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CLASSICAL LIBERAL STUNT MEN: LORD ACTON, HERBERT SPENCER, AND
THE DEVELOPMENT OF LIBERALISM IN NINETEENTH-CENTURY BRITAIN

A thesis submitted in partial fulfillment of the Requirements for the degree of Bachelor of
Arts with Honors in History from the College of William and Mary in Virginia,

by

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Introduction

Anthony Flood, a contributor to the libertarian internet publication LewRockwell.com, wrote concerning the nineteenth-century intellectual, Lord Acton, “...Acton was a libertarian *hero*. His championing of liberty against power was the central theme of his intellectual life... Needlessly impoverished are those libertarians who fail to embrace him as one of their own.”¹ Libertarians, including Flood, love to draw nineteenth-century classical liberals into the present and act as if these past figures are mirror images of themselves. They also enjoy vindicating less favorably looked upon nineteenth-century classical liberals. A favorite selection for this enterprise is Herbert Spencer, who is often associated with social Darwinism and of whom Roderick T. Long, another contributor to LewRockwell.com, wrote, “It has long been open season on Herbert Spencer (1820–1903). Perhaps because he was the 19th century's most prominent defender of individual liberty and critic of the violence of the state, Spencer has always been the object of hatred and distortion; indeed, it sometimes seems that no accusation is too bizarre to be leveled against him.”² Acton, Spencer, and other historical figures may consider themselves lucky to have libertarians, like Flood and Long, who are eager to brush off the dust of the past or to scrub away the tarnish of an unpalatable reputation in order to claim these figures as their own.

¹ Anthony Flood, “Lord Acton: Libertarian Hero,” LewRockwell.com, 4 April 2006, <<http://www.lewrockwell.com/orig6/flood2.html>> (9 October 2007).

² Roderick T. Long, “Herbert Spencer: The Defamation Continues,” LewRockwell.com, 28 August 2003, <<http://www.lewrockwell.com/orig3/long3.html>> (9 October 2007).

Libertarianism is a philosophy characterized by strict adherence to the principles of individual liberty and free market economics. There is overlap between the ideas and terminology employed by libertarians and classical liberals. Yet the two groups cannot be equated because libertarians and classical liberals stand in separate historical contexts and have faced different problems. Libertarian attempts to revive classical liberalism and to draw continuities between classical liberals and themselves reveal how concepts and terms change over time; acknowledging their historical nature holds implications for contemporary discourse. Placing Acton and Spencer in their historical contexts helps highlight the origin and development of classical liberal concepts while also revealing why some libertarians want to claim this tradition, in an ahistorical form, as their own.

John Emerich Edward Dahlberg-Acton (1834-1902) was, on the surface, a man of contradictions. He was a liberal Catholic member of the British aristocracy, an historian with a moral mission, and a political thinker with a self-avowed love of liberty. Most of Acton's published material appeared as articles in the *Rambler*, the *Home and Foreign Review*, the *Chronicle*, and the *North British Review*, and was focused on liberal Catholicism, historical studies, and political analysis of contemporary and past events. Acton intended to produce a complete history of liberty stemming from his lectures as Regius Professor of Modern History at Cambridge entitled "The History of Freedom in Antiquity" and "The History of Freedom in Christianity," but this project remained unfinished at the time of his death. As a liberal Catholic, Acton believed it was the Catholic Church's duty to promote individual liberty, self government, and scientific research. These principles, while not directly and explicitly furthering Catholic interests,

Acton believed would ultimately protect justice, the Church, and the Catholic faith.³ The theme of liberty served as the common thread uniting Acton's broad range of work.

Herbert Spencer (1820-1903) was a British thinker whose interests spanned political philosophy, psychology, biology, and sociology. His politically-oriented writings include *The Proper Sphere of Government* (1848), *Social Statistics* (1851), and *The Man versus the State* (1884). Prominent themes within these writings are government noninterference and individual freedom of action limited by the rights of others. Spencer also attempted to gather all known branches of knowledge, or the sciences, under a set of universal natural laws in his *Synthetic Philosophy*, a multivolume work under the headings of *First Principles* (1862), *Principles of Biology* (1864-1867), *Principles of Psychology* (1870-1872), *Principles of Sociology* (1876-1897), and *Principles of Ethics* (1879-1893). Despite the variety of Spencer's interests and works, he is often most readily associated with the development of sociology and social Darwinism.

Considering the centrality of liberty within the thought of Acton and Spencer, these men are easily labeled liberal figures, yet liberal and liberalism are complex terms not so easily defined. The conceptual umbrella of liberalism is quite broad, and a glance at the table of contents of any set of books claiming to cover liberalism illustrates this

³ J. Rufus Fears, biographical note and forward to *Selected Writings of Lord Acton Volume 1: Essays in the History of Liberty* by John Emerich Edward Dahlberg-Acton (Indianapolis, Indiana: LibertyClassics, 1984), ix-xii.

point.⁴ Definitions of liberalism usually present the concept of individual freedom and liberty as one of the core values. Other concepts frequently marshaled to flesh out liberalism further are: equal rights, constitutional government, rule of law, toleration, hostility to arbitrary government, challenge and limitation of power, and valuation of reason, contract, and the present over tradition, status, and the past.⁵ Because liberalism emerged in the seventeenth and eighteenth centuries and given its dominance in the nineteenth century, definitions of liberalism often include discussions of elements, such as industrialization and the rise of the middle class, that pertain to the social and economic context of Europe in those time periods.⁶ Some of the most frequently cited liberal thinkers are John Locke (1632-1704), Baron de Montesquieu (1689-1755), Immanuel Kant (1724-1804), Adam Smith (1723-1790), Benjamin Constant (1767-1830), Wilhelm von Humboldt (1767-1835), John Stuart Mill (1806-1873), and Alexis de Tocqueville (1805-1859).⁷

⁴ F. Rosen, *Bentham, Byron, and Greece: Constitutionalism, Nationalism, and Early Liberal Political Thought* (Oxford: Clarendon Press, 1992), 289. Rosen discussed the problem of defining liberalism and its canon. In footnote four Rosen listed the individuals covered in two books to highlight the problem.

⁵ Ian Adams, *Political Ideology Today* (New York: Manchester University Press, 2001), 10 and E. K. Bramsted and K. J. Melhuish, eds., *Western Liberalism: A History in Documents from Locke to Croce* (London: Longman, 1978), xvii.

⁶ Bramsted and Melhuish, xvii.

⁷ Andrew Vincent, "Classical Liberalism and Its Crisis of Identity," *History of Political Thought* 11 (Spring 1990): 146-147.

Part of the difficulty in settling on a definition of liberalism and a liberal canon is that liberalism spans a wide geographic area: continental Europe, Britain, and North America. While these areas can be said to hold liberalism in common, each imparts its own flair to the philosophy. For example, liberalism in continental Europe was preoccupied with anti-clericalism, a fierce opposition and sometimes even intolerance for the Catholic Church, while the British were more concerned with nonconformity, or skepticism, toleration, and Protestant dissent.⁸ One of the more significant, influential, and developed subsets of liberalism, and the broader intellectual and political context of Lord Acton and Herbert Spencer, is the British liberal tradition.

The history of British liberalism is often depicted as a progression from classical liberalism to new liberalism. Classical liberals conceived of society as a collection of individuals and granted a limited role to the state. This limitation was closely associated with the concept of negative freedom and rights, or noninterference with the individual. Departing from this individualistic conception of society, new liberals depicted society as an organic whole with individuals as distinct parts working together. New liberals expanded the role of the state to judging the needs of individuals and society. This expanded role was closely associated with the concept of positive freedom and rights. Positive freedom and rights presupposes that in order to have a worthwhile and

⁸ Bramsted and Melhuish, xviii-xix.

meaningful existence the individual requires certain pre-determined goods and it is the state's role to provide these goods.⁹

Clear cut divisions between the two varieties of liberalism – a classical liberalism more prevalent in the early half of the nineteenth century and a new liberalism more prevalent towards the end of the nineteenth century – can easily be made. Yet the historical nature of this shift, as well as the question of whether there was a shift, are points of contention within scholarship on the British liberal tradition. This debate is shaped, in part, by figures, such as, George L. Bernstein, Michael Freedman, Robert Eccleshall, and Andrew Vincent. The shift is alternately viewed as a socialist betrayal of classical liberalism or a dramatic change from an individualistic to a socialistic core, as representing the fluidity of liberal concepts or illustrating a dialectic within liberalism; others deny that there was a shift.

The historiography of liberalism and the debate over the trajectory of British liberalism highlight several methodological issues within intellectual history. Crane Brinton (1898-1968), an intellectual historian, described three approaches that characterize early intellectual historiography on political thought: the “method of ideas,” the “method of men,” and the method of political opinion. The historian employing the “method of ideas” presents his material around a set of ideas or problems he deems to be important while the historian employing the “method of men” organizes his material

⁹ Richard Hudelson, *Modern Political Philosophy* (Armonk, New York: M. E. Sharpe, Inc. 1999), 89-90 and Simon Potter, “How New Was the New Liberalism?” *Modern History Review* 11, no. 3 (February 2000): 20.

around those thinkers he considers worthy of attention.¹⁰ Histories of political opinion attempt to establish the connection between political thought and action by examining the thoughts of everyday individuals.¹¹ The “method of ideas” and “the method of men,” by their segmented nature, close off the possibility of fully examining change over time. While histories of political opinion seem more open to viewing change over time, this method, like that of “ideas” and “men,” ignores the debate over the shift from classical to new liberalism in the British tradition by limiting its scope to exploring causal relations between ideas and events.

The “method of men” and “method of ideas” are ways of generating two kinds of histories of philosophy highlighted by the philosopher Richard Rorty (1931-2007): *Geistesgeschichte* and doxography. *Geistesgeschichte* is the label Rorty gave to the practices of historians who engage in canon formation and legitimization, or the process of determining which works and individuals are important and which questions are worth asking. Rorty described doxography as the approach in which an historian attempts an all-encompassing history of philosophy and thus must force all of his selected material to weigh in on particular questions. This becomes problematic when, given the tremendous time span of the material, each thinker examined may not have addressed the problems in

¹⁰ Two examples of the “method of men” approach in nineteenth-century British political thought are Crane Brinton’s *English Political Thought in the Nineteenth Century* (1949) and Wilfrid Harrison’s *Conflict and Compromise: History of British Political Thought 1593-1900* (1965).

¹¹ Crane Brinton, *English Political Thought in the Nineteenth Century* (New York: Harper & Row, 1962), 1-4.

question nor may those problems have been of consideration in each thinker's time period.¹²

These methods can force an historian to take a conceptual, or static, view of a subject, such as liberalism, that generates a result that is more like a philosopher or political theorist's work. An historian would ideally take an historical view of a subject that acknowledges and examines change. A conceptual analysis, which is a value-definition approach, produces an ahistorical eclecticism that fails to set any time limits on a subject. This approach produces those histories of liberalism that span from Ancient Greece into the present.¹³ While Ancient Greece exhibits the principle of direct democracy it is erroneous to label it as liberal. It is more accurate to say that ideas and examples preserved from Ancient Greece could have provided an inspiration to those later thinkers in seventeenth-century Europe onwards who developed liberalism. This is a distinction libertarians also gloss over as evidenced by works, such as David Boaz's *The Libertarian Reader: Classic and Contemporary Readings from Lao-Tzu to Milton Friedman*.

¹² Richard Rorty, "The Historiography of Philosophy: Four Genres" in *Philosophy in History: Essays on the Historiography of Philosophy*, eds. Richard Rorty, J. B. Schneewind, and Quentin Skinner (Cambridge: Cambridge University Press, 1984), 58, 61-62.

¹³ Anthony Arblaster, *The Rise and Decline of Western Liberalism* (New York: Basil Blackwell Publishers, 1984), 11-12. Arblaster cites J. Salwyn Schapiro's *Liberalism: Its Meaning and History* (1958) as an example.

This blurring between the lines of history and philosophy is also reflected in another approach, rational reconstruction, discussed by Rorty. Through rational reconstruction the historian attempts to bring the philosopher's work into the present. Those engaging in rational reconstruction are essentially imposing their own language, or terminology, on the past in order to make long-dead philosophers into conversational partners in the hopes of answering the questions and problems that preoccupy the present.¹⁴ This approach tends to be closer to the work of the philosopher than the historian. It is also similar to what libertarians are presently doing when they deal with classical liberals.

Exercises in rational reconstruction tend to characterize the shift from classical liberalism to new liberalism in two ways. Some authors view the shift as a betrayal. These individuals uphold classical liberalism as the true liberalism and view the new liberalism as a quasi-socialist imposter. Others see liberalism as undergoing a significant change from an individualistic to a socialistic character.¹⁵ Both of these interpretations are popular among libertarians. The latter appears to incorporate a more historical view suggesting change over time, but it is still more idea-oriented than contextual.

¹⁴ Rorty, 49.

¹⁵ Andrew Vincent, "Divided Liberalisms?" *History of Political Thought* 9 (Spring 1988): 164. Vincent is reviewing Michael Freedman's *Liberalism Divided: A Study in British Political Thought 1914-1939* (1986) as well as George L. Bernstein's *Liberalism and Liberal Politics in Edwardian England* (1986) and Robert Eccleshall's *British Liberalism: Liberal Thought from the 1640s to 1980s* (1986).

A component of historical reconstruction, the fourth approach discussed by Rorty, and one of the most influential developments in the intellectual historiography of political thought was the linguistic turn of the 1980s fueled largely by the work of J. G. A. Pocock and Quentin Skinner.¹⁶ Discourse, as defined by Pocock, is a series of speech acts performed by an agent within a context determined by social structures and historical situations. These speech acts both perform on and modify the agent's audience and the agent himself as well as language, historical, political, and social situational structures. For example, within political thought political languages exist that serve as structures. A speaker selects a language and enjoins it on the hearer. The hearer then modifies the language that the speaker enjoined on him to suit his own purposes. From this groups of speakers and hearers come to debate languages, or structures. Out of these debates emerges a politics of language as well as languages of politics. This is the environment the intellectual historian wades into.¹⁷ Pocock thus viewed the history of political thought not as the study of canonical texts but as an investigation into the changing political languages societies used.¹⁸

¹⁶ An example of the linguistic turn in the historiography of British political thought is J. W. Burrow's *Whigs and Liberals: Continuity and Change in English Political Thought* (1988). Burrow, noting the recent historical work pertaining to political discourses in the eighteenth century, attempted to trace those discourses into the nineteenth century and how they changed (ix).

¹⁷ J. G. A. Pocock, "Reconstruction of Discourse: Towards the Historiography of Political Thought," *MLN* 96, no. 5 (1981): 959, 966.

¹⁸ Quentin Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998), 104-105.

Similarly, Quentin Skinner, in light of Pocock's work, described the activity of interpreting a text as twofold. First, the historian should attempt to recapture the substance of an argument. Secondly, the historian should seek to understand what the author of a text may have meant by writing in the manner that he did. This involves examining the author's speech acts – his conclusions, what he supported, what he attacked, what he ridiculed, what he scorned, what he was silent about, and so on.¹⁹

More recent historians have criticized the linguistic turn for overemphasizing discourse at the expense of historical experience. Mark Francis and John Morrow in *A History of English Political Thought in the Nineteenth Century* (1994), for example, provided a more up-to-date survey of the field in light of the historiographical developments brought about by the linguistic turn.²⁰ While noting work on eighteenth-century discourses, Francis and Morrow asserted:

When conjuring up an image of nineteenth-century political thought, the most appropriate one which comes to mind is that of a stage upon which stand a large number of figures and a few groups. While these figures and groups all address the audience or parts of it, they rarely speak to one another, and when they do so, they are not speaking from the same script, nor even from one of a few possible scripts.²¹

¹⁹ Quentin Skinner, "The Idea of Negative Liberty: Philosophical and Historical Perspectives" in *Philosophy in History: Essays on the Historiography of Philosophy*, eds. Richard Rorty, J. B. Schneewind, and Quentin Skinner (Cambridge: Cambridge University Press, 1984), 201.

²⁰ Mark Francis and John Morrow, *A History of English Political Thought in the Nineteenth Century* (New York: St. Martin's Press, 1994), vii.

²¹ Francis and Morrow, 3-4.

Francis and Morrow claimed that nineteenth-century thinkers did not use the political languages of the past nor should they be tied to the early modern period.²² Francis and Morrow advocated a broader application of historical reconstruction. Historical reconstruction, which also includes discourse work, limits the historian's interpretative activity to placing a figure and his works into his context. Contrasted with rational reconstruction, the historian engaging in historical reconstruction is not making a conversational partner, but is making the past more intelligible to the present.

Historical reconstruction, unlike the "method of men," the "method of ideas," *Geistesgeschichte*, doxography, and rational reconstruction, more readily acknowledges change over time and thus allows for more nuanced characterizations of the shift from classical liberalism to new liberalism, as well as for a critique of the shift idea itself. The attention to terminology and concepts within their respective contexts that historical reconstruction encourages makes room for views such as that of George L. Bernstein, who defined liberalism as a broad-based doctrine that can incorporate both the elements of classical liberalism and new liberalism. In this view, the Gladstone administrations of the late nineteenth century serve as an umbrella for the juxtaposition of liberal groups including classical economists, non-conformists, radicals, Whigs, Liberal Unionists, and Chamberlainite interventionists. Another view is that of Michael Freeden and Robert Eccleshall, who suggested the presence of a dialectic throughout the history of liberal thought. They posited that liberalism has certain core themes that were given shape in different contexts and times and even utilized in other political movements. For example,

²² Francis and Morrow, 4.

the Liberty and Property Defence League, a group largely inspired by Herbert Spencer and that drew on classical liberal ideas, was composed of liberals and conservatives in late-nineteenth-century Britain.²³

Andrew Vincent challenged the very idea of a shift between classical and new liberalism. He took particular issue with Freedman and Eccleshall's theory, asserting that it does not reflect what nineteenth-century thinkers perceived. Vincent cited the nineteenth-century thinkers A. V. Dicey (1835-1922), Herbert Spencer, and Henry Sidgwick (1838-1900), who perceived a crisis in liberal thought and wrote concerning the socialist and collectivist trend challenging classical liberalism. Rather than a shift from classical liberalism to new liberalism, Vincent suggested that the concepts that define classical liberalism were too flexible to be the foundation of a liberal orthodoxy. Classical liberals themselves even differed in their interpretations and applications of these concepts. This difference of opinion allowed for a variety of measures to be advocated that made classical liberals increasingly uncomfortable. Thus the measures enacted by liberal administrations in Great Britain from the 1880s to 1914 could be criticized and defended by liberals given the flexibility of liberal criteria. The tenets of liberalism did not change, but were applied differently.²⁴

Lord Acton and Herbert Spencer are among a second generation of liberal thinkers writing in the latter half of the nineteenth century. Most historians writing about the shift from classical to new liberalism have largely ignored them with the exception of

²³ "Classical Liberalism and Its Crisis of Identity," 144 and "Divided Liberalisms?," 164-165.

²⁴ "Classical Liberalism and Its Crisis of Identity," 145-146.

references to Spencer as an example of classical liberalism's betrayal by the quasi-socialist new liberalism. This could be because the scholarship on Acton and Spencer is centered on questions concerning a figure's relevance to the present and his legacy rather than the nature of liberalism and its development.

Scholars studying Acton stressed his relevance to the present. Gertrude Himmelfarb in *Lord Acton: A Study in Conscience and Politics* (1952) went so far as to assert that Acton's Victorian England is "a civilization lost beyond recovery," but that Acton is "of this age, more than of his" – he is "one of our contemporaries."²⁵ Roland Hill in *Lord Acton* (2000) described how Acton was deemed valuable in the early half of the twentieth century because of his maxim: "absolute power corrupts absolutely." According to Hill, Acton's relevance continues today through his ideas on the nature and development of freedom.²⁶ Acton scholars explicitly encouraged the idea of continuity between classical liberalism and libertarianism by drawing direct lines between Acton and the present. These works expressed a sense that Acton "got it right" and that the world would be a better place if only the world had listened to his admonitions concerning power and liberty. This indirectly supports the view that the shift from classical to new liberalism was a betrayal or that the character of liberalism became more collectivistic rather than individualistic.

²⁵ Gertrude Himmelfarb, *Lord Acton: A Study in Conscience and Politics* (Chicago, Illinois: The University of Chicago Press, 1952), vii.

²⁶ Roland, *Lord Acton* (New Haven, Connecticut: Yale University Press, 2000), xi, xix.

Scholarship on Spencer is centered on the question of what dominated Spencer's thought: evolution or individualism. Instead of viewing Spencer as an evolutionist whose political theory was a by-product of his scientific beliefs, David Wiltshire in *The Social and Political Thought of Herbert Spencer* (1978), presented Spencer as primarily a liberal individualist who provided an evolutionary basis for his political theory. Wiltshire concluded that the evolutionary justification Spencer provided for his individualism actually produces results that render individualism in society impossible.²⁷ Mark Francis in *Herbert Spencer and the Invention of Modern Life* (2000) criticized misrepresentations of Spencer as a Darwinian evolutionist since Spencer detested Darwin's work. Francis also criticized historians for incorrectly labeling Spencer as an individualist. According to Francis, Spencer's political beliefs were based on empirical data rather than the linguistic and conceptual tradition, identified by modern historians and applied to Victorian Britain, of the individual versus the state.²⁸ These analyses suggest that Spencer's experience either bolsters Vincent's view of the fluidity of liberal concepts or that Spencer does not belong in evaluations of the development of liberalism.

In this work I present an historical reconstructionist study of Lord Acton and Herbert Spencer within the overarching framework of the expanding circle of political power and participation in nineteenth-century Britain. I argue that the works and

²⁷ David Wiltshire, *The Social and Political Thought of Herbert Spencer* (Oxford: Oxford University Press, 1978), 1-2.

²⁸ Mark Francis, *Herbert Spencer and the Invention of Modern Life* (Ithaca: Cornell University Press, 2007), 2-3, 13-14.

contexts of Acton and Spencer reveal that there was a shift from classical liberalism to new liberalism within British political thought. Contextual developments of the nineteenth century, such as the development and spread of evolutionary ideas and language as well as the emergence of an historical consciousness, undermined the conceptual framework underpinning the core values, individual liberty and individual rights, of classical liberalism. These contextual developments helped to replace the classical liberal conceptual framework of the early nineteenth century that visualized society as a composite of individuals – individuals possessing reason, characterized by a static nature, and operating within a context of natural, universal law – with a conceptual framework more particular to the mid-to-late nineteenth century. This later framework organicized society so that society itself became an entity. Within this conceptualization, societies as well as the individuals within them are viewed as outgrowths of the past. Societies and individuals do not operate within a context of natural, universal law, but in a context in which societies and individuals are the dynamic, ever-changing accumulations of past inheritances.

Acton and Spencer operated within this later underlying conceptual framework. Though on the surface they may appear to fit in with classical liberalism, Acton and Spencer illustrate this newer framework, which holds the possibility of yielding results that are new liberal rather than classical liberal. This new underlying framework calls into question whether or not Acton and Spencer can be labeled classical liberals and sheds light on efforts of libertarians to claim classical liberalism as their own. Acton and Spencer can be more accurately conceived of as classical liberal stunt men; figures who

resemble classical liberals enough to stand in for them just as the stunt man does for the action star but remain figures of an entirely different type.

I. Classical Liberalism and Its Context

A recurring theme within British politics from the seventeenth through the nineteenth century is the struggle over the widening ring of political power and participation. Initially the monarchy commanded a monopoly over political power, which the aristocracy successfully challenged in the revolutions of the late seventeenth century. As Britain began to industrialize, a middle class emerged that quickly began to increase in size and wealth. This prosperous middle class also demanded a voice in the governance of Britain, which it gained with the expansion of the franchise in the Great Reform Bill of 1832. The emergence of the working class, another consequence of industrialization, brought additional pressure to widen the circle of political power and participation to include the working masses, which was achieved through the Reform Bills of 1867 and 1884. This theme of a struggle over a widening circle of political power and participation can serve as an overarching framework in which to situate Acton, Spencer, and the changing nature of liberalism. The initial reference point of the thesis is classical liberalism. This chapter serves to define classical liberalism, establish its context, and identify some of its most influential figures.

Classical liberalism is a broad, much-contested subject. I cannot provide here a comprehensive treatment of classical liberalism. Instead I will provide a limited definition of classical liberalism that highlights facets of the philosophy, such as individual liberty and individual rights, which are pertinent to this case study – pertinent in that they are articulated by classical liberal thinkers as well as Acton and Spencer. It will also be a definition that simultaneously illustrates the multitudinous, and sometimes

contradictory, influences feeding into the philosophy, as well the role the philosophy plays in the overarching struggle over political power and participation in British society.

Classical liberalism is not the systematic philosophy of one or many thinkers. The concept and term itself is more of an after-the-fact construct. The idea of an older liberalism threatened by a new liberalism emerged in the midst of the late-nineteenth-century struggle over the meaning and nature of liberalism in Britain.¹ Classical liberalism thus evolved into a term of use to historians and political theorists in order to identify a cluster of concepts that came into their own in the early half of the nineteenth century. Classical liberalism is a confluence of several loosely-related threads within British political thought, such as the natural rights tradition, classical economics, utilitarianism, aesthetic individualism, and constitutionalism.²

At its core classical liberalism is concerned with individual liberty and individual rights. Classical liberals subscribed to a belief in man's fundamental rationality and reasonableness and were committed to expanding individual rights and liberty.³ Individual rights and liberty, as conceived by classical liberals, were negative in nature and translated into the individual's right to be free from outside interference.⁴ Classical

¹ Michael Freeden, *Ideologies and Political Theory: A Conceptual Approach* (Oxford: Clarendon Press, 1996), 283-284.

² Bramsted and Melhuish, 4-34.

³ Bramsted and Melhuish, 35-36 and Hudelson, 37.

⁴ Hudelson, 89-90.

liberals held that everyone possessed an equal right to liberty though “everyone” at this point in time rarely meant more than every man or every man who met certain pre-determined criteria.⁵

Stemming from this core of individualism and liberty are several peripheral concepts concerning the duties of governments and the expectations of their citizens. Classical liberals believed that the proper role of government was to safeguard the rights and liberties of its citizens, and this applied to minorities as well as majorities within society. The optimal method for ensuring that a government fulfilled its duty, according to classical liberals, was to establish a rational political order based on a constitutional government of limited powers. The individual rights applicable to government protection included a right to property, freedom of religion, freedom of assembly, freedom of the press, and freedom of speech, expression, and opinion.⁶ Since these rights were both individual and equal classical liberals sought political and legal equality for all men – a theme that reverberated throughout the struggle to widen political power and participation. Aside from this obligation governments were expected to operate under the principle of noninterference. Classical liberals also applied this domestic policy to questions of foreign policy and advocated international harmony through nonintervention and free trade.⁷

⁵ “Classical Liberalism and Its Crisis of Identity,” 147.

⁶ Bramsted and Melhuish, 36 and Hudelson, 37.

⁷ Bramsted and Melhuish, 278 and Arblaster, 289.

In addition to a commitment to individual liberty and individual rights, classical liberals tended to be optimistic in regards to human capabilities. They were advocates of self reliance and voluntarism, the idea that only voluntary acts could be deemed virtuous.⁸ Classical liberals were also strong believers in the idea of progress and the advancement of civilization as fueled by scientific development and middle class self-confidence.⁹ Thus for classical liberals the impetus for improvement was solely in the hands of the individual. Through knowledge, self control, discipline, and virtue the individual could work to improve his condition and his surroundings.

Because classical liberalism is the result of several overlapping threads in British political thought, those individuals who fall under the classical liberal label did not necessarily advocate all of the aforementioned principles nor act in line with them. In fact, two contradictory philosophical traditions were used to derive and defend classical liberalism's core principles of individual rights and liberty: natural law or natural rights theory and utilitarianism. The natural law tradition roots freedom and individual rights in nature and as pre-existent to man-made institutions. The utilitarian tradition roots freedom and individual rights in their usefulness as tools to maximize happiness. Two of the most well-known representatives of each tradition are John Locke (1632-1704), a natural rights theorist, and John Stuart Mill (1806-1873), a utilitarian.

⁸ Arblaster, 284-285.

⁹ Bramsted and Melhuish, 36.

John Locke, as a participant in the struggle for power between Parliament and the monarchy in the seventeenth century, captures the early development of classical liberalism alongside the initial confrontation over political power and participation. The general direction of seventeenth-century British liberal thought was toward establishing a connection between freedom and property and prosperity, as well as the founding of rights and political power on the basis of private property. Locke's patron was the Earl of Shaftesbury, one of the leaders in opposition to Charles II. His *Two Treatises of Government* were written during the Exclusion Crisis (1678-1681), but were not published until 1690. With this later publication date the two treatises were initially billed as a justification for the Whig settlement of 1688-89. This was Parliament's triumph over the monarchy, otherwise known as The Glorious Revolution in which William of Orange was invited to assume the English crown. The Glorious Revolution was accompanied by the Bill of Rights, which rejected absolutism by limiting monarchical powers and transforming England into a constitutional monarchy led by a Parliament comprised of the landed aristocracy.¹⁰

Locke's best-known work is the *Second Treatise of Government* in which he outlines the origins and purpose of government. Locke described the state of nature as a condition in which each individual is governed by the law of nature. By the law of nature the individual "is bound to preserve himself...[and]...when his own preservation comes

¹⁰ Arblaster, 152-153, 163, 167 and Paul Langford, "The Eighteenth Century (1688-1789)" in *The Oxford History of Britain*, ed. Kenneth O. Morgan (Oxford: Oxford University Press, 2001), 399-402.

not in competition, ought he, as much as he can, *to preserve the rest of mankind.*”¹¹ In this state each individual is free to execute this law as he sees fit and equal in his power and authority to do so since no overarching judge exists yet between individuals.¹²

Locke asserted that individuals desire “the preservation of their property,” property being defined as “their lives, liberties and estates.”¹³ This desire cannot be filled satisfactorily in the state of nature, so men are inspired to leave it by coming together to place themselves under a common power for the security of their property.¹⁴ The formation of a government requires men to give up their individual power to execute the law of nature, both in regards to self preservation and the punishment of the transgressors of the law, to the public.¹⁵ The public then erects, for the good of society and the preservation of property, a common law and judicature to decide controversies and punish offenders of

¹¹ John Locke, *Second Treatise of Government*, ed. C. B. Macpherson (Indianapolis, Indiana: Hackett Publishing Company, Inc., 1980), 9 (S6). In citations from this source the information in parentheses following the page reference denotes the section number being cited. For example, (S6) denotes section six.

¹² Locke, 8-10, 15 (S4, S7, S19).

¹³ Locke, 65-66 (S123-124).

¹⁴ Locke, 66 (S124).

¹⁵ Locke, 47, 67-68 (S88, S128-130).

the law.¹⁶ In this manner Locke argues from a natural law perspective for the preservation of an individual's life, liberty, and possessions as the reason for and duty of government.

Before government may protect an individual's possessions he must first have ownership of them, and to this end Locke also articulated a theory of property in the *Second Treatise of Government*. According to Locke, while the Earth and all that is in it, excluding man, is owned by men in common, an individual first "has a *property* in his own *person*" and by extension his labor or work.¹⁷ An individual makes an item held in common his own by mixing his labor with it. He may do so up to the point that there is "enough, and as good, left in common for others" and to the point of spoilage.¹⁸ Only through money, which is a representation of society's consent, may an individual appropriate more than he himself is able to consume.¹⁹ In addition to providing a natural law defense for individual rights and limited government, Locke outlined a defense of property as well.

While Locke's time period was characterized by the conflict between monarchy and Parliament, the development of the utilitarian tradition in the late eighteenth and

¹⁶ Locke, 46-48, 89 (S87, S89, S171).

¹⁷ Locke, 18-19 (S25-S27). Quote on 19 (S27).

¹⁸ Locke, 19-21 (S27, S31-32).

¹⁹ Locke, 23 (S36).

early nineteenth centuries was characterized by changes in the structure of English society.²⁰ Industrial and commercial developments during the French Revolution (1789-1799) and the Napoleonic Wars (1803-1815) left England with a growing middle class that clamored for political participation. As Britain was industrializing in this period, manufacturing increased and a commercial economy began to take shape. Wealth was becoming less attached to land and agriculture as new, fluid forms of capital emerged. This new capital and wealth was centered in the hands of a growing middle class, which felt that it too deserved political power and participation because of its stake in the economy. The Great Reform Bill of 1832 enfranchised a large portion of the middle class by expanding the property qualification attached to male suffrage to include rented property of a minimum value as well as land. The Reform Bill of 1832 also redistributed parliamentary seats to reflect population growth in industrial areas.²¹

Utilitarianism, first developed by Jeremy Bentham (1749-1832), proclaimed the maximization of happiness as the greatest good and rule for moral judgment. Bentham held that “Nature has placed mankind under the governance of two sovereign masters,

²⁰ Wilfrid Harrison, *Conflict and Compromise: History of British Political Thought: 1593-1900* (New York: The Free Press, 1965), 29, 157.

²¹ Harrison, 157-158 and Brinton, 11-12 and J. Salwyn Schapiro, *Liberalism: Its Meaning and History* (Princeton, New Jersey: D. Van Nostrand Company, Inc., 1958), 40-41, 43 and Christopher Harvie, “Revolution and the Rule of Law (1789-1851)” in *The Oxford History of Britain* ed. Kenneth O. Morgan (Oxford: Oxford University Press, 2001), 470-505.

pain and pleasure.”²² Bentham defined utility as “that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question” with every action being not only of “a private individual, but of every measure of government.”²³ Bentham’s utilitarianism is at heart quantitative. Determining the utility of an action involves a quantitative calculus provided by Bentham, which takes into account various aspects of the act itself, such as, intensity, duration, certainty, temporal proximity, fecundity, and purity, as well measurements of the persons affected. The quantitative formula is essentially a sum of individual interests.²⁴ Bentham’s philosophy was closely tied to the Philosophical Radicals, a group of utilitarians in politics who advocated radical reform including expansion of the franchise and middle class involvement in the government.²⁵

John Stuart Mill, the son of the Benthamite disciple, James Mill, articulated in *Utilitarianism* (1861) a refined version of the philosophy that shifted evaluations of happiness from a quantitative to a qualitative measure. According to Mill, that which is

²² Jeremy Bentham, *Principles of Morals and Legislation* in *The Classical Utilitarians: Bentham and Mill*, ed. John Troyer (Indianapolis, Indiana: Hackett Publishing Company, Inc., 2003), 8.

²³ Bentham, 9.

²⁴ Bentham, 9, 19-21.

²⁵ Schapiro, 42.

pleasurable is that which is valued in and for itself by those qualified, those having experience with greater and lesser pleasures, to judge that pleasure. There are higher pleasures, those of the intellect or that are intrinsically human, and lower pleasures, those that are of the flesh. Mill believed that people would, as a rule, desire the higher pleasures, but that did not make one pleasure greater than another.²⁶

Mill applied his utilitarianism to social and political matters in *On Liberty* (1859). Mill maintained that the highest principle was that of utility, or the maximization of happiness, but happiness for Mill required autonomous free choice. Mill wrote, “The only part of the conduct of anyone for which he is amenable to society is that which concerns others. In this part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.”²⁷ Thus the only permissible restriction of the individual, by society or the state, was that which would prohibit one individual from harming another in such a way that that individual possessed a right to be free from. According to Mill this principle translated into an individual’s freedom of thought and expression, freedom to live his life as he sees fit, and freedom to associate with others.²⁸

²⁶ John Stuart Mill, *Utilitarianism*, ed. Oskar Priest (Upper Saddle River, New Jersey: Prentice-Hall, Inc., 1957), 10-16.

²⁷ John Stuart Mill, *On Liberty*, ed. Currin V. Shields (Upper Saddle River, New Jersey: Prentice-Hall, Inc., 1997), 13.

²⁸ *On Liberty*, 13, 16, 67, 69, 76, 114.

Mill's qualitative measure of pleasure, belief in mankind's inherent preference for the higher pleasures, and a system of liberty for the cultivation of autonomous individuality lends itself to the interpretation of Mill as an elitist or advocate of the rising middle class. This is furthered by his advocacy of a system of universal suffrage that gave added weight to the votes of the educated, which would translate into the middle class possessing a greater voice in government. Mill served in Parliament during the 1860s, and, among other liberal causes, championed universal suffrage. He even authored an amendment to the Reform Bill of 1867 to enfranchise women.²⁹

Mill valued individual liberty and rights as a means to maximize utility similar to the way those of the natural rights tradition also valued individual liberty and rights. The only difference is that individual liberty and rights are less secure in the utilitarian tradition since they are subject to sacrifice on the basis of utility. Locke and the natural law tradition suited the aristocracy's bid for political power and participation while the utilitarian articulations of Bentham and Mill provided tools for the middle class to insert itself into the ranks of the ruling elite.

Just as the process of industrialization generated a new and growing middle class, which owned and operated the centers for manufacturing and production in Britain, industrialization also generated a new and growing working class composed of those individuals who flocked to the cities and manufacturing centers in order to produce goods in the emerging commercial economy. Members of the working class, like their employers in the middle class, also desired political power and participation. When the

²⁹ Bramsted and Melhuish, 248 and Arblaster, 280 and 282.

Great Reform Bill of 1832 failed to include the working class, members of the working class took up the cause of Chartism. Chartists wanted Parliament to pass the People's Charter, which included male suffrage, the secret ballot, equal electoral districts, payment for members of Parliament, annual Parliaments, and the removal of property qualifications to serve in Parliament. Though the People's Charter was never passed, most of the working class was gradually enfranchised through the implementation of household suffrage in urban areas through the Reform Bill of 1867 and in agricultural areas through the Reform Bill of 1884.³⁰

The Britain Acton and Spencer knew was this mid-to-late nineteenth century Victorian, industrializing, urbanizing Britain. Working-class demands for enfranchisement were a prominent feature of this period. Acton and Spencer's articulations of liberalism addressed the struggle over the circle of political power and participation and applied to this issue the fruits of nineteenth-century intellectual developments, such as evolutionary theory and historical consciousness.

³⁰ Harvie, 498-499 and H. C. G. Matthew, "The Liberal Age (1851-1914)" in *The Oxford History of Britain* ed. Kenneth O. Morgan (Oxford: Oxford University Press, 2001), 526-527.

II. The Evolution of Progress

Notions of human progress, improvement, and development were prevalent in liberal thought extending back to the Enlightenment. These themes persisted into the nineteenth century, but assumed an altered character through the mid-to-late-nineteenth-century developments in biological theory, particularly evolutionary hypotheses such as those put forth by Jean-Baptiste Lamarck (1744-1829) and Charles Darwin (1809-1882). Lord Acton and Herbert Spencer were not immune to the influence of these biological theories. The intrusion of biological and evolutionary language and concepts into the discourse of progress is illustrated in the mid-to-late-nineteenth-century works of Acton and Spencer. These works reveal that metaphors derived from biological and evolutionary theory shifted the nature of progress within liberalism from an emphasis on man's reason and ability to master his environment to an inevitable development rooted in the natural world. This undermined the classical liberal conceptual framework in which society was composed of individuals possessing a constant human nature characterized by reason. Furthermore, this helped to introduce a new conceptual framework in which society was organicized, or conceived of as an entity in and of itself, and in which the nature of society and the individual was constantly changing.

Eighteenth-century liberal political thought included a notion of progress as society's inevitable movement towards increasing rationalization. Man's path to happiness and freedom lay in his ability to master his environment as revealed by natural science. A well-known manifestation of eighteenth-century progress is the Marquis de

Condorcet's (1743-1794) *Sketch for a Historical Picture of the Progress of the Human Mind* (1795) in which he discussed man's linear progression towards perfection.¹

The theme of progress carried over into the nineteenth century and was given added complexity by intellectuals, such as G. W. F. Hegel (1770-1831), Karl Marx (1818-1883), and John Stuart Mill. This was achieved partly through Hegel's introduction of the concept of a dialectic within history, which was later applied to economic relations by Marx, and partly through Mill's awareness of the potentially coercive influence of society and government on the individual. These articulations of the theme of progress are more complex than earlier ones because the reasoned individual is interacting with the economy, technology, and social institutions in addition to the natural world.² For these and other figures progress involved the application of individual reason both to the natural and manmade components of the individual's surroundings.

Evolution is, in its most general and basic articulation, the idea that the present is a product of the past and the future a product of the present; there is a process of becoming through which interactions with the environment give rise to a new phase of being. This abstract articulation of evolution was familiar to Greek philosophers and extends through the works of David Hume (1711-1776), Immanuel Kant (1724-1804),

¹ Schapiro, 18.

² Harrison, 196.

and Johann Wolfgang von Goethe (1749-1832). Thus there existed an evolutionary interpretation of history before any articulations of a scientific theory of evolution.³

The early biologists, such as Georges-Louis Leclerc Comte (1707-1788) and Denis Diderot (1713-1784), advocated spontaneous generation, suggesting that life was made through Earth's natural processes and change in an organism was a response to natural forces. Other early biologists, such as Erasmus Darwin (1731-1802) and Lamarck, articulated comprehensive theories of transmutation.⁴ Lamarck asserted in his *Philosophie Zoologique* (1809) a purposive evolution with unlimited possibilities for organic change. According to Lamarck, an organism adapted to its environment and these acquired modifications were passed on to the next generation. Lamarck gave the example of the giraffe whose neck elongated over time because it had to stretch in order to reach leaves high up in a tree.⁵

Darwin, the best-known example of later evolutionary thought, articulated in *The Origin of Species* (1859) an accidental evolution in his theory of natural selection, which asserted that only those organisms most suited to an environment are able to survive and

³ J. Arthur Thomson, *Herbert Spencer* (London: J. M. Dent & Co., 1906), 135-136 and Lionel Kochan, *Acton on History* (Port Washington, New York: Kennikat Press, 1954), 113.

⁴ Peter J. Bowler, "Evolution" in *Science and Religion: A Historical Introduction* ed. Gary B. Ferngren (Baltimore, Maryland: The Johns Hopkins University Press, 2002), 221.

⁵ Harrison, 196 and Ian G. Barbour, *Issues in Science and Religion* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1966), 82.

breed thus assuring the continuance of the most advantageous characteristics.⁶ Darwin and his theory were highly controversial. Historian James Moore, described Darwin's contentious move:

Darwin recast the living world in the image of competitive, industrial Britain. He abandoned the Bible as a scientific authority and explained the origin of living things by divinely ordained natural laws. Once destined for the church, he became the high priest of a new secular order, proclaiming a struggling, progressive, and law-bound nature to a struggling, improving, and law-abiding society.⁷

Conservatives lashed out at Darwin's theory of natural selection as the embodiment of the atheistic tendencies inherent to the evolution idea. They felt it reduced mankind to the level of animals and made the world a product of accidental, purposeless change. By the 1870s most scientists and educated individuals accepted evolution, but not necessarily the radical materialism of Darwin's natural selection. They were more likely to embrace a compromised version of Darwin in which a sense of purpose, or progress, was grafted onto natural selection.⁸

Evolutionary theory added a biological tone to liberal notions of progress while also significantly impacting the nature of political philosophy. Prior to evolution's impact on nineteenth-century political thought man was conceived of as possessing reason, natural rights, and other timeless attributes. Human nature was a constant, and

⁶ Harrison, 196.

⁷ James Moore, "Charles Darwin" in *Science and Religion: A Historical Introduction* ed. Gary B. Ferngren (Baltimore, Maryland: The Johns Hopkins University Press, 2002), 208.

⁸ Bowler, 223-224.

the way to comprehend and theorize politics was to pose questions based on the assumption of certain essential, timeless human needs and characteristics. With the emergence of evolutionary thought the older methods of constitutional analysis and political philosophy gave way to naturalistic analogies drawn from physiology, geology, paleontology, and other scientific disciplines. Man came to be viewed as an accumulation of historically-chosen attributes and society as an accumulation of historically-chosen customs. Both human nature and political relations came to be seen as flexible, malleable, and shaped by past environments and social demands.⁹ The world was no longer constant and immutable but plastic and ever-changing.

Occasionally connections are drawn between evolutionary thought and radicalism and racism in the nineteenth century. The political and social impact of evolutionary thought in nineteenth-century Britain is often easily misconstrued in this manner. Most evolutionary thinkers did exhibit a tendency towards liberal reform or left-wing activities, such as George Combe (1788-1858), Charles Darwin, Alfred Russell Wallace (1823-1913), and Herbert Spencer. Liberal intellectuals, who were skeptical of the way in which ideas of a divinely-ordered universe were used to support a conservative, hierarchal social order, tended to support evolution for the way in which it cast human nature and social institutions as dynamic and variable rather than static and immutable. Yet there were evolutionists, such as Henry Sumner Maine (1822-1888), who were conservative, not radical. In fact, many conservatives and radicals accepted evolution,

⁹ Francis and Morrow, 205.

but neither desired a world entirely the product of chance. Instead they embraced an evolution guided by a divine plan or natural laws for beneficial and moral change.¹⁰

Late-nineteenth-century British evolutionists are also sometimes confused as racists because of the development of social Darwinism and late-nineteenth-century continental, particularly German and Austrian, interpretations of evolution that emphasized competitive doctrines and racial hierarchies. Furthermore, these ideas were derived, in part, from ideas other than evolution, such as phrenology. These ideas were less prevalent and influential in England where Darwinian natural selection was often given a minor role and less combative theories were favored.¹¹ This does not mean that British intellectuals did not sometimes espouse racist viewpoints, such as racially-based justifications for imperialism, but that evolutionary thought in Britain was not of a wholly racist character.

Evolutionary thought in England was generally neither radical nor racist, though examples of both can be found. Its greatest impact was in the critique of traditional political philosophy and politics. The advent of evolutionary thought discredited appeals to universal truth, reason, and utility. It also helped to unseat the 'classic texts' of Hobbes, Rousseau, and Bentham whose political theories were based on a conception of human nature as universal and static. Ultimately, English evolutionists were critics of philosophy who desired to ground the political and social order on the newly-developing

¹⁰ Francis and Morrow, 205-206 and Bowler, 224.

¹¹ Francis and Morrow, 205-206 and Bowler, 222 and 224.

sciences, such as anthropology, psychology, and sociology, instead of philosophical speculation.¹²

It is the mark evolutionary thought left on political language and political understanding that is exhibited in Acton and Spencer. In particular, they conceived of liberal progress less in terms of individual reason and achievement and more in terms of a product of the natural world. In order to see this influence at work in Acton and Spencer a general understanding of each figure's worldview and theory of progress is required. Acton's use of evolutionary language is muted in comparison to that of Spencer and does not fully emerge until his discussion of the state, but his ideas regarding the state cannot be understood without first knowing his worldview and general theory of progress.

Acton's worldview and theory of progress was heavily influenced by his identity as a liberal Catholic. Acton was active in the liberal Catholic movement, which was opposed to Ultramontanism, or the segment of opinion in the Catholic Church advocating centralization of power and institutions within the church, the supremacy of ecclesiastical over temporal authority, and papal infallibility.¹³ Acton published articles on Catholic issues in journals, such as *The Rambler* from which much of the following is drawn from, from the 1850s until the conclusion of the Vatican Council of 1869-70 when, rather than leave the Church over the issue of papal infallibility, he withdrew from Catholic affairs.¹⁴

¹² Francis and Morrow, 207.

¹³ Hill, 74 and Himmelfarb, 12.

¹⁴ Fears, xii.

Acton rejected the older, and often anti-Catholic, liberal conception of progress as man achieving happiness and freedom through mastery of his environment with the tools of natural science. In Acton's eyes this was progress as "the religion of those that have none."¹⁵ Acton was not hostile to these thinkers though. He acknowledged these men, including Leslie Stephen (1832-1904), Thomas Jefferson (1743-1826), Jeremy Bentham, Benjamin Constant, Alexis de Tocqueville, and John Stuart Mill as the "Fathers" of the "liberal Church" and valued them for their appreciation of toleration, universal education, and freedom of the press – an appreciation Acton also held.¹⁶

Acton's worldview and theory of progress is a complex synthesis of several seemingly discordant themes drawn from his appreciation of liberal political thought and his deeply held religious beliefs and Catholic identity. The following excerpt from an unpublished and undated note provides a glimpse of these themes:

Providence means progress – notion that God is active in history – that Christ pursues his work among men – that His action is not wasted. Grace granted to individuals in vain. But Providence watching over history not in vain. Now Liberty supposes progress. It is an overcoming of what exists, development of potentials, destruction of actual. Progress, practically, a modern idea. It comes in with science.¹⁷

¹⁵ Kochan 113-114.

¹⁶ Kochan, 114.

¹⁷ Lord Acton, "Selections from the Acton Legacy: Add. Mss. 5011, p. 208" in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 637.

Acton blended history, liberty, science, and religion into an idea of progress. There is an echo of an Hegelian conception of history through which God is at work to realize ever greater states of progress, an idea Acton would have been familiar with from his education under the Ignaz von Döllinger at the University of Munich. Acton saw signs of this progress in the development and advance of liberty in the face of authoritarian control and oppression. The greatest realization yet of this progress was the period of scientific investigation and discovery that Acton witnessed.

A grasp of Acton's conception of liberty is necessary in order to understand how Acton could synthesize such discordant themes into a coherent theory of progress. Acton defined liberty as "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."¹⁸ For a man to be in a state of liberty he must possess the freedom of action necessary to do that which he believes he must do. For this freedom of action to be possible the individual requires, as similarly expressed by John Stuart Mill, protection against the force exerted by existing authorities, majorities, customs, and opinions.

Acton's Catholic faith inspired his definition of liberty from which followed the separation of the world into various spheres of influence. He wrote in the essay "Political Thoughts on the Church" (1859):

The Christian notion of conscience imperatively demands a corresponding measure of personal liberty. The feeling of duty and responsibility to God is the only arbiter of a Christian's actions. With this no human authority can be permitted to interfere. We are bound to extend to the utmost, and to guard from

¹⁸ Lord Acton, "The History of Freedom in Antiquity (1877)," in *Selected Writings of Lord Acton Volume I: Essays in the History of Liberty*, ed. J. Rufus Fears (Indianapolis, Indiana: LibertyClassics, 1984), 7.

every encroachment, the sphere in which we can act in obedience to the sole voice of conscience, regardless of any other consideration.¹⁹

Again individual liberty encompasses the freedom of action necessary to allow the individual to follow the dictates of his conscience. This definition of liberty, as suggested above, necessitates the division of the world into two separate spheres: the political and the religious. The existence of two distinct spheres promotes liberty while thwarting the rise of absolutism.²⁰ The state's domain is the political sphere in which it "is competent to assign duties and draw the line between good and evil only in its immediate sphere."²¹ The state's "immediate sphere" is that which is necessary for its continuation and good health. Otherwise the state "can only give indirect help to fight the battle of life by promoting the influences which prevail against temptation – religion, education, and the distribution of wealth," or that which helps the individual follow the dictates of his own conscience.²² The religious sphere naturally falls to the Church. It was once held that

¹⁹ Lord Acton, "Political Thoughts on the Church (1859)," in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 29.

²⁰ Lord Acton, "Review of Philp's *History of Progress in Great Britain* (1858)," in *Selected Writings of Lord Acton Volume II: Essays in the Study and Writing of History*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1986), 31.

²¹ "The History of Freedom in Antiquity (1877)," 7.

²² "The History of Freedom in Antiquity (1877)," 7.

the Church required the state and its well being was contingent on state favor, but, according to Acton, the real connection between Church and state, the political and religious spheres, is reversed. Acton stated, “it is the State which stands in need of the Church, and that the strength of the Church is her independence...A free Church implies a free nation.”²³

The Church as guardian of the religious sphere and, by extension, the support of the political sphere has obligations to fulfill to both the individual and the state. In this regard, Acton maintained that “the Church has to remind princes of their duties, and nations of their rights; and to keep alive the spirit of personal dignity and independence, without which the religious and the political character of men are alike degraded.”²⁴

Discharging this duty hinges on religious doctrine as Acton explained in 1859:

The Church which our Lord came to establish had a twofold mission to fulfill. Her system of doctrine, on the one hand, had to be defined and perpetually maintained. But it was also necessary that it should prove itself more than a mere matter of theory – that it should pass into practice, and command the will as well as the intellect of men. It was necessary not only to restore the image of God in man, but to establish the divine order in the world. Religion had to transform the public as well as the private life of nations, to effect a system of public right corresponding with private morality.²⁵

²³ Lord Acton, “The Count de Montalembert (1858),” in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 9-10.

²⁴ “The Count de Montalembert (1858),” 11.

²⁵ “Political Thoughts on the Church (1859),” 22.

The Church then is to encourage in the political sphere the protection of the freedom of action necessary in which the individual may follow the dictates of his conscience while also helping the individual to keep his conscience in line with the divine will. The Church in its religious sphere is a promoter of liberty, which is the realization of God in the world and an ever increasing progress in history.

A pressing issue in the nineteenth century, made more pressing by the development of evolutionary thought, was the meeting of religion and science. Acton witnessed Catholic attempts to disprove evolutionary theory despite its compatibility with the Church given the Church's flexible criteria for biblical interpretation.²⁶ He was also well aware of the usual conflict that developed in the intersection of religious and scientific thought, and felt this conflict to be largely unnecessary. Amongst those who opposed science in the name of religion and those who opposed religion in the name of science Acton saw a "fatal notion of the incompatibility of faith and reason."²⁷ Acton also saw ulterior motives at work, as stated in "The Catholic Press" (1859):

In reality this pretence of antagonism is on neither side sincere. Solicitude for religion is merely a pretext for opposition to the free course of scientific research, which threatens, not the authority of the Church, but the precarious influence of individuals. The growth of knowledge cannot in the long run be detrimental to religion; but it renders impossible the usurpation of authority by teachers who

²⁶ Barbour, 100.

²⁷ "The Catholic Press (1859)," in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 48.

defend their own false opinions under pretence of defending the faith which they dishonour by their artifices.²⁸

The antagonism maintained between religion and science is, according to Acton, an obstacle to liberty.

Acton strongly advocated a union of the Church and science. He argued along similar lines to John Stuart Mill's impassioned pleas for freedom of speech and expression: "A really scientifically learned work, written without any religious interest, helps the truth in spite of its author; whilst a superficial apology will do little or no good, and probably some harm, in spite of the zeal and good intention with which it is written."²⁹ Truth, liberty, and the Catholic faith would be best served in the long term through the friendly association of religion and science.

Acton's theory of progress was, simply put, an ever increasing liberty. Acton's version of liberty, though, was a state of affairs in which the individual has the freedom of action necessary to do that which he believes is right, his duty, or God's will. Acton's variety of liberty necessitates a division of the world into the political and religious – a distinction whose existence protects liberty while thwarting absolutism. The political sphere entails the domain of the state limited to actions necessary for its preservation and encouragements to right action amongst individuals. The Church, whose domain is the religious sphere, supports the state. The Church also upholds doctrine and truth through which it uplifts the individual and encourages a public morality on par with the private.

²⁸ "The Catholic Press (1859)," 48.

²⁹ "The Catholic Press (1859)," 51.

As the guardian and promulgator of truth, the Church should welcome scientific investigation as its ally because all efforts to discern truth further the cause of liberty.

Acton's theory of progress in general superimposes his faith on the older theme of liberal progress to generate an almost perplexing synthesis of history, liberty, religion, and science.

Much of Acton's discussion of the state in relation to society and his theory of progress originated from his awareness of the growth of nationalism in Europe. In these discussions Acton employed a subtle usage of evolutionary language. In "Report on Current Events, July 1860," he stated:

The State is not a natural emanation of the nation, but a product of intelligent thought; and is adapted to the people to whom it belongs. But while the particular State is a result of human design, society is more immediately subject to the Divine will. It is less under the control of man, and moves, under the guidance of Providence...Now God guides the world by the power of what are called natural laws, which men cannot alter or divert...Society is ever growing, independently of human design, and slowly but constantly modifying and developing its forms.³⁰

Men, societies, and nations are not progressing closer to perfection through reason and mastery of the environment through the revelations of science. Society, a concept devoid of any political connotation, is from God, the natural product of His working through the natural laws that govern His creation. Society, this work of God, grows and develops and changes slowly and naturally. In 1860, Acton described progress:

This incessant growth supplies the progressive element in the State, which is moulded upon society and follows its variations. Political progress is a process of adaptation, not a result of speculation. This distinguishes reform from revolution. One is the change produced by the pressure of existing facts, the other by the

³⁰ Lord Acton, "Report on Current Events, July 1860 (1860)," in *Selected Writings of Lord Acton Volume I: Essays in the History of Liberty*, ed. J. Rufus Fears (Indianapolis, Indiana: LibertyFund, 1986), 482-483.

influence of ideas without reference to facts. Government has thus to follow the example of nature in her operations, and to proceed regularly, organically; by evolution, not by change.³¹

The State is the political representation of society and a creation of man. Ideally it should mirror society and society's natural evolution. If the State succeeds in personifying the organicism and evolution of society, then it too is progressing. Looking beyond Acton's theology, the traditional liberal theme of progress remains, but it is transformed, through the use of biological and evolutionary themes, from a product of man's individual reason and conscious development into the developmental course of an organicized society, a society that is itself an entity, governed by forces beyond man's control.

Acton's usage of evolutionary language was secondary to his thought and low key in expression, but for Spencer evolutionary thought served as the underpinning of his worldview and the theory of progress he articulated in his works, particularly in *Social Statistics* (1851). At the root of Spencer's worldview is the assertion that human happiness is the Divine will. This reference to the divine does not hold the meaning such references held for Acton because, despite a heavily religious upbringing, Spencer had an ambivalent relationship with organized religion.³² Spencer defined happiness as a state of consciousness that is the result of the exercise of an individual's faculties. In order to

³¹ "Report on Current Events, July 1860 (1860)," 483.

³² Wiltshire, 6.

fulfill the Divine will an individual must exercise his faculties.³³ This duty presupposes a certain freedom of action out of which Spencer derived his Law of Equal Freedom, or Moral Law: “Every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man.”³⁴ The Law of Equal Freedom is grounded in man’s selfish instinct to assert his right to an equal amount of liberty, or, in other words, to lay claim to individual rights. The Law of Equal Freedom is also grounded in the sympathy the individual has for his fellow man, which inspires the individual to claim for others the individual rights he desires for himself.³⁵

In Spencer’s worldview man is governed by the Law of Equal Freedom, or the Moral Law, but there is a discrepancy between the mandates of this law and reality. Out of this gap emerges Spencer’s theory of progress. In order to attain the social state, or civilization, individuals must fulfill the Moral Law. According to Spencer, man has yet to become adapted to the social state and the Moral Law.³⁶ Spencer asserted, “Strange indeed would it be, if, in the midst of this universal mutation, man alone were constant, unchangeable. But it is not so. He also obeys the law of indefinite variation. His

³³ Herbert Spencer, *Social Statistics: or, The Conditions essential to Happiness specified, and the First of them Developed* (London: John Chapman, 1851), 33-34, 43. I obtained a copy of this edition from The Online Library of Liberty (Liberty Fund, Inc. 2005) at http://oll.libertyfund.org/EBooks/Spencer_0331.pdf.

³⁴ *Social Statistics* (1851), 43.

³⁵ *Social Statistics* (1851), 40-41.

³⁶ *Social Statistics* (1851), 30.

circumstances are ever altering; and he is ever adapting himself to them.”³⁷ Man is adaptable, and man’s capacity for adaptation allows him to become fitted to the Moral Law. This transition to compatibility with the Moral Law and the social state is progress in Spencer’s view.³⁸ Spencer applied the biological concept of the adaptability of organisms to their environments to individuals as they become fitted to living in social arrangements. The process of man’s adaptation to the social state is Spencer’s theory of progress. Spencer, like Acton, took the liberal theme of progress out of the hands of the individual and transformed it into a natural process discernible in the laws of nature.

Spencer’s Moral Law is an ideal, the dictates of perfection. Similar to the traditional liberal theme of progress, Spencer’s theory of progress includes a development towards perfection. According to Spencer, “the condition of things dictated by the law of equal freedom...that condition towards which...mankind are progressing, is a condition towards which the whole creation tends.”³⁹ The Moral Law, or perfection, is the trend of creation. Drawing on observations of organisms in the natural world and the work of the German biologist Karl Ernst von Baer (1792-1876), who asserted that embryonic development progressed from the homogenous to the heterogeneous, Spencer saw an increasing complexity of life. He interpreted this increasing complexity as a progression

³⁷ *Social Statistics* (1851), 21.

³⁸ Thomson, 139 and *Social Statistics* (1851), 30.

³⁹ *Social Statistics* (1851), 152.

towards individuality of which man is the highest manifestation.⁴⁰ Perfection under the Moral Law is more complex than increasing individuality. Along these lines Spencer wrote:

Yet must this highest individuation be joined with the greatest mutual dependence. Paradoxical though the assertion looks, the progress is at once complete separateness and complete union. But the separateness is of a kind consistent with the most complex combinations for fulfilling social wants; and the union is of a kind that does not hinder entire development of each personality...He will be that manner of man, who, in spontaneously fulfilling his own nature, incidentally performs the functions of a social unit; and yet is only enabled so to fulfill his own nature, by all others doing the like.⁴¹

Mankind is, in Spencer's view, progressing to a condition in which each individual may fully realize his individuality while also being a part of society and an instrument in the fulfillment of his fellow citizens. This is a development to a state of perfection not through individual effort and means but as natural adaptation to and fulfillment of a natural law.

Spencer's idea of perfection hinges not only on individual adaptation to the moral law, but also on society as a whole. Like Acton, Spencer's discussion of society centered on biological metaphor as illustrated in the following excerpt from *Social Statistics*:

Still more clearly seen is this ultimate identity of personal interests and social interests, when we discover how essentially *vital* is the connection between each person and the society of which he is a unit...So completely, however, is a society

⁴⁰ *Social Statistics* (1851), 153.

⁴¹ *Social Statistics* (1851), 154.

organized upon the same system as an individual being, that we may almost say there is something more than analogy between them.⁴²

For Spencer society is an organism composed of the individuals within it. It is not enough for one individual to become adapted to the Moral Law for “he must see that his own life can become what it should be, only as fast as society becomes what it should be...no one can be perfectly free till all are free; no one can be perfectly moral till all are moral; no one can be perfectly happy till all are happy.”⁴³ Spencer’s theory of progress, mankind’s adaptation to the Moral Law, to a state of perfection, does not rely on individual reason and conscious effort to conform to an ideal. Rather it relies on individuals and society as a whole naturally adapting to a natural law.

The theme of progress was a component of early liberal, or classical liberal, thought. Among classical liberals progress was conceived of as the individual, an inherently reasonable being, using his reason to discern the laws governing the world around him and then using that knowledge to master and mold his environment. Over the course of the nineteenth century, biological and evolutionary thought and language seeped into political thought, understanding, and discourse. Biological and evolutionary thought and language changed the nature of the liberal theme of progress, a shift that is evident in the work of Acton and Spencer. Progress was no longer a product of man’s individual reason and effort, but rather the product of a natural, inevitable development on an individual and societal level governed by natural forces beyond the individual’s

⁴² *Social Statistics* (1851), 156.

⁴³ *Social Statistics* (1851), 158.

control. This marks a step away from a classical liberal conceptual framework of individual agency and a movement towards a new conceptual framework of an organized society and historicized individuals and societies.

III. Historical Consciousness

History, like many other branches of knowledge, became a professionalized discipline in the nineteenth century. The practice of history shifted from an Enlightenment emphasis on empiricism, rationalism, and universal law, including reason and natural rights, to a Romantic fixation with inevitable organic growth and continuity with the past. Though Enlightenment empiricism and rationalism carried over into the nineteenth century in the form of positivism, they met with strong resistance from Romanticism. Romanticism and historicism, the Romantic school of historiography, focused on continuity with the past and the need to understand each epoch and society in its own terms. The historical consciousness, characterized by the competing approaches of positivism and historicism, that developed in the nineteenth century undermined the classical liberal conceptual framework of society as reasoned individuals of a constant nature and helped to usher in a new conceptual framework of an organicized society and individuals and societies as dynamic outgrowths of the past.

Lord Acton and Herbert Spencer operated in the midst of these developments and their work sheds light on the emergence of historical consciousness in nineteenth-century Britain. As an historian, Lord Acton was well-known for his knowledge and library. He was educated in the German states, the heart of historiographical development in the nineteenth century, contributed historical articles and reviews in various English journals, and served as the Regius Professor of Modern History at Cambridge from 1895 to 1902. Acton engaged the prevailing historical conceptions of his time, positivism and historicism, saw the implications they held for liberty, and sought to popularize a method of historical scholarship that preserved and furthered liberty.

Herbert Spencer, as a self-proclaimed sociologist working to establish and define the discipline, eschewed the historical discipline altogether.¹ Spencer attempted to reduce all of human behavior and the human sciences to a set of natural laws, which he articulated in the *Synthetic Philosophy*. Though Spencer considered himself engaging in science, he failed to avoid entirely the historical discipline and his work reflected both positivist and historicist thought.

The French Revolution was for the practice of history, as it was in several other areas, a transformative event. It was initially interpreted as a triumph of Enlightenment values, such as reason and empiricism. Positivism was an outgrowth of eighteenth-century Enlightenment rationalism. Positivists held that man was a rational, though not necessarily always reasonable, being. They also believed in the existence of objective truth that was discernable through reason as employed in the scientific method of research, experimentation, and verification. History, according to positivists, was a branch of natural science and should be practiced as such. The positivist historian conceived his task to be the observation of a mass of isolated facts comprising history and existing in a world separate from himself. From these observations he should be able to classify his facts in such a way as to identify patterns and make predictions. Thus positivists attempted to subject human behavior to immutable, universal laws in the same manner in which they attempted to subject nature to immutable, universal laws.² Jeremy

¹ J. D. Y. Peel, *Herbert Spencer: The Evolution of a Sociologist* (London: Heinemann Educational Books Ltd, 1971), 158.

² Rosemary Jann, *The Art and Science of Victorian History* (Columbus, Ohio: Ohio State University Press, 1985), xxv and Schapiro, 12, 15 and Kochan, 63.

Bentham, the aforementioned utilitarian and early nineteenth-century liberal, was also a positivist. He believed all human behavior was governed by the principles of pain and pleasure and sought to establish a system of legislation and social order on the principle of utility. Positivist thought, with its emphasis on individual reason and natural law, had a strong affinity with classical liberal thought.

Romanticism, a philosophy glorifying the emotional, aesthetic, and imaginative, emerged in the aftermath of the French Revolution and challenged the spread of Enlightenment values and positivism. Within Romanticism there developed a specific conception of history known as historicism. Its origin and heart lay in the German universities of the nineteenth century and was fueled by the work of Barthold Georg Niebuhr (1776-1831) and Leopold von Ranke (1795-1886) among others. Historicists turned away from the Enlightenment preoccupation with fixed concepts, such as reason, justice, and universal laws, to focus attention on continuous organic growth and the bearing of the past on the present. Rather than, as was typical of Enlightenment and positivist historiography, examine the general in history, depict history in mechanical terms, and be judgmental of the content of history, Romantic historiography examined the specific in history, depicted history in organic terms, and was sympathetic to the content of history.³

³Jann, xx and Hugh Tulloch, "Lord Acton and German Historiography," in *British and German Historiography, 1750-1950: Traditions, Perceptions, and Transfers*, eds. Benedikt Stuchtey and Peter Wende (Oxford: Oxford University Press, 2000), 162-163.

Historicism served as an impetus for the professionalization of history. Prior to the nineteenth century, historical writing was largely literary or learned and antiquarian in nature – this was the practice of the “man of letters,” not yet the historian. What historicists did was combine an emphasis on knowledge – the learned not the antiquarian – with a belief in the necessity of literary style. Imagination was thought of as essential to the historical enterprise because through feeling and sympathy the historian could relive the past and through literary creation revive the past. These professionalized historians wrote to advance knowledge within the discipline not to educate or entertain the general public.⁴ The professionalization of history involved not only changes in the nature of historical writing, but also changes in the nature of historical practices, such as the application of the methodology of scientific disciplines, including natural science, to the study of history. This introduced an emphasis on research, objectivity, and impartiality to historical studies. By transforming history into a professionalized and scientific discipline, historicists attempted to give historical studies the authority and legitimacy of the physical and natural sciences.⁵

Historicism was more than history as science – it was philosophical as well. It conceived of the past as a phase in human history rather than a static and finished

⁴ Georg Iggers, *Historiography in the Twentieth Century: From Scientific Objectivity to the Postmodern Challenge* (Middletown, Connecticut: Wesleyan University Press, 1997), 23 and Jann, xxi, xxv and Kochan 42.

⁵ Jann, xxv and xxi and Georg Iggers, “Historicism: The Meaning and History of the Term,” *Journal of the History of Ideas* 56, no. 1 (January 1995): 143 and Kochan, 42.

product. History to the historicist was a continuously developing reality – it was the flow of time and the historian was in the midst of it. Thus the course of life itself became subject matter for historical study. Historicists also believed that the past could foreshadow the future, so the historian was to search for origins in order to understand what followed. Historians occasionally refer to historicism as the genetic movement in history because of its belief in history as an organic development with origins holding the key to all subsequent development.⁶ The historicist added to the science of history – an inductive and systematic study of data – a philosophical twist – the revelation of patterns, including the work of God in history, and laws from fact in order to give unity to the past, to guide the present, and to predict the future.⁷

For much of the nineteenth century, Britain seemed to lag behind the German states in the study of history. Initially, British historiography was narrowly focused on British national history and was largely conducted by “men of letters,” such as, Thomas Babington Macaulay (1800-1859), Thomas Carlyle (1795-1881), James Anthony Froude (1818-1894), Edward Augustus Freeman (1823-1892), Henry Thomas Buckle (1821-1862), William Edward Hartpole Lecky (1838-1903), and John Richard Green (1837-1883). The professionalization and institutionalization of history was slow in Britain, and

⁶ Kochan, 41-42.

⁷ Jann, xii, xxi and *Historiography*, 26.

Germanic influences did not enter until the late nineteenth century with William Stubbs (1825-1901), John Robert Seeley (1834-1895), and Acton.⁸

Acton's British and continental background allowed him to be one of the figures to introduce German scholarship to British historiography and enabled him to actively engage the historiographical developments of the nineteenth century. Acton was heir, through his father, Sir Ferdinand Richard Edward Acton, to a long line of Shropshire baronets, who converted to Catholicism only a few generations prior to Acton's birth. As a result of restrictions imposed upon Catholics, several of Acton's relatives were active in continental Europe, including his grandfather, Sir John Acton, who served as Prime Minister under the Bourbon King of Naples. Acton's father died when he was three years old, and his mother married Acton's stepfather, Lord Granville, the influential Liberal-Whig politician and Liberal Leader of the House of Lords. Acton's mother was Marie Peline de Dahlberg, the daughter and heiress of the Duc de Dahlberg, a German noble family. Unable to attend university in England because of his Catholic faith, Acton studied under the Catholic historian Ignaz von Döllinger at the University of Munich from 1850 to 1857. At the same time he reaffirmed his connections with his German family through his cousin, the Countess Arco, whose daughter he married.⁹

⁸ Benedikt Stuchtey and Peter Wende, "Introduction: Towards a Comparative History of Anglo-German Historiographical Traditions and Transfers," in *British and German Historiography, 1750-1950: Traditions, Perceptions, and Transfers*, eds. Benedikt Stuchtey and Peter Wende (Oxford: Oxford University Press, 2000), 11-13.

⁹ Fears, xi, xiv-xv and Roland Hill, *Lord Acton* (New Haven, Connecticut: Yale University Press, 2000), xix.

Döllinger, a specialist in Church history, was himself an active figure in German historicism. His work included a primer on Church history published in 1840 and a three-volume work on the Reformation published between 1846 and 1848.¹⁰ Acton learned from Döllinger that dogma tended to change over time so it was better to view Christianity as a history, or development, rather than as a doctrinal, or philosophical, system. Both men strongly opposed the doctrine of papal infallibility adopted at the Vatican Council of 1869-70. Döllinger was excommunicated for his opposition to papal infallibility while Acton was only threatened with excommunication. This facilitated Acton's withdrawal from Catholic affairs. Afterwards, Acton diverted his attention more fully to historical matters.¹¹

Acton's conception of history can be divided into five components. First, there is an idea of *romantik* in which the historian is to identify with the course of history.¹² As Acton described it in a book review published in 1858:

Each event and period of history must be viewed in its own native light. It is the business of historians every where to furnish us with this light, without which each object is distorted and discoloured. We are unable, and care not, to understand and sympathise with them. The true view of history is the reverse of this narrowness. Its chief purpose is to break down the idolatry of a particular age

¹⁰ Hill, 37 and Himmelfarb, 146 and Fears, xiii.

¹¹ Himmelfarb, 23.

¹² Kochan, 136.

and stage of development, and to awaken a generous catholic appreciation of mankind in every period and phase of its existence.¹³

Secondly, there is liberalism in which the historian views history from a standpoint outside of history.¹⁴ The result is that “wherein history is liberal: [it] [t]eaches disrespect, shows up horrors, follies, errors, crimes of the ablest and the best.”¹⁵ When liberalism overcomes *romantik*, the third component of Acton’s conception of history, the contemporaneity of history comes into being. This is also known as modern history, which is the product of revolution and the fourth component of Acton’s view of history.¹⁶ Acton described modern history and its revolutionary break with the past in “The Study of History” (1895):

Modern history...which is marked off by an evident and intelligible line from the time immediately preceding, and displays in its course specific and distinctive characteristics of its own...did not proceed...by normal succession...Unheralded, it founded a new order of things, under a law of innovation, sapping the ancient reign of continuity.¹⁷

¹³ “Review of Philp’s *History of Progress in Great Britain* (1858),” 33.

¹⁴ Kochan, 136.

¹⁵ Lord Acton, “Selections from the Acton Legacy: Add. Mss. 5011, p. 14” in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 622.

¹⁶ Kochan, 136 and Himmelfarb, 195-196.

¹⁷ Lord Acton, “The Study of History (1895),” in *Selected Writings of Lord Acton Volume II: Essays in the Study and Writing of History*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1986), 507.

It is a break with the past brought on by knowledge of the past because, as Acton stated, “if the Past has been an obstacle and a burden, knowledge of the Past is the safest and the surest emancipation.”¹⁸ Lastly, history serves as the agent of progress because, in Acton’s words, “That is what history does for us. It gives us the line of progress, the condition of progress, the demonstration of error.”¹⁹

Just as Acton developed his own conception of history, he also kept himself abreast of the historiographical developments of his period, including positivism of which he disapproved. He detested positivism because he believed that rationalism cannot teach sympathy, which is necessary for the historian to understand and experience the past. Furthermore, positivism served as an obstruction in the historian’s attempt to view development and change by limiting history to a set of unchanging scientific laws.²⁰ Other liberals reacted negatively to the empiricism, rationalism, and dispassionate and distant perspective of positivism. This backlash against positivism included John Stuart Mill, the famous nineteenth-century liberal, who added aspects of Romantic thought to Bentham’s positivistic utilitarianism thus incorporating a qualitative component into the hedonic calculus.

¹⁸ “The Study of History (1895),” 508-509.

¹⁹ Kochan, 136 and Lord Acton, “Selections from the Acton Legacy: Add. Mss. 4960, p. 47” in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 634.

²⁰ Kochan, 63.

Though Acton was more accepting of aspects of Romantic thought than he was of positivism, he was still critical of historicism. Acton believed in the importance of sympathizing with and experiencing the past, but he was distrustful of the relativistic tendencies of historicism. The historicist approach to history included the idea that whatever happens in history is legitimized upon its becoming history. To Acton this idea neglected values that stood outside of history, namely an absolute moral standard and human dignity, by reducing the individual to an historical being and stripping all value from individual action.²¹ Acton dismissively described this trend in historicist writing, “Mobility in the moral code, subjection of man to environment, indefinite allowance for date and race, are standing formulas from Schlegel to the realistic philosophy.”²² The result of which is, according to Acton, “the strong man with the dagger is followed by the weaker man with the sponge. First, the criminal who slays; then the sophist who defends the slayer.”²³ Acton believed that the historian was charged with judging history according to an absolute moral standard that existed independent of history: “To judge –

²¹ Kochan, 41, 43-44.

²² Lord Acton, “German Schools in History (1886)” in *Selected Writings of Lord Acton Volume II: Essays in the Study and Writing of History*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1986), 334.

²³ Lord Acton, “Selections from the Acton Legacy: *Lectures on the French Revolution*, p. 92” in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 630.

try – the cause of history and politics, which is living history, not by physical or metaphysical, but by a moral standard.”²⁴

It was Acton’s disapproval of the relativism he perceived to be inherent in Romantic thought that brought about his estrangement from Döllinger. Acton faulted Döllinger for following the Romantic outlook and approaching history in a manner in which Döllinger immersed himself in the epoch of his subject and measured individuals only according to the standards of their respective periods. In Acton’s opinion, Döllinger as an historian was more apt to explain than to judge history and when forced to judge to temper that judgment with mercy. This was an unforgivable act on the part of an historian according to Acton, who asserted, “To commit murder is the work of a moment – exceptional. To defend it is a constant and shows a more perverted conscience.”²⁵ On the other hand, Döllinger saw a pretension to moral righteousness in Acton’s insistence on the historian’s obligation to judge the past according to an independent and absolute moral standard.²⁶ To which Acton responded in 1895:

²⁴ Lord Acton, “Selections from the Acton Legacy: Add. Mss. 4956, p. 114” in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 630.

²⁵ Lord Acton, “Selections from the Acton Legacy: Add. Mss. 4939, p. 74” in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 630.

²⁶ Himmelfarb, 148.

But the weight of opinion is against me when I exhort you never to debase the moral currency or to lower the standard of rectitude, but to try others by the final maxim that governs your own lives, and to suffer no man and no cause to escape the undying penalty which history has the power to inflict on wrong.²⁷

Acton believed in the existence of an absolute moral standard so that what is wrong today was also wrong in the past. It is the job of the historian to bring this moral standard to bear on the past.

Acton's other discrepancy with historicism was its nationalist tendency.

Nationalism, the idea that a group of people sharing a common culture, language, and history should govern themselves, grew in popularity throughout Europe following the French Revolution. Nationalist movements threatened the Austrian and Ottoman Empires and helped drive the unification of Italy in 1870 and of Germany in 1871. Nationalist sentiment also helped to motivate in the late nineteenth century the increasing military, economic, and imperial competition between Britain and other European powers, such as France and Germany.²⁸

As history became increasingly professionalized through historicism, historical writing tended to become more ideological in nature – a development running parallel to the growth of nationalism throughout the nineteenth century. The historicist conception of science applied to historical study became tied to the historian's conception of the ideal political and social order. In other words, historicists embarked upon their historical investigations with a definite notion of the proper nature of politics and society

²⁷ "The Study of History (1895)," 546.

²⁸ Schapiro, 31-32 and Matthew, 565-567, 579-581.

and then constructed histories in support of these opinions.²⁹ This was a bias that could enter into historical investigation both intentionally and unintentionally. For example, several German writers in the build up to German unification glorified the state and advocated a united Germany.

Acton was firmly opposed to any such influence on the part of the historian. Acton said of the objectivity of the historian, “my theory is that in history the historian has to disappear and leave the facts and ideas objectively to their own effect,” “the writer must put aside his private convictions,” and “ideas which, in religion and in politics, are truths, in history are forces.”³⁰ Furthermore, he described the “historian’s maxim” as “to do the best he can for the other side, and to avoid pertinacity or emphasis on his own.”³¹ Thus the historian, in Acton’s eyes, is given the difficult, if not impossible, task of leaving all bias behind in order to grasp the past for what it really was.

The historian Edward Tulluch described Acton’s perception of nationalism within German historicism in his analysis of Lord Acton’s “German Schools in History (1886)” published in the inaugural issue of the *English Historical Review*. According to Tulloch,

²⁹ *Historiography*, 28.

³⁰ Lord Acton, “Selections from the Acton Legacy: January 19, 1861, Acton-Simpson II, p. 111 ” in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 626 and Add. Mss. 5653 (p. 49), 629 and “The Study of History (1895),” 530.

³¹ “The Study of History (1895),”, 520.

Acton identified three sources from which nineteenth-century German historiography arose. First, Acton cited Niebuhr's and Ranke's critical investigation of primary sources. Acton singled out Ranke for pursuing history for history's sake rather than for politics, law, or religion and for instructing others in the method of approaching and using sources.³² Secondly, Acton noted Hegel's development of a dialectic founded in historical evolution. According to Acton, Hegel presented all of history as a scientific unity or the manifestation of one force producing successively greater works.³³ Lastly, Acton noted Romanticism's contribution to nineteenth-century German historiography. Romanticism, according to Acton, was the effort of German intellectuals to repel the ideas of the eighteenth-century French *philosophes*, such as eternal justice, infallible conscience, and universal and unwritten law, which came with the French invasion of the German states in 1794. The Romantics looked to the past in order to glorify faith and imagination in the face of reason and to restore the natural order through an emphasis on continuous, organic growth.³⁴

According to Tulloch, Acton perceived, following the failed revolutions of 1848, a turn towards nationalism in German historical writing. Acton identified a group of historians led primarily by Heinrich von Sybel (1817-1895), Johann Gustav Droysen (1808-1886), and Heinrich von Treitschke (1834-1896), but also Theodor Mommsen

³² Tulloch, 160-161 and "German Schools in History (1886)," 331.

³³ Tulloch, 161 and "German Schools in History (1886)," 338.

³⁴ Tulloch, 162-163 and "German Schools in History (1886)," 326-327, 333.

(1817-1903), Heinrich Rudolf von Gneist (1816-1895), and Friedrich von Bernhardi (1849-1930), who were centered in Berlin and worked to establish the supremacy of Prussia among the German states.³⁵ Acton's disapproval of nationalism within historicism was not confined German scholarship. He also found material to disapprove of within British historiography, such as ideas concerning organic continuities and racial destinies in the work of E. A. Freeman, Goldwyn Smith (1823-1910), and James Bryce (1838-1922).³⁶

Acton fervently opposed nationalism, viewing it as a non-historical contrivance and threat to liberty. As he explained in a book review published in 1862, nationalism and the rise of the nation-state were manmade, ahistorical constructs because in these:

The state of nature, which was the ideal of society, was made the basis of the nation; descent was put in the place of tradition, and the French people was regarded as a physical product: an ethnological, not historic, unit... The definition of the nation was borrowed from the material world, and, in order to avoid a loss of territory, it became not only an abstraction but a fiction.³⁷

Furthermore:

The political theory of nationality is in contradiction with the historic nation. Since a nation derives its ideas and instincts of government, as much as its temperament and its language, from God, acting through the influences of nature and of history, these ideas and instincts are originally and essentially peculiar to

³⁵ Tulloch, 165-166, 169 and "German Schools in History (1886)," 350, 352-356.

³⁶ Tulloch, 165, 168-169.

³⁷ Lord Acton, "Nationality (1862)," in *Selected Writings of Lord Acton Volume I: Essays in the History of Liberty*, ed. J. Rufus Fears (Indianapolis, Indiana: LibertyClassics, 1984), 415.

it, and not separable from it; they have no practical value in themselves when divided from the capacity which corresponds to them.³⁸

Acton feared that since nationalism was ahistorical, meaning that it was not in line with the natural, organic development of society led by God described in the previous chapter, nationalism would allow the political sphere, the state, to overcome the religious sphere, the Church, and lead to a tyranny of the majority – all unacceptable concentrations of power and examples of absolutism contrary to the progress of liberty.³⁹

While Acton's conception of the historical discipline reflected much within historicism he deviated from the relativistic and nationalistic tendencies of historicism to preserve his conception of progress as the continual growth of liberty as defined by the individual possessing the freedom of action necessary to follow his conscience, or what he perceives to be God's will. Acton asserted in 1895:

...see that the action of Christ who is risen on mankind whom he redeemed fails not, but increases; that the wisdom of divine rule appears not in the perfection but in the improvement of the world and that achieved liberty is the one ethical result that rests on the converging and combined conditions of advancing civilization. Then you will understand what a famous philosopher said, that history is the true demonstration of religion.⁴⁰

³⁸ Lord Acton, "Mr. Goldwyn Smith's *Irish History* (1862)," in *Selected Writings of Lord Acton Volume II: Essays in the Study and Writing of History*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1986), 76.

³⁹ Tulloch, 166-167.

⁴⁰ "The Study of History (1895)," 521, 523.

For Acton, God existed outside of and within history and “[we] see in the laws of history the sign of wisdom of divine Providence.”⁴¹ God is within history in the way that distinctions are made between truth and error as well as virtue and sin and the way in which it is possible for error and sin to be done away with in the world. God is also at the end of history waiting for the realization of liberty. History is then given meaning defined against an absolute and fixed moral standard and given purpose by fulfilling the ends imposed upon it by God. This conception of history allows the historian to be both a critic of the past and to look forward to the future.⁴²

From this view of history Acton derived his notion of the historian’s role. According to Acton the historian is to find and make known God’s course in the past. This is a scientific endeavor in that the historian must cast aside all bias in order to project himself beyond his present circumstances into the past. Out of this activity the historian may come to see a glimmer of the future because “there is prophetic office in history, and our notions of the future are shaped according to our experience of the past.”⁴³ The historian is also charged with guiding the world to liberty because history is

⁴¹ Lord Acton, “Selections from the Acton Legacy: Add. Mss. 5602, p. 17” in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 634.

⁴² Himmelfarb, 203-204.

⁴³ Lord Acton, “Expectation of the French Revolution (1861), in *Selected Writings of Lord Acton Volume II: Essays in the Study and Writing of History*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1986), 39. See also John Nurser, *The Reign of Conscience: Individual, Church, and State in Lord Acton’s History of Liberty* (New York: Garland Publishing, Inc., 1987), 168.

a teacher.⁴⁴ By being critical of the past and looking to the future the historian can lead the way to the realization of liberty. Acton combines the historicist's scientific method with a system of judgment based on an absolutist universal principle, not Enlightenment reason, but a Christian ethic.⁴⁵

Acton strove to carve a place for himself amongst the competing historical conceptions of his day: positivism and historicism. He rejected positivism outright, and attempted to salvage what he felt to be useful within historicism. Above all, Acton's main concern was to craft a methodology and conception of history that was in line with his theory of progress as an ever increasing liberty in which the individual is free to follow his conscience and in which societies, and likewise states, evolve in a manner ordained by God through natural law. To do so Acton embraced the scientific methodology and objectivity of historicism while excoriating its nationalist tendencies and replacing its relativistic outlook with judgment according to an absolute moral standard. Visible in Acton's thought, particularly in his rejection of positivism and partial embrace of historicism, is the impact nineteenth-century historical consciousness had on the classical liberal conceptual framework. Historical consciousness helped facilitate a move away from the classical liberal view of society as an accumulation of reasoned individuals, who operate in the midst of universal, static, natural laws. In place

⁴⁴ Hugh A. MacDougall, *The Acton-Newman Relations: The Dilemma of Christian Liberalism* (New York: Fordham University Press, 1962), 175 and Nurser, 169.

⁴⁵ Tulloch, 171.

of this classical liberal conceptual framework, historical consciousness helped to introduce a newer framework in which society is organized, or conceived of as an entity in and of itself, and in which individuals and societies are historicized, or are dynamic outgrowths of the past.

While Acton was immersed in the historiographical developments of the nineteenth century, Spencer willfully stood apart from historical debate. Spencer was dismissive of history and both dismissive and contemptuous of historians. Spencer felt the historical discipline, especially in its contemporary fixation on military, political, and court history, to be conservative, outmoded, and intended to support the present social order and hierarchy. Spencer believed that historians strove to maintain a static social order when, in fact, society and individuals were ever-changing and adapting to the Moral Law, or conditions of civilization.⁴⁶ Spencer's contempt for the historical discipline does not mean that he was not affected by the historiographical developments of his time period, namely positivism and historicism.

In many respects, Spencer can be labeled a positivist. Spencer used ethnographic and historical facts as the data behind his generalizations regarding social evolution. As a uniformitarian, Spencer saw all of history proceeding in one direction with all of its parts resembling each other. The same laws that governed nature, governed people, and also governed history. As Spencer wrote in 1884, "there are no phenomena which a society presents but what have their origins in the phenomena of individual human life, which

⁴⁶ Peel, 158-160.

again have their roots in vital phenomena at large.”⁴⁷ Spencer divided the facts at hand into the essential, which pertained to gradual structural and evolutionary change, and the incidental, which pertained to the particulars of the individual and specific events.

Similar to a positivist historian, Spencer then attempted to derive from his observation of essential facts a set of principles that would serve as an explanatory generalization of the world, including society, and as a guide for action.⁴⁸ The following is characteristic of Spencer in this regard, “We will contemplate first the general conditions to individual life; and then the general conditions to social life. We shall find that both yield the same verdict.”⁴⁹ This emphasis on the general and deriving universal law from the observation of regular phenomena is very much a positivistic enterprise. Furthermore, it allows a shift from a classical liberal conceptual framework of society as reasoned individuals to a new conceptual framework of an organicized society.

Within Spencer’s positivistic enterprise there is also an element of historicism. The historian Ellen Frankel Paul argued in “Herbert Spencer: The Historicist as a Failed Prophet” that Spencer can be interpreted as an historicist who fell victim to what the historian Karl Popper identified as the “historicist fallacy.” This fallacy is the idea that historicists are holistic, collectivistic, and deterministic and believers in the idea that

⁴⁷ Herbert Spencer, “The Man versus the State (1884)” in *Herbert Spencer: Political Writings* ed. John Offer (Cambridge: Cambridge University Press, 1994), 138 and Peel, 159.

⁴⁸ Peel, 162-163.

⁴⁹ “The Man versus the State (1884),” 157.

history can predict the future. Thus a false assumption on the part of the historicist will yield a false prediction. According to Paul, Spencer was an historicist, albeit an inconsistent one, who was a holist holding to individualism and a determinist in favor of human freedom.⁵⁰ Spencer is a holist and determinist in regard to his conception of society as an organism and his teleological theory of progress, but he is also an individualist and proponent of human freedom in regard to the emphasis he placed on individual freedom of action.

What Spencer believed to be the trend of history, or rather development, was mankind's increasing conformity to the Moral Law, which stated that "every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man."⁵¹ Spencer asserted that "the course of civilization could not possibly have been other than it has been."⁵² The course that Spencer envisioned was an historical progression from a primitive society in which savage man conquered the earth in order to pave the way for the establishment of civilization, or the social state. The first stage of civilization is the militant phase characterized by a regime of status and compulsory cooperation. The second stage of civilization, the one Spencer believed nineteenth-century Britain was in the midst of, is the industrial phase characterized by a regime of

⁵⁰ Ellen Frankel Paul, "Herbert Spencer: The Historicist as a Failed Prophet," *Journal of the History of Ideas* 44, no. 4 (October – December 1983): 619.

⁵¹ *Social Statistics* (1851), 43.

⁵² *Social Statistics* (1851), 144.

contract and voluntary cooperation.⁵³ In these stages government is simply an apparatus to help men observe the Moral Law. The next and final stage is the development of a utopia in which all men are adapted to the Moral Law and government is no longer necessary.⁵⁴ Though Spencer did not wish to acknowledge the legitimacy of the historical discipline, he was willing to see within history an organic development progressing to a predictable future, the vision of which was made possible by the investigation and observation of history. This historicist-like view with an eye towards organic growth over time again illustrates a shift towards a conception of an organized society, a society that is an entity in its own right.

Spencer's reflection of positivism and historicism, two competing and mutually exclusive traditions within nineteenth-century historical consciousness, seems paradoxical. Instead of posing a paradox, Spencer's work points to the prevalence of historical consciousness in the nineteenth century. Spencer strove to produce a purely scientific work devoid of any trace of the historical discipline he despised. Yet Spencer managed to act the part of the positivist historian in his effort to produce generalizations from historical fact and to also act the part of the historicist in his willingness to see teleological organic development in mankind's past.

A new historical consciousness emerged in the nineteenth century centered on two competing conceptions of history: positivism and historicism. Acton's and Spencer's interaction with and usage of these traditions illustrate how historical consciousness

⁵³ *Social Statistics* (1851), 144 and "The Man versus the State (1884)," 63, 171-172.

⁵⁴ *Social Statistics* (1884), 77, 81, 88, 92, 154, 158.

undermined the classical liberal conceptual framework in which society was a sum of individuals, who possessed a static nature characterized by reason and operated amidst universal laws discernable through reason. In place of this framework, historical consciousness lent itself to a new framework in which society was organicized, society became an entity in its own right, and in which individuals and societies were historicized, or were dynamic outgrowths of the past. The works of Acton and Spencer illustrate how historical consciousness along with evolutionary thought and language facilitated a shift away from the classical liberal conceptual framework to a newer framework particular to late-nineteenth-century Britain. Acton and Spencer utilized this newer framework, the product of nineteenth century intellectual developments, to formulate their views on the struggle over the widening circle of political power and participation in Britain.

IV. Acton, Spencer, and the Struggle over Political Power and Participation

Acton and Spencer witnessed the expansion of the franchise in Britain to include nearly all male citizens through the Reform Acts of 1867 and 1884 and both men were well aware of the franchise debate. Acton and Spencer's views on democracy and suffrage in Britain were shaped at their root by the intellectual context of the late nineteenth century, a context markedly different than that of the early nineteenth century, which underpinned classical liberalism. These views stemmed from Acton's and Spencer's respective worldviews. As previous chapters show, these were shaped by ideas of progress influenced by and sometimes expressed in evolutionary terms and an historical consciousness fueled by positivism and historicism.

Britain underwent significant change in the decades between the Reform Act of 1832 and the Reform Acts of 1867 and 1884. Throughout the nineteenth century Britain continued to industrialize. With industrialization came urbanization, the emergence of the middle and working classes, and the harsh ups and downs of a cyclical industrial economy. Between 1820 and 1850 Britain, under the strain of rapid industrial and urban growth, faced severe unrest and was plagued by the 'condition of England question' – how should the state deal with the deplorable urban and working class living conditions and the resultant political turmoil?

Government response to the 'condition of England question' was contradictory. On the one hand, free trade, laissez faire, and nonintervention appeared to triumph with the repeal of the Corn Laws in 1846. On the other hand, government administration and relief became increasingly centralized through local reform in the 1830s and 1840s, including the Poor Law Amendment of 1834. Contrary to the desires of advocates of

laissez faire, the government also began to regulate industry, such as in the case of factory and mine labor in the Factory Laws of 1842 and 1847.¹

The unrest and anxiety of the ‘condition of England question’ subsided by the 1850s. Over the latter half of the nineteenth century, a lower-middle class developed to manage the bureaucratic and financial service needs of Britain’s increasingly commercial economy. By the 1870s, a national system of free public elementary education was in place and trade unionism flourished. At this point, many wage-earners were better off than they had been in the past. Increasingly, British attention turned outward as internal unrest was quieted and Britain began to feel increasing military, economic, and imperial competition from Europe, the United States, and Japan. This period was marked by a new imperialism and the expansion of the British Empire in Africa, Asia, and the Pacific.² Despite pressing international developments, the issue of democracy still drew attention in mid-to-late nineteenth-century Britain.

Acton viewed democracy, as he did much else that he encountered, through the lens of his teleological view of liberty. Acton believed that the world was on a path of progress in which liberty – an individual possessing the freedom of action necessary to follow his conscious, to do what he believes is God’s will – was continually increasing. Societies, and the states constructed on them, should be evolving in line with the progress of liberty. Therefore, to the extent that democracy was suited to and could further the

¹ Schapiro, 43-44 and Harvie, 496-510.

² Schapiro, 46 and Matthew, 519-520, 533-34, 536-542, 559-565.

cause of liberty Acton supported it. When Acton weighed democracy against his criteria, however, he found democracy to be wanting.

Acton believed that too much democracy was detrimental to liberty. In fact, democracy, in Acton's eyes, tended towards the tyrannical. He wrote of democracy's drawbacks in 1878, "The one pervading evil of democracy is the tyranny of the majority, or rather of that party, not always the majority, that succeeds, by force or fraud, in carrying elections."³ Not only can democratic government be tyrannical, but Acton also believed it could be arbitrary: "Democracy is government of the strongest...They [democracy and military despotism] are the brutal forms of government and as strength and authority go together, necessarily arbitrary."⁴

Democracy was tyrannical and arbitrary – a threat to liberty – but, under the proper circumstances, Acton believed democracy could be salvaged. According to Acton in "Political Causes of the American Revolution" (1861), democratic governments faced a choice between absolute power and respect for the law:

The fate of every democracy, of every government based on the sovereignty of the people, depends on the choice it makes between these opposite principles, absolute power on the one hand, and on the other the restraints of legality and the authority of tradition. It must stand or fall according to its choice, whether to give

³ Lord Acton, "Sir Erskine May's *Democracy in Europe* (1878)," in *Selected Writings of Lord Acton Volume I: Essays in the History of Liberty*, ed. J. Rufus Fears (Indianapolis, Indiana: LibertyClassics, 1984), 83.

⁴ Lord Acton, "Selections from the Acton Legacy: Add. Mss. 5528, p. 104" in *Selected Writings of Lord Acton Volume III: Essays in Religion, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: Liberty Fund, 1988), 556.

the supremacy to the law or to the will of the people; whether to constitute a moral association maintained by duty, or a physical one kept together by force...either absolute or organic, either governed by law, and therefore constitutional, or by a will which, being the source, cannot be the object of laws, and is therefore despotic.⁵

Democratic government, as a manifestation of popular sovereignty, could either be absolutist, arbitrary, and despotic – yielding to the whims and brute force of the masses – or it could be a moral association deferring its judgment to the law, that body of custom and legislation that grows out of the wisdom of the past and evolves to accommodate society in the present. The correct and hardest choice was to place law above the popular will. The only way to ensure this result was to place democracy within a federal system of government. As Acton noted, “of all the checks on democracy, federalism has been the most efficacious.”⁶

Acton did not disapprove of extending the franchise to the working class. Unlike much of the aristocracy, Acton did not believe that the upper class was more suited to rule than the rest of society; it did not possess any superior political wisdom or virtue. Nor was he alarmed by imagined venality, ignorance, drunkenness, and violence amongst the working classes.⁷ Acton wrote to Mary Gladstone in 1881:

⁵ Lord Acton, “Political Causes of the American Revolution (1861),” in *Selected Writings of Lord Acton Volume I: Essays in the History of Liberty*, ed. J. Rufus Fears (Indianapolis, Indiana: LibertyClassics, 1984), 216.

⁶ “Sir Erskine May’s *Democracy in Europe* (1878), 84.

⁷ Himmelfarb, 172-173.

The fact is that education, intelligence, wealth, are a security against certain faults of conduct, not against errors of policy...The danger is not that a particular class is unfit to govern. Every class is unfit to govern. The law of liberty tends to abolish the reign of race over race, of faith over faith, of class over class. It is not the realization of a political ideal: it is the discharge of a moral obligation.⁸

There was nothing particular to the working class that should bar them from political participation in Acton's eyes.

Instead of seeing in the Reform Acts of 1867 and 1884 the beginning of democratic tyranny and the end of parliamentary government, Acton welcomed both as instilling a measure of justice and liberty to society. Acton felt that the government prior to these acts catered to the interests of one group, the elites and the middle class manufacturers, when government should act with impartiality.⁹ Acton noted:

We are forced...to share the government with the working class by considerations which were made supreme by the awakening of political economy...If there is a free contract, in open market, between capital and labor, it cannot be right that one of the two contracting parties should have the making of the laws, the management of the conditions, the keeping of the peace, the administration of justice, the distribution of taxes, the control of expenditure, in its own hands exclusively.¹⁰

It was only right and just that the working class be permitted access to political power and participation.

⁸ Lord Acton, "Selections from the Acton Legacy: Letter to Mary Gladstone, April 24, 1881," in *Selected Writings of Lord Acton Volume III: Essays in Religions, Politics, and Morality*, ed. J. Rufus Fears (Indianapolis, Indiana: LibertyFund, 1988), 550.

⁹ Himmelfarb, 172-173.

¹⁰ "Letter to Mary Gladstone, April 24, 1881," 549-550.

Classical liberals in the early half of the nineteenth century had also favored the widening of the circle of political power and participation. While Acton may appear to be a classical liberal in this vein, his views on democracy and his justification for the later Reform Acts are not derived from the same conceptual framework that supported classical liberals in the early nineteenth century. Acton did not operate off of a conceptual framework in which society is composed of individuals who possess a constant nature characterized by reason and who interact with an environment that is governed by static, universal natural laws discernable to the reasoned individual. This is illustrated by his usage of biological and evolutionary metaphor and his intuition of the implications of nineteenth-century historical consciousness. In this later framework society is organicized; it is an organism and individuals are its component parts, its organs. Both society and individuals are dynamic outgrowths of the past. Thus Acton's support for the Reform Acts of 1867 and 1884 and for democracy, conditioned on a federal system of government, was based on how he saw it fit with the progression of liberty through time and the evolution of society as supported by this later conceptual framework.

Spencer's view of democracy, like Acton's, was related to his worldview and theory of progress. Spencer believed that mankind was evolving towards a state of perfect adaptation to the Moral Law, or the Law of Equal Freedom, which stated that each individual was free to act as long as he did not impede the rights of another.¹¹ Spencer maintained that when mankind reached this stage government would no longer

¹¹ *Social Statistics* (1851), 43.

exist because, as Spencer asserted in *Social Statistics*, “morality cannot recognize it [government]; for morality, being simply a statement of the perfect law [the Moral Law], can give no countenance to anything growing out of, and living by, breaches of that law. Wherefore, legislative authority can never be ethical – must always be conventional merely.”¹² Government is outside of the Moral Law, a product of man’s non-adaptation to the Moral Law, and can only serve as an artificial aid to assist mankind in developing the internal restraint necessary to act more in line with the Moral Law.¹³ The Moral Law merely tolerates government. The most tolerable form of government is democracy because it “trespasses against the smallest number” and “all members of a community have like claims to political power.”¹⁴

In his youth, Spencer supported electoral reform in Britain.¹⁵ He defended extending the franchise to the working classes in both of his early works *The Proper Sphere of Government* (1848) and *Social Statistics* (1851). In the *Proper Sphere of Government*, Spencer addressed one of the arguments against enfranchising the working class: society is complex and legislation is required to maintain the equilibrium of its interests – a task beyond the ability of the working class. Spencer refuted this argument

¹² *Social Statistics* (1851), 77.

¹³ *Social Statistics* (1851), 81, 92.

¹⁴ *Social Statistics* (1881), 78, 81.

¹⁵ Wiltshire, 110.

by asserting that the problem with government was not an improperly legislated disequilibrium, but too much legislation interfering with the natural workings of society. Thus this objection to working class enfranchisement was unsubstantiated.¹⁶ In *Social Statistics*, Spencer countered several objections to working class enfranchisement, such as the idea that working-class enfranchisement would amount to a working-class tyranny based on its superior numbers and the idea that the working class was immoral, violent, and ignorant. He asserted that the working class had too many divergent interests to allow for the unity necessary to amount to tyranny and that the working class was no more immoral, violent, and ignorant than the rest of society.¹⁷ Here the early Spencer was clearly in favor of electoral reform to extend political power and participation to the working class.

Over the latter half of the nineteenth century Spencer backed away from his initial support of electoral reform. As the working class demanded increasingly more interventionist legislation and Parliament occasionally acquiesced, Spencer began to question how in line democracy was with the Moral Law. In “Parliamentary Reform: its dangers and safeguards (1860),” Spencer expressed reservations over interventionist measures in the Palmerston and Derby governments and working-class support for a Nine-Hour Bill. To check this trend Spencer advocated spreading among the working class knowledge of the danger of government intervention and instituting a system of

¹⁶ Herbert Spencer, “The Proper Sphere of Government (1848),” in *Herbert Spencer: Political Writings* ed. John Offer (Cambridge: Cambridge University Press, 1994), 52-54.

¹⁷ *Social Statistics* (1851), 82-86.

direct taxation so the working class would be aware of and feel the burden of interventionist legislation.¹⁸

Prior to the passage of the Reform Act of 1884, Spencer clearly no longer supported electoral reform. In the *Principles of Ethics*, first appearing in 1879, Spencer asserted that universal suffrage would result in class-biased legislation contrary to the Moral Law.¹⁹ By the publication of his *Essays: scientific, political and speculative* (1891), Spencer viewed electoral rights as merely conferrable. They were no longer a part of the inalienable rights described, in *Social Statistics*, as artificial divisions of the Moral Law nor a part of the general claim of the individual to exercise his faculties.²⁰ This was largely because of the “coming slavery,” the product of increasingly interventionist legislation corresponding to the enfranchisement of the working class. Spencer articulated the “coming slavery” in *The Man versus the State* (1884):

...the changes made, the changes in progress, and the changes urged, will carry us not only towards State-ownership of land and dwellings and means of communications, all to be administered and worked by the State-agents, but towards State-usurpation of all industries: the private forms of which...will more and more die away; just as many voluntary schools have, in presence of Board-schools.²¹

¹⁸ Wiltshire, 112-114.

¹⁹ David Weinstein, *Equal Freedom and Utility: Herbert Spencer's Liberal Utilitarianism* (Cambridge: Cambridge University Press, 1998), 125.

²⁰ Wiltshire, 113 and *Social Statistics* (1851), 59.

²¹ *The Man versus the State* (1884), 100-101.

This growth of the state was contrary to the progression of mankind Spencer envisioned in which man becomes increasingly adapted to the Moral Law and government is no longer necessary.

Spencer's initial support of electoral reform appears to reflect classical liberal efforts to expand the circle of political power and participation. But, like Acton, Spencer's views on democracy and electoral reform are based on his worldview and idea of progress. Both of these stem from a conceptual framework, influenced by and evidenced by biological and evolutionary metaphor and a nineteenth century historical consciousness centered on positivism and historicism, which conceived of an organized society and historicized individuals and societies. This is a conceptual framework different from that underpinning the classical liberals of the early nineteenth century in which society is merely a sum of reasoned individuals with static natures operating in the midst of a social and natural environment governed by constant, universal laws discernable and usable through reason.

These late-nineteenth century views on democracy and suffrage in Britain were not inspired by concerns regarding utility, universal law, reason, individuals, or a static conception of human nature, but were shaped around ideas of inevitable human and social development – in a collective rather than individual sense – and the fluidity of circumstances and human nature. These diverging foundational ideas may sometimes yield conclusions similar to those of classical liberals, as is the case with Acton and Spencer, but they represent a shift in conceptual frameworks from the beginning to the end of the nineteenth century that is partially the result of the development of

evolutionary thought and language and historical consciousness in the form of positivism and historicism.

This mid-to-late-nineteenth-century framework, in the right hands, can lend itself to new liberal interpretations. Its visualization of an organicized society and historicized individuals and societies is in line with a new liberal conception of society as an organic whole with individuals as distinct parts working together. From this idea of an organicized society new liberals justified an expanded role for the state and advocated positive rights and liberties, or the state providing for a minimum standard of living. The classical liberal framework of the early nineteenth century could not support new liberalism and positive rights and liberties. Instead, through its dual emphasis on society as a collection of reasoned individuals and individual agency, the classical liberal framework lent itself to justifications of limited state activity and negative rights and freedom, or noninterference with the individual. This in turn supported the individual rights and individual liberty that was at the core of classical liberalism.

Conclusion

Acton and Spencer may superficially appear to be classical liberals, explaining the way in which some libertarians like to seize upon them as such, but Acton and Spencer are not classical liberals. Acton and Spencer are rooted in their time period, the context of mid-to-late-nineteenth-century Britain, and operate within and exhibit a conceptual framework unlike that which underpinned classical liberals of the early nineteenth century.

Classical liberalism, a philosophy concerned with individual liberty and individual rights, was supported by a conceptual framework in which society was conceived of as a collection of individuals. These individuals possessed a constant nature characterized by reason, and they interacted with an environment that was governed by static, universal laws that were discernable and employable by the individual utilizing his faculty of reason. The early liberal forbearers, such as John Locke, within this framework, advocated the expansion of the circle of political power and participation to include the landed aristocracy in Parliament in addition to the monarchy. And it was the classical liberals, such as Jeremy Bentham and John Stuart Mill, who, also in this framework, strove to expand the circle of political power and participation to include the middle class in addition to the aristocracy and monarchy.

Throughout the mid-to-late nineteenth century biological and evolutionary thought and language seeped into political thought and understanding. As illustrated by the works of Acton and Spencer, these biological and evolutionary metaphors transformed the liberal theme of progress from an emphasis, grounded in a classical liberal conceptual framework, on man's reason and ability to master his environment to

an inevitable development rooted in the natural world. This move suggests a shift to a new conceptual framework of an organicized society in which the nature of society and individuals is no longer constant, but is continually subject to change.

An historical consciousness also developed over the nineteenth century that was centered on two competing approaches to history: positivism and historicism. Positivists, in an extension of Enlightenment thought, attempted to discern in the past sets of regularly observable phenomena from which they could derive generalizations and universal laws. These could then be used to govern the present and predict the future. In the hands of Spencer, positivism and its predilection towards the general at the expense of the specific, illustrated a tendency towards an organicized rather than individualized conception of society. Historicists, reflecting Romantic thought, attempted to graft scientific methodology onto the practice of history while also emphasizing a sympathetic understanding of the past and reliving of the past through literary creation. Historicists emphasized continuity with the past, organic growth, and the ability to trace and predict subsequent development through an understanding of origins. Historicism, as seen through the work of Acton and Spencer, marked another shift towards an organicized, rather than individualized, conception of society and an historicized conception of the individual and society.

Biological and evolutionary thought and language along with historical consciousness in the form of positivism and historicism represent two intellectual developments active in the mid-to-late nineteenth century. These intellectual developments undermined the classical liberal conceptual framework of ahistorical, reasoned individuals operating within a similarly ahistorical, natural environment

governed by universal laws discernable and usable through the individual's faculty of reason. These intellectual developments of the mid-to-late nineteenth century suggest a shift towards a conceptual framework, rivaling that of the early nineteenth century, in which society is organized and societies, as well individuals, are dynamic products of past developments.

It is this later conceptual framework that underpinned the work of Acton and Spencer, so that while they may seem to mirror classical liberals, such as in their advocacy of the enfranchisement of the working class through the Reform Acts of 1867 and 1884, Acton and Spencer are not classical liberals. This later framework, with its emphasis on group conceptualization and the flexibility of social conditions and human nature, does not limit itself to individual liberty and individual freedom in the classical liberal sense of negative rights and negative liberty. Instead it lends itself to new liberal interpretations including positive rights and positive liberty.

Despite what some libertarians would like to believe, and perhaps would like the world to believe, Acton and Spencer are not classical liberals nor are libertarians. Classical liberals are particular to the context of early-nineteenth-century Britain just as Acton and Spencer are particular to the context of mid-to-late nineteenth-century Britain and libertarians are particular to the present. What is made visible in libertarian attempts to appropriate classical liberalism and to select historical figures as classical liberals is a struggle in contemporary political discourse over the nature of liberalism. If libertarians can successfully claim their conception of liberalism as the true liberalism, then they can assume the position of legitimacy in debates over political and social policy.

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