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The political theories of Edmund Burke and Joseph de Maistre as representative of the schools of conservative libertarianism and conservative authoritarianism.

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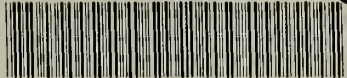
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The Political Theories of Edmund Burke and Joseph de Maistre
As Representative of the Schools of Conservative Libertarianism
and Conservative Authoritarianism

A Dissertation Presented

By

Donald M. Austern

Submitted to the Graduate School of the University of
Massachusetts in partial fulfillment of the requirements for
the degree of

DOCTOR OF PHILOSOPHY

June

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Major Subject Political Science

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Abstract

The Political Theories of Edmund Burke and Joseph de Maistre
As Representative of the Schools of Conservative Libertarianism
and Conservative Authoritarianism (June 1974)

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Despite a growing interest in Conservatism in recent years, relatively little has been done (apart from the work of Frank Meyer and Russell Kirk) to deal with Conservatism as a philosophy with clearly-defined principles separate from an adherence to the status-quo. This dissertation endeavors to make a start at correcting this lack, and in addition seeks to point out the existence and major tenets of the two dominant streams of Conservative thought.

These two currents of Conservatism received their genesis as organized philosophies (Conservatism had previously existed in an unorganized, often temperamental, fashion.) in the political philosophies of Edmund Burke and Joseph de Maistre. Though these thinkers are both Conservatives, agreeing as they do on such key principles of Conservative philosophy as the existence of a changeless and knowable moral law, the fallibility of man and

of human reason, the need of man to be treated as a social being, the danger of abstract rationalism, and the need to be very cautious in carrying out reforms, they also disagree in many important ways. Among these disagreements are differing views of the morality of man (Maistre here being the more pessimistic of the two thinkers.), differences of opinion on the origins and content of custom and positive law, conflicts as to the meaning of "freedom" (Maistre adheres to a positive theory of freedom, whereas Burke's position is a mixed one.), contention as to the degree of authority and individual autonomy that should exist in the state, and finally the degree to which utopian or millenarian elements are present in the theories of the two thinkers.

It is the contention of this dissertation that the divorce between Libertarian and Authoritarian Conservatism, begun by Burke and Maistre, has continued to the present day, and that it is not possible to understand the nature of Conservatism and its current status without examining this disunity.

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Chapter I: The Origins and Nature of Conservatism

A. The Lives of Burke and Maistre. Since the philosophical themes a thinker stresses are often intimately associated with his life experiences, it is a useful approach to begin a study of this sort with brief biographical sketches of the principals. We shall first take a look at Burke.

Burke's date of birth is not known. It may be that the people of that time considered personal record-keeping to be a less important art than is the present opinion. John Morley, though uncertain as to whether Burke was born in 1728 or 1729, finally settles upon the date January 12, 1729 (new style)¹, whereas Philip Magnus chooses January 1, 1729 (also new style).² Most of Burke's biographers have chosen prudence over valor and put the year of his birth as 1729, followed by a question mark. All these biographers are, however, agreed that Burke was the offspring of an Irish Protestant father, Richard Burke of County Limerick, and an Irish Catholic mother, Mary (Nagle) Burke of County Cork, and was born in Dublin. As was the custom in such religious mixed-marriages at the time, Edmund and his brothers Garret and Richard were brought up in their father's religion, and their sister Juliana adhered to her mother's faith. Despite his Protestantism, Burke's political adversaries

¹John Morley, Edmund Burke (New York: Harper and Brothers, Publishers, 1879), pp. 3-4.

²Philip Magnus, Edmund Burke: A Life (London: John Murray, 1939), p. 1.

never ceased to delight in calling him a Catholic, and even a Jesuit, charges he never bothered to deny. Richard Burke, Edmund's father, was a rather successful lawyer, whose legal practice, however, was later to be seriously damaged by his outbursts of bad temper, a trait his eminent son was to inherit. At the age of six, Burke was sent to Ballyduff, Ireland to begin his education at a Catholic village school. After five years at this school and one at home, Burke was enrolled in Ballitore School in Ireland, an institution run by a Yorkshire Quaker, Abraham Shackleton. Burke considered Shackleton a fine man and a fine teacher, and was thereafter to ascribe all he knew to Shackleton and to maintain a close personal relationship with Shackleton and his son Richard. It is clear that the events of Burke's family life and early education were predisposing him to that large degree of religious tolerance he was later to manifest.

In 1743, Burke enrolled at Trinity College in Dublin, remaining there until 1748, and receiving his Bachelor's Degree. He was not a brilliant student, though he won a classical scholarship in 1746 that permitted him to live at the college. Burke's style of study was to throw himself whole-heartedly into one area of study, for a limited period of time. He himself spoke, in a letter to Richard Shackleton (quoted by Morley), of being possessed successively by the "Furor Mathematicus", the "Furor Logicus", the "Furor Historicus", and the "Furor Poeticus". It will be seen that Burke's later political style was very much like this, in that he went from one all-

consuming political interest (be it America, India, or France) to another. Around this time Burke began taking an interest in politics. In 1747, he was a founding member of the Trinity College debating club, in which his acidic and vociferous style of debating earned him the reputation of being "damned absolute", a verdict that was later to be seconded by many of the greats of Britain and Europe. For a few months after he received his degree, Burke almost single-handedly began writing and publishing a short-lived literary weekly, The Reformer, and also wrote a series of anonymous political pamphlets in defense of the rights of Ireland against British oppression.

In 1750, quite possibly under some pressure from his father, who sought to see his only son who attended a university make a success of himself, Burke ceased his dabbling in politics and literature at Dublin and went to London in order to study for the bar. It did not take very long for Burke to develop a deep and abiding respect for the institution of law, and a great contempt for the way it was to be learned, which was chiefly by hanging around the London law courts and picking up what could be picked up. Around this time, Burke was leading a somewhat Bohemian existence, frequenting the coffee houses and debating societies of London with William Burke, a rather disreputable distant relative of his, and not concentrating overly much on his studies of the law. Burke had decided on a literary career, a not unusual choice for a young man with Bohemian tendencies, and this, plus the young Burke's slow

progress toward entering the bar (a step he never did achieve), caused his angry father to cut off his allowance in 1755, after spending a thousand pounds to support him in London.

Now faced by the need to support himself, Burke began doing secretarial work for politicians and started seeking a literary career in earnest. In the latter regard, he published anonymously his first major work, A Vindication Of Natural Society, a talented satire of both Bolingbroke's writing style and of his theories of natural religion. Though the authorship of the Vindication was soon revealed and the work caused some stir, it did little to remove financial problems from Burke's life, as is shown by the fact that a short time later he was offering his last few shillings to an Armenian wayfarer, Josef Emin. The year 1757 was a wonderful year in Burke's life. On March 12, he married Jane Nugent; Will Burke had been courting this Catholic physician's daughter, but magnanimously stepped aside for Edmund. Then, on April 21, Edmund's book on The Sublime and the Beautiful was published, this being the work that established his reputation as a writer.

For the next two years, Burke continued his literary work, becoming editor of the Annual Register and publishing a history of England, though his still precarious financial situation (He was largely dependent on his father-in-law's generosity.) caused him during this period to consider emigration with his family to America. In 1759, however, his rising acquaintance

with literary and society people (among whom were Garrick, Dr. Johnson, and Mrs. Montagu, the "Queen of the Blue-Stockings") gained him the opportunity to enter politics through the back door. He became the private secretary of William Gerard Hamilton, a Commissioner of the Board of Trade and Plantations, an M. P. rather unkindly known as "Single Speech", in recognition of his first and only brilliant speech in Parliament. For the next six years Burke was associated with Hamilton, until a dispute centering on the degree of independence Burke was to have utterly shattered the relationship. Burke complained with some justice that Hamilton had come to look upon him as a piece of household furniture. Since Burke clearly needed a job to support himself and his family, he sought and found a new position as private secretary to Lord Rockingham, the leader of probably the least corrupt Whig faction, to whom he was introduced by Will Burke. When, shortly thereafter, Rockingham became Prime Minister, Burke became, in effect, chief whip of the Whig Party, a position that necessitated a seat in Parliament. This problem was solved by Will Burke's patron Lord Verney, who controlled a pocket borough at Wendover he had intended to give to Will; he was, however, asked by Will to give it to Edmund instead, and complied. Another pocket borough was found for Will.

Burke took his seat in Parliament on January 14, 1766, and immediately plunged into the British dispute with America, taking the American side in the dispute, usually with little

success. America was to be Burke's chief interest over the next several years, though India was also of interest to him, due to his desire to help along as much as possible his and Will's investments in India. It is not to be thought that this position on India entailed excessive dishonesty, for when Burke saw injustice being done in India, he allowed no thought of personal or family profit to affect his decisions. Will Burke's financial manipulations in India, which were as incompetent as they were grandiose and dishonest, ultimately did the entire Burke family serious financial harm, since the whole family lived together on Edmund's heavily-mortgaged estate, "Gregories", and shared a common purse. Edmund, however, turned a blind eye to Will's dishonesty, out of affection for him.

Simultaneously with this struggle over America, and not unrelated to it, was Burke's attempt to free the House of Commons from the influence of the Crown, so that it might act as a workable counterweight to the Crown. This was to be done in two ways, as outlined by Burke in two important works. In Thoughts On the Causes Of the Present Discontents, Burke declared the root of Britain's current problems, both at home and abroad, to be the growth of executive power over the House of Commons, which ought to be the people's representative. Rather disingenuously, Burke sought to excuse George III for this, preferring instead to blame evil ministers. One solution for this was to organize philosophically-united parties, willing and able to

pass on proposed legislation as bodies committed to carrying out reasonably clear programs of government. This would effectively destroy the King's divide and rule tactics. The second prong of this two-pronged attack on nascent monarchical absolutism was outlined in Burke's speech on the reform of the King's civil list. The various feudal principalities, dukedoms, earldoms, etcetera, in which the King reigned under titles other than "king" (a potent means of expanding the posts he could fill) were to be abolished, and those offices which had been rendered entirely obsolete, such as Master of the King's Stable, were also to be eliminated. It had been the habit of George III and his cohorts to buy the loyalty of Members of Parliament by appointing them to these posts with nice salaries and little or no work attached. Though Burke's attempt to reform the civil list, and hence curb the power of royal patronage, was not as successful as he had hoped, it was successful enough to earn him the bitter enmity of George III, an enmity that did not moderate (and then far from completely) until the writing of Reflections On The Revolution In France.

An extremely important event in Burke's life, as it affected his political theory, was his visit to France from January to March of 1773. Here, for the first time, no one regarded him as an Irish upstart, and he was permitted, even encouraged, to mix with the highest levels of society on a basis of full equality. Though we may assume this was very pleasing to Burke's

ego, as he became the idol of French salon society (Walpole remarked, in a very pregnant phrase, that he almost made Christianity fashionable.), he nevertheless came back to England a very deeply troubled man. It cannot be said that this journey radically altered Burke's philosophy, but it did clarify and deepen portions of it. From the time Burke began to think coherently about philosophy, he had a definite distrust of abstract reason and of its potentially baneful effects (This was the theme of his first important work, A Vindication Of Natural Society.), but after this fateful trip, the earlier half-playful tone of the Vindication was gone. Seeing abstract rationalism at work in all its glory in its capital city of Paris, Burke came away convinced that it was necessarily subversive of all order, civilization and morality. Consequently, Burke's references to abstract rationalism and atheism (he considered the two necessarily connected) were from that point marked by the utmost passion and even violence. He undoubtedly looked upon himself as a man who, like Dante, had journeyed through the lowest circles of hell and had brought back with him the message of redemption. This message was: "Hold to the British constitution and Christianity".

In 1774, Burke undertook his first and only attempt at truly elective politics. The tide against the Tories that year was running especially high, due to the damaging effects on the British economy of the American boycott of British goods. The Whigs saw an opportunity to carry off both of the Parliamentary

seats of Bristol, then England's second-largest city, and therefore ran Burke, who had the reputation of a friend of British mercantile interests and a would-be compromiser on the disputes between England and America, for one of them, even though he had just been chosen for the pocket borough of Malton. This commercial city, Bristol, elected Burke with 2707 votes, and he preferred the larger constituency to the smaller. It cannot be said that the six-year relationship between Burke and Bristol was a happy one for either side. This difficulty stemmed from Burke's perception of his role as an M. P. and his relationship with the people, as shall be seen in Chapter Eleven. He was, first, firmly set against accepting instructions from his constituents; he was in Parliament to exercise his judgement on the great affairs of the state, and not to take orders like some clerk. It must be confessed that people hail the truly independent man, but they do not vote for him. Second, Burke was willing to promote the interests of Bristol when they did not run counter to those of England, but when they did, he never forgot that he was a member of the British Parliament from Bristol, and not a representative (or ambassador) of Bristol to the British Parliament. Finally, Burke did a very poor job of cultivating his constituents. He made little attempt to visit Bristol frequently and perform the local equivalent of kissing babies. Burke felt it was his responsibility to stay in London and do his job there. When it came time for Burke to run for reelection, he realized the race was hopeless, and dropped out before the polling began. Henceforth, he stayed in pocket boroughs.

When it became clear America was lost to England, Burke's thoughts turned to India. It has already been seen that his first interest in the subject had been profoundly familial and financial. Upon studying the situation in India, however, Burke became convinced that Warren Hastings, first Governor General of British India, was cruelly oppressing the Indian people, and what had hitherto been a rather peripheral interest to Burke became one of the chief interests, and perhaps the compelling interest, of his life. From 1782 to 1795, Burke attempted to have Hastings impeached on a variety of charges, all of which could fall under the heading of violating the Natural Law. When, however, the verdict was taken, the man whom Burke had called "a spider of Hell" was, whether because of political reasons or because his innocence was actually believed, acquitted on all counts. Burke declared many times that he had never suffered a more personally crushing political defeat.

The one lasting cause of Burke, that which had been his first interest in politics, was the rights of Ireland, and of her Catholics in particular. His close personal connection with Catholics, among them his mother, his sister, his first schoolmaster, his wife (until her conversion), and his father-in-law, undoubtedly left him open to the charge that he too was a Catholic, a terrible charge in eighteenth-century England. From no attacks did he suffer more, or for a longer time. It was, in fact, the only issue on which Burke was ever in actual danger of physical

violence. In 1780, Lord George Gordon, an M. P. and general ruffian, provoked massive anti-Catholic riots in which, before they were quelled, hundreds of people were killed. One of the chief targets of the rioters' wrath was Burke, who had a much-deserved reputation as an advocate of religious toleration in general and of Catholic emancipation in particular. A mob besieged his home threatening to burn it, as they had already burned many homes and shops, and when a contingent of sixteen soldiers was sent to protect him, Burke dismissed them, telling them they had more important things to do. Burke continued to walk the streets during the height of the riots, making no attempt to hide his identity, and when on one of these excursions he was surrounded by a crowd of rioters and ordered to change his vote on an issue of toleration, he adamantly refused to do so and began drawing his sword to defend himself. Fortunately, the riots were crushed after ten harrowing days, and did not succeed in extinguishing the life of one of the brightest lights of British Parliamentary history, Edmund Burke.

The last conflict in Burke's life, that he pursued up to the time of his death, was, of course, the one with Jacobinism. It cannot be said this was a happy time for Burke, for in this struggle he had to split his beloved Whig Party for betraying British principles, losing several personal friends in the process, saw himself reviled as a fool, an enemy of liberty, and even a lunatic, and finally suffered the untimely death of his

dear son Richard, whom he had seen as the ornament of the Burke family. Finally, still firmly in the midst of the crusade for Western civilization, Edmund Burke died on July 9, 1797.

Count Joseph de Maistre was born at Chambéry in Savoy in 1754, a member of the Savoyard branch of a great French family. Maistre, though geographically an Italian, always identified strongly with France and probably considered himself to be French. Maistre's father was a nobleman and a high official of the Kingdom of Savoy, and his mother was a very devout and tender woman who had a great hold over her eldest son. So great was Maistre's willing submission to the authority of his parents that while he was pursuing an education in law he would never read any book without seeking and winning their approval of its contents first.

Maistre's pre-university education was in the exclusive care of the Jesuit Society. In all likelihood, his life-long devotion to the Catholic Church and to the Society of Jesus stemmed from this period. After his Jesuit-run education was completed, Maistre went to the University of Turin to study law, unlike Burke not finding that course of study to be uncongenial. After the completion of his legal studies, Maistre effortlessly entered the public administration of Savoy, ultimately graduating from there to the Savoyard Senate presided over by his father.

Until the storm of the French Revolution came to Savoy, Maistre's life was probably fairly typical of the life of an intelligent young French (by culture) nobleman of the Enlighten-

ment period. Unaided he taught himself English, Spanish, Latin, Greek, and German (the first three with high proficiency), in addition to, of course, knowing his native languages of French and Italian. Maistre was a member of the Masonic Order, belonging to the Reform Lodge at Chambéry, and this, plus his early advocacy of freedom of speech and his youthful enthusiasm for the American Revolution (which afterwards wholly evaporated, to be replaced by a loathing of America), earned him the reputation of a dangerous young man who should be closely watched.

In 1786, Maistre married, and, despite the fact that husband and wife were to be separated for many years, it was apparently a very happy marriage. Maistre looked upon his wife as a perfect complement to himself, feeling her to have a great facility for planning ahead, which he lacked (Maistre called her Madame Prudence.) and a real talent for teaching, which was also not one of his talents. This happy union led to three offspring.

They had not been married for long when the events took place that were to shatter the normal routine of a family of aristocrats. The French Revolution broke out, and the Jacobin armies spilled across the French border, sending the Maistre family fleeing across the Alps to Aosta and safety. Shortly after their flight, the new French regime in Savoy passed a law requiring all refugees to return immediately, upon pain of confiscation of all their property. Seeking to save something of their possessions, Madame de Maistre (who was nine months pregnant)

left without telling her husband, who was in Turin, and proceeded to cross the Alps on a mule in the depth of winter to return to Savoy with her two children. Upon returning to Aosta from Turin and learning what his wife was undertaking, Maistre set off after her, fully expecting at every moment to find the lifeless bodies of his wife and children in the Alpine snow. By what can only be called the grace of God, however, Madame de Maistre and her children arrived safely in Chambéry, to be joined shortly afterwards by her husband. After Maistre refused to sign the register of citizens and contribute money to the Jacobin army, he waited until his wife delivered her third baby, and then abandoned his property and fled to Lausanne, Switzerland, shortly afterwards bringing his family.

Maistre stayed in Lausanne for three years, in which time he became a leader and propagandist of the émigré movement, despite the fact that Maistre, unlike the other émigrés, despised both the Revolution and the philosophy which had nurtured it; the others were steeped in the Enlightenment philosophy Maistre had by now rejected. One result of his sojourn in Switzerland may have been a softening of Maistre's presumably hostile attitude toward republics, as shall be seen later in this dissertation. From Lausanne Maistre and his family went to Turin, where another chapter in this life that sometimes resembles a melodrama was acted out. Shortly after Maistre's arrival, the French conquered Turin, and so the Maistre family was obliged to take flight again,

this time down the Po on an overcrowded, ill-heated refugee boat in the winter of 1797, with Austrian soldiers on one bank of the river and French soldiers on the other. The chance of being blown up was, therefore, omnipresent. As bad as the boat ride was, his family's lot in Venice, their destination, was even worse. Having been forgotten temporarily by his patron the King of Sardinia, Maistre and his family were entirely cut loose from all means of subsistence, save for a few pieces of silver plate that had been saved out of the general collapse of their fortunes. John Morley, in fact, believes this period of Maistre's life to have worked deep effects on his philosophy, and it is difficult to gainsay him.

The student of Maistre's philosophy may see in what crushing personal anguish some of its most sinister growths had its roots. When the cares of beggary come suddenly upon a man in middle life, they burn deep. Alone, and starving for a cause that is dear to him, he might encounter grim fate with a fortitude in which there should be many elevating and consoling elements. But the destiny is intolerably hard which condemns a man of humane mould, as De Maistre certainly was, to look helplessly upon the physical pains of a tender woman and famishing little ones. The hour of bereavement has its bitterness, but the bitterness is gradually suffused with a soft reminiscence. The grip of beggary leaves a mark on such a character as De Maistre's that no prosperity of after days effaces. The seeming inhumanity of his theory of life, which is so revolting to comfortable people, was in truth the only explanation of his own cruel sufferings in which he could find any solace. It was not that he hated mankind, but his destiny looked as if God hated him, and this was a horrible moral complexity out of which he could only extricate himself by a theory in which pain and torment seem to stand out as the main facts of human existence.³

³John Morley, Biographical Studies (Freeport, New York:

Whether or not one can go quite so far as Morley does in ascribing political philosophy to personal events, it can be said that this Venetian interlude was the worst period of Maistre's life, though true prosperity never really returned. As the fortunes of King Charles Emanuel IV of Sardinia slightly improved, he began to remember those who had suffered on his behalf, which certainly included Maistre. Maistre was given the commission of getting the government of the island of Sardinia, whose government had collapsed into anarchy during the war, functioning again. It need hardly be said that it is a very difficult task to get people to pay taxes and to observe a settled system of justice again when taxation has vanished and vendetta has taken the place of law. That Maistre had any success at all (and he had partial success) was a mark of his talent, and likely earned him his next appointment, which to the King may have been a reward, but to Maistre was a severe test of his loyalty to his sovereign.

In recognition of his successes in straightening out (somewhat) the affairs of the island of Sardinia, Maistre was to be exiled from his family and friends and all he loved, and sent to distant Russia as the ambassador of a debtor power. This exile was to last from 1802 to 1817. There can be no doubt that this was an excruciating agony for Maistre. His patron, who was himself a debtor, could do little to provide comforts to his ambassador (What a proud title to cover such a sorry reality!).

Such luxuries as a fur hat and fur boots were out of the question, and, since two servants were required by an ambassador, Maistre, due to his slender budget, was forced to employ a thief, whom he rescued from justice through ambassadorial privilege, in that capacity, on the understanding the thief would stay honest.

Many a night Maistre's supper consisted of sharing the soup of his valet. As bad as the physical torments Maistre had to suffer in Russia were, the emotional agonies were far worse. It was a rare night in which he got three hours' sleep, for as he lay in bed he was possessed with the thought that he could hear his family weeping in Turin, and tried to picture to himself the appearance of his youngest daughter, whom he had never seen and might never see, that "orphan child of a living father", as he put it. That Maistre did not go mad is rather amazing. Knowledge of his torments was, however, seldom shared with his family.

There were two factors that sustained Maistre during his sojourn in Russia. The first was reading and studying. Throughout his life Maistre was an inveterate student, and the time spent in Russia was no exception. The very zeal Maistre had for learning is summed up by this statement (quoted by John Morley), written from Russia.

Now, more than ever, I feel myself burning with the feverish thirst for knowledge. I have had an access of it that I cannot describe to you. The most curious books literally run after me, and hurry to place themselves in my hands. As soon as diplomacy gives me a moment of breathing-time I rush headlong to that favourite pasture, to that ambrosia of which the mind can never have enough.

Not only did Maistre read voraciously, but when he read he always

had a pen in his hand, prepared to transcribe into notebooks whole sections he felt might be useful to him. It is known that at one time he had at least thirty of these large notebooks, fully indexed. The other diversion that helped Maistre to maintain his equilibrium was the social circuit of Saint Petersburg. Surprisingly for a writer whose philosophy was often so cold and harsh, Maistre was a truly sociable individual, who was willing to befriend even those whose philosophies he detested. For this reason, and because of his obvious ability, honesty, and devotion to his royal patron under insupportable conditions, Maistre became a favorite in the diplomatic circuit and at the Russian court. Maistre's abilities and qualities even led him to be respected by the representatives in Saint Petersburg of revolutionary France. Tsar Alexander showed great kindness to the Sardinian envoy, giving to Maistre's brother, Xavier de Maistre, a post at one of the public museums, and to Maistre's son a commission in the Russian army, this latter kindness causing Maistre a great deal of anguish. During the battle of Friedland, and during every campaign thereafter, Maistre felt he could read the news of his son's fate on the face of every acquaintance he met.

In 1814, Maistre's wife and daughter joined him in Saint Petersburg, but his stay in Russia, unbeknownst to any of them, was drawing to a close. In 1816, a number of conversions from Russian Orthodoxy to Catholicism took place, and a great outburst

of religious fanaticism resulted. The Jesuit Society was expelled from Russia and Maistre himself, who was widely known as being nothing if not an ardent member of his Church, fell under suspicion as having had a hand in the conversions. Called before the Tsar to defend himself on that charge, Maistre swore he had not encouraged the conversion of any Russian, but was forced by honesty to add that if any Russian shared with him his intent to convert to Catholicism, he could not in good conscience tell the Russian he was wrong. Realizing such an exchange had compromised his effectiveness as a diplomat, Maistre arranged for his own recall, and in 1817 returned to Savoy for the first time in twenty-five years.

On the way back to Savoy, Maistre spent a few days in Paris, his first and only time ever on French soil. While Maistre was there, the King of France threw a reception in his honor and conferred a high office and a small sum of money upon him. After this, Maistre returned to his beloved Savoy, and was in the process of writing down his philosophy of man and politics when death took him in February of 1821.

B. The Origins Of Conservatism. We must now see how the philosophy of these thinkers came to be. One should not expect that any major system of philosophical and social thought would come into being ex nihilo; concrete historical events may cause a law-giver (or law-givers) to assemble in a coherent package (or packages) ideas that were floating loose up to then. This happened in

the case of Conservatism, with Member of Parliament Edmund Burke of England and Count Joseph de Maistre of Savoy serving as the midwives for a pair of twins who, as is true of fraternal (not identical) twins, have both striking similarities and dissimilarities to each other. These twins are libertarian and authoritarian Conservatism, and the event that brought them to conscious life was the French Revolution.

As will be seen later in this chapter, one of the key elements of both kinds of Conservatism is the feeling that it is necessary to defend Western civilization, though different Conservatives may (and do) differ on those elements of Western tradition that are worth defending. Considering this universal aspect of Conservatism, however, it becomes logical that a creed resting upon such a premise would become fully conscious of itself only when Western civilization and its traditions were threatened. With the coming of the "Enlightenment" and its offspring the French Revolution, a very basic questioning of the Western way of doing things developed that had not been seen in Europe since the fall of the Roman Empire, or, even earlier, since the introduction of Christianity into Europe. God was effectively banished as a force in the world by having His existence doubted or denied, by being seen as existent but irrelevant to the contemporary affairs of men (the Prime Mover doctrine), or by being identified as inextricably immanent in nature (Pantheism). Man was declared to be the center of the universe and was felt, through

either his mind or his will, to be capable of reshaping the world. Finally, a radical democracy declared it to be its duty to export this creed to all lands, by force if necessary.

Under these conditions of ideological war, it is not surprising that Burke and Maistre, who, like many others, had been inclined to avoid philosophical defenses of a system that did not seem to need defending, were forced to bring their ideas on man and society into clearer focus. Burke was not a man much inclined to set down his thoughts on the philosophical bases of government. One who wishes to write on Burke's philosophy is required to wade through an enormous collection (his collected works total twelve large volumes) of essays, speeches, letters, and reports of Parliamentary commissions, few of these writings being expressly philosophical in nature. Burke was a man who was more inclined to act out his philosophy than to write about it. It was, therefore, with considerable reluctance that Burke undertook to defend his principles of government in the Reflections On The Revolution In France and later works. The philosophical impact of the Revolution on Maistre was considerably greater than it was on Burke. There is, simply speaking, little evidence that Maistre had any sort of coherent philosophy before the French Revolution. He was, due to his inherited nobility, a member of the Savoyard Senate, was a believer in freedom of speech (a position which earned him the reputation of a dangerous character), was a well-wisher of the American Revolution (a stand

that was to be transformed into a positive detestation of America), and was an early advocate of the French Revolution. The fundamental alteration these views underwent suggests they were not held very deeply. Before the Revolution, Maistre had apparently been a fashionable young nobleman adhering superficially to all of the fashionable Enlightenment ideas of his time. When, however, the bases of Western civilization came under attack, Maistre's basic Conservatism came powerfully into play, possibly surprising him in doing so.

The foregoing should not be taken as saying Conservatism was born in the French Revolutionary crisis. Many of the elements of Conservatism date back to the beginning of human reflection on philosophy and politics. The excellent four-volume set, The Wisdom Of Conservatism, dates the pedigree of Conservatism from Plato.⁴ As will be seen often in this chapter, Conservatism's separate theoretical components have probably existed as long as human thought has. It is the development of Conservatism as a conscious, and somewhat integrated, ideology that dates from the French Revolution.

C. What Is Conservatism? The question of the nature of Conservatism is one on which there is a great deal of disagreement. This question divides internally those neutral toward Conservatism, those hostile toward it, and those favorable toward

⁴Peter Witoski, ed., The Wisdom Of Conservatism; 4 vols., (New Rochelle, New York: Arlington House, 1971).

it. The American Heritage Dictionary Of The English Language declares "Conservatism" to be "The disposition in politics or culture to maintain the existing order and to resist or oppose change or innovation" and sees "conservative" as "Tending to favor the preservation of the existing order and to regard proposals for change with distrust; moderate, prudent, cautious; Traditional in manner or style; Tending to conserve; conserving; preservative."⁵ A dictionary of a substantially different type, The Devil's Dictionary of the great nineteenth and early twentieth-century humorist and cynic Ambrose Bierce, feels the Conservative to be "A statesman who is enamored of existing evils, as distinguished from the Liberal, who wishes to replace them with others."⁶ No matter how useful, or, for that matter, amusing, a definition found in a dictionary can be, its actual value when dealing with a major philosophy like Conservatism is likely to be very strictly limited. It is necessary, therefore, to turn to much more rigorous attempts at defining the philosophy of Conservatism, some of these attempts running to an entire volume in length.

For no very special reason, we shall begin by examining the views about Conservatism held by its opponents. First among these will be William J. Newman's The Futilitarian Society, a

⁵The American Heritage Dictionary Of The English Language, fourth edition, 1970, p. 284.

⁶Ambrose Bierce, The Devil's Dictionary (New York: Hill and Wang, 1968), p. 27.

rather stupid and heavy-handed attack upon Conservatism. Dealing with such a work is, nevertheless, useful as a way of learning what some think Conservatism is. Newman starts from the belief that unrestricted innovation is necessary for freedom, or is even the essence of freedom. He never permits himself to entertain the possibility that his definition might not be correct. Newman's view of Conservatism follows from this first principle.

Conservatism has as its main concern the necessity of order in a disorderly civilization [This is overstated, but not entirely false]. It is a search for a society in which innovation will have come to an end, so that what exists may continue to exist; a society in which there will be no problems and no danger because no one will be allowed to repudiate the past and venture into the unknown; a society in which rational, scientific, and inquiring man will be replaced by traditional, obedient, and placid man. It is a search for a society in which essence will replace the excitement of concrete reality, and everyone will have his fixed place, and freedom will have come to an end.⁷

The essence of Newman's position is that Conservatism is militantly opposed to everything in life that is worthwhile and is an enemy of freedom and of all decent men. Conservatives believe in Original Sin, and therefore "Conservatism is the refusal of freedom."⁸ This book must be considered intellectual dishonesty at its worst. A series of statements are made about Conservatism, some of which are true, others of which are grossly exaggerated, and still others of which do not necessarily follow from the premises Newman ascribes rightfully to Conservatism. One would

⁷ William J. Newman, The Futillitarian Society (New York: George Braziller, Inc, 1961), pp. 38 and 48-49.

⁸ Ibid., p. 13.

not even have to deal with this book at all, so little is its significance as an intellectually meaningful work, but that it does represent rather well some of the more hysterical views some opponents of Conservatism have of that doctrine.

A more responsible criticism of Conservatism is found in M. Morton Auerbach's The Conservative Illusion. We learn from Auerbach that "He [the Conservative] rejects any theory of historical progress [Sic] or human perfectibility." and that "Conservatism solemnly confides to the world that man is inescapably evil."⁹ These points are, in my estimation, exaggerated, and yet must still be kept in mind in any correct definition of Conservatism. Auerbach's main objection to Conservatism stems from the view of history he ascribes to it. This view of history is that of "a series of cycles in which the early periods of harmony are succeeded by cumulative degeneration".¹⁰ Auerbach sees Conservatism as seeking an impossible degree of harmony rooted in tradition and explaining its unavoidable failure by reliance on belief in Original Sin. Conservatism believes in "the primacy of morality"¹¹ and sees an alteration in ideas of social organization as preceeding an alteration in social structure; degeneration in morality preceeds degeneration in society. It is Conservatism's alleged stress on the omnipresent tendency

⁹M. Morton Auerbach, The Conservative Illusion (New York: Columbia University Press, 1959), p. 310.

¹⁰Ibid., p. 286.

¹¹Ibid., p. 288.

to degeneration that causes Auerbach to see it as a philosophy for losers, for these always left behind by the advance of history. Even if this view were true, and there may be some truth to it, it is begging the question to judge the truth or falsity of a philosophy by its success in the so-called marketplace of ideas. The best product need not sell the best.

A different type of criticism of Conservatism is found in Herbert McCloskey. In his work, we find that Conservatives are a group of people afflicted with mental illness; this is a "fact" which must lessen one's regard for their philosophy. To get the full dimensions of McCloskey's views requires a rather extensive quotation.

By every measure available to us, conservative beliefs are found most frequently among the uninformed, the poorly educated, and so far as we can determine, the less intelligent...Uniformly, every increase in the degree of conservatism shows a corresponding increase in submissiveness, anomie, sense of alienation, bewilderment, etc...Of the four liberal-conservative classifications, the extreme conservatives are easily the most hostile and suspicious, the most rigid and compulsive, the quickest to condemn others for their imperfections or weaknesses, the most intolerant, the most easily moved to scorn and disappointment in others, the most inflexible and unyielding in their perceptions and judgements. Although aggressively critical of the shortcomings of others, they are unusually defensive and armored in the protection of their own ego needs. Poorly integrated psychologically, anxious, often perceiving themselves as inadequate, and subject to excessive feelings of guilt, they seem inclined to project onto others the traits they most dislike or fear in themselves...In other words, conservatives believe what they do not because the world is the way it is but because they, the observers, are the way they (emphasis McCloskey's) are... Related to this is the tendency for conservatives to be attracted to sentiments that would have to be described as mystical, and even obscurantist...In many ways hostility is a principal component of the conservative personality, as it is a principal component of conservative doctrine. It does not seem accidental,

considering the data on hostility, that conservatives prefer to believe in man's wickedness, that they choose to see man as fallen, untrustworthy, lawless, selfish, and weak...The inflexible and exacting features of conservative social doctrine are related to the prototypical personality attributes of conservative believers...Conservatives make a fetish of community, although it is apparent that in many ways they are more alienated from the community than most.¹²

This is quite a remarkable bill of particulars. Unlike the first two theories covered, the Conservative is not so much a villain or a fool as he is a lunatic. While it must be confessed that there are undoubtedly emotionally disturbed Conservatives (as there are emotionally disturbed Liberals, Marxists, and Zen Buddhists), McCloskey's treatment of Conservatism makes three errors of a fundamental nature. First, he sees as irrational what might well be rational responses by a Conservative in a Liberal society. Can it be called mad for a man to feel alienation toward a society that scorns him and even questions his sanity? Second, he condemns as a manifestation of emotional disturbance a political philosophy of at least two centuries' duration, and does so on the basis of a sample of several hundred people. Surely if Professor McCloskey had tried hard enough he could have found a sane Conservative somewhere! Third, this being related to the second point, McCloskey identifies as evidence of mental illness certain factors that from another point of view may be taken as evidence of mental stability. If man is "fallen, untrustworthy, lawless, selfish, and weak", why should

¹²Herbert McCloskey, "Conservatism and Personality," American Political Science Review, Vol. 52#1 (March 1958), pp. 35, 37-38, 40-43

one not deem him to be such? McCloskey falls into essentially the same sort of error as Newman and Auerbach. He takes certain attributes of Conservatism (or caricatures of certain attributes of Conservatism) and, based on his own biases, automatically believes them to be incorrect views of the world. If you declare by definition that anyone who believes in the fallibility of man is emotionally disturbed, you have succeeded in condemning all Conservatives to rooms with rubber walls, but until you test your initial hypothesis against the empirical universe, you have not really proven anything at all.

Still another way of attacking Conservatism is to say it has no ideas. A good example of this sort of position is the following:

It is not the business of conservatives to state a fully fashioned philosophy. They defend the established order of things. It is enough, therefore, to appeal to tradition and sentiment and inertia; and any attempt to build philosophical foundations for their attitude is invariably evidence that the attitude no longer claims the instinctive allegiance of the masses of men... Conservatism is no more than the art of wise accommodation to environment and a distrust of radical change...an alliance of genial character and poverty-stricken intellect...It is the tradition of wealth, comfort, elegance, and manners, of a ruling class that has regarded its power to govern others as a natural right in a world of timeless perfections. The conservative seeks not to create a new society but to resist the transformation of the existing.¹³

In Lewis' treatment of Conservatism, one finds the tolerance that is often expressed by a warrior as he speaks a tribute

¹³Gordon K. Lewis, "The Metaphysics Of Conservatism," The Western Political Quarterly, Vol. 6#4 (December 1953), pp. 729, 730, 731, 737, and 738.

over the corpse of a fallen foe. Since Conservatism is a class ideology, as are all ideologies, and since its class (the landed aristocracy) has nearly everywhere in the Western world ceased to wield predominant power, Lewis simply looks on Conservatism as something irrelevant in the modern world and therefore of only historical interest. Even if one accepts this basically Marxist view of the character of political ideologies, it does not explain why this fossil, Conservatism, lacks the good grace to retire to the museum and even continues to win elections based on the votes of those who control nary a single serf.

A similar, though also very different, view of Conservatism is found in Samuel P. Huntington. This description of the nature of Conservatism follows:

Conservatism is the intellectual rationale of the permanent institutional prerequisites of human existence. It is a high and necessary function. It is the rational defense of being against mind, of order against chaos. Conservatism is not just the absence of change. It is the articulate, systematic, theoretical resistance to change. Conservatism thus reflects no permanent group interest. Depending upon the existence of a particular relation among groups rather than upon the existence of the groups themselves, it lasts only so long as the relation lasts, not so long as the groups last...The substance of conservatism is essentially static. Conservative thought is repetitive, not evolutionary. Its manifestations are historically isolated and discrete. Thus, paradoxical though it may seem, conservatism, the defender of tradition, is itself without tradition; conservatism, the appeal to history, is without history...Conservatives, however, do not subdivide into schools, nor do they, like liberals and Marxists, engage in fiery arguments over the meaning of their faith...[Conservatism has a] lack of both an intellectual tradition and a substantive ideal.¹⁴

¹⁴Samuel P. Huntington, "Conservatism As An Ideology,"

It is preposterous to say that Conservatism is without its schisms, as even a brief comparison of the writings of Mr. Frank Meyer and Mr. L. Brent Bozell would make clear. This shall be pointed out at greater length later in this chapter. It is, however, necessary for Huntington to declare Conservatism to be ethically united, because he believes it to be ethically empty. There is just nothing for potential schismatics to fight over, for Conservatism is the ideology of an endangered status quo, whatever the objective character of that status quo may be. Huntington, in fact, ends this article with a clarion call for Liberals to become Conservatives, in order to conserve Liberalism. It is, therefore, possible for anyone to become a Conservative, be he a Liberal, a Fascist, a Socialist, a Communist, an Anarchist, or anything else. The only thing one is not permitted to conserve is Conservatism! Conservatism is only a tool for the preservation of other ideologies and has no actual existence in itself. Huntington's view of the philosophical non-existence of Conservatism will be answered in the course of this chapter.

In Bernard L. Kronick we find a position that allows some small measure of philosophical content to Conservatism, but only within the confines of a given society. The situation develops in the following fashion.

True conservatism is not a form of political paralysis. It is a predisposition in favor of the past rather than an irrevocable commitment to it. It is discernment in change rather than frustrated reaction...The conservatism of one people may well be the radicalism of another...It is sometimes said that

the conservative of today worships the radical of yesterday. This merely points up the relativity of political creeds. It shows the tendency of all institutions and arrangements, however abruptly conceived and hastily adopted, to become identified with a traditional order which conservatives defend...There is a process of innovation, reluctant acceptance of a fait accompli, gradual adaptation, complete habituation, all adding up to--conservatism.¹⁵

Though Kronick sees Conservatism as serving a useful purpose, that of restraining radicals from going too far, it is also evident that Conservatism, in his estimation, must be a frustrating position for anyone to hold. It is purely negative in content, being the opposition to change or too rapid change, and, as was seen above, is continually suffering defeats to which it ultimately becomes reconciled. For Conservatism to come to power in its own name is impossible by definition, since Conservatism does not, and cannot, have any ideas as to how things should be done. Another point Kronick makes is that there is no such thing as Conservatism, but only American Conservatism, British Conservatism, French Conservatism, German Conservatism, etcetera. This is because the role of Conservatism is to conserve the (ever-changing) traditions of a given nation. That there could be such a thing as a concrete and relatively changeless tradition of Western civilization as a whole for Conservatism to safeguard is an idea Kronick does not seriously entertain.

Still another critic of Conservatism sees its essence as lying in anti-individualism. Nisbet's explanation follows.

¹⁵Bernard L. Kronick, "Conservatism: A Definition," Southwestern Social Science Quarterly, Vol. 28#2 (September 1947), pp. 175-177.

In a significant sense, modern conservatism goes back to medieval society for its inspiration and for models against which to assess the modern world...Conservatism opposes individualism, secularism, and equalitarianism...the conservative insisted upon the primacy of society to the individual--historically, logically, and ethically...From this it follows that society cannot be broken down, even for conceptual purposes, into individuals...Not fictitious natural rights but unalterable needs (emphasis Nisbet's) of man, his "wants", as Burke termed them, are primary...Conservatism is marked by its essentially tragic conception of history, its fear of the free individual and the masses, and its emphasis upon community, hierarchy, and sacred patterns of belief.¹⁶

It shall be seen that there is a good deal of truth to Nisbet's belief that Conservatism is inclined to be anti-secularist, non-individualist (though not necessarily anti-individualist), and elitist. It would, however, be a mistake to exaggerate the degree or universality to which Conservatives hold these views, for they are precisely the issues on which schism is most common in the ranks of Conservatism. Further, some Conservatives may, as Nisbet says, seek guidance from the medieval world, and yet it is equally likely that there are other Conservatives who see medieval society as irrelevant or contemptible. Finally, while many Conservatives undoubtedly condemn the concept of Natural Rights (largely because of the historical movements with which it has been connected), others, notably including Burke, definitely support it.

A thoroughgoing Marxist critique of Conservatism is found in Randhir Singh's Reason, Revolution, and Political Theory: Notes On Oakeshott's Rationalism In Politics. A quotation follows.

¹⁶Robert A. Nisbet, "Conservatism and Sociology," American Journal Of Sociology, Vol. 58#2 (September 1952), pp. 169, 170, and 172.

Conservatism denigrates human reason and human purpose, and leaves man with no real criteria for judging the worth of human actions and attitudes. It distrusts scientifically grounded ethics and politics, and doubts or mocks the reality of man's Promethean struggle for the better, for social justice, for happiness and prosperity here on this earth. It...denies the legitimacy of man's attempt individually to control his own fate and collectively to build his own world. For it social action, especially of a radical nature, is suspect. It not only emphasizes its futility but questions in fact the very assumption of human capacity to solve problems of human existence. And it therefore, sooner or later, urges upon man to bear the evils and iniquities of this world as necessary and inescapable, to acquiesce patiently in the injustices of the existing order based on private property, privilege and minority rule...Conservatism, whether old or new, has been rarely a positive creed, a positive enunciation of principles, purposes and programmes. It has always been primarily a defensive, a truly negative reaction--a reaction, generally speaking, against the main direction of social and historical development of our times...Elitism has always been one of the basic premises of all authentic conservatism. It is the central political demand of contemporary conservative philosophy...This elitism is always the expression of an attitude of contempt or indifference toward the masses, an attitude in whose recesses lurk fears which can transform it in a single moment of genuine confrontation into an attitude of violent, merciless hostility. This elitism means not only the fear and rejection of popular democracy, which is obvious enough. It also involves a defence and justification of the continued existence of an unjust, privilege-based, minority ruled and self-divided society. It seeks to make the present class divisions of mankind--the schisms of humanity--a permanent feature of social existence.¹⁷

Conservatism is every bit as evil here as it is to Newman, but at least the Conservative is not evil out of a sheer love of evil, as Newman seems to feel him to be. The Conservative is against change, advancement, and human liberty, and is for elitism, because he seeks to keep in power a given social structure

¹⁷Randhir Singh, Reason, Revolution, and Political Theory: Notes On Oakeshott's Rationalism In Politics (New Delhi: People's Publishing House, 1967), pp. 134, 158n, 169, and 170.

based on minority rule. There is, therefore, contrary to McCloskey's view, nothing irrational in Conservatism, for there can be nothing irrational about trying to keep yourself and or your friends in power by fair means or foul. Much of the criticism of Singh's position can be found in the criticism of Lewis. Suffice to say that, while there may indeed be Conservatives who are moral monsters, it does seem to be unlikely that there is something in Conservatism that causes its adherents to lust for the oppression of their fellowmen.

Still another view of Conservatism is given by Louis Hartz. He is critical of the possibility of an American Conservatism, though not so much of the nature of Conservatism itself.

One of the central characteristics of a nonfeudal society is that it lacks a genuine revolutionary tradition, the tradition which in Europe has been linked with the Puritan and French revolutions: that it is "born equal", as Tocqueville said. And this being the case, it lacks also a tradition of reaction: lacking Robespierre it lacks Maistre, lacking Sydney it lacks Charles II. Its liberalism is what Santayana called, referring to American democracy, a "natural" phenomenon...Law has flourished on the corpse of philosophy in America...We can thus say of the right in America that it exemplifies the tradition of big propertied liberalism in Europe.¹⁸

Leaving aside the question of whether Hartz is factually correct in seeing America as almost universally Liberal, it is interesting to see the outlooks about the origins of political philosophy and about the nature of Conservatism that derive from this. First, political philosophy is not something that exists

¹⁸ Louis Hartz, The Liberal Tradition In America (New York: Harcourt Brace and Company, 1955), pp. 5, 10, and 15.

in a society independent of that society's culture and or history. It is not the truth or falsity of the belief that determines a man's adherence to a political philosophy, but whether that philosophy is congruent with his nation's past. An American cannot, therefore, be either a true Conservative or a true Socialist, since, Hartz believes, both of these philosophies derive ultimately from a Liberal attack on Feudalism which, since Feudalism never existed here to a meaningful extent, never took place in America. This position of Hartz is remarkably close to belief in a group mind. That is, however, a question which is rather extraneous to the subject under investigation. His position declares Conservatism to be a defense of Feudal political and social institutions. This would imply Conservatism to be anti-individualist, elitist, and possibly theocratic. As this chapter proceeds, it will be possible to analyze the validity of these assertions, though the very magnitude of writings for and against Conservatism would seem to answer the suggested belief in its irrelevance to the modern American society.

It has been seen by now that many areas of disagreement exist among the critics of Conservatism as to its nature. Some feel Conservatism to be a real philosophy, others see it as simply a rationalization of the power of a ruling elite, others (primarily McCloskey) feel it appeals only to those who are emotionally disturbed, and still others see it as a conserving of any philosophy or system. There are, however, certain areas of agreement among

the critics of Conservatism. They see Conservatism as being substantially elitist in character, as seeking lessons from the past, as being opposed to or at least skeptical of change, and as stressing the virtues of community. As shall be seen momentarily, the advocates of Conservatism also have strong disagreements as to its character.

Russell Kirk begins his work The Conservative Mind, From Burke To Santayana by declaring that "Burke's is the true school of conservative principle."¹⁹ This statement gives hints of schism, of which more shall be seen later. Kirk goes on to say that "Conservatism is not a fixed and immutable body of dogma, and conservatives inherit from Burke a talent for re-expressing their convictions to fit the time."²⁰ Kirk then proceeds to explain what the convictions of Conservatism are.

I think that there are six canons of conservative thought--
 (1) Belief that a divine intent rules society as well as conscience, forging an eternal chain of right and duty which links great and obscure, living and dead. Political problems, at bottom, are religious and moral problems... (2) Affection for the proliferating variety and mystery of traditional life, as distinguished from the narrowing uniformity and equalitarianism and utilitarian aims of most radical systems... (3) Conviction that civilized society requires orders and classes. The only true equality is moral equality; all other attempts at levelling lead to despair, if enforced by positive legislation... (4) Persuasion that property and freedom are inseparably connected, and that economic levelling is not economic progress... (5) Faith in prescription and distrust of "sophisters and calculators" (the phrase is Burke's)... (6) Recognition that change and reform are not identical,

¹⁹Russell Kirk, The Conservative Mind, From Burke To Santayana,

(Chicago: Henry Regnery Company, 1953), p. 5.

²⁰Ibid., p. 7.

and that innovation is a devouring conflagration more often than it is a torch of progress.²¹

It can be seen that, according to Kirk, Conservatism is nothing if not an ethical doctrine, and, in fact, a doctrine founded upon a belief in a God Who intervenes in the affairs of men. It must be said at this point that the question of whether a Conservative can be an atheist has been one of lively controversy within Conservatism. What exactly Kirk's point number two means, other than (apparently) being a paean to pluralism, is hard to ascertain. Whether or not Conservatism as a whole is, as charged, obscurantist, it would have to be confessed that this statement of Kirk's is ranging on obscurantism. Point number three declares that Conservatism takes a middle position on equality. True social equality is felt to be impossible and absurd, and yet the moral equality of all men is taken as a fact of life. This convicts Conservatism of elitism, but not to the degree that Singh would have one believe. There will not, and cannot be, any abolition of classes, and so Singh is correct in saying that Conservatism seeks to maintain the class divisions of society, in much the same way, Kirk might declare, as one who points out the existence of the sun can be accused of advocating its continued existence. In a more fundamental sense, however, Conservatism departs from elitism. Though classes will continue to exist and the few will run the government, Kirk implies that the government shall not be run for the benefits of a few, which

²¹Ibid., pp. 7-8.

some critics of Conservatism contend is its position, but for the sake of all. Point four places Conservatism squarely behind the institution of private property, but does so, Kirk declares, for the sake of freedom. Point five pleads "guilty" to the charge against Conservatism that it values institutions based on their longevity and sees a nation's history as incorporating wisdom. The final point, point six, implies a willingness to accept genuine reform, but shows a decided skepticism toward the value of change.

An analysis of Kirk's points of Conservatism indicates that he is somewhat inclined toward what shall be described later in this chapter as the libertarian form of Conservatism. Point two gives an accolade to pluralism, point three suggests limitations on government, point four declares freedom to be valuable, and point six gives an at least half-hearted endorsement to reform. It shall be seen later that not all Conservatives agree on these points.

Frank Meyer, a rather more consistent Conservative Libertarian (though he considers himself a centrist so far as Conservative doctrine is concerned), has his own six points of Conservative belief. These may be profitably compared with those of Kirk.

(1) Conservatism assumes the existence of an objective moral order based upon ontological foundations...(2) Within the limits of an objective moral order, the primary reference of conservative political and social thought and action is to the individual person...(3) Conservatism is profoundly anti-utopian...(4) On the basis of concern for the individual person and rejection of utopian planning, conservatives believe in a strict limitation

of the power of government...(5) From these points American conservatism derives its firm support of the Constitution of the United States as originally conceived--to achieve the protection of individual liberty in an ordered society by limiting the power of government...(6) In their devotion to Western civilization and their firm American patriotism, conservatives are deeply aware of the danger of Communism as an armed and messianic threat to the very existence of Western civilization and of the United States.²²

It is noticeable that there are certain themes in Meyer that are not present in Kirk, and still others that are expanded far beyond their dimensions in Kirk. It can be seen, first, that while both Kirk and Meyer believe in an objective, knowable moral order, that of Kirk is exclusively religious, whereas that is not necessarily true of that of Meyer. Second, Meyer clearly embraces individualism (though point two shows it to be a qualified individualism), whereas Kirk supports individualism only by implication. Meyer also comes out much more strongly and unambiguously for the limitation of government than does Kirk. In point number six, Meyer raises explicitly an issue about which a great deal more will be heard with regard to the nature of Conservatism: the role of Conservatives as conservators of Western civilization. It is also of importance to note that, with the exception of a stricture against utopianism, one does not find in Meyer's definition of Conservatism Kirk's rather strong admonitions against the dangers of change, nor is there the stress upon social elitism. These are, in all likelihood, more differences of degree than anything else, but differences of degree

²²Frank S. Meyer, The Conservative Mainstream (New Rochelle, New York: Arlington House, 1969), pp. 14-16.

can, nevertheless, be of very great significance in the understanding of a political philosophy.

A substantially different view of Conservatism is found in the theory of L. Brent Bozell, a man who cannot be accused of being even a modified libertarian. The flavor of this comes through very strongly in Bozell's writings.

We of the Christian West owe our identity to the central fact of history--the entry of God onto the human stage. We do not regard the Incarnation as a supernatural stunt, but as a terrestrial event: God, in time, with us...The Christian eschaton is post-human. The purpose was to impart the means for dealing with human imperfections--for easing man's way to his ultimate goal, and for realizing, in this life, his maximum human potentialities...Our commission is to plant in history the ideals and the standards contained in Christian truth--and to build institutions and foster mores that will help sustain these ideals: in short, to build a Christian civilization emphasis Bozell's... The West, the geographical place, is unimportant. The West, the civilization, is of consuming importance. It is what happened when man set out to build Augustine's earthly city...Our good fortune belongs to the human race. We are chosen only in this sense; that because we have received, we have the duty to give...If we know what our mission is, the "will" to carry it out will follow as a matter of course...[The West is] a God-oriented civilization.²³

Several months later, Bozell sketched in further details of his theory of man and society. It shall be seen that this addition was even less amenable to the notion of liberty, at least insofar as liberty is felt to have anything to do with individual freedom of choice, than was the above writing.

If freedom is the "first principle" in politics, virtue is, at best, the second one; and the programmatic aspects of the movement that affirms that hierarchy will be determined accordingly...The freedom that is necessary to virtue [such as the

²³L. Brent Bozell, "To Magnify the West," National Review,

desire to go to church, whether one is able to or not) is presumably a freedom no man will ever be without...If moral freedom is beyond the reach of politics, surely politics has better things to do than making the preservation of moral freedom its chief preoccupation...Man's nature is such, however, that he, uniquely among created beings, has the capacity to deviate from the patterns of order--to, as it were, repudiate his nature: i.e. he is free. So viewed, freedom is hardly a blessing; add the ravages of original sin and it is the path to disaster. It follows that if individual man is to have any hope of conforming with his nature, he needs all of the help he can get. That is why the role of grace is so vital to the Christian view of things, not only supernatural grace, but the natural grace that springs forth from man's constructs: his institutions, his customs, his laws--the ones that have been inspired by his better angel and that remain in time to give nourishment to all of the human race... When a commonwealth builds according to the divine patterns of order, then it is in a position to help man conform to his nature, which is the meaning of virtue...Since man will always have sufficient moral freedom, i.e. sufficient occasions for "proving himself"--and even for doing so heroically; and since these occasions are basically traceable to his corruption, the ideal to which man should aspire is to minimize such occasions--to develop the kind of character that will generate virtuous acts as a matter of course. For, as the mystics tell us, true sanctity is achieved only when man loses his freedom--when he is free of the temptation to displease God...The urge to freedom for its own sake is, in the last analysis, a rebellion against nature; it is the urge to be free from God.²⁴

It can be seen that the Conservatism of L. Brent Bozell is radically different from that of Kirk and especially that of Meyer. What he does is to take themes present in them, and basically in all of Conservatism, and carry them far beyond the limits Kirk and Meyer would be willing to go. Though Kirk goes part way in endorsing a sanctified state and Meyer might do so, Bozell endorses what in effect is a theocracy, though he argues rather unconvincingly that this is not what he advocates. In

²⁴L. Brent Bozell, "Freedom Or Virtue?", National Review, Vol. 13#10 (September 11, 1962), pp. 181-182, 184, and 187.

line with this position, in a radical departure from what might be called the mainstream Conservative position, Bozell says nothing at all about the desirability of limited government. In fact, by stressing the need of government and society to erect institutions to direct man to the good, in Bozell's phrase, "to help man to conform to his nature", Bozell goes a long way to denying the possibility of limiting the government to any great extent. Further, by stressing so strongly the need for a Christian civilization, Bozell effectively transforms Kirk and Meyer's skepticism about change to an absolute animosity against change. If the state exists only to realize Christian doctrine, this doctrine having been set irrevocably centuries ago, change (except toward Christianity) can never be either safe or desirable. Finally, this attitude tends to extend the Conservative view that prescription is a reasonably accurate guide to the proper functioning of society into a view that prescription is the infallible authority for all questions on earth. It shall be seen later in this chapter and elsewhere in the dissertation the great extent to which Bozell's thought, possibly not accidentally, reflects that of Maistre.

Since World War II, a new view of Conservatism, or perhaps a new variant of it, is said to have developed. This is what has been called New Conservatism, and its principal exponent is Peter Viereck. Viereck's view of Conservatism will follow.

The conservative principles par excellence are proportion and measure; self-expression through self-restraint; preservation through reform; humanism and classical balance; a fruitful nostalgia for the permanent beneath the flux; and a fruitful obsession for unbroken historic continuity. These principles together create freedom, a freedom built not on the quicksand of adolescent defiance but on the bedrock of ethics and law... The core and fire-center of conservatism, its emotional élan, is a humanist reverence for the dignity of the individual soul... Democracy, though slowly attained and never by revolutionary leaps, is the best government on earth when it tries to make all its citizens aristocrats. But not when it guillotines whoever is individual, superior, or just different... In times of shallow prosperity, the conservative function is to insist on distinguishing value from price; wisdom from cleverness; happiness from hedonism; reverence from success-worship. In times of defeat, conservatism reminds us that we must still respect moral and social law, no matter how desperate our apparent crisis and no matter how radiant the ends that would "justify" our using lawless means... The conservative lays the greatest possible stress on the necessity and sanctity of law. To him the "general laws", to which Thucydides referred, must be supreme over the particular ego of any individual or class or state. General ethics must restrict the particular means, regardless of ends... Sad experience would teach us that man can only maintain his existence through guiding it by the non-existent: by the moral absolutes of the spirit... Whenever possible, bad should be eliminated... Western conservatism is evolutionary; Eastern and often Central European conservatism is authoritarian and irrational... The conservative evolves change peacefully and gradually from above instead of by unhistorical haste or by mob methods from below... The conservative resists the trend to sacrifice liberté to égalité... Freedom should be the goal of all political action... To prevent majority rule from becoming majority despotism, every stable society has certain traditional institutions acting as brakes on precipitous mass action... For the history-minded conservative, individual liberty derives less from political abstractions and economic tinkering than from Christianity and from its extension of the free Athenian ideal... Inward moral reform of the individual, which economic determinists are perennially "exposing" as a reactionary trick to postpone progress, must precede or at least accompany the outward material reform of society... Conservatives claim that every human being is by nature barbarous, capable of every insanity and atrocity... Conservatism, which is for politics what classicism is for literature, is in turn the political secularization of the doctrine of original sin.²⁵

²⁵ Peter Viereck, Conservatism Revisited: The Revolt Against

Revolt, (New York: Charles Scribner's Sons, 1949), pp. 6, 9, 10, 13, 14, 18, 19, 27, 29, and 30.

To have called Viereck's theory of Conservatism "New Conservatism" may well have been an error. While there are undoubtedly major differences between Viereck's theory and that of Bozell (centering primarily around the former's greater willingness to accept reform and greater stress on individualism and liberty), Viereck's theory nonetheless fits in rather well with a given current of Conservatism, that of Burke. What is significant is that Viereck, as has been seen, recognizes the fact that Conservatism is divided, and has some idea of the issues that divide it. Beyond this, however, the basic structure of Viereck's thought fits into a pattern of Conservatism that need not be called "new".

Michael Oakeshott, in his view of Conservatism, takes the stress on individualism and limited government further than any other Conservative. He basically comes to the view that Conservatism is an endorsement of the Lockean "Night Watchman" state, and he even uses some Lockean language in his description.

What makes a conservative disposition in politics intelligible is nothing to do with a natural law or a providential order, nothing to do with morals or religion; it is the observation of our current manner of living combined with the belief (which from our point of view need be regarded as no more than an hypothesis) that governing is a specific and limited activity, namely the provision and custody of general rules of conduct, which are understood, not as plans for imposing substantive activities, but as instruments enabling people to pursue the activities of their own choice with the minimum frustration, and therefore something which it is appropriate to be conservative about...The office of government in the Conservative view is not to impose other beliefs and activities upon its subjects, not to tutor or to educate them, not to make them better or happier in another way, not to direct them, to galvanize them into action,

to lead them or to coordinate their activities so that no occasion of conflict shall occur; the office of government is merely to rule. This is a specific and limited activity, easily corrupted when it is combined with any other, and, in the circumstances, indispensable. The image of the ruler is the umpire whose business it is to administer the rules of the game...In short, the intimations of government are to be found in ritual, not in religion or philosophy; in the enjoyment of orderly and peaceable behaviour, not in the search for truth or perfection.²⁶

Oakeshott appears to be virtually alone among Conservatives in feeling Conservatism to uphold the notion of an ethically-neutral state. Government, in Oakeshott's view and (according to him) that of Conservatism, is to permit men "to pursue the activities of their own choice with the minimum frustration", or, in contemporary usage, to do their own thing. It can be seen how radically these views of Oakeshott's depart from what might be called orthodox Conservatism. The society is, first of all, either entirely normless, or, at most, gets its norms from the common consent of the community. Any system of universal morals, be they religious or non-religious, is expressly denied. The fact that Oakeshott believes this to be part of Conservatism leads one to believe that he does not believe Original Sin, or human imperfection, to be part of Conservative doctrine, for if men are capable of compacting together to determine what their moral law ought to be, they must be either perfect or very close to it. While, as has been truly said, Conservatism is not an infallible Church capable of enforcing its strictures upon pain

²⁶ Michael Oakeshott, On Being Conservative, in Witonski, ed., The Wisdom Of Conservatism, I, 110-111, 114-115, and 117.

of excommunication, any philosophy must have a certain core of belief binding morally upon those who claim to be its adherents. It seems to me that, with regard to Conservatism, Oakeshott has passed beyond the boundaries into some sort of Ayn Rand-type atomism.

It has been seen that, just as there is great disagreement among anti-Conservatives as to the characteristics of Conservatism, so there is substantial disunity among the advocates of Conservatism on this question. With a hope to establishing some clearer understanding, it will now be well to examine the thoughts of some who are neutral on the conflict between Conservatism and its foes.

In general, conservatives wish to preserve present or past values rather than to create or adopt new ones...Conservatives oppose equalitarianism and support the Constitution and private property...Conservatives are likely to be skeptical of the rationality of men, especially when they act in groups...Convention and experience are safer guides [in the Conservative view] than experiment, statistics, and inference for the foundation of human institutions...If an institution exists, that existence is prima facie evidence of its validity. The burden of proof is always upon the advocates of change...Conservatives do not approve of concentrated power in public governments...[Continuity is] a leading principle of conservatism.²⁷

There are certain basic canons that have been commonly recognized by intellectual conservatives from the days of Burke to the present time. These can be summarized as: (1) man is a blend of good and evil; he is neither perfect nor is he perfectible; (2) society is the product of slow historical growth; (3) existing institutions embody the wisdom of prior generations; there is a presumption in favor of that which has survived the test of time; (4) religion is the foundation of civil society;

²⁷Jasper B. Shannon, "Conservatism," The Annals Of the American Academy Of Political and Social Science, Vol. 344 (November 1962), pp. 14, 15, 19, and 24.

(5) prudence, experience, and habit are often better guides than reason and logic; (6) society requires classes and orders--the superior classes must be allowed to have a hand in the direction of the state in such a way as to balance the numerical preponderance of the inferior classes; and (7) duties are superior to rights. Although the meaning of these principles has changed from generation to generation and even from thinker to thinker, there is a substantial area of agreement among genuine conservatives in respect to their ultimate assumptions.²⁸

A conservative is one who wishes to preserve or conserve certain existing institutions or principles...There have, of course, been profound differences among the various conservative thinkers, but they have generally agreed on certain basic principles of political philosophy. They have always been skeptical of the idea that there is any single clear-cut scheme which will solve all of man's political, social, and economic difficulties. Though many of them have been ardent reformers, they have refused to believe that human nature can be completely transformed by legislation or that any set of political reforms will bring about the creation of a golden age. The conservatives have always claimed to be great admirers of reason, but they have rejected all political schemes based solely upon abstract reason without reference to concrete experience and the accumulated wisdom of many generations. They have insisted that any one generation of men can progress only if it is willing and able to profit from the mistakes and successes of past generations and to make use of the stored-up practical wisdom of its ancestors...They have argued that to be successful any system of government must be in accord with the spirit, the ideals, and the traditions of a people...Most conservatives have also argued that the actions of the majority (like the actions of any minority) should be subject to the dictates of "natural" or higher law...The conservatives have always been devout believers in the general principle of individualism...They have argued in favor of very far-reaching freedom of thought and expression, but they have insisted that this freedom cannot be absolute or unconditional...They have always been in favor of the general principle of private property and of property rights, but they also believed that the state should take an active interest in the economic welfare of its citizens...The conservatives have usually claimed not only that man is naturally and fundamentally sinful, but also that it is almost if not absolutely impossible to change human nature--at least by governmental means.²⁹

²⁸ Henry J. Schmandt, A History Of Political Philosophy

(Milwaukee: The Bruce Publishing Company, 1960), p. 328.

²⁹ William M. McGovern and David S. Collier, Radicals and

Conservatives (Chicago: Henry Regnery Company, 1957), pp. 15-19 and 81.

Now that so many varying views of Conservatism have been seen, it is necessary to distill from them the answer to the question that is the subject of this section, namely, what is Conservatism? When dealing with a subject such as this, great pains must be taken to keep it from becoming either (based on one's feelings) an apologia or an attack. As much as one can, I shall endeavor to be objective.

The foremost fact that must be considered about Conservatism is its belief that there is a knowable and universal moral law. There is no room in Conservatism for ethical relativism, at least as far as the key principles of moral law are concerned. These principles have been set once and for all time and, however derived, owe none of their legitimacy to their popularity. The moral law is strictly beyond the control of human beings. It is probably a majority position among Conservatives that the most important portions of the moral law derive from a beneficent God Who intervenes in the affairs of men, and yet a Conservative could believe in opposition to this that moral laws derive from the unshakeable necessities of human existence or the actions of a brilliant ancient law-giver. A Conservative could embrace deism, pantheism, agnosticism, or even atheism, without necessarily being false to his philosophical creed. While the two Conservatives treated as archetypes in this work were both firm theists, this need not be taken as a necessary part of the definition. It is quite likely that this belief in a knowable moral

law, unchanging throughout the generations, is what gives Conservatism both its sense of rightness (no pun intended) and its frequent rigidity. It is difficult to muster un-self-conscious zeal if one is only blindly defending the status quo or protecting one's property, but when one feels he is a warrior for the cause of revealed and perpetual truth, that is a different situation indeed.

Conservatism views man as a fallible being. The degree to which this view is held, however, differs enormously among Conservatives. There are those like Maistre and Bozell who tend to accept the idea of Original Sin with little or no diminution, and therefore see man as a rather evil creature. Then there are Conservatives like Burke and Meyer, who, while possibly influenced by the idea of Original Sin, just do not see man as being particularly sinful. While not blind to man's weaknesses and even vices, these Conservatives, either expressly or by intimation, tend to minimize the potency of these attributes. Man is no saint, and yet without an inordinate degree of effort or tutelage he can be expected to lead a reasonably moral existence. It is, therefore, correct to say that not all Conservatives believe in an unadulterated version of Original Sin, or at least do not apply this theological concept to their political theories. This important difference between the authoritarian and the libertarian schools of Conservatism, one seeing man as sinful and the other merely as fallible, lies at the root of the very real disputes between them.

Conservatism sees itself as the guardian of Western civilization, or (more correctly) as the guardian of certain principles within Western civilization. This point cannot be stressed too strongly, both for what it shows of Conservatism as a whole and for what it points out about the divisions within Conservatism. To the extent Conservatism seeks to maintain institutions or social patterns deriving from the past, it does so not necessarily out of an advocacy of the past as past, but out of adherence to principles embodied in these institutions or social patterns. Conservatism is either a principled advocacy of the status quo, or, should its beloved principles have been dethroned, a principled advocacy of change. There is nothing necessarily incongruous about speaking about Conservatives as advocates of change, because adherence to a set of principles is just as likely to dictate holding the position of a social critic as it is to dictate being a pillar of the "establishment"; it shall be seen shortly, however, that Conservatives lack enthusiasm for change as such. Another point of great importance to the understanding of Conservatism must be stressed in this regard: Western civilization, despite what some of its defenders may say, is obviously not a homogeneous tradition. Those who, therefore, see it as their role in life to defend the principles of Western civilization may divide into camps based upon which of the principles of Western civilization they wish to defend. Specifically, there are those Conservatives who feel called upon to defend the right of the

individual to manifest his personality, keeping in mind, however, man's fallibility. This is the group that is called Conservative Libertarian (with both elements of the name stressed equally). Then there are the Conservatives who stress the more authoritarian aspects of Western civilization, who favor the unlimited corporate society and the group over the individual, and who, far from feeling individual self-expression to be even a modified good, feel it to be the root of sin and evil. This second group is, of course, the Conservative Authoritarians. What must be stressed is that both schools are honest in claiming the title of "defender of Western civilization", and yet they are defending very different elements within it. The very act of defending Western civilization, therefore, pulls the two schools of Conservatism apart.

Conservatism feels the principles it defends derive either, as has been seen, from the changeless moral law, or from the accumulated customs of the nation, or from both. Conservatives, however, differ on the source of a country's customs. Some feel that they are the result of God's intelligence (or the workings of some other, often unspecified, non-human source) acting within history. Others embrace the view that custom is the collected experience of many generations of men, each generation being both as wise and as foolish as the present one. It can be seen, therefore, that there is a significant difference of opinion among the two Conservative camps in their attitude toward custom:

one side respects custom and the other venerates it. For one group of Conservatives, custom is something not of human origin and either unchanging or changing in a way men cannot control. To the other, custom is a record of the usages of many generations of human beings, with custom therefore being evolutionary in nature by human action, and a possibility even existing of there being bad customs (something the logic of the first Conservative school cannot really concede).

This leads to an examination of the Conservative attitude toward change. Conservatism is either skeptical or antagonistic toward change. It does not overly trust the ability of the human mind to judge the quality of its inheritance or to plan alterations of it. Such changes as are undertaken should be based on a true understanding of what man is and what his history teaches. Beyond this, however, the two schools of Conservatism vary markedly in their feelings toward change. The authoritarian school is inclined to see society as perfect, or at least as perfect as man is able to make it, and therefore views as either foolish or heretical the attempt to institute any more than the most trivial changes. The libertarian school, while having no enthusiasm for change, does see major changes for the better as possible, and sometimes even necessary. That these differences between the two Conservative schools bespeak major differences in their views of man and society need hardly be stressed at any great length.

Both forms of Conservatism believe there should be limitations on government, but they differ importantly on what the nature of these limitations should be and who should be the recipient of the benefits of them. The Conservative Authoritarians believe there is a moral law above the government to which it must adhere and which it may not alter. This is obviously a very real limitation on government, but not, as it turns out, one that rebounds to the benefit of individual freedom. This is so because, while it is not permitted to determine the characteristics of the moral law, the government is morally obligated to enforce them. It is felt that the individual is just too weak to do what he ought to on his own volition, but he can, nevertheless, be "forced to be free." It can be seen instantly what this does to any possibility of individual liberty, but it must be pointed out in addition that this tends to make the government itself subordinate to some other authority that rules infallibly on the contents of the moral law and hands down binding orders to government for their enforcement. Such a system, therefore, robs both the individual and the de jure government of all claim to rights and (based on the principle that power, like nature, abhors a vacuum) **tends to vest** all power in a de facto theocratic government of priests. What starts out in authoritarian Conservatism as a system of sweeping limitations upon government ends in a system of potentially totalitarian power. Conservative Libertarianism also believes government should be

limited and made to adhere to the moral law, but here the natures of the two forms of Conservatism diverge. Libertarianism, based on its rather more optimistic view of man, does not think quite so much of taking power from political authority in order to place it in the hands of established moral authority, but rather seeks a true limitation on the authority which can be wielded by any institution over the individual. Conservative libertarianism, therefore, tends to think more in the direction of individual rights which may, if necessary, be vindicated by individual action, than does its authoritarian sibling. It is not that one wing of Conservatism believes more in the validity of moral law or in the necessity of having it pervade the entire society than does the other, but that the two wings differ rather fundamentally as to how this desirable state of affairs is to be brought about. While Conservative libertarianism denies the right, or even the power, of government to command observance of the moral law (with the exception of those acts which are properly subject to the authority of criminal justice), it does nonetheless insist that government ought to serve as a good example for the citizens under its care.

The logic of the above would seem to dictate somewhat different attitudes toward private property from the two variants of Conservatism. It must be said, at the outset, that both types place a high value on private ownership of property, but do so for different reasons. Libertarianism stresses the need for

private property both because it believes it to be a basic human right (and important for the moral well-being of the individual as well) and because it serves as a powerful check upon government, by giving the individual a powerful means of self-sufficiency. It has already been seen that the libertarian fears political institutions claiming excessive power, however defined, over the individual. The authoritarian wing values private property because it believes it to lead to beneficial social results. While the libertarian probably agrees on this point, he does not believe it to be the primary reason for the existence of private property. In the authoritarian scheme of things, therefore, private property has a somewhat uncertain tenure. It may continue to be in effect so long as it remains socially productive (which there is a strong presumption it will continue to be), and only so long as this is true.

Conservatism has been said to be elitist, and though this is true, it is possible to overstress it. In the Conservative view, orders and classes are a permanent part of human existence. It is vain to expect all people to wield the same degree of influence in society or government. This is because the abilities of people are just not equal. Based on superiority in intelligence or the advantages accruing to favored birth (neither of which can ever be equalized), some people will just naturally excel. For a state to legislate an end of inequality would be just like it repealing the law of gravity. Political and social

inequality do not, however, imply moral inequality. Conservatism feels all people to have equal rights to the protection and benefits the state can offer, though, of course, different Conservatives differ on the nature of the benefits government can offer. It was this opposition to treating people as morally unequal that caused Burke and Maistre, who were different in so many ways, to be as one in their opposition to slavery. As proof of Conservatism's belief in moral equality, at least until the individual in question commits a crime, it will be seen that even while they were reviling the French revolutionaries as savages, criminals, and renegades against God, neither Burke nor Maistre at any time intimated that these criminals were in any way congenitally more given to crime than anyone else. Both the authoritarian and libertarian wings of Conservatism agree on this belief in moral equality, this being something that differentiates authoritarianism from Fascism with which it is sometimes (erroneously) compared. As has already been seen, however, the two forms of Conservatism differ in their view of the moral level at which men are equal. The authoritarian has little faith in the moral goodwill of the human being, whereas the libertarian is somewhat more optimistic on this regard.

An important characteristic of Conservatism is its doubt about the efficacy of human reason and the definition it often gives to the term "reason". While Conservatism does not necessarily deny the existence of reason, it believes there are sharp

limitations upon it. To talk about people creating or recreating their society based on their individual complements of reason is treated as the greatest folly. Individual reason is just not felt to be that powerful. The course of true reason consists in following the dictates of morality and the customs of the nation, either with or without understanding. The attitude of the two sides of Conservatism to what is generally termed "reason" is an important difference between them. Both are inclined to accept the existence of individual reason, but after that the differences set in. Libertarianism believes individual reason to be of a certain degree of use, so long as it is kept in a subordinate position to morality. Despite this, reason can be of value in understanding morality. Authoritarianism, on the other hand, equates individual reason with sin, evil, and rebelliousness. The dictates of morality require that individual reason, which allows man to doubt and question, must, in the authoritarian perspective, be totally effaced from the earth. It is, therefore, quite correct to say that Conservative authoritarianism is an enemy of human liberty, at least if liberty is felt to involve the power of individual decision-making.

This last point brings up a major difference between the two aspects of Conservatism. Both consider themselves to be defenders of liberty, but their definitions of liberty differ significantly. Libertarianism definitely believes liberty to consist in choosing what is right, but believes in addition that

this choosing must be free. It is only the choice of virtue, while under no external constraint to so choose, that is the essence of liberty. The libertarian position is, therefore, a compromise between positive and negative theories of freedom. While free choice is a necessary part of freedom (negative freedom), this freedom must end up directed into the proper channels for the person to be correctly designated "free" (positive freedom). No such compromise position is present in Conservative authoritarianism. Here freedom is deemed to be the embracing of correct attitudes, however this embrace comes into being. In other words, coerced freedom, which is a contradiction in terms to libertarianism, may not be so to authoritarianism. That is not to say an authoritarian is necessarily a devotee of coercion through torture (Maistre, for example, opposed the use of the Holy Inquisition, except for defensive purposes, this being, in practice, an ambiguous distinction.), it is just that there is nothing in his creed to preclude such a position. In summation, it can be seen that the two strains of Conservatism have rather sweepingly different ideas as to what liberty is, and how it is to be achieved.

Conservatism, even in its libertarian manifestation, believes the corporate nature of man must be considered if man is to be understood. Man is not a social atom existing in a world of social atoms. He is a member of many social groups, most of them at most only semi-voluntary in nature, and some

of them entirely involuntary: the family, a religion, a social class, possibly a significant educational group (the Old School Tie), an occupational group, and lastly a nation. Man is by his very nature an organized being and is not made to live in isolation. Not only is man naturally a member of groups, but this fact gives him an at least semi-fixed position within the larger society and the state. Conservatism believes in what has been called an organic society. Society is one structure of many interrelated and interdependent parts, with the good of one part ultimately depending upon the good of all, and vice versa. No individual, under ordinary circumstances, could ever be right in seeking to set his will against that of society, but if the society is acting rationally he should have no desire to. Both libertarian and authoritarian Conservatism agree on the foregoing points. There are, however, noteworthy differences between them even here. Authoritarianism believes man can be understood perfectly by understanding the sum of his group memberships. There is nothing ultimately independent about any human being. Libertarianism differs on this point. While by no means minimizing the importance of man's associational relationships, libertarianism believes there is still an individual left when all the person's social groups are, as it were, subtracted from him. This makes some sort of independent existence possible, and thereby gives to man a certain grandeur resting in his individuality. While the human being is not the proud

and wholly independent atom envisioned by some Liberal thinkers (for example, Locke, in his theory of the State of Nature), neither is he wholly determined by his group memberships. He is, in the final analysis, at least somewhat free.

D. One Conservatism Or Two? Now that a description of the basic principles of Conservatism has been given, and some understanding of the divisions within Conservatism has been gained, it becomes necessary to ask the important question whether Conservatism is one philosophy with authoritarian and libertarian currents within it, or whether Conservative Libertarianism and Conservative Authoritarianism are, in fact, two separate philosophies, with certain points in common? The answer given to this question must of necessity be somewhat subjective, and yet I believe my answer can be supported by recourse to the facts. The two philosophies have somewhat different views of man, the view of man held being the root of any philosophy. One believes man to have an understanding of both good and evil and, while having an omnipresent tendency toward evil, also has the ability to freely choose good. The other philosophy also sees man as a mixed being, but feels the mixture to be so slanted toward evil that man can only save himself by subordinating himself to some other-worldly authority, or to the earthly representative of this authority.

The two formulations of Conservatism differ on what is worth defending in Western civilization. As was seen, one defends

what could be called a Conservative version of the libertarian tradition, whereas the other seeks the conservation of a modified version of the Western authoritarian tradition. The two Conservatisms just do not seek to conserve the same thing.

Devotion to custom, a key element of Conservatism, far from being a source of unity to the two philosophies, is actually a fount of discord. This is because "custom" just does not mean the same thing to both authoritarian and libertarian Conservatism. As has been seen, the first sees it as a direct emanation of the mind of God or of some great ancient law-giver alone, and consequently feels custom to be unchanging and beyond the power of man. Custom is to be obeyed, and not questioned or altered. Libertarianism, on the other hand, definitely accepts the belief that custom is to be respected, but that is because it is a record of the knowledge and achievements of many generations of men, a process which, it must be added, is still going on. When two schools of thought both claiming to be Conservative disagree on a matter so important to Conservatism as the meaning of "custom", one has a right to take this as evidence of a major divorce.

It has also been seen that the two Conservatisms differ rather significantly, in practice, on the subject of governmental power. Libertarianism favors fairly strict limitations on government, mainly because it favors more authority being left to social (as opposed to political) structures, rather than to the

state, and also because it believes the individual to be morally fit to be allowed some measure of authority over his own life. What authoritarianism feels about man has already been seen. Nevertheless, authoritarianism claims to favor limited government also. This limitation, however, is of the nature of severely emasculating the political agency, and vesting absolute power over the individual in a moral agency. Usually this moral agency would probably be a Church. What the genuine positions of the two Conservatisms on government power are, therefore, are limited government on one side, and at least incipient totalitarianism on the other. That this is a basis for deep and probably bitter dispute need hardly be belabored.

The different attitudes of the two Conservatisms toward private property must be closely considered. It must be stressed that the defense of private property is a very important theme of Conservatism. Libertarianism, in essence, sanctifies private property and makes its defense as close to a moral absolute as anything in the theory (It will be seen later that it took truly enormous abuses in India to get Burke to consent to the virtual nationalization of the East India Company.). Authoritarianism's defense of private property is more pragmatic, and therefore not as strong. It sees private ownership of property as desirable because it is felt to lead to beneficial social results, which is a less than rousing defense of the institution. In the final analysis, according to the authoritarian perspective,

the individual cannot claim private property as a matter of indisputable right. His property may be legitimately taken from him if his possession of it is felt no longer to serve the needs of society.

The two Conservative philosophies also differ in the forms their elitism takes. Both believe in the social and political inequality of men, and in their moral equality. As has already been seen, however, the absolute moral level at which this moral equality is felt to exist differs markedly between the views of the two philosophies, based on their different conceptions of man.

These philosophies have different attitudes toward the extent of human reason and toward its safety and efficacy. Neither believes man to be a primarily rational animal, but libertarianism believes reason to be a greater attribute of man than **does** authoritarianism. Libertarianism is inclined to believe man can order his existence through reason to some extent, whereas authoritarianism is not even this sanguine. Finally, authoritarianism believes reason to be always dangerous when allowed to work in the affairs of men, whereas libertarianism believes reason can be made safe if placed under proper guidance. It is true that these are basically differences of degree, and yet they are still fundamental differences between the two philosophies.

This difference of opinion about reason is matched by one on liberty. Liberty just does not mean the same thing to the

two theories. For both, liberty is essentially the leading of a proper moral existence, but libertarianism insists this moral life must be freely chosen for liberty to be said to exist. Authoritarianism insists upon no such limitations. In its view, that man is free who adheres to a moral style of life, however that adherence comes to be. A man can indeed be forced to be free. Here again is another point on which there is a substantial base of agreement between the two philosophies, but on which the disagreements are equally significant.

Finally, the two Conservatisms even differ in their views about the limits of corporate society. Both believe corporate associations to be very important for the molding and well-being of the individual, but authoritarianism believes corporate structures pre-empt the entire social world. Libertarianism, in contrast to this view, believes a certain (probably not very large) area of autonomy is left to the care of the individual. Again this difference is only a matter of degree, and yet it would be a mistake to underrate its significance.

One should not over-estimate the differences between Conservative Libertarianism and Conservative Authoritarianism. Of the many political philosophies extant, they are probably closer to each other than they are to any other political philosophies. Nevertheless, they are separate philosophies, not merely variations within a single philosophy. Therefore, in reply to the question that opened this section, it is possible to declare with some confidence that there are two Conservatisms, not one.

The remainder of this dissertation shall be devoted to exploring the political philosophies of Edmund Burke and Joseph De Maistre, as representatives of the two Conservative philosophies. It is obviously somewhat dangerous to use the political thoughts of persons as archetypes for general philosophies, and yet in the cases of Burke and Maistre I believe they are sufficiently true to the varying traditions of Conservatism to allow an intensive examination of their theories to serve as an explanation of the two Conservatisms. That shall be the goal of this work.

Chapter II: Views On Man

A. Man As Creation Of God. Both Burke and Maistre are convinced that man is a creation of God, and, at his very worst, continues to show marks of his divine origin. This belief is taken in somewhat different directions by the two theorists. For one thing, Burke apparently felt man partook more of the essence of a semi-divine creature than Maistre did. One part of the bill of indictment Burke drew up against the French Revolution concerned its unwillingness to accept a right of dissent.¹ Several ideas about the intrinsic nature of man must follow from this. First, man, as creation of God, shares in enough of the wisdom of his Maker to cause dissent to be something other than the folly of a rebellious creature. Man can perceive his goals and seek to achieve them with a great possibility of success. Man, due to his divine parentage, is able to work his will on the physical and social environment, never in ways counteracting the long-term goals of God, but still acting as an independent furtherer of God's will. There can be little doubt that Burke saw himself as doing exactly this in his crusades against slavery and for the rights of India. Man is, of course, not a fully divine creature by any stretch of the imagination,

¹Edmund Burke, A Letter To a Noble Lord, in The Works Of the Right Honourable Edmund Burke In Twelve Volumes, V (London: Ballantyne, Hanson & Co., 1899), 175.

but he is able to see God's moral law, and act effectively in accordance with it. The aspects of God that Maistre sees man as possessing are somewhat different. Man is, by his very nature, a powerful being, but without the help of God his power only leads to destructiveness.² To Maistre, man is in some ways, through his divine genesis, even more powerful than Burke felt him to be. Not only can man draw up plans of action, but he can put these plans into effect, even when, in the short run, they directly resist the will of God. Man will, in the long run, suffer terribly whenever he is so foolish as to attempt something like this, just as the French are suffering terribly for their revolution against God's will. The crucial thing to consider, however, is that Maistre believes man can actually declare war on God, and even win a few battles. It may well be that the authoritarian nature of so much of Maistre's theory stems from his appreciation of the tremendous, though unguided, power of man. Man is a little god without the judgement of God. Such a creature must be fenced about securely so that he will not hurt himself. Burke's view of man's divine attributes is simultaneously more complimentary and less complimentary than that of Maistre. Burke's man has considerably less power than that of Maistre, in that he is not able to challenge God, even unsuccessfully. Though Burke shared Maistre's view that

²Joseph de Maistre, Essay On the Generative Principle Of Political Constitutions, in The Works Of Joseph de Maistre, ed. by Jack Lively, (London: Allen and Unwin, 1965), p. 170.

the French Revolution was a challenge to religion, he did not trouble himself much with the deeper philosophical meanings of this fact. The power man has, however, he is, due to his God-given reason, able to use effectively to reshape the physical and social world. Man is able to be a true partner of God, albeit, of course, not an equal partner. On the whole, therefore, Burke sees man as more powerful than Maistre does. It is the long-term results that are truly important, and these are the partial prerogatives of Burke's man, not Maistre's. When the latter's man seeks independent activity, he will be finally frustrated.

This component of the thought of Burke and Maistre should serve as a partial corrective to those who might view these thinkers as pessimistic about man. There can be no doubt that the charge does stick to a significant extent, but neither one is blind to the special qualities of man that lift him above the other animals. He is, indeed, capable of doing very great good, when in league with his Maker.

B. Original Sin. Though some writers do see Burke as a believer in original sin³, recourse to Burke's actual writings makes this by no means clear. If he were an orthodox Christian in his political thinking, one would expect him to embrace the concept of original sin, but the degree to which Burke's thought was genuinely Christian (as opposed to generally religious)

³Alfred Cobban, Edmund Burke and the Revolt Against the Eighteenth Century (London: Allen and Unwin, 1960), p. 84.

is not certain. At any rate, it would be more correct to say that Burke deals with a flawed man, rather than a fallen man. If Burke ever believed man to be fundamentally different from the way man was at present, that is not evident. If man was flawed, this was due to his innate attributes as a human being, and not to any sin he or his ancestors may have committed. Man is a mixed being, but the mixture is not so weighted toward rebelliousness and sin as to preclude the possibility of liberty. A reasonable approximation of liberty is possible, so long as man's imperfect nature is taken into account. The notion of original sin takes on a much clearer and greater importance in Maistre. Maistre refers to man as having a "naturally rebellious heart", and adds that it is incorrect to say that the innocent suffer with the guilty in this world, for original sin means that no men are truly innocent.⁴ The idea of original sin explains everything that happens in the world, constantly recurs, and, due to the inheritance of moral evil, shows all men to be corrupt to the core. It is amazing that a personally kindhearted man like Maistre was absolutely convinced of the moral degradation of his species. This may be termed properly the heart and soul of his theory. Man will run to do evil out of a sheer viciousness, and not out of any desire to receive reward. It is not likely that any theorist ever painted a more

⁴Maistre, First Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 183.

horrible picture of man. All things that Maistre does not like stem from original sin, the spirit of false pride and rebelliousness. Among these baneful derivatives of original sin are Protestantism, Gallicanism, the Enlightenment, reformism, and (of course) the French Revolution. All moral and physical ills that man suffers are the direct result of his original sin and serve as fitting punishment for it.⁵ No punishment, be it at the hands of man or of God, can be deemed unjust, for every man's sin is so great that any punishment he receives he has merited, whether it be for the crime charged (in the case of a human tribunal), or for another crime never detected. The punishment meted out to man by God may be the work of an angry God, but is also the work of a just and loving God. God punishes so that man may turn from the ways of sin and return to Him, which is the only way in which human happiness can be achieved. Maistre is willing to admit that in some rare cases a truly innocent person may be punished, but even this sacrifice stems from original sin, in that the condemned serves as "a propitiatory victim" for those most deeply mired in sin.⁶ Maistre does have a clear (and perhaps exaggerated) view of the grimness of human existence, and agrees with many of the thinkers of his time, such as Locke, that God causes this grimness, but unlike them,

⁵Ibid., p. 189.

⁶Maistre, Enlightenment On Sacrifices, in Lively, Works Of Joseph De Maistre, p. 298.

he feels God to be only the proximate cause, with the ultimate cause of the human tragedy being man himself. That these two views of original sin in Burke and Maistre decisively influence their opinions as to the possibility of liberty and the necessity of authority certainly follows. Though Burke (knowing his fellow-man rather well) does recognize man's penchant for sin, the idea of sin does not bulk very large in his thinking. In Burke's theory of man, in fact, the true notion is much more adequately expressed by the phrase "human weakness", than the phrase "human sin". Man is not so corrupt that he may not act in an independent, though somewhat controlled, fashion. Maistre's man cannot be trusted to be free. He is simply too evil (or, at best, misguided) a creature to have any hand in governing himself. As previously stated, the only solution to this dilemma that Maistre can conceive of is to vest all Earthly authority in a state that is not a typical state, ruled by a man who is not a typical man.

C. Degree Of Good and Evil In Man. Obviously, neither Burke nor Maistre believes man to be either a pure saint or a pure devil. The truth lies somewhere in between, but to set its exact location is quite impossible, because neither man stated his position on this subject explicitly. Burke did not have any great respect for the popular will (to put it mildly), for in defense of a certain bill he once said that it was demanded by the people "whose desires, when they do not militate with

the stable and eternal rules of justice and reason (rules which are above us and above them), ought to be as a law to a House of Commons."⁷ This is not exactly a clarion call for following the inevitably good will of the people. It is strongly suggested that a man will, as often as not, demand that which is contrary to reason and justice. This theme recurs again and again in Burke, but never so forthrightly as in a speech given in an (not surprisingly) unsuccessful attempt to achieve reelection to Parliament from Bristol. In defense against the charge of having sold out the interests of Bristol, a major trading center, with regard to America and Ireland, Burke declared: "I conformed to the instructions of truth and Nature, and maintained your interest, against your opinions, with a constancy that became me."⁸ It is rather refreshing to read of a politician who is willing to say of his constituents right to their faces that they are a pack of short-sighted immoral fools. This is not, however, the best way to win votes, as Burke learned to his misfortune. This speech ends with the stirring declaration that "The charges against me are all of one kind: that I have pushed the principles of general justice and benevolence too far."⁹

The implication is very clear that man can be regularly relied

⁷Burke, A Plan For...the Economical Reformation Of the Civil and Other Establishments, in Burke's Works, II, 271.

⁸Burke, Speech At the Guildhall In Bristol, in Burke's Works, II, 382.

⁹Ibid., p. 423.

upon to flaunt the dictates of Nature, justice, and decency. This is a none too optimistic view of man, and it is one which Burke never abandoned. That there is a very large component of evil in man is something that Burke never doubted. There is, however, another side to Burke's view of man, one stressing the sociability and decency of man. In his Fragment Against the Anti-Popery Laws, Burke rebuts the allegation that the Catholics of Ireland must not be treated with moderation, lest they rebel, by saying that people rebel against oppression, not moderation.¹⁰ Man is, therefore, able to recognize when he is being treated fairly, and will return good for good. Man, furthermore, may often do wrong, but he does not wish to do so.¹¹ It is impossible to say just how evil or how good Burke felt man to be. Much of this would depend on the mood he happened to be in as he was writing a given speech or book. On the whole, however, Burke was relatively optimistic about man. Man may often be ignorant, but he is not really bad. The average man, for example, is not naturally rebellious. As will be seen later, a truly national revolution is always provoked by the evil actions of government. There is very little consistency, as has been seen, in Burke's view of man's good and evil. The overall trend is, however, a positive view.

¹⁰Burke, Fragment Against the Anti-Popery Laws, in Burke's Works, VI, 356.

¹¹Burke, Thoughts On the Cause Of the Present Discontents, in Burke's Works, I, 441.

Maistre's view of the mixture between human good and evil is rather easier to relate than that of Burke. Man is corrupted to the core by original sin, is rebellious against all authority, and for his own good must have his will broken to the dictates of the nation and the Church. Man not under the guidance of religion is naturally a cannibal. The savage, the fallen man unredeemed by society and religion, is far from the virtuous and happy creature Rousseau felt him to be. He instead is a wholly corrupt and miserable being, whose salvation constitutes a genuine miracle, which can therefore be achieved only by the true church. The savage is not, as Rousseau believed, the original man; he is the man who has once lived in the state and has somehow been removed from this condition. Such a man is more monster than man, and Maistre does not hold out much hope for his redemption. One reason why Maistre did not desire a speedy counter-revolution in France was that he desired all the revolutionaries, who were savages, to be exterminated so that France might be prepared for her next king. Four million people would have to die before France could be saved.¹² A terrible fear that Maistre had was that the monarchy would be re-established before all the savages had fallen in war, and the monarch would mercifully, but foolishly, spare them. The only realistic way to treat a conquered savage is to put him to the sword. Maistre

¹²Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, pp. 56-57.

is thereby reading one large class of human beings out of the human race. He really believes that the French revolutionaries are literally demons. A more balanced view of the Jacobins is found in Burke when he says that conquered Jacobins must "be put under the guide, direction, and government of better Frenchmen than themselves, or they will instantly relapse into a fever of aggravated Jacobinism."¹³ Burke feels, therefore, that even Jacobins are redeemable, and that the problem they pose is primarily one of education, though undoubtedly a strict regimen of education. There will be punishment of guilty individuals, surely including some executions, but punishment will not be meted out to a whole class (one of Burke's key charges against the revolutionaries). It is this last proposal that Maistre specifically intends to undertake. Large numbers of people can, to Maistre, be so radically and fundamentally evil as to be beyond the pale of humanity.

There is in Maistre's thinking a second class of human being with an admixture of evil all its own. This is the barbarian, the true original man, who still survives in some areas of the world. He is a strange mixture of good and evil. The barbarian is the only truly creative man (He is, for example, the only man capable of creating language, a facility Maistre prizes highly as symbolic of creativity in general.) and, though

¹³Burke, Remarks On the Policy Of the Allies With Respect To France, in Burke's Works, IV, 427.

without religion in any institutionalized sense, is somehow under the direct government of God. As for human government, the barbarian has it only in the form of the family. It might seem that Maistre idealizes the barbarian much as Rousseau idealized the "noble savage", but such is not really the case. The barbarian is not what man ought to be. He is the undeveloped man, and since God wills man's development he is in that degree divorced from God. For this man to truly be what he ought to be, he must have government, because he is also fallen man, though Maistre himself is not fully cognizant of this at all times and sometimes almost regards the barbarian as analogous to Rousseau's noble savage. The barbarian must be civilized, but since the barbarian has never had civilization and lost it (like the savage), it is not hard to give it to him. The barbarian is, in fact, subject to civilization by the bearers of any religion (a major concession from a fervent Catholic like Maistre), this showing just how easy it is to do. The barbarian's crimes, other than those stemming from his nature as a fallen human being, stem from his lack of refinement and not from any special depravity.

The average man, fallen but under government, was Maistre's main interest. This being is "a monstrous centaur", part man and part beast.¹⁴ Man is a degraded creature who seeks what

¹⁴Maistre, Second Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 199.

he does not really want, and shuns that which he does want. His saving grace, however, is that he senses his degradation, this sensation being the source of both misery and grandeur. Man is not like the other animals. He knows when he does wrong, and is therefore capable of being a criminal (which an animal cannot be) and of being good (which is also impossible for an animal). God has given man the innate ideas of good and evil. Maistre, however, is so convinced of the horrible evil of the average fallen man that he despairs of the individual man ever being able to make himself good. The will is just too base for that to be possible. What the human can do, by (paradoxically) an enormous act of will, is to place himself completely under authority, both political and spiritual. The greatest act of individual will is achieved in the extermination of will. Unlike Hobbes, whose solution to the problem of human evil, the placing of oneself under the, in practice, absolute authority of another human being, is highly illogical, Maistre's view, if one accepts his view of the nature of authority, makes perfect sense. Sinful man is not subordinating his will to the wills of other, equally sinful, men, but to institutions created by God. Man is not subordinating his will to man, but to God. The extreme nature of Maistre's solution to human evil shows just how deeply imbedded he thought it was. Burke's solution, which is never really clearly spelled-out, is for every individual to personally adhere to the known law of God. Only in the rare

instances of flagrant acts of evil, such as those of Hastings in India, is any authority external to the individual to intervene. This bespeaks a strong faith in human rectitude that is missing in Maistre. A further example of this difference between Burke and Maistre on the degree of human evil is shown by their difference of opinion as to the popular base of the French Revolution, which both regard as radically evil. Burke was of the opinion that any genuinely popular revolution is always a reaction to misrule and tyranny. Consistent with this belief, he declares the French Revolution to have been the action of a conspiratorial elite carried out in direct opposition to the expressed will of the French people, as manifested in the cahiers given to the men elected to the Estates General. The evil was, therefore, the work of a very small minority, with the large majority of the French being guiltless. Maistre has a very different view of these events. He forthrightly declares that a majority of Frenchmen for two years supported the actions that ultimately culminated in the murder of King Louis XVI.¹⁵ Lest it be thought that these differing views on the popular character of the French Revolution reflect a dislike for the French by Maistre and a warm feeling for the French by Burke, and not an attitude toward the dimensions of human evil as such, it should be said that the situation was quite the opposite.

¹⁵Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, pp. 52-53.

Even before the French Revolution, Burke had a strong dislike for and distrust of the French, probably stemming from his great British patriotism. Maistre, on the other hand, was very much the Francophile, and the Revolution did not seriously dent this. France was always seen by Maistre as the leader of temporal European Christian civilization, standing by the right hand of the Pope. Burke, in other words, feels human evil to be relatively shallow in the individual and not very widespread in the community, while Maistre feels it to be both deep and wide.

It is important to understand Maistre's view on the nature of human evil, as this greatly influenced the type of authoritarianism he embraced. Maistre accepts the Augustinian view that evil, including human evil, is a flaw in being that was no part of God's original creation.¹⁶ Had man not sinned, there would have been no evil in human beings (this being, when one thinks of it, a very confused belief) or any suffering in the world. Evil is contrary to what man's nature ought to be, and all suffering, including all illness, is the result of moral vice and exists due to God's desire to expiate man's guilt while he yet lives, and thereby earn him some redemption cheaply. Man, not God, is therefore the ultimate author of evil and suffering. The reason why Maistre desires human subordination

¹⁶ Maistre, First Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 188.

to authority is the same reason why Maistre's foes desired human freedom from non-responsible authority. Maistre wants man to be rendered whole and, since his evil subtracts from his wholeness, evil must be removed at all costs, in the name of humanity. The removal of evil will be the removal of all disease and unhappiness. The realization of man is the goal of Maistre, and this is to be accomplished by removing from man that which is unreal. Maistre may, therefore, be called a humanistic authoritarian. There is really very little to say about Burke's view of the nature of human evil, for such a deeply philosophical subject was not generally to Burke's liking. About all that can be done is to suggest what Burke's approach to such a question would have been if he had had to tackle it. It is clear that Burke's belief in a merciful and loving God would not have permitted him to believe in God as the ultimate source of evil. This would have forced Burke to say that either God was not omnipotent, much evil and suffering thereby being purely fortuitous, or that man himself was the source of evil. As one may assume Burke would not have been prepared to deny God's omnipotence, he would therefore have been driven to either vest absolute power over man in some divinely-sanctioned institution or institutions (which was Maistre's solution) or succumb to despair. That he did neither was the result of his extreme disinclination to live in the rarified realms of pure philosophy, though there was certainly an impressive foundation of Natural

Law philosophy to his thinking. Burke was obviously aware of the existence of human evil (the belief in which may be said to be a central tenet of conservatism) and there is little reason to doubt he felt it to stem from violation of God's Natural Law by man. The main reason why, with these first principles which are so fundamentally similar to those of Maistre, Burke reaches a much more hopeful view of man is that he does not permit himself to brood about human evil. Perhaps he would have if he had been driven from his home by invading armies as Maistre was. If, however, Burke had been given to brooding, the death of his son, his continually desperate financial situation (which was aggravated by an absolute incorruptibility and a noble generosity), and the scurrilous attacks calling him a secret Jesuit (about the worst attack imaginable in eighteenth century England) and, after 1789, a Don Quixote, would have given him cause to do so. Whenever Burke brooded, and he unquestionably did do so, it was about the future of his family and of England, and not about the worth of his fellow men. One cannot do justice to a thinker's theories without considering his temperament from which so much of these theories arise, and Burke was just too kind a man to think his fellow man to be really evil.

D. Free Will In Burke and Maistre. Both Burke and Maistre believed man had free will, but this statement alone obscures more than it clarifies, for there were important differences

in what free will meant in their theories. Burke starts off from the belief that God has given man innate ideas concerning good and evil and the ability to identify each. These ideas are common to all men, and men are thereby united on the basic question of what is good and what is evil.¹⁷ The free will of man, therefore, concerns his choosing between good and evil, but not the defining of the concepts. Here man is not free. Man lives in an ordered moral universe which he can defy, but which he cannot redefine. Burke, as will be seen later in this dissertation, does believe there is a pre-planned goal to human history, and it is a happy goal, but he is certainly no believer that things will necessarily work out right in the short run, which can be very long. Burke's actions show this belief. He undoubtedly felt it necessary to support the Americans in what he deemed their just struggle with England, even to the extent of toying with the superficially treasonous idea of raising a regiment in England to fight for the Americans, lest the forces of tyranny (England) defeat those of liberty (America). The emotive terms used express the ideas, if not the words, of Burke. Burke was here afraid that evil would triumph over good. During the French Revolution, Burke had absolute terror that evil would defeat good, spoke quite seriously of the possibility that he would one day look through the "National Window" (the hole through

¹⁷Burke, A Philosophical Inquiry Into the Origin Of Our Ideas Of the Sublime and Beautiful: Introductory Discourse Concerning Taste, in Burke's Works, I, 79.

which one inserted his head in the guillotine), and required that after his burial his friends should secretly exhume his body and rebury it in a secret place so that if the Jacobins triumphed in England they could not do indignities to the body of their great enemy. Any thought in Burke's mind that evil could win triumphs over good would have been confirmed by the case of India, where Burke was absolutely convinced that Governor General Hastings had committed murder, enslaved the people under his charge, and violated the Natural Law, and despite years of effort to punish Hastings for his crimes against God and man, Burke lived to see him exonerated. Men were free to commit vile crimes and to escape all earthly punishment. There is, moreover, no doubt in Burke's mind that this cannot be explained by saying these men escaped earthly punishment because they acted as God's agents for a good purpose invisible to men and to the criminals undertaking these deeds. Burke does not spell out his belief in free will in so many words, but his actions bear out the contention that he held this belief in free will. While a thinker's actions need not necessarily adhere to his beliefs, Burke was a man whose life reflected his philosophy. This belief in free will is indicated by the fact that Burke was always willing to hold people morally responsible for their actions, whether for good or ill. When he counselled lenience in punishment, as in the case of the anti-Catholic rioters who, among other things, had endangered

Burke's own life, it was not because people were not morally responsible, but because prudence dictated this course. In the case mentioned, the rioters were to be treated firmly, but leniently, not because they were not morally culpable, and certainly not because they were right, but because this would be the course that would most further the cause of tolerance. All men could, in fact, achieve their own salvation through the help of free will, right reason, and good institutions.¹⁸ A man in an evil society would have a difficult time redeeming himself, and a man lacking right reason (a phrase which will be explained later) probably would not be able to do so at all, but free will was also a fundamental necessity for moral well-being. No man could save any other man, and institutions could, at the most, play a supportive role. Man's rectitude or lack of it was ultimately of his own doing. It is really somewhat surprising to find such a strongly individualist view (though not one wholly discounting the effects of society) in a man who in so many other things was inclined to stress organic theories. It is likely that this individualism stemmed either from Burke's early Lockeanism or from his Protestantism, or from both currents together. Man is ultimately an independent moral entity. There is, however, one aspect of Burke's thinking bearing on the idea of free will that renders the whole logical structure rather fragile, and casts severe doubt on Burke's actual adherence

¹⁸Peter J. Stanlis, Edmund Burke and the Natural Law (Ann Arbor, Michigan: University of Michigan Press, 1965), pp. 186-187.

to a free will position. As was already mentioned, God has decreed a goal to human history. What is necessary to make Burke's view on free will hang together, therefore, is to reconcile free will in individual human affairs with determinism over the long haul of history. Burke, who in a rather unfairly self-deprecating attitude viewed himself as no philosopher, did not ever attempt to undertake this task. He was, after all, not consciously a system-builder. Philosophical niceties were things he was quite content to leave to other people. There is no indication that Burke was aware of this inner conflict in his theory, nor should one believe he would have been terribly concerned if someone had pointed this out to him. Suffice to say that Burke simultaneously held a belief in man's individual moral freedom and hence moral responsibility, and in the existence of a divine plan for history. Even the greatest of thinkers may slip up.

Maistre's view of free will is a good deal more complicated than that of Burke. He begins, as was seen, by viewing even illness and the Lisbon Earthquake as the results of the erring will of man. There is, therefore, virtually nothing that can happen to man which is outside the realm of his own free will. Maistre, though, as was seen earlier and will be seen again, believing there were knowable laws of man and society, at another point explicitly contradicted his belief that there were such laws and accused philosophers of spreading the canard

about invariable laws of nature and society in order to discourage men from praying.¹⁹ Whatever one may think of the logic of this accusation (to me the logic seems very scanty, seeking to debunk belief in invariable laws because of the belief's effect on prayer), it does show that the power of prayer is limitless, or at least very great. As each individual must make his own decision whether to pray or not, for even under the most repressive theocracy a person could merely go through the motions of prayer, each individual must ultimately decide whether or not he will reshape the world through prayer to God. This, however, is a form of free will at one remove. Though man does freely pray or not pray, it is God Who hears or does not hear. It is God's will that calls forth changes in the world, though man's prayers do have great efficacy in calling forth God's will. This view of Maistre's follows his belief in the ultimate uncreativity of man.

Maistre's concept of the justification for punishment muddles the notion of free will even further. First, he did believe that each man's punishment was individually merited. How this comes to pass does, however, cast severe doubts on the extent to which Maistre believed in free will. Man was, after all, a fallen creature. The original sin of his first ancestors, while not closing the door of redemption to all their

¹⁹Maistre, Fourth Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, pp. 216-217.

descendents, did render redemption a very uphill struggle. This idea of Maistre's is generally subsumed within his theory of substitution. One can, and does, inherit both good and evil from his ancestors.²⁰ It would seem that original sin and the theory of substitution effectively destroy any real free will that man might have, but Maistre is not of this opinion. He does consider man to be morally culpable for his own deeds, but he also feels a man to be culpable for the deeds of his ancestors. Incredibly, Maistre the royalist concedes as justified the argument of the French revolutionaries that the current French royal family may be held to account for the crimes of its ancestors over the centuries. Men might be able to free themselves from the good or evil history of their families to some extent, but what the use of the stupendous effort required would be if this history rightfully pursues them nonetheless is a good question. Despite his occasional paeans to individuality, "without which immortality is nothing"²¹, it is clear that Maistre does not really believe man to be a morally autonomous individual. As society is and must be corporate, so is all history and every family. Man is simply not a moral entity. This inheritance of guilt or honor from one's forebears would make reward or punishment morally suspect, if it did not also

²⁰Maistre, Tenth Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, pp. 274-276.

²¹Ibid., p. 277.

involve inheritance of sin or virtue. Man is, in a sense, punished and rewarded for his own sin and virtue, but these are qualities which the individual cannot really control. This view degrades man to the level of the offspring of syphilitic parents, who is quite literally cursed from the moment of conception. It is strange that Maistre did not realize just how destructive of individual good behavior his theory of familial predestination could be.

Even if this belief in the inheritance of virtue and vice were not enough to destroy all individual free will, Maistre's strictures on the role of society in man's moral development would surely do so. Burke once declared: "Let us only suffer any person to tell us his story, morning and evening, for but one twelve-month, and he will become our master."²² It was exactly this that Maistre advocated that the state and Church should do, and not for "one twelve-month", but for eternity. Religious and political dogmas are to unite to form a "national mind" which exists "to repress the aberrations of the individual reason which is, of its nature, the mortal enemy of any association whatever because it gives birth only to divergent opinions"; the national mind is, in Maistre's own phrase, "individual abnegation."²³ All the powers of state and society are

²²Burke, Thoughts On French Affairs, in Burke's Works, IV, 328.

²³Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, pp. 108-109.

to be harnessed to indoctrinate the individual in this national mind and to cause him to submerge his own mind in it. Anyone who wished to see Maistre as a forerunner of modern totalitarianism could have a field day with this teaching. The parallels between Maistre's "national mind" and Rousseau's "general will" are also interesting to ponder. Suffice to say that it is difficult to see how individual free will could exist in any state with either a "national mind" or a "general will" that the state was willing to enforce by all the tools at its command. Maistre's final summary statement on the subject of free will is "Man having been created free, he is freely led."²⁴ This statement is objectionable for several reasons, both as a true statement of Maistre's own beliefs and as a work of logic. First, Maistre's treatment of his own State of Nature theory shows he believes man was not created free. The defining condition of man's original state was that he had no free will, at least not so far as God was concerned. It is parenthetically intriguing to note the similarities between this quotation and that opening the first chapter of Rousseau's Social Contract. It would not have been beyond a man of Maistre's literary ability and wit to parody one of the most famous statements of his arch-rival. There are a number of problems in the second part of Maistre's statement, that referring to man as being "freely led." First,

²⁴Maistre, Fifth Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 231.

in a logical sense, the relationship of leader and led is not a free relationship, or at least not wholly so. When the leader acts rightfully and within his legally ordained term of office, he is the leader without having to seek the consent of anyone. As Maistre observed, it is this which separates a true leader from the "leader" of a club. The latter, if he takes a constitutional, but unpopular, position, may lose all or part of his club's membership through secession, but in a state this would be treason. Even if the nature of leadership were free, Maistre obviously did not intend it to be so. Man was not to be led by any choice of his own, but by the force and moral authority (supported by the control of information) of the state. There seem, therefore, to be three possible interpretations of the above-mentioned quotation. Either Maistre was making an assertion that goes against the grain of the dynamics of his philosophy (which his early attraction to liberalism would render possible), was making a statement he felt to be absurd, just to have a little private fun with Rousseau, or was saying that to be free is to be led in the right direction. I subscribe mostly to the third possibility, for reasons which will be made clear later.

Burke believes man to be really the architect of his fate on earth, though this power by the individual is somehow to coexist with a final control of history by God. Maistre, on the other hand, believes the human will, in concert with God,

or even, in the short run, out of concert, to be extremely efficacious, but whether or not this will is to be used, and how, is determined by original sin, family background, and the restraints exercised by society. Burke believes free will to be a positive element necessary for individual redemption, but Maistre thinks free will (in the normal definition) to be a manifestation of human rebelliousness, and is therefore to be effaced as much as is possible.

E. The Role Of Passion and Its Relationship To Reason.

A belief in the power of human reason was one of the distinguishing characteristics of the Enlightenment, and the way in which Burke and Maistre respond to this belief is an important difference dividing them. Burke did lay great stress on the power and importance of passions. This has led some, Sabine among them, to feel that Burke negated the importance of reason.²⁵ This is essentially false. Burke was by no means an irrationalist. Reason and passion were two independent facts of life, but they could be made to work together. Of the two, reason was to Burke the most important. As Watkins put it, Burke "believed that reason was the most valuable and distinctive of human gifts."²⁶ Reason could not, however, stand alone. Passion is needed to be the activating principle of reason, which is itself passive.

²⁵George Sabine, A History Of Political Theory (New York: Holt, Rinehart and Winston, 1961), p. 607.

²⁶Frederick M. Watkins, The Age Of Ideology (Englewood Cliffs, New Jersey; Prentice-Hall, 1964), p. 32.

As Burke puts it: "Prejudice, with its reason, has a motive to give action to that reason, and an affection which will give it permanence. Prejudice is of ready application in the emergency; it previously engages the mind in a steady course of wisdom and virtue and does not leave the man hesitating in the moment of decision skeptical, puzzled, and unresolved."²⁷ There is, it must be noticed, nothing here that says that passion is an intrinsic good, for Burke does not believe it to be so. Passion can be no better than the reason and the social order it conserves. Passions, to be good, must be under the governance of reason, and, through education and the beneficial results of social living, must be rendered tractable and improved into morals. Burke does not believe all passions to be good necessarily; those which are not may even have to be redirected or suppressed.²⁸ Passion is, therefore, in a highly subordinate position to reason. Burke is sensible enough not to have any unrealistic views about the qualities of human passions, but neither does he hold the opinion that passions can be eliminated. They are even very valuable, but not for themselves. This is nothing if not a libertarian position, for Burke is neither prepared to destroy society in pursuit of man's "noble natural self", nor to exterminate man's passions so that he might achieve his "rightful rationality". There can be no doubt that a strong

²⁷Burke, Reflections On the Revolution In France (New York: Bobbs-Merrill, 1955), p. 99.

²⁸Francis P. Canavan, The Political Reason Of Edmund Burke (Durham, North Carolina: Duke University Press, 1960), pp. 58-61.

social conservatism is a major reason for this, but a sense of the right of the individual to be left alone is also a factor.

A very different view of passion is found in Maistre. Reason is here in a very subordinate position. Maistre says scornfully that in the eighteenth century by the time he had left school a student had already created on paper a system of education, a constitution, and a society.²⁹ Passion is the necessary element in creativity, for when man has any part in creation at all, it is as an inspired servant of God. An institution, in fact, cannot last "if it has not a name taken from the national language and self-generated, without any previous or known deliberation" (italics mine).³⁰ Deliberation, far from being a necessary or even neutral element in man, is positively baneful, as a symbol of man's evil pride. As far as man is concerned, intuition is certain; man by following his "intellectual conscience" (with the stress on the second element) will very often guess right in the natural sciences, and will have a nearly perfect score in philosophy and religion, the last two being what Maistre considered to be the most important spheres of human endeavor.³¹ There is not even any special need to engage in reasoning at all (though Maistre is

²⁹Maistre, Essay On the Generative Principle Of Political Constitutions, in Lively, Works Of Joseph De Maistre, p. 150.

³⁰Ibid., p. 172.

³¹Maistre, First Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, pp. 183 and 186-187.

somewhat content to let this foolish game be played in the natural sciences, which do not matter very much by themselves), for "Nature itself if wisely consulted [which means following one's passions to God] leads us toward the truth."³² Maistre feels that, contrary to the view of the Enlightenment, that which differentiates man from the other animals is not his reason (though Maistre does concede the intellectual superiority of man over beast), but his ability to intuit the existence of a spiritual world separate from but united to the world of sense experiences.³³

There are several important consequences of Maistre's stress on passion. One of these is that reason, being opposed to passion (which is a thing of God), is necessarily anti-religious in Maistre's estimation. This anti-religious element is true of the Enlightenment theory of reason against which Maistre was fighting, at least according to Maistre. As will be seen in a later chapter, Maistre had his own definition of a kind of reason he felt to be morally acceptable. From this belief in the anti-religious nature of reason followed an extreme hostility to all intellectual inquiry. Maistre believed that no man could ever go wrong by following his passions. The passions came directly from God and hence could never lead a man astray.

³²Maistre, Fifth Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 232.

³³Richard A. Lebrun, Throne and Altar: The Political and Religious Thought Of Joseph De Maistre (Ottawa: University of Ottawa Press, 1965), p.37

This is not necessarily true of reason. God, Who is the Creator of all, is, of course, also the Creator of human reason, but much that men deem to be reason is actually the prompting of their rebellious hearts. Passion is certain, whereas reason is not. This downgrading of human reason is one of the characteristics Maistre most shares with Rousseau and is one of the factors in Maistre's thought giving some credence to the claim that he was, at least in part, a precursor of Fascism. There was, however, another side to Maistre's view of human passions. In his letter to the Comte de Vallaise of December 12, 1815, he wrote: "Prejudices resemble inflamed ulcers, one must touch them gently to avoid bruising them."³⁴ Whatever else one can say about this statement, it is clear that it is very far from being an endorsement of human passions. It is difficult to know what to do with this contradiction, and the other contradictions in Maistre. There is no doubt that Maistre did consciously exaggerate positions of his in order to make them more forceful intellectually. The question is, was Maistre exaggerating when he stressed the perfect nature of passions, or was he exaggerating when he called them "inflamed ulcers"? There is only one man who could answer this question for certain, and he has been beyond the pale of human communication for a century and a half. It would seem that the view stressing the

³⁴Maistre, Letter To the Comte de Vallaise, quoted in Lebrun, Throne and Altar, p. 20.

divinely-created and hence perfect nature of passions is more consistent with the body of Maistre's thinking, for one of his cardinal principles was the inability of man to create anything, even an "ulcer". The only problem with this view is that if, as could be suggested, Maistre stressed the delicate nature of human passions out of his strong social conservatism, he utilized a less sure defense of the status quo in place of a more sure one. Certainly there could be no greater defense of human passions, and of the institutions, both social and political, deriving from them, than to say they are instituted by God and utterly perfect. It is just possible that there was a degree of rationalism in Maistre lurking under all his irrationalism. Such would not be entirely surprising in a man whose thoughts were in other spheres a combination of different elements. The question is, therefore, the degree to which Maistre was an irrationalist, but beyond doubt it was quite large.

The consequence of Maistre's irrationalism, whatever its degree, is a sanctification of all established authority. The true results of human passion either cannot or ought not be judged, whether this be because of their divinely-instituted perfection or (in direct contradiction to the first) because of their extreme susceptibility to damage. Most of all, the derivatives of passion cannot be judged by reason, for passion (whatever its possible imperfections) is infinitely superior to reason. Such is not Burke's belief. He stresses that passion

is superior to reason only because it allows man to act with dispatch in the ways reason dictates. The institutions of society are, furthermore, the products of reason, both human and divine, but reason nonetheless. It is therefore not inconceivable for human reason to be permitted to judge social institutions, as Burke himself most surely did with regard to the institution of slavery. Such judging had to bear in mind the will of God and the necessity of gradual historical development, which greatly restricted its scope, but it was possible nonetheless. The Pandora's Box that Maistre slammed and locked was left open by Burke, albeit only a crack.

F. The Extent Of Human Reason. Neither Burke nor Maistre had unbounded faith in individual human reason, but their views on its extent were quite different. Burke, first of all, did not like to have the human mind directed toward determination of ends, wishing instead that it accept the goals handed down by the society's traditions and work to devise means to these ends. One of the many things Burke found objectionable about the French Revolution was that the Jacobins instituted a whole new set of goals for society and pursued their quest for them irrespective of the means needed to achieve them. That man, or at least some men, could think about the goals of human society was implied (without being expressly stated) in much of Burke's theory. In his Speech On Conciliation With the Colonies, for example, Burke declared that it is the duty of

a state to provide for the happiness of its people.³⁵ This is a view that has probably been held by most political theorists, but it is not a truism, and might moreover be disputed by some theorists and politicians. When it came to the extent and limitation of human reason, Burke was definitely not an equalitarian. Some people were clearly superior to others in both their intellect and, consequently, the role that they should play in the state. Only very few men could be relied upon to adhere to the institutions of the country because they understood them; in the case of almost all men, this allegiance would have to arise from prejudice. This understanding by the superior of the country's institutions was not to be of a speculative nature. Instead, Burke could state that "What in the result is likely to produce evil is politically false; that which is productive of good, politically true."³⁶ It was a society's adherence to the laws of God and to the traditions of the nation through understanding that was most likely to be productive of good, and this intellectual union with all of creation could be the prerogative of only a very select group. The wiser would have to protect and lead those who were poorer, weaker, and less intelligent.³⁷ Intelligence was, however, very far from being in the sole possession of either the social or intellectual upper classes. Burke clearly believed

³⁵Burke, Speech On Conciliation With the Colonies (Chicago: H. Regnery and Company, 1964), p. 87.

³⁶Burke, An Appeal From the New To the Old Whigs (Indianapolis, Indiana: Bobbs-Merrill, 1962), p. 99.

³⁷Ibid., p. 104.

the ruling classes could be blind to the traditions of the country and to the necessities of policy. He believed they provoked revolution in America, sanctioned injustice in India, sought to strip Parliament of its legitimate powers, and created an unsettled situation in Ireland. These were hardly signs of perfect intelligence. Finally, it was the ruling classes of England who were first willing to temporize with revolutionary France and were then inclined to surrender to her, while the common people urged resistance. At the very minimum, much intelligence could be found in the middle class. It was one of Burke's boasts concerning the first administration of his patron Lord Rockingham that "That administration was the first which proposed and encouraged public meetings and free consultations of merchants from all parts of the kingdom; by which means the truest lights have been received."³⁸ A degree of elitism is evident even here, but it is clear that intelligence for the running of the state is spread at least fairly widely. Burke, in many cases, could be extremely harsh toward the aristocracy. At one point he declared of them, "I hold their order in cold and decent respect. I hold them to be of an absolute necessity in the Constitution; but I think they are only good when kept within their proper bounds."³⁹ Burke, in fact, goes

³⁸Burke, A Short Account Of a Late Short Administration, in Burke's Works, I, 266.

³⁹Burke, Speech On a Bill For the Repeal Of the Marriage Act, in Burke's Works, VII, 133.

one step further and says that the aristocracy might act in such a way that he will have to side with the people "to the last extremity, and to a contest of blood."⁴⁰ Despite these statements, Burke did feel the upper classes, both noble and non-noble, to be the natural home of rationality, and did believe these men to be rational enough to diagnose ills in the state and, if absolutely necessary, to seek to correct them. This act of correction was, however, not recommended, because the interconnections of society were so complex that no mind could really understand them. Therefore, a seemingly harmless reform in one area could severely damage a necessary component of society in another area. In time of crisis, reform may be justifiable because the tumult of the time leaves little to lose, but generally a reform should be carried out only to remove an intolerable abuse that a majority of the people agrees exists.⁴¹ Two points can be discerned from this. First, the ruling classes, despite their relative superiority of intellect, do not have the mental power to reform the state all by themselves, and except in extreme conditions ought not to attempt to reform the state at all. The mind of no man is really so acute that he can carry out reform with real confidence. It is by no means a Platonic aristocracy that Burke advocates.

⁴⁰Ibid., p. 134.

⁴¹Burke, Speech On the Acts Of Uniformity, in Burke's Works, VII, 10.

As will be seen momentarily, Burke left more to the common people than even Aristotle. In Burke's scheme of things, the average man is not permitted to determine matters of policy; such is beyond his intellect. The average man does, however, know when something is wrong, even though the cause of the problem will elude him.⁴² There are two basic reasons for this ignorance of causation. The first is a simple weakness of intellect. The average man is just incapable of mastering the intricacies of government. It was, of course, seen previously that Burke doubts that anyone can really do so. The second reason is (paradoxically) the conservatism of the average man. Burke declares that the average man cannot have an active role in the governing of the state because he tends to think along lines that are fifty years out of date.⁴³ He will not be able to recognize the nature of a problem, and will confuse a new problem for an old one. The relationship of the common man to the rulers of the state is therefore like that of the wearer of a pair of shoes to a shoemaker. One does not have to know how to make shoes in order to know they are pinching his toes, nor does he have to know how to repair a shoe for his complaints to be taken seriously. It would be a very poor shoemaker (or ruler) who deafened himself to the declarations of his customers.

⁴²Burke, Thoughts On the Cause Of the Present Discontents, in Burke's Works, I, 442.

⁴³Ibid., p. 442.

When it comes to intellect, therefore, there are two distinct types of people: those who sometimes have the ability to plan reforms, and those who have the ability to point out the existence of problems.

Maistre's view of the extent of human reason is quite different from that of Burke. As was seen before, he does not even value reason very highly, tending to identify it with rebelliousness against God. The aristocracy is to rule in Maistre's state, but the justification for this is not that the aristocracy is more intelligent than the common people. It rules simply because it was the aristocracy and the sovereign who formed the state.⁴⁴ Though Maistre may consider the aristocracy to be more intelligent than the average people, their right to rule is only secondarily derived from intelligence. If the ruling class governs stupidly, and more importantly, immorally, it is likely to lose its rights over the state. The state, involving the lives of men, is obviously no ordinary possession which may be abused with disapproval, but without forfeiture. The relationship of rulers to state is one of stewardship which if violated will result in its loss, either through revolution or through action by the Pope. There is, furthermore, no reason to believe Maistre considers aristocrats to be exceptionally moral, morality being (as will be seen) Maistre's real definition

⁴⁴Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, p. 77.

of intelligence. There are three reasons, therefore, why it is right for aristocrats to rule the state. First, they created the state. It goes without saying, of course, that they did so as the agents of God. Second, they are more intelligent and possibly moral than other people. Being fallen human beings like everyone else, however, they score very low on an absolute scale on both these points. Finally, a minority must rule the state, so why not this minority? Whenever it is thought that Maistre is an extreme aristocrat (which in many ways he undoubtedly is), it must be remembered that he regards his fellow aristocrats but little higher than he does anyone else. Aristocrats are men, and men are not terribly bright or decent. Unlike Burke, moreover, Maistre feels human intelligence should never be directed to social reform, under any conditions.

If Maistre's feelings toward the intelligence of the aristocrat are unfavorable, his feelings toward the common man on this score are downright hostile. The average person can never be anything more than the ward of his betters, because he is "a perpetual child, a perpetual lunatic, a perpetual absentee,"⁴⁵ and like these others needs a keeper. Naturally, he has not the intelligence to impose mandates on or even make suggestions to his guardians. As is to be expected, though Maistre is willing to permit and even concede the usefulness of an advisory

⁴⁵Maistre, Considerations On France, quoted in Roger Soltau, French Political Thought In the Nineteenth Century (New York: Russell and Russell, 1959), p. 21.

council, not everyone has the intelligence to serve on it or even vote for it.⁴⁶ The man who wears the shoes is not to be permitted to say they hurt his feet. As will be seen in a later chapter, the customer may not criticize the handiwork of the cobbler, though he may cashier one cobbler and get a new one. Maistre, it is quite obvious, sees almost everyone in society as being one of Plato's men of iron. They are to accept what their betters do for them in a proper spirit of humility, for they truly do not have the intelligence to know what is good for them. The average man is, simply speaking, a mental nullity. The very most the average man could ever be was a good follower, which to Maistre was a blind follower.

It goes without saying that both Burke and Maistre had severe doubts about the degree of intellect belonging to the human being. Beyond this, however, the differences between the two on this subject are far more compelling than the similarities. The differences, moreover, take Burke in a libertarian direction, and Maistre in an authoritarian one. Burke believes the upper classes (as judged by both ability and heredity) to be mentally superior to the average man and, on rare occasions, to have the ability to repair defects in the state. The average man, however, always has some role in the state, and sometimes it could be a very decisive role. In the case

⁴⁶Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 118.

of Maistre, the average man was a ward of the state, and even the rulers of society were credited as having only enough intelligence to administer policy decisions made long ago.

Neither Burke nor Maistre could have been called a fervent admirer of his fellowman and certainly neither was willing to trust him with absolute power over the state. Burke, however, sees the individual as possessing the decency and intelligence to at least take care of himself, and Maistre does not. Burke's society would, therefore, necessarily be a freer place than that of Maistre.

Chapter III: Nation, Natural Law, and State of Nature, and Their Relation To Reason

A. The Nation. It is necessary that one understand at the outset Burke's ideas on the origins of the nation, for these ideas are quite indicative of the general configurations of his thought. He feels the nation to be simultaneously natural and artificial, natural in that it is willed by God to aid man's betterment, such betterment being both possible and necessary, and artificial in that the particular forms it takes are the products of human intelligence. God gives His sanction to a social contract that is everywhere the source of such legal fictions as the people and the nation.¹ This social contract originally required the consent of all the people (Burke here shows a definite sign of his youthful attraction to Locke's philosophy.), and the majority, therefore, has no right to say that it is the nation. This is because the nation, besides its divine institution, is also the product of its history and traditions, which may be immanent in the whole body of the nation or in the nation's ruling class acting as virtual representative of the whole.² The nation is more than anything else a moral unity to Burke, rather than a mere geographical area or an unrelated collection of people. Instead, the nation is

¹Burke, Appeal From the New To the Old Whigs, p. 100.

²Burke, First Letter On the Regicide Peace, in Burke's Works, V, 326.

in most cases taken to be mutually extensive with the mass of the population, but in rare cases (like the French Revolution) even a dispossessed minority can serve as trustee for the nation's traditions. In this sense, the nation does have a soul, and since, as will be seen, Burke's view of history is one incorporating change through conscious human action, it can be said that the nation's soul, and hence the nation itself, is in part the creation of human intelligence. The national soul is also shaped by objective considerations such as geography, which act as limitations on the role of human intelligence. Man does, however, create his own nation to a substantial extent. The nations of Europe are, therefore, entities possessing somewhat different souls, though all members of one common Christian-Germanic-Roman civilization. Many of Burke's most bitter denunciations of the French Revolution concern its fragmenting of this perceived common civilization. The nation is both a free actor and a subordinate institution. There is no institution on earth superior to the nation, and yet the limitations on the nation are two in number. First, the European nations, though they will unavoidably engage in war with each other, are to have their ferocity limited by appeal to their common civilization. Burke sees the nations of Europe to be in much the same situation as the cities of ancient Greece. Second, the nations of Europe (and all other nations) are under the God-given Natural Law. A nation may not act in just any way

it feels its self-interest to dictate. Therefore, Burke felt that the nations of the world (especially those of Europe) were culturally diverse, yet united, and independent, but subject to a higher (other-worldly) authority. The restrictions that were to be placed on the nation were purely moral in nature, but nonetheless real.

Maistre's views on the nation are radically different from those of Burke, in a more authoritarian direction. First of all, the origin of the nation is entirely from the Hand of God. This is so directly and indirectly. Maistre does declare that the nation is the work of God and men together, but when nations are partially the work of men, this is because God is using men as His instruments.³ When nations do differ from each other (which Maistre could not deny happens), this is because God has willed these variations in national character.⁴ Maistre was very much influenced by Montesquieu's views on the importance of geography and climate in the shaping of national character, which in the former's hands were used as further pieces of evidence for the absolute predominance of God's will in the shaping of the nation. Maistre, therefore, entirely denies any real human role in the formation of the nation. Man is a mere passive instrument of God in the creation of the nation,

³Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, pp. 93-94.

⁴Ibid., pp. 99-100.

sometimes utilized and sometimes not, but never of any independent consequence. All is the work of God, the work of authority. For this reason, Maistre denies the possibility of any social contract, even an essentially irrevocable one such as that of Burke. Burke, as was seen, gave some independent importance to man in the formation of the nation, but Maistre never would. There is only one true lawgiver in Maistre's universe, and that is God.

Whereas the nation in Burke's theory had a large measure of effective independence, in Maistre's the nation is generally consigned to the role of an administrative sub-unit. Maistre reached this conclusion after abandoning an originally Gallican position. The nation is everywhere consecrated, with divine right rule a matter of course, but the Pope does universally have the right to punish, and ultimately to remove, erring rulers. As Maistre himself believes, one who could judge the sovereign would then be the sovereign.⁵ The power of the Pope thereby strips all the nations of Europe adhering to Catholicism (which Maistre hopes will soon become a truly catholic creed) of any pretensions to sovereignty. The Pope rather ungratefully let it be known that this teaching of Maistre was embarrassing to him, for while he was fighting to preserve any of his authority in revolutionary Europe, a claim to absolute authority might bring down trouble on his head. Even the power to make war does not truly belong to the nation in Maistre's view. As will be seen

⁵Ibid., 112.

in the treatment of Maistre's philosophy of war, war is undertaken by God's will to fit the designs of God, not those of men or nations. There is no reason to doubt Maistre's statement that the Pope would not overuse his power to punish or remove rulers, as such an action would cause no small convulsion. This is not the reason Maistre gives, however. He feels the Pope will be temperate in his use of this power since he is as passionless as any man can ever be, being old, a priest, and celibate. If Maistre had his way, however, the Pope would be able to use the power to punish or remove rulers whenever he saw fit. No nation of Europe could claim any independence against such a potentate. Burke declared Europe to be a family of nations living ultimately under one moral law derived from their common history and from God, but a series of nations nonetheless. Burke's view of international relations is therefore the same as his view of the proper domestic situation, an ordered liberty (though international relations unavoidably involves war and therefore has considerably less order than is true of the domestic situation). Maistre also extends his view of domestic politics to international relations, and thereby eliminates international relations. His hatred of diversity is never more manifest, and, as we shall see later, he subordinates all individual human diversity to a corporate spirit centered in the nation; here he makes all national independence exist only on the sufferance of God's vicar on Earth. To Maistre, Christendom is truly only one absolute state with one absolute ruler.

Before Burke and Maistre's ideas on Natural Law and the State of Nature are treated, there shall be an examination of their concepts of reason and causation. The treatment of the former subject shall investigate the sources, meaning, limits, and significance for man of the theories of reason presented. These considerations must vitally influence Burke and Maistre's theories of Natural Law and the State of Nature, for they decisively concern the potential of man.

B. The Sources Of Knowledge In Burke. Burke's theory on the sources of knowledge is incorporated into his Philosophical Inquiry Into the Origin Of Our Ideas Of the Sublime and Beautiful, With an Introductory Discourse Concerning Taste (first published in 1757). Almost at the outset, Burke declares that "The standard of reason and taste is the same in all human creatures."⁶ It would seem likely, therefore, that the most fundamental ideas are ultimately the product of a single source. It is not impossible that different stimuli could lead to the same conclusions, but a single factor explanation would be the more likely. Burke is of the impression that identical standards of reason and taste among all men are necessary to maintain human intercourse. This is no doubt true on the most basic levels. As Burke observes, all men with properly functioning organs of taste agree on what is sweet and what is sour. On a higher level, however, one involving questions of philosophical import, agreement is not as unanimous as Burke

⁶Burke, Discourse Concerning Taste, in Burke's Works, I, 79.

believes. It may be, therefore, that the ethical foundation of society is not as firm as was Burke's contention. All men's senses (Burke asserts) are the same, and imagination affects one's tastes; since imagination comprises only the results of the senses, all men's imaginations must be the same.⁷ There is, of course, a glaring weakness in this argument. There is no way that one can be really sure that all men's senses are the same. Two men may call the color they are seeing green, but one may be seeing green and the other red. In such a concrete case, experience may reveal the disagreement, but when one is dealing with a question of ethics, even realizing the existence of a disagreement may be impossible. Before it is thought that Burke adhered to Locke's sensist view of the genesis of ideas, it must be said that he saw two distinct sources of ideas: through sense experiences (acquired) and innate to the mind (natural).⁸ The most important ideas, which are basically one's moral ideas, are the innate ideas. As might be expected from the general configuration of Burke's thought, God is the Creator of man's mind, and hence of his innate ideas. The most basic ideas man possesses have nothing to do with any action of man. Man is, in these things, entirely controlled by God. In a secondary sense, however, man is the architect of his own ideas. As was seen, man's less important ideas derive from his sense experiences. To some extent, every man chooses the sense experiences he will have. He

⁷Ibid., pp. 86-87.

⁸Ibid., p. 86.

may go to one type of show or another, live in the city or the country, listen to a Rock and Roll record or a Classical one, etcetera. This leaves a not inconsiderable freedom to each individual in the kind of knowledge he will possess. It is possible for a person to restrict somewhat by choice the degree of knowledge he has by having defective judgement, such defective judgement resulting either from natural weakness or more commonly from lack of exercise of the faculties.⁹ Whether Burke believes natural weakness of intellect can be overcome by exercise to at least some degree is uncertain, but what is certain is that failure to exercise the intellect is in Burke's view the primary cause of low intellect. Several important considerations derive from these views of Burke on the sources of knowledge. First, all men are equipped equally when it comes to the most important ideas, the moral ideas. These ideas come directly from God without translator or intermediary. A man may, therefore, not be amoral. No man can claim ignorance of the moral law. Man can, however, resist what he knows without question to be right morally. Immorality is quite possible. That man is responsible for his acts is inescapable, for he has the moral knowledge, and may use it or not use it as he chooses. A belief in the fundamental moral equality of all men results from this. It has already been seen that this equality is of a middle level. Man is neither God nor brute. As to the other type of knowledge, non-moral varieties of judgement, in these too men could be equal, or nearly equal.

⁹Ibid., p. 96.

With proper intellectual exercise, inequality in knowledge might possibly be much reduced. This is a remarkably "radical" idea to come from a man some have seen as an advocate of social stagnation.¹⁰ It is not likely that Burke saw the potentially unsettling effect of this belief of his. There is another side to this coin of fundamental intellectual equality that does very little to speak well of the average man. That a man is intellectually average or below is essentially his own fault. Burke was too kind a man and had too much love for his fellowman to stress this very strongly, but the idea does necessarily follow from the belief in intrinsic human equality. More on this subject will be seen in Chapter Eight, which concerns social mobility.

A third major source of knowledge is entirely separate from the individual human being. This source of knowledge is a country and culture's history and traditions. Burke put it thusly:

We are afraid to put men to live and trade each on his own private stock of reason, because we suspect that this stock in each man is small, and that the individuals would do better to avail themselves of the general bank and capital of nations and ages. Many of our men of speculation, instead of exploding general prejudices, employ their sagacity to discover the latent wisdom which prevails in them.¹¹

Three points must be observed from this oft-quoted statement.

First (and this is generally missed), this statement, at the same time as it declares doubts about the amount of individual reason, affirms that individual reason does, nevertheless, exist.

¹⁰ Cobban, Burke and the Revolt Against the Eighteenth Century, pp. 69-71.

¹¹ Burke, Reflections On the Revolution In France, p. 99.

Under certain unclear circumstances, therefore, man may not have to be entirely subordinate to authority and his country's history. The ways in which a person can assert his independence are never explained (though his God-given innate ideas probably lie at the root of his possible independence), but the belief that such independence exists must follow from a belief in individual reason. Second, the country's history and traditions are valued partly because they are old, but also, and primarily, because they are seen as incorporating most of the reason to which the human being can aspire. If a country's traditions did not possess reason, they could not have any claim to respect based on age alone. **It shall be seen** that Burke recommended sweeping reforms for France, thereby showing he felt that country's absolutist traditions to possess little or no knowledge. The country's traditions are, in point of fact, not very mysterious in their incorporation of reason. Traditions incorporate reason simply because they are the accumulated experiences of many men. The catalogue of the knowledge used in maintaining a political society is rightfully deserving of great respect, especially if that society has given substantial signs of fulfilling the proper tasks of a society. To say that tradition is the accumulated reason of many men (who are declared to have only "small" reason in themselves) is to minimize the intrinsic sanctity of conventional knowledge, and, more importantly, to make the social component of knowledge a progressive and changing

process, and not a structure that is ever completed once and for all. The knowledge possessed by a society that does not disavow its past is increasing constantly from generation to generation, and it is this which causes Burke to be willing to undertake some social renovation in the form of elimination of old institutions (such as some of the offices in the king of England's household retinue) that clearly perform no function anymore. The knowledge possessed intrinsically by the current generation is no less, and no greater, than that which was possessed by any generation of the past, or will be possessed by any generation of the future.

At the same time that he is certain as to what are the sources of knowledge, Burke is equally certain as to what are not sources of knowledge. As the individual human knowledge that is innate, which is the most important knowledge, derives from God, knowledge in opposition to true religion (however interpreted) is a contradiction in terms. That this could sabotage scientific inquiry is obvious, but it is safe to assume that it would never have done so in the hands of Burke (who was known to keep his friends waiting when they wished to discuss a question of state, while he dissected a frog). An initial limitation is, however, immediately placed on intellectual endeavor. The man who called atheism "a foul unnatural vice" would be ill-inclined to accept as intellectually respectable any statement an atheist might make on matters of morals.

Atheism could be no source of knowledge, nor could a man tainted by this vice. Purely abstract reason could also not be a source of knowledge. For reason to be of any value, it had to be grounded in the affairs of daily life and a keen understanding of man's actual nature, and be directed preferably to the incremental amelioration of the human condition. Flights of fancy aimed at the revolutionary reconstruction of society were most definitely not sources of knowledge. It was this last point that caused Burke to be always very uncomfortable with the concept of religious revelation, such revelation having the potential of upsetting his carefully constructed edifice of knowledge originating within an unbroken chain of human history. Burke never actually disowned religious revelation, which as a believing, though possibly unorthodox, member of the Church of England he would not have wished to do, but the very form of his thought on the origin of knowledge bespoke a downgrading of that concept. Burke, however, had no ambiguity in his thoughts on political revelation. He condemned it without reservation. Burke's definitive statement on the subject follows.

Your [the French] literary men and your politicians, and so do the whole clan of the enlightened among us, essentially differ in these points. They have no respect for the wisdom of others, but they pay it off by a very full measure of confidence in their own. With them it is a sufficient motive to destroy an old scheme of things because it is an old one. As to the new, they are in no sort of fear with regard to the duration of a building run up in haste, because duration is no object to those who think little or nothing has been done before their time, and who place all their hopes in discovery.¹²

¹²Burke, Reflections On the Revolution In France, p. 99.

Two facts emerge from this rather long quotation. First, fully individual decisions (especially those deriving from theoretical conclusions, as opposed to those deriving from man's innate ideas or his experiences) cannot be a source of true knowledge. An individual understanding schooled in the academy of daily life and the nation's traditions could be brought to bear profitably on concerns of practical importance, but a purely theoretical education, far from being a source of knowledge, was actually a source of folly, and most dangerous folly. Burke obviously considered the Jacobins to be fools, and this was one of the reasons. A second and somewhat allied consideration is that pure novelty can never be a source of knowledge. That which is not founded on the intelligence of the past generations can have but little right to be called intelligence at all.

Burke's views on the sources of knowledge may be called libertarian, but in a most conservative sense. Man can, first of all, have ideas of his own, since one's ideas derive both from innate universal ideas (which may be disavowed, but not destroyed) and from one's own personal experiences, which are, of course, unique. Since the innate ideas are the most important ones, Burke places severe limitations in practice on the possibility of free inquiry, but the possibility is not entirely foreclosed. All those ideas which are not innate, and hence not from God (Burke never clearly draws a dividing line, though the implication is that non-innate ideas are also of importance),

come from man, either in his current generation or in his series of generations. This last point restricts again the sphere of the individual as a source of knowledge, but does not totally efface it. Just what the sphere of the individual is when it comes to examining the heritage of the past is never spelled out, it not being in Burke's temperament to do so, but neither is man required to regard all of the past as being of equal, and unquestioned, merit.

C. Maistre's Theory Of the Source Of Knowledge. A significantly, though not entirely, different view of the source of knowledge is found in Maistre. Maistre agrees with Burke that there are innate ideas. Maistre's notion of innate ideas is, however, quite different from that of Burke, in that it rests not on the belief that men reason in the same way, but on the belief that men have the same basic ideas without reasoning.¹³ To deny a role to reasoning (which is a process restricted to man and the higher animals) in the formation of innate concepts is to undermine very markedly the human factor in knowledge. Burke believed all men reasoned the same way about moral matters, by dictate of God. This placed man in a distinctly subordinate position in the formation of innate ideas, but did not remove him from the equation completely. Maistre does so remove him. Men have the same innate ideas because

¹³Maistre, Second Saint Petersburg Dialogue, in Lively, Works Of Joseph de Maistre, p. 210.

God injects these ideas into their minds, without even the slightest activity on man's part. Maistre also greatly expands the dimensions of the innate ideas. All thoughts are derived from the soul, which makes the Architect of the soul the Architect of all thoughts.¹⁴ Man is, therefore, quite in keeping with the overall structure of Maistre's philosophy, incapable of creating even the simplest of ideas. All ideas derive from God, either immediately or ultimately. The most basic ideas are in man's mind simply because God put them there. These ideas can be resisted (at the cost of madness and rampant evil), but may never be resisted legitimately. All knowledge dealing with morality, which Maistre interprets very broadly, is placed beyond human judgement. This is because "Human reason is manifestly incapable of guiding men, for few men can reason well, and no one can reason well on every subject."¹⁵ The other broad source of knowledge to Maistre is one more or less doubted by Burke. This is authority. Burke, of course, saw antiquity as, in general, a reliable source of knowledge, but not because antiquity was supported by authority. Antiquity was generally trustworthy because it was the record of the experiences of men both as wise and as foolish as the men of today. Maistre, on the other hand, sees an entirely different justification for authority. Authority is to be respected because it is

¹⁴Ibid., p. 208.

¹⁵Ibid., p. 207.

ordained of God, and he who is in authority, be this authority temporal or spiritual (a distinction not very clear, in practice, in Maistre's thinking), speaks as God's vice-regent, or vice-vice-regent (under the Pope). To make authority unquestionable as a source of knowledge, as Maistre does, does not derogate from his skepticism about human beings, for human authority does not and cannot exist, but is instead authority from God at one remove. This is why, as shall be shown, man may not judge those in authority. There is a third important source of knowledge in Maistre's theory. This is divine revelation, and specifically miracles. It was seen earlier that Burke avoided this subject. A reason why Maistre embraced this belief, apart from his fervent adherence to what he took to be Catholicism, was that it serves as a strong corrective to human pride. All man's plans must be as nothing when the wave of God's Hands can cause them to come tumbling down. Needless to say, God's revelations and miracles may not be questioned by men. Maistre never deals with the question of how to distinguish the false miracles from the true, being willing, one would assume, to leave this task to the Catholic Church, as divine an institution as exists on the earth. There is one source of knowledge that Maistre dismisses without reservation. He is unwilling to countenance the belief that sensory perceptions can ever be a source of knowledge, even to the subordinate extent that Burke was willing to accept. Sensory perceptions,

Maistre felt, could not be a source of knowledge, unless one restricted the sphere of God's power. Maistre was incorrect in this belief, because for sensory perceptions to be a true source of knowledge, all that would be required would be for God to be willing to forego interference in man's sensory perceptions. If this thought ever occurred to Maistre, he dismissed it out of a desire to avoid second-guessing God. Science is another would-be source of knowledge that really is not so. Science has a role to play in human society, but this role is the relating together of facts, not the judging of these facts.¹⁶ Science, seen as a true source of knowledge, must result in open or subtle opposition to God and could only end in debasing man to the lowest stage of brutality. Considering the history of the twentieth century, it is difficult to argue with Maistre on this point.

All the foregoing shows that there is really only one source of knowledge in Maistre's philosophy. That is, of course, God. God, as the sole source of knowledge, appears in many different guises, but they are all God. This leads inevitably to the result that man is entirely ignorant in himself and can, therefore, make no claim to a right, or even ability, to question any aspect of the existing order, all of which is the work of God.

¹⁶ Maistre, Fifth Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 225.

D. The Meaning Of Reason In Burke. Burke agrees substantially, but far from completely, with his age as to what constitutes reason. It was seen already that he viewed much of reason as deriving from sense perceptions, which makes reason to at least some extent a thing of individual human cogitation. This kinship Burke shared with the age of the Enlightenment was, however, only superficial. Far more central to his definition of "reason" was the traditional concept of Natural Law. This view sees Natural Law, which in this case may be seen as synonymous with reason, as deriving directly from God, or as coming from God after being processed through the filter of human institutions and common sense. Burke has problems with defining "reason", largely because the idea of doing so does not appeal to him. It is, however, possible to deduce certain components of his concept of reason. Reason, to Burke, is in some way united with God's ultimate designs for man. This would have to be so for such a religious man as Burke, but he is not helpful in ascertaining just what these designs are, or how this process of ascertaining proceeds. One thing that is clear is that no institution or group of institutions, temporal or spiritual, is able to hand down an authoritative definition of reason. One owed to the institutions of his society a certain respect, as their longevity had shown them to incorporate at least some reason, but that which can be judged by reason, as was seen, cannot itself set the definition of reason. Somewhat

surprisingly for a life-long adherent of an established church, Burke includes the Church of England with all other institutions in this regard. He puts this very strongly when he says, "For the Protestant religion, nor (I speak it with reverence, I am sure) the truth of our common Christianity, is not so clear as this proposition,--that all men, or at least the majority of men in the society, ought to enjoy the common advantages of it."¹⁷ What this says is that no particular Church, nor even Christianity as a whole, can either be considered synonymous with reason, or set the content of reason. Reason is independent of Christianity, though not of religion as such, and is universal in its sphere. This is because Burke ultimately judges the presence or absence of reason in a community based on how the members of that community are faring. Burke chooses to defend the Old Regime of France not because of the correctness of its governing principles (for he definitely felt absolute monarchy to be an incorrect governing principle), but because it had superintended a France which was thriving in size of population, national wealth, cultural level, and public-spiritedness. As he says, "No country in which population flourishes and is in progressive improvement can be under a very *[italics Burke's]* mischievous government."¹⁸ That says such a government must have at least a measure of reason on its side.

¹⁷ Burke, Fragment Against the Anti-Popery Laws, in Burke's Works, VI, 334.

¹⁸ Burke, Reflections On the Revolution In France, p. 146.

This approaches the task of defining reason from the back door. That which turns out right is taken to be at least somewhat in keeping with the principles of eternal reason. Despite superficial appearances, this should not be taken as saying the end justifies the means, because Burke mentions these accomplishments of the French monarchy as proof that it could be reformed, not that it did not need to be reformed. A good end could serve to mitigate the culpability of bad principles, but could in no way excuse the absence of good principles. Furthermore, one of the things Burke found most objectionable about the French Revolution was its "end justifies the means" attitude. In such a case, he would hardly have been likely to embrace such an attitude himself.

Burke finally comes to view reason as that which serves the interests of all or most of the people, which thereby, in his theory, connects reason to Natural Law, Natural Rights, and liberty. Burke believed that government should tamper as little as is necessary with the workings of society, for needless tampering could not but be destructive to the society. Since ordered liberty (this being Burke's definition of reason) is good for the society, anything that departs from ordered liberty in the direction of either one of its components must be irrational, to at least some degree. Both the Old Regime and Jacobin Regime of France were, therefore, irrational, with the irrationality of the former being mitigated by the good

effects it either promoted or did not retard significantly. Burke made much of the fact that the Jacobin regime was resulting in the impoverishment of the mass of France's people to prove the badness, and hence irrationality, of that regime.

Burke's belief that reason is social has several important results. First, though society is to be judged as to how well it meets the needs of individuals, whenever the needs of one individual conflict with the needs of society, the former must yield to the latter, especially since the society generally does a tolerably good job of providing for the needs of all. There is a community interest which can be pursued without seeking to add up the interests of millions of people. Second, it is illegitimate, and even irrational, for an individual to seek to assert his will against that of the community, since the latter, when functioning properly, incorporates his interests. The rational postures for an individual to hold toward a properly functioning state are, therefore, satisfaction and quiescence. Mass popular participation ought to arise only in time of crisis.

E. Maistre's Concept Of Reason. From what has been seen previously, one might expect that Maistre would declare himself to be an unalterable foe of reason. Maistre, however, declares this not to be the case. True reason has him as one of its greatest supporters (so says Maistre). Reason is, first of all, not abstract philosophizing. Reason is not, and even cannot be, opposed to

intuition and common sense.¹⁹ This suggests a limitation on authoritarianism, for (Maistre agrees) all people are equal in common sense and intuition. Maistre sees no firm division between reason and what is generally considered to be unreason. This is because common sense and intuition are innate ideas derived from God, and therefore cannot be contrary to reason. Each separate sphere of reason is, moreover, self-contained and governed by its own rules. If a proposition can be proven by a "proof relevant to it", even an unanswerable objection cannot be admitted against it.²⁰ This places severe limitations upon the workings of human reason. If, for example, it were possible to disprove logically the existence of God (which may have been the case of which Maistre was thinking), the fact that the Church said God existed would constitute "a proof relevant to it", and would thus silence all rational dissent. What this points out is that authority, far from being unable to set the content of reason, as Burke believed, is in Maistre's regard the essence of reason. For there to be sovereignty (which is, of course, an absolute necessity), the ruler must be above the accusation of error, lest disobedience be permissible.²¹ It necessarily follows that the sovereign must set the content of

¹⁹Maistre, Fourth Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 214.

²⁰Ibid., p. 215

²¹Maistre, The Pope, in Lively, Works Of Joseph De Maistre, p. 133.

reason, or reason could be used against him. Reason is not, however, changeable across national borders or from one reign to the next, because there is one authority that infallibly sets the content of reason in keeping with the dictates of God and is never-changing. That superintending authority is, of course, the Papacy. The keystone of reason is, therefore, obedience to both king and Pope, when they agree, and to Pope, when they do not. This effectively removes the individual from any role in reason. If he thinks for himself, other than possibly finding arguments to support the conclusions of authority, he violates the dictates of reason. Truly individual reasoning is opposed to the will of God, and is therefore both irrationality and heresy. It was this that convinced Maistre that Rousseau and Voltaire were both fools and sinners.

Another component of reason, one in no way contradictory to the above, is "The general sentiments of all men [which] constitute, so to speak, intuitive truths."²² Needless to say, Maistre interprets "the general sentiments of all men" in a way supportive of secular, and especially Papal, authority. A necessary result of this is to see non-Catholic countries as lacking in reason. The fact that Protestant countries can be felt to be lacking in reason shows an interesting twist Maistre gives to the phrase "the general sentiments of all men." These sentiments remain valid and universal, even if large numbers of people do not adhere to

²²Maistre, Fourth Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 216.

them, as was the case in France and, in many respects, all of the non-Christian world. Not adhering to these "general sentiments" merely proves man's willfulness, and in no way reflects on the reason of such sentiments. These sentiments of men do not rely on man, and exist up in heaven much as do Plato's ideal types, which they resemble in many ways. In what must be a major blow to a view seeing human intercourse as setting the content of reason, Maistre declares man to be unable to even determine the content of his own "general sentiments".

Emotion and reason are also not opposed concepts to Maistre. In fact, emotion is a truer part of reason than that part of man's nature which results from pondering a subject. This is because emotions constitute a way in which God speaks directly to man and guides him. When Maistre praises emotions as being in many cases synonymous with reason, he is not referring to the emotions of contemporary man, which he felt to be a major part of unreason. That which has caused this problem of unreason is the tutoring of man's emotions by such false prophets as science and non-Christian metaphysics. The original man (who, as was seen earlier, Maistre calls the barbarian, not the savage) is in possession of untutored emotions, direct communications from God without accompanying static. The great goal of Maistre's life is to return man to this earlier blessed state of true reason. The similarities to Rousseau are quite astonishing. As will be seen in a later chapter, the types of freedom the two men wish to reestablish are even fundamentally the same.

For Maistre, as well as for Burke, reason is connected with the workings of history, but the cause of this is not precisely the same for both men. Burke sees reason as intra-historical, because history is the record of God's designs for man, and because it is the record of man's accomplishments. On superficial examination, Maistre might seem to feel the same way. His works are replete with references to history as "the first and indeed the only teacher in politics"²³, and "experimental politics."²⁴ In this historical experimentation, however, man is never the experimenter. History is purely the record of God's reason, never man's. The very attitude of Burke and Maistre toward the reason in the historical process is different. Burke believes that the record of history has, with some detours, been the record of the increase of human reason, and that this process is far from completion. Burke shared in the optimism of his time, though his idea of reason was intermingled with religious concepts to a greater extent than was true of many of his contemporaries. In contrast, Maistre saw history from an early beginning point as constituting a retrogression in real reason and its replacement with false reason. Burke's period of greatest reason lies in the future and Maistre's in the past. In this sense, Maistre may be considered a reactionary.

Maistre, however, does not seek to reestablish a past state of affairs or maintain the status quo out of a blind adherence

²³Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 114.

²⁴Ibid., p. 114.

to atrophied forms of government. He sees traditional forms of government (at least traditional Catholic forms) as having served best the happiness of the people, which is a major part of reason.

Despite this, Maistre, as a strong Ultramontanist, determined in advance what constituted true happiness, and like many other ideologues was willing to spread misery throughout the world so that true reason and true happiness might be achieved. One may assume that Spain was a happier country before the coming of the Inquisition, but since true reason and true happiness were possible only through the true religion, any loss of false happiness could not count for much. Maistre's reason, or unreason, is the same as that of the Jacobins. Both feel that what ought to be, which is the only reason, must be realized regardless of cost, and anything less than true reason is unacceptable.

The notions of reason held by Burke and Maistre fit in well with their general theories. Burke is not enthusiastic about the quality or extent of individual reason, but he does believe it exists and believes that any qualitative difference between social reason, which he values highly, and individual reason, about which he is more skeptical, stems from the greater quantitative extent of the former. To Burke, in other words, reason is set on a basically human scale. To be sure, God's will works itself out in the processes of reason, but it usually does so through the actions of men. Any wise individual should exercise very great caution in criticizing the results of age-old reason, but with Burke the

possibility of such criticism is not foreclosed. It is, however, with Maistre. Human reason, as such, does not exist, though human willfulness does. All reason is God's reason, and it is authoritatively interpreted through an infallible institution speaking for God. One can be considered to have reason only to the extent he subordinates himself to this institution and gives up all claim to individual reason.

F. Burke's Concepts of Causation. For human reason to be truly effective, it must be possible to be able to understand cause and effect. Whatever reason man might have would obviously count for nothing if he could not work his will upon the social and physical world. Burke takes an ambiguous position on this very important question. He is convinced beyond doubt that there is a chain of causation in history, but whether man can know what this chain is, much less control it, is not clear. The universe was not a haphazard affair to Burke, because God decreed certain laws for it and adhered to those laws Himself, though certainly capable of breaking them. Burke never goes into any great detail about what God's laws are and where His chain of causation leads, other than having a vague supposition that the future will involve increasing liberty and reason. The ambiguity of Burke's attitude toward causation is expressed well in his Speech On Parliamentary Reform. In this discourse, he does not deny the possibility of carrying out reforms, but urges that before one attempts to correct even an undoubted

abuse, the effects of this on all other parts of the constitution must be considered.²⁵ This suggests that man is not powerless to invoke changes in his environment, but ought to be very cautious in doing so, lest, like a latter day Sorcerer's Apprentice, he be unable to control the forces he has set in motion. This idea occurs throughout Burke's writings and expresses the view that man may not be able to affect his surroundings in the manner he wishes, at least most of the time. Man should accept his weakness in the field of causation, because of the weakness of his reason to achieve what he wants, and only what he wants. This was not Burke's final word on the subject of causation. There were two other attitudes expressed in his actions and his writings. As a practical politician of great renown, Burke could hardly have felt that man could in no way affect his lot successfully. That he, at least sometimes, held to the opposite view is shown by his definition of "party" as "a body of men united for promoting by their joint endeavors the national interest upon some particular principle in which they are all agreed." and of "politician" as "the philosopher in action."²⁶ If man can promote such a grand goal as the national interest, he can surely succeed in promoting lesser and more mundane goals. This is Burke at his most optimistic.

²⁵Burke, Speech On Parliamentary Reform, in Burke's Works, VI, 294.

²⁶Burke, Thoughts On the Cause Of the Present Discontents, in Burke's Works, I, 530.

Man is seen here as a rational and decent creature quite able to reshape society (to at least some extent), according to his standard of what is right. A temperamental conservatism dictates that such a reshaping be carried out with due caution and with respect for the contributions of the past, but that such reshaping is possible, and sometimes desirable, is confidently affirmed. There is a third theory of causation in Burke's writings. In the last three years of his life, when he was given to black depression over the death of his son (whom he loved greatly and in whom he hoped for the glorification and ennoblement of the family name) and over what he feared was a hopeless struggle against Jacobinism at home and abroad, Burke gave way to a dismal fatalism over the ability of men to shape their own affairs. He saw Jacobinism spreading among England's youth and felt this would inevitably destroy England, the English constitution, and Christianity.²⁷ Burke was quite unwilling to give up the fight against Jacobinism, even with this morose belief, for he was absolutely certain he was doing what was right, and was literally prepared to die for it. It is incorrect to feel this third of Burke's theories of causation should be discounted as the heartsick utterances of a broken and neglected old man, for his opinions were actively sought up to the time of his death, and this theory was, after a certain

²⁷Burke, Fourth Letter On the Regicide Peace, in Burke's Works, VI, 105-112.

fashion, in keeping with Burke's general philosophy. Burke had always believed that there was an overarching God-given destiny determining the ultimate ends achieved, but up to this last period in his life he had pushed these ends into the distant future and had, moreover, seen them as benevolent. It is unavoidable for one's personal life to affect his philosophy, and this led Burke to begin wondering whether the battle of Armageddon might be won by the forces of evil, despite all that men could do, and whether that last Twilight of the Gods was taking place in his own lifetime.

What is one to make of these three somewhat different theories of causation? It can be seen that they have very different ramifications for the extent and applicability of human reason. The first affirms the possibility of man reshaping his world, but advises (in practice) against doing it, because it is a process more easily begun than controlled. This surely places severe limitations both upon man's reason and upon his effective freedom, but does not declare him to be entirely a pawn of forces beyond his control. Man's power is great, but is only very weakly under the control of his needs and wishes. The second theory of causation is by any accounting the most optimistic for man's freedom and reason. It is declared that analogies of the birth and death of states are only analogies; the human mind is "the proximate efficient cause" of states, and if there are any necessary "internal causes" of the fate of states, they are "obscure and much more

difficult to trace."²⁸ Burke adds that practically anything can change the course of history. These statements suggest a view of man as in effective and fundamental control of his environment from (one may assume) the grand developments of world history to the mundane events of daily life. This burst of glowing enthusiasm stemmed from the fact that at this stage in the French Revolutionary crisis Burke was convinced the English nation was rallying to crush the threat to civilization. However, even in this statement that comes as close as Burke ever did to saying man is all powerful, the bet is still hedged. It is said that man is "the proximate efficient cause" of his world, and that any "internal causes" are "obscure and much more difficult to trace." The first point implies there is a cause which determines final ends and is beyond man's control, and the second point says this cause is probably beyond man's understanding. Man does have total, or near total, control over all of his everyday life and over much of history as well, but the final ends are in the Hand of God. Man's freedom and reason are very impressive, but are still limited in the play's last act. The third theory of causation restricts man's freedom very greatly. It does not, however, do so by any really new departures in theory. It does so by moving the day of reckoning up to the present. The underlying theme of all of Burke's theories of causation (which are consistent in philosophy, but not in app-

²⁸Burke, First Letter On the Regicide Peace, in Burke's Works, V, 234-235.

lication of philosophy) is that man's freedom and reason are real, but limited. Short-run modifications, often centuries in length, of man's destiny by man are possible, but the final Determiner of man's destiny is not, and cannot be, man.

G. Maistre On Causation. It would be pleasant to say Maistre clearly embraces either a determinist or indeterminist view of causation, but such is not true. It is important, first, to explain what the terms "determinism" and "indeterminism" must mean with regard to Maistre, for he sees two actors in the affairs of men, God and man. In this discussion, "determinism" shall be seen as the belief ~~that~~ the affairs of men are not haphazard in their causation, and are, therefore, possibly under man's control. It would not be entirely improper, based on this definition, to see Maistre as an indeterminist, for he feels God to be the primary determinant of man's fate. Without God there is no cause of anything in the universe. This is because, first of all, there are no causes in nature, since nature is a result of God.²⁹ Maistre is adamant against the view that nature is predictable. He declares that there is no inflexible chain of causation, but only "complex forces" based on the workings of "free agents."³⁰ It is surprising to see this phrase "free agents" (note the plural) in Maistre, as his theory shows there to be only one free agent, God. One may believe this phrase was an oversight on Maistre's part. There

²⁹Maistre, Fourth Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 225.

³⁰Ibid., p. 216.

are no invariable laws of nature because "The splended theory of invariable laws would lead us straight to fatalism and make an automaton of man."; this belief in invariable laws "hardens the heart", and is a ploy by philosophers to keep men from praying.³¹ This charge is preposterous, but it does show Maistre realized invariable laws of nature, however derived, would result in the banishment of God from the realm of physical nature. He is not entirely wrong in seeing such a view as a form of atheism, or at least an attack on God's omnipotence. Both man and God cannot stand at the center of the universe. It is, however, paradoxical to have Maistre accusing those who say there are invariable laws of nature and history of making man an automaton and causing fatalism, for a theory making God the architect of all would have the same result. Such would be true, if not for the power of prayer.

Maistre has been accused of stating a form of religion more pagan than Christian³², and such parts of his thought as his glorification of war could support this. Maistre, however, feels God's often harsh decrees can be altered if one approaches Him with a humble spirit. Prayer can move mountains. Maistre goes so far as to say that if God were evil (a belief he does not accept), it would be more necessary than ever to pray to Him, in order to

³¹Ibid., pp. 214 and 216-217.

³²Harold Laski, Studies In the Problem Of Sovereignty (New York: Howard Fertig, 1968), p. 223.

calm His wrath.³³ Prayer shows both man's subordination in matters of causation and the great power he has within his subordinate station. Maistre is sure God will answer genuine prayer. This could result in making man's control over nature and himself almost absolute, for there are no laws of nature preventing a just and pious man from achieving his desires, though a good man would not pray for certain things and might even suffer temporal torment so that he would take on others' sins and avoid punishment in the afterlife. The realm of the possible is, nevertheless, unlimited, for nothing can stand in the way of the will of God.

As one can expect from the direct role God plays in the affairs of men, miracles often break into the chain of causation. This must interfere with human plans considerably, for a miracle is by definition unexpected and great in its results. It follows that man can make plans only provisionally, for he cannot know when a miracle will strike. Maistre, in other words, himself presents a fatalistic theory. If God brings on the results that He wants when He wants them, paralysis of human will may result from this unpredictability. This tendency could be seen in Maistre's own life, in that, except for some propagandizing, he was willing to leave the overthrow of Jacobinism to God.

Though there are no invariable laws of nature, there are laws of nature. So that man might not be miserable through lack

³³Maistre, Eighth Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 190.

of predictability, God, out of love for man, decrees general laws to which He usually adheres, with no necessity to do so.³⁴ Miracles are very rare, and must be so if they are to be miracles. An unbroken chain of causation does usually exist in everyday life, and so the predictability that is absent in great affairs is present in mundane events. Though this is by God's sufferance, the average man would lose no sleep over it.

It is important to understand what Maistre's theory of causation means for human freedom, for it points up again the tension in his thought of Enlightenment and Christian elements. He is unwilling, in practice, to see everything as the work of God, as this would make a slave of man and make him fear to take a single step, since man could not know if anything he did would lead to the desired result. Maistre is equally unwilling to banish God from His predominant position in causation. God is in much the same position as Maistre's sovereign. He is a legally unlimited ruler Who is, however, morally bound by laws over which He has ultimate power.

This leads to an unsatisfactory situation from the point of view of human liberty. In appearance, man, when allied with God, has control of his world to an extent that would have been deemed presumptuous by many a *Philosophe*. When it comes to the scales of causation, however, man carries no real weight at all, save to try to call on the overpowering weight of God, with

³⁴Maistre, First Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 190.

no assurance of success. God is not merely the primary cause, He is the only cause. Despite the ambiguity pointed out above, it is clear that this is totally destructive of freedom, for Maistre at one point admits there to be no cause and effect in human affairs.³⁵ Man can work his will upon the environment only to the extent that God permits him to do so. To paraphrase Burke, liberty on sufferance is liberty condemned. Nothing, in Maistre's theory, is actually predictable in the world of man. The smallest detail of man's life is completely under the command of God's will. The necessary result of Maistre's theory of causation would be for man to be contemptible in his own eyes, to completely lose heart in his own strengths and abilities, and to fear to attempt the most trivial action on his own. There is no room in Maistre's theory for human will, for such will is not only vanity, it is the most absolute absurdity.

In the final analysis, it would be correct to see Burke as accepting the rationalist creed of his century, with reservations. There is such a thing as knowledge, it is to a large extent a product of individual human intelligence and sense experiences, and it is of power to change the world, within wide limits. The basic prerequisites for individual autonomy and freedom are, therefore, established. There are, nevertheless, reservations as to the actual efficacy of human knowledge.

³⁵Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 105.

This is a qualified affirmation of the possibility of human freedom. Maistre, in contrast, despite trivial concessions in form but not substance, is an implacable foe of the rationalism of the eighteenth century. Knowledge comes only from God and His infallible interpreters (which the average individual cannot claim to be) and is synonymous with total subordination to these authorities. To attempt individual rational endeavor is only vanity and heresy, and is also doomed to fail. This knocks the foundation out from under human freedom, though Maistre does not (by his own theory) see himself as an enemy of human freedom.

H. The Natural Law. Before we enter the main body of this section, a discussion of the theorists' views of Natural Law, it will be well to get an idea of what "Natural Law" means, especially in relation to the allied concept of "Natural Rights". The key element in both phrases is "natural". One way in which the American College Dictionary defines this term is "proper to the circumstances of the case".³⁶ This definition avoids an important question, namely what are "the circumstances of the case"? This question has two answers, these dividing those who hold to Natural Law concepts. The first, the traditional Natural Law view, sees "natural" as meaning "proper to divinely-created nature", a nature of which man is only a part. The second, the proto-Enlightenment and Enlightenment view, defines "natural" as "proper to man's nature".

This is a basic conflict, pitting Burke and Maistre (along with

³⁶The American College Dictionary, twenty-fourth edition, 1970, p. 80.

traditional Natural Law thinkers such as Aquinas and others), holders of the first view, against Hobbes, Locke, Rousseau, and their adherents, holders of the second. This dispute is based on the question of whether Natural Law concerns the laws of man or God.

Based on this dichotomy, the two Natural Law schools are inclined to have different views as to the concept of Natural Rights, these rights being rights of man. The man-oriented Natural Law is strongly pushed by its logic to the view that there are rights of man, rights of individual men. Even Hobbes, who is no individualist, upholds this view when he affirms the right of an individual to defend his life against the state. It would be absurd for a school of thought which believes the Law of Nature is, at least somewhat, the law of the individual, to deny that the individual has intrinsic rights. The God-centered Natural Law school need not necessarily believe there are rights of man. God, not man, determines what is law in heaven and on earth, and He is the One that determines the existence or non-existence of basic human rights. It shall be seen that this traditional Natural Law school can incorporate the concept of Natural Rights, as is typified by Burke, but need not do so, as is shown by Maistre.

That Burke did believe in a Natural Law involving Natural Rights is almost impossible to deny (though some such as Sabine have denied it). One of Burke's key complaints against the Anti-Popery Laws of Ireland was that they violated both common and Natural Law by (among other strictures) denying a Catholic the right

of self-defense by denying him the right to own a weapon.³⁷ Like Hobbes, Burke feels self-defense to be the most important of rights, but unlike Hobbes sees a decent and happy life to be as important as life itself. It will be seen that this requires a whole catalogue of Natural Rights. Further, a law transgressing against the ends of just government is "void in its obligatory quality on the mind" and is therefore no true law.³⁸ Civil society, Burke declares, exists for "a conservation and secure enjoyment of our natural rights", and no government has the right to suspend or annul the rights of nature, except for very limited periods and in very extreme emergencies, as these rights are paramount to the state.³⁹ This was one of those places in Burke where the politician got in the way of the philosopher, for how can a right paramount to the state be suspended by the state for a moment, no matter what the crisis? It should be noticed, however, that Burke did not take the easy way out and deny these temporarily suspended rights to be Natural Rights, this standing as proof of his devotion to the concept. Nevertheless, to allow the suspension of a Natural Right opens up a Pandora's Box of dilemmas, the three most important being that a practice once undertaken is easier to undertake again, a time-limit on an extra-legal assumption of

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Edmund Burke, Fragment Of a Tract Relative To the Laws Against Popery In Ireland, in Burke's Works, VI, 314-315.

³⁸

Ibid., p. 319.

³⁹

Ibid., p. 333.

power is a logical contradiction, and, considering human nature, there can be no assurance that a dictator will give up power once the crisis is past.

Men have rights to what the state can do for them, keeping in mind that the state exists for the good of all the people, not just any part. Lest it be thought that this talk of Natural Rights which may, as will be seen, be vindicated against the state by revolution is the work of a youth and not the mature Burke, it should be said that when Burke wrote this he was thirty-six years old with five major works written, and was the personal secretary to the Prime Minister. Also, these ideas remained with Burke throughout his life. In addition, Burke did not take this position because the case affected his native land of Ireland. In 1783, eighteen years after he wrote the above-cited work, Burke began a campaign to impeach and punish Governor-General Hastings of the East India Company for his violations of the Natural Law in India. There was nothing sectarian or mean in Burke's views of the Natural Law. All men had rights under the Natural Law which rulers had to observe, lest their rule be treated as "void in its obligatory quality on the mind." Burke's belief in Natural Rights was so strong that he declared Negro slaves to have rights (among them property, marriage and a family, inheritance, leisure time, education, and freedom from physical cruelty) which were to be protected by the Attorney General of the West Indies on frequent inspection trips, sale to be arranged for any slave who had been unjustly deprived of his Natural

Rights.⁴⁰ These strictures were to be in effect for only so long as would be required to bring about the gradual and total abolition of slavery. Nor was Burke willing to assert Natural Rights only for despised groups long distances away. His services on behalf of full civil rights for Catholics and Jews in England, the most hated people in England at that time, forced him to endure the terror of a mob intending to harm him and harmed his political career. Natural Rights, as we have seen, are the rights of self-defense (and of all that follows from it) and of a fair share of the benefits of government. To disregard these rights is to legitimize revolution. That his Natural Law position was the force impelling Burke to a defense of the Americans in one revolution and to an opposition to the Jacobins in another is difficult to deny. In his Speech On Conciliation With the Colonies, Burke says that Britain's treatment of the Americans "is not reconcilable to any ideas of liberty, much less with their's" and that a state ought to promote the happiness of its people, which makes Britain's actions further illegitimate.⁴¹ Burke did not deal much with his objections based on Natural Law in the American case, preferring instead to deal non-philosophically with what he viewed to be a

⁴⁰Burke, A Letter To the Right Honourable Henry Dundas, One Of His Majesty's Principal Secretaries Of State, With the Sketch Of a Negro Code, in Burke's Works, VI, 276-277.

⁴¹Burke, Speech On Conciliation With the Colonies, pp. 70 and 86-87.

fundamentally non-philosophical dispute, but it must be clear from the above quotation that Natural Law considerations were very much in his mind. Burke's recourse to Natural Law is much more explicit in the case of the French Revolution, for here he was faced by a crisis that was penultimately philosophical, and in which Burke's antagonists were claiming the sanction of the Natural Law. A rather extensive quotation is called for, for in it Burke states as clearly as he ever did his concept of the Natural Law.

Far am I from denying in theory, full as far is my heart from withholding in practice (if I were of power to give or to withhold) the real rights of men [*italics Burke's*]. In denying their [*the Jacobins'*] false claims of right, I do not mean to injure those which are real, and are such as their pretended rights would totally destroy. If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is only an institution of beneficence; and law itself is only beneficence acting by a rule. Men have a right to live by that rule; they have a right to do justice, as between their fellows, whether their fellows are in public function or in ordinary occupation. They have a right to the fruits of their industry, and to the means of making their industry fruitful. They have a right to the acquisitions of their parents, to the nourishment and improvement of their offspring, to instruction in life, and to consolation 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 favor. In this partnership all men have equal rights, but not to equal things... But he has not a right to an equal dividend in the product of the joint stock; and as to the share of power, authority, and direction which each individual ought to have in the management of the state, that I must deny to be amongst the direct original rights of man in civil society, for I have in my contemplation the civil social man, and no other. It is a thing to be settled by convention.⁴²

⁴²Burke, Reflections On the Revolution In France, p. 67.

This passage should, first, silence those, such as Cobban, who have felt that by attacking the French view of Natural Rights, Burke was attacking Natural Rights per se. A study of this passage, in fact, shows Burke felt Natural Rights to be the basis of civil society and of all laws. Men have, based on Natural Law, an extensive list of rights, but among these are not the "rights" to equality of property or to equality (or any power) in the government of the state. This second point should not be overstated. Though Burke was cool to what has been called government by the people, he was not prepared to rule it out in principle. The fact that Burke, at the time he was fighting a philosophy declaring the right to overturn the world in the name of the Rights of Man, affirmed his total devotion to those rights more than ever before, shows just how deep his feelings for the Natural Rights were.

The Natural Law pervades the views Burke held on economics. The state is to stay out of concerns involving the economy, except when (as in the case of the East India Company in India) an economic concern is acting in a way violating the Natural Law. Burke held that the laws of commerce, which are supply and demand set by the parties to a transaction, are part of the Law of Nature, and are not to be tampered with by the state.⁴³ One reason for this is that Burke believes the government in the economy is the proverbial bull in the china shop, but another is that Burke feels

⁴³ Edmund Burke, Thoughts and Details On Scarcity, in Burke's Works, V, 157.

government intervention in the economy necessarily harms liberty and Natural Rights. Burke will never permit this to happen. It is possible to attack the views that Burke held on economics, but not his sincerity in holding them, nor the degree to which they comported well with the other elements of his theory. They were drawn up not to be of benefit just to any one class of society, but in order to protect the liberty of all. This is shown very clearly by the fact that Burke was willing to violate his cherished laws of economics when their operations in India violated the Natural Law. Burke was simply not the type of man to put his theories above the good these theories were designed to promote. This is not to say that he was no philosopher, for he was a great one, but that he was no ideologue.

Burke's views on the origins of Natural Law are important. The Natural Law concept, in various forms, had, after all, been held by many different theorists. The difference between Burke and Locke and Hobbes was that Burke held to the original God-centered Natural Law, whereas the other two held to the newer man-centered "Natural Rights". Burke believes God to be the source of Natural Law. God sanctions the moral law and the social contract, the latter being the source of all human laws and the former being the standard against which all human laws must be judged. Different ideas of the Natural Law are found in Hobbes and Locke. Hobbes favors an absolute sovereign because it is good for man; Locke favors a representative system and safeguarding of rights, since

these are good for man. Man, as Stanlis points out in Edmund Burke and the Natural Law, is the key factor in Hobbes and Locke.⁴⁴ This is not so with Burke. Burke holds to the Natural Law not because it is good for man (though he surely believes it to be so), but because it comes from the Hand of God. Burke's belief in an eternal moral order derived from God pervades all his thinking; man cannot perceive perfect moral truth, and therefore cannot be the arbiter of the human situation. Because this is so, Burke felt that any claim by a man or institution to absolute power was a clear infringement of the Natural Law and an attack on God, the ultimate Legislator of the universe. It must follow that limitations upon government are therefore an integral part of the law of God. Many laws are, as has been seen, to be settled by convention, but the most basic goals and direction of government are set by God in the name of liberty and the rights of the human being. In contrast to Hobbes and Locke, however, Burke values the Natural Law simply and purely because it is the Natural Law, the law of God.

A rather different view of the Natural Law is presented in Maistre, and the concept is put to a very different use. The similarities between Burke and Maistre initially look greater than the differences. Maistre, after all, does believe in a divinely-created Natural Law that is centered on God and is irrevocably binding on all men. A national constitution, in point of fact, cannot

⁴⁴Stanlis, Edmund Burke and the Natural Law, pp. 25-27.

be written by men. The constitution of a nation is written by God through the actions of divinely-inspired great men and through the God-created traditions and geographical locale of a people. The most important parts of a constitution cannot be written at all without endangering the state, for the very act of writing a law would make people think they have power over it (which Maistre heatedly denies). The essence of a true law (as opposed to the code of regulations of a club or similar group) consists of its ability to coerce all into obedience. As such cannot be the work of man, for not even all men could make a law capable of coercing all men, law is necessarily the work of God. This renders all laws Natural. All laws are therefore outside the right of man to annul, interpret, or expand.⁴⁵ This goes far beyond Burke in the sphere allotted to the Natural Law, for Burke left much to convention. Maistre leaves no proper act of government outside the Natural Law. Since the task of a law is merely to declare a pre-existing custom (and this itself is to be avoided), the legislative output of any state is necessarily as near zero as possible.⁴⁶ All the legislating necessary for any well-ordered state was done by God at the moment of its creation. The most a human legislator can ever do is to

⁴⁵ Maistre, Essay On the Generative Principle Of Political Constitutions, in Lively, Works Of Joseph De Maistre, pp. 147-148.

⁴⁶ Ibid., p. 151.

read the national constitution written into the body of the nation by God, and act accordingly. Whereas Burke could say "Early reformatons are amiable arrangements with a friend in power"⁴⁷, Maistre opposed any reform, for several reasons.

First, to seek reforms is to judge the work of God, which cannot be permitted. Second, certain defects are inherent to the nature of any constitution, because God knew the fallible nature of the material for whom He was legislating.⁴⁸ Third, since a true reformer would have to have unerring insight into both the essence of a nation and its future (which is quite impossible for any human), any reform carried out by human action would necessarily have abuses attached to it, abuses greater than those it sought to correct. Maistre, therefore, has identified the Natural Law (which to him includes all laws) firmly with the status quo.

It is, furthermore, impermissible for an individual to seek to judge whether or not a state has violated the Natural Law. A divine institution, the papacy, exists for that purpose. Maistre never gives any hints as to how the papacy is to perform this function, this being a matter between the Pope and God. It is safe to assume from Maistre's writings and temperament

⁴⁷Burke, Speech On the Economical Reformation Of the Civil and Other Establishments, in Burke's Works, II, 280.

⁴⁸A. Robert Caponigri, Some Aspects Of the Philosophy Of Joseph De Maistre (Chicago: University of Chicago Press, 1945), p. 156.

that as long as a ruler does not attack Catholicism, the rights of the aristocracy, or the customs of his country, he will have little or nothing to fear from the Church. The common people have no rights deriving directly from God, but instead receive their rights indirectly from God, through custom. The rights of the common people are granted by the sovereign in keeping with custom, but the rights of the sovereign and the aristocracy "are constitutive and basic, having neither date nor author."⁴⁹ Though the rights of all men (which are viewed by Maistre as being corporate privileges) necessarily derive ultimately from God, as all things must, it is evident that the rights belonging to the pillars of society do so in a much more direct fashion than do the rights of the less exalted elements of the society. This is a thought that would never have been found in Burke.

The question of the Natural Law in Maistre brings up the question whether he may be considered a Catholic positival theorist. This is, after all, a central concern for the content of his Natural Law. There has been much dispute on this point. Lebrun sees Maistre as departing from Catholic thought by downgrading the role of human reason in the formation of government and by treating sovereignty as an end in itself⁵⁰, and Murray declares

⁴⁹Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, p. 77.

⁵⁰Lebrun, Throne and Altar: The Political and Religious Thought Of Joseph De Maistre, pp. 100-101.

"Maistre's treatment of religion may have been good sociology and good statesmanship, but it was far from being good theology."⁵¹ These statements would have hurt Maistre, who clearly considered himself a Catholic theorist. Fortunately for the Count, there are other views expressed on this subject. An anonymous writer in 1854 referred to Maistre as "the leading exponent of the neo-Catholic school"⁵², Edmund Wilson declared "The whole of de Maistre's system is founded on the belief in a Catholic God who has appointed a Catholic king"⁵³, and Orestes Brownson was confident that Maistre was "sound and orthodox."⁵⁴

One cannot say with any real justification that Maistre's views on Natural Law either were or were not Catholic. It is my contention that his views on Natural Law were shaped both by his Catholicism and by the ideas of the Enlightenment he so despised. It should come as no special surprise that the root of Maistre's belief in the necessary coerciveness of laws and the great stress he places on sovereignty stem from his belief in original sin, which is surely a sound Catholic doctrine.

⁵¹John C. Murray, "The Political Thought Of Joseph De Maistre," Review Of Politics, XI (January, 1949), 77.

⁵²"De Maistre and Romanism," North American Review, LXXIX (October, 1854), 378.

⁵³Edmund Wilson, "Joseph de Maistre," New Republic, August 24, 1932, p. 38.

⁵⁴Orestes Brownson, "Joseph de Maistre On Political Constitutions," Brownson's Quarterly Review, IX (October, 1847), 460.

Lebrun takes Maistre to task for being non-Catholic in seeing the state in a far less positive light than Aquinas does. The second part of the charge is, as will be seen in a later chapter, definitely true, but the first part, that of being (based on this fact) non-Catholic is clearly not true. Maistre stands here in the good company of Augustine, who viewed the state as "a coercive order, maintained by the use of force and relying on the fear of pain as its major sanction for compliance to its commands."⁵⁵ Augustine is certainly as much a Church Father as Aquinas, and so Maistre stands vindicated here.

A more serious charge brought against Maistre's Catholic orthodoxy on the Natural Law question is that he does not view the state as serving the needs of all, which is contrary to Catholic belief.⁵⁶ It is possible to give a qualified assent to this charge. As was seen, the rights of all men are not equally important in Maistre's state. The rights of everyone are, however, all protected to some extent, and are all under the care of God. The state does, moreover, serve the needs of all. Man's fallen state requires a strong coercive authority over him, but this authority, by controlling man's baser instincts, provides for his moral and educational betterment. Maistre expresses this in a rather striking fashion when he says "Man

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Herbert A. Deane, The Political and Social Ideas Of

Saint Augustine (New York: Columbia University Press, 1966), p. 117.

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Lebrun, Throne and Altar, p. 101.

in general, if reduced to his own resources, is too wicked to be free."⁵⁷ Consequently, the chief virtue of the state, and of other institutions, is that by not leaving man to his own resources, they may succeed in moralizing man to the extent that he can be free. As has already been seen to some extent, and shall be seen again, the definition Maistre gives to "liberty" is a strange one. At any rate, it can be said that Maistre's state does serve all the people, but does not do so equally. Maistre is, therefore, at most unorthodox on this count, but not clearly non-Catholic.

Another serious charge that has been made against Maistre is that he downgrades religion generally by using it, without actually valuing it.⁵⁸ According to this charge, Maistre is captivated by what religion can do to preserve the status quo, and embraces religion for that reason. It is true that Maistre's view of Christianity is rather hard, but not any harder than that of Augustine. The equation that harshness equals irreligion that Soltau attempted to draw with respect to Maistre just does not necessarily fit. While it is true that Maistre did recognize that religion could help preserve the status quo, it must be evident by now that he viewed the status quo he wished to preserve as fundamentally religious. This is no argument for the view that Maistre's theory, including his idea of Natural Law, is

⁵⁷ Maistre, The Pope, in Lively, Works Of Joseph De Maistre, p. 144.

⁵⁸ Soltau, French Political Thought, pp. 21-22.

irreligious. The entire character of the man also militates against such a conclusion. A man who, as a religious duty, as an adolescent passed the last night with condemned criminals, was always a firm friend of the Jesuit Order, and was recalled as Savoyan ambassador to Russia because the Russian government suspected him of working for the conversion to Catholicism of Russians, can hardly have his devotion to religion questioned fairly. His view of religion was superficially rather cold and harsh, and this is undoubtedly what Soltau sees as irreligion. Maistre's coldness and harshness is, however, only in means and not in goal. Maistre declares that "Nations have never been civilized except by religion."⁵⁹ The belief that civilization, which is the only alternative to slavery, can come only through harshness is not, at root, harshness per se. Maistre's ideas about religion may be uncongenial to many, but, whatever his relationship with Catholicism as a political creed, his loyalty to Christianity as a religion is clear. Though he recognized the socially conservative potentials of religion⁶⁰, it is quite false to say, for that reason, that Maistre's adherence to religion was unscrupulous.

⁵⁹ Maistre, Generative Principle Of Political Constitutions, in Lively, Works Of Joseph De Maistre, p. 163.

⁶⁰ Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 106.

A charge against the Catholic nature of Maistre's political theory that is not so easy to deny is that by stressing faith over human reason in the creation of the state he falls into the heresy called Fideism (the lauding of faith over reason).⁶¹ It has already been seen that, unlike Aquinas, Maistre reduces to zero the independent role of human intelligence in the translation of God's law to human concerns. It does seem that there is no way in which this can be reconciled with Catholic orthodoxy. To this extent, therefore, Maistre's Natural Law doctrine is more authoritarian than is traditional Catholicism.

Much of the complexity of Maistre's Natural Law theory stems from the complexity of the man himself. There is no denying that Catholicism was an extremely powerful influence on his thinking, but Maistre was also "a philosophe in spite of himself, an eighteenth century man."⁶² This shows up in many places through his whole theory, but never more than in his concept of the Natural Law. The first sign of this is Maistre's belief that, just as there may be knowable rules of natural science (Maistre's writings are replete with analogies to natural science.), so there are knowable rules of morality and society. The publicizing of these rules is the main concern of Maistre.

⁶¹ Lebrun, Throne and Altar, pp. 110-111.

⁶² Elisha Greifer, "Joseph de Maistre and the Reaction Against the Eighteenth Century," American Political Science Review, LV (September, 1961), 598.

For Maistre to be a true philosophe, he would have to feel that man can manipulate these rules. It is obvious from the heart of Maistre's writings that man alone cannot do this. This must be so, because these laws are the creation of God, and are ever under His control. When man works in concert with God, his power is, if not limitless, at least greatly expanded. In a case like this, man might indeed be able to realize the Natural Law upon Earth. This is Maistre the Christian Philosophe speaking. Since Maistre endorses the Augustinian belief that evil is "a fissure in being"⁶³, cooperation between man and God can remove this fissure and realize the laws of morality. This "cooperation" does require total subordination of man to God, but it does place man in a position to hasten the establishment of God's kingdom on Earth. What one has here, then, is a combination of Catholic and Enlightenment belief. It is not surprising that this should be so of a man who could make an Enlightenment-sounding statement like "I feel myself consumed more than ever by the fever to know."⁶⁴ This could, paradoxically, have served as the motto of the Enlightenment.

It is quite possible that Maistre's authoritarian view of the Natural Law stems partially from the Enlightenment.

It is known that Maistre in his youth was far better read in

⁶³Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, p. 69.

⁶⁴Quoted in Lebrun, Throne and Altar, p. 18.

the authors of the Enlightenment than those of the Scholastic tradition. Furthermore, the similarities between him and that authoritarian precursor of the Enlightenment, Thomas Hobbes, are great. The similarities appear in many places, though obviously not in the way in which government is formed. As to the ends and means of government, however, both thinkers agree that the Natural Law is to provide for civil peace and civilization through the actions of an authoritarian ruler.⁶⁵ It is possible that Maistre got his authoritarian concept of the Natural Law either from his particular interpretation of Catholicism, from the authoritarian wing of the Enlightenment, or, most likely, from both together.

The key differences between Burke's and Maistre's views on the Natural Law emerge from their different views on religion and their receptivity to different currents of the eighteenth century. Burke's religious views, to the extent he defined them, were probably more than anything else influenced by the libertarian heritage of early Christianity, whereas Maistre embraced Catholic doctrine at its most extreme point of authoritarianism. Burke was probably also influenced by his early period as a Lockean, for though he broke with Locke, many Lockean ideas such as limited government, natural rights against the

⁶⁵ Thomas Hobbes, Leviathan, in The English Philosophers From Bacon To Mill, ed. by Edwin Burt, (New York: Random House, 1939), 202-203.

state, and ultimate right of revolution remain. It was already seen that Maistre was influenced by a very different current of Enlightenment thought. Both these men were religious, influenced by the Enlightenment, and conservative, but what they did differently with these three currents was often more decisive than what they did the same. A concrete application of this will be seen in the next section on the State of Nature.

I. The State of Nature. Burke's first known work, his brilliant satire of Bolingbroke, A Vindication Of Natural Society, is in large measure an attack upon the concept of the State of Nature, and the kind of thinking which follows from it. It may not be a coincidence that this work was written one year after the appearance of Rousseau's Discourse On the Origin and Foundation Of Inequality Among Men. At any rate, it is Bolingbroke's style that is copied, and copied so well that when this work first appeared anonymously it was generally thought to be a posthumous work of Bolingbroke, as Burke intended it should seem. Burke (as Bolingbroke) praises natural society, which was "founded in natural appetites and instincts, and not in any positive institution."⁶⁶ This was a pre-political paradise, but was destroyed by governors and priests for their own good.

Since then, all people, even the rich, have been made miserable

⁶⁶Burke, A Vindication Of Natural Society: Or a View Of the Miseries and Evils Arising From Every Species Of Artificial Society, in Burke's Works, I, 11.

by living under an artificial society and pursuing artificial needs. The solution to this cannot be other than a throwing off of these enslaving superstitions and a return to natural society in the name of reason.⁶⁷ The goal of this work was to show that Bolingbroke's ideas on religion could be profoundly subversive of society, and that abstract State of Nature doctrines generally were dangerous to society. Burke succeeded too well, for this work has probably been quite instrumental in deluding those who have thought that Burke rejected the concept of a State of Nature per se, and therefore rejected the concept of Natural Law.⁶⁸ This work was really a satire on abstract theorizing about the State of Nature, not a true attack on the concept of the State of Nature. Burke's views on the State of Nature were ambiguous. He did retain enough of his Lockean background to feel there was at one time a State of Nature, but as to whether the effects of this State of Nature extend to the period of civil society, Burke is not entirely clear. Burke does, as we have seen, believe that there are Natural Rights, and since these rights derive directly from God and not entirely from human convention, this would suggest they

⁶⁷Ibid., p. 66.

⁶⁸Two writers who have made this mistake are: Sabine, A History Of Political Theory, pp. 607-609, and John MacCunn, The Political Philosophy Of Burke (New York: Russell and Russell, 1965), pp. 198-199.

were operative in the State of Nature, and carried from there into the State of Society. In his Reflections On the Revolution In France, however, Burke says "Indeed, in the gross and complicated mass of human passions and concerns the primitive rights of men undergo such a variety of refractions and reflections that it becomes absurd to talk of them as if they continued in the simplicity of their original direction."⁶⁹ This is simultaneously the most revealing and the most befogging statement Burke makes on the relationship between the State of Nature and the State of Society. It must be noticed that this statement does not deny that there are "primitive rights of men", or that these rights are carried over into civil society. In actuality, this statement affirms just those points. It does say, however, that one cannot be certain just how operative man's primitive natural rights are in the State of Society, or in what way they are operative. Burke recognizes the tremendous potential the State of Nature concept can have for liberty and limited government, in that it makes man's most basic rights prior to any action of government, and he therefore embraces it, but he is also distressed by the abstractness of the concept and the multifarious ways in which it can be used. From his very beginning as a writer, Burke understood the tremendously subversive potential of the State of Nature idea.

⁶⁹ Burke, Reflections On the Revolution In France, p. 70.

This may be the reason why Burke chooses not to paint a picture of the State of Nature in the way that Locke, Hobbes, and Rousseau do. An allied reason is most probably his dislike for treating abstractions directly. It is a reasonable belief, nevertheless, that had Burke undertaken to paint such a picture, it would have been intermediate between that of Locke and that of Hobbes. This would be so because Burke's view of the essence of man is intermediate between those of the other two theorists. Man, in Burke's estimation, is neither so needing of a firm hand above him as was felt by Hobbes, nor so capable of autonomy as was Locke's belief.

Burke does not really deal with the State of Nature very much. Instead, he much prefers to speak of the State of Society, while assuming that there is some (unclarified) linkage between these two states. It is quite incorrect to say, as Cobban did, that Burke believed that any effect of the State of Nature had to cease upon man's entry into civil society.⁷⁰ The more correct view is that put forward by Canavan, who said that Burke felt Natural Law to be superior to all human authority, but also felt that it was mediated to society through the nation's traditions, institutions, and positive law (This leads one to suspect an influence of Saint Thomas Aquinas upon Burke.); civil society is, therefore, both natural and artificial.⁷¹ Just how these two

⁷⁰Cobban, Burke and the Revolt Against the Eighteenth Century, pp. 52-53

⁷¹Canavan, Political Reason Of Edmund Burke, p. 85.

pieces of the puzzle fit together is too theoretical a question for Burke's liking and is not answered, but they do fit together, and yet remain separate pieces.

In one sense, Burke does feel that the State of Nature and the State of Society are inseparably joined. This is because, since "art is man's nature", the State of Society is man's true State of Nature.⁷² Man is in his truest state only when he is achieving all that God gave him the power to achieve. A statement like this should serve to refute those who might see Burke as some sort of reactionary. A strong strain of what might be called conservative Christian humanism runs through Burke's thoughts. One of the main reasons why Burke does not especially like the State of Nature concept, apart from its excessive abstractness, is that man could not achieve his true stature as a man in any State of Nature. Burke did not question the ability of man to be both civilized and free. Hobbes stressed civilization and Rousseau freedom; Burke sought to reconcile the two concepts. Neither concept alone was desirable, or possible.

Many theorists both before and after Burke's time have seen war as an example of the State of Nature, a situation in which there are no laws. Burke either did not believe war to be an example of the State of Nature, or did not believe the State of Nature to be normless. It is not clear which of these beliefs was Burke's. The Natural Law is an overarching concept,

⁷²Burke, An Appeal From the New To the Old Whigs, p. 105.

which is interpreted by first the Law of Nations, and then by the laws of particular states.⁷³ Both the Law of Nations and the laws of individual states are subordinate to the Natural Law. The Law of Nations applies to international relations and war. The property of citizens in a conquered state is inviolable, and the conqueror must assume a moral responsibility for the conquered; if this responsibility is not performed, the conqueror may lose the moral right to the sovereignty he has won.⁷⁴ All this goes to suggest that Burke's State of Nature is more one with rules, like that of Locke, rather than one without rules, like that of Hobbes. In his treatment of war, at any rate, Burke has again sought to banish the primitive State of Nature from the midst of man in the name of Natural Rights and human liberty.

Maistre's concept of the State of Nature is far more complex than that of Burke, and simultaneously gives indications of the authoritarianism and mysticism of Maistre's thinking. Maistre begins by quoting approvingly Burke's statement that "art is man's nature." Whereas, however, Burke had not intended this to be a generalized attack upon the possibility of a State of Nature, Maistre feels that this is what it should be. Maistre declares that as God wills the development of man, the developed man is the natural man. By talking about man in an impossible

⁷³Stanlis, Burke and the Natural Law, pp. 88-89.

⁷⁴Ibid., pp. 91-93.

State of Nature, Rousseau has shown that those who are divorced from God (which Maistre believes Rousseau to be) are also divorced from good sense.⁷⁵ We saw in the second chapter that Maistre means something very different by "the developed man" than Burke does. It is not surprising that Maistre turns withering scorn on those who adhere to the State of Nature philosophy. This is because his writings are in many ways "a political, philosophical, and religious justification of the restoration movement."⁷⁶ As is therefore to be expected, Maistre had a great antipathy toward any theory that could be seen to justify a belief in revolution. The very theory used by his enemies to justify revolution was surely no exception.

Maistre singles out Rousseau as the arch-exponent of the State of Nature concept, and prepares to try to refute him. He begins this task by declaring that the existence of such a state would have to be proven historically, which of course cannot be done.⁷⁷ Maistre is, however, aware of the fact that Rousseau, though he sometimes gets carried away, uses the State of Nature as a logical construct, and therefore Maistre seeks to refute it as such. The State of Society must be natural

⁷⁵Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, pp. 95-97.

⁷⁶Hans Barth, The Idea Of Order: Contributions To a Philosophy Of Politics, trans. by Ernest Hankamer and William Newell, (New York: Dordrecht, Reidel, 1960), p. 122.

⁷⁷Caponigri, Aspects Of the Philosophy Of Maistre, p. 103.

for three reasons: first, because God wills man's perfection (which can take place only within society), second, because society is part of God's creation, and third, because one can tell what is natural from what develops.⁷⁸ These factors plus man's natural sociability prove the naturalness of civil society, and conversely the unnaturalness of the State of Nature, to Maistre's satisfaction.

Just after he has demolished the State of Nature concept to his own satisfaction, Maistre develops a theory partaking of the State of Nature in many ways. As has already been pointed out at several places in this dissertation, Maistre, though at odds with the spirit of his age in many ways far more than Burke ever was, paradoxically reflected its temperament and theories, especially those of his arch-enemy Rousseau (in a distorted fashion), more accurately than Burke ever did. Maistre uses his belief in the Deluge of Noah to prove that men before the Fall were far superior to the men of his time. Maistre's line of reasoning here gives a good insight into his theory of punishment (of which more will be said later) and into the way in which his thought processes operated. Since (Maistre believed) punishment is proportionate to one's knowledge of guilt, the fact that God handed down the harsh punishment of the Deluge shows that man at the beginning had much greater

⁷⁸Ibid., pp. 112-113.

understanding and knowledge (including scientific knowledge) than he possesses today.⁷⁹ What we see here is that Maistre uses one debatable proposition (that there was a deluge) to give support to a debatable conclusion (that the human race fell to its present state from a high pinnacle of knowledge). This is certainly extremely poor logic. Laski is quite correct in saying that Maistre would reach his conclusions before he even made his inquiries.⁸⁰ This antediluvian State of Nature was one in which men were totally subordinate to God, and individualism of the sort Maistre hated was unknown. Men never engaged in atheistic studies, and everyone was happy. The collapse of this happy state of affairs stemmed from man's heretical quest for knowledge and from his willful pride. This Maistrean morality play gives an indication of Maistre's inconsistent use of the term "knowledge." "Knowledge", in the sense of individual inquiry into all aspects of heaven and earth, was one of Maistre's greatest enemies. On the other hand, Maistre used "knowledge" in a second and unusual fashion. In his preferred definition, knowledge was the subordination of the individual to society and the acceptance of the status quo, religious and political, based on faith. It was the first kind of knowledge that had landed man in his predicament, and it was the second that could extricate him

⁷⁹Maistre, The Second Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, pp. 201-202.

⁸⁰Laski, Studies In the Problem Of Sovereignty, p. 232.

from it. Maistre, in other words, articulates a dialectical theory of the State of Nature. Man was originally in a blissful State of Nature marked by a high plateau of knowledge and union with his Creator. The fact that man was in harmony with God suggests that this knowledge was of the second variety, that of submission. This divine state came to an end because of the first kind of knowledge, and man has been suffering for his sins ever since. The search for knowledge is, however, legitimate, as long as it is the right kind of knowledge (Here Maistre seems to include intellectual endeavor, within limits, along with submission to authority.), and is, moreover, a sign of man's desire to return to his **original state** and escape the degradation into which he has fallen.⁸¹ A very crucial fact to understand about Maistre, one uniting him with his *Philosophes* foes and morally justifying (in his own mind) the general authoritarian cast of his thought, is that this degradation can be overcome and, unlike Burke's view that this must happen by centuries of evolution heading in a direction that man probably cannot comprehend, it can be done in the twinkling of an eye. Here Maistre the fierce polemicist and Maistre the man who resigned from the Savoyan Senate (a body with judicial functions) due to an inability to hand down death sentences, become one. Maistre was a personally kind man and did not embrace his authoritarian

⁸¹ Maistre, Second Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 198.

theory out of any cruelty in his nature, but (quite the contrary) because the redemption of man from eons of torment was constantly within reach, and must not be permitted to slip away. The great goal to be achieved would make almost any action morally permissible. Robespierre undoubtedly would have agreed. Maistre the Philosophe is never more evident.

Underlying Maistre's belief in a lost and regainable State of Nature is the concept that government and society are separable. Whether this belief stems from Augustinianism or eighteenth century theories (especially those of Locke) is uncertain. It is not, however, unthinkable that the man who once said "Contempt for Locke is the beginning of knowledge." could have himself been influenced by Locke. This is true both because of Maistre's incongruous division into both Christian and eighteenth century thinker and because of his tendency to use excessively tough language as a means of getting the attention of an audience.⁸² In all likelihood, in this as in so many other things, Maistre was both Christian and spiritual contemporary of the Enlightenment. Several things necessarily follow from this division of society and government. First, society is (in Maistre's theory) seen as chronologically prior to government. The State of Nature was a condition with society, but without government (except in the broadest sense of direct rule of men by God). As must emerge from this belief, government is morally inferior to society,

⁸²Lebrun, Throne and Altar, pp. 22-23.

and (though ordained by God) is ordained in order to provide for man in his state of corruption. A certain stand-offishness toward political authority is the result. It is a reasonable assumption that this was a major source of Maistre's Papalism, for here was an authority that (in Maistre's belief) was entirely (or primarily) moral, and not political. When mankind makes its return to God and to its primitive state, the need to control man's imperfections will pass away, as the imperfections pass away, and so government will cease. This point ought to be carefully considered by those who would like to see Maistre as a true fanatic for authority, for, without downgrading the authoritarian components of Maistre's theory, the use of political (as opposed to moral) authority was always instrumental. Man, as he ought to and could be, would have no need for political authority, because moral authority would be wholly secure. It is most unfortunate that even those who have some kind words for Maistre (of whom Matthew Arnold is one of a select group) downgrade this aspect of his thought. Arnold, in fact, declares Maistre to be "altogether inferior" to Burke in his imaginative power, but to have "fewer superfluities."⁸³ If by "superfluities" one means the willingness to make a radical leap of faith into uncharted regions (at least in theory), the reverse may, to some extent, be the case. Maistre's views of the State of Nature

⁸³Matthew Arnold, "Joseph De Maistre On Russia," London Quarterly Review, CXLVIII (October, 1879), 229.

show him to share, in an indirect fashion, the optimism of his age. There is a goal to history, and it is right over the horizon and magnificent. One can somewhat forgive those who ignore these utopian segments of Maistre's theory, for he himself did not like to make them too explicit, due to their obvious similarities to the philosophy he was combatting. They do, nevertheless, pervade his theory and serve as the moral justification for his authoritarianism. That this contradicts fundamentally Maistre's stress on the necessity of preserving the entire status quo (social, religious, and political) is certain, because his belief in the non-political quality of the returned State of Nature was nothing less than a formula for the ultimate political revolution, to be carried forward by faith. It is not likely that Maistre understood fully all the revolutionary implications of what must be called his State of Nature theory. To eliminate government, even by total reliance on God and faith, would be about the most revolutionary activity imaginable, and would be profoundly disruptive of all aspects of human life.

It may be said, therefore, that both Burke and Maistre embraced their particular theories of nation, Natural Law, and the State of Nature with a view to human betterment. Burke felt this could be best achieved by reconciling order and liberty, because both were necessary to the pursuit of the good life, and both could come simultaneously. These beliefs led Burke to support a system of independent states existing within a

general framework of moral law, a Natural Law derived from God which would serve to maintain both liberty and order, and a State of Nature which, however vaguely, bestowed certain rights which were to be enjoyed within the social state. In these aspects of Burke's theory, it is impossible to place either liberty or order before the other, be it chronologically or in degree of importance. The situation in Maistre is rather different. With this theorist, order must come before liberty in point of time, so that liberty (which is significantly different in Maistre than in Burke) might be achieved at all. In the realm of international relations, this requires the subordination of all states to the one state which is not a true state, the Papacy. The Papacy, as the incarnation of God's law, is to so order all the states that they will achieve their true liberty despite themselves. Maistre, as a good theist, does believe there is a Natural Law, but he also fuzzes the issue by identifying God's law with all laws, so long as they are in keeping with a country's God-given traditions. This follows necessarily from Maistre's belief that God is sole Legislator, and certainly places a high premium on order. This order, however, being God-given, must include all the liberty man is capable of having, for no one knows the nature of a creation better than the Creator. Finally, Maistre debunks one theory of the State of Nature that seeks to set liberty against order, and upholds another that seeks to achieve liberty

(in Maistre's definition) through order. That this last pursuit, as shown, can in its own way be seriously subversive of order was not understood by Maistre, and does not alter the chronological order of precedence he favored. Burke, therefore, saw order and liberty as inextricably interwoven, and Maistre saw the achievement of liberty through order.

That this is more than a trivial difference should, hopefully, be obvious. Among other things, it bespeaks a rather basic difference in the two theorists' views of man, which is a subject that necessarily pervades their entire theories, this dichotomy having been seen in the last chapter.

Chapter IV: Sources and Nature Of Sovereignty

A. Origin Of Positive Law. As was seen in chapter three, Burke believes there is a relationship between natural law and positive law. The case of Hastings showed a positive law could not be legitimate unless it was reconcilable with natural law, but beyond this it is difficult to really understand the relationship between the two types of law. One would think that the strong ethical and religious cast of Burke's mind would cause him to say there were principles against which one could judge the content of positive law, but on this point he is ambiguous. This may be the only case in which the French Revolution succeeded in working a major change in one of Burke's basic ideas. At about the age of thirty, Burke penned a criticism of the seventeenth century chief justice Sir Matthew Hale, one of the great proponents of the case-by-case approach in common law. Burke said that one can understand the historical development of the law, and that this development often derives from principles outside the common law outside.¹ It is a safe assumption that Burke meant such principles to be ethical and religious. By the time of the French Revolution, however, the concept that common law was derived from laws outside of itself had vanished from Burke's writings. One of Burke's most important

¹J.G.A. Pocock, Politics, Language, and Time: Essays On Political Thought and History (New York: Atheneum, 1971), p. 224.

statements on the subject follows.

We [the British] wished at the period of the Revolution [1688], and do now wish, to derive all we possess as an inheritance from our forefathers [emphasis Burke's]. Upon that body and stock of inheritance we have taken care not to inoculate any scion alien to the nature of the original plant. All the reformations we have hitherto made have proceeded upon the principle of reverence to antiquity; and I hope, nay, I am persuaded, that all those which possibly may be made hereafter will be carefully formed upon analogical precedent, authority, and example.²

This statement is followed by a careful analysis of the major reformations of British history, detailing how the architects of these reforms made a point of showing how any changes they instituted derived not from any abstract principle, but from previous positive laws. If Burke is to be believed, therefore, the legitimacy of a law derives from its antiquity, and nothing else. It is a bad idea to say a thinker did not really believe what he claimed to believe (for who should know better?), but Burke's own writings of the same period and his temperament permit us to discount what he says of himself on this point. It is quite impossible that Burke, who was morally outraged by what he perceived to be the atheism of the Jacobins, would have said that the basic laws and institutions of his society were secular in nature. Naturally, if laws only derive from their antiquity and from no innate principles, secularism is perfectly legitimate. Burke had by no means become a secularist. In his letter on Protestant rule in Ireland, written to his son in 1793, clear evidence of this is given. It is said by

²Burke, Reflections On the Revolution In France, pp. 35-36.

him that Protestant tyranny in Ireland is an evil and ought to be put to an end, but that the established Anglican Church was of two hundred years duration in that country and had therefore become an indissoluble part of the Irish landscape.³ No theory basing positive laws on their age alone can possibly reconcile all parts of this last statement, for Protestant tyranny in Ireland was every bit as old as was the establishment of the Anglican Church there. Time, however, did justify the latter, but could not justify the former. This was because the former was manifestly unjustifiable, violating as it did the law of God and the ends of proper government. The establishment of the Anglican Church, though a mistake in a primarily Catholic country, did not have this tyrannical quality. Time, therefore, can grant no right to an immoral law, practice, or institution. Principles outside of the common law and knowable to the human intelligence remain central to Burke's concept of the positive law. It may be assumed that Burke made his false declaration to the contrary because he was fighting an armed ideology that arrogated to itself the right to judge all laws and institutions based on independent principles. Though the Reflections On the Revolution In France is rightly considered Burke's philosophical magnum opus, it must be remembered that it was by no means written as an abstract articulation

³Burke, Letter On Protestant Ascendancy In Ireland, in Burke's Works, VI, 403.

of Burke's philosophy. As was true of most of his works (excepting only his Philosophical Inquiry Into the Origin Of Our Ideas Of the Sublime and Beautiful, a very early work), a concrete goal was being pursued. The existing order in England was to be preserved, and this could be done best by denying principles had anything to do with the legitimacy of laws. To accomplish this goal, Burke says time alone validates laws and institutions, and laws and institutions arise to cope with specific problems and show their continued worth by their survival.⁴ By trying to articulate a belief he did not hold, Burke landed himself in a logical contradiction. He said a law is good because it is old, and also old because it is good. This would say that age and worth are parallel factors, but it gives contradictory answers to the question of whether goodness is an independent quality. Burke, naturally, did believe it to be so, and moreover felt it to have no necessary connection with age whatsoever. That which was old commanded Burke's respect as an example of the accumulated wisdom of generations, but it did so only in the absence of any other relevant information. Age would give no weight to a law or institution when it could be demonstrated convincingly that the law had become useless or harmful. A very powerful demonstration, however, would have to be made before this conclusion could be reached.

⁴Pocock, Politics, Language, and Time, p. 229.

In the case of Maistre, there is not this common law notion that laws, and consequently institutions, work themselves out in a pragmatic fashion over a long period of time. The most common way for laws to be established is for either God Himself or a divinely-inspired lawgiver to create the state and its national character. If this character is sound and the state is at peace, there will not be any special need for laws, and such laws as are needed will arise automatically from the nation's character. What this shows is that, unlike Burke, Maistre does not hedge at all about the relationship of principles to the laws. The principles which form the heart of every nation's laws must be Catholic principles. All states must be religious, and Maistre, unlike Burke, does not see his faith as being included in the general cause of religion. Catholicism is the highest religion. One state need not be the carbon copy of all others, because, for example, one may be a monarchy and another a republic, but the strictures of Catholicism must rule in all. This removes for Maistre several problems that are very real for Burke. First, what is to be done about an outdated law? In Maistre's scheme of belief, there can be no such thing. Any true law must rest on immortal principles and must therefore be itself immortal. As Catholicism will have no end, neither will the laws dependent upon it. A second question that somewhat agitated Burke was whether a bad law can gain anything from longevity in way of respectability. As was seen,

Burke answered in the negative. For Maistre, the question can have no meaning. A law or institution that does not have Catholicism and Ultramontaniam (Gallicanism *is* unacceptable.) at its heart cannot qualify as even a bad law; it is no law at all. This reaches the point of Maistre discounting the permanence of Protestantism in England after two and a half centuries and speaking quite seriously of England's return to Catholicism. It was one of Maistre's great fears that the nations of Europe would come to consider Jacobinism a permanent part of the French landscape after it had remained in power a number of years, but he himself was never willing to do so, no matter how long it might exercise its sway. This makes Maistre's view of laws a good deal less flexible than that of Burke. Burke, as was seen, based his notion of law on the common law tradition, modified by the need of these laws based on a country's slowly changing traditions to adhere to a basic standard of morality. Burke was no more willing than Maistre to consider the French revolutionary experience as ever being able to become a part of that nation's tradition. The Englishman, however, because he did not believe in an established infallible guardian of rectitude on earth, provided for gradual alterations in a country's traditions, and hence in its laws. He was, moreover, quite aware that these incremental changes could become radical over the centuries. The Savoyard, on the other hand, certainly did believe in such an earthly guardian of rectitude, and he

therefore saw the role of a moral man as resistance to any change. What is is sanctified in Catholic countries. Change is entirely immoral, as it can only be change from a more just to a less just situation. That this contradicts fundamentally the Millenarian element of Maistre's thought related in chapter three is obvious.

All this goes to show that neither Burke nor Maistre can actually be considered a traditionalist. Neither one is willing to grant any legitimacy to a law or institution based on its longevity exclusive of adherence to proper principles. This is quite clear in the case of Burke. The Protestant Ascendancy in Ireland was two hundred years old, and could have been two hundred times two hundred years old without gaining a single day's legitimacy, because the principles at its core were fundamentally illegitimate. The age of a practice granted it no right unless it was joined to justice. Only the right tradition could claim prescription. Strange as it may seem, this was exactly the position of Maistre, except for Maistre's belief that no new right traditions were being developed. The Catholic Church itself, though Maistre was impressed with its longevity and considered this an argument in its favor⁵, was not revered by him because of its antiquity, but because of its righteousness. This is shown by the fact that Maistre praises the Church highly

⁵Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, pp. 74-75.

for its abolition of slavery, an institution he admits to have been of even longer duration than Christianity.⁶ Slavery, therefore, could not claim to be a tradition worthy of protection any more than the Protestant Ascendancy could for Burke. Neither man was going to hold to the incorrect doctrine that what was old was necessarily good, nor was either going to make himself an amoralist by holding to what was old regardless of its moral merit or demerit. Despite this, Burke felt longevity could contribute to a law's legitimacy, and Maistre felt it could not.

Maistre is far from clear as to the exact source of sovereignty. As was already seen, man is not able to create by himself, and one would therefore assume with good reason that sovereignty is entirely the work of God. This would be a fair overall assessment of Maistre's position, but for the fact that he himself is not willing to strip man of all importance in the formation of sovereignty. He says that sovereignty and laws derive from both God and man.⁷ It was seen that the form sovereignty takes is entirely the work of God, and yet the existence of sovereignty is entirely man's doing. Just as human evil was no part of God's design, so sovereignty (which exists only to control human evil) was no part of this original design.

⁶Maistre, The Pope, in Lively, Works Of Joseph De Maistre, p. 144.

⁷Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 94.

This does show the power of the human being in Maistre's theories. Man quite literally forced God to do something He had not intended when he required God to create sovereignty. Maistre was, in other words, not being deceptive when he pictured sovereignty as a joint undertaking of God and man. The ultimate responsibility for the existence of sovereignty is, in fact, man's. This is not much of a testimony for man, however, because Maistre feels sovereignty to be a necessary evil and in no sense anything to be happy with. His attitude toward sovereignty is much the same as that of the donkey in Orwell's Animal Farm toward his tail: he appreciates having a tail to keep away the flies, but he would rather have no tail and no flies. Man created the flies and hence bears full responsibility for the tail, but had no say in the design of the latter.

Burke sees the state as originating to cope with certain problems inherent in the nature of human association. The question of whether it was founded by men or by God is one that Burke does not care to tackle expressly, but the temper of his thought suggests a mixture of the two, with God creating the initial state to be a help to man and with man modifying it to cope with new problems that emerge. The way sovereignty originates in Burke's theory thereby shows both man's weakness and his strength, in that man needs help and can profit by it, and that he does not create sovereignty, but can modify it rather radically. For Maistre, the state also exists to solve

certain problems, but they are not problems necessarily inherent in the human condition. This gives rise to a basic ambiguity toward the state in Maistre's thought.

B. Moral Justifiability Of Sovereignty. As can be seen from the above, both Burke and Maistre feel sovereignty to be morally justified, but their reasons for feeling this are somewhat different. Both believe the ultimate justification to lie in the fact of human imperfection. Burke sees the state as necessary to more or less complete what is a reasonably good and just social arrangement. The state must repress those who would endanger their fellow citizens and must also carry out a number of positive functions. The thing that more than anything else causes Burke to see the state as justified is his belief that it is an intrinsic and necessary part of society, and of the justifiability and merit of society he has no doubt. There has never and could never be a society without sovereignty, and the two are inextricably intermingled. Like Hobbes, Burke sees society and sovereignty as permanently joined, but unlike him sees society as the more important of the two. To Burke it makes no more sense to question the justifiability of sovereignty than it does to question the justifiability of morality, whose seldom used guardian sovereignty is. The case is rather different with Maistre. It is, first of all, impermissible in his view to question the morality of sovereignty, for God has created it, and that must answer all questions. In a larger

sense, however, Maistre gives the question much more meaning than Burke was willing to. This is because sovereignty only exists due to man's sins, and these sins (chiefly the sin of disobedience) are not necessary and did not always exist. Sins, furthermore, need not always exist, as was seen in chapter three. Sovereignty is associated with human sin in a much clearer way in Maistre than in Burke. This cannot help but lower the Savoyard's overall opinion of sovereignty. Sovereignty is also not necessarily part of society. If society were what it ought to be (an assemblage of truly religious and obedient men), no sovereignty would be necessary. It would, in fact, not exist at all if society had not voluntarily corrupted itself. Sovereignty is something imposed on a partially corrupt society, and not an actual part of that society. Maistre is in full agreement with Rousseau that sovereignty ought not to exist, but differs from him by feeling that immorality caused sovereignty, rather than the other way around. Burke and Maistre part company on this count primarily because Burke feels sovereignty to be a justifiable and permanent part of human existence, whereas Maistre feels it to be justifiable, but transitory. In one way, therefore, Maistre is less authoritarian than Burke, and in another way more. Maistre, unlike Burke, does not feel political authority to be a permanent fixture of the human condition, but Maistre's political authority, while it exists, is of a far more authoritarian nature than that of Burke.

C. The Variability Of Political Forms. Both Burke and Maistre, though personally devoted to monarchy, are fully willing to accept other forms of government in certain states at certain times. For neither, however, does this imply a right for a nation to erect a form of government of its own choosing. Both traditions and geographical considerations militate against this. Burke and Maistre held to Montesquieu's view that a large state must necessarily be a monarchy, though Maistre accepted this in a more absolute sense than did Burke. Burke remarks on this subject that monarchy had always been felt to be the proper governmental form for France, due to the country's expanse.⁸ Monarchy would, after the crushing of the Jacobins, have to be reestablished.⁹ This is not to be taken as saying Burke had any general antipathy to republics as such. He, in fact, declares that he has none at all, but that a government must be suited to the nature of its nation.¹⁰ By this, Burke is not referring only to the expanse of the country or to its climate alone, but to the character of its people as well.

Burke showed this by his analysis of the equalitarianism of the American character, which, he probably suspected, made the

⁸Burke, Thoughts On French Affairs, in Burke's Works, III, 315.

⁹Burke, Remarks On the Policy Of the Allies With Respect To France, in Burke's Works, IV, 405.

¹⁰Burke, An Appeal From the New To the Old Whigs, p. 46.

Americans poor material for monarchy, despite the expanse of their territory. Human factors are shown to be more important than the factors of geography and climate when these factors conflict. Burke, however, does not consider all governmental arrangements to be of equal merit. Two forms are singled out for his attack. The first of these is absolute monarchy. Even in the height of his defense of the Ancien Regime of France, Burke was prone to refer to it as a "monarchical despotism."¹¹ He adds that one of the virtues of monarchy is that it is easily tempered, thereby implying that it is good only if tempered. The other bad form of government is absolute democracy, a form of government inclined to party tyranny and only acceptable when mixed with other forms.¹² These points show a very strong dislike on Burke's part for all forms of government that involve unrestrained power. It is possible that some peoples are at a stage of historical development where a form of despotism is unavoidable, but such are very much the exception, and this does not render the fact morally justified.

Maistre holds to geographical determinism in a much more striking way than Burke. Form of government is strongly joined to climate, as Maistre accepts Montesquieu's belief that liberty is somehow most natural in Northern regions.¹³ The tendency

¹¹ Burke, Speech On the Army Estimates, in Burke's Works, III, 218.

¹² Burke, Reflections On the Revolution In France, p. 144.

¹³ Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 100.

of one country to have a certain form of government is rendered unalterable by the fact that God has decreed the form of government for it by giving the people their particular national character and territorial locale. What God has decreed is, of course, beyond the right of man to question. Though Maistre has a strong preference for monarchy (which, among other things, leads him to a positive detestation of America), he is entirely unwilling to support its adoption in countries that have not had it traditionally. Just as certain countries are unavoidably monarchical, others are unavoidably republican or despotic. Such matters are beyond the control of men. Governmental forms are not too important anyway, so long as they adhere to the proper norms of morality. As Maistre himself (rather surprisingly) says, "It is just the same to be subject to one sovereign as to another."¹⁴ Despite this, there are certain forms of government Maistre would rule out, as was the case with Burke. The two polar opposite forms of government, pure democracy and absolute despotism, cannot exist, the first because it is "an association of men without sovereignty", and the second because every power has some limits.¹⁵ Even the greatest despot is still a man, and is, therefore, unable to establish a true despotism. All forms of government are between these two extremes. Maistre's opinion of republics is quite ambivalent. To be a

¹⁴Ibid., p. 113.

¹⁵Ibid., pp. 119-120.

republic, a state must be small, so that the "spirit of association", which is vital to a republic, can be strong, and it must also be very wise and public-spirited. It is unnecessary for the government of a republic to do much, for all the people respect the communal property and the society itself takes care of much that would otherwise be left to government. The only serpent in this Eden concerns the administration of justice. The crowd has too much power in a republic and demands harsh punishments for aristocratic offenders and lenient punishments for non-noble ones.¹⁶ Aristocracy rules in a republic, just as it rules everywhere, but since it is not openly affirmed it has a tendency to be galling to the people. It is astonishing that Maistre, who is viewed as an arch-royalist, has so much good to say about republics. It could be that when he arrived in Lausanne, Switzerland as a virtually penniless middle-aged war refugee, the peace and order he found there softened the sympathetic heart of this royalist. Many of Maistre's passages on republics could have been written by Jefferson.

In dealing with democracy, Maistre in many ways stole a march on Tocqueville. Democracy is a form of government with very few restraints on it, and is consequently one that can be very oppressive. It is also a very unstable form of government, as there is great divisiveness between the aristocrats who rule in fact, but not in name, and the people who rule in

¹⁶Ibid., p. 122.

name, but not in fact. Democracies often do wild and foolhardy things, and a magistrate of justice in one is weak because he has to depend on his equals for carrying out (One cannot say enforcing.) his decisions. The equalitarian spirit is capable of summoning up great exertions in the people. The people are willing to surrender everything to the state. These factors make a democracy brilliant, but its internal weaknesses cause it to be only transitory.¹⁷

All other forms of government are openly aristocratic. An elective aristocracy is a form of government quite similar to a republic, but very weak for reasons that can easily be discerned. The class tensions in such a society can easily build up to an explosive point. An hereditary aristocracy is essentially a monarchy with no monarch. It is a less vigorous form of government than monarchy and has less splendor than monarchy, but there is no other form of government as wise.¹⁸ Its vigor is less than monarchy's because it is a plural executive, but on the subject of this form of government's wisdom, Maistre seems to have in mind the Roman Senate in its prime.

The form of government to which Maistre pays the most attention is monarchy. He feels this to be almost synonymous with government as such and to be the form of government proper for practically every nation. It is a government both vigorous

¹⁷Ibid., p. 127.

¹⁸Ibid., p. 119.

and splendid, and more importantly, one in which justice is equally administered. Monarchy is not to be confused with one-man rule. First, "It is always the king's council that rules."¹⁹ In a monarchy, as in every other state, the aristocracy is the administrative class. This serves as a major check on the king's power. Second, the king is also checked by all manner of traditions and corporate privileges. Formal checks are, however, not permitted. Despite his overall preference for monarchy, Maistre's view on different governments is summed up by the statement that "The best form of government for each nation is that which, in the territory occupied by this nation, is capable of producing the greatest possible sum of happiness and strength, for the greatest possible number of men, during the longest possible time."²⁰ In other words, a strong strain of pragmatism exists in Maistre's judgements of governments.

It is now evident that despite the very great differences in theory between Burke and Maistre on the limits to be placed on the state, there is very little difference in practice between them. Both men are advocates of limited government. Burke feels this limitation can and should be achieved because of man's generally decent nature. Man is not overpoweringly given to the desire to oppress his brother. It was already seen that Maistre does not hold to this optimistic view of man.

¹⁹Ibid., p. 115.

²⁰Ibid., p. 126.

Man, if given half a chance, will be a tyrant. Tyrants are few, however, because God prevents the abuse of power by causing power to destroy itself when it goes beyond its "natural limits."²¹

Burke provides for limited government by stressing man's capacity for liberty, and Maistre provides for limited government by stressing his belief that authority (in the shape of God) commands it.

D. The Separation Of Powers. On the subject of the formal separation of powers, Burke and Maistre could not be further apart. Burke expressly affirms a separation of governmental powers. In his theory of what the British government is and ought to be, executive power and most legislative power are vested in king and cabinet, both of which are to be separate from the House of Commons. The Commons is to vote on, but not originate, legislation, and to serve as the people's voice in government. The basic theme of Thoughts On the Cause Of the Present Discontents is that the executive branch has been unconstitutionally coopting the House of Commons and thereby bringing disorders to the nation. It would be good if it could be said that Burke was entirely consistent in his theory of separated powers, but he was not. Burke was very attentive to infringements of executive on legislature, but not so attentive when the situation was reversed. In fact, when the second Rockingham administration was about to come to power,

²¹Ibid., p. 118.

Burke was one of the leading proponents of the view that it should accept nothing less than an all Whig cabinet. This constituted nothing less than a major seizure of executive power by the legislature. It is in a way comforting that even a great man like Edmund Burke could be guilty of that myopia which can beset all of us when our prejudices are at stake. There is, despite this, no reason to think Burke did not really believe a separation of powers was right for Britain. His advocacy of a separation of powers goes beyond the case of Britain. All nations ought to have separated powers. As Burke puts it: "States may, and they will best, exist with a partition of civil powers."²² That the French revolutionary government had no such separation of powers, but was instead a government of extreme fusion of powers, was a major count against it in Burke's estimation. Burke, therefore, feels that man's degree of goodness makes limited government possible, and his degree of evil makes separated government necessary. No man or small assemblage of men can be trusted with even formally absolute government. This is one variant of government Burke could not countenance.

Maistre, though nearly as much an advocate of separation of powers in practice as Burke, would not tolerate it in theory, and did not believe it to be possible. Maistre was not blind to the fact that power is not totally in the hands of one man

²²Burke, Speech On the Army Estimates, in Burke's Works, III, 224.

or group of men. He, in fact, refers to England approvingly as a "complex unity" and a "most delicate equilibrium of political forces."²³ Despite this, a division of sovereignty is just like one sovereign making up his mind; when the individual parts work together (as they must eventually, if it is to be said there is a government at all), their decisions are implemented as absolutely as if they were the will of a single monarch.²⁴ It is difficult to question Maistre's contention that all sovereignty is one and absolute. This is rendered even stronger by his very perceptive observation that in every government power inevitably gravitates toward one man or institution that is, in essence, the sovereign, and is beyond appeal.²⁵ It seems that observation of the trend of all governments must force one to accept the first part of this statement, but one might protest that the second part (that some part of government is beyond appeal) is not necessarily true. The case of the American President, who is clearly the center of this government, might be cited as counter-evidence. While it is true that the President of the United States is probably held to account for his actions as much as any central institution in

²³Maistre, Generative Principle Of Political Constitutions, in Lively, Works Of Joseph De Maistre, p. 152.

²⁴Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, pp. 112-113.

²⁵Maistre, The Pope, in Lively, Works Of Joseph De Maistre, p.132.

the world, this may not amount to great accountability. First, a President is reelected or defeated based on his skill in defending his actions, and not because of those actions themselves. The President is ultimately rewarded or punished for his campaign ability. Whether this can be considered being held accountable to the voters is highly doubtful. Second, an American President does so much that any campaign can scrutinize only a tiny percentage of his actions. The rest go entirely without examination in the fullest Maistrean manner. If there could be any doubt that Maistre had proven his case for the unavoidable unity and absoluteness of sovereignty, it would have to be deemed eliminated by his canny observation that anyone who could judge the sovereign would himself be the sovereign.²⁶ To continue with the analogy of the American Presidency, it can be said that the principal would-be judge of the President is his major party rival. If the voting public accepts this judgement, or articulation of judgement, the challenger replaces the incumbent as sovereign. This, however, derogates not one whit from sovereignty, which remains as absolute and united as before. The final proof of Maistre's theory of the unity and absoluteness of sovereignty may be given by pointing out that he did not intend "absoluteness" to mean that government pervaded all of society (for Maistre was no more a totalitarian than an Ultramontanist necessarily is), but merely that sovereignty is absolute when "constitutionally

²⁶Ibid., p. 136.

exercised" within the "legitimate circle traced by the fundamental laws of each country."²⁷ If there is to be government at all, someone must decide a given issue, and he who decides that issue cannot be restrained when he is acting rightly. One cannot help feeling that Maistre is trying here to reconcile his authoritarian impulse and his distrust of human nature, and is not doing a very good job of it. It does not really say very much to say a state is absolute within certain constitutionally circumscribed spheres and in certain constitutionally prescribed ways. Maistre is, in other words, a believer in limited absolutism, with all the illogic that phrase involves. The difficulty he never solved, and never could solve, was who could keep this formally absolute sovereign within his proper bounds without, as Maistre himself observed, then becoming the sovereign. Halfway absolutism is an impossible position, yet it is one that Maistre tries to hold. Despite this, his analysis of the necessary unity of sovereignty is excellent.

Neither Burke nor Maistre was at his best in the treatment of sovereignty, even though the latter took the subject as one of his most important themes. That is because both seek to reconcile a defense of the status quo in practice with limitations on sovereignty (though Maistre was chary to admit he was doing this). This gives social critics a handle with which to criticize the status quo, despite what Burke and Maistre

²⁷Ibid., pp. 139-140.

wanted. Analysis of Burke and Maistre on the subject of sovereignty shows few fundamental differences between the two. Both wanted political stability and limited government and sought to implement them in ways that were not too different in practice. The theoretical differences must not, however, be considered insignificant as indicators of the general direction of their theories.

Chapter V: Ways Of Checking Authority In Burke and Maistre.

Burke and Maistre recognize that authority does not limit itself. How it is to be limited is a major concern to both of them, and is a major difference between them. It will be shown that their solutions to this problem fit into the generally libertarian inclination of the one and the authoritarian inclination of the other.

A. Burke's Theory Of the Party. Burke's concept of governmental limitation sees this limitation as partly taking place within government itself, and central to this view is Burke's theory of the party. Burke agreed with Bolingbroke that the great ideological parties that had disturbed the state in the previous century had passed away, but whereas Bolingbroke saw this as an opportunity to eliminate parties entirely, Burke realized that the resultant social peace made it so parties could be domesticated and used both to check authority and preserve the harmony that they had once destroyed. Until Burke, no theorist had ever seen parties as anything but avoidable or unavoidable nuisances. It was he who showed parties had a vital role to play in the state. It was in opposition to Bolingbroke's theory that a party under a Patriot King should put down parties forever that Burke wrote his Thoughts On the Cause Of the Present Discontents. Burke felt parties were to

become an integral part of government, and he defined party as: "a body of men united for promoting by their joint endeavors the national interest upon some particular principle in which they are all agreed."¹ By thus institutionalizing discontent, both tyranny and rebellion were to be avoided. Parties were not to be revolutionary armies in Burke's view, but they were to be centers of at least possible discontent. It was in a party a public-spirited citizen could work to frustrate the abuses and unconstitutional designs of authority. Being a party member does not make one less loyal to his country, for it proves one capable of loyalty to something beyond himself. The party member, moreover, does not have to subordinate his judgement to that of the party, for he will choose a party he can agree with nine times out of ten.² This last point shows Burke was not only advocating the existence of the Whig Party, but of parties as such. He recognized that many people did not share the ideology of the Whig Party, and many of these people, such as Lord North and Doctor Johnson, were personal friends of Burke. Burke, therefore, realized that men of good will can disagree on what is good for the people, but that such disagreements can be absorbed within an ongoing, peaceful, state. Parties were to be fully law-abiding institutions, and yet by

¹Burke, Thoughts On the Cause Of the Present Discontents, in Burke's Works, I, 530.

²Ibid., p. 533.

reading between the lines it can be assumed that in time of major crisis a party could be the spearhead of revolution, as was the case in 1688. Burke never has anything to say against this earlier use of party, but it is an event he would rather not see repeated. Parties are not to check the government by being armed bands of desperadoes (as many in Burke's time were inclined to see them), but by organizing the House of Commons in the name of the people and of liberty, and by voting down assaults on the constitution by either crown or cabinet. If necessary, this policing function could take the form of subjecting cabinet members to impeachment, "that great guardian of the purity of the constitution."³ The Member of Parliament, working through his party, is to have "a strenuous resistance to every appearance of lawless power; a spirit of independence carried to some degree of enthusiasm; an inquisitive character to discover, and a bold one to display, every corruption and every error of government."⁴ The M.P. is to be a pest on the public payroll determined to make miserable the life of any member of government performing in a way contrary to the trust bestowed on him. A party organizing the Commons is to be a control for the people on the government; it was the reversal of this formula that was the fundamental "cause of the present discontents." Burke has the fullest confidence that if this

³Ibid., p. 495.

⁴Ibid., p. 497.

day-to-day inquisition of government is carried out, both revolution and tyranny can usually be avoided. There is every reason to believe him to be correct.

B. Burke's Theory Of Revolution. Despite all this, a revolution may become necessary. It, however, "will be the very last resource of the thinking and the good."⁵ There are actions of government which justify revolution. As Burke says of 1688, "The Revolution was made to preserve our ancient, indisputable laws and liberties and that ancient constitution of government which is our only security for law and liberty"⁶ (*italics Burke's*). The attempt of James II to change Britain's traditional constitutional order and establish a royal absolutism justified his violent overthrow. Burke probably saw the similarity between this case and that of America, where Britain was seeking to alter the arrangement which had grown up between herself and her colonies over the years. If the preservation of the status quo were the only justification Burke saw for revolution, this would surely be a conservative enough theory. He was, however, quite willing to judge the worth of a status quo according to questions of content. Burke, at the outset, did not know how to judge the French Revolution, for he knew the status quo it overthrew was one eminently deserving of overthrow. He, however, refuses to say exactly what acts permit

⁵Burke, Reflections On the Revolution In France, p. 35.

⁶Ibid., p. 35.

a revolution against the status quo. His definitive statement on this issue follows.

The speculative line of demarcation where obedience ought to end and resistance must begin is faint, obscure, and not easily defineable. It is not a single act, or a single event, which determines it. Governments must be abused and deranged, indeed, before it can be thought of; and the prospect of the future must be as bad as the experience of the past. When things are in that lamentable condition, the nature of the disease is to indicate the remedy to those whom nature has qualified to administer in extremities this critical, ambiguous, bitter potion to a distempered state.⁷

Burke was not in the habit of giving lessons on revolution, and he did not desire to do so here. The gist of the foregoing quotation is that when revolution is required, the need will be recognized. Nevertheless, the basic configurations of Burke's ideas on the principles whose violation justifies revolution can be discerned. Not surprisingly, they revolve around the Natural Law. It stands to reason that the violation of the principles upon which sovereignty is founded will entail the more-or-less violent restructuring of a particular sovereignty. What these principles are has already been discussed. It will be remembered that they constitute an impressive catalogue of individual rights. One can now see that the violation of one or two of these rights is to be vindicated by appeal to Parliament; the wholesale rending of these rights, which would logically include an elimination of the right of appeal from the acts of government, could be set right only by the "bitter potion" of revolution. Burke's foregoing statement can be

⁷Ibid., p. 34.

compared to one by Locke declaring revolution to be justified by "a long train of abuses, prevarications, and artifices, all tending the same way, [which] make the design visible to the people, and they cannot but feel what they lie under and see whither they are going."⁸ The similarities between Burke's statement and that by Locke are too great to be coincidence. This is another case in which Burke's early attraction to Lockeanism shows up very strongly. A fundamental difference between the two concerns who should decide when revolution is justified. Locke declares: "If any men find themselves aggrieved and think the prince acts contrary to or beyond that trust, who so proper to judge as the body of the people?"⁹ Burke is unwilling to grant the right of determining the necessity of revolution to the people. His more elitist opinion is as follows:

The wise will determine [the necessity of revolution] from the gravity of the case; the irritable, from sensibility to oppression; the high-minded, from disdain and indignation at abusive power in unworthy hands; the brave and bold, from the love of honorable danger in a generous cause.¹⁰

A revolution is right when the leading individuals and classes of the society determine the concrete conditions justifying it to exist. This is what Burke pictures as having taken place in 1688. Though I am no student of seventeenth-century British

⁸John Locke, The Second Treatise Of Government (New York: Bobbs-Merrill, 1952), p. 126.

⁹Ibid., p. 139.

¹⁰Burke, Reflections On the Revolution In France, p. 35.

history, it seems unlikely to me that James II had been abandoned by all the influentials of Britain. This points up the fallacy of Burke's view as to who is to throw down the gauntlet of revolution. It is not to be expected that any large group of people, such as the leading classes of society, will ever be entirely united about a concern of trivial importance. It is far less to be expected that they will unite on such a risky undertaking as revolution. If one hundred percent of the great men of England declare James II has committed crimes deserving revolution, it is a reasonable expectation that he has done so. If, however, seventy-five percent of the natural leaders of a society would convict the king, and twenty-five percent would exonerate him, what is to be done? It would seem that if one-quarter of the great men of a society are convinced the ruler has acted both legally and morally, one cannot embark on revolution with an entirely clear conscience. The only way that Burke can justify revolution to himself is for all the nation's natural leaders to deem it necessary, and, despite Burke's views of 1688, this just will not happen. A further problem with Burke's justification of revolution is that it begs one very important question: who are the natural leaders of a country that are to determine the existence of factors justifying revolution? It is all too easy, if one wants to justify a revolution, to say that one's friends who support the revolution are the natural leaders of the country. It is

an unfortunate conclusion, yet one that must be made, that Burke probably did exactly this with regard to the 1688 revolution.

Burke feels that, when it is necessary, revolution should be carried out for strictly limited purposes. The assault on the constitution is to be foiled and situations returned to the state they were in before revolution became necessary. In the case of 1688, for example, Burke says that after the deposition of James II, "They [the Whig revolutionaries] left the crown what, in the eye and estimation of law, it had ever been--perfectly irresponsible."¹¹ Whether or not this is true as a matter of historic fact is a secondary consideration; what is important is what it shows about Burke's whole theory of revolution. One of the aspects of the Revolution of 1688 that most recommended it as a model was that, in Burke's estimation, far from altering the constitution, it left it the same, but strengthened. A revolution should be carried out to remove the tumor or cluster of tumors that has required it, while harming the healthy surrounding tissue as little as possible. In some cases, this may require radical surgery. In the case of France, while denying the right to meddle in France's purely internal affairs, Burke recommends sweeping changes. As Cone observes, Burke recommended for France a constitutional monarchy with a freely-elected Estates General sharing with the king power over taxation, guarantees for liberty and security for

¹¹Ibid., p. 31.

the people of France, and the establishment of a Catholic Church purged of the abuses that had helped to bring on revolution.¹² Cone holds these recommendations against Burke, feeling that they were unrealistic and violated Burke's own strictures about the limited nature of reforms. Burke was indeed recommending revolution, and what he called for may have been unrealistic for France, but he understood that the Revolution, though in his view the work of conspiratorial brigands, had been brought to fruition because of the widespread abuses in the system it was attacking. Social reconstruction was not a favorite occupation for Burke, but when he saw it to be necessary, he was not averse to recommending it. If possible, revolution should constitute nothing more than the throwing off of a light deposit which has accumulated on the surface of the body politic, but if some change is necessary, it must be undertaken. This may even require radical reshaping of the system. Burke did not think this would usually be necessary, but his hand did not tremble to hold the knife if it had to to save the life of the patient.

Burke's notions of checking authority, by various means, are nothing if not libertarian. When at all possible, any check on authority should be made moderately and non-violently, in response to very concrete, correctable, abuses, and with an

¹²Carl B. Cone, Burke and the Nature Of Politics: the Age Of the French Revolution (Lexington, Kentucky: University of Kentucky Press, 1964), 379.

eye to its concrete effect on the people. Unlike some of the people of his time, Burke was painfully aware of the sufferings to which the Jacobins were subjecting the people of France in pursuit of a theoretical Golden Age. Moderate reforms are those most likely to work, and will not harm people in doing so. When revolution was necessary, and the cause of liberty might make it so, it was to be carried out in a fashion that would not be unduly damaging to the body politic. As was already seen, Burke's concern for the security of the body politic is, while undoubtedly influenced by a conservative temperament, primarily the result of his view that a state's traditional laws and institutions are the best safeguard for its liberty. Abstract reforms carried out with a view to theoretical perfection are likely to be destructive of liberty in fact. In this aspect of his thinking, libertarianism definitely takes precedence over conservatism. Conservatism is upheld as the best means to liberty. There is no reason to doubt Burke's honesty in declaring that he placed liberty above conservatism. His whole life was a testimony to his probity.

C. Maistre's Views On Limiting Authority. A very different concept of checking authority is found in Maistre. It was seen in the previous chapter that Maistre declares authority to be absolute, and even refers to it as being able to "commit evil with impunity." A king, Maistre's model for a sovereign, is so splendid that before him all subjects, both noble and

common, are as good as equal.¹³ This was quite a statement for a convinced aristocrat like Maistre to make. Nevertheless, it is implied, without ever being actually stated, that the king will be subject to institutional checks that the wise king will heed. Maistre declares that the king cannot impose death or corporal punishment, as that power is transmitted by him (Maistre, as a magistrate, was very sensitive to the importance of an independent judiciary.), cannot judge in civil cases, may order imprisonment or exile, but should do so publicly and have the advice of an "enlightened council" in doing so, and should not deny the people the right to denounce abuses to him.¹⁴ There, however, are not and cannot be any formal institutional checks on a stupid or evil king who seeks to flaunt his responsibilities. The aristocracy and privileged classes would doubtless try to hinder such activities, and probably could do so in the short run, but the king, if he sought to be a tyrant, could gain the upper hand over the aristocracy. The king has the power to ennoble men and families, which means he would have no difficulty in bringing into the administrative class people who would serve him. There are, therefore, no indestructible intra-societal limitations upon the king. This is because no one may depose or even judge the king.¹⁵ The king is God's

¹³Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 116.

¹⁴Ibid., p. 117.

¹⁵Ibid., p. 117.

annointed, and so to judge the king would be to judge God, which is obviously unacceptable to Maistre. At this point, the situation becomes quite complicated. One would think that to say the king could not be judged or deposed would be to say he was entirely independent in whatever he did. Such is not the case. First of all, Maistre, as an Ultramontanist, declares the Pope to be "the natural head...of universal civilization", and says the Pope has the power to check and make bearable temporal power.¹⁶ Though no member of a national society may judge his king, the Pope, as the leader of universal society, may and must. How Maistre is able to reconcile this with his earlier statement that the king may not be judged is a good question. He does not expressly answer this question, but one can hazard two possible answers. First, though no man may judge a king, in the same way that all men are the same before a king, so all men, both kings and subjects, are the same before the Pope. When, therefore, a sinner's case is before the Pope, the holiness of the judge eradicates all claim to merit by the defendant. In other words, though this individual who is before the Pope for judgement is a king to all other men, he is no king to the Pope. A king may not be judged, and when the Pope judges this man, a king is not being judged. A second possibility is that the Pope does not do the judging. The judging is done by God

¹⁶Maistre, The Pope, in Lively, Works Of Joseph De Maistre, pp. 142-143.

through His **earthly** intermediary, the Pope. No one could possibly deny that God, Who is the Creator of all sovereignty, may judge that which He has created. Maistre is of the opinion that this power of judgement exercised by the Pope, either directly or as the servant of God, would eliminate both tyranny and the need for revolution. There is no reason, given Maistre's view of the Pope, to doubt that such would be the case, if the Pope possessed sufficient military power and a sufficient emotional hold over a believing population. In the Middle Ages, it must be remembered, the disapproval of a Pope caused an Emperor of the Holy Roman Empire to stand in the snow imploring forgiveness. Maistre refuses to give any hints as to how the Pope judges whether or not to disapprove the actions of a king. He declares, in fact, that the Pope is "limited only by the blindness or bad faith of princes" and that it is foolish to judge by abstract rules in place of experience.¹⁷ The matter is left entirely up to the conscience of the Pope, and Maistre has perfect faith this power will not be abused.

If mere disapproval by the Pope does not bring an erring sovereign into line, there are more potent weapons to be utilized. In the ultimate extremity, the Pope could excommunicate the king and give his subjects a dispensation from sovereignty. This would, of course, cost the king his throne, if the Pope could make his verdict stick. What is remarkable is that Maistre

¹⁷Ibid., p. 143.

does not seem to understand the revolutionary nature of such an act. He goes so far as to say this power of the Pope permits resistance without revolution and without denial of sovereignty; the Pope has even increased the respectability of sovereignty by coercing it into doing right.¹⁸ Since some, probably many, people would continue to stand with the formally dethroned king, such an action, far from avoiding revolution, would instead touch off civil war. Further, whatever the abuses of a particular sovereign, it is ludicrous in the extreme to say that sovereignty can be rendered more respectable by it being shown that a sovereign can be undone by a nod of the Pope's head. An employee who is on minute-to-minute tenure is noticeably lacking in respectability. Maistre, who stresses the importance of sovereignty, would destroy all sovereignty (except that of the Pope) by rendering it contemptible.

D. Maistre's Treatment Of Revolution. Perhaps because of the unbelieving nature of his epoch, Maistre realizes many people will not accept the authority of the Pope as a sufficient check on authority. Rather against his will, Maistre is forced to discuss the subject of revolution. His attitude toward revolution is rather ambiguous. One of the greatest faults he finds with Protestantism is that it permits rebellion in both religion and politics.¹⁹ Maistre is convinced Christianity

¹⁸Ibid., pp. 140-141.

¹⁹Ibid., p. 137.

cannot justify revolution. On the other hand, however, he also holds to the inconsistent view that there are two choices for an individual with regard to sovereignty, obedience or rebellion; furthermore, the sovereign may be killed, but not judged.²⁰ This is a very peculiar statement. One would think that nothing implies a judgement of a sovereign quite so much as overthrowing and murdering him. People who are satisfied with their governments seldom undertake the risk and bloodshed of revolution. There seem to be three possible explanations for this anomaly. First, Maistre may have been caught nodding in this part of his theory, and simply did not realize how absurd it is to speak of revolution without judgement. Maistre was a human being, and would have been capable of error. A second possibility is that Maistre was quite aware of the apparent conflict, and sought to use it to demonstrate his belief that revolution is an act of irrationality. In this explanation, revolution would not necessarily imply judgement, any more than a lion implies judgement when it devours a man. A government which had Maistre's great respect, that of France, was overthrown in what he considered to be the irrational culmination of an irrational age. What Maistre saw as abuses in the France which existed prior to the Revolution were the penetrations of the Enlightenment philosophy into the court and aristocracy. The

²⁰ Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 113.

traditional French system was sound, and there certainly was no ground for its overthrow. The third possibility is that this conflict is but another example of that conflict that runs through so much of Maistre's thinking: that between Maistre as man of the Enlightenment and Maistre as conservative. The second man wanted earnestly to place all authority beyond judgment, but the first knew this to be impossible and ultimately destructive of good government. This conflict was never resolved, and never could be, because it reflected a duality within the thinker himself.

Yet another cause of Maistre's strange ambivalence to revolution stemmed from his theory of human uncreativity. Man could not really create anything, least of all a revolution against divinely-instituted authority. The reason the French Revolution broke out in the first place, and later proved so powerful, was that God, not the Revolution's nominal leaders, was actually controlling its course, in order "to regenerate [France] by punishment", because "terrible means must be used to set her on her true course again."²¹ Maistre took second place to no man in his desire for the end of Jacobin tyranny, and probably had more faith than many that Jacobinism could not succeed (for God would destroy it when He was ready), but unlike his fellow exiles in Lausanne, he was in no special hurry.

²¹Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, pp. 48-50.

This was because the Revolution was a sign of some divine plan that man could not ultimately foil, the attempt to foil it being as much heresy as the attempt to make a revolution. Maistre must have infuriated his compatriots by saying that God had prevented an early counter-revolution so that all guilty parties in France might be punished.²² Here were the exiles chafing at the bit to get back to France, or some other place (like Savoy) where the revolutionary armies had penetrated, rebuild their estates, settle scores, and take up where they had left off, and one of their most prominent leaders was playing the part of a Menshevik of the right. This is an indication of what happens when it is believed human beings are impotent before some all-encompassing force, be it God or historical materialism: paralysis of will results. Maistre felt he could speed the end of Jacobinism in just the same way as he could seek to prevent the collapse of his house in an earthquake and keep his body from being ravaged by smallpox: he could pray to God. It is paradoxical to say that revolution is, at the minimum, morally suspect, but human opposition to revolution, unless one be unmistakably a tool of the Lord, is also morally suspect. Such, nonetheless, was Maistre's position.

Maistre gives no instructions as to how the necessity for revolution is to be determined. Even though he may permit revolution against a sovereign (but without judging him!), the

²²Ibid., pp. 53-54.

idea of writing a primer for revolutionaries would not be especially congenial to Maistre. It was seen earlier that on this problem, and many others, Maistre stresses the superiority of experience over abstract rules, but experience of what? Apparently religious persecution does not justify revolution, for Maistre never suggested the revocation of the Edict of Nantes to permit such extreme action, and even expressly upheld the legitimacy of the Inquisition as a way for the embattled Church to defend itself against heretics and unbelievers. Even when the Jesuit Order (for which Maistre always had a passionate regard) was expelled from France under the monarchy, he was not prepared to call down the fire and sword of revolution upon the evildoers. Deprivation of property rights would also not justify revolution. Under no state did regressive taxation deny property rights to the mass of the population more than was the case in pre-revolutionary France. It was already seen that Maistre was highly aware of the necessity for an independent system of justice, but even this lack did not merit resort to political violence. The Lettre de Cachet was a fundamental institution of the French monarchy and could in no way have been reconciled to Maistre's ideas of the administration of justice. It was also seen that Maistre felt it was important for people to have the right to denounce abuses to the king through a somehow elected body. It need hardly be belabored that the French kings had succeeded in destroying the Estates

General as a viable institution of society. The French monarchy, whatever its potential for reform, in its main outlines stood as an insult to Maistre's theories of what a state should be and do, and yet he was unwilling to sanction its replacement. If even the ultimate atrocity (in Maistre's view) of expelling the Jesuit Order can pass without sanctioning revolution or at least a Papal suspension of sovereignty, how can it be said that the state must observe any rights, be they individual or corporate? It is incredible that Maistre, who possibly more than any political theorist who ever lived, looked at the specter of human evil full in the face, could merely say to the sovereign "Be good!", and remove in practice any rights about which he must be good. Maistre was not willing to say about a traditional sovereignty: "Here it committed a punishable offense." Just what can be beyond the rights of an originally legally-constituted state is a complete mystery. As impossible as it seems to reconcile this to much of the rest of the body of Maistre's thinking, it seems unmistakable, since no concrete cases of legitimate opposition to authority are given in practice, that any resistance to authority, even resistance by the Pope, is a mere act of will, which cannot be understood or defended logically. This opens up two likely possibilities with regard to the subjects of a state: either unrestricted obedience or unrestricted opposition. In view of the nature of man, about which Maistre had no illusions, unrestricted opposition is the far more likely eventuality, though not the one Maistre favored.

As could be expected from the fact that Maistre gave no hints about the reasons why revolution could be undertaken, he also gives no instructions as to who is to announce and carry out a revolution. One would anticipate, given Maistre's elitist bias, that a revolution would be the work of an upper-class minority. The case is, however, not certain. One idea that Maistre considers and rejects is that the call for revolution can be given by a permanent tribunal of government. He rejects this idea because revolution is the destruction of sovereignty, which would be the destruction of the authority of the institution that declared revolution.²³ There is a large measure of truth to this statement, but it may not be as compelling as Maistre believed. It is true that the declaration of revolution would have to be this tribunal's last official act, at least for the duration of the interregnum, but this would not eliminate its authority for this last act of suicide, nor would it dissuade a sufficiently public-spirited institution. Three problems, however, emerge. First, membership on this body would carry some prestige and salary, and its members might not want to lose these, especially since the revolution might fail, with its champions losing thereby not only their offices, but their heads. Second, an agency such as this would become one of the most vital institutions of government, and

²³Maistre, The Pope, in Lively, Works Of Josenh De Maistre, p. 138.

its prior consent to acts of government would probably be secured either by giving it a veto over legislation or by bribing its members with money or power. Once this institution became formally or informally involved in the day-by-day business of governing, which would probably be inevitable, the specific function for which it had been organized would tend to atrophy. Finally, as was a problem with Burke, a less than unanimous verdict for revolution, which would be the likely event, would be of a dubious binding quality. In other words, an institution like this would be possible in practice, but uncommon nonetheless. Maistre did not, however, abandon the concept of minority-led revolution. He was very definitely of the opinion that the people do not decide revolutions, but are at most a passive instrument; as Maistre puts it very succinctly, "Perhaps four or five people will give France a king."²⁴ This statement, however, raises more questions than it resolves. First, it may not refer to the carrying-out of a revolution. It could, instead, suggest a mode of choosing a king after a revolution. If this does refer to the carrying-out of revolution, the problems are still extreme. First, what four or five people are to carry out revolution? Maistre had no high regard for either the morality or intelligence of those who opposed him (He said of Locke that "Contempt for Locke is the beginning of knowledge.", and of Voltaire that "Paris crowned him--Sodom would have banished him."),

²⁴Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, p. 86.

but many other people considered them among the great men of the time. Why should not these people be the ones to lead a revolution, as in Maistre's eyes they had? Allied to this first question is the one of how these men are to be selected. If rules for the selection of revolutionaries were made, a long step would have been taken toward the setting up of rules of revolution, a task Maistre wanted absolutely to avoid. Just as Maistre gave no useful instructions on the rightful causes of revolution, so he is not helpful on how a revolution is to be led.

Finally, there is the question of what should be done after the revolution. What should be its goals? It is suggested with regard to France that the counter-revolution is to reinstitute all of pre-1789 French society, minus those Enlightenment accretions that helped lead to revolution. It is not certain, however, that this is typical of Maistre's view of revolutionary goals as such. Some change as a result of revolution may be permitted. At one point, Maistre says that a few wise men can make political improvements.²⁵ Who these few wise men are, what these improvements are, and when and under what conditions they can be made, are nowhere explicated. Maistre is willing to entertain the idea of reforms, but then drops the subject.

²⁵Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 104.

It must be obvious that this is probably the most frustrating and perplexing part of all Maistre's thinking. In no other place does the basic tension between Maistre as Enlightenment thinker and Maistre as Conservative (or reactionary) show up more strongly. The issue of resistance to authority was, after all, the issue which most disturbed Maistre about the Enlightenment. Maistre wanted to do everything he could to eliminate resistance entirely, or to tie it to a conservative and respected authority (the Papacy) which would not abuse it. Maistre himself, however, recognized that the need for revolution could not be as easily eliminated as he would like, and he was therefore forced to legitimize in principle what he despised in fact. This caused a basic tension in his thinking on the subject, which resulted in his inability to create rules to limit the genie he had unleashed. He could not bear to stay on the subject long enough. Maistre's position on restricting authority may therefore be referred to as authoritarianism with a guilty conscience. As was seen, Burke's position on resistance to authority, as opposed to institutional checks on authority, has serious problems (as an attempt to produce a logical position on such a subject almost certainly must), but it is at least understandable. Maistre's position is not really understandable.

Chapter VI: Relationship Of Church and State

A. Church and State In Burke's Philosophy. The religious views of Burke are extremely important to an understanding of his overall philosophy, and yet there has been confusion about the nature of these views. Stanlis, for example, declares that "Burke's own religious convictions might well be described as Catholicism qualified by British nationalism."¹ Of his British nationalism there can be no doubt, but, despite an appreciation of the historic importance of Catholicism and a willingness to unite with the Catholic countries in a common alliance against the enemies of religion, it must be said that Burke's views of religion and of religion's relationship to the state were fundamentally Protestant. Whatever his admiration for the crown and (sometimes) for the king, Burke certainly never looked upon the monarch of Great Britain as the de facto head of religion in England, much less as an infallible source of spiritual pronouncements. In addition to its lack of an infallible head, Burke has other views about the nature of the English Church that set it off from even a Gallican Catholic Church. In opposition to the petition of dissenting ministers to be permitted to be paid by the Church of England, while not subscribing to its beliefs, Burke goes out of his way to declare that he agrees

¹Stanlis, Edmund Burke and the Natural Law, p. 201.

with Locke that the Church is a voluntary association which, as such, has a right to set terms of membership.² This statement is positively shattering to any notion of infallible church authority, in that it has a marked tendency to reduce the status of the Church to that of a long-established and venerable cricket club. The Church is run in a certain way by priests selected in a certain way simply because this is how the people through their representatives in Parliament have desired things should be.³ God did not organize the Church in any particular way, and so Parliament is free to reform Church structure and organization in any way it chooses, though, as with any other major reform, this power ought to be handled temperately. The very status of the Church as an established church is subject to the control of Parliament, though Burke strongly supports this status out of a respect for its longevity and from his opposition to secularism. The Church is not an ordinary voluntary organization, in that, as a result of history, it is intermingled with the state, thereby gaining grandeur and losing independence.

The exalted status of the Church of England is in no way interpreted by Burke as giving it a monopoly of religion within the territorial limits of Britain. Burke's activities on behalf of religious toleration have already been related, and these were by no means motivated by the sort of attitude that shows

²Burke, Speech On the Acts Of Uniformity, in Burke's Works, VII, 17.

³Ibid., p. 16.

forebearance to that which it despises, but stemmed instead from a genuine regard for the legitimacy and sanctity of other religions. This was rather natural from a man who was a communicant of the Church of England, was raised in a half Catholic home, and was educated by Quakers. This leads to Burke's statement that "Toleration is good for all, or it is good for none."⁴ This shows that the Church of England is exalted above all other religions in relationship to the British state, but not in relationship to sanctity as such. The power of the state over religion in general and the Church of England in particular is real, but nonetheless limited. It does not extend to matters of religious conscience, as that sort of control, far from being part of Christianity, is actually an attack upon it.⁵ Limits upon religious freedom are permissible only when one dissents not out of conscience, but out of a desire to raise factions and destroy the peace of the state.⁶ The foregoing is, naturally, a major qualifier upon religious liberty. Religious conscience is and must be entirely free. The only power a magistrate may have over religion is in its external ceremonies, for true religious observance cannot be compelled. The foregoing few statements show a moderately libertarian side of Burke in regard to religion, but there is another side. It was seen that Burke

⁴Burke, Speech On a Bill For the Relief Of Protestant Dissenters, in Burke's Works, VII, 29.

⁵Ibid., p. 25.

⁶Ibid., p. 30.

has no liking for politicized religions, and in 1792 he encountered such a religion in the form of the Unitarian Society. Burke saw the tenets of this society (among which were a demand for the disestablishment of the Church of England) as being fundamentally and willfully subversive of the state, and he was therefore unwilling to disavow the state's right to examine the opinions of nominally religious bodies.⁷ At the point when a religion demands not only the right to abstain from what it considers evil, but also the right to reshape society forcibly in adherence to its standard of rectitude (which is the way Burke, correctly or incorrectly, pictured the case at hand), arguments based on the right of religious toleration cease to have relevance. Traitors and persecutors, or would-be persecutors, cannot claim religious immunity. Here again we see Burke as the hard-headed realist unwilling to endanger the community in the name of even his most valued principles.

There is one group in society that by its very existence is a menace to all order and virtue and which is never to receive the slightest shred of toleration. This group is the atheists. The loathing and hatred of Burke for atheism is unmistakable. In his Speech For the Relief Of Protestant Dissenters, which is in large measure a paean to the virtues of religious liberty, atheists are referred to as "outlaws...of

⁷Burke, Speech On...a Petition Of the Unitarian Society, in Burke's Works, VII, 49.

the human race", "great ministers of darkness in the world who are endeavoring to shake off all the works of God established in order and beauty", and men who "are never, never to be supported, never to be tolerated."⁸ The foregoing was written in 1773, almost twenty years before Burke was to witness the full effects of revolutionary atheism, but not before he had visited Paris, conversed with some of her leading intellectuals, and come to a shocked realization of the meaning of revolutionary atheism. The reasons for Burke's violent hatred toward atheism were two in number. First, religion was such an integral part of Burke's whole life that the disavowal of the existence of God could not but fill him with horror and the belief that the holder of such a doctrine was almost irremediably evil. It would be impossible to over-estimate the depth or sincerity of this gut reaction. Second, Burke saw the state as religious to its foundations, which would make one denying the existence of God a political revolutionary, whether he desired to be one or not. The atheist was an enemy of morality by the very nature of his creed, and was an enemy of civil peace because of the unavoidable tendency of atheism to attack the very basis of the social order. Burke's hatred of atheism was, therefore, both ideological and practical.

It can be seen from what has been said that Burke saw church and state as separable concepts, though the two would

⁸Burke, Relief Of Protestant Dissenters, in Burke's Works, VII, 36-37.

often be intermingled, as in England, as a result of history. When church and state are joined, which may be beneficial as an expression of the religious character of the state, historical tradition will dictate which of the two is to be predominant. In the case of England, Burke saw the particular established Church as subordinate to the state, possibly because he felt religious liberty to be more secure in this situation than in the opposite arrangement. Though church and state are distinguishable, religion and the state are not. Burke feels that a true alliance of equals between church and state is impossible, as one must predominate, but when the state has predominance over the church, it is not a case of a secular state controlling a church; in Christianity, religion and the state are one, and the laity (including the magistrates), as an equal part of the church, have a share in its government and must care most of all for the needs of religion.⁹ The Protestant aspects of the foregoing statement are unmistakable. This unification of religion and the state may well derive from Burke's early studies of Aquinas, for the latter declares that "Every human law has just so much of the nature of law as it is derived from the law of nature", which is, of course, a religious concept to Aquinas.¹⁰ The similarity of thought is

⁹Burke, Petition Of the Unitarian Society, in Burke's Works, VII, 43.

¹⁰The Political Ideas Of Saint Thomas Aquinas, ed. by Dino Bigongiari (New York: Hafner, 1965), p. 53.

rather striking, as both Burke and Aquinas clearly believe in sanctified states.

Burke tended to think of the unity of religion and the state in a way favorable to liberty. First, the fact that the state was a sanctified institution did not make it above criticism. In a larger sense, the very religious significance of the state deepened its responsibilities to liberty, as it was to be conducted as an institution worthy of God. A second consideration was that the state was to act against persecutors, and certainly never embrace persecution itself, persecution being viewed by Burke as an anti-religious act. Despite the way in which religion is used by Burke, the very idea of a sanctified state has certain results chilling to liberty. At the very outset, a sanctified state will, as Burke realized, probably necessitate a state church. Even if all other religions are treated with toleration ("toleration" being in itself a term wonderfully expressive of the anomalous position occupied by a non-conformist religion in a land with a state church), they are still the "dissenting" religions. The social pressure to conform to the dominant church can be very considerable, even in the absence of any overt discrimination or persecution. Moreover, discrimination or persecution may be unavoidable in a state with a dominant or established church, for he who does not adhere to it is by that very act out of step with the nation, and very possibly looked on, therefore, as unpatriotic. The

extent to which this is so is made evident by a quotation from Burke, who, it must be remembered, put his political career on the line for religious toleration for Catholics and Jews.

We have rebuilt Newgate (a leading British prison) and tenanted the mansion. We have prisons almost as strong as the Bastille for those who dare to libel the queens of France. In this spiritual retreat, let the noble libeller [Lord George Gordon, a convert to Judaism] remain. Let him there meditate on his Talmud until he learns a conduct more becoming his birth and parts, and not so disgraceful to the ancient religion to which he has become a proselyte; or until some persons from your [the French] side of the water, to please your new Hebrew brethren, shall ransom him. He may then be enabled to purchase with the old boards of the synagogue and a very small poundage on the long compound interest of the thirty pieces of silver...the lands which are lately discovered to have been usurped by the Gallican church. Send us your Popish archbishop of Paris, and we will send you our Protestant Rabb[bi]."¹¹

Even with the testimony of his fight for religious toleration and his statement that Gordon should act in a way worthy of his religion, it must be said that this quotation by Burke shows a clear strain of xenophobia and of at least some anti-semitism as well. Furthermore, statements of a similar anti-semitic nature appear in other places in the Reflections, though they are, fortunately, entirely absent from his other writings. If, however, such a good and noble spirit as Burke can give way to these ideas (which may be, to no small extent, connected with the atmosphere created by an established church) under the pressure of events, what could one expect from a less worthy individual? The penchant for discrimination exists in all men at all times, but an established church, whatever its favorable

¹¹Burke, Reflections On the Revolution In France, pp. 95-96.

results, probably does much to bring out this trait. It is, therefore, justifiable to ask whether Burke's goal of a deeply religious state with an established church, but without discrimination, is even possible.

Despite its results in practice, there is little reason to doubt that Burke intended the association of religion with the state to be one favorable to liberty. Religion is, first, to be a check upon the actions of the state and its governors. Burke's state was a Christian state, and was to act as such, in the best sense of the word "Christian." Due to the Western religious idea of the moral equality of all men, no subject of the state is to be outside the sphere of its concern and solicitude. Religion is favorable to liberty in more ways than this. Liberty requires an advanced and cultured civilization, and Burke believes such a civilization is necessarily religious.¹² There is one basic reason why religion and civilization are associated: only religion is truly capable of disciplining and controlling the base instincts of mankind, as was the case after the fall of the Roman Empire, when the Catholic Church succeeded in turning tribes of marauding barbarians on horseback into (in Burke's view) gentle and chivalrous knights. This is one reason why Burke never supports toleration for atheists: he cannot think of them as other than irremediably uncivilized people, and hence dangers to the community. There is no doubt

¹²MacCunn, The Political Philosophy Of Burke, pp. 122-124.

that the actions of the French atheists in 1789 and afterwards cemented him in this belief. Liberty is connected with religion for several reasons. First, liberty can exist only in a civilized state, which (as was seen) to Burke means a religious state. A strong, possibly despotic, hand would be necessary to control a depraved and wild populace, but by ennobling the entire population, religion makes it fit for liberty. Religion, furthermore, instills in the great of the society a sense of the heavy responsibility under which they labor, and helps to curb "the stench of their arrogance and presumption."¹³ This last statement may serve as a further refutation of any belief that Burke was a blind admirer of the aristocracy. Religion, and especially an established church, also raise the sense of dignity of even the poorest man in the community, by allowing him to identify with the pomp of a magnificent institution of which he is a valued member. Burke recognized that an entire society could be free only to the extent that all of its members were seen as having personal worth, and Burke felt an established church to be conducive to this attitude. This is an example of the pitfall into which Burke sometimes falls when he treats the British experience as universal. Though the British established church may have had this happy tendency to treat all men as morally equal, there is no reason why an established church would have to have this benign effect, as Burke, being acquainted

¹³Burke, Reflections On the Revolution In France, p. 116.

with the affairs of India, should have realized. One of the greatest ways in which religion serves liberty is by promoting order, which Burke sees as a prime necessity for liberty. Only a religious consciousness can appreciate the significance and continuity of national life, and thereby hold the nation together. It has already been seen that Burke prefers to deal with liberty within a concrete social context, which necessarily implies the existence of the nation. He who sees the Hand of God in the history and traditions of the state will be hesitant about promoting changes and innovations destructive of civil peace, and hence of liberty. Here again the British experience is treated as universal, with unacceptable results. The traditions of Britain since Magna Charta were favorable to limited government and liberty; religious consecration of these traditions could only be to the credit of liberty, but in many or most countries the national traditions were (and are) distinctly hostile to liberty. Religious consecration of such traditions could only be destructive of both liberty and religion. Burke did not seem to be aware that this was one of the causes of the French revolutionary attack on religion in France. Religion in the form of a financially-independent established church is also seen by Burke as serving the function of Aristotle's middle class, that of an intermediary between upper and lower classes (Burke is ambivalent toward the middle class itself, seeing it as a source of much wisdom, and yet recognizing its predominant role in the French Revolution.). The church is to be independent

of both aristocracy and people, and to be able to rebuke attempts at tyranny from either quarter. It is true that this role Burke assigns to the church, that of the guardian of civil peace and of the liberty of all the people of the state, is possible, as it has been performed at many times in history, from the time of the Bible to the present. There are certain conditions inseparable from a state church, however, that militate against a long continuation of this buffering function. As Burke himself realized, a state church must be wealthy in order to have the respect of the aristocracy, this respect being necessary for the church to be able to perform its sacramental functions toward the aristocrats, and, if need be, to command them. A poor church will not have the respect of the wealthy. This necessity of the church to be wealthy will, often enough, give churchmen the temptation to act in ways conducive to wealth. This would, of course, fatally compromise the church in the eyes of all, including the wealthy. The status of the church as an institution with great power in the state would also cause many members of the aristocracy to enter the priesthood, especially since the requirements of primogeniture would bar the role of landed gentry to all but the eldest sons of the aristocrats, thereby requiring all younger aristocrats to search out some respectable alternative means of livelihood. It need hardly be stressed that the average higher clergyman would not be likely to be too strict toward that class with which he was

associated by ties of kinship. The church itself could not, in some cases, function as an integrated body, for just as its upper echelons would be composed of the offspring of aristocrats, so its lower echelons would be made up of somewhat lower elements of society, which would tend to favor their social equals. This divisiveness within the church could seriously, perhaps fatally, weaken it as a device for upholding the liberty of all, for different parts of the church would strike harshly at the tyrannical designs of some classes (or at their struggles for liberty), while ignoring the depredations of other classes. This pulling in opposite directions by parts of the church could result in its paralysis as a socially-significant institution, unless the top hierarchy succeeded in commanding its lower echelons, in which case the church would usually be an agency for the preservation of the tyranny of the aristocracy and not for the preservation of the liberty of all. It is likely that Burke's ideal of a strong and socially-independent established church acting to uphold both liberty and order would more often be honored in the breach than in the reality. Whatever the practical effects of a state church upon liberty, however, there is no reason to doubt that Burke intended it to be a chief guarantor of liberty and moral equality.

B. Church and State In Maistre's Philosophy. It has already been seen that the relationship between Maistre's church and his state is that of total subordination of the latter to the

former. The state may do whatever it wishes, so long as the church does not disapprove. This, of course, robs the state of all true independence, all the more so because the local church is subject, first of all, to a supranational earthly authority. The Catholic Church is "the best and most perfect of governments"¹⁴; under such conditions all other governments must yield to it, and by "the Catholic Church", Maistre never means a national Catholic Church, which could be subject to effective state control. Beyond this subordination of state to church, the relationship of the two is one of alliance. State and church are to work together to maintain an orderly and Christian civilization. Maistre does not call for a complete absorption of state by church, because under the dictates of the doctrine of the two swords, the church may not use military force or carry out the death penalty. Such actions are barred to a wholly spiritual authority like the church. The relationship of religion and the church to liberty is ambiguous in Maistre. The church does basically stand for the preservation of the existing order, but not for just any existing order, irrespective of its attributes. Protestant or atheistic countries can certainly never have the blessings of the church. Gallicanism is also anathema to Maistre, though he himself flirted with it in his younger days. Even a suitably Ultramontane Catholic

¹⁴Maistre, The Pope, in Lively, Works Of Joseph De Maistre, p. 132.

state must meet certain requirements if it is to get the sanction of the church. It must adhere to its customary traditions and corporate privileges, must be based on the rule of law (especially with regard to matters of criminal justice), and must permit the people to denounce abuses through a popular assembly with a narrow franchise (if such is part of its traditions).¹⁵ This shows Maistre's church not to be entirely indifferent or hostile to the cause of liberty. Such liberties as are traditional and corporate in nature have the church as a zealous guardian. This, however, leaves much to be desired on the subject of liberty, for Maistre sees liberty as deriving in essence from inheritance stretching back to the divine creation of the state. Several considerations derive from this. First, since pedigree is the primary consideration in the value of a liberty (being synonymous with its Godliness), no one has the right to judge the social usefulness of such a liberty. This is, in a way, absolutely libertarian, as it makes such rights perfectly inalienable. That, however, aligns the church firmly with the liberties of both king and aristocracy (both collectively and in opposition to each other and the people), but by making these rights so absolute, it creates a situation in which these may well become oppressive to the liberty of the bulk of the population, for one man's perfect freedom can only be bought by the perfect

¹⁵Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, pp. 115 and 117-119.

unfreedom of others. The Philosophe-like tendencies of Maistre are again evident in his willingness to treat certain rights of certain people as absolutes, irrespective of consequences. The church will support for the average man (at best) a benevolent despotism, for, with the exception of the right to representation in a purely advisory council, the bulk of the population has no rights which the church will enforce, due to the fact that the average man was absent when rights were being handed out. Maistre is, moreover, absolutely adamant on the point that written laws can create no rights not existing in a nation's natural constitution, which, considering the changelessness of customs (in Maistre's view), freezes legally-protected liberty into the position of a prerogative of the favored classes.¹⁶ It need not even be stressed that within the church itself the average layman's position was that of absolute submission to authority. The church also does not function as a protector of the liberty of individuals, for Maistre does not think of liberty in terms of individuals. Such rights and responsibilities as one has derive from his family, his class, or some corporation to which he may belong, but not from himself. Man as man has no liberties which the church will protect or the state must respect. Maistre positively denies that there are rights of men, quite in contrast to Burke, who quarreled with Jacobinism about their content.

¹⁶Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, p. 78.

A derivative of the fact that Maistre, in contrast to Burke, sees church as superior to state, is that freedom of religion is not counted by Maistre as a right to be defended. This follows necessarily from the facts that a state cannot be subordinate to several churches and that the Catholic Church is (in Maistre's estimation) clearly the superior of all other religions. Just what the position of other religions is to be in Maistre's Catholic state is never made clear, but conversion by the sword is eschewed. This is because "There is not and even cannot be an entirely false religion."¹⁷ That is based on the belief in man's uncreativity, which in this case means all religions are God-created, and hence deserving of some respect. It would be acting against God to seek to eradicate all religions but the "true" one by force, though discussion and argument are to be used to bring all back to the Church. Force may be used by the Catholic Church only to defend itself against the assaults of other religions, but what constitutes an assault can be difficult to define, as Maistre himself learned when he got in trouble in Russia for the charge of causing the conversion to Catholicism of subjects of the czar. A proselytizing religion is likely to see the conversion of one of its members as an attack upon it. The relationship among religions is no neat coherent package in Maistre's theory.

¹⁷Maistre, Enlightenment On Sacrifices, in Lively, World's Of Joseph De Maistre, p. 297.

One religion is clearly superior to all others and has the state at its command, but must forebear the temptation to convert people at the point of the sword; raiding the membership of the less true religions by rational argument is, however, permissible. Why it is right to seek to undo God's work (which all religions are) non-violently, but not violently, is a real puzzle. A member of a dissenting religion in Maistre's state is in a highly uncertain position. He has no irrefutable right to practice his faith, for to countenance such a right would be to sanction error, but neither must he fear for his life (nor, presumably, fear unequal treatment) if he wishes to adhere to his faith. At the same time, all the forces of church and society will be brought to bear to secure "voluntary" conversion to Catholicism. It goes without saying that this social pressure, and the social stigma attached to dissenting from what is more a church state than a state church, would, despite Maistre's sincere assurances to the contrary, constitute repression and make persecution essentially inevitable. This is despite the fact that the state ought to have a moral responsibility to safeguard all peoples from religious persecution, since, to repeat, all religions are the work of God. The tension in Maistre's thought between libertarianism and authoritarianism is again evident. De facto religious toleration is taken as the proper relationship between the religions in a state, and then conditions are, wittingly or unwittingly, established that make religious

toleration impossible. In the final analysis, authoritarianism wins out. As a loyal son of his church, Maistre is unwilling to accept a religious settlement that will give permanence to the enemies of his faith (for he perceives them to be such).

It can be seen from this chapter that Burke and Maistre are poles apart on the arrangements they favor between church and state and are very significantly different in their attitudes toward freedom of religion. As ought to be expected from the basic configurations of their thought, Maistre is inclined to be hostile toward religious pluralism and Burke is inclined to be favorable toward it. As has been shown, however, the fact that both men uphold a state church renders religious liberty rather tenuous in both of their theories, though more so with Maistre than with Burke.

Chapter VII: The Theory Of War and Empire

A. Burke's Beliefs About War. It must be said at the outset that Burke's theory is not the best of places to look if one wishes a full-dress exposition of the concept of war. This is true because it was not in the style of the mature Burke to sit down and write an organized philosophical treatise. Consequently, it becomes necessary to search throughout Burke's writings for those moments when he touches on this subject, and one must often resort to interpretation. It is a fact that Burke was not a friend of standing armies. As was good Whig doctrine, he saw them as inevitably fatal to a country's liberty, and for that reason rejoiced in the defeat of the British in the American Revolution, because he felt that British success would have required the establishment of a large standing army to hold down the disgruntled Americans, with all of the many unpleasant consequences this would have had for England.¹ Such should not, however, be interpreted as saying Burke was any sort of pacifist. He, first of all, openly declared the right of one nation to intervene in the affairs of another, under certain conditions. Since there can be no such thing as an entirely domestic enactment, because what happens in one state necessarily affects others, a new practice in a state, if it is deemed by that state's

¹Burke, Appeal From the New To the Old Whigs, p. 40.

neighbors to be harmful to them, may be put down by force of arms.² It can be seen that war is a permissible response to a nation that throws off the yoke of morality and plots evil against her neighbors, or permits the continuation of practices harmful to them, which has the same result. Burke articulated this last concept under great stress, seeking to make the moral case for war with revolutionary France as strong as possible. This is why he went really further than he would have wished and embraced a point of view that would tend to justify war under any and all conditions. Burke's more basic attitude toward what constituted a proper justification for war was somewhat more limited. A state had a right (and probably a duty) to undertake war not for the sake of plunder, but "for the sake of our family, for our friends, for our God, for our country, for our kind."³ A truly offensive war was, therefore, unacceptable. This is surely a broad enough definition of what constitutes a just war, but Burke probably realized that with good faith among nations paper restrictions on the right of war would be unnecessary, and without good faith such restrictions would be unavailing. Burke was one of the first in England to realize that peace with Jacobin France was impossible, since it embraced as an article of faith its duty to subvert all other

²Burke, First Letter On the Regicide Peace, in Burke's Works, V, 320-323.

³Ibid., p. 305.

states, and therefore had to totally triumph or be totally destroyed. A war to the death between systems could, therefore, be just.

Fortunately, such Armageddon-like wars are the exception rather than the rule. In reference to the war with revolutionary France, Burke says that peace is not possible, since the war is over systems of government, not objects.⁴ This clearly implies a normal offensive war to be limited in its goal, concerning, in all likelihood, some one disputed city or province, and thereby subject to mediation, or at least not unlimited in its consequences. There is still another kind of war, one fought for the defense of the existence of a family of nation states. In his Speech On the Army Estimates (given on February 9, 1790, before the Jacobin armies began the forcible export of their creed), Burke argued against a larger military budget, saying that such was not needed for the defense of the balance of power.⁵ There is no doubt that Burke recognized the advantages for Britain of a European power balance, since Britain was the balancer, but the fact that Burke supported national autonomy as a laudable goal (even to the extent of having once supported Corsican independence), shows that his support of

⁴Burke, Second Letter On the Regicide Peace, in Burke's Works, V, 343.

⁵Burke, Speech On the Army Estimates, in Burke's Works, III, 214-215.

a balance of power was not meanly motivated. The power balance was to be maintained because the national pluralism it supported was good and worthy of support.

It is now worthwhile to ponder the philosophical content of Burke's theory of war, and its relationship to the rest of his theory. It was seen that Burke is hostile to the idea of war, due to the militarization of society, and consequent loss of liberty, that it can engender. There are, however, no enthusiastic schemes for the abolition of war to be found in Burke. Seeing man to be what he is, Burke knows the less pleasant parts of the human personality will lead to war, but this is a fact to be accepted, not applauded. There would be no wars if the world were what it ought to be, but Burke is writing for the real world, and that is a world that contains wars. Wars can even be legitimate, as was the war against Jacobinism, which Burke urged on his countrymen with great zeal, but such wars are to be fought only to preserve the rights and independence of one's nation and its friends and the religious bases of European civilization. Within the European context, a war may not be fought for mere aggrandizement and be considered to be just. It will be seen later in this chapter that rules varied somewhat outside of Europe. As is the case in the rest of his theory, Burke in his treatment of war takes man as he is, and seeks to place him within an environment that will limit his base instincts as much as possible. In this regard, that means

instilling the idea of a common European civilization so firmly that wars will be limited in number and, when they occur, in ferocity. This is done so that the liberty of individuals and of nations will be as little threatened by war as is necessary.

B. Burke's View Of the Proper Domestic Climate In War.

Burke's ideas as to how the citizenry should act during a war were, one must admit, influenced by whether he believed the particular war was just or unjust. In regard to America, Burke declared that the war's supporters called for unanimity in its prosecution, but that a nation ought not to be unanimous in irrationality.⁶ Lest it be thought that Burke embraced the concept that business as usual should continue during a war, his words and actions with regard to the war against the French in the 1790's must now be examined. In this latter case, Burke declares that war cannot be "long carried out against the will of the people" and that the present war requires the zeal of the majority; he bitterly denounces the British government for not awakening the zeal and perseverance of the nation for what would be a long war.⁷ Burke was willing to use all the instruments of criminal justice, including a partial suspension of habeas corpus, against those who were aiding the cause of Jacob-

⁶Burke, A Letter To John Farr and John Harris, Esqrs., Sheriffs Of the City Of Bristol, On the Affairs Of America, in Burke's Works, I, 215.

⁷Burke, First Letter On the Regicide Peace, in Burke's Works, V, 283 and 292.

inism, and engaged in a type of bitter, and often hysterical, vituperation that allowed his opponents to picture him as a dyed in the wool reactionary. One should not think that there was any essential conflict between Burke's behavior in these two wars. The defining characteristic in each was his devotion to liberty, and to the requirements necessary for liberty. In the American case, Burke was convinced Britain was pursuing an insane policy which, if victorious, would doom the freedom of both Britain and America. An upholder of liberty, therefore, was morally bound to do everything in his power, including adhere to his government's enemies (a possibility Burke briefly considered), to crush the designs of King George III and Lord North. There was surely no requirement to unite behind the cause of tyranny. In the case of the war against France, however, the conflict concerned a drive to strike down the enemies of civilization and religion, both of which are necessary, as has been seen, for liberty. One who did not give his full efforts to the cause in this latter war, or who allied with the other side, could not but be deemed an enemy of liberty, and be punishable as such. Unity was, therefore, morally obligatory in a just war, and morally reprehensible in an unjust one.

C. The Imperialism Of Edmund Burke. It would have been rather strange for a leading British politician of the eighteenth century to assume an anti-imperialist stance, and this Burke did not do. Burke was indeed an imperialist, but, as will be

seen, an imperialist of a somewhat enlightened variety. The very fact of his imperialism, however, meant that Burke did not grant to non-European nations that immunity from total conquest which he granted to European ones. Burke believed, first of all, that the British Empire was not a case of mere conquest, as it would have been if Britain conquered France; Providence (with a capital "P") had granted the Empire to Britain.⁸ This God-given right of Britain to rule the Empire carried with it the responsibility to do so for the sake of the people ruled⁹ and in a way conformable to the traditions of the colony; this latter point is shown by the fact that Burke declares an Indian native ruler should have "a good education, conformable to the maxims of his religion and the manners of his people."¹⁰ The right of the British Parliament to exercise direct day-to-day rule in the colonies is denied. It is said by Burke that many of the problems of India stemmed from the fact that Parliament thought it could issue decrees against corruption from a distance of nine thousand miles, rather than leaving the matter to a native government which, though subordinate to Britain in both law and fact, would have the power to carry out Britain's general directives and provide for the prosperity and well-being

⁸Burke, Speech On Conciliation With the Colonies, p. 140.

⁹Ibid., p. 87.

¹⁰Burke, Eleventh Report Of the Select Committee Of the House Of Commons On the Affairs Of India, in Burke's Works, VIII, 261.

of the Indian people.¹¹ Burke declared his idea of the Empire to be that of a federation of states having local privileges under a common head.¹² The true independence of the states in the Empire is not, however, permissible. Burke did not even offer America full de jure internal self-government until her war for independence was already under way, and that offer must be seen as a departure from his ideas of proper colonial administration designed to save America for Britain at the eleventh hour. All colonies, from the most advanced to the most primitive, may have a local government designed to implement Parliament's dictates in the most moderate fashion and to promote the economic development of the country, but they may not have independence. What Britain may get from her colonies is economic wealth, to the extent it can be gained from improving, and not degrading, the economic conditions of the local countries, and allies in war, which will come from uniting the Empire through bonds of common interest and sympathy.

It must be said that Burke's imperialism is a mixture of libertarianism and authoritarianism. There is, as was seen in chapter three, a Natural Law which is as valid in Benares as it is in Bristol. Men everywhere have a right to a government that looks out for their interests and seeks to promote their

¹¹Burke, Ninth Report Of the Select Committee Of the House Of Commons On the Affairs Of India, in Burke's Works, VIII, 82, 165, and 173-174.

¹²Burke, Speech On Conciliation With the Colonies, pp. 82-83.

happiness. The existence of universal principles of good government does not, however, stand as a justification for the existence of one unitary government for the Empire. Unlike some other imperialists, Burke realizes the Empire is not one nation. Charleston cannot be governed as one would govern Canterbury, and Calcutta cannot be governed as one would govern Charleston. This leads to a recognition by Burke of the legitimacy of local customs and sensitivities, which he (often incorrectly) believes must be reconcilable with the Natural Law, anyway. At a certain point, however, the reins of empire become pulled tight. Though Parliament is to exercise only a general supervisory authority over the individual states of the Empire, this authority is never renounced (save, as noted above, in the pragmatic attempt to douse the already out of control fires of the American Revolution). That this renunciation was contrary to the general temper of Burke's philosophy of empire is shown by his reaction to the passage by the Parliament of Ireland of a tax on the estates of absentee landowners (who resided chiefly in Britain). Burke declares that a "superintending authority" is needed for the Empire, and that by "the very nature of things, and the joint consent of the whole body", it was proper that imperial legislation should originate in England.¹³ When this "joint consent" was given is, of course, a good question, but it is clear that Burke may

¹³Burke, Letter On the Irish Absentee Tax, in Burke's Works, VI, 124-125.

not, except in a most attenuated sense, be seen as a supporter of the ideas later to cause the creation of the British Commonwealth of Nations. The Empire is ordained of God and inseparable, but is not to be an exploitative relationship. It is a case of diversity within unity, but unity nonetheless. The colonies may have all rights, except that of independence.

D. Maistre's Beliefs About War. Maistre's treatment of the subject of war begins with a question Burke more or less neglected. Burke felt war to be a disagreeable, but natural, part of human existence. Maistre is not so sure about the naturalness of war. He is a benevolent man (to the extent an ideologue can be), and asks himself why man, who is blessed with compassion, goes to war with "a certain gladness" to kill his brother.¹⁴ Unlike Burke, Maistre confesses openly that the fact of war torments him. He asks the basic questions of why people (most certainly including Maistre, as will be seen) ascribe glory to the military, why no nation seeks to break out of the state of nature manifested by war, and why, most importantly, God has never allowed man to attempt a "society of nations."¹⁵ Though it would seem highly unlikely after this introduction, Maistre answers these questions in a way that amounts to a nearly complete defense of war under existing

¹⁴Maistre, Seventh Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 245.

¹⁵Ibid., pp. 248-249.

conditions. Men admire soldiers because they are unquestionably worthy of admiration, possessing such qualities as virtue, piety, religion, pleasantness, courage, and inability to be hardened even by "the terrifying sight of carnage."¹⁶ Men look up to soldiers because they are a superior breed of men. It appears that Maistre has taken all of the favorable legends of the noble knights of the past and applied them without diminution to the soldiers of his time. As to why there is war, Maistre gives three distinct answers. First, a "truly national war", one for the establishment or preservation of a nation, is completely understandable.¹⁷ Such wars are, however, few in number, and certainly would never include, one may assume, a war to throw off the authority of the Bishop of Rome. Second, man often goes to war because there is a "great law of the spiritual world" which dictates that all animals, including men, should kill one another.¹⁸ It is safe to assume that man is in this lamentable condition because of his Original Sin. Had man not disobeyed the will of God, he would not be stained by a blood lust. The final cause of war is when man acts as an instrument of God's justice; in such a situation "God comes forward to exact vengeance for the iniquity committed by the inhabitants

¹⁶Ibid., pp. 250-251.

¹⁷Ibid., p. 246.

¹⁸Ibid., pp. 251-252.

of this world against him."¹⁹ This last situation refers, of course, to cases such as the war against the Jacobins.

Not only does Maistre see war as something man deserves for his evil, but he also sees it as having beneficial results for mankind. He feels that a nation reaches its height only after a "long and bloody" war, which constitutes "an invisible hand. ...continually pruning" the tree of the nation to ensure virtue and genius.²⁰ It may be assumed that Maistre felt God used war as a way of eliminating the evil and the stupid. How he could have believed this except as an act of blind faith is, indeed, a real puzzle. It may not necessarily be the best of the nation that die in war, but it is not necessarily the worst either.

E. Imperialism In Maistre's Theory. One does not find in Maistre a treatment of imperialism such as one finds in Burke. So far as strictly political authority is concerned, the principle of national sovereignty is taken as inviolate. This reaches the point of Maistre hailing the victories of revolutionary France, seeing them as determined by God to preserve the territorial integrity of France against the coalition of allies which would have partitioned that country.²¹ It has

¹⁹Ibid., p. 254.

²⁰Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, pp. 62-63.

²¹Ibid., pp. 55-56.

been seen, however, that Maistre, in effect, embraces an imperialism far more sweeping than that of Burke. The moral sway of the Papacy is, or ought to be, entirely universal in its scope. The political leadership and the very customs of all societies are subject to the authority of the Pope. To Maistre, therefore, the world ought to be one monolithic Catholic empire, despite the national sovereignty he officially upholds.

It would now be well to compare the contents of these two theorists' philosophies of war and the relationship they have to the overall theories of libertarianism and authoritarianism. Burke, one may assume, does not like war, but sees it as an omnipresent and unavoidable part of human existence, and, therefore, does not make his disapproval manifest. It is simply in the nature of the human creature to seek to get his way through war, though this trait can be somewhat moderated by the belief that one shares a common humanity with those against whom he is fighting. This comes down to the belief that man is, as was seen in chapter two, a most mixed creature to Burke, but one that can, within certain limits, act rationally and fairly decently. The question of war or peace is, moreover, in the hands of man. Burke does not seek to revolutionize the environment man lives in, both because he takes it as a given and because he believes it to be one permitting a reasonable approximation of liberty. Very few wars are inordinately destructive of order and national life, and man is, in the final

analysis, free to go to war or not to go to war. War is on a human scale, and in dealing with it Burke does not see any need to bring in philosophical themes directly.

Maistre, however, expressly brings in his central themes of evil and redemption when dealing with war. Had man not sinned by disobeying his Creator, the corruption of man's very soul and the resulting wrath of God, which are the causes of war, would never have occurred. Man is, however, responsible for wars only in a secondary fashion. Man's criminality led to the establishment by God of the institution of war (note the evidence of man's simultaneous power over God and, nonetheless, his uncreativity), but individual wars are by no means any outcome of man's deliberation, but are instead either the results of the uncontrollable animal-like qualities of fallen man or are the results of God's will to destroy evil men. For Maistre, however, war need not exist, and will surely pass away when man repents of his sins and subordinates himself to God and to God's authorities on earth. The cure for the evil of war, and all other evils, is acceptance of a rigidly authoritarian society.

Chapter VIII: Theories Of Class Structure and Attitudes Toward Social Mobility

The ways in which Burke and Maistre treat class structure and social mobility are indicative of their attitudes toward society and change in general. These two theorists lived in an age not only of political revolution, but of a social revolution that fueled the political revolution. Throughout Western Europe, the middle class was beginning to feel its strength and demand at least equality with the historically privileged classes, and incidents like the Chartist Movement also bespoke a stirring in the lower classes. No political theorist could afford to ignore these facts, especially after the French Revolution and the resulting world war blasted them into unmistakable view. To see how Burke and Maistre viewed these problems and sought to cope with them is the next order of business.

A. Burke's Perceptions Of Class Structure. As one might expect from the general temper of Burke's views on politics, he felt the class structure of a society to be rather complex. At the top of the social structure was the aristocracy, but the aristocracy itself was divided into two components: the men of apparent merit and those of actual merit. As Burke put it, contrasting himself with the Duke of Bedford, a titled advocate of Jacobinism who opposed the granting of a pension to

Burke, "My merits, whatever they are, are original and personal: his are derivative."¹ It must be stressed that those of derivative merit, who are primarily the titled aristocracy, have their rights to social and political importance secured by prescription and the right of property², even when they are ignorant and obnoxious pipsqueaks like Bedford. Burke's actions showed that he felt the top political posts in the nation, certainly including all cabinet positions, should go to this class. The second echelon of the aristocracy, which certainly also included a number of titled aristocrats (such as Lord Rockingham, Burke's patron and a man of great political ability), is the one into which Burke places himself and people like him, commoners of great political ability. What the relationship is between the commoners in this class and the class of aristocrats of derivative merit above them is never rendered perfectly explicit in Burke's theory. It is clear that these gifted commoners are to be advisors, but are also to be more than advisors. They are not to issue recommendations that may be heeded or not heeded, but are to possess real power. Though barred from the highest posts in the land by the lack of titles, they are to have their positions in government, and may (like Burke) even become important officials of party and government. Submission to their betters is, however, required of them. Burke always knew his place

¹Burke, A Letter To a Noble Lord, in Burke's Works, V, 199-200.

²Ibid., p. 209.

in British society, and if he ever aspired to a cabinet post, he never made this aspiration manifest or attempted to achieve it. Below the untitled aristocrats lie the middle class, among whom are the merchants. It would appear from Burke's writings that these men are not to be members of the government, even in subordinate posts. Burke says of the French Estates General that the merchants within it "had never known anything beyond their counting house,"³ thereby implying this to be poor training for the business of government. Merchants are not, however, entirely insignificant when it comes to politics. They may have good ideas to give to the members of government, and it may even be wise to solicit their opinions.⁴ Despite the considerable wealth merchants may have, the liquidity of which makes them "the most effectively rich and great in society,"⁵ merchants as a class are to be both socially and politically subordinate to the classes above them. A merchant naturally has a vested right to all that he possesses, as do all men, and may be a very intelligent fellow, but the style of life he leads denies him the time for reflection needed to govern a state. As shall be seen later in this chapter, however, this barring of merchants from membership in government does not

³Burke, Reflections On the Revolution In France, p. 49.

⁴Burke, A Short Account Of a Late Short Administration, in Burke's Works, I, 266.

⁵Burke, Second Letter On the Regicide Peace, in Burke's Works, V, 380.

necessarily extend to the sons of merchants. Burke is ambivalent about the position in society of the lower classes. At one point he declares that "no class or description of men" is to be excluded from county meetings discussing the subject of Parliamentary reform⁶, and yet at another he quotes approvingly Chapter Thirty-Eight, Verse Thirty-Three of the book of Ecclesiastes as follows.

They [the common people] shall not be sought for in public counsel, nor sit high in the congregation: they shall not sit on the judge's seat, nor understand the sentence of judgement; they cannot declare justice and judgement, and they shall not be found where parables are spoken.⁷

The harshness of this latter quotation may be explained by the pressure Burke was under in attempting to eliminate the French revolutionary philosophy, root and branch. He probably did not intend to shut out the lower classes from government quite as totally as one would think from the foregoing. The lower classes are, nonetheless, subordinate members of society, due to their intellectual and cultural inferiority. Their role in society is not to govern the state (which is the prerogative of the two classes of aristocrats), nor even to express their opinions on matters of government (which right belongs to the middle class), but to declare their unformed grievances. This, of course, means that the lower classes do have a real, though strictly limited, role in the governing of the state; they are

⁶Burke, Letter On Parliamentary Reform, in Burke's Works, VI, 296.

⁷Burke, Quoted in Reflections On the Revolution In France, p. 56.

not merely hewers of wood and drawers of water. As will be seen later, this, nonetheless, rather lowly status is not unshakeably passed down from generation to generation.

It has now been seen that what Burke viewed as the proper society is pyramidal in nature. It has classes with varying rights and responsibilities, and, by the nature of things, these classes become more populous as one descends the pyramid. All individuals are, however, valued members of society and have a role in the governing of the state, for even the limited right of the lower classes to express their discontents is important for the functioning of government. Moreover, the dividing lines between the classes are not totally distinct, nor are they impermeable.

B. Social Mobility In Burke's Theory. Burke is aware of the fact that people are able to rise from one social class to another. This awareness stems from the fact that what Burke advocates is essentially an aristocracy of talent, though a noble title is taken to be presumptive evidence of talent. Even the highest echelons of society are not barred to one of common birth, for the power to ennoble a family always lay in the hands of the king. Without it ever being specifically stated, it is a fair assumption that Burke believed there was a right for a talented man to advance socially. Burke himself purchased a landed estate at Beaconsfield (going heavily into debt to do so) and did not feel it presumptuous to hope that he and his line would be ennobled for his services to the state. This

right of advancement does not, however, come automatically. Those who are already in the top aristocracy have a right to set the rules for entry. It is right that mobility into the pinnacle of society should be rendered very difficult; Burke says without self-pity that he was forced to present his credentials at many places along the road and that he was not "swaddled and rocked and dandled into a legislator."⁸ It was right and proper that it should have been so, but once a man has passed all the tests, his right to a title ought not to be questioned. One of the few criticisms Burke has of the French aristocracy follows.

Those of the commons who approached to or exceeded the nobility in point of wealth were not fully admitted to the rank and estimation which wealth, in reason and good policy, ought to bestow in every country, though I think not equally with that of other nobility. The two kinds of aristocracy [that of title and that of talent] were too punctiliously kept asunder.⁹

This was objectionable both for the injustice of it and because it turned the most important potential allies of the titled aristocrats into their bitterest enemies. This is not the proper situation.

Everything ought to be open, but not indifferently, to every man. . . I do not hesitate to say that the road to eminence and power, from obscure condition, ought not to be made too easy, nor a thing too much of course. If rare merit be the rarest of all rare things, it ought to pass through some sort of probation. The temple of honor ought to be seated on an eminence. If it be opened through virtue,

⁸Burke, Letter To a Noble Lord, in Burke's Works, V, 193.

⁹Burke, Reflections On the Revolution In France, p. 159.

let it be remembered, too, that virtue is never tried but by some difficulty and some struggle.¹⁰

It was necessary to give this fairly long quotation so that the full flavor of Burke's ideas might be transmitted. One may assume that passage from the lower classes into the middle class is simpler than passage into the aristocracies, both because less talent is required, being primarily financial in nature, and because the gate-keepers do not compose such a formidable guild.

One problem of social mobility Burke does not consider is that of downward mobility. It has already been seen that, in regard to Bedford, he declares the position of the titled aristocrats to be inviolate. This is despite the fact that he realizes Bedford hardly has the intelligence or character which would properly place him in the nation's governing elite, if, indeed, his ennobled ancestor did, having received his title for being a syncophant of King Henry VIII. The fact that Burke always supported the custom of primogeniture¹¹ means that those families which have once ascended into the ruling class probably will not fall out again. A certain amount of social stagnation is, therefore, provided for in what Burke considered to be an eminently good social structure. Not only does this have a tendency to derogate from the liberty, which Burke wished to

¹⁰Ibid., p. 57.

¹¹Burke, Appeal From the New To the Old Whigs, p. 85.

promote, of people to rise in the social structure, for one can honestly ask the right of a piece of deadwood like Bedford to judge the qualities of a man like Burke, but it also damages conservatism, because it saddles the government with incompetents in its highest echelons. If Burke ever realized this problem, he did not make his realization manifest, for to do so would have been to question the wisdom of hereditary aristocracy, which was a central element of the British constitution. Nevertheless, this lack of provision for downward mobility must be regarded as a major flaw in his theory of society.

C. Maistre's View Of Social Structure. Maistre sees society in a monarchy divided into king, aristocracy, and commons, monarchy being the most natural form of government and society. At first glance this appears to be essentially Burke's view, and surely there are great similarities, but there are striking differences. First, to be part of the aristocracy in Maistre's estimation means to have a noble title. There is only one aristocracy. An untitled aristocracy, which Burke forthrightly declares to be a key element of society, is a contradiction in terms to Maistre. He who does not have a noble or clerical title is, in law if not in fact, a member of a socially undifferentiated mass. In Maistre's estimation, a lawyer is, in the eyes of the constitution, no more socially elevated than a peasant. Burke, as was seen, was quite aware of the legitimate social grievances of the top men in the Third Estate that helped fuel

the French Revolution; Maistre, quite obviously, was not. He declares that a nation has all it needs to be happy in its ancient laws and customs.¹² This cramps the complex social reality of a nation into three somewhat artificial divisions corresponding to those of the Estates General. The rights one possesses are, moreover, strictly determined by which of these artificial divisions one belongs to. As has been seen in chapter three, the rights of king and aristocracy are much more central to the society than are those of commoners¹³, even though many nominal commoners may well be richer, and conceivably more influential, than many aristocrats. All commoners, regardless of actual rank, have only the right to express their grievances, if such is a traditional right in their society, with their "betters" determining what, if anything, is to be done about the grievances. Maistre, as is usually the case with ideologues, has become so fascinated with formulas, in this instance that of a tripartite division of society, that he has been unwilling to examine the actual social reality the formula purports to describe. Because of this, Maistre, in effect, ignores the existence of the middle class, one of the major social realities of his time. He, in other words, gives a reasonably accurate description

¹²Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 128.

¹³Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, p. 77.

of the social structure of the early Middle Ages and sees it as a reliable picture of eighteenth century Western Europe.

D. Social Mobility In Maistre's Theory. Though he may not have been entirely happy with the fact of social mobility, Maistre could not deny the existence of social mobility. It became necessary, therefore, to explain this phenomenon in a way that would not be too disturbing to the primarily ascriptive society Maistre favored. At the outset, it is necessary to limit the amount of social mobility by reserving certain offices for certain descriptions of people, so that there might be "mobility without chaos."¹⁴ Maistre feels, with good reason, that the type of society he favors could not survive if men had a right to aspire to all of its offices based on talent alone. If nothing else, that would eliminate the feeling of awe for offices and office-holders that most men have and that is so essential for holding the society together. Consequently, it is important that social mobility not be looked upon as something that a man can claim as a matter of right. The first way in which social mobility takes place is for a king to lift a family into the aristocracy.¹⁵ Unquestionably, this is done as a reward for great personal merit or for service to the nation, but the key consideration is that only the king knows the criteria

¹⁴Ibid., p. 91.

¹⁵Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 116.

he uses, and he is answerable to nobody (except God, of course) for the selections he makes. No man is really able to act in a fashion that will unerringly improve his chances for ennoblement, nor can he complain if he is passed over. In this way, social mobility will take place without needless disruptions or jealousies, as long as the people accept the legitimacy of leaving the decision for mobility entirely in the hands of the king. There is another way in which social mobility takes place. Maistre, after all, had to be aware of the fact that some individuals and families rise in the social hierarchy (though only unofficially, as was seen in Part "C") with little or no assistance from the king, as through success in business, for example. If Maistre admits this really takes place through individual effort, the groundwork has been laid for a competitive society, something Maistre wishes to avoid. His solution to this dilemma follows. It is asserted that a talented man will somehow reach his predetermined place in society, and that society will, furthermore, reject a man who is dangerous to it.¹⁶ This shows again Maistre's mystical conception of society. Society is a living organism, a mind, that recognizes those individuals who ought to be advanced, and casts off those individuals who are as poison to it. It is permissible to believe that the controlling intelligence in this process is that of God. This method of explaining social mobility is even preferable

¹⁶Ibid., pp. 124-125.

to the first from Maistre's point of view, in that it leaves nothing to any man, not even the king. The two methods are not, however, contradictory, in that in the first the king also acts for God. The second method, nevertheless, puts every person on notice that no ambition of his can possibly affect his standing in the social structure. If one is destined for advancement, no endeavor need be taken to bring it about, and if failure is one's lot, no amount of striving will alter the fact. A better formula for social rigidity and stagnation could hardly be imagined. Man's fate is in no way in his own hands, and so he had best accept the best of all possible worlds.

The problem of downward social mobility, which was not considered in Burke, was, after a fashion, considered and solved in Maistre's theory. It has already been seen that society repels those who would endanger it, and there is no reason to believe this refers only to those who are attempting to ascend to the top of the social ladder, and not to those who, through inheritance, are already there. It is both unjust and foolish, therefore, for lower social classes to envy and hate those individuals above them, for if they remain on their elevated perch, they do so because of the blessings of God, and if it is right that they be pulled low, man has not the power to do this, but God unquestionably does, and shall. It would be well at this point to remember Maistre's quiet opposition to the attempts of his fellow exiles to force the coming of an anti-Jacobin counter-revolution in France.

In summing up this chapter, it would have to be said that in it the two theorists have shown well their penchants toward the philosophies I have called conservative libertarianism and conservative authoritarianism. Burke is perfectly willing to see the class structure of his society as largely fluid, with no sharp lines of division marking the border between the top of one class and the bottom of that just above it. Nevertheless, there are classes, and the class to which one belongs has a great deal to do with the rights one may claim in the governing of the state, though not with one's rights as a human being. The class to which one belongs is, moreover, largely, but not entirely, determined by one's ability. It is proper that one seeking to rise into the governing elite be subjected to a rigorous, and often harsh, cross-examination, and that one whose family has already so ascended be permitted to keep his position, regardless of his own personal attributes. A central consideration, however, is that in Burke's theory the attributes equipping one to rise in the social structure are generally marked out, and should one possess these attributes and pass the initiation he is required to take, he may then claim upward social mobility as a matter of irrefutable right. With ability and perseverance, the humblest man in the state may make his way to the top without owing his success to the undeserved favor of any man. In the case of Maistre, however, social classes are divided by very sharp lines of separation. If one has not the title of aristocrat

or priest, he is assigned to the vast pool of the commonality, whatever his objective social standing may be. Furthermore, not only are one's political rights strongly affected by one's social class, but one's rights as a human being are as well. Maistre has a strong tendency to let the common people escape his purview completely. Finally, the class to which one belongs is ultimately determined by God. One cannot, therefore, see his lot in life as social injustice, since men have little or nothing to do with it, and one must accept his place in society with humble resignation. Divine authority, which determines social strata and their membership, is not to be questioned.

Chapter IX: The Nature Of a Constitution and Its Significance For Liberty

A. Burke's Ideas About the Nature Of Constitutions. In order to understand what Burke meant by a "constitution", it is first necessary to recapitulate briefly some of the points of Chapter Three on how the state is initially established. The foundation of government, and hence of the constitution, was originally in the hands of the people, for "At some time or other, to be sure, all the beginners of dynasties were chosen by those who called them to govern."¹ By "those who called them to govern", Burke clearly means the body of the nation. As was seen in Chapter Three, Lockean ideas about a formation of government by popular consent are very alive in Burke's mind. This launching provides only the most primitive constitution for a nation, and is joined to two other constitutional elements, one prior to the primitive act of constitution and one following upon it. In reference to the latter, it must be said that the laws of a state, especially the most fundamental laws, become added to the original constitution. In the case of Britain, this would mean that such documents as Magna Charta, Petition of Right, Bill of Rights, and the Act of Settlement of 1689 had become parts of the British constitution. It would have been surprising if Burke, who, albeit somewhat unwillingly,

¹Burke, Reflections On the Revolution In France, pp. 16-17.

had been trained as a lawyer, had not seen written laws as very important elements of a constitution. The profession of a lawyer is, of course, that of the explanation (or distortion) of written laws. Had this been all Burke meant by "constitution", his would have been a mundane enough view. There are, however, two somewhat more abstract meanings of "constitution" in Burke's theory. The constitution of a nation derives from the character, morals, and traditions of the people, and has a reciprocal effect upon the people's character, as in the case of the Anti-Popery Laws which, by denying Catholics the right to own land, were felt by Burke to have encouraged dissipation and immorality among the Irish Catholics.² The fact that a constitution is immanent in the character, morals, and traditions of a people means that the constitution is somehow uniquely suited for the nation, and therefore cannot be established based only on what are felt to be universal principles of good government. Universal principles do, nevertheless, have a place in this abstract meaning of "constitution." As was seen in Chapter Four, a law (or a constitution) depends on general principles of justice and good government for its legitimacy. This gives a cosmic quality to constitutions. They are, whatever their somewhat mundane origins and legislatively-conceived components, part of God's design for the well-being of all mankind and of individual

²Burke, Fragment Against the Anti-Popery Laws, in Burke's Works, VI, 351-353.

nations. As Burke feels is true of the state as a whole, so for him is the constitution in part sanctified. It is not entirely clear just how the sacred and non-sacred elements of a constitution are to be reconciled. All constitutions, since they come somewhat from the hand of God, Who is the Creator of man's character and looks after him, must be deemed somewhat worthy of respect. Nevertheless, a people can somehow lack freedom in its natural constitution and traditions, as Burke, who never much liked the French, felt to be true of France. It would appear, therefore, that the glorious and the debased and the divine and the human coexist in uneasy combination in every constitution. For those countries that lack freedom in their natural constitutions, Burke offers no easy or quick solutions. This is because a constitution is the result of a slow process of development, and cannot be made for a country overnight.³

Though, as was seen, the written constitution of a country is very important (for Burke would be the last man to underrate the importance of Magna Charta), the constitution represented in the character of the people in general and of the office-holders in particular is the more decisive for the well-being of a nation.⁴ It was seen that Burke decried the corruption England brought upon Irish character, and at a later point in

³Burke, Fourth Letter On the Regicide Peace, in Burke's Works, VI, 61.

⁴Ibid., p. 62.

his career he viewed Jacobinism as seeking to maintain itself in power in France by abolishing all morals and seeking to corrupt the youth of that country through all manner of "corporal gratification."⁵ There is, therefore, a strong linkage between a corrupt political constitution (such as that of Jacobin France) and a corrupt populace, and presumably also between a healthy political constitution and a morally upright populace. Though this is not a novel concept, being the central concept of Machiavelli's Prince and Discourses (There is no evidence that Burke borrowed the idea from these sources.), it is nonetheless important for an understanding of Burke's theory of the nature of constitutions.

B. Maistre On the Nature Of Constitutions. Maistre's ideas about the nature of constitutions are simultaneously simpler and more abstract than those of Burke. Whereas Burke saw constitutions emerging from written laws, national character, and the will of God, Maistre admits the existence of only the final two. A constitution cannot, or ought not to be, written, because it is a divine work, and because written laws may be abolished, but fundamental laws cannot be.⁶ This contempt for the written word is one of the chief characteristics of Maistre. He declares that Plato, "who is always the first on the path

⁵Ibid., pp. 104-105.

⁶Maistre, Generative Principle Of Political Constitutions, in Lively, Works Of Joseph De Maistre, p. 147.

to all the great truths", was correct in saying that one can get only the appearance of wisdom from written discourses, and that, furthermore, one of the chief errors of Protestantism is its reliance on the written word of God, the problem being that even in this case writing is not animate and can neither defend itself nor hide itself from those who should not see it.⁷ The overpoweringly authoritarian aspects of the last part of this statement need hardly be belabored. A constitution is a governing device which springs full-grown from the brain of God at the moment of a nation's birth. This takes place in two ways. First, much of the constitution of a society is the direct work of God, without any intermediary. It may be assumed that these constitutional elements stem from the period when, Maistre believes, all men were under the direct rule of God in some sort of State of Nature (see Chapter Three). Any law must derive from a superior will if it is to be obligatory⁸, and so, naturally, the law of laws (the constitution) must derive from the most superior of wills. The constitution does so in an indirect manner also. "The fundamentals of political constitutions exist before all written laws", because, as Maistre says in regard to England, "The real English constitution is the public spirit" (a declaration with which Burke would agree).⁹

⁷Ibid., pp. 156 and 158.

⁸Ibid., p. 148.

⁹Ibid., pp. 149-150 and 151.

Since God is the Creator of a society's public spirit and national character, this contribution to the constitution represents God working at one remove. A written constitution is not only objectionable because of its failure to convey wisdom, but also because it is weak, and by being weak it endangers the existence of the state.¹⁰ This is probably because the very act of writing laws, especially fundamental laws, gives men the mistaken belief that they are truly masters of their fate, thereby causing people to doubt the sanctification of the constitution.

Attempts to reform the constitution are not acceptable. This is both because such is questioning the work of God, which is obviously unacceptable, and because every constitution has faults basic to its nature and inseparable from it.¹¹ How intrinsic faults can exist in an entirely divine institution is a very good question. It is probable that Maistre is trying to doubly protect the constitution from tampering. First of all, one ought not to touch the constitution with profane hands because it is an ark of the covenant. Secondly, if unquestionable defects in the constitution's design are perceived, these still exist for the good of man (a case in point being the sale of judicial offices in pre-revolutionary France, which resulted

¹⁰Ibid., p. 151.

¹¹Ibid., p. 167.

in the establishment of an independent judiciary)¹², and one should never attempt repair of them, even if the divine plan incorporated in them is not apparent.

C. The Relationship Of Burke's Views Of Constitutions To Liberty. Burke's ideas about constitutions are that constitutions are a mixture of flexibility and rigidity. The original constitution of every state is, as was seen, the result of the free choice of the populace, who set a direction for the society by choosing a king. Though this power to create a government is one that Burke feels ought to be handled very gingerly and applied only as a remedy for intolerable provocation, the fact that the original constitution arose as a result of popular will gives the people, at least in theory, a substantial say over their constitution. Naturally, however, this is nothing like a total say. Burke was no populist, and never claimed to be one. The power of any man or group over the constitution is, in two ways, severely limited. First, no constitution worthy of the name may depart from the universal principles of the Natural Law. This may certainly be viewed as a strong defense for the liberty and morality of a society, but it definitely derogates from the freedom of a society to shape its constitution as it chooses. There is a God-given element to every constitution that it is beyond human power (or at least right) to alter. Another fact giving a degree of rigidity to consti-

¹²Ibid., p. 169.

tutions is the connection between a nation's national character and its constitution. This is ambiguous as far as freedom itself is concerned, as opposed to the freedom to change one's constitution. If a country is blessed with a national character conducive to liberty, it would be almost inevitable that its constitution would reflect it, and if some conspiracy should be hatched to rob the land of its liberty, it would face overwhelmingly hostile odds. All this is to the good so far as liberty is concerned. There is, however, another side to the coin. If a country, due to immorality or slavishness in its national character, lacks a free constitution, it will be extremely difficult to give one to it. There is, therefore, a strong resistance against change in national character, and this will, for good or ill, be reflected in the constitution of the particular country.

The fact that every constitution has a large component of written laws is of major significance for the relationship of Burke's theory of constitutions to liberty. A flexibility is injected into the whole notion of a constitution. Burke had too good a feel for the history of his land to think England was under the same constitution as it was in 1066, 1215, or even 1689. The constitution of a nation is, in part, an evolving reality, because written laws affect the constitution, because national character (which does change, though slowly) affects the constitution, and because written laws and national character

reciprocally affect each other. This results in giving the people, through their representatives, at least some measure of continuing control over the content of the constitution. The constitution is not set in concrete for all time, nor is its content entirely beyond human control. This dictates eternal vigilance on the part of people in a country blessed with a free constitution, for subversion is always possible, as almost happened to England in the 1760's and 1770's, and yet hope is held out to unfree countries, for passage of laws can improve the character of the people and permit a slow transformation from slavery to freedom. The constitution is a framework through which the best of a nation's laws and traditions (certainly not all laws and traditions) are to be conserved in the name of liberty, and in which such new laws and traditions as are amenable to liberty and the best of the original constitutional design are to be incorporated.

D. The Effect Of Maistre's Constitutional Ideas On Liberty. The reason why Maistre's constitutional ideas are less amenable to liberty than are those of Burke is that what Burke sees as the foundation of the constitution is to Maistre the entire constitution. Both believe all constitutions must rest upon the rock of God's law, which necessarily makes them that much less amenable to human will. God's law has, however, already been seen to be a freer concept in Burke than in Maistre, the latter seeing it as dictating obedience to almost all acts

of almost all governments. In contrast to Burke, Maistre sees all of a constitution as being God's law. This makes it all well beyond the control, or even conceivably the understanding, of man. A further point in Maistre that derogates from liberty is the very scope he gives to the constitution. Not only is a constitution unquestionable in its entirety, it is also limitless in the ground it covers. Since written laws are very lowly regarded by Maistre, the only exception being the Ten Commandments, which were written by God¹³, quite literally every law in a society is part of the unwritten code of the constitution. To Maistre, a constitution is an ethereal device living with its Creator up in heaven and comprising the society's entire laws, traditions, and life. Also deriving from the belief that laws should not be written is the fact that, unlike Burke, Maistre does not see the constitution as an evolving mechanism. If a country is free by tradition, "free", to Maistre, being a synonym for Ultramontane Catholic, this freedom is secure forever, barring temporary aberrations like the Protestant Reformation or the French Revolution. If, however, a nation is not blessed with liberty, not only can it not be given liberty overnight (which Burke conceded), but it probably cannot be given liberty at all. Nor can liberty, in all likelihood, evolve. This is because national character, which both Burke and Maistre feel has an unavoidable connection with the content of a nation's

¹³Ibid., p. 162.

constitution, is either not amenable to change in Maistre's theory, or does not change as a result of human actions expressed in laws or anything else. It is, therefore, an article of faith with Maistre that a nation represents an unalterable phenomenon with a changeless national character, changeless laws, a changeless constitution, and a changeless government. It is so until the nation dies. It was probably this belief that led Maistre into absurdities such as believing England could not "really" be Protestant, and would ultimately reconvert to Catholicism.

It may be seen, in summation, that the two theorists' views of constitutions fit closely into the philosophical constructs of conservative libertarianism and conservative authoritarianism. For neither is a constitution something to be created, destroyed, or amended capriciously. It is for Burke a document including within it (among other things) much of the best of the wisdom of both God and the nation. For Maistre, it is a phenomenon that, ideally speaking, exists only in the mind of God, and yet is very real and reflects the perfect wisdom of God. Burke, the practical politician, sees a constitution as something that, though doubtless deserving of decent respect, exists primarily in order to be used to arrange social and political relationships in the most acceptable possible manner. Maistre, on the other hand, sees the constitution as something before which one should burn incense and feels its very existence justifies it. Man has some control over the constitution in Burke and none in Maistre.

Chapter X: The Meaning, Value, and Goal Of History

A. Burke's Definition Of History. As should be eminently clear by now, Burke sees two participants in the affairs of men: God and man. This is also true of his view of history. It shall be seen somewhat later in this chapter that God exercises a final say over the history of a state, but it is also true that the human mind is still "the proximate efficient cause" of a state's history.¹ The human mind acts upon history in two ways, by creating a nation's traditions (for Burke believes historical traditions to be man-made and the result of constant incremental activity by men) and by acting within the normal political world (These two naturally overlap.). This second point shows that practically anything can change the course of history.² It is likely that Burke, in his less modest moments, felt that he did just this during the French revolutionary crisis, and he was probably correct. History is, therefore, a cooperative endeavor between all generations of men and God. All men can make their contributions to the building of history, with God overseeing the project to make sure it turns out right. History is, consequently, a developmental process to which man makes major contributions, and one whose final results are necessarily good.

¹Burke, First Letter On the Regicide Peace, in Burke's Works, V, 234.

²Ibid., p. 235.

B. The Relationship Between the Individual and History In Burke's Theory. One can see from the foregoing that Burke sees the individual (at least potentially) as having a somewhat limited, yet real, role in the judging of history. A nation's traditions are to be respected, as they are the creation of many generations and of God. Respect is, however, not idolatry. Since history is in large measure the product of the reason of more or less ordinary human beings, human beings are somewhat free to determine whether a nation's traditions do serve, or ever did serve, the ends of just government. Reform is, therefore, an expected part of the life of a state.

One should, however, be very cautious about undertaking reform of a nation's historical traditions, since they are such a great compendium of political knowledge. History is properly a subject of very intense study, because such study can give to one the necessary understanding to (possibly) carry out reforms. Consequently, it is entirely illegitimate for an individual to criticize his country's historical traditions from a theoretical perspective, as the Jacobins did, but a criticism based on a keen historical understanding may be proper, since the reason in history is, at least largely, human reason.

C. Maistre's Definition Of History. A very different view of history is found in Maistre. He adheres to the belief that "God is the universal moving force"³ in history, as in all else.

³Maistre, Fifth Saint Petersburg Dialogue, in Lively, Works Of Joseph De Maistre, p. 231.

The independent role of man in history is essentially zero, since, though God may use man as a tool and man may even be able to flaunt the will of God in the short run, God provided to each state at its inception all it needed in the line of traditions and customs. Maistre may, therefore, in striking contrast to Burke, be considered anti-historical, for a state would neither have had nor have needed a history if its people had not sinned by departing from God's perfect pattern. History is completely under God's control, with men operating within it only by His sufferance, and is, moreover, entirely a record of man's corruption and divorce from God. History is that which happened after man's fall from grace.

D. Maistre's View Of the Role Of the Individual In Regard To History. Maistre feels that it is permissible in one way for the individual to judge the content of history, but it is impermissible in another way. It stands to reason that no person may judge the original historical traditions of his country, since they are a creation of God. Reform in this regard is completely unacceptable, and the atheistic desire for such reform is one of the cardinal sins of the eighteenth century. Nevertheless, a certain form of judgement of history is proper. History is no source of knowledge, contrary to what Burke felt, and so history as a whole may, and should be, judged and condemned. The only learning that one can gain from the study of history is the evil consequences of departing from the path of God, this departure being the starting point of human history. History has the one value that is said

to adhere to a thoroughly depraved individual, that of serving as a bad example. Only in the sense of the abolition of departures from God's original pattern can reform be permitted, this abolition naturally culminating in the abolition of history itself. Such is, of course, a sweeping reform, but it is also the final one.

E. A Controversy Over Interpretation Of Burke. Those who have written on Burke disagree on the important question of whether, in Burke's philosophy, the goal of history has been realized or whether it is yet to be realized. In order to deal with this question, it is necessary to ascertain first if history has a goal to Burke. Most writers on Burke have answered this question in the affirmative; Mansfield is an exception and declares that Burke felt there to be no fixed goal or nature for man.⁴ Burke's own writings give support to the view that there is a goal for man. First, there is a Divine Providence that works within history.⁵ This does not directly state that history has a goal, but it does render such at least plausible by showing history to be something other than a record of the activities of mere men. A stronger suggestion that there is a goal to history was given during the French

⁴Harvey C. Mansfield, Statesmanship and Party Government: A Study Of Burke and Bolingbroke (Chicago: University of Chicago Press, 1965), p. 237.

⁵Burke, Speech On Reconciliation With the Colonies, p. 140.

Revolution, when Burke referred to prudence, the proper guide of statesmen, as being "formed upon the known march of the ordinary providence of God."⁶ To say that God's providence is on the march implies it is on the march to somewhere, especially since Burke did not tend to be sloppy in his logic. A more concrete indicator of Burke's belief in a goal of history is, unfortunately, not available, since Burke only rarely made his philosophy explicit. One must instead look to Burke's life and actions, where the feeling is gained that Burke saw himself as striving to bring history to its proper goal. He saw himself as God's servant resisting such abuses, be they slavery, tyranny, or anarchy, as ran contrary to God's design for man.

Now that evidence has been presented in favor of the view that Burke sees history as having a goal, one must ascertain if he sees this goal as lying in a return to the past, as having been achieved, or as lying in the future. Despite Burke's laments over the world's loss of grace in his last years, the first possibility may be disposed of easily. Burke was no reactionary. He had his eyes open to both the good and the bad of the past. The second possibility has its devotees and is not so easily nor entirely disposed of. Sabine says that Burke had a strong influence on Hegel, an idea which, due to Burke's great popularity in nineteenth century Germany, cannot be entirely dismissed, and that Hegel expanded Burke's ideas of history by pointing out theoret-

⁶Burke, Second Letter On the Regicide Peace, in Burke's Works, V, 349.

ically history's evolutionary quality.⁷ From this it follows that Sabine saw Burke's theory of history as non-evolutionary. Cobban takes Sabine's view a step further. He says that Burke had a "thoroughly conservative political philosophy", and that "Burke's version of Locke turns out to be merely a justification in theory of the methods of the Whig oligarchy."⁸ There could be no room for historical evolution in the theory of a man who was just a theoretical justifier of Whiggery (and of not even the most up-to-date Whiggery). For such a man, existing conditions would provide all for which man could ever hope. This was not the position of Burke, save, as will be seen, for his views of social structure. Though he was a Whig and did not doubt the value of traditional Whig principles, Burke felt one of the most important of these principles was that of rational reform.⁹ It has already been seen in this chapter that Burke saw God's providence as being on the march. As Parkin says, Burke feels that "The higher reason is disclosed in the historical process."¹⁰ The word process hints that history's goal is yet to be achieved. Though one may be reasonably certain that this controversy over the nature of Burke's historical theory will not soon cease, the correct view appears to

⁷Sabine, A History Of Political Theory, p. 619.

⁸Cobban, Burke and the Revolt Against the Eighteenth Century, pp. 54 and 59.

⁹Burke, Appeal From the New To the Old Whigs, pp. 47-48.

¹⁰Parkin, Moral Basis Of Burke's Political Thought, p. 118.

be that, despite some tendencies to the contrary, Burke was a progressivist with regard to the relationship of change to the improvement of man. Though change is not necessarily improvement, improvement is both possible and necessary.

F. The Meaning Of "Progress" In Burke's Theory. It has, I hope, been reasonably well established that Burke was a believer in progress, which thereby refutes the view of Cobban who saw Burke as divorced from the major thinkers of his age by the fact of not believing in progress. It is, nonetheless, true that "progress" means something different to Burke than it does to, say, Bolingbroke. Progress is definitely not the throwing off of enslaving traditions, both because Burke did not believe traditions to be necessarily enslaving, and because even if they were, they would be so much a part of national character that it would not be possible to remove them without great effort over a long period of time, probably ages. Progress does not mean the establishment of new moral codes to replace the ones of the present time. Burke felt morality to be founded upon religion, and for that reason was very ill-inclined to tamper with the bases of morality. The moral teachings of his time were felt by Burke to be fully adequate to any genuine progress. To the extent that progress was impeded by the actions of men, it came through not adhering to the dictates of religion. Progress required not the destruction of religion, but its enhancement. Burke agreed with social critics

such as Rousseau that progress required the moral liberation of man, but such liberation required man to be religious to the fullest possible extent.

Burke also saw progress in a more down-to-Earth sense. Science has a great deal to contribute to progress, as long as it does not attempt to infringe on the moral sphere. When science, or what shallow thinkers deem to be science, is placed above morality and religion, disasters like the French Revolution must occur. This is because "Speculators ought to be neutral" toward questions of morality.¹¹ A separation is thus established between science and morals. Progress is available in both, but in science it can come only through alteration of principles, which is not acceptable in morality. It is, in fact, necessary for the principles of science to change, though this generally occurs in a gradual manner, building upon the scientific discoveries of the past. It must, furthermore, be added that, unlike the cases of moral and (as will be seen) social progress, Burke does not seem to believe that scientific progress has any final goal, either in his own time or in the distant future. Burke never gave his readers reason to doubt that he understood the potential of science for improving the life and well-being of man, and in this he may be said to have shared the optimism and enthusiasm of his age to the fullest.

¹¹ Burke, Thoughts On French Affairs, in Burke's Works, IV, 359.

It is necessary at this point to consider Burke's ideas on the social aspects of progress. It would, of course, not be correct to say that Burke is a thinker opposed to social progress, for his sincere opposition to slavery needs little reiteration. Nevertheless, the abolition of slavery (which is to be an ultimate, and not an immediate, goal)¹² is as far as Burke is willing to go in social changes involving an entire class of people. Though social mobility for individuals is definitely to be permitted (see Chapter VIII), Burke appears to feel that social progress would reach its limits with the abolition of slavery. The best example of this view comes in Burke's only work devoted solely to economics, in which he says "The laboring people are poor because they are numerous."¹³ Since the government could never have the right to tamper with the laws of economics by decreeing a minimum wage, and since employers would be ill-inclined to pay their workers more than they had to (keeping in mind their religious responsibilities to their fellowmen), it stands to reason that the great numbers of the laboring class would, through competition for jobs, keep their salaries down. Burke did not, however, see poverty as entailing misery, for he felt that even in time of real privation, the moral duty of charity would prevent great suffering. Burke,

¹²Burke, Sketch Of a Negro Code, in Burke's Works, VI, 258-259.

¹³Burke, Thoughts and Details On Scarcity, in Burke's Works, V, 134.

therefore, sees the social classes of eighteenth-century England as being permanent realities. Large-scale social change has come to an end.

G. Burke's Ideas Of the Goal Of History In Relation To Liberty. These aspects of Burke's theory are simultaneously supportive of and detrimental to liberty. One who wished to establish a new theory of morality, especially one not based upon religion, would not be free to do so. However, Burke was aware that not all was right with society morally, and strongly urged increased moral uprightness on people, both for its own sake and as a necessity for liberty. Science is, at the same time, encouraged and restricted. Scientific inquiry has an honored place in Burke's theory, in that it is seen as contributing to the progress and well-being of man. Burke, furthermore, sees no time limit upon what science can accomplish. Scientists must, nevertheless, have a properly humble understanding of their place in society. No more than any other men may they seek to subvert the ethical foundations of society or act as self-appointed saviors of their fellowmen. Also, Burke's view of the future of class structure has this same double-edged effect on liberty. Any man is free to rise as high in the social structure as his abilities will carry him, but he is not free to question the legitimacy of his social structure, if it conforms to that of England. Finally, it may be said legitimately that Burke's belief that history's goal

lies in the future does, whatever restrictions are placed upon progress, make a desire for progress permissible. One may believe, therefore, that Burke's ideas about history's goal have a rather mixed effect on human liberty.

H. Maistre's Ideas About History. In Maistre's theory, one finds little thought of history as a sphere in which secular progress is possible. Unlike Burke, Maistre is not somewhat skeptical about science, but is downright hostile to it. Science can be useful to society mainly by giving arguments to support the conclusions of authority, but must be "put everywhere in second place"¹⁴ to the Church. Very little independence was, therefore, granted to science, and it was to be under continual close inspection to make sure it did not get out of hand. Under such circumstances, it would have been strange if science in a Maistrean society had contributed much to progress, for science needs a substantially free hand to pursue its inquiries if it is to reach profitable conclusions. To Maistre, however, science does not exist in order to reach conclusions and aid temporal progress, but to serve as a prop for the existing (Catholic) order. Science, therefore, does not exist for the sake of scientific progress, and has nothing to contribute to any advances of the historical process.

¹⁴Maistre, Generative Principle Of Political Constitutions, in Lively, Works Of Joseph De Maistre, p. 166.

Social progress is also in an uncertain position in Maistre. His opposition to slavery is as great as Burke's, in that he praises the Papacy greatly for aiding the abolition of that institution.¹⁵ This abolition takes place through the upgrading of man's morality, which leads one to believe that by "slavery" Maistre does not mean only the ownership of one man by another. No doubt the abolition of slavery in its usual sense was felt by Maistre to be great social progress, but the "slavery" that Maistre is most interested in is that which is spiritual in nature and stems from the moral degradation of man. This "slavery" can be ended only by bringing all Protestants (and conceivably other non-believers as well) back within the Papal fold. The abolition of property in human beings is the only social progress Maistre is really willing to accept, and one may assume that the very phrase "social progress" would have been hateful to him. It cannot be said that Maistre advocated a freezing of the social status quo, for, as was seen in Chapter VIII, the social structure of his time, which included a wealthy and influential bourgeoisie, was not congenial to him. This is one part of Maistre's theory in which he may be properly termed a reactionary. The social structure is, if possible, to be taken back several centuries by forced march, to the days when the entire society could (Maistre believed) be explained adequately on the basis of three estates, with the clergy being supreme.

¹⁵ Maistre, The Pope, in Lively, Works Of Joseph De Maistre, p. 145.

I. The Meaning Of "Progress" In Maistre's Theory. As has already been seen, "progress", to Maistre, does not mean what it means to many of his contemporaries. Maistre's "progress" does not involve a move to a new style of living, in either a secular or (most certainly) a spiritual sense. Very paradoxically, Maistre, who despised individualism and made ceaseless war upon it, sees progress as involving a fundamental spiritual revolution in every individual, which will then be manifested by the society as a whole. Progress is, in other words, primarily a philosophical concept to Maistre. It comes not through scientific advances or through social reforms, but through the purification of one's soul. The soul is purified by having all individuality and all doubts about authority (especially the authority of the Church) removed from it. This part of Maistre's theory must stand as further proof of the fact that he was in much of his thought a *Philosophe* of the extreme right. The rarified atmosphere and abstract nature of this theory of progress can hardly be over-emphasized. It could only be the idea of a mystic who had systematically cut himself off from the world in which he lived and had then decided that he would reshape the world he had deserted in keeping with the philosophy he had created or embraced.

J. The Goal Of History and Its Relationship To Liberty In Maistre's Theory. The idea of there being a goal to history bulks rather larger in Maistre's theory than in Burke's, and

the goal is more explicitly described. As was related in Chapter III, political society is a very mixed blessing in Maistre's eyes. If man had not disobeyed his Creator and poisoned his soul, political society, which exists only to repress man's penchant for evil, would not have been required. The end of man's rebellious nature, which will take place as soon as man abases himself before God and God's Church, will have far reaching effects on the very nature of human existence. All diseases and "natural" catastrophies (which, to Maistre, are not rooted in nature at all) will certainly cease to assail man, since these are some of the forms God's punishments of sin take. War will pass away and there will be no need for society's institutions to operate in a coercive manner, since men will no longer have to be coerced to do that which is right. It is, of course, not to be thought that this utopia is what the average person would deem a "free" society. Those things which render man's life miserable will vanish because all men have agreed to abandon their individuality and to subordinate themselves to a corporate society ruled by a benevolent (in Maistre's estimation) but authoritarian Church. History will, therefore, reach its goal when all individual liberty has been effaced from the earth, and union of man with God's will is realized.

It can be said in summation that, with Burke's restrictions on what might be deemed historical progress (such as his unwillingness to allow science to move to front-rank importance

in the state and to permit massive alterations of the social structure over time), Burke's theory still allows for a large measure of liberty in the historical process. The day of reckoning is, first of all, pushed into the distant future, which makes it no hindrance to the day-to-day actions of men, and it is, furthermore, viewed as aiding the increase of liberty. Maistre's theory is certainly not like that. Salvation may come at any hour, thus preventing a business-as-usual approach, and consists of the extinction of human liberty (which is not seen by Maistre as being true liberty).

Chapter XI: Attitudes Toward Utilitarianism

The responses Burke and Maistre have to Utilitarianism are important indicators of the direction of their thoughts. It is necessary, first of all, to give a brief treatment of what Utilitarianism is. Utilitarianism, in its Benthamite articulation, is the view that virtue consists in the fulfillment of human wants, and that the goal of the state or society should be to promote "the greatest happiness of the greatest number." Utilitarianism is, further,

...that principle which approves or disapproves of every action whatsoever according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words, to promote or to oppose that happiness. I say of every action whatsoever; and therefore not only of every action of a private individual, but of every measure of government.¹

It can be seen immediately that there are two points in Utilitarianism that are antithetical to any sort of Conservatism: first, the stress on the needs and desires of the human being as the focus of morality, and second, the majoritarianism of the phrase "the greatest happiness of the greatest number." It was seen in Chapter One that Conservatism is inclined to view morality as stemming from some source other than human beings, and furthermore believes the majority to have no special claim to rights or consideration.

¹Jeremy Bentham, An Introduction To the Principles Of Morals and Legislation, in Edwin A. Burt, ed., The English Philosophers From Bacon To Mill (New York: Random House, 1939), p. 792.

Government is to serve the needs of all the people. In the cases of Burke and Maistre, therefore, it is not a matter of asking whether one or both of them embraced Utilitarianism, for had either of them done so his adherence to Conservatism would have been rendered highly questionable, but instead the extent to which Utilitarian ideas were accepted and rejected, either consciously or unconsciously, by them.

A. Burke On Utilitarianism. As is the general case in his writings, Burke does not write specifically on the philosophy of Utilitarianism. It is, therefore, necessary to glean from his writings such references as seem to apply to the subject, and from them to deduce what Burke's organized attitude toward Utilitarianism would have been, if he had articulated one. During the nineteenth century, it was a common misconception that Burke was some sort of Conservative Utilitarian, and MacCunn continues this error and expressly praises Burke for his lack of abstract thinking.² It is probable that this mistake stems from a misunderstanding of Burke's concept of "prudence", and from a misunderstanding of the nature of Utilitarianism. If "Utilitarianism" meant only that government was to serve the needs of the people (a not astonishing declaration), Burke would indeed be a Utilitarian of sorts, but the notions of "prudence" and "utility" are not to be confused. Counting of heads and solicitation of opinions have nothing whatever to do with the determination of prudence. To some extent,

²John MacCunn, The Political Philosophy Of Burke, p. 46.

Burke himself is responsible for this confusion, as in his Speech On Conciliation With the Colonies, where he declares that America's position in the struggle with England must be taken as a fact of life, whether that position be factually correct or not, because the Americans see it as correct.³ One may assume that Burke took this approach because he did not want to burden himself with unnecessary philosophical questions. This was, after all, a political speech, not a philosophical disputation. Nevertheless, Burke did believe the arguments embraced by the Americans to be valid, and it was their validity, not the fact that the Americans had embraced them, that led to Burke's willingness to embrace them as part of the empirical world. Surely such tolerance was never shown to the theories of the French revolutionaries, and would not have been even if the theories had been backed by the entire French population (As has been seen, however, Burke saw this latter revolution as a conspiratorial coup, not a genuine popular revolution.). This lack of tolerance of the French theories is because, in Burke's estimation, a given action must adhere to certain basic principles (in essence those of the Natural Law) if it is to be deemed "prudent". Usefulness, or (if one will) utility, is a derivative quality in Burke, and it is derivative not from popular election, but from its relationship to the law of God. Burke reverses the Utilitarian formula which says that what is good for the people (by decision of either individual or majority) is therefore moral; Burke, on

³Burke, Speech On Conciliation With the Colonies, pp. 70-71.

the contrary, believes that that which is moral must be good for the people. As in so many other things, Burke descends from heaven to earth, whereas the Utilitarians ascend from earth to heaven.

In a somewhat misunderstood phrase, prudence is "the god of this lower world."⁴ This quotation has gained wide circulation among students of Burke and has been seen as attesting to his high regard for prudence, and yet what is less often commented upon is the implied derivative status of prudence. If prudence is the god of "this lower world" [emphasis mine], it, like all else, must take its cue from the higher world, that of faith and religion. Prudence is ultimately a religious doctrine to Burke, and, therefore, whether or not a given activity of men can be deemed prudent can be deduced unerringly by examining it against the moral law. That which is spiritually good is necessarily empirically good, not the reverse (as in Utilitarianism).

This points up an additional difference between Burke and the Utilitarians, namely Burke's unwillingness to set up a mechanical calculus of good and evil. To Burke, unlike many of his contemporaries, the good is that which is the law of God, not anything stemming from an earthly basis. That which is good does promote the well-being of men, but its justification lies in itself, and not in any of its consequences.

It should now be eminently clear that Burke was no Utilitarian of any sort, and in fact by the logic of his theory was required

⁴Burke, Letter To John Farr and John Harris, in Burke's Works, VI, 226.

to reject Utilitarianism. There are, however, degrees of rejection, and one can still be somewhat influenced by a philosophy he rejects. To get a clearer understanding of Burke's feelings toward Utilitarianism, as opposed to mere acceptance or rejection of it, shall be the next order of business.

Without specifically mentioning Utilitarianism (and probably without even thinking about that philosophy), Burke unambiguously repudiates its majoritarian bias. Burke believes all men to have certain God-given rights and believes that there is a mutuality of rights and duties between citizen and society. In An Appeal From the New To the Old Whigs, Burke declares that, contrary to the views of the new Whigs, the majority may not alter the contract of society and government as it sees fit, since this contract is binding upon all; furthermore, the majority can have no say over moral concerns, and power ought not to be vested in the multitude, since this would prevent the limitation of power.⁵ It is obvious that the populist aspects of Utilitarianism are completely rejected by Burke. What the majority, or even the multitude, feels ought to be done or is in its interests, is of no special consequence whatever. The moral laws of the universe are not subject to a show of hands. Quite apart from the immorality of the majority claiming authority over the contract, is the fact that the majority itself is a creation of the contract. The concept of "majority" is simply a legal fiction, because people in a State of Nature

⁵Burke, An Appeal From the New To the Old Whigs, pp. 93-94.

can have no corporate existence.⁶ For the majority to be granted the right to question the contract (which, in Burke's view, sets the basic goals and moral structure of the society) would be to permit the majority to destroy itself. It is, therefore, not only immoral for the majority to be granted control over the contract, but also logically impossible.

Burke certainly agrees with the Utilitarians that the needs of the people are the goals of any just society, and yet he differs from them as to what these needs are and how they are to be determined. It has already been seen that the majority is not able to determine its needs or those of the society. The average person just lacks the intelligence to determine what his needs are, except in the most mundane cases. The people are to be ruled for their own good by those who are more intelligent and talented than they, though the people are to have some measure of control over their rulers. The people, however, have only limited control over the determination of their needs. It is, of course, also true that the rulers have no free hand in determining the people's needs, as they are also bound by the moral law and can declare no needs in contravention of it, nor violate those embodied in it.

The needs of people are two-fold in nature. First are the purely physical needs: food, shelter, clothing. These obviously require no choosing, as they derive (with the possible exception of clothing) from man's nature as an animal. These needs are not,

⁶Ibid., p. 100.

however, to be provided for by the government (as the Utilitarian "greatest happiness of the greatest number" doctrine might imply). They are to be provided for by negotiations between buyer and seller who, cognizant of their interrelated interests, will strike a mutually acceptable bargain.⁷ The higher needs of the human being, those dealing with something other than mere physical survival, may have some relationship to government. This relationship, however, is only a tenuous one, in that the government's role is only to provide the minimum climate necessary for other institutions (such as a Church, the family, etcetera) to establish the nobler, more civilized, needs of man. Government has only the negative function of providing the conditions under which the positive functions can be implemented by others.

It can be seen, in contrast to the Utilitarian view, that no strongly individualistic approach is evident in Burke. Though the needs that are to be fulfilled naturally serve the needs of the individual, they are neither chosen by the individual nor implemented through him. The impulse is toward meeting corporate needs and working through corporate organizations to meet needs that the individual is not really free to accept or reject.

Yet another reason why Burke rejects the individualism of Utilitarianism is his tendency to reject the egoism that often goes with it. The individualism of Bentham must be as obvious

⁷Burke, Thoughts and Details On Scarcity, in Burke's Works, V, 151.

as the non-individualism (but not anti-individualism) of Burke. Burke sees the interests of every individual being served best through serving the interests of the community. Though Burke recognizes that egoism may be a socially useful force, and for that reason should not be scorned, he is never really comfortable with it.⁸ Selfishness, whatever its practical justification, is still selfishness, and is thus both a vice and less than rational. Bentham, on the other hand, declares: "The interest of the community then is--what? The sum of the interests of the several members who compose it."⁹ Burke lauds the morality and rationality of the community interest, and Bentham, in effect, denies that there is such a thing.

What all this means for the nature of Burke's theory is that he is simultaneously more libertarian and less libertarian than the Utilitarians. He expressly denies the right of the individual to determine his own needs and act upon that determination, and yet he does feel the individual does have needs which should be met. These needs, however, cannot be treated as exclusive of or contradictory to the needs of society. In fact, the needs of one cannot be treated apart from the needs of all. If libertarianism has something to do with individual freedom of choice, Burke's view must be considered less libertarian than the Utilitarian alterna-

⁸Ibid., pp. 140-141.

⁹Bentham, Principles Of Morals and Legislation, in Burt, The English Philosophers From Bacon To Mill, p. 792.

tive. There is, nevertheless, another side of the issue that requires examination. As was seen, Utilitarianism lays great stress on the needs of the "greatest number", thereby making conceivable the total forfeiture of the needs of the minority. This is a position that could easily justify slavery, and is one that is totally abhorrent to Burke. Based on his belief in the moral equality of all men, it is as unacceptable to sacrifice the needs of the minority to those of the majority as it is to do the reverse. In the society Burke favors, all must be free, and so a democratic tyranny is but little better (if at all) than an autocratic tyranny. The needs of all are to be valued equally, as all the most important needs are ultimately granted by a benevolent God. This is surely nothing if not a libertarian belief. Further, Burke does not accept the Utilitarian belief that the government can be used to promote the needs and freedom of the people, or the majority. He holds instead to the Conservative Libertarian belief that doubts the efficacy and safety of government action. In Burke's own words, "It [the government] can do very little positive good."¹⁰ Far from being used to improve the lot of the people, government should be restricted so that it shall not make unwarranted invasions on liberty, as it has an omnipresent tendency to do. The state is to be limited in the name of freedom.

It can be seen that Burke's theory is a direct mirror image of that of Utilitarianism. Where he is corporate, it is individual-

¹⁰Burke, Thoughts and Details On Scarcity, in Burke's Works, V, 134.

istic, and where he is at least somewhat individualistic, it is corporate. Utilitarianism sees needs as individually determined and implemented through and by the state, whereas Burke sees needs as determined either by nature or by one's corporate associations, and implemented both by one's non-political associations and by the individual. There can be little doubt that Burke's theory is irreconcilably opposed to that of Utilitarianism.

B. Maistre On Utilitarianism. A somewhat different situation is found in Maistre. Naturally Maistre is at least as little enamored of Utilitarianism's atomistic theory of needs as is Burke. To Maistre, it is entirely impossible, absurd, and even heretical for people to seek to determine their own needs, both because they necessarily lack the ability to do so and because all of a nation's true needs are embodied in its God-given unwritten constitution.¹¹ Man has no right to even think about what his needs might be, for this is tantamount to questioning the wisdom of God. A further reason why this is so is that the greatest need of any nation is order.¹² Maistre is, with some justice, convinced that order cannot be reconciled with a continual questioning and debate about man's needs. One of man's chief needs, therefore, is not to be troubled about his needs. They are permanently provided for, at least as long as the divine equilibrium is not disturbed by man. Faith and patriotism are also very great social needs, neither being an ob-

¹¹Maistre, Considerations On France, in Lively, Works Of Joseph De Maistre, p. 80.

¹²Ibid., pp. 89-90.

ject of human choice, but instead aspects intrinsic to any functioning system. Still another great need for every man is the external coercion that can come from the state. There is no possibility of a person rising to his proper moral level unless the state (and other institutions) coerce him.

After all this is said, Maistre comes out with a statement that it is difficult to reconcile with the foregoing. He declares "The best form of government for each nation is that which, in the territory occupied by this nation, is capable of producing the greatest possible sum of happiness and strength, for the greatest possible number of men, during the longest possible time."¹³ Has Maistre become a Utilitarian? If so, that revelation would come at a rather late date in this work, and since it has been seen that Conservatism and Utilitarianism are mutually exclusive, would badly damage the thesis expressed. Of course Maistre is no Utilitarian, but it is still necessary to come to grips with the above quotation. Just what did he mean? It would seem that the best answer, that which would do the least violence to the body of Maistre's thought (It is best not to impute contradiction to a theorist unless definitely required to do so.), is that Maistre feels the state that meets the requirements he set is that which adheres to its natural constitution, and hence subordinates itself to the laws of God. The suggestion of a right to experiment in government

¹³Maistre, Study On Sovereignty, in Lively, Works Of Joseph De Maistre, p. 126.

forms thereby entirely vanishes, and this Maistrean "Utilitarianism" is shown just to be a matter of terminology that Maistre picked up during his pre-Revolution "radical" period. This is not to say that Maistre was being willfully deceptive, and it is therefore necessary to try to understand why Maistre was apparently willing to accept a state which served the needs of less than all of its citizens, which (as was seen in Chapter One) is an apparent contradiction of Conservatism. The answer would probably be that Maistre, with very great reluctance, was willing to read out of the human race such compulsive violators of the moral law as the French revolutionaries. They are so divorced from the laws of God that their needs cannot be met in any organized and civilized society. It has been seen that Maistre's solution to the problem of these people is that they should die. The society is, however, to serve all others' needs.

The last great need of man is his need to understand his place in the world. This place is one of extreme subordination to both political and (especially) moral authorities. If a man does not accept this subordination, he will give way to the sin of pride (which is, in Maistre's estimation, the mother of all sins) and thereby bring upon himself all manner of horrible (but deserved) sufferings, both spiritual and physical.

Rather significantly, Maistre (unlike Burke) is not even willing to consider the economic requirements of life as being among man's needs. Burke felt these were needs and were to be

settled by agreement in the marketplace. Maistre could not be oblivious to the physical needs of life, but he was unwilling to even raise the question in his discussion of needs, possibly in fear that an opening would be given for economic protest. It can be assumed, however, that Maistre would favor the relieving of genuine distress through individual charity, for he was not a heartless man.

How are these needs to be achieved? Here Maistre approaches somewhat nearer to the Utilitarian point of view than does Burke. Man's needs are to be implemented by a complete mobilization of all of the institutions of society, spiritual, political, and social. Man is so naturally rebellious that any less of an activity will cause him to embrace his false needs in place of his true ones. For the sake of humanity, this cannot be permitted. Working through government to bring about the realization of man's needs is quite proper. Naturally, in keeping with the essence of Maistre's thought, the key institution for forcing man to accept his needs, that institution which orders all the others, is the Catholic Church. In this small part of his theory, therefore, Maistre may be looked upon as an Ultramontane Catholic Utilitarian. If this sounds like an incongruous arrangement, it is only because it is.

Maistre takes Burke's non-individualistic theory of human needs one huge step further. That which is rational has nothing whatever to do with the choices of men, either singly or in their mass. To Burke, the desires of the individual are not the total

judge of rationality; to Maistre, they are no judge at all. In another departure from Utilitarianism, Maistre's claim that he, like Burke, judges the rationality of a strategy or practice based on the results which occur from it, is shown to be false. The best example of this is Maistre's attitude toward Protestantism, to which, at a time when he saw Europe at war with "a real practical atheism", he was unwilling to grant the slightest shred of legitimacy in the common cause. At a time when England was the bulwark of the anti-Jacobin crusade, Maistre was confidently predicting that country's conversion to Catholicism. This had to be offensive to British sensibilities and damaging to the alliance. Maistre determined a priori that only that which furthered the cause of Catholicism could be productive of good results (and thereby rational), and was unwilling to depart from this belief to help save Christianity. Maistre was as good a Philosophe as one could have hoped to have found in the Jacobin camp. Once he had fastened upon a first principle, he would pursue it to the end, come what may. As must be evident by now, Maistre's response to Utilitarianism had a fundamental inflexibility that was not present in Burke.

This was true notwithstanding Maistre's contention that the best state is that which promotes the greatest happiness and strength of the greatest number. Maistre, as a strong Ultramontanist, determined in advance what constituted "true happiness", and like so many other ideologues was, despite (or perhaps because of) great personal benevolence on his part, willing to spread fire, sword,

and misery throughout the world so that true reason and true happiness might be achieved. One may safely assume that Spain was a happier country before the coming of the Inquisition, but since true reason and true happiness were possible only through the true religion, any loss of false happiness could not count for much. Maistre's reason, or unreason, is essentially the same as that of the Jacobins. Both of them feel that what ought to be, which is the only reason and happiness, must be realized regardless of cost, and anything less than this can be permitted only a very transitory existence.

Maistre's relationship to Utilitarianism is an ambiguous one. He believes that the important needs have nothing to do with aiding the individual as individual. If the true needs of the entire society are met, the actual needs of the individual will also be met. Individualism itself is very far from a real need, and is actually the death of all real needs. There is obviously none of the arithmetic approach of Utilitarianism in this. On the subject of implementing man's needs, however, there are some decided similarities between Maistre and Utilitarianism. Once man's needs are determined (though Maistre and Utilitarianism determine them in very different ways), they are brought to fruition in similar ways by the two theories. There are no necessary limitations on the executive power of government in either theory. The government may fairly be used to bring man's needs to fulfillment. That this may indeed be a threat to the individual is something

of no consequence to Maistre and something overlooked by the Utilitarians.

C. An Analysis. It is worthwhile to end this chapter with the question of who is the closer to Utilitarianism, Burke or Maistre, and what this means for their theories. It has already been seen that neither one is a true Utilitarian, and the reasons for this need not be reiterated. Surprisingly, or perhaps not so surprisingly, Maistre, the Authoritarian Conservative, is somewhat closer to Utilitarianism than is Burke, the Libertarian Conservative. The idea of an activist state, which is unpleasant to Burke, is not so to Maistre. Maistre is willing to use the state extensively to bring about the establishment of a just and ideal society (though the components of this utopia differ greatly from those a Utilitarian would suggest), which, on the subject of implementation, is not all that dissimilar to the approach of Utilitarianism. That this similarity exists may tell as much about Utilitarianism as it does about Maistre.

A study of Burke's views on Utilitarianism shows both the existence and the limits of his libertarian beliefs. He is unwilling to allow man to determine his own needs (at least in any vital sphere of life), and yet he is also unwilling to allow the state to be the prime mover for the needs of the people, out of fear of what this could do to the liberty of both the individual and society. Burke's theory is, therefore, simultaneously more and less libertarian than that of Utilitarianism. No such partial

libertarianism is found in Maistre. He rejects the libertarian aspects of Utilitarianism, like Burke, but unlike Burke accepts (consciously or unconsciously) those aspects of Utilitarianism favorable to an authoritarian theory. The verdict of this chapter may, therefore, be to underscore the fact of Burke's qualified libertarianism and of Maistre's qualified authoritarianism.

Chapter XII: The Legacy Of Burke and Maistre

It has been seen throughout this dissertation that Burke and Maistre represent substantially different solutions to many of the problems of man, society, and government. The question which must now be considered is what the importance of these two thinkers was, for history, for Conservatism, and for political theory. Naturally, these three spheres of inquiry necessarily overlap each other.

A. The Significance Of Burke. The effects of Burke on history were quite striking. There is little doubt, for example, that his opposition to George III's attempts at royal influence had a real tendency to rally the Whig Party against this threat, and thereby to pave the way for the modern British constitutional monarchy. Just what the political development of England would have been without Burke's substantially successful campaign for Parliamentary independence and dominance is difficult to know. There is, however, good reason to believe that England's history would have been far different if she had been ruled by a king with wide influence, or even dominance, over Parliament.

Allied to this endeavor of Burke was the intellectual rationale he gave to political parties (The details of his argument need not be recapitulated.). It would, of course, be foolish to say that political parties would not have developed if Burke had not written Thoughts On the Cause Of the Present Discontents,

for proto-political parties had developed before he entered Parliament, but Burke's contribution to this development was to make party membership an un-self conscious allegiance. Burke's friend Oliver Goldsmith could jokingly say of him, in a game Burke's club once played of thinking of humorous epitaphs for the members, that he had "given to party that which belonged to mankind", but the significant historical contribution Burke made in this regard was to show that the needs of party and mankind could be reconciled. Had Burke, or someone else, not made and openly declared this discovery, it is doubtful that political parties, which might have led a guilt-stricken existence, could have arisen to the position of prominence they hold in the contemporary British political system.

Burke's historic influence stretched across the Atlantic Ocean during the period of the American Revolution. There can be little doubt that Burke (along with Pitt, Rose Fuller, Rockingham, and others) did much through his political opposition to hinder the British war effort. It would be going too far to suggest Burke was a decisive factor in the British defeat, for in this war the British were laboring under enormous military and logistical difficulties, but he did, nevertheless, make successful conclusion of the war for Britain much more unlikely.

The most important historic contribution of Burke certainly concerned the French Revolution. In this crisis, he (at the outset almost single-handedly) rallied a British populace, which was

originally inclined toward temporizing with the menace, to a spirited defense of the British constitution and of Western civilization. Historical post-diction is always an extremely hazardous undertaking, but it does seem that Burke was quite correct that there was no basis for peace between England and revolutionary France. Had England not embraced an anti-Jacobin crusade, or had not done so in time, there is good reason to believe that France might have won the war. If the new French principles had triumphed (even in their Bonapartist manifestation), it is obvious that the very basis of Western civilization would have been radically altered. If a universal Jacobin French empire had emerged in the late eighteenth century, it is hardly likely that the world as we know it today could have emerged. Whether this would have been a good or a bad thing is, of course, a matter of interpretation.

As one would expect of a crisis of this magnitude, the French Revolution worked changes on the partisan political makeup of England, with Burke playing a central role in these changes. It was seen earlier in this work that Burke abandoned the Whig Party because of this catastrophe (after that party abandoned its principles). He also took a large proportion of the Whig Party with him into the Tory Party, thereby leading to a long period of Tory dominance. During the forty years after Burke crossed over to the Tories, the Whig Party was to be in power in England for but two years. Consequently, Burke was reviled ever after by the Whigs as a traitor, and hailed by the Tories

as a savior. An interesting side-effect of Burke's (and many of his fellow Whigs') removal to the Tory Party was probably, somewhat paradoxically, to weaken the authority of the king over that party, and thereby over the British political system as a whole. This is so because when a person goes from one party to another, he does not leave behind all of the marks of his origins. The party of the "King's Friends" was, consequently, somewhat transformed.

Burke's effects on Conservatism were no less significant than his effects on history. It may be permissible to see him (with Maistre) as being one of the fathers of organized Conservatism. Before these two men began thinking about the nature of society and politics, Conservatism existed only as a series of scattered threads here and there, not as an integrated fabric. It may be said that it was Burke, who slightly pre-dated Maistre in his writings, that first made Conservatism conscious of itself. This was definitely his effect in Germany (and fairly generally on the continent), as we learn from Reinhold Aris.

A history of political thought in Germany in this period of transition and ferment [that of the French Revolution and Bonaparté] would be incomplete if we did not consider the influence which Burke exerted upon German thinkers. This influence can indeed hardly be overestimated. None of the political philosophers, with the sole exception of Rousseau, forced the German thinkers to re-define their political views to such an extent, nor opened such fundamentally new aspects as did Burke. In one respect his influence even surpassed that of Rousseau. Rousseau never formed a political school in Germany, whereas Burke became the spiritual father not

only of the Romantic and the Historic schools but also of the conservative movement as it developed after the war of liberation.¹

It was Burke who turned Conservatism from a nostalgic longing for the "good old days" or a desire to maintain the status quo into a coherent set of principles to which men of intellect could rally. That they did rally to this standard was seen in the above quotation from Aris. Burke was the pace-setter not only for Conservatism as a whole, but (as was seen in Chapter One) for a particular type of Conservatism, Conservative Libertarianism. As such, he may be looked upon as the spiritual forebear of such modern thinkers as Frank Meyer, William F. Buckley, Jr., Barry Goldwater, and others.

As one would expect, the emergence of an articulate Conservatism fostered by Burke worked changes in the nature of political philosophy. Before Burke, political discourse had for quite a while tended to be divided between those oriented primarily to the past or the status quo by impulse, and those "progressives" who pointed the way to a future based on humanism and individual reason. Naturally, the "reactionaries" were usually poor competitors for the "rationalists" in an age rather entranced by "reason", and so where rationalism was defeated it was usually by force of arms, not ideas. This reached the point where Catherine the Great, autocrat of all the Russias, fancied herself a philosophe

¹ Reinhold Aris, History Of Political Thought In Germany, From 1789 To 1815 (London: George Allen and Unwin, Ltd., 1936), p. 251.

and had a bust of Voltaire in her palace! Burke introduced a new element into the equation of political discourse, and by doing so altered the nature of this discourse, though, as was seen in Chapter One, some opponents of Conservatism insist upon identifying it with a status quo attitude or reaction. Such is, however, an honest or dishonest mistake. It may not be too much to say that the advent of developed Conservative philosophy rather decisively altered the nature of the universe of political philosophy. No longer could the "Enlightenment" claim sole ownership of thought. The fact that the "Enlightenment" and its contemporary heirs, in their pure form, lost the unchallenged intellectual mastery they once had and became what they often are today, a hesitant, uncertain, and compromising doctrine, may be to some degree the result of the effective intellectual challenge Burke and his Conservative successors made to it. A king rules less confidently when there is a pretender to the throne with forces in the field.

B. The Significance Of Maistre. The same basic format used for examining Burke's importance shall be used for Maistre: he shall be scrutinized as to his effects on history, Conservatism, and political philosophy in general. It shall be seen that Maistre's importance has unfortunately been deemed to be less than it really is.

It is true that Maistre, at least in comparison with Burke, never wrought any direct influence of importance on history. He never held any political office where he could influence the

events of his time in any meaningful way. As a propagandist for the anti-Jacobin cause in Switzerland he probably did something to boost the spirits of his fellow refugees, but there was really nothing especially decisive about this. Most of Maistre's mature political career was spent in Russia as the representative of a trivial power, in which position he was quite unable to influence the course of events of history. Though this is rather paradoxical in the case of a man who so hated philosophers, it must be said that Maistre's significance would have to be considered wholly philosophical. As a political figure, Maistre is almost completely obscure.

His importance for Conservatism is, however, striking. If Burke was the spiritual father of Conservative Libertarianism, Maistre had the same relationship to Conservative Authoritarianism. As should be quite clear by now, the main philosophical themes of Conservative Authoritarianism (complete subordination of the individual, infallible implementation of the moral law by an earthly institution, etcetera) are present in Maistre. The strange thing is that Maistre's importance for Conservatism has not been recognized even by those, such as Bozell, who consciously or unconsciously follow his teachings. Whether the debt is acknowledged or not, however, Maistre's virtual creation of an entire Conservative philosophical school cannot be denied. What Conservatism would have been if it had not been a multiple birth is difficult to say, but the fact is that Burke shared the duties of midwife with Maistre.

In political philosophy as a whole, Maistre has been a very neglected figure. I hope it has become apparent by now that Maistre was the architect of several important concepts that deserve more treatment than they have received. Certain of his insights, such as that of the tendency of power to gravitate to one institution within every society, are of first-rate importance for Maistre's time and our own. This leads, then, to the question why Maistre has been such a neglected thinker. There has never, whatever its real debt to him, been a school of thought that proudly bore Maistre's name. One answer probably is that Maistre never wanted to be viewed as an independent thinker. His hatred for theory is quite obvious, this hatred stemming from his belief that to ponder the nature of society and the universe was tantamount to a divorce from God and from God's Church. Despite this, however, Maistre was an independent thinker. When a man says he is not a theorist, it may be reasonable to believe him and ignore his written evidence to the contrary. Some of this happened with Maistre. Another factor that may well contribute to the slighting of Maistre is that his homeland was an unimportant power in world affairs. One's ideas are always more likely to receive a hearing if they are trumpeted from center stage, rather than from the wings. What would have happened to the reception of his thoughts if Plato were born a Scythian instead of an Athenian, or Burke a Savoyard instead of a subject of Great Britain? It is an un-

fortunate tendency of man to look for the great thoughts in the great countries. Further, Maistre was a Catholic thinker, and there might have been a tendency, for that reason, to feel he was speaking only to Catholics. It is not really a coincidence that Maistre's chief popularizer in the United States was Orestes Brownson, after he embraced the Church of Rome. I do, nevertheless, believe that Maistre has something to say to all people. A final consideration that may incline people to disregard Maistre is the tendency of some writers (such as Laski) to see him as a forerunner of Fascism, and hence as a trivial thinker. Fascism, after all, is a creed which is proudly anti-intellectual and discounts the value of thought. Fascism is, as far as any movement can be, a creed without a creed. If Maistre were a precursor of Fascism, therefore, it would be quite correct for political philosophy to eschew examination of the political theory of a man without a political theory. It should be evident by now that Conservative Authoritarianism and Fascism, whatever their superficial similarities may be, are definitely distinct and often sweepingly different philosophies, and consequently this last argument is not a good reason for hesitating to consider Maistre the founder of a major school of political philosophy, and to give him the degree of intellectual scrutiny which follows from this position. I truly hope that one feature of current political philosophy will be to take a second, or even a first, look at Count Joseph De Maistre, and not to ignore him as has so often been the case in the past.

C. Conclusion. The legacies of Burke and Maistre may be seen collectively as Conservatism. Before their time, Conservatism was a fugitive doctrine, existing in bits and shreds among thinkers, some of whom possibly would not have thought of themselves as Conservatives, and spoken of in whispers, if at all. Burke and Maistre, as it were, took Conservatism out of obscurity and into the bright daylight. Intellectual respectability could no longer be confidently denied to Conservatism, though many have tried to do this. After this initial point, however, the legacies of Burke and Maistre diverge. At the same time that Conservatism was born to a new and vibrant self-confidence, it was also born to the division that marks it to this day. As is good Conservative doctrine, one can only understand the future of an institution, a society, or a philosophy by understanding its origins. To speak of the effective origins of Conservatism is to speak of Edmund Burke and Joseph de Maistre, the founding fathers.

Selected Bibliography

Works by Burke

Burke, Edmund. An Appeal From the New To the Old Whigs. Indianapolis, Indiana: Bobbs-Merrill, 1962.

Burke, Edmund. Eleventh Report Of the Select Committee Of the House Of Commons On the Affairs Of India. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VIII. London: Ballantyne, Hanson and Company, 1899.

Burke, Edmund. First Letter On the Regicide Peace. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. V. London: Ballantyne, Hanson and Company, 1899.

Burke, Edmund. Fourth Letter On the Regicide Peace. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VI. London: Ballantyne, Hanson and Company, 1899.

Burke, Edmund. Fragment Of a Tract Relative To the Laws Against Popery In Ireland. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VI. London: Ballantyne, Hanson and Company, 1899.

Burke, Edmund. Letter On the Irish Absentee Tax. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VI. London: Ballantyne, Hanson and Company, 1899.

Burke, Edmund. Letter On Protestant Ascendancy In Ireland. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VI. London: Ballantyne, Hanson and Company, 1899.

- Burke, Edmund. A Letter To John Farr and John Harris, Esqrs., Sheriffs Of the City Of Bristol, On the Affairs Of America. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. I. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. A Letter To a Noble Lord. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. V. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. A Letter To the Right Honourable Henry Dundas, One Of His Majesty's Principal Secretaries Of State, With the Sketch Of a Negro Code. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VI. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. Ninth Report Of the Select Committee Of the House Of Commons On the Affairs Of India. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VIII. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. A Philosophical Inquiry Into the Origin Of Our Ideas Of the Sublime and Beautiful: With an Introductory Discourse Concerning Taste. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. I. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. Reflections On the Revolution In France. New York: Bobbs-Merrill, 1955.
- Burke, Edmund. Remarks On the Policy Of the Allies With Respect To France. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. IV. London: Ballantyne, Hanson and Company, 1899.

- Burke, Edmund. Second Letter On the Regicide Peace. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. V. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. A Short Account Of a Late Short Administration. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. I. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. Speech At the Guildhall In Bristol. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. II. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. Speech On the Acts Of Uniformity. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VII. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. Speech On the Army Estimates. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. III. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. Speech On a Bill For the Relief Of Protestant Dissenters. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VII. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. Speech On a Bill For the Repeal Of the Marriage Act. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VII. London: Ballantyne, Hanson and Company, 1899.
- Burke, Edmund. Speech On Conciliation With the Colonies. Chicago: H. Regnery and Company, 1964.

Burke, Edmund. Speech On the Economical Reformation Of the Civil and Other Establishments. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. II. London: Ballantyne, Hanson and Company, 1899.

Burke, Edmund. Speech On Parliamentary Reform. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VI. London: Ballantyne, Hanson and Company, 1899.

Burke, Edmund. Speech On...a Petition Of the Unitarian Society. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. VII. London: Ballantyne, Hanson and Company, 1899.

Burke, Edmund. Thoughts and Details On Scarcity. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. V. London: Ballantyne, Hanson and Company, 1899.

Burke, Edmund. Thoughts On French Affairs. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. IV. London: Ballantyne, Hanson and Company, 1899.

Burke, Edmund. A Vindication Of Natural Society: Or a View Of the Miseries and Evils Arising From Every Species Of Artificial Society. The Works Of the Right Honourable Edmund Burke In Twelve Volumes. Vol. I. London: Ballantyne, Hanson and Company, 1899.

Works About Burke (In Whole Or Part)

Aris, Reinhold. History Of Political Thought In Germany, From 1789 To 1815. London: George Allen and Unwin Ltd., 1936.

- Canavan, Francis P. The Political Reason Of Edmund Burke. Durham, North Carolina: Duke University Press, 1960.
- Cobban, Alfred. Edmund Burke and the Revolt Against the Eighteenth Century. London: Allen and Unwin, 1960.
- Cone, Carl B. The Age Of the French Revolution. Vol. II of Burke and the Nature Of Politics. 2 vols. Lexington, Kentucky: University of Kentucky Press, 1964.
- MacCunn, John. The Political Philosophy Of Burke. New York: Russell and Russell, 1965.
- Magnus, Philip. Edmund Burke: A Life. London: John Murray, 1939.
- Mansfield, Harvey C. Statesmanship and Party Government: A Study Of Burke and Bolingbroke. Chicago: University of Chicago Press, 1965.
- Morley, John. Edmund Burke. New York: Harper and Brothers, Publishers, 1879.
- Parkin, Charles. The Moral Basis Of Burke's Political Thought. New York: Russell and Russell, 1968.
- Pocock, J. G. A. Politics, Language, and Time: Essays On Political Thought and History. New York: Atheneum, 1971.
- Sabine, George. A History Of Political Theory. New York: Holt, Rinehart and Winston, 1961.
- Stanlis, Peter J. Edmund Burke and the Natural Law. Ann Arbor, Michigan: University of Michigan Press, 1965.
- Watkins, Frederick M. The Age Of Ideology. Englewood Cliffs, New Jersey: Prentice-Hall, 1964.

Works by Maistre

Maistre, Joseph de. Considerations On France. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Maistre, Joseph de. The Eighth Saint Petersburg Dialogue. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Maistre, Joseph de. Enlightenment On Sacrifices. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Maistre, Joseph de. Essay On the Generative Principle Of Political Constitutions. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Maistre, Joseph de. The Fifth Saint Petersburg Dialogue. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Maistre, Joseph de. The First Saint Petersburg Dialogue. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Maistre, Joseph de. The Fourth Saint Petersburg Dialogue. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Maistre, Joseph de. The Pope. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Maistre, Joseph de. The Second Saint Petersburg Dialogue. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Maistre, Joseph de. The Seventh Saint Petersburg Dialogue. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Maistre, Joseph de. Study On Sovereignty. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Maistre, Joseph de. The Tenth Saint Petersburg Dialogue. The Works Of Joseph de Maistre. Edited by Jack Lively. London: Allen and Unwin, 1965.

Works About Maistre (In Whole Or Part)

Anonymous. "De Maistre and Romanism." North American Review, LXXIX (October, 1854), 371-406.

Arnold, Matthew. "Joseph de Maistre On Russia." London Quarterly Review, CXLIII (October, 1879), 229-239.

Barth, Hans. The Idea Of Order: Contributions To a Philosophy Of Politics. Translated by Ernest Hankamer and William Newell. New York: Dordrecht, Reidel, 1960.

Brownson, Orestes. "Joseph de Maistre On Political Constitutions." Brownson's Quarterly Review, IX (October, 1847), 458-485.

Caponigri, A. Robert. Some Aspects Of the Philosophy Of Joseph de Maistre. Chicago: University of Chicago Press, 1945.

Greifer, Elisha. "Joseph de Maistre and the Reaction Against the Eighteenth Century." American Political Science Review, LV (September, 1961), 591-598.

Laski, Harold J. Studies In the Problem Of Sovereignty. New York: Howard Fertig, 1968.

Lebrun, Richard A. Throne and Altar: The Political and Religious Thought Of Joseph de Maistre. Ottawa: University of Ottawa Press, 1965.

Morley, John. Biographical Studies. Freeport, New York: Books For Libraries Press, 1969.

Murray, John C. "The Political Thought Of Joseph de Maistre." Review Of Politics, XI (January, 1949), 64-86.

Soltau, Roger. French Political Thought In the Nineteenth Century. New York: Russell and Russell, 1959.

Wilson, Edmund. "Joseph de Maistre." New Republic, August 24, 1932, pp. 35-39.

Definitional Works On Conservatism (In Whole Or Part)

The American Heritage Dictionary Of the English Language. Fourth edition, 1970.

Auerbach, M. Morton. The Conservative Illusion. New York: Columbia University Press, 1959.

Bierce, Ambrose. The Devil's Dictionary. New York: Hill and Wang, 1968.

Bozell, L. Brent. "Freedom Or Virtue?" National Review, September 11, 1962, pp. 181-187 and 206.

Bozell, L. Brent. "To Magnify the West." National Review, April 24, 1962, pp. 285-287.

Collier, David S., and McGovern, William M. Radicals and Conservatives. Chicago: Henry Regnery Company, 1957.

Hartz, Louis. The Liberal Tradition In America. New York: Harcourt, Brace and Company, 1955.

- Huntington, Samuel P. "Conservatism As an Ideology." American Political Science Review, LI (June, 1957), 454-473.
- Kirk, Russell. The Conservative Mind, From Burke To Santayana. Chicago: Henry Regnery Company, 1953.
- Kronick, Bernard L. "Conservatism: A Definition." Southwestern Social Science Quarterly, XXVIII (September, 1947), 171-179.
- Lewis, Gordon K. "The Metaphysics Of Conservatism." The Western Political Quarterly, VI (December, 1953), 728-741.
- McCloskey, Herbert. "Conservatism and Personality." American Political Science Review, LII (March, 1958), 27-45.
- Meyer, Frank S. The Conservative Mainstream. New Rochelle, New York: Arlington House, 1969.
- Newman, William J. The Futilitarian Society. New York: George Braziller, Inc., 1961.
- Nisbet, Robert A. "Conservatism and Sociology." American Journal Of Sociology, LVIII (September, 1952), 167-175.
- Oakeshott, Michael. "On Being Conservative." The Wisdom Of Conservatism. Edited by Peter Wilemski. Vol. I. New Rochelle, New York: Arlington House, 1971.
- Schmandt, Henry J. A History Of Political Philosophy. Milwaukee: The Bruce Publishing Company, 1960
- Shannon, Jasper B. "Conservatism." The Annals Of the American Academy Of Political and Social Science, CCCXXXIV (November, 1962), 13-24.

Singh, Randhir. Reason, Revolution, and Political Theory: Notes On Oakeshott's Rationalism In Politics. New Delhi, India: People's Publishing House, 1967.

Viereck, Peter. Conservatism Revisited: The Revolt Against Revolt. New York: Charles Scribner's Sons, 1949.

Other Works

Aquinas, Thomas. The Political Ideas Of Saint Thomas Aquinas. Edited by Dino Bigongiari. New York: Hafner, 1965.

Bentham, Jeremy. An Introduction To the Principles Of Morals and Legislation. The English Philosophers From Bacon To Mill. Edited by Edwin Burtt. New York: Random House, 1939.

Deane, Herbert A. The Political and Social Ideas of Saint Augustine. New York: Columbia University Press, 1966.

Hobbes, Thomas. Leviathan. The English Philosophers From Bacon To Mill. Edited by Edwin Burtt. New York: Random House, 1939.

Locke, John. The Second Treatise On Government. New York: Bobbs-Merrill, 1952.

