



## Lord Acton's "Organic" Liberalism and His Best Practical Regime

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*This article focuses on a forgotten evolutionary trend of liberalism clearly visible in Lord Acton's writing. According to Acton, liberalism has roots not only in the theories of early modern thinkers but also in political practice, as seen in English and American political regimes of the seventeenth and eighteenth centuries. The first—doctrinaire liberalism—aims at changing the political order by appealing to higher principles and resorts to social engineering and coercion. The second rests on the organic growth of existing political institutions, laws and customs. Acton claims that only the latter is truly liberal, while the former is in fact illiberal.*

It is difficult to imagine a political term more confusing and contradictory in its content and interpretation than liberalism. Liberalism meant and means different things for different people, regions of the world and periods of time. A recent attempt at systematizing and categorizing the term (besides applying well-known notions of classical and modern liberalism) introduces odd adjectives such as “prescriptive,” “explanatory,” “comprehensive,” “stipulative,” “canonical,” “contextual,” and others. The author of that categorization also notices liberalism's capacity to encompass nearly all modern ideas and sees a tendency to treat it as coterminous with modernity itself.<sup>1</sup>

Given that no one seems willing to renounce the term itself, the problem of the plurality of liberalism is probably insoluble without proposing other, more convincing criteria that separate one trend from another. This paper attempts to offer such a solution by presenting Lord Acton's perspective on liberalism that divides liberalism into two dominant currents: doctrinaire or constructivist and evolutionary or organic (whilst the terms are not Actonian, the division is certainly his).<sup>2</sup> Even if this categorization does not fully solve the problem, it certainly offers a clearer picture of liberalism's origins and development, and its impact on the present.

### I: ACTON'S THEORY OF CIVIC LIBERTY

Lord Acton is today primarily remembered for his most famous maxim that “power tends to corrupt and absolute power corrupts absolutely.” Be-

tween the 1860s and 1880s, however, he was probably as known for his liberalism as his contemporary, John Stuart Mill Jr.<sup>3</sup> In the next decade, his fame as a liberal increased after Queen Victoria appointed him as the Regius Professor of Modern History at Cambridge University. Admittedly, even then he was considered an unusual liberal on account of his Catholicism.<sup>4</sup> Let us begin by briefly recalling the role liberalism played in his life.

As a man of strong political convictions, Acton was not just a liberal. Liberal politics “come near religion with me, a party . . . more like a church, error more like heresy, prejudice more like a sin.”<sup>5</sup> He associated liberalism with the most noble events in history, and with everything that advanced liberty and civilization. Naturally, individuals of the premodern past could only have had liberal impulses and attitudes, as liberalism in his view did not exist prior to the Glorious Revolution (1688).

If Acton was such an ardent believer in liberalism, why did he attack many liberal thinkers, politicians and policies? Judging by the severity and frequency of these assaults, one might believe that he was an enemy of liberalism. To understand his position, we must consider first his perspective on liberty.

In a revealing statement, he said: “Liberty is not a means to a higher political end. It is itself the highest political end.” Other goals, such as equality, justice, happiness, good government and power are secondary, and any government that pursues them without regarding liberty as superior resorts to social engineering and masked or unmasked coercion.<sup>6</sup> Liberty marches throughout history in spite of its enemies, who are driven “by ignorance and superstition . . . by the strong man’s craving for power, and the poor man’s craving for food.” It has the capacity to endure even the most inimical conditions, changing corruption—its usual foe—into the last line of defence. Bribes then become the last bastion of personal liberty.<sup>7</sup>

Acton considered liberty to be “the central thread of all history,” its axis, and viewed it in the same way as Tocqueville regarded equality, i.e., as a providential idea.<sup>8</sup> This explains its vitality and ability for self-regeneration. For Acton, however, it was liberty, not equality, that is paramount among political values. If liberty stood so high on the ladder of political principles, how did Acton understand it? Did he mainly mean individual freedom, limited only by the rights of others as Kant claimed, and as Mill propagated in Acton’s own time?

On the surface, his definition of individual liberty is indeed like that of Kant and Mill. “By liberty I mean the assurance that every man shall be protected in doing what he believes his duty against the influence of authority and majorities, custom and opinion.”<sup>9</sup> However, the difference is

marked by the word "duty." It is not the Kantian duty that springs from human rationality, but the duty that originates in our conscience. Conscience is, in turn, "the infallible voice of God in man" that defines our duties.<sup>10</sup> It is therefore intimately linked with morality. From this we can infer that freedom, conscience and morality form a sort of "triad," a union of inseparable elements that constitute the highest principles in Acton's theory of liberty. It is also a sign of the religious inspiration in Acton's thought.

The union of freedom, conscience and morality acts on an individual level. It dictates to individuals what they ought to do and provides them the freedom to do what is right. Self-government is the next highest principle in his theory of liberty, but it has a communal dimension. As with conscience, Acton almost identifies self-government with freedom.<sup>11</sup> Self-government is linked in turn with citizens, and so we have another "triad": liberty, self-government and citizens that act on the level of the community.

The union of the three elements in the second triad is evident throughout the past, from Greek antiquity to modern times, but was nowhere more visible than in colonial America and the early United States. The settlers who came to the "wilderness" were just like the Hebrews who had left Egypt in search of the Promised Land: they exhibited a similar love of religious liberty and equal determination in its pursuit. They built their lives anew in daily struggle against the forces of nature, with little assistance from the government in London. By taking responsibility in their own hands, they became citizens. Self-government in their settlements emerged spontaneously, patterned on their church structures. Given that they enjoyed liberal royal charters, they could create higher levels of self-rule in counties and colonies. Colonial assemblies, in turn, made laws for them.<sup>12</sup> For Acton this was a truly liberal order: citizens developed it at the grassroots level, expanded it to higher levels, until they culminated it in the national government established after the war for independence.

Acton enthusiastically praises the US Constitution, a few sour remarks notwithstanding. First, he notices that Americans created an order that is much more divided than Montesquieu had prescribed. The tripartite division of power is but one element of the system of checks and balances. The second is the classical division between the rule of one (President), a few (Senate) and the many (House of Representatives). The third is the federalism that balances the national government against the states. The final aspect is the Supreme Court that guarantees the constitutionality of the lawmaking process. Acton appreciated all of these divisions and checks (especially federalism), because power when divided allows for a strong government without threatening liberty.<sup>13</sup>

From the above, it is clear that Acton had a “republican” or civic concept of individual liberty, not far from the ideals of Alasdair MacIntyre’s *After Virtue*.<sup>14</sup> It was not the liberty of selfish individuals, caring only about their private lives whilst remaining indifferent towards their community, but the liberty of active citizens, engaged in public life and distinguishing virtue from vice in service to the community.

Acton clearly alludes to the ancient notion of freedom as had flourished in Greek city-states, especially in Athens. Freedom was then intimately linked to citizenship: the right to have a say in the affairs of the *polis*. That right was considered such a privilege that an individual who enjoyed only private life was deemed *idiotes* (ιδιώτης): a private person incapable of ordinary reasoning.<sup>15</sup> Following Benjamin Constant, Acton acknowledges, however, the deficiency of this notion of liberty, which does not provide any shield for individuals against the pressure coming from the majority.<sup>16</sup>

There are three more essential elements of Acton’s theory of liberty, which he linked with the first signs of political freedom in history. He found them in ancient Israel in the period after the Israelites settled in the Promised Land (the thirteenth century BC). They did not have a central authority but lived divided into tribes and clans, each having their own natural leaders (judges). Those elders represented a sort of self-government in a loose confederation, united by religion and ethnicity. Thus, when royal authority emerged around 1020 BC, the Israelites had already had a long-established tradition of running their own local affairs. Furthermore, their monarchy was limited, as the king did not have legislative power. He had to follow the Torah and was admonished by the prophets whenever he seriously violated it. At that point, Acton formulated what he termed the Hebrew notion of liberty: “The example of the Hebrew nation laid down the parallel lines on which all freedom had been won—the doctrine of national tradition and the doctrine of the higher law; the principle that a constitution grows from a root, by process of development, and not of essential change.”<sup>17</sup>

As mentioned earlier, three elements are crucial in this passage: higher law, national tradition and its slow evolution, and the universality of this rule. As for the first, Acton insisted on the necessity of a higher law, the only—yet indispensable—arbitrary principle in any good regime. The turbulent history of ancient Athens or attitudes toward slavery in America proves that the sovereign (for Acton, invariably the people) requires firm principles to restrain its will and to distinguish good from evil. Although he preferred the natural law inspired by the Judeo-Christian tradition, he

was prepared to settle for constitutional law, immune to sudden changes of opinion.<sup>18</sup>

As for the second element, that of national tradition and its organic growth, Acton believed that political regimes ought to develop gradually, under the pressure of concrete challenges, and always in conformity to a higher law. "Polity grows like language, and is a part of a people's nature, not dependent on its will." Revolution, in turn, is "a malady, a frenzy," akin to "an act of suicide." To avoid it, no nation "should arbitrarily and spontaneously cast off its history, reject its tradition . . . and commence a new political existence."<sup>19</sup>

Acton's point of reference was the fury of the French Revolution directed against France as it then existed, and its aim to shape a new France, as if the French had been without tradition and history, living in a state of nature and attempting to design their social contract.<sup>20</sup> His warnings against revolution do not apply, however, to the English and the American Revolution because they were not true revolutions. They did not strive for a wholesale change but removed obstacles in their organic growth and directed their national traditions on the natural course of development.

National traditions' ability to serve liberty is, however, contingent on one condition: it cannot be arbitrary at its founding moment. If it is, then the organic growth of national tradition is not likely to develop a free community.<sup>21</sup>

Finally, the third element of the above quotation, that higher law and national tradition constitute necessary components of political liberty. Firmness of that statement—they are "the parallel lines on which all freedom had been won"—implies their universality, regardless of time and place. If so, the Hebrew notion of liberty applies to the modern liberal era as well.

Let us now summarize the most important points of Acton's theory of civic liberty. At its core stand two triads: liberty, conscience and morality, and liberty, self-government and citizens. Given that liberty is the axis of history and figures in both triads, it could occupy the center surrounded by a circle of conscience–morality and self-government–citizens. If we supplement this by the Hebrew idea of liberty—higher law and national tradition—and place them between conscience and self-government, as well as add individual rights between morality and citizens, we have a series of principles that are corollary to liberty. In a graphic form, the relationship between all elements could be depicted as follows:



## II: CIVIC LIBERTY IN HISTORY

The diagram above presents the essential elements of Acton’s “mature liberty,” i.e., a liberal order. Some of these elements might be initially deficient. A liberal order of an evolutionary kind does not appeal to abstract principles but results from an organic growth, and so it cannot emerge all at once. It proceeds from protoliberal forms, and once it appears it still does not cease to evolve. English order following the Glorious Revolution represents a good example of such a development.

As mentioned, Acton considered England governed by the Whigs as approaching mature liberty. The regime displayed numerous imperfections, such as disenfranchisement of a great majority of the English, incomplete division of power (the judiciary was not separated from the executive), a corrupted royal government, and Whiggish particularism that acknowledged only the “rights of Englishman.” However, given the recognition of popular sovereignty (regardless of how narrowly understood), the principle of representation, parliament as the highest institution, and the Bill of Rights, the regime could be deemed liberal, even if it meant “liberty founded on inequality.”<sup>22</sup> Furthermore, it featured mechanisms that enabled it to evolve from nascent liberalism to a fully liberal order (freedom in equality). Its organic growth separated the judiciary from the executive, guaranteed freedom of the press and other civil liberties, re-

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duced government corruption, enlarged franchise and transformed the parochial "rights of Englishman" into universal "rights of man."<sup>23</sup>

Self-amending ability of the order based on two "parallel lines" and its capacity for renewal does not only apply to a liberal order. As the central axis of history, liberty enjoys providential care; hence, its vigor can be seen throughout history. Let us now take a look at Acton's history of freedom, i.e., at liberalism's roots and predecessors.

As mentioned, Acton perceived the first flashes of civic liberty among the Hebrew tribes after they began to settle in the Promised Land. Liberty left Israel as a result of the Babylonian Captivity (597 BC) and "moved in" to ancient Athens, where it thrived for two centuries. In the fifth century, Athens had all ingredients of mature liberty except for higher law. Due to this deficiency, Athenians established unlimited democracy in which the majority enforced its will without restraints, displaying arrogance and pure force in dealing with others. Although the Greeks' political practice had a mixed legacy, their political thought achieved peaks of perfection, especially in the Socratic School and among the Stoics.<sup>24</sup>

The Roman chapter in the history of liberty was more complex. On the one hand, the Roman regime was oligarchic in the republican period and despotic under the empire. On the other, it recognized popular sovereignty even during the empire (Acton repeats the Justinian argument that the Emperor's authority had democratic sanction because the Roman people—the owners of the empire—transferred their power to the Emperor); it granted citizenship to all its free inhabitants (AD 210); it spread *polis*-like communities to its western provinces and allowed them to enjoy self-government; it secured peace for the whole Mediterranean space, and it contributed to its civilizational development. Still, the Roman Empire was a dead-end street as far as civic freedom was concerned, and it had to fall if liberty were to develop.<sup>25</sup>

Acton claims that the Middle Ages—despite drastic civilizational regress in the early period, feudal arrangements and inherent inequality—fared much better than Roman antiquity in terms of freedom. The state was not omnipotent but had counterbalance in the form of the Church and estate arrangements (feudalism). Popular sovereignty still existed, even if it was extremely narrow, limited mainly to the nobles. The Church and corporate rights restrained royal power and could be termed a medieval form of the division of powers. Furthermore, the prolonged struggle between the Church and the state brought fundamental change in the world of ideas and political practice.

To that conflict of four hundred years, we owe the rise of civil liberties.  
. . . The towns of Italy and Germany won their franchises, France

got her States-General and England her Parliament . . . and as long as it lasted it prevented the rise of divine right. . . . Representative government . . . was almost universal. The methods of election were crude; but the principle that . . . taxation was inseparable from representation was recognized. . . . Slavery was almost everywhere extinct; and absolute power was deemed . . . criminal. . . . The political produce of the Middle Ages was a system of states in which authority was restricted by the representation of powerful classes, by privileged associations, and by the acknowledgment of duties superior to those which are imposed by man.<sup>26</sup>

Political development in the Middle Ages was, however, squandered in the early modern period. Inasmuch as Acton celebrates the changes brought by the Renaissance and notices the emergence of individualism, he laments the waste of medieval inheritance relating liberty. It was rejected, and then forgotten.<sup>27</sup> The emergence of the nation-state and Machiavelli's teaching that only power is relevant in politics, brought back the ancient state, "bound by no code" and being "law in itself."<sup>28</sup> When the Catholic Church ceased to play a role of counterbalance to secular authority, and when Luther endowed the modern state with the right to control the Church and to change religion, rather than maintain it, most of Europe succumbed to absolutism.<sup>29</sup>

The triumph of absolutism was so overwhelming that it took another four-century-long process to reverse it. Acton is sketchy as to when this process began and ended. Given that he indicates Protestant sects as originating it, we can assume that it took place between the sixteenth and nineteenth centuries. He further claims that the initial stages of this process were religious, before turning into political conflicts.<sup>30</sup>

Religious revival visible even in the fifteenth century led not only to the birth of the Protestant Church, but also to a conflict of religious dissenters with mainline churches (both Catholic and Protestant) and with the state. The sectarians wanted to be free in worshipping God and their zeal rendered them prepared to challenge any power. Their fanaticism was necessary to match the omnipotence of the state and the churches under its care. Their fight revived the medieval idea of armed resistance against unjust authority and made them aware of the link between religious and civil liberty. Though they lost in Europe, they succeeded in the "New World," where they established a polity that ensured religious as well as political freedom.<sup>31</sup>

The turbulent period of English politics between 1642–1660 had the Puritans as its main driving force and religion as the dominant issue. However, after the restoration of the Stuarts (1660–1688), the conflict became



increasingly political, losing its religious dimension. The leading force of opposition was the "Country Party," the predecessors of the Whigs, who defended the traditional rights of Englishmen, as defined by "municipal codes and constitutions." Their aim was therefore not revolutionary but in line with national tradition. Moreover, the results of the Glorious Revolution were such as well: a definite confirmation of constitutional monarchy, preponderance of the Parliament, and guarantees of certain civil rights. In this way England opened the road for the liberal era in western history.<sup>32</sup>

As mentioned, the Whigs gradually developed a more universal and democratic platform, when they increasingly began to express the interest of business class (not only of land), and when they came under the influence of various radicals. By the mid-nineteenth century, they adopted the name of liberals, which originally was a term of reproach used against them by the Tories.<sup>33</sup> What is odd is that Acton does not refer to this development. In the Whigs, he sees early liberals devoid of a universal program who became mature liberals after they had adopted it, as if he did not notice a significant shift in English liberalism toward the side he did not like. Instead, he praises the development of a liberal attitude in America at the time of the formation of the United States.

As noted earlier, America following independence divided power in such a way that it could enjoy "liberty in equality" and take advantage of a strong government. The USA therefore came closest to what we could term Acton's best practical regime, an epitome of a truly liberal order. And yet, even that regime had flaws that led to civil war. The most apparent was slavery, which at the moment of the Union's birth "was denounced" but "was retained."<sup>34</sup> Maintaining it aggravated other problems: the growing power of the president; the doctrinaire approach of the abolitionists and the dispute over state rights. Acton believed that the best way to resolve the issue of slavery was a gradual reform, so that at certain point it would not differ from hired labor. During the Civil War, he was highly concerned about the future of American democracy, yet still believed in the redeeming quality of federalism.<sup>35</sup>

In asserting the self-amending capacities of organic liberalism, Acton reveals the final features of his ideal liberalism, which directly contradict not only libertarian principles, but also classical liberalism. These were his views on the working class, the poor and education.

Acton originally worried about the extension of voting rights to common people because they could be susceptible to manipulation. However, his evolutionary liberalism could not imply the free reign of the strongest. On the contrary, it meant increased care for the disadvantaged. But the liberal order of both Whiggish and doctrinaire kinds did not bring tangible

benefits for the workers. Property requirements deprived them of voting rights and made them doubly dependent on the propertied class, first as employers and second as lawmakers. In such conditions, free contract—postulated by Adam Smith—was an illusion. Acton considered this a gross injustice, for “laws should be adapted to those . . . for whom misgovernment means not . . . stunted luxury, but . . . risk to their own lives”<sup>36</sup> Further, since it was labor that produces wealth—another Smith’s argument—it deserves to participate in power no less than property.<sup>37</sup>

Acton was deeply offended by the indifference of many liberals toward the poor for whom “the best thing . . . is not to be born, and the next best, to die in childhood.”<sup>38</sup> His liberalism assumed the duty of caring for the disadvantaged, all the more so in an advanced civilization: “Progress has imposed increasing sacrifices on society, on behalf of those . . . whose existence is a burden . . . the crippled child and the victim of accident, the idiot and the madman.”<sup>39</sup>

Finally, Acton supported the idea of universal primary education, maintained by the state. Education is crucial for progress and civilization, as well as for individual advancement. His only concern was that the state would usurp full authority over children’s education, thereby depriving parents of their basic rights. “What shall we say of any . . . liberal who refuses to each community . . . the right of disposing of that which is dearer than property or power, the education of its own children? . . . Here we see the negative abstract liberalism.”<sup>40</sup>

### III: ILLIBERAL LIBERALISM

Acton opposed the liberalism that dominated European political thought and politics in the late eighteenth and nineteenth centuries, and which increasingly affected his homeland. Although both his liberalism and the liberalism he did not like shared some essential principles—popular sovereignty, representative government, division of powers, civil liberties and economic freedom—they were in fact poles apart.

The root cause of Acton’s objection to constructivist liberalism was its appeal to abstract principles and its doctrinaire approach in applying them to a living political body. Although he admitted an arbitrary element—higher law—in his liberalism too, he claimed it served liberty, while abstract ideas of continental liberalism pushed liberty into a secondary position (at best), and exposed society to social engineering and abuse. Let us now explain this in his terms.

In early liberal thought, Acton assaulted the logical construct, called “state of nature,” and using it to legitimize the fundamental “rights of man”—liberty and equality. According to this theory, liberty and equality

are inalienable because they are inherent: individuals fully enjoyed them in pristine conditions and ought to preserve them in civilization. Civil society and the state emerge as a result of a social contract, which must respect inalienable rights. The only difference is that in society, individuals give up their "raw" liberty and equality but acquire them in a form of civil rights. From this perspective all political, social and economic arrangements in Europe were not merely illegitimate, but evil.<sup>41</sup>

Acton ridiculed the construct of the state of nature and its alleged "scientific" foundation. They could be useful in diagnosing the ills of Western society, but not in designing a new order, just "as medicine," good for threatening illness, "cannot serve for food."<sup>42</sup> He despised Hobbes, who first concocted the notion of state of nature. He belittled Locke ("diluted and pedestrian"),<sup>43</sup> while Rousseau provided the Jacobins with an excuse for terror. The French *philosophes*, in turn, were biased against Christianity and tradition, and wished to demolish "all authority connected with divine law."<sup>44</sup>

For the thinkers of the Enlightenment, human reason has the power not only to discern social ills, but also to cure them and lead humanity to an earthly paradise. Given that the idea of progress (re-invented by Turgot) turns history into a record of errors, burning it appears a natural solution (Condorcet).<sup>45</sup> The worship of enlightened rationality, the rejection of tradition as evil, and the faith in human capacity to build an ideal order without suffering and injustice, represented an intellectual staple for the generations that preceded and lived through the French Revolution.<sup>46</sup> Subsequently, it became an essential part of the nascent liberal ideology.

Acton welcomed the destruction of French absolutism—this is why he justified the French Revolution, despite its atrocities—but opposed the omnipotent government the Revolution created. He agreed with Alexis de Tocqueville that the Revolution had not abolished state absolutism but made it incomparably stronger.<sup>47</sup> The people (nation) has the right to do whatever it wishes, without regard for established laws, ages-long traditions and corporate rights. One legislative chamber expedites the process of lawmaking and enforcing the people's will. Although the Revolution claimed to act in the name of freedom for the overwhelming majority of Frenchmen, it in fact pursued equality and centralization at the cost of liberty.<sup>48</sup>

The ideas of a government acting without any checks and balances and disrespecting intermediate institutions were inscribed into the first French Constitution of September 1791. Written in the "liberal" phase of the Revolution (1789–1792), the Constitution made irreparable damage to the liberal cause, not because it did not prevent the Revolution from slip-

ping into terror, but because it served as a model for other liberal constitutions in Europe. Spreading legal equality became for liberals a tool to gain power, while omnipotence of legislature served “the omnipotence of the State.”<sup>49</sup> The first victim of such a devious theory of liberty and political practice was liberty.

Acton despised the idea of an absolute popular sovereign who could do whatever he wished through the power of legislative body but remained powerless between elections:

A State is . . . is a complete system of authorities and services. . . . The paternal authority, the ecclesiastical authority, every natural local authority, all equally enjoy the divine sanction. Each is in its sphere supreme, and each is a limit to the sovereign power. An assault upon any such authority is criminal. . . . When they disappear . . . a revolutionary condition ensues, in which might alone prevails. . . . A nation so governed is not really a State. . . . It is a system of arbitrary power, restrained by violence.<sup>50</sup>

The utilitarian version of liberalism that gained ascendancy in Europe during the second half of the nineteenth century had the same doctrinaire approach as its classical predecessors. It aimed to restore a scientific foundation for liberalism (after Hume and Kant had demolished it) and to reconcile the liberals with participation of the masses in politics. The means to achieve these goals was the idea of social utility, encapsulated in the formula of “the best happiness for the greatest number.” Acton rejected it mainly because the aim of politics is liberty, not happiness. A government that sets other aims as supreme necessarily resorts to social engineering. The state then becomes “a mere machine; not fitted on to society like a glove, but rather compressing it like a thumbscrew; not growing out of society like its skin, but put upon it from without like a mould, into which society is forced to pour itself.”<sup>51</sup> Liberalism that resorts to such policies betrays freedom and becomes illiberal.

#### **IV: DEMOCRACY AND LIBERALISM**

Acton’s best practical regime would be a limited, liberal democracy in which all citizens enjoy legal equality and civil liberties and have the opportunity to participate in all layers of government. This is the goal at which mature liberty aims, even if at some early stages it excludes various groups from citizenship. Perfecting a liberal regime is aided by “the law of liberty,” which “tends to abolish the reign of race over race, of faith over faith, of class over class,” and in a process of slow development brings them “first to social freedom, then to political liberty, and so to political power.”<sup>52</sup> If so, then let us return to the question of Acton’s assaults

on democracy and investigate the relationship between democracy and liberalism.

Democracy essentially requires four components, without which a regime cannot be treated as democratic. These are: popular sovereignty, legal equality, widely spread franchise and the rule of the majority. Depending on how each of these principles is regulated, and what additional rules are applied (division of powers, protection for minorities, respect for national tradition, electoral law, and so on), democracy can be limited and liberal, or unlimited and illiberal.

Each of the four principles can be manipulated in various ways, implicating the quality of the regime to the point at which it ceases to be democratic. Popular sovereignty can have a twisted form (as in the Roman Empire), or be so extremely limited (as in the Middle Ages) that it contradicts democracy. Legal equality can mean the citizenship of a very narrow group of inhabitants, as in ancient Athens where out of 500,000 inhabitants only 30,000 were citizens.<sup>53</sup> Franchise can exclude a variety of people, yet the regime could still be democratic and fully liberal (as the USA at the moment of its foundation) or be undemocratic in spite of its liberal nature (as England after 1688). The rule of the majority can be a natural way of governing in liberal democracy if various checks and balances restrain it. Without restraints, however, it turns into a tyranny of numbers.

The rule of the majority can also pose another kind of threat if a powerful minority pretends to be a majority. Least damaging are the cases of ordinary deception, when party machines manipulate the electorate.<sup>54</sup> However, much worse are cases when a minority, driven by ideological motivations, aims not at mere electoral victory but at fundamental change. Such was the case of the Jacobins in the National Convention (1792–1794). Although they were only a minority in the Convention, and a fringe group among the French, they claimed to act in the name of the overwhelming majority because they defended revolutionary gains for the Third Estate (i.e., the nation itself as Abbé Sieyès asserted). Rousseau's notion of general will was very helpful in legitimizing this deception because it allowed the Jacobins to justify their bloody terror and still maintain that they served liberty.<sup>55</sup>

If we bear these threats in mind, then Acton's philippics against democracy acquire a different meaning. It seems that democracy was for him a neutral term that has the potential to grow into the best practical regime or descend into the worst tyranny imaginable that transcends all classical classifications of political orders.<sup>56</sup>

Democracy tends naturally to realize its principle, the sovereignty of the people, and to remove all limits and conditions of its exercise;

whilst monarchy tends to surround itself with such conditions. . . . The resistance of the king is gradually overcome by those who . . . seek to share power; in democracy the power is already in the hands of those who seek to subvert . . . the law. . . . In a purely popular government . . . all power is united in the same sovereign; subject and citizen are one, and there is no external power . . . [acting] against . . . abuse. . . . Hence monarchy grows more free, in obedience to the laws . . . , whilst democracy becomes more arbitrary. The people is induced less easily than the king to abdicate the plenitude of its power.<sup>57</sup>

For these reasons, democracy requires more checks than any other type of regime. It demands sophisticated constitutional contrivances restraining the majority, well-functioning institutions and political habits, and respect for national tradition. All these conditions are indispensable to counterbalance the sovereign's will. If they are all present, democracy grows into the best practical regime, in which civic and civil freedoms are respected, and in which citizens are true masters of their community and state. If they are not, and if the popular will encounters no sufficiently strong counterbalances, then democracy descends into a nightmare, a regime for which Acton did not have a name and which in the twentieth century was called totalitarianism.

Doctrinaire liberalism strengthens the natural tendency of democracy towards the arbitrary enforcement of its will. Furthermore, democracy and doctrinaire liberalism share equality as their supreme axiom.<sup>58</sup> As a result, liberty is sacrificed for the sake of equality. If unchecked, popular sovereignty, equality and the rule of the majority result in tyranny. The Great Terror in the French Revolution provides evidence for this scenario, and highlights that such tyranny can be bloody. The state then acts "like a thumbscrew" that breaks resistance and shapes society according to pre-designed schemes. The tyranny that ensues can be of the Tocquevillian "soft" kind if it pursues the utilitarian "greatest happiness for the greatest number" principle, or alternatively could take a "hard" form if it pursues pure equality, especially when linked with nationalism and socialism.

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At first glance, Acton's classification of liberalism may be deemed as not very original. Regardless of confusion, we have become accustomed to the division of liberalism into classical liberalism, akin to *laissez-faireism*, and modern liberalism of various shades, from social to libertarian kinds. Yet on closer review, Acton's approach to liberalism is highly original, transcending the usual categorizations. It redefines liberalism and brings

out of oblivion a liberal current that in the nineteenth century still belonged to the liberal mainstream.

First, Acton refused to treat the liberal current of which he did not approve as liberalism. Doctrinaire, constructivist, abstract and rationalist liberalism was for him illiberal, and therefore it was not liberalism at all. The only true liberalism was of his kind, one that grows within an existing political community and respects national traditions and natural law. England and America, while not perfect, historically represented its best examples.

It is interesting that at the sunset of his life, when Acton's name became familiar among the English educated class, no one questioned his view of liberalism or tried to expel it from the liberal Olympus. Rather, he was considered a quintessential liberal whose only deviation from liberal orthodoxy was his Catholicism. Yet today, the liberalism he renounced constitutes the liberal mainstream, while that of his kind would probably be branded conservatism or republicanism.

Second, the characteristics of Acton's organic liberalism transcend the division between classical and modern liberalism. Individualism, so central for liberalism of any kind, is downplayed by Acton, for he sees individuals as an integral part of the community, not as lonely atoms preoccupied with themselves. In his best practical regime, there is no contradiction between individual and polity, but rather mutual dependence. It is as if Acton restated the Aristotelian maxim that one who is self-sufficient and is not a part of a polity "is either a beast or god," but cannot be human (*Politics* I,125a3a27). Another difference is that Actonian liberalism cares about the working class and the poor. His emphasis on morality and conscience is found in none of the liberalisms. This could be understood as a sign of Acton's Catholicism and his reflection on history. Individuals are to overcome their egoism if they are to be active members of the civic community. What power is capable of making them do so without taking away their freedom? Conscience and morality grounded in the Judeo-Christian tradition was Acton's response. Individuals motivated by such a force are entirely different from those who are free in everything except for hurting others.

Finally, Acton's warning against the doctrinaire approach to politics is certainly prophetic for his time and could be so for our own. Ascending democracy mixed with abstract principles nearly extinguished liberal order by the power of totalitarian regimes of the twentieth century. Is our age immune to threats originating in the same roots? Are we safe from soft and hard despotisms, the unwanted children of the liberal age?

## Notes

1. D. Bell, "What Is Liberalism?," *Political Theory* 42(6) (2014): 684–92.
2. Cf. Lord Acton, "The History of Freedom in Antiquity" (hereafter referred to as "Freedom in Antiquity"), published in 1877, reprinted in *Selected Writings of Lord Acton*, ed. J. Rufus Fears, 3 vols. (Indianapolis: Liberty Classics, 1985–1988), 1:8, hereafter referred to as *SWLA*; cf. Friedrich A. Hayek, *New Studies in Philosophy of Politics, Economics and the History of Ideas* (London: Routledge and Keagan, 1982), 119.
3. Cf. Ch. Clausen, "Lord Acton and the Lost Cause," *American Scholar* 69(1) (Winter 2000): 49.
4. Cf. Gertrude Himmelfarb, *Lord Acton: A Study in Conscience and Politics*, 2nd ed. (Chicago: University of Chicago Press, 1962), 3; Joseph L. Altholz, *The Liberal Catholic Movement in England: The Rambler and Its Contributors, 1848–1864* (London: Burns & Oates, 1962), 1.
5. Acton to Mary Gladstone, December 18, 1884, in *Letters of Lord Acton to Mary, Daughter of the Right Hon. W. E. Gladstone*, ed. Herbert Paul, 2nd ed. (London: Macmillan, 1913), 199, hereafter referred to as *Letters of Lord Acton to Mary*; cf. Acton to Lady Blennerhassett, February 1879, in *Selections from the Correspondence of the First Lord Acton*, ed. John Neville Figgis and Reginald Vere Laurence (New York: Longmans, Green, 1917), 54, hereafter referred to as *Correspondence*.
6. "Freedom in Antiquity," 22; Lord Acton, "Colonies," published in *Rambler*, n.s. 6 (March 1863): 391–400, reprinted in *SWLA* 1:182; Lord Acton, *Lectures on the French Revolution*, ed. John Neville Figgis and Reginald Vere Laurence (London: Macmillan, 1910), 33, hereafter referred to as *LFR*.
7. "Freedom in Antiquity," 5–7.
8. James Bryce, *Studies in Contemporary Biography* (London: Macmillan, 1903), 396; Lord Acton, *Lectures on Modern History*, ed. Hugh Trevor-Roper, 3rd ed. (Cleveland: Meridian Books, 1967), 26–27, hereafter referred to as *LMH*.
9. "Freedom in Antiquity," 7.
10. *LMH*, 28.
11. Cf. Lord Acton, "The Revolution in Italy—Spain—Emancipation of the Serfs in Russia," published in *Rambler*, n.s. 3 (July 1860): 273–88, reprinted as "Report on Current Events, July 1860," in *SWLA* 1:497; Lord Acton, "Venn's Life of St. Francis Xavier," *Home and Foreign Review* 2(3) (January 1863): 188; Lord Acton, "Mr. Goldwin Smith's *Irish History*," published in *Rambler* n.s. 6 (January 1862): 190–220, reprinted in *SWLA* 2:85, hereafter referred to as "Mr. Goldwin Smith's *Irish History*"; Acton Papers, Department of Manuscripts, Cambridge University Library, Additional Manuscripts, 4890, 28, hereafter referred to as Add. Mss.
12. *LFR*, 20–21; Acton, "Colonies," 178–87. Cf. Christopher Lazarski, *Power Tends to Corrupt: Lord Acton's Study of Liberty* (DeKalb: Northern Illinois University Press, 2012), 126–30.



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13. *LMH*, 295; *LFR*, 37; Lord Acton, "The Civil War in America: Its Place in History," published in 1866, reprinted in *SWLA* 2:264, hereafter referred to as "Civil War in America."

14. Alasdair MacIntyre, *After Virtue*, 3rd ed. (Notre Dame, Ind.: University of Notre Dame Press, 2007), esp. chaps. 10–12.

15. "The Birth of Greek Individualism," in Isaiah Berlin, *Liberty*, ed. Henry Hardy (Oxford: Oxford University Press, 2005), 294.

16. Benjamin Constant, "The Liberty of Ancients Compared with That of Moderns" (1819), available at <http://oll.libertyfund.org/titles/constant-the-liberty-of-ancients-compared-with-that-of-moderns-1819> (accessed August 12, 2015); "Freedom in Antiquity," 17–18; Add. Mss., 5594, 80; 5393, 17.

17. "Freedom in Antiquity," 8. This passage serves as the basis for the term "organic liberalism." Cf. "Mr. Goldwin Smith's *Irish History*," 76.

18. *LFR*, 106–107.

19. "Mr. Goldwin Smith's *Irish History*," 76.

20. *LFR*, 107; Lord Acton, "Nationality," published in *Home and Foreign Review* 1(1) (July 1862): 1–25, reprinted in *SWLA* 1:415, hereafter referred to as "Nationality." Cf. Lazarski, *Power Tends to Corrupt*, 192, 243–44.

21. "Political Causes of the American Revolution," published in *Rambler*, n.s. 5 (May 1861): 17–61, reprinted in *SWLA* 1:217, hereafter referred to as "Political Causes."

22. *LMH*, 97, 221.

23. *LMH*, 97, 208, 221; Lord Acton, "Sir Erskine May's *Democracy in Europe*," published in *Quarterly Review* 145 (January 1878): 112–42, reprinted in *SWLA* 1:81, hereafter referred to as "Sir Erskine"; Acton to Lady Blennerhassett, April 22, 1887, *Correspondence*, 272–73; Acton to Mary Gladstone, April 24, 1881, *Letters of Lord Acton to Mary*, 94.

24. "Freedom in Antiquity," 9–15; 23–25; "Sir Erskine," 58–64.

25. "Freedom in Antiquity," 15–18, 23–25, 27; Lord Acton, "The History of Freedom in Christianity," published in 1877, reprinted in *SWLA* 1:29, 30, hereafter referred to as "Freedom in Christianity"; "Sir Erskine," 65–68; Lord Acton, "Political Thoughts on the Church," published in *Rambler*, n.s. 11 (January 1859): 30–49, reprinted in *SWLA* 3:24–26, 29.

26. "Freedom in Christianity," 33, 36–37; *LMH*, 86; "Sir Erskine," 70; Lord Acton, "The Political System of the Popes," published in *Rambler*, n.s. 2 (January 1860): 154–65; 3 (May 1860): 27–38; 4 (January 1861): 183–193, reprinted in *Essays on Church and State*, ed. Douglas Woodruff (New York: Thomas Y. Crowell, 1968), 127, 153.

27. "Freedom in Christianity," 34–35.

28. *LMH*, 19, 43, 59–60, 86–87; "Freedom in Christianity," 37.

29. Lord Acton, "Döllinger on the Temporal Power," published in *Rambler*, n.s. 6 (November 1861): 1–62, reprinted in *SWLA* 3:84–87; Lord Acton, "The Protestant Theory of Persecution," published in *Rambler*, n.s. 6 (March 1862): 318–51, reprinted in *SWLA* 2:101–03, 107–08; *LMH*, 107–08.

30. *LMH*, 25, 60; 197–198; Cf. Lazarski, *Power Tends to Corrupt*, 106–08.

31. *LMH*, 136, 143–144, 152, 161, 192, 198; “Freedom in Christianity,” 40–41; “Sir Erskine,” 71.
32. *LMH*, 198, 200, 206–208, 220–221; “Sir Erskine,” 72.
33. Bell, “What Is Liberalism?,” 693; D. Kriegel, “Liberty and Whiggery in Early Nineteenth-Century England,” *Journal of Modern History*, 52(2) (June 1980): 253–78; Hayek, *New Studies in Philosophy*, 119–20; Guido de Ruggiero, *The History of European Liberalism*, trans. R. G. Collingwood (London: Oxford University Press, 1927), 93–113, 123–34.
34. *LMH*, 295; “Civil War in America,” 270.
35. “Political Causes,” 237–39, 244–45, 247, 251–57; “Civil War in America,” 275–79; Lord Acton, “The War in America,” printed in *Rambler*, n.s. 5 (September 1861): 424–32, reprinted in *SWLA* 1:289–90; Lord Acton, “America,” printed in *Rambler*, n.s. 6 (January 1892): 281–192, reprinted in *SWLA* 1: 301–303.
36. Acton to Mary Gladstone, December 14, 1880, *Letters of Lord Acton to Mary*, 49–50.
37. Acton to Mary Gladstone; April 24, 1881, *Letters of Lord Acton to Mary*, 91–95; *LFR*, 162.
38. “Sir Erskine,” 81.
39. *LMH*, 43.
40. Lord Acton, “Review of Knight’s *Popular History of England*,” published in *Home and Foreign Review* 2, 3 (Jan. 1863): 254–57, reprinted in *SWLA* 1:149.
41. Cf. “Mr. Goldwin Smith’s *Irish History*,” 91–92; *LFR*, 14–16; Acton, “Review of Thomas Arnold’s *Manual of English Literature*,” 145; “Arnold’s *Public Life*,” 154; “Sir Erskine,” 76; “Nationality,” 411. Cf. Lazarski, *Power Tends to Corrupt*, 179–81, 229–31.
42. “Nationality,” 411.
43. *LMH*, 208.
44. *LFR*, 5–6, 165; Lord Acton, “Expectation of the French Revolution,” published in *Rambler*, n.s. 5 (July 1861): 190–213, reprinted in *SWLA* 2:52.
45. *LMH*, 10.
46. *LFR*, 3–19, 31–32.
47. Lord Acton, “Cavour,” published in *Rambler*, n.s. 5 (July 1861): 141–65, reprinted in *SWLA* 1:441.
48. *LFR*, 94–95, 97–98, 106–08; “Nationality,” 415, 428–29.
49. Acton, “Cavour,” 441, 443; Lord Acton, “The Piedmontese Ultimatum to the Holy See,” published in *Rambler*, n.s. 6 (January 1862): 277–81, reprinted in *SWLA* 1:463.
50. Acton, “Report on Current Events, July 1860,” 496.
51. “Nationality,” 424; Lord Acton, “Notes on the Present State of Austria,” published in *Rambler*, n.s. 4 (January 1861): 193–205, reprinted in *Essays on Church and State*, 345.
52. Acton to Mary Gladstone, April 24, 1881, *Letters of Lord Acton to Mary*, 93; Acton, “Notes on the Present State of Austria,” 345.

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53. "Sir Erskine," 61.
54. "Sir Erskine," 83; "Mr. Goldwin Smith's *Irish History*," 92–95.
55. *LFR*, 258; Cf. Lazarski, *Power Tends to Corrupt*, 210–211.
56. Cf. Himmelfarb, *Lord Acton*, 173.
57. "Political Causes," 217.
58. *LFR*, 106, 271, 336, 342–343; Acton, "Cavour," 441–42; Acton, "The Piedmontese Ultimatum to the Holy See," 463.