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ARTICLE III.

TWO DISTINGUISHED FRENCHMEN IN ENGLAND.

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NEARLY all Continental writers of political history have commended the English constitution as a model of what such a document ought to be. We should remember, however, that the word "constitution" as used in this connection is merely a convenient term to designate a long series of acts of parliament by which that body endeavored to define the rights of the subject and the prerogatives of the sovereign. Our Federal constitution and all the State constitutions were made by delegates without legislative authority elected for a specific purpose. Moreover, the laws passed by the State legislatures are further circumscribed by the supreme courts, which have from time to time declared many of them void. In England parliament is supreme. It is not bound by precedent, though it is more or less guided by its predecessors. The English constitution has been five or six centuries in the process of formation. Sir John Fortescue, Henry the Sixth's chancellor, writing about the middle of the fifteenth century, maintains that the chief difference between England and the Continental countries is, that the king can neither enact laws, nor impose taxes, nor pass sentence upon a subject according to his own pleasure, because these prerogatives belong to parliament. He contends that by this arrangement the liberty of

the subject is safeguarded and the burdens and responsibilities of the sovereign are lessened.

This statement is not literally true of the fifteenth century. It represents an aspiration rather than a realization. The struggle between the English kings and their subjects was a long one, and was not closed until the Revolution of 1688. There would be no meaning in the epithet "glorious," which Englishmen are wont to apply to that change in the government, if the statements made by Fortescue could be taken at their full value. The contest began less than a century after the death of William the Conqueror, and culminated, for the time being, in Magna Charta. In the study of governments we need always to keep in mind that there is often a wide difference between a statute law and its enforcement; between the declaration of a principle and its realization in practice. The constitutions of all our States guarantee a trial by jury to every person charged with a capital crime. Yet in many of them, real or suspected criminals have been summarily executed, without pretense of a trial by jury. The Declaration of Independence affirms it to be a self-evident truth that all men are created free. Albeit, probably not one of the signers believed this statement to be a literal truth. Among all progressive peoples, the ideal represents a goal toward which their aspirations are directed long before it is attained. Herein lies what we may justly call progress. In every commonwealth a few men represent what Benjamin Kidd calls "projected efficiency"; and to make themselves agents for the realization of justice in the body politic is the unwearied effort of all who feel their responsibility as citizens. Where these men are sufficiently influential to attract a following, the state continues to move forward. Where the public is indifferent

or perverse, the state stagnates or retrogrades. If such had not been the case, the great empires of the past would not have disappeared from the face of the earth. Probably no law has ever passed whose object was not avowedly the promotion of justice; but how far short has their execution often come!

The main difference between an enlightened age and an age of darkness is, that in the former both rulers and ruled exhibit a certain measure of political sagacity, while in the latter this characteristic is wanting. It has happened in rare instances that an enlightened sovereign has done more for the promotion of the welfare of his subjects than they would have done for themselves. But it is doubtful whether, in modern times, there are more than two or three examples of this kind. The most notable were Henri the Fourth of France, Cromwell, and Frederick the Great. When progress is due to a *pull* from above, rather than a *push* from beneath, it is always followed by a relapse when the force is withdrawn. Progress is permanent only when it is the result of the combined activity of an entire people.

The most striking difference between the English and every other government of ancient or modern times is, that it represents an unbroken development for seven hundred years. There were occasional interruptions, but no serious breaks, during all this period; no disposition among the people to turn their backs upon the past and begin over again. Trial by jury, for instance, was often a farce, but the form was rarely abandoned even when the principle was violated. This fact is strikingly exemplified in the case of the seven bishops so graphically described by Macaulay. The jury were under every inducement from above to bring in a verdict of guilty; nevertheless, the love of fair play and regard

for an oath triumphed. And this occurred before the "Glorious Revolution."

The French people have long been noted for their indifference to contemporary affairs in other countries, and their unwillingness to learn any modern language except their own. In 1675 Louis the Fourteenth found much fault with the instruction given in the colleges. He says: "The students learn at most a little Latin; but they are ignorant of geography, of history, and, worst of all, of the sciences that are of use in practical life." In the eighteenth century matters had improved very little. Charles Rollin, who died in 1741, was regarded as a noted educator in his day. His "Ancient History" was still much read in the earlier years of the nineteenth century. In his scheme of studies he had no place for modern history, because, as he declared, no time could be found for it. One of his contemporaries writes, that during the eight years of his student life he never heard the name of Henri IV. mentioned, and did not know when or how the House of Bourbon came to the throne. Yet the interval that separated this student from the events of which he was totally ignorant was no greater than that which intervenes between our time and the first Napoleon. Albeit, education was not so much farther out of date in France than in the rest of the world, as might be supposed. Such matters can be correctly judged only by comparison. Educators were everywhere slow to shake off the spell cast over them by the Renaissance. It is no wonder that some of the writings of Voltaire and Montesquieu were a revelation to their countrymen.

It has been repeatedly affirmed that the upheaval which convulsed France toward the close of the eighteenth century had its roots in England. Certain it is that during the first

decades a number of distinguished Frenchmen began to devote themselves to the study of English thought and English institutions. Buffon's "Natural History" is to a considerable extent based on the observations and researches of Englishmen. Diderot borrowed many of his philosophical ideas from English books. Rousseau was indebted to the same source for a large portion of his philosophical and political ideas; and Condillac based his system on the same foundation. When it became evident that the old *régime* in France was doomed, the more moderate reformers endeavored to establish a new political order, that should conform as nearly as possible to that which existed on the other side of the Channel. But the two men who did most to familiarize their countrymen with English thought as embodied in English political institutions were Voltaire and Montesquieu. The former wrote from London to his friend Thieriot in Paris in 1726: "This is a country in which thought is free and noble, and not restrained by slavish fear. If I were at liberty to follow my own inclinations, I should settle here for the sole purpose of learning to think."

A few years ago Professor Churton Collins, of the University of Manchester, published a volume entitled "Voltaire, Montesquieu, and Rousseau in England," in which he gives a connected account of the movements of these three men in his native country. To the data collected in this volume the present writer is greatly indebted, although he is here chiefly concerned with the first two men only. Professor Collins justly says, that "the residence of Voltaire in England is an unwritten chapter in the literary history of the eighteenth century. And yet few episodes of that history are so well worth attentive consideration. In his own opinion it was the turning-point of his career. In the opin-

ion of Condorcet it was fraught with consequences of momentous importance to Europe and to humanity. What is certain is that it left traces on almost everything which he subsequently produced, either as the professed disciple of English teachers, or as an independent inquirer. That visit, says Lanfrey, 'comprised the most fruitful years of his life. It penetrated his life.' 'The example of England,' says Condorcet, 'showed him that truth is not made to remain a secret in the hands of some philosophers and a small number of people of the world, educated, or rather indoctrinated, by the philosophers.' And he continues: 'From that moment he felt himself called to destroy prejudice of every kind of which his native land was the slave.'"

Voltaire's visit to England was not of his own choosing. It was a sort of temporary exile, and came about in this way. In December, 1725, he got into a quarrel with a nobleman, the chevalier de Rohan-Chabot, whose ill will he had incurred by ridiculing him on the way he had obtained his patent of nobility. Shortly after, while dining at the house of his friend Sully, he was informed that some one at the door with a carriage wished to speak with him. He hastened down the steps of the mansion, but as soon as he opened the door of the vehicle he was seized from behind by two lusty fellows, who proceeded to administer a sound beating, while de Rohan's voice could be heard, near by, encouraging the assailants to redouble their efforts. When Voltaire requested Sully to appear as a witness against the ruffian, he refused to compromise himself with a man who had so much influence at court. Besides, the affair caused a great deal of merriment in aristocratic circles at Voltaire's expense. He now determined to be his own avenger, and for some weeks devoted himself to acquiring skill in the art

of fencing. But his adversary refused a challenge to fight a duel, and, moreover, was successful in having his challenger sent to the Bastille.

Although Voltaire was at that time a young man with little influence, there was evidently a feeling in the highest circles that his enmity might have some disagreeable consequences. At any rate, on the second of March the commander of the fortress informed him that he could obtain his release, by special favor of the king, if he would promise to betake himself to England without delay. A few days later he landed in London. It happened to be the king's birthday, when the capital was in gala attire. He had letters of introduction to several merchants, who treated him with great kindness, provided him with a horse, and directed him how to see everything to the best advantage. He must have made himself somewhat familiar with the English language before leaving France, as there is no evidence that he experienced any difficulty in communicating with the people whom he met. Moreover, he soon exhibited such remarkable skill in the use of it that we can hardly believe it to be the result of only a few months' acquaintance. His first letters contain a few errors, and some of them may have passed through the hands of a correcting friend; but certainly not all. He was soon on familiar terms with many of the prominent men of that day in every walk of life. He was present at the funeral of Sir Isaac Newton. "It was a spectacle which made a profound impression on him, and he ever afterwards delighted to recall how he had once been the denizen of a country in which the first officers of the State contended for the honour of supporting the pall of a man whose sole distinction lay in intellectual eminence. How differently, he thought, would the author of the *Principia* have

fared in Paris." He subsequently made the acquaintance of the philosopher's niece, from whom he obtained the familiar story of the falling apple, and was the first to give it to the world.

Some anecdotes are told of him that betray the Voltaire whom the world came to know afterward. Being at dinner with Pope the poet, he seemed to have no appetite. When Mrs. Pope expressed her solicitude about the condition of her son's guest, he gave her so indelicate and brutal an account of the occasion of his disorder, contracted in Italy, that the poor woman felt obliged to rise immediately from the table. On another occasion, when strolling about the streets, his peculiar appearance attracted attention, and soon drew a crowd, that proceeded to taunt him with being a Frenchman. The rabble was on the point of pelting him with mud, the usual method of expressing dislike of foreigners, when the nimble-witted visitor began to harangue with such eloquence that the hostile crowd was ready to carry him in triumph to his lodgings. Many years later, when Pennant visited him at Ferney, after his English had become somewhat rusty from long disuse, his caller was soon convinced that he had not forgotten the oaths and curses he had learned during his stay on the island. In order to hear the principles of Quakerism expounded by one of its members, he visited Andrew Pitt, one of its leaders, and attended at least one meeting of the peculiar sect. He was much interested in the various branches into which Protestantism had split up, and in the fact itself. In after years, when writing upon this theme, he expressed himself as follows, having in mind, no doubt, conditions at home: "If only one religion were allowed in England, the Government would very probably become arbitrary; if there were two, the people would cut

one another's throat, but as there are a multitude, they all live happy and at peace." It is strange, however, that he does not seem to have been aware of the disabilities that rested upon the Catholics, the Jews, and, in some regards, upon all persons who were not at least nominal members of the Established Church. He pronounced the clergy of this church to be superior in morality and decency to the clergy of France, — a statement that nobody doubts who knows the kind of ecclesiastical dignitaries he had been familiar with from his youth up. He praised the aristocracy for its patronage of letters, and for the honorable distinction which some of its members had gained by trade.

Montesquieu arrived in England a few months after Voltaire's departure. His knowledge of the English language seems to have been considerable, but to have been mainly acquired from books. An amusing anecdote is related that illustrates the difference between knowing a language and being able to use it colloquially. While on a visit to the Duke of Montague, he complimented his host on the beauties and splendors of his palace, in the best English he could command. After delivering himself of what he considered artistically constructed phrases for nearly an hour, the Duke said to him: "Be good enough to speak to me in English, as I cannot understand French." Although he studied the aristocracy and the middle classes with some care, Montesquieu's interests were less wide, and his curiosity was less keen, than Voltaire's. He was an aristocrat, and very careful not to compromise his position. This attitude of mind made him cautious about the society in which he appeared, and his intercourse seems to have been almost entirely with Lord Chesterfield's circle. Whatever its members did he regarded as proper, or at least excusable, no matter how much

at variance with common morality or even with common decency. Montesquieu saw less in England to admire than did his versatile predecessor. He found corruption in politics universal and open. He declares that gold will do anything. He was very unfavorably impressed with London. He complains that the streets were frightful, and so full of holes that it was almost impossible for a carriage to make its way over them. The coaches were as frightful as the streets. The architecture was generally in bad taste; the streets had a grim and ugly appearance. He calls Paris "a beautiful city with some ugly things," and London "an ugly city with some beautiful things." He greatly admired its parks. He finds that, although the English are in a perpetual state of excitement from passions and factions, they are constructed on a foundation of good sense. He writes: "To judge England from what appears in the newspapers, one would expect a revolution to-morrow; but all that is signified is that the people, like the people of every other country, grumble at their governors, and are free to express what the people in other countries are only allowed to think." These lines, although written nearly two hundred years ago, are still exactly true. The authorities rarely take account of what a man says or puts in print, so long as he is not guilty of an overt act toward disturbing the peace. In public places, especially in Hyde Park, one can see almost any day a large or small crowd surrounding a speaker who is vehemently denouncing almost everything and everybody. But the police pay no attention to him. Montesquieu's stay in England lasted nearly two years, and to the end of his days he spoke of it as the happiest period of his life. He is reported to have once remarked that "one should travel in Germany, sojourn in Italy, and *think* in England."

But the most far-reaching influence of his visit to England is recorded in his "Spirit of Laws," one of the world's master-productions. This work is so well known that it would be superfluous to discuss it here. It is important, however, to note the author's deduction that the subject is most secure in his rights under a government in which a representative assembly coöperates with the monarch. Great Britain was at that time the only country in the world that had a representative assembly, far short as it came of the modern ideal. Switzerland is generally supposed to have been in the same class; the facts are that most of the cantons were under the exclusive control of a narrow and hidebound aristocracy. Now every government on the face of the earth is at least representative in form. It is little short of marvelous that the English people, largely through their unique political instinct, kept striving for centuries toward the realization of an ideal of citizenship which the Continental peoples attained only by the sacrifice of much blood and treasure. The "Spirit of Laws" may be called Montesquieu's confession of faith, and it was to this confession that the French revolutionists tried at first to conform. Among other things he insists upon a separation of the legislative, executive, and judicial powers. If they are not kept asunder, the legislator becomes a tyrant and the judge an oppressor at will. He also commends the jury system, and insists that the accused shall be judged by his peers, always in strict conformity to law. At that time the jury system was nowhere in vogue except under English rule. As Montesquieu gradually unfolds and develops his system of government, the reader is under the impression that it is the result of the author's own studies and reflections. But eventually he is informed that he has before him little more than a commentary on a con-

stitution that is in actual operation on the other side of the Channel. This important fact takes the work out of the class of Utopias of which at least half a dozen were in existence at the middle of the eighteenth century.

The interest which the "Spirit of Laws," notwithstanding its philosophical and somewhat abstruse character, aroused among all classes of Frenchmen, immediately upon its appearance, was almost without parallel. It was first issued at Geneva, because the author was well aware that it would not pass the censorship of his own government. It was, however, soon secretly reprinted in the French capital. Within eighteen months twenty-two editions came from the press. It was almost literally in everybody's hands, and was said to have turned every Frenchman's head. How little the nobility were aware of the dangerous weapon against them it had placed in the hands of the masses is clear from a letter of Madame Pompadour written to the author in 1751. "You merit," are her words, "the honorable title of Lawgiver of Europe, and I doubt not that it will be unanimously accorded to you." In matters of personal morality Montesquieu stands somewhat higher than Voltaire, but not much, and a great deal higher than Rousseau. Though Voltaire was profane and foul-mouthed throughout his life, during his sojourn in England he endeavored to observe the conventionalities and proprieties of the society in which he moved — not a difficult task. Montesquieu generally conducted himself with dignity. We need to keep in mind, however, that the morals of the English higher classes during the greater part of the eighteenth century were as low as those of the rabble. Rousseau, on the other hand, showed not the slightest deference to anybody's opinion except his own and that of his mistress. Although his English patrons,

particularly David Hume, took infinite pains to make his stay in their country agreeable, he left it in disgust after a few months. Instead of showing any gratitude for the favors received, he repaid them with falsehoods and vilification. Some one has summed up the mentality of Rousseau as follows: "His prominent characteristics were a susceptibility to emotion bordering on hysteria, a self-consciousness unsurpassed by that of the most awkward school-girl, a total absence of moral sense, an inordinate vanity, æsthetic perceptions of no mean order, and an exceptional gift of literary expression." Voltaire at least stood for something. He had a strong will that was not always in the wrong. He shrank from no labor or danger in his fight against legal injustice. Perhaps if he had been more scrupulous he would have accomplished less than he did, considering his opponents. Among his glaring faults there are some shining virtues. But what good can be said of Rousseau as a man?