

Liberty, Authority, and Trust in Burke's Idea of Empire

Author(s): Richard Bourke

Source: *Journal of the History of Ideas*, Vol. 61, No. 3 (Jul., 2000), pp. 453-471

Published by: University of Pennsylvania Press

Stable URL: <http://www.jstor.org/stable/3653923>

Accessed: 17/01/2009 10:57

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/action/showPublisher?publisherCode=upenn>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is a not-for-profit organization founded in 1995 to build trusted digital archives for scholarship. We work with the scholarly community to preserve their work and the materials they rely upon, and to build a common research platform that promotes the discovery and use of these resources. For more information about JSTOR, please contact support@jstor.org.



University of Pennsylvania Press is collaborating with JSTOR to digitize, preserve and extend access to *Journal of the History of Ideas*.

Liberty, Authority, and Trust in Burke's Idea of Empire

Richard Bourke

When Edmund Burke first embarked upon a parliamentary career, British political life was in the process of adapting to a series of critical reorientations in both the dynamics of party affiliation and the direction of imperial policy. During the period of the Seven Years' War, a reconstituted militia became a focus for patriotic enthusiasm, uniting national sentiment against France and effectively eradicating the remnants of Jacobite rhetoric and aspiration. Traditional opposition between Tory and Whig became irrelevant, while Court and Country jointly came to the support of the Pitt-Newcastle ministry. However, in due course the Old Corps disintegrated as George III succeeded to the throne with the promise of an end to factional strife and the beginning of a patriotic alliance in government. But while competing ideologies and interests on the domestic political scene were undergoing comprehensive realignment, the pursuit of a blue-water policy in tandem with strategic continental campaigns brought Britain's struggle against France into North America, the Caribbean, and India. Trade continued to expand into Asia and West Africa, but the principles of commercial advantage were continually brought into open conflict with the exigencies of war. The division of power in Europe became embroiled in a substantial redivision of empire, and by 1763 British territorial expansion had reached its zenith.

When Burke was appointed private secretary to the Marquis of Rockingham, with the national debt standing at an all time high and the demands of imperial defense unlikely to diminish, the politics of empire called for urgent attention from all sections of the political establishment. In particular the Rockinghamites, adopting a posture of aloofness from venality and petty interest, were obliged to advance policies for imperial government on the solid basis of political principle.¹ Coming into parliament as a member for Wendover in the wake of

¹ The task of formulating the position fell, of course, to Edmund Burke and is set out in his famous plea for "men, not measures" in "Thoughts on the Present Discontents" (1770), in Paul Langford et al. (eds.), *The Writings and Speeches of Edmund Burke* (Oxford, 1981-), II, 241-

Grenville's Stamp Act, at a time when the East India Company was assuming control of the revenue in Bengal, Burke set about formulating a doctrine of imperial sovereignty which would be serviceable to the party either in power or in opposition and which would be adequate to the complex reality of detached and extensive empire. The immediate reception of that inquiry, both in Britain and on the Continent, into the fraught world of post-Revolutionary political debate has had the long-term effect of distorting the order of emphasis in terms of which his career as a whole ought properly to be understood.

The vigorous elaboration, in opposition to the Jacobin experiment in France, of the conditions under which moderate government could be exercised within the context of an absolute sovereignty was expressed in terms which had originally been invoked as part of a sustained attempt to reconcile civility with empire. As we shall see, that attempt involved a process of delicate coordination by means of which the interests of freedom would be brought into harmony with the demands of public power. In that sense the effort to make liberty and authority mutually responsible can be said to constitute the core ambition of Burke's political rhetoric. In this context responsibility defines the optimally beneficial relation between government and people on the one hand and national sovereignty and the extended empire on the other. This article outlines the practical and theoretical exploration of those relations within the frame of Burke's intervention in the world of eighteenth-century political discourse.

Burke was of course well placed in 1765 to evolve a theory of imperial government that was at once ideologically compelling and politically viable. In his capacity as secretary to William Gerard Hamilton in the early 1760s he had already examined the corruption of legitimate empire as represented by the introduction of penal legislation into Ireland after 1694. The *Tracts Relating to Popery Laws* set out to convict the Irish Parliament in Dublin of flagrant misrule. A subordinate legislature within the empire is charged with having employed its coercive authority in defiance of the principles of equity and common utility. The Popery Laws, Burke tells us, represent the doctrine of Hobbes in operation: a particular interest and not the general advantage was made the foundation of public right. That interest coincided with the interest of the Protestant establishment in Ireland. The very constitution of the country had, in Burke's view, been made to serve its purposes. With necessity as its permanent pretext, a penal constitution succeeded in converting extraordinary measures into ordinary

323. The "men" involved are described as men "of principle": "When bad men combine, the good must associate" (315). It is relevant to the argument that follows that the political bond between them is explicitly characterized in terms of the Ciceronian ideal of friendship: "Certain it is, the best patriots in the greatest commonwealths have always commended and promoted such connexions. *Idem sentire de republica*, was with them a principal ground of friendship, and attachment.... The Romans carried this principle a great way" (316) (Cicero, *De Amicitia*, 10).

maxims of state. An avowedly factional interest became the occasion for a radical subversion of all public benefit: the security of the established religion was pleaded against the security of the Catholic landed interest, a partial good set against the general good, and fundamental equity, the "Mother of Justice," suspended.²

Under these circumstances, in which a dependent Kingdom exempts itself from the civilized protocols of the British constitution, arbitrary will is put in the place of imperial justice, and a delinquent system of law is made the enemy of a people. This enmity, however, is not deduced by Burke in accordance with theological principles: arbitrary government may be without divine sanction, but it is also unlikely to secure material support in the form of popular consent. Consent in this sense is not founded on natural right but on customary opinion, and its offense is likely to issue in a breach of trust manifested in the open hostility of the governed to their government. Sovereignty in this situation can only be maintained as an instrument of conquest. It was this intuition which led Burke on the floor of the House of Commons in February 1766 to denounce as folly the military enforcement of the Stamp Act. The unhampered execution of sovereign authority, Burke asserted, should be viewed as a weapon rather than a benefit which, if pursued to extremes, would amount to little more than an invitation "to open the Theatre of Civil war."³ Sovereignty, Burke understood, was absolute in principle. This fact, however, did not in any sense modify the imprudence of trying to make its action boundless and irresponsible. Political reality in the North American colonies dictated that, while authority was theoretically unaccountable, it had in practice to accommodate "the opinion of a free land."⁴

So in the early months of 1766 Burke was struggling to present empire and civility as partners in politics. On the far side of civility lay the stark alternatives of war or military government. However, maintaining the virtue of civilized politics was a matter for practical reason, a matter of accommodating the purposes of government to the opinion of the ruled. While North American opinion was inclined toward freedom, authority was obliged to moderate its action in the face of an established taste for liberty. This process of compromise constituted for Burke the most precarious yet essential ingredient of political judgment: "The most anxious work for the understanding of men is to govern a large Empire upon a plan of freedom."⁵

² Edmund Burke, "Tracts Relating to Popery Laws" (1764), in *Writings and Speeches*, IX, 454-59. Burke's "Mother of Justice" reference is to Philo, in *De Specialibus Legibus*, VIII, 151.

³ Edmund Burke, "Speech on Stamp Act Disturbances" (Jan.-Feb., 1766), in *Writings and Speeches*, II, 45.

⁴ Edmund Burke, "Ryder Diaries," in *ibid.*, II, 50: "An Englishman must be subordinate to England, but he must be governed according to the opinion of a free land. Without subordination, it would not be one Empire. Without freedom, it would not be the British Empire."

⁵ Edmund Burke, "Ryder Diaries," in *ibid.*, II, 50.

In his draft speech on the Rockingham Administration's Declaratory Resolution of 1766, Burke presented the task of government as one of putting the sovereign right of the imperial parliament into action within the prudentially delimited confines of a prescriptive constitution established on the principle of liberty and a series of geographically remote dependencies jealous of their privileges:

This speculative Idea of a right [being] deduced from the unlimited Nature of the supreme legislative authority, [is] very clear and very undeniable, but, when explained and proved and admitted [it is] little to the purpose. The Practical, executive, exertion of this Right may be impracticable, may be inequitable and may be contrary to the Genius and Spirit even of the Constitution which gives this right at least contrary to the principles of Liberty. This Practical Idea of the Constitution of the British Empire to be deduced from the general and relative Situation of its parts[...] It must be governed upon the principles of Freedom.⁶

The “speculative Idea of right” is obliged to exert itself in the context of practical possibility, and the appraisal of possibility must be refined with reference to the circumstantial character of transatlantic empire.

This circumstantial character, “the general and relative Situation of its parts,” was an amalgamation of two inherited realities, namely, the reality of geographical extent and the reality of historical precedent. The resulting situation comprised a set of political relations stretching westward from Westminster—into Wales, into Ireland and on to Virginia—which had not been the product of rationally purposeful human ingenuity and which consequently should not be digested into a rationally regulated imperial constitution. A subordination of parts—of Kingdoms, colonies, and corporations and, to the east of the realm, of chartered rights and factories—such a subordination at once implied sovereignty and discounted uniformity. The empire therefore was not, as Governor Pownall had argued, coterminous with the realm. Neither was it to be comprehended as “ONE GRAND MARINE DOMINION” governed by a “grand commercial interest.” Between the stark alternatives of an “American” and a “British union,” each activated by the spirit of commerce, lay the preferable option of “informal” empire animated by the sentiments of fealty and trust.⁷

⁶ Edmund Burke, MS. At Sheffield, BK 6. 126, in *ibid.*, II, 47.

⁷ For Thomas Pownall's analysis see *The Administration of the Colonies* (London, 1765, 1768). On the colonies in relation to the realm see xiv. For Burke's marginal comments to the 1768 edition of the *Administration*, see the British Library copy at C.60.i.9.

By March 1775, after the Townsend Duties, the Boston Port Bill and the Massachusetts Bay Regulation Bill had all taken their toll, Burke was still insisting upon the compatibility of imperial supremacy with diversified subjection. He was still at pains to present the empire as an entire yet miscellaneous collection of territories, a body of many parts. In such an assemblage government had more the character of a benefaction than a command: obligation implied the reciprocal ties of subordination and privilege. Only on such a model would it be possible to “govern a large empire upon a plan of freedom” since only under such conditions could power be moderated while liberty at the same time was tamed. Between the extent of territories which constituted the British empire and the sovereign authority of the Crown-in-Parliament neither the equality of Confederation nor the servitude of Universal Monarchy obtained, and obedience as a result was liberal, loyalty unforced and allegiance for that reason more durable:

Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states under one common head; whether this head be a Monarch, or a presiding republick. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely fine. Of course disputes, often too, very bitter disputes, and much ill blood will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior power.⁸

It is of course a fact that *imperium* could be rendered in the seventeenth and eighteenth centuries as “sovereignty” or “empire,” but here the point being urged is that “an empire”—the British—is to be understood not as a uniform exercise of sovereign authority but as a diversified structure of subordination.

Generous subordination entailed a liberal exchange of benefits which matured over time into habit. But the disturbance of this habitual expectation of favors given and received suggested to Burke a somewhat hasty departure from the dependable strategy of moderation. It implied the abandonment of imperial magnanimity; yet it was precisely a gesture of political generosity for which the

⁸ Edmund Burke, “Speech on Conciliation with the Colonies” (1775), in *The Works of the Right Honourable Edmund Burke* (16 vols.; London, 1826-27), III, 69-70.

restless spirit of freedom in North America called.⁹ The retreat from moderation was a recipe for war, and a war of conquest in the thirteen colonies carried the inevitable consequence of a subversion of liberty at home.¹⁰ In the event the pursuit of war saw the colonies through to separation rather than conquest, and separation was followed in the course of time by the transformation of newly independent states into a sovereign federation. Upon assuming office as Paymaster General in the second Rockingham Administration of 1782, Burke could argue that his own predictions had at last become fact. The employment by successive British governments since 1766 of punitive measures instead of prudent management and of a military campaign instead of an imperial policy had ensured that colonial grievances would embody themselves into a faction and that faction would become *imperium in imperio* through force of arms. And so from the mid-1770s up to 1783 Burke's rhetorical energies were continually deployed against the descent of dissidence into faction and faction into war.

Two years after the "Theatre of Civil war" had been opened between the colonies and their mother country, factional animosity in Ireland appeared to Burke to have moved that bit closer to military confrontation. The Irish Volunteers, a predominantly Protestant militia which had originally formed for defense against the threat of a French invasion, were in a state of advanced preparation as Catholic Relief passed through the Irish Parliament in the summer of 1778. Within fifteen months, as they set their sights on the relaxation of Irish trade restrictions, their numbers had swollen to about 25,000. Indeed throughout this period up to 1783 the Volunteers tried with notable successes to force the pace of events, and threatened the subordination of politics to arms. Burke inevitably became apprehensive lest the same spirit of persecution which had appeared in Ireland during the Whiteboy disturbances of the early 1760s should come to dominate their proceedings.¹¹ This foreboding is scarcely surprising given the nature of Burke's original understanding of Irish discontents. Where the law is used as a means of disqualification, where the constitution of a country is founded on such fundamental principles of exclusion, organized society degenerates into organized antagonism.

Accordingly, Henry Flood, Henry Grattan, and the Volunteers—agitating for reform, independence, and free trade—alternated in Burke's perception as potential harbingers of hostility and division. In a divided polity such as Ireland

⁹ Burke, *ibid.*, III, 126: "Magnanimity in politicks is not seldom the truest wisdom; and a great empire and little minds go ill together."

¹⁰ Burke, "An Address to the King" (1777), in *Works*, IX, 192: "Sir, your throne cannot stand on the principles of unconditional submission and passive obedience [...] an acquiescence procured by foreign mercenary troops, and secured by standing armies. These may possibly be the foundation of other thrones: they must be the subversion of yours."

¹¹ On Burke's response to the Irish Volunteers see Conor Cruise O'Brien, *The Great Melody: A Thematic Biography of Edmund Burke* (London, 1992), 178ff.

devolution within the empire and the reform of representation could not coherently be advanced while Catholic emancipation was being denied. The campaigns for legislative independence and for Parliamentary reform could only be countenanced by Burke on condition that Catholic relief was in place. Devolving authority to be exercised within the terms of an unreformed constitution entailed giving encouragement to proscription and licence to oppression. For Burke equity and utility were less likely to be promoted by the cabalistic politics of his native land than by the sober measures of which "his better and his adopted country" was at least capable.¹² A political Union between Britain and Ireland appeared for this reason to be a more preferable option than separation.¹³

But the prospect of Union came closer in November 1783 as the National Convention of the Irish Volunteers seemed likely to press for a reform of the franchise. Informed opinion within the Fox-North Administration saw the further enfranchisement of Protestantism as calculated to promote the cause of full Irish independence. In the end the Convention was a fiasco and crisis was averted. Nonetheless, the critical development of affairs in Ireland, coupled with the humiliating fact of American secession, gave a particular edge to Burke's defense of Fox's East India Bill in 1783: "if we are not able to contrive some method of governing India *well*, which will not of necessity become the means of governing Great Britain *ill*, a ground is laid for their eternal separation."¹⁴ Fox's Bill was designed, from Burke's point of view, to destroy what had all the appearances of a commercial tyranny in south-east Asia. Its purpose in other words was to convert the management of Indian affairs from a commercial to a judicial administration while at the same time rendering politically accountable the trust of government which Parliament had vested in the East India Company. The failure to carry out this task, Burke contended, will lead India, as America had been led, into rebellion. When failure did come with the defeat of the Bill, the Fox-North coalition was swept from power, and Burke embarked upon his impeachment of Warren Hastings.

Burke's Speech which finally opened the impeachment early in 1788 has all the characteristics of a Ciceronian oration on the corruption of imperial justice, with Hastings cast in the role of the latter's notorious Verres. On the first day of the proceedings Burke returned to a familiar complaint: "in all

¹² Reported by Henry Grattan Jr. in his *Memoirs of the Life and Times of the Rt. Hon. Henry Grattan* (London, 1839-46), II, 36.

¹³ For Burke on the possibility of political union with Ireland, see his letter to Samuel Span, 23 April 1778, in *The Correspondence of Edmund Burke*, ed. Thomas Copeland et al. (10 vols.; London, 1958-78), III, 434.

¹⁴ "Speech on Fox's India Bill" (1783), in *Writings and Speeches*, V, 383.

other Countries, a political body that acts as a Commonwealth is first settled, and trade follows as a necessary consequence of the protection obtained by political power.” In India, however, this order had been drastically reversed: “The constitution of the Company began in commerce and ended in Empire.”¹⁵ But while the Company united in one body the distinct objectives of authority and trade, it was also noticeably free of all political restraints. Animated both at home and abroad by a pervasive *esprit du corps*, the Company was in the very nature of things incapable of bringing itself to book.¹⁶

The existence of a commercial bureaucracy claiming charge over both the administration of justice and the management of the revenue was to Burke a perversion of all settled procedures of civilized government. It conflated judicial with executive power, and it equated the public benefits of government with the private advantages of commerce. But when this perversion was established on the foundations of a corporate spirit, it was also inevitably opposed to self-correction:

the English Nation in India is nothing but a seminary for the succession of Officers. They are a Nation of placemen. They are a Republic, a Commonwealth without a people. They are a State made up wholly of magistrates. The consequence of which is that there is no people to control, to watch, to balance against the power of office. There is no corrective upon it whatever. The consequence of which is that, being a Kingdom of Magistrates, the *Esprit du corps* is strong in it—the spirit of the body by which they consider themselves as having a common interest, and a common interest separated both from the Country that sent them out and from the Country in which they are....¹⁷

A commercial monopoly had transformed itself into a political monopoly in which the function of government had been effectively subverted: concern with the public welfare had been replaced by the pursuit of commercial utility, and private advantage in turn saw to it that the judicial and political organs of administration were inadequately distinguished.

As a political monopoly, the East India Company had been liberated from the constraints of both public opinion and political supervision. In consequence, its duties were deemed to extend no further than its will. Burke, as we have seen, perfectly appreciated that sovereignty was not juridically accountable. But here a chartered Company which as a matter of definition had no ultimate claim to sovereign right behaved as if it had much more. It had made of its chartered

¹⁵ “Speech on Opening of Impeachment” (15-19 Feb. 1788), in *Writings and Speeches*, VI, 283.

¹⁶ *Ibid.*, VI, 286.

¹⁷ *Ibid.*, VI, 285-86.

privileges an arbitrary government. Beginning in commerce and ending in empire, empire itself had been exempted from scrutiny. "Supreme power in every Country is not legally and in any ordinary way subject to a penal prosecution for any of its action."¹⁸ But the power vested in a crown liberty was not supreme *de jure*. Neither, in any case, was sovereign authority ordinarily inclined to indulge itself in the limitless executive action of which the East India Company had shown itself to be capable. It is, Burke concluded, "from confounding the unaccountable character inherent to the Supreme power with arbitrary power that all this confusion of ideas has arisen."¹⁹ Absolute sovereignty did not amount to political despotism but a subordinate government released from all the practical contingencies which usually moderate the exercise of authority approximated to precisely this condition.

A subordinate corporation within the realm had grown to exercise the powers of government within the empire. In the process its legal subordination became pragmatically inconsequential as its activities extended beyond the bounds of effective political control. Its initiatives, it seemed clear, had begun to elude the authority of Parliament. But at the same time, seen from the perspective of Bombay or Calcutta, the Company's own authority enjoyed virtually complete freedom of action. Its liberty became in this sense absolute. It had been absolved of the customary restrictions which opinion imposed upon government. After all, the Company had come to conduct its affairs on the model of a "Commonwealth without a people." However, a government which disdains all society with the governed—which suspends all relations of benefaction and contract—tacitly commits itself to a declaration of war.²⁰ Back in 1783 Burke's complaint against the conduct of Company officers had centered on their posture of corporate isolation: "Young men (boys almost) govern there, without society, without sympathy with the native."²¹ Political society clearly entailed for Burke a definite political division of labor. The point, however, is that if this division is not to degenerate into conflict, government must in some sense be conformable to society, it must be compatible with the manners of a people: "Every age has its own manners, and its politicks is dependent upon them."²²

In the final analysis, Burke took manners to be the foundation of morals and morals to be the foundation of laws. In these terms, while practical reason dictates that rulers are obliged to live upon the opinion of the ruled, simple induction shows that manners act as the arbiters of opinion. This causal trajectory

¹⁸ "Speech on Opening of Impeachment," *op. cit.*, VI, 351.

¹⁹ *Ibid.*, VI, 352.

²⁰ *Ibid.*, VI, 469-70.

²¹ "Speech on Fox's India Bill" in *Writings and Speeches*, V, 402.

²² *Thoughts on the Cause of the Present Discontents* (1770), in *Writings and Speeches*, II, 258.

accounts for the affective reality of allegiance. It brings into relief Burke's understanding of the significance of obligation as a bond of trust rather than a system of abstract rights, an affair of sentiment and of interest rather than a rationalized system of juridical relations. As a result the terms of subjection to political authority cannot be intellectually anatomized into a mathematically precise calculus of duties. Indeed, moral and political action in general ought properly to be understood as the product of purposeful accommodation rather than metaphysical stipulation. What, as Burke asked in the 1757 Preface to his *Vindication of Natural Society*, "would become of the World if the Practice of all moral Duties, and the Foundations of Society, rested upon having their Reasons made clear and demonstrative to every Individual?"²³

Were virtue to depend exclusively upon rational calculation, behavioral norms would be deprived of any motivating principles. Similarly, if society relied for its cohesiveness upon a disinterested estimate of its utility, the motive to enter into society with others would effectively disappear. Finally, where the judgment of this utility is made a matter of individual right and this right an inalienable gift of nature, social liberties degenerate into the rights of war.²⁴ Natural liberty is made a legitimate plea against artificial authority and civil society collapses into a scene of internecine struggle between the competing aspirations of disembodied and putatively rational wills. In this context, however, rationality actually functions as an alibi for passion shorn of those solid interests and attachments which might render it dependable and amenable to society. Practical reason is undone by the impulse toward intellectual ingenuity, judgment is inhabited by pride: "a Mind which has no Restraint from a Sense of its own Weakness, of its subordinate Rank in the Creation, and of the extreme Danger of letting the Imagination loose upon some Subjects, may very plausibly attack every thing the most excellent and venerable."²⁵

Once theoretical reason directs its energies toward the world of practical business with abstract truth as the criterion of success, the inevitable result is a politics of destruction. Intelligence comes to operate without reference to cases, judgment is no longer subordinate to circumstance, and speculation makes its appearance as the enemy of moral sentiment in society. For Burke the endeavor to impose the empire of reason upon the life of habit ends with the derangement of social aptitudes like opinion and interest by the vagaries of passion and inclination. It promotes a moral culture of dissidence which inhibits the action of deference in society. At the same time it promotes a politics of disestablishment

²³ *A Vindication of Natural Society* (1756, 1757), in *Pre-Revolutionary Writings*, ed. Ian Harris (Cambridge, 1993), 11.

²⁴ On the distinction between social freedom and the rights of war, see Burke's letter of November 1789 to Charles-Jean-François Depont in *Correspondence*, IV, 42-48.

²⁵ *Ibid.*, 10-11.

which explodes all reverence for authority. It gives license to a kind of lethal disputatiousness in human affairs, and by this license custom is replaced by experiment while appetite eliminates the social virtues of humanity and magnanimity. Ultimately, the currency of honor, and therefore the objects of emulation, are distorted and debased.

Throughout the 1790s Burke took the doctrine of natural right to be the chief product of this speculative style in politics. The doctrine itself, however, bore all the hallmarks of a somewhat older enthusiasm. "It is," as Burke put it in 1792, "the new fanatical Religion, now in the heat of its first ferment, of the Rights of Man, which rejects all Establishments, all discipline, all Ecclesiastical, and in truth all Civil order, which will triumph, and will lay prostrate your Church; which will destroy your distinctions, and which will put your properties to auction, and disperse you over the earth."²⁶ For him, as for David Hume and Josiah Tucker before him, the fanaticism of disestablishment had originally taken root amongst the sectaries of the English Civil War when conscience gave way to pride under the pretense of piety while manners were corrupted by the engrossing presumptuousness of enthusiasm.

As Hume presented the case in his *History of England*, "The saint, resigned over to superior guidance, was at full liberty to gratify all his appetites, disguised under the appearance of pious zeal."²⁷ It was this act of complacent resignation, Hume went on, which in due course "eluded and loosened all the ties of morality, and gave entire scope, and even sanction, to the selfishness and ambition, which naturally adhere to the human mind." Ecstatic worship, without the exterior aid of ceremony and pomp, occupied the individual with his own inwardness. Devotion began to approximate the condition of self-devotion: "pious zeal," as Hume had put it, was in reality a ruse by which naked ambition could be more amply exerted. Since the spiritual pilgrimage of the enthusiast in religion borrowed nothing from the senses, he abandoned the general intercourse of society for an inner communion with the Divinity. Religious life grew to neglect—and ultimately to excoriate—the use of ornament and hierarchy in the conduct of its affairs with the result that the individual was consecrated at the expense of all church establishments. The moral life, deprived of the external supports of socially and institutionally moderated emulation, degenerated into the condition of spiritual pride.

Schismatic combination was understood by Hume to constitute one prevalent and destructive example of parties formed on the basis of "principle": association was determined less by positive interest or affection than by the abstract

²⁶ "Letter to Richard Burke, Esq." (19 February, 1792), in *Writings and Speeches*, IX, 647.

²⁷ David Hume, *The History of England, From the Invasion of Julius Caesar to the Revolution of 1688* (6 vols.; London, 1778), V, 493-94.

tenets of doctrine.²⁸ Originally formed out of theological disputes, such parties fast became animated by the spirit of persecution, and their development into factions ensured the subversion of law and the suppression of humane conduct. But the dangers implicit in inspirational sects were duplicated by those inherent in “parties from principle” in general. This category was taken to include parties formed on the basis of speculative principles of government. One such principle, Hume had argued, took the form of the doctrine of legitimate resistance. But when this doctrine found expression in forms of political combination its inevitable tendency was to unhinge all reverence for civil authority as such:

If ever, on any occasion, it were laudable to conceal truth from the populace; it must be confessed, that the doctrine of resistance affords such an example; and that all speculative reasoners ought to observe, with regard to this principle, the same cautious silence, which the laws, in every species of government, have ever prescribed to themselves. Government is instituted, in order to restrain the fury and injustice of the people; and being always founded upon opinion, not on force, it is dangerous to weaken, by these speculations, the reverence, which the multitude owe to authority, and to instruct them beforehand, that the case can ever happen, when they may be free from their duty of allegiance. Or should it be found impossible to restrain the licence of human disquisitions, it must be acknowledged, that the doctrine of obedience ought alone to be inculcated, and that exceptions, which are rare, ought seldom or never be mentioned in popular reasonings and discourses. Nor is there any danger, that mankind, by this prudent reserve, should universally degenerate into a state of abject servitude. When the exception really occurs, even though it be not previously expected and descanted on, it must, from its very nature, be so obvious and undisputed, as to remove all doubt, and overpower the restraint, however great, imposed by teaching the general doctrine of obedience.²⁹

²⁸ David Hume, “Of Parties in General” (1741), in *Essays Moral, Political, and Literary*, ed. Eugene F. Miller (Indianapolis, 1985, 1987), 60. See also his “Of the Parties of Great Britain” (1741), and “Of the Coalition of Parties” (1758), in *ibid.*, 64-72 and 493-501 respectively. Hume’s points are related to, but must nonetheless be carefully distinguished from, Burke’s discussion of party in the *Thoughts on the Present Discontents* of 1770 (see above, note 1). Burke’s argument relates to the very different era of Whig politics after the succession of George III. Party for Hume is used here to imply faction. In Burke it is meant to connote an alliance in defense of the constitution.

²⁹ David Hume, *The History of England*, V, 544.

Burke was familiar with this passage from Hume's *History* during the American crisis.³⁰ However it was not until after the Revolution in France that he felt compelled to press Hume's claims with his own characteristic vigor.

By March 1790, during a debate in the Commons on Fox's Motion for the Repeal of the Test and Corporation Acts, Burke had already concluded that the principles of natural right, in the hands of Robinson, Palmer, Priestley, and Price, were jeopardizing the safety of the church and consequently threatening the security of society in general.³¹ With the publication of Price's *Discourse On the Love of our Country*, the principles of natural right were being put in the service of the doctrine of resistance. But resistance, Burke argued, following Hume, is an exception in politics rather than a principle of action. It is a case of necessity which compels in the midst of extraordinary provocation but is not lightly chosen: "The speculative line of demarcation, where obedience ought to end, and resistance must begin, is faint, and obscure, and not easily definable."³² The attempt to subject the public duties of authority to a series of ascertainable definitions is a presumption in favor of rationalism in politics: it is, as we have seen, to provide government with a basis in reason when its only viable foundation lies in established use and practice. But where political judgment is forced to abandon prudence for pure reason, the affective ligaments of political society are dissolved.

While the parodic attacks on Rousseau and Bolingbroke in the *Vindication* had already afforded Burke an opportunity to display his distaste for speculative political reasoning, a succession of events—the American crisis from the mid-1760s, the debates on the Acts of Uniformity in 1772, and agitation for the Reform of Representation in the early 1780s—all compelled him to renew the assault. But in the 1790s the attack upon theoretical abstraction acquired a new urgency in the face of a body of revolutionary doctrine whose chief practical purpose seemed to Burke to consist in the utter destruction of civilized politics in *ancien regime* Europe. It was therefore throughout his final years, with a revolution in politics progressing in France and revolutionary war advancing in Europe, that Burke returned to consider the intricate and involved dynamics of liberty, authority, and practical reason with particular attentiveness. Government in the hands of the National Assembly had been deprived of the authority of precedent; society was decomposed into the elementary condition of natural liberty; and sovereignty, operating beyond the pale of social and political restraint, assumed all the characteristics of despotic command. But already in 1790 the course of events since the previous year amplified for Burke the fatal consequences of sacrificing prudence to moral and political sophistry:

³⁰ Burke had implicitly made the point as early as 1772. See his "Speech on the Acts of Uniformity" (1772), in *Works*, X, 17.

³¹ See *The Parliamentary History of England* (London, 1816), XXVIII, cols. 434-41.

³² *Reflections on the Revolution in France* (1790), in *Writings and Speeches*, VIII, 81.

The effect of liberty to individuals is that they do what they please; we ought to see what it will please them to do, before we risk congratulations which may be soon turned into complaints. Prudence would dictate this in the case of separate, insulated private men, but liberty, when men act in bodies, is *power*. Considerate people, before they declare themselves, will observe the use which is made of *power*....³³

It was in the context of this commitment to observe the use to which power was actually being put in France that Burke set out once more to emphasize how practical reason endeavors to maximize the opportunities for human benefit with reference to circumstances directly transmitted from the past.

The judgment of opportunity, however, entails a process of judicious compromise between desirable ends and available means. It is, in other words, a case of preferences in relation to possibilities and therefore a matter of risk. As Burke confided to Depont in November 1789, “wherever the sacrifice of any subordinate point of Morality, or of honour, or even common liberal sentiment and feeling is called for, one ought to be tolerably sure, that the object is worth it. Nothing is good, but in proportion, and with reference.”³⁴ The element of risk resides in the estimation of value in “proportion” and with “reference” to practical reality. But the greatest hazard in politics derives from the failure to appreciate the hazardous nature of practical reason itself: the danger, that is, which proceeds from the perpetual temptation to abandon the robust lessons of experience for delusive plausibilities masquerading as certainties—to subordinate political to theoretical reason, to reduce politics to a science of first principles. As we have seen, the philosophical ambition to establish government upon a priori principles is a recipe for dissolving the ties composing any system of subordination regulated by the operation of custom and fidelity. Once the bonds of civil society have been broken, the individual is free to consult his private interest. By this consultation appetite under the semblance of reason, becomes the arbiter of political conduct. Government is dissolved, the right to sovereignty is put to a contest of arms, and society reverts to the original rights of nature. Trust as a mode of public agency is broken, trust as a social passion is destroyed.³⁵

In this way the passions of original, uncovenanted man are taken by Burke to be incapable of agreement with the social and political virtues of trust, loyalty, and allegiance. Recourse to the speculative rights of uncivil nature, where each is judge in his own case and actor in his own cause, involves reverting to a

³³ *Ibid.*, VIII, 59.

³⁴ Letter to Charles-Jean-François Depont, November 1789, in *Correspondence*, VI, 47.

³⁵ For the distinction between trust as a human passion and a modality of human action, see John Dunn, “Trust and Political Agency” in *Interpreting Political Responsibility* (Cambridge, 1990), 26-44.

belligerent contest of wills at the expense of social dependence and emulation. Justice is superseded by vengeance, respect by self-regard, and social esteem is replaced by the impulse to self-aggrandizement. One no longer regards oneself in the eyes of another and, in consequence, society fragments into the competing ambitions of self-seeking individuals. Revolutionary France had in effect committed itself to a process of radical disinheritance. Its leveling project had already disowned the legacy which the feudal sentiment of fealty had bequeathed to the civilized manners and political conduct of modern Europe:

When the old feudal and chivalrous spirit of *Fealty*, which, by freeing kings from fear, freed both kings and subjects from the precautions of tyranny, shall be extinct in the minds of men, plots and assassinations will be anticipated by preventive murder and preventive confiscation, and that long roll of grim and bloody maxims which form the political code of all power not standing on its own honor and the honor of those who are to obey it. Kings will be tyrants from policy when subjects are rebels from principle.³⁶

Fidelity was heading for extinction, and with its demise all known instruments of social negotiation and accommodation would collapse in the face of an unyielding competition of powers.

On this scheme of things, revolutionary society is an altogether more brutal affair than the military societies of early European history described by Burke in his *Abridgement of English History*. Here we are told that originally, amongst the German tribes, the chief

was styled Senior, Lord, and the like terms, which marked out a superiority in age, and merit; the followers were called Ambacti, Comites, Lewds, Vassals, and other terms, marking submission and dependence. This was the very first origin of civil, or rather military government amongst the ancient people of Europe; and it arose from the connexion, that necessarily was created between the person, who gave the arms, or knighted the young man, and him, that received them....³⁷

Government among the “ancient people of Europe” is presented here as the natural product of dependency and clientage: a primitive version of the duty of allegiance is instilled among the *comités* by the subordination of rank founded upon a free contract of submission. This subordination, Burke goes on to emphasize, was made possible by “two principles in our nature”: by ambition on

³⁶ *Reflections in Writings and Speeches*, VIII, 129.

³⁷ *An Abridgement of English History in Works*, X, 330.

the one hand, and admiration on the other, both of which together enable inequality to prosper on the basis of dependence.³⁸ Already in the *Philosophical Enquiry*, ambition and admiration—here called “imitation”—had made their appearance, together with sympathy, as the “three principal links in the chain” of society. By ambition, men seek to “signalize” themselves before a company of admirers in the spirit of triumph and glory. Admiration in turn becomes an incentive to imitation: “This forms our manners, our opinions, our lives. It is one of the strongest links of society; it is a species of mutual compliance which all men yield to each other, without constraint to themselves, and which is extremely flattering to all.”³⁹

Customary allegiance to Saxon authority is only the most basic exemplification of this fundamental principle of human transaction by which the aspiring honor the great. Amongst the extended territorial monarchies of modern Europe the same principle of honor, softened by circumstance with the passage of time, reconciled human ambition to secular authority without jealousy or resentment. We have seen how in Ireland and India, and in relations with the American colonies, as Burke was later to understand each case, the principle of honor had evidently been either corrupted or destroyed. In France the destruction of honor was carried one stage further. A revolution in government was accompanied by a revolution in manners. Taste and politeness would perish, respect would be disenchanted, and all forms of reverence would consequently disappear. Having undone society, the revolution would at the same time deprive men and women of the means to reconstruct it. Political authority as such would not be eliminated by a dissolution of government—“power, of some kind or other, will survive the shock in which manners and opinions perish.”⁴⁰ However, sovereignty would grow despotic in proportion as society was disbanded.

Honor succeeds, where reason fails, in civilizing liberty while at the same time moderating authority. By its action society and justice flourish in the midst of inequality. Envy is curtailed, arrogance is softened, and equality submits to deference. Original rights and liberties give way to mutual benefits and securities. But while abstract rights are inimical to society, aristocracy is essential to its support. The distinction of orders, Burke maintained, replicates the necessary inequality of social esteem while the trappings of superior rank underwrite the currency of honor: the security of landed wealth guarantees independence while independence facilitates good will; good will acts as the precondition of

³⁸ *Ibid.*, X, 331. For a comparison of Adam Smith with Burke on this theme, see Donald Winch, *Riches and Poverty: An Intellectual History of Political Economy in Britain, 1750-1834* (Cambridge, 1996), ch. 7.

³⁹ *A Philosophical Enquiry into the Origin of our Ideas of the Sublime and Beautiful*, ed. James T. Boulton (Oxford, 1987), 49.

⁴⁰ *Reflections in Writings and Speeches*, VIII, 129.

virtue and virtue sustains the credit of honor. Necessity, in other words, is a weak aid to virtue much as exigency impoverishes benevolence.

This chain of argument had of course received its classic formulation in Cicero's *Laelius De Amicitia*. Here we learn, as Burke himself was explicitly to argue in 1769 and again in 1770, that "honest connection," or friendship, is the surest defense against domestic or imperial crisis.⁴¹ When an established constitution is threatened with extreme innovation, "good men" unite for the defense of ancestral political practice.⁴² But this worthy combination is only available to *optimi viri* free to engage the virtue of magnanimity. This freedom, however, is conditioned by that species of self-mastery which flourishes in the absence of need: "friendship springs from nature [*natura*] rather than from need [*indigentia*]." ⁴³ Independence from need is significant to the extent that it excuses generosity from the constraints of a precise and calculable rendering of accounts: "For as men of our class are generous [*benefici*] and liberal [*liberales*], not for the purpose of demanding repayment—for we do not put our favors [*beneficium*] out at interest, but are by nature given to acts of kindness [*liberalitatem*]⁴⁴—so we believe that friendship is desirable, not because we are influenced by hope of gain, but because its entire profit is in the love itself."⁴⁴ Whereas indigence is in some sense an enemy to liberality, the material capacity for self-possession guarantees the prosperity of good will: "to the extent that a man relies upon himself and is so fortified by virtue and wisdom that he is dependent upon no one and considers all his possessions to be within himself, in that degree is he most conspicuous for seeking and cherishing friendships."⁴⁵

The crucial point, however, is that good will is not simply an expendable ornament grafted onto polished society. It is, in fact, a prerequisite to civil order in general: "if you should take the bond of goodwill [*benevolentiae coniunctionem*] out of the universe no house or city would stand, nor even the tillage of the fields abide."⁴⁶ In Burke's eyes the refinement of benevolence was a result of the progress of manners under the sustained tutelage of the "spirit of a gentleman": for this reason, "Omnes boni nobilitati semper favemus."⁴⁷ But without an inaugural bond of goodwill, no such refinement

⁴¹ *Observations on a Late State of the Nation* (1769) in *Writings and Speeches*, II, 215. On "the necessity of honest combination" see Burke's *Thoughts on the Cause of the Present Discontents* (1770) in *Writings and Speeches*, II, 320.

⁴² Cicero, *Laelius De Amicitia*, esp. XI-XIII.

⁴³ Cicero, *De Amicitia*, VIII, 27.

⁴⁴ *Ibid.*, IX, 31.

⁴⁵ *Ibid.*, IX, 30.

⁴⁶ *Ibid.*, VII, 23.

⁴⁷ On the "spirit of a gentleman" see Edmund Burke, *Reflections in Writings and Speeches*, VIII, 130. On the maxim "All we good men always take the part of the highborn" (Cicero, *Pro Sestio*, IX, 21) see *ibid.*, VIII, 188.

and no such gentility would have occasion to exert themselves. Neither, however, would the most basic exchange of good offices on the basis of mutual need find room to express itself. Elementary duties and obligations would lose their meaning as life reverted to a bellicose struggle for supremacy. Society, in other words, requires benevolence if pure relations of utility are not to degenerate into a lethal round of turbulence and strife.

On this scheme of things, relations of contract and relations of beneficence have at least this much in common: without the prior existence of some *coniunctionem benevolentiae*, neither form of action is socially viable. For this reason Burke could argue that while the strict obligations of justice were sharply distinguishable from the imperfect obligations of beneficence, justice was still in the final analysis to be understood as a publicly sanctioned form of benefaction: "civil society ... is an institution of beneficence; and the law itself is only beneficence acting as a rule."⁴⁸ Without benevolence operating as an active principle in society, justice would become indistinguishable from avarice, and utilitarian exchange would thereby collapse into ferocity and rapacity. Since benevolence is refined by the spirit of nobility, Burke could presume that the compatibility of commercial interest with civilized manners was ensured by the embodiment of that spirit in the artificial institutions of society. This embodiment took the form of primogeniture which fixed hereditary distinction to the solid reality of extensive property.

It was therefore through the dynamic interaction of property, virtue, and emulation that the perpetuation of society itself was secured. While Mackintosh could point in the *Vindiciae Gallicae* to the "important influence of commerce in liberalizing the modern world,"⁴⁹ Burke had already concluded that commerce could only thrive under the protection of a culture of liberal sentiment and learning which was necessarily antecedent to it.⁵⁰ As we have seen, that culture appeared to derive its sustenance from the support which property afforded to gentility and which religion bestowed upon morality. Without the assistance of gentility, commerce would perish with the violation of justice. In other words deference mellows the ambitions of liberty as generosity offers security to justice. Without the easy compliance which admiration yields to ambition, property becomes prey to envy and injustice; without the reciprocal accommodation by which ambition relies upon admiration, authority declines into perfect despotism. In this way liberty and authority could be seen to ameliorate one another, with trust acting as the vital and enabling medium between either extreme of human agency.

⁴⁸ *Reflections in Writings and Speeches*, VIII, 109. On the distinction between justice and beneficence see Burke's treatment of the topic in his *Thoughts and Details on Scarcity* (1795) in *Writings and Speeches*, IX, 119-45.

⁴⁹ James Mackintosh, *Vindiciae Gallicae* (Dublin, 1791), 62.

⁵⁰ *Reflections in Writings and Speeches*, VIII, 130.

What applied to the preservation of society as such applied with equal force to the multiple relations of subordination and privilege by which the political society of dominions and dependencies constitutive of the British Empire were maintained. The terms of Britain's sovereignty over itself were not identical with the terms of its exercise over the empire as a whole, and the empire as a whole was not subjected to a uniform system of judicial regulation and restraint. Instead, subjection was various, informal, and contingent. But its very contingency was its consummate advantage: dependency, on that account, hung upon trust, and trust was sustained by the affective bonds of emulation. In the final analysis what permitted the successful exercise of imperial sovereignty was good faith.

But it was precisely good faith which had been breached by a tyrannical selfishness in the management of American affairs, it was good faith which had been rendered impossible by the operation of commercial bureaucracy in India and which had been degraded by the conduct of the colonial "garrison" in Ireland. Extensive empire, like national sovereignty, can be regarded as civilized to the extent that it secures justice through the government of laws, not men. However, a government of laws requires the solvent of fidelity which, under a free constitution, is maintained by an equitable reciprocation of prerogatives and privileges. Were authority to become intrusively hegemonic, liberty would lose faith; where liberty lost faith, authority was compelled to resort to the crude instruments of political coercion. Therefore while sovereignty evidently implied the existence of a right whose legal authority was absolute, the exercise of that right could not prudently be absolved of the imperfect obligation which prescribed the contrivance of political subordination for the benefit of the public interest at large.

Queen Mary and Westfield College, University of London.