

The Basis of Burke's Political Conservatism

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My principles enable me to form my judgment upon men and actions in history, just as they do in common life, and are not formed out of events and characters, either present or past. History is a preceptor of prudence, not of principles. The principles of true politics are those of morality enlarged; and I neither now do, nor ever will, admit of any other.

—Burke, Correspondence, (1960), 282.

IT IS A COMMONPLACE of scholarship on Burke that his political genius consisted of an extraordinary ability to understand the complex relationships between the constantly changing empirical and historical conditions of practical politics, and the basic principles of common morality. Yet during the century and a half since his death, and until very recently, studies of Burke's political philosophy have been concerned almost exclusively with what has been called the "empirical," "utilitarian" and "pragmatic" elements in his thought, or with those conservative principles which have an historical rather than an ethical foundation. Burke's own explicit words, that "the principles of true politics are those of morality enlarged," have generally been ignored.

Ever since Henry Buckle published *The History of Civilization in England* (1857-61), it has been universally assumed by Utilitarian and positivist writers, and even by some Christian humanists, that Burke's political philosophy rests upon a purely empirical, utilitarian and pragmatic foundation. John Morley, the outstanding Victorian disciple of Bentham and Mill, and the recognized authority on Burke during the late nineteenth century, wrote two books on Burke, in which he emphasized "Burke's utilitarian liberalism," and praised Burke for having overthrown "the baneful superstition that politics . . . is a province of morals." According to Morley, Burke refused "to reason downwards from high sounding ideas of Right, Sovereignty, Property, and so forth," because such ideas "have no invariable conformity to facts, and . . . are only treated with reverence because they are absurdly supposed to be ultimate, eternal entities."¹ Thus Morley claimed Burke as a fellow political liberal, whose strict regard for "circumstances," "expediency" and "prudence" made "the standard of convenience," rather than appeals to absolute ethical principles, the ultimate foundation of politics.

The path charted by Morley's interpretation of Burke was followed, with some slight variations, by William Lecky, Sir Leslie Stephen, and a whole host of Victorian and twentieth century writers in the liberal tradition of politics. Charles E. Vaughan, a learned political scientist and recognized authority on Burke, applied the usual Benthamite antithesis between "natural rights" and "expediency," and concluded that in Burke's politics "the last appeal is not to Rights but to expediency."² Vaughan noted that Burke's "expediency" differed from that of Hume and Bentham, because it was qualified by "higher principles" and "a tissue of moral and religious ideals," but like Morley, he never doubted that Burke made "expediency the ultimate principle of politics." In 1913, John MacCunn, an excellent Burke scholar, also assumed Burke was a utilitarian, and concluded: "To Burke, as to Bentham, all rights . . . are not ultimate but derivative."³ Elie Halévy supplied a variation on this theme in 1928: "From a utilitarian philosophy Burke deduced an anti-democratic political theory. . . . The utilitarian morality led Burke to social views which were profoundly different from those to which it led Bentham."⁴ In 1934, Lois Whitney, a noted eighteenth century literary scholar, contended: "Priestley, Burke, and Bentham are in harmony in their utilitarianism, Burke developing the doctrine in the form of a philosophy of expediency."⁵ Two years later, Henry V. S. Ogden extended this common conviction concerning Burke: "The repudiation of natural rights was implicit not only in his utilitarian conviction that the end of government is the happiness and welfare of the people governed, but also in his reliance on experience and in his rejection of all abstract doctrines of political theory . . . Burke's opposition to the theory of natural rights and to the use of nature as the norm in political theory was . . . a

conviction unshaken during his whole career."⁶ In 1940, John H. Randall repeated this point, and during the 1940's two other writers on Burke, Annie M. Osborn and John A. Lester, added their voices to this chorus of scholars who supposed Burke was a utilitarian and pragmatist in his political philosophy.⁷

Thus, for the past century liberals have always interpreted Burke's political philosophy by resorting to formulas based on "utility" versus "natural rights," and they have interpreted Burke's frequent attacks on metaphysical abstract rights as a rejection of belief in absolute moral principles. They have made much of Burke's strict regard for "circumstances," and have praised his "expediency" and "prudence," and his appeals to consider the practical consequences of following a given political policy to its logical but fatal conclusion. All these elements in Burke's thought have been praised as the ultimate in political wisdom.

Accepting the utilitarian frame of reference, a conservative writer, Richard M. Weaver, denies that Burke has any real claim to be considered a conservative political philosopher:

Burke is widely respected as a conservative who was intelligent enough to provide solid philosophical foundations for his conservatism. It is perfectly true that many of his observations upon society have a conservative basis; but if one studies the kind of argument which Burke regularly employed when at grips with concrete policies, one discovers a strong addiction to the argument from circumstance. Now . . . the argument from circumstance is the argument philosophically appropriate to the liberal. Indeed, one can go much further and say that it is the argument fatal to conservatism.⁸

Since Burke always argued from circumstances, rather than from "the nature of

things," Professor Weaver concludes that "Burke should not be taken as prophet by the political conservatives." The basic error in this argument, as we shall see, lies in the assumption that Burke's strict regard for circumstances is merely a matter of empirical observation and rational analysis, and wholly disconnected from any ethical principles. Weaver's basic error involves as complete a misinterpretation of Burke's principle of prudence as that held by Morley or Lord Acton, both of whom identified Burke's "prudence" with the calculated expediency of utilitarianism, and failed to understand its vital connection with the absolute ethics of the Natural Law in Burke's political philosophy.

Quite apart from the utilitarian tradition of Morley, many recent writers who have claimed Burke as a conservative have laid great stress upon the historical elements in his political philosophy. They have emphasized the importance of Burke's appeals to social traditions and manners, to legal prescription and laws, to his passion for liberty connected with civil order and legal justice, to his veneration of "the wisdom of our ancestors," as embodied in Church and State, to his defense of the constitutional safeguards to life, liberty and property, to his praise of "prejudice" and duty as against abstract reason and "rights," and to his conception of man as a civil or political animal, who finds his self-fulfillment in the gradually unfolding corporate life of his nation.⁹ This conception of Burke as an historical conservative has the merit of avoiding the over-simplified errors of doctrinaire liberalism. Also, on the positive side, by taking into account many of the most important aspects of civil society, as these are discussed by Burke, this view of his political philosophy has illuminated many of the most vital principles in Burke's complex thought. Yet the ultimate basis of Burke's political conservatism is not to be

found in history, but in his moral principles.

All the elements perceived by utilitarian liberals and historical conservatives are to be found in Burke's political thought, but none of them, in themselves alone, or in any combination, constitute the ultimate principles of Burke's political philosophy. Writers who have converted these elements in Burke's thought into his supposed ultimate political principles have invariably reduced the scope and complexity of Burke's political philosophy to the measure of their own thought and temperament. Thus, both liberals and conservatives have praised or condemned Burke for insufficient reasons, on a consideration of those parts of his political philosophy which fitted or failed to fit into their own thought.

Since history is descriptive, not normative; since, as Burke said, "history is a preceptor of prudence, not of principles," to fully understand the basis of Burke's political philosophy it is necessary to look beyond history to his religious and ethical principles. But before doing this it is necessary to understand in what sense "history is a preceptor of prudence," and why it was that Burke considered prudence to be "in all things a virtue, in politics the first of virtues." For the past century, the most common single error of writers on Burke has been the failure to understand the nature and function of "prudence" in his political philosophy.

For Burke, political philosophy was the practical art of governing man as a moral agent in civil society. It was not and could not be a speculative science dealing with abstract truth. The politician, by Burke's definition, was "the philosopher in action," and he could never assume *a priori* knowledge that would enable him to attain exact mathematical certainty in the consequences of his decisions. Politics was a part of practical reason, not theoretical reason; it was concerned with the good, not the true. The

nature and actions of men are under general laws of moral necessity, but because the will of man is free to obey or defy the moral law, and because his social circumstances are infinitely varied, in contingent matters and details there can be no general laws. Although justice must always be observed, the determination of what is just in each particular instance, under the different institutions and conditions of mankind, must always vary in its means, according to the infinite variations of men's temporal circumstances. The common nature of man is infinitely modified by climate, geography, history, religion, nationality and race, by institutions, customs, manners and habits, by all the civil circumstances of time, place and occasions, which cut across and qualify, but do not impair the different means by which the moral ends of society are fulfilled. "The progressive sagacity that keeps company with times and occasions," Burke wrote, "and decides upon things in their existing position, is that alone which can give true propriety, grace, and effect to a man's conduct. It is very hard to anticipate the occasion, and to live by a rule more general." To Burke, "no moral questions are ever abstract questions." Prudence was for Burke not an intellectual, but a moral virtue, and as such it was a corrective and the best positive alternative to the errors of metaphysical abstraction:

Nothing universal can be rationally affirmed on any moral or political subject. Pure metaphysical abstraction does not belong to these matters. The lines of morality are not like ideal lines of mathematics. They are broad and deep as well as long. They admit of exceptions; they demand modifications. These exceptions and modifications are not made by the process of logic, but by the rules of prudence. Prudence is not only the first in rank of the virtues

political and moral, but she is the director, the regulator, the standard of them all.

Burke always maintained that "the exercise of competent jurisdiction is a matter of moral prudence," because "moral necessity is not like metaphysical, or even physical." Tyranny was a more common abuse in government than usurpation, Burke believed, because even under legitimate legislatures, "if the rules of benignity and prudence are not observed" oppressive actions may result. Prudence, or a strict regard for circumstances, is not merely a matter of empirical observation and intellectual calculation; it is morally imperative to regard circumstances, because otherwise political action could mortally injure those whom the statesman wishes to serve.

In Burke's attempted economical reform of 1780, he distinguished between his principle of prudence and moral weakness or equivocation:

It is much more easy to reconcile this measure to humanity, than to bring it to any agreement with prudence. I do not mean that little, selfish, pitiful, bastard thing, which sometimes goes by the name of a family in which it is not legitimate, and to which it is a disgrace—I mean that public and enlarged prudence, which, apprehensive of being disabled from rendering acceptable service to the world, withholds itself from those that are invidious.

Burke's remark, "If I cannot reform with equity I will not reform at all," and his statement, "I am not possessed of an exact measure between real service and its reward," provoked from Jeremy Bentham the reply: "Except Edmund Burke, no man is thus ignorant." Bentham's willingness to compute the ratio between public service and reward illustrates one of the great differences between Burke's principle of prudence and the utilitarian idea of "ex-

pediency." To Burke, prudence is the general regulator of social changes, including the reforms of abuses in society, according to the legal norms of the constitution and the moral principles of Natural Law. As such, prudence is the cardinal political virtue because it supplies the practical means by which Natural Law principles are fulfilled in the various concrete circumstances of man's social life. Burke's prudence is not the utilitarian computation of circumstances, a calculation of how far political power might be utilized before provoking opposition. Nor is prudence merely the social virtue of tact. To Burke, prudence is part of God's "divine tactic" fulfilled in man's moral temperance and political tact. Understood in this profoundly Aristotelian sense, Burke's principle of prudence is nothing less than the universal, eternal, and unchangeable Natural Law applied in practice through politics to each particular man, at every moment and in all circumstances, under the constitutional sovereignty of various nations. Since "the situation of man is the preceptor of his duty," prudence tells us when we should "abate our demands in favor of moderation and justice, and tenderness to individuals." Prudence is not intellectual calculation, but the moral discretion which enables men to live by the spirit of the moral law.

The claim of utilitarian writers that Burke belongs to their camp has obscured the absolute difference between his principle of prudence and their conception of expediency. Burke had a principle of utility, but he was no utilitarian. In the "Tracts on the Popery Laws" Burke indicated that he derived utility from Cicero's principle of moral equity, which was based upon "original justice." It was a utility "connected with and derived directly from our rational nature; for any other utility may be the utility of a robber." In his attack on Warren Hastings' "system of corrup-

tion" Burke noted the governor's "attempts to justify it on the score of utility," and added, "God forbid that prudence, which is the supreme guide, and indeed stands first of all virtues, should ever be the guide of vices." Burke distinguished carefully between a true and false adherent of moral prudence: "Our love to the occasionalist, but not server of occasions." In any conflict between merely utilitarian convenience and law, his stand was clear: "What the law respects shall be sacred to me. If the barriers of law should be broken down upon ideas of convenience, even of public convenience, we shall have no longer any thing certain among us." When rulers follow true moral prudence they are perfectly in accord with Natural and constitutional law, from which men's true natural and civil rights are derived. Burke believed that when claims to individual "rights" conflicted with moral expediency or prudence they were not really "rights," and not, as Morley said, that they were rights but had to yield to public expediency.

Lord Acton interpreted Burke late in life as a utilitarian, and charged that "Burke loved to evade the arbitration of principle." Apart from the failure to distinguish between political policy, which is subject to arbitration, and moral principles, which are beyond arbitration, Burke's whole practical political career is the best answer to such a misrepresentation. Burke's loyalty to the Rockingham Whigs, and his moral and intellectual guidance of Whig policies for almost three decades, is but one sustained instance of his high personal integrity. He gave up his seat for Bristol, rather than support an iniquitous economic and religious policy against Ireland. For years after most of his colleagues would have liked to have quietly dropped Hastings' trial, Burke made himself unpopular because of the moral zeal with which he pursued a just decision. He broke lifelong

friendships and stood alone for several years, rather than give approval of the French Revolution. Goldsmith's line is literally true; Burke was "too fond of the right to pursue the expedient." Because of his refusal to be corrupted by the Crown, Burke spent most of his political life with the loyal opposition. Neither in practice nor in theory did Burke's principle of prudence include the calculated expediency of utilitarian self-interest.

Burke once described prudence as "the god of this lower world." Professor Leo Strauss has wisely seen fit to note that "prudence and 'this lower world' cannot be seen properly without some knowledge of 'the higher world'—without genuine *theorie*." Through the Natural Law and political prudence, Burke combined his eloquent religious mysticism and stark concrete practicality. As a normative code of ethics, the Natural Law was the basis of Burke's political conservatism in "the higher world" of principle. As a practical means of applying the Natural Law in "this lower world" of civil society, prudence underlies Burke's sensitive regard for men's differences, his reverence for local loyalties and prejudices, his intense dislike for *a priori* abstract absolutes in doctrinaire theory, and his skepticism of ideal, simple plans of government. Burke's ability to combine the Natural Law and prudence made his political philosophy thoroughly consistent, yet almost wholly unsystematic. Natural Law and prudence enabled Burke to fuse to the limit of their valence the most sublime moral precepts and the most concrete empirical facts, details and circumstances, so that political theory and practice were one: "A statesman, never losing sight of principles, is to be guided by circumstances; and judging contrary to the exigencies of the moment he may ruin his country for ever." This is the key statement behind Burke's definition of the politician as "a philosopher

in action." As a philosopher, Burke drew his absolute ethical principles from the natural law; as a politician, he applied his principles in the concrete, with a full regard to historical circumstances, through his principle of moral prudence.

For Burke, history is "the preceptor of prudence" because it reveals "the known march of the ordinary providence of God." History was for Burke a secondary form of divine revelation, supplementing Scripture. History taught practical ethics, not directly through moral principles, but indirectly, by inculcating the spirit of morality through temperance and moderation: "Our physical well-being, our moral worth, our social happiness, our political tranquillity, all depend on that control of our appetites and passions, which the ancients designated by the cardinal virtue of Temperance." Burke believed that "the restraints on men are to be reckoned among their rights." In civil society, the moral law alone was insufficient to restrain the passions of men. The most immediate restraints on men came from the established institutions and legal processes of society, regardless of its political structure. In every just social order, sound ethical norms are embodied in its established institutions, so that in ordinary cases, within "the ordinary providence of God" which constitutes the historical process, society provided the practical means of solving its political problems by political and legal norms, in harmony with the moral law. Since for Burke "the actual and the present is the rational," prudence was a sufficient guide in the ordinary political problems of man. It was not necessary to appeal to transcendental moral standards in every political conflict; such appeals were reserved for extraordinary violations of the moral law, as in the cases of British misrule in Ireland and India, and the Jacobin tyranny in France.

It was the cardinal error of Morley and

the utilitarians (and even of Christian moralists such as Lord Acton and Professor Weaver), that they interpreted Burke's prudence as identical with the utilitarian conception of "expediency," which was based upon empirical philosophy and analytical reason. Morley and his disciples saw nothing of the ethical norms of the Natural Law in Burke's principle of prudence. In fact, they were totally unaware that the Natural Law was the ultimate foundation of Burke's political philosophy. Morley admired the blooming flowers of Burke's politics, without noting the philosophical ground in which they were rooted. He enjoyed the taste of the stream without going back to its source. Consequently, Morley made a *tabula rasa* of the moral principles in Burke's political philosophy, expunging the Natural Law in favor of history. Thus, Morley praised and Acton condemned Burke as a shrewd political activist who had no ultimate philosophical principles to guide his actions. Burke's definition, "a philosopher in action," was split in half, with Morley insisting on the self-sufficiency of *ad hoc* pragmatic action, and Acton insisting that the politician be a moral philosopher. Both Morley and Acton fully appreciated Burke's practical genius in politics, but neither man understood the philosophical basis of his political philosophy.

II

THE TWO MOST IMPORTANT QUESTIONS to be answered concerning Burke's political philosophy are (1) What, to Burke, were the basic principles of sound morality? and (2) How could moral principles be man's guide in practical politics? The second question has already been answered in our discussion of Burke's principle of moral prudence. For purposes of convenience, these questions can be stated separately. But in the close fusion of theory and prac-

tice in politics, they are ideally one and the same question, although man as a finite and fallible creature can approximate this ideal fusion only according to the purity of his understanding, the determination of his will, and the means at his disposal. Burke's actions as a practicing statesman, and the dialectical means by which he defended his actions or advocated political policy, are much more evident than his basic ethical principles. There are several good reasons for this. We have already noted that for Burke, in ordinary political issues, the practical instruments for realizing moral ends in civil society are not found in an abstract ethical code, but in the constitutional means and institutional arrangements inherited from the past. It is a common error to construe Burke's refusal to appeal to universal and eternal absolute moral principles *at every point* as a denial of belief in such principles. Burke's basic moral principles are not always evident, because as a practicing politician his basic political principles were never presented in a systematic treatise. His essential ethical and political beliefs, more or less explicit or assumed, are to be found scattered throughout his voluminous writings and recorded speeches. They are never found in any abstracted form, but are imbedded in Burke's various responses to the particular circumstances and political situations which confronted him during his twenty-nine years in Parliament.

Nothing is more evident than that Burke never approached the immediate contingencies of particular political problems in an *ad hoc*, arbitrary or unprincipled way. Quite the contrary, he always raised each political issue above its empirical circumstances, to the level of constitutional principles, and when necessary, to the level of moral principles. Matthew Arnold's remark that "Burke saturated politics with thought" can be refined into the higher claim that

he saturated politics with historical, legal and ethical principles. In so doing, he continuously achieved a close reciprocal fusion of the particular and the universal. If Burke did not reason downward from high-sounding metaphysical abstractions, as Morley said, it was not because he had rejected moral absolutes, as Morley assumed, but because for Burke, as for Aristotle, transcendental moral truths possess reality only in so far as they are immanent in human affairs, and self-evident to right reason. The empirical actions of men are judged according to their conformity to or violation of basic ethical norms, as these are embodied in man's civil institutions, or in the revelations of religion and right reason.

Burke's politics involves much more than his initial response and subsequent method of reasoning on concrete political situations. Without his faith in the Natural Law, his responses and reasoning in politics would have had no order or cohesion, since there is no ultimate principle of organic unity in empirical, utilitarian and historical political appeals. The much belabored question of Burke's consistency can never be resolved on the political level alone, within history, without recourse to the moral principles which underlie Burke's politics. Burke changed his political front, but he never changed his moral ground.

It would take us too far afield to analyze in detail why the utilitarians so completely and persistently misunderstood Burke's appeals to the Natural Law. But a few general points should be noted. During much of the nineteenth century, utilitarian and positivist writers on political science never regarded the Natural Law as anything but a dead relic of the superstitions of pre-scientific Christian ages. Natural Law was generally held in contempt, and ignorance of what it had meant to previous periods resulted in a complete failure to distinguish between the traditional meaning of Classical

and Scholastic Natural Law, and eighteenth century aberrations from "Nature" put forth by revolutionaries under the "natural rights of man." As Jacques Maritain has said: "The idea of natural law . . . does not go back to the philosophy of the eighteenth century, which more or less deformed it."¹⁰ To the utilitarians, all appeals to "nature" as an ethical norm were anathema. Since it was well known that Burke was an enemy of the revolutionary "rights of man" doctrines, utilitarian writers assumed that Burke rejected the whole tradition of Natural Law in favor of expediency, social utility and an appeal to history. Morley wrote two books on Burke and never even mentioned the Natural Law. Leslie Stephen noted Burke's appeals to "natural rights," but dismissed all such passages as mere rhetoric. Vaughan and MacCunn also noted Burke's "natural rights," but insisted that what he really meant was "civil rights," based upon conventions rather than absolute ethical norms. Following his secondary sources, George Sabine, an outstanding authority in the history of political theory, refined upon these long prevailing convictions concerning Burke:

Burke made an important contribution to the nineteenth century proposal to replace the system of natural law. . . . In a sense Burke showed precisely . . . the reaction that was to follow upon Hume's destruction of the eternal verities of reason and natural law. . . . It is true that he never denied the reality of natural rights. . . . However, like Hume, he believed that they were purely conventional . . . They arise not from anything belonging to nature or to the human species at large, but solely from civil society. . . . Accordingly, Burke not only cleared away, as Hume had done, the pretence that social institutions depend on reason or nature, but far more than Hume he reversed the scheme

of values implied by the system of natural law.¹¹

With such a universal chorus of learned authorities proclaiming Burke an apostle of expediency and a deadly enemy of Natural Law, it is not surprising that in many contemporary reference and text books Burke is commonly enlisted as the foremost British political thinker opposed to belief in the Natural Law. "The reaction of the nineteenth century against natural law formulae," wrote Georges Gurvitch in the *Encyclopedia of the Social Sciences*, "is traceable ultimately to Edmund Burke." Reliance on the high and reverend authorities in the tradition of Morley has caused many eminent writers of textbooks in history and politics to be overwhelmed in "the great Serbonian bog" of positivist scholarship on Burke. Thus, Oscar Handlin, Professor of History at Harvard, recently wrote: "Intellectually, the weightiest attacks upon the conception of a natural and universal law took their points of departure in the writings of Burke and Montesquieu." The enormous ignorance of Burke's works revealed in such statements is clearly evident to anyone familiar with recent scholarship on Burke.

Recent studies in Burke's political philosophy have established beyond any reasonable doubt that far from being an empiricist, utilitarian and pragmatist, and therefore an enemy of Natural Law, Burke was in principle and practice one of the most eloquent and profound defenders of Natural Law morality and politics in Western civilization. In 1949, in the preface to his *Burke's Politics*, Ross Hoffman took conscious issue with all previous scholarship on Burke in the Morley tradition:

Burke's politics . . . were grounded on recognition of the universal natural law of reason and justice ordained by God as the foundation of a good community.

In this recognition the Machiavellian schism between politics and morality is closed, and it is exactly in this respect that Burke stands apart from the modern positivists and pragmatists, who in claiming him have diminished him. His thought, to be sure, worked mostly on concrete and practical questions and he was not fond of adverting to first principles of public morality; but affirmation of the natural law is implicit in all his works, and when he criticized radically—when he attacked at the roots such heinous systems as the anti-Catholic penal code of Ireland and the tyrannical rule of Hastings in Bengal—it became explicit.¹²

Professor Hoffman was among the first scholars to realize, and the first to say in print, that the foundations of Burke's political philosophy rested upon the Natural Law. Since 1949, at least a half dozen major publications have proved Hoffman's thesis to the hilt.

In "Burke and Natural Rights," *The Review of Politics* (Oct., 1951), Russell Kirk argued that Burke's "theory of natural law and natural rights made Burke the founder of philosophical conservatism" in politics. In 1953, in a brilliantly condensed analysis of Burke's basic principles, Professor Leo Strauss extended further the evidence of Burke's adherence to the absolute ethics of traditional Natural Law.¹³ Strauss avoided the common pitfall of the positivists by distinguishing sharply between Burke's Ciceronean "premodern conception of natural right," and the "imaginary rights of men" theories of the eighteenth century revolutionaries, who based their doctrines on Hobbes, Locke and Rousseau. Lord Percy of Newcastle, in *The Heresy of Democracy* (Chicago: Henry Regnery Co., 1955), noted in general certain aspects of Burke's natural law principles which were the basis of his conception of political sovereignty.

In 1956, Charles Parkin published *The Moral Basis of Burke's Political Thought* (Cambridge University Press), in which he demonstrated the close relationship in Burke's political philosophy between Natural Law and Burke's conception of the social contract. Burke's contract theory reveals the vital place of God and the Natural Law in his political thought. In a famous passage in the *Reflections*, Burke put forth a view of civil society totally at variance with Locke's theory of a voluntary and revocable social contract between rulers and subjects, based on a hypothetical pre-civil state of nature. Burke's contract theory was not centered in the means of limiting political power, nor in the share of power between rulers and ruled. Such matters were the concern of constitutional arrangements that depended upon civil conventions, not upon the social contract, and to confuse them broke down the distinction between society and the state, and the ultimate sovereignty of God in all uses of political power. "Society is indeed a contract," Burke wrote, but it is not to be "dissolved at pleasure" by anyone, but should be held in "reverence" as "a partnership in every virtue, and in all perfection." This partnership is not merely between the living, as Hobbes, Locke, Rousseau and Hume assumed, in their respective theories of the social contract. Burke's social compact is between the dead, the living, those to be born and ultimately, between all the generations of man and God, and even between God and Himself. In an "inviolable oath" God has bound Himself to maintain the wisdom and justice of His original creation:

Each contract of each particular state is but a clause in the great primaeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, ac-

ording to a fixed compact sanctioned by the inviolable oath which holds all physical and moral natures, each in their appointed place.

Burke believed in a transcendental moral duty beyond all human will or power, a duty imposed by the "primaeval contract" of God, binding man through obedience to the Natural Law to his civil obligations. To Burke, the Natural Law was a divinely ordained imperative ethical norm which fixed forever his basic moral duties in civil society. Parkin's book clearly showed that the moral order in Burke's political philosophy does not derive from history, but rather from a religious and Natural Law basis.

To enumerate the extent and variety of Burke's appeals to the Natural Law during his twenty-nine years in Parliament is far beyond the scope of this essay. A full-length study of the Natural Law in Burke's political philosophy is available in this author's *Edmund Burke and the Natural Law* (University of Michigan Press, 1958). In this book, all the evidence of Natural Law contained in Burke's complete works was presented to show that Burke consistently appealed to the Natural Law in resolving Irish, Indian and domestic problems in politics, and in the great crisis of the French Revolution. The ultimate basis of Burke's political philosophy, and therefore of his conservatism, is not to be found in his appeals to history, or to prescription, or tradition, and such, but rather in the absolute ethical principles of Christianity and the Natural Law. In Burke's politics, prescription is to law what tradition and custom are to manners, what revelation is to religion and right reason is to morality. The Natural Law is the foundation for Burke's conception of international and constitutional law, of human nature, of Church and State, and of his principles of moral

prudence, legal prescription and political sovereignty. As the ethical standard in all human contracts, the Natural Law of God supplied Burke with his conviction that the greatest and best gift of God to man was government: "He who gave our nature to be perfected by our virtue, willed also the necessary means of its perfection.—He willed therefore the state.—He willed its connection with the source and original archetype of all perfection." Church and State have for Burke a Divine origin, and are but two aspects of the same thing—, God-given instruments by which man can bring himself to his highest spiritual and social perfection: "Every sort of moral, every sort of civil, every sort of politic institution, aiding the rational and natural ties that connect the human understanding and affections to the divine, are not more than necessary, in order to build up that wonderful structure, Man." Apart from its spiritual function, the civil function of the Church in England was to consecrate the state, "that all who administer in the government of men, in which they stand in the person of God himself, should have high and worthy notions of their function and destination." Burke's conception of society as based upon a divine contract implies that all power is a divine trust: "All persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust: and that they are to account for their conduct in that trust to the one great Master, Author, and Founder of society. . . . Power to be legitimate must be according to that eternal, immutable law, in which will and reason are the same." Burke's belief in the Natural Law made him a champion of man's natural rights—, those "self-evident" rights to life, liberty and property which it was the chief purpose of society to preserve: "Everybody is satisfied," Burke wrote, "that a conservation and secure enjoyment of our natural

rights is the great and ultimate purpose of civil society; and that therefore all forms whatsoever of government are only good as they are subservient to that purpose, to which they are entirely subordinate." As these basic *natural rights* belonged to man, by virtue of his humanity, and were not the *civil rights* granted to him by the state, by virtue of his citizenship, they transcended the state and took precedence over its power as norms by which the actions or claims of rulers were to be judged: "The rights of men—that is to say, the natural rights of mankind," Burke said, concerning Fox's East India Bill, "—are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure." In any conflict between expediency and true natural rights, based on Natural Law, the last appeal for Burke was not to expediency but to Rights.

The most recent book on Burke's political philosophy, Francis Canavan's *The Political Reason of Edmund Burke* (Duke University Press, 1960), states: "There is not to be found in Burke's writing a formal treatise on the natural law . . . but the doctrine is alluded to throughout his works and furnishes the premises of his most profound arguments." In opposition to those who have contended that Burke's method of handling political problems proves he was a pragmatist, Canavan's book shows that Burke's characteristic use of political reason conforms with the self-evident norms of the Natural Law.

Thus, the counter-revolution on traditional grounds which has characterized scholarship on Burke since 1949 has completely reversed the utilitarian-positivist-liberal interpretation of his political philosophy. It is now evident to all the outstanding Burke scholars that in the final analysis of Burke's complex thought, the revelations of Christianity and the ethical norms

of Classical and Scholastic Natural Law form jointly the foundation of Burke's conservative Christian-humanist political philosophy. As Burke so beautifully summarized his position: "The principles of true politics are those of morality enlarged."

¹ John Morley, *Edmund Burke: A Historical Study* (London, 1867), p. 152. In 1917 Morley recorded that he once had defended himself against Lord Acton's charge that he had no "large principles" by claiming adherence to Burke's "higher expediency." *Recollections* (New York: The Macmillan Co., 1917), I, 232-233. Acton accepted Morley's interpretation of Burke, and condemned Burke on the very grounds that Morley praised him.

² Charles E. Vaughan, *Studies in the History of Political Philosophy Before and After Rousseau* (New York, 1925), II, 5.

³ John MacCunn, *The Political Philosophy of Burke* (London: Edward Arnold, 1913), p. 193.

⁴ Elie Halévy, *The Growth of Philosophic Radicalism* (New York: 1928), pp. 158 and 161. See also, pp. 153-157, 159-161, 181 and 223.

⁵ Lois Whitney, *Primitivism and the Idea of Progress* (Baltimore: The Johns Hopkins Press, 1934), pp. 196-197.

⁶ Henry V. S. Ogden, "The Rejection of the Antithesis of Nature and Art in English Political

Writings, 1760-1800," Ph. D. Thesis, University of Chicago, 1936, p. 85. See also, pp. 83, 86, 113, 116, 137-138, 146 and 155.

⁷ See John H. Randall, *The Making of the Modern Mind* (Boston: Houghton Mifflin, 1940), p. 432; Annie M. Osborn, *Rousseau and Burke* (London: Oxford University Press, 1940), pp. 133-145; John A. Lester, "An Analysis of the Conservative Thought of Edmund Burke," Ph.D. Thesis, Harvard University, 1943, pp. 64 and 201.

⁸ Richard M. Weaver, *The Ethics of Rhetoric* (Chicago: Henry Regnery Co., 1953), p. 58. See also, p. 83.

⁹ For examples of Burke as an historical conservative, see A. A. Baumann, *Edmund Burke, the Founder of Modern Conservatism* (London, 1929); John A. Lester, "An Analysis of the Conservative Thought of Edmund Burke"; Russell Kirk, "Burke and the Principle of Order," *The Sewanee Review* (April, 1952), pp. 1-15; "Burke and the Philosophy of Prescription," *Journal of the History of Ideas* (June, 1953), pp. 365-380. Kirk was aware that Burke's conservatism had a religious and moral basis, but in these articles he stressed the historical elements in Burke's thought.

¹⁰ Jacques Maritain, *The Rights of Man and Natural Law*, tr. Doris C. Anson (New York: Charles Scribner's Sons, 1943), p. 59.

¹¹ George Sabine, *A History of Political Theory* (New York: Henry Holt, 1937), pp. 607-614.

¹² Ross Hoffman, *Burke's Politics* (New York: Alfred A. Knopf, 1949), preface, xv. This preface contains one of the best brief expositions of Burke's basic political principles.

¹³ Leo Strauss, *Natural Right and History* (University of Chicago Press, 1953), pp. 294-323.