Edmund Burke was born in Dublin, the son of a solicitor, in 1729. He went up to Trinity College, Dublin, in 1743 and graduated in 1748. He moved to London in 1750 ostensibly to study law, but was never called to the bar. During the 1750s he spent much time in literary society and in 1756 published *A Vindication of Natural Society*. In 1757 he published his influential essay on aesthetics, *A Philosophical Inquiry into the Origin of our Ideas on the Sublime and the Beautiful*. By 1760 Burke was beginning to develop connections with men in public life, and in 1761 he accompanied William Hamilton, the secretary to Lord Halifax, to Ireland in some unspecified capacity.

In 1765 Lord Rockingham became Prime Minister, and Burke became his private secretary. In the same year he was elected as MP for Wendover and rapidly acquired a reputation as a parliamentarian. Burke was active for many years as a kind of parliamentary agent for an important faction of the Whig party. He only sundered his connection with the Whigs at the time of his polemic against the French Revolution. In 1769 he acquired a house and land in Buckinghamshire, probably through the generous assistance of aristocratic associates. From 1774 he served as member for Bristol for six years, until his espousal of the unpopular causes of Catholic Emancipation and the relaxation of the Irish Trade Laws cost him his seat. He was subsequently elected MP for Malton in 1781. He held office as Paymaster of the Forces in 1782, resigned and returned to the same office in 1783 in a coalition government. He retired in 1794. His latter years in politics are known for his unceasing opposition to the French Revolution and the governments that succeeded the Revolution.

The impact of the French Revolution on British politics was considerable, not least because of the fears that it aroused concerning the possibility of revolution in Britain. The *Reflections* are explicitly addressed to those in Britain who wished to introduce the principles of the French Revolution into their own country. This political task faced Burke with a difficulty: how could one defend the British Constitution and its mode of evolution as gradual and incremental, if that development had itself been punctuated by violent and revolutionary events, namely the English Civil War and subsequent protectorate and the Glorious Revolution?

Burke’s solution to this problem is to argue that the Revolution was in essence
Edmund Burke an evolutionary development, designed to preserve the most important parts of the ancient English constitution, and that the Glorious Revolution was really a piece of judicious pruning of an unhealthy part of the constitution, rather than a root-and-branch upheaval. He had a hundred years of largely evolutionary politics on his side in arguing that the central characteristic of political change was through incremental reform in the context of established customs and institutions, but he extended his argument to cover the principles of political change in general.

Burke’s central point is that human beings are creatures of habit with limited powers of theoretical and critical rationality. Their practical rationality operates through a culturally attuned awareness of what is fitting in their own political and social context, and this awareness is informed by the historical experience of the society. On this basis, he argues that the French Revolution was a colossal mistake, based on a misreading of human nature and on a mistaken belief that the ramifications of violent political change can be predicted and controlled. The popularity of the Reflections, and the influence that they gained after their publication in 1790, were to a large extent due to the fact that some of his predictions about the future course of events, and particularly about the instability of the status quo in 1790 turned out to be correct – albeit due to some extent to the hostility towards the French government engendered by people like himself.

However, it may be doubted that Burke’s instincts were right about the longer-term development of the French state, and this is implicitly admitted in the later Letters on a Regicide Peace, in which it is admitted that the revolutionary French state is a powerful, dangerous and determined opponent.

The design is wicked, immoral, impious, oppressive but it is spirited and daring: it is systematik; it is simple in its principle; it has unity and consistency in perfection.

(Burke 1796)

According to the Burke of 1790 this should not have been the case, since, according to his view then, the revolutionary government was unstable and would collapse through its own incoherence. On the longer view, Burke seems to have been even more wrong. France has never sloughed off the Republican sentiments that she acquired during the Revolution, and the legacy of the Revolutionary period informs the education, law, customs, politics and culture of the contemporary Fifth Republic.

Most of Burke’s work is nowadays not easily accessible. This is a great pity, because the book for which he is most famous, the Reflections, might lead one to think that passionate and florid rhetoric was his only literary style. It is true that Burke wrote in an elaborate and classical style (in contrast with Paine), but much of his earlier work, which largely consists of pamphlets and speeches, is much more sober in tone, carefully argued and designed to convince a sceptical audience. Such work includes his writings on internal matters such as the Thoughts
on the Cause of the Present Discontents (Burke 1784a) and his writings on Irish affairs and on relationships with the American Colonies.

Apart from the Reflections, Burke is still known for his aesthetic essay A Philosophical Inquiry, which is readily available, and for his speech at the conclusion of the poll in Bristol in 1784, in which he expounded the doctrine of the parliamentary deputy as a representative, exercising his independent and informed judgement, rather than as a delegate, acting on the uninformed opinions of the electorate.

Authority instructions, mandates issued, which the member is bound blindly and implicitly to obey, to vote, and to argue for, though contrary to the clearest convictions of his judgment and conscience – these are the things utterly unknown to the laws of this land, and which arise from a fundamental mistake of the whole order and tenour of our Constitution.

(Burke 1784b, cited in Morley ([1867] 1993): 56)

Burke spent most of his adult life as a deeply practical political animal, engaged in the business of a parliamentarian and the manager of an important faction of a political party. Hume recognised the importance of political parties to the conduct of politics in the kind of oligarchic society that Britain was in the eighteenth century. He saw them as representing great interests in society whose differences needed to be managed and accommodated within existing political arrangements: in this context, within the parliamentary system. Implicit in this argument is a recognition, in the Aristotelian tradition of thinking about politics, that political society is complex and incorporates competing conceptions of the good. In a situation where there is a functional legislature and debating forum, political parties are a necessary means of expressing that complexity.

Burke, however, in a courageous and outspoken manner, went further than this. He argued that it was a positive duty for anyone serious about their political views to engage with others to promote them. Not to do so betokened a lack of moral seriousness. Far from political faction being a seedy recourse for oiling the political wheels, it should be seen as the appropriate way for an honourable politician to engage in his trade.

It is surely no very rational account of a man’s life, that he has always taken special care to act in such a manner that his endeavours could not possibly be productive of any consequence.

(Burke ([1784a] 1912): 82–3)

and again:

Party is a body of men united, for promoting by their joint endeavours the national interest, upon some particular principle in which they are all agreed. For my part, I find it impossible to conceive, that any one who believes in his
Edmund Burke argues here that parties should exist to serve the national interest in a principled way, but that what that principle may be can be interpreted sincerely in different ways by different people. Although a politician of an oligarchic faction, who explicitly opposed democracy, Burke here sets out some of the fundamental principles on which parliamentary democracy is based: parties represent national interests and should aspire to the governance of their polities (making it problematic whether the political parties of Northern Ireland, for example, are parties in his sense), and that they embody sincerely held conceptions of the good that, in different parties, exist in rivalry with each other. Expounding this view and putting it into practice was, perhaps, Burke’s most lasting contribution to politics and political theory.

*Reflections on the Revolution in France* is a difficult book to read, partly because of the classical rhetorical style in which it is written (together with the absence of section or chapter divisions within the body of the text, which makes it extremely difficult to find one’s way around without using home-made topic indicators inserted into the text). As has already been suggested, Burke was interested in larger issues than the French Revolution. The *Reflections* are also a reflection on the nature of political society and political change.

One of the key issues for Burke in his defence of the continuity of political arrangements is the hereditary principle for choosing the monarch. Burke is careful to defend hereditary monarchy within a constitutional context. His argument is that well-tried political arrangements, which have been altered incrementally over generations, are the only sure way of promoting the happiness of the population. Men simply cannot encompass the complexity of a developed political society so as to refound it completely on theoretical principles. Hereditary monarchy in Britain is a foundational part of the constitution; it has undergone numerous changes as the constitution has evolved, and, by implication, will continue to do so. The violent overthrow of a tyrant is always something that can only be considered in extremis, and, when it does occur, should happen in such a way that the constitution is strengthened rather than destroyed. In this way Burke manages to take account of the chequered history of monarchy in England while continuing to defend the institution. A key premise of Burke’s argument is, however, that the constitution of England is fundamentally sound. However true that might have been, it does not follow that the same was true for France, although Burke seemed to think that it was. Other commentators – like Carlyle, by no means a revolutionary himself – disagreed, and maintained that it was precisely the inability of the French monarchy and aristocracy to enact necessary and sensible reform that was to prove their downfall.

Burke and Paine are inextricably tied together through their controversy concerning the hereditary principle (see the extract in Chapter 11). The subtleties of Burke’s position are easily ridiculed by Paine who, in addition, makes telling
points about the failures, both practical and moral, of the hereditary principle. Burke is, however, arguing as much for the importance of a historically developed constitution as he is for a monarchy, and, for him, any old monarchy would not do: only one that is tied to a historically developed and functional set of arrangements for the governing of a polity. Burke's emphasis on historical continuity and cultural particularity have obvious affinities with other contemporary or near-contemporary political theorists, most notably Montesquieu and Hume.

There are strong affinities between Hume's general philosophical outlook, and the political views that flowed from it, and the more practically engaged thought of Burke. Both stress the unforeseen consequences of human action and our congenital inability to make large-scale and long-term plans for the future. Both attach the greatest importance to custom and practice in the genesis and maintenance of social and political arrangements. Both are sceptical about the extent of human rationality. For Hume, rationality serves the more atavistic side of our nature. Burke shares his scepticism about the power of individual reason and sees the solution to the problem of managing uncertainty and complexity in a social and intergenerational banking of wisdom:

We are afraid to put men to live and trade each on his own private stock of reason; because we suspect that this 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.

(Burke ([1790] 1968): 183)

Montesquieu, Hume and Burke share an essentially secular view of the world and of political life. Hume's semi-open hostility to religion cannot be found in these other writers, and Hume often writes as if he believes that not only is religion untrue, it also, by engendering fanaticism and superstition, becomes a scourge of the body politic. Burke and Montesquieu seem to share an essentially pragmatic view of religion, seeing it as a way of giving meaning and order to life. Finally, there are affinities with Hobbes. A continuing theme of the Reflections is the likelihood of a descent into chaos if established political arrangements are overthrown.

It is easy to view Burke's Reflections as a manifesto for counter-revolution everywhere. Indeed, much of its continuing popularity is based upon that perception. It is doubtful, though, whether Burke would have seen his book in that light. Although he appeared to become an extreme reactionary in his later years, this was due to his perception of the changing context of British politics. He advocated judicious treatment of the American and Irish colonies in earlier years, and so cannot be counted as a simple-minded friend of counter-revolution. His Irish background gave him an acute appreciation of the injustices under which Irish subjects of the crown felt themselves to be labouring.

Burke saw himself defending a particular mode of government, whose future evolution he could not foresee, but threats to which he could. For him, these threats became particularly ominous with the advent of the French Revolution. If
the principles of the Revolution crossed the Channel, then the mode of development of an oligarchic society dominated by a gentry that was capable of absorbing other vigorous sections of society would have come under threat. Burke himself acknowledges implicitly that his early predictions concerning the progress of the French Revolution were erroneous, but his hostility goes much deeper than misgivings about the ability of the Jacobins to maintain a viable polity. He hated the Revolution because it represented an alternative form of political development which involved the overthrow of an established constitutional order.

Burke’s status as a counter-revolutionary thinker is, therefore, quite circumscribed. One might maintain a qualified acceptance of his distaste for the wholesale overthrow of established and functional constitutional governments, but disagree over what pace of reform was possible or desirable within such frameworks. Alternatively, one might disagree with Burke’s view that pre-Revolutionary France had a constitution capable of accommodating reform in the interest of the least-favoured members of society. It is in his under-generous assessment of the former possibility and his over-generous assessment of the latter that Burke may be considered to be a reactionary in a qualified sense.

References

EXTRACT FROM EDMUND BURKE, REFLECTIONS ON THE REVOLUTION IN FRANCE

When they say the king owes his crown to the choice of his people, and is therefore the only lawful sovereign in the world, they will perhaps tell us they mean to say no more than that some of the king’s predecessors have been called to the throne by some sort of choice; and therefore he owes his crown to the choice of his people. Thus, by a miserable subterfuge, they hope to render their proposition safe, by rendering it nugatory. They are welcome to the asylum they seek for their offence, since they take refuge in their folly. For, if you admit this interpretation, how does their idea of election differ from our idea of inheritance? And how does the settlement of the crown in the Brunswick line derived from James the first, come to legalize our monarchy, rather than that of any of the neighbouring countries? At some time or other, to be sure, all the beginners of dynasties were chosen by those who called them to
govern. There is ground enough for the opinion that all the kingdoms of Europe were at a
remote period, elective, with more or fewer limitations in the objects of choice; but whatever
kings might have been here or elsewhere, a thousand years ago, or in whatever manner the
ruling dynasties of England or France may have begun, the King of Great Britain is at this day
king by a fixed rule of succession, according to the laws of his country; and whilst the legal
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. His majesty’s heirs and successors, each in his time and order, will come to the crown
with the same contempt of their choice with which his majesty has succeeded to that he
wears. Whatever may be the success of evasion in explaining away the gross error of fact,
which supposes that his majesty (though he holds it in concurrence with their wishes) owes
his crown to the choice of his people, yet nothing can evade their full explicit declaration,
concerning the principle of a right in the people to choose, which right is directly maintained,
and tenaciously adhered to. All the oblique insinuations concerning election bottom in this
proposition, and are referable to it. Lest the foundation of the king’s exclusive legal title
should pass for a mere rant of adulatory freedom, the political Divine proceeds dogmatically
to assert that by the principles of the Revolution the people of England have acquired three
fundamental rights, all which, with him, compose one system and lie together in one short
sentence; namely, that we have acquired a right

1. ‘To choose our own governors.’
2. ‘To cashier them for misconduct.’
3. ‘To frame a government for ourselves.’

This new, and hitherto unheard-of bill of rights, though made in the name of the whole people,
belongs to those gentlemen and their faction only. The body of the people of England have no
share in it. They utterly disclaim it. They will resist the practical assertion of it with their
lives and fortunes. They are bound to do so by the laws of their country, made at the time of
that very Revolution, which is appealed to in favour of the fictitious rights claimed by the
society which abuses its name.

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 any where to be found, it is
Edmund Burke in the statute called the *Declaration of Right*. In that most wise, sober, and considerate declaration, drawn up by great lawyers and great statesmen, and not by warm and inexperienced enthusiasts, not one word is said, nor one suggestion made, of a general right ‘to choose our own governors; to cashier them for misconduct; and to form a government for ourselves.’

This Declaration of Right (the act of the 1st of William and Mary, sess. 2. ch. 2.) is the cornerstone of our constitution, as reinforced, explained, improved, and in its fundamental principles for ever 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 an 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’. Both these acts, in which are heard the unerring, unambiguous oracles of Revolution policy, instead of countenancing the delusive, gypsey predictions of a ‘right to choose our governors,’ prove to a demonstration how totally adverse the wisdom of the nation was from turning a case of necessity into a rule of law.

Unquestionably there was at the Revolution, in the person of King William, a small and a temporary deviation from the strict order of a regular hereditary succession; but it is against all genuine principles of jurisprudence to draw a principle from a law made in a special case, and regarding an individual person. *Privilegium non transit in exemplum.* If ever there was a time favourable for establishing the principle, that a king of popular choice was the only legal king, without all doubt it was at the Revolution. Its not being done at that time is a proof that the nation was of opinion it ought not to be done at any time. There is no person so completely ignorant of our history, as not to know, that the majority in parliament of both parties were so little disposed to any thing resembling that principle, that at first they were determind to place the vacant crown, not on the head of the prince of Orange, but on that of his wife Mary, daughter of King James, the eldest born of the Issue of that king. which they acknowledged as undoubtedly his. It would be to repeat a very trite story to recall to your memory all those circumstances which demonstrated that their accepting King William was not properly a *choice*; but to all those who did not wish, in effect to recall King James, or to deluge their country in blood, and again to bring their religion, laws, and liberties into the peril
they had just escaped, it was an act of *necessity*, in the strictest moral sense in which necessity can be taken.

In the very act, in which for a time, and in a single case, parliament departed from the strict order of inheritance, in favour of a prince who, though not next, was however very near in the line of succession, it is curious to observe how Lord Somers, who drew the bill called the Declaration of Right, has comport ed himself on that delicate occasion. It is curious to observe with what address this temporary solution of continuity is kept from the eye, whilst all that could be found in this act of necessity to countenance the idea of an hereditary succession is brought forward, and fostered, and made the most of, by this great man and by the legislature who followed him. Quitting the dry, imperative style of an act of parliament, he makes the lords and commons fall to a pious, legislative ejaculation, and declare, that they consider it ‘as a marvellous providence, and merciful goodness of God to this nation, to preserve their said majesties *royal* persons, most happily to reign over us on the throne of *their ancestors*, for which, from the bottom of their hearts, they return their humblest thanks and praises.’ – The legislature plainly had in view the act of recognition of the first of Queen Elizabeth, Chap. 3d, and of that of James the First, Chap. 1st, both acts strongly declaratory of the inheritable nature of the crown; and in many parts they follow, with a nearly literal precision, the words and even the form of thanks-giving, which is found in these old declaratory statutes.

The two houses, in the act of king William, did not thank God that they had found a fair opportunity to assert a right to choose their own governors, much less to make an election the only lawful title to the crown. Their having been in a condition to avoid the very appearance of it, as much as possible, was by them considered as a providential escape. They threw a politic, well-wrought veil over every circumstance tending to weaken the rights, which in the meliorated order of succession they meant to perpetuate; or which might furnish a precedent for any future departure from what they had then settled for ever. Accordingly, that they might not relax the nerves of their monarchy, and that they might preserve a close conformity to the practice of their ancestors, as it appeared in the declaratory statutes of queen Mary and queen Elizabeth, in the next clause they vest, by recognition, in their majesties, *all* the legal prerogatives of the crown, declaring ‘that in them they are most *fully*, rightfully, and *intirely* invested, incorporated, united and annexed’. In the clause which follows, for preventing questions, by reason of any pretended titles to the crown, they declare (observing also in this with the traditionary language, along with the traditionary policy of the nation, and repeating them as from a rubric the language of the preceding acts of Elizabeth and James) that on the preserving of ‘a *certainty* in the *succession* thereof, the unity, peace, and tranquillity of this nation doth, under God, wholly depend.’

They knew that a doubtful title of succession election would but too much resemble an election; and that an election be utterly destructive of the ‘unity, peace, and tranquillity of this nation’, which they thought to be considerations of some moment. To provide for these objects, and therefore to exclude for ever the old Jewry doctrine of ‘a right to choose our own
Edmund Burke

governors’, they follow with a clause, containing a most solemn pledge, taken from the preceding act of Queen Elizabeth, as solemn a pledge as ever was or can be given in favour of an hereditary succession, and as solemn a renunciation as could be made of the principles of this society imputed to them. ‘The lords spiritual and temporal, and commons, do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs and posterities for ever; and do faithfully promise, that they will stand to, maintain, and defend their said majesties, and also the limitation of the crown, herein specified and contained, to the utmost of their powers,’’ &c. &c.

So far is it from being true, that we acquired a right by the Revolution to elect our kings, that if we had possessed it before, the English nation did at that time most solemnly renounce and abdicate it, for themselves and for all their posterity for ever. These gentlemen may value themselves as much as they please on their whig principles; but I never desire to be thought a better whig than Lord Somers; or to understand the principles of the Revolution better than those by whom it was brought about; or to read in the declaration of right any mysteries unknown to those whose penetrating style has engraved in our ordinances, and in our hearts, the words and spirit of that immortal law.

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. On this principle the succession of the crown has always been what it now is, an hereditary succession by law: in the old line it was a succession by the common law; in the new by the statute law, operating on the principles of the common law, not changing the substance, but regulating the mode, and describing the persons. Both these
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Descriptions of law are of the same force, and are derived from an equal authority, emanating from the common agreement and original compact of the state, *communi sponsione reipublicae*, and as such are equally binding on king, and people too, as long as the terms are observed, and they continue the same body politic.

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 an hereditary principle of succession in our government, with a power of change in its application in cases of extreme emergency. Even in that extremity (if we take the measure of our rights by our exercise of them at the Revolution) the change is to be confined to the peccant part only; to the part which produced the necessary deviation; and even then it is to be effected without a decomposition of the whole civil and political mass, for the purpose of originating a new civil order out of the first elements of society.

A state without the means of some change is without the means of its conservation. Without such means it might even risque 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 antient 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 kept these old parts exactly as they were, that the part recovered might be suited to them. They acted by the ancient organized states in the shape of their old organization, and not by the organic molecule of a disbanded people. At no time, perhaps, did the sovereign legislature manifest a more tender regard to that fundamental principle of British constitutional policy, than at the time of the Revolution, when it deviated from the direct line of hereditary succession. The crown was carried somewhat out of the line in which it had before moved; but the new line was derived from the same stock. It was still a line of hereditary descent; still an hereditary descent in the same blood, though an hereditary descent qualified with protestantism. When the legislature altered the direction, but kept the principle, they shewed that they held it inviolable.

On this principle, the law of inheritance had admitted some amendment in the old time, and long before the aera of the Revolution. Some time after the conquest great questions arose upon the legal principles of hereditary descent. It became a matter of doubt, whether the heir *per capita* or the heir *per stirpes* was to succeed; but whether the heir *per capita* gave way when the heirdom *per stirpes* took place, or the Catholic heir when the Protestant was preferred, the inheritable principle survived with a sort of immortality through all transmigrations – *multosque per annos stat fortuna domus et avi numerantur avorum*. This is the spirit of our constitution, not only in its settled course, but in all its revolutions. Whoever came in, or however he came in, whether he obtained the crown by law, or by force, the hereditary succession was either continued or adopted.
The gentlemen of the Society for Revolutions see nothing in that of 1688 but the deviation from the constitution; and they take the deviation from the principle for the principle. They have little regard to the obvious consequences of their doctrine, though they must see, that it leaves positive authority in very few of the positive institutions of this country. When such an unwarrantable maxim is once established, that no throne is lawful but the elective, no one act of the princes who preceded their aera of fictitious election can be valid. Do these theorists mean to imitate some of their predecessors who dragged the bodies of our antient sovereigns out of the quiet of their tombs? Do they mean to attain and disable backwards all the kings that have reigned before the Revolution, and consequently to stain the throne of England with the blot of a continual usurpation? Do they mean to invalidate, annul, or to call into question, together with the titles of the whole line of our kings, that great body of our statute law which passed under those whom they treat as usurpers? to annul laws of inestimable value to our liberties – of as great value at least as any which have passed at or since the period of the Revolution? If kings, who did not owe their crown to the choice of their people, had no title to make laws, what will become of the statute de tallagio non concedendo? – of the petition of right? – of the act of habeas corpus? Do these new doctors of the rights of men presume to assert, that King James the Second, who came to the crown as next of blood, according to the rules of a then unqualified succession, was not to all intents and purposes a lawful king of England, before he had done any of those acts which were justly construed into an abdication of his crown? If he was not, much trouble in parliament might have been saved at the period these gentlemen commemorate. But King James was a bad king with a good title, and not an usurper. The princes who succeeded according to the act of parliament which settled the crown on the Electress Sophia and on her descendants, being Protestants, came in as much by a title of inheritance as King James did. He came in according to the law, as it stood at his accession to the crown; and the princes of the house of Brunswick came to the inheritance of the crown, not by election, but by the law, as it stood at their several accessions of Protestant descent and inheritance, as I hope I have shewn sufficiently.

The law by which this royal family is specifically destined to the succession, is the act of the 12th and 13th of King William. The terms of this act bind ‘us and our heirs, and our posterity, to them, their heirs, and their posterity’, being Protestants, to the end of time, in the same words as the declaration of right had bound us to the heirs of King William and Queen Mary. It therefore secures both an hereditary crown and an hereditary allegiance. On what ground, except the constitutional policy of forming an establishment to secure that kind of succession which is to preclude a choice of the people for ever, could the legislature have fastidiously rejected the fair and abundant choice which our own country presented to them, and searched in strange lands for a foreign princess, from whose womb the line of our future rulers were to derive their title to govern millions of men through a series of ages?

The Princess Sophia was named in the act of settlement of the 12th and 13th of King
William, for a stock and root of inheritance to our kings, and not for her merits as a temporary administratrix of a power, which she might not and in fact did not, herself ever exercise. She was adopted for one reason, and for one only, because, says the act, ‘the most excellent Princess Sophia, Electress and Dutchess Dowager of Hanover, is daughter of the most excellent Princess Elizabeth, late Queen of Bohemia, daughter of our late Sovereign lord King James the First, of happy memory, and is hereby declared to be the next in succession in the Protestant line,’ &c. &c.; ‘and the crown shall continue to the heirs of her body, being Protestants.’ This limitation was made by parliament, that through the Princess Sophia an inheritable line, not only was to be continued in future but (what they thought very material) that through her it was to be connected with the old stock of inheritance in King James the First; in order that the monarchy might preserve an unbroken unity through all ages, and might be preserved (with safety to our religion) in the old approved mode by descent, in which, if our liberties had been once endangered, they had often, through all storms and struggles of prerogative and privilege, been preserved. They did well. No experience has taught us, that in any other course or method than that of an hereditary crown, our liberties can be regularly perpetuated and preserved sacred as our hereditary right. 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. Was it that the legislature wanted, at the act for the limitation of the crown in the Hanoverian line drawn through the female descendants of James the First, a due sense of the inconveniencies of having two or three, or possibly more, foreigners in succession to the British throne? No! – they had a due sense of the evils which might happen from such foreign rule and more than a due sense of them. But a more decisive proof cannot be given of the full conviction of the British nation, that the principles of the Revolution did not authorize them to elect kings at their pleasure, and without any attention to the antient fundamental principles of our government, than their continuing to adopt a plan of hereditary Protestant succession in the old line, with all the dangers and all the inconveniencies of its being a foreign line full before their eyes and operating with the utmost force upon their minds.

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 antient 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 unadviseable, 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 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 invidious. These sophisters substitute a fictitious cause, and feigned personages, in whose favour they suppose you engaged, whenever you defend the inheritable nature of the crown. It is common with them to dispute as if they were in a conflict with some of those exploded fanatics of slavery, who formerly maintained, what I believe no creature now maintains, ‘that the crown is held by divine hereditary and indefeasible right.’ – These old fanatics of single arbitrary power dogmatized as if hereditary royalty was the only lawful government in the world, just as our new fanatics of popular arbitrary power, maintain that a popular election is the sole lawful source of authority. The old prerogative enthusiasts, it is true, did speculate foolishly, and perhaps impiously too, as if monarchy had more of a divine sanction than any other mode of government; and as if a right to govern by inheritance were in strictness indefeasible in every person, who should be found in the succession to a throne, and under every circumstance, which no civil or political right can be. But an absurd opinion concerning the king’s hereditary right to the crown does not prejudice one that is rational, and bottomed upon solid principles of law and policy. If all the absurd theories of lawyers and divines were to vitiate the objects in which they are conversant, we should have no law, and no religion, left in the world. But an absurd theory on one side of a question forms no justification for alleging a false fact, or promulgating mischievous maxims on the other.

The second claim of the Revolution Society is ‘a right of cashiering their governors for misconduct’. Perhaps the apprehensions our ancestors entertained of forming such a precedent as that ‘of cashiering for misconduct’, was the cause that the declaration of the act which implied the abdication of King James, was, if it had any fault, rather too guarded, and too circumstantial.¹ But all this guard, and all this accumulation of circumstances, serves to shew the spirit of caution which predominated in the national councils, in a situation in which men irritated by oppression, and elevated by a triumph over it, are apt to abandon themselves to violent and extreme courses: it shews the anxiety of the great men who influenced the conduct of affairs at that great event, to make the Revolution a parent of settlement, and not a nursery of future revolutions.

¹ No government could stand a moment, if it could be blown down with any thing so loose
and indefinite as an opinion of ‘misconduct’. They who led at the Revolution, grounded the virtual abdication of King James upon no such light and uncertain principle. They charged him with nothing less than a design, confirmed by a multitude of illegal overt acts, to subvert the Protestant church and state, and their fundamental, unquestionable laws and liberties: they charged him with having broken the original contract between king and people. This was more than misconduct. A grave and overruling necessity obliged them to take the step they took, and took with infinite reluctance, as under that most rigorous of all laws. Their trust for the future preservation of the constitution was not in future revolutions. The grand policy of all their regulations was to render it almost impracticable for any future sovereign to compel the states of the kingdom to have again recourse to those violent remedies. They left the crown what, in the eye and estimation of law, it had ever been, perfectly irresponsible. In order to lighten the crown still further, they aggravated responsibility on ministers of state. By the statute of the 1st of King William, sess. 2d, called ‘the act for declaring the rights and liberties of the subject, and for settling the succession of the crown’, they enacted, that the ministers should serve the crown on the terms of that declaration. They secured soon after the frequent meetings of parliament, by which the whole government would be under the constant inspection and active controul of the popular representative and of the magnates of the kingdom. In the next great constitutional act, that of the 12th and 13th of King William, for the further limitation of the crown, and better securing the rights and liberties of the subject, they provided, ‘that no pardon under the great seal of England should be pleadable to an impeachment by the commons in parliament.’ The rule laid down for government in the Declaration of Right, the constant inspection of parliament, the practical claim of impeachment, they thought infinitely a better security not only for their constitutional liberty, but against the vices of administration, than the reservation of a right so difficult in the practice, so uncertain in the issue, and often so mischievous in the consequences, as that of ‘cashiering their governors’.

Dr Price, in this sermon, condemns very properly the practice of gross, adulatory addresses to kings. Instead of this fulsome style, he proposes that his majesty should be told, on occasions of congratulation, that ‘he is to consider himself as more properly the servant than the sovereign of his people.’ For a compliment, this new form of address does not seem to be very soothing. Those who are servants, in name, as well as in effect, do not like to be told of their situation, their duty, and their obligations. The slave, in the old play, tells his master, Haec commemoratio est quasi exprobratio. It is not pleasant as compliment; it is not wholesome as instruction. After all, if the king were to bring himself to echo this new kind of address, to adopt it in terms, and even to take the appellation of Servant of the People as his royal style, how either he or we should be much mended by it, I cannot imagine. I have seen very assuming letters, signed, Your most obedient humble servant. The proudest domination that ever was endured on earth took a title of still greater humility than that which is now proposed for sovereigns by the Apostle of Liberty. Kings and nations were trampled upon
by the foot of one calling himself ‘the Servant of Servants;’ and mandates for deposing sovereigns were scaled with the signet of ‘the Fisherman.’

I should have considered all this as no more than a sort of flippant vain discourse, in which as in an unsavoury fume, several persons suffer the spirit of liberty to evaporate, if it were not plainly in support of the idea, and a part of the scheme of ‘cashiering kings for misconduct’. In that light it is worth some observation.

Kings, in one sense, are undoubtedly the servants of the people, because their power has no other rational end than that of the general advantage; but it is not true that they are, in the ordinary sense (by our constitution, at least) anything like servants; the essence of whose situation is to obey the commands of some other, and to be removeable at pleasure. But the king of Great Britain obeys no other person; all other persons are individually, and collectively too, under him, and owe to him a legal obedience. The law, which knows neither to flatter nor to insult, calls this high magistrate, not our servant, as this humble Divine calls him, but ‘our sovereign Lord the King’, and we, on our parts, have learned to speak only the primitive language of the law, and not the confused jargon of their Babylonian pulpits.

As he is not to obey us, but as we are to obey the law in him, our constitution has made no sort of provision towards rendering him, as a servant, in any degree responsible. Our constitution knows nothing of a magistrate like the Justicia of Arragon; nor of any court legally appointed, nor of any process legally settled for submitting the king to the responsibility belonging to all servants. In this he is not distinguished from the commons and the lords; who, in their several public capacities, can never be called to an account for their conduct; although the Revolution Society chooses to assert, in direct opposition to one of the wisest and most beautiful parts of our constitution, that ‘a king is no more than the first servant of the public, created by it and responsible to it’.

Ill would our ancestors at the Revolution have deserved their fame for wisdom, if they had found no security for their freedom, but in rendering their government feeble in its operations, and precarious in its tenure; if they had been able to contrive no better remedy against arbitrary power than civil confusion. Let these gentlemen state who that representative public is to whom they will affirm the king, as a servant, to be responsible. It will be then time enough for me to produce to them the positive statute law which affirms that he is not.

The ceremony of cashiering kings, of which these gentlemen talk so much at their ease, can rarely, if ever, be performed without force. It then becomes a case of war, and not of constitution. Laws are commanded to hold their tongues amongst arms; and tribunals fall to the ground with the peace they are no longer able to uphold. The Revolution of 1688 was obtained by a just war, in the only case in which any war, and much more a civil war, can be just ‘Justa bella quibus necessaria’. The question of dethroning, or, if these gentlemen like the phrase better, ‘cashiering kings’, will always be, as it has always been, an extraordinary question of state, and wholly out of the law; a question (like all other questions of state) of dispositions, and of means, and of probable consequences, rather than of positive rights. As it was not made for common abuses, so it is not to be agitated by common minds. The
speculative line of demarcation, 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 portion to a distempered state. Times and occasions, and provocations, will teach their own lessons. The wise will determine from the gravity of the case; the irritable from sensibility to oppression: the high-minded from disdain and indignation at abusive power in unworthy hands; the brave and bold from love of honourable danger in a generous cause: but, with or without right, a revolution will be the very last resource of the thinking and the good.

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 any thing done at the Revolution, either in precedent or principle, as the two first of their claims. The Revolution was made to preserve our antient indisputable laws and liberties and that antient 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. – In the former you will find other ideas and another language. Such a claim is as ill-suited to our temper and wishes as it is unsupported by any appearance of authority. 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 cyon alien to the nature of the original plant. All the reformations we have hitherto made, have proceeded upon the principle of reference to antiquity; and I hope, nay I am persuaded, that all those which possibly may be made hereafter, will be carefully formed upon analogical precedent, authority, and example.

Our oldest reformation is that of Magna Charta. You will see that Sir Edward Coke, that great oracle of our law, and indeed all the great men who follow him, to Blackstone, are industrious to prove the pedigree of our liberties.

They endeavour to prove, that the antient charter, the Magna Charta of King John, was connected with another positive charter from Henry I and that both the one and the other were nothing more than a re-affirmance of the still more antient standing law of the kingdom. In the matter of fact, for the greater part, these authors appear to be in the right; perhaps not always, but if the lawyers mistake in some particulars, it proves my position still the more strongly; because it demonstrates the powerful prepossession towards antiquity, with which the minds of all our lawyers and legislators, and of all the people whom they wish to
Edmund Burke

influence, have been always filled; and the stationary policy of this kingdom in considering their most sacred rights and franchises as an inheritance.

In the famous law of the 3d of Charles I called the Petition of Right, the parliament says to the king, ‘your subjects have inherited this freedom’, claiming their franchises not on abstract principles ‘as the rights of men’, but as the rights of Englishmen, and as a patrimony derived from their forefathers. Selden, and the other profoundly learned men, who drew this petition of right, were as well acquainted, at least, with all the general theories concerning the ‘rights of men’, as any of the discoursers in our pulpi, or on your tribune; full as well as Dr Price, or as the Abbé Seyes. But, for reasons worthy of that practical wisdom which superseded their theoretic science, they preferred this positive, recorded, hereditary title to all which can be dear to the man and the citizen, to that vague speculative right, which exposed their sure inheritance to be scrambled for and torn to pieces by every wild litigious spirit.

The same policy pervades all the laws which have since been made for the preservation of our liberties. In the 1st of William and Mary, in the famous statute, called the Declaration of Right, the two houses utter not a syllable of a right to frame a government for themselves. You will see, that their whole care was to secure the religion, laws, and liberties that had been long possessed, and had been lately endangered. ‘Taking into their most serious consideration the best means for making such an establishment, that their religion, laws, and liberties, might not be in danger of being again subverted’, they auspicate all their proceedings, by stating as some of those best means, ‘in the first place’ to do ‘as their ancestors in like cases have usually done for vindicating their antient rights and liberties, to declare’ – and then they pray the king and queen, that it may be declared and enacted, that all and singular the rights and liberties asserted and declared are the true antient and indubitable rights and liberties of the people of this kingdom.’

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 he 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 an unity in so great a diversity of its parts. We have an inheritable crown; an inheritable peerage; and an house of commons and a people inheriting privileges, franchises, and liberties, from a long line of ancestors.

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 for ever. 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, moulding 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 tenour 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 sepulchres, and our altars.

Through the same plan of a conformity to nature in our artificial institutions, and by calling in the aid of her unerring and powerful instincts, to fortify the fallible and feeble contrivances of our reason, we have derived several other, and those no small benefits, from considering our liberties in the light of an inheritance. Always acting as if in the presence of canonized forefathers, the spirit of freedom, leading in itself to misrule and excess, is tempered with an awful gravity. This idea of a liberal descent inspires us with a sense of habitual native dignity, which prevents that upstart insolence almost inevitably adhering to and disgracing those who are the first acquirers of any distinction. 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 any thing 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.