

Natural Law and History in Burke's Thought

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Edmund Burke and the Natural Law,
by Peter J. Stanlis, introduction by Rus-
sell Kirk. *Ann Arbor: University of
Michigan Press, 1958.*

IN THE CENTURY and a half since his death, Edmund Burke has never been neglected, but he has often been misunderstood. The man who perplexed and irritated his contemporaries because he refused to be set down as either a Tory or a Whig has baffled later biographers and critics, who have tried to make him into an idealist and a utilitarian, an empiricist and a rationalist, a classicist and a romanticist, a Humean and a Thomist, though obviously he was not quite any of these.

This great diversity of interpretation is surely a tribute to the manysidedness of Burke's thought and to the extraordinary range of his concerns. How, after all, are we to categorize a man who championed the cause of the American colonists against Britain, yet denounced the revolutionaries in France; who operated with a sensist epistemology in his aesthetics, yet thought in organic, holistic terms in his political philosophy; who repudiated "political metaphysics" in the name of prudence, yet insisted on subjecting all prudential con-

siderations to a higher law; who lauded order and measure in true classic spirit, yet was filled with a mystic sense of the living past like any romantic? "Intricate" and "complex" are words Burke loves to use in describing human nature and political life; they describe even more aptly the involutions and complications of Burke's own thought.

It is as a political philosopher that Burke has had enduring influence, and in political philosophy the Burkean paradox may be formulated in terms something like the following: How can a man be an advocate of expediency and an apostle of principle at one and the same time? How can he, for example, excoriate the French Declaration of the Rights of Man as "abstract" and "metaphysical" in almost the same breath that he denounces the French revolutionaries for their crimes against the "eternal immutable law"? Even the most sympathetic interpreters have found themselves confused and exasperated by Burke's apparent changes of front; some, indeed, out of sheer desperation, have set him down as simply incoherent.

It is the great merit of Peter J. Stanlis' book, *Edmund Burke and the Natural Law*, that it takes Burke seriously and tries to find the underlying structure of coherence amidst so much surface contradiction. It is an even greater merit of the book

that on the whole it succeeds. Burke emerges as "complex" and "intricate" indeed, but fundamentally consistent in his thinking. This firm thread of consistency Mr. Stanlis finds in Burke's belief in the Natural Law.

Mr. Stanlis' thesis can best be given in his own words:

It is the thesis of this study that far from being an enemy of Natural Law, Burke was one of the most eloquent and profound defenders of Natural Law morality and politics in Western civilization. . . . Burke consistently appealed to the Natural Law and made it the basis of his political philosophy. . . . It was precisely for this reason that he was opposed to the eighteenth century revolutionary "rights of man" (pp. xi-xii). . . . The Natural Law is fundamental to Burke's conception of man and civil society. As a principle or as the spirit of prudence, Natural Law permeates his view of Church and State and all international relations. . . . But the Natural Law is also evidenced consistently in the negative side of Burke's thought; it supplied the moral and legal weapons for his attacks on various eighteenth century radical theories and innovations, and on existing abuses in government (pp. 231-232).

To substantiate this thesis — that Burke's political thinking, in both its positive and its negative aspects, is grounded in his belief in Natural Law — Mr. Stanlis makes a fundamental distinction, already familiar from Leo Strauss' *Natural Right and History*, between Natural Law in the sense of Aristotle, Cicero, and the Christian tradition, and the Natural Rights doctrine that developed in the seventeenth and eighteenth centuries and came to triumph as the ideology of the French Revolution. Whereas the former depends on the conception of a divinely grounded cosmic order of which man is part, the latter is essentially an assertion of the claims of individual man in a world naturalistically

conceived. In classical Natural Law, it is reason which is both constitutive and legislative; in the revolutionary Natural Rights teaching, it is will and interest. The older doctrine is able to take due account of tradition and historical experience; the eighteenth century notion, perhaps intrinsically, perhaps owing to the circumstances in which it emerged, is abstract, schematic, without sense of the endless particularities and contingencies of human life in history. This is Mr. Stanlis' basic framework of interpretation, and it cannot be denied that it serves him well.

Having defined his fundamental categories, Mr. Stanlis proceeds to establish his thesis that Burke was in the full tradition of Natural Law by examining the major aspects of Burke's thought and the most important contexts in which Burke developed his political philosophy — domestic affairs, America, India, the French Revolution. In every case, he is able to show that Burke's thinking operates in a kind of dialectic tension between "equity" and "utility," between the enduring demands of right and justice, defining the ends, and the ever shifting considerations of prudence and expediency, defining the means. But there is a unity in this tension: "equity" itself requires "utility;" prudence itself is a high moral virtue.

That Burke was the sworn enemy of the rationalistic, "geometrical" spirit in politics, and a strong advocate of political pragmatism, is well known; it is at least equally important to recognize that he was able to affirm his political pragmatism without moral confusion only because he believed in something *beyond* pragmatism, and that something was the Natural Law. "All human laws," he insisted, "are, properly speaking, only declaratory; they may alter the mode of application, but have no power over the substance of original justice." It is this "original justice," which he saw as the "charter of nature," that is the foundation of all Burke's political thinking.

But Burke never loses sight of the in-

finite variety of ways in which the "charter of nature" finds expression amidst the endless diversities of time, place, and circumstance. Men may indeed have certain "natural rights" which are part of "original justice," but:

these metaphysical rights, entering into common life, like rays of light which pierce into a dense medium, are by the laws of nature, refracted from their straight line . . . [and] undergo such a variety of refractions and reflections that it becomes absurd to talk of them as if they continued in the simplicity of their original direction.

Burke is therefore unwilling to define what is of the order of nature in abstract, conceptual terms; to do so would be to falsify the human reality. He much prefers to hunt for clues in the historical experience of mankind. "Further determinations [of the fundamental principle of the Natural Law]," Jacques Maritain has stated, describing his understanding of the Thomist position, "are dependent upon the historical progress which is characteristic of mankind. For man is an animal of culture, an historical animal." Burke's position is not very different.

Burke's fundamental political orientation is therefore best described as an historical conservatism. (There is also a doctrinaire conservatism, but that is not Burke's.) It is in man's historical experience rather than in any abstract metaphysical scheme that we can hope to catch a glimpse of the underlying Natural Law as well as of the modifications it must undergo if it is to become operative in social life. The true statesman has a sense of the "grain of history," which defines both the possibilities and the limits of his statecraft. When history is either ignored or overborne in the name of doctrinaire schemes of social reconstruction, Jacobinism emerges, with its ideological fury and fanaticism, culminating in the total despotism of party dogma. Burke knew Jacobinism in its initial form in the French Revolution; we

have come to know it in the totalitarian movements of our time. What Burke has to teach us is therefore today of the most immediate relevance.

Because Burke saw political reality in historical perspective, and recognized that all historical actualizations are bound to be partial and relative, he never tired of emphasizing that "all government is founded on compromise and barter." No one has ever expressed the spirit of Anglo-American politics better than this Irishman of genius. He abhorred absolutes in temporal human affairs as passionately as he affirmed them on the religio-ethical level of transcendence. Knowing man in his finitude and sin, and human society in its conflict and contradiction, he never thought of public policy as the simple enactment of an ideal perfection; responsible statecraft, he felt, was a matter of "balances," of "compromises sometimes between good and evil, and sometimes between evil and evil." The statesman is not a prophet, though the prophet's moral vision is something he cannot do without.

Burke's historical conservatism led him to reject with horror the mechanical conception of society as a human contrivance to be made and remade at will by political innovators. "A nation," he declares, "is not an idea only of local extent and individual momentary aggregation, but it is an idea of continuity which extends in time as well as in numbers and in space. And this is a choice not of one day, or one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and generations. . . ." Therefore, he confesses he "cannot conceive how any man can have brought himself to that pitch of presumption to consider his country nothing but *carte blanche* upon which he may scribble whatever he pleases. . . ." He was, of course, thinking of the French ideologues, but perhaps he also recalled Tom Paine's clamorous insistence that "every age and every generation must be free to act for itself in all cases. . . ." This spirit of radical innovation in Paine was not very

different from that which animated Rubaud de St. Etienne, who, early in the French Revolution, proclaimed in the National Assembly: "It is necessary to destroy everything—yes, destroy everything—in order that everything may be rebuilt." So easy is it for the idealistic "friends of mankind" to turn into demons of destruction! "Their humanity is not dissolved," Burke notes acutely, speaking of the revolutionaries. "They only give it a long prorogation. . . . Their humanity is at their horizon, and like the horizon it always flies before them."

Though Mr. Stanlis is formally concerned only to prove his thesis about Burke and the Natural Law, he actually surveys the vast scope of Burke's political and social thought, and does so with learning and insight that have already made his book quite outstanding in the field. Nevertheless, a few questions remain to trouble the critical reader. Is Burke's conception of Natural Law, permeated as it is with the sense of historical experience, really the same as that of Aristotle, Cicero, and Thomas Aquinas, who can hardly be considered historical-minded? Burke's own statements are not such as to encourage this simple identification, and Mr. Stanlis' collection of brief quotations on Natural Law in Appendix I, taken from thinkers ranging all the way from Aristotle to Thomas Jefferson, does not much help matters. (Incidentally, why are Augustine and the Church Fathers not quoted?) Another question: Granted that the Natural Law is connatural to man as man, that is, to man in his "essential being," how accessible is it to man in his "existential condition," in the fallenness of sin in which he is actually involved and which alienates him from God and his own true being? Indeed, what remains of the original cosmic order in a fallen world, which is quite literally *deranged*? Finally, is the classic doctrine of Natural Law so easily compatible with biblical faith, whether expressed in its Jewish or Christian form, as Mr. Stanlis assumes? Is not the inner logic of the Nat-

ural Law a logic of autonomy, and by that much secularistic? Was Grotius' separation of the Natural Law from God and divine revelation so entirely contrary to the spirit of the classical doctrine? Leo Strauss, whose thinking Mr. Stanlis rightly finds so sympathetic, has pointed up the problem in a celebrated passage:

Man cannot live without light, guidance, knowledge; only through knowledge of the good can he find the good that he needs. The fundamental question therefore is whether men can acquire that knowledge of the good . . . by the unaided efforts of their natural powers, or whether they are dependent for this knowledge on divine revelation. The first possibility is characterized by philosophy or science in the original sense of the term; the second is presented by the Bible. The dilemma cannot be evaded by any harmonization or synthesis. (*Natural Right and History*, 1953, p. 74.)

Mr. Stanlis does not answer these fundamental questions; it is surely sufficient that his discussion, at one point or another, raises them, as indeed, within the limitations of his thesis, it raises virtually every question of relevance to Burke's moral and political thought.

There is no doubt that we are witnessing a resurgence of interest in Burke in our day. Arthur M. Schlesinger Jr., himself no "conservative," has explained why. "A time of perplexity," he says, "creates a need for somber and tragic interpretations of man. Thus we find Burke more satisfying today than Paine, Hamilton or Adams than Jefferson, Calhoun than Webster or Clay" (*The Nation*, April 1, 1950). Since all times, I would suggest, are "times of perplexity" demanding a "somber and tragic interpretation of man," Burke has his word to say to us in every phase of our historical experience. We are therefore greatly indebted to Mr. Stanlis for what he has done to help make that word so clear and cogent.