

3 *Theory and practice: the revolution in political judgement*

RICHARD BOURKE

Introduction: enlightenment and revolution

The role of political judgement is a subject rich in confusion.¹ The confusion is a product of antagonism. Distinct accounts of the relationship between political theory and practice reached a pitch of mutual antipathy during the aftermath of the French Revolution. Opposing philosophical positions became increasingly associated with rival political commitments as the experience of revolutionary turmoil deepened. A crucial matter in contention among competing political sects was the connection between enlightenment and politics itself. This question had been debated since the latter half of the seventeenth century in terms of the relationship between philosophy and government.² How best to conceptualise this relationship was a matter of dispute giving rise to sharply divergent affiliations. Stipulating how judgement bridged the gap between theory and practice depended upon general assumptions about how philosophy should serve politics. Should it set out moral principles in terms of which existing political arrangements could be evaluated, or should it strive to predict the probable consequences of actions pursued under differing kinds of political system? The main advocates of the answers to these questions became ideologically polarised by the end of the eighteenth century. Divergence bred hostility; hostility brought confusion. The absence of current consensus on how political judgement should be understood is a product of this process of ideological struggle.

A twentieth-century historian turned philosopher once tried to erect a political theory on the assumption that any theory must subtract from the subtlety of practice. Writing in 1947 with both the Butler Education Act and the work of Friedrich von Hayek in his sights, Michael Oakshott set out to ridicule attempts to provide a recipe for 'practical knowledge'.³ The aim of advancing political reform by seeking to implement a comprehensive scheme for social improvement

seemed to Oakeshott at once monstrous and forlorn – a casualty of the determination to rationalise prudence into a technique, inaugurated by the heirs of Machiavelli.⁴ But despite his posture of magisterial disdain, Oakeshott soon found himself running in circles. Judgement, he argued, was not a method but a kind of ‘connoisseurship’. Yet connoisseurship, or a ‘taste’ for politics, of the kind that Oakeshott approved comprised nothing other than a capacity for applied practical understanding. Practical understanding of this sort was simply a form of political technique rooted in a social context more to Oakeshott’s liking.⁵

It would be foolish to ignore the suggestion that the relationship between theory and practice is problematic. Dissonance between the two has commonly been held responsible for the violent collision between facts and values characteristic of revolutionary upheaval.⁶ But we can surely do better than Oakeshott in explaining the character of the collision. This chapter develops an explanation by clarifying the issues that have been at stake among opposing views of the role of political judgement from the French Revolution down to the end of the twentieth century. It proceeds by reopening the pivotal debate on the relation between philosophy and politics which erupted after 1789. But it begins with older traditions of argument that ultimately fed into that debate. After setting out the constitutive elements of classical thought that underlay the project of an Enlightenment science of politics, I focus on the conflict between moral and historical prudence as this came to a head in the ideological polemics staged in the 1790s.

This conflict has been variously epitomised over the course of the last two centuries. It has been described in terms of a collision between morality and politics; it has been cast as a confrontation between enlightenment and established opinion; and it has been set out in terms of an antithesis between cosmopolitanism and patriotism. These pairs of contrasts have in turn been regularly connected to one another. Their relations were first systematically examined in the 1790s by Immanuel Kant. In a polemical contribution to the September issue of the *Berlinische Monatsschrift* in 1793, Kant mounted a comprehensive assault on what he presented as a rising tide of Prussian and Hanoverian empiricism directed against the dignity of theory. Kant defended the role of judgement as enabling the passage from theory to practice in experimental science, in moral conduct and in political life

alike. Orientating oneself in science or technology without recourse to general rules of procedure was equivalent to muddling through the world of affairs in the absence of the slightest guide to action. Scientific procedure shorn of theoretical abstraction is condemned to absolute confusion, Kant contended; in a similar vein he claimed that political judgement bereft of normative principles reduces to a hapless struggle for power.⁷

The Kantian analogy between judgement in natural science and in political affairs might be seen as advancing the claims of enlightenment against arbitrary prejudice. The analogy, however, is fundamentally flawed since power is not enlightened merely by the acquisition of knowledge. It is the case that the limitations of the analogy are implicit in Kant's treatment. But they are never made explicit – indeed, if anything, they are occluded. The implicit limitations are evident in Kant's distinct handling of the figure of the economic and political expert on the one hand and that of the sovereign legislator on the other. Cameralist advice, Kant makes clear, is refined by the addition of new empirical insights; but he also argues that sovereignty can never be rendered more just by an increase in the knowledge of public utility.⁸ Thus on a Kantian prospectus the conduct of public administration shares with the application of technology the possibility of improvement by means of the experimental method. The cause of justice, however, is never served by the most exhaustive exercise of empirical prudence. In fact, the legitimation of sovereignty on the basis of expert judgement amounts from Kant's perspective to an apology for despotism. At the same time, a bid to enlighten authority by the coercive judgement of the people is a recipe for destructive revolution.⁹

Modern theories of political judgement for the most part take their bearings from the legacy of Kantian critical philosophy. Kant's influence has been felt in two dimensions. First of all, attempts to construct a modern science of politics have drawn inspiration from the Kantian project of demarcating science through a systematic criticism of metaphysics. From Neurath to Popper, the objective of political reform was constructed on the analogy of scientific method. On this worldview, social progress is assumed to depend on the methodical criticism of dogma.¹⁰ This simplified version of a genuinely Kantian approach verges on a parody of enlightenment in general, where enlightenment is understood as a commitment to subjecting political authority to intellectual scrutiny.¹¹ The widespread success

that has attended this way of proceeding has given succour to the second dimension in which the distorted legacy of Kant has held sway over political philosophy. This is the idea that the criticism of authority is most appropriately pursued by passing moral judgement on the exercise of power.

In the pages that follow, I defend the argument that both of these preconceptions about the nature of political judgement promote an inadequate grasp of the reality of orientating oneself in politics. The first approach is basically architectonic in character, construing practical judgement as a branch of theoretical reason. It is tempting to see this conception as deriving originally from Socrates insofar as it treats political problems as examples of more general problems of knowledge. But the second approach undoubtedly is of Socratic provenance insofar as it seeks to solve political problems through moral judgement.¹² My focus is on the simplification that inevitably accompanies this second approach to politics. In collapsing political problems into forms of moral argument, political judgement is reduced to the judgement of intentions. Historical judgement, which relates intended actions and their unintended consequences, is replaced by the activity of moral prudence.

I Morals and politics: Socrates to Popper

Kant understood the business of politics to be concerned with the well-being of states. The maintenance of their well-being was enjoined upon their sovereigns as a duty of right (*Rechtspflicht*). This judgement of duty had to be based on moral theory, not on the calculation of practical benefits. *All* would be lost, as Kant put it dramatically, if political rights were confused with projected utilities.¹³ Practical judgement was thus identified with the faculty of moral reason rather than with historical understanding. Kant did claim that the enlightenment of moral reason would be a matter of historical process rather than an achievement of the moral faculty itself. Nonetheless, the severe reduction of political theory to the effective use of the *faculty* of judgement persisted through the annals of neo-Kantian analysis. To the extent that reliance on this faculty did not entail estimating courses of action by way of reference to outcomes judged to be probable (*wahrscheinlich*) in accordance with previous experience, it ruled out the involvement of historical reasoning.¹⁴ Even where modern attempts to solve

the riddle of practical judgement have not resorted to the standard procedure of seeking to resolve political problems through moral reasoning, they have concerned themselves with a search for seemingly more serviceable ‘faculties’ – the faculty of aesthetic judgement is one example – thus forgetting the first lesson of historical prudence: namely, that political understanding is not advanced by the philosophical scrutiny of a mental faculty.¹⁵

John Dunn has written that prudence should stand at the centre of political analysis. From that position it can ‘steady and deepen’ our understanding of public affairs.¹⁶ Prudence here is another word for judgement in practical matters. But practical matters can be understood in either moral or political terms. If we are to elucidate the role that prudence ought to play in the world at large we therefore need to be clear about whether we are using the word in its moral or political sense. There is a long philosophical tradition of treating practical reason within the framework of moral theory. Prudence, or *phronêsis*, from Aristotle onwards has for the most part been interpreted in the sense of reasoning practically in the field of ethics.¹⁷ But this curious restriction should prompt us to consider how practical reason might be more appropriately understood in relation to political affairs.

The Aristotelian conception of *phronêsis* as moral judgement ultimately derived from a Socratic arrangement of priorities.¹⁸ The ethical turn in philosophy with which Socrates is usually credited should not simply be contrasted with earlier philosophical cosmologies: it should also be distinguished from specifically political forms of inquiry.¹⁹ It was Plato who gave momentum to the privilege accorded in subsequent traditions of thought to an ethical interpretation of the function of practical reason. In the *Republic* and the *Laws* alike, the science of legislation was charged with regulating communal life in accordance with a philosophical norm of justice. The presumption was that theory (*logos*) could show how justice depended on philosophy’s government of power – or, in practice (*ergon*), how the world of human affairs could best approximate that arrangement.²⁰

Phronêsis in Plato is a branch of moral science. This interpretation of the role of practical reason can be distinguished from a perspective in which judgement is understood as a form of historical prudence. Practical reasoning in this sense sets out to understand the systematic relationship between deliberate intentions and accidental

outcomes. Its purpose is to generalise about political reasons and causes rather than to establish ethical norms – to account for the conditions of social and political agency instead of framing the parameters of moral responsibility. Thucydides exemplified the perspective of historical reason: his aim was to present the ‘truest explanation’ for the political events he was narrating.²¹ It was Xenophon who tried to make historical explanation serve a general political theory. To succeed in his purpose, he needed to itemise the circumstances that favoured the emergence of talented leaders. He insisted against both Socrates and Plato that political judgement was a practical skill rather than a subject of scientific study.²² However, even the most outstanding practitioner of politics is at the mercy of the constitution inside which they are constrained to operate. As Xenophon is at pains to emphasise in the *Cyropaedia*, for all his overwhelming practical genius Cyrus unintentionally generated the collapse of his own regime. The message of Xenophon’s narrative is clear: historical study must discover the institutional arrangements that best support the pragmatic skills required to win from men their willing obedience.²³ So while the Platonic project strove to establish a moral science of prudence, Xenophon endeavoured to systematise historical prudence. By common consent both enterprises failed. Plato diverted political judgement into moral science while Xenophon was left meditating on the tragedy of human frailty.

The standard textbook versions of the thought of Plato and Aristotle underline the decisive differences between their respective projects. To this extent the common view dovetails with Aristotle’s design.²⁴ Their differences of course are fundamental, not to say obvious. But the overlap is arguably just as important. Practical reason (*phronêsis*) in Aristotle remains concerned with moral deliberation. Prudence is contingent not on political organisation but on the ethical disposition of the ruler.²⁵ The *Nicomachean Ethics* underlines this point by an exercise in creative etymology: the word ‘moderation’ (*sôphrosunê*) is a neologism – Aristotle tells us – whose meaning has the sense of ‘conserving prudence’ (*sôzousa tèn phronêsin*).²⁶ Prudent judgement is a function not of a moderate regime but of the moral moderation of the statesman.²⁷ This vision of enlightened statesmanship continued to attract supporters down to the eighteenth century, and beyond; but it was also seriously challenged by the constitutional theory of the Enlightenment.

Montesquieu's famous comment to the effect that it is pointless scolding political reality for its failure to oblige the aspirations of moral criticism should be seen as a negative verdict on the method of collapsing political analysis into moral prudence, as exemplified by Aristotle.²⁸ The alternative approach, developed in *The Spirit of the Laws*, was to examine the circumstantial relations between human desires, social attitudes and political institutions with a view to establishing empirical laws governing those relations.²⁹ In the absence of discovering laws of sufficient generality to guide historical prudence, political analysis would be forced to depend on pragmatic skill for the conduct of affairs, as occurred in Xenophon. In that case, the judgement of how to sustain optimal political arrangements would be reduced to a matter of superior skill in public administration. As Alexander Pope had defended this option with heroic simplicity in the 1730s, 'For Forms of Government let fools contest;/Whate'er is best administer'd is best.'³⁰ Pope was merely adapting the Aristotelian formulation: 'of the correct constitutions there are three, and the best must be the one that is administered by the best'.³¹

Taking up the question of whether politics could be reduced to a science in 1742, David Hume cited these lines from Pope as capturing a set of assumptions about political organisation which needed to be challenged.³² Whilst putting an end to debate about 'Forms of Government' had its attractions for Hume as a prophylactic against party strife in the domestic politics of Walpolean Britain, a resolution of the kind would in reality be an argument in favour of the unlimited prerogative of rulers. 'All absolute governments must very much depend on the administration', Hume observed.³³ Under this type of government the quality of rule was identical to the quality of execution. There was no competing organ of state to block the executive's decisions, and for that reason no political means of offsetting the autonomy of its resolutions. As a result, the designs of the government would simply track the prejudices of its ruler. Political judgement would be confined to the moral prudence of the chief administrator. This meant that the application of the doctrine of moral prudence to political life was a recipe for promoting the management of public affairs by the unimpeded will of the principal magistrate.

However, as Hume went on to argue, historical analysis could be used to demonstrate the political imprudence of entrusting the affairs of state to the unregulated judgement of a supreme ruler.

The demonstration would be based on certain *a priori* principles, and Machiavelli could be drawn upon to illustrate the procedure: 'There is an observation in MACHIAVEL ... which I think, may be regarded as one of those eternal political truths, which no time nor accidents can vary.'³⁴ The observation in question appears in chapter 4 of *The Prince*, relating to the conquests of Alexander. As Hume saw it, Machiavelli's treatment highlighted the fact that moderation in politics is always the wiser course of action. But more importantly it underlined how moderation in public life could not be made a function of moral prudence.

As Machiavelli had emphasised, the Persians endured their slavery under the yoke of Alexander because they had been accustomed to despotic rule by Darius and his predecessors. But such slavery, Hume argued, does not pay: neither the ruler nor the ruled stand to benefit from the arrangement. Not only does the yoke of a despot annihilate public spirit, it also fails to offer security against the onset of revolution. Among 'eastern' governments military satraps pose a constant threat to public order, whereas the 'milder' European monarchies secure the allegiance of their noble families and thereby consolidate the stability of the regime.³⁵ Gentle government, as against despotic rule, is therefore better equipped to serve the goal of peace through moderation. Two conclusions, Hume explained, immediately follow: first, moderation can be justified on the grounds of reason of state; but second, moderation should be understood as a product of political restraint imposed upon the exercise of power. The regulated intercourse between political forces rather than the quality of a ruler's moral disposition secured a society against the kind of abuse brought about by the unimpeded application of governmental power. As Hume put it: 'Legislators, therefore, ought not to trust the future government of a state to chance, but ought to provide a system of laws to regulate the administration of public affairs to the latest posterity.'³⁶

Hume's analysis depends on Xenophon as much as it is derived from Machiavelli.³⁷ But his point, in any case, is clear: historical study surveys particular cases so as to provide the material for generalisations which can be used in turn to guide political judgement. However, the most important claim was contained in the conclusions of Hume's argument following on from the application of historical prudence. The key result was that political science should not be treated as a form of applied moral reasoning, which in truth could

lead to nothing better than the wise administration of a philosophical ruler or benevolent despot. Instead, a true science of politics should seek to understand how the effects of average moral shortcomings among the members of a society could be counteracted by the impact of the constitutional regulation of opposing political forces on public life. For the study of politics the implication was striking: namely, that the standard philosophical preoccupation with the moral virtues ought to be subordinated to a science of systematic political relationships made available through the application of historical prudence.

Commenting favourably in 1980 on the return of moral reasoning to the centre of theoretical debate about politics in the United States since the publication in 1971 of John Rawls' *A Theory of Justice*, Albert Hirschman regretted the historical separation of what he termed an 'analytical-scientific' style of reasoning about society from the method of evaluating political theory in terms of morals. Hirschman identified what he took to have been a tradition of political thought extending from Machiavelli to Montesquieu as bearing responsibility for this separation, culminating in the impoverishment of political understanding.³⁸ Over a third of a century after this reorientation was supposedly introduced into political philosophy by the quasi-Kantian contractualism of Rawls, it is surely time to question the validity of Hirschman's judgement.³⁹ His proposal to reintegrate normative and social scientific modes of analysis risks substituting moral criticism for political restraint and so accidentally rehabilitating the pretensions of enlightened despotism against which Humean theory had been deployed.

I take Dunn's appeal to the virtue of prudence in public life as forming part of a plea for a science of politics which rejects the resort to political moralisation promoted by the traditions of Anglo-American moral philosophy that rose to dominate political theory over a generation ago. This sort of appeal has been hampered throughout the course of the past half-century by a set of arguments that have cast doubt on the pretensions of political analysis to qualifying as any kind of theoretical science. The ethical turn in political philosophy is to this extent connected to alarm about the grandiose claims of theory. It was Karl Popper who led the way in stigmatising this grandiosity.⁴⁰ But having rejected the ambition to develop a theoretical science of politics, Popper succeeded inadvertently in collapsing political rule into a species of moral administration. Hume had countered

precisely this reduction by means of an appeal to political theory against applied political skill. However, Popper reverted to a pre-Humean perspective which assumed that government behaviour was best modified by 'piecemeal' improvements in its operation through incremental refinements in the application of public power. Popper characterised his endeavour as a revolt against the despotism of holistic schemes of social science, but actually he constructed a model of enlightened administration in which the dimensions of the element of enlightenment were scaled down.⁴¹

This result is all the more astonishing given Popper's declared aim of calling the proto-scientific designs of political philosophy in the form of Platonism, positivism and utopian socialism to account.⁴² It was the more modern versions of the age-old aspiration to a science of society that he was particularly keen to expose. He traced this modern tendency, designated by the term 'historicism', back to the intellectual programme of the Enlightenment – 'perhaps the greatest of all moral and spiritual revolutions of history'.⁴³ But his account of the dangers that beset a science of politics is as problematic as the solution proposed by Hirschman. The inadequacy of Popper's account is best illustrated by going back over the genealogy which he himself supplied for the emergence of the spurious scientific claims of modern historicism – claims which he took to have guided the progress of totalitarianism in recent history.⁴⁴

Historicism is presented in *The Open Society and Its Enemies* as the great peril destined to subvert modern civilisation if left unopposed. The habit of thought guiding historicism found expression both in nationalism and in National Socialism in the twentieth century, but the style of reasoning itself arose out of the aspiration to found a science capable of being applied to the advancement of human welfare. This ambition may have been 'admirable', but it was also 'dangerous', in Popper's terms.⁴⁵ The very rationalism of the undertaking left the project vulnerable to irrationalism since the objective far exceeded what social science could in fact achieve. A science of society, unlike a science of physical nature, could not predict the future. Historicism, however, did precisely try to anticipate and manipulate the future by subjecting social processes to a theory of inevitable change. This doctrine of inevitability was supported by a method of selecting facts to suit the theory. This practice, in Popper's estimate, was rather an example of superstitious prejudice than a case of scientific

explanation.⁴⁶ So the question remained of how such superstition could be counteracted.

It could not be opposed by a genuinely demarcated science, according to Popper, since social processes were not amenable to scientific explanation in any way remotely comparable to theoretical physics.⁴⁷ An explanation of the kind would have to deduce particular events from generalising laws, whereas historical explanation is concerned to account for specific occurrences on the evidence of antecedent events. Abstract or universal generalisations cannot sensibly be made to explain or 'cover' the raw materials of historical data, which consist of an endless stream of incomparable events.⁴⁸ By virtue of the uniqueness of each individual circumstance, history is resistant to any process of 'theorisation'.⁴⁹ This conclusion landed Popper in a curious position. It obliged him to present the management of political affairs as a matter of incremental empirical adjustment. However, this is exactly what he did not want to argue. After all, he had set out to defend a project of viable political reform.⁵⁰ Yet reform is simply impossible without an assessment of probable outcomes – without reliance on historical prediction. Having denied this possibility, Popper is left championing the cause of critical inquiry against the hegemony of political and metaphysical superstition.

This was a fine critical gesture against authority, but it was hardly a credible theory of how to curtail the abuse of power. It was a retreat from, rather than an advance on, David Hume. Still, Popper was disposed to think of it as a development of Kant. As a gesture, it amounted to a partisan appeal to what Popper mistakenly took to have been the core agenda of the Enlightenment.⁵¹ This appeal was more rhetorical than instrumentally focused insofar as it was destitute of the elements of a programme of action: in the end, Popper merely summons the enlighteners of the world to unite against the combination of prejudice and power.⁵² This call has been misidentified as a definite political project because it capitalised on positive-sounding idioms of the Enlightenment. But in the process of trading promiscuously on this resource, Popper impoverished the fund on which he drew. He distorted the contribution which the Enlightenment science of politics actually made.

This distortion, however, was not the original work of Popper: its genesis lay in the period before 1789. But after that date, opposing schemes for the development of a science of politics drew yet

more radically apart. Popper was an inheritor of that polarity. So equally were Oakeshott, von Hayek, von Mises, Lukács, Cassirer and Horkheimer, each of whom took his bearings from some version of the idea of an 'age of reason' and an 'age of reaction' in terms of which they interpreted the trajectory of modern history from 1648 to 1848. The resulting schism will not be repaired by recounting the original process of polarisation. But it can be better understood. Understanding it must take account of the intensification of ideological antagonism from 1790 onwards. A conspicuous figure in this development was Edmund Burke, who remained central to the controversy over the significance of the Revolution from Tocqueville and von Savigny to Menger and Taine. Recovering Burke's defence of how judgement should be used to form a bridge between theory and practice marks a crucial stage in recapturing the distinct positions canvassed during the early period of revolutionary struggle. It will also help us choose between the alternatives.

II Patriotism and cosmopolitanism: Burke and Price

Burke took the opportunity twice in his *Reflections on the Revolution in France* to object to the sentiments expressed in a couple of open letters written by Richard Price's nephew, George Cadogan Morgan. Both letters were originally composed in July 1789 and then published in separate issues of the *Gazetteer* – on 13 August and 14 September respectively. The questionable use that Burke made of Morgan's letters prompted Price himself to respond in defence of his nephew in the Preface to the fourth edition of his published sermon, *A Discourse on the Love of Our Country*, the third edition of which had provoked Burke into writing the *Reflections* in the first place. Morgan, who had recently been invited to preach as a dissenting minister in Hackney, made an expedition to France in the summer of 1789, arriving in Paris on 9 July in time to witness at first hand the spectacle of the fall of the Bastille less than a week later. In one of the letters later published in the *Gazetteer*, he describes the scene on 27 July, when Louis XVI was greeted in Paris to the cries of both *vive la Nation* and *vive le Roi*, as 'one of those appearances of grandeur which seldom rise in the prospect of human affairs'.⁵³

Burke mistook this tribute to the events of 27 July for a salute to the forced retreat of the royal family from Versailles on 6 October. Price

himself had championed what in his eyes had had the appearance of a providential marvel on 27 July – ‘I could almost say ... *mine eyes have seen thy salvation*’ – only to be accused by Burke, along with Morgan, of revelling in the humiliation of the King and Queen of France on 6 October.⁵⁴ In fact, as Price protested, he had been celebrating the earlier reception of the monarch by the people of Paris ‘as the restorer of their liberty’. So too had Morgan, as demonstrated by the fact that both his letters had been ‘dated in *July 1789*’, as Price now emphasised.⁵⁵ But while the intentions of Price and Morgan were indeed distorted by the *Reflections*, it seems that Burke’s allegations were based less on deliberate misrepresentation than on plain misunderstanding. This misunderstanding had important consequences for how Burke chose to cast the relationship between enlightenment and politics in the 1790s. That choice in turn has been decisive for subsequent attempts to develop a theory of judgement within the framework of political rather than moral science.

Burke is unlikely to have read the dates placed at the head of Morgan’s letters: he most probably first encountered the minister’s views in the form of excerpts from the offending articles included in an anonymous pamphlet that appeared in 1790 under the title *A Look to the Last Century*.⁵⁶ Moreover, the language used by Morgan and Price to describe the king’s reception on 27 July hardly matches the more moderate interpretation subsequently supplied by Price in the Preface to the fourth edition of his *Discourse*. Originally, Price had spoken of a ‘king led in triumph’ to surrender himself to the population of France.⁵⁷ Morgan was more expressive still: he presented a picture of the French monarch ‘*dragged in submissive triumph by his conquering subjects*’.⁵⁸ Burke’s notoriously indulgent depiction of the treatment of Marie Antoinette immediately before her escape to the Tuileries with her husband on 6 October should be understood for what it was: an extravagant response to what looked like the extraordinary provocation offered by figures like Morgan and Price in casting an incident of popular outrage as an act of righteous retribution.

But instead of simply mimicking the histrionic postures that both Burke and Price adopted in 1790 by choosing to rationalise the behaviour of only one of the two participants in the controversy over the significance of 1789 as has been the wont of most of the historiography on this episode to this day, we should try to appreciate the reactive dynamic into which these figures were thrown. Few have doubted

that Burke's presentation of the treatment of Marie Antoinette on the morning of 6 October as confirming that 'the glory of Europe is extinguished for ever' was hyperbolic; but it would be strange to conclude on that basis that Price's reaction to the events of 27 July as almost revealing the 'salvation' of the Almighty was a dispassionate and balanced intervention.⁵⁹ We need to restore the sense of exuberance, the feeling of alarm and the mounting suspicion entertained by the various British and French spectators of the early stages of the Revolution if we want to account for the extremes into which opposing reactions were seduced.

This interpretative generosity is not only required to make sense of the psychological processes that accompanied the progress of the Revolution. It is essential if we are to recover the precise character of the arguments advanced in defence of rival positions developed in response to events as they unfolded in the summer and autumn of 1789. Debate over the significance of the Revolution in France was immediately conducted in terms of a discussion of the relation of theory to practice. The early stages of the Revolution exhibited to Price himself, for example, the prospect of a bounteous future guaranteed by the judicious management of that very relation: the utility of 'philosophy in forming governments' had in effect been demonstrated, Price argued, by the triumphant deliverance of July 1789. Burke's pronouncements against the 'intriguing philosophers' of dissent in England and the inspired theorists of enlightenment in France were accordingly taken by Price as proof of a 'frantic ... zeal' on his antagonist's part for the most retrograde forms of superstition.⁶⁰ Price, however, was wide of the mark.

Scholarship has not uniformly accepted Price's verdict, but it has taken at face value the exaggerated position assumed by Burke as part of a strategic response to the kind of ideological project that he associated with Price. Burke's apparent denunciation of theory in relation to practice illustrates the point. The most recent authoritative biographical study of Burke identifies one of the three core principles that informed its subject's critical reaction to developments in France by November 1789 as 'a distrust of theory'.⁶¹ It is easy to quote Burke to this effect. For precisely that reason, the perception of him as an agitator against the influence of 'theory' on political organisation has featured prominently in the history of the reception of his thought.⁶² But the fact is that the *Reflections on the Revolution in*

France represents a defence of the use of theory in giving direction to the conduct of affairs. The important thing is to see how Burke's argument worked in this regard. Of course, this requires some sense of what he was arguing against. It also demands an appreciation of the rhetorical compromises he was forced to make in order to advance his own agenda.

Price's *Discourse on the Love of Our Country* can easily be read as an unexceptional call for a balanced combination of patriotic loyalty with cosmopolitan zeal. This harmony, it was claimed, should be employed in pursuit of religious and political reform. Towards that end, Price began by arguing that immediate domestic and national allegiances are not founded on Christian principles as such: Christ taught that strangers were equally our brothers, implying that the compass of human sympathy should recognise no bounds. Nonetheless, local forms of patriotism ought to be seen as a wise provision of providence for conveying human beings towards the lofty ideals of 'truth, virtue and liberty' since, in the absence of concrete social attachments, we would lack all incentive for moral action. But in identifying ourselves with such proximate versions of high ideals as are embodied in the fabric of the environment around us, we ought equally to strive to extend the circle of our affections beyond the narrow limits of local yet imperfect affiliation to encompass a wider universal benevolence. In the effort to realise this 'Religion of Benevolence', as Price describes it, we must certainly befriend our own country, 'but at the same time we ought to consider ourselves as citizens of the world'.⁶³

Faced with this invocation of Christian brotherhood, two important questions arise. First, at what point should patriotic allegiance be sacrificed to cosmopolitan imperatives in Price's scheme of political value? The cosmopolitan ideal of universal justice diffused throughout society by the progress of enlightenment challenged the legitimacy of existing patriotic arrangements. But at what point should a new political dispensation of the kind that philosophical innovation might prescribe tip the balance against an established order? In the final additions to his *Theory of Moral Sentiments*, Adam Smith concluded that an answer to this question would require 'perhaps, the highest effort' of political judgement which a reforming legislator might have to apply.⁶⁴ But this superior effort of practical wisdom would depend on finding an answer to our second question: what price should be paid in promoting a cosmopolitan agenda? How should one assess the

risk involved in dismantling a functioning state of affairs in the hope of forwarding the cause of justice?

Burke was profoundly suspicious of the content of this kind of hope. Price had spoken with conviction about his acute sense of the 'favourableness of the times' to his own and his associates' exertions in the service of liberty.⁶⁵ Burke doubted that the magnitude of Price's expectations was founded on any credible sense of practical possibility. But he also suspected that millenarian hope was a cover for desperation. Disappointed expectation could grow bitter and destructive. Burke presumed that with Price it already had. The moderate advocacy of a programme of dissent in 1780s Britain occluded, in Burke's view, the true grandiosity of its ambition. Heterodox clergy like Price and Priestley, in league with aristocrats like the Earl of Shelburne, the Duke of Grafton and Earl Stanhope, were threatening to capsize the constitution of their country for the sake of doubtful gains.⁶⁶

Fusing religious and political purposes, 'political theologians' like Priestley combined with 'theological politicians' like Shelburne for the propagation of reforming schemes whose seeming modesty increasingly belied their all-encompassing ambition.⁶⁷ Deceit and subterfuge had become their accepted method of procedure. Discrete plans for the reform of representation masked the aim of drastic constitutional overhaul; moderate proposals for toleration were intended as instruments of ecclesiastical subversion. Priestley seemed to prove the point: on the one hand he professed himself opposed to '*violent*' change, but on the other he was happy to welcome 'the fall of the civil powers'.⁶⁸ Burke cited this line from Priestley in the *Reflections*. It seemed to him to illustrate what he termed the spirit of 'rapture' which united Unitarian radicals in Britain with enlightened legislators in France.⁶⁹ This unity of spirit was matched by a similarity of purpose. Both were to be advanced by a deliberate understatement of objectives: behind the show of virtue lurked a revolutionary *arcanum* whose true aim was to forward a deluge of destruction.

Burke did not immediately light upon this idea of a secret but deliberate programme of annihilation evident in the progress of French affairs. It took him until four months after the fall of the Bastille to decide on whether the ferocity apparent in some of the proceedings across the Channel was incidental or integral to the flow of events. In a letter to Lord Charlemont dated 9 August 1789, he openly mused over developments since the spring.⁷⁰ Was the spread of fear and violence

an accidental explosion, or was it definitive of the character of the Revolution? Within months he had decided: any chance of renovation now seemed utterly forlorn. By the time he came to finish the *Reflections* in September 1790, Burke was clear that the accumulated impact of reforms since May 1789 had succeeded only in destroying every possible instrument of improvement. But this result was unsurprising, Burke further noted. The prime movers in the National Assembly had learned the art of government from philosophical masters for whom ways and means in politics were the merest distraction from their goals: 'To them it was indifferent whether ... changes were to be accompanied by the thunderbolt of despotism or by the earthquake of popular commotion.'⁷¹

There can be no doubt that Burke blended the deliberate designs of revolutionary leaders, the unintended consequences of legislative action, and the objectives of diverse partisans of reform together into a single premeditated process that swept France in 1789. It is right to note the extent to which blanket judgements of the kind contributed to the process of polemical escalation characteristic of the Revolution's trajectory. But Burke's responsibility in this regard does not provide a justification for muddling his political intentions after the fact, nor for confusing his commitments with his propagandising methods. Burke's purpose can best be ascertained by the way he characterised his opponents. His hostility towards *philosophes* was particularly directed at Voltaire, Rousseau, Turgot and Helvétius. Deism, democratic republicanism, physiocracy and moral materialism were most prominent among his targets. The diffusion of these doctrines not only had bred contempt for the idea of ethical restraint in Burke's judgement, but also had fostered a culture of intellectual conceit.

The outstanding representatives of this tendency in the *Reflections* were Rabaut Saint-Etienne, the Abbé Sieyès and Condorcet. But Burke did not ascribe the conceit that he believed to have characterised their designs to an attempt to put theory into practice. Instead, in Burke's mind the problem with revolutionary fervour was that it lacked a political theory of any kind. The language of Saint-Etienne resonated for Burke with the moral enthusiasm of Priestley. A frenzy of abolition seemed to guide their search for an enlightened humanity lodged beneath the accumulated corruption of ages. What 'convulsion' in the political world should not be welcomed, Priestley had

wondered back in 1782, if it were attended by so desirable an effect as the final purification of Christianity? For Rabaut Saint-Etienne, just seven years later, moral renovation was likewise to be accessed via destruction: ‘tout détruire; puisque tout est à recréer’.⁷² Burke misread the malevolent intent behind this rhetoric of purgation. But he accurately understood the devastating consequences that would follow from any attempt to ‘deduce’ reforms from the premise of moral revolution instead of trying to infer improvements with the aid of historical prudence.

Burke was acutely conscious of the fact that the project of moral revolution was being conducted under the auspices of ‘enlightenment’. The rhetorical strategy of the *Reflections* was to concede the use of the term to his opponents whilst restating what he took to have been the substantive point of a science of politics as elaborated by Hume and Montesquieu. Montesquieu had insisted that a purely moral enlightenment could offer no security against the abuse of power: power could only be checked by an opposing power.⁷³ Burke specifically criticised the argument put forward in *The Spirit of the Laws* to the effect that an intermediary nobility was adequate to the task of harmoniously regulating power in a state.⁷⁴ But he endorsed the underlying contention that power could only be moderated by the coordination of opposing forces in civil society. The question was how these forces could be collaboratively conjoined without neutralising one another. But it seemed obvious that the moral illumination of power was the least dependable route to moderation.

Morgan’s letter of 13 August 1789 had compared the spirit of French agitation during the previous month to ‘the most *enlightened and liberal amongst the English*’. Burke commented: ‘If this gentleman means to confine the terms “enlightened” and “liberal” to one set of men in England, it may be true. It is not generally so.’⁷⁵ Since Price, Priestley and Rabaut Sainte-Etienne chose to pick out the project of cosmopolitan illumination by use of the term ‘enlightenment’, Burke responded by charging ‘prejudice’ and ‘superstition’ with a positive influence on human affairs. This strategy carried with it considerable risk. On the one hand Burke had a serious point to make: since prejudice is ineliminable from social life, it is vital that we discover the best means of enlightening it. But at the same time Burke’s posture was deliberately ironic: it is clear that he took one of the great achievements of modern history to reside in the escape from superstition. But

this irony was lost amid the polarities of the Revolution. That leaves us having to recover the main plank of his argument about the role of judgement in the relationship of theory to practice.

III Natural right and civil reform: Burke and Kant

‘Far am I from denying in theory’, Burke insisted in the *Reflections*, ‘... the *real* rights of men.’⁷⁶ Rights in Burke’s sense are considered ‘real’ if they are entitlements or powers recognised in civil societies. They identify permissions in connection with social relations. They have no meaning in abstraction from the relationships they define. A theory of civil rights therefore involves a systematic conception of the character, distribution and balance of powers that constitute a functioning society. Any attempt to reform this distribution will require a minutely sensitive application of the science of political causation. Reform entails a reorganisation of prevailing obligations as these are embodied in definite social and political relationships. It is necessarily accompanied by a rearrangement of the balance between rival claims to power. It must therefore proceed on the basis of knowledge of the probable consequences of the impact of such readjustment on existing entitlements and preferences. To justify a reconfiguration of civil rights by reference to some speculative norm of justice is the business of a metaphysics of morals. This activity involves the application of moral judgement to the current disposition of affairs. Moral theory of the kind can be safely exercised within the confines of philosophical inquiry, but it cannot be left to impose its conclusions upon a political state of affairs by right of conquest.⁷⁷

Burke captured this sentiment by citing a couplet from Book I of the *Aeneid* in which Neptune sends a message to the rebellious Aeolus for his part in stirring up a storm against Aeneas and his returning band of Trojans: ‘illa se iacet in aula/Aeolus et clausa ventorum carcere regnet’ – ‘Let Aeolus bluster in that hall/and rule in the closed prison of his winds.’⁷⁸ Aeolus corresponds here to the tempestuous energy of moral enthusiasm liberated from the constraints imposed by circumstantial reality. Abstract norms might be harmlessly debated in the context of academic disputation, but they cannot be indifferently let loose upon existing power relations. The application of new values to a society inevitably introduces new relationships into an established equilibrium of forces. A fresh political departure of the kind

risks fomenting anxiety, suspicion and resentment among the settled orders of a state. Innovation in the field of the theory of morals can raise a storm against existing ethical dogmas without precipitating any kind of crisis in social relations. But political innovation in the name of moral principle can only succeed on condition of its pragmatic viability.

A theory of politics, as opposed to a theory of morals, comprises a systematic understanding of the conditions underlying this pragmatic viability. To advance the claims of such a theory is not to conclude that values are irrelevant to politics, nor that norms can only be justified empirically. Burke's point instead is that political progress depends on the exercise of historical rather than moral prudence.⁷⁹ Political reasoning is not a matter of applying normative judgements to determinate actions. It involves applying consequential analysis to interdependent actions. Towards that end, it proceeds by factual observation and counter-factual evaluation.⁸⁰ It is constantly obliged to conjure, project and assess historical probabilities.⁸¹ In that effort, it is forced to discount what Burke termed 'the delusive plausibilities of moral politicians'.⁸² Burke's meaning here is condensed, but nonetheless clear. Political judgement trades in probabilities. Pragmatic judgements of probability infer projected outcomes from a concatenation of causes. They do not infer probable consequences from moral preferences.

Cosmopolitan debate about moral preferences may happily be allowed to flourish in academic life, but it cannot be permitted to supplant patriotic norms merely on the assumption of the moral appeal of its proposals. For this reason, as Hume had already argued in 1754, to 'tamper ... or try experiments merely upon the credit of supposed argument or philosophy, can never be the part of a wise magistrate'.⁸³ It is of course possible, Hume went on, to introduce improvements into a commonwealth by estimating current arrangements against a model version of a constitution, and then cautiously proceed to reduce 'theory to practice'.⁸⁴ But in the case of a proposal for the complete replacement of existing arrangements, where the counterfactual analysis of probable historical outcomes must take account of limitless possibilities, the science of government can only function by exercising its presumption in favour of established political precedent – or, as Hume put it: 'An established government has an infinite advantage, by the very circumstance of its being established.'⁸⁵

This appeal to the advantage of a settled pattern of arrangements is not an example of gratuitous or pious conservatism, but a reasonable conclusion of applied practical reasoning. As Burke similarly recognised, to dissolve the fabric of an interconnected system of government is not simply to engage in trying out improvements. It is to dismantle an intricate structure of political power. Total political deconstruction can only be justified in the certain expectation that improvements will be made by the use of methods that are adequate to the task. This requires astonishing powers of calculation operating on responsive political material to succeed. Since the objects of social and political reform are rarely so obliging, the wise magistrate will bank where possible on tried expedients. With the example of a revolution in France before his eyes, Burke concluded in this spirit that 'it is with infinite caution that any man ought to venture upon pulling down an edifice which has answered in any tolerable degree for ages the common purposes of society, or on building it up again without having models and patterns of approved utility before his eyes'.⁸⁶

Burke's point was that a total moral renovation of intricately coordinated political structures should be restricted to a process of mental trial and error. However, the force of his analysis was easily underestimated, as Kant's response to arguments contained in the *Reflections* would soon make clear. So too was the significance of Hume's argument for reform. Price cited the 'Idea of a Perfect Commonwealth' in his *Discourse on the Love of Our Country* in defence of the recently publicised electoral system of France.⁸⁷ The assumption was that political science could be justified by the quality of its ethical aspiration. Hume's point, of course, had been the reverse of this.⁸⁸ But the question remained for many of Hume's opponents whether in the process of elaborating a science of politics he had undercut the foundations for a science of right; whether he had in effect lost sight of the cause of justice in an effort to serve the interest of expediency. When Kant came to argue in the 1790s that the fundamental rights of states and citizens could be justified not in terms of a science of empirical principles but only in terms of a science of rational obligation, he chose to direct his remarks against Hobbes' doctrine of state and against the Burkean theory of resistance, although Hume could have served just as well to exemplify the problems Kant associated with the notion of a right of rebellion justified in terms of necessity.⁸⁹

Kant objected to the idea found in Burke that moral metaphysics was a delusive guide to politics and should consequently be confined within its sphere. In his 1793 essay on *Theorie und Praxis* Kant took exception to what he saw as the offensively conceited notion that moral theory should be confined within the academy, reproducing for his own purposes the very line from the *Aeneid* that appeared in Burke's *Reflections* as a satire on the idea of abstract right. Kant turned the tables on Burkean presumptuousness: the man of affairs is merely getting ahead of himself in consigning the philosopher to the schools – presuming to declare, as Burke had done, 'illa se iacet in aula!'⁹⁰ Political theory is legitimate only as a theory of pragmatic right, not as a theory of practical utility. It could not function, as Kant later put it, on the basis of 'enlightened concepts of political prudence'.⁹¹ An enlightened understanding of practical utility could analyse contingent relations between constitutional powers. But it could not identify *necessary* restraints upon branches of government since only relations of obligation were truly 'necessary'.⁹²

Two years later, in *Zum ewigen Frieden*, Kant extended this argument in response to the 'hollow boast' publicised by Mallet du Pan in his *Considérations sur la Révolution de France* of 1793. Experience of the Revolution had convinced the Genevan royalist of the truth of Pope's notorious saying – 'For Forms of Government let fools contest;/ Whate'er is best administer'd is best' ('Laß über die beste Regierung Narren streiten; die bestgeführte is die beste'). Kant retorted that du Pan's implicit claim either was a straight tautology, identifying the best constitution as 'the best'; or else was plain false, equating the best form of government with the best ruler. Kant responded tartly: 'Wer hat wohl besser regiert als ein Titus und Marcus Aurelius, und doch hinterließ der eine einen Domitian, der andere einen Commodus zu Nachfolgern.'⁹³ Kant elaborated his position by explaining how political right depended on the constitutional regulation of political power rather than on the capricious will of a ruler. However, the question was what agency could secure the regulation of a state in such a way that the opposition of interests on which constitutional government depended was protected short of allowing this opposition to degenerate into factional struggle.

Kant tackled this issue by arguing that a popular democracy was not susceptible to political regulation since only a representative (*repräsentativ*) system of government could sustain the separation of

powers that was the hallmark of a legitimate constitution. As Kant saw it, a legitimate (or republican) form of government must be based on the separation of legislative and executive power. But he did not conceptualise that separation in terms of an opposition of interests so much as in terms of a delimitation of principles. This delimitation distinguishes the principle of executive action, which puts particular decisions into effect, from the principle of legislative will, which strives to serve the well-being of the whole. It is this last principle that 'obliges' executive power in the name of public right. But Kant failed to show how this obligation could operate as a practical constraint without betraying its moral worth as an obligation.⁹⁴

Burke had set out to illustrate how the political worth of an obligation is determined by the extent to which it acts as a contingent constraint rather than as a moral compunction. Any attempt to regulate political power must begin by taking human beings as they are. It must then project how they will be once their original dispositions have been modified by the circumstances that define their civil condition. As these conditions must be various, so the interests connected with them will diverge from one another. A programme of systematic political reconstruction must compose this diversity into a representative interest by the reconciliation of differences. But it must also protect the integrity of each distinct condition by providing them with sufficient defensive force.⁹⁵

The purpose of a science of politics is to illustrate how individual judgement can be minimised by directing the machine of politics through the arrangement of its springs and levers. These mechanical components are tangible political forces that need to be harnessed, juxtaposed and reconciled to one another. Power is restrained by the competing influence of rival power, not by moral deference to political norms. The security of any system of antagonistic forces depends upon the rapport between its parts. Since any such rapport is a concrete historical achievement it is amenable to causal explanation. Despite the fact that explanation of this kind is the fundamental requirement of political analysis, political philosophy remains predominantly concerned with the issue of moral justification. I conclude this chapter with a contemporary example of this tendency. The aim here is not to diminish the significance of moral judgement in the estimation of ethical choices but to recover the importance of historical prudence in the evaluation of political processes.

Conclusion: history and legitimacy

Ronald Dworkin set out in the 1970s to put the question of justification at the centre of legal and political theory. The idea behind this approach was that moral theory could supply a proper foundation for the conduct of law and politics. Dworkin set about explaining the theoretical foundations of jurisprudence by contrasting his own preferred mode of vindicating political and legal judgements with two opposing theories of legitimacy. To begin with he advanced his case against utility-based forms of moral reasoning, which Bentham in particular was taken to represent. Next he sought to refute duty-based theories of legitimacy, of which he considered Kant to be an exemplar. In opposition to both these approaches Dworkin deployed a rights-based theory, exemplified by a style of argument which he associated with Thomas Paine.⁹⁶

Power is justified for Dworkin in terms of the principles it can be commanded to respect. In cases where power is curtailed out of respect for duties, it is not obliged to recognise the individuals it constrains as independent centres of moral action but rather enforces their 'conformity' to absolute norms of behaviour.⁹⁷ At the same time, where power is answerable to nothing other than existing standards of utility, it cannot be called to account by basic moral values. The utility in question can be measured either positivistically as the declared will of sovereign authority, or socially as a requirement of the general welfare. It is clear that Dworkin associated legal positivism with Jeremy Bentham and H. L. A. Hart. However, he assumed that the doctrine of social utility had both Benthamite and Burkean exponents.⁹⁸ He seemed to believe that for Burke only customary utility could be pleaded against the rights of institutional authority, whereas with Paine public decisions could be limited by appeal to a framework of fundamental values. Dworkin's basic point was that where power is justified by an appeal to either duty or utility, it cannot be obliged to protect individual rights of a kind that it ought in principle to guarantee.

Fundamental rights function somewhat differently in Dworkin's legal theory and his political one. As regards his theory of adjudication, which stands at the centre of his philosophy of law, rights ground principles which in turn grant legal entitlements that transcend the decrees of the popular will. But in his theory of political obligation,

a due regard for rights prescribes constitutional arrangements which provide for an independent judicial process secured against arbitrary injustice by the integrity of its underlying principles.⁹⁹ The doctrine of political justification therefore depends upon the robustness of the theory of adjudication. But the question arises whether it is plausible to argue that basic principles like that of equality of concern and respect before the law are a gift of moral prudence – or, as Dworkin put it, a gift of ‘conscientious judgement’ – to modern systems of government.¹⁰⁰ Theories of moral justification played a crucial role in distinguishing legal from theological authority in early modern Europe. They still play a vital role in orientating public debate in morally charged political cultures like that of the United States of America today. But even in political environments where righteousness does not trump interests absolutely, justification will play an ineliminable part in the conduct of debate. Yet this cannot supply any kind of basis for a science of politics.

It is no part of the purpose of this chapter to try to evaluate the moral theory in terms of which Dworkin expected he could validate legal and political practice. My intention has instead been to argue that a science of government cannot be erected on the foundations of moral theory. Attempts to bolster such a construction have uniformly collapsed constitutional theory into political morality. If this course is to be avoided, the science of government must begin by resorting to historical prudence as a basis on which to make pragmatic judgements. In a fragment which he composed on the ‘Laws of England’ around 1757, Burke marvelled at the emergence of judicial power in the midst of ‘the ambition and violence of mankind’. But his point was that the triumph of ‘the first principles of Right’ over partiality and despotism was a contingent product of European culture, underwritten by peace, prosperity and enlightenment.¹⁰¹ Moderate government was a historical achievement, not an effect of moral prudence.

Burke doubtless thought that the progress of justice in modern Europe had been invisibly guided by the hand of providence. But he also thought that providential design could only be recognised after the fact. Since providence was inscrutable from the vantage point of human intelligence even though it operated through the agency of human desires, its concrete results ought for practical purposes to be

regarded as a product of historical contingency.¹⁰² For Carl Menger, it was this perspective that testified to Burke's significance as a political thinker. As Menger saw it, Burke had followed in the tracks of Montesquieu in directing historical study towards the analysis of the unintended (*unreflectirte*) consequences.¹⁰³ History is the outcome of blind collision between countless human intentions. Where this collision has contributed advantageously to the promotion of human welfare, it is tempting to think of this happy result as brought about by cunning. It is a feature of the moralising impulse that forms a part of human psychology that the unplanned results of historical action are belatedly invested with deliberate purposiveness. Accidental conjunctions are standardly reconceptualised as a product of design. Despite this historical illusion, we are still capable of realising that uncoordinated combinations of human actions, although they may give rise to beneficial results, would be better described as unreasoned than as cunning.¹⁰⁴

A science dedicated to explaining political action proceeds by discovering predictable patterns of relations among these irrational combinations of forces. Historical prudence provides the basic method of investigation. As Weber saw, such an approach must begin by rejecting the kind of moral teleology that had infected historical jurisprudence and political economy in Germany from Savigny to Schmoller. Under the influence of Hegel and Adam Müller, Weber claimed, the epigones of the historical school had transformed Enlightenment social *Theorie* into a form of *Theodizee*.¹⁰⁵ One distinguishing feature of theodicy is that it moralises history. The same habit of thought encourages us to moralise the use and abuse of power. But experience shows that appeals to political morality are not sufficient to restrain the ambition or reduce the corruption of power. The well-being of citizens is better secured by the judicious application of schemes for regulating competition among opposing political forces than by subjecting the general welfare to the judgement of enlightened rulers, or to the imaginary rigours of a science of public right. Modern political philosophy has managed successfully to revive the perspective of ancient prudence in subordinating politics to ethics. Historical prudence should seek to revise this inversion by liberating political analysis from the hegemony of moral judgement.

Notes

1. I am grateful to David Bromwich, Roger Cotterell, Karuna Mantena, Henning Ottmann and Wilhelm Vossenkuhl for comments which helped me to sharpen the argument presented here, and to audiences at the University of Munich, Yale University and the University of Chiba where earlier versions of this chapter were delivered.
2. The debate has a longer pedigree still. See Richard Tuck, *Philosophy and Government, 1572–1651* (Cambridge: Cambridge University Press, 1993). Standard eighteenth-century attempts to fathom the relationship between philosophy and government sought to understand it developmentally in terms of longer-term conjectural histories of society. From this perspective, the Enlightenment itself might usefully be seen as revolving around debates about the history of enlightenment – or around rival genealogies of the relations between theory and practice. My point here is that after the American Revolution, and more particularly after the French Revolution, the stakes involved in deciding upon the terms of trade between theory and practice intensified dramatically.
3. Michael Oakeshott, ‘Rationalism in Politics’ (1947) repr. in *Rationalism in Politics and Other Essays* (1962) (Indianapolis: Liberty Press, 1991), p. 29. Although von Hayek is singled out for criticism in Oakeshott’s essay (p. 26), he is clearly the lesser target. For a resort to ‘reasonableness’ instead of ‘rationalism’ as an appropriate guide to politics, see Michael Oakeshott, ‘Scientific Politics’, *Cambridge Journal*, 1:6 (March 1948), pp. 347–58; Michael Oakeshott, ‘Rational Conduct’, *Cambridge Journal*, 4:1 (October 1950), pp. 3–27, rev. edn in *Rationalism in Politics and Other Essays*; and Michael Oakeshott, ‘Political Education’ (1951) in *Rationalism in Politics and Other Essays*.
4. Oakeshott, ‘Rationalism in Politics’, p. 30: ‘it was not Machiavelli himself, but his followers, who believed in the sovereignty of technique’. Cf. Michael Oakeshott, ‘The Tower of Babel’ (1948) in *Rationalism in Politics and Other Essays*.
5. Oakeshott, ‘Rationalism in Politics’, pp. 15, 29, 41. A fuller account of Oakeshott’s position would have to relate his doctrine of political connoisseurship to his notion of distinct ‘modes’ of experience and the conversational (as opposed to systematic) character of relations between them. On this, see Michael Oakeshott, ‘The Voice of Poetry in the Conversation of Mankind’ (1959) in *Rationalism in Politics and Other Essays*. For a full account of Oakeshott’s thinking in this connection, see Efraim Podoksik, *In Defence of Modernity: Vision and Philosophy in Michael Oakeshott* (Charlottesville, VA: Imprint Academic, 2003), Part I.

6. For variations on this theme in post-war scholarship, see J. L. Talmon, *The Origins of Totalitarian Democracy: Political Theory and Practice during the French Revolution* (London: Martin Secker and Warburg, 1952); Isaiah Berlin, 'Two Concepts of Liberty' (1958) repr. in *Four Essays on Liberty* (Oxford: Oxford University Press, 1969); John Dunn, *Modern Revolutions: An Introduction to the Analysis of a Political Phenomenon* (Cambridge: Cambridge University Press, 1972); Bernard Williams, 'Saint-Just's Illusion' in *Making Sense of Humanity and Other Philosophical Papers* (Cambridge: Cambridge University Press, 1998).
7. Immanuel Kant, *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis* (1793) und *Zum ewigen Frieden: Ein philosophischer Entwurf* (1795), ed. Heiner F. Klemme (Hamburg: Felix Meiner Verlag, 1992), pp. 3–6. Kant begins by framing his intervention as a response to the avowed Burkeanism of August Wilhelm Rehberg, Friedrich von Gentz and Christian Garve. He then proceeds to focus his arguments against the moral and political principles of Garve, Hobbes and Moses Mendelssohn.
8. *Ibid.*, pp. 3, 31. The kinds of expert exhibited by Kant include the agricultural economist (*Landwirt*) and the public official (*Kameralist*) (p. 3). That the common welfare is not reducible to empirical utility is clearly asserted: 'The phrase, *salus populi suprema civitatis lex est*, retains its irreducible value and respect; but the public well-being that must above all be considered is precisely that lawful constitution which secures to each their freedom through laws' (p. 31).
9. *Ibid.*, pp. 22, 34: government devoted eudaimonistically to the welfare of the people is 'the greatest despotism thinkable' (p. 22); the resort to coercive popular rights against the state involves recourse to 'complete lawlessness' (p. 34).
10. I have selected both Neurath and Popper here as rival representatives of the Viennese 'Enlightenment's' scientific challenge to superstition and backwardness as exemplified by Ernst Mach, *Erkenntnis und Irrtum: Skizzen zur Psychologie der Forschung* (Leipzig: J. A. Barth, 1905), pp. 454–5. For Neurath's commitment to rationalism in the field of social choice, see his 'Die Verirrten des Cartesius und das Auxiliarmotiv: zur Psychologie des Entschlusses', *Jahrbuch der philosophischen Gesellschaft an der Universität zu Wien* (1913), pp. 57–67; for his charge that Popper was a pseudo-rationalist, see his 'Pseudorationalismus der Falsification', *Erkenntnis*, 5 (1935), pp. 16–22. Popper himself took Neurath to task for his understanding of scientific method in *The Logic of Scientific Discovery* (1935) (London: Routledge, 1992), pp. 76–9; he set out to expose Neurath's utopianism

- in *The Poverty of Historicism* (1936–45) (London: Routledge, 1957, 2002). For a more sympathetic understanding of their shared project, see Popper's 'Memories of Otto Neurath' in Otto Neurath, *Empiricism and Sociology*, ed. Marie Neurath and Robert S. Cohen (Dordrecht: D. Reidel, 1973), p. 53.
11. For the presentation of *fin de siècle* Viennese progressive intellectual culture as exemplifying Enlightenment or 'late Enlightenment' (*Spätaufklärung*) characteristics, see Friedrich Stadler, 'Spätaufklärung und Sozialdemokratie in Wien, 1918–1938' in Franz Kadrnoska, ed., *Aufbruch und Untergang: Österreichische Kultur zwischen 1918 und 1938* (Vienna, Munich and Zurich: Euroverlag, 1981).
 12. On this, see Raymond Geuss, 'What is political judgement?' in this volume, pp. 000–00.
 13. Kant, *Über den Gemeinspruch*, p. 5.
 14. *Ibid.*
 15. See Ronald Beiner, *Political Judgement* (London: Methuen, 1983). Cf. Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Chicago and London: University of Chicago Press, 1982). Also relevant in this context is Hans-Georg Gadamer, *Wahrheit und Methode: Grundzüge einer philosophischen Hermeneutik* (1960) (Tübingen: J. C. Mohr, 1972), I, i, 1.
 16. John Dunn, 'Reconceiving the Content and Character of Modern Political Community' in *Interpreting Modern Political Responsibility: Essays 1981–1989* (Cambridge: Polity Press, 1990), p. 214. The argument is more fully developed in John Dunn, *The Cunning of Unreason: Making Sense of Politics* (London: HarperCollins, 2000), pp. 180–208.
 17. For practical reasoning in moral life see Aristotle, *Nicomachean Ethics* III (1111b5–1113a2), VI and VII, and *De Anima* III, 7. For scholarly opinion on Aristotle's discussion of the topic, see Richard Sorabji, 'Aristotle on the Role of Intellect in Virtue', *Aristotelian Society Proceedings*, 74 (1973–4), pp. 107–29; David Wiggins, 'Deliberation and Practical Reason' in Amélie Oksenberg Rorty, ed., *Essays on Aristotle's Ethics* (Berkeley, Los Angeles and London: University of California Press, 1980); R. B. Loudon, 'Aristotle's Practical Particularism' in J. P. Anton and A. Preuss, eds. *Aristotle's Ethics: Essays in Ancient Philosophy*, IV (Albany, NY: State University of New York Press, 1991); P. Gotlieb, 'Aristotle on Dividing the Soul and Uniting the Virtues', *Phronesis*, 39 (1994), pp. 275–90. For an overview of the subject in Greek thought, see Terence Irwin, 'Prudence and Morality in Greek Ethics', *Ethics*, 105 (January 1995), pp. 284–95; Julia Annas, 'Prudence and Morality in Ancient and Modern Ethics', *Ethics*, 105 (January 1995), pp. 241–57.

18. The Socratic origin of the classical debate about *phronêsis* is spelled out by Aristotle himself. See Aristotle, *Nicomachean Ethics* VI (1144b15–1144b25) and VII (1145b20–1146b5). Aristotle’s engagement with Socrates occurs in the midst of his clarification of the role of *phronêsis* in moral judgement. Commentators standardly remark upon Aristotle’s revision of Socrates; but his own sense of his continuity with his predecessor is equally important: ‘Socrates in a way examined the matter correctly’ (1144b19).
19. As exemplified, for example, by Solon: see his elegy on the advent of tyranny among the Athenians as an unintended consequence of human action – not a result of simple moral failure or of divine retribution – as recorded in the *Universal History* of Diodorus Siculus. The relevant Solonian verses are reproduced in *Greek Elegiac Poetry*, trans. Douglas E. Gerber (Cambridge, MA: Harvard University Press, 1999), pp. 125–7.
20. On the theory (*logos*) of philosophical statesmanship, see Plato, *Republic*, 471e1–473d9; for the approximation of theory (*logos*) to practice (*ergon*), see Plato, *Laws*, 636a–b; for a clear statement of the combination of virtue (*aretê*) and knowledge (*epistême*) required for the government of a just polity, see Plato, *Politicus*, 301d. For recent discussion of the development of Plato’s political thought, see Christopher Rowe, ed., *Reading the Statesman* (Sankt Augustin: Akademie Verlag, 1995); André Laks, ‘The Laws’ in Christopher Rowe and Malcolm Schofield, eds., *The Cambridge History of Greek and Roman Political Thought* (Cambridge: Cambridge University Press, 2000); Christopher Bobonich, *Plato’s Utopia Recast* (Oxford: Oxford University Press, 2002); Malcolm Schofield, *Plato: Political Philosophy* (Oxford: Oxford University Press, 2006).
21. Thucydides, *Historiae*, ed. H. S. Jones (Oxford: Oxford University Press, 1900), 2 vols., I, XXIII, 6. My phrase ‘truest explanation’ renders Thucydides’ *alêthestatên prophasin*, which could equally be taken in the sense of ‘fundamental cause’ – more fundamental, that is, than either protagonist appreciated, and so more basic than their separate intentions.
22. Xenophon, *Oeconomicus* XXI, 8–12.
23. Xenophon, *Cyropaedia* I, i, 3.
24. For Aristotle’s view that Plato developed a modified version of Socratism to be distinguished from Aristotle’s own project, see Aristotle, *Nicomachean Ethics* VII (1145b30): ‘There are some [e.g. Plato] who accept the [Socratic] doctrine in some respects.’
25. Aristotle, *Nicomachean Ethics* VI (1141b24–30), on the architectonic nature of the mental faculty of practical wisdom. Cf. Plato, *Politicus*,

- 292c–d, on knowledge rather than regime form as the distinguishing feature of a polity.
26. Aristotle, *Nicomachean Ethics* VI (1140b10–15). Aristotle's example of a commonly accepted prudent man is Pericles, distinguished for his capacity to establish the best opinion as to how to promote a good life.
 27. Cf. *Politics* III (1281b1). Where 'the people' (*plêthos*) is statesman, the justice of the arrangement is defended in terms of the collective *phronêsis* of the many (*hoi polloi*).
 28. Charles-Louis Montesquieu, 'De la politique' in *Œuvres complètes*, ed. Roger Caillois (Paris: Gallimard, 1949), 2 vols., I, p. 112: 'Il est inutile d'attaquer directement la politique en faisant voir combien elle répugne à la morale, à la raison, à la justice.'
 29. Montesquieu, *De l'esprit des lois* in *ibid.*, II, p. 238: 'C'est ce que j'entreprends de faire dans cet ouvrage. J'examinerai tous ces rapports: ils forment tous ensemble ce que l'on appelle l'ESPRIT DES LOIS.' A fuller analysis of Montesquieu's method would have to take account of the way in which the 'rapports' he discovers are derived, as David Hume saw, from Malebranchian metaphysics, and so cannot properly be described as empirical relations. See David Hume, *Enquiries Concerning Human Understanding and Concerning the Principles of Morals*, ed. L. A. Selby-Bigge and P. H. Nidditch (Oxford: Oxford University Press, 3rd rev. edn 1975), p. 197n.
 30. Alexander Pope, *Essay on Man*, ed. Maynard Mack (London: Methuen, 1950), Book III, Lines 303–4.
 31. Aristotle, *Politics* III (1288a30–35).
 32. David Hume, 'That Politics May Be Reduced to a Science' (1742) in *Essays Moral, Political and Literary*, ed. Eugene F. Miller (Indianapolis: Liberty Press, 1985, 1987), p. 14: 'It is a question with several, whether there be any essential difference between one form of government and another? and, whether every form may not become good or bad, according as it is well or ill administered?' For the wider intellectual context of the Humean science of politics, see Duncan Forbes, *Hume's Philosophical Politics* (Cambridge: Cambridge University Press, 1975); James Moore, 'Hume's Political Science and the Classical Republican Tradition', *Canadian Journal of Political Science*, 10 (1977), pp. 809–39; Robert Mankin, 'Can Jealousy Be Reduced to a Science? Politics and Economics in Hume's *Essays*', *Journal of the History of Economic Thought*, 27 (March 2005), pp. 59–70; Istvan Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, MA: Harvard University Press, 2005), ch. 4.

33. Hume, 'That Politics May Be Reduced to a Science', p. 15.
34. *Ibid.*, pp. 16–17, 21. It is clear that Hume does not mean necessary truths deductively inferred: he is thinking in terms of law-like generalisations about human affairs ascertained by means of historical investigation.
35. *Ibid.*, pp. 22, 24.
36. *Ibid.*, p. 24.
37. *Ibid.*, pp. 22–23n. Hume draws on the evidence supplied by Xenophon's *Cyropaedia* (II, i, 9) to advance the thesis – against Machiavelli ('the FLORENTINE secretary, who seems to have been better acquainted with the ROMAN than the GREEK authors, was mistaken') – that Persian society had originally contained a powerful nobility until the reforms of Cyrus the Great. The point of the *Cyropaedia* seems to have been to try to illustrate the consequences which followed on from Cyrus' decision to extinguish the historic privileges of the *homotimoi* (nobility). Hume's treatment of Machiavelli should be seen as a reworking since it is not obvious that *The Prince* assumes moderation to be a reason of state.
38. Albert O. Hirschman, *Essays in Trespassing: Economics to Politics and Beyond* (Cambridge: Cambridge University Press, 1981, 1984), pp. 287, 295–6. Hirschman begins by targeting the agenda implied in the Montesquieu fragment, 'De la politique', cited above.
39. For a critical perspective on attempts to establish political philosophy on the model of an 'applied ethics', see Raymond Geuss, 'Introduction' in Raymond Geuss, *Outside Ethics* (Princeton, NJ: Princeton University Press, 2005), p. 7; on Rawls in particular, see Geuss, 'Neither History nor Praxis' in *ibid.*, pp. 29–39.
40. Popper drew strength from Friedrich von Hayek's endorsement of his project in this regard. See F. A. von Hayek, 'Economics and Knowledge' in Hayek, *Individualism and Economic Order* (Chicago and London: University of Chicago Press, 1948), p. 33n; F. A. von Hayek, *The Counter-Revolution of Science: Studies on the Abuse of Reason* (Indianapolis: Liberty Press, 1952, 1979), p. 384. But in reality their arguments significantly diverged from one another. Incremental planning is as problematic if not as destructive as grand planning in Hayek's vision. Popper's criticisms were directed against the crystallisation of Hegelianism in figures of both the right and the left from Spengler to Mannheim. Hayek on the other hand was following Carl Menger and Ludwig von Mises in targeting the 'pragmatism' of the German historical school of political economy. For Menger's specifically focused indictment of *Pragmatismus*, see Carl Menger, *Untersuchungen über die Methode der Sozialwissenschaften, und der*

- politischen Oekonomie insbesondere* (Leipzig: Duncker and Humblot, 1883), pp. 201–4; for Hayek's debt to Menger, see Bruce Caldwell, *Hayek's Challenge: An Intellectual Biography of F. A. Hayek* (Chicago and London: University of Chicago Press, 2004), I.
41. See Popper, *Historicism*, pp. 80–1, on the piecemeal 'technologist' or 'scientific politician'.
 42. For Popper's own autobiographical description of the forces to which he was opposed, see Karl R. Popper, *Unended Quest: An Intellectual Autobiography* (London: Routledge, 1974, 2002), pp. 30–9. For Popper's intellectual development, see Malachi Haim Hacoheh, *Karl Popper: The Formative Years, 1902–1945* (Cambridge: Cambridge University Press, 2000).
 43. Karl R. Popper, 'Preface to the Second Edition', in *The Open Society and Its Enemies* (London: Routledge and Kegan Paul, 1945, 3rd rev. edn 1957), 2 vols., I, p. ix.
 44. Many of the positions criticised by Popper in *Historicism* are more fully identified with specific figures in Felix Kaufmann's *Methodenlehre der Sozialwissenschaft* (Vienna: Julius Springer Verlag, 1936), esp. pp. 129–53, on which Popper drew. For navigating a path through the *Methodenstreit*, Popper was also indebted to Viktor Kraft, *Die Grundformen der wissenschaftlichen Methoden* (Vienna: Verlag der Österreichische Akademie der Wissenschaften, 1925). For the idea of a 'Historicist' genealogy connecting Plato to Hegel, Popper drew on M. B. Foster, *The Political Philosophies of Plato and Hegel* (Oxford: Oxford University Press, 1935).
 45. Popper, *Open Society*, 'Preface to the Second Edition', I, p. ix.
 46. Popper, *Historicism*, pp. 105–9. Cf. Karl R. Popper, 'Truth, Rationality, and the Growth of Scientific Knowledge' in Popper, *Conjectures and Refutations: The Growth of Scientific Knowledge* (London: Routledge, 1960, 1963); 'Prediction and Prophecy in the Social Sciences' (1948) in *ibid.*; 'Utopia and Violence' (1948) in *ibid.*
 47. Popper, *Open Society*, II, 261 ff. On theory construction in Popper, see Herbert Keuth, *The Philosophy of Popper* (Cambridge: Cambridge University Press, 2005), pp. 51–108. On Popper's own formulation of his divergence from Henri Poincaré and Pierre Duhem, see *Historicism*, pp. 121–2n.
 48. Popper, *Historicism*, p. 71, where he is drawing on Heinrich Gomperz, *Weltanschauungslehre* (Jena: Diederichs, 1908), 2 vols.
 49. Popper, *Historicism*, pp. 98–120, where the main targets are Comte and Mill – the former's holism and the latter's inductivism. Cf. Carl G. Hempel, 'The Function of General Laws in History' in *Aspects of Scientific Explanation and Other Essays in the Philosophy of Science*

- (New York: The Free Press, 1965). Popper's views on causation and explanation were originally set out in *The Logic of Scientific Discovery*, pp. 38–40. For the claim that Hempel derived his ideas from Popper, as evidenced by his review of *Logik der Forschung* in *Deutsche Literaturzeitung*, 8 (1937), pp. 310–14, see Popper, *Open Society*, II, p. 264n. For discussion of the general model, see Alan Donagan, 'The Popper–Hempel Theory Reconsidered' in William H. Dray, ed., *Philosophical Analysis and History* (Westport, CT: Greenwood Press, 1966).
50. Popper, *Open Society*, I, pp. 1–3.
 51. Karl R. Popper, 'Kant's Critique and Cosmology, I: Kant and the Enlightenment' in Popper, *Conjectures and Refutations*.
 52. Popper, *Open Society*, 'Preface to the First Edition', I, p. vii.
 53. This line from Morgan's letter of 14 September is quoted in Edmund Burke, *Reflections on the Revolution in France*, ed. J. G. A. Pocock (Indianapolis: Hackett Publishing, 1987), p. 57n. Unless otherwise explicitly stated, all references below are to this edition of the *Reflections*. A passage from the letter of 13 August is quoted in *ibid.*, p. 76n.
 54. Richard Price, *A Discourse on the Love of Our Country, Delivered on Nov. 4, 1789 ... Commemorating the Revolution in Great Britain* (London: 4th edn, 1790), p. 49. Burke cites this passage from Price in *Reflections*, p. 57.
 55. Richard Price, Preface to the Fourth Edition, in Price, *A Discourse*, pp. vii–viii.
 56. Anon., *A Look to the Last Century: or, the Dissenters Weighed in their Own Scales* (London, 1790). The suggestion, which seems to me almost certainly correct, that Burke's source for the Morgan quotation comes from this pamphlet was originally put forward in D. O. Thomas, 'Edmund Burke and the Reverend Dissenting Gentlemen', *Notes and Queries*, 29 (1982), pp. 202–4.
 57. Price, *A Discourse*, pp. 49–50.
 58. Anon., *A Look to the Last Century*, p. 122.
 59. Burke, *Reflections*, p. 66; Price, *A Discourse*, p. 49. In the Preface to the Fourth Edition of *A Discourse*, p. viii, Price singled out Burke's elegiac strains on the departed glory of Europe for ridicule.
 60. Burke, *Reflections*, p. 10; Price, *A Discourse*, p. viii. For the eccentricity of Price's position in the wider context of Enlightenment thought, see Frederick Dreyer, 'The Genesis of Burke's *Reflections*', *Journal of Modern History*, 50:3 (September 1978), pp. 462–79.
 61. F. P. Lock, *Edmund Burke II: 1784–1797* (Oxford: Oxford University Press, 2006), p. 247. Cf. *ibid.*, pp. 323, 330.

62. An endless array of examples can be found from the eighteenth to the twenty-first century. See, for example, James Mackintosh, *Vindiciae Gallicae* (1791) in *Vindiciae Gallicae and Other Writings on the French Revolution*, ed. Donald Winch (Indianapolis: Liberty Press, 2006), pp. 50–3; John Morley, *Edmund Burke: A Historical Study* (London: Macmillan, 1867), p. 151; Leslie Stephen, *History of English Thought in the Eighteenth Century* (London: Smith Elder and Co., 2nd edn, 1881), 2 vols., II, pp. 223–7; Harold Laski, *Edmund Burke* (Dublin: Falconer, 1947), p. 11; Carl B. Cone, *Burke and the Nature of Politics* (Lexington: University of Kentucky Press, 1957–64), 2 vols, II, p. 319; Conor Cruise O’Brien, ‘Edmund Burke: Prophet against the Tyranny of the Politics of Theory’ in Edmund Burke, *Reflections on the Revolution in France*, ed. Frank Turner (New Haven and London: Yale University Press, 2003).
63. Price, *A Discourse*, pp. 8, 11.
64. Adam Smith, *The Theory of Moral Sentiments* (1790), ed. D. D. Raphael and A. L. Macfie (Indianapolis: Liberty Press, 1982), pp. 233–4.
65. Price, *A Discourse*, pp. 49–50; cited in Burke, *Reflections*, p. 47.
66. See Peter Brown, *The Chathamites* (London: Macmillan, 1967); Derek Jarrett, *The Begetters of Revolution: England’s Involvement with France, 1759–1789* (Totowa, NJ: Rowan and Littlefield, 1973); Burke, *Reflections*, p. 219n; J. C. D. Clark, ‘Introduction’ to Edmund Burke, *Reflections on the Revolution in France*, ed. J. C. D. Clark (Stanford, CA: Stanford University Press, 2001), pp. 58–60.
67. Burke, *Reflections*, p. 10.
68. Joseph Priestley, *A Letter to the Right Honourable William Pitt ... on the Subjects of Toleration and Church Establishments* (London, 1787), pp. 40, 6; Joseph Priestley, *The Importance and Extent of Free Inquiry in Matters of Religion: A Sermon* (Birmingham, 1785), p. 11; Joseph Priestley, *An History of the Corruptions of Christianity, in Two Volumes* (Birmingham: J. Johnson, 1782), II, p. 484. On millenarianism in Priestley’s political thought, see Martin Fitzpatrick, ‘Joseph Priestley, Political Philosopher’ in David L. Wykes and Isabel Rivers, eds., *Joseph Priestley: Scientist, Philosopher, and Theologian* (Oxford: Oxford University Press, 2008).
69. Burke, *Reflections*, p. 9. The passage from Priestley cited in Burke, *Reflections*, p. 50 is also cited in Anon., *A Look to the Last Century*, p. 113.
70. *The Correspondence of Edmund Burke*, ed. T. W. Copeland et al. (Chicago and Cambridge: University of Chicago Press, 1958–78), 10 vols., VI, p. 10.

71. Burke, *Reflections*, p. 98.
72. Priestley, *An History of the Corruptions of Christianity*, II, p. 484. The passage is cited in Burke, *Reflections*, p. 50. The same paragraph is also cited in Anon., *A Look to the Last Century*, p. 113. The phrase from Saint-Etienne is cited in Burke, *Reflections*, p. 147n.
73. Montesquieu, *De l'esprit des lois*, I, ii, 4. On this facet of Montesquieu's thinking, see Bernard Manin, 'Checks, Balances and Boundaries: The Separation of Powers in the Constitutional Debate of 1787' in Biancamaria Fontana, ed., *The Invention of the Modern Republic* (Cambridge: Cambridge University Press, 1994). On this topic in the history of Enlightenment constitutionalism, see David Wootton, 'Liberty, Metaphor, and Mechanism: "Checks and Balances" and the Origins of Modern Constitutionalism' in David Womersley, ed. *Liberty and American Experience in the Eighteenth Century* (Indianapolis: Liberty Fund, 2006).
74. Burke, *Reflections*, pp. 162–3. On Burke's criticisms of Montesquieu in connection with his ideas about intermediary powers, see Richard Bourke, 'Edmund Burke and the Politics of Conquest', *Modern Intellectual History*, 4:3 (November 2007), pp. 403–32.
75. Burke, *Reflections*, p. 76n. This passage from Morgan's letter is also cited in Anon., *A Look to the Last Century*, p. 123.
76. Burke, *Reflections*, p. 51.
77. For an account of the intellectual origins of revolutionary crisis within Enlightenment politics as deriving from the extrapolation of moral criticism into philosophical history, see Reinart Koselleck, *Kritik und Krise: Eine Studie zur Pathogenese der bürgerlichen Welt* (Frankfurt am Main: Suhrkamp, 1959, 1973). The work was originally intended as a study of Kant.
78. *Ibid.*, p. 51. The lines from Virgil can be found at *Aeneid*, I, lines 140–1.
79. For the opposite and to my mind misguided view, see Francis P. Canavan, 'Edmund Burke's Conception of Reason in Politics', *Journal of Politics*, 21:1 (February 1959), pp. 60–79.
80. On the importance of counter-factual considerations to historical explanation, see Michael Scriven, 'Causes, Connections and Conditions in History' in William H. Dray, ed., *Philosophical Analysis and History* (Westport, CT: Greenwood Press, 1966). On the centrality of counter-factual analysis to political judgement, see John Dunn, 'Conclusion' in John Dunn, ed. *West African States: Failure and Promise – A Study in Comparative Politics* (Cambridge: Cambridge University Press, 1978), pp. 214–16. Cf. Geoffrey Hawthorn, *Possible Worlds: Possibility*

- and Understanding in History and the Social Sciences* (Cambridge: Cambridge University Press, 1991, 1993), p. 15.
81. The kinds of probability in question are historical not statistical probabilities: they must offer at once contingently sufficient and contextually meaningful explanation. On both these conditions, see Max Weber, 'Objektive Möglichkeit und adäquate Verursachung in der historischen Kausalbetrachtung', Part II of *Kritische Studien auf dem Gebiete der kulturwissenschaftlichen Logik* in Johannes Winckelmann, ed., *Max Weber: Gesammelte Aufsätze zur Wissenschaftslehre* (Tübingen: J. C. B. Mohr, 1922, 1985). Cf. H. L. A. Hart and Tony Honoré, 'Preface to the Second Edition' of *Causation in the Law* (Oxford: Oxford University Press, 1959, 1985), pp. 13–25.
 82. Burke, *Reflections*, p. 33.
 83. David Hume, 'Idea of a Perfect Commonwealth' (1754) in *Essays Moral, Political and Literary*, p. 512.
 84. *Ibid.*, p. 513.
 85. *Ibid.*, p. 512.
 86. Burke, *Reflections*, pp. 53–4.
 87. Price, *A Discourse*, p. 44.
 88. Hume, 'Idea of a Perfect Commonwealth', p. 514: 'All plans of government, which suppose great reformation in the manners of mankind, are purely imaginary.'
 89. Immanuel Kant, *Über den Gemeinspruch*, pp. 20–40. Kant's comments on Hobbes appear on p. 37, and about the right to rebel from necessity on p. 33n; his apparent reference to Burke appears on p. 6. For the view that Burke is indeed Kant's direct target here, see Paul Wittichen, 'Kant und Burke', *Historische Zeitschrift*, 93 (1904), pp. 253–5. For Hume's connection with these themes in Kant's mind, see Immanuel Kant, *Kritik der praktischen Vernunft* (1788) in *Werke*, VII, ed. Wilhelm Weischedel (Frankfurt am Main: Suhrkamp, 1956, 1977), p. 173. For Burke's doctrine of a right of resistance deriving from necessity, see *Reflections*, pp. 16, 26–7. Cf. David Hume, *The History of England, From the Invasion of Julius Caesar to the Revolution of 1688* (London, 1778), 6 vols, V, p. 544.
 90. Kant, *Über den Gemeinspruch*, p. 6.
 91. Kant, *Zum ewigen Frieden*, p. 52: 'nach aufgeklärten Begriffen der Staatsklugheit'. For Kant's attempt to absorb and correct the Platonic ideal of philosophical monarchy, see Otfried Höffe, *Kant's Cosmopolitan Theory of Law and Peace* (Cambridge: Cambridge University Press, 2006), pp. 144–9.
 92. See Kant, *Kritik der praktischen Vernunft*, pp. 165–73

93. Kant, *Zum ewigen Frieden*, p. 63n: 'Who governed better than a Titus or Marcus Aurelius, though the one left a Domitian and the other a Commodus as his successor?'
94. See Immanuel Kant, *Die Metaphysik der Sitten* (1797) in *Werke*, VIII, ed. Wilhelm Weischedel (Frankfurt am Main: Suhrkamp, 1956, 1977), p. 439.
95. Burke, *Reflections*, pp. 162–3.
96. Ronald Dworkin, 'Justice and Rights' (1973) in *Taking Rights Seriously* (London: Duckworth, 1977, 2000), pp. 171–3. For a discussion of the remaining utilitarian elements in Dworkin's scheme, see H. L. A. Hart, *Essays in Jurisprudence and Philosophy* (Oxford: Oxford University Press, 1983, 2001), pp. 208–21.
97. Dworkin, 'Justice and Rights', p. 172. It is in these terms that Dworkin differentiates his political theory from Kant's. While it may be difficult to justify this interpretation of Kant, this fact need not affect the wider cogency of Dworkin's position.
98. *Ibid.*, 'Introduction', pp. ix, x.
99. For Dworkin's account of adjudication, see *ibid.*, 'Hard Cases' (1975); for his constitutional theory see *ibid.*, 'What Rights Do We Have?' (1977), 'Political Judges and the Rule of Law' (1978) repr. in *A Matter of Principle* (Oxford: Oxford University Press, 1985, 2001), esp. pp. 23–32, and 'Liberalism' (1978) in *ibid.* For Dworkin's more recent and revised statements on these themes see, respectively, Ronald Dworkin, *Law's Empire* (Oxford: Hart Publishing, 1986, 1998); Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, MA: Harvard University Press, 2000).
100. For Dworkin's characterisation of judicial intervention in the constitutional processes of liberal democracies as guided by 'conscientious judgment', see *Law's Empire*, p. 399. For his earlier response to the charge of Platonism against this understanding of the constitutional regulation of political behaviour, see 'The Forum Principle' (1981) in *A Matter of Principle*, p. 71. For the claim that the *procedures* of debate underwrite the commitment to *principle* that defines the rule of law (or *Rechtstaat*) as understood by Dworkin, see Jeremy Waldron, 'The Rule of Law as a Theatre of Debate' in Justine Burley, ed., *Dworkin and His Critics* (Oxford: Blackwell, 2004).
101. Edmund Burke, 'Fragment on the Laws of England' (c. 1757) in *The Writings and Speeches of Edmund Burke I: The Early Writings*, ed. T. O. McLoughlin and James T. Boulton (Oxford: Oxford University Press, 1999).

102. For a discussion of this important component of Burke's thought, see Rodney W. Kilcup, 'Burke's Historicism', *Journal of Modern History*, 49:3 (September 1977), pp. 394–410.
103. Menger, *Untersuchungen*, pp. 201–14. Cf. Carl Menger, *Die Irrthümer des Historismus der Deutschen Nationalökonomie* (Vienna: Alfred Hölder, 1884), pp. 84–5.
104. See Dunn, *The Cunning of Unreason*, pp. 19–47.
105. Max Weber, 'Knies und das Irrationalitätsproblem', Part III of *Roscher und Knies und die logischen Probleme der historischen Nationalökonomie* in *Weber: Wissenschaftslehre*, p. 140.