

SELECT WORKS OF EDMUND BURKE

VOLUME 2

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A NEW IMPRINT OF THE PAYNE EDITION

VOLUME 1

THOUGHTS ON THE CAUSE OF THE
PRESENT DISCONTENTS

THE TWO SPEECHES ON AMERICA

VOLUME 2

REFLECTIONS ON THE
REVOLUTION IN FRANCE

VOLUME 3

LETTERS ON A REGICIDE PEACE

MISCELLANEOUS WRITINGS



EDMUND BURKE

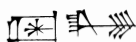
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Foreword by Francis Canavan

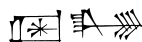
VOLUME 2

REFLECTIONS ON THE
REVOLUTION IN FRANCE



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Frontispiece is of the statue of Edmund Burke by John Henry Foley that stands at the Front Gate of Trinity College Dublin. By permission of the Board of Trinity College Dublin.

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IN FRANCE**

(1790)

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EDITOR'S FOREWORD

Edmund Burke's *Reflections on the Revolution in France* is his most famous work, endlessly reprinted and read by thousands of students and general readers as well as by professional scholars. After it appeared on November 1, 1790, it was rapidly answered by a flood of pamphlets and books. E. J. Payne, writing in 1875, said that none of them "is now held in any account" except Sir James Mackintosh's *Vindiciae Gallicae*.¹ In fact, however, Thomas Paine's *The Rights of Man*, Part 1, although not the best reply to Burke, was and remains to this day by far the most popular one. It is still in print.

Burke scorned to answer Paine directly, but in 1791 he published a sequel to his *Reflections* under the title *An Appeal from the New to the Old Whigs*.² In it, he quoted several pages from Paine's book without acknowledging their source, and took them as representative of the views of all the British sympathizers with the French Revolution. Paine came back with *The Rights of Man*, Part 2. Burke ignored it, so in fact there was no debate between him and Paine. The two men talked past each other in appeals to the British public.

THE RADICAL DEMOCRATIC IDEOLOGY

Burke had been personally acquainted with Paine, but it is unlikely that he had him in mind when he wrote the *Reflections*. He already knew the radical democratic ideology that

1. P. 77.

2. This document is included in *Further Reflections on the Revolution in France* (Indianapolis: Liberty Fund, 1992), edited by Daniel E. Ritchie.

inspired part of the demand for expanding the people's right to vote for members of the House of Commons. Typically but wrongly, he attributed that ideology to most of the parliamentary reformers, as he did in his *Speech on the Reform of the Representation of the Commons in Parliament* in 1782.³

The premise of the radical ideology was that men by nature are individuals endowed with natural rights but not, as Aristotle had thought, political animals designed by nature to live in organized political societies. In the prepolitical "state of nature," there was no government and every man was a naturally sovereign individual with an absolute right to govern himself. Only he could transfer that right to a government, and even he could not transfer it totally. The only civil society that he could legitimately enter was one in which his natural right to govern himself became the natural right to take part on equal terms with every other man in the government of civil society.

This view translates into the principles of political equality and majority rule. Civil society is a purely artificial institution created by independent individuals who contract with one another to set up a government whose primary purpose is to protect them in the exercise of their natural rights. Its basic structural principles are dictated by the nature of man as a sovereign individual. In this theory, natural rights are prior to social obligations.

BURKE'S REACTION TO THE FRENCH REVOLUTION

Burke encountered this theory also in *A Discourse on the Love of Our Country*, a speech which a Dissenting minister, Dr. Richard Price, delivered on November 4, 1789, to the Revolution Society, a group that met annually to celebrate

3. This speech is included in *Miscellaneous Writings*, companion to this set of volumes.

the English Revolution of 1688. This speech (which Burke did not read until January) was delivered two days after the French National Assembly confiscated the estates of the Catholic Church in France. Burke's reaction to the French Revolution had been slow in forming, but events in France in the fall of 1789, such as the confiscation of Church property, opened his eyes to how radical the Revolution there was. Dr. Price's speech awakened a fear in Burke of a similar ideology's bringing about a similar revolution in Great Britain.

On February 9, 1790, he gave a speech in the Commons on the Army Estimates that marked the beginning of his eventual complete break with his political party, the Whigs, now led by Charles James Fox, who admired the French Revolution. In the meantime, Burke was working on what was to become *Reflections on the Revolution in France*. It had begun with a letter, written in November 1789, to Charles-Jean-François Depont.⁴ Depont, a young Frenchman who had visited the Burke family in 1785, now wrote to ask Burke to assure him that the French were worthy of the liberty that their Revolution was bringing them. Burke's reply was a calm and cool analysis of the Revolution. When Dr. Price spurred him to respond to his praise of the French Revolution, Burke couched his reply in the form of another letter to Depont. But it grew into a book addressed in reality to the British public in a highly rhetorical style.

Yet there is more, much more, to the *Reflections* than rhetoric. E. J. Payne, the editor of this set of volumes, who was very English and very much a man of the nineteenth century's Victorian age, could say, "No student of history by this time needs to be told that the French Revolution was, in a more or less extended sense, a very good thing."⁵ (When the bicentenary of the Revolution was celebrated in 1989, schol-

4. This letter is included in Ritchie, ed., *Further Reflections on the Revolution in France*.

5. P. 11.

ars were no longer quite so sure about that.)⁶ Payne also, like most students of Burke who were educated in the British Isles, reflects the empiricism and positivism that are so strong a strain in English thought and make it difficult for British students of Burke to perceive that there is a genuine philosophy wrapped in the gorgeous rhetoric of the *Reflections*.

It is not that Burke was or claimed to be a philosopher. Nor is his book a detached philosophical reflection on a great historical event. It is designed not merely to explain the event, but to persuade a reading public that the French Revolution is a menace to the civilization of Europe, and of Britain in particular. Yet, since the Revolution was built upon a political theory, Burke found himself obliged for the first time to organize his own previous beliefs about God, man, and society into a coherent political countertheory.

BURKE'S CONSTITUTIONAL THEORY

The *Reflections* begins with an attack on Dr. Price and his speech.⁷ According to Dr. Price, as quoted by Burke, George III was "almost the *only* lawful king in the world, because the *only* one who owes his crown to the *choice of his people*."⁸ Popular choice, then, was the criterion of legitimacy. This followed from what Dr. Price said was a basic principle established by the Revolution of 1688, namely, the right of the people of England "1. 'To choose our own governors.' 2. 'To cashier them for misconduct.' 3. 'To frame a government

6. See, for example, Simon Schama, *Citizens: A Chronicle of the French Revolution* (New York: Alfred A. Knopf, 1989).

7. The pages that follow are taken, with the permission of the publisher, from my *Edmund Burke: Prescription and Providence* (Durham, N.C.: Carolina Academic Press; Claremont, Calif.: Claremont Institute for the Study of Statesmanship and Political Philosophy, 1987). All page references from this point on, unless otherwise specified, are to the text of the *Reflections* in this volume.

8. P. 99.

for ourselves.'"⁹ Burke read this declaration of the right of the people as an assertion of the doctrine of popular sovereignty, and he denounced it as unknown to and incompatible with the British constitution.

Certainly, he said, it was unknown to the leaders of the Revolution in 1688. He admitted that it would be "difficult, perhaps impossible, to give limits to the mere *abstract* competence of the supreme power, such as was exercised by parliament at that time." But there was no doubt in the minds of the revolutionary leaders or in Burke's about the limits of what they were *morally* competent to do:

The house of lords, for instance, is not morally competent to dissolve the house of commons; no, nor even to dissolve itself, nor to abdicate, if it would, its portion in the legislature of the kingdom. Though a king may abdicate for his own person, he cannot abdicate for the monarchy. By as strong, or by a stronger reason, the house of commons cannot renounce its share of authority. The engagement and pact of society, which generally goes by the name of the constitution, forbids such invasion and such surrender. The constituent parts of a state are obliged to hold their public faith with each other, and with all those who derive any serious interest under their engagements, as much as the whole state is bound to keep its faith with separate communities.¹⁰

THE PRINCIPLE OF INHERITANCE

For this reason, Burke continued, "the succession of the crown has always been what it now is, an hereditary succession by law." Originally, succession was defined by common law; after the Revolution, by statute. "Both these descriptions of law are of the same force," however, "and are derived from an equal authority, emanating from the common agreement and original compact of the state, *communi sponsione reipublicae*, and as such are equally binding on king, and people

9. P. 102.

10. Pp. 107–8.

too, as long as the terms are observed, and they continue the same body politic."¹¹

The operative moral principle, it will be noticed, is that the terms of the constitution, once set, must be observed. But the reason for accepting hereditary government as a *constitutional* principle is a practical one: "No experience has taught us, that in any other course or method than that of an *hereditary crown*, our liberties can be regularly perpetuated and preserved sacred as our *hereditary right*."¹² It was this consideration that made Burke a monarchist, not devotion to any abstract principles of royal right parallel to abstract principles of popular right. Burke explicitly rejected the notions that "hereditary royalty was the only lawful government in the world," that "monarchy had more of a divine sanction than any other mode of government," or that "a right to govern by inheritance [was] in strictness *indefeasible* in every person, who should be found in the succession to a throne, and under every circumstance."¹³ But he considered hereditary monarchy justified as an integral part of a constitution that was wholly based on the principle of inheritance and historically had served the people well.

"We have," he said, "an inheritable crown; an inheritable peerage; and a house of commons and a people inheriting privileges, franchises, and liberties, from a long line of ancestors." Indeed, "it has been the uniform policy of our constitution to claim and assert our liberties, as an *entailed inheritance* derived to us from our forefathers, and to be transmitted to our posterity; as an estate specially belonging to the people of this kingdom without any reference whatever to any other more general or prior right."¹⁴

This passage may seem to imply that there is no standard of natural right anterior and superior to the constitution.

11. P. 108.

12. P. 112.

13. P. 114.

14. P. 121.

But it will be noticed that Burke is speaking here, not of the objective moral order, but of "the uniform policy of our constitution," and that he praises this policy, not as a statement of ultimate moral principles, but as a manifestation of practical wisdom "working after the pattern of nature."¹⁵

It will be further noticed that throughout this passage Burke contrasts inherited rights, not with natural rights (to which he could and did appeal on other occasions), but with "the rights of men," which are the original rights of men in the state of nature. Dr. Price and others presume that it is possible to appeal to those rights in order to determine what rights men ought to have now, in an old and long-established civil society. It is this appeal that Burke says English statesmen of the past rejected in favor of the historic rights of Englishmen.

These statesmen wisely "preferred this positive, recorded, *hereditary* title to all which can be dear to the man and the citizen, to that vague speculative right, which exposed their sure inheritance to be scrambled for and torn to pieces by every wild litigious spirit."¹⁶ It is advisable, therefore, to have some viable definition of what men's rights are. Positive and recorded rights are better than original rights, in Burke's view, because they have been defined, nuanced, and given sure modes of protection through long historical experience. Original rights, which are objects of speculation rather than of experience, can give rise to conflicting absolute claims that can tear a society apart.

THE TRUE RIGHTS OF MAN

Furthermore, it is to misunderstand the social condition to think that men's claims on society and one another can be reduced to rights which they enjoyed in abstract and unquali-

15. Pp. 121-22.

16. P. 120.

EDITOR'S FOREWORD

fied forms before civil society came into being. Burke never denied that there had been a state of nature, that men had original rights in it, or that civil society had been formed by a compact. Either he accepted these beliefs as one tends to accept the commonplaces of his age or he knew that others accepted them so generally that to deny them would be to lose the argument at the outset. For whatever reason, he restricted himself to arguing that the original rights of men were not unreal, but irrelevant to civil society. The change they underwent in the civil state was so profound that they no longer furnished a standard for judging the rights of "civil social man."¹⁷ In Burke's own words:

These metaphysic rights entering into common life, like rays of light which pierce into a dense medium, are, by the laws of nature, refracted from their straight line. Indeed in the gross and complicated mass of human passions and concerns, the primitive rights of men undergo such a variety of refractions and reflections, that it becomes absurd to talk of them as if they continued in the simplicity of their original direction. The nature of man is intricate; the objects of society are of the greatest possible complexity; and therefore no simple disposition or direction of power can be suitable either to man's nature, or to the quality of his affairs.¹⁸

We must think, then, of men's rights in society in another way:

If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is an institution of beneficence; and law itself is only beneficence acting by a rule. Men have a right to live by that rule; they have a right to do justice; as between their fellows, whether their fellows are in politic function or in ordinary occupation. They have a right to the fruits of their industry; and to the means of making their industry fruitful. They have a right to the acquisitions of their parents; to the nourishment and improvement of their offspring; to instruction in life, and to consolation

17. P. 151.

18. P. 153.

in death. Whatever each man can separately do, without trespassing upon others, he has a right to do for himself; and he has a right to a fair portion of all which society, with all its combinations of skill and force, can do in his favour.¹⁹

Civil society is "an institution of beneficence"; its purpose is to do good to its members, and the good that it can do for them becomes their right or legitimate claim upon it. But their civil rights are not merely the legal form taken, after the social compact, by their original natural rights. Nor is government derived from every man's original right to act according to his own will and judgment.

The purposes of government are specified by the natural wants of men, understood not as their desires, but as their real needs. "Government," according to Burke, "is a contrivance of human wisdom to provide for human *wants*. Men have a right that these wants should be provided for by this wisdom."²⁰ But among these wants is the education of men to virtue through legal as well as moral restraints upon their passions. "In this sense the restraints on men as well as their liberties, are to be reckoned among their rights." Burke, one sees, is moving toward rational moral ends as the legitimating principle of government, and away from original rights and their corollary, consent. But his immediate concern in this passage is to point out that, "as the liberties and the restrictions vary with times and circumstances, and admit of infinite modifications, they cannot be settled upon any abstract rule; and nothing is so foolish as to discuss them upon that principle."²¹

Rather, one must say: "The rights of men are in a sort of *middle*, incapable of definition, but not impossible to be discerned. The rights of men in governments are their advantages; and these are often in balances between differences

19. P. 150.

20. P. 151.

21. P. 152.

of good; in compromises sometimes between good and evil, and sometimes between evil and evil.”²² To clarify what Burke is getting at, let us agree by way of example that it is not good for human beings to be starved, beaten, humiliated, deprived of human affections, or intellectually stultified. There are conceivable circumstances in which any of these, in a limited degree and for a limited time, might do someone more good than harm. But they could be justified only as a means to good ends, for these things are not in themselves human goods. Therefore, they cannot constitute the ends of life or the purposes of society. On the other hand, one can name human needs that do specify, in a general way, what civil society is for, and Burke did name some of them.

THE GOALS OF CIVIL SOCIETY

Civil society exists to guarantee to men justice, the fruits of their industry, the acquisitions of their parents, the nourishment and improvement of their offspring, instruction in life, and consolation in death. These are among the advantages that civil society exists to provide for men. But it is impossible to define antecedently, in the abstract and for all possible circumstances, the concrete forms in which these advantages are to be acquired and safeguarded. That must be left to social experience and the gradual development of custom and law.

The end of civil society, then, in global terms, is to promote what is good for human beings. Human goods are “not impossible to be discerned”—Burke was not a radical cultural relativist—and they can serve as the general goals that guide law and public policy. They will therefore set the outer limits of what government may do to people and define what it may not do to them. Burke was not inconsistent when he

denounced the Protestant Ascendancy in Ireland and Warren Hastings in India for violating natural law by their treatment of the populations subject to their power. To deny that natural law is an abstract code of rights is not to say that it forbids nothing.

But when it comes to specifying in the concrete the claims on society that its goals confer on people, it becomes evident that the rights of men "are in a sort of *middle*, incapable of definition." They cannot be defined, that is, in the abstract and in advance. Human goods must be limited and trimmed in order to be simultaneously attainable in society. Not only that, but evils, which are negations of good, must be tolerated, sometimes even protected, in order that any good at all may be attained. A society ruthlessly purged of all injustice might turn out to be a vast prison. So, for that matter, might a society single-mindedly devoted to the individual's liberty.

THE RIGHT TO GOVERN

These considerations are particularly relevant to the right that was fundamentally at issue between Burke and his opponents. They held that every man in the state of nature had a sovereign right to govern himself and for that reason had a right to an equal share in the government of civil society. Burke held that what was important in the civil state was not that every man's will should be registered in the process of government, but that his real interests (advantages, goods) should be achieved.

By entering civil society, Burke insisted, man "abdicates all right to be his own governor."²³ Hence, "as to the share of power, authority, and direction which each individual ought to have in the management of the state, that I must deny to be amongst the direct original rights of man in civil society."

23. P. 151.

On the contrary, "it is a thing to be settled by convention."²⁴ "The moment you abate any thing from the full rights of men, each to govern himself, and suffer any artificial positive limitation upon those rights, from that moment the whole organization of government becomes a consideration of convenience." But to organize a government and distribute its powers "requires a deep knowledge of human nature and human necessities, and of the things which facilitate or obstruct the various ends which are to be pursued by the mechanism of civil institutions."²⁵ The allocation of power in the state, in other words, ought to be made by a prudent judgment about that structure of government which will best achieve the goals of civil society, not merely in general, but in *this* historically existing society. But this implies that purpose, rather than original rights and individual consent, is the organizing and legitimizing principle of a constitution.

A further conclusion about the nature of political theory follows: "The science of constructing a commonwealth, or renovating it, or reforming it, is, like every other experimental science, not to be taught a priori. Nor is it a short experience that can instruct us in that practical science."²⁶ Moral and political theory may enlighten us on the ultimate ends of social life, but the means thereunto are the object of a practical science that relies on experience.

Who, then, shall make the practical judgments of politics? The question cannot be answered by appealing to the rights of men. "Men have no right to what is not reasonable, and to what is not for their benefit."²⁷ But as to what is for their benefit, Burke said: "The will of the many, and their interest, must very often differ."²⁸ The first duty of statesmen, indeed, is to "provide for the *multitude*; because it is the *multitude*; and

24. P. 151.

25. P. 152.

26. Pp. 152-53.

27. P. 154.

28. P. 142.

is therefore, as such, the first object . . . in all institutions.”²⁹ But the object is the good of the people, not the performance of their will. The duties of statesmen, in consequence, do not belong by right to those whom the many have chosen, but ought to be performed by those qualified by “virtue and wisdom, actual or presumptive,”³⁰ for the task of government.

BURKE'S VIEW OF DEMOCRACY

Burke was undoubtedly what today is called an elitist and, in his own terminology, an aristocrat in principle. He had a very low estimation of the political capacity of the mass of the population, and when he agreed that the people had a role in government, he meant only a fairly well-educated and prosperous segment of the people. But the main object of his attack on the democratic theory of his day was not so much the idea that the populace at large was capable of exercising political power as the principle that it had an inherent right to do its own will.

He certainly rejected the notion “that a pure democracy is the only tolerable form into which human society can be thrown.”³¹ But it could be an acceptable one, though not often:

I reprobate no form of government merely upon abstract principles. There may be situations in which the purely democratic form will become necessary. There may be some (very few, and very particularly circumstanced) where it would be clearly desirable. This I do not take to be the case of France, or of any other great country.³²

Democracy as a mere form of government, then, would be sometimes, if only rarely, acceptable to Burke. What would never be acceptable was that the people “should act as if they

29. P. 198.

30. P. 140.

31. P. 224.

32. Pp. 224–25.

were the entire masters.”³³ Burke explained his objection to this conception of popular sovereignty in the course of his defense of the principle of a state establishment of religion. Under a “mixed and tempered government”³⁴ such as that of Great Britain, “free citizens . . . in order to secure their freedom, . . . must enjoy some determinate portion of power.” But “all persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust; and that they are to account for their conduct in that trust to the one great master, author and founder of society.”³⁵

AUTHORITY AND THE ORDER OF CREATION

This sense that authority is a trust given by God is all the more necessary “where popular authority is absolute and unrestrained.” No one can and no one should punish a whole people, Burke said, but this conclusion followed: “A perfect democracy is therefore the most shameless thing in the world.” It is essential, then, that the people “should not be suffered to imagine that their will, any more than that of kings, is the standard of right and wrong.” To exercise political power or any part of it, the people must empty themselves “of all the lust of selfish will, which without religion it is utterly impossible they ever should.” They must become “conscious that they exercise, and exercise perhaps in a higher link of the order of delegation, the power, which to be legitimate must be according to that external immutable law, in which will and reason are the same.”³⁶

The phrase concerning the place of the people in the order of delegation is interesting because it may refer to a

33. P. 191.

35. P. 188.

34. P. 224.

36. Pp. 189–90.