

The Sovereign People and the Liberal Democratic State

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POPULAR PRINCIPLES AND LIBERAL PRINCIPLES

During a debate over an 1847 bill to extend the right to vote in English elections, a liberal member of parliament (MP) rose to contest Benjamin Disraeli's claim that expanding the electorate would enfranchise voters with opinions opposed to the liberalism that then held sway in parliament. William Clay scoffed at Disraeli's distinction between "popular principles and liberal principles." Instead, he confidently asserted that "no principle, in his opinion, could be popular without being liberal, and every liberal principle would sooner or later be popular."¹ Clay saw little to fear in democratization, and fully expected that expanding the influence of "the people" in political affairs would be wholly compatible with his other substantive commitments.

With hindsight, Clay's confidence might seem misplaced. Throughout the nineteenth and early twentieth centuries, democracy – an institutional configuration in which "the people" is recognized as the legitimate source of political authority – and liberalism – an account of political and social life that treats these as derivative of the individual and its possessive claims, with implied limits on the ends and exercise of political authority – were regularly pitched as incongruous alternatives, whether in the form of "illiberal" democracies or explicitly non- and anti-democratic liberalisms.² The post-World War II era, by contrast, had seen a synthesis of the two, worked out at a theoretical level in social scientific understandings of the freedoms needed for a democratic system to function, and embodied in ideal-type institutional arrangements that were promoted through international and national charters. The result of this

¹ *Hansard*, July 14, 1847, 3rd Series, vol. 94, c. 316.

² "I can certainly call myself an anti-democrat," explained Gaetano Mosca, "but I am not an anti-liberal; indeed I am opposed to pure democracy precisely because I am a liberal." Finocchiaro, *Beyond Right and Left*, 146.

synthesis was that for much of the twentieth and early twenty-first centuries, liberalism and democracy seemed to enjoy the deeper congruence that Clay anticipated.

The recent crystallization of “populism” as a contemporary form of illiberal politics has made this comforting fiction harder to sustain.³ Today’s illiberals regularly invoke “popular principles,” popular authorization, and populist democracy in their assault on liberal institutions. Critics in the academy and in public commentary often reinforce such a framing, locating the threat to liberal institutions and commitments in practices of democratic authorization and inviting not just their analytical separation but their juxtaposition.

This can be jarring, but it is not surprising. Whenever the legitimation of governing authority draws on two or more distinct sets of principles – for example, liberalism *and* popular sovereignty – there will inevitably be circumstances in which these diverge, demanding trade-offs and choices about which should be accorded priority. Navigating such conflicts and reestablishing some harmony or logical ordering between them is usually the self-assigned task of jurists, lawmakers, and intellectuals attached to or supportive of the regime. When one of the legitimating principles is popular sovereignty, as is true of nearly every actually existing democracy, the task is especially complicated. If a regime even roughly embodies this principle, it will in some way assign a power to make authoritative decisions to “the people.” This body, however composed or assembled, will inevitably differ from the much smaller group of persons who can be said to constitute the regime and its social base, those officeholders or individuals and classes most directly invested in its continued rule, and most attracted to participating in its rituals and in upholding its public philosophy.⁴ “The people” may or may not be interested in working out a reconciliation between competing principles, or in validating the syntheses worked out by others. The course of political events might even present the issue both to “the people” and to the governing classes as a stark choice between contending principles.

The history of democracy provides a chronicle of such moments, when the potential voice of “the people” was deemed by the persons in control of the state to be too egalitarian, too socialistic, too liberal, too conservative, too religious, too intolerant, too atheistic, too illiberal, too capitalistic, to be trusted with a determining authority. This was most bluntly stated by those who opposed popular sovereignty, such as the conservatives of Disraeli’s party and many of the Whigs and Liberals he was taunting. But it can also be traced in the discourse

³ Weyland and Madrid, *When Democracy Trumps Populism*; Müller, *What Is Populism?*; Mudde, “The Populist Zeitgeist.”

⁴ By public philosophy, I mean the “legal and moral basis, or principle, on which the power of the political class rests,” and not any particular system, such as that called for by Lippmann. Mosca, *The Ruling Class*, 70; Lippmann, *Essays on the Public Philosophy*, 101; Lowi, “The Public Philosophy,” 5.

of those who saw themselves as its champions. “The Jacobin dictatorship,” writes Christopher Hill, “and the Bolshevik dictatorship of the proletariat, justified themselves as covering the period in which the sovereign people were being educated up to their new responsibilities.”⁵ French republicans came to doubt whether “the people” could be fully trusted with sovereignty after the popular vote validated the coup of Louis–Napoleon, while the drafters of the US Constitution believed republicanism required protection of popular sovereignty from its supposed excesses and vices.⁶ “Something remains untranslatable about popular sovereignty,” writes Judith Butler. “As much as popular sovereignty legitimates parliamentary forms of power, it also retains the power to delegitimize those same forms. If parliamentary forms of power require popular sovereignty, they also surely fear it, for there is something about popular sovereignty that runs counter to, and exceeds, every parliamentary form that it institutes.”⁷ It is not that popular sovereignty is unique in being uneasily combined with other principles. But even on its own terms, it promises no ultimate resolution or stable utopia. It is defined by a seemingly inalienable capacity to overthrow any settled notion or governing arrangement, even to the paradoxical extreme, an autogolpe of a sovereign people rejecting the practices of popular sovereignty itself. Any seeming congruence between it and other principles is likely to be fleeting.

That this disruptive power might be aimed against liberal principles should be worrying. Some such principles have been essential in bringing the ideal of democracy closer to its realization, of imposing an empowering constraint on popular sovereignty that rendered it more equal, deliberate, and regular.⁸ Actually existing democracy has made liberalism more bearable. The smoothing of some of liberalism’s hard edges – the partial prying open of its fist – count among the great achievements of the twentieth century. We should not gloss over the extraordinary flaws of liberal democracies, nor forgive their crimes. But so long as democratic principles modulated liberal ones, and vice versa, the result was a more humane and decent liberalism and a more inclusive and deliberate democracy. The rise of illiberal populism threatens to dissolve the ideological and institutional ties that had achieved this, with little promise of improving democracy in the process.

The animating concern of this chapter is how to respond. The practices and rhetoric of illiberal populism, as well as the recommendations of some of

⁵ Hill, *God’s Englishman*, 207.

⁶ Biagini, *Liberty, Retrenchment, and Reform*; Bateman, *Disenfranchising Democracy*.

⁷ Butler, “We the People,” 50–51.

⁸ Liberal constraints that allow collectives and individuals to determine their own priorities and objects in life and to build extensive and/or intensive relationships in order to achieve these, that require individuals be treated as equal, that require “the people” to think twice before pursuing certain actions, have each stabilized popular sovereignty by broadening its appeal and making its actions more deliberate. This provides the force to arguments that “democracies” that do not abide by certain liberal principles have no claim to the title. Müller, *What Is Populism?*; Grzymala-Busse, “Foreword.”

its critics, seem to invite a choice between the two, or at least to think of our responses as involving a zero-sum recalibration in favor of one or the other: to respect the “voice of the people,” however harassed, or to empower and insulate liberal elites and liberal policies, however haughty or wrong, against the injudicious involvement of this people.

Are these really the only options? Politically viable syntheses have been crafted before. Were they simply recalibrating the balance between the two – a bit more liberalism here, a bit less democracy there? Or, were they more genuinely creative, generating new possibilities for enriching both? This chapter offers a comparative history of two instances when liberalism and democracy were pitched as alternatives: Victorian-era Britain and the pre-Civil War United States. By the time mass democratization appeared on the British horizon, liberalism was already firmly entrenched as the public philosophy of the state and regime. British liberals, of all parties, accordingly sought to limit the authority of “the people” that would be gaining power through the vote, by slowing the pace of democratization, by pursuing targeted incorporations paired with new exclusions, by constructing an insulated state that could overpower any democratizing movement, and eventually by endorsing disciplinary solutions to remake public preferences in line with liberalism. In the antebellum United States, liberalism was less doctrinaire, even if more broadly diffused.⁹ It was also less clearly stamped in the public philosophy of the state and its governing classes: It was popular sovereignty that emerged out of the revolution as the authorizing principle of the regime. This would pose a problem for what was perhaps the most active and organized movement of liberals in the United States, the multi-racial and multi-gendered writers and orators, often in dialogue with liberals across the Atlantic, who provided much of the justification for the abolition of slavery. These liberals were, with famous exceptions, devoted to the US regime, though many believed it had been subverted from its original aims. They all recognized that the regime’s foundation on popular sovereignty gave it broad and deep public support. Rather than insulate liberalism from democracy, a growing body of abolitionists sought instead to advance liberal principles by expanding and redefining “the people.”

The comparison that follows will magnify certain tendencies over others and exaggerate contrasts at the expense of deeper similarities. My goal is not to provide a causal account of the countries’ respective democratizations. As Gregory Conti has described it, “historical inquiry often provides, from the perspective of the present, a sense of mismatch” that “can be productive of fresh thinking about the nature of our political structures.”¹⁰ My hope is that this stylized comparison might unsettle our notions about how liberalism and democracy have been synthesized in the past, and in doing so spark more creative thinking about how the most important values of each can be recombined today and established, however temporarily, on a more popular basis.

⁹ Hartz, *Liberal Tradition*; Smith, *Civic Ideals*.

¹⁰ Conti, *Parliament the Mirror of the Nation*, 7.

THE EXCLUSIONS OF LIBERALISM AND DEMOCRACY

While both liberal and democratic principles contain within them a logic of inclusion, they also justify respective and characteristic exclusions.¹¹ One of the most important ways liberalism has been invoked to exclude categories of persons from equal treatment and standing has been through ascribing deficiency to this group, whether in the varyingly thick set of anthropological or sociological criteria held to be required of the liberal subject or in some supposed hostility of the to-be-excluded group to liberal principles.¹² Distinctions that did not rest on some “real” foundation in the distribution of talents or capacities or principles, however, were generally considered to be “odious.”¹³

Democratic principles lend themselves less well to baroque subdivisions of fitness. Democracy’s characteristic exclusions instead tend to rest on how a group is conceived relative to the particular “people” invested with sovereign authority: Those who are not members of “the people,” regardless of their fitness or ability to perceive and commit themselves to a set of principles, are illegitimate participants in public affairs.¹⁴

Neither the United States nor the United Kingdom was a liberal democracy by the mid-nineteenth century. But the principal exclusions of each, and their philosophical justification, followed these basic lines. In the Victorian-era United Kingdom, the franchise was restricted on explicitly “liberal” grounds of fitness.¹⁵ The justification for one of the United States’ most prominent

¹¹ See Erler, Chapter 12, this volume.

¹² Influential British liberals regularly argued that the Irish were not yet fit for liberal principles, and John Stuart Mill justified the rule of his paymaster, the East India Company, in similar terms: “Despotism,” he wrote, “is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end.” Mill, *On Liberty and Other Writings*, 13–14. Mehta, “Liberal Strategies”; King, *In the Name of Liberalism*.

¹³ Liberals were comfortable with distinctions that rested on fantasies of accomplishment, talent, and meritorious contribution. “Odious” distinctions, by contrast, allocated rights or social privileges on the basis of artificial and arbitrary criteria, which because they were arbitrary, were expected to produce resentment and disdain, respectively, on the part of those disadvantaged and favored by the laws. Distinctions of religion and race were regularly listed as among the most odious, though the supposedly scientific elaboration of racial hierarchy would recast this as a natural and thus acceptably liberal distinction. One British author succinctly captured this constructed difference between a natural and an odious distinction: “all the domestic intercourse of the whites with the blacks [in America] is one continued series of what we in Europe would reckon insults, every one grosser than another. It is in vain ... to palliate these odious distinctions, by comparing them to those which separate the higher from the lower classes in Europe. In every community, the foundation for distinctions is laid in those inequalities of wealth, rank, or talent, which every where prevail. These distinctions are inevitable; they necessarily arise out of the very nature of human society No heart-burnings are produced by these distinctions, because no positive or peremptory line is drawn between the different classes.” Edinburgh Magazine, “A View of Society and Manners.” See Bateman, “Transatlantic Anxieties.”

¹⁴ Bateman, *Disenfranchising Democracy*.

¹⁵ Kahan, *Liberalism in Nineteenth-Century Europe*.

forms of exclusion – persons of African descent, whether enslaved or free – was characteristically “democratic.”¹⁶ Persons of color were defined as outside the pale of the “people,” a definition that was often retrospectively claimed to have been implicit in the country’s acceptance and protection of slavery, and which was made explicit in a series of federal statutes and state constitutions from 1790 through to the 1850s. But unlike the United Kingdom, where doctrinaire liberals were empowered, the minority of politically enfranchised or active Americans who opposed illiberal distinctions of race were confronted not by an ascendant liberalism but by an ascendant democracy, one in which the legitimate community that authorized the state was increasingly understood as “we, the white people.”¹⁷ This illiberal construction of “the people” was embedded and entrenched in American institutions and public opinion. These differences would shape the choices and syntheses they pursued.

“AN APPRENTICESHIP TO LIBERTY”

Between 1828 and 1832 the constitution of the United Kingdom was radically refashioned, with laws passed repealing the exclusion of non-Anglicans from public offices, granting Catholics the right to most public offices, including sitting in parliament, and modernizing aspects of the electoral system to enfranchise the country’s growing middle classes while disenfranchising “ancient right” voters from the working classes. These reforms began the process of dismantling what contemporaries had called the *Protestant Constitution*, a narrative about the historical development of England that attributed the “peculiar excellence” of the English political system to anti-Catholicism and the nation-defining struggle against “Popery.”¹⁸

English liberalism defined itself in large part through its opposition to this particularistic vision of British political community. Reform of the country’s electoral system and civil rights was envisioned partly as a means for pushing this vision of liberalism forward and partly as necessary for sustaining it in the future. Starting in 1828, a broadly liberal reform coalition passed legislation that abolished most disabilities on Catholics and nonconformists, enfranchised tens of thousands of men in the burgeoning (and largely nonconforming) middle classes, and disenfranchised a large number of voters whose bribery and intimidation had sustained the sectarian Protestant Constitution and the landed gentry and aristocrats who were its social base. The “reform electorate” that took shape over the following decades undergirded a new era

¹⁶ The exclusion of women was justified on the basis of their supposed qualities and capacities and on a supposedly natural distinction that rendered women not properly participants in the “public sphere.” Such justifications could be compatible with both liberalism – so long as they arose from god and nature – and popular sovereignty – so long as the “people” was understood as that fraction of the population whose proper sphere encompassed the public and political affairs.

¹⁷ Bateman, *Disenfranchising Democracy*, 118.

¹⁸ Best, “The Protestant Constitution,” 109; Bateman, *Disenfranchising Democracy*.

in which the public philosophy of the British regime was, if never perfectly, clearly identified with liberal principles.

Governments backed by this electorate undertook a remarkable liberalization of British institutions, empowering local property owners in municipal government against the former self-appointed and sectarian cartels; altering the principles of public relief along the lines desired by liberal economics (i.e., punitive regulation of those who could not maintain the foundational fiction of self-sufficiency); repealing or lowering taxes on the free circulation of ideas and debate;¹⁹ and restricting the tithing authority of the churches of England and Ireland. Perhaps the crowning achievement was the gradual abolition of slavery throughout the British Empire. Liberals would further use their authority to demand that colonial legislation be amended to remove all explicit distinctions of race and religion, a cause pursued with more energy in parliament than in the colonies or colonial offices.

When a liberal leader in 1847 requested the Commons remove the most important civil disabilities imposed on Jewish subjects, he denied the legitimacy of using race or religion to allocate political rights, concluding that “there is no part of the human race, however divided from us by feeling or by colour, which does not yet belong to the family of man, and who ought not to be received into one universal brotherhood.”²⁰ Most liberals continued to associate Protestantism with civilization and liberty, but they argued that the Christian ideal was best manifested in liberal ideals. “Perfect Christianity,” declared one MP, “is perfect liberality.”²¹ Christianity was expressed not through “the enforcement of opinions,” but through, “knocking off the fetters of the slave; it has been in respecting the rights of poverty and industry; it has been in measures which, by stimulating free and fair intercourse between different nations, bind them together in the bonds of peace. It has been not by exclusiveness, but by expansion.”²² The exclusion of Jewish subjects from equal rights and privileges was “a partial law, and I think, therefore, an infringement of Christ’s law.”²³ Bills repealing all or some of the restrictions against Jewish subjects were passed repeatedly by liberal House of Commons, only to be defeated by the House of Lords, where the ironically more “popular” than “liberal” position – stressing political community over liberal principles – that doing so would enfranchise “an alien and a stranger” dominated.²⁴ Still, by 1858, the most important disabilities had been abolished, a capstone to thirty years of liberalizing reforms.

¹⁹ Parry, *Rise and Fall of Liberal Government*, 4. *Hansard*, March 4, 1850, 3rd Series, vol. 109, c. 337; February 9, 1852, 3rd Series, vol. 119, c. 261.

²⁰ Chung, “From a Protectionist Party to a Church Party,” 274. *Hansard*, December 16, 1847, 3rd Series, vol. 95, cc. 1248–49.

²¹ *Hansard*, February 11, 1848, 3rd Series, vol. 96, c. 493.

²² *Hansard*, December 16, 1847, 3rd Series, vol. 95, c. 1272.

²³ *Hansard*, May 1, 1848, 3rd Series, vol. 98, cc. 621–22, c. 646.

²⁴ *Hansard*, July 17, 1851, 3rd Series, vol. 118, c. 862.

As William Gladstone declared in 1884, in the fifty years since the Reform Act of 1832 liberalism had been the “solid and permanent conviction of the nation.”²⁵ There was a solid “domination of liberal principles,” notes historian Jonathan Sperber, sustained by the broad liberal majorities in the electorate.²⁶ It was, in Matthew Arnold’s formulation, the “great middle-class liberalism, which had for the cardinal points of its belief the Reform Bill of 1832, and local self-government, in politics; in the social sphere, free-trade, unrestricted competition, and the making of large industrial fortunes; in the religious sphere, the Dissidence of Dissent and the Protestantism of the Protestant religion.” For a time, this liberalism had been “the paramount force in [the] country, and ... in possession of the future.”²⁷ The liberal electorate had been defined by its inclusions and exclusions, by the removal of “odious” distinctions against conscience and by the erection and maintenance of supposedly non-odious one based on property.

Within a few years after the passage of the Reform Act of 1832, a new movement for political democratization was organized. The People’s Charter it mobilized around demanded manhood suffrage (proposals for women’s suffrage were sidelined), the secret ballot, no property qualification for parliamentary office, equally apportioned constituencies, and annual elections. Chartists argued that the Reform Act had done little more than effect “a transfer of power from one domineering faction to another, and left the people as helpless as before.” Attacking one of the liberal government’s proudest achievements, the Chartist petition then invoked another: “our slavery has been exchanged for an apprenticeship to liberty,” it stated, referencing the period of apprenticeship imposed on formerly enslaved persons by the 1833 abolition act.²⁸ The liberal government announced its opposition and the petition was rejected 235 to 46. Riots broke out throughout the country, uprisings in Wales and Yorkshire were put down by the military, and several Chartist leaders were convicted of high treason.

Liberals, in the post-Reform United Kingdom, confronted the state not as outsiders but as its core ideological constituency. Their response was not univocal, but the central tendency of most elite liberals was to support some further reforms but to oppose mass democratization on the grounds that it was *a threat to liberalism*. An “unlimited extension of the franchise,” argued Charles Wood, “would be an evil and an obstacle to liberal and enlightened legislation.” He argued that had the English working classes been enfranchised, the Irish would still be suffering under religious oppressions. (A few years later, as Chancellor of the Exchequer during the Irish Famine, Wood could take solace in knowing that he had refused to break with liberal economic orthodoxy even

²⁵ Morley, *Life of Ewart Gladstone*, 128.

²⁶ Sperber, *Europe*, 63.

²⁷ Arnold, *Culture and Anarchy*, 36–37.

²⁸ “The People’s Petition”

as the bodies piled higher.)²⁹ Democratization was a choice “between progress and retrogression” from liberal principles.³⁰ Lord Russell asked whether, “with respect to many subjects in relation to religious liberty, as to the Roman Catholics particularly, [if] any one believe[d] that universal suffrage would produce less feeling of religious bitterness and animosity than existed among Members of this House? My belief is, that Members of this House are far more liberal than the community in general are disposed to be.”³¹ Liberals regularly complained that the working classes did not understand the harmonious operation of liberal economics, that their “political economy is not that of Adam Smith.” Conservatives, such as Disraeli, would often point out the tension between popular representation and liberal policies, asking whether liberal measures “would ever pass if the Parliament had been returned by universal suffrage?”³² Clay and a few others excepted, most believed the answer was no. Only by excluding the ostensibly illiberal elements of the population, and concentrating political power in constituencies that intuitively saw liberalism as the expression of their values and interests, could liberalism be secured.

Confronted with the choice of democratization or repression, both Conservative and Liberal MPs chose repression, in 1839 and then again in 1842.³³ The government also reinforced its ability to secure order through coercion, passing the Rural Constabulary Act in 1839 and the Parish Constables Act in 1842, both of which were intended to establish or modernize local police forces and make them more responsive to direction from the Home Office. The Home Office itself was transformed from an inefficient and laconic agency to a centralized and effective arm of the national government. Even as the Chartist petition was being presented to parliament for a second time in 1842, the House of Commons was debating the Crown and Government Security Act, which made anything resembling a seditious utterance an offence punishable by transportation overseas. “There must be something more than mere government to make men what one could wish them,” noted *The Spectator* in defense of the new police establishment. “Still there must be government; and when we say that, we say that there must be a certain amount of coercion.”³⁴

When a new round of Chartist agitation erupted in 1848, the coercive power of the British state was no longer as reliant on antiquated local authorities or the overbearing force of the army. The repression was more effective,

²⁹ *Hansard*, February 22, 1841, 3rd Series, vol. 56, cc. 825–26; Moore, *Charles Wood's Indian Policy*, 6–8.

³⁰ *Hansard*, May 27, 1852, 3rd Series, vol. 121, cc. 1184–85; *Hansard*, May 3, 1865, 3rd Series, vol. 178, c. 1439.

³¹ *Hansard*, June 5, 1849, 3rd Series, vol. 105, c. 1218.

³² *Hansard*, June 24, 1847, 3rd Series, vol. 93, c. 864.

³³ This is a choice often posed in comparative politics and economic studies of democratization. Acemoglu and Robinson, “Democratization or Repression.”

³⁴ *Hansard*, July 8, 1842, 3rd series, vol. 64, cc. 1205; *The Spectator*, “The Old Parish Constables”; Saville, *British State and the Chartist Movement*; Swift, “Policing Chartism.”

and entailed “a more fundamental abridgement of the constitutional rights of ‘freeborn Englishmen’,” than anything seen in the United Kingdom outside of Ireland (or those other colonies not formally constitutive of the Union) since the eighteenth century. The Duke of Wellington was given military control over London. More importantly, over 170,000 members, drawn largely from the enfranchised middle classes, were sworn in as special constables under the new police authority (their ranks included the exiled Louis–Napoleon Bonaparte, soon to crush democracy in France).³⁵ After the petition was rejected, a series of riots and uprisings flared in parts of the country; all were put down. The government preemptively suspended habeas corpus in Ireland, and after a brief uprising in South Tipperary the leaders of the Young Ireland movement were defeated, executed, or transported. The Chartists, writes one historian, “faced a governing class confident in the exercise of its power, secured by the reform settlement of 1832, and the loyalty of the military.”³⁶

The comprehensive defeat of the Chartists gave liberals space to pursue a strategy of progressive but controlled enfranchisement, supporting the targeted and partial extension of voting rights to those members of the working class who had sufficiently progressed in “civilization” and in the recognition of liberal principles.³⁷ In doing so, they hoped to fortify liberalism’s status as the public philosophy of the country, by winning the adherence of what they anticipated could be made into a liberal constituency. Still, in 1866 a very modest reform was defeated by a coalition of Conservatives and Liberals who argued that it went too far, destroying the liberal influence of the middle-class electorate. Robert Lowe, the leader of the Liberal opposition to reform, argued instead for an alternative strategy. “The middle class Parliament,” he argued, had not adopted in response to the Chartists a program for a reduction in working hours, or cut back payments to bondholders, or expanded the monetary supply, but “struck off the shackles from trade, meeting, while doing so, with every possible opposition from the working classes.” Liberals, he argued, had given the people what they needed, by ignoring what they wanted. He opposed the transfer of “power from the hands of property and intelligence” to the working classes precisely because he looked “forward to and hope[d] for [the] amelioration of society – because I am a Liberal.”³⁸ The bill was defeated.

³⁵ Epstein, “Rethinking the Categories of Working-Class History,” 204; Taylor, “Rethinking the Chartists,” 490; see the remarks by W. P. Wood, *Hansard*, February 28, 1850, 3rd series, vol. 109, cc. 179–80.

³⁶ *Hansard*, July 6, 1848, 3rd series, vol. 100, c. 210; Epstein, “Rethinking the Categories of Working-Class History,” 204.

³⁷ Cowling, *Disraeli, Gladstone and Revolution*, 2; McClelland, “England’s Greatness,” 101; Evans, *Parliamentary Reform*, 41; Harrison, “Teetotal Chartism.”

³⁸ *Hansard*, May 3, 1865, 3rd series, vol. 178, c. 1439; July 15, 1867, 3rd series, vol. 188, c. 1543–49.

The next year, a combination of parliamentary maneuvering, public pressure, and administrative difficulties resulted in a reform bill that went even further.³⁹ For decades, liberals had been arguing that the working classes should not be enfranchised until they had progressed in property, education, and the scale of civilization.⁴⁰ Liberalism needed “to fit the people for the use of political power before it was granted to them.”⁴¹ Education provided a critical metric and solution to the problem of political authority within liberalism, since education self-evidently meant the dissemination of liberal principles. But liberal commitments to voluntarism in education had impeded its further expansion. However desirable education might be, liberals were generally committed to the principle that its expansion must come about through the natural operation and progress of society, rather than being imposed on families, taxpayers, and employers.

Seeing a democratizing bill likely to pass, Lowe and like-minded liberals now announced a reversal of their positions. Those who had been opposed to “forcing education on people” were “completely changed.” “I was opposed to [centralizing an educational system and curriculum],” declared one; “I am ready to accept centralization; I was opposed to an education rate, I am ready now to accept it; I objected to inspection, I am now willing to create crowds of inspectors You have placed the government in the hands of the masses, and you must therefore give them education.”⁴² Confronted by a growing pressure for democratization, to which they had contributed with their emphasis on gradual, piecemeal reforms, liberals now recognized the possibility that liberalism itself would have to make more far-reaching accommodations. They had already fortified the coercive power and central authority of the state. They would now support a program of mass education that was explicitly understood as having the purpose of disciplining the working classes and training them in liberal principles. The priorities of liberalism were being redefined, some of its more libertarian features abandoned, in order to retain what Lowe and others now decided was its essential core, a liberal economic order.

“TO ABOLISH ODIIOUS DISTINCTIONS”

The tensions between democracy and liberalism appeared in a different form in the United States. The successive crises that culminated in the revolutionary war had separated a large portion of the population from their attachment

³⁹ The administrative difficulty was how, given the complexity of the municipal taxation system and county landholding arrangements, to set a new qualification that would enfranchise only relatively well-off working-class households without also disenfranchising substantial numbers of middle-class householders.

⁴⁰ See, for example, Russell in *Hansard*, August 2, 1839, 3rd Series, vol. 49, cc. 1159–60.

⁴¹ *Hansard*, July 8, 1842, 3rd Series, vol. 64, c. 1205; *Hansard*, May 3, 1842, 3rd Series, vol. 63, c. 49.

⁴² *Hansard*, July 15, 1867, 3rd series, vol. 188, c. 1549.

to “England” as an imagined community. Perhaps paradoxically, for such an agglomeration of disparate communities and interests, by the end of the revolution popular sovereignty had emerged as a central principle by which a broad cross-section of US political life could define the terms of their independence and provide a legitimating principle to underlie their new governments.⁴³

This was still a protean concept, with neither the boundaries of the “people” nor the appropriate scope and practice of its “sovereignty” having an agreed upon meaning. All of the new republics debated the proper ways in which popular sovereignty should be exercised.⁴⁴ But disagreement on form coexisted alongside widespread agreement on foundations: Even the US Constitution, which checked some of the more democratic tendencies of the state constitutions, established the broad state electorates as the authorizing voice of the new nation and was defended as securing popular sovereignty at the base of all of its institutions. The rule of the people was accepted, eventually by conservative and egalitarian republicans alike, as the legitimating principle and public philosophy of the new country.⁴⁵

With this settled, the definition of “the people” took on new importance. Some insisted that former loyalists, or those who had not taken the wartime oaths of allegiance, were not included. Others envisioned “the people” in almost wholly local terms, at the level of the state or a peripheral village. The “people” could be synonymous with the laboring portion of the population. For some, it had obvious religious and ethnic connotations – usually English, with the growing number of Scots-Irish viewed with more ambivalence. For others, the very language of “the people” promised an amalgamation of the country’s polyglot reality.

The porous boundaries of the American “people,” however, would come to have an important exception. There had long been an explicit civic hierarchy restricting the rights and privileges available to persons of African descent, most obviously in the civic status of “slave” but extending also to the small population of free Blacks. During the Revolution, political and military leaders had sought to provoke popular passion for the cause by warning about the “internal” enemies of enslaved Blacks and indigenous peoples, disseminating rumors of insurrection that would have long-lasting consequences.⁴⁶ The first meeting of the new US Congress restricted naturalization to “white” persons, a term whose basic content was defined by what it was not. But none of this foreclosed Black citizenship, and the issue would animate political debates and conflicts for decades.

⁴³ See Katznelson, Chapter 6, this volume.

⁴⁴ Wood, *Creation of the American Republic*; Zagari, *The Politics of Size* and “The American Revolution and a New National Politics”; Squire, *The Right of Instruction and The Evolution of American Legislatures*; Amar, *America’s Constitution*.

⁴⁵ Fischer, *Revolution of American Conservatism*.

⁴⁶ Parkinson, *Common Cause*.

By the 1830s, an explicit discursive and institutional formulation of the boundaries of American peoplehood – the “white man’s republic” – had been fully worked out. State constitutions were gradually amended to disenfranchise all non-whites, while new laws restricting the mobility and rights of free persons of color were passed. While championed by political elites, this narrative was justified by reference to popular sovereignty, both retrospectively by reference to the founding’s constitutive moment and as an ongoing expression of that sovereignty. Proto-originalist arguments held that the country’s founders, desiring a union between slaveholders and non-slaveholders, could never have intended extending the boundaries of “the people” beyond the white population.⁴⁷ As a contemporary matter, the prejudices of “the people” had to be respected as a matter of popular sovereignty. “I stop not to inquire whether [whites’ prejudice] be right or wrong,” argued one legislator, “or whether it spring from the virtues or vices of our nature – the fact is so, and it is the fact, immoveable and unchangeable as it is,” that for him and many others justified the exclusion of Blacks from citizenship. “The prejudices of the white man must be respected – no matter how he came by them. He is the lord of the soil.”⁴⁸ The “white man’s republic” was a rationale for exclusion that rested less on the supposed deficiencies of the group in question than on its supposedly alien character.⁴⁹

This shaped how the different antislavery movements in the United States confronted the tension between democracy and liberalism. For example, a broad and influential coalition of liberal elites supported gradual abolition on the condition that free and freed Blacks be removed from the United States. They argued that racially illiberal laws and conflict were inevitable in a democratic context where whites refused to recognize Blacks as part of “the people.” Insistent that democracy required homogeneity, they argued that liberalism and democracy could be synthesized only by the physical removal of the “discordant” part.⁵⁰ The movement’s most important contribution, given the refusal of slaveholders to consider abolition, was to further solidify this notion that heterogeneity was impossible in a democratic context and to popularize an increasingly “naturalistic” justification that for reasons of “inherent” racial difference and white prejudice, Blacks and whites could never “amalgamate.”

⁴⁷ See also Gilhooley, *Antebellum Origins*.

⁴⁸ Agg, *Proceedings and Debates*, vol. 10, 23, 76; Bishop and Attree, *Report of the Debates and Proceedings*, 1032.

⁴⁹ Its appeal no doubt varied. For whites invested in slavery or who hoped to be, the “white man’s republic” committed the political order to the defense of the institution. In places with growing free Black populations, whites uninterested in slavery might be given a meaningful contrast to define the foundation of their own civic inclusion. Roediger, *Wages of Whiteness*. And whites uninvested in slavery and who gained little from juxtaposing their status to that of free Blacks were warned that the mere suggestion of racial equality would imperil the Union and all the emotional and financial investments these implied. Claims of natural racial inferiority were also frequently, and increasingly, invoked.

⁵⁰ Bateman, “Transatlantic Anxieties”; Guyatt, *Bind us Apart*.

A more positive synthesis would come from the immediatist abolitionist movement. The abolitionists rejected colonization, partly in response to free Blacks demands, and would harshly critique colonizationists for disseminating unchristian and potentially illiberal claims of fundamental difference. Unlike colonizationists, however, active abolitionists were not well represented among the ranks of the regime's governing classes.⁵¹ While the threat of illiberalism in the United Kingdom was supposedly found in a disempowered mass public, or in the remaining legacies of Anglican and Protestant sectarianism, illiberalism in the United States was embedded at the core of a powerful political regime that enjoyed popular authorization. A strategy of insulating the state from popular majorities might have facilitated the cause of racial liberalism – as Tocqueville famously speculated – but it was hopelessly utopian in the antebellum United States. Enfranchised elites were largely committed to the “white man's republic,” while the regime's democratic institutions meant any state-centric strategy for advancing liberalism would first have to find approval among a public that was deeply illiberal on this issue.

Instead of empowering the state against the people, or claiming that the people's illiberalism could only be eradicated by removing the object of its hate, abolitionists would work to change the people. At one level this meant changing the attitudes of the white population, pulling it away from illiberal prejudices. But it also meant recognizing the “true” people of the founding, those who were born in the country, who had fought for the country, and who by the republican and egalitarian principles of the revolution were entitled to recognition as such. Instead of insulating liberalism from “the people,” US abolitionists would have to try and make liberal principles truly popular.

Few denied that the white population was deeply prejudiced, though the hostility that confronted the movement led many, such as James McCune Smith, to conclude that whites harbored “a hate deeper than I had imagined.”⁵² But in the pages of their newspapers, and sometimes in their meetings, abolitionists sought to dispel prejudice by encouraging and performing some measure of racial equality. Abolitionists opposed laws or constitutional provisions that imposed disabilities on the basis of color, and beginning in the 1830s they organized state-level lecture and petition campaigns demanding their repeal.⁵³ For Black abolitionists, repeal had immediate practical significance; but for both Blacks and whites it also embodied a larger goal. It was a mainstay of abolitionist thought that the legal disabilities and exclusions, rather than being

⁵¹ Many were disenfranchised persons of color and/or disenfranchised on the basis of sex.

⁵² Some, such as Thomas Earle, refused to believe that “the people, as a body, are bigotted, but a portion of the people are always so,” and it was easy for the “aspiring politician, the demagogue” to pass off theirs as the voice of the people. Agg, *Proceedings and Debates*, vol. 12, 81–82; Stewart, *Holy Warriors*, 112.

⁵³ “Since the 1830s the attainment of equal rights for Negroes had been an essential corollary to the abolitionist crusade for freedom.” McPherson, “Civil Rights Act of 1875,” 493; Bateman, “Partisan Polarization.”

a mere reflection of white prejudice, were critical vehicles for its production. White prejudice emerged from slavery and the racial distinctions it required, and it would be dispelled with emancipation and equal rights. While this optimistic posture – tactical for some, sincerely believed for others – would recede among Black commentators after emancipation, during the antebellum era it was a touchstone of abolitionist faith.⁵⁴

The enfranchisement of Black Americans, however, was believed to do more than reduce white prejudice. It would confirm in law what abolitionists, most crucially Black abolitionists, insisted upon in rhetoric and practice: persons of color were members of “the people,” fully entitled to recognition as such on the basis of the country’s revolution doctrines and founding.⁵⁵ It was in this context that the Declaration of Independence, along with a sometimes exaggerated history of the early egalitarianism of the early Republic, came to be deployed as defining the appropriate interpretation of the Constitution. Black Americans, by this account, had been recognized as part of “the people” at the founding, which had promised an eventual eradication of slavery; they were entitled to equal rights by these founding commitments, by birth, and by their revealed dedication to the country’s highest principles. This was an alternative narrative of political community and an alternative public philosophy, one that denied the validity of the “white man’s republic” and claimed that its establishment had been the product of a “slave power” that had perverted the true republican instincts of the country’s people and institutions.⁵⁶

Abolitionists’ goal of educating the people in liberal principles was similar to the disciplinary education to which British liberals turned after 1867. But the abolitionism of the 1830s and 1840s had little capacity to coercively shape public opinion through state-run educational institutions. It could only rely on persuasion or politics. Moral suasionists disclaimed coercion and, for some, a rejection of the political institutions of the United States; political abolitionists focused on the practical requirements of building local and state coalitions that could exercise power in pursuit of abolitionist aims. For neither was there much basis for imagining, in the short term, an insulated state as an available tool for advancing racial liberalism.⁵⁷ To hope to use the state for this goal, they would first need a governing class invested in their synthesis and a social base who connected it to their own interests and aspirations the way the British middle-class electorate did with English liberalism. One way or another, abolitionism and the eradication of illiberal distinctions would have to start from the bottom-up in a relatively democratic country.

⁵⁴ Tillery, “Reading Tocqueville Behind the Veil” and “Tocqueville as Critical Race Theorist.”

⁵⁵ Jones, *Birthright Citizens*.

⁵⁶ For a recovery of this strand of rhetoric as deployed by Republican politicians, see Nabors, *From Oligarchy to Republicanism*.

⁵⁷ In this regard, they were different from some other, more elite, reformers at the time, though their ranks could certainly overlap. Ryan, *Civic Wars*.

The Republican Party provided the “instrumentality” for achieving this goal.⁵⁸ Its election on an antislavery platform fractured the elite mutual security pact of the US Constitution, and provided abolitionists with a foothold in the state.⁵⁹ As the southern states seceded, abolitionists argued that preserving popular government – sustaining not just the Union but their more expansively understood Republic – required the fulfilment of what they (almost alone) insisted were its true foundational principles. Republican allies could echo these claims, even as they avoided the more liberal implications of the abolitionists’ vision. But war opened the possibility of Black soldiers and of emancipation; control over the territories and the Republican Party’s need for an electoral base in the postwar South opened the possibility of enfranchisement.⁶⁰ Abolitionists who supported Black suffrage did not shy away from arguments invoking political expedience. And Republican politicians could draw on abolitionists’ now well-rehearsed narrative of a political community dedicated to liberty and equality as a public rationale for action, even if electorally motivated. The Republican-led state would invite the loyal North and the emancipated South to rally to this vision of a racially liberal *and* democratic republic, one that had been substantially developed by abolitionists’ long crusade.

CONCLUSION

The abolitionists’ synthesis of liberalism and democracy failed to take deep root. The liberal rights established by the Thirteenth, Fourteenth, and Fifteenth Amendments were never repealed, but their meaning was altered and narrowed. Liberal grounds for disenfranchisement were soon found congruent with the public philosophy of the early twentieth-century US regime.⁶¹ Why? The Republican Party was never entirely committed to the principles of abolitionist liberalism, and these found even less support in the Democratic Party.⁶² More important was the limited reconstruction of “the people” achieved in the United States. In the United Kingdom, the governing classes were secure in their expectation that the regime’s social bases – especially the “liberal middle classes” enfranchised by the reforms of the 1830s – would support the suppression of mass democracy and gradual expansions of the franchise calibrated to retain liberal hegemony. The potential social basis for abolitionists’

⁵⁸ Malvin, *Autobiography*, 41.

⁵⁹ On elite security pacts, see Dahl, *Polyarchy*; Albertus and Menaldo, *Authoritarianism and the Elite Origins of Democracy*.

⁶⁰ Valelly, *The Two Reconstructions*.

⁶¹ These included ostensibly race-neutral criteria, such as literacy tests or property requirements. The obvious discrimination in their application could be justified by liberals on the basis of new, scientific criteria of “racial” capacities, which (since natural and not artificial) was appropriately accommodated in public policy.

⁶² Grossman, *The Democratic Party and Negro*.

synthesis of liberalism and democracy might have been more contradictory,⁶³ and the class most intuitively attracted to it was in an extremely precarious situation. The British middle classes held immense property, and with it a source of independent political power that could not be easily disregarded. Black Americans had very little property, and were concentrated in a region whose political economy was biased toward blunt coercion and where a deep investment in racist hierarchy provided the basis for appeals to white solidarity in defense of this hierarchy.

For abolitionists to fully establish their expansive vision of a liberal democratic people required a state capable of protecting its institutional foundations by supporting persons in the exercise of their civil and political rights, limiting the autonomy of local elites and governments in the process.⁶⁴ It would also require a redistribution of property to secure some of the material underpinnings for liberty and to blunt the most coercive possibilities of the region and country's political economy. It can be difficult to appreciate how close they came, and how remarkable this feat was given that their allies in government were mostly lukewarm on the principles. Their failure had many causes, one of which was the choice of a large subset of liberals, including many erstwhile abolitionists, to break with Republican radicals, and to oppose the continuation of Reconstruction. The legal (but not social) eradication of the distinction of color was, in their mind, all that could be asked for under liberalism; meaningful respect for the newly granted civic equality could be secured only through the natural operation of a liberal economy and the progress of education. For the state to support it, through regulating laws or redistribution, would be illiberal. British liberals, in the face of democratizing threats, had chosen to invest in state coercion and disciplinary education; these US liberals instead chose to allow the democratization that they had supported to flounder, rather than to invest in the state capacity to protect it.

After global depression undermined Republicans' promises of material prosperity, threatening their political hegemony and raising up alternative parties, liberals in both major parties gradually consolidated around a narrowed core of acceptable policy and on a belief that a final synthesis of democracy and liberalism required recognizing the hegemony of white elites in the South and liberal elites in the North. The state's ability to protect political and civil rights, or even the lives of southern Blacks, was whittled away. The governing regimes of many northern states, in which the liberal successors to the abolitionists

⁶³ Du Bois, *Black Reconstruction*; Richardson, *Death of Reconstruction*.

⁶⁴ The deployment of the army during military reconstruction was likely not a sustainable alternative to building the national legal and institutional infrastructure to establish democratic rights. Downs, *After Appomattox*; Valelly, "Party, Coercion, and Inclusion" and "Slavery, Emancipation, and the Civil War Transformation of the US State;" Lieberman, "The Freedman's Bureau."

participated, engaged in new efforts to build up local state authority to suppress labor unrest, more like their UK counterparts than ever. The democratic liberalism of the abolitionists, of a sovereign people that would sustain a liberal republic, was giving way to an insulated state dedicated in many states to the preservation of liberal economics and, in a growing swath of the country, to Jim Crow's concatenation of illiberal distinctions and antidemocratic practices. It would take new periods of struggle, and new syntheses, before these were undone.

* * *

The historically forged links between popular sovereignty and liberalism are unraveling. We can see the outlines of new syntheses all around us, most worrisomely populism's marrying of liberalism's most inegalitarian features with a chauvinistic nationalism that insists on its democratic authorization. While some of today's illiberal populists embrace so-called welfare chauvinism,⁶⁵ most are pursuing what might be described as illiberal neoliberalism, conjoining a deregulatory and market-expanding approach to political economy alongside populist appeals targeting internal and external "aliens."

Liberals in turn have at times juxtaposed democracy against populism and liberalism against the people. This raises the possibility that the languages of popular authorization and popular sovereignty will be in practice left to the illiberals. We should not cede this terrain. Neither welfare chauvinism nor illiberal neoliberalism enjoy an intrinsic affinity with popular sovereignty, even if their advocates have grown comfortable with some of its authorizing discourse. Popular sovereignty is not so easily cabined, and other syntheses capable of securing popular allegiance are possible.

The histories of US and UK liberalism can be useful in imagining what such syntheses might look like. The British synthesis prioritized liberalism over and against democracy, while liberal conceptions of political economy were prioritized over any opposition to a coercive state. The abolitionist tendency emphasized here sought to secure liberal values not by insulating them from democracy, but by widening democracy's scope. It would reconstruct "the people" to establish a revised liberalism on a popular foundation. It would expand the composition of the people along with the authority of the state to preserve this people. Like the Americans of the antebellum era, we live in a world of popular sovereignty. To stand opposed to it is to earn, rightfully, opprobrium. But the idea that a synthesis of liberalism and democracy should be pursued exclusively from the bottom-up, without using the state to protect and realize its core premises, would be to repeat the failures of Reconstruction.

Reconciling liberalism to popular sovereignty requires choices about what is valuable: Liberalism was vastly improved once its economics was reduced from the status of dogma, once its conception of the individual was broadened

⁶⁵ Afonso and Rennwald, "Social Class and the Changing Welfare State Agenda."

beyond a property owner with a conscience. Developing the capacities of the state to protect the meaningful exercise of the rights and freedoms, as well as to advance the social equality, necessary for popular sovereignty's fuller realization, has enriched both liberalism and democracy. The dialectic between a bottom-up reconstitution of "the people" and the support of the state in sustaining it as a foundation for a durable regime will likely need to begin with the former. The path of the abolitionists – the politics of fiction, of creating and giving form to a new conception of the public, in which a regime's real material benefits are linked to a meaningful vision of community and collective, intergenerational political life – is undoubtedly more difficult than the path of insulation or of an enhanced descriptive representation in the halls of power. But it is also the best possibility for a synthesis of liberalism and democracy that enriches both and can be anchored in the best security popular sovereignty can offer, the lived reality and aspirations of a renewed democratic community.