

# **ESSAYS ON GOVERNMENT**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649050703

Essays on Government by A. Lawrence Lowell

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**A. LAWRENCE LOWELL**

**ESSAYS ON  
GOVERNMENT**



**Books by A. Lawrence Lowell.**

---

ESSAYS ON GOVERNMENT. 16mo, gilt  
top, \$1.25.

GOVERNMENTS AND PARTIES OF CON-  
TINENTAL EUROPE. 2 vols. octavo, \$5.00.

HOUGHTON MIFFLIN COMPANY  
BOSTON AND NEW YORK

Pol. Sci  
Govt  
L914e

# ESSAYS ON GOVERNMENT

BY

A. LAWRENCE LOWELL



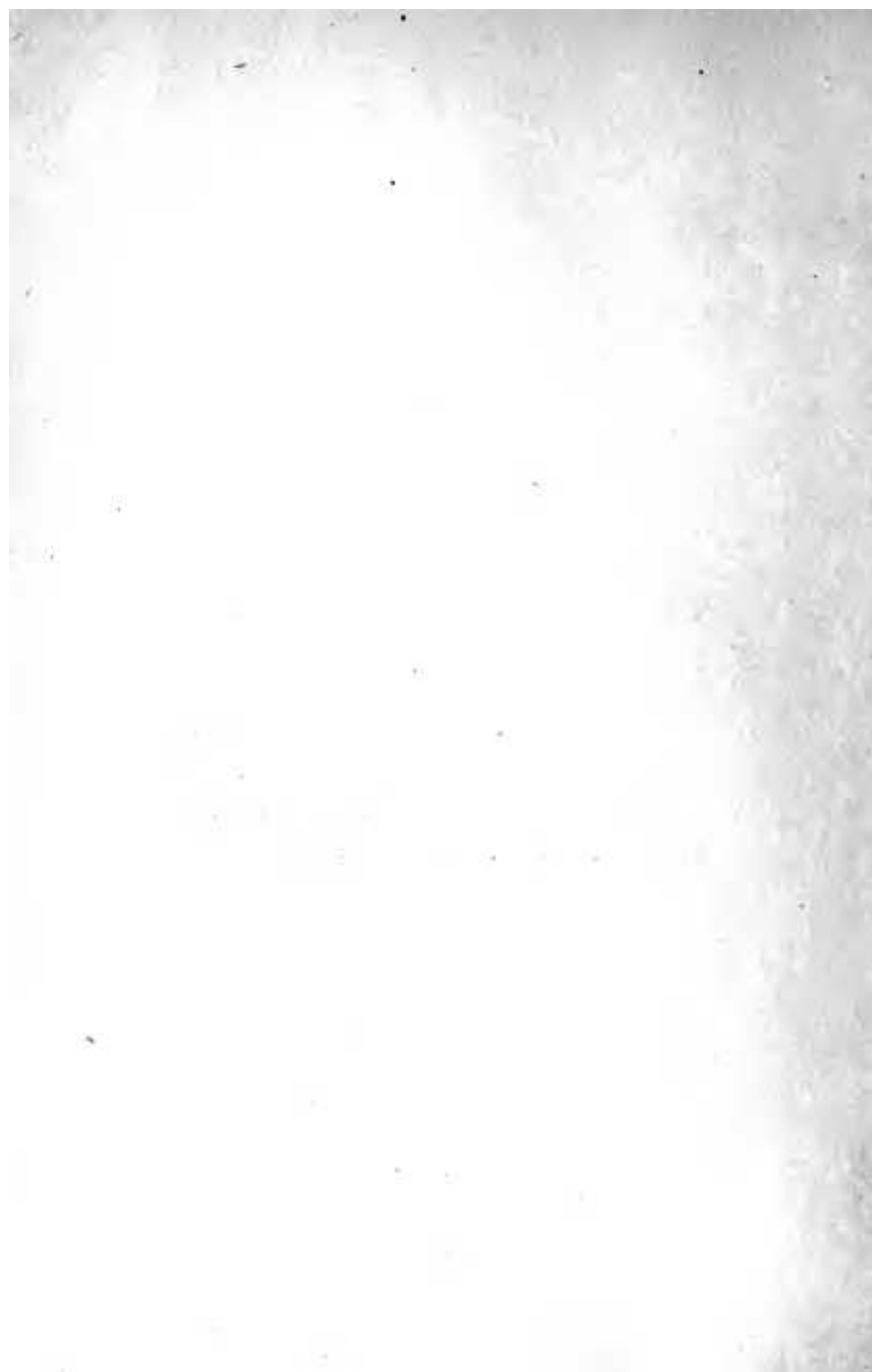
423633  
22.5.44

BOSTON AND NEW YORK  
HOUGHTON MIFFLIN COMPANY  
The Riverside Press Cambridge

## CONTENTS.

---

	PAGE
INTRODUCTION . . . . .	1
I. CABINET RESPONSIBILITY AND THE CONSTITUTION	20
II. DEMOCRACY AND THE CONSTITUTION . . . .	60
III. THE RESPONSIBILITIES OF AMERICAN LAWYERS	118
IV. THE THEORY OF THE SOCIAL COMPACT . . .	136
V. THE LIMITS OF SOVEREIGNTY . . . . .	189
INDEX . . . . .	223





## ESSAYS ON GOVERNMENT.

---

### INTRODUCTION.

Jusqu'à présent, je n'en ai guère trouvé qu'un [principe politique], si simple qu'il semblera puéril et que j'ose à peine l'énoncer. . . . Il consiste tout entier dans cette remarque qu'une société humaine, surtout une société moderne, est une chose vaste et compliquée. — TAINE, *Les Origines de la France contemporaine : La Révolution*, vol. II., Préface.

ANY one who attempts to study a carpet loom, or even an ordinary steam engine, when at rest, will find its mechanism hard to understand. He may examine the several parts; note their size and shape, and the materials of which they are made; but unless he watches them in motion he will not easily appreciate their bearing upon one another, or their functions in the working of the machine. The same principle applies to the study of politics, for the real mechanism of a government can be understood only by examining it in action. It has, indeed, been far too common to study the constitutions of various countries statically, if I may use the term; and this has led to a

habit of describing the nature, composition, and powers of the different factors in the government without seeking to know the actual scope of their several operations, or the extent of their control over one another. Such a method of proceeding is very much like examining the parts of a steam engine separately, and describing the piston, for example, as a bar of steel so many feet long and so many inches in diameter, without referring to the fact that it works only in and out of the cylinder and owes its motion to the head of steam. It was the study of the British government in its actual working which led Bagehot to remark that while the nature and legal attributes of king, lords, and commons had been correctly described, their functions were entirely misconceived. He saw that the crown, while still possessing in the eye of the law all the powers formerly ascribed to it, had long ceased to use them at pleasure, and, like the piston of the steam engine, was guided and controlled by other forces.

A knowledge of the actual working of a political system is essential, therefore, in order that its real mechanism may be understood. This is the first step in the study of a government; but it is only the first step, because a political system is not a mere machine which

can be constructed on any desired plan, and the parts of which can be adjusted according to the fancy of the designer. It is far more than this. It is an organism; and in order to appreciate its possible forms and the causes of its development, stability, or decay, it is necessary to investigate the laws of its organic life. The mythology of the ancient world is crowded with strange beings of all conceivable forms, — half bird, half beast; half man, half fish or brute. These creatures were made by putting together in one body the members of different animals, and were supposed in this way to combine their various advantages. A being was thus imagined which could run like a horse and fly like a bird, or use its hands like a man; but a zoölogist would have no hesitation in pronouncing all such creatures impossible, because the presence in their bodies of one set of organs would prevent the existence, or at least the effective service, of the others.

Perhaps this can be made clearer by an illustration from astronomy, a science which, in the present condition of our knowledge, is far more exact. Here again the ancients were not afraid to take liberties with nature, for when a hero died they were in the habit of creating in his honor an appropriate star; but an astronomer would tell you that such conduct would infal-