Revisionist analysis of Edmund Burke's political ideology

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A REVISIONIST ANALYSIS OF
EDMUND BURKE'S POLITICAL IDEOLOGY

by
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Edmund Burke's political ideology is examined within its historical context. Many studies of Burke have either ignored or mistaken the historical context. Thus the richness of his political philosophy has been missed. This study supplies a historical context, relying primarily on work done in seventeenth and eighteenth century historiography by J. G. A. Pocock. Both Burke's traditionalism and his Whiggism are examined.

Burke's traditionalism owed much to the common-law habit of thinking prevalent in England. The common law was based on custom. Burke revived the adaptive sense of custom. He used this way of thinking to defend present arrangements against both nostalgic desires to return to an idealized past and innovative schemes of reform.

Burke was also a Whig, and the Whig aristocratic regime promoted a progressive, dynamic, commercial society. Thus Burke's traditionalism must be reconciled with his Whiggism.

Eighteenth-century debates were framed within a civic humanist language that appealed to ideas of mixed government, classical citizenship, and virtue. This language was used both to attack and to defend commercial society. The French Revolution presented a challenge to the aristocratic Whig defense of commerce. It seemed to offer a choice between aristocratic government and commercial society. Burke changed the Whig defense so that it might continue to defend both aristocracy and commerce. He argued that liberal, commercial relations that provided for diverse individual wants depended on culture, rather than the other way round as most eighteenth-century thinkers believed. Culture in turn depended upon the presence or absence of religious and aristocratic institutions. Without these institutions, commerce might exist, but it would serve the state rather than the individual. The choice was not between aristocracy or commerce, but between liberal or totalitarian commerce. Liberal commercial relations required the presence of a clergy and a nobility. Thus Burke linked his traditionalist respect for existing institutions with his Whiggish admiration of commerce.
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INTRODUCTION

Edmund Burke's political career coincided roughly with the reign of King George III, the villain of the American Declaration of Independence. This period included momentous events that still have effect, and Burke expressed opinions on many of them. He was directly involved in the major reform movements of his time, and he created a rich ideology of and attitude towards change. He formulated the first defense of party, till then considered disreputable. He helped to develop the ethical and practical principles involved in the administration of empire and concerned himself for decades with the affairs of America, Ireland, and India. He fought for minorities, but he opposed extremists, and he became the first and most eloquent critic of the French Revolution. He was brilliant, profound, and wise. He was also passionate and even sufficiently flawed to remind posterity that he was human rather than oracular. His insights may possess value for modern times, but understanding of his ideas on their own terms, in their own context, cannot hurt and may enhance that value. An historical analysis of Burke need not denigrate Burkean theory. To explain an interest or to provide a context is not the same thing as the reduction of explanation to interest or circumstance. Historical analysis may be used
that way. It can equally be used to enrich theory and even to provide additional ground for admiration of the theorist.

Burke's political ideology originated in and had an effect upon the political languages available to eighteenth-century thinkers. Burke's traditionalism owed much to the common-law habit of thinking prevalent among English lawyers in the seventeenth and eighteenth centuries. The common law was based on custom. Burke revived the adaptive sense of custom. He used this way of thinking to defend present arrangements against both nostalgic desires to return to an idealized past and innovative schemes of reform.

But Burke was not simply a traditionalist. He defended the Whig aristocratic regime which promoted a progressive, dynamic, commercial society. In the eighteenth century, commercial society was both defended and attacked through appeals to classical civic humanist values. Burke, as a Whig, engaged in this debate and defended commerce according to the available civic humanist assumptions. The French Revolution, however, seemed to challenge the aristocratic Whig defense of commerce and to present, instead, a choice between aristocracy and commerce. Burke enlisted his traditionalist respect for existing institutions and altered Whig assumptions so that the Whigs might continue to support both aristocracy and commerce. Thus Burke did not develop his political philosophy as a response to and rejection of a rising bourgeois culture. Burke supported that culture and
used his traditionalist conservatism in its defense.

The following chapters will supply the context for Burke's ideology, for the "constellation of ideas" that he employed to give meaning to the events that made up his life. Chapter 1 provides the first layer of context, a biographical sketch of Burke's life. It summarizes Burke's major works and places them in both a personal and a national context. The second chapter describes three representative interpretations of Burke and locates their essential flaws in their various failures to consider the historical context adequately. The third and fourth chapters present the ideological context. They describe, generally, the ideas available to the people of the eighteenth century to understand their world and, specifically, Burke's understanding and use of, as well as his effect upon, that ideological universe.
CHAPTER 1

BIOGRAPHICAL SKETCH

Some basic biographical facts about Edmund Burke constitute a first layer of context for understanding Burke's political ideology. This chapter provides a biographical sketch of Burke's life and summarizes many of his more significant works.

Edmund Burke was born in Dublin, Ireland in 1729. His parents raised their son as an Anglican, yet the Catholic influence in young Edmund's life was so pervasive that he developed a lasting sympathy and affection for that ancient religion. Not only were Burke's mother and sister Catholic, but in addition to this exposure, Burke lived with Catholic relatives from age six to eleven, he attended Catholic schools, and he developed close friendships with Catholic boys. Ultimately, he would fall in love with, then marry, a Catholic girl. Burke remained faithful to the Anglican religion of his upbringing, but he would never understand or pander to the strong anti-Catholic prejudices prevalent in England.

Burke's father wanted his bright son to become a lawyer. Thus, at the age of 21, Burke began five years of study for the bar at Middle Temple in London. During these years, Burke met his future wife, Jane Nugent, and began his
close, lifelong friendship with Will Burke. He also discovered that he had no taste whatsoever for the law. Contrary to his father's wishes, Burke decided that he would pursue a literary career.

*A Notebook of Edmund Burke* contained some of his earliest writings. Burke presumably wrote most of these character sketches and essays while he studied for the bar at Middle Temple. Burke already displayed in these youthful musings a skeptical awareness of the limitations of reason. Reason could not yield either religion or the polite arts, morality or habits, custom, and ceremony. Men needed, instead, to rely on "all the Powers of our Soul." Reason had its uses; it checked passions and imagination. But it could not inspire. It did not account for behavior. It could not create an elegant or humane disposition of mind. It was insufficient to motivate virtue or to produce contentment.

In 1756, Burke responded to the recent posthumous publication of Lord Bolingbroke's collected works by publishing his first work, *A Vindication of Natural Society*. Burke's *Vindication*, a parody of Bolingbroke's style, attacked Bolingbroke's Deism by connecting civil society and religion. Bolingbroke had argued for a "natural" religion, one based on the private judgment of individuals. But, Burke maintained, the unrestrained reason, neglectful of both its own limitations and the
consequences of its criticisms, might attack anything. The same arguments employed against organized religion might as successfully be used against organized society. Just as an intricate social and political order kept men from anarchy, Burke implied, an established church prevented an anarchy of spirit and morals. Thus, as early as 1756, Burke rejected appeals to nature and reason.

The next year, Burke married Jane Nugent, published a critically-acclaimed book on aesthetics, *A Philosophical Enquiry into the Origin of Our Ideas of the Sublime and the Beautiful*, and contracted to write *An Abridgement of English History*. The *Abridgement*, though never finished and not published until after Burke's death, contained an essay that revealed much about Burke's knowledge of and attitude towards the law and the historical changes it had undergone. In this essay, written around 1759, Burke demonstrated that he knew of the controversy between the partisans of the ancient constitution and those of the feudal law. The advocates of an immemorial ancient constitution blindly and contradictorily refused to admit historical beginnings for liberty and rights or the institutions that protected them. Advocates of prerogative, however, used feudal history simply to assert that rights derived from a sovereign will. Burke admitted the impact on English laws and institutions of the Norman conquest and denied that the rude and simple ancient constitution was
either desirable or practical for present use. Still, there was more to law than will. The laws had improved over time. They were a mixed and heterogeneous mass—borrowed, compounded, altered, and modified. Burke advocated the compilation of a history of the law that would follow its various changes and improvements over time. Only Lord Chief Justice Hale had attempted a history of the law, and his contribution was seriously flawed. Hale, and English lawyers generally, maintained that English law had remained virtually unchanged from antiquity and that it reflected only local, uniquely English adaptations. Thus Hale’s history had been narrowly confined. Hale considered any search for beginnings, changes, or foreign influences superfluous. Burke, however, disagreed with Hale’s dismissal of historical inquiry. Burke argued that a history of the law would reveal the progress of justice and the evolution of God’s plan for man.

In 1759, Burke, by now a father to a year-old son, Richard, contracted to edit the Annual Register, a review of the preceding year’s political, literary, social, and artistic events. More significantly, Burke’s literary talent, by now widely acknowledged in educated circles, brought him attention from politicians. Thus, that same year, William Gerard Hamilton, Member of Parliament for Pontefract and Irish Chief Secretary to Lord Halifax, Lord Lieutenant for Ireland, hired Burke as his private
Though Burke would part with Hamilton on unfriendly terms five years later, he tasted political life and made important political contacts as Hamilton's secretary. His political career had begun.11

By 1764, Burke had become associated with the coterie of Whigs that gathered around the Second Marquis of Rockingham, Charles Watson Wentworth. Other Whig factions existed besides the Rockinghamites. Powerful individuals such as William Pitt and Prime Minister Grenville also commanded factions. However, most factions developed out of personal attachment to a particular leader or from desire for office.12 In fact, people of the time generally agreed that any party connection was unsavory and corrupt, subversive of the public interest, and proof of an individual's selfish pursuit of private ambition. The Rockinghamites, however, claimed that principle drew them together. Essentially, they opposed the perceived extension of crown influence since George III's accession to the crown in 1760. They grouped together, they claimed, so as to maintain a steadiness and strength in their opposition. Still, party connection remained suspect, without an adequate rationalized defense.

In 1765, Parliament divided over the question of taxing the American colonies. Parliament passed the Stamp Act that year, and the American colonies objected strenuously to this tax. Previously, Parliament had taxed the colonies only in
connection with the regulation of trade. The Stamp Act, however, was intended solely for the purpose of raising revenue. The colonists saw in this Parliamentary innovation an infringement on their assumed right to manage their own internal affairs. Several boycotts engineered by the colonists upset British trade, and British merchants agitated for the Stamp Act's repeal. The ministry, under Grenville, took a hard line and insisted that Parliament was sovereign, the supreme governing authority. That body possessed, therefore, the authority to pass any legislation regarding the colonies that it wished. William Pitt, in entire agreement with the colonists, denied that Parliament could institute a new tax. Parliament could not tax unrepresented subjects, and the Americans were not represented in Parliament. The Rockinghamites, and Burke with them, took the middle ground. They upheld Parliamentary sovereignty against Pitt, but they argued against Grenville that, as a matter of expediency, Parliament should repeal the Stamp Act.

In July 1765, George III dismissed the Grenville ministry and reluctantly invited the Marquis of Rockingham to form a government. Burke became Rockingham's private secretary (and, incidentally, a Member of Parliament for the borough of Wendover in Buckinghamshire owned by Lord Verney). The Rockinghamites succeeded in getting the Stamp Act repealed. They also pushed through the Declaratory Act
which maintained Parliament's right to tax the colonies. Within months, however, the king dismissed the Rockingham ministry. Pitt succeeded to the ministry, and Burke and his friends once again went into opposition. From this vantage point, Burke developed a defense of party connection. Within four years, he would become the pioneer defender and architect of the modern political system.

In 1769, Burke published his first political pamphlet, a reply to a 1768 Grenvilean pamphlet by William Knox. Burke ridiculed the Grenville faction's analysis of the condition of England and supported the actions of the Rockingham ministry in 1765. Though this pamphlet ranged over a wide variety of subjects, its essential object was to defend the Rockingham party. In so doing, Burke anticipated ideas on party government and principled opposition that he would explore more fully the following year.

By 1770, the tranquility and stability of Whig government seemed shattered. The American colonies were rebellious. Whig aristocrats resented George III's government, and popular discontent was widespread and growing. The group associated with Rockingham had joined in the expanding popular movement. When Middlesex county repeatedly elected the fiery John Wilkes as their representative in Commons, that House as often refused to seat him. Burke and the Rockinghamites objected to Parliament's action in this matter. A petition movement was
growing that condemned parliamentary corruption, ministerial mismanagement, and the supposed growth of royal prerogative. Burke helped to organize that movement, and the Rockingham coterie supported it. Anonymous attacks on the government and its Prime Minister Grafton in the "Letters of Junius" expressed views similar enough to those held in Rockingham's circle that many thought Burke penned the letters.15 The dilemma for the Rockinghamites, however, was that popular discontent threatened aristocratic as well as crown influence. These opposition Whigs could not completely embrace the sentiments of their allies in the popular movement, the London, country, and American radicals.16 As Whig ideology had long been founded upon pragmatic acceptance, the Rockingham Whigs easily assumed this attitude in their formulation of a more compatible means of opposition. Though parties were almost unanimously condemned in the eighteenth century, the Rockinghamites now insisted on their necessity as a defense against an emerging Crown threat.17

Burke espoused this theory of party government in 1770 in Thoughts on the Cause of the Present Discontents.18 Burke located the cause of England's problems in political corruption proceeding from court influence. Growing court influence threatened the independence of Parliament and the security for the importance of the people by attacking the capacity of aristocrats in Parliament to form associations.
Connection, the association of men who shared common ideals, provided the only practical means of balancing the power of the Court. The Crown presented the danger. The peerage provided a protection against this danger. The Crown needed council from men already esteemed by, rather than unknown to, the people. An independent aristocracy provided this. A ministry of courtiers, selected simply for their compatibility with the Crown, did not. The Wilkes affair demonstrated the extent to which the Commons had allied with the magistracy against the people. This alliance was contrary to the intended nature of Commons. Commons was supposed to guard the people's interest, not represent a separate interest against which the people needed protection. Reform of representation, the solution proposed by London and country radicals, only addressed the problem peripherally. The problem was not that the people were unequally represented, but rather that their representatives were not protected enough from court influence to be true representatives. The real contest was not between the electors and Commons, but between the electors and the Crown. Aristocratic connection provided a means of restoring Parliamentary independence. Then the Commons could resume its role of reflecting the interests of the people.

Burke knew of the objections to party association and attempted to answer them. Opponents of party claimed that
it was disloyal and that it encouraged the development of narrow, partisan self-interest. To these objections, Burke replied in characteristically Whig fashion. He chose an empirical argument to combat the assertion of disloyalty. The government presently enjoyed strong support from Parliament, and yet it was weak. Government needed, the present situation demonstrated, not support, but reform. He chose a practical argument to counter the charge that party encouraged partisan self-interest. Burke admitted that men might pursue their selfish interests by means of party. However, he asserted, it was also possible for party to be "the respectable instrument of honest men of principle." Narrow factionalism was not an essential characteristic of party association. However, without party association, whether one pursued his public duty or not, achievement of one's ends became impossible. A lone individual could never succeed against combined strength. The ministerial cabal could be successfully confronted only through the united strength of public-spirited men. "When bad men combine," Burke wrote, "the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle." With party, the potential of faction meant merely the possibility of subversion. Without party, the practical ineffectiveness of public servants meant the certainty of impotence.

In 1767, the Townshend Acts imposed six punitive duties
on the American colonies. When the North ministry assumed power in 1770, it repealed all these duties with the exception of the tax on tea. Then, in 1774, Parliament again debated American taxation when it considered the removal of the tea tax. Burke embellished his decade-old position regarding colonial taxation in his "Speech on American Taxation" of April 19, 1774. He advocated repeal of the tea duty on both prudential and practical grounds. Burke noted that the tea tax had had the effect of mischievously elevating the discussion between Britain and her colonies to claims regarding abstract rights. The British argued their sovereign right to tax, and the Americans countered with their right not to be taxed based on their natural rights to liberty and property. The discussion of abstractions, Burke believed, was neither necessary nor desirable. On the abstract level, authority and liberty could not be reconciled. At the practical level, they had been and might still be compatible. Burke thus recommended that the British disavow, altogether, taxing the colonies for the purpose of raising revenue. Revenue taxation not only created dissent but, since the Americans refused to pay such taxes, failed even to produce revenue. The British and the Americans had both prospered while the British had remained content simply to regulate colonial trade. Additionally, both past practice and ministerial promises had led the Americans to expect that
they would not be subjected to taxes for the purpose of raising revenue. The Americans defended custom; the British challenged it. Since Britain had nothing to lose and much to gain by repealing this final revenue tax, Burke counseled that Britain be satisfied, as in the past, with binding the colonies to her by means of mutual advantage through trade.

Largely because of his outspoken defense of the American colonists, Burke came to the attention of the merchants of the great port city of Bristol. They offered him a chance to run for election in Bristol, Burke seized the opportunity, and in November 1774, he was elected as Member of Parliament from Bristol. Upon his election, Burke explained to his constituents his understanding of the role and responsibilities of a legislator. Against the more radical claim that a representative was no more than the delegate of the electors sent to Parliament to execute their instructions, Burke insisted that a representative should act according to the dictates of his conscience. Naturally the wishes of his constituents had to be considered and their interests placed above his own. But a representative owed his constituents hard work and informed judgment rather than subservience. In the first place, issues could not be properly decided prior to deliberation and discussion. Secondly, Members of Parliament represented in that deliberative body, not hostile interests, but the good of the whole nation. Representatives were members of
Parliament, not members for their borough or town. Thus Burke rejected the right of voters to instruct their representative in Parliament.

Burke then turned his attention again to colonial affairs. He had never "favored" the American Revolution. Rather he sympathized with some of the colonists' complaints and thought that British tax legislation imprudently provoked them. Consequently, when Lord Chatham (William Pitt) offered a conciliatory plan in the House of Lords in February 1775, Burke and the Rockinghamites supported the plan. They hardly agreed with Chatham's rationale that Parliament had no authority to tax the colonies. The Rockinghamites simply believed that the exercise of Parliament's authority with regard to the colonies was inexpedient.

Burke argued for Chatham's plan on March 22, 1775 in his "Speech on Moving His Resolutions for Conciliation with the Colonies." The colonies, Burke pointed out, were of undoubted value to the British Empire. Trade with the American colonies constituted one-third of the imperial trade; both Britain and the colonies had benefitted from that trade. British policy with regard to these important colonies should be based upon their actual circumstances, rather than upon some abstract right. The distinguishing characteristic of American colonials was their love of liberty. British policies, however, had seemed to threaten
colonial freedom and had served only to inspire rebellion. The question Parliament must decide was the appropriate means of dealing with the American spirit of liberty. The best policy Parliament could adopt, Burke argued, was one of "systematic indulgence." Conciliation, not force, was Parliament's best hope of binding the colonies to the Empire.

By 1777, the Bristol merchants had begun to profit from the war with the colonies. They now began to disapprove of Burke's sympathy for the Americans. Thus Burke defended his opposition to the war with America in "A Letter to the Sheriffs of Bristol." Burke objected to the war-like state of mind that existed in England. "Men of anger," Burke wrote, attacked those of moderate, conciliatory views as vehemently as they railed against the Americans. But, Burke argued, moderation neither hurt the war effort nor encouraged colonial rebellion, and it was not disloyal. A conciliatory temper had to precede reconciliation; government could be strengthened by its instruments of peace as well as by those of war. Moderates simply refused to surrender their reason to their passions for loyalty mandated neither servility nor the suspension of reason. Freedom and authority were difficult to reconcile. However, Burke insisted, it was "not by deciding the suit, but by compromising the difference, that peace (could) be restored or kept." England's best hope lay in quieting the
disturbance. But, circumstances had changed: a simple repeal of the revenue tax would no longer suffice. Now, Burke claimed, Parliament had to grant the Americans their freedom in order to salvage any advantage from their relationship.

Burke's Bristol constituents objected as well to his position on Ireland. As early as 1765, Burke had written down, though he had not published, his objections to the popery laws in Ireland. These laws punished Catholics for their faith and fixed certain disabilities on Catholics which worked to exclude them from public office. Burke defended religious conscience in Ireland and claimed that the popery laws were justified by neither equity nor utility. He argued that English severity rather than Irish zeal for Catholicism kept the Irish Catholics estranged from the British commonwealth. The Tracts gave an early indication of Burke's view on law and displayed his lifelong concern for Irish Catholics and his tendency to sympathize with persecuted people.

Burke continued to oppose British policy towards Ireland as a member from Bristol. In 1778, Burke voted to remove some restraints on Irish trade. This angered the Bristol merchants. Thus, on April 23 and May 2, 1778, Burke explained his vote in "Two Letters to Gentlemen in the City of Bristol." He denied that party design affected his vote. Instead, he insisted, he had considered the interests
of his constituents. Burke argued that Bristol's economic interests would be advanced, not hindered, by a prosperous Ireland. Burke admitted his desire for the approval of his constituents, but he insisted that he would not obtain their approval at the expense of his conscience.

As a member from Bristol, Burke authored one of the most comprehensive reform bills ever to pass through Parliament. His "economical reform" of 1780 promoted Parliamentary independence by curbing the Crown's ability to reward independent members of Parliament. He justified his reforms on February 11, 1780 in his "Speech on Economical Reform." Burke admitted that sweeping reform made him uneasy. But he insisted, his reforms were, on the one hand, necessary and timely and, on the other hand, essentially moderate. Protection of England's strength and preeminence in the world required that some checks be made on the rapidly accumulating public debt. Consequently, it was vital that improper royal expenditure be eliminated. Furthermore, the reforms were strictly limited. Burke certainly did not oppose all sinecures. Many, he argued, were necessary and honorable. Some rewarded merit; some were hereditary family possessions. Burke refused to tamper with such offices. He did not aim to democratize Parliament or to eliminate the system of patronage. He proposed merely to reform some of the royal abuses of the present system. Thus he targeted only "improper" royal influence.
and extravagance.

By 1780 Burke faced a contested election in Bristol. He had angered his constituents on four counts: first, the Bristol merchants disagreed with Burke's sympathy towards the Americans; second, they believed that Burke had favored Irish interests to those of Bristol in matters of trade; third, they resented his sympathy towards Catholics; and fourth, as merchants, they objected to his support of a bill mitigating the severity of imprisonment for debt. Burke responded to these objections in his "Speech at the Guildhall" delivered in September 1780. First, Burke directed the electors' attention to what he felt was their true concern in judging a representative. A representative would, he admitted, have faults and make errors. But, Burke argued, "he censures God who quarrels with the imperfections of man." Burke urged discretionary examination of a representative's performance. The electors should concern themselves with a representative's character, with the whole tenor of his conduct, rather than focusing on the inevitable mistake. And, in this respect, Burke had worked tirelessly and disinterestedly for his constituents. Then Burke addressed their concerns, attempting to demonstrate in each instance that he had advanced the interests of his Bristol constituents. He had acted against their opinions, to be sure, but only when these seemed to him to be at odds with their genuine interests. Burke still denied that
representatives were subject to instructions—"the little, silly canvass prattle of obeying instructions and having no opinions but yours." He had voted in good conscience. He owed no apology, he defiantly insisted, for betraying his constituents. Despite or perhaps because of his defense at the Guildhall, Burke soon recognized that he would not be reelected from Bristol and withdrew from the contest. Rockingham then found him the safe, though obscure, seat at Malton. To the end of his career, Burke represented this pocket borough.

The North ministry, in power since 1770, finally fell in 1782. Rockingham succeeded North and appointed Burke as Paymaster. This post, though not a cabinet-level office, was nonetheless considered a profitable office. Paymasters could legally lend out the funds allocated for salaries and keep the interest from these loans. A member of the Bedford faction had made 500,000 pounds while he held this office. And Burke certainly needed the money. He was heavily in debt from the purchase of a 600-acre estate at Beaconsfield in 1768. His brother Richard and "cousin" Will, with whom Burke lived and shared expenses, had both been financially ruined by their investments in East India Company stock. But Burke, as Paymaster, abolished the privilege of lending out funds and instituted, instead, a generous, but predictable and controlled, annual salary of 4,000 pounds.
Reformers in England directed much of their energy towards the reform of England's archaic system of representation. In 1782, William Pitt sponsored a bill that would increase both county and urban representation. Burke, who had supported measures aimed at curbing royal excesses, rejected these efforts. In a speech delivered on May 7, 1782, Burke refuted the various reform positions.39

Burke identified two irreconcilable arguments for reform. The first argument, espoused by proponents of the individual rights of men, insisted that the House of Commons should be, but was not, representative of the people as a collection of autonomous individuals. Burke argued that this claim subverted the British constitution and its scheme of mixed government. On such a theory, neither the monarch nor the nobility possessed legitimacy. However, the constitution was not a product of choice as these reformers suggested. Instead, it was the product of time, of circumstances, of habits, and of tempers. Prescription, rather than individual rights, legitimized the constitution. Men were not autonomous but were, instead, bound to each other through their family, society, and tradition. The constitution linked generations; its wisdom evolved. Presumptive rather than abstract reason provided the surest guide for constitutional reform.

The second argument scorned personal representation. The Commons, these reformers claimed, had degenerated from
its original principles and thus could no longer adequately promote the good of the whole. Burke rejected this argument on two grounds. In the first place, he denied the existence of any original principles. The government had not been founded upon principles. Instead, its principles had been deduced from the operations of government. In the second place, appeals to the good of the community were, by definition, appeals to expediency. And the best test of expediency was not speculation about arithmetical equality, but experience. Experience demonstrated that no arithmetically-based system of equality produced advantages comparable to those achieved in Great Britain. Speculative tampering endangered the constitution itself. Burke declined to risk the constitution for the hope of improving it.

The Rockingham ministry lasted only three months. The Marquis died in July 1782, and Shelburne replaced him as prime minister. The Rockingham Whigs, now led by Charles James Fox, returned to the opposition. The Shelburne ministry quickly failed, however, and Fox and North formed a coalition ministry in 1783. Burke was again appointed Paymaster.

The Foxite Whigs still opposed Crown influence in 1783, but they saw the need, now, for an expansion of Parliamentary control over India. They therefore proposed that control in India be given to a council composed of
members appointed, in practice, by themselves. Inevitably, perhaps unjustifiably, opponents saw in "Fox's East India Bill" a power grab.40

In this context, Burke delivered his first major speech on the subject of India. He spoke for three hours on December 1, 1783 in defense of Fox's bill.41 Opponents had raised four objections to the bill, and Burke responded to each. The vast majority of the speech, however, was devoted to the claim that Fox's bill violated the East India Company's chartered rights. Burke himself, as well as the Rockingham Whigs, had defended these rights of the Company a decade earlier.42 But he argued now that these chartered rights could not be used as a defense for the violation of other, more fundamental rights.43 The Indians, Burke argued, had the right to expect that their government exercise power for their collective benefit. The East India Company habitually and incorrigibly abused that trust. Thus their contract with Parliament was broken. Parliament had the right and the obligation, Burke argued, to take power from the Company and develop other means of governing India.

Despite heavy opposition, the bill almost passed. However, the king, deeply dissatisfied with the Fox-North ministry, used the bill to maneuver the fall of that coalition. The bill failed in the House of Lords and, on December 18, 1783, the king dismissed the Fox-North ministry. William Pitt, second son of Lord Chatham, became
Prime Minister and dominated the ministry into the next century. Burke never again held a government post.

Burke's interest in India predated Fox's East India Bill. In 1781, Burke had been appointed to an ongoing Select Committee to investigate injustice in India. He soon became its leading member, and the Committee's comprehensive accounts attest to Burke's detailed knowledge of and interest in Indian affairs. Moreover, Burke's "cousin" Will Burke had Indian connections. In 1781, Burke himself had tangled with one of the Nawab of Arcot's creditors in the East India Company. Then, in response to complaints from Indian Governor Macartney regarding the finances of the nawab and his creditors in the East India Company, Fox and Burke put a clause in their East India Bill ordering an investigation and settlement of the nawab's debts. When that bill failed, Pitt included this provision in his bill. Pitt's bill passed, but the investigation was cursory. The investigating Board ordered full settlement of the debts from public funds. Burke objected to this settlement on February 28, 1785 in his lengthy speech on the "Nabob [Nawab] of Arcot's Debts." Burke tried to unravel a complicated web of collusion and corruption. He attacked the nawab, the Company, and the ministry. The debts, he claimed, were fraudulent, and the Pitt ministry was deliberately concealing the sinister nature of the transactions. He urged Parliament to reassert its authority
over India and to conduct an investigation. However, Parliament handily defeated the motion for a "special inquiry." Burke then turned his attention from the Madras government in Southern India to the Bengal presidency in Northern India and Warren Hastings.

Hastings, as Governor General of India since 1774, organized several successful military operations that protected and even expanded British holdings. However, he implemented questionable, if typical, methods to provide money for these military operations, and his military campaigns were ruthless. Burke's investigations into Indian affairs convinced him that Hastings was severely violating Indian rights. He instigated impeachment proceedings against Hastings in 1785. The trial did not begin, however, until 1788, and it lasted seven years, until 1795. According to most of his contemporaries, the Hastings impeachment obsessed Burke. But Burke never had any realistic chance of convicting Hastings, and Hastings was ultimately acquitted.

Other Whigs in Burke's circle soon tired of the impeachment. Burke, however, obstinately continued with the trial. A small fissure thus opened between Burke and his party. By 1788 Burke, who had long been a chief spokesman for and leading member of the Rockinghamites, moved only on his party's periphery.

Burke worked in tandem with his party once more, during
the regency crisis of 1788-9. George III suffered a lengthy bout of illness and insanity that year, and Parliament fought over the conditions of a regency. Pitt and his administration argued that Parliament should determine the conditions. The Foxite Whigs, who had courted the friendship of the Prince of Wales, insisted that the Prince should succeed automatically. Burke agreed fervently with his party here. Earlier in his career, he had feared the extension of crown influence. Now, in Pitt's position on the regency, he saw a new threat—an extension of the democratic principle. The Crown was hereditary, not elective. Burke insisted with his party, and Parliament did not have the right to tamper with the succession. The king, however, recovered his health in February 1789, and the crisis ended.

By 1789, then, Burke's usefulness to this party was declining, and he had begun to suspect that popular rather than Crown influence presented the primary threat to the constitutional order. These two factors reinforced rather than contradicted the direction that Burke then took. For the French were about to shake the world with their revolution for liberty, equality, and fraternity. And Burke, contrary to the tendency of his party, was about to become the chief and most eloquent critic of that Revolution.

Charles-Jean-Francois Depont received his first letter
from Burke regarding the French Revolution a full year before Burke finished his second letter to Depont, the Reflections on the Revolution in France.49 Already, in this first letter, Burke displayed grave doubts regarding events in France.50 He described freedom as social and practical, rather than as individual and abstract. Freedom, he insisted, had to be secured by law and equality of restraint; it had to unite a strong government with individual liberty. The French, however, seemed far from the mark. First, they had confiscated church property. This act contradicted the principle of prescription, the principle of undisturbed possession of property that alone could secure that possession. Second, the French had based their government on abstractions; they had ignored experience and concrete circumstances. Third, they had been too eager and rash in their resort to violence. They had neglected the chance of reform and opted, instead, for means that were certainly destructive and ideal ends that were, at best, uncertain. The French, Burke concluded, lacked moderation, justice, and "tenderness" towards individuals. Burke was profoundly dubious that they deserved approval.

Burke's first public pronouncement on the French Revolution occurred on February 9, 1790 in his "Speech in the Debate on the Army Estimates."51 France's actual power, Burke admitted, had been weakened by her revolution. Her influence and example, however, were another matter.
The French promoted anarchy and atheism. They intended to level all distinctions. They exhibited an extremist character and an innovative spirit and, in effect, advocated revolution over reform. They had destroyed their own institutional balances, attacked property, and created an undisciplined, licentious military that was not controlled by their National Assembly. The French were not imitating, but threatening, the English Revolution of 1688. Burke warned that he would abandon his friends, if necessary, in order to combat the contagious influence of French ideas.52

In 1790, Burke published his greatest attack on the French Revolution, his Reflections on the Revolution in France.53 He began defensively; his horror at and contempt for the French Revolution did not base itself, he insisted, on any general opposition to liberty. But, he argued, liberty could not be judged abstractly. A criminal might escape from jail, but this would not, then, be cause for rejoicing over the increase in liberty.54 The circumstances of liberty affected the judgment. "The effect of liberty to individuals is, that they may do what they please. We ought to see what it will please them to do."55 Thus, Burke refused to extend congratulations to the French simply because they claimed the cause of liberty.

Burke resisted any comparison between the Glorious Revolution of 1688 in England and the French Revolution. He argued that three doctrines, used to defend the French
Revolution and supposed to derive from the English Revolution, were actually antithetical to English government. First, he defended hereditary succession against elective choice. The Glorious Revolution, he claimed, never advanced the right of people to choose their own governors. The selection of King William of Orange was an act of necessity: "It is against all genuine principles of jurisprudence to draw a principle from a law made in a special case, and regarding an individual person." The Glorious Revolution, in fact, consciously and rightly turned away from election and established the hereditary succession of the crown. Second, Burke distanced the Glorious Revolution from the claimed right to cashier governments for misconduct. Burke insisted that a strong government provided security for freedom, and revolution for misconduct, if practiced, would weaken and destabilize a government. Wise men would choose revolution only as a last resource for an extreme breach of the original contract between rulers and ruled. And, even then, revolution would be a question of war, not of constitutional principle, of means and ends, not of rights. Third, Burke denied that the Glorious Revolution established the right of people to form a government for themselves. The English, Burke asserted, ensured their rights and liberties through hereditary title, a safe method of transmission that did not preclude improvement. The French, however, had thrown over
tradition and inheritance for the gains that could be derived from virtue and reason. And, Burke claimed, virtue and reason that had not become habituated through tradition were extremely feeble, insecure foundations for freedom. The Glorious Revolution had not rejected tradition but had, in fact, "proceeded upon the reference to antiquity." Thus, the Glorious Revolution did not establish the principles invoked by the French to legitimate their revolution.

Burke despised the French destruction of the orders in favor of equality. Unlike equality, the orders corresponded to nature. Since power always existed in someone's hands, the leveling of orders merely relocated power. The question was not whether the orders prevented an impossible equality, but whether a different distribution of power benefitted the country. One wanted a government in the hands of the wise and virtuous. Although a government based on a balance of the natural orders of society did not directly provide this, such a government had two aspects to recommend it. First, the orders restrained each other. Change in such a government had to be a matter of compromise, and compromise "naturally begets moderation" and frustrates arbitrary power. Second, the orders were based on property, and, even if the large proprietors were incompetent, they provided stability, "the ballast in the vessel of the commonwealth." The French, however, had fused their
orders into one and located power in the National Assembly. The Assembly, Burke claimed, was so far from being wise and virtuous that he derived all his dire predictions regarding the course of the revolution simply by noting the membership of that Assembly.

Burke did not deny the existence of rights. He argued that the rights of men invoked by the French differed qualitatively from the English conception of rights. English rights derived their legitimacy from the constitution whose merits had been tested by experience. The French offered, instead, the universal right of men. But, Burke reasoned, the laws of nature had to be distinguished from those of civil society. In nature, men asserted the right to survive and to be their own judge. However, in order to obtain the security and justice of civil society, men relinquished these rights of self-government. Thus, liberty in society meant, at the same time, restraint. But the precise balance of liberty and restraint varied: it could never be settled by an abstract rule. Instead, the construction of a just government required prudence, skill, and experience. "The rights of men are in a sort of middle, incapable of definition, but not impossible to discern . . . . Political reasoning is a computing principle."61

Burke contended that two considerations affected the justifiability of a revolution: first, what is thrown off
should be unbearably oppressive and incapable of reform; and, second, what is proposed as replacement should be an improvement. With these considerations in mind, Burke examined the institutions leveled by the revolution: the church, the monarchy, and the nobility.

Burke argued that the state needed some form of church establishment. The atheism professed by so many of France's revolutionary leaders distressed him. He believed that men's original uninstructed natures were suspect. It was "therefore of infinite importance that they should not be suffered to imagine that their will . . . is the standard of right and wrong." Religious principles benefitted ordinary citizens, but they were even more necessary for leaders. Further, Burke considered the established church in France to be neither so terribly oppressive that it deserved the punishment of destruction nor so intransigent that attempts at reform were useless. Thus, French attacks on their church establishment were unjustifiable.

Burke then catalogued the atrocities of the French Revolution. He contended that nothing could justify such actions but the belief that the only alternative to their conduct was the monarchy, and that their own mob tyranny produced a better state of affairs. With the criteria loaded in this fashion, Burke admitted that abuses existed under the old regime. But, Burke asked, was the French government so "incapable or undeserving of reform . . . that
it was of absolute necessity the whole fabric should be at once pulled down, and the area cleared for the erection of a theoretical experimental edifice in it place." The issue was not abuse, but the choice between reform and destruction, and the monarchy had demonstrated its willingness to reform. Additionally, Burke maintained, France had materially improved under its former system. And while liberty might merit the sacrifice of wealth and comfort, Burke cautioned that "one ought to be pretty sure it is a real liberty which is purchased and that she is to be purchased at no other price." The present system did not offer a real liberty. The former system possessed potential for reform. The emasculation of the monarchy simply could not be justified.

Not surprisingly, Burke found also, in the case of the nobility, that they were neither incapable of reform nor truly oppressive. Burke argued that, on the eve of the Revolution, a consensus had formed in favor of ending the absolute monarchy. "All the struggle, all the dissension arose afterwards upon the preference of a despotic democracy to a government of reciprocal controul." Burke denied that the abuses attributed to the nobility warranted their destruction. "It is not with much credulity," he wrote, that "I listen to any, when they speak evil of those whom they are going to plunder."

Finally, after discrediting any excuse for destruction
of the orders, Burke asked whether the new government had demonstrated its competence. He ridiculed its inconsistencies, but, beyond this, he believed the experiment was doomed to end in despotism. Liberty could not exist without restraint. And, Burke argued, the French had destroyed the sources of restraint. Wise leadership could generate restraint, but the leaders in the Assembly were not wise. The balance of orders provided an even surer source of restraint, as it depended on structure rather than virtue, but this, too, the French had destroyed. Thus, Burke charged that the French would ultimately have to turn to the army. Only force remained to support the government. "Troops again—Massacre, torture, hanging! These are your rights of men!"

On January 19, 1791, Burke wrote "A Letter to a Member of the National Assembly" of France. In addition to updating his Reflections, Burke wished to urge outside intervention against France. Counter-revolution in France, Burke insisted, was critical to British security, yet impossible without foreign assistance. The French government was the design of evil men who were hostile to reason, indifferent to the misery they created, incapable of repentance, and disposed towards extreme remedies. The French state, inspired by the students of Rousseau, wished to recreate the moral nature of man. They attacked domestic trust, elegant manners, fear of God, and even the mode of
civilized warfare. Internally, France now lacked the will, the character, and the institutions to correct her errors. She constituted a danger to the European order. England should thus actively pursue counter-revolution in France. "Society," Burke wrote, "cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there must be without." 69

Burke's party, under Fox's leadership, generally sympathized with the French Revolution. Fox, like most Englishmen, knew little about France. As an Englishman, he did know, however, that he opposed French absolutism. This prejudice in favor of English constitutionalism, combined with a tendency to gloss over ideological details, led to Fox's early declaration of support for the French Revolution. On July 30, 1789, he wrote regarding the taking of the Bastille: "How much the greatest event it is that ever happened in the world! and how much the best!" 70 Burke at first attributed Fox's glowing tributes to the French Revolution to zeal. He nonetheless felt compelled to disagree. 71 Finally, on May 6, 1791, Burke's collaboration with the Foxite Whigs ended. Burke renounced his friendship with Fox because of their disagreement over the French Revolution. He crossed the aisle and seated himself with Pitt. Fox fought to protect his friendship with Burke. He admitted that serious differences of opinion divided them.
But, he argued, "they had differed formerly on many
subjects, and yet it did not interrupt their friendship." 72
But Burke remained adamant that "he had done his duty at the
price of his friend—that their friendship was at an
end." 73  Despite later attempts by Fox to recapture their
mutual good will, Burke never forgave him. The Rockingham
Whigs disintegrated over the next few years as its members
chose sides.

Burke justified his break with the Foxite Whigs over
the French Revolution in An Appeal from the New to the Old
Whigs. 74  As usual, he attacked the French Revolution,
arguing that it was both evil and dangerous. He also
defended himself against charges of inconsistency. Burke
held that his rejection of the French Revolution
contradicted neither his own career nor the principles of
his party.

The Foxite Whigs charged that Burke had changed.
Formerly he had supported reform and revolution. Now he
rejected the French struggle to achieve liberty. Burke
responded by an appeal to the principles of mixed government
and to the ancient constitution. The British constitution,
he noted, had three parts, and each part possessed its own
principle. Circumstances determined which part needed
defense. During his career, he had defended the
constitution, the balance of King, Lords, and Commons, not
simply one of its parts. If his positions appeared
inconsistent, the explanation lay in changing circumstances rather than in any inconsistency in his principles. The French desired to level all ranks. To oppose the French did not mean that he had abandoned any former sympathy for popular influence. He had, it was true, defended that influence in the past. He had also, however, opposed it when it threatened to predominate. "One would think," he wrote regarding the new Whigs' argument, "that such a thing as a medium had never been heard of in the moral world." Moreover, his support for the American Revolution and his opposition to the French Revolution did not indicate any shift in his beliefs. If the Americans had rebelled, as the French did, for more liberty, Burke would have opposed them. However, they had acted simply to defend ancient liberties. It was not a matter of supporting, and now opposing, the popular cause or the right of revolution. Instead, Burke defended the mixed and ancient British constitution.

Burke then defined the principles of his party to show that the Foxite Whigs, not he, had deviated from them. Fox and his supporters, he claimed, believed that sovereignty unalienably resided with the people, and that the people could therefore overthrow governments and form new ones at will. These new Whigs opposed aristocracy and the law of primogeniture, criticized Commons and the monarchy, and recommended France as a model. Burke argued against these new Whigs that such beliefs would not only
subvert government and morality, but that they also contradicted former old Whig principles. The Glorious Revolution, an act of necessity, not right, recovered the ancient constitution following James II's violation of it. No essential change had resulted from the Revolution. Mixed government of King, Lords, and Commons and hereditary succession had been preserved. Sovereignty resided with the legislature, not the people, and that sovereignty was not based in will but was itself restrained by fundamental principles of government and the rules of moral obligation. While government did found itself in an implied and expressed contract, contracts were not simply breachable acts of will. They implied a duty above will, and duty was obligatory, not voluntary. Good government included within it the principles of restraint of inordinate desires and of prudent direction. The multitude possessed neither. A democracy was incurably ambitious. The people should function to check authority, not to direct it, and the aristocracy should form the leading and guiding part of society. The British constitution, based on an accumulated understanding of and accommodation to human nature, achieved balance. It prevented the dominance of one principle at the expense of others, and thus it invariably involved compromise. These were the principles of the old Whigs. Burke still supported them. The new Whigs, won over now to the incompatible abstract principle of the rights of man,
were the deviants.

By December 1791 the Pitt government seemed ready to recognize the new order in France. Burke wrote *Thoughts on French Affairs* to argue against that recognition. The revolution in France represented a revolution in doctrine, rather than simple political change. The French preached their doctrine of the rights of man in foreign countries. There, like an alternative religious doctrine, French revolutionary principles worked to weaken patriotic ties and to forge bonds based on similarity of opinion. Their doctrine was essentially, even explicitly, incompatible with the existing Christian, European order. Furthermore, France's danger could not be dismissed on the basis of her supposed weakened condition. The situation in France was unique and completely new. History and experience were useless guides for gauging her strength. However, it could be seen that forces competent to wage a counter-revolution no longer existed within France. In the absence of external interference, France would remain a persistent danger. Recognition could only increase that danger and assist the spread of France's hostile, fanatical doctrine.

By 1792 Burke, long known for his support of religious toleration, opposed the petition of religious dissenters to alter the Test and Corporation Acts. The Dissenters--Unitarians, Presbyterians, and Baptists--appealed to natural rights arguments and were led by men such as Reverend
Richard Price and Reverend Joseph Priestley. Burke argued now that the petition could not be decided upon abstract grounds. Circumstances had to guide the decisions of statesmen. And here, the relief would affect not simply individuals seeking freedom of conscience, but a dangerous political faction. This faction, Burke believed, actively and explicitly sought to ruin the established Church. Its dissent was fundamental in nature—not a mere disagreement over ritual, but a denial of the whole establishment. The Dissenters posed a constitutional threat, and Burke pleaded for the defeat of their demands.

Burke retired from Parliament in 1794. Still, his interest in political affairs continued. In 1795, scarcity and famine in England resulted in demonstrations and bread riots. The Pitt government toyed with a tax to prop up agricultural wages and with restrictions on trade to control prices. Burke opposed such plans. In November 1795 he wrote *Thoughts and Details on Scarcity*, to argue that governmental efforts to relieve the distresses of the poor would be futile. Essentially Burke objected that governmental interference would violate the natural laws of the market and thus do more harm than good for everyone concerned. If agricultural wages fell below a subsistence level, then the appropriate vehicle of relief was private charity. The principles of Christianity imposed on individuals the duty to aid others. Beyond this, neither
necessity nor right impelled government to meddle with natural market operations. Government could not and should not try to eliminate poverty.

Burke also remained concerned about his native country, Ireland. In 1791 Richard Burke, Jr., had become an agent for the Catholic Committee in London. The Committee was hopelessly divided in its interests, and Richard never effectively advanced its influence. However, he and his father exchanged many letters regarding Ireland while he held this position. Edmund, who had remained sympathetic with the Irish Catholics, still opposed the disabilities that Parliament imposed on them. He made it clear in his letters to his son that he considered Jacobinism, and its doctrine of the rights of man, the dominant danger in the world. Unlike the doctrines of Dissenters, Catholic dogma might provide an ideological bulwark against the Jacobin rights of men. English Protestants would advance their interests best by making common cause with Catholics against the Jacobin atheists.

Burke repeated this argument in his letter to his Irish friend, Sir Hercules Langrishe, a member for Knocktopher in the Dublin parliament who had opposed enlargement of the franchise. Burke disagreed with Langrishe's views. He confided to his friend that he could not entirely blame the Irish for their resort to mob action given the indignities they had suffered under the popery laws. Burke condemned
the practice of proscribing a whole nation; not all Irish were seditious. He argued instead that it would be not only just and humane but also expeditious for the British to lift the restrictions against the Irish Catholics. Reform of the popery laws would unite the Irish to the English through common interest.

In 1793, the Pitt government conceded voting rights to the Irish, but still refused them the right to enter Parliament or to hold office. Burke, who had fought for the enlargement of the Irish franchise, now fretted over the incompleteness of the reform. The poor and ignorant had been enfranchised. But, he complained, Ireland desperately needed aristocratic leadership, and Parliament denied the leading Irish Catholics access to that influence. To the end of his life, Burke remained convinced that British policy towards Ireland was ill-conceived. It should be magnanimous and generous; instead it was suspicious and repressive. The principles and disciplines of the Catholic religion were antithetical to Jacobinism. British policy, rather than gathering the Irish into the Commonwealth as a bulwark against Jacobinism, instead worked to drive them towards the atheistic doctrine. "Poor souls," he wrote of British policy-makers in 1797, just before he died. "They are to be pitied, who think of nothing but dangers long passed by; and but little of the perils that actually surround them."
When Burke retired, the Pitt government granted him a pension. Burke’s opponents then claimed that the pension was Burke’s pay-off for reversing his earlier views and opposing the French Revolution. To defend himself, Burke wrote A Letter to a Noble Lord. He explained that pensions for service and merit were entirely consistent with his program of Economical Reform of 1782. Then he reviewed the highlights of his own career, especially the Economical Reform and his efforts on behalf of India, and insisted that he had earned his pension. He compared his pension and its origin to the enormous fortunes inherited by two of his critics, the Duke of Bedford and the Earl of Lauderdale. Normally, Burke explained, he would forego investigation into the origin of vast fortunes. But the attack of the Lords on his own small pension prompted him to a comparison. And, Burke demonstrated, the origin of the Lords’ fortunes was sordid. The Lords benefitted by leaving the history of their own wealth veiled and unquestioned. Burke valued the nobility. This order linked the generations and provided stability and coherence to the State. But, he warned, the French, whom the Lords seemed to admire, would never tolerate noble rank, privilege, and wealth. Thus, Burke concluded, the Lords should be more watchful of their own interests.

France, of course, continued to haunt Burke after his retirement. In the war against France, William Pitt
employed the strategy that his father had used so successfully against France in the 1750s. He focused British energies on colonial and naval activity. The continent was to be defended by a coalition funded by British subsidies. This time, however, France fared far better than she had a generation earlier. Consequently, by 1795, Pitt, who had never shared Burke's crusading convictions about France, began to seek a negotiated peace. Burke, wild with grief over his son's death the previous year as well as being convinced that Europe faced a grave crisis, wrote four lengthy and gloomy letters opposing such a "Regicide Peace."-88

In his first letter, Burke argued that the ministry should not be discouraged by the lack of zeal for the war. Zeal was inspired from above, not below, and France certainly supplied ample reason for opposing her. France had inverted her entire system of manners. She elevated crude instincts over refined virtues, attacked family, marriage, and legitimacy, and was fierce, licentious, and even, he charged, cannibalistic. By attacking the family, France had attacked the basis of Christian and aristocratic culture for family relations provided the model for the acceptance of established roles and place.89 Thus France had not simply instituted a new government, but had rejected the entire familiar way of life of European civilization. France was inherently hostile to other governments. Peace
with her was illusory. The decision for war rested with the crown, not popular opinion, and the government could easily promote popular sympathy by revealing the real justness of this war.

Burke's second letter explored the reasons for the weakness of the alliance against France. First, the war had been fought defensively. Outright defeat of France had never been seriously attempted. Second, the allies had fought at odds with each other, each seeking to make individual profit from the war. Third, France had erroneously been treated as if she were a normal enemy. Her leaders sought her exterior aggrandizement as their primary object, and, unlike other countries, she benefitted from her unity of purpose. France had become simply a vehicle for domination, externally as well as internally, and normal relations with her were impossible.

Burke's third and fourth letters continued to argue against negotiations with France. He examined English resources in the third letter. Surrender was neither in Great Britain's foreign or domestic interest nor mandated by any lack of resources to fight the war. Burke's last letter took up again the topic of the character of the French government. Its leaders were tyrannical usurpers. They attacked every cherished value of European civilization, and they relied on force, not law, to inflict their doctrines on others. Peace, Burke reiterated in this unfinished letter,
was literally impossible with such a faction.

Burke died of stomach cancer in 1797.⁹⁰
CHAPTER 2
EARLIER INTERPRETATIONS OF BURKE

Edmund Burke never systematically defined his philosophy. Instead, he revealed various aspects of his beliefs gradually, over a period of forty years, as he reacted to events. Not surprisingly, then, scholars have argued from then to now over the content of Burke's philosophy. Some have interpreted Burke's approach as utilitarian. Others have found in Burke a defense of medieval Natural Law. Some denied his consistency. Others upheld it. Some insisted on Burke's essential morality. Others saw in Burke only a politician who changed beliefs according to the demands of circumstances and convenience. This chapter summarizes three representative interpretations and attempts to locate the weaknesses in each.

Alfred Cobban, in *Edmund Burke and the Revolt against the Eighteenth Century* (1960), contended that Edmund Burke clung to traditional ideas in an unsuccessful fight against the emergence of more modern eighteenth-century ideas. Cobban first explained eighteenth-century ideas, then presented Burke's ideas. The ideas of the eighteenth century, of that period between the two European revolutions of 1688 and 1789, Cobban wrote, provided the bridge between
the theological ideology of medievalism and the secular ideology of modernity. Understanding of both the workings of the universe and the way in which the universe could be known changed in that century. The laws of nature replaced Providence, and John Locke's *tabula rasa* replaced Cartesian innate ideas. These new understandings, however, involved disparate approaches. The laws of nature, such as the principles of classical economics, were discovered deductively. On the other hand, Lockean psychology, the theory that all knowledge comes from experience, pointed away from theory entirely and focused rather on phenomena. Knowledge, here, became a matter of compiling lists rather than of discovering ultimate secrets.

Lockean psychology, though hopelessly incomplete, nonetheless freed knowledge from its dependence upon authority. Internal, individual observation rather than external, divine revelation provided the foundation of knowledge. This meant, among other things, that progress, now understood as possible, even desirable, could replace medieval inevitability and resignation. In addition, morality now required new underpinnings. The ethical philosophy of utilitarianism substituted, in the place of the theological distinctions between good and evil, a modern secular law of nature, a calculation of pleasure and pain as the original basis for moral decisions.

This eighteenth-century system of ideas developed
differently in England than it did in France. An optimistic, individualistic, and utilitarian world view came to dominate nineteenth-century England. In France, however, Lockean ideas fed a revolution which contradictorily asserted individual rights while it denied individuality. Locke's psychology implied the natural equality of all men. The French focused on this equality and thereby obliterated not only the legitimacy of class distinctions, but the significance of any individual differences whatsoever.100 Cobban claimed that Burke, though believing himself to be a follower of Locke, substantially departed from him. The Lockean social contract had provided a bridge between the state of nature and political society.101 In order to enforce the laws of nature, men adopted the rule of political society. However, Burke conceived of law, natural rights, and the social contract differently than did Locke. Thus Burke reconstructed Lockean theory in a way that was neither intended by Locke nor adopted by the majority of his followers.

Burke invoked a different law than did Locke. Locke, and most heirs of the Enlightenment, essentially equated the law of nature with the law of reason. Burke, however, never shared the Enlightenment's faith in human reason. Imperfections of both reason and will hampered human attempts to grasp the true laws of nature. For Burke, the laws of nature meant the laws of God; man's laws merely.
tried to declare God's laws. Where Lockean law appealed to natural right and reason, Burkean law founded itself on divine obligation and Providence. For Burke, law thus implied some definite code which derived its legitimacy from its approximation to God's law and only tenuously, even accidentally, coincided with reason. Burkean law, which tended to legitimate codified law on the authority of divine law, was thus essentially conservative and a distinct departure from Locke. 102

Laws, however, existed to defend some rights, and Burke radically altered the Lockean conception of natural rights. 103 Burke admitted the existence of natural rights, but he qualified his admission in two ways. First, he did not conceive of man as either moral or even rational independent of society. Man's moral nature derived from and was conditioned by the society in which he lived. 104 Second, he argued that men surrendered their abstract natural rights when they entered society in exchange for the real, positive benefits they could gain in society. Government existed, not to defend abstractions, but to provide for the concrete welfare of its people. The abstract rights of the state of nature became utilitarian benefits in political society. 105 Thus, man's inalienable rights in the state of nature held some meaning for Burke, but they never came close to approximating an ideal against which civil government could be measured.
Burke conceived of the social contract as more permanent and inviolable than did Locke. First, Locke's social contract existed simply because it provided a means by which the law of nature might be enforced. The contract, allied as it was with reason, was accepted anew by each generation. Burke's social contract, on the other hand, served to link man's laws with God's and to protect man from the imperfections of his own nature. For Burke, the social contract was passed down from generation to generation, and reason was subordinated to tradition and custom. Second, while both Locke and Burke accepted revolution as a recourse against violation of the social contract, Burke's state of nature violated man's needs far more than did Locke's. A Burkean revolution, consequently, required a profoundly more desperate deterioration of the contract than did a Lockean revolution. Thus, Burkean definitions of law, natural rights, and social contract transformed Lockean ideas into conservative doctrine.

Cobban's analysis thus rested on the implicit assumption that Lockean philosophy dominated eighteenth-century European thought. Locke published his theories in the seventeenth century. Lockean assumptions provided the foundation for nineteenth-century liberal philosophy. Nonetheless, it cannot be assumed from these two facts that eighteenth-century thought represented, in essence, an exploration of Lockean assumptions. History does not
necessarily progress syllogistically; eighteenth-century debates require examination on their own terms. In fact, Burke rarely mentioned Locke, and eighteenth-century thought was far richer and more complex than Cobban admitted. Cobban's interpretation of Burke as a "departure" from or "transformation" of Locke missed some of Burke. Burke's philosophy represents more than an addendum to Locke. Understanding of any philosophy is enriched through an understanding of its historical context. Burke especially requires this contextual foundation. His philosophy emerged in the context of debates over specific, contemporary events. To understand Burke, one must understand how the world appeared to him and, if Locke did not much concern him, it is important to consider who or what did.

Whereas Cobban erred by misinterpreting the historical context, those who saw in Burke an exponent of Natural Law ignored that context altogether. Their analyses provided unifying themes for Burke's circumstantial reactions. These themes, though often essentially correct in themselves, nonetheless obscured the situational aspects of Burke's thought and thus skewed Burke's intended meaning. Further, these ahistorical explanations failed to indicate Burke's similarities to and differences with his contemporaries. Thus they hid Burke's original contributions to political thought.
Charles Parkin, in The Moral Basis of Burke's Political Thought (1956), incorporated much of what Burke wrote and said into such a comprehensive system. He maintained that Burke could not be adequately understood if his moral values and their relevance to his ideas were neglected. When Burke's ideas were stripped of the moral values that gave them meaning, only their empirical connotation remained. With his ideas reduced in this way, Burke emerged as simply a philosopher of expediency. Hoping to discredit such oversimplification, Parkin explored Burke's ideas within their moral context.

Parkin recognized that, for Burke, political thinking could not be abstracted from the concrete situation that prompted it. Nonetheless, Burke's political responses had a theoretical foundation in his conception of the Social Contract. Burke, in attacking metaphysical or abstract rights, did not reject Contract theory. He simply distanced himself from the radical interpretation of that theory which did not distinguish between natural and civil rights. Burke believed that natural rights applied only to individuals in isolation. The basic natural right of self-government, uncompromised, precluded any possibility of social union. Any attempt to incorporate full natural rights as a criterion for the legitimacy of society fundamentally subverted that society. Hence, natural rights could never correspond strictly to civil rights.
Burke's rejection of radical natural rights went further than this logic, however. To Burke, the radical conception of natural rights was based upon a human nature in which man's societal character remained secondary to that nature. However, Burke's view of human nature rose above this radical conception. To Burke, man could not fully be himself independent of society. On the most obvious level, individuals in isolation could not achieve their material good; people needed the advantages social union provided. More profoundly, however, Burke believed that man's basic nature was to be found in its most developed, rather than in its most rudimentary, state. The unrestrained passions of self-will, incapable of recognizing reciprocal duties, did not represent human nature. Rather true human nature was essentially social and moral. Men, Burke believed, instinctively recognized that the good of each was bound up with the good of others. The natural rights of radical philosophers were simply primitive rights that prevented men from realizing their truest and fullest development. The true, full innate rights of man, based on instinct rather than passion, were the recognition of the rights of others and the obligations imposed by that recognition. This conception of a developed human nature as the harmony between instinct and morality, Parkin claimed, constituted the basis of Burke's moral and political thought. On this basis, Burke could only
understand the radical conception of the rights of man as grotesquely destructive nonsense.

Men subordinated themselves to government in order to protect the "true" natural rights of civil society. Government, then, could legitimately restrain individuals who interfered with the rights of other individuals. Burke added to this Lockean outline of the legitimate role of government the further stipulation that government could restrain an individual from interfering with his own development. Of course, government did not possess unchecked sovereignty. Its legitimacy derived from it original contract and was, therefore, limited. People had consented to government in antiquity, and their consent was voided if the government sabotaged the contract. Still, Burkean consent meant that the people, though not logically precluded from participation in government, had no natural right to such participation. Participation depended on a government's peculiar historical development, not on any innate natural right. Burkean subordination of government to consent of the governed included within it the subordination of passion to moral sensibility. Government, though devoted to the general happiness and in this sense expedient, could not simply be reduced to expediency. Real happiness was distinct from desires and passions. Unrestrained passions degraded an individual, Burke reasoned; if an individual did not possess the wit to
refrain from self-degradation, the government had the obligation to restrain him. 124

Parkin attempted, then, to derive Burke's belief in the aristocracy from his conception of human nature as harmonized instinct and morality. Burke understood society, Parkin began, as a "network of moral relations" 125 that had, as their foundation, local, private affections such as those between family members. Society was composed, then, of hierarchical affiliations based on natural instincts and prejudices. In a stable society, the naturally occurring moral relations of rights and duties would be upheld and, in such a society, the natural (that is, propertied) aristocracy would emerge with a leading role. This propertied aristocracy united in itself self-interest and the good of the whole more fully than did any other order of society. Furthermore, it was, according to Parkin, "a necessary feature of this 'dominion of natural interests' that it should include a hierarchy of property: the greater accumulations of property form the natural defence for the less." 126 In addition, the aristocracy, being natural and thus, by definition, possessing awareness of its duties as well as its rights, posed no danger to society. Finally, Burke did not support aristocratic government. He merely accepted the aristocracy as one order in society. 127 The presence in society of an aristocracy signalled the health of the society; its absence indicated society's disruption
and perversion.

Whereas a natural aristocracy most nearly united self-interest and the general good within itself, the stability of society rested on a harmony of the general good and self-interest permeating the entire community. Such a harmony required an allowance of individual variety which did not, at the same time, degenerate into conflict. Burke resolved this apparent dilemma between individual differences and the common good by refusing to separate a man's natural rights from his innate moral sensibility and by rejecting any obligation on the part of society to create equality. He refused to sacrifice natural, legitimate, salutary differences among men in order to impose an equality of condition. He believed, rather, in hierarchy. For Burke, only moral equality, i.e., the acceptance by each individual of the rights and duties appropriate to his station in life, could exist. To seek any other form of equality was to attempt the impossible and would merely end by substituting for a natural equality that had grown up through custom an untested, unnatural, distorted equality.

Parkin, in examining Burke's criticism of the French Revolution, concluded that Burke's clear preference for experience over theory as a guide to political planning was, at bottom, a preference for one morality over another. The French Revolution, with its abstract ideals, amounted to a
rejection of the objective moral order. The true moral order derived from a divine will, not from human reason. In elevating reason as the source of and criterion for morality, the French actually elevated human will. Burke maintained, however, that the assertion of the will negated true morality. The French Revolution, which based itself upon fundamentally invalid principles, could never produce anything other than evil results.131

French abstract idealism, since it essentially promoted human will, subverted real virtue, i.e., it unleashed rather than restrained passion. The French choice of ideals that had no relation to concrete conditions revealed not, as the French supposed, a search for a loftier perfected morality, but rather a defective character. The refusal to grapple with real situational difficulties stemmed from a laziness and an impatience with complexity that could only become destructive in response to imperfection.132 The French drive for perfection, in fact, was both impious and cruel. It was impious because it attributed to human reason qualities it did not possess: human reason was weak and needed contact with practical matters to compensate for its limitations. It was bound to be cruel because it ignored the variety of individual endeavor and imposed, rather, a prudish, hard uniformity. The French imagined their superior reasoning allowed them to condemn people en masse for their principles or because of their social position.
The individual thus was subordinated to abstract principle. But, Burke maintained, political reasoning did not yield, as in geometry, propositions that could be determined to be true or false. Rather, political reasoning dealt with good and evil, and such judgments could not be made abstractly, but only in relation to actual persons or things. The true, objective order ordained that good and evil were inseparably entwined. Wise political decisions balanced or compromised elements of good and evil rather than aiming at an absolute elimination of imperfection. Thus, Burke's rejection of the excessive rationalism of the French revolutionaries did not point simply to a utilitarian or opportunist practicality, but derived from a rejection of a morality founded in human will.

French aberration derived from its essential atheism. Abstract reason admitted no measure other than itself; it made each man his own judge, and this was, at heart, atheism. In addition, it increased the likelihood of flawed judgment; each man, now severed from organic relationship with others by his extreme subjectivity, had available only his solitary experience. Alone, the individual was foolish. He possessed no means of approaching wisdom. The species was, however, wise. Wisdom could be found in prudence, not principle, and prudence was learned from history, not from deduction. The natural principles of
inheritance and prescription supplied needed continuity and durability. Then, using the past as a guide, men might better discern the moral requirements of their own present, unique circumstances. The past did not fix the moral order. Rather, the moral requirements of the present had naturally grown out of past expressions of the moral order. Situations continually changed. Therefore, the need for reform would always arise. However, true reform conformed to two principles: conservation and correction. Reform implied something worth correcting. The wise person eschewed the destructive, lazy, impatient urges towards novelty and innovation and chose, instead, the constructive, deliberate, steady work of gradual improvement.

Parkin successfully countered those scholars who saw in Burke simply an exponent of expediency. He correctly identified the moral sensibility that permeated Burke's responses. He appropriately drew attention to the prominence of Natural Law theory in Burke's ideology. Still, Parkin did not address the historical context. Burke clearly accepted Natural Law assumptions, but Burkean conservatism cannot be reduced to those assumptions. History as well as philosophy is needed to capture Burke. Philosophy can detect the unity in diversity. It is, however, utterly incapable of comprehending concrete circumstances and multiple relations. It always oversimplifies.
The interest theory historians lay at the other end of the spectrum from the Natural Law theorists. These scholars heeded the historical context, but they missed the continuity and commitment in Burke's philosophy. Carl B. Cone's historical analysis of Burke represents a sophisticated example of this type. Cone did not ignore Burke's philosophy. Instead Cone simply failed to integrate Burke's life and the meaning he gave it. In *Burke and the Nature of Politics: The Age of the American Revolution*, Vol. 1 (1957), Cone argued that Burke had two careers. Before the French Revolution, Burke was primarily a party politician. His work during and after the French Revolution earned him his reputation as a political philosopher. Using a biographical approach, Cone explained Burke's positions not only as reflections of his philosophy but also as products of the age in which he lived and the values and loyalties he cherished.

In 1770, after four years of association with the coterie affiliated with the Marquis of Rockingham, Burke became the first person to justify political parties. Before this, all had agreed in principle that parties corrupted and subverted good government. Burke maintained, however, that while philosophers might find it sufficient to delineate correct political ends, a politician needed to consider, in addition, means for attaining those ends. Burke argued that political parties supplied those means.
Thus, a party could serve the distinguished statesman as well as the self-serving placeman; a party could advance as well as corrupt the national interest.

Cone argued that Burke played the game of politics well and often, devoting most of his time to political maneuverings. Thus, Cone reasoned, the fluctuations in Burke's political positions, could best be explained by his adherence to party policy. Burke, Cone maintained, did not commit himself to party politics in his early career because he found that the Rockingham Whigs echoed his principles. Rather, Burke held the positions he did because he was a Rockingham Whig and, as such, he reflected Whig policy. Cone did not claim that Burke lacked principles in his earlier career. Rather, he thought that Burke's principles represented tendencies and loyalties rather than a philosophy. Some of Burke's ideas predated his affiliation with the Rockingham Whigs. Burke supported the prominence of the aristocracy and opposed the rise of democracy. He believed in Providence and rejected rationalism. However, Burke's predispositions became sophisticated commitments only as a result of his practical association with the Rockingham camp.142

Cone oversimplified some issues and misunderstood others. For example, he offered as one proof of Burke's essentially political orientation his frequent appeals to expediency. Cone thus made the mistake of confusing
prudence with lack of principle. He also crippled his argument that Burke's criticisms of the French Revolution, which railed against French lack of prudence, represented a second career. Still, Cone's arguments did not ignore, as other writers did, the historical context. Instead Cone erred in drawing a false dichotomy. He held that Burke had been a product of his times rather than a thinker. A proper explanation synthesizes rather than dichotomizes the mind and the times. Nonetheless, Cone serves as a useful reminder that the historical context counts.

In summary, Alfred Cobban misinterpreted the historical context. He used nineteenth-century terminology to analyze eighteenth-century ideology. He thus erroneously identified Burke as a utilitarian. The Natural Law theorists, such as Charles Parkin, Peter J. Stanlis, and R. R. Fennessy, ignored the historical context. They therefore overemphasized a single, albeit critical, aspect of Burkean political ideology. Carl B. Cone addressed the historical context, but he opposed rather than related this context to Burke's political philosophy. Burke's ideas remained historically disembodied. The following chapters will provide an historical context for eighteenth-century political philosophy and locate Burke's place within that context.
CHAPTER 3

THE HISTORICAL ROOTS OF EDMUND BURKE'S TRADITIONALISM

Civil war and revolution troubled the seventeenth century. The ensuing debate regarding the legitimation of political authority haunted political thinkers for centuries, Edmund Burke among them. The doctrine of the ancient constitution played a vital role in their debate. This doctrine asserted that English law had remained essentially unchanged since pre-Conquest times. Thus, it appealed to historical continuity as the basis of political authority.

The doctrine of the ancient constitution rested upon the common law habit of thinking that characterized English jurisprudence. The English, who considered common law the basic law of England, held that all common law derived from custom. Thus, custom related directly to the foundations of authority. Custom relied on usage and experience, on the presumption that it had been tested in innumerable situations and found worthy and useful. Its origins were immemorial, that is, without conscious beginnings. But there were two logically distinct yet intertwined implications of custom. Custom could be understood, on the one hand, as adaptive, as ever-changing, as the product of an unceasing process that embodied a wisdom beyond that any
one individual could attain. On the other hand, it could be understood as timeless, as reflecting a wisdom that reached across the centuries and remained ever the same. Custom could be understood, then, as both ever-changing and ever the same, as at once adaptive and eternal.\textsuperscript{146}

Common law lawyers developed the habit of appealing to antiquity. They maintained a convention that the law had always been as it was, that it was timeless. They claimed that statutes merely declared immemorial custom. The wording of statutes, in fact, asserted this claim. The myth of timeless immemoriality constituted a law's justification and claim to authority. Ultimately, however, common law lawyers came to believe their myth; the doctrine of the ancient constitution was born. The claim, here, is that Edmund Burke's traditionalism constituted a revival of the suppressed notion of custom as adaptive, continuous development.

In medieval times, people tended to believe that only the universal was truly rational. The particular and the contingent were either ignored or denied. Social and legal norms were thought to be based either upon reason, with its appeal to timeless universals, or upon experience, with its foundation in tradition and its dogmatic assertion that something had worked before. Neither norm provided means for understanding or directing change.\textsuperscript{147}
In England, the basic law was common law. In the latter half of the sixteenth century, a hardening of common law thinking began to occur. English lawyers increasingly emphasized the continuity of laws with the English past. English law became less open to any medieval appeal to universal implications and tended, instead, to emphasize the local manifestations of immemorial customs.\(^{148}\)

A hierarchical image of authority and kingship coexisted with this image of English law as a heritage of customs. Society was thought to be composed of degrees or ranks and the elements of society to be linked one to the other in a descending chain. The two images of custom and degree were not outwardly in conflict. The English people certainly maintained a religious veneration towards both modes of envisaging the political community. And it was possible to argue that these images were united: the descending authority of degree interacted with the ascending liberty and right of consultation inherent in custom. Yet, a kingship based on degree demanded only obedience of its subjects whereas custom posited "a fellowship of experience" and subjects capable of generating customs.\(^{149}\) The appeal of common law to custom implied a claim of uniqueness and autonomy, a claim that the English "were not and they had never been, anything which was not of their own making."\(^{150}\)

In 1603, the Stuart James I became king of England. James, unlike his Tudor predecessors, had little sympathy
for English traditions and was committed to an absolutist, divine right monarchy. Thus, James's reign exposed the tension that had always potentially existed between degree and custom. James clashed with Parliament, a body whose members had been trained in the common law. Parliament feared James was claiming that the customs and privileges in the common law were derived from the royal will. Thus, Parliament's inevitable disagreements with the monarchy over religious and economic principles assumed, under James's strict declarations of divine right and assertions of prerogative, a constitutional importance. The seeds had been planted for the doctrinal struggle that would emerge over the next century and a half between the authority of an ancient constitution and that of a sovereign.

Sir Edward Coke, the chief justice of the King's Bench during the reign of James I, rebuked the king in the name of the ancient constitution. This doctrine based its appeal in usage, rather than in a rationalization of principles. It claimed that the common law, the constitution, and Parliament had remained essentially unchanged since pre-Conquest times, and it rested on three assumptions: (1) all English law was common law; (2) common law was custom that had originated in usages of the people and subsequently been declared and applied in the courts; and (3) all custom was immemorial. Thus, law was immemorial, and a declaration of law was also a declaration of
immemoriality. Coke recognized that the law was also judge-made and adaptive, but he placed emphasis on the notion that judge-made law was "only a sophistication and extension of the idea of custom." Both a habit of common law thinking and an interest in keeping the ancient constitution immune from the king's prerogatives encouraged Coke to solidify common law assumptions. Coke argued that the wording of statutes, that invariably asserted a basis in immemorial custom, was acceptable historical proof of a custom's immemoriality. The convenient pretense that custom was timeless thus became an assertion of historical truth, while the adaptive aspect of custom was suppressed.

The Civil War in England disrupted the scheme of authority and challenged the appeal to traditional legitimation. Nonetheless, while some radicals opted to seek the foundations of authority in a godly or in a natural appeal to the good of the people, others remained conservatively committed to a traditional order. Though all the rebels participated in a radical criticism of existing society, the conservative traditionalists maintained it was the king who was the innovator. They appealed to ancient, but now lost, Anglo-Saxon liberties in need of restoration.

Interregnum leadership continued the appeal to the ancient constitution. Parliament had, in fact, arrogated sovereign power to itself. In their attempt to, at once,
justify and deny this assumption of sovereign power. Parliamentary leaders made two claims: (1) Parliament had not created the immemorial constitution, but instead had merely defined it; and (2) Parliament could legitimately do what was necessary in order to defend the ancient constitution. The notion of immemorial custom had thus shifted in meaning again. Immemorial now meant, essentially, sovereign. The medieval rationalist concept of immanent, unmade, universal, natural law had disappeared completely. Further, less reference was made to the antiquity of law. Increasingly, appeals were framed in terms of the antiquity of Parliament. Immemoriality of law had become, however disguised and uncompleted, parliamentary sovereignty. Ancient custom now connoted Parliamentary immemoriality and, if Parliament was immemorial, it was sovereign. The danger in this compression of the concept of custom, however, was that neither the common law nor the constitution nor Parliament were immemorial. Though it had been forgotten, common law had predominately regulated the tenure of land, and it had presupposed the feudal and military tenures imported by the Normans. And, if Parliament was not immemorial, then it was not sovereign, and he who had created Parliament must be sovereign.

The first person to assemble damning evidence against the ancient constitution was Sir Henry Spelman. Spelman had no political motives for his research. He was simply a
scholar who, in the 1620s, wrote a feudal history of England. His work remained unpublished until the 1660s, and no political use was made of his findings until the Exclusion Crisis in 1679. In his history, Spelman rejected the notion of the timeless, immemorial constitution. He held that the House of Commons had emerged gradually as feudalism and vassalage had ended. Thus institutions, especially Parliament, had to be reinterpreted in the light of the feudum. Spelman also gathered evidence that could be used to damage the notion of custom as continuous development. Custom was the result of "a series of influences of diverse origins," rather than adaptation to purely local circumstances.

James Harrington published his major work, Oceana, in 1656. In this work, Harrington substituted for Spelman's gradual decline of feudalism its virtually sudden overthrow by Tudor legislation. Harrington offered an agrarian version of the degenerative Polybian cycle by anchoring historical change in the distribution of property. According to Harrington, property conferred independence, and power was stably distributed only if it did not encroach on the independence of property. Government instability occurred when the distribution of authority was not properly related to the distribution of property that should determine it. Harrington rejected the ancient constitution as an ideal Gothic balance, now lost and in need of
restoration. Instead, Harrington saw in the English past an inherently unstable limited monarchy characterized by a perpetual struggle between king and nobles. Harrington also rejected the ancient constitution as an inheritance of tradition. Change was not transmitted linearly, but rather occurred cyclically. However, Harrington also believed that the recent widespread emergence of English freeholders had made possible an escape from the cyclical rise and fall of unstable governments. The English had the opportunity to create a stable mixed republic that would be in accord with the distribution of property.  

Neither Spelman nor Harrington thought to use their historical analyses to attack Parliamentary authority. Other Interregnum writers, however, specifically used the feudalization of English history to refute the immemoriality of Parliament and to establish the king's authority. Thomas Hobbes, who published *Leviathan* in 1651, offered a royalist apology that used both reason and history as arguments for monarchical sovereignty. Law. Hobbes argued, could never be derived simply from custom, as Coke had maintained. Custom had no binding force. As an accumulation of experience and tradition, it could only approach certainty and necessity. Custom could never command. Only reason or a sovereign could compel obedience. Reason impelled men to establish society when they discovered the futility of their independence. Then, a sovereign was a logical
necessity. Every law had to have originated in someone's will, and that someone had to have had sovereignty. In the feudal past, the king had been a hereditary suzerain. Thus the king must have been this sovereign, without whom the society and its laws would have no binding force. Both reason and history entitled the king to homage.

Hobbes's royalist defense did not entirely satisfy royalist adherents. Hobbes had asserted a Conquest, and such a disturbance in continuity could damage royal as well as parliamentary claims. Further, most Interregnum royalists wished to steer clear of an authority that relied on consent for its foundation and brute strength for its enforcement. They envisaged a paternal rather than a contractual monarch whose authority was "intelligible to reason though independent of human consent."

Sir Robert Filmer and William Prynne both used feudal history to attack Parliament and thereby strengthen royal authority. They held that the House of Commons was no older than King Henry VII's reign. Filmer, an Interregnum writer republished posthumously in 1680 during the Exclusion Crisis, asserted a doctrine of sovereignty. He simply argued that, since Commons clearly was not immemorial, a king's will had originally established it. Parliament was thus subordinate to will. Prynne, on the other hand, argued for Parliament's subordination to law. Prynne wished to discredit the notion of consent of the governed, but he
could not embrace a doctrine of sovereignty. Prynne therefore appealed to an immemorial constitution, as the case for the ancient constitution could also be a case for the crown.\textsuperscript{167} He claimed that, while the king and lords were immemorial, Commons was not. Thus, as Parliament was not immemorial, it was subordinate.

Another Interregnum defense of the crown came from Sir Matthew Hale. Hale devised a skeptical traditionalist position similar to that which Edmund Burke would adopt a century later. His defense involved upholding the common law during the Protectorate. Hale revived the idea of law as adaptive custom and stressed the importance of continuity. Against Hobbes, Hale argued that the rules of law could never be an exact science. Experience, not reason, had to serve as the guide and, even then, the infinite complexities of society prevented any certainty in prediction.\textsuperscript{168} Common law was the fruit of a process "in which every moment (was) unique and part of a continuous flow of emergencies."\textsuperscript{169} Accumulated experience provided the only means of judging, then refining, that process. The law was ultimately inscrutable—to reason or to history.\textsuperscript{170} All that could be seen in any custom was the net result of experiences that had been tested and shaped in concrete situations that no longer existed. All one could know of the past was that it was, at once, unlike the present, but continuous with it. Law thus was refined on the presumption
of continuity, and both the strength and the validity of law rested upon that continuity.\textsuperscript{171}

Three changes in the presentation of English politics occurred with the Restoration of the monarchy and the House of Lords in 1660. First, messianic prophecy as a scheme of explanation ceased to have any central importance. England opted for a less prophetic, more rational form of religion. Millennial projections, to the extent that they retained explanatory viability, survived as a belief in the rational and scientific perfection of society.\textsuperscript{172} Second, the paradigm of mixed government gained ground on that of mixed monarchy as the predominant explanation for the way in which elements in society were related to each other. That is, elements were now increasingly envisaged as balanced against each other rather than as ranked in a descending chain.\textsuperscript{173} Third, the Restoration was legitimized by an appeal to the ancient constitution and a revival of the notion of the immemorial continuities of custom.\textsuperscript{174} The English could think of themselves, once again, as a traditional society.

Two Whig arguments began developing in the 1670s: one, to be explored in the next chapter, expressed concern over patronage and other modern developments in government; the other involved a struggle over sovereignty. This latter controversy reached its zenith in 1680 during the Exclusion Crisis when the Royalist Tory Dr. Robert Brady and the Parliamentarian Whig William Petyt debated the antiquity of
Commons. Sir Robert Filmer's feudal history of England had been republished in 1680. Royalist advocates quickly seized upon the absolutist implications in Filmer's claim that the constitution was a creation of the king's will. They argued that Filmer's history demonstrated that the constitution was not immemorial but was, instead, the result of royal action and social change. Against this, the Whigs offered an antifeudal polemic that asserted the continuity of representative government and Parliament's right to a share in legislative sovereignty.

The argument between Brady and Petyt concerned sovereignty, rather than the validity of appeals to the past. The Tories desired, not to place the monarch above custom or to abandon antiquity, but to establish prerogative and patriarchal government. What Petyt maintained and Brady sought to deny was the formal distribution of powers in the government and Parliament's role in the exercise of legislative sovereignty. Feudal history demonstrated, the Tories argued, that the government was not ancient, balanced, and changeable only in the form of decay. Rather, it was the result of complex processes and of the actions of past kings and parliaments that had responded to the needs of the moment. The Tories' position differed from Sir Matthew Hale's only in their lack of skepticism; they claimed, contrary to Hale, that knowledge of historical processes was possible. Their disagreement with Whig
parliamentarians thus did not directly concern the relevance of the past to the present but, rather, the location of sovereignty.  

John Locke responded to Filmer’s republished history in *Two Treatises*, written in the early 1680s. Locke’s arguments appealed to consensual rather than parliamentary authority against the monarch and displayed a rationalist indifference to the past. Locke eschewed the appeal to immemorial custom and chose to ground his attack against patriarchal authority in unchanging reason and nature. Continuity was irrelevant: if government failed to protect the lives, rights, and estates of its subjects, it could be legitimately overthrown. However, Locke’s arguments did not enter into the Brady controversy. His *Two Treatises* remained unpublished until 1689. In addition, his arguments, when they were written, constituted an extremely radical attack. In 1680, revolution connoted, for most people, only the horrors of anarchy and civil war. A primary concern of Locke’s in the *Second Treatise* had been to dampen this dread, to demonstrate that a dissolution of government did not entail a dissolution of society. However, only after the experiences of 1689 could the overthrow of government seem rational, calm, natural, orderly, peaceful, and glorious. Additionally, in a customary, traditional society, against a conservative maintenance of the present, rebellion tends to be
reactionary, a longing to return to an idealized past.\textsuperscript{180} The political norm is located in the past; history is interpreted as a decline from that norm. Moreover, the tendency in England at that time to see government as a balance encouraged a reactionary rather than a radical response. A balance could only degenerate. Original principles thus had to be maintained.\textsuperscript{181} Locke was irrelevant to political argument in the Brady controversy both because his arguments were not, in fact, read, and because, if they had been, Locke was probably too radical to have had any widespread appeal. Thus the debate over patriarchalism remained rooted in the debate over the feudal past.

With the Glorious Revolution of 1688-9, the Whigs gained hegemony. Their triumph meant the suppression, for a time, of Tory feudal history and the ascendancy of ancient constitutionalism. The Whigs claimed that James II's removal and his replacement by the kingship of William and Mary had not been a dissolution of government.\textsuperscript{182} Traditional institutions retained their authority. James II had violated the ancient constitution, and his removal and replacement could be justified by reference to known law.\textsuperscript{183} Thus, the appeal to common law and precedent remained basic to official thought, though the appeal enshrined an immemorial ancient constitution rather than adaptive custom.
The Tories maintained, on the other hand, that the ancient constitution had been set aside. The Tories resurrected the de facto theory developed during England's Civil War in the 1640s. They held that the kingship of William and Mary, while not initially lawful, might now, after the fact, be accepted as legitimate. The new kingship was justified not by right, but by necessity. The Revolution was an emergency action that had established no precedent.

John Locke’s arguments remained peripheral to both the Whig and Tory justifications. Locke wrote of a dissolution of government and thus placed himself to the left of mainstream Whig claims that no such dissolution of government occurred. Whig officialdom preferred an appeal to historical continuity and judged Locke’s appeal to nature unnecessary. Tory theorists agreed with Locke that there had been a dissolution of government. However, the Tories sought to understand legitimacy under the conditions of a collapse of authority. Locke had argued in Two Treatises that a dissolution of government could happen in ways that left society and authority intact. Arguments of legitimacy still centered on an ancient constitution, not a contractual one.

The Whig regime that emerged after the Glorious Revolution was aristocratic and dependent on the management of a system of patronage, public credit, military growth,
and imperial expansion. Opposition developed against this innovative, expansive government of influence and new money. An amalgam of Old Whig commonwealthmen and Tory gentry offered a fundamentalist defense. Against the Whig appeal to the immemorial constitution, the opposition offered an alternative vision of antiquity. They antithesized the immemorial House of Commons and the new government fueled by patronage and credit and called for a return to original principles. Thus a "fermenting" debate developed in the quarter century following the Glorious Revolution between the conservative defenders of the Whig aristocratic regime and its reactionary commonwealth and country critics.

By 1730, the Tory and Whig positions of 1680 had been reversed. In 1680, the Whigs promoted the ancient constitution. Parliament's prestige was enhanced if its roots were in the past. The Tories, hoping to demonstrate that Parliament was derivative of the Crown, put forward a feudal interpretation of history. By 1730, however, the Whigs held power, and Parliamentary sovereignty was no longer seriously challenged. The Tories now embraced the immemorial ancient constitution, hoping to dim the present by brightening the past. They wrote of an idealized Gothic balance that the Whig regime had subverted. The Whigs responded by rejecting the reference to antiquity and offering a pragmatic, empirical analysis. First, they espoused a more persuasive version of history. Dr. Robert
Brady's feudal interpretation. They now claimed that the past was feudal, not free. Liberty and the balanced constitution were modern, not ancient. Their regime represented the highest realization of freedom, not its subversion. Second, they denied that the past had any authority over the present. There were no principles to return to. The present was merely "a series of steps to an imagined future." Things were better now than they had been.

By the 1770s, two pressures strained the Whig presentist, empirical defense. The first strain came from the opposition to the Whig oligarchy. The agrarian ideal of propertied independence had slowly declined, and thus a radical Lockean philosophy finally made its appearance. In its original form, Lockean doctrine did not imply a constitutional government. It merely advocated "a prerogative exercised for the good of the people and tempered by the threat of dissolution." Now, a century later, opposition radicals further developed Lockean premises and reasoned that, if people originated the government, then they might resume power to reform a repressive or corrupt government. The opposition understanding of government thus began a slide from a polity of independent powers towards a populist, democratic polity in which sovereignty resided with the popular will. Rights were founded in reason, in nature, not in
inheritance. Thus, the Lockean indifference to the past, earlier a conservative, though peripheral, defense of the Glorious Revolution and the Whig regime, now became a basis for attacking Whig aristocratic government. Whig modernism and rejection of antiquity defended less effectively against this rationalist adversary.

The second strain emerged within the Whig regime itself. George III and his ministers aroused resentment among some Whig aristocratic politicians. Those aristocrats included in George III's ministry continued the politics of patronage and credit that had made government possible since before 1714. However, those aristocrats out of office interpreted, however incorrectly, George III's actions as successful attempts to enlarge royal prerogative. They believed that crown influence was destroying the independent capacity of the aristocracy and subjecting their order to royal control. Thus the Whig oligarchy was fragmenting and, for those out of office, ancient constitutionalism appeared appealing and appropriate for their needs. Whig arguments against royal encroachment began to replace the defense of modernity in some aristocratic circles. The Whig regime needed defense, then, against both radical rationalists and reactionary ancient constitutionalists. The stage was now set for Edmund Burke. He responded to opposition attacks with a philosophy of skeptical traditionalism.

Much of Burke's traditionalism originated in his
acceptance of an objective divine order. Burke insisted on the inferiority, fallibility and feebleness of human plans. "There is," he wrote, "by the essential fundamental Constitution of things a radical infirmity in all human contrivances." Burke thus approved of only cautious reform and always hesitated to tamper with things as they existed. He conceived of society as an infinitely complex, yet harmoniously composed, organic whole. "The diversified but connected fabric of universal justice," he wrote, "is well cramped and bolted together in all its parts." Consequently he believed in divinely appointed stations in life and emphasized reciprocal bonds of duty over individual assertions of right. "The situation of man is the preceptor of his duty." Even Burke's classical economic liberalism owed more to Aquinas than to Smith, to his belief in Providence than to his scientific reasoning about an "invisible hand." He opposed the "zealots of the sect of regulation" and acknowledged "the benign and wise Disposer of all things, who obliges men, whether they will or not, in pursuing their own selfish interests, to connect the general good with their own individual success." All these aspects of Burke's philosophy can be attributed to his belief in a divine order, immune to the effects of and superior to human design.

The concept of universal order and divine law did not explain local diversity and individual variety. Political
reasoning had to allow more premises than medieval Natural Law provided. Thus men believed that their laws and customs bridged the gap between the particular and the universal. Common law attempted to approximate God's law. Though it of course, remained subordinate to higher divine principles of justice, still it enabled local adaptation. Thus circumstances had to be considered. So too did experience for, though the laws of men participated in human imperfection, they also profited from divine guidance. Burke's traditionalism, which appealed to common as well as to Natural Law, included both a practical recognition of situational differences and a conservative tendency to rely on prescriptive title and presumptive knowledge.

Though Burke mistrusted unaided reason and respected custom, he never granted absolute authority to the past. Burke believed that change was progressive, that the situation of man improved over time. He never idealized the past. Primitive Anglo-Saxon government, he said, existed in "pristine rudeness." Burke always admitted the possibility of reform. But he likewise always wished to temper its scope. Caution, not aversion, characterized Burke's attitude towards change.

Of course, Burke also exhibited typically Whig attitudes. By 1764, he had begun his association with the Rockingham Whigs. Under their tutelage he assimilated the Whig philosophy—the pragmatic, empirical, presentist habit
of reasoning that characterized the powerful descendants of
Robert Walpole. The Whig appeal to experience, with its
rejection of abstractions, its acknowledgement of complexity
and of infinite diversity, and its practical aspiration
towards present progress rather than past or future
perfection, fit comfortably with Burke's early training and
his notions of Providential guidance. But Whig
practicality, rather than tending to free Burke from frozen
principles, instead worked to enforce his tendency towards
cautions. In 1770 he wrote to his close boyhood friend:
"All that wise men ever aim at is to keep things from coming
to the worst." Burke never fully embraced the dynamism
implicit in Whig modernism.

Opposition to the government, then, came from two
sources in the 1770s. First, radical dissidents criticized
the Whig aristocratic regime. Using Lockean arguments,
these critics argued that, since government should be
exercised for the good of the people, the people had a right
to resume power to reform government. Their arguments, in
effect, located sovereignty in the popular will and founded
rights in reason and nature rather than in property and
inheritance. In the name of the popular will, these
radicals demanded reform of representation in the House of
Commons. Their demand for reform of representation made
them natural, if temporary, allies of country dissidents who
cherished ranked society and propertied independence and
favored reform of representation on these grounds. These country sentiments attracted the Whig aristocrats who had been excluded from government office. The Whig aristocrats provided the second source of government opposition. They charged that the crown, through its influence, subverted the independent capacity of the aristocracy to associate. The crown was upsetting the ancient balance of orders that properly formed the British government. Country reformers appealed to the paradigm of mixed government rather than to a doctrine of popular sovereignty. Good government was insured by counterbalancing restraints rather than by reference to the popular will.

Edmund Burke was a spokesman for the aristocratic position. He employed the model of mixed government in his arguments, and he spent well over a decade trying to curb royal infringement. He justified party government and his economical reform of 1780 as necessary means for preventing improper crown influence. But Burke's opposition to government was never fundamental in nature. He fervently believed himself to be an ardent supporter of British government. Thus, while he associated with aristocratic opposition and even supported some popular movements, he remained uncomfortable in any alliance with either reactionary or radical dissidents.

Burke agreed with his radical allies that government rested upon a contract between rulers and ruled whereby the
rulers were charged to promote the general good of the people. He allowed the possibility of popular intervention. He even admitted the possibility of revolution. But he never accepted popular sovereignty. His model remained that of mixed government, and he always approached change cautiously.

Additionally, Burke always qualified his support of popular causes. Although he supported the seating of the radical John Wilkes as a Member of Parliament from Middlesex, he remained aloof from Wilkes and his followers. Burke wrote regarding Wilkes: "He is not ours; and if he were, is little to be trusted." Likewise, in the controversy with his Bristol constituents over the nature of representation, Burke always rejected the radical notion that electors might instruct their representatives regarding their vote. He admitted that a representative should listen to popular sentiments, but he insisted that Members of Parliament remained independent of popular will in their judgments. Burke never fully endorsed popular demands.

Burke also, however, became increasingly uncomfortable with the reactionary potential in the aristocratic appeal to mixed government. This appeal might be used to reject any modern accommodation. and Burke, though cautious by nature and certainly wary of democratic pressures, never opposed progress or reform. Thus the battle to conserve present arrangements had to be fought on two fronts. To do this,
Burke expounded his fully developed conservative ideology of skeptical traditionalism in 1782.

Burke explicitly recognized that the demand for reform came from two separate, even irreconcilable, sources. In his "Speech on a Motion Made in the House of Commons, the 7th of May 1782, for a Committee to Inquire into the State of the Representation of the Commons in Parliament," he argued against both of the reform positions. The majority of reformers argued on the basis of right, the claim that "the meanest petitioner, the most gross and ignorant, is as good as the best." Individuals possessed the right of self-government, either personally or through their representatives, and such representatives properly comprised Commons. Commons thus must represent individuals rather than interests. "Men as men are individuals, and nothing else." On these grounds, representation in Commons was unfairly, inequitably distributed and in need of reform. The other set of reformers rejected the notion of personal representation and argued instead on the basis of the good of the community. The constitution, according to these reformers, had degenerated from and should be restored to its original principles.

Burke countered the Lockean appeal to the rights of man with a traditionalist appeal to precedent. Appeals to reason or nature contained several errors and dangers that Burke wished to expose and dismiss. First, constitutional
theory did not exist prior to society and its institutions: rather it had been distilled from society's constitutional inheritance.\(^\text{213}\) Constitutional principles had been inferred from experience. Experience, not reason, had provided the test of society's conventions and institutions. The constitution and societal institutions had originated, not in consent, but in a succession of unique events. Second, reason yielded only universal principles. It was utterly unable to respond to local character or unique events. It could not test the applicability of a rule to circumstances.\(^\text{214}\) Only traditionalist reliance on usage and prudence provided sound guides.\(^\text{215}\) Third, an appeal to the rights of man as the foundation of government could delegitimate any government. A rational or natural basis could never be stable.\(^\text{216}\) Finally, rational or natural appeals rejected inheritance. Rather than treasuring accumulated experience, single individuals made the past answerable to vague and general principles. Disdain for inheritance exposed the dangerous and foolish pride that was inherent in the attachment to rational or natural appeals. Traditionalism, on the other hand, contained an understanding of and respect for the complexity of the world and its processes. Accumulated experience, transmitted through inheritance, represented, not an obstacle to progress, but man's greatest asset and the basis for all stable change. Lockean notions of individual personal
representation were not only inapplicable but also inferior to British principles of government.

Against the reactionary ancient constitutionalists who wished to reverse modern adaptations and return to original principles, Burke adopted a skeptical attitude. In typical Whig fashion, he argued that there were no original principles from which the constitution had presently degenerated. Principles had been deduced from the operations of government, not vice versa. Since principles explained rather than directed experience, questions regarding government became questions of expediency, of the "good for the community, and good for every individual in it." By this standard of expediency, the traditional Whig defense against reactionary fundamentalism, the performance of the constitution, not the promise of speculators, had to serve as criteria. And the British constitution functioned well.

Burke reached back toward seventeenth-century common law thinking and revived the adaptive aspect of custom. Immemorial did not necessarily mean static and unchanging. Alternatively, it could mean that a custom's origin was unknowable, that its beginning could not be found in a single moment. Instead of appealing to modernity, in typical Whig fashion, Burke appealed to an immemorial constitution. This appeal did not represent, however, a call to preserve or return to original principles. Burke
accepted change. His immemorial constitution represented custom as perpetually adaptable and always up-to-date, as capable of accommodating new situations, yet as still anchored in the past. History was an unceasing, infinitely complex process. Man's knowledge of that process was rooted in nothing more than experience and the presumption of continuity with the past. The problem with ancient constitutionalism had not been its reverence for the past, but rather its call to return to original principles. There were no original principles to return to. No one could reconstruct the past. Thus Burke opposed his traditionalist philosophy to the radical claims regarding the rights of man, and he opposed a skeptical Whig reliance on adaptive experience to reactionary yearnings for conformity with original principle.

Burke's traditionalism had been part of his orientation from the beginning. His skepticism was new. In 1759, he criticized the reliance on presumptive knowledge and adaptive custom that characterized Chief Justice Hale's philosophy. He criticized Hale's approach of confining legal research and limiting it to "a narrow and inglorious study." However, in 1782, Burke was willing to accept the presumption of continuity and to forego the search for a history of the law. He admitted the beginnings of government were inevitably obscure. And he maintained that continuity with the past could be presumed. Burke's
mature conservatism was thus formed and acknowledged by 1782. The constitution required only preservation. It did not fail to disregard any natural rights; it had not fallen away from any original principles. It was wonderfully formed to lead men forward. Neither abstract deduction nor historical research could improve on the adaptive process already in place.

The original conservative defense of the Whig aristocracy had answered the reactionary, fundamentalist dedication to original principles with a pragmatic insistence that the present was better than the past. The conservative position then became vulnerable to claims made on behalf of rationally-deduced principles. Burke's skeptical traditionalism answered the rationalist opposition and thus shored up the conservative defense. To what extent, then, did Burke's traditionalism alter former conservative arguments? First, Burke's approach seemed to directly contradict the unhistorical authority argued by earlier conservatives. However, both theories were designed to authorize existing arrangements. Pragmatic conservatives, though denying the relevance of the past, acted to institute continuity. Traditionalists simply presumed continuity. Thus, earlier conservatives relied on necessity, Burkean conservatives on precedent, but both concerned themselves with justification of the present. Second, though both theories upheld present arrangements,
the pragmatic conservatives embraced modernity. They conceived of their order as progressive and dynamic. Burke and his followers, on the other hand, were rather more cautious about the processes of change. Their reverence towards the past, towards precedent and custom, resulted in a prudential attitude towards change. Burkean conservatives tempered the belief in progress with an organic view that united past and future generations to the present and placed the predictable manipulation of the processes of history beyond the capacity of single individuals. Now conservatives could defend present institutions against the future as well as against the past.
CHAPTER 4

THE HISTORICAL ROOTS OF EDMUND BURKE'S WHIGGISM

In examining Burkean ideology, it is important to remember that, while Burke was a traditionalist, he was also a Whig. The eighteenth-century Whigs envisaged themselves in alliance with the forces of modernity. They were progressive and dynamic, and Burke identified with them. Thus an examination of Burkean ideology must either reconcile or account for any disparity between Burke's traditionalism and his Whiggism. Such an account requires a broader exploration of the ideological universe available in the eighteenth century.

In the seventeenth century, English political discourse was law-centered. Languages of hierarchy and custom constituted the terms by which subjects understood their rights and duties. During the seventeenth century, however, another way to understand society and government entered to compete with the jurisprudential mode. The English began increasingly to think of their society in classical, civic humanist terms. This chapter will describe this classical language and its development through the seventeenth and eighteenth centuries. It will reveal the effect of this classical language on Burke's philosophy, relate this language to Burke's Whiggism, and show how Burke engineered
a shift in this language.

The classical language posited a fresh vision of man as an inherently political creature. Against the medieval, Christian denial of the possibility of secular fulfillment, the classical ideal positively asserted that men should involve themselves in this world. Men rose to their full stature, this ideal assumed, only through participation in the civic life of their community. By their nature, men were meant to be, not simply subjects, but citizens.

This classical model differed from and even contradicted the juristic model. The two models proposed different values, foresaw different problems, and suggested different strategies for action. The law-centered language required from society only private protection for the individual. Liberty meant autonomy, the freedom to practice one's own affairs. The law afforded the subject certain rights and immunities for that pursuit; the magistrate enforced the law. Private and public spheres were separate. The individual defined himself by his rights to things. His pursuit of a moral, good life required only the absence of corruption. The classical paradigm required more. The individual fulfilled himself through participation in the community. Private rights were not opposed to public sovereignty. Instead, the notion of civic participation dissolved the dichotomy between liberty and
authority. Liberty meant freedom from constraints upon public participation. The individual defined himself by his actions rather than by his rights. Morality was no longer private. Now the individual, in order to develop his positive qualities, had to involve himself actively in his community. Morality thus became public, political, even interdependent.\(^22\)

For his fulfillment, the classical citizen required institutional structures that allowed and encouraged his involvement. The dilemma for the citizen, then, was that his character and personality had become dependent upon externals. His capacity to be moral and complete was now politicized and, hence, vulnerable.\(^23\) A single, independent man could not create or ensure the conditions of his fulfillment. A full, virtuous life depended on structures and relationships not totally in his control. Thus, the continued existence of institutional structures compatible with citizen involvement became a vital concern.\(^24\) Government became both an institutional and a moral structure, and the language of virtue came to characterize the classical view as the language of right characterized the juristic view.\(^25\)

The citizen needed access to his government. That requirement, however, implied a certain equality among citizens.\(^26\) If one group of citizens gained disproportionate power, then that group could effectively
deny access to others and thus compromise their citizenship. Their capacity to be fully themselves. This requirement for citizenship of equality meant, then: first, governmental structures had to be constituted so as to discourage one group from acquiring more power than another; and second, the citizenry had to be virtuous in the sense that they had to seek the common rather than their own individual good in order for the possibility of citizenship to persist.234

The ancients had suggested that a mixed form of government was the most stable arrangement for citizens. Aristotle had taught them that individuals pursued different interests.235 For the sake of convenience, these differences had traditionally been characterized as the differences between the one, the few, and the many. These differences, in turn, had come to represent the three pure forms of government—monarchy, aristocracy, and democracy. Each pure form, the ancients believed, inevitably degenerated due to an excess of its own qualities.236 The power and unity inherent in a monarchy turned ultimately into tyranny. The wisdom characteristic of an aristocracy became, in time, simply division and faction. The virtue of the many in a democracy declined into anarchy, violence, and licentiousness. A mixed government, however, might combine the virtues of the three pure forms and check their degenerative excesses.237 All the "simple" forms of government were incompatible with the practice of
citizenship. A mixed government, though, provided both the arena of and the stability necessary for political participation.

The classical paradigm of mixed government and the virtuous citizen did not enter English political discourse fortuitously. Alternative paradigms failed to explain events satisfactorily. In 1640, the authority of the king was collapsing. Neither the language of hierarchy nor that of custom could explain such disruptive change. Thus, in 1642, in his "Answer to the Nineteen Propositions," the king altered the terms of constitutional debate. In that document, the king described the traditional constitution as a balance between the three estates of King, Lords, and Commons. These estates corresponded to the three pure forms of government, respectively monarchy, aristocracy, and democracy, and the king's own office represented but one of these estates. Thus the king himself admitted the new paradigm of mixed government. Using classical, humanist theory, he admitted that he shared power in a balanced government.

The language of balance had made its appearance. But it did not yet supplant the older languages. Classical, civic humanist ideology required, as its foundation, consciousness of citizenship, of active participation. Neither hierarchy nor custom necessitated such consciousness and that awareness had to appear before civic humanist
values could emerge. In addition, other alternatives existed to explain the breakdown in authority. Men could appeal to individual conscience or to pre-determined principles that resided either in a pre-civil state of nature or in a lost ancient constitution. Their problems were the legitimacy of authority and the location of allegiance. Neither problem necessarily invoked an image of classical citizenship.

The regicide and assumption of power by rebel forces in 1649 changed this. The army had created this situation. They had now to explain their own actions as well as to regularize a delegitimized situation. Their actions and their government could be explained in religious terms. They could envisage England as an Elect Nation, and maintain that all human authority was subject to God's authority. Or they could explain themselves in secular terms. Both Hobbes and Harrington made their contributions here. They objected to the rule of the saints and desired to reconstitute authority on secular grounds. Hobbes appealed to a pre-civil state of nature and based the legitimacy of government on its logical necessity. For their self-preservation, men transferred their rights to a sovereign. Harrington reached back to classical theory regarding cyclical change and explained why the government had collapsed and how Englishmen might reconstitute a stable government immune to decay.
James Harrington was the key figure in introducing classical, humanist ideology into English political and social awareness. Harrington's classicizing effect was dual: he introduced a theory of citizenship; and he explained change as secular, cyclical, and degenerative. To generate a theory of citizenship for England, Harrington borrowed the Machiavellian theory of arms. Machiavelli had argued that the possession of arms was crucial to both power and liberty. Harrington then applied this theory to predominantly agrarian England, with its "common law understanding of the importance of freehold property." Harrington held that the bearing of arms was based on the possession of property. The freeholder could bear arms; the vassal could not. The crucial distinction in society, the basis for power and for individual independence, was that between vassalage and freehold. Property rendered a person capable of autonomy. The independent freeholder was thus envisaged by Harrington as a classical citizen. Land supplied the material basis for citizenship. It enabled a life of leisure and thus the opportunity to participate in civic life.

Harrington linked property to historical change. Property conferred independence and the capacity to defend oneself. Change occurred when the distribution of authority was not related to the distribution of property. In such cases, either authority would be made to correspond to the
distribution of property, or property would be redistributed according to the distribution of power. English feudal government had been inherently unstable, characterized by a perpetual struggle between king and nobles. However, most of the land in England had now been distributed in non-dependent tenures. The English thus had a rare opportunity to create a stable commonwealth. They could halt the degenerative cycle by distributing power to freeholders.\textsuperscript{252}

Harrington published \textit{Oceana} during the Protectorate. He intended his work to justify an armed republic rather than to argue against a return to an ancient constitution.\textsuperscript{253} By 1654, most Englishmen accepted the return of government by a single person and Parliament. Most, including Harrington, assumed Parliament would consist of two chambers, or Houses. Most, therefore, intended to erect a government by three estates. The debate revolved around the nature of the second House. Harrington fought against establishing an hereditary second House. Harrington argued that the ancient peerage had vanished and could not be reconstituted. Arms, he reasoned, would be born either by freeholders or by professional soldiers; Harrington argued fiercely for the former. He proposed, in place of a hereditary House of Lords, a Senate, distinguished from a Commons by its functions. The old peerage, however, could not easily be rejected. The authority of tradition bolstered them. Further, if the second House was neither
hereditary nor armed. It was dependent and thus powerless to guarantee the balance necessary in the desired mixed government.\textsuperscript{254}

Ultimately, of course, a hereditary aristocracy was restored, though it was changed in the process. The restored aristocrats were no longer palace-centered. Now they also worked in Parliament.\textsuperscript{255} Still, the debate regarding their restoration had affected the way in which the English thought about their government. The victors in the debate had appealed to the ancient constitution and mixed government as the basis of legitimate British government. The opposition, led by Henry Neville, had found comfort in Harrington's assurance that a hereditary aristocracy was no longer possible and strength in his insistence that their government had been unstable. The opposition had thus argued their position in Harringtonian terms. That is, the debate had been conducted entirely within the assumptions of mixed government. Harrington had altered classical ideas of citizenship and cyclical change to fit England by making both dependent on property. Though Harrington's rejection of the past was incompatible with a commitment to an ancient constitution, he had made classical ideology, with its wealth of ideas regarding mixed government, appropriate for English political thought. Harringtonian language formed the basis of constitutional debate in England for the next century.\textsuperscript{256}
A group of intellectuals, collectively known as the neo-Harringtonians, first modified Harrington's ideas regarding the past, then used them to criticize social, political, and economic changes occurring in the late seventeenth and eighteenth centuries. Harrington had introduced Machiavellian ideas of citizenship by relating the citizen to arms and arms to land. He had utilized Polybian theories of cyclical change to analyze the English past. To incorporate his ideas and language into the mainstream of English political thought, it remained only to reconcile Harrington with the ancient constitution, that is, to locate the political norm in the past instead of in the future as Harrington himself had done.

Though classical language lent itself to an analysis of corruption, Harrington had largely ignored this notion and focused instead on the qualities of independence and dependence. Once his ideas were reconciled with the past, however, change came to be understood as entropic, a move away from stability. Thus, change was identified as corruption in the technical, now uncommon, sense of the term that identified any decay of an ideal government toward instability as corruption. Further, since Harrington had identified the material cause of change, he had rendered change intelligible, the result of concrete, understandable processes rather than of circumstance or accident. Therefore, corruption could also suggest avoidable human
defect or a lack of virtue, and the concrete processes of change could be identified as movements away from virtue. Corruption, and its antithesis virtue, thus entered English political discourse as the designation of three things: first, corruption signified the decay of government; second, it identified the cause of that decay as the loss of autonomy; third, it referred to individual morality, and related the individual personality directly to his political environment and capacity for citizenship.

Corruption and virtue referred both to the political conditions necessary to human liberty and morality and to the individual capacity for independence and devotion to the common good required of citizens if governmental disintegration was to be prevented.

Since 1660, the direction of governmental affairs had been increasingly centered in the ministry as the bridge between the branches of government. By 1675, Prime Minister Danby had begun an expansion of ministerial influence through the creation of a system of patronage, an informal distribution of offices that indebted Members of Parliament to the ministry and thereby encouraged their cooperation. In this context, the Earl of Shaftesbury first changed Harrington's ideas and used them to object to governmental innovations. Shaftesbury believed, with Harrington, that a stable government had to rely on a citizen militia and that the militia required widespread landed independence as its
Additionally, he objected to the extension of ministerial influence. Thus Shaftesbury, first, identified patronage as corruption and hence as a threat to the balanced constitution. Patronage created dependence and so deprived Members of Parliament of the autonomy they needed to protect against encroachment. Corruption acquired a new meaning here. It signified not simply an imperfection in the distribution of power or an infringement on spheres of action. It also meant, now, the economic dependence of the legislative branch upon the executive, i.e., the indirect control of Parliament's decision-making ability through corruption. Patronage became here a key to understanding British politics; the terms of its analysis were the classical and Harringtonian terms that related property to personality. Additionally, opposition thought, from Harrington up to the nineteenth century, would conceive of mixed government in terms of the independence, rather than the interdependence, of its branches, i.e., in terms of an "equilibrium among three divided and mutually antagonistic branches" rather than as a blend and balance of King, Lords, and Commons wherein their virtues were heightened while their vices were eliminated. Second, Shaftesbury chose to link patronage with the growth of a standing army. However, where Harrington had envisaged the threat to liberty from a standing army as originating only from its use by an unlawful authority, Shaftesbury feared
its use by a lawful authority. To Shaftesbury, the standing army represented additional governmental offices and thus the extension of patronage and the upsetting of the constitutional balance. Only a militia, composed of self-armed independent landowners, could compatibly exist with a stable, mixed government. Third, Shaftesbury held out the House of Lords, by virtue of its members' capacity for landed independence, as the protector of British liberty. The House of Lords was not, as Harrington had maintained, an indication of an unstable, unfree feudal past, but rather a necessary part of an ancient balance whose degeneration entailed the loss of liberty. The Crown, through ministerial influence, now had the means to encroach. It was the responsibility of the House of Lords to maintain the equilibrium of the constitution. The reconciliation of Harrington with the Gothic ancient constitution had thus begun.

Henry Neville, translator of Machiavelli and author of *Plato Redivivus* (1680), completed the reconciliation of Harrington with the ancient constitution. Unlike the aristocratic Earl of Shaftesbury, Neville was a republican. He had led the fight in 1659 against the establishment of a hereditary second House. He believed, with Harrington, that the balance of power in England had passed to the Commons and that constitutional arrangements should reflect this change. Following the Restoration, however, he
reluctantly accepted the crown and peerage and came to believe, contrary to Harrington, that a hereditary aristocracy could legitimately and stably represent the "few" in a mixed republic. In 1680, the Tories were attacking the balanced constitution. These apologists for crown power denied the immemoriality of Commons in order to maintain that the king possessed sovereignty. Neville, desiring to protect Commons, sided with Petyt against Brady in this controversy and revived Harrington's history. He maintained that the ancient Gothic polity had not been inherently unstable. The ancient peerage had checked the king and people to protect the common good. The decay of the ancient constitution had been, in part, a decay of the ancient baronage. Thus, patronage had emerged as the crown's response to the decline of the baronage and their inability to adequately balance King and Commons. In one stroke, Neville's revision of Harrington situated the political norm in the past, thereby representing historical change as decline, and, by linking the rise of patronage with the decline of the nobility, provided the historical context within which that decline could be identified with corruption. Therefore, by 1685, most Englishmen understood their constitution to be both balanced and ancient and used the classical language of virtue to evaluate the health of their government.

The significant event at the close of the seventeenth
century. in terms of the debates of the eighteenth century, was not the Glorious Revolution, but rather the Financial Revolution that occurred in the 1690s. The central problem for the eighteenth century did not concern right, but virtue and the "difficulty of finding an acceptable replacement for it." Men of the eighteenth century debated questions regarding patronage, public debt, and standing armies, not the right of resistance to a ruler. Neo-Harringtonian rather than Lockean ideas provided the basis for an increased awareness of the changing nature of monetary relationships.

The Financial Revolution was the creation of the Bank of England in 1694 and the byproduct of England's need to raise money for her war with France. The financial innovations begun in the 1690s resulted in an ongoing national debt, that is, a structure of public credit whereby a large class of investors gambled on and thus produced state stability and expansion, prosperity, and a political and commercial empire. A new monied elite of stockjobbers and placemen appeared who were related to the government by their dependence upon it. This monied elite challenged the neo-Harringtonian ideal of the independent, virtuous citizen and thus rendered exchange relationships problematic. Critics of the emerging Whig regime claimed that the regime rested on the twin foundations of patronage and credit and that both
foundations were corrupt. For the next century, the dominant mode of thought was what could be called "political economy," the wary recognition of changing commercial and financial relations, not only as they related to the production of wealth, but also as they affected stability and virtue.

Men of the seventeenth century had not been entirely comfortable with trade and market relations. They believed that men could more easily relinquish their independence if their wealth consisted of mobile property rather than land. Owners of mobile property tended more toward specialization and were exposed more to the temptations of luxury. Thus they were more likely to hire professionals to govern and to defend them. Mobile property threatened the health of society, not because it was marketable, but because it eased patronage and thus corrupted the government and its citizens. Hence, trade relations were suspect. Nonetheless, they were not envisaged as necessarily or inherently corrupting. They may have eased corruption, but they did not logically entail it.

The appearance of speculation and public credit, recognized prerequisites of the expanded commerce, challenged the paradigm of the virtuous citizen far more profoundly than had simple market exchange relationships. The reliance of government and society upon credit meant the reliance of government and society upon a belief and trust
in the future. None of the traditionally trusted epistemological foundations provided the basis for such a belief. Experience, Christian faith, and reason were all insufficient to predict an expanding and growing commerce. Such belief could rise only from the imagination and the passions. The stability of society seemed to depend upon no more than mere opinion regarding the future. Commerce, the precondition of credit, emerged as a potential threat, because it seemed founded upon no more than fantasy. The stockjobber was feared originally because of his reliance upon fantasy-based speculation, not because of his cold, impersonal mechanical rationality. Additionally, the individual as a classical political being was threatened. Harrington had taught that the foundation of virtue and personality was material, not spiritual. Property provided the basis for personality. But new forms of property had appeared. Property relations now seemed to rest on fantasy. Property seemed less real, and thus the personality itself seemed imaginary, too irrational and too limited to be virtuous and capable of autonomous, dispassionate political participation. The appearance of speculation seemed to entail the emergence of unstable personality.

Andrew Fletcher, an old Whig republican, was one of the first opposition critics to reveal the ambivalence inherent in the neo-Harringtonian opposition position. Fletcher saw
that commerce had relegated the ideal of armed, civic virtue to the past. He feared the temptations commerce offered for specialization and luxury, i.e., for corruption. But he also understood that, while the past may have been free and virtuous, it had also been barbaric and superstitious. The emergence of commerce thus revealed the apparent incompatibility of liberty and virtue with culture.287

Daniel Defoe, perhaps the first defender of the Whig order, answered Fletcher. Defoe unequivocally denied the existence of any ancient liberty and insisted that commerce created freedom. Using a feudal interpretation, he characterized the past as uncultivated, violent, and repressive. In the present, Defoe argued, commerce did not endanger liberty so long as the individual had "parliamentary control of the purse strings."288 Defoe thus reconciled commerce and liberty. However, he failed to provide any moral basis for the new commercial order.289 The civic participatory ideal was based on an autonomy conferred by land, and this mode of land ownership, and therefore this ideal, existed mainly in the past.

Dr. Charles Davenant's criticism of the regime between 1697 and 1702 provided the ideological basis for Tory opposition and for the continuation of the opposition alliance between urban republicans and country gentlemen. Davenant objected that the gentry bore the brunt of the taxation that subsidized the Bank and the national debt.290
Davenant saw a conspiracy. The Whig war required extensive loans and debts, and these enlisted investors. The investors, in turn, became strong ministerial supporters. The Whigs grew richer and stronger, and the gentry absorbed the cost. Davenant thus connected war to commerce and envisaged both as a threat to gentry independence and virtue. The government was becoming corrupted, and the gentry were being deprived of the means to correct the disequilibrium. Further, he recognized the epistemological challenge that speculation presented. Opinion and predictions regarding the future now seemed more appropriate grounds for knowledge than experience and tradition. This provided, Davenant believed, a very fragile basis for morality.

The Whig regime in the eighteenth century was oligarchic, commercial, and imperial. It maintained a centralized system of one-party rule closely tied to the new world of finance. It drew its stability from the unity it forged between government and landed society. Theoretically, it envisaged itself as a Polybian mixed government, based upon a social order of independent landed gentlemen who sustained virtue. In reality, it required a spoils system of patronage and influence and practiced a dynamic politics that appealed to a doctrine of sovereignty rather than to a static balance. That is, its ideology contradicted its practice and provided its opposition with
ready-made challenges. The Whig aristocrats insisted on the pragmatic need for patronage and strong government, but they floundered when challenged to defend themselves ethically. They claimed necessity, but they held up no adequate counter-foundation for a morally unified personality that could silence their critics.

The regime critics continued to include Tory gentlemen, such as Lords Bolingbroke and Lyttelton, Jonathan Swift, Alexander Pope, and John Gay, and radical commonwealthmen like John Trenchard, Thomas Gordon, John Toland, Walter Moyle, and Lord Molesworth. Eighteenth-century debates in England, then, did not represent an attack by an emerging bourgeoisie against an entrenched aristocracy. The aristocratic Whig regime was modern, progressive, and the defender of the new commercial forces. The opponents, on the other hand, used a past-oriented language. They resisted the new finance and conducted their attack in the name of "classical republican and agrarian-military values." The squirearchy naturally resisted the erosion of their political influence caused by the emergence of the new monied interest. The urban radicals from the middling ranks of society, however, presented more of a paradox in their opposition. These owners and traders of movable property adopted an ideological tradition that seemed to deny the validity of their aspirations. Their reformist ideology stressed the importance of landed wealth. They
themselves were part of the market relations held up as the force corrupting government and society. However, it was this group that was most vulnerable to market fluctuations. They detested stockjobbers and speculators, and they accepted the available ideology that explained their insecurity and hard times by blaming financiers. The attack on the Whig aristocratic order was, at the same time, an attack on modern commercial society; the defenders of the regime were defenders of modernity.

Political thought thus proceeded in one of two directions in the half century following the Glorious Revolution. Governmental opposition, composed of gentry and urban radicals, looked to the past to defend virtue against modern innovations. They opposed, as corrupt, standing armies, patronage, and credit. Standing armies and patronage generated specialization and thus alienation. Credit, founded only upon opinion, generated uncertainty. Society no longer guaranteed virtue. and the governmental critics recommended individual frugality and restraint, the adoption of a militia, and the independence of the parts of the balanced constitution. Society required a perpetual renewal of independence. The opposition persistently demanded frequent parliaments and the elimination of placemen as mechanical devices to encourage such independence.

The defense of the regime required, then, a defense of
modernity. This defense did not involve, however, a simple defense of commerce. Both the defenders and the critics of the new order accepted land as the basis of independent virtue. Both recognized that land itself had now become dependent on trade. Both identified the new monied interest as a financial, speculative interest, rather than as a merchant interest. The defenders as well as the critics viewed credit with at least suspicion, and all opposed stockjobbing. The critical division between governmental supporters and opponents was simply that between those who accepted credit as a necessary evil and those who did not.

Governmental defenders countered the charge that the new order destroyed citizenship with the claim that it eliminated the savage conditions of the past. They accepted the psychological implications of founding personality on credit. Human perception and motivation were, they admitted, based on opinion, passion, and interest. Therefore, in the first place, the world was conventional and subjective. Experience, not a set of original principles, was the only guide. Change occurred inevitably and should be met pragmatically, "by operating upon human passions in the ways demanded by the moment." Second, society therefore required: (1) strong government to manage the volatile, fluctuating national resources, and (2) citizens, freely trained to deference and obedience.
rather than independent participation, because they lacked full rationality and virtue. However, governmental defenders could not supply a counter-ethics to the classical ideal. Governmental critics insisted on value and virtue, while governmental supporters stubbornly insisted that change was progressive, that it lifted men out of barbarism and provided them with culture and learning. The paradigm for value remained, for all, civic man. An alternative ethics, suitable to commercial man, eluded Augustan theorists. Men had to choose between virtue and culture, and their paradigm implied an inevitable loss however they chose.

The French philosopher, Jean Jacques Rousseau, writing between 1749 and 1754, voiced the extreme rejection of modernity. Commerce involved the pursuit of private gain and the indulgence of private appetites. Additionally, by unleashing human greed, it destabilized the social order. Commercial values disrupted the natural order of society, produced gross inequalities, divorced men from their natural virtues of simplicity, goodness, and compassion, made them acquisitive, vain, treacherous, and hypocritical, and created artificial needs that enslaved men. Modern society produced only inequality, alienation and the loss of virtue.

Bernard Mandeville (The Fable of the Bees, 1714) represented the other extreme of the debate. Mandeville
embraced modernity and attempted to justify the defects in commerce by arguing that they worked together for universal benefit. He began by noting that all prosperous, powerful, modern societies had been built upon corruption and upon appeals to the greedy nature and sensual appetites of men. Therefore, he reasoned, individual acquisitiveness and love of luxury must unleash the productive power of society. "Private vices" produced "publick benefits." However, Mandeville's theory separated social and personal morality. Personal goodness remained problematic.

Eighteenth-century theorists, committed to the idea that society was progressing, strove to create a science of society, to identify the common evolutionary process experienced by all growing societies. French writers such as Helvetius, Turgot, and Francois Quesnay, and Scottish theorists like Adam Ferguson, Lord Kanes, John Millar, and Adam Smith, ultimately distinguished four stages of development in society. Under the stimulus of population growth, societies moved from hunting to shepherding to farming to, finally, trading. This notion of productive progress was then used to provide a counter-ethics for commercial society. The four-stage theory of productive development was joined to a theory of manners and the progressive development of personality. As the modes of production advanced, the civilization of the passions
progressed. Increasingly, men encountered things and persons. These encounters provoked passions that then were refined into manners. An increasingly sophisticated society moderated men's passions by converting them into opinion, experience, and interest. Thus, commercial society refined the passions that motivated men. A kind of commercial humanism was being advanced against the classical ideal. Personal social enrichment, arising from the complex relationships presented by commerce, more than compensated for any loss of antique virtue. Men, social by nature, substituted social manners for political virtue. Now, the choice for a polite refinement over an uncouth virtue was not simply a choice of culture at the expense of virtue. Instead, culture civilized men by bringing them to an awareness of each other and thus enabling them to moderate their passions. Thus eighteenth-century theorists defined a morality in which virtue arose from society and commerce and needed no civic expression. As morality became more private than public and participatory, the ideological basis for justifying a strong central authority over a static balance of orders was strengthened.

David Hume and Montesquieu summarized the eighteenth-century dilemma. The debate between commerce and virtue then remained unaltered until the French Revolution. Montesquieu argued that the decline of society, though inevitable, was remote. For contemporary observers,
therefore, the intermediate perspective was more important and, luckily, more appealing. Hume agreed. He worried that, in a commercial society, no forces existed that might check the advance of corruption. But, like other Scottish theorists, he was committed to the advantages offered by trade and culture. He accepted the need for patronage and a strong executive authority. The former benefitted commerce and the latter disciplined human nature. Yet he shared his age's fear of credit and empire and, in the end, he could not reconcile liberty and culture. Society would either die a violent death, torn by faction, licentiousness, and anarchy, or an easier, more comfortable suicide under an absolute monarch. Neither Montesquieu nor Hume were entirely comfortable with every aspect of modernity. Both conceded that patronage and commerce subverted virtue. However, both believed that the inevitable crisis inherent in the progress of commercial society lay far in the future, that antique virtue was not a completely realizable goal, and that values adequate to the present had to suffice.

By the 1760s, the Whig regime had begun to splinter. Whig aristocrats who did not serve in the ministry adopted opposition rhetoric to attack office-holding Whigs. They called for a return to the ancient constitution and republican virtue and charged that the crown and ministry were attempting to destroy the independent capacity of the
Commonwealth and Tory opposition continued as well. A radical Lockeanism that asserted a popular right to alter government finally appeared, but the dominant debate remained that between ancient virtue and the historical development of liberty. Regime opponents still refused to accept the modern commercial world of the Whig regime.

Josiah Tucker, a conservative defender of the Whig commercial regime in the 1760s and 1770s, was the first theorist to identify Lockean natural rights theory as subversive. Tucker linked the Lockean claims of natural liberty to the insistence of religious Dissenters on the freedom of individual conscience. Natural rights theory and a religion of reason that proposed to disestablish the clergy both entailed a political culture based on dissent. Each erred. Tucker believed, in assuming that the moral personality was fully formed in some original state. And either philosophy would delegitimate the foundations of authority. Against Locke and the Dissenters, Tucker opposed the traditional theory of natural law. Men were naturally sociable, he claimed, and they learned to recognize and accept their natural differences of rank and authority through their social experiences. A learned and natural deference characterized the relations of men, rather than any radical, autonomous equality.

Tucker also espoused the common Whig defense of
commercial society. He argued that commerce was a natural human activity compatible with submission to authority.\textsuperscript{306} Commercial relations, and men's personalities based on those relations, improved over time. Liberty was modern, rather than original, and commercial relations constituted the precondition of the progressive development of personality. Commerce created increasingly complex relations. These relations refined the passions of men and thereby allowed men to discover and then voluntarily submit to the natural subordinations of society.\textsuperscript{307} Tucker's argument thus defended the Whig order against both the Lockean natural rights doctrine and the republican vision of history.

Whether the opposition clamor for a reform of representation envisaged itself in terms of a Lockean right of reform or as a republican remedy for corruption, the Whig defense was, at once, a defense of commercial society and of aristocratic rule. Whether radicals bemoaned commerce because of a Lockean antipathy to aristocracy or a republican dread of overspecialization, all assumed that commerce and aristocracy were pieces of the same fabric. In the eighteenth century, men accepted: first, that commerce preceded and formed the basis of modern culture and manners; and second, that commerce entailed the presence of an aristocracy.\textsuperscript{308}

Additionally, the paradigm of sovereignty slowly, imperceptibly continued to displace that of balanced
government. The regime Whigs defended government by a strong executive-in-Parliament in a society based upon rank and deference. This, of course, challenged any vision of a governmental balance of independent powers protected by autonomous, active citizens. However, even the opposition had, unconsciously, begun to abandon the classical ideal. The demands for frequent parliaments and the elimination of placemen to protect autonomy were being enveloped within a generalized call for the reform of representation in Parliament. Representation involved a transfer of rights and powers inconsistent with classical citizenship; it implied a form of government based upon sovereignty.

By 1784, the Whig regime had closed ranks against the opposition. They had begun to delineate firmly between those reforms they would tolerate and those they would not. Additionally, British radicalism had been tamed. The debate had settled into a struggle between an entrenched oligarchy and an opposition seeking to reform Parliamentary representation. This battle, though bitter, was essentially reformist rather than radical. Then, the French Revolution forced another alteration in the terms of the debate. Edmund Burke, seeking to defend the Whig aristocratic, commercial order, emerged as the engineer of that change.

The French Revolution confounded the British by seeming
to present a choice between commerce and aristocracy. Lockeans were the least challenged by the antagonistic juxtaposition of commerce and a ranked society. Lockean radicals like Richard Price viewed the Revolution, instead, in terms of the right of revolution. Others tended, at first, to view the Revolution as simply a struggle for liberty against absolutism. Burke hesitated only a moment, then attacked. He, of course, contested the right of revolution. But, beyond this, he glimpsed the challenge that the revolution presented to the Whig order of commerce, aristocracy, and cultivated manners. Whigs had assumed that commerce refined men's passions and that learning and culture flowed from commerce. Now they were confronted with the spectacle in France of the systematic destruction by cultivated intellects of the property and social relations that had supposedly bred and nurtured them. Faced with the choice between aristocracy and commerce, Burke opted to change the paradigm. He reversed the Scottish school's historical view of progress. Manners, Burke held, did not emerge from commerce. Instead, commerce depended on manners. Manners formed the basis of civilization. Commerce could flourish only where polite manners protected it. He wrote in Reflections:

How much of that prosperous state [referring to Europe] was owing to the spirit of our old manners and opinions is not easy to say . . . . Even commerce, and trade, and manufacture, the gods of our oeconomical politicians, are themselves perhaps but creatures; are themselves but effects, which, as first causes we
choose to worship. They certainly grew under the same shade in which learning flourished. They too may decay with their natural protecting principles.

And manners required, as their twin foundation, both a nobility and religion. The aristocratic and ecclesiastical orders had furnished society with refinement, learning, culture, manners, and taste. "Nothing is more certain," he asserted,

than that our manners, our civilisation, and all the good things which are connected with manners and with civilisation, have in this European world of ours depended for ages upon two principles, and were indeed the result of both combined: I mean the spirit of a gentleman, and the spirit of religion.

The French, by destroying the aristocratic and ecclesiastical basis of manners, were leveling the foundations of civilization.

Burke naturally inquired into the character of the revolutionary movement. He detected two revolutionary agents—the "men of letters" and the "monied interest."

"The monied men, merchants, principal tradesmen, and men of letters, (hitherto generally thought the peaceable and even timid part of society,) are the chief actors in the French Revolution." Burke appealed to the Whig disdain for enthusiasm in his criticism of the men of letters. The Whigs had always shunned enthusiasm. Normally, enthusiasm referred to religious fanaticism, to the private capacity to understand God's will independent of the evaluation of others. It also carried, however, a secular connotation of speculation divorced from natural relations. Burke simply
echoed Whig sentiment in favor of practicality when he railed against the French "literary cabal's metaphysical speculations divorced from normal bonds and relations. 317

The "men of letters" had been deprived of patronage. They had formed an alliance amongst themselves and embraced an innovative philosophy that had no connection to or interest in the state. 318 These philosophers aimed essentially at the destruction of religion. 319 In their reorganization of the state, these unpatronized philosophers ignored circumstances and heeded only their own imaginations and speculations. "It is remarkable," Burke wrote, "that in a great arrangement of mankind, not one reference whatsoever is to be found to any thing moral or any thing politic: nothing that relates to the concerns, the actions, the passions, the interests of men." 320

The monied interest allied with the intelligentsia because they shared their interest in attacking the French church. The men of letters had an abstract hatred of religion arising from their aversion to any schemes other than their own. The monied interest wished to confiscate church lands. 321 The monied interest thus allied with the men of letters as the latter justified their theft. The monied and literary interests shared other bonds as well. Burke referred to these bonds in 1791.

Views of ambition were in France, for the first time, presented to these classes of men . . . . A bribe, great without example in the history of the world, was held out to them--the whole government of a very large
Burke enlisted Whig support in his criticism of the men of letters; he tried to arouse opposition prejudices in his criticism of the monied interest. In his analysis of the villainous role of the monied interest, Burke appealed to the civic humanist language of England's country opposition. He raised the spectre of public debt and credit. The French investors, he maintained, had supported the revolution in order to promote favorable credit arrangements. The monied interest, like the literary cabal, sought to banish restraints with the revolution. Additionally, the monied interest, as well as the men of letters, divorced itself from any concrete connections or bonds and fed only upon its own imagination. The system of paper money circulation instituted in France by the monied interest instilled "the spirit of money-jobbing and speculation" into the "land itself . . . . By this kind of operation, that species of property becomes (as it were) volatile."

Thus Burke, in his attack on the French Revolution, had appealed to the Whig disdain for excess in his critique of the men of letters, and he had mined the civic humanist fear of credit relations in his charges against the monied interest. He had changed the materialist paradigm that based culture on commerce, and he had enlisted both regime and opposition languages to do so.

Burke was not an aristocrat reacting against the rise
of a bourgeois, commercial class. Burke was a Whig; he approved of commercial activity. He feared the energy of the middle class, not its entrepreneurial activity. Men in France had disengaged themselves from any system of property relations. The property of France no longer governed it. Restraints of interest and dependency had been dissolved. Nothing remained to discipline sensibility, to arrest flights of imagination. This class now possessed the unbridled capacity to act. In France, Burke wrote, there was "no longer any means of arresting a principle in its course." With the destruction of the institutions meant to preserve chivalric honor and to teach ecclesiastical piety, nothing bound these men to patronage or aristocratic leadership. No clerical institutions existed to teach morals and manners. No royal or aristocratic techniques of control remained. A polite society no longer harnessed, refined, and channelled the raw energy of the middle class. Its capacity for enthusiasm, metaphysics, and fanaticism remained unaltered. Thus this class had become, predictably, wholly destructive.

Burke's attitude toward the French Revolution hardened over the next few years. He came to see the alliance of the monied men and the men of letters as a conspiracy engineered by bureaucrats and philosophers. These conspirators aimed at despotic state power through the dissolution of all the natural ties that bound men to one another. They meant
to overturn the traditional system of civilized manners and replace it with an unnatural system of their device.\(^{332}\) Originally, Burke had believed that the French destruction of manners and their institutional supports would wreck their commercial relations as well.\(^{333}\) But he had, on the other hand, insisted over and over again that the Revolution was completely new, that traditional explanations were worthless for predicting its course.\(^{334}\) France was "a new power of a new species."\(^{335}\) Burke consequently concluded that commercial society might exist under a variety of circumstances.

Instead of antithesizing aristocratic and bourgeois society, Burke offered a vision of France as a totalitarian state, opposed to and at war with the liberal, commercial society of civilized Europe. Before Burke, the ideal of the armed, virtuous, independent citizen had seemed to contradict the image of commercial speculators who relied on opinion and fantasy. Burke, however, like most Englishmen, had never been entirely comfortable with the speculative side of commerce.\(^{336}\) In the 1790s, he linked the dread spectre of the speculative financier, the "monied interest," to the armed republic. He identified France as, at once, a republic and a vehicle for the designs of men whose schemes had no ties to or checks in the natural, material world.\(^{337}\) The republic, all believed, expanded through conquest. The monied interest was not so very different. It grew through
confiscation. The monied interest, by confiscating church property, had destroyed its teachers. With no guide to instruct and refine it, the monied interest now aimed simply for state power. Allied with the intelligentsia, this interest destroyed the social relations among men and established, in their place, a new unnatural system of manners. It made men into armed warriors, destroyed their individual differences and complex relationships, and offered, in their place, a state that was "all in all." As opposed to the civilized commercial culture that multiplied and satisfied needs, this revolutionary system reduced everything to the state.

Before Burke, men believed that commerce produced a rich, infinitely varied, complex and learned culture. Men associated commerce with alienation, but it was alienation from a barbaric, austere virtue. Then Burke stood this materialist assumption on its head. The French Revolution did not pose a choice between aristocratic and bourgeois society. Commerce might exist in either regime. Commerce could be either liberal and civilized as in England or totalitarian and barbaric as in France. Speculators could be dangerous, or their destructive capacity might be refined and limited. Polite culture certainly produced and advanced commercial prosperity and progress. But the French also possessed a state that advanced commercial interests. Their commercial society, however, was not civilized. The French
ferociously ignored or crushed individual variety in the name of the state. Commercial relations might be cold, calculated, and crass as well as refined and mannered. Polite culture provided for productive progress, but a commercial society might or might not remain cultured.\footnote{340}
The difference was simply the presence in England and the absence in France of religious and aristocratic orders capable of teaching and sustaining refined manners and taste. France lacked those orders. She had no polite society to harness the raw energy of the middle classes. She had become an armed republic.

Burke insisted that society had to preserve its chivalric and ecclesiastical roots. This insistence represented a desire to maintain ties to the past, not a wish to return to it. Burke never exhibited a reactionary nostalgia. He argued that clerical and aristocratic institutions promoted progress, and he never envisaged them as any kind of bulwark against modernity. He resisted the destruction of traditional institutions precisely because such destruction constituted an attack on modern society.\footnote{341} Thus Burke's traditionalism reinforced his Whiggism. Burke refused to relinquish societal ties with either the past or the future.
CONCLUSION

Burke used the languages available to political thinkers in the eighteenth century when he responded to events. Only through an examination of the historical context can Burke's use of and contribution to these languages be adequately understood.

Burke trusted inherited wisdom and denied that abstract reason had more value. This traditionalist outlook owed something to Natural Law theory, to a belief in divine guidance. It was also, however, founded in the common law habit of thinking prevalent in England for centuries. An understanding of the debate in England over the common law tradition isolates Burke's contribution to this area of political thought. It also reveals that Burke's traditionalism was not simply a reaction to political rationalism.

Common law was assumed to be based on immemorial custom. Custom was immemorial, however, in two senses. It was held to be both unchanging and ever-changing. The adaptive, ever-changing sense of custom had been suppressed by the eighteenth century. Immemorial had come to mean unchanging. The appeal to the immemorial ancient constitution had become a reactionary call to return to an idealized past. Burke revived the adaptive sense of custom.
and this single event in the centuries-long debate over common law explains Burke’s mature traditionalism.

Against reactionary nostalgia, the progressive Whig regime had offered an empirical, pragmatic, presentist appeal. This empirical appeal was not, in practice, radically different from traditionalist appeals to precedent. Both appeals worked to authorize present arrangements. The Whig appeal, however, was insufficient to defend against the radical reformist appeals to nature and reason. To defend against these opponents, Burke simply revived the arguments of Chief Justice Hale. In the seventeenth century, Hale had countered the argument of the political rationalist, Thomas Hobbes, with arguments favoring reliance on adaptive custom. Experience, he argued, was a surer and steadier guide than reason. A century later, Burke found, appeals to adaptive custom still answered appeals to reason and nature. England possessed an ancient constitution that contained the inherited wisdom of many generations. With this constitution, England had progressed and improved, and this method of change was surely more reliable than and superior to individual abstract reasonings.

Burke’s revival of adaptive custom allowed him to occupy a middle ground between the reactionary appeal to the past and the rationalist speculations for the future. He could defend present arrangements and admit prudential
reform without having to ally himself with extremist visions about the past or the future.

Burke was more than simply a traditionalist. He also supported the progressive, commercial Whig regime. This apparent anomaly in Burke's political thought disappears when considered within its ideological context. To debate the merits of commercial society, eighteenth-century political thinkers employed a civic humanist language that appealed to classical notions of mixed government, citizenship, and virtue. Commercial society, in this ideological context, seemed to present the choice between a barbaric, but virtuous, pre-commercial past and a refined, but decadent, commercial present. The Whigs and Burke firmly supported commercial society and its institutions.

The French Revolution confused eighteenth-century analysts who believed that aristocracy and commerce were inseparably joined. The French seemed to offer the unpleasant choice between aristocracy and commerce. Burke refused to choose. Instead he shifted the ideological foundations that had dichotomized the two. Men had accepted that refined culture grew out of commercial relations. Burke now argued that commercial relations were founded in a mannered society, and that such a mannered society required aristocratic and ecclesiastical institutions to sustain and nurture it. The French, by levelling ranked society, had destroyed the foundations of their prosperous civilization.
They had eliminated all the accumulated restraints that made a refined, cultured life possible. Now they had exposed themselves to the dictates of naked, unrestrained power.

A few years later, Burke concluded that commerce was possible in either society. Barbarians as well as gentlemen might engage in commercial relations. Commerce, previously seen as the material foundation for the multiplication of complex and diverse relationships, might serve the state as well as the individual. In debasing their aristocratic and ecclesiastical institutions, the French destroyed, not their potential for commerce, but the possibility of a civilized life. The French, unrestrained by a nobility and untaught by a clergy, now busied themselves with the task of eliminating individual diversity. The state was "all in all."

Thus Burke rejected the model that would force a choice between aristocratic and bourgeois society. He was not simply an aristocratic apologist horrified at the threatened predominance of the middle classes. Instead, Burke argued, the choice offered to civilization was that between a liberal commerce that encouraged individual diversity and a totalitarian commerce that crushed individuality for the sake of a strong national state. What separated the two ways of life was the presence in English liberal society and the absence in the French state of the aristocratic and ecclesiastical institutions that cultivated and preserved
manners and refined tastes. Thus Burke finally enlisted his traditionalism, his respect for inherited institutions, to defend Whig commercial society. His traditionalism represented neither a bulwark against modernity nor a rejection of commercial society. In fact, Burke believed that a traditional society, respectful and protective of its ranked institutions, provided the necessary foundation for a liberal, commercial society. In the end, Burke reconciled his traditionalism and his Whiggism.
ENDNOTES


2. Edmund referred to Will as his cousin. However, there is no real evidence that they were, in fact, related [Stanley Ayling, *Edmund Burke: His Life and Opinions* (New York: St. Martin's Press, 1988), 11].


4. Ibid., 68.


9. Ayling, *Edmund Burke: His Life and Opinions*, 16. Burke remained editor of the Annual Register for the next 32 years. For roughly the first decade, he wrote the Register by himself. After this, he supervised publication, delegating most of the work to a small
staff. One biographer of Burke claimed that he continued to write the annual historical article (Kirk, Edmund Burke: A Genius Reconsidered, 37). Another biographer believed that he contributed the book reviews and prefaces (Ayling, Edmund Burke: His Life and Opinions, 141). All his biographers agreed that he continued to write for the Annual Register throughout his 32-year tenure as editor.

10. The Halifax administration initiated a policy in Ireland of strengthening the influence of the crown.

11. So also had "cousin" Will's and brother Richard's. Will was appointed Secretary and Register of the West Indian island of Guadaloupe. Richard Burke soon joined Will there. The appointment lasted until 1762 when England relinquished the island under the terms of the Treaty of Paris which ended the Seven Year's War with France and Spain.


15. Ayling, Edmund Burke: His Life and Opinions, 39.


26. Ibid., 32.


28. Cone, Burke and the Nature of Politics: The Age of the American Revolution, 43.


32. That same year Fox proposed annual parliaments and the creation of one hundred new constituencies as a means of resisting royal influence over Parliament. Burke
opposed this more democratic plan. Likewise, in 1782, Burke would vote against Pitt's bill for the redistribution of seats in Commons, the revision of constituencies, and the broadening of the electorate (Kirk, Edmund Burke: A Genius Reconsidered, 99).

33. Ayling, Edmund Burke: His Life and Opinions, 98.


35. Ibid., 130.

36. Ibid., 136.


41. Edmund Burke, "Speech upon the Question for the Speaker's Leaving the Chair, in Order for the House to Resolve Itself into a Committee, or Mr. Fox's East-India Bill," in The Works of Edmund Burke, Bohn edition, 2: 173-248 (London: George Bell and Sons, 1894).

42. Carl B. Cone, Burke and the Nature of Politics: The Age of the French Revolution (University of Kentucky Press, 1964), 133.


44. Ayling, Edmund Burke: His Life and Opinions, 105-8. In 1776, Will had been appointed agent to the Raja of Tanjore, a Hindu victim of an attack by the Muslim Nawab of Arcot.


47. Ayling, Edmund Burke: His Life and Opinions, 173.

48. Fennessy, Burke, Paine and the Rights of Man, 91.

49. Edmund Burke, Letter to Charles-Jean-Francois Depont, November 1789, in The Correspondence of Edmund Burke, 6 (July 1789 to December 1791), eds. Alfred Cobban and Robert A. Smith (Chicago: University Press, 1967), 39-50. The evidence concerning Depont's identity was contradictory. For example, Thomas W. Copeland, in his sixth essay in Our Eminent Friend, Edmund Burke: Six Essays (New Haven: Yale University Press, 1949) claimed that Monsieur Depont was really three people. R. R. Fennessy, however, identified him simply as a Frenchman who had stayed with the Burke's the previous year (Burke, Paine and the Rights of Man, 96).

50. Burke expressed doubt about the French Revolution almost from the beginning. Only three weeks after the storming of the Bastille, Burke wrote: "To form a solid constitution requires Wisdom as well as spirit, and whether the French have wise heads among them, or if they possess such whether they have authority equal to their wisdom, is to be seen [Edmund Burke, Letter to the Earl of Charlemont, August 9, 1789, in The Correspondence of Edmund Burke, 6 (July 1789 to December 1791), eds. Alfred Cobban and Robert A. Smith (Chicago: University Press, 1967), 10].

51. Edmund Burke, "Substance of the Speech, in the Debate on the Army Estimates, in the House of Commons, on Tuesday, the 9th Day of February, 1790; Comprehending a Discussion of the Present Situation of Affairs in France." in The Works of Edmund Burke, Bohn edition, 3: 269-81 (London: George Bell and Sons, 1896); Fennessy, Burke, Paine and the Rights of Man, 5.

52. Cone, Burke and the Nature of Politics: The Age of the French Revolution, 304.

54. Ibid., 90.

55. Ibid., 91.

56. Ibid., 101.

57. Ibid., 116.

58. Ibid., 117.

59. Ibid., 122.

60. Ibid., 141.

61. Ibid., 153.

62. Ibid., 191.

63. Ibid., 230.

64. Ibid., 239.

65. Ibid., 241.

66. Ibid., 246.

67. Ibid., 345.

68. Edmund Burke, "A Letter to a Member of the National Assembly: In Answer to Some Objections to His Book on French Affairs," in *The Works of Edmund Burke*, Bohn edition, 2: 519-58 (London: George Bell and Sons, 1894). The "Member" was Francois-Louis-Thibault de Menonville, a critic of Burke's *Reflections* (Cone, Burke and the Nature of Politics: The Age of the French Revolution, 349).


73. Ibid., 387.

74. Edmund Burke. An Appeal from the New to the Old Whigs, in Consequence of Some Late Discussions in Parliament, Relative to the Reflections on the French Revolution, in The Works of Edmund Burke, Bohn edition, 3: 1-115 (London: George Bell and Sons, 1896). This pamphlet was published anonymously on August 3, 1791. However, to politicians involved in the controversy over the French Revolution, the authorship of the pamphlet was obvious (Cone, Burke and the Nature of Politics: The Age of the French Revolution, 360).

75. Burke, An Appeal from the New to the Old Whigs, in Works. 3: 33.

76. Burke used the Whig prosecution of Dr. Sacheverell in 1710 as the basis for his definition of (old) Whig principles up to 1789. Dr. Sacheverell had preached a sermon defending the doctrines of divine right and passive obedience and attacking toleration for dissenters. The Whigs contended that Sacheverell thereby removed all grounds for support of the Revolution Settlement of 1688-9. The Whigs asserted against Sacheverell that there should be a law above the magistrate. They could not support any levelling principles, but neither could they defend arbitrary power. The Revolution of 1688-9 had been necessary and, therefore, legitimate. However Burke, in his summary of the trial in the Appeal, de-emphasized those Whig spokesmen who had indicated a belief in inalienable rights and even those, such as Halifax, who had pointed out the need for the constitution to undergo continual adaptation [Caroline Robbins. The Eighteenth-Century Commonwealth: Studies in the Transmission, Development and Circumstance of English Liberal Thought from the Restoration of Charles II Until the War with the Thirteen Colonies (Cambridge, Massachusetts: Harvard University Press, 1961), 82-6].


86. Copeland, Our Eminent Friend, Edmund Burke: Six Essays, 68.


90. Ayling, Edmund Burke: His Life and Opinions, 277.

91. Utilitarianism is the "view that there are certain policies which may be judged wrong by reference solely to the consequences which are sure to follow from them [definition found in a review of Charles Parkin, The Moral Basis of Burke's Political Thought (Cambridge: University Press, 1956) in the Times Literary Supplement, January 25, 1957: 41]."

92. In Christian thought, Natural Law is "the sphere of eternal law accessible to man as a rational creature (Parkin, The Moral Basis of Burke's Political Thought, 6); law that is unchangeable and universal, applicable everywhere for all time [Peter J. Stanlis, Edmund Burke and the Natural Law (Ann Arbor, Michigan: University of Michigan Press, 1958), 7]."


94. Ibid., 15.

95. The laws of nature should be distinguished from their Christian form, the Natural Law. The laws of nature are universal laws binding on all human activities (Charles Parkin, The Moral Basis of Burke's Political Thought, 7); Cobban, Edmund Burke and the Revolt Against the Eighteenth Century, 26: 16.

96. Cobban, Edmund Burke and the Revolt Against the Eighteenth Century, 28-9.

97. Ibid., 24.

98. Ibid., 22-4.

99. Ibid., 28-30.

100. Ibid., 31-4.

101. Ibid., 41.

102. Ibid., 42-3.
103. Ibid., 44.

104. Ibid., 52.

105. Ibid., 46. According to Cobban, Burke was a utilitarian, given civil government.

106. Ibid., 41.

107. Ibid., 51.

108. Ibid., 43.

109. Ibid., 51.

110. Ibid., 55.

111. As Lawrence Stone noted: "The main safeguard from teleological distortion is to keep firmly in mind that people in the past were different from ourselves, and that this difference must always be investigated and explicated." (Lawrence Stone, "A Life of Learning." The Charles Homer Haskins Lecture, 1985. 21.)

112. "Given the fact that Burke was never reluctant to name his adversaries...one is led to wonder why he remained silent about Locke. If he found Locke's theories about the state of nature, contract, property, and rights so offensive, why did he not denounce them (Stephen R. Graubard, review of Carl B. Cone. Burke and the Nature of Politics: The Age of the American Revolution and Peter J. Stanlis. Edmund Burke and the Natural Law, in New England Quarterly. 9/58: 415)."


114. Ibid., 6.

115. Ibid., 10-3.

116. Ibid., 15.

117. Ibid., 22.

118. Burke disagreed vehemently with Rousseau with regard to human nature. He "never subscribed to the belief that what is primitive or original in man is necessarily more 'natural.' Civilized and educated man is not less natural than the primitive savage....Nature is not simple, but complex (Pennessy, Burke, Paine and the Rights of Man. 71)."

120. Ibid., 23.

121. Ibid., 27.

122. Ibid., 20-1.

123. Ibid., 41-2.

124. Ibid., 17-8.

125. Ibid., 31.

126. Ibid., 34.

127. Ibid., 32-5.


130. Ibid., 65-6.

131. Ibid., 93-6.

132. Ibid., 83-5.

133. Ibid., 87-91.

134. Ibid., 103-4.

135. Ibid., 96-8.

136. Ibid., 132-4.

137. Ibid., 118-20.

138. Ibid., 124.

139. Ibid., 126.


141. Ibid., vi-vii.

142. Ibid., 196-8.
143. As Gordon Wood wrote: "Because human behavior is of a piece with the meanings or ideas we give to it, the view . . . that ideas operate in some sort of spatial separation from social circumstances is false. Political ideas do not exist apart from some more 'actual experience,' some more 'real world of political life.' Ideas are essential to our experiences and our lives. They are the means by which we perceive, understand, judge, or manipulate our experiences and our lives . . . . (A)ll human behavior can only be understood and explained, indeed can only exist, in terms of the meanings it has [Gordon Wood, "Forum. The Creation of the American Republic, 1776-1787: A Symposium of Views and Reviews," William and Mary Quarterly (July 1987): 631]."


150. Ibid., 341.


152. Pocock, Virtue, Commerce, and History, 94.


159. Ibid., 64.

160. Ibid., 107.

161. Ibid., 104.


166. Ibid., 182: 150.

167. Ibid., 156.

168. Ibid., 170-80.


182. Lawrence Stone argued that the constitutional changes effected by the Glorious Revolution were small, that the Declaration of Rights was a "mere restatement of tradition (Lawrence Stone, "The Results of the English Revolutions of the Seventeenth Century," in *Three British Revolutions*, 64)." Lois G. Schwoerer insisted, on the other hand, that the Declaration of Rights was a triumph by those who wanted simply to change the king (Lois G. Schwoerer, "The Bill of Rights: Epitome of the Revolution of 1688-89." in *Three British Revolutions*, 237). The point, however, is that whether the Glorious Revolution was truly revolutionary or not, the Whigs argued that it decidedly was not.


195. Ibid., 258.

196. Ibid., 256.


207. Burke, Thoughts on the Cause of the Present Discontents, in Works, 1: 368.


209. Burke, "Speeches at Mr. Burke's Arrival at Bristol, and at the Conclusion of the Poll," in Works, 1: 447.


211. Ibid.


215. Ibid., 19.


218. Ibid., 149.

219. Ibid., 150-1.


221. Pocock, Politics, Language and Time, 248.


224. Ibid., 147.


231. Ibid., 185.

232. Ibid., 73.


235. Ibid., 68.


239. Pocock. The Machiavellian Moment, 362-3; Pocock, Virtue, Commerce, and History, 221.


241. Ibid., 335.

242. Ibid., 368-71.

243. Ibid., 374.
244. Ibid., 378.


248. Ibid., viii.

249. Ibid., 386.


263. Banning, The Jeffersonian Persuasion. 36.

264. Pocock, Virtue, Commerce, and History. 66.


266. Weston. English Constitutional Theory and the House of Lords, 1556-1832. 123.


269. Pocock, The Machiavellian Moment. 417-20: Banning, The Jeffersonian Persuasion. 39. In 1680, Brady had been concerned to establish prerogative rather than the legitimacy of patronage, and thus he ignored Neville's linkage of the decline of the peerage with the rise of patronage. Petyt's denial of the assertion of prerogative and his defense of Parliamentary sovereignty involved, then, only an attempt to bury the past. The opposition to patronage, however, enlisted a neo-Harringtonian appeal to the past and a denial of sovereignty in favor of an ancient and balanced constitution. During the Exclusion crisis, the Whigs, represented by Petyt and Neville, were united in their opposition to crown attacks on Parliament. Their respective defenses, however, were incompatible (Pocock, The Machiavellian Moment, 421-2: Pocock, Virtue, Commerce, and History, 221). Further,
Neville's identification of patronage with constitutional decline meant that republican theorists now shared with the aristocratic followers of Shaftesbury a common basis for rejection of change. This situation helps explain, perhaps, two seeming anomalies: first, the ease with which mainstream Whigs, in 1730, switched from their former insistence on the immemoriality of the ancient constitution to a rejection of the relevance of the past for the present; second, the alliance, in the eighteenth century, of the predominantly urban, radical republicans with the rural Tory gentry in opposition to the expansionist and financially creative Whig regime (Pocock, Virtue, Commerce, and History, 225).


276. Stockjobbers: speculative manipulators "of the market values of shares in the public debt (Pocock, The Machiavellian Moment, 448)."


281. Ibid., 68.

282. Ibid., 98.
Before rationality could be restored to commercial relations, the laws of the market had to be discovered. Only then would interest replace passion as the psychological basis of relationships (Ibid., 69).


Pocock, *Virtue, Commerce, and History*, 231.

Pocock, *The Machiavellian Moment*, 435. Locke might have helped this debate. His ideas could have led away from the classical, virtuous citizen toward a private morality. However, in fact, no one used Locke. The debate remained focused on the conflict between virtue and commerce (Ibid., 436).

Kramnick, *Bolingbroke and His Circle*, 237.


300. Ibid. 260-2.
301. Ibid. 160.
302. Ibid. 165.
303. Ibid., 262.
304. Ibid., 169.
305. Ibid., 170.
306. Ibid., 178-9.
307. Ibid., 188.
308. Ibid., 272-4.
309. Ibid., 268.
310. Ibid., 270.
311. Ibid., 278.
312. Ibid., 158.
313. Ibid., 173-4.
314. Ibid., 173.


316. Burke, Thoughts on French Affairs, in Works, 3: 354.
317. Ibid., 341.
318. Burke, Reflections, 211.
319. Burke, Reflections, 256.
320. Burke, Reflections, 297.
322. Burke, Thoughts on French Affairs, in Works, 3: 354.
324. Ibid., 308.
325. For example, see: Burke, Tracts, Relative to the Laws Against Popery in Ireland, in Works, 6: 45.
326. Burke, Reflections, 141.

329. Ibid., 281.


333. For example, see: Burke, "Debate on the Army Estimates," in *Works*, 3: 275.


336. Ibid., 334.


338. Ibid., 255.

339. Ibid., 344-6.

340. Only after Burke's innovation would the view emerge of commerce as a mechanical activity antithetical to culture or of the middle class as a class without manners, taste, or refinement (Pocock, *Virtue, Commerce, and History*, 282; Pocock, "The Political Economy of Burke's Analysis of the French Revolution," *The Historical Journal*: 347-8). The critique of market relations as philistine first appeared toward the end of the eighteenth century. Earlier, it would not have occurred to men to link the rationalist
philosophies of Bacon, Hobbes, Newton, and Locke with a cold and soulless commerce.

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