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Society for the Diffusion of Useful Knowledge

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original committee of the Society for the Diffusion of Useful Knowledge, for which he also wrote tracts and articles. He became an active campaigner on medical research and practice. He helped to secure the Anatomy Act of 1832, published European knowledge and methods, and called for unity in the medical profession instead of separate, elitist corporations of physicians, surgeons, and apothecaries. The basic premise of his burgeoning career as a sanitary reformer was that sickness was often the result of poverty and therefore preventable.

When the University of London was established in 1826, Bentham unsuccesssfully proposed that Smith should be its professor of moral and mental philosophy; Smith wrote for the Westminster Review and other periodicals, and was Bentham's adviser on medical questions and sanitary reform. It was through this connection he met the great social and health reformer of the age, Edwin Chadwick. Bentham died in 1832. In his will he left his body to Smith, and Smith delivered a lecture over the corpse, prior to its dissection, in which he praised Bentham as a moral teacher. According to Smith, Bentham had provided "the standard of, and the guide to, everything that is good in relation to human beings, conducive to the maximum of the aggregate of happiness. This principle he had down as the foundation on which to establish morals, legislation, and government" (Smith, 1832, pp. 8-9). Bentham ranked with Isaac Newton in historical importance, Smith thought. Newton had elucidated "the countless phenomena of the physical world" and Bentham had done the same for the moral world: "by establishing the foundation of morals on the principle of felicity; by showing that every action is right or wrong, virtuous or vicious, deserving of approbation or disapprobation, in proportion to its tendency to increase or diminish the amount of happiness, this philosopher supplied what was so much needed in morals, at once an infallible test and an all-powerful motive" (p. 26).

Continuing his writing and campaigning on medical matters and sanitary improvement, Smith's reputation grew and from 1833 he was appointed to royal commissions and gave evidence to committees on a range of contemporary social problems. Smith was a founder of the Health of Towns Association (1839) and the Metropolitan Association for Improving the Dwellings of the Industrial Classes (1842). He was appointed to the General Board of Health during the cholera scare of 1848. Though he was overshadowed by his associate Edwin Chadwick, a more dominating personality, there can be no doubting Smith's impact in shaping the "sanitary idea," convincing public opinion and members of the government and parliament of its worth, organizing practical action, collecting medical and statistical evidence, and disseminating advice. His reports of the 1840s and 1850s on quarantine, cholera, yellow fever, and the results of sanitary improvement were widely acclaimed. In order to create "felicity," Smith advocated reforms that included centralization and efficiency, the familiar Benthamite prescription. Whatever the topic he mastered the details, as is clear from the questions he posed in 1847 when campaigning to improve the water supply to large towns. These questions covered the whole range of relevant engineering, administrative, and financial matters.

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SOVEREIGNTY

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SOVEREIGNTY

Sovereignty is a complex concept, hard to characterize in an uncontroversial manner. The core idea of sovereignty is that of an ultimate source of political power or authority in a realm (see Morris, Ch.9). Several Classical Utilitarian thinkers were interested in the concept. John Austin made it the centerpiece of his jurisprudence, influenced by Thomas Hobbes and Jeremy Bentham. The latter’s writings on the subject turn out to be particularly insightful and relevant to contemporary interests in constitutional or limited government.

The notion of sovereignty is mostly modern, with roots in classical Rome. Notably developed by Jean Bodin, Hobbes, Jean-Jacques Rousseau, among others, it was deployed to make sense of the authority and power claimed by early modern sovereigns and states. In late medieval and early modern times, powerful monarchs and emerging states faced a number of rivals: city republics, leagues of cities, empires, the Church, and various remnants of feudalism. These forms of political organization lacked two features of modern governance that we take for granted: exclusivity of rule (a "closed" system of governance) and territorially. Modern states emerge only when their claims (or those of their rulers) to govern a determinate territory alone, exclusively, are recognized. A determinate realm, with relatively unambiguously geographical boundaries, and not subject to rival powers, is a prerequisite of the modern state and is largely missing in early forms of political organization. A modern "sovereignty" is the unique rule of such a realm, one whose sphere of authority encompasses the whole realm without overlapping that of any other rule. It—initially the monarch, later the state, then "the people"—rules without superiors. As the historian R. H. Hinsley says, "at the beginning, the idea of sovereignty was the idea that there is a final and absolute political authority in the political community ... and no final and absolute authority exists elsewhere" (Hinsley, pp. 3.5-6). With the development of the concept of sovereignty, we have the main elements of what is now called "the state system": independent states and "international relations" (and "international law").

In early modern Europe, sovereignty was the power that monarchs claimed in their battles against lords and princes on the one hand and popes on the other. Their realm (or kingdom) was theirs, and their authority over it was to be shared with no one. The history is complex and cannot be traced here. But it is useful to appreciate the appeal of this conception of political governance as territorial, unitary, and to some extent absolute. In the ferocious battles fought by European monarchs against the limits imposed on them by imperial and papal authorities and against the independent powers of feudal lords, self-governing towns, and autonomous guilds, a modern ideal of unitary and absolute political power emerged and finds expression in the notion of sovereignty.

Today it is customary to distinguish between "internal" and "external" sovereignty: the first pertaining to the structure or constitution of a state, and the second to the relations between states. Internal sovereignty thus conceived has to do with the state’s authority over its subjects, while the second notion refers to the independence or autonomy of states. The two remain connected: if a state or its people are sovereign over their realm (internal sovereignty), then outsiders are constrained from interfering. Internal sovereignty gives states or peoples a certain autonomy or liberty in their "international relations" (external sovereignty).

The core notion of sovereignty—the ultimate source of political power or authority within a realm—requires unpacking. Sovereignty is associated with modern kingdoms and states; the term’s application to questions about the well-defined territories of such states. The relevant notion of political power or authority is more controversial. We may think of authority in normatively or normatively, the latter being a kind of power associated with or confined to leaders or institutions. But the normative notion seems primary, presupposed by the normative one (something has authority if people treat it as authoritative, but what is it to treat it thus?). We might say that something is an authority only if its directives are (and are intended to be) action-guiding. Laws prohibiting certain behaviors, for instance, are meant to guide us. The key to the notion of sovereignty lies in the idea of ultimate authority. What is it for a source of authority to be ultimate? An authority may be ultimate if it is the highest in a hierarchy of authorities. Such an authority may also be final; there is no further appeal after it has spoken (it has "the last word"). Lastly, an ultimate authority may be one which is supreme in a particular sense; it has authority over all other authorities in its realm. The state’s authority in sovereignty in this sense; it tales precedence over competing authorities (e.g. corporate, syndicates, church, conscience). Summarizing, then, sovereignty is the highest, final, and supreme political authority within a modern territorial realm (see Morris, 1998, Ch.7).

William Blackstone, in his Commentaries on the Laws of England (1765–9), famously argued that "there is and must be in all [the several forms of government] a supreme, irresistible, absolute, uncontrolled authority, in which the jus summum imperii, or the rights of sovereignty, reside" (Blackstone, p. 36). However, Blackstone was foremost in attributing sovereignty to the trinity of the monarch and the two Houses of Parliament, a view that proved to be very influential in Britain and, in a modified republican form, also in late eighteenth-century revolutionary America. Rousseau, Bentham, and some of the founders of the American system attributed sovereignty to the people, and the French Déclaration des droits de l’Homme et du citoyen of 1789 claims sovereignty for the “nation.” The doctrine of “popular sovereignty”—the idea that peoples are the rightful bearers of sovereignty—is especially influential in the American and French political traditions and is held by many to be the foundation of modern democracy.

The English jurist John Austin accepted the idea that there must be a sovereignty in every political society. His positivist account in The Province of Jurisprudence Determined (1832) made law the creation of a sovereign power or body. We are accustomed to reading Austin back into Hobbes and Bentham, but this is unfortunate as both differed from Austin in important ways and were more subtle than Austin, Bentham in particular was critical of Blackstone’s idea that government’s authority “stands unaltered so much as by convention” ... it would be saying that there is no such thing as government in