

INTRODUCTION

1 Empire and Revolution

This is a book about the vicissitudes of empire and revolution as confronted by one of the leading political intellects of the eighteenth century. The confrontation was complicated in a number of distinct ways. In the first place the term “revolution” had a range of meanings. At its simplest it could denominate a change in the system of government. Yet it could also cover resistance to an established political order leading to the creation of a new regime. Finally it could refer to the subversion of government along with the various liberties it was supposed to protect. Over the course of his life, Edmund Burke defended revolution in the first two senses although he ardently set himself against the third. But while he supported the rights of legitimate rebellion, he also consistently upheld the authority of empire. However, the picture here was again a complex one. Burke cherished the rights of British imperial sovereignty, yet he vehemently opposed the standing policies of the Empire. Underlying this apparent ambivalence was a commitment to the rights of conquest accompanied by a repudiation of the “spirit of conquest.” This referred to the attitude of usurpation that Burke believed had characterised European governments in the gothic past. Although governments of the kind had their origins in expropriation, they had gradually accommodated the “spirit of liberty.” Nonetheless, modern liberty for Burke was a precarious achievement. It was capable of relapsing into the spirit of domination, not least in its interactions with the extra-European world. Burke’s achievement was to analyse the conditions of freedom in minute practical and constitutional detail. His analysis drew on a historical vision of the character of modern politics. This book tries to capture the subtlety of that vision as it was expressed over the course of a parliamentary career. It aims to achieve this by reconstructing Burke’s political thought in relation to the major developments of the age. This requires a full examination of current affairs as well as careful attention to intellectual context.

2 Oratory, Philosophy, History

In his own day, Burke was recognised as one of the pre-eminent political orators of the century. His career in the House of Commons was largely spent in opposition, which meant that his efforts were mostly dedicated to criticising policy. Criticism implied that a preferable course of action should be adopted. Burke was thus fundamentally a political advocate whose ultimate objective was persuasion. In that role, he was conscious of having a series of illustrious predecessors: in their different ways, Lord Somers, Lord Halifax and Robert Walpole had all shone in parliament.¹ Burke also faced impressive opposition at various stages: the Earl of Chatham, Charles Townshend, Henry Dundas and Pitt the Younger, to name just four. One-time allies who became his enemies, like Charles James Fox and Richard Sheridan, were equally outstanding public performers. Historians still study these figures today, but only Burke is widely read. His speeches were always topical in nature. His writings were similarly focused on immediate events. However, the appeal of his work derives from the sheer force of his eloquence rooted in the cogency of the positions he advocated.² Contemporaries were evidently enthralled by his rhetoric; posterity has likewise been captivated by his published work. It is important to understand what this implies. It does not merely show that his “language” is seductive. It points to the fact that his arguments are peculiarly powerful.

William Wordsworth, who heard Burke speak in the Commons in the early 1790s, described his audience in *The Prelude* as “Rapt” with attention.³ The original vivacity of Burke’s speeches has now been lost to history. What remains is the dexterity of his prose. William Hazlitt took his literary skill to be “his chief excellence.”⁴ This was of course intended as a denigration of his politics. Nonetheless, Hazlitt captured the extent to which his writing is imbued with urgency. He conveyed Burke’s determination to impress on the minds of others the importance and vitality of his ideas. This made him, Hazlitt thought, the “most poetical” of prose writers, though in the end he strove to overpower rather than to please.⁵ It would be possible to enumerate the figurative methods Burke employed to achieve his characteristic effects. However this can hardly act as a substitute for a direct encounter with his writing. Rhetoric works by moving a particular audience on a particular occasion. Practical criticism can describe its features but not explain why it succeeds. As Adam Smith

¹See, however, Hume’s strictures on modern eloquence: David Hume, “Of Eloquence” (1742) in idem, *Essays Moral, Political, and Literary*, ed. Eugene F. Miller (Indianapolis, IN: Liberty Fund, 1985, 1987).

²Paddy Bullard, *Edmund Burke and the Art of Rhetoric* (Cambridge: Cambridge University Press, 2011).

³William Wordsworth, *The Fourteen-Book Prelude*, ed. J. B. Owen (Ithaca, NY: Cornell University Press, 1985), bk. VII, line 517. The passage was heavily revised in the 1820s.

⁴William Hazlitt, “Character of Mr. Burke” (5 October 1817) in *The Complete Works of William Hazlitt* (London: J. M. Dent and Sons, 1930–34), 21 vols., VII, p. 229.

⁵Ibid. On Hazlitt’s view of Burke, see David Bromwich, *Hazlitt: The Mind of a Critic* (Oxford: Oxford University Press, 1983), pp. 288–300.

observed, the technical rules of writing can never account for the power of language.⁶ Rhetoric moves the passions by the force of argument; in politics, by the force of its moral claims.⁷ Part of Burke's appeal can be found in the effectiveness of his reasoning. He achieved this by blending mastery of detail with a philosophical analysis of political relations. To this he added a remarkable gift of imagination that was capable of commanding the sympathy of his listeners and readers. The historian can recover the practicalities and the principles on which that imagination was brought to bear. Without these, moral language is evocative but empty—more appropriate to a conjurer than a public orator.

The attributes of the ideal orator had been a subject of inquiry since the elements of rhetoric came under systematic scrutiny in the city-states of the ancient world. Eighteenth-century politicians were familiar with the results: the textbooks of Aristotle and Quintilian were staple components of their education; the speeches of Demosthenes and Cicero were a constant resource.⁸ In his *Institutio oratoria*, in addition to elocution and the figures of speech, Quintilian had emphasised philosophical wisdom as an essential characteristic of oratory.⁹ Philosophy here meant moral philosophy, since the statesman or prosecutor, involved in counsel or litigation, stood in need of a proper conception of prevailing norms—like justice, equity or liberality. Burke excelled as a master of expressive flair but he was most conspicuous for his dexterity in moral argument. Having said this, he was concerned not with debating the foundations of the private virtues, but with the “morality” of public affairs. This was above all a matter for practical judgment, or prudence. The politician had to assess the probable course of events. “History,” Burke wrote, “is a preceptor of prudence.”¹⁰ The statesman was a “philosopher in action.”¹¹ This meant that he dealt in principles that were historically embedded. The justification of a course of action, which implied a judgment about the future, involved an account of how the present had been conditioned by the past.¹² Political science was essentially a historical form of inquiry, anticipating outcomes by interpreting the past.¹³

⁶ Adam Smith, *Lectures on Rhetoric and Belles Lettres*, ed. J. C. Bryce (Indianapolis, IN: Liberty Fund, 1985), p. 40.

⁷ See Quentin Skinner, “Retrospect: Studying Rhetoric and Conceptual Change” in idem, *Visions of Politics I: Regarding Method* (Cambridge: Cambridge University Press, 2002).

⁸ Christopher Reid, *Imprison'd Wranglers: The Rhetorical Tradition of the House of Commons, 1760–1800* (Oxford: Oxford University Press, 2012).

⁹ Quintilian, *Institutio oratoria*, I, Proemium, drawing on Cicero, *De inventione*, I, iii, 4 and *De oratore*, III, 56–81.

¹⁰ EB to Dr. William Markham, post 9 November 1771, *Corr.*, II, p. 282.

¹¹ EB, *Thoughts on the Cause of the Present Discontents* (1770), *W & S*, II, p. 317.

¹² For Burke's historical consciousness see Friedrich Meinecke, *Die Entstehung des Historismus* (Munich: Oldenbourg, 1936), 2 vols., II, pp. 288–304; John C. Weston Jr., “Edmund Burke's View of History,” *Review of Politics*, 23:2 (April 1961), pp. 203–29, and, most recently, Sora Sato, “Edmund Burke's Ideas on Historical Change,” *History of European Ideas*, 40:5 (September 2014), pp. 675–92.

¹³ For the fate of historical political science in Britain after Burke see John Burrow, Stefan Collini and Donald Winch, *That Noble Science of Politics: A Study in Nineteenth-Century Intellectual History* (Cambridge: Cambridge University Press, 1983).

“Burke was, indeed, a great man,” Coleridge contended: “No one ever read history so philosophically as he seems to have done.”¹⁴ The historical idiom that interested Burke was “philosophical” history, first popularised by Montesquieu, Voltaire and Hume. History could be philosophical in two distinct senses: first, insofar as it rose above religious and political partisanship; and second, to the extent that it generalised about human affairs. Generalisation involved exploring how values were shaped by changes in society and government. The philosophies of the enlightenment provided versatile equipment for embarking upon this kind of exploration. By the middle of the 1750s, having moved to London to train for the Irish bar, Burke began to devote his attention to various aspects of the science of politics that had become controversial topics in the European enlightenment: the theory of the passions, the history of government, the role of providence in society. At the same time he began to immerse himself in contemporary affairs both as a journalist and as a man of business. In 1765 he became connected to the Whig magnate the Marquess of Rockingham, and within six months he had secured a seat in the House of Commons. He soon established himself as a formidable debater and publicist. His commitment to a career in public life was now settled. This did not entail sacrificing his ambitions as a man of letters, but it did mean that his intellectual and literary pursuits would be shaped by his involvement in practical affairs. As a member of parliament, Burke was exposed to the issues that dominated the age. His agenda was determined not by his intellectual enthusiasms but by the shifting fortune of events. Nonetheless, his response was informed by an education in the science of politics indebted to the insights of philosophical history.

Burke concerned himself with most of the issues that passed before the House of Commons during his tenure as a member of parliament. However, standing back from the plethora of topics that required the attention of government and opposition over the course of those thirty years, five main issues commanded his attention: the British constitution and parliamentary reform; the crisis in the American colonies between 1766 and 1783; the East India Company’s management of Bengal and Madras from the attempts at reform under the Chatham administration down to the impeachment of Warren Hastings; Irish trade and government at various points over the same period; and the impact of the French Revolution on European affairs. These were decisive topics in politics at the time: the loss of empire in the west, the corruption of empire in the east, and a shift in the understanding of popular political rights. Burke applied his considerable powers of analysis to interpreting their significance, providing an angle from which to understand the course of modern history. An historical vantage can never provide the substance of historical truth, but it can certainly help us appreciate the stakes involved in past events. It can also generate new hypotheses for historical inquiry, potentially even the elements of a philosophy of history—a necessary prerequisite for any credible theory of politics. This book

¹⁴Samuel Taylor Coleridge, *Table Talk*, ed. Carl Woodring (Princeton, NJ: Princeton University Press, 1990), 2 vols., II, p. 213 (8 April 1833).

is concerned with Burke's vision of history and politics as these were worked out in response to the prevailing issues of the day. The Introduction first sets out the shape of that response, and then indicates its longer-term importance. I begin in the next section by sketching the main stages and preoccupations of Burke's career, and then conclude with a final section on his fundamental principles as these were worked out in relation to his view of European history.

3 Britain, America, India, Ireland, France

The affairs of Britain formed the central strand linking the various preoccupations that dominated Burke's imagination at different stages of his career. The country claimed to be governed by "revolution principles." These encompassed the Bill of Rights and the Act of Settlement as well as the precepts established by the Glorious Revolution. They also included provision for the toleration of dissent. The settlement that brought the conflicts of the seventeenth century to a close involved the constitutional regulation of both church and state.¹⁵ After George III ascended to the throne in 1760, he was quick to recall the character of the bond between the two. In his Speech from the Throne, delivered on 18 November, he announced his determination to "adhere to and strengthen this excellent constitution in Church and State." This included maintaining "inviolable" toleration.¹⁶ The expectation was that this "church-state" would protect political and religious liberties. This was achieved by fixing relations between crown and parliament whilst enabling the established Church to make room for nonconformity. However, the arrangements that were implemented in the late seventeenth century were adopted in the context of a developing polity. There was no guarantee that relations would not descend again into strife. The balance of the constitution and the status of the Church might need revision in order to secure them against degeneration. Throughout Burke's period on the public stage both topics were canvassed in society and debated among his peers. Above all, from the late 1770s onwards, partly under the influence of political arguments stimulated by America, challenges to the tenure and composition of the Commons began to receive attention in parliament and the press. During the same period, the entitlements of religious dissenters were contested on all sides.

Beginning with the "Cavalier" parliament in 1661, nonconformity was defined and variously restricted by a series of acts that were carried over the succeeding decades. The education, worship and political entitlements of dissenters were variously curtailed. The Toleration Act of 1689 offered some degree of relief. The Act granted freedom of worship under specified conditions to Christians who dissented from the thirty-nine articles of the Church of England. By the late 1760s, so-called

¹⁵J.C.D. Clark, *English Society, 1688–1832: Ideology, Social Structure and Political Practice during the Ancien Régime* (Cambridge: Cambridge University Press, 1985, 2000).

¹⁶*Parliamentary History*, XV, col. 982.

latitudinarian elements within the Anglican clergy were themselves seeking exemption from the articles of the Church, especially those relating to the doctrine of the trinity. As he made plain in 1772, Burke opposed relaxing discipline within the Church but promoted measures for removing disabilities that persecuted dissenters.¹⁷ Magistracy ought never to interfere with matters between the deity and conscience.¹⁸ However, as attacks on Anglicanism by rational dissenters like Joseph Priestley seemed to gather momentum, Burke came to believe that nonconformity would have to be monitored in case its exponents sought to undermine the security of the Church.¹⁹ Moreover, heterodoxy would have to be restrained if it employed ecclesiastical means to provoke sedition, as Burke believed had taken place in the 1640s. Should the conditions of the mid-seventeenth century revive, dissent could no longer be regarded as a conscientious vocation and would instead have to be considered as a form of faction, and therefore as a potential vehicle for subversion.²⁰ Beginning in the late 1780s, Burke started to suspect this design on the part of prominent nonconformists. His suspicions intensified around 1790 in the context of the British reception of the French Revolution. Religion, he feared, was now being used as an instrument of power. Under these circumstances, the rights of conscience became a poor disguise for secular ambition. On top of that, the claim to a natural right to power was a problematic notion. While religious rights, like property rights, were “natural” to man, political rights were prescriptive rather than universal entitlements.

Burke insisted on the necessity of a political division of labour in any complex social structure. A successful distribution of the functions of government would preserve freedom and promote the happiness of citizens. However, equal participation in the organs of power directly militated against this principle. The equal exercise of the levers of government, as opposed to an equality of liberty under government, was incompatible with the practicalities of civil organisation. As Burke saw it, adherence to this brand of equal political rights, commonly designated the “rights of man,” would be destructive of every conceivable mode of political subordination, and therefore of the distinction between society and government.²¹ He followed the promotion of the idea of “equal rights” among critics of the constitution in the 1770s and 1780s. Increasingly after 1779, a variety of projects for political reform were conceptualised in these terms: shorter parliaments, the elimination of rotten boroughs and an increase in county representation were promoted under the banner of the rights of man. Burke opposed this general approach armed with a programme of reform that emphasised the desirability of popular liberty under the constitution.

¹⁷EB, Speech on Clerical Subscription, 6 February 1772, *W & S*, II, pp. 361–62.

¹⁸Northamptonshire MS. A. XXVII.103a (i).

¹⁹On rational dissent in the period, see Knud Haakonssen ed., *Enlightenment and Religion: Rational Dissent in Eighteenth-Century Britain* (Cambridge: Cambridge University Press, 1996).

²⁰Northamptonshire MS. A. XXVII.100 (ii). Cf. Northamptonshire MS. A. XXVII.99 (ii): “N.B. Factions [&] Clubbs the instruments of . . . Revolution.”

²¹EB, Speech on the State of the Representation of the Commons (16 May 1784), *Works* (1808–13), X, *passim*.

According to Burke, the best way of guaranteeing the liberty of the people was by instituting a system of government disposed to secure their rights and interests. In the case of Britain, this would involve revising arrangements as they existed rather than reconfiguring the whole polity *de novo*. In any given society, there would naturally be preferable ways of organising public power, but there was no universal template for the creation of political justice. The goal of government was to promote the general welfare while ensuring the protection of private rights. That involved enabling social and economic improvement as well as providing for the security of justice. In European societies in general, these aims could best be guaranteed by dividing the exercise of supreme power and ensuring that representation was effective. However, as Montesquieu emphasised in *The Spirit of the Laws*, the powers of government could be variously distributed among different bodies. Similarly, representation was disparately conceived as being served by impersonation, delegation or election. In their different ways, France, Spain, the Holy Roman Empire, the Dutch Republic and the Polish commonwealth sought to combine these assorted elements. Yet Burke thought it was in Britain that the powers of government were most effectively regulated while electoral representation was constitutionally guaranteed. By these means, a method had been found for combining political stability with popular representation. This combination, in turn, offered the best security to the strict administration of justice.

This whole edifice hinged on maintaining the integrity of the constitution. To achieve that, its component parts would have to be preserved in their due relations. From the middle of the 1760s, Burke took the proper functioning of the system to be under attack. The lodgement of overseas dominion in the hands of executive authority exacerbated an existing tendency. The growth of the influence of the crown meant that the democratic branch of government was effectively being perverted. Parliament had become an arena for acclaiming court power. By 1770, Burke was espousing the utility of “party” on behalf of his Rockinghamite friends in parliament as the best means of counteracting the prevailing means of corruption.²² In pursuing “economical reform” in the early 1780s, he sought to rebalance the disordered equipoise of the constitution by reducing the overblown power of the monarch.²³ But by the end of the decade his priorities had shifted. It was now sham popularity that threatened to overturn the system of administration. Burke’s worries had first been formed in the face of assorted campaigns for parliamentary reform, but they were intensified during the regency crisis and then with the Revolution in France. While his colleagues thought that Britain was immune to the French “malady,” Burke was confident that there existed a general threat.²⁴ In pursuit of this conviction he abandoned his alliance with dissent and separated from the leadership of his party. It

²²Classically in EB, *Thoughts on the Cause of the Present Discontents* (1770), *W & S*, II, *passim*.

²³Most fully in EB, *Speech on Economical Reform*, 11 February 1780, *W & S*, III, *passim*.

²⁴For the phrase, see EB, Debate on the Re-Commitment of the Quebec Government Bill, 6 May 1791, *Parliamentary History*, XXIX, col. 372.

would be years before he could reconcile with the Portland Whigs; his friendship with Charles James Fox would never recover.

A distinguishing feature of British politics in the late eighteenth century was the fact that the domestic constitution had to bear the strains of empire. Burke entered public life in the aftermath of the Seven Years' War. Looking back on that epic contest over ten years after its conclusion, it appeared to have been a moment of singular promise: "We had humbled every power which we dreaded," Burke recollected. This cleared the way for the establishment of "a New kind of Empire upon Earth."²⁵ There would be freedom in the colonies and justice in South Asia under the superintendence of liberal and enlightened power. Authority would be variously but prudently deployed among a diversity of peoples with multifarious beliefs. The British constitution was the source of this achievement, forming "the spirit and the power which conducted us to this greatness."²⁶ Yet soon this hopeful prospect was suffused with gloom. When Burke took his seat in the Commons in January 1766, the conflict with the American colonies was already underway. The debts incurred by Britain as a consequence of the war encouraged the government to raise new revenues across the Atlantic. Provincial protest and then resistance immediately ensued, initiating a challenge to the authority of the Empire. Domestic finance, overseas settlement and the balance of power were mutually implicated in the struggle for pre-eminence among the dominant powers. As Burke saw it, a series of ministries in effect modified the imperial constitution in order to prevail in the competition among European states. Innovation unsettled the system of governance. The practicalities of exercising the sovereignty of the crown-in-parliament over provincial assemblies in the new world threatened the British Empire with civil war.

On 22 December 1775, the government of Lord North passed the Prohibitory Act, blockading the conduct of American trade.²⁷ Burke saw this as an act of war directed against the colonies, bestowing a right of rebellion on the basis of self-defence.²⁸ This amounted to a justification of revolution on Burke's part. However, he was advocating revolution as an instrument of restoration, not insurgency in the name of innovation. Innovation, he believed, should be contrasted with reform just as improvement should be opposed to wanton destruction. Nothing had occurred by 1776 to suggest to Burke that this was an "Age of Revolutions."²⁹ Developments in America in the 1770s bore no relation to events in France in the 1790s. During both periods, Burke defended the right of a people to take up arms against tyranny: he adopted this position in 1788 in relation to the revolt of Benares in northern India seven years earlier, and he reiterated his commitment in the context of Irish

²⁵EB, Notes for Second Conciliation Speech, ante 16 November 1775, WWM BkP 6:202.

²⁶Ibid.

²⁷16 Geo. III, c. 5.

²⁸EB, Notes on American Prohibitory Bill, WWM BkP 6:119.

²⁹For early use of this now prevalent historiographical category see, for example, R. R. Palmer, *The Age of Democratic Revolution: A Political History of Europe and America, 1760–1800* (Princeton, NJ: Princeton University Press, 1959–64), 2 vols.

resistance in the years before the rebellion of 1798.³⁰ But while Burke never questioned the legitimacy of insurrection against despotism, he was clear about the obligation on the part of revolutionaries to re-establish government for the protection of property.

Even in the midst of the American Revolution, Burke rallied to the defence of British imperial sovereignty. As the war dragged on, he began to advocate the establishment of a federal compact between metropole and colonies as a means of accommodating the existence of “two legislatures” within a single imperial frame.³¹ By 10 April 1778, he had accepted the need for a repeal of the Declaratory Act, and come to recognise the reality of American independence. Yet he still envisaged a role for the British Empire to the last: the Navigation Act, in some form, might be revived; George III might play a part in any new American arrangement.³² Burke justified the authority of civilised empire at every stage of his career: British control of America was optimal for both parties; the separation of Ireland was anathema in any imaginable future; the conquest of Bengal was a legitimate act of war. Like most of his contemporaries, Burke had no clear conception of a world without empires. The globe was in effect populated by competing imperial powers: the French, the British, the Spanish, the Ottoman, the Mughal and the Maratha were just a few examples. Militant opposition to empire would entail dismantling each of these structures by means of a war intended to bring an end to the spirit of usurpation. As Burke saw it, when the French embarked on such a programme in 1792, in spite of their professed humanitarian intentions they unleashed the most belligerently imperial project that the world had seen since the early days of the Roman republic. Up until the founding of the first coalition against France, Burke’s goal had been to regulate European competition by an effective balance of power. This, he thought, would enable Britain to employ its influence abroad in support of civil liberty and commerce. While the British appeared to Burke to be well placed to pursue that objective, the goal might still be thwarted by opposition forces at home. The fate of America illustrated the vulnerability of civilised empire to a resurgence of bygone attitudes of coercion and domination.

Soon after the fall of the first Rockingham administration in the summer of 1766, the new government under Lord Chatham turned its attention to India as a potential source of supply for the ailing British exchequer. With the repeal of the Stamp Act, signalling the collapse of Grenville’s programme of taxation in the colonies, the prospect of new funds arising from the conquest of Bengal proved attractive as the new ministry assumed power. This inaugurated a conflict between the East India Company and the British government that was temporarily resolved in 1773 with the passage of Lord North’s Regulating Act. The constitution of the Company was

³⁰On the Benares episode see Northamptonshire MS. A. XXIX.36. For the rights of Irish Catholic insurgency see EB to Unknown, February 1797, *Corr.*, IX, p. 259.

³¹EB, *Letter to the Sheriffs of Bristol* (3 April 1777), *W & S*, III, p. 321.

³²EB, Hints of a Treaty with America, March 1782, *WWM BkP* 27:219.

reconfigured, and a portion of its wealth was requisitioned by Westminster. Burke judged the interference to be an unwarranted act of power that compromised the liberty of a corporate institution. Reform was merely a pretext for the invasion of chartered privileges that were not merited by any proven act of delinquency in South Asia. Burke continued to doubt the intentions of the government of Lord North down to the collapse of his administration in 1782. Yet, during the same period, his sense of the culpability of the Company gradually deepened. He began to reimmerse himself in Indian affairs when the plight of the Raja of Tanjore was brought to his attention in 1778. The Raja was a victim of the territorial ambitions of the Nawab of Arcot in the Carnatic. Since the Nawab's exploits were being supported by British troops and, more insidiously, by loans issued by East India Company officials based in Madras, the southern British settlement on the Coromandel Coast was enabling expansion by a petty potentate. In fact, more than enabled, the Nawab was being encouraged so that the British could recoup their debts.³³

By 1781, when Burke joined the Select Committee established to investigate the affairs of the subcontinent, India had acquired a profound significance in his mind. The work of the Committee focused his attention on Bengal, leading him to examine the constitution of the Company together with its foreign relations and tax collecting responsibilities. This resulted in a penetrating analysis of British power as it was channelled through the activities of a trading corporation. Mismanagement in the south had been indirectly orchestrated, but in the north the means of abuse were both extensive and direct. As Burke saw it, the Company had become a meticulously predatory bureaucracy bent on systematic exploitation.³⁴ Its objective was neither good government nor commercial advantage but a monstrous amalgamation of the two: a corporate monopoly devoted to its own political profit. Both commercial incentives and public duty were completely disregarded as rapacity and oppression were pursued. By the time that the Committee's eleven Reports had been compiled, Burke's mastery of Indian affairs was unrivalled in the House of Commons. His commitment to reform was also unsurpassed. Yet with the failure of Fox's India Bill in 1783, he was forced to seek redress through the impeachment of Warren Hastings. By the time that the prosecution of the Governor General became possible, Burke regarded all other issues in public life at the time as genuinely trivial by comparison.³⁵ He would devote much of the remainder of his career in parliament to representing India's interests before the imperial "senate." "I considered this Indian Affair to be what it had been, the object of far the greatest and longest labour of a very laborious life," he exclaimed to Dundas in 1792.³⁶ His involvement ultimately terminated with the acquittal of Hastings in 1794. By then his knowledge of the subcontinent was

³³EB, *Speech on the Nabob of Arcot's Debts* (28 February 1785), *W & S*, V, *passim*.

³⁴EB, *Ninth Report of the Select Committee* (25 June 1783), *ibid.*, p. 201; EB, *Speech in Reply*, 28 May 1794, *W & S*, VII, p. 277.

³⁵EB, *Debate in the Commons on the Address of Thanks*, 25 January 1785, *Parliamentary History*, XXIV, col. 1400.

³⁶EB to Henry Dundas, 8 October 1792, *Corr.*, VII, p. 247.

prodigious indeed, though he distilled this into two fundamental maxims.³⁷ He contended, first, that despite the successive waves of Islamic conquest in the region culminating in the establishment of the Mughal dynasty in the sixteenth century, India had never been subject to a truly despotic power until the accession of the British to imperial dominion between 1757 and 1765. Second, he insisted that, whatever might be the facts concerning the history of Asian government, the exercise of authority over any population was bound by universally applicable minimal standards of conduct.

Accordingly, Burke's indictment of Warren Hastings and the Company over which he presided was guided by his interpretation of the law of nature and nations. He followed the claims of Locke against Grotius and Pufendorf: no power on earth could claim for itself the right to enslave a people. In fact, any population that was subject to such treatment was not only entitled but obliged to offer resistance against its oppressor. Burke would later come to examine the duty of resistance in relation to Ireland. While the law of nature and the practice of civilised nations were invoked by him as providing criteria by which misrule in India could be judged, he considered that the conduct of colonial administration in Ireland could be evaluated in terms of the standards set by the British constitution. The Glorious Revolution had issued in a settlement that affected the three kingdoms. The norms of administrative and constitutional propriety established in England and Scotland ought therefore in principle to be capable of extension to Ireland. However, the events of 1688–91 in the neighbouring island left a legacy there that was very different from that left on the British mainland. In the United Kingdom after 1707, the enduring spirit of party was contained and then pacified.³⁸ But in the sister kingdom the factious animosities of the seventeenth century found expression in a more ruthlessly proscriptive constitution that managed to sustain rather than defuse prevailing antipathies. Taken as a whole, the situation in Ireland raised three controversies at once. First, there was the question of the status of the Irish polity in relation to Britain that had rankled since the passage of the Declaratory Act in 1720.³⁹ Second, there was the related issue of the injustice of Irish trade restrictions. Finally, there was the searing dispute over the toleration of Roman Catholicism. The first two items concerned the legal and political relationship between the two islands, while the third involved the domestic organisation of the Irish state.

Burke addressed these related but distinguishable topics at three main points in his career: first, between the late 1750s and mid 1760s; second, during the fallout from the American Revolution in Ireland; and third, in the context of the influence of the French Revolution on Europe. During the earliest phase, before embarking on a parliamentary career, he considered the plight of Ireland under two headings:

³⁷ On Burke's own estimation of his grasp of the subcontinent see EB, Speech in Reply, 5 June 1794, *W & S*, VII, p. 401.

³⁸ J. H. Plumb, *The Growth of Political Stability in England, 1675–1725* (London: Macmillan, 1967); Steve Pincus, *1688: The First Modern Revolution* (New Haven, CT: Yale University Press, 2009).

³⁹ 6 Geo. I, c. 5.

on the one hand, in connection with his researches into English history, he investigated the origins of Ireland's dependence upon England; on the other, he explored the nature and significance of the popery laws imposed as restrictions on the civil and constitutional rights of Catholics in the aftermath of the Williamite victory in Ireland. Both these issues came together in the 1770s and 1780s, along with the resurgence of grievances about limitations on Irish trade. Over the course of the hostilities between Britain and the American colonies, the Irish sought liberalisation of restraints on their import and export trades. The complaint against the impact of the Navigation laws and related acts on Irish commerce inevitably reanimated controversy about Britain's legislative authority over Ireland. In addition, the need to win the support of the mass of the Irish population for the ongoing war effort gave rise to a determination on the part of the Westminster parliament to ease the civil and religious disabilities on Irish dissent, Catholic and Presbyterian alike. Burke advocated the extension of freedom of trade, and passionately espoused the cause of toleration. He was more sceptical about the grant of legislative independence that was conferred in 1782. The positions he carved out during the American crisis laid the foundation for his campaigns in the cause of Ireland in the aftermath of the French Revolution.

As the 1790s progressed, Burke steadily championed the extension of political rights to Catholics in addition to the civil liberties they had secured. The best hope that the disenfranchised had of receiving a liberal grant of privileges would in his opinion be at the behest of the imperial power at Westminster. Consequently, neither increasing measures of independence nor the triumph of complete separation would properly serve the interest of either community in Ireland. His view was that a parliamentary union was conceivable, but it would be a drastic resort that might well incite more strife than it would resolve. The brightest future lay in reducing the power of the "Junto," the presiding executive officers based at Dublin Castle, who were bent on maintaining what Burke saw as their venal grip on power by perpetuating their image as an indispensable link connecting the two kingdoms.⁴⁰ In the absence of achieving any meaningful reduction in the sway of "Ascendancy" rule, Burke came to see the Irish establishment as having inadvertently ensured that discontent would escalate into violent opposition. The principle of Ascendancy was publicised as guaranteeing Protestant security whereas in fact it was a means of sustaining a degrading and exclusive regime. In response, under the influence of French Revolutionary ideas, Catholics were liable to embrace the doctrine of the rights of man as a means of ventilating their legitimate complaints. In effect, in Burke's mind, they would be channelling their resentments into a political movement driven to dismantle the ramparts of civil society. In his final months, as disgruntled Catholics were being Jacobinised by the proselytism of the United Irishmen, it seemed to Burke that any hope of genuine reform had been thwarted by the forces of destruction.

⁴⁰EB to William Windham, 30 March 1797, *Corr.*, IX, p. 301.

The prospect of destruction dominated the horizon throughout the 1790s. Foxite Whiggism was predisposed to interpret the Revolution in France as a popular rebellion against despotic power. Burke was certain that developments after the meeting of the assembly of notables in February 1787 exhibited nothing remotely of the kind. By the autumn of 1789, the character of events was already becoming clear. The French monarchy was not being challenged in the name of popular grievances. The *cabiers de doléances* undoubtedly recorded expressions of discontent, but none of these pointed to the need for a dissolution of the regime. Instead, the monarchy was being assailed by a fortuitous conspiracy of forces. Burke did not assume that this involved a deliberate confederacy of saboteurs.⁴¹ Diverse actors inadvertently collaborated to subvert the existing state. Central to the process were disaffected nobles bent on advancing themselves at the expense of Louis XVI. The Revolution began as an opportunistic aristocratic revolt not a spontaneous rebellion of the people. With the collapse of the Estates General and the creation of the National Assembly in the summer of 1789, all constitutional restraints had been effectively destroyed: on Burke's reckoning, there was only a popular chamber confronting a king reduced to a cypher. He believed that a frivolous spirit of experimentation had come to dominate public deliberation: property, wisdom and experience barely played a role in legislation. Unpopular taxes were branded as feudal impositions. The Comte de Mirabeau attacked the property of the wealthiest landowning classes.⁴² Talleyrand called into question the legitimacy of ecclesiastical possessions.⁴³ Thouret queried the rights of corporate ownership.⁴⁴ Burke was astounded by such threats to the very basis of civil society.⁴⁵ He thought that the sanctity of property required security at all levels. To cancel the titles of particular bodies or discrete individuals in support of a system of discrimination against nobility was a violation of the most rudimentary principles of justice.

By 1791, Burke was writing of the “fury” that attached individuals to their goods.⁴⁶ Being stripped of them by acts of power offended against basic instincts and inviolable rights. For this reason, the idea of prescription arose naturally in the human mind. Property rights had their origin in self-defence and were consolidated by usage. Both the right of possessors and sympathy with possession were “executive powers under the legislation of nature, enforcing its first law.”⁴⁷ The depth of

⁴¹Though, as Burke saw it, the subversion of religion had involved deliberate conspiracy, already in evidence by 1773: see EB to the Abbé Augustin Barruel, 1 May 1797, *Corr.*, X, p. 38: “I have known myself personally five of your principal Conspirators.”

⁴²*Archives parlementaires*, IX, p. 195 (26 September 1789): “Frappez, immolez sans pitié ces tristes victimes, précipitez-les dans l’abîme.”

⁴³*Ibid.*, pp. 398ff. (10 October 1789).

⁴⁴*Ibid.*, pp. 485–87 (23 October 1789).

⁴⁵EB to Earl Fitzwilliam, 12 November 1789, *Corr.*, VI, pp. 36–37.

⁴⁶EB to Claude-François de Rivarol, 1 June 1791, *ibid.*, p. 266.

⁴⁷*Ibid.* Burke is implicitly referencing John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1960, 1990), bk. II, ch. 2, §§ 7, 13. The “first law” of nature prescribes “Peace and the *Preservation of Mankind*.”

Burke's animosity against the French Revolution stemmed from two sources: first its violation of the laws of nature in the form of an assault on the rights to property; and second its hostility to the institutions of religion insofar as these inculcated fundamental duties. On his assessment, the dual attack on property and religion was facilitated by the collapse of domestic security, beginning with a mutiny in the armed forces in Paris and followed by the creation of the National Guard in July 1789. At that point, it seemed the main danger that the Revolution posed to Britain was in terms of the encouragement it gave through the medium of propaganda to sedition abroad. However the magnitude of the threat increased drastically over the next two years as the Legislative Assembly moved to extend the remit of the Revolution by military means. Looking back from the middle of the 1790s, Burke claimed that two principal characters had driven events thus far: on the one hand there were the men of letters, often committed to irreligion, and usually dedicated to grandiose revolutionary schemes; and on the other hand there were the politicians determined to salvage the dignity of France by employing the democratic "republic" as an instrument of empire.⁴⁸ Burke now claimed that, against all odds, Jacobinism had become a formidable opponent determined to prosecute ceaseless war against the recognised norms of civil society. As Pitt's ministry endeavoured to come to terms with the Directory in 1796, Burke preached relentless belligerence against what he regarded as an implacable foe. A war of annihilation had to succeed or everything would be lost.

Burke dealt with many of the issues that featured prominently in his career simultaneously. In the mid 1760s, when he was first exposed to the American crisis, he was obliged to adopt a position on the East India Company. In the same period he had to publicise perceived threats to the constitution and formulate the Rockinghams' view of party. Later on, as he came to terms with the gravity of the situation in India, he was still immersed in the intricacies of the American dispute. At the same time he was refining his ideas about representation in connection with both the colonies and Great Britain. In the 1790s, as he was fending off proposals for parliamentary reform, he was pressing for the repeal of anti-popery legislation in Ireland, doggedly pursuing the impeachment of Hastings, and challenging government policy on France. To present this jumble of issues in strict chronological sequence, with one topic intruding fast upon another, risks losing the thread of Burke's arguments about each of his major concerns. In the main body of this work, I have therefore separated his principal preoccupations, dividing America and India into stand-alone chapters. Britain and France are likewise given distinct treatment, while Ireland, which forms a crucial but less extensive portion of the Burke corpus, is examined in chapters dedicated to either British or French affairs, depending on which bears more heavily on the course of Irish events. By separating Burke's preoccupations in this way, it becomes possible to probe his most important positions in a sustained and integrated fashion.

At the same time, I have preserved, as seems appropriate, the broad chronological sweep of Burke's career. As events proceeded, Burke's response could not stand

⁴⁸EB, *Second Letter on a Regicide Peace* (1796), *W & S*, IX, pp. 278–79.

still. It is necessary to chart how he adapted to developments. This process of change is plotted across the five main sections of this book. They deal, first, with his life in Ireland in the 1730s and 1740s, covering his immediate milieu and his years at school and university; second, with his arrival in London in 1750 and his life down to 1765, focusing on his legal training and intellectual development; thirdly, with his first nine years in parliament as tensions with the American colonists grew, covering his views on Ireland, Bengal and the colonies, and including his analysis of the growth of the power of the crown; fourthly, I treat Burke's succeeding eleven years in parliament in which he reassessed the scale of the Indian problem, appraised the impact of the war with the colonies on domestic politics, campaigned for the rights of Catholics by challenging the popery laws, and interrogated the relationship between members of parliament and their constituents; and, finally, in the last section, the book covers Burke's response to the French Revolution and his prosecution of the Hastings trial, while also presenting his responses to British political affairs and his reaction to Ireland's progress towards escalating conflict. Burke's career can be characterised in terms of abiding concerns, but it also displayed complicated patterns of development largely governed by the impact of events on established principles.

Besides its broadly chronological approach, the book identifies two overarching themes in terms of which Burke's development can be viewed. These were the spirit of conquest on the one hand, and the spirit of liberty on the other. Together they helped define his attitude to empire and revolution. Burke's idea of the spirit of conquest was a product of a vision of Europe that saw its various states as having emerged from the tyranny of feudal government. This, he thought, had meant progress towards a system of impartial justice and an escape from the extremes of baronial domination. These relics of the past had been replaced by the spirit of liberty which largely comprised the equitable application of law and mechanisms for securing political accountability. As Burke recognised, even the kings of eighteenth-century France supported an independent judiciary; even Frederick the Great was under pressure from the force of public opinion. From this vantage, the situation in Britain was happier still since the rights of the common citizen were in the hands of juries and opinion could make itself felt by means of elective representation. Burke's attachment to freedom was further refined by trying to understand it in a world-historical context: North America, having been peopled from Europe, extended the taste for liberty; many Asian governments were moderated rather than pure despotisms. For instance, in India under the Mughals public administration respected laws, protected property and deferred to manners. It was in the exercise of overseas European dominion that the spirit of conquest was most obviously revived, both in relations between the governments of the old world and the new and in the pursuit of commercial monopoly on the Indian subcontinent. Then, towards the end of his career, as Burke sought to curtail the effects of unmitigated despotism in the form of the East India Company, an unprecedented engine of oppression rose to power at the heart of Europe under the banner of the rights of man. As Burke saw it, the spirit of conquest had been rekindled in the mocking guise of freedom.

4 The Spirit of Conquest and the Spirit of Liberty

Burke's legacy to history has been a complicated affair. At different points during the course of the nineteenth century he enjoyed iconic status among each of the main British parties—Whigs, Liberals and Tories alike. He was also variously appropriated in Europe and America.⁴⁹ Two strands of interpretation have dominated his reception. On the one hand there has been a “liberal” rendition, largely based on his Irish, Indian and American writings, but including elements of his rejection of the powers of the crown under George III.⁵⁰ On the other hand there has been a “conservative” depiction, based partly on his assumed debt to medieval natural law, but mostly inspired by assorted statements denouncing the French Revolution.⁵¹ Attempts to reconcile this dichotomy have led to the suggestion that there were in fact two Burkes, an early advocate of popular rights and a later apostate from progressive principles. This was originally a Foxite charge, forged in the heat of political dispute, but it has enjoyed considerable subsequent success as a scholarly hypothesis. This usually takes the form of questioning Burke's “consistency” and calling into question the “unity” of his thought. This is not the place to explore the coherence of these objections.⁵² Nonetheless, it can at least be said that it is not obvious how practical judgments might be logically inconsistent in the way that the deductions of formal reasoning can be.

Contemporaries who accused Burke of blatant inconsistency were really charging him with a kind of infidelity: since he differed from former friends with whom he had agreed, the idea went, he must have betrayed a commitment which at one time

⁴⁹The history of Burke's reception has yet to be written. Friedrich Gentz, Thomas Babington Macaulay, Alexis de Tocqueville, John Morley, William Ewart Gladstone, Matthew Arnold, William Edward Hartpole Lecky, Carl Menger, Andrew Bonar Law, John MacCunn, William Graham, Woodrow Wilson, Russell Kirk, Peter J. Stanlis and Friedrich Hayek have variously, and incongruously, championed his doctrines. The British context is currently being traced by Emily Jones, the German by Jonathan Green. The American reception has recently been treated by Seamus Deane, “Burke in the USA” in David Dwan and Christopher J. Insole eds., *The Cambridge Companion to Edmund Burke* (Cambridge: Cambridge University Press, 2012), and Drew Maciag, *Edmund Burke in America: The Contested Career of the Father of Modern Conservatism* (Ithaca, NY: Cornell University Press, 2013).

⁵⁰The classic study in this idiom is John Morley, *Edmund Burke: A Historical Study* (London: 1867), but see more recently Conor Cruise O'Brien, *The Great Melody: A Thematic Biography of Edmund Burke* (London: Sinclair-Stevenson, 1992), drawing on Isaac Kramnick, *The Rage of Edmund Burke: Portrait of an Ambivalent Conservative* (New York: Basic Books, 1977).

⁵¹Russell Kirk, *The Conservative Mind: From Burke to Santayana* (Chicago, IL: Henry Regnery Co., 1953); Corey Robin, *The Reactionary Mind: Conservatism from Edmund Burke to Sarah Palin* (Oxford: Oxford University Press, 2011); Jesse Norman, *Edmund Burke: Philosopher, Politician, Prophet* (London: HarperCollins, 2013).

⁵²On the issue of consistency in past thinkers, compare Peter Laslett, “Introduction” to John Locke, *Two Treatises of Government* (Cambridge: Cambridge University Press, 1960, 1990), pp. 82–83 and Quentin Skinner, “Meaning and Understanding in the History of Ideas,” *History and Theory*, 8 (1969), pp. 3–53.

he had shared. However, Burke never obviously abandoned previously declared principles. What occurred instead was a disagreement about their application. This arose above all in response to the American and French Revolutions. For some of Burke's critics, like Richard Price and Joseph Priestley, both events were indicative of millenarian promise: since each appeared to look forward to impending spiritual deliverance, they were identified as somehow serving the same cause. For Burke, however, the Revolutions were radically different. The Americans began by appealing to older imperial arrangements before being forced into a posture of militant self-defence. The French, on the other hand, aimed at the destruction of a regime. In pursuing this they undermined both property and prescription. One might of course question Burke's judgment in arriving at this conclusion, but that does not establish inconsistency on his part.⁵³ The problem with the attempt to charge Burke with apostasy is that it is not in the end really about Burke at all, but about the historical significance of the French Revolution. A number of powerful historiographical traditions point to the events of 1789 as the gateway to modern progress. Thus Burke, as a prominent critic of the Revolution, is either associated with an ideology of reaction or accused of having abandoned the liberal values of his youth for the conservative principles of his old age.

Liberalism in this formulation is understood in terms of a commitment to natural rights, and conservatism in terms of a dedication to preserving the authority of the state. It is clear that by defending both these principles together Burke was opposed to the exclusive endorsement of them separately. As such, his writings cannot usefully be interpreted through the prism of party-political doctrines that lacked any purchase in his own time: neither "liberalism" nor "conservatism" can adequately capture Burke. At the end of his life, faced with the imminent prospect of insurrection in Ireland, he described the obligation to preserve the state as a cardinal responsibility: "The first duty of a State is to provide for its own conservation." Nonetheless, once secured, it was the overriding task of public authority to protect the rights of the people.⁵⁴ Burke articulated both perspectives in an early indictment of persecution: "Every body is satisfied," he argued, "that a conservation and secure enjoyment of our natural rights is the great and ultimate purpose of civil society."⁵⁵ In the 1790s, he identified three immediate threats to this "great . . . purpose": "Ascendancy," "Indianism" and "Jacobinism."⁵⁶ Each of these terms encapsulated a distinct mode of misgovernment rooted in the spirit of conquest. To Burke they stood for forces of

⁵³Here I agree with David Bromwich, *The Intellectual Biography of Edmund Burke: From the Sublime and Beautiful to American Independence* (Cambridge, MA: Harvard University Press, 2014), p. 26: "There have been periods when the word *principle* seemed close to cant, but principle is the word that comes to mind when one thinks of Burke." On the other hand, it is of course true that principles are modified by circumstance. On this conundrum, see Ian Crowe, "Introduction: Principles and Circumstances" in idem ed., *Edmund Burke: His Life and Legacy* (Dublin: Four Courts Press, 1997).

⁵⁴EB to the Rev. Thomas Hussey, post 9 December 1796, *Corr.*, IX, pp. 168–69.

⁵⁵EB, *Tracts relating to Popery Laws* (1761–65), *W & S*, IX, p. 463.

⁵⁶EB to Sir Hercules Langrishe, 26 May 1795, *Corr.*, X, p. 32.

reaction that posed a danger to the survival of the modern spirit of liberty. In 1758, David Hume contended that Britain could rival “the freest and most illustrious commonwealths of antiquity.”⁵⁷ Burke was even more firmly committed to the British ideal of freedom. A properly historical examination of his politics must recover what he meant by the spirit of liberty and how he understood it to be imperilled by the spirit of conquest. However, the process of recovery is inhibited by what amounts to a dogmatic assumption that British freedom in the eighteenth century was a residue of the old regime while the French Revolution paved the way to a benign future. At the very least, this verdict is based on a radically simplified version of the past.

To make sense of Burke’s rhetoric we need to understand his thought. The force of the one directly depends on the content of the other. Furthermore, to grasp the substance of Burke’s ideas it is necessary to restore his arguments to two distinct though related contexts simultaneously: first, to the microscopic context of quotidian politics and, second, to the intellectual context of eighteenth-century political thought. Burke’s political context is particularly rich and intricate. He supported government in the period 1765–6 during the first Rockingham administration. Then, between March and July 1782, he occupied the office of paymaster of the forces under the second Rockingham ministry. He accepted the position again in 1783 under the short-lived Fox–North coalition. For the rest of his time in parliament he had to conspire in opposition. Therefore, for the most part, reconstructing Burke’s politics involves placing his arguments within the context of the policies he was rejecting. This requires a full description of the fortunes of eighteenth-century governments under the reign of George III. It demands attention to the pace and content of affairs on the basis of surviving memoirs, press reports and correspondence. Machiavelli, Grotius, Hobbes and Locke were clearly immersed in the trials of public life. Cicero even conducted his own political career. Yet Burke was obliged to respond more directly to the pressure of events, and his political context is accordingly more dense.

Precisely because of his commitment to the role of statesman, Burke’s intellectual context is peculiarly difficult to decipher. He was not a systematic philosopher, but an engaged polemicist. As a result, he had no occasion to reveal the “foundations” of his thought. Nonetheless, by comparison with other orators and men of business in parliament, he was fluent in the intellectual traditions of the past. He wrestled with the legacy of Aristotle, Cicero, Suárez, Grotius, Coke, Hobbes, Pufendorf, Locke, Hutcheson, Berkeley, Montesquieu and Bolingbroke. He also evaluated the significance of Vattel, Rousseau, Hume and Smith. These figures are usually understood as “influences” on Burke. They would be better seen as thinkers whom he used. Unsurprisingly he used them in very different ways. He commonly resorted to the canons of jurisprudence to establish the agreed wisdom of the ages. It was in this fashion that he employed Philo, Justinian and Vattel. He also criticised moralists who embodied the antithesis of his own views: Mandeville, Bolingbroke and

⁵⁷David Hume, “Of the Coalition of Parties” (1758) in idem, *Essays Moral, Political, and Literary*, ed. Eugene F. Miller (Indianapolis, IN: Liberty Fund, 1985, 1987), p. 495.

Rousseau were alike treated in this way. Beyond this, ascertaining an overarching Burkean philosophy has proved elusive. He admired the common law and respected the law of nations yet he considered both subordinate to the precepts of the law of nature. His responses to individual thinkers tended to be mixed. He was appalled by Hobbes's theory of law yet he adopted his conception of corporations. He accepted Locke's political premises but rejected his conclusions. He was captivated by Hume's ideas while being opposed to his religious scepticism. He misread Smith on morals, deferred to him on political economy, and helped educate him on the character of East India Company power.

As a result of his angular relationships with specific lawyers, philosophers and publicists, Burke is often aligned more generally with particular "schools" of thought. The idea of a school usually implies avowed discipleship, and this scarcely captures Burke's connection to his predecessors. He certainly tackled particular traditions, but he owed no allegiance to a consistent line of thought. He had no interest in presenting himself as heir to an intellectual inheritance: in the end his aim was to advocate a specific course of action at a particular point in time. None of this is to say that he lacked philosophical orientation: he was undoubtedly guided by intellectual commitments. His commitments on this score have been diversely interpreted, variously leading to his depiction as a natural lawyer, a proto-utilitarian and a proponent of historicism.⁵⁸ While these alternatives are usually presented as exclusive categories, in fact there is no necessary incompatibility between them. Natural law since Grotius sought to reconcile right with utility; Montesquieu aimed to study both through the history of morals, laws and government. For this reason, Montesquieu played a pivotal role in eighteenth-century political thought.⁵⁹ He was also an enduring presence in the mind of Edmund Burke. He enjoyed this privileged position for a number of reasons. First, Burke was attracted by Montesquieu's insistence that historical laws were ultimately answerable to a moral law. He was also impressed by his determination to relate both human and natural laws to *mores*, *habitudes* and customs. Next, he appreciated Montesquieu's inclination to elucidate historical laws by means of a comparative method. He was also persuaded by Montesquieu's ambition to pursue comparative study from a world-historical perspective, encompassing ancient and modern Europe along with Asian culture. Burke was further seduced by the clarity with which *The Spirit of the Laws* interpreted European history in terms of the processes of conquest and pacification. Finally, Burke was inevitably captivated by Montesquieu's claim that liberty was the basic principle underpinning the British system of government.

⁵⁸ See, respectively, Peter J. Stanlis, *Edmund Burke and the Natural Law* (1958) (New Brunswick, NJ: Transaction Press, 2003, 2009); Leslie Stephen, *English Thought in the Eighteenth Century* (London: 1876, 1881), 2 vols., II, pp. 225–26; Friedrich Meinecke, *Cosmopolitanism and the Nation State* (1907), trans. Robert B. Kimber (Princeton, NJ: Princeton University Press, 1970), p. 101.

⁵⁹ Sylvana Tomaselli, "The Spirit of Nations" in Mark Goldie and Robert Wokler eds., *The Cambridge History of Eighteenth-Century Political Thought* (Cambridge: Cambridge University Press, 2006).

Of course, none of this implies that Burke's politics strove to embody a specifically Montesquieuian doctrine. Nonetheless, *The Spirit of the Laws* offers a useful point of departure for beginning to understand Burke's conception of the spirit of liberty, and consequently the spirit of conquest over which he hoped it would prevail. For Montesquieu, this triumph had assumed its purest form in Britain in the aftermath of the Glorious Revolution. However, its very success left it exposed to unforeseen corruption. In *The Spirit of the Laws*, having reflected at length on his experiences during his visit to Britain between 1729 and 1731, Montesquieu devoted two chapters to the "constitution of England." The first, Chapter 6 of Book XI, was concerned with the form of the administration; and the second, Chapter 27 of Book XIX, was taken up with the *mores* and manners of the nation.⁶⁰ Montesquieu's treatment attracted extensive commentary from Hume to De Lolme and Madison.⁶¹ In the same spirit, throughout his life, Burke credited what he saw as the commanding genius of the French baron.⁶² Much like Hume, admiration did not make Burke an obedient disciple so much as an appreciative but critical reader of Montesquieu's work. In an early fragmentary study, the *Abridgement of English History*, Burke assessed the plausibility of the account presented in *The Spirit of the Laws* of the origins of "English" freedom; around thirty years later, in the *Reflections on the Revolution in France*, Burke returned to evaluate Montesquieu's take on the prospects for British stability.⁶³ During this period, and through the years that followed, it is clear that the British chapters of *The Spirit of the Laws* helped stimulate Burke's thought about national politics.⁶⁴ At the same time, the work as a whole was an inspiration for thinking more generally about constitutions.

According to Burke, the overriding achievement of modern European history was the liberation of jurisprudence from the hands of power.⁶⁵ Montesquieu had shown how the impartial administration of law had grown up with the establishment of an

⁶⁰On the early composition of these chapters, see Paul A. Rahe, *Montesquieu and the Logic of Liberty: War, Religion . . . and the Foundations of the Modern Republic* (New Haven, CT: Yale University Press, 2009), pp. 40–42.

⁶¹F.T.H. Fletcher, *Montesquieu and English Politics* (London: Edward Arnold, 1939); David Lieberman, "The Mixed Constitution and the Common Law" in Goldie and Wokler eds., *Cambridge History of Eighteenth-Century Political Thought*; Ursula Haskins Gonthier, *Montesquieu and England* (London: Pickering, 2010); James Madison, "Federalist No. 47" in *The Federalist*, ed. George W. Carey and James McClellan (Indianapolis, IN: Liberty Fund, 2001), pp. 250–52.

⁶²C. P. Courtney, *Montesquieu and Burke* (Oxford: Basil Blackwell, 1963); Seamus Deane, "Montesquieu and Burke" in idem, *Foreign Affections: Essays on Edmund Burke* (Cork: Field Day, 2005).

⁶³EB, *An Essay towards an Abridgement of English History* (1757–c. 1763), *W & S*, I, p. 430. EB, *Reflections*, ed. Clark, p. 359 [275].

⁶⁴See, for example, the record of Fox's intervention on 6 May 1791, *Parliamentary History*, XXIX, col. 391: "Mr. Fox alluded to what Mr. Burke had quoted from Montesquieu, and declared he agreed with Montesquieu in his observations on the British constitution."

⁶⁵EB, *An Essay towards an History of the Laws of England* (c. 1757), *W & S*, I, p. 322. Cf. the Duke of Richmond opening his motion on the independence of the judiciary on 3 June 1783, *Parliamentary History*, XXIII, col. 963, with a citation from Montesquieu's *The Spirit of the Laws* on the essence of liberty as residing in the separation of judicial from legislative and executive power.

independent judiciary. The purity of justice was the clearest sign of an escape from the arbitrary whims of rulers. It marked the passage from feudal barbarism to the political culture of civilised Europe. Equity, Burke wrote, was ultimately “victorious over tyranny.”⁶⁶ *The Spirit of the Laws* had encouraged its readers to think about this accomplishment in relation to the governments of the east as well as in connection with the republics of the ancient world. Burke was deeply critical of Montesquieu’s claims about Asian politics, but he followed him in extolling post-feudal Europe as at least rivalling the constitutional triumphs of Greece and Rome. As he observed in the *Reflections*, the various member states of the modern European continent could be positively distinguished “from those states which flourished in the most brilliant periods of the antique world.”⁶⁷

Burke’s understanding of the cast of European politics was based on an appreciation of the constitutional arrangements that facilitated the establishment of modern freedom. For Montesquieu, liberty in contemporary monarchies like Britain and France, unlike the freedom of antiquated Mediterranean city-states, was not a function of the direct exercise of popular power. Instead, it was a product of the feeling of security (*sûreté*) that came with the absence of fear.⁶⁸ Ancient liberty, by comparison, was both more precarious and more constrained. To begin with, it limited private interests in order to foster public virtue. By restricting private or “particular” desires, citizens’ passions were focused exclusively on the common weal.⁶⁹ For this reason, the Greco-Roman republics were not “free by nature,” Montesquieu thought: their liberty was preserved by the artifice of self-restraint.⁷⁰ Consequently, democratic republics in particular were exposed to corruption from two directions. They were compromised either by the introduction of luxury into society or by the excessive demand for equality on the part of ordinary members of the polity. In the former case, citizens would abandon their commitment to the cause of the commonwealth as they pursued the satisfactions of consumption instead; in the latter, respect for magistracy would decline as the people came to see themselves as equally competent to administer all offices of state. Given these vulnerabilities, Montesquieu concluded that freedom was better preserved by constitutional regulation on the model of modern monarchies than by promoting patriotic morals as required by the old republics. Where power was controlled by a system of checks and balances, abuses would be contained and the fear of arbitrary authority would give way to public confidence.⁷¹

⁶⁶Ibid.

⁶⁷EB, *Reflections*, ed. Clark, p. 239 [113].

⁶⁸Charles-Louis de Secondat, Baron de Montesquieu, *De l'esprit des lois* (1748) in *Œuvres complètes*, ed. Roger Caillois (Paris: Gallimard, 1951), 2 vols., II, pt. II, bk. XI, ch. 6. Cf. *ibid.*, pt. II, bk. XI, ch. 2: “on a confondu le pouvoir du peuple avec la liberté du peuple.” Cf. EB, Debate in the Commons on the Bill for the Relief of Protestant Dissenters, 23 February 1773, *Parliamentary History*, XVII, cols. 778–79: “Montesquieu places liberty in an exemption from fear.”

⁶⁹Montesquieu, *De l'esprit des lois*, ed. Caillois, pt. I, bk. V, ch. 2: “passions particulières.”

⁷⁰Ibid., pt. II, bk. XI, ch. 4, and pt. I, bk. IV, ch. 5: “la vertu politique est un renoncement à soi-même.”

⁷¹Ibid., pt. II, bk. XI, ch. 4.

Burke thought of the spirit of conquest as existing along a spectrum: at one extreme it found expression in unadulterated warfare while at the other it shaded into less violent if still absolute power. In international terms commerce was the opposite of conquest while domestically its antithesis was constitutional government. Montesquieu, for Burke, was the master theorist of the mechanisms by which constitutional government was regulated. Both of them saw regulation as a function of the separation of powers. Separation did not imply partitioning the branches of government so much as preserving their capacity for independent action. Thus, in the British case, the House of Lords enjoyed judicial privileges as well as playing a part in legislation. However, the crucial point was that in this instance, as equally in France, judicial decisions affecting the rights of the individual could never be controlled by executive power in the hands of the king. According to Burke, this arrangement provided for equality before the law. It was the precondition of justice in modern politics. As Montesquieu saw it, the separation of powers was most commonly organised in one of two ways. The first method took the form of a regime of “moderate” liberty and was exemplified by contemporary France. In this case, power was limited by separating judicial administration from legislative and executive authority combined. Montesquieu took the second method to have been perfected by the British. Theirs was a regime of “extreme” freedom under which power was restrained by keeping all three components of government distinct.⁷² The administration of justice was left to juries and the hierarchy of courts, while legislation and execution were divided between parliament and the crown. Each power checked the other without paralysing the whole. The system of government successfully coordinated the countervailing decisions distributed among its independent branches.

Burke was a lifelong devotee of this “extreme political liberty.”⁷³ Its extremity was a function of its apparent precariousness: where executive and legislative powers vied with one another, there was a constant possibility of constitutional implosion. Electoral representation lent both stability and fragility to this combination of forces. On the one hand it succeeded in moderating public opinion: the legislature was more enlightened than the general population. Therefore, unlike the assemblies of the ancient world, representative bodies facilitated deliberation.⁷⁴ However, representation also embroiled the nation in the tribulations of the constitution by promoting rival adherents of the two principal sources of power: on one side Tories traditionally rallied to the prerogatives of the crown, while on the other Whigs were disposed to support the privileges of parliament. For Burke and Montesquieu, unlike Hume, the two main parties exercised a positive influence on the whole: a sudden attempt by the executive on the rights of the legislature would cause the people to unite behind the privileges of parliament; a foreign threat to national security would

⁷²Ibid., pt. II, bk. XI, ch. 6: “Dans la plupart des royaumes de l’Europe, le gouvernement est modéré, parce que le prince, qui a les deux premiers pouvoirs, laisse à ces sujets l’exercice du troisième.”

⁷³Ibid., pt. II, bk. XI, ch. 6. Cf. *ibid.*, pt. III, bk. XIX, ch. 27, where Montesquieu refers to “États extrêmement libres.”

⁷⁴Ibid., pt. III, bk. XIX, ch. 27. Cf. *ibid.*, pt. II, bk. XI, ch. 6.

encourage the population to rally in favour of the prerogatives of the king. As Burke himself argued a matter of months before his death, the British parties “by their collision and mutual resistance” had “preserved the variety of this Constitution in its unity.”⁷⁵ Again, as both Burke and Montesquieu saw it, danger lay less in faction than in a protracted process of corruption: the state would perish when the influence of the crown finally overwhelmed the House of Commons. It was at that point that the legislature, in Montesquieu’s phrase, would have become “plus corrompue que l’exécutrice.”⁷⁶ In contrast to the disturbances of the 1640s, Britain in the eighteenth century was threatened less by the rise of factions that might culminate in civil war than by the gradual emergence of despotism through the elimination of effective parliamentary opposition. Burke’s defence of party, and thus the original Rockinghamite platform, needs to be understood within this wider constitutional framework.

Burke believed that the process of corruption had been advanced under the venal ministries of George III. While this affected the integrity of the constitution at home its impact was most conspicuous in the wider Empire. Montesquieu had presented Britain as a haughty (*superbes*) commercial power immune to the temptations of territorial dominion.⁷⁷ The British were a jealous and monopolising people, prone to fret about the relative prosperity of their colonies. They nonetheless preserved their state free from the spirit of conquest.⁷⁸ However, from Burke’s perspective, the situation changed dramatically in the aftermath of the Seven Years’ War. First, the attitude of government towards the American provinces became more imperious. Next, the East India Company was permitted to operate as a ruthlessly oppressive power. In addition, an attitude of exclusive domination persisted in the administration of Ireland. Finally, in the 1790s, crisis loomed from another direction. Under the influence of the French Revolution, fawning populism threatened to undermine the division of social ranks, and with it the viability of constitutional government. As egalitarian rage was unleashed on the European continent, Jacobinism promised to complete the ruin of everything Burke held dear. He was utterly bereft of all complacent hope in progress. First the wars of religion had arrested the growth of enlightenment, and now the achievements of an age of liberty looked set to succumb to an era of darkness.

⁷⁵EB, *Third Letter on a Regicide Peace* (1797), *W & S*, IX, p. 326. Cf. EB, Debate on the Bill to Prevent Traitorous Correspondence, 22 March 1793, *Morning Herald*, 23 March 1793: “Great rage and party animosity had subsisted between Whigs and Tories; yet he thought neither of them . . . were inimical to the Constitution. The Whig approved of the general form of the Constitution, but he leaned particularly to the democratic part of it. On the other hand, the Tory approved of the Constitution, and in doubtful cases he was inclined to support the prerogative of the Crown.”

⁷⁶Montesquieu, *De l’esprit des lois*, pt. II, bk. XI, ch. 6.

⁷⁷*Ibid.*, pt. III, bk. XIX, ch. 27.

⁷⁸*Ibid.* Cf. Emer de Vattel, *The Law of Nations, or the Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns*, ed. Béla Kapossy and Richard Whatmore (Indianapolis, IN: Liberty Fund, 2008), p. 497: “England, whose opulence and formidable fleets have a powerful influence, without alarming any state on the score of its liberty, because that nation seems cured of the rage of conquest.”

In 1792, two years before he finally retired from parliament, Burke called to mind the savagery of the spirit of conquest that accompanied the wars of religion in the seventeenth century. Ireland supplied a gruesome illustration of the phenomenon. Burke shuddered at the brutality of “confiscations” as well as the vindictiveness of “counter-confiscations.”⁷⁹ Persecution and political upheaval had shaken governments and destabilised property. Prescription offered the only chance of enduring pacification; conscience presented the only means of imposing binding obligations. It astonished Burke that the French Revolution had dismissed these indispensable resources. Property as such had not been destroyed, but faith in property had been shattered. The integrity of “mine” and “thine” might never be the same again. Hostility to privilege in France had undermined all social distinctions. Prosperity, moral improvement and mutual trust had been immediate casualties of the mayhem. It was in this context that Burke observed towards the end of the *Reflections* how the “moderate” liberty of Montesquieu’s France had proved more vulnerable than the extremity of British freedom to the ideal of primitive equality promoted by the Revolution.⁸⁰

In Burke’s mind, the idea of levelling all social ranks first posed a danger to Britain in the form of seductive propaganda.⁸¹ However, through the 1790s, French ideology steadily proved its worth as a military force. It remained to be seen how the Revolution would fare under the impact of defeat. When Burke died in the summer of 1797, that was a complex judgment about the likely shape of the future. As it turned out, political attitudes were transformed in the course of the nineteenth century. The idea of government by estates was put on the defensive. Nonetheless, it can hardly be said that political values were completely overhauled, or that the institutions of the earlier period were comprehensively replaced. Revolutionary equality did not uproot the old European norms. Indeed, how many long-established conventions continue to define contemporary social and political experience remains an important question. The Revolution was a watershed, but it did not constitute a new epoch. Burke saw himself in his final years as an apologist for a disappearing world, yet his contribution was to help posterity see that no definitive breach in fact occurred.

⁷⁹EB, *Letter to Richard Burke* (post 19 February 1792), *W & S*, IX, p. 657.

⁸⁰EB, *Reflections*, ed. Clark, p. 359 [275].

⁸¹EB, *Substance of the Speech of the Right Honourable Edmund Burke in the Debate on the Army Estimates* (London: 1790), *passim*.