity. We hold loyalty to be a virtue indispensable in the citizen, and that, even in a free country, no man has the right to offer a factious opposition to the administration, and no opposition at all beyond what is demanded by the clear and unquestionable calls of duty, either to his religion or to his country. Especially do we hold this to be the case when our country is engaged in war, and needs the cordial union and support of all her citizens. This consideration has prevented us heretofore from expressing our own views of the real character of the Mexican war, and would keep us silent even now, if there were a single solid reason for prosecuting that war any further. But no such reason can be pretended. The success of our arms has secured to us already all the legitimate objects which the war could have had, and which could justify its further continuance. We are, therefore, no longer bound to silence; but we and all good citizens are now at liberty to speak out freely, according to our mature and honest convictions, without subjecting ourselves to a charge of want of patriotism, or of offering a factious opposition.

For ourselves, we have regarded the Mexican war from the first as uncalled for, impolitic, and unjust. We have examined the documents published by order of the government; we have read the official defence of the war in the last annual message of the president to congress, and with every disposition to find our own government in the right; but we are bound to say, that our original impressions have been strengthened rather than weakened. The president, undoubtedly, makes it clear that we had many just causes of complaint against Mexico, which at the time of their occurrence might have justified reprisals, perhaps even war;—but he cannot plead these in justification of the present war; for they were not the ground on which we professed to engage in it. The official announcement of the president to

congress was that war already existed between the two republics, *by the act of Mexico herself*; and whatever use we may make of old grievances in adjusting the terms of peace, we can make no use of them in defending the war. We can plead in its defence only the fact on which we grounded it, namely, war exists by the act of Mexico herself. But unhappily, at the time of the official announcement, war *did not exist* between the two republics at all, for neither republic had declared war against the other. There had been a collision of their forces, but this was not war, as the president would probably have conceded, had he known or recollected the distinction between war and hostilities. By placing the war on the ground that it existed by the act of Mexico, and that ground being false, he has left it wholly indefensible, whatever the old grievances we may have to allege against Mexico.

The act of Mexico in crossing the Rio Grande, and engaging our troops on territory which she had possessed and still claimed as hers, but which we asserted had, by a recent act against which she had protested, become ours,—the act which the president chose to inform congress and the world was war, may or may not have been a just cause for declaring war against her, but it assuredly was not war itself. We have no intention to justify Mexico. She may have been decidedly in the wrong; she may have had no valid title to the territory of which the president had just taken military occupation; that territory may have been rightfully ours, and it may even have been the duty of the president to occupy and defend it;—but it cannot be denied that she had once possessed it; that it was still a part of one of her states or provinces; that she still claimed it, and had continued to exercise jurisdiction over it, till driven from it by our army of occupation; that she invaded it with an armed force, if invasion it can be called, not as territory belonging to us, but as territory belonging to her; and that she attacked our troops, not for the reason that they were ours, but for the reason, as she held,—and she had as good a right to be judge in her own case as we had in ours,—that they were intruders, trespassers on her soil. The motive of her act was not war against the United States, but the expulsion of intruders from her own territory. No sophistry can make her act war,—certainly not without conceding that our act in taking military possession of that territory was also war; and if that was war, then the war, if it existed at

all, existed by our act and not by hers, for her act was consequent upon ours. The most that the president was at liberty to say, without condemning his own government, was, that there had been a collision of the forces of the two republics on a territory claimed by each; but this collision he had no right to term war, for everybody knows that it takes something more than a collision of their respective forces on a disputed territory to constitute war between two civilized nations. In no possible point of view was the announcement of the president that war existed between the two republics, and existed by the act of Mexico, correct. It did not exist at all; or, if it did, it existed not by act of Mexico, but by our act. In either case, the official announcement was false, and cannot be defended.

The president may have been governed by patriotic motives; he may have felt that prompt and energetic action was required; he may have believed that in great emergencies the chief magistrate of a powerful republic, having to deal with a weak and distracted state, should rise superior to mere technical forms and the niceties of truth and honor; but it strikes us that he would have done better, proved himself even more patriotic, and sufficiently prompt and energetic, if he had confined himself to the ordinary rules of morality, and the well-defined principles of international law. By aspiring to rise above these, and to appear original, he has placed his country in a false position, and debarred himself, whatever the just causes of war Mexico may have given us, from pleading one of them in justification of the actual war. We must be permitted to regret that he did not reflect beforehand, that, if he placed the defence of the war on the ground that it already existed, and existed by the act of Mexico herself, and on that ground demanded of congress the means of prosecuting it, he would, in case that ground proved to be untenable, as he must have known it would, have nothing whatever to allege in its or his own justification. He should have been lawyer enough to have known that he could not plead anew, after having failed on his first issue. It is often hazardous in our pleadings to plead what is not true, and in doing so in the present case, the president has not only offended morality, which he may regard as a small matter, but has even committed a blunder. The course the president should have pursued is plain and obvious. On learning the state of things on the frontier, the critical condition of

our army of occupation, he should have demanded of congress the reinforcements and supplies necessary to relieve it and secure the purpose for which it was avowedly sent to the Rio Grande; and, if he believed it proper or necessary, to have in addition laid before congress a full and truthful statement of our relations with Mexico, including all the unadjusted complaints, past and present, we had against her, accompanied by the recommendation of a declaration of war. He would then have kept within the limits of his duty, proved himself a plain constitutional president, and left the responsibility of war or no war to congress, the only war-making power known to our laws. Congress, after mature deliberation, might, or might not, have declared war, —most likely would not; but whether so or not, the responsibility would have rested with it, and no blame would have attached to the president.

Unhappily, this course did not occur to the president, or was too plain and simple to meet his approbation. As if fearful, if congress deliberated, it might refuse to declare war, and as if determined to have war at any rate, he presented to congress, not the true issue, whether war should or should not be declared, —but the false issue, whether congress would grant him the means of prosecuting a war, waged against us by a foreign power. In the true issue, congress might have hesitated; in the one actually presented, there was no room to hesitate, if the official announcement of the president was to be credited, and hesitation would have been criminal. By declaring that the war already existed, and by the act of Mexico herself, the president relieved congress of the responsibility of the war, by throwing it all on Mexico. But since he cannot fasten it on Mexico, —for war did not already exist, or if so, by our act, and not hers, it necessarily recoils upon himself, and he must bear the responsibility of doing what the constitution forbids him to do, —of making war without the intervention of congress. In effect, therefore, he has trampled the constitution under his feet, set a dangerous precedent, and, by the official publication of a palpable falsehood, sullied the national honor. It is with no pleasure that we speak thus of the chief magistrate of the Union, for whose elevation to his high and responsible office we ourselves voted. But whatever may be our attachment to party, or the respect we hold to be due from all good citizens to the civil magistrate, we cannot see the constitution

violated, and the national honor sacrificed, whether by friend or foe, from good motives or bad, without entering, feeble though it be, our stern and indignant protest. The humiliation is deep and painful, and would be insupportable were it not for the earnest patriotism of the people which the war has called forth, and the brilliant achievements of our brave troops in Mexico. These relieve the gloom, and make us still proud to call ourselves an American citizen.\*

But passing over this, we have yet to be convinced, whatever were the just causes of complaint we had against Mexico, that the war was called for. We are willing to admit that we had suffered grievous wrongs from Mexico, and that we had shown exemplary forbearance, and treated her with great generosity; but she had shown a willingness to treat with us, and the greater part, if not all, of the old

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\* We are far from regarding congress, in echoing the false statement of the president, as free from blame. It ought to have seen and corrected the executive—mistake. Yet it is not surprising that it took the president at his word. The late congress had some able members, and it adopted some judicious measures; but we express only the common sentiment of all parties, when we say it was far from covering itself with glory, and that it is to be hoped another congress like it will not meet again very soon. Various motives, no doubt, governed the members. Many, no doubt, ignorant of the distinction between war and hostilities, really believed the president, and therefore regarded the suggestion that war did not exist, and exist by the act of Mexico, as proceeding either from a want of patriotism, or from a factious opposition to the administration. Some, perhaps, felt that they were bound by their party obligations to support executive measures, whether right or wrong; others felt that the declaration of the president, whether true or false, would shield them; others still, perhaps, acquiesced, lest their patriotism should be questioned, and their opposition be set down to faction; and, finally, a number, very likely, believing war to be inevitable, and not undesirable, held that it mattered little on what pretence it was made, providing it was made and prosecuted with vigor. These could see no good likely to result from the deliberations of congress. The issue presented, the actual state of the army, were adapted to mislead many, and left no time to deliberate, to take a calm survey of the momentous question, and correct first impressions. All was hurry and confusion. The danger was imminent, and permitted no delay. The administration and its confidential friends would suffer no division of the question, and through the influence of committees forced members either to vote the war or bear the odium of refusing to vote the reinforcements and supplies necessary to the safety of the army. Those who had scruples could obtain no division and no delay, and the greater part of the members of both houses yielded to the executive. It is to be regretted they did; but, however censurable they were, their wrong does not relieve the president, nor can their votes under protest be pleaded by his friends in mitigation of his conduct; because it was by his act that they were led, almost compelled, to do what they did.

offences we had had to complain of she had acknowledged, and they had been settled in a convention of the two republics. True, she had not, in all cases, fulfilled her engagements; but she had manifested no unwillingness to fulfil them, and no one doubts that she would have fulfilled them, had it not been for her unsettled and distracted internal state. The more recent difficulties growing out of the affair of Texas demanded great delicacy and forbearance on our part. She felt herself wronged and humbled by the annexation of Texas to the Union, and, however blameworthy we may choose to regard her conduct, we are sure, if the cases had been reversed, we should have behaved at least no better than she did. She protested, as was her undoubted right, against the annexation of Texas; but she committed no act of violence against us, so long as we confined our army of occupation to territory over which Texas had actually exercised jurisdiction. We might well have forbore to press our claim further, and it would have been no derogation of our national dignity to have refrained from pushing our claims at once to their furthest limits against a weak, humbled, and distracted, albeit gasconading, neighbour. It would have been wise and just to give her time to cool,—time for her wounds to begin to heal, and to reconcile herself to her humiliating loss,—especially since she had been stripped of the province of Texas through her misfortune, not her fault.

The necessity of sending our troops from Corpus Christi to the Rio Grande, to occupy a position within territory claimed indeed by Texas, but which it is well known continued to be subject to Mexican laws, and to form a portion of one of the undoubted states or provinces of the Mexican republic, was not at all urgent. That the position taken up by General Taylor, under orders of the president, was in territory which had never been in the actual possession of Texas, and which had continued since as before Texan independence subject to Mexican authority, it is worse than idle to question. Whether we had a right to claim under Texas beyond what Texas held in actual subjection to her laws may be disputed; but even admitting that we had a valid title to all of Mexico to which Texas saw proper to set up a claim, there can be no doubt that a little patience would have enabled us to adjust peaceably the question of boundary between the two republics. But if worst had come to worst, we might at any time have fixed upon the

boundary we intended to maintain, and confined ourselves simply to its defence. The real cause of the war, disguise it as we may, was the act of the president in ordering the troops under General Taylor to the Rio Grande, an act done on his sole responsibility, while congress was in session, and without necessity or reason of state; for, so long as we were the stronger party, there was no danger of our losing our title by delaying to vindicate it, and there was no other conceivable reason for urging its immediate vindication. The vindication could have been safely, prudently delayed. The act, therefore, which brought on the war was an unnecessary act, and therefore the war itself was uncalled for.\*

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\* It is contended, in opposition to us, that the removal of our troops to the territory between the Nueces and the Rio Grande was not the immediate cause of the war,—1. Because Mexico has never made that act a special ground of complaint; and, 2. Because that territory was as much a part of the state of Texas as that to the East of the Nueces. These replies are both disingenuous. That the actual jurisdiction in some instances and to some extent crossed the Nueces we believe to be true; for Corpus Christi itself, on the map we have consulted, is to the West of that river; but that it extended to the Rio Grande, or even far to the West of the Nueces, is not true. Texas may have declared that the whole of the territory between the two rivers was included within one of her congressional districts, for that was easy enough to do; but there is no one bold enough to say that she opened her polls and received votes for her congressmen from the citizens of Tamaulipas, in the vicinity of what is now Fort Brown, or even in the vicinity of Point Isabel. The laws of Texas were never acknowledged or regularly enforced in that section. That Texas set up a claim to the Rio Grande, we concede; but that she actually exercised jurisdiction to the Rio Grande, or far to the West of the Nueces, is what we deny, and the government, so far as we have seen, has offered no evidence to the contrary.

The second reply is more disingenuous still. Mexico sets up a claim to the whole of Texas to the Sabine, and that claim she refuses to relinquish. While she continues her claim to the whole, she can make no distinction as to a part. She could not plead our occupation of the territory in question as a special grievance, without making a distinction between it and that East of it, and, in fact, not without abandoning her claim to all the rest of Texas. This reply by some of the defenders of the president may answer to throw dust in the eyes of the people, but it is really unworthy of an American citizen. Nothing would have pleased our government more than to have found Mexico complaining of that invasion as a special grievance. No doubt, it was the very blunder they hoped to provoke her to commit; and if she had committed it, we can believe our troops would have been speedily ordered back to the Nueces; for it would have virtually yielded to us all the territory Texas actually possessed, and with that the president would probably have been satisfied. It is idle, then, to draw any inference from the silence of Mexico as to the act which we say was the immediate cause of the war. That it was the immediate cause of the war we may infer from the fact, that, till it was done, Mexico made no effort to disturb our possession of Texas; and there can be little doubt, that, but for it, she would silently have abandoned her claim to all of Texas East of the Nueces.

The war, furthermore, was impolitic. If unsuccessful, it could not fail to disgrace us; if successful, it could hardly fail to weaken Mexico, already too weak for our interest. The true policy of this country is, not to destroy, absorb, or weaken Mexico, but to preserve her nationality and independence, and to strengthen her. It is a great evil to a nation to have only weak neighbours, and worse than madness for us to seek to be the only power on the North American continent. Solitude is no more the normal state for a nation than for an individual, and in the case of either, without special grace, is hurtful. If the nation has only weak neighbours, it will be constantly tempted to the practice of injustice; and if no neighbours, it will be torn by intestine divisions, and sink into anarchy or despotism.

But especially was this war impolitic in consequence of the slave question, already threatening the Union, and with difficulty restrained within constitutional limits. The war, if successful, can hardly fail in extorting from Mexico a portion of her territory, and that territory to some extent not unsuitable to a slave population. Its annexation to the Union must bring on, in all its fierceness, the contest between the free states and the slave states,—a contest in which both have much to lose, and neither any thing to gain. The free states are resolved not to pour out their blood and treasure to extend what they regard as a detestable system, and, if new territory is acquired, they cannot, as we have seen, avoid doing so, without trampling on the constitution, which we are afraid, if forced to the alternative, they will not hesitate to do. The administration should have foreseen this, and avoided the war, if possible, for this reason, if for no other; for, if the antislavery party find itself strong enough to prevent the extension of slavery in defiance of the constitution, it will not stop there. It will no longer respect constitutional barriers; but will take up the question of slavery in the states, and immediate emancipation or civil war will be the alternative,—both bad, and one hardly more to be deprecated than the other. If no foreign element be introduced to give additional force to the excitement already so fearful, the friends of the constitution may be able, at least for a time, to keep it from any direct interference with slavery where it is; but introduce such an element, let there be a colorable pretext for asserting that the free states are called upon, not merely to let slavery alone, but to aid in extending it, and there is no longer among us any power to



control the consequences. The present administration should have considered this, and have studiously avoided every occasion of fanning the excitement. It has, we are sorry to say, not done so. It has gained no friends by its policy at the North, and it has done its best to ruin the South.

In the present posture of affairs, and in view of the probable results of the war, there is only one constitutional course to be pursued, and that is for both the friends and the enemies of the slave system to unite in resisting the further extension of the territory of the Union. This is politic and constitutional. Mexico must not be dismembered, nor a foot of her territory permanently annexed to the Union. Let this be the settled policy of both parties. Let not the South think of converting the North to her views of slavery, nor the North attempt to check the progress of slavery by trampling on the constitution. It is too late in the day to attempt the former, and it is always out of season to dream of the latter. But both may unite in resisting any extension of the present territory of the Union, and, in doing so, remove all additional pretext for excitement. The territory of the Union is large enough, and he is as poor a patriot as he is a statesman who would seek to extend its bounds. The insane rage of a portion of our people for annexation, and the influence demagogues acquire for nefarious purposes by appealing to it, must be checked, or our national honor is gone, our national sense of justice obliterated, and our free institutions become our reproach. A firm and successful resistance of the attempt likely to be made to extend the territory of the Union, by cessions extorted from Mexico, will have this salutary effect, and we trust it will be made.

## LEGITIMACY AND REVOLUTIONISM.

[From Brownson's Quarterly Review for October, 1848.]

WE take, in our political essays, unwearied pains to make ourselves understood, and to guard against being misapprehended; but, through our own fault or that of our readers, our success has rarely corresponded to our efforts. On all sides, from all quarters, we are charged with being hostile to liberty and favorable to despotism,—the enemy of the people, and the friend of their oppressors. We could smile at this ridiculous charge, were it not that some honest souls are found who appear to believe it, and some moon-struck scribblers make it the occasion of exciting unjust prejudices against our friends, and of placing them, as well as ourselves, in a false position before the public. Injustice to us personally is of no moment, and demands of us no attention; but when, owing to our peculiar position, it can hardly fail to work injustice to others, we are bound to notice and to repel it.

The age in which we live is an age of theoretical, and, to a great extent, of practical anarchy. Its ideas and movements are marked by impatience of restraint, denial of law, and contempt of authority. We have seen this, and have felt it our duty to protest against it, and to do what we could, in our limited sphere, to recall men to a sense of the necessity of government, and to the fact of their moral obligation to uphold the supremacy of law. This is our offence. Yet one would naturally suppose that people of ordinary intelligence, somewhat acquainted with our past history, might, without much difficulty, believe that in this our motive has been to serve the cause of freedom, not that of despotism. We, in fact, have done it, because liberty is impossible without order, order is impossible without government, and government in any worthy sense of the term is impossible without a settled conviction on the part of the people of its legitimacy, and of their obligation in conscience to obey it. Nothing deserving the name of government can be founded on the sense of the agreeable or of the useful. Governments, so called, which appeal to nothing higher, more catholic, and more stable, are mere creatures

of passion or caprice, and must follow the lead of popular folly and excess, instead of restraining them, and directing the general activity to the public good. They are not governments, but mere instruments for the private gain or aggrandizement of the adroit and scheming few who contrive to possess themselves of their management. It is philosophically and historically demonstrable, that the permanence and stability of government, and its wise and just administration for the common weal,—the only legitimate end of its institution,—are impracticable, unless the government is held to rest on the universal and unalterable sense of duty, under the protection of religion.

This truth, though, in fact, a very commonplace truth, our age overlooks, or, if it does not overlook, it rejects. Hence the danger with which liberty in our times is threatened. We have believed it, therefore, not improper to guard against this danger, and in order to do so, we have traced government back to its source, and to the foundation of its authority. We have found its origin, not in the people, but in God, from whom is all power; and we have concluded from this its divine right, within its legitimate province, to our allegiance. It has, since it derives its authority from God, a divine right to command, and, if so, we must be bound in conscience to obey it. Then it rests, not on the sense of the agreeable or of the useful, to fluctuate as these fluctuate, but on the sense of duty,—and not merely duty to our country or to mankind, but duty to God—a duty founded in the unalterable relations of man to his Maker. This raises political allegiance and obedience to the law to the rank of moral virtue, and declares their violation to be a sin against God, to whom we belong, all we have, and all we are. Hence, in its legitimate province, even civil government becomes sacred and inviolable; and therefore we assert, on the one hand, our duty to obey it, and, on the other, deny the right of revolution, what La Fayette calls “the sacred right of insurrection.”

Here, in general terms, is the doctrine we have endeavoured to inculcate. That it is hostile to the political atheism now so rife, we concede. We are Christians, and do not understand the possibility of being Christians, and yet atheists in politics. We have but one set of principles, and these are determined by our religion. We cannot adopt one set of principles in our religion and a contradictory set in our politics, saying “Good Lord” in the one, and

"Good Devil" in the other. We are too far behind the age for that. But that this doctrine is hostile to liberty or favorable to despotism, we do not concede,—nay, positively deny. In setting it forth, we have dwelt on that phase of it directly opposed to the dangerous tendencies of the age, because it was not necessary to guard against tendencies from which we have nothing to apprehend, and because we presume that our readers would of themselves see that it had another phase equally opposed to the opposite class of tendencies. But for the hundredth time in our short life we have learned that the writer who presumes any thing on the intelligence or discrimination of the bulk of readers presumes too much, and will assuredly be disappointed. The doctrine protects the government against radicals, rebels, and revolutionists: but it protects, also, the people against tyrants and oppressors. The fears of our politicians on this last point, whether real or affected, do little credit to their sagacity. The monsters which affright them a little more light would enable them to see are as harmless as the charred stump or decaying log which the benighted traveller mistakes for bear or panther.

When we assert the doctrine of legitimacy, we are understood to assert passive obedience and non-resistance to tyrants; but needs it any extraordinary intellectual power and cultivation to perceive that legitimacy, while it smites the rebel or the revolutionist, must equally smite the tyrant or usurper? If the doctrine asserts the right of legitimate, it must deny the right of illegitimate government; if it denies the right to disobey the legitimate authority, it must also deny the right of illegitimate authority to command; if it disarms the subject before the legal authority, it must equally disarm the illegal authority before the subject. How, then, from the fact that we are forbidden to resist or to subvert legitimate government, the legal constitution of the state, conclude that we are forbidden to resist or to depose the tyrant? Tyranny, oppression, is never legal, and therefore no tyrant or oppressor ever is or can be the legitimate sovereign. To resist him is not to resist the legitimate authority, and therefore demands for its justification no assertion of the revolutionary principle. How is it, then, that you do not see that the doctrine of legitimacy gives a legal right to resist whatever is illegal, and therefore lays a solid foundation for liberty?

People, we know, are prejudiced against the doctrine

which asserts the divine origin and right of government, but it is because they misapprehend the doctrine, and because they identify liberty with democracy. The doctrine, undoubtedly, does assert the sacredness, inviolability, and legitimacy of every actual political constitution, whatever its form, and that the monarchical or aristocratic order, where it is the established order, is as legitimate as the democratic. But, if liberty and democracy are one and the same thing, since the monarchical order is that which is actually the established order in most states, liberty in most states is precluded, and the people are and must be slaves. Yet is it true that liberty and democracy are identical or convertible terms? Democracy, whose expression is universal suffrage, intrusts every citizen with a share in the administration of the government, which is and can be done by no other political order. But the elective franchise is a trust, not a right, and therefore to withhold it is not to withhold freedom. Liberty is in the possession and exercise of our natural rights. We have none of us any natural right to govern; for under the law of nature all men are equals, and no one has the right to exercise authority over others. The franchise is a municipal grant, and depends on the will of the political sovereign. Liberty, unless the question be between nation and nation, is not a predicate of the government, but of the subject, and of the subject not in his quality of a constituent element of the sovereignty, but in his quality of subject. As subject he may be free, without being intrusted with authority to govern, and therefore may be free under other forms of government than the democratic.

In fact, democratic politicians never attain to the conception of liberty. The basis of their theory of government is despotism. They make the right to govern a natural right, and differ from the confessedly despotic politicians only in claiming for every man what these claim for only one. They make government a personal right, incident to manhood, inalienable, and inamissible,—not a solemn trust which the trustee is bound to hold and exercise according to law, and for which he is accountable. Hence it is that democracy always sooner or later terminates in despotism or autocracy. We deny that government is ever a personal right, whether of the one, the few, or the many, and therefore deny that a man has a natural right to a share in the administration. He only has the right to whom the power is delegated by the competent authority, and he holds

it, not as a personal right, but as a trust. Consequently, we do not concede that the establishment of the democratic *régime* is at all essential to the establishment or maintenance of liberty. He is free, enjoys his liberty, who is secured in the possession and enjoyment of all his natural rights; and this is done wherever the legitimate authority governs, and governs according to the principles of justice. We are aware of no form of government that cannot so govern, or which cannot also govern otherwise, if it choose.

We are republicans, because republicanism is here the established order, but we confess that we do not embrace, and never have embraced, as essential to liberty, or even as compatible with liberty, the popular democratic doctrine of the country. We beg leave to refer here to our remarks on *Democracy* which we wrote in 1837, and published in the first number of *The Boston Quarterly Review*, January, 1838.\* When we wrote them, we had the reputation of being one of the staunchest friends of liberty and the most ultra radicals in the country, — a fact which we commend to those of our former friends who are now so ready to represent us as having gone over to the side of despotism. We should not now call the doctrine democracy, as we did when we wrote it, nor should we use certain locutions, to be detected here and there, dictated by an erroneous theology; but the doctrine itself is our present doctrine, as clearly and as energetically expressed as we could now express it. It seems to us to contain an unanswerable refutation of the popular democratic principle and a triumphant vindication of the sovereignty of justice, — therefore, of the divine origin and right of government; for justice, in the sense the writer uses it, is identical with God, who alone is absolute, immutable, eternal, and sovereign Justice.

The purpose of the writer was evidently to obtain a solid foundation for individual freedom. If he, in order to do this, found and proved it necessary to assert the divine origin and right of government, to rise above the sovereignty of kings, of nobles, and even of the people, to the eternal and undervived sovereignty of God, King of kings, and Lord of lords, how should we suspect ourselves of being hostile to liberty, when asserting the same doctrine in defence of the rights of government? Having for years proved

\*Brownson's Works, Vol. XV., pp. 4-11.

the doctrine to be favorable to liberty, how could we believe the public would be so unjust to us as to accuse us of favoring despotism, because we undertook to prove it equally favorable to civil government? Why are we to be classed as hostile to freedom, because we defend in the interests of authority the doctrine which we have uniformly asserted as the only solid foundation of freedom? Whether we are right or wrong in the doctrine itself, or in its application, would it be any remarkable stretch of charity to give us credit for believing ourselves no less favorable to liberty in bringing the doctrine out in defence of authority, than we were in bringing it out in defence of the rights of the subject? Are liberty and authority necessarily incompatible one with the other? Or is it a blunder to derive both from the same source, and to suppose that what establishes the legitimacy of authority must needs establish also the legitimacy of liberty?

But is the doctrine of the divine origin and right of government hostile to liberty? If government derives its existence and its right from God, it can have no power but such as God delegates to it. But God is just, justice itself, and therefore can delegate to the government no power to do what is not just. Consequently, whenever a government exercises an unjust power or its powers unjustly, it exceeds its delegated powers, and is an usurper, a tyrant, and as such forfeits its right to command. Its acts are lawless, because contrary to justice, and do not bind the subject, because he can be bound only by the law. If they do not bind, they are null, and the attempt to enforce obedience to them may be resisted. Is it difficult, then, to understand, that, while the doctrine asserts the obligation in conscience of obedience to legitimate authority, to the government as long as it does not command any thing unjust, it condemns all illegal authority, and deprives the government of its right to exact obedience the moment it ceases to be just? What is there in this hostile to liberty? Is my liberty abridged when I am required to obey justice? If so, be good enough to tell me whence I obtain the right to do wrong?

Modern politicians assert, in opposition to the sovereignty of God, the sovereignty of the people. The will of the people is with them the ultimate authority. Is it they or we who are the truest friends of liberty? Liberty cannot be conceived without justice, and wherever there is justice there is liberty. Liberty, then, must be secured just in pro-

portion as we secure the reign of justice. This is done in proportion to the guaranties we have that the will which rules shall be a just will. Is there any one who will venture to institute a comparison between the will of the people and the will of God? No one? Then who can pretend that the doctrine which makes the will of the people the sovereign is as favorable to liberty as the doctrine which makes the will of God the sovereign? The will of God is always just, because the divine will is never separable from the divine reason; but the will of the people may be, and often is, unjust, for it is separable from that reason, the only fountain of justice. We make the government a government of law, because we found it on will and reason; these modern politicians make it one of mere will, for they have no assurance that the will of the people will always be informed by reason. By what right, then, do they who maintain the very essence of despotism charge us with being hostile to liberty? Wherefore should we not, as we do, denounce them as the enemies, nay, the assassins of liberty,—men who salute her, and at the same instant smite her under the fifth rib?

But, it is gravely argued, if you deny the popular origin and right of government, you are a monarchist or an aristocrat. We deny the conclusion. If people would pay a little attention to what we actually say, before conjuring up their objections, they would, perhaps, reason less illogically. We raise no question between the sovereignty of kings and nobles and that of the people. What we deny is the *human* origin and right of government. We deny all undelegated sovereignty on earth, whether predicated of the king, the nobility, or the people. The question we are discussing lies a little deeper and a little further back than our modern politicians are aware. They are political atheists, and recognize for the state no power above the people; we are Christians, and hold that all power, that is, all legal authority, is from God; therefore we deny that kings, nobilities, or the people have any authority in their own right, and maintain that the state itself, however constituted, has only a delegated authority, and no underived sovereignty. They place the people back of the state, and maintain that it derives all its powers from the people, and is therefore bound to do their will; we tell them that the people themselves are not ultimate—have no power to delegate, except the power which Almighty God delegates to them, and this power



they, as trustees, are bound to exercise according to his will, and are, therefore, not free to exercise it according to their own. They are desirous mainly of getting rid of kings and nobles, and, to do so, they assert the sovereignty of the popular will; we wish to get rid of despotism and to guard against all unjust government, and we assert the sovereignty of God over kings, nobles, and people, as well as over simple private consciences. Is this intelligible? Who, then, is the party hostile to liberty?

But, reply these same politicians, we do not mean to deny the sovereignty of God; we only mean that the authority he delegates is delegated to the people, and not to the king or the nobility. If by people you understand the people as the nation with its political faculties and organs, and not the people as mere isolated individuals, who disputes you? Who denies that kings and nobilities hold their powers, if not from, at least for, the people, and forfeit them the moment they refuse to exercise them for the common good of the people? What are you dreaming of? Do you suppose all men have lost their senses because you have lost yours? Who born and brought up under a republic, who acquainted with and embracing the teachings of Catholic theologians, is likely to hold the slavish doctrine, that the people are for the government, not the government for the people? Do you suppose that the republican and Catholic advocates the divine right of kings, and passive obedience, —the invention of Protestant divines, set forth and defended by that pedantic Scotchman, the so-called English Solomon? Who that has meditated on the saying of our blessed Lord, "Let him that would be greatest among you be your servant," can hold that a prince receives power, or has any right to power, but for the public good? We do not deny the responsibility of kings and nobles to the nation, or that the nation may, under certain circumstances, and observing certain forms, call them to an account of their stewardship. But if this removes your objections to our doctrine, it by no means removes ours to yours. We complain of you, not because you make princes responsible to the people, that is, to the nation, but because you leave the people irresponsible, and make them subject to no law but their own will. You simply transfer the despotism from the one or the few to the many, and deny liberty by resting in the arbitrary will of the people. You stop with the people, and, if you do not deny, you at least fail to assert, the sovereignty of God;

you tell them their will is sovereign, without adding that they have only a delegated sovereignty, and are bound to exercise it in strict accordance with and in obedience to the will of God. Here is your original sin. On your ground, no provision is made for liberty, none for resistance to tyranny, without resorting to the revolutionary principle, the pretended right to resist legitimate government, a contradiction in terms, and alike hostile to liberty and to authority. On our ground, the right to resist tyranny or oppression is secured without detriment to legitimate government: because the prince who transgresses his authority and betrays his trust forfeits his rights, and having lost his rights, he ceases to be sacred and inviolable.

But we are told, once more, that practically it can make no difference whether we say the will of God is sovereign, or the will of the people: for the will of the people is the true expression of the will of God, according to the maxim, *Vox populi vox Dei*. We deny it. The will of God is eternal and immutable justice, which the will of the people is not. The people may and do often actually do wrong. We have no more confidence in the assertion, "The people can do no wrong," than we have in its brother fiction, "The king can do no wrong." The people must be taken either as individuals or as the state. As individuals, they certainly are neither infallible nor impeccable. As the state, they are only the aggregate of individuals. And are we to be told, that from an aggregation of fallibles, we can obtain infallibility? Show us a promise from Almighty God, made to the people in one capacity or the other, that he will preserve them from error and injustice, before you talk to us of their infallibility. The people in their collective capacity, that is, the state popularly constituted, never surpass the general average of the wisdom and virtue of the same people taken individually; and as this falls infinitely below infallibility, let us hear no more of the infallibility of the people. For very shame's sake, after denying, as most of you do, the possibility of an infallible church immediately constituted and assisted by infinite wisdom, do not stultify yourselves by coming forward now to assert the infallibility of the people. If the people are infallible, what need of constitutions to protect minorities, and of contrivances for the security of individual liberty, which even we in our land of universal suffrage find to be indispensable?

But we return to our original position. All power is of

God. By him kings reign and princes decree just things. Government is a sacred trust from him, to be exercised according to his will, for the public good. The government which he in his providence has instituted for a people, and which confines itself to its delegated powers, for the true end of government, is legitimate government, whatever its form, and cannot be resisted without sin. But the government which is arbitrarily imposed upon a people, or which betrays its trust, or usurps powers seriously to the injury of its subjects, is illegitimate, and has no claim to our allegiance. Such a government may be lawfully resisted, and sometimes to resist it becomes an imperative duty.

But who is to decide whether the actual government has transcended its powers, and whether the case has occurred when we are permitted or bound to resist it? This is a grave question, because, if the fact of illegitimacy be not established by some competent authority, they who resist run the hazard of resisting legitimate government, and of ruining both their own souls and their country. Evidently the individual is not to decide for himself by his own private judgment; for that would leave every one free to resist the government whenever he should choose, which would be whenever it should command any thing not to his liking. If he had the right thus to resist, the government would have no right to coerce his obedience, and there would be an end of all government. Evidently, again, not the people, for we must take the people either as a state, or as outside of the state. Outside of the state they are simple individuals, and, as we have seen, have not, and cannot have, the right to decide. As the state, they have no faculties and no organs but the government which is to be judged, and therefore can neither form nor express a judgment. Who, then? Evidently the power whose function it is to declare the law of God. Since the government derives its authority from God, and is amenable to his law, evidently it can be tried only under that law, and before a court which has authority to declare it, and to pronounce judgment accordingly.

But what shall be done in case there be no such court of competent jurisdiction? We reject the supposition. Almighty God could never give a law without instituting a court to declare it, and to judge of its infractions. We, as Catholics, know what and where that court is, and therefore cannot be embarrassed by the question. If there are nations

who have no such court, or who refuse to recognize the one Almighty God has established, that is their affair, not ours, and they, not we, are responsible for the embarrassments to which they are subjected. They, undoubtedly, are obliged either to assert passive obedience and non-resistance, or to deny the legitimacy of any government by asserting the right of revolution; that is, they have no alternative but anarchy or despotism, as their history proves. But this is not our fault. We are not aware that we are obliged to exclude God and his church from our politics in order to accommodate ourselves to those who blaspheme the one and revile the other. We are not aware that we are obliged to renounce our reason, and reject the lessons of experience, because, if we admit them, they prove that Almighty God has made his church essential to the maintenance of civil authority on the one hand, and of civil liberty on the other,—because they prove that the state can succeed no better than the individual, without religion. We have never supposed that a man could be a Christian and exclude God from the state, and we have no disposition to concede, or to undertake to prove, that he can be. If the church is necessary as a teacher of piety and morals, she must be necessary to decide the moral questions which arise between prince and prince, and between prince and subject, and to maintain the contrary is only to contradict one's self. Politics are nothing but a branch of general ethics, and ethics are simply practical theology. If there is any recognized authority in theology, that authority must have jurisdiction of every ethical question, that is, every question which involves considerations of right and wrong, in whatever department of life they may arise. You may fight against this as you please, but you cannot change the unalterable nature of things. It is useless as well as hard to kick against the pricks. The question of resistance, presents a case of conscience, a moral question, and as such belongs by its very nature to the spiritual order, and then necessarily falls under the jurisdiction of the legitimate representative of that order. All the great principles of politics and law are ethical, and treated as such by both Catholic and Protestant theologians. How, then, can we dispense with the agency of the church in politics, any more than in private morals or in faith itself? And are we to forego civil government, are we to submit passively to tyrants, or to rush into anarchy, because the madness or blindness of others leaves them no other alternative? Must

we reject or refrain from using the infallible means which we possess for determining what is the law of God, because others discard them and attempt to get on without them? Must we strip ourselves and run naked through the streets, because some of our brethren obstinately persist in being Adamites? Really, this were asking too much of us.

But let no one be frightened out of his propriety, for we really say no more for our church than every sectarian claims for his sect,—no more in principle than was claimed last year by the Presbyterians, when they officially condemned the Mexican war, or by the Unitarians, when, as officially as was possible with their organization or want of organization, they did the same. The church, in the case we have supposed, decides only the morality or immorality of the act done or proposed to be done. And is there a Protestant who belongs to what is called a church who does not take his church as his moral teacher? When Philip of Hesse found his wife unsatisfactory to him, and wished to take unto himself another, did he not submit the question to Luther and the pastors of the new religion? What are your Protestant ministers, if not, in your estimation, among other things, teachers of morals? And in case of doubt, to whom would you apply for its resolution but to your church, such as it is? Do you say you would not? To whom, then? To your politicians? What! do you regard politicians as safer moral guides than your pastors? To the state? So you hold the state more competent to decide questions of morals than your church! But the state is the party accused; would you suffer it to be judge in its own cause? Then you are at its mercy, and are a slave. Trust your own judgment! But you are a party interested, and what right have you to be judge in your own cause?

The fact is, every man who admits religion at all must admit its jurisdiction over all moral questions, whether in their individual or in their social application, and therefore does and must defer in them to that authority which represents for him the spiritual order. The state has no commission as a teacher of morals or as a director of consciences, and unless you blend church and state, and absorb the spiritual in the temporal, you cannot claim authority for the state in any strictly moral question. The theory of our own institutions is the utter incompetency of the state in spirituals. But spirituals include necessarily every question of right and wrong, whether under the natural law or the

revealed law, — a fact too often overlooked, and not sufficiently considered by some even of our nominally Catholic politicians and newspaper-writers and editors. If this be so, the legitimate province of the state is restricted to matters which pertain to human prudence and social economy. Within the limits of the law of God, that is, providing it violate no precept of the natural or revealed law, it is independent and free to pursue the policy which human wisdom and prudence suggest as best adapted to secure the public good. To give it a wider province would be to claim for it a portion at least of that very authority which Protestants make it an offence in us to claim even for the church of God. We claim here no direct temporal authority for the church, but we do claim, and shall, as long as we retain our reason, continue to claim for her, under God, supreme and exclusive jurisdiction over all questions which pertain to the spiritual order.

The conservative doctrine which we have contended for, and which does not happen to please some of our readers, follows necessarily from this doctrine of the divine origin and right of government. No one particular form of government exists by divine right for every people, but every form so exists for the particular nation of which it is the established order. The established order, the constitution of the state, which God in his providence has given to a particular people, which is coeval with that people, has grown up with it, and is identified with its whole public life, is the legitimate order, the legal constitution, and therefore sacred and inviolable. If sacred and inviolable, it must be preserved, and no changes or innovations under the name of progress or reform, that would abolish or essentially alter it, or that would in any degree impair its free, vigorous, and healthy action, can be tolerated.

This is the doctrine we have maintained, and this is asserted to be hostile to liberty and favorable to despotism. However this may be, the doctrine is not a recent doctrine with us, not one which we have embraced for the first time since our conversion to Catholicity. We held and publicly maintained it during that period of our life when we were regarded as a liberalist, and denounced by our countrymen as a radical, a leveller, and a disorganizer. Thus, in October, 1838, we oppose it to the mad proceedings of the the abolitionists, and maintain that it is a suf-

ficient reason for condemning those proceedings, that they are unconstitutional and revolutionary.\*

The same doctrine we had inculcated in the *Review* for the previous July of the same year.

"Our government, in its measures and practical character, should conform as strictly as possible to the ideal or theory of our institutions. Nobody, we trust, is prepared for a revolution; nobody, we also trust, is bold enough to avow a wish to depart very widely from the fundamental principles of our institutions; and everybody will admit that the statesman should study to preserve those institutions in their simplicity and integrity, and should seek, in every law or measure he proposes, merely to bring out their practical worth, and secure the ends for which they were established. Their spirit should dictate every legislative enactment, every judicial decision, and every executive measure. Any law not in harmony with their genius, any measure which would be likely to disturb the nicely adjusted balance of their respective powers, or that would give them, in their practical operation, a character essentially different from the one they were originally intended to have, should be discountenanced, and never for a single moment entertained.

"We would not be understood to be absolutely opposed to all innovations or changes, whatever their character. It is true, we can never consent to disturb the settled order of a state, without strong and urgent reasons; but we can conceive of cases in which we should deem it our duty to demand a revolution. When a government has outlived its idea, and the institutions of a country no longer bear any relation to the prevailing habits, thoughts, and sentiments of the people, and have become a mere dead carcass, an encumbrance, an offence, we can call loudly for a revolution, and behold with comparative coolness its terrible doings. But such a case does not as yet present itself here. Our institutions are all young, full of life, and the future. Here, we cannot be revolutionists. Here, we can tolerate no innovations, no changes, which touch fundamental laws. None are admissible but such as are needed to preserve our institutions in their original character, to bring out their concealed beauty, to clear the field for their free operation, and to give more directness and force to their legitimate activity. Every measure must be in harmony with them, grow, as it were, out of them, and be but a development of their fundamental laws."—(Vol. XV., pp. 86-7.)

Undoubtedly, we here recognize a case in which a revolution would be justifiable; but not a case in which it would be lawful to subvert the constitution; for the case supposed is one in which the constitution has already been subverted, and ceased to be living and operative. The doctrine is no-

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\*Brownson's Works, Vol. XV., pp. 78-81.

wise different from our present doctrine on the subject, only what we called revolution then we should call by another name now. The movements of a people to depose the tyrant, to throw off the illegitimate and to restore the legitimate authority, are not a revolution in the sense in which we deny the right of revolution. It is essential to our idea of a revolution, that it should involve, in some respect, an effort or intention to subvert the legal authority of a state. If, for instance, it be conceded that Ireland is an integral part of the British empire, or, rather, of the British state, an effort on the part of Irishmen to sever her from the British state, and erect her into an independent nation, would be revolutionary and unjustifiable. But if it be conceded that she is a separate state, that she has never been merged in the British state, and has been bound to it only by a mutual compact, and if it be conceded or established that England has broken the compact or not complied with its conditions, a like effort at separation and independence would involve no revolutionary principle, and, if prudent or expedient, would be justifiable, even though it should lead to a fearful and protracted war between the two nations.

It is clear, however, from these passages, that, as long ago as 1838, we were, in relation to our own country, decidedly conservative. Here is another extract from the same *Review*, for October, 1841, which proves that we, while still regarded as a radical, generalized it and extended it to all countries :

"In this matter of world-reforming, it is our misfortune to disagree with our radical brethren. The reforms which can be introduced into any one country are predetermined by its geographical position, the productions of its soil, and the genius of its people and of its existing institutions. Any reform which requires the introduction or the destruction of a fundamental element is precluded. All reforms must consist in, and be restricted to, clearing away anomalies and developing already admitted principles."

Here is the conservative doctrine stated as broadly and as distinctly as we state it now, and we could easily show that we entertained it at a much earlier date. Doubtless there are many things to be found in *The Boston Quarterly Review* not easily reconcilable with this doctrine ; for we had not, at the time of conducting it, reduced all our ideas to a systematic and harmonious whole. Moreover, we wrote with less care than we do now ; for we wrote more for the



purpose of exciting thought than of establishing conclusions. But the discrepancies to be detected are in general more apparent than real; for we, unhappily, adopted the practice of using popular terms in an unpopular sense, which often gave us the appearance of advocating doctrines we by no means intended. Thus, we adopted the word *democracy*, but defined it in a sense of our own, very different from the popular sense. We did the same with many other terms. There was in this no intention to deceive. But we had a theory,—for in those times we were addicted to theorizing,—that the people used terms in a loose and vague sense, and that the business of the writer was to seize and define it—to give in its precision what the people really mean by the term, if they could but explain their meaning to themselves. But we found by experience that we could not make the people attend to our definitions, and that they would, in spite of them, continue to use the popular term in its popular sense, and that, if we wished to express another sense, or the same sense somewhat modified, we must select another term. The mistake we fell into is fallen into by many who are not so fortunate as to detect it. Some of our friends have tried to find fault with our views on liberty, when their own views were the same as ours. They use the word *liberty* in relations in which we avoid it; but they in using it, fail to convey their real meaning. The popular mind understands by liberty something very different from what they do. It is necessary to select terms with a view of denying what we do not mean, as well as of expressing what we do mean. Many of the inconsistencies we have been charged with have grown out of our former neglect of this rule, and not a few of the changes we are supposed to have undergone are really nothing but changes in our terminology, made for the purpose of getting our real meaning out to public apprehension. But this by the way. Versatile as we may have been, we have always had certain fixed principles, and what they were may be known by noting what we have cast off in our advance towards manhood, and what we have retained and still retain. The conservative principle is evidently one of these, and as we undeniably held it when nobody dreamed of charging us with hostility to liberty, we cannot see why our holding it now should be construed into proof that we are on the side of despotism.

But let us look at the doctrine itself. People hold it ob-

jectionable, because they suppose it commands us to preserve old abuses and forbids us to labor for the progress of civilization. But in this they assume two things: 1. That the legitimate constitution of a state is, or may be, an abuse; and, 2. That the progress of civilization is denied, if the right to subvert the constitution is denied.

The first involves a contradiction in terms. Nothing legal or legitimate is or can be an abuse; an abuse is a misuse of that which is legal. The abuse is always contrary to the constitution, or at least some departure from it; and consequently conservatism, or the preservation of the constitution, instead of requiring us to conserve the abuse, imperatively commands us to redress it; because, if not redressed, it may in time undermine and destroy the constitution itself.

The second is equally unfounded. The destruction of the constitution is the destruction of the state itself, its resolution into anarchy or despotism, either of which is fatal to civilization. What should we think of the physician who should undertake to restore a man to health, or to increase his soundness and vigor, by destroying his constitution? What we should think of him is precisely what we ought to think of the statesman who seeks to advance civilization by subverting the constitution of the state. The progress of civilization is inconceivable without the progress of the state, and the progress of the state is inconceivable without the existence of the state. How, then, can the subversion, that is, the destruction, of the state tend to advance civilization? If you will listen either to common sense or to the lessons of experience, you will grant that revolutions tend only to throw men into barbarism and savagism. The passions they call forth are the lowest, fiercest, and most brutal of our nature, and your patriot so called, he who seeks to advance his country by destroying its constitution, is usually a tiger for his ferocity.

But it is said that the existing constitution is destroyed only in order to make way for a new and better organization of the state. When you have shown us an instance, in the whole history of the world, in which the destruction of an existing constitution of a state has been followed by the introduction and adoption of a new and better one,—better for the particular nation, we mean,—we will give up the point, acknowledge that we have been in this whole matter consummate fools, and become as mad revolutionists as the best of you. But such an instance cannot be found.

How often must we tell you that a constitution cannot be made as one makes a wheel-barrow or a steam-engine,—that of the constitution we must say, as we say of the poet, *nascitur, non fit*? It is generated, not constructed, and no human wisdom can give to a state its constitution. The experiment has often been tried, and has just as often failed. Shaftesbury and Locke tried it for the Carolinas. They failed. France tried it in her old revolution; she is trying it again. Her former experiment resulted in anarchy, military despotism, and the restoration; her present experiment in four short months has reached military despotism. England has tried it, and sent out from her mills at home, along with her other manufactures, a constitution cut and dried for each of her colonies, and in what instance has the constitution not proved a curse to the colony for which it was made and on which it has been imposed? Who are these men who now come forward and ask us to credit them in spite of philosophy, of common sense, uniform experience, and experiment? Surely they must be prodigies of modesty, or else count largely on our simplicity and credulity.

But we are referred to our own country, to the American revolution. Be it so. In reply, we might refer to the Spanish-American revolutions, as a case much more in point. But our own country is the case on which the modern revolutionists chiefly rely for their justification. We do not contest the right of the Anglo-American colonies to separate from the mother country; we are not the men to condemn the congress of 1776; and we cheerfully concede the prosperity which has followed the separation. But what is called the American revolution was no revolution in the sense in which we deny the right of revolution, and in it there was no subversion of the state, no destruction of the existing constitution, and no assertion of the right to destroy it. The colonies were held by compact to the crown of Great Britain. The tyranny of George III. broke that compact, and absolved the colonies from their allegiance. Absolved from their allegiance to the crown, they were, *ipso facto*, sovereign states, and the war which followed was simply a war in defence of their independence as such states. No abuse of terms can convert such a war into a revolutionary war. Then there was no civil revolution. The internal state of the colonies was not dissolved, and there was no war on the constitution of the American states. They retained substantially the very political constitutions

with which they commenced, and retain them up to this moment. We have never undergone a revolution in any sense like the European revolutions which have followed since the war of our independence. Slight alterations have from time to time been, wisely or unwisely, effected in the state constitutions, but none which have struck at essential principles.

Nor was the formation of our federal constitution any thing like what the French national assembly are attempting. It was similar in its character to what the German diet at Frankfort have just done, or are still engaged in doing. It was not making and giving a constitution to a people who had just overthrown an old government, destroyed the old constitution, and resolved the state into its original elements, but was the act of free, sovereign states, already constituted, and exercising all the faculties of sovereign states. Here are vast differences, which are too often overlooked, and which should prevent our conduct in throwing off the crown of Great Britain and forming the federal Union from being regarded as a precedent for those who would destroy an existing constitution for the purpose of reorganizing the state. We never did any thing of the sort, and from the fact that the result of what we did do has been great national prosperity it cannot be inferred that such will be the result of revolutions in the European states. Revolutionists both at home and abroad, especially abroad, do not sufficiently consider the wide difference between colonies already existing as bodies politic, exercising nearly all the functions of government, separating themselves politically, under the authority of their local governments, from the mother country, and setting up for themselves, and the insurrection of the mob against the existing constitution, destroying it, and attempting to replace it by one of their own making. We were children come to our majority, leaving our father's house to become heads of establishments of our own: the revolutionists are parricides, who knock their aged parent in the head or cut his throat in order to possess themselves of the homestead.

But however this may be, it is clear that the doctrine we put forth is not favorable to despotism: for despotism is as destructive of the legitimate constitution as revolutionism in favor of what is called liberalism. Radicalism and despotism are only two phases of one and the same thing. Despotism is radicalism in place; radicalism is despotism

out of place. Both are unconstitutional, and to preserve the constitution requires us to oppose the one as much as the other. Liberty demands the supremacy of the law, and law is will regulated by reason, restrained by justice; and to preserve law in this sense, we must resist every attempt, come it from what quarter it may, to substitute for it the government of arbitrary will.

Nobody denies the right to correct abuses. The doctrine we set forth not only concedes our right to correct abuses, but makes it, as we have seen, our duty to correct them. All that it forbids is our right to correct them by illegal, and therefore unjustifiable means. We must obey the law in correcting the abuses of the law, the constitution in repelling its enemies. This restriction is just, and good ends are never attainable by unjust means. Needs it be said again and again, that iniquity can never lead to justice, tyranny to liberty? But observing this restriction, you may go as far as you please. The doctrine we contend for does not, indeed, allow you to change a legal monarchy into a democracy, nor a democracy, where it is the legal order, as with us, into a monarchy; but it does allow you to change the individuals intrusted with the administration of the government. Kings, as long as they reign justly, reign by divine right; and in this sense, and in no other, we accept the doctrine of the divine right of kings; but when they cease to reign justly, become tyrannical and oppressive, they forfeit their rights, and the authority reverts to the nation, to be exercised, however, in accordance with its fundamental constitution. The nation may depose the tyrant, even dispossess, for sufficient reasons, the reigning family, and call a new dynasty to the throne; for no nation can be rightfully the property of a prince, or of a family, or bound to submit to eternal slavery. Thus far we go: for we hold with the great Catholic authorities, that the king is not in reigning, but in reigning justly.

But we have said enough to vindicate our doctrine from the charge of being hostile to liberty and favorable to despotism. We yield to no man in our love of liberty, but we have always felt that just ends are more easily gained by just than by unjust means, and that the truth is much more effectually defended by arguments drawn from sound than from unsound principles. It is not that we are indifferent to liberty, but that we reject the grounds on which modern politicians defend it, and disapprove of the means

by which they seek to secure it. We have shown that those grounds are untenable, and that those means are fitted only to defeat the end for which they are adopted. He who wants more than justice will give him, wants what he cannot have without injustice to others. Our doctrine will satisfy no such man, and we should be satisfied with no doctrine that would. He who wishes for liberty without obedience to law wishes for what never has been and never can be. An authority which does not restrain, which is only an instrument to be used when it serves our purpose, and to be cast off the moment it can no longer serve it, is no legitimate authority, is not a government at all. If we have government, it must govern, and we must obey it, even when to obey it may be a restraint on our private feelings and passions, for it is only at this price that we can purchase immunity from the private feelings and passions of others. Nothing is, then, in reality more unwise than to cherish an impatience of restraint and a spirit of insubordination. The sooner we learn the difficult lesson of obedience, the better will it be for us. We cannot, if we would, have every thing our own way; and perhaps it would not be to our advantage, if we could. Life has, and as long as the world stands will have, its trials, and, however impatient we may be, there is and will be much which we can conquer only by learning to bear it. It is easy to stir up a revolution, to subvert a throne or a dynasty; but to reëstablish order, to readjust the relations of man with man, of prince with subject and subject with prince, so as to remove all evils and satisfy every wish, this is labor, this is work, which no mortal man has ever yet been equal to. A man could lose paradise, bring sin, death, and all our woe into the world; only a God could repair the damage, and restore us to the heaven we had forfeited.

Our doctrine, just at this moment, may be unpopular, and we know it will put no money into our pocket, and bring us no applause; but this is not our fault, nor a reason why we should withhold it. Having never yet pandered to popular prejudices, or sought to derive profit from popular passions and fallacies, we shall not attempt to do it now. We love our country, perhaps, as much as some others who make much more parade of their patriotism; and we love liberty, it may be, as well, and are likely to serve it as effectually, as our young revolutionists in whom reason "sleeps and declamation roars." We have, indeed, a tolerable pair of

lungs, and if not a musical, at least a strong voice : we know and could use all the commonplaces of our young patriots, and reformers,—nay, we think we could, if we were to try, beat them at their own trade, grave and staid as we have become ; but we have no disposition to enter the lists with them. We have never seen any good come from the declamatory speeches and fiery patriotism of boys just escaped the ferule of the pedagogue, and who can give utterance to nothing but puerile rant about liberty and patriotism. We have never seen good come to a country whose counsellors were young men with downy chins, and we set it down as a rule, that the country in which they can take the lead, whatever else it is fitted for, is not fitted for the liberty which comes through popular institutions.

We can weep as well as our juniors over a nation robbed of its rights, on whose palpitating heart is planted the iron heel of the conqueror, and have the will, if not the power, to strike, if we can but see a vulnerable spot, or a chance that the blow will tell upon the tyrant. But, as a general thing, we have a great distaste for the valor that evaporates in words, though they be great and high-sounding words, well chosen, skilfully arranged, and admirably pronounced ; and an equal distaste even for deeds which recoil upon the actor, and aggravate his sufferings, already too afflicting to behold. We believe it wise to bide one's time, and to take counsel of prudence. In most cases, the sufferings of a people spring from moral causes beyond the reach of civil government, and they are rarely the best patriots who paint them in the most vivid colors, and rouse up popular indignation against the civil authorities. Much more effectual service could be rendered in a more quiet and peaceful way, by each one seeking, in his own immediate sphere, to remove the moral causes of the evils endured. St. Vincent of Paul was a far wiser and more successful patriot than the greatest of your popular orators, declaimers, and songsters. He, humble-minded priest, had no ambition to shine, no splendid scheme of world or state reform. He thought only of saving his own soul, by doing the work that lay next him ; and he became the benefactor of his age and his country, and in his noble institutions of charity he still lives, and each year extends his influence and adds to the millions who are recipients of his bounty. O ye who would serve your country, relieve the suffering, solace the afflicted, and right the wronged, go imitate St. Vincent of Paul, and Heaven will own you and posterity revere you.

## THE REPUBLIC OF THE UNITED STATES.\*

[From Brownson's Quarterly Review for April 1849.]

As an electioneering document, this flimsy production with a pompous title might be suffered to pass without animadversion; but regarded as a grave work, intended to instruct the American people in their political rights and duties, or to defend the late war with Mexico and the general policy of the Democratic party, the only merit we can award it, if indeed so much, is that which the author says is the only merit he claims, namely, the purity of its motives. The author is neither a scholar nor a statesman. His philosophizing on history and the formation and growth of nations is borrowed from a bad school; his statements are entitled to no credit; his principles are unsound and pernicious; and his reasoning is seldom logical or conclusive. The sum and substance of his work is: This is a great country; we are a great people; and the greatness of the country and of the people is all due to the *expansive* democracy.

We yield to no man in the interest we take in the real progress and welfare of the American people; but we are thoroughly disgusted with the ignorance and inflated vanity of our pretended patriots. We have no sympathy with those who are continually saying, Isn't this a great country? Are not we a great people? Territorially considered, we *are* a great country; and in our ceaseless activity and industrial enterprise, we *are* a great people; but that we are great in any other sense does not yet appear. We have shown ourselves great neither in art nor science, neither in religion nor morals, neither in statesmanship nor general or special intelligence. We have, in fact, nothing whereof to boast; and a rigid self-examination would convince us that we have made, instead of the most, the least of the advantages with which Providence has favored us.

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\* *The Republic of the United States of America: its Duties to itself and its Responsible Relations to other Countries. Embracing also a Review of the Late War between the United States and Mexico; its Causes and its Results; and of those Measures of Government which have characterized the Democracy of the Union.* New York: 1848.



Indeed, we are usually disposed to distrust the head or the heart of the American who makes loud pretensions to love of country. A man must have a country before he can love it, and it must have been for a long series of ages the home of his fathers before he can feel his bosom glow with genuine patriotism. Our population is too recent, too floating, too little fixed to any particular locality, to feel that it has a country,—to be capable of that strong attachment to its native land, to the scenes and associations of home, without which patriotism does not and cannot exist. The grandfathers of comparatively few of us were born on the soil we inhabit. There are few homesteads in the country that have been held from father to son through three generations. We have no ancestral halls; we have no ancestors; but are, in some sense, ourselves our own sires. There are few spots in the country around which many memories can cluster, few shrines the pilgrim heart can visit, few materials for national poetry. Our poets cannot find a song without going abroad. We are only a huge trading town, in which business men from all parts of the world are temporarily congregated for purposes of gain or livelihood, each with his own local associations and attachments, and speaking his mother tongue, unknown to all but himself. The people of the United States, as a whole, have very little in common. They have not a common origin; they have not even a common national name, or any common national associations. How, then, can they have genuine patriotism,—that deep, loyal, ineradicable attachment to one's natal soil which we are accustomed to express by that word? We may have national vanity, national pride, and be ready to uphold the rights or the interests of our country against all others; yet true love of country we have not, and it is rarely that without an effort we bring ourselves to say, my country.

We say not this by way of reproach. The thing was inevitable. It is no fault of the race or races which have taken possession of the country. The great bulk of our people are of English, German, and Irish descent, and no people are more remarkable for love of country than those from whom we have sprung. In their own respective countries they are patriots; but, torn from their natal soil, and transplanted to a strange land, they cannot at once feel themselves at home; they cannot transfer at once to this strange land those affections which fastened them to England, Germany, or Ireland, hallowed by the joys and sorrows, the

tears and hopes, the loves and hates, the toils and struggles of their forefathers from time immemorial. How can we sing the songs of our fatherland in a strange country? Time, no doubt, will correct the evil, and cure the defect. In time, we shall grow into a nation, be melted into one people, and find ourselves at home in this western world. Then we shall have genuine patriotism,—that patriotism which springs from the heart. But now the less we say of patriotism, the more will it be to our credit. The less we boast, the less we affect the language, in speaking of the United States, which the people of other countries adopt in speaking of their native land, the more good sense and the better taste shall we exhibit. We must have a household before we can without affectation use household words. We wish our young authors who affect so much Americanism would bear this in mind, and talk of things which are, and not of things which are not.

We can sympathize with those who are struck with the greatness and magnificence, under a material point of view, of the United States, and even with those who indulge high hopes for the American people. That the American people have a destiny we do not doubt; that they have a great and glorious destiny we would fain hope; that they are on the road to such a destiny we have yet to be convinced. At any rate, writers like the one before us, whose highest ambition appears to be to court them, to strengthen their dangerous tendencies, and flatter their corrupt passions, are not likely to aid them in attaining it. There may be courtiers in a republic as well as in a monarchy, and their influence is no more to be deprecated in the latter than in the former. The principle on which the courtier acts is that the pleasure of the sovereign is the rule of right and wrong. His study is to find out and anticipate his sovereign's pleasure. It is the same in a democracy. Under a democracy, the people are held to be the sovereign, and the democratic courtiers make it their study to ascertain the popular instincts, wishes, or passions, and to provide as far as possible for their gratification. They hold, as a principle, that popular instincts and passions are infallible, and not only maintain that it is lawful for the people in all cases to follow them, but denounce all who assert the contrary as enemies to the people, as the friends of tyrants and tyranny, as deserving the reprobation of both God and men. They get the ear of the sovereign, and will let him hear no voice but theirs. They

keep at a distance all those counsellors who would appeal, not to his passions, but to his good sense, and render unavailable whatever of practical wisdom and moral honesty the great body of the people may possess. They drive the people on to their ruin, and prevent all effectual interposition for their salvation.

We speak not lightly of the people; we have no disposition to depreciate their intelligence or the general correctness of their motives; but they are almost always the dupes of unprincipled demagogues. If the good sense, if the practical wisdom, if the moral honesty of the people could always be rendered available,—if the appeal could always be made to their reason instead of their passions, to their judgments instead of their caprices,—our estimate of their capacity for self-government would be as favorable as that professed by our democratic friends. But we must always bear in mind that man has fallen, that his nature has been corrupted, and that, collectively as well as individually, the people are prone to evil, and that continually. When they resist their inclinations, silence the clamor of their appetites and passions, and listen only to the voice of reason, which, though obscured by the fall, yet survives in every man, they in general take correct views and come to safe conclusions; but they listen far more readily to appetite and passion, and follow with far greater facility the suggestions of corrupt desires than the sober lessons of reason. To do evil demands no violence to natural inclination; to practise virtue always demands an effort. This is true of every one of the people individually, and therefore must be true of the whole collectively. Hence it follows that the demagogues, though but small men themselves, have always more power with the people than have wise and virtuous statesmen, and all popular governments have a tendency to become the exponents of popular corruption instead of popular reason and virtue.

If then, we hope for our country, it is always with fear and trembling. The chances are against its attaining that destiny which seems to have been promised it. It is certain that we started with many advantages. We had a new and virgin soil, of vast extent and boundless fertility; we were far removed from the example and corruptions of the Old World; we had, as much as a people can have, the shaping of our destiny in our own hands; and yet we have already at least the germs of every vice and every evil to be deplored in old and worn-out nations. There is no denying

this. We have adopted the European system of industry, and with half a continent of unoccupied land, we experience the extreme of poverty. Poverty more than keeps pace with the increase of wealth; public and private morals are daily deteriorating; crime is on a rapid and startling increase; law has lost its sanctity, and loyalty is extinct. Population, indeed, augments, new territory is acquired, and our external prosperity receives no check. But, internally, we do not prosper. The heart is rotten, and the people will accept no remedy. Their minds and hearts are turned away from all that makes the true glory of a state, and they have neither the patience nor the cultivation requisite to their conversion. They who see this can do little towards correcting it, for their lessons can avail nothing unless they are considered; and who in these times will pause to consider? Fail to flatter the people, fail to encourage their tendencies, or to sympathize with them in their delusions, and, however much you may be commended by individuals, you will be pronounced unpopular, admission at court will be denied you, and your influence, though you speak with the eloquence of an angel, the love of a saint, and the wisdom of a sage, will be null. Your words will bring no echo but the derisive laugh of the brainless and heartless demagogues who are urging the people on in a career of individual and national ruin.

The evil here is greater than most people, even intelligent and well-disposed people, suspect. Every people, consciously or unconsciously, struggles with all its power to realize the last consequences of the principles it adopts. If those principles are unsound, the whole tendency, the whole labor, of the nation is to its own destruction. But in a popular government, it is next to impossible to correct unsound principles before the ruin comes. It is only in two ways that the destructive consequences can be seen before they are practically developed. That is, either by the teachings of religion, or by philosophy. In a democracy, little reliance can be placed on the former. When the people are taught that they are sovereign, they will submit to no religious teaching that attempts to control them. Religion must be their subject, not their master, —serve, not govern them. Moreover, the people never do and can never be made to understand that religion ever does or ever can condemn any thing not directly opposed to her formal and express teachings. As long as they profess the creed and observe the prescribed

form of worship, they will never believe that any principles they adopt and follow in the temporal order are irreligious, or matters concerning which religion has any thing to say.

The other method is not more effectual. The people are not philosophers. There are very few persons in any nation who can take up the national policy, reduce it to its principles, and show what, according to the ordinary course of history, are the logical consequences they necessarily involve. The great body of the people, even of the educated classes, cannot do it,—cannot even understand it when it is done. The few may do it, may publish the result, and utter the solemn warning; but to what end? The people are blind to the one and deaf to the other: they go on their way, heedless of both. If they could be made to pause, if they could be made to listen, and to comprehend what is said, the evil could be averted; but in a democracy this is extremely difficult, if not absolutely impossible. All is lost upon them, for no man has or can have influence over them, but in his sympathy with them. Hence it is, that, when they have once adopted mischievous principles, it is in vain to attempt to induce them to abandon them. You can never make them see the unsoundness of those principles, or believe them dangerous, and all you will gain by the attempt will be your own unpopularity.

Here is a point which our modern democrats appear to us to overlook, or at least one to which they attach far less importance than it deserves. They all, as far as we have seen, without a single exception, proceed on the assumption, that man retains his primitive innocency, and human nature its primitive integrity. If this assumption were allowable, the purely democratic form of government would be a safe, and, perhaps, the best form of government. But, unhappily, this is not the fact. The philosopher no more than the Christian can deny that man has fallen. The evidences of the fall stare us in the face, let us go where or turn which way we will. We do not distrust the popular reason, even fallen as man is; and if the people would follow their reason, we should find no fault with the democratic theory. But the people, collectively as well as individually, follow inclination, appetite, passion, which have been corrupted by the fall, and not reason, which has remained comparatively uncorrupted. Here is the fact, and here is the difficulty. Carried away by their appetites and passions, they will not pause long enough to hear the voice of reason, or to

profit by the instructions of those who see their error, and the proper policy to be adopted. What they want is authority, which, itself enlightened and controlled by reason, shall hold them in check, and compel them, at times, to do violence to their own inclinations, and to act contrary to their own wills. This authority democracy cannot supply. Democracy can restrain individuals, whenever they violate the public sentiment; but it has no power to punish even individuals for crimes which the public sentiment does not condemn,—far less has it power to restrain the people collectively; for then the restrainer and the restrained, the governor and the governed, become in every respect identical. In fact, the democratic government is expressly devised, not to restrain the people in their collective action or public conduct, but to relieve them of all restraint, and to give them free scope to do whatever they please, to follow without let or hindrance whatever is the dominant passion or sentiment for the time being.

Unhappily, it is hardly safe in this country for a man who regards his reputation to utter these plain and commonplace truths,—which is an additional proof that they *are* truths, and important truths too. Within the last twenty-five years, it has become the fashion with a large portion of our community to regard our American institutions as purely democratic, and to denounce what is not democratic as anti-American. We say *within the last twenty-five years*; for, prior to that time, unless for a brief period under the old confederation, there was not and never had been in the country a party that even acknowledged itself to be purely democratic. The Republicans, as distinguished from the Federalists, though they may have had democratic tendencies, scorned the name of Democrat. To the charge brought against them by the Federalists of being Democrats, they were accustomed, even within our own memory,—and we are not very old,—to reply with great indignation, “No, I am not a Democrat, I’m a Republican.” In many parts of the country, they do not even now take the name of Democrat, but adhere to the name of Republican, which they bore in the time of Jefferson, Madison, and Monroe. The name began to be used during the administration of John Quincy Adams, but became general only after the second election of Andrew Jackson. We owe the present popularity of democracy, in great measure, to the influx of English and Scotch radicals, at the head of whom were Frances

Wright, Robert Dale Owen, and Robert L. Jennings,—to the writings of Amos Kendall, William Leggett, and George Bancroft,—to the administrations of Andrew Jackson and Martin Van Buren,—and to the declamations, cant, and sentimentality of our abolitionists and philanthropists.

Prior to General Jackson's administration, the institutions of this country had never received, except from a few individuals, a democratic interpretation. General Jackson was a great man; the American people idolize his memory, and we have no wish to detract from his merits; but he was, in the higher sense of the word, no statesman. He was a man of heroic impulses, of a strong mind, and an iron will; but a man who had made no profound study of political science. No one doubts his integrity, or his devotion to what he believed for the best good of the republic; but like all strong-minded men, men of great natural parts and little science, he had a tendency to cut rather than untie the Gordian knot of statesmanship. He appears never to have understood that our government is a government *sui generis*,—not any one of the simple forms of government, but a peculiar combination of them all. Instead of seeking to preserve them all as nicely adjusted by the convention of 1787, he sought to simplify the machine, and he gave an undue prominence to the monarchical element on the one hand, and to the democratic element on the other. He did more, perhaps, than any other president we have had for the external splendor of the republic; but we are obliged to add, more also for the destruction of the constitution and the corruption of public morals.

We speak not here for or against the measures supported or opposed by General Jackson's administration. In most of the measures of his administration, especially in regard to the United States Bank, we agreed with him, and have seen no reason to change our views. We are aware of no measure which he proposed that in itself tended to disturb the nicely adjusted balance of the constitution. The evil was done, not by the measures he proposed, but by the principles on which he acted and defended himself and his measures from the attacks of his enemies. He was, if we are not mistaken, the first of our presidents who confounded the will of the people, expressed through caucuses and newspapers, with the will of the people expressed through legal and constitutional forms,—that is, who confounded the people as population with the people as the state; thus pre-

paring the way for the Rhode Island rebellion, generally justified by his party. In this one thing he inflicted, we fear, an irreparable injury upon his country; for in this he unchained that very spirit of wild and lawless democracy which the constitution was avowedly intended to repress. That he foresaw what he was doing, we do not pretend. He had a violent and powerful opposition to contend against, and he availed himself of such supports as were at hand, or as his sagacity assured him would be available. He cared little for forms. The people who rule through the constitution are the same people who speak outside of it; and what does it matter whether we follow the will expressed in the one form or the other? The people are sovereign, and their will is the law. If we only get that will, what difference can it make how we get it? None in the world, if the will, whatever the form in which it is collected, is always sure to be the same will. But the presumption always is, that it will not be the same, otherwise constitutions would be insignificant. The presumption is, that the popular will expressed through legal and constitutional forms will be the popular will regulated by reason, while that expressed irrespective of such forms will be the popular will subjected to popular passion. The constitution is intended to be a contrivance for collecting the popular reason separated from popular passion, and enabling that which is not corrupt in the people to govern without subjection to that which is corrupt. The voice of the people, speaking through legal and constitutional forms, is ordinarily the voice of reason, —perhaps as pure an expression of reason as with human infirmity we can obtain; but the voice of the people outside is the voice of corrupt nature, of faction, of demagogues, disorderly passion, and selfish interests, to which it is always fatal to listen. This distinction appears to have escaped the observation of General Jackson and his friends, and the consequence has been the fashion of interpreting our institutions according to the principle of pure democracy, instead of so interpreting them as to restrict the sphere of the democratic element.

It having been made by General Jackson and his friends popular to regard our institutions as democratic, there is an almost universal tendency now to place our sole reliance for good government on the democratic element, which they unquestionably contain, and to bring out that element in greater prominence, and to provide, as far as possible,



for its exclusive dominion. The demagogues, the party in power, and the party out of power, alike make their appeals to it alone. Philanthropists, radicals, advocates of equality, political or social, business men, friends of monopoly wishing to make the government a mere instrument in their hands for promoting their own private interests,—all appeal exclusively to democracy, and seek to sweep away every barrier erected by the wisdom of our fathers against popular caprice or popular passion. The Whig party, sometimes claiming to be conservative, is no less democratic than its opponent. Since 1838, when the *Boston Atlas*, with a questionable policy, denounced the aristocratic Whigs, and asserted the necessity of descending into the forum to take the people by the hand, the Whig party have had no distinctive principles, and both the great parties of the country have simply been striving to see which should, if the word, may be allowed us, *out-democrat* the other. Exception made of individual Whigs, it is hard to say which of the two parties, the Whig or the Democratic, is the more conservative, and retains the most respect for the constitution. Henry Clay, the embodiment of the worst democratic tendencies of the country, obtained more votes as a candidate for the presidency in the Whig convention, held at Philadelphia last summer, than Daniel Webster, who is distinguished for his constitutionalism. It is the Whig party that would abolish the presidential veto, and by so doing throw the whole power into the hands of the majority for the time, and establish legislative despotism.

Nevertheless, since both parties claim to be democratic, neither can offer any effectual check upon the tendency of the country to pure democracy. Both parties are necessarily compelled to make democratic appeals, and to give, as far as possible, a democratic interpretation to the federal and state constitutions. Both, wherever there is opportunity, favor exclusive democracy. Take the alterations effected in several of the state constitutions, whether by one party or the other, and they all tend to remove restraints on the popular will, to expose the government more immediately to every fluctuation of popular opinion. Their aim is, in all cases, to bring the government nearer to the people, and to give them a more direct voice in its administration. Such among others is the provision recently adopted in several of the states for electing the judges of the several courts immediately by the people; such also is

the tendency favored in many of the states to alter, abridge, or abolish the common law. In New York, and a few other states, the democratic tendency has proved strong enough to invade even the sacred precincts of the family, and, under the pretence of protecting the wife against her husband, to prepare the virtual abolition of the marriage relation. If the tendency continues, it will not be many years before the notion that the husband is the head of the wife will be entirely exploded, and universal suffrage and eligibility be extended to women as well as to men. We already have woman's rights associations; and we believe the women in the state of New York—a state as notorious for its practical transcendentalism as our city is for its theoretical—have already put forth a declaration of their independence of the tyrant, man. Whether they mean to support it by force of arms, or by force of charms, does not yet appear. But these are all signs, and pregnant signs, which deserve the serious attention of all who retain their senses or the least regard for social order and public virtue. On the principles on which it has become fashionable to defend democracy, it is impossible to defend “the ascendancy of the male sex,” to maintain that the husband is the head of the wife, or to vindicate the authority of the father over his children. Domestic government must soon go, and with it, of course, all government.

But, strong as the democratic tendency has become, severe as is the blow which our institutions have already received, we hope it is not too late to retrace our steps, and to return to the constitution. Unquestionably the democratic element enters largely into our political system, and the American statesman is never at liberty to neglect it, or to labor to suppress it; but it is not the only element, nor the generative principle of our institutions. The American system is complex in its origin, and to interpret it by any one principle is to mistake it. It contains other elements as sacred, as fundamental, as essential, as the democratic element itself; and the statesman is as much bound to consult and preserve them as he is to consult and preserve it,—perhaps, if there be any difference, even more so, because they were expressly intended as a counterpoise to democracy.

The constitution is sacred and inviolable. It is the supreme law of the land, and binds the people both individually and collectively. Whence it derives its legiti-

maey and supremacy, we do not now inquire; for its legitimacy and supremacy must be conceded, or else we must maintain that we have no legal order, and are subject to mere arbitrary will, which, whether the will of one, of the few, or of the many, is the essence of despotism. But if the constitution is legitimate and supreme, the people collectively and individually are under it, bound to obey it, and have and can have no power, directly or indirectly, to alter its fundamental or essential character,—consequently, are bound to the best of their ability to preserve it substantially as it is. The constitution, or the instrument we call the constitution, contains, indeed, a clause providing for its own amendment; but the constitution can authorize amendments only in its own interest, such as tend to preserve its original type or idea, and to secure or facilitate its realization.

On this power to amend there is much loose and even wrong thinking among our politicians. When the civil society is once constituted, it is supreme, the political sovereignty vests in it, and there is and can be, in that society, no power over it. The powers of the convention called to amend the constitution, whatever their limit or extent, are derived from the civil society, and can be only such as it can delegate. It can delegate all the powers it possesses, saving its own existence and supremacy as civil society. It cannot part with its inherent sovereignty, nor dissolve itself. But civil society exists in its constitution. The constitution is the fundamental law of the state, that which *constitutes* civil society, or gives to society its entity as a political or civil individual. Suppose the constitution, you suppose civil society; take away the constitution, you destroy civil society. As the general has no existence without the particular, the constitution does not create civil society in general, but a particular civil society, and therefore must be itself a particular civil constitution. Hence the existence of any given political society depends always on its particular constitution. Any essential change of that constitution will, then, be the dissolution of that particular civil society. But, as no civil society can authorize its own dissolution, it follows that the convention can have no power, under the authority to amend the constitution, to touch, in any degree whatever, any of its essential principles, and is limited to such amendments as are perfectly compatible with the preservation of its fundamental and substantial character.

We are treating here of conventions held under civil society in pursuance of a constitutional provision. If we suppose the people in the state of nature, and a convention for constituting civil society, a different principle, no doubt, holds. If it be a fact, —which, however, we do not admit, —that the French revolution of February, 1848, dissolved political France, annihilated the entire civil society, and reduced the French people to the state of nature, the national assembly which was convened, or which came together, had, no doubt, plenary powers, and was free to give to the French nation any civil constitution, within the law of nature, it deemed advisable. But the constitution decided upon, if legitimate, the moment it was established, became the supreme law of the land, sacred and inviolable. Civil society, civil France, was then reconstituted, and henceforth French sovereignty vests in this civil France, and all bodies henceforth convoked, ordinary or extraordinary, depend on it for their powers. Hence there is always a radical difference between a convention to constitute civil society and a convention under civil society to amend the constitution. The former holds under the law of nature, and has all powers which that law does not forbid; the latter holds under the constitution, and has no powers but those which it confers.

The modern doctrine of democratic politicians on this head, that sovereignty vests, not in the people as civil society, but in the people back of it, or prior to it, is unsound. Back of civil society, or anterior to it, in what is called the state of nature, the people have no normal existence; for civil society itself is coeval and coextensive with the human race. To ascend to its origin, you must ascend to the origin of man himself; for he is essentially social, and society is impossible, inconceivable even, without government of some sort. In point of fact, civility is as essential to the conception of the normal man as is sociality itself. The so-called state of nature, save as a metaphysical abstraction, if ever found, is abnormal, exceptional, not prior, as an actual fact, to civil society, but subsequent thereto. It is never prudent to follow the speculations of the political theorists of the last century, who in nearly all cases, to use a homely expression, placed the cart before the horse. That a people may lose civil society and lapse into what is called the state of nature—that is, be reduced to the natural law alone—is conceivable, may sometimes happen; and when

so, they may, no doubt, come together in convention, and, if able, reconstitute civil society, reorganize the state, under any form they please, not repugnant to the law of nature; not, however, in consequence of any inherent sovereignty vesting in them, not because they are the normal origin of all civil power, but from the necessity of the case,—the necessity of having civil government, and there being for them no other way of getting it. But rights founded in necessity cease with the necessity itself. The necessity ceases the moment the civil society or the state is reconstituted; consequently, from that moment ceases the right or sovereignty of the unconstituted people, or people back of civil society, under the simple law of nature.

We cannot, therefore, accept the theory which places the convention assembled in pursuance of a constitutional provision on the same footing with the convention of the people prior to civil society, under the law of nature,—a theory which supposes the people antecedently to civil society inherently sovereign, and the source of all the legitimate powers of the state. This theory of popular sovereignty we eschew, because it is repugnant to the fundamental idea of government. Civility and sovereignty are identical, or, at worst, inseparable, and one cannot be without the other. Suppose sovereignty, you suppose the state; suppose the state, you suppose sovereignty. Suppose the people sovereign anterior to civil society, you suppose civil society anterior to civil society; that is, that the same thing can both be and not be at the same time! The people are sovereign, we grant; but as civil society, that is, as constituted, made a political person or individuality,—not the people as mere population, back of civil society and out of it, in which sense they never have a normal existence, and, where there is civil society, no existence at all.

The notion, therefore, that the clause authorizing a convention to amend the constitution is simply designed to establish an orderly or regular method of appealing to a power back of the constitution which originally made it, and therefore competent to unmake it, must be regarded as unsound; for no such power exists, or can be conceived. We cannot suppose such power to survive the constitution of civil society without denying civil society itself, by converting it into a mere voluntary association, and making law a mere voluntary agreement. No statesman, if at all worthy of the name, will for a moment confound the state with a volun-

tary association. The state—what we mean by civil society—is something established (*status*), fixed, immovable; but nothing is established, fixed, immovable, that depends on volition. A voluntary association has no coercive power, and voluntary agreements in the absence of law may or may not be observed, at the option of the parties. Government cannot be founded in compact. If the people back of the constitution, that is, back of the civil society, are the source of power, they have the power to change the constitution at will, to alter, enlarge, contract, or revoke the powers they delegate to civil society, as seems to them good. Grant that they have agreed that they will do it only according to certain formalities, these formalities they impose upon themselves, and nothing hinders them from throwing them off at will. They are responsible for their observance only to themselves, and if they choose to dispense themselves, who is wronged, who has a right to complain? If the people back of civil society are the origin of the state, the real, persisting sovereign, and if the state derives from them, Dorrism is true, and the late decision of the supreme court of the United States, condemning it, is indefensible. But Dorrism is subversive of all political order, for it asserts the constant presence in the community of a power competent to disregard the existing authorities, to annul the constitution, and substitute another in its place at will.

The error lies in supposing that the powers of civil society are derived. The powers of civil society are inherent in it as civil society, and civil society itself is derived from no human source whatever; for its office is not to obey men, but to rule them, both individually and collectively. Nothing can be more absurd than to suppose it derives from the very multitude it is to govern. Government dependent on the governed is no government at all. Civil society derives from God, the source of all power (*non est enim potestas nisi a Deo*), who immediately, as in the case of the Jews,—immediately, by the operations of his providence, in other cases,—constitutes it, commissions it, defines its powers, and commands us to obey it for his sake. They are as miserable statesmen as Christians who preach political atheism, and suppose the state is conceivable with only a human basis. The nations, as well as the individuals, who forget God, shall be turned into hell. Neither the state nor the individual can withdraw from dependence on God, and live, “for in him we live, and move, and have our being.”

The true doctrine is, that, though the people are indeed sovereign, they are so only as civil society, in which the sovereignty, under God, inheres; that is, the sovereignty vests in the *civility*, not in the *popularity*, and popularity must be civility, before the people are sovereign. Consequently the convention assembled in pursuance of a constitutional provision is not an appeal to a power or sovereignty back of the state, or civil society, but a body under the state, and subject to it. Then it has no power over the state. Then, since the state is in the constitution, begins and ends with it, it cannot alter or touch the essential character of the constitution, and the power to amend is necessarily restricted to amendments in the proper and legal sense of the term, as we have defined in the beginning. What we mean is, that a constitution once established is fixed in right for ever; and there is, under God, no power in the state or outside of it, that can alter it fundamentally, or change its essential principles. Our constitution is essentially republican, and federal republican, and can never be legally changed into a monarchy or into a consolidated republic. If in the written constitution there is a clause which appears to authorize such a change, it is nugatory, because repugnant to the organic constitution of the state.

We must always distinguish between the written constitution and the constitution of civil society,—what we call the organic constitution. This precedes the convention, and is its law. The written constitution presupposes it, but does not create it, or even modify it. All it does is to provide for the wise and just administration of government under it and in accordance with it. Our politicians err not in assuming a power back of the written instrument, but in assuming that power to be the people back of civil society, and therefore concluding that the convention is competent to alter the fundamental constitution of the state. So far as the written instrument marks or declares the civil constitution, it is unalterable; but so far as it merely provides for the administration of government in accordance with it, it is alterable, in the way and manner authorized by law.

Now it is clear to every man who has studied the subject at all, that the fundamental constitution of the American state, whether we speak of the Union, or of the several states, is not pure, simple democracy; and therefore any direct or indirect attempts to render it purely democratic

are unconstitutional, and forbidden by the supreme law of the land, in like manner as would be any direct or indirect attempts to render it a pure aristocracy, oligarchy, or monarchy. The original and fundamental idea of our institutions is sacred, inviolable, obligatory, for our whole people, both collectively and individually, whether in convention or out of it. This idea is not simple, but complex, and is, no doubt, far from being at all acceptable to political theorists of one school or of another; but this, perhaps, is a merit. We cannot understand to what good use political theorists can be put, or under what obligation any statesman is to consult their pleasure. Speculators on government, next to speculators on religion, are the greatest public nuisance we are acquainted with. Thank God! the early settlers of this country were, for the most part, plain, practical men, of strong good sense, and no political speculators. They were ardent lovers of liberty, no doubt, as are all true men, but without any conception of what in these days of infidel raving and flimsy sentimentalism passes under that sacred name. They were Englishmen, and they brought with them the institutions of their mother country, as far as these could be adapted to the circumstances in which they were to be placed in this new world. Their political system was fundamentally the English system. When the colonies attained to majority and set up for themselves, they retained the system, simply modified, again, to meet their new circumstances. It is in this system we are to seek the type of our constitution, not in modern democratic theories. Our constitution is fundamentally the British constitution, without the hereditary house of lords and the hereditary monarchy. These are excluded, for the king and lords were not here; and the essential difference of our constitution from the British lies precisely in excluding these, and in the contrivances adopted to supply their absence.

The democratic doctrine of the sovereignty of the people back of civil society finds no place in the British system. The commons are powerful; but they are an estate, not the entire civil body; and they derive their power in the administration from the civil constitution, not from the law of nature, and hold it as a franchise, not as a natural right. The state knows nothing of the "rights of man," in the sense of the notorious infidel and charlatan, Thomas Paine, the great political teacher, mediately or immediately, of a large proportion of the American youth; it knows only the



rights of Englishmen. Liberty with it is British liberty, and authority British authority. The same principle holds with us. The American people, politically considered, are the English commons transported here; and their rights derive, not from the law of nature, as dream our political theorists, but from civil society, which grants and guarantees them. Let no American believe in Thomas Paine, the Thetford weaver. Let no man believe any more in Mr. Bancroft's *History of the Colonization of the United States*, a brilliant work, nay, an able work, but whose author, like Gibbon, possesses the art of falsifying history without misstating facts, and who has written, not for the sake of giving the history of his country, but of promulgating his humanitarian theories of government and religion. Our liberty is not natural liberty, but American liberty; we possess our rights, not because we are men, but because we are American citizens. The right of suffrage is not a natural, but a civil right, and in its nature is a civil trust; the right of the majority in ordinary cases to rule, so important a feature in our system, derives from civil society, not from nature; for under the natural law all men are equal, and each man is independent of all others.

The declaration of independence left a gap in our system, a serious defect, because the people representing the commons were not the entire civil body. This defect the conventions and congresses of the time undertook to supply, and to supply out of such elements as American society afforded. But they, at first, did it only imperfectly; they left too large a margin to the commons,—ample space to develop into a pure democracy, which would have been fatal to the American state. To prevent this result, and to provide more effectual checks against the democratic tendency, which soon became excessive, the convention of 1787 was assembled to amend the constitution. In this sense they could amend it, for amendments which supply defects and tend to preserve the essential idea of the constitution, secure the more perfect realization of its original type, are lawful, as we have conceded. That the convention was assembled for the purpose of more effectually supplying this defect which our separation from Great Britain left in our constitution, and to provide stronger checks against the democratic tendency, is undeniable. Mr. Madison's reports of the debates in the convention fully establish it. "The evils we experience," said Mr. Gerry, "flow from excessive

democracy.”\* Mr. Randolph observed that “the general object was to provide a cure for the evils under which the United States labored; that, in tracing these evils to their origin, every man had found it in the turbulence and follies of democracy; that some check, therefore, was to be sought for against this tendency of our government.”† Other distinguished members said as much; no one contradicted them, and the convention evidently took it for granted that their chief mission was to guard against excessive democracy, and without introducing the hereditary elements which the constitution excluded. It is also clear, from the same authority, as well as from other sources, that the convention did not provide as strong checks against democracy as they wished, or believed to be necessary, for fear, if they did, they would be unable to get their amendments adopted by the people.

It is well known that General Washington, the father of his country, and at least one of the soundest heads and purest patriots the country has ever produced, apprehended from the first that too much liberty was allowed to democracy; and so did Adams, Hamilton, and all the distinguished men of the old Federal party, —men who, though decried by Mr. Jefferson and the French Jacobins, were the great men of their times, and whose practical political views contrast favorably with the brilliant and fanciful theories of their opponents. The Federalists have passed away; their party is among the things that were; they may have had their faults, and have erred in particulars; but the stability of the government and its constitutional purity depend on a speedy return to their general principles. We may well say this, for we were reared in the doctrine that they were traitors to their country and the bitter enemies of liberty. But we have lived long enough to find that Liberty’s best friends are seldom those who make the loudest professions of friendship and drink the deepest toasts in her honor. Mr. Jefferson was regarded as a great friend of liberty, but he, when president, knowingly, deliberately, as he himself confesses, violated the constitution of his country, which he had sworn “to preserve, protect, and defend.”

As the weak point in our constitution is the too great strength of democracy, or the feebleness of the checks provided by the convention of 1787 against it, the American

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\* *The Madison Papers*, p. 753.

† *Ibid.*, p. 753.

statesman, in order to be faithful to the constitution, must study to strengthen these checks as far as he can constitutionally, and to repress the tendency of democracy to become exclusive. This was, as is well known, the policy pursued by General Washington, in his administration, and also by his immediate successor, the elder Adams. Let politicians say what they will, it is due to the constitutional administrations of Washington and Adams, to the high-toned conservative principles on which they were conducted, and to the little deference that under them was paid to demagogues and radicals, that our government has not now to be numbered among the things that were. Washington and Adams identified the people with civil society, not civil society with the people; recognized the popularity in the civility, not the civility in the popularity; and placed the government on a legal and conservative basis, from which it required the iron will and immense energy of General Jackson to remove it, and from which even he could not entirely remove it. The effects of the wise and profoundly conservative policy of the administrations of Washington and Adams are still felt, and have given to the administrations which have succeeded them all that they have had worthy of commendation. It is only by a sincere and hearty return to that policy that we can hope to save the country from the curse of lawless and shameless democracy,—a democracy which can, if left to itself, develop only in anarchy, which must be the precursor of military despotism.

A favorable opportunity offers itself now for this return. General Cass—an able, in many respects a worthy, man, but the representative of the expansive or progressive democracy, of “the manifest destiny” principle—has been defeated, and the American people have elected to the chief magistracy, in opposition to him, a man of great force of character, of firm will, a practical cast of mind, free from the rage of theorizing, brought up in the camp, and therefore accustomed both to obey and to be obeyed, unpledged to systems or parties, and of immense popularity. If he comprehends his position, and is equal to it, he has a glorious opportunity of proving himself a second father of his country, and of rivalling Washington in his civic wisdom and virtue, as he has already approached him in his brilliant military achievements. Never since Washington had a president of these United States so fine a chance to distin-

gluish himself by rendering important services to his country and to the world. Now is the time; we hope General Taylor is the man. If the present time is not improved, it is all but in vain to hope for another. With the false doctrines of our popular politicians, with the strong democratic tendency of our people, with the fearful progress radicalism has already made, with these democratic and socialistic revolutions hourly occurring abroad, shaking the Old World to its centre, and reacting on us with a tremendous force, it is to be feared, that, if we do not now take measures to strengthen the barriers against the popular movement, and to secure the supremacy of the constitution and the majesty of the state, it will henceforth be for ever too late. We hope in a good Providence that the new American administration will duly consider this matter, place the government once more, after so many years, on the conservative basis, and study to consolidate order and liberty within the state, rather than to extend our territories, and captivate us with the false glow of a delusive external splendor.

## RECENT EUROPEAN EVENTS.

[From Brownson's Quarterly Review for July, 1848.]

OUR views of revolutions in general are well known, and we have at present no occasion to repeat them. We have seen nothing in the recent events in Europe that seems to us to call for any modification of the doctrines which we have uniformly contended for, however unpalatable they may be to the visionary politicians of the day. Of course, we, in common with every man worthy of the name of man, abhor despotism; but we abhor the despotism of mobs more than that of kings. The king may be licentious, wicked, and delight to oppress his subjects; but nature ordinarily sets some limits to his power, and the principal weight of his oppression falls upon the higher classes rather than upon the lower. There is for the great body of the people in general such a thing as living under his government. There are nooks and corners where his eye cannot penetrate and his arm cannot reach. But under the mob, unless you join

it, and urge it on to harass and oppress, there is no living for you. It is resistless and remorseless. Its eyes penetrate every cranny, and its power finds out and uncovers every hiding-place. It leaves a covert for none,—shelter for neither soul nor body,—and is well termed, in our strong old Anglo-Saxon phrase, “Hell broke loose.”

We confess, therefore, that we have a lively horror of mobs, and not even a polite Parisian mob, courteously and with inimitable grace and delicacy begging us just to permit it to fusilade us or to cut our throats, is able to inspire us with confidence in them. If we must die under the operation of drugs administered to restore us to health, let them be prescribed by the mediciner with a diploma in his pocket, and a gold-headed cane to his nose,—not by the unauthorized quack. If the regular practitioner kills us it is his affair and he must answer for it; but if the quack kills us, our death is a sort of suicide, for which we are ourselves responsible. So, if we must be stripped of our rights, robbed of our manhood, and reduced to abject slavery, let it be by the crowned head and the sceptred hand, not by the untitled multitude.

As mobs at best are despots, and as kings can be only despots at worst, we are not prepared to raise the shout of joy merely because a mob in its wrath has deposed a king, burnt a throne, put an end to a dynasty, and resolved the state into its original elements. We judge it prudent to wait a little and see what is likely to follow,—whether any thing for real political and social well-being is likely to be gained. We are no apologists for kings in general, and certainly not for the late king of the French in particular. We have never admired Louis Philippe as a man; we have never admitted his right to the throne he occupied, and we have seen much in his policy to censure, and but little to approve. A mob made him king, and it was not unfitting that a mob should unmake him. Nevertheless, France did exist under his reign,—in some respects even prospered, and began to show symptoms of returning sanity, common sense, faith, and piety. If she could have loyally accepted the Orleans dynasty, and cordially coöperated with it in correcting and approving the administration, instead of exerting herself to embarrass the government, or collecting and concentrating her energies for one bold and vigorous effort to change its constitution, it seems to us that she might have found her condition tolerable, have gradually recovered from the disastrous effects of

her previous revolutions, and resumed her place at the head of modern civilization. The very worst way in the world to improve the temper or to facilitate the beneficial operations of a government is to keep it in constant apprehension for its own safety. Assuredly, we have little sympathy with Louis-Philippe; but worse kings have been borne with, and we sincerely hope that France, who in a moment of delirium made him king, may never have cause to regret that in another moment of delirium she has unmade him.

We may be told that the abolition of royalty is in itself a great gain, and that, as friends of liberty, we ought to rejoice in the triumphs of democracy. We trust that it is not necessary for us at this late day to proclaim our love of liberty, or our devotion to the cause of the people. Let those of our countrymen who have more steadily devoted themselves to that cause than we have, or at a greater sacrifice claimed and exercised the highest of all freedoms, reproach us if they will. We are staunch republicans, for our own country. Not, indeed, because we believe the American people, in civilization, intelligence, morals, religion, to be in advance of the European nations; but because republicanism is the form of government which Almighty God in his providence has established for us; because it is here the legal and the only legal form; and because it has its roots in our national life, and is the only government to which our national habits, manners, and usages are adapted. It is coeval with our national existence, has grown up with us, and is a part of our concrete selves. We are, so to speak, natural born republicans, and instinctively, without deliberation, adopt republican modes, and act to republican ends. But while these are good and sufficient reasons for maintaining republicanism at home, they are not good and sufficient reasons for asserting its superiority over all other forms for other nations, whose training has been different from ours. The French people, for instance, may even surpass us in religion, morals, intelligence, and refined civilization; but, trained as they have been under the centralized monarchical system of modern Europe, they are necessarily destitute of those forms of interior life essential to republicanism, and without which it must be something foreign and unnatural. There is a wide difference between their case and ours. We, in order to support and carry on our government, have little else to do but to fall into the established routine; we are not required to make any effort, to change or do violence

to any of our habits of life or modes of activity. All follows in the ordinary course of things. But it is not so with a nation that throws off an old monarchical government, and seeks to establish the republican order. The new order imposes a new language, new forms of interior as well as exterior life, un wonted modes of action. Nothing flows on spontaneously. All is strange, and no one feels himself at home. You can conform to the new order only as you deliberate, make an effort, force your activity into new channels. All your indeliberate and instinctive action takes a wrong direction. You must be constantly on your guard, and can allow yourself no relaxation, no *abandon*. All your faculties must be strained taut, and every man must be a profound political philosopher and a thoroughly accomplished statesman, or be liable to blunder, and to blunder, perhaps, fatally. It is not the change of one king, or one dynasty, for another, but it is the destruction of the old nation, and the attempt to mould a new nation out of its ashes. It is a fearful change. It requires the whole past life of the nation to be stricken out, and reduces the great body of the people to political infancy, sends them back to the cradle or the nurse's arms, just at the moment when they have the most need to be full-grown men. May we not, then, without forfeiting our claim to be reckoned among the friends of liberty, when we see a great nation trying this change, pause awhile before concluding it to be necessarily the *triumph* of the popular cause?

There are, indeed, politicians among us, and not without influence on public affairs, who will tell us that no danger is to be apprehended; that all is safe as soon as kings are got rid of, and the people take the management of affairs into their own hands; but these politicians will excuse us for saying that their appropriate place is in the nursery, not in the professor's chair, the halls of legislation, or the cabinets of ministers. As long as they consider it a proof of their wisdom to turn up their little noses at the bare idea of an infallible church, they must not expect us to swallow an infallible people, and especially, if such as they can be its leaders. The people are, no doubt, in general, honest in their aims, but they lack discrimination and forecast, and are, for the most part, the dupes of their leaders or of their own passions. Rarely in what they approve or in what they oppose do they distinguish between the good and the evil they find mingled together,—between the essential and the

accidental, the use and the abuse. They know, of course, that such distinction exists and should be made; but they do not know how or where to make it. If a system has worked ill in consequence of its having been abused, or in consequence of matters accidentally connected with it, but not springing from it, their approved and usual remedy is to sweep it away. The remains of the barbarism which preceded its establishment, and sprang from other sources, disturbed the workings of feudalism, and they cried out, Down with feudalism! Corrupt and courtly prelates basked in the sunshine of royalty, forgot their flocks, and failed to denounce the tyrant, and they exclaimed, Down with the church! The king abused his powers and oppressed his subjects, and they screamed out, Down with monarchy, and up with democracy! In their eagerness to throw off the evil, they almost invariably throw away the good in juxtaposition with which they find it, —just as your modern philanthropists, in pursuing some special object, trample down more good by the way than they could possibly remove of evil by gaining the end they seek. There is no use in denying or in seeking to disguise this fact, which is obvious to every one who has studied popular movements with the least attention.

Where republicanism is already constituted, as it is with us, and has grown up with the life of the nation, we have no lack of confidence in the capacity of the people, through their representatives, to administer the government as wisely and as beneficially as human governments can be administered; but we have yet to be convinced that wise and good government is sure to follow, the moment the people have thrown off royalty, and taken upon themselves the task of reconstituting the state, and of administering the public affairs. In point of fact, whatever the form of government established or proposed, the great body of the people count for little or nothing in determining its character or its policy. The questions which arise are decided by the few, and the many have simply the liberty to grumble, or acquiesce in silence. The action of the government, whether monarchical or democratical, is determined by the natural or artificial chiefs of the people, and will be wise and beneficial for the public good, in proportion to the intelligence, wisdom, firmness, and disinterestedness of these chiefs. If these chiefs are able and disposed to administer the government for the public good, it will be so adminis-



tered, and if not able and so disposed, it will not be so administered, whatever its form. The reliance is always on the few, frequently on one man alone; as is evinced by the manner in which moderate republicans now speak of Lamartine, and the radicals of Ledru-Rollin. Save in a sentimental point of view, universal suffrage counts for far less than is commonly supposed. The real constituency of the government is never the numerical majority of the people, but the numerical minority composed of the active politicians of the country. Viewed in the abstract, we confess, the question as to which is the best form of government is not in our judgment of primary importance. Forms of government, as somebody says, are like the forms of shoes,—those are best which best fit the feet that are to wear them. The motives which should decide us in favor of one form or another are extrinsic, not intrinsic. Any form is good, if adapted to the people for whom it is designed; and any form is bad, if not so adapted. The existing form is always the best; and we consider it a capital mistake for a people to look upon the form of government to which it is wedded as a thing that can be changed. The nation should always look upon its established form of government as immutable; as every married couple should always look upon their marriage as indissoluble. If, whenever something unpleasant occurs in their mutual relations, instead of taking each a charitable view of it, and coöperating with the other to overcome it and restore the sunshine of domestic peace, a married couple contemplate and threaten a separation and a change of partners, their union is henceforth constrained and unnatural; love and confidence take their departure; each suspects the other; each magnifies the slightest imperfections or errors of the other into enormous faults or crimes, and both find their condition intolerable. So is it with a nation. The moment the people once get their heads filled with the notion, that their marriage to the state is dissoluble at their will, and that the remedy for their real or imaginary grievance is in throwing off the existing form and adopting a different one, they place themselves out of the condition of being well governed. They have no longer the moral state to judge properly of the acts of the government, or to be satisfied with a single measure it can adopt. The first law of every government, as well as of the individual, is self-preservation; and how can a government improve its administration, redress grievances, and lighten the burdens

of its subjects, if it is obliged to use all its resources solely for the preservation of its own existence? The people themselves, by demanding political instead of administrative changes, by seeking the destruction of the government instead of loyally coöperating with it for the public good, create the necessity for those repressive measures of which they complain, and which become to them new motives for the change they seek or threaten.

We certainly have no admiration for that centralized monarchical system of government which sprang up in Europe during the fifteenth and sixteenth centuries, which culminated in Louis XIV. of France, but which has lingered on as the dominant *régime* to our own times. Under it the European populations have suffered immense evils, and have received comparatively few of the benefits which it is the purpose of the state to secure for all her subjects, whatever their rank or condition in life. But whence came that system? Was it due solely to the ambition of the kings themselves? And after its establishment, was it the wisest course for the people to seek to exchange it for democracy? Let us dwell for a few moments on these questions.

Europe, after the destruction of the Roman empire, was gradually reorganized on the feudal principle, under the moderatorship of the church. The constituent elements of the state were the king, the barons, the clergy, and the communes, or free cities. The mutual relations of nations, of estates, and of princes and their subjects, were placed under the safeguard of the papacy, which, as having the special interests of none, but the good of all, in view, was, even humanly considered, naturally an impartial judge, and a wise and just moderator. Such, in a word, was the feudal system, and, theoretically considered, perhaps as perfect a political system as the world has ever witnessed or ever will witness. But, unhappily for its satisfactory practical workings, the populations placed under it, and the kings and barons constituent elements of it, *personally* retained no small share of the barbarism into which all Europe, except the church, was plunged by the destruction of the Roman empire and its civilization. The barbarians who invaded and overthrew the empire were gradually converted, indeed, and they received from the church, with the faith, the germs of her generous and noble civilization; but they for a long time retained but too many traces of their old barbaric habits and dispositions. To overcome these, and bring the

populations into personal conformity to Christian civilization, demanded generations of peaceful and continued training. The church labored for it with supernatural energy and astonishing success; but her labors were repeatedly interrupted by the invasion of new hordes of barbarians and infidels, which continued, with brief intervals, till the eleventh century. The Huns in the East and the centre, the Saracens in the South and Southwest, the Saxons in Germany, the Danes in England and Ireland, the Normans in France and parts of Italy, prove to the historical reader how long pagan and infidel barbarians continued to invade Christian Europe, and how often the labors of the church were broken off, how frequently the slow gains of years were destroyed in a moment, and she was compelled to begin her work of civilization anew. The Saxons were not converted till the ninth century; the Prussians, Danes, Swedes, Norwegians, were pagans in the eleventh century, and the greater part of them in the twelfth. The Saracenic power was not fairly checked till the invasion of Asia by the crusaders, nor broken till the celebrated battle of Lepanto, in the sixteenth century.

These facts should lead us to expect in the feudal ages no little of unredeemed barbarism alongside of the generous and noble forms of Christian civilization, as the grotesque in juxtaposition with the beautiful; and we, in fact, do find in them the most wonderful developments of intellectual and moral energy, miracles of Christian meekness, gentleness, love, manifesting themselves in all their sublime beauty in the cathedrals, the public worship, the religious and charitable establishments, and the piety, fervor, and devotedness of individuals of all ranks, from the prince to the peasant, along with an unmitigated personal barbarism that an Attila, an Alaric, a Genseric, a Caled, a Ralph the Ganger, would not have disdained. The huge form of the barbarian was oftener revealed than concealed by the ample folds of the toga. The tiger from the forest or the jungle was but half domesticated, and resumed all his native ferocity at the first lap of blood. Throughout are the feudal ages marked by huge disproportions, by the sublimest virtues and the darkest crimes; the most winning gentleness and the most brutal violence; Christian charity in all its supernatural beauty, and savage humanity in all its hideous deformity, brought together in fearful contrast and mortal combat. On their Christian side, we cannot exaggerate their merit;

on their barbaric side, it is hard to say too much against them.

But this barbarism, which disfigured the feudal ages, and which no admirer of feudalism denies or palliates, was not inherent in the system itself. It did not grow out of feudalism, for the tribes possessed it before they came under the influence of that political order; it did not spring from the church, because they possessed it prior to their conversion; it did not spring from both united, for the same reason, and because it yielded in time to their joint action and influence. It was, therefore, not in the political and ecclesiastical order of the feudal ages, but in the people not as yet brought into harmony with Christianity. The barbarism was in the persons, not in the order. So every one who is able to discriminate and is willing to be just knows, admits, or contends. But the northern nations converted, the Saracens held in check by the crusaders, the church found herself in comparative peace. She resumed and continued her civilizing labors, and by the end of the fourteenth century succeeded in bringing the European populations very generally into comparative harmony with her own civilization. But just at this period, when the ecclesiastical and political order of the feudal times had overcome its chief obstacles, when it had so humanized the persons as to make them see and blush at their former barbarism, the people with their usual discrimination turned round and charged that barbarism to the very order which had so long struggled against it, and which had in good measure delivered them from it. Did not that barbarism for centuries coexist with feudalism and Catholicity? Certainly it did. Then feudalism and Catholicity caused it, and are responsible for it. Then down with Catholicity and feudalism! So began the people to reason, with their characteristic logic, in the fifteenth century, and aided in the sixteenth by the Lutheran insurrection, they were able to strike a death-blow at feudalism, and would have done the same to Catholicity, had she not been immortal.

The mistake of the people in confounding with the feudal order the personal barbarism which, in feudal times, existed under it, or rather in spite of it, led to the destruction of feudalism. Feudalism destroyed, centralism necessarily followed. All power was concentrated in the hands of the monarchy,—the principle of oriental despotism. The people, at the time, had no fear of the royal tyranny and oppression.

Between them and the king had stood the barons and the prelates, who had felt the principal weight of royal violence, and from whom the people in turn had suffered the grievances, real or imaginary, they complained of. Their resentments were against these, and not against the king. The barons oppress us, and the prelates do not restrain them. Down, then, with them both, and oppression will cease, all our wrongs will be righted, and we shall be happy, live in clover, under our father the king! Unsupported, but opposed, by the people, the barons could make only a feeble resistance, and feudalism, after a comparatively short struggle, was obliged to succumb to centralism. The clergy, for the same reason, were unable to maintain their independence, and the church became enslaved to the temporal power,—in Russia by schism; in England, Germany, Denmark, Sweden, and Norway, by heresy; in France, and finally in Austria, Spain, and Portugal, by practical Gallicanism. There was then no longer any intermediate power between the king and the people, and the people found, when it was too late, that they had exchanged feudalism for despotism, the rods of Solomon for the scorpions of his son.

It is remarkable, how, after the reformation, every thing conspired to enlarge and render absolute the monarchy, which in the original reorganization of Europe had been only one element out of four. In Protestant countries monarchy was extolled, because it was the bulwark of heresy. In Catholic countries, for a time, it was opposed, and the old doctrines of liberty were maintained, in the schools and universities. The “divine right of kings” was a Protestant doctrine, and it was against the *Catholic* Cardinal Duperron that James I. of England wrote his famous *Remonstrance* in its defence; and hence the first republican reaction against monarchy appears in England, and more than a hundred years before it manifests itself in France. But gradually Catholic kings became ardent defenders of the faith, and even Catholics turned monarchists, and courtly bishops were found to advocate and justify royal absolutism, as a protection against schism and heresy,—hoping, no doubt, by their spiritual action on the monarch’s conscience, to restrain him from abusing his powers,—a sad mistake, for he could banish them at will from court, and deprive them of their revenues.

It was not wholly the fault of the kings that feudalism became converted into centralism, and the estates succumbed

to the despot. It was still more the fault of the people, who, when they had emerged from barbarism, and at the very moment when the political and ecclesiastic order, by means of which they had emerged, could begin to operate, free from the causes which previously disturbed it, rejected it on account of the barbarism which had been accidentally connected with it, and wished for a different constitution of the state. If the people had resisted, or not been ready to assent, the kings could never have suppressed the barons, enslaved the church, and monopolized all power in their own hands. They succeeded, not in spite of the people, but by their coöperation; and the people, if disappointed, had themselves principally to blame. Whatever the faults or defects of modern centralism, there can be no doubt that it was popular in its origin, and had, if not the formal, at least the virtual, assent of the European populations.

That the people should have been dissatisfied with this new system is nothing strange. They had in their folly and madness thrown off the best, and obtained the worst, of all possible systems of government, and, of course, must have found themselves in no enviable condition. But were they wise in opposing the government of their own choice, and in seeking to replace it by democracy?

To go back to feudalism with its barbarism was out of the question; to go back to it even without its barbarism was impracticable. Restorations are rarely successful, even when the order restored, in itself considered, is better than any other order likely to be obtained. Feudalism, if it had continued, if it existed now, with our advanced personal civilization and refinement, would, in our judgment, be the perfection of government. But having been thrown off, and the ideas of the people all turned against it, its restoration is impracticable and undesirable. With its evils we must give up its good, unless we can secure it by some other method. We blame not, therefore, the people for not going back, or attempting to go back, to feudalism, when they found their new system fail. But had they no alternative but either to remain slaves to monarchical centralism, or to try the experiment of democracy?

The new order established was, briefly characterized, the king on the one side, and the mob on the other. The local organizations which limited and tempered the general sovereignty were swept away, and the people, outside of the monarchy, had no organization, and therefore were not a

power. The king was the state, and besides him there was no state. The people out of the state, without political organization, can act only as the mob. What they needed was an organization between them as simple individuals and the monarchy, which should shelter them from its despotism, restrain the exercise of its authority within the limits of justice, and prevent it from infringing the natural liberty of the subject. This, it strikes us, was obtainable without any essential political change, if the people had accepted the new system in good faith. It might have been easily effected by simply emancipating the church from her thralldom to the state, and suffering her to enjoy her rightful independence of the temporal order; and this could have been effected without any revolution or violent struggle, by the simple return of the people to their active faith as Christians. Each bishop in his diocese, each priest in his parish, receiving his mission, and exercising his functions, without any intervention, direct or indirect, of the civil government, would have been, though without one particle of political power, a moral sovereign, competent to protect his flock from the oppressions of the monarch, and to secure them against all encroachments upon their rights as men. No king ever was or ever can be powerful enough to resist the clergy in his dominions, if they are independent of him, and are backed by the faith and conscience of the people. The people, then, might, if they had chosen, have compelled their kings to reign wisely and justly, without any political changes, and even without troubling their heads in the least about politics or the constitution of the state—simply by attending to their faith and duties as Christians.

But this was too simple and easy a method. The people hailed with joy the subjection of the spiritual order to the temporal, the church to the state, and then denounced the church because she did not protect them from its tyranny; they insisted on her subjection, and then demanded of her what she could not do unless independent. But as she did not do it, they arrayed themselves against both the church and the government, swore the destruction of both throne and altar, and thus compelled the church and the monarchy, as the condition of continuing to exist, to make common cause against the popular demands, and to postpone to more settled times the redress of political grievances. But the more the church and the government resisted the popular movement, the more determined and menacing it

became; and from the early part of the eighteenth century, the mob, seconded by the philosophers, a cause and an effect of the popular movement, became every day stronger and more exasperated, and before the close of that century succeeded in overthrowing monarchy, as, led on by the kings, it had succeeded in overthrowing feudalism, and if it failed to overthrow the church, it was only because she is upheld by a divine hand. Anarchy, of course, followed, the reign of terror, and military despotism; reaction, and an insane restoration, which left matters worse than they were at the beginning.

Now the error in all this was not in seeking to get rid of evils, or to ameliorate the social condition. We know no law, human or divine, which sanctions misrule and oppression, or which forbids an oppressed people to labor for liberty and justice. The error was not here, not as to the end sought, but solely as to the means, in supposing a fundamental political change, or a political revolution in favor of republicanism or of any other form of government, to be the only practicable remedy, or a practicable remedy at all. We do not maintain that wrongs are not to be redressed, that the people may not demand justice from the hands of their rulers; nor do we go so far as to maintain that individual kings may not be deposed, and dynasties changed, for good and sufficient reasons; for these are not the government, but its administrators, and they may abuse their trusts and forfeit their rights; but we do maintain that it is always a capital error to seek reform or redress by changing the form of government, the fundamental constitution of the state. *That* should be held sacred and inviolable, whether a feudal, a monarchical, an aristocratical, or a democratical constitution; for each is alike legitimate, where it is the established order. The man who dares attack it is guilty of sacrilege. He who advises its destruction, or its exchange for another, draws his counsel from hell, and the people who drink in his infernal advice, and prepare to act on it, are mad, and rush to their own destruction; for, whether they know it or not, the principles they adopt and the spirit they follow are, at bottom opposed to all government, render government, in any form, impracticable; and without government, there is and can be no society, no people, nothing but isolated individuals or the mob.

We must not lose sight of this fact. It is because the



tendency to redress evils by changing the form of the government is, at bottom, no-governmentism, that no popular revolution is ever final, or able to satisfy those who make it. Every popular revolution, if left to itself, necessarily develops in a series of revolutions, each removing society further and further from government. Thus, in the old French revolution, we had first a revolution that brought up the notables, then another that brought up the respectables, and then still another that brought up the *sans-culottes*.—Mirabeau and La Fayette, Vergniaud and Roland, Danton and Robespierre; and what we should have had next, if the series had not been cut short by the reaction, it is impossible to say, but some lower form of anarchy and terror is certain; for already, before his downfall, had Robespierre become too aristocratic and conservative for the mob. For the same reason, the policy of concession seldom avails to appease the revolutionary spirit, and to reëstablish order and content. The demands of the people, when made in a loyal spirit, without any thought of attacking the constitution of the state, may often be conceded with advantage both to them and to the government; but even when just, if they are prompted by the revolutionary spirit, or made under the conviction that the people have the right to overthrow the constitution when they please, and to institute a new government after their own ideas or fancies, the concession is useless, and even worse, if you mean to preserve the constitution unimpaired. Concessions then only stimulate new and greater demands, and weaken the government. The people, after them, if the shadow of government remains, find the same disproportion as ever between their actual and their ideal. They are still restrained, cramped, confined, and are not free in their sense of freedom. They have not reached Utopia, nor recovered the lost Eden. You must yield all the revolutionary spirit demands, grant each new demand as quick as it is made, or else resist it in the outset. Whoso goes an inch with the mob is a lost man, if he goes not with it whithersoever it will. You might as well undertake to guide or stay the tempest, as to attempt to direct or resist the mob, when once you have yielded to it. Who, that suffers himself to be drawn within its vortex, can hope to recover himself and escape from the Maelstrom?

The great difficulty arises at all times, in our view of the case, from the revolutionary spirit, the tendency to redress grievances by seeking to subvert the political constitution.

The evils, however great, can always be remedied, as far as in their nature remediable, without any thing of the sort, simply by the people accepting the government in good faith, and loyally laboring with it for improvement. But when the revolutionary spirit has once possessed a nation, and all harmony, all sympathy, between the people and the government are destroyed, and the government can sustain itself against its own subjects only by means of the military, there is perhaps little use in its attempting to sustain itself at all. It is no longer in a condition, if this state of things is to become permanent, to perform the legitimate functions of government. It, in fact, has ceased to be government, and is only the slave-master driving his miserable gang of wretched slaves. And such had become the governments throughout the more civilized part of Europe, before the recent events. There had ceased to be any harmony between them and the people. Authority and the people were antagonistical, and could not work together; the state was almost universally dissolved, and the monarchs retained their crowns only by means of large standing armies, kept on the war footing, not by any means to defend them against one another, but against their own subjects. The expense of these immense armies, and of the various establishments connected with them, had become enormous, and the people were finding themselves obliged to part with nearly all their substance to pay for being governed, and yet not be governed after all. The governments, instead of stimulating and aiding industry, were crippling it, and large portions of the population were reduced to poverty, to the starving point, and many even below it. Gaunt want was staring the millions in the face. How could matters be worse? The government, having no strength in the affections or convictions of the people, no moral support in the nation, could hardly do any thing for the public good, however well disposed, and the people, debauched by revolutionary ideas, would do nothing for themselves. Was such a state of things, growing worse every day, to last for ever?

Now we believe the fault of this state of things to be far more due to the disloyalty of the people than to the governments themselves. We cannot discover any period since the beginning of the last century, when the European governments had even the power to prevent or to remedy it. But however this may be, it seems to us certain that things could not long remain as they were. Matters had come to

such a pass, that an attempt to right them, in some way, was necessary and inevitable; and taking the people as they were, perverted by demagogues, sophists, and the malign influence of secret societies, with the revolutionary fever burning in their veins, and longing for democratic institutions, we see not what better could have been attempted than the fearful revolutions which have actually taken place, or are now taking place. If the people had been loyal, Christian, sober, something better would have been possible; but as they were, we see not what else was practicable. Monarchy had become anti-national, had ceased to be popular, and could not continue to exist. Without, then, abating any thing of our condemnation of the revolutionary ideas and spirit, without countenancing for a moment the absurd doctrine, that the people have always a natural right to democratic institutions, and that monarchy is in itself an illegitimate form of government, an encroachment upon natural liberty, or the still more absurd doctrine, that the republican order had become inevitable in consequence of the *progress* of man and society, we are, upon the whole, not sorry that these recent revolutions have been effected, and we accept, without reserve, THE NEW ERA they promise to usher in. Only give to the old order honorable burial, and you may, if you can, dig its grave so deep, that no one will think of disinterring its fleshless remains, and dressing them up anew in the robes of state.

We do not applaud the mob for what it has done, we will not consent to call a few thousands of the Parisian rabble "the glorious French people;" but we accept their work, now it is done, and are ready to resist all attempts to undo it and return to the monarchical centralism which has been dethroned and exiled. Believing, also, that the principal nations of Europe, unless we except Great Britain and Russia, will be discontented and restless, torn and agitated, out of the condition to be well governed, till they obtain substantially republican institutions, we wish the work to continue till such institutions are secured. It is in vain to attempt to change, by any human means, the ideas and tendencies of the people, to arrest the present current of political thought, or to roll back the revolutionary tide. Europe, it seems to us, can be settled hereafter only on a republican basis; and since republicanism must come, sooner or later, we say the sooner the better. Half-way measures and feeble temporizing will avail nothing. Now that the hand is in, let the

work be done, wherever it needs to be done, and so done that there will, in our day at least, be no occasion for doing it over again.

And this seems to be the view taken by the friends of order and religion in France. The bishops and clergy, as far as we have seen, without a single dissentient voice, have given in their adhesion to the republican order, resolved to give it a fair and honest trial, and to live or die with it. The politicians of all parties seem also to have done the same. The conviction appears to be universal, that if France is ever to find good government, and be restored to domestic tranquillity and peace, it must be as a republic. This requires no sacrifice of principle or consistency. Government is for the public good. When circumstances no longer controllable by human means have disabled an existing government from securing that good, and rendered constitutional changes necessary and inevitable, a new *régime*, the only practicable one, it is the part of wisdom, of all sound politics, as well as of duty, to accept it, and to make the best of it. The wise and consistent statesman, when he cannot control circumstances, conforms to them; for government is an affair of human prudence,—and takes care never to ruin himself or his country for the sake of an abstraction.

It is because we judge it the part of wisdom to accept this republican order, and to labor to render it permanent and beneficial, that we have begun our remarks on the recent events in Europe by condemning the causes which have made them necessary and inevitable. If we are not much mistaken, European society can hereafter be settled only on the republican basis. Whether it can be settled even on that may be regarded as problematical; but if not on that, it can on none. Republicanism is now the last hope of Europe. If that fails her, her civilization must go backward, and she become ere long the counterpart of Asia. For the reason that, in the fifteenth century, we would have sustained feudalism against the tendency to centralism, and in the seventeenth century and the beginning of the eighteenth, centralism against the democratic tendency, we would now sustain republicanism against any tendency to overthrow it, whether in favor of socialism or aristocracy. Our principle is, to sustain the existing constitution of the state, whether it conforms to our abstract notions or not; because in politics every thing is to be taken in the concrete, nothing in the abstract.

But if we maintain in principle that the change from feudalism to democracy is a progress,—if we say, with the beardless philosophers of the day, that the people, in seeking it, have been obeying a divine instinct, and declare the revolutionary spirit which has been followed throughout, wise and sacred,—we cannot with any consistency maintain this new order, or resist the tendencies that may be manifested for additional changes. Moreover, a people filled with the revolutionary spirit, holding, as a sound maxim in politics, that the evils they may have to endure in the social state are to be remedied by the subversion of the existing government, whether by violence or peaceful agitation, and the substitution of some other form, is incapable of sustaining a good and permanent government, whatever its constitution; for no government can prevent or redress all evils, and at best there will be much that can be overcome only by the Christian virtues of resignation and patience. Every government, if government, must sometimes restrain, must make its authority felt, and compel submission; for in every society, as long as the world stands, there will be turbulent and rebellious spirits, whom authority must tame. Men's views, too, of the policy the government should adopt will often conflict, and it will be impossible for the government to satisfy them all. Impossible, therefore, must it always be to maintain a fixed and permanent government, if its subjects feel that it is right and proper for them to overthrow it whenever they choose. The old governments have fallen, not for the want of physical force, but because they no longer had any moral support in their subjects. No matter what is the physical force at the command of the government, it cannot long sustain itself, at least in a condition to perform its proper functions, unless it has the moral force of the nation with it. This is even more true of republican government than of any other. The virtue of loyalty is far more essential to a democracy than to a monarchy,—though a democracy is less fitted to inspire it. In vain will you labor to sustain your republic, if the people are disloyal, if they hold themselves under no moral obligation to support it, and free to abolish it whenever they fancy it will be for their interest or their pleasure to do so. It has then no moral support; and the moment the people find, or imagine they find, themselves a little incommoded by it, they will begin to agitate for a change, and force it to take measures of repression or concession, which, sooner or later,

must prove its ruin. The brief history of our own governments, especially of the government of the state of New York, would confirm this conclusion, if it needed confirmation.

It is true, that our popular politicians tell us that mere humanitarian principles will be always a sufficient guaranty against frequent and unnecessary revolutions. The people, they say, will always, from affection and interest, sustain the government of their choice, and we may always rely on their *vis inertia* and in disposition to change. For, add they, in the words of Mr. Jefferson, "all experience hath shown that mankind are more disposed to suffer evils, while they are sufferable, than to right themselves by abolishing the forms to which they are accustomed." But times have altered since 1776. When Mr. Jefferson drew up the declaration of American independence, his appeal to experience was warranted; for up to that time mankind had very generally held the doctrine, that to support the constitution of the state is a sacred duty binding upon all the citizens, and that to labor in any way to subvert or abolish it is a crime, and a high crime. But from the fact, that mankind have shown under this doctrine the disposition asserted, we cannot safely conclude that they will continue to show it under the contrary doctrine. Mr. Jefferson could appeal only to the experience of mankind under the moral operation of the anti-revolutionary doctrine. Since his time, the revolutionary doctrine has been in vogue, and very widely received, and we do not find the people now so indisposed to change as they were then. They have, in fact, become greedy of change, and ready to embrace every novelty that is proposed with a little earnestness and eloquence. Mr. Jefferson, perhaps, did not sufficiently reflect that the prevalence of the revolutionary doctrine would very naturally tend to weaken, if not destroy, that indisposition of the people to abolish the forms to which they were accustomed, on which he relied as a protection against its dangerousness.

Affection and interest are great words. But affection, when not founded in principle, and sustained by a sense of duty, is mere steam from the marsh; and what is or is not interest is a matter not always easy to determine. If it be a duty to sustain the existing constitution, there is no difficulty in determining the questions of duty which may come up. But interests are the hardest things in the world to

settle. Men often mistake their own interests, and after it is too late find out that they have blundered. Their views of what is or is not their interest vary, too, with their age, with their pursuits, or their social position. The Haves and the Have-nots are far from agreeing as to their respective interests. No man will believe his interest is consulted, when he finds himself thwarted, or his neighbour succeeding, and his own plans miscarrying. Interests themselves do often really conflict, and it is impossible for the government to harmonize all so as to satisfy each. The wise statesman, therefore, can never rely on the mere sense of interest; but must, while he seeks as far as possible to promote all interests, make his appeal to the sense of duty,—to loyalty.

But no people, holding themselves free to abolish their existing form of government whenever they think proper, can regard themselves as under a moral obligation to sustain it. An obligation from which we may absolve ourselves whenever we choose is no *moral* obligation, and, indeed, no obligation at all. The obligation to support the government and the right to abolish it are not compatible, the one with the other, and no sophistry can make them so. The revolutionary spirit and doctrine to which we owe the recent events in Europe are, then, incompatible with the existence of government itself, and therefore as incompatible with the existence of republican government as of monarchical government. This is wherefore we have opposed them, and venture, even in the moment of their victory, to denounce them. We accept the victory as *un fait accompli*, and wish the people to reap from it the fruits of real social and political well-being. But to applaud the forces which have won it, to sanction the spirit and doctrine which made it necessary, although they have gained it, would be to render the victory barren of good fruits,—nay, worse, prolific in new disorders. The work of demolition must cease, and that of construction must begin, and the principles which must govern the builders cannot be those which governed the destroyers. If you knock away the foundation as you raise your superstructure, you raise—a castle in the air.

But we have dwelt long enough on general considerations. What is likely to be the result of the recent events in Europe? France is now decidedly a republic. Will she be able to establish and maintain the authority of the state and

the freedom of the subject? This is a matter about which we do not wish to speculate. We have found nothing in our historical reading which leads us to augur her success. The historical precedents are all against her. But we can not pretend to fathom the designs of Almighty God, to whom belong the ordering of all events and the determination of their issues. Whether he has designed the revolution in mercy or in judgment to the nation, we can know only as he himself is pleased to make it manifest; but whichever it be, it is ours to be silent and adore, for his judgments are as adorable as his mercies. That the French people will find it an easy task to reconstitute the state, which the revolution of February dissolved, and re-establish and maintain order, the indispensable condition of liberty, we presume nobody with a grain of political philosophy or experience will pretend. The ideas and passions, the schemes and wishes, which have destroyed the old government, and reduced French society to its original elements are opposed to all government, and if not abandoned, must be as fatal to the republic as they have been to the monarchy. The revolutionary party are in pursuit of Utopia, and have no stopping place within the limits of practicable government. They must be arrested, or they will subvert the new institutions before they get fairly into operation. But to attempt to arrest them by physical force, by measures of repression, will only renew between them and the new government the very relations which rendered the old government impotent for good, and its longer existence impracticable. Under Providence, then, the solution of the problem must turn on the fact, whether the radicals, represented by such men as Ledru-Rollin, that second edition of Danton, Louis Blanc, Blanqui, Albert, and company, are a large, or only a small, minority of the French nation, and on the courage, firmness, and energy of the party opposed to them. If they are only a small minority, confined principally to a few localities, and the friends of order show them from the outset that their opposition is disregarded, and their advice will not be asked, they may be held in subjection till the new government is so firmly established as to render their attempts to subvert it impotent and ridiculous. But if they are a large minority,—absolutely so, by their numbers, or effectually so, by their organization and concentration, or by the uncertainty, hesitation, fears, and anxieties of their opponents,—they will have little difficulty in defeating all



attempts to reconstitute the state, and in prolonging the reign of anarchy. How the case actually stands in France we have no certain means of knowing, and cannot pretend to decide.

The majority of the national assembly appear to be well disposed, and to entertain moderate views; but they evidently lack experience, and have marked out to themselves no clear and definite line of policy. They are apparently trusting for their success to the chapter of accidents. Their determination is, indeed, to give France a republican government; but they are evidently afraid that the sincerity of their attachment to republicanism will be suspected. This renders them uneasy, deprives them of that calmness, sobriety, and independence, that naturalness and at-home feeling, so essential to their success, and gives the radical minority an immense advantage over them. The radicals have no fears of this sort. Strong in the fact that they represent the revolution, embody its spirit, and obey its tendencies, they march with a bold and confident step in the path of destruction. In settled times, when the revolutionary spirit has not penetrated the body of the people, when the subversion of an old government is looked upon as an exceptional measure, to be justified only on the ground of invincible necessity, the party adopting moderate counsels and cherishing a conciliatory spirit is sure to rally around it the great body of the nation. But when the principle of revolution aspires to obtain a legal recognition, and is held by the great body of the people to be the proper basis of the state,—when all old ideas are confounded, and the general wish is to erect the social fabric, not only after a new fashion, but on a new and untried foundation,—extreme counsels are most likely to prevail, and the party in favor of carrying out the revolution is pretty sure to succeed. We shall, therefore, by no means be disappointed, if Ledru-Rollin turns out to be a stronger man than Lamartine. The Mountain triumphed over the Girondists, the *sans-culottes* over the respectables, in the former revolution, and why shall they not do the same in this? They assuredly will, unless the moderate party take their ground at once, declare boldly that the revolution must be arrested, and that a contrary set of maxims from those which prepared and effected it must now be adopted and acted on. The state cannot be constituted on the revolutionary principle, nor recognize the right of the people to abolish the government; for every state must have as its

basis the right of the state to command, and the duty of the citizen to obey. Whether the moderate party have the courage to face the revolution in the moment of its victory, and recognize a solid basis for authority, the event must determine. We fear, however, that captivated by fine phrases about *truth only*, they will attempt to conciliate the revolutionary party by compromise, and thus destroy themselves, and prepare the triumph of disorder or of despotism.

The moderate party will certainly not be able to succeed, unless they recognize and secure the absolute freedom of religion, and that, too, not in the sense of radicals who consider religion to be free where everybody is free to despise it and nobody is free to profess and practise it. The spirit of radicalism is the spirit of despotism, and seeks always, by an effective majority, which for its purpose need be only a small numerical minority of the whole population, to rule as absolutely as did the centralized monarchy just overthrown. It simply substitutes the despotism of the effective majority for the despotism of the monarch. It demands an absolute government, and all absolute governments are despotisms, and seek to sweep away, or to subject to themselves, whatever interposes or is capable of interposing an obstacle to their governing according to their own arbitrary will. Radicals out of place are revolutionists, and seek to overthrow all authority; in place, they are despots, and seek to suppress all freedom. In making the revolution, they have aimed, not at guaranties for liberty against the abuses of power, but to get possession of power for themselves, in order to use it for their own interest, plans, purposes, or theories. They will, therefore, seek to reconstitute the state so that none but themselves can get into power, and so that, when they are once in power, they can use it as they please, without any restriction on their own will.

Now we may be certain, that, as far as depends on them, the radicals will establish the sovereignty of infidelity, and the subjection of religion; the latter, because they wish to rule according to arbitrary will, which they know they cannot do where religion is free and independent,—and the former, because they are themselves infidel, and because the subjection of religion to the state is itself the sovereignty of infidelity. This they will assuredly attempt, and this the moderate republicans must defeat, or fail in establishing a free government. A free government is a government of law, not of mere will or arbitrariness. Where the gov-

ernment is one of mere will, whether of one, of the few, or of the many, there is not one particle of liberty. The will of the people has no more right to prevail than the will of the monarch, when it is not just; and it never is just, when not subjected to religion; and it never is subjected to religion, when it subjects religion to itself. It is therefore absolutely necessary that religion should be free and independent, if the government is intended to be a free government. Do the moderate republicans understand this? They are, unquestionably, determined to maintain order against the radicals; are they equally determined to maintain *liberty* against them? They must not look upon radicalism as dangerous only by its tendency to an excess of freedom, for it is still more dangerous by its tendency to despotism; not, indeed, the despotism of one man, but of the ruling faction, or what we call the effective majority.

We are not now pleading the cause of religion for her own sake. We are addressing politicians, who, whether moderates or ultras, cannot be expected, in these days, to have any respect for religion on her own account. But this, though a terrible misfortune for them, cannot harm religion herself. The church of God does not depend on the French national assembly, and is safe, let them take what course they please. Men may wage war against her, if they choose; they may suppress her religious orders, invade her pious retreats, break up her establishments of charity and mercy; desecrate her altars, burn her temples, and insult her virgins; exile or behead her sovereign pontiff, slaughter her bishops and priests; drive her from the face of day, and compel her to offer up the most holy sacrifice in caverns, crypts, and catacombs. Such things have been, and may be again. But in the very moment when the maddened multitude shall fancy her dead, and begin to sing and dance over what they imagine her grave, she shall step forth from her hiding-place, plant her foot on the tyrant's neck, give the word to the nations, and resume the empire of the world. We are quite at our ease, so far as she is concerned. We fear only for those who shall dare do her violence. The nation that restrains her freedom is smitten with the curse of God, and nothing it can do shall prosper, except only to its own confusion and ruin.

But it is not precisely this consideration we wish to press upon our French republicans. The government they are about to establish is likely to be a centralized democracy.

They are, whether aware of it or not, merely substituting one form of centralism for another. For the same reason that the freedom and independence of the church was necessary under the monarchical centralism, will it be necessary under the democratic. It was needed under the former as a moral barrier to the encroachments of power on the natural liberty of the subject; it will be equally essential for this purpose under the latter; for the danger to be apprehended from this democratic centralism is less a danger to the authority of the state than to the liberty of the citizens. The citizen has no liberty, where the sovereignty of the state is not limited; and under a centralized democracy, the only possible limitation of the political sovereign is the freedom and independence of the church. The immediate danger to be guarded against is not the weakness, but the strength, of the state; for the weakness of the state is to be apprehended only from its too great strength. The republic will fail, if it fails, from its tyranny, by attempting to rule according to mere will, by interfering with too many of the relations of life, and leaving too little space for the free movements of the individual. The danger is of its attempting too much, and of its becoming an all-pervading despotism, which no people can endure. The only possible protection against this, in the actual state of France, is in the absolute freedom and independence of the entire spiritual order, which necessarily restricts the government to matters of simple human prudence.

The subjection of the spiritual order to the temporal was not only the capital crime, but the capital blunder, of the old monarchical *régime*. The prince, by subjecting the church in his dominions, obtained, indeed, free scope for his arbitrary will; but, ruling by arbitrary will, he provoked the opposition of his subjects, and could derive from her no aid in reducing them to obedience. By depriving her of power to resist, he deprived her of power to assist him; by rendering her unable to protect the people in their obedience, he rendered her unable to restrain them in their disobedience. In his strength he despised her, in his weakness she could not come to his aid. The same was it with the people. They had aided in her subjection, that she might not resist their revolutionary movements; and when they felt the weight of the tyranny they had helped to create, she had no power to relieve them. On either hand, the policy was suicidal, as in the long run must be all unjust

policy. Let the national assembly of France look to it, that the republic does not repeat the capital blunder of the monarchy.

There are several staunch Catholics in the national assembly, men of sterling worth, patriotic and religious, the enemies of all despotism. These, we know, will do all they can to secure the freedom of religion; but we fear their exertions will end in a bold and manly protest. The tendency is now to do by the state a large portion of the work which is properly and legitimately the work of the spiritual order. The enemies of the freedom of religion are undeniably in the ascendancy. The infidel party have every member of the executive committee, not excepting Lamartine, who, unless we are misinformed, has latterly fraternized with the enemies of Christianity. They have, in the minister of instruction and worship, M. Carnot, a man after their own heart, and one who has proved himself the insidious enemy of religious liberty by denying the freedom of education. We confess, therefore, that the chance of religion being suffered to remain free in France, free as she is here, which is all we ask, appears to us exceedingly small. Yet there are men whose judgments are entitled to far more respect than ours, who think differently,—men who believe that these popular revolutions are designed by Providence to eventuate in the entire emancipation of the church throughout Europe. That many worthy people have acquiesced in or aided the popular movements in the hope of such a result is no doubt the fact. Perhaps they have been right, and we are wrong. We hope it is so. Hope is sometimes a better counsellor than fear; and it may be that Almighty God has designed these revolutions in mercy to the nations, to be a judgment upon the infidel governments which oppressed his church, and the means of operating her entire freedom and independence,—of securing to her, for the first time in the world's history, an open field and fair play for the exertion of her divine energies. O, if so, then indeed will they usher in a NEW ERA, an era the most glorious in the annals of mankind. Reassure us on this point, guaranty us for Europe that freedom of the church which she has in our own country, and we will join the sympathizers, and our exultant shouts shall rise loudest among the loud.

The movements of the Italian people seem likely to result in the independence of Italy, and the retreat of the Austrians over the Alps. This, we hope, will be the case; for,

excepting Russia, Austria, since the days of Joseph II., has been the most cruel enemy of the freedom and independence of the church. Nominally Catholic, she has been hardly less hostile to religious freedom than was the French convention, and right glad shall we be to see her pride humbled and her power diminished. But how far the Italian people will gain any thing by their movements, beyond certain sentimental advantages, is not yet quite clear to our dim and conservative vision. An Italian confederacy is talked of, but it appears to us a dream that will soon dissolve. The Italian people are not one people, nor are they united by one and the same national feeling. Since the fall of the western empire, they have never really existed as a single state, consolidated or federative, and we cannot see what is to serve as the basis of the confederacy proposed, if it is to be any thing more than a mere mutual alliance, or mutual league offensive and defensive, between the several Italian states. We demand for the foundation of a federative state some common bond of nationality, of national habits, associations, or recollections, and where we find no such bond, we conclude the federation to be impracticable. If brought about in a moment of enthusiasm, or of patriotic exaltation, it may last till the enthusiasm subsides; but will hardly remain after the collapse, and the people have resumed their wonted feelings, and fallen into the old routine of affairs.

Then who is to be at the head of this confederacy? Charles Albert? Yes, if he chooses, so long as the work of driving out the Austrian remains to be done. But after that work is completed? You have then republican jealousy and animosity, Tuscan, Lombard, Venetian, Sicilian, Neapolitan, and Roman jealousies and ambitions against him, and not easy to be conciliated with Piedmontese supremacy. The pope? He refuses; and if he did not, would the other nations of Europe consent that the common father of the faithful should add to his authority as pontiff that of temporal president or prince of one of the most powerful European nations? If they did consent, how long could he maintain his position, if his parliament or congress should insist on his adopting some measure, as temporal prince, which he could not approve, or which would be incompatible with his relations, as sovereign pontiff? If his temporal authority is absolute, we know that his subjects will be constantly rebelling; if it is limited, the recent

conduct of the Roman people teaches us what he would have to expect, if he should cross their wishes. Some Mamiani or Ciceronachio would be preferred to him as a leader, and exile, imprisonment, or death would await him, unless he humored and complied with what might be the crotchet in their heads for the moment. If the Italians can form a federative state and maintain it,—a state which secures order and liberty,—we shall be glad; but we have seen nothing in their recent or past conduct to assure us that this is possible. Instead of manifesting due regard for the Holy Father, however much they may scream, *Evviva Pio Nono!* the tendency, as far as we can see, is to subject the church to the state. We refer not now to their clamor against the Jesuits,—although their scandalous persecution of that illustrious order is sufficient to make all reasonable men distrust them,—but to the recent measures proposed by the *liberal* ministry of Sardinia, which are in open violation of the concordat with the church, and would bring, if adopted, the whole body of the clergy of both orders under the surveillance of a lay commission, and subject every pastoral of a bishop to a lay censorship. Only one step more needs to be taken,—that is, appoint a number of infidel laymen to write the pastorals of the bishops and the sermons to be preached by the clergy and you have the church in the condition desired by your Michelets and Quinets. The Italians may be firm Catholics at bottom, but some of them have, we must confess, a queer way of manifesting their faith and piety. We say frankly, that the aspect of affairs in Italy seems to us even less promising than in France.

But the revolutions in Germany strike us more favorably than those of either France or Italy. The Germans seem to us, after Pius IX., to be the only Europeans who in these days have retained their senses and given proofs of a little statesmanship. Lamartine is a poet and an orator, a master of fine sentiments and fine phrases,—a great and well-meaning man, if you will; but that he is a statesman, that he comprehends the problems of the state and the proper constitution of its powers, he has yet to prove. The other Frenchmen whose names the revolution has brought up are, as statesmen, too insignificant to command a second thought. But there have certainly been some sound heads at work in Germany, and we shall be somewhat disappointed, if “the thick-headed Dutchmen,” as we call them, do not redeem the political character of the nineteenth century.

The Germanic revolutions have stopped short with a modified constitutionalism, somewhat after the English model, it is true; but this is not the feature in them we most admire. The great thing, and which, we think, will turn out to be the great event of the age, is the reconstruction of the German empire, destroyed by Napoleon in 1806, or the reconstitution, on an improved plan, of the whole of Germany into one grand federative state. The important feature in the movement is the adoption of federalism as the counterpoise of centralism, the characteristic principle of feudalism, and that which has made and still makes the glory of our American government. The French may fancy that they are adopting, in substance, the American system; but they are mistaken. They do not adopt it all. Their system is democratic centralism. They merely exchange their centralized monarchy for a centralized democracy, — one form of despotism for another, — and thus, as we say, only “jump from the frying-pan into the fire.” But, although there is a tendency amongst us — resulting from foreign influences — to this centralized democracy, our political system is a federative democracy, dividing the powers of government between the general government and the several state governments. It is this division that gives to our government all its strength and permanence, and its admirable practical workings. Destroy this division, break up your federal Union, and restore to each state all the powers of government, or absorb all the powers in one grand central government, and order and freedom would not remain a week; anarchy or despotism would instantly ensue. This is wherefore we look for no good results from the French revolution. Their old revolution effaced the provinces, and destroyed the conditions of a federal republic; and a centralized democracy is a despotism, except where the great body of the people are Catholic, really Catholic, and the church is independent.

But the Germans, having providentially the requisite conditions of a federative state, adopt all the essential features of our American system. The plan proposed by the diet at Frankfort unites all Germany in one federative state, dividing the powers of government, between the federal government, or empire, and the several particular states already existing, and guaranties through the empire to the people of the several states certain rights or liberties in face of the local governments. The idea is grand and sound, and when adopted and perfected in detail, as we



doubt not it will be, it will, after ours, be the most perfect system of government, in our judgment, that is now practicable. It will secure order and efficiency, on the one hand, and the freedom of the subject, on the other,—placing the nation at once under shelter from despotism and from anarchy. It appears to us practicable; for the empire still lives in the traditions and recollections of the German people, and its introduction requires no violent change in their habits, and no sharp separation of their present and future from their past. We permit ourselves to hope that something will be gained for European politics by this Germanic movement, and if it succeeds as well as it ought to succeed, we may expect great results from it. The restoration of Polish nationality, and the reconstitution of the Polish kingdom or republic, must follow; the further advance of Russia will be effectually checked; Hungary will gain her independence of Austria, and, if she retains her faith, take possession of the East of Europe, compel the Turks to raise their camp and depart, plant the cross anew on St. Sophia, and reconsecrate the city of Constantine.

In what we have said, we have aimed to settle certain principles, which should guide us in judging of the recent events in Europe, and in our efforts to turn them to the account of liberty and social well-being. These are stirring events, and it were easy to grow eloquent over them,—quite easy for us, for we should have only to repeat the phrases our young enthusiasm supplied us with eighteen years ago, on the occasion of the French revolution of July, 1830. But mere words cannot charm us as they did then; and we look now to things, and not to fine phrases, though the fine phrases of a Lamartine. We have heard many a time the big words, “LIBERTY, EQUALITY, FRATERNITY.” Nay, we have sometimes pronounced them. They are not difficult words to pronounce; to secure their true import is the difficult thing. The European populations have proved themselves able to pronounce them; whether they are able to understand and realize their meaning, time must show. If these recent events secure an increase of political and social well-being,—if they secure to the people, the great body of the toiling, and suffering, and *uncomplaining* people, some alleviation of their burdens, and some chance to enjoy the fruits of their labor in peace,—we shall be thankful for them, and half ready to pardon the miserable demagogues and phrasemongers who have brought them about.

The views we have presented we have deemed worthy of

the consideration of our own countrymen. This country is in a position to exert great influence on the reorganization of Europe, and it is important that it should exert an influence in favor of true freedom. To do this, we must let foreigners understand that the democracy of our newspapers is not the democracy of our institutions, but the democracy which we keep for electioneering purposes; and that they must beware how they take it to be the principle of our national growth and prosperity. If they imitate us in that, they will only imitate us in what we have borrowed from them, and which only serves to disturb the working of our own indigenous system, to peril its existence.

And not for foreigners only are these views necessary. Foreigners do not comprehend our American system of politics, and they almost invariably imagine that the democratic element is the only legitimate element that we recognize, that in which our whole political order takes its rise, and in accordance with which it is to be interpreted. Consequently, all the influences which operate upon us from abroad tend directly to convert our mixed government into pure democratic centralism, which is to genuine republicanism what despotism is to monarchy. Moreover, the same influence is exerted by our thousands of fanatics and philanthropists, in great part home-born and home bred, who no sooner get a crotchet into their heads than they agitate to transfer it, forthwith, to the statute-books. It is necessary, then, that we be on our guard. Our fathers established no system of absolutism, democratic or monarchical. They divided the powers of government between the general government and the state governments, and, by dividing, limited them; which made liberty possible. All power, indeed, under God, emanates from the people, and is exercised by them, through their representatives, but only in a legally fixed and determinate mode, as binding on the people themselves as on their public servants. The people exist and can exercise their power only according to law; and thus our government is a government of law, and not of mere will, and therefore a free government. Let us look well to it, that, in our admiration of European revolutionists and French centralism, we do not suffer this admirable system of government to be corrupted, to grow into a centralized democracy, and we, ere we apprehend danger, find ourselves in a worse condition than that from which the Old World is now making such terrible efforts to redeem itself, and, we fear, making them in vain.

## THE LICENTIOUSNESS OF THE PRESS.\*

[From Brownson's Quarterly Review for October, 1849.]

IN the article on *Recent European Events*, written before we had received the news of the memorable socialist insurrection in June, 1848, which it took four days of hard fighting to suppress, and which resulted in the victory of the party of order under General Cavaignac, we feared that the moderate party, attempting to conciliate the revolutionary party by compromise, would destroy themselves and prepare the triumph of anarchy or despotism, and we regarded Ledru-Rollin as not unlikely to turn out to be a stronger man than Lamartine.

At that time Lamartine was the great man of the revolution, and Ledru-Rollin was apparently without influence. Yet events have proved, what we then supposed to be true, that the latter was from the first the real leader of the revolutionary party. He is a bold, reckless demagogue, not without talent of a certain kind, with a determinate end in view, which he is prepared to seek at any and every hazard,—a daring and unscrupulous revolutionary chief, who cares not how much virtue he tramples upon, how many hearts he wounds, how much blood he spills, or how much misery he causes, if he can accomplish his purposes. Such a man, in times of disorder and confusion, is always sure to have a strong and determined party, and never ceases to be dangerous so long as he lives.

On the other point on which we expressed our views, our fears have not been fully justified. The party of order, the moderates, as they were then called, have proved themselves stronger and more resolute and energetic than we dared hope; but the red-republicans, though defeated, have not yet been vanquished, or ceased to be formidable; and the party of order are yet far from having gained a definitive victory. One thing, however, they have gained. "The state," we said, "cannot be constituted on the revolutionary principle, nor recognize the right of the people to abolish the government; for every state must have as its basis the

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\* *The Law of the Press. Speech of Count de Montalembert, in the French Legislative Assembly, July 21, 1849.*

right of the state to command, and the duty of the citizen to obey." "The revolutionary party," we said, "must be arrested, or it will subvert the new institutions before they get fairly into operation." Every sober Frenchman appears now to be well convinced of this. Three times, within less than eighteen months, the revolutionary party has attempted to subvert the very republican institutions it had forced upon the country, and France seems now to be thoroughly convinced that her regeneration must come from order and liberty, not from revolution and anarchy. She has taken her stand on the side of the former against the latter,—solemnly proclaimed, No more revolution, no more destruction, no more anarchy; but whether she will be able to maintain the very just and common sense position she has assumed remains to be seen. Thus far, she has maintained it firmly, and, under the circumstances, nobly; and the government of Louis Napoleon, thus far, deserves the gratitude of Europe and the Christian world.

But the enemies of order, of society itself, are in France and in entire Europe neither few nor inactive, and he who to-day counts on the speedy triumph of authority in the European nations, and the restoration of social peace, will most likely be deceived. A large portion of the people have been corrupted, and the infection spreads from the cities and towns into the villages and country. In the earlier half of the eighteenth century, it was the higher classes—kings, nobles, and even, to some extent, the clergy—who were corrupt, who had lost their faith, despised morals, and dreamed of a sensual paradise. The bulk of the people, especially the peasantry, were comparatively sound and virtuous. Now, it is or is becoming the reverse. The French revolution of 1789 chastised and corrected the upper classes, and they are now in general the most upright, moral, and religious portion of the community; but the lower classes have taken the infection, have learned to scoff at religion, and ceased to look for a celestial recompense, or to believe in immortality. They become the ready instruments of base and unscrupulous demagogues, combustibles, which a licentious press can at any moment kindle for a universal conflagration. In all European countries there are plenty of educated scoundrels, especially Poles and Italians, ready to inflame them with their incendiary appeals, and of able military men to conduct them in their nefarious war against society,—and plenty of decently dressed sympathizers in

England and the United States to cheer them on, to pass resolutions in their favor, and even to vote to send them a flag. Under these circumstances, we cannot but apprehend a protracted struggle, although as to the ultimate issue we have no fears.

Unquestionably, for the party of order, one of the first and most important means of self-defence and of the preservation of society is to restrain, as far as possible, the radical press. In this country, we hold the freedom of the press sacred, and regard its censorship with horror; and not without reason, for here the imbecility of the press renders it comparatively harmless, and we have few motives to rebellion. Englishmen and Americans have little confidence in ideas,—believe in few things except roast-beef and plum-pudding. They retain much of the old Anglo-Saxon character, and seldom feel, except in the pocket and the stomach. They have been bred under Protestantism, which disdains logic, and renders reason superfluous. Protestantism blunts the intellect, destroys confidence in principles, and superinduces a habit of stopping midway in a chain of reasoning. People trained under it never find any difficulty in asserting premises, and denying the conclusions which legitimately flow from them. Besides, it is an Anglo-Saxon characteristic, never to put one's self in the way of learning what is repugnant to one's prejudices. The Anglo-Saxon takes a paper, not to learn what he ought to think, but to learn from it what he already thinks. If a journal advocates a view contrary to his own, or to what he has a vague suspicion is his own, he eschews it, or resolutely refuses to believe one single word it says. The press, has, therefore, little other influence, in England and this country, than it exerts by expressing already existing views of the several coexisting parties, and no more influence on the ultimate action of either country than the speeches in congress have on the final vote of the house, which, it is said, is just nothing at all. We can therefore understand no reason why, in England and the United States, the press should not be perfectly free; for in both, though pretensions, it is, comparatively, uninfluential. It rarely strengthens or weakens a party, rarely determines any public measure, or affects the final issue of any public contest. Things would go on without, pretty much as they do with it, while it operates as a sort of safety-valve to the superfluous steam of demagogues.

But on the continent of Europe, the case is altogether different. Mental culture there is of a superior order to what it is in Great Britain, or in our own country, and the people are more disposed to act in conformity to their principles. There is and always has been in the continental nations more mental freedom than in Great Britain, and there is more in Great Britain than in the United States. Of all civilized countries, ours has the least freedom of thought, and is, not by the laws, but by the manners, habits, and customs of the people, subjected to an intolerable mental slavery, unequalled elsewhere. He is a brave man who, among us, dares publish his honest convictions; and he is a still braver man who dares examine convictions contrary to his own with candor and impartiality. We are the freest people in the world on paper, but in reality, especially in the interior world, the most enslaved. But on the continent of Europe, even with those who have thrown off the Catholic faith, there remain some traces of Catholic culture, a respect for intellect, for systematic thought, and a strong feeling that what a man holds to be truth he should seek to reduce to practice. Hence the press has there, and must have, an influence for good or for evil, of which we, in this country, can form no conception; not because the European populations are more ignorant than our people, but because, in reality, they have more mental freedom, are more logical, and have received a superior intellectual culture.

In revolutionary times, the press, with these populations, is a tremendous engine; and a revolutionary press cannot co-exist with public peace and safety. It is absolutely necessary, if order is to be preserved, if revolutions are to be arrested, and liberty consolidated, that the law should restrain the license of the journals, and suppress them, as promptly as it would arrest and imprison the conspirator. The journal is a conspirator; its words are deeds, and must be prevented; for it is too late to punish them after they have been spoken. As well might you consider it a sufficient precaution to lock the stable door after the colt has been stolen.

Entertaining these views, and believing no government can fulfil its mission if perpetually assailed with impunity, we were among those, though a violent liberal at the time, who, with the late Secretary Livingston, approved the famous September laws of Louis Philippe, restraining the

sedition press. We cannot but rejoice, then, that the present French government has had the courage and firmness to propose and adopt similar laws. The necessity and the motives of the recent French legislation on the press, are forcibly expressed in the masterly speech in its defence of Count de Montalembert, made in the legislative assembly, July 21st. M. de Montalembert was a member of the former chamber of peers; he is a man without ambition, a man of extraordinary talents, of a highly cultivated and polished mind, a genuine orator, a sincere Catholic, and the acknowledged political leader of the Catholic party in France. In times past, we feared that he had a taint of liberalism, and that he would not bear up with sufficient firmness against the revolutionary and socialistic ideas of the age. Nobly has he disappointed us, and earned the reputation of being, if not the first, one of the very first Catholic laymen of Europe. The speech was received by the assembly with unbounded applause, and proved a terrible blow to the Mountain, whom it virtually silenced.

Count de Montalembert is very far from asserting that the Catholic party, under Louis Philippe, were wrong in opposing the government, or implying that their motives were not justifiable, or that the ends they sought were not both legitimate and desirable; all he means to censure is the manner in which they conducted their opposition, or the spirit and tendencies they indirectly and unintentionally encouraged. In this he is doubtless right. Our pages, and the liberal censures of some of our friends, amply prove, that, long before the explosion of February, 1848, we were convinced that the Catholic political party in France, and wherever else it was in opposition, yielded too much to the so-called liberalists of the day, and were not sufficiently careful to mark the line which separates loyal and conservative from factious, radical, and destructive opposition. M. de Montalembert is himself now aware of this, and, with that candor which belongs to all manly natures, he frankly acknowledges it; and we doubt not, that, if the illustrious O'Connell had lived to witness the events of the last two years, we should have had his acknowledgments to the same effect to place along side of those of his scarcely less illustrious friend.

The age in which we live is by no means one whose spirit can be safely followed. Man is a social being, and demands society; society is impossible without even a strong and

stable government ; and a strong and stable government cannot exist, where the great body of the people fail to respect it, and a large minority are actually engaged in undermining its authority, and forming conspiracies and fomenting insurrections against it. The presumption is always in favor of the government, and against all who seek its overthrow, whether, as to its form, it is monarchical, aristocratic, or democratic. It is not for it to prove itself in the right, but for those who oppose it to prove themselves free from crime. The rebel against established and legal authority is guilty of the blackest crime of which man can be guilty against society. He is even a rebel against the church, for she enjoins obedience to such government, — a rebel against God, for all legitimate power is from God, and whoever resists it resists God, and incurs damnation. Yet the age sympathizes with every rebel. Wherever it finds a party in revolt against authority, in arms against their legitimate sovereign, it blesses them ; and it has only curses and execrations for those who generously shed their blood in defence of society against them. It pronounces the traitor taken in arms against his government, and shot as he deserves, a glorious martyr ; and pious journalists — pious after a satanic fashion — dip their handkerchiefs in his blood, and preserve them as sacred relics. The people rejoice over the victories of the insurrectionists, and weep over their defeats, but have not one generous tear to shed over the brave soldiers who are murdered in their heroic endeavours to preserve social order, and whatever else is dear and sacred to the unperverted human heart. Their heroes and model men are such enemies of God and man, of society and true liberty, such miscreants, as the Mazzinis, the Kossuths, the Ledru-Rollins, the Blums, the Bems, the Garibaldis, — vile criminals, deserving nothing but the extreme vengeance of the law, and the execration of every man who has a human heart. As long as such is the spirit of the age, it behoves every one to take care how he embarrasses the government, or exercises even his constitutional right of opposition. The great danger now is everywhere, not in the strength, but in the weakness, of authority ; and all good men are bound in conscience to labor to increase respect for it, to lessen its embarrassments, and to smooth the way for its free and beneficent action.

Let it not be supposed for a moment, because we thus speak, that we hold a legal, firm, and judicious opposition



to such measures of government as are believed to be contrary to the common weal to be uncatholic, or that it is uncatholic to demand a redress of grievances,—if real grievances, not imaginary,—or to labor for the melioration of society and the advancement of civilization. This, certainly, may be done, but it must be done with wisdom and discretion, with loyalty of heart, with profound respect for all legal authority, and a sincere regard for the permanence and stability of the existing government. A weak government, which is constantly assailed, which finds only enemies in its subjects, and is obliged to constant vigilance and effort, not to perform the ordinary functions of government, but to preserve its own existence, is in no condition to prove a blessing to the country; and they who constantly assail it and compel it to bend all its energies to its own preservation have no right to complain if it prove even a curse. In times like these, all loyal subjects, all good citizens, all honest men, should rally around authority, and uphold the government, even if not so wise or so perfect as they could wish it,—even if it has committed, or commits, grievous faults, and fails to secure all the good they have a right to expect from it.

We are not disposed to censure with much severity the political conduct of the Catholic party in France, or in other countries where it has found itself in the opposition, for it is suffering severely the penalty of its mistakes, and now appears to be generally aware of them, and to be doing all that can reasonably be expected to repair them. From 1830 to 1848, it yielded too much to the radical spirit of the age, and too often made common cause with the so-called liberals, whose principles are subversive of all order, and of society itself, and against whom it is now obliged to wage war to the knife. The heresy of La Mennais and his associates, who proposed a sort of alliance between Catholicity and radicalism, has not been unfruitful. It was promptly condemned at Rome, and disavowed by all who had shared it, except its unhappy author; but its subtle poison, nevertheless, continued to spread far and wide in the Catholic body. We detected it occasionally in some of the masterly speeches, before the revolution of February, of Montalembert himself, and in the writings of Father Lacordaire; and we found it in nearly all its virulence in the famous *Funeral Oration* on O'Connell by Padre Ventura, who even attempted to make the world believe that he was merely expressing the views of Pius IX. The terrible consequences of making,

or appearing to make, common cause in politics with the radical party throughout Europe, from which young enthusiasts hoped so much, both for society and the church, have pretty well developed themselves during the last two years, and are now apparent to all who have eyes, or who are not struck with judicial blindness. The mad attempt, it is now seen and admitted, must eventuate, as far as possible, in the destruction of both church and state.

We claim no credit for having foreseen and warned our readers of this. When a liberal, a radical, we had studied the subject, and had regarded the policy recommended by the neo-Catholics, as they were called, as highly favorable to the views we then held, and as hostile to all in church and state to which we were ourselves opposed; it was not difficult for us, when we had ceased to belong to the "movement," and had, through the mercy of God, been admitted into the church, to see that it was directly hostile to every thing we must, as a Catholic, uphold as dear and sacred. We had no new discovery to make, no new investigations to go through; we had only to oppose as a Catholic what we had approved as hostile to Catholicity when we were ourselves hostile to it; we had no new judgment to form, for the judgment we had from the first formed was its condemnation in the view of every intelligent Catholic. We need not say that events have justified our judgment, nor adduce the acknowledgments so frankly made by the illustrious leader of the Catholic political party in France, as our answer to those mistaken, but no doubt well-meaning, friends who have abused us for it. This is no time for boasting or for recrimination. Our duty as Catholics, here and elsewhere, is to break loose from any connection we may have had with radicals, and parties animated by a Jacobinical, insurrectionary, or socialistic spirit, to return to the maxims of a sound political science, and to labor to reconstruct and consolidate social order. We must call things by their right names, and bestow our sympathy, not on rebel chiefs and insurrectionary bodies, but on men of loyal hearts and firm principles, who stand, in these trying times, by authority, and are ready at any sacrifice to save society from complete shipwreck. We must look upon the praise of such journals as the *New York Tribune* and the *Boston Chronotype* as a deep disgrace.

We confess that we were obliged to draw upon our Catholic faith for relief, when we heard the whole Protestant, in-

fidel, and socialistic world applauding Pius IX. to the echo,—when we saw a Horace Greeley reporting, and a New York sympathy meeting, approved by a William H. Seward and a Ben. Franklin Butler, adopting, an address to the “venerable Father” of Christendom,—when we found multitudes of the faithful half frantic with joy at the supposed popularity of the head of their church with the enemies of God and man; and we even breathed freer when the mob took possession of the Eternal City, and the Holy Father sought an asylum at Gaeta. Those shouts of “Long live Pius IX.!” from infidel throats, would, if any thing could, shake a Catholic’s faith in the promises of our Lord to Peter. We must be traitors to God and criminals to society in order to command the sincere applause of our age; and whenever we find ourselves commended by any of the popular organs of the day, we should retire and make our examen of conscience, and ask, with fear and trembling, “O Lord, what iniquity hath thy servant committed, that the wicked praise him?” Redress of grievances, the melioration of society, and the advancement of civilization, are to be effected, if at all, through government, not by overthrowing it and resolving society into chaos. The nonsense vented about “the people,” “popular governments,” “democracies,” “the republic democratic and social,” we shall do well to despise, and to remember that our first duty is “to fear God and honor the king,”—that is, the prince, the sovereign authority of the state. We shall do well to remember, that allegiance is a duty, and disobedience—except when the prince commands what is contrary to God’s law—is criminal; that loyalty is a virtue, and rebellion a crime punishable by all laws, human and divine. Wherever you see a party at war with the government, hold them for traitors, rebels, deserving your deepest execration, till you have clear and indubitable evidence to the contrary. Give no ear to the modern blasphemous absurdities of “the sacred right of insurrection,”—an absurdity in keeping with the character of Sir Charles Grandison Cromwell La Fayette, as Carlyle not inaptly calls him, with whom, so far as we are informed, it originated, but which every loyal citizen and honest man hears with horror and disgust.

What will be the result of the present state of things in France we have no means of determining. We believe France is pretty thoroughly aroused to the dangers of red-republicanism, or socialism, and we do not think that her

principal danger just now is to be apprehended from that quarter. Judging from such *data* as we have before us, we should say that her present danger is from the party represented by such men as De Tocqueville, the present minister for foreign affairs. These men are destitute of all true statesmanship; they are mere theorists, who have not the sense to perceive that a policy that might be admissible when the question is the gradual restriction of an authority too unlimited for liberty, must be wholly misplaced when the question is the reconstruction of power and the reëstablishment of order. They are not exactly socialists; they are not exactly democrats; they reject and accept a little of all parties, and pass for moderate, judicious men; but being men without any consistent principles of their own, men of compromise, neither exactly one thing nor another, and appealing to no great and commanding principle in the national mind or heart, they cannot but prove themselves utterly impotent to found a strong and stable government, such as France now needs.

We know not when we have read any thing which more disgusted us than the brief report which has appeared in the papers of De Tocqueville's speech in the great debate in the assembly on the affairs of Rome. The intervention of France in those affairs, if undertaken in good faith for the purpose of rescuing the Roman people from the oppression of the foreign rabble, miscreants, and vagabonds calling themselves the Roman republic, to put an end to the sacrilege that was daily committed, and to restore the Holy Father to the exercise of his temporal sovereignty, was noble and generous, honorable to her government, and not undeserving the gratitude of Christendom; but if undertaken merely for the purpose of establishing French influence in Italy, and of imposing restraints on an independent sovereign, as the minister asserts, it was mean, contemptible, wholly unjustifiable, and utterly disgraceful to France and her extemporary rulers. We wish to believe the French government was governed by the more honorable motives, and we would fain hope that the explanation of the minister will turn out to be as false as the motives it implies are unjust and contemptible. But even if so, it proves the weakness, the wickedness, and the blunder of the minister. France is Catholic; let men say what they will, the great majority of her people are Catholic; and no government, not administered in accordance with Catholic principles, can hope to

restore her internal peace, or to take a strong hold upon her affections. There are but two principles in French society,—the Catholic principle and the socialistic,—and no government can live, and perform the proper functions of government, that does not make its election, and conform strictly to the one or the other of these. The French government must be Catholic or socialist. Socialist it cannot be, for socialism is incompatible even with the existence of human society. It must, then, be Catholic: and if so frankly, if it take care to do nothing to wound the Catholic conscience, and make its appeal boldly to the Catholic principle, it will have but little difficulty, and may easily correct the defects of its present constitution, and secure the blessings of liberty and internal peace.

But men of the De Tocqueville stamp—who in politics are what Anglicans are in religion; who have no decided religious belief or principle, but up to a certain extent pretend to patronize all religions; who are really infidels at heart, without the energy to avow it—are wholly unequal to the courage and wisdom of adopting that which is not, in fact, more injurious and offensive to Catholics than direct and open opposition. Their wisdom consists in attempting to hold the balance even between them and socialists,—the maddest, or rather the silliest, policy imaginable. In attempting this policy they will destroy the republic, for it will leave them without a party. It is the policy to madden the socialists, and to disgust and alienate the Catholics, without whose cordial support no government in France can stand.

If Louis Napoleon himself approves the policy of the De Tocqueville portion of his ministry, he is far less of a statesman than we have supposed him, than we have been anxious to believe him. Fine speeches in praise of religion which mean nothing, and acts positively injurious to it, will not regenerate France. The government that admits the necessity of religion and morality, as the basis of social order, betrays its folly no less than its infidelity, if it begins by claiming authority over religion, instead of setting an example of submission to it. We can assure Prince Louis Napoleon, that the former liberal opposition will prove as impotent for good to France as the now defunct *Nationals*, who came into power with the revolution of February, have proved themselves; and if he wishes to prove that he is not a mere name, he will as far as depends on him, throw the

government into the hands of men who do not presume to sit in judgment on Almighty God, and who have firm and fixed principles, religious as well as political. Away with your Odillon Barrots, your De Tocquevilles and Dufaures, and call to your aid, not a mongrel cabinet, but a cabinet of decided and uniform principles, composed entirely of such men as De Falloux, De Tracy, and the noble De Montalembert, -men who are not ashamed to avow themselves believers in God, and obedient and loving sons of his church. Heed not the clamor of infidels, and men who affect a homage for religion in general and despise all religion in particular. The Catholic portion is the only sound portion of the population of France, and is, as it was in the time of the first consul, the only portion on which any government that wishes to be strong and stable can rely for its support. If this policy is not pursued, we think the republic will be short-lived, and what will succeed we need not undertake to conjecture.

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## SHANDY M'GUIRE: OR IRISH LIBERTY.\*

[From Brownson's Quarterly Review for January, 1849.]

WE have no respect for the ordinary run of novels, whether written by Catholics, Protestants, or infidels; but we have never thought of opposing all works of fiction, nor, indeed, all works whose principal aim is to amuse. "All work and no play makes Jack a dull boy." Relaxation is one of the necessities of life, and innocent amusement, moderately indulged, contributes to the health of the mind as well as to that of the body. We object to novels in general, because they are sentimental, and make the interest of their readers centre in a story of the rise, progress, and termination of the affection or passion of love. Sentimental tales, whatever the natural sentiment they are intended to illustrate, are seldom unobjectionable; for they almost inevitably tend to destroy all vigor and robustness of character, and to render their readers weak and sickly.

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\* *Shandy M'Guire, or Tricks upon Travellers: a Story of the North of Ireland.* By PAUL PEPPERGRASS, Esq. New York: 1848.

But even if intrusted with the censorship, we should never think of placing such works as *Shandy M'Guire* on the Index. We are, indeed, far from regarding it as faultless, either in style or matter, but we recognize in its author a robust and healthy mind, true manliness of thought and feeling, and genius of a high order. It is brilliant, full of wit and humor, and genuine tenderness and pathos. It is evidently the production of a scholar, a Catholic, and a patriot, and we trust is but the harbinger of many more works like it, which are to be welcomed from the same source. With his rare genius, uncommon abilities, rich cultivation, brilliant yet chaste imagination, warmth of heart, mirthfulness, poetic fancy, artistic skill, and dramatic power, the author cannot fail, if he chooses, to attain to the highest excellence in the species of literature he has selected.

*Shandy M'Guire* is the production of an Irishman, and a genuine Irish story. None but an Irishman, and a Catholic Irishman, could have written it. It is a tale, or rather a gallery of pictures, of the North of Ireland, in which the Irishman is presented to us as he is and as he ought to be. It gives us a lively and correct view of the actual state of things in that part of the island,—of the actually existing relations between the Catholics and Protestants, the landlords and their tenantry,—the tyranny and intrigues practised by the former and their cold-blooded agents, and the oppressions, wrongs, and insults endured by the latter. It enables us to see all for ourselves, and to take nothing on mere hearsay. It sets us down in the county Donegal, and permits us to judge for ourselves. It makes us feel the insults heaped upon the unoffending and powerless people. We grow indignant at slandered innocence, as we see the poor and the virtuous oppressed, driven out to perish of famine in the fields and highways, and we inwardly swear we will strike for Ireland, and never desist till the tyrant is humbled and Irishmen have their rights again. This, no doubt, is the effect which the author has wished to produce on his readers. His work is full of fun and frolic, but it has been written with a serious and a lofty purpose. The author has wished to arouse his countrymen to the assertion of their rights and their national freedom. We honor him for this, and we are pleased to find that he aims to do it chiefly by appeals to their reverence for their religion, and to their sense of their rights and dignity as men. In a few

instances he is on the point of forgetting—perhaps does forget—the Christian and the man in the *Irish-man*; but, in general, he appeals to his countrymen as men and Christians, and places their cause on the broad ground of justice and humanity, on which men not Irishmen may take it up and defend it as their own. He is a true patriot, but he repels us by no morbid nationality of his own, and demands justice to his countrymen without demanding injustice to others. He does not merely excite pity for Ireland, but he makes us respect the Irish character; and we are sorry to add, that his is almost the only work of a recent Irish patriot that we have seen of which we can say this—almost the only work it will do to read, if one would think better of Ireland and the Irish. It is well adapted to place the Irish in a true light, and will go far to redeem their character with our countrymen from the ridicule and contempt thrown upon it by the injudicious attempts of ignorant and conceited editors, lecturers, and historians to exalt it.

Unhappily for Ireland, it has long been her fate to find her worst enemies in her own children, and to suffer more from those who would defend than from those who would traduce her. She has rarely, if ever, spoken for herself. Her best and soundest men have remained silent. Her character has been left to the mercy of her Protestant enemies, or, what is even worse, to her own conceited and moonstruck patriots. The work before us leads us to hope that a new era in her history is about to dawn; that the time has come when we may hear the genuine Irish voice,—not the melodious wail of Moore, exciting compassion, but killing respect,—not the voice of bombastic orators and ignorant editors, turning even Irish virtue and nobility into ridicule,—but the voice of enlightened patriotism, of manly feeling, sound sense, and practical judgment. Now that the ill-judged attempt of Smith O'Brien and his Young Irelanders to get up an insurrection, which could only involve the country in all the horrors of civil war without gaining any thing for national freedom, has failed, men who are true Irishmen, who represent the sober sense, the enlightened judgment, the faith and piety, the reasonable hopes and practical tendencies of the Irish nation, may come forward and speak without having their voices drowned in the vociferations of a maddened crowd, wrought up to the verge of insanity by unprincipled demagogues and fiery agitators; and the moment they do come forward, the mo-



ment they are able to command attention and place themselves at the head of affairs, the world will change its judgment of Ireland, the nation will respond to them with heart and soul, and the more serious of her grievances will be speedily redressed. Ireland has such men,—large numbers of them,—but they have hitherto stood back, and the world has judged her only by the forth-putting youths, or inflated patriots, whom they saw on every occasion taking the lead. What wonder, then, that the world, while it has pitied her misfortunes, and wept over the tale of her sufferings, has refused to respect her national character, or to believe her deserving any thing better than subjection to England?

The Irish patriots, even those whom under many relations we love and honor, seem to us to have studied to make a favorable impression on their own countrymen rather than on Englishmen or Americans. The speeches of O'Connell, the political letters of several eminent prelates, and the bold and daring editorials of *The Nation*, as well fitted to operate upon the Irish mind, and really able and eloquent, as they unquestionably are, do not always move our Anglo-Saxon mind in the direction intended. They do not win our confidence, convince our reason, or enlist our feelings. We see their effect on the Irish mind and heart, and ask, why is it that they have so little effect on Englishmen and Anglo-Americans? Is it that Irish human nature is essentially diverse from Anglo-Saxon human nature? It cannot be: for God has made of one blood all the nations of the earth. Is it that Anglo-Saxons have no human feelings, no sense of justice, no generosity, no chivalric sentiments? We scorn the insinuation. Is it that we have so long listened to the calumniators of Ireland that we cannot hear without prejudice any thing in her favor? It is false, for the calumnies of her enemies often do more to awaken our sympathies for her than the eulogiums of her friends. There is nothing in Anglo-Americans, and we do not believe even in the great body of the English themselves, of that deep and inveterate prejudice against the Irish which some Irishmen imagine. Burke was an Irishman, an Irish patriot, and yet we cannot read a page of his writings on Irish affairs without surrendering to him at discretion. He instantly enlists all our sympathies in favor of his countrymen, and we feel sure, as we read on, that the wrongs which England has inflicted on Ireland have not yet been told, and that the sufferings of the Irish people are greater than

have been represented, greater than language can represent. Here is a proof, that, Anglo-Saxon as we are, we are not prejudiced against the Irish, and that it is not true that we credit only her enemies.

Why is it that we so readily yield to Burke what we refuse to these speeches, letters, and editorials? Is it not that Burke writes for the Anglo-Saxon mind, while these are written for the Irish mind? Burke appeals to the broad sense of justice and humanity common to all men; these appeal to Irish nationality, which only Irishmen can feel in its full force. To respond to them heartily, we must not only recognize the justice of the complaints of the Irish, but we must, in some sort, abjure our own race, our own nation, our own identity, and make ourselves Irishmen; he keeps the distinction of races out of sight, and offends us neither by his mistimed praise of the Celt, nor by his mistimed denunciation of the Saxon. He places before us the tyrant and his victim, and arms us in defence of his victim against the tyrant, without exciting any pride or prejudice of race; they keep before us always the fact, that the tyrant is a Saxon and the victim a Celt, and even when their authors have no intention, and are actually unconscious, of doing it. They strike us as the outpourings of the hoarded wrath of centuries, sinking us and our race to hell. Even their Catholicity has occasionally a Celtic accent, and we half feel, as we read, that hatred of the Saxon and desire of vengeance upon his guilty head are all but essential to one's Christian character.

Now all this is very well, if the aim is simply to operate on the Celtic population, to fire their patriotism, and to rouse them to efforts for their country's liberation; but very unwise, if the authors wish to enlist the sympathies and energies of Englishmen and Anglo-Americans in the cause of Ireland. It provokes the wrath or contempt of these,—wrath, if they regard the Irish as strong,—contempt, if they look upon them as weak, and only giving utterance to mortified national vanity or wounded sensibility. It tends to isolate the Irish, and to make them enemies where they might easily gain friends. It tends to convert what should be a war against oppression for common justice into a war of races, in which the Irish must lose more than they can gain. The Celtic may be the nobler, the more deserving race, but it cannot be denied that the Anglo-Saxon is, at present, the more powerful. It would seem, therefore, to

be the true policy of Irish patriots to keep, as far as possible, the distinction of races out of the question, and to be careful not to bring the pride of the one race into conflict with the pride of the other. In a struggle for Irish liberty on the simple ground for justice, half of England would remain neutral or side with Ireland; in a war of races, all England to a man would arm against her. In the former case, Ireland could command the moral influence of the world, and the physical force of as many chivalric lances as she would need; in the latter, she would be thrown entirely on her own resources, and left to struggle single-handed. We love and honor the Irish people, and hold their rights as dear as our own,—not, however, because they are Irish, the descendants of Mileg or Milesius, of whom we know nothing, but because they share our common humanity,—are our neighbours and our brethren, whom we are commanded to love as ourselves. They have fallen into the hands of robbers, who have stripped and wounded them, and left them half dead. We would pour the oil and wine into their wounds, and restore them to their health and possessions. But if they should insist, that, before doing this, we must abjure our Anglo-Saxon blood, and make ourselves Celts, we should feel ourselves free to leave them as we found them, with simple pity for their weakness or intolerant nationality. We are willing to leave them their identity, but they must leave us ours, if they expect us to work with them or for them.

We are well aware that many of the Irish patriots really seek to avoid the contest of races, and labor to effect in Ireland a union of all Irishmen, without distinction of race or creed, for the liberty of their common country. But we like this no better than the cry of "Death to the Saxon," for the union is practicable only on conditions which would extinguish the old Celtic race and civilization, which we are anxious to preserve. The Anglo-Saxons in Ireland—those, we mean, who retain their distinctive character, and have not become absorbed in the original Celtic population—are the party which oppresses Ireland, and renders an effort for freedom necessary. It is not England out of Ireland, but England in Ireland, that causes the mischief. To call upon England in Ireland to make common cause with the patriots for the freedom of Ireland is only to call upon the tyrant to make common cause with his victim.

The fact, that the union of parties has to be sought, to be

labored for, is a proof that the two parties have not the same interest, and that the liberty wanted by the one is not the liberty wanted by the other. If the interests of both parties were the same, their union would come of itself, as a matter of course. As the case stands, it can be effected only by a compromise, and that compromise must be all on one side,—a concession on the part of the patriots of all that they are struggling for. The Celtic Irish, in order to effect it, must be able to make it for the interest of the Anglo-Irish to cut themselves loose from it, which they can do only by consenting to become more completely their slaves than they now are. The Anglo-Irish have no country but England, and they regard Ireland as their country only in so far as it is inseparably united to England, and under the British government. They cannot, then, be made to join the patriots from love of country. To make them abjure England, and adopt Ireland separated from England, you must give them something more than they can get by union with England. And what have you to give them? They are now the ruling caste, and are sustained in their dominion by their connection with the English government. How will you make them believe it is for their interest to sever that connection, and to make common cause with you against England, which sustains them in power over you, unless you give them sufficient guaranties, in some shape, of a more extended and complete dominion over you than they now have, or can have, if the connection with England continues?

The union of races in Ireland, it is clear, is possible only on the condition that the Celt consents to be swallowed up in the Saxon. The Saxon must be continued as the ruling race, and for Celtic Ireland we should have a Saxon Ireland. The original population of the island, the oldest people now known, retaining, perhaps, the earliest civilization of which any traces have been preserved, would become gradually extinguished through slavery, or lost in the dominant race. No friend to Ireland can wish this. We wish to see *Celtic* Ireland preserved. We would not see the old Irish nationality destroyed, or even weakened. We respect it, and should regret to see the old Celtic civilization give way to the Anglo-Saxon. We may not like to have the Irishman perpetually thrusting his nationality into our faces, telling us, when he is pleased with us, that we have a great deal of the Irishman in us, and cursing us as a Saxon dog when we

are so unfortunate as to displease him, but we would not see him less of an Irishman than he is. We are Saxon, and intend to remain so; for we are not yet convinced that we cannot be Catholic without being Celtic; but we know few things more ridiculous than the Irishman who disowns his own order of civilization, and undertakes to pass for a Yankee. A *yankeefied* Irishman is a sorry sight. He has abandoned the good qualities of his own race, without adopting the good qualities of ours, and is merely a compound of the bad qualities of each. No: let the Irishman remain an Irishman, and the Anglo-Saxon remain an Anglo-Saxon; and while they study to love and respect each other as brothers, let neither attempt or suppose that either ought to be the other. Each has his peculiar excellences, and each his peculiar defects, and it is not necessary to undertake to strike the balance between them. We would have neither swallowed up in the other. In our daydreams for Ireland, we have pictured her rising from her thralldom, after ages of oppression and misery, to her proper rank among the nations of the earth, a genuine Celtic kingdom, retaining and transmitting the virtues and the glories of the old Celtic race. The union of Saxon and Celt on the soil of Ireland for such an end is impossible, and any end for which it could be effected would be opposed to it, and necessarily tend to defeat it.

For the same reason, we are opposed to the call for a union without distinction of creed. Celtic Ireland is at heart Catholic, and can be nothing else. Its essential character is gone, if it ceases to be Catholic. Protestant Ireland is English, and depends for its existence on the connection with England. Sever that connection, give the power to the national party, and it would soon melt away before Catholic Ireland. Protestant Ireland knows this. On what conditions, then, will it make common cause with Catholic Ireland? On the condition that Catholic Ireland is to rule? Not at all. It will demand a guaranty that Catholic Ireland shall either cease to be Catholic, or be subject to Protestant Ireland. The Protestant coöperation can be purchased on no other condition, unless we suppose the Protestants are prepared to sign their own death-warrant as Protestants; and this guaranty must be given in the shape of democracy, or in that of indifferentism, for it can be given in no other. If the patriots waive their Catholicity, put their church out of the question, and make politics the paramount affair, the Protestant may consent to unite with them, if he is to run no

great pecuniary hazard; for he knows very well, that, when Catholics suffer any interest to take precedence of their religion, or when they become willing to forsake it for a temporal object, however landable in itself, there is very little to be feared from it. Indifferentism is sure to follow, and then in religious matters the Protestant can have every thing his own way. Democracy, which in a country like Ireland must be Jacobinism, will afford him an equal guaranty, and therefore in a Jacobinical revolution he might not be unwilling to engage; for he cannot but see that a democracy in Ireland would throw the whole power of the state into the Protestant party, who are the principal owners of the soil. The natural tendency of a democracy is to throw the power of the state into the hands of the property-holders by the voluntary action of the party without property, and to engross a whole people with their material interests. A people ruled by the representatives of money, and engrossed with material interests, make but sorry Catholics,—such Catholics as Protestants would have nothing to fear from. But a democratic, or rather Jacobinical, Ireland under the rule of Protestant proprietors and indifferent demagogues, bent only on material interests, would be any thing but Celtic Ireland, and do any thing but preserve the old Celtic civilization and the primitive virtues of the Milesian race.

The call for a union of parties in Ireland without distinction of race or creed proceeds on what we regard as a false assumption, namely, that the real enemy of Ireland is the England out of Ireland. That enemy is England in Ireland, and an enemy that would be too strong for the Celtic population, even if it had no connection with England out of Ireland. Ireland is lost, if she severs her connection with Great Britain before she has subdued the England on her own soil. What seems to us, then, Ireland's true policy is, to detach the England out of Ireland from the Anglo-Irish, and gain its support for the national party. We would use the connection for the benefit of Celtic Ireland, instead of seeking to get rid of it. England has no real interest in supporting at the expense of the Celto-Irish the Anglo-Saxon party in Ireland, and she does it only because she believes that it is through their means, and theirs only, that she has been able to keep the crown of Ireland united with her own. They were her garrison in the country. She was obliged to support them, or lose the crown of Ireland. Let Celtic Ireland make her peace with England out of Ireland, and she can easily use the power of the imperial government to pro-

teet her against the England in Ireland, from whom she suffers her principal grievances. This may require time for its full accomplishment; but it is not impracticable. Let the case be presented to the British government on its merits, as a question of justice and sound policy, without any vexing questions as to race or to bygone times, without any thing to humble the pride of either party, or to revive old animosities, and we are sure that the government could be induced to take the side of the Irish people, and to redress their grievances, as far as it is in the power of government to redress them.

The gifted author of the work before us, while his book shows clearly that the real enemy of Ireland is on her own soil, seems to think that the true policy for the patriots is the reverse of this. He appears to think that the landlords—the real oppressors of Ireland—would soon be brought to terms, if they no longer had England to back them. But he seems to us to forget that it is an axiom in political science, that they who hold the balance of the property of a nation are its masters. Man against money struggles in vain. We have never read or heard of a successful agrarian party, and in a war of the poor against the rich we have invariably found the poor defeated. Nineteen twentieths of the soil of Ireland, we are told, are held by the Anglo-Irish party, and the commercial and manufacturing capital of the national party is far from sufficient to overbalance this proportion of the landed property. Their combined wealth must fall far short of that of their enemies. Let the national party do their best, then, whatever their numbers, their personal skill or bravery, and they can gain, at most, only a transient success, as the experience of ages has proved. The victory, if gained, will slip from their grasp as soon as won.

We know it is said that these landlords may be dispossessed, their estates confiscated, and distributed among the members of the national party. That is very true, if you have already a strong national government firmly established which is disposed to do it; but not otherwise. A mob can plunder and lay waste, but it cannot confiscate, for it has no fisc. The national party, supposing it to have succeeded, supposing it to have got the landlords in its power, could, undoubtedly, confiscate their estates; but the difficulty is, that it cannot succeed until it has confiscated them. If it had on its own side men who would or could advance, on a pledge of the lands, the necessary funds for carrying

on the war, this difficulty might be got over; but it has not, and the scrip of the patriots issued on lands not in their possession, we apprehend, would be at a heavy discount in foreign markets. The contributions of Irish patriots out of Ireland would, no doubt, be something, but altogether inadequate to the struggle which the landlords would find means enough to protract.

We may be wrong, but we have no belief that the patriots, obliged to struggle single-handed against the landholders, let alone England, would be able to sustain themselves. In such struggles numbers alone are not enough, and even personal bravery is not much, as the whole history of the world proves. The first want of Ireland is some power to control the landlords and to compel them to do justice to their tenants; and we cannot see where she is to get this power, but from the imperial government. The landlords themselves dread the appeal of the patriots to that government, and feel that their security is much more endangered by Irish loyalty than by Irish rebellion, as has been proved on more occasions than one; and the very moment the imperial government shall undertake to restrain their excesses, and to compel them to treat their tenants with ordinary humanity, they will themselves turn patriots, and shout "Repeal!" as loud as the loudest. Is not this evident from the fact, that they are constantly fomenting and exaggerating what they are pleased to term Irish disloyalty? Is it not plain that what they most dread is that the patriots should supplant them at the English court? And is not this precisely what they study to prevent? How, then, can the Irish patriot mistake his true policy?

The author seems to us, also, to proceed on the assumption, that the Irish owe no allegiance to the British crown. But in taking this ground, is he not playing into the hands of Ireland's worst enemies? By what means do the landlords contrive to practise their oppression with impunity? By what means do they contrive to secure the protection of the British government, while they starve their tenantry, or compel them to seek relief in exile, or from the hands of strangers? Is it not by filling the ears of that government with tales of Irish disloyalty? Is it not by making the government believe that the Irish regard the sway of the English as a usurpation, and themselves as free, at any moment the opportunity offers, to throw it off, and therefore that it must not treat them as loyal subjects, and must place no



reliance on their professions of loyalty? Was it not O'Connell's greatest difficulty to convince the government of his loyalty, and of that of the repeal movement? Has not England supported the landlords and their party almost solely on the pretence, if it be a pretence, that it is only through them that it can retain the crown of Ireland, and that to abandon them and to support the Celto-Irish would be only to give up the possession of Ireland altogether? Is it wise, then, to proclaim a doctrine which, if really held by the Irish, would fully confirm what their enemies allege, and appear to go far towards justifying the Irish policy of the English government.

Aside from the abominable measures adopted for the suppression of the Catholic religion, and which were adopted to a great extent in England herself as well as in Ireland, and which the Act of Emancipation has now abolished in both countries, the English policy in the government of Ireland has evidently been founded on the assumption, that the Irish deny their allegiance to the crown, and hold themselves free, whenever the occasion offers, to throw it off. Supposing this to be true, supposing that England is to govern Ireland at all, it will be hard to prove that her policy has not been in the main just and necessary. If Ireland denies her allegiance, she may complain that England has attempted to govern her, but she cannot complain that England has governed her as a disloyal province, ready at any moment to break out into open revolt. No disloyal people has the right to complain of not being well governed; you must acknowledge your allegiance to the crown before you have a right to its protection. If we are not mistaken, the Irish patriots have made the world resound with their complaints of England's misgovernment of Ireland; will they explain to us on what grounds they have made these complaints, if they have never owed allegiance to the crown? The only thing, if they take this ground, of which they can have any right to complain is, that England originally invaded Ireland, and has attempted to keep possession of her. After all, is it not in this view of the author that lies the secret of much of the misery which Ireland has been compelled to suffer for so many ages? The Abbé MacGeoghegan, an Irish patriot, in his *History of Ireland Ancient and Modern*, says,—“The sway of the English in Ireland was considered by the natives as a violence, an injustice, and usurpation; consequently, any en-

gagement made with them was looked upon not to be binding. They did not think themselves bound by the law of nature, which forbids us either to take the goods of others or to do violence to their will. They therefore thought themselves dispensed from keeping their word with a people who observed no treaty with them, and whose only rule was the law of the strongest; like a man who, having given his purse to save his life, thinks he has a right to reclaim it when the danger is over. These are the principles the Irish observed in their conduct towards the English." Whether these principles are sound or unsound is not the question we raise; but is not the fact, that the Irish originally acted on them, the secret of that distrust of the native Irish which the English government has so generally manifested? Has not England chosen to assume that the Irish continue to act on these principles? And if they do act on them, how can she trust them? What other course is left for her, than to plant her garrisons throughout the kingdom, to hold the natives down by the strong arm of power, and to lavish her favors upon her colonies settled among them? It was the only condition on which she could keep possession of the island. Did the Irish suffer? Were they oppressed? What then? It was their own fault; it was owing to their determination to revolt, to resist her authority, whenever they could. Certainly, England has taken this view of the case, and this is the only reason that can be assigned why her Irish subjects have not been as well governed as her English subjects.

That the Irish have not been sufficiently careful to undeceive England on this point, and to place their loyalty beyond a question, and that many of those who have assumed to speak for them have from time to time used language which favors the view the British government has taken, may be true; but that the great body of the Irish people have continued in a state of actual or virtual rebellion against British authority, from the time of Henry II. down to our own day, we are loath to believe. We regard it as a mistake, in which the government has persevered through the influence of the anti-national party in Ireland. But be this as it may, we cannot doubt that the patriots should lose no time in removing the fact or the pretext on which the British government justifies or attempts to justify its Irish policy. The English government claims the crown of Ireland as inseparably united to her own, and she has exercised

the lordship of Ireland for these seven hundred years. Whether its claim be valid or invalid, she will not voluntarily surrender it. She will hold on to it as long as she is able. Threats will not induce her to relax her grasp. If you make her feel that her possession is insecure, you make it her duty, in her view of her rights, to take that course which in her judgment will most effectually guard it against your attempts to wrest it from her; and if you suffer in consequence, she will feel that the responsibility is yours, not hers.

Moreover, the declaration, No allegiance to the British crown, and that it is not treason to seek to overthrow its authority, places Ireland in a very unpleasant condition. It dissolves the Irish state, dissolves every civil and political institution which the patriots will acknowledge to be such, annihilates the entire body politic and corporate, and leaves the Irish without either civil rights or civil duties. Ireland has no national government aside from the English government; and separate from England, politically considered, there is no Irish people. The old Irish state subsisting at the conquest has been destroyed; the old native kings and chieftains have no longer any political existence in regard either to foreigners or to the natives. Severed from England, the inhabitants of Ireland are thrown back into a state of nature, and have not a single political or civil faculty. The case is not with her as it was with us when we declared our independence, as some of her patriots at home and in this country seem to imagine. We had local colonial governments, with their roots in the nation, and prevented only by the overshadowing of the British crown from being supreme governments. The removal of the crown did not dissolve them; it left them standing in the plenitude of national sovereignty, and the allegiance we had given to the crown was naturally transferred to them,—if, indeed, it was not already due them, and due to the crown only through them. But in Ireland there is nothing of this. Her government is not a national government *under* the crown of Great Britain, but it derives from the British government, and is the British government itself, extended to Ireland as an integral part of the empire. To throw off the allegiance to the crown is not to transfer it to the local government, for the local government goes with the crown. It is not to transfer it to the present Irish nobility, because they are Irish nobles only by virtue of the connection with England.

Consequently, the declaration would, as we say, annihilate political Ireland, and leave her without any political existence whatever, and without any nucleus or germ of reorganization. Would the patriots reduce their beautiful country to this deplorable condition ?

No people can live in such a deplorable condition, for no people can live where there is no government, no public authority, no law, no justice ; and no people reduced to such a condition can ever of themselves recover from it. The patriots may imagine, that, if severed from England, they could reconstitute the state, reëstablish government, and provide for its wise and just administration ; but this is the dream of inexperience or enthusiasm. You may talk this to the disciples of a school that holds Providence to be superfluous, and regards man as his own sire ; but it is too late to talk it to Christians and statesmen. Constitutions are generated, not made ; they may be imposed upon a people by a competent authority, but can never be created by the people themselves. No people ever did, or ever can, give themselves a constitution ; for no people can act as a people, till constituted. Moreover, there is no government where there is no loyalty, and loyalty to one's own creations is impossible and absurd. The Irish, even if so much, could only enter into a voluntary association, and form a sort of voluntary engagement with each other ; but such association is not a state,—has not a single element of a state,—and such engagement is no political constitution, and has and can have of itself no legal force or sanction. It can have no right to impose its acts as laws, or to exact and enforce obedience to them. Nothing is government that is not *over* the governed, *sovereign* (*super, supernus, superus*) ; and that is not *over* them which they themselves make and may unmake at will. Authority speaks always from above, not from below.

It is true that the Catholic Church in Ireland might remain, if the connection with England were severed, and, as the only surviving element of the old Celtic constitution, she would, no doubt, legally inherit the full sovereignty of the Irish state, and that, too, without claiming temporal dominion for the church, *jure divino*. The people might then, indeed, rally under the authority of the Irish hierarchy, and reëstablish through them a legal political order. But we cannot in these times expect them to do so. It would by no means suit the politicians, and we may be sure that they

would never consent to it, unless on the condition that they themselves should govern the hierarchy; which would involve the destruction of the church in Ireland by making it their tool, and thus destroy again the very condition of temporal government.

Under whatever point of view we consider the subject, then, the denial of allegiance to the British crown, or rather to the Irish crown inseparably united with the British, seems to us, to say the least, bad policy. The patriots are ill prepared to take that ground; and the consequences of taking it, in the present state of things, would prove ruinous to the national cause. It would place them and their followers out of the protection of the law, would, at best, establish belligerent relations between them and England, and give to England the right, as far as in her power, to rule Ireland by military law. Before attempting to resume the independence of the Irish crown, they should prepare an Irish head to wear it; or, in other words, obtain for their country a national organization which can legally assume the exercise of national sovereignty the moment independence of England is declared.

We cannot, it is plain from this, sympathize with the movement of the Young Ireland party for the complete national independence of their country. Their movement, if not, as England holds it, treasonable, is at least premature and impolitic. They would find it a difficult matter to succeed even against the Anglo-Irish alone, and could have no reasonable prospect of success against them backed by the whole force of the empire. They could, in all human probability, count only on experiencing the defeats so often and so fatally experienced by their ancestors. Their attempt is undeniably rash, and therefore unlawful. They have no moral right to make it, and cannot with a safe conscience persuade others to join them in it. We know it is easy to sneer at the timid counsels of prudence, yet prudence is one of the cardinal virtues. He who engages in a rash enterprise is responsible for the consequences. He who induces men to rebel, even for a legitimate cause, when there is no reasonable prospect of success, is guilty of a mortal sin; and if they are shot down in the battle he provokes, he is guilty of their blood. We say not this because we are a "moral force" man. We do not belong to the party of the Broad-brims, and have no wish to engraft Quakerism upon Catholicity. We believe in the lawfulness of resistance to tyranny,

and, if need be, by physical as well as by moral force. Assure us that the cause is just, that physical force is necessary, that there is a reasonable chance of success, place us under the authority of one who has a legitimate right to lead us, and we have no scruple in resorting to arms, and committing the issue to the God of battles. But to resort to arms, or to induce others to do so, against an existing authority, without any probability of success, is a presuming on Providence, which by no casuistry we are acquainted with can be justified.

But even pass over this, and suppose success, the triumph in arms of the patriots, the chief difficulty remains. The patriots will not acknowledge, we may be sure, any temporal dominion in the church: for at home and abroad they proclaim the independence of the political order, thank God that the time when the church guided politicians has passed away, and they will hardly allow her to pronounce on the *morality* of their acts. Suppose the Irish crown severed from the British, where is the Irish head to wear it? No doubt, there are Irish heads enough worthy of a crown, both by descent and by personal qualifications; but, unhappily, there are too many of them, and no possible means of adjusting their rival claims. They will never be able to agree among themselves which shall wear it. The Anglo-Irish state dissolved, what is to take its place? If you suppose the old chieftains and kings, you must suppose also the old intestine divisions and internal wars. If they are not supposed, the power must fall into the hands of the military chiefs who have led on the army to victory. These, having no legal sanction for their authority, can exercise it only despotically, and establish nothing but a military despotism. They will soon quarrel with one another, and renew and perpetuate in Ireland the state of things we have seen for the last thirty years in the once prosperous Spanish colony of Mexico, and which is worse, if possible, than even the present misrule and oppression under the Anglo-Irish faction.

But many of the reasons which bear against the movement for *national* independence bear equally against the policy of simple *legislative* independence. Mr. O'Connell acknowledged his allegiance to the united crown, and sought only by repeal of the act of union to restore the Irish parliament. His policy, as a future policy for Ireland, we certainly hold to be wise and just; but it seems to us, like the Young Ireland movement which grew out of it, premature,

and, in the present posture of affairs, not desirable. In attempting the melioration of Ireland, we should certainly look to repeal, to legislative independence, to an Irish parliament, as essential, but not as the *first* measure in the order of time. If Ireland were one and indivisible, if her population were homogeneous, marked only by the ordinary diversities of rank and condition, and if the real enemy to be overcome were not on her own soil, and likely to remain there notwithstanding repeal, we certainly should regard it as essential, not only as a future, but also as a present measure. But this, unhappily, is not the fact. Unless we have been deceived in all the information we have been able to collect, there are two Irelands, one within the other, diverse in race, in character, in religion, and interest. The one is Celtic Ireland, the other is English Ireland. The former is oppressed, the latter is the oppressor. The most pressing evil of Ireland, as we understand it, is Anglo Irish or Protestant LANDLORDISM, and the primary want is power to abolish, modify, or restrain it. The simple question then is, Would repeal and the restoration of the Irish parliament give to Celtic Ireland this power? If not, nothing of any real value would be gained; and repeal would not give this power, unless it transferred the government to the hands of the national party. Would it do this?

We lay it down as an axiom in politics, that, in a representative government at least, power follows the balance of property,—is inevitably in the hands of the party which represents the majority of the wealth of the nation. That party wields the administration, and dictates its measures. The Anglo-Irish are at present, for Ireland, that party, and repeal can be obtained only on condition that it respects their titles and confirms them in their possessions. What power over them, then, will the national party acquire by repeal? If you suppose repeal, you must suppose an Irish government composed of the king, lords, and commons, each with a veto on the other. The king will be represented by a viceroy appointed by the British government, and removable by the crown. He will always represent English interest and influence. The lords will be composed, almost exclusively, of the obnoxious Protestant landholders, the present oppressors of Celtic Ireland. The commons will be composed of deputies chosen by the boroughs and counties, and will be divided,—a majority, perhaps, ordinarily of the Celtic or national party. Such will be the constitu-

tion and composition of the Irish government, and we demand, What measure, tending to restrain the excesses of the landlords and to redress the grievances of their tenantry, could be forced through it? The viceregal court and the lords, both Anglo-Irish, Protestant, and of the same party, with the same interests, would naturally unite and act in concert; and what could the commons, divided as they would be among themselves, for the landlords would always be able to return a large minority, if not occasionally a majority, of the members,—be able to effect against them?

Are we referred to the conquests made by the commons of England? Be it so. But we challenge the friends of repeal to point us to a single conquest effected by the commons of England of the kind needed for the redress of such grievances as now exist in Ireland. The law touching these grievances is no better in England than it is in Ireland. The English landlord has as much legal power to oppress his tenantry as has the Irish landlord; and if the Irish tenantry are more oppressed than the English, it is owing to other than legal causes. The commons of England may have conquered certain *political* rights from the king, but they have never been able to retrench the privileges of the landlords, or to impose on them additional burdens. Nay, the landlords have, during the struggle, been able to lighten their own burdens, to relieve themselves of knight-service, and to shift that burden—no light one—upon the non-landholders. In spite of all that the commons of England have been able to do, poverty, distress, and squalid wretchedness are rapidly becoming as great in England as in Ireland herself. It would be difficult to find a population more degraded, more utterly abandoned, than some portions of the English population. The conquests achieved by the perseverance of the English commons do not reach the seat of the evil, in either country, and therefore the appeal to them makes nothing in favor of the Irish repealer, even setting aside the fact, that the Irish have already secured to them the fruits of those conquests. But even if it were otherwise, nothing could be concluded to the purpose; for the English commons were a wealthy middle class, which has not its counterpart in Ireland. They represented a mass of wealth which the Irish commons do not and are not likely to represent. They are powerful at this moment, it is conceded; for the aggregate wealth which, through the commercial and manufacturing classes, they are able to control,



joined to their own landed possessions, surpasses that represented by the nobility. But in Ireland it is far otherwise. The commercial and manufacturing wealth of the country, the main reliance of the Irish commons, bears no proportion to the landed wealth which would be against them. They are comparatively poor, and whatever their patriotism, they must find themselves unable to hold out against the other two estates. Moreover, in proportion as they should increase in wealth, they would have less and less sympathy with their poorer countrymen, and be more and more attached to things as they are, and more and more unwilling to engage in a protracted contest against the nobles, with whose families they would have the ambition and the hope to ally themselves.

But an Irish parliament, we are told, would stimulate industry, encourage commerce and manufactures, and develop the resources of the country. It would be Irish, and promote Irish interests. But would it be Irish? That is precisely what we doubt. The probability, to say the least, is that it would be Anglo-Irish. But whence follows it that it would, even if Irish, stimulate industry and encourage commerce and manufactures? Why is it that these languish in Ireland now? Is it not owing to the want of Irish capital, and to the fact that as much capital is already invested in commerce and manufactures in other parts of the empire as can be profitably so invested? Will an Irish parliament supply the want of Irish capital? Will it withdraw the capital now invested elsewhere, and reinvest it in Ireland? What inducements will English capitalists have for investing their capital in Ireland after repeal is carried that they have not now? The law now is as favorable to the investment of capital in Ireland as in England, and if capital does not flow thither, we cannot see what is to make it flow thither then. Will the Irish government make laws more favorable to the capitalists than the present laws of England? What, then, is to become of the poor laborer? You can, by your laws, increase the profits of capital only by diminishing the profits of labor, and the profits of labor are low enough now, in all conscience.

Then, again, commerce and manufactures have their bounds, and cannot be pushed beyond certain limits without a ruinous revulsion. The great evil of our modern society lies precisely in the fact that commerce and manufactures are pushed too far. They are overdone. They call around

them a larger population than they can feed. To secure to capital its returns, or to save the merchant and manufacturer from ruin, the laborers dependent on them must be thrown out of employment about a third or fourth part of their time, and left to steal, beg, or starve, and not unfrequently to all three. Hence the terrible misery of the laboring classes all through Europe in modern times; and hence your red-republicans and your socialistic insurrections and revolutions which within the last year have astonished and shaken the world. Any further extension of the modern industrial system, save as it comes in the natural course of things, is madness. Commerce lives only by agriculture and manufactures. The agriculture of Ireland will demand no extended commerce, and the manufacturing power now in operation, or ready to be put in operation at a moment's warning, elsewhere, is more than sufficient to glut and to keep glutted the markets of the world. The application of steam to navigation and production, the invention and adoption of labor-saving machinery, during the last half-century, have caused the power of production to exceed, in the existing economical systems of society, the power of consumption; and you cannot, unless you can double the latter, extend the former, without a loss which must fall somewhere, and which, wherever it falls in the first instance, must inevitably, in the last, fall on the laborer. In other words, the interests of agriculture and labor cannot, in the present state of the world, sustain a more extended system of commerce and manufactures than is now in operation. These have reached the highest proportion they will bear, and, if we do not misunderstand the late European revolutions, a far higher proportion than they will bear. Their continuance on their present scale must necessarily result, not in stimulating labor and developing the agricultural resources of nations, but in depressing agriculture and in reducing wages below the minimum of human subsistence, and therefore, ultimately, in their own ruin and that of the people. Their further growth, if healthy, in one country must be their decline in another; and this further growth is more likely to be in this country than in any European country. The seat of empire is evidently passing from the Old World to the New, and the grand highway of trade is hereafter to be across this continent and the Pacific to the old Asiatic world, which may ere long in no small degree supplant the European.

A hasty glance at the British European empire is sufficient to show that its commercial and manufacturing power has reached, perhaps passed, its culminating point. It is now sustained only by encroaching on the interests of agriculture and the wages of labor. Up to a certain point, commerce and manufactures enhance the wages of labor and the profits of agriculture; but pushed beyond that point, they have the opposite effect. That they have been pushed beyond that point in Great Britain seems to us evident from the depression experienced by the agricultural interests, the ruinous poor-rates assessed upon small farmers, and the inability of the laborers to find constant employment or sufficient wages for their comfortable subsistence. They now tax land and labor. Ireland, after repeal as well as now, will be attached to the empire, and must, in some degree, share its prosperity and its adversity. It is certain that she cannot extend the aggregate capital now invested in the commerce and manufactures of the United Kingdom, without an injury to the empire which she herself will not be able altogether to escape. All she can hope to do is, to gain at the expense of England,—to transfer to herself a portion of the commerce and manufactures now confined to the sister island. That is, she can hope to make herself a huge manufacturing establishment and a vast *entrepôt* of commerce only by competing successfully with England, who already has the start of her, as many natural advantages as she has, and infinitely more acquired advantages. She must transfer the manufacturing capital and establishments from England to herself, and coax the English ships from English harbours to her own. Now when somebody will tell us by what means this can be done, we will concede that a parliament in College Green, Dublin, will do more for encouraging the commercial and manufacturing industry of Ireland, and the development of her natural resources, than the united parliament in St. Stephen's, Westminster, but not till then.

But a national parliament will put an end to absenteeism, compel the landlords to reside on their own estates, to look after the welfare of their tenantry, and to spend their revenues at home instead of a foreign country. That it will put an end to absenteeism is not so certain. Absenteeism is an old complaint, and we find that it existed before the legislative union, nay, before the Protestant reformation, and that king after king exerted his power to compel

the Irish landlords to reside at home on their estates, and look after their people, but always with indifferent success. What has been may be; and if a national legislature did not formerly prevent absenteeism, we see not the certainty that it will hereafter prevent it. The royal court at London will always present attractions for the rich, the accomplished, the ambitious, the fashionable, the dissipated, the frivolous, the vain, superior to those of the viceroy's court at Dublin; and as long as it does, absenteeism will continue. As long, also, as living on the continent continues to be less expensive, and society more attractive, than in England or Ireland, men whose estates are embarrassed, and who are unable to keep up at home establishments suitable to their social rank, will seek longer or shorter residences abroad. This may or may not be an evil, but it is what an insular people must always be more or less exposed to.

Then it is far from certain that the home residence of the absentee landlords would cure all the evils, or any considerable portion of the evils, of which the Irish people complain. One of the great evils to which they are exposed, if we may believe Paul Peppergrass, Esq., is the constant annoyance experienced from the efforts of Protestant landlords to pervert them to Protestantism. Colonel Templeton is to some extent a resident landlord, and when he is, he is constantly annoying his tenantry by his proselyting zeal, and his agent takes advantage of this zeal to cover his worst villanies. These landlords are nearly all Protestants, and their residence at home would only increase this evil. They would want some employment, and they would be driven to the work of proselyting by the necessity of filling up their vacant hours. As to spending their money at home, we cannot see, if there is any truth in the doctrine of free trade, of which, we believe, Mr. O'Connell was an advocate, that it makes any difference to the tenant where his landlord spends his income, unless, indeed, by spending it we understand giving it away. The greatest advantage we can see that would be gained by the home residence is, that it might diminish the importance and the iniquity of the middlemen; but Colonel Templeton's agent, Archibald Cantwell, is hardly to be preferred to a middleman; and it is certain, if Paul Peppergrass, Esq., has given us a true picture of society in Ireland, that the end of absenteeism would not be the end of the evils experienced; for all the evils he depicts take place, if we remember aright, under resident landlords.

When through the imperial government the Irish landlords are shorn of their power to oppress, the Irish have improved their material condition, and there are no longer any special causes of hostility between the two Irelands, legislative independence will become a wise and useful measure, and may be easily obtained. It may then be a step towards national independence, because then the Irish parliament may become the depository of the sovereignty after the rejection of the English crown, and enable the Irish to separate from England without dissolving the state and annihilating the body politic. But till then, so far as we can judge at this distance and from all the information we have been able to collect, the true policy of the Irish patriot is, to hold on to the connection with England, and to labor to turn it to the advantage of his countrymen.

The first step, it seems to us, should be, to supplant the Anglo-Irish party at the English court and in the imperial parliament, and thus secure the protection of the government for the national party,—induce England to govern Ireland through the Celtic Irish instead of the Anglo-Irish. Surely this can be done. The patriots assuredly will not contend that they are inferior in any respect to their opponents, that the Celt must, in any sphere, pale before the Saxon. Assuredly, it must be far easier for them to supplant the landlords by their talents, learning, eloquence, and statesmanship, than to conquer them, and England into the bargain, by force of arms.

Ireland has one hundred and five members of parliament. Let her first care be to elect, not only patriotic members, but members who will do her credit, who will be more than a match for a like number of the English members in learning and talent, in their genius for business, and their clear and comprehensive views. Let them be men of character, men whose support a ministry would seek, and whose opposition it would dread. She of course has such men, and can elect them; or else how would she prosper, were she to set up on her own account? Let her throw a body of one hundred and five members, or even one half of that number, into parliament, who are not men of theories, not men thrown off their balance by their memories, or their recollections of Tara's Halls or Brian Boru, but men who, while they love their country, while they are true to Irish interests, love also the empire, know its interests, and are ready to promote them, and she will have a weight in par-

liament, and therefore with the crown, that will secure her a hearing and a redress of her grievances. Let her not feel that she is robbed of her crown. Her crown remains and is hers, as much as ever it was, only it is united with the British crown: Victoria is her queen as well as England's queen, and the union need imply no more subjection in the one country than in the other. Let her assert her independence, not of the crown, but as a free member of the United Kingdom, and compel England to divide with her, as she has already been compelled to divide with Scotland, the power and glory of the empire. Let her by a representation fitly chosen, enter with a free and a bold heart the parliamentary lists, and in her collected wisdom, practical sense, firm speech, and dignified bearing, contend for the rights and well-being of her children as British subjects, and on the broader ground of justice and humanity, and no son of hers can fear that she will come off second best.

But whatever the policy the patriotic Irish may agree upon, we hope they will hesitate long before they revive the late system of agitation. If we have not misinterpreted the views of the able author of the work before us, he has no great confidence in that system, and does not regard it as likely to effect much for Ireland. For ourselves, we would not say that it has utterly failed, or that it has effected nothing: for Catholic Ireland certainly holds to-day a much more important place in the estimation of the British ministry than she did before Mr. O'Connell commenced his agitation for repeal, and the government would now hardly venture to treat the Catholic Irish with the cool contempt or indifference of former times. Nevertheless, this may be due in the main to Catholic emancipation, and might, perhaps, have been effected by other modes of operation less expensive than agitation. We are not ignorant of the immense popularity of what is called "peaceful agitation," even out of Ireland, and with others than Irishmen. A few months since, it was a word of great potency. It was pronounced with enthusiasm in every quarter of the globe, and fetched its echoes from Paris, and even from the Eternal City. The disaffected of all lands, reformers of all classes and grades, resorted to it as the grand lever by which to move the world; and it seemed to be universally agreed that Mr. O'Connell, who was improperly regarded as its originator, for he only adopted it from the sectarian associations of the day, who in their turn only adopted it

from the French Jacobins, had discovered and applied the secret of deposing kings, displacing dynasties, subverting governments, breaking up the constitutions of states, resolving nations into primeval chaos, reconstructing society, and regaining the terrestrial paradise, legally, constitutionally, peacefully, without violence, and without disorder. The split in Conciliation Hall, the recent violent revolutions in Europe, the unfurling of the red flag by the Parisian agitators, the madness of the mob of Germany and Austria, and the nefarious efforts of the Mamiani ministry to strip the Holy Father of his temporal dominions and to hold him a prisoner in his own capital, to say nothing of the abortive insurrection in Ireland, all legitimate fruits of what in its origin was *peaceful* agitation, have opened some people's eyes to the system itself, and made some persons suspect that its wisdom, its safety, and its efficacy have been not a little overrated. For ourselves, we have always distrusted the system, and we have opposed it in our writings for the last twenty years with what little power we had.

The system is essentially despotic; it places reason at the service of passion, and seeks to crush the individual freedom of thought by the overwhelming force of combination and numbers. It begins by organizing, under the lead of self-appointed and irresponsible chiefs, an association for the accomplishment of a given object. Whatever of free thought, of deliberation, of calm reason is permitted must precede the organization of the association; none can be allowed afterwards. When the association is formed, the work is to agitate, not to reason,—to overawe, not to discuss,—to crush opposition, not to convince. The only study then is to inflame the passions or the enthusiasm of the association, and to compel those who stand aloof from it, as they value their reputations, their possibility of being on passable terms with their neighbours, to fall in and go on with it. If they do not fall in and go on with it, they are traitors to their country, to God, to humanity, to reason, to virtue; and he who ventures to doubt the infallibility of the association, and to think and act for himself, whether the association be for repeal as in Ireland, or whether it be for the abolition of slavery as in England and this country, the circulation of the Scriptures, the establishment of Fourierism, the spread of Protestantism, or the conversion of the pope,—for they are all based on the same general principle, and differ only as to their respective ends,—must be de-

nounced, and the whole force of the association must be brought to bear against him, to blast his reputation, to cripple his exertions, to crush him to the earth, and pulverize him beneath the trampling of its feet. O'Connell was a kind, liberal, generous-hearted man, a sincere Catholic, and remarkable for his tender piety; but how often did he denounce and blast those of his fellow laborers who attempted independent thought and action! Yet it was not he that did it; it was his system that compelled him to do it. Of what use his association, if divided within, if it did not speak one voice, and present a uniform front to the enemy?

It is not to the agitation which arises from free and earnest discussion that we object; nor the free and full discussion of all the great questions which are in their nature open to discussion. What we object to is agitation systematized and carried on through self-constituted and therefore irresponsible associations. These associations are the grand feature of our times, and they are of most dangerous tendency. In the hands of a great and good man, as was O'Connell, directed by his wisdom, loyalty, faith, and piety, they may, perhaps, be comparatively harmless; but formed for social or political reforms, and placed in the hands of such men as Ledru-Rollin, Blanqui, Raspail, Cabet, or Proudhon, or such men as are at the head of the Protestant Alliance or the various anti-slavery societies, it is easy to see that they are powerful engines for mischief. They tend necessarily to swamp the individual in the crowd, and to establish a central despotism, which no freeman can endure. If, like the church, they were divinely constituted, and placed under the control of divinely commissioned chiefs, who have from Almighty God the promise of infallibility, they of course would be compatible with the most perfect freedom, and their force would be really a moral force; but as they are, — purely human associations, self-formed, sanctioned by no regular authority, and under the control of self-appointed leaders, — they are pure despotisms, are a contrivance to do by force of combination and numbers what no one has any right to do, further than he can do it by individual thought and action. They are, to our way of thinking, far more fatal in the long run to a people than war itself. War slays the body and mangles the limbs, it is true; the *moral* force of these associations kills reason, slays the soul itself. A people worthy of freedom will scorn them. Even in O'Con-



nell's hands the system become intolerable; its own children revolted against it, and he, heart-broken, went to die in a foreign land.

In a religious point of view, the system has a most deleterious effect. It destroys the freedom of the clergy, and enslaves religion. Its tendency is to concentrate the mind and the heart on a given object, and to keep out of sight every thing else. It agitates for that one object, makes it all in all, engrosses the mind and heart with it alone. That one object becomes the only thing seen, the only thing desired, the sole remedy of the numerous ills flesh is heir to. It absorbs all moral and all religious considerations in itself, and for the time being religion and morality are esteemed only as they are subsidiary to it. It itself is religion. Agitation for it, then, must spare no one who opposes it,—the clergy no more than the laity. It is supreme, and while it condescends to accept the services of the clergy, and to honor them as long as they serve it, it claims the right to sit in judgment on them and to denounce them, if they venture to arraign it. It has taken possession of the people, and become their guide and master. The clergy are no longer free; they cannot resist it, without losing all influence with them, and all opportunity to exercise for them the functions of their sacred ministry; and therefore, if they possibly can, they must, as the less of two evils, fall in with it, and do what they can to direct it, and to prevent it from effecting the complete spiritual ruin of its subjects. But if they fall in with it as the less of two evils, the agitators immediately claim that it has the support of the clergy; then it is religious; then its cause is the cause of God as well as of man; and then no one with a safe conscience can oppose it.

Moreover, the notion, that this system of agitation can be carried on for any great length of time with undiminished enthusiasm and remain *peaceful*, is a fatal mistake. It certainly, when carried on for temporal objects, has never yet been long continued without resulting in physical violence. It has led to violence in Rome and Italy, in France and Germany, and even in Ireland. The Young Irelanders were legitimately begotten of the repeal agitation, and it is a mistake to regard them as seceders. They were its natural and inevitable development. Men had for seventeen years been promised repeal; had had their attention directed to it, had been agitated and had agitated for it; had been told,

and had believed, that repeal was the sovereign remedy for the intolerable evils under which they were suffering, evils rendered doubly intolerable by the continual direction of their minds to them; and yet repeal did not come, did not appear to be coming, appeared, in fact, as far off as ever. They could wait no longer. It was of no use to preach patience to them. Had you not been doing all in your power for seventeen years to render them impatient? Had you not painted their sufferings to them in the most vivid colors? Had you not exhausted imagination and language in describing the horrors of their condition? Had you not expended all your force in arousing them to the most lively sense of their wrongs? Had you not inflamed them, and worked them up to the highest pitch of impatience? And after this, could you suppose they would be calm and quiet, that they would be *patient*, at your bidding? It is not thus that we have learned human nature. They saw that you had exhausted your *peaceful* means, and gained nothing of what you had led them to expect, and they said, "Since words fail, try what virtue there is in leaden balls and cold iron." So human nature always speaks, or we have studied it to no purpose.

When by agitation, by appeals to sentiment and passion, you have worked a people up to that degree of excitement necessary for your purpose, they are no longer under your control, and you must on with them or be crushed by them. It is idle for you to imagine that you can hold them back. Your power over them is in your sympathy with them. No matter how loudly they cheered you yesterday. No matter how eagerly they hang on your words, or run to do your slightest wish; let the sympathetic cord be broken, let them once feel that you go no further with them, or that you wish them to stop where they are, you are henceforth to them an enemy, a traitor, and instead of thanking you for what you have done, they only execrate you for what you withhold. Has not the Holy Father within the last year experienced the truth of this? He did not agitate his people; he found them agitated, wrought up by others to a feverish state of excitement for political reforms. He placed himself in sympathy with them, gave them political reforms, and who ever saw a prince more beloved, a people more submissive, more ready to consult every wish of their sovereign? A whole year was devoted to feasting and rejoicing in honor of the *liberal* pontiff, who loved his people, and knew how

to march with the spirit of the age, and at its head. A new era had dawned. The church had formed an alliance with liberty. Pius IX. had baptized democracy, and placed himself at the head of the European liberals. How did the welkin ring again with shouts of *Evviva Pio Nono!* Heretics and schismatics, Jews and infidels, refugees and apostates, all joined in the choros. A few short months go by, and this Roman people, so devout, so loyal, so enthusiastically submissive to their sovereign, remind him gently that there is a little additional reform which would please them very much; he, as an indulgent father, grants it. *Evviva Pio Nono!*—But, *Santo Padre*, here is one other little reform. It is conceded. *Evviva Pio Nono!*—Demand follows demand till the Holy Father has conceded to the last limit of possible concession, if he is to preserve government at all, and then what do these same people do? They look quietly on, if nothing worse, and see him imprisoned in his own capital, and virtually stripped of all power as a temporal prince. Has any one been surprised? Who, accustomed to study popular movements, did not expect, even foretell, as much, when the news of the far-famed *amnesty* reached him? A short time since Gioberti, the O'Connell of Italy, was all-powerful with the Italian liberals; how is it with him now, since he has attempted to restrain their movements within practical bounds? Alas! he is in a fair way of being less esteemed by them than the very Jesuits whose expulsion from all Italy, to please them, he has effected. Nay, O'Connell had himself lost the control of the Irish movement, and had he even retained all his early vigor, he could not have continued the tremendous excitement of the repeal year (1843) within its peaceful limits. His speeches even during that year became warlike, and we listened with breathless expectation to hear him give the command, "Sound to the charge!" At that point neither he nor the people could remain. And who sees not that he could not use more moderate language, without either undoing all he had done, or placing himself in opposition to the people he had agitated, and then ceasing to be their leader? The latter is what actually happened. After 1843, Daniel O'Connell ceased to be the leader of Ireland, and the ceremony that took place in his honor, after his liberation from prison, was only the crowning of the victim for sacrifice.

One thing only has surprised us. The Smith O'Brien party was inevitable, and would have come, either under the

lead of O'Connell or in spite of him, let him have done all that mortal man could do to prevent it; but we were not prepared to find it so small, so insignificant; and we must believe that the suspension of repeal agitation in consequence of the arrest and imprisonment of O'Connell and his associates had in some measure abated the excitement of 1813, and that, in fact, the Irish people were far less inflamed than at this distance appeared. Nevertheless, their refusal to engage in the proposed insurrection, and the readiness with which they hearkened to their clergy, is what we did not expect, is, we believe, unexampled in the history of similar movements, and is in the highest degree creditable both to them and to their clergy. It proves that the clergy have not yet lost their influence over the mass of their people, and also that the people are cooler, are less inflammable, have more solid judgment, more prudence and practical good sense, than is commonly supposed. We have seen nothing in their history more noble than their conduct on that trying occasion, nothing that tended more to give us a high idea of their national character, or to inspire us with stronger hopes for their future redemption from slavery and oppression. They almost threw a doubt on the soundness of our doctrine of the dangerousness of the system of agitation, and would half falsify it, if we did not find the foiled agitators and their dupes throwing the fault of their miscarriage on the clergy. Till we saw the Irish refuse, at the direction of their spiritual guides, to embark in Smith O'Brien's insurrection, we had no hopes for Ireland; now we have no fears for her. We see and appreciate her character more truly, and know that her friends often do her great injustice. We see, also, that St. Patrick still intercedes for his people, and that Almighty God has them in his especial keeping. As long as they are prompt to obey their spiritual guides, nothing can harm them.

But we are extending our remarks to an unreasonable length. The subject is one of great interest, and for us as well as for Irishmen. Indeed, it is an American as well as an Irish subject. Irish politics are discussed here as they are in Ireland. We have associations, confederations, and all the machinery for agitation adopted in the mother country. We have newspapers published among us devoted exclusively to Irish interests; committees and directories are organized by Americans in our larger cities for the management of Irish affairs; public meetings are held, speeches

made, addresses delivered, funds solicited and collected, as if the country were Ireland herself, or, at least, a British colony; our candidates for public office are interrogated, indirectly at least, as to their views and feelings in relation to Ireland; and the reputation of Anglo-American Catholics depends with their religious brethren, in no small degree, on the views they take or do not take of Irish politics. It is thus that the question is made an American question, with important bearings on American politics and American social life. It is brought home to our very bosoms and business, and we cannot blink it with safety to ourselves, even if we would. And now, during the lull in Irish agitation, now that both moral force and physical force have failed, at least for the present, is the proper time for discussion, for taking a new observation, and determining the proper course to steer the vessel hereafter. With this view, we have taken up the subject, and thrown out such thoughts as have occurred to us in the course of our reading and reflection on it, for several years. We have thrown them out as suggestions, to go simply for what they are worth. If the friends of Ireland find nothing better, let them be accepted; if they find and can agree on something better, let them be rejected, and the better adopted. All we want is the real welfare of Ireland, and we shall be satisfied, if that is secured, whether it be secured by means of our suggesting, or by means suggested by others who differ from us. Certain it is, that the great body of the real friends of Ireland cannot be rallied under either of the banners that have heretofore been unfurled, and that, to secure unanimity and concert, a policy somewhat different from O'Connell's and from Smith O'Brien's must now be adopted. We can, as at present informed, see nothing more promising than the course we have suggested. If others can, we shall be happy to surrender to their superior wisdom and better judgment.

But we have nearly lost sight, in following out our own speculations, of the admirable work before us. We intended to make several extracts from it, as specimens of its style and thought, but we have reserved no place for them,—which is the less to be regretted, because before this, we presume, it has found its way to all our readers, and they have enjoyed it as well as we. The work is not faultless. We have signified, together with our reasons, our dissent from a few important points, which the author appears to us not to have duly considered. As a literary work, it has great

merits. Its style is clear, rich, racy, flowing, but somewhat careless, and occasionally inexact; the characters are, in general, well drawn, but the action is too hurried, and the events are too crowded. The effect is somewhat injured, also, by selecting as representatives of Protestants, individuals, not worse, indeed, than can be found in actual life, but yet worse than the average of the class they are intended to represent. The faults which are depicted Protestants will ascribe to the individual, not to their system. Ellen O'Donnell is a noble, a high-spirited girl, but we should like her better if she had more repose of manner, and a little more quiet dignity. The most touching scene to us, and the most true to nature, in the whole book, is the scene before her miserable hovel between Kathleen and Colonel Templeton. It is a scene drawn from nature by a genuine artist. We like Captain O'Brien, a man, a gentleman, and a patriot, but we wish he had been converted before his betrothal to Ellen. We wish the union of Catholic Ireland and Protestant Ireland, intended to be symbolized by the marriage of Ellen O'Donnell and Captain O'Brien, but only by the conversion of the latter, and we wish to make sure of the conversion before we propose the union. There occurs, too, a passage about the "plague spot," which we shall hope to see expunged in the second edition. But, upon the whole, we like *Shandy M'Guire*; we like it for its fun, we like it for its genuine tenderness and its deep pathos; we like it for its bold and manly tone, its free and independent spirit, and above all, for its uncompromising Catholicity, which will not abate a single gentleness to please all the heretical kings in Christendom. Thank you, Paul Peppergrass, Esq., for that expression, which, though not to be taken nor intended to be taken to the strict letter, conveys the only sentiment worthy of one who belongs to a church made and directed by God, and not by man. The work cannot fail to do good. It will tend to awaken more manly feelings and induce a more manly bearing in the Irish themselves; it can hardly fail to elevate the Irish character in the estimation of our community, and to create a more respectful and a more kindly feeling towards our Irish population. It will enable the American people to account for many of those traits which offend them in the Irish character, and without discredit to the Irish; it will make them feel that the Irish must be a wonderful people, and richly favored by divine grace, or they could not be what they are,—could not have retained a single human virtue,

a single noble or generous quality. All that malice backed by power and ingenuity could do to brutalize them, and obliterate every trace of the image of God to which they were created, has been done, and yet they remain human, and, in spite of all their faults, in spite of all the objectionable features of their national character, and they are many, they compare in all the nobler moral virtues and religious excellences more than favorably with any other people on the globe. Their worst side is their outside. What is objectionable in their character lies on the surface, and is seen at a glance. Their virtues lie deeper, and are known only after an intimate acquaintance, often are known at all only to Him for whose sake alone they are cultivated. Their vices are in a great measure the result of the condition in which they have been placed, the evasions they have been obliged to study in order to live, the cruelty and contempt with which they have been treated; their virtues, through divine grace, are their own, and place them first on the list of nations. They have so prospered spiritually under their temporal adversity, that we almost dread to see them exposed to the temptations of temporal prosperity. They are now fulfilling an important mission in evangelizing the world; through them, we trust, the revolted Saxon will be conquered to his allegiance, and great will be their reward in heaven. O, would that our own country enjoyed the riches possessed by Ireland, and could indulge the glorious hopes of her oppressed and earth-abandoned children! Happy would it be for our boasted and loud-boasting republic; for what doth it profit a man, if he gain the whole world and lose his own soul?

## WEBSTER'S ANSWER TO HÜLSEMANN.\*

[From Brownson's Quarterly Review for April, 1851.]

WE have devoted in the preceding and present numbers of this journal considerable space to the discussion of the late Hungarian rebellion, by a highly esteemed contributor, who shows, what an able contemporary† has also shown, that the American sympathy with it, on the ground that it was a movement in favor of popular institutions similar to our own, was wholly misplaced, for it was not, in the American sense, either democratic or republican. But after all, this is only an *argumentum ad hominem*, and only proves that the sympathizers are inconsistent with themselves. We are disposed to take higher ground, and to maintain that if the Magyar rebellion had been in favor of democracy, or republican institutions like our own, the sympathy expressed with it would equally have been misplaced. A rebellion for democracy or republicanism is as unjustifiable as a rebellion for aristocracy or monarchy. The end does not justify the means, and whether a given rebellion is stirred up for the purpose of establishing one form of government or another has nothing to do with its justice or injustice.

The Magyar movement was a rebellion,—a rebellion against the emperor of Austria, both as emperor of Austria and as king of Hungary. It is not true, either in fact or in law, as some would persuade us, that Hungary was an independent nation, having no connection with the Austrian empire but the mere accidental union of the crowns of each in the same person. Hungary was an integral part of the empire, and owed allegiance to the emperor as emperor of Austria, as well as king of Hungary. She had, it is true, a national diet or parliament under her king, for purely civil administration; but the administration of her finances and the command of her military were vested in

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\* *Correspondence of the Austrian Chargé d'Affaires and Mr. Webster, Secretary of State, Communicated to the Senate by the President, December 30, 1850.* Washington, D. C.: 1851.

† *The North American Review.*



the emperor, not merely in the king, and pertained to the imperial chancery at Vienna. Whether, then, the Magyars attempted to subvert the authority of the emperor of Austria, or of the king of Hungary, they were alike rebels, and, as they attempted to subvert both, they were undeniably rebels, and their movement a rebellion, in the strictest sense of the word.

We do not say that a rebellion is never in any case or under any circumstances justifiable; but we do say that a rebellion for the purpose of changing the form of government, whether from a monarchy to a republic or from an aristocracy to a democracy, whether from a democracy to an aristocracy or from a republic to a monarchy, is always unjustifiable, and the highest crime known to the law; for all these several forms of government may be legitimate and also illegitimate, and no one of them is *per se* more legitimate or illegitimate than another. There is no one form of government that has the right to establish itself everywhere, or that is universally obligatory. The popular or republican form in certain times and places may be legitimate, and most certainly is so in this country; but it is not the only legitimate form of government possible. Monarchical forms are as legitimate in Great Britain, Spain, and Austria, as republican forms are with us. None of the recognized forms of government are *per se* in contravention of the divine law or of the natural rights of men, or *per se* tyrannical and oppressive, and therefore resistance to any one of them on the part of its subjects can never *per se* be lawful, or otherwise than criminal. Monarchy is *per se* no more in contravention of natural right or of natural freedom than is democracy, and hence it is as criminal to rebel against monarchy for the sake of instituting democracy, as it is to rebel against democracy for the sake of instituting monarchy.

If rebellion is ever justifiable, it is only for reasons independent of the form of the government. Undoubtedly, the people of a given country, when the previous authority has been subverted, and there is no longer either in fact or in law any existing political order, may reconstitute government in such form as they judge best; but they can never lawfully overthrow an established government for the sake of adopting another political form, even though fully persuaded of its superiority. The right, if such right there be, to subvert an existing government, never grows out of its

form, but out of the fact that by tyranny and oppression the historical authority has lost its legitimacy. The American congress of 1776 did not set forth that George III. was a king, and they wanted a republican government; they did not declare the colonies absolved from their allegiance to the crown of Great Britain, on the ground that republicanism is the natural right of every people, and no people can ever owe allegiance to a monarchy. The moral sense of the colonies and of the whole world would have been outraged by such a declaration. Even Mr. Jefferson adopted for his motto, not "Resistance to kings," but "Resistance to tyrants, is obedience to God." The congress, in setting forth to the world their reasons for dissolving the connection of the colonies with the mother country, did not draw up a list of facts which go to prove that George III. was a king, but a list of grievances which, in their judgment, proved him a tyrant; and it is not on the ground that he is a king, but that he is a tyrant, that they conclude the colonies are absolved from their allegiance to him, and are, and of right ought to be, free and independent states, on the principle, as they imply, but do not expressly state, that the tyranny of the prince absolves the subject from his allegiance.

Even on genuine American principles, the fact that the Magyars were rebels, or even rebels against monarchy in favor of democracy, was not enough to render them worthy of American sympathy. The defence of the American revolution is not that it resisted the king, but that it resisted the tyrant; not that it was a struggle for republicanism, but a struggle for liberty. Its glory is not that it resisted authority, but that it resisted tyranny, or an authority which had by its own conduct forfeited its rights; and that glory is neither enhanced nor diminished by the fact that it eventuated in the establishment of a republican form of government. The Magyars, therefore, whether they proposed to establish a popular form of government or not, before they could, on American principles, have any claim to the sympathy of Americans, or of anybody except rebels, cut-throats, and assassins, must prove that they were not resisting legitimate authority, received as such by the laws and historical rights of the empire, but simply tyranny and oppression; that the emperor of Austria and king of Hungary had by his long-continued misrule forfeited the allegiance of his subjects, and that only by casting him off

and taking up arms against him, could they shelter themselves from grievous oppression, and secure the enjoyment of the inalienable or natural rights of man. This they did not do, and this they, it is well known, could not do; for they were themselves the aggressors, the party that oppressed, or sought to oppress, both their sovereign and their Slavie dependents.

It is precisely in its overlooking the doctrine we have here asserted, and in assuming the lawfulness of any rebellion against monarchy in favor of popular government, that we are obliged to except to Mr. Secretary Webster's defence of the sympathy manifested by the American government and people with the Magyar rebellion, in answer to Mr. Hülsemann's protest against it in the name of the Austrian government. We are not competent to enter into the intrinsic merits of the controversy between Austria and the United States. It may be that Austria had no just cause of complaint, but we may say, that Mr. Webster, in attempting to prove it, takes a stand which strikes us as extraordinary, indefensible, and extremely dangerous.

The facts in the case, as we understand them, are, that our government, sympathizing itself with the Magyar rebellion, and importuned by Magyar agents and a portion of our own people, pending the struggle of Austria to reduce the rebellious Magyars to their allegiance, sent a Mr. Dudley Mann as an agent, authorized, if after inquiry he judged it proper, to recognize the revolutionary government of Hungary, and to conclude a commercial treaty with it. Mr. Mann's instructions, drawn up in terms highly complimentary to the Magyar rebels, and any thing, to say the least, but respectful to Austria and her Russian ally, were subsequently communicated by the president to the senate, printed by its order, and as a matter of course published to the world. On their being published, Austria complains that sending such an agent with such instructions, drawn up in terms offensive to the imperial cabinet, was a violation of the policy of non-intervention, which our government professed: that the explanation given by Mr. Clayton, Mr. Webster's predecessor, that the agent was sent merely for the purpose of making inquiries, did not accord with the fact, for he was sent, as appears from the instructions themselves, with authority to recognize, if he saw proper, the Hungarian republic, and conclude with it a commercial treaty; and that even if it were so, it does not sufficiently

explain the cause of the anxiety that was felt to ascertain the chances of the revolutionists.

Mr. Webster replies, that, admitting the facts to be as alleged, they are no just ground of complaint, and says, that he "asserts to Mr. Hülsemann and the imperial cabinet, in presence of the world, that the steps taken by President Taylor, now protested against by the Austrian government, were warranted by the law of nations, and agreeable to the usages of civilized states." It must be so, we suppose, or Mr. Webster would not so solemnly assert it; but he must pardon us for telling him, that, if we take it to be so, it is on his authority, and not on his reasoning. We do not claim to be very familiar with the law of nations or the usages of civilized states; but it strikes us that Mr. Webster argues, instead of the case before him, another somewhat analogous to it. He speaks of our *neutral* duties, and contends that we did nothing not permitted to *neutral* nations. This may be so, but he cannot be unaware, it is presumed, that the law of neutrals does not strictly apply to the case of a struggle on the part of a sovereign to put down a rebellion against his authority. A nation is regarded as *neutral* when it does not intervene in a war between two belligerents, each of whom has the right of war and peace. It is neutral, because it sides with neither party in the war; but though not free as a neutral nation to side with either party in the war, it is free to recognize both parties in all other respects, and to maintain amicable relations with both, without giving offence to either. But in the case of a sovereign engaged in putting down a rebellion, there is for the non-intervening nation only one party, and neutrality requires at least two parties besides the neutral party. Independent nations are known, and in fact exist to each other, only through their respective governments. The nation is only in its sovereign authority, and relation can be had with its provinces or departments only in and through that authority. The fact that these provinces or departments are in a state of rebellion does not at all relax this rule, but, so far as it affects it at all, renders it more stringent and violations of it less pardonable. The presumption in all cases is, that the authority is in the right, and its rights are as sacred and inviolable when engaged in putting down a rebellion as at any other time, and it is for us the entire nation then, as much as when all its subjects are faithful to their allegiance. The nation, in view of the non-intervening power, is said

one nation, however rent by internal divisions, and is still in the sovereign authority. There is then no neutrality in the case, because the nation presents to the recognition of the non-intervening state only one party, and as long as this state chooses to abide by the policy of non-intervention, it must *ignore* the rebels, and maintain no sort of relations with them, because the recognition of them would be itself an act of intervention. There is, then, an obvious difference between the law of neutrals, and the law applicable to the conduct of non-intervening states towards a friendly power engaged in suppressing a rebellion among its subjects. Neutral nations may recognize and hold friendly intercourse with both belligerents, save in what directly relates to the war raging between them; but non-intervening states in a civil war can know and hold intercourse only with one party, the authority engaged in suppressing the rebellion. Even if we did nothing in the late Hungarian rebellion not permitted to neutrals in a war between two independent sovereigns, it does not therefore necessarily follow that we did nothing not permitted to a non-intervening state in a war waged by a sovereign to suppress a rebellion, or reduce his subjects to their allegiance.

The fallacy in the reasoning of many on this subject arises from their allowing themselves to consider the war only from the point of view of the rebels, and to look upon it as a resistance to aggression, in defence of acknowledged rights. Even conceding that there may be cases where this is so, the presumption always is that it is not so; for the presumption is always in favor of authority. The non-intervening state must always look at the war as a war legitimately waged by the sovereign to suppress rebellion, to assert his rights, and maintain peace and good order in his dominions. To go beyond this, to judge the sovereign, and to decide against him, and in favor of his revolted subjects, is itself an act of intervention, of which he has the right to complain, even though it is followed by no other act of intervention. Doubtless one nation may form and express a judgment on the conduct of another nation, and may even go so far as to acknowledge the right and the independence of the rebel government, but not if it professes to remain on friendly terms with the authority rebelled against, and to take no part in its disputes with its subjects.

Mr. Webster says,—“If the United States had gone so far

as formally to acknowledge the independence of Hungary, although, as the event has proved, it would have been a precipitate step, and from which no good could have resulted to either party, it would not, nevertheless, have been an act against the law of nations, provided they took no part in her contest with Austria." But such recognition is itself a taking part in the contest, and a very grave part; for often the bare recognition by a powerful state of the independence of a revolutionary government may be decisive of the contest, the weight thrown into the revolutionary scale that causes it to preponderate, and without which it would not have preponderated. "It is not required of neutral powers," Mr. Webster adds, "that they await the recognition of the new government by the parent state. No principle of public law has been more frequently acted upon within the last thirty years by the great powers of the world than this. Within that period eight or ten new states have established independent governments within the limits of the colonial dominions of Spain, and in Europe the same thing has been done by Belgium and Greece. The existence of these states was recognized by some of the leading powers of Europe, as well as by the United States, before it was acknowledged by the states from which they had separated themselves." Conceding the facts here alleged, Mr. Webster's conclusion is not inevitable. The facts he cites hardly sustain him. What the United States may have done, as they are the party accused, must for the present be put out of the question, for no nation can say, when accused of violating the law of nations, I did formerly an act of the same nature as that of which I am now accused, therefore the act for which you arraign me is lawful. No one nation makes the law of nations, and the fact that one, two, or three nations, even though leading nations, have done this or that, is not sufficient to establish a precedent. No usage can be cited as a precedent, unless it has in its favor the general consent of Christian nations.

The instances Mr. Webster cites are either not in point, or at best doubtful as precedents. Belgium and Greece are not to his purpose. Belgium, for certain public considerations, was attached to the dominions of the king of the Netherlands by the allied sovereigns on the general pacification of Europe, after the defeat of Napoleon at Waterloo, and her independence, after her revolution, excited by that of France, in 1830, was acknowledged by the joint action of

these same allied sovereigns, who were as competent to separate her, when they judged proper, from the dominions of the king of the Netherlands, as they were to annex her to them. All the right the Dutch king ever had to Belgium was derived from them, and they of course were competent to unmake the right they had created, when the reasons which had led them to create it no longer existed, or paramount reasons required them to unmake it. Greece, again, is no case in point. She was a Christian nation, held in subjection by a Mahometan, that is, an infidel power, and the right of an infidel power to hold a Christian nation in subjection was never recognized by the public law of Christendom. The Turk never had any legitimate authority over Greece, and Christian nations were always free, if they chose, to intervene for her restoration to freedom and independence, and therefore, assuredly, to acknowledge and guaranty her independence when she herself asserted it. There has, in fact, never been peace between Christendom and the Mahometan world; there has hitherto been only an occasional truce, and if there are now some indications of peace, it is because Islamism has relaxed somewhat of its intolerance, or become too weak to be aggressive.

The case of the Spanish American states is doubtful as a precedent. Mr. Canning on the part of England, we grant, did acknowledge their independence before Spain had done so, and even before she had abandoned all efforts to reduce them to their allegiance; but this he did in furtherance of a policy hostile to Spain, and avowedly to create an interest in the New World against her in the Old. We have never heard that Spain did not feel herself aggrieved by his act, and we have seen both its justice and wisdom denied by able and influential English writers. Instances in which powerful nations have taken advantage of the weakness or embarrassment of a power with whom they profess to be at peace, and acquiesced in by that power because she could not obtain redress by appeals to their sense of justice or honor, and was not in a condition to enforce it, are hardly to be cited as precedents, or regarded as warranted by the law of nations.

We, however, willingly concede that neutral powers are not obliged in all cases to wait till the new government is recognized by the parent state, because such state may be unreasonably obstinate in refusing to acknowledge it, may persist in her claims long after there ceases to be any moral

possibility of her enforcing them, and the interests of the civilized world, as well as of the new states themselves, may imperatively demand that the new state be admitted into the family of independent states. But they are bound to wait till the revolutionary state is independent in fact,—till the parent state has virtually abandoned the struggle, and there is no longer any probability of her renewing it with an issue favorable to her sovereignty. This is all we ask, but thus much we do ask, and we had always understood that so much was conceded even by our own government to be necessary to authorize it formally to recognize a revolutionary state. That such was the case with the Spanish American revolutionary governments, when they were formally acknowledged by England and the United States, we do not pretend, and therefore we should cite the act of these powers as a precedent to be shunned, not followed. But whatever may have been the case with these, such certainly was not the case with the Magyars. The Magyar revolutionary government, as the government of Hungary, was not at any time independent, or a government in fact. It was acknowledged by only a minority of the Hungarian population, and did not combine in its support the whole even of the Magyar race. It was even as to Hungary only a faction. It was opposed or looked upon coldly by the majority of the magnates of the land, to whom the principal authority in the local government belonged, and was opposed by a majority of the population of the territory over which it pretended to authority, and in arms against it. At the moment when Mr. Mann was accredited to it, it was attacked on the South and Southeast by powerful armies of Hungarians, while Austria and Russia were entering it from the East, Northeast, Northwest, and West, with an overwhelming force. It was attacked on nine sides at once, and it is well known that the allied forces crushed it without a serious blow being struck. To say that Kossuth's government, supported only by a faction of the Hungarian people, always unable to make it assume a national character, and thus assailed on all quarters by powerful forces under brave and experienced officers,—some of whom are unrivalled in modern times, save by Napoleon and Wellington,—was independent *in fact*, is simply ridiculous; and to pretend that Austria had virtually abandoned the contest, and had no reasonable prospect of renewing it with an issue favorable to her sovereignty, is still more ridiculous. To



have formally recognized its independence would have been an act sustained by none of the instances Mr. Webster cites, even giving them an interpretation the most favorable to his position they can possibly bear, and, it strikes us, manifestly unwarranted by the law of nations or the usages of civilized states. With all deference, then, to Mr. Webster, we must think that he goes further than he is warranted in saying that, if the United States had formally acknowledged the independence of Hungary, it would not have been an act against the law of nations.

The well-known fact is, that our government was impertuned by the Magyar agents and sympathizers to acknowledge the independence of the Magyar revolutionary government, not because it was independent in fact, but because they hoped such acknowledgment would aid it in becoming so,—not because Austria had abandoned the struggle, nor because her success was doubtful, but that it might become doubtful. They knew and felt that the Magyar cause, unless it could obtain direct or indirect foreign aid, was utterly hopeless. Direct aid, except from red-republican volunteers, they could not at the moment expect; but they hoped that, if they could, through the prospect of commercial advantages, induce this country together with Great Britain to acknowledge Hungarian independence, and form commercial treaties with Kossuth's government, it would enable the rebels to make the contest a national one, and prolong it till they might have a chance to obtain direct foreign intervention, in the shape of diplomacy, if not of subsidies; and looking to the state of Europe at the time, we cannot doubt, if Kossuth could have contrived to continue the struggle some six or eight months longer, he would have had some chance of obtaining it. Through his red-republican coadjutors in every country, he would not unlikely have succeeded in kindling a general war throughout Europe, and at its termination, she having been previously recognized by several of the belligerents, he might possibly have obtained the separation of Hungary from the empire, as one of the conditions of a general pacification. Such undoubtedly was the hope of Kossuth and his friends, and to such a result looked expressly their policy of getting this country and Great Britain to acknowledge Hungarian independence; and it is not unlikely that it was foreseeing the possibility of such a result, that induced Austria to call in the aid of Russia to suppress the rebellion before the rebels could

consummate any portion of their diplomatic policy, instead of relying on their own resources alone, which were amply sufficient against the Magyars, so long as she had only them to contend with. For us under the circumstances to have acknowledged Hungarian independence would have been to second the policy of Kossuth, to contribute to his chances of prolonging the contest, of kindling a general war, and robbing the Austrian empire of one of her richest provinces. It would not, in the first instance, indeed, have been an armed intervention, but it would nevertheless have been an intervention, a comforting and consorting with rebels, which, it strikes us, the law of nations does not warrant, and which are by no means agreeable to the usages of civilized states.

It is very true, our agent did not formally recognize the independence of the revolutionary government, and that he never even entered Hungary. The contest was decided by the time he reached Vienna, in reality before he left home, and it was too late to aid the rebels, or to form any arrangements with them advantageous to ourselves. His mission had failed in its main purpose, and nothing would have come of it, if President Taylor's cabinet could have kept their own secret. But we must dissent from Mr. Clayton and Mr. Webster in the assertion that the mission was only, or even principally, a mission of inquiry. It was no more a mission of inquiry than is that of any agent sent abroad to recognize a foreign power, and, if practicable and advantageous, to form with it a commercial treaty. This is evident from the very language of Mr. Mann's instructions, as cited by Mr. Webster to prove the contrary. "The principal object the president has in view," say the instructions, as cited by Mr. Webster, "is to obtain minute and reliable information in regard to Hungary in connection with the affairs of surrounding countries, the probable issue of the present revolutionary movements, *and the chances we may have of forming commercial arrangements with that power favorable to the United States.*" And again, "The object of the president is to obtain information with regard to Hungary, and her resources and prospects, *with a view to an early recognition of her independence and the formation of commercial relations with her.*" It is clear from this, that the object of the government was the early recognition of the independence of Hungary, and the formation of commercial relations with her favorable to the United States. The

information sought was sought merely as subsidiary to this end. If to obtain this information was the only object, or the principal object, of sending the agent, why was he accredited to Kossuth's government, and authorized, if he saw proper, to recognize it and conclude a commercial treaty with it? Why were his instructions drawn up in terms highly complimentary to the rebels, and reproachful to the imperial government,—in terms which indicated a foregone conclusion? Information was no doubt wanted,—few cabinets have wanted information more than President Taylor's,—but the particular information it wanted in this case was whether it was too late to serve the revolutionary government, in its contest with the imperial authority, and whether commercial advantages could be secured to ourselves by formally recognizing it and concluding a commercial treaty with it.

Mr. Webster contends that President Taylor's cabinet was justified in the steps it took, by an example which he cites of the imperial court. In the early part of our revolutionary struggle, and while England was putting forth all her power to subdue us, an agent of the American congress, he says, “was not only received with great respect by the ambassador of the empress-queen at Paris, and by the minister of the grand duke of Tuscany, who afterwards mounted the imperial throne, but resided in Vienna for a considerable time; *not, indeed, officially acknowledged*, but treated with courtesy and respect; and the emperor suffered himself to be persuaded by that agent to exert himself to prevent the German powers from furnishing troops to England to enable her to suppress the rebellion in America. Neither Mr. Hülsemann nor the cabinet of Vienna, it is presumed, will undertake to say that any thing said or done by this government, in regard to the recent war between Austria and Hungary, is not borne out, and more than borne out, by this example of the imperial court.” The example of Joseph II., the emperor here referred to, has little weight with us, and can have little weight with an Austrian, for he is well known, through the greater part of his life, to have departed widely from the traditions of the house of Habsburg. He was a half French philosopher, a bold innovator, a revolutionist on the throne, whose authority in founding precedents we hardly expected such a man as Mr. Webster to recognize. But there is, it strikes us, a wide difference between treating with courtesy and respect, as a private

gentleman, a person who happens to be, but who is not officially recognized to be, an agent from a revolutionary government, and appointing and sending out an agent to such a government, with instructions drawn up in terms highly complimentary to it and reproachful to the government against which it is in arms, and authorized, in a certain contingency, to recognize its independence, and conclude a commercial treaty with it. The emperor, moreover, at the instance of the agent, performed no act that was not *required* by his position as a neutral power; for all he is said to have done was simply to exert himself to prevent the German princes, that is, the princes that acknowledged him as emperor, from intervening in favor of England. He was not bound to intervene in the quarrel between England and her colonies, and to advise, as emperor, the princes of his empire not to intervene against us by furnishing troops to England to aid her in subduing us, was simply not intervening, and England had no more cause to complain than Austria would have had to complain of the federal government in case it had exerted itself, if they had been so disposed, and had had the power to do so, to prevent the several states of this Union from furnishing her troops to enable her to put down the rebellion in Hungary. The example of the imperial court does not, therefore, appear to us to bear out, or indeed to have any bearing on, the conduct of President Taylor's cabinet.

Mr. Webster expresses great indignation at Mr. Hülse-  
mann's suggestion, that they who took the responsibility of sending out Mr. Mann exposed him to be treated as a spy. He denies that Mr. Mann was a spy, and says, - "To give this odious name and character to a confidential agent of a neutral power, bearing the commission of his country, *and sent for a purpose fully warranted by the law of nations*, is not only to abuse language, but also to confound all just ideas, and to announce the wildest and most extravagant notions." Certainly, if "sent for a purpose fully warranted by the law of nations," but not so certainly, if sent to tamper with rebels contrary to the law of nations. "Had the imperial government of Austria subjected Mr. Mann to the treatment of a spy," Mr. Webster adds, "it would have placed itself out of the pale of civilized nations; and the cabinet of Vienna may be assured, that if it had carried, or attempted to carry, any such lawless purpose into effect, in the case of an authorized agent of this government, the

spirit of the people of this country would have demanded immediate hostilities to be waged by the utmost exertion of the power of the republic, military and naval." Perhaps so. But if Mr. Mann at Vienna, with instructions hostile to Austria, and his credentials to her rebellious subjects in his pocket, and seeking information as to her policy and movements with a view of using it against her to the advantage of her rebellious subjects in arms against her, was not a spy, what was he? We are far from certain that he was not a spy in the full legal sense of the term, for a spy, we take it, is a secret emissary in the camp or dominions of one belligerent, communicating with traitors, or seeking information of its resources, intentions, plans, and operations, with a view to the interests of its enemies, or the other belligerent, all of which was true of Mr. Mann, as is evident from the very face of his instructions. He was sent especially to collect information in the dominions of Austria, with a view of using it against her and in favor of her rebellious subjects, as is undeniable: what was he, then, but a spy? The fact that he was a confidential agent of our government, acting under its authority, could not alter the nature of his errand, and only implicated our government itself in his unlawful doings. But be this as it may, if, as Austria contends, and Mr. Webster, in our judgment, fails to disprove, the agent or emissary despatched was despatched on an unlawful mission, that is, a mission not warranted by the law of nations, the commission of his government could not protect him. If, then, Austria had apprehended him within her jurisdiction, she could have punished him according to the nature of his offence, without his government having either the right to protect him or to complain; for it could claim no right in virtue of its own wrong. Mr. Webster's indignation seems to us, therefore, unwarranted, and his threat, which would have been more dignified if the dominions of Austria were contiguous to our own, or she were more formidable as a naval power, wholly uncalled for.

Finally, Mr. Webster takes the ground that Austria has no right to complain of the instructions to Mr. Mann, however reproachful to her, because they were instructions of the government to its own agent. This is undoubtedly tenable ground, so long as they remained confined to the government and its agent, and were unknown beyond; but not at all since they are published to the world. Austria com-

plains of the instructions only inasmuch as they have received publicity. They were communicated by the president to the senate, and by the senate printed and published. They are, when published, addressed to the world, and Austria has now a perfect right to question the government concerning them. Mr. Webster says, "With respect to the communication of Mr. Mann's instructions to the senate, and the language in which they were couched, it has already been said, and Mr. Hülsemann must feel the justice of the remark, that there are domestic affairs in reference to which the government of the United States cannot admit the slightest responsibility to the government of his Imperial Majesty." Very true, so long as they remain purely domestic affairs; but Mr. Webster forgets that, when published to the world, they cease to be purely domestic affairs, and become public, and as public the government is of course responsible for them. This is only common sense and common justice, and Mr. Webster himself maintained the same, some years since, when the doctrine he now opposes to Mr. Hülsemann was put forth by General Jackson in one of his messages to congress.

We are pleased to find Mr. Clay taking in the senate the same ground that we do. "It is true," he says, on the motion for printing an extra number of copies of the correspondence, "it is true that in some sense a communication between the president of the United States and congress, or either branch of it, is a domestic document, but the moment it is published it is transmitted to every quarter of the globe; and I think, if we look into the history of our diplomacy, we shall find unquestionable precedents where foreign governments have been called to an account for acts which were somewhat, if not wholly, of a domestic character. Even occurrences of the day, as seen in the periodicals of the country, have been the subject of diplomatic action. Sir, does the fact that it is of a domestic character limit its publicity? It is published throughout the world; if you say any thing in that document which another government must feel as a reproach, is it any consolation to reflect that, while the whole world knows what you have said disparagingly of her, the whole world knows that it was a domestic matter?" The fact is, the moment the document is published, it ceases to be domestic, and becomes a public document, and is to be treated as such.

We do not, therefore, think Mr. Webster's reply *proves*

that Austria had no cause of complaint, or that "the steps taken by President Taylor's cabinet, which she now protests against, were warranted by the law of nations and agreeable to the usages of civilized states." Whether they did in fact violate the law of nations and lawful usages or not, it is not within our province to decide, but we may, we trust, without rashness or indecorum, be permitted to suggest, that, if those steps were not absolutely unlawful, or more than other powers have sometimes suffered themselves to take, they are such as no high-minded or honorable government would ever take against a power to whom it professed to be friendly, who had never given it the slightest cause of complaint, and whose friendship it wished to retain. They show that all the sympathies of the government were with the rebellious Magyars, and that it was willing to aid them all it could without an open rupture with their rightful sovereign. They show that the government had no sincere friendship for Austria, no esteem for her character, no respect for her rights, no sympathy with her noble efforts to maintain the cause of authority and law against rebellion and anarchy,—in a word, they show that it cared nothing for her, the only party it had, as a non-interfering power, any right to know in the contest, and was solicitous only for the success of her rebellious subjects. An astute lawyer may, perhaps, show that we technically violated, in our ungenerous and dishonorable conduct, no law of nations; but sure are we, that if the cases had been reversed, and we had been in the place of Austria and she in ours, Mr. Secretary Webster would have taken a different view of the question, and addressed a protest against her doings in terms not more courteous, and far more energetic, than Austria has seen proper to adopt. "Sir," said Mr. Clay, in his remarks in the senate on Mr. Webster's answer, "any interference, no matter how cautious, how *legitimate*, it may be, in the affairs of a great government which is engaged in a contest with any of its departments, is one of great delicacy. We have only to reverse the positions in which we are relatively placed to appreciate it. Suppose any one of the states of this Union were in revolt against the general government, and any European power should send an agent here for the purpose of obtaining information, even such as that which our agent was sent to Hungary to procure, certainly it would create a great deal of feeling throughout the United States." Most assuredly

it would, and if Austria had sent such an agent, accredited to the revolted state, with instructions, drawn up in a tone of decided hostility to the general government, to recognize, in a certain contingency, the independence of the rebels, and to form commercial arrangements with them, and had afterwards published the fact, together with these instructions, to the world, we cannot doubt that Mr. Webster would have found little difficulty in maintaining that her conduct was by no means "warranted by the law of nations," or "agreeable to the usages of civilized states"; and if, during the struggle, we had found her emissary lurking about our court or camp, there is just as little doubt that we should have hung him, as General Jackson hung Arbuthnot and Ambrister.

But all this by the way. Our purpose was not to prove the insufficiency of Mr. Webster's reply to the Chevalier Hulsemann, to inculcate our own government, or to vindicate the justice of the Austrian protest. It was for a far different purpose that we introduced the correspondence between the two governments. It was to point out a far graver fault on the part of Mr. Webster than that of inconclusive reasoning, namely, that of attempting to defend the sympathy of the American government and people with European rebels in general, and the Magyar rebels in particular, on a ground fatal to all political right and social order. Mr. Webster, as representing the government, might feel himself called upon to make the best defence in his power of the steps taken by President Taylor's cabinet, even if he did not personally approve them; but we cannot excuse him for attempting to do it on principles, which must not only be an aggravation of the offence complained of by Austria, but absolutely ruinous to his own government, and which it cannot accept without placing itself out of the pale of civilized nations.

The policy of our government under Washington, and which was commended to us by the father of his country in his "Farewell Address," was that of non-intervention in the domestic affairs of other nations. In those purer days of the republic, to which President Taylor proposed to restore the administration of the government, and the history of which it is rumored Mr. Webster is engaged in writing, we proceeded on the principle of adopting and maintaining for ourselves such political forms and institutions as we judged most appropriate to our peculiar position, and best adapted



to our national character and interests, and of leaving to other nations to do the same for themselves, each in its own individual case. We were sturdy republicans for ourselves; but we recognized, in themselves considered, the equal legitimacy of all forms of government, and claimed only that the republican was the legal and best form for us. We were republicans for ourselves, without proposing or claiming to be republicans for the whole world. We recognized in every independent people, what, indeed, is the essence of independence, the right of self-government, that is, the right of determining its own form of political constitution, undictated to by any other people; and we also recognized the rights of authority, and the duty of the people to obey it in the legal discharge of its legal functions, that is, we recognized the allegiance of every people to the sovereign authority of the state, however constituted, or their strict obligation to obey the laws. We defended our own act of separation from the crown of Great Britain, not on modern revolutionary principles, but on legal principles,—on the ground that George III. had by his tyranny broken the compact between him and the colonies: that is, had by his own act, against our repeated remonstrances and protests, himself absolved us from our allegiance. Whether our defence was successful or not is nothing to the present question; certain it is, the principle we asserted is a sound one, and if we erred in its application to facts, whatever defect in our title that error occasioned was supplied the moment that the British crown acknowledged our independence. From that moment, at least, our government was legal, and we asserted it on legal principles, and no more asserted or conceded the misnamed right of insurrection or rebellion than do monarchical governments themselves. Like all governments, we asserted the principle of legitimacy, of authority, for ourselves, and recognized it in all independent governments. We thus placed ourselves in harmony with the civilized world, and could recognize and treat with governments, and be recognized and treated with by them, on terms of mutual esteem and respect, although their constitution of the sovereign power was different from our own.

Unhappily, of late years we have shown a disposition to depart from this sound principle and wholesome policy, and have come in some measure to regard ourselves as the representatives of a political system, and the political system we represent as the only system which, here or anywhere

else, is or can be legitimate. Rebellion of the people against other systems in favor of ours, we assume to be everywhere lawful, and to be discountenanced, if discountenanced at all, only where it is imprudent, that is, where it has not a reasonable prospect of succeeding. On this principle we encouraged, indirectly, at least, the Spanish American colonies to revolt from the mother country, and prematurely acknowledged their independence; wrested Texas from Mexico and annexed it to the Union; and have intrigued with the democrats of Cuba, and sought to do the same with the Queen of the Antilles. On this principle we invaded Mexico, for if there had been no movement in Mexico to reëstablish monarchy, it cannot be doubted that we should have had no war with that republic; and it is remarkable, that the first thing we did after crossing the Rio Grande was to displace the monarchical party, and restore the republican party to power. And on this same principle, also, we sympathize, both government and people, with the rebels of all countries, and rejoice at their victories over legitimate authority, historical rights, and the brave defenders of law, of order, of liberty, and of society.

Mr. Webster, considering his antecedents, is the last man in the country that we should have suspected of a disposition to indorse this most dangerous principle, so utterly repugnant to justice and civilization. Yet, unless we have wholly mistaken his answer to the protest of the Austrian government, he has fully indorsed it, and supported it in the clear and forcible language which belongs to his character. This is the principal fault we lay to his charge. Speaking of the deep interest taken by this country in the recent European revolutionary movements, he says,—“The undersigned goes farther, and freely admits, that in proportion as these extraordinary events appeared to have their origin in those great ideas of responsible and popular governments, on which the American constitutions themselves are wholly founded, they could not but command the warm sympathy of the people of this country. Well-known circumstances in their history, indeed their whole history, have made them the representatives of purely popular principles of government. In this light they stand before the world. They could not, if they would, conceal their character, their condition, or their destiny.” This will bear but one interpretation, for Mr. Webster is not merely stating a fact; he is assuming a postulate, from which he infers the justice of that sympathy of our

government and people, as we have said, with European rebels in general, and Magyar rebels in particular, which had induced the steps against which Mr. Hülsemann, in the name of Austria, had protested. It could be no justification of that sympathy, except on the principle of the exclusive legality everywhere of purely popular principles of government. Not otherwise could sympathy with rebellious movements be defensible on the ground of their appearing to originate "in those great ideas of responsible and popular governments, on which the American constitutions themselves are wholly founded." Moreover, on no other principle could it be maintained that such sympathy is justifiable, because the American people are "the representatives of purely popular principles of government." If they are representatives of such principles only for their own country, without questioning the legality of other forms of government for other countries, this would be no reason why they should sympathize with rebellions in other countries in favor of popular principles of government, or why they should not hold the overthrow of monarchy in France, Italy, Germany, and Austria to be as great a crime, and as great a calamity, as would be the overthrow of democracy or republicanism in the United States. If they must sympathize with rebellions against monarchy in favor of democracy, because they are representatives of purely popular principles of government, it can be so only because they represent such principles not for themselves only, but for the world, that is, assert the exclusive legality of such principles, and deny the legality of all others, or, in plain words, maintain that every government except the democratic is *per se* a tyranny, and may lawfully be subverted by its subjects, wherever they are able to do so.

That this is no forced interpretation of Mr. Webster's language would seem to be evinced by his contrasting the position of the United States, as the representative of one system, with that of the European sovereigns supposed to represent another, and by his concluding from the fact that, as he alleges, they have denounced the popular principles on which the rights of our government are founded without remonstrance from us or disturbing our equanimity, so they should not remonstrate, or suffer their equanimity to be disturbed, when we denounce the principles on which they rest their rights. Thus he says:—

"The position thus belonging to the United States is a fact as inseparable from their history, their constitutional organization, and their character, as the opposite position of the powers composing the European Alliance is from the history and constitutional organization of the governments of those powers. The sovereigns who form that alliance have not unfrequently felt it their right to interfere with the political movements of foreign states; and have in their manifestoes and declarations denounced the popular ideas of the age, in terms so comprehensive as of necessity to include the United States and their forms of government. It is well known that one of the leading principles announced by the allied sovereigns after the restoration of the Bourbons is, that all popular or constitutional rights are holden no otherwise than as grants and indulgences from crowned heads. 'Useful and necessary changes in legislation and administration,' says the Laybach Circular of May, 1811, 'ought only to emanate from the free will and intelligent conviction of those whom God has rendered responsible for power; all that deviates from this line necessarily leads to disorder, commotions, and evils far more insufferable than those which they pretend to remedy.' And his late Austrian Majesty, Francis I., is reported to have declared in an address to the Hungarian Diet, in 1826, that 'the whole world had become foolish, and, leaving their ancient laws, was in search of imaginary constitutions.' *These declarations amount to nothing less than a denial of the lawfulness of the origin of the American government*, since it is certain that the government was established in consequence of a change which did not proceed from thrones, or the permission of crowned heads. But the government heard these denunciations of *its fundamental principles* without remonstrance, or disturbance of its equanimity."

This fully confirms all that we have said, and proves that Mr. Webster regards the two systems of government as fundamentally antagonistic, so that the legitimacy of the one cannot be proclaimed anywhere without denying the legitimacy of the other. But this cannot be the case, unless each is exclusive, and asserts itself as the only legitimate form of government throughout the world, not only where it has the historical right, but equally where it has not, and its opponent has. Consequently he must hold, that, according to the principles of our government, all political systems but our own have no rights, are unlawful, and may be lawfully subverted by rebellion. This must be his doctrine, for he defends sympathy with rebellion against monarchy in behalf of popular government without any limitation, and solely on the ground that it is in behalf of popular government, and he is too good a moralist to hold that sympathy with wrong is ever defensible, and too distinguished a lawyer

and a statesman to maintain that a rebellion against legitimate authority, that is, *rightful* authority, is ever right.

It is only on the ground that our government is founded, not merely on the right of a popular form of government here where there was no historical right against it, but on its right to found itself everywhere in opposition to the existing government differently constituted, that Mr. Webster can establish any fundamental antagonism between the principles of our government and the declarations of the allied sovereigns of Europe. He says it is certain that our government "was established in consequence of a change which did not proceed from thrones, or the permission of crowned heads." This is not precisely true, if we believe the revolutionary congress of 1776; for that declares the colonies were absolved from their allegiance to the crown of Great Britain by the act or acts of George III., who was a crowned head, and he would be a bold man who, on any recognized principles of public or constitutional law, would undertake to maintain the strict legality of the American government prior to the acknowledgment of its independence by the king of Great Britain. But waiving this, conceding all that Mr. Webster asserts as to the origin of our own government, his conclusion does not follow; for the allied sovereigns do not say, and never have said, that none but monarchical forms of government can be legal, and that no legislative or administrative changes are lawful unless they "proceed from thrones, or the permission of crowned heads." Even as Mr. Webster himself cites them, they only say that such changes "ought only to emanate from the free will and intelligent conviction of *those whom God has rendered responsible for power*," that is, from the sovereign or the supreme authority of the state. Does Mr. Webster himself deny this? Did he, when formerly secretary of state, deny it, and recognize the legitimacy of Mr. Dorr's rebellion in Rhode Island? Did he deny it before the supreme court of the United States, when employed as counsel in a case which turned on this very principle? Was it not, and did not he, with ourselves and all other friends of law and order in the country who expressed their views on that rebellion, maintain that it was precisely the vice of Mr. Dorr's constitution, that it did *not* emanate from the free will and intelligent conviction of the sovereign authority of Rhode Island, but from a band of real, though not very sanguinary, rebels, who formed it without historical right, and under-

took to enforce it against the will of the government already existing? Is it necessary for us at this day, even after the decision of the highest tribunals known to our laws, to defend Rhode Island, and to prove that, in suppressing the Dorr rebellion, she did not violate the fundamental principles of the American *state*, and that too against such a lawyer and statesman as Mr. Secretary Webster?

Mr. Webster cannot be ignorant that the leading principle which he says was announced by the allied sovereigns after the restoration of the Bourbons, that "popular or constitutional rights are holden no otherwise than as grants and indulgences from crowned heads," was not announced as a universal principle, but as a special principle applicable only to the monarchical states of Europe, and was the simple statement of an historical fact, known to every decently-read man on the subject to be an historical fact, rather than the announcement of a principle at all. If we recollect aright, it was not even then stated as a reason against such rights, but as a reason for granting or confirming them. At least such is the fact with regard to the charter granted by Louis XVIII., of France, one of those sovereigns, to his subjects, after his restoration to the throne of his ancestors, in the preamble to which it is set forth. At any rate, it had, it could have, and was intended to have, no application to this country, where monarchy had no historical rights. Mr. Webster should not have confounded the statement of a fact with the announcement of a principle, nor the announcement of a special with the announcement of a universal principle. The allied sovereigns have on no occasion announced any principle that denies the lawfulness of our government, unless we so assert our government as to deny the lawfulness of every other not constituted like it. They have denounced the popular ideas of the age, we grant, but not "in terms so comprehensive as of necessity to include the United States, and their forms of government," for they have never denied the legality of popular government as such. They have denied its legality only when it attempts to assert itself in opposition to established law and historical right, and we, who yield to no man in our republicanism, or in our loyalty to our government, have done and still do as much, and so must every American citizen who knows the distinction between a sovereign state and a mob, or a legal convention and an electioneering caucus. That they have denounced, in denouncing the popular ideas of the age,

doctrines which many of our people have imbibed, and in accordance with which there is a strong tendency among us at present to interpret our constitutions, is no doubt true, but those doctrines are not the foundation of our forms of government; they are irreconcilably hostile to them, as no man knows better, or on occasions feels more deeply, than Mr. Webster himself, as it would be easy to collect from his support of the fugitive slave law, and his denunciations of resistance to it.

Mr. Webster says that the allied sovereigns "have not unfrequently felt it their right to interfere with the political movements of foreign states," and he appears to wish to leave the impression, that they have interfered to put down popular government, and that, as they have done this, they ought not to complain when we only express our sympathy with the various movements to establish such governments. We are not the apologists of the sovereigns of Europe, but we have no right to misrepresent them, and we must say that this statement, in the sense it appears to be made, is far from being correct. The allied sovereigns have, undoubtedly, interfered occasionally in the political movements of foreign states, but rarely, if ever, in the political movements of any foreign state without the invitation or consent of its sovereign, and never to put down popular government as such, nor at all where it could pretend even to a shadow of political or historical right. They have interfered against usurpers and rebels in defence of legal constitutions and historical rights, but never to put down a government merely because it was founded on popular principles. It is against illegality, against revolutionism, against the disrespect for undeniable historical and political rights, against disorder and anarchy, that they have interfered. If they have interfered with republicanism as such, why have they not interfered to suppress republicanism in Switzerland, in San Marino, and the free towns of Germany? No, the principle of intervention asserted by the allied sovereigns has been misunderstood, and often maliciously misrepresented. We in this country, instead of looking at the facts, and ascertaining the principle on which the sovereigns profess to act, have generally relied, without any critical examination, on the statements of European liberals, a class of men to whom truth is for the most part a stranger, and whose passions, prejudices, and purposes very naturally lead them to calumniate their sovereigns, against whom they are everywhere

and continually conspiring, and who have so often thwarted their criminal attempts. The principle on which the sovereigns have interfered is respect for historical rights, and the preservation of liberty and social order in Europe. Where republicanism existed, and had an historical right to exist, they have respected republicanism; where monarchy survived, and had an historical right to reign, they have respected monarchy, and exerted themselves to put down its enemies. It does not therefore follow, because in defence of national constitutions and historical rights the allied sovereigns have frequently claimed the right to interfere to suppress usurpers and rebels, that they have no right to complain of us for everywhere sympathizing with usurpers and rebels, with the party in arms, against national constitutions and the historical rights of sovereignties, which we, as a government, are as much interested in maintaining as are the allied sovereigns themselves.

It may be asked, why these sovereigns have not left to each state the settlement of its own domestic affairs. It might as well be asked, why our government interfered to prevent the reëstablishment of monarchy in Mexico, and why the press has called upon it to interfere and put down monarchy in Cuba and in Hayti. The answer to the question is, that the intervention was necessary for the common good of all the states, and the preservation of social order in Europe. The several states were so connected one with another, that a convulsion could not occur in one without shaking another, and often the individual sovereign was too weak to suppress the revolutionists in his own dominions, aided as they were by their sympathizers in other states. If your children fire your house, and you will not or cannot extinguish its flames, I am not obliged to stand quiet and see it burn down, when it is so situated that it cannot burn down without burning down mine with it. I have the right to interfere and extinguish the flames, and if not able to do it alone, I have a right to call in my neighbors to help me. The principles and proceedings of the popular party in Europe were incompatible with civilization, inasmuch as they respected no public law, and attacked all political rights, and even social order itself. The European sovereigns entered into an alliance and intervened against them, because they asserted democracy as the only form of government that is or can anywhere be lawful; because they denied the lawfulness of kingly governments as such, and as-



sented the right of the people, and exerted themselves to induce the people to exercise the right, everywhere to rebel against monarchical governments, and overthrow them simply because monarchical; because they assumed the position and character of armed propagandists, and formed among themselves, as they do at this moment, a league or confederation in every country for the express purpose of revolutionizing all monarchical states. The sovereigns of Europe were bound, as the heirs of the historical rights of the European nations, and by their position and coronation oaths, to interfere, and, if possible, save the civilized world from its most deadly enemies; and if they had not interfered, they would have been false to God and to society, and would have deserved the utter reprobation of every friend of civilization.

Now it is precisely sympathy with these banded European conspirators, these Jacobins, red-republicans, socialists, Carbonari, Freemasons, Illuminati, Friends of Light, or by whatever other name they may call themselves or be called by their opponents, and with their detestable principles and criminal movements, that Mr. Webster defends, and undeniably defends, on the ground that their principles are ours, and cannot be denounced without of necessity including the United States and their forms of government. That is, our institutions are founded on the denial of the lawfulness of all forms of government but the democratic, the assertion of the legality of the popular form of government universally, and the indefeasible right of the people everywhere to conspire, to rebel, against monarchy, in utter disregard of public law, or of historical rights, for the sake of establishing it! And this pernicious doctrine is put forth, not by some foreign refugee from the dungeon or the halter, not by some obscure radical desirous of attracting notoriety by the extravagancy of his paradoxes, but by the distinguished lawyer and statesman, Daniel Webster, and by him not as a private citizen, but as secretary of state, by authority of the president of the United States, in a grave official document addressed to a foreign court in defence of the American government and people!

“Non tali auxilio, nec defensoribus istis  
Tempus eget.”

Here is our well-founded objection to Mr. Webster's reply to the Chevalier Hülseman, — a reply which, though

not so intended, really calumniates this country, and insults every loyal American citizen. It is in striking contrast with the principles and policy of Washington, the father of his country; and it adopts principles, and paves the way for a policy, to which we have been accustomed to regard Mr. Webster as the most strenuous and distinguished opponent among American statesmen. His intended defence, but real charge, we need not say, is unfounded, and we evidently cannot identify the principles of the American constitution and government with the principles of the European rebels and revolutionists, without placing ourselves as a people out of the pale of civilized nations. We are, no doubt, a great people, in our way, but it behooves us to remember that we do not give law to the civilized world. The civilized world existed, civilized nations were constituted, public law was settled, and the principles and usages of civilization were determined, some centuries before we as an independent government were born. The fact of our existence has made no alteration in public law, or in the principles and usages of the civilized world; and we, in order to be a member of the civilized family, must not undertake to create anew public law and civilized usages, but conform to them as they existed before us. If we choose to arraign them, or to place ourselves in opposition to them, it is not other nations we uncivilize, but ourselves. The principles and movements of the European liberalists, or revolutionists, are, undeniably, in direct and systematic opposition to all law, to the principles and usages of the whole civilized world, —and we cannot indorse them, and maintain that our government cannot be defended without defending them, and not maintain that our government stands opposed to the whole civilized world, and therefore is not itself a civilized government.

As an American citizen we protest against this foul dishonor to our government and principles. There is no occasion to appeal to those popular ideas of the age, denounced by the allied sovereigns of Europe, in order to vindicate the lawfulness of our government, and here no more than in Austria or Russia are the sacredness and inviolability of national constitutions or historical rights of authority denied. If, as a fact, the people intervened in forming our constitution, it was because there was here, after the acknowledgment of our independence, no other power that had a right to do it, and they violated no historical or already existing

rights in doing it. As a matter of fact, however, their actual intervention was in accordance with, if not indeed in virtue of, all the historical rights subsisting in the nation at the time, and was less to found or institute government, than to supply the defects in the already existing government occasioned by the lapse of the crown of Great Britain. But be this as it may, nobody questions, not even the allied sovereigns of Europe themselves question, the natural right of a people who find themselves without government, since government is a prime necessity of society, as society is of man, to assemble in convention and institute a government. This right is universally conceded. But the moment the government is instituted, the moment it can be said to exist, its historical right commences, and the right of the people to found or institute government ceases. This, whatever may be the theory of our unfledged politicians, is the principle of our institutions, sustained by all our laws, as no man knows better than the eminent lawyer now secretary of state. The people here have not one particle of power, except by virtue of historical right. The law admits them to a large share in the administration through the elective franchise, it is true, but that franchise is a trust, not a natural right, and is possessed only by those to whom the law grants it, and can be exercised only in the form and manner the law prescribes. The people may be legally assembled in convention, to amend the constitution, but they can assemble only by virtue of the law, and when so assembled are as much a legal assembly holding under law as any one of our ordinary legislatures. Is it not so? Try the experiment; let the people assemble without being legally convened, let them, on the simple ground of popular sovereignty, form a new constitution, and institute a new government, as they did in Rhode Island, and will it be held to have the right to govern? Not at all, and any act of it to supplant forcibly historical right, or to compel itself to be obeyed as the government, will be by the laws of every state in the Union an act of treason, and punishable as such. The case is not an imaginary one; it has already occurred in our brief history, has been fully argued on both sides, and finally settled by the highest tribunals known to our laws, and settled in favor of the old government, on the ground that it has the historical right, and is the only government historically known. The fact, then, of the intervention of the people here in the formation of the govern-

ment, of their large share through the elective franchise in its administration, and of their right, when legally convened, to amend the constitution or the fundamental law, makes no difference, in so far as government, between our governments and the governments of Europe. It has the same rights and duties that they have, and holds its powers under the same divine law under which they hold theirs. It has the same historical rights that they have, the same right that they have, and no other than they have, to protect itself, and to suppress all rebellions against it. Without asserting the sacredness and inviolability of historical rights, of its right to be and to govern because it has been and is the government, and no other has been or is the government, it could not sustain itself a single moment, for it could not rightfully put down a single rebellion against it, or attempt to enforce a single one of its laws. If we must assume historical rights to be sacred and inviolable, as the only condition of sustaining our government, what is more absurd than to maintain, that to assert these rights against the rebels in arms, madmen conspiring everywhere against them, is to deny the lawfulness of our own constitution and forms of government? No government is more interested in sustaining those rights than our own, and it is with no little regret we hear the government itself renouncing its own legality, and every principle on which its lawfulness can be defended, telling us that our sympathy is due, not to those who labor to protect those rights, but to those who scorn them, trample them under their feet, and are everywhere confederated, and about again to take up arms, to render them of no avail.

It is true, Mr. Webster tells us that the American people though they everywhere sympathize with rebels and the sworn enemies of all historical rights, do not propose to take up arms to assist them. "The United States have abstained at all times from acts of interference with the political changes of Europe. They cannot, however, fail to cherish always a lively interest in the fortunes of nations struggling for institutions like our own. But this sympathy, so far from being necessarily a hostile feeling towards any of these parties, is quite consistent with amicable relations with both." Will Mr. Webster explain how we can maintain amicable relations with the sovereign, while we have amicable relations with his rebellious subjects? But this is not the point now under consideration. We do not

believe that as long as Mr. Webster is in the cabinet our government will take any very active measures of interference in behalf of rebels in Europe or elsewhere, but he defends principles which permit such interference whenever we choose. In assuming that our government by its origin and principles denies, with the European rebels, all historical rights, and authorizes and sympathizes with their movements, he denies that so to interfere would be any violation of public right. The rights of nations are all historical, and if we deny them, there is nothing to hinder us from accepting the doctrine of FRATERNITY preached by Mr. Webster's European friends, and then we should have the same right to engage in a struggle for democracy anywhere that the revolutionists themselves have. Nay, Mr. Webster's own assertion, by authority of the president of the United States, of our sympathy with these revolutionists, and his identification of their principles and cause with our own, can be vindicated only on a principle that would allow interference in their behalf to any extent we chose, or thought it prudent for our own sake, to carry it.

Mr. Webster asserts the prosperity of his own country as superinduced by her peculiar institutions, in the true spirit of a propagandist. "The power of this republic is at the present moment spread over a region, one of the richest and most fertile on the globe, and of an extent in comparison with which the possessions of the house of Habsburg are but a patch on the earth's surface." This probably was written with a view to the pit. Suppose this to be a fact, what relevancy has it to the matter in controversy? Does it prove us in the right by proving our dominions are larger than those of Austria, or her in the wrong, because her farm is less than ours? Even supposing it proved the superiority of republican institutions over monarchical, what has that to do with the question? Austria has not protested against our republicanism, or asserted the superiority of monarchy, and what right has Mr. Webster, if he recognizes the independence of Austria, and proposes to treat with her as a sovereign state, to bring in question the relative superiority or inferiority of the respective forms of the two governments? Why does he travel out of the record, and give vent to a very silly boast? Do his best, he cannot claim for his country any superiority over Austria, except in vain and undignified boasting. But how, in fact, stands the question with regard to this vast extent of territory of the Union?

Of the territory of the old thirteen states, we say nothing ; but of the rest, which far exceeds it, will Mr. Webster seriously set its acquisition down to the credit of our political principles and institutions? The Louisiana purchase he cannot, for Mr. Jefferson, who purchased the territory from France, confessed that he did it in violation of the constitution he had sworn to observe and defend. The acquisition of Texas he cannot ; for he maintained in the senate that it could not be constitutionally annexed to the Union, and he opposed its annexation with all his energy, ability, and eloquence. The acquisition of New Mexico and California he cannot ; for he opposed as unjust the war which led to their conquest, and also opposed to the last moment the treaty by which they were acquired, and even voted against its ratification. As to Oregon, we know not under what title we hold it, unless it be that one Captain Gray happened to approach very near to, perhaps entered, the mouth of the Columbia river, before any one else was known to have done so. Now, we submit to Mr. Webster himself, if he has any right to consider this vast acquisition of territory, effected for the most part by open violation of the constitution, or by a war which he held at the time to be aggressive and uncalled for,—a war, as he pronounced it, “of pretexts,”—as any thing honorable to the republic or republican institutions in general.

But we have extended our remarks much further than we intended, and we hasten to dismiss this painful subject, although we leave several points of some importance untouched. We need not add, that for Mr. Webster, both in consideration of his public services and of what we have seen of him in social intercourse, we have entertained a very great, indeed, a very profound respect ; and we have looked to him as the leader of that true American party which, we trusted, would be formed out of the conservative elements of the two great parties which have hitherto divided the country. We have particularly approved his course in regard to the so-called “compromise measures,” and we were exceedingly gratified when we heard that he had consented to accept the department of state in Mr. Fillmore’s cabinet. It has therefore been with great disappointment, as well as unfeigned sorrow, that we have read the document on which we have commented. As a diplomatic document we shall not trust ourselves to characterize it, any further than to say that it is singularly irrelevant in several of its topics, incon-

clusive in its reasonings, and undignified in its tone. As a political document embodying the views of the government and announcing American principles, it is in a high degree objectionable. In it Mr. Webster leaves the statesman for the demagogue, the conservative for the radical, and instead of availing himself of his position and the occasion to announce sound and salutary principles, he has assumed the *bonnet rouge* of the Jacobin, and descended to pander to the worse principles, the basest passions, and the most dangerous tendencies of his countrymen. Little did we think that he who some years since applauded, and induced not a few others to applaud, our own indignant denunciation of these principles, passions, and tendencies, would himself one day need to be remonstrated with for proclaiming them, and proclaiming them as American, and inseparable from the American character, condition, and destiny. We hope his lapse will prove but momentary, that he will hasten to take back his defence of rebels everywhere, and assume his rightful and natural position once more on the side of authority, in defence of historical rights, and of liberty through law. This, with disunion preached throughout the land, and the laws openly resisted, in our cities, is no time to proclaim sympathy with rebels and rebellion.

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## ‘AUSTRIA AND HUNGARY.\*

[From Brownson's Quarterly Review for April, 1852.]

THESE are two interesting and in various respects highly instructive volumes. The author is a native of Switzerland, and was formerly tutor to the young archdukes of Austria, and, we believe, to the present Emperor Francis Joseph. He is a man of learning and talents, of firm faith and sincere and tender piety. He travels as a Catholic and as an ecclesiastic, but as one who well knows the world, as a shrewd observer, and as an able and impartial commentator on

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\**Les Saints Lieux. Pèlerinage à Jérusalem, en passant par l'Autriche, la Hongrie, la Slavonie, les Provinces Danubiennes, Constantinople, l'Archipel, le Liban, la Syrie, Alexandrie, Malte, la Sicile, et Marseille.* Par MGR. MISLIN, Abbé Mitré. A Paris: 1851.

what he sees and hears. A more pleasant, instructive, and trustworthy traveller it has rarely been our good fortune to meet, or one whose accounts of the countries through which he has passed are more interesting or more important. We see and learn more of them in his pages than we could by visiting them ourselves, for he always seizes the right point of view, and shows you the precise things a Catholic traveller ought to see and become acquainted with.

The Abbot Mislin set out from Vienna on his pilgrimage to the Holy Places on the 24th of June, 1848, after the first red-republican revolution in that city, and just before the open revolt of Kossuth and the Magyars. His position at the court of Austria gave him a good opportunity of understanding the character and purposes of each, and his candor, independence, and obvious good faith render his statements worthy of all confidence. He loves Austria, indeed, and is strongly attached to the imperial family, but he is no blind idolater of Austrian policy, and though far from sympathizing with the false liberalism of the age, he comments with great freedom on the acts of the imperial government. He is no enemy to Austria, but he is no flatterer of the Austrian government, which, though not censurable under the relations alleged by the revolutionists, had many and great faults, which no lover of freedom and Catholicity can palliate or disguise. The imperial family were pious and well disposed, but the administration was almost wholly in the hands of the enemies of the church. Happily, however, the government was forced by the rude shocks it received to recognize its errors, and the present emperor has already done much, and we trust he will do still more, to correct them. Even as a matter of sound policy, he should leave the church free, for it is only through her freedom and independence of the state that government, or even society, is practicable in any part of Christendom. The attempt to maintain society on atheistical principles, by chaining up the church, disparaging the clergy, ridiculing religion, and directing attention solely to worldly interests, roast beef and plum-pudding, has signally failed, and we hope it will be long before a new crop of fools will be produced to renew it.

From Vienna the author passed through Hungary. As he visits Presburgh, the ancient capital of Hungary, the author makes some reflections and offers some details not without interest. The Hungarian revolution has not yet broken out, but it is on the eve of its explosion. The author



sees clearly what is coming, and gives a brief and trustworthy account of the causes and nature of the struggle which was then prepared. He fully confirms the view which has been uniformly taken in this journal of the Hungarians and of their late rebellion against Austria.

“A few years ago I assisted at one of those turbulent Hungarian diets which preluded the present tempest. After a stormy session of the chamber of deputies, in which I had seen the Austrian government furiously attacked without hearing a single voice raised in its defence, save the official and almost indifferent voice of the president, I observed to the president, that it was impossible for an edifice to remain a long time standing which everybody conspired to demolish. ‘The Hungarians’ (Magyars), he replied, ‘are ardent, vivacious, high-spirited, clamorous, and fond of opposition in—phrases. It is necessary to let them throw off their excess of fire and eloquence. My predecessor, who took every thing literally, died in endeavoring to restrain them, but I, who know them, leave them to act and speak in their own way. Whatever they may do or say, they are sincerely attached to their king, and let there come a real danger for the state, they will be its most courageous defenders.’ The president left me very little convinced by his observation.

“I love the Hungarians for their open and chivalric character. They are religious, brave, hospitable, prepossessing to strangers. When I first presented myself in the chamber of magnates, I knew nobody; a simple priest, I was at once received as a brother by many prelates and bishops, who came to meet me, and with whom I have remained ever since tenderly united. More lately I have obtained rank among the Hungarian clergy, who had for a long time opened to me both their arms and their hearts. But this year, 1848, the Hungarians have forgotten the recollections of 1741; they have forgotten that chivalric cry of loyalty and enthusiasm, *Moriatur pro rege nostro Maria Theresia*, which had remained as the symbol of their national character. It is true, Joseph II. but ill repaid the devotedness of this people; but, strange as it may seem, he is the idol of the revolutionary party. If he struck the people, he struck the church still harder, and the *Brother Sacristan* of Frederic the Great has obtained the pardon of the sovereign who imposed on Hungary the German language, and carried away from Presburg the crown of St. Stephen.

“A violent reaction has manifested itself in the late diets, not only against the German language, but also against the Latin, which was the language of public affairs; and they have substituted the Hungarian or Magyar language in its stead. In Europe generally this victory is regarded as the triumph of the *liberal* party; but it was in fact only the self-styled victory of a turbulent minority over the Catholic clergy and the Austrian government. This, however, is enough to render it popular with foreigners.

"In Hungary, in a population of twelve millions and a half, there are not less than fifteen or sixteen distinct nationalities, each for the most part with a different language of its own. The Hungarians, or rather the Magyars, form only about one-third of the whole population. How embarrassing for a government to make itself understood in this tower of Babel! Usage had introduced the Latin. The Latin of Hungary had long been the subject of the raileries of those who did not know it; but, without being as pure as that of Cicero, it had the advantage of not being the idiom of the Illyrians, the Magyars, the Croats, the Wallachians, or the Saxons, and of being understood by all the nations of the earth. In the United States as in France, in England as in Germany, they can use a passport, or any other document, written in Latin; but if written in Hungarian, it would be as unintelligible as if written in Chinese or Sanscrit.

"In a political point of view, the triumph of the Magyar language has been, therefore, an act of oppression, and the *liberals* who committed it were so intolerant, as to wish to oblige the Croatian deputies present at the diet forthwith to speak a language which they did not know. Through the intervention of the Austrian government, the Hungarian diet granted to Croatia the interval of two diets to provide herself with a language. Yet this decision did not prevent the Magyar liberals from hissing her deputies, as often as they attempted to avail themselves of this respite to defend the interests of their country in Latin.

"I insist on this fact, because it has been, not in itself, but in the tendencies it betrayed, the first cause of the misunderstanding between the Croats and the Magyars, and of the war which is on the point of breaking out between them. The triumph of the Magyar language in the parliament was a new irruption of the Magyars into Pannonia, the subjection of fifteen nationalities to one alone, or of eight millions of people of other races to four and a half millions of Magyars.

"The revolution in Vienna, last March, was hardly known at Presburg, before on the one hand the Hungarians attempted their separation from the empire, and on the other sought to incorporate with Hungary proper Croatia, Slavonia, and Transylvania, so as to have a compact kingdom of fifteen millions of inhabitants. The diet, the ministry, the palatine, that is to say, the three constitutional powers, took the road to Pesth, under the direction of Kossuth, who soon absorbed them all, and summoned the Slaves to unite with them. The Croats, with their Ban Jelachich at their head, who had heard it said that the revolution of Vienna was made in favor of all the nationalities of the empire, and therefore in favor of their own, declared that they would be to the Hungarians what the Hungarians wished to be to the Austrians, that is to say, independent, holding immediately from the crown alone.

"The Magyars take up arms to subject the Croats, and the Croats take up arms to defend themselves against the Magyars. Here are the two nations in face of each other, or, I prefer to say, two men, Kossuth

and Jellachich, so completely is each identified with the cause he defends. The one, Kossuth, is an eloquent rhetorician, able to stir up the masses as the tempest stirs up the waves of the ocean; the other, Jellachich, a soldier, loyal and intrepid, electrifies an entire people, rude indeed, but brave and devout. The one fascinates by his discourses, the other by his example; the one is nourished by the discourses of the old French convention, which he admires, the other by the history of his country, which he loves; the one glorifies revolutions, the other glorifies liberty."—pp. 21-24.

We commend this parallel between Kossuth and Jellachich to the admirers of the former. No one questions that Kossuth is a distinguished revolutionary orator, and in that sort of eloquence—the lowest in the scale and the easiest to be attained to—which is adapted to rouse up the evil passions, and stimulate the natural insubordination of an unreasoning and unscrupulous multitude, he stands preëminent. But of the lofty character of a true patriot, of a real lover of liberty, or of a wise and prudent statesman, he has as yet given us no indication. His speeches in this country tire by their repetitions, and disgust by their egotism. His credit is every day diminishing, and if he ever leaves this country it will be as a small man in comparison with what he was esteemed when he first set his foot on our shores. He is far inferior, in all the qualities that fit him to be a leader of a revolutionary movement, to Joseph Mazzini, and can fill only a subordinate place under him. Our people have shown their usual bad taste in attempting to make him the object of their hero-worship. They love liberty, and delight to honor it in its representative, and for this we honor them. But in Kossuth they have selected a second-rate revolutionist,—a sort of Canille Desmoulins, or rather a Robespierre without Robespierre's incorruptibility in money matters,—not the representative either of liberty or of a noble struggle in behalf of national independence. The Magyars were the oppressors, not the oppressed, and while they were seeking to render themselves independent of the empire, they were fighting to keep eight millions of Hungarians of other races in subjection to themselves. It was the Croats who were fighting for liberty, and who were the real champions of freedom. He who deserves our sympathies and honors is not Kossuth, but their noble chief, the Ban Jellachich. He loved his country and liberty, and knew how to defend both, and he deserves to have his name placed high on the list headed by our own Washington.

What we have cited was written in the month of June, 1848, after the revolution in Vienna, and before the outbreak of hostilities between Hungary and Austria, but by one who saw clearly what was to be expected, and fully comprehended the causes which were at work to ruin the Austrian empire. Since then, Austria, who appeared to us at that time utterly prostrate, whose empire we thought must be dissolved, and the German provinces be united to a new German empire embracing all Germany, the Italian be absorbed in an independent federative Italy, and the Slavonic be in part merged in a new and independent kingdom of Poland, and in part incorporated with the Magyars, forming an independent and powerful kingdom of Hungary, —since then, we say, Austria has suppressed the revolt in Italy, put down the revolution in her hereditary states, and reduced the Magyars to submission. This has disappointed and enraged the revolutionists, for Austria was the key-stone of the old European edifice, and it was only by her destruction that it could be demolished.

Threatened with red-republicanism within, with continued revolt in her provinces, and having to oppose, not only her own rebellious subjects, but the combined power of the whole revolutionary party of the continent, Great Britain, and the United States, Austria called upon Russia to assist her in putting down the rebellion in Hungary. Russia complied with her request, and the Magyars were finally defeated and reduced by the combined forces of Austria and Russia.

This assistance granted by Russia to Austria has been represented by the defeated revolutionists, Great Britain, and the United States, as an unauthorized and criminal intervention in the domestic affairs of independent nations, and the revolutionary ex-Governor Kossuth, liberated from a Turkish prison through the intervention of Lord Palmerston and Mr. Webster, calls upon us to give him material aid in reviving the suppressed revolution, and to unite with Great Britain and intervene so far as to prevent Russia from again intervening. He made the same demand of England, and found many of the English people ready to respond to it in their roasts. This demand is the burden of all his speeches here, and their name is legion. Our government, if we may judge from the president's late message, was at first inclined to favor his revolutionary projects, and even to comply with his demand. Many of our citizens have

been quite enthusiastic on the subject, and, having declared Kossuth the champion of liberty, the apostle of humanity, a second Messiah, come to break the power of tyrants, and to redeem the human race from bondage, have been ready to respond to his appeal, and to force their government into a war with both Austria and Russia in his behalf.

Kossuth, in all his speeches that we have read, in all his reasonings, quietly assumes as the basis of his arguments what he knows perfectly well is false, and the mass of his American sympathizers take his statements as true, without having any clear or just conception of the real merits of the question. Four years ago Hungary, to the great body of our people, even our educated people, was as much a *terra incognita* as the interior of Africa. Very few of them had any knowledge of its inhabitants, its domestic institutions, or its relations to the Austrian empire. Italian refugees and French liberals had prejudiced them against Austria, and prepared them to believe that any party opposed to her must be in the right. When, therefore, they heard Hungary had revolted and taken up arms against her, they took it for granted that the Hungarian cause was a good cause, and deserving the sympathy of every American citizen, and every friend of liberty throughout the world.

But Kossuth knows perfectly well that Hungary had no ground of complaint against the Austrian government. That Hungary had not developed her resources, that she had not kept pace with the industrial progress of the age, that she had to suffer very serious evils, very many things that needed reforming, is most true and undeniable; but all this was due, not to the Austrian government, but to the obstinacy and folly of her own diet, or local parliament. The imperial government labored constantly to persuade the local parliament to introduce the reforms which in the process of time and change of circumstances had become necessary, but always without success, and there was not a grievance complained of, not a reform needed, that the Hungarian parliament was not competent to redress or to introduce, if it had been so disposed. This fact should never be overlooked or forgotten, for it renders the opposition to Austria wholly unjustifiable.

Moreover, the immediate causes of the war with the imperial government were not the grievances that required redress, but desire for national independence on the one

hand, and on the other the determination of the Magyars to subject to Magyar rule the non Magyar races of Hungary, or rather of Croatia, Sclavonia, Transylvania, &c., in a general way reckoned as parts of Hungary, but not within the limits of Hungary proper, civil or geographical. The pretext for hostilities was, that the imperial government would not aid the Magyars in reducing these non-Magyar races, that is, would not aid in stripping the empire of a number of her provinces, and give them to the Magyars, to render the kingdom they proposed to declare independent powerful enough to defend itself. If the imperial government consented to let Hungary separate herself from the empire, and become independent, it could not be expected to add to her proper dominions other provinces, or to refrain from efforts to confine the independent kingdom within the limits of Hungary proper. The demand of the Magyars was itself unreasonable, and they had no right to feel aggrieved that it was not complied with, or that the imperial government aided Croatia, Sclavonia, and Transylvania to maintain their independence of Hungary, and their loyalty to the empire. Even assuming Hungary, which, however was not the case, to have been recognized as independent of the empire, this would have been no cause of war on the part of Hungary. A state has a right to defend its loyal provinces, and in fact the war of the Magyars on the Croats, who adhered to the empire, was itself a war on the empire, and of itself justified the imperial government, and would have done so even assuming Hungary to have been independent, in making war on Hungary. The revolt of the Magyars had no justification, and their war upon the empire was aggressive, and in all respects unjustifiable. Under any point of view, then, from which we choose to consider the Magyar cause, it is essentially a bad cause, with which no friend of freedom or of justice could, understanding it, sympathize.\*

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\*We are not sure that this is sufficiently clear to all our readers. Hungary is sometimes spoken of as including Croatia, Sclavonia, and Transylvania, and sometimes as excluding them. Geographically it includes them, politically it in some respects did, and in some respects did not, include them. These states inhabited chiefly by Sclavonians and Roumans, were distinct from the Hungarian state, but were for certain purposes of administration joined to the kingdom of Hungary, and dependent on the Hungarian crown. Yet they had a civil organization of their own, and diets of their own, at least Croatia had a diet, distinct from the

But Kossuth and his friends misrepresent the relation which subsisted between Hungary and the empire. Certainly Hungary was distinct from and independent of the duchy of Austria, but to assert it to have been independent of the Austrian empire or state, and connected with it only by the accidental union of the crown of each in the same person, is to assert a palpable falsehood. Hungary was an integral part of the Austrian state, as much so as the duchy of Austria itself. Austria aside from Hungary, Bohemia, Galicia, Croatia, Slavonia, Transylvania, Dalmatia, the Lombardo-Venetian kingdom, &c., is not an empire, but a dukedom, and these kingdoms and provinces, in forming in union with the duchy of Austria the Austrian empire,

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Magyar diet, which is meant whenever mention is made of the Hungarian diet.

While Magyar Hungary, or Hungary in its restricted political sense, remained united to the empire, those provinces in some sense held from the empire, if we understand it, through the Hungarian crown. In consequence of this fact, when the Magyar kingdom obtained, in March, 1848, from the concessions of the good, but weak and terrified, Emperor Ferdinand, an independent ministry, the Magyar government claimed these provinces as a part of the Hungarian state, and demanded their submission to the new independent ministry. As the concession of that independent ministry was a virtual separation of Hungary from the empire, and threatened to be soon even a formal one, and to render Magyar Hungary in all respects an independent kingdom, the effect of this demand would have been, if complied with, to sever Croatia, Slavonia, and Transylvania from the Austrian empire, and to make them provinces of the independent Magyar kingdom, and to subject the Slavonians and Roumans to the Magyars, their bitter enemies and hereditary oppressors. The Croats, who were impatient of their *quasi*-dependence on Hungary even while Hungary was united to the empire, could not entertain the thought of being dependent on her as an independent kingdom. They preferred being united to Austria, and holding immediately from the emperor, to being subjected to the Magyars, no longer united to Austria. They consequently, under the lead of their noble chief, the Ban Jellachich, refused to submit to the Magyar ministry. The ministry took up arms to compel them to submit but were defeated by Jellachich. They then applied to the imperial government to use its authority to compel them to submit, and to put down what Kossuth calls "the Servian insurrection." The imperial government, if its action has not been misrepresented, counting on the loyalty of the Magyars, and trusting that they would still remain united to the Austrian state, appears to have been at first disposed to listen to their request; but as soon as it was clearly manifest that the Magyars were to be satisfied with nothing but absolute independence of the empire, it refused, and approved the Ban Jellachich.

Here we get at once at the immediate causes of the war of the Hungarian ministry under Kossuth against the empire. The Magyar diet had so alienated the affections of the non-Magyar provinces of the geographical kingdom of Hungary, that they would not consent to belong to the political kingdom of Hungary, if independent of Austria, and

are not regarded in law as subjected to that duchy, and dependent on it. They are, in reference to it, independent states, as the several states of our Union are, in relation to each other, independent states. The empire of Austria is a federative, or, as some term it, a composite state. The members or components, taken separately, are mutually independent, and have each their local institutions and administrations; but in their composition, federation, or union, they form one state, just as the states composing our Union are one state in their federative character. The relation of Hungary to the empire was substantially the relation of Massachusetts to the federal government of the American Union; and she had no more right to secede from the empire,

governed by the Magyar nobility. The Magyar ministry undertook to force them into submission, and, failing, called upon the empire, from which it was separating and wished to separate them, to assist it. The imperial government, after a brief hesitation, refused its assistance, and even extended its protection to the non-Magyar provinces. Then the Kossuth ministry turned against the Austrian state, fomented the new red-republican revolution in Vienna of October, 1848, and marched its troops to the aid of the insurgents, with the hope of securing Magyar independence and the subjection of the Croats and non-Magyar races, under the walls of Vienna, by the ruin of the Austrian monarchy. They were defeated, as everybody knows, by the noble Prince Windischgrätz, and obliged to retreat across the Danube, followed by the Austrian army. Now the sole pretext of this hostility against Austria was, that the imperial government would not aid the Magyars to reduce the non-Magyar races to subjection to the Magyar ministry, and thus aid in strengthening the Magyar kingdom, resolved to become independent, by divesting the empire of Croatia, Slavonia, and Transylvania, and giving them to that kingdom. The baseness of the Magyar ministry has been disguised by the common mistake of confounding these non-Magyar states with the Magyar state of Hungary proper, or Hungary in its restricted political sense, and by not regarding the fact that the non-Magyar states were not struggling for independence of the empire, but for independence of an independent Magyar Hungary. They were loyal to the empire, but would not consent to make part of a Magyar kingdom independent of the empire. They were bound to the Magyar kingdom only as that kingdom was indissolubly united to the Austrian state, and consequently owed it no obedience when it ceased to be so united. The attempt on the part of the Magyar ministry to subject them was a wanton invasion of their rights, gross usurpation, and an outrage upon common justice, which would have amply justified Austria in making war on that ministry, even if it had been the ministry of an absolutely independent state. The defence of Austria and of the Croats is triumphant, and one must be wholly blinded by the revolutionary mania of the times, not to see that Kossuth and his party were wanton aggressors, and under every conceivable point of view in both law and justice deserving of condemnation and the utter reprobation of mankind. Not only the men were bad, but their cause was bad, and we have just as little sympathy with those who condemn Kossuth, and yet approve his cause, as we have with those who make Kossuth their fetiche.



and declare herself independent, than Massachusetts has to secede from the Union, and declare herself a complete and independent state. The union of Hungary to the empire had received the assent of the Hungarian diet, and therefore of Hungary herself, and she could not dissolve it without a breach of faith, or treason to the empire. However independent of Austria Hungary might have been in her local civil administration, she was not separately from the empire an independent state. She was not in herself what the authorities call a complete state; which is evident from the fact, that she had no ambassadors at foreign courts, and could maintain diplomatic relations with no foreign power. In all external or foreign relations she was merged in the Austrian state. She could declare herself, therefore, independent of the Austrian empire only by an act of rebellion, and justify herself in doing so only on those grounds, if such grounds there are, which justify revolution. She had, as we have seen, no such grounds to allege, for she really had no grievance to complain of against the imperial government.

Hungary at war with the empire was then simply the rebel at war with his sovereign, and every sovereign has the indefeasible right to reduce the rebel to his allegiance. It makes no difference here whether the sovereignty is lodged in an emperor or in a president, in a king or in a congress; the sovereignty and its rights and prerogatives are always the same. In the case before us the emperor represented the sovereignty of the state, the sovereign state, and had therefore the right to reduce Hungary to her obedience, and consequently the right to invoke the aid, if he saw proper, of Russia, or any other friendly power, in doing it, and the power invoked had the right, if it saw proper, to grant the aid solicited. No man who knows any thing of the meaning of the word *state*, or of international law, or has the least glimmering of common sense, can deny this.

But, if this be so, no nation, unless in a clear case of self-defence, can have the least right to intervene to prevent the power called upon from granting the aid invoked. Here is a point to which we wish to call the attention of our readers. Those of our statesmen who have opposed Kossuth's demand for intervention against intervention, have done so on the ground that such intervention would be impolitic, and contrary to our interests as a nation. This is no doubt true, but we would oppose it on higher grounds, —on the ground that we have no *right* to intervene in the

case, and could not intervene without manifest injustice, not, indeed, without striking a direct blow at the right of independent nations to manage their own domestic affairs in their own way. We rector Kossuth's doctrine of non-intervention upon himself. He says, nations have the right to modify their institutions, and to adopt such ameliorations and such forms of internal government as seem to them good, without the interference of foreign powers. As against one another, with the single exception of the right of neighboring nations to intervene simply in necessary self-defence, and understanding by nations independent nations, we accept and even maintain this doctrine. But in the present case this doctrine applies to Austria and Russia, not to Hungary, for Hungary was not an independent nation, was not in herself a complete state. She could introduce no reforms or alterations incompatible with her indissoluble union with and subjection to the Austrian state. She had no competency to declare herself independent of the empire; and to intervene at the request of the empire to prevent her from doing so, or to aid in reducing her to her allegiance, was not in any sense of the word to intervene in the domestic affairs of an independent state, -- was and could be no violation of the law of non-intervention. But to have intervened to prevent Austria from invoking the aid of Russia, or to prevent Russia from granting it, would have been a direct intervention in the domestic affairs of independent states, and an undeniable violation of the law of non-intervention.

What Kossuth is soliciting of us is manifestly in violation of the very law of non-intervention he contends for. He wishes us to unite with England in saying to Austria and Russia, that if Hungary again rebels, -- for Hungary is not now in a state of rebellion or revolt, -- and declares her independence, Russia will not be permitted to take any part in the contest, and if she presumes to do so, it will be counted a *casus belli*. But this would be, not an intervention in behalf of a revolutionary government already existing *de facto*, but an intervention to encourage a province of an independent state to rebel and organize such government. If this would not be intervention in the internal affairs of independent states, we are at a loss to understand what would be. In any point of view, then, from which you choose to consider the matter, Kossuth's doctrine of non-intervention condemns him, and his insisting upon it proves

that, however brilliant a rhetorician he may be, he is but an indifferent lawyer, and a sorry logician. If non-intervention is the law, we have nothing to do with the case, and have no right to protest against the conduct of either Austria or Russia. If intervention is the law, or the right, as it must be to justify us in intervening at all, then the alleged intervention of Russia is justifiable, for she has as good a right to intervene to put down revolution as we have to intervene to sustain revolution.

But we deny that there was any intervention, in the legal or political sense of the term, in the case. To assist a friendly power, at its request, to put down a rebellion in its states is not intervention, is not to violate the law of non-intervention. The intervention prohibited by the law of nations is the intervention of a foreign power, *motu proprio*, in the internal affairs of an independent state, or without the request or permission of its sovereign. We have for this the authority of one of the greatest revolutionists of the age, the Abbate Gioberti, who belongs heart and soul to Kossuth's party, and is as innocent of all Catholic faith and tendency as the well-known pantheist, Stallo, who recently defended Kossuth at Cincinnati. Whatever Gioberti may have once been, his recent work, *Del Rinnovamento Civile d' Italia*, proves that he can no longer be regarded as a Catholic, and that for years he has been a thorough-going revolutionist, prepared to carry his points with or without the pope, with or without the church. He is a decided liberal, and can no more than the fallen La Mennais be regarded as a Catholic priest, or as a Christian believer. He must therefore be good authority for Kossuth and his friends. Well, Gioberti, when accused in the Sardinian chamber of having proposed, as Sardinian minister, to intervene in the affairs of Tuscany, replied, "I ask, Is to enter any foreign state whatever with an armed force always intervention, in the political sense of the word? I answer, if this entrance is by the request of the prince and people, it is not intervention; if against the will of the prince and people, it is intervention." \* By *people* in this connection we must understand the people, not of a particular province, but of the state, and the people also in a political sense, speaking through its legal organs, not the mob or club. Now Russia did not take part in the contest against the will,

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\* *Del Rinnovamento Civile d' Italia*, Tom. II. p. 593.

but at the request, of the prince and political people of the Austrian state, and therefore neither intervened nor asserted the right to intervene in the internal affairs of independent nations. We are, as our writings have sufficiently shown, no special friends of Russia, and we do not seek to conceal the fears with which we see the advances of the Russian empire; but we are bound to be just at all times, to all persons, and to all states, and we must say, that, since the peace of 1815, we have seen no disposition on the part of Russia to intervene in the internal affairs of any of the western states of Europe, in the sense in which intervention is contrary to the law of nations. It is rarely that we find on the throne an abler or a more equitable prince, aside from his schismatic character, than the Emperor Nicholas. If he were, as he should be, in communion with the church, we should have no fears of his power or his growing influence. All things considered, it will be difficult to name the European state which for the last twenty-five years has been more wisely or advantageously governed than Russia, or a secular prince who has more scrupulously observed his engagements, and respected the rights of his neighbors, than its present sovereign.

There having been no political intervention in the case, and no assertion of the right of intervention, the request of Kossuth for our government to intervene against intervention is absurd. The fact is, all the intervention there has been, has been on the other side. In the first place, in the revolution in Vienna and in that of Hungary, the organized revolutionists of Europe openly and avowedly intervened, and many of the chief officers in the Magyar army were foreigners, such as Bem, Dembinski, and Guyon. Austria had to resist, not only her own Hungarian rebels, but armed Poles, Italians, Germans, Frenchmen, Englishmen, and perhaps Americans, aided by the popular demonstrations of the people of the United States, England, Germany, France, and Italy. In the second place, the English government and our own openly sympathized with the Magyars, and were on the eve of opening diplomatic relations with them. There was no lack of at least indirect intervention against Austria, amply sufficient to justify Russia, had she chosen, in volunteering her assistance to Austria, and in entering unsolicited into Hungary, in the interests of order and humanity, with an armed force adequate to suppress the rebellion.

Little does it become either the British government or our own to complain of Russian intervention. The British government has not ceased, for the last twenty or thirty years, to intervene in the internal affairs of continental states. *Blackwood's Magazine* for February last, speaking of Lord Palmerston, says very truly: "He supported openly, so far as he could,—favored covertly when this was impossible,—the cause of revolution all over the world. He, aided by the fleets of England the establishment of one revolution in Belgium, by the marines and volunteers another in Spain. He concluded the Quadruple Alliance to force revolutionary queens upon a reluctant people in both kingdoms of the Peninsula. He covertly aided in the spread of *liberal* ideas in Italy,—openly in supporting the insurgents in Sicily. He took Russia by the beard in the Dardanelles on account of the Hungarian insurgents; and afterwards, for a wretched private dispute at Athens, ranged France by her side,—all but brought on a war with France by the bombardment of Beyrout, and hostilities against Greece; and irritated Austria past forgiveness by the open sympathy expressed for the Hungarian insurgents." And in the discussion in the British parliament growing out of inquiries as to the dismissal of Lord Palmerston, it was avowed by Lord John Russell that the policy of the government had been the introduction and support of constitutional government in continental Europe. As for our own government, no man can deny its interference in Mexico in favor of federalism, its open declaration that it would intervene to prevent the reëstablishment of monarchy in that now distracted republic, or its unwarrantable interference in the affairs of European states by its expressed sympathy with the revolutionists, by resolutions of congress, the diplomatic correspondence of the secretary of state, and the official messages of the president. England has been constantly intriguing, and sometimes openly warring, for the establishment of British constitutionalism on the continent, and we have become a nation of democratic propagandists, openly, and even through our government proclaiming all non-popular governments illegal, and virtually all crowned heads tyrants and usurpers, against whom it is lawful for their subjects to conspire when they will; and there is little room to doubt that Mr. Webster and Lord Palmerston contemplated an Anglo-Saxon alliance for the protection and support of the revolutionary movement of Europe, which is headed by Mazzini,

Ledru-Rollin, Kossuth, and men of like character. Mr. Webster, we can believe, intended on our part no *armed* intervention, for he seems to have believed that the presence of English and American ships in the Mediterranean, and the united declaration of the two governments, would so overawe the sovereigns, and so encourage the revolutionists, that nothing more would be necessary. That something like this was in contemplation may be easily inferred from the acts and avowals of the government, and the lachrymose tone of the honorable secretary's letter to Mr. Rives, instructing him to maintain his diplomatic relations with Louis Napoleon.

Now, if we have a right to intervene for the spread of democracy, and England for the spread of constitutionalism, and to encourage revolutions for one or the other, neither we nor England can deny the right of Russia to intervene in opposition, and by our intervention we give her at least a very plausible pretext for doing so. The silly pretence that the allied sovereigns propose to intervene against our democracy here at home, is unworthy the least consideration, and no man knows it better than our present secretary of state. Mr. Webster pretends that the allied sovereigns, in their famous Laybach circular, assert principles which deny the legality of our institutions; but we have, in replying to his letter to the Austrian chargé d'affaires, proved that this is not the fact. Mr. Webster is a great man. We have never denied it; we have heard him advance truly conservative doctrines, and develop views which proved him capable of being a statesman of the very first rank; but his mind is comprehensive rather than acute, stronger in grasping certain general conclusions than in the analysis of principles. He has strong sympathies and strong prejudices, and is not incapable of blunders which would be unpardonable in a smaller man. He read the Laybach circular as a democrat, not as a statesman or as a lawyer, and entirely misapprehended its character. We have never been the advocate or the apologist of what has been called the *Holy Alliance*, but we prefer it to the unholy alliance of the revolutionists. That alliance was rendered necessary against the doctrine of the *fraternity*, the "*solidarity*," of peoples, proclaimed and acted upon by the French Jacobins; but in no document we have seen has it ever proclaimed the right of one nation, of its own motion, to intervene, against the will of the sovereign authority, in the internal affairs of another. That

the alliance was intended to maintain the historical rights of nations and sovereigns against modern revolutionism is conceded ; but this in the mind of such a man as Mr. Webster should be an argument in its favor, not against it. So eminent a man as Mr. Webster cannot be ignorant that revolutions, even when necessary, are a terrible calamity, and that in Europe, and indeed in all countries, if we except our own, they have uniformly ended in destroying constitutional freedom, and in rendering military despotism more or less indispensable for the maintenance of society. Such were the effects of the movements of the Gracchi, and of the revolutions produced by Marius and Sylla in Rome ; such were the effects of the old French revolution, and such throughout Europe are likely to be the effects of the red-republican revolutions of 1848. Louis Napoleon is no tyrant, is no enemy of popular freedom, but he has been forced either to leave France a prey to anarchy or to rule her through the army. His constitution is not liberal, is not democratic, but we are much mistaken if it does not give to the people more power than in the present state of opinion is compatible in France with the peace and security of the state. The democratic revolutions and revolutionary ideas have rendered popular freedom impracticable in every European state, and we cannot but regard every man as really an enemy to liberty who sympathizes with them.

For ourselves, to return to Kossuth, we care not how much he is feasted, nor how much money he may induce silly dupes to give him. In himself he is nothing to us but a simple human being, whom we should be glad to see leaving off his trade of revolution, and settling himself down quietly to the work of making his peace with Heaven. All we regret is, that his progress amongst us keeps alive the sympathy of many of our people with revolutionism, and tends to foster feelings and wishes incompatible with the safety of our own institutions. No people is secure that runs mad after revolutionism, and we shall not feel that our institutions are safe till our people cease to sympathize with revolutionists. We have no solid support for our institutions till our people know that treason is a crime against the state and a sin against God, and that every one who rebels against legal authority, and conspires by force of arms to overthrow it, is a traitor. The revolutionists have destroyed liberty on the continent of Europe, they have involved their respective countries in all but complete ruin, and here, the last

stronghold of political freedom, they will do the same, if not frowned instantly down by our people. We may give them an asylum, for hospitality is a virtue that we would have our nation always practise, but we should do it only on condition of their remaining in private life, and scrupulously abstaining in word and deed from all interference in politics, foreign or domestic. It will not answer to make heroes of them, or to put them forward as our teachers and leaders. Let them live and repent, but live in retirement, without honor or notice, as they deserve. The facts detailed by our author in his account of the revolution in Vienna, fully warrant this severe judgment, and admonish us to look upon all revolutionists, in the modern sense of the term, as the enemies of God and of mankind. We have been wrong and foolish in the sympathy we have extended to them; let us correct our error, and hereafter show that we are capable of honoring the cause of freedom and order.

## THE CASE OF MARTIN KOSZTA.

[From Brownson's Quarterly Review for January, 1851.]

THE main facts in the Koszta case, as far as publicly known, may be briefly stated. Koszta, born an Austrian subject, engaged in the late Hungarian rebellion, revolt, or revolution, and on its suppression by the united arms of Austria and Russia, fled across the frontier into Turkey, where at the instance of Austria he was confined with Kosuth and other refugees in the fortress of Kutahia, whence, after some months of imprisonment, he was liberated on condition of never setting his foot again on Ottoman territory. After his liberation, he came to this country, where he declared his intention to become a citizen, and where he remained one year and eleven months. Some time last spring he returned to Turkey, and was arrested last June at Smyrna, by the authority of the Austrian consul-general, as an Austrian subject, and conveyed and detained on board an Austrian brig-of-war, the *Huszar*, then lying in the port. The American authorities at the place protested against his arrest and detention, and demanded his release on the ground



that he was an American citizen, or at least under American protection. The Austrian authorities not judging it proper to comply with this demand, Captain Ingraham, commanding the American sloop-of-war, the *St. Louis*, ranged his ship alongside of the *Huszar*, brought his guns to bear, and threatened to fire upon her if Koszta was not given up before a certain specified time. The matter, however, was arranged for the moment, by placing Koszta in charge of the French consul, who agreed to detain him in his custody till disposed of by the consent of the Austrian and the American governments. He has since been liberated by consent of both parties, on the understanding of coming immediately to this country on board an American vessel.

Of the hostile attack of Captain Ingraham on the *Huszar*, Austria complains in a letter, dated the 29th of last August, addressed to our government by her chargé d' affaires at Washington, and demands reparation for the alleged outrage upon her flag. To this complaint and demand Mr. Secretary Marey replies, on the part of our government, in a letter of the 26th of September last, denying the right of Austria to complain, and refusing her reparation, on the ground that Koszta, at the time of his arrest, was not an Austrian subject, but was an American citizen, or at least under American protection; that he was illegally seized and thrown into the sea by a band of ruffians, and thence picked up and illegally carried and detained on board the *Huszar*, whence Captain Ingraham was authorized by the laws of nations and of humanity to demand his release, and to use force if necessary to effect it. Such are the principal facts and points in the case, and it is clear that the main question is made by our government to turn on the nationality of Koszta at the time of his arrest.

That Koszta was born an Austrian subject is not disputed; that he was an Austrian subject down to his release from Kutahia and leaving the Ottoman dominions, must be conceded. He was, therefore, an Austrian subject at the time of his arrest at Smyrna, unless during the interval he had either by some act of his own divested himself, or by some act of Austria been divested, of that character. Mr. Marey contends that he had been divested of it in both these ways,—that he had renounced his allegiance to Austria, and she had renounced her authority over him, denationalized him, by banishing and outlawing him.

That he had forfeited the protection of his sovereign

may be true, but that he had ceased to be an Austrian subject by any act of his own. Mr. Marey is not at liberty to assert. We raise here no discussion on the disputed question of the right of a citizen or subject to expatriate himself, and, for the purposes of the present argument, we accept the doctrine laid down by Mr. Marey himself, namely: "The citizen or subject, *having faithfully performed the past and the present duties resulting from his relation to the sovereign*, may at any time release himself from his obligation of allegiance, freely quit the land of his birth or adoption, seek through all countries a home, and select anywhere that which offers him the fairest prospect of happiness for himself and his posterity." This is the government's own doctrine, officially put forth, and it is bound by it. According to this doctrine, only they who have *faithfully performed the past and present duties* resulting from their relation to the sovereign, are free to expatriate themselves. That is, a man cannot renounce his allegiance in order to escape his sovereign's justice. This is decisive of the case of Koszta, so far as his ceasing to be an Austrian subject by his own act is concerned; for he was a criminal, a rebel, a fugitive from justice, one who had notoriously failed faithfully to perform his past and present duties to his sovereign. He was not, then, free to relieve himself from his obligation of allegiance, and to expatriate himself. He might withdraw himself from Austrian jurisdiction, but not from his subjection to Austrian law. Koszta, then, did not and could not, being a refugee, a fugitive from justice, cease to be an Austrian subject by his own act. But, according to Mr. Marey, he ceased to be such subject by the act of Austria, who had, as he says, banished and outlawed him. This she had done, first, by an imperial decree of the 26th of March, 1832, by which he became an "unlawful emigrant," and secondly, by consenting to and procuring his expulsion from Turkey.

By the imperial decree cited, "Austrian subjects leaving the emperor's dominions without permission of the magistrate, and a release of Austrian citizenship, and with an intention never to return, become unlawful emigrants, and lose all their civil and political rights." This the secretary contends is virtual outlawry; but in this we think he is mistaken; for a man deprived of all his civil and political rights may be still under the protection of what the Roman lawyers call the *jus gentium*. This decree imposes a pen-

alty on Austrian subjects leaving the emperor's dominions without permission, with the view of preventing them from doing so, and not with a view, if they choose to incur it, of releasing them from their obligation of allegiance. As such release evidently did not enter into the intention of the legislators, it cannot be presumed from the nature of the penalty imposed. To deprive a citizen unjustly of all his civil and political rights is tyrannical, and undoubtedly releases him from the bond of allegiance; but it does not therefore follow that he who forfeits those rights by his unlawful acts is thereby released from his subjection. It is a maxim of law, that no man can stand upon his own wrong, and therefore no man by his own wrong-doing can free himself from any moral or civil obligation; otherwise by crime one might gain the right to commit crime with impunity,—a doctrine subversive of all morals, and of civil society itself. As the decree imposes the loss of civil and political rights as a penalty for an unlawful act, we cannot infer that it releases him who incurs it from his subjection to his prince, unless such be the expressed will of the prince himself; which in the present case evidently is not the fact.

But only they who leave the emperor's dominions with an intention never to return incur this penalty. Nothing proves that Koszta left those dominions with any such intention. The contrary is far more probably the fact. He with Kossuth and others fled across the frontier into Turkey, as a place of temporary refuge, and, if we may believe what Kossuth, their acknowledged chief, has repeatedly declared, publicly and privately, with the intention and the hope of speedily returning. For what else did Kossuth, from whom in this matter we cannot separate Koszta, solicit "material aid" of our tender-hearted citizens, and purchase saddles and bridles, but to enable him to return, as he hoped at an early day, within the emperor's dominions? How will you, then, bring Koszta under the operation of the imperial decree? Has Austria ever declared him to have forfeited, under that decree, all his civil and political rights? Has she enforced that decree against him? We do not understand even Mr. Marcy to maintain that Austria has actually condemned Koszta as an unlawful emigrant, and deprived him accordingly. If she has not, the law has not been enforced against him, and he has suffered nothing by it, and even if it was intended to operate his release from his obligation of allegiance, it has not so oper-

ated. Before he can plead it in his favor, he must show that it has been enforced, or attempted to be enforced, to his damage.

Mr. Marey argues that the position of Koszta deprived of all his civil and political rights, and not released from his subjection, would be very hard, and much worse than that of absolute alienage. Very possibly. But the loss of those rights was imposed as a penalty, and we never understood that penalties were intended to be easy. It is harder to be condemned to imprisonment for life than it is to be a simple alien; but can you thence infer that a prisoner so condemned is absolved from his allegiance? Cannot a penalty be lawfully imposed, unless compensated by a corresponding benefit conferred in incurring it? The condition of Austria would be hard, too, if Mr. Marey's interpretation of the decree in question must be accepted. She could make no extradition treaties, because all such treaties proceed on the supposition that the fugitives from justice, though out of his jurisdiction, remain subject to their sovereign. Her subjects, guilty of a crime, would have only to cross the frontier into a neighboring state, with an intention of never returning, in order to be forever released from their allegiance, and to be for ever, even if found in her dominions, free from her penal justice. It is singular, if such is the meaning of that decree, that France, England, and the United States, the powers that advised, perhaps forced, certainly encouraged, the Ottoman porte not to give up the Hungarian refugees, never discovered it, and made no use of it in 1849-50. They contented themselves with informing the porte that she was not bound by treaty to give them up; how much stronger and more to the purpose to have told her to reply, that those refugees were unlawful emigrants, and as such, by the laws of Austria herself, released from their allegiance,—that they were no longer her subjects, and she had no longer any authority over them! But they advised no such answer. Mr. Marey was not then, we believe, in the cabinet.

But the imperial decree Mr. Marey cites is municipal, not international law. Austria has the sole right to interpret her own municipal laws. She has not interpreted this law in the sense of Mr. Marey, but has shown us plainly that, in her interpretation, it either does not apply to him at all, or if it does, it does not release him from his subjection to her authority, or deprive him of his character as her sub-

ject. She claimed his surrender to her by Turkey, as her subject; when she waived for the moment that claim, she insisted on his removal from her frontier, and his confinement at Kutahia, as her subject; and as her subject she consented to his liberation, on condition of his never setting his foot again on Ottoman territory. This is conclusive against Mr. Marey as to the operation of the imperial decree of March, 1832, for he cannot go behind Austria's own interpretation of her own municipal laws.

The argument drawn from the imperial decree, then, it appears, must be abandoned. Then Koszta was an Austrian subject at the time of his arrest at Smyrna, unless Austria, by consenting to his release from Kutahia on certain conditions, released him from his allegiance. This, Mr. Marey contends, was the case, for he maintains that by doing so she banished him, and lost all her authority over him. As long as the conditions of the banishment, if banishment it was, were complied with, it may be so; but banishment, unless such be the intention of the sovereign, does not absolutely, and under all circumstances, dissolve for ever all connection between the sovereign and the subject. It is usually accompanied with an alternative, and if the banished person returns he is liable to suffer it, and, though he may not resume all his original rights, there is no doubt that the sovereign resumes all his original authority, and may at his pleasure pardon or punish him. But we do not admit that, strictly speaking, Austria banished Koszta. He was liberated by her permission indeed, on the condition of leaving and never returning to Turkey; but not at her instance, or, so far as appears, by her wish. It was done at the earnest solicitation of France, Great Britain, and the United States, the friends of the Hungarian refugees. It was a permission to go into voluntary exile, rather than banishment. If it released Koszta from his subjection to Austria, it did so only conditionally, and only so long as the condition was complied with. The authority of the sovereign survived in the conditions imposed, and resumed all its original vigor when they were broken.

The condition on which Koszta was liberated, M. Hülsemann positively asserts, was, that he was "never to set his foot again on Ottoman territory." M. Hülsemann says Koszta gave a written pledge to that effect. Mr. Marey thinks this is doubtful, but he cannot mean that it is doubtful that the condition asserted was imposed, for he contends

that Austria procured his expulsion from Turkey, and argues thence that she sent him into perpetual banishment. When, therefore, without permission from Austria, he returned to Turkey last spring or summer, he broke the condition of his liberation, and necessarily fell back into his former character of a subject of his Imperial and Apostolic Majesty, who resumed at once all his original authority over him. He was, therefore, at the time of his arrest at Smyrna, an Austrian subject, as he himself confessed; for when he was asked if he was an American citizen, he replied, as our chargé d'affaires *ad interim* at Constantinople acknowledges, "I am a Hungarian, and I will live and die a Hungarian." If a Hungarian, an Austrian subject. Mr. Marcy would like to deny this confession, but he does not, and cannot; and he tries to neutralize its damaging effect by suggesting that there was, in Koszta's mind, a great difference between a Hungarian and an Austrian subject. But there was no difference that Koszta could entertain without disloyalty, and none at all that Mr. Marcy, in an official document, could recognize without disrespect to Austria.

The nationality of Koszta being proved to have been Austrian, at the time of his arrest, the question raised by Mr. Marcy, as to the American nationality he had acquired by having declared his intention to become an American citizen, and by having been domiciled in the country, however important and even delicate it may be in itself, becomes quite unimportant in the case before us. We are for pushing the rights of American nationality to the full extent admitted by international law. The citizens or subjects of foreign states, free to expatriate themselves, who are naturalized here according to the forms required by our laws, are clothed with a perfect American nationality, and, save as to the eligibility to the offices of president and vice-president of the United States, stand on the same footing with natural-born citizens, have the same rights and the same duties, and our government has the same right and the same duty to protect them, even against their former sovereign. But those citizens or subjects who have not "faithfully performed the past and the present duties resulting from their relation to the sovereign," not being free to expatriate themselves, cannot be clothed with a perfect American nationality, without a release of their allegiance by their sovereign, who may attach to the release such conditions as he judges advisable for his own safety or the peace

and welfare of his subjects. If, then, Koszta, who, if released at all, was released from his obligation of allegiance only on condition of never returning to Turkey, had gone through all the forms required by our naturalization laws, he would have had no American nationality that could avail him in the Ottoman dominions against Austria. Yet, except against Austria, either in her own or the Ottoman dominions, his American nationality would have been perfect. We suppose that by no acts of ours, or of his own, can a criminal or fugitive from justice be absolved from his allegiance to his sovereign, or that sovereign deprived of his authority over him.

Koszta's declaration of intention to become an American citizen did not make him one. Such a declaration of itself imparts no nationality, confers no rights, assumes no duties, and is, in respect of nationality, of no value at all, save as evidence of domicile. It may, we presume, be adduced as evidence to establish the *animus manendi*. Mr. Marcy is right in resting Koszta's American nationality mainly on the fact of his having acquired an American domicile. That domicile imparts a certain nationality is unquestionable, and it gives the government the right to protect the domiciled subject as an American citizen, against all the world, if it chooses, except his sovereign. But domiciled persons are still foreigners, and remain subjects of the sovereign to whom they owed allegiance before taking up their residence in a foreign country, and hence, under the mild laws of nations, they cannot be compelled to bear arms against him. But however great the nationality acquired by domicile, it is always imperfect, and can never be set up, as Mr. Marcy appears to assert, against citizenship. In every case of conflict, the former must yield to the latter. Conceding, then, that Koszta had acquired an American domicile, it did not absolve him from his allegiance to Austria, nor give us the right to protect him against her authority.

But it may even be a question, if Koszta had not, by his absence from the country, lost his American domicile. Domicile is very easily lost, for it depends in great measure on intention. Mr. Marcy says he left the country on private business, intending to return immediately; but that is very difficult to prove. Supposing it to be true that such was his intention on leaving the country, he may have changed his mind afterward, and so lost his domicile. If he was found at Smyrna, making arrangements to return, that is not con-

clusive, for they may have been intended to deceive, and his intention may have been an afterthought, formed in consequence of events or dangers coming to his knowledge after leaving the country. The certificate of his declaration of intention to become an American citizen would, at best, only prove that at the time he made it he intended to remain in the country, but could be no evidence that he had not subsequently changed his intention, as he well might have done, and as it is fair to presume from his antecedents, his political connections, the avowed object of his party, and the events that were occurring or evidently about to occur in the East, he had done. We do not believe that there is a court in Christendom that, on the facts in the case as publicly known, would decide that at Smyrna he still retained his American domicile. If not, he had there, as deriving from domicile, no American nationality at all.

Mr. Marey seems to be aware of this, and finally rests Kosztá's American nationality on the *hukuk*, or certificate of American nationality, granted him by the American legation at Constantinople. That the American legation, so far as the laws of Turkey are concerned, had the right to grant such a certificate, we do not doubt. It is a right enjoyed by the representatives of all Christian powers, in the Ottoman empire, of taking under their protection their respective countrymen, and such others of their own religion, not subjects of Turkey, as they choose to clothe with their nationality. But this is a simple conventional right, wrung by the Latin princes in past times from the porte, and is a perfect right only as between Turkey and the party granting or receiving the certificate. It withdraws him to whom it is conceded from the Turkish jurisdiction, and places him, as against Turkey, under that of the power conceding it. But as it is a conventional right, founded on treaty, not on international law, it is, as between the Christian powers themselves, at best only analogous to the right of domicile, and therefore of no force when it comes in conflict with citizenship. Mr. Marey considers that it places him in the same condition with a member of a trading factory in the East. The member follows the nationality of the factory. An Englishman or American, domiciled, so to speak, in a Dutch factory, is reputed a Dutchman. This is so, except as against his sovereign. As against his sovereign, his property is Dutch, but he himself remains English or American, and therefore the Dutch could not claim or pro-



tect him personally against the English or American sovereign. The *tezkereli* that Koszta received gave him in the Ottoman dominions only the rights of American nationality that he might have acquired from simple American domicile, which gave neither him nor us in regard to him any rights as against Austria, whose subject he was.

The simple fact is, that Koszta, on returning to the Ottoman dominions, was an Austrian subject, and clothed with no American nationality at all available for him or for us against Austrian authority. Mr. Marey, no doubt, makes out a strong case of our right to protect Koszta against all the world, except against Austria, the precise point he was required to make out. Not succeeding in making out this point, his whole argument, however elaborate, able, and ingenious, falls to the ground, and however valuable his letter to M. Hülsemann may be in preparing the way for him to succeed General Pierce as president of the United States, it is worthless as an official reply to the complaint and demand of the Austrian government.

The remaining questions are now easily disposed of. Koszta being in Turkey an Austrian subject, we had no more authority over him than over any other Austrian subject, and no more right to interpose between him and his sovereign. If his arrest was illegal, the illegality was not against us or to our prejudice; it contravened no right of ours, and was a matter wholly between him and his sovereign, and we had nothing to do with the question. The illegality, if there was any, was not even against Koszta himself, for his sovereign had, so far as he was concerned, the right to arrest and detain him. If he had not the right to arrest on Turkish territory, it was not Koszta's right that stopped him, but the territorial jurisdiction of Turkey. If the arrest was a violation of that territorial jurisdiction, as it was not a violation of it to our prejudice, it was a matter to be arranged between Austria and Turkey, without our interference. If then Koszta was arrested out of Austrian jurisdiction, as he was arrested by the authority of his lawful sovereign, we had no right to interfere by force to liberate him from Austrian custody within Austrian jurisdiction.

But we do not concede that the seizure and detention of Koszta were unlawful even as against Turkey. He was arrested and carried on board the *Huszar*, and detained there by authority of the Austrian consul-general, "exercising,"

as M. Hälsennann officially asserts, "the right of jurisdiction, guaranteed by treaties to the consular agents of Austria in the East, relative to their countrymen." If so, he was lawfully arrested and detained, and whether he was arrested by "ruffians" or not, is nothing to the purpose, so long as they acted under lawful authority. Our own police agents are not always gentlemen, and sometimes have been known to handle their subjects somewhat roughly; but we have never understood that therefore their arrests were illegal.

Secretary Marey takes it upon himself to doubt the existence of the treaties alleged by Austria. This is somewhat bold, and perhaps rash. Austria officially asserts them, and Mr. Marey cannot respectfully doubt her assertion without good reasons. Has he such reasons? What are they? As near as we can recollect, "the whole subject was discussed in 1849-50, on a demand of Austria for the surrender of the Hungarian refugees; France and England gave it as their opinion, that the porte was not bound by treaty to give them up; Lord Palmerston, who had some portion of the treaties under his eye, thought that the most that could be made of them was, that the porte might be required to expel them from its dominions; in fine, the refugees were not given up, and the whole civilized world justified and commended the heroic refusal."

That *the whole civilized world justified and commended the refusal*, is too strong an expression. Austria and Russia, we believe, constitute a portion, and a considerable portion of the civilized world, and they did not commend or justify it, and, so far as there is any evidence on the subject before the public, it was justified and commended, out of the whole civilized world, by France, England, and the United States alone. These are indeed important nations, but they are not the whole civilized world. But that these justified and commended it, amounts to nothing; for they were known sympathizers with the Hungarian rebels, and England and the United States favored their cause, and were on the point of acknowledging the independence of Hungary, when, by the united arms of Austria and Russia, the rebellion was suppressed. Nothing is more natural than that they should use their utmost efforts to screen their friends from the penalty they had incurred. They advised Turkey to refuse, promised her their protection if she refused, and threatened her pretty loudly if she did not refuse to surrender them. They were a party concerned,

at least a party acting on a foregone conclusion, and therefore are not to be taken as umpires in the case. Austria and Russia did not accept them as such, and never retracted their demands. Lord Palmerston's opinion, interested as he was to protect his continental pets, we place on a par with Mr. Marcy's own opinion. Moreover, we are not aware that the porte absolutely denied her obligation to surrender the refugees. Mr. Marcy cites no official declaration of hers to that effect, and as for the testimony of individual Turks, we let it pass for what it is worth. As Turkey will not admit the testimony of a Christian against a Turk, we do her no wrong if we refuse to admit the testimony of a Turk against a Christian. The fact is, the matter was not pressed to a decision; Austria generously consented, out of regard to the state of Europe at the time, and the embarrassment of the porte, to waive for the moment her demand, on condition that the porte undertook to remove the refugees from the frontier, and to keep them confined in the interior of Turkey. To this condition the porte acceded, and the fact that she did so, backed as she was by France, England, and the United States, and therefore with nothing to fear from Austria, is a strong presumption that she was bound to the extent Austria asserted. Mr. Marcy's reasons do not seem to us, therefore, sufficient to impugn the official veracity of Austria, or to render doubtful the existence of the treaties alleged.

The secretary reasons throughout as if the laws of nations applied to Turkey and the Mahometan world as they do to the several states of Christendom. This is a great mistake. The international law of Christendom is not recognized by Mahometan states, and does not govern the mutual intercourse between them and the Christian powers. "The European law of nations," says Wheaton,\* "is founded mainly upon that community of origin, manners, institutions, and religion, that distinguished the Christian nations from the Mahometan world. In respect to the mutual intercourse between the Christian and the Mahometan powers, the former have been sometimes content to take the law from the Mahometan, and in others to modify the international law of Christendom in its application to them." The Mahometan world is outside of the European law of nations. Thus the Ottoman empire was not represented in the con-

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\* History of the Law of Nations, Part IV., sect. 27.

gress of Vienna, nor included in the system of public law established by it. It is in the eye of international law a barbarous power, and the relations of civilized nations with it, except so far as regulated by treaties, are subject to the law of force, or of what each Christian nation regards as expediency. We are not, therefore, to judge the conduct of Christian powers, in their intercourse with her, either by the international law of Christendom, or by the *jus gentium*. She acknowledges neither in relation to Christian nations, and Christian nations are bound to observe neither in relation to her. Austria, we suspect, in the absence of all treaty stipulations on the subject, would have the right, if she chose to exercise it, to pursue her offending subjects across the frontier, and to arrest them on Ottoman territory.

But without resorting to this argument, the conduct of Austria is perfectly defensible, for she really has the jurisdiction she claims. "The resident consuls of the Christian powers in Turkey, the Barbary States, and other Mahometan countries," says Wheaton,\* "have civil and criminal jurisdiction over their countrymen, to the exclusion of the local magistrates and tribunals. The criminal jurisdiction is usually limited to pecuniary penalties, and in offences of a higher grade the consular functions are similar to those of a police magistrate, or *juge d'instruction*. He collects the documentary and other proofs, and sends them, together with the prisoner, home for trial." Wheaton is ample authority in the case; besides, the fact is notorious, as Mr. Marey ought to know perfectly well. We cannot see wherefore this does not cover the whole case. Koszta was an Austrian subject, in the Ottoman dominions under Austrian authority, and was arrested and detained in custody on board the *Huszar*, to be sent home by authority of the Austrian consul, exercising that right of jurisdiction which the consular agents of Austria, and not only hers, but those of all the Latin powers of Europe, have relative to their respective countrymen in the East. This, as far as we can see, settles the whole question, and proves that the attack on the Austrian flag by Captain Ingraham was wholly unjustifiable, and an insult of which Austria had the right to complain, and for which our government was bound to make her suitable reparation.

We have heard it argued that this civil and criminal ju-

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\* Elements of International Law, Part II., Chap. II., § 11.

jurisdiction of the consular agents of the Christian powers in Turkey is limited to offences committed in the Ottoman dominions. But that is a matter between the consular agents and their own sovereign. Their sovereign is competent so to restrict their jurisdiction, and, perhaps, in general does. But Austria had not so done in the case of her consul-general at Smyrna, as we have her own authority for asserting; and if she had, the reappearance of Koszta in Turkey, which, according to Mr. Marey, had been inhibited to him, was itself an offence that brought him within even such restricted jurisdiction. But to suppose that any limitation of the sort is imposed by Turkish law is wholly to mistake the principle on which the consular jurisdiction within Mahometan states is founded. The populations of the East are immiscible. Foreigners from Christian nations, or what is sometimes in the East called Frankistan, are incapable of acquiring a domicile in any Mahometan country, of mingling with the body of the nation, or of becoming a recognized part of the population under the protection of the territorial laws, unless they apostatize and make themselves Mussulmans. They are, whether travellers or traders, outside of the *lex loci*,—are outlaws, under the protection of no law, and may be put to death, shut up in prison, or reduced to slavery, for no offence but their nationality. There is for them in Turkey and other Mahometan states no *jus gentium*, no hospitality. To them Turkey is inhospitable, and absolutely barbarous, although some of our statesmen seem, of late, to have fallen very much in love with her. Nothing can be more insecure, inconvenient, and perilous, than the condition of foreigners from Frankistan in Mahometan countries; and hence the Christian powers, the Venetians and Genoese first, the other Latin powers afterwards, interposed to protect their own subjects in these countries, and, at a remote period, obtained the right to take their own countrymen, really or reputed such, under their own protection, as we have seen in the *tezkerah*, and to exercise extra-territorial jurisdiction over them, as we have done recently by treaty with China relative to our own countrymen in the Chinese dominions,—that is, the right of civil and criminal jurisdiction over their own subjects within Mahometan territory. The theory of the consular jurisdiction is founded on a legal fiction, similar to that which obtains in Christian states with regard to ambassadors, ministers, and other diplomatic agents. Foreigners from Frankistan are ignored by Turkish law, are

reputed not to be in Turkey at all, but still in Frankistan, within the jurisdiction of their own sovereign, and which is as perfect in regard to them as if they were actually in his own dominions. This right of jurisdiction is conceded in the treaties by which Turkey agrees to receive consular agents, and follows, so far as she is concerned, as a necessary consequence of their *accreditation*. The extent of this jurisdiction, the offences of which the resident consul may take cognizance, what penalties he may inflict, &c., are determined, not by Turkish law, but by the consul's own sovereign; and therefore, as to Turkey, it makes no difference what is the offence, where it is committed, or what is the judgment rendered. Conceding, then, that Koszta's offence was committed out of the Ottoman dominions, it makes no difference, if the Austrian resident consul had from his own government authority to make the arrest, which Austria herself assures us he had.

Mr. Marey argues, that the Austrian consul had doubts as to his jurisdiction, inasmuch as he applied to the Turkish governor for authority to arrest Koszta, which was refused. We suspect that there is some mistake here. The consul had no occasion to apply for such authority, for such authority Turkey, so far as she was concerned, had granted him in conceding him his *accreditation*. It is more probable that his application, if there was any application at all, was not for authority, but for the physical force, to make the arrest. Or it may have been for the governor himself to arrest Koszta, which he was bound to do by the pledge Turkey had given to Austria, that he should never again set his foot within her dominions. Whichever it was, it would appear that the governor had no right to refuse, for Austria, unless we have been misinformed, through her internuncio at Constantinople, complained to the porte of his refusal, and demanded his punishment, which demand was complied with so far as to remove him from his office. The right of the consular agents of Austria in Turkey to exercise civil and criminal jurisdiction relative to their own countrymen is unquestionable; but how far Turkey is bound by special treaty to grant them the physical force necessary to exercise their jurisdiction, to make their arrests, and to execute their judgments, we are unable to say; and this we suspect was the real point in debate in 1849-50 concerning the surrender of the Hungarian refugees.

Mr. Marey further alleges, that Captain Ingraham was

justifiable on the score of humanity in making his hostile attack on the Huszar. That there may be cases where humanity, or the *jus gentium*, authorizes a party to interfere, we do not doubt; but not often among civilized powers, between sovereign and subject. There was in Koszta's case no call for such interference. An Austrian subject was arrested within Austrian jurisdiction, by Austrian authority, placed in Austrian custody, with the probability of being sent home and punished for his crimes. Here is the whole case. There was no inhumanity here, for it is for the interest of humanity that crimes, especially such as were laid to Koszta's charge, should be punished. Some stress appears to have been laid on the supposed fact, that the crimes of which he was accused and had been condemned were purely political offences, which in the eyes of many of our countrymen, as committed against Austria, were no crime at all, but meritorious acts rather; but this we believe is a mistake. The special charge against Koszta, we believe, was complicity in a stupendous robbery, or the purloining and concealing the Hungarian regalia, and the main motive of getting possession of him was not to bring him to punishment for his political offences, but to obtain from him some clue to the place where the sacred treasures were concealed. Perhaps, after his arrest, he gave the clue, and perhaps his having enabled the court to recover them is the reason why Austria has consented to his returning to this country.

The government theory of Koszta's case, it is evident from what we have proved, is untenable. Koszta was not at Smyrna, as it contends, a man without any nationality, under the simple law of nature, nor was he clothed with our nationality, as against Austria, who if she had banished him at all, had done so only on conditions, which were broken by his return to the Ottoman dominions. The most that can be said in our favor is, that he was domiciled in the United States, or was under American protection so far as the right to such protection is conferred by a *tezkerch*, a right only analogous to that of domicile. To set up domicile against citizenship is not in any case allowable, and certainly not in the case of a fugitive from justice or an escaped convict; for such a citizen or subject of a foreign state, not having faithfully performed his past and present duties to his sovereign, is incapable of absolving himself, even according to the government's own doctrine, from his

allegiance, and forming new political ties. Even naturalization, without the permission of his sovereign, would not protect such a one, much less domicile. Mr. Marey, having failed to prove that Austria had denationalized Koszta,—and she by claiming him as still her subject having proved that she had not,—cannot claim for our government the right to protect him against her without assuming that domicile overrides citizenship, which is absurd, and warranted by no writer on international law and by no decision of any court applying it. The property of a subject in or destined to a country in which a foreigner is domiciled follows, as a general rule, the domicile, and in case of war may be treated as an enemy, because it may be lawfully taxed for the support of the war; but the domiciled subject retains his personal *status*, and in case of war is regarded by his sovereign as a friend, unless found actually consorting with the enemy, because he is held to be still his subject, though out of his jurisdiction; and the sovereign in whose dominions he resides cannot lawfully compel him to bear arms against him. He is liable to be ordered out of the country, or into the interior, or even to be imprisoned during the war by the foreign sovereign as the subject of his enemy, if it is judged expedient or necessary. To set up domicile against citizenship would, moreover, be on the part of our government a complete abandonment of all American citizens domiciled in foreign countries, and to deprive itself in all cases of all right, on the ground of American citizenship, to interpose in their behalf, or to look after their interests against the sovereign in whose dominions they reside, for it would regard them as absolutely released from all civil connection with their own country. This, perhaps, will not be regarded by our citizens abroad as the best way to fulfil the promise of President Pierce, that his government would extend its protection to every American citizen, in whatever part of the world he might be, and accords but ill with the earnestness with which we assert the rights of American nationality, when it concerns protecting foreign criminals and political incendiaries against their legitimate sovereign. It would have been not amiss for Mr. Marey to have reflected that his doctrine has a twofold application, and may give to foreign sovereigns as much power to withdraw our citizens abroad from the protection of our government, as it gives it to withdraw their criminal subjects from their justice.



Mr. Marey argues, that his doctrine, which allows foreign political incendiaries and criminals to come here, and, after a few months' residence, to return to their own country, on *private* (who shall prove that it is not *secret*?) business, clothed with American nationality, and protected by it from all prosecution or punishment for their previous offences, has in it nothing dangerous, because if they should engage in any new incendiary proceedings, it would be a manifest abuse of our nationality, and prove that they fraudulently assume it. We are sorry to meet with such an argument from a veteran statesman, venerable for his years and experience, and still more sorry to find it put forth officially by the government of our native country, whom we love as a mother, and of whose honor we are more jealous than of our own. Does so experienced a statesman need to be told, that the very presence of these political incendiaries at large, in a country they have endeavored to revolutionize, may often of itself be a grave peril, and tend to compromise the public peace? Does he need to be told, that such men work in secret, and that no little mischief may be done before they can be detected or be proved to have a hand in it? Can it, in the present state of things, fail to be dangerous to have all Europe and the East swarm with well-known revolutionists, who, under protection of American nationality, are free to go wherever they please, making their observations, collecting information for the benefit of the revolutionary party, and secretly communicating with the revolutionary committees and clubs, especially if we have such ministers or *chargés d'affaires* at the several courts as Mr. Seymour at St. Petersburg, Mr. Soulé at Madrid, Mr. Brown at Constantinople, and Mr. O'Sullivan at Lisbon, and our ships in the ports of Europe and Asia to claim them as American citizens, and, if necessary, to protect them as such by making war on their sovereign, and compelling him, as the less of two evils, to acquiesce in the claim? It is not only dangerous, but is a gross abuse of the advantages of our position. It is incompatible with the respect which we owe to all foreign governments with which we profess to have relations of peace and amity, and exceedingly discreditable to our national character. For the peace of foreign states, for the interests of social order, for the honor of our own country and the sake of our citizens travelling or residing in the continental states of Europe, we hope our government will not persist in the abominable doctrine,

which foreign radicals, refugees, robbers, thieves, cutthroats, and political incendiaries have induced it in the Koszta case to set up, and that it will hasten to retrieve its character, by retracting it, and making honorable and suitable reparation to Austria.

Even on the government's own theory of the Koszta case, the attack on the *Huszar* is hardly defensible. Mr. Marey, in his reply to M. Hülsemann, assumes that Captain Ingraham's violation of the neutrality laws, by threatening, in a neutral port, to fire on the *Huszar*, if an offence at all, was an offence only against Turkey, and is a matter to be settled between us and her, without the interference of Austria. If this principle holds in the case, it holds against as well as for us, and proves that Captain Ingraham had no right to interfere by force to liberate Koszta from his imprisonment on board the Austrian brig-of-war. The laws of nations prohibit foreign powers from fighting out their quarrels on neutral territory, or in a neutral port; they therefore make the neutral power the guardian of the neutrality laws, and responsible for their breach. If, then, Turkey suffered the neutrality laws to be violated, she having the power, as she obviously had, to prevent it, the redress of the aggrieved party lies against her. This is the principle on which we held Portugal, a neutral power, responsible for the loss of the privateer *General Armstrong*, captured or destroyed by a British man-of-war in one of her ports. It is the principle we have recently set up against the free city of Bremen, in a case very similar to that of Koszta. A certain Mr. Schmit, claimed by us as a naturalized citizen, was arrested by the Hanoverian police within the jurisdiction of Bremen, as a subject of the king of Hanover. We held Bremen responsible, and refused to recognize Hanover in the case. If the principle was good in the case of Mr. Schmit, why not in the case of Mr. Koszta? The reason, we suppose, is, that neither we nor Austria regard Turkey as a civilized power, and neither yield her the benefits nor expect of her the obligations of such power.

Turkey being a barbarous power, outside of the law of nations, neither party could make any account of her rights or duties in the case. Neither party, except so far as bound by treaty, could offend her, or make her responsible for any wrong received from the other party. The proper course, then, for the American authorities at Smyrna, after

Kosztá was actually in Austrian jurisdiction, as he was when on board the *Huszár*, whatever was the case on land, was to have protested in the name of their government against his arrest and detention; and if this did not procure his release, as Austria is a friendly power, and acknowledges herself amenable to international law, to have remitted the case to the supreme authority, to be disposed of by the diplomacy of the two nations. This would have been in accordance with the general usage in similar cases, and would seem to have been demanded, if not by the law, at least by the comity of nations. There was no urgency in the case. Kosztá, if in any danger at all, was in no danger of immediately losing his head, for Mr. Marcy takes special care to inform us, that the danger which induced Captain Ingraham to make his hostile demonstration was simply that he would be conveyed to Trieste, within the emperor's dominions. We had at the emperor's court a representative to look after Kosztá's interest, and it is idle to pretend that Austria would have condemned him, or punished him under a previous judgment, if we were able to make good our claim to him as an American citizen. Policy, if not a sense of justice and respect for international law, would have restrained her. Our distrust of her in this case may well be construed into a distrust of our own claim. The threat to employ force, the actual demonstration of force, for his liberation, was a rash act, extremely imprudent, and might have been attended with the most fatal consequences; and that war has not followed with Austria, we owe to her prudence or forbearance. The act was, especially when approved by Captain Ingraham's government, literally an act of war; and it can never be for the interest of any nation to intrust the war-making power to its naval officers abroad, to be used at their discretion. It is not compatible with the peace of the world that they should possess it, and we hope that the act of Captain Ingraham will never be suffered to become a precedent. If such acts are to be approved and applauded, instead of rebuked and punished, ships of war will soon be converted into corsairs, and their commanders into pirates.

As to Captain Ingraham himself, we have nothing to say. He is doubtless an honorable gentleman, as well as a brave and efficient officer; but in the present case, he mistook his duty, and suffered his zeal to get the better of his judgment. But as his government has approved his conduct,

we must hold it, not him, responsible for the insult offered to the Austrian flag. He probably was not initiated into the plot, and was used as a blind tool by the revolutionists. The secret of the whole transaction it is not difficult to divine. It was not to vindicate American nationality or to protect the rights of the American citizen, but to get up, if possible, a war between this country and Austria, in accordance with the plans and ardent wishes of Ludwig Kossuth. Kossuth found, on his visit to the United States as the "nation's guest," that our people generally sympathized with him, and that perhaps a majority of them were not averse to intervening actively in his cause, if any plausible pretext for doing so could be found. But he was convinced that, however ready we were to feast him, make speeches and pass resolutions in his favor and denunciatory of Austria, we could not be induced to go to war with Austria avowedly on the principle of intervention. It was necessary, then, to obtain for us some pretext, under which the president, as in the case of Mexico, a few years since, might announce to congress, "War exists between the Austrian empire and this republic, by act of Austria herself." No matter if the statement should be utterly false, if it could be made to appear to be true, congress would vote an army and supplies, and the people would sustain it. It was necessary, then, to provoke Austria to the commission of some act which we could represent as a gross violation of our rights, or as a declaration of war against us. For this purpose, we doubt not, Koszta returned, or was ordered by Kossuth to return, to Turkey, and very possibly with the knowledge and approbation of our Jacobinical administration. It could very easily be foreseen that Austria would attempt to arrest him, as implicated in the abstraction and concealment of the Hungarian regalia, which she was exceedingly anxious to recover, and out of this arrest it was thought it would not be difficult to get the desired pretext for war. The whole was an artfully devised plan for inducing the United States to intervene with their physical force in favor of Kossuth and Mazzini, who had combined to establish Hungarian independence, and to expel the Austrians from Italy.

The whole difficulty, we need not doubt, grew out of our insane sympathy with the rebellious subjects of Austria, and their efforts to involve us in the contest, suspended by the Austro-Russian victories of 1849, the suppression of

the Roman republic by republican France in the same year, and Louis Napoleon's *coup d'état* of December, 1851. The plans of the revolutionists were well laid. They were secretly organized throughout all western and central Europe, but they did not choose, as in 1848, to rely wholly on themselves. They had two powers to fear, and only two,—Austria and Russia; and their plan was to neutralize Russia by means of Turkey, and Austria by means of a war between her and the United States. England they could count on as a friend, to back Turkey morally, perhaps physically, against Russia, because she has made it her policy to aid them in all the continental states ever since the congress of Laybach, and because her commercial interests as well as her East Indian possessions required her to resist the further progress of the Russian empire. France also, it was trusted, could be gained, through jealousy of Russia, and through a desire to extend her influence in Italy, to weaken Austria, to reannex Belgium, perhaps also Savoy, and to gain the protectorate of the smaller German states, to make common cause with England against northern and eastern Europe. All then that was wanting was to gain this great republic, with its vast resources and overflowing treasury, to the same cause. This it was hoped to do by getting up a quarrel between us and Austria.

Austria understood the plan of her enemies, and could not be caught in the trap, and, judging from the conditions offered and accepted by our minister at Constantinople for the release of Koszta, she has come off, so far as we are concerned, with honor, while we stand before the world in a most unenviable light. But France and England appear to have caught the bait, and the prospect now is that Europe must either succumb to the demagogues or become Cossack. To all appearances, a war between Russia and Turkey is inevitable. Hostilities, it is reported, have actually commenced, and Turkey has assembled as formidable an army as her resources admit of, officered to a great extent by renegade Austrian and Russian subjects; and it would seem, at the time we are writing, that France and England are prepared to lend her even more than their moral influence. Thus far Kossuth and Mazzini, except with us, have apparently succeeded in their plan, and France and England are playing their game, if not in reality the ulterior game of Russia herself.

It strikes us that, if France and England are really bent,

as they pretend, on maintaining the balance of power threatened or assumed to be threatened by Russia, they adopt very unwise means to effect their purpose. The real mediating power of Europe is Austria, and whether it be the purpose to guard against the demagogues of the South and West, or the absolutism of the North and East, she should be regarded as the *point d'appui* of all the operations required. As we understand it, two dangers threaten European civilization, anarchy and despotism, the demagogues and the Cossacks, the revolutionists of the South and West, and Russia from the North and East. The western powers, leaving out Austria, are impotent against either danger. England can keep down a revolution at home only by encouraging revolutions abroad, and France is still the hotbed of *demagogie*, and which the emperor prevents from breaking out in open insurrection and revolution only by adopting some of the worst elements of socialistic economy. His vast expenditures on public works and modern improvements, avowedly for the purpose of giving employment to the workingmen, cannot be continued for many years without alienating from him the tax-paying classes, and when discontinued, a whole army of workmen are ready to find employment in making revolutions. The moment that the revolutionists succeed, or have a fair prospect of succeeding, in detaching Hungary and the Lombardo-Venetian kingdom from Austria, all central Germany, and every western dynasty, unless Russia intervenes, are at the mercy of the demagogues. On the other hand, if Austria is dismembered, and reduced to her German provinces, nothing, humanly speaking, can prevent Russia from occupying the seat of the ancient empire of the East, and ruling all Europe and Asia. Nothing can be made of that rickety old concern, the Ottoman empire, which has exhausted all her resources in her present very inadequate efforts to maintain her independence and integrity. The only safety of the western powers is in cultivating the friendship of Austria, and in enabling her to extend and consolidate her power, so that she can rely on them, and be able to make the balance incline to the side on which she throws her weight.

If France and England, the two leading powers of the West, were sincere and earnest to maintain the balance of power, their first effort would be to detach Austria from Russia, and make it for her interest to unite with them.

But this is precisely what they have neglected to do. They have both been hostile to her. They prevented her from intervening to protect the Swiss Sonderbund in 1847, which would have prevented the terrible convulsions of the following year; they armed in 1848 all Italy against her, and prevented her from pushing her advantages as far as she lawfully might against Sardinia, who had twice made unprovoked war upon her, without a shadow of a pretext; they stirred up a rebellion against her in her own capital, and encouraged her Hungarian subjects to revolt, and compelled her to invoke the assistance of Russia; and on the reorganization of the German diet, they protested against her entering it with her non-Germanic provinces, a measure so essential to the maintenance of the balance of power, and which could have endangered the safety of no European state. Even the French army which suppressed the Mazzinian republic was sent to Rome avowedly to maintain French influence in Italy against Austria, and it is probably maintained there for the same purpose, and perhaps also with the vain hope of ruling the pope, and through him the Catholic populations of Europe,—a policy attempted by Napoleon the uncle, with all the success it deserved. The hostility of France and England in 1848 and 1849 drew Austria into a close alliance with Russia, and their present designs make it for her interest to continue that alliance; for if she has something to fear from Russia, she has still more to fear from them. All this we should call a blunder on their part, and its sad effects will be long felt in European politics. In the present struggle Austria will remain neutral, if permitted, and if not, she must take sides with Russia, who will gain the chief advantage.

As far as we can see, Russia, as against Turkey, is in the right. Her demands are just and reasonable, as all western Europe has virtually decided in the Vienna note. She simply demands that her treaties with the porte in behalf of the Christians of her communion shall be executed, and that a sufficient guaranty of their execution shall be given. There is nothing wrong in this. The sultan pledges his word that they shall be, it is true, but that is just no security at all. All concessions in favor of Christians, whom the Turks regard as slaves and treat as dogs, are contrary to the Koran, the supreme law of every Mahometan state, and are regarded by the Turkish judges as *non avenues*. The Chris-

tian power must have an acknowledged protectorate over the Christian subjects of the porte, or the treaties in their favor are so much waste-paper. Russia knows this, and demands the protectorate of the Christians of her communion. But this, say France and England, will give her too much control over the internal affairs of Turkey. Be it so. Why, then, not compel Turkey, their *protégée*, to emancipate all her Christian subjects, of whatever communion, to place them and their religion under the protection of the law? This would supersede the necessity of Russian interference, and take away all pretext she may have for interfering. If they will not do this, they have no right to complain of her for taking upon herself the protection of the Christians of her own communion. The Christians of the Ottoman empire have long enough been the slaves of the insolent and fanatic Turks, and religion, civilization, humanity, demands their emancipation, their elevation to the *status* of citizens, and their free and full possession of the liberty of worship, and the western powers, if they neglect their duty in this respect, have no right to interfere to prevent Russia from doing it.

It is for the interest of Christendom, of European civilization, and of common humanity, that an end be put to the Mahometan power, and it is a scandal to find Catholic France combining with heretical and pope-hating England to uphold it. Russia is a schismatical power, and no friend to Catholicity; but she is morally and religiously as good as Protestant England, and however we may dislike her political system, she succeeds better in winning the affections of the nations she subjugates than England does in winning the affections of those she professes to assist and for whom she really pours out her blood and her treasure. The Polish peasant has a far warmer affection for Russia, than the Spanish peasant has for England. It would no doubt be a calamity for Russia to subjugate western Europe, but we defy her to govern it worse than England has governed Ireland and India. The predominance of Russia would no doubt injure the Catholic cause, but not more than England has injured it in Spain and Portugal, and is now injuring it in Sardinia, Sicily, and the whole Italian peninsula; or than France herself has injured it by her league with the Turks against Austria and Spain, and with the Protestants against Catholic Germany, by her Gallicanism, Jansenism, and infidel philosophy, her immoral literature,



her Jacobinical revolutions, and by her Italian and German wars and conquests under the republic and the empire. But be all this as it may, Russia is better than Turkey, the Greek schism is far preferable to Mahometanism, and if the western states cannot preserve the balance of power without uniting to uphold the standard of the Arabian impostor, they ought not to preserve it at all. Russia certainly does not favor, and never has favored radicalism or socialism, the two worst enemies the church has to defend herself against, and that is much.

We are far from believing Russia wishes to extend her empire to Constantinople, and we do not believe her present movement was begun with any view to conquest. She wishes, no doubt, to protect, to gain to her cause, if you will, the Christian subjects of the porte, and to supplant the influence of France and England at the court of Constantinople, to prevent them from making the porte a bad neighbor, and the revolutionists from making her their rendezvous, and the *point d'appui* of their operations against Europe. There is nothing unreasonable in this. The czar is only acting on the defensive, only taking a step which France and England render necessary, to protect himself and his allies. If they choose to make use of Turkey against him and his allies, as they avowedly do, what more natural than that he should seek to thwart them? If he cannot do it otherwise than by taking possession of Turkey, whom have they to blame but themselves? They cannot expect to use Turkey against him, with his acquiescence, and they must compel her to keep the peace, and suppress their *démagogie*, if they wish him to refrain from advancing to the South. At present they give him a good excuse for what he is doing, and place themselves in a wrong and in a most foolish position. If Russia does not profit by it at their expense, they may consider themselves happy.

## THE FRENCH REPUBLIC.\*

[From Brownson's Quarterly Review for July, 1851.]

WE always read with interest the eloquent parliamentary speeches of Count de Montalembert, for we always find in them a noble spirit, and principles becoming the Christian and the statesman; but we have read none of them with deeper interest or more pleasure than the one now before us; nor any one which has given us so strong a proof of his practical wisdom, and real independence of character. M. de Montalembert is not the man of a party; he is a Christian and a Frenchman. He himself was known to our public, in 1830, as connected with the Abbé de la Mennais, in the religious and political movement represented to some extent by *L'Avenir*, and which sought to induce the church to accept and foster the democratic tendencies of the European populations. The movement, under some of its aspects, was noble and praiseworthy, but under others it was injudicious and revolutionary, and calculated to embroil the church with the temporal governments, to the serious detriment of religion. It was therefore disapproved at Rome, and forthwith abandoned by M. de Montalembert, and nearly all those who had projected and sustained it, with the exception of the unhappy Abbé de la Mennais himself, who finally for his persistence incurred excommunication from the church.

In the chamber of peers, of which he was an hereditary member, M. de Montalembert, under the monarchy of July, was not an Orleanist nor a legitimist, a republican nor a dynastic oppositionist, but was generally in opposition to the government, with strong sympathies with the European liberal movement. He did not oppose the Orleans dynasty, he did not advocate a republic, but he opposed the government, because it showed itself hostile to religious and civil freedom. His sympathies were with the party struggling

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\* *Discours prononcé par M. DE MONTALEMBERT, Représentant du Peuple (Doubs) dans la Discussion du Projet de Loi tendant à ouvrir au Ministre des Finances un Crédit de 1,800,000 Francs, pour Frais de Représentation du Président de la République, Séance du 10 février, 1851.*

for larger liberty, and his parliamentary labors were specially directed to obtaining the freedom of education, which was enslaved by the state through the infidel university, established in its main features by the convention. He may be said during this period to have represented in parliament the Catholic party of young France.

In February, 1848, came the revolution that overthrew and exiled the Orleans dynasty, and proclaimed the French republic. M. de Montalembert was returned a member of the constituent assembly, or convention summoned to give France a constitution, and reëstablish social and political order. In this assembly he took his stand, not as a republican nor as an anti-republican, not as a legitimist nor as an anti-legitimist, but as the advocate of order and defender of religious liberty. He saw that the first want of France was legal order, and that every attempt to found such order without a religious basis must prove abortive. Hence the freedom of the church and the establishment of social order became his watchwords; and he proved himself ready to coöperate with any party devoted to the maintenance of order, and able and willing to recognize, as its indispensable conditions, the full freedom of the church and of Catholic education. This position he still maintains. Without any preferences for a republic as such, he seems, now that the republican order has been proclaimed, fully disposed to accept it, to give it a fair trial, and a loyal support so long as it is able to maintain social and political order for his country. As he would never have conspired to overthrow the monarchy for the sake of introducing the republic, so he will never conspire to overthrow the republic for the sake of restoring the monarchy, either in the family of the Bourbons or in that of the Bonapartes. In the present crisis in European, and especially in French affairs, the most pressing question, he holds, lies not between one form of government and another, but between government and no government, between order and anarchy, civilization and barbarism; and any existing government, able to sustain order and provide for the wants of civilized society, ought to be loyally supported, irrespective of the claims or pretensions of particular families or individuals. Governments are instituted for the public good, and power is a sacred trust from God, not a personal right of its depositaries; and whenever these have lost it, it must be suffered to pass into other hands if the public good clearly demand it, for society is paramount to the individual.

We have, ever since we can remember, advocated, and we trust we ever shall advocate, the *jus divinum*, or government by divine right; for we hold that under the law of nature all men are equal, and that no man, in his own name, has the right to govern another. All dominion of man over man is of the essence of despotism. All power is of God, and no power is legal save as ordained of God; and no man has any right to exercise any authority save as the vicar or delegate of Almighty God, immediately, or mediately, appointed by him to govern. Ministers may be variously appointed according to the respective constitutions of different countries; they may obtain office hereditarily, or by popular election; but always their ultimate right to govern derives from God, and they hold it only as his delegates. They are, therefore, bound to exercise it according to his will, that is, according to the laws of eternal justice. This is what we mean by the *jus divinum*, and holding this, we hold that whoso resists government in the discharge of its legal functions resists the ordinance of God, and purchases to himself damnation.

But God authorizes government and invests it with the right to govern for the public good, not for the private good of the governors, and hence power is a trust, and therefore amissible. It may be forfeited, as any other trust, for it may be abused, and it is abused, whenever it is exercised for a private end, in opposition to the public good. It may be lost, also, without the particular fault of its depositaries, by such changes in human affairs as render it impracticable or impossible for them to continue to exercise it compatibly with the peace and welfare of the public, or so as to secure the ends for which government is instituted. In France, the old public order has, by successive revolutions, been completely broken up, and the French statesman is now free, and even bound, to take that course which is most in accordance with the true interests of his country, without reference to the rights of particular families, deriving from an order which has in fact passed away. He is free to support the republic, in total forgetfulness, as it were, of the hereditary claims to reign of the Bourbons or of the Bonapartes, and ought to do so, if in the providence of God and the mutations of human things the republic has become the only practicable order, or the best practicable government for his country; for there is a broad difference between hereditary personal rights and hereditary public trusts; be-

tween overthrowing a monarchy for the sake of establishing a republic, and supporting a republic after monarchy has been overthrown; and between struggling to sustain a monarchy that is assailed, and struggling to restore a monarchy that has fallen. The first want of France is government, and its second want is wise and efficient government, able alike to protect itself and the freedom of the subject; and the duty of the French statesman is to provide for these wants in the best and speediest manner now practicable. If they can be best provided for by monarchical restoration, royal or imperial, in the elder or the younger branch of the Bourbons, then he should labor for such restoration; if they can be best provided for by the republic, princely under Louis Napoleon, or citizen under General Cavaignac, then such republic should be accepted and supported. We regard France, since the revolution of February, as to the constitution of political power, as to a great extent thrown back under the law of nature, and as not only free, but bound, to reconstitute government in the manner best adapted to her future welfare, and the question for her to settle is, not the claims of princes, but the political constitution she needs to preserve herself from becoming a prey to the socialists and red-republicans, led on by Mazzini, Ledru-Rollin, and company, those conspirators-general against the rights of nations, the peace of society, and the civilization of Europe.

M. de Montalembert, in the speech before us, as we have intimated, seems disposed to accept and sustain the republic, and the republic with Louis Napoleon for its chief. He is not a Bonapartist; his sympathies are rather with the legitimists; but he contends that Prince Louis has merited well of France and Europe, and, without committing himself for the future, he ably defends the conduct of the president thus far, and awards him the well deserved praise which many from various quarters have denied him. He concedes that the president has committed some faults, the gravest of which, however, was his ill-advised letter on Roman affairs to Colonel Edgar Ney, which he hastened immediately to repair, and which has had no grave consequences. He regrets the dismissal of General Changarnier from his important military command, but thinks it was not wholly without excuse. He also regrets the new ministerial appointments, and would seem to regard the new ministry as not likely to inspire confidence in the friends of order; but he is disposed to judge it by its acts. The president is

the responsible head of his administration, and he thus far has proved himself the friend of religion, of order, of legal government, and determined to maintain internal tranquillity, peace and dignity abroad.

To appreciate the merits of the French president, we must take into consideration the very delicate and embarrassing position in which he has been placed from the first. He received it in charge to maintain the republic at home, and the influence and dignity of France abroad. When he was elected, December 10, 1848, the convention had promulgated the constitution,—a miserable abortion, satisfactory to nobody,—and the power of the state was in the hands of the so-called moderate republican party, a feeble minority of the nation, and, whatever their good intentions, without political, and especially administrative capacity. The great majority of the French people were and are monarchists, are not and never have been republicans, and the republic proclaimed by the Parisian mob, in February, 1848, could not have lived a week had it not been acquiesced in and supported by those who did not wish it, had no hand in introducing it, and no sympathy with it. It was impossible for Prince Louis to administer the government without the aid of the monarchists, for the moderate republicans were too few and too imbecile to afford him any real support, and the red-republicans were powerful only in a work of destruction, and were the enemies alike of order at home, and of peace and just influence abroad. He must then conciliate the moderate republicans, secure the aid of the monarchists, and defy the socialists. But if too decidedly republican, he could not count on the support of the monarchists; and if he trusted exclusively to the monarchists, he might awaken monarchical hopes and prepare the way for a restoration of monarchy, to the destruction of the republic,—or for the division of the monarchical party, which would allow a triumph of the red-republicans to the destruction of social order and the peace of Europe. Here was his great difficulty.

The solution of the difficulty depended on the fact whether the old monarchical party, composed of legitimists, Orleanists, and Bonapartists, had really resolved to let monarchy go, and henceforth to accept without reserve, and to support loyally, the republican order. The republicans themselves could not sustain the republic, for the reds would soon absorb the moderates, as in the old revolution the

Mountain absorbed the Gironde, and a red republic is as impracticable as undesirable. The fate of the republic was, then, in the hands of the monarchists, and would not they at the first favorable opportunity seek to restore monarchy? It was to be feared. At the time of the inauguration of the president, it is true, they seemed to have dismissed all monarchical regrets, and to be prepared to support the republic without any after-thought, and the president showed that he had no serious distrust of them, and wished to make no unfavorable distinction between them and the republicans.

Abroad matters were, if possible, still more delicate and embarrassing for a republican president of France. All Europe was divided into two hostile camps, and it was not yet decided which was the strongest. The Holy Father was in exile, and the infamous triumvirate had established their reign of terror in the capital of the Christian world; the radicals were triumphing in Tuscany; Charles Albert was preparing a second invasion of the Lombardo-Venetian kingdom; Austria was maintaining an apparently doubtful contest with her red-republican anarchists and her Magyar rebels; central Germany was in flames; and Prussia alternated between red-republicanism and despotism, played fast and loose with anarchy, as her sovereign was drunk or sober, was dazzled by visions of the imperial diadem or feared the loss of his hereditary crown. France held the balance, and the party into whose scale she should throw herself could not fail to preponderate, at least for the time. If she manifested any strong sympathy with the republican camp, war would blaze out all over Europe. If she did not, and if she threw her influence on the side of authority, then she would stand in the apparently contradictory light of sustaining a republic at home, and exerting herself to suppress republicanism abroad, and would have to encounter the wrath of all the disorganizers of Europe and of America.

The president does not seem to have hesitated long as to the part he should take. He seems to have resolved to sustain the republic at all hazards, not so much because he was a republican as because he was a Frenchman, and France had had revolutions enough, and to support the party of order abroad, as the party of justice, of right, and because it was the only means of preserving the peace of Europe, alike essential to France and to the other European nations. He did not break entirely with the republicans at home, but

he gave the best pledge possible to the friends of order that he was no revolutionist, that he respected the rights of sovereigns as well as of the people, and, above all, the sacred obligations of religion, by restoring, in harmony with the other Catholic powers, the Holy Father to his temporal dominions, and by expelling the miserable banditti who professed to govern the Eternal City in the name of the Roman people. He withdrew France from her false position as the head of the European anarchical propagandism, and placed her on the side of religion, of order, of legal right, and therefore on the side of liberty. From that moment the reaction against anarchy became decided, and victorious in every continental state except Sardinia, and that too without in the least compromising the dignity or the stability of the French republic. No ordinary credit is due to the man who, without political experience, could assume the direction of the affairs of such a country as France, at such a time, with such obstacles within and without to encounter, and yet bring them to as happy an issue as they had attained to in March, 1850, and Prince Louis may henceforth without a blush call himself the "nephew of my uncle," for his uncle did nothing greater or really more glorious.

Undoubtedly, the president must divide this glory with the monarchists of France, the majority in the assembly, for if he had had only the republican party, red or moderate, on which to rely, he could never have carried France and Europe through the crisis; but the larger share of the glory is unquestionably his own, as the elected chief of the French nation.

Up to March, 1850, the monarchical party seem to have been united to a man, and determined to support the republic, although they had never desired it. The greater part of them seem still determined to do so, but, unhappily, they are no longer united. The reaction against anarchy, having everywhere proved decisive, the imminent danger of socialism having been somewhat diminished, monarchical regrets seem to have been awakened, and dreams of restoring fallen monarchy to have been indulged. A greater danger than France has yet had to meet, we fear, now awaits her, and from this very cause, for without the support of the monarchists the republic cannot stand, and hereditary monarchy, we fear, is henceforth impracticable in France.

The republicans, including both moderates and reds, are,



no doubt, a minority, and even a small minority, of the French people. The monarchists are certainly the majority, and, if united, they could without difficulty sustain themselves against their enemies. But they are not united, and cannot be united. Three times within the last sixty years they have possessed, and three times they have lost power, through their fatal dissensions. The old French monarchy expired in 1789, when Louis XVI. became, instead of king of France, a constitutional king of the French, and no human power can resuscitate it. The order instituted in 1789 by the constituent assembly, with a few exceptions, was the clear and spontaneous expression of the will of the French nation, including the king, the nobles, the clergy, and the people. It is worse than idle to attempt to go behind that new order, and undertake to reëstablish the throne of Saint Louis. There is nothing in the habits, the sentiments, or the institutions of the French people at the present time to sustain that throne. The feudal nobility is gone; the feudal church is gone; the distinction of ranks is abolished; and chivalry, if not extinct, has taken an entirely new direction. Sixty years of revolution have destroyed loyalty, changed habits of submission into habits of insubordination, obliterated the sense of law, of the fixed and permanent, and superinduced a morbid desire of change, an absolute impatience of all repose as of all restraint. Here is no place for the throne of Saint Louis, nor even for that of "Le Grand Monarque." We may or may not regret it, according to the temper of our minds. For our part we do regret it, as we regret all modern changes, none of which can we recognize as improvements. But while we regret it, we hope we have the good sense to conform to the inevitable necessity of things. We are not in relation to our own country any the less loyally republican because we believe the departure from mediæval Europe has been a deterioration instead of a progress. We seek no impracticable restorations: we ask what here and now is our duty, and that is plainly for us to support the republican order established, here and now, alike against monarchy and against mobs.

To attempt to restore the monarchy of 1789, is as idle as to attempt the restoration of the authority of the British crown in this country. That monarchy, when it had far more of the sympathy of the nation than it now has, and was surrounded with a prestige which it now wants, could not sustain itself. As a monarchy it rested on a novel

ened than the Mexicans, but because government must be to a great extent a matter of routine, and republicanism is congenial to our habits and is not to theirs. We do not pretend that republicanism is better for France than monarchy would be, if practicable; nay, we do not believe it so good, and we think it a great calamity for her that she has abolished monarchy, and rendered its permanent re-establishment henceforth a vain attempt. But a republic is practicable, if the monarchists choose to make it so, and France can live and prosper under it, provided that its constitution and management are not left to those who conspired to introduce it.

There is wisdom as well as point in a remark once made by the late Chief Justice Parsons, that "The young man who is not a democrat is a knave, the old man who is, is a fool." We have no confidence in the statesman who is a democrat in principle, for pure democracy is only pure despotism, as we are in this country beginning to experience. The men who can make a revolution for the sake of introducing a popular form of government, can never safely be intrusted with its administration. Our government owes its success not to the democracy of the country, for that is ruining it; but to the fact that it was established, and for the first twelve years of its existence administered, by men who had no democratic sympathies, who were not in their personal preferences even republican, but who yet gave the republic a loyal support, because they saw that it was for us the only practicable government, except sheer despotism.

We would not speak lightly of the genuine republican party in France, but having studied their history with some care from the time of Henry II.,—for it is not a party of recent origin, — and witnessed their disastrous influence on their own country, as well as on other nations, we must be pardoned for saying that we have no confidence either in their integrity or in their capacity,—except for destruction. They are destitute alike of practical wisdom and loyal dispositions. They are moved, not by love of liberty, but by hatred of restraint. What they want is not the freedom and prosperity of France, but power to govern her, and they will be, with some honorable exceptions, the enemies of every government which they do not govern. No real dependence can be placed on them in or out of office, and the greatest of all conceivable calamities for France would be to give up the republic to their management, and this

whether they are moderates or reds; for the difference between the two classes is not one of principle, and consists simply in the fact that the reds are good and the moderates bad logicians. The reds draw boldly the logical consequences of the principles which they and the moderates hold in common. They say at once two and two make four, while the moderates stop short, and stammer out two and two make—*three*, persuading themselves that the poor people will not see that two and two make three and *one more*. The republicans have clamored for the republic, and have finally got it. Let them have it. They wanted it because they trusted, if they got it, they could manage it, and control the destinies of France; in that let them be disappointed. Let them have the republic and share equally whatever advantages it secures, but do not let them be its chiefs.

The republic has thus far been sustained by the men who did not want it, and, if sustained at all, it must continue to be sustained by them. But if they are to do this, they must accept it in good faith, must really resolve to live and die by it, and, if need be, for it. Legitimists, Orleanists, and imperialists must give their united support to the republic, as they did up to the 31st of March, 1850, and by so doing they can save it from being strangled by its unnatural parents. To do this requires no sacrifice of principle, no change of political creeds; it only requires a little of that chivalry in which French monarchists always abound, and of that readiness to devote themselves to the best interest of their country, in which they ought never to be found deficient. They are not only the majority, but they are the *pars sanior et potior* of France, and the only danger France can run must come either from their standing aloof from public affairs, or from their dividing their influence by movements designed to prepare the way for a new monarchical, royalist, or imperial restoration. France wants repose; she wants time for her numerous wounds to heal, time to recover habits of order and subordination, for the growth of loyalty, and the love of order,—time for a new generation to spring up, trained under better influences than have heretofore prevailed. She needs to feel that sixty years is as much time as any nation can afford to throw away in revolutions or uncertain experiments for the organization of power, and that she must contemplate no new revolution; that the order now established, whether the

best or not the best possible, must be final, in order that an end may be put alike to criminal hopes and utopian dreams. The monarchists have it in their power to make her so feel; and to do it, they have only to persevere as they commenced, the day after the revolution of February.

The monarchists have nothing to lose by supporting the republic. They have proved this during the last two years. The revolution of 1789 swept away nearly all the privileges of the old French aristocracy, and introduced equality before the laws; the revolution of 1830 abolished the hereditary peerage, and nothing would remain to the old noblesse, even if monarchy were restored, but empty titles and the memory of the glorious deeds of their illustrious ancestors. These they may retain equally under the republic, and as for distinction, they have shown and are now showing that they can secure that even under universal suffrage. Before the revolution, the republicans talked as if they monopolized all the wisdom and virtue of France, and half persuaded themselves that, under a *régime* of universal suffrage, the monarchists would be nobody. The result must have disappointed them, though it has disappointed nobody else. In the struggle, man to man, the monarchists have maintained their former superiority over the republicans. They saved the republic from being devoured by its authors; they took it under their protection, and have rendered it powerful and respectable; they have maintained internal tranquillity and peace, and dignity abroad. With the single exception of General Cavaignac, who is a brave officer and a very worthy man, not a single republican has, so far as we can discover at this distance, honorably distinguished himself under the republic. All who have tried to be leaders, and to become great men, have failed, miserably failed. Of the men who made the republic, not one has proved himself competent to its management, and most of them are now in exile or forgotten. In the assembly, in the cabinet, in the army, in the diplomatic corps, the great men are they who were the great men under the monarchy, and who, whatever their errors, were never identified with the republican party. The republic has well-nigh extinguished the republicans. Who hears now-a-days of Lamar-tine, Arago, Marie, Marast, Crémieux, Garnier-Pages, the more respectable part of the provisional government and its supporters? And who would hear of Ledru-Rollin, Louis Blanc, Caussidière, Blanqui, and their compeers, were

they not in exile, intriguing with the madmen of Europe against society itself? The monarchists have maintained, and must continue to maintain, their superiority, and retain the lead in affairs, unless they weaken their strength by division, or by attempting what seems to us an impracticable restoration, that is, impracticable as a permanent and peaceful order.

Assuming that the republic, and we mean a republic of order, not a republic democratic and social, which would be only an organized anarchy, is in the present juncture desirable for France, and to be maintained, the true policy of the French statesman cannot be doubtful. It is, first of all, to prevent the election as its chief of a man whose convictions and sympathies are with the old republican party. We have a very high regard for General Cavaignac, but we should deprecate his election as the successor of Prince Louis Napoleon. He must be elected, if at all, not as the representative of France, of the French nation, but as the representative of the republican party, a feeble minority of the French people. He will be elected, no doubt, if elected, as a moderate republican; but that makes little difference. He will not be able to command the confidence of the monarchical party, and will be obliged to strengthen himself by concessions to the reds, which will only place the republic on the declivity to anarchy. There is no radical difference between a moderate republican and a red-republican, and all history proves, that, of two branches of the same family, the more consistent will always be the more energetic, and being the more energetic, will, in the long run, be the ruling branch. We do not distrust the honorable intentions of the distinguished general who so nobly defended France in the terrible days of June, 1848, but he and Ledru-Rollin adopt the same political premises, and Ledru-Rollin draws, if more fatal, at the same time more logical consequences from them. We can give a republic a loyal support, but we detest the modern republican theory of government, whether moderate or red. It is the modern republican, or rather democratic, theory of government, namely, the sovereignty of the people, that is false and dangerous, not a republican government itself. The monarchists of France can accept the republic, and will, if they accept it at all, without accepting the modern democratic theory; but the republican party cannot. Hence, in the hands of the former a republican government may

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be a good government, as in many countries it is the best possible government ; but in the hands of the latter it must always be a bad government, because their principles in their logical development are repugnant to all government. General Cavaignac's election, in our judgment, would be the doom of the republic, and plunge France anew into all the horrors of civil war, because it would be the attempt to install a political doctrine which the majority of the French nation do and will repudiate, and which no civilized nation can safely tolerate.

All government, practically considered, is founded more or less on compromise, and no government can stand in France that attempts to exclude any of the great parties now existing. There must be a compromise of some sort, and that compromise must be honorable to all parties. The monarchical party cannot abandon its principles, and ought not to do so, though it may perhaps give up some of its prejudices, and the republicans cannot be expected to become monarchists. A compromise such as M. Guizot proposes, which recognizes the hereditary monarchy and aristocracy on one side, and the democratic principle on the other, is impracticable, because it introduces into the fundamental organization of the state two hostile and eternally irreconcilable principles. This illustrious statesman seems to us to have been misled by his eclecticism, and also to have mistaken the real theory of the British constitution, which he appears to adopt as his model. The monarchical and aristocratic principle is preserved in the king and the house of peers, it is true ; but the basis of the house of commons is not democracy, or the sovereignty of the people. The British government in its theory—we say nothing of what it is becoming in practice—is a government of estates, and the house of commons represents, not the sovereign people of Great Britain simply restricted in their power by king and lords, but an estate, the commons, as its very name implies. This government of estates since 1789 has become impracticable in France, for then the estates were abolished, and the *tiers-état* declared to be the nation. Here was the grand error of 1789. The constituent, instead of abolishing the estates, should have preserved, reformed, and perfected them, and provided for their regular assembling in parliament ; but it is too late to attempt this now.

Checks and balances, as they are called, are undoubtedly



necessary in a government, and without them every government is a despotism ; but no government can stand if organized on two fundamentally irreconcilable principles. This dualism is as objectionable in politics as in religion ; and its objectionable character in the latter is strikingly displayed by the whole history of Protestantism. Diversity may be introduced into the organization, and must be, but it must be a diversity with unity for its basis. The compromise that is required cannot be a compromise of principle, but must take place in a sphere that leaves to each party for itself its own principles, and therefore must be a compromise in the order of facts, not in the order of principles. The monarchists can without any compromise of principle accept and support a republican form of government for France, as they have done for the last three years. The republicans can of course do the same. The compromise must be, then, for each to support the republic as a fact, and as a legal fact, the monarchist foregoing the attempt to carry out into fact his monarchical preferences, and the republican forbearing to attempt to make the republic the embodiment of his theory of popular sovereignty, not necessary to the establishment or free and salutary working of the republic, and necessary at all only as a condition of revolutionizing or overthrowing it. The monarchists must concede the republicans the republican form of government, and with that the republicans must be satisfied, although the republic be not founded on their doctrine of the "sacred right of insurrection," and they must be held, and, if need be, forced to obey it, as they were to obey the monarchy. This is the only compromise that can be honorably made. The monarchists give up monarchy for the sake of peace, and the republicans get what they pretended to want, a republic, and must in turn give up the attempt to realize anarchical theories. But as they will never do this willingly, they must be compelled to do it, and till they are completely subdued, they must not be intrusted with power, although the particular individual they put forward as a candidate for popular suffrage should be personally unexceptionable.

We hope our friends in France will not deem us impertinent in these remarks, or if we express our conviction that their aim should be to preserve, for the present at least, the princely republic ; for we fear that, if any other than Louis Napoleon is chosen as its chief at the next

presidential election, disastrous consequences will follow. If it is resolved to maintain the republican order, it will be exceedingly dangerous to change the person of its present chief before it is more perfectly consolidated. We have no prejudices in favor of the Bonapartists, and what prejudices we have are on the side of the legitimists. Our own political principles would lead us to wish Henry V. to be king,—to wish the reëstablishment of legitimate royalty in France, if we believed the thing practicable; but we go on the supposition that that is impracticable, and that the long line of the kings of France and kings of the French ended with Louis Philippe. On this supposition, Louis Napoleon seems to us now, even more than in 1848, the most proper person for president of the republic. He may have had visions of an imperial restoration, but if so, he appears to entertain them no longer. As far as we can discover from his messages, and, what is more to the purpose, his acts, he has accepted the republic in good faith, with a firm resolution, so far as depends on him, to render it successful. He has nobly redeemed the promises he made on assuming the reigns of government, and has manifested eminent ability as well as loyal intentions; and if now and then we have discovered a Gallican reminiscence in his administration, he has as yet been found on the side of religion, and been surpassed by no sovereign in Europe in yielding what is due to the church, or in his respect and submission to the Holy See.

The revolutions of 1848 had even more at heart the destruction of the church than the abolition of monarchy, and the loud wail that is heard over the fall of Mazzini and his Roman republic is far more anti-Catholic than anti-monarchical. But these revolutions have been overruled and made to redound to the glory of the church against whom they were chiefly designed, and in no country more so than in France. Never since Charlemagne has the church in France been more free than under the administration of Louis Napoleon. The legitimate kings of France seldom permitted the church in their dominions to manage her own affairs in her own way, and their ostentatious protection of her was often, nay, generally, only her enslavement to the temporal power. Not under the empire certainly, not under Louis XVIII., not under Charles X., nor under Louis Philippe, was there any thing approaching the respect to the church by the government that

has been paid her by the republic, since the terrible days of June, 1848. It may be policy on the part of the president, but if so it is a wise and just policy, and such as marks the Christian statesman. But we believe it something more than policy, and we are not surprised that a man whose life has been checkered like that of Louis Bonaparte, and the greater part of which has been passed in exile or in prison, should feel the need of religion for his own support, as well as for the support of the state. He has shown his respect for religion, not only in his relations with the Holy See, but in the support he has given to the law on instruction, a concession to the church, not indeed of all that her friends had the right to demand, but of more than any other modern government has conceded, unless it be that of the young emperor of Austria, and more than under the late monarchy any friend of the freedom of education from the university monopoly ever thought of asking, and perhaps as much as, in the present state of things, it is prudent to concede. Moderation in removing abuses is necessary lest the attempted reform fail, and matters be made worse than before.

The Catholic party in France, it strikes us, should ask themselves very seriously whether religion is not now doing well, and whether it would not be more likely to lose than to gain by the restoration of monarchy, with its old Gallican traditions,—traditions which no government will surrender unless forced to do so in order to sustain itself, and which no Bourbon on the throne of France can be forced to surrender, so long as a large minority of France are not Catholic, and a large majority of her statesmen, as statesmen are prone to be, are Gallican. In a country where the majority are Catholics, the government, if it rests on popular suffrage, will be pretty sure to respect the freedom of the church. A republican government, accepted and supported by the majority, will hardly oppress, for it will have little motive to oppress, the religion of the majority. It was, therefore, with great pleasure that we saw the bishops and clergy of France expressing, with singular frankness and unanimity, their adhesion to the republic. The church is doing well now, and her friends have comparatively little to complain of,—less than almost everywhere else. Will they have less under a king who will study only to enlarge the sphere of the temporal at the expense of the spiritual authority? Why, then, seek a change? Why run the risk

of losing what is obtained, in the uncertain attempt to get more? We hear good accounts of the Count de Chambord, and we doubt not his good intentions; but he is heir to the prejudices and traditions, as well as to the rights, of his family, and the promises of a prince in exile are not precisely the acts of a king firmly seated upon his throne.

The difficulty in the way of the reelection of Prince Napoleon is that the constitution renders him ineligible for a second term, till after an interval of some years; but there is time enough to amend the constitution, and it ought to be amended in that particular, or at least so as to prolong the term of office beyond three years, to eight or ten. Our experience in the United States may not be in favor of reeligibility, but it proves clearly that four years are too short a term for a president to adopt and consolidate any policy, and that a change of administration every four years must very soon unsettle every thing. The restriction in the French constitution, as well as the short term of office ordained by ours, betrays the insane jealousy, inherited from the old English Whigs, which is entertained by modern republicans of the executive power. No government is good for any thing without an efficient executive, and where, as in France, the executive is responsible, and is restricted in great part to the execution of laws made by an independent legislature, elected for a short term of years, the power of the executive is more likely to be too little than too great. Moreover, no large and populous country can long survive the repeated shocks which it must receive from the election of a president with extensive patronage every four years. If we do not lengthen the presidential term to eight or ten years, we Americans shall soon find the whole political business of the country resolving itself, directly or indirectly, into president-making. No harm can come, but great good must surely come, to France from amending her constitution so as to prolong to eight or ten years the presidential term of office; and she can now do it, though after a few years she will find it for ever too late.

We are aware that some of our French friends object to prolonging the term of office of the present incumbent, lest he attempt to get himself proclaimed emperor. But is this fear warranted? Is it generous? Louis Napoleon has disclaimed all pretensions as the heir of his uncle; he has sworn to maintain the republican constitution; and it is an

undeniable fact, that he has thus far observed with scrupulous fidelity his oath of office, and has labored to protect the republic alike against the anarchical attempts of the socialists, and the movements of the royalists for a restoration of fallen monarchy. What right has any one to distrust his intentions? For our part, we believe him resolved to support the republic, and we would rather trust the fate of France in his hands, with legislative power in the hands of the party of order, than, in the present state of opinion, to run the risk of a change in any direction.

But it is time to close. It may be said, that, in the whole of this article, we have been volunteering opinions on matters which only remotely concern us, and on which we can, of course, have only imperfect information. We cannot deny that there is truth in the charge; but the opinion of a disinterested foreigner, who takes a deep interest in French politics, who has no republican prejudices, although a supporter of republican government, and who looks at all political questions mainly in their bearing on religion and morals, perhaps may not be wholly without interest, nor wholly destitute of value, to French statesmen. We offer them in no intermeddlesome spirit, and in no arrogant tone, though we freely and frankly express them. France is the great central power of Europe, and, with the exception of Austria, the only great European power to which the Catholic in other countries can turn with affection and hope. Austria has done and is doing well, and the present emperor bids fair to give additional lustre to the illustrious house of Habsburg, besides removing the stain from its escutcheon caused by the half-insane Joseph II. But France exerts, and must continue to exert, a powerful influence on all southern and western Europe, and on our own country in particular. She is as it were the missionary nation of the world, and it is not a matter of indifference to other nations whether she preaches the true gospel, or another. Her doctrines have immense weight in England; they reign supreme in this country; Germany reaches us only through France, and from France we import not only our fashions, but our tastes, our principles, our ideas, our philosophy, and our literature. In France is the fountain whose streams flow either to fertilize or to deluge our land. This must be our apology for venturing to speak of French politics very much as if they were our own. We have spoken kindly, in love of that beautiful country, with which, though we have never seen

it, we have so many pleasing associations, and whose literature has had more to do in forming our mind and taste than that of our own mother tongue. With our mother's milk we drew in a love of France, and we were early taught to be grateful to her for the generous aid she lent our own beloved country in her struggle to become a free and independent nation; and may God bless thee, beautiful France! and give thee, after thy long struggle, the freedom, the order, the peace, and the repose, thy heart so much needeth.

## THE CUBAN EXPEDITION.

[From Brownson's Quarterly Review for October, 1850.]

A CONSIDERABLE portion of our countrymen have long coveted the possession of Cuba, and our government, pretending that there was danger of its falling into the hands of Great Britain, went so far a few years since, we believe, as to make overtures to the court of Madrid for its purchase. But these overtures, of course, were not listened to, and the pretence proved so utterly unfounded, that the government has been obliged to abandon it. Still, the desire for the acquisition of the island has continued, and many persons have thought that it could be effected by inducing and aiding the native Cubans to revolt from Spain, establish themselves as an independent republic, and then apply for admission into the American Union. In accordance with a plan of this sort, a military expedition was set on foot within our territories in 1849, to assist the Cuban patriots, or pretended Cuban patriots, to revolutionize the island. This expedition was prevented for the time being from embarking by the intervention of the federal government; but it has been renewed during the present year, and this time, successfully eluding the vigilance of the government, it actually effected a landing in small force, and, after a smart engagement, took possession of Cardenas, committed several murders, made the governor of the town a prisoner, burnt his palace, and robbed the public treasury. But meeting a determined resistance, and not finding the native Cubans as ready to flock to its piratical standard as it was expected they would be,

it abandoned Cardenas, after holding possession of it for eight hours, and effected its escape, or return, to the territories of the United States, apparently for reinforcements, in order speedily to renew the attempt in stronger force, and with a better prospect of final success.

As to the character of such an expedition against a power with whom we are at peace, or of the attempt to wrest from a friendly power one of its provinces and annex it to the Union, no matter under what pretext, there can be but one opinion among honorable men, and since its failure, the American press has been tolerably unanimous in condemning it; but we may well doubt if the press would be thus unanimous in condemning it, if it had succeeded, or if there were a fair prospect of successfully renewing it. Had Lopez, the chief of the expedition, succeeded, we have too much reason to believe that he would have been hailed as a hero, and welcomed to a seat in the United States senate by the side of the honorable senators from Texas.

It cannot be denied that a portion, we would fain hope not a large portion, of the people of this country, have very loose notions of right and wrong, and, when blinded by their passions or stimulated by their interests, find little difficulty in converting the pirate into the hero, and piracy and murder into wise and honorable policy. To this portion of our citizens religion and morality, municipal laws and laws of nations have either no meaning or an odious meaning when opposed to their interests or their passions, their thirst for gold or their lust for the acquisition of territory. Regarding the will of the people as the supreme law, and by a natural and easy process confounding the will of the people with the will of the mob, or the will of the people as the state with the will of the people outside of the constitution and laws, they hold that what any portion of the people wish and are able to do, they have the unquestionable and indefeasible right to do. Mistaking the sound and legal republicanism held by our fathers, and incorporated into our noble institutions, for wild and lawless radicalism, they assert the right of the people, or rather the mob, in every country, to rebel, whenever they please, against their legitimate sovereign, to overthrow with armed force the existing order whenever it ceases to suit their fancy or caprice, and to institute such new order in its place as shall seem to them good. Starting with this revolutionary principle, and assuming that all who avail themselves of it, and rise in arms

against their sovereign, are necessarily the party of freedom, struggling for liberty, for the inalienable rights of man, they assume that the cause of such party is always the cause of justice, of humanity, of God, and therefore that we are all free to rush to their aid, to assist them with our sympathy, our counsel, our treasure, our arms, and our blood, irrespective of existing laws, the rights of sovereigns, or the faith of treaties. Hence we find them always sympathizing with rebels, or the party at war with their rulers, applauding their prowess, rejoicing in their victories over the friends of order and legitimate authority, and mourning over their defeat. And hence these see in the attempts of the pirate Lopez and his crew nothing but the practical application of their own deeply cherished principles.

The fact that Lopez, after his return to the United States, was greeted with loud and prolonged applause, when he assured the citizens of Savannah that he had not abandoned his enterprise, but had consecrated his whole life to the liberation of Cuba, indicates only too clearly that these principles are by no means unpopular, at least in certain sections of the country. Indeed, the number of those who, if not ready to join actively in such an expedition as Lopez and his associates fitted out, yet hold that the Cubans have a perfect right, and we a perfect right to assist them, to rebel against their sovereign, to revolutionize the island, and, with the consent of our government, to annex themselves to the Union, is much larger, we fear, than a good citizen who regards the honor of his country is willing to believe,—so little value is placed upon the rights of sovereignty, and so little respect is paid even to the rights of property.

Certainly, we are far from asserting or insinuating that any considerable portion of our citizens are sufficiently depraved to join actively in a piratical attempt like that made by the recent Cuban expedition, but such an attempt is not wholly incompatible with the political creed of perhaps a majority of our countrymen. According to the plan of the conspirators, the citizens of this country were to appear to the world only as the allies or auxiliaries of the people of Cuba. It was assumed that there was, or that there could be created, a red-republican party among the creole population of the island, and it was through these that possession of it was to be obtained. The Cubans themselves were to appear before the world as the prime movers of the enterprise and chief actors in it. They were to proclaim them-



selves a republic, independent of Spain, and we were simply to enlist under their banner, and to aid them in achieving their independence. Annexation would, it was supposed, follow republicanism and independence, as a matter of course. This was the plan, and we can see nothing in it inconsistent with the doctrines advocated by the whole body of American demagogues, and by nearly the whole American newspaper press. Once lay it down, as nearly all our politicians of late have been in the habit of doing, that the people may rebel against the sovereign authority of the state when they judge proper, and that, irrespective of pre-existing constitutions and laws, they are sovereign and the legitimate source of all political power, and it is impossible for you to point out any thing wrong or censurable in the attempt to get possession of Cuba in the way proposed, that is, by rebellion, murder, and robbery. According to these principles, the creoles of Cuba, however few in number, or insignificant in position, who were dissatisfied with the Spanish government, or uneasy and merely desirous of a change, had a right to assume to be the *people* of Cuba, in whom vests the national sovereignty, and to organize themselves into a provisional government, and speak and act in the name of the universal Cuban nation. If they had this right, on the same principles our citizens, as many of them as chose, had the right to treat them as the independent and sovereign people of Cuba, and as such to join with them, and assist them in effecting their independence, and consolidating their authority over the whole island; for according to the popular political creed of this country, democracy is the native inherent right of every people, the only legitimate form of government, and therefore the national sovereignty must always vest in the party struggling to maintain or to establish democracy. Either, then, we must say that Lopez and his crew are not censurable, except for their imprudence and ill-success, or abandon our popular political creed. If we hold on, as the mass of our politicians do, and no doubt will for some time to come, to the principles of that creed, it is only by a logical inconsequence that we can condemn the Cuban or any expedition of the sort.

But our politicians would do well to reflect that a people cannot hold and act on principles which would justify such an expedition, without placing themselves out of the pale of civilized nations, and authorizing the civilized world to treat them as a nest of pirates, and to make war on them

as the common foe of mankind. Especially must this be so, when they avow and act on such principles against a power with which their government has treaties of peace and amity, as our government has with Spain. With such a people, having a popular form of government, which must in the long run, to a great extent at least, yield to the popular will, however expressed, no nation can live in peace; for they hold themselves bound neither by the laws of nations nor by the faith of treaties. No nation within reach of their influence can ever be safe from their machinations; and every one must be perpetually in danger of having them stir up its subjects to rebellion, and through them to strip it of its territories, and finally blot out its national existence. Friendly relations with such a people are out of the question, and the common interests of nations and of society must ultimately league the whole civilized world against them to exterminate them, or to be exterminated by them.

We are too sincere a patriot and too loyal a citizen to believe that the majority even of those who adhere to these false and detestable principles are aware of the horrible consequences which legitimately flow from them. It is but common candor to regard them as better than their principles, and to presume that, in general, they do not understand the real nature of the doctrines they profess, and indeed seem to glory in professing. They are no doubt greatly blinded by their passions, and misled by their insane thirst of gold and territorial acquisition, but much of their error originates in misapprehension of the true nature of their own political institutions. These institutions are republican, indeed, and repugnant to both monarchy and political aristocracy, but they are not democratic, either in the ancient or the modern sense of that term. Anciently, as in Athens, where the word originated, democracy meant a government possessed and administered by the common people, in distinction from the Eupatrids, or nobles; in modern times, it means the absolute and undivided sovereignty of the people, or the native and inherent right of the multitude to do whatever they please, and is necessarily resolvable into anarchy or the despotism of the mob. Our institutions are democratic in neither of these senses: not in the former, for they recognize no political distinction of common people and Eupatrids, lords and commons; not in the latter, for they recognize no political power in the people save as constitutionally defined and ex-

exercised in virtue of and accordance with legal forms, and they make it high treason to rebel against the state, or to levy war against its sovereign authority. Under our political system, the people are the *motive* force, but not the *governing* power, and are, theoretically, neither the government nor the source of its rights. The constitution and laws are above them. Suffrage is not with us a natural right, an incident of one's manhood, but a public trust conferred by law, and capable of being extended or contracted by municipal regulation.

But American politicians generally, not of one party only, for in this respect Whigs and Democrats do not essentially differ, have of late years overlooked this important fact, and, corrupted by French Jacobins, and English and Scotch radicals, have sought to give to our institutions a democratic interpretation in the modern sense of the word. They cease to hold the laws sacred, and the constitution inviolable, and nothing is for them sacred or obligatory, but the arbitrary and irresponsible will of the multitude. According to them, the will of the people overrides constitutions and laws, and is the only authority to be consulted by the statesman, and they are well-nigh prepared to say, by the moralist and the divine. He must be an obtuse dialectician indeed, who fails to perceive, when his attention is called to the point, that it is a necessary corollary from a democracy of this sort, that the people, or any number of persons calling themselves the people, have the right to rebel against the state when they choose, and change its constitution as they please. This doctrine, of course, strikes at all legality, all legitimacy, abrogates all law, municipal or international, renders loyalty an unmeaning word, and leaves the people, theoretically at least, in a state of pure anarchy and lawlessness. It denies all government by denying to government all sacredness and inviolability, and leaves us free to follow our own instincts, passions, lusts, and supposed interests, without regard to municipal law, the laws of nations, or the obligations of treaties. Our error lies in our adhesion to the fundamental principles of this false democracy, a democracy of foreign, not of native growth, and as anti-American as it is anti-national and anti-social. It is the prevalence of this false democracy amongst us that has in some measure blinded us, and rendered the mass of our people apathetic to the reprehensible character of the recent conduct of a portion of our citizens towards Spain, Mexico, and even Great Britain.

It, of course, will be easy for our demagogues and our radical press to call us hard names for these remarks, to denounce us as the enemy of free institutions and the friend of tyrants and aristocrats, and to drown the voice of truth and justice by senseless shouts of "Popular Sovereignty," "The Rights of Man," "Liberty, Equality, Fraternity," or other popular watchwords which have convulsed the nations of the Old World, consecrated rebellion, and instituted the worship of the dagger; but it will nevertheless remain still true, that a large portion of the American people have lost sight of the principles of their own institutions, and embraced principles which they cannot avow and act on without deserving to be placed outside of the pale of civilized nations, and which, if continued to be held and acted on, must in the end sink us to the level of the Asiatic Malays. There is no use in seeking to deceive ourselves. There is a spirit abroad among us, working in the very heart of our population, that, unless speedily exorcised, must ultimately, if our power continues to increase at its present ratio, make us the deadliest foe of Christian civilization that has arisen since Attila the Hun, and the early Saracenic and Turkish successors of the Arabian impostor.

It cannot be denied, and should not be disguised, that we are fast adopting the principles, and following in the footsteps, of the old French Jacobins. We are preparing to enter, and would that we could say we had not entered, upon a career of Jacobinical propagandism and territorial acquisition. Other nations see this, and therefore see in us the future disturbers of the peace of the world. Hence, while they admire our industrial activity, our enterprise and energy in the material order, they detest our principles, and hold our national character in low esteem. It is idle for us to cherish the delusion, that the estimation in which the nations of the Old World hold us is owing to our republicanism and free institutions. It is no such thing. It is because they see in us, as a nation, no loyalty, no high moral aims, no lofty principles of religion and virtue, but a low, grovelling attachment to the world, the deification of material interests, and the worship of the "almighty dollar." It is because they see us becoming democratic propagandists, and sympathizers with the rebels against legitimate authority, the peace and order of society, wherever we find them, and ready to decree an ovation to every popular miscreant, who, after having lighted the flames of rebellion and civil

war in his own country, flies hither to save his neck from the halter it so richly merits. It is because we respect not the rights of sovereignty, the independence of nations, or the faith of treaties, and have proved ourselves capable of stirring up the citizens of a state with which we are at peace to a rebellion against its sovereign authority, for the sake of stripping it, through them, of a portion of its territory, and incorporating it into the Union.

Unhappily for our reputation, the recent military expedition against Cuba is not an isolated fact or an anomaly in our brief national history. It stands connected with our act of robbing Mexico of Texas, and annexing it to the Union. Texas was a Mexican province chiefly settled by American emigrants, who by settling it became Mexican citizens and subjects. These Americo-Mexicans, in concert with our citizens, and, it is said, with persons in high official station under our government, rebelled against the Mexican authorities, and by means of volunteers, money, arms, and munitions of war from the states, succeeded in achieving independence. As soon as this was achieved, or assumed to be achieved, the republic of Texas applied to our government for admission into the American confederacy. Her application was indeed rejected by Mr. Van Buren, who was then president of the United States, and whose management of our foreign relations, little as we esteem that gentleman, we are bound to say, was creditable to himself and to his country; but it was renewed and accepted under his successor, and in 1845 Texas became one of the United States, and sent, as one of her representatives in the American senate, the very man who is said to have concerted with President Jackson and others the robbery, and who certainly was the chief to whom its execution was intrusted. Here was a great national crime, not yet expiated; and here was set a precedent not a little hostile to the nations that have territory contiguous to ours.

We acknowledge personally, with shame and regret, that, though opposed to the revolt of Texas from Mexico, and to the aid which she received from this country by the connivance of the government, we were, after her independence was an acknowledged fact, among those who, for certain political reasons, of less weight than we were led to believe, advocated her annexation to the Union. It is true, we repudiated the principles on which she and our countrymen defended her conduct, and we sought to make out a case of legality in her favor; but, nevertheless we were wrong, and

are heartily sorry for what we did, and our only consolation is that we were too insignificant to have had any influence on the result, one way or the other. But be this as it may, the recent expeditions for revolutionizing and annexing Cuba are historically connected with this great national crime. No sooner had Texas been annexed than the rage for annexation seemed to have become universal. Mr. Yulee, the Jew-senator from Florida, immediately brought forward in the senate a proposition for the acquisition of Cuba. Mr. Dallas, vice-president of the United States, in the same year, 1845, gave, at a public dinner, the annexation of Cuba, as a toast, and in 1847 wrote a letter in favor of the appropriation of that island, as essential to his plans for the aggrandizement of the Union. Early in 1845 the press began to advocate the annexation of California, another province of Mexico, and it should be remembered that Colonel Fremont, an officer of the United States army, before he had learned that war existed between us and the Mexican republic, actually, by the aid of American residents, got up a revolution in that province, and declared it independent of the Mexican authorities. Here the game of Texas was begun to be played over again, and it is not insignificant that this same Colonel Fremont is sent to represent California in the federal senate, now that she is admitted as a state into the Union. There can be no reasonable doubt, that both California and New Mexico would have been annexed to the Union *à la* Texas, if the war with the Mexican republic had not given us an opportunity of acquiring them in a more honorable manner, that is, openly by the sword. It was, as the papers said, "manifest destiny," and it is a prevailing belief among our politicians that the annexation of the whole of Mexico, and even of Central America, is only a question of time. The fever of annexation broke out even on our northern frontier, and if Great Britain had not appeared to us to be a more formidable power than Spain or Mexico, the Canadian annexationists and red-republicans would have received all the aid they needed to sever their connection with the British empire, and to become incorporated with the United States. A war with Great Britain was not deemed prudent for the moment, and the annexation of Canada is, for the present, postponed. Pirate does not fight pirate, or even man-of-war, if the encounter can be avoided.

Now, in judging the bearing on our national character of the recent expedition of our citizens against Cuba, which

it is well known both our people and our government are extremely anxious to possess, these facts must be taken into the account; and they show that it is not an isolated act, but one of a series of acts of like character, and of acts, too, which have received, at least in the case of Texas, even the sanction of the federal government. What our citizens had done in the case of Texas and California, what was to prevent them from doing in the case of Cuba? and if the government connived at their conduct, and finally sanctioned it in the instance of fraudulently appropriating a province of Mexico, why should it not do the same in the instance of fraudulently appropriating a province of Spain? Viewed in the light of our previous conduct, the expedition to Cuba ceases to be merely the act of the adventurer Lopez and a few nameless and lawless individuals, the spawn of New York and New Orleans, Washington and Cincinnati, who were induced to engage in it, and becomes in some sort an act for which the American people themselves are responsible, and other nations at least will, and have the right to, so regard it. The proposed Cuban republic, provisionally organized, had its juntas, clubs, or agents in our principal cities; the forces raised were chiefly our own citizens, under officers who had served under our flag in Mexico; the regiments were numbered and named after individual states, as if they had been United States troops; and the papers,—no bad index to public sentiment,—in announcing the killed and wounded in the attack on Cardenas, used the very terms they would have used if they had in fact been so. It is not unfair, then, to assume that the people of this country did to a great extent actually sympathize with that expedition; that they were so desirous of acquiring Cuba, and so indifferent as to the means, that their moral sense took no alarm at acquiring it in the manner we had acquired Texas; and that, if they regarded the proceedings as somewhat irregular, they yet were extremely apathetic to their moral turpitude. If, as no doubt was the fact, they were for the most part unprepared to take any very active part in furthering the nefarious proceedings, it is clear that they were not unwilling that they should go on and succeed. The expedition, if successful, would give us Cuba, the key to the Gulf of Mexico, open to us the final annexation of all the West Indies, liberate Cuba from the dark despotism of Spain, perhaps from the darker despotism of Rome, and introduce the oppressed

creoles to the advantages of our free institutions, of our Bible societies, and sectarian religion, and enrich us with the spoils of its churches and religious houses, supposed to be immensely rich. So the end would justify the means. If such had not been the public sentiment of our people, especially in our principal cities, and in the South and Southwest, the conspirators could never have carried on their operations within the jurisdiction of the United States in the public manner they did; they would have been denounced to the public authorities, and ample evidence would have been forthcoming for their conviction.

No doubt there was a large body of our citizens, passive in regard to nearly all public matters, that had never heard of Lopez, or the attempt to organize an expedition against Cuba, nay, who have not yet heard any thing of either; no doubt there was a respectable number of enlightened and moral citizens, who were from the first indignant at the very thought of setting on foot such an expedition within our jurisdiction, and no doubt, again, that a large majority of our people, now the subject is brought distinctly before them, and its enormity pointed out, are prepared to repudiate it; but it is still undeniable that the rumors of the attempt to organize such an expedition did not alarm the public mind, and the news of its embarking was received rather with approbation than with horror. The iniquity of the proceeding did not strike the mass of the people till after "the sober second thought" induced by its ridiculous failure. The feelings and wishes, the sympathies, of that whole body of citizens who usually give tone to our community, and determine the action and policy of the American people, were decidedly with Lopez and his piratical associates, not in the least with the friendly power about to be so grievously wronged. This portion of our citizens, whose dominant sentiment ordinarily represents that of the country, for ordinarily the less, not the more, worthy public sentiment predominates, saw nothing morally wrong in the nefarious proceeding, nothing, indeed, but the somewhat bold application of their own principles. It is this undeniable fact that authorizes us to say that the Cuban expedition met the popular sympathy, and that the American people as a body are to no inconsiderable extent implicated in its guilt, if not actively, at least passively. It is this fact, again, which gives to that expedition its chief importance.



Even among those who opposed the proceedings in this case, as in that of Texas, comparatively few opposed them primarily and chiefly on the ground of their injustice to Spain, of their being a violation of the laws of nations, the faith of treaties, the rights of sovereignty, and the rights of property. They opposed the expedition for the same reasons that the South and Southwest favored it, because it was supposed that the acquisition of Cuba would strengthen the cause of negro slavery, and retard or wholly hinder its final emancipation. They reasoned that it must not be encouraged, because it was not an "abolition" or "free-soil" measure. The question, therefore, was discussed, as far as discussed at all, after the manner of the English and American mind, on a collateral issue, not on its intrinsic merits. This of itself shows that the essential principle involved in it as a moral and international question was not regarded, even by not a few of the opponents of the expedition, as grossly immoral, and that even with them the rights of Spain, the laws of nations, and the faith of treaties, in themselves considered, counted for little, and were worth urging only when favorable to the views and purposes of a certain portion of our own citizens. The controversy, as far as it went on, was confined to a purely local and domestic question, and became only a branch of the general controversy which has been for some time raging between the northern and southern sections of the Union. It is this fact, again, which has deceived so many otherwise well-disposed citizens. If the independence and annexation of Texas had been discussed on its merits, not in its relation to negro slavery, a matter of great indifference to many of us, there was still moral soundness enough in the American people, we doubt not, to have saved us from the great national and international crime we committed; and if the independence and annexation of Cuba could have been presented to the American people in its true light, free from all connection with the same subject, we owe it to our countrymen to say, that we have no doubt that a majority of them would have repudiated the proposition with indignation. But the fact that it was not so presented and discussed was their own fault, and they must be held responsible for its consequences.

Thus far we have considered the Cuban expedition in its relation to the political principles and popular sentiments of the American people, as distinguished from the Ameri-

can government; but it is necessary to go further, and consider the dispositions and acts of the government in regard to it. The conduct of the American people outside of the government, or rather of the active minority, by which they are usually represented, if not as bad as appearances indicate, is still gravely reprehensible, and extremely mortifying to all who are alive to the honor of their country. But notwithstanding this, the government itself may have had honorable intentions, and been really in earnest to discharge its obligations towards Spain, with whom it has treaties of peace and friendship. Is such the fact? Has it all along acted in good faith? Has it failed to perform its duty through incapacity, or has it aimed to do no more than necessary to save appearances, and to avoid an open rupture with Spain?

We wish to speak of the government with the loyal respect the citizen always owes to the supreme political authority of his country, and we do not allow ourselves rashly to judge its intentions. It was bound to peace relations with Spain by express treaty, made in 1795, and subsequently confirmed, the first article of which stipulates "that there shall be firm and inviolable peace and sincere friendship between the two governments and their respective citizens and subjects, without exception of persons or places." Under this and other clauses of the same treaty, the United States were bound to use all necessary force to repress and punish all acts hostile to Spain, or any of her provinces or colonies, committed within their jurisdiction. The treaty, we need not say, is the supreme law of the land, and as binding on the citizen as on the government itself. The citizens of a state cannot be legally at war with a power with which their government is at peace, and their hostile acts are its acts if it neglect to use all its power, if needed, to prevent or chastise them; for the government under the laws of nations, even in the absence of treaty stipulations, is responsible to foreign powers for the acts of all persons within its jurisdiction. Undoubtedly it is excused from all hostile intention, if it does all in its power to prevent hostile acts on the part of its subjects, or persons within its jurisdiction, or if, failing wholly to prevent, it is prompt to put forth its whole power to repress them, and bring the offenders to justice; for no government can at all times and under all circumstances control the entire conduct of every person within its jurisdiction. But with this reserve, under the

law of nations, the government is responsible for the conduct of all persons within its jurisdiction, and especially when the law of nations is defined, and, so to speak, intensified, by express treaty obligations. Our government was then bound to exert all its vigilance and power, if needed, to prevent the beginning or setting on foot within its jurisdiction, and much more the embarking, of the military expedition against Cuba. This was clearly its duty, and any thing short of this was short of what Spain had the undoubted right to expect and to require at its hands. It owed it, also, to Spain and to its own majesty to execute the full rigor of its own municipal law against the persons implicated in that expedition.

But our government, owing to the fact of its having connived at the rebellion of Texas, of its having, against the protest of Mexico, incorporated that province into the Union, and of its having gone to war with Mexico, and still further dismembered her, because she would not peaceably submit to be robbed of her territory, had given Spain ample reason to distrust its professions except so far as backed by deeds, and to regard it as capable of repeating its previous dishonorable and criminal connivance at rebellion, murder, and robbery. All the world knew that Texas had been wrested from Mexico by American citizens, or persons within our jurisdiction, without opposition from our government, and it was by no means improbable, *a priori*, that what it had consented to see done in the case of Texas, it might be willing to have done in the case of Cuba. Spain had seen in our relations with Mexico the manner in which we were capable of interpreting our treaties of peace and amity with foreign powers, and might reasonably suspect us of being no further opposed to the Cuban expedition than was necessary to save appearances. This undoubtedly was the view taken by the movers and friends of the expedition; otherwise we can hardly suppose they would have dared, knowing, as they must have known, the stringent nature of our laws, to commit the acts they did within the federal jurisdiction. Our government, if it acted really in good faith, was therefore bound, at least for its own sake, to more than ordinary vigilance and activity in preventing or suppressing the enterprise, and bringing its participators, aiders, and abettors to justice.

We doubt not the honest intentions of the government, but we must say that, so far from exerting this extraordi-

nary vigilance or activity, it has undeniably failed in the full and prompt discharge of its duty both to Spain and to its own character. We are forced to this conclusion by a series of facts and considerations which seem to us to leave no room for doubt. The government can be said to have done its duty only on the supposition that it could not detect the proceedings of the conspirators, or that it lacked power to arrest them, or was unable to procure the evidence necessary to establish juridically their guilt. No one of these suppositions is admissible, least of all the second; for the government itself would not thank the friends who should undertake to defend it on the ground of its inability to fulfil its treaty obligations and to execute its own laws. Such a line of defence the government would be prompt to repudiate, as it would place it in the most humiliating light before the nations of the world, and authorize them to refuse to enter into any treaty stipulations with it.

The proposition to acquire Cuba by means of revolutionizing it was before the country, and discussed in the public journals. Everybody knew, or might have known, that, as far back at least as 1848, there was a movement concerted with American citizens, to be efficiently supported by us, going on in Cuba and some of our cities, to get up a republican revolution in Cuba, and that this revolution was intended to result in its independence and ultimate annexation to the Union. Of all this the government could not have been uninformed. It was equally well known that the movement in certain sections of the Union met with great favor, that it accorded with the wishes of the country, and even of the government so far as the simple acquisition of Cuba was concerned, and throughout with the popular democratic creed of the great body of our politicians and of our newspaper press generally. Here was enough to place a loyal and competent government on its guard, and induce it to take active and efficient measures to preserve the peace relations between us and Spain, and to prevent its treaty obligations with that government from being violated by persons within its jurisdiction. Unhappily, it did nothing of the sort. Public men, men high in social, and even official station, were advocating the acquisition of Cuba, the press, especially at the Southwest, was busy manufacturing public opinion for the country, and urging the violation of the rights of property, the law of nations, and the faith of treaties, and the government was silent and inactive; its

organs were dumb, and it did and said nothing to give its deluded subjects any reason to believe that it would be more disposed to execute its laws against a Cuban, than it had been against a Texan, military expedition. Had the government been really loyal, really disposed to respect the rights of Spain, and to fulfil its duties towards her, it may be asked why it did not exert itself in the beginning to correct the false opinion that the citizens of this country have a right to engage in a project for revolutionizing a province or colony of a friendly power, and of wresting it from its lawful sovereign, as well as the grave error that they could do all this without implicating the government in their guilt. At any rate, would it not, since its past delinquency had made it necessary, have assured its misguided subjects in the outset, that it would not suffer them to make the attempt with impunity? Yet it took no notice of what was going on, and suffered the false opinion to spread till it became a power all but impossible to be controlled.

It is true that the military expedition fitted out in 1849 was prevented from embarking by the intervention of the government. But its destination was no secret; and the adventurers were set at liberty, without even the form of a trial, permitted to retain their arms and ammunition, and suffered to disperse themselves over the Union without receiving the punishment, or any portion of the punishment, which our laws annex to the high misdemeanor of which they were unquestionably guilty. Why was not the full rigor of the law executed against them? Had it been, others would have been deterred from engaging in similar expeditions. The very fact that they were let off without being punished was well calculated to produce the conviction, unfounded we are willing to believe, that the government itself was at heart not ill disposed to their enterprise, and would do no more to prevent its execution than was strictly necessary to avoid an open rupture with Spain. It is idle to pretend that no sufficient proof could be obtained to convict them. Proof enough could have been obtained if the government had really wanted it, and earnestly sought for it; for the real character and objects of the expedition were well known, were matters of public notoriety, and it is not likely that they were incapable of being juridically established.

As was to be expected, the impunity extended to the military expedition of 1849 served only to encourage an-

other. That had failed in consequence of appointing its rendezvous within the jurisdiction of the United States. The new expedition had only to avoid that error, by assembling at some point without that jurisdiction; from such point or points it could embark for its piratical attack on Cuba, free from the apprehension of being interrupted by the officers of the Union. It accordingly adopted that precaution, and, as is well known, with complete success. If it failed in its ulterior objects, it was owing, not to the vigilance or the activity of our government, but to the precautions taken by the Spanish authorities, and the unexpected loyalty of the Cuban population. The Cuban democrats appear to have been from home, and the red-republican demonstration proved a complete failure, to the no small honor of our creole neighbours.

The government could not have been ignorant of the attempt to set on foot this new expedition within its jurisdiction. No sooner had it dismissed the adventurers from Round Island, than military preparations were recommenced in New York, Boston, and especially New Orleans; men were enlisted, drilled in the use of arms, and despatched to Chagres, or other points out of the Union, and all in the most public manner. The adventurers hardly attempted to conceal their destination, and ostentatiously displayed the cockade and colors of the proposed Cuban republic. The publishers of the *New York Sun* hoisted on their office the new flag of Cuba, and openly engaged in acts hostile to Spain. The advertisements and proclamations of the revolutionary junta were inserted in the public journals, and bonds made payable on the revenues of the island of Cuba were issued, to procure money for raising troops and exercising them in the use of arms. The conspirators carried their effrontery so far as to insert in the public journals of Washington, under the very nose of the government, an advertisement announcing the formation of a permanent junta destined to promote the *political interests of Cuba*, that is, to revolutionize the island. These acts, done openly, before all the world, of a nature easily traceable to their perpetrators, could not have been unknown to the government, unless it chose to remain ignorant of them. The Spanish minister, as early as the 19th of January of this year, called the attention of the government to them. The secretary, Mr. Clayton, issued, indeed, a feeble and indolent circular, on the 22d of the same month, to the district attorneys of

Washington, New York, and New Orleans, enjoining upon them to *observe* what should be passing in their respective districts; but with no apparent result. These attorneys excused themselves from prosecuting the offenders, on the pretence that an overt act was necessary to justify the commencement of proceedings against them,—a pretence as creditable to their legal attainments as to their loyalty. The law declares, “That if any person shall within the territory or jurisdiction of the United States *begin*, or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.”\* The journals, by publishing the advertisements and proclamations of the conspirators, as well as the conspirators themselves, were guilty under this law, and liable to its penalties; for the law makes the very *beginning* or *attempt* to get up such expedition or enterprise a high misdemeanor, as these district attorneys, if lawyers, must have known perfectly well. The district attorneys were probably not unfavorable to the expedition, and had no wish to interfere with it any further than they could help, and the secretary of state, though well disposed himself, probably did not judge it necessary to insist with energy on their performance of their official duties. The crimes had been committed in their districts, and it was their duty to have prosecuted the offenders, and nobody can really be so simple as to believe that they could not have obtained the requisite evidence for their conviction, if they had sought it. But the government ought to be responsible for their neglect, for they were its agents.

The conspirators continued their operations, without the government's taking any efficient measures to arrest them. On the 8th of May, the Spanish minister, M. Calderon de la Barca, writes to the secretary again, and from this date continues in frequent communications to furnish him with precise information and detailed proofs of the movements of the conspirators, till the final departure of the expedition from the United States. Yet till its final departure nothing

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\* *Statutes of the United States*, 1818, chap. 88, sec. 6.

could excite the secretary to activity; but then, after the expedition had sailed, and there was no probability of being able to intercept it before it should effect a landing on the island, he despatched a vessel of war to the port of Havana, where there was no danger, and where there could be no expectation of encountering the pirates, with orders to *observe* the motions of vessels approaching that port, in order to *ascertain* if there had been commenced any military expedition or enterprise to be directed from the United States against the territory or the dominions of Spain!

This order strikes us as being little better than a mockery. To despatch a vessel of war on a cruise of observation to ascertain a well-known fact, — a fact already with detailed proofs before the government, — was, to say the least, wholly unnecessary, and calculated only to throw doubts on the good faith of the government. Then the fact that it was despatched only *after* the piratical expedition had embarked, when it was too late to intercept it, and to the port of Havana, the best guarded and least exposed port of the island, and where nobody expected the pirates would attempt to effect their landing, could only indicate either the extreme inefficiency of the government, or its good-will to the pirates and wish not to interfere with their sport of murder and robbery. The fact of the non-interference of the government till the last moment, and its inefficient interference even then, are well calculated to throw doubts on its good faith, and to create a painful suspicion, which, however, we repudiate, that it was willing to connive at the expedition, — at least so far as to give it a fair chance of succeeding, if it could. At any rate, the facts we have detailed prove a culpable failure of the late administration in the discharge of its duty to Spain, and in the execution of the laws of the Union, and if Mr. Clayton thought to obtain credit with honorable men for his vigilance and promptness, he made a mistake.

We cannot but remark that Mr. Secretary Clayton's language is far more energetic when he has some pretence for asserting that Spain has infringed or is likely to infringe the rights of American citizens. He had remained nearly apathetic while the conspirators were at work in fitting out their expedition against Cuba, and nothing could induce him to take efficient measures to arrest them. Our treaty obligations with Spain and our own laws were violated in open day, and he could at most only be induced to issue some in-



dolent and tardy order to his subordinates to make observations. But when Spain, not exactly within her jurisdiction, but on a desert island close to her shores, takes a portion of the military expedition prisoners, he is incited to an unwonted degree of energy. The boot is on the other leg now, and he writes—we translate from the *Courrier des Etats-Unis*, not having the original dispatch before us—to Mr. Campbell, our consul at Havana,—“If the facts relative to their capture are as reported, the president is resolved that the eagle shall protect them from all punishment except such as may be inflicted on them by the tribunals of their own country. Tell the Count of Alcoy to send them back to the United States, where they will find a punishment worse than any that he can inflict on them, if they are honorable men, in the reprobation they will meet from all right-minded persons, for having made an attempt against the good faith of a nation that prefers its reputation for integrity to all the Antilles together.” This is in some respects no less amusing than grandiloquent. The supposition that men enlisted in a piratical expedition are *honorable* men is somewhat comical, and the suggestion that they would meet a heavier punishment for their crimes in the public opinion of their own country than any the Count of Alcoy could inflict on them, when that public opinion was in favor of their enterprise, and so strongly in favor of it that the secretary himself well-nigh lacked the courage to brave it, is original, and shows that the late secretary of state has one of the qualities, if not of a statesman, at least of a poet. Then the flourish about the high estimation in which we hold our national reputation for integrity would be worth more if we had, or even deserved, that reputation. We bartered that reputation for Texas, for California and New Mexico, and might easily be supposed capable of bartering it again for Cuba and Porto Rico. The frail one should not challenge admiration for her virtue.

The prisoners taken on the islands of Las Mugerres and Contoy were, and it is well known that they were, a portion of the Lopez expedition, and had left the United States on a piratical enterprise against the dominions of Spain. They were pirates and, under our treaty with Spain and the laws of nations, they were punishable as pirates. Spain had been invaded, her territory had been violated by our citizens, her subjects murdered, her treasury plundered, her public buildings burned, and the governor of one of her towns made

prisoner; she was threatened with still further invasion from the same quarter, and with all the horrors of war. She had, under these circumstances, the right to protect herself by taking and hanging every individual she found engaged in the piratical expedition against her dominions. These Contoy prisoners, as they are called, were the comrades of those who had invaded her soil; they shared in their guilt, and were virtually pirates, and as such could not claim the protection of our government. To any demand of ours to Spain to give them up, it was sufficient for her to allege this fact, and that she had taken them in the right of self-defence, and should treat them according to the law of nations.

Our government could demand the release of these prisoners only on the ground that there was no sufficient evidence to connect them with the piratical expedition against Cuba; but of that fact Spain was a competent judge, and she had the full right to bring them to trial, and if convicted by her own tribunals, under the law of nations, of being a part of that expedition, she had the undoubted right to sentence and punish them, without our having the least right to remonstrate. There was really nothing in the conduct of Spain with regard to the capture, detention, and trial of these prisoners of which we have the least right to complain. Spain was not obliged to wait till the pirates had actually set foot on her soil, and struck the first blow, before her right to arrest and punish them commenced. It was enough that their intention to invade her soil was manifest, and it was clear that they had embarked for that purpose. These Contoy prisoners were taken under arms near her territories, on desert islands, the usual resort of the adventurers. Undoubtedly they had not yet actually invaded Cuba, but the circumstances under which they were found lurking there sufficiently indicated their purpose, and pointed them out as a part of the expedition which had landed, committed its depredations, and retreated to Key West, within the jurisdiction of the Union. They might be there waiting the return of their comrades with reinforcements to renew their piratical attacks, and no one can be so ignorant of the rights of Spain as to suppose that she was bound to respect their hiding-place till they had acquired sufficient force to commence the actual murder of her subjects, and the sack and destruction of her towns. She had the right to make them prisoners, and, if she had the right to make them prisoners, the right to retain them a reasonable time for investigating

their case, and of ascertaining their guilt or innocence. She did only this, and considering the inefficiency our government had displayed in protecting her from the piratical attacks of our own citizens, and that the expedition intended to operate against her from our territory had been defeated by her own exertions, without any efficient aid or act of ours, she had far more right to deem herself aggrieved by our peremptory demand for the delivery of the prisoners, than we to complain of her for detaining and subjecting them, or proposing to subject them, to a trial before her own tribunals.

We are quite sure that, if the case had been reversed, we should have given a brief answer to a like demand from the Spanish government. How, in fact, did we reason, when General Jackson marched with his troops into Florida, then a Spanish province, and took military possession of its capital, because the Spanish governor could not, or would not, restrain the Seminole Indians, as bound by treaty, from making predatory incursions into the territory of the Union? If the tables had been turned, and the military expedition had been intended to operate from Cuba against us, and the Spanish authorities had been as remiss and inefficient in preventing or repressing it as ours has been, the whole force of the Union would have been put in requisition, if needed, to lay all Cuba in ashes; and if we had detected armed adventurers from her ports lurking near our coast, watching a favorable opportunity to make a descent, we should have taken them prisoners, and with the briefest trial possible hung them up, every one of them, as pirates. Of this no man that knows our character, and our summary manner of dealing with those who violate our rights, can reasonably doubt. It would be well to remember that the obligations of the treaty between us and Spain are reciprocal,—that they do not bind her and leave us free, as one is tempted to think is our interpretation of them, but bind us as well as her, and what would be right in our case is equally right in hers.

The journals have been filled with loud complaints of the cruelty with which the Spanish authorities treated the Contoy prisoners while they detained them in custody. There is not a word of truth in these complaints, as the good plight of the prisoners when landed in the United States amply proves. They were well treated, and no unusual or unnecessary severity was exercised against them,—no further severity than that of guarding against their escape, and their

intercourse with their sympathizers or accomplices. We are well aware that the mass of the American people, believing all the falsehoods and retaining all the prejudices of their ancestors current in the days of Queen Elizabeth, are prepared to credit any absurd tale of Spanish cruelty that any idle vagabond chooses to invent; but this much is to be said of our countrymen, that they are probably unrivalled in the facility of believing every thing — except the truth. No people can surpass them in their ability to believe falsehood without evidence, or to reject truth though supported by evidence complete and irrefragable. It is one of their titles to the admiration of the philosophers of the nineteenth century.

We are not the apologists of Spain; but we may say this much for her, that no nation has been more maligned, and no national character more vilely traduced, than the Spanish. There is no nobler blood in Europe than the brave old Castilian, and a more elevated or virtuous peasantry than the Spanish is not to be found in the whole world. Time was, and not long since, when Spain was the freest country in Europe, worthy even of all admiration for her noble political institutions. She was, at no distant date, the ruling European nation, surpassing in grandeur and power all that Great Britain now claims to be. Domestic dissensions, fomented by foreign influences, foreign and civil wars, French invasion, French philosophism, English protection, radicalism, rebellion, revolution, and the terrible struggle for her very national existence against the colossal power of Napoleon, in the zenith of his pride and his strength, have for the moment reduced her from her former relative position among European nations, and induced many in both hemispheres to forget the gratitude that is due her for her eminent services and eminent sacrifices to the cause of religion and European and American civilization; but she is still a living and a noble nation, with a recuperative energy in her population to be found in no other population in Europe, and lowly as she lies at this moment to the eye of the superficial spectator, she has in her all the elements of her former greatness, and before her a long and glorious future. She has still a believing heart, a loyal soul, and an inbred reverence for religion and morality. The spoiler's work is well-nigh finished, and the infidel and sacrilegious revolutionary storm has well-nigh spent its fury, and the day draweth nigh for her to put off her garments of sorrow, and to put on her robes

of joy and gladness. She has had, no doubt, her faults, and will have them again, but as to her cruelty it is mildness itself in comparison with the tender mercies of the renowned Anglo-Saxon, who, after twelve hundred years of culture, seems still to cherish in his heart the habits and tastes of his piratical ancestors.

But our failure in the discharge of our duty to Spain extends further than we have stated. Cuba, in consequence of our remissness and inefficiency, is still in danger of piratical attacks from our citizens, or at least of their attempts, in concert with disaffected Cubans, to get up a democratic revolution in the island, and involve it in the horrors of civil war. Spain has been put to great trouble and expense in defending that island from our machinations, which it was our duty to have spared her, and she is obliged to continue her armament and defences on the war footing, and that to defend her province from the hostile invasions of the subjects of a government which professes to be at peace with her. This is not an endurable state of things. Does it comport with our honor as a nation to suffer it to continue? Have we not the will and the power to restrain our lawless citizens, and to compel them to respect the rights and the property of a friendly power? Are we reduced either to the moral or physical necessity of compelling nations with whom we have treaties of peace and amity to arm themselves to the teeth, and everywhere keep watch and ward against the depredations of our American citizens and subjects? We would fain hope not, and we look with confidence to the new administration to take efficient measures to reassure Spain, to indemnify her for the wrongs she has suffered in consequence of our remissness, and to relieve her from the necessity of keeping up any extra garrison in Cuba to protect her possession of that island from the aggressions of persons subject to the government of the United States. We have full confidence that, in the hands of the present secretary of state, the errors and blunders of his predecessor will be repaired, and that our foreign relations will be managed with wisdom and energy, with jealous regard to the rights and feelings of other nations, and to the dignity and honor of our own.

We hope, too, that our citizens will participate in the reaction against wild and lawless democracy, or red-republicanism, which appears to have commenced in the Old World; and that, remembering that justice exalteth a nation, while

sin is a reproach to any people, they will retrace their steps, and return to the wholesome principles embodied in their fundamental institutions. It is time for them to pay less attention to the acquisition of territory, and more to the acquisition and maintenance of national honor. We have, morally considered, fallen to a fearful depth, but we have not fallen so low that we cannot, if we choose, rise again. We have prided ourselves on our institutions, and have claimed to be a model republic. We are not, as a people, wholly insensible to the opinions of the civilized world, and we wish all nations to admire our political institutions, and to model their own after them. This is all laudable enough. But we cannot expect them to do it, unless we retrace our steps, and show that we ourselves adhere to the principles of our institutions, and are governed by them.

Hitherto republicanism in the Old World has been associated in the minds of intelligent and honest people with barbarism, the absence of public and private virtue, contempt of religion, disregard of the most sacred obligations and relations, the loss of personal freedom, war on the church, on morality, on property, on the family, and on society itself. It should have been ours to have proved by our example that this is only an accidental character of republicanism, and that a people may be republican, may dispense with kings and lords, without lapsing into barbarism or interrupting the progress of Christian civilization,—that such a people may be cultivated and moral, refined and religious, free and loyal, respecting the rights of God as well as the rights of man, preserving the sanctity of marriage, and the integrity of the family, respecting the rights of property, the rights of sovereignty, and the independence of nations, and maintaining peace and order under the reign of law. This should have been our mission, but we have been recreant to it; we have been latterly identifying republicanism with democracy, and American democracy with the European, and doing our best to prove by our example, that in all lands democracy degenerates into license, becomes immoral, irreligious, and aggressive. We have been furnishing kings and aristocrats with strong arguments against republicanism, and in favor of their system of government. Instead of aiding the emancipation of the oppressed of other lands, we have given their masters new reasons for withholding from them those franchises we so highly esteem, and have double-riveted the chains of the

slave. The Christian world may well exclaim, in view of our example for the last twenty years, "God save the king! for if licentious and despotic kings are bad, licentious and aggressive democracies are worse."

We are for ourselves neither monarchists nor aristocrats, but according to the best of our knowledge and ability a loyal American citizen; yet we cannot shut our eyes to the dangerous and utterly immoral and dishonorable career upon which the American people to a fearful extent have entered. It is difficult, it may be too late, to arrest them; but as one of the people, as one who yields to no man in his love of his country, and attachment to her government, we assure them that they will never secure true freedom and prosperity in the way they have thus far sought them. If they value national honor, if they love liberty, they must return to the recognition of law, the obligations of morality, and the duty of religious faith and worship. No nation can recede from law without falling into anarchy, or depart from God without precipitating itself into hell. All is not gold that glisters. All change is not improvement. All motion is not progress, and every novelty is not a conquest from the domain of truth. Let our citizens meditate these commonplaces, and form a more just estimate of themselves. They have territory enough,—quite too much; they have room for all the virtuous expansion of which they are capable; let them learn to be content with what they have, and that it is as base to steal a province from a neighbouring state, as it is to pick a neighbour's pocket, or to steal his sheep.

We have taken no notice of what is said about the tyranny with which Spain governs Cuba, for we have no authority to supervise her internal administration, and are bound to treat her as an independent and a Christian nation. We must annul our treaty with her before we can put her out of the pale of civilized nations, and we must put her out of that pale before we can have any right to supervise or interfere with her treatment of her own subjects. But what is said about Spanish tyranny and oppression in her colonies is all unfounded. Spain does not oppress and never has oppressed her colonial subjects, and Cuba would have far less freedom as a democracy, than she enjoys as a province of the Spanish monarchy. So it was said that the other American colonies of Spain were oppressed, and as far back as Jefferson's residence in Paris as the minister of

the American confederacy, intrigues were begun with us to convert them into independent republics. We need only to compare what they are now with what they were under Spain, to comprehend the value of assertions as to Spanish tyranny and oppression. Let us leave red-republican cant, learn to be just and honorable, and labor to secure liberty at home. So shall we best promote liberty abroad.

## PIRATICAL EXPEDITIONS AGAINST CUBA.

[From Brownson's Quarterly Review for January, 1852.]

It is well known that our government and people have long been desirous of taking possession of the island of Cuba, the Queen of the Antilles, and annexing it to the United States. Spain having very naturally refused to sell it, and no plausible pretext having offered itself for taking possession of it by the avowed authority of the government, efforts have been made to induce the inhabitants to rebel against their sovereign, and, under assurances from this country, if not from the government, at least from its citizens, to declare themselves independent, and to form themselves into a democratic state, with a view to future annexation. The most false and calumnious reports of the tyranny and oppression of the Spanish authorities have been circulated to excite our democratic and monarchy-hating citizens, and to prepare them to fly to the assistance of the Cubans, as to the rescue of an ill-used and oppressed people, and false and exaggerated accounts have been forged of the disaffection of the Cubans, and of their readiness and determination to resist and declare themselves independent of the mother country.

Disaffected or speculating Cubans, chiefly residing in this country, good patriots only in leaving their country, in concert with certain American speculators and European refugees, have been induced to form what they call a provisional government, to contract loans, to enlist troops, and commission officers, in the name of the imaginary people or republic of Cuba. This appears to have been done with a double object: first, to secure to these excellent patriots and their American advisers the plunder of the island, and



in case of success the power to oppress its inhabitants ; and second, to remove any scruples our citizens might feel as to engaging in an avowedly piratical enterprise. Our people hold that they have a right to assist any band of rebels, who profess to be rebelling against monarchy, in favor of democracy. They hold that all authority emanates from the people, and they never take the trouble to inquire whether what they call the people are a perfect people, complete and independent, or are only a mob. They outlaw monarchy and monarchists, and hold any number of the inhabitants of a given country to be the sovereign people, if they are only opposed to monarchy and in favor of democracy, although in point of fact they are not more than one in a thousand of the whole population. God has given the dominion of the world to democrats, and they have the right whenever they please and are able, to oust the old proprietors and to take possession of it. A self-constituted provisional government, having no authority even from the people, no authority, indeed, but what its individual members assume, is for them the sovereign authority of any country subjected to the monarchical form of government, and in it are vested all the rights of a sovereign state, the power to form alliances, to declare war, and to make peace. Recognizing thus the self-styled provisional government of Cuba, and General Lopez as its chief, they could feel that, in enrolling themselves under his banner and making piratical expeditions against a colony of Spain, they would engage in a legitimate war, and in killing and plundering Spanish subjects be only obeying a legal authority and performing meritorious acts. Under the pretended authority of this pretended government, an expedition was set on foot in 1849, in this country, for invading and taking possession of Cuba. That expedition was prevented from sailing by the interposition of the federal government ; but the adventurers, collected at Round Island, were suffered to disperse with their arms, without even so much as a reprimand for the violation of the law of nations, our treaty with Spain, and our own municipal laws. Emboldened by the impunity, they with others assembled again the following year, and this time succeeded in making a descent upon the island, whence they were soon forced to disembark for the United States. Again no punishment was inflicted upon them by our government. A few indictments were found, but they were all finally withdrawn by order of the government, and no one was prosecuted to conviction.

The checks hitherto experienced from the government, or from the resistance of the Spanish authorities, only served to stimulate the zeal of the so-called liberators. During the last summer another expedition was fitted out, and embarked in an American steamer, which cleared in open day at the custom-house at New Orleans for Cuba, where to the number of some five hundred, the majority American citizens, they effected a landing, and commenced their work of liberation. After several engagements with detachments of the Spanish troops, in which several Spanish officers and soldiers lost their lives, they were defeated, and to a man either killed or taken prisoners.

Before the whole band were dispersed, while the contest with the invaders continued, and reinforcements from the United States were threatened, a party of fifty, designated as Colonel Crittenden's party, apparently attempting to effect their escape from the island, were discovered and captured by a Spanish war-steamer, and, on their confession of having formed a part of the gang which had landed, and of having shared in their piratical acts, were executed, in obedience to an order of the Spanish government, and in accordance with a proclamation of the captain-general of Cuba, issued before the sailing of the expedition from New Orleans, and with the unquestionable legal rights of Spain. When the news of the execution of this party was confirmed in this country, the friends of the expedition were highly exasperated. A mob collected at New Orleans, attacked the Spanish consul, and forced him to seek refuge for his life in a prison, seized the Spanish flag, dragged it through the mud, and afterwards burned it with every mark of indignity and insult, destroyed the office of the Spanish newspaper, *La Union*, and plundered the shops and dwellings, we believe, of nearly every Spanish resident in the city. Another mob on the same occasion collected at Key West, and entered and plundered the houses and shops of the Spanish residents. At Mobile the mob attacked and threatened to lynch sixty-seven persons belonging to the Spanish brigantine *Fernando VII.*, wrecked near our coast, and who sought refuge in that port, and escaped with their lives only through the extraordinary exertions of the Spanish vice-consul, Sr. Don Manuel de Cruzat. The Spanish consul, the Spanish residents in New Orleans and Key West, and the poor shipwrecked women and children at Mobile were guilty of no offence against either our government or our citizens,

but that of being Spanish subjects. The atrocious outrages committed upon them were all directed against Spain, who was all along the sole injured party, and whose sole offence was that she would not suffer without resistance American citizens to invade her territory, and murder and plunder her subjects, and that she did not choose to treat a gang of captured pirates as ordinary prisoners of war. Her offence was that when attacked by a robber, she knocked him in the head, instead of keeping quiet and suffering herself to be robbed.

Here are a few of the outrages committed by American citizens against Spain and her unoffending subjects. For these she very naturally complains to the federal government. That she has suffered gross injustice, and that she is entitled to indemnification, there is no room for doubt; and we should suppose that our government could not hesitate to admit it. For years our citizens have been suffered to labor to excite revolution in Cuba, to keep that province in a state of perpetual uneasiness, essentially hurtful to its prosperity, and compelling the Spanish government to maintain itself there in a manner extremely expensive and more embarrassing than war. They have been suffered to invade the territory of a friendly state, to murder and plunder her subjects on her own soil, to outrage her consul under the protection of his *exequatur* from our government, to insult her flag, and to plunder her subjects peaceably residing amongst us, and, in violation of express treaty stipulations, to attempt the lives of her shipwrecked sailors seeking refuge in our ports; and we cannot easily conceive that the government can be so insensible to the claims of justice, or to its own honor, as to refuse to acknowledge these wrongs and to make just reparation for them. Yet we are told that it has peremptorily refused to make any reparation. It takes the ground, it is said, that it did all that any government is bound to do to prevent the acts complained of, that it is in no sense responsible for them, and therefore owes Spain neither compensation for wrongs nor apology for insult; and if Spanish residents have been wronged, our courts are open to them, and they are free to bring suits and recover damages against those who have wronged them.

We hope, for the honor of our country and the credit of our institutions, that there is some mistake here, and that before our *Review* issues from the press our government

will have retrieved its character and complied with the too moderate demands of Spain. Spain has been most grievously wronged, and although the press generally seems to have taken the ground said to have been taken by the secretary of state, we cannot accept the statement that our government owes her neither apology nor indemnification. To pretend it seems to us to be simply adding insult to injury. It is not true that our government did all that any government is bound to do to prevent the outrages complained of. It was bound both by the law of nations, and by the obligations of treaty, not only not officially to authorize or to approve the wrongs committed, but to do its best to prevent them. The acts done were in violation of both international law and our own municipal laws, and the government was bound by the former to Spain, and by the latter to its own citizens, to prevent them, if in its power. No government fulfils its obligations to a foreign power with which it is at peace, by simply disavowing the injuries done by its subjects to that power, and leaving it, if their authors chance to fall into its hands, to deal with them as it pleases. Peace between two states is not simply a peace between their respective governments, as governments, but also peace between their respective citizens or subjects, and this peace between their respective subjects each state is bound to maintain to the best of its ability; and if either fails to prevent its breach, it is bound to punish the offenders, or to deliver them up to be punished by the other; and when the peace has been broken through the carelessness or neglect of the government, it is bound to make a just compensation to the injured for the wrong done.

This is more especially true in the case between us and Spain, because we are bound to her by special treaty obligations. By the first article of the treaty of 1795, still in force, it is stipulated that "there shall be firm and inviolable peace and sincere friendship between his Catholic majesty, his successors and subjects, and the United States and their citizens, without exception of persons or places." By the fifth article of the same treaty, both parties oblige themselves expressly to restrain, *by force*, all hostilities on the part of the Indian nations living within their boundary; so that Spain will not suffer her Indians to attack the citizens of the United States, nor Indians belonging to their territory; nor the United States permit these last-mentioned Indians to engage in hostilities against the subjects of his

Catholic majesty, nor his Indians, in any manner whatever;" and in the fourteenth article it is laid down that "no citizen, subject, or inhabitant of the United States shall apply for or take any commission, or letters of marque, for arming any ship or ships, for the purpose of harrassing the subjects of his Catholic majesty, or taking possession of their property, from any prince or state with which his Catholic majesty shall be at war; and if any person of either nation shall take such commission, or letters of marque, he shall be punished as a pirate."

It is clear from these stipulations, that the United States are obliged to maintain firm and inviolable peace and sincere friendship between all their citizens and those of Spain, to restrain by force the Indian tribes within their borders from violating it, and that they have declared any citizen, subject, or inhabitant of our country, who shall take any commission or letters of marque with a hostile purpose to Spain from any power with which she is at war, to be a *pirate*, and to be punished as such. The provision with regard to the Indian nations throws light on the first article. The importance of restraining our citizens or subjects from committing acts of hostility on the subjects of Spain cannot be less than that of restraining the Indian tribes, and the introduction of a special clause restraining the latter, who are not precisely either citizens or subjects, but *quasi*-independent, and therefore not necessarily included under the denomination of citizens or subjects, proves that the high contracting parties considered the obligation of restraining the former as sufficiently expressed in the first article. The prohibition to any citizen, subject, or inhabitant of the United States to take any commission or letters of marque from a power with which Spain is at war, to prey upon her subjects or their property, can hardly be restricted simply to a commission to arm privateers, but, in its spirit at least, extends to any commission from any power with which Spain is at war to commit any kind of acts of hostility against her or her subjects. If no such commission can be accepted from a recognized prince or state, then, *a fortiori*, none from an unrecognized revolutionary chief like Lopez, or a mere sham government like the so-called "provisional government of Cuba."

The expedition of Lopez which was fitted out in and sailed from the United States, was clearly a violation of that "firm and inviolable peace and sincere friendship" be-

tween the subjects of her Catholic majesty and our own citizens established by the first article of the treaty of 1795; and as the government by entering into that treaty became specially bound for itself, and all its citizens or subjects, without exception of persons or places, it was specially bound to prevent it, and having failed to do so, it is responsible for it. It was bound to do this even under the general law of nations. "The nation or the sovereign," says Vattel (*Law of Nations*, Lib. II., § 72), "ought not to suffer its citizens to do an injury to the subjects of another state, much less to offend the state itself; and that not only because no sovereign ought to permit those who are under his command to violate the precepts of the law of nations, which forbids all injuries; but also because nations ought mutually to respect each other, to abstain from all offence, from all abuse, from all injury, and, in a word, from every thing that may be of prejudice to others. If a sovereign who might keep his subjects within the rules of justice and peace, suffers them to injure a foreign nation either in its body or its members, he does no less an injury to that nation than if he injured them himself. In short, the safety of the state and that of human society requires this attention from every sovereign. If you let loose the reins of your subjects against foreign nations, these will behave in the same manner to you; and instead of that friendly intercourse which nature has established between all men, we shall see nothing but one nation robbing another." Certain it is, then, that the United States were bound to prevent the piratical expedition against Cuba, and they cannot, since they did not prevent it, plead that they did all that they were bound to do, if they were able to prevent it.

Now, we are quite sure that our government would not take it as a favor to be told that it is unable to fulfil the duties imposed by international law, or that it lacks power to enforce upon its subjects its own laws. The notorious and undeniable fact is, that it did next to nothing to prevent the atrocious outrages against Spain and her subjects. It, indeed, issued some tardy orders to its officers, most of which came too late to be of service, even in case they had been obeyed; sent forth certain proclamations, forbidding all such expeditions, and informing their American citizens who should engage in them that they would be liable to punishment by the laws of their own country, and out of its protection if they should fall into the hands of the

Spanish authorities. The proclamations were worded well enough; but they were about as valuable as so much waste paper, and well known before they were issued to be worth not much more. Who in this country retains respect enough for any public authority, to refrain in consequence of a proclamation from any act to which he is impelled either by his passions or his interests? Presidential or any other proclamations, except issued by rebels or pirates, are of no value here, unless they are backed up by an armed force adequate to compel their observance. Some vessels of war were, indeed, after the sailing of the expedition, ordered to cruise in the gulf, but apparently less to protect the rights of Spain than to protect our own,—less to prevent the pirates murdering and plundering Spanish subjects, than to prevent the Spanish authorities and the Spanish war-vessels from violating the rights of peace against us, or to find some pretext for the government itself to interfere against Spain, and, perhaps, take possession of Cuba and Porto Rico. Call you this discharging your duty to Spain? Do you pretend that having done this much authorizes you to wash your hands of the whole affair, and to tell Spain that she has no ground of complaint against you for her soil invaded, and her subjects murdered and plundered by your citizens?

The government cannot plead ignorance of what was going on. The proceedings of the so-called liberators were not carried on in private; they were open, proclaimed through the public journals, friendly and unfriendly, and known to the whole country. The adventurers were enrolled and drilled publicly in New Orleans, and they hardly even affected to conceal their purpose and destination. The *Pampero*, on which they embarked, and on which they were well known to be embarked, cleared publicly at the custom-house for Cuba. Where was the vigilance of the government? Where were its lynx-eyed officers? It is folly to pretend that the government was not well informed, long before the departure of the expedition, of what was in preparation. It must have known at least some of the principal actors, and might at any time have put a stop to the proceedings, by simply arresting Lopez and Sigur, Quitman and Houston, and a few others. If it could not otherwise prevent the expedition, why did it not order the home squadron to the gulf to intercept it, or to keep on the look-out near the Cuban ports for which it was likely to sail, to prevent its landing? The government either was or

was not able to prevent an expedition attempted or renewed for three successive years, and avowed and defended by many of the journals of the country. If it was not, then it is incompetent to the duties of an independent nation, and has no right to pretend to negotiate or to enter into treaty obligations with other nations on the footing of equality. But we will not make the humiliating confession that the government is unable to discharge fully and promptly all the obligations of an independent state, whether imposed by the law of nations or by special treaty. A title of the vigilance and activity it has displayed in watching and defending its own rights against Spain, who has shown no disposition to violate any one of them, employed in watching and defeating the machinations and guilty measures of its own citizens against her, would have nipped in the bud every hostile expedition attempted within or from our territory against her. It had the whole force of the nation at its command, and could have used it for this purpose if it had chosen. If it could have prevented the expedition, it has not done its duty, and is responsible to Spain for whatever wrongs she has suffered from it.

We are not willing to concede that the United States are less able to fulfil on their part the obligations imposed by the treaty of 1795, than Spain is to fulfil them on her part. The obligations of that treaty are reciprocal, and Spain on her part has religiously fulfilled them. Even in the early part of 1845, as soon as it became apparent to her that war must soon break out between this republic and that of Mexico, she from her own sense of duty hastened to issue instructions that, throughout all her dominions, and by all her subjects, the strictest neutrality should be observed, and when our minister at the court of Madrid notified her, in July 1846, that war existed between the two republics, and demanded that her subjects should be prevented from taking out Mexican letters of marque, she was able to inform him that all necessary steps for that purpose had already been taken. The want of confidence in Spain manifested by our government, its unwillingness to be satisfied of her good faith without actually inspecting the orders she had issued, and its sending of a ship of war to Cuba to watch her and see that she violated none of the laws of neutrality, and other matters of this sort, insolent in themselves, and hard to bear by a high-minded and honorable nation, on which much might be said not creditable to the federal govern-



ment, we pass over. Only one case of infraction by Spanish subjects of the neutrality enjoined, that of the bark *Único*, occurred during the war with Mexico. That bark, indeed, put to sea with Mexican letters of marque, in violation of the treaty, her owners having availed themselves of pretended letters of Mexican citizenship, and other stratagems to conceal their crime. When we consider the facilities for eluding the vigilance of the Spanish government afforded by the similarity of language, manners, customs, and even names, between Spaniards and Mexicans, it speaks well for that government that only this one case occurred; but notwithstanding all the difficulties of the case, and all the arts resorted to, the criminal parties, without any agency of ours being needed, and solely through the action of the Spanish authorities, were arrested and compelled to observe the laws of their country, which of course include the treaty of 1795. The bark was sequestered by virtue of a judicial sentence, its crew were condemned to a punishment which they are, or lately were, still undergoing, and the *Carmelite*, belonging to the United States, detained for a short time at Barcelona, was declared to have the right of claiming indemnification against its owners for whatever injuries or losses it had sustained in consequence of a brief detention. In no instance, since the treaty of 1819, has Spain given our government the slightest cause of offence, and she has, notwithstanding numerous and grievous insults from both our government and people, religiously fulfilled all her treaty obligations entered into with our republic. To do this she has only had to enforce her own laws upon her own subjects; and all our government would have had to do, in order to have fulfilled its obligations to her in a manner equally satisfactory, was simply to enforce the observance of its own laws upon its citizens or subjects. Is our government, which claims to be a model government for all the world, prepared to say that it is not bound, or that it is less able, to enforce its own laws on its subjects than Spain is to enforce her laws upon her subjects?

No doubt there are cases in which, notwithstanding the loyalty and utmost vigilance of the government, its citizens will break its laws, and do injury to a foreign state, or to its subjects; but in such cases it is bound either to punish them or to give them up to the justice of the injured party. Unhappily, our government, in the case before us, has fully and faithfully done neither. It has well-nigh quarrelled

with Spain for punishing those of the pirates who fell without any agency of ours, into her hands. It sent a vessel of war to Havana, with orders to make an insulting investigation into the circumstances of the execution of Crittenden and his fellow-pirates, taken by a Spanish war-steamer and confessedly guilty of piracy; and we have not blushed to solicit Spain to liberate the pirates whom she detains as prisoners, but whose lives her clemency has spared. We have in reality, at least in regard to the last two piratical expeditions, used no force to repress them, and we have punished no individual implicated in them. We have neither by our vigilance prevented our own laws from being broken to the injury of Spain, nor by our justice vindicated their breach. We have failed utterly to execute the laws against men within our jurisdiction, notoriously, we may say ostentatiously, guilty of the most grave offences against them. A vessel or two may have been confiscated, a few prosecutions have been commenced against individuals, all ending in smoke; a couple of custom-house officers have been dismissed; and this is all, as far as we can learn, that the government has done in the way of punishing those of its citizens guilty of violating its own laws, of insulting the majesty of Spain, and of being accessory at least to the piratical invasion of her territory, and the murder of her subjects. True, it arrested at one time Lopez, Quitman, Henderson, and a few others; but, notwithstanding these men really avowed their guilt, the indictments found against them were withdrawn by order of the government itself, and they were suffered to go at large, Lopez to head a new piratical invasion of Cuba, and to receive his reward from the Spanish authorities. Does the government call this doing its duty? Is this the way Spain treated the crew of the *Único*, or those of her subjects that violated her laws to our prejudice?

It will not be pertinent for our government to plead that it has done all that it was bound to do, because it has done all that it could do under its internal laws and the forms of its judicial tribunals. Were this, as it is not, the fact, it were nothing to the purpose. Spain has the right to demand of us the exact fulfilment of our treaty obligations, and if we cannot fulfil them with exactitude under our internal laws, the constitution of our courts, and their rules of procedure, that affects neither her right nor our duty. We have in such case no right to assume the rank of an inde-

pendent nation, and must pay the penalty of assuming to be able to perform the duties of such a nation when we are not. Other nations have the right, in such case, to treat us as a false pretender, and to insist on excluding us from the family of independent states, and placing us under guardians. In fact, no plea of inability will avail the government. It has never ceased to assure Spain that her province of Cuba was in no danger of being invaded from our territories; it has from the first sought to quiet every alarm she expressed, and assured her that it was both able and willing to execute the laws,—that it both could and would prevent their violation to her prejudice. We know it had the power to keep its promise. The treaty of 1795, as are all treaties formed with foreign nations, is the law, and the supreme law of the land, and the government has the whole power of the nation at its command to enforce it. It was its duty to employ all the force necessary to that purpose, and if it had so done, no man can doubt that it would have succeeded. The simple fact is, the government did not lack the ability, but it lacked the courage, to do its duty. It trembled before the influence the pirates and their friends might exert on the election of 1852. It personally wished, no doubt, to fulfil its treaty obligations and do justice to Spain, but it considered it safer to wrong her, and brave the scorn of the civilized world, than to run the hazard of losing the support in the coming election of the pirates and their sympathizers. The loss of votes would be irreparable, but refusal of justice to Spain could at worst only lead to war with that power, and that would afford, perhaps, the opportunity to take possession of Cuba and Porto Rico and annex them to the Union,—the very thing desired by our government and people, and unsuccessfully thus far attempted by the piratical expeditions complained of.

The government, we say, therefore, and in saying it we are only repeating its constant assurances to Spain, could have prevented the piratical expeditions against Cuba, if it had been sincerely and earnestly disposed to do so. We have already proved that it was bound to prevent them, and therefore not having done so when it could, it is responsible for them. Both our government and people seem to labor under a mistake as to the extent of the responsibility of the state for the injuries done by its citizens to foreign nations. It seems to be supposed that it is responsible for no expedition or acts of its citizens against foreign nations, unless

it formally approves or ratifies them, and that its official disavowal of them is sufficient to exonerate itself in the eye of international law from all blame. But this is by no means the fact. Vattel, indeed, says,\* that "if a nation or its leader approves and ratifies the act committed by a citizen it makes the act its own; the offence ought then to be attributed to the nation as the author of the true injury;" but he does not say, and there is no respectable authority that does say, that the nation is answerable for only those acts of its subjects which it *expressly* approves and ratifies. A nation, being bound in natural justice to prevent its subjects from committing any injury, as far as it is able, is responsible for all the injuries they commit, whether against their fellow subjects or against a foreign state or its subjects, in which it directly or indirectly concurs, or in which it coöperates either positively or negatively. The rule here for nations is the same with the rule for individuals, for both are alike bound by the principles of natural justice, and those principles are the same for both. The general principle applicable to individuals, by which they may be held responsible for the injuries done immediately by others, and for which they are bound to make restitution to the injured party, as universally held, is summed up by a respectable living authority in the following rule: "*Principium generale est eos teneri ad restitutionem, quando efficaciter influunt in damnum, suntque illius causa, licet non unica; vel quando non impediunt damnum quod ex justitia impedire tenentur.*" † We have already proved that a sovereign is held *ex justitia* to prevent his subjects from doing injury to any one, and we may therefore lay it down that the sovereign who might, but does not, prevent them, is answerable for the injury they do. The nation itself stands in this respect under the same obligation that the individual does, and is bound to restitution under precisely the same conditions that the individual is. The individual is not, indeed, always bound to make restitution for the injury to another which he might, but does not, prevent; he is so bound only when he is held to prevent the injury *ex justitia*, or by virtue of his state, charge, or office. "*Illi vero,*" says Billuart, "*tenentur impedire ex justitia, qui tenentur ex contractu aut quasi-contractu, hoc est, ex officio; quia qui suscipit officium,*

\* Lib. II., § 74.

† Carrière *De Justitia*, 334. See, also, St. Thomas, *Summa*, 2, 2, Q. LXII. a. 7, who maintains the same doctrine.

implicite se obligat ad præstanda ea quæ sunt illius officii. Hinc inferes *principes, magistratus, gubernatores, prætores, et alii quibus incumbit ex officio invigilare tranquillitati communi et indemnitati civium, tenentur ad restitutionem omnium damnorum quæ ex sua negligentia sequuntur*, ut si non impediunt detrimenta suis subditis illata a feris, a latronibus, &c.”\* Silvius, as cited by Billuart, says, “*Si princeps aut prætor videat suos subditos nocere aliis non sibi subditis, et non impediatur eum potest, tenetur ad restitutionem, etsi non teneatur procurare bonum illorum non subditorum*,” because, as Billuart himself adds, “inter principes et consequenter eorum prætores interveniat virtualis contractus seu tacita conventio pro bono et tranquillitate communi, ne sui subditi subditis alterius noceant . . . Unde *principes ex justitia obligantur non solum erga suos subditos, sed etiam erga alienos ne a suis vexentur*.”†

These authorities, to which we might add indefinitely were it necessary, fully sustain us in saying that the principle of natural justice, as applicable to the question under consideration is, that the individual is bound to restitution for any injury which he is held *ex justitia* to prevent, but does not prevent, when he might; consequently that a nation, always bound to prevent its subjects from doing any injury, is accountable for all injury done by its subjects, which it might and did not prevent, and therefore is bound to indemnify the injured party. The rule our government appears disposed to follow, and which Great Britain also asserts when it suits her convenience, must, then, be restricted, and the nation held to have approved and ratified implicitly those injurious acts of its subjects which it might have prevented, and yet did not, for it is through its fault as well as that of its subjects that they have been committed. A restriction of this sort is absolutely necessary, especially in a composite government like ours. If the individual citizens of the Union may injure our neighbors by invading their territory without implicating the federal government any further than it avows or does not formally disavow their act, nothing prevents any one of the states of the Union from doing the same, and making war with its whole moral and material force on a foreign state or its subjects, without necessarily disturbing the peace relations between that power and us. The federal government would

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\* *De Jure et Justitia*, Diss. VIII., Art. 13, § 7, iii.

† *Ibid.*

only have to disavow the act of the state, and then we might see the edifying example of one of our own states making war on a foreign nation while the Union remained at peace with it. This would be a great injustice, because the foreign nation could not retaliate on the hostile state without making war on the Union, which it could not do, because, according to the doctrine set up, the Union would have given it no just cause of war. It would be very convenient for us to carry on our wars in this way; the state could do all the fighting, and the Union would have nothing to do but to employ the federal forces in holding the nation attacked to the rights of peace against us. Something like this we have already seen, although the aggressors were not a state, but its citizens. Our government has suffered these citizens to carry on hostilities against Spain, and employed its force, as far as it has with much effect employed it at all, in compelling Spain to defend herself against them without violating the rights of peace; thus securing to its citizens the rights of war against her, and allowing her only the rights of peace against them. Under the doctrine we oppose, a nation might remain at peace with a foreign power, while through its citizens, acting on their own responsibility, officially disavowed by the government if you will, it robbed that foreign power of province after province, till it had annihilated its independence, and annexed its whole territory to its own dominions, as was seen in the case of Texas. Our citizens literally stole that province from Mexico, as they are hoping to steal some more provinces from the same republic, and as they still hope to steal Cuba from Spain. To say that the crime of that theft is not imputable to the nation is to outrage common sense. Who does not know that the citizens of a country cannot be at war with a foreign power and its government remain at peace with it? A rule that would allow one nation by the hostile acts of subjects to destroy a foreign state, without disturbing its peace relations with it, is and can be no part of international law.

We consequently reject the rule, which seems invented only to give us all the rights of war against our neighbors, while we hold them to the rights of peace against us, and assert that an injury committed by the subjects of a nation, which it might by the proper exercise of its power prevent, but does not, is imputable to the nation itself, for which it is bound to indemnify the aggrieved party. If we may be-

lieve our government itself, it could have prevented the injuries that Spain has received from the hands of American citizens. It is therefore responsible for them, and bound to make ample and just reparation to Spain for them; and it will be guilty of gross injustice, and forfeit the respect of the civilized world and every decent man among its own subjects, if it does not.

Thus far we have considered the ground, said to be taken by our government, mainly as to its tenableness under international law; but the question itself between us and Spain is to be decided under the treaty of 1795. Under international law, even in the absence of treaty stipulations, we should be bound to indemnify Spain for whatever injury she has received from the piratical expeditions against Cuba, because we could have prevented them with due diligence; but under the treaty we should be bound to indemnify Spain, even in case we had done all that a government could reasonably be expected to do to prevent them, and perhaps, also, even under international law in the absence of treaty. By the treaty the government expressly stipulates, not merely that there shall be peace between itself and the Spanish government, but also between its citizens and the subjects of Spain, without exception of persons or places. It thus binds itself specially, and under the express and solemn obligation of treaty, for each one of its citizens, and pledges its faith for the peace of each one of them. Neither the express nor implied condition here is that it will do it if it can. It must do it, or if it fails, even though unintentionally and unavoidably, it must make just satisfaction to the party injured. It has entered into an express contract, and the peace of all its citizens, without exception of persons or places, is what on its side it has contracted. This peace is a debt which it owes and has bound itself to pay to Spain, and it must pay it in the form stipulated, or the damage the creditor suffers from its not paying it in that form. There is no escaping this conclusion. We have broken the treaty, broken the contract, and even if we have not done so designedly, we must still repair the injury we have done, and make a suitable apology for it so far as not reparable. The damage we have done to Spain is only in part reparable; we can repair only the pecuniary damage; we cannot repair the depravation of those of her subjects we have seduced from their allegiance. We cannot restore to life the brave officers and soldiers, to mothers the sons, to wives the husbands, **we**

have murdered for loyally defending her rights, and for these and other irreparable wrongs we ought to express our deep regret, while we make ample indemnification for the public and private property we have destroyed, and for the very heavy expense she has necessarily incurred in guarding and defending her possessions against the machinations and invasions of our citizens. It is in this way Spain herself interpreted her own obligations to us under the treaty, as is evident from the case of the privateer *Único*, and her interpretation of the treaty obligations to her own disadvantage deserves as much respect as our interpretation of them in our favor. She arrested the offenders against us, punished them, and indemnified the injured party. She did this of her own accord, from a sense of justice, and we all know that our government would have been satisfied with nothing less. It would never have considered it a valid answer to its reclamations against the fitting out or sailing of the *Único*, that the Spanish government disapproved it, and abandoned the bark and crew to their fate if taken by one of our cruisers. If we insisted, as we certainly should have insisted, if Spain had given us an opportunity, on her arresting the piratical expedition of her subjects, punishing the guilty party, and indemnifying our citizens for the injuries they suffered from the offences committed, or threatened to be committed, against them, we cannot understand why less is due from us to her. The obligations of the treaty are reciprocal, and it cannot be to the credit of the United States to hold a double balance, and to adopt one rule for the interpretation of the obligations of Spain to us and another for interpreting our obligations to her. Surely the secretary of state is lawyer enough to understand that when one of the contracting parties breaks the contract, though by no fault of its own, it is responsible for the damages the other party has suffered in consequence. The only difference between the case of a breach of contract through the moral fault of the failing party and that of a breach without any such fault is, that in the former there is a case for vindictive justice, or exemplary damages, and in the latter a case for simply commutative justice, or remuneration for the actual damage suffered, although the peremptory refusal of the remuneration would give to the party wronged the right of vindictive justice, which, between nations, is the right of war. Now, as the injuries done were not only a breach of the general laws of nations,



but of express contract, it is undeniable that our government owes Spain full indemnification for them, even supposing them to have been committed through no bad faith, complicity, or remissness of our government.

The other questions arising out of these piratical expeditions need not detain us long. These are—1. The injury to the honor of Spain in the attack on her consul and the insult offered to her flag in New Orleans; 2. The outrages committed on sixty-seven shipwrecked persons seeking refuge in the port of Mobile; and 3. The destruction of the property of Spanish subjects by the mob in New Orleans and Key West. A grave injury to the fame or the honor of a nation has in all ages and countries been held a justifiable cause of war, and even light injuries become so, if the party committing them refuses to make satisfaction for them; for such refusal is a denial of justice, and the denial of justice is always a justifiable cause of war, at least as against the party denying it.\* A consul, indeed, has not the inviolability of person or effects of an ambassador; but in his official capacity he has in some sense a representative character, and to injure him as consul is to injure his nation; and the government granting him his *exequatur* is bound to make reparation for the injuries he receives. The national flag is the symbol of the nation, and to insult it is to insult the nation itself. Clearly, in the attack on the Spanish consul and the Spanish flag at New Orleans, the honor of Spain was wounded, and our government owes her reparation and apology. Nations are accustomed to guard their honor with great jealousy, and it is proper that they should. A nation that suffers its honor to be attacked with impunity confesses thereby either her insensibility to her own honor or her inability to vindicate it. In either case she exposes herself to insult and invasion, which, since it is an injustice to her subjects, she is bound to prevent, if in her power. It is also against the general peace and welfare of nations that any one nation should be constantly open to insult and invasion from her neighbours, and therefore every nation is bound to its own subjects and to the general family of nations to respect, and as far as in its power, to cause to be respected, its own honor. No nation is more ready than our own to resent insults to the national honor. Who knows not, that, if the cases had been reversed, and our

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\* *Vide* Suarez, *De Bello, Tract. de Charitate*, Disp. XIII., Sect. IV. Et II. Reg. X.

consul and flag had been insulted at Havana or Barcelona, instant satisfaction would have been demanded, and, if refused or delayed, the whole press of the country would have called upon the government to declare war against Spain? The evils of war are great; but the loss of national honor is greater. Yet we may do well to remember that we may lose our honor by refusing to respect the honor of others, as well as by being remiss in vindicating our own. It is well to demand nothing but justice, and to submit to no injustice, but it is better to adopt for our rule, Do no wrong, and submit to none. This last is the rule, not for individuals, for they are often required to submit to injustice; but for states, because the mission of the state is to protect and vindicate the rights and interests of its subjects.

The Spanish brigantine *Fernando VII.* was wrecked last August on our coast, and the persons on board, to the number of sixty-seven, sought refuge in the port of Mobile, and were there attacked by the mob, inhumanly treated, and, as we have said, escaped being lynched only through the extraordinary exertions of the Spanish vice-consul. The outrages upon them were in violation of the laws of humanity, of the international law of all Christian nations, and of the treaty with Spain. We will here simply cite the sixth and tenth articles of the treaty of 1795, confirmed by that of 1819:

"Art. VI. Each party shall endeavor, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover, and cause to be recovered to the right owners, their vessels and effects which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects.

"Art. X. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair would require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fee on the part which they shall relade and carry away."

What has our government to say to this? Will it pretend that it owes no satisfaction for these outrages?

The government owes indemnification to the Spanish residents for their property destroyed by the mob. In justice, and we believe, in most civilized states, in law, the state is held to indemnify its subjects for the destruction of their property by mobs; for the state is held *ex officio* to prevent all mobs and riotous assemblies of its subjects. This is one of the principal ends of government itself, and its obligation in this respect is the same to foreigners residing on its territory and under its protection, as to its own subjects. It will not answer for the government to say that it could not prevent the mob, and therefore is not answerable for its consequences, for it was its duty to prevent it, and if it could not, though free from moral blame, it would still be bound, as far as able, to repair the evil, by pecuniary indemnification of the sufferers. But the fact is, the government in the present case did not try to prevent the mobs. No efforts were made by the authorities in either place to prevent or quell them. In this case, it matters not whether the authority bound as between ourselves to prevent or quell the mob was the federal authority or the state authority; for the federal authority is the only public authority in the country that foreigners are permitted to know, and it is answerable to them for whatever the public authority of the country can be held answerable for. For internal and domestic purposes the public authority with us is divided between the federal government and the several state governments, but in regard to foreign powers it is not divided, and the federal government is the supreme and only public authority of the country. Hence Mr. Jefferson was accustomed to say, internally and in relation to ourselves we are many independent governments; externally and in relation to foreign powers, we are one government or state. The federal government is as answerable to foreign governments for the public delinquencies of the states as if they were its own. There certainly was public delinquency, and therefore as to Spain, on the part of the United States, though in fact, as a domestic question, chiefly on the part of Louisiana and Florida. Then, again, is our government, which, as we have said, proposes itself as a model to the whole world, prepared to concede that it cannot prevent or quell mobs, nor maintain either the external or internal order and tranquillity of its subjects? The citizens of New Orleans and Key West were no doubt exasperated, though unjustly exasperated. But were not the Cubans also exas-

perated? Spain had given American citizens no cause of exasperation; all the wrong had been done by them against her, and all the causes of exasperation were of their own creating. Yet not content with doing foul injustice to Spain, they rise in wrath, and wreak their fury on unoffending Spanish residents. How was it on the other side? The press of this country was teeming with abuse of Spain and the Spanish authorities of Cuba. Men from this country, enrolled under officers who had served in our army, connected with men high in office under the federal government, cheered on by the press and the people of the United States, were on the island murdering and plundering Spanish subjects, without the least right and without the least provocation. And yet there was no mob, no rising of the populace; the laws were strictly enforced, and not a single outrage was committed on the American consul or a single American resident. Had our government less power to enforce its laws and to protect the Spanish consul and Spanish residents against its citizens, who had no cause of exasperation but their own crimes, than Spain had to enforce her laws and to protect the American consul and American residents against her subjects, who had so many just causes of exasperation against Americans? If so, pray tell us in what consists the boasted superiority of American republicanism?

We call the Spaniards cruel and bloodthirsty; but how favorably does their conduct contrast with that of the Americans! The latter are willing, unprovoked, to carry fire and sword into a country with which their government professes to be at peace, to murder innocent people with whom they have no cause of quarrel, and, when checked, they wreak their unprovoked wrath on the peaceable subjects of the unoffending country within their reach, plunder them of their property, and threaten and endanger their very lives. Turn now to your cruel and bloodthirsty Spaniards. The Spanish troops, it is proved to you on all hands, after they had received orders to grant quarter, treated the prisoners they took, whose hands were still red with the blood of their murdered officers and comrades, with the greatest kindness and humanity, sharing with them their humble pittance, and doing all in their power to solace their sufferings. The sick and wounded were carried to the hospitals and tenderly nursed; the others were imprisoned in airy rooms, and every indulgence was allowed them

compatible with their safety ; their friends were permitted to visit them, and all their little wants were carefully attended to. Surely words have lost their meaning when we call Spaniards cruel, bloodthirsty, and vindictive, and ourselves mild, humane, and forgiving. A more cruel, barbarous, and vindictive people than our own, when their passions or interests are excited, it would perhaps be hard to find among civilized nations. We are vain boasters, and boast always of the virtues which we lack.

It is reported that our government has suggested that it may be a question whether Spain herself has not given us offence, under the seventh article of the treaty of 1795, in executing Crittenden and his associates without the formalities of trial, as secured by that article to American citizens seized for committing offences against her within her jurisdiction. We can hardly believe this. It is undeniable that we had previously violated that treaty, and the violation of any article of a treaty by one party dispenses the other. We cannot suffer our citizens in violation of treaty and of international law to wage war against her, and hold her to the rights of peace against us. We cannot own those who from our territory wage war against her, and claim for them any rights secured by treaty to American citizens, without avowing ourselves responsible for their deeds. Our citizens, when they turn pirates, cease to be citizens, and when it is once evident that they have turned pirates, our government can claim for them no right of citizenship. If the fact of piracy is sufficiently established against them, our government, unless it would avow itself their accomplice, has not a word to say, and no question can arise under the treaty as to the formality of their trial, or the tribunal before which they are tried. Crittenden and his party were undeniably pirates the moment they embarked in the *Pampero* for the invasion of Cuba, or at least the moment they landed on the island, and from that moment ceased to be citizens of the United States ; they were outlawed by the law of nations, and Spain was free to capture them within her own jurisdiction or on the high seas, and to deal with them according to her own pleasure, without offence to us or to any other state, because pirates are of no nation, but the common enemies of mankind. The most our government had any right to do was to ascertain the simple fact whether they did or did not land on the island as a part of the piratical expedition, an inquiry not

under the treaty, but under the law of nations, and that inquiry could be answered affirmatively at once, by their own confession. That fact is certain, undenied, and undeniable, and nobody pretends to doubt it. The government can go no further. To claim for them after this any right secured to American citizens by treaty, is to make their crime its own. The government, therefore, we must believe, since it has disavowed their crime, has not suggested the possibility of any question of the sort alleged.

It is also said that our government has interceded or is interceding with the government of Madrid to liberate the pirates, whose lives she has spared, but whom she retains as convicts. Thus we suppose must be true, but we are sorry to believe it. These convicts were criminals under our laws, and we were ourselves bound to Spain to punish them; and now we beg Spain, against whom they have committed the most grievous offences known to the law of nations, to oblige us by pardoning them. Nay, we have, if reports can be trusted, almost demanded their liberation as a right, by making it a condition of our consenting to make some slight acknowledgment of our wrongs to her! This is carrying impudence to its extreme, and places our government in the most mortifying light. It proves it deserving the scorn of the civilized world, for it proves that, whatever its professions, it sympathizes with their crimes. Indeed, we fear that the government, though it would appear to be just, really applauds their deeds, or would have done so if they had been successful. For her own security and our honor, we hope Spain will refuse to listen to the intercession. She has treated the pirates too leniently; and if she supposes that by leniency she will make a favorable impression on our countrymen, and make them less hostile to her, she entirely mistakes their character. Is she not a monarchy? Does she not profess the Catholic religion? As long as she is the one, or professes the other, and has any territory on which we can speculate, or which we can annex to the Union, let her be assured that her only security from piratical attacks is in her power to enforce her rights, and in her not suffering a single hostile invader of her soil to escape with impunity,—we would say, with his life.

When we had written thus far, we received the annual message of the president to both houses of congress, which treats the Cuban question at some length. It confirms the report of the intercession of our government for the libera

tion of the pirates, and the insincerity or the imbecility of the administration in regard to the proceedings we have been discussing. We have, even taking the account of the message as strictly correct, only one statement to modify. We have stated that the *Pampero* cleared at the custom-house in New Orleans; the message says that it "left New Orleans stealthily and without a clearance." It was stated in the journals at the time, and, as far as we are aware, has not been before contradicted, that the steamer did depart with a clearance, and that the collector of the port was in consequence removed from his office, and a new collector appointed.

The message throws no new light on the subject, and relieves the government from none of the charges against it. The president acknowledges the illegality of the expedition, but seems to think there was nothing discreditable to the government in it, and that the government has a scrupulous regard for the rights of other nations, because we have very good laws against such expeditions. With all respect for the chief magistrate of the Union, we must remind him that the complaint is not that the laws are not good, but that they have not been enforced. We are well aware that congress has enacted laws to prohibit, under severe penalties, even the beginning to prepare or to set on foot such expeditions, and that under international law, and our treaty with Spain, which is the supreme law of the land even in the absence of special acts of congress, they would be prohibited; but we are not aware that those laws have ever been fairly executed. The president knows far better than we do that they have remained for the most part a dead letter, and that our citizens have repeatedly, and in the most open and shameless manner, violated them with impunity. The president would more effectually prove the American respect for the rights and honor of foreign nations by showing that these laws have not been violated, or, if violated, not with impunity, than by simply showing that we have such laws. The laws prove nothing, if they are not enforced.

The president expresses great sympathy for the relatives and friends of the pirates, and for the criminals themselves, but he expresses none for the relatives and friends of those Spanish subjects murdered by these piratical invaders of the Spanish possessions. We know no reason why he should reserve all his compassion for pirates and their friends, and have none for their victims. He tells us the government

has interceded for the liberation of the invaders whose lives have been spared, but adds, with charming simplicity, if it be not downright hypocrisy, "It is to be hoped that such interposition with the government of that country [Spain] may not be considered as affording any ground of expectation that the government of the United States will, hereafter, feel itself under any obligation of duty to intercede for the liberation or pardon of such persons as are flagrant offenders against the law of nations and the laws of the United States." Wherefore did the government "feel itself under any obligation of duty" in the present case? Was it not its duty to punish these "flagrant offenders against the law of nations and the laws of the United States?" On what ground was it obliged in duty to intercede for their liberation and pardon? Was it the first, the second, the third, or the fourth time that American citizens had been guilty of the like offences? And what reason can the government have now for interceding that it will not always have in like cases? It is not the first, nor will it be the last time the government will intercede for flagrant offenders against the law of nations and the laws of the United States, and it is folly to suppose that our citizens will not regard it as a precedent.

The president undertakes to throw the blame of the expedition on foreigners, and to excuse our own citizens. This is ridiculous. The foreigners engaged found on their coming here our own citizens preparing for the invasion of Cuba, and were rather enlisted by American citizens than American citizens by them. Then, what class of foreigners were those engaged in it? They were the president's favorites, the Hungarians, the companions of that very Kossuth whom he sent a ship to bring here, and who laughs at our simplicity, or hopes to cajole us into active measures for the dismemberment of the Austrian empire. It is cruel in the president to undertake to throw all the blame on his dear Hungarians. Does not the president know that foreigners were put forward in the expedition as a screen to the shrewder and less open and frank Americans, who wished to secure all the advantages of the expedition without exposing their own breasts to Spanish bullets, or their necks to the halter? No, for very shame's sake let us not attempt to make foreign refugees, who have sins enough of their own to answer for, the scapegoat of our own delinquencies. For the expeditions fitted out from our country the Anglo-Americans are



alone responsible ; for if we had shown ourselves a law-loving and a law-abiding people, foreign rebels and traitors would never have dared come here and organize expeditions against powers with whom our government is at peace. We must ourselves bear the shame of these piratical expeditions, and our wisest way is to suffer the shame to lead us to repentance and reformation.

The president half hints, and the country generally, if we may judge from the press, holds, that if the creole population had been in a state of revolt, and really fighting for independence of the mother country, it would have excused if indeed it would not have fully justified the invaders. Here is the root of the evil. The United States, government and people, hold that in such cases it is perfectly lawful for who will to interfere in behalf of the rebels. Nay, they go further, and hold that they have a perfect right to interfere to establish popular institutions wherever they please, although they may be restrained from doing so by prudential reasons ; and the message clearly hints that the government is preparing to enlist in a Jacobinical war for the propagation of democracy, under the pretext that the sovereigns of Europe are preparing to attack our principles,—a pretext without the slightest foundation. The sovereigns of Europe have the right of self-defence, and our conduct may force them to combine to resist our lawless and revolutionary interference in their domestic affairs, but not to make any attack on us. Mr. Webster's letter to the Austrian chargé d'affaires was of course a declaration of hostility to all continental monarchical governments, and was intended to advertise them that this country and all its influence would be thrown on the side of their rebellious provinces and subjects. That was no after-dinner letter ; it was the expression in an official form of the long entertained and settled hostility of its author to the monarchical institutions of Europe, excepting always the quasi-monarchy of Great Britain. The interposition of the administration and of congress in the liberation of Kossuth, and the opportunity thus afforded him of aiding the red-republican conspiracy organized throughout all Europe, proves that the government and people of the United States take that letter as the official expression of their convictions and resolution. The conduct of the American minister at the court of St. James, in relation to the reception of Kossuth, although his opportune sickness prevented him from directly

committing his government, and the speech of ex-Secretary Walker at the Kossuth banquet at Southampton, indicate that the English government is expected to coöperate fully with ours. This it is expected will provoke Austria and Russia to take precautions against us, and these precautions which we provoke are to be made, as is more than hinted in the message, pretexts for active interference in behalf of European rebels, more, especially, we presume, in behalf of Hungary, although the battle must be fought in France or Germany.

Now, so long as both government and people hold these views and such a course just, it is in vain to expect that our people will, any further than they deem it prudent, respect the rights of nations. It is idle for the president, avowing principles, as he does in his message, identical, although less broadly expressed, with those of the letter of the secretary of state to which we have referred, to talk against such expeditions as that against Cuba. He must, if he would speak with effect, condemn the principle on which the American people justify it. As long as he proclaims, whether through his message or the official correspondence of his secretary of state, that principle, he only sanctions the expeditions he condemns. The grand error of our government and people is that they outlaw, in their own minds, all monarchical governments, and therefore render it lawful for who will to make war on them or their subjects,—subject only to prudential restraints. This serves our people as a pretext for any scheme of robbery and plunder they choose to undertake. It is not that in general they care whether other countries are monarchical or democratic, but that they must have some sort of a cloak for their depredations upon the possessions of others. The real motive is the sordid thirst for gold, or the insane desire to extend the territory of the Union, for the sake of the wealth that fortunate speculators may acquire. No check to their hand-stealing can be put till every pretext is removed, and they are obliged to call their acts by their real name. Then, perhaps, there will be found honest men enough in the country to make them desist.

But we have exhausted our space. We have spoken strongly, and have not spared our countrymen; we have done so, because as a Christian and a patriot we could not do otherwise. We love our country, but we blush for the immorality of our countrymen. We have been severe on the

government, but, culpable as it has been and is, we believe it far better than the active and influential portion of the people it represents. The active mass of our people, those who influence public affairs, and give tone and character to the country, we believe to be utterly destitute of all sense of religion or morality, and capable of any iniquity demanded by their interests or their passions. They are ingenious, skillful, energetic, but in transferring the property of others to themselves. The boasted skill and energy of the Anglo-Saxon race on this continent have been most strikingly displayed in land-stealing. The word is hard, we know it, but it is true. We started with fair and honorable principles towards foreign nations, for then we were weak, and must solicit, not command. Now we fancy ourselves strong, and we *are* strong, and there is no nation that could have a war with us without suffering severely. We are strong, and we believe ourselves even stronger than we are, and we become overbearing and aggressive, especially, to our weaker neighbors. We are strong, and we are preparing to use our strength, in defiance of honor and justice, against the peace of the world. We know that we gain no friends by saying this; we know that we war against our own interest in saying it; but it is true, and it is true that it was said by an American, not in wrath or exultation, but in true love and deep sorrow. It is not yet too late to amend our faults, and to return to the paths of justice and honor. At present both are abandoned; law receives no respect; the most sacred obligations are thrown off, and we are heedless of every duty that it does not please us to perform. Can things continue thus with us, and we not rush to speedy destruction?

We claim to be an order-loving and law-abiding people; yet no law here can be enforced that is not backed by public sentiment. What you call your neutrality laws are every day violated with impunity. Your fugitive slave law, have you fairly executed it in a single locality, where public opinion was strongly against it? Have you succeeded in convicting a single one of those who have notoriously conspired to resist its execution? Let us, my countrymen, cease boasting, and endeavor to see ourselves, for once, as we really are. Be assured that we have ample reason to humble ourselves, collectively and individually, as really the most lawless and shameless people on the globe, that claims to be ranked among civilized nations. We have for-

gotten God, we have bowed low at the shrine of Mammon; and in vain do we trust to our riches and our material prosperity. These will not save us. The pride and selfishness, the insensibility to honor, the indifference to all lofty moral principle, because so universal, are dangerous enemies, not merely to our virtue, but to our national existence. Let us remember that justice exalteth a nation, and sin is a reproach to any people. Let us remember that no nation can long prosper that disregards virtue, and that gives loose reins to every base or sordid passion of corrupt nature. It is to recall these things to the remembrance of our countrymen that we have written as we have, and it matters little what they do or say to us if they will only profit by what we have written. Their own consciences will bear us witness that we have spoken nothing of them that is not true, and which may not be said without malice.

Let not our readers, however, suppose that we believe our countrymen are the only people in the world that deserve to be censured. Other nations have their faults, as well as we ours, but it is our business to ascertain and correct our own faults, not theirs. We are a young people, and seldom is it that a people grows more virtuous as it grows older, stronger, and wealthier. There are, no doubt, large numbers of our countrymen who abound in the human virtues, but, unhappily, they have little to do with public affairs, and it is the lawless, the grasping, the vicious, that give a tone to our national character, and determine our public policy.

## COOPER'S WAYS OF THE HOUR.

[From Brownson's Quarterly Review for July, 1851.]

WE cannot characterize our government and institutions by a single term, without misleading some as to their true nature. They are not strictly democratic, for they include monarchical and aristocratic elements; they are not strictly monarchical or strictly aristocratic, for they evidently include democratic elements. It is always an error to denom-

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*\*The Ways of the Hour: a Tale.* By the author of "The Spy," "The Red Rover," &c., &c. New York: 1850.

inate them from any one of the simple or absolute forms of government, that is, from pure democracy, pure aristocracy, or pure monarchy, the only simple and absolute forms of government there are, or can be. Our government, whether state or national, is properly speaking a *mixed* government, and its characteristic is not in any one of the simple forms of government, but in its original and peculiar combination of them all in one harmonious and complex system.

Our government is republican as opposed to hereditary monarchy; it is democratic as opposed to hereditary aristocracy, and in that it recognizes equality before the laws, makes its various officers elective by the people at large, and acknowledges general eligibility; but it is monarchical, in that it establishes the unity of the executive, invests the president with the command of the army and navy, and gives him a conditional veto on the acts of the legislature; and it is aristocratic, in that it vests the legislative power, not in the people at large, but in the *optimates*, or those legally presumed to be such, and recognizes in these, during their term of office and within the limits of the constitution, the legislative power in its plenitude, to be exercised according to their own discretion, unfettered by any instructions from their constituents, and with no other responsibility than that which every man owes to God, the King of kings, and Lord of lords. It therefore includes essentially, as essential principles of its constitution, the elementary principles of all the simple forms of government, and its aim is, by tempering them one with another, to secure what is good and to guard against what is evil or hurtful in each.

The great political danger in this country arises from forgetfulness or neglect of this mixed or complex character of our government and institutions, and the constant tendency to interpret them according to the principles of a simple and absolute form of government. Simplicity is more easily understood than complexity; the former is within the reach of everybody, the latter is within the reach of none but the few who make it a special study. The human understanding also loves simplicity, and naturally tends on all the matters on which it operates to reduce all as far as possible to a single principle, and to eliminate whatever is opposed to it, or does not logically proceed from it. It craves unity and simplicity, and looks upon multiplicity and complexity as

defects. The constitution of the continental governments of Europe is far more simple, and follows far more strictly the law of unity, than that of Great Britain, and hence, while a cultivated Englishman readily comprehends a continental government, a Frenchman or a German cannot, without a long and special study, speak for five minutes of the English constitution without committing some egregious blunder. Foreigners always blunder, for the same reason, when they speak of our complicated government, and so do the great body of our own people, whenever they attempt to go beyond the mere routine of practice to which they are accustomed from childhood. They do not take in the government as a complex whole, but seize it merely in one of its elements, and seek to understand and explain the whole by virtue of that as its exclusive principle. Whatever does not proceed from that as its principle, or is not logically reconcilable with it, they regard as an anomaly to be cleared away. The single element seized upon is regarded as the *norma* of the government, and whatever would oppose, limit, restrain, or modify its practical operation, as repugnant to the government itself, and therefore not to be suffered to remain. Consequently, the tendency is always to reduce the government as far as possible to a simple and absolute form of government, and therefore to pave the way for tyranny, since every simple and absolute form of government, untempered by some admixture of the elements of the other forms, is always tyrannical.

The monarchical and aristocratic elements, though essential to our constitution, do not hold in it the most prominent place. They are there, but they are there without *éclat* and without development, and their real character and importance in our system are the very last that strike the student of our peculiar civil polity. The democratic element has apparently a much larger sphere than either of them, is the most prominent, and that which first strikes the attention. It accordingly is the element first apprehended, and the one the majority take to be the exclusive principle, the *norma* of the government. Hence the government is generally taken to be in its principle and intention a purely democratic government, to be interpreted and administered on the democratic principle alone. This is a great mistake, and involves the gravest consequences,—consequences, perhaps, no less grave, in the long run, than the total destruction of our government as a mixed government.

This mistake is perfectly natural. The democratic element has in our institutions too large a sphere, as Washington and the more eminent statesmen of his time contended. Let us not be misunderstood. When we say that the democratic element has too large a sphere, we do not mean that the sphere actually assigned it in the constitution is too large, providing it practically remains within that sphere. It is too large in the sense that it has the power to make itself larger, and to gain the absolute ascendancy over the other elements intended to restrain or temper it. If democracy would be contented to remain and operate only within the bounds prescribed, it would not have too large a sphere; but as these bounds are to a great extent prescribed only on the parchment constitution, and as they are not sufficiently defended by the power given to the other elements, it is able to transcend them, and to operate beyond its constitutional sphere. The original defect of the American constitutions was not so much in the too great power given to the democratic element as in the weakness of the defences provided against its usurpation. The framers of those constitutions gave a just proportion to the several elements so long as each remained within its constitutional limits, and in the exercise of its legitimate power; but they did not guard sufficiently against democratic ascendancy. They were familiar with the abuses of monarchy and aristocracy, and effectually guarded against them; but they were not so familiar with the abuses of democracy, and did not fully anticipate and guard against them. They did not take into the account the fact that every people, by a sort of instinctive logic, labors incessantly to simplify its institutions, and that in the process of simplification the stronger element gains the ascendancy, and tends to render itself exclusive by eliminating or absorbing the others. They did not take sufficiently into the account the influence of popular theories, or foresee the consequences which would be drawn from certain maxims which passed current with them, and certain principles which they laid down as the basis of their own proceedings. They had had no experience of the Jacobinical revolutions which followed the establishment of our republic, and consequently could not anticipate the facility with which their own principles could be perverted to serve as the basis of a system with which they had no affinity. They did not see that the *Contrat Social* was already in Locke's Essays on Government, and that the French revolution and

all its horrors were in the *Contrat Social*, and that all modern red-republicanism, socialism, and communism were in the French revolution. They had no suspicion of the poison concealed in the phrase *sovereignty of the people*,—a phrase in their sense so innocent and so just. Hence they did not take all the precautions which were requisite against the perversion of the institutions they founded to a pure democracy, or which they would have taken if they had had our experience.

The whole history of the formation of our governments, and the maxims we adopted, when seen in the light of Jacobinical interpretation, were well calculated to induce the half-learned, the *scmidotti*, as are always the majority where education is general, whose little learning is more dangerous than none, to regard our institutions as purely democratic in theory. The sovereignty of the people was loudly and unequivocally asserted. This meant at the time, save in the minds of a few speculators, whose designs were not suspected, simply the right of the people in any given locality, when finding themselves without legitimate government, and thrown back into a state of nature, to assemble in convention and institute government for themselves, and in such form as they believed, under the circumstances, best adapted to the public good. This was all that was really meant by this phrase. But when Jacobinism arose, the phrase assumed a new and a terrible meaning. It then came to mean that the sovereignty resides permanently in the people regarded as prior to government,—after the institution of government, and during its existence, as before its institution, and where there is no civil polity. The people were thus, instead of being in certain exceptional cases the medial origin, or rightful institutors of the government, the persisting ground of its authority. They were then the real persisting sovereign, and the so-called government was nothing but an agency created by them, holding to them the relation of an agent to his principal, and bound to obey its instructions, which they could alter or revoke at will. This is pure democracy. As our institutions plainly recognize the sovereignty of the people, the conclusion that they are purely democratic became inevitable as soon as the sovereignty of the people came to be understood in this sense. The fallacy arises from the ambiguity, as the logician would say, of the middle term, that is, the sovereignty of the people. Where there is no government the people have the right to in-



stitute government. This is all the sovereignty our institutions recognize in the people ; for as soon as the government is instituted, their sovereignty or right to institute government no longer exists.

Precisely here lies the difference between the theory of our institutions and Jacobinism. The theory of our institutions is, that as soon as the government was instituted, it became vested with the sovereignty, with full authority, according to its constitution, to govern,—an authority derived, not from the people, save as they were the medium of its institution, but from the divine law under which all legitimate governments hold ; the Jacobinical theory agrees with ours as to the origin of the government, but goes further, and maintains that the popular sovereignty does not cease with the institution of government, but survives it, and persists through all its acts as the permanent and indestructible ground of its authority,—that the government is not only indebted to the intervention of the people as its medial origin, or instrument of its institution, but actually holds its powers from them, and is in all respects simply their agent, bound by their instructions, alterable or revocable at their will. This Jacobinical theory of popular sovereignty is much the most natural and simple, and is far the most easily apprehended ; it demands very little practical wisdom or strength and acuteness of thought to be understood and applied, and places the wise and simple, the learned and unlearned, on the same level. It is, therefore, the very theory that the multitude, washed or unwashed, must find the best adapted to their powers and attainments, and the one we may be sure they will accept and insist on.

Having once entertained the Jacobinical doctrine of the sovereignty of the people, it was easy to find it confirmed by our own institutions, both state and national. As a matter of fact, our political constitutions had been framed by conventions of the people, and most of these constitutions contain provisions for convening the people anew to alter or amend them. These facts, rightly interpreted, afford no countenance to Jacobinism. The rule for interpreting facts is to draw from them no principle broader than is requisite to account for them, and to interpret them as strictly as possible in accordance with the principles generally received on the subject to which they relate. The first of these two facts merely implies the right of the people, when destitute of government, and thrown back into a state of

nature, to institute government,—a right derived from the necessity of the case. The second fact does not necessarily warrant any thing more; for the people can come together in convention, and alter or amend the constitution, only by virtue of a legal provision, and as legally convened. Some of the constitutions provide for their amendment through ordinary legislative bodies, without an extraordinary convention, and all might have done so, if it had been deemed expedient by the framers of the law. Conventions called for amending the constitution are, then, only a part of the legal machinery of the government, and rest for their authority, not on the will of the people regarded as antecedent to government, not on a supposed reservation of popular sovereignty, but on the law, as do the several other parts of the governmental machinery. But hardly had our government been instituted before the Jacobinical doctrine was broached. Contemplated in its light, the convention was no longer a part of the machinery of government, brought into play only on extraordinary occasions, but a resumption by the people of the power they had previously delegated. It was an appeal of the agent to his principal for additional instructions, or it was the principal calling his agent to an account of his agency, and modifying or revoking his instructions. This interpretation is more easy and less complicated than the other; it demands no acquaintance with law or political science to be understood; and therefore was held to be the true theory of the convention in our political system, making that system pure Jacobinism.

The frequency of elections and constant recurrence to the people in the practical operations of the government tend to produce the general impression, that our government is theoretically a pure democracy. The people are constantly called upon, in consequence of general suffrage, and the short term of all elective offices, to give their votes in reference to all important measures, and are seen everywhere acting, and deciding by their votes the most important questions of the country. The fact is, that the part they act is solely by virtue of positive law, which intrusts them with a share in the administration of government, for suffrage is a trust conferred by law on whom the will of the legislator chooses, not a natural right. But the people and their action are visible, while the law by virtue of which they act, and to which they are responsible, is invisible, save to the lawyer and statesman. Demagogues do not

generally themselves perceive it, and when they do, it is for their interest to keep others from seeing it. They are in popular states what courtiers are in monarchical states, and flatter the people as these flatter the king. In order to be in favor with the people, they flatter them, exaggerate their power, as well as their wisdom and honesty, and tell them that they are sovereign, that they have the right to do as they will, and that government and all institutions are but the work of their hands and the instruments of their pleasure. The elections being almost daily, at least following each other with such frequency that one is hardly over before the politicians begin to prepare for another, and the flatteries and adulations of the people being so unremitting and so gross, the limitations or restrictions originally imposed on the democratic element are lost sight of, and the general conviction is naturally and almost inevitably produced, that our government is intended, and should be interpreted to be a pure democracy, a simple and absolute government of the democratic form.

These facts and considerations show that the democratic element had too many facilities for escaping its constitutional limits, and of making itself recognized as the exclusive principle of the American government. Certain it is, that it is now so recognized, and democracy, pure, simple, unlimited democracy, is now the general political doctrine of the country. No man who seeks power or place dares question the soundness of democracy, and all parties profess to be democratic, and only vie with each other as to which shall be the most thoroughly democratic. Whigs, Democrats, and free-soilers all alike profess to be democrats, and to bow alike to the majesty of the people. All consent to regard democracy as the law, and to be tried under it. The consequence is, that there has come to be a wide discrepancy between the political theories and the political institutions of the country. In reality a democrat, in the proper sense of the term, is false to our institutions, as much so as is an aristocrat or a monarchist, and yet the man who opposes exclusively what is called *ultra*-democracy or radicalism is sure to be denounced, when not ignored, as one who opposes the form of government our fathers established. We ourselves are so denounced, and ninety-nine out of every hundred of our political readers will hold us to be no loyal American citizen because we will not advocate exclusive democracy. They will accuse us of going to

extremes, simply because we protest against all extremes. They will pronounce the distinctions we have made vain subtilties, the over-refinements of a metaphysical mind, and look upon us as at heart the friend of tyrants and aristocrats, so little do they appreciate our motives, and so far are they from comprehending and being loyal to the mixed and complex character of the American government and institutions.

This discrepancy is not only wide, but exceedingly dangerous. When the people have the part they really and constitutionally have here, one of two things is necessary, either that popular political theories conform to the political institutions of the country, or that the political institutions conform to the popular political theories. In the long run the institutions must correct the theories, or the theories will undermine and revolutionize, by force or otherwise, the institutions. Our own experience proves this. The popular political theory of the country is purely democratic, that is, Jacobinical, although practically there are and must be by every party, when in power, many departures from it. The struggle is really to carry out this theory, and to reduce every thing to it as the *norma*, or rule,—to eliminate from our institutions every thing repugnant to it, or that interposes any obstacle to the immediate and sovereign action of the popular will. No man can have observed with any care the course of events amongst us without having perceived that there has been, and that there is, a constant tendency to bring every thing in our institutions into strict logical consistency with the democratic principle as the exclusive principle of the government. This is seen in the constitutions of the new states, and more especially in the changes introduced into the constitutions of the old states by the conventions assembled from time to time to amend them. The grand aim in all appears to be to remove all the provisions which give to the government a mixed character and restrict the action of the democratic element, and to provide for the free, full, and immediate action of the popular will, that is, the will of the majority for the time, in determining every measure of the government. A revolution has been silently going on. Even Mr. Jefferson, the father of American radicalism, to say nothing of Washington, Adams, Hamilton, or Madison, were he to come back among us, would no longer recognize the institutions he helped found, and which he so ardently

loved. Even he would now be regarded as a conservative, as one of those men who are afraid of progress, who dare not trust the people, and have their faces on the backside of their heads, or, as Mr. Emerson expresses it, "have their eyes in their hindhead, not in their forehead." In several of the individual states this revolution has gone so far as to convert them very nearly into pure democracies, where the will of the multitude, or the will of what the demagogues make pass for the majority, reigns without a rival, unrestrained, as absolutely as reigns the Grand Turk in Stamboul.

The revolution effected by popular theories touches the more important and vital interest of the community. The great body of our people, with their half-learned leaders, mistake the liberty of the multitude to govern for the liberty of the people under government and through its protection. With them the great questions regard the election of presidents, congress-men, governors, assembly-men, the institution of government, the installation of its officers, and special enactments relating chiefly to industrial and financial matters. They do not reflect that government with us is already instituted, and that the chief concern is now as to its administration, and especially the administration of justice. The state with us is constituted, and as originally constituted well constituted, and nothing can be more foolish or more mischievous than to proceed as if we had no state, and were called upon to constitute it,—as if the inquiry were not how to govern, but how to get a governor. The great business of a state is not to be ever constituting itself, but to administer the laws. The very idea of a state (*status*) is of something established, fixed, and immovable; and a nation by the very fact that it is a nation has already a body of laws, written or unwritten, and is not called upon to make the laws. In no civilized state are the laws to be made, or is any other legislation requisite than the few enactments which relate to administration, or which are demanded to adapt the existing laws to the altered circumstances which time and events may have introduced. To suppose that the laws are still to be framed in any nation, is to suppose that it is either in the infancy or in the decrepitude of its civilization. It must be a nation just born, or a nation passed into its dotage, that has every thing to learn and do, or that has forgotten all that it has ever done or known, that has inherited nothing or that has

dissipated its patrimony, and in either case the attempt to make for itself a body of laws must always prove no less unsuccessful than ridiculous. The glory of a generation is in having inherited a noble patrimony, not in having every thing to create anew for itself.

The glory of our country is not in its own enactments, with which it is seldom satisfied, and which it seeks to repeal or modify as soon as made: but in the common law, which we have inherited from our English ancestors. What is of most vital importance to us is an able and independent judiciary for its administration. We enter not here into the controversy between the common lawyers and the civil lawyers as to the relative merits of their respective systems. Some might, perhaps, prefer the civil law, but the common law, the law inherited from our English ancestors, is a good system of law, and if the civil law practice renders it less difficult for the guilty to escape detection, the practice of the common law courts, we are inclined to believe, affords the best protection to the innocent. The main principles of the two systems are substantially the same, and it is easy by statute to adopt those provisions of the civil law which are thought to be superior to the common law, if any such there are. The common law is the law of the land; it is interwoven with all our habits as a people; it is the life-blood of all our institutions, the conscience of the American state, the common sense of the American community. There is no good reason for rejecting it, and every lawyer, if worthy of the name, knows that the various modifications that have in late years been introduced into it by statute have only marred its beauty, broken its symmetry, and detracted from its efficiency. What is wanted is not a change of the law, or a modification of the law, but courts independently constituted for its administration.

But, unhappily, the independence of the courts of law, or the judiciary, is precisely the thing to which the popular theories of the country are the most directly and inveterately opposed, because an independent judiciary opposes the most effectual barrier to popular tyranny and oppression. The radical movement of the country exerts all its force to destroy the independence of the courts, and to make them, like every thing else, mere agencies for executing whatever may be the popular will, caprice, or prejudice for the moment. It seeks to deprive the judiciary of every

member competent to discharge the duties of a judge, and to render the courts weak and contemptible. Under the pretext of economy it cuts down the salaries of judges to a point so low, that none but third or fourth rate men, men who could not gain a competence at the bar, can afford to accept a seat on the bench. Having got a weak judiciary that will yield to every popular breeze, the movement seeks to secure the fruits of its victory by making the judges elective by the people for a short term of years, and re-eligible. The independent tenure by which the judges originally held their office is now destroyed in most of the states, and soon will be in all. The popular theory declares the multitude to be sovereign, and the multitude can tolerate no institution not flexible to their will. So the judges, on whose competency, independence, and impartiality depend the vital interests of both the community and the individual, must be selected from the class of inferior men, be made elective by the people for a short term of office and re-eligible, so that they will be impotent to resist popular opinion or prejudice, and have every inducement to bow in all obsequiousness to the majesty of the multitude. *Vive la multitude!*

But this is not enough. The same popular tendency, which distrusts whatever is supposed to rise above the common level, attacks the prerogatives of the court, and claims them for the jury. The court having, or being supposed to have, some knowledge of the law, may still have some regard to its legal reputation, and insist on abiding by the law, instead of yielding to popular clamor. So the office of the judge must be reduced to that of a mere presiding officer, and the jury, innocent of any legal attainments, must be made judges both of the law and the fact. Being taken immediately from the multitude, sharing all their prejudices and passions in the given locality, the jury will be pretty sure to gratify them, and render a verdict in accordance with the decision arrived at out of court.

Yet even this is too little to satisfy the democratic tendency. Law is both a science and an art, and can therefore be understood and practised only by those who have made it the subject of special study and preparation. These by virtue of this special study and preparation constitute a distinct class or profession, and have the exclusive privilege of practising law. Hence they, the lawyers, are a privileged class, and exclusive democracy can tolerate no

privileged classes. Every man should be free to make hats or coats without ever having served an apprenticeship, or learned the mysteries of the craft; and if he cannot do it, then you have no business to have hats or coats, and you must either dispense with them, or else consent to have such as any one can make without any previous apprenticeship. Such handicrafts as cannot without apprenticeship be pursued by all are undemocratic, strike at the fundamental idea of equality, and can never be tolerated by a free and enlightened people. So the law must be codified and simplified, so that every blockhead in the country can understand and practise it without previous study or preparation, and the courts must be thrown open to every miserable pettifogger whose impudence gets the better of his sense. Democracy cannot tolerate any thing that is not on a level with every understanding, or that demands preparatory discipline, that would give science an advantage over ignorance, wisdom over folly, intellect over stupidity. New York, the Empire State, has taken the lead in this democratic warfare against science and skill, in favor of ignorance and ineptness. She has codified her laws, altered the procedure of her courts, and thrown open the practice of the law to every man who can obtain a client, and such thorough work has she made that her learned judges no longer know how to proceed, and are obliged to confess that in her courts the erudite lawyer has no longer any advantage over the ignorant ploughman. Long life to the New York law reformers and codifiers!

These proceedings, in which all our states are following at a greater or less distance, would be simply ridiculous, if they did not involve the most vital interests of every man, woman and child in the community,—if they did not sweep away every guaranty of personal liberty, poison the very fountain of justice, and place life, liberty, property, and character at the mercy of the mob. We may boast of our free institutions as much as we please, but let us at least have the modesty not to boast of our freedom as individuals, so long as the administration of justice is subjected to popular opinion, prejudice, or caprice, and a man must be acquitted or condemned, not according to the law and evidence, but according to the ignorant and prejudiced clamors of the multitude outside. There is not a monarchical state in Christian Europe that would tolerate the direct and personal intervention of the sovereign in the administration of



justice. It was one of the gravest complaints of our ancestors against several of the kings of England, that, instead of remitting the decision of causes to independent and impartial judges, they usurped it to themselves. And yet this is precisely what we in our *enlightened* love of liberty are laboring to do. We are laboring to secure the direct intervention of the people, said to be sovereign here, in the decision of causes. We have not yet wholly succeeded in doing it; the judiciary, in some localities, still retains its former character; but the tide is setting in strongly and rapidly against it everywhere. Yet few take the alarm; the majority clap their hands and exult, and if one ventures to utter a warning, the mob exclaims, "What, you distrust the people, do you? You are afraid to trust your cause to the wisdom and justice of the people, are you? Do not be frightened. *Vox populi vox Dei*. You are safe in the hands of the people." If he remonstrates, he is denounced as no democrat, and nobody will venture henceforth to furnish him wood or water. Every man who wants office, or wants popular influence, must join in the cry of retrenchment, low salaries, open courts, responsible judges, a popular judiciary, and urge on the destructive movement with all his might. It may be death to liberty, but it is sport to the demagogues, and so no man must dare raise his voice against it.

We have been drawn into this train of remark at the present time by Mr. Fenimore Cooper's late work, the title of which we have placed at the head of this article. Our readers are aware of our estimation of our distinguished countryman as an author. He undeniably stands at the head of American authors of his class, and has done as much as any other man, if not more, for the literary character of our country. As works of mere amusement his earlier works are superior to his later productions, but for depth of thought, solidity of principles, and high moral aims and tendency, they are far inferior. To our judgment, and even to our taste, his later works, in which he attempts to correct the foibles, errors, and dangerous tendencies of his countrymen, are far preferable to those of his earlier works in which his principal moral aim was to defend our character and institutions against the aspersions and prejudices of Europeans. We will not say that he has performed the delicate task he undertook with as much adroitness, amiableness, and tenderness as was pos-

able, but he has labored at it in a free, noble, and manly spirit, and deserves the warm gratitude of his fellow-citizens. The press, as was to be expected, since it could not ignore, has assailed him with a spite, bitterness, and meanness worthy of itself and of him. To fall under the condemnation of the American press, as it now is, with a very few exceptions, is a high honor, for it has no appreciation of manliness or nobleness of character, and no real knowledge of the various subjects on which it pronounces its judgments. Its conductors have just that smattering of knowledge which makes a man conceited, and fancy that beyond what he knows there is nothing to be known, and when they commend any one we may always presume that he has said or done some very foolish or very wicked thing. Happy is the literary man in this country whose character is established, and whose reputation can neither be enhanced nor diminished by the newspaper rabble. The editorial rabble have done their best to make Mr. Cooper unpopular, and to drive him from the place he originally held in the hearts of his countrymen; but, unless it be for a brief moment, they have labored in vain. No sensible man heeds the newspapers in this country,—hardly enough to feel contempt for their flippancy, conceit and impudence,—and Mr. Cooper will live in the hearts of his countrymen when his newspaper assailants and their sheets are as if they had not been.

The work before us, the last of Mr. Cooper's that we have seen, may not be precisely to the taste of the young, the giddy, the thoughtless, the sentimental, and the romantic,—although it is by no means void of interest simply as a novel, and contains scenes and incidents of great beauty and power; but the grave and thoughtful, the cultivated and refined, the Christian and the patriot, the moralist and the statesman, will read it with pleasure and instruction. We do not by any means claim perfection for it. It has some slight defects; it appears to have been hastily written, and not to have received so high a finish as the author was capable of giving it. It contains some views with which we do not wholly agree, and some exaggerations which will impair its efficiency. Lawyer Timms, one of the characters introduced, is hardly a faithful representative of the class of lawyers intended. Mr. Dunscombe, his model lawyer, is a noble character. We love and honor him as a man, but one of our legal friends tells us that his management of

the case of Mary Monson does not justify the high praise awarded him as a counsellor; and the author seems to have sacrificed his legal reputation to the exigencies of the story. The author has also exaggerated the feeling of the people towards what they call the aristocracy. With all our democracy, we are the most aristocratic people on earth, and we do not think that, in any part of our widely-extended country, a lady would find the fact of her being young, beautiful, accomplished, and very rich, likely to tell to her disadvantage on a trial for murder. The difficulty, as far as we know the temper of our countrymen, would not be to obtain a verdict acquitting such a person as Mary Monson is described to be, in case of her innocence, but in obtaining a verdict against her in case of her guilt. We are a gallant people; and, though we are chary of hanging a man for murdering a woman, especially if she was his wife or his paramour, we have, as a people, too devout a worship for the sex to hang a lady, especially if young, brilliant, accomplished, beautiful, and rich. All the young men would swear to her innocence because they are young men, and all the old men would do the same because they would be thought young. Aristocracy as such, that is, wealth and breeding, the only aristocracy we have among us, does not generally excite hostility in our society, if modest and unassuming. Even according to Mr. Cooper's showing, the hostility to his heroine grew out of her isolation, and apparent contempt for public opinion in Biberry, rather than out of her supposed connection with the aristocratic classes. Had she been known in the outset to be connected as she was with those classes, she would never, under the circumstances alleged, have been put upon her trial.

There is no doubt a feeling of envy towards those who have wealth and breeding very widely diffused through the community, but this does not operate, except in the case of the Antirenters, unfavorably towards them in the courts of justice. We have nothing to say in favor of the Antirenters, nor in favor of New York justice so far as the rights of the Van Rensselaers and other landlords in that state are concerned, and in the countenance New York has shown and still shows to Antirentism, she has incurred a disgrace that twenty generations will not wipe out. But the tenants have votes, and no party can do without them, and they must be permitted to refuse to pay their rents, and encouraged to murder the officers sent to enforce pay-

ment. In cases like these, aristocracy is in the way of one's getting his honest dues, and when justice is on one side, and the majority of voters on the other, justice, of course, must be allowed to kick the beam. What mighty advantage would there be in votes, if they must be controlled by a sense of justice, or if one man, because he has law and justice on his side, can withstand a whole community? No; democracy goes for the greatest good of the greatest number, and when one man has rights that conflict with the interests of numbers, the rights must yield to the interests. This is the beauty of a popular government, under which the interests of *the people* are to be consulted before the interests of the patron, and the law is not to be enforced when it does not accord with public sentiment. In the state of New York they have carried out the principle of popular government to its fullest extent, and possess it in all its beauty. We shall have it so in all the other states soon, and then the administration of justice will be wonderfully simplified, and the courts have nothing to do but to collect and register the sentences pronounced by public opinion, —perhaps not so much, for Judge Lynch may be then the only administrator of justice retained. Woe then to the man who has not the local press, the demagogues, the old women, and boys of the neighborhood, on his side. A short shrift and a hempen tippet will be all the justice he can expect. We live in an age of progress, and we make rapid progress, for our road is down hill. We shall be at the bottom soon, unless bottom there proves to be none.

Nevertheless, Mr. Cooper's work is sound and healthy, and contains much matter that every American citizen ought to read and meditate daily. The purpose of the author is, by means of an ingeniously devised and in general felicitously managed story, to draw the public attention to the administration of justice as affected by the popular theories of the country and the recent legislation and attempts at law reform especially in the state of New York, and to point out the dangers to which we are exposed from the extraneous influences brought to bear upon both court and jury. His arrows are pointed more particularly against this outside influence, the want of independence in the court and jury, and the recent law of the state of New York with regard to the property of married women,—what he calls "the Cup-and-Saucer Law."

This outside influence is so strong, that the author thinks the trial by jury has become very nearly a mockery, and he would go so far as to abolish it altogether. With much that he says on this point we cordially agree, and it is certain that the jury in a popular government has a very different signification from what it has under a monarchy, or even an aristocracy. The jury was originally intended to operate to the protection of the accused, by introducing a popular element to temper the authority of the crown, represented by the court; and where the crown had an undue influence, it was, no doubt, a wise and salutary institution, especially in England, after the Norman conquest had introduced a distinction of race between the governing class and the people. But precisely for the reason that the jury was needed in monarchical England, it is objectionable in this country; for here the element to be guarded against is the popular element, which is too strong, not the element of authority, represented by the judge, which is too weak. As in England the influence of the crown might defeat the ends of justice, so here the popular influence is liable to do the same. This danger is increased, not guarded against, by the institution of the jury. Moreover, the jury here often fails of its end, in consequence of the little care or judgment employed in the selection of jurors. Men utterly incompetent, morally and intellectually, often make up the panel, and serve on our juries,—men who cannot be made to understand a single element of the cause they have to try, and who are utterly unscrupulous as to the verdict they render,—who even consent to decide important causes by tossing up a copper. These and various other objections can easily be urged against the institution; but, nevertheless, we are not prepared to go so far with Mr. Cooper as to abolish it. It is an old institution, dear from old associations to our people; it is a part of our general system for the administration of justice, and we are unwilling, especially in these times of change and innovation, to disturb it. We do not see what we could substitute for it, that would be an improvement; and after all, we are far from being convinced that it does not even here serve a useful purpose, at least the purpose of taking off a portion of the odium of unpopular judgments from the judge,—in these times a matter of vital importance. Without it the people would lose their confidence in the courts, and would attack still more vehemently the independence of the judi-

ciary. Let more care be bestowed in determining the qualifications of jurors, and let the jury more distinctly understand that it is the province of the court to declare the law, and that their province is simply to judge of the fact, and there will be little occasion to find fault with the jury. Certain we are, that it would, upon the whole, be beneficial, and equally certain we are, that, if it should in the present temper of the people be abolished, its place would be supplied by some institution that would be little less than unmixed evil. The age and country should go to school for some time before attempting innovations, unless it be in the purely material world. Because the age has invented life-fer matches, it does not follow that it can invent a useful substitute for the jury.

The author shows also this outside influence as it affects the judges, in rendering them impatient, and afraid of wasting time. Not only our courts of law, but our legislative assemblies generally, are afraid of consuming time, and seem to fancy that their merit is in proportion to the celerity with which they despatch the business before them. This is a great mistake, and it, no doubt, arises from the everlasting cry of "retrenchment," and constant reference to public opinion. Nothing is lost by taking full time to deliberate. The great defect of our people is be always in a hurry, to do every thing in a hurry, and consequently to do nothing well. It would be better to increase the number of judges, and to have smaller judicial districts, than to have our courts always in a hurry, and always reminding the counsel, "Time is precious," often to the confusion of their brains, and to the great detriment of their clients. Multiplying the judicial districts and appointing more judges would remedy the evil, and be a great economy of time and money in the end, even if the judges were paid, as they should be, a liberal salary. High salaries, for all important offices, are always commended by a wise economy. Offices which do not demand much learning or talent, which any body that is honest and has common sense can fill, should have only a low salary attached to them,—too low to make it much of an object to aspire to them. Higher offices, which demand a high order of intellect and attainments, should always have liberal salaries attached to them. Unhappily, fancying ourselves wiser than all the past, and called upon to open a new era for the world, we in this country reverse this rule,—give a liberal salary to a tide-

waiter, and a meagre one to the chief justice and his associates, to the president, heads of departments, congressmen, and members of state legislatures. The consequence is, no man fit to fill the higher offices can accept one of them without a great personal sacrifice, and half the country is scrambling for the lower ones. But this comes from claiming to be wiser than our fathers.

The "Cup-and-Saucer Law" deserves all the severity with which Mr. Cooper treats it. We have no wish to see revived the old pagan doctrine, which includes a man's wife and children among his goods and chattels; we thank God for our holy religion, which has emancipated woman, and elevated her to be the companion, though not the head, of man. We yield to no one in our respect for the dignity of woman, or in our appreciation of her appropriate sphere. But we have no sympathy with the almost universal pruriency of our age and country, and have long since ceased to be a follower of Frances Wright, or a disciple of Mary Wollstonecraft. Woman often suffers much from man, and man often suffers, too, from woman, and the woman as often ruins the man as the man does the woman. Neither is, ordinarily, an angel nor a demon, though both are sometimes the latter. In families where there is misery the fault is not always that of the husband, and not unfrequently a man flies to the club or to the dram-shop solely because his "angel" wife cannot make his own fireside pleasant to him. We are willing that the property a wife has before marriage should be settled on her, or at least a portion of it; but we cannot endure a law which not only vests her with it after marriage, but allows her the management of it during coverture independently of her husband, and to make and receive devises and bequests, precisely as if single. This separation of the interests of the husband and wife, this distinction of the unity of the married pair, making them two, and permitting them in hardly any respect to be one, effected by the recent law of the state of New York, and which all the other states are aspiring to imitate, is incompatible with the true nature and meaning of marriage, and is the most odious and immoral in principle of any measure we remember ever to have seen deliberately adopted by a civilized state. It is simply the first step towards realizing the doctrines preached by Frances Wright. Under this law, the wife may, if we understand it, as freely buy and sell, sue and be sued, as if she were single. She is

during coverture, as before or after, in the fullest sense, a *person* in law. She may dispose of her property to enrich her paramour, if disposed; or she may receive from him the gift of a farm in a distant part of the country, and, under pretence of managing it, leave her husband's house, and reside on it, to her husband's dishonor, and to the neglect of all her duties as a wife. She may even charge her husband with every cent she lets him have, and bring a suit against him to recover pay for any cup and saucer of hers he may have accidentally broken when taking his tea. If she is not pleased with his society, she can leave him, if she has property of her own, and reside where she pleases, return when it suits her convenience, and go away when she is tired of her spouse. Such is the legislation of a free and enlightened people. The full effects of this legislation will not be immediately seen, for as yet our men and our women retain, to some extent, the views and habits formed under a less unchristian system, and our wives will not at once avail themselves of all the license the law gives them. But our daughters, at furthest our granddaughters, will, and then the beautiful effects of the Antichristian and immoral legislation now insisted on will be seen and felt; but then it will be too late.

It is not our design to enlarge, at present, on this topic, for we confess that we have not ourselves thoroughly examined all the bearings of the law in question. It seems to us to have been the work of ignorant, but well-meaning persons, who, seeing certain evils accrue under the old law, undertook, without any just conceptions of their cause, to remedy them, and adopted the first remedy that presented itself, without ever once stopping to inquire whether the application of that remedy would not produce a thousand other evils, each a hundredfold worse. In this way most of our legislative innovations are introduced. Their authors have no bad intention, nay, they have good intentions; but they are ordinary men, from the ordinary walks of life, with nothing but a superficial knowledge of the subjects on which they attempt to legislate. A legislator was once thought to be a rare character, and it was supposed no man, unless divinely assisted, could be a competent legislator; but now every ploughman, blacksmith, shoemaker, tinker, or shopkeeper has only to be chosen a member of a legislature to be a Moses, a Minos, a Lycurgus, a Solon, or a Numa. No previous study or discipline is regarded as



necessary; learning, science, art, are superfluous, and we attempt to make ignorance and folly answer the purposes of knowledge and wisdom, and with what ample success—is it not written in our statute-books?

In the legislation that affects financial matters and purely business interests, we respect public opinion, and the intervention of the people. In reference to this legislation, we are as good a democrat as any of our countrymen, and in this legislation we think our country compares favorably with any other country. In this legislation the people are at home, and we have always great confidence in the wisdom and utility of those measures which command the general assent of the people. Here we believe the judgment of the people is a safer guide than the judgment of individuals, however learned, able, and distinguished. It is, indeed only on matters of this sort that we need legislation, and it is probable that legislation on other matters was not contemplated by our fathers; for all other matters, with a few trifling exceptions, were already covered by the common law, which contained the condensed wisdom of ages. The error of the country lies in claiming for the people a legislative capacity beyond these, in regarding statute law as the most important portion of the law, and in attempting to amend the common law, or the *lex non scripta*. We set out with the false assumption that we are a new people, bound by nothing that was before us, and under the necessity of creating every thing anew for ourselves. Hence, instead of confining ourselves to such alterations in statute law, the *lex scripta*, as our separation from the mother country and our peculiar circumstances rendered necessary, we have undertaken to revise the whole law of the land, as it affects both the rights of persons and things. We have unsettled every thing, and in our ineptness have vitiated the administration of justice, and rendered life, liberty, and property insecure, by making them, as in Turkey, wholly dependent on the will or caprice of the sovereign,—there on the will or caprice of the sultan, here on the will or caprice of the multitude.

In purely economical matters the people are the best judges, and in regard to those matters we would have the democratic element felt; but in matters of justice, in the respect in which law is ethical, and deals with ethics, we want no popular legislation. In regard to rights, whether of persons or of things, and the administration of justice,

the people can intervene only to do injury. In regard to these, save as to the organization of the courts, we needed no further legislation, and no further intervention of the legislator. The law had been settled from time immemorial, and only needed to be executed, and for its execution the executive and judiciary branches of the government sufficed. Least of all did we need the intervention of the popular element in the judgment of causes, especially in the shape of public opinion outside of the courts of law. The habit of appealing to the public on all occasions is so universal amongst us, and the practice of discussing all questions in public, and deciding them by a plurality of voices, has become so general, that nearly all manliness and independence of character have been lost amongst us. There is no country on earth where public opinion is so powerful and so intolerant as in these United States, or where men's souls are really so enslaved. It is not that dungeons and racks are prepared for the body, which were, after all, but a trifle, for it matters little what is done to the body if the soul be free; but it is that the mind itself, the very soul, is fettered and bound by the intangible tyrant called public sentiment. We do not dare act from principle, to follow the right from our own personal conviction, whether we go alone or with the crowd, but we are as a people continually asking, What will people say? We are so habituated to this, it has become so much a part of our American nature, that we regard it as the normal order of things, and are utterly blinded to the evils which spring from it, and the gross injustice it operates, and we little suspect its full influence in the administration of justice.

Whether there is any probability of correcting the evil, and excluding from our courts this outside influence, is more than we know. Certain it is that matters are growing worse and worse every day. The rage for innovation is so strong, and the tendency to sweep away all the guaranties of individual rights is so irresistible, we have gone so far, and are going with such an ever-increasing celerity, in a wrong direction, that we see little prospect of things becoming better. As long as radicalism confined itself to the constitution of power and the financial concerns of the country, and let the law, the courts, and the administration of justice alone, we could suffer it to go on, without any vital injury to personal liberty; but now that it makes these the special objects of its care and solicitude, we see no hope for the country

but in its conversion, which depends on God, not on man. The whole tendency we deplore results inevitably from Protestantism, which destroys the conservative influence of religion, by subjecting it to popular control. Protestantism, instead of being able to resist the evil tendency, and recall the people to a just public sentiment, must itself yield to that tendency, and be, as we every day see it, carried away with it. In fact, there is no human help for us, and if God does not in his providence specially intervene to save us from our own madness, the country will ere long lapse into barbarism.

Our political parties might do something if they would, but they can do nothing so long as they all profess to be democratic. *Democracy* is a stronger word here than *Constitution*, and the term cannot now be generally adopted except in its Jacobinical sense. If all parties accept it, then all parties will only conspire to strengthen the destructive tendency we have pointed out. Properly there are but two parties in the country, conservatives or constitutionalists, and destructives or radicals. The free-soil party is an organization of the latter; and those not incorporated into that party should lay aside the name of *Whig* and *Democrat*, two names which refer to the constitution of government, and inappropriate here, because here government is already constituted, and rally around the constitution as a true conservative party, both in regard to the general government and the state governments. Were they to do so, the evil could be arrested. But they will not do so; old party animosities, personal rivalries, and petty jealousies will prevent them from doing so. Things will go on as they have been going, and those of us who sound the note of warning will be unheeded, laughed at, or denounced, while the multitude will continue to boast of the wisdom and progress of the age and country. Be it so. We have done our duty as a loyal American citizen in pointing out the evil, and the great body of our Catholic brethren will do theirs, we trust, and the responsibility must rest, where it belongs, on those who have the power, and only abuse it.

## POLITICS AND POLITICAL PARTIES.

[From Brownson's Quarterly Review for October, 1852.]

It is not so easy to comprehend American politics, and to form a tolerable judgment of the respective merits or demerits of the two great political parties which have divided, or now divide, the country, as many of our learned newspaper editors appear to imagine. We live under a complicated political system,—a general government for certain specified purposes, and state governments for all the remaining purposes of government. Under one aspect we are one independent national sovereignty, with only a single government; under another, we are thirty-one independent sovereignties, with thirty-one independent governments. Foreigners, and even many native-born citizens, are very liable to mistake the mutual relation of the Union and the states, and to assume that the general is in all respects the supreme government of the country, and that the states are only prefectures or subordinate governments, dependent on the Union, deriving their powers from it, and instituted by it for the purposes of local administration. But such is not the case. The general government, both in law and in fact, is subsequent to the states, and in all respects their creature. It derives its existence, its constitution, and all its powers from them, not they theirs from it.

The two governments, again, rest on different bases, and demand different rules for the construction of their respective powers. The general government is founded by the states, originates in compact, and has only the powers expressed in the compact, and such incidental powers as are necessary to their exercise. The state governments originate in that social necessity in which all governments, in the last analysis, originate, and hold under the law of nature, or more properly, under the law of God, from which all human governments derive their legitimacy, their legal powers, or their right to command and to coerce obedience. They have all the rightful powers of government not denied them by their own constitutions or expressly delegated to the Union. The general government, before acting, must inquire whether the power it proposes to exercise has been

granted; the state government, before exercising a power, has only to inquire whether it has been forbidden.

The state governments have a character of their own, as republican, democratic, aristocratic, free states or slave states; the general government has no character of its own, and takes whatever character it has from the states creating it. It is not necessarily democratic or aristocratic, in favor of popular freedom or opposed to it. True, congress is bound to guaranty to each state a republican constitution; but whether the guaranty is to the Union that each state shall be republican, or a guaranty of the Union to each state of a republican constitution, if such be its choice, may perhaps be a question. If the latter interpretation be admissible, the states may, if they choose, adopt the monarchical form of government, and the Union be thus a union of monarchical instead of simple republican states, without any change in its own character or constitution. But if this interpretation, as generally held, and most likely correctly held, be inadmissible, and it is obligatory on every state to adopt and maintain the republican form of government, still no state is bound to adopt a democratic constitution. A republican government does by no means necessarily imply a democratic government. Rome was a republic, but it was never a democracy; Venice was a republic, but it was an aristocracy, nearly, if not quite, an oligarchy; Switzerland and Holland were both republics at the time of our revolution, but neither showed any inclination to a democracy. France, while we are writing, is a republic, but the whole positive power of the nation is vested in the prince-president, and the people have, even with universal suffrage, only a qualified negative on the acts of government, similar in its nature, though not in its form, to the tribunitial veto under the republican constitution of ancient Rome. According to the usage of writers on government at the time the federal constitution was framed and adopted, a republican government is any government without a king or emperor. Under any interpretation of the constitution, then, the states have reserved to themselves the right to adopt any form of government not monarchical. They may vest the whole power of the state in an hereditary aristocracy, in the class of rich men, of poor men, in two or more classes combined, or governing as separate estates, or they may vest it in the whole people, whether noble or ignoble, learned or unlearned, rich or poor, and whichever they do the gov-

ernment will be republican, and perfectly compatible both with the letter and the spirit of the constitution of the Union.

Political parties, consequently, under our system, are to be considered in a twofold relation, -in relation to the general government, and in relation to the state governments, or, as we may say, to government in general. The two relations have no necessary dependence on one another. The principles and policy of a party in relation to the constitution and administration of the general government do not necessarily determine its principles and policy in relation to the constitution and administration of the state governments, nor the principles and policy of a party with regard to the latter determine its principles and policy with regard to the former. The terms *republican*, *democratic*, *aristocratic*, when applied to the general government, have no meaning, as the terms *federalist* and *state rights* have no meaning when applied to the several state governments. A *national democratic* party is under our system an absurdity, for all the questions which pertain to the constitution of government in general are reserved to the several state governments. Questions of aristocracy, of democracy, oligarchy, of liberty or slavery, universal or restricted suffrage, social equality, and the like, belong to a party as a state party, not as a federal or national party. To a national party can belong only such questions as relate to the respective powers of the general and state governments, to foreign policy, to commerce, finance, national defence, and the general welfare of the Union. It would save some confusion, and many serious mistakes, if the two classes of questions were kept distinct, and parties were considered separately in relation to each, and not as necessarily right or wrong in regard to the one because right or wrong in regard to the other.

The parties in this country were at first, after the revolution, named in reference to the general government. From 1787 to 1798, they were named Federalists and Anti-Federalists; from 1798 to 1820, Federalists and Republicans; from 1820 to 1824, Republicans only; from 1824 to 1832, National Republicans and simply Republicans or Democratic Republicans; from 1832 to the present time, the two great leading parties have been called Whigs and Democrats. Here the only party names in use since 1798 at all applicable to a national party, or a party in regard to the Union, are *Federalist*, and perhaps *Whig*. The other names

designate, if any thing, the views of parties in relation to government in general, and therefore belong to the parties only as state parties.

The names *Federalist* and *Anti-Federalist* originated at the time of the formation and adoption of the federal constitution. When the colonies met in congress and declared their independence of the British crown, they drew up and adopted certain articles of confederation. These articles were found by experience to be inadequate to the wants of the country, and wholly insufficient for the purposes of a firm and efficient national government. The several states, consequently, appointed delegates to meet in convention to revise and amend them. The convention met in Philadelphia in 1787, and, instead of revising and amending the old articles of confederation, drew up and proposed to the states for their ratification a federal constitution, creating a *union* instead of a *confederation* of the states,—a general government empowered to act, within its prescribed sphere, immediately on the people of the several states, instead of a congress able to act on them, as under the old confederation, only through the medium of the several state governments, which it had no power to coerce into obedience. Those who were in favor of ratifying this constitution by the several states were called Federalists; those who were opposed to it, as Patrick Henry in Virginia and Samuel Adams in Massachusetts, whether on the ground of its reserving too little power to the states or giving too much power to the Union, especially to the federal executive, were called Anti-Federalists. The two parties, as parties with regard to the Union, were appropriately enough named, and the name *Federalist* designated a friend and supporter of the Union. Happily for the country, the Federalists were able to obtain the ratification of the constitution by the several states, and to organize, in 1789, the government, under George Washington as president, and John Adams as vice-president. They continued in power, and to administer the government, till March 4, 1801, when Mr. Jefferson and his party came in.

Under General Washington's first presidential term party spirit did not run high in the country; but under his second term it raged with great violence, embittered by new questions which had been raised by the French revolution, and the war between England and France growing out of that revolution. Mr. Jefferson took the lead in the opposition,

and in his private correspondence at home and abroad denounced the administration in no measured terms, hardly sparing, if indeed he did spare, the father of his country himself. The opposition to the constitution had pretty much disappeared; several amendments had been proposed and adopted, which removed the principal objections of Mr. Jefferson and the Anti-Federalists; but opposition to the administration took the place of opposition to the constitution, and in 1798, after the election of Mr. Adams instead of Mr. Jefferson to the presidency, it became formidable. This opposition, organized under Mr. Jefferson's lead, took the name of *Republican*, a name that belongs, and under our system can properly belong, to no party in relation to the Union. The name was insidiously chosen, with the usual disingenuousness of party, and designed to imply, not only that the party bearing it were in favor of the republican form of government, which would have been well enough, but that the Federalists, their opponents, were anti-republican, and in favor of monarchy. Here was gross injustice. Mr. Jefferson and his party were undoubtedly republicans, if not democrats; but so also were the Federalists. There never has been a monarchical party in this country. The people, indeed, did not make the revolution and achieve national independence because opposed to monarchy, or for the purpose of establishing a republic; but they were, and from the first had been, republican. Even the loyalists of the revolution adhered to the mother country from loyalty, interest, habit, association, hopes or fears, not because they were attached to monarchy and opposed to republican government; at least this was true of the great majority of them. Individuals in the Federalist party may have held that a limited monarchy, like that of Great Britain, where practicable, is preferable to a republic, but none of them ever believed such a government to be practicable in the United States. Such was confessedly the case with Mr. Alexander Hamilton; but even he, as Mr. Jefferson himself acknowledges, held that a monarchy was wholly impracticable here, and that it would be the height of folly to attempt to introduce it. George Washington, John Adams, and some other eminent patriots and statesmen, no doubt, agreed with him in his monarchical preferences, but they were as firmly resolved to sustain the republic, and as ready to oppose every attempt to introduce monarchical institutions, as were Mr. Jefferson and his partisans themselves.



Individuals, also, there may be now, and not a few too, who, when suffering some pique from the democracy, or alarmed at the mad policy of our radicals, fancy themselves to be in favor of monarchy; but there is not and never has been any monarchical party in the country, and never have our politics turned in any sense whatever on the questions between monarchy and republicanism.

Mr. Jefferson and his party, however, saw proper to accuse the old Federalists of being anti-republican, and of aiming at the establishment of monarchy. They succeeded but too well in making a large portion of the American people believe it, and the prejudices they created still linger in the minds of not a few of our citizens. He who should pronounce himself in favor of the old Federalists would stand a very good chance of being termed by the infallible American press a monarchist, and, as such, of being held up to public indignation. Yet the accusation was false, and known by Mr. Jefferson, as well as others, to be false. He himself confesses it, and says in his first inaugural address: "We have called brethren of the same faith by different names. We are all federalists; we are all republicans." Wherefore, then, had he charged his opponents with being monarchists? It was party injustice, and has to be put down to the unscrupulousness of party spirit, from which Mr. Jefferson, we are sorry to say, was not himself entirely free. Both parties, then, agreed as to their general principles of government. Both were republican, both held, after the fashion of the times, the origin of government in compact, in a real or imaginary popular convention, and both asserted the sovereignty of the people. Both, also, agreed, that the Union, instead of a mere confederation, of the states must be preserved. Wherein, then, did they differ?

This question requires a twofold answer; first, in relation to the general government, and second, in relation to the state governments, or government in general. In relation to the general government, the Federalists wished to consolidate its powers, and to give it as much the character of a supreme central government as could be done without transcending its constitutional limits. Their tendency was to develop and confirm the powers of the Union, rather than the reserved rights of the states. Their policy was to render the government strong and efficient at home, and respectable abroad; to protect commerce and navigation, to found a navy and to maintain an army to prevent national

insults, and to protect our maritime and national rights. These were, in brief, the principles and policy of the Federalists. The Republicans were more intent on the reserved rights of the states than on the powers granted to the Union, were opposed to making the federal government a strong government, and in favor of restricting its sphere, and diminishing the patronage of the executive, as far as possible under the constitution. They clamored for "retrenchment and economy," opposed the accumulation of a national debt, the general fundholding system, the creation of a navy, the maintenance of an army, and the protection of commerce and navigation, otherwise than by diplomacy and bargain. They were in favor of leaving our commerce to foreigners, to be carried on in foreign vessels, and of pocketing national insults, instead of going to the expense of guarding against them or of redressing them. Mr. Jefferson had no very lively sensibility to national honor, and lived in mortal dread of war and national expenditures. If he had been a son of the cold, calculating North, instead of the warm, chivalric South, of Massachusetts instead of Virginia, it is probable we should never have heard the last of his tameness, his meanness of spirit, and his fear of expense; and certain it is, that we owe to him and his party much of that low national character which we still bear abroad,—that common belief among foreigners that an American will do any thing and put up with any thing—for money. Another war with Great Britain, perhaps, is needed to enable us to retrieve our character, and prove that there is something that Yankees prize more than money.

The natural tendency of the Republican party, pushed to its extreme, would have too much restricted the powers of the general government, made the Union a mere rope of sand, and thrown the country back into that chaotic state from which the constitution had rescued it. Its policy would, if carried out, have rendered the government inefficient at home and contemptible abroad, exposed our trade, our maritime and national rights, to perpetual insult and injury, and prevented us from ever becoming a great commercial and manufacturing people. It was, therefore, a policy which, with such a bold and enterprising people, and in a country of such rich and varied natural resources as ours, could by no human possibility be practicable, except for a very brief period. The tendency of the Federalists, if

pushed to its extreme, might have swallowed up the states in the Union, and deprived us of the advantages of that federative element so essential in our system of government. But the general policy of the party was unobjectionable, and has, with the exception of one or two particulars, been adopted to the letter by the Republican party, and become the settled policy of the country. There was, however, never much danger of the centralizing tendency of the Federalists being pushed to an extreme, and we have been unable to find an instance in which the party while in power transcended its constitutional limits or usurped for the Union any of the reserved rights of the states. The Republican party, after all, was, when in power, more of a state-rights party in profession than in practice. The Federalists may have had the stronger tendency to centralization through the legislative and judicial departments of the government; but the Republicans had much the stronger tendency to it through the executive department; which shows that the Republicans were far more likely to develop into monarchists than were the Federalists whom they charged with being in favor of monarchy. No Federalist ever grasped more power for the Union than did Mr. Jefferson in his purchase of Louisiana, and his Embargo and Non-Intercourse Acts. No Federalist document was ever issued containing stronger centralizing doctrines than those set forth in General Jackson's famous proclamation against the southern nullifiers, while, on the other hand, the Federalists in the Hartford convention pushed the state-rights doctrines to the very verge of nullification. In fact, either party, when in power, tended to magnify the powers of the Union, and widen the sphere of the general government as much as possible, while either, in opposition, fell back more or less on the reserved rights of the states.

In regard to those principles of government which find their application with us only within the sphere of the state governments, there were also important differences, as well as resemblances. Both, as we have said, were republican, both asserted the sovereignty of the people, and the origin of government in convention; but the Federalists inclined to a republic of the respectabilities, and the Republicans to a democracy. The difference between the two parties was analogous to that between the Girondins and the Mountain or Jacobins in France. Both agreed in rejecting monarchy and decapitating the king; but the Girondins were for re-

taining the power in the hands of the *bourgeoisie*, —the merchants, manufacturers, tradesmen, and property-holders, who would supply the place of the old nobility; but the Jacobins insisted on placing the power of the state in the hands of the *sans culottes* or the populace, where it would be more generally at the service of the demagogues. The Republicans professed great confidence in popular instincts and judgments, and were in favor of leaving them free to manage the government as they should see proper, without any but self-imposed restrictions on their will, passions, or caprices; the Federalists held that the people might sometimes deceive themselves, and still oftener be deceived by the arts, intrigues, and declamations of demagogues, and therefore that some restrictions should be placed on their power, and some care should be taken to confine its exercise to those who could give a pledge to the public that they would not abuse it. The Republicans were intent on providing for the free and full expression of the popular will in the government; the Federalists thought more of providing against the abuses of power, and obtaining a reasonable security that the popular will in governing would govern justly. The Federalists loved liberty, and were as ready to make any sacrifice for it as were their opponents; but they and the Republicans did not mean the same thing by liberty. The Republican understood by liberty the liberty of the people, unrestrained by kings or nobles, to govern; the Federalist, as distinguished from him, understood by liberty the freedom of the subject, or his free possession and enjoyment of his natural and vested rights as inviolable in the face of political power. The Republican dreaded the tyranny of the few over the people as the ruling power; the Federalist, the tyranny of the many, and of power in whose hands soever lodged; the former sought the freedom of the people as government to rule, the latter the freedom of the individual to possess. The Republican would remove all restrictions on the power of the people as sovereign, and establish absolute, unlimited government; the Federalist would limit their power as sovereign or as the state, and by wise and wholesome laws secure their freedom as individuals; the former would have a free state, the latter free men. The Republican, perhaps without knowing it, sought to establish social despotism, the Federalist personal freedom, for the state is as despotic when the power is lodged in the hands of the whole people, with full freedom to gov-

ern according to their arbitrary will, as when lodged in the hands of a single ruler, under an absolute monarchy. Properly speaking, then, the Federalists were the party of liberty, and the Republicans the party of despotism. The Federalist placed the sovereignty in the people regulated and restrained by law; the Republican placed it in the people without law; and therefore made the government a government of mere human will, which is the very essence of despotism.

Undoubtedly, the pretence, and, we willingly concede, the belief, of the Republican party was the reverse of all this. They no doubt imagined that, if the political power was vested in the whole people, and if all obstacles to the free and full expression of their will in the government were removed, not only the freedom of the people as the state, but the freedom of the people as individuals, that is, the freedom of the people distributively as well as collectively, would be secured. But they forgot that power, in whose hands soever lodged, is always liable to be abused; that there is always a large class of individuals, called courtiers in a monarchy, demagogues in a democratic republic, who make it their business to flatter and deceive the sovereign power, and induce it to abuse its trusts; and that every government of absolute will, whether the will of the many, the few, or the one, is essentially a despotism, and wholly incompatible with the individual liberty or the personal freedom of the subject. The objections to the modern democratic theory are twofold. One objection is, that it leads to anarchy, because it derives the right to govern from a human source, and denies the divine origin of all legal power. Before the law of nature, and even before the eternal law, all men are equal; and if all are equal, no one has any right to govern another, and consequently every government of man over man, or of men over men, must be founded in usurpation, and every one has an indefeasible right to resist it whenever he pleases, which is anarchy. But this is not the greatest objection to the theory. The greatest objection is of a contrary character, namely, that pure, unlimited democracy is social despotism, and enslaves the people distributively to the people collectively. Under a pure democracy the individual has a certain nominal freedom as a part of the governing body, but not a particle as a part of the body governed. The will of the community, of the majority, is unlimited, and governs as absolutely as the

will of an oriental despot. There is no redress, whatever wrongs it may inflict on the individual, because it is all-powerful, and has no conscience,—as an individual despot may have, for conscience pertains to the individual, never to the people as a collective body. Hence, democratic governments are always the most arbitrary of all governments, and the most oppressive and merciless of all tyrants in every land are always the democrats who happen for a moment to find themselves in power, as was abundantly proved in the old French revolution, and as has been fully confirmed by the horrors of the recent red-republican revolutions. The world has no name for the complete democratic *régime* but the reign of terror. It must be so, because the heart of man in every individual is naturally corrupt, and men in masses are infinitely more corrupt than as individuals. Who knows not that men in crowds will do acts without compunction, from which, if thrown on their individual responsibility, they would shrink with horror?

The great objection to the old Republican party was its tendency to establish the unlimited authority of the people as the governing power, and therefore social despotism. Its activity was constantly exerted to render the government a government of supreme popular will instead of a government of law. It labored incessantly to abolish all the restrictions it found established by law on the will of the people, and to reduce all to a common level. It would suffer nothing to remain inviolable, or above the power of the people as the state. Thus it attacked and sought to abolish all vested rights. It reduced all corporations to the same category, and maintained that their charters, for whatever purpose granted, might be altered, modified, repealed, or vacated at the will of the legislature. And because the common law protected vested rights, it proposed its abolition, and with it, that there might be no power in the state to limit the omnipotence of the sovereign people, they sought, and their continuators still seek, to destroy the independence of the judiciary, by making the judges elective by popular suffrage for a short term of office, and reëligible. Their doctrine, carried out, would place all vested rights, and indeed the possessions of every man, at the mercy of the sovereign people, or rather of the unprincipled and noisy demagogues who for the most part control them. The Federalists, on the contrary, asserted the sacredness of vested rights, the inviolability of con-

tracts, the whole common law doctrine of corporations, and the obligation of the government to protect and vindicate the rights of property. They contended for the common law and an independent judiciary, as the surest, and in fact the only, safeguard for personal freedom against the encroachments of power, and in so doing justly deserved against the Republicans the title of the party of freedom.

Such were the two great parties, and such their respective tendencies, principles and policies,—their agreement, and their differences. The Republican party, after a violent struggle, came into power, as we have said, in 1801, under the lead of the sage of Monticello, and they or their successors have remained in power most of the time since. The war with Great Britain, in 1812, compelled them to abandon Mr. Jefferson's policy, his gun-boat system and all, and to adopt substantially, as to the general government, the policy of Washington and Adams, the old Federalist policy. In consequence of the adoption of their policy by the general government, the Federalists, after the peace of 1815, offered them but a feeble opposition, and in 1820, on the reelection of Mr. Monroe, disbanded, and have since ceased to exist as a party. Under Mr. Monroe's second term, and during the election of his successor, in 1824, there was, nominally, only one party, the Republican, in the country. All the divisions claimed to be Republican, and all the candidates voted for in the presidential election, Mr. Crawford of Georgia, Henry Clay of Kentucky, Andrew Jackson of Tennessee, and John Quincy Adams of Massachusetts, were all members of the Republican party, and only the last mentioned had ever been a member of the Federalist party. After the election of Mr. Adams, the administration party began to be called National Republicans, and the opposition, who rallied under the lead of General Jackson, as a second Jefferson, were called simply Republicans, and occasionally Democratic Republicans. Both parties continued to be designated by these names till 1832, when, on the reelection of President Jackson, the National Republicans assumed the name of Whigs, and the Republicans became Democratic Republicans and simply Democrats, as at present.

The Whigs are only the National Republicans, and the Democrats only the Democratic Republicans, under other names; but the Whigs are not precisely the same with the old Federalists, nor do the Democrats continue in all re-

spects the old Republicans. In their principles and policy as to the general government the Democrats stand on the old Federalist platform, except in one or two particulars, which we shall soon mention; but in regard to government in general, they are the old Republicans developed, or come to maturity, that is, as we find them in the northern, western, and middle states. The Whigs, in relation to the general government, adopt in the main the old Federalist policy, especially those portions of it not adopted by the Democrats; in regard to government in general, they are divided: a respectable minority of them adopt the conservative views of the old Federalists, but the rest are as radical as their Democratic opponents.

The Federalists originally represented the commercial, and in general the business interests of the country; the Republicans the farming and planting or agricultural interests. The Federalists may be said to have been the urban party; the Republicans, the rural or country party, and if the landed estates had not in general been small and nearly equally divided, they would have corresponded to the Tory party in England in the reign of Queen Anne. They were for an economical government, and opposed to the fundholding and banking system, and consequently to the accumulation of a national debt. They wished the people to live independently on their own lands, cared little for trade and commerce, and looked with distrust on the system of industry inaugurated by the treaty of Utrecht in 1713, which has placed Great Britain at the head of the industrial world, and nearly ruined the agricultural class in all western Europe. This was the good side of the Republican party, that which gave it its preponderance, and has hitherto maintained it in power. The agricultural interests were, and perhaps still are,—at the polls,—the stronger interests of the country. It was the fact that the Democratic party, in 1838, took decidedly its stand on the side of the landed interests, and sought to arrest the growth of the modern industrial system, which must sooner or later ruin every nation that encourages it, that led us to give it our own feeble support, although in most other respects we had not, and never had had, much sympathy with it.

We have spoken of the good points in the Federalist policy; but that policy, after all, had its objectionable features. The Federalists wished to consolidate the government, to render it strong and efficient, and to check the



tendency to democratic excess. So far they were right. But, unhappily, they were bred in the school of English Whiggism, and sought to strengthen the government, to consolidate the Union, and to guard against the excesses of democracy, mainly by means of the moneyed, as distinguished from the landed, interests of the country. They were not the aristocratic party properly so called against the democratic party, the party of the rich against the poor, but properly the business men against the producers. They were conservative, but they sought the conservative force needed by subjecting the government to fundholders, bankers, brokers, traders, merchants, manufacturers,—in a word, to what we call the business classes of the community, and in making it the instrument of their special interests. This policy, avowedly the policy of Mr. Alexander Hamilton, and a dominant tendency in the whole Federalist party, has been fully developed and adopted by the present Whig party, though the Democrats in the northern, western, and middle states also adopt it, to no inconsiderable extent. It is an exceedingly objectionable policy. The business classes of society, merchants, traders, manufacturers, bankers, stock-brokers, &c., may be as honest and as intelligent as the other classes of society, but they are not a permanent class, with always the same general interests. They and their interests fluctuate with all the fluctuations of trade, change with the ever-changing markets of the world. They can never be relied on as an independent national party, because their interests are rarely identical with those of the nation. They are mixed up with the interests of the corresponding classes of other nations, and affected by every measure of government which affects the business interests of a foreign country. In the revolution they were patriotic, ardently devoted to national independence, because they were the chief sufferers by the colonial policy of the mother country; during the European wars growing out of the French revolution of 1789, they urged upon congress the importance of maintaining a navy, and protecting our maritime rights, because it was their particular interests that were exposed, and would thus be protected; but they would be the last to support the government in case it had serious injuries to redress against Great Britain, or any other nation whose business interests are intimately connected with our own.

The grand error of the Federalists was not in seeking to

restrain the democratic excesses, for that is what every party in favor of liberty should seek, but in seeking the necessary restraints in the business classes and moneyed interests of the country, instead of seeking them in a powerful and permanent class of landed proprietors;—not indeed because landholders are wiser or more honest than business men, but because they are more independent in their position, and their interests are less fluctuating, subject to fewer sudden changes, and more permanent. It was natural that the Federalists should fall into this error, for they were at the time, as we have said, the representatives of the business interests of the country, and were, moreover, perverted by the urban system of the English Whigs. But the error was none the less grave on that account. The government can never be stable and permanent, save when it reposes on the stable and permanent interests of land, and perhaps one of the greatest mistakes of American legislation has been in throwing land into the market as a mere article of merchandise.

Experience has sufficiently proved that no state can long survive as a free and well-ordered state, which makes no account of families. A nation of isolated individuals, or of families which in one generation emerge from obscurity to fall into obscurity again in the next, stands on the brink of ruin, if not ruined already. We are in this country rapidly approaching this state of things. We have no families; we are little more than a huge mass of individuals, without family influence, family ties, affections, or associations. We have no ancestors; we can hope for no descendants. We have no ancestral home or fame to preserve, and can count on no posterity to whom we can leave our own worth or glory as an inheritance. Few of us had grandfathers, few of us will have grandsons. Many of us are early torn from the home of our parents, and live, though in our own country, in the midst of strangers. Even the very wife we press to our bosom not unfrequently was a stranger to our youth, and has no early associations and affections in common with us. The warm household feelings and the love of home are early withered or stunted in their growth; we grow up cold and solitary, and seek indemnification for the pleasures of the heart, in the gross and loathsome pleasures of the senses. No fear of breaking a father's or a mother's heart, no dread of disgracing ourselves in the eyes of the companions of our early life,

restrains the great, active mass of our community; and we find ourselves ready for any adventure that offers,—open to every vice or crime that tempts us. Such we are, or are hastening to become, and therefore have we lost, or are rapidly losing, all those family ties, family affections, those moral elements of character, without which it is impossible to maintain stable, permanent, wise, and efficient government.

The principal remedy for the frightful state to which we are so rapidly hastening is in a speedy and ample provision for the permanence and influence of families. Our statesmen believed that they were doing wisely in abolishing the old colonial laws which favored the growth and influence of families, in passing statutes of distribution, and in providing for the equal distribution of intestate property. They saw that in so doing they prevented the growth of a landed aristocracy; but they did not sufficiently consider, that, in guarding against one evil, we not unfrequently open the door to another and still greater. A republic no more than a monarchy, nay, far less than a monarchy, can subsist without a numerous and permanent class of landed proprietors, with a distinct representation in the state. The consequences of the hostility to a landed aristocracy, early manifested by our statesmen, have been, to subject the country to what may be called the urban aristocracy, the aristocracy of business, cotton-mills, and money-bags, and to substitute soulless corporations for living and breathing families. The effect has been to destroy the only tolerable aristocracy, and to build up the most intolerable aristocracy that is easily conceived. There is no use in making wry faces at this, or calling hard names; the fact is as we state it, and any man with half an eye can see it, if he will.

The true policy in such a country as ours, destined to be a great commercial and manufacturing as well as a great agricultural country, is not in universal suffrage, as the Democrats hold, nor in restricted suffrage, as the Federalists contended; but, as we hold to be very certain, in separating the business classes and the agricultural, and representing them in the government as distinct estates, each with a negative on the other. A proposition of this sort was made by Mr. Gouverneur Morris in the convention which framed the federal constitution. In a speech on the basis of the federal senate, speaking of the business—whom he regards as the wealthy—classes of the community, he

remarked that we must expect them to abuse power if they can get it, for that is in human nature, and get it they surely will, if you leave them to mingle and vote with the other and poorer classes. To prevent their undue influence, you must form them into a separate interest, that is, in principle, erect them into a separate estate, which would prevent them from being enslaved by the democracy, and also from establishing their exclusive dominion and enslaving the rest.\* The speech proves that Mr. Morris had hit upon a principle both true and profound; but it is very clear from the application he proposed to make of it, that he was far from having fully mastered it. To have constituted the federal senate on property with members for life would have done nothing to restrain either the democracy or the business classes in the several state governments, where is to be sought the source of both dangers. The danger in either respect is to be guarded against principally by the mode of constituting the several state governments, not by the constitution of the Union,—a fact which too many of our statesmen overlook.

Some respect, we dare assert, is due to the experience of mankind, and that experience in all countries and in all ages has directed them to seek the independence of the state and the freedom of the subject in organizing the government as a government of estates. Nothing hinders us, if we choose, from so organizing our own several state governments. We have in the possessions, conditions, and occupations of our people, lying ready to our hand, the elements of three estates, which we may term respectively the agricultural, the urban, and the proletarian, understanding by this last term the laboring classes, as distinguished, on the one hand, from the urban or business classes,—the *Bourgeoisie*,—and, on the other, from the landed proprietors, whether large or small. The professional classes may rank, the clergy with the agricultural class, and the lawyers and medical practitioners with the urban. These three estates should sit, not in one house, but each estate in a house of its own, with a negative on the other two. Suffrage might still be universal, but each class should vote only for members of its own house. Representatives in congress might be chosen indifferently from any one of the classes, by the concurring vote of all

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\*Madison Papers, 1018-1020.

three estates; the president of the United States, and the governors of the several states might be chosen by all the classes voting in common, as now, and the other officers of government, state or national, might be appointed by the executive, the legislature, or the executive and legislative branches in concurrence, very much as they have been hitherto. Such a constitution would not be essentially different from the one really intended by our fathers, and would have its root in what is the internal constitution of American society. It would be only rendering significant and practical the principle which led to the separation of the legislature in all the states into two houses, and would incorporate into our system of government the best features of the English system, and of the constitution of ancient republican Rome, while it would give to the laboring classes a security, a protection, and an importance, which, so far as we are informed, they have never yet enjoyed under any system of government. Such a modification of our constitution of government would protect the rights of all classes, and restrain us from the excesses in either direction into which we are now running. But we cannot expect our statesmen to favor it, or even to entertain it for consideration, and therefore, though we suggest it in passing, we take good care not to propose it as something to be seriously contended for. The framers of our constitutions, placing an undue confidence in written constitutions, which experience proves, in so far as they are only written constitutions, to be worth less than the parchment on which they are engrossed, thought they might secure the great ends of government in a different way. It is pretty evident now that they erred. The Federalists erred in seeking to provide for the preponderance of the urban classes; the Republicans erred still more in opposing a government of estates, in laboring to prevent the growth and permanence of families, and in seeking, as far as possible, the division and the equalization of landed property. Equality of political rights is, perhaps, practicable, but equality in property, in social position, and in influence, is an idle dream,—never was realized in any civilized community, and never can be. It is not only idle, but undesirable, and the degree of equality we have attained in this country has been attained only by levelling downwards, and producing a lower general average of manners, morals, intelligence, and worth. The business of life must go on, and if it does, some must be up

and some down, some must be captains and some common soldiers, and some presidents, governors, and judges, and some cooks and shoeblocks, and those qualified for the higher stations will be disqualified for the lower, and those qualified for the lower will not be qualified for the higher. Place your whole community on a level with its topmost round, and society must come to an end through default of classes to perform its lower offices : and place all on a level at the lowest, and it must also come to an end through default of classes qualified to perform its higher offices. In government both property and men should be represented, and so represented that the one cannot swallow up the other. In order to secure this end, you must classify and represent both property and men, so that each class may have the means of protecting itself against the other. It is then always rather the equality of classes we should aim at than the equality of individuals, save in mere personal rights, in regard to which the lowest should be placed on the same footing with the highest. The sooner, therefore, we give up our dreams of an equality of social condition and influence, the better for all concerned.

But the Federalists, though they took in some respects a wrong direction, were not so exclusively wedded to the business interests of the country as are the present Whigs. The Whigs on purely constitutional questions are, as a federal party, at least as sound as the Democratic party, and we find in their platform as drawn up by their late Baltimore convention very little to object to on this head. The grand objection to the Whigs is, that they seek to administer the government too exclusively in favor of the business interests of the country, to make it in some sense the slave of the money power, or rather of that huge credit system through which the Rothschilds, the Barings, and other great bankers, principally Jews, become the real sovereigns of the modern world, and bring the destinies of nations to be decided on 'Change. —the meanest and the most ruinous system ever invented, —the most fatal to the independence of the nation and to the freedom of the subject, as well as to public and private morals. We do not object to the Whigs because they are in favor of a protective tariff. The question of protection or free trade admits of no universal solution. It is a practical question, to be decided by each nation for itself, according to its particular interests and circumstances at the time. Whenever its circumstances per-

mit, it is no doubt the duty of every nation to encourage and protect its own industry, so as to render its well-being as independent of foreign nations as possible. We are not in favor of copartnerships with nations for copartners, and we look with as little affection on the commercial brotherhood of nations preached by Cobden, Bright & Co., as on the Jacobinical brotherhood contended for by Messrs. Mazzini, Kossuth & Co. Then, again, the Democratic party do not on the question of a protective tariff differ in principle from the Whigs. The protective system, or the American system, as it was called, originated with the Republican party, and was fastened on the country in opposition to the Federalists, especially of New England, who were, as their interests led them to be, free-traders. The Democratic party, when in power, with individual exceptions, have always supported a protective tariff. The present tariff, imposed by a Democratic administration and a Democratic congress, is a protective tariff, and the only difference on the subject between the two parties, at least in the northern, middle, and western states, is merely a difference of more and less. The Whigs would be satisfied with the present tariff, if home valuation for foreign, and specific for *ad valorem* duties, were substituted, two changes which, we confess, we are not prepared to oppose. No; the real objection to the Whig party is that it is the business party, the party of the fundholders, bankers, brokers, traders, and manufacturers,—in a word, of the modern credit and industrial systems, against which we are bound to be on our guard.

But this same objection applies, at present, with nearly equal force to the Democratic party, unless it be in the slave-holding or planting states. The urban system, the system of the English Whigs under the reign of Queen Anne, so strenuously, but ineffectually, opposed by Swift and Bolingbroke, has been adopted by both parties, and in respect to this system the two parties are mere divisions of one and the same party. The main question at issue between them is, which shall get the lion's share of the spoils. The country party, save in the planting states, has ceased to exist. The agricultural interest has no representative out of those states, and though it still counts for something in the election of president, it has little power to influence the general policy of the administration, or to determine the action of congress. The policy of the government rests on the business interests of the country, and will, let which

party may succeed in the election, be determined by Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, and Cincinnati. The present election, under this point of view, is of comparatively little importance, and it makes little difference which party succeeds. The reasons which should decide us to vote for the one party rather than the other must be sought elsewhere.

A respectable minority of the Whig party, as we have said, is conservative in the good sense of the term; but these are unable to decide the action of that party. The action of the Whig party will be determined by the majority, and that majority adopt as radical views of government as the Democratic party, and in some sections even more so. The Democratic party in their resolutions avow the purely democratic theory, without a single qualification. So here we are. Which party shall we support? Really, if we were not in some sense obliged to support one party or the other, or throw away our votes, we would support neither. Indeed, there is now no organized party in the country that a really intelligent and loyal citizen can support without great reluctance. The Democrats proclaim in their creed the whole Jacobinical theory of government without any reserve, and in principle declare illegal and tyrannical all the governments of the world not democratic, that is, all except our own, and, consequently, the right of the people, in every country except ours, to resist and overthrow the existing government, and of our own government and people to run, whenever we choose, to their assistance. They lay down the principle that authorizes the Jacobinical intervention preached by Kossuth, and as many *jilbuster* expeditions against Cuba, Mexico, or any other country, as the desperadoes among us, foreign and native, may find themselves able or disposed to fit out. They also adopt a resolution asserting the justice of the late Mexican war, so that whoever votes for the party candidates must subscribe to the assertion that that most unnecessary and iniquitous war was just. The Whig platform in these respects is less objectionable, and asserts no abstract doctrines, or general principles, that we cannot, without much difficulty, accept. Both parties profess adhesion to the compromise measures, which is well; but the fact is, that the professions of neither party, save in so far as they favor radicalism either at home or abroad, are deserving of much reliance. The Democrats will be radical from instinct, and the Whigs from



policy, in order to outbid the Democrats and obtain the suffrages of the people for themselves. The principal dangers the country has to apprehend are such as result from democratic excess or abuse of republicanism. They are, in regard to the Union, on the one hand, the danger of consolidation, and on the other, of dissolution; in regard to the states or government in general, they are the tendency to fanatical legislation, which, under pretence of checking vice and promoting virtue, strikes at the rights of persons and property, and establishes social despotism, and the clamor for law reform, which would change the essential elements of the common law, destroy its excellence as a system for the protection of private rights, whether of persons or of things, and with it the last conservative institution now remaining in the country, the independent judiciary. Here are the dangers we have to apprehend in regard to our domestic or internal relations. In our foreign relations, the dangers to be apprehended arise from the spirit of democratic or republican propagandism, manifesting itself in piratical expeditions like those against Cuba, and in popular and governmental intervention in the internal affairs of foreign nations, to aid the red-republican revolutionists in overthrowing monarchical institutions and establishing—the reign of terror. The question to be decided by every loyal American citizen is, Which of the two parties will afford us the best protection against these several dangers? or which is likely to do the least to increase them?

As to foreign revolutionism, the Whigs, as a party, are naturally the least dangerous, but being the weaker party, or at least the less popular party, in the country, and the general sentiment of the country being democratic, they are constantly tempted to court support at home by encouraging the popular party abroad. On nearly all domestic questions, Mr. Webster is conservative, but no Democratic secretary of state ever proved himself with regard to the foreign revolutionists more radical than he has. The section of the party which has triumphed in the nomination of General Scott is as strong in its sympathies with the foreign revolutionists as is any section of the Democratic party. Mr. Seward of New York, one of its most prominent and influential leaders, is a thorough-going radical, domestic and foreign, and was in 1829—and he boasted to us, not a great while since, that he had not changed—very much of a Fanny Wright man, and a supporter of the wild schemes of what

was called the "Workingmen's party." The leading Scott papers in New York, the *Tribune* and *Times*, are the organs of the Kossuth party and policy. It was also under a Whig administration that the piratical expeditions were fitted out against Cuba, against which the government took such ineffectual precautions, and none of the actors in which has it brought to punishment. It was this same administration that brought Kossuth here, and greeted his arrival with a national salute. It is this same administration that is busy, apparently, in getting up a quarrel with Mexico about the right of way across the Isthmus of Tehuantepec, and preparing another war with that distracted republic, and the annexation of another slice of its territory to the Union. We cannot see, then, in the success of the Whigs any real security for a wise, just, and neutral foreign policy, although we are disposed to think that, as it regards the internal troubles of other nations, we should have, upon the whole, less to fear from a Whig than from a Democratic administration. A large portion of the Whig party certainly retain a respect for the policy of Washington and Adams, and we have seen in General Scott no Kossuth tendency and no piratical propensities. He is said to be a vain man, but he is a gentleman, a gallant soldier, and an able and accomplished military officer, and his military habits must render him averse to all encouragement of disloyalty and revolutionism, either at home or abroad. The country, as a general rule, is safer under the presidency of a real—we do not mean a sham—military man than under a civilian,—less likely to be involved in war, and less likely to transcend the line of its duty towards foreign powers. Other things being equal, we should in a country like ours, where the deference to the mob is so great, and so few have the habits of authority, always prefer an eminent military man for the executive, to an eminent civilian, for his training is more likely to bring out the proper executive qualities. For the candidate of the Democratic party we have personally great affection and esteem; we know him to be a man of ability, honesty, and warm feelings; but we fear that he will be a mere executive of the will of his party, and that he will feel it his duty to follow rather than to lead it. He has given in his unqualified adhesion to the Baltimore platform, which, save as to the compromise measures, at least so far as it is any thing more than abstract nonsense or unmeaning declamation, every Ameri-

can citizen should abominate. We fear that his administration will accept the policy urged upon us by Ludwig Kossuth, *alias* Alexander Smith, the vice-president of the American Bible Society. He is warmly supported by Senator Douglas, the pet candidate of the filibusters, and by that organ of the foreign radicals and revolutionists who have fled hither to save their necks from the halter they so richly merit for their deeds in their own country,—the *Democratic Review*. We do not suppose the government will send its fleet to Hungary, for Hungary proper, we believe, has no seaport, or that it will declare war either against Austria or Russia; but all that it can do to support the revolutionists of Europe, short of actual armed intervention, we fear it would do, in case of the success of the Democratic party. All appearances indicate that a Democratic administration would favor secretly, if not openly, effective measures to revolutionize Cuba, and detach it from Spain, and very likely kindle another war with Mexico, and annex the greater part of its territory to the Union. It would most likely seek to rival in this respect the Polk administration, and would, without any doubt, find the sentiment of the country sustaining it. "Expansive Democracy" would be in power, and the government would be conducted on the "manifest destiny" principle. We may be mistaken in all this, we shall be most happy to find that we are; but we fear we are not. Under this point of view, a point of view of especial importance to us as Catholics, for the red revolutions and filibuster campaigns are all primarily directed against the church of God, we think the danger would be somewhat less under a Whig than a Democratic administration. We must also remember, and we beg our Catholic friends not to forget, that it was not a Whig, but a leading Democrat, Mr. Polk's secretary of the treasury, who raised the cry of the "Anglo-Saxon Alliance," which if effected, would prove simply an alliance of the Protestant world against the Catholic.

There is no question, if we turn from the foreign to the internal affairs of the Union, that the tendency of the Whigs is rather to centralization, and that of a section of the Democratic party to an exaggerated view of state rights. But this tendency of either can be pushed to a dangerous extreme only by the financial measures of the government and continued abolition or free-soil agitation. The financial policy of the government, we may safely pre-

dict, will be substantially the same, let which party will succeed in the election, and therefore calls here for no particular discussion. The abolition or free-soil agitation is a serious affair, and if continued will lead either to a dissolution, or, what is more probable, to a centralization, of the Union. Both parties are indeed pledged against this agitation, but perhaps both are not equally likely to keep the pledge. The abolition or free-soil section of the Whig party have got their candidate for the presidency, and are the controlling section of that party. General Scott personally, no doubt, is opposed to the agitation, and in favor of sustaining the fugitive slave law; but the free-soil section of his party must be the principal recipients of the executive patronage, and have the preponderating influence in his administration. He will be obliged to administer the government very much in accordance with their views, and consequently there is great danger of its being too favorable to free-soil agitation. The Democratic party, though strongly tinctured at the North with abolitionism, is less likely, we think, to break its pledges than the Whig party. General Pierce is well known to be opposed to abolitionism, and in favor of leaving the whole question of slavery to the states in which slavery exists. His doctrine was, when we knew him personally, and we have no reason to suppose that it has changed since, that slavery is a question the disposal of which has never been conceded to the Union, therefore is reserved to the states, and with it we who live in the free states have no more to do than we have with it in Cuba or Constantinople. His doctrine here is sound, and so is the doctrine of the leading Democrats in all sections of the Union. So far as the question of slavery is concerned, we feel that the Union will be less unsafe in the hands of the Democrats than in the hands of the Whigs. In regard to foreign intervention or democratic propagandism, whether officially or otherwise, we should give the preference, under existing circumstances, to the Whigs; and with regard to the domestic or internal affairs of the Union, to the Democrats.

In regard to the principles and measures of government in general, and which with us find their application in the individual states, the minority of the Whig party are undoubtedly the soundest part of our citizens, at least in this commonwealth of Massachusetts. As it concerns fanatical legislation, of which the Maine liquor law is a specimen,

both parties are implicated, but perhaps the Whig party to the greatest extent. Properly speaking, this sort of legislation is neither Whig nor Democratic, but Puritanic. It is only a revival of old Massachusetts colonial legislation, and part and parcel of that policy which was adopted, and so rigorously enforced in Geneva, by John Calvin. The system aims to effect by legislation what can be effected only by moral suasion and the influence of religion on the heart and conscience. It strikes at the first principles of individual freedom, and establishes a most odious social despotism. It is in perfect accordance with the political principles of the Democratic party, but, as parties are rarely consistent throughout, probably, so far as it is concerned, it makes not much difference which party is in power. In both parties are men who oppose it; in both are men who will support it from conviction, and a still larger number, who, while despising it, will support it because they believe it popular, or fear that it would be unpopular to oppose it.

With regard to law reform and the judiciary the Whigs are generally less unsound and more conservative than the Democrats. In this state the Whig party on these questions takes the right side; the Democrats generally are as wrong as men well can be. These questions are especially important to us as Catholics, for we are in the minority, and our religion is odious to the majority. We could have no safety under the Democratic doctrine of law, and the power of the legislature over vested rights. The security of our interests, our rights of property, our churches, and our burying-grounds, depends only on the common law and the independence and purity of the judiciary, both of which it is a part of the Democratic policy to sweep away, and which it is as yet a part of the Whig policy to preserve. We must be utterly blind to our own interests as Catholics, as well as to the interests of the commonwealth, if we yield our support to the Democratic party in this state as a state party. As matters now stand, the Whigs, as a state party, seem to us to deserve the preference. Of the party in other states, as a state party, we are not qualified to speak.

As to the questions raised about Protestant test laws, Native Americanism, &c., we have little to say. Catholics as such have nothing to hope from either Scott or Pierce, and no more to fear from the one than from the other. Neither is a Catholic, and neither is a bigot. Pierce is from a state which retains for certain offices a Protestant test,

which practically amounts to nothing; but he is well known to have exerted himself to abolish it, though without success.

As Catholics, we owe no gratitude to those zealous demagogues who, in order to induce Catholics to vote for Scott against him, make him responsible for it. We think just as much of them as we do of those other demagogues who labor to enlist Protestant prejudice against Scott, because one of his daughters, and we know not but two, has received the grace to become Catholic. We regret to see such things brought into our political contests, and we despise the demagogues who introduce them; but, alas! the fools are not all dead yet, and a new brood is hatched every year. Scott has been accused of native Americanism, and on this ground it has been attempted to prejudice our citizens of foreign birth against him, and to secure their votes for his competitor; but we have no reason to believe him unduly American. We are not at all disturbed by the pettish letter he is said to have written some years ago, but which he has sufficiently retracted. This question of native Americanism is one that requires to be treated with great delicacy, and our friends of foreign birth must be careful how they touch it, lest they bring about the very evil they seek to guard against. We, as our readers well know, have not the least conceivable sympathy with political native Americanism; but, nevertheless, we are American, American born and reared, as our ancestors for a hundred and fifty years before us. We share largely in the American nationality, and we are very much disposed to believe that American interests should dictate and control American politics. Now, there are two classes of foreigners who leave their own country to settle here, towards which we have very different feelings. The peaceful, industrious, and laborious foreigners, like the great mass of the Irish and German emigrants, who come here to seek a home for themselves and their children, and who quietly study to learn and discharge their duties as American citizens, we greet with a hearty welcome, and would admit them at an early moment to all the rights and immunities of native born citizens. But there is another class of emigrants, demagogues, revolutionists, desperadoes, who, after having failed to revolutionize their own countries, fly hither either to save their necks from the merited halter, or to abuse the liberty granted them by our government and laws, to renew their anti-social and liberticide projects, and to carry away our government and people in a vain and

mischievous attempt to realize their mad schemes, either here or in the countries they have left behind. These unprincipled and crazy spirits congregate in our cities, form secret societies all through our land, affiliated to like societies all over Europe, gather around our journalists, get the control of newspapers, corrupt the public mind, and through their own countrymen of the other class, naturalized here, attempt to control our politics and shape the whole policy of the government, foreign and domestic. They uniformly attach themselves to the extreme radical party of the country, and hurry it on in the most dangerous direction. Foreigners of this description have been the curse of this country, from the miserable Callender, the foul-mouthed libeller of the government under the elder Adams, to the Hungarian speech-maker, Kossuth, and the radical writers for the *Democratic Review*. Now we grant our American spirit burns, and our American blood boils, to be made in our country, on our own native soil, the slaves or the tools of these foreign desperadoes and cutthroats, who are controlled by the greater criminals they have left in the Old World. If General Scott's native Americanism strikes only at these, and is intended merely to reduce this political rabble to silence and insignificance, we share it with him, and instead of looking upon it as an objection, we assure his opponents that we regard it as a recommendation. In promoting such native Americanism, we go with him with all our heart, and so must every loyal American citizen, whether native or foreign born. But if he goes against the other class of our foreign-born population, we go not with him, and very few of the American people will. It is only in case they suffer themselves to be formed into a foreign party, under the lead of these political cutthroats, for foreign purposes, that the American people will ever listen to political native Americanism; then they may do it, and, of course, applaud the guilty party, and punish the innocent. But we have no reason to suppose that General Scott is at all opposed to the former class we have described, and his dry nurse, Seward, is the bosom friend of the latter.

We sum up then. Of the old Federalist and Republican parties, the Federalists were the party most favorable to personal liberty and social order; of the modern Whigs and Democrats, the Whigs are preferable on the question of foreign revolutionism and its accessories, and on the questions of law reform, the common law, and the judiciary;

the Democrats are preferable on the questions of abolitionism, and, so far as there is any difference, of the internal policy of the federal government; while in all other respects the two parties are about equal. Which upon the whole is preferable, and should be supported in the coming election, it is hard to say, and we leave our readers to judge each for himself. How we shall ourselves vote, we have not, at the time of writing, made up our own mind. We do not think much is to be hoped for the country from either party. If there were a party organized on really constitutional and conservative principles, resolved to bring the government back to the principles and policy of Washington and Adams,—a party for the Union without centralization, for state rights without dissolution, for republicanism without social despotism, for personal freedom without disorder or anarchical tendency, for a government of law, not for a government of arbitrary will, whether your will or mine,—there would be a party with which we could unite, and which we could conscientiously urge our friends to support. But such a party does not at present exist.

In conclusion, we would say to our Catholic friends, vote for the party you conscientiously believe to be the least likely to injure the country, but do not wed yourselves for life to any party. The salvation of the country and the preservation of its republican institutions, under the providence of God, depend in no small degree on you. Be on your guard against the seductions of political revolutionists, rebels, and radicals who have fled hither from the Old World. You have nothing in common with them. Trust them not till they have proved by their works that they have ceased to be the enemies of your faith and the advocates of social despotism. Be on your guard also against native-born demagogues. Turn a deaf ear to every one who addresses you as Germans or as Irishmen, or in any sense as a foreign party distinguishable in your feelings or interests from the political American people. Hold yourselves at all times free to support the party which, here and now, appears to you, after the best examination you are able to make, to be the most deserving or the least undeserving of your support as simply loyal American citizens. In time you will acquire an influence which you will be able to exert for good, and have a decisive voice in determining the policy of parties, instead of being the mere tools of party leaders and managers. In all cases, however, remember



that the destiny of nations as of individuals is in the hands of Providence, and that we can hope for a good issue for our political no more than for any other efforts save as we look to God, and invoke and receive his grace to assist and prosper us.

## WORKS OF FISHER AMES.\*

[From Brownson's Quarterly Review for October, 1854.]

FISHER AMES, spring from one of the oldest families in Massachusetts, was born April 9, 1758, in the old parish of Dedham, a pleasant country town about nine miles south of Boston, and the shire town of Norfolk County. He died July 4, 1808, in the prime of life, but he had lived long enough to gain a distinguished rank among the patriots and statesmen of his native country. He was a man of fine natural ability, a good scholar, a fresh and vigorous writer, and a chaste and eloquent speaker. He was bred to the bar, at which he does not appear to have attained to much eminence. His tastes and his studies fitted him to be a statesman rather than a lawyer, and had his health been good, and had he lived to a good old age, we cannot doubt that he would have stood in the front rank, if not at the head, of the eminent men of his generation.

Fisher Ames was a Federalist, and strongly opposed, as were his party generally, to French Jacobinism, the red-republicanism of his day, and has shared the opprobrium cast upon his party by their successful rivals who came into power with Mr. Jefferson in 1801; but nobody can read these volumes edited by his son, without feeling that he was a true American in his feelings and convictions, a thoroughgoing republican, and ardently attached to liberty. He was a member of congress from the organization of the government under the federal constitution, in 1789, to the close of Washington's second presidential term, in 1797. His increasing ill-health required him then to retire from

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\* *Works of FISHER AMES. With a Selection from his Speeches and Correspondence.* Edited by his Son, SETH AMES. Boston: 1854.

public life, though his interest in public affairs continued as long as he lived. He retained to the last the confidence of his party, and the affection and admiration of his friends.

Mr. Ames was in congress during the most important and the most critical period of our history, and we may almost say, in the history of the modern world, for it was the period of the old French revolution. The eight years that Washington was at the head of the new government, and when nothing but his wisdom and prudence, his sober judgment, and his immense personal popularity could have carried it through the dangers and difficulties which beset it on either hand, from abroad and at home, have been but superficially studied by the politicians and pretended American statesmen of the present generation, and have seldom been studied at all save through the spectacles of party prejudice. During that period the government in all its departments had to be organized. What the French call organic laws had to be passed, a practical application of the constitution had to be made, a proper direction had to be given to the administration, an independent American policy had to be adopted and sustained, and the fruits of the war of independence to be secured. All this could not be and was not done without opposition, and Washington in effecting it overcame more serious obstacles than he had encountered in conducting the war of independence to its successful termination in the peace of 1783.

The supporters of Washington's administration were called Federalists, and they were so called because they supported the federal constitution, and a federal *government* instead of a *league* or *confederation* of the states. The party opposed to them, little numerous in 1789, were at first called Anti-federalists; after 1798 they took the name of *Republicans*, which, since 1832, they have generally exchanged for that of *Democrats*. Whatever we may think or say of the Federalists of a later day, we must all concede that to them we owe the formation and adoption of the constitution, the organization of the federal government, and the adoption, in regard to European states, of an independent American policy. They, we may say, made the United States one people, and consolidated the national government. To them we owe it that we are one people under a popular, but strong and efficient, federal government, instead of being an aggregation of hostile states, held together by a rope of sand,

and tending constantly to separation, and to anarchy or despotism, as would have been the case if at that early period the views of the Anti-federalists had prevailed. That the Union now exists, and the United States rank as one of the great powers of the earth, it is not too much to say, is owing to the fact, that during the first twelve years of the federal government the administration was in the hands of the Federalists.

We know perfectly well that nothing can be more unpopular than this assertion. The Federalists were in power from 1789 to 1801, when Jefferson and his party triumphed over them, by what he called a revolution. Since then the Federalists have had to bear the odium of a defeated party. Their opponents before their defeat blackened them as much as possible in order to secure their defeat, and have blackened them as much as possible since in order to justify it. Ever since, the easiest and cheapest way to prove one's patriotism and to win popularity has been to declaim lustily against the Federalists, and it has been and is now more than any man's political reputation is worth, in the Union at large, to attempt to soften the judgment pronounced against them. Not a little of the indignation excited against ourselves, by our recent article on Native Americanism, is to be attributed to our supposed sympathy with old Federalism. The Federalists had in their day to fight the battles of Americanism against foreign influence, especially that of the French Jacobins and their American sympathizers, who proposed to overthrow the administration of the father of his country, and even to revolutionize the government. They had a hard struggle to prevent the country from being virtually governed by Jacobinical France, and to maintain an independent American policy. They were opposed by all the partisans of the French revolution, and owed their defeat in 1801 in no small degree to the hostility of foreign radicals; and from that day to this, the foreign-born population of the country have been among their bitterest opponents. We have scarcely ever known an adopted citizen that did not suppose the readiest way to prove his Americanism was to declaim in good set terms against old Federalism and the Federalists.

For ourselves personally, we were brought up in the Republican school, and were early imbued with as strong prejudices against the old Federal party as the sage of Monticello could have desired. Whatever party associations we

have ever had, have been with the Republican or Democratic party. The Federal party was defunct years before we were old enough to cast a vote, and the Whig party of to-day is, as a party, further removed from genuine Federalism than the Democratic party itself. We have never had the folly of wishing to resuscitate the Federal party, and perhaps, were it resuscitated and in power, we should be far enough from supporting it. But we plead guilty to a tendency to sympathize with defeated parties. We cannot accept the doctrine that victory is always a sign of merit, and defeat of demerit. In this world, evil, left to the natural course of things, triumphs oftener than good, and we always find ourselves seeking what there was good in the party that has failed, rather than shouting paeans to the victor. When a party has triumphed, we lose our interest in it, and feel our heart open to the victim. This may be very undemocratic, unworldly, and very wrong, but it is a fact. Hence our sympathies are usually given to defeated parties and oppressed nationalities. When the revolution of 1848 had the upper hand in Europe, we opposed it, defended the sovereigns; but since the sovereigns have triumphed, and authority is vindicated, our sympathies pass to the camp, not indeed of the revolutionists, but of the people, who suffer many wrongs that it is the duty of power to redress. It is to the unpopular cause, to the forgotten or neglected truth, to those who need help, not to those who are abundantly able to help themselves, that we feel instinctively drawn. It is, perhaps, a perverse tendency; it certainly is constantly getting us into scrapes with our own party and friends, and prevents us from ever being popular, or relied on as a leader or as a partisan. It was never in our nature to follow the multitude, and of course we are never disappointed when the multitude refuse to follow us.

The old Federalists were far enough from being immaculate, and were they now in power, we feel pretty certain that we should find them full of faults. As a party, they are dead, and we are far enough from wishing them to awake to life. They were defeated forever in 1801, and the power has passed into the hands of their rivals. Jefferson and his party triumphed. That party continues, and, in a right or a collateral line, it will continue, to administer the government, for weal or for woe, most likely as long as the republic stands. The Whigs may now and then attain to place, but they have not and are not likely to have the confidence

of the people in a sufficient degree to enable them really to govern the country. We complain not of this. We complain not that the Federalists were defeated in 1801. We are not sure that the reflection of the elder Adams would have been for the best interests of the country. It is possible, and we think not improbable, that the Federalists were pushing their tendency to a strong government too far, and that, if they had succeeded in their efforts to retain power, they would have thrown too much power into the federal government, and destroyed the nicely adjusted balance between it and the several state governments. All we mean to say is, that their defeat was not an unmixed good, and that the joy felt at the triumph of their opponents should be mingled with regrets; for if by that triumph some evil was prevented, some good was lost. The Federalists had errors from which the Republicans were free, but they had certain tendencies and principles which the Republicans want. We think, the danger, if danger there really was, having now passed away, it is time for the Republican party to do justice to the Federalists, and to profit by liberal loans from their principles and policy. Our motive for calling attention to them is not to displace the Democratic party, but to induce it to correct its own exclusive tendencies by the sound principles which they held. All parties are more or less exclusive, and none of them embrace the truth under all its phases. Each has its dominant idea, true enough if you will, but incomplete and dangerous if taken alone, and pushed to its last consequences. The true and accomplished statesman is an eclectic, and above all parties, and never the slave of any, because all wise and wholesome civil government is founded on compromises, or in the nice adjustment of mutually opposing principles.

The great danger against which every real statesman has to be on his guard is that of leaving the practical for the theoretical or speculative. In teaching, we are always to aim at first principles, and to push our principles to their last consequences. Theoretical truth knows no just medium, no compromises, because all truth is homogeneous and one, and what is not truth is falsehood. Here we must seek logical unity and consistency. But in government, which is a practical affair, we have to distrust strict logical unity and consistency, because they invariably lead to despotism. Every simple government is despotic. Hence, your European republicans, who adopt the simple democratic idea,

and seek to conform the whole political and social order to it, always establish, as far as they establish any thing, not liberty, but social despotism, the most intolerable of all despotisms. The gravest error of Mr. Jefferson and his party was in their tendency to render the democratic idea exclusive. Mr. Jefferson was a great man, but he was a philosopher after the manner of the eighteenth century, and, though a brilliant theorist, was not a statesman in the highest sense of that word. A statesman is not merely one who knows the various theories of government, and is able to select one of them and give it a scientific exposition, but one who comprehends the genius of his countrymen, and knows how to adapt the government to them so as in its practical work ings to secure the public good.

Mr. Jefferson, like the philosophers of his time, made no account of the genius of a people, but looked upon them as wax, which takes readily any impression that it is thought best to give it. He overrated the powers of government in the formation of national character, and believed it quite possible to form the American people to the ideal model framed by the infidel philosophers of France, and to change them from an English to a continental people. He hated Great Britain, and adored infidel France, for France in his day was regarded as infidel, and he wished to make us substantially Frenchmen, after the pattern of the revolutionists. In this he proved his want of statesmanship. We are no worshippers of the English social system, and, as distinguished from the political system, we think it far inferior to that of most continental states. Great Britain is the richest country in the world, and she stands undeniably at the head of the modern industrial system, but in no continental state can you find that social degradation and that squalid misery that appall you in her larger towns. But the statesman must take as his point of departure the social system he finds existing, whatever its merit compared with that of other states, for the life of every people is indissolubly connected with their social system. Destroy that, and you destroy them. You may develop, modify, improve it, but you must always preserve its essential character, and proceed according to its essential principles.

We do the memory of Jefferson no injustice when we say he overlooked this important fact. He was a materialist, and ignorant of Christian philosophy. He knew not that in nations, as in individuals, there is something substan-

tial, persisting, and unmalleable, mightier than the mightiest despots, and against which the best-devised theories are sure to break. You cannot alter this essential genius of a people without destroying it. We were essentially an English people, living essentially an English life. We had grown up under and with the English social system. Whether the Federalists understood this in theory better than Mr. Jefferson and his friends, may be a question, but they certainly understood it better in practice. They adhered more closely to the English model, and wished, in their interpretation of our institutions and the administration of the government, to depart as little from the English type as possible. They were therefore, in our judgment, the truer statesmen. They sought not to change the social system or the genius of the American people, but to conform to it, and to make the best of it. They indulged no dreams of ideal perfection, imagined no Utopia, and were content to draw from fact and experience. They were as strongly republican or anti-monarchical as their opponents, even more so; but they were less democratic, they were more English and less French, more American and less foreign, more practical and less speculative, more disposed to be satisfied with the existing order, and less disposed to try new experiments.

The American genius is republican as opposed to monarchy, but it is not democratic. Democracy as an exclusive element is in American society an exotic, imported originally from the philosophers and speculators of continental Europe. The American people did not throw off their allegiance to the British crown because they wanted to establish a democracy, or because they wanted to get rid of monarchy, but they did it because they wanted national independence. With all the talk to-day about democracy, the American people at bottom remain as they were under Washington and Adams. Democracy is a speculation with them, not a life. At bottom, in their interior political life, they are, as we have so often contended, constitutionalists, and cling to Magna Charta. A struggle is no doubt going on in our country between the constitutional order, inherited from our British ancestors, and the democratic order, imported by the Anti-federalists from France, and reinforced by the foreign radicals naturalized or resident amongst us, and on the result of this struggle depends the life of the American people. If the efforts

made to conform our life to the foreign democratic theory succeed, the United States of Washington and Adams, the "Model Republic," is no more, whatever may take its place, whether anarchy or despotism.

Whether the democratic order be the best of all possible orders or not, this much is certain, it is not the American system, and whoever labors to introduce it, or to secure its triumph, labors to destroy the very life of the American people. As yet, democracy is with us only a theory, a false interpretation of our system. We are more American in our practice than in our doctrines, and act far better than we speculate. But how long this will continue to be the case it is not easy to say. The manifest discrepancy between our speculative theory and our interior habits, instincts, and inherited constitutionalism, is certainly fraught with danger, and if we do not before a great while conform our theory to our political and social system, we may be sure that, with the influence of unprincipled demagogues, aided by the mass of foreign radicals pouring into our larger towns and cities, and who, as we have elsewhere shown, confound republicanism with democracy, we shall conform our practice to our theory, and not so much change as utterly destroy American life.

Names have great influence. "It is very unfortunate," said one evening to us, in a long conversation on this subject, the great southern statesman, Mr. Calhoun, "that the Republican party calls itself *democratic*." That party does and will rule the country, for, as a party, it is the most truly national party now in existence. The Federal party has long since ceased to exist; the Whig party numbers a great many excellent individuals in its ranks, who have correct views of government, but they do not determine the policy or the action of their party. As a party, it has no principles, no definite policy, and seeks success by courting almost any and every temporary or local excitement, which is undoubtedly a proof that it is weak, and feels itself weak. In former times it did good service to the country as a check on the excesses of the dominant party; but since 1838, when the *Boston Atlas* denounced the "Aristocratic Whigs," claimed the name of Democrat for the Whig party, and recommended its party to descend into the forum and to take the people by the hand, it has attempted to outbid the Democratic party, and has served only to push the country into a wilder and more excessive democracy.



It may have some local and temporary successes, but, as we have said, when it attains to place, it possesses in too feeble a degree the confidence of the people to be able to govern. As a general rule, the government of the country will remain in the hands of the Democratic party. We do not complain of this, for it is not that party we are opposing in what we call democracy, as so many fools imagine, and so many knaves pretend. That party, though from the first inclining too much to the democracy of the European school, is not, properly speaking, democratic, and ought not to call itself by that name. The fact that it has so called itself does harm, for we cannot bring out and insist on American constitutionalism, in opposition to exclusive democracy, without seeming to many to be making war on that party itself, and not without being represented as doing it by a much larger number. If we warn the country against the dangers of democracy, a hue and cry is raised against us, as if we wished to displace the party in power, and put in some other party. Such, however, is by no means our wish. What we want is, not to turn out the Democratic party, or to throw any obstacle in the way of its success, for, faulty as it is, we prefer it as a national party to any other organized party in the country; but we do wish to impress upon that party itself certain wholesome lessons, lessons which it would readily accept if it had adhered to its old name of Republican, and had not suffered itself to consecrate by its new name certain un-American speculations. The safety of the country requires it to develop and render more prominent its conservative elements, and to restrain within more moderate limits its ultra-democratic or radical tendencies.

Unquestionably in a country like ours popular sentiment will in the long run have its way, but men who really love their country will take as much pains to form a wise and just popular sentiment as they will to ascertain and follow the popular sentiment for the time. The will of the people constitutionally expressed is law for us in all civil matters, but it does not follow from that that the will of the people is always just, or that popular sentiment is infallible. The statesman, if worthy of the name, has something more to do than to ascertain the wishes of his constituents and to conform to them. He is bound, indeed, to consult those wishes, but he is bound also to go back of them, and to ascertain whether they are wise and just; for there is for

umes. We can only say, that they are full of just thought, of deep reflection, of sagacious remark, and of patriotic warning, clearly, freshly, and vigorously expressed, in a style of rare purity and elegance. We must add, that they are sent out by the publishers in a casket not unworthy of the gems they contain. They are printed in a style of elaste beauty and elegance that we have never seen equalled by any productions of the American press. We are happy also to learn from the publishers that the work meets a ready sale. This is encouraging, and indicates that, whatever the external appearances, the American people are still politically sound at the heart, and that it is yet too soon to despair of the republic. We hope much from the younger educated men growing up in all parts of the country, while we trust they will avoid the rock on which the old Federalists split. We hope they will grow up wedded to genuine Americanism, ready to sacrifice themselves to defend it against all attacks, whether made from the side of democracy, from that of monarchy, or that of aristocracy. The destiny of our country is bound up with constitutional republicanism, in which the will of the people constitutionally expressed is law, and is endangered alike by efforts to convert it into a monarchy, an aristocracy, or a pure democracy.

## CATHOLICS OF ENGLAND AND IRELAND.\*

[From Brownson's Quarterly Review for January, 1853.]

As far as we can judge, at this distance and with our very limited information, England is rapidly verifying the old saying, *Quem Deus vult perdere, prius dementat*. She received from God, with the Catholic religion, a most excellent political and civil constitution; but she seems to be resolved on doing her best to destroy it. The so-called reformation in the sixteenth century, which followed close upon the destruction of the old nobility in the wars of the Roses, by uniting in the king both the temporal and spiritual sov-

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\* *The Quarterly Review*, Art. VIII. *Parliamentary Prospects*. London: October, 1852.

ereignty, disturbed the proper balance of the estates of the kingdom, and made once free and merry England, under the Tudors and the Stuarts, virtually an absolute monarchy; the rebellion in the seventeenth century, which beheaded Charles I., and the revolution which placed Dutch William on the throne, and more lately the elector of Hanover, unduly depressed the authority of the crown, threw too much power into the hands of the aristocracy, and converted the government into an oligarchy; the reform bill of 1832, and kindred measures which have since followed, have in turn broken the power of the aristocracy, given predominance to the commons, and subjected the government to the fluctuating interests and passions of the business population. A further change, which shall clear away both monarchy and aristocracy, and favor the British empire with a Jacobinical reign of terror, would seem to be only a question of time.

The reform bill established the supremacy of the commons, and introduced the elementary principle of democracy; the free trade policy, which Sir Robert Peel found himself unable to resist, places the nation under the control of the trading and manufacturing classes, to the serious detriment of the agricultural interests, and to the ruin or emigration of the rural population. To remedy the evils which necessarily follow, new political reforms are demanded, and these, if obtained, will demand others still, and thus on to the end of the chapter, because each new political reform will only aggravate the evil it was intended to cure. English statesmen have been applauded, and have applauded themselves, for the wisdom with which, during the convulsions of continental Europe, they have staved off revolution and civil war by well-timed concessions to popular demands; but concession to popular demands is a mere temporizing policy, and a temporizing policy seldom fails in the end to be ruinous to every government that adopts it. It deprives it of the moral strength which is derived from fixed and determinate principles, and reduces it to a mere creature of expediency. A struggle immediately commences between it and its subjects,—they to get all they can, and it to concede as little as possible,—in which they are sure to come off victorious at last. The fact that the government yields at all, is a concession that it holds its power rather by sufferance than right, and gives an air of justice to the popular demands against it.

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The effects of the past policy of the British government may be seen in the uncertain movements of the present nominally conservative ministry. It is a ministry without any mind of its own. It lacks morality, it lacks principle, and seems to have no other plan of government than to keep itself in place. It has no high and commanding policy, no comprehensive or far-seeing statesmanship; and, in fact, does not rise above the lowest forms of mere temporary expediency. It sinks to the common Whig level, and even below it, and stands on a par with our own Whig party, who seem long since to have abandoned all principle in order to be able to triumph over their Democratic opponents. It seems prepared to accept with hardly a wry face, the free trade policy of Sir Robert Peel, which its members, when out of power, denounced as ruinous to the country. Whether the ministry could do otherwise and retain its place, may be a question; but they ought to be aware, that the adoption of that policy commits the government to a series of measures which cannot fail to subvert the British constitution, and they should leave to others the sad privilege of consummating the revolution. If they accept that policy, they must go further, grant a new reform bill involving the principle of universal suffrage, and change the commons from an estate to the people, or give way to the accession to power of Messrs. Cobden, Bright & Co.; and in either case they can only prepare the way for a democratic revolution, and consequent anarchy and military despotism.

The ministry seem to us to be hastening on this deplorable result, —deplorable for England, and of no advantage to us,—by their madness in renewing the old Protestant persecution of Catholics. Henry and his daughter Elizabeth, unhappily for their own country and the world, made England a Protestant state. The most shameful and barbarous persecution of Catholics preserved her as such down to 1829, when the Catholic relief bill, reluctantly conceded by Wellington and Peel, in order to avoid the horrors of a threatened civil war, changed her in principle from an exclusively Protestant state to a state professing no religion in particular, and leaving its subjects free to be of any religion they choose, providing it be nominally Christian. Great Britain then threw open the imperial parliament to Catholics, as she had already done to Dissenters, and recognized them as subjects and free citizens of the em-

pire. In so doing, she made her Protestant church a monstrous anomaly in her constitution, and really committed herself to its annihilation as a state religion. A party resolutely opposed to it, strong enough in spite of its influence to recover their liberties as electors and senators, could have no disposition to sustain it, and could hardly prove unable, in the long run, to withdraw from it the support of the state. *C'est le premier pas qui coûte.* They could more easily, after having gained admission into parliament, go further, and overthrow the establishment, than they could gain that admission itself. They could not be expected to stop with that achievement. Logical consistency, if nothing else, would require them to go further, and eliminate the anomaly from the constitution. The necessity of logical consistency might not, indeed, be strongly felt by the adherents of the establishment, who generally contrive to dispense with logic, and to utter much solemn cant about *via media*, or the middle way between truth and falsehood; but the party opposed, and whom this solemn cant only insults and disgusts, could not be stayed by so feeble a barrier. They must have consistency; either the consistency of dissent with the non-conformist, or the consistency of truth with the Catholic. In opening her parliament to Dissenters, and in signing the Catholic relief bill, Great Britain, whether she intended it or not, gave the death-blow to the Anglican establishment. She committed herself to what was for her a new policy, and from which she cannot henceforth retreat without shame and ruin. The Anglican establishment, or *Church of England*, it is well known, is a creature of the state. It was made by the crown and parliament; and now that the crown counts for little, and the royal prerogative yields to the majority of the house of commons, it is idle to suppose that a parliament in which Catholics and Dissenters have seats will not, sooner or later, exert its power to unmake it, especially since it is no longer in harmony with the other parts of the constitution.

The late ministry, probably for the purpose of breaking up the tenant league that was forming in Ireland and boding no good to Irish landlords, made a show, in its ecclesiastical titles bill, of reëstablishing Protestantism, and governing as if the state were still a Protestant state. Its success threw it from place, and secured it the contempt of the Christian world. The Derby ministry, seeing the embar-

rassment the English and Irish Catholics might cause them in carrying out such policy as they have, seem to be in earnest to restore deposed Protestantism, and to administer the government as if the Catholic relief bill had never been granted. This we regard as a proof of its madness. It is too late to threaten the disfranchisement of Catholics, or to hope any thing for the state from the persecution of the church. Statutes may be passed against Catholics of the most oppressive nature, the old penal codes of England and Ireland may be revived in all their satanic rigor, but all in vain. England can never become again an exclusively Protestant state. The Catholic element in both England and Ireland is stronger than it was in 1829, when it was strong enough to force Wellington and Peel to concede emancipation, and graver consequences would follow the repeal of the Catholic relief bill than were apprehended from a refusal to grant it. Neither English nor Irish Catholics are now the timid and depressed body they were then; they have a firmer and a bolder spirit, a higher and a more thoroughly Catholic tone; and are, in England at least, more numerous and better organized. They are cheered now with visible tokens of God's grace. The Lord seems to have withdrawn the rod of chastisement for the present, and to permit his countenance once more to shine upon them. In the light of his countenance they rejoice and are strengthened. The day of their deliverance, and of his vengeance on their oppressors, is apparently nigh at hand. Persecution cannot now break their spirit; it will serve only to give them fresh courage and zeal, and to add daily to their numbers and influence; for the present seems to be one of those seasons when in the divine providence judgments are not delayed, and punishment follows close on the heels of the offence. This may be seen in the results of the late red-republican revolutions. They were got up and directed primarily against the church, the only solid basis of society, and they swept as a tornado over more than half of Europe. They have all failed, and their only notable result has been that of breaking the bonds with which infidel governments and paganized statesmen had bound the church, and giving her a freedom and independence of action she has hardly enjoyed before since the breaking out of the Protestant reformation. Even the republic of France, with General Cavaignac at its head, found itself obliged to send its troops to restore the Holy Father, com-



pelled by the very party that made that republic to fly from Rome.

It seems to us that the time for reviving the old persecution of Catholics is exceedingly ill chosen. Such persecution will naturally force Catholics to seek the means of self-defence. The ecclesiastical titles bill has destroyed their confidence in the Whigs, who can never again count on their support as a body. They never had much confidence in the Tories, and will certainly have less if the Tory ministry continues to persecute them. They will be driven, then, to unite with such as are opposed to both the Whigs and the Tories, and therefore with the Manchester politicians; that is, with a republican party. If you turn both crown and aristocracy against them, they will, however reluctantly, combine their force with the party from whom crown and aristocracy have nothing to hope, but much to fear. The accession to power of the Manchester school, commanding as it does the sympathies of both the people and government of this country, would be virtually the accession of democracy; and Great Britain cannot become a democracy without descending from her present proud eminence to the rank of a third or fourth rate European power. Catholics are loyal and patriotic, and would not join with the party whose views are so hostile to the temporal interests of their country, without a severe struggle; but they do and must place their religion before their politics, and they know perfectly well that the prince who persecutes their church forfeits his right to their allegiance. Our obligation to obey the temporal ruler is restricted to obedience in those things which are not repugnant to the law of God, as interpreted by the Catholic Church. When the prince commands that which is contrary to that law, so interpreted, we are released from the obligation of obedience; for we must obey God rather than man. How, then, count on the support of Catholics for a government that persecutes them? or not expect them to oppose such government by all means in their power not in themselves unjust? If the temporal interests of their country suffer by the course they adopt, let it be so. The church of God is more to them than country, and they can never hesitate to sacrifice the interests of the latter rather than the rights of the former, when you place them in a position in which they must sacrifice one or the other. You have no right to seek the temporal interests of the state at the expense of the in-

terests of religion. If you do not, you will find Catholics among your most loyal and patriotic subjects; if you do, you must expect them to oppose you. You have no right to complain of them, for you, not they, are the party in the wrong. It seems to us, then, a very mad policy, in a professedly conservative British ministry, to force the Catholics of the empire into a union with radicals or democrats as the only means of securing the freedom of conscience.

Great Britain is, at the present moment, not only threatened with a democratic revolution, but also with a formidable foreign invasion. We have no doubt that Napoleon III. wishes for peace, and will seek it, if by it he can effect his purposes; but we cannot suppose him afraid of war, placed, as he just has been, at the head of an empire whose chief recollections are of military glory. He not unlikely wishes to repair the defeat of Waterloo, and we cannot presume him unwilling to return at London the visit paid by the British troops to Paris in 1815. He appears to be preparing to return that visit, and the attempt to do so we can well believe would not be at all distasteful to the French army, or to the French people. Appearances certainly indicate that at no distant day the haughty island queen will be visited by a French army, and that she will have to fight, —not to annex new kingdoms to her Indian empire, not merely to save her distant colonies in Africa or America, but in defence of her own fireside,—against an enemy her equal in bravery, her superior in military science, and urged on by the enthusiasm of a new dynasty, the memories and rivalries, the victories and defeats, of seven hundred years. England's insular position has saved her from being the theatre of the principal foreign wars in which she has been engaged; but we recollect no instance in her history, from Julius Cæsar down to William Prince of Orange, in which she has been invaded, without being obliged to succumb to the invader. If the new French emperor should effect a landing on her shores, as it is thought he may without serious difficulty, she will find it no child's play to prevent it from becoming another Norman conquest. She is strong, we grant, but she is also weak; strong abroad, in a war carried on at a distance, but weak at home, for her possessions are so scattered over the world, and require for their preservation such a dispersion of her forces, that she cannot concentrate her strength there in defence of herself. All commercial and manufacturing nations, however strong they may be abroad,

when they can subsidize other powers, are always weak when attacked in their own centre.

In this no improbable struggle where is England to find friends and allies? Not with us, certainly, though allied to her by blood and language; for the great body of our people would far more willingly fight against than for her, and are only waiting a fair opportunity of measuring their strength with hers. Moreover, we have certain designs on Central America which she is the only power likely to thwart. She is also our most formidable rival in the markets of the world, and we shall be quite willing to find ourselves able to supplant her. We have now no secretary of state disposed to form an "Anglo-Saxon alliance," and are not likely to have one again for some time to come. Our cotton, and California gold mines, render us in the main independent of her money power, and able to withstand the shock of a conflict with her. She can find no friends or allies on the continent, if Napoleon takes ordinary care not to excite the apprehensions of his neighbours, and abandons the old French policy, so long and so fatally pursued, of humbling Austria. She has by her pride, her arrogance, her intermeddling with the affairs of her neighbours, her support of revolutionists, and her readiness to stir up rebellions in all the continental states, alienated from her all these states, unless perchance Sardinia; and there is not one of them that would not willingly see her fall, and utterly ruined, providing that it could be done without rendering France too formidable. If the new French emperor takes the pains to give ample security on this head, he may count, in a war with Great Britain, on the sympathy of very nearly the whole world.

We do not say that Great Britain, in such a contest as we suppose, would be beaten, but we do say, that to sustain herself she would need the cordial and loyal support of her subjects. The Catholics constitute about one-third of the population of the United Kingdom. Can she afford, in the present juncture of affairs, to alienate the affections of so large a portion of her population? Can she dispense with their aid? Or can she, if she disfranchises and persecutes them for conscience' sake, count on their support? Will Catholic Ireland, whom she hardly keeps tranquil by one-half of her regular army at home, consent to shed her blood in defence of her tyrant and persecutor? Ireland is indeed somewhat apt to disappoint the calculations of her friends,

and by her internal divisions, or by often deceived hopes of conciliating a hostile government, to secure the triumph of her aggressors; but we can hardly believe that she will support in peace or war any ministry mad enough to attempt to deprive her of her religious freedom. The church is all that she has left of her ancient national greatness, and it is only in the independence of her church that she retains any vestige of her former national independence. Destroy the independence of her church, by subjecting it to the state, or even to the Catholic hierarchy of England, and you extinguish the last spark of her national life, annihilate the Irish as a distinct people, and absorb them in the Anglo-Saxon and Anglo-Norman population of the empire. That conquest, which you have in vain been trying for seven hundred years to complete, would then be consummated. Ireland lives only in the freedom and independence of her church of all authority save that of the Holy See. Her faith and piety, her strong national feeling, and her deep sense of wrong and insult, of unheard-of oppression, and unrelenting persecution continued for centuries, with all the malice, the cruelty, and cunning of hell,—as well as all her old Celtic memories, associations, and affections,—must indispose her to support a government that makes war on her church, and the most that you can hope the influence of her clergy will be able to effect will be to restrain her from acts of open hostility. There are, also, the Irish settled in England, to the number, it has been said, though we can hardly believe it, of three hundred thousand men able to bear arms. Can a ministry hostile to their religion, and determined to deprive them of the rights of conscience, count on their support, or even their neutrality? Will they shed their blood for the power that is gorged with the spoils of their church, that oppresses the land of their fathers, and deprives them of their dearest rights?

Great Britain is the main stay of the enemies of God and his Christ; she is drunk with the blood of martyrs; and in the approaching contest the prayers of two hundred millions of Catholics throughout the world will daily and hourly ascend for her defeat. Of English descent, a warm admirer of many traits in the character of Englishmen, speaking the English language for our mother tongue, and nurtured from early childhood in English literature, we have personally no hostility to England, and certainly

should regret to see her become a French province; but we cannot deny that we should not grieve to see her humbled, for till she is humbled we cannot hope to see her return to the bosom of Catholic unity. She is and has been the bulwark of the Protestant rebellion against the church, and of all the nations that broke the unity of faith and discipline in the sixteenth century she has been the most cruel and barbarous in her treatment of Catholics. How, then, should we grieve to see her weeping in sackcloth and ashes her apostasy and cruelty to the people of God? Sorry are we that she needs punishment, but since need it she does, we cannot be sorry to see it inflicted, and warmer sympathy than ours she need expect from no Catholic heart. These prayers of Catholics she may, indeed, make light of, but they will not ascend in vain. They will be heard in heaven. Not nations any more than individuals can always go on sinning with impunity. They must at length fill up the measure of their iniquity, and when they have done it, vengeance is sure to overtake them, and they fall, to rise no more for ever.

Considering, therefore, the present temper and strength of the Catholics of the United Kingdom; considering that the country is threatened with a democratic revolution on the one hand, and with formidable foreign invasion on the other, we cannot but wonder at what seems to us the folly and madness, even in a political point of view, of the British ministry, in attempting to reëstablish effete Protestantism, and to revive the old policy of penal enactments against the faithful members of the Catholic Church. We can account for such folly and madness only on the ground that the term of indulgence granted to this haughty island power has well-nigh expired, and that the day of her exemplary chastisement is at hand. To us the statesmen of England seem stricken with a preternatural blindness.

*The Quarterly Review* for last October, in its article on *Parliamentary Prospects*, shows even more alarm than virulence. It appears to be fully conscious of the critical state of the ministry, if not of the empire. It sees very clearly the embarrassment the Catholics of England, and especially of Ireland, may produce by their determination, partially carried into effect in the recent elections, to use their political power as electors and senators to force the government to repeal the acts repugnant to their religious freedom, and it seeks to arrest their action, well knowing

their scrupulous fidelity to their oaths and engagements, by pretending that in so using their power they are violating the declarations and oaths on the strength of which the Catholic relief bill was granted. It assumes that their determination is an act of aggression on the Protestant constitution and the church as by law established, which they had sworn not to disturb, and makes out what appears at first sight rather an awkward case against them. But who cannot make out a strong case when he is free to invent premises to suit a foregone conclusion?

It is not our province to criticise the declarations and oaths cited by the reviewer. We presume them to be such as a Catholic can take without heresy or schism, otherwise they would have been condemned by authority; but, we say for ourselves, personally, that we would be hung, drawn, and quartered before we would subscribe to them. Our Catholic friends, no doubt, deemed them not only allowable, but also prudent; and they may have judged wisely. We, however, are no friend to liberal concessions of what is not our own, and we regard it always as highly imprudent even to appear to restrict the power or province of the papacy in favor of the secular government. The arguments of our London contemporary only confirm us in this opinion. When hard pressed, men naturally concede every thing that they can in conscience, and if we cannot approve, we can at least excuse them; but the concessions they make seldom fail in the long run to return to their serious embarrassment. They narrow the ground we stand on, and if they leave us less to defend, they leave us less with which to defend it. When the question is an open one, we always prefer the higher and more comprehensive view as the more politic. It is sure to prove so in the end, whatever it may be for the moment. We have an invincible love for freedom, for that freedom which none but a Catholic can enjoy, or even understand; and we can never consent to give up one iota of it to Caesar, let him storm and threaten as he may. His storming and threatening never frighten us, for we know that he has no power to harm us. He may bind or torture our body; he may hang, behead, burn, or cast it to the wild beasts to be torn and devoured; but that is no injury to us. It is rather a benefit, nay, the greatest possible favor to us, if we remain steadfast in the faith and charity of the Gospel. So we always make it a point to defend even to the last the

most distant outworks of the church, sure that we have yielded too much if we have permitted the enemy to attack us in the citadel, although we know that to be impregnable.

The tendency of English Catholics, as well before as at the period of the so-called reformation, was to regard the pope as an Italian potentate, rather than as their own chief, and to restrict, as much as possible without falling into absolute heresy or schism, the papal authority in favor of the temporal sovereign. Indeed, what is termed Gallicanism might with far more propriety be called Anglicanism, for France borrowed it from England, as she subsequently borrowed from her her deism, incredulity, and sensist or sensualistic philosophy. This tendency prepared the way for Protestantism in England, as it did subsequently for infidelity and Jacobinism in France. The English Catholics cherished it, after the reformation, not only as in accordance with their national traditions, but as likely to render them less offensive to a Protestant government. Protestantism, is simply the assertion of the supremacy of the temporal over the spiritual; consequently, Catholicity, which asserts, the precise contrary, must be regarded by the Protestant sovereign as high treason. It necessarily denies the royal supremacy, and Catholics in England, for a long series of years, were charged with treason, arrested and executed as traitors, simply because they were Catholics. It is not strange, then, that English Catholics should have sought to stay the hand of persecution by professions of loyalty, by disclaiming as far as they could their obligation to obey the sovereign pontiff, and asserting in very strong terms their subjection to the temporal prince. They seem to have imagined, that all that was needed to put a stop to the persecution they suffered was to prove that they could, as Catholics, be loyal subjects of a non-Catholic sovereign; and they went so far in the way of proving this as to support their prince against their spiritual father, as, for instance, under St. Pius V. and Sixtus Quintus. Hence we find, even down to the period of Catholic emancipation, English Catholics generally asserted the independence of temporal sovereigns; and in the spirit of a miserable Gallicanism, which, as we have elsewhere shown, conceals the germs of political atheism, they drew up or accepted the declaration and oaths cited by the *Quarterly Review* as the condition on which the Catholic relief bill was conceded.

But the concessions of the English Catholics to the temporal prince did not save them from persecution: they were still fined, imprisoned, exiled, outlawed, beheaded, or hung, drawn, and quartered, and their concessions seem to have served no other purpose than to deprive them of the merit of confessors and martyrs. They were left with such a weak and sickly Catholicity as could not sustain them, and persecution, instead of strengthening them, as in the primitive ages, well nigh exterminated them. The church is built on Peter, and those who love not Peter always wilt away before persecution. Latterly, English and Irish Catholics—for even Irish Catholics, after the establishment of Maynooth College, became infected with the same spirit—appear to have discovered this, and a striking change has come over them, which gives them fresh life and vigor. There are propositions in the illustrious Dr. Doyle's evidence before parliament, which few Catholics in England or Ireland to-day would accept without important modifications. English and Irish Catholics have turned with renewed affection to Rome, and have drawn closer the bands which bind them to the chair of Peter. The pope is not for them now a foreign potentate; he is their chief, their loving father, to whom they wish to comport themselves as dutiful, submissive, and loving children. Hence their recent prosperity, and the great accession which has been made to their strength. The curse of leanness with which the English Catholics seem for so many ages to have been struck for their distrust of the papacy, their coldness to Peter, and their servility to the temporal power, seems to have been at length revoked, and we know no country in which Catholicity is more healthy, vigorous, or flourishing, than the noble old land of our forefathers. The secret of this change is, we firmly believe, in the fact that British Catholics are becoming hearty, uncompromising papists. Hence the alarm of Protestants.

The Protestant ascendancy, after the extinction of the house of Stuart, and of all pretenders to the crown to the prejudice of the present reigning family, came to the conclusion, that it had no longer any plausible pretext for maintaining the disabilities of Catholics, as it could have no fears of such Catholics as were content to subscribe to the four articles accepted by the French clergy in 1682. Protestants know perfectly well that Catholics of that stamp are quite harmless to them, that they make few con-



verts, have no dangerous zeal, and will seldom, in case of conflict, hesitate to support the temporal authority against the spiritual. They may think them very silly, from a mere point of honor, to adhere to an old and proscribed religion, wholly incompatible with the light and spirit of the modern world; but upon the whole they think them, though a fantastic, a very good sort of people, not much inferior to Protestants themselves, at least not at all more dangerous to the state. But their feelings are very different towards the bold, energetic, and uncompromising papist, who asserts, without any reticence or circumlocution, that the spiritual order is supreme in all things, and that princes as well as subjects are bound to obey the law of God, and, if Catholics, are bound to obey that law as interpreted by the Roman Catholic Church, especially as interpreted by the pope, her supreme pastor. Catholics of this stamp they respect, indeed, but dread, because they are evidently in earnest, and present Catholicity in the sense in which it is the precise contradictory of the essential principle of Protestantism.

The pretence of the reviewer, that Catholics have violated the conditions on which emancipation was conceded, is unfounded. It is a mere pretext. The real thing that he wishes to oppose is this free, fearless, hearty, and vigorous Catholicity; for he knows that this is a Catholicity that does and will march from victory to victory, and that wherever it plants its foot Protestantism must disappear. The real aim of the *Quarterly* is to weaken the power of Catholics, by sowing divisions in their ranks, and frightening them out of this high-toned papal Catholicity. What it means to tell us is, that it was the low-toned Gallicanism which the relief bill emancipated, not the high and uncompromising ultramontaniam in which English and Irish Catholics now glory, and therefore that in exchanging the former for the latter they have broken their engagements. He will not succeed. There are, no doubt, in England and Ireland, as well as in this country, some timid Catholics who retain their old prejudices, and who would feel themselves insulted if called papists. These may think such Catholics as Cardinal Wiseman and the archbishop of Dublin, with their true Roman spirit, are pushing matters too fast and too far; but though at times seemingly half prepared to give up Peter for Cæsar, they are after all Catholics, and will follow those whom they would never have the pluck to lead. They may

grumble a little, but they will remain united with their brethren. As for frightening the others back into the Catholicity of the Gallican school, that is simply out of the question. They love, as well as obey, Rome. They know she is the centre of unity, and that the closer their union with her, and the deeper and more unreserved their submission to the Holy Father, the fresher, the more vigorous, and the more inexhaustible their Catholic life. They are and will be *Roman* Catholics. Both the English and Irish hierarchies are strongly attached to Rome, and will remain so, both from principle and affection; and all the more firmly attached, the more violent the persecution they have to suffer from the ministry. The pastors will follow Peter, and the flocks their pastors. There are not many Norfolks, Beaumonts, and Ansteys, thank God, remaining in the British Isles, and the few there may be are of no account, for they can find sympathy only in the ranks of Anglicans, where, after all, they are despised.

This change, on which we congratulate our transatlantic brethren, does not in the least violate the conditions on which the Catholic relief bill was granted, for it must be presumed to have been a contingency foreseen and accepted by the government. The government may have hoped, and even believed, that English and Irish Catholics would, as a matter of fact, remain Gallican, but it knew that neither it nor any declarations of English or Irish bishops could bind them to remain so, because it knew that the ultimate authority in the case is Rome, not the national bishops, and that no declarations of the latter could bind, against the approbation, or even permission, of the Roman pontiff. Ultramontanism, as it is called, if not precisely of faith, is yet, as all the world knows, not only permitted, but favored by Rome, as the very name implies, and no Catholic can be forbidden to hold it, or censured for insisting on it. The government could not, therefore, grant Catholic emancipation without conceding to every Catholic the right to hold and insist on it if he chose. The whole question is a domestic question, with which those outside have nothing to do. To them ultramontanes and Gallicans are alike Catholics, and Catholic relief necessarily implies the relief of the one class as much as of the other. The attempt of the *Quarterly* to prove that Catholics have violated the conditions on which the relief bill was granted, because they do not in all respects coincide with the views set forth in certain declarations made

at the time the question was under discussion, fails, because those declarations were not put forth by the highest Catholic authority, and because, if they were put forth by any authority, it was by an authority which the government knew was subordinate to another, which might at any moment reverse its decisions.

But passing over this we meet the *Quarterly Review* on its own ground. Even supposing the Catholics of England and Ireland are not acting now in accordance with the conditions on which the relief bill was granted, they cannot be censured. Suppose they are using the political power accorded them by that bill to disturb the Protestant establishment, the government has not a word to say against them; because, since that establishment is only a creature of the civil government, they are only exercising their rights as freemen and British subjects in disturbing it, and because the government has been the first to violate its engagements towards them. The conditions on which the relief bill was granted contained reciprocal engagements, and bound the government to Catholics, as well as Catholics to the government. It promised them the free profession and exercise of their religion, and they in turn promised it, by oath if you will, in consideration of this freedom, to use no political power which they might acquire by emancipation to disturb either the Protestant settlement or the Protestant establishment. We need not tell the reviewer, that the breach of a contract by the one party releases the other; for he assumes it throughout his argument, and on the strength of it seeks to justify the government in reënacting the civil disabilities of Catholics. Now the government has been the first to break its faith, and in its ecclesiastical titles bill it has violated its promise of freedom to Catholics; for that act is incompatible with the free exercise of their religion. The act of Catholics which called forth that bill was no violation of their engagements, declarations, or oaths; for it was authorized by the act of 1829, which granted them religious freedom, and it was in contravention of no law of the realm, as is evident from the fact, that it was necessary to pass a new law to meet the case. The government, having by this act broken the compact, by its own act released Catholics from their obligation to keep it, and threw them back on their rights as freemen and British subjects, and left them necessarily the same right to use their political power against the establishment, that others have to use

theirs in its favor. No party can stand on its own wrong. The wrong of the government released the Catholics from all their special obligations, and however they may use their power against the establishment, it cannot complain.

The truth of the case, however, is, that Catholics are not doing what they are accused of doing, or any thing really incompatible with their declarations and oaths. The government in the ecclesiastical titles bill has declared the profession and exercise of their religion illegal in the United Kingdom, and they have merely combined, in their own defence, to use what political power they have, in a legal way, to get that bill repealed, and the freedom of their religion acknowledged. That is, they seek by legal means to defend and secure the freedom understood to be conceded by the relief bill of 1829. This is the simple fact in the case, and we should like to know what there is in this which conflicts with any engagement they have entered into. No Catholic in the realm dreams of disturbing the Protestant settlement, or disputing the right of the present reigning family to the crown; and no one, as far as we have seen, proposes by any political or legislative action to destroy the Anglican Church, if church it can be called. The oath taken by Catholic electors and senators binds them to be loyal subjects of the queen, but it does not bind them to use their political power to uphold the church establishment, or forbid them to withdraw from it the patronage of the state. Catholics as members of parliament have the same rights as any other members have: they sit there on terms of perfect equality with the rest, and nobody can pretend that it is not competent for parliament, if it sees fit, to withdraw all support from the establishment, and sever all connection between it and the state. There is a difference between not using a power to disturb, and using it to sustain, the Anglican Church. To the former a Catholic might, perhaps, under peculiar circumstances, lawfully pledge himself: to the latter he could not, for he can never pledge himself to sustain a false church without forswearing his own.

In any light, therefore, that we choose to consider it, the complaints brought against English or Irish Catholics are unfounded, and they are made only for the purpose of diverting attention from the just complaints which Catholics themselves make. The *Quarterly* only renews the old Protestant trick, that of wronging Catholics, and then pretending that it is Catholics who have wronged Protestants:

of provoking Catholics by gross injustice to acts of self-defence, and then turning round and accusing them of breaking the peace. The trick has been repeated too often, and has become rather stale. As far as we can see, our English and Irish brethren are only using their political power in their own defence, and we are right thankful that they have the spirit and the energy to do it. They and we are one body; their lot is our lot, and their victory or defeat is victory or defeat for us. One of the members cannot suffer but the whole body suffers with it. They have their "Irish Brigade" in parliament, and we trust it will lack neither courage nor firmness, neither ardor nor unanimity, and that it will steadily and unitedly oppose every ministry that refuses to repeal the ecclesiastical titles bill, and to guaranty to Catholics full and unrestricted freedom to profess and practise their religion, in all fidelity and submission to their spiritual chief. We expect this from the "Irish Brigade," for their sakes and our own. This much they owe to the Catholics of Great Britain and Ireland and of the world. We hope they will make the Catholic question their first object, to be postponed or subordinated to no other, for the rights and interests of the church, though politicians are apt to forget it, are paramount to all others, and in securing them all others are virtually secured. These secured, it will be easy to carry such measures of temporal relief as may be necessary; for the merit of securing these will secure the blessing of God, and his assistance. The children of this world are wiser in their day and generation than the children of light; but this need not discourage us, for the folly of the children of light is wiser than the wisdom of the world. God has a voice in human affairs, and takes care that it shall always be seen that his cause does not stand in human wisdom or in human virtue. Whoever would wish to prosper in that cause must rely on him, and not on himself. Prayer is better than numbers or strength. We presume our friends of the "Brigade" know this, and therefore we count on their success.

The prospect for England is not bright, but what is to be her fate we know not. We owe her no personal enmity, and we wish her well. But she has sinned greatly, and has a long account to settle. There are many in heaven and on earth that cry out, "How long, O Lord, how long?" Her ages of misrule in Ireland, and the multiplied wrongs which she has inflicted upon the warm-hearted Irish people, her

long-continued persecution of Catholics, and the blood of the saints red yet on her hand, all are registered against her, and demand vengeance, and, if there be justice in heaven, will obtain it. She did a noble deed in receiving and cherishing the exiled French clergy, and in reward she has had the offer of returning to the bosom of Catholic unity. Many of her choicest children have heard the offer, and have returned. The Catholic world is praying for her conversion. If she listens to the offer, and returns to her old faith, once her glory, and to which she is indebted for all that is noble or useful in her institutions, she may hope for pardon; but if she remains obstinate and deaf, if she continues to be puffed up with pride, trusting in her own wisdom and strength, in the multitude of her ships, her merchandise, and her riches, let her reflect on the fate of Tyre, the haughty Island Queen of antiquity, or at least of the once brilliant spouse of the Adriatic, now the humble slave of the Austrian kaiser.

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## THE TURKISH WAR.\*

[From Brownson's Quarterly Review for July, 1854.]

WE have no intention of reviewing these works, each of which in its way is worthy of more than ordinary attention; we have merely cited their titles as a convenient introduction to some remarks which we cannot very well avoid making on the interminable Eastern Question, and the war between the western powers and Russia, which cannot fail to affect, if continued, the interests of the whole world.

The eastern question is now the eastern war, and nothing is more natural than that impartial spectators like ourselves should ask, What are the parties fighting for? The western powers, France and England, tell us that they are fighting to sustain the independence and integrity of the Ottoman empire, and to maintain the balance of power

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\*1. *Russia as it is*. By COUNT A. DE GUROWSKI. New York: 1854.

2. *Turkey and the Turks*. By ADOLPHUS SLADE, Admiral of the Turkish Fleet. New York: 1854.

threatened by Russian aggression. But as to this there is evidently some mistake, for the fact of Russian aggression is not made out; and as to the policy of sustaining Turkey in her independence and integrity, and maintaining the present territorial adjustment of Europe, there is no difference between them and Russia. She tells them that she has no designs against the independence of Turkey, that she is as much interested in sustaining the Ottoman empire as they are, and that she believes that the peace and interest of Europe require it to be sustained in its independence and integrity as long as it can be. There is as to this no dispute, no difference of opinion, no conflict of claims, and therefore neither cause nor occasion of war. What then are the parties fighting for?

Are they fighting for the holy places in Palestine, to settle whether they shall be restored to the Latins, to whom in right of property they belong, or be held by the Greek schismatics, who have usurped a part of them? Not at all, for the question raised with regard to them by the French embassy at Constantinople in 1851 has been settled to the satisfaction of Russia by the "moderation" of France. The conduct of France with regard to the holy places has disappointed all her friends, and has done more than any other one thing to weaken confidence in the religious character of the present government. It was dastardly, and proves that, when the interests of religion are supposed to conflict with those of politics, they weigh not a feather with imperial France. She yielded every thing Russia demanded, even after having obtained a decision from the porte in her favor, and she is very careful to have it understood that religious interests enter for nothing into the present contest. That Catholic interests can count for nothing is evident from the fact that she and Great Britain, the anti-Catholic power *par excellence*, are acting in perfect concert. Certain it is, then, that the original question as to the holy places, in which England takes no interest, or, if any, an interest on the side of Russia, is not the matter in dispute, and therefore not about that are the parties fighting. What then, once more, are they fighting for?

It is certain that the pretended answer of the western powers to this question is not the real answer. The secret of the war is not to be found in their manifestoes. Prior to the proffers of assistance to the porte by France and England, against Russia, in case of need, no act of Russia had

menaced either the balance of power or the independence and integrity of the Ottoman empire, as the British ministry have more than once avowed in their own justification for not having offered an earlier resistance to the czar. Threats, if you will, had been thrown out to intimidate the porte, but this was only the usual way of treating with the *independent* Turkish government. England on many occasions had done the same; France had done it in the case of the holy places; and Austria had just done it in the mission of Prince Leiningen. Justice can be obtained of the faithless and procrastinating Ottoman porte only by intimidation. Russia had, or pretended she had, certain causes of complaint against Turkey, and she made, if you will, certain demands of the porte, in a very peremptory manner. Yet were these demands just as between Russia and Turkey? Were they such as Russia could enforce, or Turkey could concede, without danger to the European balance of power? The western powers—France, Great Britain, Austria, and Prussia, in the Vienna conference, have settled these questions, and rendered it unnecessary for us to reopen them. The Vienna note was drawn up by the French court, amended by that of St. James, and submitted by them conjointly to the conference of the four powers. That note conceded in substance all the demands of Russia, as is obvious on its face. Here was the solemn judgment of the four powers, including France and England, the allies and protectors of the Ottoman porte, that the demands of Russia could be accepted without disturbing the balance of power, or destroying the autonomy, the independence, or the integrity of the Ottoman empire; and beyond this they had no right to intervene in the dispute between Russia and Turkey. By that judgment these powers are bound, and they cannot now go behind it, and allege that the demands of Russia were dangerous either to Turkey or to Europe. They have on that issue closed their own mouths, and must allege a new cause of action, and commence a new suit, or desist from all further proceedings.

The conference of the four powers submitted their adjudication in the case between Russia and Turkey, and Russia without a moment's hesitation accepted it. What further fault had they to find with Russia? She accepted their judgment, and was ready to comply with the conditions they prescribed. Nothing more prompt, more fair, more honorable; and what remained but for Turkey to do



the same! But Turkey refused. Was this the fault of Russia? Was it not the fault of Turkey? and was it not the duty of France and England, her allies, either to force her to accept it, or to leave her to her own responsibility, to settle her quarrel with Russia as best she could, without their assistance? But strange, but incredible as it may appear, these same western powers, France and England, recede from their own terms, and prepare by armed force to sustain the Ottoman porte in its rejection of them! Was the adjustment agreed on in the diplomatic note of the conference unjust to Turkey and dangerous to Europe? If it was, why did France and England propose and assent to it? If not, with what face could they sustain Turkey in rejecting it?

But it is said the note was ambiguous, and susceptible of an interpretation more favorable to Russia than was intended. If so, whose the fault? Will it be believed that the French and British courts submitted to the conference of Vienna a note, the purport of which they did not fully understand, and the natural and obvious interpretation of which they did not foresee? Believe that who will; we believe not a word of it. But suppose the western powers did make a blunder, Russia offered to bind herself in the most solemn manner to take no advantage of it, for she offered to bind herself to understand the note in the sense contended for by the conference. This seemed to remove every difficulty. The conference appeared to be satisfied, and it was supposed that the eastern question would be solved without war. But in the mean time Turkey, emboldened by the proffered assistance of France and England, prevents it by declaring war against Russia. What is the course of the western powers now? Russia has complied with their terms, consents to all their demands as made through Austria, the mediating power. And what do they do? Do they say to their *protégée*, You must make peace with Russia on the terms agreed upon, or we withdraw our protection, and leave you to your own resources? Not at all. They sustain her, and order their fleets to pass the Dardanelles and to anchor in the Bosphorus. Who, in view of these facts, will believe that war from the first was not a foregone conclusion, that the anxiety of the western powers for the peaceful solution of the eastern question was not all a pretence, and that negotiations were not protracted merely to gain time and make preparations for hostilities?

That such was the fact, at least so far as France was concerned, in case she could make sure of the coöperation of Great Britain, we have not the shadow of a doubt.

We are told that there was the aggression of Russia in occupying with her army the Danubian principalities, and that alone was a justifiable cause of war on the part of Europe. We doubt that. Whether as between Russia and Turkey that occupation was justifiable or not, we shall not undertake to decide; but as between Russia and the western powers it was no justifiable cause of war, because Russia declared positively that the occupation was not intended to be permanent, that she had taken possession of them only temporarily, as "a material guaranty," and that she would evacuate them as soon as Turkey had complied with her demands,—demands conceded, as we have seen, by the western powers, in the Vienna note, to be compatible with the independence of Turkey, and the safety of Europe. Even Turkey had not herself regarded this occupation as a *casus belli*, and the Vienna conference make no complaint of it, and do not even hint that evacuation of the principalities must be regarded as one of the conditions of settlement. Moreover, that occupation did not take place till France and England had proffered the porte the assistance of their fleets. While the English and French fleets were in Turkish waters, or ready at any moment to enter them, with hostile intentions to Russia, and Turkey refused to comply with the demands of Russia, or to accept terms proposed by the conference in their note, nobody could expect her to consent to evacuate the principalities. The primary aggression was not in occupying the principalities by the Russians, but in the menace of force against her by the western powers; and had it not been for this menace, which preceded the crossing of the Pruth by the Russian army, the principalities, we may rest assured, would not have been occupied. Powers like Russia, France, or Great Britain are not very ready to yield what they consider their rights at the menace of force by a third party. It comports neither with their honor nor their interests, neither with their self-respect nor their autonomy.

But when the western powers had made their preparations, filled the Baltic and the Euxine with their formidable fleets, thrown off the mask, and declared war against the czar, he does not lose his moderation, or his manifest desire for peace. He makes new overtures of peace, which are

wise, liberal, honorable, and just. He offers to withdraw his troops from the principalities, where as yet they had acted only on the defensive, providing the western powers withdraw their armaments from the Baltic and the Euxine, and obtain from Turkey, under their joint guaranty, the recognition of the religious and civil rights of the Christians, of whatever denomination, subjects of the Ottoman empire. This was perfectly fair, and would have settled the present difficulty, and removed all occasion of similar difficulties in future. It would have secured what all parties professed to have at heart, and maintained undisturbed the so much talked of balance of power. But the western powers contemptuously reject these overtures, and will hear of nothing but the unconditional submission of Russia,—a submission which would not only be humiliating to her, but destructive of that very balance of power which they profess to be armed to sustain.

Having failed by their threats to terrify Russia, having rejected all her overtures of peace, and having declared war, the allied powers seek now an issue not previously hinted. The issue which they now make, as far as they make any, is, in words, the resistance of Russian aggression, and the maintenance of the independence, the autonomy of nations, which in reality means forcing all the other nations of Europe to unite with them in a war against the independence and integrity of the Russian empire, that is, to suffer no free and independent national action in any nation except themselves. This is the aspect the question now assumes. France and England have formed, apparently, a league between themselves for the adjustment of the affairs of the whole world, which is, under pretence of maintaining the balance of power, to secure to them the universal dictatorship of both hemispheres. We may be mistaken, but we cannot help thinking that this would throw the balance altogether on one side; and we are not able to see how the supreme dictatorship would be more compatible with the autonomy or independence of nations in the hands of England and France than in those of Russia. The equilibrium would be as much disturbed in the one case as in the other.

One thing is certain, the independence of the Ottoman empire has not less to fear from the French and English alliance, and from French and English protection and *ad-vice*, than it has from Russian aggression. To regenerate the Ottoman empire, and sustain its independence and in-

tegrity, by innovations in the sense of European liberalism, is, we take it, an utter impossibility. That empire is founded on the Koran, and can subsist only as a Mahometan state, with Mahometan laws, manners, and customs. To detach it from the Koran, to seek to separate the Turkish state from the religion of the Prophet, and to govern it according to approved European political atheism, is simply to dissolve it. Turkey, we are told, is entering the path of European civilization; but all accounts go to prove that she has thus far borrowed from European civilization, saving, perhaps, in regard to military organization, only its worst features. In politics the progress consists in centralization, in the destruction of the great hereditary fiefs of the empire, and making the pachas and all the local authorities immediately dependent on the will of the sultan,—a change by which corruption and oppression have been multiplied a hundred-fold, and the empire is hurried on to its destruction. In private morals and manners the progress consists in sneering, before Europeans, at the Koran, in travestying the European costume, and in getting gloriously drunk. The “Old Turk” is a fanatic, but he has certain principles of natural integrity and good faith. If he has the vices, he has also the virtues, of his race; but your “Young Turk,” your liberalized Turk, has the vices of the European and the Asiatic, without the virtues of either. He is the most false-hearted, faithless, unprincipled mortal you can find. And yet it is by encouraging these liberalized Turks, and sustaining them in power, that England, especially, hopes to regenerate Turkey and make her a European state!

The *London Times*, everybody knows, is a very amusing journal, and throws *Punch* quite into the shade. We need not therefore be surprised to find it arguing, apparently quite gravely, that Turkey is to be sustained and invigorated, not as an exclusively Turkish state, but by elevating the Christian population of the empire, and calling them to participate in the affairs of the state and to swell the ranks of its armies. Its plan seems to be to mould the Turks and Christians, without regard to difference of religion or race, into one homogeneous people, under the paternal rule of a descendant of Othoman. A wise plan and a practical, indeed! Does this British journal need to be informed that the distinction of race is indelible in the East? Has England, after a seven hundred years' experiment, succeeded in moulding the Anglo-Saxon and Irish into one homogeneous

people? and has she with all her efforts succeeded in establishing harmonious political action between the Protestant Saxons and the Catholic Celts? Well, the difference of race between the Turk and the Christian is broader and deeper than that between the Saxon and the Celt; and the difference of religion between Christians in the East—except a few Protestant converts—and Mahometans is far greater and more difficult to leap than that between Catholics and English Protestants. Can any man in his sober senses believe it possible, without his conversion to the Catholic faith, if even then, for the haughty and domineering Turk to regard as his fellow-citizens and equals those whom he has conquered, and for four hundred years regarded as slaves and treated as dogs; or that the Christians, who have the memory of the conquest deep in their hearts, who are smarting under four hundred years of wrongs, slavery, and degradation, will ever use their power, if they get it, in any other way than to revenge themselves on their former oppressors? He who thinks the contrary knows little of human nature, and still less of the populations of the East. The political amalgamation of the two races and the two religions is wholly impracticable and out of the question. Either the Turks alone or the Christians alone must constitute the political people of the empire, the ruling race. The attempt to amalgamate them will only render all autonomy of the empire impossible, and the constant intervention of foreign governments in its internal administration indispensable.

The Turkish government in its weakness and embarrassments will concede whatever is demanded, and it is said that it has, at the *advice* of the western powers, granted to the Christian population throughout the empire equal religious and civil rights with the Mussulman population. This may be so, but it is only so much waste paper, unless some Christian power or powers be present to watch over the execution of the grant, prepared to enforce it, if necessary, by fleets and armies. If left to the Turkish authority, it will prove to be a mere sham. How is it to be carried into effect? Are the Christians to be governed by Mahometan, or the Mussulmans by Christian laws? Is justice to be administered in mixed courts, according to the sapient recommendation of Lord Stratford-de-Redcliffe? These mixed courts have already been tried in a few localities, and found to be impracticable. Chris-

tians might administer Turkish law for Turks, but Turks can never administer Christian law for Christians. If the internal administration is managed by the official advice of foreign ambassadors, what becomes of Turkish autonomy or Turkish independence, which you profess to have it so much at heart to sustain? How much more independent would Turkey be, compelled to follow the *advice* of the English or French, or the English and French ambassadors, than if compelled to follow that of the Russian or the Austrian ambassador, and how much less the disturbance of the present balance of power? Nothing is more certain than that, if the allied powers succeed against Russia, Turkish autonomy is no more, and the administration of the empire falls into the hands of their ambassadors at Constantinople. Neither England nor France is blind enough not to see this, or not to see the blow struck at the solidity of the empire in the recent confiscation of the property of the mosques; and therefore we look upon their profession of engaging in war in order to sustain the independence and integrity of Turkey as so much moonshine. They may wish to keep Turkey independent of Russia, and in a condition to be used against her, but only by keeping her dependent on themselves. Their object would seem to be to nullify Russian influence over the porte, and exclude her entirely from all intervention in the management of oriental affairs. But while a just policy would, no doubt, require that no one of the great powers should have an exclusive and all-controlling influence at Constantinople, we cannot understand why England and France, any more than Russia, should have such an influence.

But Russia, we are finally told, is too powerful for the safety of Europe, and it is necessary to weaken her power, and to erect barriers against her further expansion. That Russia is powerful, and tends to become more so by absorbing the whole Slavie family in Europe and uniting all its members under her sceptre, and that in this there is some danger to other European powers, we are not disposed to deny. The Slavie family is, we will not say the most powerful, but the most numerous, of all the great European families. Its numbers are variously estimated, but are probably not far from eighty millions, while the German, the next largest family, reckons only about forty millions. These, if they had one common country, and were capable of acting as one body under one head, would be abundantly

able to defend themselves against any possible Slavie aggression, but they are divided, separated into different states, and incapable of acting in concert, while the Slavie population, as to its immense majority, constitute a single body, under one and the same chief. But the Slavie race is the least aggressive in its character of any of the European families. It has from the remotest antiquity been devoted principally to agriculture, and distinguished for its peaceable habits and dispositions. Brave indeed in its own defence, it has seldom, if ever, attempted foreign conquests. It has, since its original settlement in Europe, never subjected an independent nation of another race, and it is to-day very far from possessing all its original territory.

We do not choose to lose ourselves in ethnographical speculations or conjectures, but the oldest inhabitants of northern Europe were probably the Letts and Fins, more especially the Fins, who at a remote period possessed, not only the eastern shores of the Baltic and the present Finland, but all Scandinavia, together with the British isles. The Selavi were probably the earliest emigration from Asia after them, and, driving them before them, took possession of the whole of Europe from the Oural mountains and the Oural river on the East, the Caspian and the Euxine Seas, the valley of the Danube, and the right bank of the Rhine on the South, and the Baltic provinces and Finland on the West, where, not being a maritime people, they left the aborigines, who were subsequently expelled or subjected by the Scandinavians and Germans. They were prior to the Teutonic wave, and possessed originally nearly all the territory now occupied by the Germanic confederation. The German tribes were undoubtedly conquerors, and obtained their territory by conquests from the Selavi on the one hand, and from the Celtæ on the other. The original possessions of the Selavi, if our conjecture is well founded, were far more extended than their present possessions, with all the acquisitions made by Russia under the Romanoffs,—a mixed Scandinavian and German family. This may prove that the Selavi are not really an aggressive race, that they are disposed to content themselves with their own homestead, and have not the elements of a conquering people. We are not aware of their having, if we except the aborigines, ever subjected any foreign family, or founded states which ruled extensively over any other race. The seat of empire has shifted, but whether it was in Servia, at

Kief, in Poland, or at Moscow, its subjects have been of the same Sclavie race. Russia has been conquered by the Tartars, and subjugated by Poland, but it has never subjected an independent state of another family, for the Baltic provinces and Finland were not independent states when they came under her dominion, and the barbarians she has subjected in the Caucasus were no more states than are our Indian tribes. Poland was of the same race, and originally an integral part of Russia; afterwards she became an independent kingdom, and twice subjected Russia, even in the seventeenth century. Besides, the partition of Poland and her extinction as an independent state were not the work of Russia alone. Its chief instigator and prime mover was Frederic the Great of Prussia, and Russia only shared the spoils with that most unscrupulous prince and the house of Austria. We do not approve the act, we condemn it; but its guilt is less that of the Sclavie power than of the two German powers. The conquests of Russia in the East are only a just retaliation on the Turks and Tartars, and have really done little more than recover the possessions of her grand dukes, wrested from them by Tartar and Turkish aggressions. The Black Sea was in the tenth and eleventh centuries known as the *Mare Russicum*, and Georgia in Asia voluntarily became a fief of Russia in the sixteenth century.

These considerations prove that the Sclavie race is not a conquering race, and that Russia is by no means to be singled out as an aggressive power. Her eastern conquests, and she shows no disposition to extend her dominions westwardly, have warded off from Europe a greater danger than is to be apprehended from her. By them she has chastised the Tartar hordes, and saved Europe and southern Asia from the dread of new Timours and Genghiskhans, as well as broken the terrible Ottoman power, and opened the way to the redemption of the Christian populations of the East. The Catholic powers of Europe had been false to their mission, France above all the rest, and notwithstanding the shock given to the Turkish power at the battle of Lepanto, it did not cease to be formidable to Europe, especially to Austria, weakened by the divisions of Germany introduced by Protestantism, and constantly obliged to defend herself against French aggression, till Russian policy and arms had conquered the Crimea, and gained the command of the Black Sea. Russia for the last hundred and fifty



years and more has really been fighting the battles of Christendom against the followers of the Prophet, in continuation of the old crusades preached by the popes; and if God gives her her reward, it is not for those to murmur who neglected the interests of Christendom to fight one another. We are sorry that the madness and folly of the Catholic powers of Europe should have left these battles to be fought by a schismatic power, but Christian Europe ought to be grateful that they have been fought, and places itself in a very contemptible light when it makes her having fought and won them the pretext of fighting her. Schismatic as Russia is, we should be glad to find a single Catholic power, that during the last hundred and fifty years has not proved itself less Christian in its foreign politics.

We are no apologists for Russia, but we deny that she is a peculiarly aggressive power, or that she shows any remarkable disposition to turn her power against the rights or possessions of her neighbors. Since the time of Peter the Great, she may have added by conquest and policy some twenty millions to her population, counting her share of Poland. During the same time, by sheer conquest, without a shadow of a claim, without any pretence of a right, Great Britain has added to the number of her subjects at least one hundred and twenty millions, and her protectorate in Central America and the Spanish peninsula will more than offset the Russian protectorate in Moldavia and Wallachia. The czar reigns probably over about seventy millions of people. Queen Victoria, counting the colonies, reigns over more than twice that number, and as a maritime power is more formidable to the independence of nations than her northern rival can be. Whatever the faults of Russia, Great Britain is the last power on earth that has the right to call her to account for them. Let her look at Ireland and India, and at her colonies wrested from France, Spain, Portugal, and Holland, and blush to accuse Russia of aggression. It is not seemly for Satan to rebuke sin.

France has hands not a whit more clean, though she has been less happy in retaining her conquests. How long is it since she invaded and subjugated all Italy, not excepting the Papal States, and annexed it virtually, if not formally, with the exception of Venice, to her empire? How long is it since the Italian peninsula, Spain, Portugal, Belgium, Holland, Rhenish Germany, the duchy of Warsaw, &c., were governed either by vassal kings or prefects of France,

and a French army swelled by recruits from twenty tributary nations invaded Russia, and penetrated to Moscow, her ancient capital? We are only a middle-aged man, and we have seen all Europe twice in arms to prevent France from establishing a universal monarchy, and extinguishing the last spark of liberty and national autonomy in the Old World. Never since the great Tartar robbers, Tamerlane and Genghiskhan, has the spirit of aggression and conquest had so brilliant a representative as the world saw and felt in Napoleon the First, but not the last. How long is it, again, since France took possession of Algiers, a tributary of the Turkish sultan, and which she still holds, notwithstanding her talk about maintaining the independence and integrity of the Ottoman empire? Let her recall these facts, and the acquisition of Bretagne, French Flanders, and Lorraine, let her reflect on her present longings to absorb Savoy and Belgium, perhaps to restore and extend the limits of the Napoleonic empire, and spare the world her moral lectures on the grasping ambition and aggressive spirit of Russia.

We do not accept the reasons or the reasoning set forth in the manifestoes of France and England. We do not believe that either has any respect for Turkey, or any wish to maintain the existing balance of power. The prime mover, we take it, is the emperor of the French. His policy we think is patent enough. To conciliate France and the European powers, he consented to waive in his personal case the hereditary principle, and to succeed to the empire by popular election; but he considers himself, we cannot doubt, the heir of the empire of his uncle, and bound in honor to do his best to restore the limits it had in 1812, prior to the disastrous Russian campaign. Why has he married into a private family and proclaimed himself a *patricien*? Why does he delay his coronation? Be assured that there is significance in all this, and that he is resolved, as far as in him lies, to revenge the disasters of the French arms, to wipe off the disgrace of France, to realize the dream of his uncle, and to reëstablish the empire of Charlemagne, —to which possibly he intends to add or prepare the way for his successors to add, the empire of the East, so that imperial France shall be more than coextensive with imperial Rome in her proudest days. Two powers only are capable of preventing him from binding his brows with the crown of Charlemagne. These are Russia and Great Britain, and these he must, if possible, place *hors de combat*.

In 1852, Great Britain was in ill odor on the continent. She had, by her course in the revolutionary movements of 1848, gained the ill-will of every continental state, except Sardinia. The first thought of the prince-president, soon to be his imperial majesty, was, under cover of this continental ill-feeling, to invade England, and either make her a French province, or so cripple her power as to disable her from interfering with his future proceedings. In this he was defeated by the conciliatory continental policy of the Derby ministry, and by the union and good understanding of the Russian and English courts at Constantinople. He must then divide these two powers, and use Great Britain to help him to dispose of Russia. His present policy is, we presume, by the aid of Great Britain and such other European powers as they can coax or bully into a coalition with them, to reduce the power of Russia, by stripping her of her maritime provinces and shutting her out from the Baltic and the Euxine, to raise him up a powerful ally in the East, strengthened by the restoration of the Crimea and the Asiatic provinces conquered by Russia, and a good friend in the North, by the reannexation of Finland and the Baltic provinces to Sweden, and then to divide his allies and beat them in detail. The war with Russia is intended to confine the northern bear within his hyperborean regions, so that he will be unable to afford assistance to the German powers when the time comes to attack them, and to exhaust in a war in his interest the resources of Great Britain, so that he can have no fear in his future operations of her hostility. These two powers crippled or exhausted, he can easily dispose of Germany. By the aid of Italy, Hungary, and Turkey, he can bring Austria to terms, and then it will be but child's play to dispose of Prussia and the Low Countries, Spain, and Portugal. Then he may go to Rome and demand of the Holy Father the crown of Charlemagne, and start on his conquest of the East.

This is extravagant, no doubt, but not too extravagant for a Bonaparte clothed with absolute power, and seated on the throne of France. That it will be accomplished, we do not believe; but if Russia is worsted in the present war, it may not be impossible, and we have not the least doubt but that Prussia and Austria, whether they join with the allies or remain neutral, will be reduced to a deeper humiliation than they reached under Napoleon I., and Germany, like Italy, will become a simple geographical expression. As

long as Napoleon was at war with the revolutionists, Germany had nothing to fear from him; his and her enemies were the same. But by espousing the cause of Turkey, allying himself with England, and making war on Russia, he makes her enemies his friends, enlists the revolutionists on his side, and becomes their leader against her. Do you hear him any longer denounced by Kossuth, Mazzini, or any of the red-republican chiefs? What means their ominous silence? What means it, but that they regard France and England as fighting their battles? The only European statesman who seems to have foreseen the danger to Europe from the re-establishment of the Napoleonic dynasty was the Emperor Nicholas, who, at the earliest moment, attempted to form those diplomatic combinations which might preserve the peace of the world. His confidential conversations with the British minister at his court in the beginning of last year, so shamefully misinterpreted, are brilliant proofs of his foresight, his statesmanship, and his loyalty. But Napoleon has contrived to hoodwink the English court, and to induce it to treat those conversations, so frank and so loyal, as proofs of the czar's ambitious designs against the Ottoman empire.

Great Britain, we think, did not originally wish to engage in a war against Russia; she has been drawn into it by France, partly to escape the threatened French invasion, which we believe was seriously intended, partly to save her commercial interest in the Ottoman empire, and partly to prevent the advance of Russia, not to Constantinople, where she has no wish to go at present, but to the Persian Gulf, which would transfer her commercial supremacy to her northern rival. If Russia should advance to the Persian Gulf, she would, till rivalled by us, be the first commercial power in the world, and reduce England to a third-rate power. It is, if any one considers in what direction it is the tendency of Russia to advance, and the routes her trade takes, a far more important position for her than Constantinople, and Persia is likely to fall under Russia much sooner than Turkey in Europe. England, whose soul is in trade, and who has a quick eye to every commercial advantage, no doubt sees this danger to her commerce, and has wished to avert it, by undertaking, in concert with France, to prevent Russia from becoming a great maritime power, and getting command of the southern routes of the trade of Asia, as she already has of the northern. Looked at

closely, it is a question of no little importance to England, for whom trade is the breath of life, and who would cease at once to be one of the great powers of Europe were she by any accident to lose her maritime and commercial supremacy. If she can check the further advance of Russia eastward, shut her out from the Black Sea and the Baltic, and restore the Asiatic provinces now held by her to the porte, she secures for some time to come her present greatness. On the part of France, we apprehend the motive of the war is the reëstablishment and consolidation of the Napoleonic empire, or rather that of Charlemagne, which was the dazzling dream of the Corsican. On the part of England, it is to destroy Russia as a maritime power, which she has latterly bid fair to become, and to maintain her own commercial supremacy; which, however, let her do the best, if our government will shake off the remains of our colonial dependence, will before long be peaceably wrested from her by our growing republic.

The moral and religious interests involved count for something, we think, with the czar; for he is, we believe, sincerely and earnestly religious in his way, which is more than we would venture to affirm of either of his western opponents. As to France and England, we do not believe any motive but that of territorial aggrandizement with the one, and commercial supremacy with the other, has the least weight. We believe that there are millions of good, sincere, devoted Catholics in France, much true, ardent and enlightened piety amongst the French people, but we have not the least confidence in the religion of the French government, with its Gallican traditions. Under Louis Philippe, and especially under the republic, the French church spoke with a free, bold, earnest, and commanding voice. She was the admiration and glory of the Catholic world. She has been dumb since the *coup d'état*, or eloquent only in eulogies on her new master. At least, we hear her voice at this distance only when raised in glorification of France and her new emperor. The three years of the republic did more for the church in France than is likely to be done in half a century by the empire. Better the persecution of a Diocletian, than the courtly favors of a Constantine. The church in France prospers most when thrown back upon its own resources, and grows weak and helpless in proportion as nursed and petted by the secular government. The emperor may be a sincere Catholic in

his faith, and far be it from us to question it ; but he has shown no quality that would induce us to rely on him as a Catholic chief. He is the last sovereign in Europe, in communion with the church, that we should rely on to make any sacrifice for religion, or to promote Catholic interests any further than he can make them subservient to his own secular ambition.

We are well aware that many Catholics at home and abroad regard the present war as a sort of holy war against Russia, and think we ought to pray for the success of the allies. We do not agree with them. If Rome speaks officially on the subject, we shall know the part we are to take ; but an unofficial voice even from Rome would not weigh much with us at the present moment, for we remember Rome is held by French troops, and we are not sure that people there are more free than they are in France to question French policy. We should be glad to be assured that the French troops are not at Rome to protect French *interests*, as much as they are to sustain the Holy Father against the outbreaks of the red-republicans. We are not surprised that, in Great Britain and France, our brethren should express sympathy with the allies. Loyalty in the former, and the *paternal* character of the government in the latter, are sufficient to account for it. Moreover, the success of Russia would bode no good to the Catholic cause, and we believe that so far as Catholic interests in the East are concerned, they would be better protected under the sultan than under the czar. So far we agree with those of our brethren who side with the allies. But the sultan's independence is an empty word, and the success of the allies, will place Turkey under the administration of the ambassadors of the western powers, and Catholic interests will be sacrificed by France in order to secure the coöperation of Protestant England, as we have already seen in the recent interference of the British ambassador at Constantinople to prevent the Ottoman porte from conceding the demand of the French ambassador in favor of a certain number of Catholic Hellenes. The French ambassador was firm, indeed, and obtained his point, at least partially, but, if the papers may be believed, was instantly recalled by his government, who wished no religious question to be allowed to interfere with politics. The fact that France is acting in concert with England, or rather the fact that France has urged and induced England to act in concert with her, not

only proves that Catholic interests are not consulted in the war, but that, whenever they come up, they must be sacrificed on the altar of the English alliance; and we do not think them one whit safer under Protestant England than under schismatic Russia.

A great injury is done and will be done to the Catholic cause in the East by the allies. The schismatic Greeks and Armenians were beginning to manifest dispositions favorable to unity; but the decided stand taken by France, and even Austria, against the independence of the Christian nations subjected by the Turks, will turn all their national feelings and love of liberty against Catholicity, and in favor of Russia and schism. Russia appears on the scene as the defender of religious liberty and oppressed nationalities. The representative of the Catholic world appears as the enemy of those nationalities, and as the friend and ally of the oppressor. The scandal to Catholicity thus occasioned is not easily estimated. France in old times appeared in the East as the defender of the Cross against the Crescent. She appears there to-day as the defender of the Crescent against the Cross. She may deny it, but so will the eastern Christians, deprived of the opportunity of recovering their long-lost nationality by French forces fighting on the side of the Turkish, believe, so they will feel, and no declaration of hers will suffice to disabuse them, if indeed they are disabused. We do not think Catholic interests had any thing to hope from Russia, but we think they have much to fear from the allies.

What will be the issue of this unjust and unprovoked war, it is as difficult to foresee as it is to get any reliable information as to its present condition. While we are writing, the report is that Austria and Prussia have taken a decided stand against Russia. It may be so, and they may join the western powers; and if they do, they may possibly turn the scale against Russia, but not, we apprehend, in the long run, to their own advantage, for the success of the allies will render France a more dangerous enemy to Germany than Russia. If Austria turns her arms against Russia in the present crisis, she will not have Russia to sustain her when France has armed all Italy and Hungary against her. Nothing could justify Austria in making war on Russia but a determination on the part of the czar to take permanent possession of the Danubian principalities, of which we have as yet seen no evidence.

We hope Germany will maintain an armed neutrality, but not take any active part on either side, unless to step in at the conclusion to make herself heard in determining the disposition to be made of the remains of the Ottoman empire.

If left to themselves, France and England may possibly prevent Russia from crossing the Balkan, may destroy her fleets, bombard a few of her towns, and injure her trade and maritime coasts; but they will not subdue her, or materially weaken her power. Russia we do not think is so powerful for foreign conquest as she has been represented; but she is able to defend herself against all Europe. The western powers will not conquer her, or make her sue for peace. She can protract the war till their resources are exhausted, and in the mean time she may find a not insignificant ally in the United States. The Anglo-French alliance bodes us no more good than it does Russia, and it is as hostile to our interests as to hers. We can never consent to let a European power have possession of Central America, destined to be the key to the commerce of the world. Yet if the alliance continues, and succeeds against Russia, Great Britain will, in spite of us, get command of that important part of the New World. It will not answer for us to suffer Russia to be annihilated as a maritime power. Our policy should be close alliance with Russia, Spain, and all the American states. When alliances are formed against us, we must form them in our favor. With Russia we can have no conflict of interests, and we ought to have none with Spain and Spanish America. We are not in favor of proclaiming what is called the Monroe doctrine, but we are in favor of acting on it, and we are very likely to have occasion to act on it against England and France. This opinion is rapidly spreading throughout the Union. If reports may be credited, we shall settle our difficulties amicably with Spain and Mexico, and prepare the way for the combination of interests not precisely in accordance with those of the Anglo-French alliance. In this combination Russia will be included.

Our army and navy make at present no great show, but we could in a short time have a fleet afloat that would obstinately, and not unsuccessfully, perhaps, dispute with Great Britain the empire of the ocean, if necessary. We are glad to see that congress has voted an increase of the navy. We hope it will vote a much larger increase. Our



merchant marine is second only to that of Great Britain, and we ought as a naval power to be second to none. Our great battles will all have to be fought on the ocean, for we have no powerful neighbors on land. The time has come when we must assume our proper place among the great powers, and we can do it only by a navy that enables us to cope with that of the greatest maritime power.

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## RUSSIA AND THE WESTERN POWERS.

[From Brownson's Quarterly Review for January, 1855.]

A DISTINGUISHED Scottish gentleman, with an historical name, and for whose character, intelligence, and noble purposes we entertain the highest respect, has written us a long letter, complaining of our supposed Russian partialities, and endeavoring to convince us that, as a Catholic in religion and a conservative in politics, we ought to sympathize with France and England in their efforts to resist Russian aggression. We attach so much importance to his communication, and are so willing to listen to all that can be said against Russia from the Catholic and conservative point of view, that we most cheerfully comply with his request, so modestly and respectfully presented, to lay the copy of the communication made to Cardinal Antonelli, which he incloses, and the more important passages of his letter, before our readers.

### “LA RUSSIE UNE PUISSANCE RÉVOLUTIONNAIRE.

“Le sous signé ne doute pas que plusieurs des considérations suivantes n'aient déjà fixé l'attention de ceux qui occupent des places éminentes dans les différents états de l'Europe. Malgré cela il croit remplir un devoir en venant exposer brièvement ses convictions sur ce sujet.

“Il commencera par faire mention de ses propres expériences.

“Il y a environ 15 ans que l'Angleterre fut ouvertement menacée d'un mouvement révolutionnaire dans les villes manufacturières, dans le pays de Galles, dans d'autres districts qui abondent en minéraux, et

à Londres même. Le mouvement eut lieu de part des *Chartists*, c'est à dire des ultra libéraux parmi la classe ouvrière. Subitement partout les préparatifs cessèrent sans arriver à aucun résultat excepté dans quelques parties du pays de Galles. La conspiration fut rendue vaine par l'influence d'un très petit nombre de messieurs qui s'étaient familiarisés avec la nature de l'action Russe en Grèce et en Orient. Ils étaient convaincus que non seulement les troubles de l'Occident étaient favorables à la Russie, mais qu'ils étaient fomentés par elle, et ils soupçonnoient même que dans ce cas-ci il fallait reconnaître un exemple de son activité.

« Pleins d'inquiétude ces individus mirent de côté toute répugnance personnelle et visitèrent les principaux chefs Chartistes. Ils leur parlèrent franchement du caractère et de l'étendue de l'ambition Russe, et réussirent à intéresser leur patriotisme et leur intelligence. Le chef des Chartistes de Londres fut le premier à partager leurs sentiments,—quelques autres du Nord suivirent son exemple, et c'est ainsi que toute la conspiration se trouvait paralysée. En un mot plusieurs d'entre eux remirent à ces messieurs quelques portions de leur correspondance secrète, *leur chiffre, et sa clef*.

« L'origine Russe de ce mouvement était ainsi bien claire. Le chiffre étoit le même que celui dont s'étaient servis les agens Russes en Grèce, et celui qui avait fourni le chiffre avait été quelques années auparavant un agent Russe en Grèce, en Égypte, et en Pologne.

« Ces messieurs n'ont pas cessé de suivre le sujet afin de le connaître plus à fond. Le sous signé présente quelques uns des résultats de leurs études, de leurs voyages, de leurs dépenses, et de leurs travaux.

« Il affirme que la révolution de la Hongrie fut fomentée par la Russie avec l'intention d'affaiblir l'Autriche afin de la mettre ensuite sous le joug d'obligations imaginaires, et avec d'autres vues qu'il serait impossible de détailler ici.

« On tient aussi les preuves que les agitations politiques de l'Italie sous le règne de Grégoire XVI. furent fomentées par les instruments de la Russie, et qu'à une date antérieure elle avait les Carbonari à sa disposition, au moins depuis 1813-14.

« L'alliance de l'Angleterre et la France même après 1830 a été rendue —rapport à son but principal qui étoit d'arrêter la Russie—presque nulle. L'attention de ces nations fut attirée à des objets erronément choisis, la Russie ayant préparé d'avance des tentations suffisantes. En *Europe* le principal de ces champs d'action fut la Péninsule. La France et l'Angleterre tantôt séparément, tantôt ensemble, furent engagées dans l'*Intervention* et en chaque cas—comme prévu—le résultat fut la dissension mutuelle.

« Or une telle chose n'étoit possible que par un grand développement de certains élémens de discorde dans l'Espagne et le Portugal. Ce s'est effectué par un principal événement, c'est à dire, par le soulèvement militaire et libéral de *l'Île de Léon* en 1819. Il y a des preuves suffisan-

tes que ce commencement des troubles de l'Espagne fut entièrement le fruit des intrigues et des dépenses de la Russie.\*

"L'Occident étant ainsi occupé de lui-même et ses gouvernements affaiblis et épuisés, tout ce qui concernait les buts de l'ambition Russe fut laissé libre pour elle, et, pire encore, fut abandonné entre ses mains par ceux qui étaient en connivence avec elle.

"Le sous-signé pourrait bien faire mention d'une autre série de résultats, mais il n'en parlera maintenant. Il se contente de diriger l'attention. . . . . Il n'entrera dans des explications sur le rôle de plusieurs Anglais qui, généralement supposés d'être stimulés par le zèle libéral, n'ont été en vérité que les instruments du Cabinet Russe.

"Il n'est donc pas de péril plus grand pour un gouvernement que celui de croire la Russie une puissance qui *crain*t l'esprit révolutionnaire dans les autres états. Dans son action extérieure le contraire la caractérise aussi décidément que l'autocratie le fait dans son système intérieur. L'emphase de ses déclarations dans un sens opposé est simplement un voile jusqu'à présent impénétrable du moins pour l'Angleterre. Par ce double caractère son profit est en même temps grand et facile. En secondant les factions, en organisant les conspirations elle occupe les peuples, et en même temps rend les cours ses clientes par ses professions amicales et conservatrices.

"On prend facilement en bonne foi ces professions, puis qu'on la voit elle même despotique. Mais elle a bien calculé son jeu, elle connaît bien sa race, différenciant tant des autres peuples de l'Europe en langage, en religion, en degrés de culture, et en espoir de domination. Les serfs ne sont pas susceptibles des influences qu'elle emploie pour agiter l'Europe, et c'est dans son calcul qu'ils resteront ainsi jusqu'à ce que l'Occident sera devenu, non un exemple qui attire, mais une leçon qui détourne, c'est à dire, corrompu, épuisé, et vassal.

"Le sous signé ne prétend pas donner des conseils. Il vient simplement déposer ses expériences et ses convictions aux pieds de. . . . .

"Il n'est poussé que par la connaissance qu'il a de cette conspiration dirigée contre la vie des nations et par la certitude qu'il a que tant que le pouvoir Russe ne sera rompu il n'y aura ni paix pour les sujets ni sécurité pour les trônes.

"(Signed,) \_\_\_\_\_

"*Juin, 1854.*"

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\*"After creating the revolt, all her efforts were bent towards the French intervention,—which she carried despite the opposition of Louis XVIII. What he feared and what Russia desired was almost accomplished,—the reopening of war between France and England. When the Duc d'Angoulême entered Spain, the liberals in both houses offered to stand by the ministers in a war with France on the Spanish question. The temptation was great, and nearly yielded to."

"Sept. 8, 1854.

"SIR —On my return from a lengthened tour on the continent, I have addressed myself to a hasty review of some portions of the Catholic literature produced during my absence. You will not, I trust, think that I flatter, when I say that your Review was turned to by me with eagerness.

"It is seldom indeed that I find any occasion for hesitating to follow the path chosen by you. On one matter only do I venture to do so,—and that is a subject to which I happen to have devoted very many years, and in connection with which I have made many sacrifices.

"A conservative in politics, and, by God's good grace, a Catholic in religion, and personally acquainted with many eminent persons in various states, I trust you will listen to me with more patience than it is in general very easy to accord to the representations of a stranger. I put forward, however, my acquaintance (I might almost say more than acquaintance) with Dr. Newman as a claim to consideration more likely to tell with you than the intercourse which has been allowed to me with many statesmen,—from the late Sir Robert Peel and others in England, to Cardinal Antonelli and various diplomats, either at this moment or lately in important office in England or on the continent. Finally, as an English University man, you will perhaps allow to my few words that tentative acceptance which you might possibly refuse to an unknown person speaking on a class of subjects beyond the, as yet, familiar matter of politics.

"I allude to your estimate of the character of Russia.

"You, like the majority of my countrymen, think her *conservative*, an element among the nations of obedience,—of permanence,—of respect between man and man,—of faith and worship, and all that is warred against by the revolution.

"I *know* her to have laboured in the opposite sense.

"Schisms, heresies, false and wild speculation civil and religious, discontents, conspiracies, outbreaks, revolutions,—these have been the familiar weapons for her use and profit, for *at least* twenty years previous to the great French revolution down to the present hour. I repeat with confidence that the corruption of Europe has, more than any other department of activity, been pursued without cessation, and with scientific judgment, by the power to which we were complacently condescending to impart what we thought a boon,—our polish, our 'civilization.'

"By sufficient research you will find that she it was who ripened the seeds (certainly of themselves sufficiently vigorous) of 'the' French revolution. I am myself personally cognizant of some portion of her share in various subsequent convulsions. But it is vain to enter into such a subject by any ordinary correspondence.

"Permit me to send you a miserably meagre outline of some only of its branches. It is a paper very slightly modified and curtailed from

one which I drew up for Cardinal Antonelli some time ago. From him I received in return the most positive confirmation of its accuracy so far as concerns Russia's share in several of the great conspiracies against religion and order in Italy during the last twenty years. . . .

"This, sir, is a very serious and weighty subject. It lies at the very root of modern events, and is the key of history for many years. If I am wrong, how greatly and how perversely so! If right, how fatal to Europe and to more than Europe the error that interior despotism and a high tone of absolutism are a guaranty that the great Russian power is a defence to *us* of order and of traditions? If we think so, while she is in reality industrious and inventive on the other side,—while she is in reality labouring for the dissolution and mutual collision of states,—she is mistress of the game, and can scarcely fail to work out of it her objects of national ambition.

"There is, sir, only one element tending to mould events which Russia has not taken thoroughly and justly into calculation. She has not believed in, and therefore not appreciated as an element, the *Church of God*. She has not believed in the supernatural working for the chair of Peter,—using insignificant instruments,—turning the moments of the church's apparent defeat into the occasions of her success.

"But for this, were it only the human material of opinions, passions, forms of government, conspiracies, armies, the press, and all the rest, Russia would be right in all her hopes, her immense designs would be very far from insanity. And it is not that Catholics any more than others see and understand her; it is simply that God's good providence must in the *ecclesiastical* field secure her defeat, though whether before or after the further downfall of nations, I in no degree pretend to calculate.

"I will not enter into the question of the justice or injustice of her present attack on Turkey. Most sure I am that it is unjust, but it must rest undiscussed. Nor will I touch on the question whether the Turk is at present the power against whom the church and the state of Christendom have to be *especially* on the alert, or whether his past and present sins directly concern us in the same way, and to the same degree, with those of Russia, whether it is the Turk or the Russian who is braced to deeply laid designs against the independence of states,—against the security of Rome,—against the order and the strength which would oppose vast aspirations for dominion; for I know that the most perfect exposition of these topics would give but a barren result in the way of convincing a mind which had honestly set itself to the contest with revolution, and at the same time fancied that Russia had *hitherto* been a fellow-labourer in the same cause. The erroneous sympathy would practically prevail over all logic and all facts.

"Allow me to suggest one consideration. The line upon which you have entered is in opposition to what I know of the thoughts of many of the best Catholics and wisest men. It is in opposition to that of most worth naming in Rome, I may almost venture to say of the Holy Father

himself. It is in opposition to that of the majority of the French bishops and a vast number of the clergy,—I should suppose of far the greater number. It is thoroughly in opposition to that of the bishops of Austria and Prussia. But you are in the same line with the ultra *Protestant* and ultra *Russian* organ of Berlin, the *Kölnische Zeitung*—with that of the precisely similar organ in Holland,—with that of the extreme revolutionists of Italy, France and Spain. That all these *should* take the line which they take is no surprise to me. That the true leader of the Greek schism should stir heaven and earth against 'the Latins' is natural,—that he should try to weaken and corrupt that Europe which otherwise would be tenfold too strong and too clear-sighted and upright for him, all this is natural; it is natural, too, that the other enemies of 'the Latins' and of the existing order of states should be his instruments and allies.

"Russia would not enter Constantinople to-morrow if the Turk wished him. She knows that Europe would not bear it. Europe therefore must be brought to the condition where she will bear it, that is, after more wars, more revolutions, more exhaustion, more dreams, and more despair. This is the simple key to Russian policy.

"It would oblige me if you would read the enclosed paper. It, or a nearly similar document, has been received with interest by more than one personage of some experience in European affairs. I would almost ask you to print it in your Review as a fair tribute to opposite views, and as a paper which, as a fact, has been respectfully acknowledged in high quarters. Any passages in further illustration of this side of the question from my letter are also very much at your service. . . . .

"I remain, sir, very respectfully, your obedient servant."

We think our Scottish correspondent has not quite understood our position with regard to Russia. We are not, and never have been, the partisan of the autocrat, and who ever will do us the honor to read the article on "Christianity and Heathenism" published in our *Review* for January, 1852, \* will perceive that resistance to the further advance of Russia was a leading feature of the policy we ventured to recommend to the Catholic statesmen of Europe. That article, we may remark by the way, was written and in type before Louis Napoleon's *coup d'état* of December, 1851, when the more immediate danger seemed to be from the temporary triumph of demagoguery, of which France was the focus. The policy we recommended had for its object to resist, on the one hand, the advance of the demagogic despotism, or centralized democracy,—what in this country we call radicalism,—and on the other, centralized royalism, or

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\* Brownson's Works, Vol. X., p. 357.

the monarchical absolutism represented by Russia. This end, we contended then, and contend now, can be secured only by strengthening Austria as the great central power, so as to render her able always to mediate between Russia and the western powers. We made Austria—we should have said Germany, if German unity had not been lost—the pivot of our European policy, and not Turkey, an infidel and barbarous power. We are, then, Austrian rather than Russian. But we are Austrian only in the respect that Austria happens to occupy a central position in Europe, and is for that reason fit to mediate between the East and West; not because we prefer Austrians to Frenchmen or Englishmen, or have any partiality for what has been the general policy of Austria for the last hundred years.

We have never relied on Russia as a conservative power in Europe, or as a bulwark against the demagogical party; for she inherits the old Byzantine politics, and carries with her that imperial despotism or caesarism, wherever she goes, which we hardly prefer, perhaps which we do not prefer, to Jacobinism itself. We have always been aware that Russia is a schismatic and strongly anti-Catholic power; but we have never regarded the Greek schism as worse than English or Scottish heresy, or Russia as more decidedly anti-Catholic than Great Britain, or than even the French government has often proved itself. Every absolute or despotic government is hostile to Catholicity, and in regard to religion even the English government, through its intense nationalism, is despotic. Indeed, we hope nothing for Catholicity from any European government, for the secular courts have long since ceased to be governed in regard to religion by any other views than those of state policy, and religion suffers nearly as much from those whose policy leads them to protect it, as from those whose policy leads them to oppose it. They will all sustain the church so far as they can use her: none of them will do it any further, if they can help it, or hesitate to oppose her if they find her in their way. Catholicity, we therefore considered, could gain nothing in the struggle, whichever party might triumph, and would suffer about equally whether the western powers or Russia were defeated.

We, of course, treat with great respect the opinion of the bishops and clergy of Europe, which our correspondent cites against us, but we suppose the question is one on which we are free to form our own opinion. What the

opinion of the Holy Father is, we do not think is known by any one, and till it is officially expressed, we can make no use of it one way or another. His position is a delicate one. There are Catholic interests to be looked after in Russia as well as in France and Great Britain, and it is not the part of good Catholics to do or say any thing that might embarrass him in regard to them anywhere. We have not understood that a crusade has been preached against Russia, and we do not think Great Britain likely to enlist in a war for the promotion of Catholic interests; we agree, however, that at the present moment Russia is a more formidable enemy of the church than Turkey, but whether she is more so than Turkey would be under the tutelage of the British government, and administered by the British minister resident at Constantinople, may well be a question. The worst enemies of the Catholics in the East are the Protestant missionaries, and these are under the special protection of the British government. The policy of the British government in the East is to protestantize it, or, what is nearly the same thing, to render it indifferent to all religion, whether Christian or Mahometan. The *civilization* it is urging upon the Turks places the Bible and the Koran in the same category, and rejects both as of no more value than the last year's almanac. The French government, through fear of disturbing the *entente cordiale* between England and France, will favor the same policy. We have yet to find an instance in which the French government ever supported Catholic interests at the hazard of political interests. It sacrificed the Jesuits and their missions among our North American Indians to its political policy, as it favored them only as a means of extending French influence with the Indian tribes.

Our correspondent gives us some evidence of Russian intrigues with the revolutionary party in Europe, which had not reached us before; but in so doing he only proves that Russia is in this respect no better than England or France, which we are not disposed to dispute. If Russian intrigue has produced many of the troubles in Italy during the last twenty years, English and French intrigue has probably produced many more of them. Our correspondent should not forget Lord Minto's mission to Italy in 1847, designed, by appeals to the revolutionary party, to thwart the efforts of France under Guizot to introduce the political reforms needed in the continental states through the legitimate and orderly action of the sovereigns, nor that England is the



home of Kossuth and Mazzini, whence they organize their revolutionary plans against the peace of Europe. Ever since 1822, Great Britain has been the well-known ally of the revolutionary party on the continent. The Russian interference in Spain was doubtless intended to disturb the union of France and England, formed, avowedly, in an interest adverse to Russia. Why she attempted the Quixotic enterprise of revolutionizing England through a contemptible Chartist insurrection, we do not know. If she did any such thing, she acted without her usual shrewdness. If she interfered in Belgium, and induced the Belgians to revolt against William I., she did what we as a Catholic dare say was a good act. Our correspondent cannot approve the act of the congress of Vienna that annexed Belgium to the Dutch Netherlands, or really think that the Catholic interests of Belgium have suffered by being emancipated from the oppressions of the bigoted Calvinistic king of the Netherlands. For our part, we think the Belgians needed very little urging from Russia to seek to throw off an oppressive rule, which had been imposed upon them without a shadow of right, by a most arbitrary exercise of power.

Indeed, we cannot but suspect that our correspondent attributes to Russia too large a share in the revolutions of Europe, and has seen her hand sometimes where it was not. We would as soon believe that she induced the British ministry to adopt the policy of raising a revenue from the colonies, and then stirred up the colonies to resist, and thus brought about our independence and the establishment of American republicanism, as that she by her intrigues brought about the French revolution of 1789. The French revolutionists were no more moved by the instigation of Russia, than ours were by the instigation of France. In both cases there were internal causes operating adequate to the effect produced.

That Russia has at the present moment a good understanding with the ultra revolutionists of Italy, France, and Spain is very probable, as it is equally probable that the western powers have a good understanding with the revolutionary party in Germany, and the disaffected among the Poles; but in the beginning of the struggle, the sympathies of the revolutionists were everywhere with the Turk. If not, why did they flock to his support, and seek service in his armies? That, since liberty is crushed in France, and there is some prospect that Austria, whom the liberals hate far

more than they do. Russia, will make common cause with the western powers, the revolutionists have been willing to communicate with Russia; agents, we can believe, and that Russia should seek through them to impede the operations of the allies against her, is not at all unlikely. It is no more than is customary in time of war, and no more than the allies themselves would do, were they in her place, and she in theirs. The first aim of Italian liberals, and that in which nearly all Italians are agreed, is to drive the Austrians out of Italy, and to reserve Italy for the Italians as an independent state. This is a patriotic aim, and could we see any prospect of a united Italy under native rulers, competent to protect really Italian interests against France and Austria, and, above all, against the anti-Catholic demagogues of the peninsula, we should approve it with all our heart. But such an Italy is an impracticable dream. Italian unity has no existence. But that Italians should be impatient of foreign rule is not strange, and in the present aspect of affairs Russia is the only power to which they can look for sympathy. France, anxious to be on good terms just now with Austria, will not interfere in their behalf, and if she did, it would only be to supplant Austrian by French caesarism, not to liberate the Italians.

Thus much we have said, to show, even conceding all that is alleged against her in the communication sent us, that Russia, if not much better, is not much worse than her neighbors. It must not be forgotten that there has been among the western powers, since Russia advanced to the Black Sea, much intriguing against her, and therefore that it is natural that she should intrigue against them; and the only difference we can see between them is, that she has for the most part been more successful in her diplomacy than they in theirs. That she had something to do with the insurrection of the Greeks which resulted in the establishment of the kingdom of Hellas, we do not doubt, but that insurrection is one which we cannot condemn. And we believe England also had something to do with it. Her ships took part in the destruction of the Turkish fleet at Navarino. That Russia has long contemplated the destruction of the Ottoman empire may be true; but France, in 1824, agreed with her on a plan for the division of a large portion of its territory between themselves and Austria, and it is well known now that Russia and England had, in 1844, a mutual understanding that, when the time should come,

there should be a friendly and peaceful agreement between them as to the division of Turkey. That an end ought to be put to the Ottoman empire we fully believe, and we have no fault to find with Russia for seeking to do it. That Turkey is not to-day a formidable power to Christian Europe, we owe to the successes of Russian arms against her. But we see as clearly as any one the danger to the rest of Europe in allowing Russia to annex the principal parts of the Turkish dominions to her already overgrown empire.

In the present war, the western powers, as between them and Russia, appear to us to be in the wrong. They may have sufficient reasons for desiring the power of Russia to be weakened, but they have not, as far as we can judge, alleged a justifiable cause of war against her. They profess to be at war with her as the allies of Turkey, for the maintenance of the independence and integrity of the Ottoman empire. But the maintenance of the independence and integrity of that empire is not, of itself, an object that Christian powers may lawfully undertake; for Turkey is the common enemy of Christendom, and can be supported only as a means of accomplishing an end that may be lawfully sought independently of her. The allies cannot plead her quarrel in their justification. They may use her, if they think proper, but only against an enemy with whom on their own account they would have just cause of war. The merits of the dispute between Turkey and Russia cannot enter into the question between them and Russia. Even if they could, it would avail them nothing, for both France and England have acknowledged that Turkey played false, and that Russia had just cause of complaint against her. But, aside from that dispute, the allies have no legitimate cause of complaint. Russia has done them no injustice, violated none of their rights, broken no obligations contracted with them, and shown no hostile disposition towards them. They are really fighting her, not to redress injuries received, but to prevent injuries which she has the power to do them on some future occasion, although she has shown no intention of doing them. They are acting on the principle of the Connecticut deacon, who called up his sons one Sunday morning and flogged them, not because they had broken the Sabbath, but because he foresaw that they might break it during the course of the day.

The fact is, that in the race for empire Russia threatens to come in ahead of the western powers, or to be too strong

for their interests or policy. But we have no more right to go to war with a nation because it is too strong, than because it is too weak. However formidable may be the power of Russia, the western powers cannot lawfully declare war against her, unless she abuses her power in regard to them, breaks her obligations to them, and invades their rights, or proves by her conduct that she disregards international law, and will be bound by no faith of treaties. Mere power, however great it may be, cannot outlaw a nation. Russia may have displayed on various occasions an aggressive spirit, but not more so than the western powers themselves; and since the accession of the present emperor she has manifested very little disposition to extend her territory at the expense of her neighbors, far less than has been manifested by either France or England. If Nicholas aims to be supreme on the land, Great Britain aims to be supreme on the sea, and we know not why it is not as lawful for him to extend his possessions in Turkey and Persia, as it is for her to extend hers in India, or for France to colonize Africa. Few acts of Russia can be alleged more in violation of the laws of nations than the destruction of the Danish fleet at Copenhagen by England when professedly at peace with Denmark, or the part she took in the destruction of the Turkish fleet, at Navarino, when she was professedly the ally of the Turk. If the past acts of Russia are to be cited, the past acts of France and Great Britain must also be cited; and the aggressions on land of the former, especially under Napoleon I., and the aggressions of the latter on the sea for a hundred and fifty years, will fully offset those of the Muscovite.

That Russia has attained to an enormous growth, and threatens to exercise a dangerous influence on the internal and external affairs of the rest of Europe, we have no disposition to deny; we are neither her admirer nor her apologist. But we think this is less her fault than the natural result of her advantageous position, and the divisions, political and religious dissensions, and national and commercial rivalries, of the other European powers. We see not how, without a self-restraint, and a chivalric sense of justice, which no nation has the right by its own practice to exact of her, she could help acquiring a preponderating influence in European affairs. Great Britain is strong enough on the sea, but not on the land, and France is too remote to form a sufficient counterpoise to her power. We regret it, for Russia complies with her temporal ambition a fanatical zeal for the

Greek schism, and is apparently determined to carry it with her wherever she goes, and to make her national church universal. The czar aims to be pope as well as autocrat, and supreme in spirituals as well as in temporals, and hence his influence is and cannot but be inimical to religious liberty, the first of all liberties, and the basis and guaranty of all others.

Since Ivan III., wiped out the last traces of the Tartar conquest, and Ivan the Terrible completed the subjugation of the church in his dominions to the state, Russia has been steadily developing her internal resources and extending her power and influence abroad. She now embraces, we are told, one-seventh of the whole territory of the globe, and a population of sixty millions,—the great bulk of whom are of one and the same race, and speak, with slight variations of dialect, one and the same language. On the North, her empire very nearly belts the globe; on the West, she touches Norway, Sweden, and Denmark; on the East she touches China, and from Khiva is supposed to menace British India; on the South, she borders on Germany and Austria, and menaces the Bosphorus and the Persian Gulf. She lies, so to speak, in the rear of both Europe and Asia, and may assail either, without being liable to be assailed in return, save at a fearful disadvantage. She has, or threatens to have, by means of the Baltic, the Euxine, the Caspian, the Aral, the Persian Gulf, and the rivers flowing into them, command of the shortest and most desirable routes of the commerce of Europe and Asia. Already has she reduced Sweden and Denmark to mere ciphers, absorbed Poland, broken the Ottoman power, humbled Persia, and almost obtained the tutelage of Germany. Hitherto she has advanced uninterruptedly, and every effort made to check her progress has turned to her advantage, as in the case of the advance of ancient Rome to the empire of the world.

A glance at the map of Europe and Asia will show at once how advantageous is the position of Russia, and how menacing her attitude. Let her become, as she has since Peter I. been laboring to become, a great maritime power, as formidable by sea as by land, and she governs the politics, the commerce, and, aside from the Catholic Church, which she persecutes, the religion of the world. She would be what Charles V. and Phillip II. wished to make Spain, and Louis XIV. and Napoleon I. aimed to make France.

and what Great Britain has for nearly a century been and is as to the sea. We are strongly opposed to this, not because this mighty power would be more dangerous in her hands than in those of France, Austria, Prussia, or Great Britain, and because it cannot but be dangerous, in whose hands soever it may be. We are opposed to the maritime supremacy of Great Britain, and we have always hailed with pleasure the growth of the French and Russian navies, as a counterpoise to her. The actual maritime preponderance of Great Britain is really as hostile to the best interests of the human race, as the threatened preponderance of Russia. The British mercantile system, sustained by her naval power, is more hostile to the freedom and independence of nations, than any preponderating influence that can be long exercised by Russia. It enslaves the world to Mammon, the meanest of the angels that fell, and is more corrupting to the soul, and more perilous to its salvation, than any system of secular despotism ever devised. Though, therefore, we have in this contest no sympathy with Russia, we have just as little with Great Britain, fighting simply to maintain her mercantile system, and to keep the world enslaved to her low and grovelling system of materialism, threatened by the advance of Russia to a command of the great routes of commerce. We like not the attitude of Russia, and for religious rather than political or commercial reasons we wish her permanently humbled, and are as unwilling as our Scottish friend and correspondent to see her influence extended.

But we cannot regard the attitude of Russia as the result of any extraordinary fault of hers. Aggressive she may have been; but the other powers of Europe are more to blame than she, for she has but availed herself, for her own aggrandizement, of their crimes and blunders. It was their national rivalries, schisms, heresies, and wars with one another, that gave her the opportunity, and invited her to become what she is. They abandoned the defence of Christendom against the Turk, quarrelled with the pope, despoiled the church, made war on religion or on one another, and left Russia to fight the battles of Christian civilization against Mahometan barbarism, and to strengthen herself by so doing. England, under pretence of protecting the Protestant heresy, joined with her in preparing the way for the partition and suppression of Poland, that great crime as well as great political blunder; France, by an alli-

ance with the Turk first, and afterwards with Gustavus Adolphus and the Protestant princes of the empire, prevented the restoration of German unity, broken by Luther's reformation, and thus destroyed the only European power that could impose an effectual restraint on Russian ambition in the West. These powers, therefore, must blame themselves, not her, if she avails herself of the advantages they have afforded her, and leaves them to reap the fruits of their own madness and folly.

The real object of the allies in the present war is, no doubt, to restrain the power of Russia, and to prevent her from obtaining those commercial advantages over them, which seem to be all but within her reach. Are they likely to gain this object? We think not, for they cannot strike an effectual blow at the heart of her power, and we can conceive no practicable political combinations by which they can render permanent any advantages they may obtain by the fortune of war. We would not exaggerate her military strength, or underrate theirs. The allies may gain the victory in battle, they may take Sebastopol, the whole of the Crimea, Finland, the Caucasian and Transcaucasian provinces, and for a time close to Russian ships the commerce of the Baltic and the Euxine, but Russia will not even then be essentially weakened. She may be thrown back upon herself for a time, but that will not harm her. She will turn her attention to the development of her internal resources, to the construction of roads and railways, and to completing a system of internal communications, which will prepare her for carrying on any future war with greater ease and expedition. No arrangement that will be made will prevent her from ultimately recovering the provinces that may be wrested from her, and standing before Europe, after a brief delay, stronger than ever.

If no territory be taken from Russia, and if she at the conclusion of peace retain all her present territorial advantages, nothing will have been gained by the war. If she is to be dismembered of a certain number of her provinces, the grave question comes up, What is to be done with them? The allies cannot annex them to their own respective states, because they are not contiguous, and their defence would cost more than they are worth. They could be retained only by keeping their fleets and armies all the time on the war footing, and rendering war the permanent state of Europe. They cannot, or will not, annex them to any ad-

joining state strong enough of itself to retain them. They may restore to Turkey the provinces taken from her by Russian arms, but this would not form a bulwark against the future advance of Russia. The allies cannot expect to reduce Russia lower than she was at the accession of Peter the Great, or to render the Ottoman empire stronger than it was at the same period. Turkey will therefore be no more able to retain them, than she was to prevent their original loss. Besides, if Turkey, a Mussulman power, were rendered strong enough to stand alone against her northern neighbor, she would herself be, as she was but recently, a more formidable enemy to Christian civilization than Russia, for the lowest form of Christian civilization is infinitely superior to the highest Mahometan. France and England might, indeed, guaranty the possession of the restored provinces, but such a guaranty would be vexatious to them, and would after all prove ineffectual. Russia might seize the opportunity, when they were at war with one another, or otherwise sufficiently employed, to recover those provinces. Finland, Livonia, and Esthonia might be given to Sweden, but Sweden would not be strong enough to keep them, any more than she was formerly to prevent Russia from taking them.

The allies, supposing the fortune of the war favorable to them, might reconstruct the kingdom of Poland, provided they could, which is not likely, gain the consent of Prussia and Austria; but they cannot reconstruct a Poland strong enough to stand alone even against the Russia that would remain. You cannot reconstruct a Poland that will be stronger or more united than was the Poland of the beginning of the last century, certainly not strong enough for the purpose, as experience has proved. There is no Poland now, except with the Poles abroad. Russianized, prussianized, and austrianized as the Polish people now are, they cannot form a united and independent kingdom, able to stand alone. If Russian Poland is detached from the czar, it must be annexed to some German power. But this would be a source of weakness rather than of strength, because the Poles, though they love not Russia, hate the Germans, and, if they cannot be independent, would prefer being an integral element in a great Russian empire to being a part of a German state, alien to them both in blood and language. It would always be a field for Russian intrigue, and afford an opening not only for Russia to recover it, but also to subject the German power to which it was annexed.



Even if the allies should succeed in arms, which it is possible they may do, it would be next to impossible so to re-constrict a map of Europe as to prevent Russia from speedily recovering the provinces taken from her, and repairing her losses; for she is an agricultural rather than a maritime power, and has her resources within herself. Her present position and strength are not an accidental result, due to a temporary policy or to brute violence. They are less the result of violence than of the natural course of events. No doubt she could and even ought to have resisted that course, but that she has not done so is no more to be censured, than that the absorption of India by the British East India Company was not resisted by Great Britain. In modern times, at least, nations consult their interests, not what a high sense of justice or a nice sense of honor would dictate. Few, if any, of the wars which have resulted in the aggrandizement of Russia have been begun by her, or if so, without as plausible pretexts as conquering or growing nations usually have. Most of her acquisitions have been either the recovery of old territory possessed by her before the Tartar conquest, or made from barbarian tribes with whom peace was impossible. She is the natural centre to which gravitate all the members of the great Slavonic family, and has been for a long time in a position in which she could hardly help profiting by the divisions, wars, and rivalries of the other European nations. Her growth being in the natural course of European and Asiatic events, a natural, not a forced growth, it is no easy matter for the rest of Europe, by any new political or territorial combinations, to prevent her from recovering whatever she may lose by the fortune of war, or from ultimately obtaining those commercial advantages which would enable her to reduce France and Great Britain, especially Great Britain, to the rank of second or third rate powers, leaving for the first rank only herself and the United States. She is a vast centralized power, animated by a single spirit and moved by a single will; they are divided into separate nations and states, distracted by diversities of race, religion, and interests, and led on by various and conflicting counsels and policies. In the actual state of things, she is stronger than any one of them, and it is out of their power to form a permanent league against her. They might about as easily form themselves into a single federative state, and each give up its autonomy. They can never agree among themselves to do any thing of the sort.

The attempt to resist effectually the natural progress of any great living national power by leagues, coalitions, or alliances between feebler states, has never yet succeeded. Where the end is to overturn a dynasty, or to dethrone a prince, no longer national, or to effect a purpose which can be gained by a battle or a campaign, coalitions may answer. They answered in the long run against Napoleon I., for though he attracted the admiration of the French, he was not the living impersonation of the French people; he was not rooted in the national heart, and could count on being supported only so long as he was successful. He became nationalized, so to speak, only after his death, by the contrast of his reign with that of the effete Bourbons. But where the force needs to be constant and permanent, it must, in order to be effectual, be that of a single nation, strong enough to stand alone. If Great Britain were as strong by land as she is by sea, and if her dominions lay alongside of Russia, or if Russia were merely a commercial power, she would, perhaps, be able single-handed to cope with her. If France adjoined Russia, she would also, we think, be able to cope with her. But neither is the case, and no single power contiguous to Russia is or can be made strong enough to stand alone against her, unless it be Austria.

The danger from Russia to the West is only as by her advance in the East she deprives the western powers of the commerce of Asia. She cannot advance with advantage to herself any further westward than she has already done. Germany prevents Russia from laying her empire alongside of the French, as much as Germany prevents France from laying hers alongside of Russia. The two empires cannot, even by the conquest of Germany, become contiguous. Napoleon I. had the command of all Germany, but France did not leap the Rhine, as he found to his bitter discomfiture on his retreat from Moscow. The autocrat of the Russias, were he to command all Germany, would find that Russia would not leap the German frontiers. Germany would be in his way as much as she was in Napoleon's. The great danger is to Austria, regarded as separate from Germany. The German element is not the strongest in her empire, and she lacks unity and compactness. Half of her population have more sympathy of race with Russia than with her, and it would not be difficult to detach from her Bohemia, Galicia, Hungary, Croatia, and her Italian possessions, leaving her only the Tyrol and her hereditary duchy. Through the disjoint-

ed nature of the Austrian dominions, and the heterogeneous character of her population, she is not able to stand alone against Russia, who can in spite of her continue to advance in the East, swallow up Armenia, Anatolia, and Persia in Asia, and the whole of Turkey in Europe, and the greater part of her own empire, in case she attempts resistance. Here is the danger.

Now it is idle to think of galvanizing the dead carcass of the Ottoman empire into sufficient life and activity to afford a safeguard to Europe. The only power to be relied on is Austria; and the true policy for the western powers is to strengthen her, and render her powerful enough to check Russian advance in the East. If any thing effectual is to be done, she must be permitted to extend her territory through to the Black Sea, by annexing to her empire Moldavia, Wallachia, and the greater part of Bessarabia. To pacify Italy, and soothe the jealousy of France, she might be required to exchange her Italian possessions, which should become independent under native princes, for Servia, Montenegro, and all of Turkey north of the Balkan. As a large portion of the population she would thus receive would by religion and race sympathize with Russia more than with her, she must, in addition, enter the German diet with her non-Germanic provinces. Since Turkey must fall, transfer the Hellenic kingdom to Constantinople, and annex to it all that would remain of Turkey in Europe and Asia, to the borders of Syria and Palestine, which last might be formed into the Latin kingdom of Jerusalem, in the house of Savoy, the heir, we believe, of the title.

Something like this would raise up a barrier to Russia without reconstructing the map of western or northern Europe, or creating in the East a power strong enough to harm the legitimate commerce of the western powers. But we are not so silly as to suppose that European statesmen will entertain such a project for a moment. They would fear the predominance of Austria. We therefore see no prospect of the war terminating to the advantage of Europe. One thing is certain, that Russia will not yield without an obstinate struggle. If Austria and Germany do not engage in it, the western powers will be worsted, and if they do, they will have to bear the brunt of the war, and all western and central Europe will become in addition the scene of a civil strife with the revolutionary party, encouraged and sustained by Russia, from which Italy and

Austria will be the chief sufferer. In the former case Russia gains the victory, and resumes with redoubled ardor her policy of getting the control of the East, and of hostility to the church. In the latter, Germany will be ruined, and Austria disabled, and both will fall a prey to Napoleon III. or his successor, and France will become once more the terror of Europe on the land, while England will continue with more insolence than ever to sing,—

“Britannia rules the wave.”

We do not wish to see Austria and the Germanic states under the tutelage of Russia,—a tutelage as incompatible with their true interests as with their dignity, and we should be most happy to see them escaping from it, and reconstructing a united and independent Germany, so essential to their own well-being and to European society. But, alas! it is impossible *revocare defunctos*. German unity becomes every day more and more difficult, and is well-nigh as impracticable as Italian unity. The sovereigns do not wish it, Russia is opposed to it, France and England will protest against it, and the German people, separated by political and religious differences, have no power to effect it. It is possible that an alliance with France and Great Britain would emancipate them from Russia, but it could only be by making of her an eternal enemy,—in a critical moment more dangerous as an enemy than she is as a friend. It does not do to overlook the internal state of Germany, or to forget that there is a powerful and increasing revolutionary party in her bosom, holding the most frightful principles of socialism and atheism,—a party almost strong enough in 1848 to overthrow all authority, and introduce the saturnalia of Jacobinism. Only by the utmost vigilance of the governments and by strong repressive measures are they prevented from open insurrection. The danger from them is not over, and we have not seen or heard the last of them. Though Russia may appeal to the revolutionary element against powers hostile to her, we know not where but to her the German governments could look for aid in case of a revolutionary outbreak. Great Britain could not be relied on; she is half a democracy already, and her government must obey popular opinion, and popular opinion is and will be on the side of the revolutionists. France would render no aid, because she would hope to find in the revolution the means of reëstablishing the empire of Charles-

magne, the dream of the founder of the Napoleonic dynasty,—a dynasty that establishes itself by professing liberal ideas and practising despotism.

Looking at the subject from this distance, and as impartially as we can, we see nothing hopeful for Old Europe. She has thrown away her opportunities, and we see no happy issue for her. Let the present war terminate as it may, we see no good likely to result from it. Indeed, wars undertaken from policy never end well, and there is no country that politicians will not sooner or later ruin, if abandoned to their lead. It is long since the European courts abandoned principle, justice, good faith, and religion, for simple state policy, and order is now nowhere maintained on the continent but by armed force. There is hatred between nation and nation, and war between the ruled and the rulers. There is no reliance to be placed on the courts, none to be placed on the people. The courts became corrupt, and have corrupted the people, as the demagogues are corrupting them here, and there is only one point in which the people and their sovereigns agree, and that is in hostility to the church, the only source of help for either. The one shows its hostility in trying to make her a tool of their despotism, and the other in seeking to crush her, and to substitute for the worship of God the worship of humanity.

Nevertheless, we may take too desponding a view of European affairs. Who knows the designs of Providence, whose prerogative it is to bring light out of darkness, and order out of confusion? Who knows but the celestial Spouse of the church is about to interpose for the joy and glory of his bride? It may be that Providence has suffered Russia to grow up and to become strong as an instrument for punishing the nations of central and western Europe for having abandoned him and betrayed the trust he confided to them. If so, we can only say the judgments of God are just, and his chastisements salutary. He may use Russia as the instrument of his justice, and dash her in pieces when he has served his purpose with her. She may cause much suffering to Europe, much injury to religion, but she will never realize the dream of universal monarchy. If she should overrun western and central Europe, she could not hold it in subjection, and her triumph would probably be as short-lived as was that of France under her great Napoleon. She may plant herself on the Bosphorus, and command for a time the Mediterranean Sea, and the Indian Ocean, the

commerce of India and China, but she will not be able to hold all Asia under her sway for many generations. Her power, unlike ours, is weakened by expansion, and she will have enemies enough rising up in every quarter to compel a division of her territories. Moreover, her advance southward and westward may operate through the grace of God her conversion, and thus what forebodes only ruin become the means of infusing fresh blood, young and vigorous, into the veins of those old populations that have so long proved themelves unworthy of the privileges bestowed upon them. It may be, that Almighty God intends visiting these old nations in mercy, and that he intends to use Great Britain, so long the bulwark of the Protestant heresy, to break the head of the Greek schism, and to deliver his spouse. Perhaps he remembers her hospitality to his bishops and priests, exiled from France by her Jacobinical enemies, — a noble hospitality, hardly ever equalled in the annals of any nation, and marvellous in an heretical and commercial nation, well nigh devoured by materialism, — and is determined to lead her by a way she knows not back to Catholic unity, and to make her once more an *in ula sanctorum*. We can tell what may be the effect of her alliance with France, and the union of their arms in that old mystic East? Man proposes but God disposes; and as the union of these two powers against the crescent failed, so their union to uphold it may also fail, and result in the restoration of the cross. We are shortsighted mortals. We see but a little way before us, and that but dimly. What we are ready to exclaim is against us, may, as in the case of the patriarch, turn out to be for us. *Speret in Deo*. We have always this consolation in the worst of times, that the Lord God reigneth, and can make the wrath of man praise him, while if we are faithful to him, no evil can befall us, for the only real evil in God's universe is sin.

Our correspondent will perceive that we are not the strong partisan of Russia he supposes, and that we do not regard her as a peculiarly conservative power. But he must bear in mind that we are American, and as much attached to our country as he is to his. Now his country, Great Britain, is the one whose supremacy is likely to prove the most offensive to Americans. We trust we have no un catholic feelings towards his country, the land of our ancestors, and with which, through our literary recollections, we have so many and so dear associations, but we must tell him that we

Americans are as much disturbed to see Great Britain mistress of the seas, subordinating every thing to her commercial and manufacturing interests, as he can be to see Russia mistress on the land. We have more to apprehend from Great Britain than from Russia, and we have, looking to our own interests, no wish to see Russia weakened as a maritime power. Great Britain will no more suffer, if she can help it, a great maritime power to grow up to dispute her naval supremacy, than Russia will a great empire by the side of her own, able to interfere with her projects in the East. Great Britain is our rival, and now that she and France act as one, Russia is our natural ally, and the only first-class power in Europe that is. Naturally, then, should we Americans incline to the side of Russia in the contest now going on. We wish no harm to England or France, but we wish, for our own sakes, just as little to Russia.

We cannot hope that what we have said will satisfy our highly esteemed correspondent, but it will prove to him and our friends in the United Kingdom, who we hope are many, that we are willing to let those who think differently from us be heard, and that it is not rashly that we differ from many excellent Catholics and intelligent gentlemen on the Eastern Question. In point of fact, we are on neither side, and we dread the success of either party, of one just as much as of the other, unless it be that, if one side must get the better, we would rather it should be the western powers than Russia, especially just now, when the odds seem to be against them, and their army is struggling so bravely against superior force.

## THE UNHOLY ALLIANCE.\*

(From Brownson's Quarterly Review for July, 1856.)

A TREATY of peace between Russia and the allies was signed at Paris on the 30th of March last, and the eastern war, which has raged for the last two years, may be regarded as over for the present. The precise provisions of the treaty have not at the moment we write transpired; but its general provisions are sufficiently known, and we may, therefore, without any impropriety, offer our reflections on the war, the policy of the allies, and the probable results of the peace.

Our readers know that we have always regarded the eastern war as unnecessary, impolitic, and unjust, at least on the part of the western powers. We have not and never have had any Russian sympathies, but we have some regard to justice, and all the official documents published by the western powers in their own justification prove to us that they had no plausible pretext even for declaring war against Russia, and we cannot find it in our heart to approve of injustice even to a power we dislike, and from which we apprehend more or less evil to our religion. Russia violated no treaty obligations with the western powers, she invaded none of their rights, and gave them no cause of offence. She even invaded no right of the Ottoman porte, and gave even Turkey no justifiable cause of war. The occupation of the Danubian principalities by Russian troops was no violation of Turkish territory, for those principalities are not, and never were, any portion of the Turkish empire. Wallachia—and the same may be said of Moldavia—was in the thirteenth, and down to the end of the fourteenth century, an independent state, governed by its own laws, under its own princes elected by the clergy and the boyards from natives of the country. It was not conquered by the Turks, but by a free act of the prince and the people, either fearing subjection, or wishing to avoid a calamitous war, placed itself under the protection of the sultan, by a treaty with

\**The Unholy Alliance; An American View of the War in the East.* By W. G. DIX. New York: 1856.



Bajazet I., signed at Nicopolis in 1393; a treaty renewed in 1460. By this treaty the sultan binds himself and his successors for ever, in consideration of a tribute, the amount of which is fixed by the treaty, to protect Wallachia in the full possession of all its rights as a sovereign state. The padishah was bound to leave the state its own internal constitution, its own religion, its own customs, usages, laws, and administration, under princes, or hospodars, freely chosen by the people from natives of the country. Its territory was to be maintained inviolate; no Turkish army could enter it; no Mahometan could reside in it; no Turkish fortresses could be erected, and no Turkish authority of any kind could be exercised within it, or over it. The state parted with none of its rights as a sovereign state. It became a *protected* but not a *dependent* state; and all the rights acquired by the padishahs were simply the right to the stipulated tribute, in return for the promised protection. They acquired no right of *suzeraineté*, and in no sense whatever was Wallachia incorporated with the Ottoman empire.

The sublime porte, so late as 1826, acknowledged that the treaties of 1393 and 1460 are the sources of all its rights with regard to the Danubian principalities, and confesses that their stipulations have still the vigor of law. The sultans had violated these treaties in every possible sense, and in order to prevent their further violation, they were placed under the protection of Russia by treaty between Russia and Turkey. Whether their occupation by Russian troops in 1853 was an offence against them or not depends on the fact, whether it was with or against their consent; but be that as it may, it certainly was no violation of the Ottoman territory, and none that the sultan had the right to resent, unless at the request of the principalities themselves. He owed them protection, but if they chose to forego his protection, the most he could claim was the payment of the stipulated tribute. Omar Pacha committed an offence against them by crossing the Danube, and even against Russia, to whom the padishah had transferred the protectorate. We deny that the Russians by crossing the Pruth violated Ottoman territory, or gave to Turkey a justifiable cause of war.

Some of our Catholic friends have been favorable to the war, because they have supposed that it was undertaken by France in defence of the holy places which had been usurped by the schismatic Greeks, under the protection of Russia. But this is a mistake. The dispute about the

holy places was settled before the dispute which led to the war was opened, and settled by the withdrawal by France of the treaty negotiated by Lavallette, and by her disclaiming all pretension to the protectorate of the Catholic Christians in the East, and yielding, with hardly a diplomatic struggle, all that the emperor of Russia demanded, giving the schismatic Greeks access to nine or ten holy places from which they were previously excluded. The question of the holy places had been settled to the satisfaction of Russia and Great Britain, at that time her ally and bosom friend. The notion entertained by some persons that France is, has been, or claims to be, the protector of the Catholics in the East, is a great mistake, and to look to her for any protection of this sort is to forget that France, since Francis I., has no longer been the France of St. Louis.

The only complaint that the western powers had to make of Russia was that she was too powerful in the East, and could make her diplomacy at Constantinople triumph over theirs; and from her taking part in favor of the Christian subjects of the porte, she secured a preponderating influence over them. We do not deny these facts, nor dissemble the danger to their policy it involved; but we have as yet seen no reason for supposing that Russia used any illegitimate means to gain her preponderating influence either over the Christian population of Turkey, or over western diplomacy at Constantinople. The Christian population of Turkey has been abandoned for three hundred years by the Christian powers of the West, especially by France and England, and there has been no one of them on which they could rely. Francis I., of France, in his insane rivalry with Charles V., departed from the Christian policy of the West, allied himself with Solymán the Magnificent, and called in the Turk against the emperor. From that time to this the policy of France has been to bring Turkey within the pale of the international law of Christendom, and to use her against Austria or Russia, as the case might be. She has never hesitated a moment to sacrifice the interests of religion to state policy. Why, then, should the Christians of the East, especially those not united with the Roman church, turn with any affection or hope to France? France has never rendered them any service, and for more than three hundred years, except at brief intervals, has prided herself on being the friend and ally of their conquerors and oppressors.

The eastern Christians have received nothing from Great Britain except insult and injury. By an "untoward event" she aided in destroying the Turkish fleet at Navarino, but she used all her influence to prevent Hellas from becoming an independent state, and succeeded in restricting her to the smallest possible dimensions, for fear of having in her a rival commercial state. The worst enemy the Christians of the Greek schismatic communion have had has been the English resident minister at the Ottoman court, who used his influence with the sublime porte to strip their bishops and priests of important civil and political rights which they had held and exercised from the time of the conquest, because he found them in the way of the Exeter Hall policy of protestantizing, or rather rationalizing the East. Austria had done something occasionally for the Catholics of Bosnia, Albania, and the bordering provinces, but nothing for the mass of the Christians of the empire. Since rolling back the Mussulman hordes from Vienna in 1683, she has had as much as she could do to defend herself against France, Prussia, and her own revolted subjects, and has done little to meliorate the condition of the Christian populations of the East. Our own country, at an early day in its national existence, chastised the Barbary powers on the coast of Africa, and refused to pay tribute to be protected from the Algerine corsairs, but it has done nothing for the Christians of the East, save to annoy and vex them with a few Protestant missionaries.

It is not the fault of Russia, then, if the Christians of the East regard her with more affection than they do the western powers, and hope more from her than from them. She has been their only friend among Christian powers, and it has been owing to her continuation of the war of the crusades against Turkey that their condition has of late years been much ameliorated. Nobody can deny that her protection of the Danubian principalities has greatly served their material condition and promoted their social prosperity, and, if she had not been interfered with, the whole of ancient Greece—Thessaly, Macedonia, Epirus—would be now independent of the Ottoman despotism. It is with an ill grace that the western powers complain of Russia because the Christians of the East love her better than they do them; and to go to war with her on that account is hardly just or magnanimous. If they had done their duty, treated them as brethren, and used their influence for their emancipa-

tion, they might have gained their affections, and prevented them from throwing themselves into the arms of Russia, or hoping their deliverance from Russian intervention.

These, and other considerations, have made us look upon the war from the first as a war of aggression on the part of the western powers. The pretence set up, in the first instance, that it was a war for the maintenance and integrity of the Ottoman empire, was futile, and could deceive no one of ordinary information on the subject. How could France honestly contend for the independence and integrity of the Ottoman empire, while she held Algeria; or England, while she held possession of Aden? Still more futile was the cry of the English press, that it was a war on behalf of civilization against barbarism. None but Englishmen, — we should say English editors, — we should suppose, could have the face to assert that a war to sustain the Ottoman rule over the fairest region of the globe is a war on behalf of civilization, and we doubt if many Englishmen even could be found to believe it. Russia may include barbarians within her vast dominions, as does England, but she is not a barbarous power; and, probably, there is no existing nation that has made such rapid advances in civilization during the last two hundred years as this same Muscovite nation; no sovereign ever labored more diligently and indefatigably for the civilization of his subjects than the late Emperor Nicholas; and, if we may judge from the conduct of each in the late war, the Russians are far more civilized than the English, who seemed at times to have retained all the barbarism of their old Norse ancestors, and to have been no unfit comrades of the Turks.

The purpose of the war, we suppose, was that of repressing Russia, and bringing Turkey within the pale of the European system of international law, as avowed by the French writers. Russia was too powerful, and seemed to threaten, not by her aggressive spirit, but by her natural expansion, the liberty and independence of western and southern Europe. She had already obtained the protectorate of the Danubian principalities, and could easily obtain their consent to incorporate them into her empire any day she chose. These principalities are the key of eastern and central Europe, and, possessing them, she could hold Austria in check, and advance on Constantinople, and absorb, by the aid of the Christian population, all European Turkey, almost without the necessity of striking a blow.

From her new acquisitions in Manchouria, on the North of China, she could overawe and gradually absorb the Celestial empire, while from Circassia and her trans-Caucasian provinces, she could, without much difficulty, extend her dominion over Persia, Khiva, Bokhara, Afghanistan, Beloochistan, and subjugate all Asia to the North of India, to the Indus on the East, and the Persian Gulf, Arabia, and the Mediterranean on the South, and thus establish an empire larger than that founded by Gengiskhan, larger than that founded by the Saracens, indeed larger than any empire that has hitherto existed. With this vast empire Russia could aspire to universal monarchy. It seemed, therefore, desirable to European statesmen to erect, in season, a barrier to her further extension.

We can understand, and, thus far, approve their policy, and we admit that the power of Russia was becoming too great for the perfect safety of western Europe, in their present divided condition. But many things might intervene to prevent the realization of the dream of a universal monarchy by Russia, if, in fact, she entertained it, and there were other and more efficient means of preventing it than war, or the attempt to make the Ottoman empire strong enough to hold the Russian in check. The danger will exist so long as the principalities are regarded as Ottoman territory, and the vast countries likely to be absorbed by Russia are subject either to Mahometan or to pagan princes. China will inevitably be absorbed either by England from the South, or by Russia from the North and West. Not all the power of the western nations can revive Turkey and Persia, and make them efficient barriers to a Christian power like Russia, planted on their northern frontiers; and if it were possible, it would create a greater danger to western civilization than can be apprehended from Russia, for Russia is a civilized power, and belongs to the Christian family of nations. The power of Islam is broken, and there is no hope for the Mussulman nations. They cannot be made to suffice for their own defence. Granting that the end the allies proposed was laudable, their policy as to the means or mode of securing it was singularly short-sighted and inefficient.

We are confirmed in this conclusion by the results of the war. We do not know the precise terms of the treaty, the exact extent of the conditions imposed upon Russia, or, if the reader prefers, of the concessions made by her; but it

is evident that no serious damage has been done to her power, and she comes out of the struggle, perhaps, really stronger than she went into it. The war has thus far proved that France and Great Britain alone are not an equal match for Russia. They have had against her, besides their own forces, the whole force of the Ottoman empire, the valuable aid of Sardinia, and the diplomatic influence of Austria, and yet, without the active accession of the Austrian army and the coöperation of Sweden, it is doubtful whether they could have made the campaign of 1856 without losing the game. It does not appear that Russia solicited peace, although she was willing to make considerable concessions in order to obtain it. The party, after Austria, most solicitous for peace, undoubtedly was the Emperor Napoleon, who could derive no advantage by continuing the war for a longer time. Russia seems to us to have lost none of her prestige in this war, and we confess that we appreciate more highly her civilization, her cultivation and humanity, and her power and resources, than we did before she engaged in the struggle. Nothing has been done by all the force arrayed against her to exhaust her resources, to diminish her power, or to damp her courage. Yet it is not every day that such a force can be arrayed against her. The alliance of France and England cannot be counted on as a permanent alliance. It will most likely be dissolved in a very few years, and may not occur again for a century. Without that alliance, or one still more difficult of France with Austria, there can be no combination against Russia strong enough to hold her in check.

We take it for granted that the Black Sea is neutralized, that Russia has bound herself not to rebuild her fleet, or refortify Sebastopol, to abandon her coast defences, and to reduce Nicolaief to a commercial port; but this for the moment is rather to her advantage than disadvantage. In closing the Black Sea to her fleets and naval armaments, the allies have closed it to their own, which will save her the expense of reconstructing her fleet, rebuilding Sebastopol, and keeping up her naval armaments and coast defences. The neutralization of the Black Sea leaves her free to complete her system of internal communications, and to connect Sebastopol, Odessa, Cherson, and Nicolaief by railroads with one another and with Moscow and St. Petersburg. The peace may last long enough for her to do that, and having done it, she will be prepared to disregard any im-

pediments to the expansion of her power in the Euxine the treaty may contain, in defiance of any opposition of the western powers. All she wants is time. If she had had these railroads, the allies would never have been able to pass a winter in the Crimea. The agreement not to reconstruct the fortress of Bomarsund, or to fortify the Åland Isles may be a mortification, but it does her no injury. Her defences on the Baltic and the Gulf of Bothnia are much stronger than at the breaking out of the war, and she is at liberty to open channels of communication, which, while they serve the purposes of military defence, will develop the industry and material resources of her western provinces. In a word, the war seems to have shown Russia wherein lies her disadvantage in the face of the allies, and the peace, without really weakening her, leaves her free to remedy it, and to put herself in a posture, whether of defence or of attack, far more formidable than that in which she stood in 1853.

The allies, it seems to us, have done too much or too little. They have done enough to irritate Russia, to throw her back on herself, to stimulate her to develop her resources, to consolidate her power; but not enough to weaken her effectually, and to make it difficult for her to recover from the losses she has sustained. If they really wished so to weaken her as to prevent her from being able for a long series of years to threaten the balance of power, they should not, unless compelled, have made peace. They should have continued the war till they had effectually crushed her, and with the principalities and her southern provinces constituted an independent Christian state, capable, with moderate assistance from the West, of resisting her advance towards Constantinople. The fact of their having made peace when they did, and on terms so little unfavorable to Russia, creates a suspicion that they felt themselves unable to prosecute the war further without greater loss to themselves than they were likely to inflict on her, and also that they, as well as the late Russian emperor, had got involved in the war without wishing or intending it. It is very possible that the strong desire for peace manifested by the late Emperor Nicholas, and his obvious reluctance to engage in the war, deceived them, and encouraged them to rise in their demands. The readiness with which he accepted their first propositions made them believe, perhaps, that he would accept others still less favorable to him, rather than go to

war. They possibly were caught in their own trap, and wished to get out of it at the earliest moment they could without absolute disgrace.

Russia has, we repeat, suffered no serious loss. What, then, have the allies really gained? Turkey is recognized as a member of the European family of nations, and placed under the European system of international law, a policy which France has pursued steadily for over three hundred years; but she is weaker, more distracted, and if possible, more corrupt than at the breaking out of the war, and really counts for less in the balance of power against Russia. France has, perhaps, secured the Napoleonic dynasty, made her emperor acknowledged as a legitimate sovereign, and gained him personally a high rank among contemporary monarchs. In revenge, she has created a ruinous speculative spirit at home, entered into the material system at the head of which stands Great Britain, and burdened herself with a heavy national debt, which for years to come, will place her interests at the mercy of Jews and stockjobbers. England has succeeded for the moment in destroying the Russian fleet in the Black Sea, but she has not destroyed Russia as a maritime power, as was her intention. She has not stripped Russia of Circassia and her trans-Caucasian provinces of influence; she has not got possession of the inland route of trade with the East, opened new outlets to her manufactures in upper Asia, or gained any additional security for her Indian empire, and has largely increased her national debt, and the taxes, already greater than her people were willing to bear. Austria gets the free navigation of the Danube, but is obliged, as she was not before, to share it with all the nations of the world, and has lost her northern ally, on whom she can no longer depend to sustain her in the fearful Italian question which, if not now, must soon be raised. Sardinia, perhaps, may boast of having obtained the protection of France and England in her anti-Catholic and tyrannical domestic policy, and perhaps the hope of one day adding to her states the Lombardo-Venetian kingdom, — a hope which may prove an illusion. The balance of power remains as far as ever from being adjusted, and the questions of the Danubian principalities and of the Christian population of Turkey are, we suspect, by no means definitively settled. Russia abandons her protectorate over the principalities, but she has not lost their affections, nor have the allies gained them. Russia



has, perhaps, abandoned her *quasi*-protectorate of the schismatic Greeks of the sultan's dominions, but the allies have only strengthened their attachment to her, and made them even less disposed to look to them for their deliverance than they were before.

We place no confidence in the edict issued by the sultan proclaiming the civil and religious equality of his Christian subjects. The edict does not by any means establish perfect equality between the Christians and Mussulmans of the empire, and it contains clauses which reserve, if such is the pleasure of the sultan, the predominance of the Mussulmans. But even if the edict did proclaim entire equality, it would amount to nothing, because the government is and must continue, till it ceases to exist, in the hands of the infidels, who will have every facility of using its power against the Christians. Equality between the two classes is impossible. The Turkish state, as far as it is a state at all, is founded on the Koran, and is and must be a Mahometan state. The Koran contains not only its religion, but its legislation, and the government must be administered, so far as it is legally administered, in accordance with its principles. The Mahometan law must rule the courts, and regulate all political and civil transactions not subject to the arbitrary will of the sultan or his officials. In fact, all Turks are the slaves of the sultan, and we cannot see what liberty the Christian acquires by being placed on a footing of equality with them. They are relieved from the capitation tax, but in revenge they are compelled to perform military service. The policy of the measure is to make the Christians and Turks a single people, and to destroy the separate nationality of Christians; that is, to absorb the Christian nationality in the Turkish. Hitherto, the Christians, though conquered, have retained their religion and their nationality. Despised and ill-treated by the Turks as a conquered people, they certainly have been, but when they had paid the capitation tax, which was of the nature of a tribute, they were, in theory at least, left free to live under their own laws, and to observe their own religion and their own customs. Their bishops and priests were their ecclesiastical and civil rulers and magistrates. The new arrangement destroys at one blow their nationality, which has survived the conquest, sweeps away their national organization, deprives their bishops and clergy of all civil functions, and leaves them all to be governed by Mahometan

law, or by a sort of mixed commissions, which, as far as they have been tried, have proved complete failures. Under the pretence of liberating the Christian population, the policy adopted by the sultan at the recommendation of the western powers, seems to us to give the last finishing stroke to the conquest by Mahomet II.

But waiving this, they who know any thing of Turkey, know that the edict, if favorable to the Christians, will not be carried out. Who is to carry it out? Turks, who regard Christians as infidel dogs. They know that it is contrary to the Koran, contrary to the religion and the constitution of the empire, and is not willed by the sultan, except as a policy forced upon him by the Christian powers. Under the eye of the representatives of these powers at Constantinople, they may carry it out, but what is to induce them to do so elsewhere? Suppose they refuse, what are the Christians to do? What power have they, or can they acquire to force its execution? They have no votes, they fill none of the offices, are neither pachas, agas, nor cadis, and wield none of the physical force of the empire. The execution rests solely on the good will of Turkish officials, who detest it and them. Already we hear of disturbances and massacres of Christians who have attempted to assume the rights it professes to give, and as soon as the allied armies return home, we may expect to hear of one of the most frightful massacres of the Christian population that has ever taken place. If not, the only practical effect of the measure will be the greater oppression of the Christians, and pressing the mass of their young men into the army and navy of the sultan. It is in vain you declare the Christians free, unless you put into their hands the means of defending their freedom. You declare the Christians equal to the Mussulmans, but leave in the hands of the Mussulmans all the power of the government, and give the Christians no power in the state. What then have you done for them?

The Christians and Turks, each retaining his own religion, cannot possibly be fused into one social body, or made, even in a political sense, one homogeneous people. They are separated and rendered mutually hostile by all their antecedents, and by their difference of race, religion, morality, laws, manners, and institutions. The Christians know that the country called the Ottoman empire is theirs, that its government should be in their hands, and they hate the

Turk as their conqueror, as the invader of their rights, the usurper of their authority, their brutal master, and for four hundred years their cruel oppressor. On the other hand, the Turks despise the Christian as an infidel dog, as a vile slave, mean-spirited and cowardly, whom they have for four centuries spurned, and treated with all possible scorn and contumely. They and the Christians have mutually opposing moral and political systems, and no common moral or social objects. How can you possibly fuse them into one political or social people, without converting either the Turk to Christianity, or the Christian to Mahometanism? The thing is impossible. The Franks and Gallo-Romans never became one people, and the Gallo-Romans had no freedom, no protection, no rights, till the Franks became Christians. The Italians had no rights, were an oppressed people, till the Longobards became Catholic. Issue all the edicts you please, and the Christians and Mussulmans will remain distinct, two hostile peoples, till one or the other is exterminated, or converted to the religion of the other. No force on earth can make them feel and act as a single people, or make them live together in harmony on the footing of reciprocal equality, under the same government, if that government be in the hands of either party, especially if in the hands of the Mussulman party.

The allies, perhaps, have dreamed, that by inducing the porte to recognize the equality of the Christian population, they would render Turkey internally more harmonious, and externally more powerful; but, if so, they must have had a very silly dream. You cannot sustain a great, united, and vigorous empire, without patriotism and loyalty. The Turk is attached to his race, not to the soil. He has a race, but properly speaking, no country. He is merely encamped in Europe; he has never settled there, and though he may have a fanaticism of race or of religion, he has and can have none of that patriotism which was so powerful with the old Greco-Romans, and which renders modern Christian nations so invincible when fighting on their own soil. The eastern Christian has a strong attachment to his race, and, unhappily, a repugnance equally strong to every race not his own. This was the great fault of the eastern Christians before the Mahometan conquest, that which constituted the weakness of the lower empire, and ultimately caused its ruin. Religion itself was unable to subdue it, and the Greek chose rather to give up the unity of the church than to surrender

the prejudices of race. But notwithstanding this prejudice of race, the besetting sin of the East, and not yet wholly extinct in the West, which is everywhere a relic of barbarian heathenism, and which the Roman civilization repelled, as does the Catholic religion, the eastern Christians might be patriots. They have a strong attachment to the soil, and could be, and perhaps, after the lessons of the last four hundred years would be, sincere and devoted patriots, if they had a country to love, and to defend; but they have and can have no country so long as the Turk bears rule. They cannot look upon the padishah as their legitimate sovereign, they can feel no love or esteem for him, or understand how it can be their duty to be loyal to him; and whatever of patriotism may still burn in their bosoms must prompt them to dethrone him, and expel him and his Mahometan subjects from the land. As long as the Turk has dominion in the empire, and rules the native land of the eastern Christians, patriotism, on their part, must array them against him, and lead them to make common cause with the Christian power that labors to overthrow him and liberate them. They owe no loyalty to the territorial government, do not, will not, and cannot, recognize a legitimate sovereign in the successor of Mahomet II. and the lieutenant of the Prophet. Of all absurd dreams, that of raising up a powerful state in the East, composed of a mixed population of Christians and Mussulmans, under a Mahometan ruler, is the absurdest. The policy could have been conceived only by an English statesman, like Lord Palmerston, or Lord John Russell, who has never learned that oil and water will not mix, who takes no account of religious principles, or natural incongruities, and supposes that when he has obtained an act of parliament, or an order in council, nothing more is needed. Yet the ill success of his experiment in Ireland, which he has tried under the most favorable circumstances, would have taught him better, if he had been capable of learning in the school of experience.

The allies, therefore, as far as we can judge, have done nothing for the Christians of the Ottoman dominions, whose condition it is fair to assume will, as soon as their armies are withdrawn, if withdrawn they are, be worse than it has been before for a long time. They have done nothing towards restoring the "sick man" to health and vigor, or to strengthen Turkey against Russia. They have sustained in power what we will call "Young Turkey," or

what it pleases English politicians to call "The Reforming Party;" but in this they have rendered her, they have rendered civilization itself, no service. We have heard much of the reforms introduced into Turkey during the last twenty or thirty years, and the progress she is making in civilization, or in approximating the civilization of the West, and we are willing to admit that some progress has been made at Constantinople in rejecting the least objectionable portions of Mahometanism, and in adopting the vices and frivolity of our western civilization. But we see in this nothing to encourage us. Western civilization is at bottom a Christian civilization, and can be adopted in its essential and living principles by no nation that rejects, or does not adopt, the Christian religion. No nation can adhere to the Koran and enter into the civilized order of Europe or America. Even if a Mussulman people were to reject the Koran, without accepting the Bible, it could not enter that order. It could adopt only what is anomalous in it, accidental to it, or exists along with it, in spite of it; for what constitutes its life, its soul, its vigor, is Christianity, and not an abstract or disembodied Christianity, but the church. We have seen no advance towards Christianity by these reforming Turks. The West they imitate is not the Christian West, but the unbelieving, immoral, degenerate West, which in many respects is below even the old Mussulman East. The Turks who have been educated in France, Prussia, England and other western states are among the very worst specimens even of Turks. They believe neither in Christ nor in Mahomet; neither in the Bible nor the Koran, neither in God nor the devil, and have neither hope of heaven nor fear of hell. They have neither religion nor loyalty, neither patriotism nor wise policy. They are pure egotists, and the last people in the world to regenerate or even preserve a state. The reforms introduced by Mahmoud and the present sultan into the organization and administration of the empire are copied from the worst features of the European bureaucracy, and tend only to exaggerate the previous despotism of the state. The old hereditary fiefs and governments are all abolished, and the pachas and other officers of the administration of the provinces are all appointed immediately by the central government, and can count on holding their places only for a brief term. Hence the aim of each is not the honest discharge of his duty for the good of his people, and the

strength of the empire, but to turn his office for the brief time he may hold it, to the best possible account for himself. Peculation and robbery prevail from the grand vizier down to the lowest official. The revenues of the empire seldom find their way into the imperial treasury, and the people are plundered by each successive swarm of officials to the last cent. There is no security for life or property. The sultan is the sole landholder in his dominions, especially since the confiscation of the property of the mosques, at the advice, we presume, of England and France, well experienced in despoiling religion of its goods. The property of the mosques had hitherto been counted sacred and inviolable, and amounted to a considerable portion of the landed property of the empire. The Turkish proprietor could count with no certainty that his property would descend to his children, and he was accustomed to give it to the mosque, and lease it back at almost a nominal rent, and thus secure to his children its use. But even this means of providing for one's family after his death is now taken away. The war has stimulated no industrial activity among the Mussulman population, which visibly diminishes almost daily. It is then idle to expect any thing from the pretended reforms favored by the government. They are contrary to the genius of a Mahometan state, and can only tend to hasten its downfall.

The allies have placed the Danubian principalities under the sovereignty of Turkey, and treat them as a part of the Ottoman empire. This we regard as an outrage upon the Christian conscience. Turkey never had and was never entitled to the *suzeraineté* of these principalities, and nothing is really added to her strength by its being acknowledged. Their future government is not left to themselves, and must be arranged between them and Turkey, with the approbation of the five powers, instead of Russia. They gain nothing as Christian states, and will most likely lose in their material prosperity. Nothing appears to have been done to detach them from Russia, or to organize them into a state with a political interest in accordance with those of the allies. In any point of view we can consider the question, we are therefore unable to see any thing gained by the war or secured by the treaty of any real importance in preserving the balance of power or really advantageous to the Christian populations of the East.

We do not mean to say that good may not grow out

of it. Protestants have gained, probably, the freedom to prosecute their missions in the East, without hindrance from the civil and political power of the Greek bishops and clergy, and this they will consider a gain, though we consider it none, for we prefer the Greek schism to any form of Protestantism. The non-united Greek church is not a church under excommunication, and none in its communion are to be accounted schismatics, except by their own voluntary act or adhesion to the schism. The communion itself, since the council of Florence, is not, unless we are misinformed, schismatic, and only those members of it who personally reject the supremacy of the Holy See incur the guilt of schism. We can easily believe that great numbers in that communion may be saved, as they have the priesthood and the sacraments. We must therefore prefer the Greek church to any of the Protestant establishments. Besides, Protestant missionaries only make those they detach from the Greek church infidels, or men of no religion. The Catholic Church, we presume, has also gained the same freedom that is accorded to Protestants. This is a real gain, and may open the way to the regeneration of the East. If, as we have seen asserted, but are not sure, the sultan has granted freedom to Mussulmans to become Christians, and renegades to return to the Christian faith, some progress has been made. An edict to this effect has indeed been published, granting freedom to the renegade to return to the Christian faith, which before could not be done without incurring the penalty of death, and even to Mussulmans born such to become Christians; but it may be revoked at any moment. What is really wanting to the regeneration of the East, and disposing forever of the eastern question, is the reunion of the eastern schismatics with Rome, and full liberty of propagandism for the Catholic Church. The former effected and the latter conceded, the church would deal with the Turks as she did with the Franks in Gaul, the Goths in Spain, and the Longobards in Italy. She would send her religious among them, and in a brief time convert the majority of them to the Catholic religion. Turkey become Catholic, would become a power able to stand alone, and to resist any advance of Russia towards Constantinople, or the Persian Gulf. What is really wanting to preserve the balance of power is a Catholic East. Under a Mussulman or a non-Catholic East, Russia or any civilized power occupying the position of Russia, must always be menacing to it, and likely to disturb the balance of power.

And it is here we find our only fault with the admirable work of Mr. Dix, placed at the head of this article. Mr. Dix understands well that Turkey was never within the pale of the international law of Christendom, and that the attempt of the allies to bring her within it is in violation of what has hitherto been the public law of Christian nations, as well as an outrage upon the Christian conscience. He understands well that Christian nations ought not for the purpose of maintaining a balance of power, or for any other purpose, to go to war to sustain and perpetuate the Mussulman power, and that to do so is to complicate, not to settle the eastern question. He properly contends that the allies, if they interposed at all in eastern affairs, should have interposed on the side of the Christians against the Turks, not by any means, as they have done, on the side of the Turks against the Christians. The right to the empire, he justly maintains, is in the Christian population of Turkey, and that true policy as well as justice was to seek the adjustment of the balance of power, by restoring to them the eastern empire. Thus far we agree with him in principle; but he thinks that the East might be regenerated by means either of the Greek schism or his own favorite Anglicanism. But neither will answer, though either is certainly preferable to Mahometanism. Anglicanism has no regenerative power, and it is unable to prevent England herself from lapsing into heathenism and barbarism. The Greek schism, professed by Russia, is precisely that which lost the Greek empire, and deprived the Greek church of the power to convert its barbarian conquerors. Cut off from the centre of unity, and deprived of the means of renewing its life at its central fountain, it was powerless before the Turkish conquerors, and has done nothing for four hundred years towards christianizing them, or even winning their respect for the Christian religion. It is idle, therefore, to suppose that it would have any power to regenerate the East, and maintain in its vigor a new Christian empire, composed, as it would necessarily be, of a multitude of jarring and conflicting races. Neither Anglicanism nor the Greek schism has of itself sufficient vitality to sustain a state, and neither affords any bond of union. The Russian is better than the Turk, but his conquest of the Turk would not settle the eastern question, because he would sustain only a schismatic religion, which would place him in hostility to the West.

It is this fact that a schismatic or non-Catholic religion



will not regenerate the East, and that Russia can give it only a schismatic religion, which constitutes the principal complication in the case. The interposition of the allies in favor of the Christian population of the Ottoman empire, instead of the interposition of Russia, would not have removed the difficulty, for the great mass of that population are schismatics, and cannot furnish the necessary elements of a united and homogeneous Christian state. There is no real redemption of the East possible, till the Greek schism is healed, and the patriarch of Constantinople returns to his duty. The reunion of the schismatics of the Greek rite, which would be soon followed by that of the Armenian rite, and the conversion of the Nestorians and Jacobites, would prepare the way for the reëstablishment of the eastern empire at Constantinople, and the regeneration of all Asia. To this reunion Great Britain is more opposed than even Russia, and we have no reason to suppose that France is very earnest for it. The Holy Father is laboring for it, and if the allies favored it in good faith, and showed that they sympathized with the Christians rather than with the Turks, it could be easily effected. This effected, and the Greek church restored to its vitality, and strengthened by its union with the West, the Turks would be converted, and the beautiful regions they have desolated for four hundred years would once more teem with a rich and flourishing Christian population, and assume their original rank in the Christian world. A new Christian empire would arise, like that of the Franks in the West in the eighth and ninth centuries, which would be a sufficient counterpoise to that of Russia.

Whether this will be effected or not, is more than we are able to say; but this much we will venture to say, that till it is effected the eastern question is not settled. As long as Russia has the sympathy of the Christians of the East, and as long as she can appear to be fighting for the cross against the crescent, she will extend herself in the direction of the Ottoman empire, and threaten the European balance of power. The present peace we apprehend will prove only a truce. Russia believes that it is her mission to drive out the Turks, and restore the cross on St. Sophia; and unless others fulfil that mission, she will continue to prosecute it. She will be right in doing so, for the Turk never has acquired, and never can acquire, by the law of Christendom, so long as he remains a stranger to the Christian faith, the right to hold a Christian people in subjection. As against

the Turk Russia is Christian, and has the right to interpose in behalf of the subjugated Christian population.

As regards the East, the war has, therefore, in our view, settled nothing; and a few years may see the same complication reappear. In the West nothing is settled, except the personal position of the emperor of the French. England has lost Russia as her ally; she had already lost Austria; and she can, in a war with France, count upon no European ally. Austria has also lost Russia as her ally, and will find it no easy matter to sustain herself between France and Prussia. We see not how Austria is to sustain herself in Italy, or what is to prevent Napoleon III. from adopting and carrying out the Italian policy, shadowed forth in his famous letter to Colonel Edgar Ney. She cannot rely on Russia to come to her aid; and that policy so much accords, in so far as it is hostile to Catholicity, with the policy of England, that she can rely just as little on the assistance of Great Britain. If the newspaper reports of conversations held by the plenipotentiaries at the close of the peace conferences, on Italian affairs, are worthy of any confidence, an Italian question is likely soon to arise of far more difficult solution than that of the East. But we are not disposed to credit these reports; and we can hardly believe that Austria consented to assume her attitude towards Russia without being reassured as to her Italian possessions by France and Great Britain.

There are questions enough in regard to the East yet remaining, to make the allies chary of raising Italian questions. Since the foregoing part of this article was written, we have seen the treaty, as published in the newspapers. We see that the government of the Danubian principalities is not settled by the treaty; and there is room for a very pretty quarrel, as to what it shall be. We perceive also, that the *hatti-houmayoun*, conceding equal civil rights to the Christians of the empire, though communicated to the congress, is not placed under the protection of the five powers, and that these powers disclaim all right to the protectorate of the Christian population, or to interpose between them and the sultan. Thus they have sacrificed the Christians, and left to Russia all the reason for interposing her protection she ever had. The two great questions which led to the war, that of the principalities and that of the Christians of the Ottoman empire, remain in fact open questions, and questions on which the allies themselves are not unlikely to

disagree. Russia will hardly escape being drawn into the quarrel; and we may in a very few years find Turkey flying to her for protection against her present occupants.

But it is idle to speculate on the future. Just at present much depends on the emperor of the French, whose policy or conduct it is never easy to foresee, because he avails himself of events, and never shapes them. He uses men and events, but has not the order of intellect that controls them. We confess we have little confidence in him, and always apprehend more evil than good from any policy he may adopt. We do not oppose his dynasty, for France cannot be a republic, and we prefer the Bonapartes to the Bourbons. But we do not believe it wise for Catholic journalists to eulogize him. Were we a Frenchman in France, we should support the emperor: for there would be there no alternative. As an American, and a Catholic, we believe it would be incompatible with our duty both to our church and to our country to eulogize him. Catholicity is opposed to revolutionism, to anarchy, if you will, to red-republicanism; but she is not the friend of *cæsarism*, or *despotism* in any form. She accepts in every country the political order she finds established, and does the best she can with it; but there can be no doubt that the order most agreeable to her wishes, and most consonant to her principles, is the order which is established in this country. To eulogize Louis Napoleon, and to declaim against American democracy in the name of Catholicity, does not become a Catholic journalist in America, and is simply justifying the Know-nothing movement. Men placed in responsible situations, in times like these, should weigh well the words they speak. The church is conservative, but she is not a *cæsarist*.

In conclusion, we must say, the eastern war and the recent peace alike prove to us, that European statesmen take no enlarged views, and act only in reference to temporary questions. Liberal and religious considerations have no weight with them; and they seek only the material interests of the moment. Louis Napoleon is laboring with great success to materialize France, and to destroy the interest of Frenchmen in great moral, social, political, and spiritual questions. If his policy succeeds, we shall in a few years see France as engrossed in material interests, as is England herself, and with just as little sense of religion. The forms of religion and the pomp of worship may be preserved, but religious thought and religious life will have

passed away, not to return till a new calamity befalls the nation. This will result from the fact, that the only freedom that policy allows is freedom to live and labor for the goods of the body. France may, like England, become rich in worldly goods, but she now bids fair to become poor in all that which has hitherto constituted her glory.

We intended, on commencing this article, to speak of the Anglo-French alliance in its probable relations to this western hemisphere; but events succeed one another with such rapidity, and the aspect of things changes so often and so suddenly, that what we should say to day would be obsolete to-morrow. We have no belief in the permanence of that alliance. The questions likely to arise in Turkey, the principalities, and Italy, will most probably dissolve it; if not, rival commercial and industrial interests will prevent its long continuance. But even its permanence has nothing very alarming for us. France will not in mere wantonness, or in a spirit of imperial propagandism, make war upon us; and Great Britain cannot afford to do it, because the injury she might do us would be at least an equal injury to herself. A commercial and manufacturing nation, like Great Britain, must be mad to go to war with her best customer, and without whose custom she must shut up shop. The enlistment question by the energetic action of our government, we presume, is settled; and the Central American question is in a fair way of settling itself. Any flagrant attempt of France or England to gain an undue control in Mexico will be followed by the annexation of that distracted republic to the Union,—a thing which we do not desire, but which must come, if European powers attempt to interfere in the matter. Mexico, and especially the church in Mexico, would gain by the annexation, and we could not oppose it on Catholic grounds.

We are of course unprepared for war; and as our policy is peace with all the world, we always shall be unprepared for war, till war comes. France and England combined could do us serious injury, if they were to attack us, but they would by no means be able to subdue us. The third year of the war would be fatal to them. On our own soil we are invincible; and the trial, were it to come, would disprove Buffon's theory, that man degenerates in the New World. Upon the whole, old Europe had better attend to her own affairs, and let us on this continent alone. We wish Europe well; we acknowledge her superiority in

many things over us ; but we hold ourselves independent Americans, ready to take advice, and to spurn dictation ; we feel that we have certain advantages which she wants, and is not likely to secure. Here we are not cursed by being overgoverned. Here man is man, and accustomed to rely on himself. He is not in perpetual leading-strings. He is not, as in old Europe, impatient of authority, and yet unable to govern himself. Here he can be manly ; and in proportion as he gets rid of Calvinism and his European servility, and becomes Catholic, a member of a church that gives his nature fair play, he will prove himself the admiration and envy of the world. Let old Europe beware how she attempts to interfere with his natural development.

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## GREAT BRITAIN AND THE UNITED STATES.

[From Brownson's Quarterly Review for January, 1856.]

A FEW weeks since the steamer brought us news that our English cousins were in a great ferment through apprehension of a war between Great Britain and the United States. Such a war might well strike them with consternation, for a war with this country would be a far more serious affair to Great Britain than that which, in conjunction with France, she is now waging against Russia,—not so much on account of our military and naval strength or preparations, indeed, as on account of the vast commercial interests involved between the two countries. Great Britain, especially while at war with Russia, has to depend on us for no inconsiderable portion of the breadstuffs and provisions needed for her operatives, and at all times for the cotton to supply her mills, the best market for her manufactures, and at present, for bullion to sustain her credit. The bare news of a declaration of war against this country would bankrupt half or two thirds of her trading houses, stop her mills, prostrate her finances, break up that network of credit by which she holds in thralldom the whole industrial and commercial world, and render it impossible for her to raise the taxes necessary to carry on the war, or to meet even the ordinary expenses of her government. She

would find herself, without a blow being struck, virtually reduced to a second or third rate European power. The very existence of England as a first-class power depends on her keeping the peace with us, and cultivating with us the most friendly relations. We cannot suppose her statesmen ignorant of this fact, and therefore we have felt on this side of the water none of the apprehensions which appear to have been so distressing on the other.

Our policy is peace, for we want no conquests but those which are best secured by peace and friendly intercourse. We regard Great Britain and ourselves as rivals, but we wish for our sake and for hers the rivalry between us to be one of trade and industry, not one of arms. Yet we are not likely to tremble or turn pale at the thought of the latter sort of rivalry, if the protection of our legitimate interests, and the vindication of our national honor, render war necessary. We have a larger maritime population than Great Britain, our naval constructors and our sailors are at least equal to hers, and in an incredibly short space of time, if required to put forth our energy, we could construct, fit out, and man a fleet which would command the respect of even British admirals, so sparing in their respect for any thing not British. Our military and naval officers and commanders we are quite willing to match against those of any other nation, for their science, skill, intelligence, bravery, and gentlemanly deportment, and for men, we can recruit half a million in less time and with less trouble than Great Britain can thirty thousand; men, too, who have all the activity of the Frenchman, the reckless bravery of the Irishman, and the pluck of the Englishman, or the German, with an intelligence and enterprising genius peculiarly their own. We have all our resources within ourselves, and nothing prevents us from being the first military power in the world, but the want of powerful neighbors and a battlefield. In spirit the American people are essentially a military people, combining the peculiar military excellences of the several European nations from which we have sprung. A war with Great Britain would, no doubt, cause us severe losses and much suffering, but we should come out from it stronger than we went into it, while she would come out sufficiently humbled to satisfy her bitterest enemies. We do not court war with her, but we do not fear it. We do not want it, because a few years of peace will do for us all that we could hope to effect by the most successful war.

Great Britain is destined one day to pale before us as Tyre paled before her daughter Carthage, and when there will be no Rome to avenge her, or to engulf us in our turn.

The latest news that has reached us at the time of writing, is that our English consins are less alarmed, and begin to feel assured that there will be no war between them and us. We can tell them that there certainly will be no war at present, that none has for a moment been contemplated by our government, and we believe none even by theirs. Whatever was the motive of despatching an English fleet to the West Indies, we feel quite confident that it was sent without any hostile intent towards us. Lord Palmerston could not have been so ill advised as to suppose that the presence of a fleet would aid his diplomacy, and tend in any degree whatever to induce our government to modify its demands, or to change its settled policy with regard either to this continent or the European. It may be that the fleet was sent there in consequence of some false reports as to the fitting out, in our ports, of Russian privateers to prey upon British commerce; it may be that it was sent there to intercept proposed filibustering expeditions from New York for the coast of Ireland; or it may be that it was sent there merely to keep the fleet in a state of efficiency for renewing its brilliant exploits and achievements in the Baltic, on the re-opening of navigation next spring; but we cannot believe that it was sent there with a view of overawing our government, and preventing it from carrying out its policy with regard to Central America. Of such folly and madness, we do not believe even Lord Palmerston to be capable.

But though there is no danger, at least no immediate danger of a war between Great Britain and the United States, there are some grave questions between the two governments not yet settled, and apparently not as yet in a train of being settled. Something more than a simple apology is due us for the recent outrage on the part of the British ministry, in undertaking to enlist recruits for their meagre Crimean army on our territory, in violation of our municipal laws. The fact is proved, is conceded even, and the excuse that instructions were given to the British agents to be careful not to wound our susceptibilities, and in doing the thing which our laws expressly forbid, to be careful not to come within the reach of those laws, is justly represented by Attorney-General Cushing as an aggravation of the offence. No doubt our government feels that it can afford to

be forbearing with Great Britain, but the dismissal or recall of the British minister at Washington, under whose auspices, and with whose advice, the outrage was committed, is no more than the case demands. The silly attempt to throw the blame on General Cushing, and to ask of our government to apologize for his calling British agents, engaged on our own territory in violating our laws, malefactors, is worthy only of the *London Times* and the *New York Herald*. The ground taken by General Cushing is good in law and morals, and the common sense of the country will sustain him. His letter, so much complained of, has elevated him, and the administration of which he is a distinguished member, in public estimation, whatever Wall street gentlemen may say to the contrary. One thing is certain, that no administration can stand in this country that shows the slightest disposition to truckle to Great Britain; and nothing will render one more popular than its readiness and firmness in maintaining the national dignity and independence against her arrogant pretensions and overbearing conduct. That word *malefactor* was well applied to the agents of a foreign government knowingly and intentionally doing on our territory what the laws make a crime, and we thank General Cushing for it.

But a still graver matter is the question concerning Central America. We do not pretend to be able to decide what is the true interpretation of the Clayton-Bulwer treaty, but this much we are sure of, namely, that this country can never consent that Central America shall pass under the permanent control of the British, or any other European power. We never approved the proclamation by our government of what is called the Monroe doctrine, but we expect, and the country expects, the government to act on that doctrine whenever the occasion occurs. There must be no more European colonization on this continent. We do not interfere with the nations of the Old World, and we leave them to adjust the balance of power, and settle their disputes at home as best they can, or as best suits themselves; but here on this continent we must have our say, and can suffer no European power to interfere in settling the international relations of American states. We have as much right to look after our own interests on this continent, as England and France have to look after theirs in Europe, Asia, and Africa. They are now at war with Russia to protect their trade and possessions, and to secure commercial advantages



to themselves; and we see no reason why we should quietly suffer them to regulate the affairs of this continent, and secure to themselves the control of its commerce. The American states have interests of their own, and are as competent to the management of American affairs as Europeans are to the management of European affairs. This is a fact which European statesmen would do well to bear in mind.

At the commencement of the eastern war, the sympathies of this country were very generally with the allies; now they are as generally with Russia. Whence this change in less than two short years? It comes from our regard to our own interest, which would be more or less compromised by the success of the allies, and from our perceiving that the success of Russia would work us no injury, however it might affect western Europe. The success of the allies against Russia would give to France and England an undue preponderance in both worlds, and throw the balance of power quite too much on one side. We need the preservation of Russia as a formidable European power, in order to have a balance in Europe against France and England. So long as the war appeared to be only for the protection of the Ottoman empire against the aggressions of Russia, this country generally approved it, for it is for our interests that the independence and integrity of that empire should be preserved. But now, when it is manifest to all, as in the beginning it was to a few who had studied the subject, that the maintenance of the integrity and independence of Turkey was but a pretext, when that independence and integrity are already lost and no longer heard of, and the allies are pushing on the war for purposes of their own, quite irrespective of the object for which they professed to commence it, the American people see that they must in self-defence shift their sympathies. They see that the interests of the New World as well as the Old are involved, and that were Russia to fall, our American policy would be more or less compromised. In the success of the allies we see the success of the British policy, which, as it affects this continent, is hostile to ours. Here is the secret of the change in American feeling in regard to the allies and their cause.

For ourselves, personally, we have opposed the eastern war from the outset; and the masterly speeches of Lord Grey, Mr. Bright, and Mr. Cobden, in the British parliament, against the war before its declaration, we have all along regarded as the speeches of statesmen, and unanswer-

able, as certainly they have not been answered. As a republican, and especially as a Catholic, we have and can have no sympathy with Russia. We detest, and have always detested the miscalled "Holy Alliance," founded by Alexander I. We abhor Russian despotism, and are as willing to see it humbled as any Englishman or Frenchman can be. But we do not consider that liberty or religion enters for any thing into the motives of the allies. The war is undertaken and carried on for purely secular interests, and when the question is of secular interests only, the secular interests of our own country are those which must determine our sympathies. Great Britain is as strongly and as bitterly anti-Catholic as Russia; and France, in league with Turkey and the present governments of Spain and Sardinia, shows herself any thing but a friend to the Holy See. We can find no reason, as a Catholic, why we should sympathize with the allies, and as we have many reasons, as an American citizen, why we should not, we confess that we have no wish for their success.

We are not disposed to deny that Great Britain has done much for the cause of civil freedom, and we trust that we shall never forget how much that is excellent in our laws and institutions we have borrowed from hers: but her present war can do nothing for the advancement of civil freedom, or the consolidation of liberal institutions. We have none of the red-republican hostility to the emperor of the French, and we have never been among those who traduced his character, or depreciated his abilities. He has not disappointed us, and has done no more than justify the high opinion we had formed of him before his election as president of the French republic. But we do not like his imperial policy, for we regard it as hostile to the best interests of religion and society. We believe the interests of European society demand the entire freedom of religion, and the gradual introduction and consolidation of liberal institutions. The success of the allies will, however much it may redound to the glory of France, tend to consolidate a system of caesarism which binds both religion and society in one common slavery. We believe civil liberty and religious freedom have much to fear and little to hope from the success of the allies. Germany will become more and more despotic, and France will lose all the fruits of her century of revolutions and sacrifices. We are no Bourbonists, we are no democrats for France: we are firm in the belief, that for that country

the Bonaparte dynasty is the best; we should most deeply deplore any movement against the present emperor; we only wish to see the senate and legislative body he has created becoming real institutions, and developing themselves into really independent and coördinate branches of the national government. We want no change but such a change as the emperor may himself concede, and which the interests and permanency of his dynasty require that he should concede. A great nation like France cannot be long deprived of all effective voice in the management of its affairs, and it will rebel against the attempt to do it, unless first reduced to a state of moral and intellectual imbecility. Men must become weak and servile in their souls, before they can be governed as slaves, or as children. While the horror of red-republicanism, or of socialism lasts, Napoleon III. may govern France by his arbitrary will; but he must take measures to make the new generation grow up a race of slaves, or he will not be permitted to govern her one moment longer; the new generation will neither feel nor remember that horror. The modification of the law of conscription, changing the admirable constitution of the French army, and converting it into an army of mercenaries instead of an army of citizen soldiers, the strict surveillance of the press, the rigid control by the state of education, and the prohibition of all free thought and free discussion, silencing alike the voice of the good and of the bad in all political matters, would seem to indicate a systematic effort to stifle the last flame of liberty in the French heart, and to train up the new generation to be the slaves, the instruments, and the tools of an unmitigated imperial despotism. The word seems to be, "Order at any price," which to us is as odious as that other word, "Liberty at any price." Believing that such is the policy of imperial France, we own that we have no wish to see it consolidated, and therefore dread the success of the allies. In this respect we carry with us the great majority of the American people, whether Catholic or non-Catholic.

But to return. We well know the policy of Great Britain. It is to maintain for herself the supremacy of the sea, and to command by her ships and her colonies all the chief points or routes of commerce, so as to make the commerce of the world pay toll to her. Her present war has for its object the destruction of Russia as a maritime power, by the destruction of her fleets and harbors; to protect her own

East Indian possessions; to possess herself of the inland routes of trade with Persia, Tartary, and western China, now in the possession of Russia; to be able to annex the tea and silk producing provinces of the Chinese empire to her Indian possessions, and to secure a supply of corn for her population from the Black Sea, so as to be independent in regard to breadstuffs both of Russia and the United States. These are the objects for which she is carrying on the war. Her policy in regard to this continent, is equally patent. Our republic expands westward and southward, and her policy is to plant herself in Cuba and in Central America, so as to be able to collect a toll on that portion of our commerce which debouches on the Queen of the Antilles, or seeks a transit across the isthmus. She wishes to surround us, so as to be able to pounce upon us at any moment, on all sides at once, or at any particular point where we happen to be the least invulnerable. Her wish is, by the advantages of her position, to neutralize, as much as possible, her present dependence on us for cotton, rice, tobacco, breadstuffs, and provisions. This is her American policy, which, through the negligence of our government, she has well nigh consummated, but which we must defeat at all hazards.

To the Cuban question, our government has long been awake, but of the Central American question it took little notice prior to the acquisition of California and our settlements on the Pacific. We have, on more occasions than one, given our views of the filibustering expeditions against Cuba, which nothing can justify or excuse, and need say no more now. There is, no doubt, a strong desire on the part of the American people to annex Cuba to the Union; not so much because they wish to wrest that beautiful island from Spain, nor so much because they crave its possession for themselves, as because they wish to prevent it from falling into the hands of Great Britain. It would be no positive advantage to us to possess Cuba, which is worth more to us in the hands of Spain than it would be in our own. But Spain has fallen from her former grandeur. She is a victim of English protection, and can give us no sufficient guaranty that it will not one day become a possession of the British crown. This is what we fear, and what we are determined to guard against. We have no wish to see Spain deprived of that valuable possession of her crown; but we cannot consent that it shall fall into the hands of any other European power. We cannot consent that the commerce of

the great valley of the Mississippi shall debouch upon Castle Moro surmounted by English guns; or that the transit of our traffic and passengers across the isthmus shall be subject to British regulation. We must have access to either ocean without having to pass under the guns of our great commercial rival. Such is the settled conviction, the fixed determination of the people of this country. We have no wish to dispossess Spain, or Nicaragua, but we will not let Cuba or Central America become British possessions. In British hands they might be dangerous to us, inasmuch as they would bring the two nations into frequent collisions, and interrupt peaceable relations between them.

It is the erection in front of the San Juan of a new colonial government by Great Britain, and the refusal to abandon her assumed protectorate of the Mosquito coast in violation, as our government contends, if we rightly understand the matter, of the Clayton-Bulwer treaty, that create the difficulty now between the two countries, and this difficulty may not be speedily settled. But of this we may be certain, that our government will recede from no ground that it has taken. No administration will dare again suffer itself to be bamboozled as Mr. Clayton was by Sir Henry Bulwer. Whether a ship canal across the isthmus is practicable or not we are unable to say; we fear that it is not; but if so, how a man like Mr. Clayton could be persuaded that Great Britain would join us in opening such canal, is more than we can understand. Great Britain would give a hundred times more to prevent its being opened than it would cost to open it. Open such a canal, and nothing but the opening of a similar one across the Isthmus of Suez, connecting the Red Sea with the Mediterranean, could prevent this country from commanding the commerce of the world. The opening of either, if free to all nations, would deprive England in a short time of her relative commercial standing, by the changes in the course and centre of trade that would inevitably follow. Venice and Genoa lost their commercial superiority by the opening of a passage to India by the Cape of Good Hope, and the opening of a ship canal across either isthmus would have a similar, though not so speedy effect upon Great Britain; for in the one case we, and in the other, the Mediterranean nations, Spain, France, Italy, Austria, Greece, and Turkey, would derive the principal advantages; and we should not wonder if France, among other reasons, had involved England in a war with

Russia, in order to prevent her from hindering the opening of the canal across the Isthmus of Suez. It would be worth to France, who of course means to hold Constantinople, and annex southern and central Italy, far more than the cost of the Russian war. England may yet see cause to regret the French alliance of which she seems so fond, but which must gall severely her proud heart. But be all this as it may, Central America is the commercial pivot of this continent, and it is idle to think that England will help us open a ship canal from the Atlantic to the Pacific. Such a canal, if practicable, will have to be opened by American capital, American skill, and American enterprise, not to our own commerce only, but to the commerce of all nations. We want no exclusive advantages; the natural advantages of our position are sufficient for us. It was a great blunder on the part of General Taylor's cabinet to reject the excellent treaty concluded with Nicaragua by Mr. Squiers. Had that treaty been submitted to the senate and ratified, it would have secured to us all we ask, and greatly abridged our controversies with Great Britain. Now the matter will not be settled without difficulty; yet settled it will be, and in our favor, and without war, if our government only maintains its attitude of firmness and determination. England, important as the question is to her, cannot afford to go to war with us for its settlement. We should be the last person in the world to urge the government to take advantage of England's embarrassments to obtain any thing from her not strictly just; but we certainly would urge it to take advantage of them to obtain a just settlement of all our difficulties with her, and to gain that security for our trade which is necessary.

There are some other things which we might complain of. We are not much pleased with the treaty which France and England have entered into with Spain, guarantying to her the possession of Cuba against us. A portion of the residents, not always natives, of this country have, we grant, certain filibustering proclivities, and pay little respect to that precept of the Decalogue, which forbids us to covet our neighbor's property. We do not defend these, and we offer no apology for them. But the charge brought against us by the British press of being an aggressive people, except in the legitimate way of trade and industry, happens to be totally unfounded. Our government has never admitted conquest to be a valid title, and certain it is, that we hold

not one foot of territory by that title. We may have made good or bad bargains, but we hold not an inch of territory that we have not purchased either from the aborigines, or from foreign governments who held the right of domain. We can show the title-deeds of every inch of territory over which we claim the right to extend our laws, which is what no other nation on earth can do. We have greatly extended our territory, we grant, but in no instance by conquest. We obtained the Louisiana territory from France, but by purchase from her sovereign; we have obtained Florida from Spain, but by purchase; we have obtained California, New Mexico, and the Mesilla Valley from the Mexican republic, but also by purchase; we have annexed Texas, but Texas was an independent republic, acknowledged to be such by both France and England, and we annexed her by her free consent, and indeed at her own request, not by conquest. We enter not into the merits of the controversy between Texas and Mexico, or into the conduct of individuals from the United States and other countries who took an active part in asserting Texan independence, for at the time of the annexation Texas was an independent state, and we had the right to treat with her as such. It is well known that she was admitted into the Union by treaty, by the joint act of the two governments, not by the act of ours alone. We committed no aggression on Mexico, for Texas was no part of Mexico; we committed none on Texas, for we only complied with her request, and in admitting her into the Union we admitted her on terms of perfect equality with the other states. We did not subjugate her, or force her into an unequal union, as England in 1800 did Ireland.

The territorial aggression we are charged with does not exist, has never existed, for we acquire and have acquired no territory by force. We govern not a single inch of territory, or a single individual by right of conquest, and no portion of our people is in the position of a conquered or subjugated people. The population acquired with our acquisitions of territory from France, Spain, Mexico, Texas, are American citizens, and possess equal rights with the rest. The French or Spanish creole is an American as much as the descendant of the pilgrim fathers of Massachusetts or Maryland, and stands on a footing of perfect equality with him. Where, then, is our territorial aggression? Where, then, is our disposition to dismember or oppress our weaker

neighbors? We may have committed faults, we may have connived at transactions which we could not in strict justice defend; but there is no state in the history of the world that, in its relations with foreign powers, and the populations of other states, can compare with us either in the justice or the generosity of our dealings. If we have annexed by treaty or purchase foreign territory, we have extended over it the protection of our laws; if we have acquired a foreign population, we have given them equal rights with ourselves. What other nation can say as much? Can England say as much of Ireland, or of India? Can France say as much with regard to Lorraine, Brittany, French Flanders, and Algiers? We have treated all our neighbors liberally, and we have opened our bosom to the cordial reception of exiles, refugees, and emigrants from all nations, and placed them, after a brief probation, on the same footing with ourselves. What other state ever did as much? What other people ever showed equal justice and liberality in their treatment of their neighbors and of strangers?

It will not do for foreign powers to form their estimate of us from what some of us now and then say to our own countrymen, for the purpose of elevating the standard of our morality, and provoking efforts for a higher perfection. More is exacted of us than of other nations, and an ardent patriotism often assumes the tone of rebuke with us, where in other nations it would assume that of applause. We tell our European friends that they do not know us, and that they form a very wrong estimate of us. We are not all that we should be. We have many vices, many false notions, and many dangerous tendencies; we admit it, and deplore it; but these things are chiefly dangerous to ourselves, and no foreign state has the right to rebuke us. In the face of foreigners, and in comparison with any other people on the globe, we are immaculate. We demand respect for this assertion, for we have amply proved that we are not blind to the faults of our countrymen, nor backward in pointing them out. When we compare our countrymen with what they might be and should be, we hang our head; but when we compare our government and its conduct with the government and conduct of other nations, we thrill with honest pride in feeling that we are an American citizen,—the most honorable title, after that of Catholic, we know on earth. We assure our friends abroad, and we are happy to think they are many, and such as it is an honor to have, that those



Americans who are most ready to tell their countrymen of their faults, are precisely those who will be the most ready to defend them when assailed by the foreigner. It is their sensitiveness to the honor and glory of their country that leads them to find fault with their countrymen, and the same sensitiveness must make them equally quick and brave to resent any insult from abroad.

Whatever filibustering proclivities a portion of our people may have had, or may still have, we have not yet fallen so low in the scale of nations as to justify the treaty of France and England with Spain to prevent their development, or to prevent us from regarding such a treaty as a national insult, very likely to defeat its own aim. We are not fallen so low as to listen to lectures on morality or international law from the English press, especially from the *London Times*, which is independent only in its recklessness and inconsistency; which advocates and opposes by turns all sides of the same question, and which is as remarkable for its moral obliquity as for its pomposous arrogance. We are not among the enemies of Great Britain, nor among those who would like to see her reduced to a second or third rate power. Our personal feelings towards her, as is natural, are kindly rather than otherwise. We wish her great and prosperous. The world is wide enough for her and us too. We do not like her government of Ireland, but we see not how Ireland would gain by becoming independent of her; we do not like her rule in India, but we see no public advantage that would result to the people of India by the substitution of some other power for hers. We see nothing that the world, as things now go, would gain by a dismemberment of her empire. Her downfall would pull down with it more than we care to contemplate. She has yet a mission among the nations to fulfil, and we are not among those who think she has passed into her decline, although we think she has reached the zenith of her power. But we place our own country in our affections far before her, and must defend it, whatever be the consequences to her. If she is wise, she will resign herself to the growth of our republic and the expansion of our trade and industry. In attempting to head us off, or to interpose obstacles to our natural extension, she will not materially check us, but will hasten the day when she must share the fate of Tyre and Carthage. That day will come, unless she returns to the bosom of Catholic unity; but a wise and just policy with

regard to this country may delay it for a long time. Now she and we are rivals but not enemies, and it depends on her whether we continue so or not. There was a day when we were extremely sensitive to the judgment entertained of us by England and Englishmen, when the old feeling of colonial dependence was not yet worn off. We, in fact, looked up to her as our superior, and in many respects as our model. We were wounded by her sarcasms, and disturbed by her frown. But that day has gone by. We laugh now at things which used to vex us, and the arrogant tone, in which John Bull indulges a little too much, now amuses instead of irritating us. The reason of this is, that we feel that we have grown to man's estate, and are really a powerful nation. We are conscious of our strength. We no longer regard England as our superior. We have no impatience to try our strength with her, for we feel that we are able to defend ourselves. Peace is therefore easily maintained between the two states, and will be interrupted only by the attempt of England to grasp advantages which it does not comport with our interest to yield her. Her wisest way is quietly to withdraw from Central America, and to forbear to intervene between us and Spain. She must do it sooner or later, and the sooner and with the better grace she does it, the more will it be to her honor and to her interest. We speak not thus because we think lightly of the English military and naval power, for we do not so think; nor because we think very highly, in its actual state, of our own; for we have no army or navy that is really worth counting, save as the nucleus of an army and navy to be formed. But Great Britain is essentially a manufacturing and commercial nation, and commerce makes at once her strength and her weakness. She is weaker in a war with us than with any other nation, because we are the largest consumers of her manufactures, and the largest producer of the raw material that supplies them, and which she cannot obtain from any other source. Here is what constitutes her weakness towards us, and our strength towards her. A war between the two nations would interrupt the trade between them, and this interruption we could endure, but she could not for any great length of time.

This trade is, no doubt, of mutual advantage. It is profitable to us, and it is profitable to Great Britain. It has built up New York and Liverpool. But it is of less vital consequence to us than to her. With our ingenious

population, with our immense extent of territory, and variety of soil and climate, we can produce and manufacture for ourselves. We could provide for all the wants, and nearly all the luxuries of civilized life, without any foreign commerce at all. We have within ourselves the means, if we choose to use them, of providing for all our wants, of living in entire independence of all foreign commercial relations. England cannot do this, even by taking in all her colonies. A war which should interrupt our trade with Great Britain and her colonies, and throw us back on ourselves, would prove, in the long run, advantageous to us, as the present war is likely to prove advantageous to Russia, by forcing her to a more full and rapid development of her internal resources. But England has developed to the fullest extent her internal resources, and she cannot fight her battles without foreign mercenaries, or a subsidy to foreign states, or employ or feed her population without foreign commerce. Every year of the war would weaken her, while it would strengthen us. The two nations cannot, therefore, go to war on equal terms; for the one has to draw its supplies, in a great measure, from abroad, while the other draws them from its own resources at home, increasing in proportion to the drafts made. We can lose our foreign trade, not without present injury of a very serious nature indeed, but without ruin, and even with some ultimate advantage, while the loss of her foreign trade would be the inevitable destruction of England.

We are far from believing that the modern industrial and commercial system, inaugurated by the treaty of Utrecht, 1713, and at the head of which is Great Britain, is a system really advantageous to the world, or destined in fact, to be a permanent system. We believe it impoverishes more than it enriches nations, while it favors their moral degradation. It multiplies luxuries to an enormous extent, as we can see by simply looking about us in our own city, but it does not render a people really wealthier, or render it more easy for them to obtain a living. Expenses are increased at a greater ratio than gains. The general style of living requires an income larger than can possibly be obtained in the slow and regular way of business or industry. Hence the rage for speculation, the reliance on a lucky hit, in which few can be successful, to make a fortune. Hence the innumerable failures, bankruptcies, insolvencies, frauds, dishonest contrivances which are the disgrace of modern states, and are

fast destroying all confidence of man in man. We sometimes think that Great Britain, by carrying with her everywhere this demoralizing system, more than overbalances the good she does by her advocacy of the great principles of civil freedom and constitutional government. A war with her that should break up this system, and force us to become less a commercial and more an agricultural people, would, we have no doubt, in the long run, prove an advantage to us, both under an economical and a moral point of view. But as long as the system remains, each nation must in self defence adopt it, defend it, and draw from it all the advantage it can. Therefore, though disliking the system, we still urge our government to guard it with vigilance.

We had hoped before concluding this article to have received the president's message; but the delay in organizing the house has prevented us. We know not what measures the president will recommend, or what measures the new congress may be disposed to adopt; but we trust that congress will not adjourn without providing for a large increase of the army and navy, for both are now far below what we need for an effective peace establishment. The extent of our territory, the various points needing protection, and the necessity of a national police, so to speak, every year becoming more and more necessary, require a large increase of our regular army, even if we paid no attention to the rule, in time of peace prepare for war. Our extended and rapidly extending commerce requires still more imperiously for its protection a large increase of our navy. We are not likely to need any very large land forces, for we have no powerful neighbors. Mexico is too weak and distracted to give us any trouble, and England would never undertake to defend Canada against us, any further, perhaps, than to hold the citadel of Quebec, while Canada herself, as much as we respect her spirit, and wish her prosperity, could bring no force, worth naming, against us. Whatever forces we are to guard against are and will be naval forces. The hostile powers we may have to encounter can reach us, or be reached by us, only by sea. It is therefore always to the sea we must look, for on the sea is our only serious battlefield.

This fact determines what should be our policy. We know not why there is in many parts of the country a prejudice against creating and sustaining a respectable navy. It is

true, Mr. Jefferson was said to be opposed to it, although he maintains to the contrary in his correspondence with John Adams: but even if he had been, and justly so, it would not follow that we ought to be now, for times and circumstances have much changed. We remember well a conversation with Mr. Calhoun, certainly one of our greatest and most enlightened statesmen, in which he maintained that we ought to rely chiefly on our navy for the defence of our coasts, and that our true policy is to keep in commission at all times, a fleet large enough to cope with any that Great Britain can ordinarily bring against us. This he thought would require a naval force one-third or one-half as large as hers. We agreed with him then, and we agree with him now. The true policy of the government, in our judgment, is to provide for the annual increase of our navy, till it is equal to any naval force which the greatest maritime power of Europe can detach against us. With our three thousand miles and more of sea-coast, we are a maritime nation, and must be a maritime power of the first class. We must have a large navy to secure us the rank and respect abroad to which we are entitled, and which our commercial interests demand. We cut now a sorry figure beside the maritime powers of Europe. Even Sardinia has a naval force superior to ours. It is mortifying to be obliged to say this, but so it is. We hope this subject will receive the attention from the administration and congress that it deserves. If we had had such a navy as we ought to have, our offer to mediate between Russia and the allies would have been treated with respect; the British minister at Washington would never have said that the failure of a single house in Liverpool would make the whole Union tremble, and Great Britain would never have undertaken to recruit her armies on our territory. Lord Palmerston, most likely, would not have sent the British fleet to winter in the West Indies. We should find such a fleet saving us from many insults and mortifications, and tending strongly to the maintenance of peace between us and all nations. The expense of such a fleet is not worth mentioning, and we should be a hundredfold indemnified for it, by the effect it would have on the national spirit and character. We can now afford to do something for the national spirit, for the promotion of high, chivalric, and noble character, to which nothing more than a good military and naval education and command will contribute.

In connection with this subject of the navy, it would be well if the government would cast an eye over our mercantile marine, and take some measures, if any are practicable, to induce a larger number of native Americans to take up a seafaring life. We have nothing to say against the foreigners in our mercantile marine. They are no doubt good sailors, and were they to enter the United States service would, we fear not, be true to our flag. But it does not comport with our national character, or national interests, to depend mainly on foreign sailors. At present the great body of the sailors in our mercantile marine, if we are rightly informed, are foreigners, and while it remains so, comparatively few natives of the country, hardly enough to be officers, will enter our ships. Something must be done to remedy this evil, or our own people will lose their maritime character, and we shall be entirely dependent on foreigners for the defence of our country, for manning our fleets as we are now for filling up the ranks of our army. This comes from the false estimate in which we have of late years held the army and navy, and the senseless cant of the peace-men against war and the military character. The evil will soon be past remedy, and we shall soon, if we do not bestir ourselves, have only the virtues of shopkeepers left. The rural population ought always to afford recruits for the army, and would do so in case of war; but where, if we pursue our present policy, are we to obtain recruits for our navy, and our mercantile marine? We must do something to elevate the common sailor, to render the sailor's life more honorable and more attractive, or all we have been saying of our national character and strength will turn out a vain boast.

## MONTALEMBERT ON ENGLAND.\*

[From Brownson's Quarterly Review for April, 1856.]

THERE is nothing that we have been more accustomed to hear from our youth up than predictions of the speedy ruin and downfall of England, and some of our friends do not hesitate to say, that she has already lost the high rank which she held a few years ago, and must now be regarded as a second-rate power. In most cases the wish, we apprehend, has been father to the thought. We are as strongly opposed to British preponderance as any of our friends, but we are not able to detect at the present moment any sure signs of the approaching downfall of the British empire. In the beginning, we were foolish enough to think that she had been drawn into the eastern war by France, although we never doubted but she would be the chief gainer by it, in case the allies were successful; but later developments prove that the war is principally hers, and that she has had the address to make Napoleon fight her battles, and to pour out French blood and French treasure for the promotion of her interests. We shall be much mistaken, if the French alliance does not turn out to have been formed in British much more than in French interests; and if we do not find, providing the allies succeed in humbling Russia, England in a few years more powerful than we have ever before known her, and standing still more decidedly at the head of modern commercial and industrial nations.

Napoleon, we take it, wished to be emperor, and to establish his dynasty on the throne of France. He could accomplish this latter object only by means of an alliance either with Russia against England, or by an alliance with England against Russia, backed, or not opposed by the rest of Europe. We suspect he preferred the former, but was defeated by the coldness of Russia, and the efforts of British diplomacy; nothing then remained for him but the latter. The Derby ministry conciliated Austria, and Nicholas preferred union with England,—the last power in the world he wished to

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\* *De l'Avenir Politique de l'Angleterre.* Par M. Le Comte DE MONTALEMBERT. Paris: Le Correspondant, 1855.

fight, to union with France. But Great Britain desired nothing more than an alliance with France against Russia, the only European power that could endanger either her Asiatic or eastern possessions and conquests. An alliance with France against Russia would enable her, if not to combine all Europe against the czar, at least to isolate him, and perhaps to weaken effectually his power, to destroy his navy and ports, and to prevent him from interfering with her interests and projects in Turkey and Asia. Napoleon needed the alliance, because, unless supported by Russia and continental Europe, he could not maintain himself, or if himself, not his dynasty, or the imperial throne of France against her influence and machinations. She had recently deposed Louis Philippe, because his policy in Spain and Italy was not in accordance with her plans; and if he stood alone, she could as easily depose him, or prevent his dynasty from taking root. He could not sustain himself and provide for his dynasty in failure of the continental alliance, without her consent, and the war with Russia is the price he has had to pay for that consent. He probably has secured the French throne for himself and family, which may be a great advantage for France and continental Europe; but he ought to make an addition to his title, and say: "Napoleon III., by the grace of God, the will of the nation, and the *favor of Great Britain*, emperor of the French."

We know it is said, that England has lost in the present war the prestige of her old renown, and that the glory of all the successes obtained by the allies redounds to France; but we think this may be reasonably questioned. The war has given her no opportunity for any brilliant achievements on the water, her proper element; but we have never known her engaged in a European war on land, in which she has for the first two campaigns put forth more energy, or gained more credit. We are no military man, but as far as we are capable of judging, she has deserved, in proportion to the number of troops she has employed, as much credit as the French. If the French saved the English at Inkerman, the English saved the French at Alma. In the first bombardment of Sebastopol, it was the French, not the English, that were defeated; and if they could have carried out their part of the combined attack as well as the English did theirs, it is not improbable the city would have been forced to surrender, and the losses, sufferings, labors, and expenses of the ten months' siege would have been spared. The French,



indeed, sustained themselves in the Malakoff, at a loss which will never be acknowledged; but they performed no act to surpass in bravery or in brilliancy the storming of the Redan by the English. It is unjust to give all the glory, whatever it be, of the war in the Crimea to the French. But it is probably the policy of England to let them claim it, for she is willing that they should have the empty glory, so long as she is able to reap all the solid advantages of the war. The Englishman looks to the main chance,—gain is his idol, while glory is the Frenchman's. We confess, that England has surprised us by the power and energy she has displayed in the Russian war. We did not believe her capable of the efforts she has made. Never have we seen her stronger, more living, more energetic; we were about to say, more youthful; and never have her nobility and gentry, as well as her common soldiers, done themselves more honor. The clamors raised by Mr. Layard and the English press about the incapacity of the British aristocracy, and for a reform which shall put "the right man in the right place," seem to us at this distance perfectly ridiculous, if not something worse.

It is a great mistake, in our judgment, to think that England has lost any thing of her real power, and to represent her as playing a part subordinate to that of France. The war is really an English war, undertaken and carried on primarily for English interests; and if successful, it will raise the power of England far higher than it ever was before, and compel France henceforth, at the peril of her internal peace, to subserve the policy of the haughty island queen. It is true, she cannot carry on alone the war against Russia; but Napoleon cannot, unless backed by the continent, withdraw from that war against her consent, without losing his throne. She, however, can withdraw from it without having any thing to fear from France, or losing any thing of her rank or power. As between France and England, the controlling power is on the side of the latter. The war is not popular in France; it drains her of her best blood, and is creating an enormous national debt, which tends to bring the government into subjection to the bankers and stockjobbers, whose centre of operations is London, and will be, till the mercantile system is broken up, or its seat is transferred, as it ultimately will be, to New York. Napoleon would have made peace last May, if England had consented to it; and he is perfectly willing to make peace

now, and on terms which Russia can accept, but she is not, and he alone cannot force her to do so; for he is not firmly enough seated on his throne to bid defiance to her intrigues and machinations, the disturbances she could create by encouraging the red republicans, perhaps the Bourbons, and the terrible embarrassments for his government which she could create by her control of the credit system, in the meshes of which she has succeeded in entangling all modern Europe, except Russia.

Napoleon is not blind to the danger for France in continuing the war, and evidently sees the necessity of breaking at the earliest moment possible the English alliance. While we are writing, negotiations for peace are proceeding at Paris. What their result will be, it is impossible for us at this moment to foresee; but we are inclined to believe that peace will be made, because we think Napoleon has succeeded in convincing Russia and Austria, that it is safer for Europe to include him in a continental alliance against Great Britain, than it is to force him into an alliance with Great Britain against the continent, which would secure British preponderance, far more to be dreaded by them than even that of France. The events of the war have proved, that Russia and Austria can defend themselves against France, and France and Austria against Russia, and prevent her from seating herself on the Bosphorus. The true policy for these three powers is, then, to form a friendly alliance, and isolate Great Britain from the continent; or to force her to acquiesce in their continental system. If the French emperor has satisfied, as we think he has, Austria, Russia, and the secondary German states of this, peace will be made, and he will have gained even more by the war than England. He will then have taken his proper place among European sovereigns; and if wise at home, have closed for a long time the era of revolutions in France. England's only continental ally, if peace now be made, will henceforth be Prussia—if even Prussia. In a certain sense, this, undoubtedly, would be a triumph over Great Britain; but she would still remain the first naval, commercial, and manufacturing nation in the world. It would rob her of none of her real power; and would only prevent her from extending that power as much as she had hoped by engaging France to aid in fighting her battles,—because her power depends on her trade in the East, with this continent, and her own colonies.

But if peace is not made, and the allies succeed in humbling Russia as much as England wishes, Great Britain gains all the advantages of the war, and becomes, for a time, the mistress of the Old World, if not also of the New. If the war goes on, and terminates unsuccessfully for the allies, which nothing yet proves to be impossible, France runs a greater danger than England. France would become Cossack, but England would still remain the first naval, and with her American trade, the first commercial power of the world. In any contingency, we, therefore, cannot predict a speedy ruin of Great Britain; she will doubtless fall one day, but not by French policy, or continental combinations: when she falls, it will not be by a European war, but through successful competition in trade and manufactures of the United States, and the rivalry of her colonies become independent states.

We have been led to make these remarks *apropos* of a very significant essay on the political prospects of England, by the illustrious Count Montalembert, inserted in the *Correspondant* for last November and December. The distinguished academician and statesman made, during the last season, a tour of observation in Great Britain, and has embodied in this very remarkable essay the impressions he received and the reflections he made. We need not say that the essay is written with force and elegance, that it breathes a noble spirit, is full of eloquence and profound thought, for such qualities we are always sure to find in every production of the noble author. We have read it with attention, with deep interest, and friendly partiality. With its political principles, its generous tone of civil and religious liberty, we heartily sympathize; and we share to a considerable extent the author's unaffected admiration of the English political constitution, and the many noble, generous, and manly traits to be detected in the English character. We concede the greatness of England, whose queen, including her colonies, rules over a larger territory than that of Russia, and over nearly twice as many subjects as ancient Rome, in the palmiest days of the empire; we concede her prodigious industry, and her marvellous commercial enterprise and successful trade; we concede her wonderful life, activity and energy in all that pertains to the material order; but we cannot help thinking that the illustrious author has seen her in too rose-colored a light, taken too favorable a view of English society, and at-

tributed too much of what he regards as England's prosperity to her political constitution. Inheriting the love of personal freedom and independence so characteristic of the old feudal nobility, devotedly attached to constitutional and parliamentary government, deeply afflicted at the sad termination of the struggles, revolutions, and sacrifices of his own country in behalf of civil and political freedom, and associating, during his visit, chiefly with the nobility and gentry, it is not strange that he should have been charmed with what he met, and regarded England, in the enthusiasm of the moment, as a model nation, worthy of the world's imitation. He saw her in her "Sunday's best," and was chiefly struck by the presence of those things, whose absence in his own country caused the grief of his heart, and he either did not see or did not note the presence of other things from which his own country has hitherto happily been comparatively free. England is the land of respectability, what Carlyle calls "gigmanity," and he who confines his observations to the "respectable class," will, for the moment, fancy that he has recovered the long lost Eden. Yet there is a reverse of the picture, and if there is less poverty, there is more squalid wretchedness, more filth, more abject, hopeless misery, than in any other nation in Christendom.

We do not doubt that the political constitution of England retains more of what was good in mediæval feudalism, and has taken up less of what is bad in modern politics, than that of any other European state; but we think M. de Montalembert not only forms too favorable an estimate of English society, taken as a whole, but that he attributes far too much of England's material greatness and prosperity to her political institutions, and fails to perceive that they are due to the original character of her people, to her insular position, vast internal wealth, and her restricted territory, which naturally turned her energies in the direction of trade and manufactures, and more than all, to that very foreign policy which he so unqualifiedly and so justly condemns. We are by no means indifferent to political constitutions or forms of government, and we are as sincerely attached to what in our language is called "self-government," as is any man living; but we regard it as the besetting sin of the modern world, that it attributes too much of what is good or what is evil in a nation to its government. It is the people that determines the government, rather than the government

that determines the people. It is not the free government that makes the free people, but the free people that makes the free government. Every people not subjected by a foreign conquest and placed under an anti-national power, has always just as much freedom as it wills or is entitled to; for in every country left free by all others to govern itself in its own way, the government is the fair exponent of the average amount of freedom there is in the hearts and souls of its population. No monarch was ever yet strong enough to subject a free people to his arbitrary will,—a people, we mean, that have the internal spirit and character of freemen. Except in cases of foreign conquest, or foreign intervention, governments are not imposed on a people; they grow out of the people, and express the sentiments and convictions of the nation; and it is only on that condition that they can sustain themselves. The government may, indeed, fail to satisfy the wants and wishes of a part, and yet be able to sustain itself; but when it fails to represent, fairly, the wants and wishes of the nation as a whole, it must either submit to such modifications as are needed to adapt it to those wants and wishes, or yield to a revolution, more or less violent, according to the resistance it meets. Nations may lose their old liberties or franchises, and fall under a degrading caesarism, but never, till freedom has died out of the hearts and souls of the people,—not till they have lost the moral qualities of freemen, and acquired the vices and passions of slaves. The old feudal nobility had lost the virtues of their order, before they were forced to succumb to the king and commons, and this fact, still more than the grasping ambition of the king, or the increasing wealth and influence of the commons, caused the downfall of feudalism. Absolute monarchy existed in the sentiments, passions, and convictions of the nation, before the king did or could establish it. Absolutism cannot be imposed on a nation against its will. Louis Napoleon was elected emperor by universal suffrage, and almost unanimously. We do not object to caesarism, that it reduces a free people to slavery, but that finding them slaves, it keeps them so, and prevents the adoption of the means, and the exercise of the moral influences, necessary to redeem them from slavery, and to elevate them to the rank, dignity, and virtues of freemen.

The present unsettled state of European nations offers no argument against this doctrine. In the greater part of European nations, the people are divided, and whatever the

government, there is a disaffected party opposed to it, and which can be restrained only by physical force. The government cannot represent the will of the nation, where there is no national will, or the will of the people, where there is no people. As long as the division remains, the government is obliged to go with the stronger party, and rely on the sentiments and convictions, the wants and wishes of that party, and through it to hold the other in subjection. This is, indeed, an evil, and during its continuance, government, in the legitimate sense of the word, does not exist. Authority dominates, but does not govern. External order is maintained only by means of armed force, and the chief dependence is, and must be, on the army. Hence, some of our friends in France and elsewhere appear to regard the army as an essential element in the administration, and go so far as to place the soldier on the same line with the priest. This is to mistake an exceptional, for the normal state of things. In a well ordered state, the soldier is necessary only to defend, or to vindicate the nation against foreign enemies; never to support the government at home, as an instrument of administration, or an auxiliary of the civil magistrate. That the army is necessary in most European states to support the administration, is unhappily too true, but this is because these states are unsettled, are undergoing a change from one political order to another, and their governments harmonize with the wants and wishes of only a part of the nation. But this is only a temporary state of things, and when unanimity is restored among the people, the army will not be needed as an agent of the home secretary, or minister of the interior. The moment such unanimity is effected, and the nation has an undivided will, the government will be forced to conform to and express it.

We do not, therefore, attribute those traits of the English character which the noble author points out to our admiration, to the British constitution; we rather attribute what is worthy of commendation in that constitution to those traits themselves. The English people have made the English constitution, not the English constitution the English people. They never entirely lost their old freedom, which they derived from the church, when they were converted from heathenism to Christianity. They allowed Henry VIII. to suppress the freedom of religion, to separate them from the centre of unity, and to create a national church, with himself for its head, but because they had become indifferent

to the Catholic faith, because they never were overburdened with logic, and could as easily say two and two make three or five, as that they make four, and because a royal and national church accorded with their excessive loyalty, and flattered their nationalism and their insular pride. They suffered Elizabeth to rule them with despotic authority, because she directed her policy to the maintenance of the national liberty and independence against the attacks of Spain, under Philip II., that cold-hearted tyrant, who sought, under pretext of supporting the Catholic faith, to realize the dream of universal monarchy. But the moment all real or imaginary danger from abroad was removed, and they felt sure of preserving an English religion and an English state, as was the case under the Stuarts, they showed that absolute monarchy is a thing they detest, and to which they will never submit. Nearly a century of rebellion and revolution proved this to the world, and that the will of the nation demanded, and would have, a constitutional monarchy, and a parliamentary government. The present English constitution is, no doubt, admirably adapted to the English people, and they are admirably adapted to it; but they have made it what it is, not it has made them what they are.

If we want any proof of the impotence of this constitution to mould a people to itself, we need but cross the channel from England to Ireland, where there is a people widely different from the English. The attempts of England to bring the Irish into harmony with her civil and political order have been as unsuccessful as her attempts to convert them to her national church. The difficulty is not, and never has been, owing to the differences of religion. The English Catholic is as thorough-going an Englishman as the English Protestant, and is as devotedly attached to the English constitution. It is adapted to his genius and character. The Irishman loves liberty with a love as intense as that of the Englishman, but the Irish genius instinctively resists the English civil and political order, and you must make the Irishman an Englishman, convert the Celt into the Saxon, before you can make him love it, or sit down quietly and feel himself at his ease under it. Hence the genuine manglo-saxonized Irish, after seven hundred years of English domination, seek only an opportunity to sever the connection with England, and to reassert their national independence. And that connection they would have severed centuries ago, if they had not been divided among

themselves, or if they had really had a national will of their own. The attempts of England to impose her form of government on continental states, or the attempts of those states to copy her institutions, are, in every instance, been disastrous in the extreme. Look at Portugal, Spain, Sicily, Naples, to say nothing of France. All prove that a constitution must have its root in the heart and life of a people, or instead of operating beneficially it operates as a curse. It requires centuries, at least, to mould a people to a foreign constitution, and to make what expresses freedom in one country necessarily express it in another.

When we say we admire the English constitution, we mean that we admire it for England. It is a constitution adapted to the tastes, prejudices, pride, and stunkiness of the English people. But we are not prepared to admit that the industrial activity, the commercial and manufacturing prosperity of England are due to her political constitution, or to the wisdom or sagacity of her domestic policy. Her decided superiority over the continental states in these respects, is by no means coeval with her comparatively free constitution. It is, after all, only about sixty years old, and is due chiefly to the independence and prosperity of the Anglo-American colonies, now the United States, and to the French revolution and the wars which grew out of it. These wars destroyed the greater part of the commerce and manufactures of the continent, and operated as a bounty on her own; they gave her the command of the seas, enabled her to dispossess the French and Dutch of the greater part of their possessions in both Indies, and to make London the centre of the trade and commerce of the world. What had her peculiar political constitution to do with all this? She owed her success to her insular position, the maritime habits of her people, and to her adroit foreign policy. When she saw France, her old rival, torn by intestine divisions, and distracted by the efforts to reform her civil and political institutions, she stirred up the continental nations to intervene in behalf of the fallen monarchy, and she herself declared war on the French republic, without having received from it any injury, and not to restore the Bourbons, nor to avenge a plundered church, but to promote her own selfish ends. She commenced the war by despatching her fleets to take possession of the French colonies in the East and the West, proving that whatever her pretences, she made war, not against the French revolution, but against France herself.



The independence and prosperity of this country has also been a leading cause of the growth of her trade and manufactures. Owing to identity of language, sameness of race, and old habits formed in the days of colonial dependence, our trade, after the revolution, sought, naturally, her ports, and continued to do so in spite of the illiberal policy with which, till quite recently, she treated it. It is not easy to say how much England's present greatness and prosperity are due to her trade with us. As an independent nation we have been worth far more to her than we should have been as colonies. The cultivation of cotton in our southern states has built up her cotton trade, and the raw materials we have supplied her have opened a market here for her manufactures in nearly all their several branches. One half of her foreign trade is now carried on with this country, and were she to lose our trade she would sink instantly to a second or third rate power. She cannot subsist as a great nation without the American trade. She knows it, and hence her efforts to extend her possessions in Asia, to open markets, and to obtain a supply of cotton, rice, and tobacco, independent of us,—efforts that will have at most only a partial success. Other causes we might enumerate, but these are quite sufficient to prove that England's material greatness, the only order of greatness to which she can lay any claim, is quite independent of her political constitution. If France, as she probably hoped when she aided us to obtain our independence, had succeeded in diverting our trade from Great Britain and attracting it to her own ports; or if the war against the French republic and the French empire had been as unsuccessful on the sea as it was for the most part on land, and as it most likely would have been but for the wholesale massacre of the French naval officers at Quiberon, and for which the British government might be held responsible, the illustrious Count Montalembert would have not held up England's material prosperity in contrast to that of his own country. After all, we may doubt if Great Britain has advanced at a more rapid rate, or really made more progress in civilization during the last three centuries, than Russia,—a government we are in the habit of denouncing as a pure autocracy.

If we look closer into English society we shall find that all is not gold that glisters. There is no doubt that the English aristocracy is the most living and vigorous aristocracy of Europe. It is wealthy, cultivated, and enlightened ;

its members retain a large share of the personal freedom and independence that belonged to the old feudal nobility. The gentry and the middle classes are also wealthy, and are in a condition to enjoy a good degree of well-being; but having said so much we must stop. He who would admire England must limit his observations to the respectable classes, which are, after all, a small minority of the nation. The officers of the army and navy are all from the aristocracy or the respectable classes; so are all the members of the government, and the *employés* of the administration and the national church. The rural population, the peasantry proper, are the least moral, the most ignorant and brutish in the world; the operatives have very little morality, very little intelligence, are to a terrible extent infidels, whose Bible is the *Weekly Dispatch*, and whose temple is the gin shop. They barely support themselves by their labor, and exhausted by toil, they have no heart to seek mental or moral cultivation, and live and die but as a better sort of brutes. Below these is another class, large in all the towns, who sell combs, toothpicks, and other small articles, and who are really thinly disguised beggars; and down still lower is a swarm of petty thieves and non-descripts, living, no one can tell how; and then in England and Wales, out of a population of some sixteen or seventeen millions, from twelve hundred thousand to two millions are, or were a few years ago, shut up in poorhouses, to say nothing of those receiving out-door relief. There may be continental states where there is more poverty than in England, but there is none, as it has been well said by the *North British Review*, where there is so much squalid wretchedness, so much hopeless, unmitigated misery.

We are confining our observations to Great Britain alone; but if we extended them to Ireland and British India, we should be obliged to pronounce the English government the most heartless, the most barbarous, and the most fatal to human happiness on the globe, not excepting even that of the Grand Turk. This wealth you see in England has been in great part dug out of the earth by a miserable set of wretches, who never hear the name of God except when it is blasphemed; or plundered from the defenceless nations of India. There was no class found by Julius Cæsar, when he invaded England, so degraded below the dignity of our common manhood as are the colliers and miners, if we may place the least reliance on the reports of parliamentary com-

missions. Slavery still exists, in fact, in some parts of the North of England, and the hindu may be found there in precisely the same condition, only worse, in which their ancestors were seven hundred years ago. England found India badly governed, indeed, but she found it comparatively wealthy. The country was thickly inhabited and generally cultivated. Various manufactures, especially that of cotton, abounded, and the poor people, by their industry and economy, lived with a good degree of material comfort. All this is changed. The water tanks are dried up; irrigation is neglected; the roads are not repaired; the lands run to waste, and whole districts formerly cultivated, are now overgrown with jungles, and form haunts of wild beasts. The manufactures are destroyed to make way for those of England, and the upper classes, the native gentry, are plundered of their property, and excluded from all posts of honor in the army and the company's civil service. What have British freedom, British commerce, trade, and industry done for India, for Ireland, or for any portion of Queen Victoria's subjects, except the two or three millions of English who pertain to the respectable classes, two-thirds of whom are the veriest flunkys in Christendom? What is the value of the ease and respectability of those classes, if purchased, as it has been, at the expense of the moral and material degradation of one hundred and fifty millions of our fellow-men, who have souls as precious as those of England's gignamity? What is the use of liberty when it is only the liberty of the few to ride the many?

If we pass from the material to the moral order, we shall have still less reason for admiring the workings of the British constitution. Great Britain is precisely that country in Europe, excepting Turkey, in which the laws are the most barbarous, and crime is most prolific, and of the blackest dye. A writer in *Blackwood's Magazine* a few years since, shows that crime during the previous sixty years had increased in England eight hundred per cent, in Scotland seventeen hundred per cent, and in Ireland five hundred per cent, while it had actually decreased in France and all the Catholic states of the continent. The proportion of criminals in England, aside from political offences, is at least ten times greater than in France. The number of prostitutes in London is thirty-three and a third per cent greater than in Paris, after making allowance for difference of population. Nothing is more frightful than the crimes

daily chronicled in the English press. Where, but in England, has it ever been heard of, that mothers would murder their own children for the sake of the fee paid by burial societies? Where else have men, even belonging to the respectable classes, been charged with murdering their wives, their mothers-in-law, and their most intimate friends, for the sake of the insurance on their lives? A few years since books were written and circulated in England, recommending parents to murder their children, in order to get rid of the trouble and expense of maintaining them, and giving instructions how to do it in the least painful manner. A few facts like these are worth volumes of declamation in favor of English freedom and English prosperity.

We have no disposition to press the analysis of English society. Respectable England is admirable, no doubt, to the continental visitor; but there is another and a very different England below it, which more than compensates for it, - unwashed England, sweltering in filth, pining in hopeless misery, festering in vice, or revelling in crime. This England seems to have escaped the observation of the noble visitor. The English government, it strikes us, is the worst administered government, not excepting even our own, to be found in the civilized world. It is meritorious only in what it lets alone; and the English have reason to congratulate themselves only on what it does not undertake to do. As regards its positive action, we do not know a more inept, blundering, and inefficient government in Europe, or one that really effects so little for the well-being of the people. The administration of justice in England proper, we readily concede, is often deserving our esteem, and is usually impartial, unless the case be one between Protestants and Catholics. But out of England, in Ireland or India, it is for the most part utterly detestable. British officials, when elsewhere than in England, have no rivals in arrogance, ignorance, prejudice, conceit, incapacity, and stupidity. England is loved only at home, and she does little but grumble, and scold, and fret even in her own house.

The sole merit we are able to award the British government is, that it does not attempt to govern all the actions of its subjects, but leaves a large margin to the free and unfettered activity of individuals. The citizen is not annoyed by the perpetual interference of the state, and does not fear to say what he thinks. He is not surrounded by government spies, or obliged to ask permission of the state

whether he may take this pursuit or must confine himself to that, or whether he must stay at home or may go abroad. This individual freedom, this leaving, as to the greater part of their acts, individuals to themselves, is in itself a great merit, and what charms our author, and blinds him to the real vices of English society. We prize this liberty highly; but no man can have studied the history of England, since her apostasy, without being convinced that it has not operated in favor either of moral greatness or the social well-being of the mass of the population. Undoubtedly, England owes what is praiseworthy in her history to this liberty, but she owes to it also what we are obliged to deplore and condemn, in her present condition.

The liberty recognized, or left to individuals by the British constitution, has not been directed to wise and noble ends: it has operated to the elevation of the few, and the depression of the many. In a Catholic state, this liberty is a great blessing; it is the condition of manliness and nobility of character; but in a Protestant state, which leaves man without moral guidance, a prey to all the violent and depraved passions of his fallen nature, it is perverted to low and selfish ends, and results in creating a nation of egotists and mammon-worshippers. In a Protestant state, the liberty which the English and American constitutions leave to the people as individuals, may favor industrial and commercial enterprise, develop the material resources of a nation, and augment its wealth for a season, but is hostile to the poorer and more numerous classes. It becomes practically only the liberty of the few to use, or to borrow a French word, to *exploiter* the many,—the strong to oppress the weak, and the cunning to circumvent the simple. Where Protestantism predominates, liberty operates only evil for the mass, and those non-Catholic states are the wisest, who allow their subjects the least of it. For in the absence of religion, the state must intervene everywhere, if it would protect the helpless, and secure the well-being of the great body of its subjects. In a Catholic state, with a people in whom the Catholic faith is living, the more freedom the better, because there the individual having a moral and spiritual guidance, and the assistance of divine grace to control his appetites and passions, is in a condition to exercise his liberty without abusing it. Hence the reason why we so frequently and so earnestly insist on the necessity of the Catholic religion to sustain our republic. With the Cath-

olic religion our liberty is safe, and will operate in securing us a high degree of material prosperity, and a noble, elevated, and manly character. But without that religion, we must go on abusing our liberty, till we break in pieces from our own internal rottenness, or are obliged to give it up, and substitute for our republicanism a stringent and inexorable caesarism. The British constitution was of Catholic origin, adapted to the wants of a Catholic people, and can operate well only on condition that the people are Catholic. The moral element, which in a Catholic state is present to supply the absence of the civil, is wanting in England. The American system is even more in accordance with Catholicity than the English, and consequently the Catholic religion is even more necessary to its salutary practical working. It was a great mistake on the part of the Catholic nations of Europe, to suppress their old mediæval liberty, and attempt to substitute in the moral government of men, the state for the church; but it was a still greater mistake of England to attempt to combine liberty and Protestantism; because liberty without religion tends always to license, and operates only in favor of the few who have the skill or the address to turn it to their own advantage. Either liberty in England, as well as with us, will soon be lost, or both countries will abandon their Protestantism, and return to the bosom of the church.

M. de Montalembert is charmed also with the freedom of the press, but he does not appear to be aware, that the press in England, as well as in this country, is seldom free, except in name. He seems to think that when we have secured publicity, we have secured all. But this supposes that public opinion is just, and when appealed to, is sure to decide for the right. This, however, is far enough from being the case. Public opinion is never above the average virtue and wisdom of the community, and that in a non-Catholic community can never be very high. Publicity is never an infallible remedy, often no remedy at all, for injustice. In England and this country, public opinion exercises a more rigid censorship over the press, than is exercised by any continental sovereign; and all the more rigid, because the government leaves it to the people themselves. The Englishman or American, indeed, is free to write and publish what he pleases, but if his views are unpopular, or not fostered by popular prejudice, nobody reads what he writes. He loses his labor, and very possibly his social

position, if he has any to lose. The press depends on the public, and it is only by pandering to public prejudice that it can obtain public support. Our journals live only by serving a party, a denomination, an *ism*, or something of the sort. A journal outside of the Catholic community that undertakes to lead public opinion, to expose popular fallacies, and to form a just public sentiment, would soon in either country find itself without subscribers and without readers. The *London Times* claims to be independent, and it is independent of the ministry, but it is the abject slave of John-Bullism, and lives only by virtue of representing the sentiments, the passions, and the prejudices of the English business public,—at present the ruling public. It is never just, where to be just would be un-English. In proof, take notice of its hostility to the Irish and to the Catholic Church. It has never been known to be just to either; and it scruples, apparently, at no misrepresentation, perversion, or falsehood that will inflame English prejudices against them. Have we not seen it with masterly ability advocating the policy of the late Emperor Nicholas with regard to Turkey, and then turn round and grossly abuse him for having proposed it? When have we known the English, any more than the American non-Catholic press, to permit the calumnies and falsehoods it circulates against our holy religion, to be refuted or contradicted in its columns? For a Catholic to appeal to the public sentiment of Englishmen, except when they have some party purpose to effect, would be only to inflame it all the more against his religion. We like publicity, we like a free press; and England and the United States do well in recognizing them, because in so doing, they recognize a sound principle and a wise policy; but in a Protestant or an irreligious country, the former is worth very little to Catholics, and the latter exists only in name. Both are desirable and good in a Catholic community; but in a Protestant state, they do as much evil as good, to say the least. The only press either in Great Britain or the United States, that can pretend to any degree of freedom and independence, is the Catholic press, and even the Catholic editor is sometimes harshly treated by a portion of his brethren, for daring to exercise the freedom of thought and expression allowed by his church. Still it is comparatively independent, and is the only press in the world to be uniformly counted on as the loyal defender of truth and justice, civil and religious freedom, and the rights and dignity of man as man.

But passing over all considerations of this sort, granting England to be all that our illustrious author represents, we cannot think that he has judged wisely, in holding her up as a model for the imitation of his countrymen. Every nation has a life and genius of its own, and especially is this true of France. The Frenchman is polite, is expansive, and adapts himself with a remarkable facility to the passions, prejudices, and idiosyncrasies of foreign nations, but he never ceases to be a Frenchman. He knows how to avoid offending the nationality of others, and to make himself agreeable to persons of a national character the furthest removed from his own; but no man is more intensely national. Of all men, he is the one who needs the least, and who is least disposed, to borrow from foreigners. He pertains to a nation which stands, and through all modern history has stood, at the head of European civilization. His nation is original, others are imitators. It is, therefore, idle to expect him to consent to take any other nation for his model, or to favor for any considerable length of time a movement to naturalize in his country the political constitution of another. He glories in belonging to France; and you offend him in the tenderest point, when you ask him to copy foreign nations. The genius of the Frenchman may be seen in his language. The English and German languages can borrow foreign terms, and incorporate them without change or alteration; the French accepts them only in subjecting them to its own laws, and conforming them to its own genius. Foreign names even, must be gallicized in form and pronunciation. This is only the expression of the French genius itself, which you cannot change.

The attempt has several times been made to fasten English institutions on France. It was made by the constituent of 1789; it was made again in 1814 and 1815, under the elder branch of the Bourbons, protected by nearly all Europe; and finally in 1830, under Louis Philippe; but in every case in vain. The French nation could not mould them to its own genius, and it repudiated them. The Anglomania introduced by Voltaire and his school, cost France sixty years of revolution, drenched her with her noblest blood, and brought her more than once to the brink of the precipice. She will not be anglicised; she will under all circumstances remain French. The Anglomania is a disease, a morbid humor; and she feels through all her frame, that she can have vigorous health and be herself



only by expelling it. Under its influence she languishes; and from 1789 to 1856, she has shown herself living and vigorous only when she repudiated Anglicanism. The glorious epoch of the republic was, when rejecting the Anglican institutions imposed upon her by the constituent, she acted from her own French impulses, and rolled back the Cimmerian forces that dared invade her territory, and attempt to control her internal affairs. The glorious acts of the restoration were the invasion of Spain and the conquest of Algiers in spite of England and English policy; and the only spirited act of the monarchy of July, was the Spanish match in spite of English diplomacy. The French people never loved the constitutional government of Louis Philippe; French genius could not find its free scope under his reign, and nearly the whole nation rejoiced to see him depart for England. We may or may not regret it, but English constitutionalism has never taken, and never can take root in France. The cause is lost, and it is in our judgment worse than useless to attempt to galvanize it into life. We have the highest respect for Count Montalembert and his friends, and warm sympathy with them; but they seem to us to act unwisely in separating themselves from the main current of French life. We are with them heart and soul in their opposition to absolute government, whether of the one, the few, or the many; we like, as little as they do, the absolutist tendencies of the present imperial *régime*. But the French nation are attached to the present order, and the Frenchman who opposes it, isolates himself from his countrymen, and throws himself away. Aristocratic France was mortally wounded in the Fronde, breathed its last in the evening of the 4th of August, 1789. Its apparent resuscitation under the restoration and the monarchy of July, was no real resuscitation. France is at once monarchical and democratic, and in any permanent order, these two elements must be retained and harmonized the best they may. Our friends in France, it strikes us, should take this as a fixed fact, and with their usual frankness and wisdom, accept and conform to it. What they can never introduce, revive, or establish in France, is the aristocratic element of the English constitution, for that element does not exist in French society, or in the sentiments and convictions of the French people. An aristocracy once fallen, has fallen to rise no more.

The future of France is to be moulded, not out of foreign

elements, but out of national elements already existing. Those elements are imperialism, democracy, and Catholicity. This, we think, is undeniable. The only way, then, in which a Frenchman can serve his country effectually, is to work with these elements, and content himself with such combinations of them as are practicable. He must work with the national sentiment, not against it. We do not like the politics of the *Univers*, for it advocates not only the imperial *régime* as the best for France, but a similar *régime* as the best for all nations. It forgets that France is not all the world, and that what may be the political duty of a Catholic in France, is by no means necessarily the political duty of a Catholic in Belgium, Holland, Prussia, England, or the United States. We have had, in the interests of our religion and of our country, to take strong ground against the absolutist doctrines, which were, in virtue of the reaction against the revolutionism of 1848, beginning to find favor with some Catholic publicists; but we have believed that the party opposed to that represented by the *Univers*, ought not to stand aloof from the actual government, or to assume the attitude of discontent, if not of hostility. The imperial order, whatever its defects, is eminently national; and no movement in favor of defunct constitutionalism, or of parliamentary government in imitation either of the English or the American, will, or can be successful. The true policy for patriotic Frenchmen who wish the nation to have a more direct voice in the management of its affairs, is, it seems to us, to accept the order established as the basis of their future operations, and to contemplate nothing that is not in harmony with its genius, or that may not be peaceably and legally developed from it. The worst possible way to supply the defects of existing political institutions, is to begin by exciting the jealousy, the aversion, or the fears of the government, and to compel it to act in its own defence, or in reference to its own preservation. The government should be allowed to feel that the era of revolutions is closed, and that no effort will, intentionally or unintentionally, be made, tending to render its existence insecure. The institutions founded by the emperor, should be loyally accepted as the will of the French people, and the law of the empire. These institutions must be held as inviolable, and nothing be attempted that would alter their essential character.

Count Montalembert and his friends are men whom the French nation cannot well afford to lose. They have exerted

an immense influence in resuscitating Catholic France, and in promoting Catholic interests throughout the world. They have been, in a certain sense, the leaders of the Catholic movement of our times. They have been brave champions of the most holy cause; they have done knightly service; Catholic hearts everywhere thrill with grateful emotion at the bare mention of their names. Is their work done, their mission ended? Are they now to abandon us while they are still in the prime and vigor of their lives? They have long stood at the head of the Catholic party, and have directed under the hierarchy Catholic affairs. Why need they lose their position? Why can they not rise to the level of the new times, and still remain our leaders? Yet they will not lead the Catholic mind, they will not direct Catholic interests, or be followed by the Catholic people, if they have only regrets for the past, and criticisms for the present. To retain the position they have heretofore held, they must command the future; they must have a word for us now, a spirit-kindling word, that will rally all heroic minds and hearts to their standard. But with all their brilliant genius, their varied and profound erudition, their lofty eloquence, their generous sympathies and noble aspirations, they are lost to France and the world, if they can propose nothing better than the resuscitation of defunct constitutionalism or the importation of a feeble copy of aristocratic England.

We love and esteem Count Montalembert; we admire his genius, we respect his erudition, we venerate his purity and disinterestedness of purpose, and we sympathize with his political principles; but we confess his essay on the political prospects of England disappoints and afflicts us. It is not what we had a right to expect from such a man, and is by no means worthy of his practical wisdom, or his French patriotism. It has evidently been inspired by his regrets, not by his hopes. It is a mistake, and will go far to compromise the cause he has at heart. England is a powerful and influential nation, we grant, but not even he can write her into the affection of any people on earth. Every people suffers by her contact, and those she protects, for whom she has expended her blood and treasure, hate her more than they do the powers against whom she defends them. Every people that has attempted to imitate her political system has been ruined or brought the next door to ruin. The friends of liberty in Europe may wish to use her, but they do

not love her, and they despise her constitution. She represents an order of things which has had its day. The dominant element in the English order is aristocracy, and it is against aristocracy far more than against monarchy that our age is at war. Even in England herself there is a war raging against the aristocracy, and there are indubitable signs that it will ultimately have to give way before the accumulating forces of the democracy. The imperialism of France is daily acquiring popularity even with the English, and commands far more sympathy throughout the civilized world than British constitutionalism or parliamentarianism. Nothing, then, can be more unpopular, or more opposed to the tendencies of our age, than the attempt to make it copied by a foreign nation. We respect, perhaps we share, the aristocratic predilections of the noble author, but we should deem it a most egregious blunder, to make them, either in France or in our own country, the basis of the slightest political action. We cherish them as an heirloom transmitted from an age that has gone, never to return. No restorations are successful, and all imitations in politics are bad; but of all imitations, that of the British constitution has, in our times, the least chance of being successful. He who proposes it by that very fact throws distrust on his cause, and can hardly escape rendering himself odious to all, except the few who wear their faces on the back side of their heads.

The illustrious author seems to us, in this holding up of the English constitution in contrast with the imperial, to abandon the policy he has hitherto pursued. As an hereditary peer of France, and the son, we believe, of an *émigré*, his natural position was that of an adherent of the elder Bourbons; but he accepted without approving, the monarchy of July, and sought to make the best of it. A constitutional monarchist in principle, he accepted the republic of 1848, and served it with the loyalty native to his heart. Wishing to retain the republic, not because he preferred it, but because it was instituted, and because he was strongly opposed to socialism and revolutionism, he yet supported the *coup d'état* of December 2d, 1851, and urged his friends to sustain Louis Napoleon as the chief of the state. Thus far his rule had been not to quarrel with the nation, but to accept the order it willed and to make the best of it, to abandon the past and march with the future. Why should he not do so now? To break from the empire, or to attempt to convert it into British constitutionalism is, it seems to us, to adopt a

different rule of action, and instead of going with the nation, to place himself against it. The church is wiser than he, and, without having willed the empire, she accepts and respects it as the will of the French nation, leaving it to time and events to amend what in it may be faulty.

We have said that we did not like the imperial constitution. It does not, in our judgment, give sufficient part to the nation in the management of its own affairs, and intrusts too much to the will of the emperor. But we do not forget that a dictatorship, at the time it was formed, was in some measure necessary to save France from the horrors of civil war, if not from the greater horrors of socialism. We observe, too, that the imperial constitution provides for its own amendment, and is susceptible of a development in a liberal sense. As things settle down, as the revolutionary spirit dies out, and the dictatorship ceases to be necessary, there are many indications that the emperor is himself disposed to favor such development, nay, that he contemplates it. He has said the rock on which his uncle split, was in suffering the government to incline too much to absolutism, and his writings indicate that he himself is opposed to despotism. He has proved himself the strongest, perhaps the wisest, man in France, if not in Europe. May not more be done for political liberty in France, by accepting his leadership, and coöperating with him, than by separating from him, or setting up an independent standard? He is not merely the legal, but he is the real sovereign of France, the man who best understands her sentiments and wishes, and most fully sympathizes with them; no man living seems to us more capable of carrying into effect what he conceives to be necessary. Is he not in fact, then, not only the emperor, but the real political leader of Frenchmen? If so, it is under his *drapeau* they should consent to march.

We have said that the three existing elements of French society are imperialism, democracy, and Catholicity. The whole future of France is contained in these three elements, and the wisdom of the statesman consists in skilfully harmonizing them. The imperial element is provided for, and the only fear that any one need have, is in regard to the Catholic and democratic elements. Count Montalembert, if we understand him, fears that these have not sufficient guaranties. We share his fear. But we do not think that these guaranties would be strengthened by any efforts to introduce the aristocratic element in imitation of England, or by a

parliamentary limitation of imperialism. The additional guaranties needed, it seems to us, should be sought in the development of the Catholic element. There is always danger in seeking guaranties for the freedom of the church in politics, for we are, in attempting it, liable to lose sight of religion, and to become engrossed in efforts to organize the state. No political guaranties will secure the freedom of the church, where the state or the great body of the nation are hostile to her existence. No government is really more hostile to the church than the parliamentary government of England, and the English people are even more anti-Catholic than the English parliament. Even the people of this country find it exceedingly hard to be faithful to the freedom of religion recognized as a fundamental principle of our institutions. Where the people are truly Catholic, popular forms of government are the most favorable to religious freedom; but where the popular sentiment is decidedly hostile to it, they afford the greatest facilities for extinguishing it. It is not in politics that we must seek guaranties for the freedom of the church, but in the church that we must seek our guaranties of political and civil freedom. What, it seems to us, our friends in France who wish more political freedom, whether by tempering the imperial element or the democratic, should make the basis of their operations, is Catholicity. They should, after making their protest, as they have done against absolutism, labor to bring France up to the highest toned Catholicity, to make her thoroughly Catholic in the Roman apostolic sense. Then they need fear nothing either for political or religious liberty.

We are afraid that our friends in France do not sufficiently appreciate the Catholic element as a guaranty against absolutism. With the best devised political constitutions, with the most nicely adjusted scheme of checks and balances, and with the most explicit recognition of the freedom of the spiritual order, there is no security for any species of liberty without religion. The temporal is never safe unless founded on a spiritual basis, and sustained by the lively faith of the people. No human contrivance is worth any thing without religion. Temporal interests, self-interests, hower pitted one against another, will never suffice even for themselves. It is, after all, to the church that we must look, and it is under the safeguard of religion we must place even our temporal interests, if we would have them secure.

Our friends know this as well as we do, but we fear that they are partially forgetting it. This essay on the political prospects of England has alarmed us, and forced us to ask ourselves several unpleasant questions. When we see a Catholic, one whom we have long honored as a Catholic leader, excusing and almost praising the Anglican establishment, because he happens to find it an element in a political constitution which he admires, we fear that he is for the moment far more absorbed in the political than in the Catholic question. We cannot doubt the sincerity or the firmness of his faith, but we tremble, lest he forget to subordinate his politics to his religion, and suffer his love for constitutionalism to carry him where it would be dangerous for others to attempt to follow him. He overrates the Anglican establishment, and is, in our judgment, quite mistaken in supposing that it tends to keep alive the sense of religion in the English people. It is a part of England's respectability, and helps to sustain it; but it does less for religion than the various dissenting sects. Many men of truly religious aspirations have been found in her communion, we concede, but they owe nothing to that communion, and are obliged to leave it in order to follow up those aspirations. Gioberti was a sincere and fervent Catholic, and one of the greatest men of modern times, but his Italian patriotism and love of constitutionalism, at first cherished for the sake of religion, led him all but to renounce his faith. Poor La Mennais, anxious to relieve Catholicity of its apparent alliance with the despotic courts of Europe, and to ally it with the popular sentiment of the age, ran into heresy, and died a rebel to the church of God. These instances admonish us to be on our guard. We want the freedom of the church, not her alliance with any political order. Here we labor not to form an alliance of Catholicity with democracy; what we labor to do is, to show that the American institutions accord in principle with Catholic teaching, and that we may be good Catholics and loyal Americans, and loyal Americans without ceasing to be Catholics. We have shown that here many of the obstacles to the growth of Catholic civilization that have existed in the Old World, have been removed, but we have never dreamed of deriving aid to our religion from the democratic sentiment of the country.

## RELIGIOUS LIBERTY IN FRANCE.\*

[From Brownson's Quarterly Review for July, 1857.]

IN criticising M. Montalembert's essay on *The Political Future of England*, we suffered ourselves to be betrayed into some remarks which were understood in a sense unfavorable to M. Montalembert and his friends, and favorable to the emperor and the present imperial government of France. Several of the imperialist journals, among which we notice the *Revue Contemporaine* and *Le Constitutionnel*, seized with avidity upon our remarks and used them with some effect against the author of the essay and the friends of constitutional government. We owe it to ourselves and to our friends in France to say that our remarks were never intended to have the application, or rather, misapplication that has been made of them. We wrote with the impression that our distrust of the emperor of the French, and our devotion to free institutions, had been so often expressed and were so well known, that we were in no danger of having our meaning or our purpose misapprehended. But in view of the misapplication and perversion which has been made of our remarks by the imperialists, we assure M. Montalembert and his friends, whose organ is the *Correspondant*, that we regret that they were not differently worded or at least more guarded, for nothing was further from our intention than to embarrass the defenders of constitutional freedom or to please the imperialists.

Accustomed in our own country to a free press, free discussion, and full publicity, it did not, when we were writing, occur to us that publicity is restricted in France, that the French press enjoys only a one-sided freedom, a freedom of the Jansenistic sort, and therefore that our friends would not be at liberty to correct publicly any errors of fact or opinion into which we might fall to their prejudice, or any misapplication or perversion of our remarks that might be made by the imperialist press. Our forgetfulness on this point was not unnatural indeed, but it was hardly ex-

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\* *Dés Appels comme d'Abus et des Articles Organiques du Concordat*. Par le COMTE DE MONTALEMBERT. PARIS: Le Correspondant, April, 1857.



cusable, and we sincerely and deeply regret it. We wrote, moreover, with a partial misapprehension of the chief design of M. Montalembert's essay. We, as well as many others, supposed that the chief design of the illustrious author was to induce his countrymen to make an effort to obtain for France a political constitution modelled after that of England, which, in the present state of French society, we look upon both as undesirable and impracticable; but we are now satisfied that whatever his admiration of the British constitution, or his desire to obtain for his own countrymen the liberty it secures to Englishmen, his chief design was to warn Catholics in those states which still retain a greater or less degree of constitutional or parliamentary liberty, to be on their guard against the prestige of the imperial *régime*, to deepen their love of political freedom, and to induce them to resist manfully, with all the power and influence they possess, the further extension of the new-fangled casarism which seems to have succeeded in Europe, since 1852, to the red republicanism of 1848. He wished, no doubt, to counteract in Switzerland, Prussia, Holland, Belgium, Great Britain, and the United States, the influence of that portion of the French Catholic press, which, not content with yielding the new government in France a firm, dignified, and loyal support, has deemed it proper to rehabilitate in its favor theoretic despotism, and to decry as anti-Christian parliamentary government and its defenders. To this design we at least have nothing to object.

We never wished the overthrow of the monarchy of July, or the republic of February, 1848. But when that republic had been once inaugurated, our readers know that we wished it to have a fair trial, and that we believed it susceptible of such modifications and developments as would secure social order, and the freedom, independence, and prosperity of France. We were opposed to the efforts of the monarchists, whatever their dynastic preferences, to subvert it, and re-establish monarchy. But when it had been subverted, and the empire revived in Napoleon III., although we distrusted the emperor, especially in relation to the freedom of the church, we believed it better to give him a loyal support, than to expose France to the horrors of a new revolution, or of a civil war. It was with this view, which we still entertain, that we wrote our strictures on M. Montalembert's essay, and urged him and his friends not to stand aloof from the government, not to assume an attitude of opposition or

*quasi*-opposition to the new power, but to accept the emperor as a "fixed fact," to unite with him, and seek the true interests of their noble country under the imperial *drapaud*. But we committed the usual mistake of those who are giving advice in relation to matters they only half understand. Our advice was good, our policy admirable, only it happened to be wholly impracticable. What we urged was what our friends were perfectly willing and even anxious to do, but precisely what the emperor will not permit them to do.

As a Catholic, we have always looked upon the imperial government chiefly from the Catholic point of view, and, though not liking it, we have always felt that if it permitted the free, untrammelled expression of Catholic thought and aspirations, it would be endurable and compatible with the best part of liberty. We distrusted from the first the personal dispositions of the emperor towards religious liberty, and we could find nothing in his words or his acts to give us any assurance that he either understood or desired the true freedom and interests of the church. We yet trusted that Catholicity had so revived in France, the old-fashioned Gallicanism had been so generally repudiated by the bishops and clergy as well as by a very considerable number of the Catholic nobility, and the devotion to the Holy See had become so wide and so deep, that the Catholic public opinion of the empire would be strong enough to prevent any gross encroachments on the rights of the church by the state, and to maintain, in practice at least, full liberty to defend publicly through the press an un mutilated, an unemasculated Catholicity, — liberty, in practice at least, for the Catholic champions to maintain publicly the inherent rights of the church, and the incompetency of the state in spirituals. We felt confident, if this were so, our friends could erect a barrier to the encroachments of the civil power on the ecclesiastical, practically secure the freedom of conscience, and thus prevent imperialism from growing into absolute caesarism. But we reckoned without our host. It now appears that this liberty is precisely what is most strenuously denied them, and what the imperial police is on the alert to detect and suppress. Hardly had our criticism on M. Montalembert issued from the press, before we learned that the *Correspondant* had received an *avertissement* or warning from the police *à propos* of an able and spirited essay by the Prince de Broglie on the present state of religious controversy in France; we learn from the *Univers* of the 3d of

May last, that it has received a second warning on account of the paper cited at the head of this article by Count Montalembert, written, indeed, with great force and ability, but in a temperate and loyal spirit. One more warning, and the police, as the law now stands, may suppress the publication of the *Correspondant* entirely, and thus silence the only organ of Catholic independence in France.

We have read both articles, and find it difficult to discover any thing in them at which the government could take exception. The civil power that can fear them must have a vivid consciousness of its own weakness, or the usual sensitiveness of the *parvenu*. Power that cannot suffer such criticisms as these articles to pass without censure, lest its own stability should be shaken, seems to us to be greatly misplaced in a nation so intelligent and so highly civilized as France, and to be hardly worth defending. We had supposed the imperial government too strong, and too deeply seated in the heart of France, to fear such criticisms, and we had also supposed that the emperor himself was too noble, too high-minded, and too generous in his feelings, too keensighted as well as too broad and comprehensive in his views, and too much wedded to the interests and dignity of French literature, to which he has made so many and so valuable contributions, to be offended at them, or to suffer his police to interfere to suppress them. Not in France in the nineteenth century, can an emperor secure a glorious reign and establish his dynasty, by outraging free thought and free speech, and offering an indignity to men of letters, or to loyal though manly intelligence. Intelligence, in the long run, is sure to carry it over brute force, and men of letters will succeed where men of the sword must succumb. He wages an unequal war, who opposes bayonets to the subtle essence of intellect, or attempts to trample out free thought by a charge of his cavalry. Still more unequal war does he wage, who wars against the Catholic conscience and the inherent rights of God's church. The uncle of the present emperor, with an army and a military genius never surpassed, tried both, failed, and went to fret out the remainder of his life, a caged prisoner, on a barren isle of the ocean. Let the nephew take warning by the fate of his uncle. Let him provoke no war of opinion, or imagine that he can by his police extinguish free, manly thought in French breasts, or reduce to silence French lips. Let his police exert their utmost vigilance, let them be, as it were, ubiquitous, yet,

through a thousand avenues they cannot guard, the outraged thought will reach the hearts of his subjects, rekindle in them the old Gallic fire, the old Gallic love of freedom, and the old Gallic scorn of chains and slavery. Not yet are Frenchmen prepared to sink into the passive obedience that marks the subjects of oriental despots.

The article by M. Montalembert, which we have cited, was called forth by a recent declaration of the council of state, condemning the venerable bishop of Moulins for an act of ecclesiastical discipline towards one of his priests, an act within his episcopal competency, and for which he was responsible only to his ecclesiastical superiors. When the first consul published in 1802 the concordat conceded to France by the Holy Father in 1801, he annexed to it of his own accord, without consultation with the Holy Father, certain organic articles, among which was one authorizing an appeal from the ecclesiastical courts to the civil, termed *Appel comme d'Abus*. The pope on their first appearance protested against these organic articles, and they have never been accepted or submitted to by the church. To concede the right of appeal from the ecclesiastical courts to the civil, that is, from the church to the state, would be to surrender to the state the independence of the church in her own sphere, to subvert her essential constitution, to render it impossible for her to enforce her discipline in the spiritual order on her own subjects, and in principle, to bring the spiritual power into complete subjection to the temporal. Hence the canons of the church have always prohibited ecclesiastics from appealing from ecclesiastical censures to the state courts for redress. By the canons of the church in France such an appeal by a priest incurs excommunication. The Abbé Martinet, a priest of the diocese of Moulins, having refused to conform to these canons, his bishop suspended him from his clerical functions. From this act of the bishop an appeal in behalf of the priest was taken to the council of state, which entertained it, and declared the bishop guilty of an abuse. The council of state thus declares the organic articles of the first empire, which were no part of the concordat conceded to the first consul by the Holy Father, and which had become obsolete, to be in full force in the second empire. The council ground their declaration against the bishop on the decree of Napoleon I., February 5, 1810, reviving the edict of Louis XIV., proclaiming the four articles of the French clergy, in 1682,

and declaring that edict the general law of France. By the declaration of the council of state in the case of the bishop of Moulins, reviving that decree, the edict of Louis XIV. is declared to be in force in 1857; and by that edict the four articles are ordered to be enregistered by all the courts of parliament, and all the subjects of the king are forbidden to teach in their houses, colleges, or seminaries, or to write any thing contrary to the doctrine contained in them. It is, furthermore, ordered that all who shall thenceforth be charged to teach theology in the several colleges and universities, shall subscribe to those articles, and no one shall be licensed as a bachelor in theology or canon law, or receive the degree of doctor, until after having maintained in one of his theses the doctrine they contain. This edict, rendered in 1682, against which the popes have uniformly protested, and which it is said Louis XIV. revoked, is, according to the council of state, the present law of France, and consequently every Catholic teaching any thing contrary to those infamous four articles is liable to a legal prosecution under the paternal government of Napoleon III.

The case of the bishop of Moulins, M. Montalembert contends, and justly, transcends all former precedents. In all the cases that have heretofore been carried by appeal from the ecclesiastical courts to the council of state, the dispute has been between the church and the state, or virtually a case of conflicting jurisdiction; but in this case the original dispute was not between the bishop and the civil magistrate, but between the bishop and one of his own ecclesiastics, touching a matter of purely ecclesiastical discipline. The assumption of appellate jurisdiction in such a case by the council of state is, in principle, the assumption by the emperor of the highest and essential prerogatives of the papacy; by it he is virtually declared the supreme teacher and governor of the church in his empire,—in principle all that was claimed by Henry VIII. of England. Catholicity, according to the declaration of the French clergy, involving, as we have shown on more occasions than one, the supremacy of the state in spirituals, or political atheism, is the only Catholicity legally tolerated in France. Frenchmen may be Catholics, according to the four articles drawn up by order of the monarch and imposed by the civil power, but they are legally forbidden to be Catholics, as the pope is a Catholic. The French Catholic must teach and believe, at least teach, that the council is above the

pope, and that the judgments of the pope are reformable, till they have received the assent of the church.

What renders this restriction on Catholicity so much the more reprehensible, is the well-known fact mentioned by M. Montalembert, that there is no law in France that requires a man to believe even in God, or that prohibits him from assailing the divinity of our blessed Lord. All religions, all except the Catholic religion, are free in France; Protestants, Jews, infidels, are free to profess and defend their peculiar beliefs or unbeliefs. The irreligious press in France is perfectly free to attack the church on every side, in her authority, her dogmas, her morals, her ritual, her usages, her discipline; and the most widely-circulated journals in the empire are doing it daily, without one word of warning from the police. But the Catholic press, the moment it ventures to offer a manly, temperate, and perfectly loyal defence of the rights and independence of the church in her own order, is visited by an *avertissement* from the imperial police. All this, too, under a nominally, and, as his admirers at home and abroad pretend, a practically Catholic sovereign; enlogized by men who draw on their imagination for their facts as the protector and defender of Catholic interests throughout the world. Here is a refutation of those silly anecdotes circulating amongst Catholics in and out of France, as proofs of the emperor's devotion to Catholic interests, and which have so often been repeated against us, as a full reply to our expressions of distrust of his imperial majesty, in relation to the freedom of the church.

It is well known that we have been almost alone among Catholics in Great Britain and the United States, in our uniform distrust, from the first, of the emperor's disposition in regard to the freedom and independence of the church in his empire. We have obtained no echo to our expression of this distrust among English-speaking Catholics; they have seemed in their horror of socialism to have hailed the emperor as a deliverer, and to be half prepared to identify the Catholic cause with that of French imperialism. It has almost been regarded in certain quarters as a want of the true Catholic spirit to doubt the imperial *parvenu*, or to intimate that after all he might prove but a broken reed for Catholics to lean upon. Nothing but a panic fear of the threatened socialist or red-republican revolution can account for their blindness or obliviousness. The traditions of the

French monarchy from Louis XIV., the traditions of the first empire, the antecedents of the nephew of his uncle, his affiliation with the insurgents against Gregory XVI., his letter, when president, to Colonel Edgar Ney, stating his policy with regard to the restoration of the Holy Father and the government of the pontifical states, all were well calculated, one would suppose, to awaken distrust, and to force upon the most confiding the conviction that he would be disposed to serve the Catholic cause no further than he could make it subservient to his own purposes. What Catholic could confide in the loyal intentions towards the church of the emperor, who projected, as a reward of honor to his brave soldiers fighting in the Crimea, a medal with the device of three hearts united in one, intended to symbolize the union of Catholicity, Protestantism, and Mahometanism?

It is but simple justice, however, to the emperor, to say that he has never professed to be the friend of the freedom and independence of the church. No word have we heard from his lips that implied that he either understood or desired that freedom and independence. We have heard of no authentic act of his that indicated any disposition on his part to be the defender or protector of Catholic interests, or to depart from the policy towards the church pursued by his uncle; and we are aware of no act of his towards religion that has shown any other regard for it than that dictated by state policy. Religious interests have suffered terribly in France since the reëstablishment of the empire, and the church does not occupy, by any means, so free, so commanding, or so secure a position under the imperial *régime* as she did under the republican *régime* of 1848. The emperor has granted some pecuniary aid to particular churches, has given seats in his senate to certain ecclesiastical dignitaries, has assigned to bishops and priests an honorable place in his fêtes, and in processions on gala days, and permitted his almoners and chaplains to make a grand parade of certain harmless devotions calculated to charm the idle, please the sentimental, and captivate the *dévotés*; but he has taken good care to give to the church no substantial freedom, no positive security for the future, and to keep all effective power, whether in church or state, in his own hands. So far as the civil law can do it, he has confined the church within the narrowest limits possible without absolute schism, and made her free action and develop-

ment in the empire dependent on his own will and pleasure. And yet there are Catholics even in our own country, that look upon him as entitled to the confidence and gratitude of the Catholic world.

In this country Catholics have been misled by the conduct of a portion of the French bishops and clergy. A certain number of French prelates, long held in reverence as the champions of religious freedom and independence, lavished in the summer and autumn of 1852 praises on the prince president, which are rarely deserved by mortal man, and Catholics have very naturally concluded that they knew what they were about, and, therefore, that they must have received assurances that were not vouchsafed to the world at large. The policy pursued by the *Univers*, very generally supported by the French clergy, of denouncing the old parliamentary champions of Catholic interests, also contributed not a little to the same conclusion. The *Univers*, indeed, has little direct influence in this country, but through the so-called Catholic organs of Great Britain, Ireland, and the United States, and prominent individuals who read and admire it, it has had a very commanding influence, and we doubt if there had been such a burst of indignation against us, if we had questioned the infallibility of the pope, as there was a few years since for questioning that of M. Louis Venillot. It is with no pleasure that we speak disparagingly of the *Univers*. We go heart and hand with it in the repudiation of Gallicanism, and the assertion of the plenary authority of the Holy See. But, unhappily, it has seen proper to couple its championship of the papal supremacy with the defence of modern caesarism, and true Voltairian sneers at parliamentary government and its defenders. Its chief editor sent us a few months since his reply to the Count de Falloux on the *Parti Catholique*, accompanied by a kind and respectful note, evidently conceived in a conciliatory spirit. We have never been able to repel any overtures, even of a bitter enemy, to peace. We therefore read M. Louis Venillot's reply with softened feelings, and with every wish to find the estimate we had formed of him unjust. But we have been disappointed. His reply does not satisfy us. It is in great part irrelevant, violent, and unjust, and its perusal has left upon our mind the painful impression that justice and candor towards opponents are virtues that he has yet to acquire. He manifests the temper and breeding of a fanatic, and seems to act



on the principle that whoever differs on any important point in history, politics, or philosophy, from himself, must needs be a bad Catholic, or no Catholic at all. We question not his sincerity, we question not his personal piety; but we do question his qualification to be a Catholic leader. His mind is too narrow and one-sided for that, and his leadership, with the best intentions on his part, is fitted only to bring about the very results he most deprecates. Notwithstanding his hostility to those who regret the loss of parliamentary freedom, and his devotion to imperialism, he has not been able to save his journal from an *avertissement*; and it would seem that, after having aided in erecting an absolute government for his country, and in breaking down all the safeguards established by constitutionalism to freedom of thought, freedom of speech, and public discussion, the police have had the cruelty to take him at his word, and give him a taste of the despotism he has been willing to fasten upon others.

No one supposes that either the *Univerts* or the French prelates we have spoken of intended to sacrifice the liberties of the church. We do not doubt their good faith. They probably hoped to be able, by their zeal and devotion, to gain the emperor on their side, and to prevent him from following old-fashioned Gallican counsels. But they mistook their man, and he was able to penetrate at a glance their motives. Gallicanism was originated in the courts of princes, and is the traditional doctrine of the temporal authority. No sovereign will accept the high papal doctrines of the *Univerts* and the Catholic prelates, if he can help it. We complain not that these prelates consented to the revival of the empire, or that when revived they gave the emperor a loyal support; what we do complain of is, that through a panic fear of socialism they threw themselves at the feet of the new sovereign and made an ignoble surrender to him of their personal dignity, and that freedom for which the Catholic party in France had for twenty years so nobly and so bravely struggled. They should have maintained their erect attitude as free men and princes of the church, and made the new emperor feel that they neither courted his favor nor feared his displeasure; that so long as he respected the rights and dignity of the church of God he could count on them as his loyal supporters, but that the moment he attempted to assume spiritual functions, and to encroach on the ecclesiastical province, they would

rouse all Catholic France as one man to resist his advance in that direction. In a word, they should have remained bishops, and not have attempted to be courtiers. Had they done so, we should not now have to weep over the prostrate church in France, for prostrate for the present it is. That free, bold voice, which we heard in France, under the monarchy of July and the republic of 1848, and which electrified the whole Catholic world, is heard no more. It is silent now. Frenchmen are free only to blaspheme the church which has given their country its glory. Her princes have now a temporal master, who fastens upon their necks the yoke they seemed by their apparent sycophancy to invite. Alas! how often do we have to deplore that Catholics, while retaining the simplicity of the dove, forget to add to it, as our Lord commanded, the wisdom of the serpent. The whole battle for religious freedom has to be fought anew in France, and under greater disadvantages than ever.

But, after all, we must not be too severe against the clergy or those who have done so much to place them in a false political position. There are none of us who can boast that we have never committed any mistakes. M. Montalembert himself has had occasion to chant his palinode, and we ourselves have had, on more occasions than one, to chant ours. During the revolutionary epidemic of 1848 and 1849, we all had our fears, and exerted ourselves to save liberty from being destroyed, as it so often has been, by its own excesses. When the *Ère Nouvelle* was seeking a fusion of Catholics and democrats, and laboring to erect democracy into a dogma of faith; when even Catholics were found carried away by a revolutionary spirit, and siding with Mazzini against the Holy Father; when all authority except that of demagogues was threatened in its very foundation, and society seemed likely to be given up a prey to anarchy and barbarism; we labored with all the forces we had to reëstablish and confirm legitimate order, and, no doubt, used expressions and even arguments that might be cited against us to-day with effect, if no attention be paid to the altered circumstances in which the world is now placed. We have always considered it the part of wisdom to oppose the danger that is most imminent. In 1848, the danger most imminent, for the moment, was from the excesses of what was called liberty, in whose name so many crimes are committed. Intent on warding off that danger, we and our friends were

obliged to confine ourselves chiefly to one side of the question, to dwell on the dangers of anarchy, and the need and benefits of authority. But when the revolution was checked as it was in 1849, and order was comparatively safe, we felt that the danger was then from the opposite side, that then we had to protect liberty, not against anarchy, but against despotism. It was necessary, after the defeat of the Hungarians, to change front, and to labor for safeguards against the excesses of power, as we had labored for safeguards against the excesses of liberty.

But, unhappily, the course we were obliged to take in order to confine the revolution within legitimate bounds, gave an impulse in favor of authority, which the mass of those we addressed, seldom aroused to a sense of danger till it is over, thought they had nothing to do but to continue, although by confirming it after the time, they could only pave the way for the establishment of downright absolutism. The very men, in our own ranks, who in 1848, were disposed to identify Catholicity with democracy, in 1857 are ready to identify it with caesarism, and are astonished to find us opposing them now as we opposed them then. They suppose that they are now only carrying out the principles we then held, and look upon us as having not only changed front, but also our principles. This should not surprise or anger us, for there are few men who can comprehend more than one side of a question, or preserve themselves balanced on principles equidistant from an extreme on either hand. The mass of men reason well enough from their premises, but, unhappily, their premises are usually only a partial aspect of truth. Hence, they always swing like a pendulum from one extreme to another; now towards the frightful abyss of anarchy, and now towards the no less frightful abyss of an inexorable despotism. In their minds, notwithstanding all the precautions we took in 1848 to prevent misunderstanding, we, in advocating liberty to-day against caesarism, are eating our own words and retracting the warnings we then uttered. It is always so, and it is the grand reason why the world has seen, and why it always will see, so little of well-ordered liberty. Even in our own country liberty is abused, and the tendency on the one hand to licentiousness begets a tendency on the other to the exercise of arbitrary power. He who defends liberty here becomes, in the popular mind, the advocate of license, and he who defends authority and upholds the supremacy of law, becomes

practically the advocate of despotism. There is nothing singular or strange in the fact, that the men who had opposed authority in France and were frightened at the danger its overthrow threatened to religion and society, should recoil from their own work, and run now to the opposite extreme of anathematizing all liberty, and of adulating despotism. We foresaw, at the close of 1849, the reaction, and uttered our word of warning against it; but, of course, in vain: for we could not convince even our most intimate personal friends that the danger was no longer from the excesses of the revolutionary spirit, and most of them remain still unconvinced. We regret the political attitude which has been assumed by, or for, the clergy in France since the beginning of 1852, because it has in the eyes of the non-Catholic world placed our religion itself in a false position. For three hundred years the Catholic religion has appeared to be associated with the cause of absolute monarchy, or rather, with civil despotism. In the sixteenth century it had for its royal and imperial defenders Charles V. and Philip II., both monarchs hostile to all power but their own; in the seventeenth century it had for its crowned champion Louis XIV., who destroyed the last vestige of freedom in France, and made himself the state, and was associated in England, Scotland, and Ireland, with the cause of the unfortunate Stuarts, who labored to concentrate all power in the crown, and who detested the parliamentary freedom of the English nation. So long, and apparently so strictly, have Catholicity and absolutism been associated, that a strong conviction has been produced in the minds of non-Catholics and even of many Catholics, that Catholicity has a natural inclination for despotism, and that the church is incompatible with liberty. It is the grand objection of the age to our religion, and an objection, though totally unfounded, that is apparently supported by the whole history of the last three hundred years. After the French revolution of July, 1830, a powerful effort was made by the clergy, in France, and several of the younger members of the Catholic nobility, to sever our religion from this apparent alliance, and to prove that its proper element is freedom, not despotism. Their success was great, and the universal Catholic heart responded to their spirit-stirring appeals. So great had been their success, that when the revolution of 1848 broke out, seconded as they had been by the bold measures of Pius IX., hardly an insult was offered to the Catholic re-

ligion throughout France or Germany, and save in the pontifical states, where other passions than love of liberty were at work, the Catholic religion was never, since St. Peter entered Rome, so free, or so able to speak in her own voice and follow out her own divine instincts. It seemed, for a moment, that the standing objection to the church was triumphantly refuted, and that she was enabled to relieve herself of the false position in which accidental circumstances had placed her.

But the course adopted by a portion of the clergy in France after the *coup d'état*, the fulsome eulogies pronounced upon the new power by several eminent French prelates, and the doctrines daily put forth in their name or under their patronage, or, at least, with their acquiescence, have revived the old objection against the church, and the European liberals are now, to a greater extent than ever before, not only non-Catholics but anti-Catholics. In vain do we repel the objection and write elaborate essays, or deliver eloquent lectures, to prove that our religion is the grand support of civil freedom. Our opponents have only to cite against us the conduct, during the last five years, of the French clergy and the columns of the *Univers*, as a practical refutation of our essays and lectures. When they add to this the further fact that the sympathy of the whole English-speaking Catholic world is, apparently, with the present imperial *régime*, and that of all the organs of Catholic opinion out of France, at least as far as known to us, our *Review* is the only one that refuses that sympathy, and ventures to repel the new-fangled *caesarism* as incompatible with the freedom, the dignity, and the inherent rights of the church, what have we to reply? All others, until quite recently at least, have been silent, or else have joined in the general chorus of adulation; we know that the Catholic heart beats in unison with our own, but how are we to prove it to non-Catholics with all these appearances against us? We cannot answer with mere words, we must have deeds, and what avails it to point to the deeds of French Catholics from 1830 to 1852, if those deeds are now disowned and repudiated by the accredited organs of Catholic public opinion?

We think our Catholic friends are pursuing a short-sighted policy in suffering Catholicity to become associated in the public mind with the imperial government in France. The substantial gain, not to speak of principle, is nothing, and the loss is immense. The Catholic religion requires me to

defend all vested rights not repugnant to natural justice, but there is nothing in it that requires or even permits me to defend on principle either despotism or slavery. But we, also, have been too slow to insist on what is a very necessary policy. It is only since we published our criticism on M. Montalembert's essay, that we have appreciated the necessity of political freedom to the maintenance, in our age, of true religious freedom. We thought little of this doctrine when M. Montalembert put it forth, but in this we were wrong. The subsequent developments in France prove it, and we are now fully convinced that the only security, although that will not always be a perfect security, for the liberty of the church, is the general liberty of the citizen. The mutual relation of the church and the state, recognized and sustained in the middle ages, no longer subsists, and cannot be restored; concordats, necessary in their day, and still useful in some parts of Europe, are only a temporary expedient, and, for the most part, remain a dead letter, or serve merely to bind the church without practically binding the state. There is no reliance to be placed on princes as protectors of the freedom of religion or the rights of the church. They are and will be governed by their views of state policy, regardless of their obligations to the Holy See. The only attitude that is safe for the church to assume before the state, or that comports with her interests and dignity, is that of independence. This attitude, however, she can assert and maintain only in free states, where the freedom of religion is the recognized right of the citizen, and not simply an agreement between the church and the state. The church in this country is free, not by any grant or concession of the sovereign power, not by a special law declaring her free, but by virtue of the freedom of the citizen, or rather, the equal rights of all citizens before the state. All men are recognized as equal by our laws, and one has no rights that another has not. My church is my conscience, and to follow my conscience, when not opposed to the equal right of another to follow his conscience, is my right, and recognized as such by the state. The church then is free, because her freedom is included in my right as a man and an American citizen. Any encroachment by the state on her freedom is not merely a violation of its religious obligations, or of a concordat it has accepted, but is an encroachment upon my right as a citizen, and not only upon mine, but upon that of every other citizen, whether Catho-

lie or non-Catholic. It is a denial of my right of conscience to believe and profess the religion I choose, and at the same time the denial, in principle, of the same right to others; and, therefore, all others are naturally drawn by all their devotion to principle and all their regard for their own rights, whose turn to be attacked may come next, to my defence. This places, we grant, the church and the several sects, truth and error, on the same footing before the state; but this is no objection, for it is only on the condition of claiming no more in the political order for the church than we are prepared to assert for all religions not *contra bonos mores*, that we can gain, in the modern world, any tolerable security for her freedom. To ask more would be to get less. This is the order which prevails in the United States, an order which asserts the incompetency of the state in spirituals, and secures the religious freedom of each, by securing the freedom of all in the civil and political rights of the citizen, which the state is instituted to recognize and defend.

But it is obvious that this order, which is now so desirable, is impracticable in a state where the equality of all men is not recognized, and where the citizen has no rights but the will of the political sovereign. Hence the necessity in our modern world of establishing political freedom as the condition of the freedom of religion. In a despotic country the freedom of religion, which is only another name for the freedom of conscience, is not a political right, a right of the subject against the sovereign; and when the sovereign chooses to deny it, there is no public law to which appeal can be made against him,—no public right which he acknowledges himself bound by the very tenure of his power to maintain, and the violation of which absolves his subjects from their allegiance, that can be pleaded. It is only in what are called free states, only where liberty is the established order, that there is or can be any general liberty into the category of which religious liberty can enter. There is more truth in the coupling together, in the popular harangues of the day, of religious and civil liberty, than is commonly imagined. Political liberty, as with us, affords a practical basis to religious liberty, and gives means and scope for its defence; while religious liberty in turn consolidates and protects political liberty. In a word, they are each the condition of the other.

We do not pretend that political freedom, as with us, is

always an adequate protection for the full freedom of the church, but we do pretend that it is the best practicable. Prejudice or passion may now and then even here attempt to make an exception unfavorable to Catholics; may seek to form a Know-nothing party for excluding us from the acknowledged political rights of American citizens; may even excite the mob to certain local and transitory acts of violence against us; but in these cases, if the hostility is directed against us purely on the ground of our Catholicity, the pretext is that we ourselves are not entitled to equality before the state, because we are opposed in principle to the equality in the political order of non-Catholics with Catholics, and would, if we had the power, exclude them from the enjoyment of that religious freedom we claim for ourselves. Yet, however much violence may be done to our feelings as Catholics, there is, with the exception of Belgium and the pontifical states, no country in the world where the Catholic conscience is less oppressed than in our American confederacy of republics. Even the legislation attempted by Know-nothings in several of the states is less unfavorable to the church than that which is to be found in most countries under nominally Catholic sovereigns, and no instance of interference by our courts in the internal discipline of the church, like that of the council of state in the case of the bishop of Moulins, can be cited in our whole history since we became an independent nation. The movements stirred up against us effect very little to our prejudice. The public law, public right, the constitution, the general spirit of freedom and love of fair play, and the sincere attachment of the great majority of the American people to religious liberty, and liberty for all who will concede it to others, are on our side, may always be appealed to in our defence, and seldom do appeals to them prove ineffectual.

To the state of things which obtains here the public opinion of the world has already come, and to it Catholics, whether they like it or dislike it, will in all countries be ultimately obliged to conform. Any efforts to resist it will only tend to exclude us from its advantages. We cannot in our day have liberty for good without liberty for evil,—liberty for truth without liberty for error. We cannot secure liberty for our church as an exclusive liberty. Such is the state of public opinion, such is the temper of the times, such the dispositions of the government and people in nearly all countries, that it is worse than idle to attempt it.



The freedom of the church must henceforth, in most countries, be enjoyed in common with the freedom of the sects, without any special recognition or favor from the state. This we regard as a "fixed fact," and to this there is, to our knowledge, nothing in the history, in the principles, in the discipline, or in the canons of the church that prevents her from conforming. All things, says St. Paul, are lawful for me, but all things are not expedient. The church existed in all her integrity before Constantine, under the pagan emperors of Rome, and would, no doubt, at any period during the first three centuries, have deemed it much to have been placed on an equal footing before the state with the old pagan religion. Constantine was looked upon as the deliverer of the church, but Constantine never suppressed the old religion in favor of the new, and his edicts go no further than to place both religions on the same footing before the state. If a different policy was subsequently pursued, or if a different order obtained, it was not because it was essential to the church, or because her own inherent constitution made it obligatory, but because in the circumstances it was expedient. because, prior to the barbarian conquest, it was to some extent imposed by Roman imperialism, and because, after that conquest, in the breaking up of the old civilized world, it became necessary, in order to save society and religion from downright barbarism. But nothing imposes upon the church the necessity of maintaining an exclusive freedom, or of continuing, where liberty is the established order, her old connection with the state.

It seems to us, therefore, the duty of Catholics, in all cases where we are in some measure free, and where liberty is not impracticable, to labor in such way and manner as best suits our several localities to secure political freedom, and to obtain in the general freedom of the citizen before the state a basis for the practical maintenance of the liberty of our religion. The loss of political liberty invariably carries with it the loss of the freedom and full independence of the church. The church is always the first and greatest victim of despotism. In France the nation has lost its freedom, and although the sovereign is a Catholic, infidelity and the sects alone are free. The church is deprived, in principle, of her freedom, and there is no public right, no law of the empire to which appeal can be made in her behalf. The press, gagged in politics, is free to vent, and daily

does vent, the vilest blasphemies against her, but no voice is free through it to speak out in defence of her violated rights. So it is, and so it will always be, wherever religious liberty is not recognized and guaranteed in the general liberty of the subject.

The church can enjoy freedom and make progress in the modern world only by throwing herself upon the rights of the individual, and claiming her liberty, not as her own, but as that of the free Catholic citizen,—only by taking her chance with the sects, receiving no favor and subjected to no disadvantage from the state. It seems to us, as we have elsewhere said, that she must throw herself back on her resources as a spiritual kingdom, and, relying on her heavenly Sponse, make her appeal to the intellect and the heart of the age, and, without any extrinsic support, make progress by her sole power to convince reason and win love. In our judgment this is for her a gain, not a loss. It is what we should wish for her, for we have full confidence in her intrinsic excellence to win the heart and to lead the intelligence of all ages.

We regard it as certain that no reliance can be placed on princes as her protectors: they are and will be governed by their own views of state policy, regardless of their obligations to the Holy See, and they will grant their protection to the church only at the price of her freedom and independence. The sooner, then, circumstances permit the church to cut herself loose from her old bonds to the state, and to free herself from all dependence on politics, the better. We need not look to the rickety Catholic states on this continent to be convinced of it. Religion will never revive in Mexico so long as it retains its present connection with that miserable caricature of a republic. No honest man can do otherwise than execrate the policy pursued towards the church by General Comonfort's government; it is marked by sacrilege and robbery; but no intelligent man can doubt that the peculiar connection of church and state inherited from old Spain, operates as a grave hindrance both to the material and religious prosperity of the Mexican people. The church is, indeed, by the old legislation, acknowledged to be supreme in spirituals, but the state is supreme in whatever touches the temporal. A parish priest violates ecclesiastical discipline, commits a grave canonical offence; his bishop suspends him, excommunicates him; but though he ceases to perform any sacerdotal functions, he still retains

under favor of the government his benefice, and the bishop has no power to remove him and appoint a successor. Here, in a similar case, our courts would decide, as they have decided in principle, in several cases, that the benefice being a trust for the benefit of the Catholic religion, is vacated when the priest ceases by the laws of his own church to be competent to hold it, and they would decide so in case of a Catholic priest, because the principle is just, and because they would decide so in the case of any Protestant minister. Both the church and the state suffer from the present state of things, and unless it can be so changed as to place matters on the footing they are with us, we see no hope in Mexico for either. The fact that Bishop Rosati, when he was sent to arrange ecclesiastical affairs in Hayti, received instructions from the Holy See to place them, if possible, on the same footing they are in the United States, tells us plainly enough what are the wishes of Rome in this respect, and may satisfy us, that, if there are objections on the part of individual Catholics who suppose the world has stood still for the last two hundred years, or that it is perfectly possible and easy *revocare defunctos*, they are such as we need have no scruples of conscience in disregarding, or even combating, providing we do it with the respect always due to those who adhere to the past, and resolutely resist all changes.

Let us not be misunderstood. We do not, as we could not as a Catholic, censure or complain of the order which obtained under the Christian emperors, under the barbarians in the middle ages, or under modern monarchy. We do not oppose concordats; we do not pretend they are either wrong or unwise; we defend the practice of the church and the principle of her practice in every age. We are finding no fault with what has been. The church, as we often say, deals with the world as she finds it, and when she does not find free men, she cannot deal with free men. Where there are only sovereigns, and no free citizens, she can in her political relations deal only with sovereigns. She has done the best that was to be done with the ages she has traversed. If circumstances have changed, or are changing, so as to render a different policy practicable or expedient, it does not follow that she has ever been wrong or unwise. No reproach is necessarily cast upon the past, nor do we demand a revolution in France or anywhere else in favor of republicanism. We do not like the Napoleonic *régime*, or dynasty,

but we believe a revolution against either would, even if successful, cost more than it would be worth. Our readers need not to be told that we are opposed to all revolutions, because they generally fail in their purpose, and because we are not at liberty to do evil that good may come. In France, even, we should be a loyal subject were we a Frenchman.

But what we do ask, and what we write, as far as in our power, to effect, is, that Catholics should not allow themselves to regard modern liberalism as an unmixed evil, and that in all countries where even a shadow of public liberty remains, and Catholics have a degree of freedom and equality, they should resist with all their power and influence every attempt, under whatever guise it may be made, to establish despotism on the ruins of the liberties of the citizen. We have wished also to draw attention to the connection there is between religious freedom and political freedom. What we ask for our church is not state patronage, is not special favors or special protection from the government, but liberty, and that liberty which is liberty for all as well as for us. Give the church an open field and fair play, she needs nothing else. We confide in her own intrinsic power and divinity to win the victory. We pray, therefore, those inconsiderate Catholics, whether in France or out of France, who make themselves the adulators of caesarism, to look ahead and see that they are only storing up wrath against the day of wrath, or only preparing the way for the new republican revolution, when it breaks out anew, to be more hostile to religion than ever; that they are confirming in the minds of non-Catholics the grand objection we have in our age to combat, and that they are so compromising the Catholic cause that Catholics in the new revolution must either join a movement hostile to the church, or join the cause of the sovereigns, fight on the side of despotism, and go down with kings and Casars. The revolution may be put off for a time, but come again it will, if the sovereigns have their way, and all their military forces will prove impotent before the irrepressible instincts of humanity. True prudence foresees the evil and guards against it.

The danger is not now of a republican outbreak, for the pear is not ripe, but there is danger that the reaction against republicanism in Europe, since 1850, will provoke such an outbreak, and one that will not be repressed so easily or so suddenly as was that of 1848. The danger to us Catholics is that in this new outbreak we shall be found associated in

the popular mind with the defenders of *cæsarism*, and thus be opposed even by the sincere and earnest friends of rational liberty. We warn our brethren of this danger, and we earnestly entreat them not to let our words pass unheeded. Many things indicate to us that the emperor of the French is losing, rather than gaining popularity. He was thought to have come out of the eastern war with a manifest advantage over England, and as the arbiter of Europe. But however much British interests may have been disregarded by the peace of Paris, it is clear that the English government has since contrived to recover the ground it had lost, and to make its policy for the East triumph over that of France. In diplomacy, Lord Palmerston has carried it over the emperor. He has defeated the French in regard to a canal across the Isthmus of Suez, gained a footing in the Persian Gulf, defeated the Russian policy in the Persian court, induced Napoleon to aid his views of conquest in China, and obtained a grant from the porte of a railroad along the valley of the Euphrates, with the guaranty from the Turkish government of a minimum of six per cent, while the emperor of the French has to content himself with the present of St. Anne's church at Jerusalem. This in this age of materialism will not render the emperor popular with the active spirits of his empire. English supremacy seemed never so near being permanently established as at this moment. The interests of France seem to us to have been more compromised by the developments of the English policy in the East during the last year than those of England were by the peace. Lord Palmerston seems likely, so far as regards France, to prove in effect a second Chatham. Let this defeat of French interests be exploited as it will be by French republicans, and the effect upon the imperial *régime* will prove all but fatal. Let not our Catholic friends repose in too much security. The throne on which they lean may fail them, and the only way in our judgment to sustain it, and ward off the revolution, is to anticipate it, and develop the imperial constitution into a liberal government, satisfactory to the friends of rational and well-ordered liberty.

## BRITISH PREPONDERANCE.

[From Brownson's Quarterly Review for October, 1857.]

THE succession of events is so rapid, and the changes in the aspect of things are so frequent, that a review published only once in three months cannot keep pace with them. When our July *Review* went to press, Lord Palmerston appeared everywhere in the ascendant, and France everywhere as overreached and compelled to second the policy of Great Britain, British preponderance everywhere established, and not likely soon to be disturbed. But hardly were our speculations on the subject published before news from British India rendered our speculations, for the moment at least, doubtful, if not false.

An English periodical has pleasantly remarked of us, that our strongest passion after love for our religion is hatred of England. But this proves that even English periodicals are not infallible. We do not hate England, indeed hatred is not with us a very strong passion, and we are not aware of hating any nation or any individual. We like England as the land of our ancestors. We like the English people, and perhaps have more points of sympathy with them than with any other European people. But both as a Catholic and as a patriot, we do dislike English preponderance, and we would rather, for the best interests of mankind, see any other European nation supreme than Great Britain. This is because we are, rightly or wrongly, opposed, heart and soul, to the British industrial and mercantile system. We have been opposed to that system ever since we had a thought on the subject, and our opposition becomes stronger and more intense in proportion as we see more of its workings, especially in our own country. Wherever the influence of Great Britain is felt, the virtue and simplicity, the peace and happiness of the people depart, and a fierce, bitter, all-absorbing struggle for the goods of this world alone ensues. English influence has ruined Portugal, has prostrated Spain, embroiled Sardinia, demoralized, to a fearful extent, the greater part of Italy, and weakened France. It corrupts morals, weakens the hold of religion on the heart, and diffuses a degrading heathenism. Her literature, her

philosophy, her religion, as well as her industry and commerce, tend to materialize the nations, and to produce the conviction that man lives for this world alone. She is of the earth earthly, and the grand apostle of carnal Judaism. We cannot, then, but dread her preponderance, and though we may admire her intense energy, we cannot but deplore its direction.

We regretted that the opposition to the British system had, in the late eastern war, no better representative than Russia, but we believed that the interests of religion and humanity required the defeat of what we regarded then and regard now as an unprincipled combination against her. We regretted the Anglo-French alliance, and in the war we own we wished the defeat of the allies, not because we had any hostile feeling to France, but because we believed their success would tend to confirm British supremacy, which in our view is worse for the world than would be that of Russia, as bad as that no doubt would be. We believed that Great Britain was the enemy from whom France had the most to dread, and that Russia or Austria was the ally the emperor should have courted. The true interest of France is to labor to isolate Great Britain from the continent, above all to prevent her from finding, as in times past, an ally in Austria and central Europe. France now, no doubt, has a good understanding with Russia, which we are glad to see, but it has been purchased at the expense of an equally good understanding between those old allies, Austria and England. What is desirable is that France and Russia should so accommodate their respective interests to the legitimate interests of Austria as to detach her from her English alliance, and enable her to act in harmony with them; for we regard English policy as alike hostile to every continental state.

England depends for her rank as a first-class power on her Indian empire, threatened by the Transcaucasian expansion of Russia and the African expansion of France. Her policy is, very properly, to guard against these two expansions; Russia dominant in the Turkish and Persian courts, and France dominant in Egypt and Syria, with a ship canal across the Isthmus of Suez, the Indian empire is not worth a life's purchase and British preponderance has ceased to exist. Finding the new emperor of the French ready to engage in a war to consolidate his throne and to force his recognition as legitimate sovereign of France by the mon-

archs of Europe, England enlisted him in a war against Russia, hoping through his aid to cripple the power of Russia, and check her further advance towards India, nothing doubting that she would be able to keep him faithful to her policy, through her hold on the revolutionists, and her power, if he became restive, to stir up a formidable red republican movement against him. The war was declared, and grew to more gigantic dimensions than were counted on; Russia proved a more formidable enemy than had been anticipated, and though in fair fight, man to man, the allies beat the Russians, they were able to do it only at a terrible loss to themselves. The emperor of the French having gained his objects in going into the war, and having secured the point of honor in the fall of southern Sebastopol, succeeded in making peace, and in coming to a good understanding with Russia, before England had secured any of her own objects in the war. Russia had suffered, but she had neither been humbled nor effectually crippled, and as between France and England, the peace of Paris, March, 1856, was a French triumph. But the triumph was but for a moment. The settlement of the Danubian principalities was left to be effected by commissioners. France leaned to the Russian mode of settlement, which was opposed to the Austrian mode. This gave to England a chance to side with Austria, and in concert with her to check France and Russia at the court of Constantinople, and to re-establish the preponderance of British diplomacy in the councils of the sublime porte. She used her preponderance to defeat the projected canalization of the Isthmus of Suez, and to obtain from the porte, with the guaranty of a six *per cent* minimum on the cost, the concession of a railway along the valley of the Euphrates from the Mediterranean to the Persian Gulf, both measures directly in the teeth of the policy of France as well as of Russia. Her Indian government declared war against Persia, sent an army to invade the Persian dominions, and took possession of Bushire, on the gulf, which she yet holds, and will hold as long as she can. With the command of Aden, of the Persian Gulf, and through a friendly power of Herat, she seemed, when our last *Review* went to press, to have command of all the gates of India, and with a red-republican revolution held *in terrorem* over the emperor of the French, and through a good understanding with Austria, the predominance at Constantinople, to have checkmated both France and Russia, while through the interests



of trade and the power of credit, she held the United States as her vassal. She seemed to have completely triumphed, and to hold the world at her feet.

But at this moment, when the only trouble she had on her hands was a trifling brush with four hundred millions of Chinese, in which she counted on the coöperation of France and the United States, the revolt in India came like a sudden clap of thunder to startle her from her dream of universal supremacy,—to threaten her with the loss of that very empire she had directed all her policy to defend, and to which she owed her rank as a first-class European power. It is impossible to judge, at this distance and with our imperfect information, of the magnitude or probable consequences of what is called the “Indian mutiny.” Its first effect has been a partial relaxation of her Constantinopolitan policy, and the partial ascendancy of French and Russian diplomacy over the English and Austrian, which will be a complete ascendancy, if the troubles in India continue for any great length of time.

The British authority in India before the revolt, extended, directly or indirectly, over one hundred and fifty millions of souls. The British Indian army, of regular and irregular troops, distributed through the several presidencies and provinces, from the best information we can get, was not far from three hundred thousand, of which less than thirty thousand were Europeans. Of the native troops about one-third have mutinied, or been disbanded, and the greater part of the remainder, though reported loyal, we suppose cannot be relied on with entire confidence. The revolt, we take it, must be suppressed mainly by European troops. Of these, counting the forces intended to operate against China, but countermanded to India, about fifty thousand, all the available forces England has to spare, have been despatched, and may reach their destination in the early part of November. Our own impression is, that these, with the European troops already in India, will be sufficient to defeat the revolt wherever it makes a stand, but not to render the future possession of India secure and peaceful. We think that the Indian empire, though retained, will hereafter be a source of weakness rather than of strength to England, and that she will find it henceforth difficult to maintain that supremacy at which she has aimed. Obligated at the moment to abandon Austria, and no longer able to play off Russia against France or France against Russia, she will find her-

self in the presence of these great powers relatively weakened, and unable to prevent them from carrying out both a European and an oriental policy hostile to hers.

The press of this city, conducted to a great extent by British subjects, or by men who were born and bred British subjects, and have British rather than American sympathies, is very generally desirous that England should maintain her Indian empire, and the *Herald*, owned and edited by a "canny Scot," has gone so far as to recommend recruiting the British army in this country, and to propose that in case of need our government should assist England in reconquering India. This only proves that, if we are ever to emerge from our colonial dependence, and to be in spirit and feeling an independent nation, Great Britain must lose her present rank, and cease to be at the head of the industrial and mercantile system of the world. We are, perhaps, less independent of England than we were in our colonial days. Our mercantile interest is strictly united to hers, and depends on her prosperity; our planting interests, and latterly even our agricultural interests in general, have become dependent on her maintaining her preponderance. The United States are little less than an English farm, and our trade a branch of the English house. Any thing that gives us the possession of our own farm, and the control of our own trade, we should regard as a real blessing to the country. We prefer national independence, with poverty and hard labor, to national slavery to a foreign power or to foreign interests, even with wealth, luxury, and idleness to gild it. Our patriotism revolts at the idea of being the tenant of England, or any other foreign nation. It revolts equally at the idea of having our country governed by men who would sacrifice national dignity, national welfare, and the real interests of the human race to a bale of cotton, a hog-head of tobacco, a bag of rice, or a box of merchandise. A nation so governed must always be mean and contemptible, and can never be a nation of men, of high-souled, chivalric freemen. Our government now and then, to save appearances, makes a bluster and uses big words, but is really afraid to say its soul is its own before the British government, and seldom fails to conform to its wishes. Yet these Anglo-American newspapers and our Anglo-American administration, professing an anti-English, but always pursuing an English policy, do not represent the real American feeling; they represent only certain classes and inter-

ests. The real American sentiment would not be pained to see England lose her Indian empire, and reduced to a second rate power. Unhappily this sentiment is smothered, and hardly finds an organ for its expression.

India is one of England's best markets; deprived of India she can buy less of us; we then can sell less to her, and buy less of her. No doubt of all that, and for a time our trade would suffer, as well as that of Great Britain, by her loss of her Indian empire, though not to an equal extent. But there are things of greater value to a nation than trade. No nation is really enriched by trade. Trade accumulates luxuries, but luxuries impoverish, not enrich a people. All real wealth is in land and labor, and that nation is richest in which labor can the easiest obtain from the land the means of subsistence and comfort. The land is with us vastly more burdened than it was fifty years ago, and hence it is far harder for the laborer to maintain his independence. Land and labor have to sustain with us a lavish expenditure, a luxury and extravagance that tax their energies far beyond their present capacity, since our indebtedness, our drafts on the future, must be counted by hundreds, if not by thousands of millions. All credit is a draft on the future, and the amount of a nation's indebtedness is the excess of its expenditures over its income. The actual addition to our productive capital in any one year does not equal the indebtedness we contract during that year, and hence with all our trade and industry we rather grow poorer than richer, and the difficulty of living becomes greater. The fact of this difficulty every poor man feels, and feels notwithstanding the new lands opened to cultivation, and the immense additions made every year to our wealth by the immigration of hardy, healthy, able-bodied, adult laborers, men and women. The reason of this is the fact, that by the modern system of trade and commerce, we increase the burdens of land and labor. Let China engage in trade with the energy and enterprise displayed by Great Britain, and she would soon find herself unable to support her four hundred millions of inhabitants, and the want and wretchedness of her population would be increased a hundred-fold; for the additional burden it would impose on land and labor would be expended in luxuries, and worse than a dead loss to the nation. During the last thirty years the population of this state has more than doubled, and yet during that time the rural population has been steadily de-

creasing. Suppose the same to be the case throughout the Union, which I presume it is not as yet, it would be easy to see the increased burden imposed on land and labor, in having more than double the number to support out of their earnings. The evil that weighs us down is in the immense numbers of non-producers land and labor have to support, and to a great extent in luxury and extravagance.

We know that we do not follow Adam Smith or any of the political economists, though it is possible that we have studied him and them as much as most men have. They are right enough from their point of view and in their narrow sphere, but the system they defend, when carried into practice, and made the rule of national policy, is about as absurd and mischievous a system as the devil ever assisted the human mind to invent. If all the modern political economies had been strangled in their birth, it would have been a blessed thing for the human race. We know there are few at present to agree with us, and the leading minds of the age and country, if they notice us at all, will set down what we are saying to our ignorance, our eccentricity, or our love of paradox. Be it so. That will not make what we say less true, or prove the wisdom of those who regard commerce as the pioneer of Christianity, and the merchant who does his best to master or circumvent unchristianized nations for the purposes of gain, as the most successful Christian missionary. But, believing, as we do, the modern industrial and mercantile system the greatest curse of the times, we of course cannot regret as untoward any of those events which tend to break it up. We cannot very bitterly lament the disturbances in British India, and should not grieve immoderately were Great Britain to lose all her foreign possessions, and be confined to her own sea-girt islands, because with her fall must fall, or be greatly modified, that system which now enslaves or cripples all nations, and ruins innumerable souls. We should regret, therefore to see England recruiting her Indian army on our soil, or aided by American sympathy to preserve her East India possessions. If with her own unaided strength she can suppress the revolt, let her do it; let no one try to hinder her, but let no one offer her assistance.

We cannot discover that the English have contributed any thing to the well-being of India. India was wealthier, the land was better cultivated, and the people were less oppressed under Mahometan than they have been under Brit-

ish rule. Unless all the accounts we have been able to get of India, even through British sources, are totally false, India has greatly suffered by coming under British dominion. The English have broken down the Indian manufactures for the benefit of Leeds, Manchester, and Birmingham. They have suffered agriculture to decline, large districts of territory to become depopulated and waste; and have oppressed to the last degree the unhappy ryots or cultivators of the soil. Under their rule, it appears that out of the twenty dollars a year, the most the miserable ryot can obtain from his holding, eighteen go to the company and its agents, European or native. Whole districts suffer frequently from famine, and deaths by want, by starvation, may be counted by millions. I cannot find that for this horrible oppression and suffering England has given any compensating advantages. She has done nothing to bring them within the pale of European civilization,—nothing to christianize them, or to elevate them in the scale of moral beings. As far as the accounts we have seen can be relied on, English rule has been an unmingled evil to the great mass of the Hindoo population. Let who will govern India, she cannot be worse governed than she has been by the British East India Company. For the sake of India herself, we see no reason why it is desirable that she should continue under Great Britain,—a nation that has had, since the reformation, no mission either to christianize or to civilize any barbaric nation. She has bravery, energy, enterprise, mechanical skill, but she has no heart, no power to work on the nobler elements of the human soul. Her touch, as a government, is pollution, her embrace is death.

In common with others, we are of course shocked at the atrocities of the Hindoo mutineers, their cruelty, their horrible barbarities towards the unfortunate Europeans, men, women, and children, who fall into their hands. But they are only wreaking a terrible vengeance on their oppressors, and the English are only reaping the fruits of their century of bad faith, misrule, oppression, and torture. Let any man read the authentic and proved accounts of the various tortures to which the unhappy ryots have been subjected by the agents of the company, to wring out from famished poverty the rupee it has not—tortures of the most painful and revolting kind, inflicted on Hindoo women as well as men, and he will see in the atrocities over which he shudders only an infliction on the English of a small portion of

that barbarism which they have themselves practised or suffered to be practised upon the helpless natives. Great Britain professes to be a Christian nation, and must be judged by a Christian standard. So judged, her own conduct in India has been more atrocious than that of the natives. Whoever reads the calls for vengeance on the natives, and threats of vengeance held out in the *London Times*, and other English journals, can hardly fail to regard the Christian Englishman as a greater barbarian than the pagan Hindoo. We can conceive nothing worse than for a hundred and fifty millions of human souls to be subjected to the absolute domination of a trading company, or to be governed by the trading interests of a foreign nation, and while we lament the horrible fate of the innocent victims of Indian hate and vengeance, we cannot but think that if the Hindoos were Englishmen, the atrocities over which we shudder would be still greater. England in India is not England in Europe.

If the question of right had not in our trafficking age grown obsolete, we might demand by what right the English hold India, or wherefore they dispute the authority of the emperor of Delhi, the heir of the Mogul, in whose name the British East India Company have always, unless a change has very recently taken place, professed to govern India. The company gained its foothold in India, as a trading company under the sanction of the emperor of India, whose authority it acknowledged; and it was in his name that it interfered in political affairs, and exercised political power. It has no rights in India, but those acquired from the emperor, except such as it may have acquired by fraud and violence. Having abused its rights, the descendant of the Mogul emperor has as against the British, the right, if able, to expel them from the country, and to resume the exercise of his authority, usurped and abused by a trading company. A trading company can have no rights of sovereignty, and Great Britain, though she has exercised, has never formally claimed the sovereignty of India. That sovereignty has remained, technically, where it was, in the puppet maintained at Delhi. If that puppet chooses to be a puppet no longer, but henceforth to act the part of a real sovereign, what right has the company, or even Great Britain, to object, or to call his assertion of his rights and the summoning of his subjects to his support, a mutiny, or a revolt?

The rights, whatever they may be, that a Christian nation or a civilized nation may have over a barbarous nation, Great Britain cannot plead, for she has proved herself, in relation to Hindostan neither the one nor the other. She has been simply a trading company, in relation to Hindostan, simply an invader, and the Hindoos have a perfect right, by all laws, human and divine, to expel her from the territory, if they can. The right and the law is clearly on their side, and Great Britain has not even the shadow of a right against them.

But it is not to be expected that considerations of this kind will have any weight. Modern nations regard right only in so far as it is coincident with their ambition, or their view of their own interest. Great Britain will not withdraw from India; she will maintain herself there as long as she can, and she will put forth all her energy to suppress what she is pleased to call "the mutiny of the Sepoys." If all her neighbors remain quiet, if no one among them seizes the opportunity to settle some old score, she will, we doubt not, succeed, and wreak a vengeance on the unhappy Hindoos that will establish her character for cruelty and barbarity down to the end of the world. Yet if the so-called mutineers can prolong the struggle for a twelvemonth from this date, the position of England will have greatly changed in Europe and America. She will find herself embarrassed on all sides, and obliged to use a less haughty tone than has for some time been her wont. Yet when we consider the wonderful vitality of England, and the power through the industrial and mercantile system she exerts over all nations and nearly all individuals, we shall not be surprised to see her emerge from her present difficulties stronger and more imperious than ever. The world, with its present passions and interests, knows not how to dispense with the modern industrial and mercantile system, ruinous to the real virtue and happiness of the people as it may be. It is the reigning order, and even they who dislike it cannot live without it, and are obliged to conform to it. The world, which does not and cannot appreciate the superiority of the spiritual to the temporal, nor take any very broad and comprehensive views even of the temporal, cannot spare Great Britain, or suffer her to be eclipsed. Her downfall would carry with it the downfall of the whole credit and funding system, that ingenious device for taxing posterity for the benefit of the present

generation. Stock gambling would fall, the whole system of fictitious wealth would disappear, and the greater part of modern shams and illusions. The downfall of Great Britain would produce a universal convulsion, and produce effects of hardly less magnitude than the downfall of ancient Rome. The emancipated nations would not know how to use their newly recovered liberties. The keystone would be struck from the arch of the modern world. The crash some day must come, but no nation is ready for it, and the nations most hostile to Great Britain, will rather labor to sustain her in order to prevent the catastrophe, than to hasten her downfall. Trade as yet is sovereign, and as commerce is likely for some time to come to be substituted for religion, and the trader for the Christian missionary, it would be exceedingly imprudent to hazard a prediction that the power of England has culminated. The devil will not readily let go the grip he has through the system we condemn on the modern world. Great Britain represents the city of the world, as Rome represents the city of God, and as the complete triumph of the city of God will not take place before the last day, we can hardly believe that Great Britain will experience any serious reverses, and we shall not be surprised to find even her enemies uniting to guaranty her a new lease of power. Whoever studies England thoroughly will discover in her few seeds of decay; she has a young vigor, and is at present the most living nation, to all appearances, on the globe, with the exceptions, if exceptions they are, of Russia and our own country. We confess to having misjudged her, and we think very differently of her vitality and power from what we did before the Russian war. She will fall one day, but she will bring down the whole city of the world with her when she does.

In the mean time we hope our government will avail itself of the present opportunity to settle in a just and honorable way the Central American questions, and to assert and secure our national independence. We do not believe in taking advantage of a nation's embarrassments to wring from it hard or unjust terms, and however low Great Britain might fall, we should regret to see any thing more than strict justice insisted upon by our government; but as justice cannot be obtained from her in her prosperity, we can see nothing wrong or dishonorable in seeking it from her in her hour of adversity. We say we *hope*, yet that is too strong a word. Even the shadow of Great Britain, notwithstanding all our big talk, overawes our government and



paralyzes its energies. We cannot expect it to assert American interests against her in earnest till it is too late, till the moment comes when in order to conciliate our trading and planting interests and avoid the calamities of war, we must yield our rights, or, at least, surrender to her every advantage. We know no instance in which British diplomacy has failed to triumph over ours. We have fought with England, but we have never since the war of the revolution proved ourselves independent of her. The only administration we can remember since Madison's that did not consult British more than American interests was the late Pierce administration, so brutally decried by the British presses of this country. In general our administrations have so much to do in providing for a successor, and in settling the pretensions of parties and partizans, that they have no time or ability to look after the real interests of the nation. This is a great and growing evil, the consequences of which are every day becoming more and more manifest. What will become of us it is difficult to foresee, if Providence does not in mercy interfere in our behalf. Our character as one of the great nations of the world is daily sinking rather than rising, and it is, out of our own country, little honor to be known as an American. Individual Americans may be well treated abroad, but the American character commands very little respect. We are considered, except in democratic circles, a nation without principle, without honor,—in a word, a nation of traders and filibusters. However, we set all this down to envy or hatred of us on account of our republicanism, and so long as stocks are up, cotton at advance, and trade is brisk, we flatter ourselves that we are fulfilling the mission God gave us, and setting the world a glorious example of a free people, of a model republic, worthy of the admiration, the envy, and the imitation of the world. It were far better for us to see our faults and attempt to amend them. We write, it may be, in a desponding tone. We cannot do otherwise, for we read each morning the *New York Herald* as a sort of necessary evil, and recollect that it is the most widely circulated and the most influential journal in the Union, edited by a Scotchman, and devoted to British rather than to American interests, an echo of the *London Times*, published in New York. The *Herald* is the best index that can be selected to the present character and tendencies of the ruling classes in the Union, and has power enough to ruin the administration it opposes.

## POLITICS AT HOME AND ABROAD.

[From Brownson's Quarterly Review for April, 1859.]

THE present political state of continental Europe is very far from indicating that the era of revolutions is closed, and the era of peace and orderly social progress is opened. At the moment we are writing, though our European news is less warlike than it was a few weeks ago, we have no well-grounded assurance that peace will be maintained. Peace on the continent is decidedly the interest and the wish of Great Britain, and she will do all she can to preserve it. The emperor of the French would no doubt prefer peace, if he could with it consolidate his domestic policy, and confirm his dynasty. Russia is engaged in vast works of internal improvement, and is just entering upon a social revolution, the end of which it is difficult to foresee, and neither wants nor is prepared for a foreign war. Austria is engaged in securing her frontiers, and in fusing the heterogeneous elements of her empire into a uniform people with a purely Austrian nationality, and has nothing to gain by war. Germany, including Prussia, has enough to do in the interior, in settling the questions still unsettled between the old Germanic order of society and resuscitated pagan Rome,—questions which war would be more likely to solve in the Roman than in the German sense. The only state in Europe that really wants war is the little constitutional state of Sardinia, and she wants it in order to secularize the government of the papal states, and thus get a justification, after the fact, of her anti-papal policy and anti-Catholic laws, and to extend her dominion over upper and perhaps central Italy. Alone she cannot carry on successfully a war against Austria, who must oppose every part of her policy, and the question of peace or war really hangs on the fact whether the emperor of the French will actively sustain her or not in her warlike disposition and ambitious projects.

The great question on which just now European politics turn, is the Italian question, raised by Count Walewski at the close of the congress held at Paris in 1856, and this question involves two serious difficulties, one in upper Italy with Austria, and one in central Italy with the pope. The

emperor of the French is very desirous of settling this question, both because he has a natural affection for Italy, and because at present Italy is the focus of machinations against his throne and even his life. If he can prevent disaffection from becoming dangerous at home, and without war appease the Italian patriots, whom the attempt on his life by Orsini has made him fear, and feel that he must in some way conciliate, and if possible interest in sustaining his throne, there will be no war. But we see not how he can settle the Italian question peaceably, or how, without settling it, he can conciliate the Italian patriots.

The natural difficulties of the Italian question are much enhanced by the disagreement of the Italian patriots among themselves. They all agree that Austria must be dispossessed of the Lombardo-Venetian kingdom, and driven beyond the Alps, and that Italian nationality and autonomy must be restored, or more properly, created. But here their agreement ends, and discord begins. They dispute as to what shall be done with their basket of eggs when laid and hatched. Some insist that Italy, when emancipated, shall be a single monarchical state with its capital at Turin, and Victor Emmanuel for king; others that it shall be a confederacy of constitutional states, under the presidency of—who it may be; others insist that it shall be a democratic republic, one and indivisible, with its capital at Rome. Gioberti's plan was a confederated Italy under the presidency or moderatorship of the pope; Mazzini's plan is an emancipated and united Italy, under a democratic republic, with himself, we presume, as president. The division between the respective partisans of these schemes defeated in 1848 the noble movement favored by Pius IX. for the independence of Italy, and complicates the question in 1859. Napoleon III. may amuse, but he cannot support the Mazzinians in Italy any more than he can the red-republicans in France, and neither they nor Austria will consent to the Giobertian plan of confederation, if he were himself, as he is not, disposed to favor it. The Mazzinians are as hostile to the order instituted in Sardinia, as they are to the Austrian domination, and would oppose Victor Emmanuel as king of Italy as strenuously as Francis Joseph or the pope. In their view, a monarchical Italy, under even an Italian prince, whether the pope, as Gioberti contended, or the king of Sardinia, as Count Cavour probably wishes, with or without a parliament, would settle nothing, and would at

best only adjourn a struggle that sooner or later must come throughout all Europe. All European society—all humanity, they say—tends to democracy, and it is only the democratic republic, the inauguration everywhere of the absolute sovereignty of the people, of the people-king or the people-God, that can satisfy the imperious demands of the modern world, settle its present disputes, and secure its orderly and peaceful future progress. They resolutely oppose all compromise, all third parties, and wish to make up a direct issue between monarchical absolutism and democratic absolutism. This issue Austria, as the heir of the kaisers, who sought to revive in Christian Europe the caesarism the German conquerors had overthrown with Augustulus, accepts, and is prepared to stand by, both in and out of her own dominions. Louis Napoleon accepts it for France, but does not openly accept it elsewhere; while he is virtually absolute at home, he seeks to present himself as the defender of oppressed nationalities and of constitutional or even democratic liberty abroad.

But in carrying out his Italian policy, which is to use Sardinia and appear to wish to reëstablish an independent Italy under a constitutional *régime* with Sardinia at its head, he has not only Austria and the Mazzinians, but also the papal government in his way. His troops occupy Rome against the will and even the protest of the papal government, and to the great discontent of the other powers of Europe. He dares not withdraw them, for that would leave the field to Austria, whose policy they are there to watch and to counteract, and as long as he keeps them there he has to bear the responsibility of sustaining the papal government, bitterly opposed alike by Sardinians and Mazzinians. So long as he appears to uphold the papal temporal government he can neither defeat the policy of Austria nor conciliate either Italian party. The pope is his difficulty. The pope's government very properly will make no important reforms in the administration under foreign dictation, and therefore none so long as his troops occupy Rome. If he tells the government it must reform its administration, or he will withdraw his troops, his threat is taken as a promise, for the withdrawal of his troops is precisely what it wishes, and what it is trying to bring about, since so long as Austrian troops occupy the legations, it is safe against insurrection. To dispossess the pope of his temporal states and convert them into a principality governed by a French prince, or

by an Italian prince under a French protectorate, is not only to offend Italian nationality, not only a war with Austria, but is to offend the Catholic sentiment throughout the world, and to endanger his position in France herself. Here is his embarrassment, an embarrassment from which either the pope or Austria could no doubt relieve him, but from which neither seems disposed to relieve him. We see, then, nothing for him to do, but to suffer Sardinia to provoke a war with Austria, which she is panting to do, and back her up with all the forces of his empire. War, then, as much averse as he may be to it, seems to us not improbable, although it may not, and probably will not, break out so soon as appearances a short time since indicated.

Napoleon III. seems to us to have so involved himself in Italian affairs that he cannot advance without war, or recede with honor or safety. He was a member of the carbonari, whom he has betrayed. They have condemned him to death, and sooner or later, unless he can make peace with them, they will in all probability be able to execute the sentence they have pronounced. He seems to us also to be losing his prestige in France, where his strict alliance with England is not popular, save with the business classes. He was successful in terminating the Crimean war just at the moment proper to prevent its advantages from inuring to Great Britain alone. But he has been successful in no great diplomatic measure since. The advantages of the war inured principally to Austria, and Austria renewing her alliance with England has been able to defeat his oriental policy even when backed by Russia, Prussia, and Sardinia. Austria and England have defeated his policy of a union of the Danubian principalities under a prince of one of the reigning houses in Europe, and reduced to nothing his interference in behalf of Montenegro. Great Britain, if she has not, which we think she has, defeated the project of canalizing the Isthmus of Suez, by seizing and fortifying the island of Perim, has rendered the canal useless in a military or strategetic point of view, and it was an English, not a French man-of-war that bombarded Jeddah and avenged the massacre of the Christians, among whom was the French consul. Everywhere since the peace Great Britain and Austria have singly or unitedly thwarted his foreign policy, or reduced him to play a secondary part, unless we except the attack on Cochin China, made in conjunction with Spain. He has nearly completed the works

at Cherbourg, which were begun under Louis XIV., and which had been pressed on to completion by the monarchy of July and the republic of 1848; but in almost every measure of domestic policy he has attempted since 1856, he has shown a vacillation, an indecision, a weakness that has surprised those who observed him in the *coup d'état* and the earlier years of the empire. He proposed a financial measure, which would have emancipated the business of France from the money power of England. The English press remonstrated and he abandoned it. He proposed to convert all the charitable funds of the empire into government stocks, but was obliged to abandon it; at least the plan has not been carried into effect. He suffered the illustrious Count Montalembert to be prosecuted by the police for what was really no legal offence, and outraged the whole higher literature of France, and the public opinion of the civilized world. The position at present assigned to Prince Napoleon, the favorite of the Mountain, and, if report may be credited, the most dissolute and debauched prince of his family, and as ready to head a red-republican intrigue against his cousin as to sustain his throne, is not likely to secure the good will of the friends of religion, society, and public decency. He is placed in his position, either because he is regarded as too dangerous, if left unemployed, or, which is more probable, to amuse and conciliate the Voltairians and red-republicans, whose organ is *La Presse*. Even if so, it will turn out a bad policy for the emperor, for it will damp the ardor of Catholic France, his firmest support hitherto, and will strengthen without conciliating his enemies. Prince Napoleon may prove to him a Duke of Orleans.

In a pamphlet, *Napoléon III. et l'Italie*, recently published, and which may be taken as the official statement of the views of the emperor, we find revived for the papal states, the policy set forth in his famous letter to Colonel Edgar Ney, and which he had to disavow or explain away before the pope would consent to return from Portici to Rome, a policy which we have always maintained he had never really abandoned, and which at the time created in the minds of most Catholics a distrust of his loyal intentions towards the pontifical government, against which it was known he had been a conspirator. Indeed, it called forth the general condemnation of the Catholic world. The pamphlet proposes what would in effect strip the pope of

his temporal government, and leave him a pensioner of France, in accordance with the plan of Napoleon I. With all its verbiage, and verbal respect for Catholicity and its supreme pontiff, the pamphlet must wound the sentiments of every intelligent Catholic in France or elsewhere. We do not pretend that there are no abuses in the papal administration; everybody says it, and we suppose it must be so. Certainly the subjects of the pontifical government are, with or without reason, to a fearful extent dissatisfied, and clamorous for reforms; but the pope is sovereign in his own states, and holds by a title, to say the least, as high and as sacred as Louis Napoleon holds the throne—not the crown, for he has not yet been crowned—of France. We know no more right the emperor elect of the French has to interfere with the internal administration of the government of the pope than he has to interfere with that of Queen Victoria, or that of the United States. What was his pretext for going to war with Russia? Was it not to protect the independence of sovereign states, especially the weak against the strong? Will not the principle on which that war was justified apply to the pope, the first sovereign in Europe, as well as to the Grand Turk. Are not Catholic sovereigns as much bound by justice and civilization to respect and defend the independence of the head of the Catholic religion, in his temporal dominion, as they are to respect and defend the independence of the chief of Islamism?

The outrages Napoleon has committed on the constitutional party, silent but not extinct, in France; the deep offence he offers to the Catholic sentiment in his evident attacks on the independence of the papal government; the impossibility of conciliating by a peace policy the red-republicans of France and Italy, and the prestige he has lost by his diplomatic defeats, his vacillating home policy, and his evident truckling to England, seem to us to render it very difficult, if not impossible for him, without the diversion of a foreign war, to retain his present position as Cæsar, even if he is able to guard his life from the poniard of an infatuated Mazzinian. To us it seems that he must become a constitutional prince, and surround his throne with real not sham parliamentary institutions, and enlist the intelligence of France in its support, fall by a Mazzinian revolution or a Mazzinian dagger, or seek to avert the danger and to consolidate his policy by a war with Austria os-

tensibly for the independence of Italy and the redress of her grievances.

But whether such a war would help him may well be doubted. A war for Italian nationality and independence, while refusing to respect the independence of the papal government, and to establish a constitutional or republican Italy, while he maintains his new-fangled caesarism in France, would place him in a false position, and prevent him from carrying with him the sympathies of those who really wish well to Italian independence and liberty. No sovereign can long hope to sustain liberty abroad while he suppresses it at home; nobody, not even the Italians themselves, could confide in him, for they would see and feel that his efforts to liberate Italy from Austria can be only to bring her under France, as incompatible with Italian nationality and independence as her present condition. Then, admirable as is his army, the success of a war with Austria is far from certain. The Austrian army is hardly inferior, if at all inferior, to his own. It is not what it was in the time of his uncle, but is undoubtedly the best organized and appointed army in Europe, well disciplined and well officered, while the French army has no longer a real Bonaparte at its head. The nephew is a first class man of the Fouché order, but he is not his uncle. The French are as likely to lose as to win the first battle fought in Lombardy, and the loss of a single battle is the loss of the French throne. Then, Austria will not be left to fight the battle alone, if it is likely to go against her. If she is attacked by France and Sardinia, all Germany will come to her aid, for Germany understands that the defeat of Austria on the Po, is war against Germany on the Rhine, and France is no match for Austria backed by all Germany. Russia, even if disposed to do so, cannot come to the aid of France, for she has no wish to break down the German barrier between her and France, and because she has or soon will have her hands full at home. Great Britain is quite willing, nay desirous to see established an independent Italy; but she has no wish to see Italy annexed to the French empire, or Austria so weakened that she can no longer be played off diplomatically against France. Alliance with France against Russia, and in relation to oriental matters may suit British policy, but British statesmen must always seek the alliance of Austria to maintain the balance of power against France. Balancing the weakness to which the national question exposes Austria by the



weakness to which the political and social question exposes France, and counting the parts likely to be taken by other nations, we think the chances of the war are not in favor of France, and that the war would prove far more fatal to the Napoleonic dynasty than to the house of Habsburg.

We are, then, far from feeling, whether peace or war obtain, that Napoleon III. is secure, unless he changes his policy at home—unless, as he may without danger to his dynasty, he relaxes his caesarism, returns to the principles of the old Frank empire of Charlemagne, and disarms the revolution by reviving parliamentary institutions, and giving freedom to French intelligence. It is not too late to do this, and to do it successfully. The restoration failed, because the Bourbons of the elder branch had learned nothing by the revolution—because they had been forced upon the nation by foreign bayonets, and because they were wedded to an impracticable royalty, and sought to govern through the court rather than the nation. The monarchy of July failed, because there was a flaw in its title, but chiefly because it rested on too narrow a basis, and committed the fatal error of confiding in a parliamentary majority instead of a majority of the nation. Its basis of suffrage was not broad enough. One hundred thousand or two hundred thousand electors, out of a population of thirty-six millions, was only a mockery, and a government carried on even by a parliamentary majority, with so limited a suffrage, could not be a government of a nation by itself. It relied on the army and police as much as does the present government. If it had amended its electoral law, and enlisted the majority of the nation in its support by giving them a direct voice in the choice of deputies, it would, notwithstanding the flaw in its title, have established and maintained itself against the revolution. It would gradually have become truly national, and been supported by the interests, the convictions, and the patriotism of the French people. Let the emperor take what was good in that monarchy, avoid its errors, and he may easily, with his personal popularity and the force of his character, give to France really permanent as well as free institutions, and in very deed put an end to the “era of revolutions.” Will he do it? Most likely not.

The question of Italy is undoubtedly a difficult question, and we pretend not to be able to suggest a practical solution. Louis Napoleon’s proposed solution is, if we understand his pamphlet, the expulsion of the Austrians from upper Italy,

and the union of all Italy in a federative state, under the king of Sardinia. This solution is impracticable, for even if the Austrians were driven beyond the Rhatian Alps, the several Italian states would never consent to yield the presidency to Sardinia, hardly allowed by the rest of Italy to be Italian, any more than Macedonia was allowed to be Greek by the polished Athenians in the time of Demosthenes. The headship of the Italian confederacy could be obtained and preserved by Sardinia only through the conquest, and forcible subjection of the rest of Italy. The Tuscans, the Venetians, the Lombards, the duchies, the subjects of the pope, the Neapolitans and Sicilians, however disaffected they may be with their present rulers, native or foreign, or however much they may talk about *Unità Italiana*, will never peaceably submit to the supremacy of the Subalpine kingdom. The project could be effected only by a French conquest of Italy, and maintained only by French arms. The project, after all, is not a solution of the Italian question, but a pretext for substituting French domination in Italy, for that of Austria, or of governing Italy by French princes, who are to hold as vassals of the French empire. There is no native Italian prince to whom the presidency can be given, except the pope, and to that the Italian states themselves would not now consent, and it would not be permitted by France herself, if able to prevent it. To create a new federal government, as we did at the formation of our federal government, able at once to sustain itself, and to defend Italy from foreign aggression, is wholly impracticable. You have no materials from which to construct it, and the mutual jealousies and animosities of the several states and cities are so numerous, so inveterate, and so strong, and the sentiment of unity is so weak—has so feeble a hold on the mass of the population, that it could not stand, even if constructed. If you give it power enough to render it efficient, it will be constantly exciting discontent, revolt, and rebellion; and if you leave it so weak that it excites no opposition, and imposes no restraint on the separate action of the states confederated, it will be simply as good as no government at all. The federation will be merely a rope of sand, falling to pieces by its own weight.

The powers have, by the treaty of Paris, in 1856, rendered the Italian difficulty far greater than it was before. Great Britain and France committed a most serious blunder when they went to war against Russia for the indepen-

dence and integrity of the Ottoman empire, and to place that empire, evidently falling to pieces, under the protection of European international law. They have stayed the southern progress of Russia for a dozen years or so, but they have not reinvigorated or saved Turkey. The fate of "the sick man" is sealed, and all the learned doctors of Europe cannot prevent him from going the way of all the earth. But the recognition and guaranty of the sovereignty and independence of the *padishah*, even in regard to the Christian provinces of the empire, has placed a grave obstacle in the way of Italian autonomy and independence. The powers signing the treaty of Paris have laid down, have solemnly recognized a principle as applicable to Austria as to Turkey, and which precludes them from dismembering the Austrian empire against her consent, and makes it as obligatory on them to maintain to Austria the kingdom of Hungary, or the Lombardo-Venetian kingdom, as it does to maintain to Turkey the suzerainty of Roumania or Servia; another proof that the treaty of Paris was primarily a treaty in the interest of Austria. As both France and Sardinia were parties to that treaty, neither of them can attempt to wrest the Lombardo-Venetian kingdom from Austria without a direct violation of what they have declared to be the public law of Europe. France and Sardinia have also by the same treaty deprived themselves of the means of making a compromise with Austria, by offering her an indemnification for her Italian possessions, in case she should be persuaded to relinquish them. But for the treaty they might have offered her Moldavia, Wallachia, and Servia, which she might have been induced to regard as a fair equivalent for her Italian provinces. Such an exchange would have liberated Italy from foreign dominion, and permitted the organization of a national government or governments. But this is now out of the question, and Italian nationality and independence is practicable only by violently and illegally dismembering the Austrian empire, by the manifest violation of public treaties, and of the public law of Europe as proclaimed by the treaty of Paris. We suspect Austrian diplomacy in that treaty overreached the French and Sardinian, if those two powers hold themselves bound by treaties. France and Sardinia are estopped in their Italian policy, not only by the treaties of 1815, but by the treaty of 1856. Here is a grave difficulty, which no diplomacy, and which only war in violation of treaties, can

solve. We see, then, again, no way in which Austrian Italy can be liberated, without war with Austria, and the Austrian question, complicated by the treaty of Paris, is, after all, no less a difficulty than the papal difficulty.

The imperial pamphlet, written chiefly to enlist the anti-papal prejudices of England and Prussia against Austria, and on the side of France and Sardinia, represents the great difficulty as lying not in upper but in central Italy. This is a fine stroke of policy, no doubt, but either is a difficulty not easy to get over. The papal government is undoubtedly an insurmountable obstacle to the French and Sardinian policy. The French emperor proposes to solve this difficulty by leaving the pope his sovereignty, by secularizing the administration of his government, and assimilating it to that of France. This will amount to nothing, and there is no reason to suppose that it would soothe the disaffection of the pope's temporal subjects. What they demand is the secularization of the government itself, and the entire abdication by the pope of his temporal sovereignty. The pamphlet itself maintains that the difficulty is in reconciling the duties of the Italian prince with those of the sovereign pontiff, or common father of the faithful. As an Italian prince the pope might be disposed to encourage the national movement, when as pontiff, he must remain inactive or oppose it. But if the pope remains sovereign, he remains an Italian prince, and the difficulty or contradiction is the same, whether the administration be in the hands of seculars or of ecclesiastics. If there really be the difficulty alleged, and it is necessary to remove it in order to establish a free and independent Italy, then a free and independent Italy is possible only by secularizing the papal government itself, and stripping the pope of all temporal sovereignty,—the conclusion to which the whole argument of the pamphlet, and the whole French and Sardinian policy for Italy necessarily lead.

We do not understand by what right France, even if Austria consents, proposes to interfere in the internal administration of the papal government. The pope is either an independent sovereign or he is not. If he is, Louis Napoleon has no more right to insist on his placing the administration of his government in the hands of seculars than he has to insist on our placing the administration of ours in the hands of ecclesiastics. There is an impertinence, an inconsistency on the emperor's part that is ad-

mirable, and worthy of a prince who holds himself bound by no law but his own will. While he acknowledges the independence of the pope as an Italian prince, he undertakes to dictate to him how he shall govern his subjects, attempts by external pressure to force him to accept the policy dictated, and goes so far as to complain of Austria, and to make it all but a *casus belli* against her, that she will not add her pressure to his, and render it impossible for the pope longer to resist. If the pope is sovereign, whether his states are great or small, he is as a prince the equal of the emperor of the French or the emperor of Austria, and neither has any right to interfere in his administration of his government. The emperor of the French tells us in his pamphlet the measures he wants adopted in the papal states, and that they were signified to the pope as long ago as 1857, and he arraigns Austria before Europe for not joining her influence to his in forcing the pontifical government to adopt them. Is this treating the pope as an independent sovereign? The measures may be good or bad, but what sovereign that respects himself and wishes to maintain his independence will adopt even good measures when dictated by a foreign power? Who made France or Austria the pope's superior, or his overseer and guardian? In the name of consistency, either recognize the pope's sovereignty and independence, respect his rights as a sovereign prince, and leave him to govern his subjects in his own way; or deny his temporal sovereignty altogether, and forcibly secularize his states. You can never succeed in the policy of recognizing him as a sovereign and independent prince, supreme in his own dominions, and then treating him as your dependent, and forcing him to govern in the way you think best. The world will not tolerate such glaring inconsistency. Napoleon I. tried it, and found that it would not work; that he must either abandon his Italian and continental policy, "the agglomeration of nations," or suppress the papal government. He chose the latter alternative, dragged the pope from his throne, and detained him for years imprisoned at Savona and Fontainebleau,—and went himself to die a prisoner on the barren rock of St. Helena, with Sir Hudson Lowe for jailer. Napoleon III., if he chooses, may follow the same policy, and meet perhaps a similar fate. No nation having any considerable number of Catholic subjects, whether itself Catholic or non-Catholic, will consent that the spiritual head of the Catholic world shall be the pension-

er of Sardinia, France, Austria, or even of federated Italy. Great Britain, Prussia, Russia, and even the United States, as well as France and Austria, have an interest in the independence of the pope, and even a stronger interest in his not being the subject of any temporal prince; and they were non-Catholic states, chiefly Great Britain and Russia, that in the congress of Vienna, effected the restoration of the papal states, then held by Austria and Naples, to the pope, in their integrity. If you will not take from the pope his temporal sovereignty or his independence as a temporal sovereign guarantied to him by all the European powers who were parties to the treaties of 1815, then leave him to govern as an independent temporal sovereign; withdraw your pressure and leave him to act *motu proprio*, as you claim to do in your own empire; do so and he will win back the affection of his temporal subjects, and put an end to the disaffection you complain of. But he can never do it, as you well know, whatever the measures he adopts, so long as you stand between him and them, or stand over him, and compel him to do your bidding. It is your unauthorized interference that destroys his influence, that makes him appear a puppet in your hands and prevents the respect his subjects would otherwise have for him, and the correction of those abuses which he sees as well as you, and is as much disposed to correct as you are. The Austrian policy of leaving the pope to act in the matter, *motu proprio*, would secure the reform of abuses and a redress of grievances much sooner than the French and British policy of forcing him by external pressure to change his mode of government. Materially weak, the pontifical government can preserve its independence only by opposing to the pressure brought to bear on it, simply passive resistance, and that it will oppose, because to yield would be to surrender its rights as an independent state. Leave it free, as it has not been since 1848, and it is not likely to govern less wisely than Louis Napoleon. Under no point of view, therefore, can we approve Louis Napoleon's Italian policy, which is against the faith of treaties, the independence of sovereigns, and the rights both of the pope and the emperor of Austria, and we see no hope at the present, of national independence or even of a federal union for Italy. We see nothing that is likely to be done that will not make matters worse, and perhaps, in point of fact, matters all over Europe must become worse before they can become better. Europe is now buffeted

backwards and forwards between absolute monarchy and absolute democracy, and we fear it will reach a permanent settlement only by passing through the terrible ordeal of democratic despotism. Liberty will be founded only amid the ruins of the Mazzinian republic. Pagan Rome has been resuscitated, and modern society seems destined to run through caesarism in both its phases.

The only ground for hope to the contrary is in Great Britain, who as yet retains something of her old Germanic and Catholic constitution, and in civil liberty and material civilization may be said to stand at the head of the modern world. Her progress in all the elements of material strength and the extraordinary energy she has displayed in war and diplomacy, prove that her constitution is still sound and vigorous, and that she is, as to this world, the most living and robust nation now on the earth. The greater, the more numerous, and the more complicated the difficulties she has to contend with, the more strength and energy she puts forth, and the more easily does she appear to surmount them. Hardly come out from the Crimean war, she finds herself involved in a new war with Persia, soon with China, and then forced to suppress a rebellion in India, and reconquer an empire of a hundred and eighty millions of souls. Yet during all this time she has in no instance lowered her tone, or abated a point in her diplomacy. On every point she has maintained her pretensions and her influence, falsifying at every moment all sinister predictions, and refuting those who allege that her power has culminated. One of the oldest nations in Europe, her face is unwrinkled, and there is not a gray hair in her head. She appears even more youthful, vigorous, active, and buoyant than our own republic, so much her junior. Say what you will of Great Britain, she has a wondrous activity, and a marvellous vitality. She seems with each generation to renew her youth and her force. She does not know her own vitality and strength, and other nations entirely mistake them. Her own as well as foreign writers are perpetually deceived in their speculations as to the magnitude and stability of her power. She has her faults, her weaknesses, her vices, and her crimes, but no one can say with truth that her power has reached its culminating point, or that she has reached anywhere near the commencement of her decline. Her greatness, it is true, lies in the material, or more properly speaking, in the natural order, but in that order it *is* greatness, and greatness

equalled by no nation since the palmiest days of all-conquering Rome.

We attribute not this to any superiority of race, to her Saxon or her Celtic blood, but to the grand fact that her people have never become thoroughly *romanized*; have never fallen as to the political and civil order under the Roman Cæsars, and have never been subdued by resuscitated pagan Romanism. Separated from the continent by her insular position, she to a great extent, escaped the reaction of pagan Rome, represented in the middle ages by the German kaisers and the civil lawyers, and in later times by Philip II., of Spain, and Louis XIV., of France. Her princes of the Plantagenet, Tudor, and Stuart families, may not have escaped the contagion, but they never succeeded in communicating it to the English nation. The nation, unhappily, has broken from Catholic unity, but it did not do so till its episcopacy became the advocates of exaggerated royalty, nor till it seemed to her that the pope had deserted the Germanic monarchy, and accepted Roman cæsarism. We speak of the nation, not of the king and court. Though she has lost the unity of faith, her people have remained truer to the old Germanic order of civilization developed and matured under the fostering care of the papacy, and so well represented by the Anglo-Saxon Alfred, than the people of any other nation. We are guilty as Catholics of no infidelity to religion in praising her civil and political order, for it is the order that once prevailed throughout Catholic Europe, for which the popes struggled against the German emperors, which they defended as long as they could, and which is the order that better accords with Catholicity than that which prevails in the Catholic states themselves.

Much of the marvellous energy displayed by the British government during the last twenty-five years is no doubt due to the Catholic relief bill, which became a law in 1829, and to the reform of parliament in 1832. The working of the latter measure has not confirmed the predictions of its opponents, or our own expectations. It has added to the stability as well as to the energy of the government by giving a larger portion of its subjects a direct interest in supporting it, and has not given, as we feared it would, an undue preponderance to the business classes. There is now on foot a new project of parliamentary reform, and all parties, conservatives as well as Whigs and radicals, agree that some further amendment of the representation is desirable



and may be safely attempted. The ministerial plan has not reached us at the time we are writing, and we cannot speak of it. The Whig plan is uncertain, but the radical plan drawn up by Mr. Bright, and presented, not to parliament, but to the public, we have seen and read with care, as well as several speeches its author has made in its elucidation and defence. The plan upon the whole seems to us remarkably moderate considering its source. Ignorant as we are of English society, we cannot say whether it does or does not put the qualifications of suffrage too low. Our impression, however, is that it does, and also that in the distribution of the seats in parliament obtained by suppressing or diminishing the representation of boroughs below a certain standard of population, it gives too large a portion of them to the great centres of commerce and manufactures. The principle on which Mr. Bright proceeds appears to be that of approaching as near as possible in the present state of British society, to universal suffrage, and to throw the balance in the house of commons on the side of the business classes,—a principle that may easily be pushed, and if once adopted almost sure to be pushed, to a dangerous extreme.

Mr. Bright appears to us to be too much under the influence of our American democracy, and to be quite ignorant of the working of universal suffrage with us. The reform bill of 1832 in England, was a step towards changing the commons from the representation of the people as an estate to their representation as population. Mr. Bright's plan is a step further in the same direction. It adopts more of the democratic principle, and gives the lower house of parliament more of a democratic character. We should not seriously object to this, if we could be sure the house of lords would be preserved with its present constitution. But with one house constituted on democratic principles, and possessing the powers possessed by the English commons, understood to represent population, and therefore the nation, not an estate, it will be difficult if not impossible to maintain the house of lords, which can then be understood to represent only the personal rights and privileges of its members. The house of lords may remain respectable for the personal worth, ability, or rank of its members, but it ceases to be national, and must lose its hold on the national mind, represented in the house of commons. When the Abbé Siéyès, in answer to the question, "What is the third estate?" replied, "The nation," he pronounced the doom of

the French nobility as a political body. If the house of commons represents the nation, it represents the nobility as well as the commonalty, for the nobility as well as the commonalty belongs to the nation and is a constituent part of it. The question may then be pertinently asked, "Why retain the house of lords?" a question to which it would be very difficult to return a satisfactory answer. The national mind would soon come to find the house of lords an anomaly in the British constitution, and the invincible force of logic would compel its suppression. The British constitution and the glory of the British nation would vanish, if either house were suppressed, or if it should cease to be true that the nation is represented by the two houses concurrently, not by either alone. The house of lords enters into the national representation, and is as essential to it as the house of commons. This is the feature in the British constitution we most admire, and which gives it whatever advantage it may have over our American system, for there is no analogy between our senate and the British house of lords. With us both houses are elective, and there is no check on the elective principle, and nothing to temper it. With us democracy may become as absolute as Roman caesarism, and majorities may play the tyrant without any effective restraint. In Great Britain the power of the crown is restrained by the lords and commons; the power of the commons is restrained by the king and lords, and the power of the lords by the king and commons. The hereditary principle in the crown and lords prevents the elective principle from becoming absolute, as the elective principle in the commons prevents the hereditary principle in either the crown or the lords from becoming absolute or supreme, and from the necessity of the concurrence of the two principles to the action of the state, stability and movement, order and liberty, or order with liberty, and liberty with order are at once secured.

Mr. Bright seems to us to overlook the fact that the peers are an integral element in the national representation, and to regard them simply as representing the interests of the great landed proprietors. He does not see that the house of lords is not a part of the constitution for the sake of securing the representation of any special interest or interests, but for the sake of sustaining an hereditary principle along with the elective in the parliamentary representation of the nation. Even in his mind the house of lords

is an anomaly, and he would not seriously regret its abolition. He takes as a merit in our constitution, what is really a defect. In our national representation, whether of the states or the Union, we have not tempered the elective with the hereditary principle, because our society lacked the necessary hereditary materials for an hereditary peerage. The defect in the constitution grows out of a defect in American society. The English nobility did not emigrate, only the commons emigrated, and only the third estate of the British constitution was brought here with the colonists, and when we became independent, we were obliged to constitute our government with that one estate, and to make the house of commons a national representation. We originally attempted to supply the defect by dividing the house of commons into two houses, both elective, but resting on different bases of population, property, or locality. We have now in most of the states left no difference between the two houses, except that the members of the one are elected from larger and the members of the other from smaller electoral districts, which amounts to very little in practice. Make the house of commons the representation of the nation, and adopt, as the radicals propose, manhood suffrage, and Great Britain becomes at once virtually a democracy, and the last vestige of the old Germanic institutions of England is effaced.

Mr. Bright thinks universal suffrage works well with us, but if he lived here he would change his mind. Universal suffrage may work well enough in France, where the body to which members are elected is a mere sham, possessing no effective power. But it will not work well where election confers real power; for with it elections not only become venal, which they do in Great Britain and Ireland under a limited suffrage, but they throw, especially in large cities and towns, the power into the hands of the lowest classes, ill able to judge of the qualification of candidates, and who are sure to elect men of low character, those noisy, brawling politicians or unprincipled demagogues, who appeal to their prejudices or flatter their passions, to the highest and most responsible offices in the state or Union. The principal objection to universal suffrage is, not that it opens the door to the bribery and corruption of electors, but that it is in the way of electing men of high character, stern integrity, and real statesmanship, who scorn to pander to vulgar tastes and vulgar passions. We had, last autumn, in this

city, three or more lists of candidates for various offices under the state and the municipal government, and it would have been difficult to have selected from our whole motley population lists of candidates more unsuitable for the offices to which they were nominated. Hardly a decent man will allow his name to be used as a candidate for any office; for if he should, he knows he would only be run down. We have men of talent, learning, statesmanship in our country; but such men cannot be elected, for not mingling with and flattering the people, they are not popular. There are men enough here to fill our congress and our state senates, who would compare, after a little experience, not unfavorably with the members of the house of commons, or the house of lords; but you never hear of them, and, except on very rare occasions, they have not so much political influence as the keeper of a low groggery or eating house. This is due to the extension of suffrage beyond all reasonable limits. We are inclined to think that if Mr. Bright knew the working of our electoral system as well as we do, he would think twice before he willingly lowered the suffrage qualification in the United Kingdom. There is no sensible man here who does not see and deplore the terrible evils of the ultra democracy we have encouraged. To restrict a franchise, now virtually unrestricted, is impossible, and the bare suggestion of a wish to do it, would forever debar those who should express it from ever receiving the suffrages of their fellow-citizens for the most insignificant office in their gift. It is owing to universal suffrage that our public men make so poor a figure, and are seldom up to the level of their position, that our representatives abroad are seldom such as do credit to the country, and the debates in our congress fall so far in dignity, ability, and statesmanship below the debates in the British parliament. What British statesmen should guard specially against is placing their government on the democratic declivity, and strengthening the elective element of parliament at the expense of the hereditary element, which they necessarily do just in proportion as they seek to make the house of commons the national representation.

Mr. Bright lays great stress on the ballot—secret ballot, we suppose he means. Here the secret ballot amounts to nothing, and is a slur on the independence and manliness of the voter, rather than his protection against the intimidation of employers or of demagogues. What would be its

value in Great Britain and Ireland we are unable to say, but if it would have any effect, we think it would be directly the contrary of the one anticipated by its friends. What in general the laboring or tenant classes want protecting against is not the landlord or proprietary class, with whom in the great majority of cases they would vote, if left to themselves, but politicians of their own class, who wish them to vote against their landlords or employers. It is from these politicians or demagogues they would conceal their votes, and if the ballot enabled them to do it effectually, the radicals, not the conservatives, would be the losing party. But as it does not enable them to do this, as the politicians of their own class are sure to know how they vote, whether they vote by open or secret ballot, we are unable to attach any importance to the question, further than it seems to us more manly—more in accordance with the character of a freeman, to declare his vote openly than it is to attempt to conceal it. The secret ballot, if adopted, would only help destroy one of the finest traits in the English character—that of frank, manly independence—a trait of character which disappears under an absolute democracy no less than under an absolute monarchy.

We have said, that we think the disposition Mr. Bright proposes to make of the seats he obtains by the suppression or diminution of the representation of boroughs under a certain standard population, seems to us likely to throw too much power into the hands of the business and industrial classes, as distinguished from the agricultural classes. The theory of the British house of commons is not the representation of population, but of interests. Hence it was originally composed of knights of the burgesses and knights of the shire. The borough interests had apparently a stronger representation than the county or agricultural interests; but a large number of the original boroughs having lapsed, and not a few that remained having become by the changes of time more identified with the agricultural or rural than with the business interests of the country, it became necessary in 1832, in order to restore the balance and retain the original idea of the house of commons, to diminish the small borough representation, become wholly or in part rural, and to enlarge that of the great commercial and manufacturing towns of modern growth. But the business interests held a different proportion to the rural or agricultural interests from what they did under either the

Norman or the Plantagenet sovereigns, and to give them as large a relative representation as they then had, would give them a power far greater than they then possessed, and make them the governing interests of the country. At all times, whatever was the numerical representation of the boroughs, the balance of power remained on the side of the land, or the country interests, and to shift it to the side of the business interests is to change the essential character of the house of commons, and to endanger the very existence of the British constitution. The strength of the business interests is, in relation to that of the agricultural interests, taking the nation at large, far greater than it was formerly, and if they have their former proportion of the representation, they will become supreme. Give them the decided majority of the representation in the house of commons, and Great Britain becomes primarily an industrial and commercial nation, in which commerce and manufactures cease to be the handmaids of agriculture, and become its mistresses. No state, where all interests are subordinated to the interests of trade and industry, is or can be long-lived. The land is the primary source of the strength and wealth of a nation, and England's real greatness and wealth have reached their present enormous growth, because she has always drawn vast resources from her land, in the produce of her agriculture, and her mines of tin, copper, iron, and latterly of coal. The germ of her weakness is in the fact that she has, under the present agricultural system, become unable to feed her own population, and supply her own industry, without depending on the growth of foreign countries. But her agriculture, especially in Ireland, admits of vast developments not yet effected, and which would not be were trade and industry to become supreme. It is essential to her stability, to her steady progress, that the landed interest should preponderate in her house of commons, as it ought to do in every state. We call the attention of Mr. Bright and the Manchester school to these views, because they do not seem to us to attach the importance to them they deserve.

We cannot deny that we take a lively interest in whatever affects Great Britain for good or for evil. She has fallen from Catholic unity, and is under some points of view the bitterest enemy our religion now has. Her influence is lessened and rendered less beneficial in consequence of her dragging the dead body of Protestantism in her

train. But she has retained more of that old civil and political order which grew up under the fostering care of the church, and is a better representative of the old Germanic civilization that supplanted the Græco-Roman, than any other nation now to be found. With all her faults, and they are many, she is the best supporter Europe has of civil and religious liberty, and without her caesarism would triumph throughout the Old World, and perhaps also the New. Then anti-papal as she is, the church is at present really freer in her dominions, and suffers less interference and annoyance from the government, than in any Catholic country we can name, and we regard her system as infinitely more favorable to the growth and expansion of Catholicity and Catholic thought than that of France, of Naples, or of Austria. We entreat British statesmen, in their attempted amendments of the constitution, to guard sedulously against the tendency to continental caesarism, on the one hand, and the tendency to American democracy on the other. Let them be slow to adopt our democratic principles, and let them learn to distinguish between the papacy and continental caesarism, from which the church and the people alike suffer, and direct their continental policy against pagan, not against papal Rome, and they will serve their own country and the cause of civil and religious liberty throughout the world. They will keep their country true to the old Germanic order, and make it the grand instrument in the hands of Providence of restoring that order to power, and healing the schism now so fatal to European society, both temporally and spiritually.

We pass not from Great Britain to our own country with unmixed pleasure, and it is with a subdued pride we contrast British statesmen with our own. We, however, have the consolation of knowing that when things are at worst they sometimes mend, and we are in that state when any change must be for the better. The political morality and integrity of our people have been on the decline ever since the election of General Jackson to the presidency. It was in his election and under his administration that the purely democratic elements of our constitution first became really operative and effective in the government and people. Before him the government had been republican, but not, strictly speaking, democratic. Under him we abandoned the British system, which we had inherited from our fathers, and adopted the system of French or continental democracy,

and, with unparalleled external growth, have been going to destruction about as fast as a people well can. We have modified all our state constitutions in a democratic sense, destroyed the independence of the judiciary by rendering the judges elective by the people for short terms of service and reeligible, tampered with the noble system of the common law, assailed the principle of vested rights, struck at the very principle of constitutional government by asserting for the people in caucus the rights and powers which they can have only in convention legally assembled, and removed as far as possible every obstacle to the immediate expression in law of the will or caprice of the majority for the time. We have, in a word, done every thing we could to render our government an absolute democracy, as incompatible with liberty as absolute monarchy itself. Conservatism has come to mean, with us, filibusterism, the acquisition of our neighbor's land, the extension of negro slavery, the reopening of the slave trade, and placing under the ban of society every publicist who raises his voice against such conservatism.

We advocated, with reluctance indeed, the election of Mr. Buchanan in 1856, but our worst apprehensions have been realized. We can hardly call to mind a single statesman-like measure that he has recommended, nor a wise act of much magnitude his administration has performed. If he has defended a sound constitutional principle, he has coupled its defence with a principle or measure of a totally different character. In the Kansas affair his course is indefensible, for, though right in maintaining that it is not necessary to the validity of the constitution that it be submitted to the people for ratification, he was wrong in promising the people of Kansas that it should be so submitted, and equally wrong in accepting and presenting the Lecompton constitution to congress as the constitution of the state of Kansas, knowing as he did that the Lecompton convention and its constitution were a manifest fraud. We do not agree with Mr. Douglas in his doctrine of squatter sovereignty, or the legislative capacity of a territorial people. A territory under our system is neither a state organized nor an inchoate state; it has no existence but what it derives from the federal government, no rights or powers but those conferred on it by congress. While a territory it has no autonomy, no substantive political existence. The power of congress over it is no doubt limited,



but by its own constitution, not by the rights and powers of the territory. If congress has the right to legislate on the question of slavery, it may delegate the exercise of that right to the territorial legislature, and that legislature may authorize or exclude slavery as it sees proper; but if congress has no right to legislate on the subject, the territory can have none. The pretence that congress cannot intervene, and yet that the people of a territory, remaining a territory, can settle the question of slavery or any other question demanding legislation, is simply absurd. Either congress has power to legislate on the subject of slavery in the territories, and then to admit or exclude it, as it judges proper, or there can be no legislation on the subject, till the territory becomes a sovereign state. In no way, then, can Mr. Douglas's doctrine, if it aims at any thing more than transferring the dispute from congress to the territory, be defended. His doctrine of popular sovereignty, as we understand it, is the most dangerous doctrine that can be asserted, and one which every American statesman should set his face against. On this point we agree with the southern statesmen, whose interest has led them to deny it, and assert the principle of vested rights. Mr. Buchanan's fault is that while fully acknowledging, and pledged to maintain the doctrine, he has acted against it, and in a case where by acting against it he sanctioned a manifest fraud.

There are only two ways in which a territory can legally pass from a territory to a state, the one is by an enabling act, as it is called, and the other by the adoption by the territorial people of a constitution, and presenting it to congress in the form of a petition to be admitted into the Union. The latter is irregular, but not illegal, and is valid the moment congress grants the petition, which, in this case, it may do or not, as it chooses. In the former case, supposing the constitution formed under the enabling act is republican, and contains no provision repugnant to the constitution of the United States, congress is bound to admit the new state, provided it has satisfactory evidence that it is really and in good faith the act of the people; otherwise it is its duty to reject it. Only the people in convention, with whom rests the entire political power under our system, can frame a constitution. The people in convention, not out of it, are the supreme political sovereign; and it rests with the people so assembled, in person or by their delegates, whether the instrument drawn up shall be submitted to the

people as simple electors or not. It is usual to submit it, and it is, perhaps, always expected that it will be done, but the submission is not essential to the validity of the instrument. Nay, it is well now and then that it should not be submitted, so that the distinction between the people in convention and the people out of convention, of which we are fast losing sight, may be brought fresh to the public mind. The Lecompton constitution came before congress in neither of the ways mentioned, neither under an enabling act, nor as a petition voted by a majority of the electors, and it was notoriously not the act of the people of Kansas. It should therefore have been rejected by congress, and not entertained for a moment. The president's attempt to force it as a constitution on the people of Kansas, was therefore unauthorized, and an attempt to usurp for the federal government a power not conferred by the constitution, and that is in direct derogation from the principle of state rights, so firmly and so justly sustained by the South.

There is more in this than at first strikes the eye. It was an attempt to destroy our republican system, and to introduce the old caesarism of pagan Rome, and to repudiate, as France, Austria, Spain, and Naples have repudiated it, the order of civilization which we have had the happiness of inheriting from our fathers. Almost the only principle we have retained from Germanic Europe, is embodied in our doctrine of state rights, — a doctrine which assumes the states to stand on a basis of their own, and to be anterior to the Union, instead of holding from it, or existing under it, as the source of their rights and powers, which would assimilate the state to the territory. If we mean to preserve our system of government and prevent our republic from falling under monarchical caesarism on the one hand, or democratic caesarism on the other, we must at every cost, be it even civil war and bloodshed, resist the practical adoption of the doctrine that the states hold from the Union. No man whose eyes are open can fail to see that the ultra-centralized democratic tendency of our people is aiding a tendency to imperial caesarism, and that when the purely democratic tendency has destroyed, as it is destroying, constitutionalism, we shall find that we have inaugurated not a constitutional or limited monarchy surrounded by republican institutions, which would be enduring, but such a monarchy as centralized democracy always begets, that of imperial Rome, what we call imperial caesarism, such as now exists in France and

Austria. Every thing in the northern, middle, and western states, if not in the southern, is pushing us through democratic absolutism in the direction of caesarism, and hastening the day, when by a *coup d'état* the president will make himself a *parvenu* emperor. That is the direction things have been taking ever since General Jackson became president, and which nothing as yet has been able to divert.

In his foreign politics the president seems not to have been wise, active, or successful. He might easily when minister to Great Britain, if he had been so disposed, have settled satisfactorily the Central American question, but he preferred to leave it open as an issue to help his nomination and election to the presidency, and as a chance to acquire glory for his administration. Its settlement now seems further off than ever, and has by mismanagement become so complicated that, if ever settled, it will receive a Franco-British, not an American solution. For ourselves we shall be glad to see it settled in any way that will secure a free transit across the isthmus to the commerce of all nations, and close the Central American states to the operations of filibusters.

We have, no doubt, just causes of complaint against Mexico, a republic which can hardly be regarded as a state; but the lust for territorial acquisition has prevented our government from either taking the proper steps to obtain justice for our own citizens, or offering its own friendly offices to assist the distracted republic in reëstablishing legal order and preserving peace. We have been quite willing to see her fall to pieces, counting with certainty on getting the fragments at our convenience. We have thought that a little idle declamation about the "Monroe doctrine," wholly inapplicable to the case, would guard our destined prey from any attempt on the part of a European power to snatch it from us; but without an army, and with a navy inferior to that of Spain, our fulminations of the Monroe doctrine are not remarkably terrifying to Europeans, and we find now that France and England are quite likely to disregard them. The proposition of the president to congress, to authorize him to invade and establish a protectorate over the northern provinces of the republic, has aroused the vigilance and activity of Great Britain, and we shall hereafter have to reckon with her in Mexico as well as in Nicaragua and Costa Rica.

We have no great choice between the rival parties strug-

gling for power in Mexico, for we have no confidence in the loyal intentions of the chiefs of either. Let which will succeed, the church and society will suffer; order will not be re-established, or the condition of the poor people ameliorated. The elements of a well organized, orderly, efficient, and progressive government, are wanting in Mexico. The mass of her population are uninstructed, ignorant, and poor, only a degree above the condition of slaves; the higher classes are fearfully depraved, perhaps outwardly Catholic, but to a great extent without faith, or affection for the true interests of the church. There may be, and no doubt are, many among the clergy who are learned, pious, and sincerely devoted to the duties of their sacred calling, but there are large numbers whose conduct is irregular and disedifying; while the regulars, or religious orders, possessing considerable revenues, will consent, even with the approbation of Rome, to no reforms or changes necessary to restore discipline, and place religion on a proper footing. Under these circumstances religion suffers, and society with it. One party confiscates the property of the church, and the other takes it under pretence of defending it; and the church is alike robbed by her pretended friends and her avowed enemies. There is little hope that the robbery will be discontinued, let which party will succeed, till the church has lost her last dollar, her connection with the state is dissolved, and she is thrown on the voluntary affections of the people, and her own resources as the spiritual kingdom of God. The absorption of Mexico into our Union, so far as it would have this result, would, in our judgment, be no disaster, but a real gain to religion, though the church for a time would lose many now nominally her children. The same result would follow were she to fall into the hands of Great Britain, but not if she fell into the hands of France, or again into the hands of Spain. To become healthy, strong, and vigorous, Catholicity must, in our days, struggle with heresy and infidelity, and if her limbs be unbound, and the field be open and free, nothing needs to be apprehended. We think our government, when it had conquered Mexico, would have done her and the Catholic religion a real service if it had annexed her to the Union, and extended over her gradually the protection of our English common law, and germanized her. It is too late now. Both England and France are in our way, and though we could, on our own territory, where all our resources are at hand, and we can

bring all our forces to bear, withstand either or both combined, we cannot in a foreign country, or even on the ocean, do more than come off second best with either of them. A war with Great Britain is out of the question. Our mercantile classes, our cotton and rice planters, our pork, beef, and wheat growers would shrink from it with horror. She is the great consumer of our raw products, and the centre of our exchanges with whatever part of the world we trade.

We should have no serious objection to see Cuba one of the states of this Union, and it is a "fixed idea" of the American people, that if she passes from the possession of Spain, she must pass into that of no other European power. That she may some day be annexed to the Union is far from improbable, but the bill introduced into the senate, at the recommendation of the president, appropriating thirty millions of dollars towards obtaining it by purchase, is one of the coolest things we have ever read of in history, and we know not whether to regard it as the more insulting to our own national honor or to Spain. It is true we purchased of Napoleon I. the territory of Louisiana, and purchased it at a bargain; but it was in the market, and if there was dishonor it was on the part of the sovereign who offered it for sale, not on the part of the state that saw fit to purchase it. But Cuba is not in the market, and the president is as well aware of that fact as we are. We might take Cuba by force, though not without a larger army and a larger and better appointed navy than we now have; but we are not rich enough to buy it. Spaniards are not precisely Anglo-Americans. . Not a few of our people, we are sorry to say, are ready to sell any thing they have, if at a bargain—there is nothing too sacred to be parted with. The husband would hardly hesitate to strip off and sell his wife's wedding ring, if he could obtain for it a hundred or even fifty per cent advance on its cost. No homestead is so sacred that they would refuse to sell it at a fair price. Indeed, they would sell the very graves of their ancestors, and even their bones. It does not occur to these that there is any thing censurable or regrettable in this, or that in regard to such matters any people can think, feel, or act differently from them. What is sentiment when it stands in the way of hard cash? But all people are not like this large portion of Americans, and the people of Spain less than most others. Spain may have lost in physical force

and in material splendor, but she retains her old Castilian pride, and her high sense of national honor. Cuba may be wrested from her by revolution or by foreign conquest, but she will never sell it, least of all to us, who have for so many years by our disloyalty, our filibusters, and our tampering with her subjects in Cuba, put her to such enormous expenses to retain it. There is something even more insulting in the reasons which it is proposed to offer to Spain to induce her to sell Cuba, than even in the proposition itself to buy it. Our minister is to say to the Spanish government: "Your possession of Cuba is distant and precarious, and it costs you a large sum annually to defend it, an expense which, in your present straightened circumstances, you can ill afford. We want Cuba; it is indeed very important, almost necessary to us, and we are ready and willing to buy it at a very liberal price, and hand you over the cash for it. You had better close with us at once, for if you will not sell it to us, we shall be obliged in our own interest to take it, and you will lose it and get nothing." We forget that it is precisely we who render her possession of Cuba precarious, and our disloyal acts that render necessary the enormous expenditures for its preservation to the Spanish crown; that the series of acts that render its possession precarious are ours, and that these acts on our part are done precisely in order to force her to sell it. A neighbor owns a farm adjoining mine, which I want, but which he has no disposition to part with. I enter into a league with his workmen on the farm to break down the fences, destroy the crops, and kill the cattle, horses, and sheep, and then I tell him, "You see, sir, your farm is worthless, and only a bill of expense to you. It costs you more to keep it in repair than it is worth, and more to keep a proper guard on the cultivators than all you can derive from its produce. It is decidedly for your interest to sell it. Furthermore, if you will not sell it, I shall be obliged to take forcible possession of it, in order to remove the scandal of such bad farming from my neighborhood." "But," he replies, "if you would conduct yourself as a good neighbor, and let my husbandmen alone, there would be no difficulty, no bad farming in the case. What do you think of your own conduct, in rendering my farm useless to me in order to induce me to sell it?" This is the way we treat Spain with regard to Cuba.

But nobody is deceived in the case. Neither the president nor congress, neither Benjamin the Jew, nor Bennett

the Scotsman, expects to obtain Cuba by purchase. The offer to buy and pay is intended, after the act is done, to be a plea in justification to public opinion for taking possession of the island by force or revolution. We are informed, on what ought to be very high authority in the case, that a republican insurrection is completely organized throughout the island of Cuba, so complete and so strong that it is sure of success, if its leaders can only have an assurance from our government that when they have struck their blow, declared their independence of Spain, and instituted the republic, they will be received into the Union as a state. It is on this republican revolution of the Cubans themselves under our encouragement and fostering care we chiefly rely, and the offer to buy, and the bill appropriating thirty millions towards carrying into effect the negotiation for the purchase, are intended to be offered as a proof that we are disposed to deal honorably with Spain, and also, if the bill pass, to be an assurance to the Cubans that we are willing to receive her into our family of states. The latter is the principal purpose. The bill has been introduced into congress chiefly for the purpose of committing congress and the people of the United States to the Cuban revolutionists. Hence the effort to manufacture public opinion throughout the Union, especially at the North, in its favor. The American people are not quite so unscrupulous as the administration and its supporters, and they need management and to be made to believe that in receiving Cuba they are not receiving stolen goods. The bill having failed this session of congress, we suppose the Cuban revolution will be adjourned for another year.

With regard to the Cubans we have no doubt from all we can learn that they have good reason to complain of the government of the mother country. They are held under a rigid despotic rule, indeed a military despotism, and studiously excluded from every office of trust and employment under government. They have no recognized rights, and may be arrested, executed, imprisoned, or exiled on the slightest suspicion. We have great sympathy with them, and sincerely wish success to any just measures they may adopt, *motu proprio*, to improve their political and civil condition. But we do not think that our people or our government are justified in interfering in the case. They are the subjects of Spain, and if they proved themselves loyal to Spain, their condition would soon become tolerable. Re-

ligion, we have no doubt, would gain by their annexation to the Union, for Catholicity is at present more vigorous, more healthy, more progressive under non-Catholic than under Catholic governments; but in reality we do not want Cuba. In a military point of view, its annexation would extend and weaken our line of defence. It would not give us the command of the gulf and enable us to make it a *motu clausum*. In a commercial point of view, it would perhaps extend our trade, but add little to the revenues of the government. It is wanted only to give us another slave state, and to strengthen the institution of slavery, which after all it would weaken. The South is strong, if she remains as she is, and does not attempt to extend slavery beyond its present limits, or to acquire new slave territory. Slavery and the free labor system are decidedly antagonistical, and the expansion of the one necessarily resists that of the other. It is not possible that the slave system of labor should triumph in this country, and the South may as well give up the hope of it at once. There is yet power enough in the southern states, and loyalty enough to the constitution in the northern to protect slavery where it is; but let the South attempt to extend it beyond its present constitutional limits, and she will lose what she has. Secession from the Union, and the formation of a southern slave republic, even if attempted, will not save slavery, but precipitate its abolition. The attempt to go beyond the constitution in support of slavery made by the supreme court in the Dred Scott case, has destroyed much of the respect hitherto entertained for its members, and weakened the hold of the judiciary on the public mind; and the attempt on the part of the president and his advisers has demoralized the Democratic party throughout the Union. A pro-slavery party can no more succeed than an abolition party, and is no more in accordance with the constitution, while it is less in accordance with the sentiments of the great mass of the American people. If Mr. Buchanan had taken the advice we gave him in January, 1856, he would have found himself to-day at the head of a strong Union and constitutional party, able to elect his successor, and to govern the nation. He did not see proper to listen to it, and he finds himself now without a party, with scarcely a supporter but the *New York Herald*, and failing in almost every measure of foreign or domestic policy he has recommended. Never have our politics stood lower, never the reputation of our republic so low.



We have left ourselves no space to enter into the discussion of the internal politics of the several states, or to dilate on the corruption so rife in both the federal and state governments, the frauds in the business world, and the low moral tone of the community generally. We are beginning to experience the legitimate fruits of the democracy which we have since the election of General Jackson been encouraging, and which has gained almost a complete victory over our original Germanic constitutionalism; but we think we see an incipient reaction against the democratic interpretation given to our institutions. We think the breaking up of the Democratic party a great gain, even if it only results in the party that succeeds it doing so under another *name*. To get rid of the *name* is of great importance, for the name has a logic in it, that they who bear it will even unconsciously labor to develop and push to its last consequences. A party christened *democratic* can never be practically conservative. It can never emancipate itself from the despotism of its name. Whatever party succeeds in 1860, we trust it will not be called *democratic*, and any party in the country, not called by that name, will prove a gain. We do not sympathize with the Republican party so called; it is not purely republican in contradistinction from democratic, has too many democratic principles and tendencies, and is tinged with abolitionism, is even yet a little woolly-headed; but it has a good name, and if it succeeds to power under that name will be forced to eliminate its democratic elements, and develop in a constitutional sense. It is even now assuming a ground less unconstitutional than that which it formerly occupied, and approaching, on the question of slavery, a policy equally removed from abolitionism and proslavery. We should not fear its accession to power so much as we did in 1856. The election even of Mr. Seward to the presidency would do less to try the strength of the Union than the election of Mr. Buchanan has done. Even the American party, if it has really dropped the dark lantern, and given up its organization as a secret society, of which we are far from certain, would be preferable to the success of the present Democratic party. No party can succeed here that to any serious extent proscribes naturalized citizens, or pursues a really illiberal policy towards foreigners. It may succeed in this or that locality, but never in the nation at large. As for Catholics they may experience annoyances, vexations, but no party will ever be able to dis-

franchise them or to deprive them of their equal rights as citizens. Religious liberty is the law of the land, and will not be seriously disturbed, unless radical democracy becomes a mob, and ends in establishing by universal suffrage an absolute monarchy or caesarism, as it has done in France.

In Great Britain the statesman has to study to preserve the hereditary element of his government, against the tendency to absolute democracy. Here he must study to roll back the democratic wave, and to reassert constitutionalism. He has here to rescue the country from that centralized and despotic democracy which we have borrowed from Europe, and guard against the caesarism which now weighs down all the Latin, Sclavonic, and most of the Teutonic nations of Europe. The real antagonist of that caesarism is not democracy, but the British system, which was originally also our own, and intended, as far as applicable to the condition and wants of our people, to be preserved in our state and federal constitutions. We do not think it too late to resist the democratic tendency we have followed too long, and to return to a government of law instead of a government of mere will, or of demagogic manœuvring, intrigue, and cajolery.

We need not say that we are attached to our American institutions as they were left us by our fathers. What we oppose is the substitution of Jacobinical democracy for true American republicanism. We do not distrust the people or seek to limit their power. We hold the people in convention are our political sovereign, and the only political power there is in the country. What we oppose is, that because they are sovereign when in convention assembled they are sovereign out of it, in their simple capacity as population, which is, we take it, the essence of democracy. Return to the real theory of our government, and administer it in accordance with that theory, and we shall be satisfied. It is all we ask, or ever have asked.

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[The foregoing essay was produced by the late Archbishop Kenrick of Baltimore and Dr. Brownson conjointly. As the part of each cannot well be separated, the whole is here published.—ED.]

## NAPOLEONIC IDEAS.\*

[From Brownson's Quarterly Review for July, 1859.]

THIS work, which attracted less attention when first published than it deserves, is important both as an apology for Napoleon I., and as indicative of the policy of Napoleon III. It was written when its author was an exiled prince, and comparatively few ever dreamed that he was ever destined to occupy the French throne, or to play a prominent part in the political drama of the world; but now that he is seated on that throne, though as yet uncrowned, and threatens to follow in the footsteps of his illustrious uncle, it will probably be read, and the principles and policy it sets forth be carefully studied. We have always done justice to the abilities of Louis Napoleon, and we believed him to be as much as he has since proved himself, when nearly all the world counted him mad or little better than a fool. That he is the ablest sovereign in Europe no man can doubt, or that he is the least scrupulous. That his reign will redound to the glory of France and to the general good of Europe is not so certain. For ourselves, we believe still in truth and honesty, and expect no solid good for individuals or nations from their violation.

What most strikes us in this remarkable work, is the total absence of every moral and religious conception on the part of its author. Reasons of state are for him the supreme law, and material good the final end of man. Religion and morality, when they do not interfere with state policy or impose any restraint on the prince in his public or private conduct, are no doubt to be tolerated;—the clergy, as long as they do not aspire to power or influence, or to be a governing body, and keep in their place and tell the people to be submissive to Caesar, may be encouraged and even salaried by the state, whether Catholics, or Protestants, or Jews. But it is essential that they have no power even as a spiritual body not subjected to the direction and control of the prince. The work shows us clearly enough that the em-

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\**Des Idées Napoléoniennes*, par le PRINCE NAPOLEON-LOUIS BONA-PARTE. Bruxelles : 1839.

peror will not suppress or make war on religion as long as he can use it, or as long as he does not find its practical influence interfering with his state policy. It commends Napoleon I. for keeping the clergy in subjection, suppressing monastic orders, and maintaining everywhere the supremacy of the state, and finds no fault with him for his treatment of either Pius VI. or Pius VII. Every question it treats is treated from the point of view of a low human policy, and the author gives no indication that he has ever heard that a policy to be wise must be controlled by justice, and that there is a King of kings and a Lord of lords, whose will even Caesar is bound to obey. His conceptions are in general further removed from Christianity than those of a respectable heathen, and make the emperor a God on earth.

The ideas of the first Napoleon, it seems, were very different from what appearances indicated, or the world in general supposed, and perhaps still supposes. He was free from selfishness, disinterested, and ambitious only to do good. He was "the testamentary executor of the revolution of 1789," and labored only to secure its practical results for France and the world. He organized its principles, and made it his mission to establish them for all nations. His wars were never wars of aggression, nor were they wars undertaken to redress wrongs done either to himself or to his subjects. They were not wars for the aggrandizement or, till the last, for the defence of France or of himself, but wars waged in the sacred cause of humanity, to liberate oppressed nationalities, to establish the freedom of the people and the autonomy and independence of nations. He had conceived a grand system of European organization, entirely in the interest of liberty and the social and national prosperity of mankind, and went forth as its armed propagator. There were nations not prepared to adopt it, and these he had to convince or to subdue. He was the prophet of the *Code* and took that in one hand and his sword in the other, and as a second Mahomet, bid the nations accept the one and be happy, or prepare to fall by the other. He did not want war; he wanted peace, and when he could succeed without war he preserved peace. When he went to war it was only to force the enemy to accept his system, his religion of materialism, as that which was sure to work out their felicity. He was a true representative of the fraternity preached by the French revolution of 1789, which, as somebody has described it, was,

"Harkee, stranger, come and embrace me as your brother, or I will cut your throat." The nations he conquered and held in subjection, he intended to liberate as soon as he had trained them for independence and freedom. His design was to restore all nationalities to their independence, with a wise and efficient internal organization and government. He failed in his wise and beneficent intentions, because he was almost constantly engaged in war, and he was almost constantly engaged in war because there was one nation, the *perfidious Albion*, he could neither convince nor conquer.

The nephew, now emperor of the French, intends, it is fair to suppose, to resume and carry out, or put in the train of being carried out, the policy of his uncle. This policy, the author tells us, was the organization, on the principles of 1789, of a "federative Europe;" a policy, if practicable, and attempted by wise and just means, we are far from regarding as censurable, or as ill-adapted to the wants of European society. But Napoleon should have recollected that a federative Europe is inconceivable without a federative government, which must derive its existence and powers from the free action of the states federated, and that these states had not constituted him their sovereign and supreme legislator. If his nephew is to be believed, all his wars, except those after his Russian expedition, were really wars of propagandism, or wars to impose his political and social system on Europe; such wars are seldom, if ever, lawful, and are nearly always inexpedient. Napoleon started, we are told, with the principles of the revolution of 1789, but no permanent order can be founded on a revolutionary basis, and we can never arrive at liberty through the practice of tyranny. We cannot impose liberty on a nation by force of arms, because the employment of force against a nation for such a purpose, is a direct denial of its liberty. No people can receive its liberty from another; and any people to become free, must itself achieve its freedom by its own energy, courage, and heroism. To destroy a nation's independence, as the condition of enabling it to maintain its independence, is about as wise as to destroy the life of a plant in order to facilitate its growth, or to improve the beauty of its flower, or the quality of its fruit.

Napoleon, if he really contemplated a federative Europe, misconceived its character and conditions. In a federation, the central power holds from the federated states, and is their creature; but the Napoleonic idea made these states

themselves derive both their existence and their powers from the central authority. The federated states elect the federal chief, and determine his rights and powers, as under the Carlovingian constitution; Napoleon reversed this, and his pretended free and independent nations could only have been provinces, prefectures, or vassals of France. The kingdoms he created and placed under members of his family, had no national autonomy, and existed only for the interest or glory of France, as his brother, the king of Holland, bitterly experienced. These kingdoms were created by Napoleon, and for his French empire; and their nominal sovereigns were allowed to have no will of their own. They must look to him, and obey him as their master. To tell us that they were organized with a view to nourishing and consolidating their nationality, and preparing them to become subsequently independent nations, is to pay no great compliment to our political understanding.

The nephew shares, we presume, the ideas of his uncle, and we have no doubt he intends, one after another, to carry them out; but he will proceed with less rashness and more moderation, and will be very cautious, as long as he is master of the situation, not to push matters to extremes. Yet we think he has less chance of succeeding than had his more brilliant and richly endowed uncle. He will find that there is more than one nation he can neither convince nor conquer. He succeeded in his policy in the Crimean war, made England contribute to the consolidation of his power in France, and won, by his moderation after victory, Russia to be his friend, and perhaps ally for a time. He has taken his second step with consummate prudence, and with an adroitness equalled only by his unscrupulousness.

He has contrived, while suppressing liberty in France, to appear as its champion in Italy, and against Austria, the most decried and unpopular government in Europe. To fight for Italian liberty against Austria, is, in the minds of a large part of the world, to fight for the revolution against the pope, and against both Catholicity and despotism. This enlists on his side the sympathies of all the liberals of all nations, if not their active coöperation, and, if he could make other nations believe that he will stop with putting an end to Austrian domination in Italy, without substituting for it that of France, he would be sure of encountering only the Austrians for enemies. But a man who has proved that he can be bound neither by treaties nor by oaths, cannot inspire

confidence. Nobody believes his professions, and nobody believes he will abide by any pledge he may give, unless he finds it for his interest to do so. Germany does not and will not trust him; and England, while she would not grieve to see Austria expelled from Italy, can never consent to see France installed in her place. France in possession of Italy, with the present expansion of her navy, excludes England from the Mediterranean, breaks up her trade with the East, and interrupts her communication with India by the way of Alexandria and the Red Sea. Great Britain, as a first class power, cannot suffer France to add Italy to her empire, either directly or indirectly, and whatever her anti-papal prejudices, she will never suffer it, so long as she can prevent it. Unless the war terminates speedily, and leaves the balance of power unaffected, it must become general, and turn into a war between the Germanic and so-called Latin nations, in which the Germanic nations are not likely to come off second best.

For ourselves we have no special sympathy with Austria, and we should be glad to see Italy restored to her autonomy, and taking her proper rank as a free, independent, and united nation. If the French expedition to Italy results in reëstablishing Italian independence, and opening a career for the Italian nobility, which they now lack, we shall not regret it; yet we have no belief that such will be its result. French expeditions to Italy have usually proved disastrous, both to her and to France. The French have hitherto proved themselves more successful depredators than liberators. Their domination in Italy, under the first Napoleon, was such as to make the return of the Austrians hailed as a blessing; and we have no reason to think that the French are any better now than they were then. As between the French and Austrians in this war, our sympathy is with the latter. Austria has given no cause of offence either to France or to Sardinia; she has violated no treaty, broken no faith with either. She has simply stood on her legal rights, while scrupulously respecting the rights of all others. She has done nothing to provoke hostility, and the war is one of pure aggression on the part of France and Sardinia. We know the talk about bad government, but everybody knows that the most prosperous and best governed part of Italy, is that part which is under Austrian rule. Piedmont is by no means so well governed, is by no means so prosperous as the Lombardo-Venetian kingdom, and her subjects have less freedom. The

"cry of anguish which comes to us from Italy," comes almost exclusively from Piedmont, or from Piedmontese, and there were far better excuses for the French to intervene against Sardinia than in her favor.

We are strongly attached to constitutional and parliamentary government, but we have never regarded the constitution of Sardinia as any thing more than a mockery, fitted only to throw power into the hands of a faction. No country in Europe has been worse governed for the last eight years than Sardinia. There is none more deeply in debt, in proportion to its resources, and none in which the people are so heavily taxed. A large portion of the people are actually or virtually serfs, and have by no means the personal freedom, or the material well-being of the rural population of the Lombardo-Venetian kingdom. The liberty the Piedmontese constitution secures, is liberty for the nobles and wealthy burghers to task the rest of the nation. Yet even such liberty as the constitution was intended to secure, is now suppressed. The parliament is prorogued, probably never to assemble again; and the king governs as absolute dictator under the emperor of the French. The French hold the strong places of the kingdom, the Piedmontese army is absorbed in the French, and Victor Emmanuel is simply a general of division in the imperial army, under the orders of Napoleon III. We cannot say what the future will bring forth, but at present Sardinia is absorbed in France, and has no more autonomy than Lombardy or Venice, and if the French are victorious and the emperor regards it as safe to annex her, she will find herself at the conclusion of the war, once more a part of the French empire, governed by an imperial prefect. We think she would do well to secure her own freedom and independence, and set an example of good government, before assuming to be the champion of Italian liberty and independence. Napoleon III., who has by a *coup d'état* destroyed the republican constitution he swore to observe and defend, suppressed liberty, and established a worse despotism than it can be pretended obtains in Austria, does not strike us as the most suitable person to establish Italian independence, and to consolidate the freedom of the Italian people.

The Napoleonic system is no better than the Austrian, and in fact not so good, for it is less honest and frank, and deals largely in fraud and deception. It professes to recognize popular suffrage, but the bodies it suffers to be elected



have no substantive power, and are mere instruments for aiding the emperor to carry out his will. His breath has made them, and his breath can unmake them. The emperor boasts that under his system the equality of all citizens is recognized and secured; but that is little, for despotism is a universal leveller, and all slaves are equal. The question is not, Are all equal before the law? but, Does the law recognize and protect the equal rights of all? It is nothing that all Frenchmen may vote for members of a legislative body, when by the constitution that body is a sham, and can only register the imperial will. A legislative body is of no importance, unless it has power to bind or to resist, if necessary, the executive. This is not the case with the senate and assembly of France. They have no power. The departmental or communal bodies elected by the people, as popular institutions, are only shams, for they have power only as instruments of the imperial will. Look through the whole imperial constitution, and you will find that there is no substantive power in the empire, but that of the emperor. To attempt to palm off such a system of downright caesarism as a system of liberty, or to pretend that to fight for its extension to Italy is to fight for Italian freedom and independence, is an outrage upon common sense. But to pretend that the upholder of this system has the right to make war, without any provocation, in the name of liberty, upon Austria, is something a little too gross to be swallowed.

How then can France justify the present war, which is really one of her own making? By what right, by virtue of what commission, does she assume to be the liberator of Italy,—she, who is herself even more than Italy in need of a liberator? The world has not forgotten that the Lombardo-Venetian kingdom is legitimately in the possession of the Austrian crown. Lombardy has been a fief of the German empire at least since the twelfth century. The Lombards, the Longobardi, from whom the province takes its name, were a Germanic people. Charlemagne was king of the Lombards, and Lombardy went on the division of the empire with his Germanic states. Even the victory obtained by the famous Lombard league over Frederic Barbarossa, while it secured the local independence of the Lombard cities, left the right of investiture with the German kaiser. Lombardy was a dependency of the house of Habsburg at the breaking out of the French revolution, and had been,

with brief intervals, for three hundred years. It was taken from the Austrians by the French, and on the dissolution of the empire was restored to the Austrians, in 1815. Venice was destroyed as an independent state by the French under General Bonaparte, and given over to Austria by the treaty of Campo Formio. It was finally confirmed to her by the congress of Vienna in exchange for the Austrian Netherlands transferred to the new king of Holland. There is no title by which France can claim to hold Brittany, or the ancient kingdom of Armorica, Gascony, Provence, Arles, Burgundy, Franche Compté, Lorraine, Alsace, or any portion of her dominions, except the ancient duchy of France, which Austria cannot plead in behalf of her right to Lombardy. To deny the validity of the treaties of 1815 as the basis of European public law, were suicidal for Piedmont, for it is only by virtue of those treaties that she holds Genoa; and there is no argument Napoleon can use to justify his making war on Austria to wrest from her her Italian possessions, that would not equally justify his making war on Piedmont to wrest from her Genoa and her former possessions, or even on himself, to wrest from his grasp and to restore to Genoa or to the Holy See, the island of Corsica, the birth-place of his family.

The emperor has made an appeal to what are called "oppressed nationalities." Did he do this in 1854 when he waged an unprovoked war with Russia to preserve for the chief of Islam the power to oppress the Greek, Slavonian, Syrian, and so many other nationalities within the Ottoman empire? Does he propose to restore all oppressed nationalities to independence? Let him begin, then, with his own empire, and restore Navarre, Brittany, Aquitaine, Provence, Lorraine, &c., to their independence; let him proceed as his next step to wrest from the house of Savoy, "his ally," which is not Italian, its Italian provinces, and re-establish them in their autonomy. He may then cross the channel and wrest Ireland from the grasp of Victoria, and re-establish the Irish pentarchy. Having done that, let him pass over to Scotland, and reinstate the Piets and Scots in their former independence. From Scotland let him pass to England, drive out the Normans, restore Wales to her autonomy, and re-establish the Saxon heptarchy. Then let him visit Russia, another of his allies, and restore Finland, Courland, Esthonia, Livonia, Lithuania, Pomerania, the Ukraine, and all Poland proper, and Circassia, Girghistan, &c., to their

independence,—but we stop. All the present states of Europe are “agglomerations” of former independent nations, or tribes, and to restore all so-called oppressed nationalities, that is, nationalities which by conquest or treaties have been in the course of time annexed to other nationalities, would be an endless and impossible task, which could not be attempted without unsettling the whole civilized world, and plunging Europe into a worse barbarism than that which prevailed at the epoch of the German conquest of the empire. It is contrary also to the “Napoleonic idea,” which accepts the revolution of 1789, and that effaced for France the provinces, established uniform departments, and sought, in the name of liberty, of fraternity, to efface as much as possible all national distinctions, as in the supernatural society they are effaced by Christianity. It is also incompatible with the modern doctrine of the “solidarity of peoples,” preached by Kossuth, the new friend of the emperor.

In human affairs prescription must count for something, and unless we mean to lapse into barbarism, and give up the nations to perpetual war, we must observe the faith of treaties, and respect the settlements they have made. No doubt the North of Italy was confirmed to Austria by the congress of Vienna for the purpose of preventing it from falling again into the hands of France, and nobody can doubt that if the Austrians were driven out, France would possess or control all Italy, and add the vast resources of the peninsula to her own. She would thus, with her warlike, enterprising, and aggressive character, be too powerful for the peace of Europe, or the safety of any other European state. We see many evils resulting from the Austrian supremacy in Italy, but we cannot persuade ourselves that more and greater evils would not result from the domination of France, and one or the other must dominate, for the whole peninsula cannot be united in a single state, and if divided at all, no one state can be found powerful enough to resist French influence without a close union with Austria, for France is essentially aggressive, or if you prefer, propagandist, and can never live in peace with her neighbors, unless she controls them, especially if governed by a Bonaparte.

France, that is, Napoleon III., since for the present he is France, is alone responsible for the present war, and the best interests of Europe, as far as we can judge, require his defeat. The peace of Europe will never be established on a

solid basis till it is clearly settled that Austria is amply able to defend herself against French ambition, however disguised under the name of liberty and humanity. France is the only really aggressive power among the great powers of Europe. Great Britain and Russia may seek to extend their dominions in the East, but the former seeks no conquest on the continent, and the latter seeks and is in fact able, to make no further advance to the West. Austria has never been an aggressive power, and has seldom, if ever, fought except in self-defence. The rest of Germany seeks no external conquest. It is only France that disturbs the peace of Europe, and renders necessary the immense standing armies now kept up, and which are so ruinous to the great powers; and even she would prove herself a peaceable neighbor when once made to feel that Austria is her match without foreign alliances. Perhaps the present war will prove that, and teach her that Austria can stand alone against her. We hope it will, for then, but not till then, will the settlement of the Italian question be practicable or possible.

The bearings of the present war on the interests of religion cannot be good, let the victory be on which side it may. The settlement of the Italian question, as Napoleon wishes to settle it, requires the pope to be absolutely stripped of his temporal sovereignty, or to be rendered absolutely dependent on France for protection against his Italian neighbors. If Austria is driven out of Italy, the Lombardo-Venetian kingdom must either pass under the dominion of France, or, as most likely, at least in the first instance, be given to the house of Savoy. Tuscany, Parma, and Modena, will probably be erected into a kingdom or grand duchy of Etruria, for Prince Napoleon Jerome, and the two Sicilies be given to a Murat. No one of these will respect the independence of the pope as temporal sovereign; and least of all, the house of Savoy, which has ever been a bitter and persevering enemy of the Holy See. Possessing the whole North of Italy, it will be constantly seeking to extend its power southwards, at the expense of the papal territory, in which it may count on an ally in the Prince Napoleon; and what protection against either can the Holy Father find but in France? Austria, driven out of Italy, and without a navy, can no longer come to his aid, and the other great powers are heretical or schismatic, and will not. Whether stripped of his temporal power or not, the pope will be at

the mercy of his Italian neighbors, and have no power on which he can lean, but France, and France unrestrained by any other power. He will be far more overborne and oppressed by France, than he is by Austria now: and his difficulty in reconciling his duties as sovereign pontiff, with his interests as an Italian prince, will increase a hundred fold. If the French are defeated, the conservative influence of Austria will prevent any of those reforms in his estates which, no doubt, time and its changes have rendered necessary, and the clamors raised against the papal government, to the great detriment of religion, will continue louder than ever.

It is true the temporal sovereignty of the pope is not essential to his existence as sovereign pontiff. But if he is not a temporal sovereign, he must be a subject. There is no middle ground. Of what power shall he be the subject? Of Sardinia, Etruria, Naples, Austria, or France? As the subject of one or another of these, he would, indeed, retain his infallibility in deciding questions of faith and morals, but he would cease to be free in the government of the church, in regard to discipline and administration. The Franks were real protectors of the Holy See—the French have seldom been. The Bonapartes may profess much, but they have inherited a large portion of Greek dissimulation, and of Italian astuteness, and they can never be trusted. Napoleon I. proves what they are when dealing with the papacy. The Napoleonic idea is, that Cæsar is supreme, and that Peter must be subservient to him. Napoleonism uses the clergy, but it has no respect for the rights of religion, and never concedes the supremacy of the moral order. It places Cæsar above law, and requires him to be worshipped as a divinity. It protects the pope so long as he wields his temporal and spiritual power in the interests of Cæsar, and when he refuses to do it, it drags him from his throne, carries him a prisoner into France, and confiscates his estates. That is the "Napoleonic idea," which we are old enough to have seen acted on once, and are perhaps young enough to see acted on again.

We are told France is too Catholic to suffer such an idea to be carried out. Perhaps it is so—we should be glad to believe it; but we fear that the more hostile the emperor proves himself to the papacy, the more certainly can he count on the support of the most energetic class of Frenchmen. The dominant thought, the reigning intellect of

France, is, if not absolutely Voltairian, at least decidedly anti-papal. The peasantry may love processions and the external forms and pomp of religion, and may speak very affectionately of *le bon curé*, but they have little of the soul of religion, and will follow the lead of the emperor, and place the glory of France above the glory of Heaven. But, after all, let the result of the war be what it may, the papacy will survive, and Catholicity will prosper. England and Russia, anti-papal as they are, will be used by Providence in his service, as they were before, and if Napoleon attempts to follow out the policy of his uncle, he can hardly fail to meet his uncle's fate.

One word more, and we conclude these desultory remarks. We are accused of disliking the French, and hardly less effort has been expended in making us pass for anti-French, than has been expended to make us pass for anti-Irish. We do not dislike the French; we do not dislike the French nation, but we do not like the French government, French ideas, French tastes, or French influence. France has many of the finest conceivable traits of character, and a large population that for intelligence, for faith, for piety, and for solid worth, is unsurpassed, if not unequalled elsewhere. But it so happens that the good in France, as in other countries, are not in power, and are not the part of the nation that shapes or controls its policy. Louis Napoleon feels it far more important for him to conciliate the anti-papal, sneering, scornful, irreligious portion of the French people than he does the truly Catholic portion; and his whole conduct since he became emperor proves it. Were he to push matters to extremity with the Holy Father, the bishops and clergy of France would certainly regret it, and a few would make reclamations, but even the Catholic part of France would not rise against him, or cease to give him their loyal support,—till they found him ceasing to be successful. For ourselves we do not believe there is faith enough, or sufficient attachment in the mass of the French, or of any so-called Catholic nation of Europe, to move them to do bloody battle for religion; and therefore we do not believe the obstacles Napoleon has to fear are on the side of Catholic France, or the Catholic feeling in any part of Europe. Public sentiment in Europe is anti-papal, and anti-clerical, if not absolutely infidel. Nothing but physical force or political reasons will restrain the emperor in any expedition he chooses to set on foot. Providence will protect his

church, but more by means of the rivalries and jealousies of the great European powers, than by the courage or devotion of the faithful. It is sad to think it is so, but so we believe it is, and hence we regard with sad forebodings the future of Europe. In the present war neither party represents the Catholic cause. Austria would simply preserve the *status quo*, and Napoleon would simply efface the papacy as a political power. The sympathies of Europe are with him rather than with Austria, but the political and other interests of Great Britain and Germany are against him, and these may enlist them against him, and in so doing sustain the pope as temporal sovereign. But things cannot last in Europe as they are, for the present constitution of European society is rotten to the core, and a grand break up, sooner or later, is inevitable.

Europe seems to us not unlikely to follow the old Asiatic world, and, after a few more struggles between the despots and the mob, to fall under oriental despotism. Especially does this seem to us to be true of the so-called Latin nations. We have no hope from these nations, whether French, Italian or Spanish. They have been false to the faith, they have deserted their God, and he perhaps will desert them. Our hope is in the yet unexhausted energies of the Germanic nations, and especially in this New World. The church has to create a new Christendom, and out from the new must go forth the forces to redeem the old. The field of Catholicity in a few years will most likely be transferred from the South to the North of Europe, and to the United States of America. In both the North of Europe and in the United States Catholicity will spread and become predominant, as soon as it is seen to be fairly detached from the effete or despotic civilization of the southern nations. Let Austria perish, let France perish, Germany, Great Britain, and the United States remain, and the church will soon repair her losses. It is for these nations themselves, not for the church, we fear.

In the complications of our times we think Catholics have really more to hope from Protestant Great Britain, than from any so-called Catholic state; and hence we think it time for us to change the tone of our remarks towards that nation, the only bulwark of liberty in Europe. We deny, we palliate none of her faults or her crimes, but we would see the bonds of friendship between her and Catholics everywhere drawn closer and strengthened. This is a

new position for us, we grant ; but the true Catholic will never suffer his prejudices to prevent him from pursuing the just policy most likely to promote the interests of his religion. A close union of Great Britain and the United States is needed to sustain the cause of true liberty, and to create a balance of power alike against European despotism and European Jacobinism, the two principal enemies of Catholicity. For us Catholics, in this country, our duty is to stand by the cause of freedom, and to labor incessantly, under the inspirations of the successor of Peter, to gather this great and growing nation into the one fold of Christ, that we may in the faith and piety of the West balance the defections in the East ; and if we duly consider it, Great Britain is more an American than a European power, and she and we have very much the same interests and tendencies.

END OF VOLUME XVI.











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