

19c Liberalism - Document Packet

Document 1

Unlimited popular sovereignty creates . . . a degree of power in human society too great by definition, which is an evil no matter in whose hands it is placed. Whether it is entrusted to a single man, or several, or to all, it will be found equally an evil. . . . There are weights too heavy for human hands. . . .

In a society founded on popular sovereignty it is certain that no individual, no class, may subject the rest to its particular will; but it is false to say that society as a whole exercises unlimited sovereignty over its members.

The totality of the citizenry is sovereign in the sense that no individual, party, or group may arrogate sovereignty to itself if it has not been delegated to it. But it does not follow that the totality of citizens, or those who are invested with sovereignty by it, may willfully dispose of the lives of individuals. There is, on the contrary, a part of human life which of necessity remains individual and independent and which as of right remains outside the jurisdiction of society. Sovereignty exists only in a limited and relative way. The jurisdiction of this sovereignty stops at the point where the independence of individual life starts. If society crosses this border it becomes as culpable as the despot whose title rests only on the sword of destruction. . . . The consent of the majority by no means suffices in all cases to make its acts legitimate; there are some acts that nothing can make legitimate. When any authority commits acts of this sort it matters little from what source it claims to derive; it matters little whether it is called an individual or a nation; it might be the entire nation with the exception of the citizen whom it oppresses, and the act would still not be legitimate. . . .

When sovereignty is not limited there is no means of protecting individuals from governments. . . . No political organization can avert this danger. You can try a division of powers; but if the sum total of powers is unlimited the divided powers have only to form a coalition for despotism to be installed without remedy. What is important for us is not that our rights may not be violated by one power without the approval of another, but rather that such a violation be forbidden to all powers. . . . The important truth, the eternal principle to be established is that sovereignty is limited, and that there are desires that neither the people nor their delegates have the right to entertain. No authority on earth is unlimited, neither the people's, nor that of the men who claim to be their representatives, nor that of kings whatever their title to rule, nor that of the law which, being nothing but the expression of the will of the people or the prince, according to the form of government, must be kept within the same bounds as the authority from which it emanates.

These boundaries are fixed by justice and by the rights of individuals. Not even the will of an entire people can make just that which is unjust. The representatives of a nation do not have the right to do what the nation itself has not the right to do. . . . The consent of a people cannot make legitimate what is illegitimate, since a people can delegate to nobody an authority it does not have. . . .

One objection presents itself to the limitation of sovereignty. Is it possible to limit it? Is there a force that can prevent it from breaking through the barriers prescribed for it? It will be said that by ingenious devices power can be restrained by dividing it. Its various parts can be placed in opposition and in equilibrium. But by what means can the sum total be prevented from being limitless? How can power be reined in other than by power?

Undoubtedly limitation of power in the abstract is not sufficient. We must look for the foundations of political institutions which will so combine the interests of the various guardians of power that their most obvious, most lasting, and most assured advantages lies in each of them remaining within the limits of his respective functions. Nevertheless, the first problem remains the competence and the limitation of sovereignty; for before we can organize anything we must determine its nature and extent.

In the second place, without wishing, as philosophers have done only too frequently, to exaggerate the influence of truth, we can state that when certain principles are completely and clearly demonstrated they serve in a sense as their own guarantees. A universal opinion is formed concerning the evidence which soon becomes victorious. If it is recognized that sovereignty is not without limits, that is to say, that there is no unlimited power on earth, then nobody will ever dare to claim such a power. This has already been proved by experience. For example, society as a whole is no longer given the right to put anyone to death

without trial. No modern government, therefore, claims to exercise such a right. . . .

Limitation of sovereignty is therefore both genuine and possible. It will be safeguarded, first of all by the force that safeguards all truths recognized by public opinion, and second, more precisely, by the distribution and balance of powers. . . . Everything else is nothing but crude charlatanism, practiced from century to century for the benefit of some and to the misery and shame of the rest.

SOURCE: Benjamin Constant, "On the Limits of Popular Sovereignty," early 19c.

Document 2

The object of this essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual. . . . That principle is that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him or visiting him with any evil in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to someone else. The only part of the conduct of anyone for which he is amenable to society is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign. . . .

. . . This, then, is the appropriate region of human liberty. It comprises, first, the inward domain of consciousness, demanding liberty of conscience in the most comprehensive sense, liberty of thought and feeling, absolute freedom of opinion and sentiment on all subjects, .practical or speculative, scientific, moral, or theological. The liberty of expressing and publishing opinions may seem to fall under a different principle, since it belongs to that part of the conduct of an individual which concerns other people, but, being almost of as much importance as the liberty of thought itself and resting in great part on the same reasons, is practically inseparable from it. Secondly, the principle requires liberty of tastes and pursuits, of framing the plan of our life to suit our own character, of doing as we like, subject to such consequences as may follow, without impediment from our fellow creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual follows the liberty, within the same limits, of combination among individuals; freedom to unite for any purpose not involving harm to others: the persons combining being supposed to be of full age and not forced or deceived.

No society in which these liberties are not, on the whole, respected is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified. The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily or mental and spiritual. Mankind are greater gainers by suffering each other to live as seems good to themselves than by compelling each to live as seems good to the rest. . . .

. . . Let us suppose, therefore, that the government is entirely at one with the people, and never thinks of exerting any power of coercion unless in agreement with what it conceives to be their voice. But I deny the right of the people to exercise such coercion, either by themselves or by their government. The power itself is illegitimate. The best government has no more title to it than the worst. It is as noxious, or more noxious, when exerted in accordance with public opinion than when in opposition to it. If all mankind minus one were of one opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind. Were an opinion a personal possession of no value except to the owner, if to be obstructed in the enjoyment of it were simply a private injury, it would make some difference whether the injury was inflicted only on a few persons or on many. But the peculiar evil of silencing the expression of an opinion is that it is robbing the human race, posterity as well as the existing generation—those who dissent from the opinion, still more than those who hold it. If the opinion is right,

they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth produced by its collision with error.

SOURCE: John Stuart Mill, *On Liberty*, 1859.

Document 3

In spite of the variations in the three main strands of liberalism, the features which classic liberals from Locke to John Stuart Mill had in common should not be overlooked. Rooted largely in the outlook of Enlightenment there was a constant emphasis on man's fundamental rationality and reasonableness. Privileges of the ruling strata based on mere tradition and custom were questioned and often rejected. Everywhere we encounter a strong urge to expand the rights of the individual and to reduce the powers of the State and of the government. However widely their arguments differed, liberal thinkers of the period . . . argued mainly in favor of the rights and the social usefulness of the individual citizen and stressed the need for parliamentary control of the powers of the government and of the accountability of its civil servants. Throughout, liberalism presumed a pluralism of existing political and religious opinions; everywhere it tended to make a plea for the rights of minorities, rights which should be protected. Civil disabilities on account of religious or political dissent were to be abolished, provided the dissenters kept their activities within the rule of the law. The right to own property and the obligation of the government to safeguard it were essential features of the liberal ideology. It was not accidental that most liberals insisted on property qualifications to be attached to the right to vote. . . .

While by no means all liberals shared Guizot's famous slogan '*Enrichissez vous!*', people without property were not much respected by most of them, but were regarded as the concern of charity, if not of socialists and anarchists. Instead liberals busied themselves with the belief in a rational political order, based on a constitution and promoted by a government with limited powers. Ministers were to be responsible to Parliament.

The belief in progress, in an advancing civilization, was another characteristic of most liberal thought. . . . The continuous improvement of mankind, helped by the advance of science and the new self-confidence of the diligent middle classes, was never seriously doubted.

SECONDARY SOURCE: E. K. Bramsted and K. J. Melhuish, *Western Liberalism: A History in Documents from Locke to Croce*, pp. 35-36, 1978.