

EDMUND BURKE

Edmund Burke

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BURKE'S
POLITICS



THE RIGHT HONORABLE EDMUND BURKE

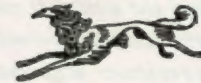
1729-1797

*From an engraving of a portrait by Sir Joshua Reynolds
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BURKE'S
POLITICS

*Selected Writings and Speeches of
EDMUND BURKE
on Reform, Revolution, and War*

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Preface



SELECTIONS from Burke's writings and speeches have many times been prepared, but heretofore, we believe, no such volume has been put together on the principle followed in this one. The purpose has been to show the operations of Burke's mind, at its best, on all the great political questions of his age. Instead of attempting to abstract his political philosophy, we have tried to display it permeating and governing his thought on a wide range of concrete subjects. There is, in truth, no other way to present Burke fairly, because he was not a speculative but a practical political thinker. No a priori system of political ideas — no ideology — governed his mind, but a passion to apprehend objective facts and circumstances. His works abound with passages of abstract and general wisdom, but these were by-products — sparks as it were, sent up by the fire of his mind as it consumed the substance of daily practical issues. The wisdom is immortal but the issues are largely dead, and as Mr. G. M. Young said in his lecture on Burke in 1943, "nothing is so dead as dead politics." No doubt this explains why Burke has for so long been the least read but most quoted of political writers.

In presenting these selections we have cut away as much "dead politics" as seemed possible without suffocating Burke in a historical vacuum. This was not only difficult but dangerous. Whoever appreciates the tapestry-like beauty and organic quality of his compositions will know that to abridge them is to risk committing an odious literary crime. We sincerely hope that our abridging has been done with sufficient discriminative judgment and delicacy of taste to avoid the shameful accusation of having butchered masterpieces.

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all situations, be a useful instrument of government. At the same time, through the intervention of men of popular weight and character, the people possessed a security for their just proportion of importance in the state. But as the title to the crown grew stronger by long possession and by the constant increase of its influence, these helps have of late seemed to certain persons no better than encumbrances. The powerful managers for government were not sufficiently submissive to the pleasure of the possessors of immediate and personal favor, sometimes from a confidence in their own strength, natural and acquired; sometimes from a fear of offending their friends, and weakening that lead in the country which gave them a consideration independent of the court. Men acted as if the court could receive, as well as confer, an obligation. The influence of government, thus divided in appearance between the court and the leaders of parties, became in many cases an accession rather to the popular than to the royal scale; and some part of that influence, which would otherwise have been possessed as in a sort of mortmain and unalienable domain, returned again to the great ocean from whence it arose, and circulated among the people. This method, therefore, of governing by men of great natural interest or great acquired consideration was viewed in a very invidious light by the true lovers of absolute monarchy. It is the nature of despotism to abhor power held by any means but its own momentary pleasure; and to annihilate all intermediate situations between boundless strength on its own part and total debility on the part of the people.

To get rid of all this intermediate and independent importance, and *to secure to the court the unlimited and uncontrolled use of its own vast influence, under the sole direction of its own private favor*, has for some years past been the great object of policy. If this were compassed, the influence of the crown must of course produce all the effects which the most sanguine partisans of the court could possibly desire. Government might then be carried on without any concurrence on the part of the people; without any attention to the dignity of the greater or to the affections of the lower sorts. A new project was therefore devised by a certain set of intriguing men, totally different from the system of administration which had prevailed since the accession of the house of Brunswick.⁵ This project, I have heard, was first conceived by some persons in the court of Frederick Prince of Wales.

⁵ Also called house of Hanover. George I (1714-27) was Elector of Hanover; so were the four succeeding British sovereigns, until the accession of Victoria in 1837.

Turkish army. It was to be avowed, as a constitutional maxim, that the king might appoint one of his footmen or one of your footmen for minister; and that he ought to be, and that he would be, as well followed as the first name for rank or wisdom in the nation. Thus Parliament was to look on as if perfectly unconcerned, while a cabal of the closet and back-stairs was substituted in the place of a national administration.

With such a degree of acquiescence, any measure of any court might well be deemed thoroughly secure. The capital objects, and by much the most flattering characteristics of arbitrary power, would be obtained. Everything would be drawn from its holdings in the country to the personal favor and inclination of the prince. This favor would be the sole introduction to power, and the only tenure by which it was to be held; so that no person looking towards another, and all looking towards the court, it was impossible but that the motive which solely influenced every man's hopes must come in time to govern every man's conduct; till at last the servility became universal, in spite of the dead letter of any laws or institutions whatsoever.

George III and the "Court Faction"

How it should happen that any man could be tempted to venture upon such a project of government may at first view appear surprising. But the fact is that opportunities very inviting to such an attempt have offered; and the scheme itself was not destitute of some arguments, not wholly unpalatable, to recommend it. These opportunities and these arguments, the use that has been made of both, the plan for carrying this new scheme of government into execution, and the effects which it has produced are, in my opinion, worthy of our serious consideration.

His Majesty came to the throne of these kingdoms with more advantages than any of his predecessors since the Revolution. . . . The person and cause of the Pretender were become contemptible; his title disowned throughout Europe; his party disbanded in England.⁷ His Majesty came, indeed, to the inheritance of a mighty war; but, victorious in every part of the globe, peace was always in his power, not to negotiate, but to dictate. No foreign habitudes or attachments withdrew him from the cultivation of his power at home. His revenue for the civil establishment, fixed (as it was then thought) at a large, but definite sum, was ample without

⁷ Charles Edward Stuart, grandson of James II, in 1745 had failed ignominiously to vindicate his royal pretensions by heading an armed uprising against George II. Thereafter the Stuart cause was hopeless.



II

The British Empire and the American Revolution

I. The Genesis of the Crisis

¶ THE grave tension that arose after 1763 between Great Britain and the American colonies was, in Burke's judgment, a direct outgrowth of misgovernment in the United Kingdom. In 1769 he published a pamphlet called *Observations on a Late Publication intituled "The Present State of the Nation."* He attacked the political opinions and actions of George Grenville, who had been Prime Minister from 1763 to 1765. In the policies and measures of the Grenville ministry Burke discerned "the real sources of almost all the disorders which have arisen since that time." He held these men, who had imposed the detested Stamp Act, responsible for generating the crisis in America. They had been replaced by Rockingham's administration, which repealed the Stamp Act and favored measures expedient to the calming of colonial distemper. But in 1767 the ministry of the Duke of Grafton carried through Parliament the Townshend Acts, which imposed duties on certain colonial importations. This marked a partial return to "the system of 1764" and raised anew the rebellious spirit of the colonies. In the above-mentioned pamphlet Burke set forth a statement of his view of these developments.¹ ¶

On the resignation of the Earl of Bute, in 1763, our affairs had been delivered into the hands of three ministers of his recommendation: Mr. Grenville, the Earl of Egremont, and the Earl of Halifax.² This arrangement, notwithstanding the retirement of Lord Bute, announced to the public a continuance of the same measures; nor was there more reason to expect a change from the

¹ Works, I, 381-403.

² Grenville, First Lord of the Treasury; Egremont, Secretary of State (Southern Department); Halifax, Secretary of State (Northern Department).

ground for taking away a tax of little better than speculation, which was to be collected by a war, which was to be kept up with the perpetual discontent of those who were to be affected by it, and the value of whose produce even after the *ordinary* charges of collection was very uncertain. . . .

These were some of the motives drawn from principles of convenience for that repeal. When the object came to be more narrowly inspected, every motive concurred. These colonies were evidently founded in subservience to the commerce of Great Britain. From this principle, the whole system of our laws concerning them became a system of restriction. A double monopoly was established on the part of the parent country: 1. A monopoly of their whole import, which is to be altogether from Great Britain; 2. A monopoly of all their export, which is to be nowhere but to Great Britain, as far as it can serve any purpose here. On the same idea it was contrived that they should send all their products to us raw, and in their first state; and that they should take everything from us in the last stage of manufacture.

Were ever a people under such circumstances — that is, a people who were to export raw, and to receive manufactured; and this, not a few luxurious articles, but all articles, even to those of the grossest, most vulgar, and necessary consumption, a people who were in the hands of a general monopolist — were ever such a people suspected of a possibility of becoming a just object of revenue? All the ends of their foundation must be supposed utterly contradicted before they could become such an object. Every trade law we have made must have been eluded, and become useless, before they could be in such a condition.

. . . I shall be ready to admit that the colonies ought to be taxed to the revenues of this country when I know that they are out of debt to its commerce. . . .

A New World Standing on New Principles

Whoever goes about to reason on any part of the policy of this country with regard to America upon the mere abstract principles of government, or even upon those of our own ancient constitution, will be often misled. Those who resort for arguments to the most respectable authorities, ancient or modern, or rest upon the clearest maxims drawn from the experience of other states and empires, will be liable to the greatest errors imaginable. The object is wholly new in the world. It is singular; it is grown up to this magnitude and importance within the memory of man; nothing in history is parallel to it. All the reasonings about it that

Let me add that I do not choose wholly to break the American spirit; because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favor of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so; but we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it, and our sin far more salutary than our penitence.

These, Sir, are my reasons for not entertaining that high opinion of untried force by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce: I mean its *temper and character*.

In this character of the Americans a love of freedom is the predominating feature which marks and distinguishes the whole; and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies, probably, than in any other people of the earth, and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation which still, I hope, respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favorite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates, or on the balance among the

looks like absolute government is so much to be sought in their religious tenets as in their history. Everyone knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails, that it has generally gone hand in hand with them, and received great favor and every kind of support from authority. The Church of England, too, was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world, and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance: it is the dissidence of dissent, and the protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces, where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing, most probably, the tenth of the people. The colonists left England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners which has been constantly flowing into these colonies has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive, by their manner, that some gentlemen object to the latitude of this description, because in the southern colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies which, in my opinion, fully counterbalances this difference and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend

the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. . . .

Permit me, Sir, to add another circumstance in our colonies which contributes no mean part towards the growth and effect of this untractable spirit: I mean their education. In no country, perhaps, in the world is the law so general a study. The profession itself is numerous and powerful, and in most provinces it takes the lead. The greater number of the deputies sent to the Congress were lawyers. But all who read, and most do read, endeavor to obtain some smattering in that science. . . . This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defense, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance, and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea; but there a power steps in that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you that should fret and rage, and bite the chains of nature? Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Kurdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets

The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion as their free descent, or to substitute the Roman Catholic as a penalty, or the Church of England as an improvement. The mode of inquisition and dragooning is going out of fashion in the Old World, and I should not confide much to their efficacy in the New. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science, to banish their lawyers from their courts of law, or to quench the lights of their assemblies by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us, not quite so effectual, and perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it by declaring a general enfranchisement of their slaves.²² This project has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free as it is to compel freemen to be slaves; and in this auspicious scheme we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise, too, and arm servile hands in defense of freedom? — a measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their pres-

²² Early in 1775 Lord Dunmore, royal governor in Virginia, made a promise to this effect.

ent masters — from that nation, one of whose causes of quarrel with those masters is their refusal to deal any more in that inhuman traffic? ²⁸ An offer of freedom from England would come rather oddly, shipped to them in an African vessel which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola Negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue. . . .

If, then, Sir, it seems almost desperate to think of any alterative course for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcilable to the late exercise of our authority, but that the spirit infallibly will continue, and, continuing, will produce such effects as now embarrass us — the second mode under consideration is to prosecute that spirit in its overt acts, as *criminal*.

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference, in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. . . . I am not ripe to pass sentence on the gravest public bodies, entrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think that for wise men this is not judicious, for sober men not decent, for minds tinctured with humanity not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this: that an empire is the aggregate of many states under one

²⁸ In its act, "The Association," the First Continental Congress in October 1774 agreed "we will neither import nor purchase, any slave imported after the first day of December next; after which time, we will wholly discontinue the slave trade."

common head, whether this head be a monarch or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely nice. Of course disputes — often, too, very bitter disputes, and much ill blood — will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior power; for to talk of the privileges of a state or of a person who has no superior is hardly any better than speaking nonsense. Now in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more completely imprudent than for the head of the empire to insist that if any privilege is pleaded against his will or his acts, that his whole authority is denied — instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government against which a claim of liberty is tantamount to high treason is a government to which submission is equivalent to slavery? . . .

We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured judicial confidence until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect that, in my little reading upon such contests as these, the sense of mankind has at least as often decided against the superior as the subordinate power. Sir, let me add, too, that the opinion of my having some abstract right in my favor would not put me much at my ease in passing sentence, unless I could be sure that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced that I see the same party at once a civil litigant against me in a point of right and a culprit before me, while I sit as criminal judge on acts of his whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the

that sense of dignity, and that security to property, which ever attends freedom has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue than could be squeezed from the dry husks of oppressed indigence by the straining of all the politic machinery in the world?

Next, we know that parties must ever exist in a free country. We know, too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted than that government will not be supplied. Whereas whatever is got by acts of absolute power ill obeyed because odious, or by contracts ill kept because constrained, will be narrow, feeble, uncertain, and precarious. . . .

But to clear up my ideas on this subject—a revenue from America transmitted hither? Do not delude yourselves: you can never receive it—no, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition, what can you expect from North America? For, certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes. If America gives you taxable objects on which you lay your duties here, and gives you at the same time a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British constitution. My hold of the colonies is in the close affection which grows from

common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government—they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood that your government may be one thing and their privileges another, that these two things may exist without any mutual relation—the cement is gone, the cohesion is loosened, and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true Act of Navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English constitution which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.

Is it not the same virtue which does everything for us here in England? Do you imagine, then, that it is the Land-Tax Act which raises your revenue? that it is the annual vote in the Committee of Supply which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely, no! It is the love of the people; it is their attachment to their

government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience without which your army would be a base rabble and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians who have no place among us: a sort of people who think that nothing exists but what is gross and material, and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which in the opinion of such men as I have mentioned have no substantial existence, are in truth everything, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the Church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive and the only honorable conquests, not by destroying, but by promoting the wealth, the number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be. . . .

4. *The War with America*

¶ While Burke pleaded in Parliament for conciliation with the colonies, the British army at Boston was facing revolutionary developments. A few weeks later the first shots of the war were fired at Lexington and Concord. The Continental Army came into existence and within a year the British evacuated Boston. Progress of the revolt stiffened George III's determination to subdue it and increased the national support which he commanded for that policy. In June 1776 a strong British force under General Howe sailed from Halifax to New York and occupied Staten Island the day before the Continental Congress at Philadelphia issued the Declaration of Independence. A series of easy British successes that summer sent Washington into retreat across New Jersey. By the end of the year Howe was preparing

to capture Philadelphia, while Burgoyne was drafting plans to march from Canada down the Hudson valley and cut the rebellious confederation in two. The military situation combined with the radical action of the Continental Congress to strengthen both the confidence of the British government and the angry determination of its supporters in Parliament. The opposition splintered and dwindled. In frustration and near-despair Burke and other Rockingham Whigs "seceded" from Parliament, attending only on ordinary business but withdrawing from the House when questions concerning America were discussed. They said they had tired of opposing reason and argument to blind power and the weight of numbers.

Had Rockingham and his friends been fully pervaded by Burke's spirit, and had they followed his advice completely, the secession would have worn a different aspect. In January 1777 Burke wrote to his party chieftain that the American cause appeared to be lost. Benjamin Franklin had just reached Paris on a mission to enlist French aid, but Burke believed he would fail, in which event Franklin presumably would negotiate with the British ambassador in Paris to end the struggle on the basis of continued dependence on the crown. On that supposition Burke "thought it not wholly impossible that the Whig party might be made a sort of mediators of the peace."²⁶ Having lost faith in American resistance to George III's principles of government, Burke was now primarily alarmed lest the King's victory in the colonies prove the prelude to subversion of constitutional liberty in Britain. Hence he urged Rockingham to capitalize boldly whatever opportunity might present itself to the Whig opposition to take the lead for pacification. He recommended a secession of the opposition, not as a sulking defeatist withdrawal, but as a dramatic political gesture, to be accompanied by publication of addresses to the King and the colonists. His proposed address to the King was a strong indictment of the ministry, an appeal for moderation and conciliatory indulgence toward the unfortunate colonists, a defense of traditional English rights, and a warning that George III's throne could not "stand secure upon the principles of unconditional submission and passive obedience — on powers exercised without the concurrence of the people to be governed — on acts made in defiance of their prejudices and habits — on acquiescence procured by foreign mercenary troops, and secured by standing armies."²⁷

²⁶ Works, VI, 152.

²⁷ Ibid., 178.

ought to do) fairly describe its object. The persons who make a naval war upon us, in consequence of the present troubles, may be rebels; but to call and treat them as pirates is confounding not only the natural distinction of things, but the order of crimes; which, whether by putting them from a higher part of the scale to the lower or from the lower to the higher, is never done without dangerously disordering the whole frame of jurisprudence. Though piracy may be, in the eye of the law, a *less* offence than treason, yet, as both are, in effect, punished with the same death, the same forfeiture, and the same corruption of blood, I never would take from any fellow-creature whatever any sort of advantage which he may derive to his safety from the pity of mankind, or to his reputation from their general feelings, by degrading his offense, when I cannot soften his punishment. . . . The act prepares a sort of masked proceeding, not honorable to the justice of the kingdom, and by no means necessary for its safety. . . .

Besides, I must honestly tell you that I could not vote for, or countenance in any way, a statute which stigmatizes with the crime of piracy these men whom an act of Parliament had previously put out of the protection of the law. When the legislature of this kingdom had ordered all their ships and goods, for the mere new-created offense of exercising trade, to be divided as a spoil among the seamen of the navy — to consider the necessary reprisal of an unhappy, proscribed, interdicted people as the crime of piracy would have appeared, in any other legislature than ours, a strain of the most insulting and most unnatural cruelty and injustice. I assure you I never remember to have heard of anything like it in any time or country.

The second professed purpose of the act is to detain in England for trial those who shall commit high treason in America.

That you may be enabled to enter into the true spirit of the present law, it is necessary, Gentlemen, to apprise you that there is an act, made so long ago as in the reign of Henry the Eighth, before the existence or thought of any English colonies in America, for the trial in this kingdom of treasons committed out of the realm. In the year 1769 Parliament thought proper to acquaint the crown with their construction of that act in a formal address, wherein they entreated his Majesty to cause persons charged with high treason in America to be brought into this kingdom for trial. By this act of Henry the Eighth, *so construed and so applied*, almost all that is substantial and beneficial in a trial by jury is taken away from the subject in the colonies. . . . A person is

brought hither in the dungeon of a ship's hold; thence he is vomited into a dungeon on land, loaded with irons, unfurnished with money, unsupported by friends, three thousand miles from all means of calling upon or confronting evidence, where no one local circumstance that tends to detect perjury can possibly be judged of; such a person may be executed according to form, but he can never be tried according to justice.

I therefore could never reconcile myself to the bill I send you, which is expressly provided to remove all inconveniences from the establishment of a mode of trial which has ever appeared to me most unjust and most unconstitutional. Far from removing the difficulties which impede the execution of so mischievous a project, I would heap new difficulties upon it, if it were in my power. All the ancient, honest, juridical principles and institutions of England are so many clogs to check and retard the headlong course of violence and oppression. They were invented for this one good purpose, that what was not just should not be convenient. Convinced of this, I would leave things as I found them. The old, cool-headed, general law is as good as any deviation dictated by present heat. . . .

The Partial Suspension of Habeas Corpus

But it really appears to me that the means which this act employs are at least as exceptionable as the end. Permit me to open myself a little upon this subject; because it is of importance to me, when I am obliged to submit to the power without acquiescing in the reason of an act of legislature, that I should justify my dissent by such arguments as may be supposed to have weight with a sober man.

The main operative regulation of the act is to suspend the Common Law and the statute *Habeas Corpus* (the sole securities either for liberty or justice) with regard to all those who have been out of the realm, or on the high seas, within a given time. The rest of the people, as I understand, are to continue as they stood before.

I confess, Gentlemen, that this appears to me as bad in the principle, and far worse in its consequence, than a universal suspension of the *Habeas Corpus* Act; and the limiting qualification, instead of taking out the sting, does in my humble opinion sharpen and envenom it to a greater degree. Liberty, if I understand it at all, is a *general* principle, and the clear right of all the subjects within the realm, or of none. Partial freedom seems to me a most invidious mode of slavery. But, unfortunately, it is

the kind of slavery the most easily admitted in times of civil discord; for parties are but too apt to forget their own future safety in their desire of sacrificing their enemies. People without much difficulty admit the entrance of that injustice of which they are not to be the immediate victims. In times of high proceeding it is never the faction of the predominant power that is in danger; for no tyranny chastises its own instruments. It is the obnoxious and the suspected who want the protection of law; and there is nothing to bridle the partial violence of state factions but this — “that, whenever an act is made for a cessation of law and justice, the whole people should be universally subjected to the same suspension of their franchises.” The alarm of such a proceeding would then be universal. It would operate as a sort of *call of the nation*. It would become every man's immediate and instant concern to be made very sensible of *the absolute necessity* of this total eclipse of liberty. They would more carefully advert to every renewal, and more powerfully resist it. These great determined measures are not commonly so dangerous to freedom. They are marked with too strong lines to slide into use. No plea, nor pretense, of *inconvenience or evil example* (which must in their nature be daily and ordinary incidents) can be admitted as a reason for such mighty operations. But the true danger is when liberty is nibbled away, for expedients, and by parts. The *Habeas Corpus* Act supposes, contrary to the genius of most other laws, that the lawful magistrate may see particular men with a malignant eye, and it provides for that identical case. But when men, in particular descriptions, marked out by the magistrate himself, are delivered over by Parliament to this possible malignity, it is not the *Habeas Corpus* that is occasionally suspended, but its spirit that is mistaken, and its principle that is subverted. Indeed, nothing is security to any individual but the common interest of all.

This act, therefore, has this distinguished evil in it, that it is the first *partial* suspension of the *Habeas Corpus* that has been made. The precedent, which is always of very great importance, is now established. For the first time a distinction is made among the people within this realm. Before this act, every man putting his foot on English ground, every stranger owing only a local and temporary allegiance, even Negro slaves who had been sold in the colonies and under an act of Parliament, became as free as every other man who breathed the same air with them. Now a line is drawn, which may be advanced further and further at pleasure, on the same argument of mere expedience on which it was first described. There is no equality among us; we are not

fellow-citizens if the mariner who lands on the quay does not rest on as firm legal ground as the merchant who sits in his counting-house. Other laws may injure the community; this dissolves it. As things now stand, every man in the West Indies, every one inhabitant of three unoffending provinces on the continent, every person coming from the East Indies, every gentleman who has traveled for his health or education, every mariner who has navigated the seas, is, for no other offense, under a temporary proscription. Let any of these facts (now become presumptions of guilt) be proved against him, and the bare suspicion of the crown puts him out of the law. . . .

The Fruits of the American War

The act of which I speak is among the fruits of the American war—a war in my humble opinion productive of many mischiefs, of a kind which distinguish it from all others. Not only our policy is deranged, and our empire distracted, but our laws and our legislative spirit appear to have been totally perverted by it. We have made war on our colonies, not by arms only, but by laws. As hostility and law are not very concordant ideas, every step we have taken in this business has been made by trampling on some maxim of justice or some capital principle of wise government. What precedents were established, and what principles overturned (I will not say of English privilege, but of general justice), in the Boston Port, the Massachusetts Charter, the Military Bill, and all that long array of hostile acts of Parliament by which the war with America has been begun and supported! Had the principles of any of these acts been first exerted on English ground, they would probably have expired as soon as they touched it. But by being removed from our persons, they have rooted in our laws, and the latest posterity will taste the fruits of them.

Nor is it the worst effect of this unnatural contention that our laws are corrupted. Whilst *manners* remain entire, they will correct the vices of law, and soften it at length to their own temper. But we have to lament that in most of the late proceedings we see very few traces of that generosity, humanity, and dignity of mind which formerly characterized this nation. War suspends the rules of moral obligation, and what is long suspended is in danger of being totally abrogated. Civil wars strike deepest of all into the manners of the people. They vitiate their politics; they corrupt their morals; they pervert even the natural taste and relish of equity and justice. By teaching us to consider our fellow-

colonies amongst themselves, as well as for their perfect harmony with Great Britain. . . . I was at the same time very sure that the authority of which I was so jealous could not, under the actual circumstances of our plantations, be at all preserved in any of its members but by the greatest reserve in its application, particularly in those delicate points in which the feelings of mankind are the most irritable. They who thought otherwise have found a few more difficulties in their work than (I hope) they were thoroughly aware of when they undertook the present business. I must beg leave to observe that it is not only the invidious branch of taxation that will be resisted, but that no other given part of legislative rights can be exercised without regard to the general opinion of those who are to be governed. That general opinion is the vehicle and organ of legislative omnipotence. Without this it may be a theory to entertain the mind, but it is nothing in the direction of affairs. The completeness of the legislative authority of Parliament *over this kingdom* is not questioned; and yet many things indubitably included in the abstract idea of that power, and which carry no absolute injustice in themselves, yet being contrary to the opinions and feelings of the people, can as little be exercised as if Parliament in that case had been possessed of no right at all. I see no abstract reason which can be given why the same power which made and repealed the High Commission Court and the Star Chamber might not revive them again; and these courts, warned by their former fate, might possibly exercise their powers with some degree of justice. But the madness would be as unquestionable as the competence of that Parliament which should attempt such things. If anything can be supposed out of the power of human legislature, it is religion; I admit, however, that the established religion of this country has been three or four times altered by act of Parliament, and therefore that a statute binds even in that case. But we may very safely affirm that, notwithstanding this apparent omnipotence, it would be now found as impossible for King and Parliament to alter the established religion of this country as it was to King James alone, when he attempted to make such an alteration without a Parliament. In effect, to follow, not to force, the public inclination; to give a direction, a form, a technical dress, and a specific sanction to the general sense of the community is the true end of legislature.

It is so with regard to the exercise of all the powers which our constitution knows in any of its parts, and indeed to the substantial existence of any of the parts themselves. The king's negative to bills is one of the most indisputed of the royal preroga-

the same manner, or that the Cutchery court³² and the grand jury of Salem could be regulated on a similar plan. I was persuaded that government was a practical thing, made for the happiness of mankind, and not to furnish out a spectacle of uniformity to gratify the schemes of visionary politicians. Our business was to rule, not to wrangle; and it would have been a poor compensation that we had triumphed in a dispute whilst we lost an empire.

If there be one fact in the world perfectly clear, it is this: "that the disposition of the people of America is wholly averse to any other than a free government"; and this is indication enough to any honest statesman how he ought to adapt whatever power he finds in his hands to their case. If any ask me what a free government is, I answer that, for any practical purpose, it is what the people think so — and that they, and not I, are the natural, lawful, and competent judges of this matter. If they practically allow me a greater degree of authority over them than is consistent with any correct ideas of perfect freedom, I ought to thank them for so great a trust, and not to endeavor to prove from thence that they have reasoned amiss, and that, having gone so far, by analogy they must hereafter have no enjoyment but by my pleasure.

If we had seen this done by any others, we should have concluded them far gone in madness. It is melancholy, as well as ridiculous, to observe the kind of reasoning with which the public has been amused, in order to divert our minds from the common sense of our American policy. There are people who have split and anatomized the doctrine of free government, as if it were an abstract question concerning metaphysical liberty and necessity, and not a matter of moral prudence and natural feeling. They have disputed whether liberty be a positive or a negative idea; whether it does not consist in being governed by laws, without considering what are the laws, or who are the makers; whether man has any rights by nature; and whether all the property he enjoys be not the alms of his government, and his life itself their favor and indulgence. Others, corrupting religion as these have perverted philosophy, contend that Christians are redeemed into captivity, and the blood of the Saviour of mankind has been shed to make them the slaves of a few proud and insolent sinners. These shocking extremes provoking to extremes of another kind, speculations are let loose as destructive to all authority as the former are to all freedom; and every government is called tyranny and usurpation which is not formed on their

³² An Anglo-Indian court.

fancies. In this manner the stirrers-up of this contention, not satisfied with distracting our dependencies and filling them with blood and slaughter, are corrupting our understandings: they are endeavoring to tear up, along with practical liberty, all the foundations of human society, all equity and justice, religion and order.

Liberty Is Not an Abstract Speculation

Civil freedom, Gentlemen, is not, as many have endeavored to persuade you, a thing that lies hid in the depth of abstruse science. It is a blessing and a benefit, not an abstract speculation; and all the just reasoning that can be upon it is of so coarse a texture as perfectly to suit the ordinary capacities of those who are to enjoy, and of those who are to defend it. Far from any resemblance to those propositions in geometry and metaphysics which admit no medium, but must be true or false in all their latitude, social and civil freedom, like all other things in common life, are variously mixed and modified, enjoyed in very different degrees, and shaped into an infinite diversity of forms, according to the temper and circumstances of every community. The *extreme* of liberty (which is its abstract perfection, but its real fault) obtains nowhere, nor ought to obtain anywhere; because extremes, as we all know, in every point which relates either to our duties or satisfactions in life, are destructive both to virtue and enjoyment. Liberty, too, must be limited in order to be possessed. The degree of restraint it is impossible in any case to settle precisely. But it ought to be the constant aim of every wise public counsel to find out by cautious experiments, and rational, cool endeavors, with how little, not how much, of this restraint the community can subsist: for liberty is a good to be improved, and not an evil to be lessened. It is not only a private blessing of the first order, but the vital spring and energy of the state itself, which has just so much life and vigor as there is liberty in it. But whether liberty be advantageous or not (for I know it is a fashion to decry the very principle), none will dispute that peace is a blessing; and peace must, in the course of human affairs, be frequently bought by some indulgence and toleration at least to liberty; for as the Sabbath (though of divine institution) was made for man, not man for the Sabbath, government, which can claim no higher origin or authority, in its exercise at least, ought to conform to the exigencies of the time, and the temper and character of the people with whom it is concerned, and not always to attempt violently to bend the people to their theories of sub-

jection. The bulk of mankind, on their part, are not excessively curious concerning any theories whilst they are really happy; and one sure symptom of an ill-conducted state is the propensity of the people to resort to them.

But when subjects, by a long course of such ill conduct, are once thoroughly inflamed, and the state itself violently distempered, the people must have some satisfaction to their feelings more solid than a sophistical speculation on law and government. Such was our situation: and such a satisfaction was necessary to prevent recourse to arms; it was necessary towards laying them down; it will be necessary to prevent the taking them up again and again. Of what nature this satisfaction ought to be I wish it had been the disposition of Parliament seriously to consider. It was certainly a deliberation that called for the exertion of all their wisdom.

An "Infinitely Diversified Empire"

I am, and ever have been, deeply sensible of the difficulty of reconciling the strong presiding power that is so useful towards the conservation of a vast, disconnected, infinitely diversified empire with that liberty and safety of the provinces which they must enjoy (in opinion and practice at least) or they will not be provinces at all. I know, and have long felt, the difficulty of reconciling the unwieldy haughtiness of a great ruling nation, habituated to command, pampered by enormous wealth, and confident from a long course of prosperity and victory, to the high spirit of free dependencies, animated with the first glow and activity of juvenile heat, and assuming to themselves, as their birthright, some part of that very pride which oppresses them. They who perceive no difficulty in reconciling these tempers (which, however, to make peace, must some way or other be reconciled) are much above my capacity, or much below the magnitude of the business. Of one thing I am perfectly clear: that it is not by deciding the suit, but by compromising the difference, that peace can be restored or kept. They who would put an end to such quarrels by declaring roundly in favor of the whole demands of either party have mistaken, in my humble opinion, the office of a mediator.

The war is now of full two years' standing: the controversy of many more. In different periods of the dispute, different methods of reconciliation were to be pursued. I mean to trouble you with a short state of things at the most important of these periods, in order to give you a more distinct idea of our policy with regard to this most delicate of all objects. The colonies were from the

ernments in the world. Though these two legislatures were sometimes found perhaps performing the very same functions, they did not very grossly or systematically clash. In all likelihood this arose from mere neglect, possibly from the natural operation of things, which, left to themselves, generally fall into their proper order. But whatever was the cause, it is certain that a regular revenue, by the authority of Parliament, for the support of civil and military establishments, seems not to have been thought of until the colonies were too proud to submit, too strong to be forced, too enlightened not to see all the consequences which must arise from such a system.

If ever this scheme of taxation was to be pushed against the inclinations of the people, it was evident that discussions must arise which would let loose all the elements that composed this double constitution, would show how much each of their members had departed from its original principles, and would discover contradictions in each legislature, as well to its own first principles as to its relation to the other, very difficult, if not absolutely impossible, to be reconciled.

Therefore, at the first fatal opening of this contest, the wisest course seemed to be to put an end as soon as possible to the immediate causes of the dispute, and to quiet a discussion, not easily settled upon clear principles, and arising from claims which pride would permit neither party to abandon, by resorting as nearly as possible to the old, successful course. A mere repeal of the obnoxious tax, with a declaration of the legislative authority of this kingdom, was then fully sufficient to procure peace to *both sides*. Man is a creature of habit, and, the first breach being of very short continuance, the colonies fell back exactly into their ancient state. The Congress has used an expression with regard to this pacification which appears to me truly significant. After the repeal of the Stamp Act, "the colonies fell," says this assembly, "into their ancient state of *unsuspecting confidence in the mother country*." This unsuspecting confidence is the true center of gravity amongst mankind, about which all the parts are at rest. It is this *unsuspecting confidence* that removes all difficulties, and reconciles all the contradictions which occur in the complexity of all ancient puzzled political establishments. Happy are the rulers which have the secret of preserving it!

forget which. In short, the persecution would never have relented for a moment if the judges, superseding (though with an ambiguous example) the strict rule of their artificial duty by the higher obligation of their conscience, did not constantly throw every difficulty in the way of such informers. But so ineffectual is the power of legal evasion against legal iniquity that it was but the other day that a lady of condition, beyond the middle of life, was on the point of being stripped of her whole fortune by a near relation to whom she had been a friend and benefactor; and she must have been totally ruined, without a power of redress or mitigation from the courts of law, had not the legislature itself rushed in, and by a special act of Parliament rescued her from the injustice of its own statutes. One of the acts authorizing such things was that which we in part repealed, knowing what our duty was, and doing that duty as men of honor and virtue, as good Protestants, and as good citizens. . . .

Gentlemen, bad laws are the worst sort of tyranny. In such a country as this they are of all bad things the worst — worse by far than anywhere else; and they derive a particular malignity even from the wisdom and soundness of the rest of our institutions. For very obvious reasons you cannot trust the crown with a dispensing power over any of your laws. However, a government, be it as bad as it may, will, in the exercise of a discretionary power, discriminate times and persons, and will not ordinarily pursue any man when its own safety is not concerned. A mercenary informer knows no distinction. Under such a system, the obnoxious people are slaves not only to the government, but they live at the mercy of every individual; they are at once the slaves of the whole community and of every part of it; and the worst and most unmerciful men are those on whose goodness they most depend.

In this situation, men not only shrink from the frowns of a stern magistrate, but they are obliged to fly from their very species. The seeds of destruction are sown in civil intercourse, in social habitudes. The blood of wholesome kindred is infected. Their tables and beds are surrounded with snares. All the means given by Providence to make life safe and comfortable are perverted into instruments of terror and torment. This species of universal subserviency, that makes the very servant who waits behind your chair the arbiter of your life and fortune, has such a tendency to degrade and abase mankind, and to deprive them of that assured and liberal state of mind which alone can make us what we ought to be, that I vow to God I would sooner bring myself to put a

man to immediate death for opinions I disliked, and so to get rid of the man and his opinions at once, than to fret him with a feverish being, tainted with the jail-distemper of a contagious servitude, to keep him above ground an animated mass of putrefaction, corrupted himself, and corrupting all about him.

The Catholic Question and the American War

The act repealed was of this direct tendency; and it was made in the manner which I have related to you. I will now tell you by whom the bill of repeal was brought into Parliament. I find it has been industriously given out in this city (from kindness to me, unquestionably) that I was the mover or the seconder. The fact is, I did not once open my lips on the subject during the whole progress of the bill. I do not say this as disclaiming my share in that measure. Very far from it. I inform you of this fact lest I should seem to arrogate to myself the merits which belong to others. . . . That great work was in hands in every respect far better qualified than mine. The mover of the bill was Sir George Savile.

. . . I will next lay before you . . . the political grounds and reasons for the repeal of that penal statute, and the motives to its repeal at that particular time.

Gentlemen, America — When the English nation seemed to be dangerously, if not irrecoverably divided — when one, and that the most growing branch, was torn from the parent stock, and ingrafted on the power of France, a great terror fell upon this kingdom. On a sudden we awakened from our dreams of conquest, and saw ourselves threatened with an immediate invasion, which we were at that time very ill prepared to resist. You remember the cloud that gloomed over us all. In that hour of our dismay, from the bottom of the hiding-places into which the indiscriminate rigor of our statutes had driven them, came out the body of the Roman Catholics. They appeared before the steps of a tottering throne, with one of the most sober, measured, steady, and dutiful addresses that was ever presented to the crown. It was no holiday ceremony, no anniversary compliment of parade and show. It was signed by almost every gentleman of that persuasion, of note or property, in England. At such a crisis, nothing but a decided resolution to stand or fall with their country could have dictated such an address, the direct tendency of which was to cut off all retreat, and to render them peculiarly obnoxious to an invader of their own communion. The address showed what I long languished to see, that all the subjects of

hand, or we were poorly instructed, that toleration is odious to the intolerant, freedom to oppressors, property to robbers, and all kinds and degrees of prosperity to the envious. We knew that all these kinds of men would gladly gratify their evil dispositions under the sanction of law and religion, if they could; if they could not, yet, to make way to their objects, they would do their utmost to subvert all religion and all law. This we certainly knew. But, knowing this, is there any reason, because thieves break in and steal, and thus bring detriment to you, and draw ruin on themselves, that I am to be sorry that you are in possession of shops, and of warehouses, and of wholesome laws to protect them? Are you to build no houses, because desperate men may pull them down upon their own heads? Or if a malignant wretch will cut his own throat because he sees you give alms to the necessitous and deserving, shall his destruction be attributed to your charity, and not to his own deplorable madness? If we repent of our good actions, what, I pray you, is left for our faults and follies? It is not the beneficence of the laws, it is the unnatural temper which beneficence can fret and sour, that is to be lamented. It is this temper which, by all rational means, ought to be sweetened and corrected. . . .

As to the opinion of the people, which some think, in such cases, is to be implicitly obeyed, near two years' tranquillity which followed the act, and its instant imitation in Ireland, proved abundantly that the late horrible spirit was in a great measure the effect of insidious art, and perverse industry, and gross misrepresentation. But suppose that the dislike had been much more deliberate and much more general than I am persuaded it was — when we know that the opinions of even the greatest multitudes are the standard of rectitude, I shall think myself obliged to make those opinions the masters of my conscience. . . . No man carries further than I do the policy of making government pleasing to the people. But the widest range of this politic complaisance is confined within the limits of justice. I would not only consult the interest of the people, but I would cheerfully gratify their humors. We are all a sort of children that must be soothed and managed. I think I am not austere or formal in my nature. I would bear, I would even myself play my part in, any innocent buffooneries, to divert them. But I never will act the tyrant for their amusement. If they will mix malice in their sports, I shall never consent to throw them any living, sentient creature whatsoever, no, not so much as a kitling, to torment.

“But if I profess all this impolitic stubbornness, I may chance

validity; it even changes its character as it enlarges its operation. It is not particular injustice, but general oppression; and can no longer be considered as a private hardship, which might be borne, but spreads and grows up into the unfortunate importance of a national calamity.

Now as a law directed against the mass of the nation has not the nature of a reasonable institution, so neither has it the authority; for in all forms of government the people is the true legislator; and whether the immediate and instrumental cause of the law be a single person or many, the remote and efficient cause is the consent of the people, either actual or implied; and such consent is absolutely essential to its validity. To the solid establishment of every law two things are essentially requisite: first, a proper and sufficient human power to declare and modify the matter of the law; and next, such a fit and equitable constitution as they have a right to declare and render binding. With regard to the first requisite—the human authority—it is their judgment they give up, not their right. The people, indeed, are presumed to consent to whatever the legislature ordains for their benefit; and they are to acquiesce in it, though they do not clearly see into the propriety of the means by which they are conducted to that desirable end. This they owe as an act of homage and just deference to a reason which the necessity of government has made superior to their own. But though the means, and indeed the nature, of a public advantage may not always be evident to the understanding of the subject, no one is so gross and stupid as not to distinguish between a benefit and an injury. No one can imagine, then, an exclusion of a great body of men, not from favors, privileges, and trusts, but from the common advantages of society, can ever be a thing intended for their good, or can ever be ratified by any implied consent of theirs. If, therefore, at least an implied human consent is necessary to the existence of a law, such a constitution cannot in propriety be a law at all.

Supremacy of the Moral Law: Cicero vs. Hobbes

But if we could suppose that such a ratification was made, not virtually, but actually, by the people; not representatively, but even collectively; still it would be null and void. They have no right to make a law prejudicial to the whole community, even though the delinquents in making such an act should be themselves the chief sufferers by it; because it would be made against the principle of a superior law, which it is not in the power of any community, or of the whole race of man, to alter. I mean the

will of Him who gave us our nature, and in giving impressed an invariable law upon it. It would be hard to point out any error more truly subversive of all the order and beauty, of all the peace and happiness of human society, than the position that any body of men have a right to make what laws they please — or that laws can derive any authority from their institution merely, and independent of the quality of the subject-matter. No arguments of policy, reason of state, or preservation of the constitution can be pleaded in favor of such a practice. They may, indeed, impeach the frame of that constitution, but can never touch this immovable principle. This seems to be, indeed, the doctrine which Hobbes broached in the last century, and which was then so frequently and so ably refuted. Cicero exclaims with the utmost indignation and contempt against such a notion; he considers it not only as unworthy of a philosopher, but of an illiterate peasant; that of all things this was the most truly absurd, to fancy that the rule of justice was to be taken from the constitutions of commonwealths, or that laws derived their authority from the statutes of the people, the edicts of princes, or the decrees of judges. If it be admitted that it is not the black-letter and the king's arms that make the law, we are to look for it elsewhere.

In reality there are two, and only two, foundations of law; and they are both of them conditions without which nothing can give it any force: I mean equity and utility. With respect to the former, it grows out of the great rule of equality, which is grounded upon our common nature, and which Philo, with propriety and beauty, calls the mother of justice. All human laws are, properly speaking, only declaratory; they may alter the mode and application, but have no power over the substance of original justice. The other foundation of law, which is utility, must be understood, not of partial or limited, but of general and public utility, connected in the same manner with, and derived directly from, our rational nature; for any other utility may be the utility of a robber, but cannot be that of a citizen — the interest of the domestic enemy, and not that of a member of the commonwealth. This present equality can never be the foundation of statutes which create an artificial difference between men, as the laws before us do, in order to induce a consequential inequality in the distribution of justice.

. . . Partiality and law are contradictory terms. Neither the merits nor the ill deserts, neither the wealth and importance nor the indigence and obscurity, of the one part or of the other, can make any alteration in this fundamental truth. On any other

I observe that if the principle of their final and beneficial intention be admitted as a just ground for such proceedings, there never was, in the blamable sense of the word, nor ever can be, such a thing as a religious persecution in the world. Such an intention is pretended by all men—who all not only insist that their religion has the sanction of Heaven, but is likewise, and for that reason, the best and most convenient to human society. All religious persecution, Mr. Bayle⁹ well observes, is grounded upon a miserable *petitio principii*. You are wrong, I am right; you must come over to me, or you must suffer. Let me add that the great inlet by which a color for oppression has entered into the world is by one man's pretending to determine concerning the happiness of another, and by claiming a right to use what means he thinks proper in order to bring him to a sense of it. It is the ordinary and trite sophism of oppression. But there is not yet such a convenient ductility in the human understanding as to make us capable of being persuaded that men can possibly mean the ultimate good of the whole society by rendering miserable for a century together the greater part of it—or that anyone has such a reversionary benevolence as seriously to intend the remote good of a late posterity, who can give up the present enjoyment which every honest man must have in the happiness of his contemporaries. Everybody is satisfied that a conservation and secure enjoyment of our natural rights is the great and ultimate purpose of civil society, and that therefore all forms whatsoever of government are only good as they are subservient to that purpose to which they are entirely subordinate. Now to aim at the establishment of any form of government by sacrificing what is the substance of it, to take away or at least to suspend the rights of nature in order to an approved system for the protection of them, and for the sake of that about which men must dispute forever to postpone those things about which they have no controversy at all, and this not in minute and subordinate, but large and principal objects, is a procedure as preposterous and absurd in argument as it is oppressive and cruel in its effect. For the Protestant religion, nor (I speak it with reverence, I am sure) the truth of our common Christianity, is not so clear as this proposition: that all men, at least the majority of men in the society, ought to enjoy the common advantages of it. You fall, therefore, into a double error: first, you incur a certain mischief for an advantage which is comparatively problematical, even though you were sure of obtaining it; secondly, whatever the proposed advantage may

⁹ Pierre Bayle, French critic and philosopher (1647-1706).

certainly, the cause of the bitterest dissensions in the commonwealth. To a mind not thoroughly saturated with the tolerating maxims of the Gospel, a preventive persecution, on such principles, might come recommended by strong, and, apparently, no immoral motives of policy, whilst yet the contagion was recent, and had laid hold but on a few persons. The truth is, these politics are rotten and hollow at bottom, as all that are founded upon any however minute a degree of positive injustice must ever be. But they are specious, and sufficiently so to delude a man of sense and of integrity. But it is quite otherwise with the attempt to eradicate by violence a wide-spreading and established religious opinion. If the people are in an error, to inform them is not only fair, but charitable; to drive them is a strain of the most manifest injustice. If not the right, the presumption, at least, is ever on the side of possession. Are they mistaken? If it does not fully justify them, it is a great alleviation of guilt, which may be mingled with their misfortune, that the error is none of their forging — that they received it on as good a footing as they can receive your laws and your legislative authority, because it was handed down to them from their ancestors. The opinion may be erroneous, but the principle is undoubtedly right; and you punish them for acting upon a principle which of all others is perhaps the most necessary for preserving society, an implicit admiration and adherence to the establishments of their forefathers.

If, indeed, the legislative authority was on all hands admitted to be the ground of religious persuasion, I should readily allow that dissent would be rebellion. In this case it would make no difference whether the opinion was sucked in with the milk or imbibed yesterday; because the same legislative authority which had settled could destroy it with all the power of a creator over his creature. But this doctrine is universally disowned, and for a very plain reason. Religion, to have any force on men's understandings, indeed to exist at all, must be supposed paramount to laws, and independent for its substance upon any human institution — else it would be the absurdest thing in the world, an acknowledged cheat. Religion, therefore, is not believed because the laws have established it, but it is established because the leading part of the community have previously believed it to be true. . . .

However, we are warranted to go thus far. The people often actually do (and perhaps they cannot in general do better) take their religion, not on the coercive, which is impossible, but on the influencing authority of their governors, as wise and informed men. But if they once take a religion on the word of the state,

they cannot in common sense do so a second time, unless they have some concurrent reason for it. The prejudice in favor of your wisdom is shook by your change. You confess that you have been wrong, and yet you would pretend to dictate by your sole authority; whereas you disengage the mind by embarrassing it. For why should I prefer your opinion of today to your persuasion of yesterday? If we must resort to prepossessions for the ground of opinion, it is in the nature of man rather to defer to the wisdom of times past, whose weakness is not before his eyes, than to the present, of whose imbecility he has daily experience. Veneration of antiquity is congenial to the human mind. When, therefore, an establishment would persecute an opinion in possession, it sets against it all the powerful prejudices of human nature. It even sets its own authority, when it is of most weight, against itself in that very circumstance in which it must necessarily have the least; and it opposes the stable prejudice of time against a new opinion founded on mutability: a consideration that must render compulsion in such a case the more grievous, as there is no security that, when the mind is settled in the new opinion, it may not be obliged to give place to one that is still newer, or even to a return of the old. But when an ancient establishment begins early to persecute an innovation, it stands upon quite other grounds, and it has all the prejudices and presumptions on its side. It puts its own authority, not only of compulsion, but prepossession, the veneration of past age, as well as the activity of the present time, against the opinion only of a private man or set of men. If there be no reason, there is at least some consistency in its proceedings. Commanding to constancy, it does nothing but that of which it sets an example itself. But an opinion at once new and persecuting is a monster; because, in the very instant in which it takes a liberty of change, it does not leave to you even a liberty of perseverance.

Is, then, no improvement to be brought into society? Undoubtedly; but not by compulsion — but by encouragement — but by countenance, favor, privileges, which are powerful, and are lawful instruments. The coercive authority of the state is limited to what is necessary for its existence. . . .

But, say the abettors of our penal laws, this old possessed superstition is such in its principles that society, on its general principles, cannot subsist along with it. Could a man think such an objection possible, if he had not actually heard it made — an objection contradicted, not by hypothetical reasonings, but the clear evidence of the most decisive facts? Society not only exists, but

manner; and they would persuade us, contrary to the known order of nature, that indulgence and moderation in governors is the natural incitement in subjects to rebel. But there is an interior history of Ireland, the genuine voice of its records and monuments, which speaks a very different language from these histories, from Temple and from Clarendon:¹⁰ these restore nature to its just rights, and policy to its proper order. For they even now show to those who have been at the pains to examine them, and they may show one day to all the world, that these rebellions were not produced by toleration, but by persecution: that they arose not from just and mild government, but from the most unparalleled oppression. These records will be far from giving the least countenance to a doctrine so repugnant to humanity and good sense as that the security of any establishment, civil or religious, can ever depend upon the misery of those who live under it, or that its danger can arise from their quiet and prosperity. God forbid that the history of this or any country should give such encouragement to the folly or vices of those who govern! If it can be shown that the great rebellions of Ireland have arisen from attempts to reduce the natives to the state to which they are now reduced, it will show that an attempt to continue them in that state will rather be disadvantageous to the public peace than any kind of security to it. These things have in some measure begun to appear already; and as far as regards the argument drawn from former rebellions, it will fall readily to the ground. But, for my part, I think the real danger to every state is to render its subjects justly discontented; nor is there in politics or science any more effectual secret for their security than to establish in their people a firm opinion that no change can be for their advantage. It is true that bigotry and fanaticism may for a time draw great multitudes of people from a knowledge of their true and substantial interest. But upon this I have to remark three things. First, that such a temper can never become universal, or last for a long time. . . . The majority of men are in no persuasion bigots; they are not willing to sacrifice, on every vain imagination that superstition or enthusiasm holds forth, or that even zeal and piety recommend, the certain possession of their temporal happiness. And if such a spirit has been at any time roused in a society, after it has had its paroxysm it commonly subsides and is quiet, and is even the weaker for the violence of its first exertion: security and ease are its mortal

¹⁰ Sir William Temple (1628–89) and the Earl of Clarendon (1608–74), statesmen and narrators of seventeenth-century history.

sary application of the principles they use in their disputes with others to their disputes with their fellow-citizens, I know not. . . .

The Need for Catholic Education in Ireland

The laws against foreign education are clearly the very worst part of the old code. Besides your laity, you have the succession of about four thousand clergymen to provide for. These, having no lucrative objects in prospect, are taken very much out of the lower orders of the people. At home they have no means whatsoever provided for their attaining a clerical education, or indeed any education at all. . . .

It has been the custom of poor persons in Ireland to pick up such knowledge of the Latin tongue as, under the general discouragements, and occasional pursuits of magistracy, they were able to acquire; and receiving orders at home, were sent abroad to obtain a clerical education. By officiating in petty chaplainships, and performing now and then certain offices of religion for small gratuities, they received the means of maintaining themselves until they were able to complete their education. Through such difficulties and discouragements, many of them have arrived at a very considerable proficiency, so as to be marked and distinguished abroad. These persons afterwards, by being sunk in the most abject poverty, despised and ill-treated by the higher orders among Protestants, and not much better esteemed or treated even by the few persons of fortune of their own persuasion, and contracting the habits and ways of thinking of the poor and uneducated, among whom they were obliged to live, in a few years retained little or no traces of the talents and acquirements which distinguished them in the early periods of their lives. Can we with justice cut them off from the use of places of education founded for the greater part from the economy of poverty and exile, without providing something that is equivalent at home?

Whilst this restraint of foreign and domestic education was part of a horrible and impious system of servitude, the members were well fitted to the body. To render men patient under a deprivation of all the rights of human nature, everything which could give them a knowledge or feeling of those rights was rationally forbidden. To render humanity fit to be insulted, it was fit that it should be degraded. But when we profess to restore men to the capacity for property, it is equally irrational and unjust to deny them the power of improving their minds as well as their fortunes. Indeed, I have ever thought the prohibition of the means of improving our rational nature to be the worst species of

The Protestant educated amongst Catholics has only something to reject; what he keeps may be useful. But a Catholic parish priest learns little for his peculiar purpose and duty in a Protestant college.

All this, my Lord, I know very well, will pass for nothing with those who wish that the Popish clergy should be illiterate, and in a situation to produce contempt and detestation. Their minds are wholly taken up with party squabbles, and I have neither leisure nor inclination to apply any part of what I have to say to those who never think of religion or of the commonwealth in any other light than as they tend to the prevalence of some faction in either. I speak on a supposition that there is a disposition *to take the state in the condition in which it is found*, and to improve it *in that state* to the best advantage. . . .

On this idea, an education fitted *to each order and division of men, such as they are found*, will be thought an affair rather to be encouraged than discountenanced. . . .

Opposes State Appointment of Catholic Clergy

Before I had written thus far, I heard of a scheme of giving to the Castle²¹ the patronage of the presiding members of the Catholic clergy. At first I could scarcely credit it; for I believe it is the first time that the presentation to other people's alms has been desired in any country. If the state provides a suitable maintenance and temporality for the governing members of the Irish Roman Catholic Church, and for the clergy under them, I should think the project, however improper in other respects, to be by no means unjust. But to deprive a poor people, who maintain a second set of clergy, out of the miserable remains of what is left after taxing and tithing, to deprive them of the disposition of their own charities among their own communion, would, in my opinion, be an intolerable hardship. Never were the members of one religious sect fit to appoint the pastors to another. Those who have no regard for their welfare, reputation, or internal quiet will not appoint such as are proper. The seraglio of Constantinople is as equitable as we are, whether Catholics or Protestants — and where their own sect is concerned, full as religious. But the sport which they make of the miserable dignities of the Greek Church, the little factions of the harem to which they make them subservient, the continual sale to which they expose and re-expose the same dignity, and by which they squeeze all the inferior orders of the clergy, is (for I have had particular means of

²¹ That is, to the crown.

land will not, they cannot, take it kindly that representatives should refuse to their constituents what an absolute sovereign voluntarily offers to his subjects. The expression of the petitions is that, "*before any new burdens are laid upon this country, effectual measures be taken by this House to inquire into and correct the gross abuses in the expenditure of public money.*" . . .

These desires of the people of England, which come far short of the voluntary concessions of the King of France, are moderate indeed. They only contend that we should interweave some economy with the taxes with which we have chosen to begin the war. They request, not that you should rely upon economy exclusively, but that you should give it rank and precedence, in the order of the ways and means of this single session.

But if it were possible that the desires of our constituents, desires which are at once so natural and so very much tempered and subdued, should have no weight with a House of Commons which has its eye elsewhere, I would turn my eyes to the very quarter to which theirs are directed. I would reason this matter with the House on the mere policy of the question; and I would undertake to prove that an early dereliction of abuse is the direct interest of government — of government taken abstractedly from its duties, and considered merely as a system intending its own conservation.

If there is any one eminent criterion which above all the rest distinguishes a wise government from an administration weak and improvident, it is this: "well to know the best time and manner of yielding what it is impossible to keep." There have been, Sir, and there are, many who choose to chicanery with their situation rather than be instructed by it. Those gentlemen argue against every desire of reformation upon the principles of a criminal prosecution. It is enough for them to justify their adherence to a pernicious system that it is not of their contrivance — that it is an inheritance of absurdity, derived to them from their ancestors — that they can make out a long and unbroken pedigree of mis-managers that have gone before them. They are proud of the antiquity of their house; and they defend their errors as if they were defending their inheritance, afraid of derogating from their nobility, and carefully avoiding a sort of blot in their scutcheon, which they think would degrade them forever.

It was thus that the unfortunate Charles the First defended himself on the practice of the Stuart who went before him, and of all the Tudors. His partisans might have gone to the Plantagenets. They might have found bad examples enough, both

abroad and at home, that could have shown an ancient and illustrious descent. But there is a time when men will not suffer bad things because their ancestors have suffered worse.

Reform Should Be Timely and Temperate

. . . I do most seriously put it to administration to consider the wisdom of a timely reform. Early reformations are amicable arrangements with a friend in power; late reformations are terms imposed upon a conquered enemy. Early reformations are made in cool blood; late reformations are made under a state of inflammation. In that state of things the people behold in government nothing that is respectable. They see the abuse, and they will see nothing else. They fall into the temper of a furious populace provoked at the disorder of a house of ill-fame; they never attempt to correct or regulate; they go to work by the shortest way: they abate the nuisance, they pull down the house.

This is my opinion with regard to the true interest of government. But as it is the interest of government that reformation should be early, it is the interest of the people that it should be temperate. It is their interest because a temperate reform is permanent, and because it has a principle of growth. Whenever we improve, it is right to leave room for a further improvement. It is right to consider, to look about us, to examine the effect of what we have done. Then we can proceed with confidence, because we can proceed with intelligence. Whereas in hot reformations, in what men more zealous than considerate call *making clear work*, the whole is generally so crude, so harsh, so indigested, mixed with so much imprudence and so much injustice, so contrary to the whole course of human nature and human institutions, that the very people who are most eager for it are among the first to grow disgusted at what they have done. Then some part of the abdicated grievance is recalled from its exile in order to become a corrective of the correction. Then the abuse assumes all the credit and popularity of a reform. The very idea of purity and disinterestedness in politics falls into disrepute, and is considered as a vision of hot and inexperienced men; and thus disorders become incurable, not by the virulence of their own quality, but by the unapt and violent nature of the remedies. A great part, therefore, of my idea of reform is meant to operate gradually: some benefits will come at a nearer, some at a more remote period. We must no more make haste to be rich by parsimony than by intemperate acquisition.

In my opinion, it is our duty, when we have the desires of the

I limit myself in the reduction of employments, or of their profits, I should say something of those which seem of eminent inutility in the state: I mean the number of officers who, by their places, are attendant on the person of the king. Considering the commonwealth merely as such, and considering those officers only as relative to the direct purposes of the state, I admit that they are of no use at all. But there are many things in the constitution of establishments, which appear of little value on the first view, which in a secondary and oblique manner produce very material advantages. It was on full consideration that I determined not to lessen any of the offices of honor about the crown, in their number or their emoluments. These emoluments, except in one or two cases, do not much more than answer the charge of attendance. Men of condition naturally love to be about a court; and women of condition love it much more. But there is in all regular attendance so much of constraint that if it were a mere charge, without any compensation, you would soon have the court deserted by all the nobility of the kingdom.

Sir, the most serious mischiefs would follow from such a desertion. Kings are naturally lovers of low company. They are so elevated above all the rest of mankind that they must look upon all their subjects as on a level. They are rather apt to hate than to love their nobility, on account of the occasional resistance to their will which will be made by their virtue, their petulance, or their pride. It must, indeed, be admitted that many of the nobility are as perfectly willing to act the part of flatterers, tale-bearers, parasites, pimps, and buffoons as any of the lowest and vilest of mankind can possibly be. But they are not properly qualified for this object of their ambition. The want of a regular education, and early habits, and some lurking remains of their dignity will never permit them to become a match for an Italian eunuch, a mountebank, a fiddler, a player, or any regular practitioner of that tribe. The Roman emperors, almost from the beginning, threw themselves into such hands; and the mischief increased every day till the decline and final ruin of the empire. It is therefore of very great importance (provided the thing is not overdone) to contrive such an establishment as must, almost whether a prince will or not, bring into daily and hourly offices about his person a great number of his first nobility; and it is rather a useful prejudice that gives them a pride in such a servitude. Though they are not much the better for a court, a court will be much the better for them. I have therefore not attempted to reform any of the offices of honor about the king's person.

in favor of the prior rights of the crown and peerage but this: our constitution is a prescriptive constitution; it is a constitution whose sole authority is that it has existed time out of mind? It is settled in these *two* portions against one, legislatively — and in the whole of the judicature, the whole of the federal capacity, of the executive, the prudential, and the financial administration, in one alone. Nor was your House of Lords and the prerogatives of the crown settled on any adjudication in favor of natural rights; for they could never be so partitioned. Your king, your lords, your judges, your juries, grand and little, all are prescriptive; and what proves it is the disputes, not yet concluded, and never near becoming so, when any of them first originated. Prescription is the most solid of all titles, not only to property, but, which is to secure that property, to government. They harmonize with each other, and give mutual aid to one another. It is accompanied with another ground of authority in the constitution of the human mind, presumption. It is a presumption in favor of any settled scheme of government against any untried project that a nation has long existed and flourished under it. It is a better presumption even of the *choice* of a nation — far better than any sudden and temporary arrangement by actual election. Because a nation is not an idea only of local extent and individual momentary aggregation, but it is an idea of continuity which extends in time as well as in numbers and in space. And this is a choice not of one day or one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and of generations; it is a constitution made by what is ten thousand times better than choice: it is made by the peculiar circumstances, occasions, tempers, dispositions, and moral, civil, and social habitudes of the people, which disclose themselves only in a long space of time. It is a vestment which accommodates itself to the body. Nor is prescription of government formed upon blind, unmeaning prejudices. For a man is a most unwise and a most wise being. The individual is foolish; the multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and, when time is given to it, as a species, it almost always acts right.

The reason for the crown as it is, for the lords as they are, is my reason for the commons as they are, the electors as they are. Now if the crown, and the lords, and the judicatures are all prescriptive, so is the House of Commons of the very same origin, and of no other. We and our electors have their powers and privileges both made and circumscribed by prescription, as much to the full as the other parts; and as such we have always claimed

In that constitution I know, and exultingly I feel, both that I am free, and that I am not free dangerously to myself or to others. I know that no power on earth, acting as I ought to do, can touch my life, my liberty, or my property. I have that inward and dignified consciousness of my own security and independence which constitutes, and is the only thing which does constitute, the proud and comfortable sentiment of freedom in the human breast. I know, too, and I bless God for, my safe mediocrity: I know that, if I possessed all the talents of the gentlemen on the side of the House I sit, and on the other, I cannot, by royal favor, or by popular delusion, or by oligarchical cabal, elevate myself above a certain very limited point, so as to endanger my own fall, or the ruin of my country. I know there is an order that keeps things fast in their place: it is made to us, and we are made to it. Why not ask another wife, other children, another body, another mind?

The great object of most of these reformers is to prepare the destruction of the constitution, by disgracing and discrediting the House of Commons. For they think (prudently, in my opinion) that if they can persuade the nation that the House of Commons is so constituted as not to secure the public liberty, not to have a proper connection with public interests, so constituted as not either actually or virtually to be the representative of the people, it will be easy to prove that a government composed of a monarchy, an oligarchy chosen by the crown, and such a House of Commons, whatever good can be in such a system, can by no means be a system of free government. . . .

"The Inestimable Treasure We Have"

It suggests melancholy reflections, in consequence of the strange course we have long held, that we are now no longer quarreling about the character or about the conduct of men, or the tenor of measures, but we are grown out of humor with the English constitution itself: this is become the object of the animosity of Englishmen. This constitution in former days used to be the admiration and the envy of the world: it was the pattern for politicians, the theme of the eloquent, the meditation of the philosopher, in every part of the world. As to Englishmen, it was their pride, their consolation. By it they lived, for it they were ready to die. Its defects, if it had any, were partly covered by partiality, and partly borne by prudence. Now all its excellencies are forgot, its faults are now forcibly dragged into day, exaggerated by every artifice of representation. It is despised and rejected

The French, who before 1750 were more strongly entrenched in India than the British, led the way in this game; and from the 1740's to 1783 India was a principal theater of the global conflict between the French and British empires. Under the leadership of Robert Clive, British preponderance in the Carnatic and a political empire in Bengal were established during the Seven Years' War. The latter province became the principal territorial base of British power, and the servants of the East India Company became the taxgatherers and economic monopolists of the Ganges valley.

This historic transformation was succinctly summarized by Burke in his speech of impeachment against Warren Hastings in 1788:¹ ¶

. . . The East India Company had its origin about the latter end of the reign of Elizabeth, a period of projects, when all sorts of commercial adventures, companies, and monopolies were in fashion. At that time the company was constituted with extensive powers for increasing the commerce and the honor of this country; because increasing its commerce without increasing its honor and reputation would have been thought at that time, and will be thought now, a bad bargain for the country. The powers of the company were, under that charter, merely commercial. By degrees, as the theater of operation was distant, as its intercourse was with many great, some barbarous, and all of them armed nations, nations in which not only the sovereign, but the subjects, were armed, it was found necessary to enlarge their powers. The first power they obtained was a power of naval discipline in their ships—a power which has been since dropped; the next was a power of law martial; the next was a power of civil and, to a degree, of criminal jurisdiction, within their own factories, upon their own people and their own servants; the next was (and here was a stride indeed) the power of peace and war. Those high and almost incommunicable prerogatives of sovereignty, which were hardly ever known before to be parted with to any subjects, and which in several states were not wholly entrusted to the prince or head of the commonwealth himself, were given to the East India Company. That company acquired these powers about the end of the reign of Charles the Second; and they were afterwards more fully, as well as more legally, given by Parliament after the Revolution. From this time the East India Company was no longer merely a mercantile company, formed for the extension

¹ Works, IX, 348–50.

of the British commerce: it more nearly resembled a delegation of the whole power and sovereignty of this kingdom sent into the East. From that time the company ought to be considered as a subordinate sovereign power: that is, sovereign with regard to the objects which it touched; subordinate with regard to the power from whence its great trust was derived.

"A State in the Disguise of a Merchant"

Under these successive arrangements things took a course very different from their usual order. A new disposition took place, not dreamt of in the theories of speculative politicians, and of which few examples in the least resembling it have been seen in the modern world, none at all in the ancient. In other instances, a political body that acts as a commonwealth was first settled, and trade followed as a consequence of the protection obtained by political power; but here the course of affairs was reversed. The constitution of the company began in commerce and ended in empire. Indeed, wherever the sovereign powers of peace and war are given, there wants but time and circumstance to make these powers supersede every other. The affairs of commerce will fall at last into their proper rank and situation. However primary in their original intention, they will become secondary. The possession, therefore, and the power of assertion of these great authorities coinciding with the improved state of Europe, with the improved state of arts in Europe, with the improved state of laws, and, what is much more material, the improved state of military discipline, more and more perfected every day with us—universal improvement in Europe coinciding with the general decay of Asia (for the proud day of Asia is passed), this improvement coinciding with the relaxation and dissolution of the Mogul government, with the decline of its warlike spirit, with the total disuse of the ancient strictness of the military discipline established by Tamerlane,² the India Company came to be what it is, a great empire, carrying on, subordinately, a great commerce; it became that thing which was supposed by the Roman law irreconcilable to reason and propriety: *eundem negotiatorem et dominum*. The same power became the general trader; the same power became the supreme lord.

In this exalted situation, the India Company, however, still preserves traces of its original mercantile character. The whole exterior order of its political service is carried on upon a mer-

² Tartar conqueror of Asia and founder of the Mogul empire in India (1336–1405).

cantile plan and mercantile principles. In fact, the East India Company in Asia is a state in the disguise of a merchant. Its whole service is a system of public offices in the disguise of a counting-house. Accordingly, the whole external order and series of the service, as I observed, is commercial; the principal, the inward, the real, is almost entirely political. . . .

2. *The Crisis in the Company's Affairs*

¶ When Robert Clive, conqueror of Bengal and founder of the East India Company's territorial empire, returned to England in 1760 with an enormous personal fortune, he left behind him an evil system. The servants of the company had a stranglehold on the fiscal and economic system of Bengal, were engaged in unlicensed private trading and various forms of financial buccaneering. They were plundering not only India but the company itself. Lord Macaulay eighty years later was to describe the system in his famous essay on Warren Hastings: "On the one side was a band of English functionaries, daring, intelligent, eager to be rich. On the other side was a great native population, helpless, timid, accustomed to crouch under oppression. . . . The business of a servant of the company was simply to wring out of the natives a hundred or two hundred thousand pounds as speedily as possible, that he might return home before his constitution had suffered from the heat, to marry a peer's daughter, to buy rotten boroughs in Cornwall, and to give balls in St. James's Square."

Under the law of its charter, the company was governed by a Court of Directors in London. These directors were annually elected and were under the control of the General Court of Proprietors, in which every holder of £500 of stock had a vote. The acquisition of a territorial empire posed the most serious problems before these authorities. The costs of the wars and revolutions in India were forcing the company into debt, while the profits of the new enterprise were being appropriated by its servants, who were buying up its stock in order to control its policy. Presently Clive and his friends were sufficiently powerful in the Court of Proprietors to nominate a majority of the directors. In 1765 these directors sent Clive back to Bengal as governor, with instructions to reorganize and discipline the empire he had founded. He remained at the task for two years, but Clive the statesman could hardly eradicate the evils that had been sown in Bengal by Clive the conquering adventurer.

In the meantime the vast fortunes made in India spread the

depreciate the value, to degrade the majesty, of this grave deliberation of policy and empire.

For my part, I have thought myself bound, when a matter of this extraordinary weight came before me, not to consider (as some gentlemen are so fond of doing) whether the bill originated from a Secretary of State for the Home Department or from a Secretary for the Foreign, from a minister of influence or a minister of the people, from Jacob or from Esau. I asked myself, and I asked myself nothing else, what part it was fit for a member of Parliament who has supplied a mediocrity of talents by the extreme of diligence, and who has thought himself obliged by the research of years to wind himself into the inmost recesses and labyrinths of the Indian detail — what part, I say, it became such a member of Parliament to take when a minister of state, in conformity to a recommendation from the throne, has brought before us a system for the better government of the territory and commerce of the East. In this light, and in this only, I will trouble you with my sentiments.

“The Chartered Rights of Men”

. . . I must beg leave to observe that if we are not able to contrive some method of governing India *well*, which will not of necessity become the means of governing Great Britain *ill*, a ground is laid for their eternal separation, but none for sacrificing the people of that country to our constitution. I am, however, far from being persuaded that any such incompatibility of interest does at all exist. On the contrary, I am certain that every means effectual to preserve India from oppression is a guard to preserve the British constitution from its worst corruption. . . .

The rights of *men* — that is to say, the natural rights of mankind — are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it. If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicane, against power and authority, by written instruments and positive engagements, they are in a still better condition: they partake not only of the sanctity of the object so secured, but of that solemn public faith itself which secures an object of such importance. Indeed, this formal recognition, by the sovereign power, of an original right in the subject can never be subverted but by rooting up the holding radical principles of government, and even of society itself. The charters which we call

by distinction *great* are public instruments of this nature: I mean the charters of King John and King Henry the Third. The things secured by these instruments may, without any deceitful ambiguity, be very fitly called *the chartered rights of men*.

The Company's Charter Is a Trust

These charters have made the very name of a charter dear to the heart of every Englishman. But, Sir, there may be, and there are, charters, not only different in nature, but formed on principles *the very reverse* of those of the Great Charter. Of this kind is the charter of the East India Company. *Magna Charta* is a charter to restrain power and to destroy monopoly. The East India charter is a charter to establish monopoly and to create power. Political power and commercial monopoly are *not* the rights of men; and the rights to them derived from charters it is fallacious and sophistical to call "the chartered rights of men." These chartered rights (to speak of such charters and of their effects in terms of the greatest possible moderation) do at least suspend the natural rights of mankind at large, and in their very frame and constitution are liable to fall into a direct violation of them.

It is a charter of this latter description (that is to say, a charter of power and monopoly) which is affected by the bill before you. The bill, Sir, does without question affect it: it does affect it essentially and substantially. But, having stated to you of what description the chartered rights are which this bill touches, I feel no difficulty at all in acknowledging the existence of those chartered rights in their fullest extent. They belong to the company in the surest manner, and they are secured to that body by every sort of public sanction. They are stamped by the faith of the king; they are stamped by the faith of Parliament: they have been bought for money, for money honestly and fairly paid; they have been bought for valuable consideration, over and over again.

I therefore freely admit to the East India Company their claim to exclude their fellow-subjects from the commerce of half the globe. I admit their claim to administer an annual territorial revenue of seven millions sterling, to command an army of sixty thousand men, and to dispose (under the control of a sovereign, imperial discretion, and with the due observance of the natural and local law) of the lives and fortunes of thirty millions of their fellow-creatures. All this they possess by charter, and by acts of Parliament (in my opinion), without a shadow of controversy.

. . . But, granting all this, they must grant to me, in my turn, that all political power which is set over men, and that all

privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit.

If this is true with regard to every species of political dominion and every description of commercial privilege, none of which can be original, self-derived rights, or grants for the mere private benefit of the holders, then such rights, or privileges, or whatever else you choose to call them, are all in the strictest sense *a trust*: and it is of the very essence of every trust to be rendered *accountable*; and even totally to *cease* when it substantially varies from the purposes for which alone it could have a lawful existence.

This I conceive, Sir, to be true of trusts of power vested in the highest hands, and of such as seem to hold of no human creature. But about the application of this principle to subordinate *derivative* trusts I do not see how a controversy can be maintained. To whom, then, would I make the East India Company accountable? Why, to Parliament, to be sure; to Parliament, from whom their trust was derived; to Parliament, which alone is capable of comprehending the magnitude of its object, and its abuse, and alone capable of an effectual legislative remedy. The very charter which is held out to exclude Parliament from correcting malversation with regard to the high trust vested in the company is the very thing which at once gives a title and imposes a duty on us to interfere with effect wherever power and authority originating from ourselves are perverted from their purposes, and become instruments of wrong and violence.

If Parliament, Sir, had nothing to do with this charter, we might have some sort of Epicurean excuse to stand aloof, indifferent spectators of what passes in the company's name in India and in London. But if we are the very cause of the evil, we are in a special manner engaged to the redress; and for us passively to bear with oppressions committed under the sanction of our own authority is in truth and reason for this House to be an active accomplice in the abuse. . . .

"The Magna Charta of Hindostan"

I ground myself, therefore, on this principle: that if the abuse is proved, the contract is broken, and we re-enter into all our rights; that is, into the exercise of all our duties. Our own authority is, indeed, as much a trust originally as the company's authority is a trust derivatively; and it is the use we make of the resumed power that must justify or condemn us in the resumption

of it. When we have perfected the plan laid before us by the right honorable mover, the world will then see what it is we destroy, and what it is we create. By that test we stand or fall; and by that test I trust that it will be found, in the issue, that we are going to supersede a charter abused to the full extent of all the powers which it could abuse, and exercised in the plenitude of despotism, tyranny, and corruption; and that in one and the same plan we provide a real chartered security for *the rights of men*, cruelly violated under that charter.

This bill, and those connected with it, are intended to form the *Magna Charta* of Hindostan. Whatever the Treaty of Westphalia is to the liberty of the princes and free cities of the Empire, and to the three religions there professed; whatever the Great Charter, the Statute of Tallage, the Petition of Right, and the Declaration of Right are to Great Britain, these bills are to the people of India. Of this benefit I am certain their condition is capable: and when I know that they are capable of more, my vote shall most assuredly be for our giving to the full extent of their capacity of receiving; and no charter of dominion shall stand as a bar in my way to their charter of safety and protection.

Conditions for Attacking the Company's Charter

The strong admission I have made of the company's rights (I am conscious of it) binds me to do a great deal. I do not presume to condemn those who argue *a priori* against the propriety of leaving such extensive political powers in the hands of a company of merchants. I know much is, and much more may be, said against such a system. But, with my particular ideas and sentiments, I cannot go that way to work. I feel an insuperable reluctance in giving my hand to destroy any established institution of government, upon a theory, however plausible it may be. My experience in life teaches me nothing clear upon the subject. I have known merchants with the sentiments and the abilities of great statesmen, and I have seen persons in the rank of statesmen with the conceptions and character of peddlers. Indeed, my observation has furnished me with nothing that is to be found in any habits of life or education which tends wholly to disqualify men for the functions of government but that by which the power of exercising those functions is very frequently obtained: I mean a spirit and habits of low cabal and intrigue; which I have never, in one instance, seen united with a capacity for sound and manly policy.

To justify us in taking the administration of their affairs out

Carnatic, with Tanjore and the Circars, is 65,948 square miles: very considerably larger than England. And the whole of the company's dominions, comprehending Bombay and Salsette, amounts to 281,412 square miles; which forms a territory larger than any European dominion, Russia and Turkey excepted. Through all that vast extent of country there is not a man who eats a mouthful of rice but by permission of the East India Company.

So far with regard to the extent. The population of this great empire is not easy to be calculated. When the countries of which it is composed came into our possession, they were all eminently peopled, and eminently productive — though at that time considerably declined from their ancient prosperity. But since they are come into our hands! — ! However, if we make the period of our estimate immediately before the utter desolation of the Carnatic,¹⁵ and if we allow for the havoc which our government had even then made in these regions, we cannot, in my opinion, rate the population at much less than thirty millions of souls: more than four times the number of persons in the island of Great Britain.

My next inquiry to that of the number is the quality and description of the inhabitants. This multitude of men does not consist of an abject and barbarous populace; much less of gangs of savages, like the Guaranies and Chiquitos, who wander on the waste borders of the River of Amazons or the Plate; but a people for ages civilized and cultivated — cultivated by all the arts of polished life, whilst we were yet in the woods. There have been (and still the skeletons remain) princes once of great dignity, authority, and opulence. There are to be found the chiefs of tribes and nations. There is to be found an ancient and venerable priesthood, the depository of their laws, learning, and history, the guides of the people whilst living and their consolation in death; a nobility of great antiquity and renown; a multitude of cities, not exceeded in population and trade by those of the first class in Europe; merchants and bankers, individual houses of whom have once vied in capital with the Bank of England, whose credit had often supported a tottering state and preserved their governments in the midst of war and desolation; millions of ingenious manufacturers and mechanics; millions of the most diligent, and not the least intelligent, tillers of the earth. Here are to be found almost all the religions professed by men — the Braminical, the Mussulman, the Eastern and the Western Christian.

If I were to take the whole aggregate of our possessions there,

¹⁵ In 1780.

to bring round the ill effects of an abuse of power upon the power itself. If hoards were made by violence and tyranny, they were still domestic hoards; and domestic profusion, or the rapine of a more powerful and prodigal hand, restored them to the people. With many disorders, and with few political checks upon power, nature had still fair play; the sources of acquisition were not dried up; and therefore the trade, the manufactures, and the commerce of the country flourished. Even avarice and usury itself operated both for the preservation and the employment of national wealth. The husbandman and manufacturer paid heavy interest, but then they augmented the fund from whence they were again to borrow. Their resources were dearly bought, but they were sure; and the general stock of the community grew by the general effort.

But under the English government all this order is reversed. The Tartar invasion was mischievous; but it is our protection that destroys India. It was their enmity; but it is our friendship. Our conquest there, after twenty years, is as crude as it was the first day. The natives scarcely know what it is to see the gray head of an Englishman. Young men (boys almost) govern there, without society and without sympathy with the natives. They have no more social habits with the people than if they still resided in England — nor, indeed, any species of intercourse but that which is necessary to making a sudden fortune, with a view to a remote settlement. Animated with all the avarice of age and all the impetuosity of youth, they roll in one after another, wave after wave; and there is nothing before the eyes of the natives but an endless, hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food that is continually wasting. Every rupee of profit made by an Englishman is lost forever to India. With us are no retributory superstitions by which a foundation of charity compensates, through ages, to the poor, for the rapine and injustice of a day. With us no pride erects stately monuments which repair the mischiefs which pride had produced, and which adorn a country out of its own spoils. England has erected no churches, no hospitals, no palaces, no schools; England has built no bridges, made no highroads, cut no navigations, dug out no reservoirs. Every other conqueror of every other description has left some monument, either of state or beneficence, behind him. Were we to be driven out of India this day, nothing would remain to tell that it had been possessed, during the inglorious period of our dominion, by anything better than the orangoutang or the tiger.

justice due to the people and to all genuine human feelings about them. I ask pardon of truth and nature for this compliance. But I shall be very sparing of epithets either to persons or things. It has been said (and, with regard to one of them, with truth) that Tacitus and Machiavel, by their cold way of relating enormous crimes, have in some sort appeared not to disapprove them; that they seem a sort of professors of the art of tyranny; and that they corrupt the minds of their readers by not expressing the detestation and horror that naturally belong to horrible and detestable proceedings. But we are in general, Sir, so little acquainted with Indian details, the instruments of oppression under which the people suffer are so hard to be understood, and even the very names of the sufferers are so uncouth and strange to our ears, that it is very difficult for our sympathy to fix upon these objects. I am sure that some of us have come downstairs from the committee-room with impressions on our minds which to us were the inevitable results of our discoveries, yet if we should venture to express ourselves in the proper language of our sentiments to other gentlemen not at all prepared to enter into the cause of them, nothing could appear more harsh and dissonant, more violent and unaccountable, than our language and behavior. All these circumstances are not, I confess, very favorable to the idea of our attempting to govern India at all. But there we are; there we are placed by the Sovereign Disposer; and we must do the best we can in our situation. The situation of man is the preceptor of his duty. . . .

¶ [Here Burke resumed his detailed bill of particulars against the company, and especially Hastings.] ¶

In effect, Sir, every legal, regular authority, in matters of revenue, of political administration, of criminal law, of civil law, in many of the most essential parts of military discipline, is laid level with the ground; and an oppressive, irregular, capricious, unsteady, rapacious, and peculating despotism, with a direct disavowal of obedience to any authority at home, and without any fixed maxim, principle, or rule of proceeding to guide them in India, is at present the state of your charter-government over great kingdoms.

As the company has made this use of their trust, I should ill discharge mine if I refused to give my most cheerful vote for the redress of these abuses, by putting the affairs of so large and valuable a part of the interests of this nation and of mankind into

Even since the beginning of this session, the same act of audacity was repeated, with the same circumstances of contempt of all the decorum of inquiry on their part, and of all the proceedings of this House. . . . The company has made a common cause and identified themselves with the destroyers of India. They have taken on themselves all that mass of enormity; they are supporting what you have reprobated; those you condemn they applaud, those you order home to answer for their conduct they request to stay, and thereby encourage to proceed in their practices. Thus the servants of the East India Company triumph, and the representatives of the people of Great Britain are defeated.

I therefore conclude, what you all conclude, that this body, being totally perverted from the purposes of its institution, is utterly incorrigible; and because they are incorrigible, both in conduct and constitution, power ought to be taken out of their hands, just on the same principles on which have been made all the just changes and revolutions of government that have taken place since the beginning of the world. . . .

It has been said, if you violate this charter, what security has the charter of the Bank, in which public credit is so deeply concerned, and even the charter of London, in which the rights of so many subjects are involved? I answer, in the like case they have no security at all; no, no security at all. If the Bank should, by every species of mismanagement, fall into a state similar to that of the East India Company; if it should be oppressed with demands it could not answer, engagements which it could not perform, and with bills for which it could not procure payment, no charter should protect the mismanagement from correction, and such public grievances from redress. If the city of London had the means and will of destroying an empire, and of cruelly oppressing and tyrannizing over millions of men as good as themselves, the charter of the city of London should prove no sanction to such tyranny and such oppression. Charters are kept when their purposes are maintained; they are violated when the privilege is supported against its end and its object. . . .

Burke's Tribute to Charles Fox

And now, having done my duty to the bill, let me say a word to the author. I should leave him to his own noble sentiments if the unworthy and illiberal language with which he has been treated, beyond all example of parliamentary liberty, did not make a few words necessary — not so much in justice to him as to my own feelings. I must say, then, that it will be a distinction

honorable to the age that the rescue of the greatest number of the human race that ever were so grievously oppressed from the greatest tyranny that was ever exercised has fallen to the lot of abilities and dispositions equal to the task; that it has fallen to one who has the enlargement to comprehend, the spirit to undertake, and the eloquence to support so great a measure of hazardous benevolence. His spirit is not owing to his ignorance of the state of men and things; he well knows what snares are spread about his path, from personal animosity, from court intrigues, and possibly from popular delusion. But he has put to hazard his ease, his security, his interest, his power, even his darling popularity, for the benefit of a people whom he has never seen. This is the road that all heroes have trod before him. He is traduced and abused for his supposed motives. He will remember that obloquy is a necessary ingredient in the composition of all true glory: he will remember that it was not only in the Roman customs, but it is in the nature and constitution of things, that calumny and abuse are essential parts of triumph. These thoughts will support a mind which only exists for honor under the burden of temporary reproach. He is doing, indeed, a great good — such as rarely falls to the lot, and almost as rarely coincides with the desires, of any man. Let him use his time. Let him give the whole length of the reins to his benevolence. He is now on a great eminence, where the eyes of mankind are turned to him. He may live long, he may do much; but here is the summit: he never can exceed what he does this day.

He has faults; but they are faults that, though they may in a small degree tarnish the luster and sometimes impede the march of his abilities, have nothing in them to extinguish the fire of great virtues. In those faults there is no mixture of deceit, of hypocrisy, of pride, of ferocity, of complexional despotism, or want of feeling for the distresses of mankind. His are faults which might exist in a descendant of Henry the Fourth of France, as they did exist in that father of his country. Henry the Fourth wished that he might live to see a fowl in the pot of every peasant in his kingdom. That sentiment of homely benevolence was worth all the splendid sayings that are recorded of kings. But he wished perhaps for more than could be obtained, and the goodness of the man exceeded the power of the king. But this gentleman, a subject, may this day say this at least with truth: that he secures the rice in his pot to every man in India. . . . There is not a tongue, a nation, or religion in India which will not bless the presiding care and manly beneficence of this House, and of

refusal of the Parliament of Paris (which was primarily a court rather than a parliament in the English sense of the word) to register and thereby give legal force to numerous decrees directed at fiscal and economic reform. Unable to overcome the Parliament's opposition, the King consented, in 1788, to convoke a States-General, an assembly representative of the three political classes, or estates (clergy, nobility, and commoners). Although all earlier States-General, the most recent of which had met in 1614, had sat as three separate houses and voted by order, the Third Estate (the commoners) of the States-General which convened at Versailles in May 1789 insisted that all the deputies sit as a single assembly and vote by head. Following a series of incidents indicative of the deep chasm between the proponents and opponents of a thorough reorganization of the traditional political and social order, Louis agreed on June 27 to recognize a unicameral National Assembly composed of the members of the three orders. Shortly after this victory of "the reformers" — which substantially committed France to a new constitution — the role that mob violence was to play in the Revolution then being inaugurated was foreshadowed by an attack of the populace of Paris upon the Bastille. Early in August, the National Assembly decreed an end to all the feudal privileges of the old regime, and later in the month adopted a *Declaration of the Rights of Man and of the Citizen* as a preamble to a new constitution. Then, on October 5-6, when the King appeared hesitant to give his approval to all that the Assembly had thus far accomplished, a Parisian mob under the management of adroit demagogues marched to Versailles and brought the royal family captive to the metropolis. In the same month Burke wrote the following letter to a French acquaintance, M. Dupont:² ¶

. . . You may easily believe that I have had my eyes turned, with great curiosity, to the astonishing scene now displayed in France. It has certainly given rise in my mind to many reflections, and to some emotions. These are natural and unavoidable; but it would ill become me to be too ready in forming a positive opinion upon matters transacted in a country with the correct political map of which I must be very imperfectly acquainted. . . .

You hope, Sir, that I think the French deserving of liberty. I certainly do. I certainly think that all men who desire it deserve it. It is not the reward of our merit, or the acquisition of our industry. It is our inheritance. It is the birthright of our species.

² *Correspondence*, III, 102-21.

We cannot forfeit our right to it but by what forfeits our title to the privileges of our kind. I mean the abuse, or oblivion, of our rational faculties, and a ferocious indocility which makes us prompt to wrong and violence, destroys our social nature, and transforms us into something little better than the description of wild beasts. To men so degraded, a state of strong constraint is a sort of necessary substitute for freedom; since, bad as it is, it may deliver them in some measure from the worst of all slavery — that is, the despotism of their own blind and brutal passions.

You have kindly said that you began to love freedom from your intercourse with me. Permit me then to continue our conversation, and to tell you what the freedom is that I love, and that to which I think all men entitled. This is the more necessary because, of all the loose terms in the world, liberty is the most indefinite. It is not solitary, unconnected, individual, selfish liberty, as if every man was to regulate the whole of his conduct by his own will. The liberty I mean is *social* freedom. It is that state of things in which liberty is secured by the equality of restraint. A constitution of things in which the liberty of no one man, and no body of men, and no number of men, can find means to trespass on the liberty of any person, or any description of persons, in the society. This kind of liberty is, indeed, but another name for justice; ascertained by wise laws, and secured by well-constructed institutions. I am sure that liberty, so incorporated, and in a manner identified with justice, must be infinitely dear to everyone who is capable of conceiving what it is. But whenever a separation is made between liberty and justice, neither is, in my opinion, safe. I do not believe that men ever did submit, certain I am that they never ought to have submitted, to the arbitrary pleasure of one man; but, under circumstances in which the arbitrary pleasure of many persons in the community pressed with an intolerable hardship upon the just and equal rights of their fellows, such a choice might be made, as among evils. The moment *will* is set above reason and justice, in any community, a great question may arise in sober minds in what part or portion of the community that dangerous dominion of *will* may be the least mischievously placed.

If I think all men who cultivate justice entitled to liberty, and, when joined in states, entitled to a constitution framed to perpetuate and secure it, you may be assured, sir, that I think your countrymen eminently worthy of a blessing which is peculiarly adapted to noble, generous, and humane natures. Such I found the French when, more than fifteen years ago, I had the happi-

ness, though but for too short a time, of visiting your country; and I trust their character is not altered since that period.

What Liberty Means in Practice

I have nothing to check my wishes towards the establishment of a solid and rational scheme of liberty in France. On the subject of the relative power of nations I may have my prejudices; but I envy internal freedom, security, and good order to none. When, therefore, I shall learn that, in France, the citizen, by whatever description he is qualified, is in a perfect state of legal security with regard to his life, to his property, to the uncontrolled disposal of his person, to the free use of his industry and his faculties: when I hear that he is protected in the beneficial enjoyment of the estates to which, by the course of settled law, he was born, or is provided with a fair compensation for them; that he is maintained in the full fruition of the advantages belonging to the state and condition of life in which he had lawfully engaged himself, or is supplied with a substantial, equitable, equivalent: when I am assured that a simple citizen may decently express his sentiments upon public affairs without hazard to his life or safety, even though against a predominant and fashionable opinion: when I know all this of France, I shall be as well pleased as everyone must be who has not forgot the general communion of mankind, nor lost his natural sympathy, in local and accidental connections.

If a constitution is settled in France upon those principles, and calculated for those ends, I believe there is no man in this country whose heart and voice would not go along with you. I am sure it will give me, for one, a heartfelt pleasure when I hear that, in France, the great public assemblies, the natural securities for individual freedom, are perfectly free themselves; when there can be no suspicion that they are under the coercion of a military power of any description; when it may be truly said that no armed force can be seen which is not called into existence by their creative voice, and which must not instantly disappear at their dissolving word; when such assemblies, after being freely chosen, shall proceed with the weight of magistracy, and not with the arts of candidates; when they do not find themselves under the necessity of feeding one part of the community at the grievous charge of other parts as necessitous as those who are so fed; when they are not obliged (in order to flatter those who have their lives in their disposal) to tolerate acts of doubtful influence on commerce and on agriculture; and for the sake of a precarious relief, under

cide on the condition of other men; when they shall not be called upon to take cognizance of public offenses whilst they themselves are considered only to exist as a tolerated abuse; when, under doubts of the legality of their rules of decision, their forms and modes of proceeding, and even of the validity of that system of authority to which they owe their existence; when, amidst circumstances of suspense, fear, and humiliation, they shall not be put to judge on the lives, liberties, properties, or estimation of their fellow-citizens; when they are not called upon to put any man to his trial upon undefined crimes of state, not ascertained by any previous rule, statute, or course of precedent; when victims shall not be snatched from the fury of the people to be brought before a tribunal, itself subject to the effects of the same fury, and where the acquittal of the parties accused might only place the judge in the situation of the criminal; when I see tribunals placed in this state of independence of everything but law, and with a clear law for their direction, as a true lover of equal justice (under the shadow of which alone true liberty can live) I shall rejoice in seeing such a happy order established in France, as much as I do in my consciousness that an order of the same kind, or one not very remote from it, has long been settled, and I hope on a firm foundation, in England. I am not so narrow-minded as to be unable to conceive that the same object may be attained in many ways, and perhaps in ways very different from those which we have followed in this country. If this real *practical* liberty, with a government powerful to protect, impotent to evade it, be established, or is in a fair train of being established in the democracy, or rather collection of democracies, which seem to be chosen for the future frame of society in France, it is not my having long enjoyed a sober share of freedom, under a qualified monarchy, that shall render me incapable of admiring and praising your system of republics. I should rejoice, even though England should hereafter be reckoned only as one among the happy nations, and should no longer retain her proud distinction, her monopoly of fame for a practical constitution, in which the grand secret had been found of reconciling a government of real energy for all foreign and all domestic purposes with the most perfect security to the liberty and safety of individuals. The government, whatever its name or form may be, that shall be found substantially and practically to unite these advantages will most merit the applause of all discerning men.

But if (for in my present want of information I must only

speaking hypothetically) neither your great assemblies, nor your judicatures, nor your municipalities, act, and forbear to act, in the particulars, upon the principles, and in the spirit that I have stated, I must delay my congratulations on your acquisition of liberty. You may have made a revolution, but not a reformation. You may have subverted monarchy, but not recovered freedom. . . .

2. *The Character of the Revolution*

¶ Shortly after the arrival of Louis XVI at Paris — and of the National Assembly, which followed him — several deputies who were anxious to accelerate the “reform” of France organized a society, the *Friends of the Constitution*, more popularly known as the Jacobin Club. By the close of the year several individuals who were not deputies had been admitted to membership, and branches of the society were already being established throughout the kingdom to support the program of the mother club at Paris.

As the Assembly, largely under the impetus of the Jacobins, proceeded to refashion the entire political and social structure of the country, Burke became more convinced of the folly of its operations. To him, the Revolution, if only for the misfortune it was bringing upon France, was a cause of lament. But when his own countrymen revealed their enthusiasm for what was taking place across the Channel, he became thoroughly alarmed. On February 9, 1790, in the course of a debate in the House of Commons on estimates for the army, he discussed the situation in France at some length. Denying that he was unfriendly to true reform, he denounced the architects of the new regime and expressed his abhorrence at the fury of the revolutionists. Reviewing what had happened since June 1789, he pointed to the destructive nature of the threefold attack on political traditions, property, and religion; and he singled out particularly the effect of such measures upon the discipline of the French army. While he shared the view, common at the time in England, that there was little justification for fearing an armed struggle with France, he warned the House that in the *example* of the revolutionists there lurked a far greater danger to England. Especially did he resent the formation in England of societies in sympathy and in correspondence with those that had sprung up in France, and the declaration in these circles that what had occurred in France resembled what had taken place in England in 1688. Moreover, in exchanging sharp words

with his party colleagues Charles James Fox and Richard Brinsley Sheridan over the events in France, Burke opened a breach that led to his own expulsion from the party fifteen months later.³

In November 1790 he published his *Reflections on the Revolution in France*,⁴ a work that Alfred Cobban has described as "the greatest and most influential political pamphlet ever written."⁵ Despite the fact that the *Reflections* were published in the form of a letter to an unidentified gentleman in France, the chief purpose of the writer was unquestionably to persuade his fellow-countrymen that French revolutionary principles and practices did not merit applause but only condemnation by men who loved liberty and upheld the British constitution. ¶

. . . You imagined, when you wrote last, that I might possibly be reckoned among the approvers of certain proceedings in France, from the solemn public seal of sanction they have received from two clubs of gentlemen in London, called the Constitutional Society, and the Revolution Society.

I certainly have the honor to belong to more clubs than one in which the constitution of this kingdom and the principles of the glorious Revolution are held in high reverence; and I reckon myself among the most forward in my zeal for maintaining that constitution and those principles in their utmost purity and vigor. It is because I do so that I think it necessary for me that there should be no mistake. Those who cultivate the memory of our Revolution, and those who are attached to the constitution of this kingdom, will take good care how they are involved with persons who, under the pretext of zeal towards the Revolution and constitution, too frequently wander from their true principles, and are ready on every occasion to depart from the firm, but cautious and deliberate, spirit which produced the one and which presides in the other. . . .

*Liberty, Like Every Political Principle,
Depends on Circumstances*

I cannot stand forward and give praise or blame to anything which relates to human actions and human concerns on a simple view of the object, as it stands stripped of every relation, in all the nakedness and solitude of metaphysical abstraction. Circum-

³ See below, p. 390.

⁴ Works, III, 235-563.

⁵ *Edmund Burke and the Revolt against the Eighteenth Century* (New York, Macmillan Company, 1929), p. 129.

stances (which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing color and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind. Abstractedly speaking, government, as well as liberty, is good; yet could I, in common sense, ten years ago have felicitated France on her enjoyment of a government (for she then had a government) without inquiry what the nature of that government was, or how it was administered? Can I now congratulate the same nation upon its freedom? Is it because liberty in the abstract may be classed amongst the blessings of mankind that I am seriously to felicitate a madman who has escaped from the protecting restraint and wholesome darkness of his cell on his restoration to the enjoyment of light and liberty? Am I to congratulate a highwayman and murderer who has broke prison upon the recovery of his natural rights? . . .

When I see the spirit of liberty in action, I see a strong principle at work; and this, for a while, is all I can possibly know of it. The wild gas, the fixed air, is plainly broke loose; but we ought to suspend our judgment until the first effervescence is a little subsided, till the liquor is cleared, and until we see something deeper than the agitation of a troubled and frothy surface. I must be tolerably sure, before I venture publicly to congratulate men upon a blessing, that they have really received one. . . . I should therefore suspend my congratulations on the new liberty of France until I was informed how it had been combined with government, with public force, with the discipline and obedience of armies, with the collection of an effective and well-distributed revenue, with morality and religion, with solidity and property, with peace and order, with civil and social manners. All these (in their way) are good things, too; and without them liberty is not a benefit whilst it lasts, and is not likely to continue long. The effect of liberty to individuals is that they may do what they please; we ought to see what it will please them to do before we risk congratulations, which may be soon turned into complaints. Prudence would dictate this in the case of separate, insulated, private men. But liberty, when men act in bodies, is *power*. Considerate people, before they declare themselves, will observe the use which is made of *power*, and particularly of so trying a thing as *new* power in *new* persons, of whose principles, tempers, and dispositions they have little or no experience, and in situations where those who appear the most stirring in the scene may possibly not be the real movers.

gal conditions of the compact of sovereignty are performed by him (as they are performed), he holds his crown in contempt of the choice of the Revolution Society, who have not a single vote for a king amongst them, either individually or collectively; though I make no doubt they would soon erect themselves into an electoral college if things were ripe to give effect to their claim. . . .

What Really Happened in 1688

These gentlemen of the Old Jewry, in all their reasonings on the Revolution of 1688, have a revolution which happened in England about forty years before, and the late French Revolution, so much before their eyes and in their hearts, that they are constantly confounding all the three together. It is necessary that we should separate what they confound. We must recall their erring fancies to the *acts* of the Revolution which we revere, for the discovery of its true *principles*. If the *principles* of the Revolution of 1688 are anywhere to be found, it is in the statute called the *Declaration of Right*. . . .

This Declaration of Right . . . is the cornerstone of our constitution, as reinforced, explained, improved, and in its fundamental principles forever settled. It is called "An act for declaring the rights and liberties of the subject, and for *settling the succession* of the crown." You will observe that these rights and this succession are declared in one body, and bound indissolubly together.

A few years after this period a second opportunity offered for asserting a right of election to the crown. On the prospect of a total failure of issue from King William, and from the princess, afterwards Queen Anne, the consideration of the settlement of the crown, and of a further security for the liberties of the people, again came before the legislature. Did they this second time make any provision for legalizing the crown on the spurious Revolution principles of the Old Jewry? No. They followed the principles which prevailed in the Declaration of Right; indicating with more precision the persons who were to inherit in the Protestant line. This act also incorporated, by the same policy, our liberties and a hereditary succession in the same act. Instead of a right to choose our own governors, they declared that the *succession* in that line (the Protestant line drawn from James the First) was absolutely necessary "for the peace, quiet, and security of the realm," and that it was equally urgent on them "to maintain a *certainty in the succession* thereof, to which the subjects may safely have recourse for their protection." . . .

Revolution to elect our kings, that, if we possessed it before, the English nation did at that time most solemnly renounce and abdicate it, for themselves, and for all their posterity forever. . . .

It is true that, aided with the powers derived from force and opportunity, the nation was at that time, in some sense, free to take what course it pleased for filling the throne; but only free to do so upon the same grounds on which they might have wholly abolished their monarchy, and every other part of their constitution. However, they did not think such bold changes within their commission. It is, indeed, 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 the limits of a *moral* competence, subjecting, even in powers more indisputably sovereign, occasional will to permanent reason, and to the steady maxims of faith, justice, and fixed fundamental policy, are perfectly intelligible, and perfectly binding upon those who exercise any authority, under any name, or under any title, in the state. 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: otherwise, competence and power would soon be confounded, and no law be left but the will of a prevailing force. . . .

It is far from impossible to reconcile, if we do not suffer ourselves to be entangled in the mazes of metaphysic sophistry, the use both of a fixed rule and an occasional deviation; the sacredness of a hereditary principle of succession in our government with a power of change in its application in cases of extreme emergency. . . . A state without the means of some change is without the means of its conservation. Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to preserve. The two principles of conservation and correction operated strongly at the two critical periods of the Restoration and Revolution, when England found itself without a king. At both those periods the nation had lost the bond of union

in their ancient edifice; they did not, however, dissolve the whole fabric. On the contrary, in both cases they regenerated the deficient part of the old constitution through the parts which were not impaired.

They did well. No experience has taught us that in any other course or method than that of a *hereditary crown* our liberties can be regularly perpetuated and preserved sacred as our *hereditary right*. An irregular, convulsive movement may be necessary to throw off an irregular, convulsive disease. But the course of succession is the healthy habit of the British constitution. . . .

A few years ago I should be ashamed to overload a matter so capable of supporting itself by the then unnecessary support of any argument; but this seditious, unconstitutional doctrine is now publicly taught, avowed, and printed. The dislike I feel to revolutions, the signals for which have so often been given from pulpits; the spirit of change that is gone abroad; the total contempt which prevails with you, and may come to prevail with us, of all ancient institutions, when set in opposition to a present sense of convenience, or to the bent of a present inclination; all these considerations make it not unadvisable, in my opinion, to call back our attention to the true principles of our own domestic laws, that you, my French friend, should begin to know, and that we should continue to cherish them. We ought not, on either side of the water, to suffer ourselves to be imposed upon by the counterfeit wares which some persons, by a double fraud, export to you in illicit bottoms, as raw commodities of British growth, though wholly alien to our soil, in order afterwards to smuggle them back again into this country, manufactured after the newest Paris fashion of an improved liberty.

The people of England will not ape the fashions they have never tried, nor go back to those which they have found mischievous on trial. They look upon the legal hereditary succession of their crown as among their rights, not as among their wrongs; as a benefit, not as a grievance; as a security for their liberty, not as a badge of servitude. They look on the frame of their commonwealth, *such as it stands*, to be of inestimable value; and they conceive the undisturbed succession of the crown to be a pledge of the stability and perpetuity of all the other members of our constitution.

I shall beg leave, before I go any further, to take notice of some paltry artifices which the abettors of election as the only lawful title to the crown are ready to employ, in order to render the support of the just principles of our constitution a task somewhat in-

marcation, where obedience ought to end and resistance must begin, is faint, obscure, and not easily definable. It is not a single act or a single event which determines it. Governments must be abused and deranged indeed before it can be thought of; and the prospect of the future must be as bad as the experience of the past. When things are in that lamentable condition, the nature of the disease is to indicate the remedy to those whom nature has qualified to administer in extremities this critical, ambiguous, bitter potion to a distempered state. . . .

The third head of right asserted by the pulpit of the Old Jewry — namely, the “right to form a government for ourselves” — has, at least, as little countenance from anything done at the Revolution, either in precedent or principle, as the two first of their claims. The Revolution was made to preserve our *ancient* indisputable laws and liberties, and that *ancient* constitution of government which is our only security for law and liberty. If you are desirous of knowing the spirit of our constitution, and the policy which predominated in that great period which has secured it to this hour, pray look for both in our histories, in our records, in our acts of Parliament and journals of Parliament, and not in the sermons of the Old Jewry, and the after-dinner toasts of the Revolution Society. . . . The very idea of the fabrication of a new government is enough to fill us with disgust and horror. We wished at the period of the Revolution, and do now wish, to derive all we possess as an *inheritance from our forefathers*. Upon that body and stock of inheritance we have taken care not to inoculate any scion alien to the nature of the original plant. . . .

You will observe that, from Magna Charta to the Declaration of Right, 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. By this means our constitution preserves a unity in so great a diversity of its parts. We have 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.

“*The Happy Effect of Following Nature*”

This policy appears to me to be the result of profound reflection; or rather the happy effect of following nature, which is wisdom without reflection, and above it. A spirit of innovation is generally the result of a selfish temper and confined views. People

will not look forward to posterity who never look backward to their ancestors. Besides, the people of England well know that the idea of inheritance furnishes a sure principle of conservation, and a sure principle of transmission, without at all excluding a principle of improvement. It leaves acquisition free; but it secures what it acquires. Whatever advantages are obtained by a state proceeding on these maxims are locked fast as in a sort of family settlement, grasped as in a kind of mortmain forever. By a constitutional policy working after the pattern of nature, we receive, we hold, we transmit our government and our privileges, in the same manner in which we enjoy and transmit our property and our lives. The institutions of policy, the goods of fortune, the gifts of Providence, are handed down to us, and from us, in the same course and order. Our political system is placed in a just correspondence and symmetry with the order of the world, and with the mode of existence decreed to a permanent body composed of transitory parts; wherein, by the disposition of a stupendous wisdom, molding together the great mysterious incorporation of the human race, the whole, at one time, is never old or middle-aged or young, but, in a condition of unchangeable constancy, moves on through the varied tenor of perpetual decay, fall, renovation, and progression. Thus, by preserving the method of nature in the conduct of the state, in what we improve we are never wholly new, in what we retain we are never wholly obsolete. By adhering in this manner and on those principles to our forefathers, we are guided, not by the superstition of antiquarians, but by the spirit of philosophic analogy. In this choice of inheritance we have given to our frame of polity the image of a relation in blood: binding up the constitution of our country with our dearest domestic ties; adopting our fundamental laws into the bosom of our family affections; keeping inseparable, and cherishing with the warmth of all their combined and mutually reflected charities, our state, our hearths, our sepulchers, and our altars. . . .

By this means our liberty becomes a noble freedom. It carries an imposing and majestic aspect. It has a pedigree and illustrating ancestors. It has its bearings and its ensigns armorial. It has its gallery of portraits, its monumental inscriptions, its records, evidences, and titles. We procure reverence to our civil institutions on the principle upon which nature teaches us to revere individual men: on account of their age, and on account of those from whom they are descended. All your sophisters cannot produce anything better adapted to preserve a rational and manly freedom than the course that we have pursued, who have chosen our nature rather

than our speculations, our breasts rather than our inventions, for the great conservatories and magazines of our rights and privileges.

You might, if you pleased, have profited of our example, and have given to your recovered freedom a correspondent dignity. Your privileges, though discontinued, were not lost to memory. Your constitution, it is true, whilst you were out of possession, suffered waste and dilapidation; but you possessed in some parts the walls, and in all the foundations, of a noble and venerable castle. You might have repaired those walls; you might have built on those old foundations. Your constitution was suspended before it was perfected; but you had the elements of a constitution very nearly as good as could be wished. In your old states you possessed that variety of parts corresponding with the various descriptions of which your community was happily composed; you had all that combination and all that opposition of interests, you had that action and counteraction, which, in the natural and in the political world, from the reciprocal struggle of discordant powers draws out the harmony of the universe. . . .

France has Rejected Its Inheritance

You had all these advantages in your ancient states; but you chose to act as if you had never been molded into civil society, and had everything to begin anew. You began ill because you began by despising everything that belonged to you.

Compute your gains; see what is got by those extravagant and presumptuous speculations which have taught your leaders to despise all their predecessors, and all their contemporaries, and even to despise themselves, until the moment in which they became truly despicable. By following those false lights France has bought undisguised calamities at a higher price than any nation has purchased the most unequivocal blessings. France has bought poverty by crime. France has not sacrificed her virtue to her interest; but she has abandoned her interest that she might prostitute her virtue. All other nations have begun the fabric of a new government, or the reformation of an old, by establishing originally, or by enforcing with greater exactness, some rites or other of religion. All other people have laid the foundations of civil freedom in severer manners and a system of a more austere and masculine morality. France, when she let loose the reins of regal authority, doubled the license of a ferocious dissoluteness in manners, and of an insolent irreligion in opinions and practices; and has extended through all ranks of life, as if she were communicating some

privilege, or laying open some secluded benefit, all the unhappy corruptions that usually were the disease of wealth and power. This is one of the new principles of equality in France.

France, by the perfidy of her leaders, has utterly disgraced the tone of lenient council in the cabinets of princes, and disarmed it of its most potent topics. She has sanctified the dark, suspicious maxims of tyrannous distrust, and taught kings to tremble at (what will hereafter be called) the delusive plausibilities of moral politicians. Sovereigns will consider those who advise them to place an unlimited confidence in their people as subverters of their thrones — as traitors who aim at their destruction, by leading their easy good-nature, under specious pretenses, to admit combinations of bold and faithless men into a participation of their power. This alone (if there were nothing else) is an irreparable calamity to you and to mankind. Remember that your Parliament of Paris told your King that, in calling the states together, he had nothing to fear but the prodigal excess of their zeal in providing for the support of the throne. It is right that these men should hide their heads. It is right that they should bear their part in the ruin which their counsel has brought on their sovereign and their country. Such sanguine declarations tend to lull authority asleep; to encourage it rashly to engage in perilous adventures of untried policy; to neglect those provisions, preparations, and precautions which distinguish benevolence from imbecility, and without which no man can answer for the salutary effect of any abstract plan of government or of freedom. For want of these, they have seen the medicine of the state corrupted into its poison. They have seen the French rebel against a mild and lawful monarch, with more fury, outrage, and insult than ever any people has been known to rise against the most illegal usurper or the most sanguinary tyrant. . . .

This was unnatural. The rest is in order. They have found their punishment in their success. Laws overturned; tribunals subverted; industry without vigor; commerce expiring; the revenue unpaid, yet the people impoverished; a church pillaged, and a state not relieved; civil and military anarchy made the constitution of the kingdom; everything human and divine sacrificed to the idol of public credit, and national bankruptcy the consequence; and, to crown all, the paper securities of new, precarious, tottering power, the discredited paper securities of impoverished fraud and beggared rapine, held out as a currency for the support of an empire, in lieu of the two great recognized species that represent the lasting, conventional credit of mankind, which disap-

quality, in proportion as they are puffed up with personal pride and arrogance, generally despise their own order. One of the first symptoms they discover of a selfish and mischievous ambition is a profligate disregard of a dignity which they partake with others. . . . They find, on all sides, bounds to their unprincipled ambition in any fixed order of things; but in the fog and haze of confusion all is enlarged, and appears without any limit.

When men of rank sacrifice all ideas of dignity to an ambition without a distinct object, and work with low instruments and for low ends, the whole composition becomes low and base. Does not something like this now appear in France? Does it not produce something ignoble and inglorious: a kind of meanness in all the prevalent policy; a tendency in all that is done to lower along with individuals all the dignity and importance of the state? Other revolutions have been conducted by persons who, whilst they attempted or affected changes in the commonwealth, sanctified their ambition by advancing the dignity of the people whose peace they troubled. . . .

These disturbers were not so much like men usurping power as asserting their natural place in society. . . . I do not say that the virtues of such men were to be taken as a balance to their crimes; but they were some corrective to their effects. Such was . . . our Cromwell. Such were your whole race of Guises, Condés, and Colignys. Such the Richelieus, who in more quiet times acted in the spirit of a civil war. Such, as better men, and in a less dubious cause, were your Henry the Fourth, and your Sully, though nursed in civil confusions, and not wholly without some of their taint. It is a thing to be wondered at, to see how very soon France, when she had a moment to respire, recovered and emerged from the longest and most dreadful civil war that ever was known in any nation. Why? Because, among all their massacres, they had not slain the *mind* in their country. A conscious dignity, a noble pride, a generous sense of glory and emulation, was not extinguished. On the contrary, it was kindled and inflamed. The organs also of the state, however shattered, existed. All the prizes of honor and virtue, all the rewards, all the distinctions, remained. But your present confusion, like a palsy, has attacked the fountain of life itself. Every person in your country in a situation to be actuated by a principle of honor is disgraced and degraded, and can entertain no sensation of life except in a mortified and humiliated indignation. . . . Believe me, Sir, those who attempt to level never equalize. In all societies consisting of various descriptions of citizens, some description must be uppermost. The lev-

the first law of nature. Men cannot enjoy the rights of an uncivil and of a civil state together. That he may obtain justice, he gives up his right of determining what it is in points the most essential to him. That he may secure some liberty, he makes a surrender in trust of the whole of it.

Government is not made in virtue of natural rights, which may and do exist in total independence of it; and exist in much greater clearness, and in a much greater degree of abstract perfection; but their abstract perfection is their practical defect. By having a right to everything they want everything. Government 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. Among these wants is to be reckoned the want, out of civil society, of a sufficient restraint upon their passions. Society requires not only that the passions of individuals should be subjected, but that even in the mass and body, as well as in the individuals, the inclinations of men should frequently be thwarted, their will controlled, and their passions brought into subjection. This can only be done *by a power out of themselves*, and not, in the exercise of its function, subject to that will and to those passions which it is its office to bridle and subdue. In this sense the restraints on men, as well as their liberties, are to be reckoned among their rights. But 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.

The moment you abate anything 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. This it is which makes the constitution of a state, and the due distribution of its powers, a matter of the most delicate and complicated skill. It 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. . . .

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; because the real effects of moral causes are not always immediate, but that which in the first instance is prejudicial may be excellent in its remoter operation, and its excellence may arise even from the ill effects it produces in the

beginning. The reverse also happens; and very plausible schemes, with very pleasing commencements, have often shameful and lamentable conclusions. In states there are often some obscure and almost latent causes, things which appear at first view of little moment, on which a very great part of its prosperity or adversity may most essentially depend. The science of government being, therefore, so practical in itself, and intended for such practical purposes, a matter which requires experience, and even more experience than any person can gain in his whole life, however sagacious and observing he may be, it is with infinite caution that any man ought to venture upon pulling down an edifice which has answered in any tolerable degree for ages the common purposes of society, or on building it up again without having models and patterns of approved utility before his eyes.

. . . 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. When I hear the simplicity of contrivance aimed at and boasted of in any new political constitutions, I am at no loss to decide that the artificers are grossly ignorant of their trade or totally negligent of their duty. The simple governments are fundamentally defective, to say no worse of them. If you were to contemplate society in but one point of view, all these simple modes of polity are infinitely captivating. In effect each would answer its single end much more perfectly than the more complex is able to attain all its complex purposes. But it is better that the whole should be imperfectly and anomalously answered than that while some parts are provided for with great exactness, others might be totally neglected, or perhaps materially injured, by the over-care of a favorite member.

The pretended rights of these theorists are all extremes; and in proportion as they are metaphysically true, they are morally and politically false. 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 of good—in compromises sometimes between good and evil, and sometimes between evil and evil. Political reason is a computing principle: adding, subtracting, multiplying, and dividing, morally, and not metaphysically or mathematically, true moral denominations.

By these theorists the right of the people is almost always sophistically confounded with their power. The body of the community, whenever it can come to act, can meet with no effectual

resistance; but till power and right are the same, the whole body of them has no right inconsistent with virtue, and the first of all virtues, prudence. Men have no right to what is not reasonable, and to what is not for their benefit. . . .

The Challenge of a "Barbarous Philosophy"

History will record that, on the morning of the sixth of October 1789, the King and Queen of France, after a day of confusion, alarm, dismay, and slaughter, lay down, under the pledged security of public faith, to indulge nature in a few hours of respite and troubled, melancholy repose. From this sleep the Queen was first startled by the voice of the sentinel at her door, who cried out to her to save herself by flight, that this was the last proof of fidelity he could give, that they were upon him, and he was dead. Instantly he was cut down. A band of cruel ruffians and assassins, reeking with his blood, rushed into the chamber of the Queen, and pierced with a hundred strokes of bayonets and poniards the bed from whence this persecuted woman had but just time to fly almost naked, and, through ways unknown to the murderers, had escaped to seek refuge at the feet of a king and husband not secure of his own life for a moment.

This King, to say no more of him, and this Queen, and their infant children (who once would have been the pride and hope of a great and generous people) were then forced to abandon the sanctuary of the most splendid palace in the world, which they left swimming in blood, polluted by massacre, and strewed with scattered limbs and mutilated carcasses. Thence they were conducted into the capital of their kingdom. . . . After they had been made to taste, drop by drop, more than the bitterness of death, in the slow torture of a journey of twelve miles, protracted to six hours, they were, under a guard composed of those very soldiers who had thus conducted them through this famous triumph, lodged in one of the old palaces of Paris, now converted into a Bastille for kings. . . .

It is now sixteen or seventeen years since I saw the Queen of France, then the Dauphiness, at Versailles; and surely never lighted on this orb, which she hardly seemed to touch, a more delightful vision. I saw her just above the horizon, decorating and cheering the elevated sphere she just began to move in — glittering like the morning star, full of life and splendor and joy. . . . Little did I dream, when she added titles of veneration to those of enthusiastic, distant, respectful love, that she should ever be obliged to carry the sharp antidote against disgrace concealed in

standing ratifies, as necessary to cover the defects of our naked, shivering nature, and to raise it to dignity in our own estimation, are to be exploded, as a ridiculous, absurd, and antiquated fashion.

On this scheme of things, a king is but a man, a queen is but a woman, a woman is but an animal — and an animal not of the highest order. All homage paid to the sex in general as such, and without distinct views, is to be regarded as romance and folly. Regicide, and parricide, and sacrilege are but fictions of superstition, corrupting jurisprudence by destroying its simplicity. The murder of a king, or a queen, or a bishop, or a father, are only common homicide; and if the people are by any chance or in any way gainers by it, a sort of homicide much the most pardonable, and into which we ought not to make too severe a scrutiny.

On the scheme of this barbarous philosophy, which is the offspring of cold hearts and muddy understandings, and which is as void of solid wisdom as it is destitute of all taste and elegance, laws are to be supported only by their own terrors, and by the concern which each individual may find in them from his own private speculations, or can spare to them from his own private interests. In the groves of *their* academy, at the end of every vista, you see nothing but the gallows. Nothing is left which engages the affections on the part of the commonwealth. On the principles of this mechanic philosophy our institutions can never be embodied, if I may use the expression, in persons — so as to create in us love, veneration, admiration, or attachment. But that sort of reason which banishes the affections is incapable of filling their place. These public affections, combined with manners, are required sometimes as supplements, sometimes as correctives, always as aids to law. . . . There ought to be a system of manners in every nation which a well-formed mind would be disposed to relish. To make us love our country, our country ought to be lovely.

But power, of some kind or other, will survive the shock in which manners and opinions perish; and it will find other and worse means for its support. . . . When the old feudal and chivalrous spirit of *fealty*, which, by freeing kings from fear, freed both kings and subjects from the precautions of tyranny, shall be extinct in the minds of men, plots and assassinations will be anticipated by preventive murder and preventive confiscation, and that long roll of grim and bloody maxims which form the political code of all power not standing on its own honor and the honor of those who are to obey it. Kings will be tyrants from policy when subjects are rebels from principle.

When ancient opinions and rules of life are taken away, the loss cannot possibly be estimated. From that moment we have no compass to govern us, nor can we know distinctly to what port we steer. Europe, undoubtedly, taken in a mass, was in a flourishing condition the day on which your Revolution was completed. How much of that prosperous state was owing to the spirit of our old manners and opinions is not easy to say; but as such causes cannot be indifferent in their operation, we must presume that, on the whole, their operation was beneficial.

We are but too apt to consider things in the state in which we find them, without sufficiently adverting to the causes by which they have been produced, and possibly may be upheld. Nothing is more certain than that our manners, our civilization, and all the good things which are connected with manners and with civilization have, in this European world of ours, depended for ages upon two principles, and were, indeed, the result of both combined: I mean the spirit of a gentleman, and the spirit of religion. The nobility and the clergy, the one by profession and the other by patronage, kept learning in existence, even in the midst of arms and confusions, and whilst governments were rather in their causes than formed. Learning paid back what it received to nobility and to priesthood, and paid it with usury, by enlarging their ideas, and by furnishing their minds. Happy, if they had all continued to know their indissoluble union, and their proper place! Happy, if learning, not debauched by ambition, had been satisfied to continue the instructor, and not aspired to be the master! Along with its natural protectors and guardians, learning will be cast into the mire and trodden down under the hoofs of a swinish multitude.

If, as I suspect, modern letters owe more than they are always willing to own to ancient manners, so do other interests which we value full as much as they are worth. Even commerce, and trade, and manufacture, the gods of our economical politicians, are themselves perhaps but creatures, are themselves but effects, which, as first causes, we choose to worship. They certainly grew under the same shade in which learning flourished. They, too, may decay with their natural protecting principles. With you, for the present at least, they all threaten to disappear together. Where trade and manufactures are wanting to a people, and the spirit of nobility and religion remains, sentiment supplies, and not always ill supplies, their place; but if commerce and the arts should be lost in an experiment to try how well a state may stand without these old fundamental principles, what sort of a thing

must be a nation of gross, stupid, ferocious, and at the same time poor and sordid barbarians, destitute of religion, honor, or manly pride, possessing nothing at present, and hoping for nothing hereafter?

I wish you may not be going fast, and by the shortest cut, to that horrible and disgusting situation. Already there appears a poverty of conception, a coarseness and vulgarity, in all the proceedings of the Assembly and of all their instructors. Their liberty is not liberal. Their science is presumptuous ignorance. Their humanity is savage and brutal.

It is not clear whether in England we learned those grand and decorous principles and manners, of which considerable traces yet remain, from you, or whether you took them from us. But to you, I think, we trace them best. . . . France has always more or less influenced manners in England; and when your fountain is choked up and polluted, the stream will not run long or not run clear with us, or perhaps with any nation. . . .

If it could have been made clear to me that the King and Queen of France (those, I mean, who were such before the triumph) were inexorable and cruel tyrants, that they had formed a deliberate scheme for massacring the National Assembly (I think I have seen something like the latter insinuated in certain publications), I should think their captivity just. If this be true, much more ought to have been done, but done, in my opinion, in another manner. The punishment of real tyrants is a noble and awful act of justice; and it has with truth been said to be consolatory to the human mind. But if I were to punish a wicked king, I should regard the dignity in avenging the crime. . . .

If the French King, or King of the French (or by whatever name he is known in the new vocabulary of your constitution), has in his own person and that of his Queen really deserved these unavowed, but unavenged, murderous attempts, and those frequent indignities more cruel than murder, such a person would ill deserve even that subordinate executory trust which I understand is to be placed in him; nor is he fit to be called chief in a nation which he has outraged and oppressed. A worse choice for such an office in a new commonwealth than that of a deposed tyrant could not possibly be made. But to degrade and insult a man as the worst of criminals, and afterwards to trust him in your highest concerns, as a faithful, honest, and zealous servant, is not consistent in reasoning, nor prudent in policy, nor safe in practice. Those who could make such an appointment must be guilty of a more flagrant breach of trust than any they have yet committed

on his own private stock of reason; because we suspect that the stock in each man is small, and that the individuals would do better to avail themselves of the general bank and capital of nations and of ages. Many of our men of speculation, instead of exploding general prejudices, employ their sagacity to discover the latent wisdom which prevails in them. If they find what they seek (and they seldom fail), they think it more wise to continue the prejudice, with the reason involved, than to cast away the coat of prejudice and to leave nothing but the naked reason; because prejudice, with its reason, has a motive to give action to that reason, and an affection which will give it permanence. Prejudice is of ready application in the emergency; it previously engages the mind in a steady course of wisdom and virtue, and does not leave the man hesitating in the moment of decision, skeptical, puzzled, and unresolved. Prejudice renders a man's virtue his habit, and not a series of unconnected acts. Through just prejudice his duty becomes a part of his nature.

Your literary men, and your politicians, and so do the whole clan of the enlightened among us, essentially differ in these points. They have no respect for the wisdom of others; but they pay it off by a very full measure of confidence in their own. With them it is a sufficient motive to destroy an old scheme of things because it is an old one. As to the new, they are in no sort of fear with regard to the duration of a building run up in haste; because duration is no object to those who think little or nothing has been done before their time, and who place all their hopes in discovery. They conceive, very systematically, that all things which give perpetuity are mischievous, and therefore they are at inexpiable war with all establishments. They think that government may vary like modes of dress, and with as little ill effect; that there needs no principle of attachment, except a sense of present expediency, to any constitution of the state. They always speak as if they were of opinion that there is a singular species of compact between them and their magistrates, which binds the magistrate, but which has nothing reciprocal in it, but that the majesty of the people has a right to dissolve it without any reason but its will. Their attachment to their country itself is only so far as it agrees with some of their fleeting projects: it begins and ends with that scheme of polity which falls in with their momentary opinion.

These doctrines, or rather sentiments, seem prevalent with your new statesmen. But they are wholly different from those on which we have always acted in this country. . . .

"Religion Is the Basis of Civil Society"

We know, and, what is better, we feel inwardly, that religion is the basis of civil society, and the source of all good, and of all comfort. In England we are so convinced of this that there is no rust of superstition, with which the accumulated absurdity of the human mind might have crusted it over in the course of ages, that ninety-nine in a hundred of the people of England would not prefer to impiety. We shall never be such fools as to call in an enemy to the substance of any system to remove its corruptions, to supply its defects, or to perfect its construction. If our religious tenets should ever want a further elucidation, we shall not call on atheism to explain them. . . .

We know, and it is our pride to know, that man is by his constitution a religious animal; that atheism is against, not only our reason, but our instincts; and that it cannot prevail long. But if, in the moment of riot, and in a drunken delirium from the hot spirit drawn out of the alembic of hell, which in France is now so furiously boiling, we should uncover our nakedness, by throwing off that Christian religion which has hitherto been our boast and comfort, and one great source of civilization amongst us, and among many other nations, we are apprehensive (being well aware that the mind will not endure a void) that some uncouth, pernicious, and degrading superstition might take place of it.

For that reason, before we take from our establishment the natural, human means of estimation, and give it up to contempt, as you have done, and in doing it have incurred the penalties you well deserve to suffer, we desire that some other may be presented to us in the place of it. We shall then form our judgment.

On these ideas, instead of quarreling with establishments, as some do who have made a philosophy and a religion of their hostility to such institutions, we cleave closely to them. We are resolved to keep an established church, an established monarchy, an established aristocracy, and an established democracy, each in the degree it exists, and in no greater. I shall show you presently how much of each of these we possess.

It has been the misfortune (not, as these gentlemen think it, the glory) of this age that everything is to be discussed, as if the constitution of our country were to be always a subject rather of altercation than enjoyment. For this reason, as well as for the satisfaction of those among you (if any such you have among you) who may wish to profit of examples, I venture to trouble you with a few thoughts upon each of these establishments. . . .

First I beg leave to speak of our church establishment, which is the first of our prejudices — not a prejudice destitute of reason, but involving in it profound and extensive wisdom. I speak of it first. It is first, and last, and midst in our minds. For, taking ground on that religious system of which we are now in possession, we continue to act on the early received and uniformly continued sense of mankind. That sense not only, like a wise architect, hath built up the august fabric of states, but, like a provident proprietor, to preserve the structure from profanation and ruin, as a sacred temple, purged from all the impurities of fraud and violence and injustice and tyranny, hath solemnly and forever consecrated the commonwealth, and all that officiate in it. This consecration is made that all who administer in the government of men, in which they stand in the person of God Himself, should have high and worthy notions of their function and destination; that their hope should be full of immortality; that they should not look to the paltry pelf of the moment, nor to the temporary and transient praise of the vulgar, but to a solid, permanent existence, in the permanent part of their nature, and to a permanent fame and glory, in the example they leave as a rich inheritance to the world.

Such sublime principles ought to be infused into persons of exalted situations, and religious establishments provided that may continually revive and enforce them. Every sort of moral, every sort of civil, every sort of politic institution, aiding the rational and natural ties that connect the human understanding and affections to the divine, are not more than necessary in order to build up that wonderful structure Man — whose prerogative it is to be in a great degree a creature of his own making, and who, when made as he ought to be made, is destined to hold no trivial place in the creation. But whenever man is put over men, as the better nature ought ever to preside, in that case more particularly he should as nearly as possible be approximated to his perfection.

The consecration of the state by a state religious establishment is necessary also to operate with a wholesome awe upon free citizens; because, in order to secure their freedom, they must enjoy some determinate portion of power. To them, therefore, a religion connected with the state, and with their duty towards it, becomes even more necessary than in such societies where the people, by the terms of their subjection, are confined to private sentiments and the management of their own family concerns. 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.

This principle ought even to be more strongly impressed upon the minds of those who compose the collective sovereignty than upon those of single princes. Without instruments these princes can do nothing. Whoever uses instruments, in finding helps, finds also impediments. Their power is therefore by no means complete; nor are they safe in extreme abuse. Such persons, however elevated by flattery, arrogance, and self-opinion, must be sensible that, whether covered or not by positive law, in some way or other they are accountable even here for the abuse of their trust. If they are not cut off by a rebellion of their people, they may be strangled by the very janissaries kept for their security against all other rebellion. Thus we have seen the King of France sold by his soldiers for an increase of pay. But where popular authority is absolute and unrestrained, the people have an infinitely greater, because a far better founded, confidence in their own power. They are themselves in a great measure their own instruments. They are nearer to their objects. Besides, they are less under responsibility to one of the greatest controlling powers on earth, the sense of fame and estimation. The share of infamy that is likely to fall to the lot of each individual in public acts is small indeed: the operation of opinion being in the universe ratio to the number of those who abuse power. Their own approbation of their own acts has to them the appearance of a public judgment in their favor. A perfect democracy is therefore the most shameless thing in the world. As it is the most shameless, it is also the most fearless. No man apprehends in his person that he can be made subject to punishment. Certainly the people at large never ought; for, as all punishments are for example towards the the conservation of the people at large, the people at large can never become the subject of punishment by any human hand. It is therefore of infinite importance that they should not be suffered to imagine that their will, any more than that of kings, is the standard of right and wrong. They ought to be persuaded that they are full as little entitled, and far less qualified, with safety to themselves, to use any arbitrary power whatsoever; that therefore they are not, under a false show of liberty, but in truth to exercise an unnatural, inverted domination, tyrannically to exact from those who officiate in the state, not an entire devotion to their interest, which is their right, but an abject submission to their occasional will: extinguishing thereby, in all those who serve them, all moral principle, all sense of dignity, all use of judgment,

and all consistency of character; whilst by the very same process they give themselves up a proper, a suitable, but a most contemptible prey to the servile ambition of popular sycophants or courtly flatterers.

When the people have emptied themselves of all the lust of selfish will, which without religion it is utterly impossible they ever should; when they are 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 eternal, immutable law in which will and reason are the same, they will be more careful how they place power in base and incapable hands. In their nomination to office, they will not appoint to the exercise of authority as to a pitiful job, but as to a holy function; not according to their sordid, selfish interest, nor to their wanton caprice, nor to their arbitrary will; but they will confer that power (which any man may well tremble to give or to receive) on those only in whom they may discern that predominant proportion of active virtue and wisdom, taken together and fitted to the charge, such as in the great and inevitable mixed mass of human imperfections and infirmities is to be found.

When they are habitually convinced that no evil can be acceptable, either in the act or the permission, to Him whose essence is good, they will be better able to extirpate out of the minds of all magistrates, civil, ecclesiastical, or military, anything that bears the least resemblance to a proud and lawless domination.

But one of the first and most leading principles on which the commonwealth and the laws are consecrated is lest the temporary possessors and life-renters in it, unmindful of what they have received from their ancestors, or of what is due to their posterity, should act as if they were the entire masters; that they should not think it amongst their rights to cut off the entail or commit waste on the inheritance, by destroying at their pleasure the whole original fabric of their society: hazarding to leave to those who come after them a ruin instead of a habitation, and teaching these successors as little to respect their contrivances as they had themselves respected the institutions of their forefathers. By this unprincipled facility of changing the state as often and as much and in as many ways as there are floating fancies or fashions, the whole chain and continuity of the commonwealth would be broken; no one generation could link with the other; men would become little better than the flies of a summer.

And first of all, the science of jurisprudence, the pride of the human intellect, which, with all its defects, redundancies, and

errors, is the collected reason of ages, combining the principles of original justice with the infinite variety of human concerns, as a heap of old exploded errors, would be no longer studied. Personal self-sufficiency and arrogance (the certain attendants upon all those who have never experienced a wisdom greater than their own) would usurp the tribunal. Of course no certain laws, establishing invariable grounds of hope and fear, would keep the actions of men in a certain course, or direct them to a certain end. Nothing stable in the modes of holding property or exercising function could form a solid ground on which any parent could speculate in the education of his offspring, or in a choice for their future establishment in the world. No principles would be early worked into the habits. As soon as the most able instructor had completed his laborious course of institution, instead of sending forth his pupil accomplished in a virtuous discipline fitted to procure him attention and respect in his place in society, he would find everything altered, and that he had turned out a poor creature to the contempt and derision of the world, ignorant of the true grounds of estimation. Who would ensure a tender and delicate sense of honor to beat almost with the first pulses of the heart, when no man could know what would be the test of honor in a nation continually varying the standard of its coin? No part of life would retain its acquisitions. Barbarism with regard to science and literature, unskillfulness with regard to arts and manufactures, would infallibly succeed to the want of a steady education and settled principle; and thus the commonwealth itself would in a few generations crumble away, be disconnected into the dust and powder of individuality, and at length dispersed to all the winds of heaven.

To avoid, therefore, the evils of inconstancy and versatility, ten thousand times worse than those of obstinacy and the blindest prejudice, we have consecrated the state, that no man should approach to look into its defects or corruptions but with due caution; that he should never dream of beginning its reformation by its subversion; that he should approach to the faults of the state as to the wounds of a father, with pious awe and trembling solicitude. By this wise prejudice we are taught to look with horror on those children of their country who are prompt rashly to hack that aged parent in pieces and put him into the kettle of magicians, in hopes that by their poisonous weeds and wild incantations they may regenerate the paternal constitution and renovate their father's life.

The Real Social Contract

Society is, indeed, a contract. Subordinate contracts for objects of mere occasional interest may be dissolved at pleasure; but the state ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born. Each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures each in their appointed place. This law is not subject to the will of those who, by an obligation above them, and infinitely superior, are bound to submit their will to that law. The municipal corporations of that universal kingdom are not morally at liberty, at their pleasure, and on their speculations of a contingent improvement, wholly to separate and tear asunder the bands of their subordinate community, and to dissolve it into an unsocial, uncivil, unconnected chaos of elementary principles. It is the first and supreme necessity only, a necessity that is not chosen, but chooses, a necessity paramount to deliberation, that admits no discussion and demands no evidence, which alone can justify a resort to anarchy. This necessity is no exception to the rule; because this necessity itself is a part, too, of that moral and physical disposition of things to which man must be obedient by consent or force. But if that which is only submission to necessity should be made the object of choice, the law is broken, nature is disobeyed, and the rebellious are outlawed, cast forth, and exiled, from this world of reason, and order, and peace, and virtue, and fruitful penitence, into the antagonist world of madness, discord, vice, confusion, and unavailing sorrow.

These, my dear Sir, are, were, and, I think, long will be the sentiments of not the least learned and reflecting part of this kingdom. . . . Persuaded that all things ought to be done with ref-

erence, and referring all to the point of reference to which all should be directed, they think themselves bound, not only as individuals in the sanctuary of the heart, or as congregated in that personal capacity, to renew the memory of their high origin and cast, but also in their corporate character to perform their national homage to the Institutor and Author and Protector of civil society, without which civil society man could not by any possibility arrive at the perfection of which his nature is capable, nor even make a remote and faint approach to it. They conceive that He who gave our nature to be perfected by our virtue willed also the necessary means of its perfection: He willed, therefore, the state: He willed its connection with the source and original archetype of all perfection. They who are convinced of this His will, which is the law of laws and the sovereign of sovereigns, cannot think it reprehensible that this our corporate fealty and homage, that this our recognition of a signiory paramount, I had almost said this oblation of the state itself, as a worthy offering on the high altar of universal praise, should be performed, as all public, solemn acts are performed, in buildings, in music, in decoration, in speech, in the dignity of persons, according to the customs of mankind, taught by their nature; that is, with modest splendor, with unassuming state, with mild majesty and sober pomp. For those purposes they think some part of the wealth of the country is as usefully employed as it can be in fomenting the luxury of individuals. It is the public ornament. It is the public consolation. It nourishes the public hope. The poorest man finds his own importance and dignity in it, whilst the wealth and pride of individuals at every moment makes the man of humble rank and fortune sensible of his inferiority, and degrades and vilifies his condition. It is for the man in humble life, and to raise his nature, and to put him in mind of a state in which the privileges of opulence will cease, when he will be equal by nature, and may be more than equal by virtue, that this portion of the general wealth of his country is employed and sanctified. . . .

It is on some such principles that the majority of the people of England, far from thinking a religious national establishment unlawful, hardly think it lawful to be without one. . . .

This principle runs through the whole system of their polity. They do not consider their church establishment as convenient, but as essential to their state: not as a thing heterogeneous and separable; something added for accommodation; what they may either keep up or lay aside, according to their temporary ideas of convenience. They consider it as the foundation of their whole

constitution, with which, and with every part of which, it holds an indissoluble union. Church and state are ideas inseparable in their minds, and scarcely is the one ever mentioned without mentioning the other. . . .

It is from our attachment to a church establishment that the English nation did not think it wise to entrust that great fundamental interest of the whole to what they trust no part of their civil or military public service — that is, to the unsteady and precarious contribution of individuals. They go further. They certainly never have suffered, and never will suffer, the fixed estate of the church to be converted into a pension, to depend on the Treasury, and to be delayed, withheld, or perhaps to be extinguished by fiscal difficulties: which difficulties may sometimes be pretended for political purposes, and are in fact often brought on by the extravagance, negligence, and rapacity of politicians. The people of England think that they have constitutional motives, as well as religious, against any project of turning their independent clergy into ecclesiastical pensioners of state. They tremble for their liberty, from the influence of a clergy dependent on the crown; they tremble for the public tranquillity, from the disorders of a factious clergy, if it were made to depend upon any other than the crown. They therefore made their church, like their king and their nobility, independent.

From the united considerations of religion and constitutional policy, from their opinion of a duty to make a sure provision for the consolation of the feeble and the instruction of the ignorant, they have incorporated and identified the estate of the church with the mass of *private property*, of which the state is not the proprietor, either for use or dominion, but the guardian only and the regulator. They have ordained that the provision of this establishment might be as stable as the earth on which it stands, and should not fluctuate with the Euripus of funds and actions.

. . . They can see a bishop of Durham or a bishop of Winchester in possession of ten thousand pounds a year, and cannot conceive why it is in worse hands than estates to the like amount in the hands of this earl or that squire; although it may be true that so many dogs and horses are not kept by the former, and fed with the victuals which ought to nourish the children of the people. It is true, the whole church revenue is not always employed, and to every shilling, in charity; nor perhaps ought it; but something is generally so employed. It is better to cherish virtue and humanity by leaving much to free will, even with some loss to the object, than to attempt to make men mere machines and in-

struments of a political benevolence. The world on the whole will gain by a liberty without which virtue cannot exist. . . .

In England most of us conceive that it is envy and malignity towards those who are often the beginners of their own fortune, and not a love of the self-denial and mortification of the ancient church, that makes some look askance at the distinctions and honors and revenues which, taken from no person, are set apart for virtue. The ears of the people of England are distinguishing. They hear these men speak broad. Their tongue betrays them. Their language is in the *patois* of fraud, in the cant and gibberish of hypocrisy. The people of England must think so, when these praters affect to carry back the clergy to that primitive evangelic poverty which in the spirit ought always to exist in them (and in us, too, however we may like it), but in the thing must be varied, when the relation of that body to the state is altered; when manners, when modes of life, when indeed the whole order of human affairs has undergone a total revolution. We shall believe those reformers to be then honest enthusiasts, not, as now we think them, cheats and deceivers, when we see them throwing their own goods into common, and submitting their own persons to the austere discipline of the early church.

The Revolutionists' Assault on Property Rights

. . . I am not afraid that I shall be disavowed when I assure you that there is not *one* public man in this kingdom whom you wish to quote — no, not one, of any party or description — who does not reprobate the dishonest, perfidious, and cruel confiscation which the National Assembly has been compelled to make of that property which it was their first duty to protect. . . . Who but a tyrant (a name expressive of everything which can vitiate and degrade human nature) could think of seizing on the property of men, unaccused, unheard, untried, by whole descriptions, by hundreds and thousands together? Who that had not lost every trace of humanity could think of casting down men of exalted rank and sacred function, some of them of an age to call at once for reverence and compassion — of casting them down from the highest situation in the commonwealth, wherein they were maintained by their own landed property, to a state of indigence, depression, and contempt?

. . . The enemies to property at first pretended a most tender, delicate, and scrupulous anxiety for keeping the king's engagements with the public creditor. These professors of the rights of men are so busy in teaching others that they have not leisure to

learn anything themselves; otherwise they would have known that it is to the property of the citizen, and not to the demands of the creditor of the state, that the first and original faith of civil society is pledged. The claim of the citizen is prior in time, paramount in title, superior in equity. The fortunes of individuals, whether possessed by acquisition, or by descent, or in virtue of a participation in the goods of some community, were no part of the creditor's security, expressed or implied. They never so much as entered into his head when he made his bargain. He well knew that the public, whether represented by a monarch or by a senate, can pledge nothing but the public estate; and it can have no public estate except in what it derives from a just and proportioned imposition upon the citizens at large. This was engaged, and nothing else could be engaged, to the public creditor. No man can mortgage his injustice as a pawn for his fidelity.

It is impossible to avoid some observation on the contradictions caused by the extreme rigor and the extreme laxity of this new public faith, which influenced in this transaction, and which influenced not according to the nature of the obligation, but to the description of the persons to whom it was engaged. No acts of the old government of the kings of France are held valid in the National Assembly, except its pecuniary engagements: acts of all others of the most ambiguous legality. . . . A pension, given as a reward for service to the state is surely as good a ground of property as any security for money advanced to the state. It is a better; for money is paid, and well paid, to obtain that service. We have, however, seen multitudes of people under this description in France, who never had been deprived of their allowances by the most arbitrary ministers in the most arbitrary times, by this assembly of the rights of men robbed without mercy. They were told, in answer to their claim to the bread earned with their blood, that their services had not been rendered to the country that now exists.

This laxity of public faith is not confined to those unfortunate persons. The Assembly, with perfect consistency, it must be owned, is engaged in a respectable deliberation how far it is bound by the treaties made with other nations under the former government; and their committee is to report which of them they ought to ratify, and which not. By this means they have put the external fidelity of this virgin state on a par with its internal.

. . . The treasure of the nation, of all things, has been the least allowed to the prerogative of the king of France, or to the prerogative of any king in Europe. To mortgage the public rev-

and to exalt their wealth to what they considered as its natural rank and estimation. They struck at the nobility through the crown and the church. They attacked them particularly on the side on which they thought them the most vulnerable; that is, the possessions of the church, which, through the patronage of the crown, generally devolved upon the nobility. The bishoprics and the great commendatory abbeys were, with few exceptions, held by that order.

In this state of real, though not always perceived, warfare between the noble ancient landed interest and the new moneyed interest, the greatest, because the most applicable, strength was in the hands of the latter. The moneyed interest is in its nature more ready for any adventure, and its possessors more disposed to new enterprises of any kind. Being of a recent acquisition, it falls in more naturally with any novelties. It is therefore the kind of wealth which will be resorted to by all who wish for change.

Along with the moneyed interest, a new description of men had grown up, with whom that interest soon formed a close and marked union: I mean the political men of letters. Men of letters, fond of distinguishing themselves, are rarely averse to innovation. Since the decline of the life and greatness of Louis the Fourteenth, they were not so much cultivated either by him, or by the Regent, or the successors to the crown; nor were they engaged to the court by favors and emoluments so systematically as during the splendid period of that ostentatious and not impolitic reign. What they lost in the old court protection they endeavored to make up by joining in a sort of incorporation of their own; to which the two academies of France, and afterwards the vast undertaking of the Encyclopædia, carried on by a society of these gentlemen, did not a little contribute.

The literary cabal had some years ago formed something like a regular plan for the destruction of the Christian religion. This object they pursued with a degree of zeal which hitherto had been discovered only in the propagators of some system of piety. They were possessed with a spirit of proselytism in the most fanatical degree; and from thence, by an easy progress, with the spirit of persecution according to their means. What was not to be done towards their great end by any direct or immediate act might be wrought by a longer process through the medium of opinion. To command that opinion, the first step is to establish a dominion over those who direct it. They contrived to possess themselves, with great method and perseverance, of all the avenues to literary

fame. Many of them, indeed, stood high in the ranks of literature and science. The world had done them justice, and in favor of general talents forgave the evil tendency of their peculiar principles. This was true liberality; which they returned by endeavoring to confine the reputation of sense, learning, and taste to themselves or their followers. . . . To this system of literary monopoly was joined an unremitting industry to blacken and discredit in every way, and by every means, all those who did not hold to their faction. To those who have observed the spirit of their conduct it has long been clear that nothing was wanted but the power of carrying the intolerance of the tongue and of the pen into a persecution which would strike at property, liberty, and life. . . . A spirit of cabal, intrigue, and proselytism pervaded all their thoughts, words, and actions. And as controversial zeal soon turns its thoughts on force, they began to insinuate themselves into a correspondence with foreign princes; in hopes, through their authority, which at first they flattered, they might bring about the changes they had in view. To them it was indifferent whether these changes were to be accomplished by the thunderbolt of despotism or by the earthquake of popular commotion. . . . For the same purpose for which they intrigued with princes, they cultivated, in a distinguished manner, the moneyed interest of France; and partly through the means furnished by those whose peculiar offices gave them the most extensive and certain means of communication, they carefully occupied all the avenues to opinion.

Writers, especially when they act in a body and with one direction, have great influence on the public mind; the alliance, therefore, of these writers with the moneyed interest had no small effect in removing the popular odium and envy which attended that species of wealth. These writers, like the propagators of all novelties, pretended to a great zeal for the poor and the lower orders, whilst in their satires they rendered hateful, by every exaggeration, the faults of courts, of nobility, and of priesthood. They became a sort of demagogues. They served as a link to unite, in favor of one object, obnoxious wealth to restless and desperate poverty.

As these two kinds of men appear principal leaders in all the late transactions, their junction and politics will serve to account, not upon any principles of law or of policy, but as a *cause*, for the general fury with which all the landed property of ecclesiastical corporations has been attacked, and the great care which, contrary to their pretended principles, has been taken of a moneyed

titude? Have they never heard of a monarchy directed by laws, controlled and balanced by the great hereditary wealth and hereditary dignity of a nation, and both again controlled by a judicious check from the reason and feeling of the people at large, acting by a suitable and permanent organ? Is it, then, impossible that a man may be found who, without criminal ill intention or pitiable absurdity, shall prefer such a mixed and tempered government to either of the extremes; and who may repute that nation to be destitute of all wisdom and all virtue which, having in its choice to obtain such a government with ease, *or rather to confirm it when actually possessed*, thought proper to commit a thousand crimes, and to subject their country to a thousand evils, in order to avoid it? Is it, then, a truth so universally acknowledged, that a pure democracy is the only tolerable form into which human society can be thrown, that a man is not permitted to hesitate about its merits without the suspicion of being a friend to tyranny; that is, of being a foe to mankind?

I do not know under what description to class the present ruling authority in France. It affects to be a pure democracy, though I think it in a direct train of becoming shortly a mischievous and ignoble oligarchy. But for the present I admit it to be a contrivance of the nature and effect of what it pretends to. 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. Until now, we have seen no examples of considerable democracies. The ancients were better acquainted with them. Not being wholly unread in the authors who had seen the most of those constitutions, and who best understood them, I cannot help concurring with their opinion, that an absolute democracy no more than absolute monarchy is to be reckoned among the legitimate forms of government. They think it rather the corruption and degeneracy than the sound constitution of a republic. If I recollect rightly, Aristotle observes that a democracy has many striking points of resemblance with a tyranny. Of this I am certain, that in a democracy the majority of the citizens is capable of exercising the most cruel oppressions upon the minority, whenever strong divisions prevail in that kind of polity, as they often must; and that oppression of the minority will extend to far greater numbers, and will be carried on with much greater fury, than can almost ever be apprehended from the dominion of

a single scepter. In such a popular persecution, individual sufferers are in a much more deplorable condition than in any other. Under a cruel prince they have the balmy compassion of mankind to assuage the smart of their wounds; they have the plaudits of the people to animate their generous constancy under their sufferings; but those who are subjected to wrong under multitudes are deprived of all external consolation; they seem deserted by mankind, overpowered by a conspiracy of their whole species.

The Old Regime Was Not a Despotism

. . . I am no stranger to the faults and defects of the subverted government of France; and I think I am not inclined by nature or policy to make a panegyric upon anything which is a just and natural object of censure. But the question is not now of the vices of that monarchy, but of its existence. Is it, then, true that the French government was such as to be incapable or undeserving of reform, so that it was of absolute necessity the whole fabric should be at once pulled down, and the area cleared for the erection of a theoretic, experimental edifice in its place? All France was of a different opinion in the beginning of the year 1789. The instructions to the representatives to the States-General, from every district in that kingdom, were filled with projects for the reformation of that government, without the remotest suggestion of a design to destroy it. Had such a design been then even insinuated, I believe there would have been but one voice, and that voice for rejecting it with scorn and horror. . . .

To hear some men speak of the late monarchy of France, you would imagine that they were talking of Persia bleeding under the ferocious sword of Thamas Kouli Khân; or at least describing the barbarous anarchic despotism of Turkey, where the finest countries in the most genial climates in the world are wasted by peace more than any countries have been worried by war, where arts are unknown, where manufactures languish, where science is extinguished, where agriculture decays, where the human race itself melts away and perishes under the eye of the observer. Was this the case of France? I have no way of determining the question but by a reference to facts. Facts do not support this resemblance. . . . Indeed, when I consider the face of the kingdom of France, the multitude and opulence of her cities, the useful magnificence of her spacious highroads and bridges, the opportunity of her artificial canals and navigations opening the conveniences of maritime communication through a solid continent of so immense an extent; when I turn my eyes to the stu-

dreadful exigence in which morality submits to the suspension of its own rules in favor of its own principles, might turn aside whilst fraud and violence were accomplishing the destruction of a pretended nobility, which disgraced, whilst it persecuted, human nature. . . .

But did the privileged nobility who met under the King's precept at Versailles in 1789, or their constituents, deserve to be looked on as the Nayres or Mamelukes of this age, or as the Orsini and Vitelli of ancient times? If I had then asked the question, I should have passed for a madman. What have they since done that they were to be driven into exile, that their persons should be hunted about, mangled, and tortured, their families dispersed, their houses laid in ashes, and that their order should be abolished and the memory of it, if possible, extinguished, by ordaining them to change the very names by which they were usually known? Read their instructions to their representatives. They breathe the spirit of liberty as warmly, and they recommend reformation as strongly, as any other order. Their privileges relative to contribution were voluntarily surrendered; as the King, from the beginning, surrendered all pretense to a right of taxation. Upon a free constitution there was but one opinion in France. The absolute monarchy was at an end. It breathed its last without a groan, without struggle, without convulsion. All the struggle, all the dissension, arose afterwards, upon the preference of a despotic democracy to a government of reciprocal control. The triumph of the victorious party was over the principles of a British constitution.

The French Nobility and Clergy

. . . I do not pretend to know France as correctly as some others; but I have endeavored through my whole life to make myself acquainted with human nature; otherwise I should be unfit to take even my humble part in the service of mankind. In that study I could not pass by a vast portion of our nature as it appeared modified in a country but twenty-four miles from the shore of this island. On my best observation, compared with my best inquiries, I found your nobility for the greater part composed of men of a high spirit, and of a delicate sense of honor, both with regard to themselves individually and with regard to their whole corps, over whom they kept, beyond what is common in other countries, a censorial eye. They were tolerably well bred; very officious, humane, and hospitable; in their conversation frank and open; with a good military tone; and reasonably tintured

which the stipend of an exciseman is lucrative and honorable) an object of low and illiberal intrigue. Those officers whom they still call bishops are to be elected to a provision comparatively mean, through the same arts (that is, electioneering arts) by men of all religious tenets that are known or can be invented. The new law-givers have not ascertained anything whatsoever concerning their qualifications, relative either to doctrine or to morals, no more than they have done with regard to the subordinate clergy; nor does it appear but that both the higher and the lower may, at their discretion, practice or preach any mode of religion or irreligion that they please. I do not yet see what the jurisdiction of bishops over their subordinates is to be, or whether they are to have any jurisdiction at all.

*An Anti-Christian Fanaticism that Endangers
All Europe*

In short, Sir, it seems to me that this new ecclesiastical establishment is intended only to be temporary, and preparatory to the utter abolition, under any of its forms, of the Christian religion, whenever the minds of men are prepared for this last stroke against it by the accomplishment of the plan for bringing its ministers into universal contempt. They who will not believe that the philosophical fanatics who guide in these matters have long entertained such a design are utterly ignorant of their character and proceedings. These enthusiasts do not scruple to avow their opinion that a state can subsist without any religion better than with one, and that they are able to supply the place of any good which may be in it by a project of their own: namely, by a sort of education they have imagined, founded in a knowledge of the physical wants of men, progressively carried to an enlightened self-interest, which, when well understood, they tell us, will identify with an interest more enlarged and public. . . .

Those of you who have robbed the clergy think that they shall easily reconcile their conduct to all Protestant nations, because the clergy whom they have thus plundered, degraded, and given over to mockery and scorn are of the Roman Catholic, that is, of *their own* pretended persuasion. I have no doubt that some miserable bigots will be found here as well as elsewhere who hate sects and parties different from their own more than they love the substance of religion, and who are more angry with those who differ from them in their particular plans and systems than displeased with those who attack the foundation of our common hope. These men will write and speak on the subject in the manner that is to be ex-

pected from their temper and character. . . . The humor, however, is not general.

The teachers who reformed our religion in England bore no sort of resemblance to your present reforming doctors in Paris. Perhaps they were (like those whom they opposed) rather more than could be wished under the influence of a party spirit; but they were most sincere believers; men of the most fervent and exalted piety; ready to die (as some of them did die) like true heroes in defense of their particular ideas of Christianity, as they would with equal fortitude, and more cheerfully, for that stock of general truth for the branches of which they contended with their blood. These men would have disavowed with horror those wretches who claimed a fellowship with them upon no other titles than those of their having pillaged the persons with whom they maintained controversies, and their having despised the common religion, for the purity of which they exerted themselves with a zeal which unequivocally bespoke their highest reverence for the substance of that system which they wished to reform. Many of their descendants have retained the same zeal, but (as less engaged in conflict) with more moderation. They do not forget that justice and mercy are substantial parts of religion. . . .

We hear these new teachers continually boasting of their spirit of toleration. That those persons should tolerate all opinions who think none to be of estimation is a matter of small merit. Equal neglect is not impartial kindness. The species of benevolence which arises from contempt is no true charity. There are in England abundance of men who tolerate in the true spirit of toleration. They think the dogmas of religion, though in different degrees, are all of moment, and that amongst them there is, as amongst all things of value, a just ground of preference. They favor, therefore, and they tolerate. They tolerate, not because they despise opinions, but because they respect justice. They would reverently and affectionately protect all religions, because they love and venerate the great principle upon which they all agree, and the great object to which they are all directed. They begin more and more plainly to discern that we have all a common cause, as against a common enemy. . . .

Of all things, wisdom is the most terrified with epidemical fanaticism, because of all enemies it is that against which she is the least able to furnish any kind of resource. We cannot be ignorant of the spirit of atheistical fanaticism, that is inspired by a multitude of writings dispersed with incredible assiduity and expense, and by sermons delivered in all the streets and places

brought forward to the last moment: the time of the commencement of the secret negotiation. This naturally made an ill impression on the people, and furnished an occasion for the rebels at Paris to give out that the faithful subjects of the King were distrusted, despised, and abhorred by his allies. . . .

In consequence of the adoption of those false politics which turned everything on the King's sole and single person, the whole plan of the war was reduced to nothing but a *coup de main*, in order to set that prince at liberty. If that failed, everything was to be given up.

The scheme of a *coup de main* might (under favorable circumstances) be very fit for a partisan at the head of a light corps, by whose failure nothing material would be deranged. But for a royal army of eighty thousand men, headed by a king in person, who was to march a hundred and fifty miles through an enemy's country — surely this was a plan unheard of. . . .

The Behavior of Prussia

It is singular, and, indeed, a thing, under all its circumstances, inconceivable, that everything should by the Emperor be abandoned to the King of Prussia.⁸¹ That monarch was considered as principal. In the nature of things, as well as in his position with regard to the war, he was only an ally, and a new ally, with crossing interests in many particulars, and of a policy rather uncertain. At best, and supposing him to act with the greatest fidelity, the Emperor and the Empire to him must be but secondary objects. Countries out of Germany must affect him in a still more remote manner. France, other than from the fear of its doctrinal principles, can to him be no object at all. Accordingly, the Rhine, Sardinia, and the Swiss are left to their fate. The King of Prussia has no *direct* and immediate concern with France — *consequently*, to be sure, a great deal; but the Emperor touches France *directly* in many parts; he is a near neighbor to Sardinia, by his Milanese territories; he borders on Switzerland; Cologne, possessed by his uncle, is between Mainz, Treves, and the king of Prussia's territories on the Lower Rhine. The Emperor is the natural guardian of Italy and Germany: the natural balance against the ambition of France, whether republican or monarchical. His ministers and his generals, therefore, ought to have had their full share in every material consultation, which I suspect they had not. If he has no minister capable of plans of policy

⁸¹ The Austrian court had in effect allowed Prussia to take the lead in military moves against France.