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Order, Order!

Edmund Burke, the Body Politic and Arbitrary Power.

Frances Elizabeth Fearn Ward

Doctor of Philosophy

The Department of Theology and Religion

Durham University

2024

Abstract

Frances E. F. Ward

Order, Order! Edmund Burke, the Body Politic and Arbitrary Power.

In his early work *A Vindication of Natural Society* (1756), Burke wrote of the political imaginings of ‘old Hobbes’ that ‘War was the State of Nature’¹ and that the ‘artificial Division of Mankind, into separate Societies, is a perpetual Source in itself of Hatred and Dissension among them’.² This thesis, with extensive reference to his *Writings and Speeches*, argues that Burke offers a comprehensive refutation of Hobbesian modernity and ‘sovereignty’ located with the independent state and ‘sovereign’ individual. Instead, Burke is understood as a Christian Platonist thinker who drew on traditions of classical and mediaeval thought, including Cicero, Paul, Augustine, Aquinas and Hooker, to champion liberal constitutionalism as the best defence against manifestations of autocratic and arbitrary power in civil, social, political and international spheres.

‘I love order, for the universe is order’,³ he wrote, and this thesis takes ‘order’ as a key concept, understood analogically, to explore the relevance of Burke’s understanding of constitutional power today, in the face of the challenges of climate catastrophe, the

¹ W&S, I, 142.

² W&S, I, 153.

³ Burke, letter to the Archbishop of Nisobi, 14 Dec. 1791, in H. V. F. Somerset, ‘Edmund Burke, England, and the Papacy’, *Dublin Review*, CCII, (1938), 140. See David Dwan and Christopher Insole (eds.), *The Cambridge Companion to Edmund Burke* (Cambridge: Cambridge University Press, 2012), 120, 129, n.10.

emergence of the sovereign individual and autocrat, conflicting notions of civil rights and the populism, post-truth and polarizations that threaten modern 'democracy'.

The argument is that Burke offers an alternative modernity upon which a constructive theo-political imaginary can be based, characterized not by the assumption of atheism, but rather an openness to a sense of divine providence that orders the ends of human affairs towards the common good, or commonwealth. Burke's refusal of the 'abstractions' of ideology in preference for a circumstantial wisdom and a philosophic spirit of analogy commends a political imagination for contemporary times that stretches towards the whole, rather than the part, the prescriptions of tradition rather than the ideologies of utopianism, and the duties of public service rather than the will to arbitrary power.

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Dedication

Theo Poward

Method of Citation

Edmund Burke:

W&S Paul Langford and others (eds.), *Writings and Speeches*, 9 vols (I-IX),
(Oxford: Oxford University Press, 1981-2015).

Richard Hooker:

Laws Georges Edelen (ed.), *The Folger Library Edition of The Works of Richard
Hooker, Preface, Books I-IV*, 4 vols, (Cambridge MA: The Belknap Press of Harvard
University Press, 1977).

All biblical references are from the New Revised Standard Version.

Introduction

the great mysterious incorporation of the human race

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 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.⁴

Why read Edmund Burke today? And how to read him, if one does? This thesis seeks, by a close reading of his *Writings and Speeches*, to examine the complexities of his political thought at a greater depth than the usual repudiations of the ‘Disneyland Burke’⁵ from the left, or the way he can be appropriated, for instance, by national conservatism.⁶

He is understood here as a theorist of power for whom the constitution, developed over centuries as this passage suggests, is the best means to ensure that power is used to its proper end, that of the common good. He was constantly vigilant to its abuse –

⁴ W&S, VIII, 84.

⁵ David Dwan and Christopher Insole (eds.), *The Cambridge Companion to Edmund Burke* (Cambridge: Cambridge University Press, 2012), 13.

⁶ <https://nationalconservatism.org/>; also The Edmund Burke Foundation, founded in 2019 <https://burke.foundation/> [accessed 16/05/2023].

the ‘great melody’⁷ of his life – its arbitrary exercise avoiding constraints of law and constitution, that threatened the ‘commonwealth’ of the body politic, the people. It will be argued that his understanding of power has perennial relevance, not least today, given the vulnerabilities of constitutional government to what Moisés Naím calls ‘the revenge of power’, characterized by the populism, polarization and post-truth – the 3Ps, as he calls them – employed by those who would be autocrats in contemporary times.⁸

For Burke the *telos* of political life was ‘commonwealth’, to be realized in the micro-political world of the little platoons of local association, and through all civil, social, political and international realms, and in each sphere, human life was to be guided by divine providence towards this end. Burke’s Christian theism distinguished him, particularly from Hobbes, with whose view of sovereignty Burke tangled as early as 1756 in his *Vindication of Natural Society* where he wrote:

A Meditation on the Conduct of political Societies made old Hobbes imagine, that War was the State of Nature; and truly, if a Man judged of the Individuals of our Race by their Conduct when united and packed into Nations and Kingdoms, he might imagine that every sort of Virtue was unnatural and foreign to the Mind of Man.⁹

Again, Burke questioned Hobbes’ theory of the separate sovereignty of nation states:

⁷ See Conor Cruise O’Brien, *The Great Melody: A Thematic Biography and Commented Anthology of Edmund Burke* (London: Sinclair-Stevenson, 1992).

⁸ Moisés Naím, *The Revenge of Power: How Autocrats are Reinventing Politics for the 21st Century* (New York: St Martin’s Publishing Group, 2023).

⁹ W&S, I, 142. Burke is referring to Hobbes, *Leviathan*, Part I, ch. 13. Burke’s schoolmaster, Abraham Shackleton, stated in the advertisement for his school that he would not teach authors who recommend ‘the abominable trade of war.’ See W&S, I, 142, n.2. For reference, I have used Richard Tuck (ed.), *Hobbes: Leviathan: Cambridge Texts in the History of Political Thought*, (Cambridge: Cambridge University Press, 2019).

It is no less observing, that this artificial Division of Mankind, into separate Societies, is a perpetual Source in itself of Hatred and Dissension among them. The Names which distinguish them are enough to blow up Hatred, and Rage. Examine History; consult present Experience; and you will find, that far the greater Part of the Quarrels between several Nations, had scarce any other Occasion, than that these Nations were different Combinations of People, and called by different Names: - to an *Englishman*, the Name of a *Frenchman*, a *Spaniard*, an *Italian*, much more a *Turk*, or a *Tartar*, raise of course Ideas of Hatred, and Contempt.¹⁰

Burke's style here drips irony; he parodies Bolingbroke's *Vindication of Natural Religion*¹¹ to reject the Hobbesian understanding of power as sovereignty held by each nation state, in a universe of competition – *bellum omnium contra omnes* – and in which each state is differentiated with its 'inside' of legitimate government, over against an 'outside' of nihilistic chaos. We shall see how Burke conceives 'power' differently to a theory based on 'sovereignty', and so offers a challenging perspective on current usage that locates it either with the individual,¹² or the nation state, in an exclusive and focused way. His defence of constitutionalism bites into the worm at the core of this modernity, and we see why reading him today is worth the effort, particularly for those concerned with how the post-truth world of contemporary autocracy can be countered, based as it is on the nihilistic void at the heart of the modern idea, 'that nothing is ultimately true'.¹³

That Hobbesian sense of an 'outside' and 'inside' is applied to eras too, it seems, when modernity becomes the time of 'enlightenment' before which all was dark

¹⁰ W&S, I, 153, original emphasis.

¹¹ See David Armitage (ed.), *Bolingbroke: Political Writings* (Cambridge: Cambridge University Press, 1997).

¹² See James Dale Davidson and William Rees-Mogg, *The Sovereign Individual: Mastering the Transition to the Information Age* (New York: Touchstone, [1997] 2020).

¹³ Naím, *Revenge*, 181.

uncivilization.¹⁴ Burke, as we shall see, does not accept that artificial divide but takes inspiration from earlier eras and the continuous traditions of natural law stretching to Cicero, Aquinas and Richard Hooker. As such, he offers an excellent example of a Christian Platonist theo-political imagination that takes us towards a deeper understanding of Carl Schmitt's dictum that political thinking often relies on theological concepts, secularized within modernity.¹⁵ How is 'Christian Platonism' understood here? Hampton and Kenney recognize the complexity of the term and its history, and broadly characterize it as a tradition of thought that affirms a commitment to transcendence, an adherence to an ontology and 'higher level of reality beyond the manifest image of the physical world' that asserts 'the sovereignty of the Good' as a divine absolute, an infinite reality 'in which human souls participate by fact of their existence.'¹⁶ It is within this tradition that this work locates Burke.

Any overweening confidence in 'modernity' is questioned here. For example, Naím, despite his otherwise commendable analysis of contemporary populism, polarization and post-truth falls into the usual fallacy of believing that politics begins with modernity: '[w]inning the war against 3P autocrats will require the revolutionary courage and creativity that gave birth to modern representative democracy in the first place', he comments.¹⁷ Before the eras of the American and French revolutions, he argues, 'for the vast bulk of human history, those with power hoarded it for their own

¹⁴ A view critiqued by, for example, William T. Cavanaugh in his *Theopolitical Imagination: Discovering the Liturgy as a Political Act in an Age of Global Consumerism* (London: T&T Clark, 2002).

¹⁵ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, George Schwab (trans.), (Chicago: University of Chicago Press, 1985), 36.

¹⁶ Alexander Hampton and Peter Kenney (eds.), *Christian Platonism: A History* (Cambridge: Cambridge University Press, 2023), 4.

¹⁷ Naím, *Revenge*, 266.

benefit, passing it on to their children to found dynasties of blood and privilege'.¹⁸ The case is made here that 'constitutionalism' has a much older history, stretching back to Roman Law, and that, with its honouring of the rule of law, its investing of trust in human institutions, its promoting of the notion of public service, it offers a political system that curtails arbitrary or autocratic power in ways that stand the test of time. Indeed, the failure to understand 'power' with sufficient historicity is one of the reasons for the rise of autocracy today.

The opening reference, from *Reflections*, captures how best to read Edmund Burke, with a 'spirit of philosophic analogy'. It is by analogy that he attributes to 'the conduct of state' what he calls the 'method of Nature' with its 'varied tenor of perpetual decay, fall, renovation and progression'. Burke dedicated himself to his career as a politician, so left no systematic account of the philosophical and theological basis to his thought, but there is plenty of evidence for reading him as a Christian Platonist, steeped in Plato, Aristotle and Cicero, Paul and Augustine, Thomas Aquinas and Richard Hooker. Burke's reading of this classical tradition meant he understood constitutionalism to have developed over centuries according to divine providence, 'a stupendous wisdom moulding together the great mysterious incorporation of the human race', which could only be understood analogically, for all human existence and political life participates in a reality that is ultimately beyond human comprehension.

It was his life's work to defend and develop the constitutionalism that was the divinely-ordained and providential means to use power well and wisely to create and sustain human society for the good of all. He had the prescience to discern the trends that, as he saw it, militated against every person flourishing within civil, social, political and international circles, under the law that creates a sense of order and purpose, holding all with an ultimate accountability to the truth of divine providence.

¹⁸ Naím, *Revenge*, xii.

Those trends, it will be argued here, were embryonic of the crisis of democracy experienced today.

Naím's analysis of populism resonates with Burke's understanding of arbitrary power as that which characterizes any who undermine the rule of law by polarizing and using post-truth to manipulate others, and societies, to their own ends. Naím describes how 3P autocrats 'go global' in a *pseudointernationalism* based on networks and alliances that extend through criminalized states, invasion by stealth and violence, and the use of social media, to intensify the phenomenon of autocracy to a scale not seen before.¹⁹ Burke's analysis of arbitrary power, manifest in many different forms, holds good, I argue, in today's world, and his conviction that constitutionalism was the only means to constrain its exercise, merits re-engagement.

Burke did not understand power as a competitive possession, but as a common good that aligned to God's will of love for the flourishing and fulfilment of all, with a sense of the ultimate goodness of reality. Otherwise power becomes that which circulates, as old Hobbes imagined, within a nihilistic void as a constant battle of the will of autocrats and sovereign individuals who, moreover, seek to escape the bonds and regulatory oversight of government in ways 'as inventive as wickedness',²⁰ as Burke called it, with arbitrary power that challenges constitutionalism. It was only an ultimate and transcendent foundation of truth and morality that could resist such post-truth machinations, and that foundation was realized in the duties of public service, living under the rule of law, participating in community and the body politic, instead of using power to polarize into individualism and collective tribalism. Naím comments:

When political differences come to be identity-based, political debate shifts from being a discussion about ideas to being a conflict between incompatible

¹⁹ Naím, *Revenge*, 206.

²⁰ W&S, VIII, 190.

visions of the good life. If my group incarnates all that is righteous, noble, and good and your group stands for all that is wrong, base, and bad, there can hardly be a civil discussion between us. I no longer need to learn how to live peacefully alongside you, despite our differences; rather, my aim is to defeat you and banish you from the political scene once and for all.²¹

Burke's rejection of deism, and the atheism of *Les Philosophes*, to avow an ultimate ground and order to the universe, discernible, with a philosophic spirit of analogy, through all moral, civil, social, political and international human affairs entailed a belief and trust in the goodness of the fabric of society, its associations, institutions and constitutions – as an important aspect to counter the 'malign form of power [...] [that] hides, until it no longer needs to hide'.²²

key philosophical tectonic movements

This thesis commends Burke's theopolitical imagination as a resource in political theology today, in line with the recent suggestion that Christian Platonism may be undergoing re-evaluation:

philosophical reasons for the paucity of scholarship on Christian Platonism may be located in its twentieth-century critique. In the nineteenth century, Kierkegaard attacked the highly Platonized German Romantics, whilst Nietzsche launched an attack on Platonic metaphysics. Under the influence of both, Heidegger developed his significant accusation of ontotheology against the metaphysical enterprise. The consequent postmodern attack on metaphysics, led by Derrida, took singular aim at Platonism. Equally, twentieth-century positivism offered its own demolition of metaphysics and the possibility of transcendent knowledge.

In the present day, the influence of these powerful critiques may be in decline.²³

²¹ Naím, *Revenge*, 74.

²² Naím, *Revenge*, xxiv.

²³ Hampton and Kenney, *Christian Platonism*, 6. See also Charles Taylor, *A Secular Age* (Cambridge, MA: Belknap Press of Harvard University Press, 2007).

The editors continue:

Concepts such as post-secularism and re-enchantment have opened possibilities for the renewal of metaphysics in general, and Platonism in particular, both within and without the Christian tradition. In Charles Taylor's phrase, the 'immanent frame' of modern thought [...] has now, itself, become an object of critical awareness and questioning.²⁴

Burke, in the latter part of the eighteenth century, worked and wrote as the French Revolution made manifest certain key philosophical tectonic movements, which, it is argued here, had been shifting since the nominalist reaction to Aquinas from the fourteenth century onwards. Whatever its roots, the Enlightenment saw the political realization of certain philosophical trends that can be delineated, broadly, in four main, interlinking themes, or polarities, characteristic of 'modernity'.

1) theism/atheism; something or nothing

The predominant polarity was the assumption of deism, or atheism, where religion no longer points to transcendent reality, but rather the world is understood as closed, secularized, immanent, and in which religion is the private affair of the autonomous individual. Burke was in his twenties when he tackled the deism of Bolingbroke with his *Vindication*, already committed to a theism in which divine providence guides action towards the ends of the good, justice and love through institutions that, although fallible because human, were infused with the 'stupendous wisdom' of God, the divine agency in the world. It required 'a spirit of philosophical analogy' to understand the organic rhythms, continuities and development, over centuries, of the constitutionalism that like a giant oak tree, 'old, but vigorous in age, [...] whose stag-

²⁴ Hampton and Kenney, *Christian Platonism*, 6.

horn branches start out of its leafy brow that is ancient, yet ever changing',²⁵ was sustained and guided by divine providence.

Burke's theism held the conviction that the universe is good. Arguably, that conviction is the only philosophical counter to the nihilism that Naím discerns at the heart of 3P power.²⁶ John Milbank has as the epigraph of his *Beyond Secular Order* some words of Burke, speaking of *Les Philosophes*:

In the groves of their academy, at the end of every vista, you see nothing but the gallows.²⁷

This first polarity of theism/atheism is different to the three that follow for it is difficult to be both theistic and atheistic, whereas the others can be held together in creative tension. They are, as we shall see, also subordinate to this primary polarity of theism/atheism. There are parallels here with the way Iain McGilchrist understands the relationship between the left and right hemispheres in his magisterial book *The Matter with Things*.²⁸ He maintains that the relationship between the right and left hemisphere is not one of confrontation and polarized opposition, but of mutuality within the proper ascendancy of the right – and in a similar way, the three polarities to come also hold their creative tension within theism, but lose that creativity in an atheistic world view. For McGilchrist, it is the right hemisphere that conceives the

²⁵ Wordsworth, in his *Prelude*, quoted in A. M. D. Hughes (ed.), *Edmund Burke, Selections, with essays by Hazlitt, Arnold and others* (Oxford: Clarendon Press, [1921] 1962), 38.

²⁶ Naím, *Revenge*, 10.

²⁷ John Milbank, *Beyond Secular Order: The Representation of Being and the Representation of the People* (Oxford: Wiley Blackwell, 2013), epigram.

²⁸ Iain McGilchrist, *The Matter with Things: Our Brains, Our Delusions, and the Unmaking of the World*, Vols. I & II (London: Perspectiva Press, 2021).

whole, whereas the left divides and systematizes, in a relationship that is itself asymmetrical:

In terms of the hemispheres it is once more not a symmetrical, but an asymmetrical, arrangement: not just between two dispositions (that of the left hemisphere and that of the right) towards the world, but between a disposition (that of the left) that sees the two dispositions as an antagonism that must ultimately lead to the triumph of one and the annihilation of the other, and a disposition (that of the right) that sees they need to be preserved together, neither being allowed to extinguish the other – *even though they are not of equal value*. One – the disposition of the right – overarches and takes into account the other.²⁹

A little earlier he says:

The principle for division and the principle for union need to be brought together, not divided. We need not *either* both/and *or* either/or, but *both* both/and *and* either/or. We need not non-duality only but the non-duality of duality and non-duality.³⁰

He uses this relationship to develop an extended metaphor by which to understand the universe, a universe he now believes to be dominated by a left-hemispheric attention that threatens its ultimate destruction. It seems to me that Burke's theism is like the right hemisphere, that overarches the three polarities that follow, providing the non-duality that enables them to cohere in creative tension, serving the ultimate good. Even here, old Hobbes' imagination, that divides to rule, is called into question.

2) the will to power/the law of love

I am well aware, that men love to hear of their power, but have an extreme disrelish to be told of their duty. This is of course; because every duty is a limitation of some power.³¹

²⁹ McGilchrist, *Matter with Things*, 833, original emphasis.

³⁰ McGilchrist, *Matter with Things*, 833, original emphasis.

³¹ W&S, IV, 441, original grammar.

The first polarity reflects a version of Plato's Euthyphro dilemma, taking us to theories of natural law and the question whether there is an independent moral law to which God has to comply, thereby compromising God's omnipotent will, or whether God's will is sovereign, free from any constraint. Burke's theology is indebted to the non-voluntarist natural law tradition of Aquinas and Hooker, for whom God's will and law are held together with divine simplicity – what God wills is what God ordains. The human response to this unity of will and law is the alignment of will to God's ordained loving purpose. This entails the personal commitment to love God and love neighbour, which is realized in the discernment and practice of the duties of belonging and public service. Such alignment means the person is 'heteronomous' (accountable to others – God, family, the rule of law), rather than 'autonomous' (the law generated by the self).³² Turning away from God into sovereign autonomy, the self descends into the chaos of disorder, where nothing comes of nothing, in a nihilistic swirl of competing powers and wills such as old Hobbes imagined. With no sense of the ordered world yearning for the beauty of God's peace, this amounts to the wilful rejection of the teaching of Christian Platonists from earliest times, that God's will and God's law are one in loving purpose, in which the human person participates in faith.

Such Christian Platonism came under challenge from the nominalist reaction of Duns Scotus and William of Ockham. They held that God's will must be free of the constraints of law if God is to be truly omnipotent and radically free, and this view became foundational within strands of Protestantism that followed. Abiding by the law of God was not sufficient for salvation when all was bestowed and determined by God's free grace; all that was required was a willing faith in response. More extreme Protestantism took voluntarism even more into the heart of the Godhead, with the doctrine of predestination, and double predestination, which taught that God elected

³² See Christopher J. Insole, 'Two Conceptions of Liberalism: Theology, Creation, and Politics in the Thought of Immanuel Kant and Edmund Burke', *The Journal of Religious Ethics*, Vol. 36, No. 3 (Sep., 2008), 447-489; 460. [<https://www.jstor.org/stable/40378015> accessed: 21-03-2023].

who was to be saved, who damned, so it mattered not what human effort was made to be good, or how one participated in salvation, through prayer or practice. Over time, this doctrine was secularized such that in Rousseau's hands, for instance, individuals found their true humanity in a radical freedom of the will – now from the chains of society and the duties of belonging, answerable only to the sovereign will of the individual, or collectively, to 'the will of the people'.

Such voluntarism was anathema to Burke. Divine providence, as Aquinas and Hooker taught, meant God willed what God ordained in divine simplicity, and a person's will should comply with the rule of law. The chapter on moral order considers Burke's anthropology in contrast to Rousseau – is the autonomous person determined by will where freedom is freedom from constraint, or free, heteronomously, to pursue the duties of public service?

3) the whole/the part

From Burke's theism emerges another polarity that helps in understanding his thought: between the whole and the part. To have a *catholic* sense of the unity, the whole, is to see all things held together and incorporated in God's providence that creates and sustains the universe, and in which the part participates and thereby is real.³³ For instance, Burke's understanding of 'the people' was as a body politic instituted and constituted by its participation in the sovereignty of God, such that each belongs within and contributes to the whole. He resisted the atomization of 'the people' into political voting units, where the 'will of the people' is captured by majoritarianism, or represented by an individual monarch or sovereign. As John Donne wrote, so Burke would have concurred – and these words might apply to the individual person, or to the nation state:

³³ See Andrew Davison, *Participation in God: A Study in Christian Doctrine and Metaphysics* (Cambridge: Cambridge University Press, 2019).

No Man is an Iland, intire of it selfe; every man is a peece of the Continent, a part of the maine; if a Clod bee washed away by the Sea, Europe is the lesse, as well as if a Promontorie were; as well as if a Mannor of thy friend's, or of thine owne were; Any Mans death diminishes me, because I am involved in mankinde.³⁴

Burke's political imagination was for the whole, the people, the commonwealth, the body politic, and as such he resisted a philosophical fault line that increasingly favoured distinction, separation, the individual – again, a key element to the nominalist reaction to the Christian Platonism of Aquinas, and fundamental to Hobbes' imagination. Throughout this thesis the 'sovereign' individual or nation state of today's world – autonomous, radically free of the duties of belonging, pursuing an individualistic will to power – can be seen as the antipathy of Burke's theopolitical and anthropological commitments.

4) the old/the new

The fourth polarity is between the old and the new. Burke held short shrift for utopian thinking, the belief that human blueprints and revolutionary action could usher in new eras of perfection. Such revolutionary zeal rejected the old order of things, turning over the traces of tradition to inaugurate utopian futures, perfected in the realization of systematized programmes of geometrical design. Behind this 'modernity' Burke discerned 'abstractions' – ways of thinking and knowing that were divorced from the circumstances of life, called 'ideology' today – a comprehensive frame in which all human experience is subjected, whether it fits or not, without regard for cost. Burke saw the revolutionary appeal of the new, the utopian, as the most dangerous kind of abstraction.³⁵ Instead, human beings are born within traditions that

³⁴ John Donne, *Devotions upon Emergent Occasions, Meditation 17*, in Anthony Raspa (ed.), (Oxford: Oxford University Press, 1987), 87.

³⁵ Philip Blond writes of 'ideals' with a similar insight: they are, he says, either 'irrelevant to practice or else they license the terroristic condemnation of every existing practice in the name of a phantom purity, as happened with the French Revolution and under Maoism.' Genuine ideas, Blond argues, can

shape their belonging through customs and social and political habits, including the reasoned debate of prudence, which Burke called ‘prescription’. Insole describes prescription as:

that which has happened time out of mind, and the inheritance is given only in the non-negotiable sense that it creates us as political and social beings. It would be more accurate to say that Burke's inheritance owns us, in that it shapes the contours of our liberties and duties, and sets the bounds from within which prudence must stretch out.³⁶

‘modernity’

These four themes will continue through this thesis as we explore Burke’s Christian Platonist theopolitical imagination, which he struggled to commend in the emerging modernity of the Enlightenment of his day. Here ‘modernity’ is taken to entail a rejection of history and tradition for the sake of the future, framed as full of the promise of human-made or constructed perfections. It is an age that embraces ‘the new’ in utopian visions, with an abstracted knowledge that some have called ‘gnostic’ rather than (the often painstaking) reform of the old. In the modern world, the individual becomes the autonomous unit of life that comes together in social contract, which can be dissolved at will, where a codified constitution is ratified by the will of the people through representatives or by plebiscite. Lost is a sense of the whole people, conceived as the body politic.

With modernity also emerges a different way of knowing. Instead of knowledge as the wisdom and awe that comes from a sense of participation in the wonders of a given

be ‘practically participated in and can only be known – to the degree that they can be known – through an experience of such practice. It is the interplay between ideas and practices that constitutes a tradition.’ Phillip Blond, *Red Tory: How Left and Right have Broken Britain and How We Can Fix It* (London: Faber and Faber, 2010), 180.

³⁶ Insole, ‘Two Conceptions’, 483.

and ordered creation, knowledge is empirical observation of objects and phenomena, to be represented to others in definable and quantifiable ways. The modern mind grasps the worth of things and phenomena, to be commodified and exploited, including the 'natural' world that, no longer the gift of divine providence, is stripped of its inherent worth, and becomes the raw material of human industry. The anthropological turn of modernity, both politically and epistemologically, replaces a God incarnate in an ordered world whose will and law attracts, aligns and returns all creation, including humanity, to the good and true and beautiful, with the achievement of humanity, asserting itself over against the world, heroically existentialist, with a nihilistic sense that there is nothing 'out there'. And so 'modernity' can be characterized as ultimately constructed over the 'void' of atheism, where only parts and things are known with no sense or imagination for a 'whole' that holds all together, and where the 'will to power' is prioritized over the 'law of love' with a utopian and revolutionary confidence in the new rather than the received wisdom of living traditions.

It is with these four polarities that Burke's political imagination is considered as not so much anti-modern as offering an alternative modernity. I suggest that he can be seen as a bridgehead from the classical and mediaeval roots of natural law and constitutionalism into today's world, enabling continuities that transcend 'modernity'. Burke's engagement with the political issues of his day drew on his reading of the history of that tradition, particularly on the nature of 'power' and, I argue, the wisdom he brought has relevance to contemporary times such that reading Burke continues to be a rich and valid experience.

Now, some brief comments on epistemology and Burke's political methodology. His *A Philosophical Enquiry into the Origin of Our Ideas of the Sublime and Beautiful*³⁷ elaborates a holistic understanding of a rationality that draws in affect, imagination

³⁷ W&S, I, 185-320.

and discernment to work on the sensed world. To read his work with understanding, to enter his world, requires the sort of rationality that embraces the imagination and emotion in like manner. It also requires an understanding of analogy.

A ‘spirit of philosophic analogy’

A ‘spirit of philosophic analogy’ takes us into the field of epistemology where what is known is either understood as participating in transcendent reality with a sense of the ultimate unknowability or mystery of the universe, or known as things within a finite world, by empirical observation within a closed, immanent universe. To use McGilchrist’s arresting distinction, the latter favours a left-hemispheric attention that cannot apprehend what the right hemisphere knows.³⁸ Burke’s political thought was inspired by order ‘as far as I understand it’, he wrote; fully aware that when he exclaimed, ‘I love order, for the universe is order!’ he was open to the order that gave meaning and purpose to the whole of existence, which was beyond the grasp of any.³⁹ In the passage which began this work, the institutions, the goods and gifts of life originate in ‘the same course and order’ and are handed on in turn, all ‘in a just correspondence and symmetry with the order of the world’. By this can be understood that human institutions participate in God’s providence throughout the whole universe offering a permanent sense of stability to what is necessarily transitory in its partial manifestation in any time, but which over time evolves ‘in a condition of unchangeable constancy’, so that to belong within moral, civil, social and political traditions gives an historical sense that honours the past and its lessons, rather than destroying the old for the sake of the new. All is understood ‘by the spirit of

³⁸ See Iain McGilchrist, *The Master and his Emissary* (Yale: Yale University Press, 2009), for the original development of his thesis.

³⁹ Burke to the Archbishop of Nisobi, 14 Dec. 1791, in H. V. F. Somerset, ‘Edmund Burke, England, and the Papacy’, *Dublin Review*, CCII, (1938), 140. See Insole, in Dwan and Insole, *Burke*, 120, 129, n.10.

philosophic analogy’ – a knowledge that participates in the wisdom it seeks, rather than objectifies through representation.

Classic doctrines of analogy teach that a designation may be given to something in virtue of the effect it produces, as in a healthy diet, to use Aristotle’s famous example of the analogy of attribution. To apply this to ‘order’ might look like this: God ordains, creating order, and that order is attributed to us by virtue of our relation to God as creator: our lives are ordered, because we participate in divine order. As Simon Oliver explains, ‘we only exist or have being *by virtue of a relation with being itself*, namely God’. He continues with how the notion of ‘participation’ works:

The realm of the Forms and the realm of becoming are ‘interwoven’ in such a way that the visible, created realm which we inhabit perpetually ‘borrows’ existence from the Forms (and ultimately the Form of the Good) which are more real, eternal and stable. Plato uses many words to describe this relationship [...] all of [which] preclude any sense that the realm of becoming is autonomous.⁴⁰

It is this spirit of philosophic analogy that lies behind Burke’s appreciation that as one participates in an ordered existence, order is created. One does not participate as a sovereign, autonomous individual, controlling the world around, and imposing order upon it, but always heteronomously within a whole ordained by the divine providence of God, where, with a ‘spirit of philosophic analogy’, the moral, civil, social and political order of society is recognized and known.

Circumstantial wisdom in the ‘metaxy’

In her book *Sovereignty* Jean Elshtain writes:

⁴⁰ Simon Oliver, ‘Introducing Radical Orthodoxy: from participation to late modernity’, in John Milbank and Simon Oliver (eds.), *The Radical Orthodoxy Reader*, (London: Routledge, 2009), 3-27; 17-18, original emphasis.

one cannot abstract ideas from the textures, the warp and woof, of history. There exists a huge gulf that separates abstract concepts that the political theorist cannot do without, from abstractedness, draining all the messy life out of one's subject matter. Without concrete history, political thought becomes a gnostic enterprise – all words, no flesh; all spirit, no-body. Then, disastrously, that disembodied enterprise invites schemes and ideologies that are imposed over the living, incarnate tissue of human life. One is left staring at the ruins wrought by this sort of arrogance when it is brought to bear on political and social life, even as one recognizes the palpable inadequacies of philosophies that are, quite literally, *nowhere*.⁴¹

Burke's rejection of what he called 'abstractions' meant he was explicit about the location of his political reasoning and debate, which was always *in media res*, in the cut and thrust of the circumstances of life and politics. He located himself in what Eric Voegelin calls the 'metaxy', the circumstances before him that he sought to improve.⁴² In this he consciously adopted the Aristotelian virtue of 'prudence' or phronesis, to analyse what best to do in the circumstances, aligned with his sense of accountability to divine providence (rather than the nihilism of atheism/deism), the duties of public service and belonging (rather than the will to power), a sense of the common good, or commonwealth of all, (rather than the autocratic, sovereign individual) and a turn to the wisdom of tradition (rather than utopian abstractions of ideology). Burke's adoption of 'the method of Nature' was a distaste for innovation, a preference for reform.

As Elshtain uses it, so Voegelin had also borrowed the ancient heresy of Gnosticism to understand further the sense of the emptiness of ideological blueprints that had such devastating consequences in twentieth century Europe. Conor Cruise O'Brien, also

⁴¹ Jean Bethke Elshtain, *Sovereignty, God, State, and Self*, (New York: Basic Books, 2008), xvi, original emphasis and grammar.

⁴² See, for instance, Eric Voegelin, *The Ecumenic Age*, Vol. IV of *Order and History* (Louisiana State University Press, 1974), 173. William Desmond has made the idea of 'metaxy', or 'metaxu', central to his thinking, though, interestingly, with little reference to Voegelin. See his *Being Between: Conditions of Irish Thought* (Galway, Ireland: Leabhar Breac/Center for Irish Studies, 2008).

with the hindsight of the twentieth century, sees Burke as one of the first to identify the beginnings of totalitarianism in the arbitrary power of the revolutionary ideologues of France that destroyed all the institutions of society that had traditionally checked the exercise of arbitrary power.⁴³ Reading *Reflections* shows Burke to be someone who identified the populist power of the revolutionaries, the polarizations they instigated and the post-truth they peddled. His own ‘prudence’ was the refusal of ideological blueprints; instead, with a philosophic spirit of analogy, he brought a sense of participation in the providential wisdom of God to the circumstances of life and politics. I am calling this Burke’s ‘circumstantial wisdom’.

Burke wrote, in *Reflections on the Revolution in France*, of ‘[c]ircumstances (which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing colour, and discriminating effect. The circumstances are what render every civil and political scheme beneficial or noxious to mankind’.⁴⁴ Rather than the abstract theories and gnostic ideologies of *Les Philosophes*, Burke’s spirit of philosophical analogy discerned the divine providence that sustains the order of existence, with a sense of justice and equity, offering humanity not *liberté* but liberties, not the ideational, abstract universal rights of Rousseau or Paine, but the *real*⁴⁵ natural and political rights that were given and prescribed, belonging within the civil institutions and associations of society with a universality and reality that permeated the cosmos. It was the task of the statesman to discern divine providence in the circumstances of life where the will to arbitrary power could always emerge to pose a threat to the liberty of the people. The principles that Burke brought to that discernment were a theo-political imagination for the whole in which the part is incorporated, the duties of public service and living under the law, rather than the will

⁴³ See, for instance, O’Brien, *Melody*, 596.

⁴⁴ W&S, VIII, 58.

⁴⁵ Burke italicized ‘real’ in *Reflections on the Revolution in France*, see W&S, VIII, 109.

to power of a sovereign individual, and a commitment to tradition, rather than utopian abstractions – all held within a theism framed by Christian Platonism.

Christian Platonism

We consider now the tradition of Christian Platonism, by focusing in brief on five key thinkers. Burke's studies of the tradition of Anglican moral thought while he was a law student at Trinity College Dublin introduced him to a wide range of classical and early modern thinkers, including Paul, Augustine, Aquinas and Hooker. We then continue the span into the twentieth century with Eric Voegelin, and William Bain, in the twenty-first.

We begin, as counterpoint, with Michel Foucault and his treatment of 'order'.⁴⁶ For as Naím has commented:

The idea that nothing is ultimately true has a long history. In the 1970s and 1980s, a small band of far-left campus intellectuals led by radical French sociologist Michel Foucault began to argue that knowledge was an elite construct: a fiction like any other fiction, created by the powerful so they can exercise their power. [...] In the hands of sociologists like Bruno Latour, this idea was extended to science and the radical contention that scientific facts themselves do not exist 'out there' in the world but are merely constructed artifacts of human thought.⁴⁷

The twenty-first century is proving Foucault and Latour right, but not in the way they would have welcomed:

Rather than aiding the radical liberation of the downtrodden, the rise of post-truth is enabling the establishment of stealthocracies all around the world. Everywhere from the villages of Nigeria to the White House driveway, 'alternative facts' are being used to consolidate the grip on power of 3P rulers interested in wielding power unaccountably and permanently. [...] this

⁴⁶ Michel Foucault, *The Order of Things: An Archaeology of The Human Sciences* (London: Routledge, 1970).

⁴⁷ Naím, *Revenge*, 181-82.

poststructuralist mindset that dismisses truth as nothing more than a social construct was, in fact, one of the central organizing principles of the Trump administration.⁴⁸

The Order of Things

only in the blank spaces

Foucault was a twentieth-century post-modern critic of Platonism, and most particularly Christian Platonism. In *The Order of Things* he offers a genealogy of ideas in the history of thought, and identified different eras changing over time, when cultures took shape around particular bodies of knowledge. He differentiates the classical from the modern at which threshold ‘the strange figure of knowledge called man first appeared and revealed a space proper to the human sciences’.⁴⁹ In his own time, another of transition, he described his attempt ‘to uncover the deepest strata of Western culture, [thereby] restoring to our silent and apparently immobile soil its rifts, its instability, its flaws; and it is the same ground that is once more stirring under our feet’.⁵⁰ His endeavours reveal an order of things whereby coherence is found within the discursive practices of the given culture, so ‘[t]he fundamental codes of a culture – those governing its language, its schemas of perception, its exchanges, its techniques, its values, the hierarchy of its practices – establish for every man, from the very first, the empirical orders with which he will be dealing and within which he will be at home’.⁵¹ There is no metaphysics that lies beyond or beneath the order of things:

Order is, at one and the same time, that which is given in things as their inner law, the hidden network that determines the way they confront one another,

⁴⁸ Naím, *Revenge*, 181-82.

⁴⁹ Foucault, *Order of Things*, xxiv.

⁵⁰ Foucault, *Order of Things*, xxiv.

⁵¹ Foucault, *Order of Things*, xx.

and also that which has no existence except in the grid created by a glance, an examination, a language; and it is only in the blank spaces of this grid that order manifests itself in depth as though already there, waiting in silence for the moment of its expression.⁵²

An essential void

Foucault writes of *Las Meninas* painted by Velazquez in 1656, as emblematic of the transition from the classical era to an era where 'man' becomes represented to himself and where representation becomes all in all:

Perhaps there exists, in this painting by Velazquez, the representation as it were, of Classical representation, and the definition of the space it opens up to us. And, indeed, representation undertakes to represent itself here in all its elements, with its images, the eyes to which it is offered, the faces it makes visible, the gestures that call it into being. But there, in the midst of this dispersion which it is simultaneously grouping together and spreading out before us, indicated compellingly from every side, is an essential void: the necessary disappearance of that which is its foundation – of the person it resembles and the person in whose eyes it is only a resemblance. This very subject – which is the same – has been elided. And representation, freed finally from the relation that was impeding it, can offer itself as a representation in its pure form.⁵³

This is the moment when the ground shifts under the feet of 'man' bringing a new consciousness that all is representation, and the order of things receives its coherence only from how that order is observed and represented. The old order changeth.

One can understand why King Phillip IV might have been delighted at the painting. Its clever playfulness circles around his future heir. The whole of the universe is captured here, and various nations represented: the dog is thought to be descended from a mastiff given by James I, King of England. One little person is German, the other Italian. Before our eyes is a masterpiece to be interpreted as a celebration of order at play, intelligible representation because there is more than just coherence to the

⁵² Foucault, *Order of Things*, xx.

⁵³ Foucault, *Order of Things*, 16.

universe. Those depicting and depicted would most certainly have believed in more than an order of things. But to look today at the picture is to become acutely aware of the tensions inherent in the social and political order represented at the court of Phillip IV, understood as ordained by God. Foucault's rejection of the stratifications of society, and desire to dismantle the structures of class that hold all in their place, is understandable – for it is an 'order' that is a straitjacket. He belongs to a philosophical tradition that divides Master and Slave, bourgeois and proletarian, Übermensch and herd.

There are real tensions inherent in the very concept of order and the brief overview that follows will highlight how it can only really be understood analogically if the tendency to stratification is to be avoided that puts the rich man in his castle, the poor man at his gate. When Burke said, 'I love order, for the universe is order' he understood it to come alive as participation within the reality of God's ordered purposes for creation, where each created being finds its fulfilment as it realizes what it is ordained to be.

We begin with St Paul and his sense of the ordered life as like a body that incorporates all its members.

St Paul: The ordered body

Indeed, the body does not consist of one member but of many. If the foot were to say, 'Because I am not a hand, I do not belong to the body', that would not make it any less a part of the body. And if the ear were to say, 'Because I am not an eye, I do not belong to the body', that would not make it any less a part of the body. If the whole body were an eye, where would the hearing be? If the whole body were hearing, where would the sense of smell be? But as it is, God arranged the members in the body, each one of them, as he chose. If all were a single member, where would the body be? As it is, there are many members, yet one body. The eye cannot say to the hand, 'I have no need of you', nor again the head to the feet, 'I have no need of you.' On the contrary, the members of the body that seem to be weaker are indispensable, and those members of the body

that we think less honourable we clothe with greater honour, and our less respectable members are treated with greater respect.⁵⁴

The extended metaphor of the body to describe an ordered society has enduring influence and a wide range of meanings, from the idea of the Eucharist, that central Christian ritual and sacrament, that recalls the last supper Jesus Christ had with his disciples, when he took and gave bread and wine, with the injunction to eat and drink 'his body and blood' in remembrance of him. The body of Christ is a way of understanding the Church as an expression of the doctrine of the incarnation – the embodiment – of the presence of Christ in any age, and the means of God's grace through word and sacrament. Here, St Paul is elaborating how that body should live together with mutual appreciation of other members as all essential parts of the whole. No part can be dispensed with; indeed, the least reputable require the greatest honour, turning classical interpretations of the society as a body on its head, literally; for Paul is insisting, in accordance with the teaching of Christ, that the leader was to be the servant of all, that all members are called to serve each other in love, to constitute the whole. To understand 'order' in this way is to depart from the dominant sense that it is a static or regimented concept, or ideology of right or left, and rather to see Paul's meaning in an active and fluid body that can align itself to God's will and law, in service of others, and which finds its reality theologically as the Body of Christ, the incarnate reality of a transcendent God.⁵⁵

Augustine: The peace of the body

Order was one of the first considerations of Augustine's mature philosophy after his conversion from Manichaeism in November 386, the year in which he published *De*

⁵⁴ I Corinthians 12. 14-23.

⁵⁵ John A T Robinson's *The Body of Christ: A Study in Pauline Theology* (London: SCM, 1952) is the classic study of this approach.

Ordine.⁵⁶ Philosophy is the love of wisdom and wisdom is none other than the ability to order things according to purpose, with a direct continuity between the ordered reason and will of the person and a universe ordered by God. In this early work, so soon after his conversion away from Manichaeism, Augustine is at pains to show how evil exists within such a universe as disorder, falling away from order, rather than as he formerly understood dualistically, as a separate and distinct agency. He concludes that the further away a person's focus is from the unity at the heart of things, the greater the diversity and disorder. One of his interlocutors captures it to Augustine's approval:

I say that the whole life of a fool, though running in fits and starts and in perennial disorder, is nevertheless inserted into the order of things by divine providence. God's ineffable and everlasting law has set aside a definite place for it, not allowing it to operate outside it. [...] on raising the eyes of the mind to such heights as to survey the whole universe, [there is] nothing out of order, each thing perfectly fitting in its own assigned place.⁵⁷

The fog and darkness of error are penetrated by the reasoning of philosophy that teaches the First Principle of all things; and also by understanding 'none other than the one God almighty and thrice powerful, Father, Son, and Holy Spirit'. Augustine commends to his friends that they live orderly lives, aligned with the unity that can be discerned throughout the universe, 'in the world of the mind any part is as beautiful and perfect as the whole to which it belongs'.⁵⁸

Augustine later retracted much of *De Ordine* for he believed he had left the subject in an unsatisfactory place. It was a sense of analogy that was missing. Later, in Book XIX

⁵⁶ Augustine *On Order*, Silvano Borruso (trans.), (South Bend, Indiana: St Augustine's Press, 2007).

⁵⁷ Augustine, *On Order*, 65.

⁵⁸ Augustine, *On Order*, 119.

of *City of God* Augustine writes of the peace of the universe in all its parts as dependent upon order, where a philosophic spirit of analogy is evident:

The peace of the body, we conclude, is a tempering of the component parts in duly ordered proportion; the peace of the irrational soul is a duly ordered repose of the appetites; the peace of the rational soul is the duly ordered agreement of cognition and action. The peace of body and soul is the duly ordered life and health of a living creation; peace between mortal man and God is an ordered obedience, in faith, in subjection to an everlasting law; peace between men is an ordered agreement of mind with mind; the peace of a home is the ordered agreement among those who live together about giving and obeying orders; the peace of the Heavenly City is a perfectly ordered and perfectly harmonious fellowship in the enjoyment of God, and a mutual fellowship in God; the peace of the whole universe is the tranquillity of order – and order is the arrangement of things equal and unequal in a pattern which assigns to each its proper position.⁵⁹

This classic definition offers an understanding of ‘order’ where something ordered belongs and participates in the unchangeable and eternal order and peace of God.

There is another aspect to Augustine’s thought, relevant here. In *City of God*, he contrasted the city of God with the city of the world, two cities co-existing, representing salvation or damnation:

I classify the human race into two branches: the one consists of those who live by human standards, the other of those who live according to God’s will. [...] By two cities I mean two societies of human beings, one of which is predestined to reign with God from all eternity, the other doomed to undergo eternal punishment with the devil.⁶⁰

This is a re-emergence of Augustine’s former Manichaeism, in which the sense of God’s grace permeating through all creation, infusing institutions and constitutions, incarnating the body of Christ within the body politic, became more difficult to sustain, for Augustine lapses into dualism. Later, Protestantism was to take up this

⁵⁹ Augustine, *City of God*, David Knowles (ed.), (Harmondsworth: Penguin, 1972), 870.

⁶⁰ Augustine, *City of God*, 595.

dualism, favouring a sense of the individual before God, requiring salvation, dependent on God's will alone and not upon the institution and prescriptions of church and priesthood. Extreme Protestants understood that God's arbitrary power saved the elect and damned all else, with the distinction known to God alone. With this belief in predestination went the belief that all political structures, institutions or constitutions were no longer divinely ordained, so became deeply questionable – including the Church – for they belonged to the unredeemed world.⁶¹ Notwithstanding this reading of Augustine, as Davison comments, 'participation' remains the dominant key to understanding Augustine.

Davison, however, gives 'central place to Thomas Aquinas, as a clear master of the participatory perspective':⁶²

If all things come from God, as their common source, they come forth *related*. As Aquinas put it in *On Power*: 'the order of the parts of the universe to one another results from the order of the whole universe to God'.⁶³

Aquinas: being by participation

All created things, in all diversity, gain life and being as gift from God, and through participation in the being of God, all belong together in relation. Davison captures the political consequences of this:

⁶¹ This is not the only reading of Augustine, of course. See Jean Elshtain's chapter "Augustine" for a broad and nuanced assessment, in Peter Scott and William T. Cavanaugh (eds.), *The Blackwell Companion to Political Theology* (Oxford: Blackwell, 2004), 36-47.

⁶² Davison, *Participation*, 6-7.

⁶³ Davison, *Participation*, 367, original emphasis.

a pivotal contention for Aquinas, that what we share with our neighbour is not simply our nature, nor even a shared destiny, but also common work, and the common good: the good of all that redounds to each.⁶⁴

God's transcendent good, which permeates all life with an immanence, even intimacy, holds all being in relation not competition. Power is not a possession that belongs to any one part, but rather aligns all being towards its source and end, such that any agency is simultaneously that of the creature and of God. In Aquinas' words:

God is his own power, and [...] is in all things not as part of their essence but as upholding them in their being [and consequently] he acts in every agent immediately, without prejudice to the action of the will and of nature.⁶⁵

This is to be clear, though, that creature is not identifiable with creator, for there is an 'infinite qualitative difference'.⁶⁶ Differences in interpretation emerge amongst Christian Platonists over this, as can be discerned when Rudi te Velde expresses concern about 'possible pantheistic association', advising avoidance of 'formulations as "participation in God" on the grounds that "Thomas himself is always aware of an essential difference: God himself is not participated in by something else [...] [but] in each creature, the identity of essence and being, that defines God, is negated in a determined manner'.⁶⁷ Davison has it right, though, I think:

When it comes to creatures, the core of the idea of participation is that things are what they are by participation in God: they are what they are because they receive it from God. Whenever participation is invoked, however, the parallel idea in the doctrine of God usually lies close at hand: that if having by participation is the mark of the creature, then having (or being) without

⁶⁴ Davison, *Participation*, 371.

⁶⁵ Andrew Davison and Jacob Holsinger Sherman, 'Christian Platonism and Natural Science', in Hampton and Kenney, *Christian Platonism*, 355-80; 361, quoting Aquinas, *De Potentia*, III.7, resp.

⁶⁶ Davison and Sherman, in Hampton and Kenney, *Christian Platonism*, 360.

⁶⁷ Rudi A. te Velde, 'Participation: Aquinas and His Neoplatonic Sources', in Hampton and Kenney, *Christian Platonism*, 122-42; 134-35, n.26.

derivation is the mark of God: 'God is being by His own essence, because He is the very act of being. Every other being, however, is a being by participation.'⁶⁸

This question of the whole and the part, and the relation of divine simplicity to the complexity of participating things, is a fundamental one, and 'order' is a crucial concept. Insole reflects that order is ultimately 'unfathomable', which an analogical approach would suggest:

Inasmuch as we participate in divine perfection, we know something of this order and intelligibility; but inasmuch as we fall short of divine perfection, this order and intelligibility is unfathomable to us. Natural law is the possibility both described and limited here. Because creation is ordered, and we are part of that order, we have some insight into the purpose of things. It is also because the creation is ordered by God that the patterning and purposive order is also unfathomable to a degree.⁶⁹

All creatures have their mysterious being and are sustained by their appropriate participation in the reality of God, which Burke called divine providence. There is no sense in which any created thing is separate because it is created, but rather it is held in a continuity of participation within divine reality, in which all created being in its myriad diversity has life to enable it to develop towards the ends for which it is created. Divine providence sustains all things as they tend towards the fulfilment of their particularity in the fullness of God.

Burke made one reference to Aquinas, as he spoke in the House of Commons in 1780, on the Protestant practice in Ireland of removing Roman Catholic children from their homes. Newspapers reported his speech:

when children are taken or bought, they are sent from North to South, from East to West, their names changed, and the ties of affinity are snapped and broke asunder. [...] This blot and blemish should never have been mentioned, if [Burke] had not been forced to it; he quoted the opinion of Thomas Aquinas, in the 12th century, against breaking the law of nature and he contended, that the

⁶⁸ Davison, *Participation*, 22, quoting Aquinas, *Summa Contra Gentiles*, II.15.5.

⁶⁹ Insole, 'Two Conceptions', 454-55.

parent had full right to dispose of the education of the child and said the darkness of the 12th century rises against the light of the 18th.⁷⁰

The reference to light and darkness offers an interesting insight into Burke's reflection on his own 'enlightened' times, as he spans back into another (supposedly darker) 'age' to challenge Protestant Ascendancy practice. He judged it to break natural law, drawing on Aquinas' sense of what it means to do good and to resist evil, in fulfilment of God's law of love.

Richard Hooker: the laws and orders of society

Edmund Newey, writing of Hooker's use of analogy, shows how his doctrine of grace is 'a characteristically nuanced reappropriation of the patristic, scholastic and reformed traditions' that follows Aquinas closely, and particularly the Platonic conception of participation as that which confers reality, such that humanity is understood to be reasonable by participation in the rational order and law of God.⁷¹ This is evident in Book one of his *Laws*, where Hooker reflects Pauline teaching of the body, 'to serve unto others good':

So likewise another law there is, which toucheth them as they are sociable partes united into one bodie, a lawe which bindeth them each to serve unto others good, and all to preferre the good of the whole before whatsoever their owne particular, as we plainely see they doe.⁷²

For Hooker, there are two foundations to a society – 'a naturall inclination, whereby all men desire sociable life and fellowship' and 'an order expresly or secretly agreed

⁷⁰ See W&S, III, 609, for the report of the London Courant 28, 29 June 1780. Burke mistakes the century, locating Aquinas in the twelfth century, rather than the thirteenth.

⁷¹ Edmund Newey, 'The Form of Reason: Participation in the Work of Richard Hooker, Benjamin Whichcote, Ralph Cudworth and Jeremy Taylor', in *Modern Theology* 18, 1, January 2002, (Oxford: Blackwells, 2002), 1-26; 4.

⁷² *Laws*, I, 69.

upon, touching the manner of their union in living together, we call 'the law of a common weale, the very soule of a politique body, the parts whereof are by law animated, held together, and set on worke in such actions as the common good requireth.'⁷³ Human beings need others, to make up our defects, and human nature, fallen away from its natural sincerity, needs external laws to frame outward actions – in a clear statement of heteronomy:

To take away all such mutuall greevances, injuries, and wrongs, there was no way, but only by growing unto composition and agreement amongst themselves, by ordeining some kind of government publike, and by yeelding themselves subject thereunto, that unto whom they graunted authoritie to rule and governe, by them the peace, tranquillitie, and happy estate of the rest might be procured.⁷⁴

Positive laws are made by the whole society and everyone, even the Prince, is subject. Those who govern require the consent of the governed – an ancient principle of Roman law:

the lawfull power of making lawes to commande whole politique societies of men belongeth so properly unto the same intire societies, that for any Prince or potentate of what kinde soever upon earth to excercise the same of him selfe and not either by expresse commission immediatly and personally receyved from God, or els by authoritie derived at the first from their consent upon whose persons they impose lawes, it is not better then meere tyrannye'.⁷⁵

These snapshots of St Paul, Augustine, Aquinas and Hooker serve to illuminate aspects of Christian Platonism, re-enforcing the theism that is foundational, the sense of the will subordinate to the law, the catholic whole in which the part is incorporated – all are evident in these thinkers, and all had their influence, along with others, on Burke as he read himself into this tradition.

⁷³ *Laws*, I, 96.

⁷⁴ *Laws*, I, 98.

⁷⁵ *Laws*, I, 102.

What was yet to come, discernible in Burke's thought, was our fourth tension, between the old and the new, and we turn to Eric Voegelin to elucidate this aspect of Burke's Christian Platonism.

Voegelin on order

From his observations of the totalitarianisms of his century, Voegelin concluded that a Christian Platonist political imagination was the only way to understand and counter the devastations, and that 'order' was a helpful concept to do so.⁷⁶ He struggled to do justice to what he hoped to achieve, dying before completing *In Search of Order*, which was published posthumously.⁷⁷ He left a note on his desk, which offers a sense of the terrain of the whole work, describing as the 'It-reality' his sense of 'the God who reveals himself in his presence in time and the God who remains the experienced but unknown reality beyond time. [...] This experienced ultimacy of the tension becomes luminous in the symbol "divine"'.⁷⁸

Voegelin believed that an apprehension of the divine made experience meaningful and gave a sense of order in the disorders of the age. He traced the roots of twentieth-century ideologies to the rationalism of the Enlightenment. Order is constantly threatened by the all-too-human propensity to collapse the divine into a deterministic

⁷⁶ He published five volumes of his *Order and History*: Vol. I: *Israel and Revelation*; Vol II: *The World of the Polis*; Vol III: *Plato and Aristotle*; Vol IV: *The Ecumenic Age* and Vol V: *In Search of Order* before his death in 1985. See <https://sites01.lsu.edu/faculty/voegelin/> [accessed 06/07/2023].

⁷⁷ See Nicholas Rengger, 'Between transcendence and necessity: Eric Voegelin, Martin Wight and the crisis of modern international relations', *Journal of International Relations and Development* (2019) 22, 327-345, ., <https://doi.org/10.1057/s41268-019-00171-x> [accessed 05/07/2023].

⁷⁸ Eric Voegelin, *In Search of Order*, Ellis Sandoz (ed.), (Columbia: University of Missouri Press, 2000), 123, where he differentiates 'It-reality' from 'thing-reality'. The best way to understand 'It-reality' is as the divine reality that is 'experienced as a Beyond of the formative, tensional process of [thing] reality.'

cosmos, with a concomitant spiritualizing of the political with the perfections of utopian ideology, and ‘othering’ what does not belong. This Voegelin called ‘Gnosticism’: ‘Since Gnosticism surrounds the *libido dominandi* in man with a halo of spiritualism or idealism, [it] can always nourish its righteousness by pointing to the evil in the world’.⁷⁹ Gnosticism collapses analogical knowledge into ideological certainties, thereby destroying the metaxy, where living in the tension, the divine presence that holds meaning and order in history is apprehended.

St Paul within the uncertainties of the world

Voegelin describes how Paul lived in the tension of the truth revealed in Christ, listing the virtues of hope, patience and character required.⁸⁰ In the *New Science of Politics*, he wrote that:

Uncertainty is the very essence of Christianity. [...] The life of the soul in openness toward God, the waiting, the periods of aridity and dullness, guilt and despondence, contrition and repentance, forsakenness and hope against hope, the silent stirrings of love and grace, trembling on the verge of a certainty which if gained is loss – the very lightness of this fabric may prove too heavy a burden for men who lust for massively possessive experience.⁸¹

Although both Plato and Paul agreed that ‘the reality of history is [...] the In-Between where man responds to the divine presence and divine presence evokes the response of man’,⁸² there is a fundamental distinction, for Plato’s Demiurge is always limited by *Ananke*, the deterministic necessity of the cosmos, whereas Paul understood that the

⁷⁹ Voegelin, *The Ecumenic Age*, 28.

⁸⁰ Voegelin, *The Ecumenic Age*, 240.

⁸¹ Eric Voegelin, *The New Science of Politics: An Introduction* (Chicago: University of Chicago Press, [1952] 1987), 122.

⁸² Voegelin, *The Ecumenic Age*, 242.

resurrection affirmed life, overcoming the sting of death and determinism.⁸³ Voegelin argued that the Christian tradition showed how to live with the tension, the metaxy of existence, bringing the transformative insight that in Christ humanity is freed from the death of necessity. The tension, for Voegelin, is destroyed by atheist ideologies that return humanity to the deathly determinism of a meaningless history. The truth of order has to be gained and regained in perpetual struggle against the fall from it; and the movement toward truth starts from man's awareness of his existence in untruth.

Voegelin reads Hooker's analysis of the Puritans of his day – the so-called 'Saints' – as paving the way, through Hegel, to totalitarianism:

The Saint is a Gnostic who will not leave the transfiguration of the world to the grace of God beyond history but will do the work of God himself, right here and now, in history. [...] The Omnipotent God will come to the aid of the Saints and 'shall do these things, by that power, whereby he is able to subdue all things unto himself. Mountains shall be made plain, and he shall come skipping over mountains and over difficulties. Nothing shall hinder him.' But in this God who comes skipping over the mountains we recognize the dialectics of history that comes skipping over thesis and antithesis, until it lands its believers in the plain of the Communist synthesis.⁸⁴

Voegelin's reading of Hooker intriguingly suggests that Hooker identified the generation of the ideological dynamic of populism and totalitarianism within Calvinist puritanism, and it is not beyond imagination to suppose that Burke had understood Hooker's preface in this light, and that it informed his views as he considered the abstractions of *Les Philosophes*.

⁸³ Voegelin, *The Ecumenic Age*, 250.

⁸⁴ Voegelin, *New Science*, 147.

rich ground in which to locate Burke

Voegelin's emphasis on 'metaxy', the in-between, and Gnosticism, opens up rich ground in which to locate Burke, in his 'circumstances'. Rengger recognizes that the breadth of Voegelin's vision, asking: 'How are we retain, or reinvigorate, the idea of an in-between? What vehicle might we find that could play the role the *sacrum imperium* was said to have played? Are we not rather permanently locked in a tension between the transcendent and material necessity that cannot be balanced but only decided in one way or the other?'⁸⁵ He suggests that the tensions that Voegelin held, particularly in his final volume with its tentative title, *In Search of Order*, were problematic, even unresolvable in their deep ambiguity. And the ambiguities are there in Burke as well, struggling to live in the metaxy of the tensions of witnessing to divinely providential order in a world that was turning towards the deterministic ideologies of human utopias. Burke, I argue, recognized what Voegelin called the Gnosticisms of ideology, that were based, not on meaning given by a human existence that participated in what Voegelin calls the 'It-reality', but on humanistic abstractions, constructed over the essential void that lies beneath the order of things.

To understand Burke's thought as comprehensively as possible for today's age, without succumbing to the usual appropriations or repudiations, is to imagine him as one bridgehead in line with other Christian Platonist thinkers – St Paul, Augustine, Aquinas, Hooker and Voegelin – all of whom took 'order' seriously with a spirit of philosophic analogy, framing it in terms of participation in providential order. To bring the bridge to land in contemporary times the contribution of William Bain is

⁸⁵ Rengger, 'Between transcendence and necessity', 343-44.

helpful, as he draws on Francis Oakley's reading of A. N. Whitehead's distinction between 'imposed' and 'immanent' order.⁸⁶

William Bain: imposed order/immanent order

William Bain, like many today within the disciplines of political theology and international relations, looks to the philosophical division between realism and nominalism that emerged in the Middle Ages in reaction to Thomas Aquinas to find continuities that disturb the constructed identifiable 'epochs' in history that Foucault and others assert. He recognizes the influence of the Radical Orthodoxy movement in such debates.⁸⁷ Catherine Pickstock, for instance, examines Duns Scotus' ontology of Being, in which God and creatures as finite things exist univocally on a continuum of being. She shows how, to this nominalist way of thinking, the distance between God and creatures becomes so great that it is, effectively, an unbridgeable, radical equivocality – God becomes 'wholly other' to the world. The realist, analogical epistemology is lost, whereby finite, plural order is understood as finding its metaphysical reality and unity in the Being and Unity of God.⁸⁸

haecceity

Pickstock describes how Scotus saw 'the many things to be counted in their irreducible uniqueness of *haecceitas*' which does not 'floreat into qualitative

⁸⁶ William Bain (ed.), *Medieval Foundations of International Relations* (London: Routledge, 2017); see also William Bain, *Political Theology of International Order* (Oxford: Oxford University Press, 2020).

⁸⁷ See John Milbank, *Theology and Social Theory: Beyond Secular Reason* (Oxford: Blackwells, 1990); John Milbank, Catherine Pickstock, Graham Ward (eds.), *Radical Orthodoxy* (London: Routledge, 1999); Milbank and Oliver, *Radical Orthodoxy Reader*.

⁸⁸ Catherine Pickstock, 'Metaphysics and the problem of international order', in Bain, *Medieval Foundations*, 42-64.

diversity', but becomes 'an infinite range of radical non-identity'.⁸⁹ Pickstock claims, rightly I think, this is the birth of the 'isolated individual making contracts'.⁹⁰ In agreement, Adrian Pabst traces the impact of Duns Scotus on William of Ockham, in whom nominalism receives its mature expression. Ockham locates thisness in the individual, immediately and intrinsically, and the names (*nomina*) we call things denote all there is – as Foucault was to say of the order of things – for there is nothing universal, or metaphysical, in this world of absolute singularities. Pabst quotes Ockham: 'There is nothing in [any two individuals] that is one and the same: whatever is in one simply and absolutely of itself is not something that exists in another'.⁹¹

voluntarism

Ockham also subordinates divine intellect to divine will, ensuring that there is 'only the overriding absolute power of God's arbitrary will'. Pickstock describes what this voluntarism looked like when translated into the political frame:

In this way, [Ockham] lays the theological and philosophical foundations for the primacy of the individual over the universal in which all can participate. Any form of commonality is now based on individual power and not on a shared divine gift of being.⁹²

And then also, as Pickstock points out, a different emphasis on the will emerges:

The new reign of the irreducibly isolated One entails an aggrandizement of the notion of will. [...] In other words, the abandoning of the notion of participation in God meant that a new framework for the establishment of the way things are

⁸⁹ Pickstock, in Bain, *Medieval Foundations*, 46-47.

⁹⁰ Pickstock, in Bain, *Medieval Foundations*, 51.

⁹¹ Adrian Pabst, 'International relations and the "modern" Middle Ages: Rival theological theorisations of international order', in Bain, *Medieval Foundations*, 166-185; 171.

⁹² Adrian Pabst, *Metaphysics: The Creation of Hierarchy* (Grand Rapids, MI: William B. Eerdmans, 2012), 292.

had to be devised. And, here, a sense of the relation between God and creatures as contractual emerges, as the Biblical idea of ‘covenant’ come to be newly interpreted.⁹³

Pickstock describes how:

This new order of political representation replaces a structure in which the monarch’s power could be based upon popular assent, since both people and monarch assumed a shared horizon concerning the common good; and with it arises the notion that power is exercised in isolation from the reason why it is exercised. Power acquires an independent reality which corresponds to the arbitrary will detached from teleological determination.⁹⁴

For nominalists, divine freedom is paramount: it is God’s *fiat* of divine will that arbitrarily decrees what is the case. The ‘in-between’, where analogical apprehension shapes knowledge, is lost, as is the analogical knowledge of God who is not a thing alongside other things, but the ground of being in which all creation participates to become real.

Bain agrees with this understanding, drawing, in addition, on Francis Oakley.

Oakley/Whitehead

Oakley argues that the voluntarism of nominalist thinkers like Ockham prioritized the divine will in such a way that they destroyed the rational ordered harmony that incorporates all creation.⁹⁵ In his *Natural Law, Laws of Nature, Natural Rights*, he draws on A. N. Whitehead’s *Adventures of Ideas* for a helpful distinction between two

⁹³ Pickstock, in Bain, *Medieval Foundations*, 47.

⁹⁴ Pickstock, in Bain, *Medieval Foundations*, 52.

⁹⁵ Bain, *Political Theology*, 6; See Francis Oakley, *Natural Law, Laws of Nature, Natural Rights* (London: Continuum, 2005) 69-70, and his ‘Secularism in question: Hugo Grotius’s ‘impious hypothesis’ in Bain, *Medieval Foundations*, 65-83.

conceptions of 'order'.⁹⁶ On the one hand, there is the order which, according to the Platonist tradition, is 'immanent'⁹⁷ in the world; then there is the 'imposed' order that traces its roots to the nominalist preference for the will. Says Bain:

Each theory is grounded in a particular conception of God. Immanent order corresponds to a rational God who *thinks* the universe into existence and imposed order corresponds with a wilful God who *speaks* the universe into existence.⁹⁸

Oakley expresses it thus:

Although Whitehead's rival doctrines of immanent and imposed laws of nature are not situated quite at opposite ends of the doctrinal spectrum, they are situated well apart and are in obvious tension one with another. Thus the notion of laws of nature as immanent implies an equally immanent understanding of moral or juridical natural law and may be said to presuppose a system of ideas in which the divine is conceived as immanent or innerworldly; the epistemology is essentialist (or to use the medieval term 'realist'); and nature is conceived in organismic terms, fraught with purpose and finality and open to investigation by analytic or deductive modes of reasoning capable of delivering knowledge that is certain or absolute. On the other hand, the notion of laws of nature as imposed by an external will implies a similarly legislative notion of moral or juridical natural law, and presupposes or entails a system which harbors a notion of God as extrawordly or transcendent stressing above all his freedom and omnipotence, a nominalist epistemology, and a natural philosophy of empirical mode or mechanistic sympathies focused on the investigation of efficient causes and emphasizing the conditional nature of all knowledge based on observation of a created and radically contingent world which could well have been other than it is.⁹⁹

⁹⁶ A. N. Whitehead, *Adventures of Ideas* (Cambridge: Cambridge University Press, 1933).

⁹⁷ This is not the closed 'immanence' that denies transcendence, but rather an understanding of divine order embedded and pervasive throughout the created universe.

⁹⁸ Bain, *Political Theology*, 7.

⁹⁹ Oakley, *Natural Law*, 30.

Bain draws usefully on this strand of thought to trace the impact of nominalism on the political theology of international order, arguing ‘that the dominant understanding of international order – interacting states and institutional arrangements that regulate their relations – is intelligible in terms of the theory of imposed order and its nominalist postulates. Yet, this dominance notwithstanding, it is also possible to detect the theory of immanent order, albeit as a diminished echo’.¹⁰⁰ He agrees with Oakley that the two theories of order offer incommensurate approaches to understand reality:

The theory of immanent order allows no room for a constantly changing pattern of order such as that described by the balance of power. In a necessary pattern of right order, every state as a state is arranged for the good of the whole. Thus all things, states included, have a pace and purpose that contributes to the common good in which individual goods are realized. Equally, the theory of imposed order allows no room for a common good that is anything more than an aggregate of individual goods. Here the whole is evaluated in respect of what it contributes to the good of the parts.¹⁰¹

He reiterates the continuities between the medieval and the modern that Oakley highlights, enabling him to ‘engage the theories of immanent and imposed order as constituting a master distinction that I use as an interpretive key to surface ideas, metaphors, and analogies, rooted in medieval theology, which underpin modern theories of international order’.¹⁰² It is the theory of imposed order that is the dominant discourse in today’s debates, with a nominalist stress on vindicating God’s freedom to create *ex nihilo*, bringing the universe into existence by sheer force of will, and sustaining it in a state of utter dependence, so ‘all things visible and invisible, all logical entities, all propositions of truth, all possibility and impossibility, depend on

¹⁰⁰ Bain, *Political Theology*, 9-10.

¹⁰¹ Bain, *Political Theology*, 10.

¹⁰² Bain, *Political Theology*, 14.

God's infinite and incomprehensible power'.¹⁰³ Indeed, unrelenting emphasis on God's freedom leads to a radically contingent order of the universe that simply reflects an arbitrary divine will.

On the other hand:

the theory of immanent order is grounded in theology, and by logical entailment, extends to metaphysics, science, philosophy, law and politics. It begins with a conception of God as rational – and [...] the idea of order discloses the character of interconnectedness, hierarchy, and rational intelligibility. Individual things, though endowed with unique reasons or natures that are contained in God's mind, do not exist in isolation from one another. They are as parts, arranged for the good of the whole. In this way they disclose a pattern of interconnected unity that is dictated by God's rational plan.¹⁰⁴

Bain charts these rival conceptions of order, immanent and imposed, through the centuries looking at Hobbes, Grotius and Luther, showing how 'imposed order' has come to dominate. He commends, however, the benefits of 'immanent order' as it has been understood since Augustine, particularly as imposed order undermines itself, for when order is 'predicated on autonomous subjects, either individuals or states, which make free choices in making their world, [when] the language of will, consent, intention, promise, and obligation, is a practical expression of this freedom'¹⁰⁵ it requires, as nominalist theology held, that 'God plays an indispensable role in guaranteeing the moral order [...] because it proceeds from, and is continuously upheld, by the divine will'.¹⁰⁶ But when God is abstracted away in an atheist world that declares God's death, then imposed order is fatally weakened, not least because without God as model, those who wield power can do so arbitrarily, without any

¹⁰³ Bain, *Political Theology*, 48.

¹⁰⁴ Bain, *Political Theology*, 37.

¹⁰⁵ Bain, *Political Theology*, 48.

¹⁰⁶ Bain, *Political Theology*, 209.

sanction: ‘God can bind himself to uphold this order, through promise and covenant, and human beings can have confidence in this promise because God is good, by definition. But the same cannot be said of states’.¹⁰⁷

Bain argues that between the two ‘orders’ there is a ‘deep and abiding tension’.¹⁰⁸ The dominance of imposed order has profound costs, such that:

Consequently, arbitrariness is an indelible feature of a constructed order that is severed from all eternal or necessary truth. [...] Without some intrinsic reason to guide the activity of the will, analogous to the rational archetypes that guide God’s creative activity in Augustine’s thought, international order and the goals that justify its existence are utterly dependent on human will and whatever rationality this will imposes on it. [...] Human beings make their world as God made the universe; it differs only in that human decision, rather than God’s will, imposes regularity on what is made.¹⁰⁹

Bain’s approach, as it draws together new developments within the field of international relations, and the insights of Radical Orthodoxy, suggest that reading Edmund Burke today in this light may prove fruitful and significant to contemporary political thought and theology. For example, when Naím talks of ‘post-truth’ as ‘a new and frightening phenomenon’ in the context of democracies, that ‘connects the kind of nihilism at the heart of post-truth with totalitarian regimes unashamed to trample on freedom of speech’,¹¹⁰ the phenomenon of ‘post-truth’ is best understood in the light of this philosophical ground, along with Naím’s other Ps: polarization and populism. For in a world of ‘imposed order’ all truth becomes constructed and subject to the will to power; whereas ‘immanent order’ enables a foundation in a rational universe where

¹⁰⁷ Bain, *Political Theology*, 209.

¹⁰⁸ Bain, *Political Theology*, 215.

¹⁰⁹ Bain, *Political Theology*, 220.

¹¹⁰ Naím, *Revenge*, 158.

law is ordained. That Burke discerned the dangers in the eighteenth century of what has come to be understood as ‘imposed order’ is the thesis here; his defence of divinely-ordained constitutionalism a good place from which to consider the threat of the arbitrary power of autocracy today.

Order! Order!

On 6th May 1791, six months after the publication of *Reflections*, the British parliament debated *The Quebec Bill*, which was to determine Canada’s constitution.¹¹¹ The debate eventually adjourned at half past midnight, after a momentous, acrimonious and painful conflict which drove apart Edmund Burke and his long-standing friend and parliamentary colleague, Charles James Fox, over their different attitudes to the French Revolution. Their fall out takes us to the heart of the philosophical divisions we have explored.

Burke was called to order no less than seven times during the debate, for deviating and ‘gratuitously abusing the new French order’.¹¹² The calls to order continued, as Burke persisted in his fear that Canada, with its dual French and British heritage, could go either direction. The irony of being called to order was not lost on him. ‘If he was disorderly he was sorry for it’,¹¹³ he claimed the first time it happened. Then, after Fox gave ‘the most disorderly speech that perhaps ever was delivered to that House’,¹¹⁴ words followed that sealed the collapse of their friendship. Fox had not recognized the profound threat that the French Revolution posed. Burke was at odds with his Whig colleagues, and when he tried, later in the summer that year, to present his case in *An*

¹¹¹ W&S, IV, 324-361.

¹¹² W&S, IV, 333.

¹¹³ W&S, IV, 333.

¹¹⁴ W&S, IV, 338.

Appeal from the New to the Old Whigs, he still failed to convince.¹¹⁵ This marks a pivotal point in his career. By the time of his death in 1797, he understood his life to have been a failure.

Burke's passionate defence of the British constitution against the threat that had taken hold across the channel illustrates well the conflict between the two distinct and incommensurable theories of immanent and imposed order that Bain has outlined. Burke believed the French Revolution represented the consequences of an order imposed by the unfettered exercise of arbitrary power, which once rooted, threatened the body politic, not only of France, but also Britain, and Europe. He sought to commend the divinely-sanctioned order that sustained and protected the body politic against arbitrary power with its different frame for understanding notions of freedom and liberty, rights and natural law and order, consent and trust.

I have in mind a Chinese sphere

This thesis will reflect a Platonist imagination in its structure. I have in mind a Chinese sphere, intricately, amazingly carved, in which six smaller spheres rotate, each smaller one participating in the larger, and all held within the largest, which can be understood as the whole, created and ordered to the ends of God's goodness, justice, truth and love.

After the first chapter, on how Burke has been read through each century, including his own, we begin with the whole, with a chapter that considers divine order, as Burke understood it. Burke wrote his *Philosophical Enquiry* in his late twenties – a consideration of how the natural world inspires awe. We draw on contemporary

¹¹⁵ W&S, IV, 369-476.

writers, in particular Norman Wirzba¹¹⁶ and Iain McGilchrist, to explore Burke's resistance to the rationalism and instrumentalism of deism. The chapter commends Burke's understanding of divine providence, in the light of the increasing interest in the 're-enchantment' of the natural world today.

Then we go to the centre of the Chinese ball, to work concentrically outwards, putting the moral ordering of the individual at the core. That individual, to Burke's mind, was not the sovereign individual or autocrat who seeks to exercise an arbitrary will to power in today's world, but was always to be found within platoons of belonging. Burke rejected Jean-Jacques Rousseau's understanding of freedom as unfettered from the chains of society; rather it is in the duties of public service that humanity flourishes. He viewed the human person not as autonomous, but as heteronomous, living in a world of others, under the duties, regulations and laws of belonging. As we have noted, he believed that 'every duty is a limitation of some power'.¹¹⁷ The natural inclination towards the exercise of the will to power requires curtailment by the morality of public service that the human being may grow into the full stature of personhood.

Then we have the sphere of civil order. The chapter begins with Burke's statue in Bristol, where it stood alongside that of Edward Colston for over a century. What might they have said to each other, in a magical-realist world? Burke was fundamentally opposed to slavery, and we consider the distinction between 'political' slavery, understood as living under the will rather than the law, and 'chattel' slavery, which encompasses all the brutalities of the practice. In 1780 he wrote a tract entitled

¹¹⁶ Norman Wirzba, *This Sacred Life: Humanity's Place in a Wounded World* (Cambridge: Cambridge University Press, 2021).

¹¹⁷ W&S, IV, 141.

*Sketch for a Negro Code*¹¹⁸ in which he argued that slavery should be abolished, and immediately, all slaves should be treated as fully human, with the rights that pertain to all. We consider the philosophical nature of ‘right’ as either *distributed* to each autonomous person, or *attributed* by virtue of divine providence that confers the natural dignity of *real* rights on all to live, heteronomously, within the duties and responsibilities of belonging, regardless of the accidents of birth. Vincent Lloyd’s *Black Natural Law*¹¹⁹ is considered, with the question of how Burke’s Christian Platonism might support his call for a renewed sense of justice grounded in natural law.

Social order is the next sphere, which takes us to Burke’s views of ‘the company’, and in particular his tireless battle against the East India Company and its exercise of arbitrary power, (which resonates with Naím’s description of corporate criminality today) as it asset-stripped India. It was the baldest example of the naked economic power of unleashed capitalism, and the chapter considers Burke’s *Thoughts and Details on Scarcity*,¹²⁰ which is often taken as a seminal work of neoliberalism, advocating the ‘freedom of the market’ from governmental constraint. That view is challenged here as inconsistent with Burke’s principle of the need to curtail arbitrary power, wherever it emerges. A distinction is drawn between Hayek’s idea of ‘extended order’,¹²¹ that so influenced Thatcher and others, and Karl Polanyi’s ‘social’ or ‘embedded’ capitalism,¹²² that serves the common good of society. The East India

¹¹⁸ W&S, III, 562-80.

¹¹⁹ Vincent W. Lloyd, *Black Natural Law* (Oxford: Oxford University Press, 2016).

¹²⁰ W&S, IX, 119-145.

¹²¹ Friedrich A. Hayek, *The Fatal Conceit: The Errors of Socialism*, W. W. Bartley III (ed.), (Chicago: The University of Chicago Press, 1989).

¹²² Karl Polanyi, *The Great Transformation: The Political and Economic Origins of our Time*, Fred Block (ed.), (Massachusetts: Beacon Press, [1944] 2001).

Company proved difficult, if not impossible, to regulate, and the chapter considers the arbitrary power of contemporary hi-tech companies that are unaccountable to any nation, constitution or institution today, and indeed, create and control their own markets.

The rise of populism is the subject of the chapter on political order, as a contemporary manifestation of arbitrary power. Drawing on Mouffe and Laclau's understanding of populist reason,¹²³ and Moisés Naím's 3Ps of the autocrat of today, we consider different notions of representation as understood by Burke and Paine. The instabilities of contemporary 'democracy' are explored against Burke's understanding of constitutionalism. We examine Lefort's essay on the 'permanence of the theologico-political',¹²⁴ which returns us to Carl Schmitt's thesis that theological concepts continue to inhabit political thought. The 'closed' world of secularism is interrogated in the light of Burke's Christian Platonism, with the question posed of what ultimate sanction there is to the arbitrary power of the autocrat, or sovereign individual, and any who aspire to populist power, when order is imposed rather than immanent, where there is no ultimate foundation for truth, but all is constructed. The chapter also investigates what Burke called 'abstraction', or what today would be termed 'ideology', in the light of Voegelin's ideas about Gnosticism, revisiting Hooker's engagement with Puritanism. It is argued that when sovereignty is located not as old Hobbes imagined with the individual or the nation state, but as Burke believed, with the 'Sovereign Disposer', then the political order has a necessary ultimate base and foundation to which all are accountable.

¹²³ Chantal Mouffe, *The Democratic Paradox* (London: Verso, [2000], 2005); Ernesto Laclau, *On Populist Reason* (London: Verso, [2005] 2018).

¹²⁴ Claude Lefort, *Democracy and Political Theory*, David Macey (trans.), (Cambridge: Polity Press, 1988), chapter II: 'The Permanence of the Theologico-Political?', 213-255.

Questions of 'world order' is the penultimate concentric sphere. We explore the different schools of contemporary International Relations, to discover that it is difficult to locate Burke, though the English School perhaps offers the best home. The fit is not really adequate, though, as all international relations theory appears to be based on old Hobbes and his political imagination, which results in a realpolitik approach, which Burke would reject. The work of Nicholas Rennger is considered, with his categories of 'balance', 'society', 'institutions', 'emancipation', and 'limits',¹²⁵ to explore further how 'sovereignty' can be understood, not in a Hobbesian sense of 'the artificial Division of Mankind, into separate Societies, [that] is a perpetual Source in itself of Hatred and Dissension among them', but as Burke argued, with potential to be shared, within divine providence, with other nations – heteronomous sovereignty rather than autonomous. Burke's views of the universality of the law of nations are explored with a consideration of his 'great melody' of the abuse of power in Ireland, America, India and Europe, to conclude with a consideration of his ambivalence about the British Empire of his day and vision for a global sense of the commonwealth of nations.

There are many readings of Burke; so chapter one traces the ways he has been interpreted, repudiated and appropriated since before he died in 1797, particularly to substantiate the conclusion I draw that the best way to understand him is through a Christian Platonist lens with the tension of the four principles in mind with which we began: the will to power/ the law of love, the whole/the part, the old/the new, within the fundamental polarity of theism/atheism. Each chapter will consider Burke's thinking with extensive reference to his *Writings and Speeches*, to bring fresh perspectives and resources to some of the perceived challenges of today's world, and particularly those caused by the three Ps that Moisés Naím has identified: Populism, Polarization and Post-Truth. It will be argued that for Burke, only an organically-

¹²⁵ Nicholas Rennger, *International Relations: Political Theory and the Problem of Order*, (London: Routledge, 2000).

evolving constitutionalism based on 'order, order!' can curtail the exercise of arbitrary power – 'as inventive as wickedness' – and that this is best understood with 'a spirit of philosophic analogy'. Reading Burke in this way offers an alternative theo-political imaginary for contemporary times that favours public service over the will to power, the whole over the part, the traditional over the innovative, all on the foundation, not of the basis of the nihilism of Foucault's 'essential void', but on the immanent transcendence of a Christian Platonist understanding of theism.

Chapter One: Re-reading Burke

Introduction

the ‘Disneyland Burke’?

Jean Elshtain remembers ‘an occasion when, in a discussion with a fellow political theorist, I was taken to task because I had assigned Edmund Burke’s classic rejoinder to the French Revolution for my class in modern political philosophy. ... he chided me: “How could you? Burke opposed the Revolution.” ... it sufficed to say, “Burke opposed the French Revolution” to damn him’.¹²⁶ Steven Blakemore concurs: “To take a position on the French Revolution was to risk being immediately assigned a political label based upon that position. One principal reason for this was the Left’s historical identification with the French Revolution as “the Mother of us all”’.¹²⁷

How Burke has been read through the centuries since his death – indeed, from before his death – is the focus of this chapter. It will be argued that the Christian Platonism that informs his theopolitical imagination and the ‘immanent’ order that accompanies it, has meant he has been either repudiated on ideological grounds, or appropriated by those steeped in old Hobbes’ imaginings – where the political imaginary is framed by the assumption of atheism, the will to power, the part, and the seductions of the new. His fierce reaction to the French Revolution has most often entailed non-engagement, rather than exploration of the alternative modernity he might have offered, in which modern constitutionalism is appreciated for the protections it offers against the exercise of arbitrary power. Today’s world of populism, polarization and post-truth is ripe for his circumstantial wisdom.

¹²⁶ Elshtain, *Sovereignty*, 138.

¹²⁷ Steven Blakemore, ‘Rereading the French Revolution: Burke and the Paradoxes of History’, in Ian Crowe (ed.), *Edmund Burke: His Life and Legacy* (Dublin: Four Courts Press, 1997), 48-61; 60.

Emily Jones draws attention to the complexities of reading Burke today, but growing interest in him:

But as significant scholarship on Burke increasingly takes his connections to enlightenment thought, political economy, and constitutional and imperial politics more seriously, we have a growing number of significant volumes effectively contextualizing Burke's principles [...] However, the association of Burke with 'conservatism' centred on a particular reading of opposition to revolution that privileges particular passages from the *Reflections* remains mainstream—the 'Disneyland Burke' outlined by Dwan and Insole, and constructed in part by his nineteenth and early twentieth-century interpreters. For intellectual historians interested in reception, circulation and that much contested term, 'influence' [...] the question remains of the extent to which 'Disneyland Burke' will be challenged in more popular, less academic settings.¹²⁸

This thesis is the attempt to do just that, and requires the fascinating story of how Burke has been read.

a kaleidoscope of contested, ambivalent opinion

This chapter surveys the significant literature on Edmund Burke since his death in 1797, through the nineteenth century when his reputation as the founder of modern conservatism¹²⁹ emerged out of what Gregory Claeys describes as 'one of the most contested reputations in the history of political thought to the present day',¹³⁰ to twentieth-century appropriations, for instance, by neo-conservative advocates of

¹²⁸ https://cosmosandtaxi.files.wordpress.com/2021/07/ct_vol9_iss_9_10_r1.pdf [accessed 09/05/2023].

¹²⁹ Emily Jones, *Edmund Burke and the Invention of Modern Conservatism, 1830-1914* (Oxford: Oxford University Press, 2017).

¹³⁰ Gregory Claeys, 'Some Nineteenth-Century Appraisals of Burke's *Reflections*, From Sir James MacIntosh to John Morley', in Martin Fitzpatrick and Peter Jones (eds.), *The Reception of Edmund Burke in Europe* (London: Bloomsbury, 2017), 75-90; 76.

natural law against liberalism and Cold War communism, which continues in the national conservatism of the Edmund Burke Foundation, founded in 2019.¹³¹

A brief overview

In recent years studies of Burke have included Peter Jones and Martin Fitzpatrick's history of his reception in Europe,¹³² an interpretation by David Bromwich from a literary perspective,¹³³ and Richard Bourke's comprehensive volume that shapes Burke's thought in terms of empire and revolution.¹³⁴ Gregory Collins appraises Burke's economic thought.¹³⁵ Emily Jones's research describes how, by the early-twentieth century, Burke's reputation as a conservative thinker became received wisdom, persisting today, whereas Conor Cruise O'Brien has presented Burke as a prescient theorist of totalitarian power,¹³⁶ when as yet there was no term for it, except

¹³¹ See particularly Russell Kirk, *The Conservative Mind: from Burke to Eliot*, (South Bend, Indiana: Gateway Editions, 1978). The Edmund Burke Society was founded at the University of Toronto by Paul Fromm and others in 1967 – it espoused anti-communism and traditionalist values, using violence against anti-war groups and leftists. It dissolved in 1972. The Edmund Burke Foundation's website is at <https://nationalconservatism.org/national-conservatism-a-statement-of-principles/> [accessed 16/05/2023].

¹³² Fitzpatrick and Jones, *Reception*.

¹³³ David Bromwich, *The Intellectual Life of Edmund Burke: From the Sublime and Beautiful to American Independence* (Cambridge MA: The Belknap Press of Harvard University Press, 2014).

¹³⁴ Richard Bourke, *Empire and Revolution: The Political Life of Edmund Burke* (Princeton: Princeton University Press, 2015).

¹³⁵ Gregory Collins, *Commerce and Manners in Edmund Burke's Political Economy* (Cambridge: Cambridge University Press, 2020).

¹³⁶ See O'Brien, *Melody*, although McBride is dismissive, commenting that '[w]hile O'Brien regarded himself as a Burkean, it might be true to say that Edmund Burke – as presented in *The Great Melody* – was an ardent O'Brienite'. Ian McBride, 'Burke and Ireland', in Dwan and Insole, *Burke, 181-194*; 183.

‘tyranny’.¹³⁷ He continues to be claimed across the British political spectrum – Jesse Norman on the right,¹³⁸ and others such as Philip Blond, David Marquand, and Adrian Pabst,¹³⁹ who turn to him for *ressourcement* for theo-political re-imagining of Western liberal traditions. Terry Eagleton claims to save him from the Tories.¹⁴⁰ Bourke concludes that Burke’s ‘writings cannot usefully be interpreted through the prism of party-political doctrines that lacked any purchase in his own time’, concluding that ‘neither “liberalism” nor “conservatism” can adequately capture Burke’.¹⁴¹ Fidler and Welsh have examined his thought on International Relations,¹⁴² and the *Cambridge Companion*, edited by Dwan and Insole, offers significant essays that capture Burke’s life and work from broad and various perspectives.¹⁴³

This chapter begins with a brief biographical passage, and then considers how Burke was read in the eighteenth, nineteenth, twentieth and twenty-first centuries. There is no doubt he was a man of his Enlightenment time, engaging widely with

¹³⁷ Blakemore, in Crowe, *Burke*, 54.

¹³⁸ Jesse Norman, *Edmund Burke: Philosopher, Politician, Prophet* (London: William Collins, 2013).

¹³⁹ Adrian Pabst, *Postliberal Politics* (Cambridge: Polity Press, 2021); ‘Obligations Written in the Heart: Burke’s Primacy of Association and the Renewal of Political Theology’, in ‘Obligations written in the heart’: The primacy of association and the renewal of political theology’, in the *Journal of International Relations and Development*, 2019, 22 (2), 300-326. See also Ian Geary and Adrian Pabst, *Blue Labour: Forging A New Politics* (London: I. B. Tauris, 2015).

¹⁴⁰ Terry Eagleton, ‘Saving Burke from the Tories’, in *New Statesman*, 07/04/97, Vol. 126 Issue 4341, 32, <https://vdocuments.net/eagleton-terry-saving-burke-from-the-tories.html> [accessed 10/01/2023].

¹⁴¹ Bourke, *Empire*, 17.

¹⁴² David P. Fidler and Jennifer M. Welsh (eds.), *Empire and Community: Edmund Burke’s Writings and Speeches on International Relations* (Colorado: Westview Press, 1999).

¹⁴³ Dwan and Insole, *Burke*.

contemporary writers and thinkers as he honed his own views. For instance, he followed Montesquieu's *The Spirit of the Laws*,¹⁴⁴ to distinguish between jurisprudence and executive or sovereign power, to argue that the exercise of arbitrary will to power required the restraint of the law and constitution, infused with a spirit of reason and order that reflected the ultimate teleology of union within the Providence of God. Burke departed significantly from the deism and utilitarianism of his day: he discerned the universe organically – rather than mechanistically or instrumentally – reading a sympathy and association that extended from the local platoon of neighbourhood to the commonwealth of nations. Had Burke's worldview prevailed, it would have been one in which divine providence sustains moral, civil, social, political and international order, giving priority to the whole rather than the part, public service rather than the will to power, and tradition rather than revolution.

A brief biography

F. P. Lock's two-volumed biography is the most comprehensive exploration of the life and times of one of the very few 'new men' who made it into eighteenth-century Parliament – not through 'professional success but [by] the force of his mind and his eloquence'.¹⁴⁵ Lock divides Burke's life into three periods, to 1765, to 1784, and to his death. Elsewhere he comments that Burke's Irishness is universally acknowledged.¹⁴⁶ With Irish Roman Catholic roots (his mother came from an old Catholic Cork family), Burke was born in Dublin, the son of an attorney, 'a cold and rather mean' father,¹⁴⁷

¹⁴⁴ Montesquieu, *The Spirit of the Laws*, Anne Cohler and others (trans.), (Cambridge: Cambridge University Press, [1748] 1989).

¹⁴⁵ F. P. Lock, *Edmund Burke, Vol. I: 1730-1784* (Oxford: Clarendon Press, 1998); F. P. Lock, *Edmund Burke, Vol. II: 1784-1797* (Oxford: Clarendon Press, 2006), *Burke*, I, preface.

¹⁴⁶ F. P. Lock, 'Burke's Life', in Dwan and Insole, *Burke*, 15-26; 15.

¹⁴⁷ Lock, *Burke*, I, 7.

who probably converted from Catholicism to Anglicanism in 1722.¹⁴⁸ The poverty of Dublin left a lasting impression.¹⁴⁹ Burke's 'complex heritage'¹⁵⁰ could explain why he was at times over-reticent about his private life, then too sensitive and reactive to slights, real or imagined. Lock comments that 'Burke's character and ideas cannot be understood without reference to his Irishness and the complex conflicts of loyalty which he inherited. Not their least legacy was his yearning for a home, somewhere he could finally, as he told Richard Shackleton in 1768, when he bought Gregories in Beaconsfield, 'cast a little root'.¹⁵¹

He was educated in Ballitore by the Quaker, Abraham Shackleton, whom he venerated; a deeply formative experience enriched by lifelong friendship with Shackleton's son Richard. His education continued at Trinity College Dublin, where he began a debating society that became the College Historical Society, still running today.¹⁵² His education gave him a lifelong commitment to religious tolerance, which he believed was best sustained by the established Anglican Church, of which he was a worshipping member. He loathed the Protestant Ascendancy in Ireland for the repressive Penal Laws imposed on Irish Catholics, including appropriations of land after the civil disturbances of the 1640s and 50s, and the practice of removing Catholic children from their homes to be re-educated, as noted above. Burke's anger at David

¹⁴⁸ Bourke, *Empire*, 31.

¹⁴⁹ Lock, *Burke*, I, 2.

¹⁵⁰ Lock, *Burke*, II, 16.

¹⁵¹ Lock, *Burke*, I, 28.

¹⁵² <https://www.tcdhist.com/> [accessed 04/07/2023].

Hume's anti-Catholic bigotry and exaggeration of the 1641 massacre of Protestants is well documented.¹⁵³

His father intended him for the law, and Burke studied at Middle Temple from 1750 for five years, then left to write. His *Vindication* so ridiculed Bolingbroke's deism, with irony so well executed that many were fooled: it almost defeated his purpose, but was in fact 'the first shot in his long campaign on behalf of religion and civilization'.¹⁵⁴

Bourke comments that 'Burke believed that deism, like superstition and enthusiasm, fostered antinomian convictions [...] and a disregard for moral responsibility'.¹⁵⁵ A year later, in *Philosophical Enquiry* Burke showed evidence of his commitment to 'rational analogy as a means of glimpsing the mysterious moral order of the world',¹⁵⁶ his theological belief evident as he sought to discover the laws that form the human mind and society. 'The *Enquiry* is at bottom a theological work', comments Lock; 'a remarkable book [...] wide-ranging in its scope, undogmatic in its method, pleasingly counter-intuitive in some of its conclusions, clearly written and arranged'.¹⁵⁷

Concurrently, in 1756 Burke worked with his close friend Will Burke on an *Account of the European Settlements in America*, and then *An Essay towards an Abridgement of English History* (1757), which ran out of steam at the death of King John and was not

¹⁵³ Bourke, *Empire*, 40.

¹⁵⁴ Lock writes 'In hardly more than a hundred pages, the pseudo-Bolingbroke manages a breathless survey of world history, a critical analysis of the different forms of government, a biting indictment of the perversities of the law, and a withering exposure of the social inequalities of wealth and power.' *Burke*, I, 84.

¹⁵⁵ Bourke, *Empire*, 69.

¹⁵⁶ Bourke, *Empire*, 72.

¹⁵⁷ Lock, *Burke*, I, 98.

published, though it could well have made a volume in its own right.¹⁵⁸ This historical exploration led him, as Bourke says, to have a sense of the dynamic continuities of history and politics, of the tension between order and disorder, the struggle between arbitrary power and what promoted the common good.¹⁵⁹

In 1758, Burke signed a contract to edit the *Annual Register*, to which he was committed for the next thirty years – a periodical, produced anonymously, that offered information and entertainment to those who desired to keep abreast of current affairs.¹⁶⁰ Copeland points out how very reticent Burke was to admit publicly that he was the editor,¹⁶¹ although by the time that James Prior wrote the first thorough biography of Burke, it appears to have been common knowledge.¹⁶² It enabled Burke to hone his literary skills, such that his ‘application and adaptation of learning in the face of pressing events [...] stimulated Burke’s peculiar genius as an analyst and commentator’¹⁶³ in his lifelong commitment to argue for the power of habit and custom, the imagination, and passions trained by reason to shape the moral life and liberties, rather than “radical”, or fundamental innovation [which] implied contempt for the accumulated wisdom of experience, [...] resulting in a pernicious assault on established institutions’.¹⁶⁴

¹⁵⁸ Locke, *Burke*, I, 118.

¹⁵⁹ Bourke, *Empire*, 192.

¹⁶⁰ See https://about.proquest.com/en/products-services/ann_reg [accessed 06/07/2023].

¹⁶¹ Thomas W. Copeland, *Edmund Burke: Six Essays* (London: Jonathan Cape, 1950), 93.

¹⁶² James Prior, *Life of the Right Honourable Edmund Burke* (London: Henry G Bohn, 1824), 55.

¹⁶³ Bourke, *Empire*, 68.

¹⁶⁴ Bourke, *Empire*, 83.

1757 saw him married to Jane Nugent, the Roman Catholic daughter of the doctor who cared for him during a breakdown that precipitated his leaving law. In 1759 he became private secretary to William Hamilton, who worked him relentlessly leaving him little time for writing. Burke entered parliament in 1765, and quickly revealed a talent for debate, making him invaluable to his principal patron, Lord Rockingham.¹⁶⁵ For most of his time in the Commons Burke was in opposition, serving Wendover as MP from 1765, then Bristol from 1774-1780, and Malton from 1780 until his retirement in 1794.

It is unlikely that Burke's Irish heritage did him any favours. In *Letter to a Noble Lord* (1796), he expressed his frustration as he contrasted himself with the Duke of Bedford ('swaddled, and rocked, and dandled into a Legislator'), writing:

At every step of my progress in life (for in every step was I traversed and opposed) and at every turnpike I met, I was obliged to shew my passport, and again and again to prove my sole title to the honour of being useful to my Country, by a proof that I was not wholly unacquainted with it's laws, and the whole system of it's interests both abroad and at home. Otherwise no rank, no toleration, even for me. I had no arts, but manly arts. On them I have stood, and, please God, in spite of the Duke of Bedford and the Earl of Lauderdale, to the last gasp will I stand.¹⁶⁶

Thoughts on the Cause of the Present Discontents (1770) has proved a crucial text in the development of the concept of the political party, where Burke argued that politicians should unite in general principles and moral sympathy: 'when bad men combine, the good must associate'.¹⁶⁷ *Thoughts* focused on the inordinate power of the 'King's friends', arguing that the authority of those constitutionally elected and appointed to positions of trust should not be vulnerable to arbitrary royal whim. This principle was evident during the Wilkes affair, in which Burke defended Wilkes's

¹⁶⁵ see Paul Langford, 'Burke, Edmund (1729/30-1797)' *Oxford Dictionary of National Biography*, H. C. G. Matthew and Brian Harrison (eds.), (Oxford: Oxford University Press, 2004), 8, 820-41; 824-25.

¹⁶⁶ W&S, IX, 160, original grammar.

¹⁶⁷ W&S, II, 315, usually rendered 'for evil to flourish it takes only for good men to do nothing'.

election to his Middlesex seat in 1769 three times, as each time Parliament, at the behest of the King, voided the results. The years of the early 1770s were quiet, politically speaking, although after he accepted, in 1771, the position as London agent for the New York Assembly just before the Boston Tea Party of 1773, Burke's interest and engagement in the American colonies intensified.

In 1774 Burke was persuaded at the last moment to stand for Bristol, and against the odds – largely because a candidate withdrew – he was elected. His acceptance speech included the oft-quoted passage about the independence of the MP as representative, not delegate: '[y]our Representative owes you, not his industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion'.¹⁶⁸

Burke's *Speech on American Taxation* (1774) enhanced his reputation, not least because in hindsight it identified the policies that were to fail; it was 'long admired, especially in the nineteenth century, as a model of far-sighted and statesmanlike wisdom'.¹⁶⁹ In 1775 his *Speech on Conciliation with America* failed to convince at the time, but although Lord North and George III were implacably against American independence, opinion was changing in the country. In 1780 Burke threw his weight behind *Economical Reform*, to reduce the financial leverage the Crown had over MPs, that the House of Commons be more independent. The bill was lost, but Lock describes it as 'an important episode in the slow evolution from personal to constitutional monarchy'.¹⁷⁰

Lord North resigned in 1782 when he realized that the policy of coercing the American colonies was not working (although the King continued to believe the war was winnable). Rockingham, in an uneasy coalition with the Earl of Shelburne, was asked

¹⁶⁸ W&S, III, 68-9.

¹⁶⁹ Lock, *Burke*, I, 358.

¹⁷⁰ Lock, *Burke*, I, 512.

to form a new ministry in which Burke was appointed Paymaster-General of the Forces. This may have made him financially solvent had not Rockingham died on 1 July 1782, splitting the fragile government, which suited the King admirably, who promptly offered the government to Shelburne. Deeply unpopular, not least with Burke, Shelburne's treaty of peace was defeated in February 1783 by the Duke of Portland and Charles James Fox, the coalition of whom the King was forced to accept. Burke's main contribution at this time was two bills designed to reform the East India Company, one of which was his *Speech on Fox's India Bill* (to accompany the Bill itself, which he also drafted for Fox). Lock comments:

If Fox's India Bill had been enacted, and Burke had died before 1790, he might have been remembered as a forward-looking innovator willing to tackle head-on such venerable absurdities as the royal household and such powerful vested interests as the East India Company.¹⁷¹

The King persuaded his friends in the House of Lords to vote it down, though on its defeat the King dismissed the coalition and appointed the young William Pitt to the treasury, who subsequently won the election with a comfortable majority. Although Burke was re-elected to Malton in April 1784, he became increasingly isolated, with little support for his long-winded protest, *Representation to His Majesty*, against the king's unconstitutional actions of that year.¹⁷²

Lock signals that 'the 1784 election inaugurated a new political era. For the remainder of Burke's life and beyond, the great divide would be between the supporters of Pitt and the followers of Fox. [...] Burke faced a bleak future'.¹⁷³ That future was devoted first to India and the attempt to convict Warren Hastings, and then to events in France. Burke drew up twenty-two articles of charge against Hastings in 1786, and the

¹⁷¹ Lock, *Burke*, I, 522.

¹⁷² W&S, IV, 188-214.

¹⁷³ Lock, *Burke*, I, 539.

trial began in Westminster Hall before the Lords in February 1788, but initial public interest soon waned. Burke persisted, though, actively cross-examining evidence, but took nine sittings to deliver his summing-up. The final judgement was deferred, then in 1795 Hastings was acquitted of all charges.

In 1789 the French Revolution was initially favoured by many in Britain. Burke expressed his misgivings in *Reflections* in November 1790, in what 'has proved the most enduring book on the Revolution'.¹⁷⁴ After Burke fell out with Fox, he published his *Appeal*, which further distanced him from former colleagues.

His last years of retirement were overshadowed by deep grief at the loss of his son Richard in 1794. He continued, though, to write against the Revolution, and for war against France rather than a *Regicide Peace*. Awarded a pension by Pitt, Burke was pilloried by his opponents, which spurred Burke to pen *A Letter to a Noble Lord* in 1796, a vindication: 'in this last great work, Burke is at the height of his literary and rhetorical powers', says Lock.¹⁷⁵ He died on 9 July 1797 at Beaconsfield. The story does not quite end there though, for as Copeland comments:

But Burke is perpetually puzzling. When one has entirely regained one's faith in the sovereign strength of his reason, one can be shaken all over again by a new fact. There is a curious but well-authenticated report about Burke's burial. His bones are not now under the slab which marks them in Beaconsfield church. They are not even in the same coffin in which they were originally buried. By his own direction they were first put in a wooden coffin but later transferred to a leaden one placed in a different spot. Burke did not wish it to be known exactly where he was buried. He feared that the French revolutionaries, if they triumphed in England, might dig up and dishonor his corpse.¹⁷⁶

¹⁷⁴ Lock, in Dwan and Insole, *Burke*, 24.

¹⁷⁵ Lock, in Dwan and Insole, *Burke*, 26.

¹⁷⁶ Copeland, *Six Essays*, 90, though, as Bourke comments, this direction was disregarded, as Burke was delirious by this stage. Bourke, *Empire*, 91.

Eighteenth-Century Readings

a quixotic figure

Burke rose to prominence as English caricature flowered: cartoonists had a field day at his expense.¹⁷⁷ First depicted in 1770 with speculation as to whether he was Junius,¹⁷⁸ then from 1780 he was widely mocked as Irish, readily identifiable from 1782 with ‘long nose, thin pouting lips, pointed chin jutting forward’¹⁷⁹ and spectacles that symbolized eccentricity and lack of vision. Robinson concludes that Burke was viewed as ‘a longwinded, quixotic tilter at windmills’,¹⁸⁰ provoking ‘in turn the passions of others: on the influence of the Crown, relations with America, the governance of India, economical reform, Irish affairs, the regency crisis, the French Revolution’.¹⁸¹ Copeland wonders why Boswell’s treatment of Burke in his *Life of Johnson* is so disguised, concluding that it reflects how careful Burke was about his reputation and his friendships, which served only to stir speculation.¹⁸²

Two memoirs were published before the end of the eighteenth century by Charles McCormick and Robert Bisset.¹⁸³ McCormick is described by Claeys as a ‘hostile, Foxite account’, that dismissed the *Reflections* as ‘a tissue of falsehood and sophistry,

¹⁷⁷ See Nicholas Robinson, *Edmund Burke: A Life in Caricature* (Yale: Yale University Press, 1996).

¹⁷⁸ Most scholars now assume Sir Philip Francis wrote the letters of Junius.

¹⁷⁹ Robinson, *Burke*, 32.

¹⁸⁰ Robinson, *Burke*, 192.

¹⁸¹ Robinson, *Burke*, 193.

¹⁸² For instance, over Messrs. Powell and Bembridge at the Pay Office, and Burke’s misguided defence of them, see Lock, *Burke*, I, 523-5.

¹⁸³ Charles McCormick, *Memoirs of the Right Honourable Edmund Burke* (London: Lee and Hurst, 1797); Robert Bisset, *The Life of Edmund Burke* (London: G. Cawthorn, 1798).

however decorated with the splendours of artificial eloquence'; Bisset's two volume life identified two issues as central, Burke's 'wisdom and rectitude' and his consistency.¹⁸⁴ Copeland assessed Bisset's account to be inaccurate but helpful on facts about the relationship of Burke and Paine.¹⁸⁵

Nineteenth-Century Readings

like an oak whose stag-horn branches start/Out of its leafy brow

At the beginning of the century many praised Burke's literary talent, despite the resentment of Foxite Whigs, liberals and radicals that Burke had split the Whig party and sacrificed any future electoral success. Wordsworth eulogized him in *The Prelude*.¹⁸⁶

In 1824 Prior was at pains to discover descent from the Norman De Burghs, which Lock interpreted as evidence of nineteenth century resistance to Burke's 'new man' reputation. Other biographies came throughout the nineteenth century, reviewed by Emily Jones,¹⁸⁷ to show how Burke's standing fluctuated. Claeys suggests that Burke's status should have been unquestioned, given his predictions of war with France, his upholding of the British constitution but commitment to reform, and continued restraint of the monarchy. 'If a figure like Burke could not exemplify the Janus-faced, modernizing yet conservative nature of the British *Sonderweg*, who could?' he asks.¹⁸⁸

¹⁸⁴ Claeys, in Fitzpatrick and Jones, *Reception*, 80.

¹⁸⁵ Copeland, *Six Essays*, 152.

¹⁸⁶ See A. M. D. Hughes, *Selections*, 16-7, 22, 38, including the lines of Wordsworth: 'I see him,—old, but vigorous in age,—Stand like an oak whose stag-horn branches start/Out of its leafy brow, the more to awe/The younger brethren of the grove'.

¹⁸⁷ Jones, *Burke*, 11-15.

¹⁸⁸ Claeys, in Fitzpatrick and Jones, *Reception*, 76.

The potential for Burke to offer an alternative modernity dissipated in his many reputations which settled him, eventually, as an archetypal ‘conservative’, as Jones recounts.

He founded no school ...

Jones shows how Burke’s response to the French Revolution set him at odds with the reforming impetus of the early-nineteenth century, despite his obvious commitment to constitutional development.¹⁸⁹ Despite initial rejection, she recounts how Burke was taken up by the Romantic poets Coleridge, Wordsworth and Southey, and novelist Walter Scott, who variously adopted Burke’s understanding of the divinely instituted, organic nature of constitutions, his account of nationality, and sensibility for the poor.¹⁹⁰ Cobban, for instance, says Burke led the romantic revolt against the eighteenth century, inspiring a turn to the Middle Ages that sought the reconciliation of ‘the principles of permanence and development’, that ‘the nature of the nation as a political body was first taught by Burke’, even though his political theory ‘has not even been given a distinguishing name. He founded no school ...’¹⁹¹ Claeys agrees with this assessment, that *Reflections* offered ‘an essential contribution to the crafting of an ideal of British national identity’, with the idea of an organic, rather than mechanistic evolving constitution as ‘perhaps the greatest of Burkean themes’, which Claeys says is as relevant to the twenty-first century as it was in Burke’s day.¹⁹² He concludes that

¹⁸⁹ Jones, *Burke*, 19.

¹⁹⁰ Jones, *Burke*, 267-68.

¹⁹¹ Jones, *Burke*, 273.

¹⁹² Claeys, in Fitzpatrick and Jones, *Reception*, 79.

Burke does not deserve the title ‘father of conservatism’,¹⁹³ although the negative judgement of radicals and liberals persisted: Burke was little referred to by politicians in the Commons – Canning a little; Peel, often; Disraeli only rarely; Lord Salisbury and the Duke of Wellington, never.¹⁹⁴ The predominant view of such as Macaulay that Burke’s judgement was undermined by his passion was widely held.

the father of modern conservatism

Jones’s thesis is convincing. She describes how in Burke’s hands, ‘the English Constitution became an unsurpassed history of gradual reformation; the slow intertwining of law with liberty’, with the growth of a ‘peculiar, native, conception of liberty’.¹⁹⁵ By the end of the nineteenth century, Burke’s historical constitutionalism had captured the imagination, despite the antipathy of Whigs and Liberals. Gladstone was influential: he turned extensively to Burke seeking arguments to defend his stance on Irish Home Rule, prompting, as Jones explains, Unionists and Tories to read and appropriate him: ‘By the end of 1886 [Gladstone] had orchestrated a Burkean reading revolution’¹⁹⁶ which played a pivotal part in establishing Burke as the father of modern conservatism: ‘[t]his is crucial. It was not enough for Radicals and Liberals to reject Burke; Conservatives had to embrace him too’.¹⁹⁷

¹⁹³ Langford agrees: ‘In the Victorian age ... [h]e defied party political classification and remained a source of inspiration as well as argument to generations of Conservatives and Liberals’. Langford, ‘Burke’, 840.

¹⁹⁴ This is perhaps hardly surprising, given Wellesley’s Irish Protestantism, and his engagement in the East India Company from 1799.

¹⁹⁵ Jones, *Burke*, 20-21.

¹⁹⁶ Jones, *Burke*, 122.

¹⁹⁷ Jones, *Burke*, 153.

Conservative opinion consolidated, Jones explains, as Burke's writings were set in schools, universities and taken up by autodidacts,¹⁹⁸ coinciding with a re-appraisal of Burke as a political philosopher by such as Morley, Stephen and Lecky, and in 1913 by MacCunn. Jones concludes:

The mid-Victorian reinvention of Burke was a holistic one: his moral, as well as his political, consistency was asserted. In doing so, this heterogeneous group of writers established Burke as an important political thinker and reaffirmed his position as an author worthy of study on all accounts, ranging from his prose style to his statesmanship.¹⁹⁹

She highlights Leslie Stephen as crucial to Burke's reception. She quotes his summary:

Burke represents above all things the political application of the historical spirit of the period. His hatred for metaphysics, for discussion of abstract rights instead of practical expediency; his exaltation of 'prescription' and 'tradition'; his admiration for Montesquieu and his abhorrence of Rousseau; his idolatry of the British constitution, and in short his whole political doctrine from first to last, implies the profound conviction of the truth of the principles embodied in a thorough historical method. Nobody, I think, was ever more consistent in his first principles.²⁰⁰

An excavation: solid rock or shifting sand?

Full of praise for his style ('Burke's magnificent speeches stand absolutely alone in the language. They are, literally speaking, the only English speeches which may still be read with profit when the hearer and the speaker have long been turned to dust'²⁰¹), Stephen identified Burke's consistency from his earliest ingenious imitation of Bolingbroke:

¹⁹⁸ Jones, *Burke*, 197ff.

¹⁹⁹ Jones, *Burke*, 86.

²⁰⁰ Jones, *Burke*, 165-66.

²⁰¹ Leslie Stephen, *History of English Thought in the Eighteenth Century*, Vol. II (London: Smith, Elder & Co., 1881), 219.

It is, indeed, very remarkable that Burke's first efforts were directed against the very thinkers who were the first objects of his dying protest: and that he detected the dangerous tendencies of doctrines which were to shake the whole world in his old age, whilst they had yet found no distinct utterance, and he was but a youthful adventurer.²⁰²

Burke exposed 'the mischievous and anarchical tendencies of abstract metaphysical speculation', establishing the principles that guided him through life – 'the backbone of his speculations on English, American, Indian, and French politics'. Burke rejected the 'mathematical symmetry of the *a priori* theorists', like Priestley and Price who thought humanity could reason itself to a new creation, jettisoning the past and its prescriptions. Instead, 'Burke's insight was deeper and truer' that the nation was:

a living organism, of infinitely complex structure, of intimate dependence upon the parts, and to be treated by politicians in obedience to a careful observation of the laws of its healthy development, [...] a complex body whose will is to be determined from its recognized organs and not a mere mass of individuals, whose will is to be discovered by counting heads.'²⁰³

For all his excellent grasp of Burke's thought, though, Stephen belongs with Matthew Arnold's 'melancholy, long, withdrawing roar' that captured the nineteenth-century retreat from the theism that makes Burke truly comprehensible. He exemplifies the turn to atheism within modernity, how a closed rather than open social imaginary began to predominate in the later nineteenth century.

Stephen focused on 'prescription' quoting a passage from a letter of Burke to his son.

Prescription is:

the soundest, the most general, and the most recognized, title between man and man that is known in municipal or in public jurisprudence; a title in which, not arbitrary institutions, but the eternal order of things, gives judgement; a title which is not the creature but the master, of positive law; a title which,

²⁰² Stephen, *History*, II, 224-25.

²⁰³ Stephen, *History*, II, 249.

though not fixed in its term, is rooted in its principle in the law of nature itself, and is indeed the original ground of all known property.²⁰⁴

Stephen interprets it in two ways, rejecting ‘whatever is right, is right’, in favour of a ‘doctrine of prescription [that] admits of another and a far nobler meaning, [...] [in which] ninety-nine hundredths of men’s thoughts and instincts are those which they have inherited from their fathers’. This means, then, that ‘reform is impracticable in the sense of an abrupt reconstruction of society, and can only be understood as the gradual modification of a complex structure’. Therefore:

a sound political constitution must be the growth of generations; it must be worked into the whole fabric of society; it must give play for the harmonious action of all the private relations by which men are bound together; and if it requires the utmost watchfulness to prevent parts from becoming obsolete, it is the height of rashness to hack and hew such a system in obedience to some preconceived theory. Prescription, then, is but a legal phrase for that continuity of past and present, and that solidarity between all parts of the political order, the perception of which is the essential condition of sound political reasoning.²⁰⁵

But without a theistic base, not only prescription but also Burke’s whole political philosophy, ‘once questioned, [is] but a foundation of sand’. Stephen’s argument against Burke’s theism takes us to the substantive arguments alive within political theology today, opening up questions already noted and to which we shall return, about the basis of morality and political philosophy, if it is not upon the theistic grounds that Burke affirmed. Stephen’s perception that understanding Burke’s theism – although he himself rejected it – was crucial to his political philosophy brings us to a key issue to the reading of Burke. Without an appreciation of his theism, it is hard to comprehend Burke’s discernment of a providential, immanent, rather than imposed, order that gives meaning and purpose to all other order – moral (where a sense of prescription begins, with the duties of belonging), civil, social, political and

²⁰⁴ Stephen, *History*, II, 228. See W&S, IX, 657 for this letter to Richard Burke, 1792.

²⁰⁵ Stephen, *History*, II, 230-31.

international order. If Burke is to be understood properly, his theism has to be taken into account. Without it, his theo-political imaginary does not hold together, and the part pulls away from the whole, will from duty, immanence from transcendence, the revolutionary from the traditional. The alternative modernity that Burke offers rests on this.

If Burke's theism caused problems for some, Claeys highlights another reason to dismiss him: Burke's anti-revolutionary writings were assumed to be palpably anti-democratic in an age when such elitism, if widely entertained in private, invited political isolation when aired in public.²⁰⁶ However, Jones concludes differently, that this contributed to the way he was owned as the father of modern conservatism. John Morley, a close friend of Stephen, concluded 'that [Burke] will be more frequently and more seriously referred to within the next twenty years than he has been within the whole of the last eighty'.²⁰⁷ Morley forecasted that the twentieth century would see a regeneration of interest in Burke; yes, as Jones anticipates, within modern conservatism, but also in response to the manifestation of ideologies that spurned revolution in 1917, and seismic totalitarian movements, such that 'Burke again found his readers by the thousand, and a reincarnation which persists to the present'.²⁰⁸

²⁰⁶ Claeys, in Fitzpatrick and Jones, *Reception*, 90.

²⁰⁷ John Morley, *Edmund Burke: A Historical Study* (London: Macmillan & Co, 1867); *Burke* (London: Macmillan & Co, 1879). Both volumes did much to rehabilitate Burke.

²⁰⁸ Claeys, in Fitzpatrick and Jones, *Reception*, 90. For example, Burke had an enduring impact on J Neville Figgis as Peter Sedgwick and Jeremy Morris have outlined in their chapters in Paul Avis (ed.), *Neville Figgis, CR: His Life, Thought and Significance* (Leiden, The Netherlands: Brill, 2022), https://doi-org.ezphost.dur.ac.uk/10.1163/9789004503120_003 (accessed 19/08/2023).

Twentieth-Century Readings

a century and a half of neglect

Midway through the twentieth century, Burke's private papers became accessible to public scrutiny. Copeland tells how, after Burke's death, his literary executors, French Laurence and Walker King, planned a definitive biography and edition of Burke's writings; however initially too busy for the task, Laurence died in 1809, and King, Bishop of Rochester, went blind. Jane Burke then appointed Earl Fitzwilliam, and it was not until 1949 that the Fitzwilliam estate released the archive for scholarly use, through the Public Library of the City of Sheffield. Copeland was the general editor of Burke's considerable correspondence, produced in ten volumes from 1968-78.²⁰⁹ He commented in 1950 that 'our ignorance of Burke extends into every field and has been favored in its growth by a century and a half of neglect'.²¹⁰ Stanley Ayling was one of the first to respond to that neglect with a general biographical introduction.²¹¹

Before we turn more fully to the renewed interest resulting from the availability, not only of Copeland's correspondence, but also *Writings and Speeches*, we consider the literature on Burke in the first half of the twentieth century.

C. E. Vaughan and Harold Laski's *Political Thought in England* continues the positive picture of Burke that emerged in the late-nineteenth century as a statesman who 'hated oppression with all the passion of a generous moral nature', claiming that 'there had been nothing like him before in English politics'.²¹² MacCunn's *Political Life* reviews

²⁰⁹ Thomas W. Copeland and others (eds.), *The Correspondence of Edmund Burke 1729-97, 10 vols* (Cambridge: Cambridge University Press, 1958-78).

²¹⁰ Copeland, *Six Essays*, 8.

²¹¹ Stanley Ayling, *Edmund Burke: His Life and Opinions* (London: John Murray, 1988).

²¹² Harold Laski, *Political Thought in England: Locke to Bentham* (Oxford: Oxford University Press, [1919] 1948), 148-9.

Burke's reception, including by Bentham, Buckle and Morley, to argue that he was not utilitarian, for '[t]he Machiavellian spirit was alien to his nature; he always believed in a higher law, "an order that holds all things fixed in their place", to which nations as well as individuals are eternally subject'.²¹³ MacCunn addressed the question 'What is a people?', to conclude that Burke believed society to be organic, a 'social system [that] comes to maturity in obedience to laws of growth that are above and beyond the competence of individual wills to alter', although 'the human mind is so masterful a force, that human wills may even overturn the constitution of the state and lay civilization in ruins'.²¹⁴ MacCunn, with an interesting comment on the relation between nature and artifice, understood the crucial importance of theism, writing that Burke:

suggests a synthesis in the pregnant principle that 'art is man's nature' – there is therefore a large sense of 'nature' and the 'natural' wide enough to include human agency. Even more important is the theistic faith [...] which prompts the far-reaching principle that, as man's nature and the State are alike the manifestations of the Divine will, they must be presumed to be harmoniously adapted each to the other. Nor is there any principle in the whole of his writings with which Burke is more in earnest than this.²¹⁵

Jones emphasizes the importance of MacCunn, who read Burke as a political philosopher with a broad religious framework.²¹⁶ However, for MacCunn, 'Burke was not organic *enough*', for he did not appreciate the inevitability of democracy. The strength of his political philosophy 'lies in its insistence, so eloquent, so convincing, on the unity of the whole: the weakness is that the unity is not complete':

²¹³ John MacCunn, *The Political Life of Burke* (London: Edward Arnold, 1913), 28.

²¹⁴ MacCunn, *Political Life*, 65.

²¹⁵ MacCunn, *Political Life*, 66.

²¹⁶ Jones, *Burke*, 173ff.

The result is that we find in Burke's writings the presence of two things and the absence of a third. We find an unfaltering faith in the presence of a 'Divine tactic' in the lives of men and nations. We find also an *apologia* such as has never been equalled, for the existing social and political system as it has come to be by the long toil of successive generations. What we do not find, and are fain to wish for, and most of all from a thinker to whom the happiness of the people was always paramount, is some encouragement for the hope that the 'stupendous Wisdom' which has done so much in the past, and even till now, will not fail to operate in the varieties of untried being through which the State, even the democratic State, must pass in the vicissitudes and adventures of the future.²¹⁷

This perception is surely important, for it brings us to another question at the heart of this thesis, concerning the nature of 'democracy', so complex and fraught a notion in today's world, where populist reason takes hold readily.

Sir Lewis Namier

Any review of Burke's reception in the twentieth century needs to include Sir Lewis Namier, who damned Burke with no praise. O'Brien makes much of the 'systematic oblique disparagement'²¹⁸ of Burke in Namier's works, amounting to 'a subtle and sustained attack' on the Whig version of history.²¹⁹ Jones calls it 'an anti-history' – Namierite historians whose criticism of Burke as a 'political charlatan' is 'reminiscent of his earliest Radical detractors'.²²⁰ Bourke claims that Namier held that all professions of principle in parliament were 'displays of ambition cloaked in a show of

²¹⁷ MacCunn quoted by Jones, *Burke*, 176, from the *Spectator*, 10 May, 1913, 23-24.

²¹⁸ O'Brien, *Melody*, xxxiii.

²¹⁹ See Lewis B. Namier, *The Structure of Politics at the Accession of George III* (London: Macmillan and Co, [1929] 1957); Lewis B. Namier, *England in the Age of the American Revolution* (London: Macmillan and Co. [1930] 1961). Langford comments, 'Sir Lewis Namier, who regarded the Whig creed and the Whig version of history as nothing more than covers for aristocratic self-interest, thought Burke the most pernicious of each'. Langford, 'Burke', 840.

²²⁰ Jones, *Burke*, xx.

morals'.²²¹ From 1930 to 1970, 'almost all of those who worked on the late eighteenth century in Britain were strongly influenced by Namier'.²²²

O'Brien argues, with some justification, that vestiges of Namierian malevolence can be seen in the introduction to volume eight of *Writings and Speeches*, edited by L. G. Mitchell, which compared to the introductions of the other volumes, offers a thinly veiled, negative picture of Burke. Bromwich also views the mid-twentieth century to have been dominated by 'historians who minimized the influence of ideas', such as 'the latter-day conservative Lewis Namier and the latter-day Whig J. H. Plumb [who] alike depreciated his writings and mocked his pretense of high-mindedness'.²²³ Ayling remarks that 'Namier and his associates always rather downgraded the importance of ideas in eighteenth-century politics, concentrating instead on its 'structure' and minutiae, its mechanics and established practices'.²²⁴ O'Brien is right, I think, to say that it was Copeland – 'the greatest and most generous of Burke scholars'²²⁵ – who effected a change to 'the entire climate of Burke studies', so that by 1970 (the final volume of the edition of the *Correspondence*), 'the contemptuous view of Burke which dominated the period from 1930 to 1960' became untenable.²²⁶

a peculiar fusion of religious values and imaginative empiricism

Political or practical imagination is the subject of Gerald W. Chapman's 1967 volume, which, written in the United States, escapes the 'Namierian' malevolence, offering a

²²¹ Bourke, *Empire*, 223.

²²² O'Brien, *Melody*, xli.

²²³ Bromwich, *Intellectual Life*, 21.

²²⁴ Ayling, *Burke*, 284.

²²⁵ O'Brien, *Melody*, lvi.

²²⁶ O'Brien, *Melody*, lx.

sympathetic account of Burke's life and works.²²⁷ He uses what he calls a 'quotative' method throughout, allowing Burke to be heard in his own words, and then provides an interpretative summary and analysis.²²⁸ Burke's 'practical imagination' is 'his power to experience the life of a thing in its "organic" complexity, to discriminate its relations, and to act upon (or reverence) its latent good'.²²⁹ Chapman understands Burke to belong to the Neo-Platonist tradition, such that 'more often than not, Burke's politics link backward with the classical-Christian humanism in the England of his own and earlier centuries', continuing the thought by reflecting that Burke brought to it an imagination that enabled him to exemplify:

a peculiar fusion of religious values and imaginative empiricism which has had a way of reappearing among the English people, from Hooker to Coleridge, from the Cambridge Platonists to Whitehead – a particular mode of entertaining ideal values which, so far from weighing them down with the rigors of a static, perfectionist state, have on the contrary released their thinking for successful and humane compromises within the flux of the actual.²³⁰

American neo-conservative appropriation

Chapman was, however, strongly critical of studies, particularly in the United States, that claimed Burke for any ideological neo-conservatism. For instance, he described

²²⁷ Gerald W. Chapman, *Edmund Burke: The Practical Imagination* (Cambridge, MA.: Harvard University Press, 1967).

²²⁸ Chapman, *Burke*, vii.

²²⁹ Chapman, *Burke*, 215.

²³⁰ Chapman, *Burke*, 280; see also 336, n.132, where he references Christopher Morris's comment that 'Burke diverged from Locke by going back to another side of Hooker. If Locke was influenced by Hooker's belief in natural law, in reason, and in the necessity for consent, Burke was to return to Hooker's sense of history, to his belief that tradition and authority were reasonable, that men cannot dispense with government, and that constitutions are organic things.'

Russell Kirk's works as 'embittered and crusading'.²³¹ Chapman is right here, I think, for such readings appropriate Burke to shore up bastions of conservatism against floods of radicalism. Seamus Deane calls Kirk's approach 'apocalyptic populism', driven by hostility to the 'modern world' and 'the desire to counter modernity's presiding political heir, liberalism', that the United States might regain its (supposed) ancient, Christian inheritance in times of Cold War, to conclude that 'this doomsday evangelism, as kitsch as can be, is yet a founding tract for the politics and aesthetics of American conservatism of the next sixty years'.²³² This approach to Burke continues with the establishment in 2019 of the Edmund Burke Foundation.²³³

Canavan and Stanlis

Deane includes two others, Francis Canavan and Peter J. Stanlis,²³⁴ in the same Conservative camp – I say, unfairly – as both bring a theological depth to their understanding of Burke's Platonism. Canavan carefully explores the legacy of Aristotle and Aquinas in Burke's work, arguing that his political reason 'connoted a mind which was never doctrinaire yet respected consistency, which consulted history and experience but was not bound by them, and which had a clear eye both for desirable goals and for the actual world in which they were to be realized. All this was implied

²³¹ Chapman, *Burke*, 129; see Kirk, *Conservative Mind*; also Russell Kirk, *Edmund Burke: A Genius Reconsidered* (Wilmington, Delaware: Intercollegiate Studies Institute, [1967] 2009).

²³² Seamus Deane, 'Burke in the United States', in Dwan and Insole, *Burke*, 221-234; 223-24.

²³³ see <https://nationalconservatism.org/national-conservatism-a-statement-of-principles/> © 2022 The Edmund Burke Foundation, [accessed 04/08/2022].

²³⁴ See Peter J. Stanlis, *Edmund Burke and the Natural Law* (Michigan: University of Michigan Press, 1958).

in Burke's notion of political reason and the virtue of prudence'.²³⁵ In Burke, the imperfections of humanity are taken into a natural moral order that presupposes an intelligible world order that is the source of moral obligation.

Both Canavan and Stanlis argue that Burke was a classical natural law thinker, to be differentiated from the 'secular' natural law of Hobbes and Locke, Grotius and Pufendorf. This is correct, I believe: Burke understood natural law as not an abstract artifice, the creation of human enlightened reason, but as the providential gift of divine order.

Canavan places 'order' at the heart of Burke's life and writings:

The central idea in Burke's thought was that of order. As a statesman he was of course primarily concerned with the social and political order. But behind his conception of the order of society lay always the grand idea of the order of the universe. [...] This feature of Burke's political thought is both undeniable and of primary importance. Despite his constant denunciations of 'metaphysics', his thought had unmistakable metaphysical foundations and his understanding of the structure of the state and society was based on certain definite assumptions about the nature of the universe. 'I love order so far as I am able to understand it', he once wrote, 'for the universe is order'.²³⁶

Order 'is the supposition without which Burke's theory of political reason cannot be understood'. It enabled the body politic to withstand the challenges of the arbitrary will to power, the voluntarism at the heart of Hobbes, as Stanlis comments:

There had been a traditional 'natural rights' doctrine connected with classical and Scholastic Natural Law, but the revolutionary Hobbist theory of 'natural rights' was centered in the private will or ego of each individual, and was not limited by the social duties and ethical norms of Natural Law.²³⁷

²³⁵ Francis Canavan, S.J., *The Political Reason of Edmund Burke* (Cambridge: Cambridge University Press, 1960), 17.

²³⁶ Canavan, *Political Reason*, 19, n.57.

²³⁷ Stanlis, *Burke and Natural Law*, 19.

Stanlis argues that with Hobbes began ‘a revolutionary doctrine of liberty and equality as an abstract, inherent, individual “natural right”’. An ordered universe, as Aristotle, Cicero and Justinian had conceived it, as the thirteenth century Henry de Bracton and St Thomas Aquinas had christened it, and Hooker had confirmed it, was what inspired Burke, and his imagination cannot be fully understood without an appreciation of this comprehensive wholeness of Burke’s metaphysical base, which is fundamentally different to the ‘abstractions’ that shaped utilitarianism and positivist scholars. Stanlis says:

We are now prepared to see that the failure to ask and answer these and related fundamental questions has been the most serious omission in scholarship on Burke during the past century or more, and has resulted in a badly distorted view of Burke’s political philosophy and career. Burke was delivered over to the descendants of his political enemies, who gladly claimed him for themselves.²³⁸

Burleigh Taylor Wilkins offers weight to this reading.²³⁹ Such Roman Catholic readings of Burke that locate him within traditions of Christian Platonist thought should not be identified with ultra-conservative appropriations.

Burke: the prophet of totalitarianism

O’Brien reads Burke to understand the French Revolution ‘as the first great experiment in totalitarian innovation’.²⁴⁰ Marx and Engels, Lenin, Trotsky and Stalin:

all had the qualities that Burke abominated in the French Revolutionaries: radical repudiation of all existing institutions and arrangements; absolute confidence in their own competence to build a new and far better society; willingness to kill their contemporaries in great numbers, for the supposed

²³⁸ Stanlis, *Burke and Natural Law*, 27-28.

²³⁹ Burleigh Taylor Wilkins, *The Problem of Burke’s Political Philosophy* (Oxford: Clarendon Press, 1967), chapter one.

²⁴⁰ O’Brien, *Melody*, 596.

benefit of posterity, contemptuous hostility to all religion, and a programme for its enforced elimination from the world.²⁴¹

Not only were the Communists the direct heirs of the Jacobins,²⁴² but also '[t]he Third Reich [which] was the most far-reaching effort ever made in reconstructing human society 'upon a theory'.²⁴³ The theory was that of 'racial hygiene', and the Holocaust was an application of that theory', leading O'Brien to conclude that the revolutions of 'the twentieth century constitute confirmation, on an awesome scale, of Burke's warnings against attempts to reconstruct whole societies 'upon a theory'.²⁴⁴

The reading of Burke as the prophet of totalitarianism also emerges in de Bruyn's work.²⁴⁵ He takes a literary analytical approach to Burke's description of the French Revolution with 'the recurring imagery of the jeremiad'²⁴⁶ – the use of 'imagery of light and darkness, of disease, decay, and ruin, of drought and storms, of family strife and filial disobedience, and of plagues, wilderness and trackless desert'.²⁴⁷ de Bruyn quotes Steven Blakemore, how 'Burke depicts the French Revolution as a second Fall, a second Babel, a second Golgotha in which the cosmic ordering of the Logos, the

²⁴¹ O'Brien, *Melody*, 597.

²⁴² O'Brien, *Melody*, 600.

²⁴³ O'Brien, *Melody*, 601.

²⁴⁴ O'Brien, *Melody*, 602.

²⁴⁵ Frans de Bruyn, *The Literary Genres of Edmund Burke: The Political Uses of Literary Form* (Oxford: Clarendon Press, 1996).

²⁴⁶ de Bruyn, *Literary Genres*, 292.

²⁴⁷ de Bruyn, *Literary Genres*, 293.

sanctity and authority of the Word is also assaulted'.²⁴⁸ Blakemore captures how Burke 'struggled to describe what was radically new in the traditional language of *tyranny* and *despotism*, in an effort to identify the French Revolution as the first *totalitarian* event in history.'²⁴⁹ Such analysis of the intensity and apocalyptic nature of Burke's language about Jacobinism is important for it reveals the 'revolutionary power as old tyranny writ new',²⁵⁰ full of paradox between what they claim and the reality of the imposition of ideology and the power that sustained it. Burke was, he says, 'in effect, trying to describe a new species of tyranny for which he had no corresponding vocabulary'.²⁵¹ Blakemore concludes that Burke also 'crystallized a critique of what can be characterized as the revolutionary romance – the axiomatic association of revolutionary movements with total, exhilarating liberation – with an apocalyptic regeneration of the human race – he analysed the appeal of that ideology – an appeal that has been with us for two centuries'.²⁵²

There is, then, a wealth of new examination of the significance of Burke's writings that has emerged in the latter part of the twentieth century, with a number of different avenues for further exploration.

²⁴⁸ de Bruyn, *Literary Genres*, 297, n.18, quoting Steven Blakemore, *Burke and the Fall of Language* (Hanover: University Press of New England, 1988), 106.

²⁴⁹ Blakemore, in Crowe, *Burke*, 48 (original emphasis).

²⁵⁰ Blakemore, in Crowe, *Burke*, 51.

²⁵¹ Blakemore, in Crowe, *Burke*, 54.

²⁵² Blakemore, in Crowe, *Burke*, 59.

Twenty-First Century Readings

In this final section of the chapter, we shall consider selective literature to date in this century. Clark's introduction to his edition of *Reflections* offers a thorough and thoughtful appraisal of Burke's significance.²⁵³ Dwan and Insole's *Cambridge Companion* is an invaluable collection of essays by leading Burkean scholars that explore the contexts that shaped Burke's life and works, recovering the background principles that informed his politics, and considering the political theatres of his career and the legacy he left.²⁵⁴ Two substantial volumes by David Bromwich²⁵⁵ and Richard Bourke²⁵⁶ indicate renewed and serious interest in Burke's intellectual and political life respectively. Emily Jones,²⁵⁷ then Martin Fitzpatrick and Peter Jones consider how Burke has been received,²⁵⁸ and various other volumes claim Burke for particular political agenda such as Norman,²⁵⁹ Burgess²⁶⁰ and Marquand.²⁶¹ Adrian

²⁵³ J. C. D. Clark (ed.), *Edmund Burke: Reflections on the Revolution in France: A Critical Edition* (Stanford, CA: Stanford University Press, 2001).

²⁵⁴ Dwan and Insole, *Burke*.

²⁵⁵ David Bromwich, *Intellectual Life*.

²⁵⁶ Bourke, *Empire*.

²⁵⁷ Jones, *Burke*.

²⁵⁸ Fitzpatrick and Jones, *Reception*.

²⁵⁹ Norman, *Burke*.

²⁶⁰ Samuel Burgess, *Edmund Burke's Battle with Liberalism: His Christian Philosophy and Why it Matters Today* (London: Wilberforce Publications, 2017).

²⁶¹ David Marquand, *Mammon's Kingdom: An Essay on Britain, Now* (London: Allen Lane, 2014).

Pabst highlights the ways Burke can resource disciplines of political theology and international relations, to which we shall return.²⁶²

Bourke on Burke

Richard Bourke offers a comprehensive account of Burke's ultimate concern to analyse domination and conquest as the abuse of power that destroys the integrity of constitutionalism. He presents Burke as transcending party politics, with his two overarching themes of the spirit of conquest on the one hand, and the spirit of liberty on the other,²⁶³ respecting how Burke's theological commitments undergird his understanding of providence and 'the great primaeval contract',²⁶⁴ 'promoting enlightened ideals from within a sceptical Anglican tradition'.²⁶⁵

That understanding of Burke's religion does not permeate Bromwich's *Intellectual Life*, where he is keen to present Burke as an enlightenment figure who anticipated the secularization of society:

Replying once to a question about his religious beliefs, Burke said he was a Christian "much from conviction; more from affection." The remark is open to various readings. I take it to imply that for him, ordinary feelings such as trust, though they have a Christian correlative, themselves supply a sufficient groundwork of moral conduct. [...] When understood as commandments, the secular virtues carry a trace of the religious piety in which they originate.²⁶⁶

Bromwich fails to understand Burke's sophisticated grasp of the Christian theology, faith and practice that had formative power throughout his life, much from conviction

²⁶² Pabst, 'Obligations'; Pabst, in Bain, *Medieval Foundations*.

²⁶³ Bourke, *Empire*, 11.

²⁶⁴ Bourke, *Empire*, 15.

²⁶⁵ Bourke, *Empire*, 69.

²⁶⁶ Bromwich, *Intellectual Life*, 15.

– and even more from affection. Burke’s religious formation was described by himself in a speech in the aftermath of the Gordon Riots of 1780 in which a report had it that:

[Mr Burke] had been educated as a Protestant of the church of England by a Dissenter [Shackleton]; he read the Bible there morning, noon, and night, and was the happier and better man for such reading; he had afterwards turned his attention to the reading of all the theological publications, on all sides, that were written with such wonderful ability in the last and present century; and at last thought such studies tended to confound and bewilder, and he dropped them, embracing and holding fast – [to] the church of England. He went into a large field of reasoning on toleration; vindicated the Papists from the charges brought against them.²⁶⁷

Bourke’s account shows Burke to be well read in the theological disputes of the seventeenth century, finally deciding to ‘embrace and hold fast’ to the Church of England. Burke’s Anglicanism was for well-thought-out theological reasons, and his ecclesiology enabled him to argue as persuasively as he did for toleration, within a Church that reflected and embodied divine and providential law.

Bromwich: Burke’s enlightenment anthropology?

Bromwich approaches his subject as a literary figure, comparing him favourably as a prose writer with Shakespeare,²⁶⁸ but fails, however, to do justice to Burke’s philosophical and theological breadth and depth. He writes of him as ‘a moral psychologist’, in a passage that reveals his own presuppositions:

[Burke] interprets actions and motives that contain an element of coerciveness that is absent in relationships of smaller groups. Errors or missteps in the larger society may have consequences on a scale that defies calculation, yet they spring from the same unconscious or involuntary causes at work in all human action. Burke’s effort is not to tame or reduce but to understand this complex object of inquiry. He starts from two irreducible principles. First, human beings are strongly drawn to imitation. And second, they love to be excited – to be roused by new or strong sensations. The sensations need not be wholly

²⁶⁷ W&S, III, 606.

²⁶⁸ Bromwich, *Intellectual Life*, 7.

agreeable, so long as they are striking. The instinct of imitation and the love of excitement are originally as non-social and non-moral as the emotion of curiosity.²⁶⁹

There are a number of comments to make on this passage. Firstly, Burke would not agree that elements of coerciveness are absent in relationships of smaller groups. He was stirred to speak by an incident where a local group killed two men pilloried for sodomy;²⁷⁰ he was dismayed by the ‘coercion’ incited by General Gordon, causing Protestants to riot against legislation for relief for Catholics – riots in which Burke himself and his friend George Savile were in danger, and ‘some 450 people [lost their lives] in five days of utter chaos’.²⁷¹ If Bromwich had the decisions of Lord North’s government over American Independence in mind as he writes of ‘errors and missteps in the larger society’ that have ‘consequences on a scale that defies calculation’, it is certainly the case that English fighting English, and drawing in native Indian and slave to the conflict, distressed Burke intensely; however to say this (or whatever Bromwich had in mind) sprang ‘from the same unconscious or involuntary causes at work in all human action’ betrays Bromwich’s own psychological lens. The American War was initiated after due rational debate in parliament – it was not ‘involuntary’, nor was it ‘unconscious’ – anachronistic terms Burke would not have understood. Burke did discern, profoundly, the ‘causes at work in all human action’ – but not in the way Bromwich interprets within his ‘secularist’ humanist, psychological approach.

²⁶⁹ Bromwich, *Intellectual Life*, 16.

²⁷⁰ W&S, III, 583-85.

²⁷¹ See the editorial commentary, W&S, III, 602: ‘Burke’s effort certainly was to tame and reduce any instance of cruelty or barbarity: he was first and foremost a politician, determined to ameliorate, not simply to understand. And so he spoke in parliament whenever he was exercised by instances of brutality – whether it be young people executed after the Gordon Riots (W&S, III, 611), or those accused of mutiny (W&S, III, 586), or later, the barbaric and lawless regime of Warren Hastings.’

It is worth remaining with Bromwich here, for his reading illustrates how easily Burke is misrepresented. We shall see in the next chapter that Burke's sophisticated empiricism, as it emerges in *Philosophical Enquiry*, is altogether richer than Bromwich conveys. Bromwich claims in the reference above that Burke starts from the two 'irreducible principles' of imitation and excitement. He explains how Burke was interested in the 'foundation of prudence, namely, [as he explains it] the tendency to turn from a state of arousal [to] restore a previous state of equilibrium'. It is rather more accurate to say that Burke brought a sense of prudence formed by his theological anthropology to check the human impulses that lead to the assertion of the will to power. To read Burke as 'always aware of the claim of the presocial and premoral instincts' that with 'the love of imitation and excitement' gives 'an animating impulse to all life', and then to contrast this impulse with 'custom and habit' that 'give form only to a life that already exists', is to use a conceptual frame that Burke would not recognize or accept.

Burke's anthropology was securely Christian, not that of the Enlightenment humanist that Bromwich wants him to be, as he writes, for example:

He drew support from his faith in human nature more than from any religious faith. What does that mean? The defence of human nature is a secular ideal untouched by fanaticism. Human nature, for Burke, is defined by feelings that are customary, reasonless, and unselfish.²⁷²

Burke would not agree that religious faith equates to 'fanaticism', nor that human nature is reasonless and unselfish, words that resonate rather with Rousseauvian idea of a pre-social innocence and goodness of humanity. Bromwich misses Burke's meaning of 'customary' as prescription, that shapes the person by the customs and traditions of society in ways that transcend any particular generation, and in which religion plays a crucial role. This is not Burke holding in tension human passion and custom, such that, '[t]he risk of custom to society is a changeless security, and denial

²⁷² Bromwich, *Intellectual Life*, 11.

of passion to the individual means imaginative death', but simply to misunderstand Burke's anthropology. Bromwich then suggests that in the 1790s Burke changed his mind:

When Burke in the 1790s writes about the revolution in France and his fear that it will infect England, the same idea of acquiescence will be simply presented as an advantage to society, and the social acceptance of inertia will be described with an irony that bends toward approval.²⁷³

'How', asks Bromwich, 'with the same psychology, could he reach so different a conclusion?' Bromwich's lack of comprehension stems from his religious illiteracy, coupled with his failure to grasp Burke's anthropology.

Elsewhere Bromwich applies his framing of tension between stasis and creativity to Burke's history of the Catholic Church. Bromwich reflects that:

Revolution and empire are political phenomena that he would always judge to be closely related. They tend to be thought of separately, perhaps, because the outward show of empire is static, whereas revolution is dynamic. These appearances seemed to Burke to conceal a profounder affinity – a perception he would develop at length in his writings on India.²⁷⁴

Bromwich polarizes empire and revolution to mirror his own constructed tension between stasis and creativity, a polarity he also applies to Burke's personality:

a society that excludes or suppresses the man of energy must place a paramount value on order: a principle of maintenance that cannot serve as a principle of renewal. [...] Burke saw a personal application. An aristocratic society that disdains a man like him, or that suppresses or excludes a public character like Wilkes (in whom the spirit of liberty is strong) – such a society can only be a machine for the maintenance of order.²⁷⁵

²⁷³ Bromwich, *Intellectual Life*, 95.

²⁷⁴ Bromwich, *Intellectual Life*, 456-57, n.56.

²⁷⁵ Bromwich, *Intellectual Life*, 121.

Such polarities between revolution/passion, order/progress, empire/custom do not adequately capture Burke's thought. Again and again, Bromwich is prohibited by his own psychological assumptions from entering into the eighteenth-century rational, passionate, imaginative, and deeply theological mind of Burke.

Burgess: Battling with liberalism

We turn now to Samuel Burgess, who reads Burke as battling with liberalism. Burgess appropriates Burke in defence of libertarianism, vexed that Christians are marginalized by the secular liberalism which fails 'to take seriously the very human desires for patriotism, kinship and community felt by non-religious citizens, as well as failing to engage with the motivations of religious citizens'.²⁷⁶ His Burke understands God as the founder and sustainer of society to defend Britain's Christian heritage against an 'Atheism by Establishment', drawing on Christian natural law thinking to argue that Burke 'followed Hooker in conceiving the Church and state as an organic whole', quoting him: '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'.²⁷⁷ Burgess finds political principles in Burke's Christian faith to claim 'Burke's natural law based constitutionalism offers an approach to politics which operates within a robust Christian framework while still advocating tolerance and epistemological humility'.²⁷⁸ Burgess is helpful in the evidence he provides that Burke belongs within the Christian Platonist tradition, drawing out Burke's studies of Hooker; however, the end to which he uses Burke – the defence of Christian libertarianism – is to fail to understand how Burke transcends

²⁷⁶ Burgess, *Battle with Liberalism*, 15.

²⁷⁷ Burgess, *Battle with Liberalism*, 34.

²⁷⁸ Burgess, *Battle with Liberalism*, 132.

such labels, and is best understood as a political philosopher for whom the abuse of arbitrary power is his constant pursuit, in defence of the liberties of the people.

The Edmund Burke Foundation

Founded in 2019, the Edmund Burke Foundation has hosted conferences under the banner of national conservatism. Its statement of principles affirms the traditional beliefs, institutions and liberties of what they call ‘the Anglo-American political tradition’, that are being ‘undermined and overthrown’:

We see the tradition of independent, self-governed nations as the foundation for restoring a proper public orientation toward patriotism and courage, honor and loyalty, religion and wisdom, congregation and family, man and woman, the sabbath and the sacred, and reason and justice. We are conservatives because we see such virtues as essential to sustaining our civilization. We see such a restoration as the prerequisite for recovering and maintaining our freedom, security, and prosperity.²⁷⁹

Subscribers assert the importance of national independence, the rejection of imperialism and globalism, national government, God and public religion, the rule of law, free enterprise, public research, the family and children, immigration that is not ‘today’s penchant for uncontrolled and unassimilated immigration [that] has become a source of weakness and instability, not strength and dynamism’.²⁸⁰ It is easy to see the appeal of Edmund Burke to this ideological stance; but it has been significantly critiqued for its Hobbesian understanding of national sovereignty, which we shall see, does not align with Burke’s sense of ‘commonwealth’. As the authors of an open letter say:

The absolute sovereignty of the nation-state presented in the Statement of Principles is a modern myth, which traditional conservatives such as Edmund Burke questioned because, as with the French Revolution, it can lead to terror and tyranny. Burke’s alternative was a ‘cultural commonwealth’ of peoples and

²⁷⁹ <https://nationalconservatism.org/natcon-uk-2023/> [accessed 16/05/2023].

²⁸⁰ <https://nationalconservatism.org/natcon-uk-2023/> [accessed 16/05/2023].

nations covenanting with each other in the interests of mutual benefit and flourishing.²⁸¹

Burke's appeal to such groups – to the extent of naming a foundation after him – witnesses to his enduring appeal, and the ease by which he can be appropriated. It is the argument here that Burke's pursuit of arbitrary power however it is manifested, and emphasis upon constitutionalism, does not tie him down to any political allegiance, left or right. Burke was not at home in any party of his day; nor did he found a party. To understand him is not to appropriate him to any one set of political values, but to remain alive to his philosophic spirit of analogy.

Jesse Norman's philosopher, politician and prophet

Jesse Norman is more sanguine, commending Burke as a philosopher, politician and prophet, and highlighting six areas of relevance for contemporary times. Burke does not hold with an 'extreme liberalism' that gives moral priority to 'the capacity of unfettered individual freedom to deliver personal or social well-being', but 'constrains rampant individualism and the tyranny of the majority', and 'tempts us to the heretical thought that the route to a better politics may not be through yet more managerial claims – "we can do better" – but through a deep change of viewpoint'.²⁸² He thinks Burke's 'little platoons' means 'little England', though, when he argues that recent failures of policy and leadership have disregarded national identities and allegiances, ignoring 'the temper of the people', in waging wars, and in joining the European Union, claiming that a Burkean perspective 'offers an intellectual context [...] [to] analyse and understand the deeper currents of ethnic, religious or ideological allegiance'.²⁸³ Norman's third principle of relevance is good, that 'Burkean leaders

²⁸¹ <https://europeanconservative.com/articles/commentary/an-open-letter-to-natcon/> [accessed 22/05/2023].

²⁸² Norman, *Burke*, 284-85.

²⁸³ Norman, *Burke*, 286.

believe in slow government',²⁸⁴ that does not undermine but reforms working institutions, drawing new ideas from experience and tradition rather than ideology or human invention, and insisting on the common good, and the importance of public service and duty.²⁸⁵ Norman's claim, though, that for Burke the purpose of politics is to preserve and enhance the social order in the national interest, does not do justice to Burke's vision, which was much greater than merely 'the national interest' in any narrow Hobbesian way.

Norman's fourth area will be explored further in chapter five, that Burke 'offers a profound critique of the market fundamentalism now prevalent in Western society',²⁸⁶ the greed and self-interest, the narrowing and fragmentation of political parties that unsettle a proper constitutional balance of powers. Instead, says Norman, he would push 'towards a politics of redistribution mediated by corporate groups, rather than one inspired by a broader conception of social or economic benefit'.²⁸⁷ Norman argues, fifthly, that Burke would protect representative government and the rule of law as a bulwark against the abuse of power, supporting the separation of powers across different branches and levels of government. He comments that 'genuine democracy relies on effective public deliberation, and in every genuine democracy political parties have a centrally important role',²⁸⁸ which are under threat from one-party states and dictatorships. 'No workable alternative is in sight',²⁸⁹ says Norman, who understands Burke to represent the best impulse of contemporary democracy: that of the people

²⁸⁴ Norman, *Burke*, 286.

²⁸⁵ Norman, *Burke*, 287.

²⁸⁶ Norman, *Burke*, 287.

²⁸⁷ Norman, *Burke*, 288.

²⁸⁸ Norman, *Burke*, 288.

²⁸⁹ Norman, *Burke*, 288.

scrutinizing the exercise of government, which can only be effective with the consent of the people.

Finally, Norman finds in Burke the social value of culture and public service, rather than ‘individual or generational arrogance,’ where ‘the human self [is] an active social force, not the passive vehicle for happiness of the utilitarians, or the individual atom of much modern economics.’ All in all, Burke challenges the ‘empty post-modernism in which there is no truth, but only different kinds of narrative deployed in the service of power,’ and instead offers ‘the lost language of politics: a language of honour, loyalty, duty and wisdom’, where ‘the role of human creativity and imagination [re-enchants] the world and [fills] it with meaning’.²⁹⁰ Norman stops short of affirming Burke’s theism, although he does talk of an ‘ethic of divinity’,²⁹¹ but his positive application of Burke’s theo-political imagination to critique contemporary politics is to be welcomed.

Two further books deserve mention for their reference to Burke: Phillip Blond’s *Red Tory*,²⁹² and Ian Geary and Adrian Pabst’s *Blue Labour*, both seeking to resource British politics in the first decades of the twenty-first century.²⁹³

Reception in Europe

Fitzpatrick and Jones’s volume offers a series of essays on the reception of Burke in Europe. Raising a number of interesting questions, they conclude that Burke continues to be a source of great fascination – there is a Burke for all tastes and occasions,²⁹⁴ and battle continues over how to interpret his significance. Of note is Burke’s reception in

²⁹⁰ Norman, *Burke*, 289.

²⁹¹ Norman, *Burke*, 269-72.

²⁹² Phillip Blond, *Red Tory*.

²⁹³ Geary and Pabst, *Blue Labour*.

²⁹⁴ Fitzpatrick and Jones, *Reception*, 7.

France, where scholars, like François Furet, who, with huge influence on a generation of French historians, implicated the French Revolution in the totalitarian nightmare of Europe's twentieth century: 'From this perspective, the violence of the Terror was not an accident but something intrinsic to the whole project of revolution. And this, as we know, was precisely what Edmund Burke had believed.'²⁹⁵

Collins: Commerce and Manners

Gregory Collins offers a comprehensive engagement with Burke's political economy, which is discussed in greater depth in chapter five below. Collins seeks to answer the question of how 'the thinker who wrote the *Reflections*, considered the authoritative Western defence of cultural traditionalism in modernity, also composed a tract called *Thoughts and Details [on Scarcity]*, in which the same writer provided steadfast support for Enlightenment, market-based principles that were perceived by contemporaries as a threatening force to settled social conventions?'²⁹⁶ He concludes that Burke advocated commercial liberty supported by 'a providential force' that offers lessons for modernity:

In the end, Burke's conception of political economy, seen in its fullest philosophical dimensions, teaches us to be on watchful guard against the seduction of perishable agreements, and to strive to maintain objects of permanence in our lives that can withstand the vagaries of markets and the transient nature of voluntary contracts. We should make sure that the temptation for gain in the commercial economy does not overwhelm our deeper social obligations to our fellow neighbor. We should recognize both the possibilities and limits of trade in order to prevent a healthy appreciation for market liberty from transforming into the crass monetization of all social relations. We should be aware that our deepest friendships are those of an unconditional nature. Burke himself attempted to heed these lessons. For at the same time he was passionately defending the laws of supply and demand in *Thoughts and Details*, Burke knowingly violated them by offering high-quality

²⁹⁵ Fitzpatrick and Jones, *Reception*, 104.

²⁹⁶ Collins, *Commerce*, 3.

bread to the poor in his neighborhood below the going rate, thereby making markets obedient to charity, and calculation to grace.²⁹⁷

At a symposium in 2021 Collins found himself comprehensively critiqued, not least by Hampsher-Monk, for an anachronistic understanding of ‘the market’ and for confusing an eighteenth-century understanding with Hayek’s ‘ontological’ market.²⁹⁸ The other contributions to the symposium, including Jones, with whose words this chapter began, open up the range of debate about Burke’s significance in the twenty-first century. For example, Hampsher-Monk locates Collins’ assessment within a long tradition of argument about Burke’s legacy, particularly amongst British conservatives, which:

really took off in the wake of Margaret Thatcher’s adoption of neoliberal political economic policy and her appointment of avowedly Hayekian advisers and ministers. There followed a kind of battle for the soul of the English Conservative party. Thatcher increasingly excoriated and excluded as ‘Wets’ those who would not follow her in abandoning Keynesian economic policy and the Post-War welfare consensus to pursue a policy of privatization of public assets and an extension of the role of the market. One of the main sites of contestation amongst Conservatives was the identity of Burke himself.²⁹⁹

Burke’s legacy is contested in the UK and in the USA in different ways, dependent on how he is read. Here, it is for the soul of British politics – the extent to which Neoliberalism is the only form of capitalism; in the US, Burke has been used in the battle against the totalitarianism of communism, using Christianity towards such ideological ends in ways Burke would barely have recognized. Recognizing such variety of interpretation, it is his commitment to a circumstantial wisdom, a spirit of

²⁹⁷ Collins, *Commerce*, 536.

²⁹⁸ Iain Hampsher-Monk, ‘Edmund Burke, Political Economy, and the Market’, Symposium on Gregory Collins’ *Commerce and Manners in Edmund Burke’s Political Economy*, *Cosmos + Taxis Studies in Emergent Order and Organization*, ISSN 2291-5079 Vol 9 / issue 9+10 2021, 10-18; 14, see <https://cosmosandtaxis.org/ct-9910/> [accessed 09/02/2023].

²⁹⁹ Hampsher-Monk, ‘Edmund Burke, Political Economy, and the Market’, 10.

philosophic analogy, and his discernment of divine providence that draws together parts into a whole, that subordinates the will to power to the law of love, and that prefers the prescriptions of tradition to the tyrannies of innovation that informs this reading of Burke, and particularly his hatred of the exercise of arbitrary power and recognition that constitutionalism is the best means to ensure the interests of the people.

Conclusion

On the whole, what is most striking about Burke's influence is its variety. Quite different positions have been supported by Burkean wisdom, and proponents of new ones continue to find vindication in citing it. No other member of parliament in the country that invented the parliamentary tradition has exerted such influence over such a diverse and enduring audience. His legacy extends beyond the community of scholars, and beyond the shores of his own and his adopted country. No single tradition or party has succeeded in monopolizing it.³⁰⁰

So Langford concludes the monumental task of editing Burke's *Writings and Speeches*. There is no denying the breadth and depth of Burke's legacy, as explored in this chapter over the two centuries since he died. What has emerged, I hope, is a sense of his theo-political imagination that engaged with real power with the Enlightenment trends of his own day as they played out within politics. From the 1750s he sustained a consistent set of principles that enabled him to interpret and use an understanding of natural law, inherited from his classical and pre-modern reading, to counter emergent abstractions of utopian, revolutionary trends, in favour of an ordered universe, society and life that was, he believed, the best defence against the exercise of arbitrary power. Burke's adherence to his Anglican Christian faith, through conviction and affection, guaranteed a lifelong belief in divine providence as the foundation of all order, and it is to this we turn.

³⁰⁰ Langford, 'Burke', 841.

Chapter Two: Divine Order

Introduction

Six weeks after he married Jane Nugent in March 1757, Burke published, anonymously, *A Philosophical Enquiry into the Origins of our Ideas of the Sublime and Beautiful*. It had been ten years in the writing – he commented to his friend Richard Shackleton that he was working on it in 1747, when he was in his late teenage years.³⁰¹ Some passages, on beauty, read as if freshly penned by a newly-wed man who is entranced by the softness of the female form, its beauty found in the pleasures of small and delicate variety; indeed, in places the work reads as an extended love letter, the tone of which lead McLoughlin and Boulton to think Burke’s idea of beauty ‘a rather feeble and sentimentalized conception’.³⁰² Burke drew a strong contrast between the beautiful and the sublime, and it was his thoughts on the latter that captured the imagination of the Romantic era, with enduring power. Along with *Reflections*, it is a work of continuing interest.

This chapter argues that for Burke, the exercise of arbitrary power runs against the ordained and providential divine power that has as its *telos* the good of creation – the natural world, the human person, all civil, social and political spheres. It picks up the theme of the how a different philosophical ground emerged with the anthropological turns of modernity – away from Christian Platonist theism towards the assumption of atheism and the rationalism of deism, and towards an instrumental way of knowing that made the natural world a disenchanting realm to be exploited and used. I turn to Iain McGilchrist and Norman Wirzba for their diagnosis of the different ways we can attend to the natural world, particularly McGilchrist’s extended metaphor of the

³⁰¹ W&S, I, 185.

³⁰² W&S, I, 186.

different epistemologies that emerge from a dominant right or a dominant left hemisphere.

Rowan Williams, in a review of McGilchrist's *The Matter with Things*, makes the comment that:

Ultimately, as [McGilchrist] says in a forceful and eloquent epilogue, we either acknowledge God or we invent a God for ourselves. If we invent a God for ourselves, we are bound to invent that God out of ourselves, out of our own psychic resources, and so sacralize our own ambitions and anxieties, projecting on to the universe our passion for analysis of and control over every aspect of what surrounds us. This is the idolatry that is literally killing us as a species. That is why it is so urgent to rethink how we understand thinking.³⁰³

Burke's description of the sublime stirs a right hemispheric apprehension of transcendent, divine providence that creates and sustains the cosmos, challenging the meaninglessness and utilitarianism of existential nihilism that, it can be argued, lies at the heart of the sort of 'modernity' that gives us 'the idolatry that is literally killing us as a species'. Reading Burke suggests an alternative modernity that engages with what it is to live an ordered life, aligned with divine providence, enabling the human person to turn away from the inordinate desire and will to power, towards a loving attention for the other, with a sense of awe and delight in the natural world, and with an appreciation of the need for roots. The chapter ends with a description of the care with which Burke practised the husbandry of his property, Gregories, near Beaconsfield.

the universe is order

'I love order, for the universe is order.' It is how Burke understood the eternal and immutable order as the foundation of all order that this chapter addresses, taking us

³⁰³ Rowan Williams in The Los Angeles Review of Books, January 2023 at

<https://lareviewofbooks.org/article/a-brain-of-two-minds-on-ian-mcgilchrists-the-matter-with-things/>
[accessed 14/06/2023].

to explore more closely Burke's idea of God, whom he referred to most often as 'divine providence', or 'the Deity', sometimes as the 'Sovereign Disposer'. This ground is epistemological, for Burke used analogy to understand how the human faculties of sense, reason and the imagination, stirred by awe at the natural world, stretches towards the ultimately unknowable God, with a theological imagination that critiqued the instrumental rationalism of his day. The ineffability of the 'sublime' escapes the rationalizing tendencies of 'imposed' human order – to use Bain's term – towards the 'immanent', deep ordering of the universe, created and sustained by divine providence.

that great and tremendous being

Burke added a new section on 'Taste' to the 1759 second edition of *Philosophical Enquiry*, including thoughts entitled 'Power'. He begins:

I know of nothing sublime which is not some modification of power. And this branch rises as naturally as the other two branches, from terror, the common stock of everything that is sublime.³⁰⁴

Burke did not see 'power' as a possession that human beings either have or do not, but as belonging to the nature of a good God, giving agency in the created world to fulfil the purposes and return to the *telos* of God's providence, aligned with God's order and will. When human beings are motivated by the autonomous will to claim and exercise arbitrary power, to 'impose' order, to dominate, control, make useful, exploit, they betray the proper and awful use of power. Burke said that the sublime is never 'only useful, and employed for our benefit or our pleasure, [for] then it is never sublime'.³⁰⁵ It is not subject to us, for then it 'therefore can never be the cause of a grand and

³⁰⁴ W&S, I, 236.

³⁰⁵ W&S, I, 237.

commanding conception'.³⁰⁶ The concept of God should not be reduced to that which does not inspire awe.

This lengthy passage is worth consideration, to take us to the heart of Burke's theological understanding of God. His rejection of deism is evident as he writes:

I know some people are of the opinion that no awe, no degree of terror, accompanies the idea of power and have hazarded to affirm, that we can contemplate the idea of God himself without any such emotion. I purposely avoided when I first considered this subject to introduce the idea of that great and tremendous being, as an example in an argument so light as this; though it frequently occurred to me, not as an objection to, but as a strong confirmation of my notions in this matter. I hope, in what I am going to say, I shall avoid presumption, where it is almost impossible for any mortal to speak with strict propriety. I say then, that whilst we considered the Godhead merely as he is an object of the understanding, which forms a complex idea of power, wisdom, justice, goodness, all stretched to a degree far exceeding the bounds of our comprehension, whilst we consider the divinity in this refined and abstracted light, the imagination and passions are little or nothing affected. But because we are bound by the condition of our nature to ascend to these pure and intellectual ideas, through the medium of sensible images, and to judge of these divine qualities by their evident acts and exertions, it becomes extremely hard to disentangle our idea of the cause from the effect by which we are led to know it. Thus when we contemplate the Deity, his attributes and their operation coming united on the mind, form a sort of sensible image, and as such are capable of affecting the imagination. Now, though in a just idea of the Deity, perhaps none of his attributes are predominant, yet to our imagination, his power is by far the most striking. Some reflection, some comparing is necessary to satisfy us of his wisdom, his justice, and his goodness; to be struck with his power, it is only necessary that we should open our eyes. But whilst we contemplate so vast an object, under the arm, as it were, of almighty power, and invested upon every side with omnipresence, we shrink into the minuteness of our own nature, and are, in a manner, annihilated before him. And though a consideration of his other attributes may relieve in some measure our apprehensions; yet no conviction of the justice with which it is exercised, nor the mercy with which it is tempered, can wholly remove the terror that naturally arises from a force which nothing can withstand. If we rejoice, we rejoice with trembling; and even whilst we are receiving benefits, we cannot but shudder at a power which can confer benefits of such mighty importance.

³⁰⁶ W&S, I, 237.

When the prophet David contemplated the wonders of wisdom and power, which are displayed in the economy of man, he seems to be struck with a sort of divine horror, and cries out *fearfully and wonderfully am I made!*³⁰⁷

Taking human comprehension beyond the understanding of God's attributes of 'power, wisdom, justice, goodness', God's power provokes terror, for God is beyond the human control that imposes order: the imagination is stirred, 'struck with a sort of divine horror'. Burke challenges the impulse to domesticate, or usurp, the power of God, arguing that the right response is to recognize how power, wisdom, justice, goodness, even though 'all stretched to a degree far exceeding the bounds of our comprehension', hint at the true nature of that great and tremendous being. What emerges after this fascinating passage is Burke's sense of the unity of divine power with love, wisdom, justice, and goodness, which come together as the *telos*, the goal and the height of human aspiration. The right use of power is to participate, as beings fearfully and wonderfully made, with the beneficial, providential power of God that permeates all there is.

How humanity attends to the natural world depends on whether it is with a sense of the goodness of an ordered cosmos, or instrumentally, with a utilitarian spirit. Power, as Burke saw it, belonged to 'that great and tremendous being'. The deist imagination of natural religion reduced 'God' to human control, and then out of the picture altogether, whereby 'power' becomes what circulates over an essential void, as old Hobbes imagined, in a war of all against all. What might an alternative modernity have offered, had Burke's theological imagination prevailed, with his analogical sense of divine power that permeates all with a sense of purposeful order and end? Many today lament the outcomes of a modernity that has objectified and exploited the natural world, regretting a particular reductive and utilitarian approach, as they fear anthropogenic catastrophe.

³⁰⁷ W&S, I, 238-39, original emphasis.

the loss of a sense of awe/ a new ‘wretched of the earth’

Wirzba and McGilchrist both view current ecological degradation with a profound critique of the instrumentalization of knowledge, and the loss of a sense of awe.

Wirzba identifies this Anthropocene epoch as one in which the world becomes increasingly uninhabitable for human beings and for the millions of species that share the planet with them.³⁰⁸ Drawing on the work of Achille Mbembe and others, he argues that the globe has been privatized under the banner of neoliberalism, creating a new ‘wretched of the earth’:³⁰⁹

The ascendance of human power in the world has clearly created improved living conditions and unprecedented levels of comfort and convenience for some. But it has also created the conditions – such as catastrophic climate events, ocean acidification, coastal flooding and soil erosion, mass species extinction, glacial melt, widely (although not equally) dispersed toxification, deforestation, and desertification, the displacement of landholders, the subjugation and dehumanization of masses of people, the creation of climate refugees, new disease vectors and pandemics, food and freshwater insecurity, and political instability – that threaten to frustrate that power and undermine the communities of life that it influences.³¹⁰

The Anthropocene epoch is ‘a central feature of the high modernist schemes of the twentieth century, a century well described as the most brutal in the history of the world, [which] are being continued by a neoliberal, free-market, globalization ideology that elevates corporate profits and GDP growth above everything else’.³¹¹ What is required, he asserts, is the recovery of a ‘radically different logic’ that asserts that the world is ‘not an accidental or amoral realm that can be manipulated and exploited at

³⁰⁸ Wirzba, *Sacred Life*, xv.

³⁰⁹ Wirzba, *Sacred Life*, xvi, n.2, quoting Achille Mbembe, *Critique of Black Reason*, Laurent Dubois (trans.), (Durham, NC: Duke University Press, 2017), 177.

³¹⁰ Wirzba, *Sacred Life*, 8.

³¹¹ Wirzba, *Sacred Life*, 18-19.

will, but is instead *divinely created*, and therefore to be nurtured, cherished, and celebrated'.³¹²

A deep harmony within the order of things

The necessity is to see the sacred nature of the world, where an understanding of 'order' is crucial:

The opening chapter of the Jewish and Christian scriptures is an excellent example of how a creation story communicates the sacred character of this world and its life. Expressed in poetic form, this telling of God's seven-day creation of the world conveys several important themes: (a) the world is an ordered rather than a chaotic realm; (b) this order reflects a divine desire that creatures flourish; (c) this world is a dynamic and open reality that nurtures and welcomes newness of life; (d) the places, processes, and creatures of this world are affirmed by their creator to be fundamentally good; and (e) the fulfilment of God's creative work, and thus also the deep meaning of all that is created, are revealed when God rests and practices the first *shabbat*.³¹³

McGilchrist, too, writes of awe, of 'a deep gravitational pull towards something ineffable, that, if we can just for once get beyond words and reasons [...] presents to us through intimations that come to us from a whole range of unfathomable experiences we call "spiritual"'.³¹⁴ He too affirms a sense of order that permeates all there is, that cultures universally describe, and which words like 'God' suggest:

why does Being take the creative, complex, orderly, beautiful, intelligible – vital – form that it does? And though arising in different cultures, what they suggest is remarkably consonant. They suggest a co-ordinating principle in the universe which is evidenced in order, harmony and fittingness; a principle that is not

³¹² Wirzba, *Sacred Life*, 18-19, original emphasis.

³¹³ Wirzba, *Sacred Life*, 144.

³¹⁴ McGilchrist, *Matter with Things*, II, 1159.

only true, but the ultimate source of truth. This principle applies to all 'levels' of existence and therefore wraps within itself the human soul.³⁵

Reading both Wirzba and McGilchrist suggests ways of understanding Burke's sense that 'the universe is order', implying an eternal and immutable, divine order that is the ground of all being, that is providential, and sublime, and therefore not to be captured and defined within rationalist and scientist systems where atheism is assumed.

McGilchrist describes the impoverished and destructive attitude of utility towards the natural world that contributes to the crisis that humanity now faces:

It therefore makes no sense to set us up as proud, lonely, tragic figures, struggling against Nature, trying to subdue her, or struggling defiantly to bring love, goodness and beauty into a hostile cosmos. Any love, goodness and beauty we can bring come out of Nature and out of the cosmos in the first place: where else can they possibly come from?³⁶

Wirzba affirms the beauty at the heart of sacred life. In what he calls 'a divinely created world', people are creatures, of 'inestimable value and worth', and dependent on God: 'to be a creature is to know that you are not the source of your own life but must constantly receive it in the varying forms of birth, nurture, healing, inspiration, and kinship'.³⁷ He maintains that humanity, 'finite, vulnerable, and mortal', needs to find new ways to live with others and in the world not by being dominant, but by contributing to 'the healing of and beautification of this world and its life',³⁸ with an understanding of the method of Nature as 'an ordered and integrated whole that can be understood on analogy with a work of art', for 'nature, as Aristotle argued, is a wise artist that orders the world in a rational manner that exhibits proportion, symmetry,

³⁵ McGilchrist, *Matter with Things*, II, 1206.

³⁶ McGilchrist, *Matter with Things*, II, 1193.

³⁷ Wirzba, *Sacred Life*, xvii.

³⁸ Wirzba, *Sacred Life*, xvii.

harmony, and cohesion', and where disorder leads to incomprehensible and meaningless chaos.³¹⁹

McGilchrist indicates the threat that a purely materialist approach entails, linking it to a 'left hemisphere' attention, and arguing that it is less scientific than an approach that uses an intelligent imagination:

It seems to me that the reductionist account is contrary to scientific findings, unreasonable, counterintuitive, and shows a complete refusal to exercise intelligent imagination: all the hallmarks of its birth in the left hemisphere. The result is that values themselves become devalued. Beauty, morality and truth have been downgraded, dismissed or denied. If you want to see the consequences, you need do no more than look around you.³²⁰

Both writers urge resistance to a utilitarian instrumentality that occludes wonder and awe in a cosmos under extreme threat from a (Western) humanity that has operated too long under the auspices of the worst aspects of the Enlightenment. Burke's *Philosophical Enquiry* can be read as having the same prophetic vision to name and challenge prevailing philosophical trends, bringing an intelligent imagination to his subject of the sublime and beautiful, such that science, reason, intuition and imagination are used to refute the rationalism and materialism of his day, in a work that has continued to stir interest in beauty, morality and truth.

It is only necessary that we should open our eyes

Opening our eyes suggests attention. McGilchrist argues that the two hemispheres of the brain attend to the world in different but complementary ways. Without the 'big picture' that the right hemisphere offers, the left resorts to an over-preoccupation with systems and detailed processes, resulting in an instrumentalized attention that sees the world only in terms of its utility and narrow purpose. To consider Burke's passage

³¹⁹ Wirzba, *Sacred Life*, 92-93.

³²⁰ McGilchrist, *Matter with Things*, II, 1165.

on power through the lens that McGilchrist suggests is to understand what the right hemisphere stretches towards – a sense of awe and wonder that terrifies us out of the left-hemispheric knowledge used as desire for power to control. McGilchrist argues that in Western culture the left hemisphere has assumed dominance, and so we have lost what the right understands. Just as the two hemispheres are asymmetric in the space they occupy in the brain, there is also an asymmetry in their rightful relationship: the right is naturally dominant, such that the function of the left is of service to the whole. He draws a parallel with what he understands of beauty:

What we find, though, is that beauty often attends a coupling of symmetry with asymmetry, of perfection with imperfection: and that these couplings are themselves asymmetrical, as in the case of the brain hemispheres, one element being capable of incorporating its opposite, while the other cannot.³²¹

Holding together, rather than distinguishing

This insight of McGilchrist, that the left distinguishes and divides into parts, whereas the right holds things together, transcending differences, means that just as the left hemisphere requires the right, or it becomes lost in its own echo chambers, so the whole is nothing without the part, nor the part without the whole, and likewise transcendent and immanent belong together, as do notions of power and love, tradition and reform, the old and new. Wirzba does not use McGilchrist's metaphor of right and left hemispheres, but comes close in meaning as he describes the divine thus:

Transcendence does not oppose immanence; instead, it comes to mind and heart in the revelation of a dimension of a depth to things and places that surprises and overwhelms us, and that invites us to honor and respect what we encounter. [...] To speak of the sacred is to speak about a depth dimension that calls people into postures of gratitude that acknowledge the giftedness of life,

³²¹ McGilchrist, *Matter with Things*, II, 1159.

and that inspires them to practices of care and nurture as the most fitting response to gifts having been received.³²²

That sense of our attention being governed not by an acquisitive and instrumental approach, but by a sense of sacred awe resonates not only with McGilchrist, but also with Rowan Williams' discussion of the writings of Evagrius in *Looking East in Winter*. There human awareness of the world is differentiated as either angelic – knowing the 'essence' or meaning of things – or as demonic: 'the demon is aware of a thing only as something to be acquired and used for profit.'³²³ As we turn to consider Burke's understanding of the difference between the sublime and the beautiful in more detail, these reflections on 'attention' (right/angelic : left/demonic) suggest an epistemology of the rational human imagination that recognizes what is beyond itself, that inspires terror and awe, and yet is able to affirm the goodness and gift of a divine order permeating the universe, instead of turning things to instrumental advantage.

But first we need to investigate further how 'nature' is to be understood.

Nature is already an interpreted category

It is noteworthy that McGilchrist capitalizes 'Nature' (and 'Being') – and yet there is no index entry for the word, nor does he anywhere define what he means. Given the thrust of his argument, we can assume that he is taking 'Nature' as a given, and it is likely that he would agree with Jean Porter, who borrows her approach from Albert [the Great]'s expression 'nature as nature', 'implying', she writes, 'that nature, in the sense relevant to moral reflection, is intelligible in its operations, and this intelligibility in turn reflects the goodness as well as the inherent reasonableness of

³²² Wirzba, *Sacred Life*, 139.

³²³ Rowan Williams, *Looking East in Winter: Contemporary Thought and the Eastern Christian Tradition*, (London: Bloomsbury Continuum, 2021), 14.

the variety of forms of created existence which go to make up the world'.³²⁴ There are parallels with how 'nature' is understood in the *Philokalia*: Williams describes how 'for anything to be natural is for it to be as God intends, to be in the state in and for which God created it':

We are not yet natural. [...] Created with certain capacities, we have in one sense irretrievably lost our starting point. We have known division and cannot behave as if the divided intelligence could be ignored or overcome by wishing it so. We are as a consequence living in some degree of unreality; we are not really here. The body's habitual response to stimuli has become either defence or absorption (anger or lust), so that we are chronically unable to exist as part of an interdependent created order.³²⁵

Williams' sense of humanity's chronic alienation results from the sort of 'modernity' that Burke resisted as he wrote of the sublime as that which inspires awe that puts humanity in its place, within a universe that is providentially ordered. Part of the problem can be our 'constructions' of 'nature'. Porter observes that 'Nature' is a contested category, quoting Alister McGrath's reflection that:

the idea of "nature" is shaped by the prior assumptions of the observer. One does not "observe" nature; one constructs it. [...] If the concept of nature is socially mediated – to whatever extent – it cannot serve as an allegedly neutral, objective or uninterpreted foundation of a theory or theology. *Nature is already an interpreted category.* [...] The Christian theologian will wish to explore another category as a means of reclaiming the concept of "nature" as an intellectually viable category, while at the same time interpreting it in a Christian manner. The category? Creation.³²⁶

Porter comments that herein lie assumptions that nature is a single, unitary category, which would not have been assumed in antiquity or the high Middle Ages, for '[o]ur

³²⁴ Porter, Jean, *Nature as Reason: A Thomistic Theory of Natural Law*, (Michigan: Wm B Eerdmans Publishing Co, 2005), 57.

³²⁵ Williams, *Looking East*, 25.

³²⁶ Porter, *Nature as Reason*, 59, quoting Alister McGrath, *A Scientific Theology, vol. 1 Nature* (Edinburgh: T&T Clark, 2001), 113, original emphasis.

forebears were well aware that there are many different ways to understanding nature, at least some of which – more than one, at any rate – are intellectually respectable'.³²⁷ In which case, 'if this is so, then we might as well go for a construction that makes sense within the ambit of our own intellectual community, and stop worrying about whether our claims will be persuasive to anybody else'.³²⁸ It is credible to assume that Burke would have concurred with this approach, content to use the term with all the rich complexity of meanings inherited from ancient and medieval traditions of thought. For instance, the passage on power below leans into a Christian Platonist sense of the ineffability of nature, where human sensibility and imagination is inspired with awe – captured in the Psalms, for instance – where Burke writes of 'the inseparable union of a sacred and reverential awe, with our ideas of the divinity'. The divine presence locates humanity not as the subject that 'constructs' nature, but knowing, instead, in fear and trembling, the 'plenitude of power in acts of beneficence to mankind'. Burke writes:

But the Scripture alone can supply ideas answerable to the majesty of this subject. In the Scripture, wherever God is represented as appearing or speaking, every thing terrible in nature is called up to heighten the awe and solemnity of the divine presence. The Psalms, and the prophetic books, are crowded with instances of this kind. *The earth shook, (says the Psalmist,) the heavens also dropped at the presence of the Lord. ... Tremble, thou earth! at the presence of the Lord; at the presence of the God of Jacob; which turned the rock into standing water, the flint into a fountain of waters!* It were endless to enumerate all the passages, both in the sacred and profane writers, which establish the general sentiment of mankind, concerning the inseparable union of a sacred and reverential awe, with our ideas of the divinity.³²⁹

The natural world reveals the divine through the apprehension of awe, and the goodness that is the fruit of divine power. This is the method of Nature – 'a condition

³²⁷ Porter, *Nature as Reason*, 59.

³²⁸ Porter, *Nature as Reason*, 60.

³²⁹ W&S, I, 240, original emphasis.

of unchangeable constancy, [that] moves on through the varied tenor of perpetual decay, fall, renovation, and progression'³³⁰ – in which humanity finds its place, not through alienating reductions and the will to the power to control, but as Burke's thinking reveals, with a Christian Platonist sense of participation – in which human beings 'live, and move and have their being',³³¹ knowing with a sense of analogy that their nature finds its meaning within the nature and providence of God.

How did Burke describe and call into question the narrow rationalist trends of his day that sought to control and use 'nature' in what McGilchrist would say were left-hemispheric – demonic, according to Evagrius – forgetful of the angelic sense of awe that the right hemisphere apprehends?

But nature has at last escaped from their discipline and their fetters

Burke begins *Philosophical Enquiry* by explaining how sense experience is foundational, to which is drawn the imagination and judgement,³³² which in turn arouses the passions, with all understanding in the light of 'certain, natural and uniform principles'.³³³ The imagination enhances scientific enquiry, as he writes in the

³³⁰ W&S, VIII, 84.

³³¹ Acts of the Apostles: 17. 28.

³³² W&S, I, 198.

³³³ W&S, I, 201, where he writes: 'Now the imagination is the most extensive province of pleasure and pain, as it is the region of our fears and our hopes, and of all our passions that are connected with them; and whatever is calculated to affect the imagination with these commanding ideas, by force of any original natural impression, must have the same power pretty equally over all men. For since the imagination is only the representative of the senses, it can only be pleased or displeased with the images from the same principle on which the sense of pleased or displeased with the realities; and consequently there must be just as close an agreement in the imaginations as in the senses of men.'

Preface, collating disparate information and seeking new interpretations, in what McGilchrist would understand as a right hemisphere action:

The mind of man has naturally a far greater alacrity and satisfaction in tracing resemblances than in searching for differences; because by making resemblances we produce new images, we unite, we create, we enlarge our stock; but in making distinctions we offer no food at all to the imagination; the task itself is more severe and irksome, and what pleasure we derive from it is something of a negative and indirect nature.³³⁴

Burke continues to argue that ‘science’ needs to be graced with the elegance of imagination if it is not to succumb to illiberality:

Whatever turns the soul inward on itself, tends to concenter its forces, and to fit it for greater and stronger flights of science. By looking into physical causes our minds are opened and enlarged; and in this pursuit whether we take or whether we lose our game, the chace [sic] is certainly of service. ... If we can direct the lights we derive from such exalted speculations, upon the humbler field of the imagination, whilst we investigate the springs and trace the courses of our passions, we may not only communicate to the taste a sort of philosophical solidity, but we may reflect back on the severer sciences some of the graces and elegancies of taste, without which the greatest proficiency in those sciences will always have the appearance of something illiberal.³³⁵

The method of the *Philosophical Enquiry* offers a way to appreciate and express feeling that defies the strictures of rationalism, and his understanding of the importance of the imagination to human enquiry has been widely valued in the history of aesthetics.³³⁶ To ensure the imagination does not fall captive to the human will to power, Burke puts the sublime at odds with ‘beauty’ in order to stress how the sublime

³³⁴ W&S, I, 202.

³³⁵ W&S, I, 191.

³³⁶ See McGilchrist, *Matter with Things*, I, 772.

has a wildness that stirs the soul to awe.³³⁷ He contrasts wild nature with the artificial formality of the garden, designed by ‘patrons of proportion’, now out of fashion in 1757. Gardens had escaped discipline and fetters, and now embraced nature again:

I am the more fully convinced, that the patrons of proportion have transferred their artificial ideas to nature, and not borrowed from thence the proportions they use in works of art; because in any discussion of this subject, they always quit as soon as possible the open field of natural beauties, the animal and vegetable kingdoms, and fortify themselves within the artificial lines and angles of architecture. For there is in mankind an unfortunate propensity to make themselves, their views, and their works, the measure of excellence in every thing whatsoever. Therefore having observed, that their dwellings were most commodious and firm when they were thrown into regular figures, with parts answerable to each other; they transferred these ideas to their gardens; they turned their trees into pillars, pyramids, and obelisks; they formed their hedges into so many green walls, and fashioned the walks into squares, triangles, and other mathematical figures, with exactness and symmetry; and they thought if they were not imitating, they were at least improving nature, and teaching her to know her business. But nature has at last escaped from their discipline and their fetters; and our gardens, if nothing else, declare, we begin to feel that mathematical ideas are not the true measures of beauty.³³⁸

Instead of the ‘imposed order’ of mathematical ideas, the ‘immanent’ natural beauty had won out.³³⁹ But beauty, Burke thought, is best experienced as domestic love, is not the sublime that stirs the imagination, provoking the response of terror, awe³⁴⁰ and

³³⁷ Burke is at pains to counter the identification of beauty with ‘proportion’ – though perhaps he overstates the case, and the conclusion today would be that proportion *is* one of the keys to the understanding of beauty.

³³⁸ W&S, I, 262-63.

³³⁹ But it is important to note that Burke does not disassociate beauty and utility altogether: ‘[i]t is true, that the infinitely wise and good Creator has, of his bounty, frequently joined beauty to those things which he has made useful to us; but this does not prove that an idea of use and beauty are the same thing, or that they are any way dependent on each other’. See W&S, I, 268.

³⁴⁰ ‘There is something so overruling in whatever inspires us with awe, in all things which belong ever so remotely to terror, that nothing else can stand in their presence’. See W&S, I, 305.

astonishment.³⁴¹ Burke locates beauty with the passions and pleasures of society and relations of love; whereas the sublime belongs with the power of darkness, infinity,³⁴² and the magnificence that fires the imagination beyond the bounds of human understanding. It is akin to the experience of pain, the relief of which is delight.

wrapt up in the shades of its own incomprehensible darkness

He draws on the Book of Job to describe its impact:

There is a passage in the book of Job amazingly sublime, and this sublimity is principally due to the terrible uncertainty of the thing described. *In thoughts from the visions of the night, when deep sleep falleth upon men, fear came upon me and trembling, which made all my bones to shake. Then a spirit passed before my face. The hair of my flesh stood up. It stood still, but I could not discern the form thereof; an image was before mine eyes; there was silence; and I heard a voice, - Shall mortal man be more just than God?* We are first prepared with the utmost solemnity for the vision, we are first terrified, before we are let even into the obscure cause of our emotion; but when this grand cause of terror makes its appearance, what is it? Is it not, wrapt up in the shades of its own

³⁴¹ 'Whatever is fitted in any sort to excite the ideas of pain, and danger, that is to say, whatever is in any sort terrible, or is conversant about terrible objects, or operates in a manner analogous to terror, is a source of the sublime; that is productive of the strongest emotion which the mind is capable of feeling.' See W&S, I, 216.

³⁴² Infinity is both infinitely large, and also infinitely small, as Burke sees it, writing, 'As the great extreme of dimension is sublime, so the last extreme of littleness is in some measure sublime likewise; when we attend to the infinite divisibility of matter, when we pursue animal life into these excessively small, and yet organized beings, that escape the nicest inquisition of the sense, when we push our discoveries yet downward, and consider those creatures so many degrees yet smaller, and the still diminishing scale of existence, in tracing which the imagination is lost as well as the sense, we become amazed and confounded at the wonders of minuteness; nor can we distinguish in its effect this extreme of littleness from the vast itself. For division must be infinite as well as addition; because the idea of a perfect unity can no more be arrived at, than that of a compleat whole to which nothing may be added.' See W&S, I, 243.

incomprehensible darkness, more awful, more striking, more terrible, than the liveliest description, than the clearest painting could possibly represent it?³⁴³ ()

McGilchrist distinguishes the sublime as that which is ‘not merely something large, but something whose limits, like a mountain top that is lost in cloud, are unknown: it is both there and not there, never fully knowable, and more vital for not being subject to pinning down’.³⁴⁴ He does not contrast the sublime and beautiful; rather both hold together distance and union, negation and affirmation, absence and presence. And perhaps the way he sees symmetry as sterile would come close to how Burke saw the beautiful – as not awful enough. Asymmetry, brokenness, the Japanese technique of *kintsugi*, all make something beautiful, McGilchrist argues, for ‘[s]ymmetry is about relations between parts, but asymmetry is about the relations between symmetry and its absence, something still deeper’.³⁴⁵ The important point here is that what is beautiful, including the sublime, is perceived within the right hemisphere of the brain. It does not instrumentalize, or recruit it to utility, as the left hemispheric attention will seek to do, making meaningless ‘a materialist affair functioning in a broadly deterministic manner of cause followed by effect’. The beautiful is sublime, and cannot be reduced:

There’s the beauty of a minor third, never mind of a Schubert piano sonata; of an elegant chess move; of a Zen gravel garden; of snow on a mountain top; of Euler’s equation; of a crucifix by Cimabue. Of course, I do not say that someone somewhere could not find a way to defend the idea that they are all by-products of reproductive signalling, because someone somewhere can always be found to defend any point of view, however silly. But what on earth lies behind such an attempt?

³⁴³ W&S, I, 235, original emphasis.

³⁴⁴ McGilchrist, *Matter with Things*, II, 1163.

³⁴⁵ McGilchrist, *Matter with Things*, II, 1146.

‘In short,’ McGilchrist says, ‘the prevailing account of the cosmos washes its hands of the phenomenon of beauty’.³⁴⁶ Beauty, however, is not a sort of luxury, he argues, but fundamental to what it means to be human. The right hemisphere has a sense of intrinsic ineffability, it does not resolve into definition, of which Burke wrote:

For when we define, we seem in danger of circumscribing nature within the bounds of our own notions, which we often take up by hazard, or embrace on trust, or form out of a limited and partial consideration of the object before us, instead of extending our ideas to take in all that nature comprehends, according to her manner of combining.³⁴⁷

McGilchrist turns to Emily Dickinson. Had she read Burke’s antipathy to ‘definition’? inspiring her to pen the line:

The Definition of Beauty is / That Definition is none –³⁴⁸

For definition defines infinity:

Estranged from Beauty – none can be –

For Beauty is Infinity –³⁴⁹

The power of poetry was not lost on Burke: he favoured poetry over painting to capture the full force of the sublime,³⁵⁰ for, he argued, the power of word over image

³⁴⁶ McGilchrist, *Matter with Things*, II, 1149.

³⁴⁷ W&S, I, 197.

³⁴⁸ McGilchrist, *Matter with Things*, II, 1156, quotation from Emily Dickinson, *The Poems of Emily Dickinson*, the Harvard *variorum* edition, Emily and R. W. Franklin (eds.), (Harvard, Harvard University Press, 1998), fr 988.

³⁴⁹ McGilchrist, *Matter with Things*, II, 1567, quotation from Emily Dickinson, *Poems*, fr 1474.

³⁵⁰ See W&S, I, 318, where he wrote, ‘by words we have it in our power to make such combinations as we cannot possible do otherwise. [...] To represent an angel in a picture, you can only draw a beautiful

approximated more nearly to the reality of the experience. For Burke no representation will ever adequately do justice to the reality it seeks to capture, for the sublime transcends the human artistic endeavour.³⁵¹

Although Burke contrasted the sublime with the beautiful, his writing on the sublime concurs with much contemporary attention to the importance of that which resists the reductionist approach of the dominant rationalism, as it emerged in the eighteenth century, and reaches its nihilistic nadir in our own time. What is important is Burke's analogical sense of the power of the sublime in nature to speak of the power of God in the cosmos as a great and tremendous being whose providence permeates all the created order with a love that draws all to the end of fulfilment in God.

Divine providence

Burke's understanding of 'that great and tremendous being' was foundational to his epistemology of awe. Divine providence offered a way to understand how the transcendent sublime presence was immanent in the natural world, in human love, and in the law and orders of society that serve, protect and enable all members to flourish. It required an openness of mind. He wrote:

But let it be considered that hardly any thing can strike the mind with its greatness, which does not make some sort of approach towards infinity; which nothing can do whilst we are able to perceive its bounds; but to see an object

young man winged; but what painting can furnish out any thing so grand as the addition of one word, "the angel of the *Lord*?" (original emphasis)

³⁵¹ See W&S, I, 223, 'The nearer it approaches the reality, and the further it removes us from all idea of fiction, the more perfect is its power. But be its power of what kind it will, it never approaches to what it represents'.

distinctly, and to perceive its bounds, is one and the same thing. A clear idea is therefore another name for a little idea.³⁵²

Burke understood providence as infinitely great, yet perceivable by human understanding, with a sense of philosophical analogy that enables human wisdom to participate in the divine. Human thought can perceive how divine power orders what is right, good and fair, which leads to goodness, rather than the exercise of the power of the will, elevated with pride:

The more accurately we search into the human mind, the stronger traces we every where find of his wisdom who made it. If a discourse on the use of the parts of the body may be considered as a hymn to the Creator; the use of the passions, which are the organs of the mind, cannot be barren of praise to him, nor unproductive to ourselves of that noble and uncommon union of science and admiration, which a contemplation of the works of infinite wisdom alone can afford to a rational mind; whilst referring to him whatever we find of right, or good, or fair in ourselves, discovering his strength and wisdom even in our own weakness and imperfection, honouring them where we discover them clearly, and adoring their profundity where we are lost in our search, we may be inquisitive without impertinence, and elevated without pride; we may be admitted, if I may dare to say so, into the counsels of the Almighty by a consideration of his works.³⁵³

To consider the wise rationality of the human, but also weakness and imperfection, the sense of being lost, as made good within the strength and wisdom of God, is to learn something, by analogy, of the 'counsels of the Almighty'. Burke understands a sense of the whole wisdom and order of God, reading it from human understanding.

³⁵² W&S, I, 235.

³⁵³ See W&S, I, 227. He also writes, 'That great chain of causes, which linking one to another even to the throne of God himself, can never be unravelled by any industry of ours. When we go but one step beyond the immediately sensible qualities of things, we go out of our depth. All we do after, is but a faint struggle, that shews we are in an element which does not belong to us. So that when I speak of cause, and efficient cause, I only mean, certain affections of the mind, that cause certain changes in the body; or certain powers and properties in bodies, that work a change in the mind.' (W&S, I: 283).

Wirzba expresses something of the spirit of Burke's understanding when he talks of the 'creaturely condition' that lives:

rooted in places and communities, and is *attuned* to their limits and potential. [...] Rather than aiming to possess and master the earth and its life, a creaturely way of being assumes that life is a gift to be gratefully received, humbly respected, and responsibly engaged. Creaturely *freedom*, one could say, is therefore paired with practices of *fidelity* that help people understand their need of each other and commit them to the work of mutual success.³⁵⁴

the lawe of nature is the stay of the whole world?

Burke's understanding belongs within the scholastic tradition of natural law thinking that Jean Porter explains is different to that which emerged in the modern era. Samuel Pufendorf, for example, described natural law as that which 'rests entirely upon grounds so secure, that from it can be deduced genuine demonstrations which are capable of producing a solid science', at which point, Porter says, 'natural law begins to be regarded as a system for deriving a comprehensive set of specific moral rules, or at least a framework for assessing existing rules, confirming them and placing them in systematic relation to one another'.³⁵⁵ Burke belonged within the older, rich and varied tradition in which Porter argues that nature and reason are held together, in contrast to the discontinuities of reason and revelation or the instrumental reason that objectified the natural world that emerged with modernity. She shows that all creation participates in a reasonable, ordered, complex whole, as Aquinas describes:

³⁵⁴ Wirzba, *Sacred Life*, 20, original emphasis.

³⁵⁵ Porter, *Nature as Reason*, 28; see also Insole, in Dwan and Insole, *Burke*, 119: 'a quite different mood among natural law thinkers' emerged, as 'natural law became 'more a theory based upon the empirical observation of human nature [than] a theological treatise arising from a doctrine of creation'. See also Jean Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics*, (Grand Rapids, MI: Wm B Eerdmans Publishing Co, 1999), and also Stanlis, *Burke and Natural Law*.

It is manifest that all things participate to some degree in the eternal law, insofar, that is to say, as they have from its impression inclinations to their own acts and ends. Among the others, however, the rational creature is subject to divine providence in a more excellent way, insofar as it is itself made a participant in providence, being provident for itself and others. Hence there is in it a participation in the eternal reason, through which it has a natural inclination towards a due act and end. And such participation in the eternal law by the rational creature is called the natural law.³⁵⁶

To participate in such a cosmos is to recognize that it has purpose, which moreover takes seriously fundamental human inclinations, for all creatures incline towards wellbeing, *eudaemonia*, as an intrinsic goal that belongs to each. This, Porter explains, was replaced, in the early modern period, when:

there was a widespread tendency, among both biologists and theologians, to interpret the design of living creatures in terms of externally imposed agencies and aims, mostly God's but also, secondarily, our own. Hence, living creatures were regarded as if they were God's artifacts, designed in such a way that each of the creature's organs and functions was set up to serve a specific and discernible purpose. [...] Moreover, living creatures were thought to serve purposes external to themselves, for which God had designed them – they were meant to serve human needs in various ways, and perhaps also reciprocally to serve the needs of other kinds of creatures.³⁵⁷

Instead of the sense that each creature was created and ordained to fulfil its health and maturity, it came to be valued for its utility. She continues:

There is something not only sad but perverse in the spectacle of cattle bred to build up so much muscle mass that they cannot walk, chickens kept in confinement so that they cannot scratch for food, dogs that have been bred to be too nervous to live in close proximity with other animals, human or otherwise. It would perhaps be imprecise to say that animals in conditions such as these have been wronged, but at least we can say that they have missed out on forms of happiness specific to them as the kinds of animals they are.³⁵⁸

³⁵⁶ Porter, *Nature as Reason*, 48, quoting Aquinas, *Summa Theologica*, I-II, 91.2.

³⁵⁷ Porter, *Nature as Reason*, 99.

³⁵⁸ Porter, *Nature as Reason*, 102.

She argues that all creatures belong in a providentially-ordered whole, where natural law is best understood as what is proper for the goodness and well-being of all creatures: ‘the natural law tradition is fundamentally committed to the goodness, and therefore the moral significance, of nature, however more exactly that is to be spelled out. [...] That is to say, to a remarkable degree the natural law functions for scholastics in a fundamentally permissive and constructive way’.³⁵⁹ She concludes with a description of the Beatific Vision, drawing on Aquinas, as that to which all things tend, which:

cannot be attained except through a transformative act through which God bestows new principles of knowledge and love into the created intellect and will. [...] Even then, no creature is capable of comprehending the full essence of God, and that is why the Vision admits of degrees – some see God more fully than others, although each one of those enjoying the Vision enjoys thereby the fullest degree of perfection, that is to say, happiness, possible to him or her as an individual. [...] In contrast, the highest form of the knowledge of God proper to us as creatures is knowledge through the effects of God’s creative and providential acts, philosophical knowledge, in other words.³⁶⁰

Here we have analogical continuities between human and natural world, between reason and nature, between goodness and beauty, purpose and well-being, within an overarching sense of the wholeness and creativity of God’s providence. To use McGilchrist’s frame, the scholastic understanding of natural law, best exemplified by Aquinas, was one which was comprehended by the right hemisphere, and the modern understanding, with its schematized systems and rules for morality, shows a marked move towards a left hemisphere preference to apprehend utility and instrumentality. Insole writes that ‘it is striking that [...] Burke’s references to natural law are framed within a construal of the universe as being saturated in a divine order and mindfulness

³⁵⁹ Porter, *Nature as Reason*, 136.

³⁶⁰ Porter, *Nature as Reason*, 381.

that is largely absent from Grotius, Pufendorf and Hobbes'.³⁶¹ There is strong resonance between Burke and passages such as this from Hooker:

Now if nature should intermit her course, and leave altogether, though it were but for a while, the observation of her own lawes: if those principall and mother elements of the world, whereof all things in this lower world are made, should loose the qualities which now they have, if the frame of that heavenly arch erected over our heads should loosen and dissolve it selfe: if celestially spheres should forget their wonted motions and by irregular volubilitie, turne themselves any way as it might happen: if the prince of the lightes of heaven which now as a Giant doth runne his unwearied course, should as it were through a languishing faintnes begin to stand and to rest himselfe: if the Moone should wander from her beaten way, the times and seasons of the yeare blend themselves by disordered and confused mixture, the winds breath out their last gaspe, the cloudes yeeld no rayne, the earth be defeated of heavenly influence, the fruites of the earth pine away as children at the withered breasts of their mother no longer able to yeeld them reliefe, what would become of man himselfe, whom these things now all do serve? See we not plainly that obedience of creatures unto the lawe of nature is the stay of the whole world?³⁶²

We have here the sense that all things serve humanity, but only within the frame of that heavenly arch, that is ordered, complex and beautiful, where the obedience of creatures (including humanity) unto the lawe of nature is the stay of the whole world.

The revolutions of modernity

Nicholas J. Healy draws on the work of Hans Jonas to describe how, in the early modern period, the basic attitude to nature underwent a profound revolution. Francis Bacon had argued for the ideal of knowledge as power over nature, and Descartes' conception of *res extensa* turned nature into the dead matter of extended stuff, banishing any sense of intrinsic value, or interior principle of intentionality:

Anything that might offer real resistance to man's desire to put nature to use is excluded *a priori* as irrelevant to scientific knowledge. "A new vision of nature",

³⁶¹ Insole, in Dwan and Insole, *Burke*, 120.

³⁶² *Laws*, I, 65.

Jonas argues, “not only of knowledge”, is implied in Bacon’s insistence that “the mind may exercise over the nature of things the authority which properly belongs to it”. The nature of things is left with no dignity of its own.³⁶³

A sense of the whole is lost, as the parts become open to investigation to discover their utility to human purpose. The deep and abiding eternal purposes of a providential God, that give a sense of intrinsic meaning to all creaturely being gives way to modern instrumentality, in a world that becomes increasingly meaningless. As Simon Oliver writes of the sixteenth century, ‘Nature ceased to be a symbolic realm that harboured references to the divine; it became a realm of objects whose value was no longer spiritual, but lay only in meeting the material needs of human beings.’³⁶⁴

a quite insidious arbitrariness

This revolution is accompanied by another: for voluntarism, too, becomes ascendent, as David Bentley Hart explains. He describes how Aquinas’ synthesis began to break down, not only under the impact of Scotus and Ockham, but also with the work of later, ‘classical’ Thomists, like Domingo Báñez (1628-1704), and in this passage, Hart captures the ways the philosophical trends of modernity changed theological priorities. He argues that the conception of God altered from a God of order and wisdom to a God of will. He writes with characteristic verve of the ‘pure abyss of sovereignty’ that God becomes for any who embraced the voluntarism of the age:

Baroque Thomism is the most quintessentially *modern* theology imaginable. One cannot defeat the pathogens of human voluntarism by retreating to what is in effect a limitless divine voluntarism. And the mere formal assertion by the Báñezian party that, in their system, God’s will follows his intellect – which is the very opposite of the voluntarist view – simply bears no scrutiny. No less

³⁶³ Nicholas J. Healy, ‘Creation, Predestination and Divine Providence’ in in Francesca Aran Murphy and Philip G. Ziegler, (eds.), *The Providence of God: Deus Habet Consilium* (London: T&T Clark, 2013), 215, quoting Hans Jonas, *The Phenomenon of Life: Towards a Philosophical Biology* (Illinois: Northwestern University Press, 2001), 192.

³⁶⁴ Simon Oliver, *Creation: A Guide for the Perplexed* (London: Bloomsbury, 2017), 136.

than in any other of his other variants – Lutheran, Calvinist, or Jansenist, for example – the modern God of the Báñezians is one where will is defined by an ultimate spontaneity, and a quite insidious arbitrariness. ... – a God whose will is sheer power, not love, and certainly not governed by reason. This is the God of early modernity in his full majesty: the God who either determines or is determined, and who therefore must absolutely determine all things – a pure abyss of sovereignty justifying itself though its own existence. He may be a God of eternal law, but behind his legislations lies a more original lawlessness. His is merely the God of the higher nihilism, and to turn in desperation to his comforting embrace is merely to return to the dawn of a history that we would do better to recall and repudiate in its entirety.³⁶⁵

Hart continues to describe how divine voluntarism ‘migrated’ to the human subject and so was born the will to power, with a God of absolute will who ‘had by the late sixteenth century so successfully usurped the place of the true God that few theologians could recognize him for the imposter he was’. Such a God inspired a particular piety – ‘a kind of blasphemous piety’, – that was ‘a servile and fatalistic adoration of boundless power masquerading as a love of righteousness’. He continues that the new freedom of the arbitrary will located in God made it much easier ‘in the fullness of time, to kill’:

It was from this God that we first learned to think of freedom as perfect spontaneity of the will, and from him we learned the irreducible prerogatives that accrue to all sovereign power, whether that of the absolute monarch, or that of the nation-state, or that of the individual. But if this is indeed what freedom is, and God’s is the supreme instance of such freedom, then he is not – as he was in ages past – the transcendent good who sets the created will free to realize its nature in its ultimate end, but is merely the one intolerable rival to every other freedom, who therefore invites creatures to rebel against him and to attempt to steal fire from heaven. If this is God, then Feuerbach and Nietzsche were both perfectly correct to see his exaltation as an impoverishment and abasement of the human at the hands of a celestial despot. For such freedom – such pure *arbitrium* – must always enter into a contest of wills. It could never exist within a peaceful order of analogical participation, in which one freedom could draw its being from a higher

³⁶⁵ David Bentley Hart, ‘Providence and Causality: On Divine Innocence’, in Murphy and Ziegler, *Providence*, 34-56; 50.

freedom. Freedom of this sort is one and indivisible, and has no source but itself.³⁶⁶

What is impressive about this passage is the way in which Hart sees the impact of the development of a doctrine of divine voluntarism upon the theological consciousness of modernity. The modern understanding of 'sovereign power' as arbitrary – whether held by monarch, nation-state, individual – intensified with the conception of God as power, as 'pure *arbitrium*' – the antithesis of 'a peaceful order of analogical participation'. Burke's resistance to this '*arbitrium*' and insistence that true liberty is ordained, can be better understood against this background of philosophical voluntarism, enabling us to understand Burke's writings on the nature of true liberty as he wrote such trenchant statements as:

If I was to describe slavery I would say with those who hate it, it is living under will, not under law.³⁶⁷

The logic of the disconnected fragment

The 'freedom' of the will comes to belong to the autocratic, sovereign individual – the epitome of the full realization of humanity – or perhaps little more than a being who, as Wirzba describes it, 'operates under the logic of the disconnected, incoherent fragment',³⁶⁸ like Shelley's Frankenstein who becomes the 'living body [that] is simply the happenstance assembly of unrelated material parts, disconnected from a larger meaningful or sacred whole'.³⁶⁹ As such, says Wirzba, is there anything about it that should compel our respect and care?

³⁶⁶ Hart, in Murphy and Ziegler, *Providence*, 51.

³⁶⁷ W&S, II, 383.

³⁶⁸ Wirzba, *Sacred Life*, 130.

³⁶⁹ Wirzba, *Sacred Life*, 130.

At no point does the monster feel his maker's delight in him or blessing over him. The monster, rather than being 'a child of God,' beloved and affirmed to be good and beautiful, is a wretched and despised mechanism.³⁷⁰

Throughout Burke's writings the understanding prevails of a complex and purposeful order sustained by Providence, that is relational, intentional with desire for the good, truthful and beautiful, and which is ultimately mysterious. It incorporates the whole of creation, humans and animals, and does not reduce them, in a Baconian or Cartesian, frame, to objects with no dignity, merely for the use and purpose of humanity. Rather, they have their own, undiscoverable ends that participate in the 'great end' that cannot be perceived, for it belongs in God's wisdom and ways.

That Burke believed that the animal kingdom belongs within providential order is evident as he writes, for instance, in *Philosophical Enquiry*:

I call beauty a social quality; for where women and men, and not only they, but when other animals give us a sense of joy and pleasure in beholding them, (and there are many that do so,) they inspire us with sentiments of tenderness and affection towards their persons; we like to have them near us, and we enter willingly into a kind of relation with them, unless we should have strong reason to the contrary. But to what end, in many cases, this was designed, I am unable to discover; for I see no greater reason for a connexion between man and several animals who are attired in so engaging a manner, than between him and some others who entirely want this attraction, or possess it in a far weaker degree. But it is probable, that providence did not make even this distinction, but with a view to some great end, though we cannot perceive distinctly what it is, as his wisdom is not our wisdom, nor our ways his ways.³⁷¹

his wisdom is not our wisdom, nor our ways his ways

Rather than a God whose radical freedom is the model for the 'arbitrary power' that Burke so resisted in the moral, civil, social and political realm, described powerfully by Hart as acting arbitrarily and with unassailable sovereignty, Burke's understanding of

³⁷⁰ Wirzba, *Sacred Life*, 131.

³⁷¹ W&S, I, 219.

divine providence is of a God whose wisdom is not our wisdom, nor our ways his ways, as he quotes Isaiah, chapter 55, where also it says God is the fullness of all – ‘So it is my word that goes forth from my mouth; [...] that will accomplish that which I purpose, and succeed in the task I gave it’. This is a God in which all things live and move and have their being, whose wisdom and ways are to be perceived through the circumstantial wisdom that Burke brought to all things. The providence of God is discerned from a careful reading of events and consideration of the best course of action. Sarah Coakley describes divine providence thus:

it is not that God has not ‘intervened’ in the history of the evolutionary process to put right the ills of ‘randomness’ and ‘freedom’; for in one sense God is ‘intervening’ constantly – if by that we mean that God is perpetually sustaining us, loving us into existence, pouring God’s self into every secret crack and joint of the created process, and inviting the human will, in the lure of the Spirit, into an ever-deepening engagement with the implications of the incarnation – its ‘groanings’ for the sake of redemption. God, in short, is *always* ‘intervening’ but only rarely do we see this when the veil becomes ‘thin’, and the alignment between divine, providential will, and evolutionary or human ‘cooperation’, momentarily becomes complete.³⁷²

Behind such an evolutionary process is teleological purpose, drawing on an Aristotelian sense of the inclination of the desirous will to fulfil a sense of health and potential, and as such it helps to understand Burke’s understanding of providence.

Prescription extended to Nature

One of the aspects of Burke’s understanding of ‘providence’ is the concept of prescription, which we reviewed in the last chapter, noting Stephen’s objection to the assumption of theism that undergirds it. Canavan reads prescription as that which binds and orders all creaturely being, such that commitments and duties take priority over the free will of the individual, for duties are not voluntary. Canavan explains how

³⁷² Sarah Coakley, ‘Providence and the Evolutionary Phenomenon of “Cooperation”: A Systematic Proposal’, in Murphy and Zeigler, *Providence*, 179–193; 189.

for Burke, the objective, divinely founded moral order is the source of duties as well as of rights,³⁷³ for prescription locates the person within the relations and networks of inherited society, within moral, civil, social and political obligations. Such belonging, for Burke, is 'natural', for those obligations are rooted and founded in the 'natural' order of divine and eternal origin. Within such an order all parts find their place within a whole. Canavan comments:

To those who find individualism an inadequate basis for explaining either the facts or the obligations of political life, Burke's doctrine of prescription offers an alternative [...] – the priority of purpose to consent as the source of political obligation.³⁷⁴

As McGilchrist comments, one of the benefits of religion is the sense of obligation it can bring:

One of the reasons for having religions is constantly to remind us of a broader context; a moral order, a network of obligations to other humans, to the earth, and to the Other that lies beyond. Extending beyond our lives, that is, in space and time, yet rooted firmly in places, spaces, practices, here and now. A religion forms the bridge between worlds, [...] [inculcating] a habit of reverence and gratitude towards the world: of seeing the sacred in every part of what is given.³⁷⁵

From the natural world humanity learns of the duties of belonging by understanding, and treating with respect, its sacred nature that extends beyond the narrow confines of human construction, utility and reductive epistemology.

³⁷³ Francis Canavan, 'Burke on Prescription of Government', in *The Review of Politics*, October 1973, Vol. 35, No. 4, 454-474, DOI: 10.1017/S003467050003326X [accessed 08/07/2023].

³⁷⁴ Canavan, *Burke on Prescription*, 474.

³⁷⁵ McGilchrist, *Matter with Things*, II, 1220.

Knowledge here is not just power; it is a loving union

McGilchrist sees strong links between the awe inspired by the sacred, understood religiously, and in Nature, and comments that '[t]his great turning of our backs on the sacred began with the Enlightenment'.³⁷⁶ He quotes Mary Midgley:

Wonder involves love. It is an essential element in wonder that we recognize what we see as something we did not make, cannot fully understand, and acknowledge as containing something greater than ourselves. This is not only true if our subject-matter is the stars ... it is notoriously just as true if it is rocks or nematode worms ...

Knowledge here is not just power; it is a loving union, and what is loved cannot just be the information gained; it has to be the real thing which that information tells us about ... First comes the initial gazing, the vision which conveys the point of the whole. This vision is in no way just a means to practical involvement, but itself an essential aspect of the whole. On it the seekers' spirit feeds, and without it that spirit would starve.³⁷⁷

Burke is best read in this light, affirming that human nature belongs within the great primaevial contract of eternal society, that includes all created being and demands an attention of awe and wonder to the sacred of the natural world, seen as ordained, and providentially sustained by love. All belong to that order by virtue of birth, and we can purposefully consent to enter into binding contracts, or vows, that seal a sense of obligation to the common good, extended to the natural world. Wirzba writes of the human obligation that recognizes and imposes self-limit:

Apparently, people can be so dominated by vanity and worry that they become disordered and disoriented, and thus forget who they are in relation to God. By failing to trust in God's provision for them, they also lose the ability to live charitably and constructively where they are and who they are with. They forfeit becoming the beautiful and fragrant beings they could be, because they do not grow in ways that witness to the power of God at work in them. Rather

³⁷⁶ McGilchrist, *Matter with Things*, II, 1293.

³⁷⁷ McGilchrist, *Matter with Things*, II, 1287-8, quoting Mary Midgley, *Wisdom, Information, and Wonder: What is Knowledge For?* (London, Routledge; 1989), 41.

than being rooted in a place, drawing from and contributing to the life that is there as plants do, they become rootless and restless, often doing damage to the places and communities that they depend upon.³⁷⁸

The idea of being rooted is a form of prescription, of expressing the duties of belonging, rather than the will to power. To be rooted in place, with a sense of purpose, accountable to the land, to others, and ultimately to God is an acknowledgement of belonging to the whole universe, rather than existing as a part. It is to recognize a transcendent and imminent something at the heart of things, rather than an empty, meaningless void. Wirzba again:

Human life is always *life together* with other creatures, large and small. People are not independent gods that float above the ground, coming down to enter in from time to time. Instead, they are creatures, always grounded, and always entangled within a bewildering number of paths of symbiogenesis. People have some say about how they will move within these entanglements, but they cannot opt out of them altogether.³⁷⁹

Burke's understanding of prescription holds humanity into the duties of belonging within the natural order. Wirzba has long studied Wendell Berry, the poet and farmer, and he quotes these words which represent a helpful expression of a prescribed life:

I walked over it, looking, listening, smelling, touching, alive to it as never before. I listened to the talk of my kinsmen and neighbors as I had never done before, alert to their knowledge of the place, and to the qualities and energies of their speech. I began more seriously than ever to learn the names of things – the wild plants and animals, the natural processes, the local places – and to articulate my observations and memories. My language increased and strengthened, and sent my mind into the place like a live root system.³⁸⁰

³⁷⁸ Wirzba, *Sacred Life*, 77.

³⁷⁹ Wirzba, *Sacred Life*, 75 (original emphasis).

³⁸⁰ Wirzba, *Sacred Life*, 71, quoting Wendell Berry, "A Native Hill," in *The Art of the Commonplace: The Agrarian Essays of Wendell Berry*, ed. Norman Wirzba, (Washington, DC: Counterpoint, 2002), 7.

rootedness in the land

As this chapter draws to a close, we examine Burke's own practice of husbandry in the light of that sense of a flourishing life prescribed within bonds of obligation to the created order.

To cast a little root

When Burke bought Gregories in Beaconsfield, he did so, he told his friend Richard Shackleton, in order to 'cast a little root'. Consistent to the prescribed life, Burke seems to have practised his appreciation and affection for animals as sensate creatures with whom one could have a relationship, and the same attitude to the natural world is apparent in his farming.

Burke's acres at Gregories meant he over-extended himself financially in ways that came close to crippling him, but the holding of property was important to him: in a letter to Shackleton, he wrote: 'I propose (Gd willing) to become a farmer in good earnest'. He took seriously, with a keen sense of investigation as to the best practice for enabling plants and creatures to fulfil their best potential, as Carl B. Cone has indicated.³⁸¹ He lived at Gregories from 1768, receiving guests in the summer months, and delighting in showing them around his property. Samuel Johnson spent six days there in 1774, David Garrick visited and was assured that the fowl, beef and mutton was of Burke's own raising, and Arthur Young visited often, and corresponded with Burke as he wrote his *Farmer's Tour*.³⁸² He improved the estate which was 160 acres of grass, 160 arable, 90 wood. The arable land comprised 40 acres of wheat, 25 of barley, 25 of clover, 25 of turnips, and 16 of oats. Burke grew 16 acres of peas, 8 of vetches, 2 of

³⁸¹ Charles B Cone, 'Edmund Burke: the Farmer', in *Agricultural History*, April 1945, Vol. 19, 65-69 for material and quotations used in this passage. <https://www.jstor.org/stable/3739551> [accessed 08/07/2023].

³⁸² Cone, 'Burke the Farmer', 65.

carrots, and one acre of cabbages. There were 6 horses, 14 cows, 6 young cattle, 40 swine. The labour was 1 man, 2 boys, 6 labourers.³⁸³

Cone recalls how Young described some of Burke's experiments – for instance, in the use of carrots to feed swine. In 1769 Burke sowed an acre of carrots in a gravelly-loam soil and fed carrots to two pigs for two months, but they did not fatten until he put them on barley meal. Burke was not disheartened. In 1770 he tried 2 acres of carrots in better soil, with good fertilizer (rotten dung) and achieved a good crop, harvested in October. Burke wrote that he sold 2 wagonloads in London for £6 15s and 'the back-carriage of coal ashes has paid my charges'. He felt that carrots were more profitable than wheat. He then made another trial at feeding carrots to swine. Burke fed some pigs on barley meal and some on boiled carrots; the first group fattened, the second did not:

It was at this time – late in 1770 – that Young visited Beaconsfield, and he and Burke put their heads together on the problem. The latter was dubious about the length of time the carrots had been boiled – maybe he had boiled them too much, maybe too little. Young was puzzled – perhaps carrots are satisfactory for bacon hogs, perhaps swine merely fatten more slowly on carrots – but he was not prepared to give a final verdict. Burke was not willing to admit defeat, for "The price of barley and peas is this year so high, that I should wish to persevere, if there was the least chance for succeeding as I have a very great quantity of carrots, and the London market will take off only those which have a handsome appearance".³⁸⁴

Nevertheless, he was going to plant carrots again in 1771, but not to feed the pigs, as it was evidently not in accordance with their nature to thrive on such a diet. Instead, carrots were more profitable to sell: 'I got more by them than I could have done by the

³⁸³ Cone, 'Burke the Farmer', 66.

³⁸⁴ Cone, 'Burke the Farmer', 67.

best crop of wheat [...] the land devoted to carrots paid the best, in proportion, of any on the farm.³⁸⁵

Then there was Burke's experimentation with deep ploughing: he ploughed to 10 – 12 inches, double the usual depth, and the produce that resulted was better than his neighbours. Ploughing, he said, served several purposes, dividing the soil, enabling plants to push through the earth and roots to spread, and admitting moisture, sunlight, and air more readily. But he had several questions: is it always good that roots should spread without limit? Perhaps too much of the plant would go to root. Is looseness of the soil beneficial to all plants? Are the benefits of rain, sun, and air equally good at all depths – might there not be too much of a good thing? Might deep ploughing stir up noxious elements in the soil? Burke did not know the answers.³⁸⁶

His experiments with feeding his cows cabbages did offer a positive result, however, for he noted the quality of the butter; instigating the practice through the autumn of 1771 of planting cabbages in a staggered fashion so fodder was available from January until the pasture season.

Burke's activities after he bought Gregories indicates that his interest did not wane, nor did it throughout the remainder of his life. Cone comments:

It was a "luxury" for Burke, after the "noise, heat, and drudgery of the House of Commons", to be able to retire to the country and relax from his political labours by renewing his preoccupation with his farm. [...] He delighted in walking about the fields with a spade, digging up plantain roots and tenderly manuring the spots where the grass might be injured. He invariably took his frequent visitors on inspection tours about his farm, and one may be sure that Sir Joshua Reynolds was well known to Burke's tenants.³⁸⁷

³⁸⁵ Cone, 'Burke the Farmer', 67.

³⁸⁶ Cone, 'Burke the Farmer', 67.

³⁸⁷ Cone, 'Burke the Farmer', 68.

During his last years, Burke needed solace. Young visited him on 1 May 1796, and was 'shocked to see him so broken, so low, and with such expressions of melancholy'. They toured the farm for five hours after breakfast, and Young 'was glad to find his farm in good order', but Burke's conversation was 'remarkably desultory', much centred around agriculture.³⁸⁸ As Cone says:

Burke was not a Townshend, a Tull, or a Bakewell, and his experiments did not produce results that appreciably changed English agriculture, but amidst all his cares and labours, he found time for farming, he know much about it, and he made it pay.³⁸⁹

That said, there is nothing here to contradict a reading of Burke that sees him as profoundly respectful of the gift of creation, such that good stewardship was compatible with a non-exploitative, non-rapacious attitude to the natural world. One thinks of Wirzba's description of the attitude of the contemporary Canadian Cree Chief Matthew Coon Come, whose stories 'do not simply represent an external world; instead they communicate the relationships that exist *between* people and places, *between* people and nonhuman creatures, and so *involve* and draw people into the places that the stories are about'.³⁹⁰ It seems a good description of Burke's own engagement with the land and rootedness at Gregories.

Conclusion

Would Burke, today, see the degradation of the natural world as a political issue? Certainly, he lived in the midst of a century that saw a revolution in agriculture, including the processes of land enclosure (which had been happening since the

³⁸⁸ Cone, 'Burke the Farmer', 68.

³⁸⁹ Cone, 'Burke the Farmer', 69.

³⁹⁰ Wirzba, *Sacred Life*, 107, original emphasis.

thirteenth century) consolidated in legislation (The Enclosure Act of 1773).³⁹¹ The sense of awe that is to be found in *Philosophical Enquiry* in passages such as this sustain the assertion that Burke had a strong apprehension of the sacred:

The horse in the light of an useful beast, fit for the plough, the road, the draft, in every social useful light the horse has nothing of the sublime; but is it thus that we are affected with him *whose neck is cloathed with thunder, the glory of whose nostrils is terrible, who swalloweth the ground with fierceness and rage, neither believeth that it is the sound of the trumpet?* In this description the useful character of the horse entirely disappears, and the terrible and sublime blaze out together.³⁹²

His treatment of ‘the terrible and sublime’ certainly inspired many. Painters James Barry, John Martin, Henry Fuseli, Casper David Friedrich all reveal the influence of Burke, and as McLoughlin and Boulton comment, ‘through Thomas Hardy’s evocation of Egdon Heath, in *The Return of the Native*, Burke made his finest, indirect contribution to imaginative literature’.³⁹³ It may be far-fetched to draw links between Burke’s writing on the sublime and Humboldt’s conception of the natural world as ‘a unified whole that is animated by interactive forces’,³⁹⁴ but Burke’s work on the sublime did influence a new era of Romanticism, where Nature came to be infused with ‘the power of harmony and deep power of joy’, as Wordsworth memorably wrote,

³⁹¹ In the only reference on the subject of ‘enclosure’ in all nine volumes of the *Writings and Speeches*, Burke spoke once on the matter in his *Third Letter on a Regicide Peace* of 1797, which seems to express his agnosticism on the subject:

To what ultimate extent, it may be wise or practicable, to push inclosures of common and waste lands, may be a question of doubt, in some points of view. (W&S, IX, 372)

³⁹² W&S, I, 235, original emphasis from Job 39.

³⁹³ McLoughlin and Boulton, introduction to *Philosophical Enquiry*, W&S, I, 187.

³⁹⁴ Andrea Wulf, *The Invention of Nature: The Adventures of Alexander von Humboldt, The Lost Hero of Science* (London: John Murray, 2015), 32.

as he looked over green fields above the river Wye, words that stir McGilchrist as he rereads ‘Tintern Abbey’:

my sense of there being something flowing, life-giving, creative, responsive, awe-inspiring and sacred *in* ‘all that we behold *from* this green earth’ – note, not just ‘*on* this green earth’ – but which can never be reduced to what can be seen or fully known; something that both inspires from within the world (is immanent) and embraces it from without (is transcendent); [...] something indeed having no parts; and being both *immediately* knowable and completely unknowable at the same time [...] Moreover, engaging us by love [...] Of course language breaks down here: so either you will find this absurd, or its meaning so transparent that it hardly needs saying at all.³⁹⁵

A sense of reverence and awe inspired by the beauty and complexity of the divine or natural order, rather than the modern desacralization and utility, can be traced to Burke’s *Philosophical Enquiry*, and within his description of that providential order can be found a holding together of the whole and the part, of the wisdom and duties of belonging with a sense of the will as subordinate, the transcendent and immanent in an intimation of something rather than nothing, to inform a different approach to the place of humanity within that order. A profound respect for a sense of divine order that infuses the natural world is called for – for example, by Pope Francis as he writes:

This sister [Mother Earth] now cries out to us because of the harm we have inflicted on her by our irresponsible use and abuse of the good with which God has endowed her. We have come to see ourselves as her lords and masters, entitled to plunder her at will. The violence present in our hearts, wounded by sin, is also reflected in the symptoms of sickness evident in the soil, in the water, in the air and in all forms of life.³⁹⁶

³⁹⁵ McGilchrist, *Matter with Things*, II, 1232, original emphasis.

³⁹⁶ Pope Francis *Laudato Si’ On Care for Our Common Home*, (London: The Incorporated Catholic Truth Society, 2015), 7.

So what should we do?

McGilchrist asks, So what should we do? He commends not tackling things piecemeal, but ‘radically revising our whole concept of the reality of which we are a part, and of who we are within it’. If, he says, we ‘go on thinking of the extraordinary richness and beauty of abundant life merely in terms of what it can do for us, what it is ‘worth’ to us in terms of utility, which ultimately translates as economic value, we might as well forget trying to save ourselves, and allow ourselves to sink’.³⁹⁷ It is the whole, rather than the part, that he would have us see; and also the Other of the natural world, infused with life and energy, such that transcendent and immanent are not contrasts but held together in a sense of creation as one, sustained by a one eternal and immutable law that is the true nature of divine providence, not the arbitrary will of voluntarism.

The *Philosophical Enquiry* suggests that at the early stage of his life, Burke was already aware of the dangers of excessive rationalism, and a mechanistic view of the world, that divided the whole into part, that denied transcendence, and which prioritized the will over duty. As he commended a sense of wonder, awe, even terror inspired by the natural world, he stirred a revolt against the worst aspects of Enlightenment reductionism – a revolt that sharpens into urgency as humanity faces the catastrophic degradation of the planet. In his *Philosophical Enquiry* he developed a theological basis to his understanding that he held consistently throughout his life, that the universe as order was the foundation of all order – moral, civil, social, political and international. Reading him encourages a questioning of the assumption of atheism made today, and the development of a responsible anthropology formed by the duties of belonging rather than the will to power. It is to the human formation offered by moral order that we now turn.

³⁹⁷ McGilchrist, *Matter with Things*, II, 1327.

Chapter Three: Moral Order

Introduction

The future is disorder

The future is disorder. A door like this has cracked open five or six times since we got up on our hind legs. It is the best possible time to be alive, when almost everything you thought you knew is wrong.

So reads the epigraph, a reference from Tom Stoppard, at the frontispiece of *The Sovereign Individual*, written in 1997 by James Dale Davidson and Lord William Rees-Mogg.³⁹⁸ Reprinted in 2020 it has had a significant impact on the course of current affairs and politics, with Gabriel Gatehouse claiming in his BBC Radio 4 programme, *The Coming Storm*, that it was a contributing factor to the Capitol insurrection of 6 January 2021. The website to the podcast asserts:

The book – which predicts that the nation state will die and be replaced by unimaginably powerful, sovereign individuals who will rule the world – turns out to be a bible to various people, including the tech billionaire and huge Trump supporter, Peter Thiel.³⁹⁹

This chapter examines Edmund Burke's understanding of the moral formation of the individual, which began to emerge in the last chapter with the notion of prescription – that a human person finds fulfilment through the duties of belonging in civil, social and political spheres, internationally, and within the cosmos.

In many respects, the idea of the Sovereign Individual is the antithesis of Burke's anthropology. The individualistic manifestation of unapologetic will to power, described by Davidson and Rees-Mogg, with no accountability, or sense of belonging

³⁹⁸ Davidson and Rees-Mogg, *Sovereign Individual*.

³⁹⁹ <https://www.bbc.co.uk/programmes/articles/3kdFl9cLV2vMmVf696ZVJjM/the-coming-storm-eight-things-we-learned-when-louis-theroux-interviewed-gabriel-gatehouse> [accessed 03/01/2023].

to nation, society or community, heralds, they say, the *Übermensch* of the next world order that will replace Western liberal democracy. The authors are prescient, in 1997, about the impact of the internet on the social and political world. It may be that re-reading Edmund Burke at such a time is futile in the face of the future; or it might resource a renewed appreciation of a moral order that can enable the technological revolution to be of service to, rather than undermine, a flourishing human society for all.

We consider the classical theo-philosophical traditions that shaped Burke's understanding of human order and disorder particularly through Hooker's writing, that an ordered life is motivated by public service of the common good and heteronomous interest. We shall examine his *Letter to a Member of the National Assembly*,⁴⁰⁰ where Burke describes the character and influence of Jean-Jacques Rousseau on Jacobinism in ways that anticipate the emergence of the Sovereign Individual, or Moisés Naím's analysis of the populist leader:

For many, ego is a powerful driver. All politicians of any vintage share a marked tendency toward narcissism. In this respect, however, autocrats are often more explicit in letting the world know that they possess special and unique talents, marking them out from the rest of humanity. One of the occupational hazards of being a 3P autocrat is being deluded by the belief that they are destined for the world stage, that their genius and historical weight are too vast to be contained within a single country.⁴⁰¹

Naím's populist autocrat holds power in ways that threaten freedom, he says, begging the question of what 'freedom' is. We shall examine how Burke rejected Rousseau's understanding of 'freedom' as freedom from the constraints – the chains – of society, to argue that the lawlessness of the autocrat is the logical outcome of this idea of

⁴⁰⁰ W&S, VIII, 294ff.

⁴⁰¹ Naím, *Revenge*, 211.

‘freedom as licence’. For Burke, true liberty is found in the rights and responsibilities of public service.

he must live for others and not for himself

The person, for Burke, was formed within communities of belonging – the family and little platoons of direct relationship and friendship – rooted in loyalty to place and people, and held morally accountable within civil, social, political and international circles in a providentially-ordered universe. Within such a world, political leaders are servants, not of the will of the people, but of the interests of the constituents and the nation they represent. Burke valued humility rather than pride, a discerning circumstantial wisdom honed by debate and the moral courage to stand by unpopular principles that may bring conflict with friends. One of his final communications before dying in July 1797 was a letter written by Jane, his wife, to his erstwhile friend Charles Fox:

Mrs Burke presents her compliments to Mr Fox, and thanks him for his obliging inquiries. Mrs Burke communicated his letter to Mr Burke, and, by his desire, has to inform Mr Fox that it has cost Mr Burke the most heart-felt pain to obey the stern voice of his duty in rending asunder a long friendship, but that he deemed this sacrifice necessary; that his principles remained the same; and that in whatever of life yet remained to him, he conceives that he must live for others and not for himself. Mr Burke is convinced that the principles which he has endeavoured to maintain are necessary to the welfare and dignity of his country, and that these principles can be enforced only by the general persuasion of his sincerity.⁴⁰²

The duties of belonging were not always easy to discern, Burke recognized, for duties can conflict, and he drew on ‘the moral science’, as he called it, of casuistry, a form of discriminating judgement to discern duty with ‘great modesty and caution, and much

⁴⁰² Harvey C. Mansfield (ed.), *Selected Letters of Edmund Burke*, (Chicago: The University of Chicago Press, 1984), 492.

sobriety of mind in the handling', but this is not to lose sight of the purpose of such discernment. He writes:

Duties, at their extreme bounds, are drawn very fine, so as to become almost evanescent. In that state, some shade of doubt will always rest on these questions, when they are pursued with great subtilty. But the very habit of stating these extreme cases is not very laudable or safe: because, in general, it is not right to turn our duties into doubts. They are imposed to govern our conduct, not to exercise our ingenuity; and therefore, our opinions about them ought not to be in a state of fluctuation, but steady, sure, and resolved.⁴⁰³

Their genius unleashed, they will be free

So what of the world that Davidson and Rees-Mogg predict? The Information Age holds out many benefits to those who can take advantage of its revolutions. In a world divided into winners and losers, they describe how the winners – the ‘cognitive elite’ – ‘will increasingly operate outside political boundaries. They are already equally at home in Frankfurt, London, New York, Buenos Aires, Los Angeles, Tokyo, and Hong Kong’.⁴⁰⁴ Liberated from belonging to place, they are free in other ways too, to ‘educate and motivate themselves [...] entirely free to invent their own work and realize the full benefits of their own productivity’.⁴⁰⁵ Their genius unleashed from ‘the oppression of government and the drags of racial and ethnic prejudice, [...] [t]he ugly, the fat, the old, the disabled will vie with the young and beautiful on equal terms in utterly color-blind anonymity on the new frontiers of cyberspace’⁴⁰⁶ where ‘the brightest, most successful and ambitious of these will emerge as truly Sovereign

⁴⁰³ W&S, IV, 444.

⁴⁰⁴ Davidson and Rees-Mogg, *Sovereign Individual*, 17.

⁴⁰⁵ Davidson and Rees-Mogg, *Sovereign Individual*, 17-18.

⁴⁰⁶ Davidson and Rees-Mogg, *Sovereign Individual*, 18.

Individuals'.⁴⁰⁷ The authors promise 'full individual autonomy and independence [...] to achieve financial escape velocity' to the goal of 'the elusive Mount Olympus of the next millennium [...] – a realm without physical existence that will nonetheless develop what promises to be the world's largest economy by the second decade of the new millennium'.⁴⁰⁸ Liberated from 'whatever remains of government as we have known it to operate on more nearly market terms', the Sovereign Individual will lead a life beyond 'the shackles of politics', for any governments 'that attempt to charge too much as the price of domicile will merely drive away their best customers'. The authors conclude '[i]f our reasoning is correct, and we believe it is, the nation-state as we know it will not endure in anything like its present form'.⁴⁰⁹

What is 'freedom' of this autonomous, 'sovereign' individual? When does it become the licence that Burke would call 'arbitrary'? Naím contrasts the threat of the lawlessness of the autocrat with 'free' societies – leaving open the inherent instability of the word:

At the far end of populism, polarization, and post-truth lies an international system littered with actors that see lawlessness as the normal condition of humankind, actors only too happy to traffic anything and everything for profit. The notion that free societies can learn to coexist side by side with a proliferation of mafia states is likely to prove a mirage. Lawlessness anywhere is a threat to security everywhere.⁴¹⁰

When freedom is lack of constraint, then lawlessness becomes 'the normal condition of humankind' – an insight Burke grasped, for then there is nothing to stop the 'free' sovereign individual (or state) from disregarding any rules-based obligations. Burke's

⁴⁰⁷ Davidson and Rees-Mogg, *Sovereign Individual*, 18.

⁴⁰⁸ Davidson and Rees-Mogg, *Sovereign Individual*, 18.

⁴⁰⁹ Davidson and Rees-Mogg, *Sovereign Individual*, 21.

⁴¹⁰ Naím, *Revenge*, 202.

constant concern was for a liberty that was not the licence that is the abstract freedom from chains of obligation; for him, real liberty is heteronomous, through and in the bonds of friendship, kinship and duty to others.

But Rousseau is a moralist, or he is nothing

In January 1791 Burke responded to de Menonville, a member of the French national assembly, exploring why French culture had changed so fundamentally that revolution was possible. He outlined the false promises and manipulations of ‘the imposters’ and ‘charlatans’ who had undone the body politic of France:

Till the justice of the world is awakened, such as these will go on, without admonition, and without provocation, to every extremity. Those who have made the exhibition of the 14th of July, are capable of every evil. They do not commit crimes for their designs; but they form designs that they may commit crimes. It is not their necessity, but their nature, that impels them. They are modern philosophers, which when you say of them, you express everything that is ignoble, savage, and hard-hearted.⁴¹¹

The modern philosopher who was most influential was Rousseau. Burke writes:

The National Assembly recommends to its youth a study of the bold experimenters in morality. Every body knows that there is a great dispute amongst their leaders, which of them is the best resemblance to Rousseau. In truth, they all resemble him. His blood they transfuse into their minds and into their manners. Him they study, him they meditate; him they turn over in all the time they can spare from the laborious mischief of the day, or the debauches of the night. Rousseau is their canon of holy writ; [...] he is their standard figure of perfection.⁴¹²

As such, ‘Rousseau is a moralist, or he is nothing’, substituting all that formerly regulated human will and action so that restrained obligation gives way to self-congratulatory benevolence and a self-regarding commitment to cosmopolitan fellow-feeling masks the eradication of fidelity to duties: ‘They have therefore chosen a

⁴¹¹ W&S, VIII, 311.

⁴¹² W&S, VIII, 312.

selfish, flattering, seductive, ostentatious vice, in place of plain duty'.⁴³ Rousseau's alternative anthropology overturned the moral order that should be the bedrock of a commonwealth that serves citizens in its civil, social and political orders, reflecting the ultimacy of divine order, immanent in creation. It is the argument here that Rousseau's autonomous individual, freed from constraint, is the direct ancestor of the Sovereign Individual, the lawless autocrat of today.

It makes the whole man false

Burke detects in Rousseau the traits of narcissism, an extreme vanity, empty of sincerity and trust. He writes:

In a small degree, and conversant in little things, vanity is of little moment. When full grown, it is the worst of vices, and the occasional mimick of them all. It makes the whole man false. It leaves nothing sincere or trust-worthy about him. His best qualities are poisoned and perverted by it, and operate exactly as the worst. When your lords and many writers as immoral as the object of the statue (such as Voltaire and others) they chose Rousseau; because in him that peculiar vice which they wished to erect into a ruling virtue, was by far the most conspicuous.⁴⁴

Burke had long been familiar with Rousseau's writing and had met Rousseau in 1766 when he was the guest of David Hume (until Rousseau quarrelled with his host and returned to France in 1767). He recounts how:

As I had good opportunities of knowing his proceedings almost from day to day, he left no doubt in my mind, that he entertained no principle either to influence his heart, or to guide his understanding, but *vanity*. With this vice he was possessed to a degree little short of madness.

Rousseau was entirely motivated by the need for attention:

It was this abuse and perversion, which vanity makes even of hypocrisy, which has driven Rousseau to record a life not so much chequered, or spotted here

⁴³ W&S, VIII, 313.

⁴⁴ W&S, VIII, 313.

and there, with virtues, or even distinguished by a single good action. It is such a life he chooses to offer to the attention of mankind. It is such a life, that with a wild defiance, he flings in the face of his Creator, whom he acknowledges only to brave.⁴⁵

Rousseau commends ‘universal benevolence’. Burke notices the inconsistency of this ‘abstraction’ with the reality of Rousseau’s lack of commitment and responsibility to his own immediate family. For this was a profound distortion for Burke who believed that immediate relationships of family and community stirred the sympathy of love and affection that were the beginning of moral formation in a person. Rousseau’s behaviour towards his own five children, fathered with Thérèse Levasseur, all placed in the Foundling Hospital, was profoundly destructive of the natural and social ties that begin the process of parenting children into human society: Rousseau ‘melts with tenderness for those only who touch him by the remotest relation, and then, without one natural pang, casts away, as a sort of offal and excrement, the spawn of his disgusting amours, and sends his children to the hospital for foundlings’.⁴⁶ Rousseau was ‘a wild, ferocious, low-minded, hard-hearted father, of fine general feelings; a lover of his kind, but a hater of his kindred’.⁴⁷

Then, correlating personal and political morality, Burke remarks how the French ‘practical philosophers’ had focused on Rousseau’s ideas about education. The new regime, following Rousseau, had introduced the role of tutor into the family, replacing the father figure and ‘proper, but severe, unostentatious duties’ with pedagogues who ‘call on the rising generation in France’ to ‘dispose of all the family relations of parents and children, husbands and wives. Through the same instructor, by whom they

⁴⁵ W&S, VIII, 314, original emphasis.

⁴⁶ W&S, VIII, 314-5.

⁴⁷ W&S, VIII, 315.

corrupt the morals, they corrupt the taste'.⁴¹⁸ The responsibilities and duties of common family bonds and love are rejected in the name of liberty, but 'the relation is not, of course, the result of *free election*; never so on the side of the children, not always on the part of parents'.⁴¹⁹ Burke here calls into question the understanding of 'freedom' that belongs with the new philosophy – it is freedom of choice and will, unhinged from natural family affections – with very different meaning to the 'liberty' which, for Burke, is the fruit of self-restraint and the dutiful care of others, abiding under law.

Burke describes how '[u]nder this philosophic instructor in the *ethics of vanity*,' the revolutionaries 'have attempted in France a regeneration of the moral constitution of man'. The result is 'an artificial creature, with painted theatric sentiments, fit to be seen by the glare of candlelight, and formed to be contemplated at a due distance'.⁴²⁰ Burke acknowledges the universality of vanity, but in 'the present rebellion' it has become legitimate and institutionalized:

If the system of institution, recommended by the Assembly, is false and theatric, it is because their system of government is of the same character [...] [and] we must connect the morals with the politics of the legislators.⁴²¹

The revolution has been built on a morality of abstract 'freedom' and 'universal benevolence', both of which are commended with deceptive rhetoric. Burke wonders why Rousseau has had such an impact. He recognizes the attractiveness of his writing style as 'glowing, animated, enthusiastic', however, '[h]e is generally too much on the stretch, and his manner has little variety', and 'his doctrines, on the whole, are so

⁴¹⁸ W&S, VIII, 316.

⁴¹⁹ W&S, VIII, 316, original emphasis.

⁴²⁰ W&S, VIII, 315.

⁴²¹ W&S, VIII, 315.

inapplicable to real life and manners, that we never dream of drawing from them any rule for laws or conduct, or for fortifying or illustrating any thing by a reference to his opinions'. Rousseau is mischievous, not least in the way he combines 'perfect depravity of sentiment' and makes 'virtue a pander to vice'.⁴²²

Burke observes how Rousseau's 'morality' has been used by the Assembly to destroy the order of society. In doing so, though, they destroy the very means to control power: 'To destroy that order, they vitiate the whole community', and in its place '[y]our despots govern by terror':

They know, that he who fears God fears nothing else; and therefore they eradicate from the mind, through their Voltaire, their Helvetius, and the rest of that infamous gang, that only sort of fear which generates true courage. Their object is, that their fellow citizens may be under the dominion of no awe, but that of their committee of research, and of their lanterne.⁴²³

Burke illustrates the 'transvaluation' of values he perceives when assassinations '*à la lanterne*' are called 'merciful'.

He then predicts war and military usurpation:

They, whose known policy it is to assassinate every citizen whom they suspect to be discontented by their tyranny, and to corrupt the soldiery of every open enemy, must look for no modified hostility. All war, which is not battle, will be military execution. This will beget acts of retaliation from you, and every retaliation will beget a new revenge. The hell-hounds of war, on all sides, will be uncoupled and unmuzzled. The new school of murder and barbarism, set up in Paris, having destroyed (so far as in it lies) all the other manners and principles which have hitherto civilized Europe, will destroy also the mode of civilized war, which more than any thing else, has distinguished the Christian world.⁴²⁴

⁴²² W&S, VIII, 318.

⁴²³ W&S, VIII, 318-19.

⁴²⁴ W&S, VIII, 320.

Burke concludes his tirade against Rousseau by asking the question of his correspondent: ‘In such a situation of your political, your civil, and your social morals and manners, how can you be hurt by the freedom of any discussion?’⁴²⁵ He challenges de Menonville on the lack of free speech, and how the civil, social, political orders have been undermined by the new moral order which has closed down liberties in the name of *liberté*.

The parallels with the tactics of the autocrat, as Naím describes them, are startling:

Celebrity and stealth as the yin and yang of the 3P autocrats. As the old distinction between the political sphere and the entertainment sphere becomes blurred, leaders find that celebrity allows them to make plays for power that would not otherwise be tolerated. Celebrity breaks down the usual working of accountability mechanisms. It breaks down expectations about the correct ways to behave in power, multiplying the force of pseudolaw.⁴²⁶

The 3P autocrat undermines due constitutional process. They ‘make themselves ubiquitous: omnipresent and unavoidable. More than a leader to their followers, they become stars to their fans’, developing ‘a deeply personal bond with followers that shields [them] from the formal, lawful demands for accountability. Far from being in contradiction, stealth and spectacle work together to deliver the revenge of power’. Polarization begins here, says Naím, for ‘they also build it in opposition to – and in hatred of – “the other team.” In sports, this is great fun. In politics, it sows the dangerous seeds of polarization – the second element of our 3P world’.⁴²⁷ He examines how ‘[p]olarization, in this sense, is less about issues and policies and much more about raw, visceral identity. [...] Today, people vote their identities.’⁴²⁸ What Burke

⁴²⁵ W&S, VIII, 320.

⁴²⁶ Naím, *Revenge*, 59.

⁴²⁷ Naím, *Revenge*, 30.

⁴²⁸ Naím, *Revenge*, 31.

observed in Rousseau – the vanity, the polarization into tribal identities, the lawlessness – was the phenomenon of populism.

as a farmer treats his cows

Rees-Mogg and Davidson predict that sovereign individuals will overturn governments. Using violence ‘often of a covert and arbitrary kind’, they will ‘increasingly come to exercise power behind the scenes [...] Their growing influence and power are part of the downsizing of politics’.⁴²⁹ In this new realm of ‘[c]yberspace [which] is the ultimate offshore jurisdiction [...] An economy with no taxes [...] Bermuda in the sky with diamonds’, the state will starve to death as its tax revenues decline, for it:

has grown used to treating its taxpayer as a farmer treats his cows, keeping them in a field to be milked. Soon, the cows will have wings.

Like an angry farmer, the state will no doubt take desperate measures at first to tether and hobble its escaping herd.⁴³⁰

There may also be a resentful backlash from modern day ‘luddites’, motivated by a misguided moral dimension, but:

Increasingly autonomous individuals and bankrupt, desperate governments will confront one another across a new divide. We expect to see a radical restructuring of the nature of sovereignty and the virtual death of politics before the transition is over. Instead of state domination and control of resources, you are destined to see the privatization of almost all services governments now provide.⁴³¹

⁴²⁹ Davidson and Rees-Mogg, *Sovereign Individual*, 22.

⁴³⁰ Davidson and Rees-Mogg, *Sovereign Individual*, 24.

⁴³¹ Davidson and Rees-Mogg, *Sovereign Individual*, 28.

This will also mean ‘multiple systems of law will again coexist over the same geographic area, as they did in ancient and medieval times’,⁴³² and the warning is there: ‘If you fail to transcend conventional thinking at a time when conventional thinking is losing touch with reality, then you will be more likely to fall prey to an epidemic of disorientation that lies ahead. Disorientation breeds mistakes that could threaten your business, your investments, and your way of life’.⁴³³

Like Spengler, [they write] we see the impending death of Western civilisation and with it the collapse of the world order that has predominated these past five centuries, ever since Columbus sailed west to open contact with the New World. Yet unlike Spengler we see the birth of a new stage in Western civilization in the coming millennium.⁴³⁴

The authors commend information technology, for it is highly portable, offers mobility of ideas, persons, capital. It also makes it hard, if not impossible, for:

The fantasy that unskilled labor actually created the value that seemed to be pocketed in a disproportionate share by the capitalists and entrepreneurs is already an anachronism. [...] When a programmer sits down to write code, there is too direct a line of attribution between his skill and his product to allow for much mistake about who is responsible. It is obvious beyond dispute that an illiterate or semi-literate could not program a computer.⁴³⁵

Moreover, the Sovereign Individual will be able to disperse the self into ‘multiple simultaneous activities’. No longer singular, ‘but potentially an ensemble of dozens or perhaps even thousands of activities undertaken through intelligent agents’, so ‘the productive capability of the most talented individuals’ would be greatly enhanced.⁴³⁶

⁴³² Davidson and Rees-Mogg, *Sovereign Individual*, 32.

⁴³³ Davidson and Rees-Mogg, *Sovereign Individual*, 33.

⁴³⁴ Davidson and Rees-Mogg, *Sovereign Individual*, 52.

⁴³⁵ Davidson and Rees-Mogg, *Sovereign Individual*, 168.

⁴³⁶ Davidson and Rees-Mogg, *Sovereign Individual*, 171.

The authors claim that the Sovereign Individual will also be ‘potentially far more formidable militarily than the individual has ever been before’.⁴³⁷ Far from the information age being one of reduced violence, the Sovereign Individual has the logic of violence on his side:

He or she will even be able to act after death. For the first time, an individual will be capable of carrying on elaborate tasks even if he is biologically dead. It will no longer be possible for either an enemy at war or a criminal to completely extinguish the capability of an individual to retaliate by killing him. This is one of the more revolutionary innovations in the logic of violence in the whole of history.⁴³⁸

With incredible wealth, Sovereign Individuals leave behind citizenry, and can ‘invent new legal rationales upon which to base the *de facto* sovereignty that information technology will hand them’ for:

The Sovereign Individual may truly count for as much in cyberspace as does a nation-state, with its seat in the UN, its own flag, and an army deployed on the ground. In purely economic terms, some Sovereign Individuals already command investible incomes in the hundreds of millions annually, sums that exceed the discretionary spending power of some of the bankrupt nation states. But that is not all. In terms of virtual warfare waged through the manipulation of information some individuals may loom as large or larger than many of the world’s states. One bizarre genius, working with digital servants, could theoretically achieve the same impact in a cyberwar as a nation-state. Bill Gates certainly could.⁴³⁹

Davidson and Rees-Mogg extol the virtues of this world: their book is written for those who are the logical outcome of the autonomous individual, in whom sovereignty is now located – the figure who can look back to Rousseau as ancestor.

⁴³⁷ Davidson and Rees-Mogg, *Sovereign Individual*, 299.

⁴³⁸ Davidson and Rees-Mogg, *Sovereign Individual*, 173.

⁴³⁹ Davidson and Rees-Mogg, *Sovereign Individual*, 192.

Twenty five or so years later, Naím's book offers sanguine analysis. The Sovereign Individual is now the autocrat Trump, or Putin, who with other populist leaders, deal in catastrophism, projecting all around as corrupt, dysfunctional and failing, and only they have the utopian, messianic answer; they criminalize political rivals; claim external threats to the nation – immigrants, for instance – to unify support; they often use military and paramilitary imagery to intimidate; they denigrate experts, attack the media, they undermine any institution that offers checks and balances.⁴⁴⁰ They employ 'pseudolaw', – 'a corrupt facsimile of the rule of law that is, in fact, its mortal enemy',⁴⁴¹ and pseudo institutions, too, like GONGOs, which are fake NGOs, and increasingly, they form 'their own parallel global network – a kind of upside-down version of the liberal order that can be termed *pseudointernationalism*, the global incarnation of pseudolaw'.⁴⁴²

Naím says there are five battles to fight and win in today's world: against the Big Lie (which is the sort of post-truth that had Trump blaming his re-election loss on mythical claims of fraudulent voting), criminalized governments, autocracies that undermine democracies, political cartels that stifle competition and illiberal narratives.⁴⁴³ But much as Burke sought to recall his world to a morality of the duties of belonging and public service, it seems to me that the deeper malaise of today's world requires addressing beyond these five battles. Burke's understanding of the dangers of thinking of freedom as licence – freedom from constraint – is helpful to perceive how easily that freedom becomes lawlessness. An anthropology that vaunts the 'vanity', to use Burke's word, of the narcissistic celebrity, merely gives too much

⁴⁴⁰ Naím, *Revenge*, xvi.

⁴⁴¹ Naím, *Revenge*, 7.

⁴⁴² Naím, *Revenge*, 206 (original emphasis).

⁴⁴³ Naím, *Revenge*, 246.

‘arbitrary’ power to the individual, including the sovereignty that challenges the rule of law of constitutional government. It may be that the technological revolution, in the hands of a sovereign who is now the individual and no longer the state (or any conception of the body politic, local, national, or global commonwealth), has so changed what it means to be human that the future is dark indeed; however, to study the moral order that shaped Burke’s idea of the human being is to consider a profound contrast to the Sovereign Individual with arbitrary power, who rules a disordered future where only the few benefit as they rise above the left-behind herd.

of the utmost importance to the morals and manners of every society

In a passage that brings together many elements of his understanding of moral order, Burke attends to the importance of love to morality. This is not the disingenuous ‘universal benevolence’ towards all humankind, but the genuine love born of sympathy for a neighbour, and indeed, globally, to any in need:

The passion called love, has so general and powerful an influence; it makes so much of the entertainment, and indeed so much the occupation of that part of life which decides the character for ever, that the mode and the principles on which it engages the sympathy, and strikes the imagination, become of the utmost importance to the morals and manners of every society. Your rulers were well aware of this; and in their system of changing your manners to accommodate them to their politics, they found nothing so convenient as Rousseau. Through him they teach men to love after the fashion of philosophers; [...] they infuse into their youth an unfashioned, indelicate, sour, gloomy, ferocious medley of pedantry and lewdness; of metaphysical speculations, blended with the coarsest sensuality. Such is the general morality of the passions to be found in their famous philosopher, in his famous work of philosophic gallantry, the *Nouvelle Eloise*.⁴⁴⁴

Burke’s writing captures well his intense apprehension at the destruction of the moral order under the influence of Rousseau, and how, without loving kindness and

⁴⁴⁴ W&S, VIII, 317.

sympathy, morality accommodates to politics, justifying terror for the sake of the abstracted ideology. Burke understood the seductive appeal of Rousseau's thinking. His fears for France were well-founded, as the reign of terror descended into war, and resulted in military dictatorship. The anticipation that the same would happen in Britain dominated the last years of his life (alongside his equally fervently held conviction that Warren Hastings was guilty of the most heinous moral crimes against international law). By the end of his life in 1797 he found himself, often, a lone voice crying in a wilderness of a different morality; but he remained firm that order throughout the moral, civil, social, political and divine spheres offered the real liberty and rights that any citizen should expect as a member of society.

the author of our place in the order of existence

Burke considered the moral formation of the individual person as the bedrock of civil, social and political order, and of ultimate, divine significance. He reflected throughout his life on what it meant to be a moral person of principle, with a sense of civic duty and responsibility, interwoven within the fabric of society, indivisible from the networks of family and community obligations. If we turn to his apologia *An Appeal from the New to the Old Whigs*, we see how Burke understood the beginning of the incorporation of the child into society:

Taking it for granted that I do not write to the disciples of the Parisian philosophy, I may assume, that the awful author of our being is the author of our place in the order of existence; and that having disposed and marshalled us by a divine tactick, not according to our will, but according to his, he has, in and by that disposition, virtually subjected us to act the part which belongs to the place assigned us. We have obligations to mankind at large, which are not in consequence of any special voluntary pact. They arise from the relation of man to man, and the relations of man to God, which relations are not a matter of choice. On the contrary, the force of all the pacts which we enter into with any particular person or number of persons amongst mankind, depends upon

those prior obligations. In some cases the subordinate relations are voluntary, in others they are necessary – but the duties are all compulsive.⁴⁴⁵

Marriage illustrates the difference between voluntary choice and duty, for marriage is entered into through choice, but the subsequent duties are not a matter of choice. Likewise, parents are not free to choose whether or not to fulfil the duties by which they are bound, however burdensome they may be. There may be no choice in the matter, but there is consent, however, which is ‘in unison with the predisposed order of things’, as he continues:

Dark and inscrutable are the ways by which we come into the world. The instincts which give rise to this mysterious process of nature are not of our making. But out of physical causes, unknown to us, perhaps unknowable, arise moral duties, which, as we are able perfectly to comprehend, we are bound indispensably to perform. Parents may not be consenting to their moral relation; but consenting or not, they are bound to a long train of burthensome duties towards those with whom they have never made a convention of any sort. Children are not consenting to their relation, but their relation, without their actual consent, binds them to its duties; or rather it implies their consent, because the presumed consent of every rational creature is in unison with the predisposed order of things.⁴⁴⁶

Consent is important to Burke – it permeates the whole ordered system from the relationship of child and parent to the relationship of people to monarch, as we shall see in the chapter on political order. Without consent the whole order of things does not hold. Consent is different from choice, though; for Burke, choice is the exercise of the will, which can be arbitrary, or subordinate to duty. Duties are mandatory, but still require consent.

⁴⁴⁵ W&S, IV, 442.

⁴⁴⁶ W&S, IV, 443.

Our country is not a thing of mere physical locality

It is within the community, the civil order, that the individual is shaped into the duties that constrain and discipline the will to power. A person is born into a network of relations which pre-exist the individual which Burke calls ‘our country’; it stirs powerful instincts that ‘make this duty as dear and grateful to us, as it is awful and coercive’. He continues:

Our country is not a thing of mere physical locality. It consists, in great measure, in the ancient order into which we are born. We may have the same geographical situation, but another country; as we may have the same country in another soil. The place that determines our duty to our country is a social, civil relation.⁴⁴⁷

Of course, those networks of social and civil relations can be understood either narrowly, or broadly. The Statement of Principles of National Conservatism, for instance, defines ‘family’ narrowly, as ‘the traditional family’ which is ‘built around a lifelong bond between a man and a woman, and on a lifelong bond between parents and children’, and as such ‘is the foundation of all other achievements of our civilization’. Much is loaded onto this ‘family’, laying all the ills of the collapse of civilization at its door:

The disintegration of the family, including a marked decline in marriage and childbirth, gravely threatens the wellbeing and sustainability of democratic nations. Among the causes are an unconstrained individualism that regards children as a burden, while encouraging ever more radical forms of sexual license and experimentation as an alternative to the responsibilities of family and congregational life. Economic and cultural conditions that foster stable family and congregational life and child-raising are priorities of the highest order.⁴⁴⁸

⁴⁴⁷ W&S, IV, 443.

⁴⁴⁸ <https://nationalconservatism.org/national-conservatism-a-statement-of-principles/> [accessed 16/05/2023].

Whilst Burke would no doubt agree with much of this, it is possible to argue that his understanding of the ‘family’ belongs more broadly within wider social and civil associations, configured differently in different cultures and times, with the constant element of stability of love and duty in which the child is nurtured.

The idea of a people is the idea of a corporation

When the supreme authority of the people is in question, before we attempt to extend or to confine it, we ought to fix in our minds, with some degree of distinctness, an idea of what it is we mean when we say the PEOPLE.⁴⁴⁹

In a crucial line of argument, Burke shows how individuals become corporate through political belonging to particular bodies. Rather than ‘vague loose individuals, and nothing more’, a people with true political personality derives from incorporation, and here he directly challenges Rousseau’s idea of the original social contract:

In a state of *rude* nature there is no such thing as a people. A number of men in themselves have no collective capacity. The idea of a people is the idea of a corporation. It is wholly artificial; and made like all other legal fictions by common agreement. What the particular nature of that agreement was, is collected from the form into which the particular society has been cast. Any other is not *their* covenant. When men, therefore, break up the original compact or agreement which gives its corporate form and capacity to a state, they are no longer a people; they have no longer a corporate existence; they have no longer a legal coactive force to bind within, nor a claim to be recognized abroad. They are a number of vague loose individuals, and nothing more. With them all is to begin again. Alas! they little know how many a weary step is to be taken before they can form themselves into a mass, which has a true political personality.⁴⁵⁰

The French revolution had dissolved its society, losing any sense of obligations between real people in real bodies politic, for the sake of the ‘will of the people’, an abstraction, which with notions such as ‘the rights of man’, or ‘the universal

⁴⁴⁹ W&S, IV, 445, original capitalization.

⁴⁵⁰ W&S, IV, 445, original emphasis.

benevolence of humanity', belonged to a seductive, revolutionary zeal that subverted the stable, ordered society that honoured and protected the real rights and liberties of its citizens.

the perniciousness of the rational scepticism

The abstractions of the Revolution were a radical challenge to the moral formation that was instilled through custom and prescription. Bourke points out that there is a direct continuity between Burke's critique of the natural religion and deism of Bolingbroke, and the anthropology that undergirded the French Revolution.⁴⁵¹ Burke's resistance to the deism and neo-stoicism of his day included a rejection of *apatheia*, the cultivated absence of emotion that Shaftesbury had advocated, which hinged virtue to disinterestedness, and divorced morality from the promise of reward. This meant the Christian idea of accountability after death no longer held persuasion, which undermined one of the contributions that Burke thought Christianity made to the development of the moral character – the wrath and judgement of God to which humanity is accountable. That moral accountability was evident in a speech he gave in 1784, incensed at the treatment of the Indian people at the hands of the East India Company:

A cry for vengeance had gone forth and reached his ears, who never could be inattentive to the distresses of his creatures; and we could expect as little mercy from him as we had shewn to them. We were still more in his power than the poor Indians were in ours. Should he but withdraw his finger, we should become as little among the nations as ever we were great. Did we not already exhibit marks of this awful dereliction? Yes.⁴⁵²

⁴⁵¹ Bourke, *Empire*, 118.

⁴⁵² W&S, V, 468.

Accountability to God is the ultimate accountability: if virtue were disinterested, the moral duty of charity towards the neighbour, and commitment to justice for the peoples of other nations, was undermined.

the marvellous must be produced

Burke saw in Rousseau's style a replay of the rhetorical strategy of the ancient stoics that coupled this *apatheia* with the manipulation of emotion. Writing in *Reflections*, Burke recounted how:

Mr Hume told me, that he had from Rousseau himself the secret of his principles of composition. That acute, though eccentric, observer had perceived, that to strike and interest the public, the marvellous must be produced ... that is, the marvellous in life, in manners, in characters, and in extraordinary situations, giving rise to new and unlooked-for strokes in politics and morals.⁴⁵³

Alongside the cynical disinterest that could manipulate 'strokes in politics and morals', the sceptical philosophy that Burke encountered in Rousseau, and others, stripped morality of the wisdom of custom and common sense, reducing moral judgement to a narrow 'rationalism', fed with abstract ideals. When stirred with a rhetoric that moved and manipulated with a simplistic appeal to the 'marvellous', it was a toxic morality. Bourke explains:

As Burke saw it, natural reason claimed to lead back to natural desires. The fact was, however, that the "natural" appetites celebrated by modern sceptical philosophers were nothing more than philosophical projections. They followed from a pernicious attempt to barbarize and denature man.⁴⁵⁴

The modern 'morality' of Rousseau coarsened the human ability to judge, casting off its anchors from the custom that had its bedrock in the metaphysical religion that strengthened the bonds of trust and civility. It was, however, not simply that moral

⁴⁵³ W&S, VIII, 219.

⁴⁵⁴ Bourke, *Empire*, 87.

character resulted from disciplining disordered wills and passions. As early as the 1740s Burke was showing his commitment to the way in which religion and art could refine emotion. To motivate the soul to improve, the passions also needed to be recognized, refined and educated. Burke came to appreciate that the ceremonies and disciplines of religion, art and culture, and the habits and manners of society, contributed to the moral discernment of the importance of sympathy. Such morality is prompted by its attractiveness and by the appeal of beauty to the emotions and passions, rather than a cold coercion and cynical manipulation.

Burke remained through his life convinced of the bonds between persons, the pleasures of ‘particular’ society – ‘Good company, lively conversations, and the endearments of friendship’,⁴⁵⁵ were both the creation and the fruit of good moral order, and extended beyond the particular to enable the person to embrace obligations and the duties of belonging together with people of very different cultures, and within a universal law of nations to the international sphere, as we explore in chapter seven.

embedded in the kinship and circles of friendship

Unlike the stoicism that inculcated an abstract general good and a disinterested apathy, Burke saw moral order as beginning in kinship and circles of friendship, as sympathy for others, which extended beyond the confines of the little platoon, to peoples of other nations. Burke accused Hastings of just such a lack of sympathy, which he argued was a God-given natural impulse that stirs the person from selfish pleasure to the moral apprehension of a sense of duty that enhanced civilized society. As Bourke comments:

Burke emerges as a figure keen to credit natural sentiment and convinced of the ongoing bearing of divine providence on human life. The immortality of the soul and promise of an afterlife were essential to his conception of providential

⁴⁵⁵ Bourke, *Empire*, 137.

theodicy. In defending their credibility he betrays his commitment to rational analogy as a means of glimpsing the mysterious moral order of the world.⁴⁵⁶

Richard Hooker: so the whole would give strength and light

In *Laws*, Hooker's political vision depends on his conception of the moral law, the light of which he hoped would illuminate so 'that which is dark at the beginning would become plain, so the whole would give strength and light'.⁴⁵⁷ Hooker's writing brings enjoyment for the way he methodically builds his case, as the universe he describes settles into one's mind as an invitation to participate in a divine imagination that transcends human understanding, even as it stretches towards its flourishing. Hooker sees the Fall as disobedience to the law, thus creating disorder. The usual motivation is pride, which resonates with Burke's distaste for the vanity of Rousseau. Hooker describes how the appetite or desire for godliness, (to grow into greater likeness to God), comes when something operates according to its nature, but human persons do more than this; they can go beyond their nature and aspire to divine perfection. Humanity begins in a natural state, and with 'the right helps of true art and learning', develops much as art is perfected by hard work.⁴⁵⁸ Burke's understanding of the human person refined by art and culture to develop moral sensibility and discernment has strong resonances here with Hooker.

evil begins with the refusal to do the good natural thing ...

For Hooker, evil begins with the refusal to do the good natural thing. Reason – 'reasonable perswasion'⁴⁵⁹ – directs the will to do good, in accordance with the law

⁴⁵⁶ Bourke, *Empire*, 72.

⁴⁵⁷ *Laws*, I, 57.

⁴⁵⁸ *Laws*, I, 75.

⁴⁵⁹ *Laws*, I, 80.

that shapes desire and motivation, helping to discern the good from the bad. But reason is easily swayed by human will. To apply oneself to knowledge is painful, so the will often avoids the challenge, thereby turning away from goodness, disturbing the divine order, and falling into a disordered life.⁴⁶⁰ Rowan Williams draws out this tradition of understanding ‘evil’ like this:

Similarly, in the tradition that sees evil as privation, the point is not that evil is somehow less “real” in its effect and cost than we might think. On the contrary, its force derives from the fact that it is desired with the same energy as the good is desired, because it is a misidentified good, not because it has some “evil” essence. Genocide, torture, or child abuse happen because people who are lethally and hideously deceived think that they will attain some deeply desirable good (security, satisfaction, assurance, peace) through actions that are in fact destructive of themselves and others. If evil’s origins are in delusion, not in some evil power or element in things, this does not mean it is any less serious.⁴⁶¹

The parallels between Burke’s and Hooker’s theological anthropology are consistent, in this tension between the law and the will. And consistent too is the synergy of morality and aesthetics: for Hooker, rules are natural, and are the means to lead to ‘our felicitie’, which is based on the goodness and beauty of what is right, so ‘[g]oodnesse in actions is like unto straightnes; wherefore that which is done well we term right’. This expresses ‘both beautie and goodnes [...] But wee in the name of goodnes, doe here imply both’.⁴⁶²

⁴⁶⁰ *Laws*, I, 80.

⁴⁶¹ Rowan Williams The Los Angeles Review of Books, January 2023 at <https://lareviewofbooks.org/article/a-brain-of-two-minds-on-iain-mcgilchrists-the-matter-with-things/> [accessed 14/06/2023].

⁴⁶² *Laws*, I, 82.

Or ... the freedom of the human will to choose evil

Hooker's – and Burke's – understanding of sin is the turning away from the natural good of order towards disorder. This contrasts with the morality of the nominalism and voluntarism of Ockham, with its stress on the radical freedom of God's will, unconstrained by law. God can will any possible world or thing, even evil, but because God is good, God will voluntarily constrain God's self. From these nominalist roots grew an anthropology that stressed the will – of the person, of the people, with license to choose – so 'evil' is the active choice of the autonomous person to do something wrong. For a Sovereign Individual, or a 3P autocrat, set free from the constraints of law, the power is within to decide what is right or wrong – autonomously – so such a person exercises their freedom by doing what they want, with arbitrary power.

In contrast, Hooker, and Burke, understood 'the will' as always in tension with 'the law'. The human will has a natural propensity to be lawful, shaped by the nature of goodness, and by natural reason to become habitual in its actions.⁴⁶³ To live by the reasonable law of 'humaine nature' leads to the natural sociality in which humans operate, so into civil and social order, where the bonds of human affection and friendship, the duties and responsibilities of each to the other are found – in heteronomous relation:

'My desire therefore to be loved of my equals in nature as much as possible may be, imposeth upon me a naturall dutie of bearing to them-ward fully the like affection.'⁴⁶⁴

Hooker recognizes what happens: 'If the law is not kept, then *'tribulation and anguish unto every soule that doth evill.'*⁴⁶⁵ The humane law of society imposes rewards and

⁴⁶³ *Laws*, I, 90.

⁴⁶⁴ *Laws*, I, 88.

⁴⁶⁵ *Laws*, I, 93.

punishments by those with authority, but underneath the exercise of that judgement is the law of the conscience that tells the wrongdoer of their responsibility, according to the law of nature.⁴⁶⁶

Conclusion: the archetype of antipathy: the Sovereign Individual

The anthropology that produces the Sovereign Individual is in direct contrast to the way Burke, following Hooker, thought human sympathy to be natural and instinctive, inherent in human nature itself. Sympathy requires discernment and refinement, cultivated by civil association, particularly as the child learns affection and love within the extended family and local community. The distortion of human will that turns away from order towards disorder was the basis of the arbitrary power that motivates the pride and will to power of those who ignore the moral constraints and duties of belonging for the sake of their own autonomous self-aggrandizement.

Moral order is at once important to the formation of the individual, but also permeates the whole of the universe, detected in the moral, civil, social and political spheres, which all reflect and are based in the divine order. In the heteronomous self begins public service, that turns the person outwards to build the common good, without which impulse society ultimately fails.

Burke and Hooker emerge as magnanimous thinkers: they reflect the beauty they imagine, with a strong sense that to lead an ordered life is to participate in the givenness of providential order. The opportunity to develop the habits and 'prejudices' that enable the right discernment of the morally ordered life, for Burke, as for Hooker, is given through the customs of family, education, church, and the other associations in which the individual participates. Burke understood the person to grow within local associations that enable a sense of trans-generational continuity, belonging within traditions and customs that foster the habits of civility, which was why he was so

⁴⁶⁶ *Laws*, I, 95.

inflamed at the forced re-location of children from their Roman Catholic homes by the Protestant ascendancy under the Penal Codes – ‘their names changed, and the ties of affinity are snapped and broke asunder’,⁴⁶⁷ and also why, as we shall see in the next chapter, he was insistent that slave families should be kept together. The moral person is incorporated into society, to exercise a sense of duty and obligation, consenting to the natural human ties that bind people together, and enable liberty. It falls to the moral person to discern their purpose, roles and responsibilities within that ordered existence, and thereby to participate in an existence which is inherently graceful and good. A life of public service is the vocation of all, and particularly of politicians and those who govern, for in service – as Augustine said – is perfect freedom.⁴⁶⁸

By contrast, Burke’s assessment of Rousseau’s morality, and its impact on the French Revolution, was of its pernicious manipulation of words such as ‘freedom’, undermining society with the use of abstract ‘virtues’ that freed the individual from the responsibilities of real relationship. At play here is an anthropology of the individual as singular, autonomous, with free will, modelled on radical divine free will; however, unlike a good God who chooses the good, there is nothing to stop a human individual from exercising free will without the constraints of moral order. To locate ‘sovereignty’ within the individual, as Rees-Mogg and Davidson do, and claim that the future belongs to such, is to promote an anthropology that has no sense of sympathy or of belonging to any body politic. The will to power exercised by such a figure ignores any duties of belonging that take the human person towards love of neighbour, and particularly those most in need. Burke rejected the lack of accountability to others, or to any institution or constitution that incorporates what he called the ‘stupendous wisdom’ of divine providence, and he saw the impact of the

⁴⁶⁷ W&S, III, 609.

⁴⁶⁸ Prayer of St Augustine: Lord, you are the light of the minds who know you, the life of the souls who love you, and the strength of the souls who serve you. Help us to know you that we may truly love you, so to love you that we may fully serve You, whose service is perfect freedom.

French Revolution in the collapse of society. ‘The future is disorder’, the slogan of the Sovereign Individual, where only the *Übermensch* succeed, presents societal destruction to rival the disorder of the French Revolution. The rise of the autocrat, as Naím describes it, in today’s world is a threat to liberal constitutionalism. Reading Burke can enable a re-engagement with the philosophical and theological roots of the morality of public service that underlies all political systems that take the common good as of prime concern.

Humility is ‘the basis of the Christian system’, ‘the low, but deep and firm foundation of all real virtue’.⁴⁶⁹ For Burke, the Christian virtue of humility shaped character to defend the person against the temptations of vanity, pride and the desire for power. Moral order emerges here, in the personal turning from the will to power, towards the duties of belonging and public service. It begins with the ways the child and person embrace the responsibilities of society that strengthen the natural ties that create a ‘people’, rather than being severed from others by the seductions of the will to power, licensed by the abstractions and stoicism of sceptical rationalism. The French Revolution exhibited a different anthropology that came into sharp focus in Burke’s mind, personified in Rousseau’s subversion of moral order and all that was required to sustain a society for the good of all – an anthropology that has startling resonances with the Sovereign Individual and Naím’s autocrat of today. This new order Burke resisted with a trenchant repudiation of Rousseau’s rallying cry that the individual was most free when unconstrained by the shackles of society, offering instead the moral order that was based on the natural law thinking of Hooker, and others in the Augustinian and Thomist tradition that understood true liberty to be enjoyed when one was not enslaved to the will, either of self, or of others, but when one embraced the duties of belonging and public service, that revealed:

⁴⁶⁹ W&S, VIII, 313.

the passion called love [...] the mode and the principles on which it engages the sympathy, and strikes the imagination, [to] become of the utmost importance to the morals and manners of every society.⁴⁷⁰

⁴⁷⁰ W&S, VIII, 317.

Chapter Four: Civil Order

Introduction

I wish to be an MP to have my share of doing good and resisting evil

Burke was the Member of Parliament for Bristol from 1774–80, and is commemorated at the city harbour by a bronze statue made in 1894 by James Havard Thomas, inscribed:

BURKE

1774-1780

I wish to be an MP to have my share of doing good and resisting evil

Speech at Bristol 1780.⁴⁷¹

Until June 2020 it had stood alongside one of Edward Colston since 1895. Colson was the high Tory MP for Bristol from 1710-13, a merchant, initially in wine, fruits and cloth, and from 1680 heavily involved in the Royal African Company. He was Deputy Governor from 1689-90, during which year that company traded 84,000 slaves from Africa to the Americas. He withdrew in 1692 to continue to trade in slaves in a private capacity. He died in 1721, and for two centuries was revered for his philanthropy. However, in 1996 Bristol hosted a ‘festival of the sea’ at which no acknowledgement was made of the city’s slave trading past, and thereafter Colson’s statue was the subject of sharpening controversy, with Bristol Council unable to agree about its continuing presence or the wording of the plaque on its plinth. Subsequently, a walking trail of slavery sites was established, with a bridge named for Pero Jones, a slave, but many Bristolians continued to resist the removal of Colston’s statue. The growing consternation at the commemoration of the life of a slave trader came to a head in

⁴⁷¹ There is a copy on Massachusetts Avenue in Washington, D.C.

June 2020, during Black Lives Matter protests against the death of George Floyd in May that year, when the statue was toppled and thrown in the Bristol Harbour.

Burke lost his Bristol seat in 1780, his views on slavery (and other issues) a deciding matter. Using Nancy Morrow's differentiation between political and chattel slavery,⁴⁷² this chapter considers Burke's 1780 *A Sketch for a Negro Code*, where he expressed his conviction that the slave trade should end, and that slaves should be treated with the natural rights of any human being – to education, to family life, the solace of religion, to the rule of law, to property – anticipating the *real* rights he lists ten years later in *Reflections*. Burke's understanding of civil rights belongs within his Christian Platonist metaphysic, in which all creation participates in the reality of the love of God, and all humanity is ultimately accountable to the eternal law of divine providence. As such, his conception contrasts with that of the 'abstract' rights projected by the revolutionaries, as Insole has argued.⁴⁷³ We examine this fundamental difference to draw out how Burke grounds 'rights' on a philosophical, moral and legal foundation that rejects both political and chattel slavery as contrary to the natural law.

And what of the deep prejudice that lies at the heart of racism? Meg Armstrong has argued that in *Philosophical Enquiry* Burke initiated an ideology of the white male gaze, concluding that he 'attributes melancholy and sadness to dark colors', such that 'to be marked as "black" against a surrounding whiteness [is to be] interpellated as terror, "sublime," or abject within the ideology of the white aesthetic'.⁴⁷⁴ This ideology,

⁴⁷² Nancy V. Morrow, 'The Problem of Slavery in the Polemic Literature of the American Enlightenment' in *Early American Literature*, Vol. 20, No. 3 (Winter, 1985/1986), 236-255, <https://www.jstor.org/stable/25055559> [accessed 10/07/2023].

⁴⁷³ Insole, 'Two conceptions'.

⁴⁷⁴ Meg Armstrong, 'The Effects of Blackness: Gender, Race, and the Sublime in Aesthetic Theories of Burke and Kant', in the *Journal of Aesthetics and Art Criticism*, Summer, 1996, Vol. 54, No. 3, 213-236, <https://www.jstor.org/stable/431624>, 228. [accessed 17/03/2023].

she argues, influenced Immanuel Kant, who subsequently developed a sophisticated categorization of race.⁴⁷⁵ We consider this thesis, to conclude that Burke would not have concurred with Kant's schema, given his abhorrence of 'abstraction', that people are not reducible to human geometric categorization.

This chapter, on civil order, then considers the slogan 'law and order'. Appropriated by Donald Trump – 'I am your president of law and order!' – we interpret this as an aspect of his effective strategy to polarize with his post-truth agenda, as Moisés Naím has analysed. It raises questions: whom should 'law and order' serve? George Floyd was killed by a policeman: what of those who hold responsibilities in public service, yet undermine the trustworthiness of public constitutions and institutions to their own ends? Burke, as a Christian Platonist, believed that legal systems and institutions embodied natural law and order to protect the vulnerable, and those who serve in them had the duty and responsibilities of public service, which does not include the pursuit of their own will to exercise arbitrary power. What does it mean to consider 'civil order' today, through Burke's eyes, in the light of the injustices highlighted by the Black Lives Matter movement? Vincent Lloyd views Black natural law as foundational to key civil rights leaders – Frederick Douglass, Anna Julia Cooper, W. E. B. de Bois, Martin Luther King Jr. Does Burke's understanding of natural law concur?

What, also, of the power of the media as a civil institution? It has investigative function to seek truth, serve justice and to educate, but also it can be used in politicized ways, to disseminate misinformation, serving the ends of populist leaders. Naím has described 'media convergence', where the dividing line between politics and entertainment is blurred in a world of exploding media choices, enabling populist leaders to project themselves, creating identities and tribal allegiances. The former sense of the institution of the media has hollowed out with trust eroded, allowing 'post-truth' to flourish – what Naím calls the 'disintermediation' of the political sphere.

⁴⁷⁵ Armstrong, 'Effects', 221.

The media was explosive in Burke's day too, with an abundance of satirical cartoons to shape popular opinion. A particular popular medallion focused attention on slavery, to emphasize the humanity and universal brotherhood of Black people. How does one discern the 'truth' or otherwise of the uses of the media and its role within politics?

The consideration of 'civil' order takes us from the morality of the human person, shaped heteronomously towards public service, to civil institutions – like the police, or the media – and questions of their trustworthiness to fulfil the purpose to build up the common life, to ensure the people enjoy the rights of civil law and order; for to live under the will is slavery.

If I was to describe slavery I would say with those who hate it, it is living under will, not under law

Burke did not use the categories, but it is evident that he differentiated between political and chattel slavery from his clear engagement with its realities, including his experience of repression, brought up in Ireland dominated by anti-Catholic laws that since Cromwellian times had deprived the people of property and civil rights. In his Speech on the Poor Removals Bill (1774), he described how the Irish were subject to removal from their homes, and re-settlement, using the powerful language of slavery:

The laws of settlements and removals are the essence of slavery, and nothing less: they are founded upon the principles of slavery; and if I prove this, I think common sense will allow that this bill ought, on every account, be committed. Slavery, Sir, consists in nothing so much as there being any where a power to destroy the freedom of a man's will – if you will not let me live where I please, which necessarily implies in it, where I can best maintain and support myself, I am a slave – I am tied down to my native spot, and cannot leave it without the consent of another – This is slavery; it is slavery in Germany, in Poland, and the North, and is the very circumstance that makes the misery of that of the gallies.⁴⁷⁶

⁴⁷⁶ W&S, Vol II, 402.

There is nothing commendable about slavery – ‘It is not the execution of this mischievous principle, it is the principle itself that is so abominable’⁴⁷⁷ – for it is an exercise of power that destroys liberty. Burke argued that the slavery he saw in Ireland was based on the same abominable principle as that of the slave trade, although the execution differed. This is chattel slavery, says Morrow, and Burke’s early experience was enough to alert him to its abominations, alongside his reflections on political slavery.

Burke knew well the writings of Locke and Montesquieu, neither of whom differentiated the two categories clearly as Morrow explains. She quotes Locke’s words of 1698 that no one can ‘by compact or by his own consent enslave himself to anyone, not put himself under the absolute arbitrary power of another to take away his life when he pleases’⁴⁷⁸ – a statement of political slavery, and certainly not applicable to the sort of slave that Colston traded, who had none of the implied choice in the matter. Locke made exceptions for Africans in slavery in the New World, and as Morrow continues, ‘seems not to have seen any irreconcilable conflicts between his own views of political liberty and the practice of chattel slavery’.⁴⁷⁹ Locke argued in his 1698 Instructions to Governor Nicholson of Virginia that negro slaves were legally enslaved, having been taken captives in a ‘just war’. Locke seems not, therefore, to have extended his views on political slavery to the practice of chattel slavery; there is, though, sufficient confusion about what he meant that he was used as an authority for both pro-slavery and antislavery polemicists in the eighteenth century.

Had the bronze Burke sought to convince the bronze Colston of the error of his ways he would have fared no better by drawing on his knowledge of Montesquieu, who

⁴⁷⁷ W&S, Vol II, 402.

⁴⁷⁸ Morrow, ‘Problem of slavery’, 237.

⁴⁷⁹ Morrow, ‘Problem of slavery’, 238.

wrote about slavery only in general and abstract ways, including the use of satire which was taken literally, by some, as a defence of slavery. Montesquieu suggested abolition, but in the meantime, commended regulation, an approach that Burke sharpened with urgency and detail.

The Sketch of a Negro Code

Burke's attack on chattel slavery was reported in the papers of 14 May 1778: 'he was no advocate for a trade which consisted, in the greatest measure, of men's bodies, and not of manufactures', and 'he rather rejoiced at its downfall; for it was a trade of the most inhuman nature, a traffic for human bodies'.⁴⁸⁰ His clearest statement was his *Sketch of a Negro Code*, written in April 1780.⁴⁸¹ There he argued for the end to 'all traffic in the persons of Men and to the detention of their said persons in a State of Slavery, as Expedient and conformable to the principles of true religion and morality, and to the Rules of sound policy'.⁴⁸² He recognized that this would not happen immediately; in the meantime, the trade should be rigorously regulated, and, to counter those who argued that the enslaved were incapable of self-government, he advocated education that would produce leaders for future society.⁴⁸³

What were those regulations? All ships were to be registered, with limit on the number of slaves, and with fuel, clothing, mattress, hammock for each, and provisions, with each ship to be inspected before sailing, with both owner and master bonded to conform. He wanted the African Company to build, 'at each fort and mart', a church, school house, and hospital, each with a salaried Chaplain recommended by the Bishop

⁴⁸⁰ W&S, III, 563.

⁴⁸¹ W&S, III, 562-80.

⁴⁸² W&S, III, 563.

⁴⁸³ W&S, III, 566.

of London, for the slave population.⁴⁸⁴ None of those responsible for the running of the 'fort or mart' (Governor, Counsellor, Inspector, Chaplain, Surgeon or School master) should have any interest, concern or share, directly or indirectly, in the slave trade, and all involved in the trade were answerable to the law.⁴⁸⁵ Any black or white trader or factor:

stealing or taking by surprise, any persons or persons whatsoever, whether free or the Slaves of others, without the consent of their Masters – or of wilfully or maliciously killing or maiming any person; or of any cruelty – [...] be deliver'd over to the Prince to whom he belongs to execute further justice on him. [...] If any European shall be convicted of any of the said Offences, he shall be sent to Europe, together with the evidence against him, [...] until he be deliver'd according to due course of Law, as if the said Offences had been committed within the Cities and Towns aforesaid.⁴⁸⁶

Women were to be protected 'against unlawful communication of any European Officer or Seaman', on pain of fine.⁴⁸⁷ Slaves were not to be sold separately from family members, and all births, burials and marriages were to be registered.⁴⁸⁸ Education was to be provided for 'all young Negros, and those with 'a remarkable aptitude for Learning [...] shall be purchased by the Protector of Negros, and sent to the Bishop of London for his further education in England', who 'shall provide for the education of such of the said Negroes as he shall think proper Subjects until the age of twenty four years'.⁴⁸⁹ They were then to be returned 'to the Island from which they came in the

⁴⁸⁴ W&S, III, 567.

⁴⁸⁵ W&S, III, 568.

⁴⁸⁶ W&S, III, 569-70.

⁴⁸⁷ W&S, III, 571.

⁴⁸⁸ W&S, III, 574.

⁴⁸⁹ The Bishop of London had official responsibility for the spiritual welfare of the British colonies overseas.

West Indies, to be there as a free Negro', to contribute to the society according to their education and skills.⁴⁹⁰ The working conditions of slaves should also be regulated, giving 'time off from eleven O'Clock on Saturday forenoon, until the usual working hour on Monday Morning', with more time off for seniority.⁴⁹¹ Slaves also should have a portion of land and hut allotted 'for his natural life, or during his bondage' to be bequeathed to wife and children.⁴⁹² Slaves should be removed from cruel masters, and those over thirty, with three children, should be able to purchase freedom for self and family.⁴⁹³

Whether such measures are seen merely to consolidate the practice of slavery by ensuring provision and investment in its infrastructure, or as Burke's recognition of an evil reality and attempt to ameliorate until abolition, the basis of his argument is important. For Burke insisted that those held in chattel slavery had the same civil and political rights under the law as any free person – to family life, educational improvement, property ownership, and freedom to prepare for a future when chattel slavery was no more. Slaves should have the *real* rights, as listed in *Reflections* ten years later, that apply to all people:

If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is an institution of beneficence; and law itself is only beneficence acting by a rule. Men have a right to live by that rule; they have a right to [do] justice;⁴⁹⁴ as between their fellows, whether their fellows are in politic function or in ordinary occupation. They have a right to the fruits

⁴⁹⁰ W&S, III, 576-77.

⁴⁹¹ W&S, III, 578.

⁴⁹² W&S, III, 579.

⁴⁹³ W&S, III, 580.

⁴⁹⁴ Insole points out ('Two conceptions', 481, n.27) that the Clark edition of *Reflections* deletes the word 'do', (Clark, *Reflections*, 217) giving the text a less 'objective' ring, an omission that is carried over into W&S, quoted here. The omission is philosophically significant as we explore below.

of their industry; and to the means of making their industry fruitful. They have a right to the acquisitions of their parents; to the nourishment and improvement of their offspring; to instruction in life, and to consolation in death. Whatever each man can separately do, without trespassing upon others, he has a right to do for himself; and he has a right to a fair portion of all which society, with all its combinations of skill and force, can do in his favour.⁴⁹⁵

Burke's conviction of the evil of the slave trade, that it should be abolished as soon as possible, and that the real rights of slaves as human beings were to be honoured under the law has its metaphysical base in his theism, and his conviction that humanity is answerable to divine natural law, universally.

natural law, sometimes referred to as higher law or God's law

To what extent can Burke offer *ressourcement* to those engaged in the struggle for Black Lives Matter today? Vincent Lloyd's work on Black natural law, shows the importance of the natural law to four civil rights leaders, and how that tradition has disintegrated precipitously over recent decades, and now requires recovery:

Through slavery, the Civil War, Reconstruction, and decades of Jim Crow, in the words of Frederick Douglass, Anna Julia Cooper, W. E. B. de Bois, and many others, natural law, sometimes referred to as higher law or God's law, provided a robust resource for black political engagement. This once-robust natural law tradition abruptly collapsed. Only ruins remain: words and phrases detached from a rich, coherent style of ethical inquiry and political practice – fragments now often conscripted for strikingly diverse political aims. This book recovers the lost black natural law tradition.⁴⁹⁶

Lloyd argues that the natural law tradition can be traced to Aristotle, Cicero, Grotius, Hobbes, the US declaration of Independence and Universal Declaration of Human Rights, present at the heart of Western political thought, within Christian, Jewish, Islamic natural law traditions, as well as dogmatically secular natural law traditions. I

⁴⁹⁵ W&S, VIII, 109-110.

⁴⁹⁶ Lloyd, *Black Natural Law*, vii.

think further differentiation within the strands of the tradition is required, however, for not all natural law traditions understand the idea of ‘right’ in the same way, and not all recognize a theistic basis of the ‘higher law or God’s law’.

Burke’s understanding of the metaphysical basis of the natural law in theism was uncompromising and, importantly, applied to all humanity, and human institutions, regardless of creed, race or any other differentiating factor. As he wrote in favour of conciliation with the American colonies in 1775, he expressed his belief in the divine source of authority of government:

I who believe from my soul that Government is of divine *institution* and *sacred* authority, and no *arbitrary device of men*, to be modified at their *pleasure* or conducted by their *fancies*, or *feelings*, am persuaded that every one of us shall be called to a solemn and tremendous account for the part we take in it.⁴⁹⁷

This solemn and tremendous accountability was, as editors Elofson and Woods conclude:

the secret to understanding why Burke took so many impolitic or seemingly apolitical positions during his career. He angered many of his constituents by voicing concerns on behalf of the Irish, Africans, and Roman Catholics; he fought for lenient treatment of unsavoury people including rioters, mutineers, and on one occasion, even sodomists, [...] a career-long crusade to defend the British constitution and tradition both at home and overseas.⁴⁹⁸

Burke believed theism provided the metaphysical basis for ‘natural law’, which is not constructed on the arbitrary device – the ‘will and artifice’⁴⁹⁹ – of human construction,

⁴⁹⁷ W&S, III, 208, original emphasis.

⁴⁹⁸ W&S, III, 47. They might also have added the Jews of St Eustatius.

⁴⁹⁹ See ‘The Introduction’ to *Leviathan*, in Tuck, *Hobbes*, 9, where Hobbes is at pains to present ‘man’ as ‘artificial’. His view of human will was not that it was ‘rational’, as ‘commonly given by the Schooles’, (Tuck, *Hobbes*, 44) but entirely voluntarist. The expression ‘will and artifice’ appears not to be used by Hobbes directly, but adopted by Michael Oakeshott, who labelled the second of his three ‘traditions’ of western political philosophy ‘Will and Artifice’ as a scheme is set forth in Michael Oakeshott (ed.),

but received by generations as prescribed through time and enshrined within the constitution. To be subject to the law creates the human person morally and civilly through prescription, shaping the person into the duties of belonging, not only locally, but also as a member of the whole of humankind. That definition of Insole again:

Prescription is that which has happened time out of mind, and the inheritance is given only in the non-negotiable sense that it creates us as political and social beings. It would be more accurate to say that Burke's inheritance owns us, in that it shapes the contours of our liberties and duties, and sets the bounds from within which prudence must stretch out.⁵⁰⁰

Natural law and rights are 'not something we create, own, construct', Insole says, 'and we are not at liberty to do with it as we wish'. To see civil law and order as prescribed by divine natural law is hold individual human persons, and fallible human institutions, accountable with a solemn and tremendous accountability to transcendent foundations that offer the ground of truth in a post-truth world, and justice in an age of impunity. The person is shaped by heteronomous duties of belonging and public service, rather than the exercise of the will to power over others that is the beginning of slavery, whether political or chattel, or both.

Black natural law

Vincent Lloyd reviews the lives and work of Frederick Douglass, Anna Julia Cooper, W. E. B. de Bois, Martin Luther King Jr to argue that 'each figure performs natural law, offering words or texts that exemplifies the characteristically human capacities to reason, to feel, and to create'.⁵⁰¹ What they all have in common is 'a point of

Thomas Hobbes, Leviathan, (Oxford: Blackwell, 1986), see *Editor's Introduction*, viii–xii, xxxvii, and, especially, liii and lv. (The other two traditions are 'Reason and Nature', and 'Rational Will'.)

⁵⁰⁰ Insole, 'Two Conceptions', 483.

⁵⁰¹ Lloyd, *Black Natural Law*, xii.

transcendence that marks our common humanity'.⁵⁰² Devoting a chapter to each, he expounds their thinking in detail, drawing out the rich 'thickness' of their contributions, including their rationality, that draws in affect, imagination, passion and sense, all based on an understanding of natural law, and therefore civil rights, as God given, and therefore heteronomous rather than autonomous, as we shall see.

Frederick Douglass

In the 1850s, Frederick Douglass argued that slavery was an abomination, against God's 'consistent, eternal and stable' law.⁵⁰³ The will of the slave owner is arbitrary: 'as his interests or whims change ... [h]e will bend the law he has made before, or he will outright break it'.⁵⁰⁴ It is only a commitment to the natural law that holds such 'amoral capitalism' in check, for only that recognizes the 'irreducible mystery to human nature'.⁵⁰⁵ Lloyd comments, 'Douglass [...] suggests that we each have a soul that transcends our body, and this soul maintains our humanity even when our body is in bondage'.⁵⁰⁶ Natural law, for Douglass, is implemented not through brute force, although force may at times be necessary, but by persuasion; he explores the skills of how to use speechmaking to urge his audience towards collective action.

Anna Julia Cooper

Cooper views natural law as based in the human longing for God, as creation moves toward greater actualization, in what she describes as 'the universal law of

⁵⁰² Lloyd, *Black Natural Law*, xiv.

⁵⁰³ Lloyd, *Black Natural Law*, 5.

⁵⁰⁴ Lloyd, *Black Natural Law*, 6.

⁵⁰⁵ Lloyd, *Black Natural Law*, 8.

⁵⁰⁶ Lloyd, *Black Natural Law*, 9.

development'.⁵⁰⁷ Human beings can choose, or not, whether to cooperate towards 'full knowledge and likeness of [the] Creator', however not to cooperate is to be in a 'kind of hell, forever separated from God'.⁵⁰⁸ God's law is 'God-given and inviolable', and happiness comes from 'participating in God, participating in, rather than inhibiting, the unfolding of nature and self'.⁵⁰⁹ Cooper identifies those social and political and economic norms that distort human nature, which although sanctioned by society, conflict with the higher law of God. Her analysis of all oppression rests on her commitment to natural law, which is motivated by a sense of human kinship and the 'Fatherhood of God'. She adopts the phrase 'universal courtesy' to describe the sense of treating neighbours as self, justly and mercifully, and with humility. 'Courtesy' says Lloyd, 'is a proper aspiration; its true meaning is respect for the image of God in others, and this is only possible when norms and laws that blemish this image have been removed'.⁵¹⁰ This involves 'the final triumph of all right over might, the supremacy of the moral forces of reason and justice and love in the government of the nation'.⁵¹¹

Lloyd comments that Cooper rejects 'theoretical symmetry and impregnable logic' in the discernment of natural law, in favour of a process for discerning what is right and what is wrong in the light of '*the fullness of a man*', which is understood as the image of God in humans, so 'the laws and norms of the day [...] are judged by whether they blemish or enhance this image of God'.⁵¹² Lloyd comments on her rejection of

⁵⁰⁷ Lloyd, *Black Natural Law*, 35.

⁵⁰⁸ Lloyd, *Black Natural Law*, 35.

⁵⁰⁹ Lloyd, *Black Natural Law*, 36.

⁵¹⁰ Lloyd, *Black Natural Law*, 46.

⁵¹¹ Lloyd, *Black Natural Law*, 46-7.

⁵¹² Lloyd, *Black Natural Law*, 47, original emphasis.

‘abstraction’: ‘Cooper is redirecting her readers from abstract moralizing to the concrete world. It is there, in the world, that the evidence must be accumulated to know whether a norm or law is right or wrong’⁵³ and such evidence is judged by the human capacity for reason and emotion, and with due regard for circumstances. For instance, Cooper advised that, during the second world war, campaigning for civil rights should be muted, and Lloyd remarks that ‘[t]his is the excellence, the nobility that Cooper embraces. It is not haughty but a practical awareness of the ways of the world and a belief that blacks and whites, women and men, and especially black women can excel. By excelling, they participate in the divine, participation that is contagious and may precipitate the eschaton’.⁵⁴

W. E. B. du Bois

du Bois brings a teleological dimension: the ‘great End’ discernible through experience, emotions and natural appetites, and the growth of ‘creative impulse, in thought and imagination’.⁵⁵ Du Bois’s concept is theistic, and the human soul marked by its capacity for self-sacrifice. Such sacrifice must be freely given, towards the cause of justice that is greater than any other pursuit. Lloyd comments that Du Bois is explicit about the ‘other worldly’ nature of such sacrifice: ‘the justice to be achieved through such sacrifice is not the justice of the reformist, fixing a law here and there. Rather, this is justice of a different order, a divine order, standing in judgment on worldly laws and social norms’.⁵⁶ Lloyd summarizes:

If natural law is ignored or if it is identified with the specific norms and laws of one particular world, the soul can never be at peace. Du Bois describes the suppression of the natural law as the loss of a soul. When the soul’s ineffability

⁵³ Lloyd, *Black Natural Law*, 47.

⁵⁴ Lloyd, *Black Natural Law*, 57.

⁵⁵ Lloyd, *Black Natural Law*, 65.

⁵⁶ Lloyd, *Black Natural Law*, 81.

is no longer recognized, it is as if it does not exist, as if all there is to humans is physical bodies. When faced with this possibility, a “great fear surges in your soul,” a fear unlike all others. This fear itself displays the soul’s capacities, displays what makes us distinctively human.⁵¹⁷

Martin Luther King Jr

Martin Luther King Jr ‘wrote and spoke explicitly about natural law many, many times’ offering both philosophical and practical accounts.⁵¹⁸ Unjust laws are when ‘the majority enforces a code on the minority which is not binding on itself’ or exclude minority groups from the process of formulating the law. Just laws show ‘respect for the dignity of the human personality’.⁵¹⁹ King maintained that unjust laws do not have binding force, and that there is a responsibility to oppose them, with a respect for the law in general, which means that protest should be targeted to have a dramatizing impact, which includes accepting the penalty dictated by the unjust law – a crucial part of the drama. The unwarranted suffering can be viewed as potentially redemptive: it ‘can call the soul out of its slumber, can unleash the natural instinct toward justice that is so often repressed’,⁵²⁰ resulting, hopefully, in a consensus that rescinds the law, importantly, through legal process.

a moral tradition in ruins

These are the aspects that the four leaders hold in common: their appeal to the theistic foundation of the natural law, a rich understanding of human nature that includes emotion and imagination with reason, the importance of common action towards amelioration of the good of all and a practical discernment of the political, social and economic circumstances that need to be taken into consideration when

⁵¹⁷ Lloyd, *Black Natural Law*, 82.

⁵¹⁸ Lloyd, *Black Natural Law*, 99.

⁵¹⁹ Lloyd, *Black Natural Law*, 99.

⁵²⁰ Lloyd, *Black Natural Law*, 100.

seeking the ends required. Human laws are to be judged just or unjust in accordance with divine law, discerned by whether laws degrade or respect the God-given dignity of the human person. Lloyd description locates each civil rights leader within the natural law tradition that Aquinas and Burke would recognized, where rights are attributed to humanity on the basis of the theistic foundation of civil law and order, where each person participates in society to fulfil the duties of belonging, living under the law that applies to all, without impunity, which offers the best protection of the vulnerable against the will to arbitrary power of those who exercise political and chattel slavery. Despite the challenges of secularism with its assumption of atheism, Lloyd argues that the black natural law tradition is ‘still widely present in African American culture’.⁵²¹ It is diverse, and no one approach should dominate, but it offers a rich tradition of ethical and political thought that can resource Black justice against institutional racism, for ‘[t]here is a higher law that trumps, and natural law theories provide an account of how to access that higher law’.⁵²²

Lloyd describes how the Black natural law tradition exemplified by these civil rights leaders fragmented in three directions: towards emotional, rational, or pragmatic political ends, leaving ‘a moral tradition in ruins’.⁵²³ He refuses to be pessimistic: faced with what he calls a racist legal system he commends considering again ‘what black natural law most centrally entails’, which he says is ‘ideology critique and social movement organizing’, as the necessary responses that ‘follow from proper reflection on human nature and its distortions’.⁵²⁴ He advocates ‘robust institutions’ within the black community ‘to cultivate right perception of natural law’, which put ‘front and

⁵²¹ Lloyd, *Black Natural Law*, 148.

⁵²² Lloyd, *Black Natural Law*, 150.

⁵²³ Lloyd, *Black Natural Law*, 143.

⁵²⁴ Lloyd, *Black Natural Law*, 146.

center the role of intergenerational transmission in cultivating such right perception'.⁵²⁵

What would Burke bring to this tradition? Agreement with the strong sense of the theistic base to the natural law – ‘the higher law that trumps’; also agreement that the imagination and emotion play a crucial part in the rational discernment of right from wrong. He, like Cooper, would question any turn to ‘abstraction’ or ideology, insisting, as she did, on the circumstances that shape discernment and response. He would be alert to ‘bad government’ and unjust laws, and the need to withdraw consent at injustice, though without breaking the law, as King insisted. The expression ‘institutional racism’ would be new to him, though there is evidence that he would quickly grasp its meaning, recognizing the fallibility of human institutions when they depart from the divine accountability to which they ultimately answer.

the systematic distortion, the institutional racism, of the legal systems

Burke lived in a time when there was no police force; he was critical, though, of the brutality of the military, used to quell the Gordon Riots, when anti-Catholic sentiment turned violent in June 1780. It is worth exploring Burke’s response.

Lord George Gordon, on behalf of the Protestant Association, had petitioned for the repeal of the Catholic Relief Act of 1778, stirring up a mob of 60,000 that rampaged through London. Burke was personally threatened and in real physical danger for his Catholic allegiances. He condemned the riots, which were subdued by the militia, but he also criticized the Government fiercely for not having prevented them, and, on the 10 July, when executions were carried out, including of children who had no idea as they rioted that what they were doing was a capital offence, he was ‘fully persuaded that a proper use of mercy would [...] recommend the wisdom and steadiness of

⁵²⁵ Lloyd, *Black Natural Law*, 146.

government'.⁵²⁶ Civil order was best re-established by merciful treatment of the rioters, understanding the issues, to the end that the consent of the people and the trust fundamental to civil order was re-established. Based on Burke's characteristic response to this incident it is fair to assume that had there been a police force in Burke's day, he would have rejected any use of incommensurate force and killing, beyond the reach of the law. He advocated listening to the grievances of the people, and for society to change and reform in the light of rational debate.

When Lloyd asks, '[w]hat, then, of the worry that the systemic violence of the American legal system leaves black natural law flummoxed because it presents no point of attack, no single law that can be compared unfavorably with natural law?'⁵²⁷ Bad law requires reform, as Burke had argued with regard to the plight of Irish Catholics suffering under the Penal Laws, which laws he declared void,⁵²⁸ and so he would concur as Lloyd argues that that the legal system is always accountable to the higher law.

ideology critique and social movement organizing

The challenge of America's racist legal system offers an opportunity to confirm and refine the black natural law tradition. Focusing on one or another law to be fixed tempts us to forget what is most basic in that tradition: ideology critique and social movement organizing. Confronting the racist legal system teaches blacks to look suspiciously on the wisdom of the world, to work together to build power, and to patiently wait until the right moment to rise up and destroy the demonic forces that hold more than a million of our black brothers and sisters in cages.⁵²⁹

⁵²⁶ W&S, III, 611.

⁵²⁷ Lloyd, *Black Natural Law*, 146.

⁵²⁸ W&S: IX, 594.

⁵²⁹ Lloyd, *Black Natural Law*, 147.

There are real resonances between Burke and the four civil rights leaders, but Lloyd's assertion of the need to 'build power [...] to rise up and destroy the demonic forces' might alert Burke's antennae as veering towards the revolutionary rhetoric he abhorred, towards 'abstractions' that Cooper would have rejected. He would also have argued, with all four of the civil rights leaders, that the law must be used to change bad laws. His own long legal battle to rescind the Irish Penal Codes is told in chapter seven below. More crucially, Burke would have questioned Lloyd's use of language, I think, particularly when Lloyd writes that the higher law is accessed through human nature. What is this 'human nature' that knows when the law errs? Burke would be unfamiliar with the term 'epistemic privilege', perhaps questioning any suggestion of abstraction or ideological gnosis. One can hear Burke's questions emerging as Lloyd writes:

We each know, by our own nature, that the law of the land errs. Through reflection on our human nature, we can determine which laws are unjust, in conflict with natural law. Such laws do not bind us. Blacks in America have been particularly aware of the injustice of certain laws; indeed, the black natural law tradition holds that blacks have an epistemic privilege, allowing for especially clear knowledge of the higher law because of the dehumanization they have faced. Aware that they are human and that the law of the land refuses to respect their humanity, generations of black Americans have discerned natural law and used it to challenge the law of the land.⁵³⁰

Lloyd's argument would be strengthened by making explicit the distinction that emerges through attention to Burke's understanding of 'rights'. As Insole explains, two alternative 'liberalisms' emerged in the eighteenth century with concomitant understandings of 'rights': that of a Kantian conception based on 'autonomy', and that of the older tradition to which Burke belonged, that saw them as heteronomous. Lloyd writes 'we *each* know, by our own nature, that the law of the land errs'. Does this 'each' denote autonomy, and so veer in a Kantian direction? Lloyd actually describes a more Burkean heteronomous reflection, where the traditions of religion are vital, in which

⁵³⁰ Lloyd, *Black Natural Law*, 150.

individuals belong within communities of faith. This is particularly important in a secular world, where religious wisdom is easily dismissed. Rather than the discernment of the autonomous individual, the judgement becomes a communal activity, by a human nature that is heteronomous. Burke would concur with Lloyd's view that:

It is a community's practices over time, supported by institutions. To be properly raised in a tradition is to become competent in that tradition's practices, to perform them naturally—as second nature. It is also to feel the right feelings, to value the right values, and to reason in the right way. Parents, teachers, and fellow community members help raise children (or immigrants or converts) into the tradition. So do exemplary performances of art, literature, and rhetoric. Such great works condense, affirm, and transmit a tradition's ethical substance. Those who deviate from their tradition are reprimanded because the tradition determines what is right, what one ought to do. We need not think of traditions as painfully claustrophobic. Traditions are dynamic, with some practices falling away and new practices developing. New histories shift the importance of different aspects of a tradition.⁵³¹

An argument can be made that the main reason for the collapse of natural law thinking in the last generation is the general assumption of atheism now made, which goes hand in hand with assumptions of the autonomy of human nature. By contrast, the theistic natural law of the four civil rights leaders was firmly heteronomous, and Insole's work provides further clarification that resources the re-emergence of the natural law tradition that Lloyd promotes.⁵³² Insole distinguishes between Burke's understanding of heteronomous 'right', and that of *Les Philosophes*, inspired by Kant, and which can be termed 'autonomous'. Each belongs, as Insole argues, to different conceptions of liberalism that emerged in the eighteenth century, indicating a profound metaphysical distinction that plays out today, with the 'autonomous' tradition predominant.

⁵³¹ Lloyd, *Black Natural Law*, 154.

⁵³² Insole, 'Two Conceptions'.

Rights: heteronomous, or autonomous?

We have seen how, for Burke, what he called *real* rights always belong within communities of belonging: they are heteronomous, such that human accountability extends to others and to God, the ultimate 'Other'. Human nature is not 'autonomous', with a sense of the law being intrinsic to the individual. Insole describes the distinction between two conceptions of liberal, and therefore two conceptions of 'rights', thus:

The denial of transcendence occurs at the fulcrum of the system: the demand for autonomy, which means precisely giving oneself (autos) the law (nomos). Inasmuch as I am free, Kant insists, I must not be governed by anything external: desires, authority, revelation, God, or any external morality. All of these would be examples of heteronomy. [...] This, we note, is, structurally speaking, the traditional question raised about the nature of divine freedom, but now re-played for the benefit of the human being. [...] Divine freedom must be autonomous; and only divine freedom, for the theologian, can be this. If God is the creator and sovereign, nothing external to God could constitute a purpose for God, moral or otherwise. [...] Only the being who enjoys such simplicity, rendering reason and will identical, can strive for autonomy, and only this being can conform to a law that is rendered necessary by the being's own universal reason.⁵³³

The anthropological turn towards human nature as autonomous ultimately writes God out of the equation altogether – and it is here, I would suggest, that the prime reason for the collapse of the Black natural law tradition, as Lloyd describes it, can be discerned: to the rejection of the theistic foundation and heteronomous understanding of rights, in favour of an increasingly humanist and constructivist direction, informed by the assumption of atheism, and autonomous humanity, taken since the time of the civil rights leaders.

That humanist and constructivist ground can be seen as Morrow concludes her article with the words, '[i]t would take a much later generation, one perhaps not as

⁵³³ Insole, 'Two Conceptions', 460.

enamoured with the virtues of order and balance but more dedicated to humanitarian principles, to produce a literature that effectively and passionately attacked the practice of chattel slavery'. She adds that 'the literature of the period demonstrates [that] the dictates of reason, logic, balance, order and compromise were ineffectual tools for writers who may have wanted to forge an abolitionist ideology'.⁵³⁴ With such words she dismisses the natural law tradition to which Burke belonged, bringing us to the hub of the argument here. Morrow's advocacy of 'humanitarian principles' over 'the virtues of order and balance' suggests the theo-philosophical distinction that lies behind the two conceptions of liberalism. Insole says 'this can happen even with a theistic thinker such as Grotius',⁵³⁵ and it is here that further exploration of how 'natural law' is understood becomes important. When Lloyd claims that the natural law tradition draws from several different strands, including Grotius, he broadens out the tradition into territory that may ultimately weaken it, by drawing on conceptions of 'natural law' that deny a theistic foundation in favour of a 'humanitarian' one. It was Burke's genius to discern and resist the undermining of the theistic grounds of natural law that he saw at work with the French revolutionaries, with their 'abstract' rights that are arrived at by empirical observation and deductive reasoning. The distinction sharpens in the light of Lloyd's perception of the collapse of the natural law tradition in contemporary times.

Abstract or *real* rights

Insole shows how Kant's principles of autonomy, right, and rationality resonated with the *Zeitgeist* of the revolution in France, and wonders if Burke's remarks, made in 1790, that when framing 'the constitution of a state', it was no good 'to call in the aid of [...] the professor of metaphysics', were targeted at Kant. Burke's critique of the notion

⁵³⁴ Morrow, *Problem of slavery*, 252, 253.

⁵³⁵ Insole, 'Two Conceptions', 458.

of abstract rights was also a rejection of the ‘geometrical’ method in morals, by which they were conceived as *a priori*, universal, certain, and applied to a self-sufficient and voluntaristic, autonomous subject. Insole continues, that for Burke:

Such a notion fails to address the complexity and imperfection of human affairs, and fails to grasp the extent to which our “nature” is richly saturated with custom, history, and artifice – an insight that is completely in line with the scholastic natural law tradition. Burke skilfully dwells on the image of light and geometrically straight lines – notions guaranteed to evoke good cheer in the “enlightened age” – when writing that “these metaphysic rights entering into common life, like rays of light into a dense medium, are, by the laws of nature, refracted from their straight line.”⁵³⁶

Burke holds a complex and rich understanding of ‘natural right’ – as Insole says; for him, ‘the real laws of nature must encounter the full stretch of our created natures, the “gross and complicated mass of human passions and concerns.”’ Vincent Lloyd would find resonance here, as he argues for an understanding and living of natural law traditions that are ‘thick’ in this way. He commends the way African Americans have their own tradition of ethical and political reflection that ‘places particular emphasis on the role of emotion in discerning natural law, a theme often neglected in European and Catholic natural law traditions’⁵³⁷ – though, as we see with Burke, writing within a Thomist Catholic natural law tradition, emotion and rich human experience are fully honoured. Lloyd continues that black natural law gets it right, and offers the best way to approach politics, not just for blacks but for everyone, for it ‘appreciates the mix of reason, emotion, and imagination that makes up our humanity’. The natural law tradition he invokes is not individualistic, but emerges in communities, in social movement organizing, and so is heteronomous. Not only that, but Lloyd says that those adopting Black natural law must begin with careful attention to specific circumstances. Tracing the Burkean themes within the four civil rights leaders would

⁵³⁶ Insole, ‘Two Conceptions’, 479.

⁵³⁷ Lloyd, *Black Natural Law*, ix.

strengthen Black natural law today, for Burke's fervent insistence that the natural law tradition is an inheritance that is not constructed, but received, shaping humanity under a higher law, embracing and enhancing the fullness of humanity in all its complexity and heteronomy, can be distinguished from the understanding of 'natural law' that springs from humanistic principles, geometric formulaic codes and rules. How human rights look, when based on the 'abstractions' of humanism – the Rights of Men – rather than as the *real* rights as Burke conceived them, plays out in interesting ways.

they still belong to the civilized world

Hannah Arendt, as she considers the origins of totalitarianism, makes interesting reference to Burke's understanding of rights.⁵³⁸ Initially it seems she is negative, understanding him to be nationalistic and racist as he contrasts 'the rights of Englishmen' with 'the Rights of Men'. Then she cites Disraeli's reading of Burke's response, in 1781, to Rodney's plunder of the Dutch island of St Eustatius⁵³⁹ and particular target of Jewish merchants and their property. Burke argued that the stateless Jews had the right of the protection of the law of nations, 'the great ligament of mankind',⁵⁴⁰ a law 'as firm, as clear, as manifest, as obligatory, as indispensable' as 'the laws of Britain' itself.⁵⁴¹ Arendt makes this distinction powerfully as she considers human beings who lose their political status (indeed, everything) as survivors of extermination camps, for 'the abstract nakedness of being nothing but human was their greatest danger':

⁵³⁸ Hannah Arendt, *The Origins of Totalitarianism* (London: Penguin Random House, [1951], 2017), 90.

⁵³⁹ W&S, IV, 73-74.

⁵⁴⁰ W&S, IX, 240.

⁵⁴¹ W&S, IV, 78-79.

Because of it they were regarded as savages and, afraid that they might end by being considered beasts, they insisted on their nationality, the last sign of their former citizenship, as their only remaining and recognized tie with humanity. Their distrust of natural, their preference for national, rights, comes precisely from their realization that natural rights are granted even to savages. [...] Only their past with its 'entailed inheritance' seems to attest to the fact that they still belong to the civilized world. [...] Burke's arguments therefore gain an added significance if we look only at the general human condition of those who have been forced out of all political communities.⁵⁴²

Burke's conviction that the 'rights' conferred by nationality were primary, bestowing political belonging in ways very different to the abstraction of 'the rights of man', is given persuasive force here by Arendt's experience of and reflections on totalitarianism.

distributive and attributive justice

To understand the distinction between abstract and real right further, based on the underlying different conceptions of liberalism that spring from Kant and Burke, Oliver O'Donovan and Joan Lockwood O'Donovan's work on distributive and attributive justice helps, as Insole elaborates.⁵⁴³ *Distributive* justice, they argue, depends on an understanding of the entitlement such that goods are equally distributed between 'equally entitled agents'.⁵⁴⁴ This Insole argues 'exactly fits' with Kant's account of political rights, accorded geometric precision:

The exactness of the right angle formed between the lines is seen to be a direct analogy for the proper and exact equality that should exist between rational subjects, as "the perpendicular line which forms a right angle will not incline more to one side than to the other, and will divide the area on either side of it into two equal parts. By this analogy, the theory of right will also seek an

⁵⁴² Arendt, *Origins*, 392-93.

⁵⁴³ Insole, 'Two Conceptions', 48off.

⁵⁴⁴ See O'Donovan and Lockwood O'Donovan, *Bonds of Imperfection: Christian Politics, Past and Present*, (Grand Rapids, MI: Wm B Eerdmans Publishing Co, 2004), 12-14, 167-203.

assurance that each individual receives (with mathematical precision) *what is his due*."⁵⁴⁵

He continues to elaborate the contrast: the O'Donovans argue an *attributive* understanding of justice is 'a 'potential' rather than 'actual' moral power to have or to do something. Insole draws out the correspondence with Burke:

When judging the "fitness of persons to actions or things," what is required is not a competitive chorus of equally entitled demands (along the lines of Burke's "abstract rights"), but "a knowledge of the personal qualifications relevant to the concrete "business at hand"". In a statement deeply reminiscent of Burke, the O'Donovans comment that "what attributive justice requires is a prudential and social judgement that grasps the variety of human actions and enterprises, and the virtues and capabilities they need, while rejecting all attempts to render social goods commensurable, or to achieve uniformity of criteria by applying restrictive concepts of personal merit or worth, egalitarian or not". Relating this to the Thomistic scheme, we can see that what is fitting is to be ordered to the eternal law so that good should flourish, and accordingly the demands of justice are to be discerned in each instance through the use of prudence.⁵⁴⁶

Insole understands the meaning of Burke's claim that in the 'partnership' that is 'civil society [...] all men have equal rights; but not to equal things', that this is not a proprietorial distributive entitlement, but the right to 'do justice' – to enjoy the liberty to fulfil the duties of belonging under the rule of law. He comments that:

The only synonym for "right" that works here is "fitness"; people have a fitness (a potential) to live by the law and to do justice. They also have a "right to the fruits of their industry ... to the means of making their industry fruitful ... to the acquisitions of their parents; to the nourishment and improvement of their offspring; to instruction in life, and to consolation in death."⁵⁴⁷

Burke's *Sketch for a Negro Code* belongs within this tradition: slaves have rights attributed to them as human beings living in society under the law, each according to

⁵⁴⁵ Insole, 'Two Conceptions', 480, original emphasis.

⁵⁴⁶ Insole, 'Two Conceptions', 480-81.

⁵⁴⁷ Insole, 'Two Conceptions', 481.

their potential to contribute. This is not the geometric levelling of all as the same, but a much more nuanced sense of each person as giving and receiving in accordance with human capacity and need. Insole says that Burke:

is emphatic that rights are related to needs, historically ordered and evolved within a providential creation, such that “government is a contrivance of human wisdom to provide for human wants.” Not every possible want is an abstract right, for “by having a right to every thing they want every thing”; rather, only genuine human needs enjoy the status of rights, such as, for instance, our need to have “a sufficient restraint” upon our “passions.” We should be very clear here. It is for Burke our *right* that we do justice, obey the law, and have our passions restrained, which is to say, it is our created need for which we are fitted. There can be “no right inconsistent with virtue” and “no right to what is not reasonable.”⁵⁴⁸

Burke embodies a tradition of thinking about rights objectively rather than subjectively – rights are not entitlements belonging to an autonomous subject as if a property, but rather are the rights and duties that come from belonging in society. Insole concludes, drawing out the consequences of this difference between subjective/distributive/autonomous and objective/attributional/heteronomous rights:

An influential critique tends to trace the demise of the notion of objective rights from the late medieval period onward, and to find only subjective rights at work in the liberal tradition of reflection on rights. Such a subjective conception is regarded as pernicious, in that it tends to degenerate into the competitive assertion of increasingly spurious entitlement claims, the demands of which could never all be met, being as they are intrinsically conflictual and materially impossible to meet. The suggestion is that in liberalism, where such a subjective conception of rights is dominant, the business of government is conceived of as little more than the management of and negotiation between rival interest groups, competing for limited resources in terms of their rights, their spurious and abstract entitlements to a range of material, intellectual, and cultural goods. Whatever one makes of Burke, and whatever one makes of contemporary liberalism, it should be conceded that here – in the late eighteenth century, in a thinker central to the liberal tradition – is a notion of

⁵⁴⁸ Insole, ‘Two Conceptions’, 481.

objective right and attributive justice, rooted in a doctrine of creation, rather than a doctrine of collective or individual autonomy.⁵⁴⁹

To embrace Burke's Christian Platonism is to contemplate a solid base for any natural law thinking today, such as Lloyd found in the civil rights leaders that exemplified the Black natural law tradition. The question here is whether the autonomy, voluntarism and anti-realism of the (dominant) liberal tradition that gives us 'humanitarian principles' is more salient than the tradition that Burke embodied, with its sense of 'heteronomy', that locates the law in the other, and particularly in the Other that is divine providence. To be consistent with Burke's thinking is to argue that the 'humanitarian principles' that espouse autonomy, voluntarism and anti-realism lead to a constructivist relativism that is unable to provide sufficient moral foundation to counter the inventiveness of wickedness. Moreover, the 'Kantian' tradition of liberalism could also be understood to birth a propensity to collective autonomy, that polarizes society into tribes of 'us' and 'them', and the very different sort of belonging of identity politics, that sees no further than the kinship group of 'people like us', that does not stretch beyond into a sense of the common good of all, to protect the liberties and rights that belong to all, regardless of distinction. As Naím comments, 'identity politics is always the handmaiden of polarization.'⁵⁵⁰

Vincent Lloyd's identification of the dissolution of the civil rights movement might indicate the need for a reappraisal of the Christian Platonist tradition to which Burke belonged. That Burke's *real* rights are heteronomous makes civil law and order about building up the common good of the whole of society, with the recognition of the theistic basis to morality – rather than a Kantian autonomy which entails the defence of an ever more finely differentiated and geometric 'rights' distributed to the atomistic individual. Burke's *real* rights, as the commitment to the duties of belonging and

⁵⁴⁹ Insole, 'Two Conceptions', 482.

⁵⁵⁰ Naím, *Revenge*, 75.

public service, rather than the exercise of the will to power, offers, arguably, the best support for those who seek to counter the injustices of slavery today, ‘to do good and resist evil’.

an ideology of the white male gaze

Armstrong investigates Burke’s understanding of prejudice in *Philosophical Enquiry*, to argue that ‘Burke’s “sublime” offers an early instance of the use of aesthetic categories to distinguish racial and gender-based characteristics’. She comment that:

Burke’s categorization of black as terrible *in itself (by nature)* may be interpreted, in this example, as an attempt to control the significance of the black and the feminine for the masculine gaze, by asserting that this reaction is natural and unavoidable.⁵⁵¹

Armstrong claims that Burke’s aesthetic had a profound ideological influence on Kant’s *Observations on the Feeling of the Beautiful and Sublime* of 1763, where ‘Kant [...] extends Burke’s inchoate references to the “effects of blackness” and peoples of “duskiest complexions” to an elaborate typing of national characteristics according to the propensity of different national subjects for beautiful and sublime feelings’:

Kant will, from these amazingly homogeneous dispositions for aesthetic experience (one would think there were more varieties of feeling than the pleasure and pain associated only with the beautiful and three kinds of sublime), sort through melancholics, phlegmatics, choleric, females, males, Italians, Germans, Englishmen, and Indians. One might regard the *Observations* as a classificatory chart of all the impure aesthetic judgments, those tainted with material or other interests as well as the perceptual and corporeal matrices provided by cultural constructions of gender, race, and nation.⁵⁵²

⁵⁵¹ Armstrong, ‘Effects’, 220, original emphasis.

⁵⁵² Armstrong, ‘Effects’, 221.

It can be argued that Kant went where Burke did not go and would not have gone. Burke adhered to a metaphysical basis that contrasted fundamentally with that of Kant, as we have seen, and he would not have essentialized prejudice into abstract ideology and geometric distinctions. Rather, his understanding of prejudice, as a universal human propensity, led him in an Aristotelian direction – that prejudices must be trained into virtue, and that the law is there to guard against discrimination. Civil order, based in law, should both protect the liberties of the people and enable the natural prejudice that all experience to be shaped towards virtue and the common good, within a commitment to the universal *real* rights of humanity. Burke's *Sketch for a Negro Code* is evidence that far from essentializing racial difference into ideology, he held that all human beings have rights under the law, with ultimate accountability to 'the Supreme Ruler'.⁵⁵³

Prejudice and discrimination

Burke was resolute that the law was there for real purpose and that it must be upheld with probity and integrity, as accountable to the higher law of God. It must, however, be trustworthy in its application. He had a keen sense of the vulnerability of legal systems to innate human prejudice. Commenting on the power of the Habeas Corpus Act, which, in 1772, was applied to the slave James Somerset who, landing on English soil, was released from slavery by Lord Mansfield, Burke wrote:

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 [...] 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. [...] There is no equality among us; we are not fellow-citizens, if

⁵⁵³ W&S, III, 309.

the mariner who lands on the quay does not rest on firm legal ground, as the merchant.⁵⁵⁴

Equality before the law as a right of every citizen also entailed a sense of discipline in its application: the magistrate might succumb to prejudice without the correction of the law. Prejudice was natural and innate, but required either checking within the law if it resulted in discriminatory behaviour, or, preferably, training towards virtue. He would not have journeyed with Kant towards categorization based on distinction, rather, in *Enquiry* Burke can be understood as helping his reader to recognize how prejudice can excite terror, or stir love, so to enable discernment of our prejudices so we are not slaves to the passions of will. Recognizing a sense of terror at the first sight of a black woman was to take a step into the self-awareness of prejudice, then towards virtue, rather than discrimination. Armstrong recognizes that Burke moves in this direction in part IV of *Enquiry*, where ‘Burke describes an education of the mind through bodily experiences of various passions; working sometimes from very simple physiological observations, the training of the eye becomes an ordering of passion and the subordination of crude reactions to the discipline of proper aesthetic appreciation.’⁵⁵⁵ To attribute to Burke an essentialized aesthetic gaze that consolidates into discrimination, either external or internalized, is to ignore his hatred of abstraction, and also to overlook the importance he gives to the Aristotelian training of the passions and prejudices towards virtue, in a world where Black slaves should receive an education, and all are equal under the law.

Their passions forge their fetters

Without such training of prejudice, and passion, the human person is liable to succumb to the temptations of arbitrary power. Burke wrote, towards the end of his

⁵⁵⁴ W&S, III, 297.

⁵⁵⁵ Armstrong, ‘Effects’, 227.

life, of the necessity of the law, particularly when there were little or no internal checks:

Men are qualified for civil liberty, in exact proportion to their disposition to put moral chains upon their own appetites; in proportion as their love to justice is above their rapacity; in proportion as their soundness and sobriety of understanding is above their vanity and presumption; in proportion as they are more disposed to listen to the counsels of the wise and good, in preference to the flattery of knaves. Society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things, that men of intemperate minds cannot be free. Their passions forge their fetters.⁵⁵⁶

Law and order is external restraint against the exercise of arbitrary power. What, then, when the institutions of the state are themselves unjust? Is civil protest justified?

Burke argued that the withdrawal of consent was necessary, and indeed it was a duty and responsibility, when a government failed to respect or protect, or even attacked the natural liberties, rights and properties of its citizens. So what of the protests of the Black Lives Matter movement following the killing of George Floyd in May 2020 that toppled his companion of over a century into Bristol harbour? Was this justified?

What of the arbitrary exercise of power of police officers who believed themselves to be immune from prosecution under the law as they murdered George Floyd? Or the national leadership of President Donald Trump who used the slogan 'law and order' to further his own powers?

I am your president of law and order!

On 1st June 2020 in Lafayette Square, Washington DC, Donald Trump emerged from the White House, where he had secluded himself from the widespread revolt at the death of George Floyd, to declare, "I am your president of law and order!" Lexington of *The Economist* wrote:

⁵⁵⁶ W&S, VIII, 332.

The self-regarding havoc he unleashed in Lafayette Square this week launched his effort to bridge the gap [between his approval rating and the percentage of the vote he needs to win the Presidential election in November]. The administration sent riot police to charge a crowd of peaceful protesters and journalists there in order to clear a path for Mr Trump to be photographed grimly unsmiling, holding a Bible outside a riot-damaged church. The scene took your columnist back to distant assignments in Jakarta and Kinshasa. The administration's subsequent effort to disperse the bruised and angry remnants of the crowd with the downdraught from a low-flying helicopter took him back to Baghdad. It was deplorable state thuggery. Yet so long as Mr Trump can point to violence by the protesters, of which there has been plenty, including widespread looting and the wounding of four policemen in St Louis, such made-for-TV strongman tactics could work for him. On Fox News that same night, Tucker Carlson, a privileged Washingtonian with a nose for white anxiety, castigated the president for his "weakness" against the "mob".⁵⁵⁷

Trump assumed that calling for 'law and order' would deliver him votes, as it had done to Richard Nixon in 1968 and Ronald Reagan in 1981.⁵⁵⁸ The cynical appropriation of the expression by Right wing political leaders as a slogan of repression undermines its essential meaning and value as a natural right that citizens should enjoy, guarding them against the use of arbitrary power. This incident also would have earned Burke's castigation for the way the right to peaceful protest was attacked by riot police. The role of the media is also worthy of attention: the Lafayette Square protest was taken as a media opportunity. The undermining of civil order raises a number of key issues that would have brought Burke to his feet in the House.

⁵⁵⁷ The Economist, 6-9 June 2020, 34.

⁵⁵⁸ See A. Hodges, and G. Cipponeri, 'How the "Law and Order" Trope Individualizes Racism and Inverts Racial Vulnerability. Colorado Research in Linguistics', 2021, 25. <https://doi.org/10.33011/cril.v25i.1349> (accessed 01/09/2023) where the authors argue 'the discourse spawned by the "law and order" trope reinscribes key assumptions about racism, dismisses calls for racial justice, and perpetuates the racial status quo — thereby posing a substantial barrier to changing the policies and practices that lead to racial inequities in policing.' (abstract)

The right to resist

In May 1794 Burke argued that the Indian people of Benares should rebel against the treatment of Raja Chait Singh at the hands of Warren Hastings:

I do not say here upon what occasion people may or may not resist. But surely, if ever there was an occasion on which people from every tie of love to their Sovereign and regard to their Country might take up arms, it was this [...] The man made every offer of submission before War. He was in prison. He never refused or denied him any thing. He had laid his turban in his lap.⁵⁵⁹

Bourke comments that:

A close examination of Burke's writings after 1790 shows that he did not suddenly abandon this commitment with the advent of Revolution in France, but instead specified the conditions on which an appeal to such rights could be made, and elucidated the civil entitlements which the rights of nature in fact prescribed. "Far am I from denying," Burke declared in the *Reflections*, the "real rights of men." As his response to the Benares episode two years earlier showed, he certainly meant what he said.⁵⁶⁰

When the government violates the trust invested in it by its citizens, it loses authority, and Burke argued that then the citizens have the right to withdraw their consent and a duty to resist. Bourke points out that '[s]trikingly, just under two years before the appearance of the *Reflections* in print, Burke was underlining the duty of resistance in the name of the rights of man'.⁵⁶¹ When suffering injustice, the people have a right to expect legitimate government to reform in response to the identification of corruption or error, 'without a decomposition of the whole civil and political mass' such as the French Revolution wrought. It had turned over legitimate constitutional authority –

⁵⁵⁹ W&S, VII, 323.

⁵⁶⁰ Bourke, *Empire*, 665.

⁵⁶¹ Bourke, *Empire*, 629.

vested not only in the monarch, but in the army, and the church and all the institutions of society – which was very different:

They have found their punishment in their success. Laws overturned; tribunals subverted; industry without vigour; 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; every thing human and divine sacrificed to the idol of public credit, and national bankruptcy the consequence.⁵⁶²

Resistance is not revolution, but in the name of civil order, is justified when the exercise of arbitrary power threatens the health of the body politic. This gives some indication how Burke would have responded to the civil disorder occasioned by the killing of George Floyd and the global repercussions of protest against police brutality. It suggests how he would have responded to those who believe themselves to be above the law, from whose lips ‘law and order’ falls as a politicized slogan. Contemporary endemic institutional prejudice, with its roots in historic slavery, constitutes a failing in legitimate governance allowing those with arbitrary will to power – whether president or policeman – to act with impunity.

Burke opposed the slavery and the slave trade of his day in the name of doing justice under a universal law of nations, there to protect the life and liberties, property and rights of the people against arbitrary power, whoever wields it. That law of nations – ‘as firm, as clear, as manifest, as obligatory, as indispensable’ – was the expression of the eternal immutable universal divine order of things. In his Speech on the Opening of Impeachment in February 1788, Burke argued that the trust between state and people is a sacred trust, and legitimate authority can only be exercised by winning popular consent. As Bourke explains:

All “power,” Burke contended, “is of God.” In this spirit, Burke claimed that law did not arise from merely human “institutions”, from contingent “conventions” based on circumstantial needs. Such conventions did indeed develop in order

⁵⁶² W&S, VIII, 89-90.

to satisfy human needs, but they nonetheless remained answerable to “one great, immutable, pre-existent law, prior to all our devices, and prior to all our conventions, paramount to our very being itself, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir.”⁵⁶³

Am I not a man and a brother?

Charles James Fox and Edmund Burke, the story goes, walked into Mrs Humphrey’s print shop in St James’s Street, whose window displayed a severe attack on the Irishman. “My friend here, Mr Burke,” said Fox, “is going to trounce you all with a vengeance.” “No, no, my good lady,” protested Burke, “I intend to do no such thing. Were I to prosecute you, it would be the making of your fortune.”⁵⁶⁴

Lexington, in the passage from *The Economist* quoted above, draws attention to the role of the media, exemplifying the investigative journalism that is essential to the health of the body politic. In Burke’s time the power of the press had already emerged to mould public opinion and protest, used to good effect by The Society for the Abolition of the Slave Trade, founded in May 1787. Alongside other campaigning activities, the society had Josiah Wedgwood create a medallion that depicted a slave in chains with the slogan, ‘Am I not a man and a brother?’ Thomas Clarkson wrote:

ladies wore them in bracelets, and others had them fitted up in an ornamental manner as pins for their hair. At length the taste for wearing them became general, and thus fashion, which usually confines itself to worthless things, was seen for once in the honourable office of promoting the cause of justice, humanity and freedom.⁵⁶⁵

⁵⁶³ Bourke, *Empire*, 667, quoting W&S, VI, 350.

⁵⁶⁴ Robinson, *Burke*, 1.

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<https://web.archive.org/web/20090311010318/http://www.spartacus.schoolnet.co.uk/REwedgwood.htm>
[accessed 25/06/2020].

The design became very popular, an image that served to galvanize popular opinion, perhaps the first medallion to serve a political cause.⁵⁶⁶

The press and media are an intrinsic part of civil society today, with wide influence to communicate across the world by stirring image and word, including the phenomenon of ‘fake news’ which indicates the malleability and potential for ideological manipulation. The independence of the press faces unprecedented threat to its vital role to build up the body politic by identifying wrong and injustice, as it undergoes major transitions in current times not least around issues such as ownership and freedom of voice, power of regulation, and the impact of ‘social’ media, threatening traditions of independence and critique of power. As the power of the image assumes greater predominance, ‘fake news’ media coverage can be utilized by those exercising arbitrary power to their advantage – as Trump’s staged media performance in Lafayette Square attests. The role of social media in May 2020 was also crucial to stir the protests that followed, when nine minutes of footage was globally distributed, of a white police officer choking Floyd as he pleaded for breath, despite the alarm of the crowd, the lack of alarm of watching police colleagues. Caught on camera, Derek Chauvin looked directly at the lens, confident that his actions would not be condemned under the protection of ‘qualified immunity’. The brutality of the incident spoke to millions around the world who had suffered at the hands of police officers who assumed impunity. There were protests in many major cities, and the toppling of statues of figures of the past who were implicated in the slave trade. The Press: a power for good or ill, it seems; as Burke himself knew. The key question he would ask is to what end is the media employed? The strengthening of a civil society that treats

⁵⁶⁶ The Victoria and Albert Museum catalogue description:

<http://collections.vam.ac.uk/item/O79580/medallion-hackwood-william/> [accessed 25/06/2020].

all as equal before the law; or the arbitrary power of those seeking self-aggrandizement?

Conclusion

A clear conclusion can be drawn that Burke would argue that law and order are essential; that they reflect the universal humane law of nations that should operate regardless of race or creed, enabling the protection of the rights and liberties of all who belong within the universal body politic. 'Law and order' are not the tools of the rich and powerful in their desire to further their own interests, but should target any who exercise arbitrary power, who believe themselves to be above the law, in service of the civil order that protect the rights and liberties of citizens.

This chapter has considered 'civil order' on the basis of a careful reading of Burke's writings and speeches, suggesting how he might have responded to the heritage of institutional racism and brutality today, with its long roots into the slavery of the eighteenth century. We have considered how the U.S. President Trump intensified division to his own advantage. Protest against his exercise of arbitrary power would have been justified in Burke's eyes, provided that the protests held the moral ground – as Martin Luther King Jr and other Black natural law thinkers argued. Trump's cynical appropriation of 'religion' – standing outside a riot-damaged church, waving a Bible aloft – would have been condemned by Burke, for religion had a positive role to play in developing moral and civil order. The ambivalent use of the media to stir polarization, to promote post-truth in the service of populist autocrats, and yet its power to investigate injustice to the end of building the common good, would have been understood by Burke.

Burke's analysis of power was consistent throughout his career. He condemned the arbitrary power of any – nation, individual, trading company, autocrat – that enslaved and harried peoples, depriving them of their civil rights under law, on the firm principle, consistent through his life, that the consent of the people was essential to the legitimate authority of the state. When that consent and trust was violated, the

people had the right and duty to protest, but that violence to life and property undermined the protest if it went beyond the rule of law, for then it too became an exercise of arbitrary power, compounding the evil.

Burke understood how deeply discrimination damaged and enslaved; how its evil was to be resisted for the sake of a dynamic, ordered whole that reflected the divine, immutable, universal law that enabled orderly social existence. He believed in rational debate and decision-making that responded to popular opinion, though was not dominated by it, particularly where injustice must be challenged and put right. Burke offers an analysis of arbitrary ideological power that can sweep all away in the chaotic march to anarchy; and its contrast, a vision of society based on heteronomous trust and consent. In Burke's ordered society, civil order is sustained when the rule of law matters to protect the lives, rights, property and liberties of all, and where the people have the right and duty to protest if good government is jeopardized by the exercise of arbitrary power, that disregards the checks to power of the constitution and rule of law.

Enslavement – chattel, or political – is against the one great, immutable, pre-existent law. Burke expressed his opposition on many occasions. In 1773 he captured how contrary slavery was to a life lived in liberty; it is, he said, 'living under will, not under law.'⁵⁶⁷ It is likely, I suppose, that Burke's long conversations with Colston would have begun and ended with this sentiment. Colston's inability to concur sealed his watery fate.

⁵⁶⁷ W&S, II, 383.

Chapter Five: Social Order

Introduction

In her analysis of what she calls the third modernity of surveillance capitalism, Shoshana Zuboff writes of two former modernities, the first of which suppressed the individual, in the second, ‘the self is all we have’, where we learn through trial and error to ‘stitch together our lives’, and in which:

Nothing is given. Everything must be reviewed, renegotiated, and reconstructed on the terms that make sense to us: family, religion, sex, gender, morality, marriage, community, love, nature, social connections, political participation, career, food [...] So profound is this phenomenon that one can say without exaggeration that the individual as the author of his or her own life is the protagonist of our age, whether we experience this fact as emancipation or affliction.⁵⁶⁸

She argues that humanity is undergoing a revolution in social order, a revolution that is deeply ambivalent for humanity as the power of globalized high-tech companies shape lives and desires, harvesting data as the raw material for profit, with inadequate regulation from governmental institutions, either nationally or globally. Sociality is ordered not least by economic drivers, and this chapter will investigate how Burke, at the end of the eighteenth century, (also on the brink of a socio-economic revolution) understood such drivers as he engaged with the great impact of the East India Company and its aggressive pursuit of profit. Should the independence of this Company-state be curtailed? How might its arbitrary power be regulated? If it were by

⁵⁶⁸ Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (London: Profile Books, 2019), 36.

Parliament, would this be the assertion of a Hobbesian monistic sovereignty that closed down independent institutions?⁵⁶⁹

The complex relationship between economics and politics emerges here, and the question of what ultimately creates and regulates society. One of the preconditions of surveillance capitalism was the neoliberalism of Hayek, who influenced politicians in the 1980s and 90s, claiming that Adam Smith's 'hidden hand' of the market required no intervention from governments, that the market would self-regulate for the common good of society. Burke, in 1795, addressed the question of whether, how and when governments should or should not intervene in response to economic circumstances, writing, in haste, some *Thoughts and Details on Scarcity*. This text has had a considerable impact on subsequent economic thought, and is often seen in a direct trajectory that links Burke to Hayek. This common assumption, which emerges in Gregory Collins' comprehensive examination of Burke's economic theory,⁵⁷⁰ will be explored, with the conclusion that there were other principles that motivated Burke throughout his life, principally his over-riding antipathy to arbitrary power – including economic drivers – that threatens the responsibilities of good government to ensure civil liberties, social stability and generational continuity. Such arbitrary power he saw exercised in the East India Company.

William Dalrymple has likened the inordinate power of the East India Company to that of big tech companies today. Burke devoted significant years to the question of how to regulate the Company, ultimately with no direct success. The regulation of

⁵⁶⁹ The independence of corporations and guilds over against the State has been explored by William T Cavanaugh in *Avis, Figgis*, chapter 11, 'The Road not Taken: Figgis, Subsidiarity and Catholic Social Teaching', where he argues that Figgis held the view that in a pluralist society, authority belonged with the association primarily, in contrast to the 'top-down' subsidiarity that left authority with the State. This question vexed Burke as he came to the conclusion that the East India Company was incapable of self-regulation.

⁵⁷⁰ Collins, *Commerce*.

surveillance capitalism today concerns Zuboff. What sort of institution – national, and international – might offer such control, that society is strengthened and not threatened by the power of profit? Then there are other barely-known impacts of the technologies of today, that resonate with what Matthew Crawford describes as ‘the world beyond your head’,⁵⁷¹ – perhaps an interesting definition of contemporary Gnosticism. How might reading Burke today enrich what ‘society’ is and means? It will be suggested that his Christian Platonism offers a sense of ultimate connection and ‘embeddedness’ that enables human flourishing within a society ordered towards the common good, where individuals find their place in communities of face-to-face interaction, motivated not by the will to power, but by the duties of belonging.

The Bain/Oakley/Whitehead distinction between ‘imposed’ and ‘immanent’ order is helpful, framing things as ‘constructed’ or ‘given’. Is the only option, philosophically, the one that Zuboff suggests that ‘nothing is given’, suggesting an essential void at the heart of things? Or is another socio-political imaginary possible, such as Burke believed, that humanity exists within a matrix of givens that creates society with bonds and contracts that hold people together? This is not the temporary social contract of Rousseau, and Paine, but the givenness and embeddedness of social relations in a universe providentially ordered towards its ultimate telos. Theologically, this resonates with Hooker, who described ‘sociality’ as reflecting divine order:

So likewise another law there is, which toucheth them as they are sociable partes united into one bodie, a lawe which bindeth them each to serve unto others good, and all to preferre the good of the whole before whatsoever their own particular, as we plainly see they doe, when things naturall in that regard forget their ordinary naturall woont, that which is heavie mounting sometime upwardes of its owne accord, and forsaking the centre of the earth, which to it selfe is most naturall, even as if it did heare it selfe commaunded to let goe the

⁵⁷¹ Matthew Crawford, *The World Beyond Your Head: How to Flourish in an Age of Distraction* (London: Penguin Random House, 2015).

good it privately wisheth, and to releive the present distresse of nature in common.⁵⁷²

Hooker's vision is of the whole, one body, in which each finds its belonging in the common 'naturall' desire or law, as he calls it, which binds each to the other in service, forgetting 'their ordinary natural woont' of particular, private desire. A sense of sociality pervades this passage, such that the individual is always embedded in society, participating in bodies politic or corporations, and ordered towards the ultimate good of the whole. One of the prime functions of corporations, or institutions, is to protect members against the exercise of arbitrary power, whether of self will, or the will of others, and so must themselves then be self-regulating and trustworthy. As we asked in the last chapter, what if they are not?

This chapter draws on P. J. Stern's study of the East India Company as he examines the nature of the corporation, understood broadly to include the trust, company, or institution. He argues that the diversity of such bodies contributes to a sense of plural sovereignty that was not lost, despite the early-modern Hobbesian impulse to monistic sovereignty. In 1773 Burke was full of praise for the East India Company: it was 'a great, a glorious Company'. 'I think there is something of a divine providence in it',⁵⁷³ vehement in defence of its independence against North's East India Resolutions.⁵⁷⁴ However, as he became much more knowledgeable, particularly after his appointment in 1781 to the select committee, writing many of its reports,⁵⁷⁵ he concluded that it required external regulation, for its original commercial aim and

⁵⁷² *Laws*, I, 69.

⁵⁷³ *W&S*, V, 2.

⁵⁷⁴ *W&S*, V, 390.

⁵⁷⁵ See P J Marshall's introduction to *W&S*, V, 4-14.

purpose had become corrupt; it was now an arbitrary political corporation, that governed badly. It had become ‘a State in the guise of a merchant’.⁵⁷⁶

The company, as a corporation, belongs within the broad field of Burke’s political economics, which takes us towards deeper questions about the extent to which Burke was a *laissez faire* free marketeer, as Gregory Collins assumes, in the same neoliberal tradition as Hayek. Hampsher-Monk explores a more nuanced understanding, suggesting that for Burke, economics is always embedded within and of service to the body politic – the political ordering of society towards the *telos* of the common good.

As with other chapters, I wonder how Burke would have brought his circumstantial wisdom to today’s world, and so I contrast Hayek’s idea of ‘extended order’ and Karl Polanyi’s concept of ‘embeddedness’. They were both twentieth-century contemporaries, and it strikes me that Burke’s views on economics would belong more happily with Polanyi’s ‘embeddedness’, which ‘expresses the idea that the economy is not autonomous [...] but subordinated to politics, religion, and social relations’.⁵⁷⁷ We return to the question that Zuboff raises, of how the power of surveillance capitalism might be regulated. However, as Burke found in the eighteenth century, it is one thing to determine that external regulation is required; it is another thing to ensure it happens.

Social contract

In *Reflections* Burke writes of society and draws a distinction between two understandings of ‘contract’: using Bain’s distinction, one we can see as ‘constructed’ (imposed order), the other, given, or embedded (immanent order). The first belongs with Rousseau’s *Social Contract*, where society is formed from the contract made

⁵⁷⁶ W&S, IV, 283.

⁵⁷⁷ Fred Block, introduction to Karl Polanyi, *Transformation*, xxiii-xxiv.

between individuals emerging from a supposed original state of nature. Burke thinks this Rousseauvian meaning is contingent, the construction of 'will and artifice'. Burke affirms the sense of 'contract' made in the everyday world of commerce – the partnership agreements of trade – that embed people in the complex reciprocities of society, from which 'economics' begins. As Burke writes, we imagine the world of the East India Company, and of the slave trade, as the trade in pepper and coffee, calico or tobacco turn us first east, and then west, tracing the voyages of the ships that docked in Liverpool, Bristol and London, bringing to Britain the immense wealth that accrued in the mid-eighteenth century, but at such enduring cost, seen and unseen. These contracts, however, are contingent, thought Burke, compared with the immanent, given contract of society itself, which is of an order altogether different, 'to be looked on with other reverence', because it is not of 'a temporary and perishable nature'. 'Immanent', as that in which all other order participates to find its reality, in alignment and response/responsibility.

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, callico 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.⁵⁷⁸

Burke describes society as an enduring partnership with his oft-quoted words, 'between those who are living, those who are dead and those who are to be born'. All participate in 'the great primaeval contract of eternal society', in which all things have 'their appointed place'. The resonances with Hooker are clear. Burke begins here, with a conception of the whole, which is of eternal significance, in which the partnerships of society are connected, visible and invisible, physical and moral 'according to a fixed compact sanctioned by the inviolable oath' of a law that is not dependent on the

⁵⁷⁸ W&S, VIII, 146-47.

arbitrariness of the will of person or people. Without this ultimate referent, which is both moral and social, Burke believes that society can be torn apart, dissolved ‘into an unsocial, uncivil, unconnected chaos’ by the exercise of arbitrary power that takes no account or gives no respect of the ‘great primaevial contract of eternal society’:

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 primaevial 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.⁵⁷⁹

The rebellious power that can bring a society to anarchy has no regard for rationality, for respectful deliberation and debate, but operates with a wilful necessity of its own, ‘mounting sometime upwards of it owne accord, and forsaking the centre of the earth,’ away from the embedded eternal order, exiled, outlawed ‘from this world of reason, and order and peace, and virtue, and fruitful penitence’, entering, as if Lucifer, the antagonist world of madness, discord and sorrow. Written with all the apocalyptic fear that consumed him in the latter years of his life, Burke saw the hellish consequences of the revolutionary understanding of society, dependent as it was on the artifice and will of the people, manipulated by those holding *Le Contrat Social* aloft, brooking no opposition to their forceful and necessary will to power:

It is the first and supreme 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

⁵⁷⁹ W&S, VIII, 147.

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.⁵⁸⁰

Burke's understanding of 'contract' operates on at least two levels, and they align in his mind. The world of commercial contracts is also subject to the eternal contract, or law, to which all are subject, as morality is embedded in all walks of life, in the contractual relationships between labourer and farmer, between members of a corporation, between peoples and nations. Society is dependent upon the great primaevial contract that is embedded in all contingent contracts, and so, for Burke, what is now called 'economics' is entirely integrated within the body politic, and subject, as all else, to divine providence, ordering all 'disposition of things' towards the common good.

Thoughts and Details on Scarcity

Burke's grasp of economics was recognized as exceptional in his time.⁵⁸¹ He wrote in *A Letter to a Noble Lord*: 'The first session I sat in parliament, I found it necessary to analyse the whole commercial, financial, constitutional and foreign interests of Great Britain and its empire',⁵⁸² a dedication to research that continued throughout his career. The only explicit writing on economics was penned towards the end of his life in response to a request for advice from William Pitt, as Britain faced the consequences of some years of failed harvests. Burke's *Thoughts and Details on*

⁵⁸⁰ W&S, VIII, 147.

⁵⁸¹ Francis Canavan, *The Political Economy of Edmund Burke: The Role of Property in His Thought* (New York: Fordham University Press, 1995), 116.

⁵⁸² W&S, IX, 159.

*Scarcity*⁵⁸³ was published after his death in 1800, and anyone reading this short treatise would be forgiven for taking Burke to be a direct ancestor of F. A. Hayek, and all free-marketeters – as Collins does. Given how Burke asserts congruence between economic laws and divine law, it is not surprising that a sense of ‘the hand of God’ can be assumed:

We, the people, ought to be made sensible, that it is not in breaking the laws of commerce, which are the laws of nature, and consequently the laws of God, that we are to place our hope of softening the divine displeasure to remove any calamity under which we suffer, or which hangs over us.⁵⁸⁴

In times of scarcity, Burke told Pitt, the government should not intervene. The Speenhamland experiment had been a disaster,⁵⁸⁵ and Burke warns against welfare for those suffering, ‘that an indiscreet tampering with the trade of provisions is the most dangerous, and it is always worst in the time when men are most disposed to it: - that is, in the time of scarcity’.⁵⁸⁶ What is to happen, though, if wages fall too low to cover need? Burke asks:

But what if the rate of hire to the labourer comes far short of his necessary subsistence, and the calamity of the time is so great as to threaten actual famine? Is the poor labourer to be abandoned to the flinty heart and griping hand of base self-interest, supported by the sword of law, especially when there is reason to suppose that the very avarice of farmers themselves has concurred with the errors of Government to bring famine on the land?

⁵⁸³ W&S, IX, 119-145.

⁵⁸⁴ W&S, IX, 139.

⁵⁸⁵ In May 1795 the justices of Berkshire agreed that subsidies in aid of wages should be given on a scale dependent upon the price of bread, so that a minimum income should be assured to the poor irrespective of their earnings. This had disastrous results of ‘depressed wages, unproductivity, plummeting self-respect.’ See Polanyi, *Transformation*, 85.

⁵⁸⁶ W&S, IX, 120.

His reply is charity:

In that case, my opinion is this. Whenever it happens that a man can claim nothing according to the rules of commerce, and the principles of justice, he passes out of that department, and comes within the jurisdiction of mercy. [...] Without all doubt, charity to the poor is a direct and obligatory duty upon all Christians, next in order after the payment of debts, full as strong, and by nature made infinitely more delightful to us.⁵⁸⁷

Burke fulfilled this requirement; his charity to others in need was exceptional.⁵⁸⁸ But the main question that had often preoccupied him is this:

one of the finest problems in legislation, and what has often engaged my thoughts [...] “What the State ought to take upon itself to direct by the public wisdom, and what it ought to leave, with as little interference as possible, to individual discretion.” [...] the clearest line of distinction which I could draw, whilst I had my chalk to draw any line, was this: That the State ought to confine itself to what it regards the State, or the creatures of the State, namely, the exterior establishment of its religion; its magistracy; its revenue; its military force by sea and land; the corporations that owe their existence to its fiat; in a world, to every thing that is *truly and properly* public, to the public peace, to the public safety, to the public order, to the public prosperity.⁵⁸⁹

The micro-economic relations and contracts between labourer, intermediary and farmer, in reaction to the extraordinary circumstance of temporary scarcity, should not be the concern of the State, which, by intervention, might cause unforeseen and negative consequences.

⁵⁸⁷ W&S, IX, 129.

⁵⁸⁸ Canavan writes ‘He was personally a charitable man’; ‘Both as a Member of Parliament and in his private capacity, Burke often used his influence and his own money to protect the poor, to mitigate punishments, and to relieve people in need’. Canavan, *Political Economy*, 140.

⁵⁸⁹ W&S, IX, 143, original emphasis.

Collins takes Burke's writing here as indicative of his whole 'macro' economic theory, making the assumption that *Thoughts* is wholly in accord with 'Enlightenment, market-based principles', as he asks:

How, then, could the thinker who wrote the *Reflections*, considered the authoritative Western defence of cultural traditionalism in modernity, also compose a tract called *Thoughts and Details*, in which the same writer provided steadfast support for Enlightenment, market-based principles that were perceived by contemporaries as a threatening force to settled social conventions?⁵⁹⁰

Commerce and Manners

Collins' project is to explore how Burke saw the relationship between commerce and virtue as he seeks wisdom for today's world, where he perceives markets have been released from external controls and the 'moral need to discipline man's acquisitive instincts'.⁵⁹¹ Collins traces Burke's 'sustained inquiry' into political economy, drawing him in line with Hayek (although he does express caution about 'asserting that [Burke] would have supported particular policy prescriptions for modern nation-states'),⁵⁹² to conclude that Burke's economic thought:

offers a mediating path forward for modern commercial society between excessive government intervention and individualism that retains the fruits of private market exchange while protecting against its baser effects, thereby providing timely lessons about the possible harmony between liberty and virtue.⁵⁹³

Burke's contribution to capitalist societies is a sense of 'manners' or virtue. Religion has its part to play, and Collins recognizes this, in a long, somewhat confusing

⁵⁹⁰ Collins, *Commerce*, 3.

⁵⁹¹ Collins, *Commerce*, 6.

⁵⁹² Collins, *Commerce*, 15.

⁵⁹³ Collins, *Commerce*, 16.

sentence. It seems doubtful that Burke would have seen God to work in quite *this* ‘transformative’ way:

In addition, a providential force – Burke’s “benign and wise disposer of all things” – transforms individual self-interest into collective advantage; laudable avarice in an environment of market competition is a stimulus for public opulence; market competition lowers the cost and enhances the quality of goods; voluntary exchange advantages members from different social orders, including the poor; market liberty promotes commercial virtues such as industry and diligence; and the security of private property is necessary for a flourishing trade.⁵⁹⁴

As one of the most significant books published on Burke in recent years, Collins has attracted thoughtful response, including a Symposium in 2021, at which of particular interest is Hampsher-Monk’s critique of Collins’ interpretation of Burke’s understanding of the ‘market’.⁵⁹⁵

The concept of ‘the market’

Engaging with the debate about the extent to which Burke can be considered the father of free-market neoliberalism, Hampsher-Monk notes that Collins is aware of the danger, but nevertheless falls into anachronism in his use of the *concept* of ‘market’, and so maintains ‘the TDS/Hayek doctrine’. Given the original status of *Thoughts*, Hampsher-Monk challenges Collins’ boldness in setting up ‘this text from the very end of Burke’s life, that owes its origin to a very specific political problem, and was written for a very narrow purpose and audience, as the epitome of Burke’s economics, against which apparent departures need to be assessed’. Collins has been even bolder, he says,

⁵⁹⁴ Collins, *Commerce*, 528.

⁵⁹⁵ Symposium on Gregory Collins’ *Commerce and Manners in Edmund Burke’s Political Economy*, *Cosmos + Taxis Studies in Emergent Order and Organization*, ISSN 2291-5079 Vol 9 / issue 9+10 2021, see <https://cosmosandtaxis.org/ct-9910/> [accessed 09/02/2023]; particularly Hampsher-Monk, ‘Edmund Burke, Political Economy, and the Market’, 10-18.

in using the thought of Hayek to assess Burke, which resurfaces ‘a pattern of argument that is shared by the much cruder Burke of the free-marketeers.’⁵⁹⁶

‘market’ anachronism

But, most significantly, Collins fails to historicize ‘the market’.⁵⁹⁷ What Burke and Hayek meant by the market is not the same. Burke, in *Thoughts*, was speaking into a specific agricultural moment where the existing contracts ‘between labourers and farmers, and farmers and the purchasers of grain’, were his ‘micro’ focus, and from which it is problematic to abstract a ‘macro’ notion of the market across all applications. In Burke’s day, the market was not ‘a universal abstraction’, but rather, ‘Burke’s recognition of the specificity of the characteristics of particular markets suggested to him the implausibility of generalizing across all markets’.⁵⁹⁸ Hampsher-Monk offers a brief history of the market in real space and time to contrast with the ‘market’ today, which he characterizes as ‘a logical and increasingly mathematical abstraction’, and ‘a way of modelling exchange relations precisely in abstraction from the specific properties of commodities’.⁵⁹⁹ Over time, the one has become the other, and the historical question of where Burke is, ‘along this (possible bumpy) continuum’ is an interesting one; however, Hampsher-Monk thinks of more significance is rather the question, ‘What cultural and rhetorical resources could Burke have drawn on in his political economy writings and what were his preoccupations in deploying them?’⁶⁰⁰ Collins’ assumption that Burke employed an abstraction of ‘the market’ is anachronistic, for it is unclear to Hampsher-Monk, that ‘Burke had any conception of

⁵⁹⁶ Hampsher-Monk, ‘Edmund Burke, Political Economy, and the Market’, 12.

⁵⁹⁷ Hampsher-Monk, ‘Edmund Burke, Political Economy, and the Market’, 12.

⁵⁹⁸ Hampsher-Monk, ‘Edmund Burke, Political Economy, and the Market’, 13.

⁵⁹⁹ Hampsher-Monk, ‘Edmund Burke, Political Economy, and the Market’, 13.

⁶⁰⁰ Hampsher-Monk, ‘Edmund Burke, Political Economy, and the Market’, 13.

the market as a formal model defined by the properties ascribed to it by modern economic thought'.⁶⁰¹

Not only that, but Burke had a very definite view on 'abstractions', as we have seen. Hampsher-Monk recognizes that he 'waged a lifelong campaign against the over-confident deployment of human rationality', offering such examples as Burke's defence of the mercantilism of the Navigation Acts rather than direct taxation on the American colonies. Burke wrote then:

I am not here going into the distinctions of rights, nor attempting to mark their boundaries. I do not enter into these metaphysical distinctions; I hate the very sound of them. Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it. They and we, and their and our ancestors, have been happy under that system. Let the memory of all actions in contradiction to that good old mode, on both sides, be extinguished forever. Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burden them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing.⁶⁰²

Burke consistently questions *a priori* assumptions from an abstract theory, and, hints Hampsher-Monk, it is probable that Burke would send Hayek's concept of 'the market' the same way.

Hampsher-Monk also challenges Collins' assertion of symmetry between Hayek and Burke in their 'belief' that government ignorance should preclude state intervention. As Burke considered scarcity in 1795, he argued that the government would necessarily be ignorant of the minutiae of local prices and wages, and so should not intervene. For Hayek, government 'ignorance' is of a different order; it is, as Hampsher-Monk says, 'an ontological one', for specialist economic knowledge is required of 'market data',

⁶⁰¹ Hampsher-Monk, 'Edmund Burke, Political Economy, and the Market', 13.

⁶⁰² W&S, II, 458, quoted by Hampsher-Monk 'Edmund Burke, Political Economy, and the Market', 14.

which cannot be grasped by a single mind. This is not a matter of practicalities, as it was for Burke, but is a different ball game altogether.⁶⁰³

a free-marketeer in all circumstances?

The question remains, for Hampsher-Monk, to what extent Burke can be described as a free-marketeer in all circumstances. In *Thoughts* he argued for complete non-intervention in wage and price setting, but at other times and places, he argued for the government to assert political oversight, when, for instance, the impact of the East India Company had been disastrous on India.⁶⁰⁴

Hampsher-Monk describes elsewhere Burke's response to another sort of abstraction – that of the 'market' created by the Jacobin strategy to sell off appropriated Church lands, piecemeal, to amortize the national debt and finance its regime (and, also, eviscerating a significant institution that provided ideological protection against its revolutionary actions). The *assignat* was created as paper bonds to monetize the debt, but when the market failed to buy them, they were imposed as currency. Burke argued that this was not a market one could choose to enter, since merely to hold or use the currency was to be drawn into and be subjected to its volatility. Hampsher-Monk comments that:

Indeed it is not clear that he possessed – and he certainly did not endorse – a conception of 'the market' as an abstractly modelled set of relationships in the modern sense. He was particularly concerned about the volatility of speculative *financial* markets, likening them to gambling dens, and suspicious of the kinds of morals, mentality and resulting behaviour needed to succeed in such an environment. He charged the revolutionaries with being the first and only people to have "founded a commonwealth upon gaming, and infused this spirit into it as its vital breath. The great object in these politics is to metamorphose France from a great nation into one great play-table; to turn its inhabitants into

⁶⁰³ Hampsher-Monk, 'Edmund Burke, Political Economy, and the Market', 15.

⁶⁰⁴ Canavan, *Political Economy*, 128.

a nation of gamesters; to make speculations as extensive as life; to mix it with all its concerns".⁶⁰⁵

The ones to gain would not be the poor, or even the foolish and gullible ideologues, but the urban financiers who understand the way these markets work:

France will be wholly governed by the [...] directors of assignats, and trustees for the sale of church lands, attornies, agents, money-jobbers, speculators, and adventurers, composing an ignoble oligarchy founded on the destruction of the crown, the church, the nobility, and the people. Here end all the deceitful dreams and visions of the equality and rights of men.⁶⁰⁶

It is the 'speculation' that Burke abhors, for, as Hampsher-Monk says, 'it denotes risk and irresponsibility in both philosophy and economics, and destabilizes both meaning and social life'. It disrupts stability and continuity, and so, '[i]t misreads Burke to present him as an unqualified enthusiast for an abstractly conceived 'market', the workings of which, he once pointed out, were, in the absence of its embodiment in particular situations and practices, at best established as '*a priori*'.⁶⁰⁷

Burke's antipathy to 'abstraction' and 'speculation' would prove problematic in today's world, and it is pointless to apply any of his reflections on political economy directly. However, perhaps some principles may emerge from an interpretation of Burke not as a proto-neoliberal, but as a political economist who held that the society is best ordered towards the ends of the common good of the people, where the will to arbitrary power is constrained and regulated and not employed to the end of abstract principles, but upon the historical continuities of custom and precedent. As Canavan

⁶⁰⁵ Iain Hampsher-Monk, *Burke: Revolutionary Writings, Cambridge Texts in the History of Political Thought* (Cambridge, Cambridge University Press, 2014), xxvi.

⁶⁰⁶ Hampsher-Monk, *Burke: Revolutionary Writings*, quoting W&S, VIII, 242-43.

⁶⁰⁷ Hampsher-Monk, *Burke: Revolutionary Writings*, xxvii, n.49: Hampsher-Monk quotes Burke's Speech on Fox's India Bill, expressing his 'insuperable reluctance in giving [his] hand to destroy any established institutions of government, upon a theory, however plausible it may be.' W&S, V, 387.

says, describing how Britain's commercial success in India made Burke uneasy, 'Once again, Burke the capitalist turns out to be Burke the Whig, in whom the fear of arbitrary power is stronger than the lust for gain'.⁶⁰⁸

Embeddedness

Karl Polanyi has told the story of the concept of 'market' as a 'great transformation' during the eighteenth and nineteenth centuries, caused by the ideology of economic liberalism, with its utopia vision (or, rather, 'myth,' he says) of the 'self-regulating market' with power to subordinate society itself. Fred Block comments on the importance to Polanyi's thinking of his concept of 'embeddedness'. Before the market economy developed through the nineteenth century, the human economy was always embedded in society, not autonomous, but subordinated to politics, religion, and social relations. Polanyi also argued for a distinction between real commodities, that have been produced for sale in the market, and fictitious ones, not originally produced to be sold on a market, like land, money and labour, which have a sacred dimension, and so should not be commodified. Block comments that, 'in his objection to the treatment of nature as a commodity, Polanyi anticipates many of the arguments of contemporary environmentalists'.⁶⁰⁹ When we consider how surveillance capitalism commodifies human attention, it is fair to assume that Polanyi would reject that, too.

How might Burke's view of 'property' fit in here? 'Fictitious commodities' – land, labour, money are, to Polanyi's mind, irreducible to the logic of the market of liberalism, and such things cannot be 'disembedded' by market forces for they remain integral to society and its stability and continuity. Against Milton Friedman's thesis that the state should be minimized, removing restrictions on trade and capital movements, and ensuring markets are deregularized to enhance globalization, Polanyi

⁶⁰⁸ Canavan, *Political Economy*, 128.

⁶⁰⁹ See Block's introduction to Polanyi, *Transformation*, xxxiv.

maintained that national and international economies require active regulatory institutions, for, 'without such institutions particular economies – and perhaps the entire global economy – will suffer crippling economic crises'.

Polanyi did not see it at all, but I think there are strong resonances between his understanding of a society where some aspects are embedded as too 'sacred' to be commodified, and Burke's conception of society. His reading of Burke's *Thoughts* led him to conclude that Burke was an ultra-liberal:

His genius exalted brutal fact into tragedy, and invested sentimentality with the halo of mysticism. "When we affect to pity as poor those who must labour or the world cannot exist, we are trifling with the condition of mankind." This was undoubtedly better than coarse indifference, empty lamentations, or the cant of sympathetic uplift. But the virility of this realistic attitude was impaired by the subtle complacency with which he spotlighted the scenes of aristocratic pageantry. The result was to out-Herod Herod, but to underestimate the chances of timely reform. It is a fair guess that had Burke lived, the Parliamentary Reform Bill of 1832, which put an end to the *ancien regime*, would have been passed only at the cost of an avoidable bloody revolution. And yet, Burke might have countered, once the masses were fated by the laws of political economy to toil in misery, what else was the idea of equality but a cruel bait to goad mankind into self-destruction?⁶¹⁰

But Burke's *Thoughts and Details* belongs, not to a market economy that was barely begun, but to the world Polanyi describes as a world in transition from the regulations of mercantilism to free market economy, the precondition of which transition, says Polanyi, was the commercialization of labour and land, and money.⁶¹¹ He writes:

The crucial point is this: labor, land, and money are essential elements of industry; they also must be organized into markets; in fact, these markets form an absolutely vital part of the economic system. But labor, land, and money are obviously not commodities [...] Labor is only another name for a human activity which goes with life itself [...]; land is only another name for nature, which is not produced by man; actual money, finally, is merely a token of purchasing

⁶¹⁰ Polanyi, *Transformation*, 123/24.

⁶¹¹ Polanyi, *Transformation*, 73.

power which, as a rule, is not produced at all, but comes into being through the mechanism of banking or state finance. None of them is produced for sale. The commodity description of labor, land, and money is entirely fictitious.⁶¹²

As these three became commodified, 'human society had become an accessory of the economic system', and the costs were enormous, 'awful beyond description'.⁶¹³ He concludes, in the late 1950s, with (false) confidence, that the end of economic liberalism and the self-regulating market was imminent with the realization that it was based on self-interest and profit. He foresaw a restoration of 'habitation',⁶¹⁴ or embeddedness, where 'labor, land, and money' were again give prior emphasis within society, rather than the economy.⁶¹⁵ He thought institutions would again come into their own as 'embodiments of human meaning and purpose', as would regulation that 'both extends and restricts freedoms',⁶¹⁶ which could not be institutionalized under a market-economy system with 'its purpose [...] to create profits and welfare, not peace and freedom'.⁶¹⁷ He concludes on an anti-voluntarist note (It was an illusion to assume a society shaped by man's will and wish alone⁶¹⁸), commending a sense of 'resignation', and 'uncomplaining acceptance of the reality of society [which] gives man indomitable courage and strength to create 'more abundant freedom for all.'⁶¹⁹ This is a view of society in which some aspects of life are to be considered sacred, and not

⁶¹² Polanyi, *Transformation*, 75-76.

⁶¹³ Polanyi, *Transformation*, 79.

⁶¹⁴ Polanyi, *Transformation*, 257.

⁶¹⁵ Polanyi, *Transformation*, 259.

⁶¹⁶ Polanyi, *Transformation*, 262.

⁶¹⁷ Polanyi, *Transformation*, 263.

⁶¹⁸ Polanyi, *Transformation*, 266.

⁶¹⁹ Polanyi, *Transformation*, 268.

commodities; where freedom is not licence, but realized in the restrained pursuit of common ends.

If Burke were anti-interventionist in 1795, it would be a mistake to ascribe to him a consistently doctrinaire approach. Canavan speculates about how he might have responded to the Irish famine of the 1840s, whether other principles, held dear by Burke, might have come into play to meet the different complexities of significantly different social and political circumstances.⁶²⁰ He draws attention to Burke's response, in 1785, to the famines caused in India by the destruction of countless reservoirs used to irrigate rice fields. With the land ravaged by Hyder Ali, the Company and British government's only concern was how to collect taxes from the Carnatic. This, said Burke, was madness: '[i]n order that the people, after a long period of vexation and plunder, may be in a condition to maintain government, government must begin by maintaining them. Here the road to oeconomy lies not through receipt, but through expence; and in that country nature has given no short cut to your object' (W&S, V: 521). Canavan concludes that 'Burke's faith in *laissez-faire*, it would seem, was less than fanatical, and recognized that there were situations in which government interference was not only permissible but necessary'.⁶²¹

It may be to skate thin ice, but there is a case to be made that Burke would have read Polanyi sympathetically, and responded positively to the proposition that the economy should not drive society but serve it, holding some 'sacred' aspects of the social order 'embedded' and inviolable to commodification. Given that Burke lived and wrote in a pre-industrial age, Hampsher-Monk's caution about reading him anachronistically is important. It seems feasible that given the overriding principle he

⁶²⁰ Canavan, *Political Economy*, 139. Certainly, though, the British government's poor and ill-thought-through intervention during the Irish famine might well have been influenced by Burke's *Thoughts* – which isn't to say he would have been a Burkean doctrinaire himself.

⁶²¹ Canavan, *Political Economy*, 139-40.

held of the need to safeguard society against the exercise of arbitrary power, that he would have concurred with Polanyi and rejected making ‘fictitious commodities’ of labor, land and money.

Burke’s view of property as trust

Polanyi’s sense of the importance of land offers a way to interpret Burke’s pronounced views of the importance of ‘property’ to provide stability and continuity to society. As Canavan affirms:

Burke was not a Manchester liberal or a social Darwinist. He always maintained that property was a trust held for the good of the whole community. Important though property undoubtedly was in his eyes, it was not the highest goal of human endeavor, and it deserved protection and esteem only because of the higher ends it served. Property, and the right to acquire it, was a stimulus to the industry that furnished a livelihood to all. It was a source of personal independence and self-respect, and a bulwark of liberty against the intrusive power of government. It generated a natural aristocratic governing class whose members were trustees for the whole community. Because of the independent power that their property gave them, they prevented the rise of a purely political ruling class whose source of wealth and power was their control of the government. Finally, property produced the capital which was the material wellspring of a high civilization and culture. Property was therefore the ground on which all these good things stood and from which they sprang – “the soul that animated, the genius that protected them.”⁶²²

Burke is often assumed to consider property only as from an aristocratic viewpoint, and certainly he did value the stability that land offered, when held in perpetuity, with the prescriptions of stewardship. However, property is also anything that anyone holds as their own; including one’s smallest possession, or own body, even, as we saw above, with the law of *habeas corpus*. Burke held property to be a sacred, natural right, and, as Canavan rightly points out here, it serves the higher end of ordering society towards the *telos* of the common good. As has been mentioned, considerations of how the land as property is held in a world of global desecration and destruction, with the ravages

⁶²² Canavan, *Political Economy*, 46.

of climate catastrophe, and biodiversity decimated, and pollution continuing to increase, Burke's understanding of the importance of the good stewardship of property, ordered towards the common good of all, including the natural world, might find resonance with those who value the insights of indigenous peoples the world over, with the expression of a different, but commensurate recognition of the deep sacred bond of humanity, embedded in the land.

The Corporation

We consider now in greater depth Burke's thoughts on the place of the 'corporation' as it contributes to the ordering of society. The trust, the company, the institution – all participate in the body politic as corporations with their own governance and relative independence from the state. Trust is fundamental, held within institutions that carry forward values and meaning, as regulated bodies. To lose trust, as Burke believed the East India Company had, required accountability and the curtailment of its exercise of arbitrary power.

It is instructive to examine why Burke changed from wholehearted support for the independence of the East India Company to trenchant demand for its regulation. In his Speech on Fox's India Bill, he wrote:

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.⁶²³

The company should be accountable to Parliament, which only had the power 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;

⁶²³ W&S, V, 385, original emphasis.

and that, in one and the same plan, we provide a real chartered security for the *rights of men* cruelly violated under that charter.⁶²⁴

The conditions were:

To justify us in taking the administration of their affairs out of the hands of the East India Company, on my principles, I must see several conditions. 1st. The object affected by the abuse should be great and important. 2nd. The abuse affecting this great object ought to be a great abuse. 3rd. It ought to be habitual, and not accidental. 4th. It ought to be utterly incurable in the body as it now stands constituted. All this ought to be made as visible to me as the light of the sun, before I should strike off an atom of their charter.⁶²⁵

The story of the company is told, authoritatively, by Philip Stern, as it has survived what he calls ‘the remarkable power’ of the modern nation state in its Hobbesian form.⁶²⁶ He shows how it has witnessed to a different conception of ‘sovereignty,’ which, I would argue, resonates with Burke’s sense of society ordered by a diversity of institution and corporation, contributing to a sense of body politic and social. That sense was evident in his second speech on *Conciliation* where Burke affirmed that the British Parliament was not the representative, but the sovereign of America, but that sovereignty was not the (Hobbesian):

idea of abstract unity; but was capable of great complexity and infinite modifications, according to the temper of those who are to be governed, and to the circumstances of things; which being infinitely diversified, government ought to be adapted to them, and to conform itself to the nature of things, and not to endeavour to force them.⁶²⁷

⁶²⁴ W&S, V, 386, original emphasis.

⁶²⁵ W&S, V, 387.

⁶²⁶ P. J. Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (Oxford: Oxford University Press, 2011), vii.

⁶²⁷ W&S, III, 193.

So, why did the East India Company now require regulation? Stern quotes Macaulay, who, in 1833, reflected:

It is strange, very strange, that a joint stock society of traders ... which, judging *a priori* from its constitution, we should have said was as little fitted for imperial functions as the Merchant Tailors' Company or the New River Company, should be intrusted with the sovereignty of a larger population, the disposal of a larger clear revenue, the command of a larger army, than are under the direct management of the Executive Government of the United Kingdom.⁶²⁸

Adam Smith had called it 'a strange absurdity',⁶²⁹ and as already quoted, Burke quipped that it was 'a state in the guise of a merchant'.

Stern tells of its roots as a corporation into the early modern world, which was 'filled with a variety of corporate bodies politic and hyphenated, hybrid, overlapping, and composite forms of sovereignty'. Its charter, granted in 1600 announced from the start that it was 'one body corporate and politick'. Stern explains how:

the concept of the "*corpus politicum et corporatum*" or "*communitas perpetua*" went back to Roman law and formed the bedrock for political and associational life in early modern England. There were corporations for municipal government, domestic and regional trades, public works, ecclesiastical establishments and religious confraternities, universities and educational societies, charities, and of course, for overseas English commerce, settlement, and colonization from Europe to the Atlantic, Russia to the Mediterranean and Africa. Legally and conceptually speaking, the early modern national state and even the monarch herself were forms of corporation. Whatever their immediate purposes and particular organization, all corporations shared a common purpose: to bind a multitude of people together into a legal singularity, an artificial person that could maintain common rights, police community standards and behavior, and administer over and on behalf of the collectivity.

⁶²⁸ Stern, *The Company-State*, 3, quoting Thomas Babington Macaulay, "Government of India (10 July 1833)," in *Speeches of Lord Macaulay, Corrected By Himself* (London: Longman, Green, and Company, 1877), 65-66.

⁶²⁹ Stern, *The Company State*, 3, quoting Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (London, 1776), 2:4, 479.

In the words of an early eighteenth century digest of corporations laws, “The general Intent and End of all Civil Incorporation is for better Government; either general or special.”⁶³⁰

He highlights the diversity of the social-made-corporate in a variety of organizations that cross boundaries between the associational and the political, where the company found its beginnings; with the hint of its social nature in the etymology of ‘bread together’, keeping company.⁶³¹

like wormes in the entrayles of a naturall man

Hobbes viewed the independence of the corporation as a real threat to the sovereignty of *Leviathan*. ‘Another infirmity,’ (alongside the greatnesse of a Town):

is the great number of Corporations; which are as it were many lesser Common-wealths in the bowels of a greater, like wormes in the entrayles of a naturall man.⁶³²

Stern argues that the corporation ‘confounds modern assumptions about the nation-state as the ultimate political and social community’, whether Weber’s idea of the state as a territorially-bounded bureaucracy with a monopoly on legitimate violence, or the Westphalian system of purely autonomous and independent territorial states, or Carl Schmitt’s modern (Hobbesian) notion of a realm defined by friends, over against enemies. It is a constant reminder that the nation state is not the only form of sovereignty.⁶³³ The East India Company grew within this tradition, as ‘a layered and

⁶³⁰ Stern, *The Company-State*, 7.

⁶³¹ Which also has theological and Eucharistic roots, in Christ the body, with the Pauline metaphor of the church as the body of Christ (1 Corinthians, 12).

⁶³² Tuck, *Hobbes*, 230.

⁶³³ An idea studied further by a number of English theorists, F. W. Maitland, J. N. Figgis and Harold Laski who also offered a critique of the nation-state’s claim to unity and coherence, with an

hybrid affair, resting on multiple constitutional foundations and constantly negotiated among a variety of royal agencies, local governors, councils, assemblies, courts, and corporate and legal communities',⁶³⁴ a constant challenge to the Hobbesian 'nation state'. Stern concludes that:

the foundations of that empire rested in the hard ideological work of the emerging modern state to forget that its roots lay in a very different form of body politic. Perhaps instead it takes a postmodern, postcolonial age to see the early modern age a bit more clearly, one in which empire, globalizations, hybridity, and fragmentation are so very much on the mind and in which one finds a host of corporations and non-state actors resisting national sovereignty and doing the business of government. Whatever the reason, it just seems more plausible now than it did in the days of Burke, Macaulay or Seeley to see the origins of the modern British Empire in India in the very distinctly early modern English East India Company-state.⁶³⁵

However, I'm not sure Stern is right here about Burke. Burke was no Hobbesian – he did not critique the Company from a Hobbesian monistic imperative, but from the consistent principles to which he believed a company, or trust, should adhere to as it generates wealth: a key question for him, and a key question now. Burke called the East India Company to order because it had betrayed its original founding charter. To follow his thinking is to ask if the company, or trust, is there solely to generate capital, and if so, at what cost, and to whom? To ask who or what is considered the raw materials that are available for production into wealth? What happens to the social order, to the partnerships that model the cohesion of the order of 'the great primaeval contract of eternal society', if those partnerships are exploitative and corrosive of moral order and destructive of the consent upon which the fabric of society depends?

understanding of society as pluralist, with varieties of corporate and associational life.' Stern, *The Company-State*, 9.

⁶³⁴ Stern, *The Company-State*, 10.

⁶³⁵ Stern, *The Company-State*, 214.

This is to ask what the relationship between the company and the state should be. What extent should it be independent of governmental interference? What if it needs bail-outs, as the East India Company did in the 1780s? What should be its guiding accountability – to its stakeholders, or shareholders? And, fundamentally, to what extent should the company, as the driver of wealth generation and capital, be a part of the whole body politic, contributing to the embeddedness of economic life in society; or should it be solely motivated by the will to power and profit? Burke's interest in the East India Company and its regulation triggers such questions. Burke was radical in critique of the ravages caused by the asset-stripping East India Company, asserting that the people of India, as members of the British empire, deserved protection under British law. He was deeply concerned that unregulated capitalism had devastated the social order of India, for all were subject to the eternal and immutable law that demanded equity and protection, particularly for the most vulnerable.

Big tech companies

Such questions and issues continue. It is possible to interrogate Burke's extensive writings on the East India Company for relevance today, as governments and nations attempt to address the issues raised by big tech companies. The principles that motivated Burke in his battle against Warren Hastings can be instructive as to the relationship between social order and the company as capitalism seeks new raw material from which to generate wealth. Zuboff argues that with the advent of surveillance capitalism, big tech companies have an unprecedented and destructive impact upon democratic institutions of social order, and have, moreover, been extraordinarily effective in protecting themselves against regulation, for example, by offering the beguiling rhetoric of an alternative, benign social order. Mark Zuckerberg writes, for instance, of how Facebook builds global community, but things are not all they seem, as Zuboff shows.

‘Building Global Community?’

In his *Building Global Community*,⁶³⁶ signed simply “Mark”, Zuckerberg outlines his vision with the question ‘are we building the world we all want?’ A global community is ‘what Facebook stands for’. Zuboff argues, though, that such plausibility disguises the surveillance capitalism that takes as its raw material the data provided by internet users, so Zuckerberg’s words can be read as a straight-forward strategy to harvest yet more information. On the face of it, Zuckerberg’s article on ‘building global communities’ is highly relevant to this chapter, as it offers a popular view of the way in which social order might develop in a progressive future, supported by artificial intelligence. The picture he paints is benevolent and positive, the attractive face of a big tech company today, laying out its wares on its virtual market stall. The deep tensions, though not apparent, are there nonetheless: tensions between company-mediated capitalism that seeks wealth generation to serve its own interests, and how regulation might ensure a social order based upon the representation and consent of the people, creating a body politic that supports and protects all its citizens.

What are the issues? Zuboff analyses how data retrieved from internet activity is harvested and rendered into behaviour prediction, which is then marketed to advertisement companies, who in turn use the internet to shape the desires of consumers. She makes a convincing case that the sovereignty of individuals and the democratic institutions of nations are systematically undermined, as big tech companies sidestep scrutiny and avoid regulation. This, she says, is a ‘third modernity’ based upon the emergence of an unprecedented form of capitalism, a new ‘economic order’ that is parasitic upon human nature as its raw material.⁶³⁷ Surveillance capitalism is a rogue mutation, unprecedented in the history of capitalism, as it

⁶³⁶ <https://www.facebook.com/notes/mark-zuckerberg/building-global-community/10154544292806634/> [accessed 03/01/2021].

⁶³⁷ Zuboff, *Surveillance*, 81.

‘cannot be adequately grasped with our existing concepts’.⁶³⁸ It represents a new instrumental power where freedom of thought and epistemological exploration are controlled and manipulated, shaping human subjects in their desires by ‘clickbait’ and the marketing of attention.⁶³⁹ Surveillance capitalists claim ownership of the data collected, and of the means of behavioural modification in order to create markets: ‘[t]hey accumulate vast domains of new knowledge *from us*, but not *for us*. They predict our futures for the sake of others’ gain, not ours.’⁶⁴⁰

Big tech companies have emerged only in the last decade or so, but have developed at such a rate that Zuboff subtitled her book ‘The Fight for a Human Future at the New Frontier of Power’. She describes how the European Union, the US and China are all attempting to curtail that power, with those who scrutinize them called ‘trustbusters’. Only recently have the issues gained prominence: ‘[i]n America complacent trustbusters had failed to spot the rise of big tech firms. In the European Union they noticed it, but didn’t do much,’ reports *The Economist*.⁶⁴¹

Questions of ownership and reciprocity with the social order come to the fore as surveillance capitalism manifests a new economic order in this third modernity.⁶⁴² To what extent is society – national and global – ordered by economic drivers, or by the political ends of the real liberties and common good of the people?

⁶³⁸ Zuboff, *Surveillance*, 14.

⁶³⁹ See also Crawford, *Beyond your Head*; James Williams, *Stand Out Of Our Light: Freedom and Resistance in the Attention Economy* (Cambridge: Cambridge University Press, 2018).

⁶⁴⁰ Zuboff, *Surveillance*, 11, original emphasis.

⁶⁴¹ <https://www.economist.com/leaders/2020/12/19/america-and-europe-clamp-down-on-big-tech> [accessed 04/01/2021].

⁶⁴² Zuboff, *Surveillance*, 31, 38, 40-41.

Hayek's neo-liberalism

Such global companies share continuities and discontinuities with the ground we have covered so far in this chapter. They are corporations independent of any nation state or international society, and are highly resistant to regulation. They represent the latest development of neoliberal capitalism where the market is global, and virtual, in ways beyond the comprehension of most participants and users. Polanyi, in the 1950s, was confident that the end of market economies was in sight. That was before a close contemporary of his assumed greater profile as his ideas were adopted by Margaret Thatcher and Ronald Reagan in the 1980s. Friedrich Hayek was the architect of the form of mid-twentieth century capitalism, now referred to as 'neo-liberalism', which, as Zuboff shows, has provided fertile ground for surveillance capitalism to flourish in the world that followed the embrace of his ideas. As a reaction to the totalitarian and communist collectivist ideologies that dominated the twentieth century, Hayek provided the intellectual superstructure and legitimation that enabled corporate capitalism to grow. Deregulation followed as the governance that had formerly held the company in check was disaggregated as unnecessarily restrictive, thereby shifting the logic of capitalism 'from the profitable production of goods and services to increasingly exotic forms of financial speculation'. By 1989 the 'eclipse of the public corporation' was confidently proclaimed.⁶⁴³ Hayek argued that 'the hidden hand' of Adam Smith should not be tied; that any market will regulate itself necessarily for the common good of the people as a whole.

Extended order

Hayek employed the term 'extended order',⁶⁴⁴ which, he explained, was essential to the origin and preservation of civilization. It enables human cooperation within 'an order more commonly, if somewhat misleadingly, known as capitalism', which should

⁶⁴³ Zuboff, *Surveillance*, 40.

⁶⁴⁴ Hayek, *Fatal Conceit*, 6-7.

not be controlled by any authority, for 'to follow socialist morality would destroy much of present humankind and impoverish much of the rest'. Hayek describes how extended order emerges:

What are chiefly responsible for having generated this extra-ordinary order, and the existence of mankind in its present size and structure, are the rules of human conduct that gradually evolved (especially those dealing with several property, honesty, contract, exchange, trade, competition, gain, and privacy). These rules are handed on by tradition, teaching and imitation, rather than by instinct, and largely consist of prohibitions ('shalt nots') that designate adjustable domains for individual decisions. Mankind achieved civilisation by developing and learning to follow rules (first in territorial tribes and then over broader reaches) that often forbade him to do what his instincts demanded, and no longer depended on a common perception of events. These rules, in effect constituting a new and different morality, and to which I would indeed prefer to confine the term 'morality', suppress or restrain the 'natural morality', i.e., those instincts that welded together the small group and secured cooperation within it at the cost of hindering or blocking its expansion.⁶⁴⁵

There are two 'orders' here – those that regulate the local, human interrelationships, and Hayek's extended order where the local is superseded by the global. He describes how markets gather information to enable 'super-individual patterns' that form institutions and traditions which transcend the original community or tribe.⁶⁴⁶ The extended order:

did not of course arise all at once [...] the market order is comparatively late. The various structures, traditions, institutions and other components of this order arose gradually as variations of habitual modes of conduct were selected. Such new rules would spread not because men understood that they were more effective, or could calculate that they would lead to expansion, but simply because they enabled those groups practising them to procreate more successfully and to include outsiders.⁶⁴⁷

⁶⁴⁵ Hayek, *Fatal Conceit*, 12.

⁶⁴⁶ Hayek, *Fatal Conceit*, 15.

⁶⁴⁷ Hayek, *Fatal Conceit*, 16.

Hayek continues:

If we were to apply the unmodified, uncurbed, rules of the micro-cosmos (i.e., of the small band or troop, or of, say our families) to the macro-cosmos (our wider civilisation), as our instincts and sentimental yearnings often make us wish to do, *we would destroy it*. Yet if we were always to apply the rules of the extended order to our more intimate groupings, *we would crush them*. So we must learn to live in two sorts of world at once. To apply the name ‘society’ to both, or even to either, is hardly of any use, and can be most misleading.⁶⁴⁸

‘Society’ is no longer a descriptor of either the micro, or the macro, and Margaret Thatcher’s oft-quoted words reveal her debt to Hayek. She favoured ‘living in two sorts of world at once’, often expressing her value for the living networks and relationships of individuals and families, even as she adopted Hayek’s extended order in national life.⁶⁴⁹ The distinction between a Burkean sense of the local reciprocities of company and community and ‘the market’ as an abstraction is now made; however, his overriding principle still pertains: how to regulate arbitrary power, and ensure economic drivers are embedded within social order? This question becomes particularly apposite when companies transcend the microeconomic and start to influence the macroeconomic, as Naím describes Amazon now does.⁶⁵⁰ He quotes the U.S. House of Representatives in October 2020:

To put it simply, companies that once were scrappy, underdog startups that challenged the status quo have become the kinds of monopolies we last saw in the era of oil barons and railroad tycoons. Although the firms have delivered clear benefits to society, the dominance of Amazon, Apple, Facebook, and Google has come at a price. These firms typically run the marketplace while also competing in it – a position that enables them to write one set of rules for

⁶⁴⁸ Hayek, *Fatal Conceit*, 16 (original emphasis).

⁶⁴⁹ see <https://iea.org.uk/blog/there-is-no-such-thing-as-society> where a clear link is made between the two [accessed 12/07/2023].

⁶⁵⁰ Naím, *Revenge*, 110.

others, while they play by another, or to engage in a form of their own private quasi regulation that is unaccountable to anyone but themselves.⁶⁵¹

Naím comments that ‘corporate power has morphed’: they wield ‘their monopsony power invisibly, behind veils of cross-cutting business lines that made their abuses hard to pin down but impossible to ignore’.⁶⁵²

Capitalism eaten raw

The big tech companies of surveillance capitalism, according to Zuboff, are *capitalism eaten raw*.⁶⁵³ This is not ‘rational capitalism’, as Zuboff calls it, which is bound in reciprocities with its populations through democratic institutions, but, instead, such institutions are profoundly undermined by surveillance capitalism, which is ‘the superpower that establishes its own values and pursues its own purposes above and beyond the social contracts to which others are bound’.⁶⁵⁴ The ways big tech leaders resist regulation is noteworthy, too:

It is important to understand that surveillance capitalists are impelled to pursue lawlessness by the logic of their own creation. Google and Facebook vigorously lobby to kill online privacy protection, limit regulations, weaken or block privacy-enhancing legislation, and thwart every attempt to circumscribe their practices because such laws are existential threats to the frictionless flow of behavioral surplus.⁶⁵⁵

⁶⁵¹ Naím, *Revenge*, 118, quoting from Jerrold Nadler and David N. Cicilline, ‘Investigation of Competition in Digital Markets’, U.S. House of Representatives, October 6, 2020.

⁶⁵² Naím, *Revenge*, 124.

⁶⁵³ Zuboff, *Surveillance*, 43, original emphasis.

⁶⁵⁴ Zuboff, *Surveillance*, 82.

⁶⁵⁵ Zuboff, *Surveillance*, 105.

The neoliberal ‘morality’ renders all regulation burdensome and insists that bureaucracy be repudiated as a form of human domination in what amounts to a ‘cyberlibertarian ideology’.⁶⁵⁶

So here is what is at stake: surveillance capitalism is profoundly antidemocratic, but its remarkable power does not originate in the state, as has historically been the case. Its effects cannot be reduced to or explained by technology or the bad intentions of bad people; they are the consistent and predictable consequences of an internally consistent and successful logic of accumulation. Surveillance capitalism rose to dominance in the US under conditions of relative lawlessness. From there it spread to Europe, and it continues to make inroads in every region of the world. Surveillance capitalist firms, beginning with Google, dominate the accumulation and processing of information, especially information about human behavior. They know a great deal about us, but our access to their knowledge is sparse: hidden in the shadow text and read only by the new priests, their bosses, and their machines.⁶⁵⁷

Not only the organic reciprocities with people, but also the historical relationship between market capitalism and democracy are destroyed.⁶⁵⁸ Thus far, her analysis is astute.

However, Zuboff turns to Thomas Paine to understand ‘democracy’, and describes his contribution favourably, contrasting him to Burke:

Surveillance capitalism must be reckoned as a profoundly antidemocratic social force. The reasoning I employ is not mine alone. It echoes Thomas Paine’s unyielding defence of the democratic prospect in *The Rights of Man*, the polemical masterpiece in which he contested the defence of monarchy in Edmund Burke’s *Reflections on the Revolution in France*. Paine argued for the capabilities of the common person and against aristocratic privilege. Among his reason to reject aristocratic rule was its lack of accountability to the needs of

⁶⁵⁶ Zuboff, *Surveillance*, 107, 109.

⁶⁵⁷ Zuboff, *Surveillance*, 192.

⁶⁵⁸ Zuboff, *Surveillance*, 501.

the people, “because a body of men holding themselves accountable to nobody, ought not to be trusted by any body.”⁶⁵⁹

Burke does defend monarchy in *Reflections* but not as a polarization with ‘democracy’, and he certainly does not argue for ‘aristocratic rule’ that lacks accountability to the needs of the people. Zuboff is right to recognize arbitrary power in surveillance capitalism – she even calls it tyrannical – but she fails to appreciate that a Burkean approach might better defend democratic institutions and ‘the people’ than the idea of democracy held by Paine, and Rousseau, which has no ultimate grounding in divine order, and so no ultimate moral force to counter the exercise of such arbitrary power. Zuboff writes of a different sort of Big Other:

Surveillance capitalism rules by instrumentarian power through its materialization in Big Other, which, like the ancient tyrant, exists out of mankind while paradoxically assuming human shape. Surveillance capitalism’s tyranny does not require the despot’s whip any more than it requires totalitarianism’s camps and gulags. All that is needed can be found in Big Other’s reassuring messages and emoticons, the press of the others not in terror but in their irresistible inducements to confluence, the wave of your shirt saturated with sensors, the gentle voice that answers your queries, the TV that hears you, the house that knows you, the bed that welcomes your whispers, the book that reads you [...] Big Other acts on behalf of an unprecedented assembly of commercial operations that must modify human behavior as a condition of commercial success. It replaces legitimate contract, the rule of law, politics, and social trust with a new form of sovereignty and its privately administered regime of reinforcements.⁶⁶⁰

Her chilling description requires a greater moral other than that of the imposed order of Paine’s democracy – which, in any case, is part of the problem with its roots in the particular, in the will to power and in its representational, rather than analogical, understanding of knowledge.

⁶⁵⁹ Zuboff, *Surveillance*, 513.

⁶⁶⁰ Zuboff, *Surveillance*, 514.

What might be learned from Burke's struggle with the East India Company? We turn there now, with the seductive dangers of surveillance capitalism whispering in our minds.

'a State in disguise of a Merchant, a great public office in disguise of a Countinghouse'

The East India Company represented a new economic order, taking the older 'revolutionary idea' of the company in directions not anticipated before. It was a militarized organization that treated the whole of the Indian subcontinent – its produce, cultural artefacts, the labour and productivity of its people – as free raw material, entering into trade agreements and treaties that hid the commercial practice of extraction. It can be argued that the East India Company, like surveillance capitalism, also had a parasitic economic logic that changed human behaviour, creating a new social order. And like any who wish to regulate surveillance capitalism, part of the problem faced by Burke was the lack of existing structures to regulate. The East India Company was alike, too, in its malleability, changing in response to perceived fallow raw material. In surveillance capitalism, it is human data; for the East India Company it was the whole subcontinent, changing its society to its foundations.

Burke was very aware of the destructive exercise of arbitrary power by rapacious colonialists who broke economic treaties that should have been subordinate to the obligations of equity under the 'fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place'. In the face of a capitalism that will always mutate in unprecedented ways, the Burkean approach was to seek the good of the social order in moral sensibilities that rely ultimately on principles that are given, embedded, to borrow Polanyi's term, not constructed. His circumstantial wisdom resisted any 'theory of things' in favour of beginning with the

realities of injustice, where the particularities of politics are judged in the light of 'eternal laws of justice'.⁶⁶¹

The supreme act of corporate violence

Dalrymple writes:

The Company's conquest of India almost certainly remains the supreme act of corporate violence in world history. For all the power wielded today by the world's largest corporations – whether ExxonMobil, Walmart or Google – they are tame beasts compared with the ravaging territorial appetites of the militarized East India Company. Yet if history shows anything, it is that in the intimate dance between the power of the state and that of the corporation, while the latter can be regulated, the corporation will use all the resources in its power to resist.⁶⁶²

Burke's long involvement with affairs in India, which he considered 'the object of far the greatest and longest labour of a very laborious life,'⁶⁶³ was to defend a sense of society ordered to the ends of the common good, for which he argued that all humanity was in subjection 'to the one great, immutable, pre-existent law prior to all our devices, and prior to all our contrivances, paramount to our very being itself, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir'.⁶⁶⁴ Contrary to the cultural relativism of Hastings, who argued (following Montesquieu) that a people used to despotism needed to be ruled despotically, Burke's social order depended on a sense of justice that was universal. Accordingly, the British in India, in the guise of the East India Company, were governing with arbitrary power, exercised without constraint, ignoring the responsibility to protect the rights, property

⁶⁶¹ W&S, VI, 459.

⁶⁶² William Dalrymple, *The Anarchy: the relentless rise of the East India Company* (London: Bloomsbury, 2019), 394.

⁶⁶³ Burke to Henry Dundas, 8 October 1792, quoted by Bourke, *Empire*, 10.

⁶⁶⁴ W&S, VI, 350.

and lives of the subjects whose trust and consent should validate their authority to govern. The East India Company could not win his support. As he spoke in the debate on *Fox's India Bill* in December 1783 he said:

And now I ask, whether, with this map of misgovernment before me, I can suppose myself bound by my vote to continue, upon any principles of pretended publick faith, the management of these countries in those hands? If I kept such a faith (which in reality is not better than a *fides latronum*) with what is called the company, I must break the faith, the covenant, the solemn, original indispensable oath, in which I am bound, by the eternal frame and constitution of things, to the whole human race.⁶⁶⁵

Burke's response to injustice was to invoke an eternal frame or order that applied to the people of India, as to the people of Britain. Indeed, his study of Indian culture led him to assert that this was an ancient social order – an *ancien régime*, even – deserving of respect, and if, through circumstances, Britain had come to have power to govern in India, then it must hold that power in accordance with the demands of a universal law that is applicable to all societies and peoples. Again, as he spoke on *Fox's India Bill* he said:

All these circumstances are not, I confess, very favourable to the idea of our attempting to govern India at all. But there we are; and we must do the best we can in our situation. The situation of man is the preceptor of his duty.⁶⁶⁶

Burke came to see Britain's role in India as lamentable, and disastrous for Britain as well, particularly as young adventurers – nabobs – like Robert Clive, returned with untold riches and debased morals. He concluded his speech of *Impeachment* on 7 May 1789, by saying:

⁶⁶⁵ W&S, V, 425.

⁶⁶⁶ W&S, V, 404.

The situation in which we stand is dreadful. These people pour in upon us every day. They not only bring with them the wealth which they have, but they bring with them into our country the vices by which it was acquired.⁶⁶⁷

Instead of well-ordered and regulated corporations, contributing to the cohesion of society as essential parts of the body politic, the East India Company was a law unto itself, exercising an arbitrary power that threatened and destroyed social order.

our world is far from post-imperial

As the legacy of the British empire continues to be debated, it is worth hearing Burke's voice, and his radical principles of good imperial government, not least because imperial power continues in various obvious and not-so-obvious forms today.

Dalrymple correlates the arbitrary power of multi-national and digital corporations that make use of data in ways that threaten the liberty and rights of citizens, with the East India Company, describing it as 'the first great multinational corporation, and the first to run amok – as the ultimate model and prototype for many of today's joint stock corporations'. As such:

The East India Company remains today history's most ominous warning about the potential for the abuse of corporate power – and the insidious means by which the interests of shareholders can seemingly become those of the state. For as recent American adventures in Iraq have shown, our world is far from post-imperial, and quite probably never will be. Instead Empire is transforming itself into forms of global power that use campaign contributions and commercial lobbying, multinational finance systems and global markets, corporate influence and the predictive data harvesting of the new surveillance-capitalism rather than – or sometimes alongside – overt military conquest, occupation or direct economic domination to effect its ends. Four hundred and twenty years after its founding, the story of the East India Company has never been more current.⁶⁶⁸

⁶⁶⁷ W&S, VII, 62-63.

⁶⁶⁸ Dalrymple, *The Anarchy*, 397.

Conclusion

This chapter has explored Burke's understanding of the body politic and the dangers to it of the exercise of arbitrary power by interrogating whether the drivers of society should be political or economic. By examining the role of the company and its place within the social order, and viewing Burke's long-standing battle against Hastings and the East India Company in the light of contemporary debate about the power of big tech companies today, it has been argued that many of the same signs and manifestations of imperial power apparent in Burke's day are comparable to the way large companies operate now, shaping and controlling social order to their own ends, without due regulation. The principle that Burke held as paramount, that power must be accountable and used to enable the stability of societies that citizens may enjoy liberty and life, based on his conviction that power has its ultimate foundation in divine providence that has universal application, led him to assert, radically, that all peoples have a natural right to respect and good governance, regardless of culture or creed. For him, economic drivers are not what should dominate the creation and maintenance of society, but need to be subject to constant political vigilance over the exercise of arbitrary power.

Far from Burke's being the direct ancestor of F. W. Hayek, I argue that Burke would have rejected Hayek's idea of extended order as an abstraction, and that his economic thought can be better aligned with Polanyi's understanding of 'embeddedness' where land, people and money – and human attention – are not commodifiable but should be held as sacred, in line with Burke's central conviction that divine providence orders human society to ends that cannot be reduced to the service of profit, exploitation and self-gain.

Chapter Six: Political Order

Introduction

How can a re-reading of Edmund Burke open up a constructive space for the political imagination today? I have suggested that he is best read as a theorist of ‘power’, as a Christian Platonist whose writings and speeches can be understood with four key themes in mind. Firstly, his theism, the sense of the sovereignty of a transcendent God, to whom all is accountable, instead of the nihilism of deism and atheism; then, his constant commitment to the law and the duties of public service, rather than the exercise of arbitrary power, which he saw as the greatest threat to the body politic. Third, he looked to the wisdom of tradition, and abhorred utopianism; and then he had an imagination for the whole, rather than the part – heteronomy, rather than autonomy. He understood the body politic to be whatever was instituted or constituted through time as a manifestation of ‘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’.⁶⁶⁹ Those ‘transitory parts’ might be the little platoons of local association, or the people of a nation, or a commonwealth of nations – each constituted as a corporate reality with appropriate governance, in which members have their honoured place, with proper liberties, rights and responsibilities. It was the duty of government to protect the liberties of its people, against any assertion of the will to arbitrary power. The people consent to be governed, and can, and should, resist ‘bad’ government, or tyranny.

Burke looked back to traditions of political thought seeing through history a long engagement with the perennial problem of how to curtail the all-too-human propensity for the will to arbitrary power. He was convinced that it was naïf to seek to counter arbitrary power in any other way but by recourse to the tried and tested

⁶⁶⁹ W&S, VIII, 84.

constitution and institutions of political order, ordained by God. To appeal, on the supposition that accountability to the 'people' is sufficient, to a 'democratic' base was simply inadequate. That view, however, is prevalent today. So, for instance, when Moisés Naím writes, '[t]he clash between those with power and those without it is, of course, a permanent fixture of the human experience',⁶⁷⁰ he makes an assumption that Burke would not accept about the nature of power. Instead of the have/have not distinction, power is omnipresent – a good when it is used to the good, but as inventive as wickedness when it is used arbitrarily to serve the autocrat's will to power. Naím argues that before the modern era (of the American and French Revolutions) it belonged to hereditary castes – beyond the reach of most people, but then 'a seismic transformation took hold of power relations, making power contestable and placing new constraints on those who wielded it', revealing a mindset that has become dominant and unquestioned:

That form of power – limited in scope, accountable to the people, and based on a spirit of lawful competition – was at the center of the great expansion in prosperity and security the world saw after the end of the World War II.⁶⁷¹

This way of thinking about power requires reappraisal, for it is not adequate to provide a way of countering the contemporary machinations of arbitrary power wielded and manipulated by 3P autocrats.

The strength of Edmund Burke was that he understood the perennial struggle of power as not one of have/have not, but whether it is used to the good, or not, in a universe divinely ordained towards the common good. As such, he engaged with old Hobbes.⁶⁷² Burke did not care for a Hobbesian view of sovereignty, which locates power within the human realm. Sovereignty was not for Burke a monistic, absolute

⁶⁷⁰ Naím, *Revenge*, xii.

⁶⁷¹ Naím, *Revenge*, xii.

⁶⁷² W&S, I, 142, 153.

‘Leviathan’ created to keep chaos and anarchy at bay in a world of ‘war of all against all’. Rather, sovereignty belongs with God and is held vicariously, primarily by the crown-in-parliament, and subordinately by other corporate ‘bodies’ – trusts, institutions, civil associations – within the whole body politic. Sovereignty, then, is plural, over-lapping, shared, the product of organic and traditional custom, and becomes embedded in the reality of the constitution, which, likewise, is a complex development, ultimately guided by divine providence towards the common good, although always liable to the threat of arbitrary power. It is not limited to the nation state, but can be shared across commonwealths of nations, as we shall see in the next chapter. The constitution is not something that can be constructed by human ‘will and artifice’, as Hobbes supposed (and Paine) – a political order based on the gnostic constructions of ideology – for then totalitarianism threatens. Instead, it is always a contingent alignment to ends that are providentially given – a ‘work in progress’, made up of multiple and various associations and corporations, all with appropriate levels of independence and authority to fulfil their purpose.

We examine Voegelin’s intriguing analysis of Hooker’s engagement with the Puritanism of the late sixteenth century as a manifestation of Gnosticism, exploring Burke’s abhorrence of ‘abstractions’ in the same light. We turn to ‘populist reason’, as Chantal Mouffe and Ernesto Laclau describe it, and the 3Ps of populism, post-truth and polarization of Moisés Naím’s *The Revenge of Power*, tracing the roots of the contemporary populism in the ideologies Burke discerned in the eighteenth century. The focus then is on the history of constitutionalism, drawing on McIlwain’s unsurpassed history, to illustrate the theopolitical traditions which Burke believed to offer the best defense against the abstractions that informed the ideologies of Paine’s *Rights of Man*.

As I write, the threat of the populist phenomenon of Donald Trump to Western constitutionalism continues with the events of 6 January 2021 still stirring questions of the resilience of contemporary notions of ‘democracy’. Naím names a number of autocrats in today’s world, who all use similar ways to undermine constitutionalism, dismantling the checks and consolidating their power by cloaking autocracy ‘behind

walls of secrecy, bureaucratic obfuscation, pseudolegal subterfuge, manipulation of public opinion, and the repression of critics and adversaries'.⁶⁷³ They 'fake fealty to the liberal consensus, all the while eating away at it from the inside',⁶⁷⁴ with the pretence that they embody the people's true will, which is denied by corrupt elites, allowing them 'to claim the mantle of the true voice of the people even as they dismantle the institutions that allow the people's true voices to be heard'.⁶⁷⁵

We consider Chantal Mouffe's 'democratic paradox' as illustrative of the inadequacy and instability of 'democracy' as the foundation for political order, with its location of sovereignty with 'the people', and its assumption of atheism. That assumption was challenged by Claude Lefort, describing what he calls 'the permanence of the theologico-political', opening a crack through which a Burkean Christian Platonism might emerge as an alternative and more resilient philosophical frame to understand and counter threats of populism, polarization and post-truth. Burke did not believe that sovereignty belonged with the will of the people, and consequently has often been charged and dismissed as anti-democratic; however, given the evident instabilities and inadequacies of 'democracy' as the foundation of political order, perhaps Burke's constitutionalism requires reassessment for its relevance today.

Miguel Vatter's title, *Divine Democracy*,⁶⁷⁶ would suggest a challenge to the seemingly ubiquitous atheism of contemporary political theology, but, I argue, his advocacy of a pantheistic sacred ultimately fails to provide the transcendent 'otherness' of the divine providence of Burke's theism. Burke was convinced that only a sovereignty ordained

⁶⁷³ Naím, *Revenge*, xv.

⁶⁷⁴ Naím, *Revenge*, xxi.

⁶⁷⁵ Naím, *Revenge*, xxii.

⁶⁷⁶ Miguel Vatter, *Divine Democracy: Political Theology after Carl Schmitt* (Oxford: Oxford University Press, 2021).

by divine providence could counter the trends that undermined the whole body politic of his day – trends, as Naím describes them of post-truth, populism, and polarization, that persist in current times. On the basis of his theism, Burke emphasized commitment to public service rather than the arbitrary will to power and a sense of the traditions of ‘the disposition of a stupendous wisdom moulding together the great mysterious incorporation of the human race’, to counter the seductions of gnostic, utopian visions. The chapter concludes with a consideration of a prayer with which Burke would have been familiar to capture something of his theo-political imagination, aligned towards the purposes of divine providence where will and law are one, in an eternal sacrifice of love that makes ordered life, rather than nihilistic chaos, the ground of all being.

the instabilities of the concept ‘democracy’

In his *Appeal*, Burke argued that the desire to exercise arbitrary power is a basic inclination: ‘It is not necessary to teach men to thirst after power’. Instead, the person should develop a sense of public service so power has ‘its salutary restraint, and its prudent direction’, and does not follow the vagaries of the human will, for:

Duties are not voluntary. Duty and will are even contradictory terms.⁶⁷⁷

Burke’s distaste for voluntarism is evident here. In the chapter on moral order, we saw how the all-too-human will to power is best shaped by the duties of belonging and public service, so the personal becomes political with participation in the body politic. Active consent to constitutional government gives the people a crucial role to control the exercise of arbitrary power. However, this does not mean that ‘sovereignty’ belongs to the people:

no legislator, at any period of the world, has willingly placed the seat of active power in the hands of the multitude: Because there it admits of no control, no

⁶⁷⁷ W&S, IV, 442.

regulation; no steady direction whatsoever. The people are the natural control on authority; but to exercise and to control together is contradictory and impossible.⁶⁷⁸

We are here at the heart of Burke's considered view that political order cannot be founded on a democratic base – or indeed, upon any one part of the constitution – for that would be to rely upon too uncertain a foundation; rather, political order requires the continuity and stability of all the parts of the constitution, and institutions of society, that mediate a sense of law, rather than the fickle freedom of the will. He knows humanity too well to suppose that of its own freedom it will seek the common good – unlike God, in whom will and order are one, and providentially purposed to ultimate good. Burke echoes Hooker's teaching against the puritanism of his day (the latter heavily influenced by nominalism) that God created an eternal law which God obeyed as a 'source and original archetype of all perfection', in which will, reason and nature are one, in divine simplicity. This perfection is embodied and sustained in human institution, albeit fallibly, giving humanity the ordered frame of eternal law in which to grow in virtue towards the perfection that is their ultimate end.

the lawe which God with himselfe hath eternally set downe to follow in his owne workes

Hooker summarizes the different sorts of law:

Thus farre therefore we have endeoured in part to open, of what nature and force lawes are, according unto their severall kindes; the lawe which God with himselfe hath eternally set downe to follow in his owne workes; the law which he hath made for his creatures to keepe, the law of naturall and necessarie agents; the law which Angels in heaven obey; the lawe whereunto by the light of reason men finde themselves bound in that they are men; the lawe which they make by composition for multitudes and politike societies of men to be guided by; the lawe which belongeth unto each nation; the lawe that

⁶⁷⁸ W&S, IV, 441.

concerneth the fellowship of all; and lastly the lawe which God himselfe hath supernaturally revealed.⁶⁷⁹

For Hooker, and Burke, the law is for all – whatever their status in life – and creates the social and political order that does not originate in a contract made by the ‘will and artifice’ of individuals, but is prescribed from eternity. Each person is born into society, to participate within the ordering of the universe, with the natural rights that are theirs within the political order, bound, in turn, by the responsibilities, duties and restraints of belonging and public service.

The rule of law is foundational to constitutionalism. As Naím comments:

At the far end of populism, polarization, and post-truth lies an international system littered with actors that see lawlessness as the normal condition of humankind, actors only too happy to traffic anything and everything for profit. The notion that free societies can learn to coexist side by side with a proliferation of mafia states is likely to prove a mirage. Lawlessness anywhere is a threat to security everywhere.⁶⁸⁰

The rule of law is carried in the constitution, and also in the institutions of government – and it is these that are under threat today. Naím again:

‘Once faith in institutions has been corroded, rebuilding consensus politics requires a skill set no one seems to have discovered yet. Withering contempt for institutions and elites metastasizes. Once this dynamic is in place, alas, the most likely next step is into outright kakistocracy: rule by the very worst a society has to offer.’⁶⁸¹

I was not to look to the flash of the day

In 1780, Burke had been the member of parliament for Bristol for six years. He had antagonized many of his constituents, as he promoted Irish trade relief, supported

⁶⁷⁹ *Laws*, I, 134.

⁶⁸⁰ Naím, *Revenge*, 202.

⁶⁸¹ Naím, *Revenge*, 156.

Catholics and insolvent debtors, and on at least three occasions expressed his opposition to the slave trade in the House of Commons, in this city made rich on slavery.⁶⁸² Not only this, but he visited rarely – only twice during those six years – however, travel was extremely long and arduous in the eighteenth century, and Burke’s absence from his constituency not at all unusual. His refusal to nurture good opinion was unfortunate, but he was unrepentant. Seeking re-election in 1780, he did nothing to appease, arguing that his role was not to be at the beck and call of constituents, but to represent their interests as he best judged:

I did not obey your instructions: No. I conformed to the instructions of truth and nature, and maintained your interest, against your opinions, with a constancy that became me. A representative worthy of you, ought to be a person of stability. I am to look, indeed, to your opinions; but to such opinions as you and I *must* have five years hence. I was not to look to the flash of the day. I knew you chose me, in my place, along with others, to be a pillar of the state, and not a weathercock on the top of an edifice, exalted for my levity and versatility, and of no use but to indicate the shiftings of every fashionable gale.⁶⁸³

Pitkin points out that ‘interest’ has ‘an objective, impersonal, unattached reality’ for Burke, and as such it belongs not to his constituents, but is the concern of all members of parliament, who discern by reasoned debate what is right and moral for the whole nation, beyond the narrow and fickle, the abstract and ideological:

The function of political reason is to discover the laws of God and nature, not in the abstract, *a priori*, intellectualized manner of the French *Philosophes*, which he vehemently rejects, but with practical wisdom. [...] the desirable qualities of

⁶⁸² his sketch of a Negro Code was not circulated until after the 1780 election, for good reason; see W&S, Vol, III, 620.

⁶⁸³ W&S, III, 634, original emphasis.

a representative lie less in intellect or knowledge than in judgement, virtue, and wisdom derived from experience.⁶⁸⁴

For Burke good government is not answerable to the general will of the people, but to its providential foundation. On many occasions he argued:

I [...] believe from my soul that Government is of divine *institution* and *sacred* authority, and no *arbitrary device of men*, to be modified at their *pleasure* or conducted by their *fancies*, or *feelings*, and [I] am persuaded that every one of us shall be called to a solemn and tremendous account for the part we take in it.⁶⁸⁵

The will of the people has no special status, beyond expressing consent at elections that their representative should act, without sacrificing his judgement to their opinion, in the interests of the nation as a whole. The electorate, and elections, are essential, as Pitkin explains.⁶⁸⁶ Burke approved of the extension of the suffrage in Wales, Chester and Durham and, when the interests of any are not represented, as with the American colonists, or the Irish Catholics, Burke sees an injustice to be rectified. And when the deliberate sense of the people is arrived at after long discernment, then it must prevail, and be taken for wisdom. In his speech to the electors in 1774 he told them that:

Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberate assembly of one nation, with one interest, that of the whole – where not local prejudices ought to guide, but the general good, resulting from the general reason of the

⁶⁸⁴ Hanna Fenichel Pitkin, *The Concept of Representation* (Berkeley: University of California Press, [1967] 1972), 169, original emphasis.

⁶⁸⁵ W&S, III, 208, original emphasis.

⁶⁸⁶ Pitkin, *Representation*, 182.

whole. You choose a member, indeed; but when you have chosen him he is not a member of Bristol, but he is a member of Parliament.⁶⁸⁷

Good government ensures that the interests of the people are represented not as something that individuals or groups 'have', but as something that all 'participate in'. As Pitkin comments, 'his concept is thus very different from the subjective, personal interests of Utilitarian thought, and from the modern idea of a multiplicity of self-defined, changing interests at all levels of society'.⁶⁸⁸ The interest of the people emerges from rational debate, not from the assertion of will. It does not emerge in a vacuum, but is discerned from 'the feelings, the needs, the symptoms of the people [...] [which is] not, to Burke, in itself representation; it is the material on which representation works'.⁶⁸⁹ In *Reflections* he writes, addressing his French correspondent:

With us, when we elect popular representatives, we send them to a council, in which each man individually is a subject, and submitted to a government complete in all its ordinary functions. With you the elective assembly is the sovereign, and the sole sovereign: all the members are therefore integral parts of this sole sovereignty. But with us it is totally different. With us the representative, separated from the other parts, can have no action and no existence. ... Not only our monarchy and our peerage secure the equality on which our unity depends, but it is it the spirit of the house of commons itself.⁶⁹⁰

This passage is fascinating in its assertion of a sense of sovereignty embedded in the whole, rather than any part, and the 'spirit of the house of commons' that is 'the center of our unity' in government, representing the interests of all parts. Pitkin concludes that 'no one today takes a Burkean view of representation', for now 'people, not

⁶⁸⁷ W&S, III, 69.

⁶⁸⁸ Pitkin, *Representation*, 174.

⁶⁸⁹ Pitkin, *Representation*, 188.

⁶⁹⁰ W&S, VIII, 234-35.

interests, are represented in politics',⁶⁹¹ though perhaps she overstates it, even as she captures well the tradition that Burke represents. When sovereignty lies with the 'people', Burke believed that the body politic would descend into political disorder: the question remains whether the constitutionalism he defended so vehemently is entirely obsolete, or whether what political order there still is, actually depends upon a Burkean understanding of representation. 6 January 2021 indicated what is at stake. Naím warns of the danger, as he speaks of the 'kind of nihilism at the heart of post-truth [when] [p]ost-truth in the context of democracies is a new and frightening phenomenon'.⁶⁹²

'more hydra than snark'

So what of the instabilities of a concept of 'democracy' today? It is often understood without an understanding of the constitutionalism that Burke thought necessary for political order to be sustained. As Hampsher-Monk points out, concepts such as 'democracy' need to be understood with due regard for their historicity: he writes of the 'missing historical dimension' of the term⁶⁹³ – and that 'it is important to stress that democracy has only recently come to be seen as a good thing'.⁶⁹⁴ He also comments that the term is never merely descriptive, either, but always evaluative, used to commend or condemn; for example, nations are judged solely on the extent to

⁶⁹¹ Pitkin, *Representation*, 189.

⁶⁹² Naím, *Revenge*, 158.

⁶⁹³ Iain Hampsher-Monk, *Concepts and Reason in Political Theory* (Colchester, UK: ECPR Press, 2015), 45-55.

⁶⁹⁴ Hampsher-Monk, *Concepts and Reason*, 50.

which they are ‘democratic’, without much understanding of the term.⁶⁹⁵ It is not a single theory or value, says Hampsher-Monk, but ‘more hydra than snark’.⁶⁹⁶

Burke’s Bristol constituents were under no illusion that he represented not their opinions, but the interests of the nation. As such, he pitted himself deliberately against emergent ideas of ‘pure’ or ‘direct democracy’ that located sovereignty with ‘the people’. Yes, the consent of ‘people’ was essential for legitimacy of government; but ‘sovereignty’ is power divinely and providentially ordained, held in trust and vicariously by people and institutions of government with a sense of duty and care for the common good. As the modern concept ‘democracy’ emerged, Burke’s antipathy to it was public and fierce, and increasingly politicized as Rousseau’s and Paine’s writings challenged constitutional government. Burke would not, I think, be surprised at how ‘democracy’ has mutated into what Laclau describes ‘populist reason’, and what Mouffe calls the ‘paradox’ of democracy.

The Democratic Paradox

Mouffe acknowledges her debt to Lefort, as she describes the ‘democratic revolution’ that overturned the sovereignty embodied in the prince (as with Hobbes), to replace it with an empty ‘social’ space, in which power swirls in a perpetually contested state. Two paradoxical traditions of popular sovereignty emerge – the ‘liberal’ (the rule of law, defense of human rights and individual liberty) and the ‘democratic’ (equality and identity between governing and governed) with the paradox sharpened between equality and liberty, as both traditions face the threat of the ‘unchallenged hegemony of neo-liberalism’.⁶⁹⁷ In such a world right-wing populist parties make real advances,

⁶⁹⁵ Hampsher-Monk, *Concepts and Reason*, 47.

⁶⁹⁶ Hampsher-Monk, *Concepts and Reason*, 55.

⁶⁹⁷ Chantal Mouffe, *The Democratic Paradox*, 3, 6. Her later *For a Left Populism* (London: Verso, 2018) argues for a strategic building of the collective will of the ‘people’, thus ‘deepening democracy’ in order

particularly amongst disaffected working classes whose interests are ignored. To counter neo-liberalism, she argues, a different, 'consensus model' of democracy is required, where an 'agonistic pluralism' enables the tension between the two traditions to become a creative paradox 'whose effect is to impede both total closure and total dissemination' of its hegemonic power.⁶⁹⁸ The paradoxical tension should never be resolved, to her mind, for then pluralist democracy is undermined by its perfect implementation.⁶⁹⁹

This is far distance from Burke's political imagination where 'power' is a good when it serves the *salus populi*. Burke would deny the equality and identity of governing and governed within systems of constitutional law and order. He would look for the theological underpinning of divine sovereignty, which, interestingly, given Mouffe and Laclau's debt to Lefort, they overlook in the latter's work.

The Permanence of the Theologico-Political?

Lefort argues that, in the modern era, religion, relegated to the private domain, no longer offers its 'indestructible virtues', for now 'political order is based on a ground of its own',⁷⁰⁰ with no 'outside' or transcendent referent. The discourses of 'political theory, political science and political sociology that have developed in the course of our century', have been limited within a closed system. Lefort commends, instead, philosophical traditions that do not locate the political *in* society, conceived as a

to restore the harmony between liberalism and democracy that she argues has been destroyed by neoliberalism.

⁶⁹⁸ Mouffe, *Democratic Paradox*, 10.

⁶⁹⁹ Mouffe, *Democratic Paradox*, 16.

⁷⁰⁰ Lefort, *Democracy*, 214.

system of relations, however complex, but rather as a continuous conversation between philosophy and religion, where:

In short, both the political and the religious bring philosophical thought face to face with the symbolic, not in the sense in which the social sciences understand the term, but in the sense that, through their internal articulations, both the political and the religious govern access to the world.⁷⁰¹

Philosophy discovers in religion a door that opens towards the divine – a divine that is not a human invention, but where:

the imagination stages a different time, a different space. Any attempt to reduce it to being simply a product of human activity is doomed. [...] once we recognize that humanity opens on to itself by being held in an opening it does not create, we have to accept that the change in religion is not to be read simply as a sign that the divine is a human invention, but as a sign of the deciphering of the divine, or, beneath the appearance of the divine, of the excess of being over appearance.⁷⁰²

It is a peculiarity, he comments, of modern democracy that ‘power’ becomes based on ‘an empty place:’

of all the regimes of which we know, [the modern era] is the only one to have represented power in such a way as to show that power is an *empty place* and to have thereby maintained a gap between the symbolic and the real. It does so by virtue of a discourse which reveals that power belongs to no one; that those who exercise power do not possess it; that they do not, indeed, embody it; that the exercise of power requires a periodic and repeated contest; that the authority of those vested with power is created and re-created as a result of the manifestation of the will of the people.⁷⁰³

Unlike Mouffe’s agonistic democracy, Lefort recognizes how ‘power’ within classical democracy had a ‘positive determination in that the representation of the City and the

⁷⁰¹ Lefort, *Democracy*, 222.

⁷⁰² Lefort, *Democracy*, 223.

⁷⁰³ Lefort, *Democracy*, 225, original emphasis.

definition of citizenship rested upon a discrimination based upon natural criteria or – and this in the event comes to the same thing – supernatural criteria’. By contrast, in modernity:

there is no materialization of the *Other* – which would allow power to function as a mediator, no matter how it were defined – that there is no materialization of the *One* – which would allow power to function as an incarnation. Nor can power be divorced from the work of division by which society is instituted; a society can therefore relate to itself only through the experience of an internal division which proves to be not a *de facto* division, but a division which generates its constitution.⁷⁰⁴

This crucial passage highlights that when power loses its ‘outside’ reference ‘in a modern democracy’, it becomes instituted in division, ‘a pure diversity of individuals, each one of whom is abstracted from the network of social ties within which his existence is determined – into a plurality of atoms’. There are resonances with McGilchrist here: that what is lost is the right hemispheric apprehension of that which is Other and whole; leaving the left hemisphere to attend to the world in ever more particular division, within echo chambers of competing powers. The people become atomized, coming together collectively, rather than corporately, to exercise its will as popular sovereignty. Moreover:

when an empty place emerges, there can be no possible conjunction between power, law and knowledge, and their foundations cannot possibly be enunciated. The being of the social vanishes or, more accurately, presents itself in the shape of an endless series of questions (witness the incessant, shifting debates between ideologies). [...] It is the attributes of power that are exposed to our gaze, the distinctive features of the contest in which power appears to be the prize. [...] And so the symbolic dimension of the social passes unnoticed, precisely because it is no longer masked beneath a representation of the difference between the visible world and the invisible world.⁷⁰⁵

⁷⁰⁴ Lefort, *Democracy*, 226, original emphasis.

⁷⁰⁵ Lefort, *Democracy*, 227.

It is this difference between the visible and invisible world he calls paradoxical – rather different to how Mouffe understands the term. Lefort seeks the politico-philosophical principles that generate modern society, which he says cannot be organized in terms of pure self-immanence. He also seeks a commitment to the whole, which is undermined by division when atomism becomes normative, rather than the part incorporated into the whole.⁷⁰⁶ It is his conviction, that Charles Taylor also shares,⁷⁰⁷ of openness to the transcendent Other that gives the necessary foundation for political order in which a conjunction of ‘power, law and knowledge’ can pertain. Such approaches enable cracks in any ‘closed’ political theology, re-opening space in which a Christian Platonist imagination, such as Burke’s, can emerge, be understood, and appraised for relevance.

When society is conceived as ‘closed’, with no external ‘Other’, Lefort says:

The authority of those who make public decisions or who are trying to do so vanishes, leaving only the spectacle of individuals or clans whose one concern is to satisfy their appetite for power. Society is put to the test of a collapse of legitimacy by the opposition between the interest of classes and various categories, by the opposition between opinions, values and norms – and these are no less important – and by all the signs of the fragmentation of the social space, of heterogeneity. [...] the totalitarian adventure is underway.⁷⁰⁸

Totalitarianism, Lefort argued, subsumes law and knowledge under ideology, where leaders occupy the empty place, operating with no internal or external constraint on arbitrary power, or sense of the duties of belonging or public service within the body politic, or of divine accountability. Constitutions are ignored, and there is no truth, but only obfuscation. Naím captures it:

⁷⁰⁶ Lefort, *Democracy*, 228.

⁷⁰⁷ Taylor, *A Secular Age*.

⁷⁰⁸ Lefort, *Democracy*, 233.

It is the strategic use of confusion that makes post-truth much darker than the run-of-the-mill mendaciousness of the powerful. It is not about the spread of this or that lie but about destroying the possibility of truth in public life.⁷⁰⁹

Fertile ground for the emergence of the Sovereign Individual, the 3P autocrat

Mouffe's democratic paradox, howsoever creative in its agonistic pluralism, offers little by way of her hoped-for resistance to the excesses of neo-liberalism, but rather paves the way for the sovereign individual to arise from the radical, atomized democracy – as Mudde and Kaltwasser comment, the rise of populist leaders and sovereign individuals belongs within the political systems framed by liberal democracy,⁷¹⁰ – the worm is at the core. Naím's 3P autocrat, too, hollows out constitutionalism, using 'pseudolaw', for instance, and other manipulations. The figure of Donald Trump provides a good example, whose will to power, disregard of the rule of law and order, manipulation of 'truth', with false claims and promotion of conspiracy theories led to the events of 6 January 2021, with a profound challenge to American constitutionalism. The events of that day illustrated well the power of a populist leader to threaten constitutionalism, with long term consequences, including the failure of the Republican party to resist his appeal. Naím points out:

When politicians are just public servants, it's much easier for the political system to impose restraints on their behavior. The 3P autocrats' celebrity status loosens those restraints. Their fans have so much of their own identities invested in the leaders that they can't allow them to fail.⁷¹¹

To understand more deeply, we turn to Laclau's thoughts on populist reason and Naím's analysis of populism, to find significant overlap.

⁷⁰⁹ Naím, *Revenge*, 159.

⁷¹⁰ Cas Mudde and Cristobel Kaltwasser, *Populism: A very short introduction* (Oxford: Oxford University Press, 2017), 2.

⁷¹¹ Naím, *Revenge*, 58.

Populist Reason

In *Populist Reason* Laclau argues that populist identities coalesce around demands directed at the established order in a social logic that cuts across existing political allegiances and parties. Populism has ‘no referential unity,’ but becomes ‘quite simply, a way of constructing the political.’⁷¹² The homogeneity of ‘the people’ is imagined as a ‘whole’ that, although an empty signifier, assumes a representative power that all (disparate) parts can make their own.⁷¹³ ‘Representation’ comes to signify what is essentially not there – ‘an unachievable fullness’; empty, but with the hegemonic power of an impossible universal, present in its absence.⁷¹⁴ This ‘people’ is to be distinguished from how, for instance, Disraeli (or Burke) conceived ‘one nation’, for in populism:

a frontier of exclusion divides society into two camps. The ‘people’, in that case is something less than the totality of the members of the community: it is a partial component which nevertheless aspires to be conceived as the only legitimate totality. Traditional terminology – which has been translated into common language – makes this difference clear: the people can be conceived as *populus*, the body of all citizens; or as *plebs*, the underprivileged.⁷¹⁵

The leader coalesces the identity of the *plebs*⁷¹⁶ around an ‘ever-larger chain of demands’ directed at any elite authority, coalescing popular identity that ‘functions as

⁷¹² Laclau, *Populist Reason*, xi.

⁷¹³ Laclau, *Populist Reason*, 70-71.

⁷¹⁴ He recognizes that there are strong resonances with Hobbes’ understanding of the symbolic power of the sovereign figure who is the ‘mortall god’, the Leviathan, the body politic, which enables the differences and equivalences of the many parts to assume a social and discursive identity as a ‘people’, a ‘whole’, 80.

⁷¹⁵ Laclau, *Populist Reason*, 81, original emphasis.

⁷¹⁶ Laclau, *Populist Reason*, 83.

a tendentially empty signifier',⁷¹⁷ ripe for manipulation, often, ironically, around the desire for 'law and order', or other such term, like 'justice', 'equality' or 'freedom', for such terms are always applicable since they name 'an undifferentiated fullness', but they have 'no conceptual content whatsoever: [...] [being] in the strictest sense, *empty*'.⁷¹⁸

Laclau analyses populism as a political logic that emerges from demands that focus on an institutional, elite 'other'.⁷¹⁹ At some point one demand assumes centrality, creating a 'name', that becomes detached – 'Trump' becomes 'Trumpism' – and 'without this detachment, there would be no populism'.⁷²⁰ 'Democracy' then is appropriated in a two-way movement from 'represented' to 'representative', but also from 'representative' to 'represented',⁷²¹ as the populist leader assumes arbitrary power amongst devoted followers who take his name. Naím shows how it works:

Polarization pulls societies apart. It always has. Within the 3P framework, it is more acute, more global, digitally mediated, and widespread. [...] A polarized polity, where supporters can be expected to fall in line automatically, allows a leader to exercise power with far fewer fetters than before. And, crucially, polarization can be sharpened unilaterally simply by heightening the rhetoric on one side of the divide and trusting the backlash on the other side to do half of the work. That's why polarization acts as such a powerful centripetal force, concentrating power that would disperse and decay in its absence.⁷²²

⁷¹⁷ Laclau, *Populist Reason*, 96.

⁷¹⁸ Laclau, *Populist Reason*, 96-97, original emphasis.

⁷¹⁹ Laclau, *Populist Reason*, 117.

⁷²⁰ Laclau, *Populist Reason*, 120.

⁷²¹ Laclau, *Populist Reason*, 158.

⁷²² Naím, *Revenge*, 32.

pretended to a great zeal for the poor

Burke describes in the *Reflections* how the Assembly employed false information – fake news – in its efforts towards ‘further subversion and further destruction,’ demonizing, for example, ‘the king and queen of France [as] inexorable and cruel tyrants, [with] a deliberate scheme for massacring the National Assembly’.⁷²³ Burke describes how the Assembly claimed to be on the side of the poor against the elite, ‘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 served as a link to unite, in favour of one object, obnoxious wealth to restless and desperate poverty’.⁷²⁴

Burke anticipates Laclau’s analysis. He also questions the repudiation that can result from ‘political incorrect’ opinions: ‘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?’ He predicts that this ‘pure democracy’ is heading towards becoming ‘a mischievous and ignoble oligarchy’,⁷²⁵ anticipating emergent modern ideological and philosophical trends that can be seen to belong to the ‘adventure’, as Lefort called it, of modern totalitarianism. The ‘speculation’, or ‘abstractions’, designed to motivate the mob in France in 1789 were already active, he perceived, in the Dissenting factions of Britain, and he feared they would take firmer hold.

⁷²³ W&S, VIII, 133-34.

⁷²⁴ W&S, VIII, 162.

⁷²⁵ W&S, VIII, 174.

a Constitution made by what is ten thousand times better than choice

Burke's analysis of events in France, as the National Assembly assumed power, has surprising resonances with contemporary populism. As Burke saw it:

That Assembly, since the destruction of orders, has no fundamental law, no strict convention, no respected usage to restrain it. Instead of finding themselves obliged to conform to a fixed constitution, they have a power to make a constitution which shall conform to their designs. Nothing in heaven or upon earth can serve as a control on them.⁷²⁶

He contrasts 'turbulent, discontented men [...] puffed up with personal pride and arrogance' with those who are 'attached to the subdivision, [loving] the little platoon, [...] the first principle (the germ as it were) of public affections'. This 'little platoon' is 'the first link in the series by which we proceed towards a love to our country and to mankind'. He explains how trust is the basis of society: '[t]he interests of that portion of social arrangement is a trust in the hands of all those who compose it; and as none but bad men would justify it in abuse, none but traitors would barter it away for their own personal advantage'.⁷²⁷ The 'people' is an organic body formed by belonging, on the basis of trust, love and affection, not division, competition and conflict, but society, in France, as he saw it, had been corrupted by those who have only 'the greatest contempt' for the people:

these democratists, who, when they are not on their guard, treat the humbler part of the community with the greatest contempt, whilst, at the same time, they pretend to make them the depositories of all power.⁷²⁸

⁷²⁶ W&S, VIII, 96.

⁷²⁷ W&S, VIII, 97-98.

⁷²⁸ W&S, VIII, 107. Perhaps Burke had in mind St Paul's first letter to the Corinthians, 12. 22-25.

J. C. D. Clark points out that even in the mid-1780s Burke anticipated many of the themes of the Revolution, saying of homegrown ‘democratists’ then, that:

it is ridiculous to talk to them of the British Constitution upon any or upon all of its bases; for they lay it down, that every man ought to govern himself, and that where he cannot go himself he must send his Representative; that all other government is usurpation, and is so far from having a claim to our obedience, it is not only our right, but our duty, to resist it. Nine tenths of the Reformers argue thus, that is on the natural right.⁷²⁹

By contrast, constitutional government was:

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 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 circulations, occasions, tempers, dispositions and moral civil, and social habitudes of the people, which disclose themselves only in a long space of time.⁷³⁰

Burke did not deliver or publish this speech on *Representation*. As Clark comments, ‘when he finally made public these views in 1790, the scale of the hostile reaction explains something of his reticence in 1782’.⁷³¹ When such views did come to light, so much more was the shock of Priestley and the other Dissenters and reformers, who had long counted on Burke’s loyalty and friendship, even as their ideological position evolved in a direction that was contractarian and voluntarist. Clark emphasizes the novelty of Burke’s analysis, writing himself in 2001, identifying the – for ‘omnicompetent’ read ‘sovereign’ – individual as the antipathy to Burke’s thought:

⁷²⁹ Clark, *Reflections*, 54-55, quoting W&S, IV, 281.

⁷³⁰ W&S, IV, 219-20, original emphasis.

⁷³¹ Clark, *Reflections*, 56.

Prescription, liberty as an inheritance, the links between generations, everything venerable were now to be interpreted as being in one scale; in the other scale now sat the omniscient individual owing no allegiance to family, nation or rank; religious Dissent; natural rights doctrine, landless talent; militant atheism; revolutionary violence. So Burke arranged the alternatives. To conceive of them in this stark and antithetical way was, however, novel. Many in England, both in government and opposition, thought otherwise. That Whig reformer William Pitt regarded the Revolution as a problem that might be managed: co-existence, if possible, was his goal. Foxite Whigs often thought the ideals of the Revolution attainable, both in France and England, without the dire consequences that Burke predicted as inevitable.⁷³²

The publication of *Reflections* caused puzzlement and dismay amongst many of his erstwhile supporters. Thomas Paine's riposte was deep and angry, revealing the chasm between Burke's constitutional government, and the idea of 'pure democracy'.

Thomas Paine's Rights of Man: representation ingrafted upon democracy

Paine's *Rights of Man* was a severe critique of Burke, claiming for both Revolutions, in America and France, that they were 'a renovation of the natural order of things, a system of principles as universal as truth and the existence of man, and combining moral with political happiness and national prosperity'. He based his argument on the following three principles:

1. Men are born and always continue free, and equal in respect of their rights. Civil distinctions, therefore can be founded only on public utility.
2. The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression.

⁷³² Clark, *Reflections*, 61.

3. The Nation is essentially the source of all Sovereignty; nor can any individual, or any body of men, be entitled to any authority which is not expressly derived from it.⁷³³

For Paine, ‘The origin of government in England was ‘ruffian torturing ruffian’,⁷³⁴ but had the principles now known been in place, history would have told a very different story, and Mr Burke:

is so little acquainted with constituent principles of government, that he confounds democracy and representation together. Representation was a thing unknown in the ancient democracies. In these the mass of the people met and enacted laws in the first person. Simple democracy was no other than the common-hall of the ancients. It signifies the form, as well as the public principle of the government. As these democracies increased in population, and the territory extended, the simple democratical form became unwieldy and impracticable; and as the system of representation was not known, the consequence was, they either degenerated convulsively into monarchies, or became absorbed into such as then existed. Had the system of representation been then understood, as it now is, there is no reason to believe that those forms of government, now called monarchical or aristocratical, would ever have taken place.⁷³⁵

What had resulted was little better than slavery, not the ‘representative government [that] is freedom’. Paine argues that stirred up by revolution are ‘genius and talents’,⁷³⁶ and the innate human desire for a simple democracy such that:

By ingrafting representation upon democracy, we arrive at a system of government capable of embracing and confederating all the various interests and every extent of territory and population ...

⁷³³ Thomas Paine, *Rights of Man* (Harmondsworth: Penguin, [1791-2] 1984), 144.

⁷³⁴ Paine, *Rights of Man*, 168.

⁷³⁵ Paine, *Rights of Man*, 177.

⁷³⁶ Paine, *Rights of Man*, 176.

It is on this system that the American government is founded. It is representation ingrafted upon democracy.⁷³⁷

The representative system is mature and superior to ‘what is called monarchy, [which] always appears to me a silly, contemptible thing’.⁷³⁸ Instead, ‘the delegated monarchy of a nation’ resides in representation, which is in accordance with natural law, ‘always parallel with the order and immutable laws of nature, and meets the reason of man in every part’.⁷³⁹

There is no doubt that Paine’s *Rights of Man* has had significant influence on notions of ‘democracy’, with his understanding of the representation of the will of the people as fundamental, existing, as he says, from the earliest ‘common-hall of the ancients’ and convincing to common sense. As Pitkin pointed out, Burke’s understanding of the representation of interest has faded almost completely, for now what is represented is the ‘will of the people’. Burke’s longer view was lost – the duty on the representative not to look to the flash of the day, but to debate and consider the deeper issues at stake, that concern the interests of the nation, which is the people constituted as the body politic, rather than the majority of voters.

‘It was the will of the people; it’s my job to respect that!’

The difference between the politico-imaginaries of Burke and Paine was brought home to me in 2016 on the morning after the Brexit vote, when I met the Member of Parliament of the town where I then lived. She was a ‘Remainer’, and when I expressed my dismay at the outcome of the Referendum, she responded ‘It was the will of the people; it’s my job to respect that!’ Had I known then what I now know of Burke’s understanding of the responsibilities of elected representatives not slavishly to follow

⁷³⁷ Paine, *Rights of Man*, 201, 180.

⁷³⁸ Paine, *Rights of Man*, 190.

⁷³⁹ Paine, *Rights of Man*, 183.

the opinions and will of the people, but to represent their best interests and the national interest, competently, within their powers and abilities, I would have encouraged her to trust her initial judgement, that Brexit would not be in the interests of the nation. Paine and Burke understand the nature of representation very differently, and something important is lost when representatives fail to fulfil their responsibilities in discernment and debate, upholding the purpose of government to attend to the interests of the nation over the (arbitrary) will of the people.

Paine describes the beginning of government in Hobbesian fashion, as ‘ruffian torturing ruffian’, which locates politics in the empty space of contested powers, and not with a sense of political ordering through a constitution that develops through time in response to changing circumstances, where power is used to in public service of the common good. The understanding of sovereignty differs from that of Burke, too, for Paine’s third principle, that ‘the Nation is essentially the source of all Sovereignty’, denies Burke’s sense that it belonged with divine providence, incarnate within the institutions of the body politic, whether local, national or global.

There is a contrast, too, between Paine’s second principle, with its ‘end of all political association’ as the ‘rights of man’, and Burke’s as the common good of the body politic. Moreover, for Paine, natural rights are imprescriptible; they do not endure through continuities of generation, strengthening society through the duties of belonging. Paine’s first principle, that ‘men are born and always continue free, and equal’, expressed, for Burke, the license of the will, and rights as *a priori* abstractions; not the rights that are attributed to the members of a body, where each has different roles and responsibilities, rights and civil liberties, because of their honoured role within their communities.

It is Paine’s understanding that became dominant. Naím, for example, took the view that ‘constitutionalism’ began in the era of Paine:

In the American tradition, such a system is commonly referred to as “checks and balances.” It’s an old idea but a good one. In fact, it must rank as one of America’s most successful global exports.⁷⁴⁰

Burke’s response to Paine came almost immediately. His ideas had long been mature.

It is the act of the *people*, and that is sufficient

In August 1791, nine months after *Reflections*, Burke published *Appeal* to explain his position. It did not have the desired effect, but caused real offence,⁷⁴¹ further alienating him from his Whig party and old friends, whom he accused of succumbing to the views of Paine and the French revolutionaries. The *Appeal* offers the quintessence of his moral and political philosophy, the defence of the body politic against the exercise of arbitrary power. The ‘people’ are held together by the natural patriotic love, trust and sense of consent and duty which he believes any people will feel when well governed. The whole body, living under the providential law and divine order embedded within its institutions, was challenged by factions that had arisen influenced by Paine (who is not named, but who is his protagonist throughout), asserting that ‘the people’ can change a constitution by the exertion of its will. The irony is heavy:

It is the act of the *people*, and that is sufficient. Are we to deny to a *majority* of the people the right of altering even the whole frame of their society, if such should be their pleasure? They may change it, say they, from a monarchy to a republic to-day, and to-morrow back again from a republic to a monarchy; and so backward and forward as often as they like. They are masters of the commonwealth; because in substance they are themselves the commonwealth. The French revolution, say they, was the act of the majority of the people; and if

⁷⁴⁰ Naím, *Revenge*, 6.

⁷⁴¹ See W&S, IV, 365ff.

the majority of any other people, the people of England for instance, wish to make the same change, they have the same right.⁷⁴²

Burke refutes this in the strongest terms. This ‘act’ of the people would be the blatant exercise of arbitrary power, of voluntarism, a usurpation of sovereignty that belongs not to them but to divine providence. No matter what number, ‘the people’ does not have the right to act by its will to alter the constitution, which is founded on the covenant between all the parties involved in society, under God. If the rule of morality is given over to the ‘freedom’ of the people, then ‘the sovereign reason of the world [is subject] to the caprices of weak and giddy men.’⁷⁴³

For Burke, the exercise of arbitrary power is always identified with the capricious will of those who challenge all that gives security and stability through enduring institutions and constitutions, and again, Burke clashed with Paine over perhaps the most important issue. For because there was no written constitution, Paine denied that England had a constitution: ‘In England, it is not difficult to perceive that everything has a constitution, except the nation’, he had said.⁷⁴⁴ Moreover, Paine advocated the reduction of three branches of governance – the executive, the legislative and the judicial – declaring that the executive and the legislature were sufficient.⁷⁴⁵ This undermined centuries of political order, as Charles McIlwain has argued, and to his history of constitutionalism we now turn.⁷⁴⁶

⁷⁴² W&S, IV, 440, original emphasis.

⁷⁴³ W&S, IV, 441.

⁷⁴⁴ Paine, *Rights of Man*, 191.

⁷⁴⁵ Paine, *Rights of Man*, 98-99.

⁷⁴⁶ Charles H. McIlwain, *Constitutionalism: Ancient and Modern* (Ithaca, New York: Cornell University Press, 1947).

A brief history of Constitutionalism

McIlwain shows that, through history, the constitution works when the *gubernaculum*, or government (which includes the executive and legislative), is held accountable to the *justicia* (or judicial), understood as the deep justice that holds the political order true to its purpose, in the sight of God. McIlwain takes issue with one of Paine's most fundamental assertions, that a true constitution is always antecedent to government, by which Paine most likely meant (though it is unclear) the notion of a definite historical compact between the government and the governed. In fact, McIlwain says:

the traditional notion of constitutionalism before the late eighteenth century was of a set of principles embodied in the institutions of a nation and neither external to these nor in existence prior to them. [...] Precedent was the very life of these institutions as it was of all law. It was the retention of "ancient" liberties for which liberals thought they were fighting, not the creation of new ones *a priori*.⁷⁴⁷

He cites Edward Coke, for whom liberty 'was far from the abstract notions of the period of the Enlightenment. It still consisted, as in earlier ages, of specific concrete rights and of the whole body of these specific rights. He thought in terms of rights, not of right; of liberties, not of liberty'.⁷⁴⁸ McIlwain says that 'the essential principles to which Burke appealed were no less constitutional because they were 'unwritten'; [...] rather the limitations on arbitrary rule have become so firmly fixed in the national tradition that no threats against them have seemed serious enough to warrant the adoption of a formal code'.⁷⁴⁹ And this is the point of all constitutional government, says McIlwain:

⁷⁴⁷ McIlwain, *Constitutionalism*, 12.

⁷⁴⁸ McIlwain, *Constitutionalism*, 15.

⁷⁴⁹ McIlwain, *Constitutionalism*, 21.

constitutionalism has one essential quality: it is a legal limitation on government; it is the antithesis of arbitrary rule; its opposite is despotic government, the government of will instead of law.⁷⁵⁰

This was the constitution that Burke defended against the likes of Paine, that over centuries had been honed to defend the people against the exercise of arbitrary power.

How 'law' is understood is crucial. McIlwain explains that the Roman constitution developed with the consent of the *populus* within a framework of *lex*, understood both as contract between private individuals, and also 'what the people order and has established', by giving their consent which confers legal force to any measure.⁷⁵¹

quod omnes tangit ...

The consent of the people to be governed under law is fundamental to constitutionalism within the English common law tradition, bringing together 'the formal principles of both private and public law which is the true spirit of Roman and of English constitutionalism'.⁷⁵² It is the maxim *quod omnes tangit ab omnibus approbetur* (what concerns all must be approved by all), rather than 'those late statements of absolutism to which so much currency has since been given' – *quod principi placuit legis vigorem habet* ('what pleases the prince has the force of law'), or Ulpian's assertion *princeps legibus solutus est* ('the prince is not bound by the law') – that captures constitutionalism, says McIlwain.⁷⁵³ He explores the 'mediaeval riddle' that so preoccupied jurists, including Bracton, that it is not the will of the monarch that is absolute, but rather 'what has been rightly defined with the kings' authorization on the advice of his magnates after deliberation and conference

⁷⁵⁰ McIlwain, *Constitutionalism*, 46.

⁷⁵¹ McIlwain, *Constitutionalism*, 50.

⁷⁵² McIlwain, *Constitutionalism*, 53.

⁷⁵³ McIlwain, *Constitutionalism*, 57.

concerning it',⁷⁵⁴ in accordance with the principle that 'the *esse* of the crown is to exercise justice and judgement and to maintain the peace; and without these the crown could neither subsist or endure'.⁷⁵⁵

The monarch may hold sway within the sphere of *gubernaculum*, government, but is accountable in the sphere of *jurisdiction*:

It is in jurisdiction, therefore, and not in "government" that we find the most striking proof that in medieval England the Roman maxim of absolutism was never in force theoretically or actually. For in jurisdiction the king was bound by his oath to proceed by law and not otherwise.⁷⁵⁶

As Coke had it: '[t]he King by his proclamation, or other ways, cannot change any part of the common law, or statute law, or the customs of the realm.' However, as McIlwain continues, '[t]he fundamental weakness of all medieval constitutionalism lay in its failure to enforce any penalty, except the threat or the exercise of revolutionary force, against a prince who actually trampled underfoot those rights of his subjects'.⁷⁵⁷

1621 marked a turning point in the history of constitutionalism, when the principle of political responsibility of government to protect the rights of the people was asserted against the arbitrary will of an absolute monarch. Parliament came to represent 'the great bulk of the Commonwealth', acting in its name and interest against a 'head' whose hereditary rights could no longer be reconciled with the traditional liberties of the people. McIlwain comments that:

The principle of the people's consent and of parliament as the channel of this consent, reasserted by Wentworth and Coke in 1621, is a very ancient one. As we have seen, it was the original foundation of the binding force of *leges* in

⁷⁵⁴ McIlwain, *Constitutionalism*, 70.

⁷⁵⁵ McIlwain, *Constitutionalism*, 85.

⁷⁵⁶ McIlwain, *Constitutionalism*, 87.

⁷⁵⁷ McIlwain, *Constitutionalism*, 33.

republican Rome; and it was asserted by Bracton in his repetition of Papinian's dictum that *lex* is the 'common engagement' of the republic, and in his introduction when he said that laws could 'neither be changed nor destroyed without the common consent of all those with whose counsel and consent they have been promulgated.' This is the principle to which Edward I referred in his summonses to the parliament of 1295 – *quod omnes tangit ab omnibus approbetur*.⁷⁵⁸

The seventeenth century saw the emergence of parliamentary sovereignty based on the assumption of consent and representation, in response to the testing of the Stuarts,⁷⁵⁹ such that the years 1621-1689 marked a revolution in which the king was confirmed in his responsibility in government as well as jurisdiction, responsible not merely to God but to the law and to the people – the crown-in-parliament.

McIlwain concludes by affirming the ongoing importance of an independent judiciary:

If *jurisdictio* is essential to liberty, and *jurisdictio* is a thing of the law, it is the law that must be maintained against arbitrary will. And the one institution above all others essential to the preservation of the law has always been and still is an honest, able, learned, independent judiciary.⁷⁶⁰

This, he says, needs to work in conjunction with 'a *gubernaculum* strong enough to perform all its essential duties and obvious enough to ensure full responsibility to all the people for the faithfulness of that performance'.⁷⁶¹ So Paine's commendation of the abolishment of the judiciary as unnecessary was to McIlwain's assessment, at best naïf, at worst, dangerous. The politicization of the judiciary in any liberal constitution

⁷⁵⁸ McIlwain, *Constitutionalism*, 115.

⁷⁵⁹ 'The Stuart kings did not bring it about; but, to the discredit of those kings without a single exception, it must be said that the struggle was hastened and its bloody accompaniment augmented by a royal stupidity, arrogance, shiftiness and stubbornness that have few parallels in history'. McIlwain, *Constitutionalism*, 129.

⁷⁶⁰ McIlwain, *Constitutionalism*, 139-41.

⁷⁶¹ McIlwain, *Constitutionalism*, 144.

should be cause for concern, by his reading. Naím comments that it is one of the tactics of a 3P autocrat, to stack the judiciary with reliable political appointees.⁷⁶²

This is the tradition to which Burke belonged

Burke understood that constitutionalism was the only way to check arbitrary power, by the robust interplay of judiciary, government and legislature that serves the interests, the liberties, rights and properties of the people. He was increasingly at odds, though, with the tide of the times, and with his former Whig colleagues, and it was the Fox/Sheridan Whig tradition, J. C. D. Clark notes, that ‘paved the way for a more utilitarian and pragmatic attitude to entitlements in later decades’,⁷⁶³ that was closer to the American understanding of ‘democracy’. Walter Bagehot’s writings suggest that both traditions persisted, and, arguably, today, can be seen in the distinction between the constitution understood as sustained by the tension of conflicting powers, checks and balances, or as cabinet within government, with divine sovereignty held on trust by a number of institutions, including the monarchy, empowered to serve the common good.⁷⁶⁴

⁷⁶² Naím, *Revenge*, 16.

⁷⁶³ Clark, *Reflections*, 33, n.31.

⁷⁶⁴ See Walter Bagehot, *The English Constitution* (Oxford: Oxford University Press, [1867] 2009). There he says that the American constitution was built upon the perception of partisanship and factionalism, and to preserve the status quo, political order requires ‘checks and balances’ to prevent the acquisition of power by any one interest group. Society is not an organic, inter-locking whole, in which sovereignty is embedded in diverse institutions, as Burke sees it, but rather as parts – individuals and factions – in competition with one another, in their desire to promote their own interest and will to power (see 160-61).

Bourke concludes that after the publication of *Reflections*, Burke largely failed to convince his readers by his sophisticated polemic – and he points out, Burke still fails to convince, but perhaps because he is not read:

The force of his argument has been drowned out by subsequent political rhetoric. This has been based on the assumption that liberalism and democracy form a natural union of values that set European society on the path to progress after 1789. Of course for Americans the route to improvement begins in 1776. Accounts of linear development since the end of the eighteenth century are therefore prone to identify the French with the American Revolution. From this angle, the “Age of Revolutions” was the parent of liberal democracy. This conclusion is a product of a politicized reading of history. To sustain it, it has been necessary to disregard Burke’s view of the French Revolution and thus to condemn him as a leading opponent of modernity.⁷⁶⁵

Bourke is right: Burke’s voice has either been appropriated by right-wing ideologues, or labelled and dismissed as reactionary; but it can also be argued that his re-interpretation of classical constitutionalism has persisted, *in fact* at least. Some of the ground on which Burke made a stand has gone – like his exclusive electorate, which changed in 1832, not long after his death. His ideas of property and prescription require a sympathetic interpretation, too. But there is much that can be gained from a re-reading of Burke today; and perhaps most of all, his understanding of power, and its machinations through moral, civil, social and political order. His analysis of arbitrary power – what Naím calls ‘absolute’ power – is just as relevant today, where:

It’s a worldwide trend: absolute power survives, furtively, by mimicking the institutions it corrupts. Sometimes it is content to remain in that in-between space. But often it treats that space as only a way station on the path to full autocracy.⁷⁶⁶

Burke’s understanding of political order as that which burdens government with the task of protecting the interests and liberties of the people against the exercise of

⁷⁶⁵ Bourke, *Empire*, 741.

⁷⁶⁶ Naím, *Revenge*, 29.

arbitrary power, offers pause for thought in a crisis of ‘democracy’, encouraging a political imagination of the whole rather than the part, public service and the rule of law and constitution, rather than the will to power, a sense of tradition rather than the seductions of utopianism, and a right-hemispheric imagination for an open rather than a closed universe – the assumption of God – rather than the empty void of atheism.

This chapter could end here; however, there is a fascinating diversion to be made into what Voegelin understood by Gnosticism, from his reading of Hooker’s engagement with Puritanism – which Burke would have read, and which may well have shaped his analysis of the abstractions of revolutionary utopianism. To this we turn, before reflecting on contemporary political theology, and Miguel Vatter’s work on ‘divine democracy’ in conclusion.

Gnosticism?

Karl Voegelin’s work against the totalitarianisms of the mid-twentieth century offers a striking exploration of what he calls modern ‘Gnosticism’⁷⁶⁷ which is helpful, I think, to capture the nihilism at the heart of what today might be termed ‘ideology’ and what Burke called ‘abstraction’. Vassilios Paipais takes issue, however, with Voegelin’s use of the ancient heresy:

By calling modernity a secularized Gnostic heresy, Voegelin condemned not only the modern liberal order but all forms of utopian or totalitarian politics as well, such as socialism, communism and fascism, for projecting intra-mundane salvific doctrines as ultimate truths. The predictable result is modern nihilism:

⁷⁶⁷ The use of ‘Gnosticism’ is controversial, though: Benjamin Lazier, for instance, describes its ubiquity as ‘hypersemy’, as he explores the thinking of Hans Jonas in his *God Interrupted: Heresy and The European Imagination between the World Wars*, (Princeton: Princeton University Press, 2008), 21.

the death of God and its replacement by man as the modern Prometheus who brought the catastrophes of the twentieth century upon himself.⁷⁶⁸

However,

Humanity's mission according to 'Gnosis' is to reignite the divine spark already dormant in the human spirit by disassociating itself from worldly existence. The rejection of the world and temporality is absolute here. Disbelief in the world and estrangement from it are the symbol of the 'Gnostic' existential state of mind in its quest for self-revelation and redemption. If 'Gnostic' theodicy is the key to understanding 'Gnostic' otherworldliness, Voegelin is probably wrong in attributing to 'Gnosticism' a tendency to 'immanentize the eschaton'.⁷⁶⁹

Strictly speaking, Paipais is right, of course, but as Rossbach comments Voegelin 'never surrendered his belief that behind the notion of "gnosis" or "Gnosticism" there was a very serious, perennial, spiritual problem'.⁷⁷⁰ Rossbach continues that 'since Gnosticism surrounds the *libido dominandi* in man with a halo of spiritualism or idealism, and can always nourish its righteousness by pointing to the evil in the world, no historical end to the attraction is predictable once magic pneumatism has entered history as a mode of existence',⁷⁷¹ and so captures something of the ungrounded appeal that lies at the heart of the seductive attraction of populist leaders. 'Gnosticism' speaks of the human capacity to invest a secret, powerful knowledge that becomes an idol, a human construction that replaces God, and, I would argue, in so far as modernity renders the world empty of the sacred by the death of God, and so, arguably, empty of

⁷⁶⁸ Vassilios Paipais, 'Overcoming 'Gnosticism'? Realism as political theology', Cambridge Review of International Affairs, 2016, 29:4, 1603-1623. <https://doi-org.ezphost.dur.ac.uk/10.1080/09557571.2014.978265> [accessed 13/07/2023], 1606.

⁷⁶⁹ Paipais, 'Overcoming 'Gnosticism'?', 1607.

⁷⁷⁰ Stephen Rossbach, "'Gnosis" in Eric Voegelin's philosophy'. Political Science Reviewer 2016, 34: 77-121; 88.

⁷⁷¹ Stephen Rossbach, "Gnosis", 82.

meaning and purpose, modernity represents a form of gnostic world-denial. The seductive power of romanticized nihilism, and the heroic assertion of existential 'man' over against the 'void' who occupies the modern soul and political life, tastes and smells of Gnosticism. To my mind, Voegelin's use of the heresy seems to capture the spirit of the malaise of modernity. Burke and Voegelin in conversation? I suspect they would find much agreement.

the role of religion in a positive light

To do Burke's love of political order justice requires understanding the role of religion in a positive light. His theism offers, instead of the 'empty space' of modern political discourse in which political order is constructed by humanity in a closed universe, an ultimate, transcendent referent where power is a good, and divine sovereignty provides the stable symbols of trust and belonging required as the foundation of political power, exercised for the common good. Burke's Christian Platonism shapes his theo-political imagination such that political order is understood with a spirit of philosophic analogy as participating in a reality that is 'something' rather than 'nothing' – what Burke called 'divine providence' – the God who is goodness, justice, love and truth, in whom is the sovereignty that is transcendent and ultimate and yet also immanent and embedded – ordained – through moral, civil, social, political and natural order. Voegelin called this the 'It-reality', to be discerned with a knowledge that is 'prescientific', as he calls it, a participatory knowledge that is to be contrasted with the 'will to power and fear':

If for instance in our prescientific participation in the order of a society, in our prescientific experiences of right and wrong, of justice and injustice, we should feel the desire to penetrate to a theoretical understanding of the source of order and its validity, we may arrive in the course of our endeavours at the theory that the justice of human order depends on its participation in the Platonic *Agathon*, or the Aristotelian *Nous*, or the Stoic *Logos* or the Thomistic *ratio aeterna*. [...] If however, the way should lead us to the notion that social order is

motivated by will to power and fear, we know that we have lost the essence of the problem somewhere in the course of our inquiry.⁷⁷²

Voegelin – like Burke – had read Hooker. In his engagement with the Puritans of his day, Hooker discerned certain dynamics that have startling resonances with how Burke analyzed the ‘abstractions’ of the revolutionaries, or what Voegelin calls the Gnostic trends of ideology.

Hooker on Puritanism

Voegelin’s *New Science of Politics* begins with an epigram from Hooker:

Posterity may know we have not loosely through silence permitted things to pass away as in a dream.

Voegelin saw Puritanism as the attempt to overthrow English political order, and Hooker’s perceptive observations ‘an invaluable asset for the student of the Gnostic revolution’. Voegelin captures Hooker’s analysis thus, with uncanny resonances with Laclau’s portrayal of populist reason:

In order to start a movement moving, there must in the first place be somebody who has a “cause”. From the context in Hooker it appears that the term “cause” was of recent usage in politics and that probably the Puritans had invented this formidable weapon of the Gnostic revolutionaries. In order to advance his “cause” the man who has it will, “in the hearing of the multitude,” indulge in severe criticisms of social evils and in particularly of the conduct of the upper classes. Frequent repetition of the performance will induce the opinion among the hearers that the speakers must be men of singular integrity, zeal, and holiness, for only men who are singularly good can be so deeply offended by evil. The next step will be the concentration of popular ill-will on the established government. This task can be psychologically performed by attributing all fault and corruption, as it exists in the world because of human frailty, to the action or inaction of the government. By such imputation of evil to a specific institution the speakers prove their wisdom to the multitude of men who by themselves would never have thought of such a connection; and at the same time they show the point that must be attached if evil shall be

⁷⁷² Voegelin, *New Science*, 6.

removed from this world. After such preparation, the time will be ripe for recommending a new form of government as the “sovereign remedy of all evils.” For people who are “possessed with dislike and discontentment at things present” are crazed enough to “imagine that any thing (the virtue whereof they hear recommended) would help them; but the most, which they least have tried.”⁷⁷³

Hooker observes the way the Puritans associate scripture with their doctrine, to fashion ‘the very notions and conceits of men’s minds’. Persuaded of their specialness in the Spirit, they experience themselves as the elect, with a sense of the people divided into the ‘brethren’ and the ‘worldlings’.⁷⁷⁴ Hooker continues that such people prefer each other’s company to that of the rest of the world, voluntarily accepting direction from the indoctrinators, neglecting their own affairs to devote excessive time to service the cause, and extending generous resources to aid to the leaders of the movement. Women play an important function to influence husbands, children, servants, and friends, and are more liberal in financial aid. Once established, such a society is difficult, if not impossible, to break it up by persuasion. Voegelin quotes Hooker:

“Let any man of contrary opinion open his mouth to persuade them, they will close up their ears, his reasons they weight not, all is answered with rehearsal of the words of John: “We are of God; he that knoweth God heareth us: as for the rest ye are of the world: for this worlds’ pomp and vanity it is that ye speak, and the world, whose ye are, heareth you.”⁷⁷⁵

Resistant to argument, the puritans’ attitude is ‘psychologically iron-clad and beyond shaking by argument’. As Voegelin comments:

Hooker, who was supremely conscious of tradition, had a fine sensitiveness for this twist of mind. In his cautiously subdued characterization of Calvin he opened with the sober statement, “his bringing up was in the study of civil law”;

⁷⁷³ Voegelin, *New Science*, 135-36.

⁷⁷⁴ For the original Hooker see *Laws*, I, 18ff.

⁷⁷⁵ Voegelin, *New Science*, 137; *Laws*, I, 19.

he then built up with some malice: “Divine knowledge he gathered, not by hearing or reading so much, as by teaching others”; and he concluded on the devastating sentence: “For, though thousands were debtors to him, as touching knowledge in that kind; he (was debtor) to none but only to God, the author of the most blessed fountain, the Book of Life, and of the admirable dexterity of wit.”⁷⁷⁶

Voegelin quotes a letter of Hooker, in which he argued that ideology had to be opposed:

Hooker perfectly understood, what today is so little understood, that Gnostic propaganda is political action. [...] With his unerring sensitiveness he even diagnosed the nihilistic component of Gnosticism in the Puritan belief that their discipline, being “the absolute command of Almighty God, it must be received although the world by receiving it should be clean turned upside down; herein lieth the greatest danger of all.” In the political culture of his time it was still clear beyond a doubt that the government, not the subjects, represents the order of a society. [...] This means concretely that a government has a duty to preserve the order as well as the truth which it represents; when a Gnostic leader appears and proclaims that God or progress, race or dialectic, has ordained him to become the existential ruler, a government is not supposed to betray its trust and to abdicate. And this rule suffers no exception for governments which operate under a democratic constitution and a bill of rights. [...] A democratic government is not supposed to become an accomplice in its own overthrow by letting Gnostic movements grow prodigiously in the shelter of a muddy interpretation of civil rights; and if through inadvertence such a movement has grown to the danger point of capturing existential representation by the famous “legality” of popular elections, a democratic government is not supposed to bow to the “will of the people” but to put down the danger by force, and if necessary, to break the letter of the constitution to save its spirit.⁷⁷⁷

Vatter understands this as a turn to dictatorship, saying that ‘Voegelin names Richard Hooker as the first thinker to give positive construal to dictatorship as a way to deal with “Gnostic revolutionaries”.’⁷⁷⁸ This does no justice to Voegelin – or Hooker – for

⁷⁷⁶ *Laws*, I, 3.

⁷⁷⁷ Voegelin, *New Science*, 144.

⁷⁷⁸ Vatter, *Divine Democracy*, 85.

they are surely right that the use of force is justified against those who seek to overthrow, or undermine, legitimate government – as was the case on 6 January 2021.

The Metaxy: Incarnation as living in uncertainty

Voegelin understands Christianity, and particularly St Paul, not as the puritans did with their impulse towards factionalism, but as holding together the tensions of the political and the sacred, in the uncertainties of the metaxy, refusing seductive Gnostic simplifications. He is critical of Augustine, believing him to let the tension relax with his differentiation of the two cities, thus initiating the de-divinization of the world and the re-emergence of ancient dualist heresies, where no longer is ‘Society [...] the representative of a transcendent truth’.⁷⁷⁹ That de-divinization led to the emergence of various messianic figures, like the twelfth century Joachim of Flora, and medieval and Renaissance sects, as well as the Puritanism that Hooker contended with. Voegelin explains the flourishing of this brand of Gnosticism as the all-too-human response to uncertainty, when the tension of holding together the political and sacred collapsed into immanentist constructions of truth. He asks:

What specific uncertainty was so disturbing that it had to be overcome by the dubious means of fallacious immanentization? One does not have to look far afield for an answer. Uncertainty is the very essence of Christianity. The feeling of security in a “world full of gods” is lost with the gods themselves; when the world is de-divinized, communication with the world-transcendent God is reduced to the tenuous bond of faith, in the sense of Heb. 11.1, [Hebrews] as the substance of things hoped for and the proof of things unseen. Ontologically, the substance of things hoped for is nowhere to be found but in faith itself; and, epistemologically, there is no proof for things unseen but again this very faith. The bond is tenuous indeed, and it may snap easily. The life of the soul in openness toward God, the waiting, the periods of aridity and dullness, guilt and despondency, contrition and repentance, forsakenness and hope against hope, the silent stirrings of love and grace, trembling on the verge of a certainty

⁷⁷⁹ Voegelin, *New Science*, 75.

which if gained is loss, the very lightness of this fabric may prove too heavy a burden for men who lust for massively possessive experience.⁷⁸⁰

Voegelin explores here how the divine can be mediated, or incarnated, within the human condition, with all the fallibilities and imperfections of the institutions and constitutions of political order. This concurs with the Whitehead/Oakley/Bain distinction between immanent, or embedded order, where the sacred permeates the political, in contrast to the 'imposed' order, which aligns with how Voegelin sees the Gnostic tendency to close down the tensions of uncertainty into the certainties of human constructions of order, which ultimately lead to authoritarianism.

Furthermore, Burke's insistence that political debate be on solid events and issues, rather than ideology or 'abstractions', offers the circumstantial prudence that opens up the greater wisdom of public service, rather than the exercise of the will to power. In the metaxy, as Voegelin sees it, divine power is mediated not into an empty void, or nothingness, but ordained into institutions that hold their purpose, which is the common good, with a realistic sense of the human propensity to will the seductions of gnostic utopianism. Burke belongs here, in company with Hooker and Voegelin, each in their time identifying gnostic threats to legitimate and constitutional government. Each interprets the Christian Platonist tradition in which the political realm is ordained by divine providence towards the end of the common good, where constitutions are infused with and open to the sacred, and where the practice of politics is carried forward with circumstantial wisdom rather than motivated by ideology, within executory, legislative and juridical institutions that curtail the exercise of the all-too-human arbitrary will to power.

⁷⁸⁰ Voegelin, *New Science*, 123.

Divine Democracy

Vatter's book *Divine Democracy* helpfully reviews the thought of a range of philosophers, by arguing that Christian political theology is obsessed with Gnosticism, and therefore allows 'this discourse to portray the project of Modernity in terms of establishing an immanent framework for human salvation that, in attempting to sideline religion from the public sphere, accounts for the slide from liberal democracy to totalitarianism'.⁷⁸¹ He favours pantheism in the form of:

a republican constitution [that] does not need to be underwritten by monotheism (if only in its Trinitarian mode) but can rest on the pantheistic belief in the divinity of the world as it was, is, and always will be. [...] [S]uch a reading of republican constitutionalism allows one to counter Gnostic misarchy not by appealing to a political theology of sovereignty, but to a civil religion of republican anarchy, or a conception of balanced power as necessary condition for life in a state of non-domination, where everyone can look into everyone's eyes and not have to avert their gaze.⁷⁸²

This seems to me to be inadequate in its utopian dream of 'a state of non-domination'; for 'everyone's eyes' includes Donald Trump, or Vladimir Putin: averting – or holding – their gaze is not going to achieve very much by way of curtailing their will to arbitrary power. A 'pantheistic belief in the divinity of the world as it was, is and always will be' does not provide the political or theological weight to counter the abuse of the arbitrary will to power, whether exercised by a dictator who invades a neighbouring nation, or a sovereign individual who dominates by manipulating social media. There is here no real openness to a transcendent foundation for truth and morality, for pantheism can be constructed to reflect the desires and will of any who claim it. Much as the discernment of the eternal law of divine providence is difficult, Burke's insistence on it as the only means to judge evil and promote peace and stability within a political order seems to me to be correct. Divine providence provides the ultimacy to

⁷⁸¹ Vatter, *Divine Democracy*, 241.

⁷⁸² Vatter, *Divine Democracy*, 256.

undergird the political institutions and constitutions that can deliver security and social justice for all in a world of neo-liberal licence, of unscrupulous manipulation of desire and communication, and the brute reality of aggressive force, of sin and brokenness.

the institution of unction and coronation

As we have seen, Lefort notes the persistence of the theological in the political. He draws on Kantorowicz to re-assert the classical formulation that:

When royalty is made sacred by the institution of unction and coronation, it is possible for the king to argue the case for a sovereignty which removes him from the rest of humanity, which allows him to be a Vicar or minister of Christ, to seem to have been made in his image, and to have both a natural, mortal body and a supernatural, immortal body.⁷⁸³

This enables a division to be effected in society between the realm of the functional and the realm of the mystical, throughout the fabric of the body politic:

The division of the body politic occurs together with the division of the kings' body; at the same time, the body politic is part of his body; his immortal and supernatural body remains that of a person whom grace makes divine, and in whom God dwells, but at the same time it migrates into the body of the kingdom; whilst a single body is defined both as the body of a person and as the body of a community, its head remains the symbol of a transcendence [sic] that can never be effaced.⁷⁸⁴

There is no room here to engage deeply with Kantorowicz, except to say that instead of talk of 'division' it is possible to have a sense of divine sovereignty as permeating all the institutions and corporations of the body politic, including the monarchy, thereby refuting old Hobbes' teaching on sovereignty. And for it to be enough here to say that Lefort's perception of the permanence of the 'theologico' opens up space for Burke,

⁷⁸³ Lefort, *Democracy*, 251.

⁷⁸⁴ Lefort, *Democracy*, 251.

and the way he might offer resources to contemporary explorations of ‘political order’. Burke’s sense of divine providence that orders the body politic in all its associations and institutions can be dismissed too quickly; but might offer a viable critique of the closed world of modernity, where empty places allow arbitrary powers and gnostic ideologies, without any means of real resistance. Burke belonged to a tradition of openness to the sacred, to a sense of God’s presence and providence incarnated and embedded within the human condition, which enables the political – and international, social, civil and moral – to align with ends and goals that serve the flourishing of society and the world (albeit always in contingent and broken ways). Burke’s circumstantial wisdom was attuned to the requirement in every moment to respond to the providential ordering of all creation to the good, to do justice, seek the true and the beautiful, always vigilant for the exercise of arbitrary power. Had Burke lived today, I believe he would have discerned in the sovereign individual and 3P autocrat the exercise of the will to power as the manifestation of the sovereignty of the part, rather than the whole, and, taking advantage of the empty nihilism of a world where God is dead, displaying an ultimate refusal of any of the constraints of human institutions, and, ultimately, of the moral injunctions of divine providence to realize liberty in service of the common good.

Conclusion: The Royalty of Spirit

This chapter has commended the tradition of constitutionalism to which Burke belonged as the best defense of the body politic against the exercise of arbitrary power. We have explored his thought around four themes: that of the primacy of the law, the duties of belonging and public service over the voluntarism of the will to power; the whole that incorporates the part; tradition rather than utopianism, on the basis of theistic divine providence that resists the empty nihilism of a political arena where God is dead and power is ‘ruffian torturing ruffian’. We have aligned Burke with Hooker, and Voegelin, and their insightful analysis into the machinations of what Burke called ‘abstractions’, or what might be termed ‘ideology’ today. We have interrogated political terms – particularly ‘democracy’ – and the profound differences

between Burke and Paine's politico-imaginaries. 'Democracy' has been re-evaluated so sovereignty is not located solely with 'the people', but finds its place within a mixed constitutionalism, the history of which pre-dates modernity, with roots in classical times, as an evolving political order that serves the interests and common good of the people. This tradition sees power as not operating within a vacuum, but divinely ordained and mediated by human institutions, that constrain the ubiquitous exercise of the will to power, governing to protect the interests of the body politic. Since Roman times, the legitimacy of government requires the consent of the people – for *quod omnes tangit ab omnibus approbetur*. That the tradition that Burke represents is not entirely dead – as some might suppose – is evident from those like Lefort, and others, like Charles Taylor and Iain McGilchrist, who argue for a reappraisal of the need for openness to transcendence.

In the introduction to his edition of *Reflections*, Clark's final comments are interesting:

In the long and genocidal shadow cast by 1789, only Burke's Anglican England survived largely unscathed.⁷⁸⁵

Burke was a practising Anglican, who would have been familiar with the Book of Common Prayer. This prayer has its place within regular worship today, and deserves careful reflection:

ALMIGHTY God, whose kingdom is ever-lasting, and power infinite: Have mercy upon the whole Church; and so rule the heart of thy chosen servant *CHARLES*, our King and Governor, that he (knowing whose minister he is) may above all things seek thy honour and glory: and that we and all his subjects (duly considering whose authority he hath) may faithfully serve, honour, and humbly obey him, in thee, and for thee, according to thy blessed Word and ordinance;

⁷⁸⁵ Clark, *Reflections*, 111.

through Jesus Christ our Lord, who with thee and the Holy Ghost liveth and reigneth, ever one God, world without end. Amen.⁷⁸⁶

The monarch is not a 'sovereign individual', but holds the real sovereignty of God in his or her person, embodying the body politic that enables the people to know who they are, and to belong. The language of servant, the people's King and Governor, and minister, while the people duly considering whose authority he has enjoins the people to serve, honour and obey, according to God's Word and ordinance. This is not arbitrary power, but divinely ordained authority, that requires the consent of the people. The monarch's authority is not dependent upon election (as Burke was at pains to show in *Reflections*), as it embodies the order that permeates the natural and meta-natural realms, holding them together as one, where all participate in the whole, aligned through grace to order rather than disorder or sin, within the divinely ordained law, discerned rationally and wisely. This prayer dates from the 16th Century conveying a tradition of political order that can be traced to Cicero, that is apparent in Lefort's conclusion, as he speaks of the permanence of the theologico-political:

In order to appreciate its full import, we would perhaps have to elucidate it further by re-examining the role played by the idea – which receives its initial impetus from Dante – that humanity will become one and will live in peace under the sole authority of the One, an idea which combines the power of the spirit or Sovereign Reason with political power. This idea was strongly challenged by those who saw humanism as providing the basis for a critique of the temporal monarchy – a critique which began to be formulated by the end of the fourteenth century in Florence and which spread throughout Europe in the sixteenth century – but it may also be worth asking whether it might not have retained its theologico-political efficacy in the realm of philosophy, and whether it might not resurface whenever philosophy attempts to reformulate the principle of what, following Michelet, we have termed the Royalty of Spirit.⁷⁸⁷

⁷⁸⁶ This prayer can be found in the Book of Common Prayer, in the section entitled 'Occasional Prayers', 1. For the King's Majesty.

⁷⁸⁷ Lefort, *Democracy*, 254.

He continues to suggest by way of conclusion that when the theological and the political became divorced, 'the efficacy [of religion] is no longer symbolic but imaginary' which is 'an expression of the unavoidable – and no doubt ontological – difficulty democracy has in reading its own story – and in the difficulty political or philosophical thought has in assuming without making it a travesty, the tragedy of the modern condition'. Lefort helps to point in the direction of some of the pitfalls of a democracy that is a closed system, and which turns to the particular, dividing one against the other, without an ultimate referent as the foundation of law and knowledge. Such a world becomes vulnerable to the exercise of the arbitrary will to power of the dominant, within a vacuum of empty signifiers and abstractions.

This chapter has presented Edmund Burke as essentially at odds with key aspects of his age. He resisted the abstractions of *Les Philosophes*, and the novel understanding of political order that resulted. I have drawn out points of intersection with Moisés Naím and Laclau's populist reason, and Voegelin's sense of continuing Gnosticism, to describe how the will to power is personified today by the sovereign individual or 3P autocrat who benefits from the post-truth that results from the nihilism that accompanies the assumption of atheism. I have argued that Burke persisted in the real circumstances of life and politics – the metaxy of doubt and uncertainty – to champion traditions of constitutionalism and the duties of public service rather voluntarism and utopian visions. His openness to divine providence led to the conviction that political order was ordained and infused with divine sovereignty, where power is shared agency towards the purposes of love and justice, curtailed within the institutions and constitutions that protected the body politic, providing the rule of law against the arbitrary will to power.

Chapter Seven: World Order as Commonwealth

Introduction

No man is an island,
Entire of itself;
Every man is a piece of the continent,
A part of the main.
If a clod be washed away by the sea,
Europe is the less,
As well as if a promontory were:
As well as if a manor of thy friend's
Or of thine own were.
Any man's death diminishes me,
Because I am involved in mankind.

(John Donne, 1572-1631)⁷⁸⁸

This chapter takes our study of Burke to the fifth concentric sphere, that of international order. Burke's political interest was extensive, beyond the confines of constituency or nation; indeed, it has been widely recognized that his main concern was foreign affairs,⁷⁸⁹ and particularly the four themes of the 'great melody' of his life: Ireland, America, Europe and India. We shall consider each in turn, in the light of his 'Global Web of Law', highlighting aspects of his thought that are relevant today – his understanding of 'sovereignty', for example; but also his firm belief in universal law, applicable to all, his commitment to cultural and political diversity, and his sense of the responsibilities of government that, where necessary, transcend national boundary.

⁷⁸⁸ John Donne, *Devotions*, 87.

⁷⁸⁹ See, for instance, Jennifer Pitts, 'Burke and the Ends of Empire', in Dwan and Insole, *Burke*, 145-55; 145.

He was reluctant at best about the British Empire – we have already heard his comment that, with regard to the British in India, ‘all these circumstances are not, I confess, very favourable to the idea of our attempting to govern India at all’ (W&S, V: 404), and that duty, for him, was first and foremost to ensure the Indian people were protected from the rapaciousness of the East India Company – a battle he fought (and lost) over a decade. In America, he believed the British government was over-extended, and should recognize the colonies’ desire and capacity for self-determination; that with a proper approach, sovereignty might be shared with a sense of ‘conciliation’ – but his views did not prevail. In Ireland, he continued to experience at first hand the brutality of British imperialism, as the Penal Codes of the Protestant Ascendancy had so terrible an impact on Catholic families and communities. When laws were bad, they required reform; otherwise consent to govern was lost, and resistance to tyrannical power could turn revolutionary. His fears about revolutionary France, as it turned outwards towards Europe with imperialist design to conquer neighbouring countries, were justified, as history unfolded, both before he died in 1797, and afterwards. To what extent should nations of similar culture and history, political systems and interests, come together in the face of a common foe? Europe should unite, he argued, to protect itself against the invading, regicide France. Again, what he advocated fell on deaf ears.

From Burke’s writings and speeches emerges a coherent understanding of the principles that would, he believed, promote international cooperation and sympathy, a commonwealth of nations. He had a sense of the global, as a whole, in which the parts – nations, peoples, regions – had their honoured place, deserving respect for local diversity of custom, political system, language, culture; but nevertheless all under a universal law that prescribed certain real rights to all, that should be upheld and respected, particularly by those who seek to govern beyond their own borders. The traditions of each different people or nation were prescribed, just as they were in Britain; so should not be overturned – by revolutionary utopianism, certainly, nor by tyrannical, arbitrary power, exercised by imperialist invader, or Leviathan State. If Britain had ended up in India as a colonial power – the result of historical

circumstance – then this was not the licence to rule despotically, as Hastings had argued. Sovereignty could and should be shared with other nations, and shared equitably. Our four themes are applicable to Burke’s international concerns: that duty and public service prevail over the will to power; that the whole is imagined – here the global – rather than the part; that tradition and prescription are honoured, rather than discarded for regimes built on ‘will and artifice’. All principles, for Burke, lead back to his theism, where accountability properly belongs, and divine sovereignty is instantiated through constitutions and the institutions, in the incorporations of human affairs, that give order to the local, civil, social, political and international spheres of life.

Placing Burke

It is hard to place Burke within current schools of the discipline of International Relations. This reading of him would not locate him within the circles of National Conservatism, where its statement of principles advocates the independence of states, rather than cooperation:

We emphasize the idea of the nation because we see a world of independent nations—each pursuing its own national interests and upholding national traditions that are its own—as the only genuine alternative to universalist ideologies now seeking to impose a homogenizing, locality-destroying imperium over the entire globe.⁷⁹⁰

Burke’s approach to international order was not a ‘universalist ideology’, nor this Hobbesian ‘independence’. Rather, on the basis of his Christian Platonism, he commended conciliation and mutual sympathy between the diverse members of a global commonwealth of nations. Burke challenges those today who take a realpolitik approach – that the nation state exists to provide stability against external chaos, and that states are naturally in competition in a Hobbesian war of all against all. Burke’s

⁷⁹⁰ <https://nationalconservatism.org/national-conservatism-a-statement-of-principles/> [accessed 02/06/2023].

sense of a divinely ordained universe in which all participate meant he say the potential for world order to be based upon a universal 'law of nations', mutual co-operation and shared interest, particularly where there is common history and culture, but even where there is not.

So, how to place Burke within contemporary 'schools' of thought in the discipline of International Relations, as usually differentiated into the strands of Realism, Liberalism and Constructivism, especially as most, if not all, take a Hobbesian approach for granted? Burke probably best belongs within the Liberal, but there are interesting tensions in such location, not least as he did not prioritize the 'individual'. A sub-strand of Liberalism is the English School, associated with Herbert Butterfield, Hedley Bull, and Martin Wight, where Burke has been claimed, as he has within the Pluralism school, associated with J. N. Figgis and Harold Laski – which we consider briefly.

Nicholas Rennger, largely critical of the ubiquity of Hobbes, offers alternative categories – balance, society, institutions, emancipations, and limits – that shape his theorizing of 'world order' and we consider these in the light of Burke's thought. Bain traces the distinction between imposed and immanent order to the medieval distinction between the realism of the Christian Platonism of Aquinas and the reactive nominalism of Ockham, which also influences Jean Elshtain's scholarship on the concept of sovereignty.⁷⁹¹ There follows a major section on Burke's engagement with Ireland, Europe, America and India, before we consider, in conclusion, the question of Burke's distinctive contribution to how 'world order' is conceived. Adrian Pabst argues that Burke brings an alternative conception to the secular mindset, a transcendent morality.⁷⁹² How might Burke's writings and speeches on Britain's responsibilities as

⁷⁹¹ See Bain, *Mediaeval Foundations*; Elshtain, *Sovereignty*.

⁷⁹² Pabst, 'Obligations'.

an imperial power expand conceptual horizons today? A word Burke frequently used was ‘commonwealth’, and I shall argue that it provides a model of governance that would best accord with a Burkean approach to world order today.

The ‘British empire’ is a deeply troubling category, with its legacy of the colonial mindset that has extensive tentacles within the consciousness of all whose history was shaped by it. Sathnam Sanghera comments that ‘empire is absolutely embedded within us. [...] Our collective amnesia about the fact that we were, as a nation, wilfully white supremacist and occasionally genocidal, and our failure to understand how this informs modern-day racism, are catastrophic’.⁷⁹³ He does, however, cite Burke’s antipathy to Hastings: ‘The political theorist Edmund Burke led the attack on Hastings and in his opening speech labelled him variously ‘a robber’, ‘a professor, a doctor upon the subject of crime’, ‘a rat’, ‘a weasel’, ‘a keeper of a pigsty, wallowing in corruption’.⁷⁹⁴ Burke’s Christian Platonist imagination that informed his principled stand against bad imperialism can, I suggest, offer an alternative modernity to rethink today’s international, political, social, civil and moral spheres. His understanding of good ‘commonwealth’ include principles that honour the society, the continuity and history of different traditions, cultures and religions, because all are ordained, animated and sustained by the divine providence that offers a deep pattern and purpose to all existence. He rejected old Hobbes for a bigger and broader vision of sovereignty that could be shared, because it transcended nation states, as ultimate and divine. It might be, in a world in which ‘empire’ is an ever present reality, not least in the guise of the way artificial intelligence ‘colonizes’ the human attention, and in the face of other global challenges, such as the climate catastrophe, that a Burkean sense of global cooperation and commonwealth is more than ever needed, and that in a

⁷⁹³ Sathnam Sanghera, *Empireland: How Imperialism Has Shaped Modern Britain* (London: Viking, 2021), 208.

⁷⁹⁴ Sanghera, *Empireland*, 39.

post-liberal, post-secular world, the theism of his 'divine providence' would serve better than the voluntarism, the left-hemisphere attention to the part, or the utopianisms of an exhausted modernity.

the politics of empire and conquest

Burke's life as a politician began as victory in the Seven Years War (1756-63) established Britain as a leading imperial power. Jennifer Pitts comments, 'the politics of empire and conquest were among Burke's most intense and abiding preoccupations throughout his life'. As well as amassing copious knowledge, he 'also theorized empire as a political form more deeply than anyone else of his time'.⁷⁹⁵ There were many aspects of empire that he believed to be providential, not least, the opportunities for trade, the benefits of which should be fair and extensive. His greatest concern was that Britain should govern well – taking seriously the principle that government required the consent of the people, should protect civil and social liberties, and must respect the diverse institutions, traditions and cultures. The question of how the peoples of the empire and their interests be represented was real. Pitts lists Burke's three priorities: '[t]o reconcile diverse populations to a shared structure of governance, to cultivate mutual affection on the part of governor and governed, and to ensure arbitrary power was accountable and for the benefit of the governed'. Burke 'understood empire as a political form', she writes, 'beset by deep structural liabilities that engendered violence, instability and oppression', but 'if it were managed with sufficient far-sightedness and restraint, [it should] be capable of partly taming the violence endemic in an age of global movement and global commerce'.⁷⁹⁶ The moral and political challenge for Britain was to foster 'a great political union of communities', 'the aggregate of many States, under one common head; whether this

⁷⁹⁵ Pitts, in Dwan and Insole, *Burke*, 145.

⁷⁹⁶ Pitts, in Dwan and Insole, *Burke*, 146.

head be a monarch or a presiding republic [...] where the subordinate parts have many local privileges and immunities'.⁷⁹⁷ If this vision were providential, it was also fraught with responsibility: '[b]ut 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'.⁷⁹⁸ Too often, though, he lamented the lack of political will, ability or imagination of the British crown-in-parliament to rise to the challenges of empire.⁷⁹⁹

How might this resonate, or not, with current trends within contemporary International Relations? What were Burke's interventions in Ireland, Europe, America and India? How can his Christian Platonism and circumstantial wisdom be discerned, as he stretched towards principles of world order?

Edmund Burke and the English School

A brief note to set some context: the discipline of International Relations started primarily within American Social Science in the early 1900s, instrumental in forming the League of Nations under the influence of Woodrow Wilson. The 'English School' emerged with the publication in 1977, by Hedley Bull, of *The Anarchical Society*, where he argued that despite the anarchical character of the international arena, a society of states works together when there is enough interaction and effect on each other. A state, to his mind, has sovereignty when it has control of a group of people, a defined territory, and has a government.⁸⁰⁰ His emphasis on the 'thickness' of the historical and cultural distinguished The English School from the 'social-scientific' method of the discipline in the United States which had developed from the liberal

⁷⁹⁷ W&S, III, 132-3.

⁷⁹⁸ W&S, V, 404.

⁷⁹⁹ Pitts, in Dwan and Insole, *Burke*, 149.

⁸⁰⁰ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (London: Macmillan, 1977).

internationalism of Woodrow Wilson in a more realist direction, particularly influenced by émigrés from Europe, like Hans Morgenthau, who critiqued what they saw as the overly optimistic understanding of liberal progress, given their experience of the Second World War.

Today International Relations is usually conceived within three distinct schools of thought, Realism, Liberalism and Constructivism, all of which share Hobbesian assumptions, according to Pabst, characterized by the existence of anarchy not only in the state of nature but also in the international system, the individual and the individual state as key units of domestic politics and international relations, and the separation of ideational from material forces. This separation, Pabst says, leads to ‘a residually dualist ontology’ that particularly supports constructivism, where ‘reality is merely physical and given, devoid of any meaning except for the mentally and socially constructed meaning of individuals and their interaction with other individuals.’ He continues:

underlying constructivist approaches is the premise that politics and the international system are ultimately composed of individuals and states and that these units have nothing ontological in common. Therefore, the political and international rest on a certain kind of relational social structure that is the outcome of ideas and interaction – a constructed artifice rather than a naturally given imperfect order that human beings try to discover and to improve.⁸⁰¹

That ideation can be detected in the English School, with its distinctive, if marginal, voice today. In the 1950s, Martin Wight schematized international theory into three divisions: the Realist (Hobbesian, or Machiavellian); the Rationalist (or Grotian), and the Revolutionist (or Kantian),⁸⁰² whereby, he said, realism emphasizes materialist power politics, rationalism refers to more constructivist societies where this

⁸⁰¹ Pabst, ‘Obligations’, 304.

⁸⁰² Martin Wight, *International Theory: The Three Traditions*, edited by Gabriele Wight and Brian Porter (Leicester: Leicester University Press, 1992), 7-24.

materiality is brought together into patterns of action and thought as institutions; and revolutionism, which points to utopianism, the desire to shape the world according to how it should be rather than accepting how it is. English School theorists say that all three approaches to analysis must be used together, taking history and culture as important, and, broadly, it supports the rationalist/Grotian tradition, seeking a middle way between the 'power politics' of realism and the 'utopianism' of revolutionism.

Pluralism/solidarism

One strand of the English School incorporates the Pluralism of such as J. N. Figgis who influenced Harold Laski, and Rowan Williams. Williams describes pluralism as that which 'defines a state as a particular cluster of smaller political communities negotiating with each other under the umbrella of a system of arbitration recognized by all'.⁸⁰³ But how does that 'system of arbitration' apply, not only locally and nationally, but internationally? Bull differentiated 'pluralism' from 'solidarism', arguing that solidarism recognizes an over-arching law, where pluralism stresses commonality only as far as it goes.

William Cavanaugh's work on Figgis is helpful here. He captures the thought of Figgis thus:

Pluralism in Figgis's rendering of it is the co-existence of several sources of legitimate authority within a territory. Because these authorities co-exist, conflict among them is inevitable. Figgis was not an anarchist, and he recognised the continued existence and importance of the state. For Figgis, however, the state is not the keeper of the common good, nor is it normally empowered to intervene in the affairs of lower bodies. The state should exist rather as an arbiter among the different kinds of associations to resolve cases of conflict and to minimise their detrimental effects. Figgis wanted freedom from the domination of any one sovereign. To use Rowan Williams' directional language, Figgis believed that authority was not delegated downwards from the state, but rather that authority originated with local and more natural forms of association, and was then delegated upwards to the state for the limited purpose of keeping order. The crucial question was that of the origin of the

⁸⁰³ Rowan Williams, *Faith in the Public Square* (Continuum: London, 2012), 50.

public status of associations: is that status a concession of the sovereign power, or do associations have their own personality regardless of recognition by the state?⁸⁰⁴

Figgis was in agreement with Burke here: on the basis of his understanding that sovereignty belonged solely with God, the body politic is expressed through the corporate personalities of associations that belong, heteronomously, within the whole, answerable to divinely providential natural law. Burke honoured the pluralism of diverse traditions and cultures as divinely prescribed, belonging within a transcendent reality where all participate and are ultimately incorporated.

there is a Relation between us

In his short essay on 'Religion', Burke wrote of the primacy of relation, as it began in God:

If there be a God such as we conceive, he must be our Maker. If he is our Maker, there is a Relation between us. If there be a Relation between us some Duty must arise from the Relation since we cannot conceive that a reasonable Creature can be placed in any Relation that does not give rise to some Duty. ... We have a relation to other Men. We want many things compassable only by the helps of other beings like ourselves. They want things compassable within our Help. We love these beings & have a sympathy with them. If we require help tis reasonable we should give help. If we love tis natural to do good to those whom we love/ Hence one Branch of our Duties to our fellow Creatures is active – Hence Benevolence.⁸⁰⁵

This sense of bond and connection that has an ultimate divine source permeates Burke's theo-political imagination, enabling him to conceive empire as the potential for an international body politic of diverse peoples drawn together by sympathy, with respect for different traditions and cultures, into a commonwealth where good

⁸⁰⁴ Cavanaugh, in Avis, *Figgis*, 234.

⁸⁰⁵ Ian Harris, (ed.) *Burke: Pre-Revolutionary Writings, Cambridge Texts in the History of Political Thought* (Cambridge: Cambridge University Press, 1993), 82.

governance provided constitutional continuity, protection and stability against the exercise of arbitrary power.

the chrysalis for a peaceful community of humankind

Fidler and Welsh have read Burke with Martin Wight's categories of Realism, Rationalism, and Revolutionism in mind. Claiming for him a prudence that carves out a golden mean between polar positions, they call him a conservative constitutionalist, whose theory of human nature was neither particularist nor universalist, and for whom social and political institutions were important to constrain evil and promote the good.⁸⁰⁶ In line with their English School categories they write:

In sum, Burke's writings on international affairs tread a middle path between realism, which depicts international relations as a state of war, and revolutionism, which views international relations as the chrysalis for a peaceful community of humankind. His more rationalist position conceives of a European international society characterized by both co-operation and conflict and regulated by moral and legal maxims. This society embraces sovereign states in a larger whole and endows them with collective duties as well as rights. Beyond the commonwealth of Europe, Burke's thinking retains its rationalist hue in his appeal to natural law and his efforts to reform British imperial behavior in India.⁸⁰⁷

Fidler and Welsh conclude that Burke's account of international society is a significant contribution, but I think they fail to capture him. They ascribe to him an emphasis on culture and solidarity, though they say it was 'ultimately a procedural rather than a substantive issue'; that his 'solidarist conception of international society [is] based on cultural homogeneity'.⁸⁰⁸ This negates, to my mind, Burke's clear sense that the law of nations, that reflects divine natural law, transcends any world or international order based on 'cultural homogeneity'. Without a sense of Burke's Christian Platonist,

⁸⁰⁶ Fidler and Welsh, *Empire and Community*, 39.

⁸⁰⁷ Fidler and Welsh, *Empire and Community*, 45.

⁸⁰⁸ Fidler and Welsh, *Empire and Community*, 52.

natural law approach, in which all peoples and nations participate without losing their distinctive cultural character, something crucial is lost.

The English School is haunted by old Hobbes. They make the assumption of a chaotic sphere beyond the boundaries of the state, or society of states, whereas Burke's Christian Platonism leads him to assert a wideness in divine providence that is not confined by the false limits of 'outside' and 'inside'. Perhaps Bain's conception comes close: that any contrast between 'pluralist' and 'solidarist' needs to be reconciled, joining:

the purposive "oneness of humanity" implied by human community and the practical "social cooperation" implied by the society of states as distinct yet inseparable parts of a whole. Thus, there is no tension between competing conceptions of pluralist and solidarist order; rather, there is a single order conducted with reference to two kinds of law [...] [which] entails a world of a particular sort: "a world in which the law of reason that expresses human community is held out as the rule and measure of a law of will that expresses the society of states."⁸⁰⁹

The debates of today's international world order might benefit from Burke's wider vision of a sense of cooperation and mutual sympathy between nations within a world that is ultimately ordained by God's providence and purposes. A sense of a commonwealth of nations, each with its own prescribed laws and customs, but working towards cooperation under a global web of law, ordained by divine providence, best captures Burke's vision.

Rennger's Problem of Order

Nicholas Rennger offers a comprehensive overview of the discipline of International Relations, with a focus on what he calls 'the problem of order':

⁸⁰⁹ William Bain, 'One Order, Two Laws, Recovering the "Normative" in English School Theory', *Review of International Studies* 33, 2007; 557-75, 559.

It seems to me that the search for a practically efficacious and normatively justifiable conception of political order has been a central question for political theory for much of its history and yet has also been one which has exercised declining influence on political theorists, at least since the late seventeenth or early eighteenth centuries. This is especially true of the problem of 'world order'.⁸¹⁰

Instead of the usual categorization of realism, liberalism and constructivism, Rennger identifies five themes: balance, society, institutions, emancipations and limits.⁸¹¹ He comments that, despite its longevity and influence, natural law theory is no longer seen as significant, but that '[i]t might well be the case [...] that versions of natural law are likely to be much more influential in the twenty-first century than they have been in the twentieth [...] precisely because the major strategies for 'managing' world order in the twentieth century in certain respects seem to have failed'⁸¹² – grist to the mill of this re-appraisal of Burke's Christian Platonist political imagination.⁸¹³

So, given that he says it is 'high time that political theory started to think hard about the question of world order',⁸¹⁴ how does Rennger theorize 'order'? He says it is a classical concept, giving a unity to the world and to the cosmos, reflected in the natural world, which modernity finds difficult to conceptualize. Readings of Augustine that deny human order can reflect divine order had fateful consequences, he explains,

⁸¹⁰ Rennger, *International Relations*, xii.

⁸¹¹ Rennger, *International Relations*, xv.

⁸¹² Rennger, *International Relations*, 117.

⁸¹³ Rennger has delved more deeply into the theological hinterland behind the voluntarist and instrumental character of modern international relations, arguing that instead of 'will and artifice', the older (metaphysical) realist conception of transcendental reality invites participation rather than competition, see 'The medieval and the international: A strange case of mutual neglect', in Bain, *Medieval Foundations*, 27-41.

⁸¹⁴ Rennger, *International Relations*, 1-2.

leading to the Hobbesian formulation of the ‘most protean of modern political concepts, ‘sovereignty’, and the division of politics into an ‘inside’ and an ‘outside’, where the inside is one of legitimately-constituted territory and the outside is warring anarchy.⁸¹⁵ World order becomes problematic in such a political imagination for the only thing that creates ‘order’ is the ‘will and artifice’ legitimately conferred by sovereignty. He writes of:

Hobbes’ thoroughgoing and very radical nominalism, which, in the political realm, issued in his commitment to a very radical notion of sovereignty indeed. The ‘sovereign’ creates order not just in fact but in name also. By definition, therefore, there can be no ‘order’ where there is no sovereign and since there is no sovereign in the ‘international realm’ there is not order. ‘Warre of all against all.’⁸¹⁶

As the Hobbesian distinction between ‘outside’ and ‘inside’ prevailed, so it shaped the character of community, and the interrelations between communities, becoming a permanent feature of political reflection in the West. If order were no longer to be found in a divine plan, then it must be found in history or nature, and so the modern trajectories of socialism and liberalism emerge, with the belief in human progress, and constructions of utopia. Leibniz continued to argue for the essential unity of theology, metaphysics, mathematics, ethics and politics, ‘however, the immediate future lay with Hobbes’.⁸¹⁷ Had Rennger read Burke, he might have found helpful resonances.

balance

In an anarchic international scene, the ‘balance of powers’ becomes the dominant approach, and Rennger discusses Wight’s English School interest in the establishment and maintenance of common rules and institutions to foster dialogue. He concludes,

⁸¹⁵ Rennger, *International Relations*, 6.

⁸¹⁶ Rennger, *International Relations*, 7.

⁸¹⁷ Rennger, *International Relations*, 8.

though, that Hedley Bull's thesis where sovereign states safeguard and promote their own interests means that the English School comes to look very like a neo-realist balancing of powers. There is a distinction, though, for unlike neo-realists, English School theorists consider not just power differentials, but how societies make order. For Neo-Realists it is a scientific calculation, but the English School focuses on shared culture and dialogue, that at least leaves the door open to the social development of trust. Rennger's determined focus on the 'problem of order' has him assert that order should be 'a *sine qua non* of any intelligible account of world politics and since neo-realism cannot provide one, I cannot but think of it as a retreat' into 'a – more or less permanent – sense of crisis, conflict, decline and overambition'. There seems no solution to this dilemma, unless the Hobbesian concept of sovereignty is revisited.

Burke is obviously not to be located here, with 'balance' as a key category. His political imagination commends co-operation, rather than balance between competing peoples and nations.

society

Rennger considers 'society' as more than simply an interacting system, as Wight described it, that forms 'international order'. What happens, asks Rennger, when the international order conflicts with what Hedley Bull called 'world order', as that which promotes human wellbeing and rights? Who or what arbitrates, when some standard outside 'the existing pattern of activity', is required, that does not result in 'a rather curious rule utilitarianism with a sliding scale of values; [where] in principle nothing is forbidden, [depending] on whatever the 'consensus of shared values' happens to permit at any given time?' Burke faced the same questions in Ireland when the Penal Laws were manifestly unjust (in terms of 'world order'), and in India, when Hastings argued, with Montesquieu, that despotic regimes required corresponding arbitrary rule. Burke appealed to a universal natural law, over and above the Hobbesian 'will and artifice' that created laws without any external referent.

institutions

Rennger's third category is 'institution' – a 'remarkably adaptive political form' – that enabled liberalism to flourish in the wake of the collapse of twentieth-century totalitarianism. Institutions, with their governance, sense of tradition, their function to curtail arbitrary power, offer a way to locate Burke's thinking. *Thoughts on the Present Discontents* holds the oft (mis-)quoted line, 'When bad men combine, the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle',⁸¹⁸ from which association Burke understood that the institution of the 'party' to emerge – an important aspect to an ordered universe that offers the wherewithal for peoples to associate around mutual interest.

He also can be read in the light of the work of Judith Shklar, who, having experienced the atrocities of the Second World War, argued that a 'liberalism of fear' addresses the political conditions that enable people to flourish in freedom, particularly in times of state oppression. Her writing was vehemently against the utopianisms of modernity, and had a clear emphasis on constitutionalism and the rule of law. Rennger agrees with Shklar who said that '[t]he central liberal insight [...] is fear of arbitrary power. The usual locus of such power has been the state'. Rennger agrees, warning that the danger for contemporary liberalism:

is that in celebrating the achievements of liberal states – who, after all, would wish to live in a non-liberal state? – and in pointing to the very real fact that regimes, institutions and organizations can exert a powerful, and often a positive, effect on world politics, liberals tend to forget or downplay the equally clear fact that liberal states can also do terrible things and that international institutions and regimes can as easily be vehicles for oppression and exploitation as the reverse, indeed that, in the current context of world politics, they are more likely to do terrible things.⁸¹⁹

⁸¹⁸ W&S, II, 315.

⁸¹⁹ Rennger, *International Relations*, 130.

Institutions are important in the constraint of arbitrary power, but they too can be oppressive, as Burke knew from his observations of the East India Company, and his direct experience of the Protestant Ascendancy, loathed for its repression of the Irish. Institutions can exercise destructive power, which is all the more devastating when they hold trust, with the purpose to promote the common good, as with global charities, churches, or other public service institutions, but fail the most vulnerable in terrible ways.

Institutions are not, of themselves, enough, but require, as Burke emphasized, a sense of accountability to a higher, natural law, and to be embedded themselves within plural societies. As Hampsher-Monk notes:

for Burke, the contrast is not (as it is for the radical) between an arbitrary set of institutions and a better, more rational set, but between having the good fortune to possess stable institutions at all and the anarchy that we risk from rejecting what ‘time and chance’ have given us. Far from its being the case that stable institutions can be deduced from abstract principles, Burke thought that, in the absence of shared conventions – which only a specific historical culture provides – reason was incapable of deducing any specific arrangements.⁸²⁰

emancipations

Rennger continues to explore two other categories around which he organizes his thoughts on the problem of order. ‘Emancipations’ break the chains of society to construct and implement a new order that is better able to fulfil the freedoms of individuals. All such are critical of the current structure of modernity,⁸²¹ and fall into three different strands: the Frankfurt School and critical theory, Gramsci and his followers, and feminist theories. He concludes that ‘all emancipatory theory is, at least in general outline, optimistic about the possibility of meaningful systemic change, even if sometimes cynical – or at any rate resigned – about the current likelihood of

⁸²⁰ Hampsher-Monk, *Burke*, xxxv.

⁸²¹ Rennger, *International Relations*, 145.

it'.⁸²² The impulse is utopian, and Rennger interestingly points out that any such projects of emancipation will have 'a worm at its core'⁸²³ – that they 'end up in some form of relativism', unable to transcend 'the specifics of time and place', and so 'all must be resolutely material and empirical', [with] a profound 'ambiguity which weakens, possibly fatally, the sense of "emancipation" as it engages 'in a negative dialectic with itself'. He considers Plato's cave:

Some insist that the cave is all there is, but others claim that there is light outside the cave and that, perhaps, it is only because of this light that we see in the cave at all. In our current context, let us suggest that most 'International Relations' scholarship, realist, liberal, constructivist and societal, either assumes that the 'cave', that is to say, international society, the international system or what you will, is all there is (that is relevant), or agnostic (and uninterested) concerning the possibility that there might be anything 'outside' the cave, however outside is understood. Therein in many respects lies its attraction (a clear focus, an agreed set of problems) but also the site of its greatest weaknesses. In Platonic terminology, it is left trying to see in the cave by virtue only of the pale light that exists there, and what it sees, of course, is shadows. That does not mean that some very interesting accounts of the shadows cannot be given, nor does it mean that the shadows are unimportant, for we all remain in the cave and the shadows are, of course, real for us.⁸²⁴

In ways that echo McGilchrist, Rennger argues that those who defend the project of modernity and the belief that the cave can be transformed are ultimately misguided. The cave is not, and cannot be, real, unlike the light outside the cave: a left-hemisphere approach cannot apprehend what the right hemisphere knows. As 'Socrates suggests that when the philosopher returns to the cave, it is the philosopher who is transformed, not the cave'.⁸²⁵

⁸²² Rennger, *International Relations*, 150.

⁸²³ Rennger, *International Relations*, 162.

⁸²⁴ Rennger, *International Relations*, 163.

⁸²⁵ Rennger, *International Relations*, 165.

limits

If Rennger is pessimistic about the viability of emancipatory projects, he uses the question of 'limits' as the fifth and final category to interrogate International Relations, to ask: '[a]re we witnessing, in any event, the end of 'order', not in the sense that we are transcending it, but in the sense that perhaps it of necessity transcends us?'⁸²⁶ He draws on the work of Elshtain, who recognizes the importance of limits to what can be achieved and should be expected. She commends power used in a positive way to build the common good, speaking from her perspective of hope, birth and vulnerability ('no traditional realist would have thought or talked like that', comments Rennger).⁸²⁷ Order is inherently unstable, but Elshtain 'suggests we focus instead on a logic that denies not the reality of force or violence', but on a logic of hope, natality (following Arendt), and forgiveness. Elshtain comes closest, within Rennger's analysis, to consider a sense of divine order that offers a different logic to the utopianisms – indeed, all the -isms – of modernity.

the light beyond the cave

Rennger concludes that the discipline of International Relations is irretrievably plural, with its concern to shape human ethico-political life appropriately in its various contexts and circumstances. He throws Hobbes into sharp relief with these words:

Being able to do this requires the exercise of judgement and practical reason in the sense that Aristotle means them [...] it is such a view that the ancients averred when they suggested that all the wise were friends, in 'that great city "walled and governed by reason" to which their first loyalty is given' and to which the Renaissance and Enlightenment referred when they suggested that wherever liberty was, there was their country.⁸²⁸

⁸²⁶ Rennger, *International Relations*, 173.

⁸²⁷ Rennger, *International Relations*, 183.

⁸²⁸ Rennger, *International Relations*, 199.

Order, in the end, is perhaps better seen:

not as one overarching question – how best to secure ‘world order’ – but rather as a *series* of multiple and overlapping questions, which map onto the various different issues as they arise in world politics, *together with* a more general question about what ends the variously complex institutions and agents involved in these issues and questions should serve and how they should serve them. The problem of order on this view, then is how to ‘order our ends’ in these contexts – not how to end the problem of order.⁸²⁹

His conclusion takes us nicely back to Burke’s circumstantial wisdom and his sense of analogy: that the key insight to how the body politic – whether micro, or macro – ‘orders its ends’, to ensure good government curtails the will to arbitrary power for the sake of the liberties of its members, and to the end of the common good. Burke’s understanding of order is not a human construction imposed by tyrants or utopian blueprints, but is of the universe – the cosmos – understood analogically as an ordered whole in which humanity and its bodies politic participate, aligned to shape ethico-political life. Burke saw this as accepting the sovereignty of God where will and law are one, rather than any form of human sovereignty which ‘will and artifice’ construct. Instead of a nihilistic Hobbesian world where sovereignty is necessary to impose order, order is something to be discovered, to be aligned with, to participate in, to seek as an end. It is the light beyond the cave.

Burke was no Realist in the sense of old Hobbes’ notion of the single sovereign person, or state, that imposes cohesion to establish peace despite conflicting interests, internally, or inter-nationally. We shall see that he understood sovereignty to belong to God, in which all participate for the sake of the common good, with any governing power respectful of different peoples, their customs and traditions, interests, rights to peace and civil liberties, mindful that good governance requires the consent of the governed, and is not oppressive or exploitative.

⁸²⁹ Rennger, *International Relations*, 203.

It is clear he was no Constructivist: P J Marshall says, trenchantly, that Burke was no relativist.⁸³⁰ He did not believe in emancipatory utopian abstractions. If he belongs anywhere within current International Relations schemes, it could be as a Liberal, concerned that governments provide the political wherewithal to enable their citizens to enjoy the liberties owing to them. Perhaps Judith Shklar comes close, with her firm defence of the rule of law and constitutionalism, her hatred of utopianism and espousal of the 'liberalism of fear'. However, Burke did not vaunt the individual, as with other mainstream liberals, like Isaiah Berlin whom she admired. Nor did Burke look back to Locke, or Rousseau's social contract, but to classical and medieval traditions that pre-dated modernity, and which made 'the people' the primary political reality, the body politic, rather than the individual, entire of itself. As a natural law thinker, he brought a Christian Thomist understanding of providential natural law to the national and international political concerns of the eighteenth century, and so does not fall easily into any category, even the English School, within International Relations today. The best description of him is as a Christian Platonist Constitutionalist.

Imposed or immanent order

Elshtain's study of sovereignty

In her study of sovereignty,⁸³¹ Elshtain – as an American realist, and an Augustinian theologian – shared her interest in the medieval foundations of the modern concept, exploring the theological divide between the (metaphysical) realist ideas of God as *Logos*, the creator of order and law, and the radical voluntarism of nominalism. She describes how Hobbes' articulation of political sovereignty, mirroring an absolutist concept of God, wilful, unconstrained by law or order, belongs with the nominalist

⁸³⁰ W&S, VI, 268.

⁸³¹ Elshtain, *Sovereignty*, xi.

school of Ockham and Scotus, a direct contrast with the Realism of Augustine, Aquinas, and Hooker. She shows how the ultimate end of nominalism is the triumph of the sovereign self's will to power, as sovereignty became 'that entity [that] got parceled out to constitute so many mini-sovereignties – ontological individualisms – in much of modern theory'.⁸³²

The synthesis of Aquinas, that God's will is just and can do nothing that is contrary to what God has ordained, was challenged by Scotus and Ockham, and their nominalism 'clings to all future projects in political thought and theology'.⁸³³ For them, God's will is not bound, but is monistic, a singular, sovereign will, absolute and arbitrary, and this view came to shape conceptions of the all-powerful sovereign of the strong state.⁸³⁴ No longer did natural laws reflect God's ordered purpose but now all was contingent on God's arbitrary will; and the corollary was that rulers also may suspend the law if necessary. Hobbes she described as 'the greatest of the postmedieval nominalists'.⁸³⁵

Sovereignty, as a modern concept, became the legitimate right to govern in the chaotic conflict of competition, as the one, singular, monistic, total power, who, with divine right, mirrored the absolute and arbitrary will of God, coming to full-blown realization in the monarchy of Louis XIV, and the reigns of the Stuarts. Elshtain regrets the absolutist direction that 'sovereignty' took, and the centuries of conflict that followed, 'much of it directed at taming sovereignty'. Instead, she says, 'let us remember that the more "liberal" features of the debate are the older, medieval ones deriving from the

⁸³² Elshtain, *Sovereignty*, xv.

⁸³³ Elshtain, *Sovereignty*, 25.

⁸³⁴ Elshtain, *Sovereignty*, 30.

⁸³⁵ Elshtain, *Sovereignty*, 39.

authority of the law and its limits'.⁸³⁶ She points to how Hooker 'helps us to appreciate the extreme nature of absolutism', and the way 'his definition of natural law follows that of Aquinas in nearly every detail, connecting law to reason'. Hooker's work binds the king to and by the law, with authority derives from a grant by a God of power *and* reason: 'The king becomes king under the law; he reigns as king through the law. [...] Hooker doesn't stress the king's extraordinary powers, however, but his ordinary ones. These are considerable but not unbound'. The seeds of a limited constitutional government and a representative system are on display in Hooker's writings.⁸³⁷

Having argued this far, seemingly with a critical view of the legacy of nominalism on modernity, Elshtain seems to about-turn: she then affirms the 'great historical achievement' that is political sovereignty as it provides a constitutional and pluralist home for all civic identities: '[s]overeignty offers about as "good a deal" as human beings can reasonably expect in a world riven by conflict and confronted daily with the specter of wars of all sorts'.⁸³⁸ Her Hobbesian turn is surprising, and perhaps betrays her Lutheran Augustinianism, with its irreconcilable cities and freedoms. She ends up, for pragmatic reasons, affirming a sense of 'imposed order', and so, despite her analysis of Hobbes as a nominalist, she does not appear as a wholehearted advocate of the classical natural law tradition.

William Bain: the medieval foundations of international relations

No such turn for William Bain. His consideration of the medieval foundations of international relations has him analysing the dominance of a nominalist trajectory on the modern states-system, as based:

⁸³⁶ Elshtain, *Sovereignty*, 55.

⁸³⁷ Elshtain, *Sovereignty*, 93.

⁸³⁸ Elshtain, *Sovereignty*, 158.

on late medieval theological and philosophical commitments that prefigures a world composed of individual and contingent things, and which privileges a voluntarist vocabulary of command, decision, and contract. Independent states, sovereignty, and a legislative conception of law are political translations of this vocabulary, and they are given to a world of 'will and artifice' – a world that is made and unmade rather than discovered.⁸³⁹

Schematizing 'order' as 'immanent' and 'imposed' respectively, Bain says the distinction plays out in the way International Relations becomes schools and debates that are concerned with power and the balance of power, employing an assumption of radical particularity where things have no inherent or necessary connection. In such a world of 'imposed order', a spirit of philosophic analogy gives way to epistemological univocity that cannot 'grasp how theological ideas and concepts link metaphysical, scientific, moral, political, and legal discourse to constitute a domain of enquiry'.

Bain's key question is a crucial one:

Theories of international order that take the form of imposed order are problematic translations of the theological original. In making no room for God they remove the scaffolding that supports the original articulation and, with that, its underlying authority falls to the ground. This is a crucial point because, having inherited a theological mode of argument, theorists of international order cannot simply abandon God and carry on as before; God must be replaced if their theories are to hang together. [...] Here, human beings take the place once occupied by God and impose or assert self-authorized values, supported by a quasi-religious faith, to secure the contingency of a constructed world that afford no recourse to a transcendent beyond the dome of human relations. The problem, of course, is that human beings are not absolutely good like God and this leaves what is asserted precariously exposed to the whims of power.⁸⁴⁰

⁸³⁹ Bain, *Medieval Foundations*, 2.

⁸⁴⁰ Bain, *Medieval Foundations*, 24.

Burke's Global Web of Law⁸⁴¹

As we turn now to consider Burke's engagement in Ireland, Europe, America and India, with this philosophical hinterland in mind, it will be seen that his political imagination extended beyond the boundaries of the nation state to sympathy for other people, their cultures, interests and traditions, with a deep concern that the British government fulfil responsibilities to safeguard the common good, mindful of God-given law and providence that holds all ultimately accountable in the use and abuse of power. His idea of the 'body politic' can be understood as a commonwealth of interests and affection that bound person to person, whether in civil, social, political or international incorporation, reflecting and participating in immanent order.

Burke's response to the capture of the island of St Eustatius in February 1781 is illustrative. Admiral Rodney had plundered the civilian population, which was bad enough given Montesquieu's *Spirit of the Laws* which makes clear that the right to conquest, bound by the law of nature, should be curtailed by the goals of preservation and conservation, the durability of civil communities, not destruction.⁸⁴² It was Rodney's treatment of the Jewish residents of St Eustatius that propelled Burke to his feet in May, and then in December 1781.⁸⁴³ As discussed above, Burke's sympathy was for the most vulnerable – here, the stateless Jew:

The persecution was begun with the people, whom of all others it ought to be care and the wish of humane nations to protect, the Jews. Having no fixed settlement in any part of the world, no kingdom nor country in which they have a government, a community, and a system of laws, they are thrown upon the benevolence of nations, and claim protection and civility from their weakness, as well as from their utility. They were a people, who, by shunning

⁸⁴¹ Jennifer Pitts, *Boundaries of the International: Law and Europe* (Cambridge MA: Harvard University Press, 2018), 96.

⁸⁴² See Bourke, *Empire*, 439.

⁸⁴³ W&S, IV, 65ff.

the profession of any, could give no well-founded jealousy to any state. If they have contracted some vices, they are such as naturally arise from their dispersed, wandering, and proscribed state.⁸⁴⁴

Burke continues that '[t]heir abandoned state, and their defenceless situation calls most forcibly for the protection of civilized nations'.⁸⁴⁵ He continues to list the cruelties done to the Jewish population, and the other nationalities of St Eustatius, then asserts:

Perhaps it might be said, there was no positive law of nations; no general established laws framed, and settled by acts in which every nation had a voice. There was not indeed any law of nations, established like the laws of Britain in black letter, by statute and record; but there was a law of nations as firm, as clear, as manifest, as obligatory, as indispensable.⁸⁴⁶

This was not the only time he applied a sense of natural law beyond Europe: in 1777 he argued that the Americans were 'in possession of the law of nations', and later also in India. Burke drew on a range of sources besides Montesquieu; Pitts says that Burke was one of the first to use Vattel's *Law of the Nations*⁸⁴⁷ as an authority in debate, which strengthened Burke's conviction of its universal application: 'This is a principle inspired by the divine Author of all good; it is felt in the heart; it is recognized by reason; it is established by consent [...] It originated in necessity, in reason, and in the field.'⁸⁴⁸ Pitts comments on the distinctiveness of Burke's use:

His reflections on the scope of application of the law of nations points us toward a notion of global legal orders different from the view that was

⁸⁴⁴ W&S, IV, 73.

⁸⁴⁵ W&S, IV, 74.

⁸⁴⁶ W&S, IV, 78-79.

⁸⁴⁷ Pitts, *Boundaries*, 98. See also Bourke, *Empire*, 436. Emer de Vattel (1714-1767) *Le Droit des Gens* was translated into English in 1759.

⁸⁴⁸ W&S, IV, 80.

emerging among thinkers as different as Vattel and Bentham, which would triumph in the nineteenth century – the view that international law applied to states understood as equal and independent sovereign entities.⁸⁴⁹

She argues that, subsequently, Vattel's *Law of Nations* was not interpreted, as Burke did, as applicable to all peoples, regardless of whether they had a state or not, but came to have a more restricted use in during the nineteenth century to support the acquisitive imperial designs on peoples deemed 'stateless' in a Hobbesian sense (and whose land that was 'empty', in a Lockean sense). Burke's insistence that the law should apply to different cultures and peoples, with diversity of application, depending on circumstance, was a radical refutation of old Hobbes and his understanding of the state. Burke extended the law to 'stateless' peoples, claiming that they deserve all the more respect from other nations because of their vulnerability.⁸⁵⁰ To imagine beyond the 'will and artifice' that creates the notion of the 'state' is to include all under the universal law.

It was Hobbes who prevailed in the nineteenth century to shape the realpolitik schools of International Relations to this day, however, what Pitts calls 'Burke's Global Web of Law' – with its rationality, its universalism, and its ultimate source in divine natural law – indicates his contrasting Platonist world view that has survived through the nineteenth and subsequent centuries, offering a continuing witness to an alternative Burkean political imagination to address global challenges. That imagination can be

⁸⁴⁹ Pitts, *Boundaries*, 99.

⁸⁵⁰ There are echoes here of Paul's first letter to the Corinthians, 12. 22-25: 'On the contrary, the members of the body that seem to be weaker are indispensable, and those members of the body that we think less honourable we clothe with greater honour, and our less respectable members are treated with greater respect; whereas our more respectable members do not need this. But God has so arranged the body, giving the greater honour to the inferior member, that there may be no dissension within the body, but the members may have the same care for one another.'

further discerned as we turn to the four regions of the world that concerned Burke, to ascertain the principles that drove his theo-political vision.

Ireland: The world is large enough for us both

Burke's concern about the injustices suffered by Ireland was lifelong.⁸⁵¹ Pitts comments that he saw it as 'the starkest instance in the British empire of the evils of the oppression of one community by another – a danger inherent to empire, against which imperial policy would always struggle'.⁸⁵² He knew the Penal Laws first-hand: his mother's Catholic family could not vote, participate in civil affairs, nor were sons able to enter the law or army. They could not increase acreage, and on death, the estate had to be divided amongst sons, leading to the inevitable decline of any family fortune and dignity. This knowledge made his 1765 *Tracts relating to Popery Laws* such a strong piece of writing.⁸⁵³ He argued there from classical natural law arguments, that the Penal Laws, introduced within the previous century, transgressed the common right and the ends of just government. This, he asserted, rendered them void, and he pursued 'the proper object of abrogation and repeal' until the end of his life. He argued:

A Law against the majority of the people, is in substance a Law against the people itself: its extent determines its invalidity; it even changes its character as it enlarges its operation: it is not particular injustice, but general oppression
...⁸⁵⁴

⁸⁵¹ R. B. McDowell, (ed.) in W&S, IX, Introduction to Part II, 392, who explains how Burke's reading of Irish medieval and recent history informed him of the exclusion of the Irish from the benefits of English law under the dominance of the Protestant Ascendancy. See also L. M. Cullen, 'Burke's Irish Views and Writings', in Crowe, *Burke*, 62-75; 62ff.

⁸⁵² Pitts, in Dwan and Insole, *Burke*, 151.

⁸⁵³ W&S, IX, 434-82.

⁸⁵⁴ W&S, IX, 454.

Consent ‘is absolutely essential to its validity’, and without it, it ‘cannot in propriety be a Law at all’. Law is not valid if it harms the whole community, for such law is:

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 of 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 favour of such a practice. They may indeed impeach the frame of that Constitution; but can never touch this immoveable principle.⁸⁵⁵

Burke cites ‘Hobbs’ who propagated this doctrine (of ‘men’ making what Laws they please) ‘in the last century, and which was then so frequently and so ably refuted’.⁸⁵⁶ Cicero, too, ‘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’.⁸⁵⁷ Law gains its validity from its alignment with the law of God; it cannot be made against the consent of the people, and, Burke says, it has two foundations in service of the people for whom it is meant, equity and utility, and any Law that ‘shuts out from all secure and valuable property the bulk of the people, cannot be made for the utility of the party so excluded’.⁸⁵⁸

Burke’s insights into the mechanisms of oppression are astute, for he recognized how the justification for oppressive law can be dressed up with the pretence of bringing

⁸⁵⁵ W&S, IX, 455.

⁸⁵⁶ W&S, IX, 455.

⁸⁵⁷ W&S, IX, 456.

⁸⁵⁸ W&S, IX, 456.

others to a sense of their own happiness: this is ‘the ordinary and trite sophism of oppression’.⁸⁵⁹

In a letter to Langrishe in 1792, he wrote that the arbitrary power of Britain had reduced the Irish people to ‘civil servitude’; and, with irony, of the ‘vicious perfection’ of the Penal Laws,

I must do it justice: it was a complete system, full of coherence and consistency; well digested and well composed in all its parts. It was a machine of wise and elaborate contrivance; and as well fitted for the oppression, impoverishment and degradation of a people, and the debasement, in them of human nature itself, as ever proceeded from the perverted ingenuity of man.⁸⁶⁰

The Penal Laws had a devastating effect on the Irish people, destroying ‘home-bred connections’, ‘[disarranging] the whole system of our duties, that I do not know’, wrote Burke, ‘whether benevolence so displaced is not almost the same thing as destroyed, or what effect bigotry could have produced that is more fatal to society’.⁸⁶¹

He knew the importance of religion to the fabric of society; that the intent of the Penal Laws was to destroy the Catholic faith in Ireland. As in India, though, ‘[r]eligion 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. [...] the consent is the origin of the whole’.⁸⁶² McBride points out that Burke’s Anglicanism was never in any doubt, nor his views that in England, the established church was an essential element of the moral, civil, social and political order of the nation, but that did not mean Ireland should become Anglican. It was Protestantism that was

⁸⁵⁹ W&S, IX, 463.

⁸⁶⁰ W&S, IX, 637.

⁸⁶¹ W&S, IX, 461.

⁸⁶² W&S, IX, 466.

oppressive – ‘not so much a religion as the “mere negation” of one’, quotes McBride from Burke’s letter to Langrishe. He continues:

In Burke’s Irish writings, his strategy was to reduce Protestant Ascendancy to a ‘spirit of domination’ that England had outgrown. In place of Protestantism, he substituted prescription as the principle that underpinned the British constitution. It was prescription, the continuity of custom, that legitimized the Anglican communion in England, the Presbyterian discipline in Scotland, the Catholic church in Quebec, and perhaps in Ireland too. ‘These things were governed’, he explained ‘as all things of that nature are governed, not by general maxims, but by their own local and peculiar circumstances.’⁸⁶³

No state should exercise the power to oppress – on the basis of religion, or any other pretext. Burke’s stated aim throughout his life was to see Ireland in close association with Britain, enjoying the liberties of the British constitution. Such liberty he described to his son Richard, in 1792, like this:

Liberty, such as deserves the name, is an honest, equitable, diffusive, and impartial principle. It is a great and enlarged virtue, and not a sordid, selfish, and illiberal vice. It is the portion of the mass of the citizens; and not the haughty licence of some potent individual, or some predominant faction.⁸⁶⁴

The progress of repeal was arduous. In the 1760s he accompanied Hamilton, who was Chief Secretary to the Lord Lieutenant for Ireland, to Dublin, and thereafter Burke spoke authoritatively, for example, opposing the imposition of taxes on Ireland in 1769, and 1773,⁸⁶⁵ and working to remove trade restraints, despite the opposition of his Bristol constituents.⁸⁶⁶ During these decades, instead of amelioration, the sense of

⁸⁶³ McBride, in Dwan and Insole, *Burke*, 192.

⁸⁶⁴ W&S, IX, 642.

⁸⁶⁵ W&S, II, 164-65, 175-76.

⁸⁶⁶ See Two Letters on the Trade of Ireland, 23 April, 1778, 2 May 1778, in W&S, IX, 506ff.

Irish injustice strengthened.⁸⁶⁷ It was not until 1778 that the Catholic Relief Act allowed Catholics to hold and inherit land, removed restrictions on education and the priesthood, and restrictions were further lifted in 1782. The third Relief Act in 1793 brought economic reform, but Catholics were still barred from sitting in parliament and from high office, and the Protestant Ascendancy, in retaliation, merely increased persecution. Fitzwilliam, one of Burke's closest friends, became Lord Lieutenant in 1794, but his proposals to repeal the remaining restrictions unsettled the British cabinet, and he was recalled. It was not until 1829 that the last Catholic Relief Act repealed the Penal Laws entirely. Burke's final years were dominated by fear that the Irish were becoming 'Jacobinized,' so slow was the progress.⁸⁶⁸

Burke's constant theme was the end of 'the dreadful schism in the British nation',⁸⁶⁹ that 'England and Ireland may flourish together. The world is large enough for us both. Let it be our care, not to make ourselves too little for it', he wrote.⁸⁷⁰ Again, in

⁸⁶⁷ The Irish Catholic Committee was formed in 1759, to struggle for Catholic relief. It was a time of agrarian disturbances in Munster in the early 1760s, and later in the decade, Nicholas Sheehy, priest, a distant relation of Burke was found guilty of high treason and executed along with others, making an indelible impression of Burke. The grievances (poor pay, prices high, land enclosed for deer parks, tithing) spurred on the Levellers and the Whiteboys, with numerous arrests and trials.

⁸⁶⁸ Burke's fears were heightened by the abortive invasion at Bantry Bay in 1796. In 1798 the insurrection led by Wolfe Tone caused Pitt to impose the union. Whether Burke would have agreed is unclear. R B McDowell (a staunch Unionist and member of the UK conservative party) concludes, 'What is certain is that Burke would have exerted all his powers in support of any policy which would tend to unite all parties in Ireland, and to preserve and tighten all the links between Great Britain and Ireland, so that they could work together for their mutual benefit and for the maintenance of the Empire' (W&S, IX, 428).

⁸⁶⁹ W&S, IX, 508.

⁸⁷⁰ W&S, IX, 510.

writing to an unknown recipient in 1797, he mused on the strengths of belonging together:

I think indeed that Great Britain would be ruined by the separation of Ireland; but, as there are degrees even in ruin, it would fall the most heavily on Ireland. By such a separation Ireland would be the most completely undone Country in the world; the most wretched, the most distracted and, in the end, the most desolate part of the habitable Globe.⁸⁷¹

Themes emerge that illustrate the consistency of principle held by Burke: that of a sense of commonwealth that should pertain particularly between countries so close; that the oppression suffered by the Irish was wrong and cruel; that culture and particularly religion should be respected. In that 1792 letter to Langrishe, Burke invokes the beginnings of civil liberties in ‘[t]he law called *Magna Charta* by which it is provided that “no man shall be disseized of his liberties and free customs but by the judgment of his peers, or the law of the land” [...] I take to be a *fundamental law*’.⁸⁷²

That fundamental law extends not just to the Irish, but to all peoples. In the same letter he writes of his engagement with India, in an extraordinary passage that counters Hobbesian notions of sovereignty, for here all are united in a common bond of mankind:

Passing from the extremity of the west, to the extremity almost of the east; I have been many years (now entering into the twelfth) employed in supporting the rights, privileges, laws and immunities of a very remote people. I have not as yet been able to finish my task. I have struggled through much discouragement and much opposition; much obloquy; much calumny, for a people with whom I have no tie, but the common bond of mankind. [...] We did not fly from our undertaking because the people were Mahometans or Pagans, and that a great majority of the Christians amongst them were Papists. [...] I should not know how to shew my face, here or in Ireland, if I should say that all the Pagans, all the Musselmen, and even all the Papists (since they must form the highest stage in the climax of evil) are worthy of a liberal and honourable

⁸⁷¹ W&S, IX, 676.

⁸⁷² W&S, IX, 610/11, original emphasis.

condition, except those of one of the descriptions, which forms the majority of the inhabitants of the country in which you and I were born.⁸⁷³

Burke saw recurrent themes across all his international concerns. As he considered Ireland, in 1795, in a second letter to Langrishe, he was despondent as he likened the Protestant Ascendancy to the rapaciousness of the East India Company, how both stirred the ideology of Jacobinism:

My sanguine hopes are blasted [...] I think I can hardly over-rate the malignity of the principles of Protestant ascendancy, as they affect Ireland; or of Indianism, as they affect these Countries, and as they affect Asia; or of Jacobinism, as they affect all Europe, and the state of humanity itself. The last is the greatest evil. But it really combines with the others, and flows from them.⁸⁷⁴

Europe: The idea of a people is the idea of a corporation

Burke had long been interested in the commonalities of Europe. In 1757 he wrote in *An Essay towards an Abridgement of the English History*, of the time of the Norman Invasion, that:

All the kingdoms on the Continent of Europe were governed nearly in the same form; from whence arose a great similitude in the manners of their inhabitants. [...] The Sovereign, with great pretensions, had but little power; he was only a greater lord, among great lords [...] therefore no steady plan could be well pursued either in war or peace.⁸⁷⁵

Nearly forty years later, Burke was writing of the same great similitude:

It [Europe] is virtually one great state having the same basis of general law; with some diversity of provincial customs and local establishments. The nations of Europe have had the very same christian [sic] religion, agreeing in the fundamental parts, varying a little in the ceremonies and in the subordinate doctrines. The whole of the polity and œconomy of every country in Europe has been derived from the same sources. It was drawn from the old Germanic or

⁸⁷³ W&S, IX, 637.

⁸⁷⁴ W&S, IX, 667.

⁸⁷⁵ W&S, I, 456.

Gothic customary; from the feudal institutions which must be considered as an emanation from that customary; and the whole has been improved and digested into system and discipline by the Roman law [...] From this resemblance in the modes of intercourse, and in the whole form and fashion of life, no citizen in Europe could be altogether an exile in any part of it. There was nothing more than a pleasing variety to recreate and instruct the mind; to enrich the imagination; and to meliorate the heart. When a man travelled or resided for health, pleasure, business or necessity, from his own country, he never felt himself quite abroad. (W&S, IX: 248)

Europe, as Burke understood, persisted through traditions, legal systems, culture and religion, but now France could not recover its civil, social and political order without outside intervention, and Burke was convinced from 1791 onwards that only a military response would work. His was a lone voice, however, as few European monarchs saw the threat, and many were increasingly disposed to French ideas.⁸⁷⁶ In February 1793 France declared war on Britain, and Pitt's government reciprocated, but there was not the sense of cohesive action on behalf of the nations of Europe that Burke thought necessary, as each pursued its own interests, and once Napoleon had emerged, France took advantage of the lack of real alliance. In 1796 Pitt won a general election, and decided to explore peace, which filled Burke with horror. He published three *Letters on a Regicide Peace*, and as Hampsher-Monk comments, he obviously re-read Vattel in 1792,⁸⁷⁷ to dismiss him as too equivocal about what side should be taken in a civil war. Instead, Burke drew on the ancient Roman law of vicinage, or the 'Law of Neighbourhood' to argue that the rights of self-defence were in play, given the determined hostility of France, and given that:

France, since her Revolution, is under the sway of a sect, whose leaders have deliberately, at one stroke, demolished the whole body of that jurisprudence which France had pretty nearly in common with other civilized countries. In that jurisprudence were contained the elements and principles of the law of

⁸⁷⁶ Bourke, *Empire*, 806.

⁸⁷⁷ Hampsher-Monk, *Burke*, 216.

nations, the great ligament of mankind. [...] With a fixed design they have outlawed themselves, and to their power outlawed all other nations.⁸⁷⁸

What was in the place of the body politic which was France, was Regicide, Jacobinism and Atheism by establishment, and '[a]ll their new institutions (and with them everything is new) strike at the root of our social nature'.⁸⁷⁹ That social nature was an ancient incorporation and was not to be reformed on the basis of majoritarianism, as he pointed out in *Appeal*:

We hear much from men, who have not acquired their hardiness of assertion from the profundity of their thinking, about the omnipotence of a *majority*, in such a dissolution of an ancient society as hath taken place in France. But amongst men so disbanded, there can be no such thing as a majority or minority; or power in any one person to bind another. The power of acting by a majority, which the gentlemen theorists seem to assume so readily, after they have violated the contract out of which it has arisen, (if at all it existed) must be grounded on two assumptions; first, that of an incorporation produced by unanimity; and secondly, an unanimous agreement, that the act of a mere majority (say of one) shall pass with them and with others as the act of the whole.⁸⁸⁰

His idea of the nation as a body politic has 'a moral essence' he declared in the *First Letter*, and '[t]he Regicides in France are not France. France is out of her bounds, but the kingdom is the same' (W&S, IX: 253). As Hampsher-Monk argues, this clearly differentiates Burke from other thinkers, with his strong sense of corporation, the restoration of which in France was the restoration of the reality, as Burke saw it, not of a creation of 'will and artifice', but of head and members, all 'the great judicial bodies [...] all the intermediate orders, the Nobility, Clergy, and the body of the Law'.⁸⁸¹

⁸⁷⁸ W&S, IX, 240.

⁸⁷⁹ W&S, IX: 243.

⁸⁸⁰ W&S, IV, 445-46, original emphasis.

⁸⁸¹ Hampsher-Monk, 'Burke's Counter-Revolutionary Writings', in Dwan and Insole, *Burke*, 209-20; 217.

This idea of corporation applies, it can be argued, to any body politic, regardless of scale. A body politic can be a civil association, a nation, or a commonwealth: and '[i]n invoking shared manners and dispositions', Hampsher-Monk points out, 'it provided a real and practical foundation for common expectations, which could also find a place for religion. It provided him with a juridical justification for the restoration of France as a balanced, modern monarchy, supported by a nobility and restrained by representative and legal corporations, which was, after all, the only way eighteenth-century European states knew how to preserve liberty'.⁸⁸²

Elsewhere he makes the point that Burke extended this corporate sense of the body politic to the international:

Burke's claim that there existed an international community with shared conventions of diplomacy, expectations of treaty-obligation and deference to common customs, and a right of intervention to preserve such a community, presented a view of international relations in complete contrast to either the abstract universalist ideology of the French or the stark realism identified as Hobbesian. The view of states as legitimated by a combination of their own historical and institutional history and the mutual recognition of those with whom they form a community of diplomatic practice and politic and legal culture is a view which has, and continues to have, an important, if controversial, place in our modern thinking about international relations.⁸⁸³

Here emerges the ground for reflection about international world order that is not Hobbesian, but point towards a sense of what 'commonwealth' might look like, with the recognition that sovereignty belongs with divine providence, sustaining the immanent order of all bodies politic in their sense of corporation, in which all members belong; and even the stateless are protected by a universal law that ensures equity for all.

⁸⁸² Hampsher-Monk, in Dwan and Insole, *Burke*, 219.

⁸⁸³ Hampsher-Monk, *Burke*, xxxvi.

America: England is the head; but she is not the head and the members too

In 1777, Burke wrote to the Sheriffs of Bristol, 'I think I know America. If I do not, my ignorance is incurable, for I have spared no pains to understand it'.⁸⁸⁴ His early research gave him a sense of the 'republican' and 'democratic' forms of government of the New Englanders. The colonies had been founded by royal charter, and many now had their own elected assemblies, and had taken significant legislative responsibility for their own affairs. In his *Speech on American Taxation* of 1774 he called for appeasement, with a proper policy that included the renunciation of British 'pride'⁸⁸⁵ and the restoration of the original relations, with commercial regulation reserved to Britain, but provincial taxation conceded to the Americans. In his first speech on *Conciliation* of March 1777, he drew on that research to point out how the independent spirit of the colonists was born of seventeenth century dissent, 'which is the most adverse to all implicit submission of mind and opinion':

the people of the Colonies are descendants of Englishmen. England, Sire, 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.⁸⁸⁶

⁸⁸⁴ W&S, III, 304. Burke wrote, with William Burke, *An Account of the European Settlements in America* in 1757, and he had continued his research.

⁸⁸⁵ In his letter to the Sheriffs of Bristol he wrote, 'When any community is subordinately connected with another, the great danger of the connexion is the extreme pride and self-complacency of the superior, which in all matters of controversy will probably decide in its own favour. [...] Power in whatever hands is rarely guilty of too strict limitations on itself'. W&S, III, 308.

⁸⁸⁶ W&S, III, 120. He continued: 'All Protestantism, even the most cold and passive, is a sort of dissent. [...] is a refinement on the principle of resistance; it is the dissidence of dissent; and the Protestantism of

He tried to persuade Parliament that the colonies should be allowed a degree of autonomy, not least because representation in Britain was not feasible:

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 an whole system.⁸⁸⁷

The strict letter of the 1766 *Declaratory Act* (asserting the imperial sovereign and juridical supremacy of the crown-in-parliament) would not work, he argued, but rather drive the colonies into greater hostility, and so it was: neither of his two speeches for conciliation convinced, and the war that Burke most feared came to pass. Pitts comments that Burke saw the project of combining empire and liberty ‘as a Sisyphean struggle’,⁸⁸⁸ for this was ‘a great growing people spread over a vast quarter of the Globe’, and ‘[t]here is not a more difficult subject for the understanding of men than to govern a Large Empire upon a plan of Liberty’.⁸⁸⁹

The British government’s mismanagement of the colonies was inept in the extreme, Burke thought, leaving him bitter and frustrated that the principle of consent of the governed was ignored in the intent to impose taxation and collect revenue, whilst also restricting trade. It was a disastrous course of action, compounded by the threat and then the reality of force. Burke was convinced that the consent to govern could only be achieved and maintained by recognizing the representative assemblies’ power of self-taxation, and by a principled connection, based on filial affection, respect and the goal of the common good. Bourke comments that in his speeches on conciliation, Burke

the protestant religion. This religion, under a variety of denominations, agreeing in nothing but in the communion of the spirit of liberty’.

⁸⁸⁷ W&S, III, 124.

⁸⁸⁸ Pitts, in Dwan and Insole, *Burke*, 152.

⁸⁸⁹ W&S, II, 47.

was commending the Empire as ‘less a unitary structure of subordination than a diversified collection of incomparable jurisdictions’, and as such, only when British supremacy ‘accommodated provincial immunities and privileges’ would there be a peaceful future.⁸⁹⁰ It did not lie with a Hobbesian view of sovereignty.

Burke’s aim of a formal compact between Britain and the provinces was explored further in his *Letter to the Sheriffs of Bristol*, as a hope to reconceptualize the Empire, but by 1778, with much popular support in England, a war Britain could not hope to win was commenced. Against the grain of much British public opinion, Burke articulated ideas of sovereignty that suited the circumstances. He claimed:

England is the head; but she is not the head and the members too. [...] I do not see that the same principles might not be carried into twenty Islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire that I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.⁸⁹¹

It was on the basis of affection and trust that the empire would flourish. Pitts points out that ‘[i]n the theory of representation for which he is famous, the representative is not an agent for the interests of his narrow constituency but a member of a deliberative body whose votes are guided by his judgment of the common good of the whole polity’, quoting Burke to say that ‘Parliament is not a Congress of Ambassadors from different and hostile interests [but] a deliberative assembly of one Nation, with one Interest, that of the whole’.⁸⁹² That whole, Burke wrote, was ‘a mysterious whole [...] the spirit of the English constitution, which infused through the mighty mass,

⁸⁹⁰ Bourke, *Empire*, 450.

⁸⁹¹ W&S, III, 158.

⁸⁹² Pitts, in Dwan and Insole, *Burke*, 153; quotation in W&S, III, 69.

pervades, feeds, unites, invigorates, vivifies, every part of the member, even down to the minutest member'.⁸⁹³

The more complex the body politic, the more complex the idea of sovereignty. Burke argues not for a unitary understanding, but for sovereignty that was responsive to the liberty of those governed. In his *Second Speech on Conciliation* of November 1775, when he knew that hope of peace was slim indeed, he argued:

That the sovereignty was not in its nature an idea of abstract unity; but was capable of great complexity and infinite modifications, according to the temper of those who are to be governed, and to the circumstances of things; which being infinitely diversified, government ought to be adapted to them and to conform itself to the nature of things, and not to endeavour to force them.⁸⁹⁴

In the manuscripts of his notes for these speeches, he notes how human sovereignty participates in divine sovereignty:

I who believe from my soul that Government is of divine *institution* and *sacred* authority, and no *arbitrary device of men*, to be modified at their *pleasure* or conducted by their *fancies*, or *feelings*, am persuaded that every one of us shall be called to a solemn and tremendous account for the part we take in it. [...]

There is no *Lawful Government* but the Government of *Wisdom and justice*. Everything else is usurpation.⁸⁹⁵

Dickinson comments that scholars, notably Bourke and Stanlis, have argued that Burke 'was groping towards a sophisticated notion of a divided sovereignty'.⁸⁹⁶ Stanlis includes perspectives – like that of Francis Bernard, royal governor of Massachusetts

⁸⁹³ W&S, III, 165. The Pauline metaphor of the body politic is evident here, as so often in Burke's political imagination.

⁸⁹⁴ W&S, III, 193.

⁸⁹⁵ W&S, III, 208, 209, original emphasis.

⁸⁹⁶ Harry T Dickinson, 'Burke and the American Crisis', in Dwan and Insole, *Burke*, 156-167; 164.

Bay from 1760-69, who expressed in a letter in 1765 that it was very difficult to resolve the question of whether America should be subject to Britain, if the British government were to be the judge in their own cause. 'Who then? The King? He is bound by charters, or constitutions equal to charters, and cannot declare against his own grants'.⁸⁹⁷ Burke challenged current views, such as that of Josiah Tucker, who, amongst many others, argued for American independence, and Samuel Johnson, again amongst others, who drew on Blackstone's *Commentaries on the Laws of England* (1765-69) to defend Britain's unqualified rights of sovereignty. On the contrary, Burke argued, sovereignty could be shared with subordinate members of the body. Stanlis particularly points to more obscure of Burke's writings,⁸⁹⁸ to highlight aspects of Burke's conception of the British empire and the nature of sovereignty that 'foreshadow the latter-day concept of a British commonwealth of independent nations'.

Stanlis points out that the American demand for greater legislative power on the basis of their founding royal charters held weight for Burke. Instead of abstract theories of sovereignty or 'the mere arbitrary will and reason of those in power', Burke believed that the general sovereignty of Parliament should not intrude on the royal charters of each colony, so long as they fulfilled 'the common ends of their institution' in domestic affairs', on the principle that '[t]he function of Britain as the superior central government in its empire was to supervise, not to supersede, colonial governments'.⁸⁹⁹ Stanlis argues that '[t]hus Burke proposed a giant step towards granting American

⁸⁹⁷ Peter J Stanlis, 'Edmund Burke and British Views of the American Revolution: A Conflict over Rights of Sovereignty', in Crowe, *Burke*, 24-38; 25.

⁸⁹⁸ A Bill for Composing the Present Troubles in America (16 November 1775), Address to the King, Address to the British colonists in North America (1776), A letter to the Marquis of Rockingham (6 January 1777).

⁸⁹⁹ Stanlis, in Crowe, *Burke*, 34.

nationhood, freedom without independence, and came close to the nineteenth century concept of a British commonwealth of free nations',⁹⁰⁰ with a federal type of sovereignty within the British empire. As such, 'Burke was far more perceptive than any of his British contemporaries regarding the political problems of empire and the need for a new conception of sovereignty'.⁹⁰¹

Bourke reflects on Burke's views on the American constitution, that in general terms, he was happy to commend republican arrangements, and in particular, the federal structure of American government. The former colonists had developed, he claimed, a democratic form of government, that was constitutional, and 'republican' in form:

In a sense, however the Revolution had been a restoration. From Burke's vantage, the Americans had been nursed in the school of "English" liberty: their constitution was in most respects a "copy" of the British. They lacked the materials for instating a nobility and hereditary monarchy "but they have brought their government as near as possible to the British constitution." This was evidenced by their determination to ensure that power was restrained by the operation of "reciprocal checks". The Revolutions in France and America were not compatible in their aims.⁹⁰²

India: a charter to restrain power

We continue to explore how Burke understood 'sovereignty' with a short overview of the history of the East India Company, particularly in the light of Burke's respect for the way the original charters of the American colonies offered a sense of mixed, or shared sovereignty, under the leadership of Britain's crown-in-parliament as head of the body.

⁹⁰⁰ Stanlis, in Crowe, *Burke*, 35.

⁹⁰¹ Stanlis, in Crowe, *Burke*, 38.

⁹⁰² Bourke, *Empire*, 922. Interestingly, Stanlis notes that 'Burke never referred to these events as 'the American Revolution', but only as 'the American war'. Stanlis, in Crowe, *Burke*, 33.

In his Speech *Opening of Impeachment* Burke reminded the court:

Your Lordships will recollect that the East India Company had its origin about the latter end of the reign of Elizabeth, a period when all sorts of Companies, inventions and monopolies were in fashion. And at that time the Company was sent out with large extensive powers for increasing the commerce and the honour of this Country [...] But their powers were under that Charter confined merely to commercial affairs. By degrees [...] it was found necessary to enlarge their powers. The first power they obtained was a power of naval disciplining their ships [...] The next was a power of Law Martial. The next was a power of civil, and to a degree of criminal Jurisdiction [...] The next was (and there was a stretch indeed) the powers of Peace and War; those great, high prerogatives of Sovereignty, which never were known before to be parted with to any Subjects, but those high sovereign powers were given to the East India Company.⁹⁰³

Robert Clive's decisive victory at Plassey of 1757 over the Nawab of Bengal, the defeat of the Mughal emperor Shah Alam at the battle of Halsa in 1761, and conclusive victory at Buxar in 1764 consolidated British rule. In May 1765 Clive negotiated with Shah Alam the Treaty of Allahabad, otherwise known as the *Diwani*, by which the Mughal emperor became a puppet ruler. Dalrymple describes the consequences of the *Diwani*:

Bengal was now plundered more thoroughly and brutally than ever before, and the youthful Bengal Nawab was left little more than a powerless, ritualized figurehead; 'Nothing remains to him but the Name and the Shadow of Authority' was how Clive put it. [...] A trading corporation had become both colonial proprietor and corporate state, legally free, for the first time, to do all the things that governments do: control the law, administer justice, assess taxes, mint coins, provide protection, impose punishments, make peace and wage war.⁹⁰⁴

Burke was later to argue that when the British accepted the *Diwani* of Bengal through the East India Company, 'they bound themselves as securities for their subjects to preserve the people in all their rights, laws and liberties', and that no human authority could dispense with the primary obligation of rule, to protect the interests of those

⁹⁰³ W&S, VI, 282.

⁹⁰⁴ Dalrymple, *Anarchy*, 209.

ruled.⁹⁰⁵ He was to articulate that argument for the thirty years of the rest of his life. The great 1770 Bengal famine caused extreme distress throughout the region, with the social fabric, that had provided traditional resources to support the starving, destroyed. As Bengal lay racked by famine, Company shareholders awarded themselves an unprecedented 12.5 per cent dividend, unaware that the fortunes of the Company were about to turn. Parliament debated the ensuing financial crisis. Burke, at this stage, intent on preserving the integrity of the company's corporate property against government interference, argued for self-reform. These attempts proved unsuccessful, which provoked Lord North's *Regulating Act* of 1773, intended as a remedial interim measure over a five-year renewal time. Burke believed the Act failed to address the need for 'a comprehensive and well-digested code of laws' which could enable the Directors to regulate their governors.

From the mid 1770s onwards Burke became increasingly knowledgeable, publishing a series of reports including his 1779 *Policy of Making Conquests for the Mahometans*,⁹⁰⁶ a series of reports authored by him as a member of the parliamentary Select Committee, particularly the *First, Ninth and Eleventh Reports* from 1781-83,⁹⁰⁷ the research for which provided evidence he later used against Hastings. He spoke in the debate on *Fox's India Bill*, which he had himself drafted, as the renewal of the charter was due,⁹⁰⁸ a speech that encapsulates the principles he held firm. As he then spoke during the debate, he drilled down into his concerns, reiterating his understanding of rights as 'sacred things', 'secured by [...] the *chartered rights of men*'.⁹⁰⁹ The notion of

⁹⁰⁵ W&S, VI, 281-82, 350-1, 470-1.

⁹⁰⁶ W&S, V, 41-124.

⁹⁰⁷ W&S, V, 144-89, 194-378.

⁹⁰⁸ W&S, V, 378-451.

⁹⁰⁹ W&S, V, 384, original emphasis.

‘charter’ has many levels, he argued, and the charter of the commercial company is subordinate to the chartered rights of the Magna Carta. Indeed, in India, British government should be responsible for forming ‘a *Magna Charta* of Hindostan’.⁹¹⁰ He argued:

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 of them derived from charters, it is fallacious and sophistical to call “the chartered rights of men.” These chartered rights [...] do at least suspend the natural rights of mankind at large; and in the very frame and constitution are liable to fall into a direct violation of them.⁹¹¹

As Whelan succinctly has it:

In this manner Burke linked his trusteeship conception of government to the English constitutional tradition and suggested that the principles of that tradition were applicable to Britain’s imperial possessions.⁹¹²

Burke’s foremost concern is the exercise of power, and he roots that concern in natural rights that reflect eternal laws. He accepts the claims of the East India Company had been granted by acts of parliament, and therefore are legal, but what are those claims? To ‘exclude their fellow-subjects from the commerce of half the globe; [...] to administer annual territorial revenue [...] to command an army [...] to dispose (under the controul 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, without a shadow of controversy’, he asserts.⁹¹³ It has failed to fulfil the responsibilities of power, as a

⁹¹⁰ W&S, V, 386.

⁹¹¹ W&S, V, 384.

⁹¹² Frederick Whelan, ‘Burke on India’, in Dwan and Insole, *Burke*, 168-180; 177.

⁹¹³ W&S, V, 384-85.

trust for the good of others, and he asks to whom should the East India Company be accountable?

Why, to parliament, to be sure; to parliament, from which their trust was derived; to parliament, which alone is capable of comprehending the magnitude of its object, and its abuse; and alone is 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 on us a duty to interfere with effect, wherever power and authority originating from ourselves are perverted from their purposes, and become instruments of wrong and violence.⁹¹⁴

Where there is abuse, then the contract of trust is broken, and parliament takes back the rights and duties:

Our own authority is indeed as much a trust as 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. [...] 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.⁹¹⁵

Burke then continues to outline the extent of the abuses throughout the British dominions in India, and, radically, he makes the case that the Indian people deserve the respect any people should receive:

this multitude of men does not consist of an abject and barbarous populous [...] but a people for ages civilized and cultivated; cultivated by all the arts of polished life, whilst we were yet in the woods. [...] Princes once of great dignity, authority, and opulence. chiefs of tribes and nations. 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; multitude of cities, merchants, bankers, manufacturers and

⁹¹⁴ W&S, V, 385.

⁹¹⁵ W&S, V, 386.

mechanicks, millions of the most diligent, and not the least intelligent, tillers of the earth. There are to be found almost all the religions professed by men, the Braminical, the Mussulman, the Eastern and the Western Christian.⁹¹⁶

The Indian peoples and territories should have been handled respectfully, as any other nation – for example, Germany – ‘But oh! it has been handled rudely indeed’.⁹¹⁷ As Whelan observes:

India thus provided an occasion for Burke to delineate a developed social order, with its culture and history, as well as its vulnerability to plunder by adventurers oblivious to its value.⁹¹⁸

Burke sustained invective against Hastings is well documented; as Sathnam Sanghera noted – crimes: ‘that have their rise in avarice, rapacity, pride, cruelty, ferocity, malignity of temper, haughtiness, insolence. In short, my Lords, in everything that manifests a heart blackened to the very blackest, a heart dyed deep in blackness, a heart corrupted, vitiated and gangrened to the very core.’⁹¹⁹ Hastings, Burke maintained, as the personification of the Company, exercised arbitrary power as a despot; failing to keep proper accounts and records, and in its duty to ‘give stability to the property of the natives,’ to be ‘an administration [...] at once protecting and stable’, and instead ‘[t]he country sustains almost every year the miseries of a revolution’.⁹²⁰ Burke continued, completely committed to the justice of his cause, that British imperial government should be placed on the right principles that also were the foundation of the British constitution, and that the constitution should not be

⁹¹⁶ W&S, V, 389, original punctuation.

⁹¹⁷ W&S, V, 390.

⁹¹⁸ Whelan, in Dwan and Insole, *Burke*, 173.

⁹¹⁹ W&S, VI, 275, quoted by Sanghera, *Empireland*, 39.

⁹²⁰ W&S, V, 427.

compromised or corrupted by the abusive and exploitative practices of the Company.

P. J. Marshall comments that:

In demolishing Hastings's claims to arbitrary power, Burke was probably destroying a target of his own construction; but the arguments which he deployed [...] are of the greatest interest. Burke revealed some of the most fundamental elements in his political and moral thought at a crucial period in his life, a year before the outbreak of the French Revolution. Central to everything in this part of the speech is Burke's total rejection of any kind of moral relativism. There cannot conceivably be one law for Europe and another for Asia. All men are bound by an absolute code of morality, resting on the will of God revealed in "a great, immutable, pre-existent law, prior to all our devices, and prior to all our contrivances, paramount to our very being itself."⁹²¹

Pitts concludes that Burke 'accepted the co-existence and interpenetration of multiple legal systems in India, without insisting, as Hastings and others did, that what was needed was an authoritative hierarchy or code of jurisdictions, with Europeans as the ultimate arbiters'.⁹²² Whelan agrees that Burke's evaluation of non-Western institutions was radical. Not only did he dismiss the cultural relativism of Hastings' argument, based on Montesquieu's *The Spirit of the Laws*, that eastern governments were despotic and needed to be ruled despotically, but 'Burke accorded full respect to a major Asian civilisation', comparing 'Indian and European civilisations in a manner that suggested deeper similarities'. As such, says Whelan, 'Burke's impeachment of Hastings "by virtue of those eternal laws of justice which he has subverted",⁹²³ indicates a decisive orientation, in a distinctive voice, to the outlook of the Enlightenment'.⁹²⁴

⁹²¹ P. J. Marshall, introduction to the Opening of Impeachment, W&S, VI, 268, quoting Burke, 350. See also P. J. Marshall, 'Burke and India', in in Crowe, *Burke*, 39-47.

⁹²² Pitts, *Boundaries*, 99.

⁹²³ W&S, VI, 459.

⁹²⁴ Whelan, in Dwan and Insole, *Burke*, 180.

Conclusion

The British empire was the reality of Burke's world; today it is a deeply problematic historical reality for many, with a large literature that examines its legacy from multiple perspectives. Sanghera, for example, tells his own story and the realization of how profoundly he, and the United Kingdom today, is affected by colonialism, with a mindset that is internalized, often unconsciously. He says it is impossible to discuss the British empire without the debate becoming binary between those who condemn outright and those who argue that it had redeeming features. He notes that Empire nostalgia is a veritable industry, literally in some cases.⁹²⁵ He mentions the work of those who defend British imperialism, and argues that the 'empireland' that is the United Kingdom today needs to educate its young and decolonize itself, recognizing how imperialism shaped all involved, both those colonized, and the colonizers. He suggests that '[i]f we don't confront the reality of what happened in British empire, we will never be able to work out who we are or who we want to be'.⁹²⁶ Like William Dalrymple, he suggests that the empire should be studied more, for '[n]ow, more than ever, we badly need to understand what is common knowledge elsewhere: that for much of history we were an aggressively racist and expansionist force responsible for violence, injustice and war crimes on every continent'.⁹²⁷

The deep shadows of empire continue in the trauma still experienced, and much debate will continue. I think, though, it is fair to say that Burke would not be surprised at today's felt legacy of the cruelty that he witnessed – in Ireland, in India, particularly – and spoke out against, often to deaf ears. He saw the corruption of the young adventurers who returned with immense wealth from their 'service' for the East India

⁹²⁵ Sanghera, *Empireland*, 185.

⁹²⁶ Sanghera, *Empireland*, 206.

⁹²⁷ Sanghera, *Empireland*, 209.

Company, and knew that empire was a mixed blessing, not only for the Indian people who suffered so greatly, but also on the morality and psychology of the oppressors. But there are other questions too, stirred by looking in the direction in which he looked. He began in the circumstances in which he found himself – ‘all these circumstances are not, I confess, very favourable to the idea of our attempting to govern India at all ... and we must do the best we can in our situation’. In words already quoted, ‘[t]he situation of man is the preceptor of his duty’, he wrote, aware that if Britain withdrew, France would move in. He spent his lifetime trying to influence the British government in the direction of good governance, based on respect and honouring diversity, and the benefits of mutual trade. What might be learned from the principles he espoused?

Burke was no uncritical advocate of empire. He saw the oppressions meted on his own people, and the great evils that were perpetrated under the aegis of empire. He argued throughout that any power must be held with the consent, and for the benefit of the governed, with sovereignty shared appropriately where necessary, and given up when government was not wanted, or was not feasible, in terms of the representation of the interests of the people. He believed that the constitutions already established, with continuity through history, should be honoured, and new constitutions, such as that in the American states, accepted, particularly as it followed the principles of representation, and the safeguarding of liberties of the people, in accordance with tradition, religion, culture and laws. He recognized the sovereignty of other bodies politic besides that of the British crown-in-parliament, and also the natural rights and liberties of those who were stateless, like the Jews of St Eustatius, arguing the British was not entitled to enforce its ‘sovereignty’, in a Hobbesian fashion, on ‘the other’ that was beyond the bounds of empire; nor could the empire sustain itself by dominating members that were ready for independence, who no longer consented to imperial oversight, or members that were oppressed in their legal and civil liberties, against the spirit of the universal natural law. The interests of the peoples were to be represented at Parliament and if that were not possible, then by the local assembly as appropriate:

I was never wild enough to conceive, that one method would serve for the whole; I could never conceive that the natives of Hindostan and those of Virginia could be ordered in the same manner; or that the Cutchery Court and the Grand Jury of Salem could be regulated on a similar plan.⁹²⁸

As Pitts comments, an adequate ‘imperial constitution’ demanded moral leadership and connections that recognized and honoured the laws of all peoples, on the principle that ‘those whom you despise you will never treat well’.⁹²⁹ Burke departed from one of the key influences of his life, Montesquieu, in his debates with Hastings; for he rejected Montesquieu’s theory of Oriental despotism upon which Hastings defended himself that he was required to use arbitrary power in such circumstances. Burke insisted, to the contrary, that India was a nation of legal complexity and sophistication, that was undermined by British lawlessness and arbitrary misrule. It was one the real failings of imperial governance that there was no means of redress or complaint against the East India Company. Burke wanted proper accountability which would require a reconception of ‘the role of law in the British empire and its global and commercial and political encounters’.⁹³⁰

What might Burke bring to today’s discipline of International Relations?

What are the distinctive aspects of Burke’s understanding of ‘world order’?

Firstly, Burke’s understanding of ‘sovereignty’ was not Hobbesian. He rejected the modern idea of ‘sovereignty’ – whether person, or state – as the notional political atom, or the sovereign who represented, absolutely, the nation state, or the nation state itself in its relations with other states. ‘No man is an island, entire of itself’: Pabst

⁹²⁸ W&S, III, 316-17.

⁹²⁹ W&S, VII, 264.

⁹³⁰ Pitts, in Dwan and Insole, *Burke*, 152.

is right when he says that Burke understood that ‘our fundamental identity [is] beyond individualism’.⁹³¹

Burke’s Christian Platonism meant he understood that all people and persons belong together, heteronomously, ultimately participating in a mystical whole. ‘Every man is a piece of the continent, A part of the main’. All are equal, under the divine providence that sustains the natural order and law of the universe, and so each deserves respect and honour, whether other person, or other nation, or people, each with its own distinctive culture, tradition, religion and history. As Pabst says, ‘[c]rucially, one of Burke’s contributions to political and International Relations theory is to encourage a search for a ‘thicker’ shared culture based on substantive (not merely procedural) values, and in the contemporary context this remains a key conceptual task’.

If global governance is required today, it is most likely to be in response to contemporary ‘empires’ – such as exercised by big tech companies, or by globalized capital, or by regimes seeking to dominate regions or other nations. Burke’s conception of institutions that, through governance and law and the sharing of sovereignty (as in his day the chartered company held an independence, much as, in medieval times, the guilds, the church, and other formal associations, including companies, shared the sovereignty of the monarch, who ‘had but little power; he was only a greater lord, among great lords’) might suggest ways in which global institutions could be strengthened in their capacity to regulate, or legislate for the global common good, for example, on issues such as climate change, and to regulate the challenging aspect of surveillance capitalism, and the commodification of attention, and, now, increasingly, intimacy. Burke’s perception that the commonalities of culture and history – particularly as he reflected on Europe, might suggest that bodies politic like the European Union are of benefit, and the sharing of sovereignty not something to be feared. Rennger highlights the ‘institution’ as one of his five

⁹³¹ Pabst, ‘Obligations’, 322-23.

aspects of international relations, and Burke's writings, particularly on the ancient rights and charters of a plural society making a whole body politic deserves further examination. The will to power, expressed globally, held accountable by global institution, which in turn is held accountable to divine providence.

Empire, was for Burke, a potential commonwealth of peoples, drawn together by commonalities of history, continuity and society, and strengthened by trade and respect for property. It represented not competition between peoples, but sympathy and ultimate connection, things held in common. The philosophical ground for such is not that of the human construction by 'will and artifice' of 'imposed' political order out of the nihilistic chaos that defines the 'inside' and 'outside' of states, in a Hobbesian war of all against all, but the conviction of an 'immanent' order of a beneficent providence, with the common good as the end towards which life and politics might be ordered. As Pabst comments, 'Burke's notion of cultural commonwealths is one way to conceptualize the combination of cultural diversity with a commitment to universal standards of humanity and justice around 'principled practices' of mutual recognition, social freedom, generosity, loyalty and friendship'.

If a clod be washed away by the sea,
Europe is the less,
As well as if a promontory were:
As well as if a manor of thy friend's
Or of thine own were.

What 'world order' would Burke seek? Not an order constructed by human agency in some belief in utopian or emancipatory goals, but rather the discernment, with a philosophic spirit of analogy, of the universal law ordained by divine order that wills the common good, enabling humanity to order its ends to the commonwealth of the whole body politic – whether that be in the local platoons, or in institutions and companies, or as a people, a nation, or internationally. Pabst describes it:

Such an order gives rise to 'commonwealths of nations' governed by a transcendent morality that for Burke is God-given. Identity is an organically evolving reality that is shaped by both ideas and material forces – notions of common humanity and universal standards of justice, which are mediated

through history and embodied in particular practices of culture and human habit.⁹³²

When nations and peoples come together to form a body politic that is more than the sum of its parts, it is the commonwealth of culture, tradition, history and religion – as in Europe, that binds it together, with its law reflecting the universal natural law of divine providence. Burke's political imagination was not the Hobbesian 'international relations' of balance of competing states and their interests, but a society of cultures, respectful of difference, trade, from which might emerge institutions capable of addressing global issues, but such institutions need always address questions of good governance and the consent of member bodies to the exercise of authority by any one part, and vigilant, as Burke was, to limit the exercise of arbitrary power, wherever it might be exercised.

'Burkean' answers to 'modern' questions?

Principles guided Burke all his life, and the principles that emerge from his writings and speeches offer some indication of where he would look to discover what might order the ends of world commonwealth today. As Pitts concludes:

Burke's writings on empire offers some of the clearest evidence of his belief in the mutual dependence of legal, political and moral relations: the perniciousness of assertion of rights in the absence of shared sympathies, and the importance of respect for people's laws is a basis for sympathy and respect of the people themselves.⁹³³

Bain suggests there might be 'medieval' answers to 'modern' questions. Perhaps, rather, there are 'Burkean' answers to 'modern' questions, with Burke as a bridge between the medieval Christian Platonism of Aquinas and Hooker, offering an alternative modernity, alternative conceptions of sovereignty, of an ordered, rather than arbitrary world, of belonging rather than the radical particularity of the sovereign

⁹³² Pabst, 'Obligations', 323.

⁹³³ Pitts, in Dwan and Insole, *Burke*, 153.

self. For his starting point was not mutual antagonism, but mutual sociality, and the bonds of respect and a sense of the common good shared across different cultures and nations.

Any man's death diminishes me, Because I am involved in mankind.

This sense of commonality, instead of competition, challenges the contractual and individualistic 'nominalism', and imposed order of modernity in the name of order created and sustained by the God of Christian Platonism. In 1794, Burke reiterated the importance of divine justice:

There is one thing and one thing only which defies all mutations: that is the thing which existed before the world and will revive this fabric of the world itself. I mean Justice, that Justice which emanating from the Divinity has a place in the breast of every one of us, given us for our guide with regard to ourselves and others, and which will stand when the globe is burned to ashes before the great Judge, when he come to call upon us for the tenour of a well spent life and to shew that we have acted the last part with honour.⁹³⁴

⁹³⁴ W&S, VII, 693.

Conclusion

‘But what can I do?’ asks Alastair Campbell.⁹³⁵ If one is concerned about why politics has gone so wrong, this thesis suggests a re-reading of Edmund Burke’s liberal constitutionalism in response.

Since it was published in 2007, Charles Taylor’s *A Secular Age* has enabled a fresh appraisal of the assumption of atheism that continues to be made widely within academic, political and philosophical circles. To read Burke is to appreciate his theological imagination, shaped by Christian Platonist traditions and a philosophic spirit of analogy, that opens up that closed ‘secular’ world to an understanding of an order immanent in every sphere of life, because all that is participates in a divinely-ordained and providential universe, that has moral purpose, permeating civil, social, political and international affairs.

Burke’s sense of divine providence not only challenges the assumption of atheism, but also enables any assertion of ontological nihilism to be questioned, interrogating the pseudo-romantic conviction of an ‘essential void’, or ‘empty space’, or the ‘abyss’ that the death of God leaves behind. Into this essential void the existentialist hero asserts himself, exercising power in competition – as ruffian torturing ruffian – a pioneering, autonomous superman who leads ‘such a life, that with a wild defiance, he flings in the face of his Creator, whom he acknowledges only to brave’. Modern man, conceived like this, has the sort of masculinity that today’s world does not require.

Such Hobbesian autonomy, at worst, becomes the Sovereign Individual of the nightmare world of Rees-Mogg and Davidson. At best, this individual combines with others for utilitarian and instrumental purpose, often on the basis of ‘abstractions’ cynically promoted by populist manipulation of social media, to create collectivist

⁹³⁵ Alastair Campbell, *But What Can I Do? Why politics has gone so wrong and how you can fix it* (London: Hutchinson Heinemann, 2023).

identities and tribes that ‘other’ and polarize. Then politics becomes ‘identity politics’ and the human ability to disagree agreeably in rational debate – a fundamental aspect of Burkean liberal constitutionalism – becomes hard, if not impossible. Burke understood political action to generate from debate and conflict, with circumstantial wisdom that discerns and works towards the common good for the whole body politic.

Human existentialist heroism, that usurps divine providence, turns political discourse towards utopian and emancipatory ends. These can become the terrors of totalitarianism; or can play out in institutions of public service, where resources and energies are channelled into change initiatives and projects of renewal based upon theories and blueprints, with a left-hemisphere attention to process, procedure and systems, that merely exhaust and demotivate those who deliver the common good. To read Burke is to attend to how he brought a circumstantial wisdom to enhance what was embedded and given, tried and tested by tradition, and to reform where required. It is to take things on trust, embracing the duties of belonging within a prescribed life that honours what is sacred.

Rather than the autonomous sovereign individual motivated by vanity and self-aggrandizement, reading Burke suggests a heteronomous spirit where the individual is not the narcissistic centre of a universe of me, myself, I. The heteronomous self is as Donne conceived, always indivisible from others, belonging within an ordered cosmos in which one participates to find one’s reality in the local platoons of life, and within the civil, social, political and global spheres of human activity. This is not the autonomous self that becomes lost within the echo chambers of social media, but is always engaged with others, extending towards expansive horizons that fade forever and forever into some greater transcendence, in a cosmos that is pervaded by goodness, justice, truth and beauty.

That transcendence is discerned within the particularities of time and place, as one ‘casts a little root’. Remaining rooted in time and place brings with it the duties of belonging – in civil, social, political and global spheres. To live a heteronomous life is to be consciously attentive to the needs of others in local platoons, in the networks

and communities in which one lives, living responsibly with the natural resources available. This is to accept with a sense of trust and humility (bearing in mind the etymological roots of the word) the prescriptions of life: that the benefits of belonging bring a sense of duty. That sense of duty, as Burke astutely knew, is always a limiting of power: 'I am well aware, that men love to hear of their power, but have an extreme disrelish to be told of their duty. This is of course; because every duty is a limitation of some power,' he commented.⁹³⁶

To welcome the duties of life is a reminder that obligations begin in relationship: in family and friendships, in the associations of civic life, in the sociality of engagement and the other institutions that carry forward the values and purposes of society. Such institutions require trust to function; they require trustworthy people to work within them, with a sense of public service and the *telos* of the common good for all, and particularly for the vulnerable members of the body politic. What is required is a basic and dominant right-hemisphere hermeneutic of trust, that employs a left-hemispheric hermeneutic of suspicion to be alert to the need to correct and reform where required.

Burke's understanding of the role of the politician was that of a public servant, elected by constituents to debate truthfully, on the basis of an understanding of ultimate truth that is never captured by human certainty or conviction. That debate discerns how best to represent the interests of the nation, with a sense of duty rather than a will to power, within given circumstances. To be a Member of Parliament, for him, was a high calling into an ancient constitution that had developed over centuries to protect the liberties, rights and properties of the people, which he conceived as a whole, not as a tribal collective of atomistic parts. To be a Burkean politician, in today's world, is to engage in public service of the interests of the whole people, within civil, social, political and international spheres, to identify and address the global threats that face humanity – most prominently the destruction of the planet as a result of

⁹³⁶ W&S, IV, 441, original grammar.

anthropogenic climate change and the assertive populism that is the logical outworking of a Hobbesian understanding of sovereignty and the will to arbitrary power.

'I love order, for the universe is order', Burke wrote, and this thesis has taken 'order' as a key concept, understood analogically, to explore Burke's understanding of liberal constitutionalism as the best defence against what old Hobbes imagined of sovereignty and the exercise of arbitrary power in a world of 'artificial divisions of mankind'. To read Burke's liberal constitutionalism is to see the whole rather than the part, to value the prescriptions of tradition rather than the seductions of utopianism, to promote the duties of public service rather than the will to arbitrary power, on the basis of an assumption of a universe ordered by divine providence towards the ends of truth, beauty, justice and love.

Frances E. F. Ward

Order! Order! Edmund Burke, the Body Politic and Arbitrary Power.

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