



LIBERTY IN EQUALITY: LORD ACTON'S TEACHING ON PARTICIPATORY DEMOCRACY*

WOLNOŚĆ W RÓWNOŚCI: POGLĄDY LORDA ACTONA
A DEMOKRACJA UCZESTNICZĄCA

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— ABSTRACT —

The historian of liberty Lord Acton is not ordinarily viewed as a supporter of equality and democracy. There is a strong evidence, however, that his best practical regime is a participatory democracy, his constant philippics against equality and democracy notwithstanding. He always stressed that political power originates in the people and that mature liberty implies equality and universal franchise, even if in certain circumstances freedom can exist without them. Further, Acton is also the author of an original idea how to build participatory democracy without resorting to social engineering. He maintained that political freedom and citizenship begin with self-rule on a local level. If local communities create higher levels of authority, starting from a village and county and ending with the national government, we then deal with a grassroots democracy, in which citizens (not elites) run the country.

— ABSTRAKT —

Historyk wolności Lord Acton nie jest zwykle postrzegany jako zwolennik równości i demokracji. Silne przesłanki wskazują jednak, że najlepszym praktycznym ustrojem byłaby – według niego – demokracja pomimo jego ponawianych ataków zarówno na równość, jak i demokrację. Acton zawsze utrzymywał, że władza pochodzi od ludu oraz że dojrzała wolność wymaga równości i powszechnych praw wyborczych, nawet jeśli w pewnych sytuacjach wolność może się bez nich obyć. Co więcej, Acton jest autorem oryginalnej koncepcji, jak zbudować demokrację uczestniczącą bez uciekania się do zabiegów socjotechnicznych. Zawsze twierdził, że wolność polityczna i obywatelskość powstają na szczeblu lokalnym. Jeśli lokalne wspólnoty potrafią stworzyć wyższe szczeble władzy, poczynając od gminy i powiatu, a kończąc na władzy państwowej, mamy wówczas do czynienia z demokracją oddolną, w której obywatele (a nie elity) rządzą krajem.

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Lord Acton is not a well-known figure today. He seems out-of-date, passé, a Victorian historian, not in the same league as great thinkers and, therefore, without a message meaningful for our world. All remember his great maxim: “power tends to corrupt, absolute power corrupts absolutely”, and some know that he was “liberal” and an unfulfilled “historian of liberty”. However, his ubiquitous attacks on equality, democracy and doctrinaire liberalism, as well as his stress on the uniqueness of Western civilization, his appreciation for the role of Christianity in history, and his personal piety do not suit the dominant mood in today’s Academia along with the prevailing narration served to the public. Acton is thus doomed to oblivion or, at best, dismissive remarks. Yet, Acton, an avid student of Burke and Tocqueville, had no less penetrating mind than his great teachers¹. As they, he was able to go beneath the surface of things and see hidden currents that move society and politics. Liberty was his passion, of course, but his best practical regime – he used the term “mature liberty” that, if perfected, would be practically the best – has features that are strikingly democratic and, at the same time, preserves active citizens (cf. Lazarski, 2012, pp. 227–261). Moreover, it does not need artificial means to resuscitate citizenship – elements necessary in modern theories that aim at reestablishing participatory democracy. On the contrary, his best regime is either participatory by nature, or is democracy’s deviation. Finally, Acton did not only design his ideal. He also supplied historical evidence that regimes close to his best had actually existed. This paper will thus try to show, first, that Acton’s ideal regime was in fact a democracy (part I); second, that it required and promoted active citizenship; and third, that it did not need social engineering to establish it (part II). Finally, it will point out some limitations of Acton’s theory (part III).

¹ Acton had yet another, third great mentor, a figure largely forgotten today, but one who supervised his studies, a liberal Church theologian and historian, Father Ignaz von Döllinger. As Acton’s best biographies, I would recommend two positions: first, his intellectual biography – old but still actual – written by Gertrude Himmelfarb (1962), and second, a relatively new book by Roland Hill (2000), that provides a detailed account of Acton’s life.

WAS ACTON AGAINST DEMOCRACY OR AGAINST ITS DEVIATION?

Let us start first from admitting that the message of Acton's writing is not unequivocal. Acton did not write a book on liberty (his lifelong dream), where he could present his views in a coherent and thorough fashion. What he did write – articles, reviews, lectures and letters – was produced over a span of nearly fifty years and, naturally, contains many inconsistencies or outright contradictions. Furthermore, the style of his writing is at times abstruse, with obscure hints or unexplained gaps, i.e., suffers negative side-effects of his enormous erudition and his assumption that others know what he does. Interpretation of his views is thus a difficult task: it requires immersing into his writing, saturating oneself with it and grasping it in its entirety, for otherwise it is likely to be misunderstood. In one thing, however, Acton seems clear, judging by the number of his critical remarks on democracy, he must have hated it. How can one therefore claim that Acton's best practical regime was, in fact, a democracy?

Without going into a lengthy review that would weight evidence and interpret his statements, let us ponder a few general questions that could help us to properly frame our probe. First, what are the origins of authority and who is the ultimate sovereign according to Acton? Second, does he advocate representative government or not? Third, is he, or is he not for popular franchise? And fourth, does he support the rule of the majority?

There is no doubt that Acton always supported popular sovereignty. The ultimate source of law rests with the people and, since political community always involves a concrete people, the nation. Naturally, the people was variously defined in history. In Greco-Roman antiquity, it meant *demos*, all citizens; in the Middle Ages, it meant a very narrow group – the nobles, the clergy, and the elite of the commoners; only during and after the French Revolution, the people embraces all, though voting rights are still limited by property requirements. Acton fully adheres to such understanding and defining the people, and always indicates that it as the only source of legitimate authority². Simultaneously, he objects to the notion of a singular sovereign and treats it as illegitimate. It is probably difficult

² Acton never deals directly with the issue of popular sovereignty but assumes it tacitly in everything he writes. However, there is no single passage in his writing in support of the sovereignty coming from above, except for God's ultimate sovereignty and the people being next (cf. Acton, 1863a, p. 145; 1877b, pp. 41–42; 1910, p. 25; see also: Łazarski, 2012, pp. 252–254).

to find another thinker who would condemn the claim of divine right and the majesty of absolute rulers so strongly and so unequivocally as Acton does³.

Another important point Acton makes on this topic is that popular sovereignty is recognized throughout history of Western civilization, except for a brief aberration of absolutism. Even the despotic rule of Roman emperors had its origins in absolute power of the Roman people over the Empire, and in the delegation of this sovereign power to the emperor. Medieval monarchs – in spite of their claim to rule *Dei gratia* – did not question popular sovereignty: the prevalence of customary law in Europe throughout the Early and High Middle Ages illustrates well this rule (what changed, however, was the extremely exclusive notion of the people itself). Popular sovereignty is one of the unique features of Western civilization, distinguishing it from other civilizations. Acton judges it to be indispensable in his search for political liberty, but there is no doubt that it is indispensable for democracy, too (Acton, 1877a, p. 16; 1877b, p. 30; 1878, pp. 67–68; cf. Lazarski, 2012, pp. 46, 92–93).

People's sovereignty can be exercised directly or indirectly, through representation. The first form was typical in antiquity, since the ancients did not know the principle of representation⁴. This was a serious weakness of ancient government, since without the direct participation in people's assembly, one was in fact deprived of active citizenship. From this perspective, the Middle Ages brought positive change as they practiced representation. The methods of election were crude, as Acton says, yet the rulers could not change fundamental law or raise direct taxes without the consent of people's representatives. Representation in medieval and early modern regimes did not, however, imply representative government. It meant only limitations put on the government (Acton, 1877b, pp. 33–36). As Acton stresses, the honor of inventing modern representative government belonged to his homeland. England achieved it in a lengthy process. First, thanks to the Glorious Revolution, the people reasserted popular sovereignty and the supremacy of the Parliament. The king still, however, exercised the executive and judicial power. Then, gradually the royal cabinet became dependent on the support of the Parliament's majority and, finally, lost its judicial power, though in this respect America outran England (Acton, 1967, pp. 250–261). In this way, the British achieved full separation of powers and fully representative govern-

³ Absolutism for Acton was “a studied philosophy of crime” (Acton, 1877b, pp. 38, 43–44).

⁴ Prof. Wiesław Bokajło maintains otherwise. Yet his notion of federalism is so large that it includes mere alliance (cf. Bokajło, 1998, pp. 25–37, 70–80).

ment. Because of its very limited franchise, this regime could not be deemed democratic, still it had features characteristic for a liberal democracy, such as representation, parliament and division of powers.

Acton was very proud of his country progress on the road to “mature liberty” in the seventeenth and eighteenth centuries and called its political order “freedom in inequality”. Yet the highest appreciation he reserved for America. For it built a regime that secured “freedom in equality”, i.e., citizenship for overwhelming majority of white colonists⁵. This process began immediately after the settlers came to the New World⁶. They enjoyed liberal charters and were left largely undisturbed by the distant government in London. Originally, citizenship was connected with membership in parishes. The Puritan settlers ran their churches and then quickly learned to run civil affairs as well, first in their towns, then in counties and finally in colonial assemblies. Thus, America had fairly common franchise even before establishing its Union. Acton fully approves of this arrangement and points out slavery as a fundamental weakness of the US Constitution (Acton, 1967, pp. 188–193, 292; 1910, p. 21; 1878, pp. 72–73; 1877b, p. 50; 1862a, pp. 183–186; 1866, p. 272). America outgrew slavery and should have abolished it at the moment of establishing the Union. In its threshold, mature liberty can tolerate inequality and the exclusion from citizenship of even overwhelming majority of the population – as was the case of England after the Glorious Revolution – but it naturally drifts toward inclusion of all. America achieved the stage of mature liberty and that is why slavery turned out to be a fatal mistake, costing Americans a bloody civil war (Acton, 1967, p. 295; 1866, p. 277; cf. Łazarski, 2012, pp. 238–239).

Wide-spread franchise in America could be linked to fairly wide-spread property ownership among Americans and their self-reliance, features essential for active citizenship. Acton, however, went further. In his mature age, he openly rejected a common belief among liberals, linking franchise with property. He then says: “Every class is unfit to govern”, for it uses its power for its own advantage. Mass voters could be “utterly ignorant”, but property owners voted laws that “were selfish and often inhuman”. Furthermore, linking franchise with property

⁵ The exact quotation runs: “liberty founded on inequality” and “liberty founded on equality” (Acton, 1910, p. 97).

⁶ One could say that this process began even earlier, if one takes into account the Mayflower Compact (1620). Before arriving to the New World, forty-one Pilgrims pledged to establish a regime based on equality and the rule of the majority, i.e., on democratic principles.

leads to double control of the workers by the wealthy, first as employers and second as lawmakers. And this amounts to tyranny. As a conclusion, we can quote the following: “Why Democracy? It means liberty given to the mass. Where there is no powerful democracy, freedom does not reign” (Paul, 1913, pp. 71–74; Paul, 1913, pp. 71–72; Add. Mss. 4945).

The will of majority, next to democracy, was the subject of Acton’s most frequent attacks. He derogatively called it the “tyranny of numbers”, the “supremacy of numbers”, the “sovereignty of numbers”, etc. Does this mean he was against the majority rule, as it is often assumed? Not at all. He merely condemns unlimited power of the majority. If majority can vote whatever it wishes and its will is not restrained by higher laws, it then tends to evolve into a collective tyranny. For “all governments in which one principle dominates, degenerate by its exaggeration [...]. In pure Democracies the same course is followed, and the dominion of majority asserts itself more and more extensively and irresistibly” (Acton, 1866, p. 271). Such was the case of Athenian democracy that not only persecuted minorities but believed it could punish persons who did nothing wrong. People’s assembly thus turned into a seat of good and evil, and left minorities with no other recourse but treason (Acton, 1877a, p. 13; 1878, pp. 60–61).

To prevent collective tyranny, higher laws must restrain the will of the majority. Acton considered this break on majority’s will as an indispensable element of liberty. Freedom begins when government – regardless if it is a rule of one, of a few, or of the many – is under higher law. Originally of divine origin, higher law undergoes in early modern Europe gradual secularization and takes the shape of constitutional law, largely immune to sudden changes of public opinion. Modern liberal democracies cannot function without such a law. Acton accepted the process of secularization of higher law, even if he missed the divine sanction for it (Paul, 1913, pp. 71–74; Add. Mss. 4945).

ACTON’S PRESCRIPTIONS FOR PARTICIPATORY DEMOCRACY

If we agree that Acton was not against democracy as such, but against its absolute, virulent forms, let us move to our second and third tasks, i.e., to show how his best practical regime promoted active citizenship without resorting to sophisticated methods of galvanizing it. Acton naturally did not know the term participatory democracy, but his ideal achieves most aims, if not all, the theorists of participatory democracy set for this system. Let us first begin with

a few general remarks about the features of Acton's best practical regime (or mature liberty), then show the role he assigns for self-government and secondary (intermediate) institutions, and finally review his perspective on the relation between the state and society.

In the first of his two seminal essays on liberty, Acton presents his concept on the origins of liberty in Western civilization. On this occasion, he also issues essential elements of all political freedom.

The dawn of liberty, he claims, took place in ancient Israel at the time when the Israelites fought for the promised land, but before they established monarchy. For about three centuries, they formed a loose confederation of tribes and clans, linked by common ancestors and faith. Each tribe and clan enjoyed self-government and had leaders that were natural in each community, even if the methods of their selection were not democratic. The Israelites were equal and lived under divine law. Their emerging national tradition proved sufficiently strong to continue under monarchy. Hebrew kings had no legislative power – it belonged to God – and lived under the same law, as their subjects; their power was therefore limited. Finally, Hebrew tradition had its guardians, the prophets, who dared to challenge kings whenever they broke fundamental laws (Acton, 1877a, pp. 7–8; 1878, pp. 57–58; Add. Mss. 5392, p. 90).

It is in this context that Acton formulates three principles on which, in his view, political freedom rests. They are national tradition, higher law, and organic growth of political order, expanding “from a root, by process of development, and not of essential change”. In other words, through an evolution, not revolution. These principles are indispensable for civic liberty, and remain to be so, regardless of time and place (Acton, 1877a, p. 8).

The meaning of “civic” liberty, as employed in this paper, should be explained, especially *vis-à-vis* ‘civil liberty’, a term commonly used in English. Civic liberty requires active citizens, not just persons who exercise their citizenship only at the voting booth, once every few years, and who enjoy civil rights and freedoms. Civic liberty may include the latter (in the past it not always did) but requires much more: citizens taking responsibility for their concentric communities, starting from their direct environment and ending state-wide, and having government that represents them on each level of authority. Acton's view on self-government is very helpful to fully comprehend this idea.

Self-rule plays an essential role in Acton's concept of liberty. Although liberty is “the highest political end” and ought to be “the end of government”, but it is self-government that originates liberty itself and, therefore, it ought to be “the end

of all government”⁷. Citizens are born at the lowest level of communal life – in localities, villages and towns – when its inhabitants take charge in running their closest community, without waiting for central government to resolve their problems. This is how the settlers in American colonies began their lives in the New World. Distant London could not help, and they could either “make it or break it”, i.e., either survive on their own or perish. As mentioned, their self-government took place, at first, in their parishes and towns and, then, spread to counties and colonial assemblies and ultimately, after establishing the Union, extended to national governments. Acton enthusiastically praises the role of federalism, as this principle limits the power of national government to specific areas, listed in the Constitution, and leaves local affairs in the hands of states. Federalism thus fosters active citizenship even at this most outer circle of self-government, one that is least friendly to it (Acton, 1967, pp. 189–193, 292, 295; 1910, pp. 21, 37; 1861d, p. 288; 1878, pp. 72–73; Figgis & Laurence, 1917, p. 277).

American example is unique because of the conditions in which self-government originated, the extension it achieved (from the local to state level), and the degree of maturity (meeting all Acton’s requirement concerning mature liberty – equality, active citizens, and self-rule). Yet, it is by no means an exclusive example. On the contrary, Acton claims that self-governing communities were fairly common throughout centuries of Western civilization, beginning with ancient Israel. The most significant of them were the successors of the Greek *poleis*. Under Hellenistic monarchies they lost independence but survived as local self-governments. They continued under the Roman Republic and later the Empire, which on the local level was “like a vast confederation of municipal republics” (Acton, 1878, p. 68). In the Early Middle Ages such communities persisted in northern Italy and at the end of that period, they evolved into semi-independent republics and principalities. In the High Middle Ages, urban self-government spread from Italy to France and Germany and subsequently to the rest of Europe. Another example is fragmentation of medieval and early modern state that contributed to local particularism and separatism as well as provincial, urban and corporate rights and freedoms (Acton, 1877a, pp. 7–12; 1877b, pp. 30–36).

⁷ Cf.: liberty is “the highest political end” (Acton, 1877a, p. 22); “self-government [is] the only secure basis of all freedom, whether political or religious” (Acton, 1862b, p. 85); liberty’s “characteristic sign and manifestation is self-government” (Acton, 1863b, p. 188); “Liberty = self-government” (Add. Mss. 4870, p. 28); Acton, 1860, p. 497.

Acton always treats self-government, regardless of its form, as the bearer of civic freedom, sometimes constituting the last bastion of liberty against despotism. For even the most restrained self-rule fosters civic responsibility among inhabitants; therefore, it is better than the direct rule of central government over localities. It allows such communities to endure the worst of times and thrive in better times, when they have an occasion to fully recover their rights.

The role of self-government in fostering civic responsibility can be better grasped if we look at it as one of many – even if the most significant – intermediate institutions and organizations. Central government, although expressing the will of the sovereign, does not annul the legitimate authority of secondary organizations, starting from the family, through religious, social and business organizations and ending with self-governments of various levels. Each of them is independent in its own sphere and has its own authority. The state may and ought to check their conduct to make sure that they act within the limits of law. Otherwise, however, it may not interfere into their domain. Acton underlines that “the power of the State is supreme only in its own sphere”, while legitimate powers of intermediate institutions “are protected by the State, none can be controlled by it. It is their right and their duty to restrain [the state’s] action within its own definite limits. It is out of these several partial authorities that the State had grown” (Acton, 1860, pp. 496–497; 1861b, p. 345; 1862a, p. 180; 1861c, p. 260).

Keeping in mind Acton’s emphasis on the significance of partial authorities, let us move to his view on the role of central government and state institutions as well as on the relationship between the state and the society. As mentioned, Acton underscores that liberty is the highest political end, therefore it should be also that end for the government and the state. Other aims, such as equality, happiness for the greatest number, power, prosperity, national interests and the likes can be either secondary (inferior) to liberty in the hierarchy of state goals or be entirely outside of its domain (Acton, 1910, p. 33; Add. Mss. 4944, p. 109).

In view of this supreme aim, the government and its institutions should, first of all, provide the people with the “security for freedom”, i.e., create conditions in which the people can freely pursue their aims. The state achieves it by “set[ting] up a moral, objective law and pursu[ing] a common object distinct from the ends and purposes of society” (Acton, 1861a, p. 441; 1861c, p. 260; 1862, p. 180). In other words, what Acton is saying is that the state ought to be an impartial arbiter for the variety of interests and influences in society and it must not be one of the players among them. Central government and state in general are to play a role of a “skin”, or a “glove” that protects society by enforcing fair play for the multitude

of interests that are oftentimes contradictory. If it does that, it not only enforces law, but also imposes moral obligation on the people. The nature of relationship between the people and the state then becomes “ethical”, unlike attachment among relatives, requiring mutual support regardless of circumstances (Acton, 1861b, p. 345; 1862a, p. 180; 1862c, pp. 427–428).

If the state is “for the accomplishment of public ends, altogether distinct from and comparatively indifferent to the special interest of any individual, or class, or element”, society is exactly the opposite: it is the place for pursuing such interests. “Society is an institution for realising private ends, and the greatest happiness of the greatest number” (Acton, 1862a, p. 180). If this statement is juxtaposed with Acton’s view on self-government and intermediate institutions, society appears as a complex network of partnerships, businesses, associations, classes, churches, localities, minorities, nationalities (if the state is multinational) and all other possible interest groups. Each of these parties acts independently and autonomously in its own sphere and each pursues its own ends. Each, however, has to follow legal rules and regulations, and possibly ethical standards prevailing in the society, having the state as an impartial guardian of law and an arbiter in cases of conflict (Acton, 1861a, p. 441; 1860, pp. 496–497; 1862c, p. 424; 1862d, p. 463).

Society and state arranged in such a way is by nature participatory, encouraging and releasing social energy and activity, for otherwise the aims of each participating party cannot be realized: the state will not substitute for them.

The merits of Acton’s concept of participatory democracy, or in his own terms, “mature liberty”, can be better visible if compared to its opposite, i.e., when the state and the society do not work so harmoniously, because the government resorts to social engineering: “We often see it happen, that though society is an organism, the state is a mere machine; not fitted on to society like a glove, but rather compressing it like a thumbscrew; not growing out of society like its skin, but put upon it from without like a mould, into which society is forced to pour itself... The state could never grow out of society as its expression and fruit, unless society were organized and distributed into distinct classes and corporations, each enjoying social power in its own sphere. Where th[is] distribution is wanting, and the social mass [...] [is] only physical unit, society is atomic; and the state cannot be [...] an expression or organ of society, but is supreme and absolute, whatever its forms and constitutional pretences may be. Under these circumstances representative institutions are a delusion and a snare” (Acton, 1861b, p. 345).

Acton did not mean primarily absolute regimes that attempted to shape society according to their needs, but mainly liberal regimes in nineteenth-century Europe. As he claimed, they modeled their constitutional order after the first constitution of revolutionary France (1791). That constitution favored omnipotent central government (the emanation of the sovereign with unlimited power) and aimed at molding society according to the will of the sovereign, without regard for the extant traditions and intermediate institutions (Acton, 1861, p. 441; 1862d, p. 463).

LIMITATIONS OF ACTON'S THEORY

Let us move now to the last task of this paper, namely to pointing out some limitations of Acton's concept. One is general and theoretic, and could be phrased as a question: can democracy (or any regime) have a majority composed of active citizens? Another is specific and could run as follows: can Acton's scheme work in a post-communist space, or any corrupted society?

There no question that Acton's concept energizes society and creates excellent conditions for the development of intermediate institutions and free market economics. But would it work in the same way for self-government and politics in general?

Acton's scheme offers only opportunities for those who want to be active, who want to be true citizens, but it does not compel anyone to participate in politics. That active group seems small in any society, regardless of time. Acton noticed this himself when he commented on probably the most civic polity in history, i.e., the Athenian democracy. Athens had about 30,000 full citizens, but only about 3,000 participated in the people's assembly (Acton, 1878, p. 61).

Ten percent were active in spite of the incentives given to the poor, paid for taking part in the assembly. In late eighteenth and early nineteenth-century America and Europe, the number of people who participated in the "public sphere" – journals, literary salons, public meetings, open lectures, coffee houses with public debates, etc. – that was so admired by Habermas and other members of the Frankfurt School, certainly did not exceed that Athenian number. Consequently, one is faced with the old, Aristotelian conundrum, if *politeia* – a regime in which all rule and have virtues necessary for it – is possible at all?

Regardless of the answer given to this question in general, the Actonian concept of mature liberty certainly does not prove that it is. It can only activate

those who are open to participation in the public sphere. However, their number is not likely to exceed the percentage of active citizens in Athens.

Acton did not search for the best regime in theory but in practice. His concept of mature liberty is based on empirical material taken mainly from the history of England and America. He tried to perfect it, searching for a model that is better than the originals, but still achievable. That is why his mature liberty fits best for Anglo-American social state, to use Tocquevillean terms. However, can this scheme help in other cases, when the process of transformation from autocracy to democracy is to observe all principles of liberal democracy, but be applied to a society that lived for a long time under arbitrary government, with no genuine representation, and with demoralized elites that have little or no sense of public good, and care only for their private interest? For example, can it help post-communist states in East-Central Europe?

Communist regimes had a democratic façade behind which lurked odious dictatorship. Decades of its existence created a large group within the population connected with the regime through party membership, in Poland reaching nearly three million people. This opened access to higher positions in the economy, administration, culture and other areas that were reserved for the so-called nomenclature. The fall of communist regimes and the process of democratization that followed it left that group in a privileged position. On the one hand, the new care for civil rights and legal rules in post-communist regimes precluded bringing to justice the persons responsible for communist oppression. On the other, the nomenclature had the best opportunities to enrich itself through privatization or through holding the same high social and economic status⁸. When the initial fear of retribution evaporated, the former nomenclature that usually turned into “liberals”, rejected any responsibility for the less privileged and focused exclusively on private gains. They and some newcomers who shared the same kind of “vulgar liberalism” built up a system that serves their privileged position. To use Habermas’s term, they “colonized” the rest of the population; to use classical terms, they set up an oligarchy, the rule of the strongest, but hidden behind the façade of democratic institutions.

This process is more or less typical throughout East-Central Europe, with some countries that limited negative effects of post-communism, and some that

⁸ For keen observers, this process was seen right from the beginning, soon after the collapse of communist regimes, cf. Bieńkowski, 1992, pp. 750–762.

did not. For the sake of clarity, let us now narrow down our remarks exclusively to Poland.

Application of Acton's prescription to the Third Republic of Poland would only aggravate the existing corruption. Various elites, entrenched in their positions in administration (especially on mid-level positions), courts (never really cleansed from communist *apparatchiks*), local government (a seat of great corruption), and intermediate institutions (many NGOs are not genuine), would use Acton's stress on the autonomy of such institutions to defend their interests and to prevent the cleansing off such a system. Acton's model would probably work only in the case of a new start, at the moment of forming a new order, a new constitution, and de-legitimizing most of previously existing institutions. Such a situation occurred a few years ago in Hungary but has not yet happened in Poland.

CONCLUSIONS

There is no doubt that Acton's best practical regime (mature liberty) is a participatory democracy. It requires active citizens and self-government at the grass root level, and their gradual extension toward ever larger civic communities. Each of these communities have plenty of intermediate institutions and organizations, and wide self-government. Their national government grows out of citizens, and respects national tradition and higher fundamental law. It does not aim to impose anything on the people or manipulate them into a predesigned policy. On the contrary, it aims to preserve and support liberty at each level of communal self-organization, while it guards enforcement of law and fair game for everyone. In brief, it does not know social engineering of any kind. As a result, liberty is the highest principle in such a polity, while active citizens and, therefore, participatory democracy are its side-effect, a collateral of civic liberty.

Acton's ideal creates opportunities for the rise of participatory democracy, but nothing more. It is likely to foster civic activity at the widest possible level, but it does not resort to force or manipulation to increase it. It will not therefore include all inhabitants, an aim that at any rate seems utopian rather than real. After all – as Benjamin Constant noted – unlike in antiquity, liberty of the moderns entails freedom from politics as well.

Another limitation of Acton's ideal is that it is not likely to work in a corrupted society, without a thorough shake up of the regime. It seems that the

old social state ought to be undermined in order to prepare ground for the development of participatory democracy of the Actonian kind.

Acton designed a political regime that was very far from the practice of liberal democracy, as it functioned in the nineteenth century (and as it still does today). This quintessential liberal sensed this because he knew that his ideas sounded odd for his fellow liberals. They and the radicals of all shades shaped democracy according to a different prescription. Starting from abstract principles (an echo of the state of nature concept), they pursued equality and individual freedom without regard for social reality. All traditions, social, legal and religious, were to be crushed, because they stood on the way of progress. In the process, civic communities were undermined, and citizens turned into passive subjects, while participatory democracy became a dream of disillusioned radicals.

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