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PROFESSOR DICEY ON ENGLAND'S CASE AGAINST HOME RULE.

MOST works of controversy die with the dispute. But there are a few which treat a passing question in such a manner as to give them a permanent value. Among these are the controversial speeches and writings of Burke. In the same class, we venture to say, a place will be found for Professor Dicey's treatise on the Case of England against Home Rule. Not only does it treat the political question of the hour most ably and exhaustively, on the broadest grounds, and with the most dispassionate calmness, but it contains a rich store of political philosophy. That it will tell, when partisan passions are inflamed to such a pitch, and all regard for the country has been lost in the struggle for a party victory, we do not predict; but we do predict that it will live.

Mr. Dicey's line of argument is strictly defined. He does not deal with Nationality, merely taking off his hat to its sincere advocates while he observes that no Englishman of any party has yet avowed his willingness to concede Irish independence. He confines himself to Home Rule, that is to the different attempts to find a half-way house between Legislative Union and Separation; and he deals with the subject avowedly from an English point of view, rightly maintaining, in answer to any possible allegation of selfishness, that the real interest of a nation is identical with morality.

Federalism, Colonial Independence, the revival of Grattan's Parliament, and the Gladstonian Constitution are the four forms which Home Rule takes, and which Professor Dicey separately discusses. Federation, as he shows, would involve nothing less than a complete reconstruction of the British Constitution; there must be, as there is in the case of the United States, a written pact between the members of the Federation with a superior tribunal to interpret and express it; while the sovereignty of Parliament which enables it to legislate freely on all subjects, and forms the mainspring of the British system, must be resigned. Professor Dicey truly observes that federation can take place with success only in that peculiar state of things where there is a desire for union, but not for unity, and that in the present case the desire for union would be signally wanting. He might add that Federalism requires a group of States, tolerably equal among themselves, or without any obnoxious preponderance; and that a federation of England, Scotland, Wales, and Ireland, would be a standing cabal of the three small States against the greater. He might go further and say that it is doubtful whether a federation in the proper sense of the term, such as the Achaian League, now does or can exist. Unifying influences which operate with increasing force everywhere as material civilisation advances, have made the United States, which is always cited as the type of successful Federalism, in reality not a Federal Union, but a nation.

The revival of Grattan's Parliament is rightly dismissed at once as a moral impossibility. It was in the first place a Parliament of the Protes-

tant gentry. In the second place it was kept under the control of the Crown, and prevented from breaking away altogether from the British Parliament by means of nomination boroughs, the influence of the Bishops, patronage, and corruption. Professor Dicey wishes always to be conciliatory to opponents; but we venture to think that he carries his conciliation rather too far when he allows that the Irish Parliament was national. It was national in the same sense that the Legislature of Jamaica was national; its relations to the Catholics much resembled those of that Legislature to the blacks, and its history ended in the same way, amidst cruel panic, butchery, and confusion. The abolition of the Legislature of Jamaica after the Gordon riots, is the true parallel to the abolition of Grattan's Parliament. The Legislature of Jamaica acquiesced in its own abolition. But it is not to be assumed, because Irish boroughmongers embraced the opportunity of extorting money or peerages, that they were not conscious of the necessity of the change, or that they would not have voted for it in the absence of corrupt inducement.

As for the Gladstonian constitution, it has been subjected by Mr. Dicey to a masterly and conclusive analysis which, however, was scarcely needed, the contriver of this structure having himself abandoned every part of it except what he styles the principle, that is, the institution of an Irish Parliament of some sort in some kind of relation to the Parliament of Great Britain. It has been compared to the Highlander's gun, which only wanted a new stock, a new lock, and a new barrel. In that case there remained the principle of a gun. The scheme is a hasty and futile attempt to produce a mixture of Federalism, Independence, and Union. Artful draughtsmanship is employed to make the Bill slip through the House of Commons, by hiding difficulties with which it is left to chance to deal in the future.

Colonial independence Professor Dicey regards as the least objectionable of the four schemes. But he rightly remarks that the circumstances in the case of Canada are exactly the reverse of those in the case of Ireland; Canada being distant and loyal, while Ireland is near and disaffected. He is also right in saying that if Colonial independence is to be granted, tribute must be abandoned. A greater treason was never committed than that of which the British statesman was guilty, who called British legislation for Ireland "foreign" legislation. But if Ireland refuses to have laws made for her by the "foreigner," will she not much more refuse to pay him tribute?

Professor Dicey is again right, a thousand times right, in contending that not one of these schemes will fulfil the ideal, produce the moral effects, or satisfy the desire of nationality. In fact any one of them would be accepted merely as an instalment and as an engine for further operations. The course of worrying and bullying would recommence, and the same weakness, or demagogism, which counsels surrender now, would counsel it again. Any scheme of Home Rule would be merely Separation by a lingering and angry process. Separation outright is the only alternative to legislative Union. It would place Ireland in the position of a foreign nation; in case she was aggressive and insolent, or made herself the outpost of French hostility would let Great Britain be free to bring her to her senses in the usual way.

No part of Professor Dicey's book is more instructive than that in which he shows the irrelevancy of the parallels adduced in defence of Mr. Gladstone's scheme. The ingenious creation of Deak, by which Hungary, while it remains a perfectly separate kingdom, is held in combination with the Austrian Empire, even supposing that it worked more smoothly than it really does, is adapted only to a very special situation, and is totally inapplicable to the case of Great Britain and Ireland. It is enough to say that the Emperor, instead of being a constitutional king and a practical cypher like a king of England, is the real ruler of both realms, and preserves the union of their policy. The relation of Bavaria to Germany, again, would be very awkward, were it not for the overmastering desire of union which pervades the German people, whereas in the case of Ireland, in place of a desire of union, there is the desire of separation. In framing new institutions it is necessary to consider, not only their mechanical structure, but the temper of the people and the other circumstances under which the institutions are to be brought into operation. Besides, the Government of Germany is not really Parliamentary: Bismarck personally rules in the name of the Emperor, as the Austrian Emperor or his Prime Minister personally rules the composite dominions of his house. Iceland is a barren